



FACULTY OF LAW

GEG 6101 MASTER OF ARTS IN WOMEN CHILDREN AND NATURE RIGHTS IN
ENVIRONMENTAL GOVERNANCE

GEG 6107: ENVIRONMENTAL GOVERNANCE

COURSE CONVENERS: Collins Odote; Nkatha Kabira; Elisabeth Rutsate; Chikosa Banda

LECTURE SCHEDULE: Mondays, 6.00- 9.00 P.M EAT; 5.00- 8.00 CAT

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Contact Hours: 45

Purpose of the Course

The purpose of this course is: To interrogate the triple planetary crisis from greening, engendering and decolonial perspectives; investigate key sites of tension and contradiction in the quest for environmental governance; evaluate formal environmental governance frameworks against lived realities for their relevance in African socio-political contexts; and explore the role of non-state and informal actors in environmental governance.

Expected Learning Outcomes

By the end of this course, the learner should be able to:

1. Assess the relevance of principles of international environmental governance to the African socio-political context.
2. Appraise the tensions and contradictions in environmental governance.
3. Evaluate processes, actors and trends in environmental governance.
4. Design environmental governance frameworks that are responsive to women, children and nature rights.

Mode of Delivery

Lectures; Tutorials; Case Method; Seminar discussions; Individual Student and Group Presentations; Problem based learning.

COURSE REQUIREMENTS

Class Attendance and Participation

- As per the University regulations, students must attend **at least two thirds of the lectures** appearing on the timetable to qualify to sit for the examination in the course.
- In addition to class attendance, you are expected to contribute to the class discussions. The mode of instruction is interactive and you are expected to participate fully in the various class activities.
- To excel in the course, you need to complete all reading assignments.

ASSESSMENT

Type	Weighting (%)
Examination	60
Continuous Assessment	40
Total	100

Note that the continuous assessment is a mandatory component of the course and failure to do it renders one ineligible to sit for the examination.

Written Assignments

The objective of written assignments is to develop your legal writing and research skills. It also develops your ability to apply concepts learnt to actual situations.

As per the University regulations, **PLAGIARISM** will not be tolerated and will result in an (E) grade.

COURSE POLICIES AND RULES

- You must attend the class on time.
- Class participation is mandatory.
- The course's E-class provides a great platform for discussion and sharing of course materials. Students are encouraged to make use of this platform.

Core Texts

Core reading materials

1. Agüera Cabo, M. (2011). Environmental Governance from a Gender perspective. Theoretical Reflections and Case Studies.

2. Bennett, N. J., & Satterfield, T. (2018). Environmental Governance: A Practical Framework to Guide Design, Evaluation, and Analysis. *Conservation Letters*, 11(6), e12600.
3. Rajamani, L., & Peel, J. (Eds.). (2021). *The Oxford Handbook of International Environmental Law*. Oxford University Press.
4. Patricia Kameri Mbote, Robert Kibugi & Nkatha Kabira(eds), *Environmental Governance in Kenya: Implementing the Constitutional Framework*, University of Nairobi, Faculty of Law, 2023.

Recommended Reference Materials

1. Dhillon, C. M. (2020). Indigenous Feminisms: Disturbing Colonialism in Environmental Science Partnerships. *Sociology of Race and Ethnicity*, 6(4), 483-500.
2. DeCaro, D. A., Chaffin, B. C., Schlager, E., Garmestani, A. S., & Ruhl, J. B. (2017). Legal and Institutional Foundations of Adaptive Environmental Governance. *Ecology And Society: A Journal of Integrative Science For Resilience And Sustainability*, 22(1), 1.
3. Gurney, G. G., Mangubhai, S., Fox, M., Kim, M. K., & Agrawal, A. (2021). Equity In Environmental Governance: Perceived Fairness Of Distributional Justice Principles In Marine Co-Management. *Environmental Science & Policy*, 124, 23-32.
4. Holley, C., Gunningham, N., & Shearing, C. (2013). *The New Environmental Governance*. Routledge.
5. Kimani, N. (2010). A Collaborative Approach To Environmental Governance in *East Africa Journal of Environmental Law*, 22(1), 27-57.
6. Kotzé, L. J. (2012). *Global Environmental Governance: Law And Regulation For The 21st Century*. Edward Elgar Publishing.
7. Mireri, C., & Letema, S. (2012). Review Of Environmental Governance In Kenya: Analysis Of Environmental Policy And Institutional Frameworks. *Political, Social and Environmental Issues*, 153.
8. Okoth-Ogendo, H.W.O, & Tumushabe, G.W., *Governing the Environment; Political Change and Natural Resources Management in Eastern and Southern Africa* (1999) African Center for Technology Studies
9. Okoth-Ogendo, H. W. O., In Kameri-Mbote, P., In Odote, C., & University of Nairobi. (2017). *The Gallant Academic: Essays In Honour Of HWO Okoth-Ogendo*.
10. Taylor, B., & de Loe, R. C. (2012). Conceptualizations Of Local Knowledge In Collaborative Environmental Governance. *Geoforum*, 43(6), 1207-1217

COURSE STRUCTURE

1.Introduction to Environmental Governance

- 1.1 The Tripple Planetary Crisis
- 1.2 The Place of Governance in Resolving Environmental Challenges
- 1.3 The Concept of Environmental Governance and move from Government.
- 1.4 History of Environmental Governance
- 1.5 The Role of Law in Governing the Environment

