



**Alliance of Civil Society  
Organisations for  
Clean Energy Access**

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**SCALING UP NATIONAL AND  
SUB-NATIONAL PROGRESS TOWARDS  
SDG 7 IN KENYA (CLEAN COOKING  
AND ELECTRIFICATION)**

*Analysis of the Energy Act No.1 of 2019:  
Mapping out key entry points for CSOs influencing*

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**DISCUSSION PAPER**

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Supported by SEforALL

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## List of Acronyms

ACCESS - Alliance of Civil Society organizations for Clean Energy Access

CS - Cabinet Secretary

CSOs - Civil Society Organizations

REA - Rural Electrification Authority

GDC - Geothermal Development Company

KETRACO - Kenya Electricity Transmission Company Limited

KPLC - Kenya Power and Lighting Company

EPRA - Energy and Petroleum Regulatory Authority

ERC - Energy Regulatory Commission

REREC - Rural Electrification and Renewable Energy Corporation

SEAF-K - Sustainable Energy Access Forum for Kenya

RERAC- Renewable Energy Resource Advisory Committee

NPEA - Nuclear Power Energy Agency.

NEP - National Energy Policy

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# 1 BACKGROUND AND RATIONALE

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This discussion paper seeks to explore the opportunities within Kenya’s Energy Act of 2019 that civil society organizations (CSOs) in the country can plug into to scale up progress to meet Sustainable Development Goal 7 (SDG 7) on ‘Ensuring access to affordable, reliable, sustainable and modern energy for all’. The newly enacted Act is a vehicle for accelerating the achievement of the country’s SEforALL/ SDG 7 targets. Toward this end, stakeholders in the energy space need to fully understand the provisions of the Energy Act of 2019 and its implications for achieving universal access.

The paper is work-in-progress and is based on a rapid analysis of the Energy Act of 2019 and the experiences of key CSOs in the Kenyan energy sector following a round-table co-hosted by SEforALL and ACCESS Coalition on 18<sup>th</sup> and 19<sup>th</sup> November 2019 at Crowne Plaza Hotel, Nairobi. ACCESS Coalition recognizes that the analysis is not an exhaustive piece of research, it is an attempt to stir a conversation on the opportunities for CSOs to influence the implementation of the Energy Act. We, therefore, welcome comments and feedback on the opportunities and suggestions made here including the practicability of realizing these opportunities.

## 1.1 OVERVIEW OF ACCESS COALITION

ACCESS is a global coalition of 65 organizations working at the local, national, regional, and international levels whose mission is to advocate for people living in poverty to have access to safe, reliable, and affordable energy, and for environmentally sustainable and efficient energy systems globally. Most ACCESS members are practitioners and civil society groups based in Sub-Saharan Africa and Asia.

ACCESS is a member of SEforALL - People-Centered Accelerator (PCA), a voluntary partnership of organizations devoted to gender equality, social inclusion, and women’s empowerment. PCA comprises of different workstreams. Together with other partners, ACCESS leads the ‘National strategies’ workstream which aims at enabling more effective Civil Society Organizations (CSOs) participation in advocating for delivery of SDG 7 in high impact countries. With a specific focus in Kenya, Ghana and Zambia, a series of multi-stakeholder dialogues and capacity building workshops are planned in 2020 to enable CSOs to carry out informed advocacy in these countries.

## 1.2 SUMMARY/THE KEY HIGHLIGHTS OF THE ENERGY ACT OF 2019

The Energy Act of 2019 consolidated the entire laws relating to energy, to provide for National and County Government functions in relation to energy, to provide for the establishment, powers and functions of the energy sector entities; promotion of renewable energy ; exploration, recovery and commercial utilization of geothermal energy; regulation of midstream and downstream petroleum and coal activities; regulation, production, supply and use of electricity and other energy forms; and for connected purposes.

- **Integrated National Energy Plans (INEP)** – requires the Cabinet Secretary in consultation with relevant stakeholders to develop, publish and review energy plans in respect to coal, renewable energy and electricity so as to ensure delivery of reliable energy services.
- **Monitoring implementation of Integrated National Energy Plan (INEP)** - requires the Cabinet Secretary to prepare and publish a report on the implementation of INEP within three months after the end of each financial year.
- **Report on implementation of National Energy Policy (NEP)** - All entities and County Governments to submit their respective NEP implementation reports by *31st August every year*. The Cabinet Secretary will then publish the implementation of NEP by *30th September every year*. This will require development and enactment of relevant regulations.
- **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.
- **Establishment of Renewable Energy Centers** - the Act also empowers county governments to build local renewable energy centers in collaboration with REREC. This creates a platform for technology transfer and technology development assuring counties of energy independence in the long run.
- **Rural Electrification and Renewable Energy Corporation (REREC)** – the Act establishes REREC as the successor to the Rural Electrification Authority (REA) with added responsibilities in addition to overseeing implementation of the rural electrification program.
- **Vesting of renewable energy resources** - the Act vests all renewable and geothermal energy resources in the national government. This will ensure the government develops them for the benefit of all Kenyans not just for the communities where these resources are located.
- **Renewable Energy Resource Advisory Committee (RERAC)** - the Act establishes an inter-ministerial committee intended to advise the Cabinet Secretary on matters concerning the allocation and licensing of renewable energy resource areas etc.
- **Consolidated Energy Fund**- the Act establishes this fund to cater for energy development including promotion of renewable energy initiatives.

## 2 INTRODUCTION

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### 2.1 Energy Access in Kenya

**M**odern energy is an enabler for many development areas including health, education, inclusive economic development, and gender equality. The adoption of SDG 7 in ensuring access to affordable, reliable, sustainable, and modern energy for all by 2030 is recognition of this potential development ‘dividend’. Kenya identified energy as one of the key enablers upon which the economic pillar of Kenya’s Vision 2030 development blueprint is built on. Under the Third Medium Term Plan 2018-2022 of this vision, the government intends to improve the energy infrastructure, promote the development and use of renewable energy source to create a cost-effective energy supply regime that is reliable and adequate to support industrialization, food security and job creation for economic growth. Kenya’s SEforALL Action Agenda outlines how the country will achieve its ambitious SEforALL goals of; (a) Universal access to electricity by 2022 and clean cooking fuels and technologies by 2030; (b) Increasing the rate of energy efficiency by 2.785%; (c) Increasing the share of renewable energy in the national energy mix to 80% by 2030.

