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On

National Environment Policy

**FIRST DRAFT – CIRCULATED FOR PUBLIC CONSULTATION AND
FEEDBACK**

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Foreword

- To be signed by the Cabinet Secretary for Environment, Climate Change and Forestry.
- States the political context for the revision.
- To be inserted in the Second Draft

Preface

- To be signed by the Principal Secretary, State Department for Environment and Climate Change.
- Records the review process and the consultations held.
- Acknowledges the Technical Working Groups.

To be inserted in the Second Draft

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Abbreviations and Acronyms

Abbreviation	Meaning
ABMT	Area-Based Management Tool
ABNJ	Areas Beyond National Jurisdiction
AFR100	African Forest Landscape Restoration Initiative
AMR	Antimicrobial Resistance
ASAL	Arid and Semi-Arid Lands
BBNJ	Biodiversity Beyond National Jurisdiction
BMU	Beach Management Unit
CBD	Convention on Biological Diversity
CEC	County Environment Committee
CFA	Community Forest Association
CIDP	County Integrated Development Plan
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CMS	Convention on the Conservation of Migratory Species of Wild Animals
COP	Conference of the Parties
DRM	Disaster Risk Management
DRR	Disaster Risk Reduction
EAC	East African Community
Eco-DRR	Ecosystem-based Disaster Risk Reduction
EEZ	Exclusive Economic Zone
EIA	Environmental Impact Assessment
ELC	Environment and Land Court
EMCA	Environmental Management and Co-ordination Act
EPR	Extended Producer Responsibility
EPROK	Electronic Waste Producer Responsibility Organisation of Kenya
FLLoCA	Financing Locally-Led Climate Action
GDP	Gross Domestic Product
GEF	Global Environment Facility
GEO	Global Environment Outlook
GHG	Greenhouse Gas
GWP	Global Warming Potential
HAPROK	Hazardous Waste Producer Responsibility Organisation of Kenya
HFC	Hydrofluorocarbon
ICZM	Integrated Coastal Zone Management
ILO	International Labour Organization
INC	Intergovernmental Negotiating Committee on Plastic Pollution
IPBES	Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services
IPCC	Intergovernmental Panel on Climate Change

Abbreviation	Meaning
ITPGRFA	International Treaty on Plant Genetic Resources for Food and Agriculture
IUCN	International Union for Conservation of Nature
KALRO	Kenya Agricultural and Livestock Research Organization
KBA	Key Biodiversity Area
KECA	Kenya Court of Appeal (neutral citation)
KEELC	Kenya Environment and Land Court (neutral citation)
KEHC	Kenya High Court (neutral citation)
KENET	Kenya National Environment Tribunal (neutral citation)
KEPRO	Kenya Extended Producer Responsibility Organisation
KESC	Kenya Supreme Court (neutral citation)
KIP	Kigali Implementation Plan
KLR	Kenya Law Reports
KNBS	Kenya National Bureau of Statistics
KOCEMS	Kenya Online Continuous Emissions Monitoring System
KSh	Kenya Shilling
LDN	Land Degradation Neutrality
MEA	Multilateral Environmental Agreement
MSP	Marine Spatial Planning
NAP-AMR	National Action Plan on Antimicrobial Resistance
NASIC	National Antimicrobial Stewardship Inter-Agency Committee
NBSAP	National Biodiversity Strategy and Action Plan
NCAP	National Cooling Action Plan
NCCAP	National Climate Change Action Plan
ND-GAIN	Notre Dame Global Adaptation Initiative Country Index
NDC	Nationally Determined Contribution
NEAP	National Environment Action Plan
NEMA	National Environment Management Authority
NEP	National Environment Policy
OECD	Other Effective Area-based Conservation Measure
PAKPRO	Packaging Producer Responsibility Organisation
PLUPA	Physical and Land Use Planning Act
POP	Persistent Organic Pollutant
PRO	Producer Responsibility Organisation
REDD+	Reducing Emissions from Deforestation and Forest Degradation
SAICM	Strategic Approach to International Chemicals Management
SDG	Sustainable Development Goal
SDS	Safety Data Sheet
SEA	Strategic Environmental Assessment
SWMA	Sustainable Waste Management Act
TSP	Target Setting Programme
UNCCD	United Nations Convention to Combat Desertification

Abbreviation	Meaning
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFCCC	United Nations Framework Convention on Climate Change
UNTS	United Nations Treaty Series
USD	United States Dollar
WASREB	Water Services Regulatory Board
WHO	World Health Organization
WMO	World Meteorological Organization
WRA	Water Resources Authority
WRUA	Water Resource Users Association
ZDU	Zoonotic Disease Unit

Executive Summary

This Policy replaces the National Environment Policy 2013, adopted as Sessional Paper No 10 of 2014. It provides the national policy framework for the protection, conservation and sustainable management of Kenya's environment and natural resources. It is issued as a First Draft for public consultation and feedback.

The case for revision

The 2013 policy was finalised before county governments became operational and before most of the environmental law now in force was enacted. Parliament has since passed the Climate Change Act 2016 and its 2023 amendment, the Water Act 2016, the Forest Conservation and Management Act 2016, the Community Land Act 2016 and the Sustainable Waste Management Act 2022, each creating governance arrangements that the 2013 policy does not address.

The courts have built a body of environmental jurisprudence on Articles 10, 42, 69 and 70 of the Constitution that the 2013 policy did not anticipate, on public participation, on the polluter pays principle, on intergenerational equity and on the standard of environmental assessment. Kenya has also assumed international obligations since 2013, among them the Paris Agreement and the Nationally Determined Contribution made under it, the Kunming-Montreal Global Biodiversity Framework and the Agreement on marine biological diversity of areas beyond national jurisdiction.

The scientific basis has changed with the Sixth Assessment Report of the Intergovernmental Panel on Climate Change and the assessments that followed it, and the 2013 policy provided no mechanism for taking new evidence into account. Questions that did not arise in 2013 now require policy direction, including carbon markets, loss and damage, the just transition and the use of artificial intelligence in environmental decisions. The Public Policy Handbook for Kenya sets standards for policy instruments that the 2013 policy does not meet.

Goal, objectives and principles

The goal of this Policy is to provide a coherent, constitutionally grounded and evidence-based framework for the protection, conservation and sustainable management of Kenya's environment and natural resources, for the benefit of present and future generations.

Ten objectives give effect to that goal. They are to give practical effect to the right to a clean and healthy environment; to settle environmental governance at both levels of government; to meet Kenya's obligations under the multilateral environmental agreements; to protect, conserve and restore terrestrial, freshwater, coastal and marine ecosystems and to reach and hold a tree cover of at least ten per cent; to prevent, control and abate pollution and to advance resource efficiency and a circular economy; to manage the environmental conditions on which climate resilience depends; to distribute environmental benefits and burdens fairly within and between generations; to mobilise finance for environmental management and to bring environmental cost into public finance and planning; to govern environmental data and the use

of artificial intelligence; and to monitor and evaluate implementation against measurable indicators.

Twenty-two guiding principles inform how those objectives are pursued. They include sustainable development, the precautionary principle, polluter pays, intergenerational and intragenerational equity, public participation and environmental democracy, gender equality, disability mainstreaming, the best interests of the child, the rights of Indigenous Peoples and marginalised communities, subsidiarity and devolution, the ecosystem based approach, nexus governance, science and policy integration, the circular economy, adaptive governance and common but differentiated responsibilities.

What the Policy commits the Government to

Chapter 5 grounds each policy direction in a specific constitutional mandate and adopts the governance standards the courts have established. Chapter 6 translates Kenya's obligations under the multilateral environmental agreements into domestic policy direction and provides for new obligations as they arise. Chapter 7 states the ten commitments that run through the Policy as a whole.

Chapter 8 governs the natural resource base through integrated, ecosystem based management of landscapes, forests, biodiversity, water, soils, land use, coastal and marine resources, extractives, agriculture and tourism. Chapter 9 gives effect to the right to a clean and healthy environment through environmental quality standards, pollution control, sound chemicals management, the transition to a circular economy and the integration of environmental governance with public health under a One Health approach. Chapter 10 establishes the governance architecture for climate action, the energy transition, carbon markets, loss and damage, the just transition and the emerging governance themes. Chapter 11 addresses the interlinkages among water, energy, food, land, biodiversity, climate and urban systems, together with public finance, gender and social inclusion, public participation, the science and policy interface, transport and the differentiated needs of the arid and semi-arid lands.

Chapter 12 establishes the institutions, the intergovernmental arrangements and the enforcement regime through which these obligations are delivered. Chapter 13 sets out how environmental management is financed from public, private and international sources, how the revenues raised under environmental law are treated and how environmental revenue and expenditure are accounted for. Chapter 14 provides for implementation through a matrix stating who does what, by when, at what cost and from what source of funds, and for monitoring and evaluation against indicators, baselines and targets, with reporting to Parliament, the county assemblies and the public, and a review of the Policy after ten years.

Devolution

This Policy addresses what the 2013 policy left open including the respective environmental roles of the national and county governments under the Fourth Schedule to the Constitution, provides a uniform mechanism through which counties align their environmental planning, budgeting and reporting with the Policy, and supports counties to make and implement their own environmental policies and legislation.

Consultation and the next stage

This is a First Draft, circulated for public consultation and feedback. The implementation matrix annexed to Chapter 14 covers the commitments in that chapter only. The matrices for the remaining chapters, and the monitoring and evaluation matrix for the Policy as a whole, will be prepared for the Second Draft once the policy statements are confirmed through the consultation. Costing will be completed at the same stage.

CHAPTER 1: PREAMBLE TO THE NATIONAL ENVIRONMENT POLICY

1.1 Historical Context

Kenya's environmental policy trajectory is rooted in the country's post-independence development planning tradition. Successive National Development Plans addressed environmental management, natural resource conservation and the relationship between ecological integrity and economic growth. Kenya's engagement with environmental governance must also be situated within the broader international discourse. The Founex Seminar of June 1971 brought together experts to examine the environment and development relationship ahead of the Stockholm Conference; the resulting Founex Report established the foundational proposition that the major environmental problems of developing countries are predominantly problems that reflect the poverty and lack of development of their societies, and that environmental protection and economic development are not intrinsically incompatible.¹ This framework directly informed the 1972 United Nations Conference on the Human Environment in Stockholm, which produced the Declaration on the Human Environment and led to the establishment of the United Nations Environment Programme, headquartered in Nairobi thus positioning Kenya at the centre of global environmental governance from the institution's inception.²

Following the Rio Earth Summit of 1992, Kenya initiated the National Environment Action Plan (NEAP) process, completed in 1994.³ The 1994-96 National Development Plan had detailed the Government's commitment to integrate environmental considerations in development programmes and projects. The NEAP recommended the formulation of a comprehensive national policy and framework legislation on the environment. The resulting policymaking process produced Sessional Paper No. 6 of 1999 on Environment and Development and the legislative process yielded the Environmental Management and Co-ordination Act (EMCA) 1999 as Kenya's first framework environmental law, establishing the National Environment Management Authority, a human right to a clean and healthy environment, the National Environment Tribunal, mandatory environmental impact assessment and environmental standards.⁴

¹Panel of Experts Convened by the Secretary-General of the United Nations Conference on the Human Environment, Development and Environment: The Founex Report (Founex, Switzerland, 4–12 June 1971). See IUCN Library, < https://www.mauricestrong.net/index.php?option=com_content&view=article&id=149&Itemid=75 > accessed 1 May 2026.

²Declaration of the United Nations Conference on the Human Environment (Stockholm Declaration) (adopted 16 June 1972) UN Doc A/CONF.48/14/Rev.1. UNEP established by UNGA Res 2997 (XXVII) (15 December 1972), headquartered in Nairobi.

³Republic of Kenya, National Environment Action Plan (NEAP) (Ministry of Environment and Natural Resources 1994). See World Bank, 'The Kenya National Environment Action Plan (NEAP) Report' <<https://documents1.worldbank.org/curated/en/961121468753321847/pdf/multi0page.pdf> > accessed 1 May 2026.

⁴Environmental Management and Co-ordination Act (Act No 8 of 1999, Cap 387) (EMCA), ss 7–12 (NEMA), s 4 (National Environment Council)v – now repealed, s 31 (Public Complaints Committee), now National Environmental Complaints Committee, s 125 (National Environment Tribunal), ss 58–67 (EIA).

1.2 The Constitution of Kenya 2010 and NEP 2013

The promulgation of the Constitution of Kenya on 27 August 2010 fundamentally transformed the architecture for environmental governance. Article 10 enshrines sustainable development and public participation, among others, as national values and principles; Article 42 guarantees every person the right to a clean and healthy environment; Article 69 imposes specific obligations on the State including sustainable exploitation, equitable benefit-sharing, environmental impact assessment and audit, elimination of harmful environmental practices, public participation and the achievement of at least ten per cent tree cover. Article 70 provides enforcement mechanisms, with a clear human right to access the Environment and Land Court, for redress and remedies, by any person who alleges that a right to a clean and healthy environment has been, is being or is likely to be, denied, violated, infringed or threatened. The Constitution further distributed environmental functions between the national government and forty-seven county governments through the Fourth Schedule.⁵

The National Environment Policy 2013 (NEP 2013), formally adopted as Sessional Paper No. 10 of 2014, was developed against this constitutional backdrop.⁶ The policy acknowledged the Constitution's elaborate environmental provisions and articulated fourteen guiding principles, addressed ecosystem management across eleven sectors, environmental stewardship, environmental quality and health, research, governance and implementation strategies. However, as detailed below, NEP 2013 has been comprehensively overtaken by subsequent developments.

1.3 Why Revision is Necessary

The review undertaken as a baseline for this Policy process established, across nine areas of analysis, that NEP 2013 is no longer fit for purpose. The principal grounds for revision are as follows:

Post-2013 legislative transformation. Kenya has enacted a substantial body of legislation that fundamentally transforms the governance landscape, including the EMCA Amendment Act 2015, the Wildlife Conservation and Management Act 2013, the Water Act 2016, the Forest Conservation and Management Act 2016, the Community Land Act 2016, Land Act 2012, County Governments Act, Urban Areas and Cities Act, the Climate Change Act 2016 (amended 2023), the Energy Act 2019, the Physical and Land Use Planning Act 2019 and the Sustainable Waste Management Act 2022. These laws have created new institutional architectures and regulatory instruments not contemplated by NEP 2013. The policy does not reference, coordinate with, or provide direction for any of them.

Constitutional jurisprudence. Kenyan courts have developed a substantial body of environmental jurisprudence operationalising Articles 10, 42, 69 and 70 well beyond what NEP 2013 contemplated. The Supreme Court in *Export Processing Zone Authority & 10 Others v NEMA and 3 Others (the Owino-Uhuru case)* affirmed the polluter pays principle and

⁵ibid, Fourth Schedule, Part 1, s 22; Part 2, para 10.

⁶Republic of Kenya, Sessional Paper No 10 of 2014 on the National Environment Policy (NEP 2013), s 1.6. Available at <<https://repository.kippira.or.ke/bitstreams/ca031582-2467-4366-998a-3c2770cc6541/download>> accessed 1 May 2026.

intergenerational equity as enforceable constitutional imperatives, held State agencies liable for failure to enforce environmental regulations and awarded KSh 1.3 billion in damages. The Supreme Court decision established the doctrine of continuous violations, a principle recognising that certain wrongful acts persist over time rather than occurring as discrete, isolated incidents; as well as affirmed the polluter pays principle as constitutional imperative and intergenerational equity as an enforceable obligation.⁷ In *Mohamed Ali Baadi v Attorney General (LAPSSET)*, the High Court directed re-evaluation of the strategic environmental assessment with enhanced public participation and set out extensively, the reasons why public participation in environmental matters is important and mandatory.⁸ In *Save Lamu v NEMA*, the Tribunal set aside an environmental impact assessment licence for a coal fired power plant, due to inadequate public participation and failure to consider and comply with the requirements of the Climate Change Act; affirmed on appeal by the ELC in 2025.⁹ In *Cortec Mining v Cabinet Secretary Ministry of Mining*, the High Court established that an environmental impact assessment must precede the issue of a licence, which was upheld by the Court of Appeal.¹⁰ In *Menengai West v NEMA*, the ELC held that courts must scrutinise the quality of public participation and that climate impact assessment under the Climate Change Act is mandatory during the environmental impact assessment process.¹¹ Earlier decisions in *Waweru v Republic* (2006) established foundational principles on environmental rights as integral to the right to life and liberal locus standi in environmental matters, while the Law Society of Kenya logging moratorium case underscore the constitutional duty to ensure public access to information and participation in forestry governance.¹²

Devolution. NEP 2013 was finalised before county governments became operational and does not provide operational guidance on county environmental functions, financing, or coordination. Unlike the climate change sector, where the Financing Locally-Led Climate Action (FLLoCA) programme supported all 47 counties to enact county-level Climate Change

⁷Export Processing Zone Authority & 10 Others v NEMA & 3 Others, Petition E021 of 2023 [2024] KESC 75 (6 December 2024). Available at < <https://new.kenyalaw.org/akn/ke/judgment/kesc/2024/75/eng@2024-12-06> > accessed 1 May 2026.

⁸Baadi & others v Attorney General & 7 others; National Land Commission & 2 others (Interested Parties); Global Initiative for Economic, Social and Cultural Rights & another (Amicus Curiae) [2018] KEHC 5397 (KLR) Available at < <https://new.kenyalaw.org/akn/ke/judgment/kehc/2018/5397> > accessed 1 May 2026.

⁹Save Lamu & 5 others v National Environmental Management Authority (NEMA) & another [2019] KENET 98 (KLR); affirmed in Amu Power Company Limited v Save Lamu & 6 Others [2025] KEELC 7285 (16 October 2025).

¹⁰Cortec Mining Kenya Limited v Cabinet Secretary Ministry of Mining & 9 others [2015] KEHC 7299 (KLR); See court of Appeal - Cortec Mining Kenya Limited v Cabinet Secretary Ministry of Mining & 9 others [2017] KECA 515 (KLR)

¹¹Menengai West Stakeholders Forum & 10 Others v NEMA & Another, ELC Appeal E001 of 2024 [2025] KEELC 1169 (13 March 2025). Available at < <https://new.kenyalaw.org/akn/ke/judgment/keelc/2025/1169/eng@2025-03-13> > accessed 1 May 2026; Climate Change Act 2016, s 20.

¹²Peter K Waweru v Republic, Misc Civil Application No 118 of 2004 [2006] KLR 677 (HC); Law Society of Kenya v Attorney General & 3 others; Katiba Institute & 6 others (Interested Parties) (All Suing as the Members of Rift Valley & Western Kenya Timber Investor) [2024] KEELC 6532 (KLR)

legislation, local funding and decision making institutional arrangements, there has been no equivalent programme for county environmental policy development.

The Sustainable Waste Management Act 2022 introduced a model of NEMA-county functional allocation that differs structurally from the EMCA model, exposing an unresolved inconsistency in how environmental governance has been legislated under devolution. Notably, the 2015 amendments to EMCA deleted 'local authority' from the definition of 'lead agency' and inserted 'county government' into the Act (section 2) as a separately defined term drawn from the County Governments Act. This means that county governments are not lead agencies under EMCA and the lead agency provisions in sections 12 and 143(2), which empower NEMA to direct a lead agency and criminalise non-compliance, do not apply to them.¹³¹⁴ EMCA instead governs county environmental functions through a distinct set of provisions: a NEMA officer serves as Secretary to the County Environment Committee constituted by the Governor; counties prepare environment action plans for adoption by the County Assembly; NEMA monitors compliance with those plans and may serve written notices specifying remedial actions; and county legislative competence on environmental governance is constrained to matters 'required or permitted under the Constitution and this Act'.¹⁵ The regulatory posture is one of supervisory-embedding – whereby NEMA is structurally present within county governance architecture and retains monitoring, notice and remedial powers, but the framework does not clearly allocate operational environmental functions to counties as distinct, independently exercisable mandates. This posture raises questions under the constitutional architecture of devolution, which establishes national and county governments as distinct and inter-dependent, conducting their mutual relations on the basis of consultation and cooperation and requires each level to respect the functional and institutional integrity of the other.¹⁶ SWMA 2022 adopts a different approach: counties bear direct statutory duties to establish waste management systems, build materials recovery facilities and develop county waste management plans, while NEMA retains regulatory oversight through standard-setting,

¹³Environmental Management and Co-ordination Act (Act No 8 of 1999, Cap 387) (EMCA), s 2 (as amended by the EMCA (Amendment) Act 2015, s 2(1)(f) and (i)). The 2015 Amendment deleted the definition of 'local authority' and inserted a separate definition of 'county government' with the meaning assigned to it in section 2 of the County Governments Act (Act No 17 of 2012). The definition of 'lead agency' in section 2 of the revised EMCA refers to 'any Government ministry, department, parastatal, state corporation' — county governments are not classified as lead agencies.

¹⁴EMCA, s 12(1) (as amended 2015). NEMA may direct any lead agency to perform duties under the Act within a specified period; section 12(2) makes non-compliance an offence. Section 143(2) (as amended 2015) provides that failure by a lead agency to comply with a directive under section 12 constitutes an offence. These provisions apply to lead agencies, not to county governments.

¹⁵EMCA, s 29(2)(b) (as inserted 2015). An officer of NEMA whose area of jurisdiction falls wholly or partially within the county serves as Secretary to the County Environment Committee. See also s 30 (functions of the County Environment Committee); s 40 (county environment action plans prepared by the CEC for adoption by the County Assembly); s 41A (purpose of environmental action plans: to co-ordinate and harmonise environmental policies, minimise duplication, and prevent unreasonable actions); s 41B (NEMA monitors compliance with county plans, serves written notices specifying remedial actions, and issues final notices); s 147A (county legislation constrained to matters 'required or permitted under the Constitution and this Act').

¹⁶Constitution of Kenya 2010, art 6(2): 'The governments at the national and county levels are distinct and inter-dependent and shall conduct their mutual relations on the basis of consultation and cooperation.' Art 189(1)(a) requires each level to respect the 'functional and institutional integrity' of the other. Art 174(c) and (d): objects of devolution include powers of self-governance and the right of communities to manage their own affairs.

licensing and compliance monitoring.¹⁷ This operational-allocation model is more constitutionally congruent with the Fourth Schedule distribution, which assigns national government the function of establishing a durable and sustainable system of development while assigning counties the implementation of specific national policies and with Article 191's framework under which national legislation prevails where uniformity is required through norms, standards, or national policies.¹⁸ The two models coexist without any coordination framework, and NEP 2013 does not address the inconsistencies, a gap that NEP 2026 must resolve by aligning the policy framework for NEMA-county functional allocation with the constitutional architecture of devolution.¹⁹

International commitments. Major post-2013 international obligations are not embedded in the policy: the Paris Agreement, with Kenya's first nationally determined contribution committing to a 32 per cent greenhouse gas reduction by 2030 and the Second NDC (April 2025) targeting 35 per cent by 2035;²⁰ the 30x30 targets of the Kunming-Montreal Global Biodiversity Framework, against Kenya's current terrestrial protected area coverage of approximately 14 per cent;²¹ and additional obligations under the Kigali Amendment, Minamata Convention, BBNJ Agreement and the emerging Global Plastics Treaty.²²

Scientific evidence. NEP 2013 lacked a mechanism for incorporating evolving scientific evidence. Since 2013, the Sixth Assessment Report of the Intergovernmental Panel on Climate Change established that the 1.5°C pathway requires at least 43 per cent emission reductions by 2030; the Nexus Assessment of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (2024) demonstrated that biodiversity loss, water scarcity, food insecurity and health risks are deeply interconnected; and the Global Land Outlook of the United Nations Convention to Combat Desertification and the seventh Global Environment

¹⁷Sustainable Waste Management Act 2022 (Act No 31 of 2022, Cap 387C) (SWMA 2022), ss 9 (county waste management systems), 14 (materials recovery facilities), 17–18 (county waste management plans). Counties bear direct statutory duties to establish infrastructure and deliver services, with NEMA retaining regulatory oversight through standard-setting (s 8), licensing (s 14(3)), and compliance monitoring (s 26).

¹⁸Constitution of Kenya 2010, Fourth Schedule, Part 1, para 22 (national government: 'protection of the environment and natural resources with a view to establishing a durable and sustainable system of development'); Part 2, para 10 (county governments: 'implementation of specific national government policies on natural resources and environmental conservation'). Art 191(3)(a) and (b): national legislation prevails where the matter cannot be regulated effectively by individual counties or requires uniformity through norms, standards, or national policies.

¹⁹Environment Policy Gap Analysis and Needs Assessment Report (Output 2), Pillar 5: Environmental Governance Institutional Mandate Mapping, s 6.3.

²⁰Paris Agreement (adopted 12 December 2015) UNTS 3156; Republic of Kenya, Updated First NDC (December 2020); Second NDC 2031–2035 (April 2025), available at https://unfccc.int/sites/default/files/2025-05/KENYAS%20SECOND%20NATIONALLY%20DETERMINED%20CONTRIBUTION%202031_2035.pdf > accessed 1 May 2026.

²¹Kunming-Montreal Global Biodiversity Framework, Decision 15/4, CBD/COP/DEC/15/4 (19 December 2022), Target 3. Kenya's terrestrial protected area coverage: approximately 14% (2024): World Bank, 'Terrestrial Protected Areas (% of Total Land Area) – Kenya' <<https://data.worldbank.org/indicator/ER.LND.PTLD.ZS?locations=KE>> accessed 1 May 2026.

²²Including the Kigali Amendment to the Montreal Protocol (2016); Minamata Convention on Mercury (2013); BBNJ Agreement (2023); and the emerging Global Plastics Treaty.

Outlook of the United Nations Environment Programme further transformed the evidence base.²³ The policy establishes no quantified targets aligned with these frameworks.

Emerging governance themes. Several emerging environmental governance themes are not addressed by NEP 2013, including carbon markets, loss and damage, just transition, artificial intelligence, rights of nature, environmental data governance, nature-based solutions and the agriculture-environment governance nexus.

Policy architecture. The Public Policy Handbook 2024 now mandates standards for policy development that NEP 2013 does not meet: problem tree analysis, theory of change, results frameworks, implementation matrices and monitoring and evaluation.²⁴ No monitoring and evaluation was undertaken for the policy, and no implementation matrix was developed.

1.4 The National Environment Policy, 2026

This Sessional Paper presents the National Environment Policy (NEP 2026), developed through the review, the stakeholder mapping and a consultative process involving Technical Working Groups, Ministerial Technical Workshops, engagement with county governments, stakeholder and public participation in accordance with Article 10 of the Constitution. The revised policy departs from the sectoral silo structure of NEP 2013 and adopts an integrated governance approach, responding to the central finding that systemic governance fragmentation is the fundamental challenge facing environmental governance in Kenya. Part I (Chapters 1–7) establishes the foundational framework; Part II (Chapters 8–11) contains the substantive policy chapters; and Part III (Chapters 12–14) addresses governance, implementation and accountability. Each substantive chapter follows a consistent architecture: policy objective, sector context and situational analysis and policy statements, with a gender equity and social inclusion dimension. An implementation matrix is annexed to Chapter 14 (as a sample while the rest will be prepared after public consultations once policy statements are confirmed. The monitoring and evaluation matrix will also be prepared with the Second Draft.

²³IPCC, Climate Change 2023: Synthesis Report (AR6 SYR, 2023) SPM, para C.1, available at <<https://www.ipcc.ch/report/ar6/syr/>> accessed 1 May 2026; IPBES, Thematic Assessment on Interlinkages among Biodiversity, Water, Food and Health (Nexus Assessment, approved December 2024), available at <<https://www.ipbes.net/nexus-assessment>> accessed 1 May 2026; UNCCD, Global Land Outlook (2nd edn, 2022); UNEP, GEO-7 (2025).

²⁴Republic of Kenya, Public Policy Handbook for Kenya (State Department for Parliamentary Affairs 2024). Available at <<https://www.parliamentaryaffairs.go.ke/sites/default/files/2026-01/Public-Policy-Handbook-for-Kenya.pdf>> accessed 1 May 2026.

CHAPTER 2: POLICY MAKING AND IMPLEMENTATION IN A DEVOLVED GOVERNMENT CONTEXT

2.1 The Constitutional Framework

The Constitution of Kenya 2010 establishes national and county governments as distinct and inter-dependent, conducting their mutual relations on the basis of consultation and cooperation.²⁵ This Policy is made and is to be implemented, within that constitutional architecture. The national values and principles of governance in Article 10, including sharing and devolution of power, participation of the people, equity, social justice, sustainable development and good governance – bind and are therefore mandatory to all State organs, State officers, public officers and all persons when applying or interpreting the Constitution, enacting or applying any law, or making or implementing public policy decisions.²⁶ Environmental policy is, by constitutional design, a function shared between both levels of government and subject to the rights and obligations that the Constitution imposes on the State as a whole.

Article 42 guarantees every person the right to a clean and healthy environment, including the right to have the environment protected for the benefit of present and future generations and to have obligations relating to the environment fulfilled.²⁷ Article 69(1) imposes on the State, which comprises both levels of government and all State organs, obligations to ensure sustainable exploitation, utilisation, management and conservation of the environment; to achieve and maintain a tree cover of at least ten per cent of the land area of Kenya; to protect genetic resources and biological diversity; to establish systems of environmental impact assessment, audit and monitoring; and to eliminate processes and activities likely to endanger the environment.²⁸ Article 69(2) imposes on every person the duty to cooperate with State organs and other persons to protect

²⁵Constitution of Kenya 2010, art 6(2). See also art 6(1): 'The territory of Kenya is divided into the counties specified in the First Schedule.'

²⁶Constitution of Kenya 2010, art 10(2). The national values and principles of governance include patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people, human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalised, good governance, integrity, transparency and accountability, and sustainable development.

²⁷Constitution of Kenya 2010, art 42: 'Every person has the right to a clean and healthy environment, which includes the right (a) to have the environment protected for the benefit of present and future generations through legislative and other measures, particularly those contemplated in Article 69; and (b) to have obligations relating to the environment fulfilled under Article 70.'

²⁸Constitution of Kenya 2010, art 69(1). The State shall: ensure sustainable exploitation, utilisation, management and conservation of the environment and natural resources, and ensure equitable sharing of the accruing benefits (art 69(1)(a)); work to achieve and maintain a tree cover of at least ten per cent of the land area of Kenya (art 69(1)(b)); protect and enhance intellectual property in, and indigenous knowledge of, biodiversity and genetic resources (art 69(1)(c)); encourage public participation in environmental management (art 69(1)(d)); protect genetic resources and biological diversity (art 69(1)(e)); establish systems of environmental impact assessment, environmental audit and monitoring (art 69(1)(f)); eliminate processes and activities likely to endanger the environment (art 69(1)(g)); and utilise the environment and natural resources for the benefit of the people of Kenya (art 69(1)(h)).

and conserve the environment.²⁹ These rights and obligations apply across both levels of government and are not confined to the national government alone.

2.2 Distribution of Environmental Functions

The Fourth Schedule to the Constitution distributes environmental functions between the two levels of government. The national government, in Part 1, is assigned the function of protecting the environment and natural resources with a view to establishing a durable and sustainable system of development, including fishing, hunting and gathering; protection of animals and wildlife; water protection, securing sufficient residual water, hydraulic engineering and the safety of dams; and energy policy.³⁰ County governments are assigned the implementation of specific national government policies on natural resources and environmental conservation, including soil and water conservation and forestry, as well as county planning and development, refuse removal and solid waste disposal and control of air pollution, noise pollution and other public nuisances.³¹ Part 1, paragraph 22 and Part 2, paragraph 10, of the Fourth Schedule to the Constitution should be read together with Article 6 of the Constitution and with the provisions discussed below, in order to understand the regulatory framework that follows from them.

The distribution of functions described above establishes a functional relationship in which the national government sets the policy, regulatory and standard setting framework, the 'durable and sustainable system of development' and county governments implement specific national policies within their jurisdictions while exercising their own devolved functions. It does not establish a hierarchy in which one level directs the other but does not also exclude regulatory supervision. The objects of devolution in Article 174 include giving powers of self-governance to the people, recognising the right of communities to manage their own affairs and to further their development, promoting proximate and accessible services and ensuring equitable sharing of national and local resources.³² The principles of county government in Article 175 require democratic governance,

²⁹Constitution of Kenya 2010, art 69(2): 'Every person has a duty to cooperate with State organs and other persons to protect and conserve the environment and ensure ecologically sustainable development and use of natural resources.'

³⁰Constitution of Kenya 2010, Fourth Schedule, Part 1, para 22: 'Protection of the environment and natural resources with a view to establishing a durable and sustainable system of development, including, in particular — (a) fishing, hunting and gathering; (b) protection of animals and wildlife; (c) water protection, securing sufficient residual water, hydraulic engineering and the safety of dams; and (d) energy policy.'

³¹Constitution of Kenya 2010, Fourth Schedule, Part 2, para 10: 'Implementation of specific national government policies on natural resources and environmental conservation, including — (a) soil and water conservation; and (b) forestry.' See also Part 2, para 3 (county planning and development); para 5 (county health services, including refuse removal, refuse dumps and solid waste disposal); and para 8 (control of air pollution, noise pollution, other public nuisances and outdoor advertising).

³²Constitution of Kenya 2010, art 174. The objects of devolution include: promoting democratic and accountable exercise of power (art 174(a)); giving powers of self-governance to the people (art 174(c)); recognising the right of communities to manage their own affairs and to further their development (art 174(d)); promoting social and economic development and the provision of proximate, easily accessible services (art 174(f)); ensuring equitable sharing of national and local resources (art 174(g)); and facilitating the decentralisation of State organs (art 174(h)).

reliable revenue sources and gender equity in representation.³³ Policy directions in this document that engage county functions must be read consistently with these constitutional objects and principles.

2.3 Intergovernmental Relations and Concurrent Functions

Environmental governance is, in practice, an area of concurrent jurisdiction. This is because both levels of government bear obligations under Articles 42 and 69 and many environmental functions, among them water management, forestry, waste management, pollution control and land use planning, engage the mandates of both levels simultaneously. The Constitution provides a framework for managing this concurrence. Article 189 requires each level of government to respect the functional and institutional integrity of the other, to assist, support and consult and to liaise for the purpose of exchanging information, coordinating policies and administration and enhancing capacity.³⁴ Where national and county legislation conflict in areas of concurrent jurisdiction, Article 191 provides that national legislation prevails if it applies uniformly throughout Kenya and the matter cannot be regulated effectively by individual counties, or requires uniformity through norms, standards, or national policies, or is necessary for the protection of the environment; county legislation prevails where neither condition is satisfied.³⁵

This framework has direct implications for how this Policy operates. The policy directions set out in subsequent chapters of this document constitute national policy within the meaning of the Fourth Schedule and Article 191. Where a policy direction addresses a function assigned to the national government under Part 1 of the Fourth Schedule, such as environmental standards, regulatory frameworks or international obligations, it is to be implemented by the national government through the relevant national institutions. Where a policy direction addresses a function assigned to county governments under Part 2, such as refuse removal, county planning, noise pollution control or the implementation of national environmental policies, it establishes the national policy that county governments are constitutionally mandated to implement. Where a policy direction

³³Constitution of Kenya 2010, art 175. County governments shall reflect the following principles: democratic principles and the separation of powers (art 175(a)); reliable sources of revenue to enable them to govern and deliver services effectively (art 175(b)); and no more than two-thirds of the members of representative bodies shall be of the same gender (art 175(c)).

³⁴Constitution of Kenya 2010, art 189(1): 'Government at either level shall — (a) perform its functions, and exercise its powers, in a manner that respects the functional and institutional integrity of government at the other level, and respects the constitutional status and institutions of government at the other level; (b) assist, support and consult and, as appropriate, implement the legislation of the other level of government; and (c) liaise with government at the other level for the purpose of exchanging information, coordinating policies and administration and enhancing capacity.' Art 189(2): governments may set up joint committees and joint authorities for cooperative performance of functions.

³⁵Constitution of Kenya 2010, art 191(2) and (3). National legislation prevails over county legislation if it applies uniformly throughout Kenya and: the matter cannot be regulated effectively by individual counties (art 191(3)(a)); uniformity is required through norms and standards or national policies (art 191(3)(b)); or the legislation is necessary for protection of the environment (art 191(3)(c)(vi)). Art 191(4): county legislation prevails where neither condition in art 191(2) applies.

engages concurrent functions, both levels of government bear responsibility for implementation within their respective mandates and the intergovernmental coordination mechanisms provided for in this Policy and in legislation apply.

2.4 The Gap in County Environmental Policy

NEP 2013 was finalised in February 2013, before county governments became operational after the March 2013 General Elections.³⁶ The policy addressed devolution only in generic capacity building terms, committing to strengthen environmental institutions at county level, ensure synergies between national and county development planning and strengthen compliance and enforcement capacity, without directing counties to develop county environment policies, establishing minimum standards for such policies, or creating a coordination mechanism between national and county environmental policy frameworks.³⁷ In the climate change sector, by contrast, the Climate Change Act 2016 (section 19) created a structured framework for county climate change governance and through the FLLoCA programme all 47 counties enacted county climate change fund legislation. EMCA section 147A similarly empowers counties to make legislation on environmental matters required or permitted under the Constitution and the Act, but no equivalent national programme has been established to support county environmental policy development.³⁸

The result is that county governments have been operational for over a decade without adequate national policy guidance on the exercise of their constitutional environmental functions. Only a small number of counties have developed environmental policies or enacted environmental legislation on their own initiative, and most county level action has been confined to waste management rather than comprehensive environmental governance; but there has been action to set up county environmental committees and develop action plans. The gap is not one of conflict between national and county action but of absence: NEP 2013 provides no architecture for guiding, coordinating, or systematising the county environmental governance that the Constitution anticipates.³⁹ This Policy addresses that gap. The policy directions in subsequent chapters specify, for each sector, the responsibilities of both levels of government and the coordination mechanisms

³⁶Environment Policy Gap Analysis and Needs Assessment Report (Output 2), Pillar 3: NEP 2013 and County Environmental Policies, s 4.1. NEP 2013 was finalised in February 2013, before county governments became operational after the March 2013 General Elections.

³⁷NEP 2013, ss 8.2 (Policy Statement 3: 'streamline and strengthen the capacity of environmental institutions at the national and county levels'), 9.1 (Policy Statement 2: synergies between national and county development planning), 9.2 (Policy Statement 3: strengthen compliance and enforcement capacity at county and national levels).

³⁸Climate Change Act 2016 (Act No 11 of 2016, Cap 387A), s 19(4). See also the Financing Locally-Led Climate Action (FLLoCA) programme, through which all 47 counties enacted county climate change fund legislation. Environmental Management and Co-ordination Act (Act No 8 of 1999, Cap 387) (EMCA), s 147A (as inserted by the EMCA (Amendment) Act 2015): 'A County may make legislation in respect of all such matters as are necessary or desirable that are required or permitted under the Constitution and this Act.'

³⁹Output 2, Pillar 3, s 4.3: 'The policy gap is therefore not one of conflict between national and county action, but of absence: NEP 2013 provides no architecture for guiding, coordinating, or systematising the county environmental governance that the Constitution anticipates and that a handful of counties have begun to develop on their own initiative.'

that apply. Chapter 12 establishes the dedicated framework for devolved environmental governance.

CHAPTER 3: RATIONALE FOR THE REVISION OF SESSIONAL PAPER NO. 10 OF 2014 ON NATIONAL ENVIRONMENT POLICY

Sessional Paper No. 10 of 2014 on National Environment Policy has provided the framework for environmental governance in Kenya for over a decade.⁴⁰ During that period, Kenya's environmental governance landscape has undergone significant transformation in legislation, institutional architecture, international commitments, scientific knowledge and devolved governance. This revision presents an opportunity to consolidate the gains made since 2013, address the challenges that have emerged and position the national environment policy to respond to new and evolving environmental governance demands. The following grounds inform the decision to undertake a comprehensive revision.

1. Consolidating a transformed legislative framework. Since 2013, Kenya has enacted multiple major environmental and natural resource statutes, each establishing governance frameworks with distinct institutional architectures and regulatory instruments.⁴¹ These have been accompanied by significant subsidiary legislation impacting environmental governance such as extended producer responsibility, chemicals management and sand harvesting.⁴² The revised policy provides an opportunity to bring these diverse legislative frameworks under a coherent policy umbrella that clarifies priorities, resolves overlaps and establishes the relationship between them.

2. Aligning with sectoral policies adopted since 2013. Several sectoral policies have been adopted or revised since NEP 2013, including the National Landscape and Ecosystem Restoration Strategy 2023–2032, National Water Policy 2021, the National Forest Policy 2023, the National Sustainable Waste Management Policy 2021, the National Wildlife Strategy 2030 and the National Electric Mobility Policy.⁴³ The revised environment policy must provide the

⁴⁰Sessional Paper No 10 of 2014 on National Environment Policy (NEP 2013). The policy was approved by Parliament in 2014 based on a draft finalised in February 2013.

⁴¹Climate Change Act 2016 (Act No 11 of 2016, Cap 387A); Water Act 2016 (Act No 43 of 2016, Cap 372); Forest Conservation and Management Act 2016 (Act No 34 of 2016, Cap 385); Wildlife Conservation and Management Act 2013 (Act No 47 of 2013, Cap 376); Mining Act 2016 (Act No 12 of 2016, Cap 306); Energy Act 2019 (Act No 1 of 2019); Sustainable Waste Management Act 2022 (Act No 31 of 2022, Cap 387C); Environmental Management and Co-ordination (Amendment) Act 2015 (Act No 5 of 2015).

⁴²Carbon Markets Regulations 2024 (LN 84/2024); Extended Producer Responsibility Regulations 2024 (LN 176/2024); Environmental Management and Co-ordination (Sand Harvesting) Regulations 2024; Environmental Management and Co-ordination (Chemicals Management) Regulations 2024 (LN 182/2024).

⁴³Sessional Paper No 1 of 2021 on National Water Policy; National Forest Policy 2023; National Sustainable Waste Management Policy 2021; National Wildlife Strategy 2030; Sessional Paper on National Electric Mobility Policy 2026; National Landscape and Ecosystem Restoration Strategy 2023–2032.

overarching framework within which these sectoral policies cohere and through which cross-sectoral environmental priorities are coordinated.

3. Embedding international commitments. Kenya has assumed significant obligations under multilateral environmental agreements concluded after 2013, including nationally determined contributions under the Paris Agreement committing to greenhouse gas emission reductions of 32 per cent by 2030 and 35 per cent by 2035,⁴⁴ the 30x30 biodiversity targets under the Kunming-Montreal Global Biodiversity Framework, HFC phase-down commitments under the Kigali Amendment, mercury governance obligations under the Minamata Convention and marine biodiversity commitments under the Agreement on marine biological diversity of areas beyond national jurisdiction.⁴⁵ The revised policy provides the domestic framework for implementing these commitments in an integrated manner.

4. Reflecting constitutional jurisprudence. The Supreme Court, the Court of Appeal, the Environment and Land Court and the High Court have developed a substantial body of environmental jurisprudence since 2013, establishing standards on environmental liability and intergenerational equity, public participation in environmental governance decision making, the enforcement of environmental rights, among others. The revised policy incorporates the governance standards established by these decisions.

5. Responding to advances in environmental science. The global scientific evidence base has been fundamentally advanced by major assessment reports published since 2013, including the IPCC Sixth Assessment Report, the IPBES Global Assessment and Nexus Assessment, the UNEP Global Environment Outlook 7 and the UNCCD Global Land Outlook 2. These assessments establish updated risk thresholds, identify tipping points and provide governance recommendations that the revised policy integrates into its science-policy framework.

6. Addressing emerging environmental governance themes. Environmental governance challenges that have risen to policy significance since 2013, including the circular economy, blue economy governance, environmental fiscal reform, carbon markets, the One Health approach to public health-environment linkages, environmental and social safeguards, environmental data governance, just transition and climate-related loss and damage. There will continue to be evolution in new environmental governance knowledge, which requires dedicated policy attention.

