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THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – FOURTH SESSION – 2025

DEPARTMENTAL COMMITTEE ON ENVIRONMENT, FORESTRY AND MINING

.....

REPORT

ON

CONSIDERATION OF THE ENVIRONMENTAL PROFESSIONALS INSTITUTE OF KENYA BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2024)

THE NATIONAL ASSEMBLY
PAPERS LAID
DATE: 24 JUL 2025 DAY. Thursday
TABLED BY: Chairperson ~~Leader~~
CLERK-AT THE-TABLE: ~~Transpt~~ Tracy Chebet

DIRECTORATE OF DEPARTMENTAL COMMITTEES,
CLERK'S CHAMBERS,
PARLIAMENT BUILDINGS,
NAIROBI.

JULY, 2025

NATIONAL ASSEMBLY
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P. O. Box 41842, NAIROBI.

TABLE OF CONTENTS

LIST OF ABBREVIATIONS AND ACRONYMS *4*

LIST OF ANNEXURES *5*

CHAIRPERSON'S FOREWORD *6*

PART ONE *8*

1.0 PREFACE *8*

1.1 ESTABLISHMENT OF THE COMMITTEE 8

1.2 MANDATE OF THE COMMITTEE 8

1.3 COMMITTEE MEMBERSHIP 9

1.4 COMMITTEE SECRETARIAT 10

PART TWO *11*

2.0 BACKGROUND OF THE ENVIRONMENTAL PROFESSIONALS INSTITUTE OF KENYA BILL, 2023. ..... *11*

2.1 INTRODUCTION 11

2.2 SITUATIONAL ANALYSIS 11

2.3 COMPARATIVE ANALYSIS 12

2.3.1 SOUTH AFRICA 12

2.3.2 UNITED KINGDOM 12

2.3.3 SRI LANKA 12

PART THREE *13*

3.0 OVERVIEW OF THE ENVIRONMENTAL PROFESSIONALS INSTITUTE OF KENYA BILL, 2023. *13*

3.1 INTRODUCTION 13

3.2 REVIEW OF THE BILL 13

PART FOUR *16*

4.0 PUBLIC PARTICIPATION/STAKEHOLDERS CONSULTATION *16*

4.1 MINISTRY OF ENVIRONMENT, CLIMATE CHANGE AND FORESTRY 16

4.2 PROF. RATEMO W. MICHIEKA 18

4.3 ENVIRONMENT INSTITUTE OF KENYA (EIK) 22

4.4 THE KENYA ELECTRICITY TRANSMISSION COMPANY (KETRACO) 25

4.5 SUBMISSION BY PROF. NZIOKA JOHN MUTHAMA—WANGARI MAATHAI INSTITUTE FOR PEACE AND ENVIRONMENTAL STUDIES. 27

4.6 SUBMISSIONS BY PASTORALISTS ALLIANCE FOR RESILIENCE AND ADAPTATION ACROSS NATIONS (PARAAN) 29

PART FIVE *30*

5.0 COMMITTEE OBSERVATIONS 30

PART SIX 31

6.0 COMMITTEE RECOMMENDATION 31

PART SEVEN 32

7.0 SCHEDULE OF PROPOSED AMENDMENTS 32

The Committee proposed the following amendments to be considered by the House at the Committee Stage— 32

LIST OF ABBREVIATIONS AND ACRONYMS

UDA	-	United Democratic Alliance
ODM	-	Orange Democratic Movement
WDP	-	Wiper Democratic Party
KUP	-	Kenya Union Party
UPIA	-	United Party of Independent Alliance
EIK	-	Environment Institute of Kenya
NEMA	-	National Environment Management Authority
PARAAN	-	Pastoralists Alliance for Resilience and Adaptation Across Nations (PARAAN)
ICPAK	-	Institute of Certified Public Accountants-Kenya
LSK	-	Law Society of Kenya
IHRM	-	Institute of Human Resource Management
ICS	-	Institute of Certified Secretaries

LIST OF ANNEXURES

1. Report adoption Schedule
2. Minutes
3. Copy of the Newspaper Advertisement on Public Participation
4. Letter inviting stakeholders for meetings with the Committee
5. Stakeholder submissions

CHAIRPERSON'S FOREWORD

This Report contains the Departmental Committees on Environment, Forestry and Mining proceedings on its consideration of the Environmental Professionals Institute of Kenya Bill, 2023 (National Assembly Bill No. 36 of 2024). The Bill was published on 5th July, 2024 and went through the First Reading on 18th September, 2024, thereafter, it was committed to the Departmental Committee on Environment, Forestry and Mining for consideration and reporting to the House pursuant to the provision of the National Assembly Standing Order 127.

Hon. George Gachagua, MP, Ndaragwa Constituency sponsored the Bill. The principal object of the Bill is to provide a legal framework for the establishment of the Environmental Professionals Institute of Kenya and to provide for the registration and regulation of the standards and practice of environmental professionals.

The Bill does not affect the functions of the County governments as set out in the Fourth Schedule of the Constitution.

Following the placement of advertisements in the print media on Tuesday, 24th September 2024 seeking public and stakeholder views on the Bill pursuant to Article 118(1) (b) of the Constitution and Standing Order 127(3), the Committee did not receive any memorandum.

The Committee also invited the following MDAs vide a letter Ref No. NA/DDC/EF&M/2025/004 dated 7th March, 2025 for their comments and proposals on the Bill:

i. Ministry of Environment and Forestry,
ii. Ministry of Mining, Blue Economy and Maritime Affairs;
iii. Ministry of Roads and Transport;
iv. The State Department for Environment and Climate Change;
v. State Department for Shipping and Maritime Affairs;
vi. State Department for Transport;
vii. National Environment Management Authority (NEMA).

The Committee also vide a letter Ref. No. NA/DDC/EF&M/2025/005 dated 7th March 2025 invited the following for their comments and proposals on the Bill.

i. Mr. Liban Golicha, Pastoralists Alliance for Resilience and Adaptation Across Nations (PARAAN)
ii. Prof. Ratemo Michieka, Kenya National Academy of Sciences;
iii. Prof. Nzioki Muthama, Wangari Maathai Institute for Peace and Environmental Studies;
iv. Mr. Caleb Mango, Kenya Electricity Transmission Co. Ltd (KETRACO);
v. Prof. Sammy Latema, Kenyatta University;
vi. Dr. Godwin Opinde; Environment Compliance Institute;
vii. Dr. Joseph Kathiai Kurauka; Kenyatta University & Environment Institute of Kenya (EIK); and
viii. Mr. Alex Mugambi, Chairperson, EIK.

The Committee also conducted stakeholder engagements at Hilton Garden Inn, Machakos County from 17th to 21st March, 2025.

The Committee having considered the Environmental Professionals Institute of Kenya Bill, 2023, recommends that the House **APPROVES the Bill with amendments** as contained in the Schedule.

The Committee is grateful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings. Finally, I wish to express my appreciation to the Honourable Members of the Committee and Secretariat who made useful contributions towards the consideration and production of this report.

On behalf of the Departmental Committee on Environment, Forestry and Mining and pursuant to provisions of Standing Order 127 (4), it is my pleasant privilege and honour to present to this House the Report of the Committee on its consideration of the Environmental Professionals Institute of Kenya Bill, 2023.

HON.ENG. VINCENT MUSYOKA MUSAU, CBS, MP
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON ENVIRONMENT, FORESTRY AND MINING

PART ONE

1.0 PREFACE

1.1 ESTABLISHMENT OF THE COMMITTEE

1. The Departmental Committee on Environment, Forestry and Mining is one of the twenty Departmental Committees of the National Assembly established under Standing Order 216 whose mandate pursuant to the Standing Order 216 (5) is as follows:

    i. *To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
    ii. *To study the programme and policy objectives of Ministries and departments and the effectiveness of their implementation;*
    iii. *On a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
    iv. ***To study and review all the legislation referred to it;***
    v. *To study, assess and analyse the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;*
    vi. *To investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;*
    vii. *To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on appointments);*
    viii. *To examine treaties, agreements and conventions;*
    ix. *To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
    x. *To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
    xi. *To examine any questions raised by Members on a matter within its mandate.*

1.2 MANDATE OF THE COMMITTEE

2. In accordance with the Second Schedule to the Standing Orders, the Committee is mandated to consider matters related to Climate change, environment management and conservation, forestry, mining and natural, pollution and waste management.

3. In executing its mandate, the Committee oversees the Ministry of Environment, Climate Change and Forestry and the State Department for Mining.

1.3 COMMITTEE MEMBERSHIP

4. The Departmental Committee on Environment, Forestry and Mining was constituted by the House on 27th October 2022 and on 5th March 2025 and comprises the following Members:

Chairperson
Hon. Vincent Musyoka Musau, MP
Mwala Constituency
UDA Party

Vice-Chairperson
Hon. Charles Kamuren, MP
Baringo South Constituency
UDA Party

Members

Hon. Mbalu Jessica Nduku Kiko, CBS, MP
Kibwezi East Constituency
WDP Party

Hon. Mwanyanje Gertrude Mbeyu, MP
Kilifi County
ODM Party

Hon. Hiribae Said Buya, MP
Galole Constituency
ODM Party

Hon. Salim Feisal Bader, MP
Msambweni Constituency
UDA Party

Hon. Emathe Joseph Namuar, MP
Turkana Central Constituency
UDA Party

Hon. Joseph Wainaina Iraya, MP
Nominated
UDA Party

Hon. Kemei Beatrice Chepngeno, MP
Kericho County
UDA Party

Hon. Charity Kathambi Chepkwony, MP
Njoro Constituency
UDA Party

Hon. Mohamed Ali Mohamed, MP
Nyali Constituency
UDA Party

Hon. Masito Fatuma Hamisi, MP
Kwale County
ODM Party

Hon. Titus Lotee, MP
Kachaliba Constituency
KUP Party

Hon. Mohamed Tubi Bidu, MP
Isiolo South Constituency
Jubilee Party

Hon. Yakub Adow Kuno, MP
Bura Constituency
UPIA Party

1.4 COMMITTEE SECRETARIAT

5. The Committee is facilitated by the following staff:

Ms. Hellen Ekadeli
Senior Clerk Assistant/Head of Secretariat

Ms. Mercy Wanyonyi
Senior Legal Counsel

Mr. Hamdi Hassan Mohamed
Clerk Assistant III

Dr. Joseph Kuria
Research Officer III

Ms. Nancy Chamunga
Fiscal Analyst II

Mr. Stephen Otieno
Senior Sergeant-At-Arms

Mr. Kevin Obilo
Media Relations Officer III

Mr. Eric Ogola
Public Communications Officer III

Mr. Meldrick Sakani
Audio Recording Officer

PART TWO

2.0 BACKGROUND OF THE ENVIRONMENTAL PROFESSIONALS INSTITUTE OF KENYA BILL, 2023.

2.1 INTRODUCTION

6. The principal object of the Bill is to provide a legal framework for establishing the Environmental Professionals Institute of Kenya and for registering and regulating environmental professionals' standards and practices.

2.2 SITUATIONAL ANALYSIS

7. Currently, the Environment Institute of Kenya which was established in 2014, is a professional membership body that aims to:
    a) Promote and advance the practice of integrated environmental assessment focusing on sustainable development.

    b) Facilitate the acquisition of environmental knowledge through collaboration with relevant parties.

    c) Promote, maintain and advance the highest professional standards and best practice in the field of sustainable development, for public good.

    d) Engage in any other activities in the interest of the profession as may be approved by the Committee from time to time.

8. The Institute is non-political and non-partisan but reserves the right and duty to contribute to or comment on issues of public interest. The Council is composed of the Chairperson, Vice-Chairperson and seven (7) members. Additionally, the Institute offers membership certificates, letters of good standing, recommendation letters, trainings, regional forums, conferences, attachment/ internship and other membership professional services.

9. Under the Environmental Management and Coordination Act (EMCA), 1999, the National Environment Management Authority (NEMA) is mandated to regulate Environmental Impact Assessments (EIA) Experts. The Environmental Impact Assessment (EIA) process is a crucial mechanism used to regulate the impact of development activities on the environment.

10. Thus, individuals or firms intending to carry out environmental impact assessment (EIA) and environmental audits (EA) must have a License issued by NEMA. There are three categories of experts (associate experts, lead experts and firm of experts) and their qualifications are as follows:
    i. Associate experts: A Bachelor's degree in any field, Training in Environmental Impact Assessment & Audit from a recognized institution.

    ii. Lead Expert**:** A Doctorate degree or equivalent in any field plus training in Environmental Impact Assessment & Audit from a recognized institution, with 3 years' experience in environmental Impact Assessment related activities **or** a Doctorate, Master or Bachelors plus 5 years' experience in Environmental Impact Assessment related research consultancy or teaching and at

least two relevant publications in referred journals **or** a Master's degree in any field plus training in Environmental Impact Assessment & Audit from a recognized institution, with 5 years' experience in environmental impact assessment-related activities **or** a Bachelor's degree or an equivalent in any field plus training in environmental impact assessment from recognized institution, with 8 years' experience in environmental impact assessment related activities.

2.3 COMPARATIVE ANALYSIS

2.3.1 SOUTH AFRICA

11. The Environmental Assessment Practitioners Association of South Africa (EAPASA) is a Registration Authority that registers Environmental Assessment Practitioners (EAPs).

12. They register based on the set of core competencies under the Section 24H Registration Authority Regulations of the National Environmental Management Act (NEMA), Act 107 of 1998, as amended. The Board of the Association serves for a period of five (5) years.

2.3.2 UNITED KINGDOM

13. The Society for the Environment is tasked with championing and registering the competence and expertise of environmental professionals. The Society have registered over 10,000 environmental professionals to date.

14. Applications are completed via membership of one of Society Licensed Member professional bodies. The registration process includes providing evidence of how the applicant meets each competence for that registration, alongside any supporting information requested.

15. They are the custodian of three professional registrations: Chartered Environmentalist, Registered Environmental Practitioner and Registered Environmental Technician.

2.3.3 SRI LANKA

16. The Institute of Environmental Professionals – Sri Lanka is the umbrella organization of environmental professionals in the country. It was established in 2006 through a Cabinet Decision, the Institute was formed to fill the much-needed gap of having no professional institute for the practicing environmentalists to uphold the dignity and raise the reputation of the environmental profession in the country

17. The Institute was converted to a corporate body after the enactment of the Institute of Environmental Professionals, Sri Lanka (Incorporation) Act, No. 1 of 2020. The general objects of the Institute include raising and upholding the dignity and reputation of environmental professionals in Sri Lanka, to disseminate environmental knowledge among the public; and to offer training on environmental matters in collaboration with other government institutions.

18. The Institute offers four memberships, charted environmental professionals, members, associate members and students' members.

PART THREE

3.0 OVERVIEW OF THE ENVIRONMENTAL PROFESSIONALS INSTITUTE OF KENYA BILL, 2023.

3.1 INTRODUCTION

19. Hon. George Gachagua, MP, sponsored the Environmental Professionals Institute of Kenya Bill, 2024.

20. The principal object of the Bill is to provide a legal framework for the establishment of the Environmental Professionals Institute of Kenya and to provide for the registration and regulation of the standards and practice of environmental professionals.

3.2 REVIEW OF THE BILL

21. PART I: Clause 1 and 2 of the Bill provide for preliminary provisions, that is, the short title and interpretation of terms as used in the Bill.

22. The Bill defines an environmental professional as—"environmental professional" means a person who has successfully undertaken a degree course in the field of environment, natural resources, earth sciences, or research as may be prescribed by the Council and is registered in accordance with Section 21.

23. PART II: Clauses 3-17 of the Bill provides for the establishment of the Environmental Professionals Institute of Kenya (the Institute) as a corporate body with perpetual succession and power to sue and be sued.

24. The functions of the Institute include to—
    a) register, regulate and exercise general supervision and control over the professional development and practice of registered environmental professionals in Kenya;

    b) promote research, exchange of information and knowledge in environmental practice and related matters; and

    c) liaise with the National Environment Management Authority, other national and international institutions to promote environmental practices and the environmental profession.

25. Clause 5 establishes the Council of the Institute, which shall be responsible for the management of the Institute. The Council shall comprise of a President, Vice-president, seven representatives of the general membership of the Institute and the Registrar who shall be an *ex-officio* member

26. Clause 7 provides for the powers of the Council which include to—
    (a) control, supervise and administer the assets of the Institute in such manner as best promotes the purpose for which the Institute is established;

(b) determine the provisions to be made for capital and recurrent expenditure and for the reserves of the Institute;

(c) receive any grants, gifts, donations or endowments and make legitimate disbursements therefrom;

(d) open such banking accounts for its funds as may be necessary; and

(e) invest any surplus funds of the Institute.

27. Clause 9 provides for the eligibility of election as a member of the Council. A person is eligible if they have been a member of good standing of the Institute and practiced as an environmental professional for at least three years. Further, one must not have been found liable for professional misconduct in the three years immediately preceding the election and must meet the requirements of Chapter Six of the Constitution.

28. The Bill also establishes the office of the Registrar who is an *ex-officio* member of the Board. The Registrar shall be competitively recruited and appointed by the Council

29. PART III: Clause 19 of the Bill provides for categories of members i.e. lead members having successfully undertaken a degree course in the field of environment, natural resources, earth sciences or research, is of good conduct and has paid the prescribed fee, fellow members having rendered outstanding services to the environment profession, honorary members having rendered special services to the Institute or environment profession, associate members comprising of persons eligible to be registered as lead members but do not meet the requirements prescribed and corporate members comprising of firms which practice environmental management activities.

30. Clause 20 provides for the rights of members of the Institute to be issued with an annual practicing certificate upon meeting the requirements under the Act, to vote at any election of the Institute or on any matter of the Institute and to vie for any office of the Institute.

31. Clauses 21-23 provide for the registration procedure and requirements for one to be registered as an environmental professional under the Act. Upon registration, a person shall be issued with a certificate of registration and the Registrar will be required to maintain a Register of environmental professionals comprising of persons registered under the Act.

32. Clause 28 seeks to prohibit practice as an environmental professional unless that person is registered under the Act, has complied with the prescribed continuous education and professional development requirements and has been issued with a practicing certificate.

33. PART IV: Clause 30 provides for the offence of false registration or licensing and prescribes the penalty as deregistration in addition to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding five years, or both upon conviction.

34. Clause 32 provides for the disciplinary powers and procedures by the Council where a complaint is made against an environmental professional registered under the Act. The sanctions include removal of that person's name from the register, issuance with a letter of admonishment, imposition of fine and suspension or cancellation of practicing certificate. Clause 34 provides for appeal mechanism

where a person who is aggrieved by a decision of the Council under the Act may appeal within thirty days to the High Court and the Court may confirm, annul or vary the decision as it deems fit.

35. PART V: Clauses 37-41 of the Bill contains provisions on funds of the Institute, which include such fees or monies as may accrue or vest in the Institute in the course of the exercise of its powers or the performance of its functions, donations, grants to the Institute and such monies as may be payable to the Institute.

PART FOUR

4.0 PUBLIC PARTICIPATION/STAKEHOLDERS CONSULTATION

36. Following the call for memoranda from the public through the placement of adverts in the print media on 28 September 2024 and vide a letter Ref. No. NA/DDC/EF&M/2025/004 and Ref. No. NA/DDC/EF&M/2025/005 dated 7th March, 2025 inviting stakeholders for a meeting, the Committee received memoranda from the following stakeholders:
    i. Ministry of Environment and Forestry,
    ii. Mr. Mohamed Yusuf and Mr. Liban Golicha, Pastoralists Alliance for Resilience and Adaptation Across Nations (PARAAN)
    iii. Prof. Ratemo Michieka, Kenya National Academy of Sciences;
    iv. Prof. Nzioki Muthama, Wangari Maathai Institute for Peace and Environmental Studies;
    v. Mr. Caleb Mango, Kenya Electricity Transmission Co. Ltd (KETRACO);
    vi. Prof. Sammy Latema, Kenyatta University;
    vii. Dr. Godwin Opinde; Environment Compliance Institute;
    viii. Dr. Joseph Kathiai Kurauka; Kenyatta University & Environment Institute of Kenya (EIK); and
    ix. Mr. Alex Mugambi, Chairperson, EIK.

4.1 MINISTRY OF ENVIRONMENT, CLIMATE CHANGE AND FORESTRY

37. Eng. Festus Ngeno, Principal Secretary State Department for Environment and Climate Change accompanied by other Ministry officials, in a meeting with the Committee held on Tuesday, 18th March 2025, made submissions on the Bill. The Ministry in its review of the Bill noted that it presents challenges in implementation as follows:

    i. The Bill fails to define clearly its scope or the specific needs it seeks to address, in alignment with the established frameworks and structures applicable to other professional bodies such as those for Lawyers, Engineers, Teachers, etc.

    ii. The Bill further contravenes the spirit of the Environmental Management and Coordination Act CAP 387 (EMCA), which serves as the overarching legislative framework for environmental management in Kenya. EMCA was enacted in response to the existence of seventy-eight (78) Sectoral laws governing different aspects of the environment, the deteriorating condition of Kenya's environment, and the rising social and economic inequalities, all of which had a combined adverse effect on environmental sustainability.

    iii. Section 148 of EMCA provides that where a law is in conflict with EMCA on Environmental Management, then the provisions of EMCA prevail. In this case, the provisions of the Bill should not conflict with the existing provisions of EMCA and its Regulations and to the extent that it does, it should be declared invalid and the provisions of EMCA should take precedence.

    iv. That the Bill, in its current form, seeks to reintroduce the sectoral and compartmentalized approach to environmental management that existed prior to the enactment of EMCA. This is contrary to the core objective of EMCA 1999, which was to create a harmonized and integrated approach to environmental management in Kenya.

v. Since 2003, the National Environment Management Authority (NEMA), which is established under EMCA, is the Regulating Authority responsible for the registration and licensing of environmental assessment experts to undertake critical environmental assessments such as Environmental Impact Assessments (EIA), Environmental Audits, and Strategic Environmental Assessments (SEA). The privatization of these functions, as proposed by the Bill, poses a significant risk to environmental sustainability. For this reason, it is imperative that the Bill should not be passed in its current form as it infringes on the mandate of NEMA.

vi. The Bill is also not aligned with the existing legal framework governing environmental management and would undermine the progress made under EMCA. The Ministry, therefore, is strongly opposed to the passing of the Bill in order to safeguard the integrity and sustainability of Kenya's environmental management systems.

vii. He also noted that there is no specific course(s) in universities that lead to qualifying as an environmental expert, unlike other disciplines for instance law or engineering. Currently, the experts are drawn from a diversity of fields including: Biology, Chemistry, Engineering, Sociology among others, and thus environmental experts are not a homogeneous group.

viii. The Bill focuses more on the Institute as opposed to the professionals and the functions of the professionals.

ix. He further submitted that, in Section 2, the definition of 'environmental professional' is unclear regarding its scope and functions. Further, it is not clear whether there is a connection between an environmental professional under the Bill and an Environmental Assessment Expert and Environmental Inspector under EMCA. 'environmental practice' has also not been defined.

x. Section 4 (1) provides that the Institute shall register, regulate and exercise general supervision and control over the professional development and practice of environmental professionals, NEMA is mandated by EMCA to exercise general supervision and coordination of all matters of the environment including environmental practice. The mandate to license the EIA experts therefore should not be taken away from NEMA. All the provisions in EMCA and the EIA Regulation on experts are the mandate of NEMA under the current legal framework in force. i.e. registering, renewing annual licenses and discipline for misconduct. This proposal therefore cannot work because the experts will be registered and disciplined by a different body and NEMA shall have no mandate over them yet they play a key role in the EIA process.

xi. Section 4 (2) (o) provides that the Institute shall advise the government in relation to the aspects of supervision and control over the professional development and practice of environmental professionals in Kenya. It is the mandate of NEMA to exercise general supervision and co-ordination over all matters relating to the environment and NEMA is the principal instrument of Government in the implementation of all policies relating to the environment as per Section 9 (1) of EMCA.

xii. Section 19 provides for membership of the Institute, these are roles currently undertaken by NEMA as per sections 58(5) and 58(6) of EMCA and Regulations 13 - 15 of the Environmental (Impact Assessment and Audit) Regulations, 2003.

xiii. Section 28 provides the qualifications under which a person may practice as an environmental professional, there is no definition of what practicing as an environmental professional means and the extent and scope of this practice.

xiv. Section 35 provides for offences by unregistered or unlicensed persons. This Section has an inference on patenting of the term environmental profession for very competent personnel who are not members of the institute, the term is not an innovation of the Institute for it to have patent rights.

xv. Section 36 provides for obstruction of the officers of the Council, there are powers accorded to Environmental inspectors according to Section 117 of EMCA which provides for offences related to environmental inspection by a gazetted Environmental Inspector. What are the powers of the agents of the Council (EIK) to warrant the right to enter and to information? This presents a great risk to the public who are already being swindled by imposters who pose at NEMA officers and inspectors. There should be no duplication in law neither should there be overlap nor contradiction as is being caused by this Section.

xvi. Further, he highly recommended that the Environment Institute of Kenya (EIK) as currently constituted continues to operate under the Society's Act in a manner similar to the Engineers Institute of Kenya. This approach would allow EIK to advance further the professional development and interests of its members while maintaining alignment with established legal frameworks while avoiding duplication, overlaps, and conflicts of legislation.

