

Promoting Peace and Environmental Security in Africa through Mediation

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Kariuki Muigua*

Abstract

Mediation is among the fundamental Alternative Dispute Resolution (ADR) mechanisms. The attributes of mediation including informality, flexibility, efficiency, confidentiality, party autonomy and the ability to promote expeditious and cost effective management of disputes makes it ideal in dispute resolution. Mediation has been identified as an efficient and cost-effective way of managing disputes while preserving, and at times even enhancing, the relationship of the parties. Due to its attributes and advantages, mediation is applicable in a wide range of areas and disputes. If effectively embraced, mediation has the ability to promote peace and environmental security in Africa. This paper critically discusses the role of mediation in promoting peace and environmental security in Africa. It argues that mediation is a vital tool in realizing peace and environmental security in the continent. The paper critically explores the concepts of peace and environmental security. It also examines some of the challenges hindering the attainment of peace and environmental security in Africa. In light of these challenges, the paper urges African countries to embrace mediation and offers ideas towards promoting peace and security in Africa through this key ADR process.

1.0 Introduction

Mediation is one of the fundamental Alternative Dispute Resolution (ADR) processes¹. The idea of ADR involves the use of several mechanisms that are applied in managing disputes that may be linked to but function outside formal court litigation processes².

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¹ Muigua. K., 'Alternative Dispute Resolution and Access to Justice in Kenya.' Glenwood Publishers Limited, 2015

² Uwazie. E., 'Alternative Dispute Resolution in Africa: Preventing Conflict and Enhancing Stability.' *Africa Security Brief*, No. 16 of 2011

ADR entails a set of processes that are applied to manage disputes without resort to adversarial litigation³. It encompasses various processes including negotiation, mediation, arbitration, conciliation, adjudication, expert determination, early neutral evaluation, and Traditional Dispute Resolution Mechanisms (TDRMs) among others⁴. These techniques have been recognized at the global and national levels. At the global level, the *Charter of the United Nations*⁵ envisages the use of ADR processes including negotiation, enquiry, mediation, conciliation, arbitration, resort to regional agencies or arrangements, or other peaceful mechanisms in managing disputes between member states of the United Nations⁶. At a national level, the *Constitution of Kenya*⁷ mandates courts and tribunals to promote ADR mechanisms including reconciliation, mediation, arbitration and TDRMs⁸.

Mediation is a method of conflict management where conflicting parties gather to seek solutions to the conflict, with the assistance of a third party who facilitates discussions and the flow of information therefore aiding parties in the process of reaching an agreement⁹. In a mediation process, an intermediary, the mediator, helps the parties to reach a mutually satisfactory resolution of their dispute¹⁰. Mediation is usually a continuation of the negotiation process since it arises where parties to a conflict have attempted negotiations, but have reached a deadlock¹¹. As a result of the deadlock in negotiation, parties involve a third party known as a mediator to assist them continue with the negotiations and ultimately break the stalemate towards amicable resolution of

³ Muigua. K., 'Alternative Dispute Resolution and Access to Justice in Kenya.' Op Cit

⁴ Ibid

⁵ United Nations, Charter of the United Nations, 24 October 1945, 1 UNTS XVI, Article 33 (1)

⁶ Ibid, article 33 (1)

⁷ Constitution of Kenya., 2010., Government Printer, Nairobi

⁸ Ibid, article 159 (2) (c)

⁹ Muigua. K., 'Resolving Conflicts through Mediation in Kenya.' Glenwood Publishers Limited, 2nd Edition., 2017

¹⁰ World Intellectual Property Organization., 'What is Mediation?' Available at <https://www.wipo.int/amc/en/mediation/what-meditation.html> (Accessed on 19/04/2024)

¹¹ Bercovitch. J., 'Mediation Success or Failure: A Search for the Elusive Criteria.' *Cardozo Journal of Conflict Resolution*, Vol. 7, p 289

their dispute¹². Unlike a judge or an arbitrator, a mediator does not decide the outcome of a dispute¹³. The role of the mediator is to help parties to a dispute to resolve their grievances through a process that encourages each side to air disputes; identify the strengths and weaknesses of their case; reach a compromise where necessary; and agree on a mutually satisfactory solution¹⁴. A mediator therefore does not have the power to impose a resolution, but rather facilitates communication, promotes understanding, focuses the parties on their interests, and uses creative problem solving to enable the parties to reach their own agreement¹⁵.

