

The Proceedings of the Environmental Policy workshop

Venue: Nakuru Graceland Hotel



Forest Action Network

Date: December 6th 2007

Introduction

Forest Action Network has invited collaborators in the formulation of Kenya's Environmental Policy. Forty collaborators have been drawn from Civil Society Organisations, ministry of environment, Community Forest Association members, the media and MS Kenya partners among other participants, all this are stakeholders of the environment

Environmental Formulation Policy Workshop Proceedings

Summary

The ministry of environment and Natural Resources has come up with a programme to develop a national policy that will support the combination of issues into development policy planning and budgeting. This policy is going to bring about the connection between economic growth, poverty and environment, hence the existence of such a policy is to strengthen many sectoral policies currently in place by ensuring that the environment and its important roles towards the sustainable development are effectively incorporated. In this context FAN has brought together 15 MS Kenya partners and 25 FAN partners to enable them prepare a memorandum on the proposed policy which will be broadcasted on our local media means i.e. the radio and our daily newspapers.

These proceedings summarize the workshop; it refers to particular presentations, panels and breakout sessions and records specific observations that should help us come up with the memorandums that will be presented to the Ministry of Environment and Natural resources.

The organizing Committees comprised of:

Dr.Dominic Walubengo	Director FAN
Ms Anja Therkelsen	Policy Advisor
Mr. Makori James	Facilitator
Ms. Karen Nekesa	Organizer
Ms. Elca Wabusya	Environment Officer
Ms. Mwajuma Abdi	Programme Assistant

Proceedings

Introductions

The meeting was opened by Karen Nekesa the Programme officer of Forest Action Network with a word of prayer from one of the participants, followed by introduction from the participants the aim was to know each other and knowing the objectives of the workshop and programme. This was immediately followed by dividing participants into groups to prepare for discussing the key policy issues. Participants had different expectations for attending the workshop, these were some of the expectations:

- To know and learn about the environmental policy
- To see to it that the problems surrounding environment are solved
- To learn about the environment
- To learn from other participants about the environment problems in their areas and how they are solving them
- To know whether there are environment policy and exist and how best to manage them,
- To know how far the government has gone with the forest Act and environmental policy
- To see how the environmental policy will contain Lake Victoria pollution
- To learn about environmental policy and how best to engage them to the communities at the grass root level
- To see to it that the communities are involved in the policy formulations and their interests put as priority since they determine the status of the environment.
- To get ideas from the participants to come up with a memorandum to be presented to the ministry of Environment

The Organizational Policy Adviser of Forest Action Network pointed out that the aim of the workshop is to help bring ideas that can be included in the policy. The environmental policy will deal with emerging national issues as well as international key related issues as follows:

1. Biological Diversity
2. Sustainable land use
3. Water resource management
4. Sustainable fisheries and marine resources management
5. Pollution control and waste management
6. Energy (Renewable and efficiency)
7. Climate change and variability
8. Disaster preparedness and risk management
9. Integrated Planning and management
10. Environmental information and management
11. Environnement éducation and public participation
12. Environmental Economics
13. Environnement laws/governance
14. Environmental policy analysis

These areas were later split into seven major groups as follows:

Group One

Biological diversity and sustainability

Group Two

Water resource management and Sustainable fisheries and marine resources management

Group Three

Pollution control and waste management Energy (Renewable and efficiency)

Group four

Climate change and variability and Disasters preparedness and risk Management

Group Five

Integrated planning and management and environmental information management

Group Six

Environmental Education and public participation and environmental economics
Environmental law and governance

Remarks from the Director-Dr.Dominic Walubengo

Dr Walubengo had the following remarks as the workshop was concerned, he asked the participants if they had dustbins in their own homes, he further emphasized that people should have place for waste disposal and their drainage well done to avoid water accumulating in one place, he gave an example of Nairobi City where people hang clothes in places that have poor drainage and at the same time cars pass by, this not only makes the clothe have dirt but also pollute the environment. He mentioned that the community should be responsible for their environment; he further gave an example of Kibera slums where it's easy for people to contract diseases especially air borne. Water is important in people's life but they need to take care especially in Kibera where the Nairobi river has been polluted with plastics, hence people mistake this with a bridge as they try to cross especially when they are drunk this has ked to many cases of people drowning in the river, not leaving out the human waste that are drained into the Nairobi river that has led to the formation of the white foam that is added to make it less poisonous, another example that he gave was that of Athi River which has poisonous waters that farmers can use for irrigation purposes since they it contain harmful chemicals.

The director pointed out to two issues that have led to pollution i.e. appointing people with no skills to manage our resources and poor manpower has led to pollution especially those put in charge of water management. On each of the fourteen thematic the director had the following to say:

Fisheries

He gave an example of the Prawns in Mombasa, he pointed out that people in Mombasa don't eat prawns because of the direct sewerage that is disposed directly to the Indian Ocean.

