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Interdisciplinary Perspectives on the Interplay between Human Rights and Sustainability

Prof. Dr. Milena Valeva,
Prof. Dr. Kathrin Nitschmann (Ed.)

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Hochschule Trier, Umwelt-Campus Birkenfeld
Fachbereich Umweltwirtschaft/Umweltrecht

Umwelt-Campus Birkenfeld
HOCHSCHULE TRIER

Contact:
Campusallee, Gebäude 9916
55768 Hoppstädten-Weiersbach
Deutschland

+49 6782 17-1819
info@umwelt-campus.de
www.umwelt-campus.de

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Institut für Internationale und Digitale Kommunikation

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www.nina-giordano.com

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Preface

The following collection of manuscripts emerged from an interdisciplinary virtual exchange held during the Winter semester of 2023/2024 at the Environmental Campus Birkenfeld, organized by Prof. Dr. Milena Valeva and Prof. Dr. Kathrin Nitschmann. Additionally, Prof. Dr. Héctor Bombiella Medina, a lecturer of anthropology in the Department of World Languages and Cultures at Iowa State University, contributed to the virtual exchange and supervised case studies 3 and 4, bringing his extensive experience in this field and facilitating the international exchange. Within the elective module on Human Rights, students from the Bachelor's programs "Nonprofit and NGO Management" and "Environmental and Business Law," as well as the Master's program "Energy and Corporate Law," explored the interconnections between human rights and sustainability.

In an era marked by unprecedented environmental challenges and profound social transformations, the intersection of human rights and the rights of nature has emerged as a critical area of inquiry and debate. Today, as we face the dual crises of climate change and biodiversity loss, the traditional boundaries between human and environmental rights are increasingly blurred. This confluence demands a fresh, interdisciplinary approach to understanding and addressing the complex and interrelated issues at hand.

Human rights, fundamental to the dignity and freedom of individuals, are deeply impacted by environmental degradation. Communities worldwide are experiencing firsthand the devastating effects of polluted air, contaminated water, and deforested landscapes, all of which undermine basic human rights to health, livelihood, and well-being. Conversely, recognizing the rights of nature — the intrinsic value of ecosystems and species — challenges us to reconsider our legal, ethical, and philosophical frameworks. It calls for a paradigm shift from an anthropocentric worldview to one that embraces the interconnectedness of all life forms.

Engaging in robust discussions and research on these topics is essential in today's context. By exploring interdisciplinary perspectives, we can forge innovative solutions that honor both the rights of individuals and the integrity of nature. This special issue aims to contribute to this vital discourse, providing insights and fostering dialogue on how we can collectively navigate the complex landscape of human rights and environmental sustainability.

The first chapter „Human rights and SDGs in the context of democracy“ examines the significance of international human rights in today's context and links them to new value systems like sustainability.

The second chapter, the case study „Rights of Nature“ explores the concept of granting legal rights to nature itself by comparing laws from various countries to show how it combats environmental exploitation.

The third chapter, the case study „Traditional coca leaf consumption and drug trafficking in Colombia“ delves into the complex issues surrounding coca cultivation in Colombia, highlighting its economic, social, and political impacts.

The fourth chapter, the case study „The artisanal fishing community of Chorrillos, Peru“ aims to provide theoretical insights and recommendations for improving the livelihoods of artisanal fishing communities in Peru, considering legal, ethical, and environmental perspectives as well as how economic liberalization, privatization, and deregulation affect the community's socio-economic conditions.

achieved in liberal democracies is the aspirational goal for other countries, the aspirational goal for liberal democracies could be even more far-reaching. In concrete terms, liberal democracies could use the freedom available to them to pursue goals that transcend national borders. When considering arguments about historical or spillover effects that contribute to responsibility for negative consequences abroad, aspirational goals in terms of international responsibility should almost be self-evident.

Secondly, the idea of resilience developed in the previous section should be emphasized and specified once again. The resilience of international value systems is not predetermined, but grows and falls with the mass of people and institutions that are involved in defending and promoting them.

Finally these conclusions give rise to a network of social responsibility and self-preservation interests for liberal democracies. They are called upon to promote active engagement and dissemination of these ideas and to enforce the nationally applicable values and norms in their actions in the international context.