Data from SDG 7 energy progress report<sup>1</sup> shows that electricity access rate for Kenya in 2017 was 64%, with the urban and rural access rate being 81% and 58% respectively. Kenya stands out as a success case in electricity access with projections showing that it will achieve universal electricity access before 2030<sup>2</sup>. Access rate for clean fuels and technologies for

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<sup>1</sup> IEA, IRENA, UNSD, WB, WHO (2019), Tracking SDG 7: The Energy Progress Report 2019, Washington DC

<sup>2</sup> Kenya government targets universal access to electricity by 2022 as captured in its SEforALL Action Agenda and Investment Prospectus documents.

cooking in the same period (2017) was about 14% nationally, with urban areas having an access rate of 28% and rural areas reporting less than 5% access rate. This progress lags with an annual growth rate of 0.5% between 2010 and 2017, against a required growth rate of 3% if the 2030 targets were to be achieved globally. As in many other countries, Kenya lags in the achievement of other SEforALL/SDG 7 targets.

The enactment of the Energy Act No1. Of 2019, presents an opportunity for stakeholders to contribute towards meeting the country’s targets and maximize impact across key nexus sectors.

### 2.2 Institutional and policy frameworks

#### 2.2.1 Institutional framework

The Act ushered in new mandates and frameworks for various institutions. Worth noting is the Rural Electrification and Renewable Energy Corporation (REREC) which was initially Rural Electrification Authority (REA), and the Energy and Petroleum Regulatory Authority (EPRA) which was known as the Energy Regulatory Commission (ERC). REREC’s mandate was broadened to include functions such as management of activities at energy centres - which were initially under the stewardship of the national government – and, resource mobilization to support rural electrification. The institution is also responsible for developing rural electrification master plans in consultation with county governments. The Nuclear Power and Energy Agency, formerly known as Kenya Nuclear Electricity Board, is responsible for conducting nuclear electricity generation, creation of awareness, research and policy propositions regarding nuclear

electricity. EPRA bears the expanded mandate of regulating upstream petroleum and coal, unlike the predecessor REA. Others include the Energy and Petroleum Tribunal to hear and settle regulatory complaints in the energy sector, Ministry of Energy which gives overall guidance through policy formulation, KETRACO in charge of high voltage transmission, Kenya Power and Lighting Company (KPLC) as a utility operator, Kenya Electricity Generating Company (Kengen) for generating energy and selling to the utility operator, and Geothermal Development Company (GDC) who are in charge of prospecting geothermal resources.

## 2.2.2 Existing Policy Frameworks

### The Constitution of Kenya (2010)

The constitution has enhanced protection and enforcement of fundamental rights amongst other gains. It provides for a two-tier structure of government, i.e. the National and the County Governments. It distributes the functions and powers between the two levels as detailed in Chapter Eleven and the Fourth Schedule.

Concerning the energy sector, Part 1 of the Fourth Schedule provides that the National Government shall be responsible for: (a) Protection of the environment and natural resources to establish a durable and sustainable system of development including water protection, secure sufficient residual water, hydraulic engineering and the safety of dams. (b) Energy policy including electricity and gas reticulation and energy regulation; and (c) Public investment.

About the County Governments, Part 2 of the Fourth Schedule provides that they shall be responsible for county planning and development including electricity, gas reticulation, and energy regulation. It is

necessary to review and align the energy sector policy, legal and regulatory framework with the provisions, spirit and aspirations of the Constitution.<sup>3</sup>

### Least Cost Power Development Plan (LCPDP) 2011-2031)

This 20-year roll-out plan was developed to guide stakeholders on how the government intends to develop the electricity sub-sector on a medium to long term scale. The indicative plan shows how different energy needs shall be met with the least cost to the economy and the environment. LCPDP is updated regularly by incorporating lessons learnt. The plan considers population changes, urbanization and technology changes to forecast new energy demand.

### Sustainable Energy for ALL Initiative (SEforALL) 2012

It's the government vehicle for achieving SDG 7 and it aims at mobilizing all stakeholders to take concrete actions toward ensuring universal access to modern services, striving to double the global rate of improvement in energy efficiency and doubling the share of renewable energy in the global energy mix, within the UN timeframe of 2030. One of the principles adhered to is Gender Equality and inclusiveness. The SEforALL goals are expected to be achieved through a number of High Impact Initiatives (HIIs), which are targeted, on-the-ground programs or projects, and categorized into High Impact Opportunities (HIOs).<sup>4</sup> A way to organize multi-stakeholder actions across all relevant sectors of the economy; and tangible entry points for stakeholders interested in taking action in specific areas of interest.

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<sup>4</sup>

[https://www.seforall.org/sites/default/files/Kenya\\_A\\_A\\_EN\\_Released.pdf](https://www.seforall.org/sites/default/files/Kenya_A_A_EN_Released.pdf)

The Action Agenda identifies the following gaps in clean cooking and electricity which needs to be

addressed to achieve universal access for all by 2030.

