

Human Rights Centre Clinic

Environmental Rights for a Just Energy Transition in Kenya

Partner: Center for Justice Governance and Environmental Action (CJGEA)

About

The Center for Justice, Governance and Environmental Action (CJGEA) is a human and environmental rights advocacy non-profit. We champion the preservation of the right to a healthy environment and sustainable livelihoods for marginalised communities in Africa. The Center for Justice Governance and Environmental Action (CJGEA) advocates for accountability in environmental governance and enhances protection of communities' rights in the face of potentially harmful development project such as the proposed nuclear reactor. The Center for Justice Governance and Environmental Action (CJGEA) defends and secures the environmental and human rights protection of marginalized communities in areas attractive to the extractive industry.

Project overview

This project will investigate the application of procedural environmental rights as a tool to empower the community living in the Uyombo region of Kenya, earmarked for Kenya's first nuclear reactor. By empowering the Uyombo community through the application of procedural environmental rights, the project will contribute to challenge the responsibility of state and non-state actors towards environmental protection and access to socio-economic rights.

Background

The [Kenya Vision 2030](#) is an initiative of the Kenyan government that aims to transform Kenya into a newly industrializing, middle-income country providing a high quality of life to all its citizens by 2030 in a clean and secure environment. The current government of Kenya has further committed to 100% clean energy transition by 2030 and in addition to actualizing its climate change commitments as a signatory of the [Paris Agreement](#). According to the [Energy and Petroleum Regulatory Authority](#) (EPRA), renewable

energy is one of the key energy sub-sectors that significantly contributes to the overall energy mix in Kenya.

During the [inaugural Africa Climate Summit](#) in Nairobi, Kenya, President William Ruto, echoed that Africa can manage to depend entirely on renewable energy, however there has been a sudden interest towards the adoption of nuclear energy by Kenya to enhance her energy production capacity in the recent decade since the enactment of the [Energy Act 2019](#), which established the Nuclear Power and Energy Agency (NuPEA), whose activities are overseen by [Kenya Nuclear Regulatory Authority](#) (KNRA).

Nuclear power plants do not directly emit greenhouse gases or air pollutants during operation. However, they can indirectly impact the environment through the entire lifecycle of nuclear energy, including mining, fuel processing, and waste management. The by-product of nuclear energy is a radioactive material which is long lasting and can remain radioactive for thousands of years. Radioactive materials are equally extremely toxic and can cause serious environmental health impacts e.g. increasing risks of cancer and causing burns. On the other hand, nuclear power plants are very complicated to build and operate and many communities do not have the experts to develop safe and reliable nuclear energy programme. Research studies have shown that estimated costs of constructing [nuclear power plants in the USA](#) can be five times higher than the initial projections. [NuPEA](#) is currently in the process of undertaking studies to identify suitable locations for nuclear power plants in Kenya and developing the legislative and regulatory framework for a nuclear power programme. The process is referred to as [site characterization](#).

NuPEA has identified the Uyombo area in Matsangoni ward (in Kilifi County, the North Coast region of Kenya) as one of the sites to set up the plant. Kilifi County has a population of 1,453,787 according to the [census of 2019](#) and is home to 4,153 fishermen and has a total of 199,674 families practising agriculture on 112,879 ha of land. Agriculture, tourism and fishing are major economic activities in Kilifi and the indigenous Mijikenda people. The county depends largely on the distribution of income from tourism, fruits, cashew nuts and fishing supported by the biodiversity of mangrove forests.

The project area has a population of 33,000 residents who are largely opposed to the choice of the Nuclear Power plant location because of the anticipated effects on their ecosystem, livelihoods, culture and environment. The proposed nuclear power plant has the potential of causing detrimental environmental and socio-economic impacts to these communities residing around the earmarked project site.

Uyombo reef and creek is a breeding ground for many endangered species of marine ecosystems and is included in the Watamu/Malindi [UNESCO biosphere reserve](#). The area also hosts [Watamu Marine National Park and Reserve](#) and the place attracts many special interests; communities, civil society organizations, tourists, conservationists and scientists are strongly opposed to the nuclear reactor location due to various reasons.

CJGEA has effectively and successfully pioneered the application of the Procedural Environmental Rights concept as a tool to challenge the responsibility of state and non-state actors towards the right to a clean and healthy environment. Procedural rights include [3 fundamental access rights: access to information, public participation, and access to justice](#). As advocacy towards the protection of the right to

a clean and healthy environment, procedural environmental rights are key in ensuring environmental protection and sustainability as well as enhancing and upholding communities' socio-economic and environmental rights. These rights were first recognized during the [Rio Declaration of 1992](#). Although the Declaration was recognized as a soft law, states are to ensure that: all concerned citizens are provided with information regarding any development in their environment, all concerned citizens participate in decision making for developments within their environment at the relevant levels, and there is access to effective administrative and judicial proceedings, which include remedy and redress.

Kenya already recognized the right to a clean and healthy environment in the [constitution](#) of 2010, making Kenya an ideal case study for the application of this right.

Project output

In this project, CJGEA proposes an application of procedural environmental rights project as a tool to empower the Uyombo community whose area has been earmarked for a nuclear reactor. This will increase accountability in environmental governance as well as enhancing the protection of socio-economic and environmental rights during implementation of development projects.

CJGEA will work with a project team from Essex Human Rights Centre Clinic to produce a report (totalling approximately 10,000-12,000 words) focussing on how the Uyombo community could access effective remedies before the proposed nuclear power plant project starts, and/or how the community could litigate to stop Kenya from investing in nuclear power.

The team will submit a 1,000-word blog as well in May 2025.

The project is important for CJGEA because it aligns with the [organization's mission](#) of mainstreaming a human rights-based approach towards environmental protection, particularly for the marginalised and ignored communities residing around extractive industries and hazardous/toxic sites in Kenya. By empowering the Uyombo community through the application of procedural environmental rights, CJGEA aims to challenge the responsibility of state and non-state actors towards environmental protection and access to socio-economic rights. This project enables CJGEA to advocate for accountability in environmental governance and to enhance the protection of communities' rights in the face of potentially harmful development projects, such as the proposed nuclear reactor in the Uyombo area.

Timeline

Phase 1: November – December 2024:

- Preliminary research, understanding the project and developing the report outline.
- Identifying a list of experts or advocates for interviews and questionnaires.
- Securing ethical approval, if necessary.
- Outline and bibliography to be submitted to the partner organisation for comments.

Phase 2: January – March 2025:

- Carrying out the interviews online.
- Research and data gathering.
- Submission of the first full draft to the partner.

Phase 3: April – June 2025:

- Revision and finalising the report.
- Blog for the partner, on their site or another platform, about the main findings of the project.
- Presentation of project to the partner organisation.

Initial reading

1. [Environmental Management and Coordination Act \(EMCA 1999\)](#)
2. [The 2010 Kenyan Constitution.](#)
3. [Nuclear Regulatory Act](#)
4. [Energy Act 2019.](#)
5. [Final Draft of the SESA Report.](#)
6. [CJGEA Review of the SESA Report.](#)
7. [UNESCO Biosphere Reserve.](#)
8. [CJGEA GIS mapping Report.](#)
9. [Kenya Policy on Public Participation.](#)
10. [The Guardian Article.](#)

Focal point

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