

THE JUST ENERGY TRANSITION IN KENYA

A legal guidebook
for communities



Version 2
Produced by Natural Justice (2026)

 **NATURAL
JUSTICE**

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This guidebook was developed by Natural Justice, with the support of the Law for Energy Transitions Africa Initiative and funder, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), with the objective to craft resources for the legal empowerment of communities in Africa.

Natural Justice supports public interest lawyers, affected communities and civil society organisations to:

- Challenge new fossil fuel exploration and generation.
- Advocate for law and regulatory reform to provide for equitable and just energy access for communities across Africa.
- Ensure robust public participation in decision-making for large-scale renewable energy projects to help avoid potential social and environmental harms to Indigenous peoples, local communities, and biodiversity, and ensure local communities benefit from the energy transition.
- Build legal capacity and a community-of-practice to support Just Energy Transition work in Africa.

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ABBREVIATIONS

ATI	Access to Information
CAJ	Commission on Administrative Justice
CEP	County Energy Plan
CBO	Community-based Organisation
CDA	Community Development Agreement
CEPs	County Energy Plans
CH₄	Methane
CO₂	Carbon dioxide
COP	Conference of Parties
CSP	Concentrated Solar Power
EAP	Environmental Assessment Practitioner
EIA	Environmental Impact Assessment
EMCA	Environmental Management and Coordination Act
EMP	Environmental Management Plan
EP	Energy Plan
FPIC	Free Prior and Informed Consent
GH₂	Green Hydrogen
GHG	Greenhouse Gas
GIS	Geographic Information Systems
GW	Gigawatt
I&AP	Interested and Affected Party
IAO	Information Access Officer
JET	Just Energy Transition
KenGen	Kenya Electricity Generating Company
LBA	Local Benefit Agreement
LAPSSET	Lamu Port South Sudan Ethiopia Transport
N₂O	Nitrous oxide
NDCs	Nationally Determined Contribution
NEMA	National Environment Management Authority
NCCAP	National Climate Change Action Plan
NGO	Non-Government Organisation
O₂	Oxygen
PV	Photovoltaic
UNDP	United Nations Development Programme
UNFCCC	United Nations Framework Convention of Climate Change
SDG 7	Sustainable Development Goal 7
SEA	Strategic Environmental Assessment
SDG	Sustainable Development Goal
TOR	Terms of Reference



GLOSSARY OF TERMS

Biomass Energy: This is energy that is produced by the release of heat from organic matter, such as food waste or dead plants, or from burning wood. The most common biomass materials used for energy are plants, wood, and waste.

Climate Change: This is a long-term change in the average weather patterns that have come to define Earth's local, regional and global climates. These changes have a broad range of observed effects. Human activities have exacerbated climate change e.g. carbon emissions via fossil fuel use. To slow/limit the impacts of climate change, people need to lower carbon emissions by moving away from use of fossil fuels.

Common But Differentiated Responsibilities: This is a principle that acknowledges that climate change is a universal problem that countries have an obligation to address, but also that the individual capabilities of each country should guide the extent of such efforts and address inequalities between countries.

Critical Energy Transition minerals: These are minerals that are used in clean energy technologies like copper, lithium, cobalt and rare earth minerals. Terms also used are transition minerals or green minerals. There is also the usage of critical minerals which is minerals necessary for a country's national and economic security and has significant use.

Energy Justice: It is a multi-layered, human-centric, theoretical approach that challenges injustice and inequality in the energy sector. It does this by recognising who should have a say when energy systems are being designed and deployed, and what the implications of such systems are and to whom. It does this by remedying harms in the energy system, especially for marginalized communities, by connecting environmental justice, climate justice and the just transition to a low carbon economy through the principles of participatory justice, restorative justice, recognition justice and distributive justice.

Energy Poverty: This is when people can access energy, but it is not affordable.

Fossil fuels: These are energy sources from underground sources known as "fossils". As trees and plants die, they break down and become fossilised, and turn into oil, gas and coal. Burning these fuels release greenhouse gases.

Geothermal: This refers to the heat trapped under the surface of the earth. This can be used to produce energy.

Global North: Countries in the global north are considered "developed"/post-industrialized countries and have large economies and well-developed services and infrastructure. These countries are responsible for over 90% of global emissions with the highest per capita emissions. Examples include many countries in Europe.

Global South: Countries in the global south are considered "still developing" and often have smaller economies and underdeveloped services and infrastructure. Examples include many African countries which increasingly face the social, economic, financial, and governance challenges of responding to climate disruptions. As these countries bear a large burden of the impacts of climate change, the countries in the global north can help the countries in the global south to mitigate and build resilience towards climate change through technology transfer, funding and capacity building.

Greenhouse effect: The greenhouse effect is the process through which heat from the sun is trapped near the Earth's surface by gasses in the earth's atmosphere known as 'greenhouse gases'. This is a natural process and allows for life on earth to survive. However human activity, including burning of fossil fuels, is changing this natural effect and trapping more heat - resulting in global warming.

Greenhouse gas emissions: These are gases released into the atmosphere that create the greenhouse effect. While they occur naturally, they are primarily released from human activities, especially from the burning of fossil fuels. Other human activities like driving internal combustion engined vehicles and farming can also release greenhouse gases.

Hydropower: This is energy produced by the flow of water, and hydropower facilities are found on river systems or dam walls.

Just Energy Transition: A shift from one energy system which is dependent on fossil fuels, to another energy system based on renewable energy, and which incorporates principles of environmental justice, human rights and energy justice.

Legislation: Another word for legislation is law. Laws set out standards, procedures and principles that must be followed by people living in a certain country. If laws are not followed, those responsible for breaking them can be prosecuted in court.

Net-zero greenhouse gas emissions: Refers to the balance between the production of greenhouse gas emissions and the removal of these emissions from the atmosphere through natural process (for example, by plants using carbon dioxide and producing oxygen) and artificial means (for example, by carbon capture and storage).

Nuclear energy: This is energy released from splitting the central part (nucleus) of an atom (the basic building block of all matter) by bombarding it with particles called neutrons. This process is called nuclear fission. Nuclear energy is specifically produced from nuclear fission of uranium and plutonium. Nuclear energy is not seen as a fossil fuel, but it is seen as a non-renewable resource (a resource that, once used, is gone).

Photovoltaic (PV) cells: This is a non-mechanical device that converts sunlight directly into electricity. Also referred to as solar cells. Some PV cells can convert artificial light into electricity.

Policy: A policy outlines what government hopes to achieve, and the methods and principles it will use to achieve them. A policy document is not a law, but it will often identify new laws needed to achieve its goals.

Renewable energy: Renewable energy comes from natural resources that are not depleted and can “renew” themselves over time. Examples include wind, geothermal, hydro and solar power.

Non-renewable energy: This is energy from sources that will run out or will not be replenished in our lifetimes—or even in many, many lifetimes. Most non-renewable energy sources are fossil fuels which have negative impacts on the environment and human health, and they include: coal, petroleum, and natural gas. Many definitions also consider nuclear energy as non-renewable energy. Carbon is the main element in fossil fuels.

Transitional fuels: Transitional fuels are alternative temporary energy sources used to replace high carbon fuel bridging the gap between fossil fuels and renewables, aiming for emission reduction during energy transition.¹ An example used often is natural gas but this argument has been found to not be correct and only an attempt to keep using fossil fuels.²

1 *Transitional fuel* → *term* (1970) *Pollution*. Available at: <https://pollution.sustainability-directory.com/term/transitional-fuel/> (Accessed: 17 February 2026).

2 United Nations Environment Programme “Is natural gas really the bridge fuel the world needs”. Available at <https://www.unep.org/news-and-stories/story/natural-gas-really-bridge-fuel-world-needs>; Climate Action Network “From Coal to Renewables: Why Gas is Not the Answer to the Climate Crisis”. Available at <https://caneecca.org/en/from-coal-to-renewables/>.

1. INTRODUCTION

Kenya has been touted as one of the most progressive countries in the region in terms of energy production and has developed and adopted progressive policies and legislation that has instilled investor confidence in the country, bringing more projects onboard, thereby resulting in significant growth in the generation of renewable energy, as well as transmission and distribution of energy.

Kenya is a signatory to the 2015 Paris Agreement on Climate Change. In 2016, it ratified the Paris Agreement and was one of the first countries to submit its Nationally Determined Contributions (**NDCs**) with the United Nations Framework Convention of Climate Change (**UNFCCC**). As a result, renewables currently account for a major portion of the country's generation mix.

The publication of the Climate Change Amendment Act in 2023 shows Kenya's approach to carbon credits and Just Energy Transition – and it showcases its commitment to combating climate change while promoting sustainable development. By leveraging its rich renewable energy resources and focusing on inclusive policies, Kenya aims to achieve a low-carbon, equitable future.

It is important that communities in Kenya understand and participate in the energy planning and development in the country, and continue to motivate for renewable energy development, avoiding fossil fuel projects and calling for the inclusion of all in the benefits of energy development. How can we do this?

This guidebook will do the following:

- 1.** Define the Just Energy Transition and explain how it relates to Environmental Justice.
- 2.** Give an overview of the current energy system in Kenya.
- 3.** Briefly discuss how a JET can be achieved in Kenya.
- 4.** Show the transition from the current energy system to a JUST system.
- 5.** Give an understanding of public participation in laws and policies in Kenya and guide you as to the questions you should consider asking.
- 6.** Give an understanding of how the Kenya government is faring when it comes to a Just Energy Transition – what is in place and what is not in place.
- 7.** Give an understanding of how to participate in policy, legislative processes, and energy projects that may affect you and your community.

2. WHY IS THE CLIMATE CHANGING?



EFFECTS OF CLIMATE CHANGE

NATURAL GREENHOUSE EFFECT

Why the climate is changing

HUMAN MADE GREENHOUSE EFFECT



Explanation

The sun's heat rays are absorbed by trees, plants, soils, and the ocean. This heat is important for natural processes. In our atmosphere, we also have Carbon Dioxide (CO₂), which is a natural gas and is produced by humans when they breathe – but is also produced by burning coal, gas, and oil (fossil fuels). Gases in the earth's atmosphere like CO₂, methane (CH₄), nitrous oxide (N₂O) and water vapour trap some of this heat. This is the greenhouse effect.

Trees, plants, soils and the ocean all play an important role in absorbing some of this heat to maintain a stable climate. Plants and trees, for example, absorb carbon dioxide from the atmosphere and convert it to oxygen (O₂).

When the system is healthy, it helps maintain several natural processes important for life. When the system is **unhealthy**, it means that something has disrupted how much heat and CO₂ there is in the atmosphere. When there is too much CO₂ and other gases, it causes more heat to be trapped close to the Earth's surface and creates global warming.

