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DRAFT SECTOR REPORT (2023-24)
TOURISM AND HOSPITALITY SECTOR

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**Title: REALIZING A BLUE URBAN AGENDA FOR COASTAL CITIES IN KENYA
THROUGH SUSTAINABLE PRODUCTION AND CONSUMPTION POLICY AND
GOVERNANCE**

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LIST OF ABBREVIATIONS

BE	Blue Economy
CBD	Convention on Biological Diversity
CMRs	Coastal and Marine Regions
CMT	Coastal and Maritime Tourism
EAC	East African Community
EEZ	Exclusive Economic Zone
GDP	Gross Domestic Product
JKP	Jumuiya ya Kaunti za Pwani
KFS	Kenya Forest Service
KWS	Kenya Wildlife Service
MTP	Medium Term Plan
MPA	Marine Protected Area
MSP	Marine Spatial Planning
NBT	Nature-Based Tourism
NBS	Nature-Based Solutions
NDCs	Nationally Determined Contributions
NMK	National Museums of Kenya
SDGs	Sustainable Development Goals
SIDS	Small Island Developing States
TOs	Tour operators
TRA	Tourism Regulatory Authority
UNEP	UN Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFCCC	United Nations Framework Convention on Climate Change
UNWTO	United Nations World Tourism Organization
WTO	World Trade Organisation
WTTC	World Travel & Tourism Council
WIO	Western Indian Ocean

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CHAPTER ONE

INTRODUCTION

This report specifically responds to the tourism and hospitality sector. Tourism is a robust sector and key contributor of Kenya's economy accounting for 10.39% of the total Gross Development Product (GDP) in 2022.¹ The tourism industry also accounts for 5.5% of direct formal employment opportunities in the country and 4.2% of National Gross Fixed Capital Formation for new investment in Kenya.² Tourism and hospitality is also a significant driver and contributor of the economy in terms of global connectivity and supporting the livelihood of the locals. The tourism industry in the three study sites has spurred other economic activities including: hotel establishments, transport companies, curio vendors, boat operators, entertainment, sport fishing, snorkelling and diving. Tourism also has a multiplier effect on other sectors that rely on it such as the construction and infrastructure, trade, agriculture among others.

The importance of the natural environment in providing an attractive location for tourism cannot be overstated. Thus enhancing environmental sustainability is an important aspect of ensuring future attractiveness of tourist's destinations. Tourism in the study sites is categorized as coastal and marine tourism. In 2022, it was estimated that tourism visitations in Kenya can be attributed to interest in attractions such as national parks and game reserves, museums and national heritage sites, coastal and beach vacations, cruise tourism, sports tourism, health and wellness visits, Meetings, Incentives, Convention and Exhibitions (MICE) tourism, and the coastal cultural experience³. Notably, the three study sites under investigation provide facilities for the various typologies of tourism for both domestic and international visitors.

Coastal tourism in the study sites is characterized by key tourist attractions along the long Kenyan coastline which include beaches, cultural heritage and marine based habitats. *See Figure 1.1* Coastal tourism is land-based tourism activities such as: swimming, surfing and sunbathing, while marine tourism refers to sea-based activities such as boating, yachting and cruising. Marine

¹ Ministry of Tourism, Wildlife and Heritage 'Annual Tourism Sector Performance Report 2022' (2022) at page 4 Available at <https://www.tourism.go.ke/wp-content/uploads/2023/02/ANNUAL-TOURISM-SECTOR-PERFORMANCE-REPORT-2022-2.pdf> Accessed on 9th January 2024.

² Ibid page 4.

³ Ibid page 47.

tourism includes sea-based activities such as boating, yachting, cruising, nautical sports, as well as their land-based services and infrastructures.

The tourism chain relies on the natural environment as a key driver of tourism activities. The sequence of activities involved in tourism also generates waste that degrades the natural environment. The tourism sector is a significant consumer of natural resources in the form of tourist's sites and natural resources that support the sector. For example, tourism in the three sites relies on natural resources such as mangrove forests, terrestrial forests, beaches, wildlife among others as key attraction sites. In the same breadth, the tourism sector is equally a consumer of natural resources as it utilizes energy and water resources within tourism establishments such as hospitality facilities. In turn, tourism and hospitality activities in the coastal region consume a lot of energy while at the same time generating waste. The linkages between the tourism economy and the environment are important and ought to be understood in order to ensure tourism sustainability and resilience.

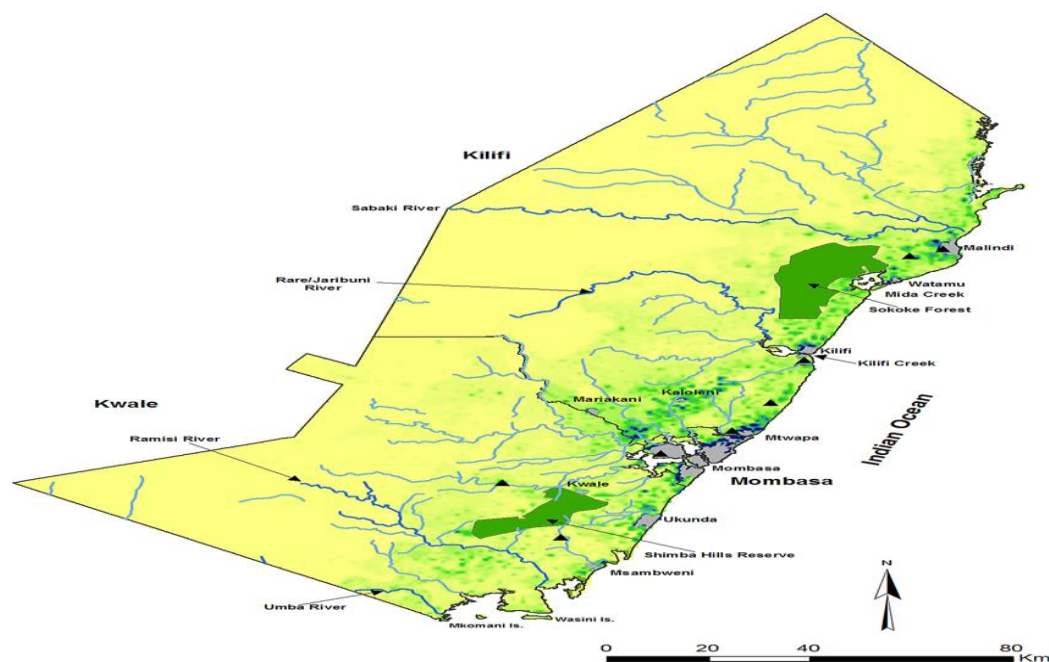
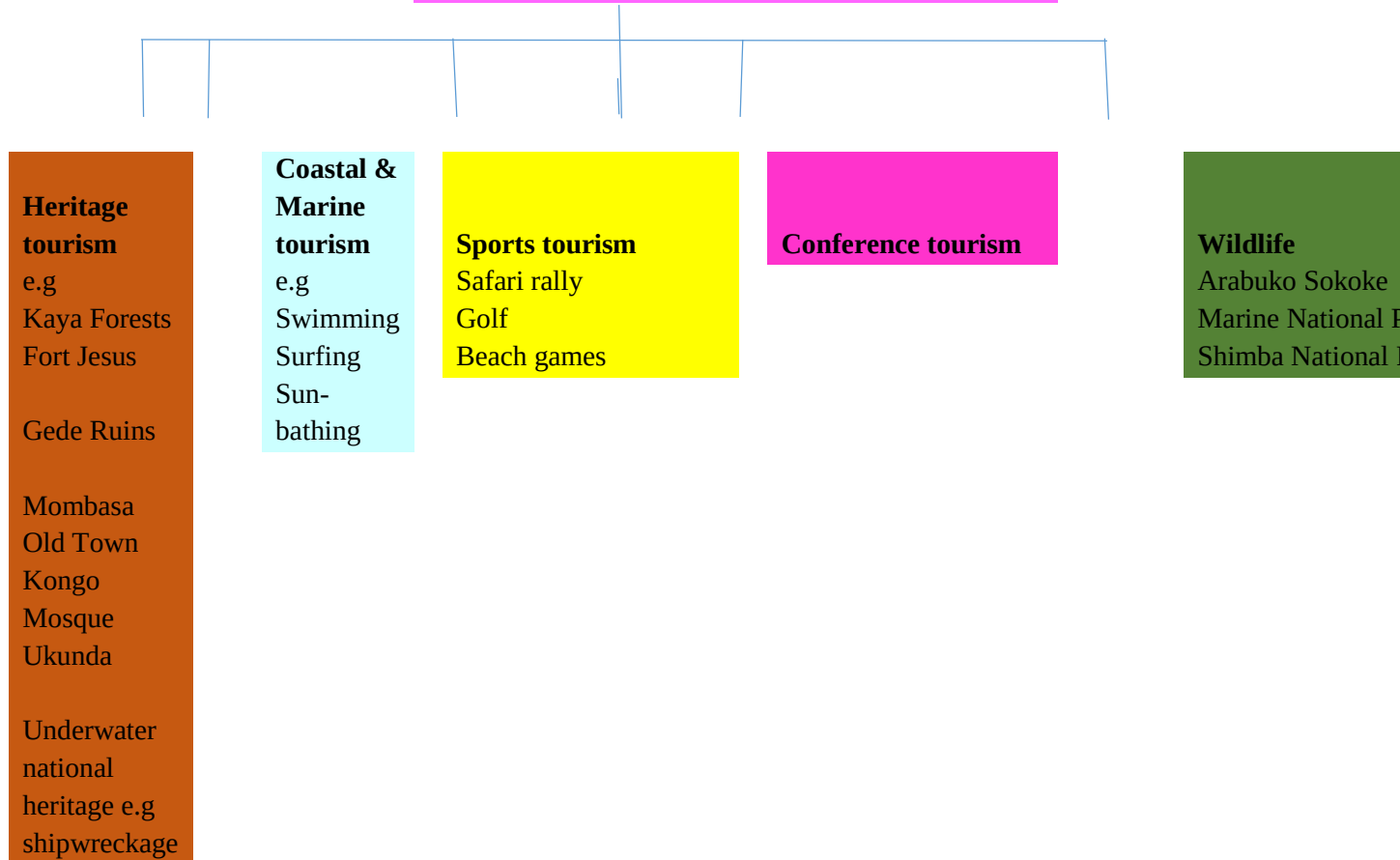


Figure 1.1 Map showing the three study sites

Source: https://www.researchgate.net/figure/The-Kenyan-coast-comprising-of-three-counties-Kilifi-Mombasa-and-Kwale-Showing_fig3_279304856

Typology of tourist activities in the study sites



CHAPTER TWO

SITUATIONAL ANALYSIS

2.1 Introduction

In 2016, participating governments at the Third United Nations Conference on Housing and Sustainable Urban Development adopted the New Urban Agenda (“the Agenda”) which sets out a new global paradigm for urban governance and sustainable development. Kenya domesticated the Agenda in 2017 to contextualize the realities and complexities of its urban areas. The Agenda contains an implementation strategy for the period 2016-2036 with eight (8) priority action areas for all cities and urban areas, including addressing unsustainable consumption and production patterns.

Cities account for about 60 percent of total global domestic material consumption of raw materials for building and other uses, including sand, gravel, iron ore, coal and wood. Global population growth and a corresponding growth in human populations in cities and urban areas are predicted to increase exponentially until 2050 resulting in higher annual resource requirements. Populations, economic activities, social and cultural interactions, as well as environmental and humanitarian impacts, are increasingly concentrated in cities, which all pose massive sustainability challenges in terms of housing, infrastructure, basic services, food security, health, education, decent jobs, safety and natural resources, among others.

In coastal cities, the impacts of this growth if not well planned for will be more severe because of resultant adverse effects on marine and coastal ecosystems which are vital for food security, alleviating poverty and advancing the blue economy. Therefore, unsustainable consumption and production patterns in coastal cities specifically in the tourism industry will lead to further degradation of natural resources and in turn having a ripple effect of on the tourism industry. Examples of unsustainable consumption patterns that are specific to the tourism sector include: destruction of mangrove areas, increased uptake and consumption of fresh water resources, increased generation of domestic and industrial wastes such as plastics, litter, sewage and effluents, and contamination of ground and surface water. The tourism sector generates large volumes of solid, water and energy waste.

