

*Towards a Clean, Healthy and Sustainable Environment: Reducing Conflict and Making Peace  
with Nature for Development*

# **Towards a Clean, Healthy and Sustainable Environment: Reducing Conflict and Making Peace with Nature for Development**

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**Kariuki Muigua**

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**Kariuki Muigua\***

**Abstract**

*This paper critically examines how the right to a clean, healthy and sustainable environment can be achieved by reducing conflict and making peace with nature. The paper argues that conflict has negative impacts on the attainment of the right to a clean, healthy and sustainable environment. It discusses how conflicts undermine progress towards a clean, healthy and sustainable environment. In light of its impacts on the environment, the paper argues that addressing conflict and making peace with nature is a vital agenda towards sustainability. The paper offers ideas towards reducing conflict and making peace with nature in order to attain a clean, healthy and sustainable environment for Sustainable Development.*

**1.0 Introduction**

A clean, healthy and sustainable environment is a fundamental human right. It has been argued that every person has the right to a clean, healthy and sustainable environment<sup>1</sup>. Since human rights and the environment are interdependent, a clean, healthy and sustainable environment is necessary for the full enjoyment of a wide range of human rights, such as the rights to life, health, food, water and sanitation and development, among others<sup>2</sup>. It has been argued that the right to a clean, healthy and sustainable environment encompasses various elements including clean and balanced ecosystems, rich biodiversity and a stable climate<sup>3</sup>. This right recognises that nature is a keystone of a

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\* 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) [August, 2025].

<sup>1</sup> United Nations Development Programme., 'What is the Right to a Healthy Environment?' Available at <https://www.undp.org/sites/g/files/zskgke326/files/2023-01/UNDP-UNEP-UNHCHR-What-is-the-Right-to-a-Healthy-Environment.pdf> (Accessed on 07/08/2025)

<sup>2</sup> Ibid

<sup>3</sup> Zimmer K, 'The Human Right That Benefits Nature' <https://www.bbc.com/future/article/20210316-how-the-human-right-to-a-healthy-environment-helps-nature> (Accessed on 07/08/2025)

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dignified human existence<sup>4</sup>. The right to a clean, healthy and sustainable environment is an essential human right that has been equated to the right to life<sup>5</sup>. Since the environment contains virtually all ingredients required to sustain human beings, a threat to the right to a clean, healthy and sustainable environment could potentially hinder attainment of other rights such as the right to food, water, health and sanitation among others<sup>6</sup>.

Attaining a clean, healthy and sustainable environment is vital for both people and planet. For instance, without a clean, healthy and sustainable environment, human beings are unable to fulfill their aspirations<sup>7</sup>. Further, in the face of mounting environmental problems including the triple planetary crisis, recognition and implementation of the right to a clean, healthy and sustainable environment is vital in protecting nature, human life, well-being and dignity<sup>8</sup>. According to the United Nations Environment Programme (UNEP), safeguarding a clean, healthy and sustainable environment is key towards limiting pollution, protecting plants and animals, and countering the impacts of climate change<sup>9</sup>.

A clean, healthy and sustainable environment has been recognised as a core human right both globally and at national levels. For instance, at the global level, the United Nations

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<sup>4</sup> Ibid

<sup>5</sup> Peter K. Waweru v Republic, Misc. Civil Application No. 118 of 2004, (2006) eKLR

<sup>6</sup> Muigua. K., 'Recognising a Human Right to Safe, Healthy and Sustainable Environment.' Available at <http://kmco.co.ke/wp-content/uploads/2021/04/Recognising-a-Human-Right-to-Safe-Healthy-and-Sustainable-Environment-Kariuki-Muigua-1st-April-2021.pdf> (Accessed on 07/08/2025)

<sup>7</sup> Office of the United Nations High Commissioner for Human Rights., 'About Human Rights and the Environment' Available at <https://www.ohchr.org/en/special-procedures/sr-environment/about-human-rights-and-environment#:~:text=All%20human%20beings%20depend%20on,unable%20to%20fulfil%20our%20aspirations> (Accessed on 07/08/2025)