Mediation has been hailed as a viable mechanism in enhancing access to justice¹⁶. Its attributes including informality, flexibility, efficiency, confidentiality, party autonomy and the ability to promote expeditious and cost effective management of disputes makes it ideal in dispute resolution¹⁷. It has also the ability to preserve relationships due to its potential to address the root causes of the conflict thus negating the need for future conflict or conflict management¹⁸. As a result, it has been correctly opined that mediation is an efficient and cost-effective way of managing disputes while preserving, and at times even enhancing, the relationship of the parties¹⁹.

Due to its attributes and advantages, mediation is applicable in a wide range of areas and disputes. It has been noted that if effectively embraced, mediation has the ability to promote peace and environmental security in Africa²⁰. This paper critically discusses the

¹² Ibid

¹³ O'Neill. C., 'Mediation: The Six Stages' Available at <https://www.nolo.com/legal-encyclopedia/mediation-six-stages-30252.html> (Accessed on 19/04/2024)

¹⁴ Ibid

¹⁵ Bercovitch. J., 'Mediation Success or Failure: A Search for the Elusive Criteria.' Op Cit

¹⁶ Muigua. K., 'Alternative Dispute Resolution and Access to Justice in Kenya.' Op Cit

¹⁷ Muigua. K., 'Resolving Conflicts through Mediation in Kenya.' Op Cit

¹⁸ Ibid

¹⁹ World Intellectual Property Organization., 'What is Mediation?' Op Cit

²⁰ Muigua. K., 'Building Peace in Africa through Alternative Dispute Resolution' Available at <https://kmco.co.ke/wp-content/uploads/2023/10/Building-Peace-in-Africa-through-Alternative-Dispute-Resolution-pdf> (Accessed on 19/04/2024)

role of mediation in promoting peace and environmental security in Africa. It argues that mediation is a vital tool in realizing peace and environmental security in the continent. The paper critically explores the concepts of peace and environmental security. It also examines some of the challenges hindering the attainment of peace and environmental security in Africa. In light of these challenges, the paper urges African countries to embrace mediation and offers ideas towards promoting peace and security in Africa through this key ADR process.

2.0 Suitability of Mediation in Promoting Peace and Environmental Security in Africa

The concept of peace entails ideas such as the normal, non-warring condition of a nation, group of nations, or the world; an agreement or treaty between warring or antagonistic nations, communities and groups to end hostilities and abstain from further fighting or antagonism; and a state of mutual harmony between people or groups, especially in personal relations²¹. According to the United Nations, peace means dignity and well-being for all, and not just absence of war²². It has also been noted that the absence of violent conflict and the presence of respect and understanding between people and communities are the two characteristics that define peace²³. In addition, negotiation, compromise, and cooperation among groups with different interests and viewpoints are frequently necessary to bring peace²⁴. Peace can be classified into positive peace that entails attitudes, institutions and structures, which when strengthened, lead to peaceful societies; and negative peace which entails the absence of violence²⁵.

