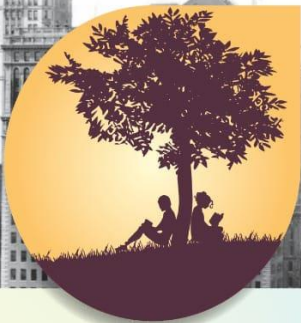


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Safeguarding Human Health through Health in all Policies Approach to Sustainability

*By: Hon. Dr. Kariuki Muigua **

Abstract

As part of safeguarding both human and environmental health, the international environmental law framework requires States to collaborate in a spirit of global partnership to conserve, maintain, and restore the health and integrity of the earth's environment. States are also obligated to work together effectively to deter or prohibit the relocation and transfer of any activities or chemicals that seriously degrade the environment or are determined to be detrimental to human health. This paper makes a case for human health considerations while making policies in all sectors of the economy through adoption of the Health in All Policies approach to sustainability. The author argues that this approach will go a long way in incorporating human health considerations in decision-making processes across all sectors as a step towards achieving sustainability. Notably, this is part of the human rights considerations in approaches towards achieving sustainability.

1. Introduction

An approach to public policy known as Health in All Policies (HiAP) tries to promote population health and health equity by systematically considering the health consequences of policies,

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pursuing synergies, and avoiding negative health impacts. In the context of urban policies to support public health interventions targeted at reaching SDG objectives, HiAP is essential for local decision-making processes. HiAPs largely rely on the utilisation of scientific data and assessment instruments like health impact assessments (HIAs). In order to inform the incorporation of health recommendations in urban policy, HIAs may incorporate city-level quantitative burden of illness evaluations, health economic analyses, and citizen and other stakeholders' engagement.¹

HiAP acknowledges that a variety of factors outside of healthcare and frequently outside the purview of conventional public health activities contribute to health, and the strategy may also be successful in finding evidence gaps and promoting health equity.²

This paper makes a case for human health considerations while making policies in all sectors of economy through adoption of the Health in All Policies approach to sustainability. The author argues that this approach will go a long way in incorporating human health considerations in decision-making processes across all sectors as a

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¹ Ramirez-Rubio, O., Daher, C., Fanjul, G., Gascon, M., Mueller, N., Pajín, L., Plasencia, A., Rojas-Rueda, D., Thondoo, M. and Nieuwenhuijsen, M.J., 'Urban Health: An Example of a "Health in All Policies" Approach in the Context of SDGs Implementation' (2019) 15 Globalization and Health 87.

² 'Health in All Policies | AD for Policy and Strategy | CDC' (18 June 2019) <<https://www.cdc.gov/policy/hiap/index.html>> accessed 16 April 2023.

step towards achieving sustainability. Notably, this is part of the human rights considerations in approaches towards achieving sustainability.

2. Elements of Health in All Policies (HiAP) Approach

The World Health Organization notes that the Health in All Policies (HiAP) initiative acknowledges that population health is significantly influenced by policies that direct behaviours outside of the health sector, rather than only being a byproduct of health sector programmes. Health and health inequality might possibly be impacted by policy in every area of government. Using a HiAP strategy tries to address policies that have an impact on things like transportation, housing and urban planning, the environment, education, agriculture, finance, taxes, and economic development in order to make them more supportive of overall health and health equality.³

The Pan American Health Organization (PAHO) notes that many of the social, environmental, and economic factors that influence health have causes other than the medical industry and government health policy. The influence on health must thus be taken into account across all industries and levels of administration. In addition, PAHO notes that the HiAP strategy emphasizes participation, sustainability, accountability, transparency, access to information, and cross-sectoral cooperation.⁴

³ 'Promoting Health in All Policies and Intersectoral Action Capacities' <<https://www.who.int/activities/promoting-health-in-all-policies-and-intersectoral-action-capacities>> accessed 16 April 2023.

⁴ User S and <https://www.facebook.com/pahowho>, 'PAHO/WHO | About Health in All Policies' (Pan American Health Organization / World Health Organization, 6 March 2014)

As a WHO member, Kenya has pledged to embrace HiAP, which is outlined in the country's health policy for the years 2014 to 2030.⁵ The budgeting procedure and planning for the Sustainable Development Goals (SDGs) have reportedly been identified as possible windows of opportunity for the mainstreaming of the HiAP approach in all sectors with health promotion as a clear goal.⁶

As a method for tackling the many elements that affect health and equality, often known as the social determinants of health, which include educational attainment, housing, transport alternatives, and neighbourhood safety, APHA recommends a "health in all policies" approach.⁷

Every government agency has a responsibility to play in creating a vibrant, just community. The concept underlying Health in All Policies is this: HiAP is fundamentally about bringing together government departments to establish shared objectives, make the most of available resources, coordinate efforts, and engage in large-scale, multifaceted solutions. Public organisations can employ this strategy in collaboration with the communities they serve to address their biggest social and environmental problems.⁸ In order to reduce

https://www3.paho.org/hq/index.php?option=com_content&view=article&id=9360:2014-about-health-all-policies&Itemid=0&lang=en#gsc.tab=0 accessed 16 April 2023.

⁵ Mauti, J., Gautier, L., De Neve, J.W., Beiersmann, C., Tosun, J. and Jahn, A., 'Kenya's Health in All Policies Strategy: A Policy Analysis Using Kingdon's Multiple Streams' (2019) 17 Health Research Policy and Systems 15.

⁶ Ibid.

⁷ 'Health in All Policies' <<https://www.apha.org/topics-and-issues/health-in-all-policies>> accessed 16 April 2023.

⁸ 'Health in All Policies | ChangeLab Solutions' <<https://www.changelabsolutions.org/health-all-policies>> accessed 16 April 2023.

health disparities and achieve health equity, HiAP is an essential technique. Decision-makers may best serve their communities by applying a HiAP strategy across sectors and policy areas since no one government agency has complete control over the laws and policies that have an impact on the basic causes of inequality.⁹

Designing a conceptual framework with the SDGs, urban and transportation planning, environmental exposures, behaviour, and health outcomes in mind is possible. The HiAP approach's potential to transfer knowledge into SDG implementation depends on a number of key factors, including data accessibility, consideration of equity concerns, strengthening communication between experts, decision-makers, and people, and participation of all significant stakeholders.¹⁰

3. Human Rights Based Approach to Sustainable Development

Since 1945, when the United Nations Charter was adopted, human rights have been a keystone of the organization's activities.¹¹ The Universal Declaration of Human Rights, issued by the UN General Assembly in 1948, states that the equal and inalienable rights of every human being serve as the cornerstone for freedom, justice, and peace in the world.¹²

⁹ Ibid.

¹⁰ Ramirez-Rubio, O., Daher, C., Fanjul, G., Gascon, M., Mueller, N., Pajín, L., Plasencia, A., Rojas-Rueda, D., Thondoo, M. and Nieuwenhuijsen, M.J., 'Urban Health: An Example of a "Health in All Policies" Approach in the Context of SDGs Implementation' (2019) 15 Globalization and Health 87.

¹¹ 'UNSDG | Human Rights-Based Approach' <<https://unsdg.un.org/2030-agenda/universal-values/human-rights-based-approach>, <https://unsdg.un.org/2030-agenda/universal-values/human-rights-based-approach>> accessed 19 April 2023.

¹² 'The Human Rights-Based Approach' (United Nations Population Fund) <<https://www.unfpa.org/human-rights-based-approach>> accessed 19 April 2023.

Since the United Nations Environmental Agency suggested a new rights-based agenda for sustainable development in the report "Transforming Our World: The 2030 Agenda for Sustainable Development," (UN, 2015), a rights-based approach to environmental concerns has gained support.¹³

A conceptual framework for the process of human development, the Human Rights-Based Approach (HRBA) is operationally focused on advancing and defending human rights while normatively basing itself on international human rights norms. It aims to address unfair power dynamics and discriminatory behaviours that inhibit development and frequently leave some groups of people behind. These issues are at the core of development discourse, and it strives to analyse and address them.¹⁴ The human rights-based strategy puts the spotlight on those who are the most disadvantaged, excluded, or subjected to discrimination. In order to make sure that interventions reach the most vulnerable sections of the community, it is frequently necessary to analyse gender norms, various types of discrimination, and power disparities.¹⁵

According to the HRBA, all civil, cultural, economic, political, and social rights as well as the right to development are based in a system of rights and associated duties created by international law. The HRBA mandates that the United Nations development cooperation

¹³ Choondassery Y, 'Rights-Based Approach: The Hub of Sustainable Development' (2017) 8 Discourse and Communication for Sustainable Education 17.

¹⁴ 'UNSDG | Human Rights-Based Approach' <<https://unsdg.un.org/2030-agenda/universal-values/human-rights-based-approach>, <https://unsdg.un.org/2030-agenda/universal-values/human-rights-based-approach>> accessed 19 April 2023.

¹⁵ 'The Human Rights-Based Approach' (United Nations Population Fund) <<https://www.unfpa.org/human-rights-based-approach>> accessed 19 April 2023.

adhere to the human rights principles of universality, indivisibility, equality, and non-discrimination, participation, and accountability, and place special emphasis on building the capacities of both "duty-bearers" to fulfil their duties and "rights-holders" to assert their rights.¹⁶ A rights-based strategy helps duty-bearers become more capable of carrying out their responsibilities and motivates right holders to exercise their rights. Governments are required to respect, safeguard, and uphold all rights on three different levels: Respecting a right entails not interfering with how that right is used. To defend a right is to stop other parties from obstructing it from being exercised. In order to ensure that individuals may exercise their rights, laws, regulations, institutions, and procedures must be put in place. This includes allocating resources.¹⁷

The Human Rights system and the SDGs complement each other in that the former ensures the binding stamp and, most importantly, monitoring and accountability mechanisms, while the latter also integrates "people, planet, prosperity, peace, and partnership" for the achievement of sustainable development.¹⁸ Several of the SDGs' aims are changed from a goal or aspiration into immediate rights when examined through the prisms of current human rights legislation. In this regard, the implementation of the SDGs can be much more successful if it is influenced by a human rights-approach and takes

¹⁶ 'UNSDG | Human Rights-Based Approach' <<https://unsdg.un.org/2030-agenda/universal-values/human-rights-based-approach>, <https://unsdg.un.org/2030-agenda/universal-values/human-rights-based-approach>> accessed 19 April 2023.

¹⁷ 'The Human Rights-Based Approach' (United Nations Population Fund) <<https://www.unfpa.org/human-rights-based-approach>> accessed 19 April 2023.

¹⁸ 'Intersessional Meeting on Human Rights and the 2030 Agenda (16 January 2019)' (OHCHR) < <https://www.ohchr.org/en/hr-bodies/hrc/intersessional-meeting2030-agenda> > accessed 19 April 2023.

into account the findings and suggestions of international and regional treaty-based bodies as well as National Human Rights Institutions (NHRIs).¹⁹

In fact, local, regional, and international human rights organisations can be used to ensure that national policies and programmes for the implementation, monitoring, and reporting of the SDGs are based on a human rights-based approach. The various human rights mechanisms can provide useful and occasionally disaggregated data to feed decision-making and reporting processes, and the institutions overseeing human rights processes can be a useful bridge between governments and various vulnerable groups.²⁰

A human rights-based approach (HRBA) to development seeks to achieve outcomes that are relevant to human rights standards, such as the right to adequate housing, through the adoption of procedures that uphold the human rights principles of equality and non-discrimination, inclusion and participation, accountability, and the rule of law.²¹ Indigenous peoples and local communities' ways of life and territorial boundaries are important components of the solution to our global crises, and they must be recognised and supported throughout the framework, including through the recognition of rights over lands, territories, and resources, in area-based policies, in customary sustainable use, in traditional knowledge, and in fully and effectively participating in decision-making processes.²²

¹⁹ Ibid.

²⁰ Ibid.

²¹ 'A Rights-Based Approach to Urban Development - Urban Jonsson, the Owls | UN-Habitat' <<https://unhabitat.org/a-rights-based-approach-to-urban-development-urban-jonsson-the-owls>> accessed 19 April 2023.

²² 'Implementing a Human Rights-Based Approach to Biodiversity Conservation - Paper 3 | FPP'

It has been argued that although the concepts of a rights-based approach to development are consistent with the 2030 Agenda in some areas, more work has to be done in the implementation, monitoring, and assessment of the SDGs to guarantee that the full range of benefits offered by a rights-based approach may be realized.²³

According to the Swedish International Development Cooperation Agency, the following are key questions to ask when applying the HRBA:²⁴

- a) **Participation:** Do all relevant stakeholders engage actively, in a way which allows rights holders to contribute meaningfully and influence outcomes?
- b) **Link to human rights obligations:** How are relevant human rights standards and recommendations from international and regional human rights mechanisms identified and used in formulating objectives and to advance processes and outcomes?
- c) **Accountability:** Who are the duty bearers at different levels, and do they have sufficient capacity and interest to be accountable to rights holders? Are there mechanisms for participation and complaints in place for rights holders, civil

<<https://www.forestpeoples.org/en/report/2022/implementing-human-rights-BA>> accessed 19 April 2023.

²³ de Man A, 'The Sustainable Development Goals and the Rights-Based Approach to Development: Compatible or Missing the Point?' (2019) 19 African Human Rights Law Journal 445.

²⁴ Human Rights Based Approach | Sida. <https://www.sida.se/en/for-partners/methods-materials/human-rights-based-approach> (accessed 2023-05-22).

society and other stakeholders to hold the duty bearers to account?

