

Sacrifices and Triumphs: The **deCOALonize** Journey





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Forward by Prince Papa, Board Chair

As the people of Kenya, we have a more significant say in how our country should be run. Article One of the Constitution has bestowed all the sovereignty and power into our hands. There have been instances of significant inspiration that underpin the importance of our constitution in bringing about the desired change that the communities and the people of Kenya want.

One such instance is how a small community on the Island of Lamu convinced an environmental tribunal to suspend the construction of a coal-fired power plant. We have also seen the same success in Mui, Kitui County, where the local community is fighting against proposed coal mining.

These success stories are the deCOALonize stories. We cannot talk about the deCOALonize journey without talking about the people of Lamu and Kitui's grassroots mobilization. We also cannot talk about the deCOALonize movement without the National Environment Tribunal and the backbone they showed as we prosecuted this case.

We feel the Kenyan judicial system has demonstrated a sense of maturity and indepen-

dence from the State, power, and money control.

The judgment delivered by the National Environment Tribunal (NET) that cancelled the license for the construction of the Lamu coal plant should give individuals, community leaders, and all Kenyans hope to seek redress in courts whenever possible.

As a supporter of the deCOALonize movement and as its current board chairperson, I must say that the struggle against coal investment in Kenya has been waged through a multifaceted approach, and the journey has not been easy.

In the beginning, most of the opposition was led by residents of Lamu organized under Save Lamu and other Lamu-based organizations. But as they continued with their opposition to the proposed Lamu coal plant, they needed to make sure that their voice reached a national audience.

It took a concerted effort to consolidate the Lamu and Kitui isolated struggles and to form the deCOALonize movement. Under the deCOALonize Kenya umbrella, various advocacy strategies, including community mobilization, digital organizing and engaging political processes, were deployed to permeate into the spaces occupied by decision-makers.



Prince Papa, Board Chair, deCOALonize

2010
Our 2010 constitution
has bestowed all
the sovereignty
and power into
our hands.

The achievement by the deCOALonize movement is an example of what the world needs now, especially in the fight against climate change. By uniting, ordinary citizens create robust and more vital communities that can take on the challenges brought about by the fossil fuels industry.

The deCOALonize journey has shown that even poor communities can unite and use their numbers to influence legislation, present winning arguments before a court of law, and positively shape the lives of future generations.

As Coretta Scott King puts it, "The greatest of a community is most accurately measured by the compassionate actions of its members."

When we are all long gone, our children, our children's children, and their children will be proud of how we as a community stood up against environmental abuses, community loathers, and the rigged systems aimed at exploiting an already marginalized community.

The deCOALonize journey will continue until we completely stop the development of the coal industry in Kenya. We shall continue to unite with Kenyans to align with green and clean development pathways towards achieving 100% decentralized renewable energy for all.















Our unity as a movement will also be more broadly felt as we continue to show solidarity with other struggles nationally and across our borders.

This world is our common home, and as such, we must, as one family, together protect our shared home.



Kenya's Coal Journey: A Timeline

LAMU

-  **Sept 2013:** The government advertises the Expression of Interest (EOI) for the development of the Lamu coal plant.
-  **Sept 2014:** Reports emerge that the plant will be constructed in Lamu County by a special purpose company known as Amu Power.
-  **2014:** Two of the losing bidders challenge the tender Award to Amu power in court.
-  **Jan 2015:** An arbitration tribunal upholds the award.
-  **Jan 2016:** Planned commencement date for the construction of the coal plant.
-  **Mar 2016:** Reports indicate the project's environmental and social impact assessment (ESIA) is still underway.
-  **May 2016:** Kenya's National Land Commission (NLC) states it is acquiring 387.363 hectares to build the US\$2 billion plant.
-  **Aug 2016:** Lamu County Assembly rejects an environmental and social impact assessment report by investors on the plant.
-  **Oct 2016:** Save Lamu files an Appeal to the National Environment Tribunal (NET) challenging the EIA license issued to Amu Power to construct the coal plant.
-  **Sep 2016:** The National Environmental Management Authority (Nema) Issues a license to Amu Power, allowing the company to build the coal power plant.
-  **December 2016:** Natural Justice and Save Lamu object to granting an energy generation license by the Energy Regulatory Commission (ERC); now EPRA (Energy and Petroleum Regulatory Authority).
-  **Feb 2017:** ERC over-rides the objection and approves the plant's construction.
-  **Jul 2017:** Okiya Omtatah petitions the Environment & Land Court of Kenya to determine whether or not the Energy Regulatory Commission has granted an Electricity Generation Licence to Amu Power.
-  **May 2018:** It's reported that General Electric plans to acquire a stake in Amu Power.



Jun 2018: Kenya Energy Regulatory Commission (ERC) instructs developers of the proposed plant to scale it down, reportedly to avoid excess electricity that would force consumers to pay for idle plants.