²¹ Herath. O., 'A critical analysis of Positive and Negative Peace.' Available at <http://repository.kln.ac.lk/bitstream/handle/123456789/12056/journal1%20%281%29.104-107.pdf?sequence=1&isAllowed=y> (Accessed on 22/04/2024)

²² United Nations., 'Peace Means Dignity, Well-Being for All, Not Just Absence of War - UN Officials' Available at <https://news.un.org/en/story/2014/09/476992> (Accessed on 22/04/2024)

²³ Mustafa. G., & Jamshed. U., 'Peace: A Conceptual Understanding' Available at https://www.researchgate.net/publication/370062968_Peace_A_Conceptual_Understanding (Accessed on 22/04/2024)

²⁴ Ibid

²⁵ Herath. O., 'A critical analysis of Positive and Negative Peace.' Op Cit

The advancement of human rights, social justice, and Sustainable development are all dependent on the pursuit of peace²⁶. The United Nations *2030 Agenda for Sustainable Development*²⁷ acknowledges that there can be no Sustainable Development without peace and no peace without Sustainable Development. It seeks to foster peaceful, just and inclusive societies which are free from fear and violence²⁸. Sustainable Development Goal 16 aims to achieve peaceful and inclusive societies for Sustainable Development, foster access to justice for all and build effective, accountable and inclusive institutions at all levels²⁹. Promoting peace is therefore vital in achieving the Sustainable Development agenda.

Environmental security is a concept that examines threats posed by environmental events and trends to individuals, communities or nations³⁰. Environmental security may focus on the impact of human conflict and international relations on the environment, or on how environmental problems cross state borders³¹. According to the United Nations Environment Programme (UNEP), environmental security comprises of preventing or repairing military damage to the environment; preventing or responding to environmentally caused conflicts; and protecting the environment due to its inherent moral value³². It has also been pointed out that environmental security is a concept that is concerned with the linkages between environment and security, particularly between environmental effects, such as natural disasters, water shortages and famine, and their

²⁶ Mustafa. G., & Jamshed. U., 'Peace: A Conceptual Understanding' Op Cit

²⁷ United Nations General Assembly., 'Transforming Our World: the 2030 Agenda for Sustainable Development.' 21 October 2015, A/RES/70/1., Available at <https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf> (Accessed on 22/04/2024)

²⁸ Ibid

²⁹ Ibid

³⁰ United Nations Environment Programme., 'Environmental Security' Available at <https://leap.unep.org/en/knowledge/glossary/environmental-security> (Accessed on 22/04/2024)

³¹ Ibid

³² Ibid

effects on the security of people and societies³³. It is the process of peacefully reducing human vulnerability to human-induced environmental degradation by addressing the root causes of environmental degradation and human insecurity³⁴.

Mediation is a key process in promoting peace and environmental security in Africa. Africa has for many decades experienced protracted and recurrent violent community conflicts³⁵. The continent has been highly susceptible to intra and inter- state wars and conflicts for many years³⁶. There have been frequent conflicts across the African continent, which are fueled by various factors, including but not limited to natural resources, fight for political control, poverty, negative ethnicity, religion, environmental causes, and external influence, among others³⁷. In addition, it has been pointed out that these conflicts are related to the challenges of climate change, population pressure, food insecurity and proliferation of firearms exacerbated by porous borders³⁸. As a result of the conflicts in Africa, peace has become more challenging to sustain and protracted and recurring conflict more difficult to prevent or resolve, often because their underlying causes are not well understood or addressed³⁹.

³³ Whyte. A.V., 'Environmental Security' *International Encyclopedia of the Social & Behavioral Sciences.*, (2001), pp 4663-4667

³⁴ F. Rita, "The Environmental Security Debate and Its Significance for Climate Change," *The International Spectator: Italian Journal of International Affairs*, Vol. 43, Issue 3, 2008, pp.51-65 at p. 56

³⁵ Abdi. D. I., & Mason. S. J., 'Mediation and Governance in Fragile Contexts: Small Steps to Peace' Available at <https://css.ethz.ch/en/think-tank/themes/mediation-support-and-peace-promotion/mediation-governance.html> (Accessed on 23/04/2024)

³⁶ Olaosebikan. A., 'Conflicts in Africa: Meaning, Causes, Impact and Solution.' *African Research Review.*, Volume 4, No. 4 (2010)