Pollution Control and Waste Management

He emphasized that investors have brain drained Kenya in such away that they bring harmful products to manufacture in Kenya while they do not do the same in their country, this is as a result of the misconception that foreign investors have in Kenya that insurance cover's for Kenyans is cheaper compared to those in their home country .This has further led to them manufacturing goods as they pollute the environment the end products they export to their country, after the good have been used they are then brought back and dumped in Kenya, he gave an example of Mitumba clothes.

Biological Diversity

The director gave an example of wild animals and plants, he pointed out that most of the wildlife have been poached e.g. Porcupines are no longer found in Mt .Elgon apart form the parks, he also mentioned that as a result of the food chain being destroyed hence one species becomes more than the other, or the reverse occurs.

Facilitation Sessions by James Makori

Activity: *Introduction to environmental Policy*

Objectives: *Defining Environmental Policy*

WHAT IS ENVIRONMENT POLICY?

Environmental policy is any course of action deliberately taken or not taken to manage activities with a view to prevent, reduce or mitigate harmful effects on nature and natural resources, and ensuring that man-made changes to the environment do not have harmful effects on humans.

Environment

Environment refers to a broad concept consisting of three main dimensions: i.e. an ecological (ecosystems) dimension, a social (quality of life) dimension and an economic (resource management) dimension.

Policy

Policy can be defined as ‘ a course of action or principle adopted or proposed by a government, party, business or individual’. It focuses on problems arising from human impact on the environment, which retroacts onto human society by having a (negative) impact on human values such as good health or the ‘ clean and green’ environment.

Environment issues generally addressed by environmental policy include:

- Waste management,
- Ecosystem management,
- Biodiversity protection of natural resources,
- Wildlife and endangered species.

Environmental policy instruments

Environmental policy instruments are tools used by governments to implement their environmental policies. Policy instruments to promote environmental protection include official restriction and positive incentives designed to control activities that may be harmful to the environment.

Voluntary measures

- a. Bilateral agreements negotiated between the government and private firms and
- b. Commitments made by firms independent of government pressure,
- c. The implementation of greener public purchasing programmes.
- d. In addition to other official measures, companies and other organizations may voluntarily adopt a variety of market – based measures to highlight their own contributions towards improving the environment

Prevention better than cure.

Environmental policies included more preventive measures and controls imposed on potentially harmful activities. Rather than corrective measures to repair existing damage

Legislative controls.

- i. Prohibit the use of certain harmful substances,
- ii. To set limits on emissions,
- iii. To enforce certain technical standards.
- iv. To make producers responsible for their products as waste,
- v. To limit certain activities in special areas such as nature reserves or car-free areas in cities,
- vi. And to control land use planning.

Economic instruments

- i. Selective taxes and fees,
- ii. Various kinds of subsidies,
- iii. Grants and tax exemptions, for both companies and individual citizens.
- iv. Tradable permits and fees can be very effective to encourage compliance with environmental policy.

Informative measures

Extensive research and monitoring work must be supported and publicized, and public awareness of environmental issues should be increased through education and special training. Other informative measures such as environmental labeling schemes attempt to control consumption patterns by encouraging consumers to use products and services that are less harmful to the environment.

Poverty and the environment

Kenya is one of the poorest countries in the world. The country is subject to several environment – related worrying trends, which put sustainable development at risk. This is particularly true in most densely populated central highlands, which also constitute the high-potential areas, where the most fertile soils and the most intensive agriculture is found.

- Poverty is both a cause and effect of environmental degradation and natural resource depletion:
- Poverty in Kenya is predominantly a rural phenomenon. It is linked in a complex way to the rural households' large dependence on natural resources (mainly soils, biological and forests resources), inefficient agricultural practices, and degradation, declining food production, rapid population growth, land fragmentation and limited access to markets, credits and public services.
- Around 65% of Kenya's population live in rural areas and depend on agriculture and biological and forest resources for their survival. Only 7% of the country's area is arable and 0.9% is permanent cropland.

Health and the environment

- The HIV/AIDS pandemic is having effects on agricultural production and the real possibilities to manage the lands properly, prevent soil erosion and keep up the yields. Agricultural production in Kenya is highly labour intensive and with declining labour supply due to HIV/AIDS and other mortal diseases, soils will continue to degrade and yields decline. Due to HIV/AIDS and several environments – related health risks, life expectancy at birth has actually decreased.

Water and air pollution cause of disease and death.

- Emission of organic water pollutants has doubled since 1980. The sanitary and health conditions in the mushrooming slum areas around Nairobi and among the poorest in the rural areas are particularly serious.

Population and the environment

- Population growth puts scarce natural resources under stress: Kenya's population is projected to reach 40 million by 2015 (UNDP 2001). The pressure on rural lands, forests, water and biological resources will increase dramatically to meet the needs of the growing population.

Urban environmental problems

- Kenya's urban population is predicted to reach 22 Million in 2020. This puts tremendous pressure on the urban environment and infrastructure, particularly in Nairobi, where the quality and coverage of the sewerage and waste management services is very poor, especially in the squatter or slum areas.