2.2 TOURISM IN KILIFI COUNTY (MALINDI TOWN)

Tourism is a main economic activity in Kilifi County with popular destinations being Watamu, Malindi and Kilifi town.⁴ Kilifi County is endowed with a variety of tourist's attractions ranging from wildlife, beaches, culture and heritage as well as historical sites. The County is home to the Arabuko Sokoke Forest reserve which hosts endemic, large, rare and continuous woody vegetation and rare wildlife species including rare butterflies. Arabuko Sokoke is also designated as an important Bird and Biodiversity Area and together with Mida Creek enlisted as a UNESCO Biosphere Reserve.⁵ Kilifi is also home to Marine Protected areas such as the Malindi Marine National park, Watamu Marine National Reserve and Kiruwitu Marine area.⁶

Kilifi County also boasts of a rich cultural and historical heritage that includes Swahili/ Arab and Mijikenda cultures, world heritage sites like Kaya forests and archaeological sites.⁷ the County has unrivalled beach and marine-based recreational facilities. The long shoreline hosts innumerable marine sites that offer eco-tourism and water-sport attractions. They include the creeks at Mtwapa, Mida, Kilifi, Ngomeni and Fundisa bay. Malindi and Watamu Marine Parks are UNESCO designated biosphere reserves that are a critical habitat for some indigenous and migratory bird species. They provide breeding and nursery grounds for various endemic fish species, marine turtles and several species of Crustaceans. Kilifi has rich history of slave trade settlements and routes which also offer attractions and historical memories for the area in general.

⁴ WIOMSA Report 'Coastal cities of the Western Indian Ocean region and the blue economy: City case study Kilifi Town' (2021) Accessed on 20th February 2024

⁵ UNESCO Website Available at <https://whc.unesco.org/en/tentativelists/6657/> Accessed on 20th February 2024

⁶ Kilifi County CIDP 2013-2017 Available at <https://www.cog.go.ke/phocadownload/FirstCIDPs/Kilifi%20.pdf> Accessed on 11th January 2024.

⁷ Republic of Kenya, County Integrated Development Plan Kilifi (2018) at page 33 Available at <https://repository.kippira.or.ke/bitstream/handle/123456789/181/2018-2022%20Kilifi%20County%20CIDP.pdf?>



Figure 1.2 Dhows cruising on a sundowner at Kilifi Creek

The County boasts of over 378 registered accommodation facilities with an estimated bed capacity of 12,085.⁸ Out of these hotels there are several classified hotels and unclassified hotels with an estimated bed capacity of approximately 10,059. The accommodation facilities is comprised of Hotels, Villas, Cottages, lodges and Guest houses.⁹ In Malindi, a total of 4.05 million bed nights were taken up by Kenyans compared to 3.5 million in 2016, indicating a 15.9 percent growth. The domestic tourism market has expanded by 72 per cent since 2010.

⁸ Ibid p.33

⁹ Ibid p. 33



Figure 1.3 Iconic Mambrui Sand dunes in Malindi



Figure 1.4 Hell's Kitchen, Marafa, Malindi

2.3 Kwale County (Ukunda)

Kwale County boasts of pristine beaches, with Diani beach having been voted the Best Beach Destination in Africa for five years consecutively.¹⁰ Tourism development in the County is hinged on our Beaches, Marine Parks and Reserves, Wildlife and Culture of the community. Other key tourists' attraction sites include Shimba Hills National Reserve which is home to the sable which is a rare type of antelope, Mwaluganje Sanctuary, Kisite/Mpunguti Marine Park, Shimoni Caves and Kongo Mosque. Tourism potential is notably huge as there still exists untapped cultural resources, nascent tourist sites especially within islands (Funzi, Wasini etc) and sports tourism. According to the Tourism Regulatory Authority, there are 22 tourist class hotels in the county with a bed capacity of 5098. Other establishments within the County are unclassified as per the 2017 Tourism Regulatory Authority report.



Figure 1.5 Diani's pristine white sandy beaches

2.4 Mombasa County (Mombasa Town)

Mombasa gives tourists as well as locals a chance to experience different attractions including beach tourism, cultural tourism, sports tourism and wildlife attractions. Mombasa is home to a myriad of tourists sites and attractions. The rich historical setting in Mombasa makes it a targeted historical site. Fort Jesus Museum in Mombasa is listed as a UNESCO World Heritage site. Additionally, several buildings in the old town including the Old Arab Town and Old Port are

¹⁰ Republic of Kenya, County Government of Kwale (2018) at page 26 Available at <https://repository.kippra.or.ke/bitstream/handle/123456789/417/2018-2022-Kwale%20County%20CIDP.pdf?>

major tourist attractions. The white sandy beaches also offer an attraction site for international and domestic visitors. The county is a host to the Mombasa Marine Park which is home to a variety of fishes and other sea features and two private nature trails, Haller Park and Butterfly Pavilion, operated by Bamburi Cement factory. Uhuru Gardens in Mombasa offers a bat watching spot for local and international tourists who are intrigued by the mammals that predominantly occupy the park's trees.



Figure 1.6 Image showing the iconic Mombasa town tusks

According to a 2021 survey conducted by the Central Bank of Kenya, Mombasa posted the highest percentage of bed occupancy owing to leisure and conference tourism in the coastal region.¹¹ According to the Mombasa County CIDP 2018-2022, tourism-related activities account for over 68 per cent of the wage employment in the county.¹² The county is home to approximately 201 registered hotels and lodges mainly along the North coast with a total bed capacity of about 8,000 beds and an average annually bed occupancy of 64 per cent.¹³ The bed occupancy oscillates

¹¹ Central Bank of Kenya, 'Monetary policy committee hotels survey' (2021) at page 3 Available at https://www.centralbank.go.ke/uploads/market_perception_surveys/1650206198_MPC%20Hotels%20Survey,%20March%202021.pdf Last Accessed on 19th January 2023

¹² County Integrated Development Plan, Mombasa County (2018) At page 27

¹³ Ibid p. 27

between 30% to 99% during peak seasons. Data projections from the Kenya Tourism Board have shown that domestic tourism has also registered substantial growth over time in the coastal destinations.

2.5 Tourism and waste generation

Coastal and marine tourism is highly dependent on the quality of coastal and marine ecosystems to attract visitors. Additionally, the economic well-being and prosperity of coastal dependent industries such as tourism are closely linked to the vital eco-system of the coast and the sustainable use of resources. Among these resources are mangrove forests, coral reefs, terrestrial forests, sandy beaches, and seagrass beds.

The attractive fascinations in the three study sites make them a suitable ground for hospitality and catering. The buzz in tourism activities, comes with an equal measure of waste generated and use of natural resources such as water and sea food. Such activities can potentially strain the ocean and ecosystem. *See Figure 1.7*



Figure1.7 Image showing coconut husks dumped along a Mombasa beach in the North Coast (Bamburi).

Sustainable consumption and production in the tourism and hospitality sector activates the need to examine waste management and sourcing for raw materials in the sector. Changing patterns of behavior and consumption suggest that tourism, as end user and driver of demand, that can serve

as powerful agents of change. Coastal and marine tourism is highly dependent on the quality of coastal and marine ecosystems to attract visitors. Unsustainable consumption and production patterns that strain the natural assets is puts the sustainability and viability of the industry at risk. Exploring and capitalizing on opportunities for tourists to support sustainable and regenerative forms of tourism through consumption, activities and funding will play an important role in transforming destinations and the industry at large towards a more sustainable model.

The grim state of tourism generated wastes is evidenced by a research conducted by the UNWTO, World Meteorological Organization and UNEP estimated that tourism related emissions contributed up to 5% of the global emissions.¹⁴ Another 2018 report projected that the tourism industry has increased emissions to 9%.¹⁵ At the local level the research has shown that stress exerted by tourism activities on natural resources such as water, land and marine ecosystems impacts on the carbon footprint in the industry.¹⁶ On waste management, studies in the sector have revealed that a typical hotel establishment emits solid waste comprising of 46% food and non-recyclables, 25% paper, 12% cardboard, 7% plastic, 5% glass and 5% metal.¹⁷ The study recommended that the waste emitted from hotels can be halved by recycling and reducing use of single use plastic and could also serve as a side revenue-earning practice from payments made by recycling firms. The devolved units in the study sites have projected the levels of waste emitted in their respective jurisdictions.

Unsustainable consumption and production trends in the tourism sector are linked to human activity and the use of natural resources. Human activity leads to degradation of the ocean ecosystems, loss of biodiversity, over consumption of energy resources, decline of native marine species and pollution. This in turn results in diminished marine life and biodiversity as well as compromised air quality making it less attractive for tourism. Coastal cities and specifically the study sites face threat of destruction of attraction sites such as mangrove areas for development, disposal of solid waste, and unsustainable use of other natural resources. This yields in generation of water waste and solid waste through land based pollutants. Tourism is also sensitive to the

¹⁴ UNEP, UNWTO, WMO, 'Climate Change and Tourism – Responding to Global Challenges' (2008) Available at: <https://www.e-unwto.org/doi/epdf/10.18111/9789284412341> [Accessed 19th January 2024]

¹⁵ Lenzen, M., Sun, Y Y., Faturay, F. et al., 'The carbon footprint of global tourism. Nature Climate Change' 8 (2018) 52, 528. Available at: <https://doi.org/10.1038/s41558-018-0141-x> [Accessed 19th January 2024]

¹⁶ M. Ikiara & C.Okech 'Impact of tourism on the environment in Kenya: Status and policy' (2002) Available at <https://repository.kippira.or.ke/bitstream/handle/123456789/2578/DP19.pdf?>

¹⁷ Ibid

qualities of the natural and human environment. Loss of the attributes which make a site or region attractive to tourists can spell economic disaster to the industry and those who depend on it.

Mangrove forests are key tourism attraction sites. Malindi prides itself in magnificent resources such as fringing reefs, corals, sea grass beds, marine mammals and high fish diversity that is attributed to the mangrove cover. The Mida Creek forest has a high diversity of mangrove species that provide refuge to bird species which are a key tourist attraction.¹⁸ In Ukunda Diani, the mangrove forests sustain beekeeping that produces high quality honey and provide shelter to some fish species and oysters.¹⁹

Mangroves are under threat from over harvesting and other factors. Urban areas such as Tudor Creek in Mombasa have lost nearly 80% of the vegetation cover through harvesting of fuel wood.²⁰ Other threats include conversion of mangrove areas to other land uses, pollution, rising infrastructure and development leading to human encroachment and increasing demand for mangrove resources. A 2023 technical report by the Kenya Forestry Research Institute revealed that exposure to raw sewage in urban and peri-urban areas in the Kenyan Coast has contributed to the loss of mangrove biodiversity.²¹ The report cited mangrove in the areas of Kilifi, Tudor, Kilifi creek and Tudor among others as those which have suffered loss owing to sewage effluent exposure.²² This demonstrates the contribution of human activity such as tourism have on the degradation of tourism sites and attractions.

Shoreline change is a natural process of evolution of coastal areas.²³ It is as a result of natural processes such as sedimentation but is further exacerbated by human activities.²⁴ Changes in land use in the Kenyan Coast has had major impacts on the environment and attractiveness of tourism

¹⁸ County Integrated Development Plan, Malindi (2018) At page 33

¹⁹ County Integrated Development plan, Kwale County 2018-2022 Available at <https://repository.kippira.or.ke/bitstream/handle/123456789/417/2018-2022-Kwale%20County%20CIDP.pdf> Accessed on 21st January 2024

²⁰ May Livere 'Mangrove restoration: Sustaining mangroves for better livelihoods along the Kenyan Coast' (2020) Available at <https://www.unsustainablemagazine.com/mangrove-restoration-kenya-sustaining-mangroves-for-better-livelihoods/> Last Accessed on 21st January 2024

²¹ Chemuke Wekesa, J. Ndufa & P. Tuwei 'Mangrove deaths in Kenya: Causes and recommended management interventions' (2023) Available at <https://kefri.org/assets/publications/tech/MangrovedeathinKenya.pdf> Accessed on 4th April 2024

²² Ibid p. 4

²³ UNEP Nairobi Convention 'Shoreline changes in the Western Indian Ocean region' At page 16 Available at <https://nairobiConvention.org/clearinghouse/sites/default/files/Shoreline%20Changes%20in%20the%20Wio%20Region.pdf> Accessed on 25th April 2024

²⁴ Ibid p.16

sites. Increased sediment load and accumulation of sediment as well as shoreline changes have had ecological impacts on attractiveness of beaches and hotels. Coastal erosion and beach accretion have significantly affected tourism activities in the study sites.²⁵



Figure 1.8 The beach frontage of a hotel in Malindi affected by sedimentation

Management of solid waste, increased pollution from land based pollutants, sewage, solid waste, single use plastics and water waste poses a severe challenge to coastal tourism Kenya. The most common types of solid waste generated from tourism and hospitality activities include; drink bottles including caps, disposable toiletries, paper, carton, single use plastics form drink bottles including caps, plastic straws, toiletry utilities, food packaging, cigarette butts , food waste from kitchen and restaurants and sanitary waste.²⁶ Additionally, research has estimated that switching to the use of dispensers in hotels can reduce the cost of consumables by 50-70%.²⁷

²⁵ Ibid p. 18

²⁶ M. Muthini , M.P. Tole & D.Otieno ‘Solid waste pollution loads in beach hotels on the Kenyan South Coast’ (1994)

²⁷ Available at <https://kureproducts.com/cost-savings> Accessed on 23rd April 2024

See Figure 1.9



Figure 1.9 Solid Waste generated from tourism activities

Hotels and accommodation facilities have high levels of water consumption based on occupancy levels and facilities. Tourists need and consume water within accommodation facilities, when participating in water tourism activities such as ski, when using spas, wellness areas or swimming pools. See Figure 1.10 According to a 2017 State of the Coast report, it was observed that like most parts of Kenya, water is deficient. Tourism especially hotels, restaurants and entertainment joints contributes require high supply of water.²⁸ High consumption of water sometimes leads to water wastage and subsequent water shortages. Tourism contribution also increases water use because of increased tourist numbers, higher standards in hotels and increased water tourism activities. Hotels and catering establishments thus incur huge costs in operational departments such as kitchen, laundry and general water consumption.

