

Resolving Climate Change Conflicts Globally through Mediation

Kariuki Muigua

Table of Contents

Abstract..... 3

1.0 Introduction 3

2.0 Climate Change and Conflicts 6

3.0 Utilizing Mediation to Resolve Climate Change Disputes Globally: Prospects and Challenges 10

4.0 Conclusion 15

References 17

Resolving Climate Change Conflicts Globally through Mediation

Kariuki Muigua*

Abstract

Climate change is a major threat to development both globally and in Africa. The United Nations 2030 Agenda for Sustainable Development acknowledges that climate change is one of the greatest challenges of our time and its adverse impacts undermine the ability of all countries to achieve Sustainable Development. Climate change is also causing and fueling conflicts at all levels. These conflicts hinder effective climate action and the achievement of climate goals at the global, regional, and national levels. Effective management of climate change conflicts is therefore needed in order to strengthen the response towards climate change and deliver climate justice. This paper critically explores the need to resolve climate change conflicts globally through mediation. The paper posits that mediation is a suitable mechanism for effective management of climate change conflicts globally. The paper examines the nature and causes of climate change conflicts globally. It also analyses the key features of mediation that makes it an ideal process for effective management of climate change conflicts globally. The paper further examines some of the challenges in utilizing mediation in resolving climate change conflicts globally. It also proposes measures towards harnessing mediation for appropriate management of climate change conflicts globally.

1.0 Introduction

The world is facing a growing and daunting threat to global peace and stability in the form of climate change¹. It has been noted that climate change is no longer an abstract concern or a threat far off in the future². Climate change is a real and present danger to the lives of billions of people today and to everyone on the planet in the foreseeable

* 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, 2024].

¹ Grzybowski. A., & Hunnie. C., 'Mediating Peace with Climate Change' Available at <https://ecopeaceme.org/wp-content/uploads/2022/03/mediating-peace-with-climate-change.pdf> (Accessed on 22/08/2024)

² Ibid

future³. It has been described as the most defining challenge of our time⁴. Climate change is a major global concern that is affecting both developed and developing countries in their efforts towards Sustainable Development⁵.

The impacts of climate change are being witnessed all over the world. These effects include intense droughts, water scarcity, severe fires, rising sea levels, flooding, melting polar ice, catastrophic storms and declining biodiversity⁶. Climate change is also being manifested in Africa. Despite having the lowest greenhouse gas emissions, Africa faces exponential collateral damage as a result of climate change, posing systemic risks to its economies, infrastructure investments, water and food systems, public health, agriculture, and livelihoods, threatening to undo its modest development gains and slip into higher levels of extreme poverty⁷. Africa stands out disproportionately as the most vulnerable region in the world⁸. Climate change is having a devastating impact on the African continent creating food insecurity, stressing water resources, affecting human health, displacing populations and impeding socio-economic development⁹.

Climate change is therefore a threat to development both globally and in Africa. It is directly contributing to humanitarian emergencies from heatwaves, wildfires, floods, tropical storms and hurricanes which are increasing in scale, frequency and intensity¹⁰. It

³ Ibid

⁴ United Nations., 'What is Climate Change?' Available at <https://www.un.org/en/climatechange/what-is-climate-change> (Accessed on 22/08/2024)

⁵ Muigua. K., 'Achieving Sustainable Development, Peace and Environmental Security.' Glenwood Publishers Limited, 2021

⁶ United Nations., 'What is Climate Change?' Op Cit

⁷ African Development Bank Group., 'Climate Change in Africa' Available at <https://www.afdb.org/en/cop25/climate-change-africa> (Accessed on 22/08/2024)

⁸ United Nations Environment Programme., 'Responding to Climate Change' Available at <https://www.unep.org/regions/africa/regional-initiatives/responding-climate-change> (Accessed on 22/08/2024)

⁹ Rao. V., & Yadav. P., 'Confronting Climate Change in Africa.' Available at <https://knowledge.insead.edu/responsibility/confronting-climate-change-africa> (Accessed on 22/08/2024)

¹⁰ World Health Organization., 'Climate Change' Available at <https://www.who.int/news-room/fact-sheets/detail/climate-change-and-health> (Accessed on 22/08/2024)

has been noted that if left unchecked, climate change will undo a lot of the development progress made over the past years and will also provoke mass migrations that will lead to instability and wars¹¹.