Capacity development, institutions, legislation, and the environment

- What is lacking is the capacity to monitor and enforce existing legislation, and to implement the current environmental policies.
- Conflicts over arable land, large vulnerability to droughts and floods. At present, there is a lot of tension in the country, of which some is natural resource and poverty based. The vulnerable and the poor due to land scarcity and fights over grazing and agriculture land, mainly in the Rift Valley. Given the increased levels of resource-based poverty, it is necessary to keep an eye on the use, allocation and management of the (semi-arid) arable lands to prevent an escalation. Further, the poorest in the high-potential arrears and the arid and semi-arid lands are extremely vulnerable on food security.

Risks of conflict, vulnerability and the environment.

- Conflicts over arable land, large vulnerability to droughts and floods. At present, there is a lot of tension in the country, of which some is natural resource and poverty based. The vulnerable and the poor due to land scarcity and fights over grazing and agriculture land, mainly in the Rift Valley. Given the increased levels of resource-based poverty, it is necessary to keep an eye on the use, allocation and management of the (semi-arid) arable lands to prevent an escalation. Further, the poorest in the high-potential arrears and the arid and semi-arid lands are extremely vulnerable on food security.

The environmental situation and sustainable development

- Land degradation increases the population pressure on cities and coastal zone:
- A key environmental problem is land degradation, including soil erosion and decline in soil fertility.
- It results in downstream siltation of dams, hydropower generation and coastal resources.
- Other key issues include localized water scarcity and drought, increasing pressure from tourists on coastal zones and marine and savannah biodiversity.
- Further, bio-based energy resources are scarce; most people (80%) depend on fuel wood and charcoal,
- sufficient and sustainable supply of energy resources poses a real challenge from the country in light of the growing population and the slow development of other energy resources.
- The cost of deforestation (net loss of commercial timber) amounts to 4.8% of GDP in 1999 (according to the World bank, 2001).
- In the urban areas, air pollution from the traffic is the major cause of a lot of respiratory diseases, compounded by poor sanitary and sewerage services among the poor.

The process through which policy is created

- a. A particular Ministry/Government department will consider that a certain issue requires particular attention, and that the Government should give guidelines on desired objectives and guidelines in the said area. This may be an idea from within the Ministry or arising from the pressure of stakeholders.
- b. The Minister will then discuss the same in a cabinet meeting and get approval for technocrats within his Ministry to come up with a draft policy paper.
- c. It will then require cabinet approval.
- d. Upon approval, it will be tabled in parliament as a policy/sessional paper

- e. If passed it will be published as a sessional paper for implementation by the relevant Ministry
- f. At all stages, the Ministry may receive and consider representations by members of the public on a particular issue

Activity: *Key Policy Issues*

Objectives: *To identify and analyses key policy issues*

Biological diversity and Sustainable land use systems. (Including arid and semi arid lands, forests, tourism and wildlife)

- a. Should we give a greater role to private individuals? Examples of private ranches, community forests, private forests
 - b. Consider how to deal with foreign species e.g. “mathenge” in Baringo
 - c. Consider invasive species like water hyacinth
 - d. Many issues arising from Malindi-encroachment on beaches, blocking public access
-
- a. Also from Malindi, salt mining at the sea. How do we protect the marine environment?
 - b. How do we resolve human wildlife conflicts? - Tsavo, Laikipia, Baringo
 - c. How to deal with poaching of wildlife
 - d. How to protect wildlife from land use changes, example of wildlife corridors
-
- a. Consider land tenure and ownership matters, for instance should women be given titles?
 - b. How can we control indigenous land use systems such as nomadism/pastoralism? Is it a sustainable mode of operation?
-
- How should we deal with illegal logging?
 - Is there a mechanism for handling forest fires?
 - Encroachment into forests and conversion of forest land to other uses
 - Is there protection for indigenous trees in forests?
 - How to reduce dependence on forests as a source of energy
 - How can we promote farm forestry or community efforts in creation, management and conservation of forests?

Water resource management and Sustainable fisheries and marine resource management. [Lakes, rivers, wetlands, and ground water]

- a. How can we strengthen global co-operation, see a country like Somalia with no stable government
- b. Encroachment and destruction of mangroves
- a. Look at whether there is any threats to coral shells
- b. Waste disposal in the waters

- a. How do we protect our water catchment areas
- b. How do we protect ground water-proliferation of boreholes
- c. Management of wetlands, swamps
- d. Sustainable fisheries management

Pollution control and waste management [look at urbanisation, mining, transport and industrial activities]

- a. How do we minimize waste?
- b. How should we manage hazardous waste, such as medical waste, industrial waste
- c. Open dumping at Dandora, how should we deal?
 - Do the local authorities need new laws on planning settlements, building codes, proper transport systems?
 - Do we always carry out environmental impact assessments before licencing industries?
 - Should there be guidelines for sand harvesting and quarrying?
- a. How should waste be transported? Open trucks spilling all along the way
- b. How do we create an appropriate balance between industrialization and environmental management?

