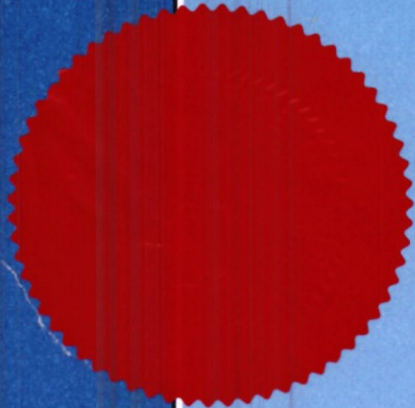


REPUBLIC OF KENYA



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REPORT

THE NATIONAL ASSEMBLY	
DATE:	23 APR 2024 TUESDAY
TABLED BY:	Hon. Queen Bayart Deputy leader majority
CLERK-OF-THE-TABLE:	A. Shubira

THE AUDITOR-GENERAL

ON

**NATIONAL ENVIRONMENTAL COMPLAINTS
COMMITTEE**

**FOR THE YEAR ENDED
30 JUNE, 2023**



OFFICE OF THE AUDITOR GENERAL
P. O. Box 30084 - 00100, NAIROBI
REGISTRY

09 APR 2024

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NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE (NECC)

**ANNUAL REPORT AND FINANCIAL STATEMENTS
FOR THE YEAR ENDING 30 JUNE 2023**

Prepared in accordance with the Accrual Basis of Accounting Method under the International Public Sector
Accounting Standards (IPSAS)

NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2023

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NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2023

I. KEY ENTITY INFORMATION AND MANAGEMENT

(a) Background information

The National Environmental Complaints Committee (NECC), herein referred to as the Committee, is established under Sections 31 to 36 of the Environmental Management and Co-ordination Act (Cap 387 of the Laws of Kenya) (Previously cited as Act No. 8 of 1999). It was formerly known as the Public Complaints Committee but was renamed when the law was amended in 2015 (EMCA (Amendment) 2015). The first Committee was formally constituted and launched by the then Minister in August 2001. The Committee started full operations in January 2003. Its mandate is to investigate allegations or complaints regarding the condition of the environment in Kenya, or on its own motion, suspected cases of environmental degradation. NECC is domiciled in Kenya and its offices are in Bellevue area in Nairobi. It is an important institution in the assessment of the condition of the environment in Kenya. It plays an important role in the facilitation of alternative dispute resolution mechanisms relating to environmental matters. NECC makes recommendations to the Cabinet Secretary and thus contributes significantly to the formulation and development of environmental policy.

(b) Principal Activities

The Principal activity of NECC is to investigate the degradation of the environment. Its mission and vision are as follows;

Vision: To be the leading environmental ombudsman in Africa

Mission: To facilitate access to environmental justice to the public by providing a forum for expeditious and affordable environmental conflict resolution and to contribute to environmental policy development.

The Principal activity of the National Environmental Complaints Committee is to conduct in-depth investigation of any allegations against any person in relation to the condition of the environment in Kenya or on its own motion; any suspected case of environmental degradation. Further, parliament through Section 32 of EMCA mandates NECC to: prepare and submit to the Cabinet Secretary periodic reports of its activities which report shall form part of the annual report on the state of the environment; undertake Public Interest Litigation (PIL) on behalf of the citizens in environmental matters and to perform such other functions and exercise such powers as may be assigned to it by the Cabinet Secretary.

(c) Entity Headquarters

National environmental Complaints Committee Headquarters
P. O. Box 36256 - 00200
Bellevue Area, Popo Road off Mombasa Road
DRSRS Building
Nairobi, KENYA

(d) Entity Contacts

Telephone (254) 0202405782
Email: info@necc.go.ke
Website: www.necc.go.ke
[Hotline: 0722510510](tel:0722510510)

**NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
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(e) Entity Bankers

Kenya Commercial Bank
KCB Capital Hill Branch
P. O. Box 69695 – 00400
Nairobi, KENYA

(f) Independent Auditors

Auditor General
Kenya National Audit Office
Anniversary Towers, University Way
P. O. Box 30084
GOP 00100
Nairobi, KENYA

(g) Principal Legal Adviser

The Attorney General
State Law Office
Harambee Avenue
P.O. Box 40112
City Square 00200

**NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2023**

I. COMMITTEE MEMBERS

	<p><u>Professional & Education and Training</u></p> <ul style="list-style-type: none"> ● Ph. D in Laws, Nottingham Trent University, UK ● Masters in Laws, Nottingham Trent University, UK ● Advocates Training Program-Kenya School of Law, Kenya ● Bachelors of Laws, Moi University, Kenya <p><u>Employment and Experience Summary</u></p> <ul style="list-style-type: none"> ● 2023 Jan-Dec Director, KRA Board Director and Chair, Revenue, Strategy and Technology (KRA). ● 2021 to date: Director, Postgraduate Studies LLM& LLD Strathmore University ● 2016 to 2021: External examiner, Egerton University Law School ● 2017 to 2021: Dean & Senior Lecturer, School of Law, Kabarak University ● 2015-2016: Associate Dean, School of Laws, Kabarak University ● 2014- 2015: Head, Department of Private Law ● 2013-2016 Lecturer, Kabarak Law School <p><u>Award and Recognition</u></p> <ul style="list-style-type: none"> ● 2023 Presidential Award of Moran of the Order of the Burning Spear (M.B.S.), a prestigious State award conferred for contributions and outstanding achievements and service to the Nation. ● Nottingham Trent, UK Awarded Scholarship -competitive funds for Law Scholars
	<p><u>Education Background</u></p> <ul style="list-style-type: none"> ● Doctor of Philosophy in Business Administration (Ph. D) - University of Nairobi ● MBA - Business Administration - University of Nairobi ● L.L.M -Faculty of Law - University of Nairobi ● M.A - Arts in International Studies _ University of Nairobi ● Diploma in Law - Kenya School of Law 9 Legal Practitioner) ● LL. B - Bachelor of Law - University of Nairobi ● Service Man – NYS Pre-University training- Gilgil training College ● KACE - Ibacho High School ● KCE - Sameta High School <p><u>Work Experience</u></p> <ul style="list-style-type: none"> ● Chairman National Environmental Complaints Committee ● Partner - law firm: Nyaberi& Co. Advocate ● Director: International Centre for Environmental Social and Polity Studies(ICESPS) NGO ● Lecturer - The Catholic University of Eastern Africa Faculty of Law ● Consultant with United Nation International Criminal Tribunal for Rwanda (UNICTR) in Tanzania ● Chairman - Strategic Management Institute (A Centre for Strategic Management for Developing Countries) ● Member of the Trustee Board of the Adventist University of Africa, Nairobi ● Member of the Senate Finance Committee of the Catholic

Dr. Fancy C. Too, MBS
Chairperson
(December 2023 –present)

Dr. Justy P. L. Nyaberi, Ph.D.
Chairman
(Aug 2021 - Dec 2023)

**NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2023**

	<p>University of East Africa - Nairobi</p> <ul style="list-style-type: none"> ● Lecturer - University of Copenhagen in Denmark ● Intern/consultant - United Nations Environment Programme (UNEP) ● Part-time Lecturer, Institute of Diplomacy – University of Nairobi ● Defence Counsel - International Criminal Tribunal for Yugoslavia - ICTY - Hague ● Defence Counsel - International Criminal Tribunal for Rwanda - ICTR - Tanzania ● Managing Director, Kenya Co-operative Creameries Limited (KCC) Kenya ● Company Secretary - Kenya Co-operative Creameries Limited ● Assistant Company Secretary and a member of Task force to oversee the running of Kenya Co-operative Creameries Limited ● Work as Associate in the firm of M/s Kilonzo & Co. Advocates ● Work as a State Counsel - Attorney General's Chambers ● Work as a Legal Assistant with the firm of Adere & Co. Advocate ● Deputy Headmaster, Nyamonyo Secondary School in Kisii ● Teacher - Nyagiki Secondary School in Kisii
 <p>Ms. Isabella Masinde Member</p>	<p><u>Education Background</u></p> <ul style="list-style-type: none"> ● BSC- Biology 1986: UEA-Baraton ● MSC-Ecology 1989: Aberdeen University (Scotland) ● 1994-Environmental Assessment and Management (CEMP) Aberdeen <p><u>Work Experience</u></p> <ul style="list-style-type: none"> ● Senior Researcher at KWS in charge of Ecological Monitoring ● Task Manager at UNEP for the Global Biodiversity Assessment ● Biodiversity Policy Officer at WWF in Treaties and Agreements Division ● Team Leader at ITDG (Practical Action) in the Rural Livelihoods Programme (Reducing Vulnerability) ● CEO at Clout ● Climate Change Advisor at AWF ● Technical Advisor at the Ministry of Environment and Natural Resources <p><u>Boards</u></p> <ul style="list-style-type: none"> ● Member of NEPAD Climate Change Fund in South Africa ● Member of NEMA Board up to 2010 <p>Now member of NECC</p>

**NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2023**


	<p><u>Education Background</u></p> <ul style="list-style-type: none"> • PhD student – to –date – University of Nairobi • Strategic Leadership Development Program (SLDP) from Kenya School of Government • Master of Law (LLM UoN) • Diploma from Kenya School of Law • Bachelor of Social Law (BSL) <p><u>Work Experience</u></p> <ul style="list-style-type: none"> • Senior Litigation Counsel – Office of Attorney General <p><u>Boards</u></p> <ul style="list-style-type: none"> • Alternate to AG – Hydrologist Registration Board – Ministry of Water <p>Certified Mediator CEDRE</p>
	<p><u>Education Background</u></p> <ul style="list-style-type: none"> • BSC- Mathematics and Computer Science/JKUAT • Mphil/Phd in Environmental Studies (Environmental Information Systems) <p><u>Work Experience</u></p> <ul style="list-style-type: none"> • Environmental Lecturer, University of Eldoret • EIA Expert/Consultant • County Executive Member, Lands, Environment and Natural Resources, Nandi County • Chairman, County Ministers Council in charge of Environment and Natural Resources (Council of Governors) • Head of Department, Chemical Technology, Eldoret National Polytechnic
	<p><u>Education</u></p> <ul style="list-style-type: none"> • MPhil – Guidance and Counselling, Moi University • Bachelor of Education (Arts) Moi University • Diploma in Education, Siriba Teachers College • K.A.C.E (A” Level Cert) Uasin Gishu High School • KCSE (Level certificate) Loreto Matunda <p><u>Certificates</u></p> <ul style="list-style-type: none"> • Environmental Management Program -Galilee International Management Institute, Israel. • Environmental Impact Assessment/ Environmental Audit – University of Eldoret • Renewable energy Planning training – UNIDO initiative <p><u>Work Experience</u></p> <ul style="list-style-type: none"> • 2013 – 2022: County Executive Committee Member, Environment, Water, Natural Resources, Climate Change, Tourism and Wildlife Management. • 2013 – 2022: County Executive Committee Member, Uasin Gishu Environment, Energy, Water and Natural Resources. • 2009 – 2013: Lecturer, The Catholic University of East Africa-Gaba Campus –Eldoret • 2009 – 2013: Campus Counsellor, Catholic University of Eastern Africa Gaba Campus, Eldoret

Mr. Jeremiah M. Matunda
Member

Dr. John K. Chumo
Committee Secretary

Mary Njogu
Committee Secretary
(October 2023 –present)

**NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2023**


	<p>Teacher and Deputy Principal in several schools in Uasin Gishu County notably Wareng High School and Moi University Secondary School</p> <p><u>National and International Initiatives (Partnerships)</u></p> <ul style="list-style-type: none"> ● Norrkoping Municipality (Sweden) on waste management and waste water ● Arvica Municipality (Sweden) on clean water provision ● USAID – Dai peace building and conflict transformation ● Clarion on gender mainstreaming in secondary schools ● New hope women group on women empowerment ● Kenya Red Cross on disaster management
 <p>Mr. James T .Sapuro Member</p>	<p><u>Education Background</u></p> <ul style="list-style-type: none"> ● MBA - Corporate Management - KCA University ● Bachelor of Science, Environmental Health - Kenyatta University ● Diploma in Environmental Health - University of Nairobi ● Environmental Health - Medical Training College - Nairobi ● Other professional training and courses locally and abroad <p><u>Work experience</u></p> <ul style="list-style-type: none"> ● Consultant - Lead Expert on Environmental Health - NEMA ● Port Health Officer - in charge of JKIA. Wilson airport, Old Airport Embakasi and Inland Container Depots at Embakasi and Pepe, Athi-River ● Program Officer, Ministry of Health Headquarters, Division of Communicable Diseases Control ● District public Health Officer 0 Kajiado District ● Divisional Public Health Technician (Ministry of Health - Ngong and Central Division) <p><u>Professional Membership</u></p> <ul style="list-style-type: none"> ● <u>Member of the Environmental Institute of Kenya (EIK)</u>
 <p>Ms. Martha C. Nyangwaria Member</p>	<p><u>Education Background</u></p> <ul style="list-style-type: none"> ● PhD - Management and Leadership - Management University of Africa - Kenya ● Certificate in Micro-Grid Operations and Maintenance - Micro-Grid Academy - Kenya ● Master of Management and Leadership - Management University of Africa ● Certificate in Integration of Renewable Energy into Mediterranean Electricity Markets - Renewable Energy Solutions for Mediterranean (RES4MED), Italy ● Post Graduate Diploma in Efficient Energy Use and Planning - Life Academy, Sweden and India ● BSc. Mechanical Engineering - Jomo Kenyatta University of Agriculture and Technology <p><u>Work Experience</u></p> <ul style="list-style-type: none"> ● Deputy Chief Executive Officer - KEPSA - March 2020 - to-date ● Head, Industry & SME Liaison Office - 2017 ● Engineer in-charge, Demand Side Management Programs - 2015-2017

**NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2023**

	<ul style="list-style-type: none"> ● Vice-chair, Green Economy Strategy Steering Committee - feb - april 2014 ● Executive Officer, Energy Services - KAM - 2012 - 2015 ● Team Leader - Lean Energy Solution Limited 2011-2012 ● Mechanical Engineer - 2010- 2011 ● Research Assistant - Technical University of Munich, Germany Research - June - Sept 2009 <p><u>Membership and Board/Committee Representation</u></p> <ul style="list-style-type: none"> ● National Environmental Complaints Committee (NECC) ● Women on board Network ● Lavington Rotary Eco Club ● Institution of Engineers of Kenya (IEK) ● Engineers Board of Kenya (EBK) ● National Energy Efficiency and Conservation Strategy Technical Committee ● FGM to STEM Council under partnership between AMREF and Women Energy ● Green Economy and Circular Economy Project Advisory Board under Danish Embassy ● Standards and Label Project Board under Ministry of Industrialization.
 <p>Ms. Jane C. Masai Member</p>	<p><u>Education Background</u></p> <ul style="list-style-type: none"> ● Kenya School of Law - Diploma in Law - Advocates Training Programme ● Bachelor of Laws Degree (LL. B) ● Certificate in Computer Studies ● KCSE - St. Joseph's Girls High School - Chepterit ● KCPE - Cheramei Primary School <p><u>Work Experience</u></p> <ul style="list-style-type: none"> ● An advocate of the High Court of Kenya - practice Commissioner for Oaths -10 years ● Notaries Public ● MAC Law Advocates LLP. Partner ● Cheptoo Masai & Co. Advocates - Proprietor ● Kibichiy & Co. Advocates - Associate Advocate ● Nyairo & Co. Advocates - Associate Advocate ● Nyairo &Co. Advocate - Pupilage <p><u>Professional Membership</u></p> <ul style="list-style-type: none"> ● Law Society of Kenya ● Federation of Women Lawyers ● East African Law Society ● Commonwealth Lawyers Association

**NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2023**

II. MANAGEMENT TEAM

 <p>Mary Njogu</p> <p>Education</p> <ul style="list-style-type: none"> • MPhil – Guidance and Counselling, Moi University • Bachelor of Education (Arts) Moi University • Diploma in Education, Siriba Teachers College • K.A.C.E (A” Level Cert) Uasin Gishu High School • KCSE (Level certificate) Loreto Matunda <p>Certificates</p> <ul style="list-style-type: none"> • Environmental Management Program -Galilee International Management Institute, Israel. • Environmental Impact Assessment/ Environmental Audit – University of Eldoret • Renewable energy Planning training – UNIDO initiative <p>Work Experience</p> <ul style="list-style-type: none"> • 2013 – 2022: County Executive Committee Member, Environment, Water, Natural Resources, Climate Change, Tourism and Wildlife Management. • 2013 – 2022: County Executive Committee Member, Uasin Gishu Environment, Energy, Water and Natural Resources. • 2009 – 2013: Lecturer, The Catholic University of East Africa-Gaba Campus –Eldoret • 2009 – 2013: Campus Counsellor, Catholic University of Eastern Africa Gaba Campus, Eldoret <p>Teacher and Deputy Principal in several schools in Uasin Gishu County notably Wareng High School and Moi University Secondary School</p> <p>National and International Initiatives (Partnerships)</p> <ul style="list-style-type: none"> • Norrkoping Municipality (Sweden) on waste management and waste water • Arvica Municipality (Sweden) on clean water provision • USAID – Dai peace building and conflict transformation • Clarion on gender mainstreaming in secondary schools • New hope women group on women empowerment • Kenya Red Cross on disaster management 	<p>Accounting Officer /Secretary</p>
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**NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2023**

 <p>Mr. Rodney M. Omari Senior Assistant Secretary BA from University of Nairobi PGDE - Egerton University PGD - Circulars and Green Economy DIU - Denmark Over 13 years' experience in Administration</p>	<p>Administrator</p>
 <p>Mr. Duncan Kombo Senior Accountant <u>Date of Birth</u> - 20th March 1967 <u>Education Background</u> Kenya Polytechnic (CPA K) Computer Systems & operations - Kenya Polytechnic Performance Appraisal Systems (PAS) (K.S.M.S) KACE - Kangaru School KCE - Kangaru School <u>Work Experience</u> KENAO - Auditor KFS - Cashier</p>	<p>Head of Finance</p>

NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2023

II. CHAIRMAN'S STATEMENT

The National Environmental Complaints Committee (NECC) is established under Section 31-36 of the Environmental Management and Co-ordination Act, 1999 with the mandate of investigating allegations or complaints regarding the condition of the environment in Kenya, or on its own motion, suspected cases of environmental degradation. This makes NECC, the Environmental Ombudsman. NECC receives complaints, investigate them and prepares reports of its findings and recommendations thereon and submits the same to the Cabinet Secretary in charge of Environment. According to the Act, every person is entitled to a clean and healthy environment.

During this report period, NECC has managed to deliver on its mandate of investigating environmental complaints across the country. This has served to deliver environmental justice to several aggrieved parties whose environment has been impacted upon. This has also improved livelihoods of the citizens who have been suffering from the degradation, especially in aspects of pollution. This has led to improved health and wealth creation amongst the citizenry. Several disputes have also been resolved through alternative dispute resolution (ADR) mechanisms without necessarily ending up in court, saving on time and costs. NECC has also touched the lives of Kenyans through its corporate social responsibility by donating learning materials to schools, several tree planting activities and environmental clean –ups, in conjunction with its stakeholders.

Just like all other agencies, NECC faces some challenges in its endeavour to perform its functions. Though NECC recognizes that resources are never enough, its resources are low and barely sufficient to carry out its mandate bearing in mind that NECC has to investigate complaints from all the counties. This affects its ability to hire staff and provide area specific training for Committee Members and staff.

Going forward and to enhance the operation of NECC, there is need to recruit staff with specialized skills and ensure that funding of NECC be provided in accordance with Section 36 (2) of EMCA, 1999. The increased budgetary requirements in line with the expanded activities of NECC means that there is a need to expand sources of funding to cater for awareness creation activities and linkages, establish a data management system, provide adequate office space and equipment and undertake public interest litigation on behalf of the citizens. Additionally, NECC will seek new knowledge, collaboration and educational opportunities for members and staff to strengthen their capacity. It will also work closely with the Ministry of Environment and Forestry to ensure that documentation and publications are widely distributed to the general public for implementation.

The future of the NECC is bright and the Committee will be able to achieve much more in the coming days to ensure a clean and healthy environment for all.


DR. FANCY CHEPKEMOI TOO
CHAIRPERSON

NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2023

III. REPORT OF THE ADMINISTRATOR

NECC is established under Section 31 of the Environmental Management and Co-ordination Act, 1999 (No. 5 of 2015). According to Section 31 of the Act, the membership of NECC is drawn from key stakeholders in environmental management. The Committee consists of seven members headed by a Chairperson, who is appointed by the Cabinet Secretary and qualifies to be a judge of the Environment and Land Court of Kenya. Other members are; a representative of the Attorney General, a representative of the Law Society of Kenya, one person, who has demonstrated competence in environmental matters to be nominated by the Council of Governors and who is the Secretary to the Committee, a representative of the business community and two members, appointed by the Cabinet Secretary for their active role in environmental management.

It is a Semi-Autonomous Government Agency (SAGA), operating independently with power to regulate its own procedure. It is established alongside NEMA, NETFUND and NET.

During this report period, NECC has managed to conduct investigations in 27 counties, being Nairobi, Machakos, Kiambu, Kajiado, Narok, Nakuru, Laikipia, Nyandarua, Isiolo, West Pokot, Trans Nzoia, Turkana, Kisumu, Homa Bay, Siaya, Migori, Vihiga, Bungoma, Makueni, Mombasa, Kwale, Kilifi, Baringo, Embu, Kitui, Meru and Kakamega These are the counties where physical field investigations were conducted, with other complaints from other counties addressed administratively.

Several complaints were investigated, and they included complaints on solid waste management, poor effluent disposal, land use issues leading to land degradation, forest destruction, desertification, human settlement and Infrastructure issues affecting the environmental balance of an area, environmental disasters, pollution and waste management, public health, tourism and resultant environmental degradation, industrial development and trade issues in relation to the environment, energy production in relation to its effects on the environment, ozone layer protection, biotechnology and the environment, air and noise pollution, loss of biodiversity and loss of endangered species.

The investigations have revealed some short comings on enforcement action, planning and regulatory frameworks and NECC has made recommendations on possible remedies to the above. The findings and recommendations for these investigations have been disseminated to NECC's stakeholders and when implemented, it will go a long way towards securing the environment in Kenya.

To enhance its effectiveness in delivering its mandate, NECC has sought the collaboration of other partners and development agencies. This will ensure continuous capacity building of Committee members and staff, as well as facilitation of the institution to reach more people across the country. This is necessary where NECC will capitalize on existing networks of its partners for awareness creation and publicity.

**NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2023**

NECC has also embarked on making amendments of its regulations to include the mandate of Public Interest Litigation and generally updating the regulations to reflect the current state of NECC operations. This has been achieved through involving legal experts in order to address the issues as per the law.

NECC has a significant role to play in the “Big Four” transformative agenda sectors in view of the nature of its role and involvement in national development.

The role of NECC as the Environmental Ombudsman provides an enabling environment and platform through which all stakeholders can be brought together to learn and to share their experiences on balancing between economic development, environmental protection and sustainability.


MARY NJOGU
ACCOUNTING OFFICER / COMMITTEE SECRETARY

NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2023

V. MANAGEMENT DISCUSSION AND ANALYSIS

The following is our management discussions and analysis:

From 1st to 8th July 2022, NECC participated in the launch of tree planting to schools in Nandi County. The activity included a road race and distribution of planting materials. At the event, the Ministry of Environment and Forestry donated 100,000 tubes for raising the seedlings while KEFRI donated certified seedlings to the schools.

NECC participated in the International Day for the Conservation of the Mangrove Ecosystem is observed every year on 26th July. This year celebration in Kenya was conducted in Kilifi County. The exercise was marked with Mangrove planting, institution displaying their materials and speeches from several dignitaries. The event was aimed at raising awareness of the importance of mangrove ecosystems as “a unique, special and vulnerable ecosystem”. Mangroves contribute to the wellbeing, food security, and protection of coastal communities worldwide. Moreover, they support rich biodiversity and act as a habitat for fish and crustaceans. Mangroves are a great way to protect the natural coastal against storm surges, tsunamis, rising sea levels, and erosion. Mangroves act as boundaries between the land and sea and provide protection and food security to many coastal communities. Mangroves face environmental threats; they are disappearing 3-4 times faster than forests. Their soils are highly effective carbon sinks and can store 10 times more carbon compared to land-based forests. They protect water quality by removing nutrients and pollutants from storm water runoff before they reach seagrass habitats and coral reefs.

18th to 29th July 2022, NECC conducted investigations in Nairobi and its environs. Nairobi County has the highest number of complaints and NECC was able to investigate the many complaints on waste management, air and noise pollution, discharge of effluent into the environment and quarrying, among others. These are as indicate in the table below;

Table 1: Complaints investigated in Nairobi and its environs

No.	Date received	Complainant/ Respondent	Location	Nature of complaint
1.	22/10/2021 Letter	The Nairobi Hospital Vs Kenya Urban Roads Authority	Ngong Road, Nairobi County	Construction of a footbridge next to the hospital
2.	21/7/2020 Hotline	Eileen Wanjiku Mbugua Vs AMS Properties Limited	Kiambu Road, Kiambu County	Poor management of storm water and debris
3.	28/05/2021 Email	Residents of South B Vs A church	South B, Nairobi County	Noise from a church
4.	27/08/2021 CF	Residents of Kilimani Vs Empire Bar	George Padmore Road, Kilimani, Nairobi County	Noise from a bar
5.	25/8/2020	Joseph Omondi Ochome Vs Kajiado	Kitengela, Kajiado County	Discharge of effluent into the environment

NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2023

No.	Date received	Complainant/ Respondent	Location	Nature of complaint
		County Government		
6.	16/07/2021 Email	County Government of Kajiado and NEMA Vs Steel plant	Kitengela, Kajiado County	Proposed steel plant in a residential area
7.	07/01/2022 CF	Ben Tipatet Vs P.J Dave flowers, Flora Flower Farm and Isinya Roses	Isinya, Kajiado County	Discharge of sewage into river Isinya and encroachment into the riparian reserve
8.	19/10/2021 Letter	Richard Otieno Vs Neighbour	Utawala, Machakos County	Pollution caused by discharge of sewage
9.	04/10/2021 Email	Anuja Kapila Vs County Government of Nairobi	Peponi road, Kitisuru, Nairobi County	Noise pollution

From 28th to 3rd September 2022, NECC held a planning retreat for the Committee members and senior staff. The retreat reviewed the documents necessary for NECC to deliver on its mandate, including;

1. Performance contract
2. Annual work plan
3. Budget
4. Procurement budget
5. Review of investigated complaints

From 4th to 10th September 2022, NECC conducted investigations in Narok and Nakuru as shown in the table below;

Table 2: Complaints investigated in Narok and Nakuru counties

No.	Date received	Complainant/ Respondent	Location	Nature of complaint
1.	12/10/2020 CF	Save Mau Foundation Vs Narok County Government	Matecha Bridge, Narok county	Washing of vehicles and motor cycles in river Amalo
2.	11/10/2021	NECC Vs Mines and Geology	Pulungá, Narok County	Land degradation, Excessive vibration and Noise from the activities of a quarry in Pulunga
3.	15/04/2022	NECC Vs Slaughterhouse operators in Mulot, Narok County	Mulot Town, Narok County	Poor waste management and air pollution from the slaughterhouse in Mulot

NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
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No.	Date received	Complainant/ Respondent	Location	Nature of complaint
4.	25/03/2022	NECC Vs WRA	Enkare Narok River, Narok Town	Unregulated car washing activities in Enkare Narok River at Narok Town. Untreated waste water from the car washing activities is discharged into the River
	19/10/2021 CF	Fredrick Nampaso Vs County Government of Narok	Ololulunga, Narok County	Noise pollution from churches
5.	07/07/2021 The Star	Residents of Karai and Mountain View Estates Vs County Government of Nakuru	Naivasha, County Government of Nakuru	Poor management of waste in Naivasha town dumpsite. The dumpsite is located within a residential area and is unfenced. The waste is also dumped outside the designated area
6.	13/10/2021 Email	Douglas Korir Vs KURA	Kiambiriria-Chepsir Road, Kuresoi North Constituency, Nakuru County	Improper disposal of excavated soil ending up into people's land, streams and rivers
7.	24/08/2022	NECC Vs WRA	Nakuru County	Illegal and Over abstraction of water at Malewa and Turashia rivers leading to reduced water levels and drying up of Karati and Gilgil rivers. The rivers flow into Lake Naivasha
8.	01/02/2022 Citizen TV	NECC Vs WRA	Rongai River, Nakuru County	Over abstraction of water in Rongai River by farmers upstream reducing water availability to the users downstream

From 18th - 24th September 2022, NECC conducted investigations in Kisumu and Bungoma counties as per the table below;

Table 3: Complaints for investigation in Kisumu and Bungoma counties

No.	Date Received	Complainant/ Respondent	Location	Nature of Complaint
1.	25/11/2019 Email	Residents of Kibos Vs Abyssinia Recycling Plant	Kibos, Kisumu County	Air pollution from a metal recycling plant
2.	31/03/2021 Letter	Residents of Otonglo Vs Costalina Petrol Station	Otonglo, Kisumu County	Effluent discharge from a petrol station
3.	07/09/2021 Letter	Residents of Omollo Agar Road Vs K-City Lounge Bar & Africana Bar	Milimani, Kisumu County	Noise from a bar
4.	11/04/2022 Email	Rahmina Paullete & Victor Jadunga Vs County Government of Kisumu	Dunga Beach, Kisumu County	Encroachment, burning and pollution of Dunga Wetland

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No.	Date Received	Complainant/ Respondent	Location	Nature of Complaint
5.	18/08/2022 Letter	Nature Kenya Vs Proposed lead Battery recycling facility	Kombura, Nyando Sub-County, Kisumu County	Negative environmental and social impacts of a proposed lead battery recycling facility
6.	12/04/2020 Email	Stephen Otieno Vs. WRA, Kisumu Water and Sewerage Company	Mamboleo, Migosi and Lolwe Kisumu County	Discharge of sewage into streams and rivers leading to pollution
7.	15/07/2021 Citizen Tv	Residents of Mulaha Vs Bungoma Water and Sewerage Company	Mulaha, Bungoma County	Effluent discharge into the environment
8.	07/07/2022 Letter	Mayanja area residents Vs Moses Khaemba & Kevin Wafula	Mayanja Village, Marakaru Sub Location, Bungoma County	Poor waste management and air pollution from a tannery

On 5th to 8th October 2022, NECC investigated complaints in Kisumu County as shown in table 4 below;

Table 4: Investigated complaints in Kisumu County

No.	Date received	Complainant/ Respondent	Location	Nature of complaint
1.	29/09/2022 CF	National Government Administration Vs Ministry of Public Works	Kisumu Administration block, Kisumu County	Discharge of waste water and sewage at the basement of the administration block posing health and safety risks
2.	29/09/2022 CF	Residents of Kanyakwal and Mamboleo Vs Department of Mines and Geology	Kanyakwar and Mamboleo areas, Kisumu County	Murram quarrying causing degradation
3.	29/09/2022 CF	Residents of Katuk Odeyo Vs Kenya forest Service	Katuk Odeyo, Nyakach Sub county, Kisumu County	Degradation resulting to formation of deep gulleys at Katuk Odeyo formed due to erosion caused by deforestation in Kericho County

Table 5: Field Investigations in Nairobi and its environs

	Date received	Complainant/ Respondent	Location	Nature of complaint
1.	11/03/2022 Letter	Dr. Hudson Aubrey Lodenyo	Eastleigh, Nairobi County	Environmental and health hazards caused by construction of a neighboring plot

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2.	26/04/2022 Letter	Residents of Westlands and Parklands Vs Night Clubs	Westlands and Parklands, Nairobi County	Noise pollution from night clubs
3.	09/05/2022 WhatsApp	Residents of Runda Vs Nairobi City County	Githongoro Slums, Runda, Nairobi City County	Illegal dumping of waste on public land
4.	13/05/2022 Letter	Ectoville Association Vs Nairobi Metropolitan Services	Off Likoni Road, Nairobi City County	Operation of an illegal dumping site
5.	27/01/2022 Email	Liz Ng'ang'a Vs Noir Gallery	Muthangari Drive, Westlands, Nairobi County	Noise pollution from an entertainment garden
6.	06/09/2022 Daily Nation	NECC Vs NEMA, WRA, Nairobi City County	Mukuru Fauta & Mariguini, South B, Nairobi County	Illegal structures built on storm water drains and on sewerage systems
7.	14/09/2022 Hotline	Hillary Sang Vs Nairobi City County	Ruaka, Kiambu County	Noise pollution from clubs in Ruaka
8.	21/09/2022 Hotline	Mushemi Jamleck Vs Prestine Plaza	Kenyatta road, Kiambu County	Discharge of sewage from Prestine plaza into the open environment
9.	27/09/2022 Own motion	NECC Vs Manhattan Club	Imara Daima, Imara Mall, Nairobi City County	Noise pollution from Manhattan Club and The Art Club
10.	28/09/2022 Letter	Geoffrey Kariku Vs KeNHA	Kenyatta road (C565) Exit 14, Kiambu County	Drainage of storm water into private property due to road construction
11.	10/10/2022 Daily Nation	NECC Vs County Government of Nairobi	Pipeline Estate, Nairobi County	Poor waste management
12.	03/08/2022	Gatei Waweru and Nyambura Vs County Government of Nairobi	Riruta and Kawangware, Nairobi County	Poor waste management

From 20th to 26th November, 2022, NECC conducted investigations in Taita taveta and Kwale counties. A total of seven (7) complaints were investigated as indicated in the table below;

Table 6: Investigations in Taita Taveta and Kwale Counties from 20th to 26th November, 2022

No.	Date received	Complainant/ Respondent	Location	Nature of complaint
1.	26/09/2022 Letter	Nature Kenya Vs NEMA	Izela ranch next to Sagalla Hill, Taita Taveta County	Proposed asbestos site that is next to Sagalla Hill

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2.	05/08/2020 The Standard	NECC Vs Coast Water Works	Mzima Springs, Chyulu Hills National park, Taita Taveta County	Human activities that have led to reduction of water levels at Mzima springs
3.	21/07/2021 Letter	County Government of Taita Taveta Vs Shalom Miracle Church	Kariokor, Voi, Taita Taveta County	Development without the requisite county approvals
	10/12/2020 Email	Lucas Leeroy Vs Shalom Miracle Center	Kariokor, Voi, Taita Taveta County	Noise from a church
4.	26/09/2022 Letter	Nature Kenya Vs NEMA	South Samburu Group Ranch, Kwale County	Anticipated environmental degradation from a proposed 60 Megawatt wind farm
5.	26/09/2022 Letter	Nature Kenya Vs NEMA	Fikirini Village, Shimoni, Kwale County	Expected environmental degradation due to poor disposal of asbestos in an unsuitable site
6.	21/09/2022 Own motion	NECC vs KeNHA	Dongo Kundu, Kwale County	Construction of a road on a fragile ecosystem
7.	03/03/2022 CF	Keziah Kirika Vs County Government of Kwale	Golini, Kwale County	Blockage of access to parcels of land

From 27th November to 2nd December 2022, NECC conducted field investigations in Kericho and Homabay counties. Six (6) complaints were investigated as indicated in table 7 below;

Table 7: Field investigations in Kericho and Homabay counties from 27th November to 2nd December 2022

No.	DATE RECEIVED	COMPLAINANT	RESPONDENT	LOCATION	COUNTY	NATURE OF COMPLAINT
1.	01/10/2022	Collins Mutai (0721117008/0737326830)	WRA, County Government	Kericho town, Kericho Green stadium	Kericho	River is being polluted by mushrooming carwashes
2.	26/10/2022	Kiplangat Hillary (0746586186)	NEMA, County, KWS	Chebown	Kericho	Human wildlife conflict caused by monkeys invading private farms
3.	20/09/2022	Own motion	Public Health, NEMA, WRA, Homa Bay County	Pier Market, Homa Bay County	Homabay	Poor sanitation at Pier Market and liquid waste management at Pier Market in Homabay. The water used to clean fish is sourced from the lake and the same water is also used as the dumpsite for fish

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						waste and raw sewerage
4.	27/09/2022	Own motion	Homabay County, NEMA, Public Health department	Ndhiwa sub county, Homabay	Homabay	Poor sanitation due to the poor use of latrines in the interior areas leading to water borne diseases
5.	01/10/2022	Tom Owade (0700645811)	KENHA, County Government	Rodi, Ndhiwa Road	Homabay	Un-rehabilitated borrow pits causing death of livestock and mosquito infestation at Rodi, Ndhiwa Road
6.	24/10/2022	Own motion	NEMA, KEMFRI, County	Lake Victoria (Gege, Othan, Ogal)	Homabay	Death of fish attributed to climate change

From 4th to 10th December, 2022, NECC investigated the following seven (7) complaints in Kiambu and Kajiado Counties as shown in table 8 below;

Table 8: Investigations in Kiambu and Kajiado Counties 4th to 10th December, 2022

No.	DATE RECEIVED	COMPLAINANT	RESPONDENT	LOCATION	COUNTY	NATURE OF COMPLAINT
1.	04/11/2022	Bathi Water Resource Users Association	Water Resources Authority, County Government of Kiambu, NEMA, NLC	Lari swamp, Kirenga Ward, Kiambu County	Kiambu	Encroachment of Lari swamp; settlements, farming, pollution by Palak steel factory
2.	22/11/2022	Mega Self Help Water Project	Silver Star Manufacturers Ltd	Mega farm, Nderi/Kiku yu road	Kiambu	Choking smoke, acid smells, and noise pollution from heavy machineries
3.	12/10/2022	Ms. Viola Mbithe Peter	Queens Lounge, County Government of Kajiado	Kitengela Mall	Kajiado	Noise pollution from a club
4.	11/10/2022	NECC	Nomad Club, County Government of Kajiado	Kitengela town	Kajiado	Noise pollution from a club
5.	31/10/2022	NECC	God's Love Assembly, County Government of Kajiado	Old Namanga Road, Kitengela	Kajiado	Noise pollution from preaching and use of high power sound amplifying equipment at God's Love Assembly church

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6.	02/10/2022	Ms. Frida Mlemwa	180 Lounge, County Government of Kajiado	Behind maasai mall, Ongata Rongai	Kajiado	Noise pollution from 180 Lounge
7.	14/11/2022	Mr. Charles Situma	NEMA	Rimpa, Ongata Rongai	Kajiado	Sewage discharge from a building

From 16th – 20th January 2023, NECC conducted investigations in Nairobi County. A total of 10 complaints were investigated as shown in table 9 below;

Table 9: complaints investigated in Nairobi County

No	Date received	Complainant/ Respondent	Location	Nature of complaint
1.	24/11/2022 Facebook	Danny Mulinge Vs County Government of Nairobi	Mwiki, Kasarani, Nairobi City County	Dumping of solid waste into Maji Mazuri Stream
2.	10/05/2022 Facebook	J. Nyamweya Vs Nairobi City County	Kamulu, Nairobi County	Haphazard dumping of garbage
3.	26/04/2022 Letter	Nature Kenya Vs Public Crematorium	City Park, Nairobi City County	Proposed public crematorium at City Park
4.	13/06/2022 Letter	Abdirahman Hassan Guled Vs Adsite Limited	6 th Parkland Avenue, Nairobi City County	Air and noise pollution from Adsite Limited
5.	07/11/2022 C/F	Thome Residents Association vs County Government	Thika superhighway- Opposite Garden Estate	Noise pollution at Quiverand Sky Lounge
6.	13/11/2022 Hotline	J.S Manku Vs Nairobi City County	Parklands, Nairobi City County	Noise pollution from a bar (Deep Sea) bar
7.	02/09/2022 Email	Maina Vs County Government of Kiambu	Ruaka, Kiambu County	Noise pollution from several clubs which operate all night
8.	26/09/2022 Email	Imran Chaudhary Vs Nelleon Place	Nelleon Place, Rhapta Road, Westlands, Nairobi City County	Noise pollution from an office at the back of Nelleon. The premise plays loud music on Fridays
9.	09/09/2022 Email	Samuel Maina Vs Kamulu Police Station	Kamulu, Nairobi City County	Release of effluent from residential houses at the police station premises into a plot of land belonging to Mr. Maina

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10.	28/09/2022 WhatsApp	Dr. Wilfred Waweru Vs Mwiki Secondary School	Mwiki Secondary School, Nairobi City County	Environment degradation due to the release of effluent to the school's playground
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From 12th – 18th February 2023, NECC investigated the following 11 complaints in Kajiado and Kiambu counties as shown in the table below;

