

2011



Diversity in the 21st Century.
Facing Uncertainties, promoting development.

SECURITY COUNCIL

Preparation Guide

Conflicts over Natural Resources: Mitigating Water
Scarcity in the Middle East/ Africa.

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1. Introduction

We cordially welcome you to the X. edition of the Bonn International Model United Nations Conference / Simulation Internationale des Nations Unies de Bonn (BIMUN/SINUB). This year's conference will again gather young and dedicated people from all over the world in order to discuss pressing and controversial issues of international concern. We are confident that your time in Bonn will be an unforgettable and rewarding experience. Within the scope of this year's conference topic: *Diversity in the 21st century -facing uncertainties, promoting development*, all committees will be focusing on the current challenges that the international society is facing in regard to protection, promoting and celebration of diversity.

During the conference week we start making those adjustments and put them into practice, not only in the political simulations, where delegates from varied social backgrounds come together, but also beyond in our daily lives. Therefore the 2011 BIMUN/SINUB Conference will again be guided by the "green" principles adopted for the 2009 BIMUN/SINUB Conference which was the first Model United Nations conference worldwide to adopt such principles. A Green Conference has a low carbon footprint, operates within the confines of strict waste management criteria and promotes eco-friendly consumption patterns. Continuing the concept of a Green Conference is only a small step on the path towards a new environmental awareness, but it is an important one. Therefore, it is our hope that our delegates experience more than just a broadening of political horizons, but learn about the useful environmentally friendly alternatives to take back home, creating an impact that reaches beyond the conference itself. And - above all - we are looking forward to having a great time with all of you in the beautiful city of Bonn.

This preparation guide provides a solid foundation to start your research on the issues that will be discussed in your committee. It is important to remember that it can merely be a starting-point for your preparation. The success of the simulation mainly depends on the dedication and the effort you put into thorough research on each topic. It is imperative to know your assigned state's foreign policy, its allies, and primary goals. This year's subtopic before the United Nations Security Council is:

1. *Conflicts over Natural Resources: Mitigating Water Scarcity in the Middle East/Africa'*

1.1 What to Expect at the Simulation

The simulation of the United Nations Economic and Social Council is conducted through the use of the committee's **Rules of Procedure**. The Rules will be provided to you before the conference you should study them carefully. You will also receive a hard copy of the Delegate Handbook at the registration desk. It is very important to develop a comprehensive working knowledge of the Rules of Procedure. One explanatory session will take place before the conference where you can clarify any question regarding the implementation of the rules. If you should have any questions concerning the Rules of Procedure during the conference, please feel free to talk to your Chairs or to the Committee Contact Person (CCP) of your committee. The CCP will assist the Chairs and the delegates with electronic devices, the abundance of paperwork and record keeping required for the efficient workings of the committee. In addition, the CCP will be able to help you with any questions regarding the conference schedule.

Please note: **"decorum" asks for quiet, dignified and proper behaviour.** This is a de facto rule throughout the week of the simulation. To conduct business in a correct way while being in formal session is an arduous task in both large and small committees. Delegates are asked for their assistance in this endeavour.

1.2 Your Role as a Delegate

The most important aspect of participating as a delegate in the BIMUN/SINUB Conference is your assumption of a foreign diplomat's role. In this role, you are acting as the representative of a government and the people of the Member State to which you have been assigned. **You are not representing yourself or your own country.** While in preparation for and throughout the duration of the BIMUN/SINUB Conference, you may find personal disagreement with the foreign policy of the country you are representing. Your **personal opinions are entirely inapplicable during the course of the simulation.** Therefore, it is of the utmost importance for all delegates to arrive well-versed in the dynamics of their state's foreign policy and to anticipate the possible obstacles their state may encounter during the simulation. The simulation's quality is mainly dependent on the collective preparation of its participants. As a delegate, you should be able to **demonstrate a thorough knowledge of your assigned country's policies**, specific issues to be discussed, and the procedures, activities and history of your committee. Delegates should also exhibit the ability to negotiate and

compromise, as well as demonstrate leadership and the ability to influence fellow delegates by gaining their professional respect. Each Member State maintains specific and adaptive foreign policy methods and goals to allow the delegate to function in the negotiation process. As a representative of the state to which you have been assigned, you will be expected to work within the historical confines of your country's foreign policy at the United Nations.

Once you have been assigned a country, you may wish to begin by researching its political structure, economic condition, religious background, history, and culture. Since all of these factors shape a country's foreign policy, familiarity with these areas will help you in forming a consistent foreign policy. Research the problems within your state regarding ethnic and religious minorities, suppression of dissent, division of wealth, freedom of the press, development, health care, education, poverty, the environment, human rights, etc. Also, do not overlook the more subtle aspects of your state's domestic and foreign policies.