Jacob Mayer
is studying Nonprofit and NGO Management in the 5th semester at the Environmental Campus Birkenfeld, Trier University of Applied Sciences. In addition to his general interest in civic engagement, he is particularly committed to democratic education and representation through his work with the grassroots organisation "Brand New Bundestag".

Effective conflict resolution through ADRs: opportunities, challenges and applications in different contexts

Author: Pauline Nicolay

Table of contents

1 Introduction

The achievement of sustainable development hinges on safeguarding the environment, preserving natural resources, and fostering economic growth that is intricately linked with responsible resource utilization. In simpler terms, sustainable development is contingent upon maintaining environmental sustainability. Conversely, Goal 16 of the 2030 Agenda for Sustainable Development emphasizes the need for global peace, justice, and robust institutions, aiming to uphold the rule of law and facilitate access to justice on a worldwide scale. Addressing environmental conflicts is an integral facet of environmental sustainability and a crucial component of ensuring access to justice. The escalating environmental challenges stemming from the relentless growth of the global population and the insufficient global adoption of renewable energy resources have significantly impacted the environment, leading to a corresponding surge in environmental conflicts.

Given the considerable diversity in the judicial systems of nations worldwide and the often inefficacious nature of these systems, there arises a pressing need to reconsider and reconstruct effective alternative dispute resolution mechanisms, especially concerning their role in environmental conflicts. However, it is essential to acknowledge

that Alternative Dispute Resolutions (ADR) come with their own set of barriers and drawbacks. (Alkhayer, Gupta, Gupta, 2022)

This paper delves into a comprehensive examination and analysis of the role played by ADR methods in addressing environmental disputes. It assesses the effectiveness of these methods and conducts research to identify the factors that contribute to their success or failure.

2 History

Throughout most of the human history, the world's population constituted only a minuscule fraction of its present size. In the last 200 years the population increased by approximately 7 billion. (Ritchie et. al., 2022) This period witnessed transformative events such as two World Wars, technological advancements, and heightened awareness of environmental threats. These changes underscored the imperative for international collaboration to steer them towards serving the world and its inhabitants through the pursuit of sustainable development and averting associated hazards. (Pufé, 2014)

The Earth Summit held in Rio de Janeiro, Brazil, in June 1992 marked the initial step, where over 178 nations endorsed the so-called Agenda for 2021 – a comprehensive strategy fostering global cooperation to enhance sustainable development, improve lives, and safeguard the environment. A subsequent milestone was the World Summit on Sustainable Development in South Africa in 2002, which adopted the Johannesburg Declaration on Sustainable Development and the Plan of Implementation. These documents reaffirmed the global community's environmental responsibilities while underscoring the necessity of multilateral collaborations. (United Nations, 1992)

In January 2015, this trajectory reached a pinnacle when the General Assembly initiated negotiations for the post-2015 development agenda. By September 2015, the United Nations Sustainable Development Summit accepted the 2030 Agenda for Sustainable Development. This agenda outlines a shared vision among member states for achieving prosperity and lasting peace for humanity and the world. Central to the agenda are the Sustainable Development Goals (SDGs), considered its core and an urgent call for all nations, both developed and developing, to collaborate within a universal framework. (United Nations, 2023)

Of particular significance is Goal 16th of the 2030 Agenda, which focuses on enhancing the rule of law and ensuring access to justice on a global scale. (United Nations, 2023) This goal serves as a vital link between sustainable development and ADR methods. (BMZ, 2023) The interplay among various objectives of sustainable development is crucial to realizing environmental sustainability. Swift and effective resolution of environmental conflicts is a key aspect of both environmental sustainability and the 16th Goal of the 2030 Agenda for Sustainable Development. To attain peaceful resolutions in environmental matters, there is a need to re-evaluate and revamp dispute resolution systems. (Pufé, 2014)

In the 1970s, Alternative Dispute Resolution (ADR) was first introduced as an experiment to cope with court congestion and resolve environmental and natural resource disputes. In 1985, the Attorney General recognized the importance of ADR to achieve time and cost savings in civil matters. Several years later, the Department of Justice reaffirmed the benefits of ADR when the Assistant Attorney General for the Office of Legal Counsel testified before Congress in support of the first ADR legislation passed by Congress in 1990. (OPM, n.d.)

