

Overview of Conflict Management in Environmental Matters

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Abstract

This paper offers a general overview of conflict management in relation to environmental matters. The paper is informed by the proposition that environmental conflicts are inevitable but what matters is how and why they must be managed in effective ways. The author argues that there is a genuine incentive to manage these conflicts in amicable ways as they greatly affect not only the general stability of the country but also the livelihoods of communities, as a prerequisite for achieving sustainable development agenda.

1. Introduction

This paper is largely informed by the need to address the effect of conflicts on environmental matters and the resultant interactions between the two fields. Notably, the United Nations 2030 Agenda for Sustainable Development Goals (SDGs) acknowledges the place of peace in attaining not only environmental conservation but also the sustainable development goals. The paper seeks to explore the link between conflict management and environmental management, the challenges arising therefrom and offers some viable recommendations on how the same can be addressed. This paper offers a general introduction and background information on conflict management in environmental matters. The paper also provides a glimpse of the general ideas and justifications that inform conflict management in environmental matters to enable the reader appreciate the theme of conflict management in environmental matters.

The discourse on conflict management and the environment in Kenya has come a long way. Various authors have voiced their opinions on the debates based on the developing international jurisprudence and the evolving domestic laws. This paper is informed by the various themes that are closely related environment and conflict management including but not limited to: Access to Justice; Sustainable Development; Environment; and Democracy/Environmental Democracy. It is arguable that unless environmental conflicts are managed effectively, the achievement of most or all of the aforementioned themes will remain a mirage.¹

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2. Overview of Environmental Conflicts

The Environmental Management and Coordination Act (EMCA) defines “environment” as follows:

“Environment” includes the physical factors of the surroundings of human beings including land, water, atmosphere, climate sound, odour, taste, the biological factors of animals and plants and the social factor of aesthetics and includes both the natural and built environment.²

Dictionaries define “environment” as, “the objects or the region surrounding anything”³ Environment has also been defined as:

The whole complex of climatic, adaptive and biotic factors that act upon an organism or an ecological community and ultimately determine its form or survival; the aggregate of social and cultural conditions that influence the life of an individual or a community.⁴

Accordingly, the term would seem to encompass both the features and the products of the natural world and human civilization. As such, the environment is broader than but includes “nature” which is concerned only with features of the world itself.⁵ The parameters of the term “environment” as defined in the Kenyan law are wide and include both the natural and built environment.

The environment-conflict nexus is a subset of "environmental security," which examines whether or not conventional ideas of security (which emphasize using military force to counter military threats) should be modified to include risks posed by population growth and declining levels of

¹ Lazarus, L., "Securitizing sustainable development? The coercive sting in SDG 16." In *Sustainable Development Goals and Human Rights*, pp. 155-169. Springer, Cham, 2020; McDermott, C.L., Acheampong, E., Arora-Jonsson, S., Asare, R., de Jong, W., Hirons, M., Khatun, K., Menton, M., Nunan, F., Poudyal, M. and Setyowati, A., "SDG 16: Peace, justice and strong institutions—a political ecology perspective." (2019): 510-540.

² Environmental (Management and Coordination) Act, No. 8 of 1999 Section 2; See also Regulation 2 of the Environmental (Impact Assessment and Audit) Regulations 2003.

³ Compact Oxford Dictionary, 2nd Ed (Oxford University Press, London, 1991), p 523.

⁴ Webster's New World Dictionary 3rd ed (Cleveland College, Cleveland, 1998) p.454; See P.W. Birnie and A.E Boyle, *International Law and The Environment*, 2nd Ed, (Oxford, Oxford University Press, 2002) p.3.

⁵ Sands, P., *Principles of International Environmental Law*, 2nd Ed. (Cambridge University Press, Cambridge 2003), p.15.