Delegates are reminded that professional diplomats conduct themselves responsibly and regard one another with the **utmost dignity and respect**, regardless of foreign policy affiliation or personal feelings. Even states that observe severely conflicting ideological perspectives will work closely together within the United Nations on diplomatic matters of mutual concern. Likewise, delegates are obliged to work together despite personal conflicts. In accordance with the spirit of the simulation, **delegates are required to wear professional business attire**. In a formal business environment, the standard of dressing for men is a suit with a tie. Women are required to wear a jacket and pants or a skirt of office-appropriate length, or a business suit or pants suit.

Please note: You will not be able to participate in the committee sessions if you do not wear formal business attire. You Chairs will ask you to leave the room and change. National symbols of any kind are forbidden in committee chambers in accordance with the practices of the United Nations.

2. The Security Council

The United Nations Security Council (SC) was established in 1946 and is responsible for the

“maintenance of international peace and security.”¹ As the “United Nations’ most powerful body” the SC has to be able to function without an interruption and must be present at all times at the UN Headquarters in New York City.²

There are five permanent members in the SC: The United States, the United Kingdom of Great Britain and Northern Ireland, France, the Russian Federation and China. In addition to these five members, there are ten non-permanent members, which are elected for two year-terms by the UN General Assembly since 1965. These ten seats are distributed in five Asian or African, two Latin American, one Eastern European and two Western European countries to achieve a regional balance.³ The Presidency of the Council rotates monthly, according to the English alphabetical listing of its Member States.⁴ At the moment, the following countries are members of the Security Council:

France	People's Republic China	Russian Federation
United Kingdom	United States of America	Bosnia and Herzegovina
Brazil	Germany	Gabon
India	Columbia	Lebanon
Nigeria	Portugal	South Africa

Observers

Burundi	Egypt	Democratic Rep. of Congo
Ethiopia	Eritrea	Kenya
Rwanda	Sudan	Tanzania
Uganda		

Each member of the Security Council has one vote. When decisions have to be taken on procedural matters, nine of the 15 members have to vote in favour to pass a motion. Decisions on substantive matters require nine votes as well, including the five permanent members’ votes. However,

¹ Global Policy Forum. The UN Security Council. Retrieved from <http://www.globalpolicy.org/security/index.htm>.

² United Nations. UN Security Council. Background. Retrieved from http://www.un.org/Docs/sc/unsc_background.html.

³ BBC News. Americas, Country profiles: Profile: UN Security Council. January 02, 2007. Retrieved from http://news.bbc.co.uk/2/hi/europe/country_profiles/2375499.stm.

⁴ United Nations. UN Security Council. Background.

a resolution can be passed if permanent members abstain from the vote.⁵ This is the rule of “great power unanimity”, often referred to as the veto power.⁶ “During the first forty-five years of its existence, the Council was largely paralysed by the Cold War”⁷, but since 1990 council activities have dramatically increased. The Council conducts most of its business in private “consultations” (informal and off-the-record meetings). Working papers are drawn up by one or more members of the Council and circulated privately to the others. The drafts can be negotiated or changed in these “consultations”. If agreed to by all members, the working paper is formally proposed to the Council, where each of the permanent members has the right to veto it. In addition to recommending a candidate for the position of the Secretary-General, the Council recommends new Member States for the UN, and it elects judges to the International Court of Justice, jointly with the General Assembly. In its key realm of maintaining peace and security, it performs three main functions: it assists in the peaceful settlement of disputes, it establishes and oversees UN peace-keeping forces⁸, and last but not least, it may decide on enforcement measures, economic sanctions (such as trade embargoes) or collective military action.⁹ In the first place, however, the Security Council’s most important task is to prevent armed conflict and to seek a diplomatic solution.

Criticism of the Security Council

The United Nations Security Council has always been facing criticism. Recently, many Arab countries accused it of “permitting Israeli violations of council resolutions while pursuing an unduly hard line against Iraq in 2003.”¹⁰ In the 2003 Iraq campaign led by the U.S. government, the SC was put under high pressure. “The Iraqi crisis tested the Security Council’s credibility and authority to the limit. [...] The decision to go to war was made without Security Council approval. The failure of diplomacy was seen

⁵ BBC News. Americas, Country profiles: Profile: UN Security Council.

⁶ United Nations. UN Security Council. Members. Retrieved from <http://www.un.org/sc/members.asp>.

