

# **Public Participation in Development Projects: Going beyond mere Compliance to Environmental Justice**

---

**Kariuki Muigua**

**Table of Contents**

Abstract..... 3

1.0 Introduction ..... 3

2.0 Public Participation and Development Projects: Benefits and Challenges..... 6

3.0 Bolstering Public Participation in Development Projects for Environmental Justice and Sustainable Development ..... 10

4.0 Conclusion ..... 14

References ..... 15

## **Public Participation in Development Projects: Going beyond mere Compliance to Environmental Justice**

**Kariuki Muigua\***

### **Abstract**

*This paper critically examines how public participation can be effectively achieved in development projects. The paper posits that effective and meaningful public participation is crucial in ensuring the success and viability of development projects. It discusses some of the benefits associated with public participation in development projects. Despite playing an important role in the success of development projects, the paper notes that the ideal of public participation is yet to be achieved. It examines some of the challenges undermining effective public participation in development projects. In light of these concerns, the paper explores how public participation can fully realised in development projects by going beyond mere compliance to environmental justice.*

### **1.0 Introduction**

Public participation is a process that directly engages the public and gives full consideration to public input in decision-making processes across all spheres of life<sup>1</sup>. Public participation has also been defined as the involvement of those affected by a decision in the decision-making process<sup>2</sup>. It has been observed that public participation encompasses various approaches through which the civil society, businesses and other non-state actors directly interact with government entities on key governance issues

---

\* PhD in Law (Nrb),SC, FCIArb (Chartered Arbitrator),OGW, LL. B (Hons) Nrb, LL.M (Environmental Law) Nrb; Dip. In Law (KSL); FCPS (K); Dip. in Arbitration (UK); MKIM; Mediator; Consultant: Lead expert EIA/EA NEMA; BSI ISO/IEC 27001:2005 ISMS Lead Auditor/ Implementer; ESG Consultant; Advocate of the High Court of Kenya; Professor of Environmental Law and Conflict Management at the University of Nairobi, Faculty of Law; Member of the Permanent Court of Arbitration (PCA) [January, 2026].

<sup>1</sup> United States Environmental Protection Agency., 'Public Participation Guide: Introduction to Public Participation' Available at <https://www.epa.gov/international-cooperation/public-participation-guide-introduction-public-participation> (Accessed on 15/01/2026)

<sup>2</sup> Parliament of Kenya., 'Public Participation in the Legislative Process' Available at <https://www.parliament.go.ke/sites/default/files/2022-08/FS14%20Public%20Participation%20in%20The%20Legislative%20Process.pdf> (Accessed on 15/01/2026)

including taxation and revenue collection, resource allocation, actual spending and performance, auditing and the management of public assets and liabilities<sup>3</sup>.

Public participation is a key principle of good governance and one of the foundational elements of democracy and human rights<sup>4</sup>. According to the International Association for Public Participation, the concept of public participation is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process<sup>5</sup>. Further, it has been pointed out that public participation includes the promise that the public's contribution will meaningfully influence the final decision<sup>6</sup>. Through this, it is possible to uphold democracy and human rights. It has been observed that democracy is premised on the idea that all citizens are equally entitled to have a say in decisions affecting their lives<sup>7</sup>. Public participation enriches democracy by helping ensure sound decision-making processes that take into account the full, effective and meaningful involvement of those affected by such decisions<sup>8</sup>. Further, public participation plays a key role in fostering human rights. It has been observed that the right to participate in political and public life is a fundamental human rights that plays an important role in empowering individuals and groups, and is essential to eliminate marginalization and discrimination towards realising other human rights<sup>9</sup>.

