

Environmental diplomacy and human security

The first joint workshop of the Foreign
Service Institute, Ministry of Foreign
Affairs, Kenya, and the ISS, South Africa



Edited by Philip A Njuguna, Institute for Security Studies, and Martin Oduyo, Ministry of Foreign Affairs, Kenya
31 October 2008, Laico Regency Hotel, Nairobi, Kenya



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Acronyms

CITES	Convention on International Trade in Endangered Species
COMESA	Common Market for Eastern and Southern Africa
COP	Conference of Parties
EAC	East African Community
EAPCCO	Eastern Africa Police Chiefs Cooperation Organization
EASBRICOM	East African Standby Brigade Command
EMCA	Environmental Management and Coordination Act, 1999
ESP	Environmental Security Programme, ISS
FSI	Foreign Service Institute
GHGS	Greenhouse gases
GMO	Genetically modified organisms
IGAD	Intergovernmental Authority on Development
IPCC	International Panel on Climate Change
ISS	Institute for Security Studies
IUCN	International Union for Conservation of Nature
KEPHIS	Kenya Plant Health Inspectorate Service
KARI	Kenya Agricultural Research Institute
KFS	Kenya Forestry Service
KWS	Kenya Wildlife Service
NGO	Non-governmental organizations
NSIS	National Security Intelligence Service
RECSA	Regional Centre on Small Arms and Light Weapons
RPSD	Regional Programme on Sustainable Development
SADC	Southern African Development Community
UN	United Nations
UNCED	UN Conference on Environment and Development
UNDP	UN Development Programme
UNFCCC	UN Framework Convention on Climatic Change
USIU	United States International University – Africa
WTO	World Trade Organisation

Introduction

AMBASSADOR DR KIPYEGO CHELUGET

Foreign Service Institute, Ministry of Foreign Affairs, Kenya

DR WILSON KIPKORE

Environmental Security Programme, Institute for Security Studies

This workshop is a culmination of bilateral deliberations between officials of the Foreign Service Institute (FSI), which is the diplomatic training division of the Ministry of Foreign Affairs of Kenya, and officials of the Environmental Security Programme (ESP) of the Institute for Security Studies (ISS). The underlying philosophies of both these think tanks have a common concern, namely the enhancement of Africa's human security and international relations agenda at a local, regional and systemic level.

In anticipation of closer engagement between the two institutions, the Environmental Diplomacy and Human Security seminar signifies the start of a collaborative venture to debate the human security agenda.

Foreign diplomacy is as old as the formation of the state, and the science of diplomacy has grown in tandem with changing and ever-evolving international relations. In this century the diplomat will need to be versed in multi-disciplinary skills in addition to the traditional aspects of the art of diplomacy, which include negotiation and mediation, knowledge of public international law, and an understanding of international political and economic regimes and the diplomatic system. With different issues determining world affairs as a result of globalisation, diplomacy has taken a great normative leap and the diplomat is often left to grapple with new thematic concerns.

The environment as an international public good is one issue that has to be understood. The diplomatic agenda at bilateral and multilateral levels has seen a proliferation of documentation that has as its mainstay the subject of environmental protection. This justifies the need for a trained diplomatic corps in a country that will come of age within these realities.

The Environmental Diplomacy and Human Security seminar came about because of a realisation that these

issues were becoming increasingly significant. With diplomacy and foreign policy practice being intricately linked, it is hoped that the workshop will assist in some way to conceptualise the important variables that determine Kenya's foreign policy on environmental diplomacy.

Since this is the first environmental diplomacy workshop to be held under the FSI service charter, it was only logical for the workshop to take a conceptual, normative and practical direction in addressing environmental diplomacy. The aim was to streamline this pillar of environmental diplomacy.

The first part of this report introduces the phenomenon of environmental diplomacy to the diplomat and other government officials. Dr Chris Abongo provides the necessary contextual analysis of environmental diplomacy, policy-making and practice. Of essence is his discussion on how environmental diplomacy and policy-making differs from the traditional fields of international relations as regards foreign policy analysis, diplomacy, international law and conflict management.

The second presentation deals with the more substantive debates of environmental processes and the now systemic debate on genetically modified organisms (GMO). This was delivered by Simon Gichuki of the Kenya Agricultural Research Institute (KARI) and addresses, amongst others, bio-safety legislation, their relevance to Kenya's food security predicament, and major challenges to the development of biotechnology research in the country.

The third presentation, presented by Richard Mwendandu of Kenya's Ministry of Environment and Mineral Resources, deals mainly with climate change, in particular the Kyoto Protocol, its relevance to Kenya and diplomatic engagement on the issue. Kenya's involvement with climate change diplomacy essentially arose from its participation on the International Panel on Climate

Change (IPCC). The negotiation process for Kenya to host the Conference of Parties 12 (COP 12) is also discussed.

The fourth presentation on CITES by Solomon Kyalo of the Kenya Wildlife Service gives a critical assessment of

the implications of this convention for Kenya's environmental policy. Together these four presentations, and the contributions by other speakers, outline the substance of what constitutes environmental diplomacy.

