COLLABORATIVE MANAGEMENT OF SHARED RESOURCES AND ENHANCEMENT OF INTER-STATE RELATIONS: THE CASE OF ILEMI TRIANGLE IN THE HORN OF AFRICA

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Abstract

The management of shared natural resources by Horn of Africa states posses both positive and negative effects on inter-state relations in the region. On one hand, inability to collaboratively manage these resources for the common good of all states involved risks a trigger to interstate conflict in the region. Conversely, effective and collaborative management of these shared natural resources can provide good avenues for these states to cement their relations for the common good of all parties involved. In line with each state’s national interests huge amounts of capital are spent to develop and protect the resources in the Horn of Africa region. However due to lack of clear defined policies and inadequate management strategies these resources have been mismanaged and as a result led to conflict, food shortages and environmental problems. The search for aid constantly puts the states in a dilemma, over how to benefit from the resources, creating mistrust among the nations. As a result, numerous effects of these shared resources get to emerge, affecting the interstate relations what could be identified to be the ‘tragedy of the commons’.

Key words: shared natural resources, collaboration, cooperation, conflict, inter-state relations
1.0 Introduction

Shared natural resources especially in Africa have been associated with the rise and escalation of violent inter-state conflicts. The failure to properly address the effects of shared resources often complicates states’ cooperation, economic planning, and even trust leading to conflict. The conflict between Sudan and South Sudan and between Kenya and Somalia can be explained by this state of affair.

Ilemi triangle lies in a volatile region historically claimed by three sovereign countries namely; Kenya, South Sudan and Ethiopia. However, the assessment of the manner in which the resources in the Ilemi Triangle are collaboratively managed by the three states will determine the degree of cooperation among these countries. The consideration of these shared resources by the three states as being public resources, exhibit both: the consumption indivisibilities and the non-excludability aspects that present complexity in their relations.

Non-excludability depicts the reality that once the resource is provided, even those who do not incur cost over the resource cannot be excluded from enjoying the conferred benefits. With its indivisibility nature: one state’s irrational consumption affects the other states equally. Such considerations, limits respective states growth due to failed cooperation and partnerships.

2.0 Background to the Study

Globally states have shared naturally occurring resources which cut across their respective boundaries sometimes in more cooperative manner while in other instances conflicts and war emerge. For centuries states have found themselves in compromising situations of having to share resources which traverse their territorial boundaries with either their allies or their foes. Occasionally, states have established normative institutions responsible for managing these shared resources equitably and sustainably meant to ensure cordial relations are maintained and resources are well used.

Some of the notable resources shared among states include rivers, mountains, ecosystem, lakes, oceans and wildlife conservancies. There exist roughly 145 nations whose territories extend to where shared natural water basin resource lies with about 30 of them lying entirely within shared water basin. There exist 19 international freshwater drainage systems pooled by five or more riparian nations. The Danube covers ground in 18 countries, the Congo River, Zambezi Drainage, Rhine, Nile and Niger, are shared by between 9 and 11 countries. Additionally, there are 13 universal freshwater drainage sinks which are shared amongst five to 8 riparian states.

The African continent has a number of shared natural resources ranging from shared geographical features such as shared Mountains to shared wildlife conservancies, shared ecosystems, shared river basins as well as shared Oil resources. Shared Water basins remain the largest shared natural resource in Africa which constitute approximately 64 per cent of the continents land area. The water basins also contain forests that host most of the continents terrestrial biodiversity. Most of the arable land is located around river basins which make agricultural productivity and food security closely linked and protection of such, is the primary interest of most African states. In total Africa has approximately 80 shared water basins. Notably, Mount Kilimanjaro, Mount Elgon, Sudd

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1 Somalia has sued Kenya at the International Court of Justice following disagreement over their maritime border
3 Ibid
4 Ibid
wetland, Lake Victoria, the Congo River, Nile River, Lake Abbe, the Maasai Mara national parks among others are some of the shared natural resources which have brought cooperation, conflict and even war into the Continent in same magnitude.

In the Horn of Africa region, a number of shared natural resources exists with the most notable ones being Lake Victoria, Nile river basin, Mount Kilimanjaro, the Ilemi triangle, the rift valley, the Abyei Oil basin and the Karamoja cluster region. The region also shares colonial legacy largely influencing their domestic politics and their foreign relations. The region also experiences almost the same resource problems. There is a growing realization that cooperation can solve some of the pertinent problems facing the region. It is on this rationale, that this research seeks to analyze the role of shared natural resources management in enhancing inter-state relations in the Horn of Africa region.

