

Towards Harmonisation of the East African Community (EAC) Climate Change Policies, Laws and Institutions

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Introduction

- The paper has two main objectives:
 - i. To analyse the policy and legal frameworks on climate change both at the EAC regional and member States level, and determine the extent to which they are harmonized.
 - ii. To identify implications for the private sector in the context of the emerging legal and policy framework on climate change.

Introduction

Approach:

- In order to demonstrate the extent to which the EAC climate change policy is harmonised with climate change policies of the member States, I will narrow down the analysis to **energy** policies.
- In summary, the paper will consider how the energy sector in the context of mitigation is addressed in the EAC climate change policy, and then analyse how the different member States have dealt with the energy sector in the context of mitigation in their national climate change policies.

Introduction

- East Africa is one of the fastest growing economic regions in the world.
- There is high potential for exploiting renewable energy/clean energy.
- In 2010, only 37% of the population in East Africa had access to electricity .
- This means that there are immense opportunities for placing the region on a low-carbon development pathway.
- In the run up to the adoption of the Paris Agreement in 2015, EAC Member States submitted various individual mitigation goals through their Intended Nationally Determined Contributions (INDCs).

Introduction

- *Article 126 (2)(b) of the **EAC Treaty, 1999*** requires Member States to take steps to harmonise all their national laws with those of the EAC.
- The Council of Ministers established a Sub-Committee on the harmonisation of national laws in the EAC context .
- It is important therefore, that the **emerging policy and legal framework on climate change** within individual Member States be harmonised with the EAC regional policy on climate change.

Analysis of climate change mitigation policies at EAC regional level

EAC Climate Change Policy, 2011:

- scale up investment in renewable energy technologies.
- develop appropriate alternative energy sources, policies and measures to increase energy efficiency.
- devise a precautionary approach to the development of bio-fuels for mitigation and energy in view of food security issues.
- improve energy efficiency and promote clean energy technologies including hydropower, solar and wind.

Analysis of climate change mitigation policies at member States' level

- National Climate Change Policy, 2015 (Uganda)
- **Climate Change Act, 2016 (Kenya)**
- National Climate Change Strategy, 2012 (Tanzania)
- National Strategy on Climate Change and Low Carbon Development, 2011 (Rwanda)
- Intended Nationally Determined Contribution (INDC), 2015 (all EAC countries)

Analysis of climate change mitigation policies at member States' level

- A review of the climate change mitigation policies of Uganda, Kenya, Tanzania, Rwanda, and Burundi with specific focus on the energy sector, shows that they are consistent with those articulated at the EAC regional level.
- However, this is not the end of the story – a detailed analysis of the energy laws and policies of each individual Member State would help to provide a deeper insight on the extent to which they are harmonised with the EAC climate change policy and legal framework.

Climate Change mitigation policies on the energy sector in East Africa: Implications for the private sector

- Overall, it is noted that there are immense opportunities for the development of renewable energy and clean energy in East Africa.
- The governments in the region are taking commendable steps to improve the policy and legal environment so as to attract renewable energy/clean energy investments.

Conclusions and Recommendations

- Harmonise the emerging legal framework with the EAC regional policy on climate change and energy.
- Develop standardised Power Purchase Agreements (PPAs), Implementation Agreements and model licenses in a bid to attract more investments.
- Streamline technical, environmental, financial and economic project due diligence for the permit and license application process.
- Ensure timely payment of dues under PPAs by utility companies to independent power generators.

Conclusions and Recommendations

- Facilitate financial institutions to provide favourable facilities to independent power generators.
- Put in place clear and efficient licensing procedures for private power developers.
- Reform the tariff mechanism to enable automatic tariff adjustment formula to track movement in costs, inflation and currency fluctuations.

Conclusions and Recommendations

- Undertake awareness and sensitisation campaigns targeting the private sector to make them appreciate the need to pursue opportunities presented by climate change.
- Undertake further analytical papers interrogating the extent of harmonisation of climate change laws and policies within the EAC region— given that this paper has dealt (to a limited extent) with only the climate change mitigation policies in the energy sector.

Thank you for listening to me!

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