Energy (Renewable and efficiency). Climate Change and Disaster preparedness and risk management.

- a. Look at new energy generation sources such a vegetable oils. Consider attempts to generate fuel from maize/corn in America
- b. How can we allow poor people access to clean energy e.g. LPG
- c. What threat is posed by deforestation?
 - Climate change impact felt by irregular weather patterns and droughts and floods
 - Snow caps on big two mountains reduced, a sign of rising temperatures
 - Hw do we adapt to climate change and variability?
 - How did our ancestors deal with weather changes? Traditional knowledge
 - There are new disasters all the time e.g new diseases such as ebola, bird flu. How do we reduce risk?
 - Our government declared AIDS a national disaster
 - Do we have or need an office for disaster preparedness?

Integrated planning and management (Cross-sectoral planning), and International cooperation & trans-boundary resource management

- Various sectors to come together and harmonise priorities
- Environment should not be regarded as a free resource that is just to be exploited at will

Environmental education and public participation [information, education, awareness and participation]

- Issues include:
 - a. Development of a curriculum or syllabus
 - b. Training of personnel
 - c. Development of teaching materials
 - d. How to monitor and evaluate
 - e. Translation into local languages
- a. How can we exploit the knowledge of indigenous communities?
- b. How can we preserve indigenous tribes who derived livelihoods from e.g. forest?
- c. Do you believe that women are playing a proper role?
- d. How do we encourage youth to participate? See for example clean up exercises, youth environment clubs

Environmental Law/Governance [policies, laws]

- a. What penalties can be imposed to act as dis-incentives e.g. tax on plastics
- b. What should be done about environmental regulations? What regulations should be there for instance about agriculture in urban areas?
- c. How can we bring into operation international conventions and treaties

How can we effectively enforce compliance with existing rules?

Comments and Questions (after the second session)

- How can ministries come up with rules and regulation that are suitable to the community since each ministry comes up with rules and regulations that are conflicting?
- Issues that arose, the issue of Nyando flowing into Lake Victoria and the emerging issues of the conflicts between Lake Victoria countries and Egypt.
- Some tribes in Kenya use forests for ceremonies hence this should also be put in consideration when drafting the policy.
- If people in CSO don't move first to create a conducive environment the fish from the gulf will be declared unfit for human consumption as a result of contamination.
- In Malaba there is a river called Lwihakha but the county council do not take into consideration the many dumping materials that have been

littered in the river. It is their plea that the administration can enter in control of this.

Facilitators comment

The government and Egypt had agreed that the Kenyan government should pull down the building in Ziwani to allow for the high rise building but it didn't take place. There is treaty that prevents Kenyans from accessing Lake Victoria fully.

Objectives: *Typical weaknesses that need to be overcome when trying to form a model environmental*

Activity: *Obstacles /Challenges in making policies*

OBSTACLES/CHALLENGES IN MAKING POLICIES.

Challenges that will be faced in putting in place and implementing an effective environmental policy

CONSTITUTION

- This is the basic law of our land
- Good and Clean Environment not one of the rights guaranteed in the bill of rights.
- Time for inclusion?

“SMALL” MINISTRY

- Environment marginalized
- Not properly funded, most of our GDP goes to health, education and wage bill
- Lack of sufficient study of successes and failures
- More focus is on processes, not on impact of policies on environment

WHO WILL PAY?

- Is there a connection between poor policy enforcement and poverty?
- When we implement new rules e.g. ban on plastics, who should meet the cost?
- Cost of e.g. water is subsidised heavily by government. Should Kenyans pay more for better services?

ENVIRONMENT CUTS ACROSS ALL SECTORS

- E.g. mining, road construction, agriculture, water and transport
- How do we ensure that environment is considered a major factor when all these sectors are considering their policies?
- How can we create linkages between all sectors?

IMPLEMENTATION

- For example, is our EMCA enforced? See e.g. water standards, air quality standards
- Does our method of planning make implementation difficult?
- Do we need more laws that state actions that need to be done, as opposed to restrictions?

MONITORING OUR PROGRESS

- How much time do we have?
- Is it sufficient to ensure quality analysis of issues, participation by stakeholders?

POLITICS

- Do we have the required political will to succeed
- Consider recent ministerial directives allowing shamba system, sand harvesting, hawking in the streets and their impacts on the environment. See issues such as Mau Forest

ROLE OF THE CITIZEN

- Why do we wait for Ministries to come up with policies?
- Does the ordinary Kenyan have the capacity to ensure a policy issue is discussed?
- What is the likelihood of the Government implementing a policy forced upon it, say by an opposition member?

ROLE OF PARLIAMENT

- Parliaments all over the World have parliamentary implementation committees to ensure that policies are working?
- Why do we not have one?
- Cabinet meets only once a week at most, with lost of issues to discuss? Should there be another forum to approve policies?