Aug 2018: 56 institutional and individual investors with US\$713 billion in assets under management asks US firm General Electric to withdraw an earlier decision to invest in the plant.



Oct 2018: The High Court in Nairobi reinstates all automatic stay orders issued for projects challenged at the National Environment Tribunal (NET). The ruling effectively restores stop orders issued, including the Lamu plant. Activist Okiya Omtatah and Katiba Institute filed the case.



Jun 2019: The National Environment Tribunal (NET) cancels the National Environment Management Authority (NEMA)'s license to approve the proposed plant's environmental impact assessment.



Jul 2019: Amu Power appeals the ruling revoking the project's license.



Nov 2019: Africa Development Bank (AfDB) that was to give a partial risk guarantee pulls out of the project.



Sept 2020: GE announces plans to exit its agreement with Amu Power as it plans to shift to renewable energy.

KITUI



2010: The Kenyan government awards mining concession to Chinese company Jung'u and its subsidiary Fenxi Mining Industry Ltd to mine coal in the Mui Basin.



Dec 2013: The government and Fenxi sign a benefit-sharing agreement.



Oct 2014: Government of Kenya announces that it is evaluating bids to build a 960MW coal plant.



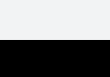
2015: A Chinese consortium is given mining rights. Operations slotted to begin in 2016.



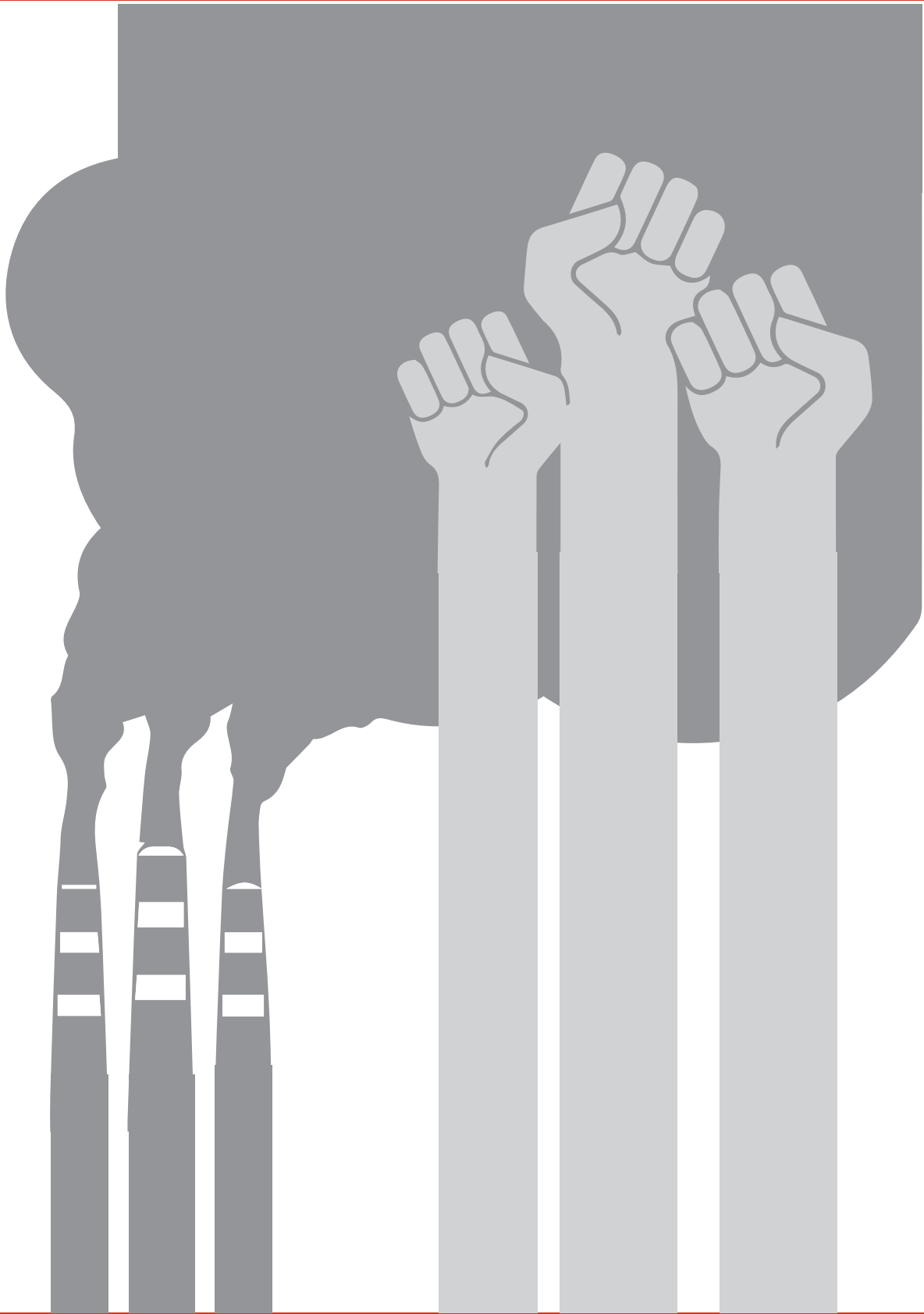
Jul 2018: Feasibility studies are conducted.



