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Book Review: **Achieving Climate Justice for Development**

By: *James Njuguna**

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Author: Dr. Kariuki Muigua, PhD

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The idea of Climate Justice is significant for the entire world since it seeks to achieve an agenda that links the struggle for a prosperous safe future for all with a fight against inequalities and exclusion. The book “*Achieving Climate Justice for Development*” is informed by the need to achieve climate justice as a prerequisite for sustainable development. It explores the idea of climate justice and discusses the efficacy of the measures adopted towards achieving climate justice for development. The book not only adds to the already existing debates in this area but also offers solutions for achieving climate justice for development. The discussion also explores the global and regional approaches to achieving climate justice for development.

This book is aimed at the students, general practitioners, researchers, decision-makers and academics, among others, interested in keeping themselves updated in the study and practice Climate Justice for Development. This book is a companion to the compilation of peer-reviewed articles and published book chapters by Dr. Kariuki Muigua, PhD titled “*Combating Climate Change for Sustainability*.”

The author of the book, Dr. Kariuki Muigua, PhD is the Africa’s leading Environmental Lawyer, Environmental, Social and

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Governance Scholar, Climate Change Expert and leading Alternative Dispute Resolution, Conflict Management and Climate Justice Guru. Dr. Kariuki Muigua is Senior Advocate of Kenya, a Chartered Arbitrator, Kenya's ADR Practitioner of the Year 2021 (Nairobi Legal Awards), ADR Lifetime Achievement Award 2021 (CIArb Kenya), African Arbitrator of the Year 2022 (Africa Arbitration Awards) and Africa ADR Practitioner of the Year 2022 (African Arbitration Association), Member of Permanent Court of Arbitration nominated by Republic of Kenya and Member of National Environment Tribunal (NET). Dr. Kariuki Muigua is a foremost Environmental Law and Natural Resources Lawyer and Scholar, Sustainable Development Advocate and Conflict Management Expert in Kenya. Dr. Kariuki Muigua is a Senior Lecturer of Environmental Law and Dispute resolution at the University of Nairobi School of Law and The Center for Advanced Studies in Environmental Law and Policy (CASELAP).

Chapter One offers an introduction to climate change and climate justice. The author notes that Climate change mitigation has taken centre stage in many development plans and activities around the world due to the disastrous effects that climate change has had not only on economies but also on people's livelihoods. He adds that Kenya has not been left behind, either in mitigation measures or in suffering the effects of this change. It has been acknowledged that if the world is to achieve the United Nations 2030 Agenda for Sustainable Development Goals, then much more needs to be done in a coordinated way that not only focuses on all sectors of the economy but also brings all stakeholders on board. Hence, the book adds to the existing literature on this topic with a focus on Kenya and its diverse topics are useful not only to environmental law researchers and students but also to policymakers in their efforts towards mitigating climate change and building a climate resilient economy for the current and future generations.

Chapter Two discusses Climate Change and Sustainability and underscores that achieving environmental sustainability has become a pertinent concern in the wake of global environmental challenges. These problems include global warming, loss of biodiversity, pollution, deforestation, ocean acidification, food and water insecurity, soil degradation and depletion of natural resources through overfishing, unsustainable mining among others. According to the author, these environmental problems have been worsened by the threat of climate change which is the most defining challenge of our time. The impacts of climate change such as warmer temperatures, intense droughts, water scarcity, severe wild fires, rising sea levels, flooding, melting polar ice, catastrophic storms and declining biodiversity are being witnessed across the world. These environmental problems, including climate change affect environmental sustainability by affecting natural ecosystems as evidenced by loss of biodiversity and depletion of natural resources.

Chapter Three deals with the legal and institutional framework on Climate Justice in Kenya. The concept of Climate Justice has emerged to deal with the justice concerns brought about by climate change. Climate Justice seeks to address the causes and impacts of climate change in a manner that recognizes and fosters the rights and concerns of vulnerable people, communities and countries. The chapter seeks to critically discuss the legal and institutional framework necessary for promoting Climate Justice in Kenya. It is worth pointing out that responding to climate change requires involvement of all stakeholders. Further, the chapter conceptualizes Climate Justice and analyzes its enabling legal framework at the global, regional and national levels.

Chapter Four addresses entrenching Gender in Climate Change Mitigation and Adaptation. The United Nations 2030 Agenda for Sustainable Development envisages a world of universal respect for

human rights and human dignity, the rule of law, justice, equality, and non-discrimination, among others. This calls for the concerted efforts of all players if all this is to be achieved. The Sustainable Development Goals (SDGs) is a set of 17 Sustainable Development Goals and 169 targets that seek to build on the Millennium Development Goals to realize the human rights of all and to achieve gender equality and the empowerment of all women and girls, and are integrated and indivisible and balance the three dimensions of sustainable development: the economic, social and environmental.

