

# Securing Our Destiny through Effective Management of the Environment

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The environment is the precondition for human existence since it virtually contains all the ingredients for human survival such as air, food and water. The quality of the environment can thus be equated to the quality of human life. The 21<sup>st</sup> Century has however witnessed several environmental challenges notably climate change caused by acts and omissions of states, corporations, citizens among other actors. In the wake of the climate change debate, states are called upon to undertake measures aimed at environmental conservation through sustainable development in order to enhance the quality of human life. Written in an articulate and concise language *Securing Our Destiny Through Effective Management of the Environment* presents a much needed answer to the environment concerns in Kenya. The book presents a call for the management of the environment in an effective manner that enhances sustainable development. It analyses how effective management of Natural Resources and the Environment in Kenya can be achieved.

The book is divided into twelve chapters which advocate for effective management of environmental and natural resources in Kenya. The main running themes in the book include Sustainable Development; Public Participation and inclusivity; Environmental Democracy; Environmental Justice; Indigenous Ecological Knowledge; Social Justice; Environmental Rights; Role of Law in Environmental Management and Governance; Peacebuilding and Entrenching Environmental Rule of Law in Kenya, among others. The book links these themes with environmental conservation and management and argues a case for effective management of the environment through an integrated approach.

In the introductory chapter, the author analyses the Role of Law in Environmental Management and Governance. The chapter delves into the linkage between law and governance in general in order to determine whether it can be an effective tool in environmental management. The chapter then analyses the prospects and challenges in

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the legal and institutional framework on environmental management in Kenya. The chapter calls for revisiting the role of law in environmental governance in order to achieve sustainable development.

Chapter two discusses the constitutional provisions covering the policy, legal and institutional framework on natural resource and environmental management in Kenya. It examines where the opportunities exist under the constitutional framework but the required implementation tools are either non-existent or underdeveloped. The chapter highlights salient provisions of the Constitution on state obligations in environmental and natural resources governance and obligations of citizens in environment and natural resources management and discusses the extent to which the provisions have been implemented. The author offers suggestions on some of the most plausible ways of effectively implementing these provisions.

Chapter three offers an insight on the Role of Corporations in Environmental Conservation and Sustainable Development in Kenya. The chapter argues that corporations have an important role to play in environmental management since most activities affecting the environment such as pollution are caused due to acts and omissions of corporation. The chapter advocates for enhanced corporate environmental compliance among other measures in order to promote environmental conservation and sustainable development in Kenya.

Chapter four examines the concept of environmental democracy and its place in environmental management in Kenya. It defines environmental democracy to include the rights of access to information, public participation and access to justice in environmental matters. The chapter discusses this concept and offers useful tips aimed at realizing environmental democracy in Kenya.

Chapter five entails a discussion on Sustainable Management of the Extractives Industry in Kenya. It critically discusses the regulatory framework governing the extractives industry in Kenya and its prospects in enhancing the sector's returns and contribution to the national development agenda. It also suggests the way forward to enhance benefits from the extractives industry in Kenya.

Chapter six provides a discussion on the Blue Economy in Kenya. It argues that the blue economy holds a great potential for Kenya's economy as well as the livelihoods of various communities working and living within the coastal areas. The chapter highlights some of

the challenges facing the blue economy in Kenya such as illegal and unregulated fishing, piracy and armed robbery, maritime terrorism, illicit trade in crude oil, arms, drug and human trafficking and smuggling of contraband goods; degradation of marine ecosystems through discharge of oil, the dumping of toxic waste, illegal sand harvesting and the destruction of coral reefs and coastal forests. It suggests solutions to curb these challenges in order to promote sustainable development.

Chapter seven delves into enhancing benefit sharing from natural resources exploitation. It critically examines the legal framework on benefit sharing and natural resource exploitation in Kenya. It highlights some of the challenges arising from the legal framework and suggests a way forward to enhance benefit sharing from natural resources exploitation in Kenya.

Chapter eight presents a case for an integrated approach to environmental management and conservation for sustainable development in Kenya. The chapter argues that none of the environmental management mechanisms in Kenya can fully achieve sustainable development goals if adopted on their own. The chapter explores the viability of these mechanisms which include command and control approaches, market based approaches, community based natural resource management and ecosystem based approaches. The chapter then argues a case for integrated environmental management and conservation in Kenya.

Chapter nine discusses the environmental liability regime in Kenya and suggests recommendations on how the same can be made more effective as a way of strengthening environmental management in the country.

Chapter ten deals with traditional ecological knowledge and suggests ways through which it can be fully incorporated and mainstreamed into environmental governance in Kenya. The chapter highlights the relevance and importance of traditional environmental knowledge in the environment and natural resources management discourse.

Chapter eleven offers a discourse on effective environmental management and governance for peace building in Kenya. The chapter discusses the link between environmental management and governance and peace building and suggests ways through which this can be achieved in Kenya.

Chapter twelve wraps up the discussion in the preceding chapters of the book and calls for a collaborative approach in environmental and natural resources governance and

management, within the framework of the national values and principles of governance enshrined in the Constitution.

The book offers useful insight on environmental management in Kenya. It presents a call to move away from the sectoral approaches in addressing environmental and natural resources management in order to achieve holistic sustainability. The book analyses sound judicial decisions from Kenyan courts and international courts/tribunals to offer the reader practical scenarios of the issues under discussion. The ideas in the book have been presented in a simple manner and language making the book easy to comprehend.

The book is expertly written by a renowned author rich in environmental knowledge and experience. The book is undoubtedly rich in content and will immensely contribute to bridging the gap in environmental law literature in Kenya. *Securing Our Destiny through Effective Management of the Environment* is definitely a must read for students, teaching fraternity, members of the bar and the bench, legislators, policy makers and the public in general. Get yourself a copy!