May 2019: Residents petition parliament to stop the plant.



May 2021: Taskforce put together to look at Power Purchase Agreements (PPAs) In September 2021 the taskforce gives recommendations, advising that the Lamu coal plant PPA had lapsed.



Litigation + (Plus)

Litigation *plus* refers to advocacy, lobbying, and grassroots mobilization to aid litigation. It is a term coined by Natural Justice – an organization that leads the litigation working group of the deCOALonize Campaign. Natural Justice uses this term to explain how writing opinion pieces, getting influential individuals endorsements, reaching out to utilities to reconsider funding, and demonstrations by project-affected community members can be instrumental tools for change alongside litigation.

The deCOALonize Campaign is structured such that members can join any of the four working groups -- Communication, Litigation, Lobby, and Community -- based on each member's strengths. Each working group has a focal point or leader who coordinates activities for the group.

For instance, the communications working group has members from international organizations like Greenpeace Africa, 350.org, Heinrich Böll Stiftung, and local organizations like Friends of Lake Turkana Inter-Religious Council of Kenya (IRCK), among others. Under this working group, deCOALonize develops messaging, amplifies community stories online and offline, promotes the Campaign's visibility beyond the Kenyan borders, and generates material for the media.

The Lobby group contacts politicians, banks, influential people, and institutions to get political buy-in to divest from fossil fuel

energy and starve the project of funds. The Community working group led by Save Lamu and CHRCE are left to engage in grassroots mobilization in Lamu and Kitui, educating community members about the project, the potential harm, and the need to oppose it.

These three working groups' activities make it easier for the Litigation working group to focus on prosecuting the case. The deCOALonize Campaign successfully executed this multipronged approach, which Natural Justice calls *Litigation plus*.

“The deCOALonize Campaign successfully executed this multipronged approach, which Natural Justice calls Litigation plus.”

The deCOALonize movement story from the lens of the community leaders

Issak Abubakar – Dreams from my father

Issak Abubakar believes he is on earth for a specific purpose. A purpose that is as clear to him today as it was while growing up in the humidity and heat of Kenya's coastal resort city of Mombasa.

"I have always understood that my calling is to defend people against all forms of exploitation," he says. This innate duty to speak up for the voiceless is now almost second nature to him. While in school, he got into endless fights while pointing out what looked like injustices around him, often ending up on the losing side.

"I was small-bodied but had just enough fire in my belly to confront bullies," he says.

As he grew older, the fire got hotter. Defending classmates against bullies eventually grew into him standing up against what he believes would have been the most significant injustices against the people and the place he

calls home. The proposed coal-fired power plant would become not only his most significant but worthiest opponent. The busted nose, black eyes, and bruised ribs from fights in school would pale in comparison. The only difference was that Issak was determined not to be on the losing side this time.

"I couldn't lose because something more substantial was holding my hand," he said.

As an activist, he has been arrested, teargassed, and beaten up by police officers at rallies. He has been battered and bruised but did not shed a tear – not even once during these times. Yet when he thinks about his father, tears flow freely down his cheeks.

"I wish he were here to see what his son has helped do," he says. "I wish he were here to see the day that the people of Lamu stood against the government and won."

For Issak, the journey to the memorable victory started in July 2015 when

news came that the Lamu county government would endorse the coal plant if all the regulatory concerns were addressed.

At the time, county representatives told residents to expect compensation packages for people affected by the project. Residents were also told they would get priority in jobs accruing from the venture. With these concerns seemingly addressed, construction was set for September 30, 2015.

Paperwork submitted to the county also indicated that within 21 months, the plant would be generating electricity. "We had to get our experts to tell us how the plant would affect us," he says. As a founding member of Lamu Youth Alliance – one of the organizations that are part of Save Lamu – Issak says that from the timelines proposed, he could sense that all was not well with the project.

"They were rushing. Things were not done according to the law. At the very least, they ought to have given us a chance to tell them of our fears and ambitions. But they didn't. They were a bit arrogant towards us. They had no time for what we had to say." These concerns included what residual ash from the plant would do to the agricultural land, how it would impact their health, and how the runoff water flowing back into the ocean would affect fish upon which the islanders depend for their livelihoods.