⁴⁴Kenya's Updated Nationally Determined Contribution (December 2020), committing to a 32% greenhouse gas emission reduction by 2030; Second Nationally Determined Contribution (submitted April 2025), committing to a 35% reduction by 2035.

⁴⁵Paris Agreement (adopted 12 December 2015, entered into force 4 November 2016) art 4; Kunming-Montreal Global Biodiversity Framework (adopted 19 December 2022) Target 3 (30x30); Kigali Amendment to the Montreal Protocol (adopted 15 October 2016); Minamata Convention on Mercury (adopted 10 October 2013, entered into force 16 August 2017); Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (BBNJ Agreement, adopted 19 June 2023).

7. Strengthening the devolution framework. County governments have been operational for over a decade and their environmental functions under the Fourth Schedule to the Constitution require a policy framework that provides operational guidance, establishes coordination mechanisms and supports county environmental policy development. The climate change sector demonstrates what structured national support can achieve: through the Climate Change Act 2016 and the FLLoCA programme, all 47 counties have enacted county climate change fund legislation.⁴⁶ The revised policy establishes an equivalent framework for the broader environmental governance domain.

8. Meeting current policy formulation standards. The Public Policy Handbook 2024 prescribes mandatory requirements for all sessional papers, including an explicit goal, objectives, guiding principles, implementation matrix, monitoring and evaluation framework and costing.⁴⁷ The revised policy is structured to comply with these requirements.

The Government recognises that the environmental governance gains achieved since 2013, in legislation, policy, institutional development, international engagement, county-level action and public engagement provide a strong foundation on which to build. This revision consolidates those gains into a coherent, constitutionally grounded and forward looking policy framework that is equipped to guide environmental governance for the next decade and beyond.

⁴⁶Constitution of Kenya 2010, Fourth Schedule, Part 2, para 10. See also Climate Change Act 2016, s 19 (county climate change governance obligations); Financing Locally-Led Climate Action (FLLoCA) programme (supporting county climate change fund legislation across all 47 counties).

⁴⁷Republic of Kenya, Public Policy Handbook (2024). The Handbook prescribes mandatory requirements for all sessional papers including an explicit goal, objectives, guiding principles, implementation matrix, monitoring and evaluation framework, and costing.

CHAPTER 4: GOAL, OBJECTIVES AND GUIDING PRINCIPLES

The constitutional right to a clean and healthy environment, the State's obligations under Article 69 and Kenya's international environmental commitments collectively define the mandate within which this Policy operates. The goal, objectives and guiding principles set out in this chapter establish the normative foundation for the policy directions that follow.

4.1 Goal of the National Environment Policy

The goal of this National Environment Policy is to provide a coherent, constitutionally grounded and evidence-based national policy framework for the protection, conservation and sustainable management of Kenya's environment and natural resources, for the benefit of present and future generations.

This goal builds upon the goal of NEP 2013, which was to achieve a 'better quality of life for present and future generations through sustainable management and use of the environment and natural resources.'⁴⁸ The revised formulation retains the intergenerational commitment but anchors it more explicitly in Articles 10, 42 and 69 of the Constitution and commits the policy to the governance coherence and scientific evidence base that the current environmental landscape demands.⁴⁹

4.2 Objectives of the National Environment Policy

The objectives of this Policy are:

4.2.1 To give practical effect to the right to a clean and healthy environment under Article 42 and to the State's obligations under Article 69, applying the national values and principles of governance in Article 10, so that environmental legislation, sectoral policies and institutional mandates operate as one coherent body of law and policy.

4.2.2 To secure environmental governance that works at both levels of government, with the roles of the national and county governments settled, coordination between them structured and counties supported to make and implement their own environmental policies and legislation.

4.2.3 To meet Kenya's obligations under the multilateral environmental agreements to which it is party, by providing the national policy basis on which those obligations are domesticated and reported.

⁴⁸NEP 2013, s 3.1.

⁴⁹Constitution of Kenya 2010, arts 42 and 69.

4.2.4 To protect, conserve and restore Kenya’s terrestrial, freshwater, coastal and marine ecosystems, including forests, wetlands, drylands, mountains and wildlife habitats, together with its biological diversity and genetic resources and to work to achieve and maintain a tree cover of at least ten per cent of the land area of Kenya under Article 69(1)(b).

4.2.5 To prevent, control and abate pollution of air, water and land, to protect public health from environmental hazards including hazardous substances and waste and to advance resource efficiency and a circular economy in which waste is prevented, recovered and returned to use.

4.2.6 To manage the environmental conditions on which climate resilience depends, recognising that ecosystem degradation, land use change, pollution and the depletion of natural resources are drivers of climate vulnerability, so that Kenya’s climate response rests on sound environmental management.

4.2.7 To distribute the benefits and burdens of environmental governance fairly between and within generations, to treat the best interests of the child as a primary consideration and to secure the full and effective participation of women, of persons with disabilities,⁵⁰ of children and youth and of Indigenous Peoples, marginalised communities and vulnerable populations, with policies, programmes and budgets that respond to their differentiated needs.

4.2.8 To mobilise and direct public and private finance towards environmental management, and to integrate environmental cost into public finance, infrastructure planning and land use planning, so that sectors meet the environmental cost of their decisions rather than passing it on.

4.2.9 To govern environmental data and the use of artificial intelligence and digital technologies under the Data Protection Act (Cap 411C), so that environmental monitoring, compliance and decision-making rest on information that is accurate, accessible and lawfully held.

4.2.10 To monitor and evaluate the implementation of this Policy against measurable indicators, and to report publicly at set intervals on progress towards its objectives and on the state of the environment.

4.3 Guiding Principles

The governance and management of the environment and natural resources under this Policy shall be informed by the mandatory national values and principles of governance set out in Article 10 of the Constitution, which bind all State organs and all persons when making or implementing

⁵⁰ Persons with Disabilities Act 2025 (Act No 4 of 2025), s 2.

public policy decisions.⁵¹ The following principles build upon and extend the fourteen principles articulated in NEP 2013 and shall guide the implementation of this Policy.⁵²

4.3.1 Sustainable development. The environment and natural resources shall be managed to meet the needs of the present generation without compromising the ability of future generations to meet their own needs. Decisions on the utilisation of environmental resources shall balance economic, social and environmental considerations, provided that the outcome of such balancing shall as far as possible protect the integrity of environmental function and the symbiotic human-environment relationship, in order to safeguard the right to a clean and healthy environment.

4.3.2 Interdependence of environmental and human rights. The right to a clean and healthy environment is interdependent with the rights to life, to the highest attainable standard of health and to clean and safe water. Environmental governance shall support the capacity of ecosystems to provide the environmental goods and services upon which the realisation of these rights depends.

4.3.3 Public participation and environmental democracy. Environmental governance shall ensure meaningful, structured and inclusive public participation in policy formulation, environmental impact assessment, standard-setting and decision-making. Public consultations shall be conducted in a manner that ensures public contributions make an impact on the threshold of decision-making, supported by access to environmental information that is simple, timely and understandable. Environmental decision-making shall prioritise the participation of affected communities at the local level.

4.3.4 Gender equality. Environmental governance shall mainstream gender equality as a cross-cutting obligation, ensuring that women and men participate fully and effectively in environmental decision-making, that the differentiated impacts of environmental degradation on women are addressed and that environmental policies, programmes and budgets are responsive to the distinct needs and circumstances of each gender and the diversity within them.

4.3.5 Disability mainstreaming. Environmental governance shall ensure the full and effective participation and inclusion of persons with disabilities in environmental decision-making and shall mainstream disability concerns into the design, implementation, monitoring and evaluation of environmental policies and programmes, within the meaning of the Persons with Disabilities Act 2025.

4.3.6 Best interests of the child and youth participation. Environmental governance shall be guided by the best interests of the child as a primary consideration and shall promote the

⁵¹Constitution of Kenya 2010, art 10(2).

⁵²NEP 2013, s 3.2.

meaningful participation of children and youth in environmental decision-making. Children and youth are likely to encounter the negative effects of environmental degradation occurring today for significantly longer during their lifetimes and constitute the bridge between present and future generations in whose trust the environment is held.

4.3.7 Indigenous Peoples, marginalised communities and vulnerable populations.

Environmental governance shall protect the rights, knowledge systems and livelihoods of Indigenous Peoples, marginalised communities and vulnerable populations and shall ensure their inclusion in environmental decision-making, recognising that environmental degradation disproportionately affects those with the least capacity to adapt.

4.3.8 Precautionary principle. Where scientific evidence indicates potential for serious or irreversible environmental harm, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

4.3.9 Polluter pays. Those responsible for causing environmental pollution or degradation shall bear the full costs of prevention, control and remediation, including ecological restoration and compensation for affected communities.

4.3.10 Intergenerational and intragenerational equity. The environment shall be held in trust for future generations, and the benefits and burdens of environmental governance shall be equitably distributed within the present generation, with particular attention to communities that bear disproportionate environmental risk.

4.3.11 Environmental justice and access to remedies. Every person shall have effective access to justice for environmental harm, including public interest standing, community litigation support and environmental liability frameworks.

4.3.12 Environmental assessment and elimination of harmful practices. Decisions on the use of environmental and natural resources, land use change and development activities shall be accompanied by environmental impact assessments and audits in accordance with Article 69(1)(f) and (g) of the Constitution. Processes and activities that are likely to endanger the environment shall be eliminated, and where activities are permitted, they shall be subject to conditions that protect environmental integrity.⁵³

4.3.13 Shared environmental responsibility. Every person has a duty under Article 69(2) of the Constitution to cooperate with State organs and other persons to protect and conserve the environment and ensure ecologically sustainable development and use of natural resources. Environmental governance under this Policy shall give effect to this shared responsibility by

⁵³Constitution of Kenya 2010, art 69(1)(f) and (g).

establishing frameworks for cooperation between the State, the private sector, communities, civil society and individuals in the discharge of environmental obligations.⁵⁴

4.3.14 Ecosystem-based approach to management and restoration. Environmental governance shall adopt an integrated ecosystem approach that recognises ecological systems as interconnected wholes, manages them on the basis of ecological boundaries and functions and prioritises the protection, restoration and enhancement of ecosystem integrity.

4.3.15 Science-policy integration. Environmental policy shall be informed by the best available scientific evidence, with a formal mechanism for incorporating findings from international and national scientific assessments into governance and decision-making.

4.3.16 Nexus governance and cross-sectoral integration. Environmental policy shall recognise and address the interdependence of water, energy, food, biodiversity, climate, land and health systems through integrated governance mechanisms that manage trade-offs and synergies.

4.3.17 Subsidiarity and devolution. Environmental decision-making shall take place at the most appropriate level of government, consistent with the Fourth Schedule distribution of functions and the objects of devolution, with structured coordination mechanisms and minimum standards for county environmental governance.

4.3.18 Environmental mainstreaming. Environmental considerations shall be integrated into all public finance, infrastructure planning and development decision-making, ensuring that sectors internalise environmental costs rather than externalising them.

4.3.19 Circular economy and resource efficiency. The management of natural resources, materials and waste shall follow circular economy principles that minimise extraction, extend product and material life cycles and reduce waste through reuse, recycling and recovery.

4.3.20 Adaptive governance. Environmental policy shall be subject to periodic review and adjustment in response to evolving scientific evidence, changing legal and environmental conditions and implementation experience.

4.3.21 Environmental data governance. Environmental data shall be collected, managed, shared and protected in accordance with the Data Protection Act (Cap 411C). The use of artificial intelligence and digital technologies in environmental monitoring, compliance and decision-making shall be responsible, transparent and subject to appropriate safeguards.

4.3.22 Common but differentiated responsibilities. Kenya's international environmental commitments shall reflect the principle that all nations share responsibility for global

⁵⁴Constitution of Kenya 2010, art 69(2).

environmental protection, while developing countries bear differentiated obligations commensurate with their historical contributions and current respective capabilities.

CHAPTER 5: CONSTITUTIONAL AND LEGAL FOUNDATION

5.1 Chapter Policy Objective and Overview

Chapter policy objective

To ensure that the National Environment Policy is systematically aligned with the constitutional environmental governance framework, that each policy direction is grounded in a specific constitutional mandate, and that the governance standards established by the courts in interpreting Articles 10, 42, 69, and 70 are incorporated into the policy as binding standards.

Overview

The Constitution of Kenya 2010 establishes the most comprehensive environmental governance framework in Kenya's history. The Preamble commits Kenya to nurturing and protecting the environment for present and future generations. Article 10 enshrines sustainable development as a binding national value. Article 42 guarantees every person the right to a clean and healthy environment, including the right to have the environment protected for the benefit of present and future generations. Article 69 imposes on the State specific obligations to ensure sustainable management and conservation of the environment, achieve and maintain ten per cent tree cover, protect biodiversity and genetic resources, establish systems of environmental impact assessment, encourage public participation, and eliminate processes likely to endanger the environment. Article 69(2) imposes on every person the duty to cooperate in environmental protection. Article 70 provides the enforcement mechanism through which any person may apply to the courts where these rights are denied, violated, or threatened. These environmental provisions operate within the broader Bill of Rights framework (Articles 19-25), which governs the application, enforcement, limitation, and judicial protection of all fundamental rights, and are interdependent with the rights to life (Article 26), health, water, food, and housing (Article 43). Chapter 5 of the Constitution establishes the principles of land policy that govern the management of land and environment as interconnected resources.

NEP 2013 referenced these constitutional provisions at a high level of generality but did not systematically map its policy directions to specific constitutional articles, establish structured mechanisms for compliance, or incorporate the governance standards subsequently established by the courts. This chapter establishes constitutional compliance as a binding framework for the policy. It maps each relevant constitutional provision to its impact on the revised policy, summarises the judicial interpretation that informs the policy.

Policy statement

The Government shall:

- 5.1.1** Align every policy direction, regulatory instrument and institutional arrangement made under this Policy with the constitutional provisions mapped in section 5.2, to give them effect.

5.2 Constitutional Provisions and their Effect on this Policy

Situational analysis

The following table maps each relevant constitutional provision to its impact on the revised National Environment Policy. Where judicial decisions have interpreted a provision, the relevant jurisprudence is indicated.

Constitutional provision	Effect on this Policy	Provisions affected
Preamble	Commits Kenya to nurturing and protecting the environment for present and future generations. Establishes the normative foundation for intergenerational equity as a governing principle of environmental policy.	Preamble; Articles 10, 42
Article 19: Rights and fundamental freedoms	The Bill of Rights is an integral part of Kenya's democratic state and the framework for social, economic and cultural policies. The right to a clean and healthy environment (Article 42) must be interpreted in this context, and all environmental policy must respect and promote the purposes and values of the Bill of Rights.	Articles 19, 42
Article 20: Application of the Bill of Rights	The Bill of Rights applies to all law and binds all State organs and all persons. Courts must adopt the interpretation that most favours the enforcement of a right. The NEP must recognise that environmental rights bind both levels of government and all persons, and that environmental legislation must be interpreted in the manner most favourable to their enforcement.	Articles 20, 42, 69, 70
Article 21: Implementation of rights and fundamental freedoms	It is a fundamental duty of the State to observe, respect, protect, promote and fulfil rights in the Bill of Rights, and to take legislative, policy and other measures, including the setting of standards, to achieve progressive realisation of the rights in Article 43. The NEP is itself a policy measure in fulfilment of this obligation.	Articles 21, 42, 43
Article 22: Enforcement of the Bill of Rights	Every person has the right to institute court proceedings where a right has been denied, violated, infringed or threatened. NEP shall ensure compliance with the Constitution to minimize environmental litigation	Articles 22, 42, 70
Article 23: Authority of courts to uphold the Bill of Rights	The High Court may grant appropriate relief, including declarations of rights, injunctions, conservatory orders, compensation, and judicial review. The NEP must support the effective exercise of these remedies in environmental matters.	Articles 23, 70; Environment and Land Court Act 2011
Article 24: Limitation of rights and fundamental freedoms	A right may be limited only by law, and only to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom, taking into account the nature of the right, the importance of the purpose of the limitation, and the relation between the limitation and its purpose. Environmental rights are not non-derogable under Article 25 and may therefore be limited, but only within this framework. The NEP must ensure that any limitation of environmental rights satisfies the proportionality test.	Articles 24, 25, 42
Article 25: Fundamental rights	The right to a clean and healthy environment is not listed among the non-derogable rights in Article 25. However, where	Articles 25, 26, 42

Constitutional provision	Effect on this Policy	Provisions affected
and freedoms not subject to limitation	environmental degradation threatens non-derogable rights such as the right to life or freedom from cruel, inhuman or degrading treatment, the non-derogability of those rights reinforces the urgency of environmental protection.	
Article 26: Right to life	The right to life underpins the environmental right. Environmental degradation, pollution, and exposure to hazardous substances threaten the right to life itself. The NEP must recognise this interdependence, particularly in pollution control, hazardous waste management, and environmental health frameworks. [Owino-Uhuru: Supreme Court affirmed constitutional liability for environmental harm causing loss of life and health.]	Articles 26, 42, 43; EMCA
Article 10: National values and principles of governance	Sustainable development is a binding national value. All environmental policy directions, institutional arrangements, and implementation mechanisms must be consistent with equity, social justice, good governance, transparency, accountability, and public participation. [Finance Act case (SC 2024): Public participation under Article 10(2) must be real and not illusory, purposive and meaningful.]	Article 10(2)(a)–(d)
Article 42: Right to a clean and healthy environment	Every person has the right to a clean and healthy environment, including the right to have the environment protected for the benefit of present and future generations. The NEP must operationalise this right through environmental quality standards, monitoring baselines, intergenerational equity indicators, and enforcement pathways. [Owino-Uhuru: Article 42 encompasses intergenerational equity; state liability for failure to enforce environmental regulations.]	Articles 42, 70; EMCA CAP 387
Article 43: Economic and social rights	The rights to the highest attainable standard of health, clean and safe water, adequate food, and housing are interdependent with the right to a clean environment. Environmental degradation impairs the capacity of ecosystems to support these rights. The NEP must recognise this nexus and ensure that environmental governance supports the progressive realisation of economic and social rights.	Articles 42, 43(1)(a)–(f), 69
Article 69(1)(a): Sustainable exploitation and equitable benefit-sharing	The State must ensure sustainable exploitation, utilisation, management, and conservation of the environment and natural resources, and equitable sharing of accruing benefits. The NEP must provide frameworks for benefit-sharing, in respect to Natural Resources. [Cortec Mining: EIA must precede resource extraction licensing; community consent is a constitutional requirement.]	Articles 69(1)(a), 42; EMCA; Mining Act CAP 386
Article 69(1)(b): Tree cover	The State must achieve and maintain a tree cover of at least ten per cent of the land area of Kenya. The NEP must establish the policy framework for this through tree growing, landscape restoration, and ecosystem-based management. [LSK v AG: Court addressed executive regulatory authority over forest resources and compliance with taskforce recommendations.]	Article 69(1)(b); Forest Conservation and Management Act CAP 385
Article 69(1)(c): Indigenous knowledge and genetic resources	The State must protect and enhance intellectual property in, and indigenous knowledge of, biodiversity and genetic resources of the communities of Kenya. The NEP must provide for the	Article 69(1)(c)

Constitutional provision	Effect on this Policy	Provisions affected
	protection of traditional ecological knowledge and equitable access to genetic resources.	
Article 69(1)(d): Public participation	The State must encourage and facilitate public participation in environmental management, protection, and conservation. The NEP shall adopt jurisprudentially established standards for meaningful, structured public participation, supported by access to environmental information. [Save Lamu: Meaningful engagement required, not mere formality. Menengai West: Courts must scrutinise quality, not merely occurrence. Finance Act case: Not a box-ticking ritual; substantive amendments to content consulted over will require fresh participation.]	Articles 10, 35, 69(1)(d); EMCA CAP 387; Climate Change Act CAP 387A s 20
Article 69(1)(e): Genetic resources and biodiversity	The State must protect genetic resources and biological diversity. The NEP must provide an integrated conservation and sustainable use and protection of genetic resources and biodiversity aligned with the Kunming-Montreal Global Biodiversity Framework.	Article 69(1)(e); EMCA CAP 387
Article 69(1)(f): Environmental assessment and monitoring	The State must establish systems of environmental impact assessment, audit, and monitoring of the environment. The NEP must strengthen these systems as mandatory accompaniments to decisions on environmental and natural resource use. [Menengai West: Climate impact assessment is mandatory under s 20 Climate Change Act CAP 387 A. Save Lamu coal plant: EIA licence set aside for inadequate public participation and lack of climate impact assessment.]	Articles 69(1)(f), 69(1)(g); EMCA CAP 387 Climate Change Act CAP 387A s 20
Article 69(1)(g): Elimination of harmful processes	The State must eliminate processes and activities likely to endanger the environment. The NEP must require that permitted activities are subject to conditions that protect environmental integrity, applying the precautionary principle. [Owino-Uhuru: Precautionary principle and polluter pays principle are constitutionally grounded.]	Articles 69(1)(g), 42; EMCA CAP 387
Article 69(1)(h): Utilisation for the benefit of the people	The environment and natural resources must be utilised for the benefit of the people of Kenya. The NEP must ensure that environmental governance serves the public interest and prevents capture of environmental resources by narrow interests.	Article 69(1)(h)
Article 69(2): Duty to cooperate	Every person has the duty to cooperate with State organs and other persons to protect and conserve the environment and ensure ecologically sustainable development. The NEP must provide for operationalization of shared responsibility.	Article 69(2); EMCA CAP 387
Article 70: Enforcement of environmental rights	Any person may apply to the courts where the right to a clean and healthy environment is denied, violated, infringed, or threatened. The NEP must support effective access to environmental justice, including public interest standing, environmental liability frameworks, and community litigation support. [Leboo: No personal loss or injury required for standing under Articles 42 and 70.]	Articles 42, 70; EMCA CAP 387 Environment and Land Court Act CAP 8D
Chapter 5, Articles 60–72: Land and Environment	The principles of land policy in Article 60 govern land and environment as interconnected resources. The NEP must align environmental governance with equitable access, security of tenure, sustainable and productive management of land	Articles 60–72; Land Act CAP 280; Physical and Land Use Planning Act CAP 303

Constitutional provision	Effect on this Policy	Provisions affected
	resources, and sound conservation of ecologically sensitive areas.	

Policy statements

The Government shall :

- 5.2.1** Strengthen the constitutional compliance framework for environmental governance, monitoring and reporting on the obligations under Articles 10, 19, 20, 21, 24, 25, 42, 69 and 70, including periodic reporting to Parliament.
- 5.2.2** Provide the mechanisms through which every person can exercise the duty under Article 69(2) to cooperate with State organs in protecting and conserving the environment.
- 5.2.3** Reduce the cost and procedural barriers to environmental justice that lie within the Government's control, including access to environmental information, the cost of expert evidence and legal aid under Article 70.
- 5.2.4** Require environmental impact assessment, environmental audit and environmental monitoring, including climate impact assessment, to accompany decisions on the use of natural resources, land use change and development, under Article 69(1)(f) and (g).

5.3 Judicial Interpretation

Situational analysis

Since 2013, the Courts have developed jurisprudence that operationalises the constitutional provisions set out above. The following table summarises the judicial decisions that establish governance standards incorporated by this policy, and the constitutional and statutory provisions affected.

Judgment and court	Point relevant to this Policy	Provisions affected
KM & 9 Others v Attorney General & 7 Others (Owino-Uhuru), Environment and Land Court; affirmed by Supreme Court ([2024] KESC 75)	State agencies bear constitutional liability for failure to enforce environmental regulations. Article 42 encompasses intergenerational equity. The precautionary principle and polluter pays principle are constitutionally grounded enforcement standards. Substantial compensation awarded for environmental harm.	Articles 26, 42, 69, 70; EMCA CAP 387
Muindi Kimeu & 3074 Others v Kenya Pipeline Company Ltd & NEMA (Thange River Basin),	NEMA bears constitutional liability under Article 69 for failure to proactively audit and monitor the environmental safety of business enterprises and for delay in issuing remediation orders. A state corporation operating business enterprises bears dual obligations as both State and non-	Articles 21, 26, 28, 29, 40, 42, 43, 69, 70; EMCA CAP 387 ss 3, 9, 108;

Judgment and court	Point relevant to this Policy	Provisions affected
Environment and Land Court, Makueni (Petition No 9 of 2019 (consolidated)) [2025] KEELC (11 July 2025)	State actor under Article 21. The right to a clean and healthy environment is interdependent with the rights to life, dignity, security of the person, property, and economic and social rights. The polluter pays principle, strict liability, and the UN Guiding Principles on Business and Human Rights apply to environmental harm caused by business operations.	Petroleum Act CAP 308, s 97
Mohamed Ali Baadi & 9 Others v Attorney General & 11 Others (Save Lamu / LAPSSET), High Court ([2018] KEHC 5397)	Failure to conduct adequate public participation and strategic environmental assessment for the LAPSSET corridor violated constitutional rights. Public participation under Articles 10 and 69(1)(d) requires meaningful engagement, not mere formality.	Articles 10, 35, 42, 69(1)(d); EMCA CAP 387 Physical and Land Use Planning Act CAP 303
Save Lamu & 5 Others v NEMA & Another (Lamu Coal Plant), National Environment Tribunal ([2019] KEELC 4739); affirmed, Environment and Land Court ([2025] KEELC 7285)	EIA licence set aside for inadequate public participation and absence of climate impact assessments. Kenya's international climate commitments under the Paris Agreement are relevant considerations in environmental impact assessment.	Articles 42, 69(1)(f), 69(1)(g); EMCA CAP 387 Climate Change Act CAP 387A
Cortec Mining Kenya Ltd v Cabinet Secretary, Ministry of Mining & 9 Others, Court of Appeal ([2017] KECA 515)	A mining licence cannot be validly issued without prior compliance with EMCA requirements. Environmental impact assessment must precede resource extraction licensing.	Articles 42, 69(1)(a), 69(1)(f); EMCA CAP 387 Mining Act CAP 306
Menengai West Stakeholders Forum & 10 Others v NEMA & Another, Environment and Land Court ([2025] KEELC 1169)	Courts must scrutinise the quality of public participation, not merely its occurrence. The EIA regulations require a minimum of three public meetings with affected communities. Climate impact assessment is a mandatory component of environmental impact assessment under section 20 of the Climate Change Act 2016.	Articles 10, 42, 69(1)(d), 69(1)(f); EMCA CAP 387 Climate Change Act CAP 387A s 20
Law Society of Kenya v Attorney General & 3 Others; Katiba Institute & 6 Others (Interested Parties), Environment and Land Court ([2024] KEELC 6532)	Addressed the executive's exercise of regulatory authority over forest resources, compliance with taskforce recommendations on forest management, and the obligation of meaningful public participation in environmental governance decisions.	Articles 10, 35, 69, 135; Forest Conservation and Management Act CAP 385; EMCA CAP 387
Joseph Leboo & 2 Others v Director Kenya Forest Services & Another, Environment and Land Court ([2013] KEELC 41)	Any person may institute environmental protection proceedings under Articles 42 and 70 without demonstrating personal loss or injury, establishing broad public interest standing in environmental matters.	Articles 42, 70; EMCA CAP 387
The Cabinet Secretary for the National Treasury and Planning & 4 Others v Okiya	Public participation is a constitutional principle under Article 10(2) of the Constitution that applies to all aspects of governance, not only to legislative processes (para 88(i)). It must be real and not illusory, purposive and meaningful,	Articles 10(1) and (2), 118(1) of the Constitution; binding by extension

Judgment and court	Point relevant to this Policy	Provisions affected
Omtatah Okoiti & 52 Others; Bhatia (Amicus Curiae) (Finance Act case), Supreme Court, Petition E031, E032 & E033 of 2024 (Consolidated), [2024] KESC 63 (KLR), 29 October 2024	with both quantitative and qualitative components (para 88(iv) and (v)), and accompanied by reasonable notice and a reasonable opportunity to be heard (para 88(vi)). Components of meaningful public participation include clarity of the subject matter, accessible structures, balanced influence, inclusive representation, integrity and transparency of the process, and capacity to engage on the part of the public, including prior sensitisation (para 88(ix)). The standard is reasonableness on a case-by-case basis (paras 88(viii) and 123). Where substantive amendments are introduced after the initial public participation, fresh participation is not automatically required; whether it is required depends on the reasonableness of the measures put in place, with timelines, cost and the importance of the legislation weighed in the assessment (paras 122–126). The duty bearer must provide a clear feedback mechanism enabling those who submitted views to understand that their input was considered; thematic grouping of similar views is permitted (para 150). The standard applies whether the public decision is manifested through a law or flows from a policy (para 211).	on every constitutional and statutory provision requiring public participation, including Article 69(1)(d) and sections 3 and 9(2)(d) of the Environmental Management and Co-ordination Act CAP 387

The Owino-Uhuru decision is the most significant environmental judgment in Kenya's post-2010 constitutional history. The Supreme Court established that state agencies bear constitutional liability for regulatory failure, that Article 42 encompasses intergenerational equity, and that the precautionary principle and the polluter pays principle are constitutionally grounded. This policy recognises these principles as binding governance standards.⁵⁵

The Thange River Basin decision extends these standards to the obligations of NEMA as the principal instrument of government for environmental management. The Court held that NEMA bears constitutional liability under Article 69 for failure to proactively audit and monitor the environmental safety of business enterprises, failure to initiate safeguards to prevent environmental accidents, and failure to timeously issue remediation orders. The Court further held that a state corporation operating business enterprises bears dual obligations as both State and non-State actor under Article 21 of the Constitution, to observe, respect, protect, promote and fulfil the rights and fundamental freedoms in the Bill of Rights, and affirmed the interdependence of the right to a clean and healthy environment with the rights to life (Article 26), dignity (Article 28), security of the person (Article 29), property (Article 40), and economic and social rights (Article 43). For this policy, the decision establishes that the State's duty to observe, respect, protect, promote, and fulfil environmental rights extends to ensuring that business enterprises do not violate those rights, and that NEMA must exercise proactive supervisory and monitoring functions over enterprises whose operations carry environmental risk.⁵⁶

⁵⁵KM & 9 Others v Attorney General & 7 Others (Mombasa ELC Petition No 1 of 2016); affirmed by the Supreme Court in Export Processing Zone Authority & 10 Others v NEMA & 3 Others, Petition E021 of 2023 [2024] KESC 75 (6 December 2024) (Owino-Uhuru).

⁵⁶Muindi Kimeu & 3074 Others v Kenya Pipeline Company Ltd & NEMA (Makueni ELC Petition No 9 of 2019 (consolidated with Petition Nos 8 and 12 of 2019)) [2025] KEELC (11 July 2025), paras 283–287, 295.

The Baadi, Save Lamu and Cortec Mining decisions establish that environmental impact assessment must precede resource use decisions, that public participation under Articles 10 and 69(1)(d) requires meaningful engagement rather than mere formality, and that community consent is a constitutional requirement in extractives governance.⁵⁷⁵⁸⁵⁹ The Menengai West decision further establishes that courts must scrutinise the quality of public participation, that the EIA regulations require a minimum of three public meetings with affected communities, and that climate impact assessment is a mandatory component of environmental impact assessment under section 20 of the Climate Change Act CAP 387A.⁶⁰

The Law Society of Kenya decision addresses executive regulatory authority over forest resources and affirms the obligation of meaningful public participation in environmental governance decisions.⁶¹ The Leboo decision establishes broad public interest standing, affirming that any person may institute environmental protection proceedings without demonstrating personal loss or injury.⁶²

The Supreme Court's decision in the Finance Act case, while not an environmental case, establishes public participation standards of general constitutional application. The Court affirmed that public participation under Article 10(2) of the Constitution applies to all aspects of governance, not only to legislative processes, and must be real and not illusory, purposive and meaningful, with both quantitative and qualitative components, accompanied by reasonable notice and a reasonable opportunity to be heard. The standard is reasonableness on a case-by-case basis, judged against the mode, degree, scope and extent of the participation actually facilitated. Where substantive amendments are introduced to a proposal after the initial public participation, fresh public participation is not automatically required; whether it is required depends on the reasonableness of the measures put in place, with timelines, cost and the importance of the legislation weighed in the assessment. Decision-makers must, in any event, put in place reasonable measures to ensure transparency and accountability in the treatment of proposals received, including a clear feedback mechanism enabling those who submitted views to understand that their input was considered, with thematic grouping of similar views permitted. The standard applies whether the public decision is manifested through a law or flows from a policy.⁶³

⁵⁷Mohamed Ali Baadi & 9 Others v Attorney General & 11 Others (Petition 22 of 2012) [2018] KEHC 5397 (Save Lamu / LAPSET).

⁵⁸Save Lamu & 5 Others v NEMA & Another [2019] KEELC 4739 (KLR); affirmed on appeal [2025] KEELC 7285.

⁵⁹Cortec Mining Kenya Ltd v Cabinet Secretary, Ministry of Mining & 9 Others [2017] KECA 515 (KLR).

⁶⁰Menengai West Stakeholders Forum & 10 Others v NEMA & Another (ELC Appeal E001 of 2024) [2025] KEELC 1169 (13 March 2025).

⁶¹Law Society of Kenya v Attorney General & 3 Others; Katiba Institute & 6 Others (Interested Parties) (ELC Petition E001 of 2023) [2024] KEELC 6532 (KLR).

⁶²Joseph Leboo & 2 Others v Director Kenya Forest Services & Another [2013] KEELC 41 (KLR).

⁶³*Cabinet Secretary for the National Treasury and Planning & 4 Others v Okiiti & 52 Others; Bhatia (Amicus Curiae)* (Petition E031, E032 & E033 of 2024 (Consolidated)) [2024] KESC 63 (KLR) (29 October 2024) paras 88(i)–(ix) (BAT standard reaffirmed), 122–126 (reasonableness factors including timelines, cost and the importance of the proposal, following the Constitutional Court of South Africa in *Mogale v Speaker of the National Assembly* (CCT 73/22) [2023] ZACC 14), 150 (feedback mechanism duty; thematic grouping of similar views permitted) and 211 (standard applies whether the public decision is manifested through a law or flows from a policy).

These decisions, taken together, establish binding governance standards on environmental liability, intergenerational equity, the precautionary principle, the obligations of business enterprises, public participation, environmental impact assessment, community consent, climate impact assessment, public interest standing, and access to environmental justice. This Policy incorporates these standards and directs that they be applied in the implementation of all policy directions set out in subsequent chapters.

Policy statements

The Government shall:

- 5.3.1** Apply the governance standards developed by the courts on environmental liability, intergenerational equity, the obligations of business enterprises, community consent and access to environmental justice in implementing this Policy.
- 5.3.2** Ensure that public participation in environmental governance is real and not illusory, purposive and meaningful, and that the contributions of the public bear on the decision, applying the standards established by the courts.

CHAPTER 6: INTERNATIONAL COMMITMENTS AND MEA ALIGNMENT

6.1 Chapter Policy Objective and Overview

Chapter policy objective

To translate Kenya's commitments under the multilateral environmental agreements to which it is Party into coherent policy direction and action through this Policy and its implementation, and to provide for the integration of new obligations as they emerge.

Overview

Kenya is Party to a substantial body of multilateral environmental agreements that impose binding obligations on the State. NEP 2013 committed generically to the implementation of multilateral environmental agreements (sections 1.6 and 8.6) and named only the Strategic Approach to International Chemicals Management (SAICM, section 5.7), without specifically referencing by name the Convention on Biological Diversity, CITES, the Ramsar Convention, the UNFCCC, or the UNCCD. The international environmental governance landscape has also changed fundamentally since 2013. The Paris Agreement (2015), the Kunming-Montreal Global Biodiversity Framework (2022), the BBNJ Agreement (2023), the Kigali Amendment to the Montreal Protocol (2016), the Minamata Convention on Mercury (2013), and the ongoing negotiations towards a Global Plastics Treaty represent a qualitatively different and more recent generation of international environmental commitments, each requiring structured domestic policy responses that NEP 2013 did not and could not anticipate.

This chapter establishes the policy framework for aligning the National Environment Policy with Kenya's major international environmental obligations. It maps the major commitment for each prioritized MEA to the domestic policy response required, identifies the domestication pathway, and sets out preliminary policy statements that will be developed through the Technical Working Group process. The chapter addresses the various multilateral environmental agreements and frameworks but is not exhaustive; sectoral SDG integration (e.g., SDGs 6, 13, 14, 15) is addressed in the relevant substantive chapters.

Policy statement

The Government will:

- 6.1.1** Give coherent effect to Kenya's commitments under the multilateral environmental agreements to which it is Party, by mapping each commitment to a domestic policy response and to an institution accountable for delivery.

6.2 Multilateral Environmental Agreement Commitments

Situational analysis

The following matrix maps Kenya's obligations under the major multilateral environmental agreement and framework to the policy response required under this Sessional Paper. This matrix is a living framework, open to refinement as ongoing negotiations and ratification processes progress over the life of this policy.

Agreement or framework	Kenya's obligation	Response in this Policy
Paris Agreement and the United Nations Framework Convention on Climate Change, and Kenya's Nationally Determined Contributions	32% GHG reduction by 2030 (Updated 2020 NDC); Second NDC covering 2031–2035; Paris Agreement Articles 4 (mitigation), 6 (carbon markets), 7 (adaptation), 8 (loss and damage).	Establish a direct policy link between the NEP, Kenya's NDCs, and the National Climate Change Action Plan. Provide the environmental governance framework for NDC implementation, including carbon market governance, loss and damage response, and just transition. Recognise that effective environmental management is a necessary condition for climate-resilient development.
Convention on Biological Diversity (CBD) and Protocols	Kenya is Party to the CBD (1992; ratified 1994), the Cartagena Protocol on Biosafety (2003) and the Nagoya Protocol on Access and Benefit-Sharing (2014). Obligations include conservation and sustainable use of biological diversity, NBSAP implementation, biosafety regulation of living modified organisms, and prior informed consent and benefit-sharing for genetic resources.	Recognise the CBD and its Protocols as the foundational biodiversity governance regime under which the Kunming-Montreal Global Biodiversity Framework sits. Direct sustained alignment with NBSAP 2019–2030, biosafety governance under the Biosafety Act 2009, and access and benefit-sharing governance under EMCA.
Kunming-Montreal Global Biodiversity Framework (2022)	Under the CBD 30x30 targets (30% of land and sea under effective conservation by 2030); halt extinction; restore degraded ecosystems; recognise Other Effective area-based Conservation Measures (OECMs); align NBSAP 2019–2030.	Direct domestication of the 30x30 targets and recognition of Other Effective Area-based Conservation Measures (OECMs). Commit to a biodiversity data baseline and monitoring framework. Direct operationalisation and sustainability of the now established National Biodiversity Coordination Mechanism. Align ecosystem restoration commitments with the Framework's restoration targets.
Vienna Convention, Montreal Protocol and Kigali Amendment	HFC phase-down under the Kigali Amendment to the Montreal Protocol, on the Article 5 Group 1 schedule targeting an 80 per cent reduction against baseline by 2045; national licensing of HFC trade; annual reporting on HFC production, consumption and emissions. Kenya accepted the Kigali Amendment on 22 September 2023.	Provide the governance framework for compliance with the Kigali Amendment, including alignment with the National Cooling Action Plan and Kenya's Kigali HFC Implementation Plan; integrating HFC phase-down obligations into environmental, energy, climate, trade and standards policy. Support the implementation of the EMCA (Controlled Substances) Regulations 2025 and the development of a national lifecycle refrigerant management framework.

Agreement or framework	Kenya's obligation	Response in this Policy
Minamata Convention on Mercury	Mercury reduction; governance of artisanal and small-scale gold mining; mercury trade controls.	Commit to a mercury reduction strategy and governance framework for artisanal gold mining. Establish mercury monitoring and reporting mechanisms. Address the environmental and health impacts of mercury use in artisanal mining.
Agreement on Biodiversity Beyond National Jurisdiction (2023)	Conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction; environmental impact assessment for activities affecting ABNJ; area-based management tools; marine genetic resources benefit-sharing.	Provide the national policy framework for the implementation of Kenya's obligations and the exercise of its rights as a coastal African State Party. Operationalise adjacent coastal State procedural rights for notification and consultation on environmental impact assessments and area-based management tools in ABNJ. Engage in the proposal and establishment of marine protected areas and other Area-Base Management Tools (ABMTs). Implement EIA obligations for activities under Kenya's jurisdiction or control in ABNJ, and access the Agreement's special fund, GEF window and capacity-building support.
Basel, Rotterdam, and Stockholm Conventions	Hazardous waste transboundary movement (Basel); prior informed consent for chemicals trade (Rotterdam); persistent organic pollutants elimination (Stockholm).	Commit to comprehensive chemical value chain governance aligned with the three Conventions. Direct operationalisation of POPs monitoring and elimination. Strengthen hazardous waste screening and transboundary movement controls. Address pharmaceutical waste and e-waste governance.
Convention to Combat Desertification, and land degradation neutrality	Land degradation neutrality by 2030; integration of SDG 15.3 into UNCCD implementation (Decision 3/COP.15); land tenure policy frameworks (Decision 27/COP.15).	Integrate LDN targets into environmental policy. Recognise the soil-climate carbon linkage. Direct linkage between the NEP and the UNCCD Target Setting Programme (TSP 2.0). Commit to fulfilment of the NEP 2013 promise of a National Soil Conservation Policy. Address the land tenure dimensions of land degradation.
Sendai Framework for Disaster Risk Reduction 2015 to 2030	Disaster risk reduction; environment-disaster nexus; ecosystem-based disaster risk reduction (Eco-DRR).	Recognise environmental degradation as a driver of disaster risk. Commit to ecosystem-based disaster risk reduction (Eco-DRR). Establish environment and DRR regulatory coordination for post-disaster environmental rehabilitation. Align with the Kenya National DRM Strategy 2025–2030.
Global Plastics Treaty (INC process)	Plastics lifecycle governance (under negotiation); production,	Commit to comprehensive plastics lifecycle governance. Establish a framework for alignment with anticipated

Agreement or framework	Kenya's obligation	Response in this Policy
	consumption, and disposal of plastics; microplastics regulation.	treaty obligations as negotiations conclude. Address microplastics governance and enforcement of existing plastic bag and single-use plastics bans.
Nairobi Convention (Western Indian Ocean)	Protection, management and development of the marine and coastal environment of the Western Indian Ocean region under the Amended Nairobi Convention (2010), including cooperation on pollution prevention and control, conservation of biological diversity, and integrated coastal zone management. Implementation of the Integrated Regional Programme 2025–2035 and the COP 11 decisions on marine litter, biodiversity (30 by 30), blue carbon ecosystems and climate.	Operationalise integrated coastal zone management and marine spatial planning. Direct the implementation of the Integrated Regional Programme 2025–2035 and the COP 11 decisions, including the Regional Mangrove Action Plan, blue carbon ecosystem protection and restoration, and the 30 by 30 marine and coastal target. Strengthen mangrove, seagrass and coral reef protection. Address county-level marine coordination across Kenya's coastal counties (Mombasa, Kilifi, Kwale, Lamu, Tana River).
Maputo Convention 2003 and African Union Agenda 2063	Conservation of nature and natural resources; continental environmental governance commitments under AU Agenda 2063.	Domesticate continental conservation commitments. Integrate AU environmental governance frameworks into national policy. Align with Africa's environmental priorities under Agenda 2063.
Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)	Kenya is Party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Obligations include the regulation of international trade in specimens of species listed in Appendices I, II and III through national Management and Scientific Authorities, the issuance of permits and certificates, periodic non-detriment findings, and compliance with the resolutions and decisions of the Conference of the Parties, including those on elephant specimens and the National Ivory Action Plan process.	Recognise CITES as part of the foundational MEA architecture of Kenya's environmental governance, and direct coherence between this Policy and the wildlife sector's CITES implementation under the Wildlife Conservation and Management Act 2013 and the wildlife policy process. Ensure that environmental assessment, monitoring and enforcement frameworks under EMCA support and do not duplicate the wildlife sector's CITES functions.
Ramsar Convention on Wetlands	Kenya is Party to the Convention on Wetlands of International Importance and has designated six Ramsar sites: Lake Bogoria, Lake Naivasha, Lake Nakuru, Lake Elementaita, Lake Baringo, and the Tana River Delta. Obligations include the maintenance of ecological character of designated sites, the wise use of all wetlands within national territory, notification of changes in ecological character, and triennial national reporting.	Recognise the Ramsar Convention as part of the foundational MEA architecture of Kenya's environmental governance, and direct coherence between this Policy and the wetlands sector instruments, namely the National Wetlands Conservation and Management Policy (Sessional Paper No. 12 of 2014) and the Wetlands, River Banks, Lake Shores and Sea Shore Management Regulations 2009. Direct the review and updating of the National Wetlands Conservation and Management Policy and its subsidiary legislation to

Agreement or framework	Kenya's obligation	Response in this Policy
		reflect contemporary obligations under Ramsar and the wider environmental governance landscape.
Bamako Convention	Kenya ratified the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa (1991) in 2025. Obligations include prohibition of import of hazardous and radioactive wastes from non-African states and control of transboundary movement of such wastes within Africa.	Provide the policy framework for Bamako Convention implementation alongside the Basel and Stockholm regimes. Operationalise the import ban on hazardous wastes from outside Africa; harmonise with the Sustainable Waste Management Act 2022 and engage in continental coordination.
East African Community Protocol on Environment and Natural Resources Management (2006)	Kenya signed the East African Community Protocol on Environment and Natural Resources Management (2006). Obligations include cooperation on transboundary ecosystems, harmonisation of environmental standards, and joint environmental impact assessment for transboundary projects, subject to entry into force. Protocol is not ratified.	Pursuit of ratification of the EAC Protocol on Environment and Natural Resources Management.
World Heritage Convention (1972)	Kenya is Party to the Convention concerning the Protection of the World Cultural and Natural Heritage. Kenya hosts three natural World Heritage sites, Mount Kenya National Park/Natural Forest (1997), Lake Turkana National Parks (Sibiloi, South Island and Central Island National Parks, 1997; on the List of World Heritage in Danger since 2018) and the Kenya Lake System in the Great Rift Valley (Lakes Bogoria, Nakuru and Elementaita, 2011), and four cultural World Heritage properties: Lamu Old Town (2001), Sacred Mijikenda Kaya Forests (2008), Fort Jesus, Mombasa (2011) and Thimlich Ohinga Archaeological Site (2018). Obligations include the identification, protection, conservation, presentation and transmission to future generations of both cultural and natural heritage (Article 4), the adoption of general policy and the establishment of protective services and measures (Article 5), and respect for the	Provide the policy framework for the protection and conservation of Kenya's natural and cultural World Heritage sites, recognising the linked cultural-natural heritage value of properties such as the Sacred Mijikenda Kaya Forests and the coastal cultural landscapes of Lamu Old Town and Fort Jesus, Mombasa. Direct coherence between this Policy and the wildlife, forestry, marine and coastal, and cultural heritage sector legal and policy instruments. Direct the sustained attention to the conservation status of both global and nationally recognized heritage sites and the integration of heritage requirements into ecosystem-based landscape management.