Concept paper

Environmental diplomacy and human security

PHILIP A N MWANIKI

Environmental Security Programme, Institute for Security Studies

MARTIN ODOYO

Foreign Service Institute, Ministry of Foreign Affairs, Kenya

Environmental diplomacy became a concept at the 1992 UN Conference on Environment and Development (UNCED) in Rio de Janeiro. Also known as the Earth Summit, this conference was the largest gathering of plenipotentiaries the world had ever seen and represented multilateral diplomacy in its widest definition. Nearly 180 nations participated, 118 at head-of-state level. Dozens of UN and other intergovernmental organisations attended in addition.¹

The role of the contemporary diplomat was reconceptualised. The new diplomat now had to be multifaceted and astute enough to understand both the concepts and the practicalities of issues that were shaping international dynamics. It was also at this conference that experts who were tasked with the management and protection of the environment lost control over an area of speciality in which they had a comparative advantage. As the environment captured the concern of the world, the issue became too important to be left just to environmentalists and scientists. The 40 chapters of Agenda 21, negotiated during the two years of preparations for the Rio conference, covered nearly every realm of human experience.

As a consequence of the Rio process, foreign affairs and other ministries, especially environmental affairs, defence and finance, were no longer able to dismiss environmental issues as irrelevant in the context of 'more strategic' aspects of national policy, as well as defining national interests expressed in foreign, defence and economic policies. The environment and its protection became a shared global phenomenon and a variable that defines security, in particular 'human security'.² The Rio process and other processes that followed significantly influenced environmental negotiations and, in effect, represented a sea change in international diplomacy. Both small and large states had a stake in this new form of

diplomacy and the 'diplomat' in general had to espouse these qualities.³

AFRICA AND ENVIRONMENTAL DIPLOMACY

The attention that environmental concerns have elicited and the extent of global interest have legitimised Africa's engagement in the international debate. Closer to home though, the environment, its degradation and political welfare are inextricably linked. Nowhere in the world has the contest for natural resources had as negative an influence on the environment as in Africa. Natural resources are distributed unequally throughout the world. In some instances, scarcity of water or land, or an abundance of oil or diamonds, has contributed to violence within and between states. Environmental change may have a similar impact. Experts predict that climate change will increase the severity of floods and droughts. This may lead to mass migration, undercut the capacities of states and exacerbate widespread poverty.⁴ This has major implications for national development policies and foreign policy.

THE ENVIRONMENTAL DIPLOMACY PILLAR IN KENYA'S FOREIGN POLICY

As with most states, Kenya's foreign policy has been influenced by the new phenomenon that now characterises international diplomacy. In its navigation of the international system, Kenya has applied a range of foreign policy strategies, among them the diplomacy of conflict management and economic diplomacy, in its engagement with regional economic regimes such as the East African Community (EAC) and the Common Market for Eastern and Southern Africa (COMESA). In addition it has

employed other forms of diplomatic engagement, better understood as foreign policy's 'soft power' tools, which have been very effective tools. In the application of these various foreign policy instruments, 'the environment' has become a consistent standard.

As part of Kenya's engagement as a legitimate third party or mediator in protracted conflicts in countries such as Somalia and Sudan, the mediation variables it has to contend with cut across contestation for natural resources by the different protagonists. Environmental conflict management has therefore become a major component of the country's diplomatic efforts. Similarly, in Kenya's participation in trade rounds and regional economic blocs, such as the World Trade Organisation (WTO), environmental issues ranging from sustainable development to GMO and bio-piracy have become topics for debate and negotiation. The same applies to the implications of climate change discussed at the Kyoto rounds. In essence, the environmental diplomacy pillar is intertwined with all other pillars that define Kenya's foreign policy.

SYMBIOTIC DIPLOMACY AND SUSTAINABLE ENVIRONMENTAL MANAGEMENT

Track-one diplomacy, or official diplomacy, has been the bedrock of career diplomats and those whose business it is to determine foreign policy. However, diplomacy as an art and a science has also embraced the disciplines of other actors who, to some extent at least, shape international debates and thus have a foreign policy role.⁵ These are referred to as track-two actors and are unofficial in nature, falling outside government and intergovernmental organisations. In environmental diplomacy, as exemplified by environmental negotiation processes, both track-one and track-two entities have capabilities that are symbiotic in nature. One example is the research community, which feeds into policy decision-making processes.

Guided by the work of the Foreign Service Institute (FSI), Kenya has had an effective diplomatic engagement in the region, whether as a negotiator, facilitator or economic integrator. The Institute for Security Studies (ISS) has the comparative advantage of being one of Africa's few think tanks that seeks to conceptualise the debates on international relations and human security in Africa. One of its goals is 'collaborative security' to enhance Africa's capacity to engage in human security debates, which incorporates environmental security. Through its Environmental Security Programme (ESP), ISS seeks to capacitate African governments so that they are in a position to engage constructively in international and regional environmental processes. The collaboration between the FSI and ISS is a reflection of the 'symbiotic diplomacy'

that Kenya seeks to espouse in its foreign policy and diplomatic engagements.

THE FOREIGN SERVICE INSTITUTE

In response to the demands of a dynamic and complex international diplomatic arena, the FSI offers intensive and tailor-made training for newly recruited foreign service personnel and newly appointed ambassadors, as well as providing in-service training for officers at all levels. Government functionaries from other ministries and departments whose mandates have a bearing on Kenya's foreign relations are also targeted. Apart from this, the institute undertakes policy analysis research.

The FSI has realised that the learning of new skills and the acquisition of new knowledge has become an absolute necessity for diplomats. They need specialist knowledge in a wide range of subjects.⁶ The institute taps into the existing reservoir of knowledge and experience of current and former ambassadors and other senior government officials, and also collaborates with institutions such as the National Defence College, the University of Nairobi, the Academy of the National Security Intelligence Service (NSIS) and the US International University – Africa (USIU). All the courses and events offered are geared towards the practical aspects of diplomacy.

