

# **Role of State Agencies and Communities in Achieving Effective Environmental Conflicts Management**

Kariuki Muigua\*

## **Abstract**

*Environmental conflicts affect not only the stability of a country but also the livelihoods of communities. This is especially true for communities living around the environmental resources causing the conflict in question. Considering that these conflicts have different actors involved in their origin as well as their management, it calls for concerted efforts from state agencies and communities towards addressing them. This paper discusses the role of state agencies as well as communities in management of environmental conflicts.*

## **1. Introduction**

Almost every community in the world occasionally has conflicts over ecological concerns, including, but not limited to, land use, environmental quality, water allocation, waste disposal, and natural resource management.<sup>1</sup> Environmental variables are important in many conflicts, either as direct causes of conflict or as its main drivers. There are many different types of environmental conflicts, ranging from value-based disputes over divergent notions of location, space, and our relationship with the natural world to interest-based rivalry over limited or valuable natural resources. Conflicts involving the environmental drivers of identity, security, and health can also be based on needs.<sup>2</sup>

Notably, the management of natural resources in Africa using community-based methods has gained popularity over time.<sup>3</sup> It has been argued that the two main ways for improving people's lives in order to create peace, stability, human security, and development are good governance and conflict management.<sup>4</sup> In addition, the majority of conflicts arise as a result of the state's failure to

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<sup>1</sup>Humphreys, M., "Natural resources, conflict, and conflict resolution: Uncovering the mechanisms." *Journal of conflict resolution* 49, no. 4 (2005): 508-537; Bob, U. and Bronkhorst, S., "Environmental conflicts: Key issues and management implications." *African Journal on Conflict Resolution* 10, no. 2 (2010): 9-30.

<sup>2</sup> Fisher, J., "Managing environmental conflict." *The handbook of conflict resolution: theory and practice* (2014): 3, p.1.

<sup>3</sup> See Haro, G.O., Doyo, G.J. and McPeak, J.G., "Linkages between community, environmental, and conflict management: Experiences from Northern Kenya." *World development* 33, no. 2 (2005): 285-299.

<sup>4</sup> Ahmar, Moonis. "Conflict Management and Good Governance in Pakistan: Lessons from Germany." *Journal of Political Studies, Special Conference Issue*, 2019, 211:221, at 211.

address critical issues such as human rights, the rule of law, better economic opportunities, particularly for youths, health, educational, housing, and transportation facilities for the general public, and, most importantly, a functioning justice system. These challenges, it has been suggested, can be addressed if the government focuses on good administration and improving people's quality of life.<sup>5</sup> States automatically become one of the key players in any conflict transformation process when they reframe conflict in terms of concerns relating to human rights since they have a responsibility to respect, safeguard, and uphold human rights.<sup>6</sup>

The need for concerted efforts in addressing environmental conflicts is justified by the observation that while the nation-states are the main players in global politics, they are not the only ones; the international system also includes international institutions, business entities, and non-state actors.<sup>7</sup> Indigenous peoples see the deprivation of their basic human and indigenous rights as a threat to their very existence. This results in conflict between the state and its indigenous peoples and, if handled incorrectly, can result in bloodshed. Since disputes between indigenous peoples and the state are fundamentally about rights, it makes sense to think about using a human rights-based strategy to resolve disputes in these situations.<sup>8</sup> This chapter discusses the place of State agencies in managing internal conflicts, non-state actors as well as the role of communities in achieving lasting peace.

## **2. Role of State Institutions in Environmental Conflict Management**

Article 69(1) of the Constitution of Kenya outlines the obligations of State in respect of the environment as follows: The State should: ensure sustainable exploitation, utilisation, management and conservation of the environment and natural resources, and ensure the equitable sharing of the accruing benefits; work to achieve and maintain a tree cover of at least ten per cent

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<sup>5</sup> Ibid, at 211.

<sup>6</sup> Lefevre N, 'The Human Rights-Based Approach to Conflict Transformation in Indigenous Contexts' <[https://www.academia.edu/9964347/The\\_Human\\_Rights\\_Based\\_Approach\\_to\\_Conflict\\_Transformation\\_in\\_Indigenous\\_Contexts](https://www.academia.edu/9964347/The_Human_Rights_Based_Approach_to_Conflict_Transformation_in_Indigenous_Contexts)> accessed 21 August 2022, p.3.

<sup>7</sup> Ataman, M., "The impact of non-State actors on world politics: a challenge to Nation-States." *Alternatives: Turkish Journal of International Relations* 2, no. 1 (2003), p. 42.