Global warming is often described as the most recent example of climate change as it describes the current rise in the average temperature of Earth's air and oceans which can result in extreme weather conditions and has any of the following **impacts**:

Impact	Description
Irregular rainfall patterns	Changes in rainfall patterns can mean longer and more extreme periods of drought or flooding.
Water Scarcity	Climate change can result in a lack of water security, and loss of widespread access to clean, safe and sufficient water. This is because freshwater resources are highly dependent on rainfall – but as a result of climate change, the inter-annual rainfall has fluctuated exacerbating the extremes of flooding and drought.
Flooding of homes and neighbourhoods	You may find that your home or local community gets flooded more often due to greater rainfall or poor infrastructure.
Effects on crops	Severe droughts or extreme flooding and irregular rainfall patterns will affect crops, livestock, and the livelihoods of farmers.
Disasters in the form of intense storms	You may find that you experience very strong winds and rains more frequently than you did before.
Wildfires	Your area may experience more and more severe bush fires that have the potential to spread out of control.
Impacts on food	Droughts, flooding and irregular rainfall patterns in agricultural areas might result in food shortages or increases in the price of food.
Marine life and fishing	Changes to ocean currents or temperatures can reduce fish populations because these changes affect the breeding patterns of fish or result in fish migrating elsewhere.
Heat stress	Besides the effect of heat waves on crops and animals, heat stress in humans results in lower productivity and fertility, as well as negative impacts on the immune system.
Threats to animals or livestock	Changes to biodiversity or landscapes because of changing temperatures, as well as droughts or flooding, may kill animals or affect their habitats to the extent that they cannot survive. Temperature changes may also bring pests or diseases that kill animals.
Bodily health	Air pollution will result in more breathing problems. Food insecurity can lead to hunger and malnutrition, along with water scarcity and poor water quality. The spread of more or different diseases may result due to changes in climate such as humidity or heat.
Cultural threats	Impacts to the plants and animals in your area might mean that it will become more difficult to practice certain rituals or earn a livelihood.



Exercise

What climate change impacts have you witnessed or experienced in your community?



THE INTERNATIONAL COMMITMENT ON CLIMATE CHANGE

The Paris Agreement: The Agreement, signed by 196 countries at the United Nations Climate Change Conference 21 (COP21) in December 2015, established the goal of limiting global temperature increase to 1.5 degrees Celsius above pre-industrial levels. This means that the Earth cannot get warmer by more than 1.5 degrees Celsius. Should the Earth get warmer by more than the 1.5 degrees Celsius, it will cause extreme weather conditions, which will be felt disproportionately in Africa.

To stay below this threshold, greenhouse gas (GHG) emissions must decrease by 43% by 2030. Though Africa only contributes less than 4% of GHG emissions, it needs to transition to clean, renewable energy to be able to meet its expanding population's need for energy, without increasing the use of fossil fuels. Fossil fuel projects will contribute to the country's GHG emissions, accelerate global warming, lock in costly and unsustainable energy options, increase the costs of energy, and pollute the environment.

Every five years, countries submit their NDCs and long-term low greenhouse gas emission development strategies. These strategies and contributions are critical for achieving the set climate goals and often involve international cooperation and financial support mechanisms.

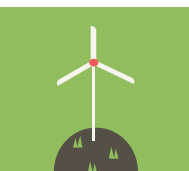
It separates countries into two sections: developed (mostly Global North) and developing countries (mostly Global South). Developed countries need to assist developing countries to achieve transitions from fossil fuels to renewable energy, as these countries are responsible for most historical and current GHG emissions.

This speaks to the international environmental principle of the **polluter pays principle**. This principle is the commonly accepted practice that states that those who produce pollution should bear the cost of managing it to prevent damage to human health or the environment. The polluter pays principle is part of a set of broader principles to guide sustainable development worldwide.

Kenya has signed the Paris Agreement and, therefore, has international obligations to reduce its GHG emissions by not expanding fossil fuel and GHG emissions activities.

Nationally Determined Contributions (NDC): The NDCs are a pledge setting out how the country aims to cut emissions to address climate change. This means that Kenya should be increasing current and new renewable sources of energy as quickly as possible and must stop investing in any new fossil fuel developments.

3. KEY CONCEPTS IN THE JUST ENERGY TRANSITION IN KENYA



KEY TYPES OF ENERGY

Non-renewable Energy

Fossil Fuels: Energy comes from sources underground, known as “fossils”. As trees, plants and animals die, they break down and become fossilised, and turn into oil, gas and coal.



Fossil Fuels

The burning of oil, gas and coal

Nuclear

Nuclear Energy: Nuclear comes from splitting uranium atoms to produce enormous amounts of energy. This energy, in the form of heat is transferred to steam turbines to generate electricity. Electricity is then fed into a grid for domestic and industrial use.

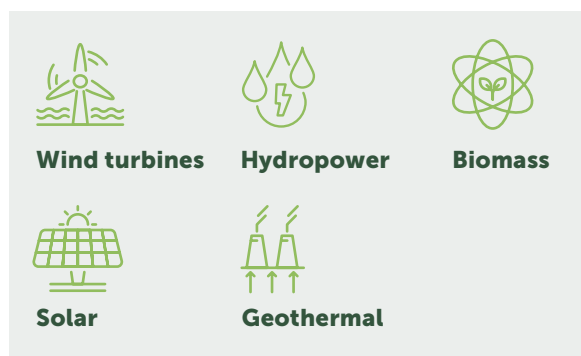


Uranium

Renewable Energy

Renewable energy comes from natural resources that are not depleted and can “renew” themselves overtime. The energy is harnessed from continuously occurring natural phenomena, like heat from the sun.

While renewable energy offers numerous benefits, such as reducing GHG emissions and promoting sustainability, it also has several disadvantages. Some of the key challenges and drawbacks associated with renewable energy are:



1. intermittent supply of energy – for example, solar power depends on sunlight and is not generated at night, while wind power depends on wind availability.

2. current storage technology – usually in the form of batteries, this can be expensive and has limitations in terms of capacity and longevity.

3. lower energy density - renewable energy sources generally have a lower energy density compared to fossil fuels. This means renewable energy generation requires use of more land/space to produce the same energy as fossil fuels, which will require less space. This does not account for the environmental impacts difference.

Green hydrogen

GH2 is an energy vector/carrier, meaning it stores renewable energy power for future use. It is produced by splitting water using renewable energy inside an electrolyser. It can also be used for energy storage from excess energy or grid balancing when electricity demands are high.

GH2 is expected to support priority domestic value chains, particularly the production of green ammonia for nitrogen fertilizers, that reduces dependence on imported fertilizers. GH2 is applicable in decarbonising hard-to-abate sectors such as shipping, aviation, and trucking.

Producing GH2 requires approximately 9 litres of water per kilogram of GH2, which underscores the need for responsible water management and the use of additional renewable energy sources to avoid compromising community energy access and water availability. Due to concerns raised that water access will be impacted, desalination has been suggested to be used for GH2 projects to access water. Desalination is a process of converting sea water into fresh water. However, this can cause other environmental impacts and there are concerns in that this has not been prioritised to provide communities with clean water.



Many of the GH2 projects across Africa, including Kenya, are being pursued to create export markets and local fertiliser production.

There are concerns from civil society and communities towards recreation of previously abusive extractive systems like in mining, which do not bring local beneficiation and violate rights.



JUST ENERGY TRANSITION

The terms “Just Energy Transition” and “Just Transition” are related but have distinct focuses within the broader context of transitioning towards sustainable practices. Here’s a breakdown of their differences:

Just Transition

- Scope:**
- The term “Just Transition” broadly encompasses the shift from a carbon-intensive economy to a sustainable, low-carbon economy. It involves changes across all sectors, including labour, energy, agriculture, transportation, manufacturing, and others.
 - It addresses the social, economic, and environmental aspects of this shift, ensuring that no communities or workers are left behind.
- Focus:**
- It emphasizes the need to provide support for workers and communities that are negatively impacted by the transition. This includes job training, social protection, and economic diversification.
 - It aims to create new opportunities in green industries, ensuring that the benefits of a sustainable economy are shared widely.
- Stakeholders:**
- It involves a wide range of stakeholders, including governments, businesses, labour unions, environmental organisations, and communities.
 - It requires coordinated efforts to address the diverse impacts on different sectors and regions.

Just Energy Transition

- Scope:**
- The “Just Energy Transition” is a subset of the Just Transition, specifically focused on the energy sector. It addresses the shift from fossil fuels (coal, oil, natural gas) to renewable energy sources (solar, wind, hydro, etc.).
- Focus:**
- It primarily deals with issues related to energy production, distribution and consumption.
 - It centres on the transformation of the energy system, ensuring that the transition to renewable energy sources is equitable, inclusive and compliant with human rights and environmental safeguards.
 - It aims to ensure that workers in fossil fuel industries are not disproportionately disadvantaged and have access to new opportunities in the renewable energy sector.
 - It also looks at energy access and affordability for all, especially marginalized and vulnerable populations.
 - It entails understanding and ensuring justice across the full supply chain of energy sources, which includes **transition minerals** (those used to make batteries, and renewable energy technologies).
- Stakeholders:**
- Involves stakeholders directly related to the energy sector, including state-owned energy utilities, government, energy companies, utility providers, workers in fossil fuel projects, renewable energy and mineral industries, policymakers, and consumers.
 - Requires specific policies and measures to address the unique challenges of transitioning within the energy sector.

Summary

Just Transition: A broad, holistic approach encompassing the entire economy's shift towards sustainability, with a strong emphasis on job security, social justice, economic opportunities, and environmental health across all sectors.

Just Energy Transition: A focused approach within the energy sector aimed at transitioning to renewable energy sources while ensuring equity, fairness, respect of human rights and access to energy for all.

Both concepts are interconnected and essential for achieving a sustainable future, but they operate at different levels of specificity within the transition towards a low-carbon economy.

The term "Just Transition" comes from the Global North, more specifically the North American Unions as a labor-oriented concept. It was a response to increased regulation of polluting industries with workers at contaminated sites facing job losses. The workers advocated for retraining, support for affected communities and more environmentally friendly production methods.

The International Labour Organisation saw this as a worldwide labour issue and defined a just transition to mean:

"Greening the economy in a way that is as fair and inclusive as possible to everyone concerned, creating decent work opportunities, and leaving no one behind."

Since then, it has expanded into the climate change context.

In addition to the labour-related challenges, it was important to ensure this shift did not create human rights violations and environmental degradation. Equally important – particularly in Africa – is ensuring that renewable energy projects provide affordable, reliable energy that meets community needs.

ENERGY JUSTICE

Energy justice recognises that energy needs to be included in how we distribute the benefits and burdens of energy systems as a pre-eminent concern for any society that aspires to be fair.

Energy justice is rooted in the principles that regardless of socio-economic status, race, ethnicity or geographic location, everyone should have access to affordable, clean, and reliable energy while being protected from harms from energy systems.

Principles of Energy Justice

- An energy justice lens puts distributive, procedural, recognition, and restorative justice principles at the heart of all energy policy decision-making.³

A) Distributive Justice

- This principle looks at national economic and social policies that speak to who will benefit and who will be burdened.



3 K Jenkins. et al "Energy justice: A conceptual review" (2016) *Energy Research and Social Science* 11 174–182.

- It advocates for fair allocation of energy resources, costs and benefits across all communities, while avoiding the concentration of energy-related harms e.g. pollution, health risks in marginalized or disadvantaged communities.

B) Procedural Justice

- This principle emphasizes the importance for active participation of all stakeholders - especially the underrepresented and vulnerable groups - in just transition policy-making processes to ensure transparency and fairness in energy-related governance.

C) Recognition Justice

- This principle recognises the special relationship with nature that Indigenous communities have across activities in the energy sector.
- It also acknowledges and respects the unique needs, histories and rights of marginalized communities that have been affected by energy inequalities.

D) Restorative justice

- Emphasises the importance of redressing past harms that includes supporting the constitutional right to a healthy environment through highlighting the health and environmental damage caused by coal and other fossil fuels, shifting away from fossil fuels and having a decentralised, net-zero emissions economy.