Although the project proponents didn't give Issak and the community leaders an audience, the residents of Lamu did. "We set out from village to village, holding public meetings, telling communities all across Lamu county what it would mean to have the coal plant built. We gave them unpopular facts that no one wanted to hear at the time.

"For those who were looking forward to compensation, we showed them examples of what life had become for communities that had at some point received compensation from coal mining proceeds," he narrates.

He says it wasn't easy at first. The challenges before them were immense. "Here we were up against a government. We had limited resources. But the biggest thing



that we had to surmount was trying to convince people of the futility of the promise of compensation. This greatly divided our community."

Biggest challenge

A divided Lamu county was not the most significant challenge that Issak and his team confronted. He narrates that they became enemies of the State at some point during the Campaign.

Soon they couldn't hold any meetings anywhere in the county because all meetings and workshops they arranged always ended in chaos.

"The state machinery was always at hand to break up our meetings, even though they were all valid."

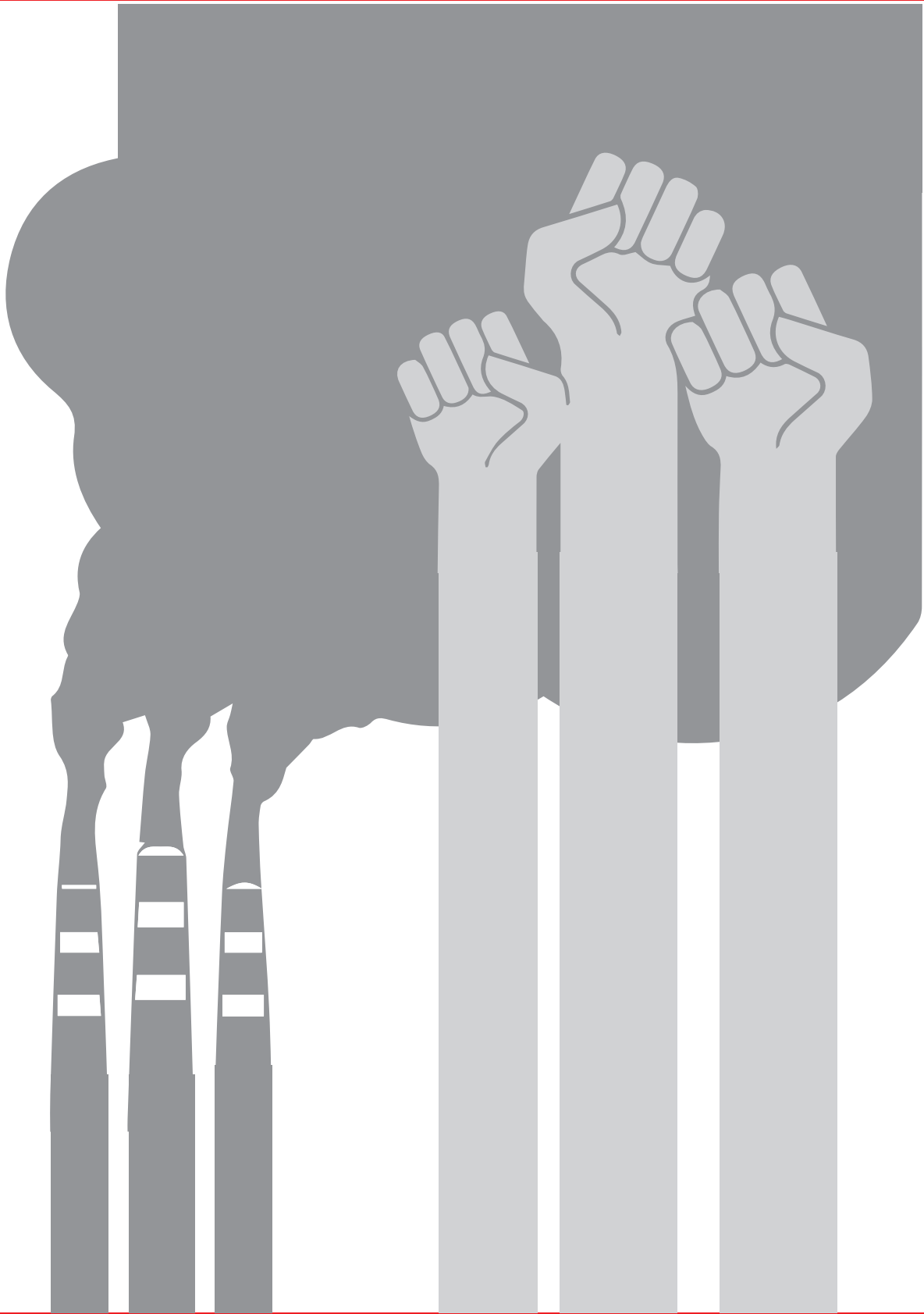
He lamented bitterly. But somehow, he kept going. It is not easy to know the source of Issak's strength as he speaks. Part of it seems to come from the people around him and the other part from his mother, whom he says would cry every time she saw her son in the news leading a march.

