

Environmental Justice through Mediation in Africa: Reflecting on Language, Context and Gender Roles

Kariuki Muigua

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Environmental Justice through Mediation in Africa: Reflecting on Language, Context and Gender Roles

Kariuki Muigua*

Abstract

This paper critically examines the role of mediation in fostering environmental justice in Africa. The paper argues that mediation is a suitable and effective process towards realising environmental justice in Africa. It discusses the key features and benefits of mediation that make it appropriate in enhancing environmental justice in Africa. Due to its advantages, the paper argues that there is need to embrace mediation in order to attain environmental justice in Africa. The paper explores how mediation can be effectively harnessed with emphasis on language, context and gender roles in order to promote environmental justice in Africa.

1.0 Introduction

Securing environmental justice is a key and necessary imperative in Africa. The continent faces multiple environmental threats that disproportionately affect vulnerable groups and communities. For example, environmental challenges including deforestation, land degradation, pollution, biodiversity loss and climate change are prevalent all over Africa with adverse consequences for indigenous peoples, local communities, women, the youth and other vulnerable groups in the continent¹. Further, despite being endowed with natural resources including arable land, forests, water, oil, gas and minerals, Africa loses a huge percentage of its natural capital through activities such as illicit financial flows, illegal mining, illegal logging, the illegal trade in wildlife, unregulated fishing and environmental degradation and loss undermining development². The extraction of

* PhD in Law (Nrb), FCI Arb (Chartered Arbitrator), OGW, LL. B (Hons) Nrb, LL.M (Environmental Law) Nrb; Dip. In Law (KSL); FCPS (K); Dip. in Arbitration (UK); MKIM; Mediator; Consultant: Lead expert EIA/EA NEMA; BSI ISO/IEC 27001:2005 ISMS Lead Auditor/ Implementer; ESG Consultant; Advocate of the High Court of Kenya; Professor of Environmental Law and Conflict Management at the University of Nairobi, Faculty of Law; Member of the Permanent Court of Arbitration (PCA) [October, 2025].

¹ Jeffang. K., 'Hope for Environmental Justice in Africa' Available at <https://dialogue.earth/en/justice/hope-for-environmental-justice-in-africa/> (Accessed on 16/10/2025)

² United Nations Environment Programme., 'Our Work in Africa' Available at <https://www.unep.org/regions/africa/our-work-africa> (Accessed on 16/10/2025)

Africa's natural resources is also usually done without the Free, Prior and Informed Consent (FPIC) of the people of Africa leading to human rights abuses and resource-based conflicts³.

In light of the foregoing, it has become vital to realise environmental justice in Africa. Environmental justice involves the equitable treatment and involvement of people of all races, cultures, nations, and socioeconomic backgrounds in the development, implementation, and enforcement of environmental programs, laws and policies⁴. This concept envisages the just treatment and meaningful involvement of all people in environmental decision-making processes in order to ensure full protection from disproportionate environmental and health impacts, and foster equitable access to a clean, healthy, sustainable, and resilient environment⁵. Environmental justice encompasses the right to have access to natural resources; not to suffer disproportionately from environmental policies, laws and regulations; and the right to environmental information, participation and involvement in decision-making⁶. It provides a framework for addressing environmental inequities, disparate impact of environmental crises, and unequal protection in environmental matters⁷.

³ Africa's struggle for environmental justice in an age of death., Available at <https://africanarguments.org/2023/06/africa-struggle-for-environmental-justice-in-an-age-of-death/#:~:text=The%20struggle%20for%20environmental%20justice,was%20overlooked%20as%20mere%20conquest.> (Accessed on 16/10/2025)

⁴ United Nations Development Programme., 'Environmental Justice: Securing our Right to a Clean, Healthy and Sustainable Environment' Available at <https://www.undp.org/sites/g/files/zskgke326/files/2022-06/Environmental-Justice-TechnicalReport.pdf> (Accessed on 16/10/2025)

