

National Environmental Management Authority

The **National Environment Management Authority** (*NEMA*) is a [government agency](#) responsible for the management of the [environment](#), and the [environmental policy](#), of [Kenya](#). NEMA is located in [Nairobi](#). The Agency was formed on 1st July 2002 following the merger of three government departments, namely: the National Environment Secretariat (NES), the [Permanent Presidential Commission on Soil Conservation and Afforestation \(PPCSCA\)](#), and the Department of Resource Surveys and Remote Sensing (DRSRS). The NEMA is committed to high quality service offered to customers and stakeholders.

Functions of NEMA

The authority's core functions are:

- Coordinating the various environmental management activities being undertaken by the lead agencies
- Promote the integration of environmental considerations into development policies, plans, programmes and projects, with a view to ensuring the proper management and rational utilization of environmental resources, on sustainable yield basis, for the improvement of the quality of human life in Kenya.
- To take stock of the natural resources in Kenya and their utilization and conservation.
- To establish and review land use guidelines.
- Examine land use patterns to determine their impact on the quality and quantity of natural resources.
- Carry out surveys, which will assist in the proper management and conservation of the environment.
- Advise the Government on legislative and other measures for the management of the environment or the implementation of relevant international conventions, treaties and agreements.
- Advise the Government on regional and international conventions, treaties and agreements to which Kenya should be a party and follow up the implementation of such agreements.

POLICY AND LEGAL ASPECTS OF ENVIRONMENT MANAGEMENT

- Undertake and coordinate research, investigation and surveys, collect, collate and disseminate information on the findings of such research, investigations or surveys.
- Mobilize and monitor the use of financial and human resources for environmental management.
- Identify projects and programs for which environmental audit or environmental monitoring must be conducted under this Act.
- Initiate and evolve procedures and safeguards for the prevention of accidents, which may cause environmental degradation and evolve remedial measures where accidents occur e.g. floods, landslides and oil spills.
- Monitor and assess activities, including activities being carried out by relevant lead agencies, in order to ensure that the environment is not degraded by such activities. Management objectives must be adhered to and adequate early warning on impending environmental emergencies is given.
- Undertake, in cooperation with relevant lead agencies, programs intended to enhance environmental education and public awareness, about the need for sound environmental management, as well as for enlisting public support and encouraging the effort made by other entities in that regard.
- Publish and disseminate manual codes or guidelines relating to environmental management and prevention or abatement of environmental degradation.
- Render advice and technical support, where possible, to entities engaged in natural resources management and environmental protection, so as to enable them to carry out their responsibilities satisfactorily.
- Prepare and issue an annual report on the State of Environment in Kenya and in this regard, may direct any lead agency to prepare and submit to it a report on the state of the sector of the environment under the administration of that lead agency.

NEMA has come up with Acts and Regulations consisting of laws meant to safeguard the environment. These Acts are:-

a. Environment Act

The Environmental Management and Coordination Act (EMCA) (Act No. 8 of 1999) mandates the National Environment Management Authority (NEMA) to prepare annual

State of the Environment (SoE) reports for submission to the National Assembly. The SoE report is therefore an important tool for documenting timely, accurate and relevant information on various aspects of the country's environment in order to ensure their **sustainable use**. More specifically, it provides a basis for efforts to restore environmental integrity and to tap the enormous opportunities which overwhelming environmental challenges such as climate change present.

b. Noise Regulation Act

An example of such law as stated in part III (8) deals with provisions related to noise from certain sources as stated below:-

8. Radio, TV, other sound amplifying devices

(1) No person shall use or operate any radio or receiving set, musical instrument, phonograph, television set, any other machine or device for the producing or reproducing of sound or any other sound-amplifying equipment in a loud, annoying or offensive manner such that the, noise from the device-

(a) interferes with the comfort, repose, health or safety of members of the public;

(b) creates a risk thereof, within any building or, outside of a building, at a distance of 30 meters or more from the source of such sound; or interferes with the conversation of members of the public who are 30 meters or more from the source of such sound.

c. Wetlands Regulation

Wetlands means areas permanently or seasonally flooded by water where plants and animals have become adapted; and include swamps, areas of marsh, peat land, mountain bogs, bank of rivers, vegetation, areas of impeded drainage or brackish, salt or alkaline; including areas of marine water the depth of which at low tide does not exceed 6 meters.

