



nema

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NEMA AT A GLANCE



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CONTENTS

Foreword.....	3
Establishment	4
Statutory Functions.....	6
Services.....	7
Law and guidelines.....	8
Regulations.....	9
Departments.....	10
<i>Directorate.....</i>	<i>10</i>
<i>Finance and Administration.....</i>	<i>11</i>
<i>Legal Services.....</i>	<i>12</i>
<i>Education Education, Information and Public Participation.....</i>	<i>13</i>
<i>Environmental Planning and Research Coordination.....</i>	<i>14</i>
<i>National Environment Action Plan.....</i>	<i>15</i>
<i>Compliance and Enforcement.....</i>	<i>16</i>
<i>Licensing Regime.....</i>	<i>17</i>
<i>Coastal Marine and Fresh Water.....</i>	<i>20</i>
NEMA as NIE Kenya.....	21
Police Unit.....	23
Green points.....	24
<i>Services at Green point.....</i>	<i>25</i>
Milestones	26

FOREWORD

As the principal agency charged with the duty to exercise general supervision and coordination of all matters related to the environment in Kenya, the Authority has strived to enhance the cleanliness of environment in the country since 1st July 2002 when NEMA became operational under the Environmental Management and Coordination Act (EMCA) 1999 that had earlier in 6th January 2000 received Presidential Assent.

The environment agenda has been elevated by the Constitution of Kenya 2010 which under the Preamble “Calls for all Kenyans to respect and protect our environment as our heritage”. Moreover, every person is accorded the right to a clean and healthy environment through the Bill of Rights.

As a Semi-Autonomous Government Agency (SAGA) in the Ministry of Environment and Forestry, the Authority is empowered to coordinate various environmental activities by the lead agencies. The Authority has also provided a platform for all stakeholders including private sector where a number of Framework of Cooperation have been signed such as with the UNEP, KAM, Safaricom among others.

The Authority has achieved remarkable milestones among them; enhanced operations of County offices, implementation of four Strategic Plans, review of EMCA 1999, ban on the use, manufacture and importation of plastic bags, decentralization of licensing, implementation of climate change programmes such as Adaptation Fund, developing of standard operating procedures and ISO 9001:2015 certification among others. Through these strides, the Authority has made positive impact on the environment. The Authority has also enhanced efficiency, service delivery through the use of ICT



Mamo B. Mamo
Director General

and corporate image of the Authority.

As we strive towards achieving a clean and healthy environment as envisioned in the Constitution, the Authority urges members of the public to develop positive behavioral attitude towards the environment, adopt best practices in their daily activities as well as sustainably use available resources.

With these concerted efforts, our national heritage will be safeguarded hence satisfy all our needs and aspirations as Kenyans.

Establishment

The National Environment Management Authority (NEMA) is established under Environmental Management and Coordination Act (EMCA) CAP 387 laws of Kenya, as the Principal instrument of government in the implementation of all policies relating to the environment. The Authority exercises general supervision and co-ordination over all matters relating to the environment.

Within the devolved system of government NEMA is operating both at national and county level, being mindful that some environmental management functions have been devolved for example noise and waste management. Despite the latter, environmental standards remain the same throughout the country and are still a national function

Our Mandate

The National Environment Management Authority (NEMA), established under the Environmental Management and Coordination Act (EMCA) No.8 of 1999 to exercise general supervision and co-ordination over all matters relating to the environment. It is further mandated to be the principal instrument of government in the implementation of all policies relating to the environment.

Guiding principles

Vision

A clean, healthy and sustainable environment

Mission

To coordinate, supervise and manage all matters relating to the environment in Kenya

Motto

Our Environment, Our Life, Our Responsibility

Core Values

- Environmental Stewardship
- Professionalism
- Integrity
- Innovativeness
- Customer Focus
- Teamwork



Statutory Functions

The object and purpose for which NEMA is established under EMCA is twofold: to ensure sustainable management of the environment through exercising general supervision and coordination over matters relating to the environment and; to be the principal instrument of government in the implementation of all policies relating to the environment.

