



VIRTUAL CSOs DIALOGUE ON THE IMPLEMENTATION OF THE ENERGY ACT



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Supported by WWF-KENYA

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Contents

ACRONYMS AND ABBREVIATIONS2

1. Background3

2. Brief overview of SEAF-Kenya3

3. Objectives of the meeting4

4. Welcoming Remarks4

5. Status of implementation of the Energy Act 2019 and major challenges impeding its effective implementation so far5

6. Plenary I7

7. Opportunities, key entry points and synergies that CSOs could tap into in promoting Energy Access through implementation of the Energy Act 20198

8. Plenary 2 10

9. Way forward and Wrap up 11

ANNEX I 12

ANNEX 2 13

ACRONYMS AND ABBREVIATIONS

CSOs	Civil Society Organizations
CS	Cabinet Secretary
EPRA	Energy and Petroleum Regulatory Authority
NDC	Nationally Determined Contribution
NuPEA	Nuclear Power and Energy Agency
RE	Renewable Energy
REA	Rural and Electrification Agency
REREC	Rural Electrification and Renewable Energy Corporation
SEAF-K	Sustainable Energy Access Forum Kenya
SE4ALL	Sustainable Energy for All
SDG	Sustainable Development Goal
SMEs	Small and Medium-Sized Enterprises

I. Background

Energy access occupies an important place in the economic development strategy of Kenya. Both the Constitution 2010 and Economic Blue Print Vision 2030 recognises the importance of energy access and need to diversify energy sources in the aim of reducing dependence on imported petroleum products by increasing the share of renewable energy. Modern energy services light up our homes and schools, fuel economic activity to produce and consume, provide comfort and mobility, pump water and contribute to health and well-being.

Recognizing the importance of access to sustainable energy for future development, Kenya Enacted the Energy Act 2019 to consolidate the laws relating to energy and provide for National and County Government functions in relation to energy. The Act seeks to, among others, provide for establishment of energy sector entities; promote renewable energy, exploration, recovery and commercial utilization of geothermal energy; regulation of midstream and downstream petroleum and coal activities.

In bid to address the energy act proposals and push for sustainable energy solutions there is need for a holistic approach that brings together all the stakeholders in the energy sector as well as provide a platform for addressing the various challenges encountered in the sector. It is against this backdrop that the Sustainable Energy Access Forum Kenya (SEAF-K) through the Governance Working Group organized a virtual civil society dialogue to discuss the status of the Energy Act 2019 and identify key entry points that CSOs could tap into in promoting Energy Access. The virtual dialogue was held on 26th August 2020 bringing together participants from civil societies, private sector, county government and a representation from the renewable energy department ministry of energy who was among the key facilitators. A total of 25 people attended the meeting 16 male 9 female.

2. Brief overview of SEAF-Kenya

In bringing the participants to speed with the role and mandate of SEAF-Kenya, Ms. Wanja (*Kenya Climate Change Working Group project officer*) highlighted on the background of the platform. She noted that SEAF-Kenya was formed in 2014 with support from the World Wide Fund for Nature Kenya (WWF Kenya). The forum intends to address the limited level of multi-stakeholder engagement by using a holistic approach that brings together all the stakeholders in the energy sector and to provide a platform for addressing the various challenges encountered in the sector. Based on the glaring gaps identified in addressing energy issues, SEAF-K has four carefully selected niche areas of focus namely;

- Knowledge management and information exchange
- Technology brokerage
- Policy advocacy/Governance
- Membership and capacity building

Ms. Wanja further mentioned that the Governance working group was established to spearhead SEAF-K's engagement in national and county policy dialogue platforms and processes to influence the development and implementation of key policy and legal frameworks that create an enabling environment for sustainable energy management and in particular promote the energy access agenda. Hence the relevance of the dialogue virtual meeting.

In tracking progress made so far by SEAF-K since its inception, Ms. Wanja reported the development and launch of Kitui energy outlook as one of the key milestones. Through the document, different energy sources and priorities for the county have been documented and currently its being used to develop the energy plan for Kitui County.