Climate change is also causing and fueling conflicts at all levels¹². The environmental effects of climate change, especially the depletion of natural resources creates conditions that increase the risk of violent conflict¹³. Climate change conflicts affect the achievement of climate goals at levels¹⁴. Effective management of climate change conflicts is thus crucial in strengthening the response towards climate change and delivering climate justice¹⁵.

This paper critically explores the need to resolve climate change conflicts globally through mediation. The paper posits that mediation is a suitable mechanism for effective management of climate change conflicts globally. The paper examines the nature and causes of climate change conflicts globally. It also analyses the key features of mediation that makes it an ideal process for effective management of climate change conflicts globally. The paper further examines some of the challenges in utilizing mediation in resolving climate change conflicts globally. It also proposes measures towards harnessing mediation for appropriate management of climate change conflicts globally.

¹¹ United Nations., 'Goal 13: Take Urgent Action to Combat Climate Change and its Impacts.' Available at <https://www.un.org/sustainabledevelopment/climate-change/> (Accessed on 22/08/2024)

¹² 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 (Accessed on 22/08/2024)

¹³ Ibid

¹⁴ United Nations Environment Programme., 'Climate Litigation More than Doubles in Five Years, now a Key Tool in Delivering Climate Justice' Available at <https://www.unep.org/news-and-stories/pressrelease/climate-litigation-more-doubles-five-years-now-key-tool-delivering> (Accessed on 22/08/2024)

¹⁵ Ibid

2.0 Climate Change and Conflicts

It has been pointed out 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 levels¹⁶. For example, rising temperatures, more severe and frequent extreme weather events, and erratic rainfall patterns cause or exacerbate volatile food prices, insecure livelihoods, and large-scale displacement therefore posing the risk of conflicts¹⁷. In addition, sea level rise is an existential threat especially for small island states and raises questions regarding maritime boundaries and national identity¹⁸. The effects of climate change can therefore worsen existing fault lines and vulnerabilities, thereby fueling violence, insecurity, and conflicts¹⁹.

The environmental effects of climate change, especially the depletion of natural resources, create conditions that increase the risk of violent conflict²⁰. These impacts including water scarcity, crop failure, food insecurity, migration, and displacement of populations increase the risk of conflict and violence²¹. Climate change has also been identified as a threat multiplier which can increase human security issues such as food and water scarcity while also leading to (violent) conflicts in climate-vulnerable regions and countries²². For example, it has been observed that severe and prolonged drought due to climate change has had a devastating impact upon natural resources, especially pasture and water, in northern Kenya among other arid and semi-arid regions of the

¹⁶ 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 22/08/2024)

¹⁷ Ibid

¹⁸ Ibid

¹⁹ Ibid

²⁰ International Institute for Sustainable Development., 'Climate change and conflict: Lessons from Community Conservancies in Northern Kenya' Op Cit

²¹ Froese, R., & Janpeter, S, 'The Nexus of Climate Change, Land Use, and Conflicts' (2019)

²² Ibid

world²³. The resulting scarcity of natural resources especially water and pasture fuels competition over these resources resulting in an increased threat of violent conflict as a result of the impacts of climate change²⁴. It has been pointed out that in many of the countries that are most vulnerable to climate change, fragility and conflict have weakened coping mechanisms especially for people and communities who are dependent on natural resources²⁵.

Climate change contributes to increased conflict, but along indirect pathways²⁶. There are a variety of context factors including socioeconomic conditions, governance, and political factors that interact and play a key role in translating climate change into conflict risks²⁷. For example, it has been noted that the quality of governance and strength of institutions are frequently key determinants of how and to what extent climate change affects peace and conflict²⁸. The risk of climate change conflicts is most acute in those countries or regions which combine environmental fragility – be it low-lying land vulnerable to flooding or arid land vulnerable to drought – with fragile governance and security systems²⁹. For instance, in water-stressed regions with existing tensions between groups or states over a water source, the impacts of climate change on water resources might increase tensions, particularly in the absence of strong institutional capacity a situation that could spiral into conflicts³⁰. The impacts of climate change are particularly destabilizing in already fragile and disadvantaged regions and communities, such as

²³ Ibid

²⁴ Ibid

²⁵ United Nations Department of Political and Peacebuilding Affairs., 'The Implications of Climate Change for Mediation and Peace Processes' Op Cit

