

Effective Environmental Conflict management as a Tool for Entrenching Environmental Rights

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Abstract

Environmental rights are all about enjoying the ecosystem and natural resources that the earth provides and getting the assurance that one will have access to justice if and when these guarantees are interfered with. However, due to intervening factors that either affect the availability or amount of these resources and the ever growing human population, conflicts relating to access and control of these resources are bound to arise. When this happens, it is no longer possible to enjoy these rights in a peaceful manner. This paper offers the perspective of addressing conflicts related to environmental resources as a prerequisite for securing environmental rights for citizens. It offers recommendations on what effective environmental conflict management should entail to guarantee such rights for all.

1. Introduction

A concern for protecting civilians throughout the course of a conflict has contributed to the rise of human rights norms as a crucial part of the global policy framework for thinking about and responding to violent conflict.¹ When used in this context, the term "human rights" refers to standards that define acceptable conduct and encapsulate the notion that all people are morally equal.² The denial of human rights and the ensuing marginalisation and poverty are the fundamental causes of all conflicts; however, in indigenous contexts, the fundamental causes can be further outlined as the denial of their collective rights as a group, particularly the loss of control over and separation from their traditional lands, territories, and natural resources, as well as the denial of their right to self-determination, which includes maintaining their own way of life, language, traditions, and culture.³

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¹ Parlevliet M, "The transformative potential of human rights in conflict resolution," In *Human Rights and Conflict Resolution*, pp. 16-40. Routledge, 2017, p.17.

² Ibid, p. 18.

³ 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> accessed 21 August 2022, p. 5.

Effective Environmental Conflict management as a Tool for Entrenching Environmental Rights

Notably, environment has been defined as ‘the natural environment-to the physical space in which human activities take place and from which we acquire the resources necessary for sustaining our lives’.⁴ Flowing from this is the fact that the human-nature interactions are likely to result in conflicts as some groups of persons may feel threatened by access to and control of some finite resources by another group.⁵ For both sustenance and as a pillar of the economy, environmental resources are vital to the survival of individuals and nations. In some situations, having access to or controlling an environment's resources has been a contentious matter that frequently causes tensions and violent confrontations inside, between, and among nations.⁶ It has also been observed that the issues of land tenure, land use rights, use of commons, customary rights, privatization of the commons, among others, are related to access and availability of natural resources- as sources for conflicts.⁷

In addition to the possibility of resource scarcity occasioned by ‘resource capture’ by the powerful, environmental conflicts may also be as a result of environmental degradation and the resultant biodiversity loss.⁸ International human rights norms that are ingrained in international law, broadly accepted by governments, adopted into domestic law (if not practice), and embraced by individuals from all cultures and walks of life serve as the foundation for contemporary international human rights activism.⁹ This paper looks at how effective conflict management can be used as a tool to entrench environmental rights especially within the most vulnerable communities.

2. Rights-Based Approaches to Environmental Conflicts Management

The quest for justice in Kenya predates the current Constitution of Kenya which was promulgated in 2010. Before then, there was little by way of statutory or legal instruments in Kenya that provided for the legal channels that guaranteed the citizenry’s access to justice. Indeed, much of

⁴ Arild Vatn, *Environmental Governance: Institutions, Policies and Actions* (Paperback edition, Edward Elgar Publishing 2016) 14.

⁵ *Ibid*, 14.

⁶ Onuoha, Freedom C. "Environmental degradation, livelihood and conflicts: A focus on the implications of the diminishing water resources of Lake Chad for north-eastern Nigeria." *African journal on conflict resolution* 8, no. 2 (2008): 35-61, at 36.

⁷ E Gunilla Almered Olsson and Pernille Gooch, eds., *Natural resource conflicts and sustainable development*. Routledge, 2019, 5.

⁸ Bob, Urmilla, and Salomé Bronkhorst. "Environmental conflicts: Key issues and management implications." *African Journal on Conflict Resolution* 10, no. 2 (2010): 9-30.

⁹ 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, at p. 174.