Who We Serve

The Authority serves various stakeholders and clients

1. General Public
2. Private Sector
3. Government Ministries and departments (Lead Agencies)
4. County Governments

EMCA Institutions

5. National Environment Complaints Committee(NECC),
6. National Environment Tribunal(NET),
7. National Environment Council(NEC),
8. National Environment Trust Fund (NETFund)

Others

9. County Environment Committees
10. Parliamentary Committees
11. Mass Media
12. Civil Society Organizations(CSOs)
13. Development Partners/ Donors
14. Learning and Research Institutions



Our Services

1. Registration of Environmental Experts.
2. Environmental licensing.
3. Environmental Auditing.
4. Environmental inspections.
5. Environmental Education and Awareness.
6. Domestication of Multilateral Agreements (MEAs).
7. Coordination of Environmental Planning and Research.
8. Environmental Reporting.
9. Development of curriculum for training of Strategic Environment Assessment (SEA), Environmental Impact Assessment/Audit Experts EIA/EA).
10. Promotion of best environmental practices



NEMA Director General Mamo B. Mamo (L) and Dr. John Mumbo (R) undertaking water testing at Isinya flower farm following complaints on water pollution

Law and Guidelines

The Environmental Management and Coordination Act (EMCA), 1999, is the framework law on environmental management and conservation. NEMA is empowered to develop regulations, prescribe measures and standards and, issue guidelines for the management and conservation of natural resources and the environment.

Guidelines

1. National Guidelines for the Management of Covid -19 waste, 2020
2. EIA/EA Guidelines
3. National Sand Harvesting Guidelines
4. Asbestos Guidelines
5. National Solid Waste Management Strategy
6. National Guidelines for Strategic Environmental Assessment (SEA) Guidelines
7. Environment Acton Plan guidelines
8. E-waste Guidelines
9. Emission License Guidelines

Kenya banned the use, manufacture and importation of plastic bags for commercial and household use that took effect on 28th August 2017 vide a gazette notice No. 2343 and 2356. NEMA had been implementing the ban since then. The Authority has developed regulations on management and use of plastic carrier and flat bags.



Gazetted regulations

1. Environmental Impact (Assessment/Audit) Regulations, 2007.
2. Water Quality Regulations, 2006.
3. Waste Management Regulations, 2006.
4. Biodiversity Regulations, 2006.
5. Ozone Depleting Substances (ODS) Regulations of 2007.
6. Air Pollution Regulations 2014.
7. Chemical Management Regulations.
8. Wetland regulations
9. Noise regulations



The Authority's one of main function is environmental licensing through Environmental Impact Assessments. The Authority has been using the Environmental Impact (Assessment/Audit) Regulations, 2007 to guide in licensing of low, medium and high risk projects in the country.

Since March 2020, the Authority shortened timelines for the processing of Summary Project Reports (SPR) - (Low and medium projects) from 30 days to 5 days. Application is online - ecitizen and or nema website.

DEPARTMENTS

Directorate

The Department oversees and facilitates programmes and activities of all departments of the Authority fostering internal harmony and policy guidance.

The main functions of the department include:

1. Coordinating various environmental activities being undertaken by lead agencies and establishes collaborative mechanisms through memoranda of understanding.
2. Promoting integration of environmental considerations into development policies, plans, programmes and projects; resource mobilization for NEMA activities.
3. Identifying and creating good working relations with all development partners; promoting the positive image of the Authority through effective public relations.
4. Ensuring maintenance of accountability, high audit standards and proper development and supervision of staff in the Authority.

The Sections under the directorate departments headed by the Director General includes;

1. Internal Audit
2. Monitoring and Evaluation
3. Information Communication Technology (ICT)
4. Procurement
5. Corporate Communications

Finance and Administration

The Finance and Administration supports the operations of other departments of the Authority. It ensures effective administration, servicing of activities through financing, human resource development, IT services provision and other logistical support. The department has the following sections; Human Resources and Administration, ICT, Accounts and Procurement sections.