3 The function of alternative dispute resolution in the pursuit and attainment of justice

As already mentioned, attaining justice stands out as one of the primary objectives within the framework of sustainable development. ADR has demonstrated itself as a practical and successful alternative to conventional methods, particularly when considering the significant challenges and impediments faced by official judicial authorities and national courts. Therefore, the role of ADR as an alternative method for settling disputes and an essential avenue for accessing and achieving justice cannot be overlooked. (DIS, n.d.)

In the United Nations the ADR are regulated in the Directive on Alternative Dispute Resolution for the Settlement of Consumer Disputes. (Official Journal of the European Union, 2013) ADRs are settled in the Permanent Court of Arbitration in the Hague. (PCA, n.d.) The ADR encompasses a range of non-traditional dispute resolution methods, including negotiation, conciliation, mediation, and arbitration. These mechanisms serve a function akin to that of the official judiciary system in resolving disputes between various entities, whether physical or legal. However, ADR methods distinguish themselves through their cost-effectiveness, time efficiency, flexibility, and consensual resolution processes. Simultaneously, certain types of ADR methods share advantages with the judicial process, such as the issuance of binding awards and the ability of official authorities to intervene and enforce the parties' compliance with the binding content of ADR awards. (DIS, n.d.)

Unlike other ADR methods, negotiation does not require the involvement of a neutral third party to render a final and binding decision. The resulting binding agreement is an outcome of the negotiation process conducted directly between the disputing parties themselves.

In essence, ADR awards yield results that are legally enforceable, akin to judicial decisions. Additionally, the consensual nature of the ADR process enhances its suitability for the parties involved in disputes. Consequently, conducting thorough research and delving into the examination of the role of ADR in sustainable development, particularly its contribution to accessing justice in environmental challenges and disputes, requires a foundational understanding of each individual ADR method. (DIS, n.d.)

3.1 Negotiation

As described in Art. 16 of the Aarhus Convention and Art. 25 of the Minamata Convention on Mercury, Negotiation stands out as the simplest and most consensual method within ADR. Unlike other ADR methods, negotiation does not require the involvement of a neutral third party to render a final and binding decision. The resulting binding agreement is an outcome of the negotiation process conducted directly between the disputing parties themselves. This approach is grounded in the rationale that if the parties initiated the negotiation process independently, without the intervention of a third party, to create a contract stemming from a dispute, it is logical to employ a similar negotiation process to reach an agreement for resolving the dispute without external intervention. It is crucial to underscore that the negotiation process is distinct from judicial or arbitral procedures. In other words, the outcome of negotiation should not be construed as an arbitral award or judicial decision. Rather, it can be considered a new agreement or contract that is binding, guided by the principle of the obligatory nature of contracts. This means that the parties involved in the dispute can alter the results of the negotiation at any time if all parties agree to these changes. It can be stated that the result of the negotiation is binding but not final, in contrast to judicial decisions or arbitral awards, which are both binding and final and cannot be altered after their issuance. (Shamir and Kutner 2003)

3.2 Conciliation and Mediation

Conciliation and mediation represent alternative dispute resolution (ADR) methods that involve a collaborative approach facilitated by an impartial and unbiased third party, commonly referred to as a "conciliator" or "mediator." In these processes, the third party oversees constructive dialogue sessions among the disputing parties, guiding them in discussing their contentious issues to reach a solution. The conciliator or mediator assumes a consulting and advisory role, suggesting potential resolutions and remedies for the conflicts. The outcomes of the conciliation and mediation processes result in a binding and final settlement agreed upon by the parties. Both processes are voluntary, contingent on the will and consent of the disputing parties, and uphold confidentiality, prohibiting the disclosure of proceedings to external parties. These methods are particularly popular in delicate, confidential, and private conflicts, prioritizing the parties' interests and relationships over legal standards. (ICSID, n.d.)

In contrast to an arbitrator or judge, the mediator does not wield decision-making authority. Instead, the mediator's role is to facilitate the parties in reaching a mutually acceptable resolution to the dispute. Even when parties have initially agreed to engage in mediation, they retain the freedom to withdraw from the process at any point following the initial meeting if they determine that its continuation does not align with their interests. Nevertheless, it is common for parties to actively engage in the mediation once it commences. If the parties opt to proceed with the mediation, they collaborate with the mediator to determine the manner in which the process should unfold. (PCA, n.d.)