- d) **Non-discrimination and equality:** Are rights holders and the root causes of the non-realisation of their human rights identified and taken into account, particularly those most subject to discrimination and marginalisation?
- e) **Empowerment and capacity development:** How does the intervention contribute to the empowerment of rights holders to claim their rights, as well as capacity development of duty bearers to uphold their responsibilities, and of other relevant stakeholders to contribute to positive outcomes?
- f) **Transparency:** What measures are put in place to ensure that all stakeholders are able to access relevant information and knowledge regarding the intervention?²⁵

4. Biodiversity and health

The relationship between biodiversity and health is one that has been recognised internationally.²⁶ One Health is an integrated, unifying strategy with the goal of optimising the wellbeing of humans, animals, and ecosystems in a sustainable manner. It acknowledges the interconnectedness and interdependence of human health, that of domestic and wild animals, plants, and the larger environment (including ecosystems).²⁷

COP 15 encouraged Parties and their subnational and local governments, and invited other Governments, in accordance with

²⁵ Human Rights Based Approach | Sida. <https://www.sida.se/en/for-partners/methods-materials/human-rights-based-approach> (accessed 2023-05-22).

²⁶ Unit, B. Biodiversity and Health. <https://www.cbd.int/health/> (accessed 2023-05-22).

²⁷ 'One Health' <<https://www.who.int/health-topics/one-health>> accessed 17 February 2023.

national circumstances and priorities, where appropriate, and relevant stakeholders: (a) to take steps towards a long-term and inclusive recovery from the COVID-19 pandemic that support biodiversity preservation and sustainable usage, hence reducing the danger of zoonotic illnesses in the future, while also taking the One Health concept into consideration, among other holistic methods;²⁸ (b) to assist the implementation of the Kunming-Montreal Global Biodiversity Framework by further integrating the One Health approach—among other holistic approaches—into their national biodiversity policies and action plans, as well as national health programmes, if necessary;²⁹ (c) to further support capacity-building and development for mainstreaming biodiversity and health linkages into the implementation of the Kunming-Montreal Global Biodiversity Framework;³⁰ and (d) to strengthen compliance with international and national provisions on access and benefit-sharing, in order to enhance the fair and equitable sharing of benefits arising from the utilization of genetic resources, as well as the fair and equitable sharing of benefits arising from the use of digital sequence information on genetic resources, in the relevant health sectors.³¹

COP 15 also invited the Quadripartite for One Health, the One Health High-Level Expert Panel, and other relevant expert groups and initiatives:³² (a) to consider in their work the connections between health and biodiversity, the need for the One Health approach, among other holistic approaches, in accordance with decisions XIII/6

²⁸ 15/29. Biodiversity and health, CBD/COP/DEC/15/29, 19 December 2022, para. 1(a).

²⁹ Ibid, para. 1(b).

³⁰ Ibid, para. 1(c).

³¹ Ibid 1(d).

³² 15/29. Biodiversity and health, CBD/COP/DEC/15/29, 19 December 2022, para. 2.

and 14/4, as well as equity and solidarity, and social determinants of health and socioeconomic inequalities between developing and developed countries;³³ (b) to contribute with guidance, interdisciplinary education and training, to the implementation of health-related elements and the application of the One Health approach, among other holistic approaches, in the Kunming-Montreal Global Biodiversity Framework;³⁴ (c) To contribute to the development of, and reporting on, health-related indicators of the monitoring framework for the Kunming-Montreal Global Biodiversity Framework;³⁵ and (d) to collaborate with the Executive Secretary in providing Parties with capacity-building, technology transfer, and resource mobilization opportunities for mainstreaming biodiversity and health linkages.³⁶

The COP 15 further invited the Global Environment Facility, in accordance with its mandate, as appropriate, to consider providing technical and financial support for mainstreaming biodiversity and health linkages.³⁷ It also invited Parties, other Governments, and all relevant donors and funding organizations in a position to do so, to consider providing technical support and mobilizing resources for mainstreaming biodiversity and health linkages.³⁸

COP 15 further requested the Executive Secretary, subject to the availability of resources, in consultation with the Bureau of the Subsidiary Body on Scientific, Technical and Technological Advice, and in collaboration with the World Health Organization and the

³³ Ibid, 2(a).

³⁴ Ibid (2(b).

³⁵ Ibid 2(c).

³⁶ Ibid, 2(d).

³⁷ Ibid, para. 3.

³⁸ Ibid, para. 4.

Quadrupartite for One Health, to complete the work pursuant to decision 14/4, paragraph 13 (b) and (c) on targeted messages and a draft global action plan, drawing on the deliberations of the resumed session of the twenty-fourth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice, as follows: (a) to produce an updated version of the draft global action plan and targeted messages based on the inputs received from Parties, other Governments, indigenous peoples and local communities, women, youth, and other relevant stakeholders, recognizing the issues of equity, including through the fair and equitable sharing of benefits arising from the utilization of genetic resources as well as the fair and equitable sharing of benefits arising from the use of digital sequence information on genetic resources and traditional knowledge associated with genetic resources; (b) to invite Parties, other Governments, indigenous peoples and local communities, women, youth, and other relevant stakeholders to review the updated version of the draft global action plan; (c) to make the outcomes of this work available for consideration by the Subsidiary Body on Scientific, Technical and Technological Advice at a future meeting, with a view to making recommendations to the Conference of the Parties at its sixteenth meeting.³⁹

5. Conclusion

Article 42 (a) of the 2010 Constitution of Kenya guarantees that: “every person has the right to a clean and healthy environment, which includes the right to have the environment protected for the benefit of present and future generations through legislative and other measures.” There are various sectors of the economy that have adverse effects on human health and thus pose a risk to the realisation of Article 42 of the Constitution of Kenya on the right to Clean and

³⁹ Ibid, para. 5.

Healthy Environment for all. As a result, it is important that all stakeholders join hands in addressing the menace for the sake of all, and promoting public health. It is not the time to point fingers and watch as the general populace suffers; both levels of government should intentionally act towards achieving better human health as a step towards sustainability.

Safeguarding human health through Health in all Policies Approach to sustainability is a viable ideal worth pursuing.

References

‘A Rights-Based Approach to Urban Development - Urban Jonsson, the Owls | UN-Habitat’ <<https://unhabitat.org/a-rights-based-approach-to-urban-development-urban-jonsson-the-owls>> accessed 19 April 2023.

‘Health in All Policies | AD for Policy and Strategy | CDC’ (18 June 2019) <<https://www.cdc.gov/policy/hiap/index.html>> accessed 16 April 2023.

‘Health in All Policies | ChangeLab Solutions’
<<https://www.changelabsolutions.org/health-all-policies>> accessed 16 April 2023.

‘Health in All Policies’ <<https://www.apha.org/topics-and-issues/health-in-all-policies>> accessed 16 April 2023.

‘Implementing a Human Rights-Based Approach to Biodiversity Conservation - Paper 3 | FPP’
<<https://www.forestpeoples.org/en/report/2022/implementing-human-rights-BA>> accessed 19 April 2023.

‘Intersessional Meeting on Human Rights and the 2030 Agenda (16 January 2019)’ (OHCHR)

<<https://www.ohchr.org/en/hr-bodies/hrc/intersessional-meeting2030-agenda>> accessed 19 April 2023.

‘One Health’ <<https://www.who.int/health-topics/one-health>> accessed 17 February 2023.

‘Promoting Health in All Policies and Intersectoral Action Capacities’ <<https://www.who.int/activities/promoting-health-in-all-policies-and-intersectoral-action-capacities>> accessed 16 April 2023.

‘The Human Rights-Based Approach’ (United Nations Population Fund) <<https://www.unfpa.org/human-rights-based-approach>> accessed 19 April 2023.

‘UNSDG | Human Rights-Based Approach’

<<https://unsdg.un.org/2030-agenda/universal-values/human-rights-based-approach>, <https://unsdg.un.org/2030-agenda/universal-values/human-rights-based-approach>> accessed 19 April 2023.

Choondassery Y, ‘Rights-Based Approach: The Hub of Sustainable Development’ (2017) 8 Discourse and Communication for Sustainable Education 17.

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Using Kingdon's Multiple Streams' (2019) 17 Health Research Policy and Systems 15.

Ramirez-Rubio, O., Daher, C., Fanjul, G., Gascon, M., Mueller, N., Pajín, L., Plasencia, A., Rojas-Rueda, D., Thondoo, M. and Nieuwenhuijsen, M.J., 'Urban Health: An Example of a "Health in All Policies" Approach in the Context of SDGs Implementation' (2019) 15 Globalization and Health 87.

Unit, B. *Biodiversity and Health*. <https://www.cbd.int/health/> (accessed 2023-05-22).

United Nations, 15/29. Biodiversity and health, CBD/COP/DEC/15/29, 19 December 2022.

User S and <https://www.facebook.com/pahowho>, 'PAHO/WHO | About Health in All Policies' (*Pan American Health Organization / World Health Organization*, 6 March 2014)

<https://www3.paho.org/hq/index.php?option=com_content&view=article&id=9360:2014-about-health-all-policies&Itemid=0&lang=en#gsc.tab=0>
accessed 16 April 2023.

al, and economic goals and issues into consideration when making decisions.¹

Sustainable Development's environmental component must be considered in its economic, social, and governance facets. This is due to the fact that fostering sustainable economic growth depends on environmental protection, as the natural environment supports economic activity both directly and indirectly through ecosystem services like carbon sequestration, water purification, managing flood risks, and nutrient cycling.²

The SDGs are global, multifaceted, and ambitious, and it is arguable that in order to fulfil them, we need an integrated framework that encourages a growth path that protects the environment and whose benefits are shared by everyone, not just by the fortunate few.³ Thus, the idea of Sustainable Development forces us to reconsider how we interact with the world and how we anticipate that governments would implement policies that promote that worldview.⁴

Corporations, through following Environment Social and Governance (ESG) frameworks or guidelines, can also play a huge role in promoting sustainability within the localities that they operate

¹ Dernbach, J.C. and Mintz, J.A., "Environmental laws and sustainability: an introduction. Sustainability, 3 (3), 531-540." (2011), 532.

² *UN Environment*, 'GOAL 8: Decent Work and Economic Growth' (UNEP - UN Environment Programme, 2 June 2021) <<http://www.unep.org/explore-topics/sustainable-development-goals/why-do-sustainable-development-goals-matter/goal-8>> accessed 1 April 2023.

³ Ramos, G., "The Sustainable Development Goals: A duty and an opportunity." (2016): 17-21, in Love, P. (ed.), *Debate the Issues: New Approaches to Economic Challenges*, OECD Publishing, Paris, <https://doi.org/10.1787/9789264264687-3-en>. 1 April 2023.

⁴ Ibid.

in and the country at large. ESG Reporting should be encouraged and used as a tool of promoting sustainability within the companies, communities and country. Under this, organisations make it part of their operational procedures to report publicly on their economic, environmental, and/or social impacts, and hence its contributions – positive or negative – towards the goal of Sustainable Development.⁵ As the business community seeks to invest in various sectors, there is a need for them to take into account ESG requirements under SDGs.

The law (government) and other policy makers should work towards supporting businesses in their efforts to transition to more sustainable business models, through using various legal, policy and other effective incentives. The law should move towards ensuring that non-financial reporting on ESG becomes the standard mode of operation for ease of enforcing such principles as “the polluter pays principle”, among others. This is especially important as it has been pointed out that ‘previous literature, which attempted to investigate the link between sustainability and investment performance, found that a critical barrier to ESG integration is that investors lack reliable and non-manipulated information’, at least in other jurisdictions, practices which may also take place in Kenya.⁶ While it may not be

⁵ ‘(10) Global ESG Disclosure Regulations: From Awareness to Practice towards Sustainability | LinkedIn’ <<https://www.linkedin.com/pulse/global-esg-disclosure-regulations-from-awareness-dr-mahendra/>> accessed 1 April 2023; Boffo R and Patalano R, ‘ESG Investing: Practices, Progress and Challenges’ [2020] Editions OCDE, Paris; ‘What ESG Reporting Is and How to Do It | A MovingWorlds Guide’ (MovingWorlds.org) <<https://movingworlds.org/esg-reporting-guide>> accessed 1 April 2023; PricewaterhouseCoopers, ‘ESG Reporting and Preparation of a Sustainability Report’ (PwC, 26 January 2021) <<https://www.pwc.com/sk/en/environmental-social-and-corporate-governance-esg/esg-reporting.html>> accessed 1 April 2023.

⁶ Roy, P.P., Rao, S., Marshall, A.P. and Thapa, C., ‘Mandatory Corporate Social Responsibility and Foreign Institutional Investor Preferences’ (2020).

disputed that institutional investors vary in their approaches to integrating ESG factors into their investment decisions, the end game should at least show some tangible and verifiable positive results.⁷ It has also been suggested that businesses and companies should embrace technology and innovation in engineering and product development as well as with regard to management structures and entrepreneurship, which will arguably continue to be crucial to overall sustainability strategy. Doing more with less may be a challenge that technology may help solve since it can reduce the strict ecological limitations while also relieving political and economic pressures (thereby allowing space and opportunity for more sustainability solutions from all quarters).⁸

There is a need to adopt innovative governance approaches which integrate economic, social development and sustainable development principles at multiple levels of social organization in addressing the serious challenges facing our globe and achievement of the 2030 Agenda on Sustainable Development Goals.⁹

The Human Rights Based Approach(HRBA) places the most marginalised and discriminated among those who are living in multidimensional poverty and oppression at the centre of development cooperation. The strategy identifies the individuals and

⁷ OECD, *OECD Business and Finance Outlook 2020: Sustainable and Resilient Finance* (OECD 2020)

https://www.oecd-ilibrary.org/finance-and-investment/oecd-business-and-finance-outlook-2020_eb61fd29-en accessed 1 April 2023.

⁸ Clune WH and Zehnder AJB, 'The Three Pillars of Sustainability Framework: Approaches for Laws and Governance' (2018) 9 *Journal of Environmental Protection* 211.

