



# Report of the African Union Panel of the Wise on Improving the Mediation and Resolution of Natural Resource-Related Conflicts Across Africa

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THE 5TH THEMATIC REPORT OF THE AFRICAN UNION PANEL OF THE WISE

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## Acknowledgement

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## Background to this report

The African Union has made fundamental and ambitious commitments to ending violence on the African continent. In June 2013, to mark the fiftieth anniversary of the foundation of the Organisation of African Unity (OAU), African Heads of State issued the Solemn Declaration which pledged to end all wars by 2020 so as “not to bequeath the burden of conflicts to the next generation of Africans”.

In launching the Agenda 2063 process in 2015, African leaders further deepened their commitment to “Silence the guns” and end “wars, civil conflicts, gender-based violence and violent conflicts” on the continent. They also highlighted the vital importance of natural resources to create peace and security in Africa (AU, 2015).

The 7th Annual Retreat of the Special Envoys and Mediators on the Promotion of Peace, Security and Stability, held in Sharm el Sheikh in October 2016, focused, in part, on the links between natural resources and violent conflict in Africa. The Sharm el-Sheikh declaration called upon the African Union, “to develop an environmental diplomacy policy, and to enhance its conflict prevention and resolution mechanisms by developing an institutional framework or process that can address natural resources, establishing relevant tools and guides based on best practices on mediating different types of natural resource-based conflicts (i.e. extractive resources, land, water, forests, etc).”

In response to these declarations, and as part of its work programme for 2017-2018, in October 2017 the fourth Panel of the Wise decided to devote its fifth thematic report to the issue of improving the mediation and resolution of natural resource-related conflicts.

The African Union Panel of the Wise is one of the critical pillars of the African Peace and Security Architecture (APSA). It is provided for by Article 11 of the Protocol Relation to the Establishment of the African Union Peace and Security Council (AU PSC) and is tasked with supporting the AU PSC and the Chairperson of the Commission in the area of conflict prevention. Established in 2008, the African Union Panel of the Wise is comprised of eminent African personalities from the five geographical regions of the continent (East, West, Central, North and southern Africa).

The fourth Panel of the Wise is constituted of Hon. Honorine Nzet Bithégé (Central Africa), Her Excellency Dr. Speciosa Wandira Kazibwe (East Africa), His Excellency Amr Moussa (North Africa), His Excellency Hifikepunye Lucas Pohamba (Southern Africa), and Her Excellency Ellen Johnson Sirleaf (West Africa).

The Panel sought to draw on past experience, and on current analysis of relevant issues and trends, to understand and highlight the security risks associated with unmanaged competition and disputes over natural resources. The Panel requested experts from UN Environment and the UN Department of Political Affairs to prepare a report on the subject that would form the basis for the recommendations that the Panel intends to submit to the Assembly of the Union.<sup>1</sup>

An outline of the report was considered by the Panel during its 18th meeting in Windhoek, Namibia from 5-7th March 2018. Successive versions of the report were reviewed by experts inside and outside the AU Commission, for which the Panel expressed its gratitude. On 11-12th October 2018 a validation workshop was held with 19 experts from the African Union, Regional Economic Communities, the AU Commission, the UN Department of Political Affairs and UN Environment. A revised summary version of the report was discussed and approved by the annual meeting of the Panel of the Wise on 24th October 2018 in Accra, Ghana.

<sup>1</sup> The Panel's collaboration with the United Nations forms part of the enhanced UN-AU Framework for Enhanced Partnership in Peace and Security, which was agreed between African Union Chairperson Moussa Faki Mahamat and UN Secretary General Antonio Guterres in April 2017. The aim was also to build on the guidance note issued in 2015 by UN Environment and the UN Department of Political Affairs entitled “Natural Resources and Conflict: A Guide for Mediation Practitioners” in terms of how it could be deployed in the African context.

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## LIST OF ABBREVIATIONS

<b>APSA</b>	African Peace and Security Architecture
<b>AU</b>	African Union
<b>AU PSC</b>	African Union Peace and Security Council
<b>AU PSD</b>	African Union Peace and Security Department
<b>AUC</b>	African Union Commission
<b>COMESA</b>	Common Market for Eastern and Southern Africa
<b>CSOs</b>	Civil Society Organisations
<b>DRC</b>	Democratic Republic of Congo
<b>EAC</b>	East African Community
<b>IGAD</b>	Inter-Governmental Authority on Development
<b>IGCP</b>	International Gorilla Conservation Programme
<b>IPCC</b>	Intergovernmental Panel on Climate Change
<b>IPSS</b>	Institute for Peace and Security Studies
<b>JDA</b>	Joint Development Agreement
<b>MONUSCO</b>	Mission des Nations Unies en République Démocratique du Congo
<b>MSU</b>	Mediation Support Unit
<b>OAU</b>	Organisation of African Unity
<b>OKACOM</b>	Permanent Okavango River Basin Water Commission
<b>OSESG</b>	Office for the Special Envoy of the Secretary General for the Great Lakes Region
<b>Pan-Wise</b>	Pan-African Network of the Wise
<b>REC</b>	Regional Economic Community
<b>UNDESA</b>	United Nations Department of Economic and Social Affairs
<b>UNDPA</b>	United Nations Department of Political Affairs
<b>UNEP</b>	United Nations Environment Programme (UN Environment)

## EXECUTIVE SUMMARY

Africa's rich natural mineral, energy, forest, agriculture and water resources provide livelihoods and wealth for African citizens and play an increasingly important role in the global economy. Natural resource sectors in Africa generate approximately one-third of growth in gross domestic product, serving as a foundation for employment, food security, and development across the continent.

