



**ENVIRONMENTAL MANAGEMENT IN KENYA: A Guide to  
the National Wetlands Conservation and Management  
Policy, 2015**

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## 1. INTRODUCTION

Wetlands are vital for human survival. They include some of the world's most productive ecosystems and provide ecosystem services leading to countless benefits (Global Wetland Outlook, 2018). In Kenya, wetlands are a critical ecosystem with enormous social and economic value. However despite all the benefits, they continue to be degraded and lost due to pressure from agricultural and development activities.

The need to develop a national policy to guide the conservation and management of wetlands in Kenya has been recognised since 1990 when the country ratified the Convention on Wetlands of International Importance especially as Waterfowl Habitat of 1971 (the Ramsar Convention). Article 3 of the Convention obligates contracting parties to “formulate and implement their planning so as to promote the conservation” of wetlands. However, the actual process of policy development started in 1997 and climaxed in the publication in April 2008 of the revised Draft Sessional Paper on National Wetlands Conservation and Management. The final Policy was adopted in 2015.

## 2. POLICY DEFINED

A policy is a course of action adopted or proposed by government, party, business, or individual – *a statement of intent*. It is a document which outlines what a government or an individual aims to achieve for society as a whole.

A public policy is a statement of the Government guiding principles and goals in addressing a public issue by setting out the goals and activities planned to achieve a certain purpose. The policy provides for a means for citizens to hold their Government to account for its actions concerning issues of public interest. A public policy is not a law and cannot be enforced in a court of law. For a public policy to be enforceable, there must be a law to give effect. Policies can, however exist on their own and vice versa.

## 3. THE WETLANDS CONSERVATION AND MANAGEMENT POLICY, 2015

### 3.1. What are wetlands?

The Wetlands Policy, 2015 defines wetlands as ***areas of land that are permanently or occasionally water logged with fresh, saline, brackish, or marine waters, including both natural and man-made areas that support characteristic plants and animals***. These include swamps, marshes, bogs, shallow lakes, ox-bow lakes, dams, riverbanks, floodplains, fishponds, lakeshores and seashores. They also include coastal and marine wetlands such as deltas, estuaries, mud flats, mangroves, salt marshes, seagrass beds and shallow reefs all of which at low tide should not exceed 6 meters. These wetlands occupy about 3% to 4% of the country, which is approximately 14,000 km<sup>2</sup> of the land surface and fluctuates up to 6% in the rainy seasons.

## **3.2. Principles, goals, and objectives**

### ***3.2.1. What then are the principles underpinning the Wetlands Policy?***

The following principles underpin the policy:

- (a) Wise use
- (b) Precautionary principle
- (c) Polluter pays principle
- (d) Equity
- (e) Ecosystem Based Management Approach
- (f) Devolution
- (g) Coordination
- (h) Public participation
- (i) International and regional cooperation

### ***3.2.2 What is the goal of the policy?***

The goal of the National Wetlands Conservation and Management Policy, 2015 is to ensure wise use and sustainable management of wetlands in order to enhance sustenance of their ecological and socio-economic functions for the present and future generations of Kenya.

### ***3.2.3. What are the specific objectives of the Wetlands policy?***

The specific objectives of the policy are:

- (a) Establish an effective and efficient institutional and legal framework for integrated management and wise use of wetlands
- (b) Enhance and maintain functions and values derived from wetlands in order to protect biological diversity and improve livelihood of Kenyans.
- (c) Promote communication, education and public awareness among stakeholders
- (d) Improve scientific information and knowledge base on Kenyan wetland ecosystems
- (e) To strengthen institutional capacity on conservation and management of wetlands
- (f) Promote innovative planning and integrated management approaches towards wetlands conservation and management in Kenya
- (g) Promote partnership and cooperation at regional and international levels for the management of transboundary wetlands and migratory species.

## **3.3. Importance of wetlands**

Wetlands are known to perform crucial functions and provide vital products and services essential for environmental integrity and human wellbeing. Being diverse in their interactions, wetland ecosystems provide essential benefits to communities and the

environment. In more recent times, the quantification of these goods and services has revealed enormous socio-economic and cultural values including:

**3.3.1. Ecological Importance**

- (a) Flood control and soil erosion prevention
- (b) Water discharge and recharge:
- (c) Wetlands for climate change mitigation and adaptation
- (d) Wildlife habitats and centers of biodiversity
- (e) Prevention of saline water intrusion

**3.3.2. Socio-economic importance**

- (a) Energy Production
- (b) Research and Education:
- (c) Transport and Communication
- (d) Religious and Cultural Significance
- (e) Tourism and Recreation
- (f) Sources of water and grazing grounds

**3.3.3. Wetland products**

- (a) Fish and other food products
- (b) Soil and minerals
- (c) Animal and plant products

**3.4. Challenges and strategies in wetland conservation and management**

**3.4.1. What are the main challenges that necessitated the formulation and adoption of the Wetlands Policy?**

- a) Increased Reclamation and conversion of wetlands
- b) Overexploitation of wetland goods and services
- c) Pollution, eutrophication and salinisation of wetlands
- d) Introduction of alien and invasive species

**3.4.2. What actions are proposed to ameliorate the challenges?**

The policy proposes a number of actions by the Government to ameliorate the above challenges. These actions include:

- a) Reclamation and conversion of wetlands will not be allowed
- b) Any alteration of a wetland for public interest will be subject to approval standard procedures including Environmental Impact Assessment (EIA), Strategic Environmental Assessment (SEA), Cost Benefit Analysis (CBA), and wide stakeholder consultations