The main functions of the department include:

- 1) Effective Financial Management and Control systems;
- 2) Ensuring revenue collection, EIA and other receipts due to the Government are collected promptly banked and accounted for;
- 3) Ensure that pre-audit of the relevant documents is carried out;
- 4) Ensuring timely processing of all financial reports;
- 5) Establishing effective ICT Infrastructure and MIS and ensure the organization utilizes most current technology in operation to improve productivity.
- 6) Ensuring a high degree of professionalism, continuous capacity building, competitive remuneration and conducive working environment for staff.
- 7) Ensuring effective deployment and prudent development of human resources;
- 8) Ensuring efficient management of organization's resources, including vehicles, office equipment and buildings;
- 9) Formulating, recommending and implementing sound financial control policy for NEMA.
- 10) Advising the Director General on all matters relating to the finances of the Authority.
- 11) Liaising with NEMA's independent auditors. Ensuring that all financial accounts and records meet management, donor and other stakeholder requirements.
- 12) Ensuring that all accounting operations are effectively and efficiently performed
- 13) Maintaining effective financial control over the assets and liabilities, income and disbursements.
- 14) Preparing and maintaining periodic financial, analytical, and interpretive reports for the Management.
- 15) Ensuring effective procurement through competitive tendering and efficient stores management adhering to quantity and quality specifications.

Legal Services

The department provides legal advice to the Authority on legislation and other measures for the management of the environment and the implementation of other relevant international conventions treaties and agreements.

The main functions of the Department include:

1. Advise the Director General and the Board of Management on legal issues that arise in the operations of the Authority;
2. Ensure Departments in NEMA make legally informed decisions;
3. Advise the Authority and the Government of Kenya on legislative and other measures for the sound management of the environment and their implementation;
4. Advise the Authority and the Government of Kenya on regional and international environmental conventions, treaties and agreements to which Kenya should be a party, and follow-up the implementation of such agreements where Kenya is a party including enactment or revisions of necessary legislation for domestication of Multilateral Environmental Agreements;
5. Draft and prepare for formalization/gazettement of environmental regulations, guidelines and standards that facilitate proper implementation of the Act;
6. Co-ordinate the litigation and prosecution of cases for or against the Authority including liaison with external lawyers where legal services have been outsourced;
7. Establish and maintain a database on Multilateral Environmental Agreements that Kenya is party to;
8. Collaborate with the various departments and institutions of the Authority, lead agencies and civil society in increasing awareness on environmental law in the country.

The launch of NEMA's 2019-2024 Strategic Plan at Bomas Hotel, Nairobi



Environmental Education, Information and Public Participation (EEIPP)

The Department of Environmental Education, Information and Public Participation (EEIPP) provide strategies for Education and awareness creation activities as well as services for the authority.

Kenya's ability to meet environment threats at home and abroad is inextricably linked with the priority it places on environmental education/awareness programs. Environmental issues are frequently complex and contested. Without a firm, educated basis of knowledge and understanding, progress on environmental issues becomes haphazard, uncertain and unlikely.

The department addresses provisions of EMCA 1999, as contained in part 3 sections 9(m) which mandates NEMA to "Undertake cooperation with lead agencies, programmes intended to enhance environmental education and public awareness about the need for sound environmental management as well as for enlisting public support and encouraging the efforts made by other entities regarding the same.

The department is divided into the following sections, namely:

1. Environmental Education and Information
2. Awareness and public participation

Functions

1. Develop and publish and disseminate environmental education and these materials are supplied during public engagement meetings such as the ASK shows and trade fairs, environment days, public service week, among others. awareness materials eg. Posters, Brochures and stickers.
2. It also publicizes environmental matters and facilitate public participation and partnerships in environmental management programs.
3. It also organizes environmental events such as World Environment day.
4. The department has an environment capacity building program

A setup of NEMA exhibition during a Nairobi ASK show



Environmental Planning and Research Coordination (EPRC)

The Department undertakes and coordinates research, investigation and surveys for environmental management.