Due to its benefits, it has been argued that public participation is a fundamental principle that plays a crucial role in promoting democratic governance, the rule of law, social

---

<sup>3</sup> The Global Initiative for Fiscal Transparency., 'Public Participation Principles' Available at <https://fiscaltransparency.net/public-participation-principles-and-guide/> (Accessed on 15/01/2026)

<sup>4</sup> Parliament of Kenya., 'Public Participation in the Legislative Process' Op Cit

<sup>5</sup> International Association for Public Participation., 'Public Participation Pillars' Available at [https://cdn.ymaws.com/www.iap2.org/resource/resmgr/communications/11x17\\_p2\\_pillars\\_brochure\\_20.pdf](https://cdn.ymaws.com/www.iap2.org/resource/resmgr/communications/11x17_p2_pillars_brochure_20.pdf) (Accessed on 15/01/2026)

<sup>6</sup> Ibid

<sup>7</sup> Parliament of Kenya., 'Public Participation in the Legislative Process' Op Cit

<sup>8</sup> Public Participation for Democracy., Available at <http://archive.ipu.org/idd-e/2015-participation.htm#:~:text=Public%20participation%20is%20the%20bedrock,respect%20for%20human%20rights%20worldwide.> (Accessed on 15/01/2026)

<sup>9</sup> Office of the United Nations High Commissioner for Human Rights., 'OHCHR and equal participation in political and public affairs' Available at <https://www.ohchr.org/en/equal-participation> (Accessed on 15/01/2026)

inclusion, economic development and advancement of all human rights<sup>10</sup>. Consequently, public participation has been embraced as key principle of governance at the global, regional and national levels. For example, at the global level, the *International Covenant on Civil and Political Rights (ICCPR)*<sup>11</sup> stipulates the right of every citizen to take part in the conduct of public affairs<sup>12</sup>. Further, at a continental level, the *African Charter on Human and Peoples' Rights*<sup>13</sup> affirms the right of every citizen in Africa to participate in the governance of his/her country<sup>14</sup>. The Charter further requires African countries to foster access to information for all citizens in order to enable them effectively participate in governance of their countries<sup>15</sup>. Public participation has also been embraced in Kenya under the *Constitution*<sup>16</sup> which recognises participation of the people as one of national values and principles of governance<sup>17</sup>.

Despite its importance and recognition at all levels, ensuring full, effective and meaningful public participation remains a challenge in most countries. For example, it has been observed that factors such as inadequate access to information, limited awareness and capacity on best practices and insufficient mechanisms to incorporate public views and feedback into decision-making processes undermine meaningful public participation<sup>18</sup>. Further, it has been observed that geographical constraints and digital divides hinder broad public participation, especially among marginalized groups including indigenous peoples and rural communities<sup>19</sup>. Addressing these challenges is

---

<sup>10</sup> Ibid

<sup>11</sup> United Nations General Assembly, *International Covenant on Civil and Political Rights*, United Nations, Treaty Series, vol. 999, p. 171, 16 December 1966

<sup>12</sup> Ibid, article 25

<sup>13</sup> Organization of African Unity (OAU), *African Charter on Human and Peoples' Rights ("Banjul Charter")*, CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), 27 June 1981

<sup>14</sup> Ibid, article 13 (1)

<sup>15</sup> Ibid, article 9 (1)

<sup>16</sup> Constitution of Kenya, 2010., Government Printer, Nairobi

<sup>17</sup> Ibid, article 10 (2) (a)

<sup>18</sup> International Commission of Jurists., 'The Power and Necessity of Effective Public Participation' Available at <https://icj-kenya.org/news/the-power-and-necessity-of-effective-public-participation/#:~:text=Public%20participation%20is%20the%20foundation,to%20protest%20in%20the%20streets>. (Accessed on 15/01/2026)

<sup>19</sup> Ibid

key towards strengthening public participation for good governance, democracy and human rights.

This paper critically examines how public participation can be effectively achieved in development projects. The paper posits that effective and meaningful public participation is crucial in ensuring the success and viability of development projects. It discusses some of the benefits associated with public participation in development projects. Despite playing an important role in the success of development projects, the paper notes that the ideal of public participation is yet to be achieved. It examines some of the challenges undermining effective public participation in development projects. In light of these concerns, the paper explores how public participation can fully realised in development projects by going beyond mere compliance to environmental justice.