THE INSTITUTE FOR SECURITY STUDIES

The mission of ISS is to conceptualise, inform and enhance human security in Africa with the aim of supporting policy-formulation and decision-making at every level. In recent years the ISS has become more regionally focused and now acts in support of the Southern African Development Community (SADC), the Intergovernmental Authority on Development (IGAD), the Eastern Africa Police Chiefs Cooperation Organization (EAPCCO), the Regional Centre on Small Arms and Light Weapons (RECSA) and the East African Standby Brigade Command (EASBRICOM). Organisationally, the ISS is divided into the following broad research areas: arms management, the training for peace programme, environmental security and the cattle rustling programme, amongst others.

THE ENVIRONMENTAL SECURITY PROGRAMME

The ESP is geared towards addressing a wide range of issues, including environmental crimes, climate change, energy security, human security and sustainable livelihoods. ESP will be the lead ISS programme in joint activities between the ISS and the FSI.

Session I

The essence of the workshop

AMBASSADOR DR KIPYEGO CHELUGET

Director, Foreign Service Institute, Ministry of Foreign Affairs, Kenya

DR WILSON KIPKORE

Programme Head, Environmental Security Programme, Institute for Security Studies

Ambassador Cheluget opened the seminar by recognising that attendees represented a variety of portfolios in both government and civil society. He said that the FSI had come of age by creating the capacity that enabled Kenya to engage in diplomatic practice. FSI's relationship with other think tanks, especially those having African perspectives, was particularly important. In this context, the formal MOU between the ISS and the FSI, which was ready for signing, would strengthen the research partnership further. The workshop was part of thematic training by the FSI and the broader diplomatic field it was mandated to cover. Ambassador Cheluget said that an issue of particular concern to him was the assertion that at every level of Kenya's foreign policy architecture the issue of the environment was dealt with adversely. This would ultimately affect Kenya's diplomatic orientation.

Dr Wilson Kipkore discussed the aspect of environmental security within the general discourse on human security. He asserted that within the African debate on human security, the ISS viewed environmental security in the light of the impact of environmental degradation on human security.

Dr Kipkore elaborated the nexus between the contest for resources and conflict. Discussing natural resource conflicts in the context of comparative geopolitical perspectives, he touched on the Ogaden resources problem in Ethiopia and the Horn of Africa as a whole, the Israeli-Jordanian and the Ethiopia-Egypt conflicts over water resources, the India-Pakistan tussles over the resources of the Indus and Ganges rivers, and the struggle for control over the Mekong River basin. He stressed the need of effective water conflict management. Water, he asserted, was a key to environmental security and a potential cause of conflict. All water resource conflicts could be

seen in light of the connection between the environment, economics and social development. While not all conflict resulted from environmental strife, it was a factor that could not be ignored.

INSTITUTE FOR SECURITY STUDIES: ENGAGEMENT IN THE REGION

MR PETER EDOPU

Nairobi Office Director, Institute for Security Studies

Mr Edopu expressed his pleasure at seeing a large presence of Kenyan foreign policy technocrats at the workshop. Their presence would ensure the success of the workshop and further ISS's goal of strengthening collaborative efforts to influence policy and to conceptualise the debate on human security.

Mr Edopu outlined the activities, mission and goals of the ISS. Human security featured in all the Institute's programmes. Relationships similar to those with the FSI had been developed with other foreign-service establishments in Africa, in particular the South African Foreign Service Institute. The ISS worked with sub-regional organisations, among them the Regional Centre on Small Arms and Light Weapons (RECSEA) on disarmament and arms-control analysis, the East African Standby Brigade Command (EASBRICOM) and the Inter-Governmental Authority on Development (IGAD). He welcomed the new collaboration between the ISS and the FSI, which was comparable to the South African Foreign Service Institute in its mission and intensity of work. He asserted that enhancement of the FSI's capacity would not only benefit the country's foreign policy establishment, but also strengthen future common foreign policy efforts in the region.

THE CHANGING FACE OF DIPLOMACY

HE DR SALIM AHMED SALIM

President of the ISS Advisory Council and Special Envoy of the African Union to Darfur

Dr Salim's speech was delivered by the Mr Peter Edopu, Nairobi Office Director of the ISS. According to Dr Salim, it was suitable that he had been asked to address the changing dynamics of diplomacy as his diplomatic career spanned more than 40 years, ranging from municipal career diplomat to international civil servant under the aegis of the UN and the Organisation of African Unity (OAU).

When addressing the issue of the environment within a country's foreign policy, the global common component and ramifications could not be ignored, he said. This was especially so when it came to diplomatic engagement. The environment was a shared common good and affected all actors in a system, whether at municipal level as regards domestic policy considerations, or at the international level concerned with foreign policy practice and considerations.

As such, both track-one diplomatic practitioners, i.e. official foreign policy-makers and practitioners, and those referred to as second-track players, namely those falling outside government capacity, had a symbiotic role in delivering 'the environment' in its sustainable form to the public. Dr Salim asserted that the workshop was a manifestation of this new direction in which all stakeholders had a role to play in foreign policy and diplomatic debates. It signified the changing face of diplomacy.

