

ASSESSMENT OF
THE LEGAL, POLICY
AND SOCIAL
IMPACT OF
CLIMATE CHANGE
LAWS ON WOMEN
ENVIRONMENTAL
DEFENDERS
(WEDS) & THEIR
ORGANIZATIONS
(WEDOS)



WHRDHUB
WOMEN HUMAN RIGHTS DEFENDERS HUB

Protect. Heal. Nurture

Research Report

Research study commissioned by:

The Women Human Rights Defenders Hub (The Hub)

Conducted by: Dr Wambua Kituku of Rooks Consulting Ltd

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LIST OF ABBREVIATIONS

WEDs	Women Environmental Defenders
WEDOs	Women Environmental Defenders Organizations
GBV	Gender- Based Violence
TF-GBV	Technology-Facilitated Gender- Based Violence
FLOCCA	Financing Local Climate Change Actions Programme
ELC	Environment and Land Court
PBOs	Public Benefits Organizations
CBOs	Community Based Organizations
NEMA	National Environmental Management Authority
MECCF	Ministry of Environment, Climate Change and Forestry
WWF	World Wide Fund for Nature
KEFRI	Kenya Forestry Research Institute
FGD	Focus- Group Discussion
KII	Key Informant Interview
UNFCCC	United Nations Framework Convention on Climate Change
GAP	Gender Action Plan
CoP	Conference of Parties
CCCPC	County Climate Change Planning Committee
CSC	County Steering Committee on Climate Change
CCCAP	County Climate Change Action Plans
NCCAP	National Climate Change Action Plan
NAP	National Adaptation Plan
UN	United Nations
ESIA	Environmental and Social Impact Assessment

SEA	Strategic Environmental Assessments
EACJ	East African Court of Justice
EMCA	Environmental Management Coordination Act
ELCA	Environment and Land Court Act
CCA	Climate Change Act

Executive Summary

Kenya is experiencing acute environmental challenges, including climate change, resource extraction, and ecological degradation, which disproportionately affect women, girls, and marginalized groups. While the country has enacted a range of environmental and climate governance frameworks, these remain largely gender-neutral, thereby obscuring differentiated vulnerabilities and limiting the capacity of women environmental defenders (WEDs) and their organizations (WEDOs) to participate meaningfully in climate governance.

The Women Human Rights Defenders Hub (The Hub), supported by UNDP Kenya, commissioned this study to interrogate the intersection of law, policy, and social dynamics in shaping the work of WEDs, with the aim of identifying gaps, opportunities, and actionable reforms.

The research focused on Nairobi, Kwale and Kitui Counties over a period of one month (October- November 2025). The study employed Qualitative and exploratory, anchored in Afro-ecofeminist theory, which critiques intersecting structures of domination (gender, class, ethnicity, colonial hierarchies) and emphasizes dismantling oppression against women and nature. Literature review was conducted to establish insights and gaps in knowledge from statutes, policies, reports and scholarly works. Key informants were sampled and interviewed from among WEDOs, regulators, policymakers and experts. Focus group discussions employing narrative methods were conducted targeting WEDs drawn from the focus counties. Thematic clustering and feminist narrative analysis, emphasizing intersectionality and power dynamics were used in conducting the analysis.

Some of the key findings from the study include:

On Legal recognition and protection of WEDs and WEDOs:

- National and county legal frameworks lack explicit language recognizing WEDs/WEDOs in climate governance.
- International definitions of environmental human rights defenders provide an entry point for advancing recognition.
- County-level duty bearers show limited awareness of WEDs/WEDOs as stakeholders; many WEDs themselves lack self-awareness of their defender identity.

On Legal and policy landscape:

- Kenya's constitutional and statutory frameworks on human rights, environment, and gender equality are robust.
- However, weak implementation of the two-thirds gender principle undermines women's representation in climate governance.
- Gender mainstreaming frameworks exist nationally and internationally but remain poorly translated into county-level practice.
- Legal framework mandate public participation in policymaking, budgeting and environmental approvals, affirming opportunities for WEDs and WEDOs to include realization of beneficial policies and developments for people and climate
- Grassroots WEDs and WEDOs have limited knowledge of policies and frameworks hence weakening their engagement with duty bearers
- County-level stakeholders lack awareness on how the legal frameworks extend protections to WEDs/WEDOs hence perpetuating vulnerabilities
- Climate Change Council is the critical policy organ but lacks civil society (and therefore WEDO) representation due to defective appointment procedures and this is compounded by limited awareness of the Council and its functions by grassroots actors.
- National frameworks for registering public benefit organization provide an enabling regulatory framework for WEDOs operating at that level while county level regulatory framework has inherent risks of over-regulation and potentially exposing WEDOs to punitive measures

On Social and gender dynamics affecting engagement with Climate Change Institutional Mechanisms

- Representation of women in climate leadership is uneven with Kwale demonstrating best practice while Nairobi and Kitui showing weaker outcomes
- Patriarchal norms continue to constrain women leadership despite establishment of gender focal points and departments to promote gender and climate action
- WEDS face such risks as sexual harassment, GBV, technologically-facilitated GBV (online bullying) and physical threats. Whereas support mechanisms exist, capacity gaps to respond to TF-GBV were noted.

On Institutional Factors affecting WEDs and WEDOs

- FLOCCA is the most significant source of climate finance, complemented by donor funding and carbon projects. However, WEDs/WEDOs face structural and capacity-related barriers in accessing climate funds.
- FLOCCA has influenced institutional frameworks through conditionalities, but limited finance is directed specifically to women's adaptation needs.
- Kenya's legal system provides robust avenues for remedy, and climate litigation is expanding.
- WEDs/WEDOs could leverage public interest litigation to advance recognition and climate justice.
- However, litigation remains male-dominated, and systemic constraints limit women's effective engagement.

The following key recommendations are suggested:

Recommendation for WEDOs	Recommendations for Duty Bearers
1. The Hub and like-minded organizations should support WEDs and WEDOs to initiate a campaign towards their legal recognition and better protection by raising awareness on the existence and critical role played by this category of environmental defenders. 2. WEDOs operating at national level (including the Hub) should initiate capacity building programmes for grassroots WEDs and WEDOs aimed at improving the respective capacity to engage in climate policymaking processes. The same should also target duty bearers especially at local level to make them amenable to advocacy efforts by trained WEDs and WEDOs 3. WEDs and WEDOs should urgently pay due regard to the potential impact of registration laws and regulations that may adversely affect their work and actively lobby government to align the provisions of the Community Groups Registration Act of 2022 with the spirit of PBO Act of 2013, which is regarded as more responsive to the needs of civil society organizations 4. The Hub and related organizations should urgently adopt appropriate protection mechanisms for WEDs and WEDOs, which take into account the unique risks they face in their work while enhancing their capacity for responding to TF-GBV. 5. The Hub should consider building capacities of WEDs and WEDOs to engage with these institutional mechanisms responsible for policy formulation, development approvals and environmental authorizations at both national and county levels. Correspondingly, the training programme should be extended in the medium term to relevant duty bearers to build their responsiveness to advocacy by WEDs and WEDOs. 6. WEDOs (including the Hub) should build capacity of grassroots WEDs and WEDOs to access climate finance for enhancement of their own capacities in climate action and decision-making 7. The Hub should consider empowering WEDs and WEDOs in utilizing and shaping legal institutions to provide appropriate remedies. 8. The Hub should also promote the evolution of ecofeminist jurisprudence which will in turn promote and affirm climate rights for women and marginalized groups through training of judicial officers (ELC judges and magistrates), publicizing progressive jurisprudence and supporting public interest litigation aimed at this purpose	1. Integrate recognition of WEDs and WEDOs through review of existing relevant frameworks e.g. National Gender and Climate Mainstreaming Strategy; National Climate Change Action Plan and related frameworks 2. The government should amend the procedures for nominating civil society representatives to the Climate Change Council with a view to fully operationalizing representation of non-state actors (including WEDOs) to this important body 3. Within the framework of existing capacity building programmes on climate change e.g. FLOCCA, due attention should be place on targeting WEDs and WEDOs as key beneficiaries 4. The Government should initiate changes to Community Groups Registration Act to enable WEDOs operating as CBOs register and operate without risks of overregulation 5. State-managed protection mechanisms such as Witness Protection Agency should recognize WEDs as a vulnerable group meriting special assistance, whenever at risk in a trial process. 6. Gender targets should be set on climate finances by relevant bodies whereas the State Department for Gender should consider monitoring and reporting on the progress towards realization of the set targets. 7. Environment and Land Courts should coopt WEDOs into the court users committees to give voice to WEDs in the administration of justice processes

List of Statutes

International Laws

1. United Nations Convention on Climate Change
2. Paris Agreement to the UNFCCC
3. Kyoto Protocol to the UNFCCC

National Statutes

1. Climate Change Act, Cap 387A
2. Constitution of Kenya, 2010 edition
3. Environmental Management and Coordination Act, Cap 387
4. Energy Act, Cap 314
5. Physical Land and Urban Planning Act, Cap 303
6. Sustainable Waste Management Act, Cap 387C
7. Water Act, Cap 372
8. Forest Act , Cap 385
9. Public Benefits Organizations Act No 13 of 2013
10. Community Groups Registration Act No 30 of 2022

County Statutes

1. Kwale County Climate Change Act No 4 of 2022
2. Nairobi City County Climate Change Act No 4 of 2024

List of Cases

In the Matter of the Principle of Gender Representation in the National Assembly and the Senate (Advisory Opinions Application No 2 of 2012) (2012) KESC 5 (KLR)

Mt. Kenya Network Forum and Indigenous People National Steering Committee on Climate Change v Cabinet Secretary, Ministry of Environment and Forestry & others (Petition E049 of 2025)

Save Lamu & 5 others v National Environmental Management Authority (NEMA) & another [2019] KENET 98 (KLR)

Menengai West Stakeholders Forum & 10 others v NEMA & Another (2025) KEELC 1169 (KLR) (also cited as ELA E001 of 2024)

Environmental Justice Australia v Australia, UN Special Rapporteurs, October 2021

Introduction

Background to the Study

Kenya is grappling with challenges of environmental degradation, climate change and natural resources extraction, which have disproportionately impacted on women and girls. Adverse climate change impacts and the recurrence of extreme weather events have caused livelihood and economic losses, disrupted lives, caused displacements and damaged critical infrastructures, thus exacerbating vulnerabilities of communities, particularly women, girls, persons with disabilities, minorities persons at the intersection of these identities.

Yet, Kenya has enacted various laws and policies on environmental and climate governance, which should provide a normative basis for enhancing environmental protection and climate governance. However, these laws and policies tend to be gender neutral and therefore may either undermine or obstruct the ameliorating of gendered effects of environmental degradation and adverse climate change impacts. These frameworks nevertheless provide opportunities for women environmental defenders (WEDs) and civil society organizations (CSOs) also referred to as “Women Environmental Defenders Organizations (WEDOs) to advocate for gender responsive environmental protection and climate action. In addition, limited awareness of environmental and climate rights enshrined in these frameworks, institutional complexity, gendered barriers and civic space threats undermine the ability of WEDs and WEDOs in advocating for gender responsive laws and frameworks.

The Women Human Rights Defenders Hub (“The Hub”) is a feminist initiative led by women human rights defenders (WHRDs) at the forefront of advocating for rights, giving safety and support to women rights defenders in Kenya and establishing feminist networks of WHRDs through community organizing.

The Hub is cognizant of the fact that gender inequalities pose significant obstacles to realization of a sustainable, fair and green world and therefore there is need for addressing the root causes by interrogating power imbalances and socio-cultural norms that perpetuate the same. This also includes examining legal and policy environments, gender neutralities within legal and policy frameworks.

With funding from UNDP Governance, Peacebuilding, Crisis and Resilience Funding Window, The Hub commissioned a study to assess how national and county environmental legislations and policies as well as social dynamics affect the work of WEDs and WEDOs in Kenya. The study will identify gaps, opportunities and recommendations for reforms and advocacy interventions. The study was expected to inform a strategic approach for capacity building for WEDs, women-led CSOs in advocating for gender-responsive green policies and actions while also enhancing information sharing and collaboration between CSOs, WEDs and policymakers.

1.2 Objectives of the Study

The overall objective of the study was to assess county and national laws and policies and social dynamics related to environmental and climate change governance, and how these affect the work of WEDs and their organizations (WEDOs) in Kenya while identifying gaps, opportunities and recommendations for appropriate reforms and advocacy interventions.

The specific objectives of the study were:

To map, review and analyze existing climate, policies, regulatory frameworks at national and county levels on climate change governance relevant to WEDs and WEDOs

To assess how these laws and policies impact on women, WEDs and WEDOs advocating for climate rights and in relation to risks, barriers and opportunities which these framework present

To examine the social, gender and institutional dynamics influencing the participation and protection of WEDs and WEDOs in climate governance

To map and analyze the climate governance ecosystem including identifying key gaps and challenges facing WEDs and WEDOs.

To formulate actionable recommendations for legal, policy and institutional reforms that will enhance the enabling environment for WEDs and strengthen WEDO participation and influence climate governance

1.3 Scope of Work

The scope of the study entailed examining laws, policies and practices on climate governance and their impact and implications for WEDs and WEDOs at the national level but have a specific focus on legal and policy environment in three counties of Kitui, Kwale and Nairobi. The study was conducted within a period of one month, spread between October and November 2025.