⁵ Environmental Justice Factsheet., Available at <https://css.umich.edu/publications/factsheets/sustainability-indicators/environmental-justice-factsheet> (Accessed on 11/06/2025)

⁶ Ako. R., 'Resource Exploitation and Environmental Justice: the Nigerian Experience' Available at <https://www.elgaronline.com/display/edcoll/9781848446793/9781848446793.00011.xml> (Accessed on 16/10/2025)

⁷ Ekhatior. E., & Agbaitoro. G., 'The Role of Environmental Justice in Promoting the Rule of Law in Natural Resource Conflict Resolution in Africa: A Case Study of Nigeria' Available at https://www.researchgate.net/publication/366640118_The_Role_of_Environmental_Justice_in_Promoting_the_Rule_of_Law_in_Natural_Resource_Conflict_Resolution_in_Africa_A_Case_Study_of_Nigeria (Accessed on 16/10/2025)

Pursuing environmental justice in Africa is therefore necessary in protecting people and planet. This approach provides a platform for accountability towards the protection of human and environmental rights and the prevention and punishment of wrongs related to the disproportionate impacts of environmental challenges on the poor and vulnerable in society including climate change, pollution and degradation of ecosystem services, and from inequitable access to and benefits from the use of natural assets and extractive resources⁸. By fostering environmental justice in Africa, it is possible to ensure the equitable distribution of environmental risks and benefits⁹; fair and meaningful participation in environmental decision-making by all people including indigenous peoples, local communities, women and the youth¹⁰; recognition of community ways of life, local and indigenous knowledge, and cultural difference¹¹; and the capability of communities and individuals to function and flourish in a clean, healthy and sustainable environment¹². Actualising environmental justice is therefore a crucial process towards sustainability in Africa.

This paper critically examines the role of mediation in fostering environmental justice in Africa. The paper argues that mediation is a suitable and effective process towards realising environmental justice in Africa. It discusses the key features and benefits of mediation that make it appropriate in enhancing environmental justice in Africa. Due to its advantages, the paper argues that there is need to embrace mediation in order to attain environmental justice in Africa. The paper explores how mediation can be effectively harnessed with emphasis on language, context and gender roles in order to promote environmental justice in Africa.

⁸ United Nations Development Programme., 'Environmental Justice: Comparative Experiences in Legal Empowerment' Available at <https://www.undp.org/sites/g/files/zskgke326/files/publications/Environmental-Justice-Comparative-Experiences.pdf> (Accessed on 16/10/2025)

⁹ Akeem. A., 'Critical Notes on Environmental Justice and Sustainable Development' *International Journal of Sociology and Anthropology*, Volume 10, No. 3, :21-26

¹⁰ Ibid

¹¹ Ibid

¹² Ibid

2.0 Role of Mediation in Promoting Environmental Justice

Mediation is a process of conflict management wherein parties to a conflict meet with a mutually selected person who assists them in the negotiation of their differences¹³. Further, mediation has also been defined as a private and voluntary dispute resolution process in which a neutral person, a mediator, helps the parties to reach their own negotiated agreement¹⁴. According to the United Nations, mediation is a process whereby a third party assists two or more parties, with their consent, to prevent, manage or resolve a conflict by helping them to develop mutually acceptable agreements¹⁵. It has been correctly noted that a mediation has no power to impose an outcome upon the parties¹⁶. Rather, the role of a mediator is to overcome any impasse and encourage the parties to reach their own mutually satisfactory and amicable settlement¹⁷. A mediator facilitates communication, promotes understanding, focuses the parties on their interests, and uses creative problem- solving to enable the parties to reach their own agreement¹⁸.