³⁷ Muigua. K., 'Towards Effective Peacebuilding and Conflict Management in Kenya.' Available at <https://kmco.co.ke/wp-content/uploads/2021/05/Towards-Peacebuilding-and-Conflict-Managementin-Kenya.docx-Kariuiki-Muigua-MAY-2021x.pdf> (Accessed on 23/04/2024)

³⁸ Abdi. D. I., & Mason. S. J., 'Mediation and Governance in Fragile Contexts: Small Steps to Peace' Op Cit

³⁹ United Nations., 'Promotion of Durable Peace and Sustainable Development in Africa.' Available at https://www.un.org/osaa/sites/www.un.org.osaa/files/docs/2109875_osaa_sg_report_web_new.pdf (Accessed on 23/04/2024)

Mediation alongside other ADR processes can strengthen efforts towards building peace in Africa through objectives such as decongestion of the court system, the creation of access to justice, promotion of peaceful out of court settlements, conflict prevention or de-escalation, and timely management of conflicts⁴⁰. Mediation is also an effective process in addressing root causes of conflicts⁴¹. It has been noted that for efficient peace building in Africa, the root causes of conflicts must be addressed beyond traditional responses⁴². It is therefore necessary to address the internal and external root causes of conflicts in Africa beyond the traditional response, which only tackled their symptoms, in order to create the capacities that help African countries overcome the peace and security challenges they face, which have deep historical roots⁴³. Mediation can foster the attainment of this goal since it addresses the root causes of conflict resulting in mutually satisfying and long lasting outcomes therefore creating a suitable environment for peace by eliminating the likelihood of conflicts reemerging in future⁴⁴. Mediation has the potential to preserve and at times even enhance the relationship of parties to a conflict making it an ideal process in promoting peace⁴⁵.

Mediation is also key in promoting environmental security by fostering effective management of natural-resource based conflicts⁴⁶. It has been noted that conflicts over scarce natural resources, such as minerals, fish, water, and particularly territory, is a

⁴⁰ Uwazie. E., 'Alternative Dispute Resolution and Peace-building in Africa.' Available at <https://www.cambridgescholars.com/resources/pdfs/978-1-4438-5707-9-sample.pdf> (Accessed on 22/04/2024)

⁴¹ Muigua. K., 'Resolving Conflicts through Mediation in Kenya.' Op Cit

⁴² United Nations., 'Root Causes of Conflicts in Africa Must Be Addressed beyond Traditional Response, Special Adviser Tells Security Council Debate on Silencing Guns.' Available at <https://press.un.org/en/2023/sc15249.doc.htm> (Accessed on 22/04/2024)

⁴³ Ibid

⁴⁴ Muigua. K., 'Resolving Conflicts through Mediation in Kenya.' Op Cit

⁴⁵ World Intellectual Property Organization., 'What is Mediation?' Op Cit

⁴⁶ Muigua. K., 'Mediating Natural Resource- Based Conflicts for Peace and Prosperity' Available at <https://kmco.co.ke/wp-content/uploads/2024/01/Mediating-Natural-Resource-Based-Conflicts-for-Peace-and-Prosperity-.pdf> (Accessed on 23/04/2024)

traditional source of armed struggle⁴⁷. Environmental degradation may also be viewed as a contribution to armed conflict in the sense of exacerbating conflicts or adding new dimensions⁴⁸. Population growth and environmental degradation are intensifying competition over already scarce resources, such as land and water, and climate change threatens to increase such competition even further⁴⁹. Resource abundance can also result in conflicts over resources as has been witnessed in many African States⁵⁰. As a result, it has been argued that efforts towards achieving environmental security must tackle problems related to conflicts and environmental degradation where they are likely to occur⁵¹. Environmental security involves addressing natural-resource based conflicts, environmental degradation, resource depletion, natural disasters, and pollution among other environmental challenges⁵². Mediation can help promote environmental security in Africa by ensuring effective management of environmental and natural resource-based conflicts.