1.4 Methodology

1.4.1 Research approach

The study was designed primarily as qualitative research and entailed literature review, key informant interviews and focus group discussions (FGDs). The research also entailed collecting basic quantitative data from secondary sources for the purpose of meeting relevant requirements of the consultancy.

In terms of theoretical framing and analysis, the study was anchored on afro-ecofeminist approach, which advocates for deconstruction of relations of domination at the intersection of gender class, ethnic origin, disability and races (including colonialism, North/South hierarchies among others), with the aim of overcoming all kinds of oppression against women and nature.¹ This is consistent with the mission and advocacy stance taken by the Hub in relation to the role of WEDs and WEDOs, but also the relevance of such approach in bringing out nuanced aspects of climate change discourse which have previously obscured gender-differentiated vulnerabilities and adaptive capacities linked to inequalities and oppression.

In addition, the study took the form of exploratory research, given the fact that WEDs and WEDOs and their involvement in climate governance particularly in Kenya is an area that has hitherto not been studied from a legal and policy standpoint. This approach is appropriate for studying new phenomena with a view to providing a basis for further theorizing.

1.4.2 Data Collection

Literature review which entailed both document and online desk research. The consultant sought to access online resources relevant to this study, including statutes, policy frameworks, official reports on environmental and climate governance frameworks as well as regulatory frameworks that relate to WEDs and WEDOs in the environmental advocacy sphere. Policy and legal review entailed identifying key normative framings of rights, obligations, institutional mechanisms and processes which explain, mediate and account for WEDs and WEDOs engagement (or otherwise) in climate governance. The official reports reviewed sought to bring out data on the extent of efficacy of implementation and compliance of the studied legal and policy frameworks.

¹ Zo Randriamaro, 'Eco-feminists perspectives from Africa' in Mirriam Land, Mary Manahan & Breno Bringel (eds) *The geopolitics of green colonialism* (Pluto Press, 2024) available at < <https://www.jstor.org/stable/jj.12865310.18>>

For the academic and scholarly literature, the consultant employed “google” and “google scholar” search engines by querying using words drawn from the research title and specific objectives. The document results were reviewed for relevance and ultimately a sample of 32 papers was used for literature review. Literature was categorized into key themes correlated to the specific objectives and variables under study. The review was carried out to establish the current state of knowledge and research gaps, which aided in refinement of objectives and scope of the study. The output of the exercise was the section on context of WEDs and WEDOs in climate governance in Kenya, which is part of this report. The literature also provided a basis for construction of research tools and triangulation of data collected from legal and policy research as well as findings from field work.

With regard to key informant interviews, the consultant used a purposive sampling method to draw a sample from representatives of WEDOs, environmental regulators, policymakers, experts and academia from the target counties as well as from the national level. In cases where such respondents were not easily identifiable, the consultants resorted to snow-ball methods whereby interviewed respondents and other contacts were requested to refer the researchers to other relevant informants.

The consultants developed key informant interview guides, by developing relevant questions drawn from the specific objectives and the identified variables and sub-variables. The guide was subjected to a pretest, which entailed interviewing staff from the Hub. The tool was assessed for reliability and the responses were examined for adequacy and accuracy. The style and tone of interviewers was also assessed. Thereafter the research team refined the tools and agreed on the appropriate interview strategies, based on the anticipated needs of the key informant categories and their locations.

The KIIs were conducted between 22nd October and 11th November 2025 in the identified locations. Representatives of the Hub participated in the interviews to assist in logistical issues but also provide quality control. In addition, the principal investigator maintained virtual contact and convened team meetings to review progress and address both logistical and technical issues that cropped-up during the interview stage. In total 26 key informants were interviewed against a sample of 32 representing over 86% response rate which is acceptable for this kind of study.

The distribution of the sampled v/s interviewed informants across the three counties are as per below:

County	Category	Sampled KIs	Nos	Achieved
Nairobi	County WEDOs	County WEDOs	3	3
	County Environmental regulators	NEMA County Director, County Director of Environment	2	1
	County Policymakers	Chair County Climate Change Committee; Director of Gender and Youth	2	3
	National WEDOs	County WEDOs	3	3
	National environmental regulators	NEMA Climate Change Director;	2	0
	National policymakers	Director, Climate Change- MEC-CF; Director, Gender & Youth (Ministry of Gender & Youth)	2	1
	Experts/Academia	University of Nairobi;	1	0
Kwale	WEDOs	County WEDOs	3	3
	County Regulators	NEMA County Director, County Director of Environment	2	2
	County Policymakers	Chair County Climate Change Committee; Director of Gender and Youth	2	2
	Experts/Academia	WWF- Kwale office	1	1
Kitui	WEDOs	County WEDOs	3	3
	County Regulators	NEMA County Director, County Director of Environment	2	1
	County Policymakers	Chair County Climate Change Committee; Director of Gender and Youth	2	2
	Experts/Academia	KEFRI	1	1
Total			31	26

The consultant, with support from the Hub convened focus group discussions with participants who were purposively sampled and drawn from WEDs in the three counties. It should be noted that the sample comprised individuals and organizations who had either directly worked with or benefited from the Hub activities or were referrals from partner organizations.

Each FGD comprised not more than 10 participants. The consultants developed an FGD guide, which was subjected to a pretest in the same manner as the KII guide. Once refined, the FGD guide was administered with a view to eliciting deeper insights into key areas of inquiry. Since FGDs were conducted on the last day of field work, researchers utilized the FGDs to triangulate information generated from KIIs and literature review. The researchers employed storytelling

as a way of data collection, by engaging participants with compelling incidents or experiences to narrate the same for documentation. In total 29 FGD participants were interviewed (99% response rate).

1.1.1 Analysis:

The study utilized qualitative methods of clustering and discerning trends and identification of emergent themes relevant to the key objectives of the study. The consultants also utilize feminist narrative research and analysis approaches to critically examine power dynamics and intersectionality, while engaging closely with the participants.

1.1.2 Validation meeting:

A half-day virtual validation workshop was held on 18th & 19th and 28th November 2025 in Nairobi to discuss the draft research report. The participants were drawn from key stakeholders representing stakeholders of this study as well as experts as identified jointly with the Hub. The findings of the workshop were used to enrich the final draft report.

1.1 Limitation of the Study

The study encountered several limitations. First, the sampling of KII and FGD participants are rather small and therefore not necessarily representative of the universe of WEDs in Kenya. Secondly, the consultants noted a tendency by sampled policymakers to delegate interviews to their juniors due to work-related exigencies. Some knowledge gaps were evident in the affected interviews, necessitating further triangulation. Thirdly, the time-frame for the study was very tight but this was mitigated by complementing face-to-face with virtual interviews, which reduced time constraints imposed on field travels.

2. The Context of Women Environmental Defenders (WEDs) and their Organizations (WEDOs) in Climate Governance

This section provides an overview of conceptual issues pertinent to this study and their historical underpinnings. The section draws from literature review to establish the status of knowledge and emergent gaps in relation to these issues. In this regard, the section provides a justification for the study while also clarifying on key concepts and what the portent for the study as well.

2.1 WEDs and Environmental Justice

The UN defines an environmental defender (or environmental human rights defender- EHRD) as “anyone (including groups of people and women human rights defenders) who is defending environmental rights, including constitutional rights to a clean and healthy environment, when the exercise of those rights is being threatened.”² The role of EHRDs in promotion of human rights, environmental protection and sustainable development has received formal recognition by the United Nations.³

Women environmental defenders (WEDs) refer to women defenders working on human rights issues related to environmental justice, land rights and access to and control over natural resources.⁴ Even though as early as the 1970s women were publicly engaged in environmental protection activism (the tree-hugging Chipko Women of India”) there was notable increase in women involvement in collective struggles over natural resources and environmental issues, thus eliciting more academic attention to this issue.⁵

A distinguishing feature of WEDs from EHRDs in general is the inordinate exposure to uniquely gendered experiences of violence and discrimination encountered in their involvement in struggles over natural resources and environmental issues.⁶

According to Global Witness, 146 environmental defenders were killed or disappeared in 2024, whereas the cumulative total reported between 2012-2024 is 2,253.⁷ WEDs accounted for 14 or 10% of the defenders reported as killed

2 Cited in ‘Camille Pross, Dayoon Kim, Sara Vigil, ‘Women environmental defenders and Covid-19: lessons for transformative disaster risk reduction’ A Discussion Brief, Stockholm Environment Institute, 2022) accessed on 16 Oct 2025 at < <https://www.sei.org/wp-content/uploads/2022/12/brief-wed-and-covid-19-v2-15.09.2022.pdf>>

3 Resolution A/HRC/RES/40/11, adopted on 21 March 2019 by the Human Rights Council of the United Nations

4 IUCN, ‘Women environmental human rights defenders: facing gender-based violence in defense of land, natural resources and human rights’ accessed on 16 Oct 2025 at < https://www.iucn.nl/app/uploads/2021/03/iucn-srjs-briefs-wehrd-gbv-en_01.pdf>

5 D. Rocheleau, B. Thomas-Slayter & E. Wangari, ‘Gender and environment: a feminist political ecology perspective’ in D. Rocheleau, B. Thomas-Slayter & E. Wangari Feminist political ecology: global issues and local experience (Routledge, 1996)

6 Dalena Tran ‘A comparative study of women environmental defenders’ antiviolent success strategies’ (2021) 126 Geoforum 126-138

7 Data is extracted by the author from CSV files obtained from <<https://globalwitness.org/en/campaigns/land-and-environment>>

or disappeared in 2024 by Global Witness, whereas 240 (or 11%) for the period 2012-2024. The reported cases of WEDs from Africa is 126 which comprises 5%, even though researchers have been quick to caution underreporting as a major problem with data from the continent.⁸ The cases reported for Kenya were 6 within the said period.⁹

The role of WEDs has since been extensively researched and analysed within the framing of environmental justice, that is, the exploration of how environmental burdens impact on marginalized populations and communities (including women).¹⁰ Gendered exposure to WEDs within the context of environmental injustices is explained in terms of use of violence as a means of control of resources.¹¹ Violence against WEDs which is often overlooked and underreported manifests as displacement, repression, criminalization, violent targeting and assassinations (in extreme occasions) which tend to be concentrated in mining, agribusiness and industrial conflicts in the global South.¹² Inordinate exposure to violence to WEDs has been linked to rooted power relationships, gender discrimination, unequal division of labour and pre-existing levels of violence.¹³

2.1 WEDs, WEDOs and Environmental Governance

To understand the root causes of risks facing WEDs, it is important to examine the legal, policy and institutional factors that make discrimination and marginalization of WEDs possible. This entails analyzing norms and rules, institutional structures and practices that perpetuate such discrimination and marginalization. It has been pointed out that the inadequate legal recognition of WEDs and protection by legal mechanisms enhances their vulnerability to violence and intimidation.¹⁴ At international level, it has been noted only the Latin American region has enacted a treaty- The 2018 Escazu Agreement- that explicitly recognizes the roles of and provides protection to environmental defenders, thus demonstrating dearth of legal protections at that level.¹⁵

It also entails examining discursive factors that normalize, reinforce and perpetuate discrimination and marginalization. This includes patriarchal norms that support unequal power relations; division of labour that consigns women

tal-defenders/in-numbers-lethal-attacks-against-defenders-since-2012/>

8 Dalena Tran & Ksenjia Hanacek, 'A global analysis of violence against women defenders in environmental conflicts' (2023) 6 Nature Sustainability pp1045-1053 available at < <https://doi.org/10.1038/s41893-023-01126-4>>

9 Ibid

10 See for instance Nancy Unger, 'The role of gender in environmental justice' (2008) 1 Environmental Justice p115- 119

11 Itza Camey, Laura Sabater, Cate Owren & A. Wen, 'Gender-based violence and environmental linkages' (IUCN, Glans 2020)

12 Tran & Hanacek, 'A global analysis of violence against women defenders' supra

13 Barcia, 2017

14 Tien Nafi, Raith Lestarinin, Inayati, Tirtaening, Succi Wulandhary, Intant Aini and Dya Utari, 'Legal protection for women environmental activists in urban areas' (2019) 52 E3S Web of Conferences available at < <https://doi.org/10.1051/e3s-conf/20185200048>>

15 Camey, Sabater, Owren & Wen, 'Gender-based violence and environmental linkages' p173

to community management and reproductive roles, preventing them from being taken seriously in leadership or decision-making roles; narratives that either obscure the role of WEDs or perpetuate perceptions of docility (cannot retaliate against environmental injustices) and self-sacrificial (always absorbing environmental harms).¹⁶

2.2 WEDs, WEDOs and Climate Governance

As women, WEDs face the same gender-differentiated risks and vulnerabilities brought about by climate change. At the same time, climate change impacts impose specific constraints on WEDs and by extension, WEDOs. IDLO has identified gender-blind laws and regulatory frameworks as a critical barrier which directly causes under-representation or exclusion of women (and by extension WEDs) from decisions-making pertinent to climate action at all levels and across sectors.¹⁷ Related to this, gender stereotypes and social norms that are relegated to non-decision-making roles also play a critical part in exclusion of women, and at times, inviting risks of violence, when women try to access decision-making mechanisms.¹⁸

Gender-blind policies and frameworks have been linked to climate strategies and actions which invariably disadvantage women, youth and PWDs. For instance, analysis of climate finance initiatives undertaken following COP26 have revealed that only 3% of climate finance from bilateral donors (OECD) specifically aims to advance gender equality and only 2% reached southern-based CSOs.¹⁹ The implication of this finding is that opportunities for WEDOs and by extension, WEDs to benefit from climate finance for their own capacity strengthening are thus impaired by such policies and frameworks.