²⁶ United Nations Climate Change., 'Conflict and Climate' Available at <https://unfccc.int/news/conflict-and-climate#:~:text=The%20evidence%20is%20clear%20that,climate%20change%20into%20conflict%20risks.>

(Accessed on 22/08/2024)

²⁷ Ibid

²⁸ United Nations Department of Political and Peacebuilding Affairs., 'The Implications of Climate Change for Mediation and Peace Processes' Op Cit

²⁹ International Institute for Sustainable Development., 'Climate change and conflict: Lessons from Community Conservancies in Northern Kenya' Op Cit

³⁰ United Nations Climate Change., 'Conflict and Climate' Op Cit

least developed countries, small island developing states and dryland regions therefore increasing the likelihood of conflicts in such settings³¹. In addition, communities that are dependent on agriculture and coastal livelihoods are disproportionately affected due to climate change, and some indigenous communities also face higher risk when the natural world that underpins local livelihoods deteriorates³². The risk of conflicts in these settings is therefore high.

Due to its economic impacts, climate change can also affect the ability of governments to provide essential services³³. The impacts of climate change disrupts the natural, economic and social systems upon which humanity depends on³⁴. This disruption affects global food security, damage infrastructure and jobs, and harm human health³⁵. Climate change therefore has wide-ranging and serious impacts that represent huge economic and social risks³⁶. It has been noted that these factors increase the potential for conflict, political upheaval and mass displacement³⁷. The inability of governments to meet their social contracts/obligations, to provide the most essential services to citizens as a result of the economic and social impacts of climate change could lead to the emergence of non-state actors such as militant groups as has been witnessed in several parts of the world thus fueling conflicts, insecurity, and instability³⁸.

It is therefore evident that climate change is no longer merely environmental in nature but it also has a direct impact on people, their livelihood and sustenance. There is a definite link between climate change and conflict since climate change compounds existing risk factors such as scarcity of natural resources and rise in geo-political tensions

³¹ Grzybowski. A., & Hunnie. C., 'Mediating Peace with Climate Change' Op Cit

³² Ibid

³³ United Nations Climate Change., 'Conflict and Climate' Op Cit

³⁴ What are the Impacts of Climate Change?., Available at <https://www.imperial.ac.uk/grantham/publications/climate-change-faqs/what-are-the-impacts-of-climate-change/> (Accessed on 22/08/2024)

³⁵ Ibid

³⁶ Ibid

³⁷ Ibid

³⁸ United Nations Climate Change., 'Conflict and Climate' Op Cit

over their sharing of such resources³⁹. Further, since climate change concerns are not restricted to any one nation or continent, there is a huge risk of conflicts spiraling beyond national borders⁴⁰. Natural disasters such as drought, floods or earthquakes often result major migratory movement of climate refugees into the territories of other states resulting in major political and diplomatic concerns globally⁴¹. Climate change is therefore shaping and reshaping relations between and within countries and communities⁴². It increases the likelihood of conflicts and violence, for instance by fueling transboundary or community tensions over diminishing water supplies⁴³.

Climate change conflicts are a major threat to global, regional, and national peace and security⁴⁴. For example, climate change amplifies the risk of violent conflict in Africa threatening peace, security, and stability⁴⁵. Growing competition over natural resources due to climate change is increasing tensions in Africa which is a continent that is experiencing some of the world's most protracted conflicts⁴⁶. Effective management of climate change conflicts is thus crucial in strengthening the response towards climate change and delivering climate justice⁴⁷.

³⁹ Thailand Arbitration Center., 'Resolving Climate Conflicts with Mediation: Redesigning Earth's Destiny' Available at <https://thac.or.th/conflicts-with-mediation/> (Accessed on 22/08/2024)

⁴⁰ Ibid

⁴¹ Ibid

⁴² European Institute for Peace., 'Making Peace with the Climate: Conflict Resolution in a Climate - Changing World' Available at <https://www.eip.org/publication/making-peace-with-the-climate-conflict-resolution-in-a-climate-changing-world/> (Accessed on 22/08/2024)

⁴³ Ibid

⁴⁴ United Nations Department of Political and Peacebuilding Affairs., 'The Implications of Climate Change for Mediation and Peace Processes' Op Cit