The Department's main functions include:

1. Promoting integration of environmental considerations into development policies, plans, programmes and projects;
2. Ensuring rational utilization and management of environmental resources for sustainable development;
3. Taking stock of natural resources and their utilization and conservation;
4. Preparing and issuing NEAP, PEAPs and DEAPs;
5. Implementing relevant MEAs and other agreements in the field of environment;
6. Undertaking and coordinating, with partners research, investigation and surveys in the field of environment;
7. Providing technical support to the national rehabilitation programme;
8. Developing bankable project proposals for environmental management activities;
9. Undertaking policy research and analysis to support the integration of environmental concerns into development plans.

National Environment Action planning

The relationships between the environment and development issues have now taken centre stage on the national and international agenda. It is globally recognized that integration of environment and development concerns will lead to improved living standards for all, better protected and managed ecosystems and a safer, more prosperous future.

During the last five years, NEMA has taken notable steps towards establishing appropriate mechanisms and policies for the integrated management and sustainable development of Kenya's coastal, marine and Freshwaters and their resources.

Government developed the first National Environment Action Plan (NEAP) that addresses environmental issues from various sectors in an integrated manner and their significance in development planning. NEMA is currently preparing the second National Environment Action Plan Framework. The framework proposes a strategy for achieving sustainable development in line with Kenya's quest to meet the Millennium Development Goals (MDGs) and Vision 2030.

The NEAP process is participatory and representative and involves stakeholders from all sectors. Members of the district and provincial committees participated in the preparation and validation of their respective environment action plans.

These plans have been forwarded to NEMA for incorporation in the national plan. Recommendations and criticisms from the national and regional workshops will shape the final report.

A multi-parameter water quality testing to inform data collection on effluent discharges

Compliance and Enforcement

The department comprises of three sub-departments – Field operations, enforcement and compliance. The main regulatory functions of the department are:

1. Formulation of regulations and setting up standards. Issuance of licences or permits to operators. Monitoring and inspecting activities to ensure regulatory compliance, licence or permit conditions are being adhered to.
2. Taking appropriate enforcement action in cases of non-compliance or breach of licence/permit conditions.
3. Identifying projects and programmes, plans and policies for which environmental audit or environmental monitoring must be conducted under the Act;
4. Ensuring Environment impact Assessment and Environmental Audits are conducted to guide development activities through licensing and provide improvement guidelines for existing projects;
5. Providing technical input to development of environmental regulations and standards; conducting regular inspections of facilities and premises to enforce compliance with legislations;
6. Initiating and evolving procedures and safeguards for the prevention of accidents which may cause environmental degradation and evolving remedial measures where accidents occur;
7. Promoting programmes and projects for effective and efficient management and use of cleaner production technologies.

NEMA Director General, Mamo B. Mamo (C), Deputy Director Enforcement, Salome Machua (R) and County Director of Environment, Njoki Mukiri during an inspection in Industrial Area, Nairobi



Licensing Regime

The Authority has been enforcing the gazette regulations across all sectors at various levels. However, there has been a deliberate effort to create awareness on the regulations based on the obligations of the law and the required actions to relevant stakeholders aimed at enhancing compliance and through promotion of self-regulations as well as developing internal technical capacities.

No.	Licensing Regime/Regulation	License Issued
1	Environmental Impact Assessment / Audit, 2003	<ul style="list-style-type: none"> EIA license EIA/EA Experts license EA Improvement Order Notice
2	Waste Management Regulations, 2006	<ul style="list-style-type: none"> Waste Transport License License to operate a disposal site/ Treatment plant Licence to operate incinerator/ Recyclers
3	Water Quality Regulations, 2006	Effluent Discharge License
4	Conservation of Biological Diversity and Resources, Access to Genetic Resources Benefit Sharing Regulations, 2009	Access to Genetic Resource Permit
5	Controlled Substances Regulations, 2007	Permit to Transport hazardous materials
6	Wetlands, Riverbanks, Lakeshore and seashore management Regulations, 2009	Resource Use Permit
7	Noise and excessive vibrations pollution control regulations, 2009	<ul style="list-style-type: none"> Excessive noise and vibrations license Permit for excessive vibrations
8	Air quality Regulations	Relevant license to be issued after mandatory sensitization