Universal access to clean cooking gaps	Universal access to electricity gaps
Regulatory issues	Affordability
Awareness and knowledge	Fragmented energy access market
Information and sector analysis	Need to develop mini grid policy
Cook stove quality and performance	Infrastructure
Last-mile distribution and producer finance	Costs and financial considerations
	Rural Electrification Strategy

### Kenya National Electrification Strategy (2018)

It is the roadmap to achieving universal access to electricity as a key plank of powering the country's development agenda. Its principal objective is to achieve electricity access for all households and businesses in Kenya over the shortest timetable and the acceptable quality of service. It focuses on identifying off-grid solutions that can meet the energy needs of lower-income remote population centres and housing clusters at reasonable costs and within the government's timeframe (KNES, 2018).<sup>5</sup>

### National Energy Policy 2018

The policy aims to ensure an affordable, competitive, sustainable, and reliable supply of energy at the least cost to achieve the national and county development needs while protecting and conserving the environment for inter-generational benefits. In regards to clean cooking, it states that there is inadequate public awareness on the adverse health effects of the use of wood-fuel and kerosene on women and children and the inability to access and afford modern and clean energy. There is, therefore, a

need to undertake measures to make clean and modern energy services affordable and accessible.<sup>6</sup>

### Gender Policy in Energy (2019)

The policy aims to achieve gender equality and equity within the energy sector in Kenya. It guides mainstreaming of gender in institutions, policies and programs in the Ministry of Energy, County governments and other stakeholders. The specific objectives of the policy include; increasing awareness on gender in the Energy sector, promoting clean cooking solutions and environmental sustainability, ensuring compliance with the Constitution among others.<sup>7</sup>

<sup>5</sup> <http://pubdocs.worldbank.org/en/413001554284496731/Kenya-National-Electrification-Strategy-KNES-Key-Highlights-2018>

<sup>6</sup> [https://kplc.co.ke/img/full/BL4PdOqKtxFT\\_National%20Energy%20Policy%20October%20%202018.pdf](https://kplc.co.ke/img/full/BL4PdOqKtxFT_National%20Energy%20Policy%20October%20%202018.pdf)

<sup>7</sup> <https://www.energia.org/kenyas-ministry-of-energy-launches-one-of-a-kind-gender-policy/>

# 3 BRIEF OF ENERGY ACT NO.1 OF 2019 IN KENYA

The Act was developed in response to calls to consolidate the laws relating to energy sector development, including the promotion of renewable energy and; regulation of midstream and downstream petroleum and coal activities. The Energy Act (2019) aligns the legal and regulatory framework of the energy sector with the Constitution of Kenya, 2010, with attempts to clarify the roles of the National Government and the 47 County Governments (Fig 1) concerning energy. Given the critical role energy plays as an enabler towards socio-economic and political development, it is crucial to have sound regulatory frameworks and enabling environment ranging from policy to support services. Thus, the Energy Act (2019) lays out the governance framework for energy sector development at the national and sub-national level.<sup>8</sup>



FIGURE 1: MAP OF KENYA SHOWING THE 47 COUNTIES<sup>9</sup>

<sup>8</sup> [https://kplc.co.ke/img/full/o8wccHsFPaZ3\\_ENERGY%20ACT%202019.pdf](https://kplc.co.ke/img/full/o8wccHsFPaZ3_ENERGY%20ACT%202019.pdf)

<sup>9</sup>

[https://www.google.com/search?q=map+of+kenya+counties&rlz=1C1CHBD\\_enKE857KE857&sxsrf=ACYBGNTotkgdayhEt8n4tCO9vkPtMpSWUQ:1575182884241&tbm=isch&source=iu&ictx=1&fir=1HHRsetivMITaM%253A%252CH](https://www.google.com/search?q=map+of+kenya+counties&rlz=1C1CHBD_enKE857KE857&sxsrf=ACYBGNTotkgdayhEt8n4tCO9vkPtMpSWUQ:1575182884241&tbm=isch&source=iu&ictx=1&fir=1HHRsetivMITaM%253A%252CH)

The overall structure of the Energy Act 2019, starts with the objective, followed by the ten parts, namely:

- i) Preliminary - defines the operational terms used throughout the Act;
- ii) The Energy Policy and Integrated Energy Plan - articulates the roles of National and County Governments in the development of energy policy and plans;
- iii) The National Energy Entities - articulates the objectives, roles and functions of different entities established under the Act;
- iv) Renewable Energy - outlines vestment of renewable energy resources in the country and the role of Government in renewable energy resource mapping and development;
- v) Downstream Coal - provides guidelines and regulations that govern energy production from coal;
- vi) Electrical Energy - articulates guidelines that govern the generation, importation, transmission, distribution and supply of electricity in the country;
- vii) Rights of way, Wayleave and use of land for energy resources and infrastructure - outlines guidelines on the development of energy infrastructure on any land, including permission to survey land, power of entry, payment of compensations, compulsory acquisition of land, power to lop trees and hedges as well as a declaration of energy resource areas;
- viii) Energy Efficiency and Conservation - outlines the role of Energy and Petroleum Authority (EPRA) in developing the energy efficiency and conservation program including the designation of factories and buildings, accreditation of energy managers and auditors, conduct of energy audits and preparation of annual reports. It also articulates the power of Cabinet Secretary to enforce efficient use of energy and its conservation as well as the role of County Governments in ensuring efficiency and conservation, including the establishment of a fund to promote the same within the counties;
- ix) Miscellaneous provisions - articulates the local content requirements, its monitoring and enforcement;
- x) Repeals, savings and transitional provisions - articulates which policies and regulation have either been repealed or saved under the Act.

# 4 PROVISIONS OF THE ACT RELEVANT FOR CSO INFLUENCING

Understanding the Act and potential points for leverage is critical for civil society engagement in the implementation of the Act. The discussion paper recognizes that CSOs in Kenya have continued to support and work in partnership with Ministry of Energy to provide valuable data, advice on policy formulation and demonstrate solutions to secure last-mile energy solutions including how to overcome barriers for investment and on inclusive energy service planning and delivery.

The paper identifies the following provisions as the key entry points for CSO influencing:

- 1) Part II on Energy Policy and Integrated Energy Plan;
- 2) Part III on National Energy Entities- especially the Rural Electrification and Renewable Energy Corporation (REREC);

- 3) Part IV on Renewable Energy – the establishment of the Renewable Energy Resources Advisory Committee.