Conflicts over natural resources have also been a common occurrence in Africa⁵³. Despite being endowed with abundance of natural resources, Africa has over the years suffered from resource-based conflicts which usually form a threat to Sustainable Development and have the potential of undermining economic development and sustainability⁵⁴.

⁴⁷ N.P. Gleditsch, "Armed Conflict and the Environment: A Critique of the Literature," *Journal of Peace Research* Vol. 35, No. 3, Special Issue on Environmental Conflict (May, 1998), pp. 381-400, p. 381

⁴⁸ Ibid

⁴⁹ ReliefWeb., 'Natural Resources and Conflict: A Guide for Mediation Practitioners.' Available at <https://reliefweb.int/report/world/natural-resources-and-conflict-guide-mediation-practitioners0#:~:text=One%20of%20the%20prerequisites%20to,by%20an%20independent%20third%20party> (Accessed on 23/04/2024)

⁵⁰ Muigua. K., Wamukoya. D., & Kariuki. F., 'Natural Resources and Environmental Justice in Kenya.' Op Cit

⁵¹ Muigua. K., 'Achieving Environmental Security in Kenya' Available at <https://kmco.co.ke/wp-content/uploads/2018/08/Environmental-Security-in-Kenya-30th-April-2018-Kariuki-Muigua-PhD-1.pdf> (Accessed on 23/04/2024)

⁵² Ibid

⁵³ Muigua. K., Wamukoya. D., & Kariuki. F., 'Natural Resources and Environmental Justice in Kenya.' Glenwood Publishers Limited, 2015

⁵⁴ Ibid

Africa has for many decades experienced the ‘resource curse phenomenon’ which refers to the paradox that countries endowed with natural resources tend to be embroiled in conflicts and have incidences of poverty⁵⁵. Mediation can enhance collaboration in the management of natural resources and conflicts related to such resources⁵⁶. This process can help stakeholders of natural resources to identify ways to maximize shared benefits and address common problems and challenges together⁵⁷. Through mediation alongside other collaborative approaches including negotiation, natural resources can be treated as a platform for cooperation that transcends religious, ideological, political, or tribal differences, which can be leveraged to tackle more challenging problems down the line⁵⁸.

Mediation is therefore an effective mechanism for managing natural resource-based conflicts due to its potential to build peace and bring people together, binding them towards the common goal of sharing resources⁵⁹. It has been argued that while natural resource disputes can contribute to conflict, shared resources and common challenges can also help to bind countries and communities together⁶⁰. Therefore, utilizing mediation in managing natural resource-based disputes at communal, national, and trans-boundary levels is vital in helping different parties move from a position of conflict to one of cooperation⁶¹. In natural resource-based conflicts, sustainable outcomes are

⁵⁵ Henri. A., ‘Natural Resources Curse: A Reality in Africa.’ *Resources Policy*, Volume 63, 2019

⁵⁶ Food and Agriculture Organization., ‘An introduction to Natural Resource Conflicts, Collaborative Management and Sustainable Livelihoods.’ Available at <https://www.fao.org/3/a0032e/a0032e04.htm> (Accessed on 22/04/2024)

⁵⁷ United Nations Department of Political Affairs., ‘Natural Resources and Conflict: A Guide for Mediation Practitioners.’ Available at <https://gsdrc.org/document-library/natural-resources-and-conflict-a-guide-for-mediation-practitioners/> (Accessed on 22/04/2024)

⁵⁸ Ibid

⁵⁹ International Organization for Peace Building., ‘Natural Resources and Conflict: A Path to Mediation.’ Available at <https://www.interpeace.org/2015/11/natural-resources-and-conflict-a-path-to-mediation/> (Accessed on 22/04/2024)

⁶⁰ African Union., ‘Report of the African Union Panel of the Wise on Improving the Mediation and Resolution of Natural Resource-Related Conflicts Across Africa’ Available at <https://wedocs.unep.org/bitstream/handle/20.500.11822/31043/AUP.pdf?sequence=1&isAllowed=y> (Accessed on 22/04/2024)

⁶¹ Ibid

more desirable because the shared benefits of these resources often cross tribal, societal, communal, and national boundaries⁶². Collaboration over the ownership, management, and use of such resources is therefore critical to peace and stability⁶³. Embracing mediation is therefore key in effective management of natural-resources based conflicts towards environmental security⁶⁴.