Agreement or framework	Kenya's obligation	Response in this Policy
	heritage of other States Parties (Article 6).	
International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)	Kenya is Party to the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA, adopted 2001, entered into force 2004). Obligations include the in situ and ex situ conservation, exploration, collection, characterization, evaluation and documentation of plant genetic resources for food and agriculture (Article 5), their sustainable use (Article 6), the fair and equitable sharing of benefits arising from their use under the Multilateral System (Articles 1 and 13), recognition and protection of Farmers' Rights (Article 9), and access to the 64 Annex I crops and forages through the Standard Material Transfer Agreement (Articles 10–12).	Recognise the ITPGRFA as anchoring the agriculture–biodiversity interface, and direct coherence between this Policy and the agriculture, food security and biodiversity sector instruments in conserving and sustainably using Kenya's plant genetic resources. Direct alignment with the Convention on Biological Diversity and the Nagoya Protocol on Access and Benefit-Sharing, support to Kenya's national gene bank at the Kenya Agricultural and Livestock Research Organization (KALRO) Genetic Resources Research Institute, and the operationalisation of Farmers' Rights through the agriculture and biodiversity policy processes.

The matrix above lists eighteen agreements and frameworks. The obligations fall into six areas: climate, biodiversity, chemicals and waste, land, the marine environment and disaster risk. Kenya must report under several of them even where no domestic law or regulation has been made. Two of them, on biodiversity beyond national jurisdiction and on hydrofluorocarbons, were agreed after 2013. A third, on plastics, is still under negotiation. None of the three is yet provided for in national policy. The policy statements below demonstrate the commitments with respect to each area of MEA governance.

Policy statements

The Government shall :

- 6.2.1** Maintain a direct link between this Policy, Kenya's Nationally Determined Contribution and the National Climate Change Action Plan, and provide the environmental governance framework for their implementation.
- 6.2.2** Implement the Convention on Biological Diversity, its Protocols and the Kunming-Montreal Global Biodiversity Framework, including the 30 by 30 targets, other effective area based conservation measures, and alignment with the national biodiversity strategy and action plan.
- 6.2.3** Govern chemicals and hazardous waste across the value chain, aligned with the Basel, Rotterdam, Stockholm, Minamata and Bamako Conventions, and with the obligations anticipated under the global plastics instrument.

- 6.2.4** Extend Kenya’s marine environmental governance to meet its obligations and exercise its rights under the BBNJ Agreement and the Nairobi Convention, including integrated coastal zone management and marine spatial planning.
- 6.2.5** Implement Kenya’s obligations under the Vienna Convention, the Montreal Protocol and the Kigali Amendment, integrating the hydrofluorocarbon phase-down with the National Cooling Action Plan and the Nationally Determined Contribution.
- 6.2.6** Integrate land degradation neutrality under the Convention to Combat Desertification into environmental policy, recognise the link between soil and carbon, and pursue a national soil conservation policy.
- 6.2.7** Recognise environmental degradation as a driver of disaster risk, and align with the Sendai Framework and the National Disaster Risk Management Strategy 2025 to 2030, including ecosystem based approaches.
- 6.2.8** Ensure coherence between this Policy and the wildlife, wetlands and heritage sectors in implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Ramsar Convention, the Convention on Migratory Species and the World Heritage Convention.
- 6.2.9** Implement Kenya’s obligations under the Maputo Convention and Agenda 2063, pursue ratification of the East African Community Protocol on Environment and Natural Resources Management, and integrate the plant genetic resources treaty.

6.3 Domestication Pathway

Situational analysis

The domestication of multilateral environmental agreements into national policy and law requires a structured pathway that addresses the institutional, legislative, and operational dimensions of implementation. NEP 2013 committed to MEA domestication and monitoring of ratified treaties (section 8.6) but did not establish a systematic mechanism for translating international obligations into enforceable domestic standards. This section sets out the pathway that this policy adopts.

The climate regime illustrates the domestication challenge. Kenya ratified the Paris Agreement and submitted an Updated NDC committing to a 32% GHG reduction by 2030 and a Second NDC covering 2031-2035.⁶⁴ The Climate Change Act CAP 387A and the National Climate Change Action Plans provide the primary legislative and planning instruments. However, the environmental governance dimensions of climate action, among them the role of ecosystem integrity in climate resilience, the environmental assessment of climate-related projects, the governance of nature-based solutions, and the environmental standards for carbon market activities under Article 6, require a direct policy link between this NEP and the NDC

⁶⁴Updated NDC (2020); Second NDC covering 2031–2035.

framework. NEP 2013 addressed climate change in broad terms (section 5.10) but predated the Paris Agreement and the NDC architecture. This policy provides the environmental governance bridge.

The biodiversity regime presents a similar domestication requirement. The Kunming-Montreal Global Biodiversity Framework establishes the 30x30 targets, the OECMs mechanism, and quantified restoration commitments that NEP 2013 could not anticipate.⁶⁵ Kenya's updated NBSAP 2019–2030 provides the national implementation framework, and the National Biodiversity Coordination Mechanism establishes the institutional architecture. This policy directs the alignment of environmental governance with these commitments, including the integration of biodiversity considerations into environmental impact assessment, land use planning, and development decision-making.

The chemicals and waste regime requires comprehensive domestication across multiple conventions. The Basel, Rotterdam, and Stockholm Conventions govern hazardous waste, chemicals trade, and persistent organic pollutants respectively. The Minamata Convention addresses mercury governance, an area that NEP 2013 did not address and that is particularly relevant to artisanal and small-scale gold mining in Kenya. The first chemical-specific regulations under EMCA were gazetted only in 2024 (Legal Notice 182 of 2024), and a comprehensive chemical value chain governance framework remains to be established. The emerging Global Plastics Treaty will add further obligations on plastics lifecycle governance that this policy must anticipate.

The oceans and marine regime has expanded significantly. NEP 2013 addressed coastal and marine ecosystems within the 200 nautical mile Exclusive Economic Zone. The BBNJ Agreement (2023) extends marine environmental governance to areas beyond national jurisdiction, imposing obligations on environmental impact assessment, area-based management tools, and marine genetic resources benefit sharing that NEP 2013 did not contemplate. The Nairobi Convention provides the regional framework for the Western Indian Ocean. This policy extends Kenya's marine environmental governance to meet these expanded obligations.

The Kigali Amendment to the Montreal Protocol, accepted by Kenya on 22 September 2023, brings hydrofluorocarbons (HFCs) within the Protocol's control regime and places Kenya on the Article 5 Group 1 phase-down schedule targeting an 80 per cent reduction against baseline by 2045.⁶⁶ NEP 2013 acknowledged stratospheric ozone depletion (in the foreword) but did not specifically reference the Montreal Protocol or anticipate the HFC phase-down architecture, the National Cooling Action Plan, or the climate-cooling-energy linkage⁶⁷ now

⁶⁵Kunming-Montreal Global Biodiversity Framework, Decision 15/4, COP 15 (December 2022).

⁶⁶Decision XXVIII/1 of the Twenty-Eighth Meeting of the Parties (Kigali, 15 October 2016), inserting Article 2J into the Montreal Protocol on Substances that Deplete the Ozone Layer; Article 5 paragraph 8 qua (a) (Group 1 schedule for Article 5 Parties); Article 4B paragraph 2 bis (licensing); Article 7 (reporting); Article 2J paragraphs 6–7 (HFC-23 destruction); Article 10 (Multilateral Fund). Kenya deposited its instrument of acceptance on 22 September 2023.

⁶⁷ Decision XXVIII/3 (Energy efficiency), Twenty-Eighth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer (Kigali, 10–15 October 2016), recognising the opportunities and co-benefits of combining the hydrofluorocarbon phase-down with energy efficiency improvements in the

recognised by the Parties. This policy provides the environmental governance framework for sustainable cooling and the transition to climate-friendly, low-GWP refrigerants,⁶⁸ with the Multilateral Fund under Article 10 of the Protocol providing the principal financing channel for incremental compliance costs.⁶⁹

Land degradation neutrality under the UNCCD requires integration of LDN targets into environmental policy, recognition of the soil-climate carbon linkage, and fulfilment of the NEP 2013 promise of a National Soil Conservation Policy, which remains unimplemented.⁷⁰ The Sendai Framework for Disaster Risk Reduction establishes the environment-disaster nexus and the concept of ecosystem-based disaster risk reduction, both of which NEP 2013 did not address.

The pathway for each MEA commitment runs in four steps: signature, and ratification; the regulatory (law, policy or other) instrument that gives it domestic effect; the institution accountable for delivery; and the reporting obligation against which progress is measured. The matrix in section 6.2 records where each commitment stands on that pathway, and the monitoring and evaluation framework in Chapter 14 tracks its implementation.

Policy statements

The Government shall :

- 6.3.1** Establish a monitoring and reporting mechanism for compliance with the multilateral environmental agreements, tracking domestication against the matrix in section 6.2 and reporting through the framework in Chapter 14.
- 6.3.2** Consult the county governments before ratifying to a multilateral environmental agreement whose implementation will fall to county functions.

The Government and county governments shall :

- 6.3.3** Deliver the obligations under the multilateral environmental agreements that fall to both levels, through county environment action plans and County Integrated Development Plans, and channel county data into national reporting.

refrigeration and air-conditioning sectors, and requesting the Technology and Economic Assessment Panel to review such opportunities and to report on the cost and availability of low-GWP and zero-GWP technologies that maintain or enhance energy efficiency <https://ozone.unep.org/treaties/montreal-protocol/meetings/twenty-eighth-meeting-parties/decisions/decision-xxviii3-energy-efficiency> accessed 12 May 2026.

⁶⁸ Decision XXVIII/2, Twenty-Eighth Meeting of the Parties to the Montreal Protocol (Kigali, 15 October 2016), paragraphs 22 (cost guidance on energy efficiency of low-GWP and zero-GWP replacement technologies and equipment) and 23 (technical assistance and capacity-building to address safety associated with low-GWP and zero-GWP alternatives); Ministry of Environment, Climate Change and Forestry, *National Cooling Action Plan for Kenya 2023–2027* (Government of Kenya 2023); Multilateral Fund for the Implementation of the Montreal Protocol, Kenya Kigali HFC Implementation Plan (KIP).

⁶⁹ Montreal Protocol on Substances that Deplete the Ozone Layer (adopted 16 September 1987, entered into force 1 January 1989) 1522 UNTS 3, article 10 (financial mechanism establishing the Multilateral Fund for the implementation of the Montreal Protocol, financing the agreed incremental costs of Parties operating under paragraph 1 of Article 5); Decision XXVIII/2 (n above), paragraph 9 (confirming that the Kigali Amendment maintains the Multilateral Fund as the financial mechanism for HFC obligations for Article 5 Parties, with developed Parties to provide sufficient additional financial resources).

⁷⁰UNCCD COP 15, Decisions 3/COP.15 (integration of SDG 15.3 into UNCCD implementation) and 27/COP.15 (land tenure policy frameworks).

The County governments shall

- 6.3.4** Implement the commitments that fall within county functions, including waste, land degradation neutrality, ecosystem based disaster risk reduction, and area based conservation on county and community land in line with national policy.

CHAPTER 7: OVERARCHING POLICY COMMITMENTS

7.1 Chapter Policy Objective and Overview

Chapter policy objective

To state the commitments that run through this Policy as a whole, so that the objectives at 4.2 are pursued consistently across sectors, across the chapters that follow and across both levels of government.

Overview

The chapters that follow deal with particular domains of environmental governance, and each states the objective it pursues and the commitments through which that objective is met. The commitments in this chapter are the ones common to all of them. They are drawn from the objectives of the chapters that follow, and each is elaborated in the chapter named at the end of it.

This chapter creates no obligation that is not carried in a later chapter. Its purpose is to allow the Policy to be read as one instrument, and to give the reader, and the institutions that will implement it, the whole of what this Policy commits the Government to before the detail of each domain is reached.

7.2 The Overarching Commitments

Policy statements

The Government shall:

- 7.2.1** Ground each policy direction in this Policy in a specific constitutional mandate, and apply the governance standards the courts have established in interpreting Articles 10, 42, 69 and 70, as provided in Chapter 5.
- 7.2.2** Translate Kenya's obligations under the multilateral environmental agreements into domestic policy direction and action, and integrate new obligations as they arise, as provided in Chapter 6.
- 7.2.3** Govern the natural resource base through integrated, ecosystem based management of landscapes, forests, biodiversity, water, soils, land use, coastal and marine resources, extractives, agriculture and tourism, as provided in Chapter 8.
- 7.2.4** Give effect to the right to a clean and healthy environment through environmental quality standards, pollution control, sound chemicals management and the transition to a circular economy, as provided in Chapter 9.

- 7.2.5** Establish the environmental governance architecture for climate action, the energy transition and the emerging governance themes, as provided in Chapter 10.
- 7.2.6** Govern the interlinkages between water, energy, food, land, biodiversity, climate and urban systems through cross-sectoral arrangements, as provided in Chapter 11.
- 7.2.7** Share the benefits and burdens of environmental governance fairly within and between generations, and secure the participation of those whom environmental decisions affect, as provided in Chapters 4 and 11.
- 7.2.8** Exercise environmental functions through institutional and intergovernmental arrangements that make both levels of government answerable for delivery, compliance and enforcement, as provided in Chapter 12.
- 7.2.9** Finance environmental management from public, private and international sources, and account for the environmental revenue raised and the expenditure incurred, as provided in Chapter 13.
- 7.2.10** Implement, monitor, evaluate and report on this Policy against measurable indicators, and revise it on the evidence that implementation provides, as provided in Chapter 14.

PART II: SUBSTANTIVE POLICY CHAPTERS

The chapters that follow set out the substantive commitments of this Policy. They begin with the natural resource base and with environmental quality and public health, turn to climate change, the energy transition and the emerging governance themes, and then to the cross-sectoral and cross-cutting arrangements. They conclude with the institutions, the financing and the monitoring and evaluation through which this Policy is delivered.

CHAPTER 8: ECOSYSTEMS, NATURAL RESOURCES AND LANDSCAPE MANAGEMENT

8.1 Chapter Policy Objective and Overview

Chapter policy objective

To ensure integrated, ecosystem-based governance of Kenya's natural resource base, covering landscapes, forests, biodiversity, water, soils, land use, coastal and marine resources, extractives, agriculture and tourism, in pursuit of constitutional environmental rights, sustainable development, and Kenya's international environmental commitments.

Overview

Kenya's natural resource base sustains the constitutional right to a clean and healthy environment under Article 42 of the Constitution and underwrites the livelihoods, food, water, energy and wider socio-economic foundations of the State. The National Environment Policy, 2013 (NEP 2013) addressed natural resources sector by sector: land, water, forests, wildlife and minerals were treated as separate domains. This Policy adopts an ecosystem-based approach in which landscapes, catchments, forests, biodiversity, soils, coastlines, extractives, agriculture and tourism are governed as interdependent systems. The sections that follow describe the current state of each domain and the directions this Policy takes, and each section closes with its policy statements.

For the purposes of this Policy, an ecosystem is a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit.⁷¹ Ecosystems exist at different scales, from a wetland or a forest block to a river basin, a rangeland or a seascape. This chapter first addresses Kenya's principal ecosystems: forests and woodlands; inland waters, wetlands and riparian lands; drylands, rangelands and savannahs; urban and peri-urban areas; coastal and marine areas; and agroecosystems. It then addresses the issues that cut across them.

This Policy adopts ecosystem-based and landscape management as the governing approach for natural resources. Indeed, landscapes are not the sum of their sectors: catchments link forests, soils, wetlands and farmland, biodiversity corridors cross protected areas, community lands and infrastructure, and coastlines couple terrestrial drainage with marine ecosystems. Kenya's environmental governance has historically been organised by resource type or use rather than by landscape. The Environmental Management and Co-ordination Act (EMCA) provides the integration spine through environmental impact assessment (EIA) and strategic environmental assessment (SEA), but landscape-scale planning and catchment-level coordination remain weakly operationalised in practice. That approach is given effect through environmental impact assessment and strategic environmental assessment under the Act as the principal cross-sectoral integration instruments, and through county and inter-county coordination as the operating

⁷¹Environmental Management and Co-ordination Act (Cap. 387), s 2; Convention on Biological Diversity (adopted 5 June 1992, entered into force 29 December 1993) 1760 UNTS 79, art 2.

norm. Research, training, capacity building and public awareness for the subject matter of this chapter are governed by section 11.11.

Policy statement

The Government will:

- 8.1.1** Ensure that integrated, ecosystem-based and landscape-scale management is the governing approach for natural resources, with environmental impact assessment and strategic environmental assessment under EMCA as the principal cross-sectoral integration instruments.
- 8.1.2** Support research, training, capacity building and public awareness on ecosystem condition, ecosystem-based management and the value of ecosystem services, applying the framework in section 11.11.

Ecosystems

8.2 Forests and Woodlands Ecosystem

Situational analysis

Kenya's forest ecosystem is a pillar of the country's socio-economic stability and environmental wellbeing. The Forestry and Logging sector recorded an economic output of about Kenya Shillings (KES) 218.1 billion in 2022, amounting to about 1.6 per cent of gross domestic product (GDP).⁷² The formal sector directly employs between 18,000 and 50,000 people and supports a further 300,000 to 600,000 indirectly, while forests and trees provide over 90 per cent of rural and peri-urban energy requirements and sustain the catchments on which about 70 per cent of the country's hydro-generated power depends.⁷³ These forests deliver indispensable environmental services, from protecting watersheds and stabilising soil to capturing carbon, restoring degraded land, and providing habitats for biodiversity.

Recognising these ecological benefits, Kenya's legal and policy frameworks place forest conservation at the heart of national development. Article 69(1)(b) of the Constitution requires the State to work to achieve and maintain a tree cover of at least 10 per cent of the land area of Kenya. While 2021 estimates showed tree cover at 12.13 per cent and forest cover at 8.83 per cent,⁷⁴ the Government has since raised its ambitions to achieve 30 per cent tree cover by 2032 and 10 per cent forest cover by 2030.⁷⁵ The statutory foundation for these goals rests on the Forest Conservation and Management Act (Cap. 385), which outlines the governance structure across public, private, and community forests while empowering local communities through Community Forest Associations.

⁷²Kenya National Bureau of Statistics, *Economic Survey 2023* (Government of Kenya 2023) 32–33, tables 2.1 and 2.2; Ministry of Environment, Climate Change and Forestry, *Kenya National Forest Financing Strategy* (Government of Kenya) 2.

⁷³Kenya National Forest Financing Strategy (n 2) 2.

⁷⁴Kenya Forest Service, *National Forest Resources Assessment Report 2021* (Government of Kenya 2021) 7.

⁷⁵Kenya Forest Service, *Strategic Plan 2023–2027* (2024) <<https://afr100.org/sites/default/files/2024-05/26%20March%202024%20Kenya%20Forest%20Strategic%20Plan.pdf>> accessed 12 May 2026.

To bridge remaining restoration gaps, Kenya has mobilised several large-scale ecological initiatives. The top priority is the 15 Billion Tree Growing Initiative, launched in 2022 to drive targeted planting nationwide over a decade.⁷⁶ This initiative aligns with international pledges under the Bonn Challenge and AFR100 to restore 5.1 million hectares by 2030, alongside the National Landscape and Ecosystem Restoration Strategy (2023–2032), which targets 10.6 million hectares overall.⁷⁷ The country has developed the National Agroforestry Strategy (2025–2035), which focuses heavily on private and community lands, particularly in arid and semi-arid lands (ASALs), to meet nearly a third of the broader national restoration goals.⁷⁸ Linking these efforts to Kenya’s Nationally Determined Contribution (NDC) and the National Strategy on Reducing Emissions from Deforestation and Forest Degradation (REDD+)⁷⁹ ensures that forest carbon monitoring and tree-growing metrics remain transparent, accurate, and verifiable.

Despite this progress, Kenya’s forest ecosystems face mounting pressures. Rapid population growth, urbanisation, and agricultural expansion continue to drive land degradation, while unsustainable harvesting and a heavy reliance on wood biomass for energy strain remaining resources. These physical threats are compounded by structural issues, including weak coordination between national and county governments, underfunding for conservation programmes, and climate-induced disruptions like recurrent droughts. The systematic undervaluation of forestry’s true economic contributions obscures its place in national planning and weakens the case for investing in it. This Policy provides for the integration of forest governance with climate, water, biodiversity and agriculture policy, and for forest carbon and the national tree-growing programme to be anchored in transparent and verifiable accounting.

Policy statements

The Government and county governments shall:

- 8.2.1** Work to achieve and maintain a tree cover of at least 10 per cent of the land area of Kenya, as required by Article 69(1)(b) of the Constitution.

The Government will:

- 8.2.2** Accelerate the achievement and maintenance of at least 10 per cent forest cover by 2030 and 30 per cent tree cover by 2032 through the national tree-growing programme, in line with national restoration strategies.
- 8.2.3** Mobilise adequate public, private, and carbon-market resources and investments to build long-term, predictable financing for forest ecosystem conservation, management, and restoration.

⁷⁶Ministry of Environment, Climate Change and Forestry, *Kenya Landscape and Ecosystem Restoration Monitoring Framework* (Government of Kenya 2025) 18.

⁷⁷*ibid* 14–15.

⁷⁸Ministry of Environment, Climate Change and Forestry, *National Agroforestry Strategy 2025–2035* (Government of Kenya 2025) 13.

⁷⁹Ministry of Environment and Forestry, *National REDD+ Strategy* (Government of Kenya, 4 August 2022).

- 8.2.4** Generate and apply climate observations, risk modelling and projection scenarios in forest management planning, and account for forest carbon on a transparent and verifiable basis.

The Government and county governments will:

- 8.2.5** Integrate accurate forest ecosystem valuation, including environmental services and carbon stocks, into national and county economic planning, GDP accounting, and budgeting frameworks.
- 8.2.6** Empower Community Forest Associations (CFAs), smallholders, community and private landowners through technical extension services to accelerate sustainable tree growing, farm forestry, and commercial agroforestry.
- 8.2.7** Establish joint coordination mechanisms between national agencies and county governments to harmonise forest policy, eliminate institutional overlap, and standardise extension services for commercial forestry and agroforestry.
- 8.2.8** Regulate land use to eliminate forest loss driven by urbanisation and agricultural expansion, in support of the catchment-based management of water towers and catchments under section 8.3.2.
- 8.2.9** Promote sustainable biomass management and incentivise clean energy alternatives to reduce rural and urban dependence on wood fuel.

County governments will (Fourth Schedule to the Constitution, Part 2, paragraphs 8 and 10):

- 8.2.10** Integrate nature-based solutions in county infrastructure and water security planning, using local ecosystems as natural infrastructure for resilience and climate adaptation.
- 8.2.11** Mainstream commercial forestry, agroforestry, and landscape restoration into County Integrated Development Plans (CIDPs) and spatial and physical planning frameworks, ensuring alignment with national restoration targets.

8.3 Inland Waters, Wetlands and Riparian Lands Ecosystems

Situational analysis

Kenya is a water-scarce country despite having eighteen (18) gazetted water towers and six (6) water basins. In this Policy, an inland water ecosystem is any aquatic ecosystem occurring on land, including rivers, streams, lakes, wetlands, floodplains, springs, and groundwater-dependent systems, whether its waters are fresh or saline. Inland waters, wetlands and riparian lands form an interconnected inland water ecosystem that is fundamental to water security, food production, biodiversity, climate resilience and rural livelihoods. However, the overall situation is one of increasing ecological pressure, declining water quality in many areas, habitat conversion and weak enforcement of land-use controls. These ecosystems are governed by international, national and county legislation, which mandates various agencies to implement it. The Ramsar Convention provides for protection of ecologically sensitive sites (see Chapter 6), while the Water Act 2016 and the National Water Policy (Sessional Paper No. 1 of 2021)

provide the integrated water resources management and basin-scale allocation framework; the EMCA (Water Quality) Regulations 2024 set the pollution control architecture, and the National Wetlands Conservation and Management Policy (Sessional Paper No. 12 of 2014) covers wetlands governance. Riparian lands are covered under the Physical and Land Use Planning Act 2019 and its 2021 Regulations, with a role for the Water Resources Authority in determining riparian space. The management and protection of riparian areas is undertaken through a coordinated intergovernmental framework, with county governments exercising their devolved planning and environmental functions in collaboration with the National Government and relevant regulatory agencies, in accordance with applicable land, water and environmental laws. Despite the existence of the legal and institutional framework, these ecosystems continue to experience implementation challenges, due to increasing pressure from population growth, agricultural expansion, urbanisation, pollution, water abstraction, catchment degradation and climate variability, and weak enforcement.

Five (5) of the eighteen gazetted water towers in the country are considered strategic: Mt Kenya, the Aberdare Range, the Mau Forest Complex, Mt Elgon and the Cherangany Hills. Their catchments contribute to the economy through the Agricultural sector, urban development, tourism, energy production, national water supply as well industrial production. Their degradation therefore reverberates through agriculture, energy generation, urban water supply, and the integrity of downstream wetlands and Ramsar sites including the Tana River Delta and the Rift Valley lakes. Under this Policy, the State will protect and rehabilitate the water towers, operationalise catchment-based environmental management in coordination with county governments, and update and implement the wetlands sector instruments to reflect contemporary climate, biodiversity and disaster risk obligations.

Policy statements

The Government will:

- 8.3.1** Strengthen wetlands governance through an integrated multi-agency coordination framework, while advancing the updating and implementation of the National Wetlands Conservation and Management Policy and ecological character monitoring of Kenya's Ramsar sites.

The Government and county governments will:

- 8.3.2** Protect, restore and sustainably manage critical water towers, catchments and other strategic water-source ecosystems, while operationalising integrated catchment-based environmental management to enhance water security, ecosystem resilience and sustainable livelihoods.
- 8.3.3** Delineate and protect riparian lands through coordinated national and county planning and enforcement, in accordance with applicable land, water and environmental laws.
- 8.3.4** Strengthen the governance of water resources through community involvement in institutions such as Water Resource Users Associations (WRUAs), Community Forest Associations (CFAs) and County Environment Committees (CECs).

County governments will (Fourth Schedule to the Constitution, Part 2, paragraph 8):

- 8.3.5** Prepare and maintain county wetland inventories and integrate the wise use of wetlands into county land use and water sector planning.

8.4 Drylands, Rangelands and Savannah Ecosystems***Situational analysis***

Over 80 per cent of Kenya's land area is classified as arid or semi-arid, making land degradation an existential governance question.⁸⁰ The Arid and Semi-Arid Lands (ASALs) support diverse economic, ecological and social activities that are central to national socio-economic development. The ASAL Policy (Sessional Paper No. 8 of 2012) identifies renewable energy, livestock, irrigated agriculture, minerals and tourism as major areas of economic potential.

Tourism and biodiversity. The arid and semi-arid lands hold about 90 per cent of the wildlife in Kenya's national parks and game reserves, and tourism is estimated to contribute 12 per cent of the economy of the arid and semi-arid counties⁸¹. These landscapes, characterised by expansive deserts, rugged terrains and unique geological formations, offer significant opportunities for eco-tourism, photography, outdoor adventure activities such as hiking and nature walks, and as filming locations for documentaries and films. The rich cultural heritage of ASALs, shaped by Indigenous communities, further supports cultural tourism. Biodiversity, protected areas and restoration targets are addressed in sections 8.8 and 8.9.

Renewable energy and emerging economic opportunities. The arid and semi-arid lands host major renewable energy projects, including the Lake Turkana Wind Power Project and the Garissa Solar Plant, among the largest grid-connected renewable power facilities in East and Central Africa. Emerging economic opportunities in ASALs and rangelands include carbon finance, biodiversity finance, enhanced livestock productivity, tourism, and ecosystem services.

Livestock, pastoralism and rangelands. Pastoralism is the primary economic and cultural livelihood of Kenya's arid and semi-arid lands. The Government puts the livestock sub-sector at 42 per cent of agricultural gross domestic product and 12 per cent of national gross domestic product, with over 30 per cent of marketed agricultural products and about half of the agricultural labour force.⁸² In the arid and semi-arid lands the sub-sector accounts for nearly 90 per cent of household livelihoods and nearly 95 per cent of family incomes.⁸³ Production is dominated by indigenous cattle, sheep, goats and camels, which depend almost entirely on rangeland forage and water. The condition of the range therefore determines the productivity

⁸⁰Sessional Paper No. 8 of 2012 on the National Policy for the Sustainable Development of Northern Kenya and Other Arid Lands (Government of Kenya 2012).

⁸¹ Kenya Institute for Public Policy Research and Analysis, *Promoting ASAL Counties as Prime Destinations for Tourists in Kenya* (Policy Brief No 17/2023–2024) 1 and 2.

⁸² Ministry of Agriculture and Livestock Development, State Department for Livestock Development, Kenya *National Livestock Research Agenda 2025–2035* (Government of Kenya 2025) i and 1.

⁸³ Regional Strategic Analysis and Knowledge Support System, *The Role of Livestock in the Kenyan Economy* (Working Paper No 37) 1; Sessional Paper No. 3 of 2020 on the Livestock Policy, 1.

of the herd. Output is presently estimated at one third of what the existing national herd should yield, a shortfall the Government attributes to disease, poor feed quality and high stocking rates on arid and semi-arid grazing lands.⁸⁴ Recurrent severe drought and erratic rainfall reduce biomass productivity and shrink the area available for grazing, while livestock concentrate on the land that still holds forage. Under this Policy, the State will strengthen implementation of the ASAL Policy and the Range Management and Pastoralism Strategy 2021–2031,⁸⁵ with particular attention to stocking pressure in high-risk counties.

Nature-based value chains. Value chain development in the ASALs remains largely underdeveloped. Key value chains include dairy, beef, camel milk, sheep and goats, hides and skins, live animals, honey, fodder, crops, gums and resins. However, limited value addition means most marketing occurs through direct transport of live animals and primary products to terminal markets in major urban centres such as Nairobi and Mombasa. Constraints hindering market development include the lack of organised markets and market information, inadequate market outlets, low producer prices due to high transaction costs, poor road and infrastructure networks, absence of cold chains for fresh produce, high market charges imposed by county governments, inadequate capital for traders and entrepreneurs, and security concerns. Addressing these challenges through enterprise development, investment in market structures, infrastructure and value addition can unlock the economic potential of ASALs and contribute significantly to national development.

Policy statements

The Government will:

- 8.4.1** Promote the sustainable management of Kenya’s Arid and Semi-Arid Lands as productive, resilient and interconnected ecosystems, while recognising communities as custodians, right holders and economic actors in the management of natural resources.

The Government and county governments will:

- 8.4.2** Maintain and enhance the existing network and connectivity of wildlife conservation areas and avert the fragmentation of natural habitats to sustain the ecological processes underpinning biodiversity.
- 8.4.3** Strengthen ecosystem restoration, sustainable pastoralism, climate-smart agriculture, water security, biodiversity conservation, renewable energy, nature-based enterprises and inclusive green investment in the Arid and Semi-Arid Lands.
- 8.4.4** Coordinate the environmental governance of arid and semi-arid lands and pastoral livelihood systems with climate resilience and biodiversity priorities.

⁸⁴Ministry of Agriculture and Livestock Development, State Department for Livestock Development, *Kenya National Livestock Research Agenda 2025–2035* (Government of Kenya 2025) 1 and vi.

⁸⁵Ministry of Agriculture, Livestock, Fisheries and Co-operatives, *Range Management and Pastoralism Strategy 2021–2031* (Government of Kenya 2021).

8.5 Urban and Peri-urban Ecosystems

Situational analysis

Urban and peri-urban ecosystems are areas where natural and built environments interact. They include urban catchments, rivers and wetlands, urban and peri-urban forests, open green spaces, and the cultivated land and hinterlands that are directly managed or affected by the urban core. Urban cores are characterised by high-density buildings, formal infrastructure, concentrated commercial activity and dense populations. Peri-urban zones are the transitional areas immediately beyond municipal boundaries, where rural and urban land uses mix, such as Ongata Rongai in Kajiado County and the Athi River to Konza corridor in Machakos County. The environmental challenges include pollution and solid waste management, loss and fragmentation of green spaces, degradation of urban water systems, climate risk and loss of resilience, and environmental inequality, where informal settlements are frequently located on riparian land and on sites next to dumpsites or industrial areas, so that their residents bear a disproportionate share of exposure to pollution, flooding and heat while having the least access to sanitation, waste services and green space.

This requires the protection and restoration of ecological functions, the integration of biodiversity, green and blue infrastructure and climate resilience into urban development, and the closing of the governance gaps that allow degradation to continue.

Land use change is the dominant proximate driver of environmental degradation in Kenya especially due to close interaction with human economic activities and the built environment in urban and peri-urban ecosystems. Article 66(1) of the Constitution permits the State to regulate the use of land in the interest of, among other things, land use planning which is therefore an important ecosystem management regulatory instrument. This is given effect by the National Land Use Policy (Sessional Paper No. 1 of 2017)⁸⁶ and the Physical and Land Use Planning Act (PLUPA) 2019, which together establish integrated spatial planning at national, county and sub-county levels, with the National Spatial Plan 2015–2045 as the macro-spatial framework. Land use planning for protected areas is regulated under the Wildlife Conservation and Management Act 2013 and the Forest Conservation and Management Act, while development control is a devolved county government function under the Fourth Schedule of the Constitution, the County Governments Act 2012 and PLUPA.

Land use change is further driven by rapid peri-urban expansion, ribbon development along trunk roads, and informal subdivision outpacing the capacity of spatial planning and development control to manage environmental risks. NEP 2013 predates these instruments and provides no explicit environmental governance hook into spatial planning, while enforcement of development control and EIA requirements is weak, especially for riparian reserves and wetlands, where encroachments are common and often detected only after construction. Sectoral laws regulate protected areas, but fragmented mandates among counties, the National Environment Management Authority (NEMA) and the Water Resources Authority (WRA),

⁸⁶Ministry of Lands and Physical Planning, *Sessional Paper No. 1 of 2017 on National Land Use Policy* (Government of Kenya, October 2017).

coupled with limited county capacity, result in conflicting approvals, reactive enforcement, and pollution hotspots from untreated sewage, haphazard dumping and inadequate drainage.

Aligning Kenya's land use system with the Kunming-Montreal Global Biodiversity Framework Target 12 offers a clear pathway to address these deficits by significantly increasing the area, quality, connectivity, access to, and benefits from urban green spaces through biodiversity-inclusive planning. Target 12's indicators can be embedded in county spatial plans and development control by-laws to mandate green space ratios, native planting, ecological corridors, and on-site stormwater management. Operationalising this requires strengthening EIA and SEA linkages to land use decisions, harmonising approvals across agencies, and codifying environmental design standards for housing and intensive land uses that guarantee green building practices, drainage and climate resilience. Concurrent investment in urban environmental infrastructure, including wastewater treatment, solid waste collection and recycling, and stormwater systems, will reduce pollution loads and flood risk, translating spatial planning into tangible improvements in public health, biodiversity, and climate resilience in Kenya's rapidly urbanising landscapes.

This Policy provides for the integration of environmental governance into the national land use and spatial planning architecture, the strengthening of county development control and environmental assessment in peri-urban zones, and the development of environmental design standards for housing as an intensive land use. The detailed planning instruments, including strategic environmental assessment of physical and land use development plans and minimum environmental standards in planning regulations, are set out in sections 11.3 and 11.4.

Policy statements

The Government will:

- 8.5.1** Integrate environmental governance into the national land use and spatial planning architecture under the National Land Use Policy (Sessional Paper No. 1 of 2017), the Physical and Land Use Planning Act 2019 and the National Spatial Plan 2015–2045.
- 8.5.2** Develop environmental design standards for urban and peri-urban housing covering green building, green and open space, drainage, and climate resilience.

The Government and county governments will:

- 8.5.3** Secure ecologically sound, climate-resilient, and inclusive peri-urban and urban ecosystems by mainstreaming biodiversity and environmental governance into spatial planning, development control, and housing standards, in line with Kunming-Montreal Global Biodiversity Framework Target 12.

County governments will (Fourth Schedule to the Constitution, Part 2, paragraphs 4(i) and 8):

- 8.5.4** Strengthen county physical and land use planning, and exercise of development control functions in peri-urban zones and county participation as a lead agency in environmental impact assessment under EMCA.

- 8.5.5** Significantly increase the area, quality, connectivity, access to, and benefits from green and blue spaces through county spatial plans, physical and land use development planning and development approvals, while preventing development in riparian reserves, wetlands, and other environmentally sensitive areas.

8.6 Coastal and Marine Ecosystems

Situational analysis

Kenya's coastal and marine environment comprises interconnected terrestrial, intertidal and marine ecosystems extending from coastal catchments and estuaries to nearshore and offshore waters. These include mangrove forests, seagrass ecosystems, coral reefs, estuaries and deltas, beaches and dunes, tidal flats, lagoons, islands and other marine habitats. Kenya's marine jurisdiction covers approximately 142,000 km² within the territorial sea and Exclusive Economic Zone, together with a further 103,320 km² in the extended continental shelf, a total of about 245,320 km². The blue carbon ecosystems comprise approximately 61,000 hectares of mangroves and 39,000 hectares of seagrass beds, and coral reefs fringe much of the coastline.⁸⁷ These ecosystems are ecologically interconnected through a source-to-sea continuum linking terrestrial catchments, rivers, coastal waters and the ocean.

Coastal and marine ecosystems support high levels of biodiversity and provide critical ecosystem services, including fisheries production and food security, fish breeding and nursery habitats, shoreline protection, carbon sequestration and storage, tourism and recreation, cultural and heritage values, and livelihoods for coastal communities. Mangroves and seagrasses are particularly important blue-carbon ecosystems and natural infrastructure for climate resilience, while coral reefs provide habitat for marine biodiversity, support fisheries and tourism, and reduce wave energy reaching the shoreline. Their conservation, restoration and sustainable use are therefore integral to Kenya's blue economy, the constitutional right to a clean and healthy environment, and the State's obligations under Article 69 of the Constitution on sustainable management, biodiversity conservation, equitable benefit sharing and public participation.

Despite their ecological and socio-economic importance, these ecosystems face increasing and interacting pressures from habitat loss and degradation, unsustainable resource use, coastal development and land-use change, destructive and unsustainable fishing practices, sedimentation and pollution from land-based and marine sources, marine litter and plastics, invasive alien species, dredging and reclamation, shipping and port activities, oil-spill risks and other cumulative impacts. Climate change compounds these pressures through sea-level rise, ocean warming and acidification, coral bleaching, coastal erosion and increasingly severe weather-related risks. Kenya's Blue Carbon Ecosystems NDC Implementation and Investment Plan 2025–2035, for example, identifies continuing degradation and loss of mangrove and seagrass ecosystems, reinforcing the need to move from fragmented habitat management towards integrated ecosystem and seascape management. The degradation of coastal and

⁸⁷ Government of Kenya, *Blue Carbon Ecosystems Nationally Determined Contributions Implementation and Investment Plan 2025–2035* (launched 17 June 2026) xvi.

marine habitats also requires ecosystem restoration to be scaled up in line with Kenya's national biodiversity Target 2 and the National Landscape and Ecosystem Restoration Strategy.

Governance of coastal and marine ecosystems is provided through the Environmental Management and Co-ordination Act and relevant fisheries, wildlife, forestry, maritime, spatial-planning and climate-change legislation, complemented by Integrated Coastal Zone Management (ICZM), Marine Spatial Planning (MSP) and national and county planning instruments. Fisheries co-management is an important part of this architecture. The National Framework for Marine Spatial Planning in Kenya sets the planning area as the internal waters, the territorial sea, the contiguous zone and the Exclusive Economic Zone, and provides the zoning framework through which marine spatial zones are designated for conservation, fishing, aquaculture, shipping, offshore energy, tourism and marine mining. It carries the goal of conserving and protecting at least 30 per cent of nearshore and offshore areas of high ecological value by 2030, in alignment with Target 3 of the Kunming-Montreal Global Biodiversity Framework.⁸⁸ Under the fisheries legal framework, Beach Management Units (BMUs) provide structured platforms through which fishing communities, national and county fisheries authorities and other stakeholders share responsibilities for sustainable fisheries and protection of the aquatic environment. Co-management arrangements provide for management plans, protection of breeding and nursery areas, closed areas and seasons, monitoring, compliance and coordination across BMUs and, where necessary, counties. Effective ecosystem governance requires these community-level mechanisms to connect more systematically with wider biodiversity conservation, ICZM, marine spatial planning, ecosystem restoration and county and national environmental planning.

Kenya's national, regional and international commitments provide a further framework for coastal and marine ecosystem management. Under the Convention on Biological Diversity and the Kunming-Montreal Global Biodiversity Framework, Kenya has committed to biodiversity-inclusive spatial planning, restoration of degraded ecosystems, effective and equitable area-based conservation, pollution reduction, climate resilience and sustainable use of biodiversity. Kenya's national Target 2 seeks to ensure that by 2030 at least 27.3 per cent of degraded areas are under effective restoration, including degraded marine ecosystems and mangroves, in order to enhance biodiversity, ecosystem functions and services, ecological integrity and connectivity. Kenya's national Target 3 seeks to ensure that by 2030 at least 30 per cent of marine and coastal areas are effectively conserved and managed through ecologically representative, well-connected and equitably governed systems of protected areas and Other Effective Area-based Conservation Measures (OECMs). Kenya currently has four Marine Parks and six Marine Reserves covering approximately 0.67 per cent of its EEZ, while other forms of marine co-management and potential OECMs provide opportunities to strengthen the broader conserved-area network.