Disputes over who owns, controls or benefits from natural resources occur frequently, and do not pose an inherent risk to peace and security. Most are resolved without international intervention. Occasionally, however, disputes over natural resources escalate into violence. Such escalation is more likely to occur where there is no mutually agreed dispute resolution process. Natural resource disputes also are more likely to lead to violence if they overlay existing ethnic, political or religious differences, or in the context of widespread corruption and organized crime. In several African contexts, terrorist and armed groups trade illegally in natural resources to finance and sustain their activities. External commercial interests can also fuel disputes over natural resources, contributing to protracted instability and deteriorating state-society relations.

The international community – in the form of Regional Economic Communities, the African Union or the United Nations – may have an important role to play in helping to resolve disputes over natural resources. States and local actors can also make a critical difference between the peaceful dispute resolution and escalation.

In this report, the African Union Panel of the Wise seeks to promote peace and security in Africa by highlighting how local, state, regional and multilateral institutions can enhance the mediation and resolution of natural resource-related conflicts. The Panel proposes the following recommendations to the African Union, to Regional Economic Communities, to Member States and to local actors – to be implemented where appropriate in partnership with the United Nations:

### To the African Union:

1. The Panel of the Wise calls upon the African Union **to highlight the priority it attaches to the relationship between natural resources and conflict by committing to enhancing its collective capacity for the prevention and mediation of natural resource conflicts. We recommend that the African Union Commission schedule an annual Peace and Security Council discussion focused on natural resource-specific conflict prevention, mediation and resolution.**
2. The African Union's institutional capacity to understand and resolve natural resource-related conflicts must also be enhanced via **development of an inter-departmental and inter-disciplinary knowledge and resource platform** and a strengthened Panel of the Wise Secretariat. These new capacities would, inter alia, allow the African Union Commission to:
  - a) **Develop and monitor indicators** to assess vulnerability and resilience in respect of resource development and exploitation;
  - b) **Mainstream natural resource-related guidelines for mediation and conflict prevention; and**
  - c) **Establish a roster of African experts experienced in resource-related conflict prevention, mediation and resolution**, to be accompanied by **AU-supported efforts to enhance traditional and local capacity/mechanisms for conflict resolution and mediation.**
3. The Panel of the Wise further recommends that the African Union Commission **identify opportunities to incorporate perspectives and dimensions related to natural resource-conflict prevention and mediation in African Union peace support operations/missions.**

#### To the Regional Economic Communities:

4. In recognition of the crucially important role the Regional Economic Communities (RECs) play in promoting security and cooperation on the African continent, the Panel of the Wise proposes **an annual meeting between the Panel and regional counterparts to take stock of peace and security issues relating to natural resources and the environment**, to identify areas for cooperation and mutual support.
5. Taking into consideration the ongoing reform of the African Union and the relationships between the RECs, AU, and African States, the Panel of the Wise proposes the following recommendations to the RECs:
  - a. Support the **development of the African Union-hosted knowledge and resource platform** described above, drawing upon regional capabilities;
  - b. Develop and harmonize key continental and regional policies and protocols related to sustainable management of natural resources;**
  - c. Build the capacity of the African group of negotiators and mediators at the regional level**, by informing them about international and regional conventions and conflict management practices related to natural resources;
  - d. Strengthen early warning and response mechanisms by integrating information and indicators related to national resources-based conflicts;** and
  - e. Systematically integrate natural resources dimensions into peace processes**, and link natural resources issues to peace building and development processes.

#### To African Union Member States

6. States should provide an enabling environment for stakeholders to engage in transactions relating to the use and exploitation of such resources: transparent, rules-based mechanisms are essential for the safe management of competition and containment of emerging disputes. State measures should include, but not be limited to:
  - a. The **timely, comprehensive sharing of information** about natural resource initiatives, including analysis of benefits and costs to stakeholders;
  - b. Processes for the **active consultation and involvement of all stakeholders**, including local communities, women and youth – for example, via benefit-sharing agreements and community development agreements; and
  - c. Ensuring that **transparency and accountability mechanisms are in place prior to, and during, initiatives** to develop and exploit natural resources. These mechanisms should include full reporting on the revenues collected from natural resource activities and on the allocation of these revenues to programs, governments and communities.
7. We **urge States to take prompt and effective steps to enhance natural resource governance practices**, drawing where appropriate on existing normative initiatives.

#### To local government

7. The Panel of the Wise recognizes that local actors, both official and non-state, have a key role to play in the prevention and resolution of natural resource conflicts. The Panel therefore recommends that **local government institutions develop transparent, accountable, open and inclusive processes to promote natural resource management**, similar to those recommended at State level above. Local governments should, in particular, **create open and safe operating spaces for civil society actors and NGOs**.