⁴⁵ Stockholm Environment Institute., 'Climate Change Amplifies the Risks for Violent Conflicts in Africa' Available at <https://www.sei.org/perspectives/climate-change-amplifies-risks-violent-conflicts-africa/> (Accessed on 22/08/2024)

⁴⁶ Ibid

⁴⁷ United Nations Environment Programme., 'Climate Litigation More than Doubles in Five Years, now a Key Tool in Delivering Climate Justice' Op Cit

3.0 Utilizing Mediation to Resolve Climate Change Disputes Globally: Prospects and Challenges

Mediation is among the processes that are referred to as Alternative Dispute Resolution (ADR)⁴⁸. These are a set of processes that are applied to manage disputes without resort to adversarial litigation⁴⁹. ADR techniques may be linked to but function outside formal court litigation processes⁵⁰. They are viewed as ideal in enhancing access to justice due to their advantages which include privacy, confidentiality, flexibility, informality, efficiency, party autonomy and the ability to foster expeditious and cost effective management of disputes⁵¹. In addition, ADR techniques allow parties to come up with creative and collaborative solutions than those available in traditional litigation therefore fostering efficient management of disputes⁵². The role of ADR techniques in managing conflicts globally is recognized under the *Charter of the United Nations*⁵³. The Charter provides that parties to a dispute shall first of all seek a solution by *negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means* of their own choice (Emphasis added)⁵⁴.

The United Nations defines mediation as a process whereby a third party assists two or more parties, with their consent, to prevent, manage or resolve a conflict by helping them to develop mutually acceptable agreements⁵⁵. Mediation has also been defined as an informal consensual process in which a neutral intermediary, the mediator, assists the parties in reaching a settlement of their dispute, based on the parties' respective

⁴⁸ Muigua. K., 'Alternative Dispute Resolution and Access to Justice in Kenya.' Glenwood Publishers Limited, 2015

⁴⁹ Ibid

⁵⁰ Uwazie. E., 'Alternative Dispute Resolution in Africa: Preventing Conflict and Enhancing Stability.' *Africa Security Brief*, No. 16 of 2011

⁵¹ Muigua. K., 'Alternative Dispute Resolution and Access to Justice in Kenya.' Op Cit

⁵² JAMS ADR., 'What is ADR? Defining the Alternative Dispute Resolution Spectrum' Available at <https://www.jamsadr.com/adr-spectrum/> (Accessed on 23/08/2024)

⁵³ United Nations, Charter of the United Nations, 24 October 1945, 1 UNTS XVI

⁵⁴ Ibid, article 33 (1)

⁵⁵ United Nations., 'Basics of Mediation: Concepts and Definitions.' Available at <https://peacemaker.un.org/sites/peacemaker.un.org/files/Basics%20of%20Mediation.pdf> (Accessed on 23/08/2024)

interests⁵⁶. Mediation is usually a continuation of the negotiation process since it arises where parties to a conflict have attempted negotiations, but have reached a deadlock⁵⁷. Parties therefore involve a third party known as a mediator to assist them continue with the negotiations and ultimately break the deadlock⁵⁸. Mediation can therefore be understood as negotiation with the assistance of a neutral third party⁵⁹. A mediator cannot impose a solution upon the parties but rather facilitates communication, promotes understanding, focuses the parties on their interests, and uses creative problem solving to enable the parties to reach their own mutual acceptable agreement⁶⁰.

Mediation is an ideal processes in resolving climate change conflicts globally⁶¹. The attributes of mediation including informality, flexibility, efficiency, confidentiality, party autonomy and the ability to promote expeditious and cost- effective management of disputes makes it an ideal process for resolving a wide range of disputes including those concerning climate change⁶². Mediation also has the ability to preserve relationships and provides parties with a wide range of solutions than those available through litigation⁶³. Due to its attributes, mediation offers a pathway to unlock collaboration and transform conflicts into opportunities for growth and understanding⁶⁴. Collaboration is a key approach towards managing conflicts which allows competing or opposing stakeholder

⁵⁶ World Intellectual Property Organization., 'Guide to WIPO Mediation' Available at <https://tind.wipo.int/record/29081?v=pdf> (Accessed on 23/08/2024)

⁵⁷ Bercovitch. J., 'Mediation Success or Failure: A Search for the Elusive Criteria.' *Cardozo Journal of Conflict Resolution*, Vol. 7, p 289