<sup>8</sup> Office of the United Nations High Commissioner for Human Rights., 'The Right to a Healthy Environment: A User's Guide' Available at <https://www.ohchr.org/sites/default/files/documents/issues/environment/srenvironment/activities/2024-04-22-stm-earth-day-sr-env.pdf> (Accessed on 07/08/2025)

<sup>9</sup> United Nations Environment Programme., 'In historic move, UN declares healthy environment a human right' Available at <https://www.unep.org/news-and-stories/story/historic-move-un-declares-healthy-environment-human-right> (Accessed on 07/08/2025)

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General Assembly has adopted a Resolution declaring that everyone on the planet has a right to a clean, healthy, and sustainable environment<sup>10</sup>. The resolution by the United Nations General Assembly affirms the importance of the right a clean, healthy and sustainable environment for the enjoyment of all human rights<sup>11</sup>. It calls upon states, international organizations, business enterprises and other relevant stakeholders to adopt policies, to enhance international cooperation, strengthen capacity-building and continue to share good practices in order to scale up efforts to ensure a clean, healthy and sustainable environment for all<sup>12</sup>. At a national level, the right to a clean, healthy and sustainable environment has been enshrined under the *Constitution of Kenya*<sup>13</sup> which stipulates that every person has the right to a clean and healthy environment, which includes the right to have the environment protected for the benefit of present and future generations through legislative and other measures<sup>14</sup>. Achieving a clean, healthy and sustainable environment is therefore a core right both globally and at national levels.

This paper critically examines how the right to a clean, healthy and sustainable environment can be achieved by reducing conflict and making peace with nature. The paper argues that conflict has negative impacts on the attainment of the right to a clean, healthy and sustainable environment. It discusses how conflicts undermine progress towards a clean, healthy and sustainable environment. In light of its impacts on the environment, the paper argues that addressing conflict and making peace with nature is a vital agenda towards sustainability. The paper offers ideas towards reducing conflict and making peace with nature in order to attain a clean, healthy and sustainable environment for Sustainable Development.

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<sup>10</sup> United Nations General Assembly (UNGA)., 'The Human Right to a Clean, Healthy and Sustainable Environment.' UNGA Resolution 'A/76/L.75.'. Available at <https://docs.un.org/en/A/RES/76/300> (Accessed on 07/08/2025)

<sup>11</sup> Ibid

<sup>12</sup> Ibid

<sup>13</sup> Constitution of Kenya., 2010., Government Printer, Nairobi

<sup>14</sup> Ibid, article 42

## **2.0 Impacts of Conflict on the Environment**

Conflict is a major threat to a clean, healthy and sustainable environment. It has been argued that while the human cost of war is undeniable and profound, the environment also suffers immense and often-overlooked consequences<sup>15</sup>. Conflict often fuels environmental destruction, disruption of ecosystems, depletion of natural resources and pollution<sup>16</sup>. According to the United Nations, conflict jeopardizes the health of our planet for generations to come<sup>17</sup>.

UNEP notes that conflict and the environment are deeply intertwined<sup>18</sup>. On one hand, most internal conflicts that are happening globally have been linked to the exploitation of natural resources such as timber, diamonds, gold and oil, or scarce resources such as fertile land and water<sup>19</sup>. It has been observed that natural resource- based conflicts are prevalent all over the world as a result of the various competing interests over access to and use of natural resources such as land, water, minerals and forests<sup>20</sup>. It has been observed that while natural resources are key to achieving Sustainable Development, they are also increasingly acting as drivers of fragility, conflict and violence<sup>21</sup>.

