



# Achieving multi-level, integrated governance of coastal ecosystems in Kenya

## Key points

- Integration and coordination of objectives, policies and management approaches is widely seen as essential for the effective governance of coastal zones. Yet, developing an integrated and coordinated approach within government and with other actors, working at multiple levels and locations, is extremely challenging. The breadth of sectors, policies, actors, management approaches and levels may not always be appreciated or taken into account.
- Viewing governance in terms of 'multi-level governance' would encourage greater attention to the many administrative levels, government sectors and non-governmental actors involved, and interactions between them.
- Understanding of multi-level governance requires analysis in three areas:
  - The multiplicities of levels, actors, policies and rules.
  - The existence of, and opportunities and challenges for, vertical and horizontal interaction.
  - Assessment of governance through the application of governance principles.
- Greater coordination of governance could be sought through Integrated Coastal Zone Management, County Environment Committees and the National Mangrove Management Action Plan.

## Characteristics of renewable natural resources

Natural resources have a number of characteristics that make governance a challenge:

- There are often multiple uses, users, management approaches and objectives.
- Natural resources may cross administrative boundaries and therefore require neighbouring administrations to cooperate.
- Natural resources and people's associated livelihoods are affected by policies, law, plans and decisions made at multiple administrative levels – international, regional, national and sub-national.

Accordingly, the governance of natural resources is often fragmented, uncoordinated, under-resourced and affected by many actors, decisions and rules. Achieving a coordinated, coherent approach at all levels and between all sectors is challenging. Due to the multiple ecosystem services provided by coastal areas and the diversity of benefits received, the lack of coordination and integration is problematic for the sustainability of the resource and for associated livelihoods.

Kenya is committed to an integrated approach to coastal zone management, as set out in the Integrated Coastal Zone Policy and Action Plan, which states one of the principles of integrated coastal zone management as being:

***“Coordination, integration and co-management. Environmental management efforts will be integrated across all sectors and programmes that strengthen co-management of resources and stakeholder involvement will be developed and implemented.”*** NEMA (2011: 33)

The complexity of natural resource governance suggests that a **multi-level governance** perspective is needed to help understand who is involved and how actors interact, and to identify opportunities and challenges for greater cooperation. Understanding multi-level governance requires analysis in three areas:

1. The multiplicities of levels, actors, policies and rules.
2. The existence of, and opportunities and challenges for, vertical and horizontal interaction.
3. Assessment of governance through the application of governance principles.



The aim of this brief is to provide a guide to mapping and investigating the multi-level landscape of natural resource governance, and enable the identification of challenges to and opportunities for greater coordination and cooperation.

## **Analysing multi-level governance**

### ***Multiplicities of levels, actors, policies and rules***

As well as the complexity of natural resource systems leading to a need for a multi-level governance perspective, two other trends in governance make a multi-level perspective essential:

1. In many countries, functions and powers of government have been decentralised, with the formation of local government structures, sometimes at multiple levels.
2. The adoption of collaborative forms of natural resource governance has brought other actors into the governance framework, including resource users, NGOs and the private sector.

As there may be multiple government sectors involved in the governance of a natural resource, policies, legislation, management objectives and approaches associated with these sectors will impact on the condition of the natural resource and how people access and benefit from the natural resource. At all levels, there will be rules and norms, formal and informal, that influence governance; these may be linked across levels, but they may also contradict and confuse.

### ***The existence of, and opportunities and challenges for, vertical and horizontal interaction***

Analysis of cross-level (vertical) and within level (horizontal) interactions is essential for understanding to what extent and how actors already work together. Such analysis can also identify opportunities for encouraging interaction and challenges that might make cooperation difficult to achieve. Interactions may include information sharing, participation in cross-level or cross-sector working groups, and undertaking joint activities. Challenges to interacting include competition for resources and status, lack of incentives for cooperation and some actors or structures exerting more power and influence than others, making equity in collaboration difficult.

### ***Assessment of governance through the application of governance principles***

An assessment of how well the system is working and performing is essential. In a multi-level system, delivering on transparency, participation and accountability, for example, may be particularly challenging. Literature on 'good governance' identifies many governance principles, such as: legitimacy, transparency, accountability and inclusiveness. Inclusiveness includes an assessment of the system of representation of different actors at each level, how participation of all stakeholders can take place and whether all groups have a voice in decision-making. The accountability of a multi-level governance system can be challenging because of the many levels, government sectors and actors involved. Accountability downwards, particularly to local communities, is often ignored. A range of mechanisms for, and frequency of, accountability may be needed. Legitimacy of the system, the actors and organisations within the governance system, and of the decisions made is essential if governance is to be effective. Legitimacy may partially come from having a legal mandate, but acceptance by stakeholders also results from information sharing, transparency, demonstrating accountability and commitment to delivering on agreed aims and objectives.

Using the brief descriptions above, the following table provides an illustration of the complexity of the governance of coastal ecosystems in Kenya.