Effective Environmental Conflict management as a Tool for Entrenching Environmental Rights

the debate surrounding access to justice were mainly based on enhancing the efficacy of the national courts and tribunals, which were considered as the major channels of accessing justice. While the 2010 Constitution acknowledged the place of Courts in the access to justice agenda, it also recommended the exploration of alternative means that would address such challenges as cost-effectiveness, time, physical accessibility and the differing literacy levels among consumers of justice, among others.¹⁰

Almost all societies have sporadic conflicts over ecological concerns, such as land use, environmental quality, water allocation, waste disposal, and natural resource management, among others.¹¹ It has been observed that "Rights-Based Approaches" (RBAs) to conservation are a promising way forward, but they also raise a variety of new challenges and questions, including what such approaches are, when and how they can be put into practice, and what their implications are for conservation. This is true even though there are many and complex links between human rights and biodiversity and natural resource conservation. Additionally, RBAs may assist with better governance but are themselves molded by the governing systems in which they function as well as by history, politics, socioeconomics, and culture.¹²

It is commendable that environmental rights are no longer in doubt in Kenya and there even exists several court decisions affirming every person's right to pursue the same¹³. However, this did not mark the push for clearer framework to protect and implement these rights especially in Kenya.

Where a party is unable to prove the denial, violation, infringement or threat to environmental rights for one reason or the other, then the same risks being continually violated. Even in such scenarios, courts should step in and use their *suo motu* powers in respect of environmental

¹⁰ Muigua, K., Access to Justice: Promoting Court and Alternative Dispute Strategies (Available at <http://www.kmco.co.ke/index.php/publications/108-access-to-justice-promoting-court-and-alternative-dispute-resolution-strategies>.)

¹¹ Fisher, J., "Managing environmental conflict," *The handbook of conflict resolution: theory and practice* (2014): 3.

¹² Campese, J., Sunderland, T.C.H., Greiber, T., Oviedo, G., eds., *Rights-Based Approaches: Exploring Issues and Opportunities for Conservation* (Center for International Forestry Research (CIFOR) and The International Union for Conservation of Nature (IUCN) 2009) <<https://cgspace.cgiar.org/handle/10568/20183>> accessed 23 June 2022.

¹³ Article 42 of the Constitution of Kenya provides 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, particularly those contemplated in Article 69; and to have obligations relating to the environment fulfilled under Article 70.

protection and conservation to safeguard the right to clean and healthy environment of all and promote the sustainable development agenda.¹⁴

Rights-based approaches in the context of this chapter entail: Rights to access, own and benefit from land, water and other natural resources (substantive rights); and Rights to take part in governing natural resources and access justice for redress (procedural rights).¹⁵ Demands for equitable access to resources, resistance to discrimination, and the desire for self-determination all lead to violent conflicts. A cycle of dehumanization based on fear is created by violations of human rights. Conflict can be sparked and fueled by the denial of human rights as much as by the desire for those same rights. In order to pursue their demands, groups may resort to using force if the state fails to uphold fundamental human rights and offer channels for peaceful conflict resolution.¹⁶

2.1. Environmental Democracy

Environmental Democracy is an important component in realisation of environmental rights in that it seeks to ensure that environmental and natural resources management decisions take into consideration and equitably address the concerns of citizens in relation to those resources, through promoting free access to meaningful information on environmental quality and problems by affected people, to enable their meaningful participation in decision-making, and empowering them to seek enforcement of environmental laws or compensation for damages.¹⁷ Notably, the concept of Environmental Democracy is informed by the idea ‘that an informed and legally empowered citizen is the most important aspect of environmental democratisation’.¹⁸ The concept

¹⁴ *Ibid*, see also Muigua, K., *Reconceptualising the Right to Clean and Healthy Environment in Kenya*, Paper Presented at the side event at the 3rd United Nations Environment Assembly held in Nairobi, organized by the UoN School of Law & the Centre International de Droit Comparé de l’Environnement (CIDCE), at the UoN School of Law on Friday 1st December 2017; Muigua, K., *Nurturing Our Environment for Sustainable Development*, Glenwood Publishers, Nairobi – 2016, chapter Nine;

¹⁵ ‘How to Support a Rights-Based Approach to Nature-Based Solutions | DIIS’

<<https://www.diis.dk/en/research/how-to-support-a-rights-based-approach-to-nature-based-solutions>> accessed 23 June 2022.

