

Environmental Conflict and Global Security: Seeking Sustainable Solutions Through Collaboration

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Environmental Changes and Global Security

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Introduction: I want to start—or really, follow my colleagues’ presentations on science, policy, values and politics—with several observations, emphasize a few points and provide what I’ll call a *process perspective* on our challenging topic, “Environmental Changes and Global Security.” I’ll conclude with some recommendations.

Let me say something about process, initially, however, to set the stage for my remarks. Knowing what the challenges are, HOW do we approach them? HOW do we manage them? Critical to understanding in this regard is the simple proposition that *process affects outcome*. HOW we choose to manage these challenges very much influences what solutions we will generate AND how effective implementation of the solutions and compliance with the terms will prove to be.

A simple illustration: If one gives a dispute to a judge, or arbitrator, the process, an adversarial one, yields, generally a win/lose or a zero-sum solution. If I gain, you lose—in a fixed context especially.

The problems we face now, on a global scale, are not zero-sum problems, they are polycentric, multi-faceted, complex; there are legitimate interests in contention and the problems require, at the very least, a decision-making framework that is suited to their complexity. That framework requires processes that are, in short, collaborative, integrative--not distributive win/lose--but problem-solving. This approach is a departure for the global community. There is some experience, however, now, to suggest more collaborative efforts may be forthcoming and welcome.

Observations:

(1) *The emphasis on process gains greater appeal daily. Why?*

Primarily because of the recurring nature of the conflicts we’re talking about here.

Two new reports on conflict and the environment mesh in a disturbing way (Revkin: nytimes.com/dotearth). One, from the United Nations Environment Program, asserts that *persistent conflicts within states are most likely to recur when the root cause is scarce natural resources and when environmental issues are not incorporated into peacemaking efforts*. The second study, in the journal *Conservation Biology*, finds that “*more than 80*

percent of the world's major armed conflicts from 1950 to 2000 occurred in regions identified as the most biologically diverse and threatened places on earth."

Think about this: What happens when a million people are without water or when two million people have to move into a territory already occupied by ten million people of a different nationality? What do we do?

When this question was raised on Andrew Revkin's site (at the New York Times), there were more than 100 comments posted. Of these, none—none--had anything to say about HOW we would approach a conversation about this challenge or, indeed, a range of environmental challenges that threaten global security, let alone HOW we would arrive at reaching consensus. We don't, or certainly those who read and comment on Revkin's blog don't, think this way.

My point? *Process matters*. It produces the results, limited or broad, depending upon how it's structured. We need to pay more attention to HOW decisions are to be made as well as to what decisions need to be made. Otherwise, we're unlikely to get any good, constructive, solutions. We'll get more of the same. Solutions by default. Solutions imposed by the exercise of power. Business as usual..... Not good enough. Not by a long shot.

(2) *Traditional concepts of sovereignty (of states and nations) have to "yield" to achieve global security.*

Where there are no legal jurisdictions that align with given problems, where environmental concerns—air and water quality, climate change—cross boundaries, problems are left to fester, making conflict more intense and threatening global security.

When conflicts cross state borders, in the United States, for example, serious negotiations are preferable to litigation or arbitrary decision-making as a way to produce solutions that work. With respect to land use disputes, and the critical issues of access to and management of water resources--where regional cooperation can make a constructive difference--negotiations are essential. Court-imposed 'solutions' rarely work as, with these issues, a public consensus is critical and absent one, an arbitrary, win/lose decision, which seems coercive, is difficult to implement.

In the United States, for example, forums for state-to-state negotiations are long overdue. Europe has moved significantly in this direction—I'll get to that later. Let me dwell a bit though on US practice--and lost opportunities--for there are lessons here that help us approach the subject at hand.

Consider the contentious conflict that arose between New Jersey and Delaware over the Delaware River—which landed before the nation's highest court--over the size and location of a liquefied natural gas facility. One could make a good argument against engaging in litigation--or going to war over the river--and that the states ought to

negotiate. The argument was made in fact, in several newspapers in New Jersey and in Delaware (*Star Ledger*: December 14, 2007: “*Jersey and Delaware Needn’t Resort to Court*”); nonetheless, negotiations didn’t happen.