16 Delana Tran 'Realities beyond reporting: women environmental defenders in South Africa' (2023) 6 Feminist Media Studies, pp2152-2169 available at <<https://doi.org/10.1080/14680777.2022.2045335>>

17 IDLO, 'Climate justice for women and girls: a rule of law approach to feminist climate action' (IDLO, Rome, 2022) p12

18 Comey, Sabater, Owren & Wen, 'Gender-based violence and environmental linkages' p149

19 Jale Samuwai & Eliala Fihaki, 'Making climate finance work for women: voices from Polynesian and Micronesian communities' (Oxfam, Australia Aid & PACCIL, 2019) pp 13-14

IUCN notes that GBV fueled by climate change impacts may be used as a deterrent to women organizing for their environmental rights particularly in climate- induced emergency or natural disaster settings.²⁰ In addition, women actors in climate change action are adversely affected by barriers to pathways for accessing justice such as discriminatory laws that undermine equal exercise of legal status, cost and limited availability of justice services especially in remote areas.²¹ The implication of such barriers is that WEDs and WEDOs operating in such contexts will find it difficult to stop actions that may threaten their operations or seek remedy when such actions are perpetrated.

Limited access to and awareness of climate information which is key to enabling women to claim rights and take part in legal or social change undermines efficacy of WEDs.²² In a survey that was conducted by Afrobarometer covering 39 African countries in 2023, it was found that 51% of respondents had heard of climate change and that such awareness is particularly low among economically disadvantaged, less educated, rural residents and women.²³ In such an environment of low climate literacy and awareness, mobilizing action by WEDs and WEDOs can be quite difficult and costly.

Climate change and the climate governance and injustices it has created presents new risks and opportunities to women necessitating calls for feminist approaches to climate action²⁴ and climate justice particularly in Kenya.²⁵ However, literature on the role of WEDs in climate governance particularly in the Kenyan context is scarce and limited. This is the gap which this study should seek to fill. In doing so, the theoretical and conceptual frameworks used in analyzing WEDs in environment justice actions as well as the foregoing barriers to women's feminist climate actions should be adopted, focused on legal, policy institutional and discursive factors that perpetuate discrimination and marginalization.

20 Camey, Sabater, Owren & Wen, Gender-based violence and environmental linkages p149

21 IDLO, 'Climate justice for women and girls p13

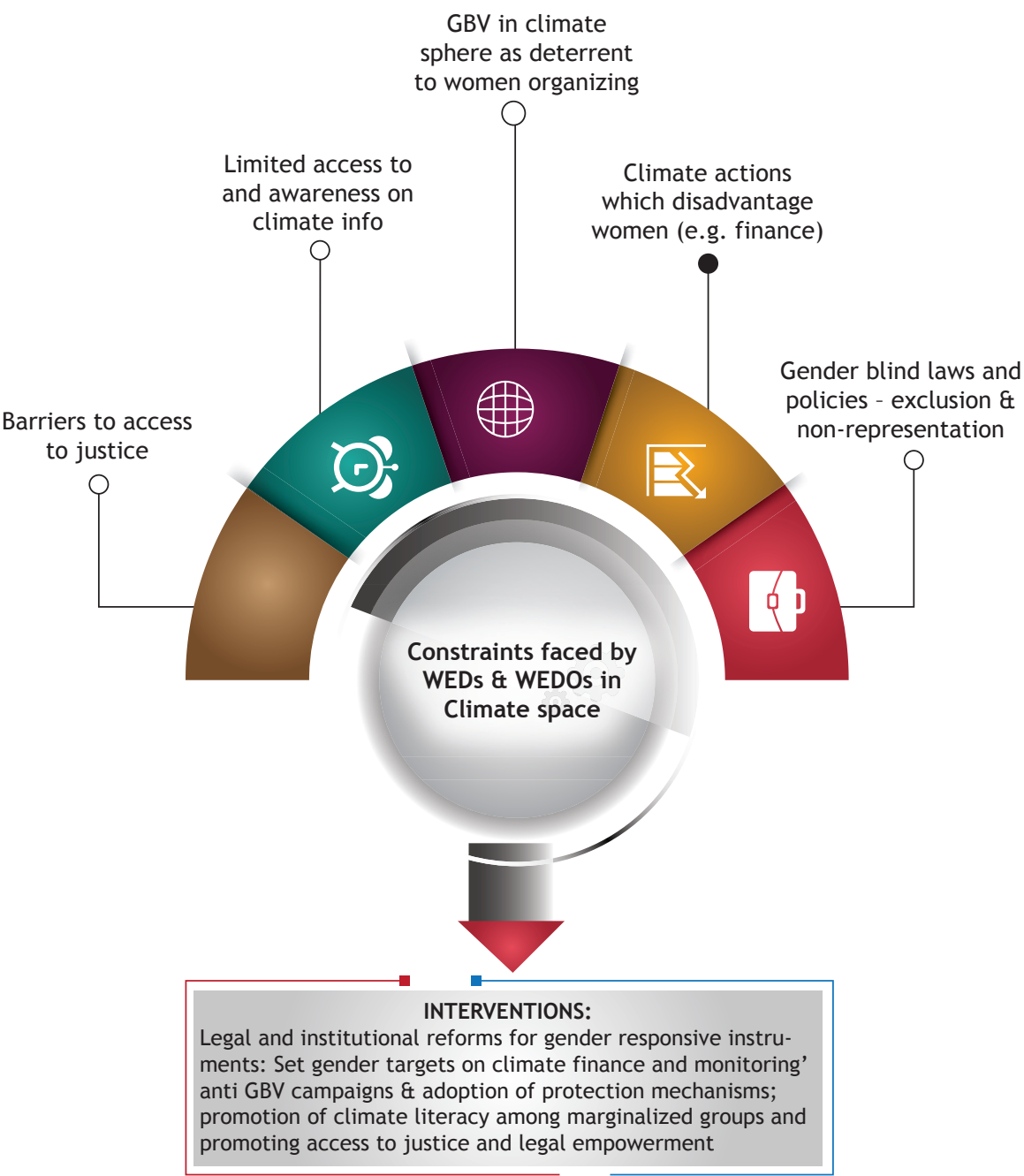
22 Ibid

23 Alfred Torsu & Matthias Kronke 'With climate change making life worse, African expect governments and other stakeholders to step-up' Afrobarometer Dispatch No 717, 16 October 2023 at p2 accessed on 18 April 2025 at < <https://www.afrobarometer.org/wp-content/uploads/2023/10/AD717-PAP1-With-climate-change-making-life-worse%5ELJ-Africans-expect-govts-and-stakeholders-to-step-up-Afrobarometer-16oct23.pdf>>

24 IDLO, 'Climate justice for women and girls: a rule of law approach to feminist climate action' (IDLO, Rome, 2022)

25 Nicholas Abuya, Collins Otieno, Virginia Auma and Hilda Njoki, 'The state of the climate justice movement in Kenya' (Natural Justice and Africa Activists for Climate Justice, Nairobi, 2024)

The conceptual framework is summarized by the diagram below



3. Assessment of Kenya' Legal and Policy Framework on Climate Governance and its impact on WEDs and WEDOs

This section contains a brief overview and description of the prevalent legal and policy framework on climate change in Kenya. This is followed by an in-depth analysis of the framework in relation to the efficacy and gaps.

3.1 Overview of policy and legal framework

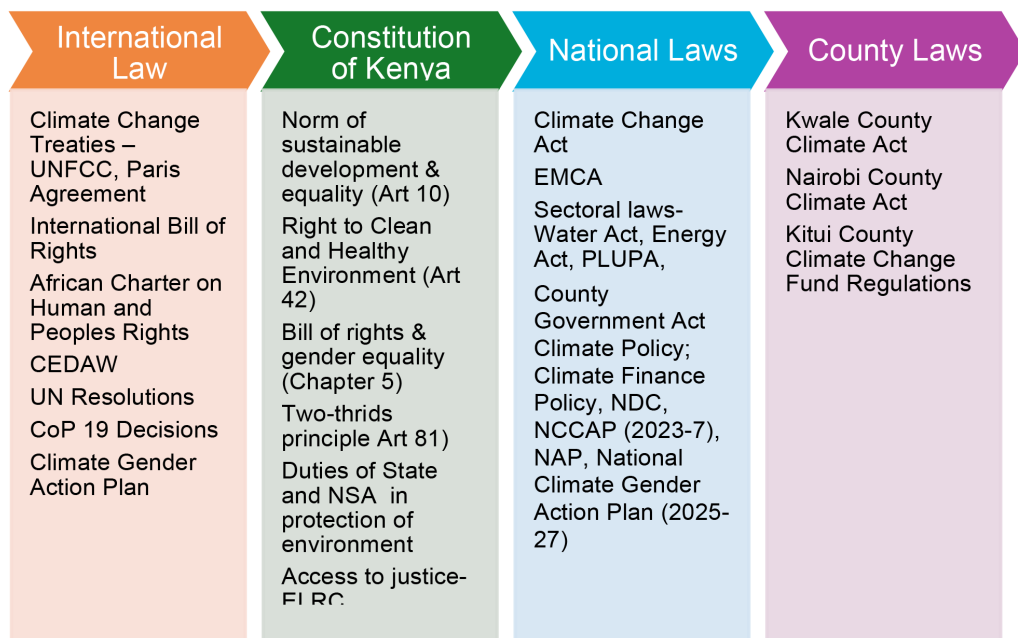
The Climate Change Act²⁶ (CCA) is the framework legislation which provides the legal and institutional framework for climate rights, obligations and decision-making processes entailing climate actions. The CCA is at the heart of the climate change legal regime anchored by the Constitution of Kenya, which enshrines the right to a clean and healthy environment and lays out an institutional framework for protection of the environment. The climate change regime is supplemented by a rather robust environmental governance legal framework, comprising the Environmental Management and Coordination Act²⁷ as the framework legislation and various sectoral laws regulating specific aspects of the environment.

The Constitution has established a devolved system of government, in which county governments are vested with environmental mandates and therefore legislative and policymaking roles in the climate governance sphere. International laws on climate ratified by Kenya are considered as part of the domestic legal framework.²⁸ The United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement are central to the international climate change legal regime that is applicable to Kenya.

²⁶ Cap 387A

²⁷ Cap 387

²⁸ Constituion of Kenya, Art 2 (6)



3.1.1 International framework

The UNFCCC was adopted in 1992 at the United Nations on Sustainable Development and came into force in 1994. The convention enjoys near-universal ratification and hence represents the international community’s commitment towards addressing the global problem. The UNFCCC provides as its objective, curbing of greenhouse gases (GHGs) to levels that prevent dangerous human interference with the climate system within a time frame that allows for ecosystems to adapt naturally to climate change, without threatening food systems and enabling sustainable economic development.²⁹ The treaty lays down principles that guide the realization of these objectives, key among them intergenerational equity, common but differentiated responsibilities and respective capabilities, sustainable development and non-restriction of international trade.³⁰

The Convention outlines the commitments, which include among others, encouraging the “widest possible” participation of “non-governmental bodies” in promotion of public education, training and public awareness on climate change.³¹ It further provides for means of realizing these to curb greenhouse emissions through mitigation, adaptation, research, reporting, technology transfer, public awareness, establishment of financing mechanisms.³² These means are framework in broad language requiring further elaboration through adoption

²⁹ UNFCCC, Art 2

³⁰ Ibid Art 3

³¹ Supra Art 4 (1) (i)

³² Supra Art 5, 6 & 11

of subsequent protocols and guidance from the Conference of Parties³³, which is the key decision-making organ. The Convention also creates implementation organs, including the Secretariat, specialized bodies for rendering technical advice and overseeing implementation.³⁴

These provisions of the Convention however are drafted in a gender-neutral way and hence may seem not to lay the foundation for gender equality. The Convention nevertheless has language that has been used to advance gender equality and feminist actions in climate change, like for instance providing full consideration be given to specific needs and special circumstances of developing countries that are vulnerable to climate change and those that would bear a disproportionate or abnormal burden.³⁵ It could be argued that the disadvantaged position and unique needs of marginalized and vulnerable groups, including women, may be deemed as specific needs and special circumstances of developing countries.

The parties to UNFCCC negotiated and adopted the Kyoto Protocol to the UNFCCC in 1996, and which came into force in 1997. The Protocol elaborates on the obligations of parties to reduce emissions by setting specific targets with a commitment period that ran up to 2012;³⁶ clarified emissions measuring and reporting procedures;³⁷ created carbon emissions trading mechanisms that gave rise carbon markets,³⁸ elaborated on the provisions of the financing mechanisms,³⁹ among its main features. Like its parent Convention, the Kyoto Protocol was drafted in gender neutral language devoid of gender specific provisions.