Table 10: complaints investigated in Kajiado and Kiambu counties

No.	Date received	Complainant/ Respondent	Location	Nature of complaint
4.	07/02/2023 Letter	Yukos Kitengela Residents Association	Yukos, Kitengela	Discharge of sewage, dumping of solid waste, use of estate road by Yukos Quickmart Supermarket and noise pollution from Charlie Bistro in Kitengela
5.	28/08/2022	NECC Vs KeRRA	Kitengela-Ongata Rongai bypass	Failure by KeRRA to tarmac Kitengela- Ongata Rongai by-pass causing air pollution
6.	30/09/2022	Residents of Laiser hill Vs. Public Health Department, WRA.	Laiserhill River, Ongata Rongai	Release of sewage into Laiser hill river in Rongai
7.	21/02/2022 Email	Gracious step special school Vs. Glenwood Gardens ltd	Kiambaa	damage caused by a housing development
8.	08/11/2022 Email	Dorcas Wanjiru Vs	Nairobi Ndogo, Karai Sub-county	Dog commercial business in a controlled residential zone
9.	30/09/2022 Hotline	Sophia Wanjiru Njoroge Vs. KENHA, County Government	Chungamali, Rironi	Storm water draining to a land during rainy season due to the construction of the newly Nairobi-Nakuru Highway
10.	29/09/2022 CF	Residents of Karanje Vs Bata Factory	Limuru, Bata Factory Sewerage Dam	Poor effluent management from Bata
11.	15/09/2022 Email	Mary Mururi Vs. Department of mining, NEMA	Juja, Kalimoni	Quarrying activities next to a residential area
12.	21/11/2022 Facebook	Residents of kahawa wendani Vs. County Government	Lacasa Lounge (kahawa wendani)	Noise pollution from Lacasa Lounge
13.	30/09/2022 Hotline	Mwaura Geoffrey Vs. Nairobi County, NEMA	Kenyatta Road, Juja South	Discharge of effluent into the environment
14.	1/10/2022 CF	Masese Judith Nyaboke Vs. NEMA, County	Makongeni phase 7 and 6	Poor solid waste management as skips are not emptied regularly

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From 19th to 25th February 2023, NECC investigated the following 10 complaints in Baringo and Garissa counties as indicated in the table below;

Table 11: Complaints investigated in Baringo and Garissa counties

o.	Date received	Complainant/ Respondent	Location	Nature of complaint
1.	30/09/2022 Email	Kiptoo Ezekiel Vs County Government of Baringo	Kabarnet town	Poor solid waste management by residents of Kabarnet town, waste includes diapers
2.	08/09/2022 Media	NECC vs NEMA, Baringo County, WRA, KFS	Lake KamNarok, Baringo County	Degradation of Lake KamNarok caused by soil erosion due to rampant harvesting of indigenous trees
3.	29/09/2022 Facebook	Jeremiah Chamakany Vs KFS	Baringo South Constituency a long Lobo, Lake Bogoria road	Destruction of Acacia trees from tree fellers and charcoal entrepreneurs in Baringo South Constituency a long Lobo, Lake Bogoria road
4.	31/08/2022 Hotline	Kiplagat Kibii Vs WRA and NEMA	Chemogor forest, in Mogotio	Destruction of a water catchment area through over abstraction by a Red Cross-related water project at Chemogor forest, in Mogotio
5.	09/01/2023 Whatsapp	Residents of Mogotio vs Water Resources Authority	Kabimoi, Baringo County	Over abstraction of water from Emining river
6.	30/09/2022 CF	Tecla Chumba Vs WRA, County Government of Baringo, NEMA	(River Maji Mazuri, Perker, Kabimoi)	Pollution of rivers from poor waste management, cash washing activities in rivers, unsustainable water abstraction (River Maji Mazuri, Perker, Kabimoi)
7.	30/08/2022 Email	Nature Kenya Vs County Government of Baringo, KFS	OI Arabel Forest Reserve, Mochogoi Ward	Destruction of OI Arabel Forest Reserve, Mochogoi Ward
8.	28/09/2022 Facebook	Diouf Alhaji vs County Government of Garissa	Kismayu Road	Dumping of garbage on the drainage at Kismayu Road, Garissa County
9.	28/08/2022 letter	Noor Sheikh Farah Vs KWS	Jara Jila district	Killing of Wild animals at Jara Jila district, Garissa County
10.	CF	Ali Ismael Baraka Vs Issa Kune ahmed	Nuno Sub-location, Sankuri division	Land degradation caused by gypsum mining at Nuno Sub-location, Sankuri division in Garissa County

From 19th to 25th March 2023, NECC investigated the following 13 complaints in Narok and Uasin Gishu counties as shown in the table below;

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Table 12: Complaints investigated in Narok and Uasin Gishu counties

No.	Date Received	Complainant/ Respondent	Location	Nature of Complaint
1.	27.02.2022 Letter	Mr. Ezekiel Oramat Vs Plant operator	Osilanka area, Narok County	Air and noise pollution from plant mixing gravel and tar for road tarmacking
2.	30.09.2022 Email	Nature Kenya Vs KETRACO	Narok-Bomet counties 132 KV double circuit transmission line	Negative impacts to flora and fauna due to proposed construction of Narok-Bomet counties 132 KV double circuit transmission line
3.	30.01.2023 Standard	NECC Vs Transmara Sugar Company	Enoosaen, Kilgoris, Narok County	<ol style="list-style-type: none"> 1. Air pollution caused by fine black ash and fumes due to milling activities 2. Water pollution-pollution of river Keyian by leachate 3. Poor management of bagasse-on quarries leading to contamination of underground water and proposed bagasse disposal site on a hill 4. Noise pollution caused by operations at night
4.	23.10.2022	NECC Vs County Government of Narok	Kilgoris, Narok County	Poor waste management in Kilgoris
5.	29.11.2022 Hotline	Mr. Julius Leboo Vs Stone Crusher	Shololo village, Poroko location, Kilgoris, Narok County	Noise and dust pollution from the operations of a stone crushing plant.
6.	20.02.2023 CF	NECC Vs County Government of Narok	Shartuka Center, Kilgoris	Poor waste management due to old litter bins at Shartuka Center, Kilgoris
7.	25/11/2022 CF	Residents of Malaika Court Vs NEMA and County Government of Uasin Gishu	Eldoret, Uasin Gishu County	Approval of construction of a 4-storey commercial building in a gated community. The area is designated as residential.
8.	08/03/2022 CF	The Klique Hotel LTD Vs Tricles Lounge	Ronald Ngala Street,CBD Eldoret	Noise pollution from Tricles Lounge. The club plays loud music up to late in the night causing nuisance in the area
9.	13/06/2022 Letter	Patrick Kisabei Vs. County Government of Uasin Gishu.	Tuiyo- luk,Moiben,Uasin Gishu County.	Construction of a cattle dip in a wetland without EIA and public participation. This is likely to lead to water contamination.
10.	03/12/2022 Hotline	Paul Lelei Vs. WRA	Baharini dam Maili Nne,Eldoret.	<ul style="list-style-type: none"> ▪ Encroachment of Baharini Dam in Maili Nne by farming and quarrying

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				activities and pollution from washing Vehicles/fuel tankers close to the dam. The dam serves as a water source for the neighboring community.
11.	15/06/2022 Daily Nation.	NECC Vs WRA and County Government of Uasin Gishu.	Sossioni river, Eldoret.	Pollution from poor waste management and encroachment of the river.
12.	28/02/2023	Jua Kali residents Vs. Elgon Processing Industries Ltd.	Jua Kali area Uasin Gishu.	Establishment of Cement factory in an area zoned as agricultural and residential.
13.	20/12/2021 Own Motion	NECC Vs County Government of Uasin Gishu.	Kipkenyo, Eldoret	Poor solid waste management at the dumpsite located in Kipkenyo.

From 24th to 28th April, NECC conducted investigations in Nairobi and its environs as indicated in **table 13** below:

Table 13: Complaints investigated in Nairobi and its environs in April 2023

NO.	DATE	COMPLAINANT / RESPONDENT	LOCATION	NATURE OF COMPLAINT
1.	22/2/2023 Email	Alice Nyagah vs Nairobi City County Government	Outering estate behind the market	Construction of a public toilet next to residential areas
2.	25/5/2022 CF	Joseph Macharia vs Nairobi City County Government	Nyama Villa, komarock	Noise pollution from wallet club in Komarock near Nyama Villa
3.	01/10/2022 CF	KeNHA vs Residents along Kangundo-Kamulu rd, Kiambu-	Residents along Kangundo-Kamulu road	Discharge of raw sewage into road drainages
4.	23/11/2022 CF	Erastus Njogu ngugi vs County government	Plainsview road, Belerest court South B	Excessive noise and vibration from the neighboring church and wines & spirit kiosk
5.	27/10/2022 Email	Albert M.N Vs Nairobi City County	Alpha business park, Eastern bypass	Pungent and irritating smoke from Future Gas Depot
6.	28/08/2022 Letter	Mr. Harie K. Ndung'u vs County Government, NEMA	Kamulu	Discharge of raw sewage into the environment
7.	27/10/2022 Letter	Mr Saade Abdallah vs Nairobi City County Government	Sufra Gardens Restaurant	Noise pollution from sufra gardens bar and restaurant

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8.	26/09/2022 CF	Imran Chaudhary vs Nairobi City County	Nelleon Place,Rapta Road - Westlands	Noise pollution from an office at the back of Nelleon place
9.	3/3/2023 Letter	KLDA vs County Government	Karen, Langata	Spillage of sewage into Sam Mburu Dam
10.	29/09/2022 CF	Collins Oluoch vs Nairobi City County	Kilimani	Sewage leakage into drainage system along Kilimani Ward

NECC conducted a session on Prefinalization of investigated complaints in May, 2023, which was followed by a session to finalize the complaints from 10th to 14th July 2023. These complaints are contained in NECC Volume 34, which has 52 reports of the investigated complaints

From 18th to 24th June 2023, NECC conducted investigations in Mombasa and Kilifi counties as indicated in table 14 below:

Table 14: Investigated Complaints in Kilifi Counties from 18th To 24th June 2023

No.	Date Received	Complainant/ Respondent	Location	Nature of Complaint
1.	15.06.2023 CF	NECC Vs County Government of Kilifi	Kilifi	Poor waste management in Kilifi
2.	22.02.2023 Letter	Nature Kenya Vs NEMA	Chanjalo area, Kamale Sub- Location, Adu Location, Magarini, Kilifi County	Proposed site that is unsuitable for disposal of asbestos on Plot No. 2059
3.	04.04.2023 Daily Nation	Own motion	River Sabaki, Malindi, Kilifi County	Reduction of water levels in River Sabaki that have led to reduction of animal and plant populations due to domestic and industrial pollution, water over abstraction for irrigation and improper land uses
4.	30.09.2022 Complaint Form	Mr. James Theuri vs County Government of Kilifi	Mtwapa, Kilifi County	Noise pollution from a bar located next to a residential area
5.	14.04.2023 Letter	Green Estate Residents vs County Government of Kilifi	Mariakani, Kilifi County	<ul style="list-style-type: none"> i. Poor solid waste management i. Lack of proper storm water drainages i. Discharge of sewage into the environment . Industrial air pollution and Noise pollution from bars and Churches

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6.	13.11.2022 Complaint Form	Mr. Taher Zakir Vs New Face Hotel & Bar	Mariakani, Kilifi County	Noise pollution from New Face Hotel & Bar
7.	13.11.2022 Complaint Form	Mr. Taher Zakir Vs Luxury Comfort Hotel and Bar	Mariakani, Kilifi County	Noise pollution from Luxury Comfort Hotel and Bar
8.	18.04.2023 CF	Residents of Kashani Vs Unknown quarry operators	Kashani area in Bamburi	Environmental degradation caused by quarrying activities
9.	03.01.2023 Letter	Mr. Ainea Ragen Vs a Mosque	Kadzandani , Mwatamba Location	Blockage of an access road through fencing by the management of a mosque
10.	03.11.2022 CF	Mr. Geoffrey Malo Vs Safaricom Ltd	Mkomani,	Construction of a cell tower without proper public participation
11.	03.11.2022 CF	Ms. Mercy Karim Vs	Marikiti area and Old Town	Effluent discharge into the environment
12.	19.04.2023 CF	Mr. Abubakar Said Salim Vs County Government of Mombasa	Jordan area, Kisauni Sub-county, Mtopanga ward	Developers have built on storm drains leading to flooding into residential areas and overflows to pit latrines
13.	18.04.2023 CF	NECC Vs Big Tree Club	Along Bamburi Road	Noise pollution from the activities of a Club
14.	3.05.2023 CF	NECC Vs County Government of Mombasa	Kongowea Market	Poor waste management at the market
15.	13.06.2023 Email	Residents of KPA Estate vs Redeemed Gospel Church, Miritini	Miritini in Jomvu Sub-county	Noise pollution from activities of the church
16.	13.06.2023 Email	Residents of KPA Estate vs Mombasa Water Supply And Sanitation Company Limited	Miritini in Jomvu Sub-county	Poor disposal of sewage where some residents block the manholes to use the sewage for cultivation
17.	12.06.2022	NECC Vs County Government of Mombasa	VOK dumpsite	Poor solid waste management leading to health problems from smoke emanating from the burning garbage

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NECC participated at the Desertification and Drought Day which is observed on 17th June each year to promote public awareness of international efforts to combat desertification. This year's function was held at Waita-Mwingi, Kitui County. This year, the theme for WDDD was "Her land. Her rights", emphasizes that investing in women's equal access to land and associated assets is a direct investment in their future and the future of humanity. It's time for women and girls to be at the forefront of global land restoration and drought resilience efforts. And when land becomes degraded and water is scarce, women are often the worst affected. NECC held an exhibition at the site and created awareness and sensitization of its work, as well as showcasing its achievements. Through the forum, it is expected that NECC will continue to receive environmental complaints from the citizenry in the area.