3.0 Global Context of shared natural Resources
The World Bank defines shared natural resources as naturally occurring provisions and hold great importance to human survival such as water, fish, forests, land, air, topsoil, minerals as well as wildlife which owned by two or more sovereign states. These can be renewable for example water, forests and cropland, which keep reproducing if sustainably used. They can also be non-renewable for example minerals and oil that have a limited capacity and form the basis for export trade items in developing countries. Paul Collier, (a professional of civil war economics), approximates around 50 ongoing wars in 21st century can be linked to shared natural resource where the latter has been exploited by legal or illegal means to help fund the war or sustain it. For instance, in Bolivia and Pakistan, fierce demonstrations broke out due to improper allocation of natural water.

In the Gulf, disagreements over Kuwait oil wells in addition to several elements sparked off the first Gulf War. Likewise, the Revolutionary United Front (RUF)-a militia group in Sierra Leone- and the National Union for the Total Independence of Angola (UNITA) utilized proceeds from the sale of diamonds to finance their movements against their respective state governments. Water scarcity leads to and prolongs violent struggles across the world today. Armed combat over water resources have been witnessed in states such as China between the Guangdong and Shandong Provinces in 2000, Ethiopia and Eritrea in 2006, India and Pakistan in 2004, Kenya and Uganda in 2005, and Yemen and Jordan in 1999. In Darfur region of South Sudan, a large part of the strife there is due to inadequacy of water and its utilization pitting the new state and the former colonial master; the republic of Sudan. They however discovered and underground lake recently, one big enough to match Lake Erie which if well used, can end their water problems. In the 1950s to 1960s, the strife pitying Israel against its neighbors was intensified by conflicts concerning the waters of River Jordan. On several occasions, it led to a breakout of armed war which saw Israel attack neighbors in, 1965 to 1966 on Syria which had planned to construct projects which would divert all waters feeding the River Jordan. These disagreements shaped the ground for regional war in 1967.

Shared water bodies have been a source of contention between states for eternity. Water bodies for example rivers, lakes, oceans, and seas are closely associated with severed inter-state conflicts due to their central role in transportation, culture and development. State’s dependence on fisheries and offshore oil exploration is linked to

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10 Ibid
some of the global conflicts since water bodies do not follow international boundaries. Disputes over water bodies and fishing activities sparked off cold wars pitting Britain versus Iceland between 1950s and 1970s (which saw several shots and destroying of ships with no human casualties). Shared natural resources are also to blame for the conflict in the South China Sea. Many river basins globally are shared between two or more states without a proper institutional and legal framework leading to conflicts.

Timber plays a significant role in income generation for global states. As an easily available product which is versatile, easy to transport, and essential for construction, as well as development, it has taken a central position in causing, sustaining and ending of violent conflicts globally. Some of the conflicts because of timber use are have been witnessed in the Democratic Republic of Congo, Cambodia, Liberia and Burma. On a positive note, timber has been mutually shared in Indonesia and Latin America where the latter has community forest management organs.

Oil and natural gas are some of the most valued shared natural resources which have revolutionized world economies for a considerable time. Oil and natural gas have driven global industrialization but the U.S. Department of Energy approximates that by the year 2020, more than half of the world oil will be used. Majority of global largest petroleum reserves are found in civil war-torn areas and states including Venezuela, Iraq, Iran, Sudan and Nigeria. Therefore, fuel demand, especially petroleum, enables war in these states to impact on world economy.

3.1 International Agreements and Cooperation on Shared Natural Resources

Under the UN Charter and tenets of international law, countries are fully entitled to use their natural resources as they chose to according to their own terms but must ensure that the environment is protected while doing so, and their neighbors’ environment is not affected also. While municipal regimes are sufficient in regulating use, conversation and protection of resources within the territory of any one state, international law calls for treaties as well as joint commissions or frameworks to govern cooperation on exploitation and utilization of shared natural resources.