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environmental goods and services.⁶ In order to organize risks and resolve them in a systemic environment that is becoming more interconnected and ecologically deteriorated, environmental security is a conceptual paradigm that departs from conventional paradigms of international relations. Environmental issues like global pollution, regional water scarcity, food shortages, population growth, ecosystem degradation, and other ecological factors are viewed in this paradigm as the independent variables that lead to the dependent variables of political unpredictability, economic volatility, social competition, crisis, conflict, and war.⁷

Conflicts are fundamental to all social relations and interactions because they are primarily about competing aspirations and interests between two or more people.⁸ While conflict is typically associated with violence, the threat of violence, or disruptive (non-violent) disputes, this perception of conflict as negative is not always helpful because in non-violent settings, it can often be seen as a force for positive social change, with its presence being a visible demonstration of society adapting to a new political, economic, or physical environment.⁹

The emphasis on the environment and conflict refers to the numerous effects that humans have on the earth's natural resource base and processes, as well as how natural occurrences, processes, and even environmental protection may affect human existence.¹⁰ Notably, distinction has been made between conflicts over non-renewable resources such as mineral oil which are normally referred to as "resource conflicts" as distinct from "environmental conflicts" over renewable resources.¹¹ It has also been pointed out that due to the realignment of the political and economic forces, socio-environmental conflicts arise when diverse players with divergent interests and values compete for access to and control of natural resources.¹² The term "environmental conflict" is not a dictionary

⁶ Schwartz, D., "Environmental conditions, resources, and conflicts: An introductory overview and data collection." (1999), p.6.

⁷ Wilner, A.S., "The environment-conflict nexus: Developing consensus on theory and methodology." *International Journal* 62, no. 1 (2007): 169-188, p.171.

⁸ Frerks, G., König, R. S., & Ypeij, A., "Rethinking Gender and Conflict: Discourses, Embodiments and Symbolic Practices," In *Gender and Conflict*, pp. 1-17, Routledge, 2016, at p.1.

⁹ Warner, M., "Conflict management in community-based natural resource projects: experiences from Fiji and Papua New Guinea." (2000), p.9. Available at <https://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.168.4002&rep=rep1&type=pdf> accessed 5 May 2022.

¹⁰ U Bob and S Bronkhorst, 'Environmental Conflicts: Key Issues and Management Implications' (2011) 10 *African Journal on Conflict Resolution* 10 <<http://www.ajol.info/index.php/ajcr/article/view/63307>> accessed 5 May 2022.

¹¹ Mason, S.A. and Spillman, K.R., "Environmental conflicts and regional conflict management," *Welfare economics and sustainable development* 2 (2009): 114-143.

¹² Carina Llosa, 'Socio-Environmental Conflicts as Social Cohesion Thermometers: A Case Study' (2019) 2 *Tapuya: Latin American Science, Technology and Society* 237 <<https://doi.org/10.1080/25729861.2018.1554344>> accessed 11 August 2022.

word and hence lacks a common meaning. While few writers have grappled with the meaning of it, some have attempted to demonstrate the links between environment and conflict, various environmental dimensions, including scarcity and abundance, improvement and degradation, production and marketing, and benefits sharing that underlie the various conflicts within the different conflict systems.¹³ It has been observed that according to actual data spanning all categories, emerging countries appear to be the source of the great majority of environmental conflicts.¹⁴ This may be attributed to the fact that in most of these third world countries, majority of the poor rely on the environment for their livelihoods. Environmental conflicts are thus a social issue that cannot be ignored as their effect affect many areas of a society.

3. Why Resolve Environmental Conflicts?

Today, environmental conflicts mainly have to do with the interaction between the use of and access to natural resources and factors of human development factors such as population growth and socio- economic advancement.¹⁵ This means that environmental conflicts now, more than ever, impact on use of and access to, and by extension management of natural resources. Environmental conflicts also, indirectly and directly, are connected to and/or impact human development factors and especially the quest for social-economic development. For instance, most environmental conflicts are as a result of unsustainable use of natural resources in social-economic development activities of the human populations.¹⁶

Given the imperative nature of social-economic development and its dependency on use and access of natural resources, environmental conflicts resulting from unsustainable use and inequitable access of environmental resources need to be resolved, if not for anything else, in the interest of attaining sustainable development.¹⁷

¹³ Collins H. Khal, *States Scarcity and Civil Strife in the Developing World*, Princeton University Press, Princeton (New Jersey), 2006.