Mediation is an effective process in fostering environmental justice. It has been argued that the premise of mediation is that in the right environment, parties to a conflict can improve their relationships and move towards cooperation¹⁹. Mediation is an appropriate process in conflict management since it encourages active listening while also promoting open and respectful communication therefore helping parties to break down barriers including cultural barriers thus building trust and strengthening their relationships²⁰. Mediation provides parties an opportunity to collaboratively design

¹³ Mediation Defined: What is Mediation?., Available at <https://www.jamsadr.com/mediation-defined/> (Accessed on 16/10/2025)

¹⁴ What is Mediation?., Available at <https://www.hkiac.org/mediation/what-is-mediation> (Accessed on 16/10/2025)

¹⁵ United Nations., 'Guidance for Effective Mediation' Available at <https://www.hkiac.org/mediation/what-is-mediation> (Accessed on 16/10/2025)

¹⁶ What is Mediation?., Op Cit

¹⁷ Ibid

¹⁸ Bercovitch. J., 'Mediation Success or Failure: A Search for the Elusive Criteria.' *Cardozo Journal of Conflict Resolution*, Vol. 7, p 289

¹⁹ United Nations., 'Guidance for Effective Mediation' Op Cit

²⁰ Saaida. M., 'Peace Studies: Conflict Resolution and Mediation Strategies' Available at https://www.researchgate.net/publication/372289839_Peace_Studies_Conflict_Resolution_and_Mediation_Strategies (Accessed on 16/10/2025)

creative solutions to conflict and repair or even strengthen their relationships²¹. Mediation focuses on the interests on the parties and provides a platform for collaboration enabling parties to come up with mutually satisfactory outcomes²². Mediation contains several key features and provides numerous benefits including informality, flexibility, efficiency, confidentiality, party autonomy and the ability to promote expeditious and cost-effective management of disputes making it an effective process in dispute resolution²³.

The foregoing attributes and advantages make mediation an ideal process towards attaining environmental justice. For instance, since it focuses on cooperation, mediation is a crucial tool for resolving environmental conflicts by fostering dialogue among stakeholders and encouraging collaborative problem-solving²⁴. Mediation can ensure collaborative outcomes and inclusive decision-making processes involving multiple stakeholders including indigenous peoples, local communities, investors and outcomes towards promoting environmental justice²⁵. Mediation has been described as a powerful approach that can ensure the inclusion and participation of vulnerable groups in environmental decision-making processes towards realising environmental justice including through the right to FPIC²⁶.

²¹ What is Mediation?., Available at <https://www.nyc.gov/site/oath/conflict-resolution/what-is-mediation.page#:~:text=Mediation%20is%20a%20constructive%20conversation,conflict%20and%20repair%20professional%20relationships> (Accessed on 16/10/2025)

²² United Nations Environment Programme., 'Natural Resources and Conflict: A Guide for Mediation Practitioners' Available at https://peacemaker.un.org/sites/peacemaker.un.org/files/NRCMediation_UNDPAUNEP2015_0.pdf (Accessed on 16/10/2025)

²³ Muigua. K., 'Resolving Conflicts through Mediation in Kenya.' Glenwood Publishers Limited, 2nd Edition., 2017

²⁴ Mediation in Environmental Conflicts: Approaches and Case Studies., Available at <https://blogs.psico-smart.com/blog-mediation-in-environmental-conflicts-approaches-and-case-studies-162228> (Accessed on 16/10/2025)

²⁵ Ibid

²⁶ Buxton. A., & Wilson. E., 'FPIC and the Extractive Industries: A Guide to Applying the Spirit of Free, Prior and Informed Consent in Industrial Projects' Available at <https://www.iied.org/16530iied> (Accessed on 16/10/2025)

It has been argued that environmental justice seeks to protect the most vulnerable individuals and communities from the adverse impacts of environmental threats including climate change and pollution and to ensure the fair treatment and meaningful involvement of all people in the development, implementation and enforcement of environmental laws and policies²⁷. Mediation is suitable in achieving these objectives since it ensures the inclusion and participation of vulnerable and marginalized segments of the society including women, the youth, local communities and indigenous peoples in environmental decision-making processes²⁸. It has been argued that mediation is a viable tool for individuals and communities to give their own voices, to share in decision-making, and to promote innovative solutions in respect of environmental problems towards actualising the ideal of environmental justice²⁹. In addition, mediation also provides a platform for parties to environmental conflicts to access justice in a timely, cost-effective, flexible and appropriate manner in the quest towards environmental justice³⁰. Mediation enhances collaboration and cooperation towards effective management of environmental conflicts which is key especially for long-term projects such as those involving renewable energy and water³¹. Embracing mediation is therefore necessary in the pursuit of environmental justice.