In shared natural resources, one state cannot unilaterally use the resource because such utilization without the regard to others can upset quantity and quality of the resource and equitable sharing of the resource. It is for this sharing challenge that international system has developed relevant agreements for cooperation on sharing of the resources. Some of the agreements that have been developed to regulate state behaviors concerning shared natural resources include, sub-regional accords, global legal regimes and shared natural resources treaties. For decades the states have used international agreements as legal mechanisms through which they have articulated cooperation through frameworks and legal instruments. Agreements and rules of cooperation for example the Helsinki rules which regulated states in coming up with agreements on shared water from 1966.

International agreements are developed in cooperation to address the mutual concerns and challenges which confront sharing of natural resources. States should cooperate based on good faith and on spirit of good neighborliness so as to establish communication channels in aiding formation of avenues of cooperation agreeable

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16 Ibid
17 Ibid
19 Ibid
to all states. International laws and Agreements foster cooperation and partnership on the administration of resources and where suitable take combined efforts to utilize these resources mutually. The following are some of the global case studies of agreements entered to foster cooperation in the sharing of inter-state natural resources.

3.2 The Acta Presidencial de Brasilia Agreement of 1998

This was an agreement reached by Ecuador and Peru over a 150 border over Condor Conservation Corridor. The Cordillera del Condor Mountain range covers more than 160 Kilometers was disputed by Peru and Ecuador for a period exceeding 150 years. In spite of efforts to address the border issues by Rio de Janeiro protocol of 1942, conflicts exploded in 1995 and 1998 which turned out to be violent. Through a two-state request, mediation process took place in 1998, climaxing in the signing of Acta Presidencial de Brasilia that same year, which saw the end of dispute over the shared natural resource.

The border disagreement is based on the conflicting historical claims laid by both Peru and Ecuador because of a shared border and is rooted on each country’s respective understandings of Accords in the last 20 years. A significant part of the questioned zone's isolating line keeps running along the Condor extend, where every nation intends to increase military preferred standpoint by involving the higher rises. Throughout the years, the question has driven profound established patriotism in the two nations, and regional concessions though pioneer would have been seen as shortcoming. In 1942, after a 10 day war, the two nations marked the Rio de Janeiro Protocol (Rio Protocol), with US, Brazil, Argentina, and Chile, going about as the underwriters. Nonetheless, in spite of the selection of the Rio Protocol, engagements along the borderline proceeded.

The two countries agreed to make some compromises which later led to a mediation process eventually culminating into the Acta Presidencial de Brasilia Agreement in 1998. The key components of the agreement involved sense of duty regarding build up secured and disarmed environmental spots on the contiguous sides of the borderline. In spite of the fact that these parks stayed under the particular states’ sovereign jurisdiction, the accord likewise settled duties regarding coordinate protection and natural administration activities. In 1999, Ecuador set up the El Condor Park, while Peru made a natural security zone and the Santiago-Comaina Reserved Zone. The two governments consented to facilitate the usage of coordinated efforts towards conservation and development of bi-national policies of Condor ranges.

Additionally, ten year Bi-national Master Plan for the Development of the Border Region gave a political shade under which basic frameworks for political and social development ventures, besides protecting and sustainably using shared natural resources. Inter-state relations have improved between these two counties since the adoption of the agreement particularly in trade and infrastructure development. A number of social projects, infrastructure, social, environmental, and economic projects are undergoing implementation in border areas as provided for in Bi-national Development Plan.

21 Ibid
23 Ibid
25 Ibid
3.3 The Indus Water Treaty 1960

This is an agreement entered between Pakistan and India after a prolonged conflict pitying usage of River Indus waters. The Indus River starts from China, specifically, Tibet region as well as Afghanistan, and streams 3,100 kms passing through Pakistan, India into Arabian Sea. The Indus River has seen conflicts between Pakistan and India, which has seen the two states relationship marred by hostility and mistrust. Conflicts over allocation of water erupted between the 2 states when in 1940 an extensive water development plan was initiated as part of the basin over sharing of the five of the six rivers of the basin.