⁵⁸ Ibid

⁵⁹ Knaster. A., 'Resolving Conflicts Over Climate Change Solutions: Making the Case for Mediation' *Pepperdine Dispute Resolution Law Journal*, Volume 10, No. 3 (2010)

⁶⁰ Bercovitch. J., 'Mediation Success or Failure: A Search for the Elusive Criteria.' Op Cit

⁶¹ United Nations Department of Political and Peacebuilding Affairs., 'The Implications of Climate Change for Mediation and Peace Processes' Op Cit

⁶² Muigua. K., 'Resolving Natural Resource-Based Conflicts in Africa through Negotiation and Mediation' Available at <https://kmco.co.ke/wp-content/uploads/2024/05/Resolving-Natural-Resource-Based-Conflicts-in-Africa-through-Negotiation-and-Mediation.pdf> (Accessed on 23/08/2024)

⁶³ Muigua. K., 'Resolving Conflicts through Mediation in Kenya.' Glenwood Publishers Limited, 2nd Edition., 2017

⁶⁴ Unlocking Collaboration: The Power of Mediation., Available at <https://www.linkedin.com/pulse/unlocking-collaboration-power-mediation-jharna-jagtiani-g7kxc/> (Accessed on 23/08/2024)

groups to work together to reach an agreement over issues in dispute⁶⁵. Collaboration has been identified as a powerful approach towards conflict resolution built on cooperation, open communication, and finding win-win outcomes⁶⁶. According to the United Nations, the premise of mediation is that in the right environment, conflict parties can improve their relationships and move towards cooperation⁶⁷.

In climate change conflicts, mediation can enable parties to move from a position of conflict towards collaboration⁶⁸. For example, since populations in conflict-affected contexts tend to rely on natural resources for their livelihoods, the impact of climate shocks on natural resources is often a compelling issue that could trigger competition and conflicts over scarce resources⁶⁹. In such contexts, mediation is a useful entry point in peace processes⁷⁰. Mediation can enhance collaboration by fostering the engagement of local parties and communities, while offering options for integrating their voices and expertise in the climate change discourse⁷¹. By focusing on collaboration and cooperation, mediation enables the integration of women, youth and marginalized groups, who face particular climate risks and Indigenous peoples, whose expertise can help identify key issues, priorities, and solutions in climate change conflicts⁷².

⁶⁵ Food and Agriculture Organization., 'Collaborative Conflict Management for Enhanced National Forest Programmes (NFPs)' Available at <https://www.fao.org/3/i2604e/i2604e00.pdf> (Accessed on 23/08/2024)

⁶⁶ Miroslavov. M., 'Mastering the Collaborating Conflict Style In 2024' Available at <https://www.officernd.com/blog/collaboratingconflictstyle/#:~:text=It's%20one%20of%20the%20strategies,their%20underlying%20needs%20and%20interests.> (Accessed on 23/08/2024)

⁶⁷ United Nations., 'Guidance for Effective Mediation' Available at https://peacemaker.un.org/sites/peacemaker.un.org/files/GuidanceEffectiveMediation_UNDPA2012%28english%29_0.pdf (Accessed on 23/08/2024)

⁶⁸ United Nations Department of Political and Peacebuilding Affairs., 'The Implications of Climate Change for Mediation and Peace Processes' Op Cit

⁶⁹ Ibid

⁷⁰ Ibid

⁷¹ Ibid

⁷² Ibid

Mediation is also key in resolving climate change conflicts globally by strengthening climate diplomacy⁷³. The idea of climate diplomacy has been described as the interface between national interest debates and international cooperation on climate action⁷⁴. Climate diplomacy ensures the accurate assessment of other countries' interests and intentions, and finds the space for agreement on climate change issues⁷⁵. Climate diplomacy involves the use of diplomatic channels and strategies to address global climate change and its impact on international relations⁷⁶. It involves negotiating and implementing climate related policies, treaties, and agreements at the regional and international level, as well as cooperation between countries and other stakeholders to reduce greenhouse gas emissions, adapt to the impacts of climate change, and promote Sustainable Development⁷⁷. Mediation can enhance climate diplomacy and the management of climate change conflicts globally by enabling diplomats from different countries to negotiate and come up with common positions and solutions on climate change⁷⁸. This approach is not only vital in confronting climate change but it can also enable countries to build and strengthen Inter-State relations⁷⁹. In climate change conflicts involving two states, mediation is key in promoting mutual cooperation among the nations where the party states are directly involved in resolving the issues, through their representatives or diplomats negotiating for the benefits of the public at large⁸⁰.