## **2.0 Public Participation and Development Projects: Benefits and Challenges**

Public participation is a fundamental principle that can ensure the success and viability of development projects. For instance, it has been observed that public participation creates openness, transparency and dialogues from the outset of development projects<sup>20</sup>. Through, it is possible to improve public understanding of development projects, their objectives and impacts<sup>21</sup>. Further, this increases the effectiveness of project design and implementation in line with agreed goals and understanding<sup>22</sup>. In addition, public participation enhances credibility, legitimacy and sustainability of development projects by taking into account transparent and inclusive decision-making processes<sup>23</sup>.

In particular, It has been pointed out that public participation is important approach in development projects due to its potential to improve the quality of decision-making at all levels by providing decision-makers with additional, unique information on local

---

<sup>20</sup> United Nations., 'Enhancing Public Participation for Sustainable Development Projects' Available at [https://www.un.org/esa/sustdev/sdissues/energy/op/hydro\\_hongpeng.pdf](https://www.un.org/esa/sustdev/sdissues/energy/op/hydro_hongpeng.pdf) (Accessed on 15/01/2026)

<sup>21</sup> Ibid

<sup>22</sup> Ibid

<sup>23</sup> Ibid

conditions in the context of social, environmental and economic decision-making<sup>24</sup>. Public participation ensures that development projects are effective, responsive, acceptable and well-implemented<sup>25</sup>. For instance, through public participation, decision-makers can obtain and maintain a Social Licence to Operate (SLO) thus ensuring the acceptability, sustainability and effective implementation of development projects<sup>26</sup>. SLO relates to the ongoing approval and acceptance of development projects by the public and local communities among other stakeholders where such projects are undertaken<sup>27</sup>. It has been argued that implementing development projects especially in lands and territories belonging to indigenous peoples and local communities with a SLO can lead to operational delays, disputes, financial costs and litigation, project closure, violence and loss of life<sup>28</sup>. Public participation is therefore crucial in obtaining a SLO by engaging with indigenous peoples and local communities to reach shared agreement and allowing them to have a meaningful voice in deliberative decision-making processes related to their own development<sup>29</sup>.

Public participation can therefore enhance the success of development projects in the quest towards Sustainable Development. For instance, it has been pointed out that public participation is a key principle towards effective management of the environment and natural resources since it allows individuals to express their views on key governmental policies, laws and projects concerning conditions in their communities including the use and access to natural resources<sup>30</sup>. Public participation has been described as an essential

---

<sup>24</sup> Cerezo. L, & Garcia. G., 'Lay Knowledge and Public Participation in Technological and Environmental Policy.' Available at <https://scholar.lib.vt.edu/ejournals/SPT/v2n1/pdf/CEREZO.PDF> (Accessed on 15/01/2026)

<sup>25</sup> Muigua. K., 'Reflections on Managing Natural Resources and Equitable Benefit Sharing in Kenya.' *Law Society of Kenya Journal*, Vol. 15, No. 1 (2019)

<sup>26</sup> Heffron. R.J et al., 'The emergence of the 'social licence to operate' in the extractive industries?' *Resources Policy*, Volume 74, 2021

<sup>27</sup> Ibid

<sup>28</sup> Buxton. A., & Wilson. E., 'FPIC and the Extractive Industries: A Guide to Applying the Spirit of Free, Prior and Informed Consent in Industrial Projects' Available at <https://www.iied.org/16530iied> (Accessed on 15/01/2026)

<sup>29</sup> Ibid

<sup>30</sup> Muigua. K., 'Reflections on Managing Natural Resources and Equitable Benefit Sharing in Kenya.' Op Cit

component of environmental governance<sup>31</sup>. It ensures that all stakeholders are meaningfully involved in the formulation of environmental policies and decisions<sup>32</sup>. Through this, it is possible to successfully design and implement environmental projects in key areas such as climate action, biodiversity conservation and ecosystem restoration towards Sustainable Development<sup>33</sup>.

