

Establishment and management of transfrontier reserves for conflict prevention and confidence building

The notion of establishing transfrontier nature reserves in order to ease political tensions and prevent conflict goes back at least as far as 1924, when representatives of the then Czechoslovakia and Poland attempted in this fashion to solve a boundary dispute that was one of the loose ends of the First World War (Goetel 1925; Westing 1993*b*, p. 15). And the World Conservation Union (IUCN) (Gland, Switzerland) itself has shown a continuing interest in transfrontier reserves for some 35 years or more now (Goetel 1964; Nicol 1974; Čerovský 1993), *inter alia* producing or co-sponsoring a number of valuable monographs on the subject (Thorsell 1990; Čerovský 1996; Hamilton *et al.* 1996).

Establishing any nature reserve nowadays becomes a truly formidable challenge in the face of strongly competing interests for the same land, whether from modern or traditional societies. Thus, trying to bring this about with two (or occasionally even three) sovereign states involved would seem to add a gratuitous layer of complexity that spells almost certain failure. So why try? Two principal lines of argument can be brought to bear on the subject, one environmental and the other political.

To achieve *environmental security* for our globe requires a number of steps. Crucial amongst them is the protection of biodiversity, one obligate component of which, in turn, is the setting aside for nature of some 10 to 12 per cent of the global biosphere, more or less proportionately distributed amongst each of the world's biomes (biogeographical provinces) and countries (the countries, to do their share as contributing members to the community of nations). Even on paper (i.e. *de jure*), we are, on a world-wide basis, now only at about the halfway mark towards this goal (currently with 6 per cent of the global land formally protected). Moreover, our world-wide acquisition rate has been slowing down since about 1970, and many of our individual biomes throughout the world remain most inadequately covered (IUCN 1994, pp. 245–57).

More specifically relevant here, many of the areas worthy of environmental protection happen to straddle the 220 000 km of land boundaries that separate the 190 or so sovereign states into which we have divided ourselves. Indeed, such boundaries are often considered to be remote, and the lands surrounding them are thus likely to be less developed than those lands near centres of modern human habitation and industry. It appears that approximately one-third of all terrestrial high-biodiversity sites straddle national borders: BirdLife International (Cambridge, UK) recently identified 221 high-priority natural habitats involving 127 sovereign states (Bibby *et al.* 1992). Of these 221 sites, I was then able to determine that 77, that is to say fully 35 per cent, straddled national borders (Westing 1993*a*).

To achieve *political security* for our globe also requires a number of steps. Crucial amongst these is the peaceful settlement of disputes between sovereign states, such interstate disputes often specifically involving border regions. Indeed, more than half of all the many states share borders that remain ill-defined and contested (CIA 1995, *passim*), and those disputes often become at least the proximate cause of the border wars that keep occurring. On the other hand, much cooperation does of course occur between contiguous states (Blake 1993). It would thus seem that a jointly-administered, cross-border protected natural area could, both in the process of being established and in its subsequent management, reinforce the amicable relations that exist between contiguous states. The degree of formality of the amalgamation would, of course, be open to negotiation and evolution (Westing 1993*c*). It is also important to point out that a joint reserve, if properly established, could in some instances even provide a most welcome boost to the local economy (McNeely 1993).

The negotiations that lead to the establishment of a jointly-administered, transfrontier reserve would certainly benefit from, if not require, facilitation by a third party such as the United Nations

Environment Programme (UNEP) (Nairobi) or IUCN. It would presumably also help matters if the two contiguous states were both parties to a number of key multilateral treaties. I have three especially in mind here: the 1971 Wetlands (Ramsar) Convention (UNTS 14583) that commits its parties to consultation with respect to any transfrontier wetland (see its Article 5); the 1992 Convention on Biological Diversity (UNTS 30619) that commits its parties both to establishing, as appropriate, a system of protected areas (see its Article 8.a) and to cooperating amongst themselves (see its Article 5); and the 1977 Protocol on International Armed Conflicts additional to the 1949 Geneva Conventions (UNTS 17512) that provides for the creation of demilitarized zones (see its Article 60). This last treaty is thus especially appropriate because it offers a mechanism for protecting a reserve not only from civil depredations, but also from the all too possible military ones (Westing 1992, 1997). Further multilateral instruments in force that provide at least some legal support for transfrontier environmental cooperation include: the 1933 London Convention Relative to the Preservation of Flora and Fauna in the Natural State (LNTS 3995) which commits its parties to cooperation with respect to contiguous protected natural areas (see its Article 6); the 1979 Bern Convention on the Conservation of European Wildlife and Natural Habitats (UNTS 21159) which commits its parties to coordination in protecting natural habitats in frontier areas (see its Article 4.4); and the 1982 Geneva Protocol concerning Mediterranean Specially Protected Areas (UNTS 24079) which commits its parties to consulting each other with regard to a frontier protected area, and to examining the possibility of establishing a corresponding area (see its Article 6).