Chapter Five deals with Climate Justice and Environmental Conflicts. Over the years, there has been an appreciation of the impact that climate may have in economic results, as well as rising public concern about climate change. The term “climate” refers to observations of climatic factors such as temperature, rainfall, and water availability, as well as climate indices that serve as proxy measures for these variables. While climatic circumstances do not generate conflict on their own, they can modify the environment under which particular social interactions take place, potentially altering the risk of conflict. The environmental principle of polluter pays, which holds that polluters should be held accountable for destroying the environment, justifies the concept of resolving climate change disputes through restorative dispute management approaches. The chapter critically discusses the place of Climate Change in the rise and trends in environmental conflicts.

Chapter Six of the book deals with tapping into Africa’s Blue Economy: Challenges and Promises. Blue Economy is defined as a ‘sustainable ocean-based economic model that is largely dependent on coastal and marine ecosystems and resources, but one that employs environmentally-sound and innovative infrastructure, technologies and practices, including institutional and financing arrangements, for meeting the goals. The chapter critically discusses

the concept of blue economy in Africa. It explores the problems and promises of Blue Economy in Africa. The chapter further recommends the way forward towards fostering Africa's Blue Economy for Sustainable Development.

Chapter Seven is about embracing Green Economy for Climate Change Mitigation. The author notes that during the Africa Climate Summit, held in Nairobi, Kenya, from 4th to 6th September 2023, African Heads of State and Government committed to advance green industrialization across the Continent by prioritizing energy-intensive industries to trigger a virtuous cycle of renewable energy deployment and economic activity, with a special emphasis on adding value to Africa's natural endowments. The chapter critically examines actualization of Africa's green dream. It explores the progress made towards greening economies in Africa. The chapter further discusses opportunities and challenges facing the attainment of green growth in Africa. It also suggests recommendations towards actualizing Africa's green dream for Sustainable Development.

Chapter Eight discusses the concept of sustainability audit as a means of increasing the percentage of businesses that comply with environmental regulations in Kenya. The author explores the topic of environmental compliance by corporations, discusses the challenges that are associated with it, and argues that a sustainability audit is one of the approaches that may be used to address these difficulties. The framework known as Environmental, Social, and Governance (ESG) serves as the foundation for the discussion. The chapter also critically discusses the concept of greenwashing as a strategy used by the corporate world to create the impression that they are compliant with Environmental, Social and Governance (ESG) while hiding the true level of compliance, through marketing, and makes recommendations on how to address the same.

Chapter Nine is dedicated to Application of Science, Technology and Innovation to Climate Change Mitigation and Resilience. The chapter discusses the role of science, technology and innovation in fostering Sustainable Development. It has been argued that science, technology and innovation are vital tools in promoting Sustainable Development. The United Nations Development Programme further acknowledges that creativity, knowhow, technology and financial resources from all of society is necessary to achieve the SDGs in every context. The chapter critically examines ways through which science, technology and innovation can promote Sustainable Development. It argues a case for embracing science, technology and innovation in addressing climate change in order to accelerate the attainment of Sustainable Development across the globe.

Chapter Ten deals with Climate Change Litigation, in particular the Role of Law, Lawyers and Courts in Climate Change Mitigation. The Chapter discusses the concept of climate change litigation and how these challenges can be overcome, especially in the context of Kenya. It posits that while the current trend of climate litigation may not have yet gained significant traction in Kenya, it is anticipated that this will change in due course. This shift is expected to occur as a growing number of individuals become cognizant of their environmental rights and develop higher expectations from the government and other stakeholders in terms of their response to the impacts of climate change on their livelihoods. In the pursuit of achieving sustainable development, the author argues that the promotion of climate litigation in Kenya might serve as a substantial element in effectively tackling this global predicament.