What was this dispute about? The two states were fighting over New Jersey’s attempt to use its riverbank for a natural gas storage and processing plant, a development that Delaware opposed. Delaware thinks it owns the river by virtue of a land grant from King Charles II to Quaker William Penn in 1682. Accordingly, “property ownership” assertions dominated the discourse. Delaware claimed the natural gas project would violate its Coastal Zone Act and refused to issue a permit for it. New Jersey argued that a decision by the Supreme Court in 1934, recognizing “riparian rights” (the use of water by those who own land around it), allowed it to build a pier to make its property accessible, an exercise of “traditional riparian authority.” Accordingly, New Jersey claimed it could build the 2,000 foot long pier it needed in order to reach from the New Jersey shore to the navigable part of the river so tankers could dock and unload at the plant.

Reconciling these positions, framed this way, was unlikely in an adversarial process. Indeed, a win-lose outcome was all but assured. What was needed instead was to take an interest-based approach and frame the dispute, not as contentions *over who owns what*, but, rather, how the natural asset--the river and its banks—can be managed in a way to meet the economic and environmental needs of both states and the region as a whole.

The Supreme Court ruled for Delaware finding that it has veto power over developments that extend into its borders on the river (Delaware claims it owns the river bottom most of the way across the waterway). And so, the project proposed by New Jersey could not go forward.

In the end, the outcome amounts to something considerably short of a win for Delaware. BP, the corporation that sought to build the \$700 million terminal along the river, has placed its plans on hold for at least two years, ending, at least for the time being, the availability of enough liquefied natural gas to serve 5 million homes and meet rising energy demands (Neil Chapman, in the *Star Ledger*, April 1, 2008: “*Delaware wins border battle over gas pier: Supreme Court upholds block on NJ project*”).

Disputes between states occur often enough, one of the more ‘celebrated’ you may recall includes the contending claims of New York and New Jersey over ownership of Ellis Island, a national landmark, and, more recently, the dust-up between Pennsylvania and New Jersey over the dredging of the Delaware—a politically paralyzing dispute that cost the Delaware River Port Authority significant sums and led a New Jersey legislator to threaten to send the decommissioned battleship US New Jersey south to meet any hostile moves by Delaware, and, for the House majority leader in Delaware to sponsor a measure authorizing the governor to call out the National Guard “to defend against encroachments.”

Not unlike the fight over Ellis Island, bitter disputes rage between New Hampshire and Maine...and Georgia, challenging a century-old boundary, is attempting to move its

border into Tennessee to gain access to water. This action, by the state's legislature no less, is the latest on the national scene, occurring just as it experienced a setback in court in its fight with Florida and Alabama over the right to use water from a lake that supplies drinking water to much of northern Georgia. The Supreme Court let the existing arrangement stand.

So, we have talk about economic sanctions, battleship diplomacy and military action and direct flights to court. Not, though, about what was needed: A combination of good faith and a conviction to work out equitable and environmentally sound results through cooperation.

To make an obvious point, the high court decisions rested on interpretations of earlier compacts between states and historic boundaries. Its decisions didn't solve the problems—how, for example, to provide a clean and substantial new energy source to meet fuel needs in the region any more than the decision with respect to the lake water that solves Atlanta's water supply needs. Those challenges remain.

With boundary or border disputes, it's often a particularly difficult matter and when these issues are framed in property ownership terms, they are almost impossible to settle. Property ownership does not need to be determined at all if a settlement can be achieved; in the case of a river dividing two states it is clearly preferable to negotiate. And national--and international--experience shows the efficacy of regional collaboration for dealing with difficult, complex and costly public issues where legitimate positions are in contention and a flexible resolution must be secured.