Statecraft, as it was known, determined how a government conducts its affairs effectively, executes both its domestic and foreign policies, and enhances its national interest. Dr Salim categorised statecraft as combining two effective foreign policy tools, namely military and economic instruments on the one hand and the soft-power elements of diplomacy on the other. The latter relied strongly on the various institutions of diplomacy, from public diplomacy to the diplomacy of conflict management and the diplomacy of human rights.

Soft-power diplomacy, he asserted, had proven to be comparatively more effective and less costly in the different phases of international negotiation. An offshoot of this mode of statecraft was the growing area of environmental diplomacy. The fact that the Kenyan Foreign Ministry had recognised this would create a sound basis for meeting the needs of the country's expanding economy. In his view it was important to espouse and vigorously engage in the institutions of diplomacy and its changing faces.

Environmental diplomacy was not a luxury of the West. Foreign policies that fully espoused the enhancement of a country's environmental base strengthen other

foreign policy pillars to the extent that all such pillars would begin to operate with one constant variable, the environment. This is what the West was trying to achieve. The fact that environmental diplomacy was not a luxury was nowhere more apparent than in the conflicts permeating the Great Lakes region and the Horn of Africa.

According to Dr Salim, Kenya's foreign policy direction had generally been consistent when it came to utilising its comparative advantage in soft-power diplomacy. Kenya had largely utilised this type of diplomacy in the course of its third-party mediation in some of the world's most enduring conflicts in Somalia and Sudan. Foreign policy officials present at the workshop would attest to the fact that the underlying issue in these conflicts was the contestation for natural resources and their distribution. Diplomats had to juggle very sensitive socio-environmental concerns in order to appease all the actors involved conflict, but Kenya had achieved quite a bit nevertheless.

Dr Salim's exposition of the changing face of diplomacy was captured by his elaboration on the impact of the resource conflict on human development. In addition to this, the systemic ramifications of climate change would have a direct bearing on the comparative advantages that defined Africa's livelihoods. This was one more reason why the modern diplomat needed to understand all the contemporary debates concerning climate change, the politics thereof and related thematic concerns. Dr Salim suggested that the environment was inextricably linked to all basic elements of human engagement.

According to him, international relations had now incorporated a multi-disciplinary element – the environment – which was of particularly significance for relations within Africa. The environmental pillar in foreign policy did, however, ensure that the human security aspect of a country's domestic policy was enhanced, since ultimately foreign policy sought to reflect domestic policy.

He further suggested that symbiotic or public diplomacy was important to the extent that environmental concerns were well debated and understood when stakeholders with different capabilities were given a forum to deliberate on how to deliver this international public good in a sustainable and mutually beneficial manner. This was reflected by the spirit of the Rio Summit, which reconceptualised international diplomacy. Summit-level and multi-lateral diplomacy were given new meaning when public opinions of different players came together to fight a global cause. Official diplomacy was enhanced in that thematic concerns became a major preoccupation of diplomats and scientists.

Dr Salim said that in juridical terms diplomatic rounds had generated a great potential for legal work in that international environmental agreements were proliferating

to cover virtually all aspects of the environment. Because of this the modern diplomat had to be more multi-sided than his predecessor in order to be able to deliver this common good effectively to his government.

SITUATING ENVIRONMENTAL DIPLOMACY WITHIN KENYA'S FOREIGN POLICY

HON. MOSES WETANGULA

Minister for Foreign Affairs, Kenya

Minister Moses Wetangula hailed the workshop as an important forum for openly exchanging views and sharing ideas and experiences on pertinent environmental issues of international concern. In a speech read on his behalf by Ambassador Ben Ogutu, Director of Political Affairs, the Minister regretted that in the past the environmental debate had essentially been dominated by localised issues such as air pollution, unsafe water supplies and waste disposal. Problems such as climate change, depletion of the stratospheric ozone layer, desertification, ocean pollution, the wanton destruction of forests, the extinction of flora and fauna, and the spread of persistent and poisonous organic pollutants across the globe, represented a new kind of threat to humankind and to global prosperity.

He observed that it was evident that no nation or groups of nations, however politically or economically robust, could unilaterally resolve the planetary environmental problems. Kenya was in the forefront in the implementation of new diplomatic initiatives geared towards promoting sustainable environmental policies and activities both in the region and beyond.

On the topic of climate change, the Minister reiterated that Kenya, being a signatory to the Kyoto Protocol, was committed to ensuring that greenhouse gas emissions were substantially reduced and that all countries embraced practicable and adoptable measures against the negative effects of climate change. The wanton destruction of forests all over the world was contributing immensely

to global warming. He called for the acceptance of a collective responsibility to protect forests in order to avert increased temperatures of the earth's surface and associated threats, such as skin diseases, greater incidence of floods and hurricanes, the loss of biodiversity, the bleaching of coastal coral reefs and the transformation of seasonal weather patterns.

Hon. Wetangula confirmed that Kenya was keen to ensure that the six major water-generating regions, namely Mount Kenya, Mount Elgon, the Aberdare Ranges, the Mau forest complex, the Cherangani Hills and Mount Kilimanjaro, were accorded maximum protection from human interference. He pointed out that Mt. Kenya was strategic to Kenya's economic development and was home to some 882 plant species, 81 of which were endemic to the area. The Aberdare Ranges were home to the black rhino, which was classified as a critically endangered species in the International Union for Conservation of Nature (IUCN) Red Data List of Species.