Some of the regulations pending gazettelement includes;

1. E-Waste regulations, 2013
2. Waste tyre regulations, 2011
3. Deposit Bond Regulations, 2014
4. Plastic pollution management and control regulations, 2018
5. Chemical Management Regulations, 2019

Environment and Forestry CS Keriako Tobiko leading a tree planting at Kilgoris Boys School in Narok County



NEMA Board members plant a tree during World Wetlands Day in 2020 in Nakuru County



In contribution towards achievement of 10 percent tree cover by 2022, the Authority has joined other government agencies and private entities through the coordination of the Ministry of Environment and Forestry to plant trees throughout the 47 Counties.



The management team planting a tree at Kaptagat Forest

Coastal, Marine & Fresh Water



Enapuiyapui Wetland in Nakuru County

This is a sub-department under the Directorate Department and draws its mandate from Sections 42 & 55 of EMCA that deal specifically with management and conservation of rivers, lakes and wetlands; and coastal and marine environments respectively to address issues of fresh water, coastal and marine ecosystems.

The main functions of the sub-department include:

1. Promoting conservation and sustainable utilization of coastal, marine and freshwater resources (CMF),
2. Implementation of relevant MEAs, and development and implementation of a National Wetlands Policy;
3. Coordinating and harmonize CMF conservation and management activities, including those of lead agencies, the private sector, NGOs and communities;
4. Developing and supervising the implementation of management plans for the sustainable utilization and conservation of the coastal zone and inland aquatic ecosystems through the development of the Integrated Coastal Zone Management plan (ICZM).
5. Collaborating with the relevant partners to ensure monitoring and inventories of aquatic ecosystems to assist in their proper management, and to identify appropriate measures to prevent or minimize pollution;
6. Coordinating the coastal and marine sub-theme under the KCDP Environment Initiative; leading NEMA's participation in shared aquatic ecosystem processes.
7. Coordination the commemoration of the World Wetlands Day.

NEMA as the National Implementing Entity

National Implementing Entity (NIE) is National legal entities/organizations nominated by a Party / Government and accredited by the Adaptation Fund Board to vet eligible projects for funding from the adaptation fund.

For an institution to become NIE it must demonstrate adequate competence in technical capabilities, maintenance of accounts, provisions for external and internal audit, procurement, project management and creating and maintaining an ethical and corruption free environment. The NIEs- bear full responsibility for the overall management of the project and programmes in terms of financial, monitoring and reporting responsibilities

Adaptation Fund

The Adaptation Fund is a self-standing fund established under the Kyoto Protocol of the UN Framework Convention on Climate Change. The Fund is designed to finance concrete climate change adaptation projects and programs based on the needs, views and priorities of developing countries.

A concrete adaptation project -a set of activities aimed at producing visible and tangible results on the ground by reducing vulnerability to CC and increasing the adaptive capacity of human and natural systems.



Mangroves planting in Kwale by NIE's Entity Coastal Development Authority



A farmer holding a watermelon grown at Walda, Marsabit County a project by NIE through RedCross

National Environment Management Authority (NEMA) is the National Implementing Entity (NIE) for Adaptation Fund in Kenya. NEMA was nominated by the Ministry of Environment, Water and Natural Resources to be the NIE under the Adaptation Fund (AF). In March 2012, NEMA obtained its accreditation by the Adaptation Fund Board of UNFCCC. This accreditation gave NEMA the mandate to offer vetting, approval and supervision of projects financed by the Adaptation Fund. The NIE bears full responsibility for the overall management of programmes and project in terms of financial, monitoring and reporting to the Adaptation Fund.

