

# BLUE PEACE BULLETIN

VOL 6/2019

## REGIONAL WATER PROTECTION FRAMEWORK





**The report of the Global High Level Panel on Water and Peace (GHLP), titled “A Matter of Survival” in 2017 provides recommendations towards the protection of water resources and infrastructure against acts of violence by state, armed non-state actors or terror groups. To strengthen these recommendations, Strategic Foresight Group (SFG) has been publishing Blue Peace Bulletins highlighting the impact of conflict and acts of terror on water resources and water related infrastructures in different regions, as well as necessary steps to be taken to prevent the same.**

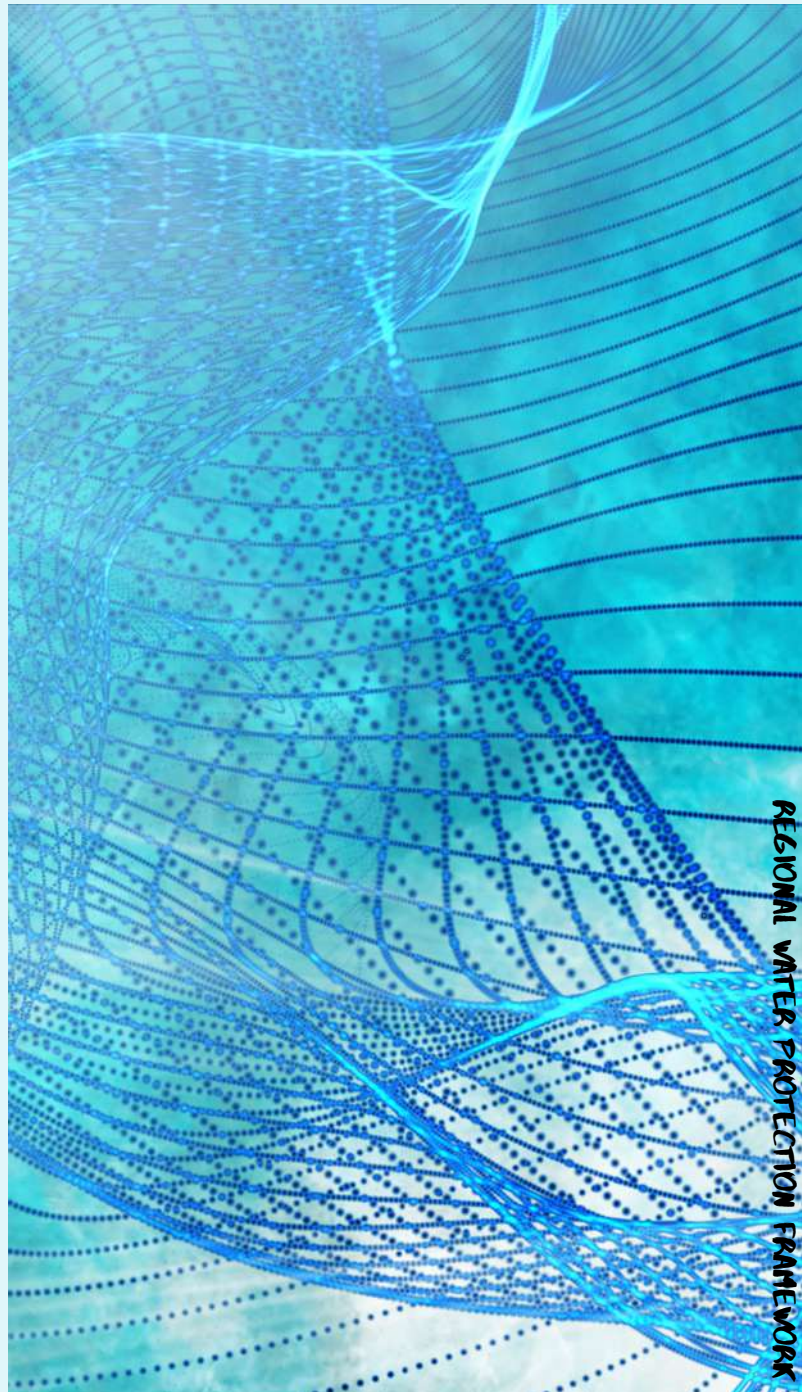


## BACKGROUND

There have been 5 bulletins so far on Yemen, Ukraine, Mali, Middle East and Somalia. Given below are some insights that emerged from the bulletins:

- *Appropriation of water for civilians:*  
In Yemen, water supplies pumped or channelled to certain areas was being appropriated by the Ansar Allah group (Houthis).
- *Attacks on water infrastructure continues unabated although it is against International Humanitarian Law:*
  - In Yemen, the airstrikes conducted against the rebel forces in damaged many pipelines and water-filtration stations.
  - In Ukraine, water infrastructures such as pumping stations, pipes and filtration stations were constantly being damaged due to the shelling by both conflicting parties. Apart from direct attacks on the water infrastructure, there have also been attacks on employees of water infrastructure facilities in the conflict region in Donbass which have led to the facilities being shut down temporarily, affecting the water availability in the area.
  - In the Donbass region of Ukraine, availability of water to the citizens became a major concern as the Line of Contact (a 30 km buffer zone between the warring sides) was the main location of some critical water infrastructures.
  - In the Middle East, Turkey, Syria and Iraq, witnessed the largest number of attacks on water infrastructure, where either water was directly or indirectly attacked or used as a weapon during the conflict. There were a total of 51 attacks on water infrastructure in the three countries, between 2012 and 2018.
- *Impediments in repairing water infrastructure during conflict :*
  - In Ukraine, repairing the damaged water infrastructure was very risky and often delayed since the cease-fires negotiated between the warring parties would not last long.

- *Future threats to water infrastructure persists:*
  - In Mali, large dams located in the central and southern region could be potential targets of the Jama'a Nusrat ul-Islam wa al-Muslimin (JNIM). JNIM is currently largely active in north and central Mali, but has started conducting some non-water related attacks towards the southern part of Mali.
- *The role of Peacekeeping Missions:*  
Al-Shabaab in Somalia is notorious for targeting water resources and infrastructure including poisoning of wells. AMISOM - African Union Mission In Somalia has not only been able to take back certain areas controlled by the terror group, but have also been able to rebuild wells in several villages which were once targeted by the extremist group.



The GHP report lists various legal instruments that contain provisions with respect to the protection of water resources and infrastructure as evidenced under International Humanitarian Law and International Criminal Law. However, implementation of protection measures has been largely left within the ambit of domestic jurisdiction between nations. There are very few regions in the world where States are taking cooperative or joint measures to protect shared watercourses and related infrastructure against acts of violence.

It is the need of the hour to have a regional framework that could form the basis of regional cooperation between States to address the issue of protection of water resources and water infrastructure in a cooperative manner. A more regional or basin-wide approach by States towards would assist in better planning in preventing attacks on critical water infrastructure and maintaining peace and security in the region.

Regional cooperation amongst the States has also become essential now since many States have cooperative water infrastructure projects located on shared watercourses in border regions. Some cooperative projects such as the Baynes Hydropower Project located on the border of Angola and Namibia, the Kambarata 1 Hydropower Plant shared between Uzbekistan and Kazakhstan and the Kunar River Hydroelectric Power Plant on the Afghanistan-Pakistan border cost billions of dollars to construct. In Africa, States have been collaborating on constructing dam projects which will be linked with regional electrical grids. In the event that these projects are targeted during an armed conflict, the cost of re-construction would

prove to be a massive burden on the States and the financing entities. Even if these dams were not to be entirely destroyed, any form of destruction or attack on these projects could reduce their efficiency for generation of energy, which would prove to be a financial burden on all States involved.

Another reason for States to cooperate and jointly protect shared water resources and water infrastructure is to avoid the high cost of post-conflict reconstruction. The cost of destruction of water infrastructure during the 2006 Israel-Lebanon War was approximately US\$80 million. Additionally, aside from the actual cost of restoration, attacks on water and related infrastructure have a devastating impact on the civilian population, leading to many fleeing conflict zones and becoming either refugees in other States or being internally displaced, requiring humanitarian aid and additional State resources.