## INTRODUCTION

1. Africa's rich natural resources in the form of minerals, energy, forests, agriculture, and water are key sources of livelihoods and wealth for African citizens. They also play an increasingly important role in the global economy and act as a source of raw materials for many regions and countries. In Africa, natural resource sectors generate approximately one-third of growth in gross domestic product, serving as a foundation for employment, food security, and development across the continent.
2. The natural resources are unevenly spread and cut across country and community boundaries. There are, for example, 63 transboundary river basins in Africa, and all fourteen of Africa's longest rivers flow through more than one country. New discoveries of oil and gas are reshaping the energy map of the continent.
3. Disputes over who owns, can access, controls or benefits from natural resources – such as land, fresh water, minerals or fishing rights – occur frequently, and do not pose an inherent risk to peace and security. Most disputes are resolved locally without any international intervention, through existing legislative, judicial, traditional and management mechanisms. When resolved peacefully, as is most often the case, such disagreements are an essential and unavoidable part of progress and development.
4. Occasionally, however, local legislative, judicial, traditional management mechanisms may be weak, or national authorities and local communities may be unable or unwilling to settle their differences. This is important because resource disputes can escalate into violence and destruction, especially in areas with weak governance, high levels of corruption, or existing ethnic and political divisions. In these cases, with the attendant risk of violent conflict, the international community – in the form of Regional Economic Communities, the African Union or the United Nations - may have an important role to play in helping to resolve disputes.
5. Over the past seventy years, at least 40 percent of civil wars have been linked to natural resources (UNEP, 2009). These conflicts tend to be persistent and difficult to resolve—with conflicts linked to natural resources more likely to slip back into violence within five years of a peace deal (Binningsbø, & Rustad, 2008). In some cases, natural resources have also been exploited by armed groups and criminal networks, thereby providing funding for weapons that sustains conflict and instability over many years.
6. Looking to the future, population growth and urbanization, rising consumption, climate change and environmental degradation, and new technologies for the extraction and processing of resources are changing the patterns of resource supply and demand in Africa. Between now and the middle of this century, for example, it is predicted that Africa's population will double, while food, water and energy demand will have dramatically increased. These trends will have profound implications for the political economy of resource use in Africa—both regionally and nationally. Global demand for some resources—especially minerals such as lithium and tantalum used in equipment for new and emerging information technologies, may rise dramatically, triggering efforts to control those resources and the profits they offer. For Africans, resources such as fresh water and arable land may become more scarce even as demand grows, creating potential tensions between different groups seeking access to the water and food they need. If local, national and regional governance capacities are not in place to manage this competition and peacefully resolve disputes, this resource competition could trigger avoidable violent conflict.
7. The Panel of the Wise is firmly convinced that to end current conflicts and prevent the outbreak of new rounds of violence, African leaders and institutions must find effective ways to address and peacefully resolve disputes over natural resources. In producing this report and disseminating its findings, the Panel of the Wise seeks to guide African leaders and policy makers toward ways to improve the mediation and resolution of natural resource-related conflicts across Africa.
8. This report draws on past experience of natural resource conflicts across the continent, and on current

analysis of relevant issues and trends, to highlight the security risks associated with unmanaged competition and unresolved disputes over natural resources. It offers a set of recommendations which, if implemented, would enhance the collective ability of African Union (AU) and Regional Economic Communities (RECs) to prevent, mediate and resolve violent, or potentially violent, resource disputes and contribute to sustaining peace across Africa – thus contributing to “Silencing the Guns”. The overarching aim in conducting this work is to contribute to a safer, more prosperous Africa, in which natural resources are – as they should be – a powerful source of wealth and wellbeing.

9. Following this introduction, the report is divided into five sections. Section two reflects on the ways that natural resources have contributed to conflict in Africa and offers a series of lessons on why some conflicts escalate to violence. It also looks to the future to identify the kinds of stresses, shocks and scenarios that need to be considered in forward planning. Section three focuses on experiences of the mediation and resolution of resource disputes and conflicts across Africa. Section four offers a series of recommendations on the kinds of capacities that need to be established or strengthened to identify, prevent and resolve resource conflicts. Section five concludes the report.

## II. NATURAL RESOURCE CONFLICTS IN AFRICA

10. The role of natural resources in triggering violent conflict differs from case to case. The struggle for control over high-value extracted resources like oil has, in the recent past, contributed to violence between states. This was the case, for example, in the context of Abyei, an oil-rich region claimed by both Sudan and South Sudan – as well as within states, as in the current conflict in South Sudan. Climate-related water scarcity and environmental degradation have contributed to escalating tensions and violence among fishermen, pastoralists, and farmers around Lake Chad, feeding instability in a region already penetrated by Boko Haram and other armed opposition groups (Vivekananda, 2018). High food prices have been linked to instability in parts of North Africa. Shortages of arable land have contributed to conflict between politically connected large-scale landowners and subsistence farming communities in North Kivu, Democratic Republic of Congo (UN-Habitat, 2018). Researchers have also found links between the severity of drought and the extent of rebel-perpetrated atrocities against civilians in Somalia (Bagozzi, Koren, & Mukherjee, 2017). But in many other cases, African states and communities have established sound mechanisms, leading to the peaceful sharing of natural resources. Intergovernmental cooperation over the Senegal and Gambia river basins has been exemplary, for example. resource disputes have been successfully resolved with no resulting conflict. The African Union Boundary Information System (AUBIS) has also helped to resolve differences between states relating to strategic natural resources that are located in cross-border areas.

### A. Lessons from past and current conflicts

11. What can we learn from past and present conflicts in Africa about why some resource disputes contribute to large-scale, organized violence, but others do not? The experiences of African and international mediators, as well as a review of the academic and policy literature consulted by the Panel suggest seven broad lessons about the links between resource disputes and violence.

#### I) Lesson 1: Natural resource disputes rarely result in violence by themselves.

12. States, societies and communities deal habitually with disputes over ownership, management and control of natural resources. These disputes vary between the small scale, as between individuals or families over a specific plot of land, to the subnational scale, as over major resource infrastructure projects such as hydroelectric dams, mines or oil and gas developments, to the transnational level, as when riparian states disagree over the allocation of water resources in a shared river.
13. The drivers of violence often include a range of social, political, and economic grievances, as well as

opportunistic motivations; these can combine and interact to escalate conflicts. For example, extensive environmental contamination from decades of oil production in the Niger Delta aggravated historical grievances over the lack of sharing of the benefits of oil extraction and political marginalization to spark social unrest and violence that started in the early 1990s.