As the commitment period of the Kyoto Protocol approached, the parties to the UNFCCC began consultations and negotiations towards a successor protocol. After protracted negotiations, the Paris Agreement (PA) was adopted in 2016 and came into force soon after. The PA set the objective to parties as limiting the increase in global warming to between 1.5-2 °C above pre-industrial level through various mitigation measures, promotion of adaptation, resilience and transition to low carbon development pathways with consistent financial flows to support these measures.⁴⁰ The Agreement outlines procedures for development and submission of Nationally-determined contributions (NDCs) by all parties without distinction, as reporting tools for emission reduction targets and measures;⁴¹ mitigation measures through nature-based solutions and carbon

33 Supra Art 7

34 Supra Art 8, 9 & 10

35 Art 3 (2)

36 Kyoto Protocol, Art 3

37 Ibid Art 5, 7,8,9, 10

38 Art 6 & 12

39 Art 11

40 Paris Agreement, Art 2

41 Ibid Art 4

markets;⁴² elaborates on adaptation measures;⁴³ creates a loss and damage mechanisms to compensate countries that have suffered harms;⁴⁴ and sets out clearer provisions on financing, technology transfer and capacity building among others.⁴⁵

The PA departs from its predecessor frameworks by adopting explicit gender language in three instances. First, the PA in its preamble calls upon parties when taking climate action to take into account human rights obligations with due regards to rights of marginalized and vulnerable persons, as well as gender equality and empowerment of women.⁴⁶ This provision is rather expansive and therefore could anchor integration of feminist approaches in climate actions, which is core to the work of WEDs and WEDOs. Secondly, the PA exhorts parties to ensure adaptation actions are gender-responsive, while taking into account needs and circumstances of vulnerable and marginalized groups.⁴⁷ This is critical, noting that adaptation initiatives tend to empower women more than mitigation actions. Thirdly, the PA also obligates parties to ensure capacity building is undertaken in a gender-responsive manner.⁴⁸ Due to gender-differentials in knowledge and capacity, this provision stands to promote empowerment of women, including WEDs and WEDOs. Lastly, PA acknowledges (though cautiously so) the concept of climate justice in climate action,⁴⁹ which lay the foundation for recognition of the advocacy work of feminists in the climate space. However, the PA does not explicitly recognize WEDs and WEDOs nor EHRDs in its text.

The gender dimensions of UNFCCC, Kyoto Protocol and PA have been elaborated further through the decisions of the Conference of Parties (CoP). The importance of enhancing women participation in UNFCCC processes was first endorsed in CoP 7 held in 2001.⁵⁰ In CoP18, parties adopted a resolution for ensuring gender balance in bodies constituted under UNFCCC and Kyoto protocol.⁵¹ The first Gender Action Plan (GAP) was adopted under the Lima Work Programme during CoP 18 and has since been enhanced through successive CoPs. A new GAP is expected to be adopted in COP 30 in 2025. The analysis of the GAP is presented in the next section.

42 Ibid Art 5 & 6

43 Ibid Art 7

44 Ibid Art 8

45 Ibid Arts 9, 10 & 11

46 Preamble to Paris Agreement

47 Ibid Art 7 (5)

48 Ibid Art 11 (2)

49 Preamble to UNFCCC, *supra*

50 Decision 36/CP.7 at COP 7

51 Decision 23/CP.18

3.1.1 National frameworks

The Constitution of Kenya is considered as one of the most progressive in Africa, from a human rights and environmental protection standpoint. In its preamble, the Constitution calls for respect of the environment as the people's natural heritage that should be sustained for future generations. With a rather elaborate and enforceable Bill of Rights, the Constitution enshrines the right to clean and healthy environment,⁵² while imposing duties on state and non-state actors⁵³ to ensure realization of this right across generations. These duties include among others, ensuring sustainable exploitation of environment and natural resources with equitable benefit sharing; ensuring participation of the people; adopting systems of environmental impact assessments, audit and monitoring and cooperation between state and non-state actors in protection of the environment.⁵⁴

To ensure effective enforcement of this right, the Constitution allows any person to approach the Courts to challenge any policy or action that may result in infringement, hence espousing a rather liberal locus standi.⁵⁵ Indeed, a specialized superior court vested with jurisdiction to handle environmental and land disputes is established as part of the judicial system.⁵⁶

Importantly, the Constitution enshrines the principle of sustainable development as a national value and principle of governance, which binds all state organs, agencies and officers.⁵⁷ As such these entities are required to take into account these principles, whenever they make policies, decisions or take actions.⁵⁸

Indeed, state policies and actions (or inactions) found to have violated or contravened these principles, including sustainable development, have been nullified by the Courts.⁵⁹

The Constitution makes it applicable as part of national law, any international treaty which Kenya has ratified as well as general principles of international customary law.⁶⁰ This therefore makes the UNFCCC and Paris Agreement as well as Conventions on gender equality and human rights which Kenya has ratified,

52 CoK 2010, Art 42

53 Ibid Art 69

54 Ibid

55 Art 70

56 Art 162 (2) (b)

57 Art 10 (2) (d)

58 See for instance, *Muthui & 19 others v County Government of Kitui & 7 others* (2023) KEELC 15930 KLR 22 (also cited as *Environment & Land Petition 26 Of 2021*) at para 25 wherein the court observed that “the principle of sustainable development required that environmental considerations should be at the center of all development”.

59 In the above instance, the Court in the *Muthui* case held that the County Government of Kitui, NEMA and others had violated Art 10 (principle of sustainable development) in the manner in which they had issued permits, licenses and allowed sand harvesting activities in Kitui hence endangering the environment

60 CoK 2010 Art 2 (5) & (6)

equally applicable domestically for as long as they remain consistent with the constitutional provisions. Thus, courts cannot ignore provisions of international law when determining disputes or interpreting the States obligations. Indeed, there are instances where Courts have upheld international law provisions, when found to conflict with provisions of statutes enacted by parliament.⁶¹

The Climate Change Act is the principal law enacted to provide a framework for regulating climate change responses and Kenya's pathways to achieving low carbon climate development.⁶² The Act outlines objectives and guiding principles which include among others, the mainstreaming of gender equity in climate change responses,⁶³ Art 10 of the Constitution (which also includes gender equality) and ensuring equity and social inclusion in the allocation of costs and benefits of climate responses and impacts.⁶⁴ To this extent therefore, climate policymakers are obligated to take gender considerations into account when implementing the Act.

The Act lays out the institutional framework for implementation, with the Climate Change Council at the apex, chaired by the President and comprising cabinet secretaries of environment & climate change, finance, energy, Chairperson of Council of Governors and multisectoral representatives, including youth and marginalized communities.⁶⁵ The Act vests in the Cabinet Secretary for Environment and Climate Change policy guidance and coordination roles,⁶⁶ and further provides for establishment of a Climate Change Directorate as the lead agency to undertake operational coordination issues on behalf of the Ministry.⁶⁷

NEMA is vested with responsibilities of monitoring compliance with obligations of the Act and playing the role of Designated National Authority (DNA) in respect to approval, registration and oversight of carbon projects.⁶⁸

61 See Re the Matter of Zipporah Wambui Matara (2010) eKLR 4

62 Cap 387A

63 Ibid Sec 3

64 Ibid Sec 4

65 Ibid Sec 5 & 7.

66 Ibid s8 & 13

67 Ibid Sec 9

68 Ss 17 and 23D respectively

Critical obligations laid out in the Act include mainstreaming of climate change into strategic (climate-sensitive) spheres of National government and functions of county governments, integration of climate change risks, public awareness and education and reporting.⁶⁹ Besides, governments at both levels are required to ensure public participation in climate policy and provide access to climate information without restrictions.⁷⁰ Where a person is aggrieved with the performance of these obligations or violation of climate rights, the Act entitles them access to the Environment and Land Court to seek appropriate judicial remedy.⁷¹

In 2023, the Act was amended to include provisions for regulation of carbon markets, including approval of carbon projects, environmental authorizations, benefits sharing and dispute resolution.⁷² Where a carbon project is established, the law requires the establishment of a community benefits agreement between the project proponent and local community, which is to be overseen by a Committee, wherein women are to be represented.

The Environmental Management and Coordination Act (EMCA) is the framework law enacted in 1999, that provides a regulatory framework for environmental protection and sustainable management of the environment. EMCA provides for principles that should guide its implementation, including public participation, inter-and intragenerational equity, precautionary principle, polluter pays among others.⁷³ The right to clean and healthy environment as provided for in the Constitution is restated in EMCA with liberal locus standi provisions that enable enforcement of the said right at the Environment and Land Court.⁷⁴ EMCA also provides for establishment of a National Environmental Tribunal as a quasi judicial mechanism for reviewing decisions of NEMA, particularly on issuance of ESIA licences and approval of SEA.⁷⁵ Appeals from NET lie with the ELC.

69 Ibid Part IV

70 Ibid Part V

71 Ibid s23

72 Part IVA.

73 Ibid S.3(5)

74 Ibid s3 (2) and (3)

75 Ibid S 125

The Act establishes the National Environment Management Authority (NEMA) as the primate regulatory agency, with an overarching mandate of coordinating sectoral agencies mandated to regulate specific aspects of environmental media.⁷⁶ NEMA is headed by a Director General who is appointed by the President.

The Act details the rather broad regulatory mandate of NEMA, which includes protection of sensitive ecosystems, pollution control, waste management licensing among others. At the County level, the Act provides for establishment of County Environmental Committees headed by the County Governor, with the primary responsibility for environmental planning and oversight.⁷⁷ At the national level, NEMA and the Cabinet Secretary responsible for the environment are responsible for development of the national environmental action plan.

EMCA provides for environmental and social impact assessments as well as strategic environmental assessments, as key tools for guiding NEMA in authorization (or otherwise) of development activities that might endanger the environment.⁷⁸ The process is underpinned by public participation. NEMA is vested with an environmental monitoring mandate and is required to exercise this through appointed environmental inspectors as well as ensuring compliance on environmental audit requirements imposed on ESIA licencees. NEMA is vested with coercive powers for enforcement of obligations by lead agencies⁷⁹ and for various environmental offences that are provided for under the Act.⁸⁰

EMCA establishes the National Environmental Complaints Committee (NECC) as an environmental ombudsman, with the responsibility for investigating environmental violations, neglect of duties by NEMA and filing public interest litigation for environmental violations.⁸¹ Thus NECC not only provides an additional layer in the access to justice mechanisms under EMCA but also another monitoring mechanism for environmental violations.

From the foregoing, EMCA creates important environmental mandates and processes that complement CCA in many ways. NEMA has regulatory functions and powers that can control or prevent actions which harm the climate (e.g. air pollution, waste generation etc). In the same vein, NEMA's regulatory actions also extend to conservation of sensitive ecosystems that may play an important role in regulating the climate system (e.g. forests and water bodies). Secondly, NEMA's environmental authorization actions can be used to disallow

76 S.7

77 Ibid S. 29 & 30

78 Ibid Part VI

79 Ibid s.12; also see *R v NEMA ex parte Phillip Kisia & City Council of Nairobi* (2013) eKLR (also cited as JR No 251 of 2011) where the court held that NEMA could take regulatory action against lead agencies for abdicating their environmental responsibilities. In this instance, the City Council of Nairobi had been accused of neglecting its waste collection responsibilities.

80 Ibid Part XIII

81 Ibid s31 & 32

developments that imperil climate change responses or cause global warming. NEMA's mandate to ensure implementation of international environment treaties places it at the center of UNFCCC processes. Through its environmental planning processes, EMCA lays a good framework for mainstreaming climate actions in environmental conservation and management actions.

Several sectoral laws are relevant to regulation of climate change responses and action. Below is a summary of these laws and how they relate to climate action and responses.