Therefore, the primary purpose of this Framework is to help States adopt measures that can be implemented in a joint, coordinated or cooperative manner to protect water resources and infrastructure against acts of violence by terror groups or during international and non-international armed conflicts. This can be undertaken in two phases and steps within these phases include measures that could be taken regionally in a manner that States see fit, to safeguard shared water courses.

The Framework that is being proposed here is not a legally binding instrument, but rather a set of interwoven guidelines which can be adapted with necessary modifications by the given hydro-political region. The Framework is for fresh-water courses and related water infrastructure in any hydro-political region, which may consist of only one basin or more than one basin.



## Phase 1: Comprehensive Dialogue-Inclusive Semi Permanent Conference

In order to achieve a sustainable solution for peace and security, it is important that certain processes are institutionalized giving opportunity of participation to all parties to the conflict, especially those who were most obviously causing violence. It is also crucial that these dialogue processes continue over a long period of time, beyond the achievement of an agreement, into a substantial implementation phase. The creation of such inclusive, long-term, institutionalized dialogue processes in themselves is an outcome of years of quiet dialogue, diplomacy and reflective exploration, and they often face many difficulties and set-backs. These are some of the observations from peace processes in South Africa, Ireland and post-war Europe.

The protection of water resources and infrastructure against acts of violence also requires a sustained long term dialogue with all parties, leading to institutionalization of processes. This could begin with an 'Inclusive Semi Permanent Conference'.

It must be noted that such a conference has been the back-bone for the formation of security organizations across the globe, including the Organization for the Security and Co-operation in Europe (OSCE). OSCE was originally set up as the Conference on Security and Co-operation in Europe (CSCE), created to serve as a multilateral forum for dialogue and negotiation on security, political, economic and other issues of mutual concern between East and West during the Cold War. The CSCE concept, as a venue for cooperation and confidence-building in the form of semi-permanent conferences on a high level, aided in showcasing that mutual trust could be gained by conflicting parties and, on a long-term basis, bring about sustainable peace in any region.

The Organization of American States (OAS), which is the oldest regional international organization in the world, traces its origins to the 1826 Congress of Panama that was attended by representatives from Central and South America. Later in 1889, the first concrete step towards the establishment of an Inter-American system took place with the formation of International Union of American Republics.

Similarly, post the independence of multiple African States from colonial rule, there was a wave of Pan-African sentiment in the continent. A number of prominent intellectuals and heads of state such as Kwame Nkrumah of Ghana, Julius Nyerere of Kenya, Sékou Touré of Guinea and Kenneth Kaunda of Zambia took up the cause of advancing the Pan-African solidarity. Kwame Nkrumah, in particular, hosted a series of conferences in Accra between 1958 and 1960 with the aim of "assisting countries still under colonial rule, fostering cultural and economic ties between countries and considering the issue of world peace". These conferences also proposed the formation of a United States of Africa. This ultimately led to the formation of the Organisation for African Unity (OAU) in May 1963 with the heads of 32 independent African States signing the OAU charter.

Thus, Phase 1 of having an inclusive semi-permanent conference or a set of conferences can be used to ensure that countries institutionalise their cooperation through cooperative frameworks that includes processes described in Phase 2.

## Phase 2: Joint or Cooperative Measures

### 1. *Designation of 'critical infrastructure' and 'critical zones'*

The protection of all shared critical water infrastructure against threats and risks is not possible, not only for technical and practical reasons, but also because of costs. Hence, where needed, priorities can be established, by distinguishing between critical water infrastructure that deserve a greater level of attention, or by identifying vital points within a critical infrastructure system and designating it as 'critical zones'. To name a few approaches, criteria used for prioritization for such a list can focus on the relative likelihood of the threat; total population dependent on services of such infrastructure; on the criticality of one shared infrastructure compared to another one, or on the relative cost of protection of such shared water infrastructure, or, in the alternative, a reference can also be made to guidelines such as the European Union's Directive for Protection of Critical Infrastructure. Therefore, countries sharing trans-boundary water resources with shared water infrastructure such as dams, pipelines etc., can jointly make an inventory of such shared water infrastructure and name it as 'Critical Blue Index'/'Absolute Blue Index'/'Priority Blue Index' or any other name as they deem fit. Additionally, States can also agree to refrain from all acts of violence or aggression against such designated 'critical zones' during conflict.

