

Understanding Kenya's Multilateral Environmental Agreements, the Future of Environmental Governance

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Abstract: *Kenya like other global countries, is a signatory to international environmental agreements. The relevance and their significance dating of global agenda 21 at Rio. Today different protocols serve the Kenyan environmental conservation and management entities as a platform to conserve its environment. This paper is a review of key international environmental protocols and convention in Kenya. Four multilateral environmental agreements were reviewed. The Kyoto protocol, Montreal protocol, Biodiversity convention and UNFCCC. Their impact has been discussed within the Kenyan context and rationale and their significance with the Kenyan environmental management vision.*

Keywords: *Kenya; Environment; Conservation; Management*

I. Introduction

Internationally, the world is at its vocal point in combating the exacerbated environmental degradation stretch that has caught the global eye. The International Panel on Climate Change (IPCC) warns that by 2050, GHGs emissions will triple as competition from Southern Countries (Majority in Asia, Africa and Latin America) to upsurge their development and industrial growth (Knutti and Rogelj, 2015). In Africa, countries are making impeccable steps through United Nations REED+ projects (Reduce Environmental Degradation) to meet its 13th SDG (Sustainable Development Goal) – *Taking Agent Action to Combat Climate Change*

Kenya through NEMA (National Environmental Management Authority) and its EMCA 1999 (Environmental Management Coordination Act) that are canopied by the Ministry of Environment, Water and Natural Resources, is a signatory to International Multilateral Environmental Agreements (MEAs) (Okoth, 2015). They vary from protocols, treaties, agreements and conventions. These agreements act as pillars to environmental conservation, environmental global understanding and environmental sustainable development.

II. Significance of International Environmental Protocols/Conventions in Kenya

Kenya through its environmental laws and principles, is among the countries in Sub-Saharan Africa (SSA) that has its feet on major international environmental laws that govern environmental resources for sustainable development. These laws, globally are seen as protocols or conventions commonly termed as MEAs. The Kenyan constitution is clear on safeguarding our environment through its principles: polluter pay, public trust and sustainable development. However, for these principles to converge its scope on her environmental conservation and management, the following international environmental agreements must be revoked.

III. Methodology of the Study

The study employed review of four Multilateral Environments Agreements and their significance to Kenyan environmental governing bodies. Study on policy implementation was done through content analysis and study of case studies to the Kenyan context. Review of publications and Environmental Management Coordination Bill – 1998 (EMCA).

1.1.1 Kyoto protocol -1997

The Kyoto protocol serves as the global pace setter International Environmental Agreement after agenda 21 at Rio that laid a foundation to its origin. However, since 1976, the protocol was blanketed by lot of complexities with some member states but it came into force in 1997 where member counties were to cut GHGs emission that are harmful to the environments (Halkos and Tzeremes, 2014). In Kenya, Kyoto protocol has had a great impact on environmental management and conservation like:

- Enhancement of energy efficiency in relevant sectors of the national economy. For instance, Kenya is at the forefront on the use green energy e.g. solar, wind and marine rather fossil fuels that deplete the environments.
- Creation of capacity. Different sectors are adapting to Clean Development Mechanism (CDM) through environmental education to its employees in Kenya. In Kenya, for an industry to be set up, Environmental Impact Assessment(EIA) has to be done to determine the impact that it will lead to the surrounding

- Control of environmental pollutants to the atmosphere. It is punishable in Kenyan laws if an industry or a plant emits gases that puts human life in jeopardy. An example is the closure of battery producing industry at the Kenyan coast that hampered human life through lead pollutant substance.
- Promotion of sustainable forms on industrialization in Kenya. For instance the laws call for enhancement of industrial ecology and CDM. During manufacturing, environmental laws must be upheld rather than being compromised.
- It has led to the establishment of environmental climate change action plan that is being reviewed by the Kenyan legislature awaiting amendments to be set into law by the constitution. This promotes the targets on global 13th SDG on climate change.

1.1.2 Montreal protocol -1987

This protocol simply calls for international communities to observe the effect of amplified harmful gaseous emissions to the atmosphere. These persisted emissions deletes the ozone layer. This protocol is commonly refereed as the Vienna Convention because is the most effective environmental negotiation that was ever implemented by member countries globally (Cotter, 2014). It was agreed on 16 September 1987, and entered into force on 1 January 1989. It has 46 signatories where Kenya is listed among the member states. In Kenya, the protocol can be championed through its significance on environmental management and conservation by;

- Its emphasis on polluter pay principle. The pollution of environment is unquestionable and any party that involved in it will be fined or face rule of law. The protocol encourages member countries to control release of harmful gases like chlorofluorocarbons (CFCs) that destroy Ozone and leads to cancer.
- Encourages better reforms to relevant sectors that aim in promoting policies which reduce greenhouse gas emission. For instance the environmental management sector whose policies are formulated by NEMA but revised by the Kenyan legislature or parliament (Bosek, 2014).
- It has put Kenya at the center stage through its contribution in the reduction of global warming with its emphasis on the Kyoto protocol that calls for reduction of GHGs in Kenya. Through the Vienna Convention, ozone-depleting substances (CFCs & HCFCs) are now globally recognized just a case in Kenya where those substance have been banned for use in our industries that expose human health to deadly skin cancers (Anderson, 2012)

1.1.3 Convention on Biological Diversity(CBD) - 1993

The convention on biodiversity came it law in 1993 as one of the international environmental laws governing global environmental resources both fauna and flora. This was a blue print that was adopted at the *Rio Summit in 1992* and it being the main international instrument that provides comprehensive and holistic approach to the conservation of biological diversity, the sustainable use of its components (Dodds, 2014). Through this agreement, Kenya has managed to protect its resources and biodiversity. In Kenya, the following has been noted thus revoking the importance and relevance of the convention and environmental management.