In 1947, a partition was established which showed India being the upstream riparian state while Pakistan was the downward riparian. A standstill agreement was reached in 1947 maintaining the status quo of the sharing agreement which expired in 1948. Upon the expiry of the agreement, the supply of water from India to Pakistan was stopped in 1948 leading to eruption of water conflicts between the two states where conflict resolution attempts failed altogether. A mediation process was initiated by an external expert and World Bank good offices. The external expert was David E. Lilienthal who called for a joint management of water by the two countries aimed at amassing available water by proper development of infrastructure and joint management of the Indus basin as one unit. He proposed a specialized and helpful way to deal with critical thinking and administration, joined with the making of the Indus Engineering Corporation with investment and financing from World Bank. An agreement was reached for both countries to commit to a cooperative utilization and management of the Indus waters. Both countries were obligated to engage engineers from home states to facilitate negotiation. However, the two countries could not agree on joint approach on the progress and consumption of Indus water leaving the only feasible way of sharing to be quantitative division of the water.

The joint developing idea was rejected and the World Bank gave a new proposal which gave large chunks of Eastern tributaries water to India and those from Western tributaries to Pakistan. While India accepted the bank’s proposal Pakistan only gave a mild acceptance. The World Bank negotiated for financing acceptable to both India and Pakistan which formed the basis for the deal. Particularly, India consented to advance $174 Million while the World Bank (International Community) agreed to finance to the tune of $900 Million. The resolution formed the basis upon which the Indus water Treaty was established. Under the agreement India was to receive unrestricted supply of water from the eastern tributaries (Ravi, Beas and Sutlej) while Pakistan was to receive unrestricted supply of water from western tributaries (Indus, Jhelum, and Chelub). Although an agreement was struck on utilization of the Indus water, Pakistan has continued to challenge the construction of Kishanganga Dam by India terming the violation of Treaty as the basis. Additionally, Pakistan has threatened to ask for assistance of International Court of Justice over the issues.

4.0 African context of shared Natural resources

Africa boosts of a number of shared natural resources which transcend international boundaries of sovereign states. According to a report by Chusei Yamanda on shared natural resources, African states have sovereign rights over the natural resources located within their jurisdiction and they are entitled to utilize them within their

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29 Ibid.
30 Op cit.
31 Ibid
Some of the shared natural resources found in Africa include 80 shared river basins, forest ecosystems, wildlife biodiversity, oil fields, mountains and water bodies including seas, lakes and aquifers. For instance, river Zambezi is shared between Mozambique and its upstream neighbors Zambia, while Nile River is shared by eleven riparian countries, Mount Kilimanjaro is shared between Kenya and Tanzania while Mount Elgon is shared between Uganda and Kenya. Mozambique is extraordinary as in no less than 50 percent of its territory is depleted by 8 universal shared waterways and 54 percent of all its surface water assets gets through its outskirts with neighboring nations. Ilemi triangle is a disputed shared territorial land among three Horn of Africa states recently discovered with commercially viable oil resources. The Serengeti-Maasai Mara ecosystem is a shared wildlife biodiversity natural resource shared between Kenya and Tanzania.

The Abyei region is also a shared oil field contested by the new independent state of South Sudan and the republic of Sudan. Lake Victoria transcends Uganda, Kenya and Tanzania. Lake Kivu basin stretches through Rwanda to Burundi with River Kagera too lying within the same basin, while Mount Elgon also stretches between Kenya and Uganda with the Laikipia plains stretching through to Sudan while Lake Turkana basin covering the southern parts of Ethiopia and Kenya. Among the shared aquatic ecosystems include; Lake Jipe shared by Kenya and Tanzania; Lake Victoria covering Kenya, Uganda and Tanzania; the Minzoro-Sango Bay Swamp Forest located shared by Uganda and Tanzania, it is a swamp area with extensive flood-plain grassland surrounding closed evergreen forest stands; and Marine coastal strip in Western Indian Ocean covering Kenya and Tanzania.

### 4.1 Sudan-South Sudan Agreement on Wealth sharing (AWS) 2004

Sharing of oil incomes was a key segment of the north-South Sudan peace intercession bargain which finished a decades-old common war amongst Sudan and South Sudan. This was on the grounds that the partitioning line among north and south experiences existing and forthcoming oil fields. Riches sharing arrangements along these lines made up one of the six individual accords of the 2005 Comprehensive Peace Agreement (CPA). Conflicts between the two states occurred in two war periods (from 1956 to 1972 and from 1983 to 2004). The conflict of the sharing of the oil resources made it difficult for Sudan to make any foreign investment to explore the oil resource.