Committee Observation/Recommendation

The Committee observed that the Bill does not contradict the functions of the National Environment Management Authority as established under section 7 of the Environmental Management and Co-ordination Act, Cap. 387. The object and purpose for which the Authority is established is to exercise general supervision and co-ordination over all matters relating to the environment and to be the principal instrument of Government in the implementation of all policies relating to the environment. Additionally, NEMA is responsible for the registration of environmental experts or firm of experts for purposes of conducting Environmental Impact Assessments and audits and not environmental professionals. The Institute as established in the Bill is responsible for the registration and regulation of the standards and practice of environmental professionals

4.2 PROF. RATEMO W. MICHIEKA

38. Prof. Michieka (Chairperson, National Research Fund (NRF), Kenya National Academy of Sciences (KNAS) and the Chancellor, Tharaka University), in a meeting with the Committee held on Tuesday, 18th and Wednesday, 19th March 2025, submitted the following amendment to the Bill:

Definition

39. "environmental professional" means a person who has successfully undertaken a degree course in the field of environment, natural resources, earth sciences, or research as may be prescribed by the Council and is registered in accordance with Section 21". There ought to be a clear distinction.

Justification:
This distinction is important to ensure clarity on the mandate of NEMA and that of the Institute, avoiding any overlap or conflict between the two. The definition limits the qualifications to a degree course in the field of environment, natural resources, earth sciences, or research. The definition also includes EIA experts who are environmental professionals.

Committee Observation
The EMCA Environment (Impact Assessment and Audit) Regulations, 2003 provides for the different categories of experts and their qualifications. They include lead experts, associate experts and firm of experts. The noted that the definition as contained in the Bill limits the qualifications to a degree course in the field of environment, natural resources, earth sciences, or research.

40. He further submitted as follows:

41. The Environmental Professionals Institute of Kenya Bill is a necessary and long-overdue step in ensuring that all environmental professionals are recognized, regulated, and held to the highest professional and ethical standards. This Bill will create a well-structured professional framework that ensures competent practice in critical environmental fields, including but not limited to:
    - Environmental Management
    - Environmental Sciences
    - Waste Management
    - Wildlife conservation
    - Forestry
    - Climate change adaptation and mitigation
    - Water resource management
    - Environmental law and policy
    - Renewable energy
    - Sustainable agriculture, and
    - Environmental health.

42. The practice of environmental management and conservation requires diverse expertise. However, the current legal and institutional frameworks do not provide a centralized mechanism to standardize qualifications, promote accountability, and ensure adherence to best practices across the environmental sector. This Bill will establish clear professional pathways for practitioners in key fields, including:
    i) Environmental Science and Management – ensuring expertise in sustainable land use, pollution control, and environmental policy implementation.

    ii) Climate Change and Sustainability – providing professionals with the technical capacity to guide Kenya's transition to a low-carbon and climate-resilient economy.

    iii) Forestry and Agroforestry – promoting best practices in forest conservation, reforestation, afforestation, and sustainable timber and non-timber resource management.

    iv) Wildlife Conservation and Management – regulating professionals involved in biodiversity protection, species monitoring, habitat restoration, and wildlife law enforcement

v) Water Resources Management – supporting expertise in hydrology, water quality management, wetland conservation, and watershed protection

vi) Renewable Energy and Green Technologies – ensuring that professionals in solar, wind, hydro, and bioenergy sectors operate within an ethical and sustainable framework

vii) Environmental Engineering – overseeing professionals involved in waste management, sanitation, industrial pollution control, and green infrastructure development

viii) Geospatial and Environmental Information Systems – providing expertise in land-use planning, ecosystem mapping, remote sensing, and environmental monitoring

ix) Environmental Law and Policy – certifying legal experts specializing in environmental litigation, governance, and compliance

x) Marine and Coastal Management – promoting professional standards in coastal zone management, marine biodiversity conservation, and blue economy strategies

xi) Sustainable Agriculture and Land Restoration – regulating professionals working in soil conservation, regenerative farming, and sustainable agribusiness practices

xii) Disaster Risk Management and Environmental Health – ensuring professionals are well equipped to mitigate and respond to environmental disasters such as floods, droughts, and pollution-related health hazard.

43. The establishment of a single legally recognized professional body would provide a structured professional development pathway, ensuring continuous learning, competence, and alignment with international best practices.

44. Addressing the professional gap**:** The environmental sector in Kenya has been significantly weakened by the presence of unqualified and informal practitioners. This lack of regulation has resulted in:

    i) Poorly executed conservation projects leading to biodiversity loss and habitat degradation.

    ii) Flawed environmental assessments that undermine national development and sustainable resource use.

    iii) Weak enforcement of environmental laws due to inconsistent professional standards and lack of qualified personnel.

    iv) Corruption and malpractice in environmental impact studies and project approvals.

    v) Limited recognition of Kenyan environmental professionals in the international arena due to a lack of a structured accreditation system.

45. The Bill aligns environmental professionalism with the standards seen in engineering, law, and medicine, sectors that have benefited immensely from structured professional regulation.

46. Strengthening environmental governance- A NEMA Perspective: As a former Director General of the National Environment Management Authority, he was fully aware of the importance of professional environmental expertise in enforcing Kenya's environmental laws. The Environmental Management and Coordination Act of 1999 mandates NEMA to oversee environmental compliance and policy implementation. However, the lack of a structured professional body had hindered the realization of this mandate in several ways:
    i) The existence of unqualified individuals conducting environmental assessments has resulted in flawed reports and substandard conservation projects.

    ii) Weak enforcement of environmental laws due to inconsistencies in professional standards and qualifications.

    iii) Lack of professional accountability allowing rogue practitioners to operate without repercussions.

47. Professionalizing environmental practice, this Bill will reinforce NEMA's mandate by:

    i) Enhancing the quality and credibility of environmental compliance assessments by ensuring that only certified environmental professionals conduct them.

    ii) Strengthening collaboration between NEMA and environmental professionals to streamline policy implementation and enforcement

    iii) Reducing environmental malpractice by ensuring that only qualified and certified professionals practice and that licensed professionals operate within a regulated framework with strict legal and ethical obligations.

    iv) Supporting Kenya's commitment to international environmental agreements by aligning national professional standards with global best practices.

48. Promoting research, education, and public participation: Environmental challenges require scientific, evidence-based solutions. This Bill will enhance research, knowledge dissemination, and community engagement by:
    i) Encouraging knowledge exchange between universities, research institutions, and practicing professionals to advance sustainable solutions through the Institute's capacity building initiatives.

    ii) Mandating professional involvement in policy formulation to ensure that environmental regulations are grounded in credible scientific research.

    iii) Enhancing public engagement by requiring environmental professionals to integrate traditional knowledge and community-driven conservation approaches in their work.

Key recommendation:

49. To ensure the successful implementation of this Bill, it is imperative to expedite its enactment. Fast tracking this process will strengthen Kenya's environmental governance framework, providing a solid legal and institutional foundation to address critical environmental challenges. Furthermore, it will

advance the professionalization of the sector, ensuring that environmental management and policy decisions are guided by expertise, scientific research, and best practices. Timely enactment will enhance regulatory effectiveness and position Kenya as a leader in sustainable development and environmental stewardship.

4.3 ENVIRONMENT INSTITUTE OF KENYA (EIK)

50. Mr. Alex Mugambi, the Chairperson of the Environment Institute of Kenya, in a meeting with the Committee held on Tuesday, 18th March 2025 submitted the following amendments to the Bill:

Long Title

51. Delete the word "licensing" and replace with the word "accreditation"

Justification:
To distinguish between the role of NEMA and the Institute.

EIK is to register professionals within the environment and related fields including environment, climate change, waste management, planning and governance. NEMA as the principal instrument of government charged with the implementation of all policies relating to the environment, and to exercise general supervision and coordination over all matters relating to the environment, currently registers only the environmental impact assessment (EIA/EA) experts.

Committee Observation/Recommendation
The proposal was rejected as the Committee noted that NEMA as established under the Environmental Management and Co-ordination Act, Cap. 387 is responsible for the general supervision and co-ordination over all matters relating to the environment and the principal instrument of Government in the implementation of all policies relating to the environment while the Institute shall be responsible for the provide for the registration, licensing and regulation of the standards and practice of environmental professionals

52. "Chapters": The following broad chapters have been proposed for review and adoption;
    i) Environmental Education & Science
    ii) Blue Economy
    iii) Sustainable Waste Management
    iv) Climate change
    v) Earth Sciences
    vi) Biodiversity/Natural Sciences
    vii) Air quality
    viii) Built Environment & Construction
    ix) Energy – Renewable & Clean cooking
    x) Environmental Policy & Governance
    xi) Environmental Advocacy – Youth & Women Groups

Justification:
To enhance a proper professional accounting and management.

Committee Observation/Recommendation

The Committee rejected the proposal as the various proposed chapters of the Institute could be provided for administratively by the Council as they fall within the broad subject areas provided for and recognized in the Bill for recognition as an environmental professional.

PART III: REGISTRATION AND LICENSING OF ENVIRONMENTAL PROFESSIONALS

53. Delete the word "licensing" and substitute with the word "accreditation".

Justification:
To distinguish between the role of NEMA and the Institute.

EIK is to register professionals within the environment and related fields including environment, climate change, waste management, planning and governance. NEMA as the principal instrument of government charged with the implementation of all policies relating to the environment, and to exercise general supervision and coordination over all matters relating to the environment, currently registers only the environmental impact assessment (EIA/EA) experts.

Committee Observation/Recommendation
The proposal was rejected as the Committee noted that NEMA as established under the Environmental Management and Co-ordination Act, Cap. 387 is responsible for the general supervision and co-ordination over all matters relating to the environment and the principal instrument of Government in the implementation of all policies relating to the environment while the Institute shall be responsible for the registration, licensing and regulation of the standards and practice of environmental professionals

54. They further submitted that there are several compelling reasons and benefits to enact the Bill as follows:

i) Professionalism and expertise: The field of environmental practice (environmental scientists, planners, governance and climate change experts) is diverse and intricate, encompassing a wide range of disciplines from ecology to conservation, environmental impact assessment to pollution control and planning to management. By registering and regulating environmental practitioners, the Bill ensures that individuals practicing in this field possess the necessary qualifications, knowledge, and expertise. This leads to a higher standard of work and ultimately, better outcomes for environmental conservation and management efforts in Kenya.

ii) Quality assurance**:** The Bill sets forth standards of professional conduct and ethical behaviour for environmental practitioners. This not only enhances the credibility of the profession but also instils trust in the work being carried out. Clients, government agencies, and the public can have confidence that environmental assessments, conservation efforts, and management strategies are being conducted to the highest standard.

iii) Adherence to best practices: Environmental practitioners, when regulated, are more likely to adhere to established best practices. This means that environmental assessments will be comprehensive, conservation efforts will be scientifically grounded, and management strategies will be effective. These practices are essential for sustainable environmental conservation and climate change mitigation.

iv) Climate change mitigation and adaptation: Climate change is one of the most pressing global challenges. Effective climate action requires a coordinated and skilled workforce. The Environment Institute of Kenya Bill ensures that professionals engaged in climate-related work possess the requisite knowledge and skills. This is crucial for formulating and implementing climate adaptation and mitigation strategies at various levels.

v) Coordination and collaboration: Registration of environmental practitioners facilitates better coordination and collaboration within the field. It creates a network of professionals who can share knowledge, collaborate on projects, and contribute to a more cohesive and effective environmental sector. This unity of purpose is critical for addressing complex environmental challenges in Kenya and abroad.

vi) Legal framework for enforcement: With a regulatory framework in place, there will be a legal basis for taking-action against unqualified or unethical practitioners. This helps in safeguarding the integrity of the profession and protecting the interests of clients, communities, and the environment at large.

vii) Capacity building and continuous professional development (CPD): The Bill will provide a platform for ongoing training, capacity building, and professional development of environmental practitioners. This ensures that membership stay updated with the latest developments, technologies, and methodologies in the field, leading to continuous improvement in environmental practice.

viii) International recognition and collaboration: A regulated body of environmental practitioners aligns Kenya with international standards and practices. This facilitates collaboration with international organizations, experts, and institutions, enabling Kenya to access global expertise and resources for environmental conservation and management efforts.

55. He also clarified the National Environment Management Authority's Role vs its roles as proposed in the Bill as follows:
    i) The Environment Institute of Kenya Bill will have no conflicting roles with that of the National Environment Management Authority (NEMA).

    ii) The National Environment Management Authority (NEMA) was established as the principal instrument of government charged with the implementation of all policies relating to the environment, and to exercise general supervision and coordination over all matters relating to the environment.

    iii) The Environment Institute of Kenya (EIK) will provide for registration, training and regulation of the standards and practice of environmental professionals.

    iv) Furthermore, NEMA currently registers only the environmental impact assessment (EIA/EA) experts, while EIK is to register professionals within the environment and related fields being environment, climate change, waste management, planning, governance etc.

56. That, the Institute will not rely on the eexchequer but it will adopt a self-sustenance model through fees from registration and annual subscription, training etc.

4.4 THE KENYA ELECTRICITY TRANSMISSION COMPANY (KETRACO)

57. Mr. Caleb Mango Kenya Electricity Transmission Company (KETRACO, in a meeting with the Committee held on Wednesday, 19th March 2025, the) submitted the following amendments to the Bill:

Clause 4

58. Under Clause 4(2) (e), the phrase "people engaged in the field of environment" should be replaced with "environmental professionals".

Justification:
To ensure consistency in terminology and recognition of the profession.

Committee Observation/Recommendation
The Committee accepted the proposed amendment as it seeks to ensure that there is consistency in the use of terminology in the Bill since the term "environmental professionals" has been defined.

Clause 4(2) (f)

59. Clause 4(2) (f) should be reworded as follows: "Collaborate with relevant local, regional, and international institutions to build and develop progressive capacity in the environmental profession" or "of environmental professionals."

Justification:
For clarity

Committee Observation/Recommendation
The Committee accepted the proposed amendment as collaboration is intentional leading to the achievement of a specified goal.

Clause 4(2) (p)

60. Under Clause 4(2) (p), while the function appears repetitive to earlier provisions, its intent, particularly in the first phrase, is unclear. To strengthen the Bill, the following additional functions should be included:
    i) Publication of professional journals or magazines to promote research and knowledge sharing.
    ii) Protection and assistance for environmental professionals in Kenya concerning conditions of practice and welfare.
    iii) Establishment of mechanisms to ensure equal opportunities for all environmental practitioners, including professional guidance on standard fees and best practices.

Committee Observation/Recommendation
The proposals were rejected by the Committee as they are already provided for in Clause 4(2) (e), (f), and (k) of the Bill.

NEW PROPOSAL

61. Under Clause 4(3), a schedule should be created to specify the terms and conditions for the appointment of Council members and the modalities of their selection, considering historical memory. Additionally, the Bill should include provisions on:
    i) Assumption of office, specifying the transition process when new Council members assume office.
    ii) Powers of the Council, clearly defining its decision-making authority and functions.

Committee Observation/Recommendation

The Committee rejected the proposals as clause 6 of the Bill provides for the qualifications and term of office of the Council members. Additionally, the Council members are not appointed but elected. Additionally, clause 7 further provides for the powers of the Council. With respect to decision-making by the Council, the Second Schedule to the Bill provides for the conduct of affairs and business of the Council including quorum. However, the Committee accepted the proposal to provide for assumption of office by Council members immediately after an election.

Clause 6(1) (c)

62. Under Clause 6(1) (c), clarification is needed on how the professional body will ensure diversity in the composition of the Council, particularly ensuring representation beyond Nairobi.

Committee Observation/Recommendation

The Committee accepted the proposed as it seeks to ensure that there is diversity in the composition of the Council, particularly ensuring representation beyond Nairobi.

Clause 11(a)

63. Under Clause 11(a), the qualification requirements for the Chief Executive Officer (CEO) are vague and inconsistent. While the provision states that the CEO must "hold a degree... with at least 10 years of proven experience in matters related to the environment", this requirement is broad and could lead to ambiguity in selection. Further specificity is required to align qualifications with the professional and technical needs of the Institute.

Committee Observation/Recommendation

The Committee accepted part of the proposal i.e. 5 years in senior management, in line with the *Mwongozo* Code of Governance for Government owned entities as it recommends that the Chief Executive Officer of a State Agency should have a relevant Bachelor's, and Master's degree and membership in a professional body and 10 years' experience in the relevant field, and a minimum of 5 years in senior management.

Clause 22(1)

64. Under Clause 22(1), the registration of individuals should include:
    a) A standardized registration form for all applicants.
    b) A schedule outlining registration fees per category to ensure transparency in the registration process.

Committee Observation/Recommendation

The Committee rejected the proposed amendments as details on registration including the forms to be used and the registration fees had already been provided for under clause 51 of the Bill.

Clause 23

65. Under Clause 23, the registration of firms of experts should similarly include:
    c) A standardized registration form for firms.
    d) A schedule outlining registration fees for firms, ensuring consistency with individual registrations.

Committee Observation/Recommendation

The Committee rejected the proposed amendments as details on registration including the forms to be used and the registration fees had already been provided for under clause 51 of the Bill.

4.5 SUBMISSION BY PROF. NZIOKA JOHN MUTHAMA—WANGARI MAATHAI INSTITUTE FOR PEACE AND ENVIRONMENTAL STUDIES

66. Prof. Nzioka in a meeting with the Committee held on Wednesday, 19th March 2025 submitted the following amendments:

Definition

67. Replace "research" with "postgraduate research".

Justification:

The research function within the Environmental Professionals Institute of Kenya is vital for informed decision-making, addressing environmental challenges: innovation and development, capacity building and global collaboration and research facilitates partnerships with international organizations, enhancing the institute's ability to address global environmental concerns.

Committee Observation/Recommendation

68. The Committee rejected the proposed amendment as the proposal limits the qualification for registration as an environmental professional with respect to research to post-graduate research.

Clause 4(2)(a)

69. Recommend to replace "professional competencies" with "Professional skills and competencies".

Committee Observation/Recommendation

70. The Committee rejected the proposed amendments, as skills, as used in the Bill, are more specific in defining exact abilities; competencies have a broader focus and comprise many skills.

Clause 4(2)(c)

71. Recommended the inclusion of "postgraduate research" in section 4(2)(c).

Justification:

The research function within the Environmental Professionals Institute of Kenya is vital for informed decision-making, addressing environmental challenges: innovation and development, capacity building and global collaboration and research facilitates partnerships with international organizations, enhancing the institute's ability to address global environmental concerns.

Committee Observation/Recommendation

72. The Committee rejected the proposed amendments, as Research is not limited to post-graduate research. Further, the functions of the Institute cover different categories of environmental professionals.

SUBMISSIONS BY HON. GEORGE GACHAGUA, MP, NDARAGWA CONSTITUENCY

73. Hon. Gachagua, MP (Ndaragwa Constituency), in a meeting with the Committee held on Tuesday, 8th April 2025, submitted that the Environmental Professionals Institute of Kenya Bill, 2024, provides for the establishment of a legally recognized professional body that will regulate, professionalize, and promote ethical and competent environmental practice in Kenya.

74. In his submission, he also highlighted the following

i) Gap in the current framework: Hon. Gachagua, MP highlighted a significant gap in Kenya's environmental governance—the absence of a statutory professional body to regulate environmental practitioners. While institutions like NEMA enforce laws, there is no counterpart responsible for the certification, professional development, and ethical oversight of practitioners in this critical field.

ii) Role and benefits of Environmental Professionals Institute of Kenya (EPIK): The proposed Institute will ensure that only qualified and ethical professionals practice in the sector. It aims to eliminate unqualified individuals, improve service delivery, and foster accountability in environmental management. The Bill also promotes continuous professional development and introduces a structured career progression for environmental practitioners.

iii) Learning from other professions: The submission draws parallels to existing statutory professional bodies such as the Institute of Certified Public Accountants of Kenya (ICPAK)—accountants, the Institute of Human Resource Management (IHRM)—HR professionals, Institute of Certified Secretaries (ICS)—company secretaries, and the Law Society of Kenya (LSK)— lawyers. These bodies have elevated professional standards in their respective sectors. EPIK is presented as a similar initiative that will enhance professionalism in the environmental sector.

iv) Complementary role to National Environment Management Authority (NEMA): Rather than duplicating NEMA's functions, EPIK will complement regulatory work by focusing on professional ethics, training, certification, and advocacy. This dual structure—professional oversight by EPIK and regulatory enforcement by NEMA—is positioned as a model for more effective governance.

v) Impact on policy and practice: The Bill is expected to bolster Kenya's environmental governance, aligning the Country with international best practices. It will provide the government with a trusted pool of experts, support more informed policy decisions, and reduce inefficiencies caused by unqualified environmental interventions. It will also shield the sector from exploitation by untrained activists or politically motivated actors misusing environmental platforms.

vi) Urgent call to action: Hon. Gachagua, MP stressed the risks of having no professional body—comparing it to the hypothetical scenario of a legal profession without the LSK and urged the Committee to support and expedite the Bill's passage, emphasizing the long-term benefits of having a structured, ethical, and professional environmental workforce.