3. Objectives of the meeting

To kick off the meeting, Juliet Makokha the chair of the Governance thematic working group appreciated the precipitant for creating time out of their busy schedule to attend the CSO dialogue meeting. She stated that the overall objective of the workshop was to enhance the capacity of Civil Society Organizations in their policy advocacy work. The specific objectives were;

- Increased understanding of the Energy Act and target areas in general and renewable energy, including the cross-sectorial linkages.
- Better understanding of policy, strategy and practice towards developing integrated sustainable energy programmes.
- Improved understanding of the major challenges that stakeholders face in the implementation of the Energy Act.
- Strengthen professional networking to promote active debate on cross-sectoral integration and the sustainable energy nexus as related to development of indicators, monitoring and evaluation mechanism.

4. Welcoming Remarks

Irene Mwaura -Project Officer, Energy and Climate Change WWF-K

In her welcoming remarks Ms. Irene acknowledged and thanked all participants for considering energy access as a priority. She further specified that the dialogue on implementation of Energy Act 2019 came at an opportune time when the Ministry of Energy and other agencies are busy implementing the road map developed last year (2019). She added that Kenya is still energy insecure and there was need to ensure Kenyans are able to access affordable and sustainable energy. Ms. Irene also emphasized on the need of involving various stakeholders in pushing for energy access as well as clean cooking fuels by ensuring the information trickled down to the grassroots for people who are often marginalized during the policy implementation processes to

have their inputs taken into consideration. Additionally, she pointed out that in order to succeed on issues of energy access there has to be both a bottom up approach and a top down approach as well as looking at the nexus or interlinkages of energy and other sectors. In light of COVID 19 pandemic, she mentioned that the demand of energy had gradually decreased due to low or no incomes hence people were resorting to unsustainable energy sources. In conclusion, she challenged the participants to ponder on how they could ensure that as part of COVID-19 recovery plans by the government energy access forms part of the discussion and wished the participants a fruitful deliberation.

Chairman, KCCWG and member of National Climate Change Council- John Kioli

In his remarks Mr.Kioli welcomed the participants to the virtual platform acknowledging the Ministry of energy for believing in civil society organization because they form a great partnership in managing issues of renewable energy in Kenya. He also extended his gratitude to WWF through Ms. Irene Mwaura for financially supporting SEAF-K processes.

In painting the country's scenario, Mr.Kioli reminded the participants that Kenya is supposed to cut 143million tons of carbon dioxide equivalent by 2030. He also noted that under Kenya's Nationally Determined Contributions (NDC), energy comes in severally as a key abatement opportunity for the country to achieve the targeted 30% as planed in 2015. Therefore, energy in terms of efficiency and renewable energy are key in achieving the target as well hence SEAF-K is a crucial pillar in ensuring energy accesses through pushing for sustainable and affordable electricity. Mr. Kioli also mentioned that under the universal health coverage pillar, if the country adopts renewable energy, it will be able to get off grid areas covered thereby linking clinics that do not have electricity promoting efficiency and safety in health care facilities. He also pointed out on knowledge management as a key focus of SEAF-K through advocacy. On technology brokerage the second pillar of SEAF-K, he emphasized that it's a critical component required in Kenya in term of unpacking the issues of solar, wind and to make sure people have simple technologies where they can access electricity and energy in totality.

5. Status of implementation of the Energy Act 2019 and major challenges impeding its effective implementation so far

Dan Marangu-Director, Renewable Energy Ministry of Energy

Mr. Marangu kickstarted his presentation by going through the key provisions of the Energy Act 2019 specifically highlighting what it entails, what needs to be done and areas of synergies between the Ministry of Energy and Civil Societies. In his opening statement he noted that the opportunity presented by the enactment of the Act should be embraced by all stakeholders to enhance energy access as the legislation aspires since the ultimate goal is to have everyone enjoy modern clean energy services all over the country.