## 4.1 ENERGY POLICY AND INTEGRATED ENERGY PLANNING

### 4.1.1 Energy policy and integrated planning

The Act gives powers to the Cabinet Secretary to ensure development, implementation and monitoring of energy policy and integrated planning in consultation with relevant stakeholders as described below:

Article 4 (1)	❖ To develop and publish a national energy policy reviewed every 5 years
Article 4 (2)	❖ To prepare and publish a report on the implementation of the national energy policy within three months after the end of each financial year
Article 5 (1)	❖ To develop, publish and review energy plans in respect to coal, renewable energy and electricity to ensure delivery of reliable energy services at the least cost. The Act articulates how the integrated plan is to be developed
Article 5(2)	❖ National energy service to develop and submit to the Cabinet Secretary plans for the provision of energy services per its mandate
Article 5(3)	❖ Requires all the 47 County Governments to develop and submit a county energy plan to the Cabinet Secretary in respect of its energy requirements
Articles 5(4)	❖ To consolidate plans articulated in Article 5(2) & 5 (3) into an integrated national energy plan. The integrated national plan is to be reviewed every three years
Article 5(6)	❖ To prescribe regulations on the content and timelines for preparation of the energy plans
Article 6 (1)	❖ To prepare and publish a report on the implementation of the integrated national plan within three months after the end of each financial year

The Articles highlighted above provide entry points for CSOs both at national and county level. The overarching entry point at the national level is an opportunity for CSOs to contribute to the development of the content of the energy plans and propose realistic timelines for its preparation. This is in the realization of Article 5(6) which requires the cabinet secretary to prescribe regulations on content and timelines for preparation of the plans. Further, CSOs can support the development of frameworks for the development of energy plans that emphasize energy as an enabler for development across sectors.

At the County Government level, the overarching entry point for CSOs is the opportunity to directly support the development of inclusive county energy plans, which are responsive to the needs. Various

CSOs are already working in the counties e.g. Catholic Agency For Overseas Development (CAFOD) is working with Kitui County government to develop their energy sector plan; GIZ is doing the same in Turkana. HIVOS, WWF, Practical Action and others are working with different counties to support them in county planning as detailed in later sections of this document.

They have the opportunity to build the capacity of county technical staff on planning and implementation as well as policymakers within the County Government to develop and enact policies and regulations that will accelerate access to modern energy services.

More entry points for CSOs under energy policy and integrated planning are:

National Energy Policy	<ul style="list-style-type: none"> <li>❖ Lobby for the implementation of the National Energy policy</li> <li>❖ Build capacity of county governments and other stakeholders on provisions of the Policy</li> <li>❖ Create awareness and training on the new Gender-Policy-in Energy</li> <li>❖ Support in tracking the implementation of the policy</li> </ul>
Integrated national Energy Plan	<ul style="list-style-type: none"> <li>❖ Build capacity of county governments officials on county energy planning processes and framework and support in tracking implementation of the plans</li> <li>❖ Influence budget allocation for decentralized energy solutions in national and county level energy processes</li> <li>❖ Provide sex-disaggregated data and information for planning at the county level and support operationalization of the SEforALL website</li> <li>❖ Build the capacity of county-level CSOs and SEforALL committees to participate in the development and implementation of county energy planning</li> <li>❖ Promote inter-departmental planning within the county governments and Build the capacity county governments and local CSOs on Energy-nexus with other sectors</li> <li>❖ Sensitizing the county government on the county energy planning frameworks</li> <li>❖ Lobby for prioritization of energy departments and gender-energy focal points within the counties</li> <li>❖ Sensitizing counties on the Energy Act of 2019</li> </ul>
Monitoring implementation of National Energy Plan	<ul style="list-style-type: none"> <li>❖ Develop more meaningful and transparent monitoring and reporting mechanisms for energy access</li> <li>❖ Provide energy data on progress to support tracking of the SDG 7 targets</li> <li>❖ Lobby for multiple modes of dissemination of progress reports</li> </ul>

## Current status on Energy policy and Integrated Planning

The Ministry of Energy has taken great strides in supporting integrated energy planning and energy policy development since the onset of devolution in Kenya. Some of the notable interventions-Include:

- a) *Development of the National Energy Policy (2018)*, to ensure an affordable, competitive, sustainable and reliable supply of energy to meet national and county development needs at least cost while protecting and conserving the environment.
- b) *Development of SEforALL Action Agenda and investment prospectus* aimed at mobilizing all stakeholders to take concrete actions toward ensuring universal access to modern services, as well as striving to double the global rate of improvement.
- c) *Creating awareness to 43 counties on SEforALL*. However, the outcome of this was not adequately achieved because most counties at that time lacked designated energy departments.
- d) *Development of county energy planning framework* with support from GIZ to guide all counties in preparation of their Energy Plans. The framework was rolled out and some counties have developed their energy plans with support from various CSOs. Few counties (less than ten) have been able to develop energy plans with support from INGOs like Practical Action, Worldwide Fund for Nature (WWF), GIZ, and Netherlands Development Organization (SNV) among others with limited involvement of local CSOs.
- e) *Proposal to establish a County Energy Committee* comprised of different stakeholders in the counties to support energy planning. This is because there is high turn-over of county officials as most of them are appointed on a political basis.
- f) *Creation of the SEforALL website* (not yet online), and establishing the SEforALL secretariat at the Ministry of Energy.

## 4.1.2 Energy Services

Article 7(1) of the Energy Act No.1 of 2019 obligates the Government to facilitate the provision of affordable energy services to all persons in Kenya. Article 7(3) further mandates the Cabinet Secretary to develop and implement a fair, transparent, and equitable strategy to ensure that all households are connected to a supply of electricity by 2030. An entry point for CSOs is to work with the National Government to implement the electrification strategy for all households. It is important to note that there are government agencies such as REREC, KPLC whose ongoing strategies and plans can be revised to reflect the changing needs.

### Status on strategies for energy provision

Notable strategic programmes initiated by the Government that respond to Article 7 of this Act, most of which target the last-mile and the poorest groups are:

- ❖ **Kenya off-grid Solar Access Programme (KOSAP)** - KOSAP is a government initiative funded by the World Bank. It is aimed at providing access to modern energy (both clean cooking and electricity) to 16 counties which are marginalized and underserved and whose connection to the main grid is not viable from a financial standpoint. The KOSAP electrification component aims to reach over 1.2 million households with stand-alone solar home systems and mini-grids, while the clean cooking component targets the sales of at least 150,000 stoves in 8 counties through a result-based financing facility.
- ❖ **Last Mile Connectivity Project** – aims at facilitating the extension of low voltage electricity lines from 17,967 transformers across all the 47 counties in Kenya reaching over 1,035,801 households within a radius of 600m from the transformers at a subsidized cost.