4.6 SUBMISSIONS BY PASTORALISTS ALLIANCE FOR RESILIENCE AND ADAPTATION ACROSS NATIONS (PARAAN)

75. Mr. Liban Golicha and Mohamed Yusuf, representatives of PARAAN, in a meeting with the Committee held on Wednesday, 19th March 2025, submitted as follows:

76. While this Bill represents a progressive step forward by establishing a regulatory framework for environmental professionals, its effectiveness can be further enhanced through the following recommendations:

i) Environmental experts undertaking Environmental Impact Assessments

Including a clause that outlines the specific duties and expertise of environmental professionals mandated to undertake Environmental Impact Assessments (EIA) as provided under Part VI of the Environmental Management and Coordination Act, 1999 CAP 382 (EMCA).

The Environmental Professionals Institute, in collaboration with NEMA, should maintain a public register of all individual experts or firms authorized to conduct or prepare EIA studies and reports;

Further, the Institute should oversee the compliance of its members especially those conducting EIAs with the principles, values, and guidelines of both this Bill and EMCA and take any disciplinary actions against those in breach.

ii) Public records

A publicly accessible database containing the records of all certified environmental professionals should be created and maintained. This database should be designed to ensure access and promote accountability in the environmental profession. It could be as simple as an annual gazettement at a certain date or an online database that is updated periodically.

iii) Continuous professional training as a basis of PC renewal

The Bill should include a provision mandating that all certified environmental professionals complete continuing professional development (CPD) training as a condition for the renewal of their practicing certificates. These trainings should be designed to ensure that professionals remain competent, up-to-date, and effective in their roles.

PART FIVE

5.0 COMMITTEE OBSERVATIONS

Having considered the Bill, the Committee made the following observations:

1. There is a significant gap in Kenya's environmental governance—the absence of a statutory professional body to regulate environmental practitioners. While institutions like the National Environment Management Authority (NEMA) enforce laws, there is no counterpart responsible for the certification, professional development, and ethical oversight of practitioners in this critical field.

2. The Environmental Professionals Institute of Kenya (EPIK) is expected to ensure that only qualified and ethical professionals practice in the sector. It aims to eliminate unqualified individuals, improve service delivery, and foster accountability in environmental management. The Bill also promotes continuous professional development and introduces a structured career progression for environmental practitioners.

3. NEMA as established under the Environmental Management and Co-ordination Act, Cap. 387 is responsible for the general supervision and co-ordination over all matters relating to the environment and the principal instrument of Government in the implementation of all policies relating to the environment while the Institute shall be responsible for the registration, licensing and regulation of the standards and practice of environmental professionals.

4. Rather than duplicating NEMA's functions, EPIK will complement regulatory work by focusing on professional ethics, training, certification, and advocacy. This dual structure—professional oversight by EPIK and regulatory enforcement by NEMA—is positioned as a model for more effective governance.

5. The Bill provides for categories of members i.e. lead members having successfully undertaken a degree course in the field of environment, natural resources, earth sciences or research, is of good conduct and has paid the prescribed fee; fellow members having rendered outstanding services to the environment profession; honorary members having rendered special services to the Institute or environment profession and associate members comprising of persons eligible to be registered as lead members but do not meet the requirements prescribed and corporate members comprising of firms which practice environmental management activities.

6. EPIK will be similar to existing statutory professional bodies such as the Institute of Certified Public Accountants of Kenya (ICPAK for accountants, the Institute of Human Resource Management (IHRM) for Human Resources professionals, Institute of Certified Secretaries (ICS)—company secretaries, and the Law Society of Kenya (LSK) for lawyers. These bodies have elevated professional standards in their respective sectors.

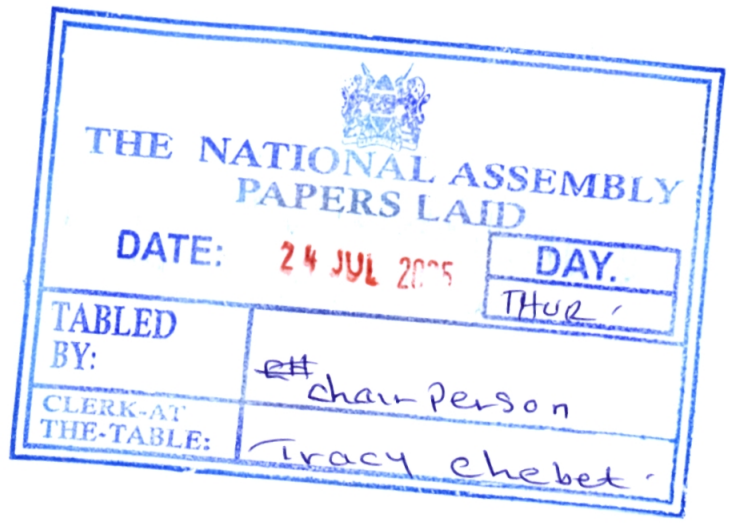
PART SIX

6.0 COMMITTEE RECOMMENDATION

77. The Committee, having facilitated public participation and considered the *Environmental Professionals Institute of Kenya Bill, 2024* by Hon. George Gachagua, the stakeholders' comments, and from the above observations, recommends that the House **APPROVES the Bill with amendments** as contained in the Schedule.

SIGNED..... **DATE**.....22/07/2024

HON. ENG. VINCENT MUSYOKA MUSAU, CBS, MP
CHAIRPERSON,
DEPARTMENTAL COMMITTEE ON ENVIRONMENT, FORESTRY AND MINING



PART SEVEN

7.0 SCHEDULE OF PROPOSED AMENDMENTS

The Committee proposed the following amendments to be considered by the House at the Committee Stage—

CLAUSE 2

THAT clause 2 of the Bill be amended in the definition of "environmental professional" by deleting the words "or research" appearing immediately after the word "sciences".

Justification- The amendment seeks to provide clarity on the definition of environmental professionals as a degree in research has to be pegged on a particular subject area.

CLAUSE 4

THAT clause 4 of the Bill be amended in sub-clause (2) by—

(a) deleting the words 'people engaged in the field of environment" and substituting therefor the words "environmental professions" appearing in paragraph (e);
(b) deleting the word 'network" and substituting therefor the words "collaborate" appearing in paragraph (f); and
(c) inserting the words "in consultation with the members of the Institute" immediately before the word "determine" appearing in paragraph (n).

Justification- The amendment seeks to ensure that there is consistency in the use of terminology in the Bill since the term "environmental professionals" has been defined; the appropriate word i.e. "collaboration" which is more intentional as regards the achievement of a particular goal is used as opposed to the word "networking" and to ensure that the Council can determine and revise categories under which environmental professionals may be registered, only in consultation with the Members of the Institute.

CLAUSE 6

THAT clause 6 of the Bill be amended in sub-clause (1) by—

(a) deleting the word "seven" appearing in paragraph (c) and substituting therefor the word "three";
(b) inserting the following new paragraphs immediately after paragraph (c)—
(ca) four representatives of other regions, who shall be persons who do not ordinarily practice in Nairobi; and
(cb) two Nairobi representatives who shall be persons who ordinarily practice in Nairobi.

Justification-The amendment seeks to ensure that there is diversity in the composition of the Council, particularly ensuring representation beyond Nairobi.

NEW CLAUSE 9A

THAT the Bill be amended by inserting the following new clause immediately after clause 9—

Branches of the Institute.

9A. (1) The Institute shall consist of the following eight branches—

(a) Coast;

(b) Rift Valley;

(c) North Rift;

(d) West Kenya;

(e) South West Kenya;

(f) Mount Kenya;

(g) South Eastern; and

(h) Nairobi.

(2) The branches shall—

(a) deal with issues that regarding practice within their centres;

(b) address issues relating to the welfare of the members practicing in their centres; and

(c) inform the Council of any matters that affect members within the branches that require the Council's engagement with other stakeholders on behalf of the branch.

Justification-The amendment seeks to provide for the branches of the Institute across the Country that shall be responsible for practice issues within their respective regions.

CLAUSE 11

THAT clause 11 of the Bill be amended by inserting the following new paragraph immediately after paragraph (c)—

(ca) has at least five years' experience in a position of senior management

Justification- The amendment seeks to ensure that the qualifications of the Registrar are in line with The *Mwongozo* Code of Governance for Government Owned Entities which recommends that the Chief Executive Officer should have a relevant Bachelor's, and Master's degree and membership in a professional body and 10 years' experience in the relevant field, and a minimum of 5 years in senior management.

CLAUSE 19

THAT clause 19 of the Bill be amended—

(a) in subsection (2) by—

(i) deleting the word "lead" appearing in paragraph (a) and substituting therefor the word "graduate";

(ii) deleting paragraph (c) and substituting therefor the following new paragraph—

(c) Honorary members comprising of persons who become honorary members pursuant to subsection (4);

(iii) inserting the following new paragraph immediately after paragraph (d)—

(da) Environmental Consultant comprising of members of the Institute who are registered under section 21 and who become environmental consultants pursuant to subsection 6.

(iv) deleting the words "corporate members" appearing in paragraph (f) and substituting therefor the words "environmental firms";

(b) by deleting the word "fellow" appearing in in sub-section (4) and substituting therefor the word "member";

(c) by deleting the word "fellow" appearing in in sub-section (5) and substituting therefor the word "member";

(d) inserting the following new subsection immediately after sub-section (5)—

(6) A member of the Institute may be registered as an Environmental Consultant if the person—

(a) has practiced in a specialized environmental field as an environmental professional for a period determined by the Council; and;

(b) has achieved a standard of competence to enable him or her to practice as an Environmental Consultant in that particular specialization.

Justification-The amendments seek to provide clarity on the qualifications for registration as a graduate member (basic qualifications) as opposed to a lead member; use of the term "honorary members" and not "honorary fellow members" as fellow members is a different category provided for in the Bill and to recognize a new category of environmental consultants and provide for their qualifications.

CLAUSE 21

THAT clause 21 of the Bill is amended in paragraph (c) by by deleting the words "or research" appearing immediately after the word "sciences".

Justification-The amendment seeks to provide clarity on the definition of environmental professionals as a degree in research has to be pegged on a particular subject area.

CLAUSE 51

THAT clause 51 of the Bill is amended in sub-section (2) by inserting the following new paragraphs immediately after paragraph (h)—

(i) prescribe the grounds for, and procedure relating to, suspension or expulsion of members of the Institute;

(j) provide for the resignation of members from the Institute;

(k) prescribe the functions and powers of the branches and sources of funding of the activities of the branches;

(l) provide for the membership, governance of the branches and the regulation of the conduct of business by branches;

(m) provide for the recognition and competencies of chapters of the members of the Institute or other local formations within branches;

(n) prescribe the manner of election of the branch representatives in the Council;

Justification-The amendment seeks to ensure that the Council makes regulations for among other things the branches of the Institute.

FIRST SCHEDULE

THAT the Bill be amended in the First Schedule by inserting the following new paragraph immediately after paragraph 2—

Assumption of office.

3. (1) The president, the vice-president and the members of the Council shall assume office immediately after the ordinary general meeting of the Institute next following an election of the members of the Council, and shall hold office for a period of three years, ending at the conclusion of the annual general meeting held in the third year, after their election.

(2) Where the president, the vice-president or member of the Council dies, resigns or is removed from office before the expiry of the term of office, the vacancy created shall be filled in such manner as provided in the regulations.

Justification- The amendment seeks to provide clarity for assumption of office by the members of the Council after an election or in case a vacancy arise, which had not been provided for in the Bill.

ANNEXURES

Annexure 1: Adoption Schedule

REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – FOURTH SESSION, 2025

DEPARTMENTAL COMMITTEE ON ENVIRONMENT, FORESTRY AND MINING

ADOPTION OF THE REPORT ON THE ENVIRONMENTAL PROFESSIONALS INSTITUTE OF KENYA BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2024) SPONSORED BY HON GEORGE GACHAGUA, MP.

We, the undersigned Honorable Members of the Departmental Committee on Environment, Forestry and Mining Tuesday, 22nd July 2025 2025 do hereby affix our signatures to the Report on consideration of **the Environmental Professionals Institute of Kenya Bill (National Assembly Bill No. 36 of 2024) sponsored by Hon. George Gachagua, MP.** to affirm our approval and confirm its accuracy, validity and authenticity.

NO.	NAME	SIGNATURE
1.	The Hon. Vincent Musyoka Musau, CBS- **Chairperson**	
2.	The Hon. Charles Kamuren, MP - **Vice-Chairperson**	
3.	The Hon. Mohamed Ali Mohamed, CBS, MP	
4.	The Hon. Mbalu Jessica Nduku Kiko, CBS, MP.	
5.	The Hon. Mwanyanje Gertrude Mbeyu, MP.	
6.	The Hon. Hiribae Said Buya, MP.	
7.	The Hon. Charity Kathambi Chepkwony, MP	
8.	The Hon. Salim Feisal Bader, MP.	
9.	The Hon. Emathe Joseph Namuer, MP.	
10.	The Hon. Joseph Wainaina Iraya, OGW, MP.	
11.	The Hon. Kemei Beatrice Chepngeno, MP.	
12.	The Hon. Masito Fatuma Hamisi, MP.	
13.	The Hon. Mohamed Tubi Bidu, MP.	
14.	The Hon. Yakub Adow Kuno, MP.	
15.	The Hon. Titus Lotee, MP.	

Annexure 2: Minutes

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – FOURTH SESSION, 2025

DIRECTORATE OF DEPARTMENTAL COMMITTEES

MINUTES OF THE 33rd SITTING OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT, FORESTRY, AND MINING HELD IN COMMITTEE ROOM 14, SECOND FLOOR, BUNGE TOWER ON TUESDAY, 22ND JULY 2025 AT 10.00 PM.

PRESENT

1. **The Hon. (Eng.) Vincent Musyoka Musau, CBS, MP. - Chairperson**
2. The Hon. Hiribae Said Buya, MP
3. The Hon. Emathe Joseph Namuar, MP
4. The Hon. Titus Lotee, MP
5. The Hon. Kemei, Beatrice Chepngeno, MP
6. The Hon. Yakub Adow Kuno, MP
7. The Hon. Dr. Joseph Wainaina Iraya, OGW, MP
8. The Hon. Masito Fatuma Hamisi, MP

APOLOGY

1. **The Hon. Charles Kamuren, MP. -Vice-Chairperson**
2. The Hon. Mbalu, Jessica Nduku Kiko, CBS, MP
3. The Hon. Mwanyanje Gertrude Mbeyu, MP
4. The Hon. Salim Feisal Bader, MP
5. The Hon. Mohamed Ali Mohamed, CBS, MP
6. The Hon. Mohamed Tubi Bidu, MP

IN-ATTENDANCE: NATIONAL ASSEMBLY SECRETARIAT

1.	Mr. Hamdi Mohamed	-	Clerk Assistant III
2.	Ms. Mercy Wanyonyi	-	Senior Legal Counsel
3.	Ms. Nancy Chamunga	-	Fiscal analyst III
4.	Dr. Joseph Kuria	-	Research Officer III
5.	Mr. Kevin Ojimabo Obilo	-	Asst MRO

AGENDA:

Prayers

1. Preliminaries/Introductions
   - i. Adoption of the Agenda
   - ii. Remarks by the Chairperson
2. Confirmation of Minutes/Matters Arising
3. **Consideration and Adoption of the Following Reports;**
   - i. **The Meteorology Bill (Senate Bill No. 45 of 2023)**
   - ii. **The Environmental Institute of Kenya Bill (National Assembly Bill No. 36 of 2024)**
   - iii. **The Committee Work Plan for the 1st Quarter (July-September 2025)**
4. Any other Business
5. Adjournment/Date of the next meeting

MIN/NO.NA/DC/EF&M/138/2025: PRELIMINARIES & ADOPTION OF AGENDA

The Chairperson called the meeting to order at ten minutes past ten o'clock followed by a prayer. The agenda of the meeting was adopted as listed above having been proposed and

seconded by the Hon. Kemei Beatrice, MP and the Hon. Hon. Hiribae Said Buya, MP respectively

MIN/NO.NA/DC/EF&M/139/2025: **CONFIRMATION OF THE PREVIOUS MINUTES**

Confirmation of the minutes of the previous sitting was deferred to the next sitting

MIN/NO.NA/DC/EF&M/140/2025: **CONSIDERATION AND ADOPTION OF THE COMMITTEE REPORT ON THE METEOROLOGY BILL (SENATE BILL NO. 45 OF 2023)**

The Committee considered and unanimously adopted the Report on the Meteorology Bill (Senate Bill No. 45 of 2023) as proposed and seconded by the Hon. Kemei Beatrice Chepngeno, MP and the Hon. Joseph Wainaina Iraya, OGW, MP with the following amendments to be considered by the House at the Committee Stage—

On CLAUSE 1

THAT clause 1 of the Bill be amended by deleting the words "and shall come into operation on such date as the Cabinet Secretary may, by notice in the Gazette, appoint'".

Justification- The amendment seeks to ensure that the once the Bill is enacted into law it comes into force fourteen days after its publication in the Gazette after assent by the President in line with Article 116 of the Constitution as opposed to the Cabinet Secretary having discretion as regards to when it will come into force after assent by the President.

On CLAUSE 7

THAT clause 7 of the Bill be amended in subsection (2) by—

(a) inserting the words "Civil Aviation Act, Cap.394 and the relevant regulations" immediately after of the word "Aviation" appearing in in paragraph (d).

Justification- The amendment seeks to provide clarity with regards to the applicable legal framework on matters relating to the provision of aeronautical meteorological services.

(b) inserting the following new paragraph immediately after paragraph (l)—

(la) collaborate with the National Drought Management Authority in the development of drought early warning systems.

Justification- The amendment seeks to ensure that the Kenya Meteorological Service Authority collaborates with the National Drought Management Authority as NDMA operates an early warning system and conducts food security assessments through a multi-hazard approach hence the need for collaboration.

(c)Inserting the following new paragraph immediately after paragraph (w)—

(x) integrate traditional indigenous knowledge with modern science in weather forecasting through participatory scenario planning,

Justification- The amendment seeks to ensure that the Kenya Meteorological Service Authority integrates Traditional Indigenous Knowledge (TIK) in weather forecasting as TIK is not only scientifically valuable but also culturally significant and should be integrated into modern meteorological systems to improve the accuracy and relevance of weather forecasts.

On CLAUSE 12

THAT clause 12(1) of the Bill be amended —

(a)by inserting the following new paragraph immediately after paragraph (d)—

(da) the Principal Secretary in the ministry for the time being responsible for agriculture or his or her representative; and

(b)in paragraph (g) by inserting the following new sub-paragraphs immediately after sub-paragraph (v)—
(vi) traditional indigenous knowledge on weather forecasting ; and
(vii) drought risk management.
Justification-The amendment seeks to ensure that the Principal Secretary in the ministry for the time being responsible for agriculture is a member of the Kenya Meteorological Service Authority Board as the agricultural sector is the main consumer of meteorological data. Additionally, the amendment seeks to ensure that the Board has expertise in traditional indigenous knowledge on weather forecasting and drought risk management, so as to enhance the accuracy of meteorological information.

On CLAUSE 38
THAT clause 38 of the Bill be amended by inserting the following new sub-sections immediately after sub-section (3)—
(4) An owner of land may consent in writing to the development of a meteorological observation station, upon agreement being reached with the Authority as to the amount of compensation payable, if any, and any consent so given shall be binding on all parties having an interest in the land.
(5) If any difficulty or question arises as to the amount, entitlement to compensation or person entitled to compensation payable under this Act, the determination shall be made in accordance with the provisions of the relevant written law.
Justification-The amendment seeks to ensure that the interests of a private landowner are safeguarded as regards to compensation, if any, for the development of a meteorological observation station by the Authority on their land.

NEW CLAUSE 43A
THAT the Bill be amended by inserting the following new clause immediately after clause 43—43A. Section 3 of the Air Passenger Service Charge Act, Cap.475 is amended in subsection (2) by inserting the words "the Kenya Meteorological Services Authority" immediately after the words "the Kenya Civil Aviation Authority".

Justification- The amendment seeks to ensure that the Kenya Meteorological Services Authority is also allocated money from the Air Passenger Service Charge under the Air Passenger Service Charge Act, Cap.475 in addition

MIN/NO.NA/DC/EF&M/141/2025: CONSIDERATION AND ADOPTION OF THE COMMITTEE REPORT ON THE ENVIRONMENTAL INSTITUTE OF KENYA BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2024)

The Committee considered and unanimously adopted the Report on the Environmental Institute of Kenya Bill (National Assembly Bill No. 36 of 2024) as proposed and seconded by the Hon. Titus Lotee, MP and the Hon. Hiribae Said Buya, MP with the following amendments to be considered by the House at the Committee Stage—

On CLAUSE 2
THAT clause 2 of the Bill be amended in the definition of "environmental professional" by deleting the words "or research" appearing immediately after the word "sciences".

Justification- The amendment seeks to provide clarity on the definition of environmental professionals as a degree in research has to be pegged on a particular subject area.

On CLAUSE 4
THAT clause 4 of the Bill be amended in sub-clause (2) by—

(a) deleting the words 'people engaged in the field of environment" and substituting therefor the words "environmental professions" appearing in paragraph (e);
(b) deleting the word 'network" and substituting therefor the words "collaborate" appearing in paragraph (f); and
(c) inserting the words "in consultation with the members of the Institute" immediately before the word "determine" appearing in paragraph (n).

Justification- The amendment seeks to ensure that there is consistency in the use of terminology in the Bill since the term "environmental professionals" has been defined; the appropriate word i.e. "collaboration" which is more intentional as regards the achievement of a particular goal is used as opposed to the word "networking" and to ensure that the Council can determine and revise categories under which environmental professionals may be registered, only in consultation with the Members of the Institute.

On CLAUSE 6

THAT clause 6 of the Bill be amended in sub-clause (1) by—
(a) deleting the word "seven" appearing in paragraph (c) and substituting therefor the word "three";
(b) inserting the following new paragraphs immediately after paragraph (c)—
(ca) four representatives of other regions, who shall be persons who do not ordinarily practice in Nairobi; and
(cb) two Nairobi representatives who shall be persons who ordinarily practice in Nairobi.

Justification-The amendment seeks to ensure that there is diversity in the composition of the Council, particularly ensuring representation beyond Nairobi.

NEW CLAUSE 9A

THAT the Bill be amended by inserting the following new clause immediately after clause 9—

9A. (1) The Institute shall consist of the following eight branches—
(a) Coast;
(b) Rift Valley;
(c) North Rift;
(d) West Kenya;
(e) South West Kenya;
(f) Mount Kenya;
(g) South Eastern; and
(h) Nairobi.
(2) The branches shall—
(a) deal with issues that regarding practice within their centres;
(b) address issues relating to the welfare of the members practicing in their centre and
(c) inform the Council of any matters that affect members within the branches tha require the Council's engagement with other stakeholders on behalf of the branch

Justification-The amendment seeks to provide for the branches of the Institute across the Country that shall be responsible for practice issues within their respective regions.

On CLAUSE 11

THAT clause 11 of the Bill be amended by inserting the following new paragraph immediately after paragraph (c)—
(ca) has at least five years' experience in a position of senior management

Justification- The amendment seeks to ensure that the qualifications of the Registrar are in line with The *Mwongozo* Code of Governance for Government Owned Entities which

recommends that the Chief Executive Officer should have a relevant Bachelor's, and Master's degree and membership in a professional body and 10 years' experience in the relevant field, and a minimum of 5 years in senior management.