"Leave those things alone. Look at your father. Look at your uncle. They were all disappeared. Please, don't let me lose another man in my life," his mother would plead with him. "I was sad most of the time because, at the height of the deCOALonize Campaign, she always had her heart in her hands. That is not how life should be," says Issak.

Even with a mother who would be startled anytime an unexpected visitor knocked on the door, Issak still pushed on with his activism, making sure to join the deCOALonize movement. He was ready to risk it all. And when you ask him why, he will tell you the reason in a still voice. "Because it is through activism that I can use the most important gift that my father left me. He didn't leave me many things, but I inherited the fire of truth and justice from him. And it will burn in me forever," he says.

This fire drove Issak to be part of the deCOALonize movement from its inception. His story is a deCOALonize movement story representing many men and women in the deCOALonize Campaign who suffered personal attacks to grow the movement

"The state machinery was always at hand to break up our meetings, even though they were all valide."



Rosemary

leading women and youth opposition in Kitui

At the centre of the deCOALonize movement in Kitui are women like Rosemary Muthoni who works as a Program Manager with the Center for Human Rights and Civic Education (CHRCE). CHRCE staff played a critical role in mobilizing the community to oppose coal mining.

"I came in at a time that communities were struggling to access information relevant to the project.

We started by using opportunistic forums to educate the community about what was at stake should the project start," says Rosemary.

She narrates that soon they realized that these forums did not have the desired impact for their antioal messaging to reach as many people as possible. They needed to change tactics.

"We started using targeted focus groups such as women's and youth groups. We then collapsed these many small groups into one large group to represent a larger landscape."

One of these supergroups was the Mui Community Foundation, chaired by Paul. The sheer numbers of the groups' membership ensured that they were listened to by the potential funders and the government.

Rosemary Muthoni explains that it wasn't easy. The concession issued in 2010 for coal mining meant big money. And big money always pushes back.

"Towards the 2017 elections, we had county government officials going around the country, convincing residents to sign petitions claiming support for the coal project. Many were bribed to sign the petition," Rosemary says.

Shortly after, those living within the proposed mining site got a six-month ultimatum.

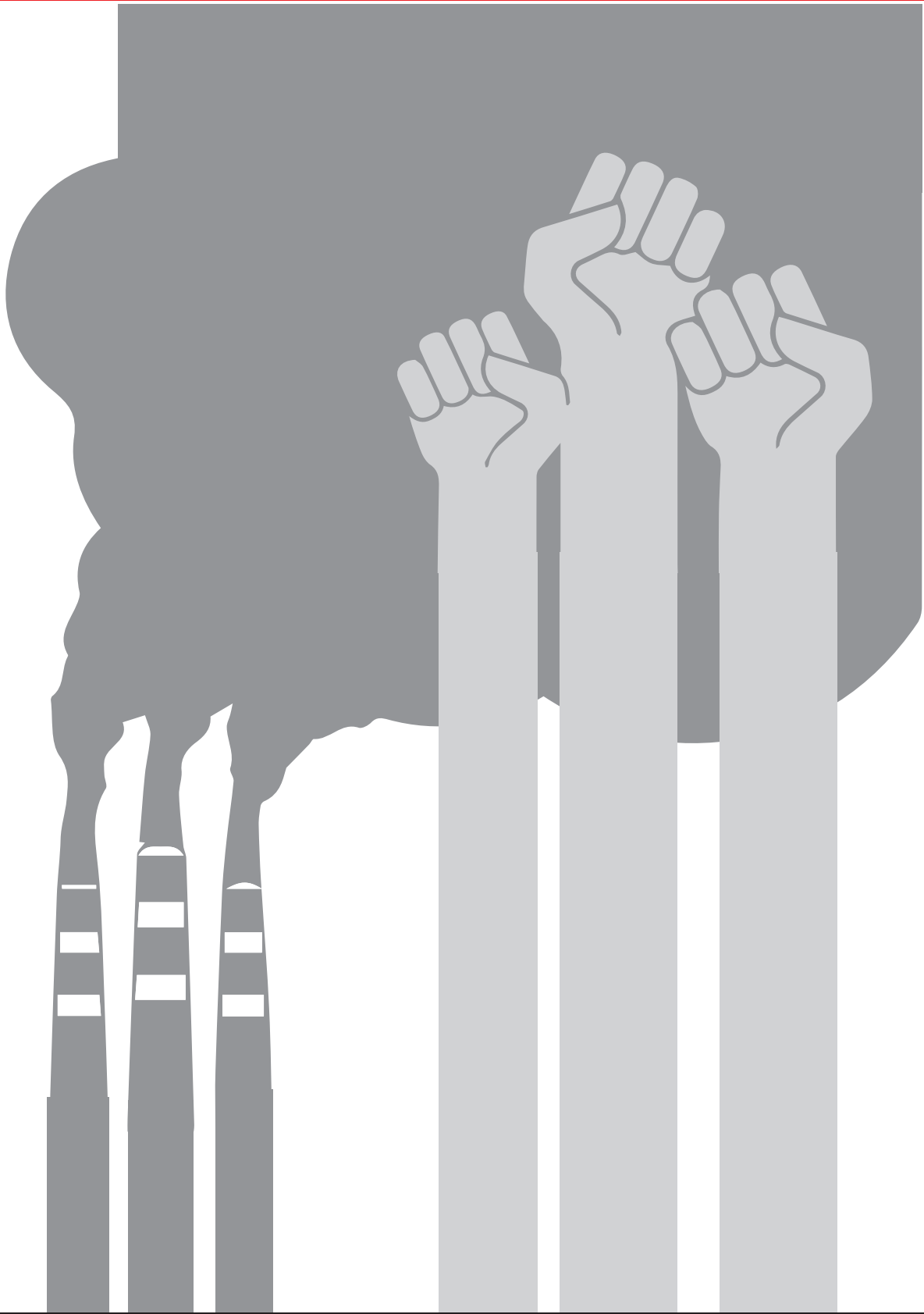
"We couldn't just sit and watch them exploit vulnerable communities. We had to fight back," Rosemary says. "We re-strategized and heightened our presence in the media, and increased our community outreach to counter the various falsehoods about the community's acceptance of the project." And this worked.