¹⁴ Daniel S., *Environmental Conditions, Resources, and Conflicts: An Introductory Overview and Data Collection* (United Nations Environment Programme 1999).

¹⁵ Klaus Toepfer, "Forward", in Daniel Schwartz & Ashbindu Singh, *Environmental conditions, resources and conflicts: An introductory overview and data collection* (UNEP, New York, 1999). p.4.

¹⁶ Examples here include conflicts over extraction of mineral resources which meet opposition because the investors have no adequate mitigation plan in place to reclaim the mined land or a good compensation package for the inhabitants of the subject land. A further example is conflict over human settlement where due to increase in population, human settlement encroaches on vital environmental resources.

¹⁷ Ochieng, C. M., "Toolkit and guidance for preventing and managing land and natural resources conflict: Conflict prevention in resource-rich economies." (2011); Roberts, E. and Finnegan, L., *Building Peace around water, land and food: Policy and practice for preventing conflict*. Quaker United Nations Office, 2013; McCarthy JE,

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In order to promote peace and security among communities and nations, the environmental security strategy includes the resolution of environmental conflicts as a key component.¹⁸ Environmental security approach generally advocates adaptation of traditional notions of security (which emphasize countering military threats with military power) to include threats posed by population growth and diminishing quantity and quality of environmental goods and services.¹⁹ In essence, this approach makes resolution of environmental conflicts more than just a matter between the parties involved given the likelihood of resolution thereof being a key to national or international peace and security. The term "environmental security" refers to a group of problems that deal with the role that the natural world and its resources can play in promoting peace and security. These problems include environmental causes and drivers of conflict, environmental impacts of conflict, environmental recovery, and post-conflict peacebuilding. Security and instability have much broader implications than only violent conflict or the lack of it, including the foundations of healthy, sustainable livelihoods.²⁰

Environmental conflicts have the potential to destroy the world if they are not controlled. Access to water, oil, food crops, and minerals has led to wars between nations. In fact, preserving a healthy ecosystem and properly resolving environmental problems may be essential to achieving world peace in the future.²¹ In a foreword to a report on Environmental Conditions, Resources and Conflicts, the author emphasizes this point. According to some commentators, "it is clear that the opportunity for the humankind to combat international and intra-national conflict must be

'Resolving Environmental Conflicts' (*ACS Publications*, 12 August 2002)

<<https://pubs.acs.org/doi/pdf/10.1021/es60112a600>> accessed 30 August 2022.

¹⁸Dresse, A.; Fischhendler, I.; Nielsen, J. Ø.; Zikos, D. *Environmental Peacebuilding: Towards a Theoretical Framework*. *Cooperation and Conflict* 2019, 54 (1), 99–119. <https://doi.org/10.1177/0010836718808331>.

¹⁹ Daniel Schwartz & Ashbindu Singh, *Environmental conditions, resources and conflicts: An introductory overview and data collection* (UNEP, New York, 1999).

²⁰ Advisory Panel, "Environmental security: dimensions and priorities." (2018). <<https://www.thegef.org/sites/default/files/publications/Environmental%20Security%20and%20the%20GEF%20-%20final1.pdf>> accessed 30 August 2022.