In general, the complaints investigated can be summarized as;

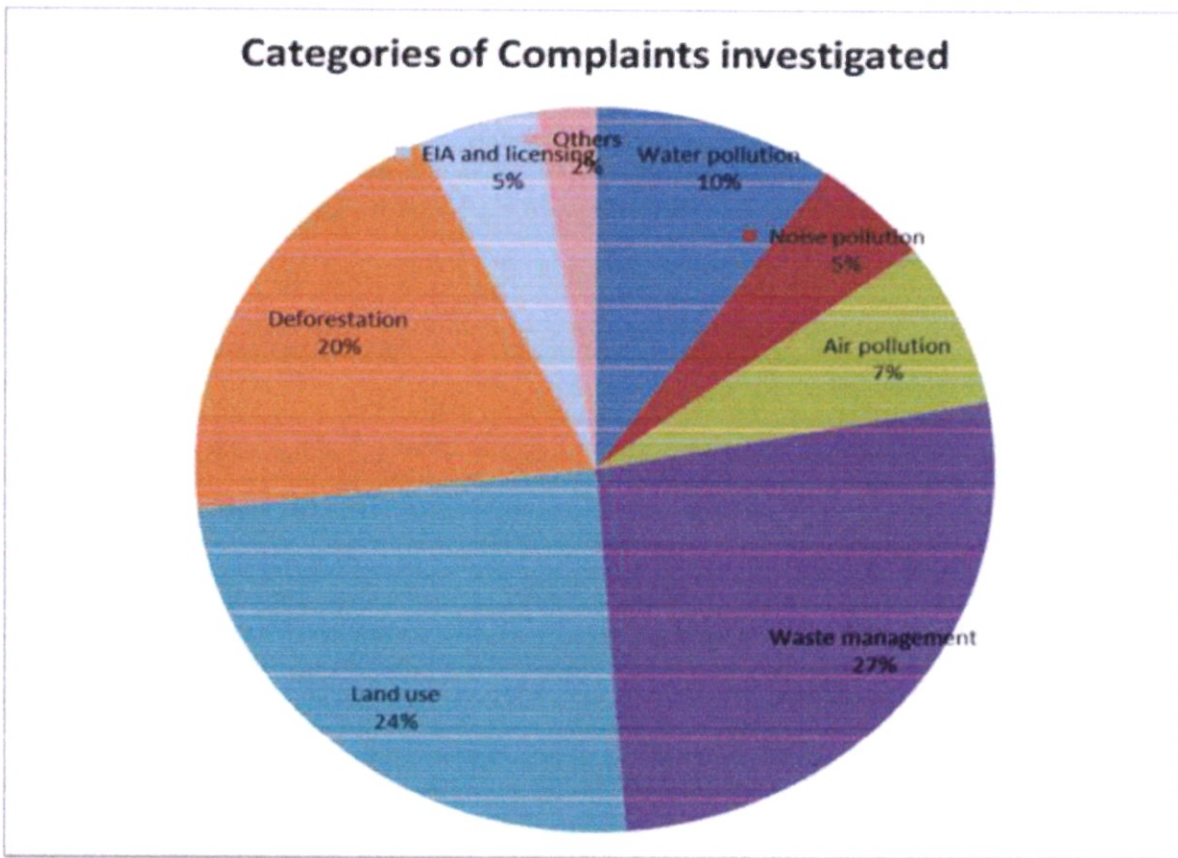


Figure 1: Pie chart indicating the complaints investigated during the reporting period

NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2023

VI. CORPORATE SOCIAL RESPONSIBILITY STATEMENT / SUSTAINABILITY

NECCS' main aim is to transform lives. This is purpose that drives all action undertaken by NECC. Transformation of lives is what guides the organization to deliver on its strategy, which is founded on NECC pillars: putting the customer/Citizen first, delivering relevant goods and services, and improving operational excellence. Below is a brief highlight of our achievements in each pillar.

1. Sustainability Strategy and Profile

We strive to be innovative in way of operations so that we can sustain the budget allocated to us; and mitigate on operational risks and intern and external fraud; computer hacking etc and catastrophic events.

2. Environmental Performance

The dynamic nature of the environment in which NECC operates poses numerous and complex challenges. NECC operates under the Ministry of Environment and Forestry (MEF). The MEF mandate is to protect, conserve and manage the environmental and forestry resources through exploitation for socio-economic development. The development aimed at eradication of poverty, improved living standards and ensuring that a clean environment is sustained now and in the future in line with the country's aspirations as outlined in Constitution of Kenya 2010 and Kenya Vision 2030.

The Third Medium Term Plan (MTP) of *Kenya Vision 2030* identifies the key policy actions and reforms as well as programmes and projects that the government intends to implement in the period 2018 – 2022 to achieve set national targets. In order to achieve these targets, the government has identified the "Big Four" priority areas, namely food and nutrition, manufacturing, universal health care and development of affordable housing in which it intends to concentrate its efforts and resources. The table below indicates the role of NECC to achieve set national targets

NECC'S Role in MTP III

Flagship Project	Role of NECC
Waste management and pollution control	<ul style="list-style-type: none"> • Investigate complaints on poor waste management • Make recommendations for adoption of new waste management technologies • Carry out awareness creation to the public on the 7Rs outlined in the solid waste management strategy • Partner with the e-waste handling institutions on the disposal of E-waste • Carry out awareness creation among counties on clustering and pool their resources together for effective waste management
Promotion and piloting of green energy	<ul style="list-style-type: none"> • Carry out intensive public awareness campaigns on the importance of adoption of green energy technologies in all sectors

NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2023

Water resource management programs	<ul style="list-style-type: none"> • Collaborating with WRUAs for the purpose of conservation and protection of water resources against pollution and encroachment activities
Land reclamation	<ul style="list-style-type: none"> • Investigate complaints received and by own motion on cases of land degradation as a result of illegal sand harvesting, mining, quarrying, deforestation and farming on hilltops, wetlands among others • Make recommendations on proper land use planning, afforestation and re-afforestation, rehabilitation of quarry pits and land restoration
Rehabilitation of Urban Rivers	<ul style="list-style-type: none"> • Investigate received and own motion complaints on pollution of urban rivers and urban agriculture, and make policy recommendations • Participating in clean-up programs for urban rivers • Undertake public interest litigation on behalf of citizenry on pollution of urban rivers
The Plastic Bags initiative	<ul style="list-style-type: none"> • Investigate received complaints regarding use, manufacture and importation of plastic bags and make recommendations • Awareness creation on environmentally friendly carrier and packaging bags • Contribute in the formulation of policies on sound waste management • Ensure compliance with the plastic bags ban
Water Harvesting and Storage programme	<ul style="list-style-type: none"> • Investigate and make policy recommendations on complaints arising from dam construction • To ensure compliance with environmental standards and regulations • Awareness creation on water harvesting and storage methods
Integrated Regional Development Programme	<ul style="list-style-type: none"> • Investigate and make policy recommendations on complaints arising from the multi-purpose dam projects • Ensure compliance with the requisite legal frameworks • Advocate for environmental conservation projects in areas covering mega projects
Strengthening Environmental Governance	<ul style="list-style-type: none"> • Investigate and recommend practices that will lead to formulation of policies and legislation for best environmental governance
Forest Conservation and Management	<ul style="list-style-type: none"> • Investigating cases of illegal logging and charcoal burning activities • Carrying out tree planting activities with aim of achieving the 10% forest cover in the country • Creating awareness on forest conservation • Contributing to development of strategies of achieving the 10% forest cover • Land use planning
Irrigation and Water	<ul style="list-style-type: none"> • Make recommendations to county governments to support

**NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2023**

Storage Programme	<p>sustainable community water projects</p> <ul style="list-style-type: none"> • Carry out ADR on areas with conflicts on water resources
The Plastic Bags initiative	<ul style="list-style-type: none"> • Investigate received complaints regarding use, manufacture and importation of plastic bags and make recommendations • Awareness creation on environmentally friendly carrier and packaging bags • Contribute in the formulation of policies on sound waste management • Ensure compliance with the plastic bags ban
Water Harvesting and Storage programme	<ul style="list-style-type: none"> • Investigate and make policy recommendations on complaints arising from dam construction • To ensure compliance with environmental standards and regulations • Awareness creation on water harvesting and storage methods
Integrated Regional Development Programme	<ul style="list-style-type: none"> • Investigate and make policy recommendations on complaints arising from the multi-purpose dam projects • Ensure compliance with the requisite legal frameworks • Advocate for environmental conservation projects in areas covering mega projects

The National Environmental Complaints Committee faces challenges in its endeavour to perform its functions, namely:

- a) Delay in approval on implementation of NECC establishment plan
- b) Inadequate legislation to establish NECC independence.
- c) Operationalization of NECC staff below optimal
- d) Inadequate budgetary allocation to enable environmental investigations country wide.
- e) NECC lacks;
 - (i). adequate office space and facilities;
 - (ii). requisite equipment for air, noise, soil and water sampling for scientific testing and analysis;
 - (iii). adequate number of vehicles to enhance mobility noting that investigations are carried out in the field.

The elevation of environmental rights into fundamental rights under Articles 42 and the right to quick and fair administrative action under Article 47 of the Constitution places a great responsibility on NECC to serve all citizens with urgency. The lack of facilitations as outlined above has inhibited NECC ability to meet its role and responsibilities in upholding environmental rights enshrined in the Constitution.

3. Employee Welfare

NECC undertakes to ensure that there is gender mainstreaming as captured in its performance contracts. There is strict observance of gender ratio in its recruitment and hiring. The process strives to be as transparent as possible with the inclusion of stakeholders and strives to ensure that there is continuous improvement in the process.

**NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2023**

NECC has also developed career progression guidelines for its staff, with regular staff appraisal and renewal systems to boost its workforce.

At its premises, NECC observes the provisions of the Occupational Health and Safety Act, 2007 to ensure that its workers are safe at all times. The same has been trickled down to all cadres at the office during several trainings and sensitization workshops on safety.

4. Market Place Practices

NECC is committed to observe the provisions of the procurement process as outlined in its performance contract. In essence, NECC will observe responsible competition amongst its suppliers while ensuring that a minimum of 30% of value of goods and service procured is reserved for youth, women and people with disabilities (PWDs), at least 2% of the amount going to PWDs. NECC also will ensure that it prequalifies the registered groups as affirmative action and ensure that Youth, Women and persons with disabilities are given opportunities for quotation.

To facilitate responsible supply chain management, NECC commits to make prompt payments to its suppliers and honour its contracts. Additionally, NECC will ensure that 40% of procurement budget is on local products and services. This is aimed at ensuring the practice of good business practice is promoted in all its procurement process.

5. Community Engagements

To support and encourage environmental conservation amongst communities, NECC has been involved in several CSR activities during the report period, including; sensitization of staff and stakeholders on Covid 19 prevention and management and promotion of sanitation in all its activities

**NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2023**

VII. REPORT OF THE DIRECTORS

The Directors hereby submit their report together with the audited financial statements for the Year ending on 30th June 2023 which show the state of the NECC affairs.

Principal activities

The Principal activity of NECC is to investigate the degradation of the environment. Its mission and vision are as follows;

Vision: To be the leading environmental ombudsman in Africa

Mission: To facilitate access to environmental justice to the public by providing a forum for expeditious and affordable environmental conflict resolution and to contribute to environmental policy development.

The Principal activity of the National Environmental Complaints Committee is to conduct in-depth investigation of any allegations against any person in relation to the condition of the environment in Kenya or on its own motion; any suspected case of environmental degradation. Further, parliament through Section 32 of EMCA mandates NECC to: prepare and submit to the Cabinet Secretary periodic reports of its activities which report shall form part of the annual report on the state of the environment; undertake Public Interest Litigation (PIL) on behalf of the citizens in environmental matters and to perform such other functions and exercise such powers as may be assigned to it by the Cabinet Secretary

Results

The results of the NECC for the year ended 30th June 2023 are set out on pages 1

Directors

The members of the Board of Directors who served during the period are shown on page (ii).

Auditors

The Auditor General is responsible for the statutory audit of the NECC in accordance with Article 229 of the Constitution of Kenya and the Public Audit Act 2015 for year ended June 30th, 2022 in accordance to section 23 of the Public Audit Act, 2015 which empowers the Audit General to appoint an auditor to audit on his behalf.

By Order of the Board

Chairman
Nairobi
Date



**NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2023**

VIII. STATEMENT OF DIRECTORS' RESPONSIBILITIES

Section 81 of the Public Finance Management Act, 2012 and Sec 14 of State Corporations Act requires the directors to prepare Financial Statement in respect of National Environmental Complaints Committee (NECC) which give a true and fair view of National Environmental Complaints Committee (NECC) at the end of the Financial Year ending 30th June 2023; and the operating results of NECC for the Financial Year ending 30th June 2023.

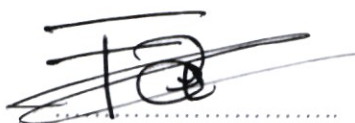
This responsibility includes: (i) maintaining adequate financial management arrangements and ensuring that these continue to be effective throughout the reporting period; (ii) maintaining proper accounting records, which disclose with reasonable accuracy at any time the financial position of NECC; (iii) designing, implementing and maintaining internal controls relevant to the preparation and fair presentation of the financial statements, and ensuring that they are free from material misstatements, whether due to error or fraud; (iv) safeguarding the assets of NECC; (v) selecting and applying appropriate accounting policies; and (vi) making accounting estimates that are reasonable in the circumstances.

The Directors accept responsibility for NECC financial statements, which have been prepared using appropriate accounting policies supported by reasonable and prudent judgements and estimates, in conformity with International Public Sector Accounting Standards (IPSAS), and in the manner required by the PFM Act, 2012 and EMCA Act 1999 (Amended 2015). The Directors are of the opinion that the NECC's financial statements give a true and fair view of the state of NECC's transactions during Financial Year ending 30 June 2023, and of NECC financial position as at that date. The Directors further confirms the completeness of the accounting records maintained for NECC, which have been relied upon in the preparation of the NECC's financial statements as well as the adequacy of the systems of internal financial control.