For the states to receive the rewards from oil, critical speculations and in addition a specific level of cooperation amongst northern and southern Sudan was required. Security, peace and Stability along these lines moved toward becoming issues of worry that influenced the two gatherings' monetary advantages, and the resulting peace process which occurred from 2003 to 2005 looked to address oil assets and the sharing of oil incomes as a key part of the arrangements. One of the contagious issues touching South Sudanese’s sovereignty and self-determination was the control and ownership of natural resources and land. The Sudan People's Liberation Movement/Army (SPLM/A), the political development in southern Sudan, said that land (both the surface and regular assets lying underneath) was possessed by the group staying there, while the legislature of Sudan, then

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33 Ibid.
35 Op cit.
again, contended that the state responsibility for and subsurface land was the essential for an impartial and honest to goodness redistribution of characteristic assets. The uncertainty over land and natural resources sharing worried the mediators who negotiated peace deal and suggested that possession of subterranean natural resource continue being unsettled in the peace agreement. The verdict on who owns natural resources were deferred until after 2011 referendum on self-determination.

In 2004 an agreement was reached on wealth sharing famously known as the Agreement on Wealth sharing (AWS) which became a cornerstone of the Comprehensive Peace Agreement (CPA) which was signed in 2005. The AWS gave the government of South Sudan 50 per cent of net revenue from oil sale while the other 50% was given to the Government of National Unity (GNU). This was after a 2% of net revenue from the oil was given to the producing state or region in proportion to their production. The AWS likewise made new financial foundations for example, the National Land Commission, the National Petroleum Commission, the Bank of Southern Sudan too recreation finance for the two nations. Antwi-Boateng contends that because of this income sharing understanding, the two gatherings had less motivating force to battle about the control of oil assets since they had noteworthy financial ensures that rendered an arrival to brutality ugly by expanding the open-door costs. The AWS presents a cooperative approach through which two states agreed to share natural resources in an environment of anarchy while maintaining state sovereignty.

5.0 Rationale for Shared resources management in the Horn of Africa region

There exists a great deal of research on the collaborative management of natural resources found in the Horn of Africa region. For instance, Kameri-Mbote et al posit that increased cooperation in administration of natural resources decreases aspects of conflicts over natural resources. The administration of shared natural resources is a daunting task with potential to cement and solidify state relations as well can strain inter-state relations. Absence of proper coordination amongst countries lead to building up of pressures on natural resources themselves as well on communities sharing them and have implications on security and peace building. There exists much research and theories explaining the effectiveness of collaborative management as an instrument fostering cooperation between different states in addition to diffusing resource-fueled conflict. This is because boundaries of states pass over some shared resources and this presents a management challenge. International boundaries have divided ethnic groups into different countries and resources which have been shared over time long before the colonial masters came.

Cooperation in the management and development of shared natural resource is a building block of regional integration. The cooperative approach can lead to further collaboration and possible joint action, thereby contributing to peace, stability and integration. The success of cooperation lies in the quality of resource potentiality information provided. Vaughan and Wang while emphasizing on the sensitivity of inter-state shared resources opin that shared resource-issues also, challenges including shared spaces between nations are among

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39 Ibid
41 Ibid
the high need remote strategy issues for national governments.\textsuperscript{46} These issues not just present one of a kind remote arrangement challenges due to their proximate nature, given the solid residential parts, they have dynamic and vocal local ramifications.

Massimiliano and Slavko argue that regular regions shared by neighboring nations are a typical fortune, as well as a typical obligation.\textsuperscript{47} Thusly, accomplishing the financial intelligence of Horn of Africa, ensuring and dealing with its regular assets economically, and in addition avoiding or moderating ecological dangers can’t be accomplished by one nation alone and require between provincial and mutual co-operation. Additionally, Antoni \textit{et al.} are of the view that positive spill-over effects of public goods, based on geographic proximity or shared natural resources, would make co-operation arrangements a strategic choice for neighboring countries to optimize benefits from such public goods and natural resources.\textsuperscript{48}