<sup>8</sup> Broberg M and Sano H-O, 'Strengths and Weaknesses in a Human Rights-Based Approach to International Development – an Analysis of a Rights-Based Approach to Development Assistance Based on Practical Experiences' (2018) 22 *The International Journal of Human Rights* 664; Davis, M., "Indigenous struggles in standard-setting: The United Nations Declaration on the Rights of Indigenous Peoples." *Melbourne Journal of International Law* 9, no. 2 (2008): 439-471.

of the land area of Kenya; protect and enhance the intellectual property in, and indigenous knowledge of, biodiversity and the genetic resources of the communities; encourage public participation in the management, protection and conservation of the environment; protect genetic resources and biological diversity; establish systems of environmental impact assessment, environmental audit and monitoring of the environment; eliminate processes and activities that are likely to endanger the environment, and utilize the environment and natural resources for the benefit of the people of Kenya. Besides, every person is obligated to cooperate with State organs and other persons to protect and conserve the environment and ensure ecologically sustainable development and use of natural resources.<sup>9</sup>

In addition to helping to modify institutional norms, the law can also help to influence attitudes and behaviour.<sup>10</sup> Due to its distinguishing characteristics, the rule of law offers a practical framework for the peaceful resolution of conflicts. These characteristics include: establishing the societal norms and thereby ensuring dependability, justice, and stability; institutions capable of resolving conflicts; laws and mechanisms protecting citizens' rights.<sup>11</sup> It goes without a saying that the State obligations relating to environmental conservation and promoting sustainable development are part of the process of addressing environmental conflicts as well as preventing their emergence.

Notably, depending on the nature of the conflict, the state, including state institutions and officials, plays a strategic role in the management of domestic conflict, either as a mediator and peacekeeper or as a participant.<sup>12</sup> It has additionally been contended that while by and large, many (maybe most) country states emerged by success (e.g., by triumph of the most impressive primitive lord over more vulnerable adjoining medieval masters), and accordingly were brought into the world as struggle members instead of as referees, on account of Africa, imperialism assumed a significant part in using together people groups from a welter of nationalities, commonwealths, societies and areas under a solitary country state where it likewise granted struggle between people groups of various foundation, especially concerning influence and asset.<sup>13</sup>

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<sup>9</sup> Article 69(2), Constitution of Kenya, 2010.

<sup>10</sup> Muigua, K., "Securing Our Destiny Through Effective Management of the Environment", *Journal of Conflict Management and Sustainable Development*, Volume 4, No 3, (May, 2020).

<sup>11</sup> Peace Building Initiative, "Introduction: Justice, Rule of Law & Peacebuilding Processes, 2009" <<http://www.peacebuildinginitiative.org/indexe33f.html?pageId=1844>> accessed 21 August 2022.

<sup>12</sup> Abdulrahman, Imran, and Usman A. Tar, "Conflict management and peacebuilding in Africa: the role of state and non-state agencies," *Information, society and justice journal 1*, no. 2 (2008): 185-202, at 190.

<sup>13</sup> *Ibid*, at 190.

Regardless of the course of state arrangement, it is the obligation of the state to guarantee the upkeep of peace and lawfulness in the public eye where in dealing with the variety of human necessities and setting up systems for overseeing questions, the state capacities as a referee. Beside administration structures, the state likewise plans strategies and projects pointed toward working with serene conjunction among its assorted residents. Experiencing the same thing of savage struggle, the state liability goes past only the stoppage of viciousness, to executing drives focused on the goal of the contention issue(s) among the disputants.<sup>14</sup>

### **3. Role of Communities in Conflict Management**

In some African nations, violent inter - group conflict is seen on a yearly basis. It is frequently organised according to identity. The conflicts frequently revolve around local land, raw materials, or political power. These conflicts pose a serious danger to human security and development, despite the fact that they often stay localized and are not directed at the central state.<sup>15</sup>

While communal conflicts in some areas only result in a few fatalities or are resolved before any fatalities occur, in other areas, these disagreements turn violent and result in the deaths of dozens, hundreds, or even thousands of people.<sup>16</sup> The term "communal conflict" refers to disputes between non-state organisations that are unified by a common identity.<sup>17</sup> Since group identity is thought to be socially constructed rather than a static phenomenon, some people would equate the concept of communal identity with ethnic or religious identity, but others have purposefully left the definition more ambiguous. The communal identity is conceptualized as subjective group identification based on, for example, a common history, culture, or core values.<sup>18</sup>

Governments, it has been said, are rarely able to act as an impartial arbitrator in situations of intercommunal conflict since, when such a dispute arises, political leaders are frequently linked to its origin. This can happen directly through bias or provocation, or it can happen inadvertently due to poor policies and a failure to treat all individuals equally. As a result, politicians have to make

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<sup>14</sup> Ibid, at 191.