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<sup>15</sup> United Nations., 'How conflict impacts our environment' Available at <https://www.un.org/en/peace-and-security/how-conflict-impacts-our-environment#:~:text=While%20the%20human%20cost%20of,planet%20for%20generations%20to%20come> (Accessed on 08/08/2025)

<sup>16</sup> Ibid

<sup>17</sup> Ibid

<sup>18</sup> United Nations Environment Programme., 'Inger Andersen calls for peace for the environment' Available at <https://www.unep.org/news-and-stories/video/inger-andersen-calls-peace-environment> (Accessed on 08/08/2025)

<sup>19</sup> Ibid

<sup>20</sup> Muigua. K., 'Environmental Conflict Management Institutions and Approaches.' Available at <https://kmco.co.ke/wp-content/uploads/2022/09/EnvironmentalConflict-Management-Institutionsand-Approaches.pdf> (Accessed on 08/08/2025)

<sup>21</sup> United Nations Environment Programme., 'Environmental Cooperation and Peacebuilding.' Available at <https://www.unep.org/topics/fresh-water/disasters-and-climatechange/environmentsecurity/environmentalcooperationand#:~:text=International%20law%2C%20environment%20and%20conflict,and%20reliance%20on%20conflict%20resources> (Accessed on 08/08/2025)

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In addition, the impacts of climate change including rising temperatures, drought and water scarcity are fueling the depletion of natural resources leading to environmental and natural-resources based conflicts<sup>22</sup>. It has been argued that the adverse effects of climate change and environmental degradation extend far beyond the environmental realm and increasingly shape human activity by causing and worsening conflicts at the global, regional, national, and local levels<sup>23</sup>. Further, the environmental effects of climate change, especially the depletion of natural resources, create conditions that increase the risk of violent conflict<sup>24</sup>. These impacts including water scarcity, crop failure, food insecurity, migration, and displacement of populations increase the risk of conflict and violence<sup>25</sup>.

Environmental and natural-resource based conflicts undermine progress towards a clean, healthy and sustainable environment. These conflicts fuel depletion of natural resources and environmental degradation while also undermining peace and Sustainable Development<sup>26</sup>.

On the other hand, armed conflict also threatens a clean, healthy and sustainable environment. It has been argued that the environment continues to be the silent victim of armed conflicts and wars all over the world<sup>27</sup>. Armed conflicts continue to cause

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<sup>22</sup> United Nations Environment Programme., 'Inger Andersen calls for peace for the environment' Op Cit

<sup>23</sup> United Nations Department of Political and Peacebuilding Affairs., 'The Implications of Climate Change for Mediation and Peace Processes' Available at <https://peacemaker.un.org/sites/peacemaker.un.org/files/DPPAPracticeNote-TheImplicationsofClimateChangeforMediationandPeaceProcesses.pdf> (Accessed on 08/08/2025)

<sup>24</sup> International Institute for Sustainable Development., 'Climate change and conflict: Lessons from Community Conservancies in Northern Kenya' Available at [https://www.iisd.org/system/files/publications/climate\\_change\\_conflict\\_kenya.pdf](https://www.iisd.org/system/files/publications/climate_change_conflict_kenya.pdf) (Accessed on 08/08/2025)

<sup>25</sup> Froese. R., & Janpeter. S, 'The Nexus of Climate Change, Land Use, and Conflicts' (2019)

<sup>26</sup> Food and Agriculture Organization., 'An Introduction to Natural Resource Conflicts, Collaborative Management and Sustainable Livelihoods' Available at <https://www.fao.org/4/a0032e/a0032e04.htm#:~:text=Natural%20resource%20conflicts%20are%20disagreements,or%20inequities%20in%20resource%20distribution> (Accessed on 08/08/2025)

<sup>27</sup> United Nations Environment Programme., 'Rooting for the environment in times of conflict and war' Available at <https://www.unep.org/news-and-stories/story/rooting-environment-times-conflict-and-war> (Accessed on 08/08/2025)

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significant damage to the environment – directly, indirectly including through bombing of industrial sites, extensive pollution, use of toxic chemicals and destruction of natural resources including forests<sup>28</sup>. It has been noted that militaries often clear vegetation or otherwise disrupt ecosystems to remove cover for enemy combatants or make areas uninhabitable and force local populations to leave, with major impacts on nature<sup>29</sup>. Parties to armed conflicts often damage the environment by polluting water, torching down crops, destroying forests, poisoning soils and killing animals in order to gain military advantage<sup>30</sup>. It has been argued that environmental degradation and destruction from conflicts not only takes a toll on nature itself, but also exacerbates food and water insecurity and destroys livelihoods<sup>31</sup>.