The approval of this Programme was a huge success to NEMA and indeed to the entire country as the funds will go towards building resilience among vulnerable communities who are susceptible to the adverse impacts of climate change. As the NIE for Kenya, NEMA will disburse the monies from the fund to its three main Executing Entities (that is, Coast Development Authority, Kenya Forestry Research Institute and Tana and Athi River Development) who are the programme implementers.

The programme covers Fourteen (14) counties. Each of the 14 counties has one or more programme site which are implemented by the ten(10) Executing Entities namely Tana and Athi Rivers Development Authority (TARDA), Horn Aid Kenya, Coastal Development Authority(CDA), Kenya Forestry Research Institute (KEFRI), Victoria Research and Development (VIRED) International , Adventist Development and Relief Agency (ADRA) Kenya, Caritas Nyeri , Nasaru Community Based Organization ,Kenya Red Cross Society and Kenyatta University. It is being implemented in the following counties; Embu, Garissa, Kajiado. Kilifi, Kitui, Kisumu, Marsabit, Kwale and Laikipia Counties.

Police Unit

The Authority in partnership with the National Police Service has established an Environmental Police Unit through the deployment of police officers to NEMA. Stationed at NEMA headquarters, the unit assists in enhancing the enforcement capacity of the Authority while providing security to Environmental Inspectors.

The officers also conduct regular surveillance to detect environmental crimes as well as apprehending and prosecuting environmental offenders. In this regard, the NEMA police Unit has strengthened prosecutions of environmental cases across the country while serving as deterrent to potential environmental offenders.



Police officers deployed to NEMA in May 2020

Green Points



Services offered at the Green Points

1. NEMA operational functions such as review of Environment Impact Assessment (EIA) applications and inspections.
2. Advisory functions to county government, business people, and the wider community on environmental issues.
3. Exhibitions of appropriate green technologies/innovations by the local business community.
4. Host academic visits.
5. Act as an environmental information resource centre.

The Green Points have been strategically put up across the country; in Homa-Bay, Isiolo, Embu, Taita Taveta, Kajiado, Kilifi, Marsabit and Lamu. Plans are underway to develop others across Kenya. These Green Points have been constructed through funding from Danida.

All Green Points in Kenya will combine “normal NEMA office functions and facility” – with an open public meeting information and demonstration area; the design is based on a functional, accessible and open concept including:

1. Eco-friendly and creative architecture
2. Design responds to local conditions – Climate and Geography
3. Open space for various exhibits
4. A culturally acceptable design
5. Functional quality – a maintenance friendly design based on solid local materials

The Green points have been conceptualized in order to practically interpret the green economy concept in our context here in Kenya.