E) Cosmopolitan justice

- Recognises that we are all citizens of the world and thus have an obligation to each other and ourselves, including future generations.
- Energy Justice is closely linked to climate and environmental justice as it involves the following principles which are:⁴

Just Energy Transition

Availability	People deserve sufficient energy resources of high quality
Accessibility	All people, including the poor, should be able to purchase sufficient energy to secure universal enabling access ⁵
Due process	Countries should respect due process and human rights in their production and use of energy
Transparency and accountability	All people should have access to high quality information about energy and the environment, and fair, transparent, and accountable forms of energy decision-making
Sustainability	Energy resources should not be depleted too quickly
Intragenerational equity	All people have a right fairly to access energy services
Intergenerational equity	Future generations have a right to enjoy a good life undisturbed by the damage our energy systems inflict on the world today
Responsibility (cosmopolitanism)	All nations have a responsibility to protect the natural environment and minimize energy-related threats

4 B Sovacool & M H Dworkin 'Energy justice: Conceptual insights and practical applications' (2015) Applied Energy 142 435 – 444 437.

5 See T Ledger & M Rampedi *Hungry for Electricity* (PARI, 2022); Moneyi, C. et al 'Examining energy sufficiency and energy mobility in the global south through the energy justice framework' (2018) Energy Policy 119 68–76.



ENVIRONMENTAL JUSTICE

Environmental justice is about the process of decision-making and the outcome of those decisions which impact the environment and communities.

Broadly defined, environmental justice entails the right to have access to natural resources - which includes the land and sea; not to suffer disproportionately from environmental policies, laws and regulations and the right to environmental information, participation, and involvement in decision-making.

Why is it important?

Environmental justice is important because:

- ▶ It is a fundamental component of the right to a clean and healthy environment that gives people the ability to influence and control decisions which impact their lives and the environment they depend on, and it allows them to participate meaningfully in decision-making.
- ▶ It acts as an organising mechanism which mobilises communities to exercise their rights and safeguard their interests by ensuring they benefit from decision-making and do not only bear the costs and burdens of decisions.
- ▶ Without environmental justice, many people, especially the poor and marginalised communities, are excluded from decision-making and disproportionately impacted by pollution and environmental degradation.
- ▶ Environmental justice also ensures that governments, corporations and institutions take accountability in addressing environmental inequities.

When talking about a just energy transition and its relationship to environmental justice, we need to consider the following questions:

ENERGY JUSTICE

Environmental Sustainability, Affordability and Reliability, Access to Energy, Policy and Governance, social equity

1. Has the community been included in the planning and decision making of the energy source?
2. Does the energy source provide access to all communities, including rural and marginalized areas?
3. Is the cost of energy from this source affordable for all income groups?
4. How stable are the prices for energy from this source? And are there mechanisms in place to protect consumers from price volatility?
5. How does it contribute to reducing greenhouse gas emissions and combating climate change?
6. How reliable is this energy source in terms of continuous supply? And are there frequent outages or disruptions in the supply of this energy?
7. How are local communities affected by the development and operation of this energy source? Have there been any displacement, health, or social impacts on local populations?
8. Are there policies and regulations in place to ensure the fair and equitable distribution of this energy source? How effectively are these policies implemented and enforced?
9. Does the energy source respect Indigenous Peoples and communities' rights?
10. Does the energy source respect other rights and future generations?

PROCESS OF DECISION-MAKING

Fairness, representation, inclusion and democracy in the process of making decisions about energy

1. Have there been effective and meaningful public participation processes in making laws and policies?
2. Is enough relevant, accessible information provided in good time?
3. Is the process of creating laws and policies transparent?
4. Who is included and who is not included?
5. Have those directly affected, and those experiencing poverty and marginalisation, been considered?

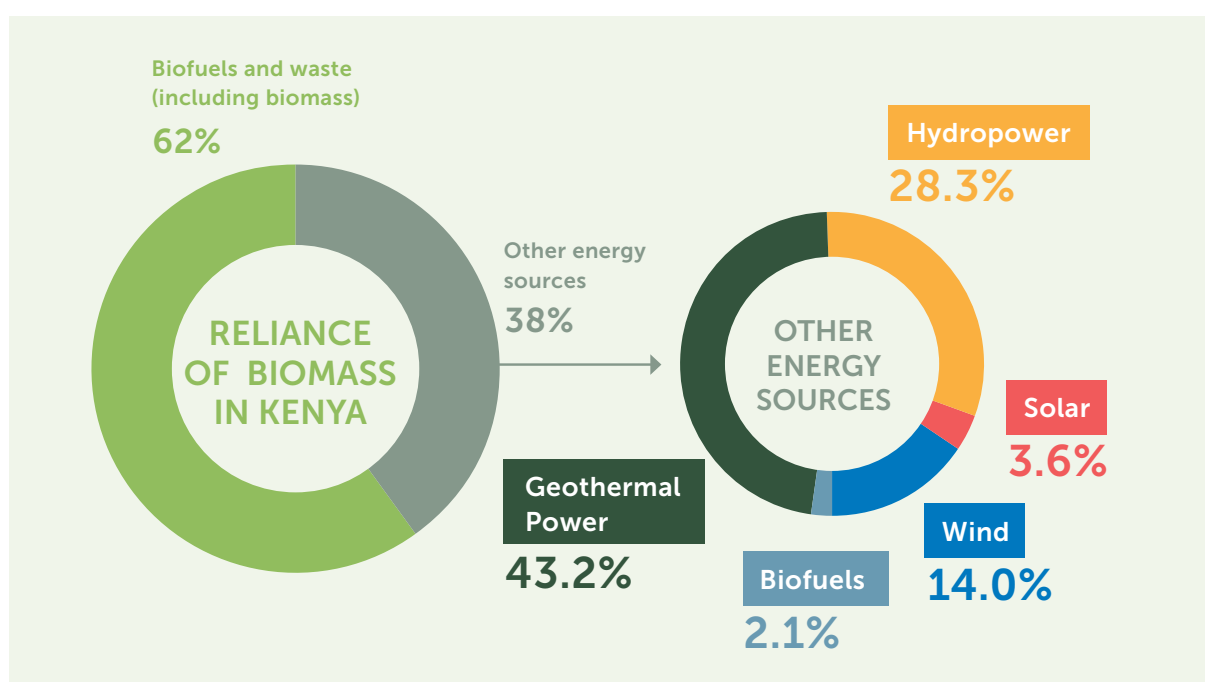
OUTCOME OF THE DECISION

Fairness, representation and equality in the outcome

1. Who and how many people can access energy? Who is excluded?
2. Is this energy widespread, cost-efficient and priced well?
3. Is this energy clean and not harmful to the health of the people and environment?
4. Will future generations benefit from this energy?
5. Who has control over this energy – is it just governments, or does the community have control too?

4. WHAT IS THE CURRENT ENERGY SYSTEM IN KENYA?

The majority of Kenya's energy needs, particularly those of rural households, were met by an excessive reliance on biofuels and waste (including biomass) energy resources, providing approximately 62% of energy supply in 2024.⁶ This is despite the country's electricity generation coming predominantly from renewable energy sources with geothermal power (43.2%), hydropower (28.3%), solar (3.6%), wind (14%), oil (8.8%) and biofuels (2.1%).⁷



This high level of reliance on biomass is explained by the abundance of biomass found in forests, woods, and industrial and agricultural waste. Sub-Saharan Africa and Kenya's high reliance on biomass energy, however, is unlikely to change anytime soon due to the region's growing population and the scarcity of affordable modern energy sources.

This reliance on biomass is problematic: (a) given the abundance of renewable energy resources (some of which are outlined above); and (b) the cost on human health since biomass produces air pollution through smoke. These health impacts disproportionately affect women and children.

Even with renewable energy projects being the solution to driving Kenya towards achieving its decarbonisation goals, there has been violation of community rights.

An example is the [Sosian Geothermal Project](#) where it was found by the Environment and Land Court that the environmental authorisation provided to the company did not include adequate community participation. Another example is community land rights being violated by the [Lake Turkana Wind Power Project](#). A court ruled in 2021 that the land details for the project were irregularly obtained.

This results in further use of biomass, as communities are marginalized and fail to benefit from energy production on their lands. Furthermore, electricity continues to be expensive, contributing to communities using biomass as the affordable alternative.

6 International Energy Agency "Energy supply" (2024). Accessed at <https://www.iea.org/countries/kenya/energy-mix>.

7 International Energy Agency "Sources of electricity generation" (2024). Accessed at https://www.iea.org/countries/kenya/electricity?__cf_chl_f_tk=0jvGJKCloeiEiQAN0pnX1XxGrQRs.OPQCgNxWxtkGh4-1783089460-1.0.1.1-wz3.EJyhJG35CuN2vV.uza5bCWeOPTqplglfwlQyJ9Q.



Exercise

Your energy uses and needs

What type of energy do you use? Do you find electricity expensive?
What energy sources do you wish you had access to?

KENYA'S ELECTRICITY SYSTEM

According to International Energy Agency, in 2024 over 80% of Kenya's electricity was generated from renewable/clean energy sources. Of these, geothermal remains the most significant source with an estimated potential of 10,000MW as estimated by the Government of Kenya in the 2026 National Geothermal Strategy⁸, but it remains relatively unexploited with a current installed capacity of approximately 943.7MW as reported in the Energy and Petroleum Regulatory Authority's latest biannual statistics reports of 2025/2026. This notwithstanding, Kenya is the eighth largest geothermal producer in the world and is home to the single largest geothermal power plant, the 280MW Olkaria IV plant.

KENYA'S ENERGY SOURCES

Biomass, Kerosene and Diesel

In 2024, it was reported in the Kenya 2024 Energy Policy Review that for cooking, 69% of Kenyan households, mainly in rural areas, rely on polluting fuels. The primary cooking energy source for half the population is firewood, followed by LPG, charcoal and kerosene.⁹

⁸ Ministry of Energy and Petroleum, State Department of Energy "National Geothermal Strategy (January 2026). Accessed at https://www.energy.go.ke/sites/default/files/DRAFT%20NATIONAL%20GEOTHERMAL%20STRATEGY_15_01_2026.pdf.

⁹ International Energy Agency "Kenya 2024: Energy Policy Review" 9. Available at <https://iea.blob.core.windows.net/assets/98bc7ce1-b22d-48c9-9ca2-b668ffbfc4b/Kenya2024.pdf>.