On CLAUSE 19

THAT clause 19 of the Bill be amended—

(a) in subsection (2) by—

(i) deleting the word "lead" appearing in paragraph (a) and substituting therefor the word "graduate";

(ii) deleting paragraph (c) and substituting therefor the following new paragraph—

(c) Honorary members comprising of persons who become honorary members pursuant to subsection (4);

(iii) inserting the following new paragraph immediately after paragraph (d)—

(da) Environmental Consultant comprising of members of the Institute who are registered under section 21 and who become environmental consultants pursuant to subsection 6.

(iv) deleting the words "corporate members" appearing in paragraph (f) and substituting therefor the words "environmental firms";

(b) by deleting the word "fellow" appearing in in sub-section (4) and substituting therefor the word "member";

(c) by deleting the word "fellow" appearing in in sub-section (5) and substituting therefor the word "member";

(d) inserting the following new subsection immediately after sub-section (5)—

(6) A member of the Institute may be registered as an Environmental Consultant if the person—

(a) has practiced in a specialized environmental field as an environmental professional for a period determined by the Council; and;

(b) has achieved a standard of competence to enable him or her to practice as an Environmental Consultant in that particular specialization.

Justification-The amendments seek to provide clarity on the qualifications for registration as a graduate member (basic qualifications) as opposed to a lead member; use of the term "honorary members" and not "honorary fellow members" as fellow members is a different category provided for in the Bill and to recognize a new category of environmental consultants and provide for their qualifications.

On CLAUSE 21

THAT clause 21 of the Bill is amended in paragraph (c) by by deleting the words "or research" appearing immediately after the word "sciences".

Justification-The amendment seeks to provide clarity on the definition of environmental professionals as a degree in research has to be pegged on a particular subject area.

On CLAUSE 51

THAT clause 51 of the Bill is amended in sub-section (2) by inserting the following new paragraphs immediately after paragraph (h)—

(i) prescribe the grounds for, and procedure relating to, suspension or expulsion of members of the Institute;

(j) provide for the resignation of members from the Institute;

(k) prescribe the functions and powers of the branches and sources of funding of the activities of the branches;

(l) provide for the membership, governance of the branches and the regulation of the conduct of business by branches;

(m) provide for the recognition and competencies of chapters of the members of the Institute or other local formations within branches;

(n) prescribe the manner of election of the branch representatives in the Council;

Justification-The amendment seeks to ensure that the Council makes regulations for among other things the branches of the Institute.

FIRST SCHEDULE

THAT the Bill be amended in the First Schedule by inserting the following new paragraph immediately after paragraph 2—

3. (1) The president, the vice-president and the members of the Council shall assume office immediately after the ordinary general meeting of the Institute next following an election of the members of the Council, and shall hold office for a period of three years, ending at the conclusion of the annual general meeting held in the third year, after their election.

(2) Where the president, the vice-president or member of the Council dies, resigns or is removed from office before the expiry of the term of office, the vacancy created shall be filled in such manner as provided in the regulations.

Justification- The amendment seeks to provide clarity for assumption of office by the members of the Council after an election or in case a vacancy arises, which had not been provided for in the Bill.

MIN/NO.NA/DC/EF&M/142/2025: **CONSIDERATION OF THE COMMITTEE WORKPLAN FOR THE MONTHS JULY, AUGUST AND SEPTEMBER, 2025**

Consideration of the Committee Workplan was deferred to the next sitting. However, the Chairperson emphasized that the Committee should complete all pending businesses before the beginning of the long recess mid-August 2025.

Further, the Chairperson directed the secretariat to prepare a comprehensive inventory of all unfinished business before the Committee, along with a corresponding action plan outlining the necessary steps for their completion.

MIN/NO.NA/DC/EF&M/143/2025: **ADJOURNMENT AND DATE OF THE NEXT SITTING**

There being no other business, the meeting was adjourned at noon. The next meeting will be held on notice.

Signed.....**Date**.....22/07/2025

HON. ENG. VINCENT MUSAU MUSYOKA, CBS, M.P.
(CHAIRPERSON)

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – FOURTH SESSION, 2025

DIRECTORATE OF DEPARTMENTAL COMMITTEES

MINUTES OF THE 27th SITTING OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT, FORESTRY, AND MINING HELD AT PRIDEINN PARADISE BEACH RESORT, MOMBASA COUNTY ON MONDAY, 19TH MAY 2025 AT 3.00 PM.

PRESENT

1. **The Hon. (Eng.) Vincent Musyoka Musau, CBS, MP. - Chairperson**
2. **The Hon. Charles Kamuren, MP. -Vice-Chairperson**
3. The Hon. Mbalu, Jessica Nduku Kiko, CBS, MP
4. The Hon. Mwanyanje Gertrude Mbeyu, MP
5. The Hon. Charity Kathambi Chepkwony, MP
6. The Hon. Salim Feisal Bader, MP
7. The Hon. Hiribae Said Buya, MP
8. The Hon. Yakub Adow Kuno, MP
9. The Hon. Emathe Joseph Namuar, MP
10. The Hon. Kemei, Beatrice Chepngeno, MP
11. The Hon. Titus Lotee, MP
12. The Hon. Mohamed Tubi Bidu, MP
13. The Hon. Dr. Joseph Wainaina Iraya, OGW, MP

APOLOGY

1. The Hon. Mohamed Ali Mohamed, CBS, MP
2. The Hon. Masito Fatuma Hamisi, MP

IN-ATTENDANCE:

A. NATIONAL ASSEMBLY SECRETARIAT

1. Mr. Daniel Mutunga - Deputy Director, Directorate of Departmental Committees
2. Ms. Hellen Ekadeli - Senior Clerk Assistant
3. Mr. Hamdi Mohamed - Clerk Assistant III
4. Ms. Mercy Wanyonyi - Senior Legal Counsel
5. Dr. Joseph Kuria - Research Officer III
6. Ms. Nancy Chamunga - Fiscal analyst III
7. Mr. Kevin Ojiambo - Media Relations Officer
8. Mr. Stephen Otieno - Serjeant-At-Arms

AGENDA:

Prayers

1. Preliminaries/Introductions
   i. Adoption of the Agenda
   ii. Remarks by the Chairperson
2. Confirmation of Minutes/Matters Arising
3. **Clause by Clause consideration of the Environmental Professionals Institute of Kenya Bill (National Assembly Bill No. 36 of 2024)**
4. Any other Business
5. Adjournment/Date of the next meeting

MIN/NO.NA/DC/EF&M/118/2025: PRELIMINARIES & ADOPTION OF AGENDA

The Chairperson called the meeting to order at quarter past three O'clock followed by a prayer. The agenda of the meeting was adopted as listed above having been proposed and seconded by the Hon. Gertrude Mbeyu Mwanyanje, MP and the Hon. Charity Kathambi Chepkwony, MP respectively.

MIN/NO.NA/DC/EF&M/119/2025: CONFIRMATION OF THE PREVIOUS MINUTES

Confirmation of the minutes of the previous sitting was deferred to the next sitting.

MIN/NO.NA/DC/EF&M/120/2025: CONSIDERATION OF THE ENVIRONMENTAL PROFESSIONALS INSTITUTE OF KENYA BILL (NATIONAL ASSEMBLY BILL NO.36 OF 2024)

PROF. RATEMO W. MICHIEKA

In a meeting with the Committee held on **Tuesday, 18th and Wednesday, 19th March 2025,** Prof. Michieka (Chairperson, National Research Fund (NRF), Kenya National Academy of Sciences (KNAS) and the Chancellor, Tharaka University) submitted the following amendment to the Bill;

Definition

"**environmental professional**" means a person who has successfully undertaken a degree course in the field of environment, natural resources, earth sciences, or research as may be prescribed by the Council and is registered in accordance with Section 21". There ought to be a clear distinction.

Justification:

This distinction is important to ensure clarity on the mandate of NEMA and that of the Institute, avoiding any overlap or conflict between the two. The definition limits the qualifications to a degree course in the field of environment, natural resources, earth sciences, or research. The definition also includes EIA experts who are environmental professionals.

Committee Observation

The EMCA Environment (Impact Assessment and Audit) Regulations, 2003 provides for the different categories of experts and their qualifications. They include lead experts, associate experts and firm of experts. The noted that the definition as contained in the Bill limits the qualifications to a degree course in the field of environment, natural resources, earth sciences, or research.

ENVIRONMENT INSTITUTE OF KENYA(EIK)

In a meeting with the Committee held on **Tuesday, 18th March 2025,** the Environment Institute of Kenya led by Mr. Alex Mugambi, submitted the following amendments to the Bill:

Long Title

Delete the word "licensing" and replace with the word "accreditation"

Justification:

To distinguish between the role of NEMA and the Institute.

While EIK is/will be registering professionals within the environment and related fields including environment, climate change, waste management, planning, governance, NEMA as the principal instrument of government charged with the implementation of all policies relating to the environment, and to exercise general supervision and coordination over all matters relating to the environment, currently registers only the environmental impact assessment (EIA/EA) experts.

REGISTRATION AND LICENSING OF ENVIRONMENTAL PROFESSIONALS

Delete the word "licensing" and substitute with the word "accreditation".

Justification:

To distinguish between the role of NEMA and the Institute.

While EIK is/will be registering professionals within the environment and related fields including environment, climate change, waste management, planning, governance, NEMA as the principal instrument of government charged with the implementation of all policies relating to the environment, and to exercise general supervision and coordination over all matters relating to the environment, currently registers only the environmental impact assessment (EIA/EA) experts.

Committee Observation/Recommendation

The proposal was rejected as the Committee noted that NEMA as established under the Environmental Management and Co-ordination Act, Cap. 387 is responsible for the general supervision and co-ordination over all matters relating to the environment and the principal instrument of Government in the implementation of all policies relating to the environment while the Institute shall be responsible for the registration, licensing and regulation of the standards and practice of environmental professionals

THE KENYA ELECTRICITY TRANSMISSION COMPANY (KETRACO)

In a meeting with the Committee held on **Wednesday, 19th March 2025,** the Kenya Electricity Transmission Company (KETRACO) led by Mr. Caleb Mango, submitted the following amendments to the Bill:

Clause 4

Under Clause 4(2)(e), the phrase "people engaged in the field of environment" should be replaced with "environmental professionals".

Justification:

To ensure consistency in terminology and recognition of the profession.

Committee Observation/Recommendation

The Committee accepted the proposed amendment as it seeks to ensure that there is consistency in the use of terminology in the Bill since the term "environmental professionals" has been defined.

Clause 4(2)(f)

Clause 4(2)(f) should be reworded as follows: "Collaborate with relevant local, regional, and international institutions to build and develop progressive capacity in the environmental profession" or "of environmental professionals."

Justification:

For clarity

Committee Observation/Recommendation

The Committee accepted the proposed amendment as collaboration is intentional leading to the achievement of a specified goal.

Clause 4(2)(p)

Under Clause 4(2)(p), while the function appears repetitive to earlier provisions, its intent, particularly in the first phrase, is unclear. To strengthen the Bill, the following additional functions should be included:

i) Publication of professional journals or magazines to promote research and knowledge sharing.

ii) Protection and assistance for environmental professionals in Kenya concerning conditions of practice and welfare.

iii) Establishment of mechanisms to ensure equal opportunities for all environmental practitioners, including professional guidance on standard fees and best practices.

Committee Observation/Recommendation

The proposals were rejected by the Committee as they are already provided for in Clause 4(2)(e), (f), and (k) of the Bill

NEW PROPOSAL

Under Clause 4(3), a schedule should be created to specify the terms and conditions for the appointment of Council members and the modalities of their selection, considering historical memory. Additionally, the Bill should include provisions on:

i) Assumption of office, specifying the transition process when new Council members assume office.

ii) Powers of the Council, clearly defining its decision-making authority and functions.

Committee Observation/Recommendation:

The proposals were rejected by the Committee as clause 6 of the Bill provides for the qualifications and term of office of the Council members. Additionally, the Council members are not appointed but elected. Additionally, clause 7 further provides for the powers of the Council. With respect to decision-making by the Council, the Second Schedule to the Bill provides for the conduct of affairs and business of the Council including quorum.

Clause 6(1)(c)

Under Clause 6(1)(c), clarification is needed on how the professional body will ensure diversity in the composition of the Council, particularly ensuring representation beyond Nairobi.

Committee Observation/RecommendationThe Committee accepted the proposed as it seeks to ensure that there is diversity in the composition of the Council, particularly ensuring representation beyond Nairobi.

Clause 11(a)

Under Clause 11(a), the qualification requirements for the Chief Executive Officer (CEO) are vague and inconsistent. While the provision states that the CEO must "hold a degree… with at least 10 years of proven experience in matters related to the environment", this requirement is broad and could lead to ambiguity in selection. Further specificity is required to align qualifications with the professional and technical needs of the Institute.

Committee Observation/Recommendation

The Committee accepted part of the proposal i.e 5 years in senior management in line with the *Mwongozo* Code of Governance for Government Owned Entities as it recommends that the Chief Executive Officer of a State Agency should have a relevant Bachelor's, and Master's degree and membership in a professional body and 10 years' experience in the relevant field, and a minimum of 5 years in senior management.

Clause 22(1)

Under Clause 22(1), the registration of individuals should include:

a) A standardized registration form for all applicants.

b) A schedule outlining registration fees per category to ensure transparency in the registration process.

Committee Observation/Recommendation

The committee rejected the proposed amendments as details on registration including the forms to be used and the registration fees had already been provided for under clause 51 of the Bill.

Clause 23

Under Clause 23, the registration of firms of experts should similarly include:

c) A standardized registration form for firms.

d) A schedule outlining registration fees for firms, ensuring consistency with individual registrations.

Committee Observation/Recommendation

The committee rejected the proposed amendments as details on registration including the forms to be used and the registration fees had already been provided for under clause 51 of the Bill.

SUBMISSION BY PROF. NZIOKA JOHN MUTHAMA—WANGARI MAATHAI INSTITUTE FOR PEACE AND ENVIRONMENTAL STUDIES.

In a meeting with the Committee held on **Wednesday, 19th March 2025,** Prof. Nzioka submitted the following amendments:

Definition

Replace "research" with "postgraduate research".

Justification:

The research function within the Environmental Professionals Institute of Kenya is vital for informed decision-making, addressing environmental challenges: innovation and development, capacity building and global collaboration and research facilitates partnerships with international organizations, enhancing the institute's ability to address global environmental concerns.

Committee Observation/Recommendation

The committee rejected the proposed amendment as the proposal limits the qualification for registration as an environmental professional with respect to research to post-graduate research.

Clause 4(2)(a)

Recommend to replace "professional competencies" with "Professional skills and competencies".

Committee Observation/Recommendation

The committee rejected the proposed amendments as skills, as used in the Bill, are more specific in defining exact abilities, competencies have a broader focus and comprise many skills.

Clause 4(2)(c)

Recommended the inclusion of "postgraduate research" in section 4(2)(c).

Justification:

The research function within the Environmental Professionals Institute of Kenya is vital for informed decision-making, addressing environmental challenges: innovation and development, capacity building and global collaboration and research facilitates partnerships with international organizations, enhancing the institute's ability to address global environmental concerns.

Committee Observation/Recommendation

The committee rejected the proposed amendments as Research is not limited to post-graduate research. Further, the functions of the Institute cover different categories of environmental professionals.

MIN/NO.NA/DC/EF&M/121/2025: **COMMITTEE OBSERVATIONS.**

Having considered the Bill, the Committee made the following observations:

1. There is a significant gap in Kenya's environmental governance—the absence of a statutory professional body to regulate environmental practitioners. While institutions like the National Environment Management Authority (NEMA) enforce laws, there is no counterpart responsible for the certification, professional development, and ethical oversight of practitioners in this critical field.

2. The Environmental Professionals Institute of Kenya (EPIK) will ensure that only qualified and ethical professionals' practice in the sector. It aims to eliminate unqualified individuals, improve service delivery, and foster accountability in environmental management. The Bill also promotes continuous professional development and introduces a structured career progression for environmental practitioners.

3. NEMA as established under the Environmental Management and Co-ordination Act, Cap. 387 is responsible for the general supervision and co-ordination over all matters relating to the environment and the principal instrument of Government in the implementation of all policies relating to the environment while the Institute shall be responsible for the registration, licensing and regulation of the standards and practice of environmental professionals.

4. Rather than duplicating NEMA's functions, EPIK will complement regulatory work by focusing on professional ethics, training, certification, and advocacy. This dual structure—professional oversight by EPIK and regulatory enforcement by NEMA—is positioned as a model for more effective governance.

5. The Bill provides for categories of members i.e. **lead members** having successfully undertaken a degree course in the field of environment, natural resources, earth sciences or research, is of good conduct and has paid the prescribed fee; **fellow members** having rendered outstanding services to the environment profession; **honorary members** having rendered special services to the Institute or environment profession; **associate members** comprising of persons eligible to be registered as lead members but do not meet the requirements prescribed and **corporate members** comprising of firms which practice environmental management activities.

6. EPIK will be similar to existing statutory professional bodies such as the Institute of Certified Public Accountants of Kenya (ICPAK for accountants, the Institute of Human Resource Management (IHRM) for Human Resources professionals, Institute of Certified Secretaries (ICS)—company secretaries, and the Law Society of Kenya (LSK) for lawyers. These bodies have elevated professional standards in their respective sectors.

MIN/NO.NA/DC/EF&M/122/2025: ADJOURNMENT AND DATE OF THE NEXT SITTING

There being no other business, the meeting was adjourned at 6.00pm. The next meeting will be held on notice

Signed.....**Date**.....24/2/2025.....

HON. ENG. VINCENT MUSAU MUSYOKA, CBS, M.P.
(CHAIRPERSON)

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – FOURTH SESSION, 2025

DIRECTORATE OF DEPARTMENTAL COMMITTEES

MINUTES OF THE 19TH SITTINGS OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT, FORESTRY, AND MINING HELD IN COMMITTEE ROOM 14, SECOND FLOOR, BUNGE TOWER 8th APRIL, 2025 AT 10.00 AM.

PRESENT

1. **The Hon. Charles Kamuren, MP.** - **Vice-Chairperson**
2. The Hon. Charity Kathambi Chepkwony, MP
3. The Hon. Mbalu, Jessica Nduku Kiko, CBS, MP
4. The Hon. Hiribae Said Buya, MP
5. The Hon. Salim Feisal Bader, MP
6. The Hon. Yakub Adow Kuno, MP
7. The Hon. Dr. Joseph Wainaina Iraya, OGW, MP
8. Hon. Mohamed Tubi Bidu, MP

APOLOGY

1. **The Hon. (Eng.) Vincent Musyoka Musau, CBS, MP.** - **Chairperson**
2. The Hon. Mohamed Ali Mohamed, CBS, MP
3. The Hon. Mwanyanje Gertrude Mbeyu, MP
4. The Hon. Kemei, Beatrice Chepngeno, MP
5. The Hon. Masito Fatuma Hamisi, MP
6. The Hon. Emathe Joseph Namuar, MP
7. The Hon. Titus Lotee, MP

IN-ATTENDANCE:

1. Hon. George Gachagua, MP *(**Sponsor, Environmental Professionals Institute of Kenya Bill (National Assembly Bill No. 36 of 2024)***

NATIONAL ASSEMBLY SECRETARIAT

1. Ms. Hellen Ekadeli - Senior Clerk Assistant
2. Mr. Hamdi Mohamed - Clerk Assistant III
3. Ms. Mercy Wanyonyi - Senior Legal Counsel
4. Ms. Nancy Chamunga - Fiscal analyst III
5. Dr. Joseph Kuria - Research Officer III
6. Mr. Kevin Ojimabo Obilo - Asst MRO
7. Mr. Stephen Otieno - Serjeant-At-Arms

AGENDA:

Prayers

1. Preliminaries/Introductions
   i. Adoption of the Agenda
   ii. Remarks by the Chairperson
2. Confirmation of Minutes/Matters Arising
3. **Meeting with the Hon. George Gachagua, MP. to shed light on the Environmental Professionals Institute of Kenya Bill (National Assembly Bill No. 36 of 2024)**
4. **Brief on the terms of reference for the inquiry into the alleged dumping of toxic and nuclear wastes in North Eastern Region**
5. Any other Business
6. Adjournment/Date of the next meeting

MIN/NO.NA/DC/EF&M/084/2025: **PRELIMINARIES & ADOPTION OF AGENDA**

The Chairperson called the meeting to order at quarter minutes past ten O'clock followed by a prayer said by Hon. Yakub Adow Kuno, MP. The agenda of the meeting was adopted as listed above having been proposed and seconded by the Hon. Gertrude Mbeyu, MP and the Hon. Said Buya Hiribae, MP respectively

MIN/NO.NA/DC/EF&M/085/2025: **CONFIRMATION OF THE PREVIOUS MINUTES**

Confirmation of the minutes of the previous sitting was deferred to the next sitting

MIN/NO.NA/DC/EF&M/086/2025: **MEETING WITH THE HON. GEORGE GACHAGUA, MP. TO SHED LIGHT ON THE ENVIRONMENTAL PROFESSIONALS INSTITUTE OF KENYA BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2024)**

Hon. George Gachagua, MP appeared before the Committee on April 8, 2025, and presented the following in support of the Bill as its sponsor.

That, Kenya's environmental sector plays a pivotal role in the country's sustainable development, yet there is currently no statutory framework for a professional body that governs environmental practitioners. This Bill seeks to establish the Environmental Professionals Institute of Kenya (the Institute), which will provide professional oversight, promote ethical standards, and ensure continuous professional development among environmental practitioners

That, the absence of a legally recognized professional body for environmental professionals has led to a lack of professional ethics and accountability among practitioners. Without an institution to uphold ethical standards, unqualified individuals can claim to be environmental experts, leading to substandard work, misrepresentation, and loss of public trust.

That, the Bill seeks to address these challenges by establishing a professional body that will ensure environmental practitioners meet the required standards of competence, accountability, and ethical practice. It will provide a structured career progression path, improve coordination within the sector, and ensure that environmental professionals remain up to date with emerging trends in environmental management and conservation

That, the Institute will work in collaboration with the National Environment Management Authority (NEMA), much like the relationship between regulatory bodies and professional institutions in other sectors. While NEMA will continue its role in enforcing environmental laws, the Institute will focus on professional oversight, training, and ethical governance. This

partnership will ensure a robust and coordinated approach to environmental management, contributing to the broader goals of sustainability and national development

That professional governance through legally recognized bodies exists in various sectors in Kenya. In the accounting sector, ICPAK ensures that accountants adhere to professional and ethical standards. Similarly, IHRM oversees the professional conduct and career development of human resource practitioners, complementing regulatory functions within the labor sector. The environmental sector requires a similar structured approach. The Environmental Professionals Institute of Kenya will ensure that environmental practitioners operate under a professional framework, while NEMA continues to enforce environmental laws and policies

Finally, he urged the Committee to support the Bill and expedite its passage into law for the benefit of environmental professionals and all Kenyans.