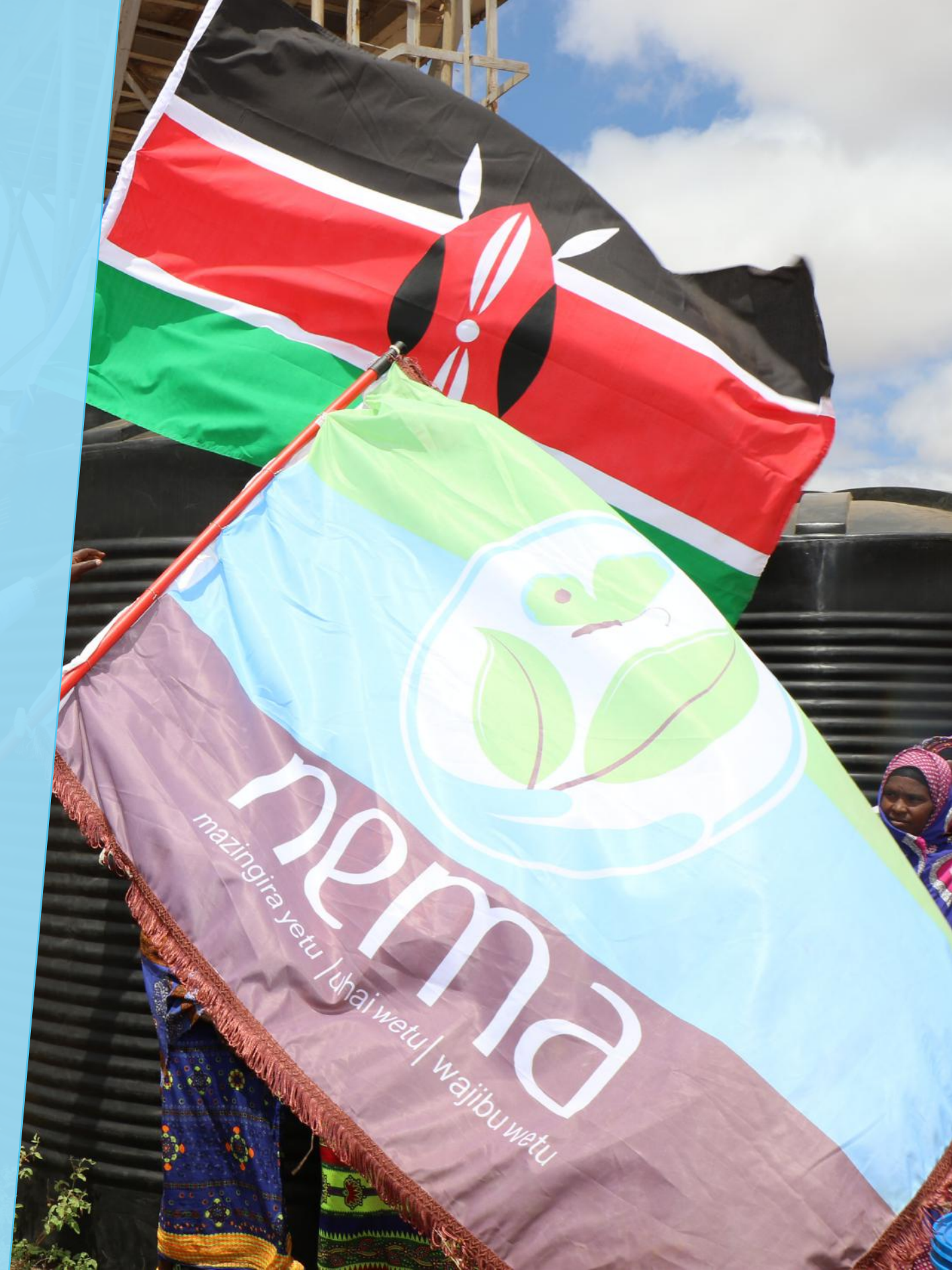
The design and function is meant to lead to as small an ecological footprint as possible. This will be achieved by incorporating aspects such as rainwater harvesting, waste water recycling technologies, low energy consumption, among other features. The green points are intended to improve and expand the advisory role of NEMA in the counties especially on issues related to the promotion of sound environmental management that can support the green economy, in conjunction with the private sector.

This will demonstrate the public-private partnership spirit in the communities - a policy direction that the government has been advocating for. A Green Point therefore is a one stop shop for all NEMA activities and advisory at the county but also a demonstration and learning centre for innovation.



Milestones

- Re-accreditation under the ISO 9001: 2015
- Participated in restoration of Michuki Memorial Park 2020
- Enhanced operations of NEMA County offices
- Decentralized of licensing regimes to the County offices to enhance efficiency including, EIA licenses (low and medium risk projects) and Effluent Discharge Licenses (EDL)
- Formulation of over twelve policies various aspects to provide effective governance systems. The most recent including; Monitoring and Evaluation Policy,
- NEMA Branding Policy, NEMA SCR Policy. Other strategies include; Strategy on implementation of Air Quality Regulations 2014, Devolved Environmental Functions and ICT Strategies respectively.
- Developed Covid-19 Control Guidelines
- Developed criteria for vetting Environmental Experts
- Implementation of National Climate Change programme under Adaptation funds as NIE
- Undertaking review of EMCA 1999




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