⁹ Kramer, J.M. and Johnson, C.D., "Sustainable Development and Social Development: Necessary Partners for the Future." *Sustainable Development* (1996), p.89.

institutions in charge of upholding, defending, and enforcing those human rights with the goal of empowering people who are oppressed and living in poverty to take action to escape their circumstances.¹⁰ This is because the HRBA always includes the following provisions: empowerment of women, men, girls, boys, and non-binary people living in poverty and oppression – the rights holders – with, for instance, hope, assertiveness, knowledge, skills, tools, networks, communication channels, and access to justice to enable them to assert their rights both individually and collectively; and capacity development of those with obligations to respect, protect, promote, and fulfil human rights – the duty bearers – through, among other things, education.¹¹

Realizing true Sustainable Development is an ideal whose time is now.

¹⁰ Cybercom, 'Human Rights Based Approach' (Sida) <<https://www.sida.se/en/for-partners/methods-materials/human-rights-based-approach>> accessed 19 April 2023.

¹¹ Ibid.

References

‘(10) Global ESG Disclosure Regulations: From Awareness to Practice towards Sustainability | LinkedIn’

<<https://www.linkedin.com/pulse/global-esg-disclosure-regulations-from-awareness-dr-mahendra/>> accessed 1 April 2023.

‘Smallest Footprints, Largest Impacts: Least Developed Countries Need a Just Sustainable Transition | UNCTAD’

<<https://unctad.org/topic/least-developed-countries/chart-october-2021>> accessed 19 April 2023.

‘Trade and the Environment - OECD’

<<https://www.oecd.org/trade/topics/trade-and-the-environment/>> accessed 1 April 2023.

‘Trading Into Sustainable Development: Trade, Market Access, and the Sustainable Development Goals’ (2016)

<https://unctad.org/system/files/official-document/ditctab2015d3_en.pdf> accessed 19 April 2023.

Amartya S., *Development as Freedom* (Anchor Books, New York, 1999), pp.35-53.

Amina Said Abdalla & 2 others v County Government of Kilifi & 2 others [2017] eKLR, ELC Case No. 283 OF 2016.

Beder, S., “Costing the Earth: Equity, Sustainable Development and Environmental Economics,” *New Zealand Journal of Environmental Law*, Vol.4, 2000, pp.227-243.

Birnie, P., Boyle, A. and Redgwell, C., *International Law and the Environment*, (3rd ed., Oxford 2009).

Boffo R and Patalano R, 'ESG Investing: Practices, Progress and Challenges' [2020] Editions OCDE, Paris; 'What ESG Reporting Is and How to Do It | A MovingWorlds Guide' (MovingWorlds.org) <<https://movingworlds.org/esg-reporting-guide>> accessed 1 April 2023.

Choondassery Y, 'Rights-Based Approach: The Hub of Sustainable Development' (2017) 8 Discourse and Communication for Sustainable Education.

Chu EW and Karr JR, 'Environmental Impact: Concept, Consequences, Measurement' [2017] Reference Module in Life Sciences B978.

Clune WH and Zehnder AJB, 'The Three Pillars of Sustainability Framework: Approaches for Laws and Governance' (2018) 9 Journal of Environmental Protection 211.

Cullet P., *Differential Treatment in International Environmental Law and its Contribution to the Evolution of International Law* (Aldershot: Ashgate, 2003).

Cybercom, 'Human Rights Based Approach' (Sida) <<https://www.sida.se/en/for-partners/methods-materials/human-rights-based-approach>> accessed 19 April 2023.

Dernbach, J.C. and Mintz, J.A., "Environmental laws and sustainability: an introduction. Sustainability, 3 (3), 531-540." (2011).

Environmental Management and Co-ordination Act, No. 8 of 1999,
Laws of Kenya.

Freedman B, 'Chapter 12 ~ Resources and Sustainable Development'
<<https://ecampusontario.pressbooks.pub/environmentalscience/chapter/chapter-12-resources-and-sustainable-development/>> accessed 19 April 2023.

Galmes G, 'Trade as an enabler of sustainable development and
poverty eradication,' in United Nations, *The Road from Rio+20:
Towards Sustainable Development Goals*, Issue 4, September 2014.

Hub ISK, 'Guest Article: Common But Differentiated Governance:
Making the SDGs Work | SDG Knowledge Hub | IISD'
<<http://sdg.iisd.org/commentary/guest-articles/common-but-differentiated-governance-making-the-sdgs-work/>> accessed 19 April 2023.

Hungary v Slovakia, 1997 WL 1168556 (I.C.J-1997).

Hussein Abaza and Andrea Baranzini, *Implementing Sustainable
Development: Integrated Assessment and Participatory Decision-Making
Processes* (Edward Elgar Publishing 2002).

Kenya Vision 2030, Government of Kenya, 2007.

Kramer, J.M. and Johnson, C.D., "Sustainable Development and
Social Development: Necessary Partners for the Future." *Sustainable
Development* (1996).

Kuhlman T and Farrington J, 'What Is Sustainability?' (2010) 2
Sustainability 3436.

Kurukulasuriya, L. and Robinson, N.A., "UNEP Training Manual on International Environmental Law." *Nairobi: United Nations Environment Programme* (2006).

Leal Filho, W., Tripathi, S.K., Andrade Guerra, J.B.S.O.D., Giné-Garriga, R., Orlovic Lovren, V. and Willats, J., 'Using the Sustainable Development Goals towards a Better Understanding of Sustainability Challenges' (2019) 26 *International Journal of Sustainable Development & World Ecology* 179.

MacDonald, A., Clarke, A., Ordonez-Ponce, E., Chai, Z. and Andreasen, J., 'Sustainability Managers: The Job Roles and Competencies of Building Sustainable Cities and Communities' (2020) 43 *Public Performance & Management Review* 1413.

McGregor D, Whitaker S and Sritharan M, 'Indigenous Environmental Justice and Sustainability' (2020) 43 *Current Opinion in Environmental Sustainability* 35.

Muigua, D., 'Understanding the Place of Conflict Management in Sustainable Development Agenda' (27 September 2022) <<https://papers.ssrn.com/abstract=4371703>> accessed 31 March 2023.

Muigua, K., *Nurturing Our Environment for Sustainable Development*, Glenwood Publishers, Nairobi – 2016).

Nițoia P and Camară G, 'Roles of Actors in Promoting Sustainable Development' [2018] *Present Environment and Sustainable Development* 169.

Nkonya, E.M., Cenacchi, N. and Ringler, C., International cooperation for sustainable land and water management, SOLAW Background Thematic Report - TR16.

OECD, *OECD Business and Finance Outlook 2020: Sustainable and Resilient Finance* (OECD 2020) <https://www.oecd-ilibrary.org/finance-and-investment/oecd-business-and-finance-outlook-2020_eb61fd29-en> accessed 1 April 2023.

PricewaterhouseCoopers, 'ESG Reporting and Preparation of a Sustainability Report' (PwC, 26 January 2021) <<https://www.pwc.com/sk/en/environmental-social-and-corporate-governance-esg/esg-reporting.html>> accessed 1 April 2023.

Pülzl H and Wydra D, 'The Evaluation of the Implementation of Sustainability Norms: An Exercise for Experts or Citizens?' (2011) 2 International Journal of Social Ecology and Sustainable Development (IJSESD) 31.

Rafika, K., Rym, K., Souad, S.B. and Youcef, L., "A public actor awareness for sustainable development." *Procedia-Social and Behavioral Sciences* 216 (2016): 151-162.

Ramos, G., "The Sustainable Development Goals: A duty and an opportunity." (2016): 17-21, in Love, P. (ed.), *Debate the Issues: New Approaches to Economic Challenges*, OECD Publishing, Paris, <https://doi.org/10.1787/9789264264687-3-en>. 1 April 2023.

Rizza Ambra, 'An Integrated Approach to the Sustainable Development Goals' (*Assembly of European Regions*, 4 March 2019) <<https://aer.eu/integrated-approach-sdgs/>> accessed 1 April 2023.

Roy, P.P., Rao, S., Marshall, A.P. and Thapa, C., 'Mandatory Corporate Social Responsibility and Foreign Institutional Investor Preferences' (2020).

The Principle of Common but Differentiated Responsibilities: Origins and Scope, For the World Summit on Sustainable Development, 2002, Johannesburg, 26 August, *A Centre for International Sustainable Development Law (CISDL) Legal Brief*.

Tokuç A, 'Rio Declaration on Environment and Development (UN)' in Samuel O Idowu and others (eds), *Encyclopedia of Corporate Social Responsibility* (Springer 2013) <https://doi.org/10.1007/978-3-642-28036-8_19> accessed 19 April 2023.

UN Environment, 'GOAL 8: Decent Work and Economic Growth' (UNEP - UN Environment Programme, 2 June 2021) <<http://www.unep.org/explore-topics/sustainable-development-goals/why-do-sustainable-development-goals-matter/goal-8>> accessed 1 April 2023.
UN General Assembly, *Transforming our world: the 2030 Agenda for Sustainable Development*, 21 October 2015, A/RES/70/1.

UNDP, Human Development Report 2011, *The Real Wealth of Nations: Pathways to Human Development*, (Palgrave Macmillan Houndmills, Basingtoke, Hampshire, 2011).

United Nations, Rio Declaration of 1992, UN Doc. A/CONF.151/26 (Vol. I).

United Nations, *The Future We Want*, A/RES/66/288, Sixty-sixth session Agenda item 19, Resolution adopted by the General Assembly on 27 July 2012, para. 130.

United Nations, *Transforming Our World: The 2030 Agenda for Sustainable Development* | Department of Economic and Social Affairs' <<https://sdgs.un.org/2030agenda>> accessed 1 April 2023.

Vatn, Arild, *Environmental governance: institutions, policies and actions*, Edward Elgar Publishing, 2015.

Weiss, E.B., "In Fairness to Future Generations and Sustainable Development," *American University International Law Review*, Vol.8, 1992.

World Commission on Environment and Development, *Our Common Future*, GAOR, 42ndSess, Supp. No. 25, UN Doc, A/42/25 (1987).

A Review of Kenya's National Strategy to Counter Violent Extremism: The Case for Reform

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Abstract

This study reviews Kenya's National Strategy to Counter Violent Extremism and makes a case for reform. The strategy's main features and strengths, including its multi-agency and whole-of-society approaches, are analyzed. However, the study identifies key weaknesses in the strategy, including limited awareness and comprehension, and a failure to address related crime. To improve the strategy, the study draws lessons from national and international jurisdictions, including the African Union's Regional Strategy, the European Union's Strategy, the United States Strategic Framework, and the United Kingdom's CONTEST Strategy. Kenya can learn from these strategies and develop a more comprehensive and effective approach to preventing and countering terrorism in the country.

Key Words: Kenya; Counter violent extremism; Strategy; Reform; Lessons

1. Introduction

Violent extremism has become a pressing issue across the world, with many countries grappling with the challenge of how to prevent and counter it.¹ Violent extremism refers to the use of violence, often in the name of a political or religious ideology, to achieve goals that are

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¹ Horgan, J. (2017). What is 'violent extremism'? The Royal Society for the encouragement of Arts, Manufactures and Commerce (RSA).

typically extreme and radical.² Kenya has not been immune to this phenomenon, with the country experiencing a rise in violent extremism in recent years.³ To address this issue, the Kenyan government has developed a National Strategy to Counter Violent Extremism, which aims to prevent and counter the spread of radicalization and violent extremism in the country.⁴ This paper reviews Kenya's National Strategy to Counter Violent Extremism, highlighting its main features and strengths, as well as its key weaknesses. The study also analyzes the possibility of integrating other strategies as a way of reforming the current approach. By drawing on lessons from national and international jurisdictions, the study identifies ways that Kenya can improve its strategy and develop a more comprehensive and effective approach to preventing and countering violent extremism in the country.

2. Background on Radicalization to Violent Extremism in Kenya

2.1 Brief history

Kenya has faced a growing threat of violent extremism since the early 2000s⁵. The roots of this threat can be traced back to several factors, including political, economic, social, and religious grievances.⁶ One of the earliest instances of violent extremism in Kenya occurred in 1998, when Al Qaeda bombed the US embassy in Nairobi, killing over

² Ibid

³ Makinda, S. M., & Okumu, W. A. (2017). The security-development nexus in countering violent extremism in Africa: Lessons from Kenya. *Africa Development*, 42(1), 1-22.

⁴ Kimani, N. W. (2018). Kenya's national strategy to counter violent extremism: A critical appraisal. *Journal of Strategic Security*, 11(4), 1-22.

⁵ Ibid

⁶ Ibid

200 people.⁷ This attack marked a turning point in the country's history, as it exposed the vulnerability of Kenya to external terrorist threats. In the years that followed, Kenya experienced a rise in domestic radicalization, with several incidents of terrorism occurring within the country.⁸ These incidents included the 2002 bombing of an Israeli-owned hotel in Mombasa, which killed 13 people, and a series of grenade attacks in Nairobi in 2011, which were attributed to the Somali Islamist militant group Al-Shabaab.⁹

Al-Shabaab has been the most active and visible extremist group operating in Kenya in recent years.¹⁰ The group has been responsible for several high-profile attacks, including the 2013 Westgate Mall attack in Nairobi, which killed 67 people, and the 2015 Garissa University College attack, in which 148 people were killed¹¹. The factors driving radicalization in Kenya are complex and multifaceted. They include political and economic marginalization, corruption, ethnic tensions, and religious extremism.¹² The Kenyan government has responded to the threat of violent extremism by implementing various measures, including the development of a national strategy to counter radicalization and the establishment of a specialized police unit to combat terrorism. However, these measures have faced criticism for being ineffective and for potentially exacerbating the problem of radicalization.¹³

⁷ Mwangi, K. (2017). The Evolution of Terrorism and Counterterrorism in Kenya: A Historical Perspective. *International Journal of Advanced Research in Social Sciences*, 6(1), 1-12.