While conciliation and mediation are sometimes used interchangeably, it is essential to recognize that facilitation primarily enhances dialogue between parties, whereas mediation aims to establish an agreement. Through the exploration of their interests and open dialogue, mediation often leads to a settlement that generates more value than would have been possible without the occurrence of the underlying dispute. The non-binding and confidential nature of mediation minimizes risks for the parties while yielding substantial benefits. It can be asserted that mediation never truly fails, even when a settlement isn't reached, as it prompts the parties to define the facts and issues of the dispute, thereby laying the groundwork for potential arbitration or court proceedings. (WIPO, n.d.)

Fundamentally, while the settlement agreement arising from mediation and conciliation is expected to bind and conclude the dispute for the involved parties, it does not necessarily elevate to the status of an arbitral award or judicial decision in terms of enforceability. Consequently, the question arises: what recourse has a party if another party refuses to abide by the agreement's terms? In jurisdictions like India, the conciliation settlement agreement is deemed to have the same value and effect as an arbitral award issued by an arbitral tribunal. Conversely, in other jurisdictions, settlements resulting from conciliation and mediation may lack enforceability or support from official authorities. In such cases, the settlement is regarded as a new agreement or contract, binding based on the compulsory nature of contracts. (ICC, n.d.)

Instances where disputes emerge from the implementation of a conciliation or mediation agreement may necessitate recourse to an arbitral or judicial process to validate official authority intervention. Nevertheless, this does not diminish the significance of conciliation and mediation as ADR methods, particularly in dealing with highly sensitive contentious issues. In such scenarios, parties may be hesitant to opt for binding and enforceable methods like arbitration, which yield a final and binding award, leaving them with no avenue to alter or amend its terms. (Alkhayer et. al., 2022)

3.3 Arbitration

Arbitration stands out as one of the ADR's, closely resembling the judicial process, given its adjudicative nature rather than a consensual approach. In essence it can be viewed as a mixture of litigation and ADR. It is a process in which, through mutual agreement, parties submit a dispute to one or more arbitrators empowered to render a binding decision. By opting for arbitration, the parties select a private mechanism for resolving their dispute rather than pursuing a resolution through the formal court system.

For prospective disputes arising from a contract, parties typically incorporate an arbitration clause into the relevant contractual agreement. In the case of an existing dispute, parties can initiate arbitration through a submission agreement. It is important to note that, unlike mediation, withdrawal from arbitration cannot be undertaken unilaterally by a single party.

The decision is made to establish a three-member arbitral tribunal – each party responsible for appointing one arbitrator. Subsequently, these two arbitrators collaborate to select the presiding arbitrator. The parties delineate their jurisdiction and specify applicable procedural laws. Parties can also determine the seat of arbitration and the language used during the proceedings. (WIPO, n.d.)

In the contemporary context, heightened awareness of environmental perils necessitates a corresponding awareness of environmental justice, an integral component of overall justice. Access to justice, a crucial goal in sustainable development, must encompass access to environmental justice, particularly in the governance of natural resources. Environmental justice assumes a pivotal role in shaping effective policies, and neglecting environmental preservation can undermine the vision of sustainable development. This underscores the importance of promoting channels for accessing environmental justice, with ADR methods representing noteworthy options within this array of channels. (ICC, n.d.)

4 Practical application of ADR methods

UN member states exhibit variations in the adoption of ADR methods, influenced by factors such as the nature of the dispute and the most appropriate procedure for resolution. ADR implementation may take the form of a local panel for addressing complaints or grievances, an institutional panel, and may be conducted either confidentially or publicly. Successful experiences with ADR have been noted in cases where parties exhibit a willingness to engage in negotiation, compromise, and make concessions to achieve an agreement, irrespective of procedural intricacies.

In general, the active participation of all relevant parties and stakeholders, coupled with their genuine intention to achieve an agreement and their commitment to safeguard environmental public interests, stands out as a crucial contributing factor to the success of ADR methods. However, in contrast, certain cases have revealed that the involvement of multiple parties, without their influential participation, hinders the attainment of a solution. Overall, factors such as a lack of trust between parties, reluctance to agree on a specific ADR approach, or an unwillingness to make concessions for a mutually satisfactory settlement, pose challenges to reaching a final resolution through ADR. The following paragraph examines cases from different countries to illustrate how these mentioned factors impact ADR mechanisms. (Alkhayer, et. al., 2022)