⁷³ Thailand Arbitration Center., 'Resolving Climate Conflicts with Mediation: Redesigning Earth's Destiny' Op Cit

⁷⁴ UUDA-NEPAD., 'Climate Diplomacy in Africa' Available at <https://www.nepad.org/climate/publication/climate-diplomacy-africa> (Accessed on 23/08/2024)

⁷⁵ Ibid

⁷⁶ Dimitrov. R., 'Climate Diplomacy' Available at https://www.researchgate.net/profile/RadoslavDimitrov-4/publication/322404819_Climate_diplomacy/links/5c89597b299bf14e7e7acf9c/Climatediplomacy.pdf (Accessed on 23/08/2024)

⁷⁷ Ibid

⁷⁸ Thailand Arbitration Center., 'Resolving Climate Conflicts with Mediation: Redesigning Earth's Destiny' Op Cit

⁷⁹ Ibid

⁸⁰ Ibid

The transnational applicability of mediation also makes it suitable in resolving climate change conflicts globally⁸¹. In transboundary conflicts, mediation is ideal in promoting diplomacy across borders and initiating cooperation and strengthening of relations between nations⁸². For example, at international level, mediation has enabled the states of Israel and Jordan to enter into peace agreement on water-sharing as well as mutual protection of water quality through measures such as establishment of joint institutional bodies⁸³.

Mediation is therefore an ideal mechanism in resolving climate change conflicts globally. However, this suitability may be limited in certain circumstances. For example, win-win solutions are not always possible, especially in situations of absolute resource scarcity such as water due to the adverse impacts of climate change⁸⁴. Enforcement of outcomes may also be difficult especially in the cross border context⁸⁵. It is therefore necessary to effectively harness mediation in order to enhance its role in resolving climate change conflicts globally.

⁸¹ Muigua. K., 'Utilizing Alternative Dispute Resolution in Climate Change Disputes' Available at <https://kmco.co.ke/wp-content/uploads/2024/03/Utilizing-Alternative-Dispute-Resolution-in-Climate-Change-Disputes.pdf> (Accessed on 23/08/2024)

⁸² Girinarayanan. I., 'Can Climate Change Disputes be Resolved through Mediation?' Available at <https://www.voicesofyouth.org/blog/can-climate-change-disputes-be-resolved-through-mediation> (Accessed on 23/08/2024)

⁸³ Climate Diplomacy., 'Jordan and Israel: Tensions and Water Cooperation in the Middle-East' Available at <https://climate-diplomacy.org/case-studies/jordan-and-israel-tensions-and-water-cooperation-middle-east> (Accessed on 23/08/2024)

⁸⁴ 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 (Accessed on 23/08/2024)

⁸⁵ Ibid

4.0 Conclusion

The impacts of climate change on conflict demands urgent and creative actions for effective conflict management⁸⁶. Violent storms, severe droughts, biodiversity loss and environmental degradation are displacing millions of people all over the world and intensifying competition over scarce natural resources⁸⁷. This in turn fuels violence and threatens the effectiveness and sustainability of peacemaking efforts globally⁸⁸.

Mediation is a suitable approach in resolving climate change conflicts globally. It has been noted that mediation processes respond to the specificity of the conflict by taking into account the causes and dynamics of the conflict, the positions, interests and coherence of the parties, the needs of the broader society, as well as the regional and international environments⁸⁹. Mediation can enhance collaboration and cooperation in the management of climate change conflicts⁹⁰. It is suitable in fostering the participation of all stakeholders including women, youth, marginalized groups, and Indigenous peoples in conflict resolution⁹¹. In the local contexts, mediation enables stakeholders to focus on localized, tangible effects of climate change therefore ensuring effective conflict management⁹². Further, in the global context, mediation is key in promoting diplomacy, initiating cooperation and strengthening of relations between nations⁹³. It is therefore imperative to effectively harness mediation in order to effectively resolve climate change conflicts globally.