Over the weeks that followed, there was less propaganda around Kitui concerning the project.

Thanks to the efforts of individuals like Paul, Rosemary, and the collective voices of the communities they represent, the Kitui coal project is yet to start. Heightened international attention and the constant messaging and community engagement have kept the concessionaires at bay. The

community nonetheless lives in anxiety because while the 10-year concession expired, it's anyone's guess whether it was renewed without public participation. These fears are also driven by the fact that the government allocated KSh1.3bn in the 2021/22 financial year for coal mining.

"We started using targeted focus groups such as women's and youth groups."



A waiting game – how Kitui mobilized against the Kitui **coal mining**

Some 150 kilometres from the Kitui County headquarters lies a stretch of land with coal deposits. A decade ago, many people interpreted news of coal deposits on this stretch as the solution to the economic challenges the region faced.

At around this time, Paul Mwendwa, a lifelong career civil servant, was serving his last years as a government employee in the Judicial Service Commission. Like many others, he pegged his hopes on this discovery.

“This was supposed to be our gold,” Paul says. “The coal was supposed to bring us water. Bring us roads. Schools. Hospitals and many other things we didn’t have,” he says wistfully.

Eleven years ago, the Kenyan government issued a mining concession to the Chinese company, Jung’u, and its subsidiary, Fenxi Mining Industry Ltd, to mine coal in the Mui Basin. Initially, the community welcomed the prospect of investment in their county, hoping it would bring employment and infrastructure. With time, it became apparent that there were other things that the proponents of the project were not telling the residents. Firstly, there was the small matter of displacement.

“This meant that many

of us would have to be evicted,” Paul says, tracing the community imbalances and inequalities that had always been associated with the Mui Coal basin since his childhood.

He narrates that while growing up, they were always prohibited by the then white district administrators from doing anything within the Basin.

“They told our fathers and grandfathers that underneath the soil in Mui lay a great black snake that would devour anyone who would dare do anything productive with that land.” He narrates.

Years later, they realized that the tremendous giant snake was coal – lying in wait for the right moment to pounce on them.

The would-be affected communities had been told the concessionaires would pay for their relocation.

However, through constant asking and some form of civic education from organizations like the Center for Human Rights and Civic Education (CHRCE), they started unearthing some unsettling truths about the project. Later, when CHRCE joined forces with Save Lamu to form the deCOALonize movement, Paul would be among those who would participate in opposing coal mining in Mui Basin.

“Through constant asking and some form of civic education from organizations like CHRCE, they started unearthing some unsettling truths about the project.”

Save Lamu

and the brave women of Lamu

In 2009, Lamu Environmental Protection and Conservation (LEPAC) spearheaded an initiative to unite groups and individuals in a campaign to save the Lamu Archipelago. Out of this initiative, a coalition of groups came together under the banner Save Lamu.

The coalition has since grown from only 12 local members to over 40 members consisting of local civil society organizations in Lamu, including but not limited to environmental groups, development organizations, youth groups, women organizations, welfare groups, and more.

