

Authority:

Commission on Administrative Justice – Kenya

Public Entity:

State Department for Environment and Climate Change

Country/State:

Kenya

Case title:

Article 19 EA vs. State Department for Environment and Climate Change

Official citation:

Order of 25 June 2024

Date of decision:

25 June 2024

Relevant law:

Access to Information Act, 2016 (Sections 14(1)(a), 22(3)(a)(i), 23(2)(a))

Decision:

The Commission ordered the Principal Secretary, State Department for Environment and Climate Change, to facilitate access to the requested information and records relating to the Framework of collaboration with Blue Carbon General (Trading LLC) based in the United Arab Emirates.

Key words:

Principles of Right to Information, Article 19 EA, climate change, international agreements, carbon markets

Case Summary**1. Facts**

The requester submitted an application for review under Section 14(1)(a) of the Access to Information Act, 2016.

She sought access to documents relating to the “Framework of collaboration” between the State Department for Environment and Climate Change and “Blue Carbon General (Trading LLC)”, a UAE-based carbon market entity.

The Principal Secretary of the State Department failed to respond to the Commission’s official inquiry (letter dated 2 May 2024).

2. Decision

The Commission, acting under Sections 22(3)(a)(i) and 23(2)(a) of the Access to Information Act, 2016, issued an Order on 25 June 2024.

The Order required the Principal Secretary to provide the requested information to the requester.

The case affirms the obligation of public authorities to disclose environmental collaboration agreements and underscores the constitutional and international significance of access to information in environmental governance.

Note (Optional):

The case demonstrates the authority's power to compel disclosure when a public authority fails to respond to requests under the Access to Information Act, especially in matters with international environmental implications.

Resource:

Link to resolution: N/A