On highlighting the progress made so far with regards to the Energy Act 2019 Implementation Mr. Maragu noted the following;

- The Ministry of Energy has been able to put in place an internal mechanism (taskforce) to guide the implementation of the Act. The outcome is to prioritize what needs to be done by the ministry and once this is clear they will reach out to various stakeholders including civil societies for more insights
- The energy Act has enhanced critical institutions that existed before to enable the Ministry of Energy reach out and carry out its mandate. These institutions are;
 - **Rural and Electrification Authority (REA)**- now known as **Rural Electrification and Renewable Energy Corporation (REREC)**. It has been given an expanded mandate to help the country achieve renewable energy goals. However, it is still providing electricity to the rural areas. This institution will also be helping counties establish energy centers. Currently the Ministry has 16 centers all over the country and the mandate is to be the key linkage with the grassroots especially in providing new technologies, training, creating awareness on new technologies and piloting them to showcase renewable sources to the local communities. The energy centers will now be handed over to REREC to enable them have grassroots presence as they carry on the renewed mandate.
 - **Energy and Petroleum Regulatory Authority (EPRA)**- This institution has enhanced renewable energy mandate. It will lead in the formulation of all the regulations dealing with renewable energy
 - **Nuclear Power and Energy Agency (NuPEA)**-It has an expanded mandate of all energy research including renewable energy. It will have enhanced capacity to do energy research to be able to tap into new technologies.

In understanding the mandate of the national government visa vis County governments on energy matters, Mr. Marangu noted that the roles are quite clearly elaborated in the Energy Act 2019 hence there is hope for a seamless implementation on matters energy going forward by the two levels of governments. The National government will be leading in policy and strategy development as counties are expected to come up with energy plans that are in turn shared with the national government for consolidation by the energy minister into an integrated National energy plan. The Ministry has already developed a guideline for counties to come up with energy plans and so far, 22 counties are already putting in place energy plans as per the guidelines with the help of civil societies. This milestone has however not taken place as envisaged in the Act due to low technical capacities in various counties. To curb this, the Ministry is partnering with European union through a technical assistance three years project commencing in September 2020 to build the capacities of counties on energy matters in totality.

In conclusion, Mr. Marangu indicated that the renewable energy advisory committee is yet to be formed and it will be operationalized by the minister with a key mandate of advising the minister

on how to roll out implementation of renewable energy actions. The committee has membership that is prescribed in the Act which covers an array of stakeholders.

6. Plenary I

The following concerns were noted from the plenary session:

- What is the strategy of the Ministry of energy in building the capacities of SMEs and is there a role civil society can play in building the capacity of SMEs? *The capacity building technical assistance from the European union earlier mentioned, has a component that will ensure all stakeholders within the counties are reached.*
- Do CSOs have an opportunity to be part of the advisory committee? *This is still not clear but it can be followed up*
- Has mapping been done to identify agencies involved on renewable energy actions for easier tracking of progress made so far on renewable energy implementation? *This is being handled by the taskforce put in place to guide the implementation of the Act. They are prioritizing on what needs to be done both mid-term and long-term plans and in due course they will reach out to various stakeholders to receive more insights.*
- What is the Ministry of Energy doing to ensure the sustainability of energy centers at the county level? *Energy centers will be developed in all the 47 counties and REREC will assist the counties in formation of these centers as it is their extended mandate to do so. Hence the sustainability of this centers will be assured.*
- What Plans/actions are in place to ensure communities are properly identified so that they are not left out in the benefit sharing or compensation and royalties from these resources? *The Energy Act has provisions to have an inventory of all renewable sources and through this process it will be easier to know where different resources are, ownership and other modalities. Hence it is a process envisaged in the Act.*

Ms. Wanja commented that the presentation from Mr. Maragu suggested a call for CSOs to lobby with the national and county governments to allocate resources to implement the Act. She also felt that CSOs to understand the budget processes in the counties and how to influence the budget choices and hold the office bearers into account.

In regards to energy centers she mentioned that they were platforms of innovation and also the eye of technology domestication in the counties. She therefore challenged the CSOs to think of a standardized model for establishing energy centers and figure out how to join efforts with REREC in having viable technologies piloted and scaled up in energy centers as well as raising awareness of the grassroots on how they could benefit from visiting those centers for learning.