The Mau forest complex, the Minister said, represented the only remaining near-continuous block of indigenous mountain forest in East Africa. This forest was very important for the conservation of bird life and key to the tourism sectors of Kenya and Tanzania. He added that the trans-boundary nature of natural resources demanded that countries cooperate and harmonise their foreign policies on environmental issues. Concerning wildlife conservation and tourism, Kenya remained determined to protect and manage its wildlife for posterity. Pointing out that Kenya had successfully struck a balance between economic gains from wildlife and ecological protection, the Minister informed the participants that in 2006 alone Kenya had earned over US\$700 million (equivalent to Kshs 49 billion) in foreign exchange from tourism linked to its national parks and nature-based resources.

He concluded by saying that Kenya remained focused and closely monitored the shape and direction taken by international negotiations on environmental matters to ensure that Kenya's interests were not affected.

Session II

Situating environmental diplomacy

Dynamics and processes

PRESENTATION 1: ENVIRONMENTAL DIPLOMACY

A contextual analysis of environmental diplomacy, policy-making and practice

DR CHRIS ABONGO

Lecturer & Consultant, UNICEF

Dr Abongo's presentation outlined the main framework for the workshop. He considered the concept of environmental diplomacy from different perspectives, which together constitute the traditional field of international relations. The perspectives were conflict management, international law, foreign policy analysis and international relations.

He noted that environmental diplomacy had developed its own concerns and that these sometimes differed from those of general diplomacy. Environmental diplomacy had developed its own world view, a quite different set of assumptions about international society and its own frameworks for cooperation.

Dr Abongo examined the paradigms of environmental diplomacy. He started off by outlining the chronology of events, from national sovereignty to internationalism, which culminated in globalisation, and discussed the historical, political, social, economic and environmental issues that had characterised the evolution of views. This brought him to the topic of the diplomacy of environmental protection and negotiations between states and other actors involved in international relations.

He asserted that the security threats emanating from environmental issues presented humanity with a number of political dilemmas. The threats were usually less clear cut and direct than other types of threats. Global environmental politics was also a relatively new dimension of

international relations and politics in general, but that was not to say that problems of environmental change were in any way new. There was a need to move speedily towards environmental security. If global environmental policy was to enhance human, and indeed non-human, security in a sustainable manner, it was of utmost importance that policy moved beyond knee-jerk reactions to disasters or imminent disasters. Only through the holistic management of environmental threats could states become free to act in the real interest of their citizens, rather than being compelled by domestic political constraints to the continued pursuit of practices harmful to humans.

The key to safeguarding human security when it came to issues such as climate change and resource depletion, Dr Abongo said, was to cease the practice of framing such problems in the context of 'environmental threats'. Given that human activity was an integral part of the earth's biosphere, rather than something related to but distinct from 'the environment', the central tenet of the interaction of people with their environment should be an emphasis on greater value being given to non-human life forms. This course of action could also be understood to be a means of preserving the human species.

PRESENTATION 2: THE GMO DEBATE

Are genetically modified organisms a justifiable solution to the food crisis? Implications for human health and the environment

SIMON T GICHUKI

Head, KARI Biotechnology Centre, Nairobi

Mr Gichuki mapped out the global food, feed and fibre strategy. He noted that no single approach would provide

a solution. Since conventional crop improvements alone would not double food production by 2050, genetically modified crops were essential, although they were no panacea. A successful strategy would have to incorporate multiple approaches to address the following main issues:

- Population control
- Good governance
- Improved food distribution systems
- A responsible crop, livestock and fisheries improvement strategy that integrated both conventional and genetically modified biotechnological approaches.

Of essence was his classification of the three branches of biotechnology, namely traditional biotechnology, tissue culture and market-assisted breeding, which included the manipulation of animal and plant genes. He noted that the most controversial of these interventions was genetic engineering, which had been the driver of the genetically modified organisms (GMO) industry. All the branches of biotechnology were having a direct impact in Africa.

Mr Gichuki said that biotechnology had been key to the following developments:

- Human health: biotechnology and gene manipulation had helped to refine vaccines and to develop medicines, vaccines and diagnostic kits
- Agriculture: biotechnology had helped to improve plants and animals, productivity, food quality and adaptation to climate change, including conditions such as drought, salinity and toxicity.
- Environmental conservation

General discussion

The following important issues were raised during the discussion:

- Kenya's capacity to monitor and regulate biotechnology
- The resistance of bio-toxins and their persistence in soil long after harvest seasons, with a possible negative effect on future crops. This problem needs to be dealt with by government.
- The use of large quantities of herbicides for increasing crop yields. Their long lifespan could have a negative impact on the soil, groundwater and biodiversity.

Kenya Plant Health Inspectorate Service (KEPHIS) noted the need to embrace technology in a safe manner, to discover ways to use less water for agriculture and to develop new vaccines and drugs. KEPHIS proposed that the information highway be integrated in the GMO debate

since this would lead to greater understanding. There was also need for a regulatory framework for safety as there was no technology in the world that was free of risks. The challenge lay in how to minimise these risks.

Discussion

DR JEFF ODERA

Director, Regional Programme on Sustainable Development (RPSD)

Dr Odera, who also represented Kenya's Ministry of Agriculture, noted that the public had actually been consuming GMO products for a long time without knowing it. Greater sensitisation and more investigations into the negative impacts of some products, especially those involving trans-genetic modifications, were required. Traits in plants that had a resistance to anti-biotics and the possibility of some GMOs being pollutants also had to be researched to a greater degree.