### 2 *Standardized threats assessment*

State actors have their own predetermined set of risk-management principles, investigation guidelines and mitigation measures, which are implemented domestically in relation to threats against infrastructure from violence. While the overarching theme of all these domestic principles is the same, namely, prevention and mitigation of violent attacks, there is a glaring





void in terms of a standardized guideline for responses to attacks. International counter-terrorism cooperation has been limited especially in the area of protection of water infrastructure. Over the years, with the increase in the total number and overall lethality of attacks on shared water infrastructure, it becomes significant to embrace a less fragmented approach to assess risks of attacks on shared water infrastructure.

States can collaborate and be more creative, proactive and effective when assessing threats to water infrastructure -

- First, vulnerabilities in water infrastructure and water resources could be mapped and such a mapping can include “vulnerability landscape” which can be further organized into physical (i.e., physical attacks) and virtual (digital and cyber-attacks) and those requiring joint or coordinated action by states;
- Second, cognizance of the fact that water infrastructure has several interdependent sectors such as electricity, energy, etc. and involve different stakeholders (both – private and public) must be taken into account in assessing risks and preparing response plans for different threat scenarios. For example, the Swiss approach to critical infrastructure protection embraces the concept of resilience and all-hazards for protection of its national infrastructure. This can be achieved by integrating a very broad number of stakeholders from varied departments, such as energy, transport, communication, etc. and by focusing on a wide range of potential threats to the infrastructure. This could be a cross-border exercise as well.
- States having shared water infrastructure must jointly formulate standardized guidelines to assess risks of such shared infrastructure, take preparedness measures and strengthen emergency management capacity. For this purpose, States can enlist River Basin Organizations (RBOs), private entities who are in charge of management of different infrastructure and other relevant stakeholders.

### **3. Coordinated Military Action/Joint Independent Task Force**

States could undertake coordinated military action to jointly protect critical water infrastructure. States could also form a joint task force comprising of military personnel of two or more States. This task force could conduct threat assessments of ‘designated critical infrastructure’ and or of small-scale and large-scale water infrastructures located on transboundary water resources such as water pipes, water treatment facilities and dams. Coordination of military action or formation of a joint task force could also facilitate exchange of information between the military of the States on critical water infrastructures which could be potential targets during an armed conflict. States have formed joint task forces and/or carried out coordinated military action against threats from armed non-state actors in the past. The Department of Defence of the USA, for example, set up the Combined Joint Task Force - Operation Inherent Resolve (CJTF-OIR) in October 2014 to formalize military actions against the growing threat of the Islamic State (IS) in Iraq and Syria. In 2014, the CJTF-OIR comprised of military forces and personnel from the USA and 30 other countries.

### **4. Strengthening of cyber security: digital coalition**

It is said that cyber-attacks against critical infrastructure of a nation, including water infrastructure, is the most likely means of war in the near future. This could be by both State and non-state actors. It must be noted that critical infrastructure across the globe have largely been secured against accidents or any kind of physical threat. However, there is not sufficient time or energy spent on understanding and taking concrete measures on ensuring that cyber security threats be prevented or countered. Domestic measures do exist such as the UK Centre for the Protection of National Infrastructure (CPNI) which has been charged with protecting the

UK's critical infrastructure from both physical and electronic attacks. However, an international or regional framework and platform which specifically deals with the issue of cyber-attacks against water infrastructure is largely lacking, which makes it extremely difficult for nations to collaborate and share intelligence. Strong international and regional cooperation is required to effectively combat cybercrimes due to its non-physical cross-border nature.