3.0 Securing Environmental Justice in Africa through Mediation

Africa is facing numerous environmental injustices. For example, the continent's rich extractives sector is causing environmental injustices by impacting arable land, fuelling destruction of ecosystems critical to rural livelihoods, and leading to pollution of air and water thus impacting human health and ecosystem services with disproportionate effects

²⁷ What is Environmental Justice?., Available at <https://communitylawandmediation.ie/centre-for-environmental-justice/environmental-justice/> (Accessed on 16/10/2025)

²⁸ Muigua. K., 'Attaining Environmental Justice through Alternative Dispute Resolution' Available at <https://kmco.co.ke/wp-content/uploads/2023/07/Attaining-Environmental-Justice-through-Alternative-Dispute-Resolution.pdf> (Accessed on 16/10/2025)

²⁹ Environmental Law Institute., 'A Community Guide to Using Alternative Dispute Resolution to Secure Environmental Justice' Available at <https://www.eli.org/environmental-governance/community-guideusing-alternative-dispute-resolution-secure-1> (Accessed on 16/10/2025)

³⁰ Muigua. K., 'Attaining Environmental Justice through Alternative Dispute Resolution' Op Cit

³¹ Environmental Law Institute., 'A Community Guide to Using Alternative Dispute Resolution to Secure Environmental Justice' Op Cit

on vulnerable populations in the continent³². In addition, Africa's natural resources including oil, gas, and minerals are usually exploited by foreign entities at the expense of the continent's development perpetuating poverty and underdevelopment therefore causing environmental injustices³³. In addition, climate change causes environmental injustices in Africa. The extreme impacts of climate change including drought, water scarcity, and severe flooding are disproportionately affecting the poor, women, the youth, the elderly, indigenous peoples and local communities in Africa despite the continent's negligible contribution to the climate crisis³⁴.

In light of the foregoing, fostering environmental justice is necessary in protecting vulnerable populations and the environment in Africa. Mediation provides an effective platform towards securing environmental justice in Africa. By focusing on collaboration, mediation encourages consensus-building and the participation of all stakeholders in environmental decision-making processes towards realising environmental justice³⁵. It also encourages the amicable management of environmental conflicts thus providing a basis for maintaining and improving relationships which is crucial for the success of long-term environmental projects³⁶.

Embracing mediation is therefore necessary towards achieving environmental justice in Africa. Mediation has been practiced in Africa for many centuries³⁷. It has been argued that mediation has been an appropriate and viable process for conflict resolution in Africa

³² United Nations Development Programme., 'Environmental Justice: Comparative Experiences in Legal Empowerment' Op Cit

³³ Bassey. N., 'The Struggle for Environmental Justice in Africa' Available at <https://www.downtoearth.org.in/africa/the-struggle-for-environmental-justice-in-africa-90314#:~:text=The%20struggle%20for%20environmental%20justice%20in%20Africa%20is%20complex%20and,not%20inanimate%20or%20lifeless%20entities.> (Accessed on 17/10/2025)

³⁴ United Nations Environment Programme., 'Responding to Climate Change.' Available at <https://www.unep.org/regions/africa/regional-initiatives/responding-climate-change> (Accessed on 17/10/2025)

³⁵ Mediation in Environmental Conflicts: Approaches and Case Studies., Op Cit

³⁶ Muigua. K., 'Attaining Environmental Justice through Alternative Dispute Resolution' Op Cit

