

## **Exploring Conflict Management in Environmental Matters**

**Kariuki Muigua, Ph.D; FCIArb**

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**Book Review: Jack Shivugu\***

The relationship between environment and conflicts is well documented especially in Africa. The resource-curse phenomenon explains the paradox where countries with abundance of natural resources experience less economic growth or underdevelopment. This is often attributed to a number of factors especially the use and governance of natural resources. The environment-conflict nexus is thus a fundamental concern in Kenya, Africa and the world at large. Environmental conflicts affect the social, economic, cultural and political spheres in areas where such conflicts arise.

Environmental conflict management is thus more important than ever. In light of the Sustainable Development agenda adopted by the United Nations, effective management of conflicts in environmental matters is crucial in spearheading economic and social development across the globe. Sustainable Development goal 16 acknowledges the role of peace in promoting environmental conservation and attaining the other sustainable development goals. Conflict management is therefore a critical tool of environmental management in the quest towards attainment of Sustainable Development.

In light of these concerns, the book *Exploring Conflict Management in Environmental Matters* by Dr. Kariuki Muigua is timely. The book acknowledges the relationship between conflicts and environment. It is informed by the need to address the adverse effects of conflicts on environmental matters. The book explores the link between conflict management and environmental governance, challenges arising therefrom and suggests practical recommendations towards addressing them. The book is informed by several

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themes on Conflict Management and Environmental Governance including Sustainable Development; Access to Justice; Alternative Dispute Resolution and Access to Justice and Environmental Democracy.

Dr. Kariuki Muigua has demonstrated his prowess and sound understanding of pertinent issues and concerns in the fields of Conflict Management and the Environment in this book. The book is written in a clear and concise language and the author maintains high standards of intellectual diligence and critical analysis of issues throughout the book. It opens the mind of the reader and draws them to an ideal world where effective conflict management is a subset of sound environmental governance. The book is divided into ten chapters that are well connected with each chapter focusing on specific concerns in relation to the overall theme of the book.

In the first chapter, the author introduces the reader to the concept of conflict management in environmental matters. It explores the environment-conflict nexus and further discusses the need to manage such conflicts. The chapter lays a solid foundation for the rest of the book and helps the reader appreciate the sensitivity of environmental conflicts and the need to effectively and efficiently manage such conflicts.

In chapter two, the author explores the causes and manifestations of environmental conflicts. The chapter argues that environmental conflicts manifest in various forms including conflicts relating to access to environmental resources and conflicts relating to side effects of economic activity. It further analyses various types of environmental conflicts biodiversity conflicts and land and water conflicts. The reader is also able to understand the causes of conflicts; stages of conflicts and costs of conflicts. The chapter also presents an interesting idea about the benefits of conflicts. It argues that conflicts can trigger people out of complacency and inspire them to take positive action. This chapter is important since an understanding of the causes and manifestations of conflicts is crucial in creating interventions towards addressing them.

Chapter three discusses the institutional and methodological approaches towards management of environmental conflicts. It succinctly discusses the legal framework for managing environmental conflicts in Kenya including the Courts, the National Environment Tribunal (NET), National Environmental Complaints Committee, Arbitral tribunals, statutory tribunals and customary justice systems. The chapter analyses the strengths and weaknesses of these institutions and proposes reforms. It also discusses the role of Alternative Dispute Resolution (ADR) in the management of environmental conflicts. On this issue, the chapter presents the advantages of ADR in the management of environmental conflicts, challenges and reform measures towards enhanced use of ADR in environmental conflict management.

Chapter four focuses on best practices in conflict management and the environment. It analyses the international environmental law framework and environmental conflict management. Under this part, the chapter discusses the role of multilateral environmental agreements, customary international environmental law and soft law instruments and scholarly commentaries in environmental management. It explores the strengths and weaknesses of this framework. The chapter further focuses on the African situation and analyses the concept of peace building and conflict management in Africa. It critically discusses challenges facing environmental conflict management in Africa and suggests recommendations towards addressing these challenges.

In chapter five, the author discusses effective conflict management as tool for entrenching environmental rights. The chapter presents a right -based approach to environmental conflicts management and argues that human rights are inextricably linked to the environment. Environmental concerns such as land use, environmental quality, water allocation, waste disposal and natural resource management have a human rights perspective. The chapter explores this link under the concept of environmental democracy which is crucial in the realization of environmental rights. The chapter further

analyses principles of effective conflict management such as participation, inclusion, empowerment, cultural sensitivity, equity and the Sustainable Livelihoods Approach (SLA).

Chapter six focuses on the place of conflict management in the sustainable development agenda. The chapter discusses the place of the environment in the sustainable development agenda and argues that most of the sustainable development goals are anchored in the environment. These include goal number 2 geared towards achieving food security, goal 6 towards sustainable management of water and sanitation, goal 12 towards sustainable production and consumption and goal 13 towards combating climate change. The chapter also discusses the economic and social dimensions of sustainable development. The author also critically discusses the concept of Environment, Social and Governance (ESG) and proposes measures towards attainment of ESG for sustainable development. On this basis, the chapter argues that effective environmental conflict management is a critical component towards attainment of sustainable development.

Chapter seven narrows down to Kenya and discusses environmental conflicts management from a Kenyan perspective. It analyses the emergence of environmental conflicts in Kenya and various means through which these conflicts are managed. The chapter further explores the idea of effective peace building towards environmental conflict management in Kenya.

Chapter eight discusses the role of state agencies and communities in achieving effective management of environmental conflicts. It argues that the state plays an important role in management of the environment in Kenya as envisioned under article 69 of the Constitution. The chapter further argues that management of natural resources in Africa through community-based approaches has gained popularity. It explores ways through

which this has been achieved. The chapter further discusses the role of the state and communities in addressing environmental conflicts.

Chapter nine analyses contemporary issues in conflict management and environmental matters. These issues include gender and conflict management, Traditional Ecological Knowledge and its role in environmental and conflict management, the role of science and technology in environmental management, climate change as a catalyst for environmental conflicts and international investments and the environment. The chapter discusses how these issues affect environmental conflict management and the need for conflict management to be considered within the larger lens of sustainable development.

Chapter ten is the final chapter of the book. It recaps the entire discussion and reiterates the need for effective environmental conflict management in the quest towards sustainable development. The chapter concludes by offering viable recommendations towards promoting effective environmental governance and conflict management in environmental matters.

*Exploring Conflict Management in Environmental Matters* by Dr. Kariuki Muigua bridges the gap in the fields of Conflict Management and Environmental Governance in Kenya. It is premised on the current legal framework and brings out challenges and areas for reform in environmental conflict management in Kenya. The book has undertaken a Political, Economic, Sociological, Technological, Legal and Environmental (PESTEL) analysis of key issues and concerns in conflict management and environmental matters in Kenya and lays a basis for necessary interventions towards effective environmental conflict management for sustainable development.

The book is a useful resource for policy makers, legislators, practitioners, lecturers, students and the public at large. It contains a rich reservoir of knowledge in the fields of Conflict Management and Environmental Governance and its launch is going to be a

game changer in these fields. It is hoped that future editions of the book will track the progress towards implementation of the recommendations suggested in the book. *Exploring Conflict Management in Environmental Matters* by Dr. Kariuki Muigua is a must read. Get yourself a copy and let us embark on this journey towards effective management of environmental conflicts toward Sustainable Development.