- Protection of endangered species in the county. Currently the white rhino protection has gained a global environmental outcry it facing extinction (De Phnoet *al.*, 2014). Today Kenya through environmental global funding has established centers that will help Artificial Insemination (AI) animal experts to increase the number of white rhinos globally.
- Increasing forest cover, key environmental target globally to combat climate change as forest act as carbon sinks. Today Kenya like other global countries has embarked on reforestation programmes to restore its vegetative cover. That is currently being advocated at Mau forests. The signatories to the United Nations Convention on Biological Diversity (CBD) are committed to restore 15 percent of all degraded ecosystems by 2020 it being among. This is roughly restoring 350 million hectares of deforested and degraded forest landscapes by 2030
- Kenya has banned all illegal trade that involve ivory that has endangered elephants in Kenya and Africa as a continent (Weru, 2016).Today wildlife poaching is a serious crime at the Kenyan constitution, it calls for heavy penalty or prosecution.

1.1.4 United Nations Framework Convention on Climate Change(UNFCCC)

Today climate change is one of the most discussed global issues that cuts across all sectors it be health, agriculture, economy and the media. However with well accrued international agendas, still more needs to be done. The concluded Conference of Parties (COP21) that gave birth to Paris Accord on reductions of greenhouse gases that saw Kenya being represented by the Cabinet Secretary of Environments (Clémençon, 2016). The UNFCCC main aim is challenging global warming that affects the permafrost nations bordering the Arctic and Antarctic, oceanic states and arid and semi-arid nations. The convention is significant in Kenya today through:

- Kenya is investing heavy on green energy up from the central government to county levels. The use of pollution free energy for lighting and cooking is one of Kenya targets on its vision by 2030.
- Through NEMA systematic EIAs are being done to check their pollution levels that doesn't compromise that international set limits. The conventions aims to controls at least 2% carbon emission below that of pre- industrial levels.
- Kenya is one of the nations' championing the protection of environmental carbon sinks (forests and wetlands) to control climate change that leads to global warming. The UNFCCC therefore too supports the *Ramsar Convention* that is responsible for wetland conservation (Olarewaju *et al.*, 2016)
- Kenya through climate change convention funding programmes, has embarked on advocacy and capacity building to her citizens on GHGs emission control through workshops, research and conferences.

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IV. Conclusion

Globally, environmental protocols and conventions that have emerged since the Rio summit are relevant to our environmental conservation and management today. The global population as it keeps ballooning and the mushrooming of global industries to meet the demands of this these population, environmental integrity and sustainability is important. Kenya has shown its cooperation internationally on environmental conservation through subscribing to global environmental agreement. Replicating the goals and objectives of these MEAs will not only conserve our environment but rather promote sustainable development in all sectors of society

References

- [1]. Andersen, S. O., Sarma, K. M., &Taddonio, K. N. (2012). *Technology transfer for the ozone layer: Lessons for climate change*. Routledge.
- [2]. Bosek, J. K. (2014). Implementing environmental rights in Kenya's new constitutional order: Prospects and potential challenges. *African Human Rights Law Journal*, 14(2), 489-508.
- [3]. Cléménçon, R. (2016). The Two Sides of the Paris Climate Agreement Dismal Failure or Historic Breakthrough? *The Journal of Environment & Development*, 25(1), 3-24.
- [4]. Cotter, C. E. (2014). Recent Developments in Montreal Convention Litigation. *J. Air L. & Com.*, 79, 291.
- [5]. De Pinho, J. R., Grilo, C., Boone, R. B., Galvin, K. A., & Snodgrass, J. G. (2014). Influence of aesthetic appreciation of wildlife species on attitudes towards their conservation in Kenyan agro pastoralist communities. *PloS one*, 9(2), e88842.
- [6]. Dodds, F. (2014). *Earth summit 2002: a new deal*. Routledge
- [7]. Halkos, G. E., &Tzeremes, N. G. (2014). Measuring the effect of Kyoto protocol agreement on countries' environmental efficiency in CO2 emissions: an application of conditional full frontiers. *Journal of Productivity Analysis*, 41(3), 367-382
- [8]. Knutti, R., &Rogelj, J. (2015). The legacy of our CO2 emissions: a clash of scientific facts, politics and ethics. *Climatic Change*, 133(3), 361-373<http://climate-l.iisd.org/news/kenya-accepts-doha-amendment-to-kyoto-protocol/>
- [9]. Okoth-Yogo, D. K. (2015). Strategic Environmental Assessment Law in Kenya: Lacunae and Consensus. *Africa Environmental Review Journal*, 2(1)<http://theconversation.com/saving-the-ozone-layer-why-the-montreal-protocol-worked-9249>
- [10]. Olarewaju, T., Shittu, A., Dipeolu, A., &Sodiya, C. (2016). Assessment of State Governments Programmes for Sustainable Management of Wetlands in Southwest Nigeria. *Journal of Agricultural Science and Environment*, 12(2), 83-88.
- [11]. Weru, S. (2016). Wildlife Protection and Trafficking Assessment in Kenya