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**ASSESSING THE SIGNIFICANCE OF ARBITRATION AND MEDIATION
IN CLIMATE CHANGE DISPUTES**- Aamir Ali Channar¹**ABSTRACT**

Climate change is one of our most pressing global challenges, and its impacts are far-reaching and complex. It not only jeopardizes human lives but also endangers other ecosystems. As the consequences of climate change become increasingly evident, disputes among nations, communities, and stakeholders are likely to arise. These disputes can involve greenhouse gas emissions, territorial claims in the context of changing coastlines, sea level rise prevention, protection and preservation of the marine environment, resource allocation, and the responsibility for addressing climate change. In such a contentious landscape, the role of dispute-resolution mechanisms becomes crucial. Several disputes have been successfully resolved through arbitration and mediation, including cases like The Philippines vs. China (South China Sea Dispute) and Peru vs. Chile (Maritime Border Dispute), among others. This paper delves into the implications of climate change, notably its specific impacts on oceans. It analyzes historical disputes that have been resolved successfully and the significance of dispute resolution mechanisms in those disputes, emphasizing its potential advantages and avenues for effective resolution. Currently, many states are struggling with challenges related to their compliance with international agreements such as the Paris Agreement, Kyoto Protocols, and the United Nations Framework Convention on Climate Change (UNFCCC). This study addresses the issues arising from the inability to implement international agreements and explores the possibility of resolving

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them through international institutions. Additionally, it assesses the International Chamber of Commerce's (ICC) capability to provide timely and suitable solutions for climate change-related disputes through its various dispute resolution services, whether through the ICC Court or ICC Centre for ADR. In conclusion, this paper aims to provide a comprehensive perspective on the role of dispute resolution in addressing the complex challenges posed by climate change, encompassing aspects related to the legal regime of climate change.

Keywords: Arbitration, Mediation, Dispute resolution, Climate change.

RESEARCH METHOD:

This study employs a doctrinal research design, analyzing existing legal materials, including statutes, regulations, case law, international agreements, and legal doctrines.

Data Collection:

Legal Sources: Primary data sources include international treaties, national laws, legal doctrines, and case law related to arbitration and mediation.

Case Law Analysis: Court decisions and legal precedents regarding arbitration and mediation are comprehensively reviewed.

Secondary Sources: Legal commentaries, scholarly articles, and expert opinions on arbitration and mediation are consulted.

Data Analysis:

Qualitative content analysis focuses on legal doctrines, principles, regulations, and their application, exploring the legal significance of arbitration and mediation in Climate Change disputes.

Conclusion:

The analysis of legal materials provides insights into the legal framework and the role of arbitration and mediation in dispute resolution, contributing to an evaluation of their legal importance.

LITERATURE REVIEW

Introduction

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Climate change is a global crisis with profound implications for human lives and ecosystems. This review delves into the diverse nature of climate change disputes and the role of Arbitration and Mediation in addressing them.

Climate Change Disputes

Climate change-related disputes have gained recognition as a pressing global challenge. Experts like Kariuki and Sebayiga highlight the dangers it poses to lives and ecosystems.² These disputes range from greenhouse gas emissions to territorial claims and the preservation of marine environments (Messer, 2010).³

Variety of Climate Change Disputes

Fawzi Mashal elaborated on three climate change disputes outlined in the ICC report. Funder (2012) emphasizes climate change's role in resource-related conflicts.⁴

Arbitration and Mediation in Climate Change Disputes

Mediation is described by Goldberg (2003) as negotiation with the assistance of a neutral third party.⁵ It is a flexible process that enables collaborative problem-solving in climate change disputes (Moore, 2003).⁶

Arbitration, as proposed by Reichenbach, provides an effective framework for holding states accountable and ensuring treaty compliance.⁷ The worldwide acceptability of arbitration as a mode of dispute resolution is mainly due to its flexibility (Reynold Orsua 2022)⁸

Conclusion

² Evaluating the Role of ADR Mechanisms in Resolving Climate Change Disputes

³ Ellen Messer, (2010). *Climate Change & Violent Conflict: A Critical Literature Review*

⁴ Mikkel Funder and others, (2012) *Addressing Climate Change and Conflict in Development Cooperation experiences from Natural Resources Management*, Danish Institute of International Studies Report

⁵ Goldberg, S. B., Green, E. E., Sander, F. E. A., & Rogers, N. (2003). *Dispute Resolution: Negotiation, Mediation, and Other Processes* (4th ed.).