Ensuring effective and meaningful public participation is therefore vital in the quest for Sustainable Development. For instance, public participation can ensure the successful implementation of renewable energy projects towards Sustainable Development. It has been observed that the successful implementation of renewable energy developments including wind, solar and geothermal projects is key in fostering Sustainable Development by fast-tracking energy transition<sup>34</sup>. Public participation can enable investors to proactively manage relationships with local communities and address human rights, land and environmental conservation concerns towards successful implementation of renewable energy developments in the pursuit of Sustainable Development<sup>35</sup>. In addition, it has been observed that involving the public in conservation efforts can ensure sound management of natural resources for Sustainable Development<sup>36</sup>. For instance, fostering public participation through community-led forest conservation and management has been described as a powerful approach that

---

<sup>31</sup> Wang. Y et al., 'A public participation approach in the environmental governance of industrial parks' *Environmental Impact Assessment Review.*, Volume 101, July 2023

<sup>32</sup> Ibid

<sup>33</sup> Natural Justice., 'A Guide on Public Participation in the Environmental Impact Assessment Study Process in Kenya' Available at [https://naturaljustice.org/wp-content/uploads/2022/10/Guide-to-Participation-in-EIA-Process\\_2022-1.pdf](https://naturaljustice.org/wp-content/uploads/2022/10/Guide-to-Participation-in-EIA-Process_2022-1.pdf) (Accessed on 15/01/2026)

<sup>34</sup> United Nations Development Programme., 'What is the sustainable energy transition and why is it key to tackling climate change?' Available at <https://climatepromise.undp.org/news-and-stories/what-sustainable-energy-transition-and-why-it-key-tackling-climate-change> (Accessed on 15/01/2026)

<sup>35</sup> Building a resilient social license to operate in Africa's renewable energy transition., <https://www.sustainability.com/insights/building-a-resilient-social-license-to-operate-in-africas-renewable-energy-transition/> (Accessed on 15/01/2026)

<sup>36</sup> United Nations., 'Enhancing Public Participation for Sustainable Development Projects' Op Cit

foster Sustainable Development including through forest restoration projects that take into account indigenous and local knowledge<sup>37</sup>.

Public participation is therefore a powerful approach in implementing viable development projects for Sustainable Development. However, achieving this ideal remains a challenge globally. For instance, it has been observed that most countries are struggling to implement effective and meaningful public participation frameworks in development projects due to financial, technical and capacity constraints<sup>38</sup>. It has been observed that creating and maintaining effective and meaningful public participation discourses within both invited and created spaces requires significant resources including time and money<sup>39</sup>. Consequently, it may be difficult to involve all stakeholders in decision-making processes<sup>40</sup>. This often leads to inequalities and discrimination with participation in most contexts being biased towards those with more privilege and more resources<sup>41</sup>.

Due to the foregoing challenges, vulnerable groups including indigenous peoples and local communities are usually excluded from decision-making processes undermining the role of public participation in the quest for Sustainable Development<sup>42</sup>. For instance, it has been observed that development projects are being implemented on lands and territories belonging to indigenous peoples and local communities without their Free, Prior and Informed Consent (FPIC) undermining the tenets of public participation<sup>43</sup>. This

---

<sup>37</sup> United Nations Development Programme., 'Indigenous Knowledge is Crucial in the Fight against Climate Change - here's why' Available at <https://climatepromise.undp.org/news-and-stories/indigenous-knowledge-crucial-fight-against-climate-change-heres-why> (Accessed on 15/01/2026)

<sup>38</sup> United Nations., 'Enhancing Public Participation for Sustainable Development Projects' Op Cit

<sup>39</sup> Stockholm Environment Institute., 'Making space: how public participation shapes environmental decision-making' Available at <https://www.sei.org/wp-content/uploads/2019/01/making-space-how-public-participation-shapes-environmental-decision-making.pdf> (Accessed on 15/01/2026)

<sup>40</sup> Ibid

<sup>41</sup> Ibid

<sup>42</sup> United Nations., 'Free Prior and Informed Consent - An Indigenous Peoples' right and a good practice for local communities - FAO' Available at <https://www.un.org/development/desa/indigenouspeoples/publications/2016/10/free-prior-and-informed-consent-an-indigenous-peoples-right-and-a-good-practice-for-local-communities-fao/> (Accessed on 15/01/2026)

<sup>43</sup> Ibid

undermines the viability and successful implementation of development projects since it leads to violation of fundamental human, environmental, land and customary rights of vulnerable groups<sup>44</sup>.