Save Lamu is all about creating a culturally, socio-economically and politically, empowered community, striving to secure our natural resources and sustain a green environment. So it was only natural that they would be heavily involved in protecting residents of Lamu from harmful activities – in this case, the Lamu coal plant. Walid Ahmed, who leads Lamu Youth Alliance, a member organization of Save Lamu, narrates how it all started.

He says it all started in 2013 when the Kenyan government released an expression of interest targeting investors for the development of a coal-fired power plant. He recalls that what shocked him most was the decision to set up the plant in Lamu County, a place many preferred as a holiday destination, a UNESCO world heritage site. It was also a place he had called home all his life.

Lamu is the oldest and best-preserved Swahili settlement in East Africa. Tourism is a mainstay of the local economy, with visitors enjoying its pristine white beaches, annual festivals

and narrow, winding streets.

“We didn’t understand the project or how it would benefit us,” he says. However, this did not stop the decision-makers from planning to bring this plant to life. He says they learned that the plant would be constructed in Lamu county in September 2014 by Amu Power company.

“Residents of Lamu County were learning about key developments in the project from the news just like every other Kenyan. This was when we knew something was not right,” he says.

A year later, in 2015, the project proponents attempted to tell the residents about the project. Residents were told about compensation, job creation, and benefits to local businesses but heard little about the project’s negative impacts.

“So we requested for more time to do some bit of our research and decide for ourselves whether the plant would be good for us or bad,” Walid says. And Walid, in conjunction with many others working with the Kenya Youth Alliance and later the umbrella body, Save Lamu, conducted their own research. Through the support of partners, they visited countries that had at some point embraced coal as a source of energy.

This allowed them to see first hand the devastating impacts of coal.

“What we saw was heart-breaking. We saw communities struggling with disease and the consequences of pollution. The suffering was so great that it transcended generations. We knew that if the plant were to be set up in Lamu, the island

“After they heard what we had to say, many of the women joined our cause.”

would not survive. “Like Issak, Walid was very central to stopping the coal plant under Save Lamu.

It is incomplete to speak of Save Lamu without its brave women. When their existence came under threat from the building of a coal-fired power plant, they raised their collective voices.

“At first, it wasn’t easy to get the women to talk,” Khadija Juma, Communications and Media Officer at Save Lamu, says. “In Lamu, women have always been kept in the background. They were not allowed to speak up or say anything.”

Save Lamu, which has always been at the forefront of women’s rights, knew that this had to change. If the organization was to succeed in its quest to stop the coal plant from being built, then the voice, efforts and time of the women in the community were critical.

“We started by doing sensitization and holding barazas for the women,” says Khadija, adding that, they started by making the conversations about them, not about the coal project. She says this strategy, in time, helped the women gain confidence in expressing themselves and eventually get involved in the anti-coal conversation.

One of those who got involved from the onset was Hindu Salim. Hindu says that when a calamity strikes a community, the women bear the brunt. As one of the community leaders picked to tour countries where coal plants had been built and see first-hand the impacts, she says the experience changed her perceptions completely.

“What we saw on the trips was the complete opposite of what we had been told by the investors when they spoke to us about the project. We were told of prosperity, but we saw poverty. We were told of job opportunities but what we saw looked like slavery,” she says. “There was nothing good to report to those we



had left at home.” When she returned from the tour to South Africa and Zimbabwe, Hindu and other women took it upon themselves to talk to their peers about why it was necessary to speak up against the coal-fired power plant.

“We had to make sure they understood what was at stake,” she says and adds that they had videos and pictures of the places they had visited and the voices of the people they had spoken to.

“After they heard what we had to say, many of the women joined our cause.” Hindu says beaming with satisfaction. Soon, from a timid group with little opportunity to speak up within the setting of a hugely patriarchal society, the women of Lamu found their voice. And they used it to good effect.

“After knowing what was at stake, they would openly give their views in barazas and put forth solutions while insisting that these solutions be given a try,” Khadija says

And when they were called upon to do more than participate in public gatherings, they answered.

“When it became necessary for us to hold peaceful demonstrations, we showed up. We were on the front line,” Hindu says. “We were present in every step of the way. From public participation to the court process and the streets.”

The involvement of Lamu women nurtured by Save Lamu was impressive and fueled the deCOALonize movement. Of equal importance is that this visibility at the Kenyan coast was an inspiration to women in Eastern Kenya’s Kitui County who were unafraid to speak against coal mining in public.