²⁸ National Environment Management Authority State of the coast report (2017) at page 102

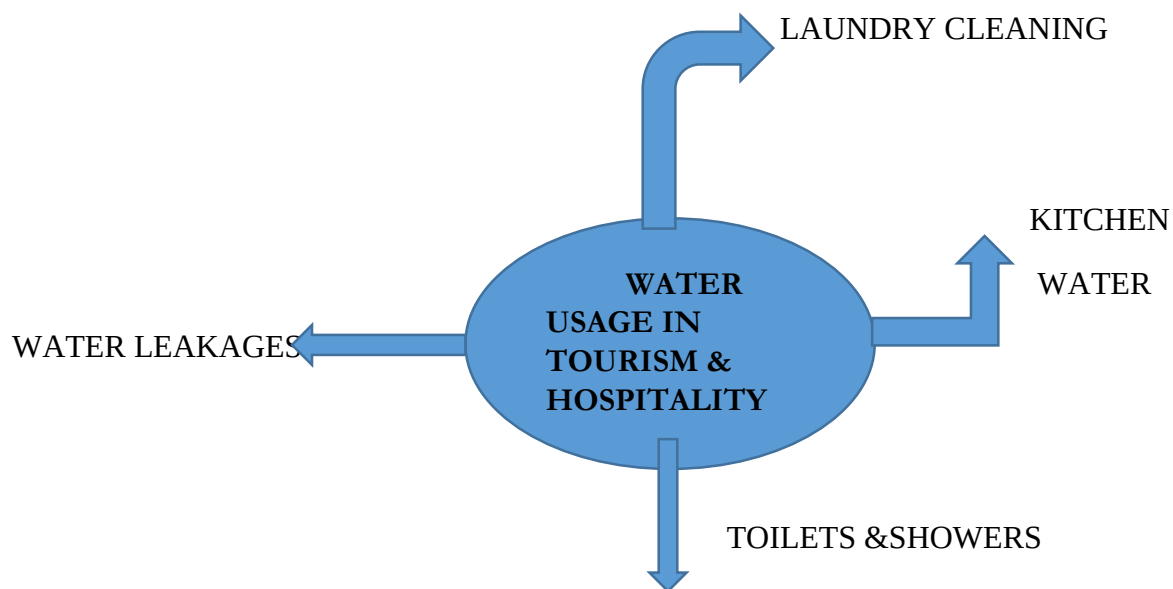


Figure 1.10 Water use and wastage in the tourism and hospitality industry

The tourism industry is fueled by significantly high levels of energy. The energy consumption in the sector is also linked to the emissions that are linked to the sector. Tourism activities that require energy include transport, accommodation, food processing and recreational activities such as boat rides. Greater energy efficiency in the sector will help reduce the carbon footprint hence making tourism environmentally sustainable.

2.7 LEGAL AND GOVERNANCE FRAMEWORK

Review of Relevant International and Regional Legal, Policy and other Governance Frameworks

This section discusses the applicable legal, policy and governance structure on tourism and hospitality. Tourism is a service industry that is highly privatized. As a service industry tourism that is highly dependent on the environment it is governed by other laws that are incidental to the ocean and environment upon which tourism activities are hinged. The governance structure for tourism is categorized in two limbs namely, governance of tourism service providers such as hospitality and transport and the governance relating to the tourist attractions and sites such as museums, parks, beaches and other attractions.

2.7.1 International Regulatory Framework/ Commitments

United Nations Framework Convention on Climate Change (UNFCCC)

The UNFCCC is an international instrument adopted with the aim of responding to the effects of climate change. The framework's overarching goal is to strengthen global response that pursue efforts to combat the effects of climate change and adapt to its effects. The Paris Agreement requires member states to science based national climate action plans, referred to as nationally determined contributions (NDCs). To this end, the Kenyan government and key stakeholders are called upon to take responsive measures in areas including tourism. At a global scale, the commitment has been reinforced by adoption of several declarations and soft law principles in the tourism sector including the Glasgow Declaration and the Djerba Declaration.

Convention on Biological Diversity (CBD)

The Convention was adopted to address the conservation of biological diversity and the sustainable use of its components. Notably, the Convention does not specifically address tourism. However, the Contracting Parties subsequently recognized the place of sustainability and tourism with the aim of conserving biological diversity on an overall scale. To this end, the CBD adopted guidelines that address sustainable tourism. The guidelines address tourism in vulnerable terrestrial, marine and coastal ecosystems and habitats of major importance for biological diversity and protected areas, including fragile riparian and mountain ecosystems. The Guidelines cover all forms and activities of tourism. According to the guidelines, tourism activities should be consistent with the principles of conservation and sustainable use of biological diversity. These include, but are not limited to, conventional mass tourism, ecotourism, nature- and culture-based tourism, heritage and traditional tourism, cruise tourism, leisure and sports tourism.²⁹ Although the primary focus of the Guidelines is vulnerable ecosystems and habitats, they are also appropriate for tourism with impact on biodiversity in all geographical locations and tourist destinations. The guidelines on Biodiversity and Tourism Development can also play a crucial role in incorporating sustainable use and equity strategies within and around protected areas.

UN Framework on tourism

The UN World Tourism Organization (UNWTO) is a specialized agency that is responsible for the promotion of responsible and sustainable tourism universally. The UNWTO works to promote

²⁹ CBD Guidelines on Biodiversity and Tourism Development

priority areas including promoting sustainable tourism development. This is in the wake of a need to ensure optimal use of the natural resource that constitute a key element in tourism development. Therefore, UNWTO in collaboration with other UN agencies and institutions has organized different forums aimed at discussing the agenda relating to sustainable tourism. These forums and negotiations have culminated in adoption of various negotiations that speak to sustainable tourism. The 1st International Conference on Climate Change and Tourism took place, at the invitation of the Government of Tunisia and under the sponsorship of the World Tourism Organization (UNWTO), in Djerba, Tunisia. The Conference culminated in the adoption of the Djerba Declaration that stirred a conversation on advancing climate change oriented responses in the tourism sector. The Declaration called upon tourism stakeholders including transport companies, hoteliers, tour operators, travel agents and tourist guides, to adjust their activities, using more energy efficient and cleaner technologies and logistics, in order to minimize as much as possible their contribution to climate change.³⁰ The Declaration also recognized that there was need for consumers to change consumption behaviors and make more climate change friendly tourism choices.³¹ The Second International Conference on Climate Change and Tourism, in Davos, Switzerland built on the resolutions adopted in the Djerba Declaration. It resolved to among other steps take decisive actions to mitigate the industry's GHG emissions and for tourism businesses to adapt climate conscious technologies in line with the UN framework on climate change (United Nations Framework Convention on Climate Change). The meeting recommended implementation of a regulatory and policy framework for effective adaptation and mitigation. In doing so, the declaration observed that integrating tourism in the formulation and implementation of policy would advance better strategize for reducing the carbon footprint in the tourism industry.³² These UN documents have helped inform decisions taken by tourism actors in mitigating the impact of climate change in relation to tourism.

The Glasgow Declaration for Climate Action in Tourism

In the wake of urgent action attributed to climate change, nations came together to adopt the Glasgow Declaration for Climate Action in Tourism in 2021.³³ As part of the broad commitments

³⁰ Preamble, Djerba Declaration on Tourism and Climate Change, 2003

³¹ Preamble, Djerba Declaration on Tourism and Climate Change, 2003

³² Preamble, Davos Declaration on Climate Change and Tourism, 2007

³³ One Planet Network. (2021). Glasgow declaration: A commitment to a decade of tourism climate action. <https://www.oneplanetnetwork.org/programmes/sustainable-tourism/glasgow-declaration>
<https://doi.org/10.1080/09669582.2018.1533020> Last Accessed on 18th January 2022

under the Declaration, the signatories commit to take strong action on environment friendly tourism. The baseline report that informed the adoption of the Declaration revealed that some elements that relate to sustainable consumption and production plays a significant role in developing ecofriendly tourism activities.³⁴ The baseline noted that among such practices include: reducing solid waste, reducing food waste, integrating reusable items, eliminating unnecessary plastics, recycling and local sourcing of farm produce as a sustainable procurement measure.³⁵

The Declaration calls upon State Parties to take measures towards reducing emissions in the tourism sector by employing science based and adopting SCP tourism policies to address the undesirable outcomes of tourism activities.

2.7.2 Regional Frameworks

African Blue Economy Strategy

The African Blue Economy Strategy is an instrument developed to guide AU institutions and member states in developing inclusive strategies within the blue economy sectors. The Strategy is aimed at supporting and providing guidance to member states and other institutions for coherent formulation of their national and institutional blue economy strategies that would foster socio-economic transformation and growth. The strategy recommends that there is need to develop tourism activities with high level of value by incorporating integrated and sustainable tourism approaches and infrastructure into what coastal tourism in the region already offers.

East African Community Treaty, 1999

Kenya ratified and signed the Treaty establishing East African Community (EAC) as a member of the economic block in 1999. Article 115 of the EAC Treaty, the Partner States undertake to develop a collective and coordinated approach to the promotion and marketing of quality tourism in the region. The Treaty underscores the Partner States commitment to develop and promote East Africa as a single tourist market with quality tourist accommodation and catering facilities within the region. To this end, members of the EAC have undertaken to develop tourism as individual states and collectively as an economic bloc. This is attributed to the fact that the EAC member states

³⁴ The World Tourism Organization (UNWTO) (2022) 'Baseline Report on Climate Action in Tourism' https://www.oneplanetnetwork.org/sites/default/files/2022-12/Baseline_Report_climate_Action_Tourism_Final%20version_Dec%202022_compressed.pdf DOI: <https://doi.org/10.18111/9789284423965>. (Last Accessed on 18th January 2023)

³⁵ Ibid p. 31

share common tourists' attractions, have a common history and aspire to develop collectively as a bloc. The EAC has therefore developed instruments that are specifically geared towards addressing tourism in the region.

East African Tourism Strategy

The EAC as a Regional Economic Bloc (RECs) recognizes the tourism and wildlife management as priority areas. To this end, the East African Region has formulated a strategy plan geared towards developing the region as the leading sustainable tourism destination in Africa.³⁶ Through the strategy, the EAC aims to develop tourism products within the region that target the regional and international markets. At the EAC regional level, tourism and wildlife management are priority areas. The guiding principles for implementation of the strategy include development of EAC as a competitive and sustainable tourism destination. While marketing remains a running theme under this instruments, the strategy however fails to emphasize on the need to employ SCP strategies for tourism in the region's tourism plan.

East African Classification Criteria for Classification of Hotels and Restaurants

As part of the agenda of forging tourism in the EAC region, the EAC adopted a common criterion for classification of hotels and restaurants in 2009. The EAC Classification, is a mandatory system established by laws of each partner states. The common criterion is aimed at standardizing services offered by the accommodation facilities in the region. Hotel star rating has been used in the country as a means of categorizing service types and quality ranking scale of 1 to 5 star levels. Kenya as a Member State has henceforth embraced the harmonized Regional Classification System and institutionalized it into the national laws as it is an official classification system. The regional classification scheme is envisioned to address the numerous challenges previously faced by individual Partner States resulting in continued decline in standards of hospitality facilities in the community. Standardization and classification systems are therefore critical in quality improvement, measurement and management for sustainability and competitiveness.

The rating of hotel establishments under the criterion is based on various parameters such as: location, environmental considerations, architectural designs, capacity and other general features

³⁶East African Community EAC Tourism Marketing Strategy (2020) Available at <http://repository.eac.int/bitstream/handle/11671/24350/EAC%20TOURISM%20MARKETING%20STRATEGY-%202020.pdf>

of the premises.³⁷ Proximate to the theme of this research is the waste collection parameter and the environmental considerations under the EAC standards. Regulation 1.2 describes the environmental considerations for rating purposes. The descriptive considerations range from conformity with building regulations for the One-star rating to a consideration based on an Environment Impact Assessment of the development for the four and five rating. Regulation 4.5 provides a description for the parameter relating to ventilation and regulation of temperature. The rating under this parameter entails adequate natural ventilation and where necessary provision for sufficient mechanical ventilation. The rating for the five and four star is anchored on the same descriptive parameters save for the fact that the four and five-star rating includes a higher quality air conditioning system.