It also incorporates riparian and coastal zones adjacent to the wetlands;

The general principals to be observed in preservation of wetlands states that Wetland resources shall be utilized in a sustainable manner compatible with the continued presence of wetlands and their hydrological ,ecological, social and economic functions and services.

d. Waste Management regulation

- The Minister for environment and natural resources gazetted these regulations in 2006. Waste Management Regulations are meant to streamline the handling, transportation and disposal of various types of waste. The aim of the Waste Management Regulations is to protect human health and the environment. Currently, different types of waste are dumped haphazardly posing serious environmental and health concerns. The regulations place emphasis on waste minimization, cleaner production and segregation of waste at source.

Other laws

- **Water quality regulations:** This includes the following:
 - Protection of sources of water for domestic use;
 - Water for industrial use and effluent discharge;
 - Water for agricultural use. These Regulations outline:
 - Quality standards for sources of domestic water;
 - Quality monitoring for sources of domestic water;
 - Standards for effluent discharge into the environment;
- Monitoring guide for discharge into the environment;
- Standards for effluent discharge into public sewers.
 - **Controlled substances:** These are basically ozone depleting gases. One needs a license to:
 - Produce Controlled Substances.
 - Import Controlled Substances. Transport Controlled Substances through Kenya. Export Controlled Substances.
 - **CBD & Biodiversity regulation**
 - **Draft Air Pollution regulation**
 - **Waste Tyre management regulation** (www.nema.go.ke)

The Green Belt Movement

The Green Belt Movement (GBM) is an environmental organization that empowers communities, particularly women, to conserve the environment and improve livelihoods. GBM was founded by Professor Wangari Maathai in 1977 under the auspices of the National Council of Women of Kenya (NCWK) to respond to the needs of rural Kenyan women who reported that their streams were drying up, their food supply was less secure, and they had to walk further and further to get firewood for fuel and fencing. GBM encouraged the women to work together to grow seedlings and plant trees to bind the soil, store rainwater, provide food and firewood, and receive a small monetary token for their work.

Shortly after beginning this work, Professor Maathai saw that behind the everyday hardships of the poor—environmental degradation, deforestation, and food insecurity—were deeper issues of disempowerment, disenfranchisement, and a loss of the traditional values that had previously enabled communities to protect their environment, work together for mutual benefit, and to do both selflessly and honestly. The Green Belt Movement instituted seminars in civic and environmental education, now called [Community Empowerment and Education](#) seminars (CEE), to encourage individuals to examine why they lacked agency to change their political, economic, and environmental circumstances. Participants began to understand that for years they had been placing their trust in leaders who had betrayed them and that they were sabotaging their lives by not working for the common good and failing to use their natural resources wisely.

Consequently, the Green Belt Movement began to advocate for greater democratic space and more accountability from national leaders. It fought against land grabbing and the encroachment of agriculture into the forests. It contested the placement of a tower block in Uhuru Park in downtown Nairobi and joined others to call for the release of political prisoners. In recent years, it has extended its reach internationally to campaign and advocate on climate change, the importance of Africa's rainforests in the Congo, to initiate the *mottainai* campaign—an effort to instill the notions of “reduce, reuse, recycle” in Kenya and around the world—and has partnered with the United Nations Environment Programme (UNEP) in its Billion Tree Campaign.