Nothing has come to the attention of the Directors to indicate that NECC will not remain a going concern for at least the next twelve months from the date of this statement.

Approval of the financial statements

The NECC's financial statements were approved by the Board on 15th August 2023 and signed on its behalf by:

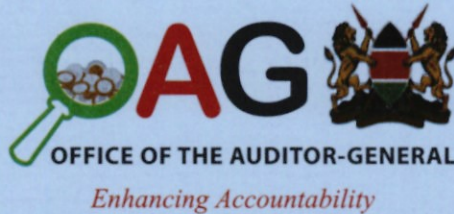


CHAIRPERSON



**ACCOUNTING OFFICER /
COMMITTEE SECRETARY**

REPUBLIC OF KENYA



Telephone: +254-(20) 3214000
E-mail: info@oagkenya.go.ke
Website: www.oagkenya.go.ke

HEADQUARTERS
Anniversary Towers
Monrovia Street
P.O. Box 30084-00100
NAIROBI

REPORT OF THE AUDITOR-GENERAL ON NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE FOR THE YEAR ENDED 30 JUNE, 2023

PREAMBLE

I draw your attention to the contents of my report which is in three parts:

- A. Report on the Financial Statements that considers whether the financial statements are fairly presented in accordance with the applicable financial reporting framework, accounting standards and the relevant laws and regulations that have a direct effect on the financial statements.
- B. Report on Lawfulness and Effectiveness in Use of Public Resources which considers compliance with applicable laws, regulations, policies, gazette notices, circulars, guidelines and manuals and whether public resources are applied in a prudent, efficient, economic, transparent and accountable manner to ensure the Government achieves value for money and that such funds are applied for the intended purpose.
- C. Report on the Effectiveness of Internal Controls, Risk Management and Governance which considers how the entity has instituted checks and balances to guide internal operations. This responds to the effectiveness of the governance structure, risk management environment and internal controls, developed and implemented by those charged with governance for orderly, efficient and effective operations of the entity.

An unmodified opinion does not necessarily mean that an entity has complied with all relevant laws and regulations and that its internal controls, risk management and governance systems are properly designed and were working effectively in the financial year under review.

The three parts of the report are aimed at addressing the statutory roles and responsibilities of the Auditor-General as provided by Article 229 of the Constitution, the Public Finance Management Act, 2012 and the Public Audit Act, 2015. The three parts of the report when read together constitute the report of the Auditor-General.

REPORT ON THE FINANCIAL STATEMENTS

Opinion

I have audited the accompanying financial statements of National Environmental Complaints Committee set out on pages 1 to 26, which comprise of the statement of financial position as at 30 June, 2023, and the statement of financial performance,

statement of changes in net assets, statement of cash flows and statement of comparison of budget and actual amounts for the year then ended, and a summary of significant accounting policies and other explanatory information in accordance with the provisions of Article 229 of the Constitution of Kenya and Section 35 of the Public Audit Act, 2015. I have obtained all the information and explanations which, to the best of my knowledge and belief, were necessary for the purpose of the audit.

In my opinion, the financial statements present fairly, in all material respects, the financial position of National Environmental Complaints Committee as at 30 June, 2023, and of its financial performance and its cash flows for the year then ended, in accordance with International Public Sector Accounting Standards (Accrual Basis) and comply with the Environmental Management and Co-ordination (Amendment) Act, 2015 and the Public Finance Management Act, 2012.

Basis for Opinion

The audit was conducted in accordance with the International Standards for Supreme Audit Institutions (ISSAIs). I am independent of the National Environmental Complaints Committee Management in accordance with ISSAI 130 on the Code of Ethics. I have fulfilled other ethical responsibilities in accordance with the ISSAI and in accordance with other ethical requirements applicable to performing audits of financial statements in Kenya. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Key Audit Matters

Key audit matters are those matters that, in my professional judgement, are of most significance in the audit of the financial statements. There were no key audit matters to report in the year under review.

Other Matter

Unresolved Prior Year Issue

In the audit report of the previous year, an issue was raised under the Report on Lawfulness and Effectiveness in Use of Public Resources which has remained unresolved.

REPORT ON LAWFULNESS AND EFFECTIVENESS IN USE OF PUBLIC RESOURCES

Conclusion

As required by Article 229(6) of the Constitution and based on the audit procedures performed, except for the matter described in the Basis for Conclusion on Lawfulness and Effectiveness in Use of Public Resources section of my report, I confirm that nothing else has come to my attention to cause me to believe that public resources have not been applied lawfully and in an effective way.

Basis for Conclusion

Internship Program Exceeding One Year

As previously reported, interns have been engaged for over nine (9) years since the year 2014. This was contrary to Section H 22(3) of the Public Service Commission Human Resource Policies and Procedures Manual of May, 2016 which states that internship programs shall be guided by the relevant provisions of the Constitution, relevant professional bodies and other policy guidelines and shall not exceed one year.

In the circumstances, Management was in breach of the law.

The audit was conducted in accordance with the International Standards for Supreme Audit Institutions (ISSAI) 4000. The standard requires that I comply with ethical requirements and plan and perform the audit to obtain assurance about whether the activities, financial transactions and information reflected in the financial statements comply, in all material respects, with the authorities that govern them. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my conclusion.

REPORT ON THE EFFECTIVENESS OF INTERNAL CONTROLS, RISK MANAGEMENT AND GOVERNANCE

Conclusion

As required by Section 7(1)(a) of the Public Audit Act, 2015 and based on the audit procedures performed, except for the matter described in the Basis for Conclusion on Effectiveness of Internal Controls, Risk Management and Governance section of my report, I confirm that, nothing else has come to my attention to cause me to believe that internal controls, risk management and governance were not effective.

Basis for Conclusion

Lack of Segregation of Duties

The Finance Department is staffed with the Head of Finance and interns. The Head of Finance initiates payments, makes payments, maintains cashbook, prepares bank reconciliation statements and posts the ledger in disregard of segregation of duties.

Further, the accounting records are manually maintained.

In the circumstances, the effectiveness of internal controls could not be confirmed.

The audit was conducted in accordance with the ISSAIs 2315 and ISSAIs 2330. The standards require that I plan and perform the audit to obtain assurance about whether effective processes and systems of internal controls, risk management and overall governance were operating effectively, in all material respects. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my conclusion.

Responsibilities of Management and those Charged with Governance

Management is responsible for the preparation and fair presentation of these financial statements in accordance with International Public Sector Accounting Standards (Accrual Basis) and for maintaining effective internal controls as Management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error and for its assessment of the effectiveness of internal controls, risk management and governance.

In preparing the financial statements, Management is responsible for assessing the Committee's ability to continue to sustain its services, disclosing, as applicable, matters related to sustainability of services and using the applicable basis of accounting unless Management is aware of the intention to terminate the Committee or to cease operations.

Management is also responsible for the submission of the financial statements to the Auditor-General in accordance with the provisions of Section 47 of the Public Audit Act, 2015.

In addition to the responsibility for the preparation and presentation of the financial statements described above, Management is also responsible for ensuring that the activities, financial transactions and information reflected in the financial statements comply with the authorities, which govern them and that public resources are applied in an effective way.

Those charged with governance are responsible for overseeing the Committee's financial reporting process, reviewing the effectiveness of how Management monitors compliance with relevant legislative and regulatory requirements, ensuring that effective processes and systems are in place to address key roles and responsibilities in relation to governance and risk management and ensuring the adequacy and effectiveness of the control environment.

Auditor-General's Responsibilities for the Audit

The audit objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion in accordance with the provisions of Section 48 of the Public Audit Act, 2015 and submit the audit report in compliance with Article 229(7) of the Constitution. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISSAIs will always detect a material misstatement and weakness when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

In addition to the audit of the financial statements, a compliance audit is planned and performed to express a conclusion about whether, in all material respects, the activities, financial transactions and information reflected in the financial statements are in compliance with the authorities that govern them and that public resources are applied in

an effective way, in accordance with the provisions of Article 229(6) of the Constitution and submit the audit report in compliance with Article 229(7) of the Constitution.

Further, in planning and performing the audit of the financial statements and audit of compliance, I consider internal controls in order to give an assurance on the effectiveness of internal controls, risk management and governance processes and systems in accordance with the provisions of Section 7(1)(a) of the Public Audit Act, 2015 and submit the audit report in compliance with Article 229(7) of the Constitution. My consideration of the internal controls would not necessarily disclose all matters in the internal controls that might be material weaknesses under the ISSAIs. A material weakness is a condition in which the design or operation of one or more of the internal controls components does not reduce to a relatively low level the risk that misstatements caused by error or fraud in amounts that would be material in relation to the financial statements being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions.

Because of its inherent limitations, internal controls may not prevent or detect misstatements and instances of noncompliance. Also, projections of any evaluation of effectiveness to future periods are subject to the risk that controls may become inadequate because of changes in conditions, or that the degree of compliance with the Committee's policies and procedures may deteriorate.

As part of an audit conducted in accordance with ISSAIs, I exercise professional judgement and maintain professional skepticism throughout the audit. I also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal controls.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by Management.
- Conclude on the appropriateness of the Management's use of applicable basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Committee's ability to sustain its services. If I conclude that a material uncertainty exists, I am required to draw attention in the auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my audit report. However, future events or conditions may cause the Committee to cease to sustain its services.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

- Obtain sufficient appropriate audit evidence regarding the financial information and business activities of the Committee to express an opinion on the financial statements.
- Perform such other procedures as I consider necessary in the circumstances.

I communicate with Management regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal controls that are identified during the audit.

I also provide Management with a statement that I have complied with relevant ethical requirements regarding independence and to communicate with them all relationships and other matters that may reasonably be thought to bear on my independence and where applicable, related safeguards.


FCPA Nancy Gathungu, CBS
AUDITOR-GENERAL

Nairobi

25 March, 2024

NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2023

I. FINANCIAL PERFORMANCE FOR THE YEAR ENDED 30TH JUNE 2023

	Note	2022-2023	2021-2022
Revenue from non-exchange transaction			
		Kshs.	Kshs.
Government Grant	5	132,785,215	135,900,000
Other grants	5	-	0
Total Revenue		132,785,215	135,900,000
Expenses			
General expenses	6	25,594,458	43,651,068
Employee costs	7	9,683,373	8,200,881
Board expenses	8	5,224,290	7,997,537
Committee Operational Expenses	9	88,511,371	71,909,330
Other Grants expenses	10	-	0
Depreciation and amortization Expenses	11	893,553	1,171,726
Repair and Maintenance	12	1,345,842	1,787,909
Total expenses		131,252,887	134,718,451
Surplus/Deficit for the period		1,532,328	1,181,549

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**ACCOUNTING OFFICER /
COMMITTEE SECRETARY**


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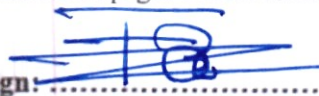
HEAD OF FINANCE

**NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2023**

II. STATEMENT OF FINANCIAL POSITION AS AT 30TH JUNE 2023

	Note	2022-2023	2021-2022
		Kshs	Kshs
Assets			
Current Assets			
Cash and cash equivalents	13	2,535,971	463,891
Receivables from Non-Exchange Transactions			
Total Current Assets		2,535,971	463,891
Non-Current Assets			
Property, Plants & Equipment	14	3,250,712	3,790,464
Total Assets		5,786,683	4,254,355
Current Liabilities			
Trade Payables	15	604,000	604,000
Total Current Liabilities		604,000	604,000
Represented by;			
Revenue Reserves	16	5,182,683	3,650,355
Total Net Assets & Liabilities		5,786,683	4,254,355

The Notes set on pages 6 to 26 form an integral part of the Financial Statements.

1. Sign: 

Date: 04-03-2024

DR. FANCY CHEPKEMOI TOO
CHAIRPERSON

2. Sign: Mij

Date: 04-03-2024

MARY NJOGU
ACCOUNTING OFFICER /
COMMITTEE SECRETARY

3. Sign: 

Date: 04-03-2024

DUNCAN M. KOMBO
HEAD OF FINANCE

**NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2023**

XIII STATEMENT OF CHANGES IN NET ASSETS FOR THE YEAR ENDED 30 JUNE 2023

	Revenue Reserves	Total
	Kshs	Kshs
Balance as at 30 June 2021	3,650,355	2,533,742
Deficit for 2020-2021	0	(64,936)
Accumulated at 30 June 2023	3,650,355	3,650,355
As at 01 July 2022	3,650,355	3,650,355
Surplus for year 2022/2023	1,532,328	1,532,328
Accumulated at 30 June 2023	5,182,683	5,182,683

**NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2023**

XIV STATEMENT OF CASH FLOWS FOR THE YEAR ENDED JUNE 30, 2023

		2022-2023	2021-2022
		Kshs	Kshs
Cash flows from operating activities			
Receipts			
Government grants and subsidies	5	132,785,215	135,900,000
Other grants		-	
Total Receipts		132,785,215	135,900,000
Payments			
Use of goods and service	6	25,594,458	43,651,068
Employees costs	7	9,683,373	8,200,881
Board Expenses	8	5,224,290	7,997,537
Committee Operational Expenses	9	88,511,371	71,909,330
Other grants expenses	10	-	
Repairs and Maintenance	12	1,345,842	1,787,909
Total Payments		130,359,334	133,546,725
Net cash flows from operating activities	17	2,425,881	2,353,275
Cash flows from investing activities			
Purchase of property, plant, equipment		(353,800)	(2,250,740)
Net cash flows used in investing activities			
Net increase/decrease in cash and cash equivalent		2,072,081	102,535
Net cash flows used in financing activities			
Cash and cash equivalents as at 1st July 2022		463,890	361,355
Cash and cash equivalents as at 30th June 2023	13	2,535,971	463,890

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ACCOUNTING OFFICER /
COMMITTEE SECRETARY

HEAD OF FINANCE

NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2023

XV STATEMENT OF COMPARISON OF BUDGET AND ACTUAL AMOUNTS FOR THE YEAR ENDED 30 JUNE 2023

	Original budget	Adjustments /supplementary	Final budget	Actual on comparable basis	Performance difference	% change	Notes
	2022-2023						
Revenue	Kshs	Kshs	Kshs	Kshs	Kshs		
Government grants and subsidies	132,785,215		132,785,215	132,785,215	-		
Total in come	132,785,215	-	132,785,215	132,785,215	-		
Expenses							
Goods and services	122,785,215	-	122,785,215	120,927,215	1,858,000	1.5%	1.
Compensation of employees	10,000,000		10,000,000	9,683,373	316,627	3.1%	2.
Total expenditure	132,785,215	-	132,785,215	130,610,588			
Surplus for the period	-	-	-	2,174,627			

NOTES

1. *The non absorbtion of 1.5% was due to late release of exchequer.*
2. *The positive change of 3.1% was due exit of staff during the year.*

**NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2023**

XVI NOTES TO THE FINANCIAL STATEMENTS

1. General Information

National Environmental Complaints is established by and derives its authority and accountability from EMCA Act 1999. The entity is wholly owned by the Government of Kenya and is domiciled in Kenya. The entity's principal activity is with the mandate of investigating allegations or complaints regarding the condition of the environment in Kenya, or on its own motion, suspected cases of environmental degradation and also Public Interest Litigation. According to the Act, every person is entitled to a clean and healthy environment.