¹⁶ Mertus, J. A., and J. Helsing, ‘Introduction: Exploring the Intersection between Human Rights and Conflict’, in Idem (eds), *Human Rights and Conflict: Exploring the Links between Human Rights, Conflict, and Peacebuilding*, USIP Press, Washington – GSDRC (17 April 2008) <<https://gsdrc.org/document-library/exploring-the-intersection-between-human-rights-and-conflict/>, <https://gsdrc.org/document-library/exploring-the-intersection-between-human-rights-and-conflict/>> accessed 21 August 2022.

¹⁷ Peeters M, ‘Judicial Enforcement of Environmental Democracy: Critical Analysis of Case Law on Access to Environmental Information in the European Union’ (2020) 4 *Chinese Journal of Environmental Law* 13.

¹⁸ See Parola G, *Environmental Democracy at the Global Level: Rights and Duties for a New Citizenship* (Walter de Gruyter 2013), 50.

Effective Environmental Conflict management as a Tool for Entrenching Environmental Rights

of Environmental Democracy thus emerged to promote and ensure public engagement in governmental environmental decision-making.¹⁹ Arguably, people have a right to obtain information upon request, and to be informed of planned projects, developments or other initiatives which will affect them, their environment or their natural resources through Free, Prior And Informed Consent (FPIC), under which duty bearers are expected to obtain the agreement for specific activities from an appropriate entity (rights holders), following a consultative process involving full disclosure of all relevant information, sufficiently in advance of the activities commencing, and without coercion or manipulation.²⁰ The principle of FPIC also extends to the use of indigenous knowledge and practices relating to the environment, and the sharing of any resulting benefits.²¹

The idea finds credence in Article 1 of the *Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters* and Principle 10 of the 1992 *Rio Declaration on Environment and Development* which provides that: “environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.”²²

It has however been argued that while concepts of ecological and Environmental Democracy seek to reconcile two normative ideals: ensuring environmental sustainability while safeguarding democracy, these ideals are frequently conceived as being in conflict, as democracy is perceived as too slow and cumbersome to deliver the urgent large-scale collective action needed to tackle environmental problems.²³ The perceived conflict is based on the assertion that, on the one hand,

¹⁹ Peeters M, ‘Judicial Enforcement of Environmental Democracy: Critical Analysis of Case Law on Access to Environmental Information in the European Union’ (2020) 4 *Chinese Journal of Environmental Law* 13, 14.

²⁰ BirdLife International, International B, ‘An Introduction to Conservation and Human Rights for BirdLife Partners’, 8.

²¹ *Ibid*, 8.

²² Peeters M, ‘Judicial Enforcement of Environmental Democracy: A Critical Analysis of Case Law on Access to Environmental Information in the European Union’ (2020) 4 *Chinese Journal of Environmental Law* 13.

²³ Pickering J, Bäckstrand K and Schlosberg D, ‘Between Environmental and Ecological Democracy: Theory and Practice at the Democracy-Environment Nexus’ (2020) 22 *Journal of Environmental Policy & Planning* 1.

Effective Environmental Conflict management as a Tool for Entrenching Environmental Rights

if citizens accord low priority to ecological values, efforts to strengthen environmental protection and sustainability through democratic processes may falter, and on the other hand, securing environmental values through authoritarian rule comes at a high democratic price.²⁴

The Convention on Biological Diversity (CBD) Aichi Target 1 requires that “by 2020, at the latest, people are aware of the values of biodiversity and the steps they can take to conserve and use it sustainably”.²⁵

Notably, ecological democracy seeks environmentally sustainable ends through broad, active democratic participation.²⁶ As a result, national political institutions constitute an important arena for biodiversity conservation.²⁷ It has been observed that while the proximate drivers of biodiversity loss such as habitat loss, climate change, overexploitation, and invasive species are relatively well-mapped, one of the causes to those triggers is countries’ institutional set-ups and thus, the formal and informal rules shaping the decision-making and the implementation of biodiversity management are considered to be paramount.²⁸

The right to participation refers to the procedural right to have a say in the decisions that are made, where there exists a gradient in the level of participation in decision-making, from simple ‘consultation’ to active partnership of stakeholders in project conception, design, implementation, monitoring and evaluation; and from ‘limited’ participation to ‘full and effective participation’ of ‘all relevant stakeholders’ with special attention given to the most vulnerable groups, minorities and those sectors of society that are underrepresented.²⁹ The participation of the people in biodiversity conservation is important considering that actions to conserve nature and natural resources are closely related to the rights of people to secure their livelihoods, enjoy healthy and productive environments and live with dignity and as a result, the pursuit of conservation goals can contribute positively to the realization of many fundamental human rights.³⁰ There is thus, a

²⁴ Ibid, 1.

