

ENHANCING ENVIRONMENTAL SUSTAINABILITY AND CLIMATE CHANGE RESILIENCE THROUGH CAPACITY BUILDING AND POLICY ADVOCACY

Introduction

Previous studies show that charcoal industry contributes above 32 billion Kenyan shillings to the Kenyan economy with current ones indicating a figure of around 100 billion Kenyan Shillings. However this industry has been ignored and left unregulated for decades although the government of Kenya has banned charcoal production since 1986. Nevertheless, the industry remains ever so vibrant. Drawing from experience and lessons learnt on the industry from previous project, Green Africa Foundation identified the lack of practical, comprehensive, fair and enforceable regulations. This was as reflected in the charcoal rules and regulations 2009, which are in turn anchored on the Forest act 2005.

Changieni Rasilimali (CRM) Facility on Charcoal rules and Regulations

Green Africa Foundation in partnership with the Ministry of Environment Water and Natural Resources launched a roadmap activity of reviewing the charcoal rules and regulation 2009 to come up with a “Draft Charcoal Regulations 2015”. This was meant to conform to the constitution of Kenya and also empower charcoal producers and groups whose livelihoods depend entirely on charcoal business.

This was an upscale on the gaps identification on the charcoal rules and regulation 2009 that was anchored in forest act 2005. This process was supported by the developing partner Act! Act Change Transform and the Ministry of Environment Water and Natural Resources together with Green Africa Foundation. A taskforce was formed by the Principal Secretary State Department of Environment Water and Natural Resource Dr. Richard Lesiyampe.



Task force committee members with the Principal Secretary Dr. Richard Lesiyampe

This taskforce incorporated a wider representation of stakeholders from different sectors relevant in the charcoal industry and other related departments. This taskforce had a role of coordinating the whole process and ensuring a proper deliverable output. Their roles and responsibilities were well articulated in the Terms of Reference that was made at the beginning of the project.

The main activities that made the project a success

Meeting with the technical committee members in a retreat to review the charcoal rules and regulation 2009 in order to come up with a zero draft, this was done in Embu, a three busy days scrutinizing the rules.

There were several regional consultation meetings that were held in Kitui, Kwale, Narok, Samburu and Baringo in that order to get comments from the communities who benefit from the charcoal trade in Kenya, regarding the Charcoal rules and regulation zero draft. During the forums the consultant who was engaged by the technical committee to harmonize the draft with the comments from the stakeholders took participants through the document before it was being subjected to plenary discussion.

Members of Parliamentary Network on Renewable Energy and Climate Change (PANERECC) led by Hon. Dr. Wilber Ottichilo were also engaged in consultation meetings at Intercontinental Hotel on the Draft. Through this engagement, they got an opportunity to be taken through the document and they were also able to give their contribution to the document. This meeting gave out a positive response from the Parliamentarians expressing their interest in passing the draft during the parliamentary readings once it's tabled.

Several Relevant Civil Society Organizations (CSOs) across the country were also involved in the consultation meeting to give their input to the draft. This targeted majorly the organizations whose functions were related to environment and charcoal industry in order to create harmony during the implementation of these rules and regulations. From these forums participants raised issues of alternative livelihood among other activities that could subsidize the rate at which trees are cut down for charcoal production.



A participant contributing to draft during CSOs meeting

Close to the end of the project, the technical committee members met with the consultant for a retreat to thoroughly go through the document in efforts of presenting the final draft that will be subjected for parliamentary reading.

The anticipated end results of this project were a well structured charcoal value chain, clear rules and regulation which does not conflict with other rules, conformity of the rules to the constitution of Kenya, increased forest cover to 10% target, improved livelihoods of the community who depend entirely on charcoal business due to sustainable charcoal production and proper definition of the roles of different authorities in the charcoal industry.

Contributions by the stakeholders During consultations

During the above mentioned meetings, several issues were raised with reference to the draft and recommendations made for the adjustments and improvement of the Draft Charcoal Rules and Regulations. The following were some of the concerns raised during these consultations;

- The issue of requirement of guarantor Land Registration (LR) number in the application form was one of the greater concerns since most of the people do not have title deeds and this can sabotage them economically since most of the community depends on the charcoal business for livelihood.
- Recommended raised for the attachment of the agreement form signed by the charcoal producer association that operates in the area where charcoal is being produced in form 3.
- The requirement for every CPA to have their own license will not be effective due to issues of boundaries. They suggested that license to be for counties not the CPAs. Establishment of associations/firms suggestions for the removal of the word association but use firms since it takes a longer time to register associations than firms. They also recommended for the registration of firms to be done at the county level (*article 5*)
- Need to improve on the movement permit form- the 6-6 time limits should be adjusted to facilitate the movement of charcoal and reduce the cases of expiry and revocation of license.
- Section 16- the tree species that should not be used to produce charcoal needs to be listed and gazette before the rule is passed; this will be important in making the referencing to the gazetted list.
- A concern raised on the issue of **intruder** (a person who hires a land to produce charcoal but not in a position to produce a permit, forest conservation plan or any other necessary document) to be included in the document.
- Need to address in the document the relationship between Quarry (production of charcoal from the clearance products) and charcoal producer. - *One clears vegetation to do quarry activities, then the other person uses the cleared vegetation to produce charcoal.*
- Movement permits should clearly indicate destinations of the product.
- In as much as charcoal should be measured in weigh, the buyer will be the one to determine the quantity he/she will want, therefore no specific amount should be packaged.
- There is need for the inclusion of the several stakeholders concerned with the charcoal business in the county department responsible for forestry (for updates on the status of forest).
- The document should address the state of poor people who depend on the charcoal business for livelihood but do not have land to produce charcoal.



- The document should indicate the number of people who are supposed to form the charcoal producer groups.

These were the concerns raised among other issues that were incorporated in the draft throughout the process. These gaps mentioned and others fixed gives an option for further intervention and policy development or improvement in other related sectors in Natural Resource Management either through policy advocacy or awareness creation.