⁷ Global Policy Forum. The UN Security Council. Basic Information. Background Information on the Security Council. Retrieved from <http://www.globalpolicy.org/security/gensc.htm>.

⁸ Global Policy Forum. Background Information on the SC.

⁹ United Nations. UN Security Council. Background.

¹⁰ BBC News. Americas, Country profiles: Profile: UN Security Council.

as a bad portent for the Security Council's future prospects."¹¹ The SC has also been criticised "for not taking forceful action until a catastrophe or conflict unfolds, even when this might have been predicted" as in several cases such as the Rwandan genocide of 1994.

There has also been criticism that the permanent members (which are all nuclear powers) only follow their own interests, prefer to keep their own monopoly and block decisions on other issues. Furthermore, the SC remains geographically unbalanced. The future of the SC depends on the development of the Security Council reform and of the support of its Member States. The UN General Assembly has debated a Council reform but has been unable to reach an agreement. The discussion refers to claims to new permanent Council seats that Brazil, Japan, Germany, India, South Africa, Nigeria and others have made. Nevertheless and despite all criticism, the Security Council remains a powerful body whose decisions are binding for all Member States of the UN under the Charter.¹²

3. Security Council: Conflicts over natural resources: mitigating water scarcity in the Middle East

3.1 Introduction

"[T]he water problems of our world need not be only a cause of tension; they can also be a catalyst for cooperation" (UN 2002) Kofi Annan

Water scarcity as a security issue has been analyzed with an increasing interest since the 1980's. Initially the focus mainly lay on water scarcity as source of conflict, but it is increasingly seen as a potential stabilizer. Water is a highly strategic resource, the location and control of which plays a role in international relations at all levels, often very discretely. If

¹¹ Ibid.

¹² United Nations. UN Security Council. Members.

regional conflicts are to be prevented, water should not be ignored in their negotiations.

Although there is no global water scarcity as such, an increasing number of regions are chronically short of water. This problem is especially big in the Middle East and North Africa, where water scarcity further burdens the already strained relationships. In these regions water is of political nature and a serious concern of national security and even survival. Although seldom the trigger for war, the thirst and desperation created by water shortages or a threatened water supply can fuel existing tensions.

Firstly, conflict over the resource itself can induce socio- political destabilization. Secondly, water can become intertwined in non-resource related conflicts. For example, parties can use water as a military tool and attempt to control access to the resource or limit the quantity or quality available to other parties. Thirdly, lacking water provision can significantly impact human security, and thereby contribute to the destabilization of societies, increased migration, and heightened resource competition.

In general, it remains difficult to discern the genuine causes of disputes and judge whether the essential cause of conflict is water or whether it is but one aspect of the relationship between the respective countries.

Historically, warring states often made use of existing water resources to threaten the opposing country by poisoning wells or controlling access to water supplies that were not necessarily scarce. By contrast, recent conflicts over water have increasingly been triggered by genuine shortage more so than by accessibility. This is a worrying sign. No longer merely a tool of political or military advantage, the control of water supplies increasingly constitutes the spark or object of civil strife or open conflict.

3.2 Legal frameworks regulating the use of international waters

Different interpretations of international law concerning the description of *international* or *transboundary watercourse systems*^[1] make cooperation difficult. It has been said that sovereignty over water is impossible to define. The water cycle is so complex that it seems hardly feasible to devise a formulation of sovereignty, which will encompass all different aspects of water.

Now that States have the ability to abstract or divert the entire volume of a transboundary river, the question remains as to what rights they have to the waters which flow through their territory and what obligations they have to their fellow riparians down-stream. And in cases where the down-stream riparian has been the first to utilize the waters of the river, to what extent does this confer prior ownership rights, which must be respected by states further up-stream?

Upstream riparian countries usually base their claim on the theory of “absolute territorial sovereignty”, also known as the “Harmon Doctrine”. This theory establishes the right of a state to do as it pleases with the transboundary watercourses flowing through or located under its territory, the only restriction being a state’s obligation not to cause appreciable harm to others.

The traditional defense of the down-stream riparian however is the theory of “absolute territorial integrity”, which insists that the natural flow of the river should not be diverted by activities further upstream, and that the rights of prior use are inviolate.

The theory which has long been almost universally accepted, is the principle of “restricted sovereignty”, under which each state recognizes the right of all riparian states to use some water from a common source

and the obligation to manage their uses so as not to interfere with like uses in other riparian states.