The impact of conflict on the environment can be direct or indirect. It has been argued that direct impact of conflict on the environment include intentional targeting of the environment, physical destruction of natural resources, or the use of natural resources by militant groups to finance conflict, environmental contamination from bombing of industrial sites, and military debris and demolition waste from targeted infrastructure<sup>32</sup>. Indirect impacts include coping strategies used by the population to survive in conflict, including through overuse of natural resources, environmental damage due to population displacements, the growth of a black market for natural resources during conflict, and implementation of large-scale humanitarian and peacekeeping operations without due consideration to their environmental impacts<sup>33</sup>. Further, conflict also

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<sup>28</sup> Ibid

<sup>29</sup> United Nations., 'How conflict impacts our environment' Op Cit

<sup>30</sup> Geneva Environment Network., 'Protecting the Environment in Armed Conflict' Available at <https://www.genevaenvironmentnetwork.org/resources/updates/protecting-the-environment-in-armed-conflict/> (Accessed on 08/08/2025)

<sup>31</sup> Ibid

<sup>32</sup> United Nations Office for Disaster Risk Reduction., 'Environmental Degradation from Conflict' Available at <https://www.undrr.org/understanding-disaster-risk/terminology/hips/so0005> (Accessed on 08/08/2025)

<sup>33</sup> Ibid

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weakens environmental governance structures therefore undermining policy coordination, environmental monitoring and enforcement<sup>34</sup>.

Conflict is therefore a major threat to clean, healthy and sustainable environment. Conflict often leads to environmental degradation and destruction, with long-lasting effects that contribute to the increased vulnerability of the affected populations<sup>35</sup>. Conflict leads to destruction of ecosystems and natural resources, food and water insecurity, loss of livelihoods, and biodiversity loss thus threatening a clean, healthy and sustainable environment<sup>36</sup>. In light of the impacts of conflict on the environment, it has been argued that there is need for peace for the environment in order to protect the planet and ensure human well-being<sup>37</sup>.

### **3.0 Reducing Conflict and Making Peace with Nature for Development**

Conflict has negative impacts on the environment. Environmental and natural-resource based conflicts fuel degradation and resource scarcity thus undermining the ideal of a clean, healthy and sustainable environment<sup>38</sup>. Further, armed conflicts fuel environmental degradation, destruction of natural resources, pollution and biodiversity loss thus affecting the right to a clean and healthy and sustainable environment<sup>39</sup>. Armed conflicts and wars generate greenhouse gas emissions that cause climate change, disrupt landscapes and terrestrial and marine ecosystems, and cause pollution from the use of weapons, aircrafts and vehicles<sup>40</sup>. Reducing conflict and making peace with nature is therefore a prerequisite towards attaining a clean, healthy and sustainable environment.

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<sup>34</sup> Ibid

<sup>35</sup> Geneva Environment Network., 'Protecting the Environment in Armed Conflict' Op Cit

<sup>36</sup> Ibid

<sup>37</sup> United Nations Environment Programme., 'Inger Andersen calls for peace for the environment' Op Cit

<sup>38</sup> Ibid

<sup>39</sup> Ibid

<sup>40</sup> Conflict and Environment Observatory., 'How does war damage the environment?' Available at <https://ceobs.org/how-does-war-damage-the-environment/> (Accessed on 08/08/2025)

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In order to reduce conflict and make peace with nature for development, it has been argued that action on the environment should be part of conflict prevention, peacekeeping and peacebuilding strategies, since there can be no durable peace if the natural resources that sustain livelihoods and ecosystems are destroyed<sup>41</sup>. This goal can be realised by embracing Appropriate Dispute Resolution (ADR) processes in managing and reducing environmental conflicts and making peace with nature<sup>42</sup>. It has been argued that ADR processes including mediation, conciliation and negotiation can promote effective management of environmental conflicts by encouraging consensus building and participatory approaches towards environmental conflict management<sup>43</sup>. ADR processes are ideal in resolving environmental and natural resource-based conflicts due to their potential to foster collaboration in the ownership, management, and use of natural resources<sup>44</sup>.

