Mainstreaming Environmental Planning in Kenya – Final Report

15 December 2010
Preface

In October 2006, the Government of Kenya, together with the governments of Denmark and Sweden, jointly initiated a 5-year Environmental Programme Support (EPS) project to assist the Kenyan government, civil society, and communities, in addressing the serious environmental and poverty issues of the country. The overall objective of the EPS is to create sustainable environmental management in support of improved livelihoods in Kenya. The programme will contribute to Kenya’s Economic Recovery Strategy, and achievement of the Millennium Development Goal on ensuring environmental sustainability.

One component of the programme is to enhance capacity of the Government of Kenya to support cross-cutting and decentralised environmental management. In this component, the EPS will assist that National Environment Management Authority (NEMA) of Kenya fulfil part of its 2005-2010 Strategic Plan, specifically, via the achievement of five outputs:

1. Strategic Environmental Assessment (SEA) process institutionalised in selected key agencies
2. Decentralised environmental management
3. Integrated coastal zone management (ICZM) planning and management modalities developed and piloted through a joint effort between NEMA and relevant stakeholders
4. Capacitated NEMA with appropriate management and financial systems in order for it to effectively and efficiently fulfil its mandate and roll
5. Improved compliance and enforcement of environmental regulations.

To help NEMA achieve these outputs, the EPS includes both direct funding to NEMA to cover some of its capital and operating costs, as well as a Technical Assistance contractor to provide relevant international and local expertise. The Technical Assistance contract was awarded by the Ministry of Foreign Affairs of Denmark, on behalf of both the Danish and Swedish governments, via an international competitive bidding process. The contract was awarded to Euroconsult Mott MacDonald, in association with DHI Water & Environment.

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<td>Partners:</td>
<td>Ministry of Environment &amp; Mineral Resources of Kenya (MEMR)</td>
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<td>Ministry of Foreign Affairs of Denmark</td>
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<td>Client’s Contract Ref:</td>
<td>PK 1658</td>
<td>Client’s File No.: 104.Kenya.806-12</td>
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<td>NEMA; Consultant’s team</td>
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<td>NEMA Ministry of Environment and Mineral Resources; Ministry of State for Planning, National Development and Vision 2030; Royal Danish Embassy; EU-CTA at NEMA; EMM: Headquarters DHI; Gorm Jeppesen PSU</td>
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Mainstreaming Environmental Planning in Kenya – Final Report

Table of Contents

Document Control Sheet ............................................................................................................. ii
Abbreviations and Acronyms ..................................................................................................... vi
Glossary of Terms ....................................................................................................................... vii
Summary ..................................................................................................................................... ix

1 Introduction ............................................................................................................................. 1
  1.1 Justification ......................................................................................................................... 1
  1.2 Objectives ............................................................................................................................ 1
  1.3 Methodology and Activities Undertaken ............................................................................ 1
  1.4 Selection of Study Districts ................................................................................................. 1
  1.5 Study Limitations and Constraints ..................................................................................... 2
  1.6 Outline of the Present Study Report .................................................................................... 5

2 Background .............................................................................................................................. 6
  2.1 Ecosystems and Environmental Management .................................................................... 6
  2.2 Administrative and Political Framework .......................................................................... 6
  2.3 EMCA 1999 ......................................................................................................................... 7
  2.4 Environmental Action Planning ......................................................................................... 8
  2.5 National Environment Policy, 2008 .................................................................................. 10
  2.6 Development Planning ....................................................................................................... 10
  2.7 Other Relevant Initiatives .................................................................................................. 11
  2.8 Potential Funding Sources for EAP Implementation ......................................................... 12

3 Findings ..................................................................................................................................... 15
  3.1 Implications of the New Constitution ............................................................................... 15
  3.2 Amendment of EMCA 1999 ............................................................................................... 16
  3.3 Timing of the EAP Process ................................................................................................. 18
  3.4 Coordination and Supervision by NEMA .......................................................................... 19
  3.5 National Environment Policy ............................................................................................ 20
  3.6 State of Environment Reports ............................................................................................ 20
  3.7 Preparation and Contents of the DEAP/CEAP/NEAP ......................................................... 22
  3.8 Report and Plan Approval .................................................................................................. 24
  3.9 Printing, Distribution and Branding .................................................................................... 24
  3.10 EAP Implementation ........................................................................................................ 25
  3.11 EAP Monitoring & Evaluation ......................................................................................... 26
  3.12 Cost/Benefit Analysis or Value for Money ....................................................................... 27

4 Required Actions per Organisation ....................................................................................... 29
  4.1 Ministry of Environment and Mineral Resources .............................................................. 29
  4.2 NEMA ............................................................................................................................... 29
  4.3 Ministry of State for Planning, National Development and Vision 2030 ....................... 31

List of Annexes

Annex 1 References Consulted .................................................................................................. 33
Annex 2 Persons Consulted ........................................................................................................ 36
Annex 3 Assessments in Kwale District & Coast Province ....................................................... 39
Annex 4 Assessments in Nyando District & Nyanza Province ............................................... 47
Annex 5 Assessments in Narok District & Rift Valley Province .............................................. 57
Annex 6 Assessments in Marsabit District & Eastern Province ............................................... 65
Annex 7 Assessments at the National Level .............................................................................. 72
Annex 8 The Study Team ......................................................................................................... 75
List of Figures

Figure 1. Location of the four selected study districts and province capitals ........................................4
Figure 2. Conceptual Environmental Management Framework in Kenya ...........................................9

List of Tables

Table 1. Criteria used to select four example districts .................................................................2
Table 2. Administrative and political units in Kenya in November 2010 ......................................7
Table 3. Budget allocations to environment related ministries in FY 2009/2010 .......................13
## Abbreviations and Acronyms

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>CBO</td>
<td>Community Based Organisation</td>
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<tr>
<td>CDF</td>
<td>Constituency Development Fund</td>
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<td>CDM</td>
<td>Clean Development Mechanism</td>
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<td>CEAP</td>
<td>County Environment Action Plan</td>
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<td>CDP</td>
<td>County Development Plan</td>
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<td>CEC</td>
<td>County Environment Committee</td>
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<td>CEO</td>
<td>County Environment Officer</td>
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<td>CF</td>
<td>Consolidated Fund</td>
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<td>CSO</td>
<td>Civil Society Organisation</td>
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<td>DAMER</td>
<td>District Annual Monitoring and Evaluation Report</td>
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<td>District Development Plan</td>
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<td>DEAP</td>
<td>District Environment Action Plan</td>
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<td>DEC</td>
<td>District Environment Committee</td>
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<td>DEO</td>
<td>District Environment Officer</td>
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<td>DMEC</td>
<td>District Monitoring and Evaluation Committee</td>
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<td>DPMU</td>
<td>District Planning and Monitoring Unit</td>
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<td>DRSRS</td>
<td>Department of Resource Surveys and Remote Sensing</td>
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<td>EAP</td>
<td>Environment Action Plan (also see NEAP, PEAP, and DEAP)</td>
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<td>EEIPP</td>
<td>Environmental Education, Information and Public Participation (Department)</td>
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<td>EMCA</td>
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<td>EMM</td>
<td>Euroconsult Mott MacDonald</td>
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<td>EPRC</td>
<td>Environmental Planning and Research Coordination (Department)</td>
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<td>EPS</td>
<td>Environment Programme Support (project)</td>
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<td>EU</td>
<td>European Union</td>
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<td>GEF</td>
<td>Global Environment Facility</td>
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<td>HQ</td>
<td>Headquarters</td>
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<td>ICT</td>
<td>Information and Communication Technology</td>
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<td>ICZM</td>
<td>Integrated Coastal Zone Management</td>
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<td>ILRI</td>
<td>International Livestock Research Institute</td>
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<td>KFS</td>
<td>Kenyan Forest Service</td>
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<td>KWS</td>
<td>Kenyan Wildlife Service</td>
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<td>LATF</td>
<td>Local Authority Transfer Fund</td>
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<td>MDNKOAL</td>
<td>Ministry of State for Development of Northern Kenya and Other Arid Lands</td>
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<td>MEMR</td>
<td>Ministry of Environment and Mineral Resources</td>
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<td>MPNDV</td>
<td>Ministry of State for Planning, National Development and Vision 2030</td>
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<td>MTEF</td>
<td>Medium Term Expenditure Framework</td>
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<td>MTP</td>
<td>Medium Term Plan</td>
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<td>National Environment Action Plan</td>
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<td>National Environment Restoration Fund</td>
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<td>National Environment Trust Fund</td>
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<td>NRM</td>
<td>Natural Resources Management (follow up programme of EPS)</td>
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<td>Provincial Director of Environment</td>
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<td>Provincial Environment Action Plan</td>
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<td>Provincial Environment Committee</td>
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<td>PEI</td>
<td>Poverty and Environment Initiative</td>
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<td>RDE</td>
<td>Royal Danish Embassy</td>
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<td>RECOMAP</td>
<td>Regional Programme for the Sustainable Management of the Coastal Zone of the Countries of the Indian Ocean</td>
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<td>SEA</td>
<td>Strategic Environmental Assessment</td>
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<td>SoE</td>
<td>State of Environment (report)</td>
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<td>ToR</td>
<td>Terms of Reference</td>
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<td>UNEP</td>
<td>United Nations Environment Programme</td>
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<td>USD</td>
<td>United States Dollar</td>
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<td>WRI</td>
<td>World Resources Institute</td>
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### Glossary of Terms

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<tr>
<td>Constituency</td>
<td>Any cohesive body of people bound by shared identity, goals, or loyalty. In politics, a constituency can mean either the people from whom an individual or organization hopes to attract support, or geographical area that a particular elected official represents.</td>
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<tr>
<td>County</td>
<td>Land area of local government within a country. In Kenya, a county normally consist of a number of constituencies.</td>
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<tr>
<td>Devolution</td>
<td>The statutory granting of powers from the central government of a sovereign state to government at a sub-national level, such as a regional, local, or state level. It differs from federalism in that the powers devolved may be temporary and ultimately reside in central government, thus the state remains, de jure, unitary.</td>
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<tr>
<td>Environmental Mainstreaming</td>
<td>The informed inclusion of relevant environmental concerns into the decisions of institutions that drive national, local and sectoral development policy, rules, plans, investment and action.</td>
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Summary

Current conditions

Effort has been made in Kenya towards environment action planning at district, provincial and national levels. Environment action planning is explicitly provided for in the country’s Environmental Management and Coordination Act (EMCA) of 1999. Environment planning committees have been established at these levels. These committees -or subcommittees thereof- have been trained, instructed and supported to prepare and coordinate the implementation of 5-yearly Environment Action Plans at district, provincial and national levels, and the first series of such plans have been produced. Although these plans are by some regarded as essential and important documents needed to address the many challenging environmental issues that the country is facing, there are also numerous legal, institutional, operational and financial constraints that impede the effective implementation of these plans, and the mainstreaming of environmental action planning in overall development planning.

For example, the Environment Committees are provided with inadequate funding to coordinate the process of preparing and implementing the action plans, explaining why little or no primary data were collected and hardly any consultation has taken place. NEMA offices at district, provincial and national levels are notoriously under-resourced resulting in poorly presented ‘final’ documents that, almost five years after the first drafts were produced, still have not been formally printed and distributed, and are not publicly available on the authority’s website. This leaves the field environmental officers that have -or should have- a key coordinating role in the mainstreaming of environmental planning and implementation, little means in the promotion and branding of these plans. Poor internal communication and lack of appropriate supervision has created a situation where several of the consulted field officers are not even aware of the existence of an environment action plan for “their” region, or that they only have an early version of such plans. Lack of a monitoring and evaluation framework is another constraint in plan implementation. Moreover, late production of the environment action plans has been inconveniently timed as the overall development plans, produced by the Ministry of State for Planning, National Development and Vision 2030, were completed earlier.

Coupled with these and other constraints there are substantial flaws and weaknesses in the existing law. These include the scantily defined tasks and responsibilities of field environmental committees and those for staff of the Ministry of State for Planning, National Development and Vision 2030, inappropriate and ineffective plan approval procedures, lack of clear mechanisms to assure the incorporation of environmental plans in overall development planning, low awareness on environmental issues among communities, the lack of assurances in other laws to allocate annual budgets to environment interventions, and various issues related to the legal requirement for the State of Environment reports. Moreover, implications of the New Constitution require various amendments in the existing environment law.

For a cost/benefit analysis of environmental planning a distinction is to be made between the official budget, actual budget, and required budget for preparation of a plan. NEMA provided very little money (Ksh 6,650 per plan; official budget) but some environment committees attracted additional donor funding (e.g. Ksh 700,000 per plan in Nyanza Province with which limited consultations were conducted; actual budget). However, if full-scale consultation had been done then another Ksh 1.5 million would have been needed for each plan (required budget). This compares to Ksh 300,000 that was provided by the Ministry of State for Planning, National Development and Vision 2030 for the preparation of a District Development Plan. All these expenses exclude the cost of printing and distribution. Tangible benefits of the planning include increased awareness among government departments about the environment and mainstreaming, and assistance in articulating environmental issues in their development plans. Intangible benefits include the involvement, to some extent, of stakeholders in identifying development priorities. Given the little expenditure towards its preparation it is plausible to assume that benefits of the process could easily outweigh costs.

Other initiatives undertaken in the country and relevant for mainstreaming of environment include State of Environment reporting; the drafting of a National Environment Policy; integrated coastal zone
management planning in Coast Province; the creation of environmental units in lead agencies; the production and updating of a national atlas of ecosystems and human well being; and the recent adoption by the Ministry of State for Planning, National Development and Vision 2030 and the Ministry of Environment and Mineral Resources of a modelling methodology for integrated national planning in the major sectors of economy, society and environment.

Obviously, the findings of the present study do not provide a single, easily implementable mechanism with which the mainstreaming of environmental planning and implementation can be achieved or noticeably improved. For this a large number of legal, institutional, operational and financial modifications are required. These are outlined below.

**Recommendations**

1. **Environment Action Planning at district and/or at county level?**

   **Recommendation 1-1**
   
   A government decision is required on how local/regional Environment Action Planning is to be reshaped, i.e. on county and district levels, and this is to be reflected in an Amendment of EMCA 1999. Five options are envisaged:

   1. Confine EAP to all Counties only under the coordination of County Environment Officers;
   2. Confine EAP to all Districts only under the coordination of District Environment Officers;
   3. Undertake EAP in all Counties and Districts (requiring CEOs and DEOs);
   4. Undertake EAP in all Counties (requiring CEOs) with strong input from strategically stationed DEOs;
   5. No separate EAP – instead incorporate environment issues into development plans at appropriate level (district and/or county level).

   The New Constitution, in its Schedule 4, details the distribution of functions between the national and county governments, from which it is understood that a decision on the kind of county and lower level planning and implementation is to be taken by county governments.

2. **Amendment of the EMCA 1999**

   **Recommendation 2-1**
   
   Responsibilities of Provincial Environment Committees need to be replaced by those of County Environment Committees in case it is decided to establish these. Responsibilities of County Environment Committees and District Environment Committees may require amendment and elaboration.

   **Recommendation 2-2**
   
   EMCA should be amended so that a formal arrangement is made to incorporate environment action plans into development plans and land use plans, together with a description of how this link is to be implemented. Detailed procedures are to be included in the Environment Action Plan manual.

   **Recommendation 2-3**
   
   EMCA should include (a) clause(s) on what actions will be taken, and by whom, if government departments, agencies, state corporations or other organs of government do not or insufficiently comply to the required environmental management interventions spelled out in adopted environment action plans.

   **Recommendation 2-4**
   
   EMCA 1999 Section 41 should be expanded by stating that District Environment Action Plans and/or County Environment Action Plans are binding to the district and/or county development implementation actors.
Recommendation 2-5
EMCA Section 38 specifies the components of the National Environment Action Plan, however several of these components (e.g. analysis of natural resources, analytical profile, identification of problems and trends) can better be included in the State of Environment report.

Recommendation 2-6
EMCA 1999 Section 38 should include a clause to recommend proposals for change of legislation (including legislation of other line ministries) that ensure that adequate funding is made available for implementation of environmental projects at local, regional and/or national levels. This may include for example the requirement that a minimum of 2% of an agency’s annual budget is to be spent on environmental management or improvement.

Recommendation 2-7
As the State of Environment report is merely an update on environmental issues and trends rather than a plan for action (as is the National Environment Action Plan) it seems to make more sense that the (national) environment action plans be adopted, instead of the (national) State of Environment report, and not by the National Assembly but by an appropriate governmental body. Such body may be the National Environment Council.

Recommendation 2-8
It should be reconsidered whether (national) State of Environment reports for Kenya are to be prepared annually. Such frequency only makes sense if first an appropriate methodology is developed, agreed upon and adequate resources made available with which such reports can realistically be prepared, printed and distributed on an annual basis. In accordance with the Global and African Environment Outlook reports, the SoEs may be more meaningful if they are prepared say every five years.

Recommendation 2-9
It should be considered to include in EMCA a clause that requires State of Environment reports to be prepared not only at national level but at local (district) and/or regional (county) level as well. On the other hand, the requirement for regional committees to prepare regional State of Environment reports may be too demanding – alternatively regional Environment Action Plans may include a State of Environment section.

3. Timing of the Environment Action Planning process

Recommendation 3-1
The timing of the Environment Action Plan process, including the State of Environment reporting, should be attuned to the preparation of District Development Plans (and/or County Development Plans if these are going to be produced as a result of the constitutional change) and the country’s Medium Term Plan. As the latter documents are being prepared synchronous to the elections, with the next election planned for 2012, the EAP process should be completed, and SoE and EAP reports printed and distributed, well before the elections take place. In practical terms this means, that for example, if the next elections will be held in 2012, that it is assumed that the next DDPs (and/or CDPs) and MTP covering the planning period 2013-2017 will be prepared by the new government in the first half of 2013 and be ready by mid-2013. This would imply that the next EAPs, including the SoE, are to be developed, printed and distributed during the second half of 2012.

Recommendation 3-2
The next Environment Action Plans should cover the same planning period as those for the next District and/or County Development Plans, i.e. 2013-2017.

Recommendation 3-3
Arising from the above, it will be important to confine the preparation of the EAP within a specific timeframe so as to avoid the current situation where the preparation process spills over into the implementation period.
4. Coordination and supervision by NEMA/HQ

Recommendation 4-1
Lines of authority, and reporting responsibility, should be clearly defined and documented. This is particularly important for field operations, especially if NEMA headquarters is to be reduced in size and more persons be relocated to field offices. As outlined in the NEMA Restructuring Report of the Consultant, of April 2010, all EAP related work should be performed under the responsibility of a Deputy Director for Environmental Monitoring, Reporting and Response Planning, being part of the Technical Services Unit.

Recommendation 4-2
Documents originated by NEMA's environmental field officers but finalized by NEMA/HQ should be posted on the NEMA website. Field officers should then be enabled to access the website, download, print, and disseminate these documents to the field stakeholders/audience.

5. National Environment Policy

Recommendation 5-1
As the T21 model for integrated national planning, now adopted by the Ministry of State for Planning, National Development and Vision 2030 and the Ministry of Environment and Mineral Resources for integrated national planning, is specifically designed to predict and assess medium- and long-term impacts of policies, the MEMR should reconsider to finalize and adopt its National Environmental Policy; this policy provides among others a foundation for mainstreaming of environmental planning and plan implementation.

6. State of Environment Reports

Recommendation 6-1
State of Environment reports should be generated from an interactive, user-friendly and up-to-date database, fed by local/regional environmental officers with geo-referenced data, from which current environmental conditions and trends can be generated for any area, and at any time; and be available as a shared database on a publicly available server.

Recommendation 6-2
For compilation of such a national database, use should be made of, for example, the Pressure-State-Response (PSR) indicator framework that is being developed for management and monitoring of the environment in Kenya’s coastal zone. This should start with the system of data collection: who should do it, how, where to store it and access mechanisms. Poverty-Environment indicators developed under the Poverty Environment Initiative project should also be tested and adopted as necessarily in the SoE.

Recommendation 6-3
The frequency of the State of Environment reports needs reviewing to make it more practical. A longer time interval will enable comprehensive scope of the SoEs and allow assessing environmental trends. It will also facilitate the monitoring and evaluation of the implementation of the Environment Action Plan.

Recommendation 6-4
NEMA's processes on the preparation of the National Environment Action Plan and the State of Environment reporting could benefit if NEMA staff could participate in the early-2011 training sessions on application of the Threshold 21 model for integrated national planning.

Recommendation 6-5
The structure of the State of Environment report should be attuned to those of the Environment Action Plans. This structure should be defined and elaborated in a manual.

7. Environment Action Plans
**Recommendation 7-1**
In order to avoid duplication and wastage of scarce resources on compiling environmental datasets independently (for the preparation of their thematic plans) it seems to make sense to establish a national geo-referenced database which is accessible to all. Such database may be the one that is recommended to be established for the generation and compilation of State of Environment reports.

**Recommendation 7-2**
The Medium Term Plan and the District Development Plan and/or the County Development Plan, as well as their respective approving bodies should be provided with a legal backing to make them binding for all persons and all government departments, agencies, state corporations and other agencies (including CSOs) upon adoption by the appropriate authority. By this way, it will create the much needed linkage with the government budget process while tapping into the private/CSOs funding.

**Recommendation 7-3**
The District Environment Officers should continue to identify environmental issues at district level, propose environmental interventions to address these issues, and ensure that these are reflected in the County Environment Action Plans and County Development Plans. Subsequently, the DEOs should be made responsible to further expand such proposals at a quality and level of detail that these qualify for approval and implementation.

**Recommendation 3.7-4:**
The structure and content of a District Environment Action Plan or County Environment Action Plan should be attuned to those of the District Development Plan or County Development Plan in such a way that both planning documents use the same and unique numbering system for development interventions – this will facilitate easy referencing between the two, as well as facilitate the monitoring and evaluation of plan implementation. Such details should be elaborated in a manual.

**Recommendation 7-5**
Adequate funding and their sources require to be well defined. At current funding level, it is doubtful whether NEMA will be able to fund the preparation of future district and/or county and national Environment Action Plans. The main principle is that the funds should be consolidated in one agency and be equitably distributed to the field units in full recognition of regional disparities. EAP funding should include realistic allocations for data collection, consultations, analyses and technical meetings. Sufficient human resource capacity should be available during EAP preparation to attend to regular tasks and duties.

8. **Report and plan approval**

**Recommendation 8-1**
Formal approval procedures for Environment Action Plans and State of Environment reports must be specified in EMCA and/or the manual, and adhered to. Approval records, in writing, should be kept by the concerned bodies (committees and District Environment Officers and/or County Environment Officers).

9. **Printing, distribution and branding of Environment Action Plans**

**Recommendation 9-1**
DEAPs and/or CEAPs and the NEAP should be printed and widely distributed as soon as these are finalized. Printed plans should be of a high quality, both from a contents as well as printing point of view. Enclosing relevant mapping and other illustrative materials that depict environmental issues and trends is highly recommended. The printing and distribution of incomplete, poorly edited and structured plans should be discouraged as much as possible.

**Recommendation 9-2**
The number of copies to be printed of each Environment Action Plan may depend on the economic and ecological importance of and constraining issues in, and size of the planning area, as well as on the number of stakeholders, but could be in the order of 200-300 per EAP. Use of electronic copies should also be encouraged by posting these on the NEMA website.
Recommendation 9-3
All Environment Action Plans should preferably be printed by the same printer (either government printer or private) to achieve uniformity and recognisability of the plans.

Recommendation 9-4
Digital final versions of each Environment Action Plan should be uploaded on the NEMA website thereby becoming publicly available.

Recommendation 9-5
Sufficient trained and experienced staff and adequate financial resources should be available in district and/or county environmental offices and at NEMA HQ to produce (prepare, edit, finalize, print, distribute) the finalized plans in a relatively short period, i.e. for all planning areas.

Recommendation 9-6
Once the EAPs have been printed, the environment committees particularly at the District and/or County level, should actively identify and mobilize financial resources (e.g. from ministries, funds, NGOs, donors) for implementation of the environmental interventions identified in the plans.

10. Environment Action Plan implementation

Recommendation 10-1
As NEMA field offices appear neither to have a clear mandate nor a budget to implement the DEAP, and/or CEAP and NEAP, EMCA 1999 should state a clear funding mechanism on how these EAPs are to be implemented. The mandate for and funding of EAP implementation should be anchored in legislation for implementing agencies too.

Recommendation 10-2
In order to increase possibilities for EAP implementation, efforts should be made to include indicators, outputs, timelines and budgets in future EAPs and Development Plans.

Recommendation 10-3
The capacity and skills of staff involved in the EAP preparation and implementation at all levels including NEMA’s field officers should be strengthened. This should include adequate supplies of printed, high quality EAPs for distribution and promotion, and clear mechanisms for cooperation with other agencies.

Recommendation 10-4
Better linkage is needed between the DEAP and/or CEAP and the DDP and/or CDP – it should be considered whether separate DEAPs and/or CEAPs are still necessary, or alternatively, whether more prominent environmental components be incorporated in DDPs and/or CDPs.

Recommendation 10-5
A mechanism needs to be developed and applied with which overall responsibility for coordination of development is vested within one agency. At the district and/or county level this could be the District or County Development Department. The mechanism should require that all agencies, including NGOs, report to this coordinating body on their environmental interventions.

11. Monitoring of plan implementation

Recommendation 11-1
The EAP manual should specify the frequency, by whom and the level at which the monitoring and evaluation of action plan implementation is to be conducted.

Recommendation 11-2
To facilitate monitoring of plan implementation, a strong link is to be created between the DEAP and/or CEAP and the DDP and/or CDP. This may be achieved if all documents use a same and unique numbering system for recommended interventions (actions, projects, programmes). Monitoring reports should address progress achieved systematically and consistently by using this same system.
**Recommendation 11-3**
The monitoring of implementation of environment action plans and development plans should be interlinked through existing systems e.g. those of the Monitoring and Evaluation Directorate and Millennium Development Goals evaluations. Clear indicators should be developed for tracking implementation progress.

**Recommendation 11-4**
Adequate funding should be provided for monitoring as well as appropriate training, for example to carry out baseline studies for State of Environment reports.

**Recommendation 11-5**
A clear feedback mechanism needs to be developed and applied on how findings and recommendations generated by monitoring activities are used to adapt environmental and development interventions.

**12. Cost/benefit or value for money analysis**

**Recommendation 12-1**
Realistic budgets should be allocated for the preparation of environment action plans and development plans that allow for at least a minimum level of public consultations. The substantial increase in the number of political and administrative units in recent years (e.g. about 280 districts, 47 counties and 294 proposed constituencies instead of only 8 provinces) means commensurate higher budget allocations will be needed for plan preparation.

**Recommendation 12-2**
Benefits of environment and development plan preparation can be further increased by more intense consultations, involving all levels of society, last but not least politicians.

**Recommendation 12-3**
The dependency of environment management in Kenya on international donor funding should be reconsidered; adequate national resources are available reportedly to manage the environment successfully.

**Key Actors**

An oversight of key organisations or units thereof considered to be the key actors for improving environmental mainstreaming (plan preparation and implementation), i.e. the Ministry of Environment and Mineral Resources (MEMR), NEMA Headquarters and its field officers, and the Ministry of State for Planning, National Development and Vision 2030, and its field officers, and their recommended actions is presented in Chapter 4.
1 Introduction

This Chapter briefly outlines the justification for the study and describes which activities were undertaken during the 3-months period of the assignment.

1.1 Justification
Output 2.1 of the Environment Programme Support (EPS) project is ‘Strategic Environmental Assessment institutionalized in selected key lead agencies’. Strategic Environmental Assessment (SEA) is a tool for systematic evaluation to determine whether or not a government policy, plan or programme will have a significant environmental impact. While only modest progress has been made towards this objective, there is interest in examining how environmental action plans are integrated into development plans. Accordingly it has been decided to employ some of the remaining budgeted consultancy resources to conduct a brief study on this topic, i.e. between mid-September and mid-December 2010 by three consultants: Mr Wandert Benthem of The Netherlands, and Mr John Nyangena and Dr Paul Guthiga\(^1\) of Kenya (see Annex 8 for further detail on these consultants).

The study is not part of the EPS NEMA Component Work Plan as enclosed in the latest EPS Progress Report Nr 7 (July 2009 to June 2010). The study will be included as a new activity in this workplan as Activity 2.1.4 – Mainstreaming environmental planning, and will be reported upon in the Final Report of the consultancy assignment.

The Terms of Reference (ToR) for the study was developed by the Consultant’s Chief Technical Advisor and was finalized in consultation with NEMA and Danida staff in early-September 2010.