The major objectives of GBM's advocacy approach are:

- To monitor forest policy in Kenya
- To increase the understanding of the impact of climate change and what actions communities can take to build resilience.
- To mobilize public support for environmental protection and compliance with laws to prevent violations of human and environmental rights through local leadership and national campaigns.
- To influence national and international policy for the restoration and protection of indigenous forests through community led approaches- especially standing forests in the context of climate change.

Internationally, GBM calls for the protection of natural forests and community rights at international climate change conferences, including highland forest ecosystems in sub-Saharan Africa, and the Congo Basin Rainforest Ecosystem.

Forests are included in international climate change negotiations under Reduced Emissions from Deforestation and forest Degradation (REDD+) and Land Use Land Use Change (LULUCF). GBM is focused on ensuring the rights of local communities and biodiversity are central to REDD policy and implementation. (www.greenbeltmovement.org)

United Nations Environment Program

The **United Nations Environment Program (UNEP)** is an international institution (a program, rather than an agency of the UN) that coordinates [United Nations](#) environmental activities, assisting developing countries in implementing [environmentally sound policies and practices](#). It was founded as a result of the [United Nations Conference on the Human Environment](#) in June 1972 and has its headquarters in the Gigiri neighborhood of [Nairobi, Kenya](#). UNEP also has six regional offices and various country offices.

The mission of UNEP is to provide leadership and encourage partnership in caring for the environment by inspiring, informing, and enabling nations and peoples to improve their quality of life without compromising that of future generations.

Its activities cover a wide range of issues regarding the [atmosphere](#), marine and terrestrial [ecosystems](#), environmental governance and green economy. It has played a significant role in developing international environmental conventions, promoting environmental science and information and illustrating the way those can be implemented in conjunction with policy, working on the development and implementation of policy with national governments, regional institutions in conjunction with environmental Non-Governmental Organizations (NGOs). UNEP has also been active in funding and implementing environment related development projects.

UNEP has aided in the formulation of guidelines and treaties on issues such as the international trade in potentially harmful chemicals, transboundary [air pollution](#), and contamination of international waterways. (www.unep.org)

International Environmental Agreements on conservation of Natural Resources

- Convention on biological diversity (CBD).
- Ramsar convention on wetlands of international importance.
- United Nations Convention on Combating Desertification (UNCCD)
- United Nations Framework Convention on Climate Change (UNFCCC)
- Convention on International Trade in Endangered Species (CITES)
- Stockholm Convention on Persistent Organic Pollutants

Convention on biological diversity (CBD)

This is an international agreement in 1992. It has three main objectives:

- To conserve biological diversity
- To use its components in a sustainable way
- To share fairly and equitably the benefits arising from the use of genetic resources.

The CBD was negotiated under the guidance of the United Nations. It was signed by more than 150 government leaders at the Rio Earth Summit (which official denomination is the ‘United

Nations Conference on Environment and Development’). The convention is now one of the most widely ratified international treaties on environmental issues, with 188 member countries.

United Nations Convention on Combating Desertification (UNCCD)

The objective is to Combat desertification and mitigate the effects of drought in countries experiencing serious drought and/or desertification, particularly in Africa, through effective action at all levels, supported by international cooperation and partnership arrangements.

The convention was adopted in Paris on 17 June 1994 and opened for signature there on 14-15 October 1994. Kenya became a signatory in 14 Oct 1994, ratified on June 24 1997.

- Achieving the UNCCD objective will involve long-term integrated strategies that focus simultaneously, in affected areas, on improved productivity of land, and the rehabilitation, conservation and sustainable management of land and water resources, leading to improved living conditions, in particular in the community level. Ratify:1 to confirm by expressing consent, approval, or formal sanction.

Convention on Biological Diversity (CBD)

The objectives are:

The conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and the technologies, and by appropriate funding. Kenya signed the convention in 1992.

Reflection Questions

1. Identify the various Acts in Kenya that address the management of natural resources.
2. By giving examples, discuss any 4 roles of international organizations in the management of the environment for development

3. Briefly explain any 4 causes of institutional failure in the management of environment in Kenya.