

**NATIONAL ENVIRONMENT MANAGEMENT  
AUTHORITY  
(NEMA—KENYA)**

**STRENGTHENING PUBLIC PARTICIPATION IN  
ENVIRONMENTAL DECISION-MAKING: BUILDING  
CONNECTIONS FOR AFRICA AND MIDDLE EAST**

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**Presented by:**

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## Background:

The National Environment Management Authority (NEMA) was established under the Environmental Management & Coordination Act (EMCA, 1999)

### **Purpose:**

To exercise general **supervision** and **co-ordination** over all matters related to the environment and be the **Principal Instrument of Government** in the implementation of all policies relating to the environment.

NEMA became operation on **1<sup>st</sup> July 2002**

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# Environmental Regulations

- Environmental Impact Assessment & Environmental Audit Regulations, 2003
- Waste Management Regulations, 2006
- Water Quality Regulations, 2006
- Conservation of Biological Diversity and Resources, Access to Genetic Resources and Benefit Sharing Regulations, 2006
- Controlled Substances Regulations, 2007
- Wetlands Regulations, 2009
- Noise & Excessive Vibrations Pollution Control Regulations, 2009

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# Regulations Conti...

## **Pending:**

Air Quality regulations- Awaiting gazetment

## **Drafting in Progress:**

Chemicals Management

E-Waste Regulations

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# PUBLIC PARTICIPATION IN ENVIRONMENTAL DECISION-MAKING

## Objectives:

- To create awareness and educate the public on environmental issues or a proposed action
- To identify roles and responsibilities of various stakeholders
- To receive feedback from the public on the environmental issue
- To enhance understanding and ownership of the public
- To create an informed citizenry



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# Legal Provisions for Public Participation

## Under EMCA,1999:

PP entrenched in the Act among five guiding principles;

i) Polluter pays Principle

ii) Precautionary Principle

iii) **Principle of public participation in the development of policies, plans and processes for the management of the environment**

iii) Cultural and traditional principle

iv) Principle of international corporation in the management of environmental resources

v) Principle of inter-generational and intra-generational equity



# Legal provisions conti...

## **Constitution:**

Kenya is implementing a new Constitution promulgated in August 2010. The Constitution has elevated environment ;

**Preamble:** Calls for the protection of environment as national heritage

**Article 42** (Bill of Right) –Gives every person in Kenya a right to a clean and healthy environment

**Articles 69,70, 72:** Stipulates actions and obligations by State on the protection of environment

**Public participation:** PP to be observed in key state actions such as, national budgeting process, selection & vetting of state officers earmarked to hold public office on integrity



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# Key Public Participation Forums

- **Public Hearings:** Step in EIA Licensing Process which seeks views of the public on proposed project that become controversial
- **Environmental Events & Activities:** NEMA invites the public and relevant stakeholders to participate global environmental events and other diverse activities at national level. These include, clean-up exercises, tree planting exercises, waste recycling, exhibitions among others.

Environmental Events & activities serve as outreach avenues bringing together a captive audience to create awareness on diverse environmental issues



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## PP Forums conti..

### **Sensitization Forums for targeted stakeholders:**

- NEMA conducts specific sensitization forums thro Education & Awareness Dept on various environmental regulations for targeted stakeholders who are directly implementing the laws.
- These forums raise awareness and educate stakeholders on legal requirements and the obligations for the specific sectors.
- Invitation for comments on EIA Reports prior to licensing by NEMA from the public



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# Challenges to Public Participation

- Inadequate financial resources to hold enough engagements forums aimed at up-scaling awareness programmes and increase number of stakeholders sensitized.
- Poor public attitude towards the environment leading to irresponsible actions, negligence, lack of compliance to environmental standards causing pollution to the environment
- Inadequate media coverage of environmental issues due to competing news especially politics
- High publication costs to procure media space for publication



# Interventions:

- Lobbying Treasury for additional budgetary allocations
- Devolution of NEMA offices to the newly established Counties to bring services closer to the people
- Decentralized medium and low risk licensing regimes to regions to reduce delays. NEMA HQs only handles the massive projects with high risk
- Collaboration with Development Partners
- Enhanced Public Private Partnerships (PPPs) through CSRs for environmental activities dubbed, **Greening CSRs**
- Enhanced partnership with Media Houses through press conference, releases, invitation to cover environmental events



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## Key Partners

- Government Agencies, Private Sector,
- Civil Society Organizations (CBOs),
- Community Based Organizations (CBOs),
- Faith Based Organizations (FBOs),
- Individuals Innovators/Researchers
- Development Partners
- UN Agencies (UNEP, UNDP, UNHABITAT)



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# Required Resources

- Enhanced financial resources to undertake more public participation forums
- Partnership with media in publishing environmental information
- Strengthening of NEMA County/sub-county offices through provision of office space (hire/build), vehicles, computes, furniture, connectivity and stationary to ensure efficient operations as complete units.



# Conclusion

- PP is an important tool for supporting environmental decision-making thus agencies must invest in the same
- PP should be practiced as a continuous engagement within and outside project settings at all levels
- PP has potential to enhance compliance to standards and improve quality of the environment
- Stakeholder analysis required prior to implementation of any projects or action to enhance ownership and sustainability while maximizing positive impacts for the environment



*END*

***Asante Sana !***



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