7. Opportunities, key entry points and synergies that CSOs could tap into in promoting Energy Access through implementation of the Energy Act 2019

Victor Gathogo-Renewable energy and Climate change advocacy advisor, SNV

In bringing participants to speed with the available opportunities and CSOs entry points to energy access. Mr. Gathogo begun by highlighting on the context setting analysis of the Energy Act of 2019 by the following key statements (provisions under the Act);

- The Energy Act, 2019 (the Act) came into effect on **28th March 2019**, repealing the Energy Act, 2006. The Energy Act has consolidated the laws relating to energy in Kenya.
- A framework for the devolution of the provision of energy services to the grassroots level. This fosters inclusiveness and energy equity and prevents duplication and double-permitting at both levels
- The Government shall facilitate the provision of affordable energy services to all persons in Kenya. The CS shall develop and implement a strategy to ensure that all households are connected to a supply of electricity by 2030. Access to clean cooking solutions> SE4ALL country strategy, 5M additional ICS adopted.
- Countrywide survey and a resource assessment of all renewable energy resource will set the stage for extensive exploitation of renewable resources to meet the country's energy needs and requirements.
- The Act also empowers county governments to build local renewable energy centers (**47**) in collaboration with REREC. This creates a platform for technology transfer and technology development assuring counties of energy independence in the long run

Mr. Gathogo also identified the following opportunities that civil societies can tap into in promoting energy access;

1. **Provision of energy services for all**
 - Work with the Government to implement clean energy access
 - Provide inputs on RE (clean cooking, Electrification etc reports)
2. **Promotion of energy investments**
 - Involvement in energy needs assessment and feasibility studies for projects to ensure economic viability, socio- cultural acceptability
 - Support the government in developing and implementing guidelines for energy investment funds
 - Lobbying and advocacy for innovative DRE funding mechanisms
3. **Energy policy and Integrated Energy Planning**
 - Capacity building
 - Influencing budget allocation for DREs at National & County

- CSOs and stakeholders & involvement in development and review energy plans
- CSO involvement in development and review of county energy plans before submission to CS-MoE

4. **Monitoring implementation of National Energy Plan**

- Provision of Data and Joint Research (EBA)
- Support in tracking the plans implementation

The entry points for CSOs engagement in promoting energy access were identified as follows;

1. **Energy policy and integrated Energy Plan**

- Involvement in national energy policy reviewed every 5 years
- CSOs at Sub national level be engaged in the development of county energy plan e.g Kitui
- County Energy Master plan where CSOs are partnering with the county and Cafod
- Lobbying and advocacy for the National Energy Policy and Plan
- Budget influence and tracking for DREs and MER&L

2. **National Energy Entities: REREC, NuPEA & EPRA**

- Rural Electrification and Renewable Energy Corporation (REREC); Energy centres as demo sites & capacity building, Promotion and Management including use of RE and technologies
- Lobby and advocacy on clean energy access; LPG/Biomass based
- Capacity building, needs assessment and expert training, research on RE

3. **Engagement in the Renewable energy Advisory Committee**

- Lobby for clear mandate, balanced composition (2/3 gender balance), effective functioning of the committee (engendering of committees,>>**Renewable Energy Resource Advisory Committee etc**
- Develop innovative technologies to support uptake of renewable energy products
- Establishment of Renewable Energy Resource Advisory Committee
- Lobby for budget allocation and learning from other inter-ministerial committees e.g that on clean cooking convened by CCAK

In creating synergies geared towards promoting energy access, Mr. Gathongo emphasized on the need of combined value and performance of CSOs on the Energy Act through sharing best practices, lessons learnt and challenges in their engagement. He also recommended partnership between National CSOs, Sub National CSOs, community-based organizations, private sectors and grassroots champions.