It is therefore imperative to enhance public participation in development projects for Sustainable Development.

### **3.0 Bolstering Public Participation in Development Projects for Environmental Justice and Sustainable Development**

Public participation is a key principle in ensuring successful implementation of development projects by ensuring that such projects are effective, responsive, acceptable and well-implemented<sup>45</sup>. Public participation can improve the quality of decision-making at all levels by providing decision-makers with additional, unique information on local conditions which can be integrated into development projects for Sustainable Development<sup>46</sup>. However, despite being embraced at the global, regional and national levels, public participation is yet to be fully and effectively harnessed in development projects undermining human rights and Sustainable Development. It has been observed that public participation has become a mere compliance issue where it is being undertaken as a procedural formality to comply with legal requirements<sup>47</sup>. Due to focus on compliance, it has been observed that it is difficult to understand how decision-makers evaluate and apply public input into decision-making processes<sup>48</sup>.

In light of the foregoing, there is need to strengthen public participation by going beyond mere compliance. In particular, it has been observed that fostering environmental justice

---

<sup>44</sup> Ibid

<sup>45</sup> Muigua. K., 'Reflections on Managing Natural Resources and Equitable Benefit Sharing in Kenya.' Op Cit

<sup>46</sup> Cerezo. L, & Garcia. G., 'Lay Knowledge and Public Participation in Technological and Environmental Policy.' Op Cit

<sup>47</sup> International Commission of Jurists., 'The Power and Necessity of Effective Public Participation' Op Cit

<sup>48</sup> Stockholm Environment Institute., 'Making space: how public participation shapes environmental decision-making' Op Cit

is key towards ensuring full, effective and meaningful public participation for Sustainable Development. Environmental justice is a concept that covers the right to have access to natural resources; not to suffer disproportionately from environmental policies, laws and regulations; and the right to environmental information, *participation* and involvement in decision-making processes<sup>49</sup>. Environmental justice envisages the fair and equitable treatment and involvement of people of all races, cultures, nations, and socioeconomic backgrounds in the development, implementation, and enforcement of environmental programs, laws, policies and projects<sup>50</sup>. Environmental justice is attained when every person enjoys the same degree of protection from environmental and health hazards and has access to the decision-making processes to have a clean, healthy, and sustainable environment<sup>51</sup>.

Public participation is at the heart of environmental justice. For example, it has been observed that environmental justice highlights the plight of vulnerable people and communities who bear the most burden when it comes to environmental damage and seeks to give them a voice through access to environmental information and *participation* in environmental leadership and decision-making in order to ensure sustainable and equitable development<sup>52</sup>. Environmental justice seeks to ensure informed and *active participation* in environmental decision-making and governance for every person in order to secure the right to a clean, healthy and sustainable environment<sup>53</sup>.

---

<sup>49</sup> Ako. R., 'Resource Exploitation and Environmental Justice: the Nigerian Experience' Available at <https://www.elgaronline.com/display/edcoll/9781848446793/9781848446793.00011.xml> (Accessed on 16/01/2026)

<sup>50</sup> United Nations Development Programme., 'Environmental Justice: Securing our Right to a Clean, Healthy and Sustainable Environment' Available at <https://www.undp.org/sites/g/files/zskgke326/files/2022-06/Environmental-Justice-Technical-Report.pdf> (Accessed on 16/01/2026)

<sup>51</sup> United States Environmental Protection Agency; 'Environmental Justice.' Available at <https://www.epa.gov/environmentaljustice> (Accessed on 16/01/2026)

<sup>52</sup> Muigua. K., Wamukoya. D., & Kariuki. F., 'Natural Resources and Environmental Justice in Kenya.' Glenwood Publishers Limited, 2015

<sup>53</sup> Toxopeus. M., & Kotze. L., 'Promoting Environmental Justice through Civil-Based Instruments in South Africa' Available at <https://docs.manupatra.in/newsline/articles/Upload/A226F6AC-CCFC-4251-92AA-58CBF12F9BF7.pdf> (Accessed on 16/01/2026)