1.2 Objectives
The objectives of the study, as listed in the ToR, are (i) to prepare an analysis of the mechanisms, cost and benefits for integrating district, provincial and national environment action plans and sector-specific plans into local, provincial and national development plans and the extent to which they are successful; (ii) to devise means by incentives, cost and benefits to promote the integration of environmental plans into mainstream planning; (iii) to make appropriate recommendations. This work is to be done in collaboration with other relevant work and in recognition of administrative changes introduced by the New Constitution of Kenya.

1.3 Methodology and Activities Undertaken
The study was broadly divided into three phases, each phase lasting about one month.

**Phase 1 – mid-September to mid-October:** Preparation and familiarisation, and identification and contracting of two Kenyan Environmental Planners.

Activities included:

- identify, collect and study relevant documentation (a list of consulted relevant documents is given in Annex 1);
- meet with key persons and discuss environmental planning issues (a list of persons met is given in Annex 2);
- identify, select and contract two national Environmental Planning specialists to be part of the study team;
- prepare the ToR and further detailed guidelines for these two national specialists;
- meet and discuss the study with staff of Danida at the Danish Embassy, i.e. on 28 September 2010;
- prepare a brief Inception Report, submitted to NEMA and Danida on 1 October 2010;

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\(^1\) Dr Guthiga withdrew on 27 October 2010 after having been on the assignment for about a week as his employer wanted him to take up some urgent matters.
• develop a detailed travel schedule to visit the four selected districts and provinces.

**Phase 2 – mid-October to mid-November:** Visit to and consultations in four selected districts and province capitals.

Four districts were selected by NEMA where local consultations took place (Section 1.3). The travel itinerary for these consultations was as follows (participants in brackets):

- Kwale District and Mombasa in Coast Province from 11 to 20 October (Guthiga and Benthem)
- Nyando District and Kisumu in Nyanza Province from 18 to 24 October (Nyangena and Benthem)
- Narok District and Nakuru in Rift Valley Province from 29 October to 6 November (Nyangena and Benthem)
- Marsabit District and Embu in Eastern Province from 3 to 8 November (Benthem)

**Phase 3 – mid-November to mid-December:** National level consultations and reporting.

Meetings were held between the study team and representatives of national government institutions and non-government organisations.

Apart from the four field trips that were undertaken during the study, the team took part in a number of events relevant to environmental planning, including:

- National environmental planning meeting organized by NEMA at the Multi Media University Mbagathi – 23 & 24 September 2010 (Benthem);
- Workshop on spatial baseline data for decision-making in arid and semi-arid lands organized by the Ministry of Northern Kenya in Jacaranda Hotel – 29 September 2010 (Benthem);
- UNDP workshop on Threshold 21 integrated national planning modelling in Norfolk Hotel – 17 November 2010 (Benthem);
- Presentation of preliminary mainstreaming study findings to the NEMA Board of Directors – 29 November 2010 (Benthem & Nyangena);
- Presentation of relevant mainstreaming study findings during a consultative retreat to review the environment action planning manual organized by NEMA at KCB Karen – 8-10 December 2010 (Benthem & Nyangena).

1.4 **Selection of Study Districts**

As per the ToR the study was to focus on environmental planning practices in four (4) example districts and provinces including two in arid or semi-arid areas and examine how environmental plans are integrated into development plans. For each of the plans, the team was to analyse the manpower and time used for these processes including a cost benefit and / or value for money analysis to estimate the transaction cost for each of these processes.

During Phase 1 NEMA staff selected four districts for the study. The selection criteria are shown in Table 1.

<table>
<thead>
<tr>
<th>Table 1. Criteria used to select four example districts</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Criteria</strong></td>
</tr>
<tr>
<td>1 Spread in distinctively different parts of the country</td>
</tr>
<tr>
<td>2 At least one district in arid zone and one in semi-arid zone</td>
</tr>
<tr>
<td>3 Magnitude of environmental problems in a district</td>
</tr>
<tr>
<td>4 District Environment Action Plan available + made in last 5 years</td>
</tr>
<tr>
<td>5 Provincial Environment Action Plan available + made in last 5 years</td>
</tr>
<tr>
<td>6 District Development Plan available + made in last 5 years</td>
</tr>
<tr>
<td>7 Relevant other planning activities taking place (e.g. Integrated Coastal Zone Management)</td>
</tr>
</tbody>
</table>
By using these criteria, the districts of Marsabit, Kwale, Narok and Nyando were selected. Figure 1 shows the location of these districts. For each district a brief listing of environmental issues was provided that in the opinion of key NEMA staff justified their selection:

- **Kwale District in Coast Province**
  - Diverse agro-ecological zone
  - Surrounded by forest and Shimba hills
  - Pressure from tourism
  - Influence from Mombasa town
  - Arid in west of district
  - Charcoal production leading to depleted forests and land degradation
  - NEMA works here already, i.e. on Integrated Coastal Zone Management (ICZM).

- **Nyando District in Nyanza Province**
  - A detailed District Environment Action Plan (DEAP) has been prepared, like for all other districts of Nyanza Province, as well as a detailed Provincial Environment Action Plan (PEAP); all were officially printed and disseminated.

- **Narok District in Rift Valley Province**
  - Semi-arid region, ecologically sensitive area / fragile ecosystem
  - Diversity of grasslands supporting wildlife, tourism and livestock
  - Upper parts are forested
  - Land degradation in the West in savannah and woodland
  - Promotion of conservancies is ongoing
  - Hosts the unique Mara river system – supporting a 'wonder of the world' (wildebeest migration)
  - Large-scale wheat production
  - Massive subdivision of land
  - Unsustainable exploitation of natural resources.

- **Marsabit District in Eastern Province**
  - Located in the arid and semi-arid zone
  - Lots of land degradation around the town
  - Town area is a micro climate
  - Lots of deforestation
  - Lots of boreholes
  - People migrate from other districts and even Ethiopia to this district
  - Pressure on the natural resources
  - Road to Ethiopia is under reconstruction – this will open up the area, leading to more pressure
  - Much development pressure.

1.5 **Study Limitations and Constraints**

Various limitations and constraints were experienced while undertaking the present study, the most important ones being:

- **Number of study locations**: for logistical, budget and time considerations the number of visited district and province capitals was limited to four. Conclusions emerging from the study may therefore not be fully representative for all provinces and districts in the country. However, the study team has no reasons to believe that the findings from the study are not representative as the existing planning processes are centrally coordinated from the national level.

- **Availability of key staff**: the study team found that government staff at district, provincial and national level are frequently transferred to other work stations, while handing over may be weak. Some stations had new staff who had only worked in government for a few months. Herewith it becomes difficult or impossible to trace how past planning processes were undertaken. Also, despite efforts taken by the study team to set appointments prior to the visits, some staff targeted for the study were not available as they were reported to have gone on other duties elsewhere. Within the short periods that the study team was present in a location (usually 1-2 days only) it
Figure 1. Location of the four selected study districts and province capitals

Note: depicted district boundaries are those of currently gazetted districts
was not always possible to identify and meet alternative contacts. As far as possible, and necessary, follow-up contacts were made using telephone and or email.

- **Availability of key documentation**: it often took a lot of effort by the study team to identify, locate and obtain hard or soft copies of relevant documentation. For example, most of the DEAPs and PEAPs, manuals and development plans were not or only after prolonged periods with repeated efforts obtainable at NEMA and at the Ministry of State for Planning, National Development and Vision 2030 (MPNDV) or could only be purchased through the government printer. Some documents were not obtained at all.

- **Internal email communication in NEMA**: The study team found that email communication from the NEMA domain was unreliable: messages sent from this domain did not arrive at all, or with great delay which impeded communication between NEMA headquarters and the field offices.

1.6 **Outline of the Present Study Report**

The rest of this report is organised as follows. **Chapter 2** provides general background information on the existing ecological, administrative, legal and regulatory setting with respect to environmental planning at district, provincial and national level. It also outlines which other relevant development planning regulations and initiatives are in place. **Chapter 3** aims at synthesizing generalities from the consultations held during the study in the four selected districts, provinces and at the national level. **Chapter 4** concludes the recommended actions per organization.

Detailed accounts on the findings of the consultations on the environment and development planning processes at the three levels are presented in **Annexes 3-7**.
2 Background

This Chapter provides some background on the existing ecological situation and the administrative, legal and regulatory framework for environmental planning at district, provincial and national level. It also outlines existing relevant development planning regulations, initiatives undertaken, and possible sources of funding.

2.1 Ecosystems and Environmental Management

Kenya is a country of disparities that are closely associated with its topography. Highlands, all areas above 1,200 m, cover about 23% of the country and are mostly found in its central and western regions. The annual rainfall across the country varies greatly, ranging from 200 mm in the north and east to more than 1,600 mm in central and western Kenya, leaving more than 80% of the country arid and semi-arid. This has influenced the distribution of plants, animals and humans. Savanna, grassland, bushland and woodland cover some 75% of the country, while agro-ecosystems make up another 19%. Forest cover, believed to be once substantial, has been reduced to less than 2% of the land area. Most of the human population and agricultural production is closely associated with areas with high rainfall, i.e. the central and western parts and the coastal zone. Poverty levels are high.

As a result of an ever increasing and generally poor human population, pressure on the predominantly fragile ecosystems is immense. Large areas have been cleared for agricultural production. Livestock imposes enormous grazing pressure on the vegetation and competes with wildlife. Bush clearing for commercial charcoal production practised by the thousands as a livelihood is prevalent, as can be noted along all main roads in Kenya. Many plant and animal species are overexploited, threatened or endangered, or already (locally) extinct. Sewerage and other human wastes are barely treated or controlled in many localities, or at all, having great implications on public health and human wellbeing. Urban centres, particularly the capital, suffer from chronic traffic congestion and associated poor air quality.

The legal and institutional framework for the management of the environment in Kenya is provided by the Environmental Management and Coordination Act of 1999. The National Environment Management Authority (NEMA) is mandated to coordinate the implementation of environmental protection policies and procedures, and hence is a key actor in the mainstreaming of environmental planning. However, with an annual budget of 20% of its requirement, reportedly, NEMA is under serious stress to perform its duties. Staff is unequally distributed: a relatively large organisation in the capital, but grossly under-represented in the rest of the country. For example, in most counties, some measuring 1.5 times the size of Denmark, NEMA’s presence is limited to a single environmental officer, with very little resources. The Authority is in a process of reorganisation.

2.2 Administrative and Political Framework

For administration purposes Kenya is divided into a hierarchical system of Provinces, Districts, Divisions and smaller local administrative units known as Locations and Sub-Locations. These administrative units are generally governed by appointed civil servants. As provided by Kenya’s Bureau of Statistics in 2010 the current administrative system is reflected in Table 2.

To organize elections and national parliamentary representation, the Electoral Commission of Kenya divides the country into 210 Constituencies. The voters in each Constituency elect one representative (i.e. Member of Parliament) to the national Parliament.

Kenya is in the process of constitutional change. On 4 August 2010, the country voted for a new constitution that was adopted the same month. A main change relevant for planning and implementation purposes is that provinces will be abandoned, while counties will be created. A key driver for constitutional change has been economic devolution which is to facilitate the equitable distribution of resources.
Table 2. Administrative and political units in Kenya in November 2010

<table>
<thead>
<tr>
<th>Administrative unit</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provinces</td>
<td>8</td>
</tr>
<tr>
<td>Districts (183 have been created but only 79 have been gazetted)</td>
<td>79 (183)</td>
</tr>
<tr>
<td>Locations separated into 2070 (in 2003) rural Locations and 496 (in 2003) urban Locations (covering the whole country except North East province)</td>
<td>2566 (in 2003)</td>
</tr>
<tr>
<td>Sub-Locations (covering the whole country)</td>
<td>6622 (in 2003)</td>
</tr>
<tr>
<td>Counties</td>
<td>47</td>
</tr>
<tr>
<td>Constituencies (210 but 290 are provided in the new constitution)</td>
<td>210 (290)</td>
</tr>
</tbody>
</table>

Source: Kenya’s National Bureau for Statistics 2010

The number of administrative units and their exact boundaries has varied over the years, especially for the smaller administrative areas, due to changes in administration or political priorities. Many of these changes are however yet to be gazetted. Examples relevant to the study are the boundaries of Kwale, Nyando and Narok Districts whereby the Environment Action Plans were based on the official boundaries while the Development Plans (see Section 2.6 below) were developed for substantially smaller but non-gazetted areas.


2.3 EMCA 1999

As stated in its preamble, the legal and institutional framework for the management of the environment and for matters connected therewith and incidental thereto in Kenya was provided for by passage of the Environmental Management and Coordination Act (EMCA) No. 8 of 1999. Environmental management institutions established by EMCA are:

- **National Environment Council (NEC)** – responsible for policy formulation; setting national goals and objectives for environment protection; promoting cooperation among different players, public departments, local authorities, private sector, and NGOs.

- **National Environment Management Authority (NEMA)** – responsible for among others coordinating the activities of lead agencies and promoting the integration of environmental consideration into development policies, plans, programmes and projects and preparing annual State of Environment reports. It has the following associated Committees and Funds:
  - Public Complaints Committee
  - National Environment Action Plan Committee
  - Provincial Environment Committees
  - District Environment Committees
  - National Environment Restoration Fund
  - National Environment Trust Fund
  - Standards and Enforcement Review Committee

- **National Environment Tribunal (NET)** – responsible for the arbitration of environment related issues such as licensing and conflicts.

- **National Environment Action Plan Committee (NEAPC)** – responsible for preparation of the NEAP which should be tabled to before the National Assembly for adoption. It is chaired by the Permanent Secretary of the Ministry of State for Planning, National Development and Vision 2030 while the Director General of NEMA is the secretary.

More details on these institutions are contained in a Technical Report prepared by Euroconsult Mott MacDonald in April 2010 titled Options for Restructuring the National Environment Authority of Kenya.
A conceptual arrangement of these EMCA institutions and their interaction with the Ministry of Environment and Mineral Resources (MEMR) and other entities is shown in Figure 2.

2.4 Environmental Action Planning
Preparation and implementation of environmental action plans is provided in various sections of the EMCA. These are highlighted below as well as a brief assessment of the extent these legal requirements are currently taking place.

Section 9(2a)²: (The Authority, i.e. NEMA, shall) coordinate the various environmental management activities being undertaken by the lead agencies and promote the integration of environmental considerations into development policies, plans, programmes and projects with a view to ensuring the proper management and rational utilisation of environmental resources on a sustainable yield basis for the improvement of the quality of human life in Kenya.

Coordination of integration of environmental considerations into plans is taking place to some extent through committees, or sub-committees thereof, at district, provincial and national levels.

Section 9(2p): (The Authority, i.e. NEMA, shall) prepare and issue an annual report on the environment in Kenya and in this regard may direct any lead agency to prepare and submit to it a report on the state of the sector of the environment under the administration of that lead agency.

Since 1999, when EMCA came into force, three State of Environment (SoE) reports i.e. in 2003, 2004 and in 2006/2007 have been produced and distributed through coordination of NEMA. The two latest reports have a thematic approach, whereby the report of 2004 is on land use and environment, while the 2006/2007 report focuses on effects of climate change and coping mechanisms. EMCA 1999 does not specify how the SoE report is to be structured. A SoE report for 2008-2010 is under preparation, with funding from UNEP. In October 2010, a workshop was convened by NEMA, with the objective to finalize the SoE report for 2008-2010.

Worth noting is that NEMA is a government parastatal under the MEMR but requires to coordinate lead agencies, most of which being government. It is not known to what extent the Authority is directing lead agencies to prepare and submit sector reports on the environment.

Section 9(3): The Minister shall lay every annual report on the state of the environment prepared under subsection 2(p) before the National Assembly as soon as reasonably practicable after its publication where the National Assembly is in session, or where not in session, within twenty-one days of the day the National Assembly next sits after such publication.

Since the SoE process started, none of the reports has been presented to the National Assembly for adoption. EMCA 1999 does not state what is to be done with SoE reports and to what extent recommendations or proposals in these reports are binding to the relevant organisations.

Section 29-30³: These sections state the requirement for the Minister to appoint Provincial Environment Committees (PEC) and District Environment Committees (DEC), their composition, and their responsibilities.

These committees have been established and seem to operate although they are poorly funded.

Section 37-41: These sections deal with environmental planning, including the composition of the National Environment Action Plan Committee; its requirement to prepare every 5 years a National Environment Action Plan (NEAP); the components of the NEAP; the requirement of every PEC to prepare every 5 years a Provincial Environment Action Plan (PEAP); the requirement of every DEC to prepare every 5 years a...

² Sections in italics font provide the full text from EMCA 1999.
³ These sections in normal font summarise relevant parts of EMCA 1999 as the original texts are too elaborate to include here.
Figure 2. Conceptual Environmental Management Framework in Kenya

- **Lead Agencies under EMCA 1st Schedule**
- **Other Government Entities**
- **Civil Society**
- **Private Sector**
- **National Environment Council**
  - MEMR
    - Minister
    - Permanent Secretary
  - NEMA
    - Board
    - Director General
    - Directors
    - Staff
  - NEAP Committee
  - PS Planning Committee
    - NEAP Chair
  - Formal Communication between MEMR & NEMA
- **NEMA and its Committees & Funds**
  - Public Complaints Committee
  - National Environment Trust Fund
  - Standards & Enforcement Review Committee
  - National Environment Restoration Fund
  - National Environment Trust Fund
  - Standards & Enforcement Review Committee
  - National Environment Restoration Fund
- **Institutions Established by EMCA**
  - Ministry of Planning
    - Minister
    - Permanent Secretary
  - National Environment Tribunal
District Environment Action Plan (DEAP); and the requirement that findings of the
DEAPs are appropriately reflected in the PEAPs; and those of the PEAPs in the
NEAP.

The EMCA 1999 does not state when the DEAP, PEAP and NEAP are to be prepared and how these
are to be attuned (timed) to other relevant development planning efforts made by the government, for
example the Ministry of State for Planning, National Development and Vision 2030. Since the Act
came into effect only one NEAP, covering the period 2009-2013, has been prepared, officially printed
(in 2009) and distributed. Moreover, DEAPs and PEAPs have been prepared but (apart from the
PEAP for Nyanza Province and DEAPs for all of its districts, covering the period 2009-2013) these
are in draft form only, were not officially printed, were at best distributed as digital copy only. More
detailed assessments on site-specific DEAPs and PEAPs have been made in Annex 3 to 6, and are
further commented upon in Chapter 3.

Not clearly specified in EMCA are guidelines on how the various Environment Action Plans (DEAP,
PEAP and NEAP) are to be produced. However, an Environment Action Planning Manual 2006-2011
was prepared by NEMA in September 2006 and this was distributed to the various environment action
plan preparation committees in the country. As this manual was not strictly used during EAP
preparation, a national workshop was convened by NEMA on 23 and 24 September 2010, through
support from the EU-funded Community Development for Environmental Management Programme,
with the aim to revise the manual. The revised manual is scheduled to be available for review towards
the end of 2010.

2.5 National Environment Policy, 2008
A draft National Environment Policy (NEP) was formulated in 2008 by the MEMR, with funding of the
international donor community (notably Danida). One of its objectives, as stated in its foreword by the
then Minister, is that it seeks to mainstream sound environmental management practices in all sectors
of society throughout the country. Although the NEP, once finalized and coming into effect, could
have been expected to drive the mainstreaming of environmental planning, i.e. the subject of the
present study, it is understood that the policy was never finalised. Although the draft document was a
key deliverable in the Government-to-Government Agreement between Denmark and Kenya, the
current Minister does not wish to finalise the Environment Policy as, reportedly, he does not want yet
another document – instead, he wants existing statutes to be more properly enforced. The passage of
the new constitution may re-ignite the process.

2.6 Development Planning
In 2008 Kenya launched its Vision 2030 as a long-term development blue print aiming at making the
country a medium-income economy by the year 2030. It also produced the first 5-year Medium Term
Plan (MTP) 2008-2012 to succeed the Economic Recovery Strategy for Wealth and Employment
Creation, 2003-2007. The MTP identifies key policy actions and reforms as well as programmes and
projects that the government intends to implement in the period 2008-2012 towards achieving the
Vision 2030. Its overall objective is to realise a higher and sustainable growth of the economy in a
more equitable environment, accompanied by increased employment opportunities. Meanwhile a first
Annual Progress Report on the implementation of the MTP was issued in May 2010. Although the
MTP deals with a wide range of sectors, it does not recognize or deal with ‘environment’ as a
separate, stand-alone topic.

The MTP did however provide the framework and development anchorage for the preparation of the
8th series of District Development Plans (DDP) for the (then) 148 districts, although some of these
districts had, and still have, not been gazetted yet. The DDPs are meant to provide a blueprint for
development planning and implementation at district level and as such cover, or are supposed to
cover, the entire spectrum of sectors, including environment.

4 With technical and financial support of the EU-financed Community Development for Environmental Management
Programme, another TA consultancy delivered to NEMA by Euroconsult Mott MacDonald between November 2006 and May
2011.
DDPs have been compiled on the basis of guidelines provided by the Ministry of State for Planning, National Development and Vision 2030. These guidelines have gone through a series of revisions, the latest of these are reflected in the District Development Planning Handbook of May 2009. This version of the handbook includes elaborate guidelines for mainstreaming of environmental issues in planning efforts, as well as the mainstreaming of various other topics (e.g. gender, youth, persons with disability, ICT, HIV/AIDS) in development planning. DDPs are usually prepared by the District Planning and Monitoring Unit (DPMU) in close cooperation with member of various Sector Working Groups, while, as stated in each DDP, the District Commissioner and the District Development Committees (DDC) provided overall oversight and subsequent approval of the plans.

As may be expected from the above, the DDPs are an important tool with which mainstreaming of environmental planning can be achieved. It is noted though that the legal backing for the preparation of DDP is lacking, and that the DPMU and DDC have no legal or otherwise binding authority either for implementation of these plans. It is furthermore noted that not all DDPs for all districts have been printed as yet, e.g. with reference to the selected districts for the present study, those for Marsabit District and Narok South District were not available during the study.

2.7 Other Relevant Initiatives
Various planning efforts are being made in Kenya with respect to environmental planning, including the following.

- **Integrated Coastal Zone Management Planning**
A special case of environmental action planning is being conducted for Coast Province and led by NEMA in collaboration with a range of national, provincial and district government organisations and NGOs. The Integrated Coastal Zone Management (ICZM) planning process is funded by a range of donor agencies including UNEP, GEP, European Union, RECOMAP and Danida. Main achievements thus far have been the preparation, through a consultation process, of a State of the Coast Report (*Towards integrated management of coastal and marine resources in Kenya*) in 2009; an Integrated Coastal Zone Management Policy (Final Draft), in July 2010; and a Plan of Action for the integrated management of Kenya’s coastal and marine environment (Final Draft) in September 2010.

- **Environmental Units within Lead Agencies**
Several lead agencies are in the process of establishing internal environmental units. At this moment it is not known yet which (government) agencies will coordinate these units, their responsibility, their planning effort and implementation capacity.

- **Kenyan Atlas of Ecosystems and Well-being**
Apart from the State of Environment Reports that are being produced by NEMA at the national level, other initiatives have been taken to assess and describe the environmental condition in Kenya. One of these is the Atlas of Ecosystems and Human Well-being (2007), a joint-production of the World Resources Institute, the Department of Resource Surveys and Remote Sensing (DRSRS) of the (then) Ministry of Environment and Natural Resources, the (then) Central Bureau of Statistics of the (then) Ministry of Planning and National Development, and the International Livestock Research Institute. One of the key strengths of this document is the combination of elaborate mapping elements (that in other State of Environment reports is usually lacking) with text-based policy analysis. Another strong point is that it has been designed to serve a range of potential users, from local and national decision makers, local and national planners, technical specialists, to journalists and educators. During the implementation of the present study steps were taken by the producers of the atlas to update the document, as was learned during a one-day seminar in which the study team participated.

- **Threshold 21 Integrated National Planning Modelling**
A recent and promising development is an agreement entered in October 2010, between the Ministry of State for Planning, National Development, and Vision 2030 with the Millennium Institute ([www.millennium-institute.org](http://www.millennium-institute.org)) to develop a Threshold 21 (T21) model for integrated national planning in Kenya. The cost of developing the model is born by the Kenya Africa Adaptation Programme

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5 As reported by government participants during the national environmental planning meeting organized by NEMA in the Multimedia University Mbagathi on 23 and 24 September 2010.
6 i.e. Benthem on 29 September 2010 in Jacaranda Hotel, Nairobi.
Mainstreaming Environmental Planning in Kenya — Final Report

AAP, a two year programme implemented by the Ministry of Environment and Mineral Resources with technical support of the UNDP Country Office, and financed by a USD 5.5 million grant from Japan. T21 is designed to support comprehensive, integrated planning across the major sector in the economy, society and environment and is regarded as a valuable quantitative tool for policy testing, monitoring and evaluating results. The study team participated in the first day of the 3-day event, NEMA was represented as well.  

2.8 Potential Funding Sources for EAP Implementation

Various funding sources have been mentioned in NEMA’s Environment Action Plan Manual 2006-2011 (of September 2006) that may be used for the implementation of Environment Action Plans. These, together with some further detail, are listed below.

- **NEMA General Fund**
  This fund is established under EMCA 1999, Section 20. It is meant for NEMA to perform its functions under the Act. It seems unlikely that local, regional or national environmental proposals emerging from the environmental planning processes can be financed from this fund.

- **NEMA National Environment Trust Fund (NETF)**
  This fund is established under EMCA 1999, Section 24. It is administered by NEMA’s Board of Trustees and receives its funds from donations, endowments, grants and gifts from whatever source, as well as moneys or other assets as may be specifically designated to the NETF by NEMA out of its General Fund. The NETF is meant to facilitate research intended to further the requirements of environmental management, capacity building, environmental awards, environmental publications, scholarships and grants. It is assumed that this fund provides little possibilities for implementation of environmental management interventions proposed in the Environment Action Plans.

- **NEMA National Environment Restoration Fund (NERF)**
  This fund is established under EMCA 1999, Section 25. It is administered by the Director-General. It receives its moneys through fees or deposit bonds as may be determined by the Authority and through sums as may be donated or levied from industries and other project proponents as a contribution. The NERF is meant to be a supplementary insurance for the mitigation of environmental degradation where the perpetrator is not identifiable or where exceptional circumstances require the Authority to intervene towards the control or mitigation of environmental degradation. The NERF which is a portion of the revenue generated from the EIA licences is about Ksh 14 million annually; this year this budget has been allocated to 16 sites in 8 provinces (2 sites in each province), focus is on e.g. degraded forests, wetlands, waste dumping sites, river banks.

- **Constituency Development Fund (CDF)**
  The CDF was created in Kenya in 2003 through an act of parliament to fight poverty at the grassroots level through the implementation of community based projects which have long-term effects of improving the peoples’ economic well being and to relieve members of parliament from the heavy demands of fund-raising for projects which ought to be financed through the Consolidated Fund. The legal provision of the establishment and operation of the Act suggests that the fund is essentially a model for decentralization of development planning and implementation. In this case, the organization and operation of the fund lies within the domain of administrative decentralization. CDF is managed by a National Management Committee (NMC) while in each Constituency a CDF committee appointed by the area MP is responsible for approving the community proposals. The CDF accounts for 2.5% of the total public expenditure and Ksh 14.3 billion (USD 178 million) was allocated to this fund in FY 2010/2011. Under the New Constitution, county governments will be entitled to 15% of the total public expenditure.

- **Local Authority Transfer Fund (LATF)**
  The LATF was established in 1999 through the LATF Act No. 8 of 1998, with the objective of improving service delivery, improving financial management and reducing the outstanding debt of Local Authorities (LAs). LATF comprises 5% of the national personal income tax collection in any year, currently making up approximately 24% of local authority revenues. At least 7% of the fund is allocated to education.

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7 I.e. Benthem on 17 November 2010 in Norfolk Hotel, Nairobi.
shared equally among the country's 175 local authorities and 60% is disbursed according to the population size. The balance is shared out, based on the relative urban population densities. LATF monies are combined with local authority revenues to implement local priorities. Budgeted LATF allocations are gazetted and disbursement is on the basis of a Local Authority Service and Delivery Action Plan (LASDAP) prepared by the local authority.

- **Consolidated Fund (CF)**
  Each year the government allocates funds to ministries and departments through the national budget process to facilitate their operations and investments. These funds are drawn from the Consolidated Fund and are divided into development and recurrent expenditure. Development expenditure is meant to finance programmes and projects, while recurrent expenditure is for operations and maintenance.