<sup>15</sup> Elfversson E, 'How Government Bias Can Fuel Communal Conflicts in Africa' (*The Conversation*) <<http://theconversation.com/how-government-bias-can-fuel-communal-conflicts-in-africa-121640>> accessed 26 August 2022.

<sup>16</sup> Brosché, Johan, 'Causes of Communal Conflicts: Government Bias, Elites and Conditions for Cooperation,' *Expert group for Aid Studies, Swedish Ministry of Foreign Affairs, 2015*, p.3. Available at <https://uu.diva-portal.org/smash/get/diva2:899332/FULLTEXT01.pdf> accessed 21 August 2022.

<sup>17</sup> Ibid, p.4.

<sup>18</sup> Ibid, p.4.

an effort to find and promote conflict resolution techniques that are respected in the community. Traditional leaders, community-based organisations, and NGOs may fall under this category.<sup>19</sup> Communities must be given the chance to describe how conflicts are manifesting in the broader socioeconomic setting. They must be given the chance to recognize external elements that fuel conflict and to create locally suitable conflict resolution techniques.<sup>20</sup>

#### **4. The Place of the State and the Communities in Addressing Environmental Conflicts: Striking the Balance**

##### **a. Addressing the Bias and legitimacy**

The government's capacity to control intercommunal disputes declines if the state is biased toward the conflict players. The circumstances that support collaboration are subject to other players' influence. Because it has the power to change a number of variables crucial to intercommunal interactions, the government's behaviour is crucial. The strategic interests of the government are important when determining whether or not to interfere in a community conflict, because biased choices about property rights raise the likelihood of conflicts. Additionally, central players might form alliances with local actors engaged in conflict, which could intensify contacts between central and local elites as well as interactions among local elites, potentially leading to war.<sup>21</sup>

The government will be better able to control the community strife if the state has a high level of democracy. The ability of democratic institutions and procedures to support the aspects of rights, equality, and accountability is directly correlated with the degree to which government is responsive to the interests and requirements of the greatest number of individuals.<sup>22</sup>

Some academics advise using the following set of best practices when using collaborative decision-making processes: An agency should first decide if a cooperative strategy to finding agreements is necessary; Stakeholders should be able and willing to engage in the process and

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<sup>19</sup> Elfversson E, 'How Government Bias Can Fuel Communal Conflicts in Africa' (*The Conversation*) <<http://theconversation.com/how-government-bias-can-fuel-communal-conflicts-in-africa-121640>> accessed 26 August 2022.

<sup>20</sup> Frank, E., "A participatory approach for local peace initiatives: The Lodwar border harmonization meeting," *Africa Today* (2002): 69-87, p. 72.

<sup>21</sup> Brosché J, 'Conflict Over the Commons: Government Bias and Communal Conflicts in Darfur and Eastern Sudan' (2022) 0 *Ethnopolitics* 1.

<sup>22</sup> United Nations, 'Rule of Law and Democracy: Addressing the Gap between Policies and Practices' (United Nations) <<https://www.un.org/en/chronicle/article/rule-law-and-democracy-addressing-gap-between-policies-and-practices>> accessed 26 August 2022.

support it; Agency executives should encourage the process and guarantee there are enough resources to hold the process; A collaborative procedure to find an agreement should start with an evaluation; There should be consensus among all participants about ground rules, rather than just the sponsoring organisation setting them; The sponsoring organisation ought to guarantee the facilitator's objectivity and responsibility to each participant; Planning for execution of the agreement should begin as soon as the process is initiated by the agency and participants; and these processes should be governed by guidelines rather than rigid rules.<sup>23</sup>

### **b. Environmental Governance Through Civic Engagement**

Institutionalized participation can go a long way in enhancing the role of communities in addressing environmental conflicts in the country. To guarantee citizens enjoy unhindered justice and the rule of law, which are essential for sustainable development, responsible and inclusive institutions guided by the law may help to promote and ensure inclusive public policymaking that leaves no one behind.<sup>24</sup>

Decision-making about environmental and natural resource policies is evolving. As parties resolve policy issues, citizens and management agency staff are increasingly looking for methods to "do things differently" and to actively engage in the decision-making process. Nowadays, "doing things differently" refers to working together.<sup>25</sup>

