THE LAW AND THE ENVIRONMENT IN KENYA

by

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SUMMARY

Concern for the well-being of the environment is a phenomenon whose history is as old as the history of man himself, and efforts to conserve and preserve various environmental aspects have been undertaken at the various stages of the development of human civilization.

However, it is during the present century, and especially the last three decades, that the environment has been subjected to the most widespread impairment, has resulted from pressures and activities generated by the world's rapidly growing population and the rapid development and, sometimes uncontrolled, use of technology. Rivers have been polluted thereby rendering the water unsuitable for many purposes; industrial development has raised wide-ranging damage to the environment with thousands of acres of vegetation. for instance, simply drying up as has happened in Silesia, Poland's industrial heartland; projects planned for generating greater agricultural activities such as the construction of dams for perennial irrigation have produced unforeseen consequences: habitats suitable for pests have been created thereby aggravating the pest-control problem in many areas of the world where beef is important as a source of protein.
Continued impairment of the environment has awakened the world community to the need for intensified action at the national and international level to limit and where possible; eliminate impairment of the human environment. At the end of the 1972 Stockholm Conference called by the United Nations to discuss the state of the human environment as well as to seek for means to conserve it, an International body, viz. the United Nations Environment Programme (U.N.E.P.) was set up to serve as an on-going machinery for anticipating and preventing threats to human health and well being posed by impairment of the environment.

In Kenya, the National Environment Secretariat (N.E.S.) was set up to advise the Government on matters related to the well-being of the environment.

Chapter one, of this Thesis, discusses the definition of the Environment with the view to show the importance of such definition in the determination of environmental protection measures. Chapter two deals with the importance of the environment to man in general, and its position as the base upon which the progress and development in particular. Chapter three discusses the various demands, sometimes conflicting, which are made on the environment and the consequences of the conflicts generated by such demands. Chapter four examines the body of law designed
to protect the environment in Kenya and in Chapter five a critical analysis of the Law is undertaken with the view to bring out the shortcomings(s), if any, of the said law as a means of protecting the environment. Ways and means of strengthening the Law as a machinery for environmental protection are discussed in chapter six.