With regards to waste collection, the regulations recommend that where possible waste bins should be separated. Regulation 8.8 recommend that there ought to be provision of sufficient number of separate waste bins preferably for glass, organic and non-organic material with tight fitting covers for all ratings. The Regulation also recommends for collection of garbage on a regular basis. The Regulation does not however place a requirement for segregation of waste that is collected from the kitchen for purposes of proper waste disposal. For purposes of linen change, the regulations recommend a change of bed linen after every two nights or with every new guest. This practice promotes SCP as a water conservation measure.

Regulations 10.8 and 11.17 encapsulate a standard on supplies in guest rooms and bathrooms. The standards recommend supplies such as: soap, toilet paper, drinking water and a water glass should be supplied to each room. Notably, the standard does not prescribe a standard for the supply of the essentials in eco-friendly packages such as refillable, reusable packaging non plastics and the like. The highest rating is only with regards to supply of luxurious amenities.

With regards to lighting and lighting fixtures, the regulations prescribe that the electrical lighting should be of sufficient wattage for the four and five-star rating. The regulations do not prescribe for installation of energy conservation measures in the parameters for rating. Regulation 11.21 also prescribes for high voltage power sockets and outlets. Similarly, the regulations fall short of prescribing energy saving measures as a key SCP pattern. Regulation 12.6 addresses water supply

³⁷ East African Community Criteria for classification of hotels and restaurants (2009)

in as far as the water should be of good quality and consistent in supply. The regulation is silent on the question of water conservation measures for purposes of SCP. The regulations thus ought to be revised to make provisions for energy and water conservation as well as eco-tourism friendly trends to ensure conservation of water, energy and reduce generation of wastes from hotel and accommodation facilities.

Draft Protocol on Tourism and Wildlife Management 2021

The draft protocol seeks to provide a framework for expanding cooperation among the EAC Member States in the tourism frontier. The protocol anticipates cooperation among the member states in the following areas namely: marketing and promotion, development and management of tourism resources, conservation and management of wildlife resources, standardization of tourist's facilities and services, the harmonization of wildlife management policies and laws and the safety and security of the tourists and host communities. The draft protocol calls upon the member states to adopt measures that will deepen tourism in the region but falls short of calling upon collaborative efforts that ensure SCP practices such as solid waste management.

2.7.3 National Frameworks

Tourism in Kenya is developed under specific legislative and regulatory frameworks through Government ministries, departments and agencies provides.

Constitution of Kenya, 2010

The adoption of the 2010 Constitution had ramifications on the governance structure of the Tourism scene in Kenya. Article 10 reaffirms sustainable development as a national value and principle of governance that binds all persons and by extension all sectors. The tourism and hospitality industry in Kenya is an industry that offers tourism products and services. The 2010, Constitution, entrenched consumer rights for service providers and consumers in the country. It is a constitutional right for the consumers to have their health, safety and economic interests protected.

The Constitution equally guarantees the right to a clean and healthy environment. Tourism and hospitality establishments use up the natural resources associated with both the ocean and land based resources. Coastal tourism offers a unique combination of land and sea amenities such as beaches, waters, rich terrestrial, wildlife and marine biodiversity and cultural sites. The

Constitution underscores a constitutional right to a clean and healthy environment.³⁸ The protection of the environment is of high national priority because the environment is the foundation of human activity. Failure to conserve the environment results in the destruction of the tourist's sites, reduces tourism activities and consequently reduces the revenue from tourism.³⁹ Overuse of natural resources and unsustainable trends such as littering, unregulated disposal of food waste and refuse, solid waste disposal such as plastics poses a threat to the natural land and ocean resource base. Sustainable consumption and production policies thus aid in conserving the environment and natural resources to ensure a clean and healthy environment. The Constitution bestows the obligation to collect and manage waste on the devolved units as illustrated in *Table 1* below.⁴⁰

Table 1. Respective mandates for national and county governments in relation to tourism and tourism activities

Kenya's national government is the competent authority for:	County governments are the competent authority for:
Foreign policy	Cultural activities including museums, county parks, beaches and recreational activities
Use of international waters and water resources	County transport including ferries and harbours
National economic policy and planning	Trade development and regulation, including local tourism.
Transport including marine navigation, civil aviation	County planning and development
Protection of the environment and natural resources with a view to establishing sustainable development including wildlife	Implementation of specific national government policies on natural resources and environmental conservation e.g forests
Ancient historical monuments of national importance	
Tourism policy and development	

³⁸ Article 42 (a) & (b), Constitution of Kenya, 2010

³⁹ Victor Ongoma, 'A Review of the Future of Tourism in Coastal Kenya: The Challenges and Opportunities Posed by Climate Change' (2014) 5 (7) *Journal of Earth Science & Climate Change*

⁴⁰ Fourth Schedule of the Constitution of Kenya, 2010

Tourism Act No. 28 of 2011

This Act concerns the development, management, marketing and regulation of a sustainable tourist industry in Kenya. It provides for the control of tourist activities through licensing and registration. The Act establishes the Tourism Regulatory Authority with the mandate of regulating the tourism industry. The Authority is mandated to among other functions formulate and prescribe guidelines on sustainable tourism. The Authority's mandated is to regulate the tourism sector on the basis of standards, codes of practice and classification of tourism facilities thereby creating a conducive environment for investment as a catalyst for institutionalizing quality in the operations of the sector.

The Act defines sustainable tourism as 'tourism development that meets the needs of present visitors and hosts while protecting and enhancing opportunity for the future.' The Statute mandates the authority with the responsibility of formulating guidelines that promote sustainable tourism.⁴¹ The Authority under Section 7(a) the Authority is charged with the responsibility of classifying and grading Tourism enterprise in the Country. The Authority is also mandated to regulate tourism activities through registration, standardization and classification of tourism facilities and services. Additionally, the Act establishes the Tourism Research Institute, that collects and analyzes data for sustainable tourism development.⁴²

The Act also recognizes the place of incentivizing sustainable tourism and disincentivizing unsustainable tourism trends using the tax regime. The Act provides that the Cabinet Secretary in charge may propose tax rebates for activities and services that promote sustainable tourism.⁴³ In the same breadth, the Act also provides for tax disincentives aimed at deterring bad tourism activities and services.

Hotel and Restaurants Act Cap 494

Kenya has pursued standards and regulations in the hospitality and catering frontier. The Hotel and Restaurants Act provides a framework that regulates licensing, for hotels, and restaurant establishments. The Act establishes the Hotel and Restaurants Authority that issues hotels and

⁴¹ Section 7(1) Tourism Act

⁴² Section 53 (1) Tourism Act

⁴³ Section 106 Tourism Act

restaurant establishment with annual licenses.⁴⁴ The Authority conducts an inspection of the premises before approving the issuance of licenses. Among the parameters that the Authority must consider before approving the issuance of a license is whether the facility meets the necessary standards of cleanliness and sanitary conditions of the hotel establishment. Additionally, the Authority has power to revoke a license if the establishment is operating under unsanitary conditions.⁴⁵ The Act does not make reference to sustainable consumption and production trends in the regulation of hotels and restaurants.

The National Museums and Heritage Act No. 6 of 2006

Natural heritage in Kenya are valuable national assets that must be sustainably managed for present and future generations. They offer a range of benefits and opportunities for local and national economic development and improved people's livelihoods as well as provision of environmental goods and services. These natural heritages and the people are vital key drivers of Kenya's vibrant tourism industry. The National Museums and Heritage Act, 2006 aims at providing for the establishment, control, management and development of national museums and the identification, protection, conservation and transmission of the cultural and natural heritage of Kenya. The Act establishes National museums as avenues to among other objectives protect and preserve Kenya's cultural and national heritage.⁴⁶ In a bid to fulfill this objective the Act gazettes several museums and centers as national monuments under the Act. The Act establishes National museums as avenues to among other objectives protect and preserve Kenya's cultural and national heritage including marine heritage.⁴⁷ In a bid to fulfill this objective the Act gazettes several museums and centers as national monuments under the Act.

⁴⁴ Section 6(1) Hotels and Restaurants Act

⁴⁵ Section 8(b) Hotel and Restaurants Act

⁴⁶ Section 4 (c) National Museums and Heritage Act

⁴⁷ Section 4 (c) National Museums and Heritage Act



Figure 1.11 National monument Fort Jesus Mombasa

Environmental Management and Co-ordination Act, No. 8 of 1999

The Environmental Management and Co-ordination Act (EMCA) establishes the National Environmental Management Authority (NEMA) as the environmental regulatory body. EMCA is the principal instrument of government in the implementation of all policies relating to the environment. The Act makes provisions on various areas which have ramifications on sustainable consumption and production trends such as waste management and pollution. NEMA is mandated to among other functions examine land use patterns and determine their impact on the quantity and quality of natural resources. The Act also outlines projects for which Environmental Impact Assessment studies must be conducted before they are licensed for construction. This is meant to protect environmental impact of a project, and have mitigation measures explored and made beforehand.

EMCA also empowers the lead environment agency with the power to protect environmentally significant areas such as species of indigenous wildlife or biological diversity in general for the purposes of protecting and conserving the environment. This means that EMCA concerns itself

with protection of the environment as the bedrock of key tourism attractions in the country. Specifically, relating to the coastal zone and consequently the sites under study, Section 55 pays attention to the protection of the coastal zone. NEMA is mandated to prepare an integrated coastal zone management plan after preparing a survey of the coastal zone. The survey is conducted to generate information on the following key areas namely; (a) an inventory of all structures, roads, excavations, harbors, outfalls, dumping sites, and other works located in the coastal zone; (b) an inventory of the state of the coral reefs, mangroves and marshes found within the coastal zone; (c) **an inventory of all areas within the coastal zone of scenic value or of value for recreational and cultural purposes**; (d) an inventory of areas within the coastal zone of special value for research in respect of fisheries, erosion, littorals movement and such other similar subjects; (e) an estimate of the quantities of sand, coral sea shells and other substances being removed from the coastal zone; (f) an estimate of the impacts of erosion on the coastal zone; and (g) **an estimate of the extent, nature, cause and sources of coastal pollution and degradation**; (h) an estimate of freshwater resources available in the coastal zone; and (i) any other relevant data or information that may be deemed appropriate. The survey then informs the preparation of the Integrated coastal zone management plan.

EMCA also creates subsidiary legislation under the Environmental Management and Co-ordination (Waste Management) Regulations, 2026 which provides details on the management of waste. The regulations mandate the generator of waste as the person responsible for handling and disposing the waste appropriately.

Sustainable Waste Management Act No. 31 of 2022

Under this Act, the Ministry of the Environment is charged with the responsibility of come up with for policies on sustainable waste management and will do this in consultation with the counties. For this reason, the Cabinet Secretary will make regulations in consultation with counties and National Environmental Management Authority (NEMA) to enable the provisions of the Sustainable Waste Management Act to be implemented. Such regulations will for example cover categories of waste segregation, conversion of dumpsites into landfills, material recovery facilities, schedule for collection of segregated waste, management of e-waste, importation and exportation of garbage, a national color-coding system for waste, the design of waste transportation vehicles,

take-back schemes, extended producer responsibility, sustainable waste management curriculum, among others.

The Act also establishes the Waste Management Council whose core mandate will be to develop a National Sustainable Waste Management Strategy and Action Plan. National Environmental Management Authority (NEMA) has the mandate of developing standards and guidelines for sustainable waste management, enforcing waste management legislation, issuing licenses for waste management except for areas where counties have jurisdiction, conducting research, training, and creating awareness.

Additionally, the Act envisions a collaborative role with NEMA to develop a national information system for waste management and acting as the national knowledge center on sustainable waste management, developing analytical reports and disseminating information to ministries, agencies, and counties, and supporting their work on the same. Consequently, counties are to ensure they collect data including keeping a register on waste service providers and sharing reports with other agencies involved in the waste management chain.

National Tourism Policy, 2020

This National Tourism Policy proposes a broad range of measures and actions responding to key tourism issues and challenges.

Tourism Strategy for Kenya 2021-2025

The document sets out targeted strategies geared towards boosting the tourism sector. The strategy is anchored on four strategic shifts key among them being making Kenya a sustainable destination. The strategy maps out strengthening beach tourism as a targeted approach. The Strategy proposes the identification of minimum standards where operators who fail to observe the same are suspended.⁴⁸ It also recommends a reevaluation of new sustainability certification badges in collaboration with Eco-Tourism Kenya, the main sustainable tourism accreditation body. If a tourism entity fails to meet the minimum sustainability standards, the Strategy recommends that such an entity is to miss out any benefits given by the government such as tax rebates.⁴⁹ The Strategy identifies, the national environmental agency (NEMA) as the pivotal agency to steer this.

⁴⁸ Republic of Kenya, Ministry of Tourism and Wildlife 'The New Tourism Strategy for Kenya 2021-2025' At page 30 Available at <https://tourism.go.ke/wp-content/uploads/2022/10/New-Tourism-Strategy-for-Kenya-2021-2025.pdf> Accessed on 26th April 2024

⁴⁹ Ibid At page 30

The Strategy that the Ministry of Tourism in liaison with Ecotourism Kenya to reevaluate the capacity for accreditation of sustainability badges in Kenya.