## Multilevel governance of coastal ecosystems in Kenya

Multiplicity of levels, types of actors, policies and laws	Vertical and horizontal interactions	Governance performance
<ul style="list-style-type: none"> <li>• Departments of government include: National Environmental Management Authority, Kenya Forest Service, Kenya Wildlife Service, State Department of Fisheries.</li> <li>• Devolved levels of line ministries at County level and below</li> <li>• County governments also have officers associated with natural resource line ministry sectors</li> <li>• Policies, legislation, plans and strategies associated with: integrated coastal zone management, environment, fisheries, forestry, tourism, land, planning, climate change. May have different ways of looking at the same resources, with different aims, objectives, priorities and management approaches.</li> <li>• Multiple committees found at the village level, associated with forestry, fisheries, coastal conservation and others</li> <li>• Informal rules and norms influence decision-making at all levels, including personal networks, gendered relations and ways of working</li> <li>• Number of agencies, actors and structures at multiple levels sometimes causes confusion and conflict, with overlapping mandates and different approaches; overlapping mandates can also be viewed as being complementary</li> </ul>	<ul style="list-style-type: none"> <li>• Adherence to organisational mandates may limit scope for collaboration</li> <li>• Collaboration only generally occurs through project funded activities – e.g. workshops and field activities</li> <li>• Much collaboration happens through formal requests from directors of government department to another to request information, participation in an activity or workshop, completion of an activity or joint working. May take time to work through systems.</li> <li>• Environmental Management Conservation Act 2015 requires formation of County Environment Committees and development of a county strategic environmental action plan every five years</li> <li>• Informal contact between officers and with actors outside government occurs to exchange information and plans; may be through face-to-face meetings, phone calls or email</li> <li>• Formation of technical working groups may sometimes occur and facilitate interaction for a specific purpose</li> <li>• Little interaction occurs between sector-related committees at the village level</li> </ul>	<p><i>Legitimacy</i></p> <ul style="list-style-type: none"> <li>• Legislation sets out the remit of government departments and their management approaches. Policy statements provide details of aims and objectives.</li> <li>• Legislation provides legal mandate for collaborative natural resource governance and remit of community-based collaborative structures, such as the Community Forest Associations (CFA) and Beach Management Units (BMU).</li> <li>• Legitimacy may be undermined by corruption and lack of implementation of policy and legislation.</li> </ul> <p><i>Inclusiveness</i></p> <ul style="list-style-type: none"> <li>• The composition of community-based committees is directed by legislation.</li> <li>• Little representation of communities in higher levels beyond <i>ad hoc</i> workshops and consultations.</li> </ul> <p><i>Accountability and transparency</i></p> <ul style="list-style-type: none"> <li>• Most accountability is upwards through regular reporting to the next level. CFA and BMU do not regularly report to village head or chief but involve them in some activities.</li> <li>• Annual report expected from CFA through Forest Manager but not happening. Some monitoring of CFA from KFS. BMUs report to County Fisheries Officer.</li> </ul>



## Challenges to greater collaboration

- Collaboration is not seen as the norm and there is a preference for keeping within one's mandate. This may be partly due to the desire to keep funding within a department or sector, enabling attribution of activities and success, as well as for accountability and reporting.
- Funding towards the environment is not prioritized by the Government, limiting the potential for support for cross-sectoral approaches.
- There may be differences in interpretation of certain policies and objectives between sectors.
- There is a lack of information sharing within and between organisations, which reflects limited interaction.
- The separate formation and functioning of committees at local level limits the development of a more integrated approach. Each government sector determines procedures for community engagement which may not take into consideration other structures and mandates.
- There is no forum that brings together the county and national government natural resource managers.
- There are parallel systems of governance in Kenya - political and administrative – which may present conflicting views. The County system is still embedding, which presents challenges and opportunities for interaction as remits are being negotiated and confirmed.

## Opportunities for greater collaboration

- There is comprehensive policy and legislation in natural resource governance in Kenya.
- Integrated coastal zone management policy and strategy calls for an integrated, coherent approach to the governance of coastal resources.
- The Environmental Management and Conservation Act (amended 2015) requires the formation of County Environment Committees, which brings together natural resource sector officials with other government officials, civil society and representatives from the private sector. Participation of community-based committee members, such as from Community Forest Associations and Beach Management Units, could strengthen collaborative governance and encourage greater interaction – horizontal as well as vertical.
- The development of the National Mangrove Management Action Plan brought stakeholders together from across sectors and this could continue in implementation.
- Participation of community-based committee members in higher levels of government decision-making through representation would strengthen collaborative governance and encourage greater interaction – horizontal as well as vertical.

## Conclusion

This brief has shown that whilst the geographic scale and many uses of renewable natural resources makes coordinated governance a challenge, thinking through the multi-level nature of the governance situation can reveal opportunities and challenges for a more coordinated approach. Using the structured approach set out in this brief can guide analysis and understanding and help plan for greater interaction within and between levels, whilst encouraging greater inclusivity, legitimacy and accountability.

**Reference:** National Environment Management Authority (NEMA) (2011) *Integrated Coastal Zone Management Action Plan for Kenya, 2011-2015*, Nairobi: NEMA.

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