- ❖ **The Slum Electrification Project**- the project was implemented by KPLC and targeted over 1,000,000 households in urban low-income areas (slums). It was aimed at addressing the stringent KPLC connection requirements such as wiring certificates, way-leaves and permanent structures among others. The project ended, however, there is the possibility to have another phase under the World Bank's Kenya Electricity System Improvement Project.
- ❖ **The Mwananchi Gas Project**- the project is implemented by the National Oil Corporation to promote uptake of 6kg LPG cylinders at a lower price to low-income households who cannot afford the big cylinders. It aims at increasing LPG penetration in Kenya to about 70% by 2020.

The government has also launched the Kenya Electrification Strategy (KNES) in 2018, developed in partnership with the World Bank to provide a roadmap to achieving universal access to electricity for all Kenyans by 2022. The strategy recognizes the key role played by off-grid options, mini-grids and stand-alone solar systems that complement grid extension and densification.

### 4.1.3 Promotion of energy investment funds

Article 8(1) requires the cabinet secretary to develop a conducive environment for the promotion of investments in energy infrastructure, including the formulation of guidelines in collaboration with relevant county agencies on the development of energy projects and to disseminate the guidelines among potential investors. CSOs need to support the development of these guidelines at the national level. At the county level, however, support is needed towards carrying out an energy needs assessment and feasibility studies for projects to ensure economic viability, socio-cultural acceptability as well as environmental sustainability. There is also an

opportunity in supporting the counties to market investment-ready projects to potential investors.

### Current status on Energy investment funds

- ❖ **SEforALL Investment Prospectus (IP)** - the IP presents the short-term priorities of the government for the operationalization of the country's SEforALL Action agenda. It was developed to attract investment in the country's energy sector with a particular focus to address the country's SEforALL goals of ensuring universal access to modern energy services, doubling the global rate of improvement in energy efficiency and doubling the share of renewable energy (RE) in the global energy mix by 2030.

## 4.2 KEY NATIONAL ENERGY ENTITIES

The Act establishes powers and functions of the energy sector entities (with expanded mandates) which are; Energy and Petroleum Regulatory Authority (EPRA), the Rural Electrification and Renewable Energy Corporation (REREC) and the Nuclear Power and Energy Agency. Analysis of the national energy entities will only focus on REREC as this presents the niche for CSOs to accelerate universal access to energy for all.

### 4.2.1 Rural Electrification and Renewable Energy Corporation (REREC)

Article 43(1) of the Act establishes the Rural Electrification and Renewable Energy Corporation (REREC) as the successor to the Rural Electrification Authority (REA). In addition to overseeing the implementation of the rural electrification program, REREC's extended mandate includes; *developing and updating the renewable energy master plan, establishing energy centres in the counties, developing, promoting and managing the use of renewable energy (excluding geothermal),*

*Coordinating research in renewable energy, developing appropriate local capacity for renewable technologies, offering clean development mechanisms such as carbon credit trading, among others.*

The main entry point for CSOs lies in working with REREC on setting up and equipping energy centres in all the 47 counties. These centres offer programs on renewable energy, technology demonstrations and training covering a range of technologies such as biogas, improved cookstoves, improved efficiency

charcoal and cookstove kilns, wind and energy-efficient devices (e.g. fireless cookers).

The Energy Centers also offer technical assistance and training to prospective individuals and groups, information and awareness-raising on topical energy issues, as well as a multi-purpose tree seedling

production and skills transfer to support on-farm wood fuel supply. CSOs support is key in ensuring that communities within counties benefit from the services offered by these centres through facilitating training, exchange programmes or using these facilities as centres of excellence for energy access. Other entry points for CSOs, are highlighted below:

#### Rural Electrification and Renewable Energy Corporation (REREC)

- ❖ Technical assistance to REREC in setting up the energy centers (e.g. energy technologies, reading materials)
- ❖ Support REREC in developing a national strategy for coordinating research in renewable energy in collaboration with county governments
- ❖ Supporting development of Energy master plans for counties
- ❖ Supporting REREC in conducting needs assessment for each of the new and existing energy centers to identify their existing human resources, infrastructure, equipment, budget, activities, needs, and potential capacity for training
- ❖ Offering demonstrative training and capacity building to counties and individual energy entrepreneurs and users
- ❖ Creating awareness on the benefits of the energy centers and promoting renewable energy fairs and exhibitions

## 4.3 RENEWABLE ENERGY

The Act vests all unexploited renewable energy resources under the national government as stated in Article 73. Under the Act, each county shall develop and submit a county energy plan to be submitted to the Cabinet Secretary in respect of its energy requirements. Counties will also be required to carry out feasibility studies for renewable energy aimed at providing relevant information for optimal exploitation of these resources and to aid in the development of county renewable energy master plans.

### 4.3.1 Promotion of renewable energy

To promote renewable energy development and use, Article 75 mandates the cabinet secretary in

conjunction with relevant agencies to; *(a) formulate a national strategy for coordinating research in renewable energy, (b) provide an enabling framework for the efficient and sustainable production, distribution and marketing of renewable energy, (c) promote the development of appropriate local capacity for the manufacture, installation, maintenance and operation of basic renewable technologies; (d) promoting the use of fast-maturing trees for energy production among others.*

### 4.3.2 Establishment of Renewable Energy Resource Advisory Committee

Under Article 76(1), the Act mandates establishment of an inter-ministerial committee known as the *Renewable Energy Resource Advisory Committee* composed of representatives drawn from GDC,

KenGen, National Treasury and the Attorney General and is open to co-opt at most four members. The committee is mandated to advise the Cabinet secretary on matters including; (a) *the criteria for allocation and licensing of renewable energy resources and areas, (b) management of water towers and catchment areas, development of multi-purpose projects to ensuring proper coordination at policy, regulatory, conservation and operational levels on matters relating to the various uses of water resources; (c) management and development of renewable energy resources and, (d) advising the County Governments on matters relating to renewable energy resources.* Provides a lobbying opportunity for CSOs to ensure an all-inclusive committee that brings on board representatives from key sectors of the society i.e. public, private and the civil society.