⁸⁶ Climate Diplomacy., 'Four Climate Frontiers: How Mediators can Make Peace and Help Protect the Planet' Available at <https://climate-diplomacy.org/magazine/conflict/four-climate-frontiers-how-mediators-can-make-peace-and-help-protect-planet> (Accessed on 23/08/2024)

⁸⁷ Ibid

⁸⁸ Ibid

⁸⁹ United Nations., 'Guidance for Effective Mediation' Op Cit

⁹⁰ Food and Agriculture Organization., 'Collaborative Conflict Management for Enhanced National Forest Programmes (NFPs)' Op Cit

⁹¹ United Nations Department of Political and Peacebuilding Affairs., 'The Implications of Climate Change for Mediation and Peace Processes' Op Cit

⁹² Ibid

⁹³ Girinarayanan. I., 'Can Climate Change Disputes be Resolved through Mediation?' Op Cit

In order to effectively harness mediation to resolve climate change conflicts globally, it is imperative to build the capacity of mediators on climate change issues⁹⁴. It is also necessary to increase the familiarity of parties to conflicts on climate-related concerns, for example by raising their awareness of climate projections and environmental impact in advance of a negotiation process⁹⁵. In addition, it is vital for parties to embrace collaborative outcomes in climate change conflicts ranging from environment and climate-sensitive peace agreements to cooperation on addressing the impact of climate change or environmental degradation in order to effectively manage such conflicts through mediation⁹⁶. At the global stage, it is imperative to embrace climate diplomacy in order to seek solutions to climate change concerns including conflicts through diplomatic mediation⁹⁷. In the context of shared resources, it is imperative for countries to establish joint institutions in order to effectively harness the power of mediation in addressing conflicts through cooperation⁹⁸.

Resolving climate change conflicts globally through mediation is thus viable and achievable.

⁹⁴ United Nations Department of Political and Peacebuilding Affairs., 'The Implications of Climate Change for Mediation and Peace Processes' Op Cit

⁹⁵ Ibid

⁹⁶ Climate Diplomacy., 'Four Climate Frontiers: How Mediators can Make Peace and Help Protect the Planet' Op Cit

⁹⁷ Thailand Arbitration Center., 'Resolving Climate Conflicts with Mediation: Redesigning Earth's Destiny' Op Cit

⁹⁸ Climate Diplomacy., 'Jordan and Israel: Tensions and Water Cooperation in the Middle-East'

References

African Development Bank Group., 'Climate Change in Africa' Available at <https://www.afdb.org/en/cop25/climate-change-africa>

Bercovitch. J., 'Mediation Success or Failure: A Search for the Elusive Criteria.' *Cardozo Journal of Conflict Resolution*, Vol. 7, p 289

Climate Diplomacy., 'Four Climate Frontiers: How Mediators can Make Peace and Help Protect the Planet' Available at <https://climate-diplomacy.org/magazine/conflict/four-climate-frontiers-how-mediators-can-make-peace-and-help-protect-planet>

Climate Diplomacy., 'Jordan and Israel: Tensions and Water Cooperation in the Middle-East' Available at <https://climate-diplomacy.org/case-studies/jordan-and-israel-tensions-and-water-cooperation-middle-east>

Dimitrov. R., 'Climate Diplomacy' Available at https://www.researchgate.net/profile/RadoslavDimitrov-4/publication/322404819_Climate_diplomacy/links/5c89597b299bf14e7e7acf9c/Climate_diplomacy.pdf

European Institute for Peace., 'Making Peace with the Climate: Conflict Resolution in a Climate - Changing World' Available at <https://www.eip.org/publication/making-peace-with-the-climate-conflict-resolution-in-a-climate-changing-world/>

Food and Agriculture Organization., 'Collaborative Conflict Management for Enhanced National Forest Programmes (NFPs)' Available at <https://www.fao.org/3/i2604e/i2604e00.pdf>

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

Girinarayanan. I., 'Can Climate Change Disputes be Resolved through Mediation?' Available at <https://www.voicesofyouth.org/blog/can-climate-change-disputes-be-resolved-through-mediation>

Grzybowski. A., & Hunnie. C., 'Mediating Peace with Climate Change' Available at <https://ecopeaceme.org/wp-content/uploads/2022/03/mediating-peace-with-climate-change.pdf>

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

JAMS ADR., 'What is ADR? Defining the Alternative Dispute Resolution Spectrum' Available at <https://www.jamsadr.com/adr-spectrum/> (Accessed on 23/08/2024)

