

African examples Protecting environment through legislations

By **Nicholas Asego**

He has received numerous awards in recognition of his outstanding contribution to environmental issues.



Prof Charles Odidi Okidi in his office.

One of the moments of glory for Prof Charles Odidi Okidi was in May, this year, when Brazil's Centre for Legal Studies in the Office of the Attorney-General honoured him for his scholarly works on the environment and institutional building. This was during the Fourth International Congress on Environmental Law, held in his honour, at Rio de Janeiro. The event was attended by participants from over 20 countries.

"I presented a paper titled 'Application of Environmental Law Paradigm to Tame Conflict and Poverty in Natural Resources – Rich African Countries'," explains Okidi.

He was the first African to be honoured by the Congress, started three years ago, and the second person after Brazilian professor, Paulo Affonso Lemme Machado.

But this is just a part of the story.

Okidi is reaping from his years of hard work in environmental matters, and his input has been felt in a very tangible way — through the development of environmental laws and policies in Kenya and entire African continent.

In tandem with his achievements, Okidi has handled key assignments, such as in 1995, when he was appointed the United Nations Environmental Programme Task Manager. The task involved directing and co-ordinating a multi-billion-shilling project in seven countries. The project, that comprised representatives from United Nations Environment Programme, United Nations Development Programme and the World Bank, was later expanded to six other countries.

"We were mandated to develop and harmonise national and regional environmental laws and enhance expertise through training and writing publications," he says.

The countries involved included Mozambique, Malawi, Tanzania, Uganda, Burkina Faso, Sao Tome and Principe, Botswana and Senegal.

Others were South Africa, Angola, Cape Verde, Morocco, Niger and Ethiopia. "Under the project, I also co-ordinated revision of the 1968 African Convention for the Conservation of Nature and Natural Resources, which was later adopted by African

Union summit in July, 2003.

"It was necessary to revise the document to put Africa on the same level with the rest of the world since many treaties had been signed on protecting the endangered species and wet lands, among other issues," he explains.

Most eminent environmental policymakers

One would naturally get curious to know how Odidi landed the plum job in an organisation many Kenyans dream of finding their way into.

"They had advertised the job but I did not apply for it. I came to learn that the organisation was dissatisfied with the numerous resumes it had received. They headhunted me based on my extensive scholarly works on environmental law, the fact that I was teaching the subject and also because I had helped establish programmes on capacity building," he says.

Consequently, Okidi got a call one morning from the world body, informing him that it needed someone to help establish environmental laws in Africa.

Okidi says although there are excellent scholarly works on protecting the environment, translating the same into practice in many countries remains a challenge.

But he still believes some success has been achieved.

"So far, 36 African countries have entrenched environmental laws in their constitutions and another 42 have developed frameworks to do so," he says.

Nevertheless, Okidi says many countries on the continent are still lagging behind in implementing the laws, which he attributes to lack of commitment from political leaders and inadequate expertise.

Back to his accolades, in 1997, he featured in a list of the world's most eminent environmental policymakers, campaigners, researchers, authors and academics.



Prof Okidi (second from right) at a past function.

The guide, compiled by Nicholas Polunin and Lynn Cunne, is titled, "World Who is Who and Does What in Environment and Conservation".

During Okidi's stint at Unep, the study he compiled with his team served as a background for the Eastern African Regional Seas Action Plan and thereafter, the treaty in 1985.

The scholar also had a stint at the International Court of Environmental Arbitration and Conciliation, where he was the first African at the institution. The organisation,

that brings together experts from around the world to settle trans-national disputes, is modelled along the lines of the International Court of Arbitration.

"The task was challenging, and required putting theory into practice, that is, coming up with practical solutions to public problems."

Common disputes the court handled involved water resources, dam construction, sea boundaries, oil resources and ocean space. They would also oversee implementation of environmental impact assessment reports.

"The court's work is delicate and if it fails to handle some disputes properly, they can easily degenerate into wars," he says.

Declined educational airlifts to US

So how did this celebrated environment expert start his journey to eminence?

Born in Kamwania village in Kanjira Location, West Karachuonyo, Okidi says his childhood was not a bed of roses.

"I came from a humble background, which made me realise that I had to take charge of my own destiny without riding on anyone's back," recalls the 65-year-old don, who says he abhors shortcuts to prosperity. He demonstrated this early when, as a student at Maseno High School, he declined an offer of the popular educational airlifts to the United States of America, initiated by the late Tom Mboya.

"Many students dropped out of primary and secondary school to go to the US. I had not completed my secondary education, and it was not the culture of Maseno students to drop out," says the father of two.

Interestingly, Okidi found his way to Alaska Methodist University in the US after being introduced to the institution's president by a beneficiary of the airlifts programme.

At the university, he studied Political Science and Social Psychology, before proceeding to the Fletcher School of International Law and Diplomacy for his master's and doctorate degrees.