In conclusion Mr. Gathongo shared more opportunities that CSOs can take advantage on stating that;

- The Energy Act provides for the realization of global agenda SE4ALL and SDGs especially universal energy for all Kenyans and creates opportunities for CSOs to exercise their right to contribute toward the SDG 7 goal and realize the goal of clean energy access by 2028.
- Energy act has the potential for paradigm shift for if all sector players are engaged and leverage on financing to leap frog energy poor households in Kenya
- CSOs need to share experiences and build their knowledge on budgeting cycles in Kenya for enhanced advocacy on budgetary allocations including advocacy for specific budget allocations and hold office bearers to account.>> **Opportunities for engagement in the consolidated energy fund**
- Capacity building of grassroots champions including building the legitimacy of CSOs in advocacy and policy influence.
- Build on the body of evidence/research to inform evidence-based advocacy that is factual for informed decision making
- Cascading to counties sector coordination platforms e.g. Inter-ministerial committees key in advancing the implementation of the Energy act and CSOs involvement.

8. Plenary 2.

The following concerns, highlights and comments were made from the dialogue on CSOs opportunities, entry points and synergies;

- There is need to develop a tracking mechanism to follow up on the discussions and energy dialogues recommendations to find out actions that have been put in place as a result of these engagements/discussions. This will help in building consistency
- Mapping of agencies working on energy matters as well as best practices in different places/countries/counties is critical to enhance knowledge and technology transfer
- CSOs interested on energy matters can join access coalition to benefit from various studies as well as information on energy access
- There is need to come up with an investigative report on the progress of the implementation of the Energy Act since last year March 2019.
- There is need to consider engendered effects of energy poverty and how women and men are affected differently with energy poverty and also how they are engaged in

different energy value chains and use of energy products. With the invasion of COVID-19, women led energy entrepreneurs will be impacted more. Also, in terms of the choice of energy services and products at the household levels based on who makes decisions at the house hold level.

- The Ministry of Energy last year launched energy gender policy (first to be developed in Africa) and is key in addressing gender issues (The policy is available in the Ministry of Energy website).
- Access coalition in partnership with SE4All have done a deep dive analysis of the energy Act.
- There is need to recommend next steps for further CSOs engagement and lobbying in the energy area to ensure the energy Act is implemented as envisaged originally.

9. Way forward and Wrap up

On the next steps Mr. Ondieki reported that a report will be generated from the energy Act dialogue and will be shared alongside the presentations and the deep dive analysis report of the energy Act. He also mentioned that a follow up workshop will take place on 29th September 2020 to discuss the status of SDG 7 in Kenya.

Mr. Olonde the moderator of the session thanked all the participants for engaging participation and declared the virtual meeting closed.

ANNEX I

VIRTUAL CSOs DIALOGUE ON THE IMPLEMENTATION OF THE ENERGY ACT

Wednesday 26th August 2020 | 9.30am – 12:00 Noon Agenda

Time	Activity	Session Chair
9:15-9:30am	Check-in and zoom connection Elizabeth Wanja-Projects Officer KCCWG	Jacob Olonde- CEO, ECAS
9:30-9:40am	Online etiquette & Brief Overview of SEAF-K Elizabeth Wanja Projects Officer, KCCWG	
9:40-9:50am	Climate setting and Objectives of the meeting Juliet Makokha, Convener, Governance Thematic Working Group	
9:50-10:20am	Welcome remarks Irene Mwaura- Project Officer, Energy and Climate Change WWF-K John Kioli- Chairman, KCCWG and member of National Climate Change Council Dan Marangu- Director, Renewable Energy Ministry of Energy	
10:20-10:50am	Status of implementation of the Energy Act 2019 and major challenges impeding its effective implementation so far Dan Marangu-Director, Renewable energy Ministry of Energy	
10:50-11:00am	Plenary	
11:00-11:30am	Opportunities, key entry points and synergies that CSOs could tap into in promoting Energy Access through implementation of the Energy Act 2019 Victor Gathogo-Renewable energy and Climate change advocacy advisor, SNV	
11:30-11:40pm	Plenary	
11:40-12:00pm	Next steps, wrap up and close Vincent Ondieki-Lifeskills	

ANNEX 2

SEAF-KENYA GOVERNANCE THEMATIC GROUP PARTICIPANTS

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