²⁵ Unit B, ‘Aichi Biodiversity Targets’ (18 September 2020) <<https://www.cbd.int/sp/targets/>> accessed 8 March 2022.

²⁶ Takacs D, ‘Whose Voices Count in Biodiversity Conservation? Ecological Democracy in Biodiversity Offsetting, REDD+, and Rewilding’ (2020) 22 *Journal of Environmental Policy & Planning* 43.

²⁷ Rydén, O., Zizka, A., Jagers, S.C., Lindberg, S.I. and Antonelli, A., ‘Linking Democracy and Biodiversity Conservation: Empirical Evidence and Research Gaps’ (2020) 49 *Ambio* 419.

²⁸ Ibid, 419.

²⁹ BirdLife International, International B, ‘An Introduction to Conservation and Human Rights for BirdLife Partners’, 8.

³⁰ Springer J, Campese J and Painter M, ‘Conservation and Human Rights: Key Issues and Contexts. Scoping Paper for the Conservation Initiative on Human Rights’ [2011] *Unpublished report. Conservation Initiative on Human Rights Working Group*, 5.

need for States to continue establishing effective legal and institutional frameworks to protect biodiversity, and to conduct social and environmental assessments of projects and policies and to facilitate public participation in conservation decisions.³¹ Environmental Democracy is associated with on transparency, participation, and justice and as a result, it is considered to be more participatory and inclusive and provides opportunities for everyone, including those in the most marginalised positions to participate in decision-making.³²

Environmental Democracy in Kenya has come a long way from being a virtually non-existent concept under the laws of Kenya to one that is now prominently recognised both under the law and the case law emanating from the highest courts. The wording of the statutes may not specifically mention the words ‘environmental democracy’ but the idea is captured in various words, especially in the 2010 post- constitutional era. For instance, Article 10 of the Constitution provides for the following national values and principles: patriotism; national unity; sharing and devolution of power; the rule of law; democracy and participation of the people; human dignity; equity; social justice; inclusiveness; equality; human rights; non-discrimination and protection of the marginalised; good governance; integrity; transparency and accountability; and sustainable development. These values and principles ought to bind all state organs, state officers, public officers and all persons whenever any one of them: applies or interprets the Constitution; enacts, applies or interprets any law; or makes or implements public policy decisions.³³

The lack of environmental democracy was largely informed by the top-down approach previously adopted in Kenya.³⁴ Environmental democracy in environmental management matters led to the buttressing of the co-management of natural resources and environmental resources. Co-management of these resources has several advantages as it overcomes the many limitations and pitfalls of centralized, top-down resource management hence resulting in more efficient, appropriate and equitable resource management.³⁵ Further, it fosters meaningful communication

³¹ See Bigard C, Pioch S and Thompson JD, ‘The Inclusion of Biodiversity in Environmental Impact Assessment: Policy-Related Progress Limited by Gaps and Semantic Confusion’ (2017) 200 *Journal of environmental management* 35.

³² ‘Will Democracy Save Us from the Biodiversity Crisis?’ (Demo Finland, 27 November 2020) <<https://demofinland.org/en/will-democracy-save-us-from-the-biodiversity-crisis/>> accessed 20 March 2022.

³³ Article 10 (1), Constitution of Kenya, 2010.

³⁴ See Muigua, K., Kariuki, F., Wamukoya, D., *Natural Resources and Environmental Justice in Kenya*, (Glenwood Publishers, Nairobi, 2015).

³⁵ *Ibid*; Article 10, Constitution of Kenya.