4.1 Returning the protected status to natural areas in the Lviv region (Ukraine)

In the Lviv Region, the reinstatement of protected status to natural tracts served as a noteworthy example, demonstrating the utility of the ADR method in expeditiously preserving vital forest lands that might have otherwise faced deforestation. Environmental Non-Governmental Organisations (NGOs) and experts collaborated to contest the Regional Council's decision to declassify the region as a protected area without a scientific foundation. Informally and virtually, media campaigns acted as a "facilitator," supporting discussions that culminated in the formation of a panel comprising key stakeholders responsible for assessing and determining the status of protected areas. (Tharakan and Lahoti 2019)

4.2 IPPC permit for the Kunda Pulp Plant Factory (Estonia)

The ICCP permit for the Kunda Pulp Plant Factory in Estonia serves as a successful example of mediation between an NGO and developers. A legally binding agreement regarding the conditions of an Integrated Pollution Prevention and Control (IPPC) permit was achieved. In this case, AS Estonian Cell aimed to construct a Greenfield aspen pulp plant in the eastern part of Kunda Laane-Virumaa, Estonia. An environmental impact assessment was conducted following Estonian environmental impact assessment regulations and subjected to the Environmental Auditing Act of 2000. The approved environmental impact assessment was granted by the Ministry of Environment on July 29, 2002. (Tharakan and Lahoti, 2019)

The AS Estonian Cell applied for an IPPC permit, which prescribed pollution prevention measures. The Estonian Fund for Nature was the first to challenge the IPPC, expressing concerns about its shortcomings posing a severe threat to the Baltic Sea's marine ecology. A negotiation process ensued among the stakeholders, leading to an agreement to modify the conditions, resulting in the issuance of a new IPPC. While the mediation technique proved valuable in demonstrating the potential for key stakeholders to reach an agreement, the final outcomes required substantial concessions from both sides, leaving neither entirely satisfied. Additionally, factors such as a lack of time and experience, especially on the part of the NGOs, contributed to the complexity of the process. (ibid)

4.3 Saaremaa Harbour (Estonia)

Contrastingly, the situation at the Saaremaa Harbour illustrates that ADR may not be a feasible option when there is a lack of willingness from either side to arrive at a solution, resulting in dis-

satisfaction among all involved parties. In this scenario, the proposal to construct a port on Saaremaa Island within a gulf designated as a Special Protected Area for birds faced opposition from environmentalists. NGOs contested the environmental impact assessment and water usage permissions issued by the ministry. Despite the NGOs making efforts to engage in negotiations with the construction company to explore a potential resolution, the Ministry declined to participate, leading to the rejection of the initiative. (Tharakan and Lahoti, 2019)

4.4 Szentgal regional landfill (Hungary)

The Northern Lake Balaton Regional Waste Disposal Facility was part of a larger initiative aimed at overhauling solid waste disposal practices in the country, and the project received an environmental permit. However, challenges to the permit were raised by neighbouring communities. Two NGOs attempted to mediate the conflicts among the parties by providing information on suitable measures for resolving the disputes. Unfortunately, none of the parties agreed to initiate any of the proposed measures. Faced with disagreement on a specific method, the NGOs initiated facilitated negotiations. However, due to the reluctance of some conflicting parties and the absence of others, no resolutions were achieved. This case underscores the crucial role of trust among conflicting parties, as the lack thereof emerges as the primary factor leading to the failure of ADR methods in environmental conflicts. (ibid)

The case of the Szentgal regional landfill underscores the crucial role of trust among conflicting parties, as the lack therefore emerges as the primary factor leading to the failure of ADR methods in environmental conflicts.

4.5 Conclusion of the Case study

The instances mentioned underscore that engaging in ADR processes within the realm of environmental conflicts not only enhances public and NGOs' access to justice but also proves to be both time and costefficient. Additionally, the parties in conflict gain a deeper understanding of the issues at hand, resulting in greater satisfaction with the solutions reached. This, in turn, paves the way for long-term benefits in case of any subsequent or consequential concerns. However, the slow adoption of ADR is largely attributed to low levels of commitment, particularly among public authorities, who harbour concerns about relinquishing power and are hesitant to depart from the entrenched litigation culture.

The effectiveness of ADR measures, as a general concept, faces challenges due to the complexity of certain issues or an increasing number of stakeholders involved. Despite these obstacles, a careful evaluation of the advantages and disadvantages leads to the conclusion that ADR methods hold significant promise for the future.