⁸ Ibid

⁹ Ibid

¹⁰ Ibid

¹¹ Ibid

¹² Mwenda, K. (2015). History of Terrorism in Kenya: A Perspective. *International Journal of Research in Humanities and Social Sciences*, 3(5), 42-53.

¹³ Ibid

2.2 Rise of Terrorism and Gang Culture

The rise of terrorism and gang culture has been a significant challenge for Kenya in recent years. While terrorism is primarily driven by extremist ideologies and political grievances, gang culture is often driven by economic and social factors¹⁴. Terrorism in Kenya has been primarily perpetrated by the Somali Islamist militant group Al-Shabaab, which has carried out a series of attacks targeting civilians, government officials, and security forces.¹⁵ Al-Shabaab has been able to recruit Kenyan youths, particularly those from marginalized communities, by exploiting their grievances and promising to provide them with a sense of purpose, belonging, and financial rewards¹⁶.

Gang culture, on the other hand, is driven by a combination of economic and social factors, including poverty, unemployment, social exclusion, and the breakdown of family and community structures.¹⁷ In urban areas such as Nairobi, criminal gangs known as "chokoras" have emerged as a major source of violence and insecurity.¹⁸ These gangs often engage in activities such as robbery, drug trafficking, and extortion, and they have been known to use violence to intimidate their rivals and enforce their dominance.¹⁹ The rise of terrorism and gang culture in Kenya has had a significant impact on the country's social, economic, and political fabric. It has contributed to a sense of insecurity and fear among the population, undermined the rule of law, and damaged Kenya's reputation as a

¹⁴ Ibid

¹⁵ Ibid

¹⁶ Ibid

¹⁷ Nduta, E. (2018). An Analysis of Gangs and Their Activities in Nairobi, Kenya. *International Journal of Criminal Justice Sciences*, 13(1), 16-28.

¹⁸ Ibid

¹⁹ Ibid

safe and stable country in the region.²⁰ The Kenyan government has responded to these challenges by implementing a range of measures, including increased security operations, community policing initiatives, and social welfare programs aimed at addressing the underlying drivers of radicalization and gang culture.²¹

2.3 Current Situation

The situation on Radicalization to violent extremism in Kenya remains a challenge, although there have been some positive developments in recent years.²² While the number of terrorist attacks in Kenya has declined in recent years, the threat of violent extremism remains high, particularly in the northeastern part of the country and along the border with Somalia.²³

One of the key factors contributing to the ongoing threat of radicalization is the persistence of political, economic, and social grievances, particularly among marginalized communities²⁴. These grievances include feelings of exclusion, discrimination, and inequality, which can be exploited by extremist groups to recruit and radicalize individuals.²⁵ Another factor contributing to the ongoing threat of radicalization is the continued presence and activity of Al-Shabaab in the region.²⁶ While the group has suffered significant setbacks in recent years, including the loss of territory and leadership,

²⁰ Ibid

²¹ Ibid

²² Mwenda, A. (2021). *Radicalization to Violent Extremism in Kenya: The State of the Nation*. Nairobi: Institute for Security Studies.

²³ Ibid

²⁴ Ibid

²⁵ Ibid

²⁶ Ibid

it remains a potent force in the region, with the ability to launch high-profile attacks.²⁷

The Kenyan government has responded to the threat of radicalization through a range of measures, including the implementation of a national strategy to counter violent extremism, the establishment of specialized security units to combat terrorism, and the adoption of community-based approaches to preventing radicalization.²⁸ However, there is still significant work to be done in addressing the underlying drivers of radicalization, including political, economic, and social grievances.²⁹

The study posits that the situation on Radicalization to violent extremism in Kenya remains challenging, and continued efforts will be needed to prevent the spread of extremist ideologies and to address the underlying drivers of radicalization in the country.

3. An Analysis of Kenya's National Strategy to Counter Violent Extremism

3.1 Main Features and Strengths

3.1.1 The Ten (10) Pillars

Kenya's National Strategy to Counter Violent Extremism consists of ten pillars that outline the various areas of focus for the strategy. These pillars are:

Ideological: Take a strong stance in defending the core Kenyan principles of constitutional rule, democracy, inter-faith harmony,

²⁷ Ibid

²⁸ Ibid

²⁹ Ibid

respect for religious freedom, and secular government in the face of violent extremist ideologies. It is also important to acknowledge and protect those who bravely speak out against violent extremism and terrorism.³⁰

Political: Create strong and inclusive citizenship through civic awareness, promoting Kenya's unique and positive qualities.³¹

Education: Utilize education, critical reasoning, sports and the promotion of arts and culture to build the resilience of Kenyans.³²

Economic: Utilize livelihood training and resourcing for economic empowerment to strengthen a sense of belonging amongst Kenyans, particularly the youth.³³

Psychosocial: Disengage, rehabilitate and re-integrate risk-assessed extremists and provide psychosocial support to their families and social networks³⁴.

Media and Online: facilitate Prevention/Countering Violent extremism (P/CVE) practitioners with tools and skills to carry out innovative and context-based P/CVE campaigns on relevant media and online platforms.³⁵

Gender: mainstream gender equality, equity and sensitivities in all P/CVE work as the drivers and interventions are different between men, women, boys and girls.³⁶

Victims of Terrorism: Aligned with the UNSCR 2331 (2016), it is important to address the needs of victims in a comprehensive manner while also respecting their right to privacy and security. This includes

³⁰ National Counter Terrorism Center. (2017). The National Strategy to Counter Violent Extremism: Monitoring and Evaluation Framework. Nairobi: Government Printer.

³¹ Ibid

³² Ibid

³³ Ibid

³⁴ Ibid

³⁵ Ibid

³⁶ Ibid

providing or facilitating access to medical and psychosocial assistance as well as legal aid.³⁷

Law Enforcement: Pass appropriate legislation and facilitate its enforcement; develop and put into action effective and proactive policies, and enhance institutional frameworks to support efforts in preventing and countering violent extremism (P/CVE) at all levels.³⁸

Research: Conduct and encourage research and surveys based on evidence for P/CVE to promote effective interventions and programs.³⁹

3.1.2 The Multi-Agency Approach

Kenya's National Strategy to Counter Violent Extremism takes a multi-agency approach to address the challenge of violent extremism in the country, which is a key strength of the strategy. The strategy recognizes that addressing violent extremism requires a collaborative effort among various government agencies, civil society organizations, and other stakeholders.⁴⁰

The multi-agency approach brings together multiple stakeholders to identify and address the underlying drivers of violent extremism, and to implement coordinated and integrated responses to prevent and counter it.⁴¹ The strategy leverages the expertise and resources of various stakeholders, including law enforcement agencies, religious leaders, and community-based organizations, among others.⁴²

³⁷ Ibid

³⁸ Ibid

³⁹ Ibid

⁴⁰ Sitienei, E. K. (2019). The role of multi-agency approach in enhancing security in Kenya: A case study of Nairobi County. *International Journal of Social Science and Humanities Research*, 7(2), 131-139.

⁴¹ Ibid

⁴² Ibid

By taking a multi-agency approach, the strategy can draw on the strengths and capabilities of different stakeholders to address the complex and multifaceted challenge of violent extremism.⁴³ This approach also helps to promote a shared understanding of the problem and to build consensus around the most effective solutions⁴⁴. Furthermore, the multi-agency approach ensures that the strategy is not siloed in any one government agency or sector. Instead, it promotes cross-sectoral collaboration and information sharing, which is essential for effective prevention and counter-radicalization efforts.⁴⁵

The study avers that the multi-agency approach of Kenya's National Strategy to Counter Violent Extremism is therefore a key strength of the strategy, as it allows for a more coordinated, integrated, and comprehensive response to the challenge of violent extremism in the country.

3.1.3 The Whole-of-Society Approach

Another key strength of Kenya's National Strategy to Counter Violent Extremism is its whole-of-society approach. The strategy recognizes that preventing and countering violent extremism requires the involvement and support of all segments of society, including government, civil society, private sector, religious and community leaders, and individuals.⁴⁶ This approach encourages active participation and collaboration between government agencies, civil society organizations, and local communities to create a shared

⁴³ Ibid

⁴⁴ Ibid

⁴⁵ Ibid

⁴⁶ Gitari, W., & Mwangi, E. (2020). Assessing the Whole-of-Society Approach in Kenya's National Strategy to Counter Violent Extremism. *Journal of Strategic Security*, 13(2), 1-18.

understanding of the drivers of violent extremism and to develop effective prevention and response measures.⁴⁷

By engaging all segments of society, the strategy helps to promote greater social cohesion and to build community resilience against violent extremism.⁴⁸ It also encourages a sense of ownership and responsibility among individuals and communities in addressing the problem, which is critical for the sustainability of prevention efforts.⁴⁹ Moreover, the whole-of-society approach ensures that the strategy is not solely dependent on government efforts. Instead, it leverages the resources, expertise, and networks of a wide range of stakeholders, including non-governmental organizations, religious leaders, and community groups, among others.⁵⁰ This helps to promote greater innovation, flexibility, and responsiveness in preventing and countering violent extremism.⁵¹

The study postulates that this approach is a key strength of the strategy, as it encourages active participation and collaboration among diverse stakeholders, promotes greater community resilience, and helps to build sustainable prevention efforts.

3.1.4 The Possibility of Integrating Other Strategies

Kenya's National Strategy to Counter Violent Extremism has the main feature and strength of integrating other strategies to enhance its effectiveness. The strategy recognizes that the challenge of violent extremism is complex and multifaceted, and requires a

⁴⁷ Ibid

⁴⁸ Ibid

⁴⁹ Ibid

⁵⁰ Ibid

⁵¹ Ibid

comprehensive and integrated approach to address it effectively.⁵² The strategy integrates various existing policies and strategies, such as the National Counter Terrorism Strategy and the National Action Plan for Preventing and Countering Violent Extremism, among others.⁵³ This integration allows for a more coordinated and cohesive approach to preventing and countering violent extremism, leveraging the strengths and resources of different strategies.⁵⁴

Additionally, the strategy is adaptable to changing circumstances and can be updated to incorporate new knowledge and emerging threats. This ensures that the strategy remains relevant and effective in addressing the evolving nature of violent extremism.⁵⁵

By integrating various strategies and policies, Kenya's National Strategy to Counter Violent Extremism can draw on a wide range of resources, expertise, and networks to address the underlying drivers of violent extremism and to implement effective prevention and counter-radicalization efforts.⁵⁶ This approach helps to promote greater collaboration and coordination among different stakeholders, which is essential for a successful response to violent extremism.⁵⁷

Indeed, the integration of other strategies is a key feature and strength of Kenya's National Strategy to Counter Violent Extremism, as it allows for a more comprehensive and adaptable approach to

⁵² Kisangani, E. M. (2018). Countering violent extremism and the role of national security organs in Kenya. *Journal of Policing, Intelligence and Counter Terrorism*, 13(1), 43-58.

⁵³ Ibid

⁵⁴ Ibid

⁵⁵ Ibid

⁵⁶ Ibid

⁵⁷ Ibid

preventing and countering violent extremism, leveraging the strengths of different strategies to address the challenge effectively.

3.2 Key Weaknesses

3.2.1 Limited Awareness and Comprehension

One of the key weaknesses of Kenya's National Strategy to Counter Violent Extremism is limited awareness and comprehension among the target audience. The strategy aims to prevent and counter violent extremism through community engagement and public awareness campaigns. However, the success of these efforts largely depends on the ability of the target audience to understand and comprehend the messaging.⁵⁸ In some cases, there may be limited awareness among the general population about the threat of violent extremism, the drivers of radicalization, and the appropriate response measures.⁵⁹ This may be due to a lack of information or misinformation about the issue, as well as low levels of education and awareness.⁶⁰

Moreover, the messaging may not be tailored to the specific needs and concerns of the target audience, which may limit its effectiveness in preventing and countering violent extremism. For example, the messaging may not effectively address the concerns of marginalized communities or may not resonate with the cultural and religious beliefs of the target audience.⁶¹

⁵⁸ Gitari, Mugambi. "Countering violent extremism in Kenya: Current policies, gaps and opportunities." *Journal of Terrorism Research* 8, no. 2 (2017): 21-32.

⁵⁹ Ibid

⁶⁰ Ibid

⁶¹ Ibid

This limited awareness and comprehension among the target audience can undermine the effectiveness of Kenya's National Strategy to Counter Violent Extremism in preventing and countering violent extremism.⁶² Therefore, it is important for the strategy to prioritize effective communication and outreach efforts, including targeted messaging, community engagement, and public education campaigns, to ensure that the target audience fully understands the threat of violent extremism and the appropriate response measures.⁶³

3.2.2 Failure to Address Related Crime.

Another key weakness of Kenya's National Strategy to Counter Violent Extremism is its failure to adequately address related crimes. While the strategy aims to prevent and counter violent extremism, it may not effectively address related crimes such as organized crime, corruption, and human trafficking, which may fuel or exacerbate the problem of violent extremism.⁶⁴ For example, terrorist groups may engage in criminal activities such as smuggling and trafficking of weapons, drugs, and people, which provide them with the resources and means to carry out attacks.⁶⁵ Similarly, corruption and organized crime may undermine the rule of law and promote grievances and disillusionment among marginalized communities, which may increase the risk of radicalization.⁶⁶

Therefore, it is important for Kenya's National Strategy to Counter Violent Extremism to address related crimes as part of its overall

⁶² Ibid

⁶³ Ibid

⁶⁴ Kamunge, E., & Mbote, D. (2019). The Effectiveness of the Kenyan National Strategy to Counter Violent Extremism in Disrupting Radicalization and Recruitment. *International Journal of Social Science Studies*, 7(1), 125-140.