His impressive academic works started when his thesis, "Legal and Institutional Arrangements for the Control of Pollution of the Seas", was published into a book in 1978. To date, the book remains a monumental work on marine pollution. His PhD, which was in public international law and environmental law, was supported by the University Consortium for World Studies comprising Harvard, Princeton, Massachusetts Institute of Technology, Colombia and Berkeley.

But his mental bulb for the environment lit up in 1969 while he was in Alaska. "I disliked the abuse of natural resources and the recklessness private industries displayed regarding their destructive activities," he says.

One company was constructing the Trans-Alaska Pipeline against a backdrop of environmental adversity, which prompted a university professor and chairman of

the Alaska Conservation Society to put up a strong campaign against the venture. The company backed down, which won the professor many admirers, including Okidi.

"I realised that through pressure and appropriate legal channels, the masses could restrain companies and individuals from destroying the environment," he says.

Okidi later became a research fellow at the Massachusetts Institute of Technology and the Woods Hole Oceanic Institution's Centre for Marine Policy and Ocean Management. At MIT, Okidi was credited with his study on International Legal Measures to Control Pollution of the Seas by Oil.

Upon his return to Kenya, he entered the world of academia, rising through the ranks to a Professor at the Institute for Development Studies, University of Nairobi. He introduced environmental law studies at the institution in 1979 before joining Moi University in 1988, where he helped start the School of Environmental Studies.

"During my tenure as a Dean in the faculty, I helped establish a postgraduate interdisciplinary programme, offering diploma, Master's degree and doctorate courses," he says.

In the course of his teaching, research and training, Okidi has mentored many environmental lawyers and helped sensitise judges and magistrates on environmental laws.

"The current Chief Justice is very interested in environmental law, and High Court and Appellate judges have acquired knowledge on the same," says Okidi, adding that this has seen the judicial officers make informed judgements on environmental cases.

His international awards and honours did not start the other day. In 1984, he was the first African to receive the Lauriet Elizabeth Haub Prize for Environmental Law, from Free University in Brussels, Belgium. The award was in collaboration with the International Council of Environmental Law.

"It was in recognition of my research, published works and participation in developing environmental policies, laws and administration," says the don.

The award, which came with a gold medal and 150,000 Belgian Francs, is the highest in environmental law, explains Odidi.

More recently in 2003, he was the guest of the Nigerian Conversation Foundation, where he gave the inaugural lecture at the Chief Shafi Lawal Education Programme. Later in the same year, he was the J. William Futrell Visiting Scholar at the Environmental Law Institute, Washington DC.

Okidi went back to the university in 2002, which he believes is his first calling. "I advocate for professors to end their careers at the university. No promotion is higher than that of a professor," he says.

His main focus now is to help build the capacity of his students to compete at the

international level. "Teaching, researching and guiding students will remain my focus. A professor is never satisfied until he sees his students do better than himself," he says.

At the University of Nairobi, he is the founding Director of the Centre for Advanced Studies in Environmental Law and Policy, where he is also working on its funding. The Centre offers postgraduate training in environmental law and policy.

The university plans to set up the building on Arboretum Drive. "We want to establish a library of its kind.

Currently, we have about 10,000 books and monographs," says Okidi.

Outside academia, he has been equally active on the environmental front, locally and regionally. "Between 2001-2005, I was honoured to serve as a board member of the Kenya Marine and Fisheries Research Institute. In 2003- 2006, I was appointed Chairman of the Water Institute Governing Council of Kenya."

In all his endeavours, Okidi has enjoyed the full support of his family, which he praises highly. His wife, Doreen Okidi, is a businesswoman in Nairobi and the couple has two children and two grandchildren.

When he is not grappling with matters environmental, Okidi is engaged in development activities in his community. "I am a member of the local Zonal Parents Teachers Association (PTA), which helps promote education in primary and secondary schools," he says.

He is also involved in communal economic activities like irrigation and poultry keeping. "Through small harambees, we have improved water supply and promoted rural electrification," says Okidi.

What is the way forward?

Okidi cites some of the current burning environmental issues in the country as land degradation and pollution, especially in urban centres. "The wanton clearing of vegetation has destroyed fertile agricultural land and led to soil erosion, whereby silt has been swept into lakes and rivers, endangering fish and other marine creatures," he says.

On the recent move by the Government to increase taxation on plastic bags, Okidi says it was long overdue.

"We should borrow a leaf from our neighbours in Uganda, who implemented their environmental laws through the courts," he says adding, "Plastics are a danger to our environment and livestock. People must be sensitised to re-use the bags rather than throwing them away."

The don says the way forward for the environment is intense awareness campaigns directed at individuals and industries on conservation.

"The initiative should be spearheaded by the National Environmental Management

Authority," he adds.

Okidi has authored over 31 journal articles, 15 reports of consultancy and expert studies, and more than 13 books and monographs.