These commitments intersect with the Paris Agreement and Kenya's NDCs, including action on blue-carbon ecosystems and climate-resilient coastal systems, and with the Nairobi Convention, which provides the regional framework for conservation, pollution prevention and

⁸⁸ *National Framework for Marine Spatial Planning in Kenya* (Ministry of Mining, Blue Economy and Maritime Affairs, State Department for the Blue Economy and Fisheries, revised 2025 edition) 3 and 8.

integrated management of the Western Indian Ocean. The Protocol on Marine and Coastal Biological Diversity and Protected Areas in the Western Indian Ocean Region, adopted in Zanzibar on 27 August 2026 and not yet in force, will on entry into force set regional obligations on national marine and coastal conservation strategies, networks of marine protected areas and OECMs, control of alien and invasive species and environmental assessment.⁸⁹ The Agreement on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (the BBNJ Agreement) complements this framework in relation to marine biodiversity in areas beyond national jurisdiction, including area-based management tools, environmental impact assessment and marine genetic resources. It should therefore be distinguished from the national legal framework governing Kenya's territorial sea and EEZ. ICZM, MSP, blue-carbon protection and restoration and stronger coordination among Kenya's five shoreline counties are central elements of regional implementation.

The central policy challenge is therefore to maintain and restore the ecological integrity, connectivity and resilience of Kenya's coastal and marine ecosystems while enabling their sustainable and equitable use. This requires an integrated source-to-sea and seascape approach that strengthens ecosystem conservation and restoration, sustainable fisheries and aquaculture, pollution prevention, climate resilience, effective and equitable area-based conservation, community co-management, scientific monitoring and coordination across national institutions, county governments and the wider Western Indian Ocean region. This Policy provides for the operationalisation of integrated coastal zone management, marine spatial planning, a national blue carbon framework, and county-level marine coordination across Mombasa, Kilifi, Kwale, Lamu and Tana River, anchored in the regional and international architecture set out in Chapter 6.

Policy statements

The Government will:

- 8.6.1** Operationalise integrated coastal zone management, marine spatial planning and a national blue carbon framework, anchored in the regional and international architecture set out in Chapter 6.
- 8.6.2** Prepare a national marine and coastal conservation strategy and action plan that establishes a representative and connected network of marine protected areas and other effective area-based conservation measures.
- 8.6.3** Integrate marine and coastal biodiversity into integrated coastal zone management and marine spatial plans, including controls on alien and invasive species from ballast water and biofouling.

⁸⁹Protocol on Marine and Coastal Biological Diversity and Protected Areas in the Western Indian Ocean Region (adopted 27 August 2026, not yet in force) arts 2(3), 6, 9 and 10.

The Government and county governments will:

- 8.6.4** Link Beach Management Units and other fisheries co-management arrangements with biodiversity conservation, ecosystem restoration and county-level marine coordination across the five shoreline counties.

8.7 Agroecosystems***Situational analysis***

Agriculture is the largest land use and the largest employer in Kenya. NEP 2013 did not articulate the agriculture-environment governance linkage. The Agriculture Policy 2021 and the Kenya Climate Smart Agriculture Strategy 2017–2026 operate alongside the environmental framework but without coherent integration.

Agriculture has remained the dominant sector of the economy, contributing an average of 21.8 per cent of gross domestic product between 2000 and 2024⁹⁰. The sector has recorded mixed performance in the recent past, and in addition to the challenge of drought, other climate challenges continue to undermine agroecosystems. Food systems in Kenya are not sustainable in their current state. They rank as a major contributor to national carbon emissions and continue to contribute to the loss of biodiversity. Kenya's food system is being undermined by the challenges facing how land is utilised, that is, the nature of the land use systems, degradation, soil erosion, and pollution.

Land degradation manifests itself in many ways, including unsustainable loss of vegetation, loss of edible or palatable grasses, increasing incidences of aridity, increasing scarcity of water sources, shrubs in areas that were predominantly rich in pastures, gullies, thin and stony soils, and invasion of invasive species that lead to food and water insecurity. These components do not act separately but are intrinsically linked to each other and may act as mutual supporters and accelerators of the degradation process.⁹¹ As degradation continues, it becomes increasingly difficult and costly to rehabilitate and restore affected lands to their original state.

Under crops and livestock, water management affects both land and water through accelerated erosion, soil mining, salinisation, seawater intrusion and groundwater depletion. These impacts lead to decline in soil health and water quality by altering the chemical, physical and biological properties through erosion, leaching, sedimentation and accelerated breakdown of organic matter. This eventually determines crop nutrient and water use efficiency, affecting the costs of production and hence productivity. The quality of pasture and fodder is affected through diminished capacity of soils to avail water and nutrients to the plants; increased risk of soil erosion by water and wind; and increased soil surface temperatures and greater rates of mineralisation of soil organic matter. Other challenges emanate from colonisation of grazing

⁹⁰ Central Bank of Kenya, *Report on the Agriculture Sector Survey, September 2025* 1, citing Kenya National Bureau of Statistics, *Economic Survey 2025*.

⁹¹ W Mulinge and others, 'Economics of Land Degradation and Improvement in Kenya' in E Nkonya, A Mirzabaev and J von Braun (eds), *Economics of Land Degradation and Improvement: A Global Assessment for Sustainable Development* (Springer 2016) 471 <https://doi.org/10.1007/978-3-319-19168-3_16> accessed 30 September 2026.

systems by invasive species such as *Prosopis juliflora* (Mathenge). These challenge the food security-biodiversity interface, including Kenya's obligations under the International Treaty on Plant Genetic Resources for Food and Agriculture (see Chapter 6). Post-harvest losses and food waste are environmental as well as economic problems. This Policy provides for the integration of the agriculture and food systems sector with environmental governance, with explicit attention to pollution from agricultural inputs, soil health, water competition and the plant genetic resources interface.

The other key environmental pressures are pesticide and fertiliser run-off to surface and ground water. Contamination of ecosystems from excessive use of pesticides and fertiliser is on the increase in the country. Continuous use of agrochemicals can have serious and persistent adverse effects on the environment. Streams and lakes become silted with sediment and nutrients from agricultural fields, damaging fish and aquatic life (see section 9.2).

Policy statements

The Government will:

- 8.7.1** Harmonise the existing laws to enhance the adoption of more integrative approaches to natural resources.
- 8.7.2** Promote and facilitate a capacity-building strategy on agroecosystems and climate-smart agriculture.

The Government and county governments will:

- 8.7.3** Promote sustainable use and management of natural resources aligned with agroecosystems.
- 8.7.4** Integrate environmental governance with agriculture and food systems, addressing pollution from agricultural inputs, soil health, water competition and post-harvest losses.

County governments will (Fourth Schedule to the Constitution, Part 2, paragraphs 1 and 10):

- 8.7.5** Monitor and enforce compliance with environmental law and regulations in agricultural production, covering agrochemical handling and disposal, soil and water conservation, and the conditions attached to county agricultural licences.
- 8.7.6** Implement the capacity-building strategy under section 8.7.2, delivering extension and training on agroecosystems, climate-smart agriculture and environmental conservation to farmers, pastoralists and county technical staff.

Cross-cutting Ecosystem Issues

8.8 Ecological Connectivity and Biodiversity Conservation

Situational analysis

Kenya's biodiversity underpins the wildlife economy, the food system and the cultural identity of the Republic. It occurs across interconnected terrestrial, inland water, coastal and marine ecosystems and depends on the maintenance of ecological processes across landscapes and seascapes. Protected areas provide an important foundation for biodiversity conservation, but their effectiveness depends on ecological representation, connectivity, ecological integrity, equitable governance and integration with the wider landscapes and seascapes in which they occur. Conservation efforts must therefore extend beyond individual protected areas to include other effective area-based conservation measures and to maintain ecological corridors, wildlife dispersal areas, migratory routes and other connectivity areas important for species movement, gene flow, ecosystem functioning and climate resilience.

Kenya has an established network of national parks, national reserves, sanctuaries, forest reserves, marine protected areas, conservancies and other areas contributing to biodiversity conservation. Kenya Wildlife Service reports that the protected-area system comprising national parks, national reserves and national sanctuaries covers approximately 8.2 per cent of the country's land mass, while the wider terrestrial protected area network covers approximately 14 per cent of national land area,⁹² well below the Kunming-Montreal Global Biodiversity Framework Target 3 (the "30 by 30" commitment).⁹³ Kenya's national biodiversity framework recognises the additional contribution of natural forest reserves, community and private conservancies, marine co-managed areas and other conservation arrangements. These different categories are governed under different legal and institutional arrangements and should contribute to a coherent and ecologically connected national conservation network. Human-wildlife conflict, illegal wildlife trade and habitat fragmentation continue to erode the integrity of the wildlife resource. This Policy aims to provide coherence between environmental governance and the wildlife sector, including the ongoing wildlife law review, anchored in the Convention on Biological Diversity, the Global Biodiversity Framework and the National Biodiversity Strategy and Action Plan.

Kenya's national Target 3, aligned with the Kunming-Montreal Global Biodiversity Framework, seeks to ensure that by 2030 at least 30 per cent of terrestrial and inland water areas, and marine and coastal areas, particularly areas important for biodiversity and ecosystem functions and services, are effectively conserved and managed through ecologically representative, well-connected and equitably governed systems of protected areas and OECMs, integrated into wider landscapes and seascapes. Achieving this target requires attention not

⁹²World Bank, 'Terrestrial Protected Areas (% of Total Land Area): Kenya' (World Development Indicators, 2024 data) <<https://data.worldbank.org/indicator/ER.LND.PTLD.ZS?locations=KE>>.

⁹³Kunming-Montreal Global Biodiversity Framework, Decision 15/4 of the Conference of the Parties to the Convention on Biological Diversity (Montreal, December 2022), Target 3.

only to the extent of areas conserved, but also to their location, ecological representativeness, connectivity, governance and conservation effectiveness.

OECMs complement protected areas by recognising geographically defined areas outside the protected-area system that achieve positive and sustained long-term outcomes for the in-situ conservation of biodiversity. Community and private conservancies, Indigenous and community-governed areas, marine co-management areas and other locally managed areas may contribute to area-based conservation and may qualify as OECMs where they meet the applicable criteria. Their establishment or designation does not in itself confer OECM status. Key Biodiversity Areas (KBAs) similarly provide an important scientific basis for identifying sites of particular significance for biodiversity and should inform conservation prioritisation, spatial planning and development decision-making, while recognising that KBA identification does not itself confer protected status.

Ecological connectivity remains a major conservation priority. Habitat fragmentation caused by infrastructure development, settlement expansion, fencing, land-use change and other competing uses can isolate ecosystems and restrict wildlife movement. A national Government mapping exercise identified more than 100 wildlife migratory corridors across Kenya's rangeland and coastal terrestrial ecosystems,⁹⁴ illustrating the scale of the connectivity challenge. Ecological corridors, wildlife dispersal areas, migratory routes, stepping-stone habitats and other connectivity areas should therefore be identified, mapped, maintained, secured and, where degraded, restored across administrative and land-tenure boundaries. They should be integrated into national and county spatial plans, infrastructure planning, protected area and conservancy management, marine spatial planning and wider landscape and seascape planning. Connectivity areas need not all be designated as protected areas or OECMs. Appropriate conservation, land-use, tenure and incentive mechanisms should be applied according to their ecological function and local context.

Effective area-based conservation must also be inclusive and equitably governed. Community conservancies and other community-led conservation arrangements can contribute significantly to biodiversity conservation, ecological connectivity and sustainable livelihoods, particularly across community and private lands. Their contribution should be supported through secure and appropriate governance arrangements, meaningful participation, recognition of Indigenous and local knowledge, equitable benefit sharing, environmental and social safeguards, accountability, and respect for legitimate land and resource rights.

Progress towards national area-based conservation targets should consequently be assessed not only by hectares or percentage coverage, but also by ecological representation, connectivity, governance quality, management effectiveness and measurable biodiversity outcomes. Strengthened biodiversity data, spatial information and long-term monitoring are necessary to determine whether protected areas, OECMs and other conserved areas are maintaining ecological integrity, reducing biodiversity loss and delivering sustained conservation outcomes.

⁹⁴Kenya Wildlife Service and others, *Wildlife Migratory Corridors and Dispersal Areas: Kenya Rangelands and Coastal Terrestrial Ecosystems* (Government of Kenya 2017).

Policy statements

The Government and county governments shall:

- 8.8.1** Protect genetic resources and biological diversity, as required by Article 69(1)(e) of the Constitution.

The Government will:

- 8.8.2** Implement the Kunming-Montreal Global Biodiversity Framework, including the 30 by 30 target, the recognition of Other Effective area-based Conservation Measures and community conservancies on community land, and the strengthening of Key Biodiversity Area protection.
- 8.8.3** Assess progress towards area-based conservation targets by ecological representation, connectivity, governance quality, management effectiveness and measurable biodiversity outcomes, supported by long-term monitoring.

The Government and county governments will:

- 8.8.4** Identify, map, maintain, secure and, where degraded, restore ecological corridors, wildlife dispersal areas and migratory routes, and integrate them into national and county spatial plans and infrastructure planning.
- 8.8.5** Support community conservancies and other community-led conservation arrangements through secure governance arrangements, recognition of Indigenous and local knowledge, and equitable benefit sharing.

8.9 Land Degradation Neutrality and Ecosystem Restoration

Situational analysis

Kenya is committed under the United Nations Convention to Combat Desertification (UNCCD) to achieve land degradation neutrality by 2030, yet the country still lacks a National Soil Conservation Policy, a commitment dating back to NEP 2013 that remains unfulfilled. Soil degradation reduces agricultural productivity, accelerates desertification, releases stored carbon to the atmosphere, and increases vulnerability to drought and flood. The Community Land Act 2016 has changed the tenure architecture of much of the arid and semi-arid lands, but the environmental and biodiversity dimensions of community land governance are not yet operationalised.

Land degradation neutrality provides Kenya with a strategic framework to prevent further loss of productive land while systematically restoring degraded areas. Built on nationally validated data tracking land cover, land productivity and soil organic carbon, this approach identifies the hotspots of degradation, the areas that are stable and the areas that are recovering.

Land degradation neutrality shapes restoration differently in each ecosystem. In forests and rangelands the work is to reverse degradation, restore core ecological functions and improve grazing areas. In agroecosystems it is to recover soil health and soil organic carbon through sustainable land management. In catchments, wetlands, mangroves and riparian zones it is to

rehabilitate degraded areas and safeguard water quality. In urban areas it is to address land conversion, soil sealing and river degradation.

Kenya's national biodiversity target 2 shows the scale of the restoration involved. At least 27.3 per cent of degraded areas are to be under effective restoration by 2030, in order to enhance biodiversity, ecosystem functions and services, ecological integrity and connectivity. That figure is made up of 3.4 per cent from degraded forests, 7.7 per cent from degraded agroecosystems, 13.4 per cent from degraded rangelands, 1.3 per cent from degraded wetlands and water towers, 0.03 per cent from degraded marine ecosystems and mangroves, and 1.5 per cent from urban areas and settlements.⁹⁵

Implementation prioritises severe hotspots to maximise both ecological and livelihood benefits, guiding national and county resource allocation where need is highest. This Policy measures restoration by the improvement in the condition of the ecosystem rather than by the number of trees planted or the hectares treated. Progress is tracked through the core land and soil indicators, together with indicators specific to each landscape.

The voluntary targets set in 2017 are being revised through the Target Setting Programme 2.0, working from a 2018 baseline, with an interim milestone in 2028 and the target year moving from 2030 to 2032, consolidating the national targets from six basin-level targets and measuring progress through land productivity dynamics.⁹⁶ The revised targets are aligned with the National Biodiversity Strategy and Action Plan and with the national climate commitments, so that one set of restoration reporting serves all three.⁹⁷ The National Action Programme under the Convention is the instrument through which the targets are delivered. Kenya's second National Action Programme ran from 2015 to 2025 and has not been renewed or updated to reflect the revised targets.⁹⁸ The updating of the National Action Programme should also provide for social inclusion, so that women, youth, local communities and indigenous peoples, the poor and the vulnerable, who bear the effects of land degradation most directly, have a role in it.⁹⁹

Much of the land on which those targets will be met is community land. The Community Land Act 2016, which governs tenure rights and shapes land use on community land in the most degraded rangelands, places conservation duties directly on registered communities owning the land. Section 19 requires conservation and environmental issues to be considered in any

⁹⁵ Government of Kenya, 'Target 02: Ensure 27.3% of Degraded Areas Are under Effective Restoration' (Kenya Clearing-House Mechanism for the Convention on Biological Diversity) <https://ke.chm-cbd.net/implementation/targets/target-02-ensure-27-3-degraded-areas-are-under-effective-restoration> accessed 26 September 2026.

⁹⁶ Ministry of Environment, Climate Change and Forestry, *Revision of Kenya's Land Degradation Neutrality (LDN) Targets: Technical Report* (28 March 2026), table 2, draft submitted to the United Nations Convention to Combat Desertification; Ministry of Environment, Climate Change and Forestry, *Kenya National Final Report (Land Degradation Neutrality Target Setting Programme 2.0)* (15 June 2026), table 1, draft for validation.

⁹⁷ Ministry of Environment and Forestry, *Kenya National Biodiversity Strategy and Action Plan 2019–2030* (Government of Kenya 2019) strategic target 22.

⁹⁸ Government of Kenya, *Republic of Kenya Land Degradation Neutrality Target Setting Final Report* (2017) 25 and 35 https://www.unccd.int/sites/default/files/ldn_targets/2020-09/Kenya%20LDN%20TSP%20Final%20Report%20%28English%29.pdf accessed 30 September 2026.

⁹⁹ Ministry of Environment and Forestry, *Kenya National Biodiversity Strategy and Action Plan 2019–2030* (Government of Kenya 2019) strategic target 21.

community land use and development plan submitted to the county government, section 20 requires the community to establish measures to protect critical ecosystems and habitats, procedures for registering natural resources and procedures for involving communities and other stakeholders in managing them, and section 35 requires natural resources on community land to be used sustainably and for the benefit of the whole community including future generations.¹⁰⁰ These duties remain largely unexercised across the arid and semi-arid lands, where most of Kenya's community land lies.

Policy statements

The Government will:

- 8.9.1** Integrate land degradation neutrality under the UNCCD into environmental policy, recognise the soil-climate carbon linkage, and pursue the development of a National Soil Conservation Policy.
- 8.9.2** Adopt the revised land degradation neutrality targets once they are validated, prepare the next National Action Programme under the Convention to reflect them, and measure restoration by improvements in ecosystem condition.
- 8.9.3** Provide for the participation of women, youth, local communities and indigenous peoples, the poor and the vulnerable, who bear the effects of land degradation most directly, in preparing the next National Action Programme and in reporting on its targets.

The Government and county governments will:

- 8.9.4** Operationalise sections 19, 20 and 35 of the Community Land Act 2016 in the arid and semi-arid lands, ensuring the participation of women and youth in community land governance structures (see section 11.10).

8.10 Sustainable Use, Ecosystem Services and Nature-Based Economies

Situational analysis

Kenya's ecosystems provide essential goods and services that underpin livelihoods, food and water security, tourism, cultural identity and economic development. Sustainable use encompasses both non-consumptive utilisation, including nature-based tourism, recreation, research, education and cultural uses, and the sustainable consumptive use of renewable biological resources such as fisheries, forest products and other biodiversity-based resources. Such use should remain within ecological limits and maintain ecosystem integrity, regenerative capacity and the continued provision of ecosystem services.

Ecosystem services, including water regulation, pollination, soil fertility, carbon storage, climate regulation and coastal protection, remain inadequately recognised in economic and development decision-making. These values should therefore be progressively integrated into planning, investment and natural-resource decision-making, supported where appropriate by

¹⁰⁰ Community Land Act 2016 (No 27 of 2016), ss 19, 20 and 35.

payments for ecosystem services, conservation finance and other incentives that promote stewardship and equitable benefit sharing. Payments for ecosystem services in water catchments are addressed further in section 11.2.

Nature-based tourism and other biodiversity-dependent enterprises should be managed in ways that maintain ecological carrying capacity, minimise infrastructure and visitor impacts, conserve biodiversity and cultural landscapes, and strengthen local livelihoods. Existing tourism frameworks recognise ecotourism, sustainable tourism and community-based tourism, but stronger integration with environmental governance is required, particularly in the context of ecosystem degradation and climate risks (see section 8.11).

Policy statements

The Government will:

- 8.10.1** Progressively integrate the values of ecosystem services into planning, investment and natural-resource decision-making, supported by payments for ecosystem services, conservation finance and other incentives that promote stewardship and equitable benefit sharing.

The Government and county governments will:

- 8.10.2** Ensure that the consumptive use of fisheries, forest products and other biodiversity-based resources remains within ecological limits and maintains ecosystem integrity and regenerative capacity.

8.11 Tourism and Heritage

Situational analysis

Tourism is one of Kenya's principal foreign exchange earners and depends directly on the integrity of the country's environmental and heritage assets, including biodiversity, wildlife, landscapes, coastlines, marine ecosystems, and cultural heritage such as the Sacred Mijikenda Kaya Forests and the coastal cultural landscapes of Lamu Old Town and Fort Jesus, Mombasa (see Chapter 6).

There is a need to consider the ecological strain caused by seasonal peaks in wildlife areas, such as the Maasai Mara during the wildebeest migration, which is in the Kenyan sector of the ecosystem between July and October. Overtourism places immense strain on infrastructure, including transportation networks and waste management systems, in popular destinations including the coastal areas, leading to road deterioration and increased emissions. The rapid growth in tourism in these areas during the peak seasons, in the Maasai Mara between July and October and at the coast between December and February, strains natural resources and increases pollution in the waters. Increased road traffic from tourism raises emissions, which calls for more roadside tree cover to help absorb emissions, more rehabilitation of heritage sites and clean-up of beaches.

Many of Kenya's premier tourism destinations sit in the arid and semi-arid lands, including the Maasai Mara, Amboseli, Tsavo, Samburu and Laikipia, where pastoralist communities and

community conservancies underpin the wildlife-tourism economy and where land degradation and drought directly affect both ecological integrity and tourism revenues. Coastal tourism around Diani, Watamu, Lamu and the Tana Delta is similarly exposed to coral bleaching, sea-level rise, mangrove loss and the broader climate risks of the Western Indian Ocean. The Tourism Act 2011 and the National Tourism Policy govern the sector, but their integration with environmental governance is limited, especially in the context of enhanced degradation and climate hazards. Carrying capacity in these destinations is therefore increasingly stressed. Under this Policy, tourism governance will be integrated with environmental and heritage protection, biodiversity conservation, land degradation and ASAL governance, and climate resilience. Carrying capacity frameworks will be developed and applied for sensitive destinations. Eco-tourism standards will be elevated as a tool for sustainable revenue and ecosystem protection. Community conservancies will be recognised as a central instrument of the wildlife-tourism economy.

Policy statements

The Government will:

- 8.11.1** Develop eco-tourism standards for use as a tool for sustainable revenue and ecosystem protection.
- 8.11.2** Give formal recognition to community conservancies as central to the tourism economy.

County governments will (Fourth Schedule to the Constitution, Part 2, paragraphs 4(g) and 7(d)):

- 8.11.3** Integrate environmental, biodiversity and heritage protection requirements of national policies into county tourism planning, including carrying-capacity arrangements for stressed destinations and the recognition of community conservancies in pastoralist and ASAL counties.

8.12 Extractive Resource Use and Ecosystem Integrity

Situational analysis

Mineral resources, petroleum, sand, aggregates and other geological materials support infrastructure and economic development but can generate significant impacts on biodiversity, land, water, ecosystem services and surrounding communities. Many extractive resources are non-renewable, so their development requires stringent environmental governance across the full life cycle, from exploration and extraction to closure, rehabilitation and post-closure management.

Kenya's mining, petroleum and environmental laws provide for environmental assessment and related safeguards. The Mining Act 2016 and the Petroleum Act 2019 affirm the requirement of environmental impact assessment under EMCA as a prerequisite to the grant of any mineral or petroleum right. The Court of Appeal in *Cortec Mining Kenya Limited v Cabinet Secretary*

*Ministry of Mining*¹⁰¹ established that the EIA must precede licence issuance. The key governance challenge is therefore to ensure effective implementation of cumulative-impact assessment, pollution prevention, rehabilitation, closure, environmental liability and equitable benefit sharing. Statutory benefit-sharing operates differently across the sector under the Mining Act (through Community Development Agreements) and the Petroleum Act (through revenue allocation), and the environmental governance task is to ensure that those mechanisms support the restoration of ecosystems and livelihoods in host communities, particularly in pastoralist and Indigenous Peoples' areas where Article 56 of the Constitution applies.

Extractive activities should apply the mitigation hierarchy, avoid areas of high ecological importance where significant impacts cannot be adequately mitigated, minimise land and water disturbance, control waste and pollution, and progressively rehabilitate affected areas. Closure and post-closure obligations should be planned and adequately financed from the outset.

Particular attention is required for artisanal and small-scale mining, quarrying and sand harvesting, where informality and cumulative impacts can weaken environmental oversight. Artisanal and small-scale gold mining is large, decentralised, often informal, and the principal source of mercury pollution in Kenya, a matter addressed under the Minamata Convention (Chapter 6) and now operationalised in the Environmental Management and Co-ordination (Management of Toxic and Hazardous Chemicals and Materials) Regulations, 2024 (see section 9.2). Sand harvesting can affect river systems, riparian integrity and local livelihoods. Growing demand for critical and transition minerals should likewise be governed through responsible sourcing, circularity, environmental safeguards and local value addition so that low-carbon development does not transfer environmental degradation to mining landscapes and host communities (see section 10.8).

Policy statements

The Government will:

- 8.12.1** Strengthen rehabilitation, post-closure management and the environmental and social dimensions of benefit-sharing across the mining and petroleum sectors, and the environmental governance and formalisation of artisanal and small-scale gold mining.
- 8.12.2** Develop national standards and regulatory oversight for environmentally sound mining, quarrying and sand harvesting.

County governments will (Fourth Schedule to the Constitution, Part 2, paragraph 10):

- 8.12.3** Undertake local monitoring and enforcement of mining and quarrying activities, and regulate sustainable sand harvesting with mandatory rehabilitation of degraded sites.

¹⁰¹*Cortec Mining Kenya Limited v Cabinet Secretary Ministry of Mining & 9 others* [2017] KECA 515 (KLR).

CHAPTER 9: ENVIRONMENTAL QUALITY AND PUBLIC HEALTH

9.1 Chapter Policy Objective and Overview

Chapter policy objective

To operationalise Article 42 of the Constitution on the right to a clean and healthy environment through binding environmental quality standards, comprehensive pollution control, the transition to a circular economy, sound chemicals management and the integration of environmental governance with public health under a One Health approach to achieve sustainable development goals.

Overview

Kenya's environmental quality is adversely affected by pollution and chemicals management, which impact daily living conditions and public health. Air, water, soil and noise quality determine respiratory and cardiovascular health, food and water safety and the cost of disease to households and the State. The National Environment Policy, 2013 (NEP 2013) addressed pollution generically and did not establish enforceable quality benchmarks. The diverse regulations under the Environmental Management and Co-ordination Act 1999 (EMCA) and the wider environmental regulatory architecture now in place provide much of the missing scaffolding; the policy task is to operationalise and integrate. The sub-sections that follow describe the current state of each thematic area and set out the corresponding policy directions. Policy recommendations are set out at the end of each thematic sub-section.

Policy statements

The Government shall:

- 9.1.1** Ensure that environmental quality is governed by binding standards, monitoring and enforcement across chemicals, air, soil, noise, light, temperature, waste, wastewater and public health, integrated through environmental impact assessment and strategic environmental assessment under the Environmental Management and Co-ordination Act.
- 9.1.2** Support research, training, capacity building and public awareness on environmental quality, pollution and environmental health, applying the framework in section 11.11.

9.2 Chemicals and Hazardous Substances¹⁰²

Situational analysis

Chemicals are essential to Kenya's economy, driving key sectors such as agriculture, manufacturing, healthcare, energy and transportation through products such as fertilisers, solvents, disinfectants and pharmaceuticals. Kenya's chemicals market is expanding rapidly, projected to grow by 11.43 per cent by 2027, driven by industrialisation, agricultural growth, population growth, urbanisation and government efforts to promote manufacturing. The chemical sector contributes approximately 6 per cent to Kenya's national gross domestic product and 11 per cent to manufacturing gross domestic product, with domestic production largely limited to blending and formulation reliant on raw-material imports. In 2024, Kenya's domestic chemical market was valued at United States dollars (USD) 0.6 billion in value added and USD 1.5 billion in gross output, with projected growth of 3.66 per cent compound annual growth rate through 2029.

In 2019 the Kenya National Chemicals Profile recorded manufacturing sub-sectors such as tanning and leather finishing, textile dyeing, dyestuff production and metalworking as major chemical consumers with limited substance-specific regulatory oversight. This absence of upstream management creates environmental, economic and occupational risks. In 2019, the World Health Organization (WHO) attributed approximately 2 million deaths globally to hazardous chemical exposures, including poisonings, cardiovascular and respiratory diseases and cancers. The WHO has identified ten chemicals of major public health concern, including air pollutants, arsenic, asbestos, benzene, cadmium, dioxins, fluoride, lead, mercury and highly hazardous pesticides.

Kenya's chemical governance framework aligns international commitments with constitutional mandates and national legislation to regulate hazardous substances throughout their lifecycle. Kenya is a signatory to the Stockholm (POPs), Montreal (ozone/climate), Basel and Bamako (hazardous waste movements), Rotterdam (chemical trade) and Minamata (mercury) Conventions, alongside the Global Framework on Chemicals. These instruments have been domesticated through EMCA and the Sustainable Waste Management Act, and through specific regulations including the Toxic and Hazardous Chemicals and Materials Regulations 2024 (Legal Notice 182 of 2024), Air Quality Regulations, Environmental and Social Impact Assessment and Audit Regulations, Controlled Substances Regulations and E-Waste Regulations. This policy aims to enhance regulatory enforcement, continuous environmental monitoring, transparency, community right-to-know provisions and cross-sectoral integration across health, agriculture and biodiversity policy.

Although Kenya's domestic production of chemicals is relatively low, their misuse and mismanagement damage human health and the environment, exacerbated by a widespread lack of

¹⁰² EMCA Cap 387; Legal Notice 182 of 2024 (Toxic and Hazardous Chemicals and Materials Regulations); Stockholm, Rotterdam, Minamata, Basel and Bamako Conventions; Global Framework on Chemicals; Kenya National Chemicals Profile; WHO chemicals of major public health concern; UNEP (2018); Human Rights Watch (2023); KNBS Economic Survey; Statista Market Forecast (2024); Chapter 6.

risk awareness among end users. The proliferation of chemical inputs without corresponding lifecycle management presents risks to public health, occupational safety and ecosystem integrity across three main fronts:

Agricultural exposure. Over 40 per cent of Kenya's workforce relies on farming, yet many handle Highly Hazardous Pesticides without protective gear or safety guidance, driving high rates of acute poisoning, hormonal disruption and cancer.¹⁰³

Informal industry and urban hazards. In the Jua Kali sector, mechanics, fabricators, painters and informal pesticide vendors often handle hazardous chemicals without adequate Safety Data Sheets (SDS), protective equipment or regulatory support. Weak controls on hazardous chemical imports, including lead chromates, further increase risks to workers and nearby communities. In densely populated areas such as Kariobangi light industries, these activities can contribute to chemical pollution and serious health risks, including neurological and developmental effects on children.

Ecosystem and food-chain contamination. Untreated industrial runoff pours heavy metals and persistent toxins into rivers such as the Nairobi and Athi, contaminating local food supplies; in mining regions, elemental mercury used in artisanal gold extraction inflicts severe neurological damage on local communities.

Kenya's chemical imports also depend heavily on single-source regions, creating economic and market vulnerabilities and highlighting the need to integrate supply-chain resilience into hazard governance.

The principal institutional and policy gaps are the following.

Upstream import controls and operationalisation. While Legal Notice 182 of 2024 establishes the legal requirement for permits, registration and labelling, operationalisation remains pending the formal gazettment of substance-specific schedules. Priority hazardous substances, including lead chromate pigments, Highly Hazardous Pesticides, heavy-metal compounds and restricted industrial dyes, continue to enter without substance-specific customs screening or end-use tracking.

Multi-agency fragmentation and regulatory blind spots. Statutory oversight is compartmentalised across sectoral bodies (Pest Control Products Board for agrochemicals; Pharmacy and Poisons Board for pharmaceuticals). Industrial chemicals such as solvents, dyes, raw pigments and construction additives lack a dedicated upstream registration regime. The bodies whose mandates meet in the chemical supply chain are the National Environment Management Authority, the Kenya Revenue Authority, the Kenya Bureau of Standards, the Pest Control Products Board, the

¹⁰³ 'Kenya Cracks Down on Hazardous Pesticides amid Rising Health and Trade Concerns' *United Network News* (10 September 2025) <<https://news.unitednetwork.earth/kenya-cracks-down-on-hazardous-pesticides-amid-rising-health-and-trade-concerns/>> accessed 30 September 2026.

Directorate of Occupational Safety and Health Services, the Anti-Counterfeit Authority and the Pharmacy and Poisons Board.

Devolved capacity and life-cycle monitoring. A substantial gap exists between statutory mandates and operational enforcement capacity, including limited customs analytical laboratories, insufficient specialised inspection staff and an unoperationalised national Pollutant Release and Transfer Register. Informal-economy workers remain largely unmonitored and unprotected.

Domestication of multilateral environmental agreements. Although Kenya is a signatory to the Stockholm, Rotterdam and Minamata Conventions and a participant in the Global Framework on Chemicals, domestic operationalisation remains incomplete, particularly with respect to remediation of legacy persistent organic pollutant pesticide stockpiles, phase-out of Highly Hazardous Pesticides and dedicated regulatory instruments governing mercury use in artisanal and small-scale gold mining.

Import concentration and supply-chain resilience. Import reliance for active pharmaceutical ingredients, fertilisers, industrial pigments and active pesticide ingredients creates domestic price volatility, encourages substandard or counterfeit alternatives and undermines national chemical security.

Policy statements

The Government shall:

- 9.2.1** Update and gazette the controlled-chemical schedules under Legal Notice 182 of 2024, or subsequent regulations.
- 9.2.2** Strengthen mandatory screening at the points of entry, import permit systems and end-use tracking for controlled chemicals.
- 9.2.3** Domesticate and implement Kenya's obligations under the Basel, Rotterdam, Stockholm and Minamata Conventions and the Montreal Protocol, with priority to mercury controls in artisanal and small-scale gold mining and to the replacement of highly hazardous pesticides.
- 9.2.4** Establish fiscal incentives for mercury-free artisanal and small-scale gold-mining technologies, including tax and customs measures, and tie each incentive to verified adoption of the technology concerned.
- 9.2.5** Support informal industries and micro, small and medium enterprises to improve their environmental compliance, and address the environmental and occupational hazards their operations generate in urban areas.
- 9.2.6** Promote cleaner production, green chemistry and safer alternatives, and require standardised packaging, safety data sheets and hazardous-substance labelling at wholesale and retail points of sale.

- 9.2.7 Establish an inter-agency mechanism to close the gaps in the regulation of chemical supply chains, bringing together the environment, revenue, standards, pest control products, occupational safety, anti-counterfeit and pharmacy and poisons regulators.
- 9.2.8 Mobilise financing to strengthen national analytical laboratory capacity for pollution prevention and control activities.

The Government and county governments shall:

- 9.2.9 Provide resources for public participation, accountability and partnership with communities, industry, academia and civil society in decisions on chemicals and waste management.
- 9.2.10 Strengthen preparedness, prevention, response and recovery for chemical accidents, environmental emergencies and pollution incidents.
- 9.2.11 Protect communities, ecosystems and vulnerable populations from the risks of hazardous chemicals and contaminated sites.

County governments shall (Fourth Schedule to the Constitution, Part 2, paragraphs 2(g), 3, 8 and 10):

- 9.2.12 Integrate chemicals and waste management into County Integrated Development Plans, county spatial plans, physical and land use development planning, county environment action plans and budgeting priorities.
- 9.2.13 Promote the environmentally sound management of chemicals and waste at the local level and strengthen county inspection, compliance and enforcement, with priority to the informal economy and to high-risk agricultural and mining communities.

9.3 Occupational Health¹⁰⁴

Situational analysis

The workplace is one of the environments in which people spend most of their waking hours and its condition bears directly on their health. This Policy therefore treats occupational safety and health as a dimension of environmental quality. In 2022 the International Labour Organization added a safe and healthy working environment to its Declaration on Fundamental Principles and Rights at Work, placing it alongside freedom of association, the elimination of forced labour and of child labour and the elimination of discrimination in employment. The Constitution supports that position from three directions. Article 41(2)(b) gives every worker the right to reasonable working conditions. Article 42 gives every person the right to a clean and healthy environment, which is not confined to the environment outside the workplace. Article 43(1)(a) gives every person the right to the highest attainable standard of health. The Occupational Safety and Health

¹⁰⁴ Constitution of Kenya 2010 arts 41, 42, 43, 46; Occupational Safety and Health Act Cap. 236A; Work Injury Benefits Act Cap. 236; ILO Fundamental Principles and Rights at Work (2022).

Act, Cap 236A, gives effect to these provisions by providing for the safety, health and welfare of workers and of all persons lawfully present at workplaces.

Between April 2024 and September 2026, 19,364 occupational accidents were reported, of which 876 were fatal, together with 512 suspected occupational diseases.¹⁰⁵ These figures show that prevention and enforcement need strengthening. Occupational safety and health mandates are dispersed across several government agencies, which fragments responsibility, overlaps functions and leaves gaps in enforcement. The Work Injury Benefits Act, Cap 236, places primary responsibility for work injury compensation on individual employers rather than on a public social insurance fund, which is the model increasingly adopted elsewhere.

Policy statements

The Government shall:

- 9.3.1** Harmonise occupational safety and health legislation and institutional mandates, and strengthen coordinated enforcement from prevention through to compensation.
- 9.3.2** Support the establishment of an Occupational Safety and Health Authority and a Workers' Compensation Fund to administer occupational safety, health and work injury compensation.

9.4 Air Quality, Odour, Dust and Other Particulate Matter¹⁰⁶

Situational analysis

The management of ambient air quality and atmospheric emissions encompasses the prevention, control and monitoring of dust and fugitive emissions, particulate matter (PM₁₀ and PM_{2.5}), odour, gaseous emissions, smoke and other emissions from combustion sources. Air pollution is a known risk factor for non-communicable diseases worldwide, with 6.7 million attributable premature deaths reported for 2019 globally from outdoor (ambient) air pollution; more than half of these deaths are recorded in developing countries, and about 99 per cent of the global population breathes levels of fine particulate matter above World Health Organization (WHO) guidelines, with the highest exposure levels in low- and middle-income countries. The disease burden from air pollution in Nairobi has not been quantified on the basis of long-term ambient air pollution monitoring.¹⁰⁷

¹⁰⁵ Directorate of Occupational Safety and Health Services, *Occupational Safety and Health Management Information System* <<https://doshmis.go.ke/>> accessed 30 September 2026.

¹⁰⁶ Constitution of Kenya 2010; EMCA Cap 387; Environmental Management and Co-ordination (Air Quality) Regulations 2024 as amended; Climate Change Act; WHO air quality guidelines (2021); Kenya Standards (including KS 1515); NEMA KOCEMS; Nairobi County air quality monitoring platforms.

¹⁰⁷ O Ogue and others, 'Fine Particulate Matter Air Pollution and Health Implications for Nairobi, Kenya' (2024) 8(3) *Environmental Epidemiology* e307.

PM₁₀ concentrations in Nairobi vary spatially depending on the distribution and intensity of pollution sources, with higher concentrations generally recorded in industrial areas and nearby residential areas, while controlled areas tend to record comparatively lower concentrations, with levels reported at approximately 45 µg/m³. Exposure to fine particulate matter (PM_{2.5}) increases the risk of chronic diseases and can adversely affect child health. Particulate matter pollution remains a public health concern in many low- and middle-income countries, where concentrations frequently exceed the 2021 WHO annual guideline value of 5 µg/m³. Major sources of PM_{2.5} in Nairobi include vehicular traffic, industrial activities, biomass combustion and municipal sources such as open burning of waste. Reduced visibility is also associated with elevated particulate pollution, with visibility in Nairobi reported to have declined by approximately 60 per cent between 1974 and 2018.¹⁰⁸ PM_{2.5} includes black carbon (soot), which is primarily produced through incomplete combustion, including emissions from diesel and poorly maintained petrol engines and open fires; in addition to its adverse health effects, black carbon contributes to climate change.

Dust and fugitive emissions are among the largest sources of particulate air pollution in Kenya, particularly from construction and demolition activities, unpaved roads, cement production, quarrying, material handling and stockpiling. The Environmental Management and Co-ordination (Air Quality) Regulations, 2024 regulate such emissions through ambient air quality and particulate-matter standards and provide for fugitive-emission control plans where emissions are visible beyond facility boundaries or contribute to exceedances of applicable PM₁₀, PM_{2.5} or total suspended particulate standards. Odours and gaseous emissions are major environmental challenges driven by vehicle traffic, open waste burning, slaughterhouses and inadequate sanitation infrastructure. Slaughterhouses and abattoirs in areas such as Kiamaiko in Nairobi and Naivasha produce heavy organic-decay odours, untreated liquid effluents and solid waste that degrade local air quality. Open burning and smoke plumes from sites such as the Dandora dumpsite, broken sewerage systems and rotting garbage in residential neighbourhoods release noxious gases and foul odours. Industrial plants and municipal treatment sites, such as the Ruai sewage treatment plant, emit decomposition gases that cause respiratory complications for nearby communities. Odour does not have a specific numerical concentration limit in Kenya. It is regulated primarily as an environmental nuisance where it unreasonably interferes, or is likely to interfere, with the lawful use or enjoyment of property.

Fuel quality is an important determinant of atmospheric emissions, particularly from mobile and other combustion sources. The use of fuels that meet prescribed quality specifications, including limits on sulphur and other contaminants, is essential for reducing emissions of sulphur oxides, particulate matter, nitrogen oxides, carbon monoxide and hydrocarbons. The Air Quality Regulations cover mobile-source pollutants and reference relevant Kenya Standards, including

¹⁰⁸ A Singh, W Avis and F D Pope, 'Visibility as a Proxy for Air Quality in East Africa' (2020) 15 *Environmental Research Letters* 084002.

Kenya Standard EAS 1047, while petroleum fuel quality is regulated and monitored through the applicable petroleum laws and standards.

The management of air quality and atmospheric emissions in Kenya is anchored in the Constitution of Kenya, 2010, which guarantees the right to a clean and healthy environment and requires the State to establish systems for environmental assessment, monitoring and protection. At the national level, EMCA, 1999, as amended, provides the overarching legal framework, supported by the Environmental Management and Co-ordination (Air Quality) Regulations, 2024, as amended, which establish requirements for ambient air quality, stationary and mobile-source emissions, stack emissions, fugitive emissions, odour, monitoring, licensing and enforcement. The Constitution assigns county governments responsibility for controlling air pollution, public nuisances, waste management, county transport and planning, while the national government retains responsibility for environmental protection, national standards, policy and coordination. These frameworks are complemented by the Climate Change Act and applicable sectoral laws, regulations and Kenya Standards governing fuels, vehicle emissions, energy, transport, waste and other emission-generating activities.