Knaster. A., 'Resolving Conflicts Over Climate Change Solutions: Making the Case for Mediation' *Pepperdine Dispute Resolution Law Journal*, Volume 10, No. 3 (2010)

Miroslavov. M., 'Mastering the Collaborating Conflict Style In 2024' Available at <https://www.officernd.com/blog/collaboratingconflictstyle/#:~:text=It's%20one%20of%20the%20strategies,their%20underlying%20needs%20and%20interests.>

Muigua. K., 'Achieving Sustainable Development, Peace and Environmental Security.' Glenwood Publishers Limited, 2021

Muigua. K., 'Alternative Dispute Resolution and Access to Justice in Kenya.' Glenwood Publishers Limited, 2015

Muigua. K., 'Resolving Conflicts through Mediation in Kenya.' Glenwood Publishers Limited, 2nd Edition., 2017

Muigua. K., 'Resolving Natural Resource-Based Conflicts in Africa through Negotiation and Mediation' Available at <https://kmco.co.ke/wp-content/uploads/2024/05/Resolving-Natural-Resource-Based-Conflicts-in-Africa-through-Negotiation-and-Mediation.pdf> (Accessed on 23/08/2024)

Muigua. K., 'Utilizing Alternative Dispute Resolution in Climate Change Disputes' Available at <https://kmco.co.ke/wp-content/uploads/2024/03/Utilizing-Alternative-Dispute-Resolution-in-Climate-Change-Disputes.pdf>

Rao. V., & Yadav. P., 'Confronting Climate Change in Africa.' Available at <https://knowledge.insead.edu/responsibility/confronting-climate-change-africa>

Stockholm Environment Institute., 'Climate Change Amplifies the Risks for Violent Conflicts in Africa' Available at <https://www.sei.org/perspectives/climate-change-amplifies-risks-violent-conflicts-africa/>

Thailand Arbitration Center., 'Resolving Climate Conflicts with Mediation: Redesigning Earth's Destiny' Available at <https://thac.or.th/conflicts-with-mediation/>

United Nations Climate Change., 'Conflict and Climate' Available at <https://unfccc.int/news/conflict-and-climate#:~:text=The%20evidence%20is%20clear%20that,climate%20change%20into%20conflict%20risks.>

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>

United Nations Environment Programme., 'Climate Litigation More than Doubles in Five Years, now a Key Tool in Delivering Climate Justice' Available at <https://www.unep.org/news-and-stories/pressrelease/climate-litigation-more-doubles-five-years-now-key-tool-delivering>

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_UNDPAU_NEP2015_0.pdf

United Nations Environment Programme., 'Responding to Climate Change' Available at <https://www.unep.org/regions/africa/regional-initiatives/responding-climate-change>

United Nations, Charter of the United Nations, 24 October 1945, 1 UNTS XVI

United Nations., 'Basics of Mediation: Concepts and Definitions.' Available at <https://peacemaker.un.org/sites/peacemaker.un.org/files/Basics%20of%20Mediation.pdf>

United Nations., 'Goal 13: Take Urgent Action to Combat Climate Change and its Impacts.' Available at <https://www.un.org/sustainabledevelopment/climate-change/>

United Nations., 'Guidance for Effective Mediation' Available at https://peacemaker.un.org/sites/peacemaker.un.org/files/GuidanceEffectiveMediation_UNDPA2012%28english%29_0.pdf

United Nations., 'What is Climate Change?' Available at <https://www.un.org/en/climatechange/what-is-climate-change>

Unlocking Collaboration: The Power of Mediation., Available at <https://www.linkedin.com/pulse/unlocking-collaboration-power-mediation-jharna-jagtiani-g7kxc/>

UUDA-NEPAD., 'Climate Diplomacy in Africa' Available at <https://www.nepad.org/climate/publication/climate-diplomacy-africa>

Uwazie. E., 'Alternative Dispute Resolution in Africa: Preventing Conflict and Enhancing Stability.' *Africa Security Brief*, No. 16 of 2011

What are the Impacts of Climate Change?., Available at <https://www.imperial.ac.uk/grantham/publications/climate-change-faqs/what-are-the-impacts-of-climate-change/>

World Health Organization., 'Climate Change' Available at <https://www.who.int/news-room/fact-sheets/detail/climate-change-and-health>

World Intellectual Property Organization., 'Guide to WIPO Mediation' Available at <https://tind.wipo.int/record/29081?v=pdf>