### **c. Capacity building for Enhancing Participatory Conflict Management**

In order for less powerful parties to participate fairly in a process of consensual negotiation, it is essential to create a level playing field.<sup>26</sup> Although the terms "capacity building" and "capacity development" are frequently used to refer to a wide range of activities, in the broadest sense, capacity refers to a party's ability to solve problems and accomplish goals, and capacity building

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<sup>23</sup> Walker GB and Daniels SE, 'Collaboration in Environmental Conflict Management and Decision-Making: Comparing Best Practices with Insights from Collaborative Learning Work' (2019) 4 *Frontiers in Communication* <<https://www.frontiersin.org/articles/10.3389/fcomm.2019.00002>> accessed 26 August 2022.

<sup>24</sup> 'SDG 16 as an Accelerator for the 2030 Agenda' (UNDP) <<https://www.undp.org/content/undp/en/home/blog/2019/sdg-16-as-an-accelerator-for-the-2030-agenda.html>> accessed 26 July 2022.

<sup>25</sup> Daniels S and Walker G, 'Working through Environmental Conflict: The Collaborative Learning Approach' [2001] *Working through Environmental Conflict* 1.

<sup>26</sup> Warner, M., "Conflict management in community-based natural resource projects: experiences from Fiji and Papua New Guinea" (2000), p. 30.

aims to improve parties' ability to collaborate for their mutual benefit by giving them the knowledge and resources they need to identify problems and formulate solutions.<sup>27</sup> Since it encompasses the total system, environment, or context in which people, organisations, and societies operate and interact, capacity building is larger than organizational development. It is seen as the process through which people, groups, organisations, institutions, and communities improve their capacity to: (1) carry out essential tasks, solve issues, set and attain goals; and (2) comprehend and address their developmental requirements in a comprehensive and sustainable manner.<sup>28</sup>

It has also been correctly noted that the provision of basic human needs, such as food, clean drinking water, health care, basic education, and economic possibilities within a society, is a prerequisite for developing capacity for effective governance and conflict management.<sup>29</sup> Nevertheless, capacity building goes well beyond meeting the minimum requirements. It is an issue of development at all societal levels, which includes institutional, community, and economic development. Knowledge and technical skills, organizational and institutional capacity, and the capacity to foresee, manage, and resolve disputes are some of the key assets that people, organisations, communities, and governments need in order to reach their full potential.<sup>30</sup>

Notably, capacity building is a perpetual and mutually reinforcing process of changing people's attitudes, values, and organizational practices while accumulating the necessary knowledge and skills among different partners in a partnership. The goal is to improve each partner's capacity to make wise decisions about their own lives and to fully accept the consequences of those decisions.<sup>31</sup> It has also been pointed out that despite the fact that there are many different approaches to building capacity, the capacity-building strategy for resolving conflicts is essential

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<sup>27</sup> Corissajoy, 'Capacity Building' (*Beyond Intractability*, 6 July 2016)

<<https://www.beyondintractability.org/essay/capacity-building>> accessed 20 August 2022; see also Lattanzio DJ, 'Capacity Building: A Powerful Tool to Prevent and Resolve Conflicts' (MediateGuru, 20 March 2021) <<https://www.mediateguru.com/post/capacity-building-a-powerful-tool-to-prevent-and-resolve-conflicts>> accessed 20 August 2022.

<sup>28</sup> Geene, J. V. "Participatory Capacity Building: A Facilitator's Toolbox for Assessment and Strategic Planning of NGO Capacity." *The Institute of Cultural Affairs, Zimbabwe*, available at [http://assets.sportanddev.org/downloads/participatory\\_capacity\\_building\\_full.pdf](http://assets.sportanddev.org/downloads/participatory_capacity_building_full.pdf). Accessed on February 10 (2003): 2020, p. 4.

<sup>29</sup> Corissajoy, 'Capacity Building' (*Beyond Intractability*, 6 July 2016)

<<https://www.beyondintractability.org/essay/capacity-building>> accessed 20 August 2022.

<sup>30</sup> Ibid.