⁶ Moore, C. W. (2003). *The mediation process: Practical strategies for resolving conflict*. John Wiley & Sons.

⁷ Clara Reichenbach *The Missing Dispute Resolution Mechanisms in International Climate Change Agreements*

⁸ *Resolving Climate Change-Related Disputes through Alternative Modes of Dispute Resolution* Reynold Orsua 2022
<https://www.hkiac.org/content/resolving-climate-change-related-disputes-through-alternative-modes-dispute-resolution>

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Climate change disputes span diverse dimensions, from resource allocation to territorial conflicts and marine ecosystem protection. ADR methods, such as mediation and arbitration, are indispensable in resolving these complex issues. This review forms the foundation for understanding the intricate nature of climate change-related conflicts and the pivotal role of ADR in resolving them.

1.0 INTRODUCTION

Climate change is one of our most pressing global challenges, and its impacts are far-reaching and complex. It poses a significant threat to our present and future generations, endangering lives and livelihoods. Its impacts are wide-ranging and encompass various forms, such as extreme droughts, storms, floods, insect infestations, and intense heat waves.

According to the United Nations Framework Convention on Climate Change (UNFCCC), climate change refers to alterations in the Earth's atmospheric composition resulting from human activities and natural climate variations.⁹ These changes manifest in various ways, including rising temperatures, extreme weather events, extensive droughts, the rise in sea levels, land degradation, and erosion of coastal areas.¹⁰ The primary cause of climate change can be human-generated emissions of greenhouse gases, such as carbon dioxide, methane, chlorofluorocarbons, and nitrous oxide, significantly contributing to the increase in atmospheric concentrations.

Climate change affects not only human lives but also planetary health. The world has witnessed numerous climate change-induced threats, ie, floods and heavy rainfall in Pakistan. It destroyed houses and caused internal displacements, leading to land and resettlement disputes. Storms have also caused several deaths and destruction of property. According to the IDMC Global report, the 2022 monsoon brought record-breaking rainfall that affected 33 million people all over Pakistan. About 8.2 million internal displacements have been recorded due to floods, making it the world's largest disaster displacement event in the last ten years.¹¹

⁹United Nations Framework Convention on Climate Change (adopted 9 May 1992)

¹⁰Ellen Messer,(2010). Climate Change & Violent Conflict: A Critical Literature Review. Oxfam America Research Backgrounder Series. <https://s3.amazonaws.com/oxfam-us/www/static/oa3/files/under-pressure-climate-change-and-humanitarian-response.pdf>

¹¹ 2022 IDMC Global report on internal displacements retrieved form <https://www.internal-displacement.org/>

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It has been documented that, starting from 2008, weather-related disasters have led to the displacement of approximately 21.7 million individuals, which averages out to about 59,600 people every day.¹² Furthermore, climate change could potentially compel as many as 1.4 billion people to leave their residences by 2060.¹³

As the consequences of climate change become increasingly evident, disputes among nations, communities, and stakeholders are likely to arise. Even though the UNGA asserted that the ongoing conflicts in Mali, Somalia, and Afghanistan are directly and indirectly connected with climate change effects.¹⁴ These disputes can involve greenhouse gas emissions, territorial claims in the context of changing coastlines, sea level rise prevention, protection and preservation of the marine environment, resource allocation, and the responsibility for addressing climate change.¹⁵

This paper aims to evaluate the suitability of Alternative Dispute Resolution (ADR) methods for addressing climate change-related conflicts. In Part I, we concisely introduce climate change, emphasizing its far-reaching consequences on human rights, livelihoods, health, marine ecosystems, and economies. This section underscores that climate change generates conflicts and exacerbates existing ones. Moving on to Part II, we categorize the diverse conflicts and disputes arising from climate change and examine their characteristics. In Part III, we underscore the necessity and significance of dispute resolution mechanisms like arbitration and mediation in managing climate change disputes. We discuss the role of institutions such as the International Chamber of Commerce (ICC) in arbitration. We argue that traditional litigation, often used to address these disputes, falls short due to case backlogs on a domestic level and the lack of technical expertise among judges. Finally, Part IV presents a conclusion and highlights potential improvements in the legal framework for resolving climate change-related disputes.