²¹ United Nations, 'International Day for Preventing the Exploitation of the Environment in War and Armed Conflict' (United Nations) <<https://www.un.org/en/observances/environment-in-war-protection-day>> accessed 31 August 2022; EW Chu and JR Karr, 'Environmental Impact: Concept, Consequences, Measurement' [2017] Reference Module in Life Sciences B978 <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7157458/>> accessed 31 August 2022; Macartan Humphreys, 'Natural Resources, Conflict, and Conflict Resolution: Uncovering the Mechanisms' (2005) 49 *Journal of Conflict Resolution* 508 <<http://journals.sagepub.com/doi/10.1177/0022002705277545>> accessed 31 August 2022; U Bob and S Bronkhorst, 'Environmental Conflicts: Key Issues and Management Implications' (2011) 10 *African Journal on Conflict Resolution* <<http://www.ajol.info/index.php/ajcr/article/view/63307>> accessed 31 August 2022.

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seen in the light of the connection between environmental conditions and resources".²²

The primary channels for obtaining environmental justice are conflict resolution procedures.

There is little doubt that one of the cornerstones of environmental democracy, which is essential for achieving sustainable development in any nation, is access to environmental justice.²³

Environmental democracy is a reflection of the increasing recognition that environmental issues must be addressed by all, or at-least a majority of those affected by their outcome, not just by the minority comprising the governments and leading private-sector actors.²⁴ In other words, Environmental democracy encapsulates the idea that everyone has an equal right to participate in environmental governance, including the general public, community organisations, activists, business executives, employees, governments, academics, and other experts.²⁵ It implies that everyone has the right to freely participate in environmental decision-making just as they do in other topics of public concern, such as education, health care, finance, and governance..²⁶

The procedure for resolving environmental conflicts is a result of the right to seek environmental justice and, consequently, environmental democracy.

Since it provides a way for the general people to protest the execution of environmental laws and regulations, the right to seek justice is essential..²⁷ Because it gives citizens the ability to seek judicial review to correct such denial and/or deprivation, access to justice is also the most effective remedy when public engagement in environmental issues has been improperly withheld or is incomplete..²⁸ The *Rio Declaration* in principle 10 emphasizes the importance of public

²² Mumma, A., 'Environmental Law in Kenya', *A paper presented at the ICJ (K) members conference on "New Frontiers in the Law", held at Nyali Beach Hotel, 11th to 14th, March 1999*, p. 6.

²³ CEPAL, NU, "Access to information, participation and justice in environmental matters in Latin America and the Caribbean: situation, outlook and examples of good practice." (2014); Carl Bruch, *Environmental Rule of Law: First Global Report* (United Nations Environment Programme 2019); CEPAL, NU. "Ensuring environmental access rights in the Caribbean: Analysis of selected case law." (2018)

https://repositorio.cepal.org/bitstream/handle/11362/43549/4/S1800510_en.pdf > accessed 31 August 2022.

²⁴ Mumma, A., "Environmental Law in Kenya", *A paper presented at the ICJ (K) members conference on "New Frontiers in the Law", held at Nyali Beach Hotel, March 11th to 14th, 1999*, p. 6.

²⁵ 'Environmental Democracy? Does Anyone Really Care?' (E-International Relations, 26 October 2012) <<https://www.e-ir.info/2012/10/26/environmental-democracy-does-anyone-really-care/>> accessed 31 August 2022;

²⁶ *Ibid*; CEPAL, NU. "Access to information, participation and justice in environmental matters in Latin America and the Caribbean: Towards achievement of the 2030 Agenda for Sustainable Development." (2018).

²⁷ *Ibid*.

²⁸ See Akech JM, "Land, the Environment and the Courts in Kenya." (2006). Available at https://landportal.org/sites/landportal.info/files/land_env_background_paper.pdf Accessed on 20 August 2022; McAllister, S.T., "The Convention on access to information, public participation in decision-making, and access to justice in environmental matters." *Colo. J. Int'l Env'tl. L. & Pol'y* 10 (1999): 187; Toth, B., "Public Participation and

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participation in environmental management through access to justice thus:

“Environmental issues are best handled with the participation of all concerned citizens, at the relevant level.... Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.²⁹

Under Principle 10 of the Rio Declaration, the member states are obligated to facilitate the rights of access to information, public participation in decision making and access to justice in environmental matters. The provision of effective avenues for resolution of environmental conflicts is thus far the most practical way of ensuring access to justice, and by extension adhering to public participation principle.³⁰