He warned against the likelihood of increased bio-piracy as more outsiders came to hunt for resistant crop varieties. Of concern was the fact that environmental diplomacy had penetrated debates on security within Kenya, but yet this had not trickled down into policy. In practical terms, foreign policy still tended to focus on the traditional areas of defence and economic and political relations with other countries.

According to Dr Odera, the greatest challenge for Kenya was to domesticate and enforce international environmental commitments. The FSI would provide diplomats with specific training on particular environmental issues and enhance their capacity to engage in environmental diplomacy. However, there was a need to articulate the relationship between the environment, diplomacy and the armed forces more forcefully. The armed forces needed to play a greater role in matters of ecological housekeeping and general environmental enforcement. He noted that the law of the sea provided parameters under which environmental diplomacy could be undertaken under the auspices of the military. The 1980 Bamako Convention permitted navies to police pollution on the high seas. Overall, he said, developments were positive now that the Foreign Ministry was articulating Kenya's foreign policy more forcefully.

Dr Odera said that the Ministry of Agriculture had noted concerns about intellectual property rights associated with GMO technology, which made the purchase of the technology more expensive. It was necessary to seek a balance between the accessibility of the technology and the protection of the GMO companies' investments. Furthermore, regulations and standards were required to ensure the safety of the technology and there was thus a need for Kenya to accelerate the passing of the Bio-safety bill of 1998, even as the international debate

on the labelling of GMO products raged on. Kenya should look at entry points to engage in the international debates on this issue. He advised that the government's national biotechnology strategy legitimised the need for a participatory process in passing the Bio-safety bill and other regulatory mechanisms relating to GMO technology. It should be appreciated that scientists in Kenya were doing all they could to make the technology safe, but that their confidence needed to be boosted. Above all, their research funding should not be curtailed as biotechnology had the potential to provide solutions to some of the leading challenges in agriculture, health and the environment.

According to Dr Odera, the Ministry understood that biotechnology itself was not the problem, but that the concern lay with GMOs. It was therefore necessary to separate the issues and to focus on the labelling all GMO foods. GMOs could be a source of pollution and lead to the destruction of bio-diversity. The Ministry had aired its concerns about the effects the introduction of GMOs could have on other foods and that there was a need for efficient testing methods to verify that foods were not contaminated in one way or another. These were the safety nets the Ministry proposed to implement. Dr Odera maintained that there should be investment in research and development to establish the impact of GMOs on regional agricultural ecologies and crops, and that the findings should be incorporated into Kenyan jurisdiction.

Response from KARI

Mr Gichuki clarified some important agricultural research questions. Concerning the impact of GMOs on local foods, he asserted that the social component of KARI expressed itself in a focus on possible social impacts. Social scientists attached to each KARI centre visited communities and advised on innovations. They monitored the impact of any products derived from biotechnology or GMO. The aspect of information was therefore covered by Kari.

Concerning the aspect of there being a danger of Africa becoming a dumping ground for GMOs, Mr Gichuki asserted that Kenya should not only focus on importing GMO products, but should build the capacity of its scientists to develop technologies that suited local needs. Sensitisation was required since incorrect information, even about basic scientific aspects, was being spread to public. A bio-awareness communications strategy should be developed to enable Kenyans to make informed choices.

Mr Gichuki further noted that in order for technologies to be more affordable for farmers, government should fund some of the research. Commercial companies

involved in new technologies required profits to fund their research and could therefore not always provide products at prices that farmers might find affordable. With regard to the impact of GMOs on the soil, he advised that, as required by regulation, tests were carried out regularly before new products were released for public consumption. If any harmful effects came to light, the government regulatory authority would stop the product from being released.

PRESENTATION 3: CLIMATE CHANGE

Climate change and the Kyoto Protocol: The issues and Kenya's engagement in climate-change rounds

MR RICHARD MWENDANDU

Director, Multilateral Environmental Agreements of the Ministry of Environment and Mineral Resources, Kenya

The presentation was made within the spectrum of the UN Framework Convention on Climatic Change (UNFCCC). Mr Mwendandu provided definitions of climate change and related issues. Climate change referred to a significant modification or variation of climates, mainly as a result of human activities. The widely used indicator for characterising climate change was an increase in concentrations of greenhouse gases (GHGS) related to human activity. It was in the 1980s that scientific concern was aroused by research results pointing to the potential severity of climate change. This was followed by the formation of the International Panel on Climate Change (IPCC), whose mandate it was to assess the emerging science of climate change and subject it to government scrutiny.

The IPCC report of 1990 formed the basis of a UN decision to negotiate a framework convention. The convention was adopted by UNFCCC in 1992 and it entered into force in 1994. Kenya signed the convention in 1992 and ratified it on 30 August 1994.

Mr Mwendandu explained the structure of UNFCCC and advised that Kenya had participated in UNFCCC negotiations at the highest level. In 1992, HE Daniel Moi, the then President of Kenya, represented the country at the UN Conference on Environment and Development in Rio de Janeiro. Furthermore, Kenya sat on the IPCC and had hosted COP 12, apart from having participated in most meetings of COP and its technical working groups.

Mr Mwendandu presented a situation analysis on the substantial effects of climate change on Kenya. Rivers and streams had dried up. Seasons had changed in time and nature, and rainfall patterns were poor. Rising temperatures had led to ice melting on Kenya mountain peaks.

The productive capacity of Kenya's agricultural land was changing and there were indications that diseases such as malaria were spreading to new areas.