The Consolidated Fund is by far the largest source for public expenditure. The fund also includes multilateral and bilateral support to Kenya. Ministries are responsible for disbursement of funds to their respective field offices and as such are critical in determining what activities and projects are actually funded at that level. In FY 2009/2010, the total national budget was Ksh 986 billion (USD 12 billion\(^6\)) comprising of Ksh 254 billion (USD 3 billion) for development expenditure (about 26%). During this FY external funding accounted for about 18% or Ksh 173 billion (being Ksh 70 billion multi-lateral and Ksh 103 billion bi-lateral funding). All external funding goes to development funding.

A summary of budget allocations to environment related ministries is given in Table 3.

<table>
<thead>
<tr>
<th>Ministry</th>
<th>Development Ksh (million)</th>
<th>Recurrent Ksh (million)</th>
<th>Total Ksh (million)</th>
<th>% of total budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environment and Mineral Resources</td>
<td>2,269</td>
<td>2,164</td>
<td>4,433</td>
<td>0.45</td>
</tr>
<tr>
<td>Water and Irrigation</td>
<td>24,695</td>
<td>4,678</td>
<td>29,373</td>
<td>2.98</td>
</tr>
<tr>
<td>Agriculture</td>
<td>5,674</td>
<td>7,819</td>
<td>13,493</td>
<td>1.37</td>
</tr>
<tr>
<td>Lands</td>
<td>481</td>
<td>1,756</td>
<td>2,237</td>
<td>0.23</td>
</tr>
<tr>
<td>Fisheries Development</td>
<td>1,337</td>
<td>892</td>
<td>2,229</td>
<td>0.23</td>
</tr>
<tr>
<td>Forestry and Wildlife</td>
<td>2,004</td>
<td>3,705</td>
<td>5,709</td>
<td>0.58</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>57,473</strong></td>
<td><strong>5.83</strong></td>
</tr>
</tbody>
</table>

- **Support from NGOs and CBOs**
  Funding from NGOs and CSOs provide substantial support to EAP implementation in Kenya. The country is the headquarters of UNEP and hosts several international NGOs which have interest in environment issues. Kenya has also many NGOs operating at national and some at regional level. The coordination of NGO operations is undertaken by the NGO Council. CSOs operate within the district and play a major role in community mobilization. Further work is required to determine the funds from these two sources.

- **Community Development Trust Fund (CDTF)**
  This fund is a joint initiative of the Government of Kenya and the European Union with the objective to contribute to poverty alleviation in the country by offering support, in the form of grants, to community-based projects which address social, economic and environment priorities. The fund manager, Mr Daniel Plas, informed the study team (on 23 November 2010) that very recently the fund has been replenished with about Euro 43 million (i.e. 32 million of the EU and 11 million of Danida) and that Euro 20 million will be available for environment projects and Euro 11 million for socio-economic

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\(^6\) At current exchange rate of USD 1 = Ksh 80
projects. A call for proposals is planned to be issued in early-December 2010. The fund can be utilized country-wide. Proposals are to be prepared by the communities; environmental project proposals are to be in accordance with the DEAPs and be signed off by the concerned DEO – socio-economic project proposals need to be in line with the DDP and be signed off by the DDO. The EU is going to launch a publicity campaign through newspapers, radio and TV and will organize 22 information sessions, countrywide. Proposals are to be submitted before end-January 2011.

- **Other potential funding sources**
  
  Efforts are underway to establish and/or operate funds that target the impacts of desertification and droughts (e.g. National Drought Constituency Fund, Community Desertification Trust Fund), however at this stage little or no information is available on existence, size and relevance of these funding sources for EAP implementation. Other funding sources may be from the private sector, religious organisations, but also here there is a lack of oversight and insight into the relevance of these sources.
3 Findings

Detailed accounts on the consultations conducted during the present study on the environmental and development planning process at district, provincial and national levels are provided in Annex 3 to 7. The present chapter aims at synthesizing generalities from these consultations per topic. For each topic an assessment has been made of the current situation and where relevant recommendations are provided for improvement of the environmental planning and the mainstreaming thereof.

3.1 Implications of the New Constitution

The New Constitution for Kenya that was adopted in August 2010 has significant implications for the Environmental Management and Coordination Act (EMCA) 1999 to a level that amendment of this act seems inevitable. The following implications relating to Environment Action Planning are foreseen.

- **Redefinition of ECs and EAPs**
  
  Section 29(1) of EMCA 1999 requires the Minister to appoint through gazetting the Provincial Environment Committees (PEC) and the District Environment Committees (DEC), Sections 29(2) and 29(3) list the members of these committees, while Section 30 gives their responsibilities. It seems likely that the PECs will be replaced by County Environment Committees (CEC), increasing the number of regional environmental committees from 8 (PEC) to 47 (CEC). As a consequence Section 30 on the responsibilities of the PEC (and DECs) requires amendment as well. Section 39, on the preparation of Provincial Environment Action Plans (PEAP), will require amended too – see Section 3.2, below.

- **Environment action planning at District and/or at County level?**
  
  With the upcoming abolition of provinces, PECs and PEAPs, a government decision is needed on what sort of environment planning will be necessary at the local/regional level. Five options are outlined below; for each option some (dis)advantages are briefly discussed.

  **Option 1 – EAP at County level only**
  
  This option requires the establishment and funding of 47 CECs, each CEC being responsible for the preparation of a CEAP and the coordination of its implementation. As compared to the 8 PECs that were to be instructed and supervised by NEMA, and 8 PEAPs to be dealt with for compilation into one NEAP, this will mean a substantially increase in the units requiring NEMA coordination for the NEAP preparation. Costs to support these CECs (preparation, printing and distribution of the CEAPs) are expected to be substantially higher than those for the current PEC and PEAPs, but considerably less than those of Option 2 and 3. Some counties, in which environmental conditions are similar, may be lumped into regions. A key disadvantage, as frequently expressed by district and provincial officers during the consultations for the present study, is the risk that EAP at county level only, will make the CEAPs too general. This option is in line with the functions of the county governments as outlined in the Fourth Schedule of the New Constitution and is premised on the fact that the constitution recognizes the county as the basic unit of devolution.

  **Option 2 – EAP at County and District levels**
  
  This option will require the establishment and support of CECs and DECs and may imply the preparation of CEAPs (47) and DEAPs (79, as per the current number of gazetted districts). An advantage of this option is that EAPs are produced at county as well as district levels, ensuring in principle that sufficiently detailed and site-specific plans are available. The downside however, is the large number of environmental plans that are to be produced (edited, printed, distributed and funded), implemented and monitored, which may be far beyond the supervision capacity of NEMA. Another clear disadvantage is that the number of people composing the CECs and DECs is very large, while cost implications (committee support) are very high. Information from field consultations suggests a strong preference for having both the CECs and DECs with respective plans.

  **Option 3 – EAP at District level only**
  
  This option seems little realistic as there will be no environmental committee or planning at the county level. Cost implications for support of the DECs and preparation and printing of environmental plans are high, but lower than those for Option 2. Considering that the government operational unit has
shifted from the district to the country, continuing focusing at the district may not be prudent. In addition, unlike with counties whose number is fixed in the constitution, the number of districts is politically defined and changes frequently, a situation that would affect planning at this level.

Option 4 – EAP at County level with district support
In this option, rather large CECs will be established composed of the regular CEC members (similar positions as those that currently compose the PEC) supplemented by the DEOs in that particular county. The CEAP is this case is expected to set the vision and goal for the county while districts will prepare annual plans to implement the CEAP. Advantages to this option include a limited number of local/regional EAPs but with still sufficient input from the local (i.e. district) levels through the DEOs, and substantial but relatively low costs (as compared to Option 2 and 3).

Option 5 – EAP to be fully integrated with DDP/CDP and MTP
Under this option no separate local and regional environmental committees will be established and financially and technically supported, and no separate CEAPs or DEAPs will be necessary. Environmental planning will be fully incorporated into the district development planning (DDP) and/or county development planning (CDP), and national development planning (MTP) processes. A great advantage of this option is that public consultations that would otherwise be conducted for the EAP and DDP separately can now be combined. A disadvantage will be the risk of marginalization of “the environment” in the development planning process. During the consultations for the present study we noted an almost unanimous opinion among environmental and development officers that the EAP reports are very important as they provide, or ought to provide, far greater focus and detail on environmental matters as is the case in the DDPs and the MTP.

A disadvantage of Options 1-4 is that consultations and environment plans (EAPs) are required separately and in parallel to those needed for the development plans (DDPs and/or CDPs) – in Option 5 such consultations and planning efforts are only required for the development plans (cost savings).

Irrespective of which option is selected, environmental mainstreaming efforts will be unsuccessful, unless (i) NEMA provides sufficient capacity and resources to conduct the planning; and (ii) adequate funding is made available for implementation.

Recommendation 1-1:
A government decision is required on how local/regional Environment Action Planning is to be reshaped, i.e. on the County and District levels, and this is to be reflected in an Amendment of EMCA 1999.

3.2 Amendment of EMCA 1999
Apart from reflecting in the law the implications of the New Constitution that are already outlined in Section 3.1 above (redefinition of ECs and EAPs at local/regional levels) the following amendments with respect to environmental planning are required in the EMCA 1999.

- Functioning of the DECs and/or CECs
EMCA Section 30 lists the responsibilities of the PEC and DEC.

Recommendation 2-1:
Responsibilities of Provincial Environment Committees need to be replaced by those of County Environment Committees in case it is decided to establish these. Responsibilities of County Environment Committees and District Environment Committees may require amendment and elaboration.

- Environment Planning
EMCA gives considerable attention to the need to prepare national, provincial, and district environment action plans. However, it does not provide direction how these environmental plans should be prepared, or how they are to be integrated with national, provincial or district development plans or land use plans.
Recommendation 2-2:
EMCA should be amended so that a formal arrangement is made to incorporate environment action plans into development plans and land use plans, together with a description of how this link is to be implemented. Detailed procedures are to be included in the Environment Action Plan manual.

The process of environmental planning as practised in Kenya can be considered to consist of three main components, the one following from the other, as follows:

i. Data collection and analysis resulting in a State of Environment report, or ‘profile’, describing the condition of the environment in the planning area, highlight critical environmental issues in all relevant sectors, and identify trends – as per the EMCA, Section 9(2p) this is to be done annually, but only for the national level;

ii. Environment Action Plan report, detailing the interventions required to curb or counteract undesired developments and trends that negatively affect the environment to acceptable levels – as per the EMCA, Section 37, 39 and 40, this is to be done every 5 years, i.e. at the district, province and national levels;

iii. Monitor and evaluate to what extent the Environment Action Plan is being implemented and to what extent this results in desired changes in trends – as per EMCA, Section 68-69 environmental monitoring is required by NEMA but the frequency and the level at which this is to be done is not specified.

Recommendation 2-3:
EMCA should include (a) clause(s) on what actions will be taken, and by whom, if government departments, agencies, state corporations or other organs of government do not or insufficiently comply to the required environmental management interventions spelled out in adopted environment action plans.

Recommendation 2-4:
EMCA 1999 Section 41 should be expanded by stating that DEAP and/or CEAP are binding to the district and/or county development implementation actors.

Recommendation 2-5:
EMCA Section 38 specifies the components of the National Environment Action Plan, however several of these components (e.g. analysis of natural resources, analytical profile, identification of problems and trends) can better be included in the State of Environment report.

Recommendation 2-6:
EMCA 1999 Section 38 should include a clause to recommend proposals for change of legislation (including legislation of other line ministries) that ensure that adequate funding is made available for implementation of environmental projects at local, regional and/or national levels. This may include for example the requirement that a minimum of 2% of an agency’s annual budget is to be spent on environmental management or improvement.

State of Environment Reports
EMCA Section 9(2p) requires NEMA to prepare and issue an annual State of the Environment (SoE) report in Kenya, while Section 9(3) requires the Minister to lay before the National Assembly every SoE. Remarkably, this does not state what the National Assembly is to do with such SoEs, and to what extent the findings enclosed in the SoE are binding and to whom. A question arising here is why the SoE is to be adopted by the National Assembly and whether this is realistic. Thus far, since 1999 when the law came into effect, only 3 such SoEs have been produced (i.e. in 2003, 2004 and 2006/2007), but none was adopted by the national assembly, while a fourth one (2008-2010) is currently in preparation. It should be considered whether such annual reporting is realistic and necessary – as is further expanded upon in Section 3.6, below. Concerns were raised on the frequency of the SoE and on the need for district SoEs. It was also not clear why SoEs are prepared and on their relationship with EAP, all which need to be clarified in the revised Act. Any change of frequency of the SoEs is to be reflected in the amended EMCA.
Recommendation 2-7:
As the State of Environment report is merely an update on environmental issues and trends rather than a plan for action (as is the National Environment Action Plan) it seems to make more sense that the (national) environment action plans be adopted, instead of the (national) State of Environment report, and not by the National Assembly but by an appropriate governmental body. Such body may be the National Environment Council.

Recommendation 2-8:
It should be reconsidered whether (national) State of Environment reports for Kenya are to be prepared annually. Such frequency only makes sense if first an appropriate methodology is developed, agreed upon and adequate resources made available with which such reports can realistically be prepared, printed and distributed on an annual basis. In accordance with the Global and African Environment Outlook reports, the SoEs may be more meaningful if they are prepared say every five years.

Recommendation 2-9:
It should be considered to include in EMCA a clause that requires State of Environment reports to be prepared not only at national level but at local (district) and/or regional (county) level as well. On the other hand, the requirement for regional committees to prepare regional State of Environment reports may be too demanding – alternatively regional Environment Action Plans may include a State of Environment section.

3.3 Timing of the EAP Process
Accounts on the timing of the preparation of the DEAPs and the PEAPs appear to be not well documented, or at least data to verify this timing are not easily accessible. Moreover in most cases the people that were involved in the preparation of these documents were replaced or promoted to positions elsewhere. From the consultations at district and provincial levels it emerges that NEMA instructed its DEOs by letter of 14 November 2005 to prepare the first District Environmental Action Plan, and that the drafts were to be submitted by 31 December 2005. First draft DEAPs appear to have become available in the period end-2005 to early-2006, indicating a preparation period of a few months. Probably, the preparation of the PEAPs was started in the same period, but draft PEAPs became available a little later as, presumably, the results of the DEAPs were to be incorporated in the PEAPs.

The draft DEAPs that were available in early-2006, mostly labelled as “2006-2010”, have been used, as it seems, to feed into the preparation of the District Development Plans, the latest series of these is for the plan period “2008-2012”. However, with the exception of the DEAPs (and the PEAP) for Nyanza Province, none of these DEAPs (or PEAPs) has been printed, and distribution of the draft versions was done at very limited scale only.

Recommendation 3-1:
The timing of the Environment Action Plan process, including the State of Environment reporting, should be attuned to the preparation of District Development Plans (and/or County Development Plans if these are going to be produced as a result of the constitutional change) and the country’s Medium Term Plan. As the latter documents are being prepared synchronous to the elections, with the next election planned for 2012, the EAP process should be completed, and SoE and EAP reports printed and distributed, well before the elections take place. In practical terms this means, that for example, if the next elections will be held in 2012, that it is assumed that the next DDPs (and/or CDPs) and MTP covering the planning period 2013-2017 will be prepared by the new government in the first half of 2013 and be ready by mid-2013. This would imply that the next EAPs, including the SoE, are to be developed, printed and distributed during the second half of 2012.

Recommendation 3-2:
The next Environment Action Plans should cover the same planning period as those for the next District and/or County Development Plans, i.e. 2013-2017.

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A copy of this letter has not been provided to the Consultant.

That were printed, and relabelled to cover the period 2009-2013 in 2009 through assistance of the EU-funded Community Development for Environmental Management Programme at NEMA.
**Recommendation 3-3:**

**Arising from the above, it will be important to confine the preparation of the EAP within a specific timeframe so as to avoid the current situation where the preparation process spills over into the implementation period.**

### 3.4 Coordination and Supervision by NEMA

Coordination and supervision by NEMA of the preparation of the DEAPs and PEAPs seems to have been focussed on the issuing of an instruction letter (of November 2005) to prepare these documents; the preparation and issuing of a manual on environmental action planning (dated September 2006); conducting of some training sessions for district and environmental officers on how to prepare the DEAPs and PEAPs; irregular visits of NEMA/HQ staff to some districts and provinces during preparation to discuss issues in further detail; and finally, to edit the draft DEAPs and PEAPs that were forwarded by the DECs and/or PECs.

Obviously, once this editing had been completed in 2009, NEMA did not, or at least not always, provide the districts and provinces with a final version, neither were actions taken by NEMA/HQ to follow up on or assure the implementation of the action plans. In several of the few district and provincial capitals that were visited for the study, the team found that the environmental officer-in-charge was not in the possession of a ‘final’ copy of the DEAP or PEAP (i.e. those that were provided by NEMA/HQ to the study team), or had even never seen a copy of the DEAP or PEAP altogether, although they were in their position already for quite some time. This point not only towards a lack of initiative or interest of the officer-in-charge to obtain such DEAP or PEAP for his area, it also indicates flaws in the coordination and supervision capacity that one would expect from NEMA/HQ. Moreover, it also indicates the limited or lack of ownership for the DEAP and PEAP processes, and their outputs. The secretariat coordinating the EAP process had little capacity in terms of staff numbers and resources and was overwhelmed in the process.

Although the PEAPs are available on the NEMA website, several of such PEAPs are old versions (covering the planning period 2007-2011), while none of the DEAPs appear to be available on this website.

The Consultant’s technical report on *Options for restructuring of NEMA* of April 2010 does provide possible explanations as to why it has taken such a long time to ‘finalize’ the DEAPs and PEAPs, that these versions once finalized were not or insufficiently returned to their originators, why the some of final versions of PEAPs and all DEAPs are not available of the NEMA website, and why NEMA/HQs involvement in plan implementation seems to be minimal or altogether absent.

From the departmental responsibilities published in NEMA’s latest Strategic Plan, it is evident that there are several instances whereby more than one department has been assigned responsibility for the same or a related task. This results in unnecessary duplication of effort, including costs being incurred by two departments to achieve identical or related tasks. Further, NEMA staff within different departments may not perform a task as they may believe that it has been assigned to another department. Key duplications include the environmental mainstreaming. According to NEMA’s current Strategic Plan, the Directorate, as well as the Environmental Planning and Research Coordination (EPRC) Department, have both been assigned the responsibility to “promote the integration of environmental considerations into development policies, plans, programmes, and projects”. Additionally, the Provincial and District Environmental Committees are to prepare and update Environment Action Plans which also supposed to mainstream environmental issues into development planning. Responsibility for coordination of all these activities is not clear.

Moreover, although the provincial and district environment action plans are prepared by the PECs and DECs, the Environmental Education, Information and Public Participation (EEIPP) Department (not the EPRC Department) is responsible for the coordination of provincial and district environmental

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11 For some of the DEAPs and PEAPs that were consulted it cannot be concluded that the editing has been completed yet. It took a period of almost 3 years (i.e. between early 2006 and 2009) to convert the initial draft DEAPs and PEAPs that were submitted by the districts and provinces into the present by NEMA/HQ edited versions. In some instances it is found that the initial versions are more informative, provide more details and are better presented than the ‘final’ versions.
committees. The basis by which EEIPP coordinates provincial and district environmental committees and how these committees are then to prepare provincial and district environment action plans under direction of EPRC is unclear.

NEMA operates on a country-wide basis through the appointment of Provincial Directors of Environment (PDE) at the provincial level and District Environment Officers (DEO) at the district level. The PDEs and DEOs represent all NEMA functions. A primary duty of PDEs and DEOs is their interaction with Provincial and District Environment Committees, which are to prepare PEAPs and DEAPs under the chairmanship of Provincial and District Commissioners. Other duties include: environmental licensing, particularly the review of Environmental Impact Assessment (EIA) License applications; environmental inspection and enforcement; and input to State of Environment reporting.

The means by which PDEs and DEOs interact with headquarters is unclear from the organisation chart or Strategic Plan. The organisation chart (Figure 1) shows an entity called ‘Operations’, with subunits called Provincial and District Environment Offices. However, what that entity is, as well as the structural relationships and means by which NEMA headquarters operationalises PDEs and DEOs to perform all NEMA technical and administrative tasks in the field as well as organisation and funding of PECs and DECs, and how these PDEs, DEOs, PECs, and DECs obtain support when needed from headquarters, is not clear. Extending NEMA’s reach nationwide through decentralisation will be significantly hindered without a clearly detailed account of how headquarters and field operations are to interact and who is to be accountable for this interaction.

**Recommendation 4-1:**
Lines of authority, and reporting responsibility, should be clearly defined and documented. This is particularly important for field operations, especially if NEMA headquarters is to be reduced in size and more persons be relocated to field offices. As outlined in the NEMA Restructuring Report of the Consultant, of April 2010, all EAP related work should be performed under the responsibility of a Deputy Director for Environmental Monitoring, Reporting and Response Planning, being part of the Technical Services Unit.

**Recommendation 4-2:**
Documents originated by NEMA’s environmental field officers but finalized by NEMA/HQ should be posted on the NEMA website. Field officers should then be enabled to access the website, download, print, and disseminate these documents to the field stakeholders/audience.

### 3.5 National Environment Policy

The Threshold 21 model, which the Ministry of State for Planning, National Development and Vision 2030 and the Ministry of Environment and Mineral Resources have now adopted for integrated national planning in three major sectors (economy, society and environment), is specifically designed to predict and assess the medium-term and long-term impacts of policies. Although a lot of effort has been invested in the preparation of a National Environment Policy, and a draft NEP became available in 2008, this policy has not been finalized.

**Recommendation 5-1:**
As the T21 model for integrated national planning, now adopted by the Ministry of State for Planning, National Development and Vision 2030 and the Ministry of Environment and Mineral Resources for integrated national planning, is specifically designed to predict and assess medium- and long-term impacts of policies, the MEMR should reconsider to finalize and adopt its National Environmental Policy; this policy provides among others a foundation for mainstreaming of environmental planning and plan implementation.

### 3.6 State of Environment Reports

EMCA 1999 Section 9(2p) requires NEMA to “prepare and issue an annual report on the State of the Environment in Kenya”, while Section 9(3) requires the Minister to submit this SoE to the National Assembly for adoption. Although EMCA does not require provinces and districts to prepare SoEs it was noted in some of the visited districts that SoEs for districts have been prepared previously. As noted earlier in Section 2.3 above, thus far national SoE reports have only been produced for 2003,

Although the objective, structure and contents of the SoE are neither defined in the EMCA, nor in the above mentioned National Environmental Indicators Manual, there seems to be wide agreement that the SoEs that have been produced thus far are inappropriate and of limited use, and that future SoEs should be based on a number of environmental indicators. Difficulties associated with the existing SoEs are that:

- Consist of long narrative texts with limited mapping illustrations that do not provide an easily assessable interactive database from which environmental trends can be derived;
- Contain little site-specific information at provincial, county, district or lower administrative levels;
- They take a very long time by a large group of actors to prepare;
- Are costly in their production;
- Are difficult to distribute, both in hard copy as well as in digital format (large file).

**Recommendation 6-1:**
State of Environment reports should be generated from an interactive, user-friendly and up-to-date database, fed by local/regional environmental officers with geo-referenced data, from which current environmental conditions and trends can be generated for any area, and at any time; and be available as a shared database on a publicly available server.

**Recommendation 6-2:**
For compilation of such a national database, use should be made of, for example, the Pressure-State-Response (PSR) indicator framework that is being developed for management and monitoring of the environment in Kenya’s coastal zone. This should start with the system of data collection: who should do it, how, where to store it and access mechanisms. Poverty-Environment indicators developed under the Poverty Environment Initiative project should also be tested and adopted as necessarily in the SoE.

**Recommendation 6-3:**
The frequency of the State of Environment reports needs reviewing to make it more practical. A longer time interval will enable comprehensive scope of the SoEs and allow assessing environmental trends. It will also facilitate the monitoring and evaluation of the implementation of the Environment Action Plan.

Application of this framework would for example require the collection of geo-referenced data on the following:

<table>
<thead>
<tr>
<th><strong>Pressure indicator:</strong></th>
<th>Charcoal burning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Source of data:</td>
<td>KFS</td>
</tr>
<tr>
<td>Resolution:</td>
<td>Per district</td>
</tr>
<tr>
<td>Frequency:</td>
<td>1 year</td>
</tr>
<tr>
<td>Unit:</td>
<td>tonnes (sacks) produced</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>State indicator:</strong></th>
<th>Forest cover</th>
</tr>
</thead>
<tbody>
<tr>
<td>Source of data:</td>
<td>KFS, DRSRS, WWF, NMK/CFCU</td>
</tr>
<tr>
<td>Resolution:</td>
<td>Per district</td>
</tr>
<tr>
<td>Frequency:</td>
<td>5 years</td>
</tr>
<tr>
<td>Unit:</td>
<td>ha</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Response indicator:</strong></th>
<th>Conversion to alternative sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Source of data:</td>
<td>KNBS</td>
</tr>
<tr>
<td>Resolution:</td>
<td>Per district</td>
</tr>
<tr>
<td>Frequency:</td>
<td>1 year</td>
</tr>
<tr>
<td>Unit:</td>
<td>Percentage households</td>
</tr>
</tbody>
</table>
This type of data may feed into the database that is being developed for the T21 model for integrated medium and long-term national planning for the major sectors economy, society and environment by the Ministry of State for Planning, National Development and Vision 2030 and the MEMR (Section 2.6 and Section 3.5). The model that runs on Vensim software is able to deal with 30 different sectors, a large number of indicators and up 15,000 variables at the same time. It uses data time series to identify trends, and based on these it can run scenarios by changing variables. Although a potentially valuable tool in preparation of the State of Environment reports and the National Environmental Action Plan, several concerns were expressed during the T21 introductory workshop that the study team attended. These included data challenges, the time it takes before capacity has been created to run the system effectively, the system’s limitations with respect to considering diversity among regions, and cost elements.

**Recommendation 6-4:**
NEMA’s processes on the preparation of the National Environment Action Plan and the State of Environment reporting could benefit if NEMA staff could participate in the early-2011 training sessions on application of the Threshold 21 model for integrated national planning.

**Recommendation 6-5:**
The structure of the State of Environment report should be attuned to those of the Environment Action Plans. This structure should be defined and elaborated in a manual.

As for other recommendations regarding the State of Environment reports, see Section 3.2, above.

### 3.7 Preparation and Contents of the DEAP/CEAP/NEAP

EMCA 1999 Section 37(2) requires NEMA to prepare every 5 years a National Environmental Action Plan (NEAP), while Section 39 and 40 require the PECs and DECs to prepare every 5 years a Provincial and District Environmental Action Plans, PEAP and DEAP respectively. Furthermore, Section 38 details the contents of the NEAP while Section 41 does that for the contents of PEAPs and DEAPs. To further guide the preparation of these environmental action plans NEMA produced an Environmental Action Planning Manual: 2006-2011 in September 2006. However, as this manual was believed to be insufficiently used for the preparation of the various EAPs, NEMA is now in the process of revising this manual. In September 2010 a 2-days technical meeting was organized in Nairobi were the requirements for such revised manual were discussed. The current planning is that the revised manual be available in draft by the end of 2010.

Before elaborating on the contents of the various EAPs it makes sense to first look at what sort of other planning mechanisms are in place. At district level Physical Development Plans are being prepared by the Department of Physical Planning of the Ministry of Lands, at least in Kwale District, where this plan covers the period 2004-2034 and includes the ‘Mombasa Mainland Southern Regional’. Although the plan focuses on the development of physical infrastructure in the planning area concerned, it includes a substantial section on ‘the environment’ as well. It is assumed that similar physical development plans have been or are being prepared for other districts/regions in the country.

**Recommendation 7-1:**
In order to avoid duplication and wastage of scarce resources on compiling environmental datasets independently (for the preparation of their thematic plans) it seems to make sense to establish a national geo-referenced database which is accessible to all. Such database may be the one that is recommended to be established for the generation and compilation of State of Environment reports.

Another highly relevant development planning mechanism is the District Development Plan (DDP) and national Medium Term Plan (MTP), to which reference was made in Section 2.5, above. Although the latest version of the manual for district development planning (of May 2009) of the Ministry of State for Planning, National Development and Vision 2030 includes fairly detailed instructions for mainstreaming of environmental planning, while the latest series of DDPs do contain a section on environment. However, most of the ‘environmental component’ of the DDPs deals with water and sanitation interventions, and many of the recommended environmental actions in the DEAP
are not easily (or not at all) traceable in the DDP. Moreover, neither the DDP nor the bodies that approve the DDP for implementation have any legal anchorage.