⁶⁵ Ibid

⁶⁶ Ibid

approach. This can be done by strengthening law enforcement and judicial systems, promoting good governance and accountability, and addressing socio-economic grievances and inequality⁶⁷. By addressing related crimes, the strategy can help to disrupt the flow of resources and support to violent extremist groups and to address the underlying grievances that may fuel radicalization. This can help to reduce the risk of violent extremism and promote greater stability and security in Kenya.⁶⁸

The failure to address related crimes is a key weakness of Kenya's National Strategy to Counter Violent Extremism, and addressing this issue should be a priority in order to effectively prevent and counter violent extremism.

4. The Case for Reform: Lessons from National and International Jurisdictions

4.1 African Union

4.1.1 Regional Strategy for Preventing and Countering Violent Extremism

The African Union's Regional Strategy for Preventing and Countering Violent Extremism is a comprehensive framework that seeks to address the root causes of violent extremism in Africa.⁶⁹ The strategy focuses on five key pillars: promoting good governance and the rule of law, addressing socio-economic grievances, countering extremist propaganda and ideology, enhancing security and military

⁶⁷ Ibid

⁶⁸ Ibid

⁶⁹ Kassam, A., & Mairiga, L. (2019). African Union's evolving counter-terrorism agenda. Institute for Security Studies

measures, and strengthening regional and international cooperation.⁷⁰

One of the key strengths of the African Union's strategy is its emphasis on addressing the underlying drivers of violent extremism, such as poverty, inequality, and political marginalization.⁷¹ By addressing these root causes, the strategy seeks to prevent radicalization and promote greater stability and security in the region.⁷² Moreover, the strategy recognizes the importance of multi-sectoral and multi-stakeholder approaches, which involve the participation of civil society, communities, and other actors in preventing and countering violent extremism.⁷³ This approach helps to build trust and legitimacy in the strategy and promotes greater ownership and sustainability of the initiatives.⁷⁴

However, one of the key challenges of the African Union's strategy is the limited capacity and resources of member states to implement the strategy effectively. Many African countries face significant socio-economic and political challenges, which may limit their ability to implement the strategy comprehensively.⁷⁵

Therefore, there is a need for greater investment in building the capacity of member states to prevent and counter violent extremism, including through the provision of technical assistance, training, and financial support. By strengthening the capacity of member states, the African Union's strategy can be more effective in addressing the root

⁷⁰ Ibid

⁷¹ Ibid

⁷² Ibid

⁷³ Ibid

⁷⁴ Ibid

⁷⁵ Ibid

causes of violent extremism and promoting greater stability and security in the region.⁷⁶

4.1.2 Key Lessons

Kenya can learn several key lessons from the African Union's Regional Strategy for Preventing and Countering Violent Extremism. One is addressing root causes. Kenya can adopt a comprehensive approach to address the root causes of violent extremism, such as poverty, inequality, and political marginalization. This can help to prevent radicalization and promote greater stability and security in the country.⁷⁷ Second is the multi-sectoral and multi-stakeholder approach. Kenya can adopt a multi-sectoral and multi-stakeholder approach to preventing and countering violent extremism. This approach involves the participation of civil society, communities, and other actors in preventing and countering violent extremism, which helps to build trust and legitimacy in the strategy and promote greater ownership and sustainability of the initiatives.⁷⁸ Capacity building is also a key lesson. Kenya can invest in building the capacity of law enforcement agencies, government institutions, and civil society organizations to prevent and counter violent extremism. This includes the provision of technical assistance, training, and financial support to enhance the effectiveness of initiatives.⁷⁹ Finally, is Regional and international cooperation. Kenya can strengthen regional and international cooperation to prevent and counter violent extremism. This involves working with other countries and regional

⁷⁶ Ibid

⁷⁷ Aning, K., & Atuobi, S. K. (2017). The African Union and its strategy for countering violent extremism. In *countering violent extremism in Africa* (pp. 29-46). Springer, Cham.

⁷⁸ Ibid

⁷⁹ Ibid

organizations to share best practices, exchange information, and coordinate efforts to prevent and counter violent extremism.⁸⁰

By adopting these key lessons from the African Union's Regional Strategy for Preventing and Countering Violent Extremism, Kenya can develop a more effective and comprehensive strategy to prevent and counter violent extremism, which can promote greater stability and security in the country.

4.2 European Union

4.2.1 The European Union's Strategy for Combating Radicalization and Recruitment to Terrorism

It is a comprehensive framework aimed at preventing radicalization and addressing the root causes of violent extremism in Europe. The strategy is built around four pillars: prevention, protection, prosecution, and response.⁸¹

One of the key strengths of the European Union's strategy is its emphasis on a multi-disciplinary and multi-sectoral approach, which involves various actors such as government agencies, civil society, communities, and religious organizations.⁸² This approach aims to build trust and partnerships between these actors to prevent radicalization and promote greater social cohesion.⁸³ The strategy also recognizes the importance of addressing the underlying drivers of violent extremism, such as discrimination, marginalization, and socio-economic grievances.⁸⁴ It emphasizes the need to address these

⁸⁰ Ibid

⁸¹ Bures, O. (2019). The EU's approach to counterterrorism: A critical appraisal. *Journal of Common Market Studies*, 57(1), 19-36.

⁸² Ibid

⁸³ Ibid

⁸⁴ Ibid

factors through targeted initiatives and policies, such as promoting education, employment, and social inclusion.⁸⁵ Furthermore, the strategy emphasizes the importance of early detection and intervention to prevent radicalization. It focuses on strengthening community resilience and promoting the involvement of families, friends, and other trusted individuals in detecting and reporting signs of radicalization.⁸⁶

However, one of the challenges of the European Union's strategy is the limited resources available to implement the initiatives effectively.⁸⁷ Additionally, there are concerns about the potential for stigmatization and discrimination of certain communities, particularly Muslim communities, which may undermine the effectiveness of the strategy.⁸⁸

4.2.2 Key Lessons

Kenya can learn several important lessons from the European Union's strategy for combating radicalization and recruitment to terrorism. One is the importance of a multi-disciplinary and multi-sectoral approach.⁸⁹ Like the European Union, Kenya can adopt a comprehensive and collaborative approach to preventing and countering violent extremism. This approach involves the participation of various actors such as government agencies, civil society organizations, communities, and religious organizations.⁹⁰ It aims to build trust and partnerships between these actors to prevent

⁸⁵ Ibid

⁸⁶ Ibid

⁸⁷ Ibid

⁸⁸ Ibid

⁸⁹ Mugambiwa, S. S., & Chikulo, B. C. (2017). The European Union's Counter-Terrorism Strategy and Its Implications for Africa. *Journal of African Foreign Affairs*, 4(2), 1-21.

⁹⁰ Ibid

radicalization and promote greater social cohesion.⁹¹ Second involves addressing the underlying drivers of violent extremism. The European Union recognizes the importance of addressing the underlying drivers of violent extremism, such as discrimination, marginalization, and socio-economic grievances.⁹² Kenya can adopt a similar approach by implementing targeted initiatives and policies that promote education, employment, and social inclusion to address these drivers of violent extremism.⁹³ Early detection and intervention is also another key lesson. The European Union emphasizes the importance of early detection and intervention to prevent radicalization. This involves strengthening community resilience and promoting the involvement of families, friends, and other trusted individuals in detecting and reporting signs of radicalization.⁹⁴

Kenya can learn from this approach by implementing similar initiatives that empower communities to prevent and counter violent extremism.⁹⁵ Finally, Balancing security and human rights is a vital lesson for Kenya. The European Union recognizes the importance of balancing security concerns with respect for human rights and the rule of law.⁹⁶ Kenya can adopt a similar approach to ensure that its efforts to prevent and counter violent extremism do not violate human rights or undermine democratic values.⁹⁷

⁹¹ Ibid

⁹² Ibid

⁹³ Ibid

⁹⁴ Ibid

⁹⁵ Ibid

⁹⁶ Ibid

⁹⁷ Ibid

By adopting these lessons from the European Union's strategy, Kenya can develop a more effective and comprehensive strategy to prevent and counter violent extremism in the country.

4.3. United States

4.3.1 Strategic Framework

The United States Strategic Framework for Countering Terrorism and Targeted Violence is a comprehensive framework aimed at preventing and countering terrorism and targeted violence within the United States. The framework is built around four pillars: understanding the threat, prevention and disruption, mitigation and response, and cross-cutting areas.⁹⁸

One of the key strengths of the United States' strategic framework is its emphasis on a comprehensive and collaborative approach to preventing and countering terrorism and targeted violence⁹⁹. This approach involves the participation of various actors such as government agencies, law enforcement, civil society organizations, communities, and private sector stakeholders.¹⁰⁰ It aims to build trust and partnerships between these actors to prevent radicalization and promote greater social cohesion.¹⁰¹ The framework also recognizes the importance of addressing the underlying drivers of violent extremism and targeted violence, such as hate, intolerance, and discrimination. It emphasizes the need to address these factors through targeted initiatives and policies, such as promoting

⁹⁸ Ibrahim, A., & Smith, C. (2018). An analysis of the US government's strategy for Countering Violent Extremism. *Studies in Conflict & Terrorism*, 41(5), 345-362.

⁹⁹ Ibid

¹⁰⁰ Ibid

¹⁰¹ Ibid

education, community engagement, and social inclusion.¹⁰² Furthermore, the framework emphasizes the importance of early detection and intervention to prevent radicalization and targeted violence. It focuses on strengthening community resilience and promoting the involvement of families, friends, and other trusted individuals in detecting and reporting signs of radicalization and targeted violence.¹⁰³

However, one of the challenges of the United States' strategic framework is the potential for stigmatization and discrimination of certain communities, particularly Muslim and other minority communities. This can undermine the effectiveness of the strategy and further fuel resentment and distrust towards the government and law enforcement agencies.¹⁰⁴

4.3.2 Key Lessons

Key lessons that Kenya can learn from the United States Strategic Framework for Countering Terrorism and Targeted Violence are quite a number. One is Comprehensive and Collaborative Approach. Kenya can adopt a comprehensive and collaborative approach to preventing and countering violent extremism and targeted violence by involving various actors such as government agencies, law enforcement, civil society organizations, communities, and private sector stakeholders.¹⁰⁵ This can help to build trust and partnerships

¹⁰² Ibid

¹⁰³ Ibid

¹⁰⁴ Ibid

¹⁰⁵ Kimathi, M., & Kamau, J. (2017). Countering Violent Extremism: A review of the US strategy and lessons for Kenya. *Journal of Strategic Security*, 10(2), 16-34.

between these actors to prevent radicalization and promote greater social cohesion.¹⁰⁶

Addressing Underlying Drivers is also a key lesson for Kenya. Kenya can address the underlying drivers of violent extremism and targeted violence, such as hate, intolerance, and discrimination through targeted initiatives and policies.¹⁰⁷ This could include promoting education, community engagement, and social inclusion to address these factors.¹⁰⁸ Another lesson is Early Detection and Intervention. Kenya can focus on early detection and intervention to prevent radicalization and targeted violence by strengthening community resilience and involving families, friends, and other trusted individuals in detecting and reporting signs of radicalization and targeted violence.¹⁰⁹ Finally, is avoiding Stigmatization and Discrimination. Kenya should avoid stigmatizing and discriminating against certain communities, particularly Muslim and other minority communities, which can undermine the effectiveness of the strategy and further fuel resentment and distrust towards the government and law enforcement agencies.¹¹⁰

By adopting these lessons, Kenya can develop a more effective strategy to prevent and counter violent extremism and targeted violence in the country.

¹⁰⁶ Ibid

¹⁰⁷ Ibid

¹⁰⁸ Ibid

¹⁰⁹ Ibid

¹¹⁰ Ibid

4.4 United Kingdom

4.4.1 CONTEST Strategy

The United Kingdom's CONTEST Strategy is a comprehensive and multi-disciplinary approach to preventing and countering terrorism.¹¹¹ The strategy has four key pillars: Pursue, Prevent, Protect, and Prepare.¹¹² The "Pursue" pillar focuses on detecting, prosecuting, and disrupting terrorist activities. The "Prevent" pillar aims to stop people from becoming terrorists or supporting terrorism in the first place, by addressing the root causes of radicalization and extremism. The "Protect" pillar seeks to strengthen the country's protection against terrorist attacks, by improving physical security measures and increasing public awareness. Finally, the "Prepare" pillar focuses on building resilience and preparedness among individuals, communities, and institutions to deal with the impact of a terrorist attack.¹¹³

4.4.2 Key Lessons

Some key lessons that Kenya can learn from the UK's CONTEST Strategy include: A full throng Multi-Agency Approach. Kenya can adopt a multi-agency approach, involving various government departments, law enforcement agencies, and civil society organizations, to implement a comprehensive counter-terrorism strategy;¹¹⁴ Community Engagement: Kenya can increase community engagement and partnership-building initiatives with vulnerable and at risk communities, to prevent radicalization while building mutual

¹¹¹ Tarek Younis and Amina Easat-Daas (2018). A critical assessment of the UK's counter-terrorism strategy and its implications for Islamophobia

¹¹² Ibid

¹¹³ Ibid

¹¹⁴ Ngau, P., & Kisiangani, E. W. (2018). The United Kingdom's Contest strategy: Implications for countering violent extremism in Kenya. *Journal of Terrorism Research*, 9(1), 1-12

trust and cooperation with law enforcement agencies;¹¹⁵ Early Intervention: Kenya can develop programs to identify and intervene likely individuals, who are at risk of radicalization, through a combination of education, mental health support/psychosocial support, and including other social services; Addressing Root Causes: Kenya can prioritize addressing the root causes of radicalization and extremism, including social, economic, and political grievances, as a key component of its counter-terrorism strategy.¹¹⁶

By adopting these lessons, Kenya can develop a more comprehensive and effective strategy to prevent and counter terrorism in the country.