#### Current status of existing committees

- ❖ **SEforALL Advisory Group**-SEforALL action agenda proposes the establishment of the advisory group with representatives drawn from; inter-ministerial committee on SEforALL, Council of Governors, public sector, civil society, private sector, research institutions. The role of the committee is to advise on policy, planning, business models, technology, innovation, capacity building and knowledge sharing.
- ❖ **SEforALL Secretariat** - Comprises of a team of technical staff assigned by the Ministry of Energy and they are charged with the responsibility of developing a programme to improve the capacity of national and local institutions as part of accelerating renewable energy technology transfer and use.
- ❖ **The SEforALL inter-ministerial committee** - The SEforALL Action Agenda prioritizes key nexus areas with a clear description of why the issues are significant, as well as outlining a path to achieving the 2030 targets. The key nexus areas identified are; water, health, gender equality, climate change/environment, education and food

security. Despite this important recognition of the need to operationalize nexus planning and implementation, the SEforALL inter-ministerial Committee is not yet operational due to insufficient financial resources allocated to the SEforALL secretariat to convene awareness and capacity building sessions. More widely, progress on meeting the targets is hampered by a lack of shared understanding among key stakeholders of which interventions should be prioritized.

### 4.3.2 Preparation of resource maps and renewable energy resources inventory

Article 74 requires the Ministry of Energy to undertake a countrywide survey and a resource assessment of all renewable energy resources within twelve months after the Act has been enacted. The Act further requires preparation of renewable energy resources inventory and resource maps of each renewable energy resource to be updated biennially and published through the Gazette. The inventory and resource maps will take into account the relevant data, information, maps documents or report.

#### Current status of RE resources inventory

In 2017, the government commissioned a study to assess the usage of renewable energy sources in 47 counties. The government has undertaken past studies and resource assessments to understand the country's potential in solar, wind, hydro and other renewable resources. Few examples include Solar and Wind Energy Resource Assessment (SWERA) mapping exercise that was completed and published in 2008, Wind Energy Prospectus Kenya report 2013, National Hydro Resources Atlas, 2015 and Small hydro scoping study 2006.

<p>Promotion of renewable energy</p>	<ul style="list-style-type: none"> <li>❖ Develop innovative technologies to support uptake of renewable energy products</li> </ul>
<p>Establishment of Renewable Energy Resource Advisory Committee</p>	<ul style="list-style-type: none"> <li>❖ Lobby for clear mandate, balanced composition, effective functioning of the committee including – assessing the capacity of the members, resources, access to information</li> <li>❖ Lobby for CSO inclusion and nexus ministries in the Renewable Energy Resources Advisory committee</li> <li>❖ Lobby for budget allocation for energy-nexus planning</li> <li>❖ Strengthen inter-ministerial planning on nexus at the national level (what can we learn from the clean cooking inter-ministerial committee?)</li> </ul>
<p>Preparation of resource maps and renewable energy resources inventory</p>	<ul style="list-style-type: none"> <li>❖ Providing data and resources for development of the energy resource maps</li> </ul>