Both long-term and broad-based measures were needed to counter the effects of climate change, Mr Mwendandu said. Policies and regulations had to be reviewed to make them more responsive and support climate-change mitigation and adaptation, as well as intensifying economic diversification at both local and national levels. It was also necessary to enhance food security through innovative irrigation and other appropriate farming methods. More climate-friendly technologies had to be developed, including non-energy uses of fossil fuels, advanced fossil fuel technologies, and carbon capture or storage through the emerging carbon markets. There was a need for greater public awareness about the impacts of climate change and adaptation measures.

Discussion

MADAM GRACE AKUMU

Executive Director, Climate Network Africa

Madam Akumu noted that the workshop on environmental diplomacy was contentious and opportune in the new world. Africa was mostly not participating actively in climate-change negotiations because of financial limitations and possibly even because climate change had not been prioritised by governments since it was seen as an ecological and environmental issue, rather than a political, economic or even a security issue.

According to her, the closest thing to regional deliberation on climate change was to have occurred at the 8th African Union Summit in Addis Ababa from 23 to 30 January 2007.⁷ However, other 'highly prioritised areas', notably the crisis in Darfur, had stolen the show. The impacts of climate change were already visible, specifically when it came to water and hydropower. Climate change would have a bearing on Kenya's 2030 vision and would affect long-term strategies on general food security and health regimes. However, the vulnerabilities posed by climate change were not effectively factored into the 2030 vision, nor were climate change adaptation scenarios a major concern of the vision. She added that the Kyoto Protocol was intended to provide an implementation strategy for the UNFCCC, something that developing nations should integrate into their policy guidelines.

Madam Akumu suggested that Africa's poor engagement in international environmental diplomacy had resulted in few states participating actively in the Kyoto negotiations, which had enabled developed countries to set low emission reduction targets of just 5% by 2012. Africa should play a much more active role in the next round of negotiations to ensure that the emission

reduction targets for developing countries be raised to as high as 60 per cent.

She further noted that as part of the Bali Plan of Action, countries had agreed to an adaptation framework and mitigation strategies that called for developed countries to provide technology and financial support to developing countries. Africa had to participate actively in the negotiations that would conclude in 2009. Developed countries had not met their commitments to provide support to developing countries to help them adapt to climate change. As such, she said, it was necessary for African countries to engage more actively so as to ensure that developed countries met their promises.

Other points of view were that there was a need to incorporate indigenous knowledge on local coping mechanisms into the adaptation strategies being developed by government; that climate change mitigation was being used by developing countries to exclude African horticultural products on the grounds that their transportation led to carbon emissions; that Africa lacked the capacity to negotiate effectively because of a lack of resources; and that the observed practice in diplomatic processes whereby a thin representation of technical expertise and agents supported complex multilateral environmental diplomacy and processes was not effective. In short, there was a need to involve environmental experts in negotiation processes to support career diplomats in their work appertaining to environmental diplomacy.

PRESENTATION 4: CITES

Convention on International Trade in Endangered Species of Wild Fauna and Flora and its implications for Kenya's environmental policy: Kenya's position, involvement and milestone achievements

MR SOLOMON KYALO

Senior Scientist, Biodiversity Conventions, Kenya Wildlife Service

Mr Kyalo started off by providing a definition of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in its procedural and substantial elements. CITES, which was also referred to as the Washington Convention, was an international agreement between governments that recognise the need for international cooperation to protect listed species of wild fauna and flora against overexploitation through international trade.

According to Mr Kyalo, the US, Kenya and the International Union for the Conservation of Nature (IUCN) were instrumental in developing the draft convention. Kenya signed the treaty on 13 December 1978 and CITES entered into force six months later.

Mr Kyalo noted that the treaty combined wildlife and trade with a legally binding instrument that brings with it obligations and responsibilities for achieving conservation and sustainable trade objectives. CITES operated on the basis of a system of permits and certificates. The Kenya Wildlife Service (KWS) was mandated under section 3A(J) of the Wildlife Act CAP 376 of Kenya as the lead agency for implementation of the convention. The KWS was guided by the following provisions:

- The Wildlife Act
- Sessional Paper No. 3 of 1975: Policy on future wildlife management of Kenya
- The revocation of wildlife hunting in 1977
- The revocation of dealership in wildlife products in 1978
- The Environmental Management Coordination Act, 1999 (EMCA), the Forest Act CAP 385, the Fisheries Act Cap 378 and other biodiversity-related conventions, treaties, protocols and agreements.

As regards diplomatic engagement in endangered species processes, Kenya had been quite active in meetings of the Conference of Parties (COP), the Standing Committee and the technical and scientific committees of CITES. Kenya cooperated with other parties and the secretariat of the convention. It participated in the standardised national reporting on the implementation of the convention. Mr Kyalo gave an analysis of the Kenyan CITES enforcement agencies, among which were the KWS, the customs authorities, the police, the immigration police, KEPHIS and the Kenya Forestry Service (KFS).

Mr Kyalo stated that Kenya was an acknowledged leader in the CITES forum. Kenya represented Africa on the Standing Committee and the technical committee. On a substantive level, Kenya had been notably successful in controlled elephant hunting and had managed to lobby for a nine-year moratorium on ivory trade. It had championed the establishment of a 21-country coalition to ban trade in ivory.

Discussion: Salient issues arising from Kenya's engagement with CITES

A critical review of the CITES regime highlighted the need for Kenya to systematically domesticate the convention. This was largely because CITES seeks to consolidate a great number of thematic concerns, all of which have a direct bearing on Kenya.