Effective Environmental Conflict management as a Tool for Entrenching Environmental Rights

in the decision-making process thus contributing to effective management of the marine resources.³⁶

*In the Matter of the National Land Commission [2015] eKLR*³⁷, the Supreme Court of Kenya in its advisory opinion observed as follows:

Kariuki Muigua, Didi Wamukoya, Francis Kariuki in their book, [Natural Resources and Environmental Justice in Kenya (Glenwood Publishers Limited, Nairobi: 2015)] discuss the link between the growth of government structures, and the delegation of decision-making powers to state agencies, such as commissions. They observe as follows (pages 24 to 25):

“In Kenya today, as the size and scope of government continues to grow, decisions that have previously been made by elected officials in a political process are now being delegated by statute to technical experts in state agencies and constitutional commissions. The rationale is, therefore, to incorporate public values into decisions, improve the substantive quality of decisions, resolve conflicts among competing interests and build trust in institutions and educate and inform the public.”³⁸

The Supreme Court went further to capture the place of democracy (including environmental democracy) in the following words:

[348] *“It is thus clear that the principle of the participation of the people does not stand in isolation; it is to be realised in conjunction with other constitutional rights, especially the right of access to information (Article 35); equality (Article 27); and the principle of democracy (Article 10(2)(a)). The right to equality relates to matters concerning land, where State agencies are encouraged also to engage with communities, pastoralists, peasants and any other members of the public. Thus, public bodies should engage with specific stakeholders, while also considering the views of other members of the public. Democracy is another national principle that is enhanced by the participation of the people.”³⁹*

[352] *“The participation of the people is a constitutional safeguard, and a mechanism of accountability against State organs, the national and county governments, as well as commissions and independent offices. It is a device for promoting democracy, transparency, openness, integrity and effective service delivery. During the constitution-making process, the Kenyan people had raised their concerns about the hazard of exclusion from the State’s decision-making processes. The Constitution has specified those situations in which the public is assured of participation in decision-making processes. It is clear that the principle of public participation did not stop with the constitution-making process; it remains as crucial in the implementation phase as it was in the constitution-making process.”*

[353] *“I agree fully with the views of Odunga J. in the case of Robert Gakuru, that public participation is not an abstract notion and, on matters concerning land, State organs, the Ministry, and the NLC must breathe life into this constitutional principle, and involve the public in land management and administration; legislative plans and processes; and policy-making processes. This is clear from the terms of Article 10 of the Constitution, which requires these bodies*

³⁶ Ibid.

³⁷ In the Matter of the National Land Commission [2015] eKLR, Advisory Opinion Reference 2 of 2014.

³⁸ Ibid, para. 346.

³⁹ Ibid, para. 348.

Effective Environmental Conflict management as a Tool for Entrenching Environmental Rights

to:(a) apply or interpret this Constitution; (b) enact, apply or interpret any law; or (c) make or implement public policy decisions bearing in mind the participation of the people, and the goals of democracy, and transparency.”

[354] “I would refer to the Draft Public Participation Guidelines for County Governments, which is of persuasive authority in this Advisory Opinion. It states that the importance of public participation includes to: strengthen democracy and governance; increase accountability; improve process, quality and results, in decision-making; manage social conflicts; and enhance process legitimacy. Although these are not the final guidelines, they bear similar objectives of public participation as those articulated in the Constitution, and in the County Governments Act. Finally, the Draft Guidelines provide conditions for meaningful public participation, such as: (i) clarity of subject-matter; (ii) clear structures and process on the conduct of participation; (iii) opportunity for balanced influences from the public in general; (iv) commitment to the process; (v) inclusive and effective representation; (vi) integrity; (vii) commitment to the value of public input; (viii) capacity to engage; (ix) transparency; and (x) considerations of the social status, economic standing, religious beliefs and ethnicity of the members of the public. These conditions are comparable to the constitutional values and principles of democracy, transparency, accountability and integrity.”

[355] “In conclusion, an array of rich ingredients of the participation of the people, emerge from various sources: decisions by superior Courts in Kenya; comparative jurisprudence from another jurisdiction; works by scholars; draft principles and guidelines bearing upon public participation by various State organs and governments; and relevant constitutional and legal provisions. The categories of these ingredients are not closed. It will devolve to the citizens, as well as stakeholders, to monitor the practicability of these ingredients, and to appraise the scope for improvement, so they may increasingly reflect the vision of the Constitution.”