## 5 PROPOSED TIMELINES FOR IMPLEMENTATION OF THE PROVISIONS

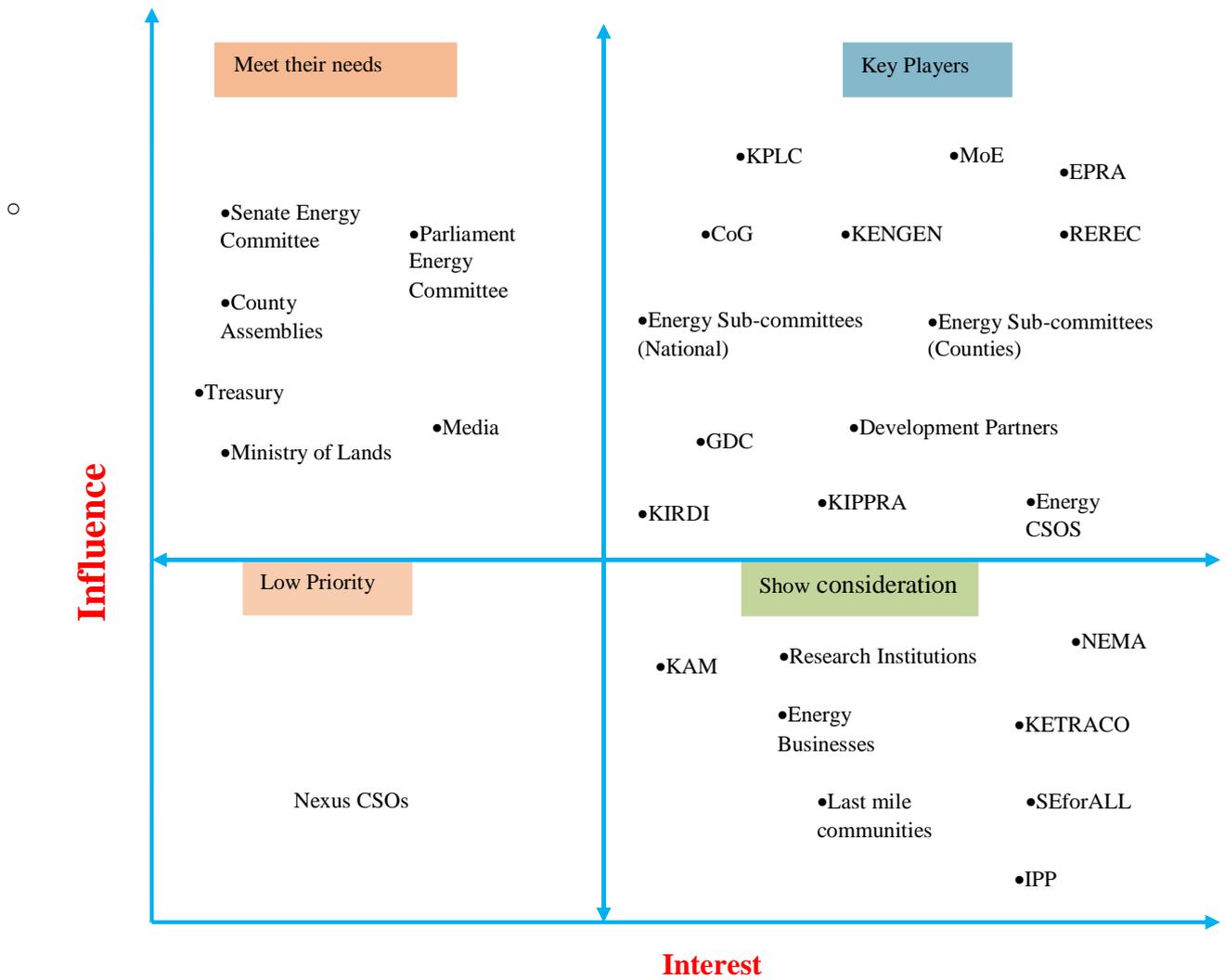
Section & Sub-Section	Implementation Action	Timeline
<b>Immediate Actions</b>		
4(2)	All Entities and County Governments to submit their respective NEP Implementation Reports	By 31st August every year
4(2)	CS to Publish a report on the implementation of NEP	By 30 <sup>th</sup> September every year
5(1,4)	Develop an Interim Uniform Framework for the Entities and County Governments to apply in developing their plans. MoE to review the Draft Framework	By 31 <sup>st</sup> March 2020
5(2,3)	CS to issue a Circular on the County Energy Planning Framework requesting all Entities and County Governments to submit their initial respective Energy Plans	By 31 <sup>st</sup> December 2019
5(1,4)	Develop and publish the Integrated National Energy Plan	By 31st March 2020
6	Publish the report on the implementation of the INEP by 30 <sup>th</sup> September	By 30 <sup>th</sup> September and every year starting in 2020
5(2,3)	All Entities and County Governments to submit their initial respective Energy Plans	By 31st December 2019 and thereafter every 3 years by 31st December
44(1)	REREC to Establish 31 new Energy Centers in the Counties where they don't exist.	By 31 <sup>st</sup> March 2020
	MoE to transfer the 16 existing Energy Centers from MoE to REREC	
74(1)	Preparation of resource maps and renewable energy resources inventory	By 31 <sup>st</sup> March 2020
181(1)	Declaration of energy resource areas	By 31 <sup>st</sup> March 2020
194(1)	Establishment of a Fund by County Governments	By 31 <sup>st</sup> March 2020
<b>Short Term Actions ( March 2019-June 2020)</b>		
74(2)	Report on the renewable energy resources inventory and resource map	By June 2020
75(2) (a)	Develop and publish a national strategy for research in renewable energy	By June 2020
75(2) (b)	Develop a framework for production, distribution and marketing of biomass, the solar, wind, small hydros etc.	By June 2020
<b>Long term Actions( March 2019-June 2024)</b>		
4(1)	Review of the NEP in 2024 and thereafter every 5 years	2024
5(1)	Review the INEP by 31st January 2023	2023

## 6 EXISTING PROGRAMS BY CSOs

Organization	Counties of operation	Description of activity
WWF	Kwale	<ul style="list-style-type: none"> <li>○ Solar cooking for fisheries</li> </ul>
	Kericho	<ul style="list-style-type: none"> <li>○ Energy efficiency in tea industries</li> </ul>
	Kajiado and Narok	<ul style="list-style-type: none"> <li>○ Solar energy for Wildlife conservation</li> </ul>
	Country wide	<ul style="list-style-type: none"> <li>○ Supporting SEAF-K to influence the policy environment at national and county level</li> <li>○ Technical and institutional capacity building of the forum</li> <li>○ Facilitating forum members to engage in national, regional and global energy discourse.</li> <li>○ Linking the forum with like-minded platforms and organizations for cross-learning.</li> </ul>
Rainforest Alliance	Kericho	<ul style="list-style-type: none"> <li>○ Powering tea industries</li> </ul>
SNV	Kakamega and Kisumu	<ul style="list-style-type: none"> <li>○ Awareness creation on clean cooking</li> <li>○ Implementing the KOSAP project component on results-based financing</li> </ul>
	Kiambu	<ul style="list-style-type: none"> <li>○ Developing energy policy in Kiambu county in partnership with GROOTS-Kenya</li> </ul>
	Kilifi	<ul style="list-style-type: none"> <li>○ Supporting women energy entrepreneurship</li> </ul>
	Turkana	<ul style="list-style-type: none"> <li>○ Clean cooking program in Kakuma refugee camp</li> </ul>
Hivos	Kajiado	<ul style="list-style-type: none"> <li>○ Conducting county energy resource assessments</li> <li>○ Research on energy delivery in partnership with IIED</li> </ul>
KCCWG	Kajiado	<ul style="list-style-type: none"> <li>○ Supporting the development of renewable energy policy in partnership with HIVOS</li> </ul>
CAFOD	Kitui	<ul style="list-style-type: none"> <li>○ Supporting the development of county energy plan using the Energy Delivery Model (EDM) toolkit</li> </ul>
	Countrywide	<ul style="list-style-type: none"> <li>○ GIS mapping of energy resources in Kitui in collaboration with WRI</li> </ul>
WRI	Mombasa, Kilifi, Garissa, Makueni, Murang'a, Kiambu, Nakuru, Kericho, Embu, Kirinyaga, Kisumu, Kakamega, Siaya, Busia, Bungoma and Meru	<ul style="list-style-type: none"> <li>○ Solarization of health facilities in collaboration with Population Service Kenya</li> </ul>
Caritas	Kitui	<ul style="list-style-type: none"> <li>○ Supporting adoption of households rocket cook stoves working with Fastenopfer in Switzerland</li> </ul>
GIZ	Countrywide	
ACTS	Nairobi	<ul style="list-style-type: none"> <li>○ Working on modern energy cooking for urban centers</li> </ul>
Koko Networks	Nairobi	<ul style="list-style-type: none"> <li>○ Promoting bio-ethanol fuels and stoves</li> </ul>