2. Statement of compliance and basis of preparation - IPSAS 1

The financial statements have been prepared on a historical cost basis except for the measurement at re-valued amounts of certain items of property, plant and equipment, marketable securities and financial instruments at fair value, impaired assets at their estimated recoverable amounts and actuarially determined liabilities at their present value. The preparation of financial statements in conformity with International Public Sector Accounting Standards (IPSAS) allows the use of estimates and assumptions. It also requires management to exercise judgment in the process of applying the entity's accounting policies. The areas involving a higher degree of judgment or complexity, or where assumptions and estimates are significant to the financial statements, are disclosed in Note 2. (r,i)&ii).

The financial statements have been prepared and presented in Kenya Shillings, which is the functional and reporting currency of the Institute.

The financial statements have been prepared in accordance with the PFM Act, the State Corporations Act and International Public Sector Accounting Standards (IPSAS). The accounting policies adopted have been consistently applied to all the years presented.

**NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2023**

NOTES TO THE FINANCIAL STATEMENTS (Continued)

3. Adoption of New and Revised Standards

- i. New and amended standards and interpretations in issue effective in the year ended 30 June 2023.*

Standard	Impact:
Other Improvements to IPSAS	<p>Applicable: 1st January 2022:</p> <p>a) Amendments to IPSAS 13, to include the appropriate references to IPSAS on impairment, in place of the current references to other international and/or national accounting frameworks.</p> <p>b) IPSAS 13, Leases and IPSAS 17, Property, Plant, and Equipment. Amendments to remove transitional provisions which should have been deleted when IPSAS 33, First Time Adoption of Accrual Basis International Public Sector Accounting Standards (IPSASs) was approved.</p> <p>c) IPSAS 21, Impairment of Non-Cash-Generating Assets and IPSAS 26, Impairment of Cash Generating Assets. Amendments to ensure consistency of impairment guidance to account for revalued assets in the scope of IPSAS 17, Property, Plant, and Equipment and IPSAS 31, Intangible Assets.</p> <p>d) IPSAS 33, First-time Adoption of Accrual Basis International Public Sector Accounting Standards (IPSASs). Amendments to the implementation guidance on deemed cost in IPSAS 33 to make it consistent with the core principles in the Standard.</p>

NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2023

NOTES TO THE FINANCIAL STATEMENTS (Continued)

ii. *New and amended standards and interpretations in issue but not yet effective in the year ended 30 June 2023.*

Standard	Effective date and impact:
<p>IPSAS 41: Financial Instruments</p>	<p>Applicable: 1st January 2023:</p> <p>The objective of IPSAS 41 is to establish principles for the financial reporting of financial assets and liabilities that will present relevant and useful information to users of financial statements for their assessment of the amounts, timing and uncertainty of an entity's future cash flows.</p> <p>IPSAS 41 provides users of financial statements with more useful information than IPSAS 29, by:</p> <ul style="list-style-type: none"> • Applying a single classification and measurement model for financial assets that considers the characteristics of the asset's cash flows and the objective for which the asset is held; • Applying a single forward-looking expected credit loss model that is applicable to all financial instruments subject to impairment testing; and • Applying an improved hedge accounting model that broadens the hedging arrangements in scope of the guidance. The model develops a strong link between an entity's risk management strategies and the accounting treatment for instruments held as part of the risk management strategy.
<p>IPSAS 42: Social Benefits</p>	<p>Applicable: 1st January 2023</p> <p>The objective of this Standard is to improve the relevance, faithful representativeness and comparability of the information that a reporting entity provides in its financial statements about social benefits. The information provided should help users of the financial statements and general purpose financial reports assess:</p> <ol style="list-style-type: none"> (a) The nature of such social benefits provided by the entity; (b) The key features of the operation of those social benefit schemes; and (c) The impact of such social benefits provided on the entity's financial

**NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
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Standard	Effective date and impact:
	performance, financial position and cash flows.
Amendments to Other IPSAS resulting from IPSAS 41, Financial Instruments	<p>Applicable: 1st January 2023:</p> <ul style="list-style-type: none"> a) Amendments to IPSAS 5, to update the guidance related to the components of borrowing costs which were inadvertently omitted when IPSAS 41 was issued. b) Amendments to IPSAS 30, regarding illustrative examples on hedging and credit risk which were inadvertently omitted when IPSAS 41 was issued. c) Amendments to IPSAS 30, to update the guidance for accounting for financial guarantee contracts which were inadvertently omitted when IPSAS 41 was issued. <p>Amendments to IPSAS 33, to update the guidance on classifying financial instruments on initial adoption of accrual basis IPSAS which were inadvertently omitted when IPSAS 41 was issued.</p>

iii. Early adoption of standards

The entity did not early – adopt any new or amended standards in year 2020/2021.

**NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
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SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

a) Pronouncements from the Public Sector Accounting Standards Board (PSASB)

The Public Finance Management (PFM) Act 2012 Section 192 provided the setting up of the Public Sector Accounting Standards Board (PSASB). The Cabinet Secretary National Treasury, gazetted members of the Board through Gazette Notice No. 1199 of 28 February, 2014. Following the Board's approval on the adoption of the International Financial Reporting Standards (IFRS) for state organs operating as Commercial Business Entities and The International Public Sector Accounting Standards (IPSAS) for non-commercial entities, the Institute has adopted the pronouncements made by the IPSAS board in preparation of its current year financial statements. The Financial Statements have therefore been prepared in accordance with the Accrual basis of Accounting Method under the International Public Sector Accounting Standards (IPSAS)

SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES Conti...

a) Revenue recognition

i) Revenue from non-exchange transactions

Fees, taxes and fines

The entity recognizes revenues from fees, taxes and fines when the event occurs and the asset recognition criteria are met. To the extent that there is a related condition attached that would give rise to a liability to repay the amount, deferred income is recognized instead of revenue. Other non-exchange revenues are recognized when it is probable that the future economic benefits or service potential associated with the asset will flow to the entity and the fair value of the asset can be measured reliably.

Transfers from other government entities

Revenues from non-exchange transactions with other government entities are measured at fair value and recognized on obtaining control of the asset (cash, goods, services and property) if the transfer is free from conditions and it is probable that the economic benefits or service potential related to the asset will flow to the entity and can be measured reliably. Recurrent grants are recognized in the statement of comprehensive income. Development/capital grants are recognized in the statement of financial position and realised in the statement of comprehensive income over the useful life of the assets that has been acquired using such funds.

NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2023

SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

a) Revenue recognition (Continued)

ii) Revenue from exchange transactions

Rendering of services

The entity recognizes revenue from rendering of services by reference to the stage of completion when the outcome of the transaction can be estimated reliably. The stage of completion is measured by reference to labour hours incurred to date as a percentage of total estimated labour hours.

Where the contract outcome cannot be measured reliably, revenue is recognized only to the extent that the expenses incurred are recoverable.

Sale of goods

Revenue from the sale of goods is recognized when the significant risks and rewards of ownership have been transferred to the buyer, usually on delivery of the goods and when the amount of revenue can be measured reliably and it is probable that the economic benefits or service potential associated with the transaction will flow to the entity.

Interest income

Interest income is accrued using the effective yield method. The effective yield discounts estimated future cash receipts through the expected life of the financial asset to that asset's net carrying amount. The method applies this yield to the principal outstanding to determine interest income each period.

b) Budget information

The original budget for FY 2021-2022 was approved by the National Assembly on 15th June, 2021. Subsequent revisions or additional appropriations were made to the approved budget in accordance with specific approvals from the appropriate authorities. The additional appropriations are added to the original budget by NECC upon receiving the respective approvals in order to conclude the final budget. Accordingly, NECC recorded

**NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2023**

SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

additional appropriations of 15th June, 2021 on the 2021-2022 budget following the governing body's approval.

The NECC's budget is prepared on a different basis to the actual income and expenditure disclosed in the financial statements. The financial statements are prepared on accrual basis using a classification based on the nature of expenses in the statement of financial performance, whereas the budget is prepared on a cash basis. The amounts in the financial statements were recast from the accrual basis to the cash basis and reclassified by presentation to be on the same basis as the approved budget. A comparison of budget and actual amounts, prepared on a comparable basis to the approved budget, is then presented in the statement of comparison of budget and actual amounts.

In addition to the Basis difference, adjustments to amounts in the financial statements are also made for differences in the formats and classification schemes adopted for the presentation of the financial statements and the approved budget.

A statement to reconcile the actual amounts on a comparable basis included in the statement of comparison of budget and actual amounts and the actuals as per the statement of financial performance has been presented under page 1 of these financial statements.

c) Taxes

NECC is not subject to government taxes

d) Property, plant and equipment

All property, plant and equipment are stated at cost less accumulated depreciation and impairment losses. Cost includes expenditure that is directly attributable to the acquisition of the items. When significant parts of property, plant and equipment are required to be replaced at intervals, the entity recognizes such parts as individual assets with specific useful lives and depreciates them accordingly. Likewise, when a major inspection is performed, its cost is recognized in the carrying amount of the plant and equipment as a replacement if the recognition criteria are satisfied. All other repair and maintenance costs are recognized in surplus or deficit as incurred. Where an asset is acquired in a non-exchange transaction for nil or nominal consideration the asset is initially measured at its fair value.

SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

e) Intangible assets

Intangible assets acquired separately are initially recognized at cost. The cost of intangible assets acquired in a non-exchange transaction is their fair value at the date of the exchange. Following initial recognition, intangible assets are carried at cost less any accumulated amortization and accumulated impairment losses. Internally generated intangible assets, excluding capitalized development costs, are not capitalized and expenditure is reflected in surplus or deficit in the period in which the expenditure is incurred.

The useful life of the intangible assets is assessed as either finite or indefinite.

f) Research and development costs

The Entity expenses research costs as incurred. Development costs on an individual project are recognized as intangible assets when the Entity can demonstrate:

- The technical feasibility of completing the asset so that the asset will be available for use or sale
- Its intention to complete and its ability to use or sell the asset
- How the asset will generate future economic benefits or service potential
- The availability of resources to complete the asset
- The ability to measure reliably the expenditure during development.

g) Research and development costs (continue)

Following initial recognition of an asset, the asset is carried at cost less any accumulated amortization and accumulated impairment losses. Amortization of the asset begins when development is complete and the asset is available for use. It is amortized over the period of expected future benefit. During the period of development, the asset is tested for impairment annually with any impairment losses recognized immediately in surplus or deficit.

h) Inventories

After initial recognition, inventory is measured at the lower of cost and net realizable value. However, to the extent that a class of inventory is distributed or deployed at no charge or for a nominal charge, that class of inventory is measured at the lower of cost and current replacement cost.

Net realizable value is the estimated selling price in the ordinary course of operations, less the estimated costs of completion and the estimated costs necessary to make the sale, exchange, or distribution.

**NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
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POLICY ON EXPENDITURE RECOGNITION

Inventories are recognized as an expense when deployed for utilization or consumption in the ordinary course of operations of the Entity.

e) Provisions

Provisions are recognized when the Entity has a present obligation (legal or constructive) as a result of a past event, it is probable that an outflow of resources

embodying economic benefits or service potential will be required to settle the obligation and a reliable estimate can be made of the amount of the obligation.

Where the NECC expects some or all of a provision to be reimbursed, for example, under an insurance contract, the reimbursement is recognized as a separate asset only when the reimbursement is virtually certain.

The expense relating to any provision is presented in the statement of financial performance net of any reimbursement.

Contingent liabilities

The Entity does not recognize a contingent liability, but discloses details of any contingencies in the notes to the financial statements, unless the possibility of an outflow of resources embodying economic benefits or service potential is remote.

Contingent assets

The Entity does not recognize a contingent asset, but discloses details of a possible asset whose existence is contingent on the occurrence or non-occurrence of one or more uncertain future events not wholly within the control of the Entity in the notes to the financial statements. Contingent assets are assessed continually to ensure that developments are appropriately reflected in the financial statements. If it has become virtually certain that an inflow of economic benefits or service potential will arise and the asset's value can be measured reliably, the asset and the related revenue are recognized in the financial statements of the period in which the change occurs.

NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
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Nature and purpose of reserves

The NECC creates and maintains reserves in terms of specific requirements. Reserves which are retained earnings by NECC

Changes in accounting policies and estimates

The Entity recognizes the effects of changes in accounting policy retrospectively. The effects of changes in accounting policy are applied prospectively if retrospective application is impractical.

f) Employee benefits

Retirement benefit plans

The Entity provides retirement benefits for its employees and directors. Defined contribution plans are post-employment benefit plans under which an entity pays fixed contributions into a separate entity (a fund), and will have no legal or constructive obligation to pay further contributions if the fund does not hold sufficient assets to pay all employee benefits relating to employee service in the current and prior periods. The contributions to fund obligations for the payment of retirement benefits are charged against income in the year in which they become payable.

Defined benefit plans are post-employment benefit plans other than defined-contribution plans. The defined benefit funds are actuarially valued tri-annually on the projected unit credit method basis. Deficits identified are recovered through lump sum payments or increased future contributions on proportional basis to all participating employers. The contributions and lump sum payments reduce the post-employment benefit obligation.

g) Related parties

The Entity regards a related party as a person or an entity with the ability to exert control individually or jointly, or to exercise significant influence over the Entity, or vice versa. Members of key management are regarded as related parties and comprise the directors, the CEO and senior managers.

h) Cash and cash equivalents

Cash and cash equivalents comprise cash on hand and cash at bank, short-term deposits on call and highly liquid investments with an original maturity of three months or less, which are readily convertible to known amounts of cash and are subject to insignificant risk of changes in value. Bank account balances include amounts held at the Central Bank of Kenya and at various commercial banks at the end of the financial year. For the purposes of these financial statements, cash and cash equivalents also include short

**NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2023**

term cash imprests and advances to authorised public officers and/or institutions which were not surrendered or accounted for at the end of the financial year.

i) Comparative figures

The 2020/2021 comparative figures on Employee Costs and Board expenses have been reclassified under Committee Expenses.

j) Subsequent events

There have been no events subsequent to the financial year end with a significant impact on the financial statements for the year ended June 30, 2022.

**NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2023**

NOTES TO THE FINANCIAL STATEMENTS (Continued)

5. Transfers from other governments

Description	2022-2023	2021-2022
	Kshs.	KShs
Unconditional grants		
Operational grant	132,785,215	135,900,000
Conditional grants		
Covid 19 stimulus	-	
Total government grants and subsidies	132,785,215	135,900,000

6. General Expenses

Description	2022-2023	2021-2022
	Kshs	KShs
Air travel	2,453,862	2,779,937
Conferences and delegations	2,768,620	12,321,870
Hospitality less	12,197,715	15,919,501
Fuel, oil and Lubricants	2,000,000	900,000
Insurance	212,794	205,220
Supplies/Stores	1,673,600	1,556,340
Training	2,184,840	7,693,900
Audit Fee	580,000	290,000
Other expenses	1,523,027	1,984,300
Total	25,594,458	43,651,068

OTHER EXPENSES-PUBLICITY-1,132,840
INTERNET -INTERNET- 250,560
-CLEANING- 37,080
-B/CHARGES-102,547
TOTAL 1,523,027

NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2023

7. Employee Costs

	2022-2023	2021-2022
	Kshs.	Kshs
Casuals payment	1,789,006	787,776
Interns Stipend	6,844,430	4,072,509
NHIF	240,275	314,750
NSSF	269,620	74,800
PAYE	540,042	971,046
Extreuous	0	1,980,000
Total	9,683,373	8,200,881

8. Board Expenses

Description	2022-2023	2021-2022
	Kshs.	Kshs.
Honoraria	616,000	504,000
Sitting	252,000	892,500
Other Board Expenses	4,356,290	6,601,037
Total	5,224,290	7,997,537

9. Committee Operational Expenses

Description	2022-2023	2021-2022
	Kshs.	Kshs.
Travelling and accommodation	68,323,071	59,721,600
Other Expenses	20,188,300	12,187,730
Total	88,511,371	71,909,330

10. Other Grants Expenses

Particulars	Amount	
	2022-2023	2021-2022
Training Youth	-	
Nursery Materials	-	
Seedlings	-	
TOTAL	-	

NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2023

11. Depreciation and Amortization Expense

Description	2022-2023	2021-2022
	Kshs.	Kshs
Property, Plant and Equipment	893,552	1,171,726
Total depreciation and amortization	893,552	1,171,726

12. Repairs and Maintenance

Description	2022-2023	2021-2022
	Kshs.	KShs
Vehicles/Buildings/Equipment	1,345,842	1,787,909
Total repairs and maintenance	1,345,842	1,787,909

13. Cash and Cash Equivalents

Description	2022-2023	2021-2022
	Kshs	KShs
Cash book balance	2,535,971	463,891
Adjusted for - depreciation	-	-
Total cash and cash equivalents	2,535,971	463,891

Cash and cash equivalents comprise cash on hand and cash at bank, short-term deposits on call and highly liquid investments with an original maturity of three months or less, which are readily convertible to known amounts of cash and are subject to insignificant risk of changes in value. Bank account balances include amounts held at the Central Bank of Kenya and at various commercial banks at the end of the financial year. For the purposes of these financial statements, cash and cash equivalents also include short term cash imprests and advances to authorised public officers and/or institutions which were not surrendered or accounted for at the end of the financial year.

**NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
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13. Detailed analysis of the cash and cash equivalents

		2022-2023	2021-2022
Financial institution	Account number	KShs	kshs
a) Current account			
Kenya Commercial bank	1103172972	2,535,971	463,891
Sub- total			--
COMMUNITY BRANCH			
b) On – call deposits			
Sub- total			
c) Fixed deposits account			
Sub- total			
d) Staff car loan/ mortgage			
Sub- total			
e) Others(specify)			
cash in hand			-
Sub- total			-
Grand total		2,535,971	463,891

**NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2023**

14 A: Property, Plant and Equipment

	Land and Buildings	Motor vehicles	Furniture and fittings	Computers	Total
Property, plant and equipment		25%	12.50%	33.30%	
Cost	Shs	Shs	Shs	Shs	
At 1 July 2022	-	7,830,843	4,352,079	5,333,514	17,516,436
Addition 2022-2023			353,800		353,800
At 30th June 2023	-	7,830,843	4,705,879	5,333,514	17,870,236
Depreciation and impairment					
As at 01 July 2022	-	7,274,253	2,589,091	3,862,628	13,725,972
Charge for the year	-	139,148	264,600	489,805	896,553
Accumulated as at 30 June 2023	-	7,413,401	2,853,691	4,352,433	14,619,525
	-	-	-	-	-
Net book values					
At 30 th June 2023	-	417,442	1,852,188	981,081	3,250,711
At 30 June 2022	-	516,590	1,762,988	1,470,886	3,790,464

14B: Depreciation Computation for Year 2022-2023

	Motor Vehicles	Furniture and fittings	Computers	Total
Cost at June 2023	7,830,843	4,705,879	5,333,514	17,870,236
Depreciation to June 2023	7,413,401	2,853,690	4,352,433	14,619,524
NBV 2023	417,442	1,852,189	981,081	3,250,712
Addition 2023		353,800		
Rate	25%	12.50%	33,30%	
Depreciation Charge	139,148	264,600	489,805	893,553

15. Trade and other payable

	2022-2023	2021-2022
	KShs	KShs
NEMA	24,000	24,000
Audit Fees	580,000	580,000
Total	604,000	604,000

NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
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- *There was a receivable from NEMA in the prior year in respect of one Mr. D. Nyamora of Kshs.393, 510. The amount received from NEMA was Kshs.417, 520 thus resulting in a payable figure of kshs.24, 000.*

NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2023

16. Revenue reserve

	Revenue Reserves
	Ksh.
Accumulated at 30 June 2023	3,650,355
Deficit for year	
Accumulated at 30 June 2023	3,650,355
Surplus for year 2022-2023	1,532,328
Accumulated at 30 June 2023	5,182,683

17. Cash Generated from Operations

	2022-2023	2021-2022
	Kshs.	Kshs.
Deficit/surplus for the period	1,532,328	1,181,549
Adjusted for – depreciation	893,553	1,171,726
Provision for audit fee		
Working capital		
Decrease in receivables		
Net cash flow from operating activities	2,425,881	2,353,275

18. Financial Risk Management

The entity's activities expose it to a variety of financial risks including credit and liquidity risks and effects of changes in foreign currency. The company's overall risk management programme focuses on unpredictability of changes in the business environment and seeks to minimise the potential adverse effect of such risks on its performance by setting acceptable levels of risk. The company does not hedge any risks and has in place policies to ensure that credit is only extended to customers with an established credit history.

The company's financial risk management objectives and policies are detailed below:

(i) Credit risk

The entity has exposure to credit risk, which is the risk that a counterparty will be unable to pay amounts in full when due. Credit risk arises from cash and cash equivalents, and deposits with banks, as well as trade and other receivables and available-for-sale financial investments.

Management assesses the credit quality of each customer, taking into account its financial position, past experience and other factors. Individual risk limits are set based on internal or external assessment in accordance with limits set by the directors. The amounts presented in the statement of financial position are net of allowances for doubtful receivables, estimated by the company's management based on prior experience and their assessment of the current economic environment.

NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
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The carrying amount of financial assets recorded in the financial statements representing the entity's maximum exposure to credit risk without taking account of the value of any collateral obtained is made up as follows:

The customers under the fully performing category are paying their debts as they continue trading. The credit risk associated with these receivables is minimal and the allowance for uncollectible amounts that the company has recognised in the financial statements is considered adequate to cover any potentially irrecoverable amounts.

The board of directors sets the company's credit policies and objectives and lays down parameters within which the various aspects of credit risk management are operated.

(ii) Liquidity risk management

Ultimate responsibility for liquidity risk management rests with the entity's directors, who have built an appropriate liquidity risk management framework for the management of the entity's short, medium and long-term funding and liquidity management requirements. The entity manages liquidity risk through continuous monitoring of forecasts and actual cash flows.

The table below represents cash flows payable by the company under non-derivative financial liabilities by their remaining contractual maturities at the reporting date. The amounts disclosed in the table are the contractual undiscounted cash flows. Balances due within 12 months equal their carrying balances, as the impact of discounting is not significant.

(iii) Market risk

The board has put in place an internal audit function to assist it in assessing the risk faced by the entity on an ongoing basis, evaluate and test the design and effectiveness of its internal accounting and operational controls.

Market risk is the risk arising from changes in market prices, such as interest rate, equity prices and foreign exchange rates which will affect the entity's income or the value of its holding of financial instruments. The objective of market risk management is to manage and control market risk exposures within acceptable parameters, while optimising the return. Overall responsibility for managing market risk rests with the Audit and Risk Management Committee.

The company's Finance Department is responsible for the development of detailed risk management policies (subject to review and approval by Audit and Risk Management Committee) and for the day to day implementation of those policies.

There has been no change to the entity's exposure to market risks or the manner in which it manages and measures the risk.

**NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2023**

The objective of the entity's capital risk management is to safeguard the Board's ability to continue as a going concern. The entity capital structure comprises of the following funds:

	2022-2023		2021-2022
	Kshs		Kshs
Revaluation reserve	-	-	-
Retained earnings	5,182,683	-	3,650,355
Capital reserve		-	
Total funds	5,182,683	-	3,650,355
Total borrowings		-	
Less: cash and bank balances	2,535,971	-	463,891
Net debt/(excess cash and cash equivalents)	2,535,971	-	463,891
Gearing	2,646,712	-	3,186,464

19. EVENTS AFTER THE REPORTING PERIOD

There were no material adjusting and non-adjusting events after the reporting period.

1. ULTIMATE AND HOLDING NECC

The NECC is a State corporation/or a Semi-Autonomous Government Agency under the Ministry of Environment and Forestry. Its ultimate parent is the Government of Kenya

2. CURRENCY


The financial statements are presented in Kenya Shillings (Kshs).

**NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2023**

**XVII Appendix I: PROGRESS ON FOLLOW UP OF AUDITOR
RECOMMENDATIONS**

The following is the summary of issues raised by the external auditor, and management comments that were provided to the auditor. We have nominated focal persons to resolve the various issues as shown below with the associated time frame within which we expect the issues to be resolved.

Reference No. on the external audit Report	Issue/observations from Auditor	Management comments	Focal point person to resolve the issue (Name and designation)	Status: (Resolved/Not Resolved)	Timeframe: (put a date when you expect the issue to be resolved.)
Audit Report 2018/2019	Lack of Draft IT Strategic Plan	done	Admin	Done	Nil
Audit Report 2019/2022	Lack of Staff	1. Done cabinet memo to make NECC body corporate under the proposes name National Environment Ombudsman (NEO) 2. Amend EMCA see Committee minutes	- Cabinet Secretary - Chairman	On-going/parliament level	Awaiting approval
Audit Report 2021/2022	Lack of Risk management policy	done	Nil	Done	Nil
Audit Report 2021/2022	Manual systems	done	Nil	Done	Nil

Sign: 

Date: 04-03-2024

**DR. FANCY C. TOO
CHAIRPERSON**

**NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE
FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2023**

XVIII Appendix II: INTER-ENTITY TRANSFERS

ENTITY NAME: NATIONAL ENVIRONMENT COMPLAINTS COMMITTEE		
Break down of Transfers from the MINISTRY OF ENVIRONMENT & FORESTRY		
FY 2022-2023		
A	Recurrent Grants	
	RECEIPTS	Bank Statement Date
		Amount (KShs)
		22-08-2022
		34,000,000
		15-11-2022
		34,000,000
		03-02-2023
		34,000,000
		06-06-2023
		30,785,215
		Total
		132,785,215
b.	Conditional Grants	-
		-
		-
		-
	Direct Payments	
		Total
		-
		-
d.	Donor Receipts	-
		-
		Total
		132,785,215

The above amounts have been communicated to and reconciled with the parent Ministry Finance Manager
ME&F

Head of accounting Unit
Ministry of Environment & Forestry

Sign. 

Date 01-03-2024

Head of Finance
National Environmental Complaints Committee

Sign. 

Date 01-03-2024