MIN/NO.NA/DC/EF&M/087/2025: BRIEF ON THE TERMS OF REFERENCE FOR THE INQUIRY INTO THE ALLEGED DUMPING OF TOXIC AND NUCLEAR WASTES IN NORTH EASTERN REGION

The Committee was informed that it received 6 memoranda on the alleged dumping of toxic and nuclear wastes in North Eastern part of Kenya. These are;

a) The Wajir County Assembly
b) The Pastoralists Alliance for Resilience and Adaption Across Nations (PARAAN)
c) The Rendile Professional Association
d) The Gabaro Professional Association
e) The Hon. Adhe Wario Guyo, MP, North Horr Constituency
f) The Gabra Professional Association

Further, the Committee noted Some of the key concerns raised in memoranda are as follows;

i. Kenya Oil Service Company allegedly buried hazardous waste under heavy guard in the 1980s.
ii. High rates of cancer and livestock deaths. According to Kenya Cancer Control Strategy 2023 - 2027, cancer is the third leading cause of death in Kenya after infectious diseases and cardiovascular diseases. According to The Global Cancer Observatory (GLOBOCAN) estimates in 2020, against a population of 53,771,300, (0.05%) the annual incidence of cancer was 42,116 with 27,092 deaths and the number of prevalence cases (5- year) was 82,620. This was reported as 54,156 cases among men and 28,464 cases among women. Comparatively, North-Horr constituency cancer-related deaths stand at 11% (15,000 deaths against the total population of 125,744) arc far above the GLOBOCAN estimates of 0.05%.
iii. There have been reports of multiple episodes of mass animal deaths following the consumption of water from specific shallow wells in Balesa and EI-Hadi villages. A case in point was the mass camels (178) and small ruminants (560) deaths in 2018.
iv. There have also been media reports on the same such as a documentary titled "Desert of Death" by Dennis Onsarigo of KTN in 2014.
v. Lack of official investigations into the allegations.

MIN/NO.NA/DC/EF&M/088/2025: COMMITTEE OBSERVATIONS

The Committee made the following observations;

1. Wildlife conservancies and marine conservation should be included in the bill to ensure that other essential professionals are not overlooked.
2. That, Marsabit, Wajir, Isiolo, and Garissa counties are the major affected areas.
3. There are increased cancer rates in areas suspected of toxic waste dumping.
4. Oil and gas companies GEOSOURCE, AMACO Kenya, Total Energies and Chinese Oil and Gas Company are named in the allegations.
5. Past government investigations lacked transparency and corrective action.

6. A comprehensive scientific investigation, accountability, and compensation are urgently needed.

MIN/NO.NA/DC/EF&M/089/2025: **COMMITTTE RESOLUTIONS**

The Committee resolved as follows;

1) To conduct a stakeholders' engagement with the Members of Parliament from the areas adversely mentioned Constituencies in the memoranda and the Majority Leaders of the County Assemblies of Garissa, Marsabit, Isiolo and Wajir and thereafter schedule for a field visit.
2) Further, to invite the Kenya Medical Research Institute (KEMRI) to ascertain the linkages between the alleged dumping of toxic and nuclear wastes and prevalence of cancer diseases in the Area.

MIN/NO.NA/DC/EF&M/090/2025: **ADJOURNMENT AND DATE OF THE NEXT SITTING**

There being no other business, the meeting was adjourned at 12.20 pm. The next meeting will be held on notice.

Signed.....**Date**...24/4/25...

HON. ENG. VINCENT MUSAU MUSYOKA, CBS, M.P.
(CHAIRPERSON)

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – FOURTH SESSION, 2025

DIRECTORATE OF DEPARTMENTAL COMMITTEES

MINUTES OF THE 12TH SITTINGS OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT, FORESTRY, AND MINING HELD AT HILTON GARDEN INN HOTEL, MOMBASA ROAD, MACHAKOS COUNTY ON 18TH MARCH, 2025 AT 10.00 AM.

PRESENT

1. **Hon. (Eng.) Vincent Musyoka Musau, CBS, MP -Chairperson**
2. **The Hon. Charles Kamuren, MP. -Vice-Chairperson**
3. The Hon. Mwanyanje Gertrude Mbeyu, MP
4. The Hon. Mbalu, Jessica Nduku Kiko, CBS, MP
5. The Hon. Charity Kathambi Chepkwony, MP
6. The Hon. Hiribae Said, MP
7. The Hon. Salim Feisal Bader, MP
8. The Hon. Masito Fatuma Hamisi, MP
9. The Hon. Kemei, Beatrice Chepngeno, MP
10. The Hon. Titus Lotee, MP
11. The Hon. Yakub Adow Kuno, MP
12. The Hon. Dr. Joseph Wainaina Iraya, OGW, MP
13. Hon. Mohamed Tubi Bidu, MP

APOLOGY

1. The Hon. Mohamed Ali Mohamed, CBS, MP
2. The Hon. Emathe Joseph Namuar, MP

IN-ATTENDANCE:

A. NATIONAL ASSEMBLY SECRETARIAT

1.	Mr. George Gazemba, ACIArb, CPM	-	Deputy Director, DDC
2.	Ms. Hellen Ekadeli	-	Clerk Assistant I
3.	Mr. Hamdi Mohamed	-	Clerk Assistant III
4.	Ms. Mercy Wanyonyi	-	Senior Legal Officer
5.	Ms. Nancy Chamunga	-	Fiscal analyst III
6.	Dr. Joseph Kuria	-	Research Officer III
7.	Mr. Kevin Ojiambo	-	Media Relations Officer
8.	Mr. Stephen Otieno	-	Serjeant-At-Arms
9.	Ms. Cristine Sabdio	-	Office Assistant, Director's Office

B. ENVIRONMENTAL INSTITUTE OF KENYA

1.	Mr. Alex Mugabi, MIEK	-	Chairperson
2.	Mr. Edwin Ouko	-	Council Member
3.	Dr. Caleb Mango	-	KETRACO/EIK Member
4.	Prof. Ratemo Michieka	-	NRF/EIK Member

5. Mr. Titus Kilonzo Mutuku - Chief Executive Officer, EIK
6. Mr. Celvester Kitonga - Project Officer/EIK
7. Dr. Purity Muthoni - Board Member, EIK
8. Ms. Zelda Kembo - Secretary, EIK
9. Mr. Apopo Lautana - Vice-Secretary, EIK
10. Prof. Sammy Latema - Kenyatta University

AGENDA:

Prayers

1. Preliminaries/Introductions
   i. Adoption of the Agenda
   ii. Remarks by the Chairperson
2. Confirmation of Minutes/Matters Arising
3. **Public Hearing/ Stakeholders engagement on the following Bills;**
   i. **The Meteorology Bill (Senate Bill No. 45 of 2023)**
   ii. **The Environmental Professionals Institute of Kenya Bill (National Assembly Bill No. 36 of 2024**
4. Any other Business
5. Adjournment/Date of the next meeting

MIN/NO.NA/DC/EF&M/052/2025: **PRELIMINARIES & ADOPTION OF AGENDA**

The Chairperson called the meeting to order at ten O'clock followed by a prayer. The agenda of the meeting was adopted as listed above having been proposed and seconded by the Hon. Charles Kamuren, MP and the Hon. Titus Lotee, MP respectively

MIN/NO.NA/DC/EF&M/053/2025: **CONFIRMATION OF THE PREVIOUS MINUTES**

Confirmation of the minutes of the previous sitting was deferred to the next sitting

MIN/NO.NA/DC/EF&M/054/2025: **SUBMISSIONS BY THE ENVIRONMENTAL INSTITUTE OF KENYA (EIK) ON THE ENVIRONMENTAL PROFESSIONALS INSTITUTE OF KENYA BILL, 2024**

Introduction

Mr. Alex Mugambi, MIEK, the Chairperson of the Environmental Institute of Kenya accompanied by the Council Members appeared before the Committee and submitted as follows:-

That, the Environment Institute of Kenya (EIK) is a professional body representing environmental practitioners across diverse sectors, including Environmental and Social Impact Assessments, Resettlement experts, Green energy, Ecologists, Disaster Risk Management, Waste Management, Green Building, Climate Change, and Natural Resource Management. Our members are pivotal in promoting sustainability and compliance in development projects nationwide.

That, EIK was Established in 2014 and has evolved into a leading institution in environmental assessment, research, policy advocacy, and professional development within the environmental sector. He further informed the Committee that the Institute has representatives of approximately six thousand (6000) members.

Additionally, the Chairperson submitted that in adherence to the principles of environmental governance, regulatory compliance, and sustainable development, EIK has established

Technical Working Groups (TWGs) or chapters, which constitute multidisciplinary panels of subject-matter experts responsible for advancing sectoral knowledge, professional ethics, and policy advocacy. The nine (9) Technical Working Groups serve as advisory bodies and research think tanks within the following critical domains:

- ✓ Environmental Educators
- ✓ Watershed & Catchment Management (Blue Economy)
- ✓ Sustainable Waste Management
- ✓ Climate Science
- ✓ Biodiversity & Natural Sciences
- ✓ Built Environment & Construction
- ✓ Energy – Clean and Renewables
- ✓ Environmental Policy & Governance
- ✓ Environmental Advocacy – PLWD, Youth & Women Groups

Amendments to the Bills

The Institute support the Bill as its current form, however, it came up with little amendments as indicated below:-

1) On the Part II of the Bill (Clauses 3-7), the Environmental Institute of Kenya proposed the establishment of a *Council of the Institute responsible for policy oversight, strategic direction, and institutional governance.*
2) On Part III of the Bill (Clauses 18-29), the Institute proposed additional of number (***f) affiliate Members*** **-Institutions or individuals members who work or promote environmental good but with no voting right.**

In conclusion, the Chairperson urged the Committee to support and expedite the passage of this Bill, as it represents a milestone in Kenya's environmental governance framework. On his part, Prof. Ratemo W. Michieka, the Chairperson, National Research Fund (NRF) who accompanied the Chairperson, EIK supported the Bill as its current form and informed that the environmental sector in Kenya has been significantly weakened by the presence of unqualified and informal practitioners and that the Bill aligns environmental professionalism with the standards seen in engineering, law, and medicine, sectors that have benefited immensely from structured professional regulation.

MIN/NO.NA/DC/EF&M/055/2025: **COMMITTEE OBSERVATIONS**

Having received oral and written submissions from the Environmental Institute of Kenya and its affiliate members, the Committee observed the following:

1) The Bill seeks to promote professionalism within the environment profession by providing mechanisms for registration, regulation and professional development of environmental professionals.

2) The Institute will generate revenues through charging fees for the issuance of certificates of registration, and practising certificates to environmental professionals and environmental firms practising in Kenya. The bill recognizes 4 categories of members who will be required to register and apply for annual practising certificates. These are lead members,fellow members, associate members and corporate members.

3) The Bill recognizes the Environmental Institute of Kenya which is a professional membership body registered under the Societies Act, Cap 108. It provides that after enactmentof the Bill, the current Institute will assume the responsibilities of the Institute proposed by the Act in an interim basis.

4) Enactment of this Bill into law will affect the environment protection, water and

natural resources sector, and the education sector.

5) There are similar professional bodies in Kenya that are established by statute, such as—

- The Institute of Certified Public Accountants of Kenya that is established by the Accountants Act, Cap 531 to regulate the practice of accountants in Kenya;
- The Institute of Certified Public Secretaries of Kenya that is established by the Certified Public Secretaries of Kenya Act, Cap 534 to promote standards of professional competence and practice of certified public secretaries;
- The Law Society of Kenya that regulates the practice of Advocates in Kenya and that is established by the Law Society of Kenya Act, Cap 18;
- The Kenya Medical Practitioners and Dentists Council that is established by the Medical Practitioners and Dentists Act, Cap 253 to regulate the practice of doctors and dentists in Kenya;
- The Institute of Human Resource Management Professionals that is established by the Human Resource Management Professionals Act, Cap 538 to regulate the practice of human resource professionals in Kenya; and
- The Kenya Institute of Supplies Management that is established by the Supplies Practitioners Management Act, Cap 537 to regulate the training, registration and licensing of supplies practitioners.

MIN/NO.NA/DC/EF&M/056/2025: ADJOURNMENT AND DATE OF THE NEXT SITTING

There being no other business, the meeting was adjourned at 1.00 pm. The next meeting will be held on notice.

Signed.....**Date**.....3/4/2025.....

HON. ENG. VINCENT MUSAU MUSYOKA, CBS, M.P.
(CHAIRPERSON)

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – FOURTH SESSION, 2025
DIRECTORATE OF DEPARTMENTAL COMMITTEES

MINUTES OF THE 13TH SITTINGS OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT, FORESTRY, AND MINING HELD AT HILTON GARDEN INN HOTEL, MOMBASA ROAD, MACHAKOS COUNTY ON 18TH MARCH, 2025 AT 2.00 PM.

PRESENT

1. **Hon. (Eng.) Vincent Musyoka Musau, CBS, MP -Chairperson**
2. **The Hon. Charles Kamuren, MP. -Vice-Chairperson**
3. The Hon. Mwanyanje Gertrude Mbeyu, MP
4. The Hon. Mbalu, Jessica Nduku Kiko, CBS, MP
5. The Hon. Charity Kathambi Chepkwony, MP
6. The Hon. Hiribae Said, MP
7. The Hon. Salim Feisal Bader, MP
8. The Hon. Masito Fatuma Hamisi, MP
9. The Hon. Kemei, Beatrice Chepngeno, MP
10. The Hon. Titus Lotee, MP
11. The Hon. Yakub Adow Kuno, MP
12. The Hon. Dr. Joseph Wainaina Iraya, OGW, MP
13. Hon. Mohamed Tubi Bidu, MP

APOLOGY

1. The Hon. Mohamed Ali Mohamed, CBS, MP
2. The Hon. Emathe Joseph Namuar, MP

IN-ATTENDANCE:

A. NATIONAL ASSEMBLY SECRETARIAT

1.	Mr. George Gazemba, ACIArb, CPM	-	Deputy Director, DDC
2.	Ms. Hellen Ekadeli	-	Clerk Assistant I
3.	Mr. Hamdi Mohamed	-	Clerk Assistant III
4.	Ms. Mercy Wanyonyi	-	Senior Legal Officer
5.	Ms. Nancy Chamunga	-	Fiscal analyst III
6.	Dr. Joseph Kuria	-	Research Officer III
7.	Mr. Kevin Ojiambo	-	Media Relations Officer
8.	Mr. Stephen Otieno	-	Serjeant-At-Arms
9.	Ms. Christine Sabdio	-	Office Assistant, Director's Office

B. STATE DEPARTMENT FOR ENVIRONMENT AND CLIMATE CHANGE

1)	Dr. Eng. Festus Ng'eno, MIEK, CB	-	Principal Secretary, State Department for Environment and Climate Change
2)	Mr. Mamo B. Mamo, EBS	-	Director-General, NEMA
3)	Ms. Mary Njoku	-	CEO, NECC

4)	Dr. David Gikungu	-	Director, KMD
5)	MR. John Elungata	-	SA, SDE
6)	Ms. Linah Meeme	-	PSC
7)	Dr. Sally Kimosop	-	Environment Secretary
8)	Mr. Peter Masiqa	-	AD, KMD
9)	Mr. Fredrick Etemesi	-	AD, JKIA, KMD
10)	Ms. Magaret Maina	-	Communication
11)	Mr. Rodney Omari	-	PLO, MEC
12)	Ms. Fatma Ali	-	State Council

C. STATE DEPARTMENT FOR SHIPPING AND MARITIME AFFAIRS

1)	Mr. Geoffrey Kaituko, CBS Secretary, State Department for Shipping and Maritime Affairs	-	Principal
2)	Mr. Mustafa Yasin	-	SSMO
3)	Ms. Grace Muki	-	SSMO

AGENDA:

Prayers

1. Preliminaries/Introductions
   i. Adoption of the Agenda
   ii. Remarks by the Chairperson
2. Confirmation of Minutes/Matters Arising
3. **Public Hearing/ Stakeholders engagement on the following Bills;**
   i. **The Meteorology Bill (Senate Bill No. 45 of 2023)**
   ii. **The Environmental Professionals Institute of Kenya Bill (National Assembly Bill No. 36 of 2024**
4. Any other Business
5. Adjournment/Date of the next meeting

MIN/NO.NA/DC/EF&M/057/2025: PRELIMINARIES & ADOPTION OF AGENDA

The Chairperson called the meeting to order at quarter past two O'clock followed by a prayer. The agenda of the meeting was adopted as listed above having been proposed and seconded by the Hon. Fatuma Masito, MP and the Hon. Feisal Bader Salim, MP respectively

MIN/NO.NA/DC/EF&M/058/2025: CONFIRMATION OF THE PREVIOUS MINUTES

Confirmation of the minutes of the previous sitting was deferred to the next sitting

MIN/NO.NA/DC/EF&M/059/2025: SUBMISSION BY THE PRINCIPAL SECRETARY, STATE DEPARTMENT FOR SHIPPING AND MARITIME AFFAIRS ON THE METEOROLOGY BILL, 2023

Mr. Geoffrey Kaituko, CBS, the Principal Secretary, State Department for Shipping and Maritime Affairs accompanied by technical Officer from the State Department appeared before the Committee on Tuesday, 18th March 2025 and submitted on the Meteorology Bill, 2023 as follows;

On the onset, the Principal Secretary informed the Committee that the State Department is supporting the Bill because the State Department for Shipping & Maritime Affairs is responsible for providing timely and accurate information on the state of the sector.

In the Fourth Medium Term Plan of Vision 2030, the government aims to ensure sustainable use of ocean and blue economy resources for socioeconomic development priority for the Government to reduce poverty, end hunger, create jobs and spur economic growth.

Further, the Principal Secretary informed the Committee that the State Department for Shipping & Maritime Affairs appreciates the timeliness of this Bill, and the significant benefits that it brings on board such as;

1. By gaining access to real-time and reliable information on atmospheric and oceanic conditions, mariners can effectively anticipate and respond to potential hazards at sea;

2. Reducing fuel consumption: Fuel is typically the top cost for maritime transport/ shipping companies, generally accounting for 50-60% of operation costs. For maritime shipping operators, there is constant pressure to optimize routes and minimize delays caused by bad weather. Reducing fuel usage is also paramount to meeting emission standards- translating to a positive impact on the carbon footprint.

   Besides avoiding extreme weather, there are many opportunities to adjust routes based on up-to-date data on currents, winds, and waves. These add resistance to ships traveling through the water and significantly contribute to extra fuel costs. However, real-time route optimization taking these into account can lead to significant fuel savings; and

3. Reducing downtime: Shipping and transport companies use maritime weather forecasts to plan for weather patterns and allow for adjustments to speed and route several days out (route planning).

   A ship that spends an extra day at sea as a result of having to avoid a storm and bad planning incurs higher cost from extra day of fuel cost and extra day of crew pay as well as higher fees from ports and operators, missed schedules, which may lead to additional lost time and money. Saving as little as 2-3 days per year thanks to maritime weather forecasts is definitely a worthy investment. Among others.

Finally, he proposed the following amendments to the Bill;

PART II- THE KENYA METEOROLOGICAL SERVICE AUTHORITY

Current provision as per the Bill: PART II. 7(d) Provide aeronautical meteorological services for the safety, regularity and efficiency of international air navigation in line with Annex 3 to the Chicago Convention on International Civil Aviation.

PART II.7 (e) *to include the below input from SDSMA in relation to maritime*

Justification

Kenya Meteorological Services Authority in collaboration with Kenya Maritime Authority should provide and transmit meteorological data, information for the safety of navigation, protection of life and property at sea, search, and rescue and early warning systems as outlined in the **SOLAS Convention Chapter IV & V** to the relevant shipping stakeholders.

PART III- MANAGEMENT OF THE AUTHORITY

12(2d): Include: *The Principal Secretary in the ministry responsible for matters relating to maritime or his/her representative*

MIN/NO.NA/DC/EF&M/060/2025: SUBMISSIONS BY THE PRINCIPAL SECRETARY, STATE DEPARTMENT FOR ENVIRONMENT AND CLIMATE CHANGE ON THE METEOROLOGY BILL, 2023 AND ENVIRONMENTAL PROFESSIONALS INSTITUTE OF KENYA BILL, 2024

a) **Submissions on the Meteorology Bill (Senate Bill No. 45 of 2023)**

Dr, Eng. Festus Ng'eno, CBS, MIEK, the Principal Secretary, State Department for Environment and Climate Change accompanied by the Director-General, Kenya Meteorology Department and the Director-General, NEMA among others appeared before the Committee Tuesday, 18th March 2025 and submitted as follows;

That, the Meteorology Policy was approved by Cabinet in 2023 with an objective of strengthening the legal and institutional framework that enables and enforces management, understanding, exploitation and regulation of meteorological services at national and county levels.

That, the proposed Bill seeks to put in place a legislative framework for regulation, co-ordination, monitoring, management and provision of meteorological services in Kenya and to co-ordinate and monitor
meteorological services.

The Principal Secretary submitted that the Ministry of Environment, Climate and Forestry supports the Bill without amendments and requested the Support of the Committee in passing the Bill as its.

b) **Submissions on the Environmental Professionals Institute of Kenya Bill (National Assembly Bill No. 36 of 2024)**

Dr. Eng. Festus Ng'eno, the Principal Secretary, State Department for Environment and Climate Change made both general specific comments on the Bills as follows;

General Comments;

That, the Bill fails to clearly define its scope or the specific needs it seeks to address, in alignment with the established frameworks and structures applicable to other professional bodies such as those for lawyers, engineers, and teachers and that, the Bill further contravenes the spirit of the Environmental Management and Coordination Act CAP 387 (EMCA), which serves as the overarching legislative framework for environmental management in Kenya.

EMCA was enacted in response to the existence of 78 sectoral laws governing different aspects of the environment, the deteriorating condition of Kenya's environment, and the rising social and economic inequalities, all of which had a combined adverse effect on environmental sustainability among other comments.

Specific Comments

The Principal Secretary further made the following specific submissions on the Bill:-

On Section 2 - Definitions- The Definition of 'environmental professional' is not clear. The definition lacks clarity and the scope and functions of environmental professionals is ambiguous. Further, it is not clear whether there is a connection between an environmental professional under the Bill and an Environmental Assessment Expert and Environmental Inspector under EMCA. Lastly, Environmental practice has not been defined.

On Section 4 - Functions of the Institute- The proposed functions are currently being undertaken by NEMA under EMCA. Specific comments on this Section are as follows:-

On Section 4 (1) which provides that the Institute shall register, regulate and exercise general supervision and control over the professional development and practice of environmental professionals. NEMA is mandated by EMCA to exercise general supervision and coordination of all matters of environment including environmental practice.

On Section 4 (2) (o) which provides that the institute shall advise the government in relation to the aspects of supervision and control over the professional development and practice of environmental professionals in Kenya. The mandate of NEMA to exercise general supervision and co-ordination over all matters relating to the environment and NEMA is the principal instrument of Government in the implementation of all policies relating to the environment as per Section 9 (1) of EMCA.

On Section 19: (membership of the institute) these are roles are currently undertaken by NEMA as per sections 58(5) and 58(6) of EMCA and Regulations 13 – 15 of the Environmental (Impact Assessment and Audit) Regulations, 2003.

Section 28: provides the qualifications under which a person may practice as an environmental professional. It is noted that there is no definition of what practicing as an environmental professional means and the extent and scope of this practice.

Section 35 provides for offences by unregistered or unlicensed persons, this section has an inference on patenting of the term environmental profession for very competent personnel who are not members of the institute. The term is not an innovation of the institute for the institute to have patent rights.

Section 36 provides for obstruction of the officers of the Council which are powers accorded to Environmental Inspectors according to section 117 of EMCA which provides for offences related to environmental inspection by a gazetted Environmental inspector. What are the powers of the agents of the Council (EIK) to warrant the right to enter and to information? This presents a great risk to the public who are already being swindled by imposters who pose as NEMA officers and inspectors. There should be no duplication in law neither should there be overlap nor contradiction as is being caused by this Section.