Kenya continues to face air quality challenges, particularly from particulate matter (PM₁₀ and PM_{2.5}), vehicle and industrial emissions, dust, biomass and charcoal combustion and open burning. Urban areas, especially rapidly growing cities, experience higher pollution levels due to traffic, industrial activities, construction, unpaved roads and other human activities. The country is strengthening air quality management through expanded monitoring, emission controls, compliance enforcement and implementation of the Air Quality Regulations 2024. The National Environment Management Authority (NEMA) has introduced the Kenya Online Continuous Emissions Monitoring System (KOCEMS) to support real-time monitoring of industrial emissions, while counties such as Nairobi have established real-time air quality monitoring platforms. NEMA undertakes regulation, licensing, compliance and enforcement across major emission sources, including ambient air quality, industrial stack emissions, motor vehicles, fugitive emissions and dust, odour, smoke and open burning.

Key gaps include fragmented air quality data management and sharing; inadequate and outdated emission inventories; insufficient monitoring coverage and continuity, with existing information often derived from ad hoc monitoring in response to complaints or short-term research; limited technical, institutional, equipment and financial capacity at county level; weak inspection, emission testing and enforcement mechanisms; limited integration of air quality considerations into county development and sectoral planning; inadequate and unsustainable financing; limited structured collaboration between the environmental and health sectors for surveillance of air pollution-related health outcomes; and limited regional mechanisms for addressing transboundary air pollution through frameworks such as the East African Community and the Intergovernmental Authority on Development.

Policy statements

The Government shall:

- 9.4.1** Expand and maintain the national air quality monitoring network, including low-cost sensors and citizen monitoring, and maintain national emission inventories and a public air quality information system.
- 9.4.2** Set and enforce ambient air quality and emission standards, strengthen source apportionment through inspection, emission testing and reporting, and secure sustainable financing for air quality management.
- 9.4.3** Apply economic instruments to air pollution, including pollution levies, emission-based charges and incentives for cleaner technologies.
- 9.4.4** Strengthen fuel-quality standards and enforcement against fuel adulteration and the use of high-sulphur or off-specification fuels.
- 9.4.5** Link air quality data with health surveillance, and target monitoring and pollution control at informal settlements, schools, hospitals and other disproportionately exposed locations.
- 9.4.6** Align air pollution management with Kenya's Nationally Determined Contributions, prioritising measures that also reduce black carbon and methane.
- 9.4.7** Pursue regional cooperation on transboundary air pollution through the East African Community and the Intergovernmental Authority on Development.

The Government and county governments shall:

- 9.4.8** Share air quality monitoring data, emission inventories and enforcement information through a common reporting system, and review and harmonise national air quality law and county legislation.

County governments shall (Fourth Schedule to the Constitution, Part 2, paragraphs 3, 8 and 10):

- 9.4.9** Monitor and report local air quality, maintain county emission data, and establish county coordination, resource allocation and enforcement arrangements for air quality management.
- 9.4.10** Identify and control county emission sources, including traffic, construction dust, open burning, waste and industrial emissions and odour.
- 9.4.11** Integrate air quality into County Integrated Development Plans, physical and land use planning, development control and into county transport, waste and infrastructure programmes.

9.5 Soil¹⁰⁹

Situational analysis

Soil quality in Kenya is declining due to erosion, loss of fertility and organic matter, unsustainable land use practices, mining and quarrying, sand harvesting, urbanisation and soil contamination. These pressures threaten agricultural productivity, biodiversity, water quality, food security and livelihoods. Contaminated soils also act as a pathway for chemical exposure, particularly heavy metals and pesticide residues, linking soil management directly to the chemicals and public health agenda under this Chapter and to Kenya's obligations under the Stockholm and Minamata Conventions (Chapter 6).

Despite existing environmental laws, soil quality management remains fragmented. EMCA and related regulations address soil contamination principally through the polluter-pays principle and environmental impact assessment, while the Environmental Management and Co-ordination (Sand Harvesting) Regulations 2024 provide for environmentally sound sand harvesting and rehabilitation of degraded sites. The National Land Use Policy and county physical planning instruments address land use drivers of soil degradation. However, there is no dedicated national soil quality standard regime comparable to the Air Quality or Water Quality Regulations and monitoring, data systems, enforcement and restoration programmes remain weak or incomplete.

Available evidence points to widespread sheet and gully erosion in highland and arid and semi-arid landscapes, declining soil organic carbon, nutrient mining under continuous cultivation and localised contamination around mining, industrial and informal recycling sites. Sand harvesting, quarrying and poorly rehabilitated borrow pits further degrade productive soils and watercourses. The absence of systematic soil quality monitoring and publicly available soil maps limits evidence-based planning and enforcement.

The principal gaps are therefore the absence of integrated soil quality standards and monitoring networks; inadequate regulatory oversight of extractive activities that degrade soil; limited application of the polluter-pays principle to soil contamination, restoration and remediation; insufficient promotion of sustainable soil fertility management, balanced fertiliser use and soil and water conservation practices; and weak integration of soil quality into county land use planning and development control.

Policy statements

The Government shall:

- 9.5.1** Establish and progressively enhance binding soil quality standards under the Environmental Management and Co-ordination Act and its Regulations, aligned with international benchmarks.

¹⁰⁹ EMCA Cap 387; Environmental Management and Co-ordination (Sand Harvesting) Regulations 2024; National Land Use Policy; Stockholm and Minamata Conventions (Chapter 6).

- 9.5.2 Promote soil testing, sustainable soil fertility management and balanced fertiliser use (standards for environmentally sound mining, quarrying and sand harvesting are at section 8.12).
- 9.5.3 Develop a national soil quality monitoring network and a publicly accessible soil information system to support planning, enforcement and restoration.

The Government and county governments shall:

- 9.5.4 Apply the polluter-pays principle to soil contamination, restoration and remediation.

County governments shall (Fourth Schedule to the Constitution, Part 2, paragraphs 8 and 10(a)):

- 9.5.5 Promote soil and water conservation and sustainable land use practices, and undertake local monitoring and enforcement of activities that degrade soils (see sections 8.9 and 8.12).
- 9.5.6 Integrate soil quality into county spatial planning, physical and land use development planning and development control.

9.6 Noise¹¹⁰

Situational analysis

Noise pollution is a growing environmental and public health concern in Kenya, particularly in rapidly urbanising areas. Major sources include road traffic and public transport, entertainment establishments, construction, industries, generators, religious activities, markets and public events. Increasing urban density and mixed land uses have also brought noise-generating activities into close proximity to homes, schools, hospitals, courts, places of worship and other sensitive facilities.

Kenya's regulatory framework is established under the Environmental Management and Co-ordination Act (EMCA), 1999 and the Environmental Management and Co-ordination (Noise and Excessive Vibration Pollution) (Control) Regulations, 2009. The Regulations set maximum daytime noise levels of 40 dB(A) in silent zones, 50 dB(A) in residential outdoor areas, 55 dB(A) in mixed residential areas and 60 dB(A) in commercial areas, with a general night-time limit of 35 dB(A). However, the 2009 Regulations require review to reflect the current constitutional, urban, technological and social context. They were developed before the full implementation of devolution and before the rapid expansion of urban settlements, entertainment industries, amplified sound technologies, public transport and high-density mixed-use developments.

Available evidence demonstrates that excessive noise is widespread in urban Kenya. A recent Nairobi environmental-noise study recorded an average of 69.53 dB(A), substantially above the

¹¹⁰ Constitution of Kenya 2010; EMCA Cap 387; Noise and Excessive Vibration Pollution (Control) Regulations 2009; NEMA compliance orders (September 2025); Siriba (2026); Nyaranga (2018); NEMA Ecoflash 2025.

reference levels of 55 dB(A) during the day and 35 dB(A) at night. Studies in Nairobi's central business district found averages of 61 to 78 dB(A), while measurements at Nairobi bus termini ranged from 85.45 to 115.04 dB(A). In September 2025, NEMA issued compliance orders to 107 clubs, lounges, bars and restaurants following public complaints, and has undertaken joint night inspections with county governments, particularly Nairobi County.

Noise pollution has serious impacts on human health, including hearing impairment, sleep disturbance, stress, fatigue and cardiovascular problems. It reduces concentration, learning and productivity, and can disrupt wildlife behaviour, communication, breeding and movement. Workplace noise is an occupational health concern in factories, construction sites, quarries, workshops, transport facilities and entertainment establishments. Religious institutions require a balanced, religion-neutral approach that protects freedom of worship while preventing unreasonable disturbance. Road transport noise, including unnecessary horn use, modified exhausts, unauthorised sirens and amplified sound systems, requires stronger vehicle inspection and enforcement. Noise-generating activities should be better integrated into physical planning and licensing, with location-specific requirements, acoustic assessments, soundproofing, operating hours and protection of sensitive facilities.

Key gaps include the outdated 2009 regulatory framework; limited continuous monitoring; inadequate enforcement capacity; insufficient noise data; poor integration of noise considerations into physical planning and licensing; weak coordination between national and county institutions; inadequate control of vehicle-generated noise; and limited consideration of sensitive infrastructure. Kenya should move from predominantly complaint-based enforcement towards preventive, continuous and data-driven noise management.¹¹¹

Policy statements

The Government shall:

- 9.6.1** Revise the Environmental Management and Co-ordination (Noise and Excessive Vibration Pollution) (Control) Regulations 2009 to assign functions between the two levels of government and to cover transport, construction, entertainment and other current noise sources.
- 9.6.2** Set national noise standards and protocols for measurement, monitoring, mapping, reporting and enforcement, specify requirements for noise-sensitive areas, and maintain a national noise information system drawing on county data.

¹¹¹ D N Siriba, 'Mapping Nairobi's Environmental Noise Using a Custom Crowdsourcing Smartphone App for Evidence-Based Urban Noise Regulation and Policy' (2026) 18 *International Journal of Urban Sustainable Development* 258; C K Nyaranga and others, 'Levels of Environmental Noise and Perceived Health Implications in Bus Termini in Nairobi City County, Kenya' (2021) 6(1) *International Journal of Academic Research and Development* 16; National Environment Management Authority, public notice on noise pollution compliance (8 September 2025).

- 9.6.3** Strengthen controls on vehicle-generated noise, including horns, exhaust systems, sirens and other noise-producing devices.
- 9.6.4** Strengthen the technical and financial capacity of counties for noise monitoring and enforcement.

The Government and county governments shall:

- 9.6.5** Establish a coordinated framework for joint inspection and enforcement of significant or persistent noise pollution, and undertake strategic noise mapping and action plans for major urban centres and high-risk areas.
- 9.6.6** Share noise monitoring, complaint, hotspot and enforcement data through a common reporting system.
- 9.6.7** Establish coordinated licensing requirements for noise-generating activities and buffer protections for noise-sensitive infrastructure, including hospitals, schools, courts, residential neighbourhoods and care facilities.
- 9.6.8** Enforce controls on excessive vehicle noise, including unnecessary horn use and unauthorised or modified exhausts and sirens, with the national agencies responsible for traffic and vehicle licensing.

County governments shall (Fourth Schedule to the Constitution, Part 2, paragraphs 3 and 8):

- 9.6.9** Enact county noise control legislation that applies the national noise standards, licenses noise-generating activities, and prescribes permissible hours and penalties for noise and excessive vibration.
- 9.6.10** Apply noise limits in county spatial planning, zoning and development approval, and specify locations, operating hours, permissible levels and mitigation in the licensing of noise-generating activities.
- 9.6.11** Monitor and map noise hotspots, maintain county noise registers and report to the national noise information system.
- 9.6.12** Enforce noise requirements against entertainment and religious premises, transport corridors, construction sites and industry.
- 9.6.13** Apply objective and religion-neutral noise standards to places of worship, including the management of amplified calls to prayer, preaching, music and bells, while respecting the freedom of worship.
- 9.6.14** Establish a national noise zoning framework that classifies areas by land use, environmental sensitivity and noise exposure, sets maximum permissible noise levels for each class, and applies them through planning, development control and licensing.

9.7 Lighting¹¹²

Situational analysis

Environmental light conditions may arise from natural or artificial sources. Light pollution arises primarily from artificial alterations of natural day-night cycles and is increasingly recognised as an environmental pollutant alongside air, water, noise and soil pollution. It occurs when artificial light is excessive, unnecessary, improperly directed or used at inappropriate times, resulting in adverse impacts on ecosystems, human health, energy efficiency, climate objectives and the night-time environment. The issue is growing because of rapid urbanisation, county street lighting, growth of industrial parks and Special Economic Zones, increased use of light-emitting diode billboards and digital advertising, expansion of infrastructure and growth of tourism facilities in ecologically sensitive landscapes. Glass-clad buildings can reflect streetlights, floodlights, advertising displays and interior lighting, creating excessive glare and skyglow.

Excessive artificial lighting may affect human wellbeing, ecological integrity, biodiversity conservation and sustainable resource use. Light pollution is not merely an urban nuisance issue, but a biodiversity conservation, climate action, public health, energy efficiency and environmental quality issue. Poorly designed lighting results in wasteful electricity consumption and increased greenhouse gas emissions. Excessive glare can cause eye strain, reduced productivity, occupational accidents and visual fatigue.

The Convention on Migratory Species (CMS) adopted International Light Pollution Guidelines for Migratory Species in 2024 that emphasise right light, right place, right intensity and right duration, and encourage governments to integrate light pollution controls into environmental management systems. Kenya presently lacks a dedicated regulatory framework to curb light pollution; the issue is managed only indirectly through EMCA 1999, the Physical and Land Use Planning Act 2019 and respective county planning laws. As a result, lighting decisions are largely unregulated, most counties apply different practices, ecological impacts are rarely assessed, and Environmental Impact Assessments rarely evaluate night-time lighting. Obstacle lighting and restrictions on developments that may interfere with aviation safety are already recognised within the Civil Aviation Act and associated aerodrome regulations. Section 50 of the Occupational Safety and Health Act requires occupiers to provide and maintain sufficient and suitable lighting in workplaces. Vehicle modifications that dazzle or create excessive glare contradict the Traffic Act and vehicle inspection requirements, which require vehicles to meet prescribed roadworthiness standards, including lighting systems that do not endanger other road users.

Light pollution is relatively easy to prevent and reverse through good planning, proper fixture design and appropriate lighting standards. In alignment with global recommendations, Kenya shall promote the key principles of responsible outdoor lighting: useful, targeted, low-level, controlled

¹¹² Constitution of Kenya 2010 Arts. 10, 42, 69 and 70; EMCA Cap 387; Physical and Land Use Planning Act 2019; CMS 2024 International Light Pollution Guidelines for Migratory Species; Civil Aviation Act; Occupational Safety and Health Act; Traffic Act; Chapter 6.

and warm-coloured. Workplace lighting is typically assessed using illuminance (lux), brightness levels, glare indices and task-visibility requirements.

The principal gaps are therefore the absence of a dedicated national regulatory framework for light pollution; unregulated lighting decisions and divergent county practices; rare assessment of ecological and night-time impacts in environmental impact assessment; limited integration of light pollution controls into spatial planning and development control; and inadequate protection of dark-sky and environmentally sensitive night-time areas.

Policy statements

The Government shall:

- 9.7.1** Set national light standards and environmental quality thresholds under the Environmental Management and Co-ordination Act and the Occupational Safety and Health Act (Cap 236A), covering workplace lighting and the lighting of buildings, outdoor activities, transport infrastructure, vehicles and industrial facilities.
- 9.7.2** Integrate light pollution assessment into environmental impact assessment, strategic environmental assessment and development approval.
- 9.7.3** Monitor and report on light pollution, map environmentally sensitive dark-sky areas, and require dark-sky compliant public infrastructure and lighting technologies.

The Government and county governments shall:

- 9.7.4** Integrate light pollution management into spatial and land use planning, require lighting management plans for commercial, industrial and major infrastructure developments, and promote energy-efficient, wildlife-friendly and dark-sky compliant lighting.

County governments shall (Fourth Schedule to the Constitution, Part 2, paragraphs 3, 5(b) and 8):

- 9.7.5** Make and enforce county outdoor lighting rules consistent with national standards, and protect residential areas from glare and light trespass.
- 9.7.6** Regulate street lighting and public lighting to reduce glare, skyglow and light trespass.
- 9.7.7** Regulate illumination from advertising structures, digital billboards and other high-intensity outdoor installations.
- 9.7.8** Designate and manage local dark-sky conservation zones and other environmentally sensitive night-time areas.

9.8 Temperature Extremes and Thermal Comfort¹¹³

Situational analysis

Changes in maximum and minimum temperatures, increasing heat stress and changing thermal conditions are emerging environmental and public health concerns in Kenya. Higher maximum temperatures increase heat stress, dehydration, occupational risks and cooling demand, while changes in minimum temperatures can affect thermal comfort, sleep, cold stress and vulnerable populations. These risks are particularly important in rapidly urbanising areas where buildings, paved surfaces and limited vegetation can intensify heat exposure through the urban heat-island effect. Heat extremes also interact with air pollution and occupational exposure pathways, amplifying the disease burden discussed under air quality and public health in this Chapter.

Kenya has begun addressing heating, cooling and thermal comfort through building, energy, climate change, cooling and occupational safety and health frameworks. The National Building Code 2024, which came into force in March 2025, provides for natural cooling and ventilation, prevention of heat gain, appropriate building materials, landscaping, shading and energy efficiency. The Climate Change Act requires both national and county governments to mainstream climate change responses into development planning, build adaptive capacity and integrate climate considerations across government functions. Kenya's National Cooling Action Plan (NCAP) provides a strategic framework for reducing the environmental and climate impacts of the growing demand for cooling, while promoting energy-efficient and climate-friendly cooling technologies and improved access to sustainable cooling. In the workplace, the Occupational Safety and Health Act, 2007 requires employers and occupiers to provide and maintain a working environment that is safe and without risks to health, undertake workplace risk assessments, and ensure adequate ventilation and circulation of fresh air in workrooms; the Act also provides for occupational hygiene and measures to prevent or minimise exposure to workplace hazards. The Environmental Management and Co-ordination (Air Quality) Regulations, 2024 further require indoor air pollutant exposure to remain within limits established under occupational safety and health law. County Climate Change Action Plans provide a mechanism for addressing locally specific climate risks and adaptation priorities.

Available evidence indicates rising average temperatures, more frequent heat extremes and growing cooling demand in urban centres. Vulnerable groups, including outdoor workers, the elderly, children and residents of informal settlements with limited access to cooling or adequate housing, face disproportionate exposure. Night-time minimum temperatures are rising in several urban areas, reducing recovery from daytime heat and increasing health risks.

¹¹³ National Building Code 2024; Climate Change Act 2016 (as amended); Occupational Safety and Health Act 2007; Environmental Management and Co-ordination (Air Quality) Regulations 2024; National Cooling Action Plan for Kenya; EMCA Cap 387; WHO Housing and Health Guidelines; WHO guidance on heatwaves and warning-system development; WHO/WMO Climate Change and Workplace Heat Stress guidance; WMO Extreme Heat; Chapter 6 (climate and ozone-related instruments, including the Kigali Amendment).

The principal gaps are therefore limited integration of maximum and minimum temperature risks into environmental quality management; inadequate monitoring of indoor and outdoor thermal conditions; absence of comprehensive national thermal comfort guidelines and explicit temperature or heat-stress thresholds for workplaces, public buildings, schools, health facilities and other occupied spaces; limited consideration of night-time temperatures and prolonged heat events; weak integration of temperature risks into urban planning, building approvals and infrastructure design; limited heat health and cold weather early-warning and response systems; and insufficient emphasis on passive cooling, energy-efficient cooling and appropriate heating technologies. There is also a need for stronger coordination between meteorological, environmental, health, energy, housing, labour and county authorities to develop, implement and enforce thermal comfort and temperature-risk management measures.

Policy statements

The Government shall:

- 9.8.1** Establish a national framework for monitoring and managing temperature extremes, and integrate temperature information into environmental and public health decision-making.
- 9.8.2** Integrate temperature and thermal-comfort requirements into national environmental standards, building regulations, infrastructure planning, occupational health and safety requirements, energy efficiency and public health preparedness.
- 9.8.3** Operate heat health and cold weather early warning by linking meteorological forecasts, temperature thresholds and health surveillance to public advisories.

The Government and county governments shall:

- 9.8.4** Promote climate-responsive and energy-efficient heating and cooling, including passive design, natural ventilation, shading, appropriate building materials, urban greening and efficient mechanical systems.
- 9.8.5** Promote natural refrigerants in cooling appliances in line with the hydrofluorocarbon phase-down, including through public procurement at both levels of government.

County governments shall (Fourth Schedule to the Constitution, Part 2, paragraphs 2, 8, 10 and 12):

- 9.8.6** Mainstream maximum and minimum temperature risks into County Integrated Development Plans, County Climate Change Action Plans, National Cooling Action Plans and county sector plans.
- 9.8.7** Integrate thermal comfort and climate-responsive design into county planning, development approvals and public facilities, including ventilation, shading, appropriate building materials and green space.

- 9.8.8** Implement county heat health and cold weather preparedness and response measures, linked to meteorological forecasts and early warning, with priority to vulnerable populations.

9.9 Waste Management and the Circular Economy¹¹⁴

Situational analysis

Kenya's waste management challenge is persistent and growing, driven by rapid urbanisation, population growth, changing consumption patterns and underdeveloped infrastructure, with waste generation outpacing investment in collection and recovery. Every Kenyan generates about half a kilogram of solid waste a day, which comes to some 8 million tonnes nationally each year, and Nairobi alone generates about 2,400 tonnes a day. Collection and material recovery remain inadequate. Official data indicate that Nairobi's collection rate was about 44.7 per cent in 2024, compared with 62.1 per cent in Mombasa and 59.3 per cent in Nakuru, and that it fell further to 33.2 per cent in 2025. Electronic waste is also rising, from 53,559 tonnes in 2024 to 55,956 tonnes in 2025, with small electrical and electronic equipment the largest category within it. The core problem is the absence of segregation at source, which leaves organic, hazardous and electronic waste mixed indiscriminately. Municipal collection systems are heavily strained as a result, and large volumes go to uncontrolled open dumpsites such as Dandora, or are dumped illegally and burned in the open in low-income areas. Producer compliance under the Extended Producer Responsibility (EPR) framework remains weak, which leaves free riders and gaps in enforcement.

Kenya's legal and regulatory framework on waste management and the circular economy is anchored in Articles 10, 42 and 69 of the Constitution. The country has progressively strengthened its policy and regulatory framework through the National Sustainable Waste Management Policy 2021; the Sustainable Waste Management Act 2022; the Environmental Management and Co-ordination (Waste Management) Regulations 2024; the Sustainable Waste Management (Extended Producer Responsibility) Regulations 2024, as amended in 2025; and the Management and Control of Plastic Packaging Materials Regulations 2024, among others. Together these instruments embed the waste hierarchy, the polluter-pays principle and circular-economy approaches through source segregation, Extended Producer Responsibility, take-back schemes, Materials Recovery Facilities, recycling, composting, reuse and recovery of secondary raw materials. The Sustainable Waste Management Act requires each county to establish a Materials Recovery Facility, and the Waste Management Regulations 2024 introduce national colour-coding, waste segregation and a National Waste Information System. The EPR framework further places financial, organisational and physical responsibility on producers for post-consumer products and requires measures on eco-

¹¹⁴ Constitution of Kenya 2010 Arts. 10, 42 and 69; National Sustainable Waste Management Policy 2021; Sustainable Waste Management Act 2022; EMCA Cap 387; Environmental Management and Co-ordination (Waste Management) Regulations 2024; Sustainable Waste Management (Extended Producer Responsibility) Regulations 2024 (as amended 2025); Management and Control of Plastic Packaging Materials Regulations 2024; KNBS Economic Survey 2025 & 2026; Chapter 6.

design, reuse, recycling, recovery, secondary material markets and the management of products across their life cycle.

A new and growing dimension is the management of end-of-life lithium-ion and other batteries arising from Kenya’s rapidly expanding electric-mobility, renewable-energy and electronics sectors. Although initiatives to establish lithium-ion battery recycling and critical-mineral recovery capacity are emerging, including a proposed Kenyan lithium-ion battery recycling and critical-metals processing facility, domestic downstream recycling capacity remains limited. Large volumes of electronic and battery waste are therefore handled through informal or inadequately equipped systems, with few formal collection networks.

Notwithstanding this progress, important policy and implementation gaps remain, including low source segregation and collection rates; insufficient county Materials Recovery Facilities, sanitary landfills, composting and recycling infrastructure; weak waste data and traceability systems; inadequate financing and markets for secondary materials; limited formal integration of waste pickers; fragmented institutional implementation; and insufficient capacity for emerging streams such as lithium-ion batteries, solar equipment and other e-waste. Kenya does not yet have a national circular economy strategy covering the whole economy. The Government is developing a National Circular Economy Strategy and Implementation Plan to address this fragmentation and establish a coordinated national transition from the linear “take-make-dispose” model.

Under the Extended Producer Responsibility Regulations 2024, as amended, four Producer Responsibility Organisations (PROs) are registered, namely Kenya Extended Producer Responsibility Organization (KEPRO), Packaging Producer Responsibility Organization (PAKPRO), Hazardous Waste PRO of Kenya (HAPROK) and Electronic Waste PRO of Kenya (EPROK). Further organisations are being formed to handle post-consumer waste materials.

This Policy therefore treats waste management and the circular economy as cutting across climate change, human health, water, biodiversity, land, resource security and green industrialisation, and as a means of giving effect to the right to a clean and healthy environment under Article 42 of the Constitution.

Policy statements

The Government shall:

- 9.9.1** Develop and implement a national circular economy framework and action plan, and mainstream circular economy principles into national development, industrial, trade and investment planning.
- 9.9.2** Set eco-design, repairability, reuse and recyclability standards for priority products, and require life-cycle responsibility for them.

- 9.9.3** Establish national circular economy indicators and public reporting on material flows, collection, recovery and recycling, supported by product traceability and digital reporting systems.
- 9.9.4** Set progressive collection, recovery and recycling targets for regulated sectors, and enforce extended producer responsibility obligations against all obligated producers, including free riders.
- 9.9.5** Apply eco-modulated producer responsibility fees and deposit-return schemes to reward product designs that reduce waste.

The Government and county governments shall:

- 9.9.6** Incentivise investment in resource recovery, remanufacturing and recycling, support green manufacturing based on secondary materials, and procure recycled and circular products.
- 9.9.7** Recognise and integrate informal waste workers into county waste and resource-recovery systems, with registration and occupational protection.

County governments shall (Fourth Schedule to the Constitution, Part 2, paragraphs 2(g) and 8):

- 9.9.8** Establish waste segregation at source and materials recovery facilities, and report county recovery rates.
- 9.9.9** Support producer responsibility schemes, including collection and take-back arrangements with registered producer responsibility organisations.
- 9.9.10** Develop markets for recycled materials through county procurement and licensing.

9.10 Public Health and the One Health Approach¹¹⁵

Situational analysis

Environmental conditions bear directly on human health. In Kenya, air pollution, chemical exposure, unsafe water, poor sanitation, climate change and ecosystem degradation contribute to communicable and non-communicable diseases, injuries, malnutrition, disability and premature mortality. This Policy works from the One Health approach, which treats human, animal and environmental health as one subject.

¹¹⁵ Constitution of Kenya 2010; EMCA Cap 387; Kenya Health Policy 2014–2030; Kenya Climate Change and Health Strategy 2024–2029; Climate Change Act 2016; Household Air Pollution Prevention Strategy 2024–2029; One Health Strategic Plan 2021–2025; National Brucellosis Strategy 2021–2040; National Policy on the Prevention and Containment of AMR 2017; NAP-AMR 2023–2027; ZDU prioritisation of zoonoses; IHME Global Burden of Disease Study 2023; Owino-Uhuru [2024] KESC 75; International Health Regulations (2005) as amended 2024; Chapter 6.

Kenya has a policy and legal framework for environmental and public health. The Constitution of Kenya (2010), the Environmental Management and Co-ordination Act (EMCA) and the Kenya Health Policy 2014–2030 provide the foundation for environmental governance and the recognition of environmental determinants of health. More recently, the Kenya Climate Change and Health Strategy 2024–2029, together with the Climate Change Act (2016), National Climate Change Action Plans, the Household Air Pollution Prevention Strategy 2024–2029 and the One Health Strategic Plan (2021–2025) have strengthened the integration of climate, health and environmental priorities through a One Health approach. Kenya has also responded to antimicrobial resistance through the National Policy on the Prevention and Containment of AMR (2017) and the second National Action Plan (NAP-AMR 2023–2027), coordinated under a One Health approach by the National Antimicrobial Stewardship Inter-Agency Committee (NASIC), with the Ministry of Health, the Ministry of Agriculture and Livestock Development and the Ministry of Environment, Climate Change and Forestry all on the governance structure. These domestic instruments give effect to Kenya’s obligations under the International Health Regulations and related global health and environment frameworks referenced in Chapter 6.

Globally, environmental risks account for approximately 24 per cent of the global disease burden, while the WHO estimated that 13.7 million deaths in 2016, equivalent to 24 per cent of global deaths, were attributable to modifiable environmental risks. Sub-Saharan Africa has among the highest per-capita mortality burdens attributable to environmental risks. In Kenya, fine-particle pollution was estimated to cause approximately 3,920 deaths in 2023, equivalent to 14 deaths per 100,000 people. Environmental risks affect health through multiple pathways, including air pollution, unsafe water and sanitation, chemical exposure, infectious diseases and non-communicable diseases. Climate change further increases health risks through extreme weather events, food insecurity, changing disease patterns and other environmental pathways.¹¹⁶

Zoonotic diseases remain a major public health and economic concern. Kenya’s Zoonotic Disease Unit (ZDU) has identified ten priority zoonoses, including anthrax, trypanosomiasis, rabies, brucellosis, Rift Valley Fever, echinococcosis, non-typhoidal salmonellosis, Q-Fever, bovine tuberculosis and pandemic influenza. Brucellosis, bovine tuberculosis and non-typhoidal salmonellosis alone are estimated to cost the economy over KSh 600 billion (3.9 per cent of GDP); rabies causes approximately 2,000 human deaths annually; and brucellosis seroprevalence reaches up to 44 per cent in pastoral communities. The National Brucellosis Strategy 2021–2040 is the instrument through which that burden is addressed. Outbreaks recur with environmental and climatic conditions, so prevention, preparedness and response have to be organised across the human, animal and environmental sectors together. Agricultural practices, including the use of hazardous pesticides and other chemicals, affect human health, livestock, wildlife and ecosystem integrity at once, and this Policy manages the risks they carry across all four.

¹¹⁶ A Prüss-Ustün and others, 'Diseases Due to Unhealthy Environments: An Updated Estimate of the Global Burden of Disease Attributable to Environmental Determinants of Health' (2017) 39(3) *Journal of Public Health* 464.

Antimicrobial resistance (AMR) is a growing public health, animal health and environmental threat that undermines the effective prevention and treatment of infectious diseases. Addressing AMR requires a coordinated One Health approach that recognises the interconnectedness of humans, animals, plants and ecosystems. The environment is both a reservoir and a transmission pathway for antimicrobial-resistant microorganisms and antimicrobial resistance genes moving between human, animal and ecological systems. Environmental contamination from pharmaceutical manufacturing waste, healthcare facilities, livestock production, aquaculture and municipal wastewater contributes to the selection and dissemination of resistance in soil, water and sediments. Rapid urbanisation, industrialisation, agricultural intensification, inadequate sanitation and poor waste management further amplify these risks. Evidence from Kenya and globally has demonstrated the presence of antimicrobial-resistant bacteria and resistance genes in environmental samples, so the environment belongs in national efforts to contain antimicrobial resistance.

Existing policies largely address environmental protection, climate adaptation, public health and zoonotic disease management through sector-specific approaches, with limited integration of human, animal and ecosystem health objectives. Key challenges include weak cross-sectoral coordination among environment, health, agriculture, wildlife and water institutions; inadequate integration of environmental, animal and human health surveillance systems; insufficient attention to prevention of environmental health risks such as air pollution, hazardous chemicals, pesticide exposure and waste-related contamination; limited recognition of ecosystem health and biodiversity conservation as determinants of public health; and inadequate data and research to inform evidence-based decision-making. These challenges are compounded by limited technical and financial capacity, weak enforcement of environmental laws, limited capacity and uneven implementation at county level and insufficient sustainable financing for One Health interventions.

Policy statements

The Government shall:

- 9.10.1** Institutionalise the One Health approach across environmental policy, legislation and standards, addressing the pollution and disease burden, antimicrobial resistance, the environmental drivers of zoonotic spillover and pandemic preparedness.
- 9.10.2** Operate a national One Health coordination mechanism spanning environment, health, land use, agriculture, livestock, wildlife, water and climate change.
- 9.10.3** Develop and maintain integrated national surveillance of environmental exposures, health outcomes and zoonoses attributable to environmental risk.
- 9.10.4** Establish and resource national environmental surveillance systems for antimicrobial residues, antimicrobial resistant microorganisms, and antimicrobial resistance genes in water, wastewater, soil, sediments, and other priority environmental matrices, and

integrate environmental AMR monitoring into the National Action Plan on Antimicrobial Resistance.

- 9.10.5** Prevent, minimise and control the release of antimicrobial residues, resistant microorganisms, pharmaceutical waste, and other pollutants that contribute to the development and spread of antimicrobial resistance in the environment.

The Government and county governments shall:

- 9.10.6** Manage environmental, human and animal health risks together through the coordinated implementation of the One Health approach.
- 9.10.7** Operate integrated surveillance, data sharing and knowledge management to support decisions and early warning on environmental health.

The Government and county governments shall:

- 9.10.8** Ensure that every person enjoys the right to a clean and healthy environment, as required by Articles 42, 21(1), 21(3) and 69(1) of the Constitution, with particular attention to vulnerable populations.

County governments shall (Fourth Schedule to the Constitution, Part 2, paragraphs 2, 8, 10 and 12):

- 9.10.9** Mainstream the One Health approach and the environmental dimensions of antimicrobial resistance into County Integrated Development Plans and county environmental action plans, and relevant county sector strategies.
- 9.10.10** Monitor, prevent and manage county environmental health risks, including pollution, chemical exposure, waste, sanitation and climate-sensitive diseases, and enforce environmental requirements.
- 9.10.11** Operate county surveillance, reporting and early warning for environmental, animal and human health threats.
- 9.10.12** Prevent, minimise and control the discharge of antimicrobial residues and antimicrobial-resistant microorganisms from county health facilities, veterinary facilities, wastewater systems, and waste disposal sites into the environment.

9.11 Wastewater¹¹⁷

Situational analysis

Poorly managed wastewater contributes directly to the degradation of rivers, lakes, groundwater and other water resources. Only 37 per cent of monitored water bodies had good ambient water quality in 2023, while only 33.7 per cent of monitored river water bodies met the good-quality classification.¹¹⁸

The proportion of domestic wastewater flows that was safely treated declined from 11.4 per cent in 2022 to 11.2 per cent in 2024, indicating limited progress in wastewater treatment.¹¹⁹ In regulated water-service areas, only approximately 16 per cent of the service-area population was served through sewerage in 2024/25.¹²⁰ The limited sewerage coverage is compounded by inadequate treatment capacity, ageing infrastructure, weak operation and maintenance, insufficient financing and the continued reliance on onsite and non-sewered sanitation systems.

Wastewater management extends beyond conventional sewerage to include the entire sanitation service chain of containment, emptying, collection, transportation, treatment, discharge and safe reuse of faecal sludge. Where conventional sewerage is technically or economically impractical, decentralised wastewater treatment and properly regulated faecal-sludge management are important alternatives. Expansion of sewerage should also recognise the role of companies involved in developing major sewer trunk infrastructure, with water and sewerage service providers connecting their networks and customers to the main trunk lines. Innovative financing approaches are emerging, including the use of the housing levy to support expansion of sewer infrastructure, demonstrating the potential for integrating sanitation investment with housing development.

Poorly managed wastewater contributes directly to the degradation of rivers, lakes, groundwater and other water resources. Only 37 per cent of monitored water bodies had good ambient water quality in 2023, while only 33.7 per cent of monitored river water bodies met the good-quality classification. Industrial effluents from manufacturing, agro-processing, mining, energy and other industrial activities can contain organic pollutants, heavy metals, chemicals and other contaminants that pose risks when inadequately treated or illegally discharged. Agricultural activities can generate wastewater containing nutrients, sediments, pesticides, animal waste and other pollutants. Gold mining, particularly where ore is processed through washing, amalgamation

¹¹⁷ Constitution of Kenya 2010; Water Act 2016; EMCA Cap 387; Environmental Management and Co-ordination (Water Quality) Regulations 2024; Water Services Regulations 2024; National Sanitation Management Policy 2026; WASREB Impact reports; UNSD SDG country profile; Chapter 8 (water resources).

¹¹⁸ United Nations Environment Programme and UN-Water, *Progress on Ambient Water Quality: Tracking SDG Indicator 6.3.2* (UNEP 2024).

¹¹⁹ United Nations Statistics Division, 'Kenya' (Sustainable Development Goals Country Profiles, Goal 6) <<https://unstats.un.org/sdgs/dataportal/countryprofiles/ken#goal-6>> accessed 30 September 2026.

¹²⁰ Water Services Regulatory Board, *A Performance Report of Kenya's Water Services Sector 2024/2025* (Impact Issue No 18) <<https://wasreb.go.ke/wp-content/uploads/2026/06/Impact-18-Report.pdf>> accessed 30 September 2026.

or leaching, can generate wastewater containing suspended solids, heavy metals and chemical residues.

Kenya has an established legal and policy framework for wastewater management, including the Constitution of Kenya, the Water Act 2016, EMCA, the Environmental Management and Co-ordination (Water Quality) Regulations 2024, the Water Services Regulations 2024 and the National Sanitation Management Policy 2026. The Water Quality Regulations 2024 require licensing of effluent discharges, providing an important regulatory mechanism for controlling wastewater discharged into the environment.

The principal challenge is therefore increasingly one of implementation, investment, coordination and enforcement rather than absence of policy and legislation. Policy should shift from a predominantly disposal-oriented approach towards integrated wastewater treatment, pollution prevention, safe reuse and resource recovery, with emphasis on wastewater that is safely contained, collected, treated, discharged in compliance with standards and beneficially reused.

Policy statements

The Government shall:

- 9.11.1** Establish and enforce an integrated wastewater management framework covering sewerage, onsite sanitation, faecal sludge, treatment, effluent discharge, reuse and resource recovery.
- 9.11.2** Strengthen licensing, monitoring and enforcement of wastewater and effluent discharges under the Environmental Management and Co-ordination (Water Quality) Regulations 2024, including compliance oversight of licensed dischargers.
- 9.11.3** Mobilise sustainable financing for wastewater infrastructure, including sewerage expansion and rehabilitation, treatment plants and faecal-sludge treatment facilities.

The Government and county governments shall:

- 9.11.4** Plan, finance and implement strategic wastewater and faecal-sludge infrastructure, including trunk sewers, in coordination with water and sewerage service providers.
- 9.11.5** Coordinate monitoring, inspection and enforcement of effluent-discharge requirements across rivers, lakes and groundwater, sharing information among the National Environment Management Authority, the Water Services Regulatory Board, the Water Resources Authority, counties and water service providers.
- 9.11.6** Promote safe reuse of treated wastewater and sludge and the recovery of water, nutrients and energy.
- 9.11.7** Develop compatible wastewater information systems to support coordinated planning, monitoring and reporting.

County governments shall (Fourth Schedule to the Constitution, Part 2, paragraph 11(b)):

- 9.11.8** Develop and operate integrated wastewater and faecal-sludge systems covering sewerage and non-sewerage sanitation, and expand and rehabilitate infrastructure, prioritising dense settlements and pollution hotspots.
- 9.11.9** Ensure wastewater and faecal-sludge facilities comply with national standards, and enforce against illegal discharge and dumping

CHAPTER 10: CLIMATE CHANGE, ENERGY TRANSITION AND EMERGING GOVERNANCE THEMES

10.1 Chapter Policy Objective and Overview

Chapter policy objective

To establish the environmental governance architecture for climate action, the energy transition and emerging governance themes, embedding them within a coherent and accountable system.

Overview

The sub-sections that follow describe the current state of climate, energy and emerging theme governance, grounded in the available scientific, economic and statistical evidence, and set out the directions this Policy takes. The policy statements for each subject appear at the end of its section.

Policy statements

The Government shall:

- 10.1.1** Establish the environmental governance architecture for climate action, the energy transition and emerging governance themes, so that each is embedded within a coherent and accountable environmental management system.
- 10.1.2** Support research, training, capacity building and public awareness on climate change, the energy transition and emerging environmental governance themes, applying the framework in section 11.11.

10.2 Climate Change Mitigation and Adaptation

Situational analysis

Climate change is a defining condition of Kenya's environmental, economic and social development. Kenya is a small contributor to global emissions but one of the countries most exposed to the resulting hazards, with structural vulnerability.¹²¹ Its economy depends on climate sensitive sectors, including rain-fed agriculture, water, energy, tourism, wildlife and health. More than 98 per cent of the country's agricultural and rangeland area is rain-fed, and the arid and semi-arid lands cover over 80 per cent of the national territory.¹²² Increasing temperatures, changing

121 Notre Dame Global Adaptation Initiative, *ND-GAIN Country Index: Kenya* <https://gain-new.crc.nd.edu/country/kenya> accessed 16 May 2026.

122 Republic of Kenya, *Kenya's Second Nationally Determined Contribution (2031–2035)* (Ministry of Environment, Climate Change and Forestry 2025) p 4; World Bank, *Kenya Country Climate and Development Report* (World Bank 2023) p 27 <https://openknowledge.worldbank.org/entities/publication/b59c453d-c2cb-421d-909d-7c05cb0d4580> accessed 16 May 2026.

rainfall patterns, recurrent droughts, floods, landslides, heat stress, coastal hazards and disease outbreaks are therefore intensifying existing vulnerabilities and undermining development gains.

The economic and environmental costs of climate variability are already substantial. Climate variability erodes an estimated 3 to 5 per cent of GDP each year.¹²³ The 2022–2023 drought, the longest on record, caused losses above KES 70 billion, slowed GDP growth from 5.8 to 4.9 per cent, and pushed an estimated 300,000 people into poverty, while the floods of March to May 2024 caused damages of about KES 101 billion and further losses near KES 87 billion.¹²⁴ The World Bank projects that, without sustained action, climate change could cut Kenya’s real GDP by 3.6 to 7.25 per cent by 2050, deepen poverty for a further 1.1 million people, and raise the burden of malaria and waterborne disease.¹²⁵ Climate actions are therefore needed to reduce the impacts of climate change and variability. These actions must be understood not as a stand-alone sectoral intervention but as an essential component of environmental protection, sustainable development and the progressive realisation of the constitutional right to a clean and healthy environment.

Kenya was historically a net carbon sink until the late 1980s, and in 2022 its per-capita emissions were below 2.09 tCO₂eq, against a global average of 6.76 tCO₂eq. Its total emissions that year were about 113.4 MtCO₂eq with land use, land use change and forestry included, or 66.5 MtCO₂eq without. Agriculture, land use and forestry together account for roughly 73 per cent of the total, and energy for 20 per cent.¹²⁶ Kenya’s mitigation pledges have nonetheless risen in ambition: a 30 per cent reduction by 2030 in the First Nationally Determined Contribution (NDC) (2016), 32 per cent in the Updated NDC (2020) at an estimated cost of USD 62 billion, and 35 per cent by 2035 in the Second NDC, an abatement of 75.25 MtCO₂eq of which 80 per cent is conditional on international support.¹²⁷

Kenya’s governing architecture for climate change is, in formal terms, comprehensive. The Climate Change Act 2016, amended in 2023, establishes the National Climate Change Council chaired by the President, the Climate Change Directorate as lead coordinating agency, and the mainstreaming of climate action across both levels of government, with the National Environment Management Authority as the enforcement body.¹²⁸ Climate change units were established in the Ministries, Departments and Agencies to coordinate the mainstreaming of the National Climate Change Action Plan and other statutory climate change functions and mandates into sectoral strategies for implementation. Nonetheless, following judicial challenges, the operationalisation

123 *Second NDC (2031–2035)* (n 2) p 2.

124 *ibid* p 4.

125 World Bank (n 2) pp 47, 49 and 15.

126 *Second NDC (2031–2035)* (n 2) p 5.