14. At a broad level, four types of resource dispute can challenge peace and security: (1) secessionist conflicts in which resource-rich regions seek to split away from the rest of a country; (2) disputes over resource sharing or management as part of a new national compact (i.e. in the context of a peace agreement or new constitution); (3) grievances over standalone projects such as mines and hydroelectric dams; (4) and disturbances from the cumulative impact of multiple small-scale clashes, typically over land, livestock or fresh water (Haysom & Kane, 2009).

**II) Lesson 2: Disputes are more likely to turn violent if they overlay existing ethnic, political or religious differences.**

15. Unscrupulous politicians can use tensions over natural resources to bolster their position and legitimacy. Disputes over the governance of natural resources can be instrumentalized and politicized to become a motivating force for violence. The degree to which the prevailing political economy and supporting institutions are based on patronage systems, social marginalization and exclusion (geographic, ethnic, religious or other factors) is also an important conflict risk.
16. In the Darfur region of Sudan, for example, disputes between pastoralist herders and farmers over migration routes and watering holes became a violent flashpoint for wider cultural, ethnic and religious differences. Within a country, exploitation of natural resources in areas in which a marginalized local population whose ethnicity differs from that of the government has often led to violent clashes and also to secessionist movements, for example in Katanga, Democratic Republic of Congo.

**III) Lesson 3: Disputes over natural resources are more likely to escalate where there is no mutually agreed dispute resolution process.**

17. Disputes over resources are more likely to escalate when the national institutions responsible for adjudicating them are either absent, weak, or distrusted by one or more of the parties. Opaque processes in the acquisition of lands and contracts, as well as corporate practices in the extractive industry, can entrench poverty and corruption, and provoke violence.
18. At the inter-state level, the presence or absence of a mutually agreed resolution process also influences the trajectory of natural resource disputes. When riparian states can work through an established river basin authority, for example, they are more likely to reach a peaceful agreement over a shared transboundary watercourse than they would be in the absence of such a framework. IV(

**IV) Lesson 4: Natural resource disputes are more likely to escalate in the context of widespread corruption and organized crime.**

19. In countries that have experienced a significant breakdown in the rule of law, predatory actors such as criminal groups can exploit a sense of lawlessness for their profit. In countries such as the Democratic Republic of Congo, there is a degree of collaboration among rebel groups and criminal groups to sustain conflict and instability. As signatories to the 2016 Sharm el Sheikh Declaration noted, *“current patterns of violence on the African continent are increasingly characterized by the involvement of a variety of non-state armed actors such as criminal gangs, violent extremists and terrorists, vigilante groups often operating across national boundaries; the association amongst armed groups with transnational networks; the rise of terrorism and extremist religious ideologies and violent identity-based factionalisms.”*

**V) Lesson 5: Terrorist and armed groups often trade illegally in natural resources to finance and sustain their activities.**

20. The OECD, in a 2017 report, found that terrorist groups have “*deep operational, logistical and financial links with the production and trade of natural resources*”, including oil, diamonds, gold, and other mineral supply chains such as tin, talc, chromite and marble (OECD, 2017). The huge profits to be made from illegal mining and logging in the midst of conflict have encouraged armed groups both to attack resource-rich areas and to spoil efforts to make peace. In Somalia, militia groups have generated more than USD 15 million per annum from the export of charcoal, which has facilitated their acquisition of weapons and other military material. Illegal mining and logging, for example, have fueled violence in the Democratic Republic of Congo for decades, generating, by 2015, an estimated USD 1.25 billion per year for rebels and criminal groups (UNEP, OSESG & MONUSCO, 2015). In the Central Africa Republic, a wide variety of armed groups, ranging from the Lord’s Resistance Army to Ex-Séléka and Anti-Balaka militias, have been able to sustain conflict through exploiting the lucrative yet illicit gold and diamond mining industries (Global Witness, 2017).

**VI) Lesson 6: Natural resource disputes are often ignored or overlooked by mediators.**

21. Although natural resource conflicts vary in important ways between the different resource sectors, there are certain characteristics that set them apart from other types of conflict. One of these is the dual nature of most resource disputes, being both technically complex and politically sensitive. As a result, resource disputes often ‘fall through the cracks’ of the international dispute resolution system. Technical agencies shy away from resource disputes because they are too politically sensitive, while the political organizations steer clear due to the technical complexities involved. The result is inadequate attention from the international system to the prevention, mediation and resolution of resource-related conflicts.

**VII) Lesson 7: Natural resource conflicts fueled by external commercial interests can be protracted, and can contribute to deteriorating state-society relations**

22. It is important to note the role of external commercial interests in fueling conflicts. Commercial actors can, through their activities, impose heavy strains on communities, feeding resentment against both the commercial presence and the government. In Ogoniland, Nigeria, decades of commercial exploitation of oil reserves has contributed to long-lasting pollution. Even though the oil industry is no longer active, tensions persist between Ogoni people and the federal government, relating inter alia to the government’s unfulfilled pledges to clean up oil pollution, build infrastructure, and increase social investment (Crisis Group, 2018). Commercial mining activities have also contributed substantially to state-society tensions in African contexts (Andrews et al, 2017).

**B. Future challenges**

23. Current population, consumption and investment trends in Africa suggest that the conditions in which natural resource disputes arise may become more pressing and complex in the coming years.

24. **Population growth** will contribute to higher demand for food, water and energy, and place heavy strains on urban infrastructure. Between 2017 and 2050, the populations of 26 African countries are projected to expand to at least double their current size, and the continent’s total population will reach 2.53 billion by mid-century (UNDESA, 2017).