Effective management of natural resource-based conflicts has been identified as a platform for peace, environmental justice and Sustainable Development<sup>45</sup>. ADR processes including mediation, negotiation and conciliation provide a platform for collaboration, cooperation and participation towards effective management of environmental and natural-resource based conflicts<sup>46</sup>. Further, arbitration has been

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<sup>41</sup> United Nations Environment Programme., 'Inger Andersen calls for peace for the environment' Op Cit

<sup>42</sup> 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 08/08/2025)

<sup>43</sup> Ibid

<sup>44</sup> 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](https://peacemaker.un.org/sites/peacemaker.un.org/files/NRCMediation_UNDPAUNEP2015_0.pdf) (Accessed on 08/08/2025)

<sup>45</sup> Food and Agriculture Organization., 'Negotiation and Mediation Techniques for Natural Resource Management' Available at [http://www.antoniocasella.eu/restorative/Castro\\_Engel\\_2007.pdf](http://www.antoniocasella.eu/restorative/Castro_Engel_2007.pdf) (Accessed on 08/08/2025)

<sup>46</sup> Ibid

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identified as a viable mechanism for managing cross-border environmental disputes including climate change disputes<sup>47</sup>.

Embracing ADR processes such as negotiation, mediation, conciliation and arbitration can thus aid in reducing conflict and making peace with nature for development. In addition, it is also vital to address the impact of armed conflict and wars on the environment<sup>48</sup>. According to UNEP, protecting the environment before, during and after armed conflict must rise to the same level of political importance as protecting human rights since a clean, healthy and sustainable environment is the foundation upon which peace and many human rights are founded<sup>49</sup>. It is therefore necessary to strengthen the implementation and enforcement of the rules of International Humanitarian Law (IHL) relative to the environment<sup>50</sup>. The rules of IHL prohibit acts that damage the environment including polluting water resources, torching down crops and forests, poisoning soils, killing animals, attacking industrial facilities and using chemical weapons<sup>51</sup>. Further, it has been argued that introducing and prosecuting ecocide as the fifth international crime under the Rome statute can strengthen environmental protection during armed conflicts<sup>52</sup>. Recognising ecocide as an international crime can deter acts that cause large-scale and long-term environmental damage while also ensuring that such acts are

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<sup>47</sup> United Nations Economic Commission for Africa., 'Transboundary Natural Resource Disputes in Africa: Policies, Institutions and Management Experiences' Available at <https://repository.uneca.org/bitstream/handle/10855/24471/b11898410.pdf?sequence=1&isAllowed=y> (Accessed on 08/08/2025)

<sup>48</sup> United Nations Environment Programme., 'Inger Andersen calls for peace for the environment' Op Cit

<sup>49</sup> United Nations Environment Programme., 'Rooting for the environment in times of conflict and war' Op Cit

<sup>50</sup> Geneva Environment Network., 'Protecting the Environment in Armed Conflict' Op Cit

<sup>51</sup> Ibid

<sup>52</sup> Sarkar. U., 'Ecocide- Protection of Environment: An International Crime' Available at <https://thelawbrigade.com/wp-content/uploads/2021/12/Utsa-Sarkar-IJLDAI.pdf> (Accessed on 08/08/2025)

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prosecuted at an international level thus reducing the impact of conflict on the environment<sup>53</sup>.

#### **4.0 Conclusion**

A clean, healthy and sustainable environment is necessary for the enjoyment of human rights and a precondition for a liveable planet now and tomorrow. However, conflicts undermine attainment of a clean, healthy and sustainable environment with severe impacts for people and planet. It is therefore necessary to reduce conflict and make peace with nature by fostering effective management of environmental conflicts through ADR processes and protecting the environment during and after armed conflicts through the rules of IHL and ecocide law<sup>54</sup>. Reducing conflict and making peace with nature can therefore be achieved towards a clean, healthy and sustainable environment.

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<sup>53</sup> Gillett. M., 'Ecocide, environmental harm and framework integration at the International Criminal Court' Available at <https://www.tandfonline.com/doi/full/10.1080/13642987.2024.2433660#abstract> (Accessed on 08/08/2025)

<sup>54</sup> United Nations Environment Programme., 'Inger Andersen calls for peace for the environment' Op Cit

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