**Recommendation 7-2:**
The Medium Term Plan and the District Development Plan and/or the County Development Plan, as well as their respective approving bodies should be provided with a legal backing to make them binding for all persons and all government departments, agencies, state corporations and other agencies (including CSOs) upon adoption by the appropriate authority. By this way, it will create the much needed linkage with the government budget process while tapping into the private/CSOs funding.

As far as the DEAP and/or CEAP and NEAP are concerned, their objectives, as stated in the EAP Manual (September 2006), are to: (i) determine the major environmental issues and challenges facing the country; (ii) identify environmental management opportunities; (iii) create synergy and harmony in environmental planning; (iv) integrate environmental concerns into social, economic planning and development; and (v) formulate appropriate environmental management strategies.

The contents and level of detail of the DEAP and/or CEAP and NEAP depends on which environmental planning option will be selected (see Section 3.1, above). Assuming that Option 4 will be selected (environmental planning at national level and county level with inputs from the district level), this would require the DECs to actively identify environmental issues in their district and to propose environmental interventions to be enclosed in the CDP.

**Recommendation 7-3:**
The District Environment Officers should continue to identify environmental issues at district level, propose environmental interventions to address these issues, and ensure that these are reflected in the County Environment Action Plans and County Development Plans. Subsequently, the DEOs should be made responsible to further expand such proposals at a quality and level of detail that these qualify for approval and implementation.

**Recommendation 7-4:**
The structure and content of a District Environment Action Plan or County Environment Action Plan should be attuned to those of the District Development Plan or County Development Plan in such a way that both planning documents use the same and unique numbering system for development interventions – this will facilitate easy referencing between the two, as well as facilitate the monitoring and evaluation of plan implementation. Such details should be elaborated in a manual.

Preparation of a DEAP or CEAP is expected to require an input of a DEO or CEO of 1.5-2 months. This is assumed to include time needed to collect, study and analyse data (i.e. reports from own and other agencies; some although limited field data collection), technical meetings and (limited) consultations, and report compilation (drafting). It should be realized that during such a preparation period the officer will have little or no opportunity to attend to other tasks or matters entrusted to this officers. Costs for DEAP or CEAP preparation are estimated at Ksh 300,000-500,000 (depending the size of the planning area and the complexity of the environmental issues herein; and excluding printing and distribution costs) i.e. a **45 to 75-fold increase** of the allocation that has been provided by NEMA on earlier occasions.

**Recommendation 7-5:**
Adequate funding and their sources require to be well defined. At current funding level, it is doubtful whether NEMA will be able to fund the preparation of future district and/or county and national Environment Action Plans. The main principle is that the funds should be consolidated in one agency and be equitably distributed to the field units in full recognition of regional disparities. EAP funding should include realistic allocations for data collection, consultations, analyses and technical meetings. Sufficient human resource capacity should be available during EAP preparation to attend to regular tasks and duties.
3.8 Report and Plan Approval
EMCA 1999 does not, or at least not clearly, indicate who is to approve the DEAP and PEAP, what the formal procedures for these approvals are, and to what extent these documents are binding. From the consultations conducted during the study it was understood that approval of the DEAP and PEAP was given by the DEAP and PEAP committee, respectively. However, members of the DEC, including the DEO, were usually unaware of to what extent their DEAP had been approved (they assumed so). Section 40 of EMCA just states that the DEAP shall be submitted to the Chairman of the PEAP Committee but it is silent on the approval process.

Recommendation 8-1:
Formal approval procedures for Environment Action Plans and State of Environment reports must be specified in EMCA and/or the manual, and adhered to. Approval records, in writing, should be kept by the concerned bodies (committees and District Environment Officers and/or County Environment Officers).

3.9 Printing, Distribution and Branding
Apart from the DEAPs and PEAP that were prepared for Nyanza Province, none of the other DEAPs or PEAPs has been printed, while the digital versions (often not the final version) have only been distributed on a very limited scale (usually among PEC or DEC members only). Those for Nyanza Province were produced with technical and financial assistance of the EU-funded CDEMP, but were printed by a non-government commercial printer. The non-availability of printed final versions of high quality DEAPs and PEAP is considered to have negatively affected opportunities for mainstreaming of environmental planning. It is noted that all DEAPs and PEAPs that were consulted in the framework of the present study required further editing and layout work, most of these very considerably. All documents would furthermore greatly have benefitted if mapping and other illustrations depicting issues and trends had been enclosed.

Recommendation 9-1:
DEAPs and/or CEAPs and the NEAP should be printed and widely distributed as soon as these are finalized. Printed plans should be of a high quality, both from a contents as well as printing point of view. Enclosing relevant mapping and other illustrative materials that depict environmental issues and trends is highly recommended. The printing and distribution of incomplete, poorly edited and structured plans should be discouraged as much as possible.

Recommendation 9-2:
The number of copies to be printed of each Environment Action Plan may depend on the economic and ecological importance of and constraining issues in, and size of the planning area, as well as on the number of stakeholders, but could be in the order of 200-300 per EAP. Use of electronic copies should also be encouraged by posting these on the NEMA website.

Recommendation 9-3:
All Environment Action Plans should preferably be printed by the same printer (either government printer or private) to achieve uniformity and recognisability of the plans.

Recommendation 9-4:
Digital final versions of each EAP should be uploaded on the NEMA website so that these become publicly available.

Recommendation 9-5:
Sufficient trained and experienced staff and adequate financial resources should be available in district and/or county environment offices and at NEMA/HQ to produce (prepare, edit, finalize, print, distribute) the finalized plans in a relatively short period, i.e. for all planning areas.

One of the reasons why mainstreaming of environmental planning and implementation has not materialized as could have been the case, as expressed by a representative of the MSPDD & Vision 2030, is that NEMA has not or insufficiently made efforts to promote their plans among potential financing agencies, a practice also known as ‘branding’.
Recommendation 9-6:
Once the EAPs have been printed, the environment committees particularly at the District and/or County level, should actively identify and mobilise financial resources (e.g. from ministries, funds, NGOs, donors) for implementation of the environmental interventions identified in the plans.

3.10 EAP Implementation
It appeared difficult if not impossible during the short consultations at district and provincial levels to obtain a clear oversight of or insight into what extent the EAPs have been implemented, as hardly any monitoring of plan implementation is taking place (see Section 3.11).

In principle DEOs and PDEs have no funding for implementation of the DEAP or PEAP, and strictly speaking, EMCA 1999 does not explicitly state how and by whom the plans are to be implemented. Most of the actors identified in the DEAP and PEAP as implementing agencies are government departments but these are generally poorly funded and there is competition for these resources with sector priorities. The DEAP and PEAP do indicate stakeholders at district and province levels responsible for plan implementation, but the implementation matrices lack indicators and outputs as well as timelines to enable monitoring, and in 3 of the 4 DEAPs and all 4 PEAPs that were studied no budgets have been included. Furthermore, DEAPs and PEAPs are seldom used by departmental heads as basis for drawing annual work plans for seeking funding from their respective Ministry headquarters. Instead, these work plans are motivated by factors such as Ministry Strategic Plan priorities, political influence, public demand, and social/cultural preference which at times result in ‘parachuting’ of projects, and stopping others.

The implementation of the DEAP and PEAP projects could potentially be funded, at least partly, by numerous devolved funds such as the Constituency Development Fund (CDF) and the Local Authority Transfer Fund (LATF). However, these are currently operating in parallel without any mechanisms for coordination. As a result, the likelihood for duplication or no implementation at all is high. As an example, the Nyando CDF finances project proposals received from the communities, which rarely include ‘environment’ mainly due to high public ignorance on environmental issues. Overwhelmingly, communities prefer infrastructural projects (schools, roads, sanitation) as opposed to environment and natural resources whose benefits are not immediate, tangible and easily quantifiable. Moreover, unlike in environment projects, politicians can easily brand their names on infrastructural projects once they are completed to enhance their visibility in the constituencies. Politicians are crucial in influencing community perceptions on and response to the environment.

Although the CDF supports few environmental projects like the construction of pit latrines and clean-up of river banks, these are sporadic. In Nyando District it was found that neither the Local Authority nor the Constituency Committees have formulated a strategic plan, neither has the CDF committee been provided with any copy of the DEAP or DDP. We assume that this situation prevails in many other districts. With an average annual budget of about Ksh 60 million, the CDF committee expenditure to environment is estimated at Ksh 1.45 million, being 50% of the 5% emergency component of the CDF, and just a minor portion of the total annual requirement for DEAP or PEAP implementation (that could easily be in the order of Ksh 1 billion). Increased CDF budgets as resulting from the constitutional changes (annual CDF budgets are expected to increase to Ksh 300 million) may lead to more funding becoming available for environmental projects, still it is expected that such funding will still be relatively limited.

Arising from the above, the burden of implementing the DEAP is left to NGOs, CBOs and donor agencies. During this study, it was not possible to establish the level of plan implementation considering that these were launched only recently, if at all. Non-implementation of DEAPs and PEAPs reflects on the existing gap between policies, legislation and strategies and their implementation. Low skills of the implementing staff, inadequate community involvement, weak linkages between district and Ministry headquarters as well as between district planning and national budgeting are some of the reasons for this.

Compared to the DEAP, the District Development Plan (DDP) seems more actively implemented with the largest portion of the funds coming from the government through respective departments. In most cases however it is not possible to establish actual expenditure on ‘environment’ as it is scattered.
across sectors and departments. In practice however, the DDP is rarely the basis for Ministries’ allocation to the districts. In essence, the DDP influence on the Medium Term Expenditure Framework (MTEF) process is limited, leading to high unpredictability in plan implementation. Even if the district heads of department prepare the annual budget, allocations are usually determined in ‘Nairobi’ and actual receipts are usually less than requested. The priorities set out in the Ministries’ Strategic Plans dominate the allocation process to the districts. This is because the Ministries performances are judged on the basis of their strategic plans. As is the case with the DEAP, the CDF, LAFT, and other devolved funds are poorly linked to the DDP process and operate distinctly although they have the same target population. The result is duplication of efforts and wastage of resources. Some NGOs refer to the DDP while developing programmes and projects but again this is limited to those NGOs working in close collaboration with the government departments. NGOs contribution in the implementation is however not reported.

Recommendation 10-1: As NEMA field offices appear neither to have a clear mandate nor a budget to implement the DEAP, and/or CEAP and NEAP, EMCA 1999 should state a clear funding mechanism on how these EAPs are to be implemented. The mandate for and funding of EAP implementation should be anchored in legislation for implementing agencies too.

Recommendation 10-2: In order to increase possibilities for EAP implementation, efforts should be made to include indicators, outputs, timelines and budgets in future EAPs and Development Plans.

Recommendation 10-3: The capacity and skills of staff involved in the EAP preparation and implementation at all levels including NEMA’s field officers should be strengthened. This should include adequate supplies of printed, high quality EAPs for distribution and promotion, and clear mechanisms for cooperation with other agencies.

Recommendation 10-4: Better linkage is needed between the DEAP and/or CEAP and the DDP and/or CDP – it should be considered whether separate DEAPs and/or CEAPs are still necessary, or alternatively, whether more prominent environmental components be incorporated in DDPs and/or CDPs.

Recommendation 10-5: A mechanism needs to be developed and applied with which overall responsibility for coordination of development is vested within one agency. At the district and/or county level this could be the District or County Development Department. The mechanism should require that all agencies, including NGOs, report to this coordinating body on their environmental interventions.

3.11 EAP Monitoring & Evaluation
Some funding seems to have been provided by NEMA for monitoring of EAP implementation for the year 2007, but for the following years no funding was provided, reportedly, and as a consequence no M&E has been conducted.

The responsibility for monitoring the implementation of DEAPs and PEAPs is vested on the District and Provincial Environment Committees. However, these plans do not clearly state how and when this is to be conducted, and who is to pay for this, and there do not seem to be clear feedback mechanisms in place. Combined with the lack of funding, little or no monitoring is taking place.

The Directorate of Monitoring in the Ministry of Planning has responsibility to monitor plan implementation through the DDO. Some 30 monitoring and evaluation impacts/performance indicators have been identified which are tracked annually to assess impacts of the DDP implementation. Four of these indicators are related to environment and reflect the district priorities in terms of funding.

Each year, the DDO is expected to prepare the District Annual Monitoring and Evaluation Report (DAMER) showing progress in plan implementation. DAMER tracks the implementation of the projects in the district related to Vision 2030 First Medium Term Plan under the sectors of economic, social
and political pillars. The report is prepared by the District Monitoring and Evaluation Committee (DMEC) Secretariat in consultation with key stakeholders drawn from the Government, NGOs, the communities, CBOs, FBOs and private sectors. The DAMER’s focus is on monitoring of agriculture and livestock, infrastructure, livelihoods, water resources, conservation and management of environment and sanitation and provision of health services. These sectors are recognized as drivers of growth and poverty reduction in the district.

Some of the challenges as reported in the latest DAMER for Nyando District indicate a number of factors hampering effective monitoring of the Nyando DDP, i.e.:

- Difficulty to obtain information from some who prefer to operate on their own;
- Most of the targeted outcomes are long term and spread beyond one year;
- A number of departments lack proper measurable targets;
- The capacity of district technical officers to undertake M&E is limited;
- Funding for M&E is not sufficient for most of the departments in the district;
- Inadequate coordination of sector implementing development activities;
- Poor data and information collection and storage system;
- Limited mandate by the DDC to manage devolved funds projects such as CDF and LAFT makes it difficult to obtain data regarding these funds;
- Poorly distributed departmental offices with the headquarters in one location and other departments scattered in the rest of the district;
- Difficulty in obtaining quality information from some departments in a timely manner.

It is expected that similar conditions are experienced in many other districts too.

**Recommendation 11-1:**
The EAP manual should specify the frequency, by whom and the level at which the monitoring and evaluation of action plan implementation is to be conducted.

**Recommendation 11-2:**
To facilitate monitoring of plan implementation, a strong link is to be created between the DEAP and/or CEAP and the DDP and/or CDP. This may be achieved if all documents use a same and unique numbering system for recommended interventions (actions, projects, programmes). Monitoring reports should address progress achieved systematically and consistently by using this same system.

**Recommendation 11-3:**
The monitoring of implementation of environment action plans and development plans should be interlinked through existing systems e.g. those of the Monitoring and Evaluation Directorate and Millennium Development Goals evaluations. Clear indicators should be developed for tracking implementation progress.

**Recommendation 11-4:**
Adequate funding should be provided for monitoring as well as appropriate training, for example to carry out baseline studies for State of Environment reports.

**Recommendation 11-5:**
A clear feedback mechanism needs to be developed and applied on how findings and recommendations generated by monitoring activities are used to adapt environmental and development interventions.

**3.12 Cost/Benefit Analysis or Value for Money**
The question of whether environmental planning, the mainstreaming and plan implementation are actually cost-effective is easier asked than answered. First of all there is the lack of accurate and easily accessible information, certainly during the present study’s brief consultations, as officers involved in the planning have mostly been replaced, while expenditure materialized years ago. Moreover, various aspects need to be considered, as is outlined below.

A distinction is to be made between the official budget, actual budget, and required budget for plan preparation. The official funding that was made available by NEMA in November 2005 for the
preparation of a DEAP or a PEAP was Ksh 6,650 (equivalent of about Euro 60); this budget was explicitly meant for stationery, transport and lunches and logistics. Understandably, and as explained by several of the consulted officers, this budget was barely sufficient to provide some drinks and snacks for the first technical committee meetings, but not for any data collection or consultations. Some committees managed to obtain additional funding from other sources, mostly donor-funded projects with which technical committee meetings and consultation events were financed. In Nyanza Province, for example, actual expenditure per DEAP is estimated at Ksh 700,000, i.e. Ksh 500,000 for civil society meetings, and Ksh 200,000 for DEC meetings. The consultative process was thus very substantially more expensive than initially anticipated by NEMA, it was also very time-consuming. However, in this province public consultations were for time-, resources- and logistical reasons only conducted in one Location. Had such consultations had been undertaken in all 6 Locations of the District, then another Ksh 1.5 million would have been needed. Note that these expenses still exclude the cost of printing and distribution.

As for the preparation of the District Development Plan the Ministry of Planning provided Ksh 300,000 per plan, excluding the cost for printing. As some districts had been subdivided in the course of DDP preparation, in some instances this budget had to be subdivided as well, as was the case in Kwale District: for each of the 3 units an amount was available for DDP preparation of Ksh 100,000 only.

It is difficult to come up with tangible benefits of the DEAP process. It is plausible to infer that the DEAP process increased the environmental awareness and mainstreaming among government departments involved in its preparation. It helps these departments to articulate environmental issues from their perspectives. Several of the interviewed planning officers at district and provincial levels found the DEAP process ‘very important’ and that it facilitated the formulation of the DDP. Some government departments that contributed to the DEAP indicated that they were actually implementing it implicitly through their work plans. The full benefit of the DEAP process would be better assessed if the process was actually completed and copies distributed among key stakeholders. Broadly, given the little expenditure towards its preparation, it is plausible to assume that benefits of the process could easily outweigh the costs.

The intangible benefits of the DEAP and DDP may include the involvement, to some extent in some locations, of stakeholders in identifying their development priorities. In addition, the DEAP and DDP are cited as a useful development tools by government departments. However, one of the consulted DDO’s indicated that the political leadership in the district does not necessarily follow the identified development priorities in the DEAP or DDP. The use of the CDF which is provided at the constituency level and the LATF which is channelled to the local authorities (town and county councils) is not aligned with the priorities of the DEAP or DDP.

**Recommendation 12-1:**
Realistic budgets should be allocated for the preparation of environment action plans and development plans that allow for at least a minimum level of public consultations. The substantial increase in the number of political and administrative units in recent years (e.g. about 280 districts, 47 counties and 294 proposed constituencies instead of only 8 provinces) means commensurate higher budget allocations will be needed for plan preparation.

**Recommendation 12-2:**
Benefits of environment and development plan preparation can be further increased by more intense consultations, involving all levels of society, last but not least politicians.

Finally, some of the interviewees stressed that funding of environmental interventions in Kenya should not be a problem “because there is plenty of money”, the point is how to get it. They also stated that the mainstreaming of environmental management (planning and implementation) cannot be expected to be successful and durable if is remains to rely mostly on international donor funding.

**Recommendation 12-3:**
The dependency of environment management in Kenya on international donor funding should be reconsidered; adequate national resources are available reportedly to manage the environment successfully.
4 Required Actions per Organisation

As recommended by NEMA during its Board of Directors meeting held on 29 November 2010, when the preliminary findings of the present study were presented, this Chapter presents the recommended key actions to be taken by key organisations or units thereof to achieve a better mainstreaming of environmental planning and plan implementation. In each section reference is made to the corresponding recommendations in Chapter 3.

4.1 Ministry of Environment and Mineral Resources

The MEMR is recommended to take the following actions:

i. Amending EMCA 1999 to capture the implications of the New Constitution as well as other recommendations emerging from the present study. This implies the following:
   a. Redefining regional environment action planning (=> Recommendation 1-1)
   b. Redefining the role of environment committees (=> Recommendation 2-1)
   c. Including a clause to formalize the incorporation of environment action plan recommendations into overall development planning (=> Recommendation 2-2)
   d. Including a clause on what action will be taken if other parties do not comply to actions recommended in environment action plans (=> Recommendation 2-3)
   e. Including a statement to what extent environment action plans are binding to other parties (=> Recommendation 2-4)
   f. Redefining the contents of environment action plans in such a way that typical State of Environment report components are excluded, and include a revised contents list for a SoE report (=> Recommendation 2-5)
   g. Including in the contents of the environment action plan a clause to recommend proposals for change of legislation that ensures funding of environmental projects (=> Recommendation 2-6)
   h. Redefining adoption procedures for environment action plans and State of Environment reports (=> Recommendation 2-7, 8-1)
   i. Redefining the frequency of State of Environment reports (=> Recommendation 2-8 & 6-3)
   j. Considering to prepare State of Environment reports not only for the national but also at regional/local levels (=> Recommendation 2-9)
   k. Including a clear mechanism on how the Environment Action Plans are to be implemented (=> Recommendation 10-1)

ii. Reconsidering the finalization and adoption of the (current draft) National Environment Policy of 2008 (=> Recommendation 5-1)

iii. Reconsidering the dependency of environment management on international donor funding and exploring alternative, more sustainable funding possibilities (=> Recommendation 12-3)

4.2 NEMA

NEMA/Headquarters is recommended to take the following actions:
i. Deciding on what sort of regional Environment Action Planning will be conducted in future, i.e. on the County and District levels, while keeping in mind existing shortages in terms of manpower and financial resources (>> Recommendation 1-1)

ii. Deciding on the timing of and providing sufficiently trained staff and resources for the preparation of the next series of Environment Action Plans in such a way that these plans are completed, printed and widely distributed well before the next elections i.e. in 2012 (>> Recommendations 3-1, 3-2, 3-3)

iii. Defining and documenting clear lines of authority and reporting responsibilities as resulting from the ongoing NEMA restructuring process (>> Recommendation 4-1)

iv. Timely posting of latest versions of finalized environment action planning documents and State of Environment reports on the NEMA website (>> Recommendation 4-2, 9-2, 9-3, 9-4)

v. Building, in consultation with relevant other parties (e.g. MEMR, DRSRS, MSPNDV, etc.) an interactive environment database from which (local/regional/national) State of Environment reports may be generated, preferably at any time (>> Recommendation 6-1, 6-2, 7-1)

vi. Arranging for and participating in training sessions in the use of the Threshold 21 modelling software for integrated national planning, currently planned for early-2011 (>> Recommendation 6-4)

vii. Attuning the contents of State of Environment reports to those of Environment Action Plans (>> Recommendation 6-5)

viii. Revising the manual for EAP preparation, implementation and monitoring in such a way that EAPs are attuned to regional/local development plans (>> Recommendation 7-4, 11-1)

ix. Providing timely and adequate funding and other resources to the field offices for the preparation of quality environment action plans and the monitoring of their implementation (>> Recommendation 7-5, 12-1)

x. Including formal approval procedures for regional Environment Action Plans (and State of Environment reports if prepared at regional/local level) in the revised EAP manual (>> Recommendation 8-1)

xi. Printing in sufficient quantity the finalized Environment Action Plans and State of Environment reports and distributing these widely (>> Recommendation 9-1)

xii. Assuring that sufficient and adequately trained staff be available at all levels (national, county, district – as applicable) to produce the Environment Action Plans in a relatively short period, and before the preparation of the related development plans commence (>> Recommendation 9-5)

xiii. Including in the National Environment Action Plan realistic indicators, outputs, timelines and budgets (>> Recommendation 10-2)

xiv. Strengthening the capacity and skills of staff involved in EAP preparation and implementation (>> Recommendation 10-3)

xv. Creating better linkage between the National Environment Action Plan and the Medium Term Plan of the Ministry of Planning (>> Recommendation 10-4)

xvi. Developing and applying (in close consultation with MEMR, the Ministry of Planning and other relevant parties) a mechanism with which overall responsibility for regional/local plan implementation can be vested with one (regional/local) organization (>> Recommendation 10-5)
xvii. Seeking better linkage in monitoring of implementation of environment action plans and development plans and MDG evaluation (>> Recommendation 11-2, 11-3)

xviii. Providing sufficient and timely funding for monitoring as well as required training (>> Recommendation 11-4)

xix. Expanding public consultations for environment action planning, last but not least to politicians (>> Recommendation 12-2)

NEMA/Headquarters is recommended to instruct its field officers and making them responsible as follows:

i. Continuing to identify regional/local environmental issues and ensure that these are reflected in regional/local development plans and be responsible for further detailing of proposals for environmental interventions (>> Recommendation 7-3)

ii. Assuring that the contents of regional environment action plans is attuned to those of regional/local development plans (>> Recommendation 7-4)

iii. Distributing the finalized Environment Action Plans (and if applicable regional/local State of Environment reports) widely and timely (>> Recommendation 9-1, 9-2, 9-3, 9-4)

iv. Actively pursuing, identifying and mobilizing financial resources needed for implementation of the Environment Action Plans (>> Recommendation 9-6)

v. Including in regional/local Environment Action Plans realistic indicators, outputs, timelines and budgets (>> Recommendation 10-2)

vi. Creating better linkage between the regional/local Environment Action Plans and the regional/local Development Plans (>> Recommendation 10-4)

vii. Assisting NEMA/HQ in developing and applying (in close consultation with relevant regional/local parties) a mechanism with which overall responsibility for regional/local plan implementation can be vested with one (regional/local) organization (>> Recommendation 10-5)

viii. Seeking better linkage in monitoring of implementation of environment action plans and development plans and MDG evaluation (>> Recommendation 11-2, 11-3)

ix. Developing and applying a clear feedback mechanism with which monitoring findings are used to adapt environmental and development interventions (>> Recommendation 11-5)

x. Expanding public consultations for environment action planning, last but not least to local/regional politicians (>> Recommendation 12-2)

4.3 Ministry of State for Planning, National Development and Vision 2030
This Ministry is recommended to take the following actions:

i. Deciding on what sort of future regional development planning will be conducted, i.e. whether at district or county level or both (>> Recommendation 7-2)

ii. Providing an appropriate legal anchorage for the preparation of District and/or County Development Plans and to make the implementation of these plans legally binding to those supposed to be involved in their implementation. This may include the need to establish and operate national and regional development committees (>> Recommendation 7-3)
iii. Including a clear mechanism in relevant legislation on how Development Plans (including components from Environment Action Plans) are to be implemented (>> Recommendation 10-1)

iv. Including in regional (county/district) Development Plans realistic indicators, outputs, timelines and budgets (>> Recommendation 10-2)

v. Creating better linkage between the regional/local Environment Action Plans and the regional/local Development Plans (>> Recommendation 10-4)

vi. Seeking better linkage in monitoring of implementation of environment action plans and development plans and MDG evaluations (>> Recommendation 11-2, 11-3)
Annex 1  References Consulted

(in chronological order)

**National**

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   Mount Marsabit Ecosystem Project (leaflet)
## Annex 2  Persons Consulted

*(in chronological order; persons may have been consulted on following days as well)*

<table>
<thead>
<tr>
<th>Date</th>
<th>Person</th>
<th>Position</th>
<th>Agency</th>
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<tbody>
<tr>
<td>13/9</td>
<td>Dr Paul R Holmes</td>
<td>Chief Technical Advisor Danida/Sida-funded TA</td>
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<tr>
<td>14/9</td>
<td>Chris Denley</td>
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<td></td>
<td>Dr Kennedy Ondimu</td>
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<td></td>
<td>Godfrey Mwangi</td>
<td>Principal Planning Officer</td>
<td>NEMA</td>
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<td></td>
<td>Betty Nzioka</td>
<td>Deputy Director EA &amp; PP</td>
<td>NEMA</td>
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<td></td>
<td>David Cheruyot</td>
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<td></td>
<td>Edward Sambili</td>
<td>Permanent Secretary Chairman NEAP Committee</td>
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<tr>
<td></td>
<td>Joseph Mukui</td>
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<td>15/9</td>
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<td>16/9</td>
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<td>17/9</td>
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<td>28/9</td>
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<td></td>
<td>Anne Angwenyi</td>
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<td>29/9</td>
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<td></td>
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<td>Ali Mwanzei</td>
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<td>Edward Wawire</td>
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<td>Lawrence Nzioka</td>
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<td>Embu, Eastern province</td>
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Annex 3 Assessments in Kwale District & Coast Province

Prepared by Paul Guthiga (incorporating field notes made by Wandert Benthem)

1 Area descriptions

1.1 Coast Province
The Kenyan coastline stretches over more than 500 km from the Somali border in the North to the Tanzania border in the South. It covers an area of approximately 86,000 km² in addition to the Kenya’s territorial waters that include the exclusive economic zone covering approximately 12,000 km². At time of PEAP preparation the province was administratively divided into 7 districts. According to the population and housing census, the population of the Coast Province stood at 3.3 million in 2009. Main economic activities include fishing, trade and international beach and wildlife tourism. Key environmental challenges that the province faces include land degradation due to quarrying, coastal erosion, direct discharge of sewage and effluence into the sea, human-wildlife conflicts and charcoal burning, among others. Under the new Constitution, the province was divided in 5 counties.