Kenya Vision 2030

The Kenya Vision 2030, is the national development blueprint and a collective aspiration for a better Kenya by 2030. Tourism industry is also a cornerstone of the country's Vision 2030. Under the Vision 2030, The Government of Kenya aspires to develop two coastal townships, Diani and Kilifi, into vibrant tourist resort cities. The Government also commits to intensify conservation of coastal, mangrove and marine wildlife resources and to initiate coastal zone and marine assessment; that will involve assessing the potential opportunities provided by Kenya's coastal ecosystem and to produce a databank to be used by investors and regulatory agencies. The Kenya Vision 2030 has commissioned several flagship projects in line with the aim of achieving the national goals and aspirations under the policy document. During the 2018-2019, the government commissioned flagship projects to enhance coastal beach tourism with the aim of improving beach products in Mombasa, Kilifi, Kwale and Lamu counties.⁵⁰ The implementing agencies in the project included the Ministry of Tourism and Wildlife, Tourism Finance Corporation and County Governments of Mombasa, Kilifi, Kwale and Lamu. In the implementation of the flagship project the Vision 2030 delivery board noted that there was need to enhance beach cleanliness, and to improve beach environment for marine species. Notably, as part of the project implementation team key environmental government agencies were not involved in the implementation of the flagship project.

National Environment Policy, 2013

The policy provides for governance framework for environment management. The policy recognizes the need to have efficient production processes, high durability goods and sustainable consumption and production patterns lead to reduce waste generation. In order to address these challenges, the policy provides for development of an integrated national waste management strategy, promotion of use of economic incentives to manage waste and promotion of

⁵⁰ Republic of Kenya 'Towards a globally competitive and prosperous Nation-Kenya Vision 2030 Flagship projects progress reports FY 2018/2019' (2019) at page 82 Available at https://vision2030.go.ke/wp-content/uploads/2021/11/KENYA-VISION-2030-FLAGSHIP-PROJECTS-PROGRESS-REPORT-FY-2018_2019.pdf Accessed on 24th January 2024

establishment of facilities and incentives for cleaner production waste recovery, recycling and re-use.

The Kenya National Climate Change Strategy (KNCCRS)

The climate change strategy recognizes that changing temperature and rainfall patterns have profound impacts on Kenya's socio-economic sectors, most of which are climate-sensitive such as the tourism sector. Climate is a key enabler for tourism and the sector is highly sensitive to the impacts of climate. The rising temperatures and weather conditions are changing the tourism landscape significantly. The KNCCRS specifically recognizes that rising temperatures and changing weather patterns disrupt the tourism activities. The rising sea levels, strong tide winds and coastal erosion have particularly had ramifications on tourism in the three sites under review. These factors make tourism susceptible to the climate threats³ such as destruction of tourism attraction and reduces tourism activities. The KNCCRS thus recognizes the need to address climate change from a tourism sector angle.

National Spatial Plan

The National Spatial Plan(NSP) addresses various aspects of SCP in the tourism sector. The NSP recognizes that waste management is crucial for enterprise activity to flourish. The NSP proposes strategies such as construction and upgrading of integrated solid waste management facilities to enable the proper collection, treatment and disposal of solid waste. The NSP also recommends that all County spatial plans should make provision for treatment of solid waste. Further the NSP makes recommendations geared towards addressing SCP trends such as adopting technologies that facilitate reduction, recycle and reuse (3Rs) and construction of waste water management plants. With regards to tourism sector strategies, the NSP aims to develop eco-tourism in the Kenyan Coastal circuit which covers the sites under review in this project. The proposed strategy for this is through adopting low carbon and green infrastructure tourism options. The NSP considers all aspects on tourism including low carbon options when developing tourists sector transport circuits.

2.7.4 Sub-National Frameworks

The devolved units are responsible for local tourism development and management under the fourth schedule of the constitution of Kenya. To this end, the respective counties in the sites of study have developed County laws on tourism.

Mombasa County Local Tourism Act, 2017

The Act creates an obligation for the County Executive member in charge to develop plans for local tourism and promotion that address environmental sustainability. The Act also obligates the CEC to facilitate the increased use of sustainable waste disposal and bio-degradable packaging.⁵¹ In the same vein, the County commits to encourage sustainable tourism trends by offering incentives for local tourism projects that utilizes green designs and technologies that support sustainable tourism in the County.⁵²

Kilifi County Tourism Act, 2016

The overarching objective of the Act is cited as an Act aimed at regulating sustainable tourism among other objects.⁵³ The Act outlines measures to incentivize sustainable tourism through; licenses and tourism fees, disincentives for bad tourism practices and imposing user fees for tourism products and services. The Kilifi County Tourism Act, establishes a Tourism Board with the overarching mandate to develop, implement and co-ordinate tourism activities in the County. Section 13 of the Act stipulates as part of the Board to include promoting and marketing Eco - Tourism facilities in Kilifi County e.g Gede Ruins, Mida Greek, Hells - Kitchen among others.

Kilifi County Solid Waste Management No. 7 of 2019

The Act envisages solid waste management as a shared responsibility among all actors including the County government, waste generators, contracted service providers and occupiers of property.⁵⁴ The Act further prescribes the imposition of a solid waste management levy to all persons that generate solid waste for the purposes of meeting the cost of solid waste management.⁵⁵ In addition, the Act sets out an environment levy payable in respect to a ratable property in the county for the purposes of waste management and dealing with improvement of the quality of the environment generally. With respect to waste segregation, the Act provides for categorization of solid waste into various categories namely: market waste, industrial solid waste, chemical waste, construction and demolition waste, agricultural, biomedical, and municipal waste.⁵⁶ The Act also recommends waste management strategies through recycling, reusing, reduction and composting

⁵¹ Section 15 (e) Mombasa County Local Tourism Act, 2017

⁵² Section 15(f) Mombasa County Local Tourism Act, 2017

⁵³ Preamble, Kilifi County Tourism Act No. 14 of 2016

⁵⁴ Section 4, Kilifi County Solid Waste Management Act

⁵⁵ Section 7, Kilifi County Solid Waste Management Act

⁵⁶ Section 10, Kilifi County Waste Management Act

waste.⁵⁷ The Act also envisions public and private participation in the waste management chain in a franchise system, management contracts paid by the County or any other avenue as recommended by the Executive Committee in charge of environment.⁵⁸ This creates an avenue for public private partnerships in the management of waste and encourages innovation in solid waste management.

Kilifi County Water and Sanitation Act, No.6 of 2016

The Act establishes a Directorate in charge of water charged with the responsibility of creating awareness on sustainable use of water resources and conservation by playing a facilitative role.⁵⁹ The Directorate is also expected to come up with strategies and policies encourage treatment of waste water and reuse.⁶⁰ The Act recognizes and encourages public-private investment for development of water conservation and recycling infrastructure.⁶¹ The Act also prohibits the pollution of riparian grounds with any form of waste. This creates an obligation for waste generators to avoid polluting riparian grounds with any waste generated from their activities.

Mombasa County Water and Sanitation Act, No. 2 of 2016

The Act governs the management and disposal of waste in Mombasa County in line with Schedule four of the Constitution. It is a requirement under the Act for owners of private premises such as hotels and AirBnB facilities for purposes of tourist's activities to provide alternative waste water disposal systems as approved by the relevant county office. As part of the recommended SCP trends, the Act provides for measures that reduce runoff water under Section 118. The Act makes it a requirement for property owners to install rain barrels with sufficient capacity to store water from the building and collect rainwater for reusing and recycling. The Act categorically provides that proprietors of buildings should not allow storm water to become runoff. The Act also mandates the owner, manager, operator or person in charge of a hotel, resort or any other accommodation facility to ensure compliance with the provisions of the Act under Section 80. The Act under Section 103(3) makes it a requirement for premises that generate commercial waste to provide for sound and sufficient receptacles for the collection and disposal of the waste. The Act establishes a Directorate that has the responsibility of identifying and implementing strategies and

⁵⁷ Section 9, Kilifi County Waste Management Act

⁵⁸ Section 6, Kilifi County Waste Management Act

⁵⁹ Section 19(j) Kilifi Water and Sanitation Act

⁶⁰ Section 48, Kilifi Water and Sanitation Act

⁶¹ Section 17, Kilifi Water and Sanitation Act

measures for the uptake of low water uptake technologies.⁶² The Act also reaffirms the need to public private partnerships in building water infrastructure.⁶³

Mombasa County Solid Waste Management policy

Mombasa County Government adopted the solid waste management policy with the aim of introducing interventions that specifically address sustainable ways of management solid waste. The policy brings together various agencies in the Solid waste management sector including national government agencies such as the National Environment and Management Authority (NEMA), county departments and private actors. The policy charts a way forward on management of solid waste through the Integrated Solid Waste Management (ISZM).⁶⁴ The policy suggest a model of solid waste management hierarchy that starts from the point of prevention, reduction, recycling, recovery and disposal.

Kwale County Water and Sanitation Services, 2020

The Act makes it mandatory for every building to have rain barrels with sufficient capacity for runoff water and also requires the proprietor of such property to reuse and recycle the runoff water.⁶⁵ Notably, unlike the Mombasa County Water and Sanitation Act, the Kwale County Act does not a penalty for noncompliance with this provision. The Act also calls upon the water department in the county to develop strategies that encourage the reuse of treated waste water.

Mombasa County Vision 2035

Envisages a scenario of a developed integrated waste management facility, enacted waste segregation at source, a recycling rate of 50%, and restricted illegal dumping and open burning of waste

2.8 Shortcomings/ Gaps in the Legal Framework

 The Tourism industry is fragmented with multiple sectors and institutions governing different ambits of the sector. It involves mass movement of people and provision of varied services. The tourism product is affected by the actions and activities of many other sectors and thus regulated by many different players as illustrated in Figure 1.12. Tourism involves

⁶² Section 6(g) Mombasa County Water and Sewerage Services Act No. 2 of 2016

⁶³ Section 20, Mombasa County Water and Sewerage Services Act No. 2 of 2016

⁶⁴ Mombasa County Solid Waste Management Policy At page 8

⁶⁵ Section 56 Kwale County Water and Sanitation Act, 2020

rendering of varied services such as transport, accommodation, hospitality and tourism activities. Owing to the fragmentation in terms of regulation, the service industry in the tourism sector falls short of coming up with common thematic strategies for ensuring SCP in the sector as a whole.

NATIONAL LEVEL

Regulation of the Sites

- National Museums & Heritage Act
- Wildlife Conservation Act
- EMCA
- Forest Conservation & Management Act
- Fisheries Management & Development Act

-TOURISM ACT, 2011

Tourism Regulatory Authority
Tourism Fund

EAC Treaty
National Tourism Policy
Kenya Vision 2030

Regulation of Service Industry

- Hotel & Restaurants Act
- Food Drugs & Chemical Substances Act
- Film & Stage Plays Act

COUNTY TOURISM LEGISLATION

Including County Specific Service regulation law

**TOURISM
INDUSTRY**

Figure 1

.12 Illustration of the multiple tourism regulators

- ✚ The subsisting National Policy on Tourism highlights conservation and strategies for building resilience in the tourism economy. However, the policy falls short of outlining specific strategies that can aid in building resilience and conservation. At the national level, contained in a published document, that provides a clear direction and framework for the development and management of tourism. Rather than develop a separate strategy for ‘sustainable tourism’, mainstream tourism strategies should fully embrace the concept of sustainable development.
- ✚ At national level, tourism policies do not leverage on eco-tourism practices as critical building blocks in the marketing, brand repositioning strategies and as a competitive advantage point.
- ✚ Revision of the East African Hotel Standards and Rating Regulations to incorporate sustainable consumption and production practices as part of the hotel rating parameters to encourage hotel owners to adopt sustainable consumption practices that build a more resilient tourism sector. For example, Under Regulation 10.8 and Regulation 11.17 the criterion encapsulates a standard on supplies in guest rooms and bathrooms. The standards recommend supplies such as: soap, toilet paper, drinking water and a water glass should be supplied to each room. Remarkably, the five-star rating prescribes supply of the supplies in a luxurious way. This regulation falls short of describing the luxurious component of the supply using SCP standards. The standard does not prescribe a standard for the supply of the essentials in eco-friendly packages such as refillable and reusable packaging.

CHAPTER THREE

KEY FINDINGS

3.1 Analysis of desktop reviews

Tourism activities have undoubtedly contributed to waste generation and depletion of the environment. During the in 2008 Davos Conference on Climate Change and Tourism it was observed that carbon dioxide emissions from the tourism sector's transport, accommodation and other activities are estimated to account for between 4 and 6% of total emissions.⁶⁶ The adoption of sustainable consumption and production practices is inevitable to strengthen the tourism sector. This position is evidenced by reports from previous studies. Notably, the concept of sustainable tourism has over the last decades gained traction in research and academic circles.