Organization	Counties of operation	Description of activity
GDC	Nakuru and Baringo	<ul style="list-style-type: none"> <li>Exploring alternative uses of geothermal other than lighting, i.e. for heating, naturalization and processing of animal products.</li> </ul>
CCAK	Kwale	<ul style="list-style-type: none"> <li>Collaborating with county government to steer clean cooking and setting up a fund to support women energy enterprises</li> </ul>
	Country wide	<ul style="list-style-type: none"> <li>Standard development for cook stoves in collaboration with KEBS</li> </ul>
Clean Cooking Alliance	Garissa and Kiambu	<ul style="list-style-type: none"> <li>Scaling up biogas development projects</li> <li>Working on standards for labeling for cook stoves in collaboration with CCAK</li> </ul>
Green Africa Foundation	Marsabit	<ul style="list-style-type: none"> <li>Enhancing citizen voices on accountability</li> </ul>
Maa Briquettes	Nakuru, Narok and Nairobi	<ul style="list-style-type: none"> <li>Using charcoal dust and agro-waste to make briquettes</li> </ul>
Umande Trust	Nairobi	<ul style="list-style-type: none"> <li>Enhancing adoption of electric-cookers in Nairobi in collaboration with Safi international</li> </ul>
Magiro Hydros	Murang'a	<ul style="list-style-type: none"> <li>Powering up villages through hydroelectric generation</li> </ul>
SCODE	Nakuru	<ul style="list-style-type: none"> <li>Fabricating and distributing improved cook stoves</li> </ul>
Practical Action	Kakamega, Kisumu, Siaya, Nakuru, Nyeri and Murang'a	<ul style="list-style-type: none"> <li>Supporting development of County energy plans</li> <li>Technical and financial training for women energy entrepreneurs</li> </ul>
SEAF-K	Countrywide	<ul style="list-style-type: none"> <li>Influencing policies on renewable energy</li> </ul>
Energy for Impact	Countrywide	<ul style="list-style-type: none"> <li>Building capacity of energy businesses &amp; innovations in energy</li> </ul>
ACCESS Coalition	Countrywide	<ul style="list-style-type: none"> <li>Building capacity of CSOs influencing SDG7 delivery</li> </ul>
GOGLA	Nairobi	<ul style="list-style-type: none"> <li>Conducting market intelligence on off-grid energy</li> </ul>
Strathmore Energy Resource Centre	Nairobi	<ul style="list-style-type: none"> <li>Conducting technical training and research in energy sector</li> </ul>
Stockholm Environment Institute	Nairobi	<ul style="list-style-type: none"> <li>Influencing policy on clean cooking and off-grid lighting solutions</li> </ul>
Kenya Private Sector Alliance	Countrywide	<ul style="list-style-type: none"> <li>Lobbying for appropriate standards and regulations on renewable energy products and fiscal instruments</li> </ul>

# 7 STAKEHOLDER POWER MAP



## 8 GAPS

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While the Energy Act provides mechanisms for attaining desired energy targets, the Act is gender-neutral. It has no specific focus on women, men and other vulnerable groups and communities. The Act has put more emphasis on electricity connectivity but not the last mile access to energy. Issues of compensation on power outages affect the right of access for the consumer and have not been adequately addressed. The Act does not explicitly address the energy nexus aspects even though there is mention of the establishment of an inter-ministerial committee led by the Ministry of Energy, but largely comprises of energy entities without nexus ministries like health, education etc.

## 9 CONCLUSION

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Overall, the Act paves way for achievement of universal energy for all Kenyans by 2030 and creates a plethora of opportunities for CSOs to exercise their right to contribute toward the SDG 7 goal. Strategic partnerships between the CSOs the government and private sector will not only support the achievement of SDG 7 and SEforALL agenda at the country level but also have ripple benefits at the sub-national level. Partnerships will build the capacity of stakeholders, provide a platform for knowledge sharing and enhance the tracking of performance. The Energy Act of 2019 has the potential to shift the paradigm only if goodwill be accorded by all sector players. This includes partnerships towards financing and implementation and proper legislative processes that need to factor in those leaving below a dollar a day and struggling to meet their energy needs. Thus, inclusive and participatory processes will be crucial towards achieving the eagerly awaited transformations in the energy fraternity pursuant to the Act.

### End Notes

1. IEA, IRENA, UNSD, WB, WHO (2019), Tracking SDG 7: The Energy Progress Report 2019, Washington DC
2. Kenya government targets universal access to electricity by 2022 as captured in its SEforALL Action Agenda and Investment Prospectus documents.
3. Government of Kenya, Energy Act No.1 of 2019
4. Global Alliance for Clean Cook stoves - Kenya Country Action Plan (2013)
5. [https://www.seforall.org/sites/default/files/Kenya\\_AA\\_EN\\_Released.pdf](https://www.seforall.org/sites/default/files/Kenya_AA_EN_Released.pdf)
6. <http://pubdocs.worldbank.org/en/413001554284496731/Kenya-National-Electrification-Strategy-KNES-Key-Highlights-2018>
7. [https://kplc.co.ke/img/full/BL4PdOqKtxFT\\_National%20Energy%20Policy%20October%20%202018.pdf](https://kplc.co.ke/img/full/BL4PdOqKtxFT_National%20Energy%20Policy%20October%20%202018.pdf)
8. <https://www.energia.org/kenyas-ministry-of-energy-launches-one-of-a-kind-gender-policy/>
9. [https://kplc.co.ke/img/full/o8wccHsFPaZ3\\_ENERGY%20ACT%202019.pdf](https://kplc.co.ke/img/full/o8wccHsFPaZ3_ENERGY%20ACT%202019.pdf)

10. Kioli, J, Ngare. I. (2019) A Review Of Energy Access In Kenya. Research Journal of Electrical Engineering Vol. 3 | No. 1 September | 2019 <http://www.researchjournali.com/view.php?id=5085>