Sectoral law	Climate mandates
Energy Act, Cap 314	Provides for exploitation of fossil fuels that aggravate carbon emissions, but also regulates renewable energies which mitigate emissions
Physical Land and Urban Planning Act, Cap 303	Regulates planning of physical places and approval of developments and therefore can be applied to deny approval to developments that harm the climate system
Sustainable Waste Management Act, Cap 387C	Provides for measures towards enhancing sustainable waste management, which is critical to cutting emissions from dumpsites
Water Act, Cap 372	Provides for conservation of water resources, which is vital for adaptation measures. In this regard, the Act establishes the Water Sector Trust Fund which is mandated to support among others, climate change mitigation and adaptation interventions. ¹
Forest Act , Cap 385	Provides framework for management and conservation of public, community and private forests (vital carbon sinks); provides for public participation in forest conservation and benefits-sharing mechanisms.
The National Drought Management Authority Cap 388	Establishes the National Drought Management Authority (NDMA) which among other things is tasked with promoting resilience and responses to climate change risks. ²

County Frameworks

Kwale County enacted the Kwale County Climate Change Act in 2022.⁸² The Act provides for an institutional framework for climate change responses and actions planning and implementation framework, which includes the county planning committee and ward planning committee.⁸³ The composition of the committees includes civil society representatives, even though there is no requirement for representation of women and hence, the law is largely gender neutral. The County Planning Committee is tasked with development of a county climate change action plan and advising the County Executive Committee Member on necessary interventions.⁸⁴ The Ward Planning Committee on the other hand is tasked with mobilization of communities and coordinating participation, implementation , awareness raising, capacity building and oversight of climate action plans at the local level.⁸⁵

The Act also provides for the Climate Change Unit, which serves as the implementation unit for the action plan.⁸⁶ Besides, the Act imposes obligations on public and private entities to comply and report on their climate obligations to the County authorities.⁸⁷

The county climate action mandated under the Act is meant to be aligned to the national climate action plan, must be adopted by the County Assembly before coming into effect, and the CCPC is required to monitor and report every two years on the status of the implementation of the Act..⁸⁸ Even though the Act does not mention gender, the CCAP is required to mainstream climate change into other plans and programmes of the county, and therefore it can be inferred that gender policies and strategies of the County would influence the CCAP.⁸⁹

The Act establishes the Climate Change Fund vested in the department responsible for climate change, out of which climate response actions are financed .⁹⁰ The Fund is mandated to receive a seed capital of not less than 2% of the annual county development budget but thereafter, it is anticipated the County will mobilize monies to sustain the Fund from a variety of sources including climate finances, levies etc.⁹¹

82 Act No 4 of 2022

83 Ibid Part II

84 Ibid s.6

85 Ibid s.16

86 Ibid s.13 &14

87 Ibid Part IV

88 Ibid 23, 25 & 26

89 Ibid s.24

90 Ibid Part Vi

91 Ibid s.40

Nairobi City County has enacted a similar climate change law- The Nairobi City County Climate Change Act,⁹²- which provides for establishment of county planning and sub-county (instead of ward) planning to oversee the development, sensitization and capacity building for climate actions. The Act creates a County Steering Committee, which plays an oversight role but also civic education and capacity building purposes.⁹³ It is important to note that the CSC does not have a requirement for gender-based representation.⁹⁴ Indeed, the County Climate Change Planning Committee (CCCPC) is predominated by county officials representing ostensibly climate-sensitive sectors only.⁹⁵ However, the sub-county climate change planning committee provides for representatives from youth, women, persons with disabilities, pointing to gender responsiveness.⁹⁶ The implication of this skewed representation is the risk of exclusion of gender considerations at the Steering Committee and CCCPC levels, leading to suppression of gender concerns in climate decision-making processes.⁹⁷

The Act outlines the county climate change action plan (CCCAP) processes, which is designed as a consultative process, starting from lowest to highest levels.⁹⁸ This opens the process to engagement by WEDs and WEDOs. The approval of the CCAP by the County Assembly provides WEDs and WEDOs an additional level of engagement through the mandated legislative public participation processes. Every year, the Steering Committee is required to prepare and submit to the County Assembly for consideration, the Annual Climate Response Report, which details the extent to which the CCAP has been implemented.⁹⁹ The report thus offers opportunity for stakeholders to assess the gender-responsiveness of the implementation processes and outcomes.

The Act mandates public and private entities with climate change action duties. For public entities including county departments, they are required to mainstream climate change into sectoral plans, strategies and other frameworks, hence opening up the possibility of integrating climate and gender, where sectoral gender frameworks exist.¹⁰⁰ For private entities, their obligations relate more to reporting on their climate responses and actions to designated authorities.

92 Act No 4 of 2024

93 Ibid s.8

94 Ibid S.6

95 Ibid s.14

96 Ibid s.19

97 Ibid s.25

98 Ibid Part III

99 Ibid s33

100 Ibid s.29 (4)

The Act further lays the framework for the County to ensure public awareness, sensitization, capacity building and access to information, which if properly undertaken could empower the public and particularly WEDs and WEDOs to engage effectively with the climate response actions and processes.¹⁰¹

Importantly, the Act provides for a County Climate Change Fund as the principal climate financing mechanism for climate actions.¹⁰² Unlike the Kwale legislation, the Nairobi Act does not provide for seed capitalization but contains similar provisions on sources of funds to sustain the Fund. The Act anticipates receipt of proceeds from carbon projects as a source of income for the Fund, something which is missing from the Climate Fund.

Kitui County is yet to enact a climate law but instead, adopted the Kitui County Climate Change Policy in 2013.¹⁰³ The policy provides the analytical basis, objectives, guiding principles and institutional framework for driving climate actions in the County. The policy notes that Kitui County began implementing climate change and adaptation actions in 2013 with support from development partners and has ensured integration of climate concerns and considerations in successful county integrated development plans.¹⁰⁴

The policy prioritizes the adoption of facilitative institutional and regulatory frameworks, climate finance mobilizations, establishment of partnerships (including with civil society organizations. In this regard, the Policy recommends the establishment of a Climate Change Unit as the driver of climate actions, a County Climate Change Steering Committee, Technical Committees and Ward Climate Change Planning teams, mirroring the structures created in Nairobi and Kwale.¹⁰⁵ The Policy calls for mainstreaming of climate considerations into development plans, programmes and implementation. It further calls for operationalization of climate change fund mechanisms to support its implementation.

The policy recognizes the differential human rights risks of climate change from a gender perspective and identifies women empowerment as a response to livelihood risks. As part of its guiding principles, it recognizes the importance of establishing partnerships with vulnerable communities, populations including women and youth in addressing climate change.

101 Ibid Part IV

102 Ibid Part VI

103 County Government of Kitui, Kitui county environment and climate change policy, 2023 (Ministry of Environment, Tourism and Natural Resources, January 2023) accessed from <<https://repository.kippra.or.ke/bitstreams/adc07ad5-8739-467e-9ee2-33a659465e9b/download>>

104 Ibid, p14

105 Ibid p32

To this extent, the Policy contains useful gender responsive language. It is also noteworthy that Kitui has developed and adopted the Kitui Climate Change Action Plan 2023-2027, which provides a basis for detailed elaboration of strategies contained in the Policy.

Assessment of the Legal Framework

Recognition of WEDs and WEDOs

The legal framework does not explicitly recognize the role of WEDs and WEDOs in climate governance. However, there are several opportunities to advocate for such recognition. The adoption of the UN resolution recognizing environmental defenders provides a window of opportunity for pushing for WEDs, given the gender differentiated risks and vulnerabilities which they endure, vis-à-vis male environmental defenders. Once such recognition is achieved at the international level, it will create a strong basis for similar advocacy for recognition at national levels.

Secondly, the human rights regime in Kenya is indeed robust and progressive with regards to environmental protection. Unlike other jurisdictions on the continent, Kenya's legal framework subtly enshrines climate rights which nevertheless are enforceable. The UN Resolution on EHRDs provides a good opportunity to intensify advocacy towards recognition of WEDs and WEDOs at country levels. Even though it takes time for global norms to cascade down to country levels, options exist for accelerating the process. Indeed, there is opportunity for WEDs and WEDOs to seek advisory opinions from courts at regional and country levels on interpretation of state obligations towards WEDs in relation to environmental protection and climate change. Such advisory opinion could provide normative guidance to African states, including Kenya on ensuring state practice affords necessary protection and recognition is extended to WEDs and WEDOs. WEDs therefore should take full advantage of this regime to seek necessary legal protections which advocate for issues of concern.

Thirdly, the constitution has progressed gender equality provisions which reinforce the importance of integrating feminist actions in environmental and climate protection. The constitutional imperative of 2/3rd gender principle provides a broad basis for WEDs and WEDOs to seek representation in policy and decision-making organs in the climate change sphere.

Even though the supreme court held that implementation of the 2/3rd principle as a matter of progressive realization through enactment of relevant legislations¹⁰⁶, courts have nevertheless declared as unconstitutional, appointments or composition of government bodies that flagrantly violate this principle.

Fourthly, the rather liberal requirements for locus standi now enable WEDs and WEDOs to bring up matters of violation of environmental and climate rights before courts in their own names and without necessarily having to prove that they have been injured by the violations complained of. The liberal locus standi provisions in the Constitution and other laws on access to the Environmental Land Court to litigate over environmental violations presents WEDs and WEDOs with opportunity to use public interest litigation as a tool for enhancing their visibility and profile in the climate sphere. Indeed, the Climate Change Act empowers anyone seeking enforcement of climate rights at the ELC.¹⁰⁷ Thus, by filing suits or seeking injunction in climate litigation, WEDs and WEDOs will increasingly gain recognition and acceptance as legitimate stakeholders in climate policy spaces.

Fifthly, to operate lawfully, WEDOs are required by law to seek registration from the relevant authorities. In Kenya, the Public Benefits Organization Act¹⁰⁸ is the primary legislation that regulates operations of public benefit organizations (PBOs) that were previously known as non-governmental organizations. The law recognizes advocacy as a legitimate purpose which registered PBOs may engage to influence government policies and actions.¹⁰⁹ WEDOs registered as PBOs therefore can rely on this provision to seek recognition when advocating for particular positions in climate policy spaces.

However, the recently enacted Community Groups Registration Act of 2022¹¹⁰ contains provisions that could potentially restrict registration and operations of advocacy oriented community based organizations. For instance, the powers vested in the Director of Social Services in registration of CBOs¹¹¹ are overreaching and the process of registration is not elaborate, thus granting wide discretion to the Director.

106 In the Matter of the Principle of Gender Representation in the National Assembly and the Senate (Advisory Opinions Application No 2 of 2012) (2012) KESC 5 (KLR)

107 Cap 387A s.23

108 Act No 18 of 2013

109 Ibid s.66

110 Act No 30 of 2022

111 Ibid s.12

Concerns over these provisions came to fore when the Nairobi-based social justice centers experienced punitive administrative actions from local social development officers (acting under the Director), thus triggering litigation.¹¹² Unless the courts clarify on these gaps or parliament amends the law, there is a risk that community-based WEDOs may be subjected to similar restrictive actions by the Director.

Obligations of Duty Bearers

The climate change legal regime imposes duty on governments to ensure mainstreaming of gender considerations at all levels. This obligation is to be discharged through development of specific gender policies or integration of gender considerations in existing climate policies. At the international level, parties to the UNFCCC have developed a gender action plan (GAP)¹¹³ which seeks to promote women participation in the UNFCCC processes, ensure gender responsive implementation of climate responses, capacity building and monitoring of gender-related mandates. Specifically, the GAP calls for provision of funds to enable women from developing countries to participate in CoP meetings.

In Kenya, the government has adopted the National Gender and Climate Change Action Plan (2025-27)¹¹⁴, which seeks to enhance participation of women and marginalized groups in climate decision-making processes, gender mainstreaming in climate sensitive sectors, promote gender-responsive budgeting and finance and capacity development for government and stakeholders in gender mainstreaming and collection and dissemination of disaggregated data to inform policy and action. The policy is at its initial stages of implementation and therefore it is rather early to assess its efficacy. However, counties are yet to develop gender strategies.

WEDs and WEDOs therefore can rely on these obligations to push for meaningful and impactful feminist action to secure gender-responsive climate actions and outcomes in Kenya. They can also rely on the policies adopted so far to push for greater participation and influence in climate decision-making at all levels. However, WEDOs should advocate for adoption of gender and climate policies at county levels, to ensure the same obligations are cascaded downwards.

112 See Jared Ombonya, "Community groups sensitized on Community Groups Registration Act No 30 of 2022" Nov 12 2023, available at <<https://www.penkenya.org/community-groups-sensitized-on-cgr-act-no-30-of-2022/#:~:text=To%20resolve%20this%20challenge%2C%20the,and%20commenced%20fourteen%20days%20later.>>

113 The Gender Action Plan, Decision CP 23

114 Republic of Kenya, National Gender and Climate Change Action Plan (2025-2027), (Ministry of Gender, Culture and Children Services, State Department for Gender Affairs and Affirmative Action, Nairobi 2025)

Both county and national governments have obligations to develop climate change actions plans for mitigation and adaptation.¹¹⁵ These obligations are translated through development of National Climate Change Action Plans, National Adaptation Plans, Nationally Determined Contributions at the national level. At the county, it is expected that each government will formulate a county climate action plan, mirroring the plans developed at national levels. It is important for WEDs and WEDOs to engage in these processes to ensure gender issues are sufficiently reflected therein.

The duty of state agencies to establish climate change units at all levels is also critical for mainstreaming and therefore, WEDs and WEDOs should initiate and maintain formal contacts with such units for advocacy purposes.

3.4.3. Mechanisms for engagement of WEDs and WEDOs

Under the Climate Change Act, the Climate Change Council is the highest policy making organ with representation from both levels of government, diverse sectors in public and private spheres and with civil society representation. Thus, the Council provides WEDs and WEDOs an avenue to secure representation at the highest policy making level. However, the appointment process for civil society has been wrought with legal controversies. When President Ruto appointed representatives in 2023, aggrieved organization filed a suit, challenging the participatory nature of the process and eventually convinced the court to invalidate the same for want of legality.¹¹⁶ The Court directed the government to initiate the process afresh with due regard to upholding public participation requirements of law. The process is likely to continue attracting controversy, for lack of clear guidelines on how the appointments should be made and therefore a legislative intervention may be necessary.

At the county level, county governments are required to establish climate change committees, reflecting the diversity espoused by the National Climate Change Council. Besides, under EMCA, counties are also required to establish County Environment Committees as multisectoral organs for overseeing development of county environmental action plans. These mechanisms provide another layer of mechanisms which WEDs and WEDOs could target for representation and advocacy engagements.