127 Republic of Kenya, *Kenya’s Updated Nationally Determined Contribution* (24 December 2020) submission letter, paras 3–5 <https://unfccc.int/sites/default/files/NDC/2022-06/Kenya%27s%20First%20NDC%20%28updated%20version%29.pdf> accessed 16 May 2026; *Second NDC (2031–2035)* (n 2) p 13.

128 Climate Change Act 2016 (Act No 11 of 2016) ss 5, 9 and 18–19, as amended by the Climate Change (Amendment) Act 2023 (Act No 9 of 2023) <https://new.kenyalaw.org/akn/ke/act/2016/11/eng@2016-05-06> accessed 16 May 2026.

of the National Climate Change Council has remained in abeyance, despite the 2023 amendments to the Climate Change Act modifying the manner of appointing representatives from outside government to the Council. Implementation of the climate priorities in Kenya is through legally mandated five-year National Climate Change Action Plans. The third of these, covering 2023 to 2027, is aligned with the Long-Term Low-Emission Development Strategy and its goal of a carbon-neutral economy by 2050.¹²⁹ Adaptation remains Kenya's stated priority, communicated through the National Adaptation Plan 2015–2030, which is appropriate for a low-emitting and highly exposed country. The scientific benchmark for Kenya is clear: the Intergovernmental Panel on Climate Change finds that global emissions must fall by about 43 per cent by 2030 against 2019 levels to keep the 1.5°C goal within reach (Chapter 6).¹³⁰

Climate governance is, by design, a devolved function. The Climate Change Act requires every county to mainstream the National Climate Change Action Plan into its County Integrated Development Plan and sectoral plans, to designate a County Executive Committee member to coordinate climate affairs, and to report annually to the County Assembly.¹³¹ All the counties have established County climate legal frameworks, and the Financing Locally Led Climate Action programme, launched in 2021, channels finance directly to the county level.¹³² County climate action is, in line with the national priority and need, overwhelmingly adaptation and resilience focused.

This Policy treats climate mitigation and adaptation as a condition that runs through all environmental governance rather than as a discrete sector, and gives priority to aligning climate planning, environmental assessment and the national monitoring architecture so that climate action is delivered through the environmental governance system, not beside it. Mitigation, while contributing equitably to reduction of greenhouse gas emissions, is also a tool through which Kenya undertakes environmental restoration including in degraded arid and semi-arid land environments and supportive to the national ecosystem restoration agenda.

Policy statements

The Government shall:

- 10.2.1** Treat climate mitigation and adaptation as a condition running through environmental governance, aligning climate action planning, environmental assessment and the national measurement, reporting and verification architecture with delivery of the Nationally Determined Contribution.

129 Republic of Kenya, *National Climate Change Action Plan 2023–2027* (Ministry of Environment, Climate Change and Forestry 2023) Executive Summary, p vi.

130 IPCC, *Climate Change 2023: Synthesis Report* (IPCC 2023) Summary for Policymakers, s B.6 <https://www.ipcc.ch/report/ar6/syr/> accessed 16 May 2026.

131 Climate Change Act 2016 (n 8) s 19.

132 NCCAP 2023–2027 (n 9) p 53.

- 10.2.2** Deploy mitigation as a tool for ecosystem restoration in degraded landscapes, including the arid and semi-arid lands, so that emission reduction and land restoration are pursued together.
- 10.2.3** Strengthen national capacity for climate science research, observation, monitoring, modelling and projection, so that adaptation, mitigation and investment decisions rest on credible evidence of current and future climate risk.

The Government and county governments shall:

- 10.2.4** Mainstream climate mitigation and adaptation across national and county planning, operationalising the designated climate change institutions at both levels and integrating climate action into action plans and County Integrated Development Plans.

County governments shall (Fourth Schedule to the Constitution, Part 2, paragraphs 8 and 10):

- 10.2.5** Coordinate county climate action with the Climate Change Directorate through the designated County Executive Committee member, and implement it through the county environment action plan, environmental assessment and the enforcement of environmental standards.

10.3 Carbon Markets and Environmental Integrity

Situational analysis

Kenya already hosts a substantial number of voluntary carbon projects but is underrepresented in global markets, accounting for less than 1 per cent of global carbon credits, and the sector is constrained by weak technical capacity, contested community consent and questions of integrity.¹³³

The Northern Kenya Rangelands Carbon Project, at approximately 1.9 million hectares the largest soil carbon project in the world, has generated millions of verified credits, 3.2 million of them in 2021.¹³⁴ It has twice been placed under review by the verification body Verra, in 2023 and in 2025, over the free, prior and informed consent of the Indigenous and pastoralist communities on whose land it operates.¹³⁵

Kenya has built a domestic governance architecture for carbon markets. The Climate Change (Amendment) Act 2023 brought the governance of carbon markets into the principal Act and provided for the designation of a Designated National Authority for the mechanisms under Article

¹³³ Abdirizak Arale Nunow, 'Carbon Trading in Kenya: Challenges and Opportunities' (2025) 5(2) *Journal of Environment* 1.

¹³⁴ Northern Kenya Rangelands Carbon Project <https://www.northernkenyacomunitycarbon.org/> accessed 16 May 2026.

¹³⁵ Verra, 'Update: Northern Kenya Grassland Carbon Project' (program notice) <https://verra.org/program-notice/update-northern-kenya-grassland-carbon-project/> accessed 18 May 2026.

6 of the Paris Agreement, a function the Cabinet Secretary has conferred on the National Environment Management Authority.¹³⁶ The amendments also established the National Carbon Registry, required environmental and social impact assessment and independent validation and verification for every project, and set a mandatory annual social contribution to host communities of at least 40 per cent of aggregate earnings for land-based projects and 25 per cent for other projects, delivered through Community Development Agreements.¹³⁷

The Community Development Agreement architecture and the Community Land Act both address land held by a registered community. Much of the land on which carbon projects and nature based solutions are placed is held by smallholders under private title, who fall outside both and contract individually, without the statutory protections provided for projects on community land through Community Development Agreements.

This Policy treats the carbon market as a question of environmental and social integrity, and not only as a source of revenue and benefit. What matters is that a credit issued in Kenya represents a real, additional and permanent mitigation outcome, that the project which generated it was assessed and consented to, and that the community hosting it receives the share the law prescribes. The finance that the market raises, and the place of that finance in environmental expenditure, are dealt with in Chapter 13.

Policy statements

The Government shall:

- 10.3.1** Strengthen measurement, reporting and verification across the carbon market, so that every credit issued in Kenya represents a real, additional and permanent mitigation outcome that is not counted twice.
- 10.3.2** Require environmental and social impact assessment, independent validation and verification for every carbon project, and require the free, prior and informed consent of communities whose land the project uses.
- 10.3.3** Enforce the Community Development Agreement requirements, so that host communities receive the annual share of aggregate earnings the Regulations prescribe for land-based and other carbon projects.

The Government and county governments shall:

- 10.3.4** Ensure that carbon projects on community land proceed on the terms the Community Land Act 2016 sets for decisions on community land, including the free, prior and informed consent of the registered community.

¹³⁶ Climate Change Act 2016 (Cap 387A) s 8(2A), as amended by the Climate Change (Amendment) Act 2023.

¹³⁷ Climate Change (Carbon Markets) Regulations 2024 (Legal Notice No 84 of 2024) regs 11 (National Carbon Registry), 19 (environmental and social impact assessment), 20 (validation and verification) and 29 (annual social contribution); Climate Change (Non-Market Approaches) Regulations 2026 (Legal Notice No 8 of 2026) reg 3.

- 10.3.5** Protect smallholders and other private landowners who host carbon projects and nature based solutions, requiring informed consent, disclosure of the term and the land use restrictions, and an agreed share of the revenue.

10.4 Means of Implementation for Climate Commitments

Situational analysis

Kenya is highly vulnerable to climate change, and its capacity to finance adaptation, mitigation, ecosystem restoration and responses to loss and damage from domestic resources is limited. The Nationally Determined Contribution is the instrument through which Kenya states what it will deliver, what that delivery requires and what part of it depends on support from outside the country. The Second Nationally Determined Contribution for 2031 to 2035 commits Kenya to abate approximately 75.25 million tonnes of carbon dioxide equivalent by 2035, and identifies international finance, technology development and transfer, and capacity building as the means by which the greater part of that target is to be achieved.¹³⁸

The National Climate Change Action Plan 2023 to 2027 records that the costing provided by ministries, departments and agencies rested largely on budget projections rather than on investment needs, and calls for a needs based investment plan.¹³⁹ Until that plan exists, this will limit the mobilization of investments required to support implement of the conditional and unconditional parts of the Nationally Determined Contribution, including through the NCCAP.

This Policy therefore treats the means of implementation as part of the environmental governance of climate action rather than as a separate financial question. The Nationally Determined Contribution defines what is to be delivered and what it costs. How the resources are raised, allocated and accounted for is dealt with in Chapter 13.

Policy statements

The Government shall:

- 10.4.1** Prepare and maintain a needs based investment plan for the Nationally Determined Contribution, and the NCCAP, identifying the measures to be delivered, their cost and the proportion conditional on international support.
- 10.4.2** Pursue the technology development, technology transfer, financial support and capacity building that the Nationally Determined Contribution identifies as conditions of delivery, and report on what has been secured.

¹³⁸ Republic of Kenya, *Kenya's Second Nationally Determined Contribution (2031–2035)* (Ministry of Environment, Climate Change and Forestry 2025).

¹³⁹ Republic of Kenya, *National Climate Change Action Plan 2023–2027* (Ministry of Environment, Climate Change and Forestry 2023) 145.

- 10.4.3** Report each year on delivery of the Nationally Determined Contribution against the investment plan, covering measures implemented, emissions abated and support received.

The Government and county governments shall:

- 10.4.4** Align county climate action and county environment action plans with the investment plan for the Nationally Determined Contribution and NCCAP, so that county measures are costed on the same basis.

10.5 Loss and Damage

Situational analysis

Loss and damage refer to the adverse impacts of climate change that occur when mitigation and adaptation are insufficient to prevent or reduce them. It includes both economic and non-economic impacts. Economic impacts include damage to homes, roads, schools, health facilities, water systems, crops, livestock, fisheries, businesses and public infrastructure. Non-economic impacts include loss of life, health, cultural heritage, biodiversity, ecosystem services, social cohesion, dignity, traditional knowledge, livelihoods and places of spiritual or cultural significance.

Kenya is highly vulnerable to climate related loss and damage despite contributing less than 0.1 per cent of global greenhouse gas emissions. Its economy and livelihoods depend heavily on climate sensitive sectors, including rain-fed agriculture, livestock, water, energy, tourism, wildlife, fisheries and health. More than 84 per cent of Kenya's land area is arid and semi-arid, while recurrent droughts, floods, landslides, heat stress, sea-level rise and coastal erosion increasingly threaten lives, livelihoods, ecosystems, infrastructure and public services. Kenya's Second NDC reports that drought in 2023 caused direct losses estimated at more than USD 650 million, while the 2024 floods resulted in estimated damages of approximately USD 783 million and losses exceeding USD 672 million.

Climate change is already causing losses and damage in Kenya that exceed the limits of adaptation. The 2022–2023 drought, the longest on record, and the floods of March to May 2024 caused damages and losses running into hundreds of billions of shillings, displaced pastoral and coastal communities, and destroyed assets that cannot be recovered (10.2).

The international architecture for addressing such losses has only recently taken shape. The Conference of the Parties agreed at COP27 to establish a dedicated Loss and Damage Fund, and COP28 operationalised the Fund, with the Philippines hosting its Board and an inaugural

Executive Director taking up office in November 2024.¹⁴⁰ Kenya's Second Nationally Determined Contribution, for the first time, incorporates a loss and damage component alongside adaptation.¹⁴¹

However, loss and damage remain insufficiently integrated as a distinct policy and planning concern. Existing systems do not consistently capture the full range of direct, indirect, cumulative and non-economic losses associated with climate impacts. Data are fragmented across national institutions, counties, sectors and development partners, and post-disaster assessments often focus on immediate physical damage rather than longer-term livelihood loss, ecosystem degradation, displacement, cultural impacts, recovery costs and residual risks. There is also a need to clarify institutional responsibilities, strengthen county-level capacity, improve access to finance, and establish procedures for linking national loss and damage priorities with international technical and financial support.

Kenya's Second NDC provides a stronger basis for addressing these gaps during the 2031–2035 implementation period. It identifies the need to develop a robust loss and damage needs assessment; establish systems for the collection, curation, storage and dissemination of loss and damage data; build the capacity of stakeholders; and support sectors to plan targeted interventions. The Second NDC estimates that USD 17.7 billion will be required between 2031 and 2035 for adaptation measures and actions to avert and minimise loss and damage. Kenya intends to meet approximately 19 per cent of the adaptation cost from domestic resources, with the balance subject to international support.

This Policy shall therefore treat loss and damage as an integral component of climate-resilient environmental governance. It shall complement, and not replace, mitigation, adaptation, disaster-risk reduction, preparedness and resilience-building. Priority shall be given to averting and minimising avoidable loss and damage through ecosystem protection, sustainable land management, resilient infrastructure, early-warning systems, climate information services, risk-informed spatial planning, social protection and locally led adaptation. Where impacts cannot be avoided or minimised, the Policy shall support measures to address residual loss and damage through preparedness, anticipatory action, response, recovery, rehabilitation, reconstruction, relocation where necessary, livelihood restoration and the protection of non-economic values. Coherent loss and damage framework shall be implemented through cooperation between the national government, county governments, communities, private sector actors, research institutions, civil society and development partners. It shall be aligned with the National Adaptation Plan, successive National Climate Change Action Plans, the National Disaster Risk Management Strategy, county climate change action plans, County Integrated Development Plans, drought-risk-management systems and Kenya's NDCs. It shall also facilitate Kenya's engagement with relevant international mechanisms, including the Santiago Network on Loss and Damage and

140 UNFCCC, Decision 2/CP.27 and 2/CMA.4 (Sharm el-Sheikh, 2022); Decision 1/CP.28 and 1/CMA.5 (Dubai, 2023) <https://unfccc.int/fund-for-responding-to-loss-and-damage> accessed 16 May 2026.

141 *Second NDC (2031–2035)* (n 2) s 3.2.

the Fund for Responding to Loss and Damage, while recognising that international support should be additional, accessible, predictable, adequate and responsive to nationally identified needs.

Policy statements

The Government shall:

- 10.5.1** Establish the domestic governance framework for loss and damage, designating the institution responsible for assessing, recording and responding to loss and damage from climate hazards.
- 10.5.2** Adopt an assessment methodology for loss and damage that covers ecosystem loss and non-economic loss alongside economic loss, and apply it to every event for which a response is sought.
- 10.5.3** Make ecosystem-based recovery the default response to loss and damage, and require the reasons to be recorded where another form of recovery is chosen in a particular case.
- 10.5.4** Require environmental assessment of reconstruction undertaken as a loss and damage response, and apply the conditions of that assessment to the works, so that recovery does not cause further environmental damage.

The Government and county governments shall:

- 10.5.4** Record loss and damage from climate hazards at the county level using the national assessment methodology, and report it into the national record, so that both levels assess on the same basis.

10.6 Energy Transition, Energy Security and Environmental Integrity

Situational analysis

Kenya's transition towards a low-carbon, climate-resilient and energy-secure economy is already underway. More than 80 per cent of electricity generation is derived from renewable sources, particularly geothermal, hydropower, wind and solar, while national policy is advancing electricity access, clean cooking, energy efficiency, transmission expansion, electric mobility and emerging energy technologies. The transition presents opportunities to strengthen energy security, reduce greenhouse-gas emissions and pollution, expand access to modern energy, create decent and green employment and support green industrialisation.

The transition nevertheless carries environmental and social risks. Energy infrastructure and technologies have land, water, biodiversity, material and waste footprints and may affect ecosystems, ecological connectivity, community and private land, livelihoods and cultural values. Changes in transport, cooking, industry and fuel systems may also disrupt workers, enterprises and communities. Kenya's energy transition should therefore advance climate action, energy security,

environmental integrity and social justice together, avoiding the transfer of environmental and social burdens between technologies, ecosystems, communities, sectors and generations.

Kenya's post-2013 energy governance framework, including the Energy Act 2019, national and county energy planning, the National Energy Policy and national climate commitments, provides the basis for an increasingly diversified and low-carbon energy system. The role of this Policy is to complement that framework by establishing the environmental and social conditions within which energy choices, infrastructure and investments are planned and implemented. The energy-environment interface, environmental governance of nuclear development and just transition safeguards are among areas requiring stronger policy direction.

Renewable and low-carbon energy should not be presumed environmentally benign. Hydropower, geothermal, wind, solar, transmission, petroleum and potential nuclear infrastructure can affect biodiversity, ecological corridors, freshwater systems, land and water resources and local communities, while climate change itself threatens energy system resilience. Energy planning should therefore apply Strategic Environmental Assessment, the mitigation hierarchy, cumulative-impact assessment, biodiversity-sensitive siting, climate-risk assessment and consideration of reasonable technological and spatial alternatives from the earliest planning stage.

Implementation should prioritise avoidance of impacts on areas of high biodiversity and ecological importance, minimise unavoidable impacts and provide for restoration, rehabilitation, decommissioning and appropriate management of residual impacts. Energy transition planning should also promote coherence between Kenya's climate and biodiversity commitments so that decarbonisation contributes to, rather than undermines, ecosystem restoration, ecological connectivity and national biodiversity objectives.

Policy statements

The Government shall:

- 10.6.1** Provide an integrated national framework for a just energy transition that aligns environmental policy, national energy planning and Kenya's climate commitments with energy security, environmental integrity, economic opportunity and social justice.
- 10.6.2** Integrate environmental and biodiversity considerations into strategic energy decisions, requiring strategic environmental assessment of energy policies, plans and programmes, application of the mitigation hierarchy and assessment of cumulative impacts and alternatives.
- 10.6.3** Establish and enforce life cycle environmental standards for energy infrastructure and technologies, renewable, fossil and nuclear energy, covering sourcing, construction, operation, pollution prevention, rehabilitation, decommissioning and the management of hazardous and radioactive waste.

- 10.6.4** Strengthen coherence between energy, climate and biodiversity policy, so that national energy and decarbonisation pathways support ecosystem integrity, restoration, ecological connectivity and Kenya's biodiversity commitments.
- 10.6.5** Establish a results and monitoring framework for the energy transition covering emissions, energy access and affordability, environmental and biodiversity performance, resource efficiency, employment, local value addition and community benefit.

The Government and county governments shall:

- 10.6.6** Integrate environmental sustainability and climate resilience into national and county energy planning, with explicit consideration of ecosystems, biodiversity, land, water, disaster risk and cumulative environmental impacts.

County governments shall (Fourth Schedule to the Constitution, Part 2, paragraphs 8 and 10):

- 10.6.7** Monitor and report the local environmental and social outcomes of the energy transition, including access, affordability, ecosystem impacts, livelihoods, employment, community benefit, gender equality and social inclusion.

County governments shall (Fourth Schedule to the Constitution, Part 2, paragraphs 8 and 10):

- 10.6.8** Align County Energy Plans and County Integrated Development Plans with national energy, climate and environmental policies, integrating locally specific biodiversity, ecosystem, land, water and social considerations.

10.7 Inclusive Energy Access, Clean Cooking and End-Use Transition

Situational analysis

A just energy transition must be measured not only by renewable energy capacity, but also through progressive shift towards universal access to affordable, reliable, safe and sustainable energy services. Electricity access and reliability remain uneven, particularly in rural, remote and arid and semi-arid areas, while affordability and infrastructure costs continue to constrain low-income households and productive enterprises.

Clean cooking remains a major energy, environmental, health and social challenge. Continued dependence on biomass (firewood and charcoal) contributes to pressure on forests and landscapes and disproportionately affects women and children through household air pollution and time burdens. The transition towards electricity, liquefied petroleum gas, sustainable bioenergy and other clean-cooking solutions should therefore address affordability, accessibility, reliability and consumer needs while supporting alternative livelihoods for people dependent on traditional biomass value chains.

The wider end use transition should promote energy efficiency, decentralised renewable energy, productive energy use and the electrification and decarbonisation of transport and industry. Electric mobility and industrial fuel-switching offer environmental and economic benefits but require coordinated planning for electricity demand, charging infrastructure, batteries, skills, employment and end-of-life management.

Policy statements

The Government and county governments shall:

10.7.1 Accelerate universal access to affordable, reliable and sustainable energy, including electricity, decentralised renewable energy, clean cooking, energy efficiency and productive energy use, with priority to underserved and vulnerable populations.

County governments shall (Fourth Schedule to the Constitution, Part 2, paragraphs 8 and 10):

10.7.2 Promote locally appropriate clean cooking, decentralised renewable energy, energy efficiency and productive energy use, particularly in rural, remote, informal settlement and arid and semi-arid contexts.

10.8 Emerging Energy Technologies, Green Industrialisation and Circular Value Chains

Situational analysis

Battery energy storage, electric mobility, green hydrogen, smart energy systems and other emerging low-carbon technologies create opportunities for green industrialisation, local manufacturing, technology transfer, innovation and employment. They also generate new environmental pressures through land and water requirements, mineral and material demand, chemicals, manufacturing and end-of-life waste.

The transition should therefore follow a life cycle and circular economy approach, prioritising resource efficiency, durability, repair, reuse, recovery and recycling and applying responsible sourcing and environmental and social safeguards where new extraction is required. Solar equipment, batteries, electric-vehicle components and other energy technologies should be managed consistently with waste management and extended-producer-responsibility frameworks. The thematic assessment already identifies battery and solar module lifecycle management as an emerging governance gap.

Energy transition mineral and material demand should be linked to responsible extractive-sector governance under Chapter 8 and circular economy provisions under Chapter 9, ensuring that decarbonisation does not shift environmental degradation upstream into mining landscapes or downstream into new waste streams. Emerging technologies should remain subject to precaution,

environmental assessment, resource efficiency, biodiversity, water, safety, decommissioning and liability requirements appropriate to their risks.

Policy statements

The Government shall:

- 10.8.1** Promote environmentally responsible green industrialisation and emerging energy technologies, including battery storage, electric mobility and green hydrogen, while strengthening local value addition, innovation, technology transfer and responsible sourcing.
- 10.8.2** Apply a life cycle and circular economy approach to energy technologies, providing for the repair, reuse, recovery and recycling of solar and electric mobility equipment, batteries and electronic components at the end of their life.

10.9 Just Transition, Decent Work and Equitable Benefit Sharing

Situational analysis

A just transition requires that the opportunities, costs and risks of energy-system transformation are distributed fairly. It should therefore anticipate impacts on workers, communities, consumers, enterprises and economic sectors before they occur, rather than relying primarily on compensation after livelihoods or rights have been adversely affected.

Potentially affected groups include workers and enterprises in petroleum distribution, internal-combustion vehicle maintenance, traditional biomass and other changing value chains; communities hosting renewable energy and transmission infrastructure; and climate sensitive livelihood systems including pastoralism and smallholder agriculture. Worker transition, retraining, green jobs and equitable transition financing are not adequately provided for.

Transition planning should promote decent and green employment, social dialogue, skills development and reskilling, technical and vocational education, local economic diversification and adaptive social protection. Energy investments should respect legitimate land and resource rights, recognise Indigenous and local knowledge, provide meaningful participation from the earliest planning stages, and ensure transparent and equitable benefit sharing.

Communities hosting energy infrastructure should have fair opportunities to benefit through employment, enterprises, skills, services and energy access. Appropriate environmental and social safeguards, lawful land and wayleave acquisition, accessible grievance and remedy mechanisms, and community approval and free, prior and informed consent required by applicable law or safeguards should be applied.

Gender equality and the inclusion of youth, persons with disabilities, Indigenous Peoples, marginalised communities and other vulnerable groups should be mainstreamed throughout transition planning and implementation. Progress should consequently be assessed through energy

access, affordability and reliability; emissions and environmental performance; biodiversity and ecosystem impacts; decent employment and skills; local value addition; community benefits; social inclusion; and livelihood resilience.

Policy statements

The Government shall:

- 10.9.1** Establish a national just transition framework covering decent work, social dialogue, skills development and reskilling, livelihood diversification, social protection, gender equality and social inclusion for affected workers, communities and sectors.

The Government and county governments shall:

- 10.9.2** Provide for equitable and transparent benefit sharing with communities hosting carbon and renewable energy projects, through enforceable Community Development Agreements and priority access to grid electricity and local employment.
- 10.9.3** Support workers, enterprises and communities affected by energy system transformation through skills development, reskilling, livelihood diversification, green employment, social protection and locally appropriate economic transition measures.

The Government and county governments shall:

- 10.9.4** Protect communities affected by energy and carbon projects through informed participation, free, prior and informed consent where the law requires it, lawful land and wayleave processes, and accessible grievance and remedy mechanisms.

County governments shall (Fourth Schedule to the Constitution, Part 2, paragraphs 8 and 10):

- 10.9.5** Identify the workers, enterprises and host communities affected by energy projects in the county and provide for their just transition in the county environment action plan and in the environmental and social impact assessment of each project.
- 10.9.6** Deliver the just transition for affected workers and communities as employment in ecosystem restoration, the rehabilitation of decommissioned energy sites and other county environmental work, through county skills and enterprise programmes.

10.10 Artificial Intelligence and Environmental Governance

Situational analysis

Artificial intelligence (AI) stands at the forefront of the Fourth Industrial Revolution, serving as the key orchestrator that will fundamentally reshape how we live, work, and interact. As a transformative technology, AI's impact extends far beyond the tech sector, promising to revolutionise virtually every other aspect of our economy and society. Its ability to process vast amounts of data, recognise patterns, and generate insights makes it an essential driver of innovation and productivity across multiple sectors. Artificial intelligence is increasingly deployed in environmental management, from satellite-based land and forest monitoring to species identification, pollution detection and climate modelling. In the use of AI, three environmental governance concerns arise:

First, where artificial intelligence tools inform environmental decisions, such as an environmental impact assessment, a permit or an enforcement action, algorithmic opacity can undermine the reasoned decision and due process rights on which environmental governance depends, as well as introduce bias that undermines key principles such as social inclusion, equity and non-discrimination.

Second, artificial intelligence systems carry a substantial environmental footprint of their own. Data centres consumed approximately 415 terawatt-hours of electricity in 2024, around 1.5 per cent of global demand, and the International Energy Agency projects that figure to roughly double by 2030, driven principally by artificial intelligence. Hardware lifespans are short, generating a fast-growing stream of electronic waste (Chapter 9).¹⁴²

Kenya's own data centre footprint is also growing, but already running into real constraints: the planned USD 1 billion KenGen, Microsoft and G42 geothermal-powered green data centre at Olkaria has been halted due to anticipated constraints on the national power grid.¹⁴³

Third, artificial intelligence generated environmental data and monitoring outputs require validation before they carry legal or policy weight. The Artificial Intelligence Bill 2026 addresses environmental impact only as a matter of foresight research by the Office of the Artificial Intelligence Commissioner on environmental impacts;¹⁴⁴ Part V, which regulates high risk artificial intelligence systems, does not require environmental assessment, and the Bill neither

¹⁴²International Energy Agency, *Energy and AI* (IEA 2025) Executive Summary <https://www.iea.org/reports/energy-and-ai> accessed 16 May 2026.

¹⁴³ Kenya Suspends \$1 Billion Microsoft Data Centre as Energy Shortfall Raises Doubts over Africa's AI Ambitions' *Business Insider Africa* (6 May 2026) <https://africa.businessinsider.com/local/markets/kenya-suspends-dollar1-billion-microsoft-data-centre-as-energy-shortfall-raises/hdtfmxz> accessed 18 May 2026.

¹⁴⁴ The Artificial Intelligence Bill 2026, Section 10(1)(m)

regulates the environmental footprint of artificial intelligence infrastructure nor secures public participation rights in environmental decisions informed by artificial intelligence.¹⁴⁵

This Policy treats artificial intelligence in environmental governance as a matter of procedural fairness and infrastructure accountability. The priority directions are the transparent, accountable and due-process-respecting use of artificial intelligence tools in environmental decisions; the validation of artificial intelligence generated environmental data before it carries legal or policy weight; the bringing of the energy, water and electronic waste footprints of artificial intelligence infrastructure within environmental governance; and a strategic environmental and social assessment requirement for high risk artificial intelligence systems whose deployment may affect environmental decisions or outcomes, in addition to any framework established under the national legislation, so that environmental governance benefits from artificial intelligence without being subordinated to it.

Policy statements

The Government shall:

- 10.10.1** Govern the use of artificial intelligence in environmental management for transparency, accountability and due process, so that decisions informed by such tools remain reasoned and open to challenge.
- 10.10.2** Require the validation of environmental data and monitoring outputs generated by artificial intelligence before they carry legal or policy weight in regulatory decision making including assessment, permitting or enforcement.
- 10.10.3** Bring the energy, water and electronic waste footprints of artificial intelligence infrastructure, including data centres, within environmental assessment, audit, licensing and reporting under the Environmental Management and Co-ordination Act.
- 10.10.4** Apply a strategic environmental and social assessment requirement to high risk artificial intelligence systems whose deployment may affect environmental decisions or outcomes, in addition to any requirement under the artificial intelligence legislation.

10.11 Rights of Nature and Ecocide

Situational analysis

The rights of nature are the idea that an ecosystem may hold a legal right to exist, to regenerate and to be restored when it is harmed, with people acting as its guardians.

¹⁴⁵Ibid, see in particular Part V (cls 26–28) on the regulation of high risk artificial intelligence systems, which contains no environmental assessment requirement; the Bill addresses environmental impact only through the foresight research function of the Office of the Artificial Intelligence Commissioner.

Two related developments in international and comparative law are reshaping how legal systems treat environmental harm. The recognition of the rights of nature, where ecosystems are accorded legal standing in their own right, is reflected in Ecuador's Constitution, in New Zealand's grant of legal personhood to Te Urewera and to the Whanganui River, and in Colombian court decisions recognising rivers and the Amazon as rights-bearing entities.¹⁴⁶

A parallel movement seeks to criminalise the most serious environmental harms. On 9 September 2024, Vanuatu, Fiji and Samoa formally proposed an amendment to the Rome Statute of the International Criminal Court to include ecocide, defined as unlawful or wanton acts committed with knowledge of a substantial likelihood of severe and either widespread or long-term damage to the environment, as a fifth international crime.¹⁴⁷

Kenya's constitutional framework already provides a foundation for both developments. Article 70 of the Constitution allows any person to bring proceedings for environmental harm without demonstrating personal loss or injury, which is, in effect, a standing provision for the environment. Articles 42 and 69 establish the right to a clean and healthy environment and the obligations of the State and of every person to protect it. What is absent is a developed policy position on whether and how Kenya recognises ecosystem standing, and on environmental crime accountability for the most serious harms.

Policy statements

The Government shall:

- 10.11.1** Examine and implement, with public participation, the recognition of the rights of nature and of ecosystem standing, building on Article 70 of the Constitution, which allows any person to bring proceedings for environmental harm.
- 10.11.2** Develop the governance of serious environmental crime, including engagement with the international process to recognise ecocide as a crime under the Rome Statute of the International Criminal Court.

10.12 Environmental Data and Information Governance

Situational analysis

Sound environmental governance depends on environmental information that is accurate, accessible and authoritative. Kenya's environmental data is currently fragmented and siloed across agencies, in particular the National Environment Management Authority, the Kenya Forest Service, the Kenya Wildlife Service, the Water Resources Authority, the Kenya Meteorological

¹⁴⁶Constitution of Ecuador 2008, arts 71–74; Te Urewera Act 2014 (NZ); Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 (NZ); Colombian Constitutional Court decisions on the Atrato River (T-622/2016) and the Amazon (STC 4360-2018).

¹⁴⁷Proposal of Vanuatu, Fiji and Samoa for an amendment to the Rome Statute of the International Criminal Court to include the crime of ecocide, 9 September 2024 (ICC-ASP/23/26).

Services Authority and the county governments. There is a need to have environmental data held in a central repository in compatible formats, published, and subject to common standards of quality or openness. It should be supported by clear ethical guidelines that govern the collection, processing, sharing, and use of environmental data to support sustainable decision-making.

The constitutional and statutory foundation for change is in place through Article 35 of the Constitution, which guarantees the right of access to information held by the State. The Access to Information Act 2016 operationalises that right, and the Data Protection Act 2019 governs the handling of personal data. What is missing is an environmental data governance framework that connects them, and that translates the statutory right into reliable, interoperable and open-by-default environmental information. The governance gap has practical consequences. Environmental quality monitoring, emissions inventories, the measurement, reporting and verification systems on which the Nationally Determined Contribution and carbon market participation depend, and the right to know provisions for pollution-affected communities all require environmental data that is reliable, interoperable and open.

Modernised environmental data governance also serves business. Transparent and standardised ecological baselines give firms a common starting point, so approvals move faster, project risk is better understood through climate and geographic information system mapping, and the same information does not have to be filed with several agencies in turn. Access to environmental data verified by government also allows Kenyan firms to demonstrate compliance with the environmental, social and governance standards their buyers and financiers apply.

Policy statements

The Government shall:

- 10.12.1** Govern environmental data and information as a managed public asset, open by default subject to access to information legislation and data privacy, accurate and interoperable, applying common environmental data standards across agencies and counties in a central repository.

The Government shall:

- 10.12.2** Integrate the publication of environmental information with the Access to Information Act 2016 and the Data Protection Act 2019, with the aim of giving full effect to Article 35 of the Constitution.

The Government and county governments shall:

- 10.12.3** Build the environmental data and monitoring infrastructure on which climate action, carbon market integrity and pollution governance depend, to common standards of quality, interoperability and open publication.

10.13 Disaster Risk Reduction

Situational analysis

Kenya is highly vulnerable to severe hydro-meteorological hazards, driven by an accelerating cycle of chronic droughts and intense flooding, which together account for over 70 per cent of the country's natural disasters. Prolonged droughts devastate agriculture and livestock across 85 per cent of Kenya's arid and semi-arid lands (ASALs), while sudden, heavy downpours trigger catastrophic riverine flooding and destructive landslides in the steep Central and Western Highlands. Along the shoreline, rising sea levels cause coastal erosion and saltwater intrusion, while shifting weather patterns across all 47 counties fuel secondary crises, such as waterborne diseases and destructive agricultural pest outbreaks, that directly threaten national food security.

Environmental degradation amplifies disaster risk, and Kenya's disaster profile is dominated by climate driven hazards. Droughts are estimated to cost around 8 per cent of GDP every five years and floods around 5.5 per cent of GDP every seven years, with extensive displacement and recurrent livelihood loss.

The governing framework has matured. The National Disaster Risk Management Policy provides the strategic anchor, and the National Disaster Risk Management Strategy 2025–2030, explicitly aligned with the Sendai Framework for Disaster Risk Reduction 2015–2030, marks a shift from reactive relief towards anticipatory action and continual risk reduction. The Strategy organises action around five priority areas, including the establishment of an institutional and legal framework, strengthened resilience at national, county and local levels, and the mainstreaming of disaster risk management into development planning.

Environmental governance and disaster risk reduction nonetheless run on parallel tracks. County disaster preparedness plans typically lack environmental risk assessment components, and environmental management is not consistently treated as a disaster risk reduction measure (EcoDRR), even though catchment protection, wetland conservation and land restoration (Chapter 8) are among the most cost-effective forms of risk reduction.

Policy statements

The Government and county governments shall:

- 10.13.1** Integrate environmental governance and disaster risk reduction, embedding environmental risk assessment in disaster preparedness planning and recognising ecosystem based disaster risk reduction as a core measure under the National Disaster Risk Management Strategy 2025–2030.

- 10.13.2** Operationalise the Disaster Risk Financing Strategy 2026–2030, so that national and county governments have the financial capacity to manage, mitigate and recover from natural and human induced disasters.

County governments shall (Fourth Schedule to the Constitution, Part 2, paragraphs 8, 10 and 12):

- 10.13.3** Integrate climate change, disaster risk and nature based solutions into County Integrated Development Plans, spatial planning and development control, including county climate change funds and environmental risk assessment of county disaster preparedness plans.

10.14 Nature-Based Solutions

Situational analysis

Nature based solutions address climate adaptation, disaster risk reduction, water security and biodiversity conservation simultaneously, by working with ecosystems rather than against them. The United Nations Environment Assembly adopted the first multilaterally agreed definition of nature based solutions in 2022.¹⁴⁸ The Nexus Assessment of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, approved in December 2024, identifies integrated landscape and seascape management and the restoration of ecosystems that contribute to climate change mitigation and adaptation, such as forests, soils, wetlands, peatlands and mangroves, among the response options with potential benefits across all five nexus elements of biodiversity, water, food, health and climate change.¹⁴⁹

Kenya already practices nature based solutions extensively, though not necessarily limited to that name. The protection of the five water towers, mangrove restoration along the coast, and rangeland restoration in the arid and semi-arid lands (Chapter 8) and the national ecosystem restoration strategy are all, in substance, nature based solutions. What is absent is a unifying policy framework, that is, a means of recognising, valuing, financing and mainstreaming nature based solutions into key economic and public administration sectors at the national and county levels for coherent implementation.

Despite the adjustments introduced by the Climate Change (Amendment) Act, nature based solutions are not yet structured so that an investor can price the risk of financing them. Blended finance, public private partnerships and green innovation funding for small and medium enterprises remain underdeveloped, so private investment has no settled route in. Projects designed

¹⁴⁸UN Environment Assembly Resolution 5/5, ‘Nature-based solutions for supporting sustainable development’ (UNEP/EA.5/Res.5, 2 March 2022).

¹⁴⁹IPBES, *Summary for Policymakers of the Thematic Assessment Report on the Interlinkages among Biodiversity, Water, Food and Health (Nexus Assessment)* (IPBES/11/12/Add.1, 2024) Key Message C1, p 8 <https://www.ipbes.net/nexus-assessment-summary-policymakers> accessed 18 May 2026.

from the centre also come into conflict with communal and pastoralist land rights. Without governance that is decentralised, protects community land tenure in law and provides for transparent and equitable benefit sharing, the communities on whose land these solutions are placed have no lasting stake in them. Smallholders holding private title face the same pressure without the protections that attach to community land.

This Policy recognises, values and mainstreams nature based solutions as a cross cutting environmental governance tool. They will be embedded across the board, including in infrastructure development, climate adaptation, disaster risk reduction, and development planning, with dedicated investment frameworks, so that Kenya's ecosystems are deployed deliberately as infrastructure for resilience.

Policy statements

The Government shall:

- 10.14.1** Recognise, value and mainstream nature based solutions as a crosscutting environmental governance tool, embedding them in infrastructure development, climate adaptation, disaster risk reduction and national and county development planning.
- 10.14.2** Establish dedicated investment frameworks for nature based solutions, including blended finance and public private partnerships, so that they can be financed and delivered as resilient infrastructure across economic and development sectors.

County governments shall (Fourth Schedule to the Constitution, Part 2, paragraphs 8 and 10):

- 10.14.3** Deploy nature based solutions in county infrastructure, water security and adaptation planning, drawing on county ecosystems as infrastructure for resilience.

CHAPTER 11: CROSS-SECTORAL AND CROSS-CUTTING GOVERNANCE

11.1 Chapter Policy Objective and Overview

Chapter policy objective

To establish integrated, cross-sectoral and cross-cutting environmental governance arrangements that address the interlinkages among water, energy, food, land, biodiversity, climate, urban systems, public finance, gender and social inclusion, public participation, science and policy interfaces, transport and the differentiated governance needs of arid and semi-arid lands, in order to operationalise Article 42 and Article 69 of the Constitution and to prevent policy incoherence arising from siloed sectoral approaches.

Overview

Environmental outcomes are shaped by decisions taken outside the environment sector. Water, energy and food systems place concurrent demands on shared basins, and land, biodiversity and climate interact across landscapes. Urbanisation concentrates environmental and health risks, and transport systems generate environmental pressures of their own. Public finance determines which environmental priorities are funded. Gender and social inclusion determine who bears environmental burdens and who takes part in decisions, and public participation determines the legitimacy and the quality of those decisions. The interface between science and policy determines whether evolving evidence reaches policy at all. The arid and semi-arid lands require a governance regime of their own, because they are ecologically fragile and the livelihoods they support depend on mobility. The sub-sections that follow address these cross-sectoral and cross-cutting themes. The policy statements for each subject appear at the end of its section.

Policy statement

The Government shall:

- 11.1.1** Strengthen the linkages between sectors, and the cross-cutting obligations of equality, inclusion, participation and evidence, so that environmental outcomes are not undermined or reversed by decisions taken outside the environment sector.

11.2 Water-Energy-Food

Situational analysis

Chapter 8 sets out the framework for water resources management in Kenya and Chapter 10 the framework for the energy system. This sub-section addresses their convergence with food, where the three sectors place concurrent demands on a common resource. Kenya's basin areas support

hydropower generation, irrigation and domestic water supply together, and the planned expansion of these uses will increase pressure on the same resource.

Where each sector pursues its own abstraction rights and infrastructure development on a basin in isolation, the catchment and the ecosystems that depend on its flow, including upstream forests, the river course, wetlands and inland fisheries, are progressively overdrawn, because no statutory function plans for them as a separate user. The National Water Policy 2021 records that water demands continue to rise against an increasingly scarce resource; that the issuance of water permits has faced the challenge of balancing allocation between domestic and other uses; and that the distribution of water resources nationally, including across county boundaries, requires cross county, intra-basin and inter-basin water resource transfers supported by collaborative basin management approaches.¹⁵⁰ The Nexus Assessment of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services finds that decisions taken on a single sectoral basis tend to produce trade-offs across the others, while integrated planning yields benefits across biodiversity, water, food, health and climate together.¹⁵¹

The principal gaps are therefore the absence of environmental flow as a binding constraint on water, energy and food decisions; inadequate cumulative assessment of large hydropower, irrigation and agro-industrial proposals; weak basin level and cross county coordination; and the underdevelopment of payment for ecosystem services mechanisms that would compensate upstream stewards for catchment conservation.

Policy statements

The Government shall:

- 11.2.1** Adopt an integrated water, energy and food approach to the planning, allocation and management of water resources, maintaining environmental flows as a binding constraint on allocation.
- 11.2.2** Require major hydropower, irrigation and agro-industrial developments to undertake integrated and cumulative environmental and social impact assessment covering water resources, ecosystems, biodiversity, food and energy security and affected communities.
- 11.2.3** Strengthen basin level and cross county coordination in the management of shared water resources, so that allocation decisions are taken at the scale of the catchment.

¹⁵⁰ Ministry of Water, Sanitation and Irrigation, *Sessional Paper No 1 of 2021 on the National Water Policy* (Government Printer 2021) s 5.1, 13–15 <<https://faolex.fao.org/docs/pdf/ken214263.pdf>> accessed 30 September 2026.

¹⁵¹ Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, *Summary for Policymakers of the Thematic Assessment Report on the Interlinkages among Biodiversity, Water, Food and Health* (IPBES Secretariat 2024) <<https://www.ipbes.net/nexus-assessment>> accessed 30 September 2026.

- 11.2.4** Protect, restore and sustainably manage the water related ecosystems on which water, energy and food security depend, including forests, wetlands, riparian areas and river systems.
- 11.2.5** Establish and strengthen payment for ecosystem services mechanisms that compensate communities, landowners and other stewards for maintaining and restoring those ecosystem services.

11.3 Land-Biodiversity-Climate

Situational analysis

Chapter 8 sets out the frameworks for land and biodiversity and Chapter 10 the framework for climate change. This sub-section addresses their convergence, because a single land use decision in Kenya affects biodiversity, land and climate at the same time. Project level environmental impact assessment now screens for both biodiversity, under the Second Schedule to the Environmental Management and Co-ordination Act, and climate change risk, under section 20 of the Climate Change Act 2016.¹⁵² The remaining gaps lie at three levels. First, strategic environmental assessment of the policies, plans and programmes that shape Kenya's carbon, biodiversity and land use trajectory, including energy master plans, regional development corridors, county spatial plans and the National Land Use Policy itself, is underused. Second, the cumulative landscape impacts of multiple carbon, agricultural and infrastructure projects on the same ecosystem are not assessed. Third, where a single proposal is net positive on carbon but net negative on biodiversity or community rights, no integrated decision rule resolves the trade-off.

