

The Integrated Environmental Justice ADR Paradigm: Institutionalizing Equity and Reciprocity in Transboundary Conflict Resolution

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ABSTRACT

This paper examines the transformative potential of Alternative Dispute Resolution (ADR) in addressing environmental conflicts arising from large-scale and transboundary infrastructure projects. It argues that traditional litigation, constrained by cost, rigidity, and adversarial dynamics, fails to ensure environmental justice or sustainable outcomes, particularly for marginalized communities. Employing a mixed-methods approach, integrating doctrinal analysis of global legal frameworks with comparative case studies, the study reveals systemic power imbalances that render ADR processes vulnerable to manipulation by powerful states and corporations. Through in-depth analyses of cases such as the Lesotho Highlands Water Project, Belo Monte Dam, and Dakota Access Pipeline, the paper exposes the phenomenon of “unattended voices” in environmental governance. It advances a novel framework for “Integrated Environmental Justice ADR”, proposing the establishment of a Global Environmental ADR Tribunal, mandatory Environmental Justice Impact Assessments, and cultural competency mandates to reimagine ADR as a genuinely equitable and sustainable instrument of environmental harmony.

Conflicts of Interest

The author declares no conflicts of interest.

Data Availability Statement

No associated data was created or analyzed for this article. All findings and conclusions are based on existing public knowledge and sources.

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