It is therefore imperative to foster environmental justice in order to effectively harness the role of public participation in Sustainable Development. This involves giving vulnerable groups including women, indigenous peoples and local communities an active, meaningful and effective voice in environmental decision-making processes. It has been observed that excluded and marginalized groups including women, indigenous peoples and local communities are powerful agents of change and environmental justice advocates, if they are allowed the space or platform for their voices to be heard and taken into account in environmental decisions including the design and implementation of development projects<sup>54</sup>. It is therefore important to ensure meaningful participation for vulnerable and marginalized groups and communities in environmental decision-making processes through avenues such as public hearings, commenting, activism, and leadership positions for environmental justice<sup>55</sup>. In particular, there is need to uphold the right to FPIC for indigenous peoples and local communities in development projects in order to strengthen public participation for environmental justice and Sustainable Development<sup>56</sup>. FPIC is a fundamental right of self-determination that ensures participation by all people with a particular focus on indigenous peoples and local communities in development projects in order to ensure that such projects are conducted in a sustainable manner taking into account their economic, social and cultural impact<sup>57</sup>. It is therefore necessary to embrace collaborative approaches including mediation in order to meaningfully involve indigenous peoples and local communities in development projects towards upholding the right to FPIC for environmental justice<sup>58</sup>.

---

<sup>54</sup> United Nations Development Programme., 'Five Steps to Environmental Justice' Available at <https://www.undp.org/blog/five-steps-environmental-justice> (Accessed on 16/01/2026)

<sup>55</sup> 16 Environmental Justice Examples, Issues and Actions., Available at <https://www.causeartist.com/environmental-justice-examples-issues/> (Accessed on 16/01/2026)

<sup>56</sup> Owen, J.R. and Kemp, D., "Free Prior and Informed Consent', Social Complexity and the Mining Industry: Establishing A Knowledge Base," *Resources Policy*, Vol.41 (2014): 91-100

<sup>57</sup> Ibid

<sup>58</sup> Buxton. A., & Wilson. E., 'FPIC and the Extractive Industries: A Guide to Applying the Spirit of Free, Prior and Informed Consent in Industrial Projects' Op Cit

Enhancing access to information is also key towards strengthening public participation for environmental justice. It has been observed that access to environmental information is a prerequisite to effective public participation in decision-making and to monitoring governmental and private sector activities on the environment and natural resources<sup>59</sup>. Access to environmental information empowers citizens and incentivises them to participate in decision and policy-making processes in an informed manner<sup>60</sup>. It is therefore necessary to strengthen public access to environmental information in order to enable every citizens to meaningfully participate in development projects for environmental justice.

Further, it is imperative to open and strengthen avenues of accessing justice in order to enable citizens to uphold their rights including the right to public participation in development projects<sup>61</sup>. Access to justice in environmental matters has been identified as a key pillar of environmental Justice<sup>62</sup>. It gives individuals and communities an avenue to challenge through legal processes the legality of decisions, acts, or omissions that harm the environment including unsustainable development projects<sup>63</sup>. It has been observed that access to justice in environmental matters provides the foundation of the 'access rights' since it facilitates the public's ability to enforce their *right to participate*, to be informed, and to hold regulators and polluters accountable for environmental harm<sup>64</sup>. It is therefore imperative to strengthen access to justice in environmental matters including through court processes and other appropriate channels such as mediation and arbitration in order to uphold public participation in development projects for environmental justice<sup>65</sup>.