5. Conclusion

Kenya's National Strategy to Counter Violent Extremism has made important strides in preventing and countering the spread of radicalization and violent extremism in the country. The strategy's multi-agency and whole-of-society approach are notable strengths, as they recognize the importance of collaboration and community engagement in addressing this complex issue. However, the strategy has several key weaknesses, including limited awareness, comprehension and a failure to address related crimes. To improve the strategy, Kenya can learn some lessons from regional and international jurisdictions, including the African Union's Regional Strategy, the European Union's Strategy, the United States Strategic Framework, and the United Kingdom's CONTEST Strategy. These examples provide useful insights on how, Kenya can strengthen its approach to countering violent extremism. Ultimately, reforming and improving Kenya's National Strategy to Counter Violent Extremism

¹¹⁵ Ibid

¹¹⁶ Ibid

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is essential to ensure that the country can effectively prevent and counter the spread of radicalization and violent extremism, and create a safer and more secure society for all Kenyans.

References

Aning, K., & Atuobi, S. K. (2017). The African Union and its strategy for countering violent extremism. In *countering violent extremism in Africa* (pp. 29-46). Springer, Cham.

Bures, O. (2019). The EU's approach to counterterrorism: A critical appraisal. *Journal of Common Market Studies*, 57(1), 19-36.

Gitari, Mugambi. "Countering violent extremism in Kenya: Current policies, gaps and opportunities." *Journal of Terrorism Research* 8, no. 2 (2017): 21-32.

Gitari, W., & Mwangi, E. (2020). Assessing the Whole-of-Society Approach in Kenya's National Strategy to Counter Violent Extremism. *Journal of Strategic Security*, 13(2), 1-18.

Horgan, J. (2017). What is 'violent extremism'? The Royal Society for the encouragement of Arts, Manufactures and Commerce (RSA).

Ibrahim, A., & Smith, C. (2018). An analysis of the US government's strategy for countering violent extremism. *Studies in Conflict & Terrorism*, 41(5), 345-362.

Kamunge, E., & Mbote, D. (2019). The Effectiveness of the Kenyan National Strategy to Counter Violent Extremism in Disrupting Radicalization and Recruitment. *International Journal of Social Science Studies*, 7(1), 125-140.

Kassam, A., & Mairiga, L. (2019). African Union's evolving counter-terrorism agenda. Institute for Security Studies

Kimani, N. W. (2018). Kenya's national strategy to counter violent extremism: A critical appraisal. *Journal of Strategic Security*, 11(4), 1-22.

Kimathi, M., & Kamau, J. (2017). Countering Violent Extremism: A review of the US strategy and lessons for Kenya. *Journal of Strategic Security*, 10(2), 16-34.

Kisangani, E. M. (2018). Countering violent extremism and the role of the national security organs in Kenya. *Journal of Policing, Intelligence and Counter Terrorism*, 13(1), 43-58.

Makinda, S. M., & Okumu, W. A. (2017). The security-development nexus in countering violent extremism in Africa: Lessons from Kenya. *Africa Development*, 42(1), 1-22.

Mugambiwa, S. S., & Chikulo, B. C. (2017). The European Union's Counter-Terrorism Strategy and Its Implications for Africa. *Journal of African Foreign Affairs*, 4(2), 1-21.

Mwangi, K. (2017). The Evolution of Terrorism and Counterterrorism in Kenya: A Historical Perspective. *International Journal of Advanced Research in Social Sciences*, 6(1), 1-12.

Mwenda, A. (2021). *Radicalization to Violent Extremism in Kenya: The State of the Nation*. Nairobi: Institute for Security Studies.

Mwenda, K. (2015). History of Terrorism in Kenya: A Perspective. *International Journal of Research in Humanities and Social Sciences*, 3(5), 42-53.

National Counter Terrorism Center. (2017). *The National Strategy to Counter Violent Extremism: Monitoring and Evaluation Framework*. Nairobi: Government Printer.

Nduta, E. (2018). An Analysis of Gangs and Their Activities in Nairobi, Kenya. *International Journal of Criminal Justice Sciences*, 13(1), 16-28.

Ngau, P., & Kisiangani, E. W. (2018). The United Kingdom's Contest strategy: Implications for countering violent extremism in Kenya. *Journal of Terrorism Research*, 9(1), 1-12

Sitienei, E. K. (2019). The role of multi-agency approach in enhancing security in Kenya: A case study of Nairobi County. *International Journal of Social Science and Humanities Research*, 7(2), 131-139.

Tarek Younis and Amina Easat-Daas (2018). A critical assessment of the UK's counter-terrorism strategy and its implications for Islamophobia

Climate Justice and Equity: Navigating the Unequal Impacts of Climate Change towards Equitable Solutions

*By: Dr. Dynesius Nyangau**

Abstract

This paper focuses on the critical topic of climate justice and equity, shedding light on the unequal impacts of climate change on vulnerable communities and emphasizing the need for equitable solutions. The discussion encompasses various dimensions of climate justice, including climate refugees, social justice, gender equality, and the inclusion of marginalized groups in decision-making processes. The paper begins by introducing the concept of climate justice and its significance in addressing the disproportionate impacts of climate change on vulnerable populations. It highlights the urgency of addressing these disparities and ensuring that climate action is inclusive and fair. The discussion delves into the issue of climate refugees, examining the plight of individuals and communities displaced by climate change-induced events such as rising sea levels, extreme weather events, and environmental degradation. The paper highlights the need for effective policies and international cooperation to protect the rights and provide assistance to climate refugees. Social justice and climate change are intertwined, and the abstract explores the ways in which marginalized communities, particularly those in low-income areas, bear the brunt of climate impacts. It emphasizes the importance of equitable distribution of resources, access to basic services, and fair representation in climate decision-making processes. Gender equality is a crucial aspect of climate justice, and the abstract highlights the unique challenges faced by women in the context of climate change. It addresses the need for gender-responsive approaches that empower women as agents of change and recognize their

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knowledge and resilience in adapting to climate impacts. The paper also emphasizes the importance of involving marginalized groups, including indigenous communities and vulnerable populations, in decision-making processes related to climate change. It explores the role of inclusive governance structures, participatory approaches, and community-led initiatives in fostering equitable solutions. The paper underscores the imperative of addressing climate justice and equity in the face of climate change. It advocates for comprehensive approaches that address the unequal impacts, protect the rights of vulnerable communities, promote social justice and gender equality, and involve marginalized groups in decision-making processes. The abstract calls for collective action and transformative change to achieve a just and sustainable future for all. It provides a concise overview of climate justice and equity, covering key aspects such as climate refugees, social justice, gender equality, and the inclusion of marginalized groups. It highlights the need for comprehensive and inclusive approaches to address the unequal impacts of climate change and build a more equitable and resilient society.

Key words: climate justice, equity, vulnerable communities, climate refugees, marginalized groups

I. Introduction

Climate justice refers to the fair and just distribution of the burdens and benefits of climate change mitigation and adaptation, ensuring that the most vulnerable communities and individuals are not disproportionately affected.¹ It encompasses the principles of fairness, equity, and human rights in addressing climate change and its impacts.² Equity, within the context of climate justice, focuses on reducing disparities and ensuring equal access to resources,

¹ Okereke, C. (2010). Climate justice and the international regime. *Wiley interdisciplinary reviews: climate change*, 1(3), 469-473.

² Ibid.

opportunities, and decision-making processes for all communities, particularly those marginalized or facing socio-economic disadvantages.³

The impacts of climate change are not evenly distributed, and vulnerable communities, often located in low-income areas, face disproportionately higher risks and challenges.⁴ These communities may lack resources, infrastructure, and institutional support to cope with and adapt to climate change impacts.⁵ According to the Intergovernmental Panel on Climate Change (IPCC), marginalized groups such as indigenous peoples, women, and people in poverty are particularly susceptible to climate risks and experience greater vulnerabilities.⁶ The unequal impacts of climate change on vulnerable communities present an urgent need for action. As temperatures rise, extreme weather events become more frequent, and ecosystems are disrupted, these communities bear the brunt of these changes. Without targeted interventions and equitable solutions, climate change exacerbates existing social inequalities, deepens poverty, and undermines human rights.⁷

This discussion will highlight the need for equitable solutions in addressing climate change and its impacts on marginalized groups. To address the unequal impacts of climate change on vulnerable communities, it is imperative to focus on equitable solutions that prioritize justice, fairness, and inclusivity. This involves recognizing

³ Ibid.

⁴ Hardoy, J., & Lankao, P. R. (2011). Latin American cities and climate change: challenges and options to mitigation and adaptation responses. *Current Opinion in Environmental Sustainability*, 3(3), 159-162.

⁵ Ibid.

⁶ Ibid.

⁷ Hardoy, J. et.al, 163.

and rectifying historical and ongoing injustices, empowering marginalized groups, and ensuring their meaningful participation in decision-making processes related to climate change.⁸ The adoption of equitable solutions can help build resilience, promote social justice, and advance sustainable development for all.⁹

In this discussion, we will explore the concept of climate justice and equity, examining the unequal impacts of climate change on vulnerable communities. We will delve into the specific issues of climate refugees, social justice, gender equality, and the involvement of marginalized groups in decision-making processes. Through the analysis of research findings and the exploration of case studies, we aim to shed light on the urgent need for equitable solutions and the transformative potential of addressing climate change through a justice-focused lens.

II. Unequal Impacts of Climate Change

Climate change poses significant challenges for vulnerable communities, leading to disproportionate impacts on their well-being and livelihoods.¹⁰ The Intergovernmental Panel on Climate Change (IPCC) reports that these communities, often located in low-income areas, face higher exposure to climate risks due to limited resources,

⁸ Hughes, S., & Hoffmann, M. (2020). Just urban transitions: Toward a research agenda. *Wiley Interdisciplinary Reviews: Climate Change*, 11(3), e640.

⁹ Ibid.

¹⁰ Shahzad, L., Tahir, A., Sharif, F., Khan, W. U. D., Farooq, M. A., Abbas, A., & Saqib, Z. A. (2019). Vulnerability, well-being, and livelihood adaptation under changing environmental conditions: a case from mountainous region of Pakistan. *Environmental Science and Pollution Research*, 26, 26748-26764. Refer further in Kemp, S. P., Palinkas, L. A., Wong, M., & Wagner, K. (2015). Strengthening the social response to the human impacts of environmental change. *Grand Challenges for Social Work Initiative Working Paper*, 5, 1-31.

inadequate infrastructure, and social vulnerabilities.¹¹ They are more likely to rely on climate-sensitive sectors such as agriculture, fisheries, and forestry, making them highly susceptible to changes in temperature, precipitation patterns, and extreme weather events.¹² Additionally, factors such as limited access to education, healthcare, and social safety nets further amplify their vulnerability to climate impacts.¹³

Climate change impacts vary across regions and populations, further exacerbating inequalities.¹⁴ For instance, in sub-Saharan Africa, prolonged droughts and changing rainfall patterns affect agricultural productivity, leading to food insecurity and economic instability for millions of smallholder farmers.¹⁵ Coastal regions, particularly in low-lying areas and small island nations, face the escalating threat of sea-level rise and increased frequency of storm surges, jeopardizing infrastructure, human settlements, and economies. Indigenous communities, who rely on traditional livelihoods closely connected to the environment, face cultural and economic losses as their

¹¹ Field, C. B., Barros, V., Stocker, T. F., & Dahe, Q. (Eds.). (2012). *Managing the risks of extreme events and disasters to advance climate change adaptation: special report of the intergovernmental panel on climate change*. Cambridge University Press.

¹² UN, I. R. B. (1992). Convention on biological diversity. *Treaty Collection*.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Climate change impacts vary across regions and populations, further exacerbating inequalities. For instance, in sub-Saharan Africa, prolonged droughts and changing rainfall patterns affect agricultural productivity, leading to food insecurity and economic instability for millions of smallholder farmers.

ecosystems are disrupted by changing climate conditions.¹⁶ These examples highlight the differentiated impacts of climate change on various regions and populations, further deepening existing inequalities.

Climate change is intertwined with other forms of inequality, including poverty, race, and gender.¹⁷ Poverty exacerbates vulnerability to climate impacts, as impoverished communities often lack resources to adapt to changing conditions and recover from climate-related disasters.¹⁸ Research has also shown that racial and ethnic minorities are disproportionately affected by climate change due to factors such as social marginalization, limited access to resources, and discriminatory policies.¹⁹ Moreover, gender inequalities intersect with climate change, as women often face greater challenges in accessing resources, participating in decision-making processes, and adapting to climate impacts.²⁰ These intersecting forms of inequality compound the disproportionate

¹⁶ Bedeke, S. B. (2023). Climate change vulnerability and adaptation of crop producers in sub-Saharan Africa: A review on concepts, approaches and methods. *Environment, Development and Sustainability*, 25(2), 1017-1051.

¹⁷ Ibid.

¹⁸ Ruiz Meza, L. E. (2015). Adaptive capacity of small-scale coffee farmers to climate change impacts in the Soconusco region of Chiapas, Mexico. *Climate and Development*, 7(2), 100-109.

¹⁹ Climate change is intertwined with other forms of inequality, including poverty, race, and gender. Poverty exacerbates vulnerability to climate impacts, as impoverished communities often lack resources to adapt to changing conditions and recover from climate-related disasters. Research has also shown that racial and ethnic minorities are disproportionately affected by climate change due to factors such as social marginalization, limited access to resources, and discriminatory policies.