ROLE OF WOMEN

- They are marginalized in land ownership matters; lack of access denies them an incentive to manage resources sustainably; yet they are more dependent on natural resources

ROLE OF “OUTSIDERS”

- Our environment policies need to be home-grown and to be formulated and adapted to deal with local conditions
- It should not appear as if policy is being made due to pressure from other countries or international organizations

REGIONAL APPROACH

- For natural resources that cut across borders, consider whether need co-operation of our neighbours. Consider Lake Victoria

SCIENTIFIC KNOWLEDGE

- Do we have the required scientific knowledge to deal with new challenges, such as genetically modified foods?

Comments and Questions (After group seven presentations)

1. The issue of taxation on plastic has been twisted by the government to increase tax collection but the environmentalists feel that it has not achieved much since the environment is still polluted with plastics everywhere,
2. Kenya has contributed to almost 90% of Lake Victoria's pollutions and the treaty signed in the 80's was an error and there can be a way out of it if well negotiated
3. Does the government put in consideration the when appointing people according to areas of expertise
4. The issue of HIV/Aids should have rules and regulations regardless of religion ,women should be have a way of being enlightened on this issue and the youth should also be given a chance in environmental matters.(Coastal Arabuko Sokoke)
5. In order for the policy to succeed, publicity should be enhanced so that the people can understand it and implantation of the policy has been poor as a result of corruption or lack of resources .There should be a clear guideline as to who is to implement this policy if well jointly e.g. Kenya Forest Service they are being overtaken by the community (Arabuko Sokoke)
6. The youth and women should be engaged from the grass root level ,if well the Community Based Organisation and church Based organization should be used as they are in a close contact with the community for implementation
7. The women should be educated and enlightened as to why they can not access the forest resources
8. In Policy making that benefit from it and those people that cry fowl since it doesn't work to their benefit or favor(Dr.Walubengo)

Questions and Comments (after the first presentation by the Facilitator)

1. One participant pointed out that there is a lot of degradation in their area but they are unable to enforce it. How can they enforce such laws with the help of FAN?

Reactions

It is hard because there is no evidence to sue someone since there were no environmental standards hence one needs enough evidence.

2. Does a policy need to be gazetted?

3. Most of us are ignorant of the legislation put forward also a result of the loopholes in the law.
4. In North Eastern they have environmental impact problems but the central government has integrated with the whole process especially the refugees this is because they are never a part of the implementation in anything that goes on in this country (Wajir)
5. Animals are moving to people's farms as a result people have started to clear forest how can they be helped (Marakwet participants)
6. The participant could not understand why in North .Eastern they don't have resources but in Nyanza the government has restricted the community from using the resources? (Nyanza participant – Kisumu)
7. There are no disposal sites for hospitals wastes, why hasn't the government not provided disposal sites for such hospital wastes in the district?(Kisumu)
8. The government has not taken any initiative in involving the communities in implementing these Acts e.g. the Forests Act, 2005
9. The government put forward the industrial policy but still the industries are still polluting the environment, the investors have done less concerning the pollution since they feel they have created employment opportunities for Kenyans example is the Webuye Pan paper.
10. Politicians have gotten involved in destruction of forests; they have settled people on the forest land as the population continues to grow it is going to be tough for the forest to be maintained since they cut trees for use. It's the government officials that are involved in the in forest destruction
There is no clean follow up and monitoring (Arubuko Sokoke)

Comments from the facilitators as per the questions and comments of the participants:

- There has always to be evidence in any case put forward in court, that a mistake has been done.
- Ensure that the substance and forms are in order
- Mr. Makori pointed out that even the lawyers are ignorant as they rely on precedents that were passed long term

Group Work

Activity: Group work

Objective: Group work to give inputs and recommendations for the thematic areas identified under the environmental policy.

This session provides a brief summary of the groups that occurred during the workshop. The following focuses specifically on issues that were raised in each thematic group session, what they discussed in there respective groups, problems and how to solve them.

The following were the issues that were raised in the seven groups:

Group One: Biological Diversity and sustainable Land use and systems

Leader: Mr. Masake

The group discussed about the arid and semi arid lands, forests, tourism and wildlife, it's also to be noted that most of the 88% of the arid and semi arid areas are covered with wild life. These were the outcomes of the discussions of group one:

Key Issues/Problems/Challenges

- Land Tenure/Ownerships
- Size of available land
- Land conflicts
- Deforestation
- Overstocking that has led to overgrazing
- Human Encroachment to wildlife corridors
- Bad Governance
- Nomadism
- Loss of biodiversity e.g. fish species, porcupine

To help solve the above challenges and problems the group came up with the following list of institutions that can help solve them:

- Relevant Ministries Ministry of Agriculture. Ministry of Environment and Natural Resources, Ministry of Labor, Ministry of Water.
- Faith Based organizations
- NEMA should be made an independent body
- Private ranches and private forest to be encouraged