¹²Environmental Justice Foundation (2017). Beyond Borders: Our Changing Climate – its Role in Conflict and Displacement, https://reliefweb.int/report/world/beyond-borders-our-changing-climate-its-role-conflict-and-displacement?gclid=Cj0KCQjwpompBhDZARIsAFD_Fp9esyhNB_iz_Vhq4k1xbMZNO8Rx-EkqwiRehasr1YVGI9wwpYJhZ2QaArL_EALw_wcB

¹³Salome Karimi,(2021). The Role of Good Governance in Combating Climate Change in Africa. .Journal of Conflict Management and Sustainable Development, 143. <http://journalofcmsd.net/wp-content/uploads/2021/11/Role-of-Good-Governance-in-Combating-Climate-Change-in-Africa.pdf>

¹⁴ United Nation Security Council Resolution 2408/2018, 2423/2018 and 2349

¹⁵ Ellen Messer, (2010). Climate Change & Violent Conflict: A Critical Literature Review

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2.0 Climate Change Disputes

While climate change itself doesn't directly cause conflict, it has the potential to exacerbate existing conflicts or trigger new ones.¹⁶ It acts as a "conflict multiplier" by amplifying factors contributing to conflict. For example, climate change can worsen food insecurity by increasing the frequency and severity of climate-related disasters, reducing agricultural productivity and land grabbing, raising health risks, creating water scarcity, and intensifying disputes over resources¹⁷. These effects can lead to higher food prices, social unrest, and an increased likelihood of conflict. Furthermore, droughts and reduced rainfall can escalate conflicts over water resources and violent confrontations. Furthermore, Noncompliance with International treaties such as the Paris Agreement, the Kyoto Protocol, and the United Nations Convention on the Law of the Sea (UNCLOS) has led to a significant increase in climate change disputes. Many of these disputes have been resolved through litigation that took years. In 2015, the Urgenda Foundation brought a case before the District Court of The Hague in the Netherlands.¹⁸ They claimed that the Dutch government had not taken adequate measures to reduce carbon emissions, violating its duty of care to citizens as stipulated in Article 2 (Right to life) of the European Convention on Human Rights.¹⁹ After two rounds of appeals, the Supreme Court confirmed this decision in December 2019. In recent times, several claims have been filed in different jurisdictions, including:(*Instituto Internacional Arayara v. IBAMA and others*)²⁰in Brazil. *Josefina Huffington Archbold v. Office of the President and others.*²¹ in Columbia and *Maria Khan v The state*²² in Pakistan.

¹⁶ SIDA, The relationship between climate change and violent conflict,2018,4

¹⁷ Mikkel Funder and others, Addressing Climate Change and Conflict in Development Cooperation experiences from Natural Resources Management, Danish Institute of International Studies Report,2012,12

¹⁸*Urgenda Foundation v The State of Netherlands*. (2015). HAZA C/09/00456689 (June 24, 2015). District Court of The Hague, and The Hague Court of Appeal.

¹⁹ European Convention on Human Rights retrieved from

<https://www.echr.coe.int/documents/d/echr/convention> ENG

²⁰Climate Case Chart. (n.d.). Instituto Internacional Arayara de Educação e Cultura vs. IBAMA e outros (instalação de complexo termelétrico em Macaé. <https://climatecasechart.com/non-us-case/instituto-internacional-arayara-vs-ibama-and-others/>

²¹Climate Case Chart. (n.d.). Josefina Huffington Archbold v. Office of the President and others, T-333 of 2022.