1.2 Kwale District
The boundaries of Kwale District have been subject to recent change. Before 2006 it included the areas of Kinango and Msambweni but thereafter these latter areas were curved out to form new separate districts. However, with the enactment of the new Constitution, the boundaries of the ‘larger’ Kwale District define the boundaries of the newly established Kwale County, again including the current Kinango and Msambweni districts. These changes in the administrative boundaries have had direct implications on the development planning. During this study it was noted that ‘Kwale District’ was defined as the ‘larger’ Kwale in the District Environment Action Plan (DEAP) while in the District Development Plan (DDP) it was defined as Kwale District excluding Kinango and Msambweni. Furthermore, the current District Environment Officer (DEO) is in charge of the ‘larger’ Kwale while there is a District Development Officer (DDO) for each of the three districts of the ‘larger’ Kwale. The difference in boundary definitions reflects the time period when the process of preparing the two documents began. The process of preparing the DEAP for Kwale began in 2005 while the process of the current Kwale DDP began in 2007 after subdividing of the district in its three entities.

The current Kwale District (excluding Kinango and Msambweni) covers some 105,000 ha, and measures approximately 20 by 50 km. Elevation is from sea level at the Indian Ocean coast to 462 m asl in the Shimba hills inland. The district had an estimated population of about 162,000 in 2009. Main economic activities are international tourism in the coastal zone and small scale subsistence farming inland. The district includes Shimba National Park which covers about 20% of the district’s land area, and which supports some low intensity wildlife tourism. According to the Kenyan Ecosystem Atlas (WRI/ILRI 2007) the district is located in a zone with moderate rainfall (800-1200 mm annually), predominantly covered by cropland, while the Shimba Hill National Park contains fairly well maintained dense forest sections and open grasslands that support a variety of small numbers of larger mammal species (notably Sable Antelope, Elephant, and introduced species such a Giraffe and Ostrich). Human population density is rather high in this part of the Kenyan coastal zone. Challenges for sustainable development in the district, as noted in the DEAP, include reduction of forest cover, potable water shortage, human/wildlife conflicts, poverty and problems related to land tenure. A key noticeable environmental problem is the clear felling of savannah bushland and production of charcoal.

2 District Environment Action Plan (DEAP) for Kwale District

2.1 Current status
A final, printed signed and dated version of the DEAP for Kwale District does not exist. The DEAP for Kwale was provided as a soft copy by NEMA. It does not specify the planning period it is covering, nor a date. According to Mr Chalala (Ministry of Water & Irrigation, Kwale), the final preparation of the document was done in early 2005 and it was supposed to cover the 2005-2010 planning period. However, in the ‘foreword’ section of the document, there is a reference indicating that the DEAP covers the period 2009-2013. The document appears to be a draft and has not been printed yet. It contains a foreword by the DG/NEMA, 8 chapters and 87 pages, few photographs and a map indicating the planning area. The planning area is reportedly the ‘larger’ Kwale District, including Kinango and Msambweni Districts, that are currently considered as separate districts (e.g. for each of these 3 districts a District Development Plan has been made). It is not known to what extent the current report is up-to-date and whether the priorities it identifies are still valid or relevant.

2.2 Environmental planning process for the current DEAP
Information concerning the planning process for the Kwale DEAP was mainly obtained from interviewing the District Environmental Officer (DEO), Kwale, Mr Jilani Chiro Chilungu. However, it is important to note that Mr
Chilungu had been appointed as DEO about a year earlier (he previously served as the DEO in Kilifi). Therefore, he had not been involved in the preparation of the current DEAP and does not know its current status. Neither has he followed up on the DEAP, he also had not come across a copy yet. He however, indicated that he knew a soft copy of the DEAP existed in a laptop computer of one of the officers at the district (Mr Chalala). From the provincial level he has not been instructed to follow up on the DEAP. Additional information on the planning process for the DEAP was provided by Mr Chalala: he was involved in the DEAP preparation process and also had a long experience by being a member of the District Environment Committee (DEC) for Kwale District.

2.3 Timing
The present DEAP was drafted in 2005 and was to cover the planning period 2005-2010. Mr Chalala confirmed that the contents of the DEAP are apparently the same as in 2005 (however a foreword seems to have been added), and a new cover page had been inserted. Based on his recollection, the deadline for submitting the DEAP to the provincial office was supposed to be 31 December 2005. Mr Chilungu indicated that the process of preparing the DEAP would take approximately 1.5-2 months to complete.

2.4 Guidelines
NEMA had prepared the Environment Action Planning guidelines (2005-2010). They were actually available at the DEOs office. It is apparent however that the guidelines were not fully followed. A cursory look at the manual showed that 17 chapters were proposed for the DEAP but only 8 chapters are included in the DEAP.

2.5 Preparation committee
It is understood that the DEAP is prepared by the District Environment Committee (DEC), consisting of gazetted members and non-gazetted members under the coordination of the DEO. Members of the DEC are defined in the Section 29 (3) of EMCA. Each member from the relevant ministry was asked to put together a section for the report on the sector that the member represents. Once drafted it was submitted to the Provincial Environment Committee (PEC) for approval and also for the extraction of the Provincial Environment Action Plan. The interviewed district officers do not know what happened thereafter with the document but they assume that it was subsequently sent to NEMA. Hard copy ‘final versions’ have never been received at district level.

2.6 Stakeholder consultation
The DEO indicated that not much consultation has taken place for preparation of the DEAP. The relevant government ministries lead the process based on what they have identified as priority environmental issues. This was confirmed by Mr Chalala (Ministry of Water and Irrigation, Kwale) who was actually involved in the process. In his words “very little consultation took place”. This could be explained by the fact that the EMCA itself does not explicitly require stakeholder consultation. It is probably presumed that the diversity of the DEC itself is enough to take care of the interests of many stakeholders. In addition, the budget set apart for the DEAP process is too low to cover for the costs of stakeholder consultation.

2.7 Data gathering and analysis
The DEAP was compiled from secondary data, collated by the DEC members. Usually there is no budget for collecting primary data.

2.8 Supervision and approval
The supervisor process is not very clear. According to Section 40 of the EMCA once the DEAP is prepared it is supposed to be submitted to the Chairman of the Provincial Environment Action Plan (PEAP) committee for the compilation of the PEAP. It seems that the DEC is responsible for the planning process and that it reports to the PEC. The approval process of the DEAP is not clear either. The current DEAP for Kwale was drafted in 2005 but still has not been finalized. It is not clear whether the PEAP committee has the responsibility of approving the submitted DEAPs. Section 40 of the EMCA just states that the DEAP shall be submitted to the Chairman of the PEAP committee for incorporation into the PEAP but it is silent on the approval process.

2.9 High level coordination
Higher level coordination of the DEAP preparation is supposed to be carried out by the DEC which is a statutory committee under the EMCA. However, from the interviews it is apparent that the DEC is not as active as it should. According to the representative of the Ministry of Water and Irrigation, the DEC should convene quarterly but due to budget constraints is meets less often.

2.10 Number of copies produced and distributed
No printed hard copies have been produced. The digital version has been distributed among district agencies and to the PEC.

2.11 Funding
The funding for the DEAP process is very low. The DEO, showed a letter of the DG/NEMA of 14 November 2005 in which the DEOs are instructed to develop the DEAP and that a budget is provided for this of KSH 6,615: this budget is among others for stationary (KSH 1000); transport and lunches (KSH 4000); and logistics (KSH 1000).
Given the width and the breath that the DEAP is supposed to cover as provided under Section 38 (a), (b), (c), (d), (e), (f), (g), (h), (i) and (j) of the EMCA the provided funding is too low to effectively accomplish the task.

2.12 DEAP promotion and perception of usefulness by government and other potential users

The interviews indicated that the DEAP is not really promoted at the district level. First, the fact that no final copies have been printed and distributed is a clear indication of lack of promotion of the DEAP. The non-existence of a hard copy of the DEAP at the DEO’s office is also another pointer that it is not being promoted. The DEO also indicated that potential users of the DEAP e.g. NGOs and CBOs never inquire about the DEAP which is a pointer of possible lack of awareness of its existence or even usefulness.

However, the absence of printed copies or a clear promotion strategy does not necessarily diminish the usefulness of the DEAP. It is important to note that government departments that contribute to the DEAP draw from their existing 5 year work plans. Therefore, without the DEAP they implicitly implement it in their activities as pointed out by the District Physical Planner, Kwale. In a similar way, the District Development Officer (DDO) considered the DEAP as a “very important document” and states that it has been used to compile the DDP.

2.13 Constraints

The first identified constraint is the limited funding for the DEAP preparation process. The budget for DEAP preparation is very limited; in fact this budget is exhausted once a few meetings have been held. Additional costs related to the planning process are funded from the general operational budget of the DEO from which also fuel, communication, water sample collection and testing, etc. are to be paid. The district itself does not provide funding for DEAP preparation. There is no budget for primary data collection, or printing.

The second constraint relates to staffing of the DEO office. The DEO is a one-man office servicing the whole of the (larger) Kwale District, i.e. including Kinango and Msambweni Districts. The DEO is to perform thus both the office as well as field duties in a large and diverse area (e.g. coastal zone, coastal plain and uplands). He occasionally relies on interns who are on attachment. The DEO’s budget is determined top-down, i.e. decided in Nairobi and does not meet requirements.

2.14 Contents and quality of the DEAP (presentation, structure, range of topics covered, depth, etc)

The DEAP describes a number of sectors in the district and addresses associated environmental problems. Chapters address: key district features and challenges for sustainable development (C1); the environment and natural resources (C2); human settlement and infrastructure (C3); industry, trade and services (C4); environmental hazards and disasters (C5); environmental education and technologies (C6); environmental governance and institutional frameworks (C7); implementation strategy (C8). This content does not seem to comply to NEMA’s DEAP manual instructions on Environment Action Planning 2005-2010. Information is mostly presented as brief narratives or bullet point listings or in table format – apart from one index map of Kenya indicating the Kwale District there is no other map information included. An ‘implementation matrix’ presents proposed interventions per sector, stakeholders and responsible institutions, but budget estimates for these activities are not provided. The DEAP includes a reference list; it refers to “District Development Plans Kwale” (not stating to which ones).

2.15 Costs and benefits

The DEO has not been involved in the preparation of the current DEAP so he cannot give figures but he finds the budget grossly inadequate. The DEO estimates that the preparation of a DEAP of the kind of the current version would take him 1.5-2 months to prepare. This will exclude the collection and analysis of for example (water) samples. This preparation effort would also imply that he cannot perform other office and field tasks simultaneously. The DEAP has not been printed. Printing costs are not considered to be included in the DEAP budget; printing is done by the Government Printer in Nairobi.

As expected it was difficult to come up with tangible benefits of the DEAP process. It is plausible to infer that the DEAP process increased the environmental awareness and mainstreaming among government departments involved in its preparation. It helps these departments to articulate environmental issues from their perspectives. The DDO actually thought that the DEAP process is ‘very important’ and it actually informed the formulation of the DDP. As noted earlier, the government departments that contributed to the DEAP indicated that they were actually implementing it implicitly through their work plans. The full benefit of the DEAP process would be better assessed if the process was actually completed and copies distributed among key stakeholders. Broadly, given the little expenditure towards its preparation, it is plausible to assume that benefits of the process could easily outweigh the costs.

2.16 Implementation

The DEO has no budget for DEAP implementation. The implementation matrix assigns implementation responsibility to different institutions but the DEAP does not indicate explicitly who is responsible for overall coordination of implementation of the plan. Without an overall implementation coordination framework it is difficult to assess whether or not the different stakeholders are implementing their part or not.
2.17 Monitoring and evaluation of the DEAP process
The DEAP includes a short section on M&E (in C8) but this does not clearly state who will be responsible for the process and who will pay for it. It states that monitoring will be through preparation of reports while evaluation will be done in line with the performance contracting requirement of the public service. The feedback mechanism of the M&E is not clearly indicated. The DEO has not noticed any M&E activities being taken for implementation of the DEAP.

2.18 Other issues
The DEO raised the issue of sustainability of donor support: his office received an expensive multi-purpose machine (printer; photocopier; fax; etc) but the toner is very expensive so since the DEO has been appointed the machine was never used. Exit strategies are rarely formulated and executed.

2.19 Other past and ongoing planning activities in the District
The DEO has been involved in ICZM trainings and workshops and in the preparation of plans of KWS and KFS. He indicated that the ICZM process is well organized structured and different stakeholders engage in a structured manner. This observation was later corroborated by the Provincial Director of Environment (PDE) who indicated that the DEAP process can learn a lot from the ICZM process (discussed further in the section on the PEAP).

In 2008 the Ministry of Lands, Department of Physical Planning completed a Kwale District and Mombasa Mainland South Regional Physical Development Plan 2004 -2034. In June 2010 the present EPS consultant organised and facilitated a 3-day workshop on spatial planning in ICZM, which resulted in a technical note on spatial planning in ICZM in Kenya, dated 10 September 2010.

2.20 Expected implications of the anticipated constitutional change
The anticipated changes with the enactment of the new constitution create some level of uncertainty in the current environmental and overall development planning process. Once the proposed changes are fully implemented, there will be a completely different environmental & development planning framework. Under the current arrangement the DEAPs inform the PEAP; the disappearance of the Provinces makes the PEAP process redundant. The DEO indicated that they were waiting for direction on the way forward especially with the creation of the county governments under who dockets some of the environmental planning process would actually fall. According to the 4th schedule of the new constitution, functions such as control of air pollution, noise pollution and other public nuisances will be the responsibility of the county government. The county governments will also be responsible for the implementation of the national government policies on natural resources and environmental conservation. Interviews with government officials revealed that there are concerns about whether or not the County governments will prioritize environmental planning and sustainable use of natural resources.

3 District Development Plan (2008-2012) for Kwale District

3.1 Status
The final printed version of the Kwale’s District Development Plan (DDP) of June 2009 covers the period 2008-2012. Printed copies of the DDP were received at Kwale in mid-2010, about 1.5 year into the planning period. The document contains 4 chapters and 167 pages and deals exclusively with the new Kwale District; i.e. excluding Kinango and Msambweni Districts for which separate DDPs have been prepared, reportedly. Final printed copies of the DDP had been received at the District and distributed to the key government departments.

3.2 Timing
According to the District Development Officer (DDO) who coordinated the compilation of the DDP, the process started in June 2007 and was completed at the end of 2008, thus spanning a period of approximately 1.5 year. The copies of DDP were received in June 2010 at a time when the mid-term review was due. Some delay was experienced due to post-election violence that affected government planning processes.

3.3 Guidelines
The ministry provided guidelines for the preparation of the DDP, and these are frequently updated. The DDO indicated that the guidelines have been revised rather frequently during the preparation process of the DDP to an extent that can be a cause of confusion. The most recent guidelines are of May 2009 (these were provided after the DDP draft had been submitted).

3.4 Preparation committee
All departments and relevant CBOs and NGOs in the district were asked to prepare reports on their sector and to submit these to the DDO. According to the DDO many meetings have been held on the DDP, among others by sector working groups, being sub-committees of the District Planning and Monitoring Committee. Representatives of this committee include the DDO, an economist, and representatives of the departments of health, agriculture and NGOs. He indicated that the actual compilation of the DDP is the responsibility of the District Planning Committee.
3.5 Stakeholder consultation
According to the DDO, all government departments give input to the DDP. Many meetings are held even at the location administrative level to obtain the views of the wider public.

3.6 Data gathering and analysis
No primary data was collected. Only secondary data was used, as provided by representatives from the various government departments in the district.

3.7 High level coordination, supervision and approval
After a first draft had been completed a workshop was organized for mainly government agencies to validate the findings. The final draft DDP was compiled by the DDO and submitted to the District Development Committee (DDC) for approval. This DDC and the District Executive Committee (DEC) approve the documents before these are sent to Nairobi but DDC and DEC are not legal entities (i.e. contrary to the District Environment Committee and the PEAP Committee), the question arises what the binding obligations of these approvals are. Final editing was done by the mother Ministry in Nairobi.

3.8 Number of copies produced and distributed
The DDO received 200 printed copies in mid-2010; these were then locally distributed. A copy of the DDP is held in the district’s resource centre (where the office of the DDO is located). Of the previous DDP (covering the period 2002-2008) very few hard copies were received.

3.9 Funding
The total funding for the larger Kwale District i.e. for the three districts, was approximately Kshs 300,000. The funds were shared among the three Districts with each receiving about Kshs 100,000.

3.10 Promotion of the DDP and perception by potential users
Interviews with representative government departments indicated that they find the DDP a useful development planning tool. The DDP is also considered by the DDO as very useful. He finds however that the MTP does not reflect the findings of the DDP for Kwale, as the MTP is rather generally worded. He also wonders whether the DDP and the MTP should be produced at the same time for the same period. He suggests that an alternative might be that the MTP is produced first, thereafter the DDPS – or vice versa. The DDO questions to what extent politicians make use of the DDP as they tend to have their own constituency agenda.

3.11 Costs and benefits
As noted earlier the budget for DDP preparation was about KSH 100,000 for the new Kwale District. This is considered by the DDO is “very little”. This budget is excluding printing costs. Sometimes the DDO receives donations from other sources (donors) for e.g. workshops or meetings. Otherwise the expenses for DDP preparation are to be paid from the general operational DDO budget.

The intangible benefits of the DDP include the involvement of stakeholders in identifying their development priorities. In addition, the DDP is cited as a useful development tool by government departments. However, the DDO indicated that the political leadership in the District does not necessarily follow the identified development priorities in the DDP. The use of Constituency Development Fund (CDF) which is provided at the constituency level and the Local Authority Transfer Fund (LATIF) which is channelled to the local authorities (town and county councils) is not aligned with the priorities of the DDP.

3.12 Mainstreaming of environmental issues in the DDP
Environmental issues addressed in the DEAP have been incorporated in the DDP. It is understood that the (previous) DEO played an active role in contributing to DDP preparation. The DDO is of the opinion that more effort should be made to train local organizations in EIA procedures and environmental awareness.

3.13 Implementation
The implementation process is not centrally coordinated. Each government department and other development implementing agencies and funding channels such as the Constituency Development Fund (CDF) and the Local Authority Transfer Fund (LATIF) implement their agenda independent of each other. According to the DDO the implementation poses the biggest challenge. Many of key stakeholders outside government departments lack awareness on the existence of the DDP.

3.14 Monitoring and evaluation
The DDO informed that an M&E framework exists but its use is limited by lack of funding. The DDO indicated that the monitoring and evaluation is supposed to be carried out by the District Monitoring and Evaluation Committee which should conduct quarterly field visits and issue quarterly reports but due to funding they only prepare annual reports. These annual reports also known as the District Monitoring and Evaluation Reports (DAMER) are shared with the DDC and any corrective action is communicated to the relevant department. But other government officers at the District indicated that the feedback mechanism is weak.
3.15 Contents and quality of the DDP
The DDP is comprehensive and detailed. C1 is a profile description of the district; it includes a 30-page district data fact sheet, but a considerable part of it is erroneously duplicated. C2 looks back on the previous DDP (covering the period 2002-2008) and assesses its implementation. It also presents lessons learnt and provides an analysis of major development issues (also erroneously included twice). C3 deals with the various sectors in the district and mentions systematically for each sector the stakeholders and their role; priorities, constraints and strategies; ongoing and proposed (new) projects; cross-sectoral linkages; and strategies to mainstream cross-cutting issues (although in rather generic terms). C4 is about DDP implementation and M&E: long lists with projects are presented, their costs, time frame, monitoring indicators, monitoring tools, implementing agencies, fund source, and involved stakeholders. Apart from the various duplications the document is comprehensive and well prepared.

3.16 Other issues
Apart from insufficient funding for plan preparation and implementation there is a general lack of environmental awareness among district staff and the population. People are insufficiently aware of the environmental impacts of charcoal burning; inefficiency of charcoal burning; burning of bush; waste disposal; etc.

The DDO mentioned something about the county having two councils (i.e. the town council of Kwale and the County Council of Kwale) and that it is difficult to engage them; politicians are influencing the budget spending to a great extent. The DDO specifically mentioned the distribution of the school bursary under the CDF as a big challenge. The bursary is shared rather evenly rather than targeting the poor children for support.

3.17 Expected implications of the anticipated constitutional change
As noted by the DDO, the function of National Economic Policy and Planning remains the function of the national government in accordance with the fourth schedule of the new Constitution. However, the new Constitution devolves key planning and development functions to the County government. In a sense the anticipated changes with the new Constitution create an atmosphere of uncertainty for the current development planning framework.

4 Provincial Environment Action Plan (PEAP) for Coast Province

4.1 Status
A final printed signed and dated version of the Provincial Environment Action Plan (PEAP) for Coast Province does not exist. The current PEAP was obtained from NEMA as a soft copy. It does not contain the Executive Summary, Forward, Acknowledgements or the Table of Contents sections. The front page of the PEAP indicates that it covers the period 2009 to 2013. The acting Provincial Director of Environment (PDE) at the time of the interview was Mr Ali Mwanzei who had reported to the office only two weeks prior to the interview. He had previously been the DEO is Kilifi District. During the interview, a former PDE (Mr Otieno) was consulted over the phone to clarify a number of issues that the current PDE could not answer. Mr Otieno was the PDE in charge during the preparation of the PEAP.

4.2 Environmental planning process for the PEAP and timing
The process of preparing the PEAP starts when the DEAPs are received from the Districts. The information contained in the DEAPs is collated and compiled to form the PEAP. As outlined on page 4 of the PEAP, the process began in mid-2006. It is therefore surprising that the report still is in a draft form and a final version is not printed. Furthermore, it is an open question whether priorities identified before 2006 are still relevant for the planning period beginning 2009 and ending in 2013. In general the PEAP seems to be a very early and still incomplete draft with some chapters and sections lacking altogether.

4.3 Guidelines
The PDE reported that he is not aware of any guidelines for preparing the PEAP. However, in the PEAP report on page 4 it is indicated that the members of the PEAP Preparation Committee were taken through the ‘preparation manuals’.

4.4 Preparation Committee
The Preparation Committee is chaired by the Provincial Planning Officer with the PDE being the secretary and invited members from the lead agencies.

4.5 Stakeholder consultation
According to the acting PDE none was done at the province.

4.6 Data gathering and analysis
The PEAP has been compiled from the various DEAPs for the Coastal Districts. No primary data was collected or analyzed for the report.
4.7 Supervision and approval
There is no structured supervisory or approval process. Once the PEAP is prepared it is sent to NEMA, Nairobi. No feedback was received.

4.8 High level coordination
There is little coordination if any of the PEAP process with other processes at the province level. In the PEAP document there is mention of other on-going processes like the State of the Coast Report that was going on at the time. But there is no clear indication of how the PEAP process is linked to these other provincial processes.

4.9 Number of copies produced & distributed
No printed hard copies have been produced nor distributed.

4.10 Funding
According to a former PDE (a Mr Otieno) about Kshs 6,000 was provided for PEAP preparation.

4.11 Promotion of the DEAP and perception by potential users
The acting PDE said that no effort is made to promote the PEAP. Interview done with an officer (Ms Fwamba) at the Coast Development Authority (CDA) revealed that they did not have a copy of the PEAP nor were they aware of its contents. However, she indicated that they are aware that NEMA has the responsibility to prepare the PEAP.

4.12 Constraints
The budget for PEAP preparation is very limited. There is also limited awareness of the PEAP process at the provincial level.

4.13 Quality of the report
In general the PEAP is a poorly prepared document. Some chapters lack any significant details. For example the chapter on energy (C9) is a one page template with sub-headings but no details at all. The first chapter of the PEAP is a background to the environmental planning process starting with global agenda (Rio Conference) and cascading it to the national level (EMCA provisions). The chapter also gives a rough description on the PEAP development process itself. C2 gives some background information on the Coast Province, administrative boundaries, key environmental issues, demographics, etc. C3 dwells on issues of land at the coast and associated land degradation problems. C4 is very brief (2 pages) and dwells on soils and land use. This chapter could easily have been merged with C3 without losing any details. C5 is on issues of agriculture, livestock and fisheries providing very detailed information on environmental issues surrounding these sectors. C6 is a very shallow (1 page) description of the river systems in the Coast Province. C7 provides fairly detailed information on the forests resources while C8 is on biodiversity conservation. C9 is titled “energy sector” but only sub-headings are provided. C10 is on industry, trade and services with some detail on the sectors and associated environmental issues. C14 is a quarter page on environmental education and technology with very little detail. C15 focuses on environmental information systems with few details. C16 is on environmental governance and institutional frameworks describing legislations and organizations that have the mandate to manage the environment. C17 is on the implementation strategy with an implementation matrix.

4.14 Costs and benefits
The costs of preparing the PEAP are rather low and the associated budget is very low. It was difficult to identify the actual tangible benefits. However, according to the PDE if given the attention it deserves PEAP has the potential to raise environmental awareness and mainstreaming in development processes among stakeholders.

4.15 Implementation
According to the PDE, the PEAP is being implemented but only through the DEAPs because the issues identified by various government departments are already put in their work plans.

4.16 Monitoring and evaluation of the PEAP process
The PEAP includes a short section on M&E (in C8) but no feedback mechanisms. According to the PDE there is no actual M&E process on the ground.

4.17 Other past and ongoing planning activities in the Province
The PDE had been involved in the ICZM process. He thinks that the ICZM process provides a best-practice in environmental planning. According to him the process is a very participatory and structured process. The process is driven by a steering committee with members from all development stakeholders in the Province. The process is well funded and the final product is very representative of stakeholder views. However, he was quick to add that the ICZM process cannot substitute the PEAP because it deals with environmental issues affecting a limited area along the coastline.
4.18 Expected implication of the anticipated constitutional change
The new Constitution technically abolishes the provinces. Accordingly, the environmental planning will revolve around the County and national levels. The PDE thinks that the EMCA will have to be reviewed to reflect the new changes.
Annex 4  Assessments in Nyando District & Nyanza Province

Prepared by John Nyangena (incorporating field notes made by Wandert Benthem)

1  Area descriptions

1.1  Nyanza Province

Nyanza Province is located in the southwestern part of the country and borders Lake Victoria, the second largest freshwater lake in the world. The province is rich in various natural resources such as soils in the Kisii highlands, diverse minerals, forests and wildlife. The province is inhabited predominantly by the Luo. There are also Bantu-speaking tribes such as the Gusii, the Kuria and a few traces of the Luhya living in the province. The provincial capital is Kisumu, the third largest city in Kenya. The latest census report shows that the province has a population of 5,442,711, within an area of 16,162 km², or about 2.5% of the country’s territory. At time of preparation of the PEAP the province had 12 districts, but by 2009 this had increased to 36. Under the new Constitution, the province was split into 6 counties.

1.2  Nyando District

The DEAP was developed for the greater Nyando District which has now been subdivided into three districts, i.e. Nyando, Nyakach and Muhoroni. The greater Nyando District covered an area of 1,168 km² and was divided into three parliamentary constituencies namely Nyakach, Nyando and Muhoroni. The boundaries of Nyando and Muhoroni constituencies extend beyond the district boundary. The greater Nyando District is located along the shore of Lake Victoria. It borders Nandi District to the North and Kericho District to the East (both located in the Rift Valley Province), Rachuonyo to the South and Kisumu to the West. The district has only a small shoreline to the southwest where it touches Lake Victoria and comprise 71 km² of the lake water surface.

There are three local authorities in the district namely Nyando County Council, Ahero and the Muhoroni Town Councils. In 2009, the population of the district was projected at 380,279.

Wetlands are the most valuable ecosystems in the district. The main wetlands include Sondu Miriu, Nyando, Omenyi, Nyamwere and Nduru. These areas harbour a diverse biodiversity.

2  District Environment Action Plan (DEAP) for Nyando District

2.1  Current status

The current DEAP was finalized and printed in 2009; the document was launched in June 2010 together with the PEAP and other DEAPs in the province.

2.2  Environmental planning process for the current DEAP

In Nyando the process of formulating the DEAP commenced in 2004 following the establishment of the DEAP Secretariat by the Director General of NEMA. The Secretariat comprised of the DWO, DDO and DEO. The formulation process was coordinated by a technical committee of the District Environment Committee - the DEAP Committee. This committee comprised of main lead agencies and representatives from other stakeholders. The committee was chaired by the DDO while the DEO was the Secretary. The initial draft DEAP was produced by limited funding from NEMA and heavily relied on reports prepared by district departments. This draft was later improved with additional information obtained during community consultation held in one Location, i.e. Onjiko. This Location was selected on the basis of poverty index. A total of 31 community members elected from each Sub-Location participated in this process. Additional consultations were undertaken with Civil Society Organizations (CSO) operating in the district and targeted 60 CSOs. Similar processes were replicated in all twelve districts in Nyanza Province. These consultations were funded by the Community Development for Environmental Management Programme Capacity Building Facility (CDEMP/CFB), an EU-funded initiative operating in Nyanza province.

2.3  Timing

The process of DEAP preparation started in 2004 and was completed in 2009, covering a 5 year period.