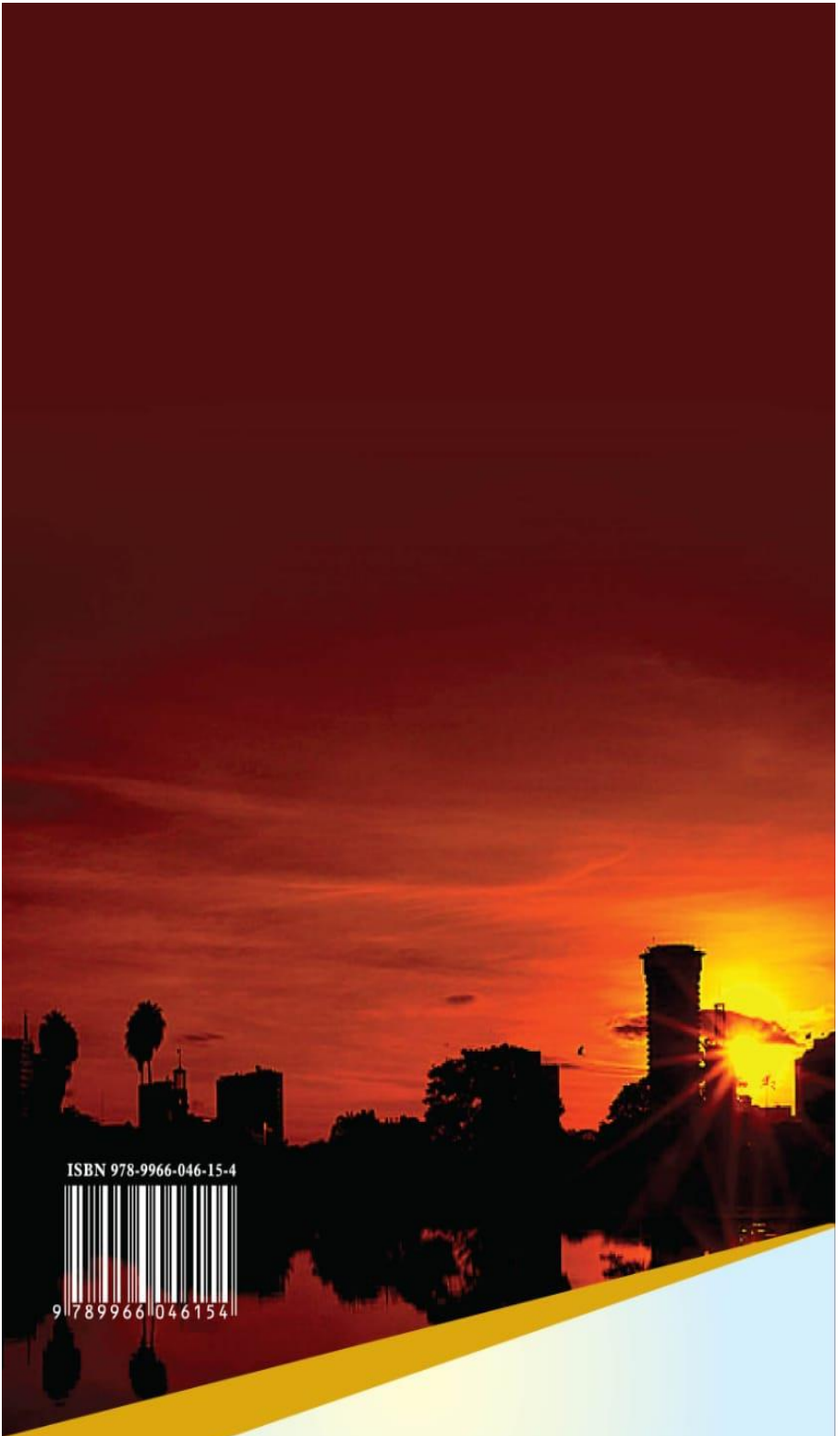
Chapter Eleven is on Climate Financing in Africa. It has been observed that finance plays a vital role in the climate agenda by enhancing the mitigation and adaptation capabilities of countries especially in the developing world. This chapter explores the concept

of climate finance and its role in climate change mitigation and adaptation. It defines climate finance and discusses some of the national, regional and global efforts towards embracing this idea. The chapter critically examines the efficacy of climate finance as a tool of climate change mitigation and adaptation. It further examines the problems inherent in the idea of climate finance. The chapter concludes by proposing reforms towards unlocking climate finance at the national, regional and global levels in order to foster development.

Chapter Twelve tackles some of the contemporary issues in climate justice. The author notes that since GHG emissions are transboundary by nature, global warming is indeed global, and the climate system is shared at the planetary level, meaning we are all affected by climate change phenomena. The emitter and/or beneficiary of GHG emissions is not necessarily the party most affected by such emissions and climate disruption. This has deep implications in terms of the behaviour to be expected from States. In particular, all States must act decisively in order to curb GHG emissions and, in so doing, avoid crossing a dangerous threshold of climate disruption, but also why one State alone is a simple and helpless bystander. Therefore, climate change is the ultimate example of a problem requiring global cooperation between all States. In that context, the chapter highlights some of the contemporary issues on various sectors that arise from the quest for climate justice.

Chapter Thirteen offers conclusion and way forward and not only rehashes the theme of the book but also discusses the need for promoting low carbon development in the country. So far, there have been efforts to foster Climate Justice through measures such as adoption of the principles of Climate Justice in laws and policies, climate funding and climate litigation. However, in the wake of continued climate injustices, there is need to foster Climate Justice

through promoting public participation and access to information, giving voice to women, youth and person with disabilities in climate action, increasing climate funding to developing countries, complying with NDCs especially for developed countries and enhancing climate litigation. Through these measures, the ideal of Climate Justice will be fostered at the national, regional and global levels in the quest towards Sustainable Development.



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