	Biomass	Biomass fuel sources include agricultural and industrial wastes, such as wood fuel (firewood and charcoal) and crop residues, as well as habitat systems such as enclosed forests, woods, bushlands, grasslands, farmlands, and plantations.
	Charcoal	Charcoal is still a valuable resource, especially for people living in cities. On the other hand, increased rates of deforestation are associated with its expansion.
	Natural gas	Natural gas is informally referred to simply as “gas”, especially when it is being compared to other energy sources, such as oil, coal or renewables. According to the 2019 population census, nearly a quarter (24 %) of Kenyan households primarily depend on cooking gas as their main source of cooking fuel. Because of the lower CO2 emissions from gas as compared to coal and oil, it is considered by some as a transition fuel as countries build their renewable energy sources. However, research shows that methane leaks occur throughout natural gas infrastructure, including pipelines. Methane is a highly potent greenhouse gas—more than 80 times more powerful than carbon dioxide over a 20-year period—and leaks can significantly increase the climate impact of gas while also posing risks of explosions.¹⁰
	Hydro	Hydropower accounts for 28.3% of Kenya’s renewable energy mix. Water flow is used to create energy. Much of the hydroelectric power of Kenya is derived from the Tana River.
	Solar	As of December 2023, Kenya had solar installed capacity of 410.4MW which consists of grid and off grid capacity.¹¹ Solar use in the country is mainly for photovoltaic systems which are used for telecommunications, lighting and using low electrical currents to protect pipelines from rusting away. Notable projects contributing to this growth include the Garissa Solar Power Plant in Garissa County, which has enhanced grid-connected solar generation and demonstrated the country’s growing commitment to renewable energy development. Solar PV cells convert sunlight into energy. Concentrated Solar Power (CSP) is a system that uses mirrors to reflect or concentrate light to a central area where it creates energy. Generally, at the central area there is a steam turbine that creates the heat.
	Wind	Wind energy is another key growth area. The Lake Turkana Wind Power Plant is the single largest wind power generation plant in Africa supplying 310MW to the grid. Additionally, Kipeto Wind Power plant located in Kajiado County in the foothills of the Ngong Hills, funded by the U.S. International Development Finance Corporation and commissioned in late 2021 produces about 100MW of power.
	Geothermal	Geothermal is energy produced from the heat found within the subsurface of the earth. It is the most predominant electricity source in Kenya contributing 43.25%.

10 Intergovernmental Panel on Climate Change (IPCC) 2021 Sixth Assessment Report (AR6) Working Group 1. Available at https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_FullReport.pdf.

11 Energy and Petroleum Regulatory Authority “Energy and Petroleum Statistics Report” (2023). Available at <https://www.epra.go.ke/sites/default/files/2025-02/EPRA%20Statistics%20Report%20-%20January%20-%20December%202023.pdf>.

WHY JUST ENERGY TRANSITION?

- (1) Ensure access to affordable, clean, renewable and reliable energy for productive use and other needs.
- (2) Ensure planning and decisions about Kenya's energy future are taken inclusively with community participation.
- (3) Ensure low-carbon developments are undertaken in ways that are compliant with human rights (to land for example) and environmental safeguards.
- (4) Ensure economy is built on future proof energy sources and not fossil fuels which are likely to be phased out, leaving the country with stranded assets.
- (5) Ensure poverty and inequality are addressed through the energy transition.

The Sustainable Development Goal 7 (**SDG 7**), which calls for universal access to affordable, modern, sustainable, and clean energy, is linked to a number of other objectives, including ending world hunger, promoting economic growth and decent work; action against climate change; and encouraging responsible consumption and production.

Therefore, it may be argued that many of the SDGs would be challenging to achieve in countries facing energy poverty and limited access to reliable, affordable, and sustainable energy (predominantly global south countries). A major component of the social, environmental, and developmental difficulties facing the globe today is the search for adequate energy to meet the growing demand.

The government is in the process of implementing an ambitious project of connecting every household to electricity by 2030.¹² The main objective of the government in the different energy plans is to provide reliable, competitive and affordable energy for all for development, in line with Kenya's vision 2030. This is also in line with SDG 7 which provides for affordable, reliable, sustainable, and modern energy for all.

WHAT DO WE NEED TO TRANSITION?

There has been a growing concern over global warming that has caused an urgency to replace fossil fuels with cleaner, renewable energy sources.

It is important that the economy is built on the abundant renewable resources, and not fossil fuel infrastructure which is being phased out. Unlike fossil fuels like oil, whose prices fluctuate often resulting in high energy prices, renewable energy sources would provide greater energy security by shielding Kenyans from such global shocks.

¹² Official use only national energy compact 2025 – 2030 for the Republic of. Available at: <https://thedocs.worldbank.org/en/doc/69843ca047603c8c4e993d2ff997f555-0010012025/original/Kenya-National-Energy-Compact-Mission-300.pdf> (Accessed: 17 February 2026).

IMPACTS OF UNSUSTAINABLE BIOMASS

- ▶ In 2025, the World Health Organisation advised that 2,9 million deaths from diseases were caused by household air pollution from the use of inefficient stoves paired with biomass, coal and kerosene for cooking in 2019. In Kenya, 23,000 deaths every year are attributable to indoor air pollution¹³.
- ▶ Household air pollution was linked to:
 - 23% of all deaths from stroke,
 - 32% of deaths from ischaemic heart disease,
 - 6% of deaths from lung cancer
 - 21% due to lower respiratory infection, and more than
 - 19% of all deaths from chronic obstructive pulmonary disease globally.¹⁴
- ▶ Household air pollution accounted for the loss of an estimated 86 million healthy life years in 2019, with the largest burden falling on women living in low- and middle-income countries.

Economy

Loss of productive time collecting fire wood and extra time cooking with devices and fuels.

Impacts to women and children

Women and children are normally in charge of collecting fuelwood for cooking, travelling long distances which may compromise health and safety.

Women normally cook and are exposed to smoke due to poorly ventilated kitchens.

13 Springer Nature Link "Indoor Air Pollution in Kenya" Volume 8, pages 54–65, (2024). Available at <https://link.springer.com/article/10.1007/s41810-023-00205-5>; Ministry of Energy and Petroleum State Department for Energy "Household Energy and Indoor Air Quality". Available at <https://www.energy.go.ke/sites/default/files/KAWI/Other%20Downloads/B5%20INDOOR%20%20HOUSEHOLD%20ENERGY%20FINAL.pdf>.

14 World Health Organisation "Household air pollution" (16 December 2025). Available at <https://www.who.int/news-room/fact-sheets/detail/household-air-pollution-and-health>.



Exercise

How well do you think Kenya is doing with supporting a Just Energy Transition?

RED No or little progress

YELLOW Getting there

GREEN Doing well

Description of what Kenya is doing

YOUR RATING

Kenya has maximised least cost, least impactful to environment potential renewable energy – for example the sun and wind.

R **Y** **G**

Kenya has increased access to electricity for everyone living in Kenya.

R **Y** **G**

Kenya transport is no longer contributing significant amounts of carbon dioxide through emissions.

R **Y** **G**

Kenya provides enough electricity to those living in cities.

R **Y** **G**

Kenya provides enough electricity to those living in rural areas.

R **Y** **G**

Kenya has stable electricity with no daily power cuts.

R **Y** **G**

Kenya has stable electricity with no daily power cuts.

R **Y** **G**

Kenya buys significant amounts of electricity produced by private or independent power producers.

R **Y** **G**

Kenya's renewable energy potential is utilised for communities to have access to affordable and accessible energy.

R **Y** **G**

Kenya has a local market for renewable energy.

R **Y** **G**

Kenya and its people are producing and buying local technology to produce electricity, like solar panels, batteries, inverters.

R **Y** **G**

Kenya has stopped allowing companies to explore for fossil fuels and stopped giving licenses to find fossil fuels companies to produce energy.

R **Y** **G**

Kenya has laws that support a Just Energy Transition.

R **Y** **G**

Kenya allows the public to participate in energy decision making in energy projects.

R **Y** **G**

Kenya has laws that encourage investment in renewable energy.

R **Y** **G**

Kenya provides a mechanism for Access to Information on energy projects.

R **Y** **G**

WHAT THE JUST ENERGY TRANSITION LOOKS LIKE FOR COMMUNITIES

CURRENT SYSTEM

Unsustainable

The system relies on non-renewable sources of energy, is influenced by costs of fossil fuels at the international level and contributes to a system that pollutes and degrades the environment.

Uses fossil fuels

Based on non-renewable energy sources, such as fossil fuels like coal and gas, which emits carbon and contributes to climate change.

Unhealthy

The production of the energy contributes to air and water pollution and leads to the degradation of the environment. This can cause health issues and can lead to a loss of livelihoods.

Expensive and wasteful

The production of the energy requires expensive infrastructure and extensive maintenance. The energy produced is not affordable for those living in poverty.

Accessible for those who can afford it

Energy is produced in a way that makes it expensive to use. It is also not provided to everyone.

NEW SYSTEM

Sustainable

The system relies on renewable sources of energy, is cost effective and is the least harmful to the environment.

Uses renewable resources

Based on renewable and cleaner sources of energy like wind and solar energy. These sources of energy do not emit carbon dioxide and other greenhouse gases when producing energy.

Healthy

The production of the energy has the least impact on the environment and doesn't cause health issues because it does not contribute to air and water pollution.

Affordable for all

Most cost-effective energy source over a period of time. Energy production is less expensive and easier to maintain.

Accessible to all

Energy is seen as a "public good", should be provided to everyone and should be affordable for all.

**Is controlled
by national
governments
and
corporations**

The production of energy can only be achieved with expensive infrastructure that is centralised and can only be done by people with extensive money, knowledge and skills, like corporations.

**Is controlled
and owned by
communities
and local
governments**

The production of energy is done locally (decentralised), feeds into a local grid, and contributes to local employment opportunities.

**Decision-
making
doesn't include
everyone**

Communities are not part of the decision-making on the types of energy to be produced, who will control it and where it will happen. Only certain members of the community are consulted, and others are excluded.

**Inclusive
decision-
making**

Communities are part of the decision-making on the types of energy to be produced, who will control it and where it will happen. This includes participation of women, elderly and youth.

**Contributes to
work that can
be detrimental
to the health
and wellbeing
of workers and
communities**

Employment in the energy sector that is based on fossil fuels can harm the health of workers and surrounding communities. The industry employs people not from the local community.

**Contributes
to work that
supports the
health and
wellbeing of
workers and
communities**

Employment in the energy sector that is based on renewable and local energy sources, employs local people, and creates local benefits for communities.

Harm to the health of workers and communities does not happen.

LAND RIGHTS AND THE JUST ENERGY TRANSITION

In order to ensure that the Just Energy Transition is fair and equitable, the rights of all stakeholders must be respected. Communities that own, lease or occupy land must have their rights respected.

This includes ensuring that:

- ▶ Communities have a meaningful say in the development of renewable energy projects on their land. They are provided with an opportunity to give Free, Prior and Informed Consent.
- ▶ Project developers do not create divisions in communities, that they determine if there are land claims or disputes, and ensure they act in a fair and transparent manner.
- ▶ If communities decide to move from their land, they must be adequately compensated for the land. Compensation must be fairly negotiated.
- ▶ If communities are impacted by renewable energy projects, these impacts must be avoided or minimised.
- ▶ Communities are provided with an opportunity to benefit from energy projects through local employment, benefit sharing agreements, or by communities being given an opportunity to access alternative land.

5. THE JUST ENERGY TRANSITION AND THE LAWS AND POLICIES IN KENYA

For a Just Energy Transition to happen in Kenya, it is government's responsibility to ensure that the right laws and policies are in place to support it. The following section explains what laws, policies and plans are in place to support the Just Energy Transition in Kenya and where there might be issues or gaps.

It is important to understand the issues or gaps, as this is where communities may want to try to influence laws and policies. We explain how in the next section.

POLICIES

Kenya Vision 2030

Vision 2030 was launched in 2008 as Kenya's development blueprint covering the period 2008 to 2030. It was aimed at making Kenya a newly industrialising 'middle income country', providing high-quality life for all its citizens by the year 2030.

Under the Social Pillar of Vision 2030, it is explicitly stated that Kenya's journey towards widespread prosperity involves the building of a just and cohesive society that enjoys equitable social development in a clean and secure environment. The vision of a clean and sustainable environment by 2030 is to be attained with improved pollution and waste management, improved capacity to adapt to global climate change and the harmonisation of environmental laws for better environmental governance and planning.

