



REPUBLIC OF KENYA

REMARKS BY HIS EXCELLENCY HON. WILLIAM SAMOEI RUTO, PH.D, CGH, PRESIDENT OF THE REPUBLIC OF KENYA AND COMMANDER IN CHIEF OF THE DEFENCE FORCES, DURING THE 3RD REGIONAL SYMPOSIUM ON GREENING JUDICIARIES IN AFRICA

3rd APRIL 2023

SAFARI PARK HOTEL, NAIROBI COUNTY

**Chief Justices;
Judges;
Judicial Officers;
Diplomats;
Distinguished Guests;
Good morning;**

1. It is inspiring to be here to witness Africa's judicial leadership as you mobilise your juridical authority, intellectual power and moral commitment to intervene in our generation's defining struggle.
2. I am highly encouraged to note the depth of thoroughness in your appreciation of the existential magnitude of climate change and of the imperative for urgent action by all stakeholders, anchored on common institutional coordination.
3. Although climate change is a universal existential threat, there is good reason for Africa's institutions and leadership to drive the agenda of mitigating its effects and eliminating the human activity driving it.
4. The first reason is the fact that Africa is, by far, the least polluting continent, yet it is by far, the most adversely affected by climate change. The entirety of industrial and economic activity from all of the continent's economies contributes less than 5% of the global greenhouse gas emissions. These emissions are the cause of a steady and dangerous rise in global temperatures, which have resulted in the extinction of plant and animal species, rise in sea-levels, disruption in climatic patterns, drought and desertification.
5. The brunt of these adverse impacts has been borne by vulnerable African populations residing in the less developed parts of the world. Droughts are more frequent and more severe; our region has undergone a five-season long drought, which has decimated domestic and wild animal populations, wiped out food crops disrupting and threatening the lives of millions of people.



6. Water stress caused by climate change has been devastating, both directly and as a driver of conflicts over water and pastures. Poverty has been exacerbated by loss of livestock, which forms the mainstay of pastoralist economic livelihoods and massive crop failure, which weakened the foundations of the farming economies.
7. In addition to droughts, African populations are experiencing floods, heatwaves and the outbreak of climate-change related diseases. African livelihood, security and development is in danger and will remain at stake, unless we collectively wage aggressive combat to reverse the situation through policies and other institutional action to implement mitigation, enhance adaptation and build resilience.
8. The looming climate disaster is particularly tragic for Africa, which is entering a new promising era of peace and prosperity as the continent of the future. Many vital indicators affirm that indeed, Africa is rising, powered by its youthfulness, energy, resources and hope.
9. It is important for Africa to undertake concerted action to win the war on climate change, because it is disproportionately affected by its adverse impacts and also because necessary global responses to climate change are going to institute structural change. The institutional reconfigurations and economic resets emanating from this structural change will install Africa, not only as the continent of the future, but as the world's green economic superpower.
10. Africa is abundantly endowed with all the resources required to power green industrialization. Our clean and green power potential is incomparable. Hydro, geothermal, wind and solar power potential is super abundant. The mineral resources needed by green energy technology also exist plentifully in Africa.
11. We are the world's youngest continent, with a mean age of 25 and growing younger every year. Our people constitute a three billion strong market and a pool of skilled, motivated and capable workforce.



12. Future global sustainability will depend on a robust engagement with Africa in many fundamental ways. The world knows this and Africa's institutions and stakeholders must be ready for this engagement.
13. I am very proud of the firm commitment demonstrated by the African Union in this matter. At **COP27**, which was held last November in Sharm El Sheikh, Egypt, Africa's voice was clear. The development path taken by the world's economic and industrial powers is unsustainable and prejudicial to Africa and the Global South. Climate change has brought home that fact, in sobering detail.
14. Africa is emphatic that although prosperity is an urgent goal to liberate our people from the indignity of poverty and inequality, the path of pollution is not an option. The African Union prefers a more ecologically responsible industrialization; one that promotes multisectoral climate resiliency in agriculture and food systems, water resources, energy, transport and infrastructure, among others. **We also insist quite firmly that international development financing must be more appropriate for the needs of our existential moment, in terms of accessibility, affordability and adequacy.**
15. In February, I was encouraged to witness the impressive level of activity accomplished by the African Group of negotiators, especially at COP27, as well as the various African Climate Change Initiatives. The Committee of African Heads of State and Government on Climate Change (**CAHOSCC**), also coordinates various African Climate Change Commissions that are doing extremely important work in many regions of our continent, to implement the Africa Climate Change and Green Recovery Agenda.
16. I am also honoured to lead Kenya's participation in these regional, continental and global climate actions. It is a privilege to join our African brothers and sisters in this good fight, and make our contribution to the defining struggle of our generation. Africa is alive to the imperative of this moment in a way that is simply inspiring.