3. Principles Underlying Effective Conflict Management Approaches

This section highlights a number of principles which, if incorporated into conflict management approaches, may go a long way in enhancing the protection of human rights of the participants. Conflict resolvers and human rights activists both contribute to conflict resolution through a variety of methods. On the one hand, there is the interest-based approach, which aims to balance needs, wants, and worries, for instance through conciliation dialogues, mediation, or making suggestions for legal reform. The rights-based approach, on the other hand, is based on the laws, norms, and values of societies or organisations in a particular setting, and may include things like criminal prosecution, legal action, constitutional interpretation, disciplinary measures, or punishment.⁴⁰

It is recommended that stakeholders advocate for adoption of both interest-based as well as rights-based approaches in addressing environmental-related conflicts.

⁴⁰ Gomes-Mugumya, A., "Reflections on rights and conflict from Uganda." *Human Rights and Conflict Transformation: The Challenges of Just Peace* (2010), p.76. Available at <https://core.ac.uk/download/pdf/71733154.pdf#page=72> accessed 21 August 2022.

3.1 Principle of Participation

The parties who directly benefit from the decision must actively participate in the negotiating and decision-making processes in order for them to be successful. Bringing parties together in some form of informal or formal venue and assuring them of a chance for valuable input are the fundamental objectives of conflict resolution.⁴¹ Participation in conflict management can be facilitated in various ways based on the conflict management approach employed and each situation may require choosing the best approach based on the circumstances and there is, therefore, no one-size fits all approach to enhancing participation.⁴²

3.2 Principle of Inclusion

Unlike participation, this focuses on who participates rather than how they participate. Since those excluded will have a larger motive to thwart any agreements that are achieved, it is preferable in the field of conflict resolution to involve as many stakeholders as possible, even those who may be potentially disruptive.⁴³ It is imperative that any conflict management approach includes as many parties as possible especially where such parties have a stake in such a process and its outcome.

3.3. Principle of Empowerment

Lack of resources, experience, or both on the side of one or more parties may make multi-party conversation less effective. Conflict resolution professionals may include teaching, training, and coaching in the process to assist balance the sides. This will increase the effectiveness of all parties and create a more solid foundation for sincere conversations.⁴⁴

3.4. Principle of Cultural Sensitivity

⁴¹ 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. 177.

⁴² See Valerie A. Brown, *Risks and Opportunities: Managing Environmental Conflict and Change* (Routledge 2019); Omene, G.R., "Conflict management strategies as a prerequisite for effective organizational performance: An exploratory analysis." *International Journal of Business & Law Research* 9 (4) (2021): 187-199; Rummel, Rudolph J. "Understanding conflict and war: Vol. 5: The just peace." *Beverly Hills, California: Sage Publications (1981)*.

⁴³ 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. 177.

⁴⁴ *Ibid*, p. 177.

Effective Environmental Conflict management as a Tool for Entrenching Environmental Rights

It has rightly been pointed out that the causes of conflict can range from societal to personal, and they can happen at both the intergroup and interpersonal levels. At the social level, cultural factors may have an impact on a person's attitude to social interactions, perception of the situation, and method of decision-making. In very different societies, the same circumstance may elicit very diverse responses.⁴⁵ Conflict resolution techniques are common throughout most civilizations. Long after an outside intervener has left, methods and solutions that are culturally acceptable and known will continue to be effective. As a result, it is crucial to understand these patterns and, whenever possible, improve on native behaviours.⁴⁶

3.5. Principle of Equity

The idea of equity, as opposed to equality, is that a third party umpire should treat all parties at the table with same respect, providing everyone an equal amount of time and attention, despite the fact that they have different levels of power. This appreciation and respect helps to improve the forum's suitability for productive debate and problem-solving.⁴⁷

3.6 The Sustainable Livelihoods Approach (SLA)

The Sustainable Livelihoods Approach (SLA), a participatory approach to analysing and improving the lives of those living in poverty and disadvantage, is founded on the understanding that everyone has skills and resources that may be developed to assist them improve their lives.⁴⁸ A livelihood includes the skills, resources, and activities necessary for a way of life. It is considered sustainable when it can withstand stress, recover from shocks, and maintain or improve its skills, resources, and activities both now and in the future without depleting the base of natural resources.⁴⁹ By improving equal access to resources and decision-making processes and making

⁴⁵ Kaushal, R. and Kwantes, C.T., "The role of culture and personality in choice of conflict management strategy." *International journal of intercultural relations* 30, no. 5 (2006): 579-603, p. 581.