Pictorial



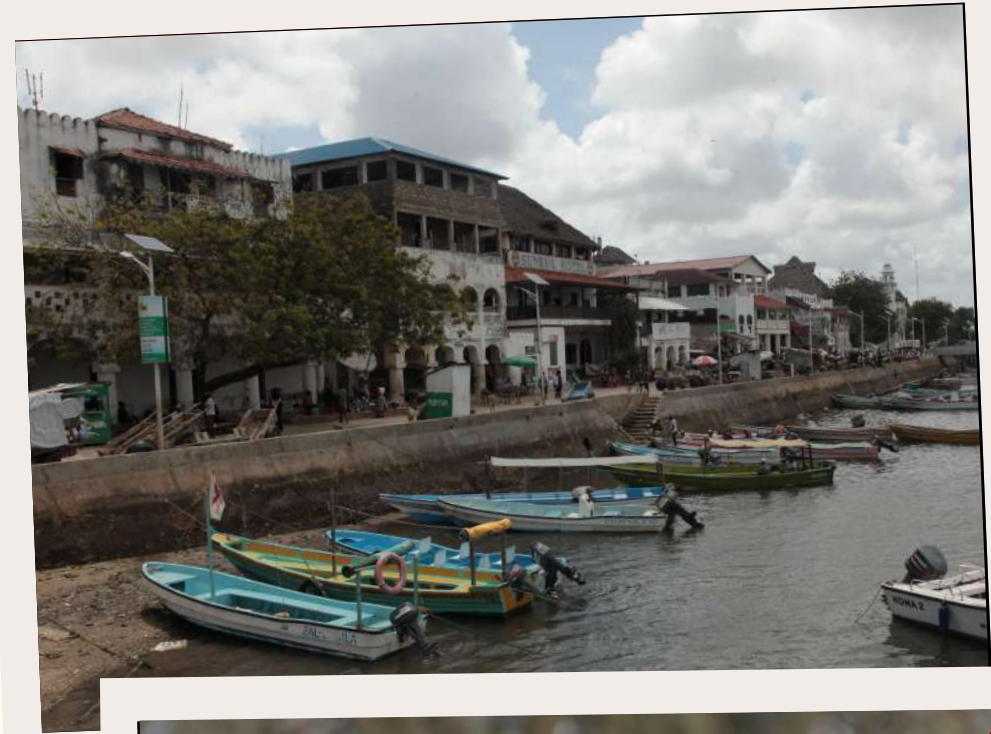
Lamu now basks in the glory of the success from the work done by the community. Now the focus has shifted from the coal fired power plant to advocating for renewable energy.

Pictorial



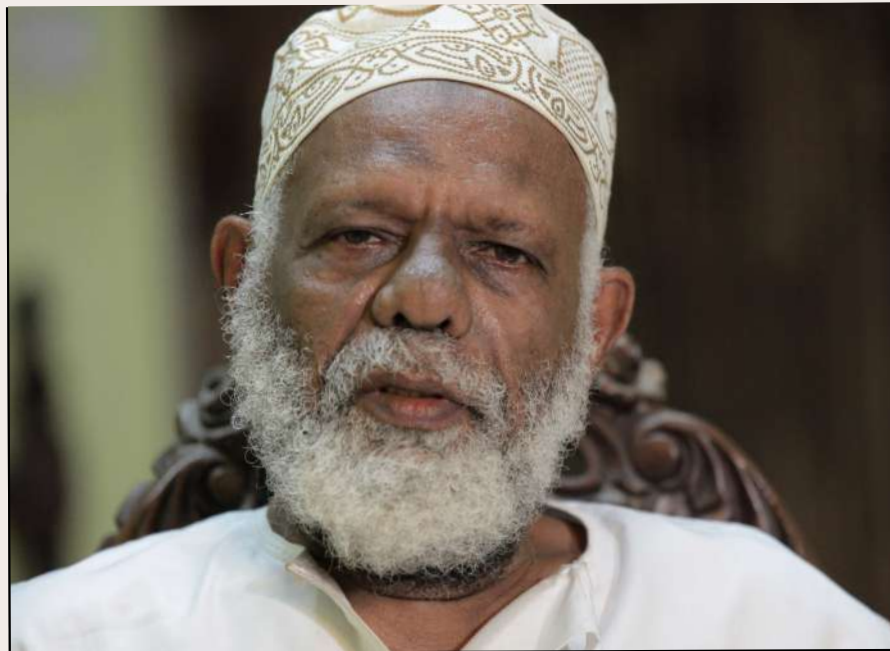
Litigation played a key role in the community's resistance to the coal powered plant in Lamu. Because of this, the community in Kitui too, believes that litigation will deliver key victories for them as well.

Pictorial



For the moment, both the communities in Lamu and Kitui are resting easy. But, more is yet to be done. Although the battle has been won, the war against fossil fuels across the country continues and the community leaders, with the help of movements such as deCOALonize, are preparing for what lies ahead.

Pictorial



It took great courage and great sacrifice to get the sentiments of the people heard. Eventually, every single long night, every single journey to the courtrooms was worthwhile. The people were eventually heard by the courts, and their voice- of saying no to coal fired power plants- was heard loud and clear.

Sacrifices and Triumphs: The **deCOALonize** Journey



Distory

Improving people's lives through storytelling