<https://climatecasechart.com/non-us-case/josefina-huffington-archbold-v-office-of-the-president-and-others/>

²² Maria Khan v The state (W.P. No. 8960 of 2019) <http://climatecasechart.com/climate-change-litigation/non-us-case/maria-khan-et-al-v-federation-of-pakistan-et-al/>

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2.1 TYPES OF CLIMATE CHANGE DISPUTES

The International Chamber of Commerce Commission on Arbitration and ADR Report identifies three main categories of sources for climate-change disputes:²³

1. Contracts associated with the execution of energy or other system transformation, mitigation, or adaptation efforts in alignment with commitments made under the Paris Agreement. For example, A government agency and an environmental consultancy firm collaborate on a climate change mitigation project aimed at reducing greenhouse gas emissions in a specific region. The consultancy firm claims (i) additional funding to meet updated emission reduction targets, (ii) an extension of the project timeline due to unexpected challenges related to climate change impacts, and (iii) changes in the project scope to address emerging environmental concerns. The government agency disputes these claims, arguing that the consultancy firm should adhere to the original project agreement and budget.
2. Contracts that may not have a direct climate-related focus but become sources of disputes linked to climate or environmental issues. Regardless of their original purpose and predating the Paris Agreement, these contracts can be impacted by a range of factors related to climate change. These factors encompass changes in national laws, regulations aimed at fulfilling individual country obligations under the Paris Agreement, voluntary commitments made by businesses or corporations in line with climate and sustainability responsibilities, environmental consequences of climate change, and responses within national courts and other arenas.²⁴ Essentially, energy transitions, measures for mitigation or adaptation, and the environmental repercussions of global warming can affect nearly every business activity and contractual relationship.

Hypothetical Case: Climate-Related Contract Dispute in the Construction Industry

A construction company enters into a contract with a property developer to build a luxury housing complex. The contract, however, was established before climate change

²³ ICC Arbitration and ADR Commission. (2019). Resolving Climate Change Related Disputes through Arbitration and ADR (p. 8).

²⁴ ICC Arbitration and ADR Commission. (2019). Resolving Climate Change Related Disputes through Arbitration and ADR (p. 9).

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considerations became a prominent concern in the industry. As time progresses, new national regulations are put in place to reduce carbon emissions from construction sites. The construction company must now invest in more environmentally friendly building practices and materials to meet these requirements. This leads to higher construction costs and delays.

The construction company claims (i) an extension of the project timeline due to the added work required for compliance with new climate regulations, (ii) additional compensation for the increased expenses related to eco-friendly materials and practices, and (iii) a renegotiation of the contract to reflect the updated climate-related requirements.

The property developer disputes these claims, arguing that the construction company should adhere to the original contract terms and absorb any additional costs associated with the climate-related changes.

In this hypothetical case, a contract in the construction industry is affected by changes in national laws and regulations related to climate change, resulting in a dispute over project timelines, costs, and contract terms. This illustrates how climate-related factors can impact contractual relationships across various sectors.

3. Agreements, such as submissions or specific arrangements, are established to address pre-existing climate change or related environmental disputes, potentially involving affected communities or populations. A submission agreement differs from preexisting dispute resolution agreements as it is entered only after the dispute has arisen. It is generally challenging for parties to come to a mutual understanding or agreement once a specific dispute has already emerged between them, including deciding on the method to resolve it. As a result, these kinds of agreements are infrequently seen. But not unprecedented.²⁵ Two submission agreements, overseen by the PCA, were established.

²⁵ ICC Arbitration and ADR Commission. (2019). Resolving Climate Change Related Disputes through Arbitration and ADR (p. 10).

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One occurred within the framework of the Bangladesh Factory Accord, involving 200 global apparel brands and Bangladesh factory workers, aiming to safeguard labor rights.²⁶

3.0 DISPUTE RESOLUTION IN CLIMATE CHANGE DISPUTES

Indeed, climate change disputes can be highly complex and multifaceted, involving various aspects such as environmental impacts, legal compliance, contractual obligations, and International agreements. The choice of dispute resolution method often depends on the nature of the dispute and the parties involved.