An emerging theory, which has already been embraced by many jurists and international lawyers, is that of the principle of common ownership of international watercourses. The idea that water flowing between two states is communally owned is based on and assumes full cooperation over such water.

Both theories, however, remain to be fully acknowledged and implemented in practice. They raise several complicated and not yet answered questions: what is to be considered “reasonable use” of a watercourse? How does one objectively measure water “need” in a state?

[1] According to the 1997 United Nations Convention on the Law of the Non- Navigational Uses of International Watercourses, a watercourse is a “system of surface waters and groundwaters constituting by virtue of their physical relationship a unitary whole and normally flowing into a common terminus,” and an International watercourse is a “watercourse, parts of which are situated in a different state” (Part I, Article 2).

3.3 The role of the UN

There are several UN bodies concerned with water scarcity and water conflicts:

Housed within the International Hydrological Programme (IHP) of UNESCO, “From Potential Conflict to Cooperation Potential” (PCCP: <http://www.unesco.org/water/wwap/pccp/>) facilitates dialogue on the management of shared water resources, and increases opportunities for co-operation and development through research and capacity building/enhancement in riparian states.

Additionally the UN-Water has a special Task Force on Transboundary Waters (<http://www.unwater.org/TFtrans.html>), which main tasks include promoting coherence and coordination of member states' water policies and promoting public awareness and the political importance of transboundary waters.

The only UN treaty on Watercourses is the 1997 UN Convention on Non-Navigational Uses of International Watercourses – a flexible and overarching global legal framework that establishes basic standards and rules for cooperation between watercourse states on the use, management, and protection of international watercourses. The Watercourse Convention has however not been ratified yet, to date there are 24 contracting parties.

3.4 The case of the Nile

In the Nile River Basin, the status of the Nile is a source of dispute. Geographical, hydrological, and political aspects of the Nile Basin give rise to conflict over its waters. Rapid population growth, and the need for overall development, turns the Nile waters into a scarce but largely demanded commodity. Additionally long-lasting underdevelopment, unstable political contexts, and almost no economic or political integration between the riparians, do not provide an enabling environment for cooperation.



The Nile River Basin encompasses ten countries: Egypt, Sudan and South Sudan as its downstream countries, and as upper riparian states Ethiopia and Eritrea on the Ethiopian highlands, the Democratic Republic of Congo (DRC), Uganda, Tanzania, Kenya, Rwanda and Burundi in Central and East African lakes region. The Nile is formed by two main tributaries, the White Nile and the Blue Nile, which converge near Khartoum, the capital of (North) Sudan. Concerning the origin of the Nile, there is no consent among riparians: it is either considered to spring in Rwanda or Burundi. Its drainage basin covers over 3 million km², which is a tenth of the African continent. Nonetheless, in relative terms, it does not move large quantities of water, summing up to no more than 84 Billion Cubic Meters (BCM) annually – as measured at Aswan at the Egyptian-Sudanese border. This contradiction between extreme length and modest discharge, while facing disproportional water demand and population growth increases the potential for water stress.

The Nile's hydrological regime is very complex: while the White Nile produces a stable flow over the year, the waters of the Blue Nile fluctuate widely. Combined with the modest discharge, this makes long-term forecasting of the water flow almost impossible. A further decrease of the average annual water yield (due to climate change) cannot be excluded and consequently, has to be taken seriously with regard to existing patterns of water utilization and demand.

The Nile Basin is one of the most underdeveloped regions in the world with four out of ten countries among the poorest on earth (Ethiopia, Eritrea, Democratic Republic of Congo, Burundi). The population in the Nile Basin is expected to double, reaching 600 million in 2025; this drives demand even further and places additional stress on scarce resources.

The degree of dependence on Nile water varies widely, and only Egypt depends on it almost totally. Alternative resources, such as rainfall, hardly occur downstream, and Egypt's groundwater resources are only to a small degree economically recoverable. Additionally, the control of the Nile is considered a matter of national pride and a source of cultural and historical identity.

Other destabilizing factors in the region include ongoing civil and ethnic disputes in the Sudan and severe drought affecting the entire East Africa region since mid-July 2011.

The civil and ethnic disputes in North and South Sudan were for a large part rooted in an uneven water resource distribution. In northern Darfur, drought and desertification spurred migration of the Arab nomads to southern Darfur, where they came into contact with black African farmers, which sparked disputes over land and scarce water resources. Although peace in the Darfur Conflict seemed reached in 2009, fighting escalated again in 2010 and 2011, forcing tens of thousands more people to flee their homes.