Despite the effectiveness of mediation in promoting peace and environmental security in Africa, this ideal is yet to be realized. Conflicts are still prevalent in the continent with adverse economic, cultural, political, social, and environmental costs⁶⁵. The prevalence of conflicts and wars has been a major hindrance in the achievement of Sustainable Development in Africa⁶⁶. Environmental security in Africa is also threatened by factors such as natural-resource based conflicts, environmental degradation, resource depletion, natural disasters, and pollution among other environmental challenges⁶⁷. It is therefore necessary to promote peace and environmental security in Africa through mediation.

3.0 Promoting Peace and Environmental Security in Africa through Mediation

It is necessary to effectively embrace mediation in order to promote peace and environmental security in Africa⁶⁸. Mediation is key in promoting peace through decongestion of the court system, the creation of access to justice, promotion of peaceful out of court settlements, conflict prevention or de-escalation, and timely management of conflicts⁶⁹. This process also addresses the root causes of conflict resulting in mutually satisfying and long- lasting outcomes therefore creating a suitable environment for peace by eliminating the likelihood of conflicts reemerging in future⁷⁰. Mediation is also vital in

⁶² ReliefWeb., 'Natural Resources and Conflict: A Guide for Mediation Practitioners.' Op Cit

⁶³ Ibid

⁶⁴ Ibid

⁶⁵ Uwazie. E., 'Alternative Dispute Resolution and Peace-building in Africa.' Op Cit

⁶⁶ United Nations., 'Promotion of Durable Peace and Sustainable Development in Africa.' Op Cit

⁶⁷ Muigua. K., 'Achieving Environmental Security in Kenya' Op Cit

⁶⁸ Uwazie. E., 'Alternative Dispute Resolution and Peace-building in Africa.' Op Cit

⁶⁹ Ibid

⁷⁰ Muigua. K., 'Resolving Conflicts through Mediation in Kenya.' Op Cit

enhancing environmental security by strengthening collaboration in the management of natural resources and conflicts related to such resources therefore helping stakeholders of natural resources to identify ways to maximize shared benefits and address common problems and challenges⁷¹.

Mediation alongside other ADR processes have been practiced in Africa for many centuries⁷². These mechanisms were the first point of call in conflict management in African societies⁷³. They were considered 'Appropriate' and not 'Alternative' in managing conflicts⁷⁴. It has been noted that conflict management in African societies was aimed at creating consensus, facilitating reconciliation, fostering peace, harmony and cohesion and gave prominence to communal needs over individual needs⁷⁵. African societies therefore developed conflict management strategies that were designed to uphold the values and norms that held such societies together⁷⁶. Conflict management in African societies took the form of informal negotiation, mediation, reconciliation and arbitration among other techniques which were administered by institutions such as the council of elders⁷⁷. These techniques fitted comfortably within traditional concepts of African justice, particularly its core value of reconciliation⁷⁸. Mediation alongside other

⁷¹ United Nations Department of Political Affairs., 'Natural Resources and Conflict: A Guide for Mediation Practitioners.' Available at <https://gsdrc.org/document-library/natural-resources-and-conflict-a-guide-for-mediation-practitioners/> (Accessed on 22/04/2024)