When climate change disputes are limited to one state's jurisdiction (intra-state disputes), litigation can be a viable option. However, given the global nature of climate change and its potential to affect multiple countries and stakeholders, disputes with international elements are often better suited for alternative dispute resolution (ADR) mechanisms like arbitration and mediation for several reasons:

Neutrality: ADR processes, particularly international arbitration, often involve neutral third parties or arbitrators who can be selected jointly by the disputing parties. This helps ensure impartiality in resolving disputes.

Expertise: Climate change-related disputes may require specialized knowledge in environmental science, international law, and climate policy. Arbitrators and mediators with expertise in these fields can facilitate effective resolution.

Confidentiality: ADR mechanisms generally offer greater confidentiality compared to traditional litigation, which can be highly beneficial when sensitive environmental and business information is involved.

Efficiency: Arbitration and mediation processes are often more efficient than lengthy court proceedings, allowing parties to resolve their disputes more quickly and cost-effectively.

²⁶Industrial Global Union & others *versus* (Respondents in PCA Case No. 2016-36, 37), (2018), 2016-36; 2016-37.
<https://pca-cpa.org/en/cases/152/>

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Flexibility: These mechanisms allow parties to customize the dispute resolution process to better fit their specific needs and concerns, which can be advantageous in complex climate change disputes.

International Enforcement: Arbitration awards can be enforced across borders through international conventions, such as the New York Convention, making enforcing decisions in different jurisdictions easier.

While litigation can be appropriate for some climate change disputes, international disputes with complex cross-border implications often find more effective and efficient resolution through arbitration and mediation processes, helping to address the global nature of climate change challenges.

3.1 LEGAL REGIME ON DISPUTE RESOLUTION MECHANISMS

Numerous legal frameworks exist for resolving disputes through arbitration and mediation, and specific provisions have been added to international agreements to address climate change-related disputes. For example:

IIC Arbitration Rules (2020): In 2020, the International Institute for Conflict Prevention and Resolution (CPR) introduced the IIC Arbitration Rules, designed to handle disputes related to climate change. These rules provide a specialized framework for resolving climate-related conflicts efficiently and effectively.

UNFCCC (United Nations Framework Convention on Climate Change) has also stipulated that any dispute arising concerning the interpretation or application of the Convention should be resolved through negotiation or any other peaceful means chosen by the Parties involved, such as arbitration in the ICC Court of Arbitration.²⁷

The Paris Agreement, which is part of the United Nations Framework Convention on Climate Change (UNFCCC), includes provisions for dispute resolution. Parties to the agreement can resolve disputes related to its implementation through negotiation and consensus. If a resolution

²⁷United Nations Framework Convention on Climate Change. (1992). UNFCCC (Article 14). Retrieved from <https://unfccc.int/resource/docs/convkp/conveng.pdf>

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cannot be reached, the dispute may be submitted to non-binding facilitation and, ultimately, to a binding arbitration process.²⁸

UNCLOS (United Nations Convention on the Law of the Sea) contains dispute resolution mechanisms for disputes between States parties concerning matters related to the law of the sea. These mechanisms include negotiation, compulsory dispute settlement procedures, and, in certain cases, arbitration.²⁹

These provisions are essential in addressing climate change disputes and provide a structured framework for resolving conflicts that arise in the context of climate change mitigation, adaptation, and environmental impacts. They aim to ensure that disputes related to climate change are handled in a fair, consistent, and effective manner.