⁴⁶ 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. 177.

⁴⁷ *Ibid*, p. 177.

⁴⁸ 'The Sustainable Livelihoods Approach: Toolkit for Wales' (*Oxfam Policy & Practice*) < <https://oxfamilibrary.openrepository.com/bitstream/handle/10546/297233/sustainable-livelihoods-approach-toolkit-wales-010713-en.pdf?sequence=8> > accessed 20 August 2022.

⁴⁹ Serrat, O., "The sustainable livelihoods approach." In *Knowledge solutions*, pp. 21-26. Springer, Singapore, 2017, p. 15.

sure that decision-making bodies are accountable to all, conflict management can also increase the sustainability of livelihoods for communities.⁵⁰

It is important to note that while the sustainable livelihoods approach makes it easier to identify practical priorities for actions that are based on the opinions and interests of those involved, it does not replace other tools like sector-wide approaches, participatory development, or integrated rural development. Instead, it: connects people to the overall enabling environment that influences how people live their lives; and it brings attention to bear on the inherent potential of people in terms of their skills, social networks, access to physical and financial resources, and ability to influence core institutions.⁵¹

Arguably, communities enjoying sustainable livelihoods are less likely to engage in destructive conflicts and even where such conflicts emerge, they have better incentives to address the same the quickest way possible.⁵²

4. Conclusion

As already pointed out, environmental factors, whether they are caused by nature or humans, can also put people at risk and leave them feeling vulnerable.⁵³

It has been argued that including a human rights perspective in an analysis or response to violent or destructive conflict increases knowledge of the issues involved and raises the question of how to work effectively toward a lasting peace. More focus is placed on underlying factors, such as the role of the state, governance systems, and power dynamics, than is typically the case in conflict resolution attempts, when human rights considerations are taken into account. The design of conflict resolution procedures and the evaluation of settlement possibilities both benefit from taking human rights into account.⁵⁴ In general, the protection of human rights is essential for establishing and maintaining peace, and peacemaking and peacebuilding are essential for the

⁵⁰ McNairn R, 'Building Capacity to Resolve Conflict in Communities: Oxfam Experience in Rwanda' (2004) 12 Gender & Development 83.

⁵¹ Serrat, O., "The sustainable livelihoods approach." In *Knowledge solutions*, pp. 21-26. Springer, Singapore, 2017, p. 15.

⁵² See generally, Adams, W.M., Aveling, R., Brockington, D., Dickson, B., Elliott, J., Hutton, J., Roe, D., Vira, B. and Wolmer, W., 'Biodiversity Conservation and the Eradication of Poverty', *science* 306, no. 5699 (2004): 1146-1149.

⁵³ Bob, Urmilla, and Salomé Bronkhorst. "Environmental conflicts: Key issues and management implications." *African Journal on Conflict Resolution* 10, no. 2 (2010): 9-30, 13.

⁵⁴ Parlevliet M, "The transformative potential of human rights in conflict resolution," In *Human Rights and Conflict Resolution*, pp. 16-40. Routledge, 2017, p. 16.

Effective Environmental Conflict management as a Tool for Entrenching Environmental Rights

preservation of human rights, and both are thus equally important as they complement and advance each other.⁵⁵

Conflict is less likely to occur in a society where human rights are upheld. This holds true for both political and civil rights, in addition to social, economic, and cultural rights. A society may be considered to be extensively addressing its citizens' problems if social and economic rights are upheld, and it may also be considered to have some degree of political accountability if political rights are upheld.⁵⁶

In order to promote peace and protect rights, it is important to have a better understanding of how human rights and conflict resolution can both complement and conflict with one another during peace processes. This is because the two topics are inextricably linked in ways that make it difficult to separate one from the other.⁵⁷ Effective Conflict Management can indeed be applied as tool for entrenching Environmental Rights.

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