Environmental conflicts have attendant costs and often erupt into disputes, violence, war, and destruction. Firstly, environmental conflicts occasion human costs epitomized by loss of life as a result of violent conflicts, displacements and reduction of individuals' abilities to earn a living among others. Secondly, conflicts have economic costs both as direct consequences of violence and as foregone choices in order to fund the conflict. Conflicts also reduce tourism including eco-tourism which is one of the main sources of capital for environmental conservation projects. Also, conflicts often produce significant environmental degradation and depletion.³¹

Environmental protection is difficult to defend when there are other pressing issues as a result of the conflict. As a result, increased resource exploitation may cause serious environmental harm. The employment of weapons during battles, such as ammunition and chemical or biological weapons also causes long-term harm to and contamination of natural resources, such as land and water. The primary basis for resolving environmental issues is the reduction and/or elimination of these costs.³² The environment itself always comes out on top when environmental conflicts

Democracy in Practice-Aarhus Convention Principles as Democratic Institution Building in The Developing World." *J. Land Resources & Envtl. L.* 30 (2010): 295.

²⁹ United Nations Conference on *Environment and development, Rio Declaration on Environment and Development, Rio de Janeiro, Brazil, 1992. Available at:*

<http://www.unep.org/Documents.Multilingual/Default.asp?DocumentID=78&ArticleID=1163&l=en> <Accessed on 26 August 2022.

³⁰ ‘UNEP Implementing Principle 10 of the Rio Declaration’ (UNEP, 14 July 2017) <<http://www.unep.org/news-and-stories/story/unep-implementing-principle-10-rio-declaration>> accessed 31 August 2022.

³¹ Daniel S., *Environmental Conditions, Resources, and Conflicts: An Introductory Overview and Data Collection* (United Nations Environment Programme 1999).

³² Elizabeth Mrema, Carl Bruch and Jordan Diamond, *Protecting the Environment during Armed Conflict: An Inventory and Analysis of International Law (UNEP 2009)*; ‘How Does War Damage the Environment?’ (CEOBS,

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are successfully resolved. Environmental conflicts typically revolve around preventing environmental resources from being utilized irresponsibly and causing environmental harm.³³ One of the key advantages of resolving environmental conflicts is that it indicates that the issue of access to or use of natural resources is evaluated on the basis of sustainability.³⁴ Effective conflict resolution affects the achievement of sustainable use of and access to environmental resources and encourages fair use of natural resources, which is therefore secured for both the current and future generations. In other words, resolving environmental conflicts results in equity between and among generations while using natural resources for socioeconomic development activities.³⁵ Since communities rely largely on natural resources for their livelihoods, environmental conflicts are delicate since they relate to people's way of life. As a result, a large number of environmental conflicts have to do with the provision of necessities like food, water, and shelter.³⁶ For instance, an unresolved wildlife/human conflict may mean that human beings continue to be killed and their crops spoilt by animals leading to misery and human suffering.³⁷ Similarly, the question of whether a person or community will live to see the next week may well depend on whether they can have access to clean water, pasture for their animals and food for

4 June 2020) <<https://ceobs.org/how-does-war-damage-the-environment/>> accessed 31 August 2022; Shelton, D., *International environmental law*. Brill, 2021.

³³ Schwartz, D., "Environmental conditions, resources, and conflicts: An introductory overview and data collection." (1999); United Nations Environment Programme and UN Department of Political Affairs, "Natural Resources and Conflict: A Guide for Mediation Practitioners." (2015).

³⁴ OECD, "The economic significance of natural resources: key points for reformers in Eastern Europe, Caucasus and Central Asia." (2011) <https://www.oecd.org/env/outreach/2011_AB_Economic%20significance%20of%20NR%20in%20EECCA_ENG.pdf> accessed 31 August 2022; 'The Sustainable Use of Natural Resources: The Governance Challenge' (International Institute for Sustainable Development) <<https://www.iisd.org/articles/deep-dive/sustainable-use-natural-resources-governance-challenge>> accessed 31 August 2022.