25. **Technological change** and shifts in the types of resources that are in global demand, such as the growth in demand for lithium for electrical batteries, could redraw the maps of resource extraction across the continent, bringing major new international investments. This, in turn, could trigger a ‘scramble’ among different groups, communities or countries to control and exploit those resources. Increasingly, major new

investments may be in areas of ethnically distinct, marginalized populations who object to the terms of the activity in their area. Private companies may have better access than governments to new technologies that enable them to locate and exploit natural resources.

26. **Competition over land** may lead to escalating tensions, particularly in the context of weak governance mechanisms. Africa contains two thirds of the world's uncultivated arable land (IPSS, 2017). However, only a small proportion (2-10 per cent) of land in Africa is formally registered, with the majority managed under customary tenure. People who rely on customary land for their livelihoods are vulnerable to "land grabbing". The rate of investment in major agricultural and extractive projects has risen significantly and this often creates new tensions, especially when investments are in previously marginalized areas or where food security is already tenuous.
27. There are numerous indications that **climate change will increase resource scarcity and competition in Africa**. While there is no certainty that such changes will lead to conflict, the stresses imposed by climate change will amplify existing tensions, particularly in areas where measures to facilitate cooperation over shared resources are weak or missing. Climate-related stresses include the following:
  - a. **Water-related tensions may increase** due to the disruption of precipitation patterns. This phenomenon is expected to intensify, with northern and southern African regions projected to experience particularly strong declines in rainfall. This will deepen water shortages and stresses already experienced by African countries (IPSS, 2017).
  - b. **Food production yields and, by extension, food availability and prices will be impacted** by climate change. In a global assessment of the potential negative impact of a doubling of food prices on GDP, the ten worst affected countries were in Africa. According to Intergovernmental Panel on Climate Change, West Africa will be especially severely affected by crop yield declines as a consequence of climate change (IPCC, 2018).
  - c. **Sea-level rise** is projected to be ten percent higher than the global mean along African coasts. The most vulnerable areas in terms of population and assets include Egypt, Côte d'Ivoire, the Gambia, Guinea-Bissau, Kenya, Mozambique, Nigeria, Tanzania and Tunisia (UNEP, 2017).
  - d. Climate change may push around 86 million people in Sub-Saharan Africa to **migrate** within their national boundaries by 2050 (World Bank, 2018).

Such stresses are likely to hit the poorest people, and the poorest countries, hardest. Those already vulnerable – including children – will suffer severe impacts. And because women tend to have more difficulties than men in accessing resources such as land and credit, they may be particularly affected by climate-related scarcity.

### III. MEDIATION AND RESOLUTION OF RESOURCE CONFLICTS

28. While natural resource disputes can contribute to conflict, it is important to emphasize that—under the right conditions—shared resources and common challenges can also help to bind countries and communities together.
29. National and trans-boundary resource dispute management and mediation mechanisms are important ways to help different parties move from a position of conflict to one of cooperation. Third party mediation - defined here as a non-adversarial and collaborative process through which an impartial third party helps parties in a dispute reach a resolution through interest-based negotiations - has proven well-suited to complex disputes involving technical, scientific, economic, social and/or legal dimensions.
30. Cooperating over shared resources or common challenges can help build confidence between divided groups and maintain a degree of communication. Over time, this cooperation over the environment and natural resources can have important 'spill over' effects, further binding the parties into sharing mutual benefits and increasing the opportunity costs of a return to conflict.

31. The Panel of the Wise found many examples of good practice in Africa of the management, mediation and resolution of natural resource disputes, and in the use of shared natural resources to build confidence at domestic and international levels.
32. Establishing a common understanding among conflicting parties of the dimensions of their dispute can be an important first step to finding creative solutions to resolve it. Quantifying disputed natural resources, for example, can encourage parties to address the 'hard facts' rather than rely on political rhetoric, cultural biases, or long-held perceptions. It may be possible to put aside contentious symbolic disputes over "ownership" and focus on concrete arrangements related to sharing of resource management and revenues (Haysom & Kane, 2009).
33. In many cases, the very process of assessing natural resources, and developing a shared understanding of a specific problem or mutual need, can be a first step toward building trust. This happened during the environmental assessment of the level of oil contamination in Ogoniland, Nigeria carried out between 2009-2011. An objective and scientific assessment was an important element in transforming decades of mistrust into a shared vision for environmental clean-up and rehabilitation.
34. In some cases, protected areas have been used to help resolve boundary disputes and promote local or transboundary peacebuilding. They have also served as a platform for technical cooperation, rural development, and livelihoods diversification in conflict-affected zones. International peace parks areas are unique protected areas—formally dedicated as a symbol of peace between two or more sovereign nations and consciously utilized as a tool for international diplomacy. They provide a 'soft entry point' to cooperation when deep mistrust exists between parties to a conflict (Conca & Dabelko, 2002). In the late 1990s trans-boundary parks emerged in several African countries, especially in South Africa, Mozambique, Zimbabwe, Botswana, and Namibia (Pool, 2006). Likewise, Sierra Leone and Liberia have signed an agreement to move toward establishing a trans-boundary protected area between Gola Rainforest National Park and Lofa-Mano Forest Reserve. Liberia is similarly exploring options for a trans-boundary protected area with Cote d'Ivoire – the Tai Sapu Forest Complex.
35. Environmental cooperation between divided groups often takes place in a series of steps that build trust and deepen relationships over time. The pathway often starts with dialogue, then advances to information sharing, then to joint activities, and finally to coordinated or joint management. Each step provides opportunities for collaboration among multiple stakeholders— politicians and government authorities, private entrepreneurs, scientists, farmers, and local community members.
36. One example is water cooperation on the Okavango river. This is facilitated by the Permanent Okavango River Basin Water Commission (OKACOM), which provides technical advice to the three riparian states: Namibia, Botswana and South Africa. OKACOM alerts the governments of the three countries about transboundary issues in the basin and facilitates an ongoing dialogue among the basin's stakeholders.
37. While parties may have divergent views on the political front, they often share a common dependence on the same natural resource. When ecosystems and natural resources cross political boundaries, it is difficult—if not impossible—for countries or neighboring communities successfully to address their issues unilaterally. This resource interdependence can serve as a strong incentive to communicate and cooperate across contested borders or religious and ethnic divisions.
38. This is the case with the cooperation among Uganda, Rwanda and the Democratic Republic of Congo to protect endangered mountain gorillas in the border zone abutting the three countries. The zone – the only habitat for the endangered mountain gorilla in the world – has experienced near-constant conflict for the past two decades. In this case, trans-boundary collaboration was initially brokered through the work of a grassroots organization. The International Gorilla Conservation Programme (IGCP) was founded in 1991 to protect the gorillas and to promote joint environmental management across the region's political borders, even during times of conflict.