Now, to broaden the perspective: Concepts of sovereignty and borders are increasingly irrelevant to regional challenges, but, conversely, they are clung to as the world faces economic challenges. New governance--decision-making structures--are essential to manage issues that give rise to conflict—issues that threaten sustainability—air and water quality, access to resources. For a sustainable peace, we need decision-making structures that give the public confidence that all interests are being considered--that allow decisions to be made on needs and interests so that the good of most, if not all, can be met. To maximize optimal results, we need structures to produce them. Doing the same thing over and over again and expecting different results, just doesn't cut it any more (if, indeed, it ever did).

While global security may seem to elude us, there is some progress in this direction in which we can find some hope for the challenge we are examining today.

One insight in this regard: In *Collective Security Within Reach*, Sovaida Ewing (Oxford U. Press, 2009), argues that over the last century, humanity has been steadily moving toward greater integration. In the process, the foundations for a workable system of global security have been firmly laid. In this respect, she cites two, particularly (a) the International Commission on Intervention and State Sovereignty (ICISS) which is reframing the debate over collective security, recognizing as it does, limits on sovereignty; and (b) the European experience of the last several decades, demonstrating

that supranational institutions can begin “life with limited spheres of jurisdiction that can gradually be expanded over time.”

Ewing devotes a good deal of the book to next steps, proposing a new set of international institutions, agencies and commissions, including one, an international boundary commission that might settle territorial disputes that so often fuel conflict. Here is new thinking and creativity...beyond traditional notions of sovereignty that lead to the security that those traditional notions have yet to produce.

We need a framework to advance those concepts (which I’ll get to shortly) and we need to have some confidence that collaborative, problem-solving approaches, across borders can produce solutions that endure.

(3) *Collaborative governance can produce solutions to satisfy environmental challenges that enhance global security*

John A. Kitzhaber, who served two terms as governor of Oregon, is someone who understands the way to approach conflicts of this kind. In remarks to a university-based network of researchers and local marine specialists, Oregon Sea Grant, in April, 2007, on the subject of economic and environmental conflicts, Kitzhaber had the following to say:

“A large part of the problem here is that we have framed the apparent conflict between economic activity and environmental stewardship as a mutually exclusive one, creating an “us versus them” mentality — a sense of separateness and a politics of scarcity, which inevitably creates winners and losers but no pathway to a sustainable solution. And this politics of scarcity is perpetuated not so much by the people engaged in the debate but rather by the institutions and organizational structures through which they are seeking to resolve their disputes.”

Accordingly, we ought to dwell a bit on a few examples--from recent experience--that can provide some optimism in regard to collaborative approaches to environmental challenges, both U.S. based and global. I’ll cite four.

(a) Consider, first, the settlement that has been negotiated by federal officials and several states, including California, Arizona and Nevada--an unprecedented agreement on allocating water from the Colorado River that also puts in place measures to conserve and manage the two primary reservoirs (and provides financing for a third) that store water for the region. In effect through 2026, the negotiated agreement forestalled the litigation that had been anticipated by all involved (*New York Times*, Randal Archibold, “*Western States Agree to Water-Sharing Pact*” December 10, 1007, page A18). And, unlike a litigated result, it provides for monitoring and review and modification, as necessary, by those who participated in the negotiations and who have, as a result, a relationship that allows for constructive dialogue to continue.

Negotiations—such as these--have produced resolutions to such cross-border issues as highway location, rail freight operations, watershed protection and restoration, port development and power-generating plants.

The value of collaboration is obvious. And, for state boundary and border disputes (that are often about other matters like water, infrastructure, environmental quality and energy needs) a framework for developing solutions that meet the needs and interests of the regions is critical. Existing political frameworks simply cannot produce the solutions that regions need to manage regional assets.

(b) Secondly, The European Union recently took action to encourage the voluntary mediation of cross-border disputes. The Parliament and Council of the European Union reached agreement on a directive promoting (and encouraging) the use of mediation for cross-border legal disputes--civil and commercial--on April 23, 2008.