2.4  Guidelines

The DEAP was prepared on the basis of guidelines provided by NEMA’s Directorate of Environmental Planning. A lot of information required in the guidelines was missing in the district.

2.5  Preparation committee
The DEAP preparation process was spearheaded by a technical committee derived from the DEC - the DEAP Committee. This committee comprised of main lead agencies and representatives from other stakeholders. The committee was chaired by the DDO while the DEO was the Secretary.

2.6 Stakeholder consultation
The initial draft DEAP was produced by limited funding from NEMA and heavily relied on reports prepared by district departments. This draft was later improved with additional information obtained during community consultation held in one Location, i.e. Onjiko. This Location was selected on the basis of the poverty index. A total of 31 community members elected from each Sub-Location participated in this process. Additional consultations were undertaken with Civil Society Organizations (CSO) operating in the district and targeted 60 CSOs. Similar processes were replicated in all twelve districts in Nyanza Province. These consultations were funded by the Community Development for Environmental Management Programme Capacity Building Facility (CDEMP/CBF), an EU-funded initiative operating in Nyanza province.

2.7 Data gathering and analysis
For preparation of the DEAP mostly secondary data (existing data) were collected, supplemented by information emerging from the various consultations. This data was then analysed by the DEC.

2.8 Supervision and approval
After the DEAP was finalized and approved by the DEC, it was submitted to the Nyanza PDE to be integrated into the PEAP.

2.9 High level coordination
The DEC provided the overall coordination although NEMA produced guidelines used to prepare the DEAP.

2.10 Number of copies produced and distributed
In total 300 copies of the plan were printed, reportedly, like for all other districts in Nyanza Province for which DEAPs were made, not with the Government Printer (that does for example the District Development Plans) but by Scangraphics, Nairobi. The final DEAP was launched at the provincial level in June 2010 and 16 copies were delivered to the district although they are yet to be distributed.

2.11 Funding
NEMA provided only Ksh 6,500 for the DEAP for stakeholder consultations and compilation of the draft plan. This was however boosted by the CDEMP/CBF that provided an additional Ksh 500,000 for community and CSOs consultations and Ksh 200,000 for DEC meetings. The consultative process was thus very substantially more expensive than initially anticipated by NEMA, it was also very time-consuming.

2.12 DEAP promotion and perception of usefulness by government and other potential users
All the people interviewed during this study had not seen a copy of the DEAP, a situation that made it difficult to solicit their views regarding the quality, implementation and monitoring of the plan.

2.13 Constraints
Although the DEAPs are to be prepared every five years, the current 2009-2013 was characterized by a preparation period that spanned almost 5 years. Despite being a legal requirement, it is apparent there is no clear funding mechanism for the process of environmental planning. Low funding for the entire NEAP process is a serious constraint in environmental planning in Kenya. Although the current legal framework places this responsibility on the NEAP committee, it does not specify who between NEMA and the Ministry of Planning takes responsibility in ensuring the process is funded. None of these government agencies has a budget line specific for this activity. Poor funding of the DEAP process also affected the publication of the plans. Only 16 copies were received by the DEO, not enough to only supply the DEC members and others that directly contributed to the plan.

Low environment awareness among communities is another constraint to environmental planning. This is reflected in low prioritization of the environment in community initiatives.

Environmental planning is further constrained by lack of baseline in the district to provide the basis for DEAP preparation, monitoring and evaluation.

Low awareness among the Ministry of Planning on EMCA remains a major obstacle in environmental mainstreaming at all levels. Communication gaps are evident between NEMA and the Ministry on how to achieve environmental planning. In the absence of an official communication from the Permanent Secretary to the PPOs and DDOs, it often required good interpersonal relationship for the DEO and DDO to coordinate the DEAP process.
2.14 Contents and quality of the DEAP (presentation, structure, range of topics covered, depth, etc.)
The DEAP covers a range of issues including soil and land use; water resources; biodiversity conservation; wetlands; forestry; wildlife resources and agriculture, livestock and fisheries. In addition, it addresses issues of human settlement, pollution and waste, infrastructure, energy, industry trade and services related issues and hazards and disasters. Environmental education and governance are also included in the DEAP. For each natural resource, the DEAP identifies major issues and proposes interventions. However, no prioritisation of these issues is done. Also missing is a timeframe for implementation and activity costs/budgets. Most people interviewed reported that land degradation, deforestation, wetland degradation and pollution arising from use of pesticides and fertilizers are priority issues in the district.

Environmental issues identified in the DEAP are described in general terms and lack quantification. For example, under livestock sector, a problem statement on low productivity is not meaningful without specific measurement or even comparison with national productivity level. Similarly, shortage of fish and wetland degradation are obvious issues which need to be further analysed. Weak definition of the issues is often associated with unclear interventions. To illustrate this, environmental issues identified under pollution and waste generation are poor sanitation coverage, inadequate waste management, low level environmental awareness and inadequate enforcement while correspondence interventions are increased sanitation facilities, enhanced solid waste management, and promotion of environmental awareness and enhanced enforcement of laws. All these interventions require further definition to identify specific actions to mitigate correspondent changes. Lack of specificity and targets in the interventions may probably explain the lack of costing in the project implementation matrix.

The implementation matrix consists of 141 actions without outputs and clear sets of activities. The responsibility for implementation is highly dominated by state actors. These shortcomings, coupled with lack of prioritization present challenges in implementation, monitoring and evaluation of the plan. Apparently, the district’s State of Environment report prepared annually is not designed as an instrument for reporting progress in DEAP implementation.

Assessed in the light of Section 37 of EMCA 1999 the DEAP has glaring gaps. First, it does not show any patterns in the distribution of natural resources in the district over time. This would require investments on resource assessments and surveys which clearly were not carried out. Moreover the DEAP does not provide any analysis of use and value of natural resources in the district. There are however doubts on the existing capacity in the districts and NEMA to support such a process. Moreover, there is low participation of the private sectors and CSOs in the preparation and implementation process.

In general, the DEAP has useful details and is well written. It has clearly identified areas for action for the five year period and defined an implementation matrix. The projects however appear very ambitious considering current funding level.

2.15 Costs and benefits
For preparation of the present DEAP, a budget was provided of Ksh 6,500 from NEMA. This was obviously grossly inadequate to prepare the plan. Additional expenses made by the CDEMP/CFB for the Nyando District DEAP planning process were estimated by the interviewed EU-Advisor during the present study at Ksh 700,000 (for civil society meeting, Location consultations and DEC meetings, but excluding costs for printing and transportation), whereby it to be noted that the consultations took place in one Location only. Had such consultations been conducted in each of the 6 Locations, then an additional Ksh 1,500,000 would have been required. Benefits of the DEAP process are far more difficult to assess since information lacks on which part of the plan has actually been or will be implemented and with what success. Benefits will however include increased capacity and awareness at least among those that participated that are equally difficult to determine.

2.16 Implementation
Poor funding is manifest in DEAP implementation. Most of the actors identified in the DEAP as implementing agencies are government departments but these are generally poorly funded and there is increased competition for these resources with sector priorities. The DEAP is clear that implementation will be the responsibility of all stakeholders in the district, both government and civil society. Nonetheless, the implementation matrix lacks outputs and indicators as well as timelines to enable monitoring and evaluation. Further, the DEAP is seldom used by departmental heads as basis for drawing annual work plans for seeking funding from their respective Ministry headquarters. Instead, these work plans are motivated by factors such as Ministry Strategic Plan priorities, professional knowledge, public demand, and political influence which at times result in parachuting of projects.

The implementation of the DEAP projects would potentially be funded by numerous devolved funds such as the Constituency Development Fund (CDF) and the Local Authority Transfer Fund (LATF). These are currently operating in parallel without any mechanisms for coordination. As a result, the likelihood for duplication or no implementation at all is high. The Nyando CDF finances project proposals received from the communities which rarely include environment mainly due to high public ignorance on environmental issues. Overwhelmingly,
communities prefer infrastructural projects (schools, roads, sanitation) as opposed to environment and natural resources whose benefits are not immediate, tangible and easily quantifiable. Moreover, unlike in environment projects, politicians can easily brand their names on infrastructural projects once they are completed to enhance their visibility in the constituencies. Politicians are crucial in influencing community perceptions on and response to the environment.

Although the CDF has supported a few environmental projects like the construction of pit latrines and clean-up of Nyando River, these are sporadic. Neither the Local Authority nor the Constituency Committees in the three constituencies have formulated a strategic plan, neither has the CDF committee been provided with any copy of the DEAP, nor the DDP. With an average annual budget of Ksh 58 million, the CDF committee expenditure to environment is estimated at Ksh 1,45 million, being 50% of the 5% emergency component of the CDF.

Arising from the above, the burden of implementing the DEAP is left to the NGOs, CBOs and other well wishers. During this study, it was not possible to establish the level of implementation of the plan considering that it was launched only four months ago. It is however anticipated that LVEMP II, whose geographical scope includes the Nyando basin will finance the bulk of the projects especially in the hotspot areas through CSOs.

Non-implementation of DEAP reflects on the existing gap between policies, legislations and strategies and their implementation. Low skills of the implementing staff, inadequate community involvement, weak linkages between district and Ministry headquarters as well as that between district planning and national budgeting are some of the reasons for this.

2.17 Monitoring and evaluation of the DEAP process
The responsibility for monitoring the implementation of the DEAP is vested on the District Environment Management Committee (DEMC). However, monitoring of the current DEAP is yet to commence as it was only launched in June 2010. Lack of a monitoring framework and commensurate resources is a major hindrance in participatory monitoring approaches envisaged in the DEAP.

2.18 Other issues
The DEO office received a vehicle from the CDEDMP/ CBF project used to facilitate the coordination of environment in the district.

2.19 Other past and ongoing planning activities in the District
Two major studies have been undertaken in the district focusing on flood management. The first was carried out in 1983, when the government invited the Italian consultant Italconsult to undertake a feasibility study of the Nyando and Nzoia River Basins which aimed at finding ways of controlling the flooding and improve livelihoods. Recommendations of this study were implemented in three phases: long-term, medium-term, and short-term.

A second study was undertaken in 2006 and 2007 by JICA with the objective of producing a Master Plan for the management of floods in the Nyando basin. The study adopted an integrated approach linking the upper, middle and lower parts of the basin with a view to improving productivity and sustainability of the land use systems.

The findings of these studies informed the preparation of both the DEAP and the DDP documents.

2.20 Expected implication of the anticipated constitutional change
It is assumed that the Constituency boundaries that currently extent beyond the borders of the greater Nyando will be adjusted to coincide with district boundaries. The greater Nyando District falls in the Kisumu county under the new Constitution. Most people feel that the DEAP planning should be anchored at the county level.

3 District Development Plan (DDP) for Nyando District

3.1 Status
The DDP was completed in June 2009 (printed by the Government Printer). The printed version of the DDP was only received by the DDO one week before the present interview took place (around mid-October 2010).

3.2 Timing
The preparation of the DDP is expected to take three months but actually lasted for over one year period between June 2008 and June 2009.

3.3 Guidelines
The DDP handbook outlines the structure of the DDPs and allows districts to provide sector profiles on a broad range of issues including land use patterns, environment and forestry, agriculture, livestock and fisheries. Other sectors for analysis are wildlife, mining, commerce and industry, tourism and water and sanitation. Additionally, the DDPs should address social sectors.
A striking feature of the handbook is its call to mainstreaming environment into the district development process. It recognizes the intricate linkages between livelihoods and environment and requires DDPs to identify opportunities and define measures to increase access to benefits accruing from the use of natural resources on a sustainable basis.

3.4 Preparation committee
The Nyando DDP was prepared by the District Planning and Monitoring Unit (DPMU) in collaboration with the District Sector Working Groups (DSWGs). The DSWGs were established in accordance with the MTEF. The DPMU produced the first draft that was subjected to stakeholder consultations in four out of five divisions of the district.

The DPMU is comprised of the following members:
- District Development Officer
- District Statistical Officer
- District Agricultural Officer
- District Livestock Officer
- District Works Officer
- District Forest Officer
- Medical Officer of Health
- District Education Officer

Note: the District Environment Officer is not a member of the DPMU.

3.5 Stakeholder consultation
The draft was subjected to stakeholder consultations held in 4 of the 5 divisions in the district. In the ‘preface and acknowledgement’ section of the DDP reference is made to consultations that “were conducted at the constituency and district levels”. However, since the ‘preface and acknowledgement’ sections of all DDPs are the same, we could not establish whether these actually happened and who participated...

3.6 Data gathering and analysis
The DDP identifies a number of data sources used in formulating the plan. (e.g., District Statistical Officer) but does not state whether data have been collected specifically for the purpose of preparation of the DDP (primary data). It is therefore assumed that all data used have been secondary data, and that all data analysis was performed by the DPMU.

3.7 High level coordination, supervision and approval
The District Development Committee provided the overall oversight and approved the plan at the district. The coordination of the DDP process at national level was done through the Rural Planning Directorate (RPD) of the Ministry of Planning. There is overlap in members involved in both DDP and the DEAP preparation which could facilitate environmental mainstreaming.

3.8 Number of copies produced and distributed
The DDO received 200 printed copies but as the study team noted during the visit a substantial number of these were yet to be distributed. These copies arrived only a week before the interview took place.

3.9 Funding
The Ministry of Planning provided Ksh 500,000 for the DDP preparation including the consultations, but excluding printing and transportation costs which were coordinated from Nairobi.

3.10 Promotion of the DDP and perception by potential users
The DDP had just been received and had not been promoted in the district including in the DDC. As a result, it was too early to solicit the opinions of the users. The interviewed Assistant DFO stated that the KWS refers to the DDPs to prepare Annual Work Plans. Note that the Kenyan Forest Service has its own Strategic Plan 2010-2014 (previous was 2005-2009) which outlines priorities in the district.

3.11 Costs and benefits
No information, other than that Ksh 500,000 has been provided by the Ministry of Planning for DDP preparation. As the hard copies had just been received it seems too early to try to assess the benefits. DDPs are generally used for resource mobilization mostly by CSOs and as source of information for research.

3.12 Mainstreaming on environmental issues in the DDP
The handbook for preparing DDPs (the version of May 2009) provides detailed instructions for mainstreaming of, among others, the environment into the DDP process. However of the 141 ‘environmental projects’ identified in the DEAP (that was probably finalized and printed, and certainly distributed after the DDP was finalized) only four (4) ‘environment, water and sanitation’ projects appear in the DDP. Several other sectors dealt with in the DDP contain projects that can be considered as an ‘environmental project’. It is however not an easy task, if not
impossible, to assess which of the projects proposed in DEAP have in fact be included in the DDP, as both documents do not refer to each other, or at least do not refer to each others numbering system. What would be required thus is a mechanism with one document in properly referring to another.

3.13 Implementation

The total cost of the projects in the DDP implementation matrix is over Ksh 1.5 billion, spread out over the entire plan period. Unlike the DEAP, the DDP is actively implemented with the largest portion of the funds coming from the government through respective departments. In the financial year 2009, over Ksh 300 million comprising of recurrent and development was received from the exchequer for DDP implementation. It is however not possible to establish actual expenditure on ‘environment’ as it is scattered across sectors and departments. In practice however, the DDP is rarely the basis for Ministries’ allocation to the districts. In essence, the DDP influence on the Medium Term Expenditure Framework (MTEF) process is limited, leading to high unpredictability in plan implementation. Even if the district heads of department prepare the annual budget, allocations are usually determined in ‘Nairobi’ and actual receipts are usually less than requested. The priorities set out in the Ministries’ Strategic Plans dominate the allocation process to the districts. This is because the Ministries performances are judged on the basis of their strategic plans.

Most people interviewed had not seen a copy of the DDP although they were aware of its existence and even participated in its formulation. Like with DEAP, the CDF, LAFT, and other devolved funds are poorly linked to the DDP process and operate distinctly although they have the same target population. The result is duplication of efforts and wastage of resources.

Some NGOs often refer to the DDP to develop programmes and projects but again this is limited to those NGOs working in close collaboration with the government departments. NGOs contribution in the implementation is however not reported.

3.14 Monitoring and evaluation

The Directorate of Monitoring in the Ministry of Planning has responsibility to monitor plan implementation through the DDO. The DDP has identified 30 monitoring and evaluation impacts/performance indicators which are tracked annually to assess impacts of the DDP implementation. Four of these indicators are related to environment and reflect the district priorities in terms of funding.

Each year, the DDO is expected to prepare the District Annual Monitoring and Evaluation Report (DAMER) showing progress in plan implementation. DAMER tracks the implementation of the projects in the district related to Vision 2030 First Medium Term Plan under the sectors of economic, social and political pillars. The report is prepared by the District Monitoring and Evaluation Committee (DMEC) Secretariat in consultation with key stakeholders drawn from the Government, NGOs, the communities, CBOs, FBOs and private sectors. The DAMER puts focus on monitoring of agriculture and livestock, infrastructure, livelihoods, water resources, conservation and management of environment and sanitation and provision of health services. These sectors are recognized as drivers of growth and poverty reduction in the district.

The current DAMER identifies a number of factors hampering effective monitoring of the Nyando DDP as follows:

- Difficulty to obtain information from some who prefer to operate on their own;
- Most of the targeted outcomes are long term and spread beyond one year;
- A number of departments lack proper measurable targets;
- The capacity of district technical officers to undertake M&E is limited;
- Funding for M&E is not sufficient for most of the departments in the district;
- Inadequate coordination of sector implementing development activities;
- Poor data and information collection and storage system;
- Limited mandate by the DDC to manage devolved funds projects such as CDF and LAFT makes it difficult to obtain data regarding these funds;
- Poorly distributed departmental offices with the headquarters of the District at Awasi but some departments scattered in Ahero, Muhoroni and Kisumu;
- Difficulty in obtaining quality information from some departments in a timely manner.

3.15 Contents and quality of the DDP

The DDP sets outs development priorities to be implemented over a five year period. The projects are scattered across nine sectors namely: agriculture and rural development; trade, tourism and industry; physical infrastructure; environmental, water and sanitation; human resource development; research, innovation and technology; governance, justice, law and order; public administration and special programmes. These sectors are closely linked to those identified as drivers of economic development in the Vision 2030 as well as in the Medium Term Plan. A key strength in this plan is the identification of priority projects through a systematic approach and a problem analysis that entails identification of causes, objectives and strategies.
The handbook defines environmental mainstreaming as integrating development-environment linkages into development planning process. It recognizes the importance of mainstreaming environment in ensuring sound management of natural resources and environmental services at local level for livelihoods and poverty reduction. The environment issues covered in the handbook are land use, environment and forestry, agriculture, livestock, fisheries, wildlife resources, mining, tourism, and water and sanitation. However, the DDP addresses environmental degradation and floods. The drivers of environmental degradation arise from the neighbouring Nandi and Kericho districts and cause severe soil erosion in the newly created Nyakach and Miwani Districts manifesting in galleys. Deforestation, effluent from sugar factories and flooding are other environmental issues addressed by the DDP.

The DDP recognizes the role played by EMCA 1999 and NEMA in coordinating environment issues in the district. However, many challenges face effective implementation of EMCA in the district such as limited influence of NEMA on lead agencies to prioritize environment, extreme climatic events, high poverty levels associated with overdependence on environment resources for livelihood principally charcoal burning and land tenure systems. Additionally, the limited resources (both financial and personnel) available to the DEO office affects implementation of the Act. As a result, although similar themes are addressed by the DEAP and the DDP, out of the 141 projects contained in the DEAP, only a few are included in the DDP - promotion of sustainable land use and environmental conservation, gazetting of Koguta Forest, an afforestation programme, Nyando flood control, and water harvesting and supplies.

Since the DDP covers diverse issues, it would not be possible to incorporate all recommendations of the DEAP. The fact that the two processes were undertaken concurrently adversely affected mainstreaming of the environment. The DDP only identifies main development projects and it is expected that departments will prepare more detailed sector specific work plans to implement it in addition to responding to other emerging priorities. Generally, the DDP is well written and is and the printed copies are of high quality. The projects in the implementation matrix are however many while a few indicators have been chosen to monitor its implementation.

3.16 Other issues
None.

3.17 Expected implications of the anticipated constitutional change
See Section 2.10 above.

4 Provincial Environment Action Plan for Nyanza Province

4.1 Status
The current PEAP was finalized and printed in 2009 and launched in June 2010 with the DEAPs.

4.2 Environment Planning Process for the PEAP and timing
In the entire NEAP process, the engagement of the Ministry of Planning has been rather ad hoc probably due to non-involvement of the Ministry in the drafting of the EMCA 1999 and lack of communication from NEMA to the Ministry to explain its role in the Act. It was assumed that the Ministry could naturally take up its responsibility upon coming into force of the Act.

4.3 Guidelines
The PEAP was prepared on the basis of guidelines provided by NEMA’s Directorate of Environmental Planning.

4.4 Preparation committee
The current PEAP covers the period 2009-2013 and was formulated by a technical committee composed of:
- Provincial Planning Officer
- Provincial Director of Agriculture
- Provincial Forest Officer
- Provincial Geologist
- Provincial Medical Officer of Health
- Warden KWS
- Provincial Water Officer
- Regional Population Officer
- Provincial Director of Environment

The Provincial Planning Officer chaired the committee while the Provincial Director of Environment provided secretariat services. Leadership in the PEAP between the PPO and PDE presented initial challenges as the later was not aware of his role as the chair.
4.5 Stakeholder consultation
No information is available since the PDE who coordinated the PEAP preparation was transferred upon its conclusion. It is assumed that little consultation was conducted other than communication between the members of the PEAP. One meeting of the PEC was held to enrich trans-boundary information and finalize the report. There was no involvement of the CSOs in the entire process.

4.6 Data gathering and analysis
The preparation of the PEAP was informed by several processes including the PRSP, Economic Recovery Strategy for Wealth and Employment Creation, DEAPs and DDPs and Physical Development Plans, Vision 2030 and Medium Term Plan (2008-2012). It was further informed by specific strategies such as the Strategy for the Revitalization of Agriculture, Integrated Water Resources Management Strategy and the Forest Master Plan.

4.7 Supervision and approval
The PEC, under the chairmanship of the PC supervised the production of the PEAP.

4.8 High level coordination
This was conducted at the NEMA headquarters-Directorate of Environmental Planning which coordinated editing, formatting and printing.

4.9 Number of copies produced and distributed
No information on number of copies received in the province was available. However, the PDE indicated that about 30 copies were received in the province and distributed to PEC members. No copies were however distributed to the districts. The PEAP was printed by Scangraphics, a private firm based in Nairobi. The final PEAP was launched in Kisumu in June 2010.

4.10 Funding
The PDE received Khs 6500 from NEMA towards preparation of the PEAP. The contribution from CDEMP/CBF would not be determined.

4.11 Promotion of the DEAP and perception by potential users
The PEAP was launched in June 2010 and copies distributed to PEC members.

4.12 Constraints
Low awareness level among communities on the importance of the environment is a major constraint in planning and implementing environment activities in the district. The district is also confronted by perennial floods which require substantial funds and skills to mitigate. Flooding is linked to land use changes in neighbouring Nandi and Kericho districts. Effectiveness in addressing this challenge is hampered by lack of mechanism for cross border environmental planning.

4.13 Contents and quality of the report
The Nyanza PEAP has four objectives namely: determining cross border environment issues, identify environmental management opportunities, creating synergy and harmony in environmental planning and integration of environmental concerns into socio-economic planning and development in the province. The PEAP contains a synthesis of the twelve DEAPs in the province but is not clear how its objectives will be realised since the province is not the operational unit for planning and implementation. The Nyanza PEAP was developed after all the DEAPs were in place, but concurrently with the NEAP and therefore key priorities in the province were not integrated into the NEAP. However, other than requiring the three processes to happen at national, provincial and district level, EMCA does not define how these levels should feed into each other.

The PEAP covers a range of topics including soil and land use, agriculture, livestock and fisheries, wildlife, biodiversity and energy. Others are human settlement, pollution and waste management as well as industry and trade. Mining and quarrying, hazards and disasters as well as environmental education and governance are other issues addressed in the PEAP. Strikingly, all themes covered by the NEAP are replicated in the PEAPs and DEAPs.

Further analysis of the PEAP shows that most of the identified environmental issues are rather general resulting in general interventions. For example, under soil and land use, soil erosion, low soil fertility and poor drainage are indentified as key environmental issues while contour ploughing, use of organic manure and construction of dykes are some of the proposed interventions. Similarly, socio-economic problems, and poverty and environmental degradation are main environmental issues under land use whose interventions are flood control, wealth creation and promotion of tree planting. Under wetlands, environmental issues include excessive resources harvesting, overgrazing and conversion to agriculture and industry and soil erosion, while some of the proposed interventions are to halt the decline in wetland productivity, maintain wetland biological diversity functions and encourage soil conservation measures. The PEAP identifies water hyacinth as a provincial priority with interventions aimed at controlling its proliferation.
Being an action plan, the PEAP is expected to clearly identify areas of action to improve environmental management in the Province. The proposed interventions should need to be cognizant of the fact that limited implementation happens at the provincial level and should thus focus on trans-boundary issues while district specifics should be taken up by the respective DEAPs. There seems to be a risk in attempting to address a wide array of environmental concerns in a single PEAP, resulting in the PEAP being a sort of State of Environment report for the province. Although this is the first PEAP for the province, it does not provide a baseline to enable establishment of trends in accordance with EMCA. This would require collection of primary data and defining indicators for measuring various environment parameters.

The PEAP provides a useful framework for addressing cross-border concerns but fails to highlight opportunities for improving livelihoods. Just as the Nyando DEAP, the PEAP rarely provides resource quantity and value. The implementation matrix does not priority the issues requiring short-term action while at the same time actions identified are too many, not specific and lack targets to enable monitoring.

4.14 Costs and benefits
The cost of producing the PEAP was estimated at Ksh 300,000, the bulk of which was provided by the donor.

4.15 Implementation
The PEAP puts responsibilities for implementation on lead agencies, NGOs, CBOs, private sector and research organizations. It is too early to assess the implementation of the current PEAP which was only launched in June 2010. The fact that the province is not the operational unit for development implementation complicates the PEAP implementation. Most projects in the PEAP also appear in the Nyando DEAP.

4.16 Monitoring and evaluation of the PEAP process
No information.

4.17 Other past and ongoing planning activities in the Province
None reported or identified.

4.18 Expected implications of the anticipated constitutional change
The new Constitution identifies environment as one of the bill of rights in which case every person is entitled to a clean and healthy environment including the right for the protection of the environment for present and future benefits. It also provides for sustainability in the management of natural resources, public participation and equitable sharing of environment and natural resource benefits.

The Constitution establishes two forms of governments, national and county, and defines the functions of each. The legislative and executive authority of the county is vest in the County Assembly and the County Executive Committee, respectively. A key function of the legislative assembly is to receive and approve as necessary plans and policies for the management and exploitation of the resources within its jurisdiction and those on development and management of infrastructure and institutions.

The environment of natural resource functions are shared between the national and the county governments. According to the Fourth Schedule, the national government is charged with the responsibility to protection of the environment and natural resources with a view to establishing a durable and sustainable system of development, including in particular fishing, hunting and gathering; protection of animals and wildlife; water protection, securing sufficient residual water, hydraulic engineering and safety of dams; and energy policy. The county governments have responsibilities of pollution (air, noise) and implementation of specific national government policies such as soil and water conservation, forestry and fisheries. Further, the country is responsible for storm water management systems and water and sanitation services.

While the new Constitution is not exhaustive on the sharing of functions between the two governments, it is expected that there will be cooperation between the two governments and where necessary establish joint committees to implement specific functions. These may also apply across counties for purposes of for example trans-boundary resource management. To take effect, parliament is expected within four years to enact legislation on the environment. This will entail revision of existing environment and natural resources policies and legislations including EMCA 1999 and the National Environment Policy.