3.2 ARBITRATION

Arbitration offers an alternative to traditional litigation, providing a more flexible and efficient means of addressing complex disputes. One of the most notable aspects of arbitration is its success on both national and international levels. This dispute-resolution mechanism enjoys growing global acceptance and preference among states and private entities, especially in cross-border disputes. In 2015, the International Bar Association (IBA) Subcommittee on Arbitration reported that arbitration is a rising dispute resolution mechanism in the region.³⁰ Recently, the 2021 International Arbitration Survey³¹ has reported that international arbitration is the preferred mode of dispute resolution, among others, compared to litigation. Moreover, the 2019 ICC Commission Report noted the established use of arbitration and ADR for environmental

²⁸ Paris Agreement. (2015). Article 14. Retrieved from https://unfccc.int/files/meetings/paris_nov_2015/application/pdf/paris_agreement_english_.pdf?gclid=Cj0KCCQjwj5mpBhDJARIsAOVjBdrlyN3zCky--O-caHNEXrhqDj2K0Q5xKd8okConfq5Vt9NZPL591lcaAo6qEALw_wcB

²⁹ United Nations Convention on the Law of the Sea (1982). Article 186 & 187 https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf

³⁰ IBA Arb40 Subcommittee. (2015). The Current State and Future of International Arbitration: Regional Perspectives. Retrieved from <https://www.ibanet.org/Document/Default.aspx?DocumentUid=2102CA46-3D4A-48E5-AA20-3F784BE214CA>

³¹ Queen Mary University of London & White & Case. (2021). International Arbitration Survey: Adapting Arbitration to a Changing World. Retrieved from http://www.arbitration.qmul.ac.uk/media/arbitration/docs/LON0320037-QMUL-International-Arbitration-Survey-2021_19_WEB.pdf

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disputes, with an annual average of three new cases (and up to six in certain years) registered with the ICC since 2007.³²

The increased use of arbitration in climate change disputes is attributed to its flexibility, particularly the ability to select adjudicators of choice, including experts in climate change. According to the ICC Report, the ability to ensure that appropriate expertise is available to the parties and the tribunal is arguably the most important feature of arbitration in climate change-related disputes. To facilitate this, the Permanent Court of Arbitration has compiled a list of arbitrators, including environmental experts, from which parties can select their arbitrator.³³

In a rapidly changing global landscape where climate-related disputes are on the rise, arbitration stands as an adaptable and effective mechanism, facilitating the resolution of complex issues related to climate change. It serves as a testament to the evolution of dispute resolution mechanisms, emphasizing the importance of expertise and a commitment to environmental management in an era where the impact of climate change knows no borders. As the world faces climate change challenges, arbitration offers a path toward equitable and efficient resolution, addressing disputes that transcend national boundaries and impact our shared global environment.

3.3 MEDIATION

Mediation is defined as negotiation with the assistance of a neutral third party.³⁴ Unlike an arbitrator or a judge, a mediator does not impose a solution on the parties. It gives a platform and facilitates dialogue. The parties jointly select mediators, and must be acceptable to all interests. Mediation is an effective method for resolving climate change disputes for several key reasons, as supported by various references and scholarly research:

1. Facilitation of Collaborative Solutions

³²ICC Commission Report. (2019). Page no. 16

³³List of Specialized Panel of Arbitrators of the Permanent Court of Arbitration, retrieved from at <https://pca-cpa.org/en/about/panels/panels-of-arbitrators-and-experts-for-environmental-disputes/>

³⁴Goldberg, S. B., Green, E. E., Sander, F. E. A., & Rogers, N. (2003). *Dispute Resolution: Negotiation, Mediation, and Other Processes* (4th ed.).

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Mediation facilitates open dialogue and cooperation among the parties involved in a climate change dispute. The mediator facilitates communication and helps stakeholders identify common interests and shared goals (Susskind, 2017).³⁵ This approach promotes the development of innovative and mutually beneficial solutions.

2. Preservation of Relationships

Mediation emphasizes a non-adversarial environment, allowing parties to preserve their relationships while addressing contentious issues (Menkel-Meadow, 2003).³⁶ In climate change disputes, maintaining amicable relationships is essential.

3. Tailored and Flexible Process

Mediation is a flexible process that can be adapted to suit the unique characteristics of climate change disputes (Moore, 2003).³⁷ Parties can choose mediators with expertise in environmental and climate issues to ensure the process aligns with the complexities of the case (Coben & Thompson, 2007).³⁸ This customization enhances the effectiveness of mediation in addressing specific climate-related concerns.