The National Energy Policy, 2018

The National Energy Policy, 2018, recognises energy as a critical component of the economy, standard of living and national security of a country. The Policy is geared towards achieving several objectives which include: improving access to affordable, competitive and reliable energy services, promoting energy efficiency and conservation and promoting diversification of energy supply sources in Kenya to ensure security of supply.

It sets out several policies and strategies towards the use, development, and conservation of energy sources in the country such as coal resources, renewable energy, and electricity. The Policy also contains Energy efficiency and conservation measures aimed at reducing energy consumption without sacrificing productivity or increasing costs.

It is an ambitious policy document that is centred on the attainment of the national development blueprint, Kenya Vision 2030, and the Government Big Four Agenda. Effective Implementation of the Policy may promote energy security and justice in the country.

Building on this foundation, the National Energy Policy 2025–2034 was published in November 2025.¹⁵ It introduces a renewed vision for Kenya’s energy future, aligning with emerging national and global priorities such as climate action, digital transformation and the just energy transition.

The new Policy aims to achieve universal access to electricity and clean cooking by 2030, scale up investment in renewable energy sources — including solar, wind, geothermal and bioenergy to —enhance energy efficiency through modern technologies such as smart grids and storage systems and strengthen resilience in the energy sector. Anchored in Kenya Vision 2030, the national industrialization agenda and the Paris Agreement, the Policy underscores sustainability, affordability and equity as the guiding principles for a secure and inclusive energy transition.

NATIONAL LAWS

The Constitution of Kenya, 2010

The Constitution of Kenya, 2010 places emphasis on environmental protection and sustainable development. The Preamble recognises that the people of Kenya respect the environment as a national heritage and are committed to conserving it for the benefit of present and future generations. This statement establishes environmental stewardship as a core national value.

Several provisions of the Constitution reflect this elevation of broad environmental rights and principles.

Article 10(2)(a) – Public Participation

Provides that “participation of the people” is a national value and principle of governance.

This provision ensures that citizens are involved in environmental decision-making and the management of natural resources, promoting transparency and accountability.

Further, Article 118 and Article 196 require Parliament and County Assemblies to conduct their business openly and facilitate public participation in legislative and other processes.

These provisions ensure that citizens are involved in decision-making processes, including matters affecting environmental management and natural resources.

► Article 42 - Environmental Rights

States that every person has the right to a clean and healthy environment which includes to have the environment protected for the benefit of present and future generations.

► Article 69 – State’s obligation in respect to environment

This provision outlines the state’s obligation and responsibility including ensuring sustainable exploitation of natural resources, sharing of accruing benefits, encouraging public participation, ensuring environmental impact assessments, and utilising resources for the benefit of Kenyans.

► Article 43 - Economic and Social Rights

Enshrines economic and social rights, including a right to the highest attainable standard of health, right to food, right to clean and safe water and right to education. Access to energy is crucial for the realisation of most of these rights.

15 Ministry of Energy and Petroleum State Department of Energy “National Energy Policy 2025 – 2034”. Available at https://www.energy.go.ke/sites/default/files/Final%20Draft_National%20Energy%20Policy%202025_November%202025.pdf.

► **Article 260 - Transitional Provisions**

Recognises energy as part of natural resources. Consequently, the state has an obligation to ensure sustainable exploitation, utilisation, management and conservation of the environment and natural resources, including energy, and ensure the equitable sharing of the accruing benefits from such resources.

► **Article 10 - National Values and Principles**

The Constitution further identifies sustainable development as one of the national values and principles that is to guide the development agenda in the country. Sustainable exploitation and utilisation of energy as a natural resource will guarantee energy justice by achieving intra and inter-generational equity.

► **Article 70 - Enforcement of Environmental Rights**

Reinforces the right to a clean and healthy environment and provides a means for enforcement action and compensation for those deprived of this right.

National Climate Change Action Plan

The Climate Change Act, 2016, requires the Cabinet Secretary, for the time being responsible for matters relating to climate change, to formulate a National Climate Change Action Plan (**NCCAP**), which shall be reviewed every five years. The current NCCAP 2023–2027 aims to ‘focus on low-carbon, climate-resilient development, and achieving 32% greenhouse gas emission reductions by 2030’.

The Plan provides a framework for Kenya to deliver on its NDCs under the Paris Agreement. It focuses on **seven priority climate action areas** where government efforts should be directed to achieve low carbon climate resilient development. These priority action areas are: disaster (drought and floods) risk management; food and nutrition security; water and the blue economy; forestry, wildlife, and tourism; health, sanitation, and human settlements; manufacturing; and energy and transport.

Kenya Energy Transition and Investment Plan 2023-2050

Kenya’s Ministry of Energy and Petroleum launched the Kenya Energy Transition and Investment Plan 2023-2050 whose main objectives are to build an Energy Transition and Investment Plan; help Kenyan frame an Energy Transition agenda that will attract investment, while at the same time ensuring a just energy transition and fully supporting Kenya’s rapid economic growth trajectory.

The Investment Plan outlines Kenya’s commitment to combat climate change and achieve net-zero emissions by 2050 by highlighting the potential investment opportunities and economic growth through the transition to clean energy, by identifying key technologies for decarbonisation such as renewable energy, green energy, e-mobility, energy storage and clean cooking.

The Green Hydrogen Strategy and Roadmap for Kenya (2023-2032)

The Green Hydrogen Strategy and Roadmap for Kenya (2023–2032) sets out the national vision and two five-year phased plan developing a sustainable GH2 economy. It aims to leverage Kenya’s abundant renewable energy resources—geothermal, wind, solar, and hydro—to produce GH2 primarily for domestic use in the early years, with opportunities for regional and international export as the sector matures. The strategy and roadmap is implemented in two phases. Phase 1 (2023–2027) focuses on cultivating domestic demand while strengthening the enabling environment through policy, regulatory, financial, and capacity-building frameworks. Phase 2 (2028–2032) aims to scale up production and build toward regional or global export. Throughout both phases, the strategy emphasises investment facilitation, skills development, and environmental and social safeguards to ensure that hydrogen development aligns with Kenya’s climate goals, industrialization agenda and just energy transition objectives.

OTHER NATIONAL LAWS

Energy Act, 2019

The Act mandates the government to facilitate the provision of affordable energy services to all persons in Kenya.

► Part III of the Act

Establishes National Energy Entities which are the Energy and Petroleum Regulatory Authority, Energy and Petroleum Tribunal, Rural Electrification and Renewable Energy Corporation and Nuclear Power and Energy Agency.

► Section 7

Section 7 of the Energy Act provides that the government is obligated to facilitate the provision of affordable energy services to everyone in Kenya. The Cabinet Secretary is further mandated to develop and implement a fair, transparent and equitable strategy to ensure that all households are connected to a supply of electricity by 2030.

► Section 10

The Energy and Petroleum Regulatory Authority is mainly tasked with regulatory activities related to the generation, importation, exportation, distribution and supply of electric energy, petroleum and petroleum products, renewable energy, and other forms of energy.

► Section 25

The Energy and Petroleum Tribunal is established for purposes of hearing and determining disputes and appeals relating to the energy and petroleum sector in accordance with the Act.

There is no doubt that the jurisdiction of the Energy and Petroleum Tribunal is capable of significantly contributing to the enhancement of energy justice in Kenya through its decisions and pronouncements.

- The Tribunal has jurisdiction to determine all matters referred to it relating to the energy and petroleum sector arising under the Energy Act or any other Act.
- It also has civil jurisdiction in any dispute between a licensee and a third party or between licensees.
- Further, the Energy and Petroleum Tribunal bears appellate jurisdiction over the decisions of the Energy and Petroleum Regulatory Authority and any licensing authority.
- It is entitled to grant equitable relief including, but not limited to: injunction, penalties, damages, specific performance.

► Section 44(1)

The Rural Electrification and Renewable Energy Corporation is tasked with overseeing the implementation of the rural electrification programme and promoting the use of renewable energy and technologies.

► Section 56 (1)

The Nuclear Power and Energy Agency is tasked with the implementation of the nuclear energy programme and promoting the development of nuclear electricity generation in Kenya.

► Section 85: Community benefit sharing

The Act under section 85 provides for payment of royalty per geothermal wellhead by a licensee. The royalty shall be paid at a rate of not less than one percent and not more than two and a half percent during the first ten years of production. Beyond ten years, the rate shall change to not less than two percent and not more than five percent of what each well produces.

The Act further provides for ways in which the money/royalty received by the government is to be distributed. It outlines that the money shall be paid to the National Government to

be shared between it and the County Government and the local community. The County government shall receive twenty percent of the total share unless the amount is more than what has been ordinarily allocated to the county by the government in that financial year. The local community on the other hand shall receive five percent of the total royalties an amount to be managed by appointed trustees. The remaining seventy five percent shall be allocated to the National Government. In instances where the geothermal resource is found in more than one county, the Commission on Revenue Allocation shall provide a formula for revenue sharing.

While the above provisions seek to ensure that everyone benefits from revenue earned from the sale of geothermal resources, interestingly, the cabinet secretary has the powers to waive, suspend or reduce the royalty for geothermal producing companies in order to encourage exploitation and development. This power is exercised through the publication of a waiver in the Kenya gazette.

Climate Change Act 2016

The Act places duties on the national government and county governments to mainstream climate change responses into development planning, decision-making and implementation, and to respond in various other ways to climate change. The Act sets out principles of climate change planning and implementation of measures.

Environmental Management and Coordination Act, 1999

This is an important law that stems from the right to a healthy environment in Article 43 of the Constitution. It includes requirements for when decisions are made that will impact the environment, environmental licences to be granted by various institutions and enforcement of the polluter pays principle.

This law provides for environmental protection in Kenya. The Act also provides for environmental protection through Environmental Impact Assessment processes, Environmental Audits and Monitoring and Environmental Restoration orders, conservation orders, and easements.

County Laws and Regulations on Just Energy Transition

The county governments in Kenya play a crucial role in the transition, particularly through the development of County Energy Plans (**CEPs**). These plans are part of the broader Integrated National Energy Plan as outlined in the Energy Act of 2019.

The CEPs aim to extend energy access and incorporate renewable energy sources such as solar, wind, geothermal, and biogas at the county level.

Some of the counties with CEPs include:

- ▶ **Meru:** Known for its biogas installations, which are used for cooking, lighting, heating, and running machines.
- ▶ **Kisumu:** Has documented its renewable energy projects and policies, highlighting its potential for various renewable energy technologies.
- ▶ **Vihiga:** Involved in hybrid power projects, such as the installation of solar panels for water pumping and reducing electricity costs.
- ▶ **Nakuru:** Nakuru County's Energy Plan (2022–2027) promotes universal access and green growth through geothermal, solar and energy efficiency initiatives. The county will boast over 90% household electricity access upon completion of projects like the 35 MW Menengai Geothermal Plant and solar-powered street lighting.
- ▶ **Marsabit County:** is advancing clean energy through the Marsabit County Energy Plan which promotes renewable energy and reduced fossil fuel dependence. The county hosts major wind power projects—with Kenya Electricity Generating Company (**KenGen**) and private firms targeting over 1,000 MW—and is set to connect to the national grid via new transmission lines by 2025.