²⁰ Terry, G. (2009). No climate justice without gender justice: an overview of the issues. *Gender & Development*, 17(1), 8-9.

burden faced by vulnerable communities, hindering their ability to respond effectively to climate change.²¹

Climate change has profound implications for vulnerable communities, leading to disproportionate impacts on their well-being and exacerbating existing inequalities.²² Specific regions and populations experience varying consequences, with impacts on agriculture, coastal regions, and indigenous communities being particularly pronounced.²³ The intersectionality of climate change with other forms of inequality, such as poverty, race, and gender, further compounds the vulnerabilities faced by marginalized groups.²⁴ Recognizing these unequal impacts and addressing the intersecting inequalities is essential for designing effective climate change mitigation and adaptation strategies that promote resilience, justice, and social equity.²⁵

III. Climate Refugees

Climate refugees, also known as environmental migrants²⁶, are individuals or communities forced to leave their homes or places of habitual residence due to the adverse impacts of climate change.²⁷ They face unique challenges as their displacement is primarily driven by climate-related factors such as sea-level rise, desertification,

²¹ Ibid. 10

²² Ibid. 14

²³ Ibid. 15

²⁴ Ibid. 16

²⁵ Ibid. 17

²⁶ Jakobeit, C., & Methmann, C. (2012). 'Climate refugees' as dawning catastrophe? A critique of the dominant quest for numbers. In *Climate change, human security and violent conflict: Challenges for societal stability* (pp. 301-314). Berlin, Heidelberg: Springer Berlin Heidelberg.

²⁷ Ibid.

extreme weather events, and loss of habitable land.²⁸ Unlike traditional refugees who are protected under international law, climate refugees currently lack legal recognition and specific protections.²⁹ This lack of recognition poses significant challenges in terms of accessing assistance, resources, and international support.³⁰ Statistics and case studies provide compelling evidence of the scale and impact of climate-induced displacement.³¹ For example, according to the Internal Displacement Monitoring Centre, an estimated 23.9 million people were displaced by climate-related events in 2019 alone. Case studies such as the Carteret Islanders in Papua New Guinea and the residents of Isle de Jean Charles in Louisiana, USA, showcase communities directly impacted by sea-level rise, resulting in their displacement.³² These examples highlight the reality that climate change is already displacing communities and that this trend is likely to intensify in the future.

The legal frameworks and international response to climate refugees are currently inadequate.³³ The existing refugee protection framework, primarily the 1951 Refugee Convention and its 1967 Protocol, does not explicitly include climate-related displacement as

²⁸ Ibid.

²⁹ Terminski, B. (2012). Towards recognition and protection of forced environmental migrants in the public international law: Refugee or IDPs umbrella?.

³⁰ Ibid.

³¹ Gray, C., & Wise, E. (2016). Country-specific effects of climate variability on human migration. *Climatic change*, 135, 555-568.

³² Sullivan, M. E. (2022). *Erasure through Engagement: The Community Resettlement of Isle de Jean Charles* (Doctoral dissertation, Portland State University).

³³ Atapattu, S. (2020). Climate change and displacement: protecting 'climate refugees' within a framework of justice and human rights. *Journal of Human Rights and the Environment*, 11(1), 97-100.

a protected category.³⁴ Efforts to expand legal protections for climate refugees have been met with challenges due to the complexity of defining and attributing displacement solely to climate change.³⁵ However, there have been some regional and national initiatives aiming to address this gap.³⁶ For example, the Pacific Islands Forum's Biketawa Declaration acknowledges the issue of climate displacement in the Pacific region and calls for international cooperation in responding to it.

The advocacy for the protection and rights of climate refugees is gaining traction.³⁷ Civil society organizations, human rights groups, and environmental activists have been at the forefront of raising awareness about the unique challenges faced by climate refugees and advocating for their rights.³⁸ They emphasize the need for legal recognition, adequate support, and durable solutions for displaced communities.³⁹ International bodies such as the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) are also increasingly engaging with the issue of climate-induced displacement and advocating for stronger protection mechanisms.⁴⁰

³⁴ Warren, P. D. (2016). Forced migration after Paris cop21: Evaluating the 'climate change displacement coordination facility'. *Colum. L. Rev.*, 116, 2103.

³⁵ Ibid.

³⁶ Ibid.

³⁷ Eckersley, R. (2015). The common but differentiated responsibilities of states to assist and receive 'climate refugees'. *European Journal of Political Theory*, 14(4), 490-495.

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Ibid.

Climate refugees face distinct challenges as a result of displacement driven by climate change.⁴¹ Despite lacking specific legal recognition and protections, their numbers continue to grow, necessitating urgent attention and action.⁴² Statistics and case studies provide evidence of the displacement caused by climate change, while legal frameworks and international responses are evolving slowly.⁴³ Advocacy efforts are crucial in promoting the protection and rights of climate refugees and pushing for adequate international mechanisms to address this urgent issue.⁴⁴

IV. Social Justice and Climate Change

Climate change has profound social justice implications, as its impacts are disproportionately felt by marginalized communities and individuals.⁴⁵ The Intergovernmental Panel on Climate Change (IPCC) highlights that climate change exacerbates existing inequalities, deepening poverty, and undermining human rights.⁴⁶ Vulnerable communities, including low-income populations, indigenous peoples, and racial and ethnic minorities, often bear the brunt of climate-related disasters, experiencing greater health risks, displacement, and economic hardships.⁴⁷ The unequal distribution of

⁴¹ Gemenne, F. (2011). Why the numbers don't add up: A review of estimates and predictions of people displaced by environmental changes. *Global Environmental Change*, 21, S45-S48.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ Pörtner, H. O., Roberts, D. C., Adams, H., Adler, C., Aldunce, P., Ali, E., ... & Ibrahim, Z. Z. (2022). *Climate change 2022: Impacts, adaptation and vulnerability* (p. 3056). Geneva, Switzerland.: IPCC.

⁴⁷ Ibid.

climate change impacts raises ethical concerns and calls for a social justice lens in addressing climate change.⁴⁸

Vulnerable communities are disproportionately affected by climate-related disasters due to a combination of factors including limited resources, social inequalities, and geographical location.⁴⁹ For example, low-income communities often reside in areas more prone to flooding, hurricanes, or heatwaves, and lack the financial means to adapt or recover from these events. Indigenous communities, with their close connection to the land and dependence on traditional livelihoods, face the loss of cultural heritage and economic stability when their ecosystems are disrupted.⁵⁰ The vulnerability of these communities to climate-related disasters underscores the need for targeted interventions and support to promote social justice.⁵¹

Community-led initiatives play a vital role in promoting social justice in climate action.⁵² For instance, grassroots organizations have been at the forefront of advocating for environmental justice, amplifying the voices of affected communities, and demanding equitable solutions. Community-based adaptation projects, such as local farming cooperatives or renewable energy cooperatives, empower marginalized communities economically and environmentally,

⁴⁸ Ibid.

⁴⁹ Thomas, K., Hardy, R. D., Lazrus, H., Mendez, M., Orlove, B., Rivera-Collazo, I., ... & Winthrop, R. (2019). Explaining differential vulnerability to climate change: A social science review. *Wiley Interdisciplinary Reviews: Climate Change*, 10(2), e565.

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Henfrey, T., Feola, G., Penha-Lopes, G., Sekulova, F., & Esteves, A. M. (2023). Rethinking the sustainable development goals: Learning with and from community-led initiatives. *Sustainable Development*, 31(1), 211-222.

fostering social justice in climate change responses.⁵³ Additionally, indigenous-led land stewardship practices and traditional ecological knowledge contribute to sustainable resource management while preserving cultural integrity.⁵⁴

Policies and initiatives that prioritize social justice in climate change mitigation and adaptation strategies are crucial for equitable outcomes.⁵⁵ This includes integrating principles of fairness, inclusivity, and participation in decision-making processes related to climate action.⁵⁶ For example, the implementation of just transition policies ensures that the shift to a low-carbon economy does not leave workers and communities behind, offering retraining and job opportunities in renewable energy sectors. Climate finance mechanisms that prioritize support for vulnerable communities and adaptation projects also contribute to social justice by addressing their specific needs.⁵⁷

The social justice implications of climate change necessitate a focused and deliberate approach in addressing the disproportionate impacts on vulnerable communities.⁵⁸ Recognizing and rectifying existing inequalities, empowering marginalized communities, and involving

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ Chu, E., Anguelovski, I., & Carmin, J. (2016). Inclusive approaches to urban climate adaptation planning and implementation in the Global South. *Climate Policy*, 16(3), 382-391.

⁵⁶ Figueiredo, P., & Perkins, P. E. (2013). Women and water management in times of climate change: participatory and inclusive processes. *Journal of Cleaner Production*, 60, 189-193.

⁵⁷ Ibid.

⁵⁸ Popke, J., Curtis, S., & Gamble, D. W. (2016). A social justice framing of climate change discourse and policy: Adaptation, resilience and vulnerability in a Jamaican agricultural landscape. *Geoforum*, 73, 71-74.

them in decision-making processes are essential for promoting social justice in climate change responses. Community-led initiatives, alongside policies and initiatives that prioritize social justice, serve as crucial pathways for equitable and sustainable solutions to address the social injustices arising from climate change.⁵⁹

V. Gender Equality and Climate Change

Climate change affects women and gender minorities differently due to existing gender inequalities and social norms.⁶⁰ Women often bear a disproportionate burden as they play critical roles in sectors such as agriculture, water collection, and energy provision, which are highly vulnerable to climate change.⁶¹ They face increased challenges in accessing resources, education, and healthcare during climate-related disasters.⁶² Furthermore, gender-based violence tends to rise in the aftermath of such events, further compromising the safety and well-being of women and gender minorities.⁶³ Recognizing these differential impacts is crucial for addressing gender inequalities in climate change responses.⁶⁴

⁵⁹ Ibid. 78-80.

⁶⁰ Heise, L., Greene, M. E., Opper, N., Stavropoulou, M., Harper, C., Nascimento, M., ... & Gupta, G. R. (2019). Gender inequality and restrictive gender norms: framing the challenges to health. *The Lancet*, 393(10189), 2445-2452.

⁶¹ Ibid.

⁶² Schramm, P. J., Al Janabi, A. L., Campbell, L. W., Donatuto, J. L., & Gaughen, S. C. (2020). How Indigenous Communities Are Adapting To Climate Change: Insights From The Climate-Ready Tribes Initiative: Analysis examines how indigenous communities are adapting to climate change. *Health Affairs*, 39(12), 2153-2159.

⁶³ Ibid.

⁶⁴ Ibid.

Gender-based vulnerabilities and roles intersect with climate change adaptation and resilience.⁶⁵ Women often possess valuable knowledge of local ecosystems and sustainable resource management practices.⁶⁶ However, limited access to resources, unequal decision-making power, and cultural norms restrict their participation and influence in climate adaptation strategies.⁶⁷ Gender disparities also impact women's ability to access financial resources, technology, and information necessary for resilience-building.⁶⁸ Recognizing and addressing these vulnerabilities and empowering women and gender minorities as active participants in climate action is crucial for building adaptive and resilient societies.⁶⁹

Numerous initiatives are promoting gender equality in climate action and decision-making processes.⁷⁰ For example, the Women's Global Call for Climate Justice advocates for the inclusion of women's rights and gender equality in climate policies and programs. Gender-responsive climate finance mechanisms, such as the Green Climate Fund's gender policy, aim to support projects that address the specific needs and priorities of women and gender minorities.⁷¹ Additionally,

⁶⁵ Vinyeta, K., Whyte, K., & Lynn, K. (2016). Climate change through an intersectional lens: gendered vulnerability and resilience in indigenous communities in the United States.

⁶⁶ Olsson, P., & Folke, C. (2001). Local ecological knowledge and institutional dynamics for ecosystem management: a study of Lake Racken watershed, Sweden. *Ecosystems*, 4, 85-104.

⁶⁷ Ibid.

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ Aguilar, L. (2012). Establishing the linkages between gender and climate change adaptation and mitigation. In *Gender and climate change: An introduction* (pp. 201-221). Routledge.

⁷¹ Swim, J., Clayton, S., Doherty, T., Gifford, R., Howard, G., Reser, J., ... & Weber, E. (2009). Psychology and global climate change: Addressing a multi-

grassroots organizations and networks, such as the Global Alliance for Green and Gender Action, work to amplify the voices and agency of women and gender minorities in shaping climate responses.⁷²

Integrating gender perspectives in climate policies and programs is vital for effective and equitable outcomes.⁷³ By considering the differentiated impacts of climate change on women and gender minorities, policies can address their specific needs and vulnerabilities.⁷⁴ Gender-responsive approaches ensure that women and gender minorities have equal access to resources, decision-making processes, and benefits arising from climate action.⁷⁵ Additionally, recognizing the important roles that women play as agents of change and leaders in climate resilience enhances the effectiveness and sustainability of climate policies and programs.⁷⁶

Gender equality is a crucial aspect of addressing climate change.⁷⁷ Analyzing the differential impacts on women and gender minorities, understanding their vulnerabilities and roles in adaptation and resilience, promoting initiatives that empower them, and integrating gender perspectives in climate policies and programs are all essential

faceted phenomenon and set of challenges. A report by the American Psychological Association's task force on the interface between psychology and global climate change. *American Psychological Association, Washington*, 66, 241-250.

⁷² Ibid.

⁷³ Rahaman, M. M., & Varis, O. (2005). Integrated water resources management: evolution, prospects and future challenges. *Sustainability: science, practice and policy*, 1(1), 15.

⁷⁴ Ibid. 17.

⁷⁵ Ibid. 18.

⁷⁶ Ibid. 19.