Zewedineh and Ian in their case study of the Nile Basin as a shared resource present the argument that the issue of accomplishing powerful participation between important gatherings speaks to one of the best impediments to guaranteeing the fair and reasonable administration inter-state shared natural resources.\textsuperscript{49} They are of the view that it is unfortunate that meaningful cooperation can be undone by wars over natural resources, and this has been seen in the example of shared inter-state natural resources. In order for regional states to avoid conflicts over shared natural resources spreading across their territorial boundaries it is imperative for the sharing states to find the common values and accepted universal customs and ethics by which the shared transboundary can be used equitably and efficiently with utmost protection of the regional biodiversity and environment. This is demonstrated by Gamini in his application of Game theory in transboundary resource management and governance of treasured resources that range from at atmospheric sinks, fisheries, genetic material and oceans.\textsuperscript{50} The common property theory further helps to explain the context of opposing the rational actor and associated ‘tragedy of the commons’ models in managing natural resource.\textsuperscript{51} It has been observed that a wide assortment of research on basic pool assets has shown that basic property hypothesis gives a helpful point of view to looking at social trades among cooperative states and stakeholders with interest.

International law forms the fundamental structure of the worldwide framework for allotting assets, by setting up essential standards about conditions under which countries can attest property rights in assets.\textsuperscript{52} Therefore, the role of international law remains vital in examining matters touching on State affairs. With the cardinal principle of State sovereignty over its own natural resources, it therefore follows that inter-states shared natural resources cannot escape the scrutiny of the international community.

For instance, management of shared mountain ecosystems within the region is provided for under Article 19 of the Treaty Establishing the East African Community.\textsuperscript{53} Partner countries consented to participate in the

\textsuperscript{48} Antoni,E et al. (2002). \textit{Regional Public Goods: From Theory to Practice}. Washington D.C:(Inter-American Development Bank Publication
\textsuperscript{51} Food and Agriculture Organization (2015) Common Property: Cause or Remedy of Poverty for Small-Scale Fisheries. Washington: UN publication
\textsuperscript{53} East African Community (2015). \textit{Transboundary Environmental Assessment Guidelines for Shared Ecosystems in East Africa} (accessed 16\textsuperscript{th}/10/2017)
administration of shared regular assets and to take coordinated measures to cultivate collaboration in the joint and productive administration and maintainable use of common assets inside the Community for the common advantages of the Partner. This can be demonstrated in the shared management of the Serengeti/Maasai Mara wildlife conservancy involving Kenya and Tanzania. International law and norms of sharing the natural resource have been operationalized in the management of the ecosystem and the mountain resource.

5.1 Implications of shared natural resource management

One of the realized implications of sharing management of a natural resource is unification and cooperation with an objective of achievement for mutual benefit. Omar posit that shared resources bring into fore a situation whereby States have to work together in order to manage and enjoy the full benefits of such shared resources. A key example is the Mara- Serengeti ecosystem which is shared by Kenya and Tanzania, which has brought the two States together with a common purpose of enjoying the benefits of tourism among others. Another example is that of Minziro Sango Bay Swamp forest which as a shared natural resource has brought Tanzania and Uganda close with the common aim of enjoying the benefits of utilizing the products of the Forest to the maximum.

Another example in this context is the Nile River Basin Initiative which was established in 1999 to help reach consensus originally designed as a way to share scientific information and as it stands today, this initiative collects government officials from the riparian states to foster economic development through impartial use of, and benefiting from the common Nile Basin water resources. The shared management of the Nile Basin has brought trust and mutual benefit for the eleven riparian states which share the basin in a mutual manner.

The Sangha River Tri-national Area Protected Areas Complex initiative is based in Northwest Congolian Moist Lowland Forest eco-region. It comprises 4 conservation projects that cover 3 countries: the Dzanga-Ndoki National Park and Dzanga-Sangha Dense Forest Special Reserve (created 1990), Central African Republic (CAR), the Nouabalé-Ndoki National Park (created 1993), Republic of Congo, the Lobéké National Park (created 2001), Republic of Cameroon and the Republic of Congo. The frontiers of these states have not been altered and these countries have existed in harmony cooperating in the utilization of the River in a mutual manner. The collaborative utilization of Sangha River has led to the adoption and operationalization of the Sangha River Tri-national Initiative which has regulated and governed the respective national land-use zoning policies.