In the spirit of CITES, the aspect of international cooperation was critical. All stakeholders who are by statute or other enabling instrument tasked with environmental protection, for example the National Environment Management Authority and the KWS, were therefore by implication asked to collaborate with their counterparts in other organisations dealing with the environment. It was observed that there was a need to embark on scientific research to guide policy formulation, but this was dependent on funding and subsidies.

Mr Kyalo further asserted that there was a need for Kenya's Ministry of Foreign Affairs to spearhead a process within concerned government departments that would result in a collaborative engagement in environmental diplomacy. The issue of shared trans-boundary resources and how this related to CITES was also discussed.

Views of the moderators

AMBASSADOR DR PHILIP MWANZIA

United States International University - Africa (USIU-A)

AMBASSADOR DR DAVID KIKAYA

United States International University - Africa (USIU-A)

The two former career diplomats turned academics noted that Kenya's diplomatic participation in multi-lateral diplomatic negotiations required a service well staffed with effective negotiators skilled in the multifaceted aspects of the 'new diplomacy'. Such diplomatic personnel should understand public international law and, in this instance, international environmental law and policy-making.

Dr Kikaya gave a concise outline of Kenya's phases of foreign policy practice and its orientation within changing international systems. He asserted that environmental aspects had always been dealt with by diplomats, but not as a stand-alone foreign policy variable. Kenya recognised the intertwined diplomacies of arms control and disarmament, and the impact these had on the environment. He connected economic diplomacy, which had been a major foreign policy pillar of Kenya, to environmental sustainability. The latter defined Kenya's area of comparative advantage, namely trade in primary products. He described environmental policy as being Kenya's latest diplomatic frontier. Environmental diplomacy was a relatively new area of activity and there

were very few persons in the diplomatic world able to articulate the issues properly and integrate them into the overall diplomatic process. The coordinated work by different Kenyan institutions to improve the situation was a step in the right direction.

Ambassador Kikaya also noted that there was a need for track-two actors to engage in the environmental discourse, in particular in the foreign policy deliberations. This was precisely because the issue dealt with a public good that did not honour borders and affected all citizens. Non-official government actors also constituted the bulk of specialists. These ranged from academics involved in environmental studies to international development experts, all of whom had something new to bring to the shaping of a well-defined environmental policy Marshal plan.

Ambassador Mwanzia observed that in his long diplomatic experience he had found that diplomatic engagement by African diplomats had not been as technically sound as thematic concerns demanded. Environmental negotiations merited complex multilateral representation.

Conclusion

The workshop closed on a positive note. All recommendations were taken into consideration and will be fed into programmes aimed at enhancing foreign policy strategies, particularly the environmental diplomacy pillar of Kenya's foreign policy. The director of the FSI noted a

particular need for Kenya's foreign policy and diplomatic engagement to be informed by research. Collaboration that leads to pragmatic debates on foreign policy concerns and deals with regional issues within the EAC were also discussed.

Notes

- 1 E Richard Benedick, *Diplomacy for the environment: the new generation of environmental dangers*, Environmental Diplomacy Conference Report, American Institute for Contemporary German Studies, Washington DC (1999), 4-5.
 - 2 The UN Development Programme (UNDP) has defined human security as having seven dimensions, namely economic security, food security, health security, environmental security and personal security. *Human Development Report*, UNDP, New York: United Nations Press, 1994.
 - 3 The contemporary and changing roles of diplomats, in RG Feltham, *Diplomatic Handbook*, 8th ed., London: Oxford University Press, 2002.
 - 4 Peter Schwartz and Douglas Randall, An abrupt climate change scenario and its implications for United States National Security, October 2003, <http://www.gbn.com/ArticleDisplayServlet.srv?aid=26231> (accessed 30 September 2008)
 - 5 This phenomenon is observed in foreign policy debates and is the subject of the Almond-Lipmann Consensus, which has three propositions concerning the role of public opinion, also termed track-two diplomacy, and includes opinion on foreign policy by unofficial government entities. This kind of opinion is considered volatile and is therefore regarded as providing an inadequate foundation for stable and effective foreign policies.
- It also considered to lack coherence and structure and to have little if any impact on foreign policy. However, the changing phases of international diplomacy have proven this consensus to be null and void, as indicated by the international environmental debate. Public opinion expressed through numerous international organisations, NGOs, academic think tanks and institutions of higher learning have evolved this high-politic debate on environmental politics, protection and environmental diplomacy. Public opinion counts, and both track-one and track-two opinions need to be taken into account when the international public good of the environment is addressed. See Ole R Holsti, Public opinion and foreign policy: challenges to the Almond-Lipmann Consensus, Mershon Series: Research Programs and Debates, *International Studies Quarterly*, 1992 (36), 439-466.
- 6 See remarks made by Mr Thuita Mwangi, Permanent Secretary, Ministry of Foreign Affairs, Kenya, at the Foreign Service Institute Strategic Workshop, Utalii College, 27 November 2007.
 - 7 See the draft agenda and resolutions of the 8th African Union Summit in Addis Ababa, Ethiopia, 23 -30 January 2007. This may be accessed at <http://www.africa-union.org/root/AU/Conferences/Past/2007/summit/summit1.htm> (accessed on 26 March 2009). It should be noted that the themes of the summit basically covered science, technology and scientific research, as well as climate change in Africa.

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