(c) Third: The International Boundaries Research Unit at Durham University, (<http://www.dur.ac.uk/ibru>) in the United Kingdom, has undertaken a series of activities “to assist boundary-makers and managers to develop effective strategies for turning river boundaries into assets rather than a source of friction between riparian states.” It provides practical expertise in boundary-making, border management and territorial dispute resolution. It has a lot of work: Three quarters of the world’s international boundaries follow rivers for at least part of their course. While the reasons for choosing rivers as boundaries are not hard to understand, river boundaries almost invariably generate a multitude of legal, technical and managerial challenges.

(d) Fourth: Diplomats from the five countries bordering the Arctic Ocean adopted a declaration in late May, 2008, aimed at defusing tensions over the likelihood that global warming will open northern waters to shipping, energy extraction and other activities. (http://benmuse.typepad.com/arctic_economics/2008/05/the-ilulissak-declaration.html).

The Convention of the Law of the Sea, the international treaty that sets the rules for ownership of ocean resources, recognizes that Canada, Denmark, Norway and Russia, the four countries neighboring the Arctic Ocean, may be entitled to extend their seabed boundaries, but it leaves it to those countries to resolve overlapping claims among themselves. While there are disputes over jurisdiction, the nations have agreed to cooperate (and, while the U.S. is not a signatory to the convention, and can’t make a claim to the extended continental shelf, it has joined them in pledging cooperation.)

The five-state cooperation didn’t start out that way. Indeed, one of the participating countries, Russia, had earlier planted a titanium flag 14,000 feet beneath the shifting sea and provoked a frenzy of activity with countries vying to demonstrate their polar hegemony with a mix of rhetoric, military maneuvers and even the submarine voyage to the seabed at the North Pole that planted the flag. Some months later, however, these nations (Canada, Russia, Norway and Denmark, and now including the U.S.) reached an agreement to use existing international laws like the Law of the Sea Treaty to resolve disputes and they agreed to work “more cooperatively to limit environmental risks

attending more Arctic shipping and commerce and to coordinate potential rescue operations.” (*New York Times*: “5 Countries agree to talk, not compete, over the Arctic.” (page A 10: 5/29/2008: [http://dl1.yukoncollege.yk.ca/agraham/discuss/msgReader\\$5749?mode=topic&y=2008&m=6&d=16](http://dl1.yukoncollege.yk.ca/agraham/discuss/msgReader$5749?mode=topic&y=2008&m=6&d=16))

Issues remain and there are some hesitations:

http://benmuse.typepad.com/arctic_economics/2008/10/in-may-ministers-from-the-five-nations-with-arctic-coastlines-met-in-ilulissat-greenland-and-adopted-a-declaration-whose-key.html#more but the key point is made by the foreign minister of Denmark, Per Stig Moller: “We have politically committed ourselves to resolve all differences through negotiations and thus we have hopefully, once and for all, killed all the myths of a ‘race to the North Pole.’ The rules are in place. And the five states have now declared that they will abide by them.”

The framework that the UN Convention on the Law of the Sea provides can be far more useful in respect of collaborative decision-making. Recently *The Economist* (January 3, 2009), in a special report on the sea, concluded its assessment by supporting this framework and urging greater international cooperation for management, including conservation:

“America should ratify the Convention as soon as possible and then help mobilize a consensus to take care of the 71% of the planet covered by water. The risks of doing nothing are just too frightening.”

A piece of good news on this front, by the way, is the recent appointment of Jane Lubchenco to head the National Oceanic and Atmospheric Administration, one of the U.S. government’s premier science agencies. She founded the Leopold Leadership Program that trains environmental researchers in communication, policy-making and related skills (*New York Times*: March 24, 2009); she sees science as a social contract. Her approach to decision-making on the sea is collaborative, challenging the way science is typically practiced. She intends to bring fishing communities, scientists, regulators and other stake-holders together, to overcome a legacy of bitterness and distrust, “to make good decisions on the nation’s fisheries.” That approach will be extraordinarily significant on a global scale as well.

So, we’ve looked at the challenges, the barriers to change, the experience with new processes, seen some cause for optimism and, as well, the potential for collaboration. How do we get further?