KENYA'S ENERGY SECTOR INSTITUTIONS

Institutions involved in energy, include a range of stakeholders including private and public entities. There are institutions which focus on legal reform for energy, some that focus on supplying of energy sources like liquified natural gas, while others which predominantly cater to the national electricity systems.

In electricity systems there are three parts:

1. Generation: where energy is produced. This includes independent power producers
2. Transmission: the transporting of energy through high voltage lines from energy projects to substations/places controlled by distributors
3. Distribution: the energy is provided on lower voltage lines to consumers/users.

Energy Sector Institutions in Kenya

1. Policy and Government Oversight

These institutions are responsible for policy formulation and overall direction of the energy sector.

1. Ministry of Energy and Petroleum – Develops and implements national energy policies and oversees the energy sector.
2. Kenya Nuclear Regulatory Authority – Regulates nuclear safety, radiation protection and nuclear security.
3. National Oil Corporation of Kenya – Participates in exploration, importation and distribution within the petroleum industry.

2. Regulation and Planning

These bodies regulate the energy sector and ensure compliance with standards and laws.

1. Energy and Petroleum Regulatory Authority (EPRA) – Regulates electricity, renewable energy, and petroleum under the Energy Act 2019.
2. National Environmental Management Authority – Ensures environmental compliance in energy projects.
3. Renewable Energy Resource Advisory Committee – Advises the government on renewable energy resource allocation.
4. Competition Authority of Kenya – Ensures fair competition in sectors including energy.
5. Public Private Partnership Directorate – Facilitates public-private partnerships for infrastructure and energy projects.

3. Generation of Energy

These institutions are responsible for producing electricity.

1. KenGen – The largest electricity generator in Kenya.
2. Geothermal Development Company – Develops geothermal steam for electricity production.
3. Independent Power Producers (IPPs) – Private companies generating electricity from renewable and conventional sources.

4. Transmission of Energy

The following are responsible for transmitting electricity from power plants to substations:

1. Kenya Electricity Transmission Company – Designs, builds, and operates high-voltage transmission lines.
2. Eastern Africa Power Pool – Facilitates regional electricity transmission and power trade among East African countries.

5. Distribution and Electrification

These institutions deliver electricity to consumers and expand electricity access.

1. Kenya Power and Lighting Company – Responsible for electricity distribution and acts as the single buyer of power.
2. Rural Electrification and Renewable Energy Corporation – Implements rural electrification and renewable energy programs.
3. Kenya Off-Grid Solar Access Project – Expands electricity access in remote areas through solar energy solutions.

6. Energy Efficiency and Conservation

These organisations promote efficient use and conservation of energy.

1. Centre for Energy Efficiency and Conservation – Promotes energy conservation initiatives in Kenya.
2. Kenya Association of Manufacturers – Works with the government to promote energy efficiency in industries.

6. COMMUNITY PARTICIPATION AS A PRINCIPLE OF JUST ENERGY TRANSITION

FREE PRIOR AND INFORMED CONSENT

The international legal principle of Free, Prior and Informed Consent (**FPIC**) means that **before** any major decisions or actions are taken that could affect the rights or well-being of Indigenous Peoples and local communities, **they have the right to be fully informed, participate in the decision-making process, and withhold or give their consent freely and without pressure.**

In the context of the Just Energy Transition, FPIC is crucial because it ensures that Indigenous Peoples and local communities who may be directly affected by energy projects or policies have a say in those decisions. It recognises their rights to their land, resources, and ways of life, and protects them from potential negative impacts caused by the transition to cleaner energy sources.

By involving the community and respecting their consent, the Just Energy Transition can be carried out in a fair and equitable manner, ensuring that the benefits of the transition are shared and the rights of all individuals and communities are upheld.

FPIC also involves the right to withdraw consent. The withdrawal of consent is typically recognised where consent has been improperly obtained or where the conditions upon which consent was given have been violated. To provide certainty and manage expectations, companies may wish to agree with the community, in writing, to the terms upon which consent may be withdrawn.

Steps to secure Free, Prior and Informed Consent in Kenya

STEPS	EXPLANATION
1. Identify the affected communities	Determine who will be impacted by the project or policy.
2. Provide comprehensive information	Share clear details about the project's purpose, impacts, and alternatives in a manner understandable by the community.
3. Facilitate meaningful participation	Allow open dialogue and participation from the affected communities.
4. Respect cultural and decision-making processes	Honour the cultural practices and decision-making systems of the communities.
5. Address concerns and negotiate solutions	Listen to community concerns and find mutually agreeable solutions.

6. Obtain consent	Seek consent freely given from the affected communities or respect where the affected community withholds consent.
7. Implement and monitor	If the community has given consent, carry out the project while keeping the community informed and monitoring progress.
8. Review and adapt	Regularly assess the project's impacts and make adjustments as needed, in consultation with the communities.



MEANINGFUL CONSULTATION

Procedural justice requires that affected communities are meaningfully consulted in every step of a project – design, implementation, and monitoring.

Principles to consider:

1: Affected communities must have a meaningful say about a project.

- ▶ The project developers must listen to community concerns and take feedback into account when making decisions about a project.
- ▶ Public meetings should be in a language understood by the participants or translation should be provided.
- ▶ Women, the elderly, and youth should be present and should be invited to voice their opinions.
- ▶ Comments and feedback should be included in the final policies, plans or projects.

2: All the information about a policy, plan or project, including the potential risks and benefits, is provided in a way that is timely and easy to understand.

- ▶ The information must be clear and provided ahead of time. This must be provided in the languages used by the affected communities and in a manner that can be understood.
- ▶ This includes making sure that policies, plans or projects are accessible to people who cannot read, those with disabilities and that they are culturally appropriate.

3: A policy, plan or project must be designed in a way that meets the needs of the people who will be affected by them.

- ▶ It is also important to make sure that policies, plans and projects are designed in a way that meets the needs of communities who will be affected by them and/or highlight any areas of risk that there may be.
- ▶ Different opinions about a policy, plan or project should be listened to and incorporated.
- ▶ It also means using the knowledge and experiences of people who will be affected and designing the policy, plan or project based on these.
- ▶ Ultimately, the key principles of the Just Energy Transition must show up – that is, **justice, inclusion, and democracy**.

By following these steps, we can ensure that community groups are included in decision-making processes and that programmes are designed to meet the needs of communities who will be affected by them.



RIGHT TO ACCESS INFORMATION

The right to access information means that individuals have the right to obtain information from the government or other public authorities about decisions, policies, and actions that affect them and their communities.

In the context of the Just Energy Transition, the right to access information is important because it ensures transparency and accountability. It allows individuals and communities to be well-informed about energy-related decisions, projects, and policies that may impact their lives, environment, and well-being.

By having access to information, people can understand the reasons behind energy transition initiatives, the potential benefits and drawbacks, and the specific plans and actions being taken. This knowledge empowers individuals and communities to participate effectively in decision-making processes, voice their concerns, and hold authorities accountable for their actions.

Overall, the right to access information ensures that the Just Energy Transition is carried out in a fair and inclusive manner, where people have the necessary information to understand and engage in the transition process and ensure their rights and interests are considered, and that they are afforded a meaningful opportunity to voice their opinions. The language in which the information is communicated is particularly important. The information must also be readily available and easily accessible. For example, project developers and/or government cannot assume that all community members have access to social media, the internet, or e-mails.



Exercise

Think of an energy project that has been close to you, has your right to information been respected?

Were you made aware or given notice of the project?

Were you provided with the environmental impact assessment documents?

Were other documents provided to you?

Were you invited to any public consultation?

Was the project explained to you?

Were you allowed to ask questions?

How do you think you could have been given more access to information? What was missing?

STEPS TO SECURE ACCESS TO INFORMATION IN KENYA

STEPS	EXPLANATION
1. Identify the relevant public body	Determine which government department or private institution holds the information.
2. Designation of Information Access Officer	Access to Information Act (ATI Act). S.7 provides for the designation of Information Access Officer (IAO). The information you need will be with this person and you must identify them.
3. Submit a written request	Prepare a written request for the information, clearly stating your needs.
4. IAO receives and responds to request	The ATI Act imposes strict timelines for processing information requests. Information must be given within 21 days of receiving the request. Reasons for the refusal to grant the request must be given. Transfer of requests to another institution must not delay granting the information requested.
5. Providing access to information	Once a decision is made to provide information, the applicant will be informed in writing that the application has been granted.
6. Pay the prescribed fee (if applicable)	If a fee is required, it will be specified by the government public body or private institution.

HOW DO YOU OBTAIN INFORMATION WITHHELD BY A PUBLIC INSTITUTION?

To obtain information withheld by a public institution in Kenya, you can follow these steps:

- 1. Submit a Formal Request:** Under the ATI Act, 2016, you have the right to access information held by public authorities. Ensure your request is clear and specific about the information you seek.
- 2. Utilise the Information Commissioner's Office:** If your request is denied or not responded to within 21 days, you can appeal to the Commission on Administrative Justice (CAJ), also known as the Office of the Ombudsman. The CAJ oversees the implementation of the ATI Act and can intervene on your behalf.
- 3. Appeal to the Courts:** If the CAJ does not resolve your issue, you can take legal action in the Kenyan courts. The judiciary can compel the public institution to release the information if it finds the denial unjustified.
- 4. Public Interest Disclosure:** If the information is of significant public interest, you may argue that it should be disclosed even if it falls under exemptions in the ATI Act. This can be a persuasive point in both administrative and legal appeals.
- 5. Engage Civil Society Organisations:** Organisations such as **Natural Justice, Article 19, Transparency International Kenya, and the Kenya Human Rights Commission** can provide support and advocacy in accessing information. They may offer legal assistance or help bring public attention to your request.
- 6. Use Alternative Channels:** Sometimes, information can be obtained indirectly through other public records or related public bodies. Consider approaching allied departments or related government bodies that might have access to the required information.

Procedure of Requesting for Information

- 1. Draft a Request:** Include your contact information, a detailed description of the information sought, and specify the format you prefer the information to be in (e.g., digital or hard copy).
- 2. Submit the Request:** Deliver your request to the relevant institution, keeping a copy and proof of submission.
- 3. Wait for Response:** The institution should respond within 21 days. If there is no response or the request is denied, you can appeal to the CAJ.
- 4. File an Appeal:** Submit an appeal to the CAJ with all relevant documents, including your original request and any responses received.
- 5. Follow Up:** If necessary, engage legal counsel to pursue further action through the courts.

7. GETTING INVOLVED IN THE JUST ENERGY TRANSITION



PUBLIC PARTICIPATION IN LEGISLATION AND POLICY

When laws are being made, parliament must engage the public, especially local communities who will be affected by the laws. This includes the Ministries when formulating policy, who may not have an obligation, but for energy justice and just energy transitions, should include the public in energy planning, policy and law.

The laws in a country should reflect a society's goals and values. Therefore, participation by citizens in the policy and law-making processes is one effective way the public brings social change to undesirable policies and laws. It is a tool to bring trust and consensus between the government and citizens.