---

<sup>59</sup> Friends of Lake Turkana Trust vs Attorney General & 2 others., ELC Suit No. 825 of 2012, (2014) eKLR

<sup>60</sup> United Nations Environment Programme., 'Principle 10' Available at <https://www.unep.org/civil-society-engagement/partnerships/principle-10> (Accessed on 16/01/2026)

<sup>61</sup> Ibid

<sup>62</sup> Brocca. L., 'Access to Justice in Environmental Matters' Available at <https://just-access.de/access-to-justice-in-environmental-matters/> (Accessed on 16/01/2026)

<sup>63</sup> Ibid

<sup>64</sup> United Nations Environment Programme., 'Principle 10' Op Cit

<sup>65</sup> Muigua. K., 'Achieving Environmental Justice through Alternative Dispute Resolution and the Court Process' Available at <https://kmco.co.ke/wp-content/uploads/2024/09/Achieving-Environmental-Justice-through-Alternative-Dispute-Resolution-and-the-Court-Process-2.pdf> (Accessed on 16/01/2026)

Through the foregoing measures, it is possible to ensure full, effective and meaningful public participation in development projects by going beyond mere compliance to environmental justice.

#### **4.0 Conclusion**

There is need to enhance public participation in development projects in order to foster Sustainable Development. Achieving this ideal involves going beyond mere compliance to environmental justice. It is therefore necessary to uphold the tenets of environmental justice including full, effective and meaningful involvement of all citizens in environmental decision-making processes, enhanced access to environmental information and access to justice in environmental matters<sup>66</sup>. Strengthening public participation in development projects is an achievable ideal. There is need to embrace environmental justice in order to realise this dream for people and planet.

---

<sup>66</sup> United Nations Environment Programme., 'Principle 10' Op Cit

## References

16 Environmental Justice Examples, Issues and Actions., Available at <https://www.causeartist.com/environmental-justice-examples-issues/>

Ako. R., 'Resource Exploitation and Environmental Justice: the Nigerian Experience' Available at <https://www.elgaronline.com/display/edcoll/9781848446793/9781848446793.00011.xml>

Brocca. L., 'Access to Justice in Environmental Matters' Available at <https://just-access.de/access-to-justice-in-environmental-matters/>

Building a resilient social license to operate in Africa's renewable energy transition., <https://www.sustainability.com/insights/building-a-resilient-social-license-to-operate-in-africas-renewable-energy-transition/>

Buxton. A., & Wilson. E., 'FPIC and the Extractive Industries: A Guide to Applying the Spirit of Free, Prior and Informed Consent in Industrial Projects' Available at <https://www.iiied.org/16530iiied>

Cerezo. L, & Garcia. G., 'Lay Knowledge and Public Participation in Technological and Environmental Policy.' Available at <https://scholar.lib.vt.edu/ejournals/SPT/v2n1/pdf/CEREZO.PDF>

Constitution of Kenya, 2010., Government Printer, Nairobi

Friends of Lake Turkana Trust vs Attorney General & 2 others., ELC Suit No. 825 of 2012, (2014) eKLR

Heffron. R.J et al., 'The emergence of the 'social licence to operate' in the extractive industries?' *Resources Policy.*, Volume 74, 2021

International Association for Public Participation., 'Public Participation Pillars' Available at [https://cdn.ymaws.com/www.iap2.org/resource/resmgr/communications/11x17\\_p2\\_pillars\\_brochure\\_20.pdf](https://cdn.ymaws.com/www.iap2.org/resource/resmgr/communications/11x17_p2_pillars_brochure_20.pdf)

International Commission of Jurists., 'The Power and Necessity of Effective Public Participation' Available at <https://icj-kenya.org/news/the-power-and-necessity-of-effective-public-participation/#:~:text=Public%20participation%20is%20the%20foundation,to%20protest%20in%20the%20streets>

Muigua. K., 'Achieving Environmental Justice through Alternative Dispute Resolution and the Court Process' Available at <https://kmco.co.ke/wp-content/uploads/2024/09/Achieving-Environmental-Justice-through-Alternative-Dispute-Resolution-and-the-Court-Process-2.pdf>

Muigua. K., 'Reflections on Managing Natural Resources and Equitable Benefit Sharing in Kenya.' *Law Society of Kenya Journal*, Vol. 15, No. 1 (2019)

Muigua. K., Wamukoya. D., & Kariuki. F., 'Natural Resources and Environmental Justice in Kenya.' Glenwood Publishers Limited, 2015