In conclusion, the Principal Secretary stated the following:-

1. The Ministry recommends that the Environment Institute of Kenya (EIK) as currently constituted continues to operate under the Society's Act in a manner similar to the Engineers Institute of Kenya.
2. This approach will allow EIK to further advance the professional development and interests of its members while maintaining alignment with established legal frameworks, while avoiding duplication, overlaps, and conflicts of legislations.
3. The environmental professionals 'Environmental Assessment Experts' as regulated by NEMA under EMCA, and its subsidiary legislation is sufficient, and NEMA has made strides towards improving the profession

MIN/NO.NA/DC/EF&M/061/2025: ADJOURNMENT AND DATE OF THE NEXT SITTING

There being no other business, the meeting was adjourned at 5.00 pm. The next meeting will be held on notice.

Signed.....**Date**.....3/4/2025

HON. ENG. VINCENT MUSAU MUSYOKA, CBS, M.P.
(CHAIRPERSON)

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – FOURTH SESSION, 2025
DIRECTORATE OF DEPARTMENTAL COMMITTEES

MINUTES OF THE 14TH SITTINGS OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT, FORESTRY, AND MINING HELD AT HILTON GARDEN INN HOTEL, MOMBASA ROAD, MACHAKOS COUNTY ON 19TH MARCH, 2025 AT 10.00 AM.

PRESENT

1. **Hon. (Eng.) Vincent Musyoka Musau, CBS, MP -Chairperson**
2. **The Hon. Charles Kamuren, MP. -Vice-Chairperson**
3. The Hon. Mwanyanje Gertrude Mbeyu, MP
4. The Hon. Mbalu, Jessica Nduku Kiko, CBS, MP
5. The Hon. Charity Kathambi Chepkwony, MP
6. The Hon. Hiribae Said, MP
7. The Hon. Salim Feisal Bader, MP
8. The Hon. Masito Fatuma Hamisi, MP
9. The Hon. Kemei, Beatrice Chepngeno, MP
10. The Hon. Titus Lotee, MP
11. The Hon. Yakub Adow Kuno, MP
12. The Hon. Dr. Joseph Wainaina Iraya, OGW, MP
13. Hon. Mohamed Tubi Bidu, MP

APOLOGY

1. The Hon. Mohamed Ali Mohamed, CBS, MP
2. The Hon. Emathe Joseph Namuar, MP

IN-ATTENDANCE:

A. NATIONAL ASSEMBLY SECRETARIAT

1.	Mr. George Gazemba, ACIArb, CPM	-	Deputy Director, DDC
2.	Ms. Hellen Ekadeli	-	Clerk Assistant I
3.	Mr. Hamdi Mohamed	-	Clerk Assistant III
4.	Ms. Mercy Wanyonyi	-	Senior Legal Officer
5.	Ms. Nancy Chamunga	-	Fiscal analyst III
6.	Dr. Joseph Kuria	-	Research Officer III
7.	Mr. Kevin Ojiambo	-	Media Relations Officer
8.	Mr. Stephen Otieno	-	Serjeant-At-Arms
9.	Ms. Cristine Sabdio	-	Office Assistant, Director's Office

B. KENYA CIVIL AVIATION AUTHORITY (KCAA)

1)	Mr. Emile Arao	-	Director-General, KCAA
2)	Mr. George O. Mugaka	-	CS, KCAA
3)	Mr. Alfred G. Wagura	-	CATCO- KCAA

C. PASTOROLIST ALLIANCE FOR RESILIENCE AND ADAPTATION ACROSS NATIONS (PARAAN)

1. Mr. Mohamed Yussuf - Garissa
2. Mr. James Orre - Laisamis

AGENDA:

Prayers

1. Preliminaries/Introductions
   i. Adoption of the Agenda
   ii. Remarks by the Chairperson
2. Confirmation of Minutes/Matters Arising
3. **Public Hearing/ Stakeholders engagement on the following Bills;**
   i. **The Meteorology Bill (Senate Bill No. 45 of 2023)**
   ii. **The Environmental Professionals Institute of Kenya Bill (National Assembly Bill No. 36 of 2024**
4. Any other Business
5. Adjournment/Date of the next meeting

MIN/NO.NA/DC/EF&M/062/2025: **PRELIMINARIES & ADOPTION OF AGENDA**

The Chairperson called the meeting to order at twenty-five minutes past ten O'clock followed by a prayer. The agenda of the meeting was adopted as listed above having been proposed and seconded by the Hon. Fatuma Masito, MP and the Hon. Feisal Bader Salim, MP respectively

MIN/NO.NA/DC/EF&M/063/2025: **CONFIRMATION OF THE PREVIOUS MINUTES**

Confirmation of the minutes of the previous sitting was deferred to the next sitting

MIN/NO.NA/DC/EF&M/064/2025: **SUBMISSIONS BY THE DIRECTOR-GENERAL, KENYA CIVIL AVIATION AUTHORITY ON THE METEOROLOGY BILL, 2023**

Mr. Emile Arao, the Director-General, Kenya Civil Aviation Authority accompanied by other technical Officers appeared before the Committee and submitted as follows;

Under Clause 2

Its proposed to be deleted

Justifications;

This is already provided for in the Civil Aviation Act, CAP 394; and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 - Legal Notice No. 166

"flight information region" means an air space of defined dimensions within which flight information and alerting services are provided to **deleted**

Justifications;

This is already provided for in the Civil Aviation Act, CAP 394; and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 - Legal Notice No. 166

"meteorological watch office" means an office designated to provide information concerning the occurrence or expected occurrence of specified en route weather and any other

phenomenon in the atmosphere that may affect the safety of aircraft operation within Kenya flight information region to be **deleted**

Justification
This is already provided for in the Civil Aviation Act

Clause 4 – Objects of the Act to be amended as follows;
Proposed to be amendment;
The object of this Act shall be to-

(c) provide for the regulation, coordination, monitoring, management, and provision of meteorological services; and

(d) give effect to and ensure fulfillment of the obligations of the Government under treaties and conventions on meteorology, save for meteorological services for air navigation, and in particular the Convention of World Meteorological Organization, to which Kenya is a party.

Justification
The framework for regulation of the establishment and provision of meteorological services for air navigation is already provided for under Annex 3 to the convention on international civil aviation; the Civil Aviation Act, CAP 394; and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 - Legal Notice No. 166.

The framework for regulation of the establishment and provision of meteorological services for air navigation is already provided for under Annex 3 to the convention on international civil aviation; the Civil Aviation Act, CAP 394; and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 - Legal Notice No. 166.

The regulator for provision of air navigation services, which includes meteorological services for air navigation as per ICAO definition in the annex and civil aviation law and regulations is Kenya Civil Aviation Authority.

Clause 6 – Objects of the Act to be amended as follows:-

The object of the Authority shall be provision, regulation, coordination, monitoring, management and control of meteorological services, save for meteorological services for air navigation.

Justifications
The framework for regulation of the establishment and provision of meteorological services for air navigation is already provided for under Annex 3 to the convention on international civil aviation; the Civil Aviation Act, CAP 394; and the Civil Aviation (Meteorology Services for Air Navigation) Regulations, 2018 - Legal Notice No. 166.

The regulator for provision of air navigation services, which includes meteorological services for air navigation as per ICAO definition in the annex and civil aviation law and regulations is Kenya Civil Aviation Authority.

Clause 7(d) to be amended as follows;
provide aeronautical meteorological services for the safety, regularity and efficiency of international air navigation in line accordance with the requirements of Annex 3 to the Chicago Convention on International Civil Aviation, Civil Aviation Act, CAP 394, and relevant Regulations thereunder;

Justifications
To avoid conflicting provisions in two statues, and ensure alignment of the provisions of the Bill to the existing legal and regulatory framework for provision of meteorological services for air navigation.

Clause 7(e) to be amended
provide timely meteorological information for search and rescue services and accident investigation in accordance with the requirements of Annex 3 to the Chicago Convention on International Civil Aviation, Civil Aviation Act, CAP 394, and relevant Regulations thereunder

Justifications
To avoid conflicting provisions in two statues, and ensure alignment of the provisions of the Bill to the existing legal and regulatory framework for provision of meteorological services for air navigation.

Clause 7(m) to be amended as follows;
In collaboration with Kenya Civil Aviation Authority, participate in the training and rating of air traffic controllers in accordance with the requirements of Civil Aviation Act, CAP 394, and relevant Regulations thereunder on training of aviation personnel;

Justifications
Training and rating of personnel in the aviation industry is regulated. For Kenya Meteorological Service Authority to train air traffic controllers, it will need to go through a process for certification as an approved training organization as provided for under the Civil Aviation (Approved Training Organization) Regulations – Legal Notice No. 93

Clause 8(b) to be amended
Regulate and set standards for the provision of meteorological services ***save for meteorological services for air navigation;***

Justifications
To avoid conflicting provisions in two statues, and ensure alignment of the provisions of the Bill to the existing legal and regulatory framework for provision of meteorological services for air navigation

Clause 9(1) to be amended as follows
The Authority shall regulate the meteorological services in Kenya save for **meteorological services for air navigation.**

Justifications
To avoid conflicting provisions in two statues, and ensure alignment of the provisions of the Bill to the existing legal and regulatory framework for provision of meteorological services for air navigation.

Clause 33(1)(g) to be deleted

Justifications
Provision of aeronautical meteorological services required for aerodrome warnings, and provision of meteorological services to airport for approach and landing, take off and cruising, and en-route services have been classified 'Private Good Services' under the First Schedule, and charges for private goods services as one of the funds of the Authority has been provided for under 33(1)(b).

Clause 43(1)(b) to be amended as follows
'The cost recovery for marine meteorological services;

Justifications
To avoid conflicting provisions in two statues on cost recovery for meteorological services for air navigation and ensure alignment of the provisions of the Bill to the existing legal and regulatory framework.

Section 82(2)(p) of the Civil Aviation Act, CAP 394 provides that without prejudice to the generality of subsection (1), the Cabinet Secretary may make regulations prescribing charges or enabling some other authority to prescribe charges to be paid in respect of air navigation services, regulatory services and providing for the recovery of such charges.

Clause 11 to be amended as follows;
No person shall engage in any meteorological observations, weather forecasting activities or weather modification activities unless that person obtains a permit from the Authority save for air traffic controllers.

Justifications
Air traffic controllers may be required to pass the prevailing weather information based on their observation of weather which has not been reported by MET for operational use. Similarly, aircraft observations are made by pilots in flight.

MIN/NO.NA/DC/EF&M/065/2025: SUBMISSIONS BY REPRESENTATIVES OF PARAAN ON THE METEOROLOGY BILL, 2023 AND ENVIRONMENTAL PROFESSIONALS INSTITUTE OF KENYA BILL, 2024

a) Submissions on the Meteorology Bill (Senate Bill No. 45 of 2023)
Pastoralist Alliance for resilience and Adaptation across nation nations (PARAAN) recommends the following to strengthen the inclusivity in this Bill:

1. Decentralize Meteorological Services
2. Collaboration with the National Drought Management Authority (NDMA
3. Clause 7 – Functions of Authority

The Bill can be strengthened by amending Clause 2(f) to explicitly include pastoralist- specific meteorological services.

Justification:

To ensure early warnings and weather information are tailored to the unique needs of communities in arid and semi-arid lands (ASALs)

4. That Clause 12 of the bill should explicitly include **Rangeland Management and Pastoralism** as a required area of expertise for Board members.

Justifications;

To ensure the representation of pastoralist communities, who are among the most vulnerable groups to climate challenges and disasters.

5. Incorporation of Traditional Indigenous Knowledge (TIK)
6. Provide guidelines for entry into private land – Establishment of Observation Station
7. The Bill's unreasonable penalties and hefty fines, such as the proposed five million shillings, are overly punitive and counterproductive. These provisions risk

criminalizing communities that rely on traditional practices to adapt to climate challenges, undermining their contributions to environmental stewardship.

b) Submissions on the Environmental Professionals Institute of Kenya Bill (National Assembly Bill No. 36 of 2024)

Further, PARAAN submitted that while the Bill represents a progressive step forward by establishing a regulatory framework for environmental professionals, its effectiveness can be further enhanced through the following recommendations;

1) Inclusion of a clause that outlines the specific duties and expertise of environmental professionals mandated to undertake Environmental Impact Assessments (EIA) as provided under Part VI of the Environmental Management and Coordination Act, 1999 CAP 382 (EMCA).
2) A publicly accessible database containing the records of all certified environmental professionals should be created and maintained. This database should be designed to ensure access and promote accountability in the environmental profession
3) The Bill should include a provision mandating that all certified environmental professionals complete continuing professional development (CPD) training as a condition for the renewal of their practicing certificates

MIN/NO.NA/DC/EF&M/066/2025: ADJOURNMENT AND DATE OF THE NEXT SITTING

There being no other business, the meeting was adjourned at 1.00 pm. The next meeting will be held on notice.

Signed.....Date.....3/4/2025

HON. ENG. VINCENT MUSAU MUSYOKA, CBS, M.P.
(CHAIRPERSON)

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – FOURTH SESSION, 2025
DIRECTORATE OF DEPARTMENTAL COMMITTEES

MINUTES OF THE 15TH SITTINGS OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT, FORESTRY, AND MINING HELD AT HILTON GARDEN INN HOTEL, MOMBASA ROAD, MACHAKOS COUNTY ON 19TH MARCH, 2025 AT 2.00 PM.

PRESENT

1. **Hon. (Eng.) Vincent Musyoka Musau, CBS, MP** -**Chairperson**
2. **The Hon. Charles Kamuren, MP.** -**Vice-Chairperson**
3. The Hon. Mwanyanje Gertrude Mbeyu, MP
4. The Hon. Mbalu, Jessica Nduku Kiko, CBS, MP
5. The Hon. Charity Kathambi Chepkwony, MP
6. The Hon. Hiribae Said, MP
7. The Hon. Salim Feisal Bader, MP
8. The Hon. Masito Fatuma Hamisi, MP
9. The Hon. Kemei, Beatrice Chepngeno, MP
10. The Hon. Titus Lotee, MP
11. The Hon. Yakub Adow Kuno, MP
12. The Hon. Dr. Joseph Wainaina Iraya, OGW, MP
13. Hon. Mohamed Tubi Bidu, MP

APOLOGY

1. The Hon. Mohamed Ali Mohamed, CBS, MP
2. The Hon. Emathe Joseph Namuar, MP

IN-ATTENDANCE:

A. NATIONAL ASSEMBLY SECRETARIAT

1.	Mr. George Gazemba, ACIArb, CPM	-	Deputy Director, DDC
2.	Ms. Hellen Ekadeli	-	Clerk Assistant I
3.	Mr. Hamdi Mohamed	-	Clerk Assistant III
4.	Ms. Mercy Wanyonyi	-	Senior Legal Officer
5.	Ms. Nancy Chamunga	-	Fiscal analyst III
6.	Dr. Joseph Kuria	-	Research Officer III
7.	Mr. Kevin Ojiambo	-	Media Relations Officer
8.	Mr. Stephen Otieno	-	Serjeant-At-Arms
9.	Ms. Cristine Sabdio	-	Office Assistant, Director's Office

AGENDA:

Prayers

1. Preliminaries/Introductions
    i. Adoption of the Agenda
    ii. Remarks by the Chairperson
2. Confirmation of Minutes/Matters Arising
3. **Public Hearing/ Stakeholders engagement on the following Bills;**
    i. **The Meteorology Bill (Senate Bill No. 45 of 2023)**
    ii. **The Environmental Professionals Institute of Kenya Bill (National Assembly Bill No. 36 of 2024**
4. Any other Business
5. Adjournment/Date of the next meeting

MIN/NO.NA/DC/EF&M/067/2025: **PRELIMINARIES & ADOPTION OF AGENDA**

The Chairperson called the meeting to order at twenty-five minutes past two O'clock followed by a prayer. The agenda of the meeting was adopted as listed above having been proposed and seconded by the Hon. Fatuma Masito, MP and the Hon. Feisal Bader Salim, MP respectively

MIN/NO.NA/DC/EF&M/068/2025: **CONFIRMATION OF THE PREVIOUS MINUTES**

Confirmation of the minutes of the previous sitting was deferred to the next sitting

MIN/NO.NA/DC/EF&M/069/2025: **SUBMISSIONS BY Dr. CALEB MANGO, KENYA ELECTRICITY TRANSMISSION COMPANY (KETRACO) ON THE ENVIRONMENTAL PROFESSIONALS INSTITUTE OF KENYA BILL, 2024**

Dr. Caleb Mango, senior environmental safeguards sustainability officer at KETRACO appeared before the Committee and made the following submission;

Under Clause 4(2)(e) be amended as follows;
Amend clause 4(2)(f) by replacing the phrase "people engaged in the field of environment" with "environmental professionals"

Justifications.
To ensure consistency in terminology and recognition of the profession.

Under Clause 4(2)(f)
Amend clause 4(2)(f) to read as "Collaborate with relevant local, regional, and international institutions

Justifications
To build and develop progressive capacity in the environmental profession" or "of environmental professionals

Under Clause 4(2)(n)
The Act should prescribe categories of registration for various environmental professionals

Under Clause 4(2)(p)
while the function appears repetitive to earlier provisions, its intent, particularly in the first phrase, is unclear. To strengthen the Bill, the following additional functions should be included:

i. Publication of professional journals or magazines to promote research and knowledge sharing.
ii. Protection and assistance for environmental professionals in Kenya concerning conditions of practice and welfare.
iii. Establishment of mechanisms to ensure equal opportunities for all environmental practitioners, including professional guidance on standard fees and best practices.

Under Clause 4(3)
A schedule should be created to specify the terms and conditions for the appointment of Council members and the modalities of their selection, considering historical memory. Additionally, the Bill should include provisions on:
i. Assumption of office, specifying the transition process when new Council members assume office.
ii. Powers of the Council, clearly defining its decision-making authority and functions.

Under Clause 6(1)(c)
Clarification is needed on how the professional body will ensure diversity in the composition of the Council, particularly ensuring representation beyond Nairobi.

Under Clause 11(a)
The qualification requirements for the Chief Executive Officer (CEO) are vague and inconsistent. While the provision states that the CEO must "hold a degree... with at least 10 years of proven experience in matters related to the environment", this requirement is broad and could lead to ambiguity in selection. Further specificity is required to align qualifications with the professional and technical needs of the Institute.

Under Clause 22(1)
The registration of individuals should include:
i. A standardized registration form for all applicants.
ii. A schedule outlining registration fees per category to ensure transparency in the registration process.

Under Clause 23
The registration of firms of experts should similarly include:
i. A standardized registration form for firms.
ii. A schedule outlining registration fees for firms, ensuring consistency with individual registrations

MIN/NO.NA/DC/EF&M/070/2025: ADJOURNMENT AND DATE OF THE NEXT SITTING
There being no other business, the meeting was adjourned at 5.00 pm. The next meeting will be held on notice.

Signed.....**Date**.....3/4/2025.....

HON. ENG. VINCENT MUSAU MUSYOKA, CBS, M.P.
(CHAIRPERSON)

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – FOURTH SESSION, 2025

DIRECTORATE OF DEPARTMENTAL COMMITTEES

MINUTES OF THE 16TH SITTINGS OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT, FORESTRY, AND MINING HELD AT HILTON GARDEN INN HOTEL, MOMBASA ROAD, MACHAKOS COUNTY ON 20TH MARCH, 2025 AT 10.00 AM.

PRESENT

1. **Hon. (Eng.) Vincent Musyoka Musau, CBS, MP** -**Chairperson**
2. **The Hon. Charles Kamuren, MP.** -**Vice-Chairperson**
3. The Hon. Mwanyanje Gertrude Mbeyu, MP
4. The Hon. Mbalu, Jessica Nduku Kiko, CBS, MP
5. The Hon. Charity Kathambi Chepkwony, MP
6. The Hon. Hiribae Said, MP
7. The Hon. Salim Feisal Bader, MP
8. The Hon. Masito Fatuma Hamisi, MP
9. The Hon. Kemei, Beatrice Chepngeno, MP
10. The Hon. Titus Lotee, MP
11. The Hon. Yakub Adow Kuno, MP
12. The Hon. Dr. Joseph Wainaina Iraya, OGW, MP
13. Hon. Mohamed Tubi Bidu, MP

APOLOGY

1. The Hon. Mohamed Ali Mohamed, CBS, MP
2. The Hon. Emathe Joseph Namuar, MP

IN-ATTENDANCE:

A. NATIONAL ASSEMBLY SECRETARIAT

1.	Mr. George Gazemba, ACIArb, CPM	-	Deputy Director, DDC
2.	Ms. Hellen Ekadeli	-	Clerk Assistant I
3.	Mr. Hamdi Mohamed	-	Clerk Assistant III
4.	Ms. Mercy Wanyonyi	-	Senior Legal Officer
5.	Ms. Nancy Chamunga	-	Fiscal analyst III
6.	Dr. Joseph Kuria	-	Research Officer III
7.	Mr. Kevin Ojiambo	-	Media Relations Officer
8.	Mr. Stephen Otieno	-	Serjeant-At-Arms
9.	Ms. Cristine Sabdio	-	Office Assistant, Director's Office

AGENDA:

Prayers

1. Preliminaries/Introductions
    i. Adoption of the Agenda
    ii. Remarks by the Chairperson
2. Confirmation of Minutes/Matters Arising
3. **Public Hearing/ Stakeholders engagement on the following Bills;**
    i. **The Meteorology Bill (Senate Bill No. 45 of 2023)**
    ii. **The Environmental Professionals Institute of Kenya Bill (National Assembly Bill No. 36 of 2024**
4. Any other Business
5. Adjournment/Date of the next meeting

MIN/NO.NA/DC/EF&M/071/2025: **PRELIMINARIES & ADOPTION OF AGENDA**

The Chairperson called the meeting to order at twenty minutes past ten O'clock followed by a prayer. The agenda of the meeting was adopted as listed above having been proposed and seconded by the Hon. Hiribae Said, MP and the Hon. Dr. Joseph Wainaina Iraya, OGW, MP respectively

MIN/NO.NA/DC/EF&M/072/2025: **CONFIRMATION OF THE PREVIOUS MINUTES**

Confirmation of the minutes of the previous sitting was deferred to the next sitting

MIN/NO.NA/DC/EF&M/073/2025: **SUBMISSIONS BY DR. JOSEPH K. KURAUKA, MEMBER OF THE ENVIRONMENTAL INSTITUTE OK KENYA ON THE ENVIRONMENTAL PROFESSIONALS INSTITUTE OF KENYA BILL, 2024**

Dr. Joseph K. Kurauka appeared before the Committee and submitted as follows;

While I support the Bill, Dr. Joseph Kuarauka strongly recommended the following proposed amendments to ensure clarity, inclusivity, and fairness in its implementation.
He further stated that by addressing these concerns will enhance the credibility, efficiency, and effectiveness of the Institute in governing environmental professionals in Kenya.

Under Section 21

Its proposed that, the qualifications for registration should be clearly stated, and the Council should not have discretion to use any other unspecified criteria for membership registration.