Beyond its environmental value, a jointly-administered, transfrontier reserve could, it seems, provide a useful means of conflict prevention and confidence building under at least three distinct circumstances. And in any of these possibilities, we must not lose sight of the fact that a transfrontier reserve might not only be established on land, but also in the marine environment, where the need is now also desperate (Westing 1994).

In the *first* instance, a transfrontier reserve might serve to cement and further cultivate amicable relations between two contiguous sovereign states (Thorsell 1990; Goldblat 1993; Westing 1993*d*; Weed 1994). Some potential transfrontier reserves that I consider to merit active consideration using the dual environmental and political criteria which I consider necessary include: one on the Indochinese peninsula, involving Cambodia, Laos, and Viet Nam (Westing 1993*b*, pp. 7–8, 1993*c*); one in the central Asian mountains, involving China and Pakistan (Westing 1993*b*, p. 9); one on the Central American isthmus, involving Costa Rica and Nicaragua (Westing 1993*b*, pp. 9–10; Weed 1994, pp. 186–7); and one in the Horn of Africa, involving Eritrea and Ethiopia (cf. Westing 1995*a*).

In the *second* instance, a transfrontier reserve might serve to obviate conflict over a contested border region. For example, such a solution has been suggested for: the Halaib Triangle, which is contested between Egypt and Sudan (Westing 1993*b*, pp. 10–11, 1995*b*); for the Ogaden region, which is contested between Ethiopia and Somalia (Westing 1993*b*, p. 10); for Machias Seal Island, which is contested between Canada and the USA (McNeil 1991); for the Spratly islands, which are contested amongst Brunei, China, Malaysia, the Philippines, Taiwan and Viet Nam (McManus 1994); and for the Hanish islands, which are contested between Eritrea and Yemen (Westing 1996).

In the *third* instance, a transfrontier reserve might serve to help smooth the way for a pair of divided states to reunite, as I am suggesting for the two Koreas (Westing 1993*b*, pp. 8–9, 1998).

The political *raison d'être* of any jointly-managed, transfrontier reserve is its value for conflict prevention and confidence building. Its potential in these regards would be enriched if the instrument that established the transfrontier reserve included comprehensive mechanisms, not merely for the exchange of relevant information, but also for joint action in pertinent training, education, research, eco-tourism, policing, governance, support of local cultural values, and similar cross-border environmental and social opportunities and problems (Westing 1993*c*, pp. 103–9). And, as implied earlier, political confidence would be strengthened if the states involved became active parties to at least the 1971 Wetlands Convention, the 1992 Convention on Biological Diversity and the 1977 Protocol on International Armed Conflicts. The transfrontier reserve would also gain in importance, and thereby in strengthened bilateral commitment, if it could qualify as a biosphere reserve of the United Nations Educational, Scientific and Cultural Organization (UNESCO) (Paris) or perhaps as a natural world heritage site under the 1972 World Heritage Convention (UNTS 15511).

Finally, it will be useful to recapitulate, and expand upon a bit, the criteria that a site should satisfy in order to serve as a good candidate for a jointly-managed, transfrontier protected area. To begin with, I must stress that the environmental and political criteria are equally consequential, clearly neither alone sufficing. The *environmental* importance of a potential site should be based on one or more of at least three factors: whether it has been identified as a high-priority area for biodiversity (a so-called hot-spot) (Myers 1988, 1990; Tropicus 1990; Bibby *et al.* 1992; Dinerstein & Wikramanayake 1993; CI 1997); whether it encompasses a biome (biogeographical province) that is inadequately protected (i.e. significantly less than 10 or 12 per cent of its total area) (IUCN 1994, pp. 253–7); or whether one or other of the countries involved has an inadequate proportion of its territory in a protected state (i.e. again significantly less than 10 or 12 per cent) (IUCN 1994, *passim*).

The *political* importance of a potential site should be based on the likelihood of success in one or more of the three circumstances I outlined earlier: whether it would safeguard and improve existing friendly relations between two (or more) neighbouring states; whether it would make irrelevant an existing dispute over contested land or territorial waters; or whether it would help bring divided states back together.

Thus, transfrontier nature reserves, which have long been present on the environmental and political agendas, become increasingly attractive avenues to follow as the need to protect biodiversity becomes ever more urgent and the need to achieve interstate amity remains as important as ever.

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