This Policy requires integrated land, biodiversity and climate screening at both strategic and project level; the cumulative landscape scale impacts of multiple projects on the same ecosystem to be assessed; and an integrated decision rule applied where the carbon, biodiversity and community rights ledgers diverge on a single proposal.

Policy statements

The Government shall:

- 11.3.1** Treat land use, biodiversity and climate as one connected domain when assessing any proposal, at both plan and project level, and assess the cumulative impact on the landscape.
- 11.3.2** Apply a clear and stated rule for deciding what prevails where a proposal benefits one of land use, biodiversity or climate while harming another or affecting community rights.

¹⁵² Environmental Management and Co-ordination Act 1999, Second Schedule; Climate Change Act 2016, s 20.

- 11.3.3** Mainstream biodiversity and climate considerations in national physical and land use development planning, to promote sustainable land management, ecosystem conservation and climate resilience.

County governments shall (Fourth Schedule to the Constitution, Part 2, paragraphs 8 and 10):

- 11.3.4** Mainstream biodiversity and climate considerations in the preparation, implementation, monitoring and review of county and inter-county physical and land use development plans.

11.4 Urban-Environment-Health

Situational analysis

Chapter 9 addresses urban air quality, water and waste through their respective sectoral frameworks. This sub-section addresses the environmental governance of urbanisation as a whole, where the cumulative environmental footprint of urban areas is not assigned to any single instrument.

Around 32 per cent of Kenyans lived in urban areas by 2024¹⁵³, and the share continues to rise. Section 57A of the Environmental Management and Co-ordination Act already requires strategic environmental assessment for policies, plans and programmes that may have significant environmental effects, but this requirement is not enforced for the instruments that shape urbanisation in Kenya. Physical and land use development plans prepared under the Physical and Land Use Planning Act 2019, and the declaration of new municipalities under the Urban Areas and Cities Act 2011, are proceeding without strategic environmental assessment.¹⁵⁴ The consequence is that peri-urban encroachment on biodiversity sensitive and protected land, the filling and pollution of urban wetlands, and the steady reduction of urban green cover are not assessed at plan or programme level. Minimum environmental standards for urban green and blue infrastructure, wetland protection and biodiversity conservation are treated as discretionary additions to county physical and land use development plans rather than as binding requirements.

Urban transport and associated air pollution present a further challenge to urban health. Exhaust emissions from public and private vehicles contribute to ambient air quality exceedances in major urban centres, with direct consequences for respiratory and cardiovascular health.

¹⁵³ The Global Economy, 'Kenya: Urban population, per cent of total population' (2026), reporting United Nations Population Division data of 31.89 per cent for 2024 and 32.21 per cent for 2025

https://www.theglobaleconomy.com/Kenya/Percent_urban_population/ accessed 30 September 2026.

¹⁵⁴ Environmental Management and Co-ordination Act 1999, s 57A; Physical and Land Use Planning Act 2019; Urban Areas and Cities Act 2011.

The principal gaps are therefore the absence of mandatory strategic environmental assessment for physical and land use development plans and for the declaration of new municipalities; the lack of binding minimum environmental standards for urban green and blue infrastructure, wetland protection and biodiversity conservation in county spatial plans; and inadequate vehicle emission testing and enforcement infrastructure at county level.

Policy statements

The Government shall:

- 11.4.1** Issue guidelines specifying that physical and land use development plans, and declarations of new municipalities, cities and towns, are instruments requiring strategic environmental assessment under section 57A of the Environmental Management and Co-ordination Act.
- 11.4.2** Amend the regulations under the Physical and Land Use Planning Act 2019 to set minimum environmental standards for urban green and blue infrastructure, wetland protection and biodiversity conservation.
- 11.4.3** Develop a framework supporting county capacity to delineate environmentally sensitive and special planning areas requiring strategic environmental assessment before development proceeds.
- 11.4.4** Establish accessible vehicle emission testing sites for public transport and other vehicles, and enforce compliance with the applicable emission standards.

County governments shall (Fourth Schedule to the Constitution, Part 2, paragraphs 3, 8 and 10):

- 11.4.5** Integrate urban environment and health considerations, including green and blue infrastructure, wetland protection and biodiversity conservation, into County Integrated Development Plans and county physical and land use development plans.
- 11.4.6** Ensure that physical and land use development plans and related urban instruments undergo strategic environmental assessment before approval.

11.5 Public Finance and Investment

Situational analysis

Chapters 8, 9 and 10 set out the substantive environmental priorities. This sub-section addresses the public finance and investment frameworks through which those priorities are or are not funded. Public finance and investment is cross-cutting for environmental policy, because taxation, expenditure, borrowing, procurement, infrastructure, public private partnerships and intergovernmental transfers all shape resource use, pollution and long term environmental risk.

Public financing for the environment sector remains limited relative to the scale of Kenya's environmental management, ecosystem restoration, pollution control, climate resilience and natural resource governance needs. Persistent gaps between sector financing requirements and approved public allocations constrain implementation of priority programmes, regulatory enforcement, environmental monitoring, restoration and institutional capacity. The constitutional basis for environmental mainstreaming is in place. The preamble commits Kenyans to sustain the environment for future generations; Article 10 makes sustainable development a binding national value; Articles 42 and 69 establish environmental rights and State obligations; and Article 201(b) requires public finance to balance present and future needs. The Climate Change Act 2016 requires climate change to be mainstreamed across national and county government functions. The Environmental Management and Co-ordination Act requires strategic environmental assessment for policies, plans and programmes likely to have significant environmental effects. The Public Finance Management (Public Investment Management) Regulations 2022 require environmental and social assessment in feasibility studies, and the Budget Policy Statement has required approved public investment projects to assess environmental and climate risks.¹⁵⁵

Translation of these mandates into the budget and investment cycle remains incomplete. Assessment remains largely project focused and cost and benefit oriented. Strategic environmental assessment is not consistently applied to the higher level national, sector and county plans through which broad expenditure priorities are determined. Green specifications, life cycle costing and environmental performance are not yet systematically embedded as mandatory tender evaluation criteria under the Public Procurement and Asset Disposal Act 2015. Environmental requirements in public private partnerships are still addressed mainly through appraisal and statutory approvals rather than through consistent, measurable performance obligations over the life of contracts. The National Treasury issued Kenya Climate Budget Tagging Guidelines in March 2026; the remaining challenge is consistent implementation and expansion towards a broader environmental finance framework. The Central Bank of Kenya issued the Kenya Green Finance Taxonomy and Climate Risk Disclosure Framework in April 2025.¹⁵⁶

The principal gaps are therefore incomplete translation of environmental law into the rules that determine how public money is planned, allocated, procured, invested and evaluated; limited application of strategic environmental assessment to higher level plans; incomplete green public procurement; incomplete environmental performance obligations in public private partnerships; climate-only rather than broader environmental budget tagging; and incomplete reflection of natural capital in fiscal analysis and national accounts.

¹⁵⁵ Constitution of Kenya 2010, preamble and arts 10, 42, 69 and 201(b); Climate Change Act 2016, s 15; Environmental Management and Co-ordination Act 1999, s 57A; Public Finance Management (Public Investment Management) Regulations 2022.

¹⁵⁶ Public Procurement and Asset Disposal Act 2015; National Treasury and Economic Planning, *Kenya Climate Budget Tagging Guidelines* (National Treasury and Economic Planning 2026); Central Bank of Kenya, *Kenya Green Finance Taxonomy and Climate Risk Disclosure Framework* (Central Bank of Kenya 2025).

Policy statements

The Government shall:

- 11.5.1** Require strategic environmental assessment, and analysis of environmental alternatives, to inform major national, sector and county plans before expenditure and investment priorities are committed.
- 11.5.2** Strengthen technical and institutional capacity to mobilise resources for environmental management, across the national and county treasuries and the environment sector institutions.
- 11.5.3** Mainstream sustainable public procurement through environmental specifications, life cycle costing, resource efficiency and circular economy criteria, and set measurable environmental performance obligations in public private partnerships.
- 11.5.4** Institutionalise and expand green budget tagging, building on climate budget tagging, to track and disclose environmentally beneficial and potentially harmful expenditure, tax incentives and transfers.
- 11.5.5** Strengthen public investment appraisal through early environmental and climate risk screening, life cycle costing, cumulative impact analysis and, where material, natural capital assessment.

The Government and county governments shall:

- 11.5.6** Mainstream environmental sustainability, climate resilience, biodiversity, pollution prevention, the circular economy and natural capital across fiscal policy, budgeting, public investment and intergovernmental transfers.
- 11.5.7** Mobilise domestic, international, private and blended finance for environmental priorities, while strengthening environmental economic accounting and the transparent reporting of finance and results.
- 11.5.8** Strengthen environmental fiscal instruments, and progressively review the subsidies and tax expenditures that encourage pollution, resource depletion or unsustainable production and consumption.

County governments shall (Fourth Schedule to the Constitution, Part 2, paragraphs 8 and 10):

- 11.5.9** Screen county infrastructure projects and public investment for environmental performance before approval, and integrate gender and social inclusion into the county environmental functions.

11.6 Gender, Social Inclusion and Environmental Justice

Situational analysis

The substantive chapters of this Policy set out the environmental obligations and measures for sustainable environmental management. This sub-section addresses the mainstreaming of gender equality, social inclusion and environmental justice in environmental governance, in accordance with Articles 27 and 56 of the Constitution and the National Gender and Equality Commission Act, 2011.¹⁵⁷

NEP 2013 addressed gender, disability and HIV/AIDS largely as standalone sectoral issues rather than as cross-cutting constitutional and environmental governance obligations.¹⁵⁸ Gender, social and economic inequalities continue to influence access to environmental resources, exposure to environmental risks and participation in environmental decision-making. The 2022 Kenya Demographic and Health Survey indicates that 54 per cent of the population does not have drinking water on the premises and must travel to collect it, with women accounting for 69 per cent of those collecting water. Access to basic drinking water also remains unequal, at 91 per cent in urban areas compared with 56 per cent in rural areas. Access to clean cooking fuels and technologies remains particularly low, with only 24 per cent of the population having access nationally, compared with 59 per cent in urban areas and 6 per cent in rural areas.¹⁵⁹

These inequalities bear on women and other vulnerable groups, particularly in rural and underserved areas. Persons with disabilities also face barriers to participation and access to environmental services. The 2019 Kenya Population and Housing Census estimated that about 916,692 persons aged five years and above, equivalent to 2.2 per cent of the population, had disabilities, with females accounting for a larger proportion than males.¹⁶⁰ More recent 2022 survey data indicate that 15 per cent of the population aged five years and above reported some level of difficulty in at least one functional domain.

Children and youth under the age of 35 years made up 75% of the population of Kenya in 2019¹⁶¹ and their interests must be reflected in environmental governance and inter-generational equity. Environmental degradation, resource scarcity, climate related displacement and loss of livelihoods can increase existing social and economic vulnerabilities. Indigenous Peoples continue to face challenges in securing effective recognition and participation in decisions affecting their lands, territories and natural resources. The decisions of the African Commission in the Endorois case

¹⁵⁷ Constitution of Kenya 2010, arts 27 and 56; National Gender and Equality Commission Act 2011.

¹⁵⁸ Republic of Kenya, *National Environment Policy, 2013* (adopted as Sessional Paper No 10 of 2014).

¹⁵⁹ Kenya National Bureau of Statistics and others, *Kenya Demographic and Health Survey 2022: Key Indicators Report* (Kenya National Bureau of Statistics 2023).

¹⁶⁰ Kenya National Bureau of Statistics, *2019 Kenya Population and Housing Census, Volume IV: Distribution of Population by Socio-Economic Characteristics* (Kenya National Bureau of Statistics 2019).

¹⁶¹ Government of Kenya (2023). National Climate Change Action Plan (Kenya) 2023-2027. Ministry of Environment, Climate Change and Forestry, Nairobi, Kenya. 122

and the African Court in the Ogiek case affirm important land, cultural and resource rights of Indigenous Peoples, but these principles have not been systematically integrated into environmental decision-making affecting community and trust land.¹⁶²

The principal gaps are therefore the treatment of gender and social inclusion as a sectoral rather than cross-cutting obligation; weak integration of the National Gender and Equality Commission into environmental governance; inadequate translation of Indigenous Peoples' rights (Endorois, Ogiek) into environmental decision-making; and insufficient attention to the differentiated environmental burdens borne by women, youth, persons with disabilities and climate-displaced communities.

Policy statements

The Government shall:

- 11.6.1** Mainstream gender equality, social inclusion and environmental justice as mandatory cross-cutting principles of environmental governance across policies, programmes, projects, plans and decisions.
- 11.6.2** Ensure meaningful and inclusive participation of women, youth, children, persons with disabilities, Indigenous Peoples and other marginalised and vulnerable groups in environmental governance.
- 11.6.3** Strengthen institutional capacity and mechanisms for identifying, preventing and addressing environmental inequalities and disproportionate environmental impacts, with the National Gender and Equality Commission as the standing monitor.
- 11.6.4** Ensure that environmental decisions affecting Indigenous Peoples and community land respect constitutional, statutory and human rights protections, including the principles stated in the Endorois and Ogiek decisions.

The Government and county governments shall:

- 11.6.5** Ensure that environmental policies, programmes and projects at both levels respond to the differentiated needs of women, youth, persons with disabilities and Indigenous Peoples.
- 11.6.6** Uphold equality and non-discrimination, secure equitable access to environmental resources and benefits, and address disproportionate environmental burdens on vulnerable groups.

¹⁶² Centre for Minority Rights Development (Kenya) and Minority Rights Group International (on behalf of Endorois Welfare Council) v Kenya, Communication No 276/2003 (African Commission on Human and Peoples' Rights, 25 November 2009); African Commission on Human and Peoples' Rights v Republic of Kenya (Judgment) App No 006/2012 (African Court on Human and Peoples' Rights, 26 May 2017).

11.7 Public Participation in Environmental Governance

Situational analysis

Articles 10 and 69(1)(d) of the Constitution, read with sections 3 and 9(2)(d) of the Environmental Management and Co-ordination Act 1999, anchor public participation as both a national value and a substantive environmental governance obligation.¹⁶³ This sub-section addresses the standard at which public participation operates. It further recognises public participation as an essential component of environmental democracy, accountability, transparency and the protection of the constitutional right to a clean and healthy environment.

The Kenyan courts have built a substantial jurisprudence on public participation in environmental decision-making. The High Court in *Mui Coal Basin* established that public participation must be prior, meaningful, informed and reasonable rather than formal. The High Court in *Mohamed Ali Baadi v Attorney General* (the Lamu Port South Sudan Ethiopia Transport corridor case) held that public participation under Articles 42, 69 and 70 of the Constitution is non-negotiable, and directed the re-evaluation of the strategic environmental assessment and environmental and social impact assessment with enhanced public participation. The Environment and Land Court in *Save Lamu*, affirmed on appeal, set aside the environmental impact assessment licence for a 1,050 megawatt coal fired power plant on the ground of inadequate public participation and insufficient mitigation measures, the court taking account of Kenya's international climate commitments under the Paris Agreement. The Environment and Land Court in *Menengai West Stakeholders Forum* held that courts must scrutinise the quality of public participation, not merely its occurrence. The Environment and Land Court in *Law Society of Kenya v Attorney General; Katiba Institute (Interested Parties)*, the forest moratorium case, declared that the people of Kenya are entitled to participate in the making of laws governing forest resource use, and directed the Kenya Forest Service to establish an online repository for the proactive publication of all strategic documents. The Supreme Court in *Cabinet Secretary for the National Treasury and Planning v Okiya Omtatah Okioti* (the Finance Act 2023 case) most recently consolidated the standard: public participation is a constitutional principle under Article 10(2) of the Constitution that applies to all aspects of governance, not only to legislative processes; the standard is reasonableness on a case by case basis; the process must be real, purposive and meaningful, with reasonable notice, reasonable opportunity and a capacity to engage on the part of the public; and the duty bearer must provide a clear feedback mechanism enabling those who submitted views to understand that their input was considered.¹⁶⁴

¹⁶³ Constitution of Kenya 2010, arts 10 and 69(1)(d); Environmental Management and Co-ordination Act 1999, ss 3 and 9(2)(d).

¹⁶⁴ In the Matter of the Mui Coal Basin Local Community (Constitutional Petition 305 of 2012, consolidated with 34 of 2013 and 12 of 2014) [2015] eKLR <<https://kenyalaw.org/caselaw/cases/view/95572/>> accessed 30 September 2026; Baadi and others v Attorney General and others (Petition 22 of 2012) [2018] KEHC 5397 (KLR) (30 April 2018); Save Lamu and 5 others v National Environmental Management Authority and another (Tribunal Appeal NET 196 of 2016) [2019] KENET 98 (KLR) (26 June 2019), affirmed in Amu Power Company Limited v Save

Implementation, however, remains uneven. Public participation in environmental decisions is inconsistent in quality, which has fed frequent litigation; language and accessibility barriers persist; digital-only consultation may exclude those without connectivity. There are also challenges in ensuring adequate participation by women, persons with disabilities, youth, Indigenous Peoples and local communities, low-income households and other groups that may experience disproportionate environmental impacts. In some cases, participation occurs after key technical or policy decisions have effectively been made, reducing the ability of communities to influence the outcome. Proactive disclosure of strategic environmental documents, as directed in the forest moratorium case, is not yet the practice across agencies. A published record showing how the participation has shaped the decision actually taken is rarely produced. The Climate Change Act requires that the quality of public participation must be such that the contributions given by the public had an impact on the threshold of decision-making. This requires public participation to be treated as an integral part of decision-making from the earliest stages of policy, programme and project development rather than as a procedural step undertaken solely to satisfy statutory requirements.

Under this Policy, public participation in every environmental decision shall meet the substantive standard developed by the courts: prior, meaningful, informed and inclusive, accompanied by reasonable notice and a reasonable opportunity to be heard. Consultation materials shall be translated into the languages of the communities concerned, with the process accessible to persons with disabilities. Participation shall use multiple and appropriate channels, including physical public meetings, written submissions, community forums, digital platforms, radio and other locally appropriate communication mechanisms, taking account of the circumstances and capacity of affected communities. Proactive disclosure of strategic environmental documents shall apply across all agencies, and a clear feedback record explaining how the views received have been considered, with reasons for acceptance or rejection grouped thematically where appropriate, shall accompany every environmental decision. Public participation shall be adequately resourced, and responsible institutions shall allocate sufficient time, personnel and financial resources to facilitate effective participation, particularly where decisions affect remote, marginalised or vulnerable communities.

Where material new aspects are introduced to an environmental proposal after the initial public participation, the proposal shall be subjected to further public participation. In applying the reasonableness factors recognised by the Supreme Court in the Finance Act case, namely timelines,

Lamu and 6 others (Environment and Land Appeal 6 of 2019) [2025] KEELC 7285 (KLR) (16 October 2025); Menengai West Stakeholders Forum and 10 others v National Environmental Management Authority and another (Environment and Land Appeal E001 of 2024) [2025] KEELC 1169 (KLR) (13 March 2025); Law Society of Kenya v Attorney General and 3 others; Katiba Institute and 6 others (Interested Parties) (Environment and Land Petition E001 of 2023) [2023] KEELC 20583 (KLR) (12 October 2023); Cabinet Secretary for the National Treasury and Planning and 4 others v Okoiti and 52 others (Petition E031, E032 and E033 of 2024 (Consolidated)) [2024] KESC 63 (KLR) (29 October 2024).

cost and the importance of the proposal, the high importance of environmental decisions for the right to a clean and healthy environment shall weigh heavily; and the time bound legislative constraints the Court accepted in the context of a Finance Bill shall not be relied upon in environmental decision-making to disable substantive public participation.

Public participation shall extend beyond consultation to appropriate forms of stakeholder engagement, collaboration and co-production where the nature, scale or potential environmental impact of a decision warrants it. For major projects, policies and programmes with significant environmental or climate implications, affected communities and relevant stakeholders shall be engaged early enough to contribute to the identification of risks, alternatives, mitigation measures and monitoring arrangements.

Particular attention shall be given to ensuring that environmental participation does not create additional barriers for vulnerable or marginalised groups. Reasonable measures shall be taken to facilitate participation by persons with disabilities, women, youth, older persons, Indigenous Peoples and local communities, including accessible venues, appropriate communication formats, interpretation and reasonable accommodation where required.

Policy statements

The Government shall:

- 11.7.1** Set national standards for public participation in environmental decisions that are prior, meaningful, informed and inclusive, with reasonable notice, translation and accessibility for persons with disabilities.
- 11.7.2** Ensure the timely disclosure and documentation of environmental information, and publish a record of how the public views were considered in the decision.
- 11.7.3** Provide adequate resources and capacity to support participation by vulnerable and marginalised groups, so that taking part does not depend on the means to do so.

County governments shall (Fourth Schedule to the Constitution, Part 2, paragraphs 8 and 10):

- 11.7.4** Provide timely environmental information and clear feedback to affected communities and stakeholders, in the languages they use.
- 11.7.5** Ensure the effective participation of vulnerable and marginalised groups through venues, formats and timing that do not exclude them.
- 11.7.6** Integrate meaningful public participation into county environmental planning, projects and decisions, at a stage when the outcome can still be influenced.

11.8 Science-Policy Interface and Global Environmental Assessments

Situational analysis

Chapter 6 establishes Kenya's international environmental commitments, and the substantive chapters set out the domestic environmental priorities. This sub-section addresses the mechanism by which evolving scientific evidence is translated into environmental policy and assessment.

The scientific basis for the National Environment Policy 2013 was the Fourth Assessment Report of the Intergovernmental Panel on Climate Change, finalised before the Fifth Assessment Report. Since 2013 the global evidence base has been renewed by the Sixth Assessment Report of that Panel and its Special Report on Climate Change and Land; the Global Assessment and the Nexus Assessment of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services; the seventh Global Environment Outlook, the Emissions Gap Report and the Global Chemicals Outlook II of the United Nations Environment Programme; the Global Land Outlook of the United Nations Convention to Combat Desertification; and the United Nations World Water Development Report 2025.¹⁶⁵ Three structural deficiencies follow. First, no science and policy interface exists to ingest these findings into Kenyan policy. Second, biodiversity, water, food and health continue to be governed in separate sectoral channels, despite the Nexus Assessment and the seventh Global Environment Outlook concluding that siloed approaches produce policy incoherence. Third, no national quantified targets aligned with the global frameworks the assessments inform are in place: a net zero by 2050 pathway aligned to 1.5 degrees Celsius, the Kunming-Montreal Global Biodiversity Framework 30 by 30 target, land degradation neutrality under Sustainable Development Goal 15.3, and a framework for emerging chemical pollutants are all absent.

The principal gaps are therefore the absence of a formal science and policy interface; continued siloed governance despite nexus evidence; and the absence of national quantified targets aligned with the global climate, biodiversity and land degradation frameworks.

Policy statements

The Government shall:

¹⁶⁵ Intergovernmental Panel on Climate Change, *Climate Change 2023: Synthesis Report* (IPCC 2023) and *Climate Change and Land* (IPCC 2019); Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, *Global Assessment Report on Biodiversity and Ecosystem Services* (IPBES Secretariat 2019) and *Thematic Assessment Report on the Interlinkages among Biodiversity, Water, Food and Health* (IPBES Secretariat 2024); United Nations Environment Programme, *Global Environment Outlook 7: A Future We Choose* (UNEP 2025), *Emissions Gap Report 2024* (UNEP 2024) and *Global Chemicals Outlook II* (UNEP 2019); United Nations Convention to Combat Desertification, *Global Land Outlook* (2nd edn, UNCCD 2022); UNESCO, *The United Nations World Water Development Report 2025* (UNESCO 2025).

- 11.8.1** Establish a science and policy interface mechanism, with at least a triennial Ministry review of emerging findings from the leading international scientific assessments and a published assessment of their implications for Kenya.
- 11.8.2** Adjust the policy settings where the scientific evidence warrants, and record the reasons where it is decided not to adjust them.
- 11.8.3** Adopt a nexus based policy architecture in place of siloed sectoral approaches, with national quantified targets aligned to the global frameworks.
- 11.8.4** Set and cost the national targets, including a net zero by 2050 pathway with sectoral decarbonisation roadmaps, a Kunming-Montreal 30 by 30 implementation plan and land degradation neutrality targets under Sustainable Development Goal 15.3.
- 11.8.5** Establish a national repository of government policies, strategies, roadmaps, studies, plans and programmes, to serve as the information centre for environmental decision-making.
- 11.8.6** Enforce the requirement that policies, plans and programmes be subjected to strategic environmental assessment under section 57A of the Environmental Management and Co-ordination Act.

11.9 Environmental Governance of the Transport Sector

Situational analysis

Transport infrastructure and services are major drivers of environmental change through land take, habitat fragmentation, emissions, noise, dust, and cumulative impacts along corridors. Kenya's transport sector is expanding rapidly through roads, railways, ports, airports and maritime projects, including major corridors such as the Lamu Port South Sudan Ethiopia Transport corridor and the Standard Gauge Railway. The strategic environmental and social assessment of the Integrated National Transport Policy provides the foundation for mainstreaming environmental and social considerations into modal master plans and investment decisions. Court directions in *Mohamed Ali Baadi v Attorney General (the Lamu Port South Sudan Ethiopia Transport corridor case)* further confirm the requirement for full environmental and social assessment of major transport corridor projects, including cumulative, life cycle and external costs.¹⁶⁶

The principal gaps are therefore incomplete translation of the assessment findings into modal master plans; inconsistent application of strategic environmental assessment to individual modal plans; weak coordination among the lead agencies on integrating transport and environment; limited cumulative and life cycle assessment of major corridor projects; and the absence of a

¹⁶⁶ State Department for Transport, *Strategic Environmental and Social Assessment of the Integrated National Transport Policy*; Environmental Management and Co-ordination Act 1999, s 57A; Baadi and others v Attorney General and others (Petition 22 of 2012) [2018] KEHC 5397 (KLR) (30 April 2018).

dedicated national transport environmental database to support evidence based planning and monitoring.

Policy statements

The Government shall:

- 11.9.1** Translate the findings of the strategic environmental and social assessment of the Integrated National Transport Policy into every modal master plan.
- 11.9.2** Establish a coordination mechanism among the lead agencies, so that assessment findings reach transport planning and investment decisions.
- 11.9.3** Develop and implement, with county governments and the State Department for Transport, the regime for testing vehicle emissions in service, consistent with the Air Quality Regulations and with policy statement 11.4.4.
- 11.9.4** Integrate electric mobility into national transport planning and the modal master plans, with environmental conditions for necessary infrastructure and for its demand on the electricity grid.
- 11.9.5** Develop and maintain a national transport environmental database, to ensure that transport planning and monitoring rest on the evidence.
- 11.9.6** Conduct strategic environmental assessment on each modal master plan, in accordance with the national guidelines and the Environmental Management and Co-ordination Act.

11.10 Arid and Semi-Arid Lands Governance and Pastoral Livelihoods

Situational analysis

Chapter 8 addresses land degradation, rangeland management, forestry and the sustainable use of natural resources. Kenya's arid and semi-arid lands, which cover 80 per cent of Kenya's land mass and are home to almost 30 per cent of the human population and 70 per cent of the livestock population, constitute ecologically fragile but economically and culturally important landscapes in which pastoralism and other natural resource-based livelihoods depend on mobility, secure access to grazing and water resources, healthy rangelands, and effective community institutions for the management of shared resources.¹⁶⁷ This sub-section addresses the differentiated environmental governance regime required for the arid and semi-arid lands.

The legal and policy toolkit for environmental governance in the arid and semi-arid lands is largely in place. Sessional Paper No 8 of 2012 establishes the policy framework for the sustainable

¹⁶⁷ Kevin Z Mganga and others, 'Pasture farming for climate change adaptation in a semi-arid dryland in Kenya: status, challenges and opportunities' (2024) 5 Discover Sustainability 508, 2 <<https://doi.org/10.1007/s43621-024-00760-y>> accessed 30 September 2026.

development of Northern Kenya and other arid lands. Sessional Paper No 3 of 2009 on the National Land Policy and Sessional Paper No 1 of 2017 on the National Land Use Policy set the framework for land and land use governance. Articles 60, 63 and 56 of the Constitution anchor equitable access to land, the recognition of community land and the rights of marginalised groups, including pastoralist Indigenous Peoples. The Community Land Act 2016 requires community land use planning before any change of use, sets standards for the conservation and management of natural resources on community land, and conditions investment agreements on environmental, social, cultural and economic impact assessment and community consent. The Physical and Land Use Planning Act 2019 requires every county to prepare a county physical and land use development plan every ten years. The Forest Conservation and Management Act 2016, the National Drought Management Authority Act 2016, the Wildlife Conservation and Management Act 2013 and the Water Act 2016 provide further sectoral instruments.¹⁶⁸

The governance gap lies in the operational integration and enforcement of these frameworks. The National Drought Management Authority, the National Environment Management Authority, the Water Resources Authority, the Kenya Forest Service, the Kenya Wildlife Service and the county environment committees do not yet coordinate as a single environmental governance system for the arid and semi-arid lands. Most counties have prepared County Integrated Development Plans but have not prepared the county physical and land use development plans mandated every ten years. Community land is converted to private holdings without any land use plan, because section 19 of the Community Land Act 2016 leaves the preparation of a community land use plan to the discretion of the registered community and does not tie it to the conversion permitted by sections 21 and 23, fragmenting rangelands, disrupting transhumance routes and wildlife corridors, and eroding communal stewardship. Illegal charcoal production drives dryland deforestation. The environmental impacts of refugee settlements at Dadaab and Kakuma are not addressed by environmental policy. Climate displacement governance for pastoral communities is undeveloped, and resource-based conflict over water and pasture is treated primarily as a security rather than an environmental governance issue. Properly managed pastoralism delivers rangeland productivity, biodiversity co-evolution and carbon storage, and the arid and semi-arid lands hold most of the country's high-value ecosystem restoration opportunity.¹⁶⁹

The principal gaps are therefore weak operational integration of the existing legal toolkit; absence of county physical and land use plans protecting ecosystem connectivity and transhumance routes; conversion of community land without any land use plan, section 19 of the Community Land Act 2016 being permissive; inadequate governance of the charcoal economy, refugee hosting impacts,

¹⁶⁸ Sessional Paper No 8 of 2012 on the National Policy for the Sustainable Development of Northern Kenya and other Arid Lands; Sessional Paper No 3 of 2009 on the National Land Policy; Sessional Paper No 1 of 2017 on the National Land Use Policy; Constitution of Kenya 2010, arts 56, 60 and 63; Community Land Act 2016, ss 19, 21, 23 and 36; Physical and Land Use Planning Act 2019; Forest Conservation and Management Act 2016; National Drought Management Authority Act 2016; Wildlife Conservation and Management Act 2013; Water Act 2016.

¹⁶⁹ Mganga and others (n 17) 2.

climate displacement and resource-based conflict as environmental matters; and under-recognition of the positive environmental contribution of well-managed pastoralism.

Policy statements

The Government shall:

- 11.10.1** Establish an environmental governance regime for community land, organised through the county environment committees and the community land management committees, so that developments there are environmentally sustainable.
- 11.10.2** Recognise climate displacement and resource based conflict as environmental matters, and govern them within the environmental governance framework of this Policy.
- 11.10.3** Require a community land use plan, and an environmental assessment, before registered community land is converted to another category under sections 21 and 23 of the Community Land Act.

County governments shall (Fourth Schedule to the Constitution, Part 2, paragraphs 8 and 10):

- 11.10.4** Develop and enforce charcoal economy governance, so that the resource is used sustainably and the trade is brought within environmental regulation.
- 11.10.5** Prepare and implement a county physical and land use development plan under the Physical and Land Use Planning Act 2019 that protects ecosystem connectivity, transhumance routes and wildlife corridors.
- 11.10.6** Consider and approve community land use plans submitted under section 19 of the Community Land Act 2016 before approving any change of use of community land.

11.11 Research, Training, Capacity Building and Public Awareness

Situational analysis

The commitments gathered here come from three places. Chapter 8 identifies a need for forest research and data systems for carbon accounting, biodiversity monitoring and climate risk modelling. Chapter 9 identifies needs in capacity for the sound management of chemicals and waste, awareness on chemicals, air quality, noise and sustainable consumption, research and capacity for environmental health and the One Health approach, knowledge sharing on the environmental dimensions of antimicrobial resistance, and environmental health literacy. Chapter 10 identifies the need for climate and energy transition research, training and awareness.

Kenya has research capacity across the universities, the Kenya Marine and Fisheries Research Institute, the Kenya Forestry Research Institute, the Kenya Agricultural and Livestock Research Organization, the Kenya Medical Research Institute and the national and county environment

institutions. What is absent is a national environmental research agenda that states what the Policy needs to know, and a repository through which findings and data reach the people who make environmental decisions at both levels of government.

The principal gaps are therefore the absence of a stated national environmental research agenda; research and data held in institutional silos rather than in a common repository; capacity for analysis and enforcement that is uneven across the sector and between the two levels of government; and public awareness work that is planned sector by sector rather than as one programme.

Policy statements

The Government shall:

- 11.11.1** Establish a national environmental research agenda covering ecosystems, environmental quality, climate and the energy transition, and hold environmental research and data in the national repository, open to both levels of government and other stakeholders.
- 11.11.2** Strengthen research, innovation and capacity development for environmental health and the One Health approach, so that interventions rest on evidence.
- 11.11.3** Facilitate research and the sharing of knowledge and best practice on the environmental dimensions of antimicrobial resistance.
- 11.11.4** Strengthen research and data systems for forest carbon accounting, biodiversity monitoring and climate risk modelling, to inform adaptive management and transparent reporting.
- 11.11.5** Build institutional, technical, analytical and enforcement capacity for the environmentally sound management of chemicals and waste.
- 11.11.6** Promote environmental awareness, education and behaviour change programmes on the safe use, handling, storage, transport and disposal of chemicals and waste.
- 11.11.7** Promote public awareness of, and access to information on, air quality, noise and sustainable consumption.

The Government and county governments shall:

- 11.11.8** Strengthen capacity, financing and partnerships for the implementation of environmental health and One Health programmes at the national and county levels.
- 11.11.9** Promote public awareness, environmental health literacy and community participation in environmental conservation and risk reduction.

CHAPTER 12: DEVOLUTION, INSTITUTIONS AND ENFORCEMENT

12.1 Chapter Policy Objective and Overview

Chapter policy objective

To establish the environmental governance architecture, intergovernmental relations and enforcement regime through which the obligations created in this Policy are delivered, monitored and enforced across both levels of government.

Overview

The sub-sections that follow set out the institutional, intergovernmental and enforcement gaps that constrain delivery of the obligations created in Chapters 6, 8, 9, 10 and 11, and the directions this Policy takes to bring them within a coherent governance architecture. The consolidated policy statements appear in section 12.3.

12.2 Devolution and Intergovernmental Relations

Situational analysis

This sub-section addresses the devolved environmental governance architecture through which county-level action is delivered, financed and coordinated with the national government.

The constitutional and statutory framework for environmental governance is largely in place. Article 174 of the Constitution sets the objects of devolution and Part 2 of the Fourth Schedule allocates to the counties the implementation of national policies on natural resources and environmental conservation, refuse removal and solid waste disposal, county planning and development, and the control of air pollution, noise pollution and other public nuisances.¹⁷⁰ EMCA establishes County Environment Committees, mandatory County Environment Action Plans on a five-year cycle and NEMA monitoring of compliance with both national and county environment action plans, and section 19 of the Climate Change Act CAP 387A anchors county climate mainstreaming. The Intergovernmental Relations Act CAP 265F and the Public Finance Management Act CAP 412A provide the coordination and fiscal framework, and the Sustainable Waste Management Act CAP 387C establishes a stronger devolution model for waste.

Implementation has been uneven: most counties lack comprehensive environmental policies; County Environment Committees and County Environment Action Plans are unevenly operationalised; inter-county coordination on shared resources is weak; and finance is inadequate. The Financing Locally-Led Climate Action programme has demonstrated the model that works by conditioning climate finance on the enactment of county climate change Acts and the operationalisation of county climate change funds, all 47 counties have done so with technical support, and each is required to dedicate a minimum percentage of development budget for the climate change fund. That conditionality, or nation-wide capacity development programme has not yet been replicated for the broader environmental governance system.

¹⁷⁰Constitution of Kenya 2010, art 174 (objects of devolution) and Fourth Schedule Part 2 (county environmental functions, including the implementation of national policies on natural resources and environmental conservation; refuse removal and solid waste disposal; county planning and development; and the control of air pollution, noise pollution and other public nuisances).

Policy statements

The Government will:

- 12.2.1** Provide counties with the technical, capacity building and financial support needed to operationalise the environmental governance tools this Policy requires, including conditional grants ringfenced to environmental functions.

The Government and county governments shall:

- 12.2.2** Operationalise County Environment Committees, prepare and adopt County Environment Action Plans on the five year cycle, and establish dedicated environmental enforcement units at both levels of government.

County governments will (Fourth Schedule to the Constitution, Part 2, paragraphs 8 and 10):

- 12.2.3** Enact and harmonise county environmental legislation in line with this Policy, resource county environmental enforcement units, and report annually to the National Environment Management Authority on the County Environment Action Plan.

12.3 Institutional Framework

Situational analysis

Chapters 8, 9, 10 and 11 allocate environmental functions across NEMA, sector regulators, the climate change institutional architecture, the Ministry responsible for environment, the National Treasury and the National Gender and Equality Commission, among others. This sub-section addresses the institutional framework itself.

The National Climate Change Council, established under the Climate Change Act CAP 387A, has not been operationalised, notwithstanding the 2023 amendments to enhance appointment of certain member; the Climate Change Directorate is the operational lead but lacks the political convening power to frame discourse and major decisions.¹⁷¹ Inter-agency coordination among NEMA, the Kenya Forest Service, the Kenya Wildlife Service, the Water Resources Authority, the National Drought Management Authority, the Kenya Bureau of Standards, the Pest Control Products Board, the Ministry responsible for health (for One Health) and counties is weak, and there is no single intergovernmental environmental coordination mechanism. The science-policy interface mechanism established in section 11.2.7 has no designated institutional home.

Under this Policy, NEMA shall be strengthened and resourced in line with the expansion of its mandate, including the regulatory relationship with counties; and a single intergovernmental environmental coordination mechanism shall be established to convene NEMA, sector regulators, the Climate Change Directorate, the National Treasury, the Constitutional Commissions and the county governments. The Ministry responsible for environment shall be

the institutional home of the science-policy interface mechanism, supported by NEMA and the sector regulators.

Policy statements

The Government will:

- 12.3.1** Strengthen the resourcing of the National Environment Management Authority across its statutory responsibilities, and reconcile the allocation of functions between it and the county governments into a single coherent model.
- 12.3.2** Establish a single intergovernmental environmental coordination mechanism, convening the Authority, the sector regulators, the National Treasury, the constitutional commissions, the Ministry responsible for health and the county governments.
- 12.3.3** Designate the Ministry responsible for the environment as the institutional home of the science and policy interface mechanism, supported by the Authority and the sector regulators.

12.4 Implementation, Compliance and Enforcement

Situational analysis

This sub-section addresses the constitutional and statutory enforcement architecture and the gaps that constrain its operation.

The environmental problem. Article 70 of the Constitution opens environmental enforcement to any person without proof of personal loss; Article 162 establishes the Environment and Land Court; and EMCA establishes NEMA's enforcement powers and the National Environment Tribunal.¹⁷² The Supreme Court in the *Owino-Uhuru* decision affirmed that state agencies bear constitutional liability for environmental enforcement failure, established the doctrine of continuous violations, and elevated the polluter-pays and intergenerational equity principles to constitutional standards.¹⁷³ In practice, however, environmental impact assessment compliance is low; county environmental enforcement units are largely absent; environmental crime prosecution is weak. The Environment and Land Court in *Muindi Kimeu & 3074 Others v Kenya Pipeline Company Ltd & NEMA* (the Thange River Basin case) has affirmed that NEMA bears constitutional liability under Article 69 of the Constitution for failure to proactively audit and monitor the environmental safety of business enterprises and for delay in issuing remediation orders, and that a state corporation operating business enterprises bears dual obligations under Article 21 of the Constitution as both a State actor and a non-State actor, with

¹⁷³*Export Processing Zone Authority & 10 Others v National Environment Management Authority & 3 Others* (Petition E021 of 2023) [2024] KESC 75 (6 December 2024) (the *Owino-Uhuru* decision: state liability for environmental enforcement failure; doctrine of continuous violations; polluter-pays and intergenerational equity as constitutional standards) (Chapter 9).

the polluter-pays principle, strict liability and the United Nations Guiding Principles on Business and Human Rights applying to environmental harm caused by business operations.

The policy response. Under this Policy, state environmental enforcement shall be aligned with the standards developed in *Owino-Uhuru* and *Thange River*. NEMA shall be equipped to perform the proactive audit and monitoring of business enterprises required under Article 69, and to issue timely remediation orders. County governments shall establish dedicated environmental enforcement units and apply the *Thange River* dual-obligation framework under Article 21 to county-owned business enterprises.

Policy statement

The Government shall:

- 12.4.1** Strengthen state environmental enforcement to the constitutional benchmarks developed by the courts, including liability for enforcement failure and the proactive duty to audit and monitor business enterprises under Article 69.
- 12.4.2** Publish a publicly accessible register of enforcement action taken under the Environmental Management and Co-ordination Act, including compliance notices and prosecutions, so that any person may act on the standing given by Article 70.

CHAPTER 13: INVESTMENT PLANNING, RESOURCE MOBILISATION AND FINANCING

13.1 Chapter Policy Objective and Overview

Chapter policy objective

To provide for the financing of environmental management, by setting out how public, private and international resources are mobilised and directed to environmental purposes, how the revenues raised under environmental law are treated, and how environmental revenue and expenditure are accounted for.

Overview

Environmental commitments that are not funded are not implemented, because the functions this Policy assigns require financing before they can be carried out. The National Environment Policy 2013 recognised this, recording that the government budget is the single largest source of funding for the protection and conservation of the environment and natural resources, that the current allocation to environment and natural resources was inadequate, and that there was an urgent need to complement government funding by harnessing additional funding from multilateral funding mechanisms, development partners, the private sector and civil society organisations.¹⁷⁴

Its commitments, however, did not go beyond that recognition. They called for adequate resources through the annual budgetary allocation, for the participation of individuals and for public private partnership through fiscal incentives and voluntary agreements pegged on environmental performance indicators, and for a broader revenue and funding base to sustain the environmental management institutions.¹⁷⁵ None of the three resulted in specific amounts, sources or dates, and the policy did not contain an implementation matrix through which this might have been provided.¹⁷⁶

That policy, nonetheless, went further than it is often credited with, as it undertook to document and value natural capital and to provide periodic assessments to support national accounting and planning, to develop and apply environmental accounting methodologies for the national accounting and planning processes, to promote existing and develop new incentives for the payment of ecosystem services, and to develop a monitoring and reporting framework through

¹⁷⁴ Republic of Kenya, *National Environment Policy, 2013* (adopted as Sessional Paper No 10 of 2014) s 8.5.1, 48

¹⁷⁵ Republic of Kenya, *National Environment Policy, 2013* (adopted as Sessional Paper No 10 of 2014) s 8.5, 48

¹⁷⁶ Republic of Kenya, *National Environment Policy, 2013* (adopted as Sessional Paper No 10 of 2014) ch 9 'Implementation Strategies and Actions', 50–52, which sets out the implementation of the policy in prose and is followed only by the glossary at 53

which stakeholders would periodically assess and cost degradation.¹⁷⁷ Those undertakings remain appropriate today, and need to be carried forward.

This chapter deals with the raising and movement of money, introducing an architecture through which environmental policy commitments can be financed: how environmental revenue is treated, which funds hold it, which instruments raise it, and how the whole of it is accounted for.

Policy statement

The Government shall:

- 13.1.1** Establish the financing architecture for this Policy, naming the sources of funds, the institutions that hold and disburse them, and the terms on which they reach the two levels of government.