3.2 Unsustainable tourism trends

The tourism sector is environment dependent and highly sensitive to climatic changes. The sector consumes natural resources heavily in the form of energy, water, food and the natural environment for tourism attractions. In the same breadth, the tourism sector is a leading emitter of Green House Gases ranging from transport to hotel and accommodation, hospitality to leisure activities.

A survey conducted by Hotel Energy Solutions in 2011, showed that SMEs in the hotel industry, including individually owned and managed facilities are generally less active with environmental and energy issues than chain-affiliated hotels.⁶⁷ This demonstrate the growing need to sensitize the hotel industry on the strategies the industry can put in place to ensure energy efficiency for SCP in the tourism sector. The study also showed that energy efficiency is directly connected to cost saving for the business enterprise.⁶⁸

During the 2008 Davos Conference on Climate Change and Tourism it was observed that carbon dioxide emissions from the tourism sector's transport, accommodation and other activities are estimated to account for between 4 and 6% of total emissions.⁶⁹ The adoption of sustainable

⁶⁶ UNWTO 'Climate change and tourism: Responding to global challenges' 2008 Available at <https://www.e-unwto.org/doi/epdf/10.18111/9789284412341> Accessed on 19th March 2024

⁶⁷ Hotel Energy Solutions 'Factors and initiatives affecting energy efficiency use in the hotel industry' (2010) at page 3 Available at <https://www.e-unwto.org/doi/pdf/10.18111/9789284415021> Accessed on 26th April 2024.

⁶⁸ Ibid at page 4.

⁶⁹ UNWTO 'Climate change and tourism: Responding to global challenges' 2008 Available at <https://www.e-unwto.org/doi/epdf/10.18111/9789284412341> Accessed on 19th March 2024

consumption and production practices is inevitable to strengthen the tourism sector. This position is evidenced by reports from previous studies. Notably, the concept of sustainable tourism has over the last decades gained traction in research and academic circles. The World Tourism Organization (UNWTO) defines sustainable tourism as tourism that makes optimal use of environmental resources as a key element in tourism development while maintaining important ecological processes and helping conserve natural heritage and diversity.⁷⁰ SDG 12.b reaffirms the commitment as it calls upon States to develop and implement tools to monitor sustainable development impacts for sustainable tourism that creates jobs and promotes local culture and products.⁷¹ It is therefore vital to examine the tourism sector from the lenses of leakages that expose the industry to degradation and formulate solutions to the same.

3.3 Sustainable tourism options

According to a 2022 report by Ellen McArthur foundation, having a restorative and regenerative tourism economy requires the sector to move from a linear economy model to a circular economy model as proposed by the overarching objective of this project.⁷² The research thus proposes adoption of a circular economy by increasing reuse and durability, helping to regenerate biodiversity and circulating waste as raw materials for new products.⁷³

A 2019 report by UNWTO and UNEP expounded on the question of adopting sustainable consumption and production practices in the tourism sector as critical to ensure sustainable development.⁷⁴ The report observed that SCP policies must go beyond the decision-making towards incorporating other phases of implementation to include corporate environmental and social responsibility, eco-labelling, certification, sustainable procurement, eco-design and environmental impact assessment.⁷⁵ The report also emphasizes the need for support from consumers to move towards more sustainable consumption choices in the tourism industry. This

⁷⁰ UNWTO, UNWTO Website Available at <https://www.unwto.org/sustainable-development> Last Accessed on 24th January 2023

⁷¹ Sustainable Development Goal 12.b

⁷² World Travel & Tourism Council & Harvard Learning Insights ‘Circular economy: Leading circularity in travel and tourism’ 2022 Available at <https://wtcc.org/Portals/0/Documents/WTTC-Harvard-LearningInsight-CircularEconomy.pdf> Accessed on 23rd April 2024

⁷³ Ibid p. 2

⁷⁴ UNEP & UNWTO ‘Baseline Report on the Integration of Sustainable Consumption and Production Patterns into Tourism Policies’ (2019) At Page 6 Available at <https://www.e-unwto.org/doi/epdf/10.18111/9789284420605> Last accessed on 24th January 2024

⁷⁵ Ibid p. 16

therefore creates a need to develop and adopt SCP practices for tourists as consumers of tourism products. A report presented by UNCTAD noted that tourism activity, attractiveness, economic gain and resilience of the industry was firmly linked to steps taken to ensure sustainability of the sector. The study suggested that the four aspects are important parameters in achieving sustainable tourism trends.⁷⁶ The four parameters include transport efficient systems, energy efficiency, green house carbon emissions through accommodation and carbon sequestration through partnerships with conservation firms as a way of offsetting greenhouse contribution.

At the local level, Peter Osiako's study on the impact of environmental friendly patterns on coastal beach hotels at the Coast paints a need to tailor make SCP practices at the local level. The article reveals that there is emergent adoption of sound environmental practices in hotel establishments that are critical for tourism. Tourism, in these coastal cities, is a nature-based industry. To this end, any alterations to the natural environment has a potential ripple effect on the aesthetics, activities and tourist perceptions of the destination.

The changes in customer needs towards responsible hotels have also led to a greater emphasis on responsible tourism practices in the hotel sector. A research conducted in 2005, demonstrated that sustainable tourism as an emerging trend in marketing tourists destinations.⁷⁷ The study showed that establishments that marketed and advertised as eco-friendly sites were twice as likely to attract environmentally conscious customers as compared to those that failed to adopt sustainable patterns. Another research conducted in 2010, showed that tourists prefer booking and staying in eco-friendly hotels as opposed to regular hotels.⁷⁸ The above-mentioned studies make a persuasive case for the need to carefully interrogate SCP trends in tourism in coastal cities.

The Blue Tourism Initiative is a global multi-stakeholder innovation program focused on the environmental management, governance and planning of coastal and maritime tourism in three

⁷⁶ L.Cernat & J.Gourdon 'Is the concept of sustainable tourism sustainable? Developing the sustainable tourism benchmarking tool' (2007) Available at https://unctad.org/system/files/official-document/ditctncd20065_en.pdf Last Accessed on 24th January 2024

⁷⁷ H. Goodwin & j. Francis 'Ethical and responsible tourism: Consumer trends in the UK' (2005) 9(3) Journal of Vacation Marketing 271,284

⁷⁸ Han, H., Tzang, L., & Sheu, C. 'Application of the theory of planned behavior to green hotel choice: Testing the effect of environmental friendly activities.' (2010) 31 Tourism Management, 325-334

marine regions: the Mediterranean, the Western Indian Ocean and the Caribbean.⁷⁹ The report covers the environmental impacts of tourism and specifically Coastal and Marine Tourism (CMT) as one of the oldest tourism products in the marine regions under investigation.⁸⁰ The report noted the profound linkage between the use and management of natural resources and the main activities including coastal artificialization, marine pollution, and biodiversity loss.⁸¹ The report therefore recommends several pathways towards ensuring sustainable tourism practices. In addition, the 2017 State of the Coast Report observed that encroachment by tourism infrastructure is one of the key issues that have led to environmental degradation.⁸² Shoreline erosion is also intensified by activities along beaches and shorelines.⁸³ One such recommended measure is adoption of comprehensive Marine spatial planning (MSP) and land-use planning are approaches in tackling ocean and sea use and management.⁸⁴

3.4 Analysis of field based responses

The Project Team met and engaged county government officials responsible for tourism in Kwale, Kilifi and Mombasa. These included the CEC responsible for Tourism in Kwale County, CEC responsible for Tourism in Kilifi, and the Deputy Governor Mombasa County. The team also met and engaged with the directors responsible for tourism in the counties. In general, tourism a flagship sector for the three coastal counties that directly and indirectly employs thousands of people. We also gathered that this sector was most affected by the Covid 19 pandemic. The counties are pursuing a vision of sustainable tourism development, which includes environmental, socio-cultural and economic aspects. Such a vision would be anchored in relevant and responsive policy, legislative and regulatory frameworks. They also spoke about diversification of tourism products and offerings, including community based and cultural tourism, among other product developments. More interactive products such as surfing and other water sports have great

⁷⁹ Blue Tourism Initiative ‘Towards Sustainable Blue Tourism: Trends, Challenges and Policy Pathways ‘ (2023) Available at https://www.iddri.org/sites/default/files/PDF/Publications/Catalogue%20Iddri/Rapport/202306-blue%20tourism_0.pdf Accessed on 7th April 2024

⁸⁰ Ibid p. 7

⁸¹ National Environment Management Authority ‘State of the Coast Report for Kenya -Enhancing Integrated Management of Coastal and Marine Resources in Kenya ’ at page 51 Available at https://www.nema.go.ke/images/Docs/REPORTS/SOC%202nd%20Edition%20final%20report_19%2010%202017.pdf Accessed on 24th January 2024

⁸² Ibid p. 52

⁸³ Ibid page 51

⁸⁴ Ibid p. 33

potential for growth, Also, what is gaining currency is internet based booking and use of private accommodation facilities commonly referred to as AirBnBs. However, it was also clear that the traditional beach based tourism was under increasing pressure, partly because of poor diversification of products.

Waste management problems were also affecting the sustainability of the sector. Hotels and catering establishments typically produce a lot of solid waste including food wastes, and waste water. According to the respondents, a waste recycling policy is needed. Also needed is enhanced capacity of the industry regulator, the Tourism Regulatory Authority(TRA). Fortunately, TRA uses East African Classification Standards.

Other key challenges affecting coastal tourism sector is financial sustainability, infrastructure challenges such as access roads, power, waste management, regulatory and policy gaps, among others. Some suggested interventions would include waste water recycling plants in hotels and catering establishments, as well as reduction of waste generation, recycling and reuse of some of the solid waste generated by hotels and catering establishments. In this regard, it would be desirable to discourage use of plastics in hotels and catering establishments, recycle plastics and provide for waste collection centres. Others are better regulation of home stays in conjunction with industry players such as Kenya Association of Hotel Keepers and the Kenya Association of Tourist Operators Finally, county government officials readily acknowledge that it would be difficult to re-organize the coastal cities in focus here: Ukunda,Diani, Mombasa and Malindi because of vested and pre-existing commercial, ownership and other interests. However, the ideals of pre-emptive conservation, alternative livelihoods and sustainable tourism should be pursued.

One of the respondents, Mombasa beach hotel is owned and managed by the Kenya Safari Lodges and Hotels. It is a public funded entity. It was established in 1970 and has spanned more than 50 years in the hospitality space in Mombasa.

- **Use of plastic products:** The hotel is already working to phase out plastic products such as water bottles, soap sachets, straws, cosmetic supplies etc. The hotel is already working internally to phase out the use of such single use plastics. The hotel management further stated that the industry regulator (Kenya Tourism Board) has already signaled intentions to oblige the hotel industry to comply with the no single use plastics policy.

- **Managing solid waste:** Mombasa Beach Hotel is already doing monthly beach clean-ups as part of their corporate social responsibility engagements. The hotel engages all staff in the cleanup exercise. The hotel also sorts and segregates solid waste on site which is collected by thrice a week.
- The hotel management also noted that Kenya Wildlife Service (KWS) has also increased marine patrols and coordinating beach clean-ups especially in areas surrounding marine parks and reserves.

Another respondent in Malindi, provided responses. This is a privately owned enterprise comprising of accommodation facilities.

- **Use of single use plastics:** The hotel management revealed that the establishment had not shifted to using eco-friendlier suppliers to visitors' rooms such as soap and body lotion dispensers. The establishment is still using other single use plastics such as straws. The management indicated that there are plans to shift to using more environmentally friendly alternatives. The respondents pointed out that the Covid-19 pandemic and the subsequent blow of the pandemic to the tourism industry had posed a setback on the plans to completely phase out the use of single use plastics in the hotel.
- **Management of solid waste:** The hotel reported that it had adopted the segregation of waste in categories of food waste, broken bottles, plastic and other waste. The waste is then collected twice or thrice a week.

The respondent sampled from the South Coast region, Baobab Beach Resort and SPA is a private, five star rated hotel situated in Ukunda Diani. It is a privately owned hotel establishment.

- **Use of plastic products:** The hotel respondent informed the team that the hotel supplies water in the rooms using glass bottles. For the room utilities such as soap and lotion, the hotel has installed refillable dispensers in the rooms hence eliminating the use of single use plastics in the rooms. The hotel also collects used bar soap which is collected for purposes of recycling.
- **Management of waste water:** The hotel has a waste water recycling system under development.

- **Change of linen and towels:** Linen used in the rooms which includes bedding and towels are changed every two days. The hotel also informed us that as a deliberate water conservation step, the hotel placed
- **Recycling options:** The hotel has made arrangements for recycling of waste bar soaps that are used in the facility.
- **Segregation of waste:** All waste generated in the different units within the facility is collected and segregated. The wet garbage is stored in the wet garbage room awaiting collection for onward handling.
- **Menu:** The hotel has adopted a no food waste menu by way of buffet serving.