<sup>31</sup> Geene, J. V. "Participatory Capacity Building: A Facilitator's Toolbox for Assessment and Strategic Planning of NGO Capacity." *The Institute of Cultural Affairs, Zimbabwe*, available at [http://assets.sportanddev.org/downloads/participatory\\_capacity\\_building\\_full.pdf](http://assets.sportanddev.org/downloads/participatory_capacity_building_full.pdf). Accessed on February 10 (2003): 2020, p. 4.

because it gives people the tools they need to recognize conflicts, properly analyze their options for dealing with them, solve them, and prevent future ones.<sup>32</sup>

The need for capacity building is justified on the observation that long-term, conflict resolvers help parties build better relationships with one another in order to increase institutional and interpersonal capacity to resolve or de-escalate conflict in the future and stop it from turning violent. This entails helping the parties examine their underlying presumptions and attitudes about their enemies and, if necessary, change them.<sup>33</sup> While acknowledging that conflict is common and frequently beneficial, conflict resolvers detest the bloodshed, suffering, and loss of life it causes. They support constructive tactics over destructive ones because they feel that there are both productive and destructive ways to handle conflict.<sup>34</sup>

Sustainable Development Goal (SDG) 16 seeks to ‘promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels’. In line with this, there is a need for the Government to invest in strengthening conflict management institutions both formal and informal. While formal institutions are mainly pegged on the state, the informal ones require strong and empowered communities for their efficiency. As such, there should be empowerment of both state institutions and the communities.<sup>35</sup>

## 5. Conclusion

It is possible for the various parties (government agencies, stakeholder organisations, and citizens) to look for a collaborative approach as an alternative to adversarial conflicts when environmental or natural resource conflicts have arisen. By doing this, they will be able to work through conflicts to find common ground and make wise decisions.<sup>36</sup> SDG 16 and the SDGs as a whole must be

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<sup>32</sup> Lattanzio DJ, ‘Capacity Building: A Powerful Tool to Prevent and Resolve Conflicts’ (*MediateGuru*, 20 March 2021) <<https://www.mediateguru.com/post/capacity-building-a-powerful-tool-to-prevent-and-resolve-conflicts>> accessed 20 August 2022.

<sup>33</sup> Lutz EL, Babbitt EF and Hannum H, ‘Human Rights and Conflict Resolution from the Practitioners’ Perspectives’ (2003) 27 *The Fletcher Forum of World Affairs* 173, p. 179.

<sup>34</sup> *Ibid*, p. 179.

<sup>35</sup> ‘Peacebuilding Needs Strong Communities as Well as Strong Institutions’ (*Peace Insight*) <<https://www.peaceinsight.org/en/articles/peacebuilding-needs-strong-communities-as-well-as-strong-institutions/>> accessed 12 September 2022; ‘4 Governance and Conflict Resolution in Multi-Ethnic Societies’ <<https://archive.unu.edu/unupress/unupbooks/uu12ee/uu12ee05.htm>> accessed 12 September 2022.

<sup>36</sup> Gregg B Walker and Steven E Daniels, ‘Collaboration in Environmental Conflict Management and Decision-Making: Comparing Best Practices with Insights from Collaborative Learning Work’ (2019) 4 *Frontiers in Communication* <<https://www.frontiersin.org/articles/10.3389/fcomm.2019.00002>> accessed 26 August 2022.

accomplished through partnerships, integrated solutions, and the initiative and leadership of countries and member states in reshaping the institutional and social landscape and laying the foundation for significant reforms that support the establishment of sustainable peace.<sup>37</sup> Because marginalization and exclusion may have a destabilizing effect, it is essential to adopt an inclusive and participatory approach to development.<sup>38</sup>

Better economic climates, greater per capita incomes, higher educational achievement, and more social cohesiveness have all been benefits of peaceful societies.<sup>39</sup> Better interpersonal ties within a community tend to promote higher levels of peace by preventing the emergence of tensions and lowering the likelihood that conflicts would turn violent.<sup>40</sup>

It is imperative that conflict management efforts should aim at strengthening both state agencies and communities as both have a distinct role to play.

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<sup>38</sup> ‘SDG 16 as an Accelerator for the 2030 Agenda’ (UNDP)  
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<sup>39</sup> The Institute for Economics and Peace (IEP), ‘Pillars of Peace - Understanding the Key Attitudes and Institutions That Underpin Peaceful Societies - International Security Sector Advisory Team (ISSAT)’, p. 2  
<<https://issat.dcaf.ch/ser/Learn/Resource-Library/Policy-and-Research-Papers/Pillars-of-Peace-Understanding-the-key-attitudes-and-institutions-that-underpin-peaceful-societies>> accessed 20 August 2022

<sup>40</sup> The Institute for Economics and Peace (IEP), ‘Pillars of Peace - Understanding the Key Attitudes and Institutions That Underpin Peaceful Societies - International Security Sector Advisory Team (ISSAT)’, p. 6.

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