⁷⁷ Lau, J. D., Kleiber, D., Lawless, S., & Cohen, P. J. (2021). Gender equality in climate policy and practice hindered by assumptions. *Nature climate change*, 11(3), 186-192.

for achieving sustainable and equitable climate outcomes.⁷⁸ By addressing gender inequalities, we can foster a more inclusive and effective response to the challenges posed by climate change.⁷⁹

VI. Marginalized Communities and Decision-Making

Marginalized communities often face exclusion from decision-making processes related to climate change, leading to their voices and perspectives being overlooked.⁸⁰ Factors such as socio-economic disparities, unequal access to education and resources, and systemic discrimination contribute to this exclusion.⁸¹ As a result, policies and strategies implemented may not adequately address the unique needs, concerns, and priorities of marginalized groups.⁸² The exclusion of these communities perpetuates existing inequalities and hampers the effectiveness and legitimacy of climate change decision-making.⁸³

Inclusive and participatory approaches to decision-making are essential for addressing the needs of marginalized communities and achieving equitable climate outcomes.⁸⁴ By involving marginalized groups in decision-making processes, their experiences and knowledge can inform the development of context-specific

⁷⁸ Denton, F. (2002). Climate change vulnerability, impacts, and adaptation: Why does gender matter?. *Gender & Development*, 10(2), 10-20.

⁷⁹ Ibid.

⁸⁰ Ojha, H. R., Ghimire, S., Pain, A., Nightingale, A., Khatri, D. B., & Dhungana, H. (2016). Policy without politics: Technocratic control of climate change adaptation policy making in Nepal. *Climate Policy*, 16(4), 419-430.

⁸¹ Shaw, M., Dorling, D., & Smith, G. D. (1999). Poverty, social exclusion, and minorities. *Social determinants of health*, 2, 197-198.

⁸² Ibid. 120.

⁸³ Ibid. 121.

⁸⁴ Ibid. 122.

solutions.⁸⁵ Inclusive decision-making processes also promote a sense of ownership and empowerment among marginalized communities, fostering a more sustainable and just transition.⁸⁶ Furthermore, the diversity of perspectives brought by marginalized groups enriches discussions, leading to more comprehensive and effective climate strategies.⁸⁷

Numerous case studies showcase successful examples of involving marginalized communities in climate action.⁸⁸ For instance, the Indigenous-led initiatives in Canada, such as the Indigenous Climate Action, empower Indigenous communities to lead climate resilience efforts by combining traditional knowledge with modern technologies.⁸⁹ Participatory budgeting processes in Brazil and other countries have enabled marginalized communities to have a direct say in climate-related resource allocation decisions.⁹⁰ These examples demonstrate that when marginalized communities are engaged and

⁸⁵ Krause, G., Brugere, C., Diedrich, A., Ebeling, M. W., Ferse, S. C., Mikkelsen, E., ... & Troell, M. (2015). A revolution without people? Closing the people-policy gap in aquaculture development. *Aquaculture*, 447, 46-54.

⁸⁶ Ibid.

⁸⁷ Scoones, I. (2009). Livelihoods perspectives and rural development. *The journal of peasant studies*, 36(1), 171-196.

⁸⁸ Benevolenza, M. A., & DeRigne, L. (2019). The impact of climate change and natural disasters on vulnerable populations: A systematic review of literature. *Journal of Human Behavior in the Social Environment*, 29(2), 266-281. See, Ravera, F., Reyes-García, V., Pascual, U., Drucker, A. G., Tarrasón, D., & Bellon, M. R. (2019). Gendered agrobiodiversity management and adaptation to climate change: differentiated strategies in two marginal rural areas of India. *Agriculture and human values*, 36, 455-474. See, Tol, R. S., Fankhauser, S., Richels, R. G., & Smith, J. B. (2000). How much damage will climate change do? Recent estimates. *WORLD ECONOMICS-HENLEY ON THAMES*, 1(4), 179-180.

⁸⁹ Ibid. 180-181.

⁹⁰ Ibid. 183.

empowered, they can contribute valuable insights and solutions to climate change challenges.

There is a growing recognition of the need to increase the representation and empowerment of marginalized groups in climate policy and planning.⁹¹ Calls for greater inclusion have come from various stakeholders, including civil society organizations, indigenous rights activists, and social justice advocates.⁹² Increasing representation can be achieved through diverse mechanisms such as establishing advisory boards, incorporating marginalized voices in formal decision-making bodies, and ensuring inclusive consultations and participation processes.⁹³ Empowering marginalized communities also involves providing them with the necessary resources, capacity-building, and support to actively engage in climate policy discussions and implementation.⁹⁴

Exclusion of marginalized communities from decision-making processes related to climate change is a significant concern.⁹⁵ Inclusive and participatory approaches are essential for addressing this exclusion, as they recognize the importance of incorporating diverse perspectives and ensuring that climate policies and strategies are equitable and effective.⁹⁶ Successful case studies demonstrate the

⁹¹ Tompkins, E. L., & Adger, W. N. (2004). Does adaptive management of natural resources enhance resilience to climate change?. *Ecology and society*, 9(2).

⁹² Batliwala, S. (2002). Grassroots movements as transnational actors: Implications for global civil society. *Voluntas: International Journal of Voluntary and Nonprofit Organizations*, 13, 395-404.

⁹³ Dreher, T. (2012). A partial promise of voice: Digital storytelling and the limits of listening. *Media International Australia*, 142(1), 157-158.

⁹⁴ Ibid. 158-160.

⁹⁵ Ibid. 161-162

⁹⁶ Ibid. 165-166

benefits of involving marginalized communities in climate action. Calls to increase representation and empowerment of marginalized groups in climate policy and planning emphasize the need to rectify existing power imbalances and promote a more just and sustainable approach to climate change.

VII. Equitable Solutions for Climate Justice

Achieving climate justice and equity requires the implementation of policy approaches and frameworks that prioritize the needs of marginalized communities and address underlying systemic inequalities.⁹⁷ One example is the concept of just transition, which aims to ensure a fair and equitable transition to a low-carbon economy, safeguarding the rights and livelihoods of workers and communities affected by the shift away from fossil fuels.⁹⁸ Additionally, environmental justice frameworks seek to address the disproportionate burden of pollution and environmental degradation on marginalized communities and advocate for their meaningful participation in decision-making processes.⁹⁹

Incorporating equity considerations is crucial for effective climate change mitigation and adaptation strategies.¹⁰⁰ By recognizing and addressing the unequal distribution of climate impacts and vulnerabilities, policies and actions can be tailored to meet the

⁹⁷ Malloy, J. T., & Ashcraft, C. M. (2020). A framework for implementing socially just climate adaptation. *Climatic Change*, 160(1), 1-14. See, Alcaraz, K. I., Wiedt, T. L., Daniels, E. C., Yabroff, K. R., Guerra, C. E., & Wender, R. C. (2020). Understanding and addressing social determinants to advance cancer health equity in the United States: a blueprint for practice, research, and policy. *CA: a cancer journal for clinicians*, 70(1), 31-38.

⁹⁸ Ibid. 44.

⁹⁹ Malloy, J. T., et.al. 43-44.

¹⁰⁰ Wiegandt, E. (2001). Climate change, equity, and international negotiations. *International relations and global climate change*, 128-130.

specific needs of marginalized communities.¹⁰¹ This includes ensuring access to renewable energy, clean water, and resilient infrastructure, as well as providing support for sustainable livelihoods and adaptation measures.¹⁰² By prioritizing equity, climate actions can avoid exacerbating existing social disparities and work towards more just and inclusive outcomes.

Funding mechanisms and support for vulnerable communities are essential in achieving climate justice and equity.¹⁰³ Financial resources should be allocated to projects that prioritize the needs of marginalized communities, particularly in developing countries, where the impacts of climate change are often more severe.¹⁰⁴ Climate finance mechanisms, such as the Green Climate Fund, aim to channel financial resources to adaptation and mitigation projects that benefit vulnerable communities.¹⁰⁵ Capacity-building programs and technical assistance can also support communities in implementing climate-resilient practices and accessing funding opportunities.¹⁰⁶

Numerous initiatives and projects are promoting equitable solutions to climate change.¹⁰⁷ For instance, community-led renewable energy projects, such as solar cooperatives, empower marginalized communities by providing access to clean and affordable energy

¹⁰¹ Ibid. 130-132.

¹⁰² Ibid. 133-136.

¹⁰³ Okereke, C., & Coventry, P. (2016). Climate justice and the international regime: before, during, and after Paris. *Wiley Interdisciplinary Reviews: Climate Change*, 7(6), 834.

¹⁰⁴ Ibid. 834-836.

¹⁰⁵ Ibid. 837-838.

¹⁰⁶ Ibid. 839-840.

¹⁰⁷ Denton, F. (2002). Climate change vulnerability, impacts, and adaptation: Why does gender matter?. *Gender & Development*, 10(2), 10-20.

while creating local job opportunities. Nature-based solutions, such as reforestation and ecosystem restoration projects, not only contribute to climate mitigation but also provide co-benefits for local communities,¹⁰⁸ such as improved water resources and biodiversity conservation. Indigenous-led land stewardship initiatives, which integrate traditional knowledge with modern practices, highlight the importance of preserving cultural heritage and promoting sustainable resource management.¹⁰⁹

Achieving climate justice and equity requires the implementation of policy approaches, frameworks, and initiatives that prioritize the needs of marginalized communities and address systemic inequalities.¹¹⁰ Incorporating equity considerations in climate change mitigation and adaptation strategies, along with the provision of funding and support for vulnerable communities, is essential.¹¹¹ By promoting equitable solutions to climate change, we can work towards a more just and sustainable future.¹¹²

VIII. Conclusion

In this discussion on climate justice and equity, this paper has explored the unequal impacts of climate change on vulnerable communities. It has examined the challenges faced by climate refugees, the importance of social justice and gender equality in

¹⁰⁸ Martin, E. G., Costa, M. M., & Máñez, K. S. (2020). An operationalized classification of Nature Based Solutions for water-related hazards: From theory to practice. *Ecological Economics*, 167, 106460.

¹⁰⁹ Ibid.

¹¹⁰ Ciplet, D. (2021). From energy privilege to energy justice: A framework for embedded sustainable development. *Energy Research & Social Science*, 75, 101996.

¹¹¹ Ibid.

¹¹² Ibid.

climate action, and the exclusion of marginalized groups from decision-making processes. Throughout our exploration, the paper emphasized the need for equitable solutions that address the specific needs and experiences of marginalized communities.

It is crucial for policymakers, organizations, and individuals to prioritize climate justice and equity in their efforts. This requires integrating the principles of fairness, inclusivity, and social responsibility into climate policies, programs, and initiatives. Policymakers should develop and implement policies that explicitly address the needs of vulnerable communities and ensure their meaningful participation in decision-making processes. Organizations and individuals should advocate for equitable solutions, support community-led initiatives, and foster partnerships that promote climate justice and equity.

Addressing the unequal impacts of climate change is essential for building a sustainable and just future. Climate change exacerbates existing social and economic disparities, further marginalizing already vulnerable communities. By recognizing and addressing these inequalities, we can create a more resilient and equitable society. This requires addressing the root causes of vulnerability, empowering marginalized communities, and promoting inclusive approaches to decision-making and action. It is only through concerted efforts and a collective commitment to climate justice and equity that we can overcome the challenges of climate change and create a future that is sustainable, just, and inclusive for all.

Climate justice and equity must be at the forefront of our efforts to address the impacts of climate change on vulnerable communities. By acknowledging the unequal burden faced by marginalized groups,

including climate refugees, and recognizing the intersections with social justice, gender equality, and decision-making processes, we can work towards equitable solutions. Let us join together in taking action, advocating for change, and prioritizing climate justice and equity as we strive for a sustainable and just future.

Bibliography

- Aguilar, L. (2012). Establishing the linkages between gender and climate change adaptation and mitigation. In *Gender and climate change: An introduction* (pp. 201-221). Routledge.
- Alcaraz, K. I., Wiedt, T. L., Daniels, E. C., Yabroff, K. R., Guerra, C. E., & Wender, R. C. (2020). Understanding and addressing social determinants to advance cancer health equity in the United States: a blueprint for practice, research, and policy. *CA: a cancer journal for clinicians*, 70(1), 31-38.
- Batliwala, S. (2002). Grassroots movements as transnational actors: Implications for global civil society. *Voluntas: International Journal of Voluntary and Nonprofit Organizations*, 13, 395-404.
- Bedeke, S. B. (2023). Climate change vulnerability and adaptation of crop producers in sub-Saharan Africa: A review on concepts, approaches and methods. *Environment, Development and Sustainability*, 25(2), 1017-1051.
- Benevolenza, M. A., & DeRigne, L. (2019). The impact of climate change and natural disasters on vulnerable populations: A systematic review of literature. *Journal of Human Behavior in the Social Environment*, 29(2), 266-281.
- Chu, E., Anguelovski, I., & Carmin, J. (2016). Inclusive approaches to urban climate adaptation planning and implementation in the Global South. *Climate Policy*, 16(3), 382-391.

- Ciplet, D. (2021). From energy privilege to energy justice: A framework for embedded sustainable development. *Energy Research & Social Science*, 75, 101996.
- Curtis, S., & Gamble, D. W. (2016). A social justice framing of climate change discourse and policy: Adaptation, resilience and vulnerability in a Jamaican agricultural landscape. *Geoforum*, 73, 70-80.
- Denton, F. (2002). Climate change vulnerability, impacts, and adaptation: Why does gender matter?. *Gender & Development*, 10(2), 10-20.
- Dreher, T. (2012). A partial promise of voice: Digital storytelling and the limits of listening. *Media International Australia*, 142(1), 157-158.
- Eckersley, R. (2015). The common but differentiated responsibilities of states to assist and receive 'climate refugees'. *European Journal of Political Theory*, 14(4), 490-495.
- Figueiredo, P., & Perkins, P. E. (2013). Women and water management in times of climate change: participatory and inclusive processes. *Journal of Cleaner Production*, 60, 189-193.
- Field, C. B., Barros, V., Stocker, T. F., & Dahe, Q. (Eds.). (2012).



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