Solutions to the above problems and challenges

The group came up with the following solutions that can help mitigate the issues:

- Everybody to own land regardless of gender
- Change of Trust Land to Community land especially in North Eastern
- In arable land, there should be improved technology that can increase production
- Creation of good policy from the grass root level
- Land Conflicts should be solved through land demarcation especially where water catchments areas
- Pastoralists who have a lot of animals to be sensitizes on the importance of keeping few animals that are manageable
- Creation of permanent settlement for people, wildlife and equal distribution of resources

Group Two: Water Resource Management & Sustainable Fisheries and Marine Resource Management

Leader: Mwajuma Abdi

Here the participants were trying on how we can strengthen global cooperation, the threat to natural resources like the coral reefs, waste disposals, management of wetlands, swamps among others. These were some of the issues that the groups came up.

Key Issues:

- Lack of quality water
- Lack of quantity water
- Protection of catchments areas
- Protection /Encroachment of rivers /lakes shores
- Destruction of wetlands
- Siltation of rivers /lakes oceans and dams
- Water pollution (Industrial Municipals)
- Land Degradation due to poor land use practice
- Deforestation

For this issues to be solves the groups came up with the following institutions that can help solve the above challenges:

1. Water Service Board
2. Water Sewerage Companies
3. Water Resource management Authority
4. Water users Association
5. Fisheries research
6. Ministry of water
7. Beach Management Union
8. Kenya Forest Service
9. Community Based Organisation
10. Non governmental Organisations
11. National Environmental Management Authority

Over coming thé challenges.

The group came up with the following solution to over come the challenges that are facing water resource management & sustainable fisheries and marine resource management:

- The constitution of Kenya **MUST** address the management of natural resources and environment.
- Consolidate all the environmental Acts with EMCA
- Mandatory environmental education from the primary school
- All waste management justification under one body
- Promote scientific research on environment
- Women should not be discriminated by culture in management of natural resources

- Enforce Polluter pay principle

Plant Trees on the Catchments areas

This will be enhanced by:

- Enforce river banks, lakes swamps e.g. (30M) to reduce siltation.
- Pass a wetland policy for wetland management
- Improve physical planning Act to guide all development
- Treatment of waste must be mandatory before discharge
- Harvesting of rain water
- Enforcement of the laws.

Group Three: Pollution Control and Waste Management & Energy (Renewable and Efficiency)

Leader: Mr. Kimokoti

The main aim of this group was to come up with issues that can minimize wastes e.g. by generating little wastes and how to manage hazardous wastes like medical waste and industrial wastes.

The group came up with the following key issues as outlined below:

Key Issues

1. Dumping wastes

Problems

- dumping wastes can cause outbreak of diseases like typhoid cholera dysentery,
- The animals living in water like the fish are likely to die because of the poisonous water they drink

Challenges for dumping

- No follow up for implementing these policies
- Poor planning by the local authority
- Ignorance on those who dump the waste as they are not aware of the rules and regulations
- Corruption on the part of the government officers, who comprise to hide a few health concerns
- Lack of political will e.g. the government leaders have no will to correct

2. Hazardous wastes and chemicals

Problems

- Hazardous wastes kill animals because they are poisonous
- They cause respiratory diseases to human beings

Challenges

- Poor planning
- Corruption

3. Environmental Impact Assessment before licensing

Problems

- The government leaders do not carry out a thorough environmental assessment to determine if the industries have the capacity to direct its wastes to the right places
- Displacement of the local community
- Air pollution
- Poorly disposed chemicals may damage the environment

Challenges

- Lack of planning for settlement
- No follow ups done

4. Sand Harvesting and Quarrying

Problems

- Sand harvesting has led to soil erosion
- Overgrazing
- Policy Conflicts
- Population

Group Four: Energy (Renewable and efficiency), climate change & Disaster preparedness and risk management

Leader: Elca Wabusya

1) Energy

Key issues

- Over reliance on fossil fuels (petroleum products & industrial sector)
- 80% of population depend on fuel wood
- Low access to electric power/clean source of energy
- Inefficient use of the available energy
- Untapped sources of energy e.g. wind, solar energy and biogas

Institutions

Institutions that can come together and work to solve this energy problems are for example Ministry of Energy, Kenya Power and Lightning Company(KPLC) Kengen, Kenya Bureau of standards (KEBS), National Environmental Management Board(NEMA), Research and learning institutions like Jomo Kenyatta University of Agriculture (JKUAT).