⁷² Muigua. K., 'Resolving Conflicts through Mediation in Kenya.' Op Cit

⁷³ Muigua. K., 'Reframing Conflict Management in the East African Community: Moving from Alternative to 'Appropriate' Dispute Resolution' Available at <https://kmco.co.ke/wp-content/uploads/2023/06/Reframing-Conflict-Management-in-the-East-African-Community-Moving-from-Alternative-to-Appropriate-Dispute-Resolution-1.pdf> (Accessed on 23/04/2024)

⁷⁴ Ibid

⁷⁵ Muigua. K., 'Alternative Dispute Resolution and Access to Justice in Kenya.' Op Cit

⁷⁶ Muigua. K., 'Preparing for the Future: ADR and Arbitration from an African Perspective' Available at <https://kmco.co.ke/wp-content/uploads/2023/10/Preparing-for-the-Future-ADR-and-Arbitration-from-an-African-Perspective.pdf> (Accessed on 23/04/2024)

⁷⁷ Kariuki. F., 'Conflict Resolution by Elders in Africa: Successes, Challenges and Opportunities.' Available at <http://kmco.co.ke/wp-content/uploads/2018/08/Conflict-Resolution-by-Elders-successeschallenges-and-opportunities-1.pdf> (Accessed on 23/04/2024)

⁷⁸ Uwazie. E., 'Alternative Dispute Resolution in Africa: Preventing Conflict and Enhancing Stability.' Op Cit

ADR processes can therefore strengthen conflict management in Africa and bridge the gap between formal legal systems and traditional modes of African justice⁷⁹. It has been noted that mediation and other ADR techniques may have particular value in stabilization and peace-building efforts when judicial institutions are weak and social tensions are high⁸⁰. While some conflict is inevitable in any society, effective management directly hinges on the availability of trusted processes and skilled personnel⁸¹. Mediation is a practical tool to foster peacebuilding, conflict resolution and environmental security at both the community, national, and regional levels⁸². Mediation is a major intervention tool in Africa⁸³. It has been used by entities such as the African Union to prevent and resolve many violent conflicts in Africa⁸⁴. Interventions by the African Union in several conflict prone areas have promoted peace and environmental security through mediation⁸⁵. It is therefore vital to continue promoting peace and environmental security in Africa through mediation.

Finally, it important to strengthen the legal, policy, institutional, and human capacity on mediation in Africa⁸⁶. Government support is vital in promoting mediation in Africa by putting in place adequate legal regimes and infrastructure to enhance its uptake⁸⁷. Governments can enhance the role of mediation in Africa by designing laws that promote mediation and institutionalizing mediation in a manner which preserves its key attributes such as flexibility, informality, privacy and confidentiality⁸⁸. The current practice of mediation in Africa has been described as a professional craft that requires skilled

⁷⁹ Ibid

⁸⁰ Ibid

⁸¹ Ibid

⁸² Ibid

⁸³ Tiekou. T., 'Lessons Learned from Mediation by an African Regional Organization' Available at https://peacemaker.un.org/sites/peacemaker.un.org/files/LessonsLearnedfromMediationbyanAfricanRegionalOrg_Tiekou2011.pdf (Accessed on 23/04/2024)

⁸⁴ Ibid

⁸⁵ Ibid

⁸⁶ Muigua. K., 'Preparing for the Future: ADR and Arbitration from an African Perspective' Op Cit

⁸⁷ Ibid

⁸⁸ Ibid

endeavour⁸⁹. It is therefore necessary to enhance the capacity of mediators and other ADR practitioners through education, training and mentorship⁹⁰. This will enhance their skills and ability to manage disputes in a manner that safeguards the key concepts of justice such as human rights towards promoting peace and environmental security⁹¹. Strengthening national and regional institutions and mediation processes is also key in promoting peace and environmental security in Africa⁹². It is also necessary to link the environment and natural resources aspects to peace building and development processes in order to promote peace and environmental security through mediation in Africa⁹³. Finally there is need for continued public sensitization and enhancing access to information on mediation and other ADR processes in order to boost support and accelerate the uptake of these mechanisms in Africa for peace and environmental security⁹⁴.