Hence, it is important to:

- Encourage a regional coalition towards protection of water infrastructure against cyber-attacks.
- Have regional legal frameworks that would specifically address the issue of protection of water resources from cyber-attacks.
- Develop best-practices to help mitigate consequences of a cyber-incident against water infrastructure
- Encourage information sharing between states, as well as, private and public sectors.

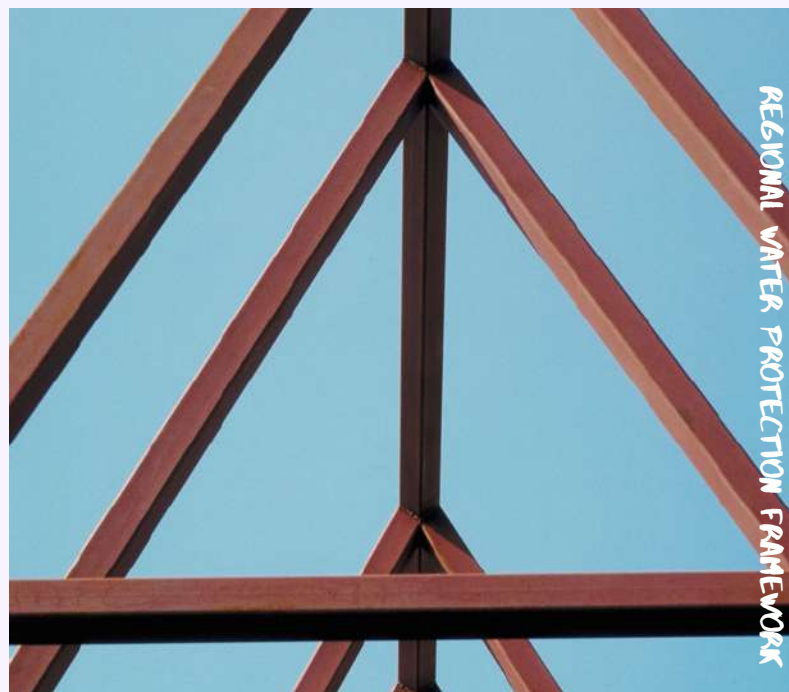
Some noteworthy regional measures do exist. The 2016 European Directive on Security of Systems and Individual Networks (NIS directive) lead to the creation of 'cooperation group' between all Member States to promote

cooperation and exchange of information relating to cyber security. In this context, European Union's 2013 cyber security strategy is also noteworthy as it pledges to identify vulnerabilities in European Union's critical infrastructure. The African Union also adopted a convention in 2014 on Cyber Security (Malabo Convention). However, it does not specifically address protection of critical infrastructure, although measures taken under the convention could help towards its protection.

### 5 *Extending the scope of River Basin Organizations (RBOs)*

Joint Water Management Bodies (JWMBs) or RBOs can be an effective mechanism for safeguarding trans-boundary waters and related infrastructure during international and non-international armed conflicts and acts of terror. This is not to say that they could be considered as a security apparatus or supplant the functions of relevant state bodies working on security measures. However, RBOs can play an effective role as:

- a) Dialogue mechanism for states to discuss protection measures.
- b) Forum to ensure political commitment towards protection of water which could be formalised as a MOU, a Charter or an agreement