The legal framework provides for rather elaborate environmental licensing and authorization processes. Under EMCA, environmental and social impact assessment licences are mandatory for projects that are likely to have significant impacts on the environment¹¹⁷ and carbon projects¹¹⁸, while strategic

115 Cap 387A, Ss. 17-20

116 Mt. Kenya Network Forum and Indigenous People National Steering Committee on Climate Change v Cabinet Secretary, Ministry of Environment and Forestry & others (Petition E049 of 2025)

117 Cap 387 S.58

118 Cap 387A s.23D

environmental assessments are required for large scale programmes or policies that pose similar impacts at a macro level. Courts have held that ESIA licences and SEA are mandatory, even for projects that are likely to create significant climate impacts.¹¹⁹

Under the Climate Change Act, climate impact assessments are now required to be integrated into environmental assessments.¹²⁰ Courts have upheld the mandatory nature of this requirement, noting that failure to undertake CIAs can render a project approval invalid.¹²¹ These authorization processes require public participation and therefore the input of WEDs and WEDOs is necessary to ensure gender considerations are taken into account before approval of development and carbon projects. Thus, these processes provide additional mechanisms for engagements.

Under Public Finance Management Act, both national¹²² and county governments¹²³ are required to ensure public participation in development planning and budgeting processes. This gives WEDs and WEDOs mechanisms for influencing gender and climate responsive budgeting. Under Physical Land and Urban Planning Act¹²⁴, County Government Act¹²⁵ and Urban Areas and Cities Act¹²⁶, counties, cities and municipalities are required to ensure public participation in their respective development planning processes. Hence WEDs and WEDOs have a chance to engage and challenge development plans that potentially harm people (especially women and marginalized groups) and the climate. Similarly, public participation requirements under Art 10 of the Constitution within the context of public policy and law-making processes empower WEDs and WEDOs to challenge harmful laws and policies.

3.4.4. Redress mechanisms

It is important to note that climate litigation has substantially increased over the years, from below 1000 cases filed in 1917 to over 2000 cases in 2022.¹²⁷ However, most of the cases are litigated in the USA and the developed world with Africa contributing to 3.4% of the cases. In Kenya, climate change cases filed and litigated over the last 10 years have not exceeded 5.¹²⁸ However, access to justice remains important mechanisms for vindicating and remediating climate rights breaches as well as clarifying and elaborating on state and non-state actors' obligations for climate action.

119 See for instance, *Save Lamu & 5 others v National Environmental Management Authority (NEMA) & another* [2019] KENET 98 (KLR)

120 CAP 387A s.20

121 *Menengai West Stakeholders Forum & 10 others v NEMA & Another* (2025) KEELC 1169 (KLR) (also cited as ELA E001 of 2024)

122 Ss 25, 35 & 36

123 Ss. 125, 175 and 207

124 Ss. 23, 40, 49 and 68

125 Ss. 87, 91, 108 and 115

126 Ss. 21 & 22

127 UNEP, *Global climate litigation report, 2023 status review* (UNEP, Nairobi, 2024) pp10-11

128 Sabin Center for Climate Litigation, 'Climate Litigation Database' accessed on 15 November 2025 from <<https://www.climatecasechart.com/search?l=kenya>>

At international levels, the international court of justice (ICJ) and the International Tribunal of Law of the Sea provide useful mechanisms for dispute resolution within the context of climate change, but also importantly, interpretation of state obligations under climate change regimes through issuance of advisory opinions.¹²⁹ However, the procedures for accessing these tribunals are mostly limited to state parties and international organizations, even though CSOs have invoked special procedures to move UN Special Rapporteurs to investigate and make findings on climate violations by state and non-state parties.¹³⁰ At regional level, the African Court on Peoples and Human Rights as well as the East African Court of Justice (EACJ) have jurisdiction to entertain disputes and complaints over environmental and by extension, climate violations from state parties as well as individuals and organizations. Hence WEDs and WEDOs could invoke these provisions to litigate on matters where they feel national mechanisms may not afford justice.

As stated elsewhere in this report, access to justice for environmental and climate violations is now more enabled through liberal and expansive locus standi provisions under the Constitution, EMCA, ELCA and CCA. It is also notable that the judiciary has adopted gender mainstreaming policies and established courts to specifically address sexual and gender-based violence. The administration of the justice system is currently led by women (Chief Justice, Deputy Chief Justice and Attorney General) who are renowned gender champions and therefore efforts to make the justice system gender-responsive are now more possible.

Kenya has witnessed an increase in citizen-driven public interest litigation on major governance issues as well as environmental concerns and violations. This type of litigation not only brings public attention to major environmental concerns but also helps shape jurisprudence on resolution of legal environmental problems. However, public interest litigation on climate and environmental violations is largely male-driven. This could be related to the patriarchy norms and discrimination that undermine confidence of women to initiate and prosecute environmental violations. This is an area which WEDOs ought to take greater interest in and intervene accordingly. To effectively use the justice system, WEDs and WEDOs should be cognizant of existing constraints of courts, particularly on such issues as costs and affordability, proximity, efficiency and perceptions of corruption (which undermine trust) in Kenya's justice system.

129 Ibid pp30-31

130 For instance, *Environmental Justice Australia v Australia*, UN Special Rapporteurs, October 2021 cited in ibid

1. WEDS, WEDOS AND ENGAGEMENT IN CLIMATE GOVERNANCE: VOICES FROM BELOW AND ABOVE

4.1 Introduction

This section contains findings from field data collection that entailed key informant interviews and FGDs. The findings are organized in thematic areas that reflect the areas of inquiry that were contained in the research objectives. The voices are triangulated with information from literature review in order to enrich perspectives and corroborate evidence.

4.2 Recognition and roles of WEDs and WEDOs in Climate Action

Recognition of WEDs and WEDOs as legitimate stakeholders in climate action and decision-making processes is considered as a vital step towards their legal protection. The study therefore sought to understand the extent to which WEDs and duty bearers at both levels of government recognized WEDs as such.

Most respondents interviewed across the three counties underscored the limited recognition of WEDs and WEDOs by duty bearers at the county level. Indeed, duty bearers perceive WEDs and WEDOs as human rights activists or human rights defenders. Without proper recognition of WEDs and WEDOs, it might be unrealistic to expect duty bearers at this level to give due recognition to WEDs and WEDOs on account of the unique role they play in advocating for gender issues within the context of climate change.

A confounding finding was the lack of self-awareness of by a significant number of WEDs of their self-identity as environmental defenders. Some WEDs self-identified as human rights or anti-SGBV champions at first. This is explained by their main areas of preoccupation as activists. Indeed, without such awareness of self identity, it becomes rather difficult to mobilize WEDs to advocate for their own recognition. It is therefore that as a precursor to mounting an advocacy campaign for recognition, WEDOs should sensitize WEDs on their self-identity and how these impacts on their work.

The national level duty bearers who were interviewed demonstrated a good understanding of WEDs and WEDOs and their role in climate governance issues. This awareness is explained by the fact that duty bearers at this level are more aware of the various climate change stakeholders engaged in various decision-making processes, including WEDs and WEDOs.

At county levels, WEDs and WEDOs are involved in localized climate actions. In all the three counties, respondents acknowledged the participation of WEDs in tree-planting initiatives. In Kwale, WEDs are said to be involved in carbon projects entailing mangrove conservation and sea-weed culturing and extraction. In Kitui, WEDs were participating in clean cookstoves projects supported by development partners. No respondent from Nairobi associated WEDs with carbon projects, which either demonstrates dearth of awareness of existing carbon projects or limited engagement of WEDs in such projects. Besides, WEDs are said to be involved in general environmental actions such as clean-ups of streets and rivers (Nairobi), beach clean-ups (Kwale) and advocacy against unsustainable sand harvesting (Kitui). Such involvement in climate and environmental actions lays a good foundation for advocacy for their recognition and protection due to the value they bring to the climate and conservation agenda.

It emerged from the interviews that climate actions at the county levels had limited focus on adaptation outcomes. This corroborates with existing literature which laments inordinate focus on mitigation actions and less on adaptation interventions, which stand to empower women and vulnerable groups through resilience building. There is therefore a need for sustained advocacy for more investment in adaptation actions at the county levels.

WEDs and county duty bearers acknowledged the limited involvement and participation of WEDs and WEDOs in climate policy-making processes. This was attributed to limited awareness and knowledge on policy processes and unwillingness of duty bearers to mobilize and effectively engage WEDs in such processes.¹³¹ However, respondents indicated that WEDOs operating in Nairobi had been engaged in climate policymaking processes at national and international levels and this was attributed to their respective capacities and willingness of duty bearers to engage them. Thus the disparities of capacities and knowledge levels between county and national WEDs and WEDOs may affect advocacy engagements towards better legal recognition and protections of these groups.

4.3 Mapping and assessment of legal and policy landscape

The study sought to understand how WEDs and WEDOs interact with key laws and policies shaping climate actions at both national and county levels. It was thus necessary to assess the level of knowledge of the existing laws and perceptions of their utility (strengths) and gaps (weaknesses) from the perspective of both WEDs & WEDOs as well as duty bearers.

The interviews revealed limited knowledge by WEDs and WEDOs at the county level, of climate and environmental laws. This was attributed to limited opportunities for awareness creation and capacity building of grassroots environmental defenders. Yet the level of knowledge on the same was higher among WEDs and WEDOs operating at national level, as well as county and national level duty bearers. However, some duty bearers, particularly NEMA officials were perceived to have deeper knowledge on EMCA and less on Climate Change laws.¹³² Due to the silo mentality in the public sector, it is not unusual for government officers to specialize on the law which creates the mandate of their respective agency, to the exclusion of other relevant legal frameworks. Thus, it is possible to bridge the existing knowledge gap, by organizing capacity building and outreach sessions for grassroots actors by national-level WEDOs and duty bearers.

All respondents exhibited limited knowledge on how laws and policies protect WEDs and WEDOs. This may be attributed to lack of a specific legal or policy framework that expressly provides for such protection. In the absence of such a framework, it is therefore necessary to enhance knowledge among right holders and duty bearers on how the existing frameworks render recognition and protection for WEDs and WEDOs. This is important because it lays a foundation for recognition of and creating agency among WEDs and WEDOs while protecting them from avoidable risks emanating from negative regulatory or administrative actions from uninformed duty bearers.

County level WEDs and WEDOs expressed a high level of understanding of institutional actors operating at the counties in the climate policy space. However, such knowledge on institutional actors operating at national level (Climate Change Council, Climate Change Directorate etc) was low, perhaps due to limited interactions between county-level WEDs and WEDOs and such actors. This knowledge gap ought to be bridged in order to empower grassroots WEDs and WEDOs to engage better with national level policy actors and processes.

The study found that Climate Change Committees had been established in Kitui and Kwale counties with financial support from the FLOCCA. However, the committees were largely inactive due to limited budgetary support from county governments.¹³³ In Kitui for instance, the committee had never met since its inauguration three years ago. In Nairobi, the committee was yet to be established because the county did not have access to FLOCCA funding after failing to meet the set eligibility requirements.¹³⁴

When asked to identify the strengths of the legal and policy frameworks, the county-level WEDs and WEDOs pointed out the following:

- Kitui county had enacted good policies on public participation in governance issues. This potentially could enable WEDs and WEDOs to participate in formulation of climate policies and monitor their implementation at the county level.
- There were rather effective public participation mechanisms in Kwale and Nairobi counties. The effectiveness was evident during budget making processes. It is therefore possible to engage with the processes to influence and monitor climate financing by county governments.
- The environmental impact assessment processes were said to be effective in Kwale county. This could be attributed to the mobilization of WEDs and their communities to participate in EIA consultations during approval of mining and carbon projects within the county, which have intensified in the last couple of years.

When asked to identify the key weaknesses or gaps in the existing legal and policy frameworks, the county WEDs and WEDOs pointed out the following:

- a) Inadequate awareness on existing laws and policies (in all counties)
- b) Frequent clashes between national and county authorities on environmental issues (e.g. licensing of mining projects) in Kitui county. This was attributed to poor intergovernmental relations and coordination. If this persisted, it could undermine effective climate actions at the county levels.¹³⁵
- c) Inadequate capacity (in terms of technical knowledge of the policies, laws and strategies of influencing) of WEDOs to engage in climate policies work¹³⁶

133 Key informant interview with CSO representative in local Climate Change Committee

134 Key informant interview with duty bearer.

135 Key informant interview, with WEDO representative Kitui County

136 FDG feedback in Kwale

- d) Inadequate financing for WEDOs to engage in climate actions¹³⁷
- e) Lack of national policy guidance on WEDOs and WEDs which made it difficult for county duty bearers to know what was expected of them in this regard.¹³⁸
- f) Persistent patriarchal norms which undermine gender responsive implementation of climate policies and laws.¹³⁹

Even though the legal and policy framework for climate change governance is rather robust, implementation at the local level is undermined by capacity issues, which ought to be addressed through interventions targeting both duty bearers and right holders.

4.4 Assessment of social and gender dynamics and their impact on WEDs and WEDOs

The study sought to identify and analyse social factors that affect WEDs and WEDOs' engagement in climate governance. This entailed examining trends in participation in decision-making, identifying patriarchal norms and their impact on participation, intersectionality, risks facing WEDs and WEDOs as well as responses to emergent risks.

