



PRESS STATEMENT FOR IMMEDIATE RELEASE

Date: May 02, 2025.

CIVIL SOCIETY WELCOMES THE LANDMARK RULING NULLIFYING NATIONAL CLIMATE CHANGE COUNCIL APPOINTMENTS: A VICTORY FOR RULE OF LAW, GOOD GOVERNANCE, PUBLIC PARTICIPATION, AND CLIMATE JUSTICE IN KENYA

On behalf of Civil Society Organizations across Kenya, Mt. Kenya Network Forum (MKNF) welcomes the **High Court's Landmark** ruling declaring President William Ruto's appointments to the Climate Change Council illegal and unconstitutional.

The High Court's ruling, delivered on May 2, 2025, is a resounding affirmation that the **rule of law, transparency and inclusive governance** are core pillars in the fight against the climate change crisis. The court rightly found that the appointments bypassed legal processes, lacked public participation, and undermined the intended inclusive and multi-stakeholder nature of the National Climate Change Council as envisaged in under the **Climate Change Act, 2016**.

As communities most affected by the climate crisis, grassroots climate justice advocates, marginalized and indigenous peoples, we have consistently affirmed the importance of our views and voices in informing climate policy decisions anchored in **transparent, representative and participatory processes** in all climate-related governance structures. The Climate Change Council is a key body mandated to steer Kenya's climate response and it must reflect the voices of all Kenyans, especially frontline communities, youth, women, indigenous peoples and civil society organizations.

The ruling comes at a critical time when year 2024 has been declared to be the **hottest year** in history. Kenya is facing adverse effects of climate-related disasters - droughts, floods, food insecurity and increasing economic burden closely related to climate change debts, high costs of energy and unemployment. Effective, equitable and inclusive climate governance is not therefore not luxury, but an imperative.

We urge the Government to:

- Respect and **fully implement** the Court's decision;
- Reconstitute the Climate Change Council through an **open, inclusive, participatory and transparent process** within the stipulated timelines.
- Uphold the **principles of public participation** as enshrined in Kenya's Constitution and climate laws.

_ We call upon **Parliament** to immediately reverse the recent amendments done to the climate change act 2016, that ignored recommendations allowing for civil society to participate in determining their own representative to the council. Amendments should restore the spirit and integrity of the original Climate Change Act.

The NCCC plays a **pivotal role** in ensuring Kenya's climate change response is **coordinated, inclusive, and effective**, positioning the country to meet its national and international climate commitments. It provides a **national mechanism for climate change governance** and mainstreaming of climate change in all sectors at both national and county government impacting even the lowest unit of governance in the country. It also has critical role in the **management and allocation of Climate Change Fund** for priority interventions of the country.

It must therefore not be reduced to a **political and tokenistic appointment platform**; Appointees must be involved in the fight against climate change crisis and be directly **engaged and connected to the stakeholders** and the voices that they are expected to represent.

The national climate change council therefore, must remain to a **credible, participatory, inclusive and accountable institution** that puts the interests of stakeholders, communities and ecosystems at the heart of climate governance.

We are also express **our deep concern** that during the pendency of this case in court, the 2023 amendments to the Climate Change Act 2016, was hurriedly and unilaterally amended, **transferring nomination powers** for Council representatives to the Executive (Office of the President) while ignoring our submissions as civil society, and all non-state actors recommendations. This move directly undermines the **principle of self-selection** by civil society and contradicts Kenya's constitutional provisions on public participation and separation of powers.

As civil society, we remain committed to defending the civic space, **upholding climate justice, and working with all institutions** that respect Kenya's laws and the rights of its people. We look forward to be engaged in selecting our preferred nominee to the council in an open and transparent manner.

We thank all the partners and communities that have supported this course for accountability and transparency in climate governance.

Signed:

MT. KENYA NETWORK FORUM On behalf of Civil Society Organizations in Kenya

Mr. Stephen Kariuki K.