To contrast the Sangha River Tri-national initiative, is the unilateral utilization of the Juba and Shebelle Rivers in the Horn of Africa which are shared among three sovereign states of Kenya, Ethiopia and Somalia. Most of the waters originate from Ethiopia and are essential for economic survival in Somalia. In this case there exists no sharing agreement among the basin sharing states. Ethiopia is currently implementing grand projects for irrigation and hydro-electric power production which potentially reduces the amount of water which reaches Somalia making the shared resource a point of contention and a possible cause of inter-state conflict since the unilateral utilization of the project is highly contested. Shared Rivers in dry climatic regions can be a cause of skirmish or a basis for cooperation amongst riparian countries. The Juba and Shebelle Rivers are imperative resource bases for Somalia since they provide a bulk of the state’s rice farming. Indigenous socio-economic

54 Op cit.
undertakings in Somalia depends largely on the level of water in these two rivers unlike in Ethiopia which has large rivers in its territory.57

As per internationally accepted water norms, Ethiopia’s utilization of Juba and Shebelle Rivers are not based on the principle of reasonable and equitable utilization, while the country does not support the rule of not to cause significant harm. This guideline is seen as an impediment to its arranged advancement supporting downstream employments. In the ground-breaking strategies of the two waterways, which investigated the impact of these standards on the arranged improvements, Ethiopia demonstrated clear resistance to the UN Convention on the laws of non-navigational employments of the universal conduits, and liked to apply to the Helsinki Rules. None of the nations has however marked or approved the UN Charter on the use of shared common assets. Ethiopia is especially posed over the “no harm” standard, contending that the rule stops them utilizing streams, especially when waterways are broadly utilized by downstream Somalia.58 Because of the nonattendance of a worldwide concurrence on these common streams, Ethiopia contends that it has the sovereign ideal to continue singularly with its advancement of water assets inside its domain without considering impacts on downstream uses in Somali.

Unilateralism is along these lines the real impediment to the frantically required participation over the usage of the two streams. Ethiopia, being the most grounded country in the bowls, faces the best water shortage due to their generally substantial populace and developing economy. While Somalia has developed a national master plan for the development of the two rivers as national assets, Ethiopia on the other hand has developed similar national development plans for the utilization of the waters from the two river for her own rational uses. These unilateral actions for river development reflect and imply polices of no will to cooperate which have potential for causing conflict.

5.2 Harmonization of laws and Regulatory Frameworks Governing the Commons

Inter-state resources are subject to different legal jurisdictions which often overlap and contradict. Since the state has sovereign authority over resources under its jurisdiction management of shared inter-state resources becomes contextually difficulty to achieve cooperation and thus states are obligated to harmonize their laws as well as some of their institutional frameworks so as to have one uniform legislative regime and institutional framework that can facilitate proper management and utilization of the shared resource in question. This may be observed from the East Africa Community where the Treaty establishing the regional bloc requires that the Member States adopt and harmonize their respective national laws so as to accord to the principles and aims of the EAC in regards to shared natural resources.59

Agreements are usually necessary methods for announcing normal interests, expressing managing standards, recognizing goals or guaranteeing responsibility among all partners. Accords guarantee that the gatherings are obviously recognized and that their parts and duties are characterized.60 They empower an all-encompassing spotlight on the wide issues required, as a rule single locales are managing biological systems and groups that have been misleadingly isolated by limits. They guarantee that issues of national sway are not bargained, and they enable legislative and nongovernmental partners to work inside a concurred arrangement.

59 Op cit.
6.0 Conclusion
Globally states have shared naturally occurring resources which cut across their respective boundaries sometimes in more cooperative manner while in other instances conflicts and war emerge. Shared natural resources especially in Africa have been associated with the rise and escalation of violent inter-state conflicts. The failure to properly address the effects of shared resources often complicates states’ cooperation, economic planning, and even trust leading to conflict. This study has demonstrated that collaborative management of natural resources helps in fostering cooperation and unity of purpose among collaborating member states. Cooperative initiatives such as Minziro Bay swamp forest, Nile River Initiative and the Mara- Seregeti ecosystem among others attest to the mutual benefit that can accrue to states once they start collaborating on managing shared natural resources.

The study also highlighted the benefits accruing from harmonization of laws and regulatory frameworks governing the commons. As states pull together in one direction, they are obligated to harmonize their laws as well as institutional frameworks for the efficient governance of the common resources. Such harmonized frameworks benefit from complementary interests pursued by member states as well as from guaranteed responsibility among collaborating partners. The net effect is reduction of conflict and increased amity among member states.

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