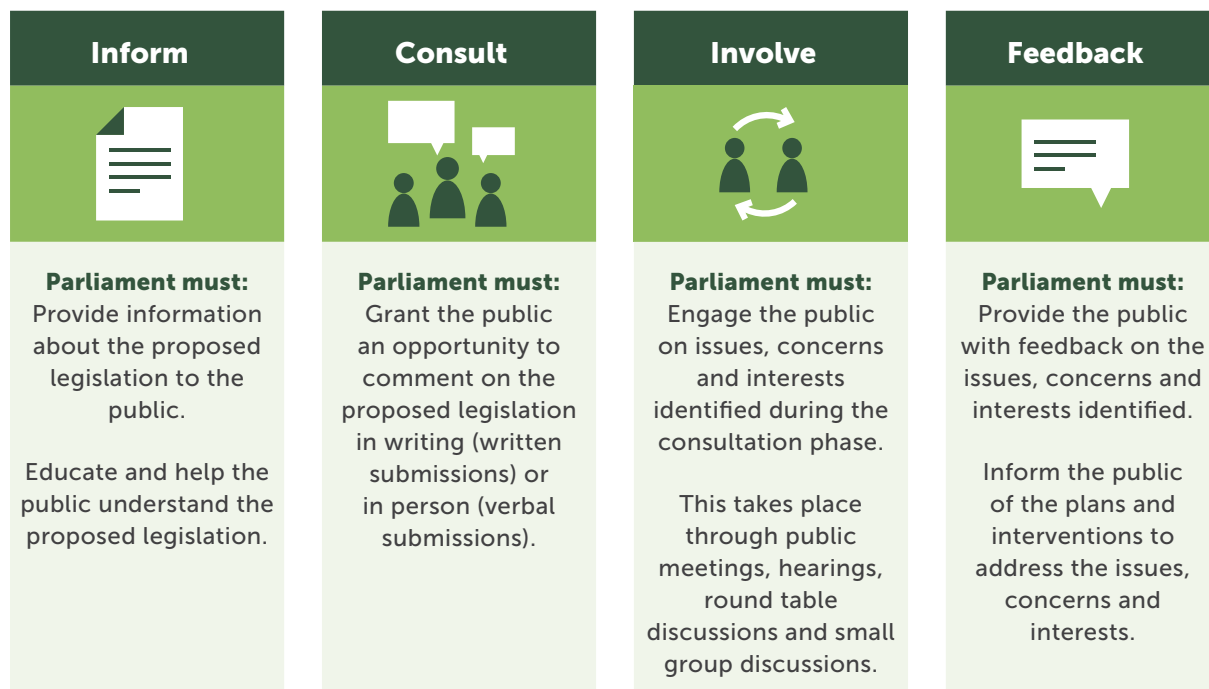
Why should you participate?

In some instances, a law or policy can limit or negatively impact your human rights. When rights are impacted or limited, it can only be where it is **reasonable and justifiable** in an open and democratic society. Therefore, to ensure that laws are fair, reasonable, and justifiable and do not infringe on fundamental rights protected in the Constitution, citizens need to participate in the law-making process.

Article 10 of the Kenya Constitution requires the National Assembly and County Assemblies to facilitate public participation in the law-making process by:

- (i) Providing **meaningful opportunities** for the public to participate in the law-making process.
- (ii) Making sure the public have the skills needed to effectively participate.

The process Parliament should follow when developing new legislation



How can you get involved?

1. You can make a **written submission** to a Parliamentary committee or **comment** on policy when a call is made. Counties also have energy functions which include developing policies and laws that can be commented on.
2. You can attend public meetings held by Parliament and counties and make **verbal submissions**.
3. By doing these, you are able to influence the opinion of committee members who are discussing a piece of draft legislation before it becomes a law.

What to consider when commenting on Just Energy Transition policies and laws

When participating and commenting during a public participation process on **Just Energy Transition policies and laws** here are some questions that you may want to think about:

- (1) Does this policy or law speak to the principles of a Just Energy Transition, as you have come to understand it?
- (2) Does this policy or law support the development of energy resources that are sustainable, renewable, cost-effective and benefit the greatest number of people, including people who are poor and marginalized?
- (3) How will community rights be affected by the policies and laws, and how can we ensure that communities have access to livelihoods, land and resources?
- (4) Does this policy or law take into account the rights of workers and provide for a movement towards employment that is better for workers?
- (5) Does this policy or law benefit the general health of people and the planet?



PARTICIPATING IN ENERGY-RELATED PROJECTS

During the Just Energy Transition, new projects will be developed, either by government, private companies, social enterprises, or even by communities themselves. Projects might include renewable energy projects, new mining areas, new grids or pipelines or new infrastructure developments. Some of these may be subjected to the **Environmental Impact Assessment (EIA)** and **Strategic Environmental Assessments (SEA)** process.

EIAs are processes where the future environmental, social and economic impacts of proposed developments are assessed and, where possible, mitigation measures are proposed which would reduce or prevent impacts on people and nature. Examples are assessments of the development's impact on water resources (such as rivers, streams, wetlands and underground water), biodiversity, the ocean, heritage, agriculture, air quality, soil, surrounding communities, the local and broader economy.

On the other hand, SEAs focus on policies, plans, and programmes at the strategic level. It looks at cumulative and large-scale impacts over a wide area and long-term time horizon. It is applied early in the decision-making process, before specific projects are defined.

Relevant government authorities use the results of both EIAs and SEAs to decide whether permission should be given for the development, i.e. if licenses or permits should be granted. If the impacts are acceptable, then an environmental authorisation is granted to the developer, with conditions attached.



THE ENVIRONMENTAL IMPACT ASSESSMENT PROCESS IN KENYA

The Environmental Management and Coordination Act (**EMCA**) makes provision for EIAs in Sections 58 and 59. Section 58 obliges the proponent of a project to undertake or cause to be undertaken at his own expense an environmental impact assessment study and prepare a report thereof.

A proponent must not implement a project likely to have a negative environment impact or which an EIA is required under the Act or regulations, unless an EIA has been concluded and approved by National Environment Management Authority (**NEMA**).

The Environmental Impact Assessment timeline



Screening

Screening determines which projects or developments require a full or partial impact assessment study.



Terms of reference

An EIA study must be conducted in accordance with terms of reference developed during the scoping exercise by the proponent and approved by NEMA.

Scoping is identification of the potential impacts that are relevant to assess and to derive terms of reference for the impact assessment. The terms of reference include matters required to be considered in the making of an EIA.

 Environmental Impact Assessment Study	An EIA study is to be conducted in accordance with the general environmental impact assessment guidelines and sector EIA guidelines set out in the Third Schedule to the Regulations. An EIA study must take into account environmental, social, cultural, economic, and legal considerations and shall: i) identify the anticipated environmental impacts of the project and the scale of the impacts. ii) identify and analyse alternatives to the proposed project. iii) propose mitigation measures to be taken during and after the implementation of the project; and iv) develop an environmental management plan with mechanisms for monitoring and evaluating the compliance and environmental requirements.
 The Environmental Impact Assessment Study Report	After an EIA study has been conducted the proponent submits an EIA Study Report to the NEMA Authority, incorporating but not limited to the following information. i) the proposed location of the project. ii) a concise description of the national environmental legislative and regulatory framework, baseline information. iii) and any other relevant information related to the project, the objectives of the project. iv) the technology, procedures, and processes to be used, in the implementation of the project. v) the materials to be used in the construction and implementation of the project. vi) the products, by-products, and waste to be generated by the project. vii) a description of the potentially affected environment.
 Public Participation	Public participation is at the centre of EIA. During the process of conducting an environmental impact assessment study, the proponent must, in consultation with NEMA, seek the views of persons who may be affected by the project.

Public Participation

After the approval of the EIA Report by NEMA, the proponent must:

- a) publicize the project and its anticipated effects and benefits by:
 - posting posters in strategic public places in the vicinity of the site of the proposed project informing the affected parties and communities of the proposed project,
 - publishing a notice on the proposed project for two successive weeks in a newspaper that has a nation-wide circulation, and
 - making an announcement of the notice in both official and local languages in a radio with a nation-wide coverage for at least once a week for two consecutive weeks.
- b) hold at least three public meetings with the affected parties and communities to explain the project and its effects, and to receive their oral or written comments,
- c) ensure that appropriate notices are sent out at least one week prior to the meetings and that the venue and times of the meetings are convenient for the affected communities and the other concerned parties; and
- d) ensure, in consultation with the Authority, that a suitably qualified co-ordinator is appointed to receive and record both oral and written comments and any translations thereof received during all public meetings for onward transmission to the Authority.

■ Submission of comments and public hearing

Regulation 21 of the Environmental (Impact Assessment and Audit) Regulations obligates NEMA to invite the public to make oral or written comments on the report. The invitation for public comments shall state:

1. The nature of the project.
2. The location of the project.
3. The anticipated impacts of the project and the proposed mitigation measures to respond to the impacts.
4. The times and place where the full report can be inspected; and
5. The period within which the Authority shall receive comments.

Upon receipt of both oral and written comments, the Authority may hold a public hearing. On conclusion of the hearing, the presiding officer shall compile a report of the views presented at the public hearing and submit a report to the Director General of NEMA within 14 days from the date of the public hearing. The Authority may then approve the Environmental Impact Assessment Study Report and issue an EIA Licence under Regulation 24.

For more information on EIAs, please see Natural Justice "Guide to EIA Process" at https://naturaljustice.org/wp-content/uploads/2022/10/Guide-to-Participation-in-EIA-Process_2022-1.pdf



CASE STUDY:

Menengai West Stakeholders Forum (MWESFO) Versus the National Environment Management Authority and Sosian Energy Ltd

In this case MWESFO went to the National Environmental Tribunal to challenge the license granted to Sosian Energy Limited by NEMA for amongst other grounds, the lack of adequate public participation during the EIA process. While the tribunal did not rule in favour of the community, at the Environment and Land Court in Nakuru, during the appeal process, the court determined that the meetings convened did not meet the threshold for meaningful public participation. Subsequently the license was cancelled and the project proponent was directed to carry out a comprehensive Environmental and Social Impact Assessment Study in compliance with all relevant laws and regulations taking into account the views of all the project affected persons including adjacent communities.



STRATEGIC ENVIRONMENT IMPACT ASSESSMENTS IN KENYA

The EMCA defines “**strategic environmental assessment**” as a formal and systematic process to analyse and address the environmental effects of policies, plans, programmes and other strategic initiatives.

Section 57A of the Act mandates that all policies, plans, and programmes that are likely to have significant impacts on the environment to undergo a strategic environmental assessment. These plans, policies and programmes are those subject to preparation or adoption by an authority at regional, national, county or local level, or which are prepared by an authority for adoption through a legislative procedure by Parliament, government or, if regional, by agreements between the governments or regional authorities.

Unlike an EIA, which focuses on specific projects, a SEA evaluates broader development strategies in the energy sector. However, individual renewable energy projects must still undergo EIAs before implementation. For example, the Lake Turkana Wind Power Project¹⁶ and the Garissa Solar¹⁷ Power Plant were subject to environmental impact assessments to evaluate their potential environmental and social effects. These assessments examine issues such as land use, biodiversity, and community impacts to ensure that renewable energy development is carried out in an environmentally sustainable manner. A SEA might, therefore, be required where the government identifies a part of the country as a renewable energy resource area within which a number of renewable energy projects are to be undertaken.

16 Lake Turkana Wind Power LTD *Environmental and Social Impact Assessment for the Lake Turkana Wind Power Project*. Available at [ESIA wind farm site_2009.pdf](#). (Accessed on 24 April 2026).