How to overcome the challenge

- Rely more in the untapped renewable energy sources e.g. solar, wind, hydro, biogas
- Adopt new sources of energy e.g. biofuel (from maize and corn)
- Research on energy conservation technologies (eg. Energy saving jikos)
- Government to subsidize the cleaner energy sources e.g. LPGs

2) Climate change

Key issues

- Increase in Green House Gases which include, Sulphur dioxide (SO₂), Carbon dioxides (CO₂), carbon monoxide (CO), Methane (CH₄) and chloro fluoro Carbons (CFCs)
- Reduction in forest cover
- Poor waste management

Institutions

National Environment Management Authority (NEMA), Kenya Bureaus of Standards(KEBS), local authorities, research institutions, Kenya Forest Service(KFS)Ministry of Environment and Natural Resources, (MENR)

How to overcome challenges

- Raise the forest cover (national) to 10%
- Use of environmental friendly sources of energy eg. Wind , solar etc.
- Minimize waste production through 4 Rs (Reduce, Reuse, Refuse, Recycle)
- Proper waste management.

3) DISASTER PREPARENESS & RISK MANAGEMENT

Key issues

- Poor land use systems e.g. Cultivation in hilly areas that has caused landslides
- Deforestation that has led to leads to flooding, desertification
- Lack of proper fire fighting facilities
- Congested settlement areas that has encouraged the rapid spread of diseases like cholera
- Poor sanitation that has led to diseases like cholera
- Lack of devices/stations to detect earth tremors and quakes.

Institutions

Meteorological department, research and learning institution, Department of Remote Sensing and Resource Survey (DRSRS),Kenya Forest Service(KFS) Kenya Forest Research Institute(KEFRI)

Proposed institutions

The following are some of the institutions that the participants put forward to be established:

- Disaster management preparedness units
- Functional devices and stations for detecting earth tremors

How to overcome the challenges

- Awareness creation on disaster prep. and risk management
- First Aid and risk management to be taught in schools
- Improve urban and rural sanitation
- Proper land use and settlement
- A forestation & reforestation processes and practices
- Periodic assessment of the performance of the existing institutions.
- Equitable distribution of natural resources.

Group Five

Integrated planning and management and environmental information management

Group Six

Environmental Education and public participation and environmental economics

Leader : Mr.Oriwa

Environmental law and governance

Challenges

- Inadequate human personnel for awareness creation
- Inadequate financial resources to carry out sensitization programmes
- Lack of clear methodology
- Lack of Government commitment
- Lack of environmental curricula
- Lack of involvement of women and youth in environmental education
- Lack of capacity on environmental stakeholders (the policy, the judiciary)

Institutions

The following institutions can help in solving the above challenges:

- National Environment Management Authority(NEMA)
- Education department should be increased in capacity
- Legal department should be increased in capacity

How to overcome

- Use of environmental by products
- The media (radio) exchange programmes
- Entrancement of environmental education in the curriculum from primary school level
- Translate the policy into local languages
- Adequate budgetary allocation for environmental education and public participation
- Capacity enhancement of the Provincial Environmental Committee(PEC), District Environmental Committee(DEC)
- Establishment of div and local committees

Use of other local meeting/cen **Group Four: Energy (Renewable and efficiency), climate change & Disaster preparedness and risk management**
Leader: Elca Wabusya

1) Energy

Key issues

- Over reliance on fossil fuels (petroleum products & industrial sector)
- 80% of population depend on fuelwood
- Low access to electric power/clean source of energy
- Ineffecient use of the available energy
- Untapped soruces of energy e.g. wind, solar energy and biogas

Institutions

Institutions available eg. Ministry of Energy, KPLC, Kengen, Kenya Bureau of standards (KEBS), NEMA, Research and learning inst. (JKUAT)

How to overcome the challenge

- Rely more in the untapped renewable energy sources e.g. solar, wind, hydro, biogas
- Adopt new sources of energy e.g. biofuel (from maize and corn)
- Research on energy conservation technologies (eg. Energy saving jikos)
- Government to subsidies the cleaner energy sources e.g. LPGs

2) CLIMATE CHANGE

Key issues

- Increase in GHG (CFCs, CO₂, CO CH₄ etc.)
- Reduction in forest cover
- Poor waste management

Institutions

NEMA, KEBS, local authorities, research institutions, KFS, MENR

How to overcome challenges

- Raise the forest cover (national) to 10%
- Use of environmental friendly sources of energy eg. Wind , solar etc.
- Minimize waste production through 4 Rs (reduce, reuse, refuse, recycle)
- Proper waste management.

3) DISASTER PREPARENESS & RISK MANAGEMENT

Key issues

- Poor land use systems eg. Cultivation in hilly areas – landslides
- Deforestation – leads to flooding, desertification
- Lack of proper fire fighting facilities
- Congested settlement areas – rapid spread of diseases
- Poor sanitation – diseases like cholera
- Lack of devices/stations to detect earth tremors and quakes.

Institutions

Meteorological department, research and learning institution, DRSRS, KFS

Proposed institutions

- Disaster management preparedness units
- Functional devices and stations for detecting earth tremors

How to overcome the challenges

- Awareness creation on disaster prep. and risk management
- First Aid and risk management to be taught in schools
- Improve urban and rural sanitation
- Proper land use and settlement
- Afforestation & reforestation processes and practices
- Periodic assessment of the performance of the existing institutions.
- Equitable distribution of natural resources.