3.5 Key observations and findings

- ✚ Hotel establishments are aware of the need to adopt sustainable practices within their hotel establishments.
- ✚ Some hotels have initiated plans to phase out single use plastics in their establishments. However, the adoption of such sustainable practices is a costly exercise and as such hotels have faced setbacks.
- ✚ Hotels have put in place waste segregation mechanisms. Waste generated in hotels is sorted out and segregated into plastics, organic waste (mostly food waste), broken glass and other waste. The waste is later collected by other entities. However, the waste is later dumped at dumpsites such as Mwakirunge dumpsite/landfill in Mombasa county for example. *See Figure 1.13 & 1.14*



Figure 1.13 Images from the field-Mwakirunge dumpsite/landfill-Mombasa



Figure 1.14 Images from the field-Mwakirunge dumpsite/landfill -pristine neighboring areas

The decision and motivation to adopt sustainably friendly practices is not mandatory and is privately driven by the hotel establishments and which is greatly motivated by the profit maximization that it yields. While this is the case, individual hotel establishments put in place different measures depending on their financial capabilities seeing that some measures such as installation of water desalination systems are capital intensive.

CHAPTER FOUR

BEST PRACTICES AND LESSONS FROM OTHER JURISDICTIONS

Coastal and marine tourism remains highly impactful on the local environment, economy and community and culture. SCP practices must take into account reducing these negative impacts and minimizing tourism's negative footprints. The best practices are drawn from bets global, regional, national and inter-county bets practices that the counties can borrow to bolster SCP practices in tourism and hospitality sector.

4.1 Sustainable consumption and production practices to curb water wastage

Tourism activities call for increased demand for water in various facets such as accommodation and water driven tourism activities. While demand increases, the available water resources will continue to decline in many regions because of the depletion of non-renewable fossil water resources. It is therefore inevitable to examine suitable measures to minimize depleting the water resource while maximizing the quality of tourism products.

- ❖ **Kilifi and Mombasa County Water and Sanitation Act:** The Directorate established under the Act has a mandate to create awareness on sustainable use of water resources and conservation. The Directorate is also expected to develop strategies and policies that encourage treatment of waste water for reuse. The Counties can make such express provisions under their legislation which then obligates the respective Agencies to develop laws on treatment of waste water. The Act also leverages water conservation measures on establishing robust public-private investment for developing innovative water conservation and recycling infrastructure. Similarly, Mombasa county establishes a Directorate with mandates akin to those of the Kwale Agency. The public-private partnerships can also extend to involvement of organizations such as Jumuiya ya Kaunti za Pwani as a key stakeholder in tourism and SCP in the three study sites.
- ❖ **South Africa, Capetown:** Adopting practices in kitchens such as changing cooking practices, use of efficient dishwashers and pre-rinse spray valves with smaller nozzles to achieve higher water velocity.
- ❖ **European Model:** A research conducted by UNEP and the European Environmental Agency, sampled hotels in Asia. The research report revealed that a lot of waste water produced by hotels can be economically treated to increase the supply of water available.

4.2 Sustainable consumption and production practices to ensure energy efficiency

The tourism industry has potential to reduce the carbon footprint emitted through energy wastage. The tourism industry players should create energy efficient strategies for sustainable development.

Private led initiatives: UNWTO conducted a baseline report on energy efficient use in the sector. The report revealed that leading chain of hotels Radisson Hotels and Hyatt chain of hotels have adopted the following energy efficient strategies include:

- ✓ Use of renewable energy sources
- ✓ Sensitization of staff on energy efficiency
- ✓ Installation solar heating systems
- ✓ Using energy saving bulbs
- ✓ Smart building designs, that allow for natural lighting energy-efficient appliances including lighting and motion sensors.

4.3 Sustainable Consumption and Production practices to reduce food losses

❖ Local procurement of food supplies

An earlier study conducted by UNEP suggested that sustainable tourism practices require the involvement of host communities towards building resilient tourism trends.⁸⁵ The report pointed out that making tourism more sustainable is not just about controlling and managing the negative impacts of the industry. Tourism is in a very special position to benefit local communities, economically and socially, and to raise awareness and support for conservation of the environment. From this backdrop, community involvement in reducing unsustainable consumption and production patterns is inevitable. Some of the suggested practices include sourcing food products from the local markets and farms. This entails sourcing food from small scale and large scale farm inputs from the local markets depending on the seasonality of the products. This then means that food produce in farms is not lost seeing that there is ready market for the farm produce. This model has been adopted in other jurisdictions.

⁸⁵ United Nations Environment programme & World Tourism Organization 'Making Tourism more sustainable: A guide for policy makers' (2005) At page 11 Available at <https://wedocs.unep.org/bitstream/handle/20.500.11822/8741/-Making%20Tourism%20More%20Sustainable%20A%20Guide%20for%20Policy%20Makers-2005445.pdf> Last Accessed on 21st January 2024

Seychelles: A study in Seychelles in 2010 aimed at prioritizing ways of retaining tourism spending and income within local communities focused on promoting the use of local produce in hotels. Recommended action included building strong links between the tourism and agriculture trade bodies and networks and generally increasing levels of information on sources of supply. This has been achieved through planning policies that encourage geographical clustering among farmers and tourist's establishments. Networks may be formed between similar service providers, for mutual support and cost and benefit sharing; between providers of different kinds of tourism service, to strengthen packaging of offers; and between enterprises in different sectors (e.g. between accommodation operators and suppliers of food or handicrafts), to strengthen the supply chain.

Gambia: The food supply chain initiative 'Gambia is Good', linking coastal hotels with small local farmers, was established through donor funding in 2005 and involved two British NGOs, Concern Universal and the Travel Foundation. It is often quoted internationally as an example of good practice.⁸⁶ A key aspect of the project is how it has addressed the issue of giving hotels confidence that the produce supplied will be of a good quality and reliably available. The Gambian experience has emphasized the significance of supplying the right quality, quantity and continuity in strengthening local.

European Union Model: The European Union model also recommends for local sourcing. The EU model suggests that where availability of local, seasonal and certified products may be limited hotel establishments can possibly shift from one large supplier to a number of smaller suppliers.⁸⁷ It may be necessary to sign longer-term contracts with smaller (local) businesses to build up capacity for particular products over time. The European Charter envisages that local food as well as local services should be promoted as a way of achieving sustainable practices in the tourism space. The Charter anticipates to promote this by using tourists' establishments and attractions to profile and facilitate the distribution of the area's typical produce.

⁸⁶ J.Mitchell & J.Faal 'The Gambian tourist value chain and prospects for pro-poor tourism' (2008) At page 22 Available at <https://citeseerx.ist.psu.edu/document?repid=rep1&type=pdf&doi=989e3dfafee191f8b28505bbe559c4ba80203c03> Last accessed on 21st January 2023

⁸⁷ D.Styles, H.Schonboger & J.G Martos 'European Commission Best environmental management practice in the tourism sector, Green sourcing of food and drink products' (2013) Available at <https://susproc.jrc.ec.europa.eu/> Last accessed on 22nd January 2023

❖ Recycling inedible food

Food waste can be transformed into high quality compost for trees and plants. Many hotels and restaurants are increasingly utilizing compost bins that can facilitate the degradation of organic waste and turn it into compost for their gardens. For instance, the Tower Hotel in Perthshire (Scotland) are recycling their organic waste (i.e., vegetable and fruit peelings, eggshells, coffee bags, etc.) on site and turning it into a fertilizer for gardens and biofuels in the form of biogas. See *Figure 1.14*

In Kenya, majority of coconuts are grown in the Coastal counties of Kwale, Kilifi, Mombasa and Lamu.⁸⁸ Discarded coconut husks (Commonly referred to as *madafu*) can be recycled into other usable by-products and other marketable products could serve as a good example for recycling. Research conducted in Ghana in 2020 revealed that approximately 60-65% of the coconut fruit is generated as waste.⁸⁹ The research by KALRO revealed that hardly any part of the coconut shell is left unused. Some of the by-products of coconut shells include; virgin coconut oil, coconut cream and milk, brooms, door mats, fibre, coco peat, copra oil, desiccated coconut, chior ropes, vinegar, cocowood, ornaments, straws, tender coconut water, charcoal/ briquettes, sawdust, animal feed, tooth picks and *makuti*.⁹⁰

⁸⁸ Kenya Agricultural Livestock Research Organization KALRO ‘ Factsheet on coconut husbandry: Recommended practices in Kenya’ Available at https://www.kalro.org/kalroknowledgebank/factsheets/Coconut_Growers_Guide_22_Feb_2019.pdf Last Accessed on 25th January 2023

⁸⁹ G.Obeng, D.Amoah et al ‘Coconut Wastes as Bioresource for Sustainable Energy: Quantifying Wastes, Calorific Values and Emissions in Ghana’ (2020) 13(9) *Energies* 2178, Available at <https://doi.org/10.3390/en13092178> Accessed on 24th January 2022

⁹⁰ Ibid p. 4

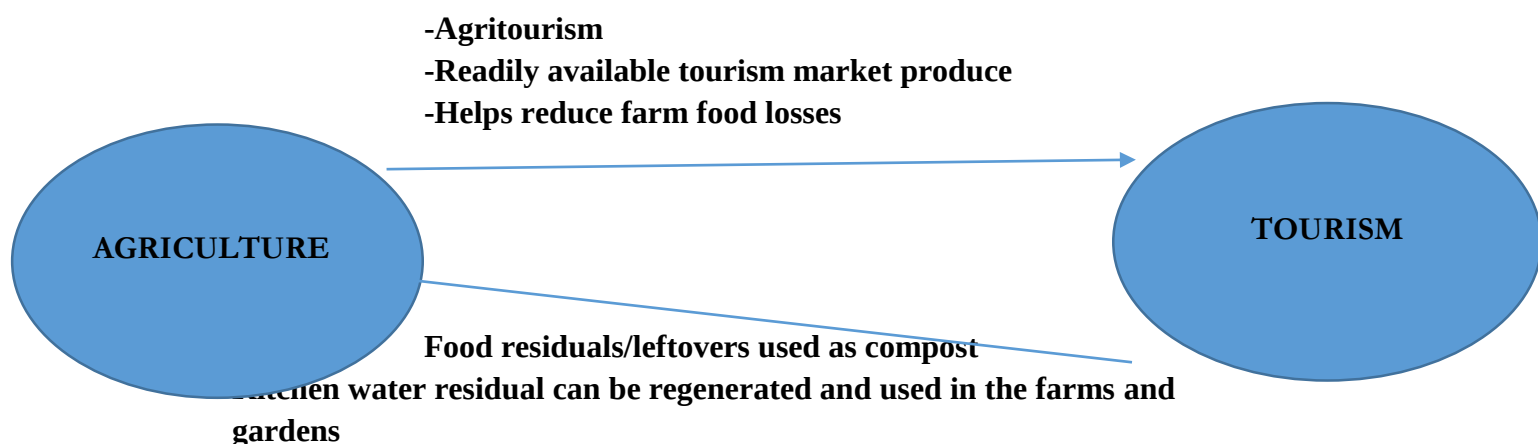


Figure 1.15 Summary of circular economy in the agricultural and tourism sector

4.4 Sustainable Tourism Label Classification/ Boost certification programme

❖ Seychelles experience: Seychelles Sustainable Tourism Label

Seychelles Sustainable Tourism Label (SSTL) as adopted by the Government of Seychelles sought to ensure continuous sustainability of the country's most vital sectors; tourism and the natural resources it depends on, the environment.⁹¹ The SSTL aims to have participating hotels operate under the following basic principles:

- Develop and implement a sustainability policy;
- Monitor energy, water, and waste over time;
- Take steps to conserve resources;
- Promote local and small-scale businesses;
- Contribute to community development and conservation activities.

The expected benefits for Participating establishments include:

1. Marketing Related benefits
 - ✓ Certification provides operators with a competitive advantage over other uncertified enterprises for marketing purposes;
 - ✓ Certified properties are highlighted in the Seychelles Tourist Board stay guide;

⁹¹ Seychelles Tourism Board 'The COAST Project Sharing Results on the Seychelles Sustainable Tourism Label (SSTL)' Available at The SSTL Website <http://www.seychelles.travel/sstl/index.php/certified-hotels>

- ✓ Certified properties have the right to use the Label on their website and marketing materials;
 - ✓ Responsible hotels are promoted at periodic trade fairs;
 - ✓ Certified properties are listed on the SSTL website;
 - ✓ Guest satisfaction is likely to increase with the communication of sustainability achievements of the enterprise;
2. Cost savings Related benefits

Generally, utility costs are likely to decrease due to increase awareness, monitoring and use of improved technology;

- ❖ Swedish experience: Sweden has developed classy, imaginative sustainable lodging. Sweden is renowned for its style and architecture as well as its love of nature and it brings both together to create sustainable and chic accommodation. The Swedish state has as its vision: “Sweden by 2030 is the world’s most sustainable and attractive destination based on innovation”. It’s not just at a national level that there is a concerted and tangible focus on sustainability.