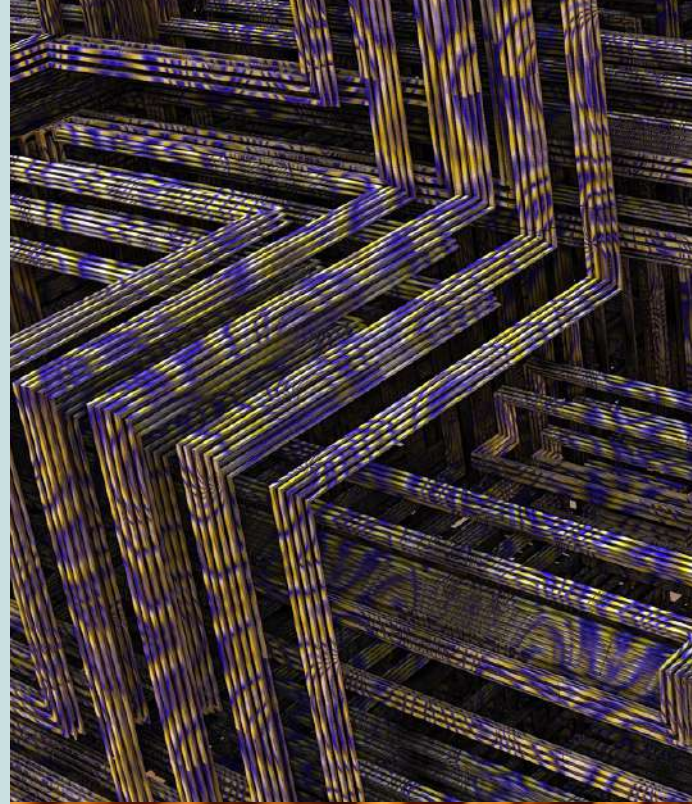
- c) Secretariat for coordinating with task-forces or joint military action aimed towards protection of water resources and infrastructure
- d) Advisory body for designating 'critical zones' and critical water infrastructure'.

RBOs or JWMBs can play a far greater role than just serving as a platform for technical water cooperation. They can be used therefore, as States deem fit to also serve as a means to protect water resources and infrastructure against acts of violence. For example:

- The Lake Chad Basin Commission (LCBC) functions as a platform for the Member States to collaborate on the maintenance of security in the basin region and serves as a coordinating body of the Multinational Joint Task Force (MNJTF). The MNJTF comprising of military personnel from four of the six Member States of the LCBC, namely Nigeria, Niger, Cameroon and Chad was established in 2012 to combat the threat of the Boko Haram in the region.
- The Senegal River Basin Development Organization (OMVS) formed by Mali, Mauritania, Guinea and Senegal for Senegal River has functioned during periods of armed conflicts or tensions between countries and has acted as the primary channel of communication between the States, thereby gradually easing tensions.

### **6. Joint enforcement mechanisms**

As it stands today, there are very few legal consequences for State actors and armed non-state actors who attack water infrastructure. Acts such as coalition war plane bombings of water infrastructure, seizing of dams, blocking access to water, gets the attention and condemnation of the international community, but, leads to no enforceable criminal or civil liabilities against the perpetrators. Therefore, States can jointly agree to certain standards to penalize acts of violence against water





infrastructure, such as:

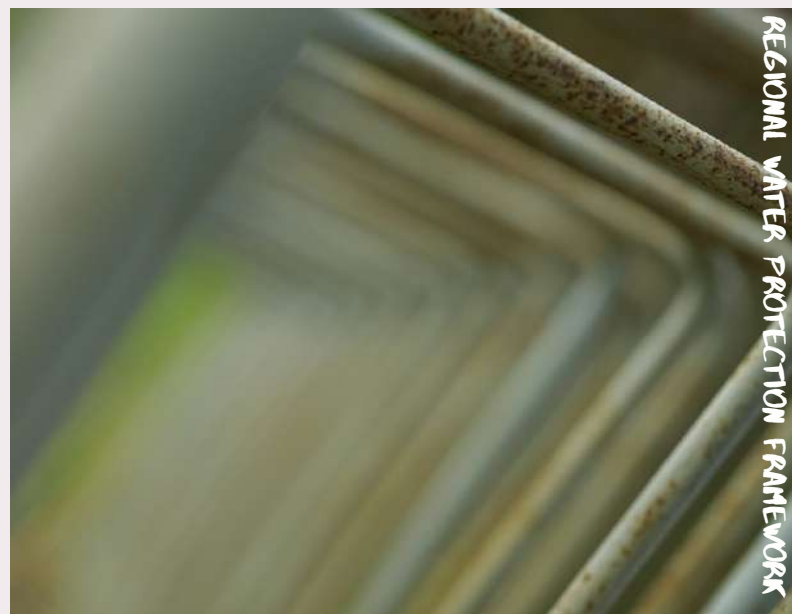
□ The use of universal criminal jurisdiction against non-state actors to prosecute them in the territory of any State that has the means and recourse to and encouraging nations to increasingly adopt such legal recourse.