Group Five

Integrated planning and management and environmental information management

Group Six Environmental Education and public participation and environmental economics

Environmental law and governance

Challenges

- Inadequate human personnel for awareness creation
- Inadequate financial resources to carry out sensitization programmes
- Lack of clear methodology
- Lack of Government commitment
- Lack of environmental curricular
- Lack of involvement of women and youth in environmental education
- Lack of capacity on environmental stakeholders (the policy, the judiciary)

Institutions

- NEMA
- Education department should be increased in capacity
- Legal department should be increased in capacity

How to overcome

- Use of environmental by products – the four Rs
- The media (radio) exchange programmes
- Entrancement of environmental education in the curriculum from primary school level
- Translate the policy into local languages
- Adequate budgetary allocation for environmental education and public participation
- Capacity enhancement of the Provincial Environment Committee(PEC), District Environment Committee(DEC)
- Establishment of div and local committees
- Use of other local meeting/centres – like chief barasas and religious meetings
- Dialogue and discussions and announcement in public radios FM stations

Additional comments to the group - Incentives for change (Environmental economics)

Promote schemes for Industries and Corporate of CSR

- Like supplying water to the community and they collect the waste form the surrounding the communities to use as energy
- Using the by-products in production of other products or creating energy
- Promote partnerships with the Corporate Kenya to get the economic resources that are needed to create a better environment and educational programmes. The same efforts in the general environmental area from the forest sector and HIV/AIDS

Group Seven: Environmental Law and Governance (Policies and Laws)

Leader: Gathie Benson

Key Issues

- Pollution of rivers/water ways
- Deforestation
- Dumping of wastes
- Infrastructure
- Pastoralists
- Air Pollution
- Decentralization

Problems

- Diseases that affects animals, fishes and animals
- Climatic Change this has led to scarcity of rains, natural disaster which affect the living things.
- Disaster that lead to poor planning, lack of law enforcement corruption, cause of deaths e.g. in Nairobi River, and Huruma.
- Soil Erosion for instance when people have to move their cattle cause erosion
- Foot and Mouth Diseases – moving cattle to new places because of shortage of grass there is a spread of diseases
- Destroy drainages /sew line and tap water
- Human Health that leads to disease like breast cancer,
- Iron Sheet destruction – from the dust blowing

Challenges for Policy Formulation

Failure of involving the community by the stakeholders e.g. sectoral ministries ,NEMA ,City council ,Municipal Council, County council and Politicians, pressure groups administration ,pastoralists and mass media.

Overcoming and achievements of success

1. Capacity Building the following groups: Politicians, Councils and Staff CBOS, Pressure groups and Faith based organizations
2. Implementation and Networking
3. Monitoring and Evaluation
4. Environmental courts to be introduced in high court
5. .Strengthen National Environment Management Authority(NEMA)

Additional comments

Governance

- Decentralization – structures for NEMA how can they be supported by other actors and local authorities. For instance it is important to note that local authorities can make by-laws to support implementation of sound environmental management.
- The current institutional arrangements are weak. NEMA is seen as a state operation under the MENR and don't have any powers in relation to other Ministries like Water and Agricultural.
- NEMA needs to be strengthen and with economic and human resources. It could be consider whether it should be made into a service - The Kenya Environment Services to give it certain powers to monitor and be responsible for implementations like other parastals like KFS and KWS.

Judiciary

- Court cases take too long and access to the judiciary is difficult and expensive. The National Environmental Tribunal that is set up under EMCA 1999 is easier to access and less expensive. However, there is need to create awareness on it functions and presents. In addition it should decentralized to have outlets in Provincial capitals
- A special court for environmental issues should be established and there should be set a limit to how long cases should wait.
- Fines or penalties – should be put in kitty that will support will be used to remedy the destroyed environmental well as support programmes that help in implementation of the environmental laws.
- Promote that at village level you can also develop environmental management plans where the village decides to fine people if they throw litter and use plastic bags.

Way forward

Activity: Feedback from the groups

Objectives: to Clarify the way forward on the developing the policy memorandum

- This was put forward by the director, Forest Action Network, he indicate that a memorandum be presented to the Environment Policy Steering Committee
- A radio producer to interview the participants(Mary Mamati),this will be aired on FAN's Kenya Broadcasting Programme on Sunday at 4.30 PM right after news
- The policy to be circulated to all parts of the country for review purposes.

Closing Remarks

The closing remarks were done by the director, he thanked all the participants for their meaningful contribution and attendance ,he emphasized that the environmental issues should be taken seriously as its not just about planting trees,. He gave vote of thanks to the following people:

The participants for their contributions and comments

1. Mr.James Makori for facilitating the workshop diligently
2. Karen Nekesa for the successful orgainsation of the meeting
3. Mwajuma Abdi for her contribution