In regard to development planning, the Constitution vests national economic policy and planning in the national government and the county planning and development in the county government. County planning includes statistics, land survey and mapping, boundaries and fencing and housing and energy regulation. National government functions are dominated by policy formulation in agriculture, veterinary, health, housing, etc. Counties are charged with policy implementation and enforcement. Previously, national economic policies were translated at local level through the District Development Planning process. However, Article 17 of the Sixth Schedule calls for restructuring of the provincial administration with a period of five years to accord with and respect the system of devolved government. While as there is unanimity that administration at the provincial level including the PEAP Committee is scraped, there remain divergence views on the fate of the districts.
Several districts constitute a county and Nyando District is one of the 6 districts in Kisumu County. Under Section 176 (2) counties are expected to decentralize their functions and the provision of services to the extent that is efficient and practicable. It is highly likely that most counties will decentralize their functions to district or constituency level, although given the recent trends; the constituency seem a preferred option. Moreover, the Constitution has created additional 80 constituencies and the Interim Independent Boundaries Review Commission (IIBRC) is in the process of reviewing the existing constituencies with a view to determining the boundaries of the new constituencies.
Annex 5  Assessments in Narok District & Rift Valley Province

Prepared by John Nyangena (incorporating field notes by Wandert Benthem)

1  Area descriptions

1.1  Rift Valley Province
Rift Valley is the largest province in Kenya and has an area of 182,000 km², about 30% of the country’s territory. The valley runs through Kenya from Lake Turkana in the north to the south and has several unique geographical features, including the Elgeyo escarpment which is a popular tourist attraction. The largest part of the province falls within the Rift Valley where the land surface between a parallel series of faults drops 130-2000 m below the blocks on either side. The Rift Valley forms a series of lake basins draining internally with no outlet to the ocean. Important geographic features include the extinct volcanoes Mount Longonot and Mount Suswa and Lake Baringo, Lake Bogoria, Lake Magadi, Lake Nakuru, Lake Naivasha, the Suguta Valley, and Lake Turkana. In 2007 it was believed to have a population of 8.8 million (23% of the country’s population) making it the most populous province in the country. The people of the Rift Valley are a mesh work of different tribal identities, and the Kalenjin and the Maasai are two of the best known ethnic groups. The province capital is the town of Nakuru. At the time of the PEAP preparation, the province comprised of 19 districts although this has since been increased to 70. Under the new Constitution, the province was split into 13 counties.

1.2  Narok District
Narok District has an area of about 15,087 km² and is located in south-west Kenya in the southern part of Rift Valley Province. The current DEAP covers the Greater Narok District which in 2008 was split into two in the mean time gazetted districts namely Narok North and Narok South to coincide with the two Constituency boundaries. Information for this study was collected from Narok North District which occupies an area of 4,662 km² and which has a population of 258,000.

The district is semi-arid and pastoralism is the dominant livelihood system supporting over 50% of the population. Although the famous Maasai Mara Game Reserve is located in Narok South, the Narok County Council which manages the reserve is itself located in Narok North.

2  District Environment Action Plan (DEAP) for Narok District

2.1  Current status
The DEO is in his current position for the last 3 years but he was not involved in the DEAP preparation process as that had been completed before his arrival in the district.

Two versions of the Narok DEAP exist; one was provided by the NEMA/HQ and the other was collected from the DEO’s office in Narok town. While the first plan covers the plan period 2009-2013 (as stated in the foreword by the DG/NEMA), the second one has a plan period of 2006-2010 and contains a preface by the DEO. The DEO had not seen earlier or been provided with the NEMA/HQ version covering the period 2009-2013. Both versions vary considerably from each other: e.g. the 2006-2010 version has 17 chapters, 126 pages, and annual budgets in the implementation matrix; the 2009-2010 version has only 8 chapters, 73 pages, and no budgets.

The DEO informed that the 2006-2010 DEAP was finalized in the district and submitted to NEMA for publishing but this was then edited, presumably into the current 2009-2013 version. This latter version includes for example a section referring to “Migori District” (i.e. located in Nyanza Province) suggesting mechanical “cut-and-paste” work conducted for some of its compilation. According to the DEO the DEAP was adopted by the District Development Committee.

2.2  Environmental planning process for the current DEAP
The DEAP process was led by a DEC technical committee dominated by government departments and coordinated by the DEO. The current DEO was not involved in the DEAP as he was transferred to the district after the process was finalized. All committee members have been replaced from the district in the meantime and as a result the district lacks necessary institutional memory. Like in Nyando District, there appears to be lack of clear ownership of the DEAP process in Narok District.

2.3  Timing
Preparation of the Narok DEAP started in 2005 and ended in 2006 when the plan was submitted to NEMA headquarters. There is confusion on the plan period that the DEAP is covering. Although the DEO insists that the correct plan period is 2006-2010, he claims that there were no plans to start preparing a successor DEAP, i.e. for the period 2009-2013. Moreover, this plan period is different from that of the Rift Valley PEAP (2009-2013). Mr
Kopejo, the Education and Awareness Officer at the PDE’s office attributed these differences to time lapse between the end of the DEAP and the start of the PEAP occasioned by lack of funding. The process of preparing the DEAP took about 1 year including data collection, consultations and drafting.

2.4 Guidelines
The guidelines produced by NEMA were used in preparing the DEAP. It emerged that although these guidelines were useful, they were overambitious in the amount and quality of information needed to compile the action plan. Several data were not available in the district and required specific studies.

2.5 Preparation committee
A technical team was responsible for drafting the DEAP. The team composed of the following district institutions:
- Public Health
- District Fisheries
- District Forestry
- District Rangeland
- Water Resources Management Authority
- District Agriculture
- District Statistics
- District Development
- District Environment

The committee was chaired by the DDO while the DEO acted as secretary.

2.6 Stakeholder consultation
Preparation of the DEAP was carried out through a multi-sector approach involving various ministries. Information used to prepare the DEAP was obtained through consultations carried in various locations and divisions in the district. These consultations were conducted through public fora (barazas) with funding from the Arid Lands Project – a World Bank-funded project. However, no clear methodologies were employed during these consultations. A further 2-day stakeholder’s consultation was held at the district level although the participation of CSOs and the private sector was minimal.

2.7 Data gathering and analysis
The DEAP was principally prepared using information obtained from various government departments. Other documents that informed the DEAP are former DDPs, SoEs, PRSP and NEMA’s Strategic Plan. Additional information was obtained during the consultative process.

2.8 Supervision and approval
DEC oversaw the preparation process and adopted the plan before submitting it to the PEC for integration into the PEAP.

2.9 High level coordination
The DEC comprised of government and non-government representatives who provided overall coordination in the DEAP preparation. The DEC includes 10 non-government members who are gazetted for a period of three years. The effectiveness of the DEC is greatly hampered by lack of financial allocations which mean members serve basically on a voluntary basis. This is paradoxical given that the DEC is an institution under EMCA. On an ad hoc basis the DEO receives funds to facilitate DEC meetings.

2.10 Number of copies produced and distributed
Only 9 CDs and 7 hard copies printed and bound at the DEOs office have been distributed, mainly to DEC members. The DEAP has not been published yet and this has affected circulation of the document in the district.

2.11 Funding
NEMA allocated Ksh 6,000 for the preparation of the DEAP which was insufficient to compile the plan. The Arid Lands Programme provided an additional Ksh 300,000 to this process, mainly for consultative meetings. The DEO estimates that on average an amount of Ksh 500,000 would be required for preparation of a DEAP.

2.12 DEAP promotion and perception of usefulness by government and other potential users
Except in the DEC meetings, there are no mechanisms to promote the DEAP in the district. Very few copies were produced and circulated. Although most people interviewed were aware of this process, they had not seen a copy of the current DEAP. Environment CSOs are particularly sidelined in the environment planning process and often view it as a NEMA responsibility. Generally, the environment seems voiceless in the district.

2.13 Constraints
Various factors impede the mainstreaming of environment into development. The whole process is poorly funded and this hinders participation of key stakeholders, among which are CSOs private sectors and communities.
Funding also greatly negatively affects plan implementation: of the about Ksh 1 billion required for plan implementation the DEO estimates that 30% at maximum has been made available. Implementation is not coordinated, at least not by the DEO; parties seem to do their own thing. Monitoring of plan implementation is not happening and there is no reporting back. The last State of Environment Report for the District was made for FY 2005-2006.

The low awareness level on the importance of environment is another factor affecting environmental planning. This is manifest in the low level of prioritization of environmental issues by communities in the utilization of devolved funds, particularly the CDF. Even politicians tend to be ignorant of the benefits of investing in the environment and usually redirect the 2% annual budget allocated for ‘environment’ to other sectors such as education.

Other constraints as noted by the DEO include the difficulty in getting data from the communities and the field, the difficulty of involving NGOs in the DEAP process, sometimes unclear instructions from NEMA, lack of a clear land use policy in the district.

Finally, the capacity of the DEO to coordinate environmental matters in the district is another constraint to environment planning. The office has only one staff (i.e. the DEO) and lacks adequate resources to carry out effective coordination. In addition, this low capacity is causing weak enforcement of the environment law.

2.14 Quality of the DEAP (presentation, structure, range of topics covered, depth, etc.)

The DEO version of the DEAP comprises of 17 chapters with a preface by the DEO. It has numerous tables appearing in the body of the Plan with different formats which at times make the report difficult to read. This is complicated by lack of a list of tables. At the same time, many tables have missing data on several variables. Generally, the current DEAP requires formatting to make it more presentable.

The range of topics addressed by the Narok DEAP is similar to those covered by the Nyando DEAP. These topics were determined by the guidelines which also established the structure of the DEAP. Under each thematic area, the plan has identified the main issues and proposed interventions. These are then summarized in the implementation matrix which consists of projects in seven thematic areas with corresponding budget. The available DEAP is a computer printout which has been spiral bound.

2.15 Costs and benefits

NEMA provided Ksh 6,000 for DEAP preparation. Additional funds amounting to Ksh 300,000 were provided by Arid Lands Project which was mainly used for community consultations. Many people interviewed failed to confirm they were implementing the action plan. The DEO explained that the plan is being implemented in piece meal although this was difficult to ascertain. Many people view the DEAP as a tool for fundraising for the environment.

2.16 Implementation

The implementation strategy outlined in the DEAP seeks to include players in the public and private sector in its implementation. It recognizes the cross-cutting nature of the environment and calls for the integration of the environment into development at all levels. The DEC is expected to provide a mechanism for coordinating implementation of the DEAP.

The cost of implementation was estimated at Ksh 1 billion over the five year period, an amount equivalent to 2.7% of total district income. The District Commissioner who was interviewed during the visit summarized the main environmental challenges as: Mau rehabilitation, flooding, quarries, unregulated charcoal production, all of which are currently poorly funded.

Although the plan period ends in 2010, it was difficult to obtain information on the extent of its implementation. However, a few activities identified in the implementation matrix have been undertaken. The main one is the creation of Divisional and Location Environment Committees, while the sewage treatment system for Narok town is under consideration by the Narok Town Council. The implementation matrix shows that this project was scheduled to start in 2006 and end in 2010 at an annual cost of Ksh 100 million.

The majority of people interviewed were involved with tree planting activities, the latest initiative being the recently launched government Economic Stimulus Programme (ESP). The ESP benefited 20 schools with Ksh 60,000 for tree planting. Given the low coordination capacity in the district, there is high potential for duplication.

Just like in Nyando District, the CDF and LATF seldom support environment activities despite being dominated by local representatives. This is a lesson for environment planning at the new counties.
2.17 Monitoring and evaluation of the DEAP process
The DEC is responsible for monitoring and evaluation of the DEAP but lacks resources and a monitoring system which hamper effective monitoring. The annual District SoEs designed as instruments for monitoring the environment are no longer carried out. The last SoE in the district was undertaken in 2006.

2.18 Other issues
The low capacity of the DEO to coordinate environmental matters in the district is a big concern to most people interviewed. The office is currently hosted by the Ministry of Agriculture and lacks basic facilities such as a vehicle.

2.19 Other past and ongoing planning activities in the District
The restoration of the Mau Forest Programme spearheaded by the office of the Prime Minister is ongoing in the district. This programme has helped raise the environment agenda both in the district as well as at national level. Successful implementation of this initiative will improve the state of environment in the district and help construct a case for strong political will/champions in delivery of environment results.

2.20 Expected implication of the anticipated constitutional change
As already highlighted in the Nyando report, there is no consensus on how environmental planning should be continued in the devolved system of government. The DEO was of the opinion that the status quo should be maintained whereby each district will continue to prepare and implement individual DEAPs with guidance from the national government (NEMA). At the same time, the DDPs should be developed by the districts but with better linkages and timing with the DEAP. Mechanisms should be put in place for the counties to coordinate the implementation of the DEAPs within their jurisdiction.

3 District Development Plan (DDP) for Narok District
The current DDO took up his current position only 1 month ago, having joined the Ministry in July 2010.

3.1 Status
Following the split of Narok District into Narok North and Narok South, two DDPs were prepared but only the one for Narok North has been published. By end-October 2010, the Narok South Plan had not been received from the government printer. Narok North DDP covers the period 2008-2012 and comprises four chapters. Although the preparation of the plan was completed in 2008, it was printed in June 2009 and copies were only received in the district in June 2010.

3.2 Timing
According to the DDO the DDP preparation process started in June 2008 and ended in June 2009. The DDP therefore started after Narok DEAP had already been finalized.

3.3 Guidelines
The preparation of the DDP was based on guidelines developed by the Rural Planning Directorate in the Ministry of Planning, National Development and Vision 2030. These guidelines were however not available in the DDO’s office.

3.4 Preparation committee
The first pages of the DDP include a section on the process of preparation. The plan was prepared by the District Planning and Monitoring Unit (DPMU) in collaboration with members of the District Sector Working Groups (DSWGs). The DPMU is comprised of the following members:

- District Development Officer
- District Statistical Officer
- District Agricultural Officer
- District Livestock Officer
- District Works Officer
- District Forest Officer
- Medical Officer of Health
- District Education Officer

There are 10 DSWGs in the district established in line with the national Sector Working Groups as follows:
1. Agriculture and Rural Development
2. Trade, Tourism and Industry
3. Physical Infrastructure
4. Environment, Water and Irrigation
5. Human Resource Development
6. Research Innovation and Technology
7. Governance, Justice, Law and Order
8. National Security
9. Public Administration and International Relations
10. Special Programmes.

The DSWGs contributed sector drafts which were used to compile the final DDP. The DEO belongs to the DSWG on environment, water and irrigation. Information was not available in the district on how the working groups operate.

3.5 Stakeholder consultation
Information in the plan indicates that consultations were conducted at the constituency as well as at the district level. However, this is standard information appearing in all DDPs on the preface and acknowledgements. Given that Narok North has only one constituency and the DDO is new, it was not possible to establish how consultations were conducted at the two levels.

3.6 Data gathering and analysis
The Narok DDP was entirely prepared using information submitted by the DSWGs. No primary data was collected to inform this process except for stakeholder consultations.

3.7 High level coordination, supervision and approval
The office of the DC and the District Development Committee provided overall oversight and subsequently approved the plan. The DDC is constituted of district government officers, NGOs, FBOs and the private sector. DDC meetings are held quarterly and the last meeting took place in June 2010.

3.8 Number of copies produced and distributed
The district received a total of 200 copies which were distributed to all DDC members and a good number are still available in the DDO’s office. One copy is also placed at the District Information and Documentation Centre for public reference.

3.9 Funding
Ksh 300,000 was provided by the Rural Planning Directorate towards the preparation of DDP. This did not cover editing and printing costs which were funded from the Ministry headquarters.

3.10 Promotion of the DDP and perception by potential users
The DDP has been promoted in the DDC which is the highest development organ in the district. The 2008-2012 DDP is the 8th Plan produced for the district and many people interviewed were aware of the existence of the plan and appreciated its important is guiding the development process of the district. Nonetheless, the DDP is not widely referred to by government departments and CSOs while developing annual plans and budgets.

3.11 Costs and benefits
The cost of preparing the DDP was Ksh 300,000 excluding the cost of editing and printing. The preparation of the DDP enabled consultations at the constituency and the district level. Although the DSWGs contributed towards the preparation of the plan, weak linkages between the DDP and the budget allocation process at the Ministry headquarters hinder funding of priority projects. At times the DDP is used by CSOs as a tool to resource mobilization.

3.12 Mainstreaming of environmental issues in the DDP
Both the DEO and the DDO recognize that Narok District is well endowed with natural resources which support livelihoods and contribute to national economic development. The Mara River which originates from the Mau forests located in the district is an ecosystem of global significance. Although the DEAP has proposed activities for its conservation very few projects appearing in the DEAP are reflected in the DDP. The DDP handbook provides for integration of environment but this has not been achieved in DDP. This is probably due to the fact that the DEO was not a member of the DPMU to facilitate the integration.

Under its section on environment the DDP identifies projects in pollution, quarrying, rehabilitation of degraded lands, tree planting and forest conservation. Surprisingly, preparation of the DEAP is one of the projects in the DDP scheduled for 2008-2011 at a cost of Ksh 4 million.

3.13 Implementation
The implementation matrix comprises of 110 projects and a total budget of Ksh 1.7 billion. Funding for implementation of the plan is mainly expected from the government and donors. The previous 2002-2008 DDP had 119 projects and implementation level was 58% with donor funded projects recording higher implementation.

Devolved funds in the district include CDF, LATF, HIV/AIDS, CDTF, FPE, fuel levies and constituency bursary and these are potential sources of funding of the DDP. However, most of these operate independently.
3.14 Monitoring and evaluation
The District Monitoring and Evaluation Committee (DMEC) is responsible for monitoring of the DDP. The DMEC is drawn from the DSWG and comprises of the District Commissioner, District Development Officer, District Procurement Officer, Drought Management Officer, District Medical Officer of Health, District Agriculture Officer, District Works Officer, District Education Officer, and the District Water Officer.

The DDP has defined 71 performance indicators used to assess progress of implementation. These indicators are spread across nine sectors as follows:

<table>
<thead>
<tr>
<th>No.</th>
<th>Sector</th>
<th>No. of Indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Agriculture</td>
<td>6</td>
</tr>
<tr>
<td>2.</td>
<td>Livestock</td>
<td>8</td>
</tr>
<tr>
<td>3.</td>
<td>Forestry</td>
<td>4</td>
</tr>
<tr>
<td>4.</td>
<td>Cooperatives</td>
<td>3</td>
</tr>
<tr>
<td>5.</td>
<td>Health</td>
<td>20</td>
</tr>
<tr>
<td>6.</td>
<td>Education</td>
<td>12</td>
</tr>
<tr>
<td>7.</td>
<td>Water and Sanitation</td>
<td>13</td>
</tr>
<tr>
<td>8.</td>
<td>Energy</td>
<td>2</td>
</tr>
<tr>
<td>9.</td>
<td>Physical Infrastructure</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>71</strong></td>
</tr>
</tbody>
</table>

The district receives Ksh 70,000 annually for the preparation of the DAMER but the last report was produced in 2006 for the 2002-2008 plan. No report is available for the current plan which was received in June 2010.

3.15 Quality of the DDP
The DDP consist of four chapters. C1 gives a profile of the district in terms of physical description, demographic and sector profiles. The chapter further presents a district fact sheet on diverse issues. Natural resources in the fact sheet include fish, water and sanitation, energy, wildlife. Environment facts covered are the number of EIA approved, environmental audits undertaken and number of solid waste sites. Information on number of quarry sites is also included. C2 provides a review of the previous plan including constraints and lessons learnt. It also outlines major development challenges and gives analysis of development issues, causes, objectives and strategies for the current plan. C3 gives development programmes and projects while C4 presents the monitoring and evaluation mechanism for the plan. An M&E matrix for each sector is presented which consists of project costs, time frame, indicators, implementing agency, source of funding and responsible stakeholders. Although the Plan has a section SWOT, it is not clear how the results were used to identify sector priorities.

3.16 Other issues
None

3.17 Expected implications of the anticipated constitutional change
The constitution shifts the operational unit from the district to the county. The DC and the DDO were not sure of how the districts will be restructured in line with the devolved system of government. Narok North district falls in Narok County and according to the DDO the county should be responsible for County Development Planning and therefore prepare a detailed plan which sets the development vision of the country. Constituencies should then prepare annual work plans to implement the plan.

Focusing at the counties would ensure local ownership of the planning process and encourage coordination across devolved funds. This could reduce current duplication by stakeholders.

4 Provincial Environment Action Plan for Rift Valley Province

4.1 Status
The Rift Valley PEAP covers the period 2009-2013 while most DEAPs in the province cover the period 2006-2010. The variation in plan period was occasioned by delays in start of the PEAP process following finalization of the DEAPs. The PEAP was finalized in 2009 but only one hard copy was available in the PDE’s office.

4.2 Environment Planning Process for the PEAP and timing
The PEAP process started in 2008 and ended in 2009. Preparation of the PEAP entailed a synthesis of cross cutting issues identified in the DEAPs.
4.3 **Guidelines**
The PEAP followed guidelines prepared by NEMA headquarters. The guidelines demanded a lot of information most of which was lacking in the province.

4.4 **Preparation committee**
A Technical Committee approved by the NEAPC was responsible for drafting the Rift Valley PEAP. The committee composed of the following officers from the district’s departments:
- Provincial Planning Officer
- Provincial Director of Agriculture
- Provincial Forest Officer
- Provincial Fisheries Officer
- Provincial Geologist
- Provincial Medical Officer of Health
- Warden of KWS
- Provincial Water Officer
- Regional Population Officer
- Provincial Director of Environment

The committee was chaired by the Provincial Planning Officer while the Provincial Director of Environment provided the secretariat and coordination.

4.5 **Stakeholder consultation**
No consultations were conducted during the preparation of the PEAP.

4.6 **Data gathering and analysis**
The PEAP was based on the information contained in the DEAPs in the province. Additional information was obtained from documents available in government departments at the province. Limited consultations happened during information gathering.

4.7 **Supervision and approval**
The Rift Valley PEC provided the final approval and adoption for the PEAP. The PEC comprises of relevant government departments and 6 gazetted members representing farmers, business community, NGOs, women, youth and livestock owners. The members are gazetted for a period of three years. The PDE receives Ksh 30,000 per quarter to facilitate PEC meetings although this is not regular. The PPO noted that the effectiveness of the PEC is largely determined by its chairman.

4.8 **High level coordination**
The PDE provided coordination to the technical committee during PEAP preparation.

4.9 **Number of copies produced and distributed**
During the field visit, there was only one hard copy of the PEAP available in the PDE’s office. The consultant requested NEMA to send a soft copy of the plan to the PDE for circulation.

4.10 **Funding**
A paltry Ksh 6500 was availed for the PEAP preparation an amount which the former PDE said was inadequate.

4.11 **Promotion of the PEAP and perception by potential users**
The PEAP is normally promoted in the PEAP meetings. The PPO underscored the significance of the plan at the provincial level to address cross border issues which may not be effectively planned at the district. Limited copies of the PEAP at the PDE’s office hinder its promotion.

The PEAP is meant to be incorporated into the NEAP which should be approved by the National Assembly. However, no NEAP has ever been adopted by the National Assembly a situation that precludes promotion of the PEAP in the province. The process is regarded as unfinished.

4.12 **Constraints**
Environmental planning in Rift Valley is constrained by four key factors namely inadequate resources, vastness of the province with diverse issues, insufficient information and data and low awareness level on environment among communities and leaders. There are also ownership problems of the process whereby it is not clear who is responsible for overall coordination of the PEAP.

4.13 **Quality of the report**
The PEAP is poorly formatted including the table formats. Most sections are incomplete and need to be merged with others to make them more meaningful. For example, Table 8 presents statistics on forestry without any
analysis while the entire section 2.6.2 contains only a list of 20 national parks and reserves in the province without giving further information. Section 2.7.8 provides proposed interventions for sustainable biodiversity while section 2.7.9 has a table on priority environmental issues and interventions. The linkage between these two sections is missing. Page 24-30 of the plan comprise one continuous table containing information on soil type and potential use but lacks analysis on threats and trends.

Table 15 seeks to provide the types and trends in industrial development in Bomet District but has very limited figures. There is some mix up in the implementation matrix where information on remarks is capture under responsible institutions. In addition, activities in the implementation matrix have no budget.

4.14 Costs and benefits
The cost of producing the PEAP was Ksh 6,500 and upon finalization it was submitted to Nairobi for incorporation into the NEAP. No activity is implemented from the province as all projects are captured by DEAPs.

4.15 Implementation
The PDE could not provide information on implementation of the PEAP. He noted that environment is increasingly becoming important among the lead agencies but facts to support the claim were hard to come by. Main environment projects ongoing in the province include sewage facilities, sanitary landfills and forest restoration. As mentioned in the Nyanza report, the province is not the operation unit in terms of programme implementation in government.

Most projects identified in the PEAP are implemented either by the local authorities or government departments at the district level. There are also overlaps in PEAP and DEAP projects making it difficult to evaluate PEAP implementation in isolation.

According to Section 39 of EMCA, every PEC is required every five years to prepare a PEAP and submit it to the chairman of the NEAP committee for incorporation into the NEAP.

4.16 Monitoring and evaluation of the PEAP process
No M&E system is in place for the Rift Valley PEAP. Unlike in the districts, a SoE was not conducted at the provincial level.

4.17 Other past and ongoing planning activities in the Province
Rehabilitation of the Mau complex is currently ongoing in the province. Successful implementation of this activity will greatly improve the condition of the environment, strengthen governance and promote environmental awareness in the province.

4.18 Expected implications of the anticipated constitutional change
The new Constitution does away with the provincial level and by implication the PEAP. Proposals on the future of environmental planning were given by the PDE and PPO. Changes in the current environment planning should aim at strengthening compliance and enhance ownership.

Counties should formulate County Environment Plans (CEPs) with technical support from NEMA. CEPs should then be linked to the NEAP to be lead by the Ministry. By this way, counties will have greater responsibility for the environment and improve its implementation.

The role of NEMA in environment planning should therefore be reduced but enhance its supervisory, monitoring and enforcement functions.
Annex 6  Assessments in Marsabit District & Eastern Province

Prepared by Wandert Benthem

1  Area descriptions

1.1 Eastern Province
In terms of area, the province is the second largest (159,891 km²) in the country (27% of the country’s territory). The province is principally inhabited by the Meru and Kamba and several pastoralist communities. In 1979 its population was 2.7 million; in 1999, 4.6 million (according to the 1999 census) – data on current population numbers have not been found. Eastern Province includes the Chalbi Desert, Mount Kenya, and the eastern half of Lake Turkana. The climate is arid to semi-arid. Its most important permanent river is Ewaso Ng’iro. During preparation of the PEAP the province consisted of 13 districts. Under the new Constitution, the province has been divided in 8 counties. The province’s capital is the town of Embu.

1.2 Marsabit District
The District Environmental Action Plan (2010; first published in 2006) was prepared for the ‘Greater Marsabit District’, i.e. including Laisamis and Chalbi regions, however by 2010 this area had been subdivided into 7 smaller districts, that reportedly all have been gazetted. This territory (66,000 km²) made in (in 2006) the second largest district in the country and covered about 11% of total Kenya.

Most of the Greater Marsabit District consists of extensive plains lying between 500 and 700 m asl, with three isolated mountain ranges with elevations up to 2000-3000 m asl, the district’s capital Marsabit lies on top of one of these. Rainfall is between 300-800 mm annually. Population in the district is currently estimated at 150,000, of which one-third (50,000) in Marsabit town alone.

2  District Environment Action Plan (DEAP) for Marsabit District
Meetings were held with the DEO Marsabit in his office on 4 and 5 November 2010. The DEO is in his current position since 2004. He has been involved in the entire DEAP preparation process. At present he is the DEO for the Greater Marsabit District as well as for Moyale District, both will form one County under the new Constitution. Although the DEO had some assistance of a secretary for some time (during DEAP preparation) he is the only environmental officer in the two districts, and he has no support staff. The DEO has been provided with a car.

2.1 Current status
The DEAP was approved by the DEC in about June 2009, and submitted to the PEC in about September 2009. The document received from NEMA is dated as “2010, first published 2006” and covers the period 2009-2013. The DEO uses an earlier version of the draft DEAP and had not seen NEMA’s ‘final version’ yet.

2.2 Environmental planning process for the current DEAP
The DEAP preparation process is described in the DEAP in its section 1.2. In late 2004 the DEO received the instruction of NEMA to start preparing the DEAP. In early-2005 the DEO received some regional training in DEAP preparation. A DEAP Technical Committee was formed. Technical Committee members prepared technical chapters for the DEAP that were then compiled into a draft document by the DEO’s secretary; the DEO reviewed and revised then the document into its final version. Much information included in the DEAP stems from a GTZ Indigenous Vegetation Project (2003-2007) funded by GEF, that also assisted in the organisation of and payment for workshops for stakeholders.

2.3 Timing
Preparation started in late 2004. After about 3 months a first draft was presented to the DEC, chaired by the District Commissioner. A near final version was available in mid-2005. Remarkably, it took then almost 4 years before the DEAP was submitted to the PEC for approval.

2.4 Guidelines
The DEAP was prepared ion the basis of guidelines provided by NEMA.

2.5 Preparation committee
The DEAP was prepared by the DEAP Technical Committee, consisting of about 8 members. It convened about 6-7 times during preparation of the DEAP.