Natural Justice., 'A Guide on Public Participation in the Environmental Impact Assessment Study Process in Kenya' Available at [https://naturaljustice.org/wp-content/uploads/2022/10/Guide-to-Participation-in-EIA-Process\\_2022-1.pdf](https://naturaljustice.org/wp-content/uploads/2022/10/Guide-to-Participation-in-EIA-Process_2022-1.pdf)

Office of the United Nations High Commissioner for Human Rights., 'OHCHR and equal participation in political and public affairs' Available at <https://www.ohchr.org/en/equal-participation>

Organization of African Unity (OAU), *African Charter on Human and Peoples' Rights* ("Banjul Charter"), CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), 27 June 1981

Owen, J.R. and Kemp, D., "'Free Prior and Informed Consent', Social Complexity and the Mining Industry: Establishing A Knowledge Base," *Resources Policy*, Vol.41 (2014): 91-100

Parliament of Kenya., 'Public Participation in the Legislative Process' Available at <https://www.parliament.go.ke/sites/default/files/2022-08/FS14%20Public%20Participation%20in%20The%20Legislative%20Process.pdf>

Public Participation for Democracy., Available at <http://archive.ipu.org/idd-e/2015-participation.htm#:~:text=Public%20participation%20is%20the%20bedrock,respect%20for%20human%20rights%20worldwide>

Stockholm Environment Institute., 'Making space: how public participation shapes environmental decision-making' Available at <https://www.sei.org/wp-content/uploads/2019/01/making-space-how-public-participation-shapes-environmental-decision-making.pdf>

The Global Initiative for Fiscal Transparency., 'Public Participation Principles' Available at <https://fiscaltransparency.net/public-participation-principles-and-guide/>

Toxopeus. M., & Kotze. L., 'Promoting Environmental Justice through Civil-Based Instruments in South Africa' Available at <https://docs.manupatra.in/newslines/articles/Upload/A226F6AC-CCFC-4251-92AA-58CBF12F9BF7.pdf>

United Nations Development Programme., 'Environmental Justice: Securing our Right to a Clean, Healthy and Sustainable Environment' Available at <https://www.undp.org/sites/g/files/zskgke326/files/2022-06/Environmental-Justice-Technical-Report.pdf>

United Nations Development Programme., 'Five Steps to Environmental Justice' Available at <https://www.undp.org/blog/five-steps-environmental-justice>

United Nations Development Programme., 'Indigenous Knowledge is Crucial in the Fight against Climate Change - here's why' Available at <https://climatepromise.undp.org/news-and-stories/indigenous-knowledge-crucial-fight-against-climate-change-heres-why>

United Nations Development Programme., 'What is the sustainable energy transition and why is it key to tackling climate change?' Available at <https://climatepromise.undp.org/news-and-stories/what-sustainable-energy-transition-and-why-it-key-tackling-climate-change>

United Nations Environment Programme., 'Principle 10' Available at <https://www.unep.org/civil-society-engagement/partnerships/principle-10>

United Nations General Assembly, *International Covenant on Civil and Political Rights*, United Nations, Treaty Series, vol. 999, p. 171, 16 December 1966

United Nations., 'Enhancing Public Participation for Sustainable Development Projects' Available at [https://www.un.org/esa/sustdev/sdissues/energy/op/hydro\\_hongpeng.pdf](https://www.un.org/esa/sustdev/sdissues/energy/op/hydro_hongpeng.pdf)

United Nations., 'Free Prior and Informed Consent - An Indigenous Peoples' right and a good practice for local communities - FAO' Available at <https://www.un.org/development/desa/indigenouspeoples/publications/2016/10/free-prior-and-informed-consent-an-indigenous-peoples-right-and-a-good-practice-for-local-communities-fao/>

United States Environmental Protection Agency., 'Public Participation Guide: Introduction to Public Participation' Available at <https://www.epa.gov/international-cooperation/public-participation-guide-introduction-public-participation>

United States Environmental Protection Agency; 'Environmental Justice.' Available at <https://www.epa.gov/environmentaljustice>

Wang. Y et al., 'A public participation approach in the environmental governance of industrial parks' *Environmental Impact Assessment Review.*, Volume 101, July 2023