39. For ten years, IGCP worked to develop informal mechanisms of collaboration that allowed for regular communication and interaction between wardens and staff of the protected areas from each country. This collaboration evolved into information sharing and joint planning, training, and coordinated surveillance, including anti-poaching patrols. The initial work established trust, built a common understanding of the challenge, and a joint vision for a solution, albeit informally and at the technical level. These early efforts paid off in 2001 when the three countries formally signed a declaration expressing the intention to create a trans-boundary protected area (Watanabe, Lanjouw, Rutagarama and Sharp, 2013). In 2015 the three countries established the Greater Virunga Transboundary Collaboration as a collaborative framework for wildlife conservation and tourism development among the Partner States without ceding and or affecting the respective sovereign rights over the protected areas in their respective territorial jurisdictions.
40. Shared natural resources can provide a bridge between different types of actors as well as across different levels of social organization and political power. For example, a range of technical, administrative and political actors have been involved in ongoing discussions among Ethiopia, Sudan and Egypt over the construction of the Renaissance Dam on the Nile River in Ethiopia.
41. Cooperation over natural resources and the environment often requires the engagement of stakeholders in ways that transcend traditional lines of power and authority. Few other issues have such potential to rebuild connections between communities, as well as between communities and governance institutions. This benefit is consistent with the emerging recognition that there are multiple interconnected pathways to peace-building. A peace process is most resilient when stakeholders are engaged on multiple levels and when bonds are built among many different individuals, organizations, and institutions.
42. An example is the process of forest reform in Liberia, known as the Liberia Forest Initiative, which involves multiple stakeholders in a collaborative policy process. The goals include transparency, accountability, public participation, and the rule of law, but the most important objective is to ensure that the rights and interests of forest communities were provided for. A “three C” approach—integrating commercial, community, and conservation needs—was eventually adopted in the National Forestry Reform Law of 2006. The law and accompanying regulations include requirements for transparency and public access to information, benefit sharing, and public participation (Waugh and Murombedzi, 2013).
43. Extracting shared natural resources or addressing common environmental threats often involves a long-term strategy that transcends immediate political needs and self-interest. An extended time horizon can provide the opportunity to build trust and strengthen relationships over time. In Darfur, Sudan for example, cooperation over water resources in Wadi El Ku is leading to improved social relationships, agricultural productivity and enhanced resilience to natural hazards.
44. Meanwhile, regular cooperation over a specific environmental issue or natural resource may gradually change perceptions, attitudes, and behaviors and help catalyze cooperation in other areas of common interest. In some cases, major financial investments by both parties, such as joint water or energy infrastructure, can increase the opportunity cost of renewed conflict.
45. In 2001, when Nigeria and São Tomé and Príncipe could not agree on the boundary of their respective Exclusive Economic Zones, they established a Joint Development Agreement (JDA) to jointly manage the resources in the contested area. A JDA is a tool that allows states to cooperate over the exploration and exploitation of resources, without jeopardizing their respective claims. The countries now have joint control of the exploration and exploitation of resources in the agreed joint development zone, sharing benefits and obligations arising from development activities on a 60/40 percent basis respectively. At the same time, the JDA clearly states that neither party has renounced its right or claim relating to the whole or any part of the zone.

46. Clearly, resolving disputes and avoiding escalation to violent conflict is the primary responsibility of the parties involved. However, international, regional and sub-regional entities can, and do, play critically important roles in helping to mediate resource disputes.
47. Indeed, the Panel of the Wise, as a relatively new institution endowed with moral authority, political experience, mediation skills and persuasion, is in a strategic position to play a meaningful role in preventing, managing and resolving resource disputes and conflicts on its own and through other AU structures and instruments. The small composition of the membership allows flexibility to intervene rapidly at all phases of a dispute, and particularly where crises are anticipated with a view to containing tensions from escalating into outright violence (Panel of the Wise, 2009).

#### IV. RECOMMENDATIONS

48. While natural resources present immense opportunities for greater prosperity and cooperation in Africa, they have also played a major role in triggering and sustaining conflicts. Competition over such resources looks certain to increase in our near future. Dealing with resource-related conflict is the collective responsibility of national, sub-national and continental institutions.
49. In light of these findings, we have devised a set of recommendations to improve both our collective understanding of, and capacity to head off or resolve, natural resources conflicts in Africa. Our recommendations are addressed to the African Union, to the Regional Economic Communities, to AU Member States, and to local actors; they range from the highly political and international, to the deeply practical and local. To address the challenges now facing us, we must act promptly and simultaneously at all these levels.