17. I will share with you Kenya's experience of this journey so far. From the very inception, our aspirations for economic development and shared prosperity have been inextricably tied to a firm commitment to environmental sustainability.
18. The commitment by the people of Kenya goes farther and deeper. When we enacted a new Constitution in 2010, we placed the environment at the foundation of our normative and institutional architecture. The fourth paragraph of our Constitution's **preamble** states that our **respect** for the environment and **determination** to sustain it, was one of the motivating premises in enacting it.
19. **Article 42** entrenches a clean and healthy environment, as a fundamental human right, while **Articles 69 and 70** set out the framework for the enforcement of environmental rights and obligations.
20. Once we enter the domain of rights and obligations, the respective mandates of the three arms of government automatically follow. Under **Article 21**, the State is required, as a fundamental duty, to take legislative, policy and other measures required to actualise these rights.
21. Because of the centrality of land in economic, social, cultural and environmental discourse, the Constitution institutes a robust framework for land and environmental governance, with a dedicated constitutional commission, and the consequential establishment of the Land and Environment Division of the High Court. The court adjudicates matters related to land, including natural resources and environmental sustainability.
22. As a matter of national policy, Kenya has been involved in environmental diplomacy since the early years of our Republic. At the famous **Stockholm Conference in 1972**, we impressed on the United Nations of the need to have a dedicated multi-lateral environmental agency, and lobbied to host it in Africa. As a result, the headquarters of the **United Nations Environment Programme, UNEP**, is based here in Nairobi. It remains the only UN global headquarters in the Global South.



23. In 1992, Kenya called the world's attention to the emerging threat of depletion of the ozone layer by toxic emissions, and to the build up of greenhouse gas emissions, which posed dangerous consequences for life on earth.
24. Today, we remain strongly committed to our national tradition of championing ecological responsibility throughout the world, starting locally.
25. In 2016, Parliament enacted the Climate Change Act, providing us the institutional framework to anchor the national response to climate change. It also legislated the Environmental Management and Coordination Act, which sets out the principles, standards and procedures for the sustainable use, conservation and management of the environment and natural resources.
26. Under the Climate Change Act, I am the chair, for the time being, of the National Change Council and **I must tell you that I take this job very seriously.**
27. In December last year, I launched a national tree planting drive. **The forest and rangeland restoration initiative** aims to grow 15 billion trees by 2032. This will increase the national tree cover from the current **12.3 per cent** to **30 per cent**, which will be three times the constitutionally mandated minimum of **10 per cent**. It will further contribute to our African Landscape Restoration Initiative targets, as well as other initiatives to restore degraded lands, forests and water towers.
28. The government is also taking measures to ensure that every ministry, department and agency aligns its policies, strategies, programmes and projects with our green agenda.
29. Strengthening the role of judiciaries in addressing climate change in Africa, which is the theme of this symposium, is highly appropriate. It is also of fundamental significance to our collective readiness to take up global leadership in a post-transition economic and industrial order, and thus usher the world into a future of green, clean and inclusive prosperity.



30. I congratulate you for holding the third Regional Symposium on Greening Judiciaries in Africa. I also recognise that you are also holding the 3rd Chief justices Forum on Environmental Law, as well as the 3rd General Conference of the Africa Judicial Education Network, on Environmental Law. Thank you for doing it now, and hosting them here in Kenya. We are deeply honoured to be your hosts, and I hope that we have lived up to our reputation for legendary hospitality, magical attractions and delightful experiences.
31. Critically, this event demonstrates, beyond any doubt, that our judiciaries have come of age. We cannot take this development for granted because our judiciaries will determine whether Africa's institutions exist and are ready to handle the immense mandates that a green future entails for us and the world.
32. Claims, disputes, standards, rights and responsibilities related to the use of land and natural resources, the institutional framework for financing climate action, carbon trading and exchanges, and transition management frameworks, are only some of the areas in which our judiciaries are going to be involved. They must, therefore, pronounce themselves in a manner consistent with the values and aspirations of a continent on the rise.
33. Greening our judiciaries will be inevitably multi-sectoral and interdisciplinary. Beyond local and international human rights, constitutional, environmental, trade and economic law, our judiciaries must be exposed to diverse fields such as ecology, economics, agriculture, food systems, trade and finance, carbon markets, energy and infrastructure.
34. To fully play your part in arbitrating and auditing Africa's aspiration to lead a new industrial revolution, our judiciaries will have to collaborate across the length and breadth of our continent, engage with diverse knowledge domains and interact with numerous sectors. They should also formulate a unified understanding of sustainability, as the guarantor of prosperity, peace and security, ecological integrity and human well-being.



35. Your decisions will matter a great deal. They will shape climate governance and enhance environmental justice, by promoting accountability for environmental harm and facilitating collective action by stakeholders.
36. A few days ago, the UN General Assembly passed a resolution that the International Court of Justice renders an opinion obligating the world's biggest emitters to take responsibility for their actions. I equally challenge our judiciary to be creative and imaginative and develop jurisprudence that will enhance climate action based on the polluter-pays-principle.
37. You must not underestimate your capacity because it leads to positive change. I agree with our Chief Justice's statement that our judiciaries should not be left behind in this fight for our sustainable future. I, therefore, urge you to intensify your conscious place in this historic moment, and take a decision to have your voices heard for the sake of our generations and the generations yet to be born. You are here to contribute a chapter to the world's history. I encourage you to proceed and write a fresh chapter of African resilience, sustainability and global leadership, in a new, green industrial age.
38. Together with the rest of Africa, I look forward to receiving a positive report about your robust engagements and fruitful deliberations.

It is now my pleasure to declare the Third Regional Symposium on Greening Judiciaries in Africa officially open.

**Thank you
God Bless you
God bless Africa**