³⁵ Armin Grunwald, 'Conflict-Resolution in the Context of Sustainable Development: Naturalistic versus Culturalistic Approaches' in Ignacio Ayestaran, Gerhard Banse and Oliver Parodi (eds), *Sustainable Development: Relationships to Culture, Knowledge and Ethics* (KIT Scientific Publishing 2019) <<http://books.openedition.org/ksp/4308>> accessed 31 August 2022.

³⁶ 'Indigenous Peoples and the Nature They Protect' (UNEP, 8 June 2020) <<http://www.unep.org/news-and-stories/story/indigenous-peoples-and-nature-they-protect>> accessed 31 August 2022; USAID, Y, "Issues in Poverty Reduction and Natural Resource Management." *Washington, DC: United States Agency for International Development* (2006).

³⁷ AJ Dickman, 'Complexities of Conflict: The Importance of Considering Social Factors for Effectively Resolving Human-Wildlife Conflict: Social Factors Affecting Human-Wildlife Conflict Resolution' (2010) 13 *Animal Conservation* 458 <<https://onlinelibrary.wiley.com/doi/10.1111/j.1469-1795.2010.00368.x>> accessed 31 August 2022.

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themselves.³⁸

Thus, resolving environmental conflicts is essential for the parties' continued existence since it sustains and restores the connections between the various users of environmental resources and/or the users and the resources themselves. The security of continuous access to and use of the natural resources required for human life from generation to generation is also guaranteed by the resolution of environmental conflicts.³⁹ There is a need to enhance the conflict resolution mechanisms already existing for the sake of better environmental governance and sustainable development. The challenges facing the current mechanism and the opportunities for positive change should be examined. It is therefore vital that we look at the existing mechanisms bearing in mind the necessity of resolving environmental conflicts expeditiously, generally and more specifically, in Kenya.

Conflicts involving the environment are crucial to resolve because they require the creation and application of environmental laws, rules, and policies, which otherwise consume a lot of resources.⁴⁰

The contribution from the conflict resolution forums is strong in that it aids in "declaring the entire the scenario of law on the topic." This is essential because just because Parliament hasn't passed a particular legislation on a subject or there isn't a rule or policy expressly addressing it doesn't mean it should be exempt from environmental law and regulation.⁴¹

It is the responsibility of the forum that is settling a conflict on the issue to interpret the unclear legislation, rule, or policy and assist in clarifying or redefining its applicability and significance. Resolution of environmental conflicts is therefore warranted since it guarantees that

³⁸ United Nations, *Water for people, water for life: The United Nations world water development report; a joint report by the twenty-three UN agencies concerned with freshwater*. Unesco Publ., 2003.

³⁹ Ratner, Blake D., S. T. A. P. Contributors, Ralph Sims, Michael Stocking, Ferenc Toth, Rosina Bierbaum, Secretariat Contributors, Virginia Gorsevski, and Christopher Whaley. "Environmental security: dimensions and priorities." <
<https://www.stapgef.org/sites/default/files/documents/Environmental%20Security%20and%20the%20GEF%20-%20final1.pdf>> accessed 31 August 2022.

⁴⁰ Carl Bruch, "Regional opportunities for improving environmental governance through access information, public participation and access to justice." In *a paper delivered at the 8th Session of the African Ministerial Conference on Environment (AMCEN), held in Abuja, Nigeria, on 3-6 April 2000*, pp. 3-6. 2000. <
https://pdf.usaid.gov/pdf_docs/Pnacy895.pdf> Accessed on 20 August 2022.

⁴¹ Jackton. B. Ojwang, "The Role of the Judiciary in Promoting Environmental Compliance and Sustainable Development," 1 *Kenya Law Review Journal* 19 (2007).