Under Section 35

Its proposed that, the deregistration process for members should be clearly outlined with a detailed and transparent procedure

Other General Comments

Further, Dr. Joseph Kurauka made the following general proposals on the Bill

1. The term "research" in the qualifications is too broad and needs specificity. It is recommended that for Lead Expert registration, the qualifications should include:
    i. Master's Degree in Environmental Studies, Natural Resources Management, or Earth Sciences.
    ii. Holders of other relevant qualifications as may be prescribed by the Council and approved during the Annual General Meeting (AGM).

2. The Bill should provide clear provisions on meetings, training, and capacity building as mandatory requirements for license renewal to maintain professional standards
3. The Bill should include a Code of Conduct outlining disciplinary matters, disciplinary processes, and consequences/punishments for professional misconduct.
4. There should be a Remuneration Order to prevent undercutting and ensure fair and standardized remuneration for environmental professionals.
5. The Bill should include an elaborate dispute resolution mechanism to handle conflicts within the profession.
6. Clear qualifications for various categories of membership should be explicitly stated to ensure uniformity and fairness in registration
7. The appointment, terms, and obligations of Council members should be clearly elaborated and should involve stakeholder participation to ensure transparency and inclusivity.
8. Recommended the inclusion of any other relevant provisions to enhance the Bill and ensure its alignment with international best practices in professional environmental governance

MIN/NO.NA/DC/EF&M/074/2025: ADJOURNMENT AND DATE OF THE NEXT SITTING

There being no other business, the meeting was adjourned at 12.40 pm. The next meeting will be held on notice.

Signed.....**Date**.....3/4/2025

HON. ENG. VINCENT MUSAU MUSYOKA, CBS, M.P.
(CHAIRPERSON)

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – FOURTH SESSION, 2025
DIRECTORATE OF DEPARTMENTAL COMMITTEES

MINUTES OF THE 17TH SITTINGS OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT, FORESTRY, AND MINING HELD AT HILTON GARDEN INN HOTEL, MOMBASA ROAD, MACHAKOS COUNTY ON 20TH MARCH, 2025 AT 2.00 PM.

PRESENT

1. **Hon. (Eng.) Vincent Musyoka Musau, CBS, MP** -**Chairperson**
2. **The Hon. Charles Kamuren, MP.** -**Vice-Chairperson**
3. The Hon. Mwanyanje Gertrude Mbeyu, MP
4. The Hon. Mbalu, Jessica Nduku Kiko, CBS, MP
5. The Hon. Charity Kathambi Chepkwony, MP
6. The Hon. Hiribae Said, MP
7. The Hon. Salim Feisal Bader, MP
8. The Hon. Masito Fatuma Hamisi, MP
9. The Hon. Kemei, Beatrice Chepngeno, MP
10. The Hon. Titus Lotee, MP
11. The Hon. Yakub Adow Kuno, MP
12. The Hon. Dr. Joseph Wainaina Iraya, OGW, MP
13. Hon. Mohamed Tubi Bidu, MP

APOLOGY

1. The Hon. Mohamed Ali Mohamed, CBS, MP
2. The Hon. Emathe Joseph Namuar, MP

IN-ATTENDANCE:

A. NATIONAL ASSEMBLY SECRETARIAT

1.	Mr. George Gazemba, ACIArb, CPM	-	Deputy Director, DDC
2.	Ms. Hellen Ekadeli	-	Clerk Assistant I
3.	Mr. Hamdi Mohamed	-	Clerk Assistant III
4.	Ms. Mercy Wanyonyi	-	Senior Legal Officer
5.	Ms. Nancy Chamunga	-	Fiscal analyst III
6.	Dr. Joseph Kuria	-	Research Officer III
7.	Mr. Kevin Ojiambo	-	Media Relations Officer
8.	Mr. Stephen Otieno	-	Serjeant-At-Arms
9.	Ms. Cristine Sabdio	-	Office Assistant, Director's Office

AGENDA:

Prayers

1. Preliminaries/Introductions
    i. Adoption of the Agenda
    ii. Remarks by the Chairperson
2. Confirmation of Minutes/Matters Arising
3. **Public Hearing/ Stakeholders engagement on the following Bills;**
    i. **The Meteorology Bill (Senate Bill No. 45 of 2023)**
    ii. **The Environmental Professionals Institute of Kenya Bill (National Assembly Bill No. 36 of 2024**
4. Any other Business
5. Adjournment/Date of the next meeting

MIN/NO.NA/DC/EF&M/075/2025: **PRELIMINARIES & ADOPTION OF AGENDA**

The Chairperson called the meeting to order at quarter minutes past two O'clock followed by a prayer. The agenda of the meeting was adopted as listed above having been proposed and seconded by the Hon. Hiribae Said, MP and the Hon. Dr. Joseph Wainaina Iraya, OGW, MP respectively.

MIN/NO.NA/DC/EF&M/076/2025: **CONFIRMATION OF THE PREVIOUS MINUTES**

Confirmation of the minutes of the previous sitting was deferred to the next sitting

MIN/NO.NA/DC/EF&M/077/2025: **SUBMISSIONS BY PROF. NZIOKA JOHN MUTHAMA, WANGARI MAATHAI INSTITUTE FOR PEACE AND ENVIRONMENTAL STUDIES, UNIVERSITY OF NAIROBI ON THE ENVIRONMENTAL PROFESSIONALS INSTITUTE OF KENYA BILL, 2024**

Prof. Nzioka John Muthama appeared before the Committee and submitted as follows:-

a) **Introduction**

That, the Wangari Maathai Institute for Peace and Environmental studies (WMI), University of Nairobi, is at forefront in training, research, capacity building and outreach activities on Climate change Adaptation, Peace building Climate governance and Management: Through Inter disciplinary programme - Post graduate Training (Msc, PhD), Experiential learning, Capacity building workshops, short course, community outreach and consultancies

Professor Muthama representing the Wangari Maathai Institute for Peace and Environmental Studies, University of Nairobi supports the Bill with the following proposed amendments;

Under Part II, Section 2

Its proposed that the "research" be replaced with "postgraduate research"

Under Part II, Section 4

Recommends logical reorganization of functions as follows;
Sections 4 (m) and (n) to come immediately after (b)

Under Section 21 (a)
Its proposed that the phrase "professional competencies" be replaced with "Professional skills and competencies'

MIN/NO.NA/DC/EF&M/078/2025: ADJOURNMENT AND DATE OF THE NEXT SITTING

There being no other business, the meeting was adjourned at 15.40 pm. The next meeting will be held on notice.

Signed.....**Date** 3/4/2025

HON. ENG. VINCENT MUSAU MUSYOKA, CBS, M.P.
(CHAIRPERSON)

Annexure 3: Advertisement seeking public views

ım And while he was hobnobbing with the Kenyan leaders at meetings in Germany on overseas jobs, he had left

low Sh720m jobs fraud suspect

ıe world of employment agencies, Ceaser King'ori intmark Travel Agency Ltd is nicknamed Shrewd, ıaps given his aggressiveness to position himself e to power and push through his business interests

BY SIMON CIURI

The name of Ceaser Wagicheru King'ori alias Shrewd had first cropped up in August last year during an investigation into a Sh600 million jobs racket linked to a flashy city pastor.

At the time, the focus of the probe was Mr James Wanjohi of Jesus Culture Ministries Church, who was accused of collecting millions of shillings from thousands of job seekers for overseas jobs that never materialised.

Those who paid Mr Wanjohi —with fees ranging between Sh100,000 and Sh140,000 each — were subsequently slapped with visa bans by the Canadian Embassy in Kenya after their applications were found to have falsified information.

The Directorate of Criminal Investigations (DCI) has since forwarded files to the Director of Public Prosecutions (DPP) recommending Mr Wanjohi's prosecution alongside another suspect, Mr Alphonse Kioko of Amble Beginning Consult, who is also accused of defrauding thousands of job seekers Sh890 million.

In the course of these investigations by *Nation*, there were also complaints against Mr King'ori, then a budding job recruiter, but most of his victims who had come forward subsequently declined interviews, citing promises that they would get refunds.

However, they never got their cash back and instead the complaints against Mr King'ori and his firm, Vintmark Travel Agency Ltd, have been mounting at the DCI.

Vintmark operates from Kenindia House on Loita Street in Nairobi's central business district.

Mr King'ori's emissaries told *Nation* he was contemplating refunding the money to his victims, adding that publication of this story would dampen upcoming recruitment drives especially with new openings coming up in Germany where he is eyeing allocations from the government.

The *Nation* has combed through hundreds of witness statements filed at DCI by Kenyans and foreigners who complain they have collectively lost close to Sh720 million after they bought into the firm's marketing strategies on TikTok and other social media platforms.

In the world of employment agencies, Mr King'ori is nicknamed Shrewd, perhaps given his aggressiveness to position himself close to power and push through his business interests.

Although he was not officially part of the delegation that accompanied President William Ruto to Germany to sign labour agreements, he found his way to Berlin during the presidential visit on September 13 and 14.

And Mr King'ori even posed for a photo with Labour Cabinet Secretary Alfred Mutua on the sidelines of the signing of the Comprehensive Migration and Mobility Partnership Agreement between Kenya and Germany, which President Ruto explained "provides various pathways for Kenyans to work and train in Kenya and Germany".

2

Days, on September 13 and 14, President William Ruto spent in Berlin, Germany



Ms Hannah Muthoni of Trevaron Travel and Tours Ltd and Mr James Wanjohi of WorthStart Africa, WorthStart Travel Agency and WorthStart Barista Technical Institute. PHOTOS | POOL

Besides Dr Mutua, others who accompanied the President were Prime Cabinet Secretary Musalia Mudavadi and ODM leader Raila Odinga, who is Kenya's candidate for the chairmanship of the African Union Commission (AUC).

And while he was hobnobbing with the Kenyan leaders at meetings in Germany on overseas jobs, he had left a trail of victims of his jobs racket back home, where investigators had summoned him for questioning but ended up complaining he was becoming untouchable. "It has reached a point now that Mr King'ori has become elusive. When he was summoned last week by an investigator to record more statements after another group emerged claiming Vintmark has scammed them, he responded to the investigating of-

REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – THIRD SESSION (2024)

IN THE MATTER OF ARTICLE 118(1) (b) OF THE CONSTITUTION
AND
IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF:
HE ENVIRONMENT PROFESSIONALS INSTITUTE OF KENYA BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2024); AND
HE BIRTHS AND DEATHS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 37 OF 2024)

INVITATION TO SUBMIT MEMORANDA

REAS, Article 118(1) (b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative other business of Parliament and its Committees and Standing Order 127(3) of the National Assembly Standing Orders require House mittees considering Bills to facilitate public participation;

WHEREAS, the Environmental Professionals Institute of Kenya Bill (National Assembly Bill No. 36 of 2024) and the Births and hs (Amendment) Bill (National Assembly Bill No 37) were read a First Time on Wednesday, 18th September 2024 and thereafter ed to the relevant Departmental Committees for consideration and reporting to the House;

NOTIFIED that:

he Environmental Professionals Institute of Kenya Bill (National Assembly Bill No. 36 of 2024) is a Bill sponsored by Hon. ge Ichagua, MP whose principal object is to provide a legal framework for establishing the Environmental Professionals Institute nya. The Bill further seeks to promote professionalism within the environmental profession and also provides mechanisms for the tration, licensing, regulation and professional development of environmental professionals.

he Births and Deaths (Amendment) Bill (National Assembly Bill No. 37 of 2024) is a Bill sponsored by Hon. Martha Wangari, which seeks to amend Section 5 of the Births and Deaths Registration Act to enable the Cabinet Secretary to establish at least irths and deaths registration office in each constituency. Currently, there are only one hundred and forty-three (143) registration es in the country, which makes the service inaccessible to many, contrary to the requirements of Article 6(3) of the Constitution.

THEREFORE, in compliance with Article 118(1) (b) of the Constitution and Standing Order 127(3), the Clerk of the National Assembly es the public and stakeholders to submit memoranda on the Bills as follows to the Departmental Committees listed below:-

O.	BILL	COMMITTEE
	The Environmental Professionals Institute of Kenya Bill (National Assembly Bill No. 36 of 2024)	Environment, Forestry and Mining
	The Births and Deaths (Amendment) Bill (National Assembly Bill No. 37of 2024)	Administration and Internal Security

es of the Bills are available at the National Assembly Table Office, Main Parliament Buildings and on www.parliament.go.ke/the-onal-assembly/house-business/bills

memoranda may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered e Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to cna@parliament.go.ke to be received on or before nesday, 9th October 2024 at 5.00 p.m.

S. NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY
Tuesday, 24th September 2024

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The EastAfrican

REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – THIRD SESSION (2024)

IN THE MATTER OF ARTICLE 118(1) (b) OF THE CONSTITUTION
AND
IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF:
1. THE ENVIRONMENT PROFESSIONALS INSTITUTE OF KENYA BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2024); AND
2. THE BIRTHS AND DEATHS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 37 OF 2024)

INVITATION TO SUBMIT MEMORANDA

WHEREAS, Article 118(1) (b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees and Standing Order 127(3) of the National Assembly Standing Orders require House Committees considering Bills to facilitate public participation;

AND WHEREAS, the Environmental Professionals Institute of Kenya Bill (National Assembly Bill No. 36 of 2024) and the Births and Deaths (Amendment) Bill (National Assembly Bill No 37) were read a First Time on Wednesday, 18th September 2024 and thereafter referred to the relevant Departmental Committees for consideration and reporting to the House;

IT IS NOTIFIED that:

(1) **The Environmental Professionals Institute of Kenya Bill (National Assembly Bill No. 36 of 2024)** is a Bill sponsored by **Hon. George Gachagua, MP** whose principal object is to provide a legal framework for establishing the Environmental Professionals Institute of Kenya. The Bill further seeks to promote professionalism within the environmental profession and also provides mechanisms for the registration, licensing, regulation and professional development of environmental professionals.

(2) **The Births and Deaths (Amendment) Bill (National Assembly Bill No. 37 of 2024)** is a Bill sponsored by **Hon. Martha Wangari, MP**, which seeks to amend Section 5 of the Births and Deaths Registration Act to enable the Cabinet Secretary to establish at least one births and deaths registration office in each constituency. Currently, there are only one hundred and forty-three (143) registration centres in the country, which makes the service inaccessible to many, contrary to the requirements of Article 6(3) of the Constitution.

NOW THEREFORE, in compliance with Article 118(1) (b) of the Constitution and Standing Order 127(3), the Clerk of the National Assembly invites the public and stakeholders to submit memoranda on the Bills as follows to the Departmental Committees listed below:-

S/NO.	BILL	COMMITTEE
1.	The Environmental Professionals Institute of Kenya Bill (National Assembly Bill No. 36 of 2024)	Environment, Forestry and Mining
2.	The Births and Deaths (Amendment) Bill (National Assembly Bill No. 37of 2024)	Administration and Internal Security

...of the Bills are available at the National Assembly Table Office, Main Parliament Buildings and on **www.parliament.go.ke/the-...i-assembly/house-business/bills**.

The memoranda may be forwarded to the **Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi;** hand-delivered to the **Office of the Clerk, Main Parliament Buildings, Nairobi;** or emailed to **cna@parliament.go.ke** to be received on or before **Wednesday, 9th October 2024** at **5.00 p.m.**

S. NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY

Tuesday, 24th September 2024

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NATIONAL SOCIAL SECURITY FUND

TENDER NOTICE

The National Social Security Fund (NSSF) invites sealed tenders from eligible firms for submission of tenders as specified below.

S/N No.	Tender No.	Tender Description	Closing/opening Date and Time	Reservations
1.	NSSF/ONT/GL/02/2024/25	Provision of Staff Group Life Insurance and Board of Trustees Medical Insurance Cover	4th October 2024 at 11:00 A.M. local time	Open
2.	NSSF/ONT/RFP/03/2024/25	Request for Proposal for Provision of Consultancy services for the Preparation of Feasibility Study, Tender Documentation and Construction Supervision for the Proposed Property Re-development	9th October 2024 at 11:00 A.M. local time	Open

Tender documents detailing the requirements may be obtained from Procurement Office, Social Security House, Block A, Western Wing, 9th Floor, along Bishops Road, Nairobi upon payment of a non-refundable fee of Kes. 1,000.00 for each tender at the Cash Office on Podium Floor, Western Wing, Block 'A' Social Security House – Nairobi. Alternatively, the documents may be downloaded from the website **www.nssf.or.ke/tenders** free of charge. Interested bidders who download the documents should send their particulars through email **procurement@nssfkenya.co.ke** for registration purposes before the tender closing date. Further, all prospective bidders are advised to visit the Website regularly to check any updates or addenda that may be issued.

NSSF reserves the right to accept or reject any application either in whole or in part.

Managing Trustee/CEO

DIAL *303# FOR NSSF SERVICES
Tel: 020 2729911 / 2710552 Toll-Free Line: 0800 2212744
Cell Phone: 0709 583 000 / 0730 882 000
Email: info@nssfkenya.co.ke
NSSF Kenya NSSF_ke
Website: www.nssf.or.ke

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7.00-10.00am

Sept 27, 2024.

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STANDARD GROUP

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To participate in this special edition, please contact **Mr. Paul Kamau on Tel:0723659318 and Email: pkamau@standardmedia.co.ke, Gladys Kioko Tel 0726061622, Email: gkioko@standardmedia.co.ke** or **write to Safety Plus Consulting LTD.**

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Annexure 4: Brief on The Environmental Professionals Institute of Kenya Bill (National Assembly Bill No. 36 of 2024)

MEMORANDA

THE ENVIRONMENT PROFESSIONALS INSTITUTE OF KENYA BILL, 2024 (NATIONAL ASSEMBLY BILL NO.45 OF 2023)

CLAUSE	PROVISION IN THE BILL	MEMORANDA	JUSTIFICATION	OBSERVATION /RESOLUTION
Long Title	AN ACT of Parliament to provide for the establishment of the Environmental Professionals Institute of Kenya; to provide for the registration, licensing and regulation of the standards and practice of environmental professionals and for connected purposes	**ENVIRONMENT INSTITUTE OF KENYA** **ENVIRONMENTAL COMPLIANCE INSTITUTE** Delete the word "licensing" and replace with the word "accreditation"	To distinguish between the role of NEMA and the Institute. While EIK is/will be registering professionals within the environment and related fields including environment, climate change, waste management, planning, governance, NEMA as the principal instrument of government charged with the implementation of all policies relating to the environment, and to exercise general supervision and coordination over all matters relating to the environment, currently registers only the environmental impact assessment (EIA/EA) experts	The proposed amendment seeks to ensure that the Institute is responsible for the registration and regulation of the standards and practice of environmental professionals and not licensing as the NEMA is responsible for the general supervision and co-ordination over all matters relating to the environment and the principal instrument of Government in the implementation of all policies relating to the environment. and not the Institute.
2	"environmental professional" means a person who has successfully undertaken a degree course in the field of environment, natural resources, earth sciences, or	**Prof. Ratemo W. Michieka** There ought to be a clear distinction:	This distinction is important to ensure clarity on the mandate of NEMA and that of the Institute,	The EMCA Environment (Impact Assessment and Audit) Regulations, 2003 provides for the different

	research as may be prescribed by the Council and is registered in accordance with section 21;	**Environmental Experts** are individuals who are actively practicing and are licensed by NEMA to conduct Environmental Impact Assessments (EIA), Environmental Audits, and other compliance-related activities as provided under the provisions of EMCA, 1999. **Environmental Professionals** include all individuals who have undergone formal training in environmental Courses and hold a degree in the field, regardless of whether they are in active practice or not. This broader category ensures that all environmental graduates have a professional body where they can be recognized and supported.	avoiding any overlap or conflict between the two.	categories of experts and their qualifications. They include lead experts, associate experts and firm of experts The definition limits the qualifications to a degree course in the field of environment, natural resources, earth sciences, or research. The definition also includes EIA experts who are environmental professionals. Additionally, the term "environmental experts" has not been used in the Bill.
	"environmental professional" means a person who has successfully undertaken a degree course in the field of environment, natural resources, earth sciences, **or research** as may be prescribed by the Council and is registered in accordance with section 21	**PROF. NZIOKA JOHN MUTHAMA—Wangari Maathai Institute for Peace and Environmental studies** Replace "research" with "postgraduate research"	The research function within the Environmental Professionals Institute of Kenya is vital for informed decision-making, addressing environmental challenges: innovation and development, capacity building and global collaboration and research facilitates partnerships with international organizations, enhancing the institute's ability to	The proposal limits the qualification for registration as an environmental professional with respect to research to post-graduate research.

			address global environmental concerns.	
4(2)(a)	(a) establish, monitor and publish the standards of **professional competence** and practice amongst environmental professionals;	**PROF. NZIOKA JOHN MUTHAMA—Wangari Maathai Institute for Peace and Environmental studies** Recommend to replace "professional competencies" with "Professional skills and competencies"		Skills are more specific in defining exact abilities, competencies have a broader focus and comprise many skills
4(2)(c)	**Functions of the Institute.** (c) promote research in environmental practice and related matters;	**PROF. NZIOKA JOHN MUTHAMA—Wangari Maathai Institute for Peace and Environmental studies** We recommend the inclusion of "postgraduate research" in section 4(2)(c)	The research function within the Environmental Professionals Institute of Kenya is vital for informed decision-making, addressing environmental challenges: innovation and development, capacity building and global collaboration and research facilitates partnerships with international organizations, enhancing the institute's ability to address global environmental concerns.	Research is not limited to post-graduate research. The functions of the Institute cover different categories of environmental professionals.
4(2)(e)	**Functions of the Institute.** (e) provide a medium for communication and exchange of information, knowledge and ethical standards for those persons engaged in the field of environment;	**KETRACO** Under Clause 4(2)(e), the phrase "people engaged in the field of environment" should be replaced with "environmental professionals"	To ensure consistency in terminology and recognition of the profession.	Persons engaged in the field of environment are defined in the Bill as 'environmental professionals"

4(2)(f)	(f) network with local, regional and international institutions to promote and develop progressive environment practices and the environmental profession;	**KETRACO** Clause 4(2)(f) should be reworded as follows: "Collaborate with relevant local, regional, and international institutions to build and develop progressive capacity in the environmental profession" or "of environmental professionals."	For clarity	Collaboration is intentional leading to the achievement of a specified goal.
Clause 4(2)(n)	(n) determine and revise categories under which environmental professionals may be registered;	**KETRACO** Clause 4(2)(n), the Act should prescribe categories of registration for various environmental professionals. However, the Council, in consultation with and with the consent of existing environmental professionals, may review and refine these categories. The schedules should provide further details, including registration forms and associated information.		The various categories for registration are provided for under Clause 19 of the Bill. Clause 52 of the Bill provides for a transitional mechanism for persons engaged in the practice of the environment profession. Additionally, the details on registration including the forms to be used and the registration fees should be in the regulations. Clause 40(2) or regulations to be made by the Cabinet Secretary may be amended to include the proposed amendment.