- c) Prohibition of any conversion including drainage, introduction of inappropriate animal and plant species and burning of wetlands which negatively impact on the ecological integrity of wetlands
- d) The government shall harmonise wetland riparian (buffer) zones/setback limits for all wetland ecosystems in the country
- e) Promotion of sustainable extraction and utilisation of goods and services derived from wetlands
- f) Promoting environmental friendly alternative livelihood activities in line with the wise use principle
- g) Support and promote enforcement of relevant regulations and laws related to environmental pollution
- h) Enhancing promotion of public awareness on proper management of waste including reduction, reuse and recycling
- i) Development and implementation of a national strategy and action plan for mapping and management of alien and invasive species in wetland ecosystems
- j) Undertake research, public education and awareness campaigns on the dangers of alien species.

### **3.5. Conservation and management of wetlands**

#### ***3.5.1. What Government actions does the policy provide regarding ownership of wetlands?***

- a) Map, delineate and publicise boundaries for all wetlands within Kenya's jurisdiction
- b) Seek to regulate, protect, manage and conserve all wetlands including those within public, private and community land in line with the Constitution
- c) Recognise and permit cultural and traditional practices for use of wetland resources subject to existing guidelines, policies, laws and legislation

#### ***3.5.2. What actions does the policy provide regarding establishment of wetland conservation areas?***

- a) Government to continue to protect and identify other unique wetlands for gazettelement as protected areas
- b) Ensuring that deltas are sustainably managed through participatory and integrated planning and co- management
- c) Ensure appropriate management plans are developed and implemented through a participatory process



**3.5.3. What shall the government do in relation to Wetlands of International Importance?**

- a) Identify and list wetland sites that fulfill Ramsar criteria
- b) Ensure effective management and conservation of all Ramsar sites

**3.5.4. What actions does the policy propose in order to restore and rehabilitate degraded wetlands?**

- a) The Government shall develop and implement measures in order to:
  - i. give priority to indigenous vegetation and other biodiversity in restoring degraded areas;
  - ii. allow natural regeneration of degraded wetlands where feasible;
  - iii. make use of local available appropriate technology and involving local communities where possible;
  - iv. and put in place monitoring frameworks to ensure maintenance of integrity and functions
- b) Support restoration, rehabilitation and management of wetlands

**3.5.5. What actions does the policy propose in order to tap into the huge potential on man-made wetlands?**

- a) Promoting the use of constructed wetlands for waste water management in the relevant sectors such as industries, agriculture and municipalities
- b) Establish and sustainably manage man-made wetlands for food production, water supply, hydro power production and livelihoods

**3.5.6. How does the government intent to address trans-boundary wetlands that face various conservation and management challenges?**

- a) Cooperate with neighboring countries bilaterally and within the framework of the East African Community (EAC) and other regional frameworks to develop and implement harmonized policies and strategies for sustainable management of wetlands and equitable sharing of the benefits there from
- b) Develop harmonised regional approaches and policies for sustainable management of trans-boundary wetlands

**3.5.7. How does the government intent to promote research, education and awareness?**

- a) Adopt and implement measures for continuous generation, storage, and dissemination of scientific information on wetlands and wetland resources and using the same to inform planning and decision-making over wetlands conservation and management.

- b) Establish, maintain and update a standardised county and national wetlands database
- c) Build capacity for sustainable wetlands management and conservation
- d) Promote education and public awareness on wetland resources to encourage understanding and participation of the public, private sector, local authorities, NGOs and other interested parties through all appropriate means
- e) Incorporate wetland conservation and management issues into the national environmental education strategy and other available and relevant systems
- f) Establish guidelines and procedures on wise use of wetland resources for various purposes.
- g) Promote recognition and application of traditional indigenous knowledge in wetland management

### **3.6. Legal and institutional arrangements**

#### ***3.6.1. What Government measures does the policy propose regarding the legal and institutional framework for wetlands conservation and management in Kenya?***

- a) Identify, strengthen and provide adequate resources to a coordinating agency at national and county levels to implement the National Wetlands policy
- b) The national and county government shall develop strategies for the implementation of National Wetland policy
- c) Institute measures and mechanisms to manage within and across-counties
- d) Adopt and implement ecosystem-based Approach in the management of all wetlands especially the water towers
- e) Institute legal mechanisms for access to wetland genetic resources benefit sharing and technology transfer
- f) Allocate and mobilize adequate resources from development partners, private sector and other agencies to support conservation and management of wetlands including Payment for Ecosystem Services (PES) and eco-tourism.

### **3.7. Sector linkages at national and international levels**

#### ***3.7.1. What actions does the policy propose for the Government to ensure sectoral linkages in wetlands conservation and management?***

- a) Institute an appropriate mechanism for achieving harmonisation of the various sectoral policies that relate to wetlands
- b) Ensure that all provisions of relevant Conventions and Agreements are domesticated and implemented.
- c) Ensure synergy and coordinated national approach in implementation of Multilateral Environmental Agreements (MEAs) relating to wetlands
- d) Involve women and youth in participatory wetland management planning, decision making and implementation processes.

- e) Ensure the one-third gender rule in wetland management structures.
- f) Support non-state actors and local communities to undertake wetland related conservation activities.
- g) Ensure that HIV/AIDs is mainstreamed in wetland programmes and projects.
- h) Promote bio-control mechanisms to mitigate the impacts of vectors causing water borne and water related diseases.