The study found that women involvement in climate leadership was most visible in Kwale, since the most important decision-makers were all women- from the Chair of County Climate Change Committee, the Chief Officer and County Executive Committee Member of the environmental ministry to the Governor. In Kitui, women representation was limited and male domination of decision-making processes was pronounced. For instance, it was pointed out that out of the 40 elected chairs of Ward climate change committees, only one was female (elected in Kitui township area of Kyangwithia).¹⁴⁰ In Nairobi, no finding was made because the County was yet to establish a climate change committee.

The study identified the following as persistent patriarchal norms which undermine the status of women and their participation in leadership:

- In Kwale women are prohibited from engaging in fishing or getting anywhere near fishing boats for fear of attracting bad omen and causing fishing accidents.¹⁴¹ This taboo restricts women from actively engaging in fishing as a livelihood. As a consequence, the taboo could undermine

137 Key informant interview with WEDO representative in Kwale
 138 Key informant interview with county duty bearer, Kwale
 139 Key informant interview, with national duty bearer, Nairobi
 140 Key informant interview with CSO representative
 141 FGD feedback, Kwale town

involvement in blue carbon projects that require venturing out in the sea using boats

- In Kwale, leadership is generally viewed as a male task and therefore women are discouraged from taking leadership roles. However it was noted that this taboo was weakening as more women were assuming leadership positions in Kwale.
- In Kitui, norms exclude women from property ownership and this undermines their position and capacity to pursue leadership.¹⁴²
- In Nairobi, patriarchy persists even among educated men hence denying women representation.

On intersectionality, it was generally felt that WEDs from poor backgrounds or neighbourhoods tend to suffer more discrimination and marginalized than those from wealthier settings. This could be explained by the fact that few WEDs are drawn from persons with disabilities. However, this merits further inquiry, notwithstanding the aforementioned gap.

With regards to risks facing WEDs, respondents observed that sexual harassment and gender-based violence (GBV) were commonly deployed to intimidate and silence the defenders. In Kwale for instance, it was observed that unknown persons vandalized parts of a climate smart project owned by women (including WEDs) in Mgombeni area.¹⁴³ Even though the real motive of the attack could not be ascertained, it nevertheless left the women intimidated. In Kitui, WEDs had endured physical threats from violators, particularly in relation to campaigns against illegal sand harvesting.¹⁴⁴

Intimidation of WEDs took the form of cyberbullying in social media spaces. In Kitui, it was reported that WEDs had been trolled on social media for their vocal actions against environmental violations.¹⁴⁵ This is considered as a form of technology-facilitated GBV.

Involvement of women in undignified environmental tasks was cited as a risk to their health and safety as well as undermining the status. In Nairobi for instance, recruitment of women (including WEDs) to undertake clean-ups of waste without due occupational protections presented obvious risks. This also reinforced the thinking that women can only be engaged in environmental and climate actions that are such low level.

142 Key informant interviews in Kitui

143 Feedback from FGD in Kwale

144 Feedback from FGD in Kitui

145 Key informant interview, WEDO representative

It was notable that WEDs reported various responses they had initiated against threats. Those faced with physical intimidation had reported the threats to police and administrative authorities for remedial actions. Where risks faced were inordinately high, some WEDs had to withdraw from advocacy to avoid persistent intimidation. Those at risk of SGBV had sought support from the existing GBV support groups in their respective counties. However, no response was mounted against social media harassment or TFGBV. Hence there is a need to build capacity on how WEDs and WEDOs should respond to TFGBV.

4.5 Institutional dynamics and their impact on WEDs and WEDOs

The study sought to understand how factors related to institutional performance were affecting WEDOs' and WEDs' participation in climate governance. The interviews focused on gender mainstreaming, climate financing, monitoring and accountability.

It was notable that in all the three focus counties, county governments had established gender focal points for climate and evidence of progress towards mainstreaming gender concerns and considerations in climate decision-making and actions. This was attributed to the fact that establishment of such focal points was a key eligibility requirement for counties to access FLOCCA funds. Thus, gender mainstreaming can be achieved through leveraging climate funds to secure requisite institutional performance from government.

It was also notable that all focus counties had established gender departments as part of the public service structure. This provides counties with additional mechanisms for ensuring climate and gender mainstreaming. Most WEDs interviewed were aware of the existence of the gender departments and had often interacted with officers from the said departments. Thus, WEDs and WEDOs had accessible duty bearers to engage on climate and gender concerns at the local level.

The principal source of climate funds in Kitui and Kwale was FLOCCA, which assumed the form of conditional or unconditional grants from National Treasury, which had been sourced from the World Bank. In addition, bilateral and other development partners had made available climate finance through budget support to counties. Carbon projects were mentioned as sources of climate finance as well.

However, WEDs and WEDOs reported difficulties in accessing climate finance, due to capacity constraints (developing proposals and fulfilling eligibility requirements), stringent donor requirements (e.g. production of audited reports) and mismatched donor priorities (e.g. inordinate focus on mitigation rather than adaptation financing). Except for such initiatives as cook stoves, climate smart agriculture and sea weed cultivation and harvesting projects, most climate action interventions were not designed to address specific women's needs .

From the interview responses, it was not clear whether or not WEDs and WEDOs were actively engaging in accountability actions geared towards holding duty bearers for commitments made at the county levels. This was attributed to lack of knowledge of commitments, monitoring tools and skills for engaging in these initiatives. However, WEDOs at the national level had been following up on commitments by the Kenya government through various reporting mechanisms e.g. shadow SDG reporting mechanisms.

There was a reported dearth of capacity building initiatives targeting WEDs and WEDOs, particularly at the county level. Except for Kwale county where WEDs had been engaged through FLOCCA, no other county WEDs or WEDOs reported implementation of capacity building initiatives targeting defenders.

5. CONCLUSIONS AND RECOMMENDATION

5.1 Conclusions

The study revealed that legal recognition of WEDs and WEDOs in the climate governance process at all levels is rather limited due to lack of explicit language in legal and policy texts. However, at international level, inclusion of women in the definition of environmental human rights defenders provide an opportunity for promoting explicit recognition at both international and national levels.

Due to the challenge of legal recognition, duty bearers (particularly at the county level) in practice have limited knowledge of and therefore show limited recognition of WEDs and WEDOs as stakeholders in climate space. To compound the problem, a significant number of WEDs have limited self-awareness of their own identity. Yet WEDs and WEDOs are actively involved in climate actions at the grassroots. Without promotion of awareness of WEDs and WEDOs and their respective identities as stakeholders in climate policymaking and actions, legal recognition will be difficult to achieve.

Kenya has a robust human rights, environmental protection and gender equality frameworks that provide basis for feminist actions by WEDs and WEDOs in the climate change sphere. However, lack of elaboration on implementation of the two-thirds gender principle continues to undermine adherence to constitutional imperative for gender equality in representation of women in all spheres including climate action mechanisms. Gender mainstreaming frameworks have been developed at international and national level but yet to be translated at the county level, where most climate actions are implemented.

The knowledge of these policies and frameworks however is rather limited among grassroots WEDs and WEDOs and this could undermine their capacity to engage with duty bearers on climate actions and decision-making. Knowledge of how these legal frameworks extend protections to WEDs and WEDOs is also limited across all county level stakeholders, hence creating vulnerabilities for the defenders.

In practice, representation of women in climate decision-making and leadership is rather mixed, with Kwale county demonstrating the best practice while other two counties showing poor outcomes. Persistence of patriarchal norms continues to undermine efforts and possibilities of enlarging women leadership and representation in climate space. Mainstreaming efforts are actively pursued by national and county governments, with establishment of gender focal points

in climate-related departments and specific gender departments in the public service of county governments.

The study has established that at national level, there exists a progressive framework for registration and regulation of public benefits organizations, for which WEDOs at that level could benefit from. However, the framework for regulating county and community-level WEDOs is fraught with risk of overregulation, which could invite negative regulatory actions for WEDs operating at the level.

The legal regime provides for various mechanisms for engagement of WEDs and WEDOs in climate policymaking, budgeting, development approvals and environmental authorization processes. The obligation on respective authorities to ensure participation of the public and civil society (including WEDs and WEDOs) in the processes is framed in mandatory language thus affirming the opportunities for effective engagement to ensure policies, development approvals and expenditures do not harm people (especially women and the marginalized) and the climate. However, critical policy making organs like the Climate Change Council lack civil society representation due to defective appointment procedures that have caused avoidable litigation over the years. Awareness among grassroots WEDs on the existence and functions of the Climate Change Council is rather low and hence the need to foster visibility of the Council for any prospects of engagement with defenders at the local level.

In practice, the knowledge and awareness of specific institutional actors especially at the county level is rather high among all stakeholders and there is shared acknowledgement of intentional facilitation of public participation processes in policymaking, budget making and in environmental authorizations and development approvals by duty bearers. This fosters a good environment for constructive engagement between WEDs and WEDOs with respective duty bearers but also provides opportunity to challenge or invalidate harmful policies and development interventions for a gender and climate perspective. However, instances of intergovernmental conflicts and poor coordination in the environment and climate sphere and with limited national guidance to counties on translation of gender commitments may undermine engagements with WEDs and WEDOs.

At the county level, FLOCCA emerged as the most important source of climate financing complemented by development funders and carbon projects. However, WEDs and WEDOs face capacity and donor-related structural constraints in accessing such funds to enhance their own capacity. There are limited opportunities for capacity building at the grassroots level, outside FLOCCA. It

is also evident that FLOCCA has been leveraged to influence development of institutional frameworks for gender and climate at both national and county levels through imposition of funding conditionalities. However, limited climate finance is intentionally directed to addressing specific women needs that correlate to adaptation ambitions.

The foregoing notwithstanding, WEDs face risks which undermine effective advocacy and engagement, including sexual harassment, GBV, technologically-facilitated GBV (online bullying) and physical threats. Even though defenders have access to and receive support for most threats, a capacity gap exists with regards to effective responses to TF-GBV.

Access to justice for remedies through the legal system is robustly provided for at international and national levels. The rise of climate litigation over recent years has generated growing jurisprudence which WEDs and WEDOs could apply in expanding options and possibilities for advancing climate justice in Kenya. By effectively participating in climate public interest litigation, WEDs and WEDOs could not only enhance their recognition as legitimate stakeholders but also spotlight key legal problems affecting them and their work. However, public interest litigation in Kenya is male-dominated and existing constraints affecting the justice system may overall undermine effective engagement of WEDs and WEDOs in accessing justice.

There is a need to study further how intersectionality affects WEDs and WEDOs in climate space because limited data was collected on this area to warrant deeper analysis. There is also a need to extend the same study to other counties, particularly those in the arid northern regions of Kenya and test the applicability or generalizability of some of the conclusions drawn here.

.2Recommendations

This section distills the key recommendations arising from key findings and conclusions of the study. The requisite actions and responsible parties are identified and where possible, time frames are suggested.

5.2.1 Recognition of WEDs and WEDOs

The HUB and like-minded organizations should support WEDs and WEDOs to initiate a campaign towards their legal recognition and better protection in the short term. However, the campaign should be preceded for raising awareness on the existence and critical role played by this category of environmental defenders and why it is important to extend recognition and protections to them. At the international level, recognition of WEDs and WEDOs can be anchored on the ongoing implementation of the Gender Action Plan while at the national level, actors could target a review of the National Climate and Gender Action Plan to provide for such recognition.

Governments at all levels should Integrate recognition of WEDs and WEDOs through review of existing relevant frameworks e.g. National Gender and Climate Mainstreaming Strategy; National/County Climate Change Action Plan and related frameworks. Counties should also develop requisite gender strategies to mirror what the National government has done.

5.2.2 Building capacity of WEDs and WEDOs to engage in climate policy work

WEDOs operating at national level (including the Hub) should endeavor to initiate capacity building programmes in the short term for grassroots WEDs and WEDOs aimed at improving the respective capacity to engage in climate policymaking processes. The programmes should aim at sensitizing the defenders to climate policy and legal frameworks as well as climate obligations and commitments made by duty bearers at all levels. The programme should also improve advocacy skills of the target group, with a view to enabling them to navigate through the intricate issues of policy and science that predominate climate space and which often mask gender issues and inequality. It is also important to build leadership capacities among WEDs and WEDOs in order to prepare them to challenge for representation in climate spaces at various levels.

To enable WEDs and WEDOs to translate the acquired capacity into policy influence, it is important to equally build the capacities of duty bearers in the medium term, especially at the local and national level on legal frameworks that extend protections to the defenders. Otherwise without such capacity,

duty bearers may either ignore WEDs and WEDOs or find themselves unable to respond to advocacy demands placed by the enlightened defenders, leading to more conflictual or adversarial situations.

The government should amend the procedures for nominating civil society representatives to the Climate Change Council with a view to fully operationalizing representation of non-state actors (including WEDOs) to this important bodies. Within the framework of existing capacity building programmes on climate change e.g. FLOCCA, due attention should be place on targeting WEDs and WEDOs as key beneficiaries.