5 The incorporation of ADR in addressing environmental conflicts on a global scale

The initiation of promoting access to environmental justice can be traced back to the Rio Declaration of 1992. Principle 10 of the Rio Declaration outlined three fundamental rights regarding environmental challenges, establishing key pillars of environmental governance. It underscored the importance of making information about environmental hazards accessible to the public, ensuring public participation in decision-making processes, and providing accessible channels for individuals to seek justice. (UNEP, 2016)

Taking a significant stride forward, the Aarhus Convention of 1998 further endorsed the principles set forth in the Rio Declaration. Article 16 of the Aarhus Convention supported the general standards articulated in the Rio Declaration and encouraged the resolution of disputes through amicable methods such as conciliation and mediation, or any other type of conflict resolution. Additionally, it allowed for the pursuit of binding methods like arbitration and adjudication if amicable approaches proved unsuccessful. (BMUV, n.d.)

United Nations General Assembly Resolution 65/283, building on these foundations, urges the consolidation of mediation as a peaceful method for settling disputes, preventing conflicts, and resolving existing conflicts. The resolution highlights the crucial contributions of various entities, including Member States, regional and international organisations, institutions, and civil society activities. It emphasizes the need to explore new perspectives and ideas to enhance the adaptation of mediation and amicable methods to contemporary conflicts. (United Nations, 2011)

The importance of ADR in conflict resolution gained further validation with the signing of the Minamata Convention on Mercury in 2013, which came into force in 2017. Article 25 of the Minamata Convention echoed the stance of Article 16 of the Aarhus Convention, supporting the amicable resolution of disputes through peaceful means chosen by the parties, such as negotiation and mediation, before resorting to mandatory methods like arbitration or adjudication. (UNEP, 2019) This underscores the international community's recognition of the substantial theoretical value attributed to ADR as a peaceful method for resolving a wide range of contemporary disputes and conflicts, spanning civil disputes to environmental cases and beyond. (BVL, n.d.)

6 The standard of justice, administration and representativeness of environmental ADR

The acceptance of ADR methods in addressing environmental challenges is contingent on two crucial pillars: efficiency and justice. While the efficiency of ADR methods is generally acknowledged, a debate surrounds the extent to which these methods meet the standards of justice applied by the courts. Concerns about the justice of ADR methods have been raised, emphasizing that the process relies on the will of the parties involved, potentially compromising justice standards set by the courts. It is argued that the parties' will, which forms the basis of ADR methods, may lower the standards and conditions of justice. In contrast, the courts or judicial authorities cannot disregard these standards, as they cannot invoke the pretext of the parties' will. Additionally, the absence of accountability of third parties in private conflict settlement may lead to the loss of several legal values and principles crucial in public litigation, such as the neutrality of third parties. (Brown, 2000)

Another concern revolves around the administration of ADR methods. The consensual and private nature of ADR methods increases the difficulty of inspection by official authorities and the public, resulting in a lower level of transparency compared to judicial methods. In environmental conflicts, the representativeness of all parties is deemed the most critical element, especially considering the subsequent impact of these disputes. Ensuring public and representative stakeholder engagement in environmental disputes is necessary. In the field of sustainable development, this element should extend to include the representation of future generations.

To address these issues, it is essential to note that ADR methods are not solely based on the will of parties; they are recognized and established by laws and regulations issued by legislative authorities in most countries. These laws administer and regulate ADR methods, imposing limitations and restrictions on the process. While the mentioned problems are not concentrated in ADR methods themselves, but rather in the laws and regulations governing them, the extent of freedom of the ADR method can be influenced by these laws. (United Nations, 1994)

The administrative system of ADR processes has become crucial in the present time, with many member states adopting ADR as a legal resort. Various organisations and institutions have been established to facilitate the administrative aspects of ADR methods, such as Arbitration Centres and Mediation Councils. There is also a trend towards institutionalizing ADR methods, with some countries delegating tasks to arbitral institutions instead of supreme or high courts. Scholars argue that addressing the representativeness issue should consider all its aspects, particularly in the context of environmental issues where changes affect future generations. Public acceptance and knowledge of ADR methods need to be enhanced through education, training, and active media campaigns to ensure that representativeness in settling environmental disputes through ADR mechanisms is maximized. (Alkhayer et. al., 2022)

7 Conclusion

While the nature of environmental conflicts is complex and intricate, various countries have successfully utilized arbitration, mediation, conciliation, and negotiation – the four primary types of ADR – for settling environmental disputes. Even in cases where ADR methods have not led to a final resolution, positive outcomes such as the alignment of viewpoints and a reduction in the scope of conflicts have been observed. Additionally, in more intricate conflicts, the adoption of ADR methods has revealed and addressed obstacles to reaching a settlement, such as a lack of trust between parties or the participation of numerous parties with inactive roles. Identifying the reasons for failure is considered a step toward success.