4.5 Imposition of levy and charges

Tourism taxation and levying specific charges is a tool that has been used to distribute the costs associated with tourism and SCP practices that promote sustainable tourism.⁹² The Tourism Act sees fiscal policy as a critical point for promoting sustainable tourism practices and a deterrence for unsustainable tourism practices. The Act provides that the Finance docket in consultation with the tourism docket may recommend tax rebates for government incentives in the form of taxes to promote sustainable tourism. This practice has cascaded down to Kilifi County.

- ❖ **Kilifi County:** The Act further prescribes the imposition of a solid waste management levy to all persons that generate solid waste for the purposes of meeting the cost of solid waste management. This means that tourism and hospitality establishments as generators of waste are included in this pool of revenue allocation that helps aid the county in waste management. In addition, the Act sets out an environment levy payable in respect to a

⁹²J. Durán-Román, P. Cárdenas-García, & J. -Fernández, ‘Tourist Tax to Improve Sustainability and the Experience in Mass Tourism Destinations: The Case of Andalusia (Spain)’ (2021) 13 (42) Sustainability Available at <https://dx.doi.org/10.3390/su13010042> Accessed on 24th January 2024

ratable property in the county for the purposes of waste management and dealing with improvement of the quality of the environment generally.

- ❖ **Fiji experience:** There is a budgetary policy of a 10% levy for all tourists that reinforces Government's efforts in ensuring the right to a clean environment. The levy is charged for prescribed visitor services to support environmental and climate adaption projects. In addition, all tourism development projects need to comply with the sustainability requirements within the Green Growth Framework, an innovative tool that integrates sustainable development as a basis for economic planning in order to ensure long-term growth and resilience.
- ❖ **Balearic Island, Spain:** The sustainable tourism tax was institutionalized in 2016 and is applied to all stays in tourist accommodation across the Balearic Islands. The eco-tax provides revenue for a fund established to promote sustainable tourism, and is channeled into important initiatives to counteract the impact of tourism on the islands.

4.6 Diversification of tourism products

Sustainable diversification of tourism products refers to the process of expanding and varying the range of tourism offerings in a way that is environmentally, socially, and economically sustainable. It involves creating new and innovative tourism products that meet the needs and preferences of different market segments while minimizing negative impacts on the environment and local communities. The diversification of tourism activities is essential for social sustainability and human development, as it promotes economic development, employment, and income generation. Agro tourism is a niche form of tourism that involves any form of agricultural operation where visitors tour places to experience farm excursion activities and agricultural activities.⁹³ The UNWTO refers to this form of tourism as rural tourism. It is characterized by landscapes and land uses where agricultural activities prevail.⁹⁴ This form of tourism is also characterized by experiential products and authentic activities based on the predominant agricultural activities in the area.⁹⁵ Agro-tourism is a niche form of tourism that involves activities that are linked to agricultural based operations or activities that

⁹³ United Nations World Tourism Organization 'Tourism and rural development: A policy perspective-UNWTO Member States Survey on Tourism for Rural Development' (2023) at page 3. Available at <https://www.e-unwto.org/doi/epdf/10.18111/9789284424306> Accessed on 24th April 2024

⁹⁴ Ibid at p. 11

⁹⁵ Ibid

bring visitors to farms, plantations or ranches. This form of tourism, as opposed to wildlife tourism, involves interactions at the farms where the tourists get to see different farm settings, different crops being grown, and processing at the farm both for crops and livestock.⁹⁶

The three study sites are bestowed with agricultural products that are unique and that have potential as agro tourism products. According to the 2017 State of the Coast report, fifty-six percent of (56%) of Kilifi land is agriculturally viable. The major agricultural activities in the area includes coconut farming, cashew nuts, mangoes, citrus fruits, cassava and fish production.⁹⁷ Mombasa county is characterized by land with different land tenures ranging from public land, private land and community land.⁹⁸ Even with the varied land tenures the County has agricultural activity that includes coconut, cashew nuts, sesame seeds, sunflowers and fishing. Kwale area where Ukunda study site lies equally has agricultural operations including coconut farming, cashew nuts, mangoes, citrus fruits, cassava, bixa and fishing.⁹⁹

In South Africa, Western Cape province, agro tourism is prominent in vineyards and wine making factories. The place is known to offer experiential activities through a combination of tours, hospitality services and accommodation. The Western Cape Farmstay has outdoor pools and sunning terraces, on-site spas and farm-to-table restaurants. The accommodation facilities come with beautiful views of the surrounding countryside and cosy lounges where visitors sit and interact with like-minded travelers over fireplaces and wine tasting. It offers a focus on the natural, healthy living, part of creating a spiritual and authentic.¹⁰⁰

4.7 Extending Extender Producer Liability (EPR) to the tourism sector

The tourism sector is a private sector led and managed sector. Holding responsibility to tourism operators who engage in unsustainable tourism practices. Cabo Verde Island, the

⁹⁶ Ibid at p. 17

⁹⁷ National Environment Management Authority 'State of the Coast Report for Kenya -Enhancing Integrated Management of Coastal and Marine Resources in Kenya ' at page 51& 102 Available at https://www.nema.go.ke/images/Docs/REPORTS/SOC%20nd%20Edition%20final%20report_19%2010%202017.pdf Accessed on 24th January 2024 .) See also National Environment Management Authority 'State of the Coast Report-Towards integrated management of coastal and marine resources in Kenya' (2007)at page 34 Available at <https://aquadocs.org/bitstream/handle/1834/7215/ktf0378.pdf?sequence=2&isAllowed=y> Accessed on 24th January 2024.

⁹⁸ State of the Coast Report (2017)Ibid at page 104.

⁹⁹ State of the Coast Report (2007) Ibid at page 34.

¹⁰⁰ <https://www.ebookers.ie/Western-Cape-Agritourism.d6051468-aaAgritourism.Travel-Guide-Accommodation> Accessed on 24th January 2024

polluter pays principle (PPP) is established in the National Strategic Plan for Waste Management. It is controlled and monitored by the National Environment Department (DNA). The industry is responsible for the financial burden of the pollution costs. Cabo Verde has in place the Extended Producer Responsibility (EPR) along the supply chain to prevent extensive pollution and reduce the impact on PPP. EPR and PPP are generally recognized in the legislation about waste management.

CHAPTER FIVE

POLICY OPTIONS AND RECOMMENDATIONS

5.1 Interventions in the governance of tourism

Among the pathways for sustainable tourism is developing integrated policies and sound governance frameworks. Interventions in the governance of tourism would be geared towards, promoting policy and national cohesion among the different tourism actors. Additionally, the sound governance frameworks will also address multilevel tourism strategies among the two levels of government that would yield in better collaboration and decision making. Governance interventions will also boost the tourism sector by ensuring that the multilevel players such as the County Governments, Tourism Authority, KWS, NMK and industry players are aligned to government's priorities on sustainability in the energy sector.

The tourism industry is fragmented with different public and private stakeholders providing a myriad of services that facilitate tourism activities. It is difficult for the individual actions of many micro and small businesses to make a positive difference and coordination is required. The government can therefore play a crucial facilitative role to harmonize the regulation of the different service providers with the aim of achieving SCP in the tourism sector as a whole. Fostering better co-ordination and collaboration among the public sector players and the non-state actors in order to create synergies for sustainable tourism practices. Strategic cohesion will ensure a common vision towards sustainable tourism.

Effective governance is key to ensuring more sustainable and responsible forms of tourism. The cross cutting and fragmented nature of the sector means that governance in the tourism sector calls upon involvement of the entire tourism value chain. The tourism industry in Kenya is regulated by multilevel agencies at the national and devolved levels of governance. There is a clear need for the government through its agencies to take a leading role in encouraging SCP in the sector. Sustainability is also an issue of public concern as it affects the quality of life, therefore qualifying the need to address it wholesomely. The government has many of the tools that can be used to promote SCP in the tourism sector. The government should provide an environment that enables and encourages the private sector, tourists and other stakeholders to respond to sustainability issues.

5.3 Integrate sustainable tourism in tourism policies such as Kenya's Marine Spatial Framework

The concept of MSP has emerged as an integrated and comprehensive approach to ocean governance that aims to ensure sustainable use of marine space and at the same time balancing other competing interests. Land based human activities such as development of tourism infrastructure such as sewage and water waste discharge and dumping of solid waste. Management interventions therefore through by having firm strategies for implementation of the MSP can help mitigate conflicts and create synergies between eco- tourism in the study sites and other sectors, ensuring good resource management and preventing environmental impacts. The MSP should be rooted in innovative tourism strategies aimed at addressing SCP trends in the sector. that interact directly with the marine environment.

5.4 Revise and integrate sustainable tourism in the formulation and implementation of regional, national and local level policy

Tourism policies are misaligned with those environmental policies leading to fragmented policy positions that are not absolved in the tourism sector. For example, while the National Tourism Strategy and National Tourism policy provide comprehensive pathways for development of tourism, the two tourism policy documents fall short of addressing precise sustainability strategies. While this is the case in tourism, policy positions in the environment ambit through national and international commitments commit to reducing the carbon footprint. This hence creates a need for integrated tourism policy making.

In order to stimulate action, there is need to connect sustainable tourism initiatives more tightly to national climate change laws, policies, goals and initiatives. This can be done by ensuring that policy and enabling legislation at the different levels are in tandem with emerging tourism issues and sustainable tourism. This will entail reviewing the national and sub-national tourism documents to speak more directly to SCP and sustainable tourism strategies.

At sub-national level the Counties within the JKP region should integrate their tourism plans with the aim of harmonizing tourism and tourism products offered in the region. This will ensure that the counties a holistic approach in sustainable tourism in the region while at the same time attracting more guests.

5.5 Revise the hotel classification and standardization guidelines

The standard does not prescribe a standard for the supply of the essentials in eco-friendly packages such as refillable and reusable packaging as well as an emphasis on efficient water and energy systems. The government should mobilize for the revision of the EAC hotel classification guidelines to ensure that the guidelines capture SCP trends and sustainable tourism in the parameters.

5.6 Boost the eco-tourism certification

The Country's eco-tourism certification program is run by Eco-Tourism Kenya. The Eco-rating Certification is an approach that evaluates a tourism accommodation facility on its environmental, economic and socio-cultural performance against a set criteria. The initiative is private sector led. Sustainability is an issue of public concern. Governments have many of the tools that can be used to make a difference such as the power to make regulations and offer economic incentives, and the resources and institutions to promote and disseminate good practice. The Government ought to team up with the entity to bolster eco-rating in the industry.

5.7 Monitoring and evaluation mechanisms for the tourism sector

The Ministry of Tourism should put in place planning and monitoring mechanism for oversight on matters relating to eco-tourism practices in order to bolster a resilient sector. Currently Eco-Tourism Kenya is the umbrella body that manages the eco-tourism rating scheme. The National Tourism Strategy proposes that the Ministry of Tourism in collaboration with Eco-tourism Kenya. While the National Tourism Strategy recommends that the national environment agency (NEMA) involvement of technical expertise drawn from the sector will further buttress the mechanism in place. However, the types of accommodation that qualify for the eco-tourism program include; hotels, lodges, camps, *bandas*, homestays and bush homes. With increased use of private establishments and residences such as AirBNBs in the tourism sector, the same rating is not extended to such facilities for eco-rating.

5.8 Incentivize the adoption of SCP trends in the tourism industry

The tourism sector largely consists of privately run institutions. Governments have many of the tools that can be used to make a difference such as the power to make regulations and offer economic incentives, and the resources and institutions to promote and disseminate good practice.

The Tourism Act brings into focus various aspects relating to promotion of sustainable tourism including research, monitoring and imposition of tax policies that incentivize tourism development. Section 106 of the Act calls for collaboration between the tourism sector and fiscal policies for purposes of tax rebates for sustainable tourism development and imposition of tax disincentives to deter unsustainable tourism activities. Fiscal incentives work to encourage tourism sector players to engage in desirable sustainable tourism actions in exchange to minimizing taxes for the business enterprises.

Additionally, certification of establishments that promote sustainable tourism and developing incentives for certified establishments as is the case in Seychelles will go a long way in encouraging establishments to adopt sustainable tourism trends. Notably, the eco-tourism certification umbrella body encourages hotel and accommodation establishments by providing incentives such as publicity, technical advice (feedback) from the evaluation process and potential for competitive advantage (from using the label). Government led incentives and benefits should offer direct incentive benefits such as tax reliefs as provided in the Tourism Act, marketing advantage *inter alia*.

5.9 Leverage on Public-Private partnerships in adopting SCP policies

Tourism in Kenya is a largely private enterprise model. Involving the private sector is therefore inevitable. Governments should provide an environment that enables and encourages the private sector, tourists and other stakeholders to respond to sustainability issues. Possible areas of collaboration include but are not limited to; development of low consumption water technologies, recycling facilities, solid waste management initiatives in dumpsites and landfills and development of water treatment plants.

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