5.2.3 Promote an enabling policy environment for WEDs and WEDOs

WEDs and WEDOs should urgently pay due regard to the potential impact of registration laws and regulations that may adversely affect the defenders and their respective organizations. Urgent attention and advocacy efforts should be focused towards persuading the government

Issue	Response
1. Category of Stakeholder	
2. Name (optional)	
3. Organization	
4. Position/role	
5. County	
6. Gender	
7. Date, Time and place of interview	

gn the provisions of the Community Groups Registration Act of 2022 with the spirit of PBO Act of 2013, which is regarded as more responsive to the needs of civil society organizations.

The HUB and related organizations should urgently consider putting in place protection mechanisms for WEDs and WEDOs, which take into account the unique risks they face in their work. Capacity for responding to TF-GBV should be enhanced and engagement with relevant regulators initiated for appropriate preventive or remedial regulatory actions to be taken against perpetrators.

The Government should initiate changes to Community Groups Registration Act to enable WEDOs operating as CBOs register and operate without risks of overregulation. State-managed protection mechanisms such as Witness Protection Agency should recognize WEDs as a vulnerable group meriting special

assistance, whenever at risk in a trial process.

5.2.4 Capacity support for WEDs and WEDOs to engage with decision-making mechanisms

This study has mapped various institutional mechanisms where the voice and influence of WEDs and WEDOs should be directed in order to realize beneficial policies, development approvals and environmental authorizations within the context of gender and climate. The Hub should consider, in the short term, building capacities of WEDs and WEDOs to engage with these mechanisms at both national and county levels. A capacity development programme of this nature should be focused on how these mechanisms operate and the scope for engagement with WEDs and WEDOs. Correspondingly, the training programme should be extended in the medium term to relevant duty bearers to build their responsiveness to advocacy by WEDs and WEDOs.

Both government and civil society should strive towards building the capacity of WEDs and WEDOs in climate literacy and advocacy skills in order to empower them to sufficiently engage with the policymaking processes at all levels. FLOCCA and other development programmes of the government should also prioritize building of capacity of WEDs and WEDOs.

5.2.5 Climate Finance

WEDs and WEDOs should pay due attention to existing climate finance mechanisms and examine their funding modalities and outcomes, with a view to prospecting for gaps and opportunities in addressing differentiated gender needs. The ultimate aim should be to make these funding mechanisms more responsive to gender concerns. As a corollary, and in the medium terms, WEDOs (including the Hub) should build capacity of grassroots WEDs and WEDOs to access climate finance for enhancement of their own capacities in climate action and decision-making.

The government- through the State Department for Gender- at the national level should jointly with development partners set targets for climate financing for gender interventions and put in place mechanisms for tracking these among the motley of climate finances currently active in Kenya. WEDOs should actively also monitor the progress towards implementation and realization of these commitments.

5.2.6 Access to (Climate) Justice

The Hub should consider empowering WEDs and WEDOs in utilizing and shaping legal institutions to provide appropriate remedies where instances of environmental breaches are detected. Women who are public-spirited should be encouraged to file public interest litigation briefs in order to bring to light gender and climate issues that require legal interventions from courts. The HUB should also consider in the medium term, promoting the evolution of ecofeminist jurisprudence which will in turn promote and affirm climate rights for women and marginalized groups. This can be realized through training of judicial officers (ELC judges and magistrates), publicizing progressive jurisprudence and supporting public interest litigation aimed at this purpose.

Environment and Land Courts should co-opt WEDOs into the court users committees to give voice to WEDs in the administration of justice processes. It is also important to sensitize WEDs on the importance of the court users committee and how they should engage with these structures for maximum impact.

BIBLIOGRAPHY

1. Alfred Torsu & Matthias Kronke ‘With climate change making life worse, African expect governments and other stakeholders to step-up’ Afrobarometer Dispatch No 717, 16 October 2023

2. Camille Pross, Dayoon Kim, Sara Vigil, ‘Women environmental defenders and Covid-19: lessons for transformative disaster risk reduction’ A Discussion Brief, Stockholm Environment Institute, 2022)

3. D. Rocheleau, B. Thomas-Slayter & E. Wangari Feminist political ecology: global issues and local experience (Routledge, 1996)

4. Dalena Tran & Ksenjia Hanacek, ‘A global analysis of violence against women defenders in environmental

Issue	Response
8. Category of Stakeholder	
9. Names (optional)	
10. Organizations	
11. Position/role	
12. County	
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ts’ (2023) 6 Nature Sustainability pp1045-1053

5. Dalena Tran ‘A comparative study of women environmental defenders’ antiviolent success strategies’ (2021) 126 Geoforum 126-138

6. Delana Tran ‘Realities beyond reporting: women environmental defenders in South Africa’ (2023) 6 Feminist Media Studies,pp2152-2169

7. IDLO, ‘Climate justice for women and girls: a rule of law approach to feminist climate action’ (IDLO, Rome, 2022)

8. Itza Camey, Laura Sabater, Cate Owren & A. Wen, Gender-based violence and environmental linkages (IUCN, Glans 2020)

9. IUCN, ‘Women environmental human rights defenders: facing gender-based violence in defense of land, natural resources and human rights’

10. Jale Samuwai & Eliala Fihaki, 'Making climate finance work for women: voices from Polynesian and Mirconesian communities (Oxfam, Australia Aid & PACCIL, 2019)
11. Mirriam Land, Mary Manahan & Breno Bringel (eds) The geopolitics of green colonialism (Pluto Press, 2024)
12. Nancy Unger , 'The role of gender in environmental justice' (2008) 1 Environmental Justice p115- 119

13. Nicholas Abuya, Collins Otieno, Virginia Auma and Hilda Njoki, The state of the climate justice movement in Kenya (Natural Justice and Africa Activists for Climate Justice, Nairobi, 2024)

14. Tien Nafi, Raith Lestarinin, Inayati, Tirtaening, Succi Wulandhary, Intant Aini and Dya Utari, ‘Legal protection for women environmental activists in urban areas’ (2019) 52 E3S Web of Conferences

15. UNEP, Global climate litigation report, 2023 status review (UNEP, Nairobi, 2024)

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1. Category of Stakeholder	
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ANNEXURES

1.1.Key informant guide

Introduction

The Women Hub has commissioned a feasibility study to assess the legal and policy landscape, social, gender and institutional dynamics affecting women environmental defenders (WEDs) and women environmental defenders' organizations (WEDOs) in participating in climate governance. The outcome of the study will inform the design of a project to strengthen the aforesaid participation of women environmental defenders and WEDOs in Kenya.

This interview tool contains questions which aim at assisting researchers of this project to gather insights and perspectives of stakeholders on key aspects of the feasibility study.

Consent

Explain the purpose of the interview to the informant and the duration (not more than 40mins). Inform them that their participation is voluntary and that they reserve the right not to answer any question. The responses will be handled confidentially and that their names will not be disclosed unless they give express permission. Seek their express permission to record the interview for accurate transcription, noting that they reserve the right to stop recording at any time. Once all these explanations are made, seek their express consent to begin the interview.

Part 1: Particulars of Respondent

Part 2: Interview Questions

Section 1: Status of Women, WEDs and WEDOs in Climate Governance

- a) Can you describe the different ways women participate in climate change activities or initiatives in your area of work?
 - Are there any particular roles or examples that stand out to you?
- b) How would you describe the role of women environmental defenders (WEDs) and WEDOs in addressing climate change issues or initiatives in your area of work?
 - What specific contributions do they make fulfilling these roles?

Section 2: Mapping & Assessment of the legal and policy landscape

- a) What are the key national and county-level laws, policies or regulations that currently shape climate governance in your area of work?
 - To what extent do these laws, policies & regulations recognize or protect the role of WEDs and WEDOs?
- b) Which government institutions or agencies are primarily responsible for implementing these laws and policies at national and county levels?

Section 3: Assessment of impact of laws and policies on WEDs & WEDOs

- a) How effectively are these institutions engaging WEDs and WEDOs in decision-making, implementation or monitoring processes related to climate change work? Explore existence of mechanisms for facilitating WEDs or WEDOs involvement
- b) What gaps or inconsistencies do you observe between national and county-level frameworks in recognizing WEDs and WEDOs and their roles?
- c) What legal, policy, or institutional barriers hinder meaningful engagement of WEDs and WEDOs in climate governance?

Section 4: Social and gender dynamics

- a) To what extent are women represented in climate change decision-making structures in your area of work, and how influential are their roles?
 - Can you share examples where women's perspectives have shaped climate decisions?
- b) What cultural or social norms affect women's ability to participate in environmental governance, and do women from different backgrounds (such as age, ethnicity, disability, or class) face distinct challenges?

- c) Are there any risks or threats faced by WEDs or WEDOs when advocating for climate issues?

-How do women and WEDOs cope with or address these risks?

Section 5: Institutional dynamics

- a) How are gender considerations promoted in climate governance and actions in your area of work?

-Do institutions have gender focal points or dedicated units for gender mainstreaming in climate action?

- b) Are there specific funding mechanisms that prioritize gender-responsive climate action

- Probe for accessibility, effectiveness and barriers

- c) How do institutions ensure accountability for gender commitments in climate governance?

-Are there systems in place to monitor gender equity in climate programs

- d) Are there capacity building programmes to strengthen women participation in climate governance in your county/area of jurisdiction? How effective are these programmes if they exist?

Section 6: Challenges and Constraints facing WEDs and WEDOs

- a) What are some of the key impacts of women's engagement in climate change issues, and what constraints or challenges do they face?

- b) What constraints or challenges do WEDs and WEDOs face in advancing their work?

- c) How can the role of WEDs and WEDOs be strengthened to ensure they

Issue	Response
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undertake their roles more effectively

Part 3: Closure

- Is there anything else you'd like to share about this subject?
- Are there other individuals or organizations you recommend we speak to?

Thank the informant and explain next steps (e.g., how findings will be used, potential follow-up).

1.2. FGD guide

Annex 2: Focus Group Discussions Guide

Introduction

The Women Hub has commissioned a feasibility study to assess the legal and policy landscape, social, gender and institutional dynamics affecting women environmental defenders (WEDs) and women environmental defenders' organizations (WEDOs) in participating in climate governance. The outcome of the study will inform the design of a project to strengthen the aforesaid participation of women environmental defenders and WEDOs.

This interview tool contains questions which aim at assisting researchers of this project to gather insights and perspectives of stakeholders on key aspects of the feasibility study.

Consent

Explain the purpose of the interview to the informant and the duration (not more than 40mins). Inform them that their participation is voluntary and that they reserve the right not to answer any question. The responses will be handled confidentially and that their names will not be disclosed unless they give express permission. Seek their express permission to record the interview for accurate transcription, noting that they reserve the right to stop recording at any time. Once all these explanations are made, seek their express consent to begin the interview.

Part 1: Particulars of Respondent

Part 2: FGD Questions

Section 1: Status of Women, WEDs and CSOs in Climate Governance

- a) Can you describe the different ways women participate in climate change activities or initiatives in your area of work?
- b) Are there any particular roles or examples that stand out to you?
- c) How would you describe the role of women environmental defenders (WEDs) and Women environmental defenders' organizations (WEDOs) in addressing climate change issues or initiatives in your area of work?

- d) What specific contributions do WEDs and WEDOs make fulfilling these roles?

Section 2: Mapping & Assessment of the legal and policy landscape

- a) What are the key national and county-level laws, policies or regulations that currently shape climate governance in your area of work?
- b) To what extent do these laws, policies & regulations recognize or protect environmental rights and role of WEDs and WEDOs?
- c) Which government institutions or agencies are primarily responsible for implementing these laws and policies at national and county levels?

Section 3: Assessment of impact of laws and policies on women, WEDs & WEDOs

- a) How effectively are these institutions engaging WEDs and WEDOs in decision-making, implementation or monitoring processes related to climate change work? Explore existence of mechanisms for facilitating WED and WEDOs involvement
- b) What gaps or inconsistencies do you observe between national and county-level frameworks in recognizing WEDs and WEDOs and their roles?
- c) What legal, policy, or institutional barriers hinder meaningful engagement of WEDs and WEDOs in climate governance?

Section 4: Social and gender dynamics

- d) To what extent are women represented in climate change decision-making structures in your area of work, and how influential are their roles? Can you share examples where women's perspectives have shaped climate decisions?
- e) What cultural or social norms affect women's ability to participate in environmental governance, and do women from different backgrounds (such as age, ethnicity, disability, or class) face distinct challenges?
- f) Are there any risks or threats faced by WEDs or WEDOs when advocating for climate issues? How do women and WEDOs cope with or address these risks?

Section 5: Institutional dynamics

- a) How are gender considerations promoted in climate governance and actions in your area of work?

- b) Do institutions have gender focal points or dedicated units for gender mainstreaming in climate action?
- c) Are there specific funding mechanisms that prioritize gender-responsive climate action
 - Probe for accessibility, effectiveness and barriers
- d) How do institutions ensure accountability for gender commitments in climate governance? Are there systems in place to monitor gender equity in climate programs

Section 6: Challenges and Constraints facing WEDs and WEDOs

- a) What constraints or challenges do WEDs and WEDOs face in advancing their work?
- b) How can the role of WEDs and WEDOs be strengthened to ensure they undertake their roles more effectively

Part 3: Closure

- Is there anything else you'd like to share about this subject?
- Are there other individuals or organizations you recommend we speak to?
- Thank the informant and explain next steps (e.g., how findings will be used, potential follow-up).



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