##### a) Recommendations to the African Union

50. The question of natural resources as a cause of, and contributor to, conflicts in Africa must be pushed higher up the political agenda. The Panel of the Wise calls upon the African Union **to highlight the priority it attaches to the relationship between natural resources and conflict by committing to enhancing its collective capacity for the prevention and mediation of natural resource conflicts.**
51. Regular, sustained discussion of the resource-conflict link among key peace and security actors would also help to enhance our collective understanding and our willingness to act. We therefore recommend that **the African Union Commission schedule an annual Peace and Security Council discussion focused on natural resource-specific conflict prevention, mediation and resolution.**
52. The African Union's institutional capacity to understand and resolve natural resource-related conflicts must also be enhanced. Our recommendations in this regard include **development of an inter-departmental and inter-disciplinary knowledge and resource platform.** This would be facilitated by a strengthened Panel of the Wise Secretariat, which would draw on and collate existing knowledge and resources across the African Union institutions, and—whenever appropriate—convene inter-departmental task forces to address natural resource and conflict issues. Such a structure would allow the African Union Commission to:
  - a. **Develop and monitor indicators** to assess vulnerability and resilience in respect of resource development and exploitation, to enhance conflict prevention and mediation. This should include the mapping of trans-boundary natural resources with potential risk of conflicts, linked where appropriate to broader AU work on borders;
  - b. **Mainstream natural resource-related guidelines for mediation and conflict prevention** within existing African Union guidelines for mediation undertaken by the Panel of the Wise, PanWise and Femwise, as well as mediation support provided by the nascent AU Mediation Support Unit. This would include the development of natural resource management options, revenue-sharing options for peace agreements and natural resource dialogue mechanisms.

- c. **Establish a roster of African experts experienced in resource-related conflict prevention, mediation and resolution**, drawn from continent-wide expertise, including at the level of the RECs and other partners. To avoid parallel structures, experts with these skills and capacities should be incorporated within any existing rosters. This step should be accompanied by **AU-supported efforts to enhance traditional and local capacity/mechanisms for conflict resolution and mediation**.

53. African Union peace support operations play a critical role in addressing existing conflicts on the ground. The Panel of the Wise further recommends that the African Union Commission **identify opportunities to incorporate perspectives and dimensions related to natural resource-conflict prevention and mediation in African Union peace support operations/missions**.

**b). Recommendations to the Regional Economic Communities**

54. In recognition of the crucially important role the Regional Economic Communities play in promoting security and cooperation on the African continent, the Panel of the Wise commits to working closely with its counterparts in the RECs to enhance environmental diplomacy and the resolution of natural resource conflicts. The Panel of the Wise proposes, in particular, an annual meeting with regional counterparts to take stock of peace and security issues relating to natural resources and the environment, and to identify areas for cooperation and mutual support.

55. Taking into consideration the ongoing reform of the African Union and the relationships between the RECs, AU, and African States, the Panel of the Wise proposes the following recommendations to the RECs:

- a. Support the **development of the African Union-hosted knowledge and resource platform** described above, drawing upon regional capabilities;
- b. **Develop and harmonize key continental and regional policies and protocols related to sustainable management of natural resources;**
- c. **Build the capacity of the African group of negotiators and mediators at the regional level**, by informing them about international and regional conventions and conflict management practices related to natural resources;
- d. **Strengthen early warning and response mechanisms by integrating information and indicators related to national resource-based conflicts;** and
- e. **Systematically integrate natural resources dimensions into peace processes**, and link natural resources issues to peace building and development processes.

**c). Recommendations to African Union Member States**

56. The Panel of the Wise acknowledges the unique role of AU Member States in governing natural resources. States should provide an enabling environment for stakeholders to engage in transactions relating to the use and exploitation of such resources: transparent, rules-based mechanisms are essential for the safe management of competition and containment of emerging disputes. State measures should include, but not be limited to:

- a. The **timely, comprehensive sharing of information** about natural resource initiatives, which should include analysis of benefits and costs to stakeholders;
- b. Processes for the **active consultation and involvement of all stakeholders**, including local communities, women and youth – for example, via benefit-sharing agreements and community development agreements; and
- c. Ensuring that **transparency and accountability mechanisms are in place prior to, and during, initiatives** to develop and exploit natural resources. These mechanisms should include full reporting on the revenues collected from natural resource activities and on the allocation of these revenues to programs, governments and communities.

57. In the absence of transparent and rules-based natural resource management mechanisms, natural resource disputes can quickly assume violent dimensions. States can, in such situations, move quickly towards the deployment of security forces, which in turn can lead to a further loss of trust between affected communities and the State. We therefore urge States to take prompt and effective steps to enhance natural resource governance practices, drawing where appropriate on existing normative initiatives.<sup>2</sup>

**d). Recommendations relating to local government**

58. The Panel of the Wise recognizes that local actors, both official and non-state, have a key role to play in the prevention and resolution of natural resource conflicts. Such actors are often well-informed about the specifics of each case and are thus well-placed to influence outcomes – both positive and negative. The Panel therefore recommends that **local government institutions develop transparent, accountable, open and inclusive processes to promote natural resource management**, similar to those recommended at State level above. Local governments should, in particular, create open and safe operating spaces for civil society actors and NGOs.

**V. CONCLUSIONS**

59. Governments in Africa need to ensure that the continent’s natural resources are used responsibly and protected, to benefit both current and future generations. In view of mounting resource pressures, enhancing natural resource governance in Africa is becoming an urgent priority. Governments must provide equitable, transparent mechanisms to demonstrate that the revenues accruing from the exploitation of resources deliver local and national benefits. Such sound, transparent natural resource management requires administrative capacity, careful diplomacy, and a willingness to confront corruption at all levels.