References

1. Okoth- Ogendo, HWO and Tumushabe G.W., *Governing the Environment: Political Change and Natural Resources Management in Eastern and Southern Africa*, ACTSPress, 1999.
2. Charles Okidi, Patricia Kameri-Mbote & Migai Akech eds., *Environmental Governance in Kenya: Implementing the Framework Law, 2008 East African Educational Publishers*
3. Sarah E. Light & Eric W. Orts, *Parallels in Public and Private Environmental Governance*, 5 MICH. J. ENVTL. &ADMIN. L. 1 (2015), 1-71
4. Kishan Khoday, 'Decolonizing the Environment: Third World Approaches to the Planetary Crisis' (2022) 19 Indonesian J Int'l L 189
5. A. Feris, 'The Role of Good Environmental Governance in the Sustainable Development of South Africa' (2010) 13 Potchefstroom Elec LJ 73
6. J.P Evans, *Environmental Governance*, (2012), Routledge, Chapter 1
7. Head, John, W., "Reflections on Stockholm, Decolonization, Restoration, and Global Ecological Governance, 19(1) Special Issue, LEAD (2023) 284-301
8. Patricia Kameri-Mbote, et al, "The Role of Environmental Law and Governance in Transformational Change to Address the Triple Planetary Crisis," 19(1) Special Issue, LEAD (2023) 284-301 251-265.
9. Maria Carmen Lemos and Arun Agrawal, "Environmental Governance" 31 Annual Review of Environmental Resources, 2006, 297-325.

2. Philosophical and Foundational Approaches to Environmental Governance

- 2.1. Property, Rights and Nature
- 2.2. Ethics And Environmental Governance
- 2.2. Green Political Thought
- 2.3 Polycentricity, Network Governance, Multilevel Governance, Collective Action, Governmentality (Power / Knowledge), Adaptive Governance, Interactive Governance Theory (IGT), And Evolutionary Governance Theory (EGT).

References

1. Sean Coyle and Karen Morow, The philosophical foundations of Environmental Law: Property Rights and Nature, (2004)
2. Mark Ikeke, Environmental Governance for Security in Africa , European Journal for Sustainable Development , (2020), 9(3) , 67-72

3. Evolution of Environmental Governance

- 3.1 Traditional and Early History approaches
- 3.2 Post World War II Period
- 3.3 The Stockholm Conference and Its Outcomes
- 3.4 From Stockholm to Rio and Key Governance Developments
- 3.4 The Johannesburg Summit Contributions
- 3.5 Rio+20 and the Future We Want
- 3.6 SDGs and Governance Links
- 3.7 UNEA and Current Discourses
- 3.8 The Role of Africa in the Evolution of Environmental Governance
- 3.9 Key Reform Issues

References

4. Principles of Environmental Governance

- 4.1 Key Principles as Soft Law in Environmental Governance
- 4.2 The Principle of Sustainable Development
- 4.3 Key Principles of International Environmental Law
- 4.4 Role of Key Principles in Governing the Environment
- 4.5 Incorporation of the Principles into National and Sub-National Laws and Processes
- 4.6 Barriers to Application of the Principles

References

5. Institutions of Environmental Governance

- 5.1 Role of Institutions in Governing the Environment
- 5.3 The Role of International Institutions
- 5.4 UNEP and its Contributions
- 5.4 The Role of Regional Bodies
- 5.5 Multilevel and Polycentric Governance
- 5.6 Decentralized and Devolved Environmental Governance
- 5.6. The Role of Indigenous and Traditional Institutions

References

6. Implementation, Compliance and Enforcement

- 6.1 Sources of Law

- 6.2 Environmental Law Making
- 6.3 Global, Regional and National Legal and Policy Frameworks
- 6.4. Constitutionalizing Environmental Governance
- 6.4 Customary Laws
- 6.5 Implementation Measures and Hinderances
- 6.6 Mechanisms for compliance and Enforcement

References

7. Actors in Environmental Governance

- 7.1 Key Actors in Environmental Governance
- 7.2 States and Their Relations in Environmental Governance
- 7.3 The Role of Non-State Actors and Major Groups
- 7.4 Corporations and Environmental Responsibility
- 7.5 The Role of Environmental Right Defenders
- 7.6 The Role of Legislatures

References

8. Tensions in environmental governance

- 8.1 Modernity versus traditionalism
- 8.2. Formal versus informal
- 8.3 Nationalism Versus Globalization
- 8.3 Neo protectionism and environmental governance
- 8.4 Neoliberalism and environmental governance
- 8.5 Anthropocentrism versus ecocentrism
- 8.6 Anthropocentricism versus Feminism
- 8.7 Intra versus Inter-generational Equity
- 8.8 Environmental Rights Versus Other Human Rights
- 8.9 Reconciling the Tensions

References

9. Environmental Rule of Law

- 9.1 The Place of Rule of Law in Environmental Governance
- 9.2 Conceptualizing the Environmental Rule of Law
- 9.3 Global Environmental Rule of Law Survey
- 9.5 The Role of the Judiciary in Protecting Environmental Rule of Law
- 9.6 Place of Women, Children and Nature

References

10. Procedural Rights in Environmental Governance

- 10.1 Rio Declaration and Procedural Rights
- 10.2 Access to Environmental Information
- 10.3 Access to Environmental Justice
- 10.4 Public Participation
- 10.5 Lessons from the Aarhus Convention and Escazu Agreements
- 10.6 Procedural Rights within the African Union
- 10.7 Case Studies at the National Level

References

11. Role of Women, Children and Nature in Environmental Governance

- 11.1 Gender Perspectives in Environmental Governance
- 11.2 Ecofeminism
- 11.2 The Role of Future Generations
- 11.3 Role of Youth and Children
- 11.4 Barriers to Effective Participation of Women and Children
- 11.4 Decolonizing, Engendering and Greening Environmental Governance

References