13.2 Natural Capital and Environmental-Economic Accounting

Situational analysis

Kenya's forests, wetlands, rangelands, soils, fisheries and rivers are assets that yield a return year after year, in water, in pollination, in fish, in timber, in grazing and in protection from flood and drought. For most of the period since independence neither the asset nor the return appeared in the national accounts, and when either was lost the loss went unrecorded.

The National Environment Policy 2013 undertook to correct this, committing the Government to document and value natural capital, to develop and apply environmental accounting methodologies within the national accounting and planning processes, and to build a framework through which degradation would be periodically assessed and costed.¹⁷⁸

That work is now underway and its first results have been published by the Kenya National Bureau of Statistics. Kenya began implementing the System of Environmental-Economic Accounting in 2017, and the Economic Survey 2026 carries the first highlights of natural capital accounting, compiled under the National Plan for the Advancement of Environmental-Economic Accounting, which identifies forest, ecosystem, land, water and energy as the priority accounts.¹⁷⁹

Those accounts show a natural capital stock that is, mainly, in decline. Above-ground biomass in the forests fell from 345.2 million tonnes in 2019 to 325.0 million tonnes in 2024, with 22.2 million tonnes lost to deforestation against 2.0 million tonnes gained by afforestation, an annual loss of

¹⁷⁷ Republic of Kenya, *National Environment Policy, 2013* (adopted as Sessional Paper No 10 of 2014) s 5.1 'Natural Capital and Valuation', 24–25

¹⁷⁸ Republic of Kenya, *National Environment Policy, 2013* (adopted as Sessional Paper No 10 of 2014) s 5.1, policy statements 1, 2 and 5, 25 <https://faolex.fao.org/docs/pdf/ken147906.pdf> accessed 28 September 2026.

¹⁷⁹ Kenya National Bureau of Statistics, *Economic Survey 2026*, ch 19 'Highlights of Natural Capital Accounting', 484.

about 4.0 million tonnes attributed mostly to felling for charcoal and fuelwood.¹⁸⁰ Out of the ten ecosystem types that were assessed, seven recorded a lower condition score in 2018 than in 2002.¹⁸¹ The value of sediment retention services fell by 19 per cent between those two years, from KSh 29.6 billion to KSh 23.9 billion, and forest ecosystem services fell from 2.8 per cent of gross domestic product in 2000 to 1.8 per cent in 2020, the absolute value of forest and savanna ecosystem services being estimated at KSh 247.0 billion in 2020.¹⁸²

The accounts remain limited in what they cover. The core ecosystem accounts have been compiled for two years only, 2002 and 2018, and the Bureau describes them as not yet comprehensive.¹⁸³ The Bureau adds that they provide essential building blocks for future expansion to additional ecosystems, services, time periods and sub-national scales. The same Economic Survey 2026 reports the energy sector annually and in full, with supply, demand, imports, exports and their values for each of the last five years.¹⁸⁴ The difference lies in resourcing, the National Plan recording that the accounts are not institutionalised within the Bureau and receive no internal funding, that the work is uncoordinated and carried out in silos without a dedicated team, and that scarce resources are the main threat to implementation.¹⁸⁵

The accounts also answer to an international undertaking, since Kenya has agreed, under the Kunming-Montreal Global Biodiversity Framework, to integrate biodiversity and its multiple values into policies, regulations, planning and development processes, strategic environmental assessments, environmental impact assessments and, as appropriate, national accounting, and to align fiscal and financial flows accordingly.¹⁸⁶

Until the accounts are annual and current, the cost of losing natural capital will continue to fall outside the decision that causes the loss. It surfaces later, as the cost of restoration, as a lost ecosystem service or as a burden on the health system, and it is then met from a different budget in a later year.

Policy statements

The Government shall:

¹⁸⁰ Kenya National Bureau of Statistics, *Economic Survey 2026*, ch 19 ‘Highlights of Natural Capital Accounting’, 486, table 19.2 and para 19.13.

¹⁸¹ Kenya National Bureau of Statistics, *Economic Survey 2026*, ch 19 ‘Highlights of Natural Capital Accounting’, 490, figure 19.4.

¹⁸² Kenya National Bureau of Statistics, *Economic Survey 2026*, ch 19 ‘Highlights of Natural Capital Accounting’, 493, paras 19.23 and 19.24.

¹⁸³ Kenya National Bureau of Statistics, *Economic Survey 2026*, ch 19 ‘Highlights of Natural Capital Accounting’, 488, para 19.16.

¹⁸⁴ Kenya National Bureau of Statistics, *Economic Survey 2026*, ch 9 ‘Energy Sector’, 222–224, tables 9.1 and 9.2.

¹⁸⁵ Kenya National Bureau of Statistics, *National Plan for the Advancement of Environmental-Economic Accounting (NP-AEEA) 2025–2028* (2024) 10 and 12.

¹⁸⁶ Kunming-Montreal Global Biodiversity Framework, target 14, in decision 15/4 of the Conference of the Parties to the Convention on Biological Diversity, CBD/COP/DEC/15/4 (19 December 2022) 11 <https://www.cbd.int/doc/decisions/cop-15/cop-15-dec-04-en.pdf> accessed 28 September 2026.

- 13.2.1** Fund the National Plan for the Advancement of Environmental-Economic Accounting from the exchequer, so that the development of the accounts does not depend on the technical assistance of development partners.
- 13.2.2** Institutionalise environmental-economic accounting within the Kenya National Bureau of Statistics, with a dedicated team and a budget line of its own.
- 13.2.3** Compile and publish the natural capital accounts annually, with the monetary ecosystem service flows brought up to the current year, so that they serve the year in which decisions are taken.
- 13.2.4** Use the forest, ecosystem, land, water and energy accounts in national and county planning and in the appraisal of public investments.
- 13.2.5** Report the value of natural capital and the cost of its degradation through the reporting arrangements in Chapter 14.

The Government and county governments shall:

- 13.2.6** Provide the Kenya National Bureau of Statistics with the data the natural capital accounts require, on a common standard, from the institutions that hold it at each level of government.

County governments shall (Fourth Schedule to the Constitution, Part 2, paragraphs 8 and 10):

- 13.2.7** Apply the county results of the natural capital accounts in county integrated development plans and in county spatial planning.

13.3 Public Finance and the Budget Process

Situational analysis

The public finance system is required by the Constitution to promote an equitable society, and public expenditure to promote the equitable development of the country.¹⁸⁷ Revenue raised nationally is shared between the two levels of government, and the national government may make conditional and unconditional grants to county governments out of its share.¹⁸⁸ Environmental management is financed within that system rather than beside it, so the commitments in this Policy are implemented only if they are carried in the programme structures through which the two levels of government budget, and in the plans from which those programmes are drawn.¹⁸⁹

¹⁸⁷ Constitution of Kenya 2010, art 201 <https://new.kenyalaw.org/akn/ke/act/2010/constitution/> accessed 28 September 2026.

¹⁸⁸ Constitution of Kenya 2010, art 202 <https://new.kenyalaw.org/akn/ke/act/2010/constitution/> accessed 28 September 2026.

¹⁸⁹ Public Finance Management Act 2012 (No 18 of 2012) ss 13(1)(c) and 38(1)(b) <https://new.kenyalaw.org/akn/ke/act/2012/18/> accessed 28 September 2026; County Governments Act 2012 (Cap

The National Environment Policy 2013 made the same point in its first financing commitment, undertaking to provide adequate resources for environmental protection and management through the annual budgetary allocation.¹⁹⁰ It did not, however, resolve the route through which the undertaking would be given effect. This is important because a commitment that is not integrated into a programme will not have a vote to support expenditure, and a commitment that is not in a county integrated development plan, county fiscal strategy paper and annual development plan will likely not be included in the programme base budget.

Policy statements

The Government shall:

- 13.3.1** Provide for this Policy in the budget through the programme structures of the State Department responsible for the environment, so that the commitments in each chapter are funded rather than stated.

The Government and county governments shall:

- 13.3.2** Report annually on the funds that have been allocated, disbursed and spent on environmental programmes at each level of government.

County governments shall (Fourth Schedule to the Constitution, Part 2, paragraphs 8 and 10):

- 13.3.3** Align county environmental expenditure with this Policy through the county integrated development plans, county fiscal strategy papers and annual development plans, so that both levels fund the same priorities.

13.4 Financing Environmental Management

Situational analysis

The Environmental Management and Co-ordination Act gives the National Environment Management Authority a general fund and names three sources for it, being the sums that accrue to the Authority in the exercise of its powers and the performance of its functions, the grants made to it by the Cabinet Secretary out of money provided by Parliament for that purpose, and money donated or lent from any other source.¹⁹¹ The Authority is authorised, from that general fund, to defray the whole of the expenditure it incurs in discharging its objectives, functions and duties.¹⁹²

265) Part XI, on county planning and the county integrated development plans
<https://new.kenyalaw.org/akn/ke/act/2012/17/> accessed 28 September 2026.

¹⁹⁰ Republic of Kenya, *National Environment Policy, 2013* (adopted as Sessional Paper No 10 of 2014) s 8.5, policy statement 1, 48 <https://faolex.fao.org/docs/pdf/ken147906.pdf> accessed 28 September 2026.

¹⁹¹ Environmental Management and Co-ordination Act (Cap 387) s 20(1) and (2), 12, in Laws of Kenya

¹⁹² Environmental Management and Co-ordination Act (Cap 387) s 20(3) and (4), 12, in Laws of Kenya

The first of those sources ties the income of the Authority to the volume of licensing, approval and other regulatory work it undertakes, so the means available for regulation move with the rate at which development is licensed rather than with the condition of the environment the Authority is required to protect. The grant for which section 20(3) provides is the part of the design that answers this, and this Policy treats it as the first call on the cost of regulation rather than the residual one.

Counties raise revenue through services provided at their waste facilities. The Sustainable Waste Management Act requires the collection, tipping and other charges levied at a county waste facility to be applied to improving waste management activities and services. This is an important ring-fencing dimension intended to ensure that the funds raised at the facility are spent on the service the facility provides.¹⁹³ A similar approach is required in the broader environmental governance sphere that counties implement.

Policy statements

The Government shall:

- 13.4.1** Fund the regulatory functions of the Authority through grants made under section 20(3) of the Environmental Management and Co-ordination Act, at a level that meets the cost of those functions.
- 13.4.2** Determine that grant by reference to the functions the Act confers on the Authority, and not by reference to the receipts the Authority expects to collect in the year.

The Government and county governments shall:

- 13.4.3** Publish each year what was collected in environmental fees, charges, securities and penalties at each level of government, and what was applied to environmental management out of those receipts.

County governments shall (Fourth Schedule to the Constitution, Part 2, paragraphs 2(g), 8 and 10):

- 13.4.4** Apply the collection, tipping and other charges levied at county waste facilities to improving waste management activities and services, as the Sustainable Waste Management Act requires.
- 13.4.5** Provide in county legislation for the revenue raised from other environmental services and charges to be applied to the environmental functions out of which it is raised.

¹⁹³ Sustainable Waste Management Act 2022 (Cap 387C) s 24

13.5 The National Environment Trust Fund

Situational analysis

The National Environment Trust Fund is established under the Environmental Management and Co-ordination Act to facilitate research intended to further the requirements of environmental management, capacity building, environmental awards, publications, scholarships and grants.¹⁹⁴ It draws on donations, endowments, grants and gifts designated for it and on such sums of money or other assets as the Authority designates to it out of its general fund, neither of which is a regular source.¹⁹⁵

Documented experience with trust funds is that they work where their sources of funds are predictable, whether as an endowment whose income alone is spent, a sinking fund drawn down over a fixed period, or a revolving fund replenished by taxes, fees or levies designated for its purposes.¹⁹⁶ Those funds can be raised outside the public budget, and the trust funds that manage the resources have the governance, staff and procedures to work with other institutions, to appraise what they finance and to account publicly for it. Financing of that kind suits results that come over ten to fifteen years rather than needs that must be met at once.¹⁹⁷

Policy statements

The Government shall:

- 13.5.1** Provide the National Environment Trust Fund with legal personality in its own name, so that it contracts, holds property and is accountable as an institution as well as through its trustees.
- 13.5.2** Widen the income of the Trust Fund to money from any lawful source, and empower it to invest what it holds, retain the returns, and finance its object through grants and repayable instruments.
- 13.5.3** Build the capital of the Trust Fund from private, philanthropic and international environmental finance, so that its programme does not rest on annual allocations.
- 13.5.4** Accredite the Trust Fund to the international climate and biodiversity funds, and provide for the partnership agreements that bring money to its object.
- 13.5.5** Provide for a board of the Trust Fund drawn from the public and private sectors, with the capacity to mobilise resources and to appraise what the Fund finances.

¹⁹⁴ Environmental Management and Co-ordination Act (Cap 387) s 24(1) and (4), 13, in Laws of Kenya, revised edition <https://faolex.fao.org/docs/pdf/ken41653.pdf> accessed 28 September 2026.

¹⁹⁵ Environmental Management and Co-ordination Act (Cap 387) s 24(2), 13, in Laws of Kenya, revised edition <https://faolex.fao.org/docs/pdf/ken41653.pdf> accessed 28 September 2026.

¹⁹⁶ Ricardo Bayon, Carolyn Deere, Ruth Norris and Scott E Smith, 'Environmental Funds: Lessons Learned and Future Prospects' (IUCN 2000) 4.

¹⁹⁷ Global Environment Facility, 'Evaluation of Experience with Conservation Trust Funds' (1999) v, vi, vii and viii.

- 13.5.6** Apply the Trust Fund to research, innovation, capacity building, awards and scholarships that address the priorities set out in this Policy.
- 13.5.7** Publish the accounts of the Trust Fund each year, together with the grants, awards and scholarships made from it.

13.6 Environmental Fiscal Instruments

Situational analysis

The polluter pays principle requires those who cause pollution or degradation to bear the full cost of prevention, control and remediation. The full extent of that prevention, control and remediation cost has not yet been estimated in a form that can be applied to a licence or a charge, and the natural capital accounts described in section 13.2 are the beginning of that estimation. The Environmental Management and Co-ordination Act sets the standard against which the charges are to be measured once the estimate exists, providing for user fees to be set to ensure that those who use environmental resources pay proper value for that use.¹⁹⁸

Fiscal incentives, and voluntary agreements pegged on environmental performance indicators, are the means by which private investment is drawn into environmental improvement, and they have been policy since 2013.¹⁹⁹ A National Green Fiscal Incentives Policy Framework was prepared by the National Treasury and released for public comment, and it has remained in draft since 2022.²⁰⁰

Payment for ecosystem services works differently, in that a beneficiary pays for a service received rather than an investor receiving relief for a choice made. The Environmental Management and Co-ordination Act requires the Authority to encourage such payments,²⁰¹ and the undertaking to promote existing incentives as a measure to secure and invest in the natural capital was a policy commitment in the National Environment Policy 2013.²⁰² There is therefore a need for implementation arrangements.

The Central Bank of Kenya issued the Kenya Green Finance Taxonomy in April 2025, developed with the European Investment Bank and benchmarked against the European Union and South African taxonomies. It classifies the assets, projects, activities and sectors that qualify as green, applying technical screening criteria, a do no significant harm test and minimum social safeguards,

¹⁹⁸ Environmental Management and Co-ordination Act (Cap 387) s 57(1) and (2)(d)

<https://new.kenyalaw.org/akn/ke/act/1999/8/> accessed 28 September 2026.

¹⁹⁹ Republic of Kenya, *National Environment Policy*, 2013 (adopted as Sessional Paper No 10 of 2014) s 8.5, policy statement 2, 47 <https://faolex.fao.org/docs/pdf/ken147906.pdf> accessed 28 September 2026.

²⁰⁰ The National Treasury, *Draft National Green Fiscal Incentives Policy Framework* (December 2022) <https://www.treasury.go.ke/sites/default/files/Notices/Draft-Green-Fiscal-Incentives-Policy-Framework.pdf> accessed 28 September 2026.

²⁰¹ Environmental Management and Co-ordination Act (Cap 387) s 9(2)(q) <https://new.kenyalaw.org/akn/ke/act/1999/8/> accessed 28 September 2026.

²⁰² Republic of Kenya, *National Environment Policy*, 2013 (adopted as Sessional Paper No 10 of 2014) s 5.1, policy statement 4, 25 <https://faolex.fao.org/docs/pdf/ken147906.pdf> accessed 28 September 2026.

with sectoral criteria for manufacturing, agriculture, mining, electricity, water and waste, transport, real estate, construction, information and communications technology, finance and trade. Adopting it as the reference classification would give the fiscal instruments, the fees and the disclosure obligations under this Policy one definition in common.²⁰³

Policy statements

The Government shall:

- 13.6.1** Estimate the cost of preventing, controlling and remedying environmental harm, drawing on the natural capital accounts, so that environmental charges can be tested against that cost.
- 13.6.2** Set environmental fees, charges and securities by reference to the estimated cost of preventing, controlling and remedying harm, giving effect to the polluter pays principle and the user fee standard in the Act.
- 13.6.3** Adopt the National Green Fiscal Incentives Policy Framework, and review it at each medium term expenditure framework cycle.
- 13.6.4** Require financial security before licensing an activity whose closure or failure would otherwise leave the cost of restoration on the public, using the deposit bonds for which the Environmental Management and Co-ordination Act provides.
- 13.6.5** Establish payment for ecosystem services, beginning where the service and the beneficiary can be identified, such as water catchments, forests and rangelands.
- 13.6.6** Adopt the Kenya Green Finance Taxonomy as the reference classification for environmental fiscal instruments, fees, incentives and disclosure, so that one definition of green applies across them.

13.7 Climate, International and Private Finance

Situational analysis

In addition to the National Environment Trust Fund, established under the Environmental Management and Co-ordination Act and dealt with in section 13.5, the Climate Change Act establishes a Climate Change Fund as the financing mechanism for priority climate change actions approved by the Council, vests it in the National Treasury, and applies it among other things to technical assistance to county governments.²⁰⁴ The National Environment Policy 2013 undertook to mobilise resources from the financing mechanisms of the multilateral environmental agreements

²⁰³ Central Bank of Kenya, *Kenya Green Finance Taxonomy* (Central Bank of Kenya, April 2025) 4, and the sectoral technical screening criteria at Appendices 1 to 11; Central Bank of Kenya, *Climate Risk Disclosure Framework* (Central Bank of Kenya, April 2025).

²⁰⁴ Climate Change Act 2016 (Cap 387A) s 25(1), (2) and (8), 24 and 25 <https://ke.chm-cbd.net/sites/ke/files/2025-03/ClimateChangeAct11of2016%20amended.pdf> accessed 28 September 2026.

and named the Global Environment Facility.²⁰⁵ Those mechanisms now comprise a larger and more varied set of funds, and access to them is determined by accreditation, which three Kenyan entities hold with the Green Climate Fund, being the National Environment Management Authority, KCB Bank Kenya and Equity Group Holdings.²⁰⁶

County climate and environment investment runs through a programme rather than through that Fund. The Financing Locally-Led Climate Action programme is financed by a World Bank credit approved in October 2021 and is time bound,²⁰⁷ while the county climate change funds it supports are established in county legislation and will continue in operation through allocation of a defined portion of the county development budget. What Kenya receives and spends across these sources is not reported in one place. In addition to global sources for loss and damage financing, Kenya needs to develop domestic mechanisms for identifying loss and damage risks, and for funding responses that minimise or mitigate their economic and non-economic impacts so far as is feasible.

Debt service limits what can be spent on the environment, and the scale of the requirement is documented. Implementing Kenya's updated Nationally Determined Contribution of 2020 is costed at USD 62 billion, of which Kenya has undertaken to mobilise 13 per cent, about USD 8 billion, with the balance of about USD 54 billion expected from international support and the private sector.²⁰⁸ The budget for the financial year 2026/27 provides KSh 1,461.8 billion for interest payments and pensions together, which is close to half of the ordinary revenue projected at KSh 2,985.7 billion, and a further KSh 412.9 billion for foreign debt repayments.²⁰⁹ Debt for nature and debt for climate instruments can address this fiscal pressure by refinancing a portion of existing debt at a lower cost, or by forgiving part of it, and committing the saving to environmental outcomes or to climate expenditure for the life of the instrument. The impact of each instrument depends on the discount obtained, the cost of the guarantee or insurance that supports it, and the conditions attached to the spending it commits, so that each is assessed on its own terms.

Kenya approved a sovereign green bond framework,²¹⁰ and more recently adopted the Sovereign Sustainability-Linked Financing Framework, which Cabinet approved on 14 May 2026 and the

²⁰⁵ Republic of Kenya, *National Environment Policy, 2013* (adopted as Sessional Paper No 10 of 2014) s 8.6, policy statement 5, 48 <https://faolex.fao.org/docs/pdf/ken147906.pdf> accessed 28 September 2026.

²⁰⁶ Green Climate Fund, accredited entities: National Environment Management Authority of Kenya, KCB Bank Kenya Limited and Equity Group Holdings <https://www.greenclimate.fund/partners/accredited-entities> accessed 28 September 2026.

²⁰⁷ World Bank, *Financing Locally-Led Climate Action Program* (P173065), credit approved October 2021 <https://projects.worldbank.org/en/projects-operations/project-detail/P173065> accessed 28 September 2026.

²⁰⁸ Central Bank of Kenya, *Kenya Green Finance Taxonomy* (Central Bank of Kenya, April 2025) 3, reporting the funding required under Kenya's updated Nationally Determined Contribution of 2020.

²⁰⁹ The National Treasury, *Budget Summary for the Financial Year 2026/27*, 12, paragraph 29, and Table 2: Medium-Term Fiscal Framework, rows 1.3, 2.1 and 7.6, on the unnumbered page following 13 <https://www.treasury.go.ke/sites/default/files/Budget%20summary/Budget%20Summary%20for%20the%20FY%202026%27%20Budget.pdf> accessed 28 September 2026.

²¹⁰ The National Treasury and Planning, *Kenya Sovereign Green Bond Framework* <https://data.sbfnetwork.org/sites/default/files/2024-06/Kenya-Sovereign-Green-Bond-Framework.pdf> accessed 28 September 2026.

National Treasury published in June 2026, under which borrowing is tied to performance indicators that include the loss of natural forest, with a target of holding the cumulative loss below 44,000 hectares by 2030.²¹¹

Private finance for environmental purposes, including carbon projects, is attracted by a pipeline of appraised projects, with clear environmental and social safeguard terms and demonstrated compliance. Carbon projects carry a further condition, in that a land-based project must commit at least forty per cent of the aggregate earnings of the previous year, less the cost of doing business, to community development, and a project that is not land-based at least twenty-five per cent.²¹²

Policy statements

The Government shall:

- 13.7.1** Operationalise the Climate Change Fund under section 25 of the Climate Change Act as the domestic vehicle for climate finance, including the technical assistance to county governments it provides for.
- 13.7.2** Establish environmental and climate finance tracking, covering national, county, international and private sources, classified against the Kenya Green Finance Taxonomy, and report on it each year alongside the budget estimates.
- 13.7.3** Support further national institutions to meet the accreditation standards of the international environmental funds, so that access does not rest on three entities.
- 13.7.4** Develop domestic mechanisms for identifying loss and damage risks and for funding responses that minimise or mitigate their economic and non-economic impacts.
- 13.7.5** Set out how international loss and damage resources are accessed, how they are allocated between the national and county levels, and how they are accounted for.
- 13.7.6** Publish what communities receive under the community development agreements required for carbon projects, and enforce the share the Regulations prescribe.
- 13.7.7** Use the Sovereign Sustainability-Linked Financing Framework to raise finance against environmental performance, and report publicly on the indicators to which the borrowing is tied.
- 13.7.8** Assess debt for nature and debt for climate instruments against their fiscal cost and their environmental return before Kenya commits to them.

²¹¹ The National Treasury, *Kenya's Sovereign Sustainability-Linked Financing Framework* (June 2026) 13, 15 and 28

<https://www.treasury.go.ke/sites/default/files/Latest%20updates/Kenya%E2%80%99s%20Sovereign%20Sustainability-Linked%20Financing%20Framework%202026.pdf> accessed 28 September 2026.

²¹² Climate Change (Carbon Markets) Regulations 2024 (Legal Notice No 84 of 2024) reg 29 <https://new.kenyalaw.org/akn/ke/act/ln/2024/84/eng@2024-06-07> accessed 28 September 2026.

- 13.7.9** Prepare a pipeline of appraised environmental projects, with clear environmental and social safeguard terms, against which blended and private finance can be committed.

The Government and county governments shall:

- 13.7.10** Sustain the county climate change funds through the defined portion of the county development budget allocated to them, and through domestic sources that continue after the programmes now supporting them end.

CHAPTER 14: IMPLEMENTATION, MONITORING AND EVALUATION

14.1 Chapter Policy Objective and Overview

Chapter policy objective

To provide for the implementation of this Policy and for the monitoring, evaluation and reporting of its results, through an implementation matrix that states who does what, by when, at what cost and from what source of funds, and a monitoring and evaluation matrix that states the indicators, baselines and targets against which progress is measured.

Overview

The National Environment Policy 2013 set out commitments across every environmental sector, but it was not accompanied by an implementation matrix or by a monitoring and evaluation matrix. There was therefore no statement of the institution answerable for each commitment, of the time within which it would be delivered, of what it would cost or of the source from which it would be funded, and no indicator against which progress could be assessed.²¹³

The Public Policy Handbook for Kenya provides the format of both instruments. The implementation matrix states, for each policy statement, the strategies, expected outputs, key performance indicators, timeframe, estimated cost, funding sources and the institutions that lead and support. The monitoring and evaluation matrix states, for each objective, the indicators, the baseline, the mid term and end term targets, the source of data and the frequency of reporting.²¹⁴ This chapter adopts both. Annex A is the implementation matrix for the commitments in this chapter only, and the monitoring and evaluation matrix will be prepared with the Second Draft.

14.2 Framework for Implementing this Policy

Policy statement

The Government shall put in place a framework for implementing this Policy, with provision for coordination between the institutions that deliver it, for the legal reforms it requires to be effective, for its funding and for the delivery of its commitments.

Situational analysis

Putting the Policy into practice: Once Parliament adopts this Policy as a Sessional Paper, it must be integrated into the work of the ministries, state departments and agencies and of the county governments that will deliver it, and into the plans and budgets through which they undertake

²¹³ Republic of Kenya, *National Environment Policy, 2013* (adopted as Sessional Paper No 10 of 2014) <https://faolex.fao.org/docs/pdf/ken147906.pdf> accessed 28 September 2026.

²¹⁴ Republic of Kenya, *Public Policy Handbook for Kenya* (March 2024) Annex 3, 49, and Annex 5, 53.

implementation. The officers responsible for delivery need to know what this Policy requires of their institutions, and the institutions that will fund it need its commitments internalised into their programmes. Dissemination, induction, the medium term strategy and the integration of commitments into performance contracting must therefore precede its implementation.

Coordination and administrative mechanisms: This Policy is implemented by institutions whose mandates are sectoral and whose planning, budgeting and reporting run on separate cycles. The institutions that govern the environment, and the arrangements through which the two levels of government coordinate, are established in Chapter 12 and are not restated here. Every commitment in the implementation matrix is assigned to an institution that leads it and to the institutions that support it, so that a commitment shared between agencies has a primary mandate holder.

Working with county governments: The county governments have been assigned environmental functions under the Fourth Schedule to the Constitution,²¹⁵ and each of them plans, budgets and reports for implementation. A uniform mechanism for county environmental planning, budgeting and reporting is therefore required, so that county reports can be aggregated into a national report and the two levels of government fund priorities aligned to their respective contexts.

Legal and regulatory framework: The legislative changes this Policy requires are stated in the chapters where they arise.

Funding arrangements: The sources of finance for environmental management at both levels of government are provided for in Chapter 13.

Policy statements

The Government shall:

- 14.2.1** Disseminate this Policy to national and county institutions, the private sector and the public through an induction and sensitisation programme in the first year after its adoption.
- 14.2.2** Build the capacity of the ministries, departments and agencies responsible for implementing this Policy, through structured training on what it requires of them.
- 14.2.3** Prepare a medium term strategy and implementation plan for this Policy, with supporting strategies for the enabling sectors, aligned to the national medium term planning cycle.
- 14.2.4** Prepare annual workplans from the implementation matrix, and align them with institutional strategic plans and with performance contracts.

²¹⁵ Constitution of Kenya 2010, Fourth Schedule, Part 2, paragraphs 8 and 10
<https://new.kenyalaw.org/akn/ke/act/2010/constitution/> accessed 28 September 2026.

- 14.2.5** Integrate the commitments in this Policy into performance contracting targets and indicators for public officers at both levels of government.
- 14.2.6** Track delivery of this Policy through the implementation matrix for every chapter.
- 14.2.7** Prepare a consolidated legislative programme for the amendments this Policy requires and submit it to Parliament.
- 14.2.8** Fund the implementation of this Policy from the sources provided for in Chapter 13, and establish or reform any fund needed to support environmental governance effectively.

The Government and county governments shall:

- 14.2.9** Adopt a uniform mechanism through which county governments align their environmental planning, budgeting and reporting with this Policy, to ensure that county reporting is aggregated for national environmental reporting.

County governments shall (Fourth Schedule to the Constitution, Part 2, paragraphs 8 and 10):

- 14.2.10** Provide for the implementation of this Policy in county integrated development plans, annual development plans, county budgets and county environmental action plans.

14.3 Monitoring, Evaluation, Reporting and Learning

Policy statement

The Government shall monitor the implementation of this Policy, evaluate its results, report on both to Parliament, the county assemblies and the public, and apply the lessons from that monitoring process.

Situational analysis

Monitoring: Monitoring requires data collected once, within the timeframe stated, and used for several purposes, and indicators agreed at the start of implementation. The implementation matrix at Annex A states, for each commitment, the expected output, the key performance indicator, the timeframe, the estimated cost, the funding source and the institutions responsible. The monitoring and evaluation matrix adds, for each objective at 4.2, the baseline, the mid term and end term targets, the source of data and the frequency of reporting. Where no baseline exists it is recorded as none, and this Policy sets the date by which the baseline is to be established. Monitoring also covers whether the commitments are delivered within the timeframe and the budget stated in Annex A, and identifies what is holding delivery back.

Evaluation: This Policy is evaluated at mid term and at the end of its period, against its effectiveness in delivering the objectives at 4.2, its coherence with the sectoral policies and laws that operate alongside it, its impact on the state of the environment and the sustainability of what

it achieves. The evaluations record the effects that were intended and those that were not, and are published with the evidence on which they rest.

Reporting: Reporting on the implementation of this Policy shall be included in the report on the state of the environment, which is required to be prepared and laid before Parliament.²¹⁶ County governments shall report on the same indicators, aligned to their environmental mandates under the Constitution, to their county assemblies. County governments shall submit their reports to the National Environment Management Authority, at the frequency stated in the monitoring and evaluation matrix, for consolidation into the report on the state of the environment. Both reports shall be published in a form that is accessible and useful to the public, together with the data that informs the results on the indicators.

Learning: The lessons from implementation shall be collated at each reporting period and applied to the next cycle of workplans and budgets, to ensure that measures which deliver are extended and those which do not are stopped or modified. This applies also to the arrangements through which this Policy is implemented with partners, which will be reviewed on the evidence of what they have delivered.

Policy statements

The Government shall:

- 14.3.1** Operate a coordinated system for collecting, managing and storing the data that the monitoring and evaluation matrix requires.
- 14.3.2** Set and publish the baselines recorded as not existing in the monitoring and evaluation matrix within twelve months of the adoption of this Policy, and set the mid term and end term targets against them.
- 14.3.3** Evaluate this Policy at mid term and at the end of its period against its effectiveness, coherence, impact and sustainability, and publish the evaluations.
- 14.3.4** Report each year on the implementation of this Policy within the report on the state of the environment, and lay that report before Parliament.
- 14.3.5** Prepare the report on the state of the environment each year, and align section 9(2)(p) of the Environmental Management and Co-ordination Act with the annual report that the Act defines.
- 14.3.6** Publish the reports and evaluations prepared under this Policy, together with the data behind the indicators, in a form the public can use.
- 14.3.7** Collate the lessons from each reporting round, extend the measures that deliver and redesign those that do not, through the next cycle of workplans and budgets.

²¹⁶ Environmental Management and Co-ordination Act (Cap 387) s 9(2)(p) and s 2.

- 14.3.8** Prepare the monitoring and evaluation matrix for this Policy, stating for each objective at 4.2 the indicators, the baseline, the mid term and end term targets, the source of data and the frequency of reporting.

The Government and county governments shall:

- 14.3.9** Report on the indicators in the monitoring and evaluation matrix at the frequency stated in it, using one data standard, and submit the county reports for consolidation into the report on the state of the environment.

County governments shall (Fourth Schedule to the Constitution, Part 2, paragraphs 8 and 10):

- 14.3.10** Prepare county reports on the implementation of this Policy using the actual data and indicators in the monitoring and evaluation matrix, lay them before the county assembly and apply them in county planning and budgeting.

14.4 Policy Review Interval

Situational analysis

This Policy shall be reviewed after ten years of implementation, which is the interval the Public Policy Handbook for Kenya sets for a public policy. An earlier review may be undertaken where the Constitution is amended in a way that changes environmental governance beyond what this Policy provides for, where a significant event changes the matters this Policy governs, or where alignment with a regional or international framework requires it.²¹⁷

Policy statements

The Government shall:

- 14.4.1** Review this Policy after ten years of implementation, drawing on the evaluations prepared under 14.3.3, and publish the outcome of the review.
- 14.4.2** Review this Policy earlier where the Constitution is amended, where a significant event changes the matters this Policy governs, or where alignment with a regional or international framework is needed.

²¹⁷ Republic of Kenya, *Public Policy Handbook for Kenya* (March 2024) 40.

Annex A to Chapter 14: Implementation matrix

The matrix follows the format in the Public Policy Handbook for Kenya. The rows below are for the commitments in this chapter only. The rows for every other chapter will be prepared for the Second Draft, after the public consultation process.

Statement	Strategy	Expected output	Key performance indicator	Timeframe	Estimated cost	Funding source	Responsibility
14.2.1	Induction and sensitisation programme for national and county institutions, the private sector and the public.	Policy disseminated and understood by implementing institutions and the public.	Number of institutions and counties inducted; number of sensitisation events held.	Year 1	To be costed	Exchequer ; development partners	Lead: State Department responsible for the environment. Support: Council of Governors; the Authority.
14.2.2	Structured training for the ministries, departments and agencies responsible for implementation.	Officers trained on what this Policy requires of their institutions.	Number of officers trained, by institution and by level of government.	Years 1 to 3	To be costed	Exchequer	Lead: State Department responsible for the environment. Support: Kenya School of Government.
14.2.3	Medium term strategy and implementation plan, with strategies for the enabling sectors.	Strategy and implementation plan adopted and aligned to the medium term plan cycle.	Strategy adopted; number of sector strategies prepared.	Year 1	To be costed	Exchequer	Lead: State Department responsible for the environment. Support: The National Treasury and Economic Planning.
14.2.4	Annual workplans drawn from the implementation matrix.	Workplans prepared and aligned to institutional strategic plans and performance contracts.	Proportion of implementing institutions with workplans drawn from the matrix.	Annual	To be costed	Exchequer	Lead: implementing institutions. Support: State Department responsible for the environment.

Statement	Strategy	Expected output	Key performance indicator	Timeframe	Estimated cost	Funding source	Responsibility
14.2.5	Integration of the commitments in this Policy into performance contracting.	Commitments appear in performance contracts and appraisal indicators.	Proportion of relevant institutions whose performance contracts carry commitments from this Policy.	Years 1 to 2	To be costed	Exchequer	Lead: Public Service Performance Management. Support: State Department responsible for the environment.
14.2.6	Completion of the implementation matrix for every chapter.	Matrix completed, costed and annexed to the Policy.	Number of chapters with completed matrix rows.	Second Draft	To be costed	Exchequer ; development partners	Lead: State Department responsible for the environment. Support: all implementing institutions.
14.2.7	Consolidated legislative programme for the amendments this Policy requires.	Legislative programme prepared and submitted to Parliament.	Programme submitted; number of amendments enacted.	Years 1 to 3	To be costed	Exchequer	Lead: State Department responsible for the environment. Support: Office of the Attorney-General.
14.2.8	Funding of implementation from the sources in Chapter 13.	Commitments funded and any fund established or reformed under the Public Finance Management Act.	Proportion of commitments with an identified funding source.	Annual	To be costed	Exchequer ; environmental funds; development partners	Lead: The National Treasury and Economic Planning. Support: State Department responsible for the environment.
14.2.9	Uniform mechanism for county alignment of environmental planning, budgeting and reporting.	Mechanism adopted and applied by county governments.	Number of counties applying the mechanism.	Years 1 to 3	To be costed	Exchequer ; county revenue	Lead: State Department responsible for the environment and Council of Governors. Support:

Statement	Strategy	Expected output	Key performance indicator	Timeframe	Estimated cost	Funding source	Responsibility
							county departments responsible for the environment.
14.2.10	Provision for this Policy in county integrated development plans, annual development plans, budgets and county environmental action plans.	County plans and budgets carry the commitments of this Policy.	Number of counties whose plans and budgets carry the commitments.	Annual	To be costed	County revenue	Lead: county governments. Support: Council of Governors.
14.3.1	Coordinated system for collecting, managing and storing the data the monitoring and evaluation matrix requires.	A single data system serving the indicators in the monitoring and evaluation matrix.	Proportion of indicators in the monitoring and evaluation matrix with data available in the single data system at the stated frequency.	Years 1 to 3	To be costed	Exchequer ; development partners	Lead: the Authority. Support: Kenya National Bureau of Statistics; county governments.
14.3.2	Setting and publication of baselines and of mid term and end term targets.	Baselines published and targets set for every indicator in the monitoring and evaluation matrix.	Proportion of indicators with a published baseline and target.	Year 1	To be costed	Exchequer	Lead: the Authority. Support: Kenya National Bureau of Statistics.
14.3.3	Mid term and end term evaluation against effectiveness, coherence, impact and sustainability.	Evaluations completed, published and used to revise the Policy.	Evaluations completed and published within the period.	Mid term; end term	To be costed	Exchequer ; development partners	Lead: State Department responsible for the environment. Support: the Authority.
14.3.4	Annual reporting on implementation within the report on the state of the environment.	Implementation reported and the report laid before Parliament.	Report laid within the period required.	Annual	To be costed	Exchequer	Lead: the Authority. Support: State Department responsible for the environment.

Statement	Strategy	Expected output	Key performance indicator	Timeframe	Estimated cost	Funding source	Responsibility
14.3.5	Alignment of the reporting cycle in section 9(2)(p) with the annual report the Act defines.	Amendment prepared and submitted to Parliament.	Amendment submitted.	Years 1 to 2	To be costed	Exchequer	Lead: State Department responsible for the environment. Support: Office of the Attorney-General.
14.3.6	Publication of reports, evaluations and the data behind the indicators.	Reports, evaluations and data published in a usable form.	Number of reports and datasets published.	Annual	To be costed	Exchequer	Lead: the Authority. Support: State Department responsible for the environment.
14.3.7	Collation of lessons and their application in the next cycle of workplans and budgets.	Lessons recorded and reflected in workplans and budgets.	Number of measures extended, redesigned or stopped on the evidence of the reports.	Annual	To be costed	Exchequer	Lead: State Department responsible for the environment. Support: implementing institutions.
14.3.8	Preparation of the monitoring and evaluation matrix for this Policy.	Matrix prepared for every objective at 4.2, with indicators, baselines and targets.	Matrix completed and published.	Second Draft	To be costed	Exchequer; development partners	Lead: State Department responsible for the environment. Support: the Authority; Kenya National Bureau of Statistics.
14.3.9	Reporting on the indicators in Annex B on one data standard at both levels.	Comparable reporting from both levels of government.	Number of counties reporting on the common standard.	Annual	To be costed	Exchequer ; county revenue	Lead: the Authority and Council of Governors. Support: county governments.

Statement	Strategy	Expected output	Key performance indicator	Timeframe	Estimated cost	Funding source	Responsibility
14.3.10	County reports on implementation using the indicators in Annex B.	County reports prepared, laid before the county assembly and applied in planning and budgeting.	Number of counties reporting.	Annual	To be costed	County revenue	Lead: county governments. Support: the Authority.
14.4.1	Review of this Policy after ten years of implementation.	Review completed and the outcome published.	Review completed within the period.	Year 10	To be costed	Exchequer	Lead: State Department responsible for the environment. Support: the Authority; Council of Governors.
14.4.2	Early review where the Constitution is amended, a significant event changes the matters this Policy governs, or alignment with a regional or international framework is needed.	Early review undertaken where the circumstances arise.	Review undertaken within twelve months of the triggering circumstance.	As required	To be costed	Exchequer	Lead: State Department responsible for the environment. Support: the Authority.

Annex B: Monitoring and Evaluation matrix for the National Environment Policy

The matrix follows the format in the Public Policy Handbook for Kenya. It runs from the objectives at 4.2, and will be completed with the Second Draft of this Policy, once the policy statements in every chapter are confirmed after the public consultation. Where no baseline exists at the time of completion it is recorded as not existing, and the date by which the baseline is to be established and recorded will be entered in its place.²¹⁸

Objective	Objective as stated at 4.2	Indicator	Baseline	Mid term target	End term target	Source of data	Frequency
4.2.1	To give practical effect to the right to a clean and healthy environment under Article 42 and to the State's obligations under Article 69, applying the national values and principles of governance in Article 10, so that environmental legislation, sectoral policies and institutional mandates operate as one coherent body of law and policy.						
4.2.2	To secure environmental governance that works at both levels of government, with the roles of the national and county governments settled, coordination between them structured, and counties supported to make and implement their own environmental policies and legislation.						
4.2.3	To meet Kenya's obligations under the multilateral environmental agreements to which it is party, by providing the national policy basis on which those obligations are domesticated and reported.						
4.2.4	To protect, conserve and restore Kenya's terrestrial, freshwater, coastal and marine ecosystems, including forests, wetlands, drylands, mountains and wildlife habitats, together with its biological diversity and genetic resources, and to work to achieve and maintain a						

²¹⁸ Republic of Kenya, *Public Policy Handbook for Kenya* (March 2024) Annex 5, 53.

Objective	Objective as stated at 4.2	Indicator	Baseline	Mid term target	End term target	Source of data	Frequency
	tree cover of at least ten per cent of the land area of Kenya under Article 69(1)(b).						
4.2.5	To prevent, control and abate pollution of air, water and land, to protect public health from environmental hazards including hazardous substances and waste, and to advance resource efficiency and a circular economy in which waste is prevented, recovered and returned to use.						
4.2.6	To manage the environmental conditions on which climate resilience depends, recognising that ecosystem degradation, land use change, pollution and the depletion of natural resources are drivers of climate vulnerability, so that Kenya's climate response rests on sound environmental management.						
4.2.7	To distribute the benefits and burdens of environmental governance fairly between and within generations, to treat the best interests of the child as a primary consideration, and to secure the full and effective participation of women, of persons with disabilities, of children and youth, and of Indigenous Peoples, marginalised communities and vulnerable populations, with policies, programmes and budgets that respond to their differentiated needs.						
4.2.8	To mobilise and direct public and private finance towards environmental management, and to integrate environmental cost into public finance, infrastructure planning and land use planning, so that sectors meet the environmental cost of their decisions rather than passing it on.						

Objective	Objective as stated at 4.2	Indicator	Baseline	Mid term target	End term target	Source of data	Frequency
4.2.9	To govern environmental data and the use of artificial intelligence and digital technologies under the Data Protection Act (Cap 411C), so that environmental monitoring, compliance and decision-making rest on information that is accurate, accessible and lawfully held.						
4.2.10	To monitor and evaluate the implementation of this Policy against measurable indicators, and to report publicly at set intervals on progress towards its objectives and on the state of the environment.						

Note for second draft: The indicators are drawn from the outcomes each objective seeks, and each indicator will be linked to a source of data that already exists or that this Policy provides for.