60. In this report, the Panel of the Wise has outlined policies and mechanisms to enhance the capacity of the African Union and its partners to understand, mediate and resolve natural resource conflicts across Africa. Some are designed to raise awareness of natural resource questions at the political level and ensure that they are addressed more systematically in African peace and security institutions. Others are more technical in nature and are designed to enhance both analysis of natural resource issues and capacity to address them, in line with global best practices.

61. African Union Commissioner for Peace and Security Smail Chergui emphasized, in April 2018, the urgent need “do more to address, in a coherent manner, the structures, attitudes and processes that perpetuate conflict and instability.” UN Secretary-General Antonio Guterres has called for a “surge in diplomacy for peace.” In light of the major resource changes and environmental challenges facing the African continent – and particularly the threats posed by climate change – a surge in environmental diplomacy and mediation would be fully justified among the institutions of the African Union and the RECs, with strong support from African States. Without such a sustained, cross-cutting effort to manage and govern Africa’s natural resources more effectively, we will not harvest their rich potential. We must move forward with determination, or we will fail in our ambition to bring peace and prosperity to future generations.

62. In closing, the Panel wishes to emphasize that the time to act to enhance such capabilities is now. Institutional development takes time. Climate change and demographic trends are moving at a fierce pace. We have highlighted a set of effective tools that can help leaders and communities to understand and address the tensions that arise from natural resource competition. We urge the African Union and African leaders to take immediate steps to use them, as a central pillar in an overall strategy to bring peace and to silence the guns on the African continent.

<sup>2</sup> Two examples are the Extractive Industries Transparency Initiative, which provides an implementing standard to help countries to improve the management of their oil, gas and mining sectors; and the Natural Resources Charter, which provides a set of principles that help governments and societies decide how to best harness the opportunities created by extractive resources for development, drawing on the ingredients successful countries have used.

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## Annex: The role that natural resources played in the onset, conduct and conclusion of major armed conflicts in Africa, 1990-2016

Source: UN Environment and Environmental Law Institute, Database on Environment and Armed Conflict, rev. 10/2018

Location of Conflict	Duration of Conflict(s)	Contributed to Cause of Conflict	Assisted in Financing Conflict	Targeted or impacted during Conflict	Included in Peace Agreement(s)
<b>Algeria</b>	1985-2015	--	Gas, oil	Gas, land, oil	--
<b>Angola</b>	1975-2002	Land	Diamonds, oil	Diamonds, forests, land, oil, water, wildlife	Agriculture, land
<b>Burundi</b>	1965-2015	--	--	Coffee, forests, land, livestock, water	Agriculture, forests, land, natural resources, water
<b>Chad</b>	1966-2010	Oil	Oil	Land (mined)	--
<b>Congo</b>	1993-2002	--	Oil	Land (mined), water	--
<b>DRC</b>	1964-2014	Coltan, diamonds, gold, tin, tungsten	Coltan, cassiterite, charcoal, diamonds, gold, ivory, timber	Cassiterite, diamonds, <sup>2</sup> forests, gold, land (mined), water, wildlife	Agriculture, land, livestock, natural resources, water
<b>Eritrea/Ethiopia</b>	1961-2000	Territory	--	Agriculture, land (mined), livestock, water, wildlife	Land, territory
<b>Ethiopia</b>	1960-1991;1964-2015 (Ogaden); 1974-2013	Land, gas, minerals, oil, territory, water	Oil	Agriculture, oil, land, livestock, water	--
<b>Liberia</b>	1980-2003	--	Cannabis, cocoa, coffee, diamonds, gold, iron, palm oil, rubber, timber	Diamonds, forests[1], land, water	Agriculture, forestry, land
<b>Libya</b>	2011-ongoing	Oil	Oil	Land, oil	--
<b>Nigeria (internal-Boko Haram)</b>	2015	--	--	Territory	--
<b>Nigeria</b>	1996-2015	Land, oil, grazing land, cattle	--	Oil, pipelines	--
<b>Mali</b>	2009-2015	Poisoning of wells, gold, uranium	--	Uranium	--
<b>Mozambique</b>	1977-2013	--	--	Agriculture, land, livestock, oil, water, wildlife	Land
<b>Rwanda</b>	1990-2012	Land <sup>5</sup>	--	Forests, water, wetlands, wildlife	Agriculture, land, water, wildlife
<b>Senegal/Casamance</b>	1988-2011	Territory	Bushmeat, cannabis, cashews, citrus, mangoes, livestock, timber	Forests, land, water	Land

<b>Sierra Leone</b>	1991-2001	Diamonds, land	Cocoa, coffee, diamonds, timber	Agriculture, bauxite, diamonds, <sup>2</sup> forests, <sup>1</sup> land, livestock, water, titanium	Agriculture, diamonds, gold, minerals, water
<b>Sudan/Darfur</b>	1971-ongoing	Land, water	Ivory, oil	Forests, gold, gum arabic, land, oil, water	Agriculture, forests, land, livestock, minerals, oil, water, wildlife
<b>Sudan/South Sudan</b>	1971-2002; 2011	Oil, territory, water	Ivory, oil, timber	Agriculture, land, livestock, oil, water, wildlife	Forestry, land, livestock, natural resources, oil, water
<b>Somalia</b>	1982- ongoing	Fisheries, land, livestock	Bananas, charcoal, fisheries, ivory	Bananas, <sup>2</sup> charcoal, <sup>2</sup> fisheries, <sup>2</sup> land <sup>2</sup> , water	--
<b>South Sudan</b>	2011-ongoing	Oil, grazing land, territory, water	---	Oil	---
<b>Uganda</b>	1971-ongoing	--	Ivory	Forests, land, water	--