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environmental laws, rules, guidelines, and policies are developed, improved, and interpreted in accordance with the current environmental circumstances.⁴²

Lastly, the process of resolution of environmental conflicts helps in early identification and confrontation of environmental problems.⁴³ The environmental disputes finding their way into the conflict resolution framework are critical pointers of the areas that need attention in environmental management and coordination hence the need for their adequate documentation and statistical analysis. The monitoring of the disputes engaging environmental conflicts bodies in the country is an important tool in environmental planning which helps in reducing the reaction time to environmental problems by the relevant authorities.⁴⁴

4. Conclusion

This paper has offered an overview of conflict management in environmental matters. It also offers justification as to why environmental conflicts are sensitive and ought to be resolved as soon as possible and using the most efficient mechanisms available. Some authors have insisted that when it comes to conflict management, the emphasis is on the adage that it must be in all parties' interests to avoid disputes by managing conflict in such a way that disputes do not arise; this sometimes is described as dispute avoidance.⁴⁵ Environmental conflict management is predicated on the need to avoid disputes and conflict.⁴⁶ All the parties in dispute take measures, either by themselves or with help of a third party, to ensure that disputes do not arise. In other words, conflict management measures are taken to ensure that conflicts do not degenerate to disputes and may in that context be described as dispute avoidance. However, where dispute avoidance is not immediately achieved or possible, the goal of conflict management becomes to

⁴² UN Environment, 'Environmental Rule of Law' (UNEP - UN Environment Programme, 5 October 2017) <<http://www.unep.org/explore-topics/environmental-rights-and-governance/what-we-do/promoting-environmental-rule-law-0>> accessed 31 August 2022; Annika K Nilsson, *Enforcing Environmental Responsibilities: A Comparative Study of Environmental Administrative Law* (Acta Universitatis Upsaliensis 2011).

⁴³ Carl Bruch, *"Regional opportunities for improving environmental governance through access information, public participation and access to justice."*

⁴⁴ Ibid.

⁴⁵ Fenn, F., "Introduction to Civil and Commercial Mediation", *Chartered Institute of Arbitrators Workbook on Mediation*, (CIARB London, 2002), pg. 9.

⁴⁶ Carpenter, S.L. and Kennedy, W.J., "Environmental conflict management: New ways to solve problems." *Mountain Research and Development* (1981): 65-70.

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provide interventions that make the conflicts more beneficial and less damaging to the parties.⁴⁷ In a free society, conflict is a necessary ingredient. Everyone is free to vie for advantages. Conflict in a democracy leads to the development of new norms, institutions, and interpersonal patterns. In the quest for justice, conflict could also be required.⁴⁸

In other words, environmental conflict management involves attempts to keep a conflict from getting worse. It involves the use of skills to control the intensity of a conflict and its effects through facilitation, negotiation, and other kinds of intervention and institutional measures, as well as diplomacy.⁴⁹ In contrast to conflict resolution, environmental dispute settlement typically does not address the underlying causes of the issue. It is for this reason and the fact that environmental conflicts are sensitive and affect a great deal of human livelihoods that this paper advocates for resolution of environmental conflicts as opposed to environmental disputes settlement.

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‘UNEP Implementing Principle 10 of the Rio Declaration’ (UNEP, 14 July 2017)

⁴⁷ Ajayi, A.T. and Buhari, L.O., "Methods of conflict resolution in African traditional society." *African research review* 8, no. 2 (2014): 138-157.

⁴⁸ Carpenter, S.L. and Kennedy, W.J., "Environmental conflict management: New ways to solve problems." *Mountain Research and Development* (1981): 65-70, p.65.

⁴⁹ Fisher, J., "Managing environmental conflict." *The handbook of conflict resolution: theory and practice* (2014): 3.

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AJ Dickman, 'Complexities of Conflict: The Importance of Considering Social Factors for Effectively Resolving Human-Wildlife Conflict: Social Factors Affecting Human-Wildlife Conflict Resolution' (2010) 13 *Animal Conservation* 458
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