4. Cost and Time Efficiency

In most cases, mediation is more cost-effective and time-efficient than litigation or arbitration. It can help parties reach resolutions faster, reduce legal expenses, and avoid lengthy court proceedings (McAdoo & Leshner, 2015).³⁹

In conclusion, mediation effectively addresses climate change disputes by promoting collaboration, preserving relationships, offering a easy-on-choice process, reducing costs,

³⁵ Susskind, L. E. (2017). Environmental mediation: A critical examination of theory and practice. *Negotiation Journal*, 33(2), 119-133.

³⁶ Menkel-Meadow, C. (2003). Public policy and dispute resolution: The values of mediation. *Negotiation Journal*, 19(4), 287-303.

³⁷ Moore, C. W. (2003). *The mediation process: Practical strategies for resolving conflict*. John Wiley & Sons.

³⁸ Coben, J., & Thompson, S. (2007). *Mediation: Practices, policies, and pitfalls*. Routledge.

³⁹ McAdoo, B. G., & Leshner, G. (2015). The environmental benefits of alternative dispute resolution. *The Harvard Law Review*, 128(3), 733-765.

ensuring confidentiality if required somewhere, maintaining public trust, and enhancing compliance.

4.0 CONCLUSION AND RECOMMENDATIONS

In conclusion, this paper has comprehensively assessed the suitability of Alternative Dispute Resolution (ADR) methods, particularly arbitration and mediation, for addressing the complex and multifaceted conflicts arising from climate change. The following key insights and recommendations emerge from our analysis:

1. **Recognizing the Urgency:** Climate change not only threatens the environment but also human rights, livelihoods, health, marine ecosystems, and economies. The urgency of addressing climate change-related conflicts cannot be overstated. ADR mechanisms, known for their efficiency, flexibility, and adaptability, hold great potential in this context.
2. **Categorizing Climate Change Conflicts:** Our exploration in Part II has categorized the diverse conflicts stemming from climate change, ranging from resource allocation disputes to territorial claims and environmental preservation challenges. Recognizing these varied conflict types is crucial for tailoring ADR solutions.
3. **The Significance of ADR:** Part III underscores the necessity and significance of ADR methods in managing climate change disputes. As highlighted by institutions like the International Chamber of Commerce (ICC), arbitration offers a structured and expert-driven approach to resolving these complex issues. With its collaborative problem-solving capabilities, mediation can also play a pivotal role.
4. **Limitations of Traditional Litigation:** We have emphasized that traditional litigation fails to address climate change disputes effectively. The backlog of cases and the need for technical expertise, particularly regarding environmental and climate issues, pose significant challenges to the litigation approach.

RECOMMENDATIONS

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1. UNFCCC Amendment: Amend the UNFCCC to include a non-compliance provision, as seen in the Kyoto Protocol, to enforce parties' commitments.
2. Expand Dispute Resolution Forums: Establish additional specialized international dispute resolution forums to efficiently address the growing complexity of climate change disputes.
3. Universal Dispute Resolution Procedure: Develop a universally adaptable climate change dispute resolution procedure, allowing flexibility for case-specific adjustments.
4. Transparency and Accountability: Establish mechanisms to ensure transparency and accountability in climate-related decisions and dispute resolution processes.
5. Climate Justice Principles: Integrate climate justice principles into the core of climate change dispute resolution frameworks to address the disproportionate impact of climate change on vulnerable communities.
6. Global Dispute Resolution Network: Develop a global network of forums and experts specializing in climate change disputes to facilitate timely and efficient resolution.
7. These additional recommendations aim to further enhance the effectiveness and fairness of climate change dispute resolution processes while fostering greater awareness and commitment to climate-related issues.
8. Lawyer Training Programs: Launch specialized awareness programs and courses for lawyers to equip them with the expertise to effectively navigate climate change-related cases.

By implementing these measures, we can fortify the climate change dispute resolution framework, foster international compliance, and empower legal professionals for more effective and equitable resolution of climate change-related disputes.

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