³⁷ Muigua. K., 'Resolving Conflicts through Mediation in Kenya.' Op Cit

for many centuries since it is rooted in the culture and customs of the people of Africa³⁸. It is therefore necessary to adopt mediation in the African context in order to achieve the ideal of environmental justice. It has been argued that in the African context, corrective and reconciliatory mechanisms are the primary means of conflict resolution³⁹. At the core of conflict management in African societies is the concept of *Ubuntu* which emphasizes respect, tolerance, cooperation, forgiveness, compromise and collaboration⁴⁰. Therefore, in order to effectively utilise mediation towards achieving environmental justice, it is imperative to focus on *Ubuntu*, collaboration, peace and compromise⁴¹.

There is also need to ensure that mediation processes are conducted in African languages. It has been argued that at the heart of peacemaking is language, which is vital to effective communication and understanding among stakeholders and peace actors⁴². Ensuring that mediation processes are conducted in African languages is necessary in involving key stakeholders including indigenous peoples and local communities in the pursuit of environmental justice⁴³. Through this, it is possible to fully understand the context and dynamics of conflicts, ensure effective participation of all actors, strengthen negotiations, and ensure agreements that are acceptable by all parties⁴⁴.

In addition, it is imperative to appreciate and embrace gender roles in mediation. For instance, it has been argued that women are underrepresented in peace negotiations and

³⁸ Ibid

³⁹ Our Mediation Heritage., Available at <https://www.conflictdynamics.co.za/Blog/Our-Mediation-Heritage-%20?swcfpc=1> (Accessed on 17/10/2025)

⁴⁰ Ibid

⁴¹ Muigua. K., 'Mediation under the African Sunset: Harnessing Ubuntu, Collaboration and Peace' Available at <https://kmco.co.ke/articles-publications/mediation-under-the-african-sunset-harnessing-ubuntu-collaboration-and-peace/> (Accessed on 17/10/2025)

⁴² Language, Conflict Mitigation and Mediation Processes in Kaduna State, Nigeria., Available at <https://kujenga-amani.ssrc.org/2022/03/02/language-conflict-mitigation-and-mediation-processes-in-kaduna-state-nigeria/#:~:text=This%20essay%20focuses%20on%20the,are%20acceptable%20to%20all%20concerned.> (Accessed on 17/10/2025)

⁴³ Ibid

⁴⁴ Ibid

conflict resolution efforts⁴⁵. The inclusion of women in mediation processes is therefore key in not only advancing gender equality but also fostering sustainable and durable peace⁴⁶. The participation of women in mediation and peace processes can ensure that more and diverse members are involved in peacemaking⁴⁷. As a result, this can build the credibility of mediation processes and increase local ownership of the process and its results⁴⁸. Embracing gender roles including through fostering the role of women in mediation is therefore key towards fostering environmental justice.

4.0 Conclusion

Mediation is a viable and effective process towards securing environmental justice for people and planet in Africa. It is therefore necessary to encourage the appropriate use of mediation in Africa in the quest towards environmental justice. This involves embracing mediation in the African context, utilising local and indigenous languages in mediation processes and appreciating gender roles including through involving women in mediation processes. Achieving environmental justice through mediation in Africa is therefore necessary and possible for sustainability.

⁴⁵ United Nations., 'Why we need more women mediators' Available at <https://www.un.org/en/peace-and-security/why-we-need-more-women-mediators> (Accessed on 17/10/2025)

⁴⁶ Ibid

⁴⁷ United Nations Women., 'Conflict prevention and resolution' Available at <https://www.unwomen.org/en/what-we-do/peace-and-security/conflict-prevention-and-resolution> (Accessed on 17/10/2025)

⁴⁸ Ibid

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https://peacemaker.un.org/sites/peacemaker.un.org/files/NRCMediation_UNDPAU_NEP2015_0.pdf

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