17 Office of the Auditor-General “Report of the Auditor General on Kenya Development of Solar Power Plant Garissa Project (GCL No.2015(10) for the year ended 30 June 2022)”. Available at https://www.parliament.go.ke/sites/default/files/2023-04/Report%20of%20the%20Auditor%20General%20on%20Kenya%20Development%20of%20Solar%20Power%20Plant%20Garissa%20Project%20%28GCL%20No.%202015%2810%29%20for%20the%20year%20ended%2030%20June%2C%202022%20Rural%20Electrification%20and%20Renewable%20Energy%20corporation_compressed.pdf. (Accessed on 24 April 2026).

↓	Screening	Determine whether a SEA is required for the proposed policy, plan, or programme. This involves assessing the potential significant environmental impacts.
↓	Scoping	Define the scope of the SEA, including the key environmental issues to be addressed, the geographical area, and the time frame. Develop Terms of Reference (ToR) for the SEA. The ToR should be approved by NEMA and should outline the objectives, methodology, and deliverables of the SEA.
↓	Baseline Data Collection	Collect relevant baseline data on the current state of the environment. This includes information on biodiversity, air and water quality, soil, land use, and socio-economic conditions. Use existing data sources, field surveys, and consultations with stakeholders.
↓	Impact Assessment	Identify and evaluate the potential environmental impacts of the proposed policy, plan, or program. This includes direct, indirect, cumulative, and synergistic impacts. Use appropriate methods and tools such as Geographic Information Systems (GIS), modelling, and expert consultations to assess impacts.
↓	Public Participation	Engage stakeholders throughout the SEA process. This includes government agencies, non-governmental organisations, community groups, and the general public. Conduct public meetings, workshops, and consultations to gather input and feedback. Document all stakeholder engagement activities and incorporate feedback into the SEA report.
↓	Mitigation Measures	Propose measures to avoid, minimize, or mitigate adverse environmental impacts. This may involve modifying the proposed policy, plan, or program to enhance positive impacts and reduce negative ones. Develop an Environmental Management Plan (EMP) outlining the proposed mitigation measures, monitoring, and evaluation strategies.
■	Preparation of the SEA Report	Compile the findings of the SEA into a comprehensive report. The report should include: • An introduction and background • Objectives and scope of the SEA • Methodology • Baseline environmental conditions • Impact assessment results • Proposed mitigation measures • Public participation process • Conclusions and recommendations Submit the SEA report to NEMA for review and approval. NEMA will evaluate the report to ensure it meets the required standards and adequately addresses environmental concerns. NEMA may request additional information or revisions before granting approval.

Getting involved in an EIA and SEA

In every step of the processes, communities have an opportunity to get involved and raise their concerns by attending meetings and submitting written comments. A key component of both processes is **public participation**. The inclusion of the opinions of the impacted and interested public contributes to the open, transparent, and credible nature of the processes. It is important that communities are involved to ensure that their environmental rights are upheld.

When a company is embarking on a project that falls within an activity for which an EIA and SEA is required, it will appoint an **environmental assessment practitioner (EAP)** to handle the application.

How to get involved:

- ▶ Once you hear about the development, find out who the EAP or project proponent is.
- ▶ Ask for documentation about the project.
- ▶ Attend a public hearing at each opportunity during the EIA process and ask all the questions that you have about the project. The EAP has a duty to listen to your questions and concerns and respond to you in an objective manner.
- ▶ Submit a written comment at each opportunity during the EIA process to raise your concerns.
- ▶ Conduct surveys and distribute questionnaires to collect quantitative and qualitative data from the community. This can include household surveys, online surveys, and paper-based questionnaires.
- ▶ Establish clear mechanisms for receiving and addressing community feedback throughout the SEA process. This can include suggestion boxes, dedicated email addresses, and online platforms.

Getting involved in Just Energy Transition projects

As mentioned previously, new energy projects are being developed and considered every day. Ideally, all new energy projects in Kenya should be under the Just Energy Transition, although some may not fall under this category.

Just because a project is part of the Just Energy Transition, doesn't mean it is immediately a good thing. It is important to be critical of any new projects and to ask project developers for more information. Should you decide to be part of a community meeting, you may want to consider asking some of the following questions to understand the project better:

- (1) How does this project fit into the Just Energy Transition?
- (2) Is this project supported by the policies and plans in place for a Just Energy Transition?
- (3) Who will benefit most from the project?
- (4) How will you ensure youth, women and the poor are prioritised?
- (5) What are the specific environmental impacts of the proposed project?
- (6) What are the steps that will be taken to prevent any potential negative environmental impacts of the proposed project?
- (7) Will the community be better off in terms of access to energy?
- (8) How can the community be part of owning this project?
- (9) Are there permanent job opportunities and will these job opportunities be healthy and promote worker wellbeing? Are these positions accessible to individuals of all backgrounds, or are they tailored for those with specialised skills?
- (10) What are the potential impacts of the project on property values, land ownership or access to natural resources?

For example, solar projects often need large tracts of land. Will this mean that land and water resources that your community had access to will now be restricted?
- (11) What are the potential risks and benefits of different project alternatives – is this project the best one for the intended objectives?

COMMUNITY-BASED RENEWABLE ENERGY INITIATIVES

Community-based renewable energy initiatives are small-scale renewable energy projects based within communities or on community land. They may provide local electricity for local energy needs and can take the form of community ownership, or partnerships with companies, government, and NGOs.

Not only can they provide access to sustainable energy resources for marginalised communities, but they can also contribute to local jobs and economic growth. They contribute to reducing climate change impacts by curbing greenhouse gas emissions and so contribute to the Just Energy Transition.

How do they provide these advantages?

- ▶ **Access to energy:** These projects can provide energy in, for example, rural regions where there have been difficulties extending the national electricity grid to these hard-to-reach areas. These initiatives provide dependable and eco-friendly energy sources, including solar, wind, and hydropower. This improves the quality of life for local communities by providing clean energy to houses, schools, hospitals, and other essential services.
- ▶ **Local economic growth:** When local communities actively participate in the planning, construction, and operation of renewable energy infrastructure, these projects can generate employment opportunities and provide support to Indigenous and local businesses.
- ▶ **Just energy transitions:** These projects are for example, solar or wind farms, and therefore based on renewable energy. This allows local communities to move away from using energy that pollutes the air and contributes to carbon emissions. Coupled with clean cooking technologies, they also reduce the dependence on biomass for cooking, alleviating deforestation and improving health outcomes for women and children by reducing indoor air pollution.

Essential to community-based renewable energy initiatives is the **active involvement and ownership of the community**. When communities participate in the decision-making procedures, they can consent to the project and assume responsibility for the project, resulting in enduring, sustainable advantages. This approach can also instil a sense of empowerment and pride within the community, as they play an active role in their own development.



Residents of a Kenyan village have banded together to buy a shared energy system. Image Credit: Stock picture



CASE STUDY:

Community Based Renewable Energy Project - OLOSHO-OIBOR, Kenya

The community of Olosho-Oibor in Kenya has emerged as a pioneering force for community-owned renewable energy in Africa. They achieved this by successfully installing a 3kWp (kilowatt peak) solar photovoltaic panel system, connected to a battery bank, along with a 3kW wind turbine equipped with its separate battery bank. Furthermore, they included a 10kW diesel generator that can charge both battery banks. At a later stage, the United Nations Development Programme Small Grants Programme contributed towards an additional 4kWp of solar panels to enhance the system.

This initiative started in 2009 when some residents of Olosho-Oibor were inspired by the initial installation of private solar panels in the community. They wanted to own solar panels for themselves, but it was too expensive for many community members. To overcome this, a group of dedicated community members took matters into their own hands. They initiated a collective fundraising effort, with community members contributing \$10 a month until they had accumulated sufficient funds to purchase a set of larger solar panels capable of serving multiple households within the area.

The community got technical assistance from the United Nations Industrial Development Organisation. They now have 125 members in an energy cooperative that has raised \$4,900 for solar panels, which have been strategically installed on poles throughout the community and on rooftops. In addition to solar panels, the cooperative has also incorporated two small wind turbines into their energy infrastructure.

The operation of this renewable energy system is managed by a community-based organisation, overseen by a dedicated manager who is responsible for its day-to-day operation. Instead of asking for different payments from households depending on how much each household or business uses, one fee is charged.

The system has a limited capacity, so the community members have devised strategies for managing electricity demand, which is conceptualised through community meetings. For example, during overcast weather or low wind conditions, they prioritise providing energy to essential public institutions over non-essential consumers. This means that households and shops may be temporarily disconnected to ensure that critical facilities such as the clinic dispensary, church, and the shelters for girls escaping child marriage and female genital mutilation continue to receive electricity. This approach embodies the community's collective action and collaboration in managing a finite resource.

This remarkable achievement stands as a testament to the power of community-driven initiatives in bringing sustainable and affordable energy solutions to underserved regions.



Residents of a Kenyan village have banded together to buy a shared energy system. Image Credit: Stock picture

Community Development Agreements for Energy

Energy companies may approach a community to make an agreement with them in which they can benefit from a project. These agreements, called **Community Development Agreements or Local Benefit Agreements**, can benefit both the project and communities.

- ▶ These agreements make sure that everyone involved knows their rights, roles, and what they are responsible for. This helps the project benefit the community and handle any problems that might come up. It also gives a clear way to solve disagreements.
- ▶ These agreements create a plan for sharing the benefits that come from the project. The benefits can be money or other helpful things, which are decided on through conversation and working together. Some examples of positive benefits that can be negotiated:

- 1. Access to clean energy**
- 2. Water supply during project implementation**
- 3. Local job opportunities**
- 4. Support for local businesses**
- 5. Capacity development and training**
- 6. Technology transfer**
- 7. Improved infrastructure**
- 8. Access to credit and markets**
- 9. Payments for environmental services**
- 10. The creation of community development funds**

It is not enough to just have these agreements on paper. We need to make sure they are operationalised. This means helping community representatives learn the skills necessary for participation in decision-making processes. The project proponent needs to protect the community's rights and interests.

What should be included in a Community Development Agreement or Local Benefit Agreements?

- 1.** How the benefits of energy projects, such as revenue sharing, employment opportunities and infrastructure development, will be distributed among local communities. They may include provisions for direct financial payments to community funds or trusts, investment in local infrastructure, or support for social services like education and healthcare.
- 2.** Mechanisms/avenues on how communities can give input, such as advisory committees, regular consultations, and public meetings.
- 3.** Provisions for monitoring and managing environmental impacts, such as water and air quality, biodiversity, and land use.
- 4.** Clear procedures for addressing grievances and resolving disputes between the community and the project developers. This may include the formation of grievance committees, mediation processes, and access to legal recourse, if necessary.
- 5.** Include provisions for ongoing monitoring and evaluation to ensure compliance with the agreement and to assess the impact of the energy project on the community.



Exercise

Do you have a community Energy Project?

If no, what would you need to do to make one possible and what needs would it need to meet. If yes, have you signed a community development agreement and what are the terms of this agreement?



Exercise

What do you want to see in the Just Energy Transition?

Think about what is important to you in the Just Energy Transition process and add them below:

Consider the following categories: jobs and employment, access to resources, skills development, access to electricity, costs of electricity, environmental protection, health and wellbeing of communities and workers.

EXAMPLE:

When it comes to the Just Energy Transition, I want my community to have access to cheap electricity and for some electricity to be free for the poorest households.

Further resources:

<https://www.reuters.com/article/us-kenya-solar-energy-idUSKBN1590LO>

<https://steps-centre.org/blog/microgrids/#:~:text=Nairobi%2Dbased%20workshop%20for%20the,owned%20and%20%E2%80%93operated%20micro%20grid.>