As a result, the implementation of ADR methods in environmental disputes has the potential to be successful, if not fully, at least partially. The primary challenge lies in the obstacles that impede the adoption of ADR mechanisms. Lack of acceptance, stemming from a lack of awareness and knowledge, stands out as a crucial obstacle. Considering that resolving environmental conflicts is integral to the environmental conservation approach – a foundational element of sustainable development – and contributes to accessing justice and reinforcing the rule of law, the use of ADR methods becomes indispensable. However, the issue extends beyond mere necessity; it should open avenues for enhancing existing ADR methods and innovating new ones, guided by the principle that constant change entails constant creation and innovation.

Pauline Nicolay
is currently pursuing a Master of Laws degree in energy and corporate law, now in her 2nd semester. Prior to the Master's programm, she completed her Bachelor's degree with a focus on economic law. She actively participates in academic life and serves as a member of the student council "UWUR" (environmental economics and enivronmental law).

Conclusion

The four authors in the previous section describe a wide variety of challenges that can be considered and negotiated using the guidelines of human rights and SDGs. Even though some of these guidelines are several decades old, they are still relevant today, but must also be examined and applied differently in the various contexts. The authors compare various guidelines, relate them to different problem complexes of the present day and present solution models. The most important conclusions are summarized below.

In her comparison, Christine Wetter comes to the conclusion that the 17 Sustainable Development Goals partially refine human rights principles but lack legally binding obligations, diminishing their effectiveness amid violations with global consequences. Despite this, no government seems willing to fully acknowledge responsibility for these transgressions, with conflicts such as wars exacerbating environmental degradation and societal well-being. Persistent injustices, like corporations depleting groundwater in impoverished regions or exploiting children in mines, challenge both human rights and SDG ideals. Addressing these injustices requires a societal shift in attitudes and behaviors, including initiating boycotts against harmful practices and political leaders enforcing stringent measures on major industries. Ultimately, a collective effort is necessary to prompt a reevaluation of global priorities, aligning with the principles of both the Declaration of Human Rights and the SDGs.

In summary, Jacob Mayer comes to three conclusions in his consideration of the responsibility of liberal democracies. Firstly, liberal democracies should not only set themselves the goal of their own preservation, but should also keep an eye on the global political climate and represent their values beyond their own borders, due to their own interests. Secondly, the strength of international value systems grows with the mass of people who credibly support them. Institutions and individuals therefore have a responsibility and cannot rely solely on the internal resilience of these systems. Finally, it is emphasized once again that an active commitment to human rights and SDGs is a significant part of their strength. Liberal democracies can be particularly active here and should make use of this opportunity.

Yannik Wagner closes his article with the following conclusions. The nexus between the Sustainable Development Goals, human rights, and the Catholic Church in America underscores the imperative for collective action towards a more inclusive and just healthcare system. As stewards of social justice and advocates for the marginalized, the Catholic Church still plays a pivotal role in achieving the SDGs and upholding human rights principles. By aligning its teachings and actions with the objectives of the SDGs, the Church holds the potential to contribute significantly to global efforts for sustainable development, instead of undermining them by outdated dogmas. Moving forward, fostering collaboration among diverse stakeholders, including governments, civil society, and the private sector, will be essential for realizing the transformative vision outlined by the SDGs and provide appropriate healthcare to everyone.

Pauline Nicolay concludes this chapter and her article with her observations as she recognizes the potential for success in implementing Alternative Dispute Resolution (ADR) methods in environmental conflicts exists, albeit not necessarily in its entirety, but at least to some extent. The primary challenge lies in overcoming the obstacles of acceptance which hinders the adoption of ADR mechanisms. Recognizing that resolving environmental conflicts is essential for environmental conservation. The importance goes beyond mere necessity; it should also serve as a catalyst for improving existing ADR methods and developing new ones. This process should be guided by the principle that continual change necessitates continual innovation and creation.

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