4.0 Conclusion

Mediation has the potential to foster peace and environmental security in Africa⁹⁵. This process addresses the root causes of conflict resulting in mutually satisfying and long-lasting outcomes therefore creating a suitable environment for peace by eliminating the likelihood of conflicts reemerging in future⁹⁶. Utilizing mediation in managing natural resource-based disputes at communal, national, and trans-boundary levels is also vital in helping different parties move from a position of conflict to one of cooperation⁹⁷. This cooperation is key fostering environmental security by enhancing collaboration toward

⁸⁹ Tieku. T., 'Lessons Learned from Mediation by an African Regional Organization' Op Cit

⁹⁰ Muigua. K., 'Reframing Conflict Management in the East African Community: Moving from Alternative to 'Appropriate' Dispute Resolution' Op Cit

⁹¹ Ibid

⁹² African Union., 'Report of the African Union Panel of the Wise on Improving the Mediation and Resolution of Natural Resource-Related Conflicts Across Africa' Op Cit

⁹³ Ibid

⁹⁴ Ibid

⁹⁵ Uwazie. E., 'Alternative Dispute Resolution and Peace-building in Africa.' Op Cit

⁹⁶ Muigua. K., 'Resolving Conflicts through Mediation in Kenya.' Op Cit

⁹⁷ African Union., 'Report of the African Union Panel of the Wise on Improving the Mediation and Resolution of Natural Resource-Related Conflicts Across Africa' Op Cit

addressing problems such as natural-resource based conflicts, environmental degradation, resource depletion, natural disasters, and pollution among other environmental challenges⁹⁸. However, the ideal of promoting peace and environmental security in Africa is yet to be realized as a result of numerous conflicts and environmental challenges prevalent in the continent⁹⁹. In order to realize the goal of promoting peace and environmental security in Africa through mediation, there is need to: effectively embrace mediation¹⁰⁰; entrench the place of mediation in conflict management in Africa¹⁰¹; strengthen the legal, policy, institutional, and human capacity on mediation in Africa¹⁰²; and link the environment and natural resources aspects to peace building and development processes¹⁰³. Promoting peace and environmental security in Africa through mediation is a worthy agenda for the prosperity of the continent.

⁹⁸ Muigua. K., 'Achieving Environmental Security in Kenya' Op Cit

⁹⁹ Uwazie. E., 'Alternative Dispute Resolution and Peace-building in Africa.' Op Cit; Muigua. K., 'Achieving Environmental Security in Kenya' Op Cit

¹⁰⁰ Uwazie. E., 'Alternative Dispute Resolution and Peace-building in Africa.' Op Cit

¹⁰¹ Muigua. K., 'Reframing Conflict Management in the East African Community: Moving from Alternative to 'Appropriate' Dispute Resolution' Op Cit

¹⁰² Muigua. K., 'Preparing for the Future: ADR and Arbitration from an African Perspective' Op Cit

¹⁰³ African Union., 'Report of the African Union Panel of the Wise on Improving the Mediation and Resolution of Natural Resource-Related Conflicts Across Africa' Op Cit

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African Union., 'Report of the African Union Panel of the Wise on Improving the Mediation and Resolution of Natural Resource-Related Conflicts Across Africa' Available at <https://wedocs.unep.org/bitstream/handle/20.500.11822/31043/AUP.pdf?sequence=1&isAllowed=y>

Bercovitch. J., 'Mediation Success or Failure: A Search for the Elusive Criteria.' *Cardozo Journal of Conflict Resolution*, Vol. 7, p 289

Constitution of Kenya., 2010., Government Printer, Nairobi

F. Rita, "The Environmental Security Debate and Its Significance for Climate Change," *The International Spectator: Italian Journal of International Affairs*, Vol. 43, Issue 3, 2008, pp.51-65 at p. 56

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