□ The situation does become more difficult when States are found to be in violation of international law. A predetermined agreement on the protection of water resources at a regional, multilateral, basin level specifically mentioning specific enforcement measures would go a long way toward ensuring that nations protect water resources or are held duly responsible for any violations that they commit.

The enforcement measures could be as follows:

- a) compensation or reparations
- b) censure
- c) joint investigation
- d) extradition and prosecution of violators
- e) restriction of foreign aid
- f) sanctions like Financial Action Task Force's (FATF) blacklisting of certain countries that support terrorist activities of armed non-state actors.

Furthermore, in 2019, JNIM has started conducting non-water related attacks in the south. JNIM attacked a training centre of the European Union on 3 March 2019. This training centre is located close to the capital city of Bamako in southern Mali. This is a cause for concern as the JNIM may target the southern dams in Mali if it establishes a foothold in the region.







## Conclusion

Violence against water resources and related infrastructure is prohibited under international law. State parties to a conflict do have guidelines under humanitarian law to not target water resources and infrastructure and take precautions to ensure that damage to civilians are kept to a minimum. But in reality, this proves to be difficult to follow. Sometimes water is deliberately targeted and sometimes water becomes a target. The situation worsens when water and infrastructure is targeted by armed non-state actors or terror groups for whom laws do not really apply. Hence, it is imperative for States to take substantial measures towards protection. If, these measures are collaborative - at regional level, the possibilities of protection are enhanced.

Therefore, what is being suggested here is a Framework that countries can adopt or use, beginning with the introduction of confidence building measures between nations in order to create a ripe environment for a political forum or a platform being built which would help towards protection. This could be seen from the examples of various security organizations such as the OECD, OAS and AU. States can then choose from the six mentioned collaborative processes in Phase 2 to protect their water resources. These processes are illustrative and States can always adopt other creative means to ensure holistic protection. However, it cannot be emphasised enough that any measure taken collaboratively would have much more impact and go a longer way in preventing violence, than those measures that are taken at a domestic level.

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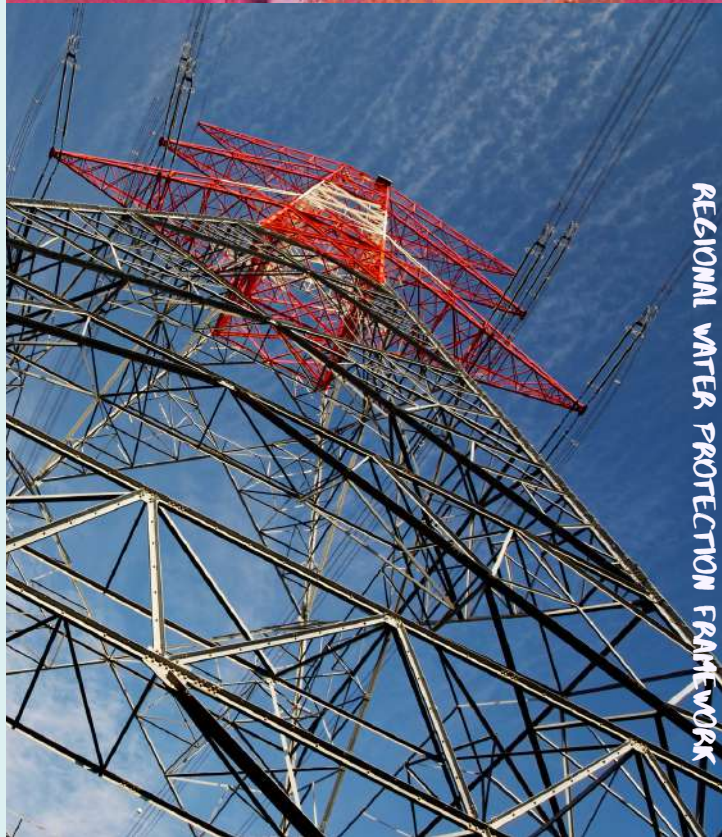
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