Recommendations:

There are significant challenges to building a sustainable peace, i.e., meeting environmental challenges and improving the prospects for global security, and these involve re-thinking conventional wisdom. (This is an approach that draws from the work

of Howard Wolpe and Steve McDonald, outlined in their recent article in *The Round Table*, Vol. 97, No. 394, pp. 137-145, February, 2008, “*Democracy and Peace-building: Re-thinking the Conventional Wisdom*”

Among them: finding ways to transform the pervasive zero-sum, winner-take-all mentality that is both the cause and product of conflict in order to use collaboration—that recognizes mutual interests, enlightened self-interest, shared commonalities, interdependence—to reach decisions that make societies stronger and more secure because there is legitimacy conferred on the process by those leaders who “own” it and who agree to comply with the terms of agreements reached in it.

In my judgment, two elements are critical: (a) Training of those who will participate in collaborative processes; (b) Creating forums for collaboration. Education and the dissemination of information as well as the exploration and application of new technology are important elements too.

Building collaborative capacity is essential: To work effectively together across all of the lines of division requires improving skills in process and in conflict transformation. Direct experience (training, really) in collaborative problem-solving is essential to achieving this objective. This training has to begin with process--not substance--in order to strengthen the understanding of the participants of the advantages of collaboration and the dangers of a winner-take-all mentality; building trust; strengthening skills in negotiation and communication and gaining appreciation for the value of interest-based negotiation (rather than solely positional-based engagement).

Creating forums for collaboration: Agents for these efforts may well be international institutions (UN; World Bank; Foundations; Regional structures; Convention and Treaty frameworks) and/or free-standing centers and institutes at academic institutions—those groups that can get the right people in the room, those, that is, who by virtue of their formal roles and positions or their informal influence, have this potential.

A new consensus will be required on the “rules of the game” overall so that accepted and practiced modes of discourse encourage problem-solving rather than blame-throwing. Experience with negotiations in these forums and processes and the success of implementation of the agreements reached, over time, will contribute to improving the function of the forums and the acceptance of collaboration as the productive approach to decision-making that it is, or, can be.

This is an all-too-brief summary of a challenging task. I apologize for that. Elaboration, though, is available elsewhere. (websites) The key to its success--to building collaborative capacity and to devising forums that allow for problem-solving--is not as daunting as it may seem.

Conclusions:

There are three things to say--in conclusion--that provide for a certain degree of optimism:

First, there is far greater awareness of the problems and how to deal with them (and the barriers to improving their management) than there has ever been. This is no small thing. Planners (drawing from a recent journal) are aware of the scope and complexity of environmental challenges; they recognize the need for leadership--and sacrifice--and that part of leadership is recognizing that new methods of decision-making and conflict resolution are critical to having a significant impact on climate change and global security challenges.

Two other examples: In November of this year, a major undertaking in New York (program agenda) had the following focus: "... *the management and resolution of environmental conflicts where rights are less well developed, the conflicts are new and rapidly evolving, the stakeholders many, and where there are less obvious forums for conflict resolution*" and, coming up, in Denver, in June, "*Managing Climate Change Through Collaborative Governance: Addressing Policy Changes Globally and Locally.*"

And, you may have read that the Earth Hour—last week—had 4,000 cities and towns in 88 countries joining in the World Wildlife Fund's project to dim nonessential lights for an hour. Last year, it was only 400 cities. Awareness heightened; global warming taken more seriously.

So, we're getting more experience with new paradigms of decision-making...the kind we need...and greater recognition of this need, for interest-based deliberations, longer in perspective, integrative in function...collaborative.... And that these forums and processes have produced solutions that work.

Second, these paradigms are increasingly being recognized as the way to go and that we are building capacity to make it happen.....(Wolpe et al) Academic institutions are taking note; there is greater reliance on negotiation, teaching and research, in multiple contexts, and training and experience in third-party-facilitated processes....greater recognition that we need to study peace, how folks reconcile and reach agreement (not only study war, dysfunction, strikes)... to understand what brings people together...in order to help prepare and assist the shift in decision-making paradigms to solve environmental challenges and enhance global security.