2.6 Stakeholder consultation
Two main stakeholder consultation one-day events took place: at the start of preparation and at the end for validation of the findings. GTZ paid for these events. Each event had about 60 participants.
2.7 **Data gathering and analysis**
Data are mostly secondary data. Part of this stems from the GTZ project.

2.8 **Supervision and approval**
The DEC supervised the DEAP preparation and approved the final version.

2.9 **High level coordination**
NEMA HQ staff visited the region occasionally (once or twice) during preparation of the DEAP and then issues were discussed.

2.10 **Number of copies produced and distributed**
The document has not been printed. Once approved, the DEO distributed the final version (of June 2009) digitally and in hard copy to the members of the DEC in Marsabit.

2.11 **Funding**
The DEO received very limited funding for the preparation of the DEAP, i.e. some Ksh 6,600. The two stakeholder consultation workshops were paid for by GTZ. The DEO estimates the required funding for preparation of the DEAP as follows: stakeholder meeting for 60 pp: Ksh 100,000-120,000, including meals, accommodation and transport for participants (2x); technical committee (8 pp) meetings: Ksh 60-70,000; data collection and movement in the greater Marsabit district: Ksh 100,000 for fuel and accommodation (a car has been donated by GTZ to the DEO). Total costs for DEAP preparation are therefore estimated at Ksh 360,000 – 410,000.

2.12 **DEAP promotion and perception of usefulness by government and other potential users**
Active promotion of the DEAP once completed was not done. No printed copies were made. The DEO and the other interviewed in the district consider the document as “very important”.

2.13 **Constraints**
Key constraints in preparing of the DEAP are:
- Very little funding for DEAP preparation
- Little or no support staff; difficult to combine DEAP preparation with other DEO duties (such as inspections, EIA work)
- Vastness of the district, long and difficult travel distances
- Logistical challenges

2.14 **Quality of the DEAP (presentation, structure, range of topics covered, depth, etc.)**
The DEAP was prepared in 2006 but it states that it covers the period 2009-2013. Much of the information presented is old and may be severely outdated (e.g. population data are from 1999; crop and livestock production trends are of the 1990’s). Part of the recommended activities, projects and programmes in the implementation matrix, stem from the DDP for the previous planning period (i.e. 2002-2008), reportedly. Further editing would have improved the quality of the document: e.g. the important implementation matrix extends beyond the page margin and is therefore invisible – because of this required estimated budgets for each of the 5 planning years are not visible; headers above tables that expand beyond the page; units are not always provided. Activities in the implementation matrix should have been numbered which would have eased the referencing to these activities (e.g. in other plans such as the DDP). The document lacks any sort of mapping or other illustrations. Note: the earlier draft DEAP, that the DEO is using, shows an implementation matrix with numbered activities. Earlier SoE reports do include some mapping and illustrations. Overall, it is felt that the document provides a reasonable description of the main environmental issues in the district.

Possible improvements of the DEAP as seen by the DEO include:
- More involvement of NEMA HQ staff, e.g. more regular visits to the district;
- Cluster districts where conditions and issues are similar, for example for organizing regional workshops, as done by the World Bank project;
- Include mapping and/or other illustrations.

2.15 **Costs and benefits**
A very small amount was received from NEMA (Ksh 6600). This was supplemented by funds received from donor funded projects (GTZ).

2.16 **Implementation**
There is no recent document that reports on the state of DEAP implementation – the latest (SoE) is of 2007-2008 (see section 2.17). Some of the recommended activities in the DEAP (implementation matrix) have been taken up by others (the DEO has no funding for implementation). These include the establishment of tree nurseries; afforestation; measures to control forest encroachment; water points for animals created; water tanks distributed; community drug stores established; training in rangeland management conducted; several bee hives provided;
various other training and awareness campaigns organized; establishment of Environmental Management Committees in all Locations (with Danida funding). However, no document exists that details what (which activity and at what scale) was done by whom, when, and what sort of funding was provided (how much).

2.17 Monitoring and evaluation of the DEAP process

Implementation of the DEAP is (or should be) reflected in annual District State of Environment reports. The last SoE was from 2007-2008, issued in June 2008. SoEs for the following years (2008-2009 and 2009-2010) were not prepared as the DEO was not provided by NEMA with the required funding. In 2007-2008 the DEO received Ksh 50,000 for SoE preparation, in 2009 and 2010 nothing. A fair amount for SoE report preparation is according to the DEO Ksh 60,000.

For NEMA and its officers as the key coordinator of management of environmental issues it becomes thus very difficult if not impossible to conduct M&E this task without a properly financed mechanism in place. However, quarterly meetings are being held by the DEC, chaired by the DC, were progress in implementation of the DEAP are being looked at. These meetings result in meeting minutes that are sent to NEMA/HQ.

2.18 Other issues

The DEO recommends that there should be better synergy between DEAP and other development plans such as the DDP; at present issues addressed in the DEAP are insufficiently captured in the DDP. The next DDP is to cover the period 2013-2017. Assuming a new government is elected in mid-2010, then the next DDP, reflecting the district development plan for the next 5 years should be ready by let us say December 2012. Then the next DEAP (2013-2017) should be available (i.e. printed and distributed) by June 2012.

2.19 Other past and ongoing planning activities in the District

Other planning activities are the DDP 2008-2012, the District Physical Plan, and the Constituency Development Plan. However for the last one there is no linkage at all with the DEAP. The DEO is however called to participate when other district plans are being formulated; he also undertakes EIA for new developments.

In Marsabit District the DEC has established Environmental Management Committees at Location level, i.e. in 58 Locations, including 28 on the mountain. These EMCs were trained with Danida funding, i.e. about Ksh 7 million over a 18 month period in 2008-2009. The District Forest Officer referred to these EMCs as very important and useful in controlling forest encroachment in the district and on the mountain.

Remarkably, no mention is made in the DEAP to the planning and construction of a Ksh. 2 billion costing dam/water reservoir inside the Marsabit National Park that is to provide water to Marsabit town, and its environmental impacts, e.g. on the NP itself and its surroundings. During the visit to Marsabit district a visit was made to the dam construction site as well.

2.20 Expected implications of the anticipated constitutional change

The DEO and District’s Forester recommend that future DEAPs to be based on ecological boundaries instead of administrative boundaries, such as is being done by the Water Department (which plans/works on the basis of (sub)catchments), the Kenyan Wildlife Service (which plans/works on the basis of regions), and the Kenyan Forest Service (which plans/works on the basis of Conservancies (8) and Zones (47)). Several districts, where ecological conditions are similar could be lumped, and for these areas one DEAP could be made. For example, for the greater Marsabit district 3 DEAPs are recommended: the Saku mountain, the Turkana lake area and the lowlands.

In the opinion of the acting District Commissioner the New Constitution is very clear on ‘the environment’ and believes that this will empower implementing agencies and controllers in better management of the environment. He also believes that more funding will be come available, especially for the very fragile environment in the Marsabit district. The district authorities are trying already some control activities but this is limited so far due to lack of sufficient funding.

Both the DEO and DFO are of the opinion that it is necessary to create County Environmental Committees and prepare and implement County Environmental Action Plans, but also to prepare DEAPs, if necessary and convenient for clusters of districts. DEOs will be required as well under the new Constitution.

3 District Development Plan (DDP) for Marsabit District

A meeting was held with the DDO in his office on 5 November 2010. The DDO is in his current position for the last three years. He did the compilation of the latest DDPs for the greater Marsabit District, i.e. three DDPs, one for Chalbi, one for Laisamis and one for the mountain area.

3.1 Status

There are three DDPs for the greater Marsabit District: Chalbi, Laisamis and the mountain area. The DDPs for former two areas have been printed by the government printer in June 2009; the one for the mountain area has
not been printed yet. It was stressed by the DDO that contrary to the DEC and DEAP preparation neither the committees for preparation and approval of the DDP nor the DDP itself are anchored in any law and that these have therefore no legal backing.

3.2 Timing
Preparation of the DDP for the greater Marsabit area started in early 2007 on the basis of guidelines provided by the Ministry of Planning in 2006. A first draft version of this DDP was ready by end 2007. Revised guidelines as well as the subdivision of the district in smaller districts following the early 2008 elections required that the DDP was divided in three DDPs – these DDPs were completed in draft by mid-2008. Printing was done in June 2009. Hard copies of the report were received by the DDO in August 2010.

3.3 Guidelines
The DDPs were prepared on the basis of guidelines provided by the Ministry of Planning. During the process of DDP preparation these guidelines were revised (sometimes quite substantially) some 5 times, This has caused sometimes confusion on which guideline to use and frustration as near final versions had to be modified another time, while the resources to do this had been spent already. Newer versions of the guidelines became progressively more participatory.

3.4 Preparation committee
The DDO was the main compiler of the DDPs. A District Development Committee and about 9 District Sector Working Groups, consisting of district heads and technical staff of departments, provided sector reports and departmental annual work plans, on the basis of which the DDPs were compiled.

3.5 Stakeholder consultation
Some stakeholder meetings were held in the beginning of the preparation process but as resources had been used up quite soon, further consultation took place in one-to-one discussions between the DDO and department heads.

3.6 Data gathering and analysis
Mostly secondary data were used; the analysis was conducted by the department heads and the DDO.

3.7 High level coordination, supervision and approval
Within the Ministry of Planning there was a DDP Editorial Team that did the editing of the DDPs. The final versions of the DDPs were approved by the District Executive Committee, i.e. in about April 2008.

3.8 Number of copies produced and distributed
About 200 printed copies of each DDP were received by the DDO in August 2010. Some of these have been distributed, mostly in the various district committees. The rest will be distributed among key stakeholders as soon as funding has been received to do this (i.e. in the larger Marsabit District). An official launch of the DDP for chiefs, NGOs, CBOs etc. has not taken place as yet.

3.9 Funding
The district received Ksh 300,000 from the Ministry of Planning for the preparation of the DDP, however this fund soon became depleted and was not enough to make the needed modifications as a result of new guidelines, so only the bare minimum was done in terms of consultations and training in the application of the guidelines. According to the DDO about Ksh 1 million would be needed for proper preparation of a DDP, including consultation and training.

3.10 Promotion of the DDP and perception by potential users
As the printed versions of 2 of the 3 DDPs have been received recently and as no funds have been provided for wider distribution, little promotional activities have been conducted by the DDO. Although the DDPs are widely considered as important and useful documents, they have no legal backing, and therefore other organisations, particular NGOs do not feel it obligatory to inform the DDO about their activities. This implies that according to the DDO some agencies conduct activities that are not in accordance with the DDP while also some duplication of effort is taking place.

3.11 Costs and benefits
See 3.9 above. As the printed document has become available only recently, there is no clear indication as yet of the benefits that it has accrued.

3.12 Mainstreaming on environmental issues in the DDP
The DDPs contain one section dealing with ‘environment, sanitation and water’. In the Chalbi DDP this section contains 23 proposed activities of projects of which 21 deal exclusively with water supply topics. In the Laisamis DDP contains 27 of such activities or projects, 25 of these are about dam, pan, borehole or shallow well construction. With some difficulty in the DEAP for Marsabit 4 water projects are identifiable, but it is not clear which of these refer to those included in the DDPs, due to the lack of a referencing system. It appears that the
DDP provides more detail than the DEAP, not only for the water sectors but for most of the sectors mentioned. In conclusions is thus difficult, if possible at all to assess to what extent activities and projects in the DEAP are included in the DDPs.

3.13 Implementation
The DDO prepares annual DAMER reports in September that provide an update of development achievements in the previous financial year. These may include developments as well that have not been mentioned in the DDP. The DAMER does not provides statements and in a systematically way on each and every activities or project mentioned in the DDP. According to the DDO some 70% of the activities and projects mentioned in the DDP have been implemented, for some the target has even been surpassed. In this district there specifically a good working relation with the Saku CDF Committee; the DDO participated in the development of the Saku CDF Strategic Plan 2010-2015 which is available in draft. The CDF’s annual budget for last financial year was Ksh 38 million, for the present year a budget is expected of Ksh 60 million. Part of this fund is expected to become available for DDP implementation.

Another potential fund is the Arid Lands Resource Management Programme of the Ministry of Northern Kenya through which some Ksh 100 million became available for implementation activities in the larger Marsabit district. Other funds that are or may be potential funding sources are the LATF and NGOs.

3.14 Monitoring and evaluation
See 3.13 above.

3.15 Quality of the DDP
Both DDPs (i.e. for Laisamis and Chalbi) have a similar structure and level of detail as the DDPs that are available for the other example districts visited for this study. Their importance was emphasized by all people that were interviewed during the trip.

3.16 Other issues
According to the DDO there should be mechanisms put in place so that NGOs provide their plans to the DDO to assure that these are implemented in accordance with the DDPs, and so that the DDO is aware of what is going on. The DDO recommends the strengthening of EIA to mainstream environmental planning and implementation.

3.17 Expected implications of the anticipated constitutional change
The DDO expects no great challenges from the new Constitution. Now there are 7 districts in the greater Marsabit District. The new county will include Moyale as well. For this entire area four DDPs have been made and these correspond with the four existing constituencies in the area. The DDO expects that in future one County Development Plan will be made for the county and 4 Constituency Development Plans for the 4 constituencies.

4 Provincial Environment Action Plan for Eastern Province
The Eastern Provincial Director of Environment is in his current position for a year. He has not been involved in the preparation of the PEAP, he has not seen a copy of the PEAP as yet; neither has he ever been in Marsabit. Previously he has been involved in the preparation of the DEAP for Meru District. At present the PDE has two supporting staff, a deputy and a DEO for Embu, and one 4WD vehicle.

4.1 Status
The PEAP has no date, and no planning period on the cover. The document has not been printed, it appears that the (draft) document has not been distributed (the PDE as well as the Provincial Planning Director are not in the possession of a copy).

4.2 Environment Planning Process for the PEAP and timing
As the PDE has not been involved in the preparation of the PEAP himself, no information was obtained on how the PEAP was prepared. It is assumed that the PEAP was prepared in a similar way as this was done in other provinces.

4.3 Guidelines
As section 4.2 above. It is assumed that the general NEMA guidelines were used for preparation of the PEAP.

4.4 Preparation committee
As section 4.2 above. It is assumed that a similar PEAP committee has been established that prepared the PEAP.

4.5 Stakeholder consultation
There is no information on what sort of consultation was done for the preparation of the PEAP.
4.6 Data gathering and analysis
No information.

4.7 Supervision and approval
No information.

4.8 High level coordination
No information.

4.9 Number of copies produced and distributed
The PEAP is only available in digital format. This has apparently not been distributed (see section 4.1-4.8 above).

4.10 Funding
No information. It is assumed that a similar amount of funding was provided by NEMA for preparation of the PEAP.

4.11 Promotion of the DEAP and perception by potential users
No information.

4.12 Constraints
None reported.

4.13 Quality of the report
Apart from having no date and no planning period on the cover (but page headers indicate “2009 2013”) the document gives the impression of being a preliminary incomplete draft. Consistently the document refers to “the district” whereas in each of these instances one would expect the document to refer to “the province”, giving the impression that for compilation of the PEAP an existing DEAP (of Meru?) was used (“copy-paste”). Remarkably, nowhere the PEAP refers specifically to Marsabit District, or hardly any other district, or its/their environmental challenges. Likewise, captions of tables enclosed in the PEAP refer to “the district”, without or hardly indicating which of the province’s districts the table is referring to. Salient features provided do not represent the province (e.g. population, area coverage, location indication, etc.) but “a” district. A major development project, such as the Ksh. 2 billion costing dam construction at Marsabit, and its environmental impacts, is nowhere mentioned. The implementation matrix provided in C8 extends beyond the page limit where it is no longer visible. Table numbers refer in part to apparently an earlier version of the PEAP; various sections of the report have not properly been numbered, many tables extend beyond a page but have no header. The document does not contain any map or illustration. As such the PEAP is very weak in its contents and presentation.

Key environmental challenges in the province, as expressed by the PDE during the visit, are river sand mining, charcoal making, unsustainable farming practices (particularly on the slopes of Mount Kenya), well contamination, over-grazing, forest encroachment, water and soil pollution by inappropriate fertilizer use and toxic waste from institutions, absence or inadequacy of sewerage systems in towns, encroachment into riparian forests, flooding, quarrying, over-exploitation of medicinal plants, impacts of climate change. The PDE states that he would have been able to improve and finalize the PEAP “in a week”, if he had been asked by NEMA to do so.

4.14 Costs and benefits
No information.

4.15 Implementation
No information as to what extent the PEAP is being implemented. Neither the PDE nor the Provincial Planning Director are in the possession of a copy.

4.16 Monitoring and evaluation of the PEAP process
The PEC is expected to convene quarterly but due to funding limitations only 2 meetings were held in the last 12 months. The PDE receives only Ksh. 50,000 per quarter as an operational budget, which is meant for electricity, water, cleaning, stationery, internet, and part of the staff costs. For fuel of the only car a separate request has to be filed and approved.

4.17 Other past and ongoing planning activities in the Province
The PDE states that efforts are being made to introduce and anchor the EIA process into development in the province. The PDE further mentioned that the DDP used to be very important documents for which the government provided funding for implementation and that it is essential that DCs be committed to “the environment” and willing to take up issues seriously.

The role of the provincial planning department is according to its director one of backstopping and providing of technical support to the districts, they are not an implementing organisation, they coordinate and facilitate.
4.18 Expected implications of the anticipated constitutional change

In the opinion of the PDE environmental planning (and their implementation) should be done on the basis of Natural Resource Regions, like other institutions do (e.g. KWS, KFS, Water Ministry, water catchments, conservancies), however, contrary to field officers of these institutions, NEMA field officers were never consulted on such planning considerations, or given the chance to express their views, for example during regional workshops. If the environmental planning will only be done at national and county level then this will not work, unless the counties will have (environmental) technical officers. In the opinion of the PDE, environmental officers that report (only) to the county cannot implement the EMCA; central government officer should be there too to guide them.
Annex 7  Assessments at the National Level

NEMA Planning Department – Godfrey Mwangi, Principal Planning Officer
(19 November 2010; Benthem & Nyangena)

EAP preparation

1. Overall environmental action planning
Environment Action Planning is coordinated at by NEMA’s Department of Environmental Planning & Research Coordination but the DEO and the DEC/PEAP fall under the Directorate General’s Office - Field Operations. However, the officer responsible for the DEOs currently belongs to the Department of Environmental Education, Information and Public Participation. This appears rather confusing although it is being addressed in the ongoing NEMA restructuring process. The EAP coordination at national level is done through a secretariat which has limited capacity as compared with that for the DDP. The process of reviewing EMCA in light of the new constitution has commenced at the MEMR and is expected to be finalized within 18 months.

2. Draft DEAPs and PEAPs completion in 2006, ‘finalization’ in 2009?
The process of preparing the action plans started in 2005 based on a manual prepared by NEMA and training of DEOs. The process was characterized by delays resulting from lack of adequate information and weak DEC is some districts. Funding was also a problem with only Ksh 6,650 available to the DEOs which was insufficient to facilitate DECs to undertake the DEAP. Later an additional Ksh 15,000 was allocated to support the production of a second draft in 2007. During this stage, a DEAP secretariat was instituted to support the preparation process but this was overwhelmed by work load – the task was actually too big and capacity too limited. Mid-stream, the guidelines were changed a situation that necessitated further reformatting of the drafts. As the same time, the EU introduced a consultative approach which was largely acceptable but required a lot of money and time and would only be adopted in Nyanza province. UNDP supported the production of DEAPs for 3 districts: Meru South (Eastern), Muranga (Central) and Bondo (Nyanza). The result is variation of the DEAPs and PEAPs in terms of quality.

3. Costs for printing DEAPs, PEAPs and NEAP, and number of copies printed
The final documents are with a private printer and the cost of printing is estimated at Ksh 700 per copy. 500 copies of the NEAP were printed while only 30 copies are believed to be printed of the DEAPs and PEAPs.

4. Distribution of DEAPs, PEAPs and NEAP?
Current distribution is limited. Word documents will be converted into PDFs and then uploaded on the NEMA website. Printed (hard) copies should be available at the District Information and Documentation Centre (DIDC) with sufficient copies for DEC members and lead agencies at the district, and few copies for NEMA/HQs.

5. Archiving of produced / draft / completed DEAPs, DEAPs and NEAPs?
Not yet done since copies have not been printed.

6. Posting of DEAPs, PEAPs and NEAP on NEMA website.
Only 8 PEAPs are available in the NEMA website. These are however old versions and are different from the current drafts.

7. Future EAP planning at local/regional level? DEAP, CEAP: staffing and funding implications?
Consultations have already started with MPNDV2030 (WB: i.e. on 14 September 2010 during a meeting in which Mr Mwangi and the study team participated) and the suggestion was then made to strengthen EAP at county level but with contribution from the districts. This would mean that in future EAPs will be produced at county (CEAP) and national (NEAP) levels only. The CEAP should be supported by Environmental Units established at the country level. Several counties can also be put together and be coordinated at a regional level by NEMA. Availability of resources to plan and implement EAP should be a guiding principle for determining the appropriate EAP level.

NEAP implementation & monitoring

8. Monitoring of NEAP implementation (by whom, when, costs)
So far no monitoring of NEAP has been done. Planning is underway to carry out monitoring in Nyanza province in the current financial year at a cost of Ksh 100,000. The activity is expected to take 1 week.

9. Extent to which the NEAP has been implemented (by whom, when, costs)
It is not possible to tell the extent of implementation of the NEAP as there is no monitoring system in place.
10. **Update on various funds that may implement environmental actions enclosed in NEAP, PEAP and DEAP?**

Annual budgetary allocations to ministries from the consolidated fund remain the main source of funding for EAP implementation. Expenditure towards the environment can be determined through public expenditure reviews for the environment and natural resources. The National Environment Restoration Fund which is a portion of the revenue generated from the EIA licences is another possible source of funds for EAP implementation. The fund is about Ksh 14 million annually; this year this budget has been allocated to 16 sites in 8 provinces (2 sites in each province), focus is on e.g. degraded forests, wetlands, waste dumping sites, river banks.

2% environment fund from CDF is important in funding DEAP and community priorities. But as observed in Narok North constituency, the fund is usually re-allocated to other non-environment activities with approval from the National Management Committee. Again during the Nyando field work, the CDF committee reported that they were not aware of the existence of the DDP and DEAP a situation inhibiting use of the CDF.

11. **Funds available from NEMA or MEMR for EAP implementation, annually?**

No dedicated funding for NEAP implementation.

12. **Formation and operation of and coordination with Environmental Units in line agencies?**

The creation of environment units is currently ongoing in a number of ministries but their functions and operations are not clear at the moment. These include ministries/departments of Public Health, Forestry, Water, Agriculture, Local Government, MEMR.

**State of Environment report**

13. **Latest version of the Manual on National Environmental Indicators?**

The SoE indicators are being refined so as to reduce the number and complexity of these indicators. It is envisaged that these indicators will be able to provide environment trends.

14. **Current status of SoE 2009 + contact compilers?**

The last SoE was done in 2007 while the one for 2008-2010 is under developed

**EMCA**

15. **Revision**

Ministry of Planning and MEMR have created a Task Force to revise EMCA 1999; they are in an initial stage. Suggestions from the study team would be welcome.

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**Dr Samson Wasao, Manager of the UNDP/UNEP Poverty Environment Initiative**

**Ministry of State for Planning, National Development and Vision 2030**

(23 November 2010; Benthem & Nyangena)

1. **What does the PEI?**

Dr Samson gave an introduction: Global initiative between government and UNDP aimed at mainstreaming environment into national planning process. It seeks to raise understanding among policy makers on the value of environment in economic development and livelihoods. It links between poverty reduction and sustainable development.

2. **Strategy**

Use the non-sectoral Ministry of Planning as entry point since it is has a coordinating function. This has been going on since independence. Increase the understanding of economic value of the environment and natural resources (by attaching figures to it) to attract more budget from the government.

3. **Proposals of EAP**

DDPs to be continued, but also CDPs to be made. Increase linkages between MPND and NEMA. Prepare and adopt legislation for line agencies to allocate a minimum of 2% budget to environmental interventions. Legalize and establish a National Planning Commission to address gaps in the current planning practises. DDP and DEAP are not well coordinated/synchronised. They either run in parallel or lopsided. There are inconsistencies in NEMA capacity and that of the MPND. Poor linkages between NEMA and MEMR-relationships should be harmonised. DEAPs have been prepared after DDPs and therefore redundant at times.

4. **What to do?**

Increased institutional capacity for environmental planning, i.e. in MPND, MEMR, NEMA. Coordinate and prioritize the environment. Increase the understanding on the relationships between poverty and environment, at
local and national levels, poor resource valuation. Avoid current ad hoc approach and project based environment planning.

5. **Funding options**

International donor funding is not sustainable in the long run. We need more domestic funding, there is plenty of funding but we need to tap into these potential sources, e.g. NET fund, ministry allocations, devolved funding, fees, taxes, levies.

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**Ministry of State for Planning, National Development and Vision 2030**

**Mr Joseph Mukui, Director of Rural Planning**

**Mr Kennedy Nyachiro, Chief Economist**

(6 December 2010; Benthem & Nyangena)

1. **Future regional planning**

The New Constitution, in its Schedule 4 (p 185/186), spells out the functions and powers of the national and county governments: the county government is responsible for all planning efforts at the county or lower levels. According to the Director it is therefore not sure at this stage whether future development planning (and environment action planning) will be conducted at the county level and/or at lower levels. He expects that this will be decided before August 2011.

2. **Legal matters**

The Director recognizes that many laws will need to be amended in light of the new constitution, including EMCA, the Statistics Act and CDF Act. He is of the opinion that implementation of regional plans (e.g. development plans, environment action plans) be the responsibility of the county governments. The Ministry of Planning is very willing to be involved in any revision of the (environmental) law or any type of planning, if invited to do so. The expected reviews present great opportunities for addressing weaknesses in environmental planning in the country.

3. **DDO gathering in Mombasa**

The Ministry had planned to organize a workshop for all DDOs in Mombasa on 14-17 December, but this has been postponed till further notice (at least till early 2011). As this event is very expense to organize there will be no opportunity for the ministry to invite DEOs as well. There will also be problems in handling large numbers of staff in a single meeting.
Annex 8  The Study Team

The Study Team was composed of the following members:

**Mr Wandert Benthem** (13 September to 16 December 2010)
Mr Benthem is a permanent senior consultant at Euroconsult Mott MacDonald, the Netherlands, and has over 25 years of experience in environmental consultancy work, including several years in training and teaching functions. In Africa, the Middle East and South and Central Asia he has been team leader of multidisciplinary, long- and short-term projects funded by the European Union, World Bank, Asian Development Bank, Netherlands Government, WWF, Millennium Challenge Corporation and others. For most of these donor agencies he has also performed ecological surveys, environmental planning assignments and management of protected areas, and executed environmental impact assessment and due diligence studies for projects in a range of sectors. His expertise includes project identification, formulation, implementation, monitoring and evaluation. Mr Benthem worked on earlier assignments in Africa, i.e. in Botswana, Mozambique, Nigeria and Tanzania.

**Mr John Nyangena** (intermittent inputs 15 October to 8 December 2010)
Mr Nyangena is a policy officer at the Eastern and Southern Africa Regional Programme Office of WWF in Kenya. He holds an MPhil in Development Studies from Moi University, Eldoret. He has been involved extensively in development and environment planning in Kenya, among others as a District Development Officer (1999-2003), as a senior economist in the preparation of the National Environment Action Plan (2004-2006) and as a core team member at the National Economic and Social Council for the formulation of Kenya's Vision 2030. Currently working on natural resource governance and climate change adaptation, he has ample experience in mainstreaming environment into planning processes at national and local levels. He has participated in a number of international conferences on environment and development. Specific competencies include training, Poverty-Environment analysis, Policy analysis and implementation, national planning and stakeholder engagement.

**Dr Paul Guthiga** (11-19 October 2010)
Dr Guthiga is a lecturer at the Centre for Advanced Studies in Environmental Law and Policy at the University of Nairobi, and Research Fellow at the Kenya Institute for Public Policy Research and Analysis (KIPPRA). Dr Guthiga holds a PhD in agricultural economics from the University of Bonn, Germany. He has gained considerable research experience in agricultural and natural resource policy analysis and economics of natural resource management. Since 2008 he is undertaking post-doctoral research in an international collaborative Sida-funded project on Environment for Development in seven countries in Europe, Asia and Africa. Dr Guthiga conducted various consultancy assignments for among others the International Livestock Research Institute (ILRI), WWF and the World Bank. For NEMA he reviewed its operational and training manuals on economic instruments for environmental management in 2008.