Water was also intertwined in the civil war between North and South Sudan. Due to numerous tributaries of the Nile river and heavier precipitation in southern Sudan, the south has greater access to water, and is therefore much more fertile than the north of the country, which lies on the edge of the Sahara desert. Although water wasn't a trigger of the conflict it added to existing tensions. The signing of a peace treaty in January 2005, followed by Independence of South Sudan in July 2011, officially ended the conflict; nonetheless the region remains very unstable.

The drought has caused a severe food crisis in Somalia, Ethiopia and Kenya that threatens the livelihood of more than 13.3 million people. Other countries in the Horn of Africa, including Djibouti, Sudan, South Sudan and parts of Uganda, are also affected by a food crisis. Many refugees from southern Somalia have fled to neighboring Kenya and Ethiopia, where crowded, unsanitary conditions together with severe malnutrition have led to a large number of deaths.

5. Legal History and Existing Agreements in the case of the Nile

In 1929 an agreement was concluded between the newly independent Egypt and the Administration of the Sudan and the East Africa countries (Kenya, Tanzania, and Uganda), on behalf of the British Empire. The 1929 agreement introduced some lasting legal principles and perceptions of water utilization patterns in the Nile Basin. One part of the treaty established the dominance of downstream country interests. It stipulated that no works or other measures likely to reduce the amount of water reaching Egypt could be initiated without Egyptian consent, thereby rejecting the genuine water rights of the East African countries. The second part of the treaty divided the water, allocating 7.7% of the flow to Sudan and 92.3% to Egypt.

The current legal framework of water allocation within the Nile Basin was set by a new bilateral agreement in 1959 between the two downstream countries; it is still the only legally binding agreement in the Nile Basin. It does not grant any share of the Nile water to the other riparians and thus created a situation where no water resources are left for further distribution or utilization. Ethiopia hardly exploits the Nile although 86% of the average annual discharge originates there. It has not been able to support agricultural schemes in recent years, nor has it been able to fully harness the river or its tributaries for industry and power.

The 1959 agreement defined a status quo set in absolute quantities. Flows were allocated on the basis of 84 BCM at Aswan. The agreement stipulated that Egypt should receive a share of 55 BCM of water, while the Sudan was allocated 18.5 BCM. It was assumed that 10 BCM would evaporate in Lake Nasser.

Following the wave of independence in Africa in the 1950's, all up-stream riparians declared void former colonial legal agreements, because they did not exist as independent states at this time and did not have sovereign decisive power.

In 1992, the Council of Ministers from six riparian states (Nile-COM) began discussions of forming a framework for the co-operation and development of the Nile Basin. As of 1999, it was officially named the Nile Basin Initiative (NBI: www.nilebasin.org); it is now considered the main authority on this issue . Of the ten riparian states in the basin, only Eritrea does not participate in the NBI.

In 2010 several riparian states drew up the Cooperative Framework Agreement, currently signed by Ethiopia, Kenya, Uganda, Rwanda, Burundi, Tanzania and the DRC. The Agreement would give all riparian states equal access to the resources of the river, making way for large-scale upstream energy and industrial, as well as long-time agricultural

and irrigation uses. Egypt and Sudan have refused to sign the new agreement, which, once effective, is designed to replace the NBI.

Egypt initially took the position that unilateral agreements by other Nile Basin states lack international legitimacy and are non-binding on Egypt. Egypt reinforced relations with Eritrea and even threatened to use force against Ethiopia if the flow of Nile water was restricted.

Fortunately direct conflict was averted, since the quorum of six signatories needed for ratification was made only in February by the Burundi's ascension to the Agreement. By then however the Egyptian Revolution had been started and negotiations were halted. Egypt's new government under Sharaf has repeatedly stressed its intention to resolve the dispute and its willingness to consider the Agreement. In response Ethiopia has delayed the submission of the treaty for ratification.

6. Conclusion

Transboundary waters can form a source of conflict or cooperation. In the light of water scarcity in the Middle East, which will only worsen due to growing population and climate change, it is important that the SC undertake action to prevent a large-scale conflict.

There is little to no legal framework on this topic. Especially a working definition of sovereignty over water should be established. Ratified UN treaties lack and existing agreements should be updated to fit the changed political landscape.

This year the Security Counsel will focus on potential conflict in the Nile River Basin in particular. Geographical and hydrological the Nile Basin is a very complex system, which complicates the prediction and allocation of the water flow. The region is one of the most underdeveloped in the world and in continuous unrest, adding to the treacherous political

climate. Recent developments in the region (Egypt's Revolution, the Independence of South Sudan, the Cooperative Framework Agreement) add further urgency to the debate.

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