Clause 4(2)(p)	**(p)** provide professional advice and collaborate with private and public institutions in relation to the aspects of professional development and practice of environmental professionals; and	**KETRACO** Under Clause 4(2)(p), while the function appears repetitive to earlier provisions, its intent, particularly in the first phrase, is unclear. To strengthen the Bill, the following additional functions should be included: a) Publication of professional journals or magazines to promote research and knowledge sharing. b) Protection and assistance for environmental professionals in Kenya concerning conditions of practice and welfare. c) Establishment of mechanisms to ensure equal opportunities for all environmental practitioners, including professional guidance on standard fees and best practices.		The proposals are already provided for in Clause 4(2)(e), (f), and (k) of the Bill.
Clause 4(3)	**NEW PROPOSAL**	**KETRACO** Under Clause 4(3), a schedule should be created to specify the terms and conditions for the appointment of Council members and the modalities of their selection, considering historical memory. Additionally, the Bill should include provisions on:		Clause 6 of the Bill provides for the qualifications and term of office of the Council members. Additionally, the Council members are not appointed but elected. Clause 7 further provides for the powers of the Council

		a) Assumption of office, specifying the transition process when new Council members assume office. b) Powers of the Council, clearly defining its decision-making authority and functions.		With respect to decision making by the Council, the Second Schedule to the Bill provides for the conduct of affairs and business of the Council including quorum.
Clause 6(1)(c)	**Composition of the Council.** 6. (1) The Council shall be composed of— (a) the president; (b) the vice-president; (c) seven representatives of the general membership of the Institute; and (d) the Registrar who shall be an *ex-officio* member.	**KETRACO** Under Clause 6(1)(c), clarification is needed on how the professional body will ensure diversity in the composition of the Council, particularly ensuring representation beyond Nairobi.		Clause 6(1)(c) may be amended to further provide that— (a) three representatives of the general membership of the Institute, representing different environmental fields/chapters; (b) two representatives of other regions, who shall be persons who do not ordinarily practice in Nairobi and; **(c)** two Nairobi representatives who shall be persons who ordinarily practice in Nairobi. Additionally, the Council may establish branches of the Institute which shall—

				(a) deal with issues that regarding practise within their centres; (b) address issues relating to the welfare of the members practising in their centres; (c) inform the Council of any matters that affect members within the branches that require the Council's engagement with other stakeholders on behalf of the branch.
Clause 11(a)	**Qualification of the Registrar.** **11.** A person shall not be appointed as a Registrar under this section unless such person is registered as an environmental professional under this Act and— (a) holds a degree from a university recognised in Kenya; (b) is a citizen of Kenya; (c) has at least ten years proven experience in matters related to environment; (d) has knowledge and experience in policy formulation, administration and management; (e) is a member of good standing of the Institute; and	**KETRACO** Under Clause 11(a), the qualification requirements for the Chief Executive Officer (CEO) are vague and inconsistent. While the provision states that the CEO must "hold a degree… with at least 10 years of proven experience in matters related to the environment", this requirement is broad and could lead to ambiguity in selection. Further specificity is required to align qualifications with the professional and technical needs of the Institute.		The *Mwongozo* Code of Governance for Government Owned Entities recommends that the Chief Executive Officer of a State Agency should have a relevant Bachelor's, and Master's degree and membership in a professional body and 10 years' experience in the relevant field, and a minimum of 5 years in senior management The provision may be amended to specify a relevant degree i.e

	(f) meets the requirement of Chapter Six of the Constitution.			environment, natural resources, earth sciences, or research
PART III	**PART III- REGISTRATION AND LICENSING OF ENVIRONMENTAL PROFESSIONALS**	**ENVIRONMENT INSTITUTE OF KENYA** Delete the word "licensing" and substitute with the word "accreditation"	To distinguish between the role of NEMA and the Institute. While EIK is/will be registering professionals within the environment and related fields including environment, climate change, waste management, planning, governance, NEMA as the principal instrument of government charged with the implementation of all policies relating to the environment, and to exercise general supervision and coordination over all matters relating to the environment, currently registers only the environmental impact assessment (EIA/EA) experts	The proposed amendment seeks to ensure that the Institute is responsible for the registration and regulation of the standards and practice of environmental professionals and not licensing as the NEMA is responsible for the general supervision and co-ordination over all matters relating to the environment and the principal instrument of Government in the implementation of all policies relating to the environment. and not the Institute.
19	**Membership of the Institute.** 19. (1) A person who is registered under this Act shall be a member of the Institute. (2) The members of the Institute shall be classified into the following categories— (a) lead members comprising members of the Institute who are registered pursuant to section 21;	**PROF. NZIOKA JOHN MUTHAMA—Wangari Maathai Institute for Peace and Environmental studies** Recommend that a membership category known as "Environmental Consultant"	Globally, environmental professionals are often categorized based on their areas of expertise and roles. Some common categories include Qualified Environmental Professionals (QEPs), Environmental Professional Interns (EPIs), Specialized Environmental	Other professions including engineers have this category e.g one qualifies to be registered as a consultant engineer if one has practised in a specialized engineering field as a professional engineer for a period determined by the

	(b) Fellow members comprising of persons who become fellows pursuant to subsection (3); (c) Honorary Fellows comprising of persons who become honorary fellows pursuant to subsection (4); (d) associate members comprising persons eligible to be registered under section 21 but who do not meet the requirements prescribed under that section; and (e) corporate members comprising of firms which practice environmental management activities and are issued with a practicing certificate in accordance with section 23.		Consultants, Regulatory and Compliance Experts, Research and Academic Professionals and Corporate Environmental Managers. The inclusion of consulting environmental professionals in the Environmental Professionals Institute of Kenya Bill (22024) is crucial because they provide expert guidance, help uphold the professional standards, their involvement promotes research and innovation in environmental practices, contributing to the advancement of the field and it will help ensure accountability for their work, ensuring quality and reliability in environmental assessments and audits.	Board; and has achieved a standard of competence to enable him to practise as a consulting engineer in that particular specialization.
	(2) The members of the Institute shall be classified into the following categories— (a) lead members comprising members of the Institute who are registered pursuant to section 21;	**DR. KURAUKA** Lead experts should have a Masters degree in Environmental Studies, Natural Resources Management and Earth Sciences.		Pursuant to the Fourth Schedule of the EMCA Environment (Impact Assessment and Audit) Regulations, 2003, lead expert must have a Doctorate degree or equivalent in any field plus training in environmental impact assessment from a recognized institution, with

				3 years' experience in environmental impact assessment related activities; a Doctorate, Masters or Bachelor's degree plus 5 years' experience in environmental impact assessment related research consultancy or teaching and at least two relevant publications in referred journals; a Masters degree or equivalent in any field plus training in environmental impact assessment from a recognized institution, with 5 years' experience in environmental impact assessment related activities; or a Bachelor's degree or an equivalent in any field plus training in environmental impact assessment from a recognized institution, with 8 years' experience in environmental impact assessment related activities.

Clause 22(1)	**Registration.** 22. (1) A person who is eligible to be registered as an environmental professional may apply in the prescribed form to the Registrar for registration in the register and every such application shall be accompanied by the prescribed fee.	**KETRACO** Under Clause 22(1), the registration of individuals should include: (a) A standardized registration form for all applicants. (b) A schedule outlining registration fees per category to ensure transparency in the registration process.		The details on registration including the forms to be used and the registration fees should be in the regulations. The same has already been provided for under clause 52(2)(b) of the Bill.
Clause 23	**Registration as an environmental firm.** 23. (1) A person intending to register an environmental firm under this Act shall apply to the Council in the prescribed manner accompanied by the prescribed fee.	**KETRACO** Under Clause 23, the registration of firms of experts should similarly include: (a) A standardized registration form for firms. (b) A schedule outlining registration fees for firms, ensuring consistency with individual registrations		The details on registration including the forms to be used and the registration fees should be in the regulations. **Clause 51** (1) The Council may, subject to the provisions of this Act and with the approval by a resolution of members make regulations generally for the better carrying into effect the provisions of this Act. (2) Without prejudice to the generality of the foregoing, the regulations under this Act may— (a) prescribe the form and method of keeping the Register under this Act;

				(b) prescribe forms, methods and regulations concerning conditions for the issuance of licenses;
50	**Collaboration with the National Environment Management Authority** 50. In carrying out its functions, the Institute shall work in collaboration and co-operation with the National Environment Management Authority established under the Environmental Management and Co-ordination Act.	**ENVIRONMENTAL COMPLIANCE INSTITUTE** Insert the words "through an agreed framework" after the word "Act".	The collaboration between the Institute and NEMA should be through an agreed framework.	The manner or how the collaboration between the Institute and NEMA should be conducted should not be restrictive. The same may be provided for in the regulations.
		ENVIRONMENT INSTITUTE OF KENYA The following broad chapters have been proposed for review and adoption: (a) Environmental Education & Science (b) Blue Economy, (c) Sustainable Waste Management. (d) Climate change, (e) Earth Sciences, (f) Biodiversity/Natural Sciences (g) Air quality, (h) Built Environment & Construction. (i) Energy – Renewable & Clean cooking (j) Environmental Policy & Governance (k) Environmental Advocacy – Youth & Women Groups	To enhance a proper professional accounting and management	The definition of "environmental professionals" identifies five broad areas i.e of environment, natural resources, earth sciences, or research The various proposed chapters may be used administratively by the Council as they fall within the broad areas provided and recognized in the Bill for recognition as an environmental professional.

Annexure 5: Letter from the Clerk of the National Assembly inviting/requesting stakeholders views on the Bill

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote

Ref: NA/DDC/EF&M/2025/004 **7th March, 2025**

Eng. Festus Kipkoech Ngéno, MIEK, CBS
Principal Secretary
State Department for Environment and Climate Change
SHA Building, Ragati Road, Upperhill
P.O. Box 30126-00100
NAIROBI

Mr. Geoffrey Kaituko, CBS,
Principal Secretary
State Department for Shipping and Maritime Affairs,
Ministry of Mining, Blue Economy and Maritime Affairs
Works Building, Ngong Road,
P.O. Box 30009-00100
NAIROBI

Mr. Mohamed Daghar, CBS
Principal Secretary
State Department for Transport
Ministry of Roads and Transport
Transcom House, Ngong Road
NAIROBI

Mr. Mamo B. Mamo, EBS
Director- General
National Environment Management Authority
Popo Road, South C
P.O Box 67839-00200
NAIROBI

Mr. Emile Arao,
Director-General
Kenya Civil Association Authority, Aviation House
Jomo Kenyatta International Airport
P.O Box 30163-00100
NAIROBI

Dear Mr. Kaitaka

RE: CONSIDERATION OF THE ENVIRONMENTAL PROFESSIONALS INSTITUTE OF KENYA (NATIONAL ASSEMBLY BILL NO. 36 of 2024) AND THE METEOROLOGY BILL (SENATE BILL NO.45 of 2023)

The Departmental Committee on Environment, Forestry and Mining is established pursuant to Standing Order 216 of the National Assembly Standing Orders, and is mandated to, *inter alia*, ***"study and review all legislation referred to it".***

The Environmental Professionals Institute of Kenya (National Assembly Bill No. 36 of 2024) and the Meteorology Bill (Senate Bill N.45 of 2023were read a First Time on **Tuesday, 18th September, 2024 and 3rd December, 2024** respectively and thereafter referred to the Departmental Committee on Environment, Forestry and Mining for consideration and reporting to the House.

Pursuant to Article 118 (1) (b) of the Constitution and Standing Order 127 (3), the National Assembly placed an advert requesting for submission of memorandum from the public on the Environmental Professionals Institute of Kenya (National Assembly Bill No. 36 of 2024) on **24th September, 2024** and the Meteorology Bill (Senate Bill N.45 of 2023) on **6th December, 2024**. In this regard, the Committee has scheduled a Public Hearing and County between **18th and 21st March, 2025.**

As the Ministries and it's agencies that are concerned with matters of Environment and Meteorology, the Committee resolved to invite the Cabinet Secretaries to the retreat to provide comments and proposals on the Bills.

The purpose of this letter therefore is to invite the Cabinet Secretaries accompanied by a **maximum of five (5)** technical officers including the Accounting Officers for a retreat with the Committee to submit comments and proposals to the Bill as per the attached programme.

The officers responsible for coordination of this meeting are **Ms. Hellen Ekadeli; Tel. No. 0733132322** or **email: hellen.ekadeli@parliament.go.ke** and **Mr. Hamdi Mohamed; Tel. No. 0724742973** or **email**: **hamdi.mohamed@parliament.go.ke**.

Yours

JEREMIAH NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

Copies to:

Hon. Aden Bare Duale, EGH
Cabinet Secretary,
Ministry of Environment and Forestry
NHIF building, Ragati Road, Upperhill
P.O Box 30126-00100
NAIROBI

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
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When replying, please quote

Ref: NA/DDC/EF&M/2025/005

7th March, 2025

Ms. Mary Mwiti
Chief Executive Officer
Council of Governors,
Westlands Delta House 2nd Floor, Waiyaki Way
P.O. Box 40401-00100
NAIROBI.

Mr. Dickson Kaello
Chief Executive Officer
Kenya wildlife Conservancy Association (KWCA)
Seminary Road, Off Magadi Rd, Karen,
NAIROBI.

Mr. Liban Golicha
Membership Coordinator
PARAAN
Kimathi Road, KIO Plaza, 2nd floor, Rm 207
P.O. Box 94-100400
NANYUKI.

Prof. Ratemo Michieka
Chairman
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Email: Michiekar@gmail.com

Prof. Nzioki Muthama
Wangari Maathai Institute for Peace and Environmental Studies
University of Nairobi
NAIROBI

Mr. Caleb Mango
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Prof. Sammy Latema
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Dr. Godwin Opinde
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Prof. Caleb Mireri
Kenya Institute of Planners
Email: calebmireri@yahoo.com

Dr. Joseph Kathiai Kurauka
Kenyatta University & EIK Member (Environmental Scientist)
Email: jkurauka@gmail.com

Mr. Titus Kilonzo Mutuku
Chief Executive Officer
Environment Institute of Kenya
P.O Box 5087-00506
NAIROBI

Dear M. Mutuku

RE: CONSIDERATION OF THE ENVIRONMENTAL PROFESSIONALS INSTITUTE OF KENYA (NATIONAL ASSEMBLY BILL NO. 36 of 2024) AND THE METEOROLOGY BILL (SENATE BILL NO.45 of 2023)

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The Environmental Professionals Institute of Kenya (National Assembly Bill No. 36 of 2024) and **the Meteorology Bill (Senate Bill N.45 of 2023)** and were read a First Time on **Tuesday, 18th September 2024 and 3rd December, 2024** respectively and thereafter referred to the Departmental Committee on Environment, Forestry and Mining for consideration and reporting to the House.

Pursuant to Article 118 (1) (b) of the Constitution and Standing Order 127 (3), the National Assembly placed an advert requesting for submission of memorandum from the public on the the Environmental Professionals Institute of Kenya (National Assembly Bill No. 36 of 2024) on **24th September, 2024** and the Meteorology Bill (Senate Bill No. 45 of 2023 on **6th December, 2024**. In this regard, the Committee has scheduled a Public Hearing and stakeholders' engagement retreat at Hilton Garden Inn Hotel, Mombasa Road, Machakos County between **18th and 21st March, 2025.**

The Committee is pleased to invite your institution as one of the stakeholders for purposes of enriching the Bill as per the attached programme. ***Each institution or individual will cater for their own expenses.***

The officers responsible for coordination of this meeting are **Ms. Hellen Ekadeli; Tel. No. 0733132322** or **email:** hellen.ekadeli@parliament.go.ke and **Mr. Hamdi Mohamed; Tel. No. 0724742973** or **email**: hamdi.mohamed@parliament.go.ke.

Yours

JEREMIAH NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

Annexure 6: Submission from the Stakeholders

REPUBLIC OF KENYA

MINISTRY OF ENVIRONMENT, CLIMATE CHANGE & FORESTRY
State Department for Environment & Climate Change
Office of the Principal Secretary

Telegrams: "NATURE", Nairobi
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Ref: MEF/L/1/8

19th March, 2025

Mr. Samuel Njoroge, CBS
Clerk of the National Assembly
National Assembly
Parliament Buildings
NAIROBI

Dear

RE: COMMENTS ON THE PROPOSED ENVIRONMENTAL PROFESSIONALS INSTITUTE OF KENYA (NATIONAL ASSEMBLY) BILL NO. 36 OF 2024

Reference is made to the above and the letter under Ref. NA/DDC/EF & M/2025/004 dated 7th March, 2025 inviting the Ministry of Environment, Climate Change and Forestry (Ministry) to provide comments on the proposed Environmental Professionals Institute of Kenya (National Assembly) Bill No. 36 of 2024.

The Ministry has conducted a review of the Environmental Professionals Institute of Kenya Bill, 2024 (The Bill) and upon review, it is noted that the Bill presents a difficulty in implementation.

The primary reasons for this conclusion are as follows:

A. GENERAL COMMENTS

1. The Bill fails to clearly define its scope or the specific needs it seeks to address, in alignment with the established frameworks and structures applicable to other professional bodies such as those for lawyers, engineers, and teachers.

2. The Bill further contravenes the spirit of the Environmental Management and Coordination Act CAP 387 (EMCA), which serves as the overarching legislative framework for environmental management in Kenya. EMCA was enacted in response to the existence of 78 sectoral laws governing different aspects of the environment, the deteriorating condition of Kenya's environment, and the rising social and economic inequalities, all of which had a combined adverse effect on environmental sustainability.

3. Section 148 of EMCA provides that where a law is in conflict with EMCA on Environmental Management, then the provisions of EMCA prevail. In this case, the provisions of this Bill should not conflict with the existing provisions of EMCA and its Regulations and to the extent that it does, it should be declared null and void and the provisions of EMCA should take precedence.

4. It is noteworthy that the Bill, in its current form, seeks to reintroduce the sectoral and compartmentalized approach to environmental management that existed prior to the enactment of EMCA. This is contrary to the core objective of EMCA 1999, which was to create a harmonized and integrated approach to environmental management in Kenya.

5. On the risk to Environmental Sustainability, since 2003, the National Environment Management Authority (NEMA) that is established under EMCA has been the regulating Authority responsible for the registration and licensing of environmental assessment experts to undertake critical environmental assessments such as Environmental Impact Assessments (EIA), Environmental Audits, and Strategic Environmental Assessments (SEA).

The privatization of these functions, as proposed by the Bill, poses a significant risk to environmental sustainability. For this reason, it is imperative that the Bill should not be passed as is as it will have unintended consequences on the mandate of NEMA.

6. The Bill is also not aligned with the existing legal framework governing environmental management and would undermine the progress made under EMCA. The Ministry, therefore, is strongly opposed to the passing of the Bill in order to safeguard the integrity and sustainability of Kenya's Environmental Management Systems.

7. It is important to note that there is no specific course(s) in universities that lead to one qualifying as an environmental expert unlike other disciplines like law or engineering. Currently, the experts are drawn from a diversity of fields including: Biology; Chemistry; Engineering; Sociology among others. Environmental Experts are not a homogeneous group.

8. Lastly, the Bill focuses more on the institute as opposed to the professionals and the functions of the professionals.

B. SPECIFIC COMMENTS

9. **Section 2 - Definitions-** The Definition of 'environmental professional' is not clear. The definition lacks clarity and the scope and functions of environmental professionals is ambiguous. Further, it is not clear whether there is a connection between an environmental professional under the Bill and an Environmental Assessment Expert and Environmental Inspector under EMCA. Lastly, Environmental practice has not been defined.

10. **Section 4 - Functions of the Institute**- The proposed functions are currently being undertaken by NEMA under EMCA. Specific comments on this Section are as follows;

    i. **Section 4 (1)** provides that the Institute shall register, regulate and exercise general supervision and control over the professional development and practice of environmental professionals.

NEMA is mandated by EMCA to exercise general supervision and coordination of all matters of environment including environmental practice.

The mandate to license the EIA experts therefore should not be taken away from NEMA. All the provisions in EMCA and the EIA Regulation on Experts are the mandate of NEMA under the current legal framework in force. i.e. Registering, renewing annual licenses and discipline for misconduct. Otherwise the experts will be registered and disciplined by a different body and NEMA shall have no mandate over them yet they play a key role in the EIA process.

ii. **Section 4 (2) (o)** provides that the institute shall advise the government in relation to the aspects of supervision and control over the professional development and practice of environmental professionals in Kenya. The mandate of NEMA to exercise general supervision and co-ordination over all matters relating to the environment and NEMA is the principal instrument of Government in the implementation of all policies relating to the environment as per Section 9 (1) of EMCA.

11. **Section 19: Provides for membership of the institute,** these are roles are currently undertaken by NEMA as per sections 58(5) and 58(6) of EMCA and Regulations 13 – 15 of the Environmental (Impact Assessment and Audit) Regulations, 2003.

12. NEMA has embarked on a process of streamlining and strengthening the environmental practice with a goal of improving the quality of environmental assessments done which impact directly on sustainable development and right to clean and healthy environment for all in Kenya as guaranteed under Article 42 of the Constitution.

13. **Section 28:** provides the qualifications under which a person may practice as an environmental professional. It is noted that there is no definition of what practicing as an environmental professional means and the extent and scope of this practice.

14. **Section 35** provides for offences by unregistered or unlicensed persons, this section has an inference on patenting of the term **environmental profession** for very competent personnel who are not members of the institute. The term is not an innovation of the institute for the institute to have **patent rights.**

15. **Lastly,** Section 36 provides for obstruction of the officers of the Council which are powers accorded to Environmental Inspectors according to section 117 of EMCA which provides for offences related to environmental inspection by a gazetted Environmental inspector. What are the powers of the agents of the Council (EIK) to warrant the right to enter and to information? This presents a great risk to the public who are already being swindled by imposters who pose as NEMA officers and inspectors. There should be no duplication in law neither should there be overlap nor contradiction as is being caused by this Section.

C. CONCLUSION

16. The Ministry recommends that the Environment Institute of Kenya (EIK) as currently constituted continues to operate under the Society's Act in a manner similar to the Engineers Institute of Kenya.

17. This approach will allow EIK to further advance the professional development and interests of its members while maintaining alignment with established legal frameworks, while avoiding duplication, overlaps, and conflicts of legislations.

18. The environmental professionals 'Environmental Assessment Experts' as regulated by NEMA under EMCA, and its subsidiary legislation is sufficient, and NEMA has made strides towards improving the profession.

Yours

Dr. Eng. Festus K. Ng'eno, MIEK, CBS
PRINCIPAL SECRETARY

Copy to: **Hon. Aden Bare Duale, EGH**
Cabinet Secretary
Ministry of Environment, Climate Change and Forestry
NAIROBI

WRITTEN SUBMISSION BY HON. GEORGE GACHAGUA, MP IN SUPPORT OF THE ENVIRONMENTAL PROFESSIONALS INSTITUTE OF KENYA BILL, 2024

SUBMITTED TO:
The Departmental Committee on Environment, Forestry, and Mining
National Assembly of Kenya

SUBMITTED BY:
Hon. George Gachagua, MP
Member of Parliament, Ndaragwa Constituency
Sponsor of the Environmental Professionals Institute of Kenya Bill, 2024

1. **Hon. Chair and Hon. Members,**
   I submit this written Memorandum in support of the Environmental Professionals Institute of Kenya Bill, 2024 (hereinafter referred to as "the Bill"). As the sponsor of this Bill, I seek to articulate its objectives, justification, and the critical role it will play in strengthening the environmental profession in Kenya.
2. **Hon. Chair and Hon. Members,**
   Kenya's environmental sector plays a pivotal role in the country's sustainable development, yet there is currently no statutory framework for a professional body that governs environmental practitioners. This Bill seeks to establish the Environmental Professionals Institute of Kenya (the Institute), which will provide professional oversight, promote ethical standards, and ensure continuous professional development among environmental practitioners.
3. **Hon. Chair and Hon. Members,**
   This structure mirrors best practices in other professions. In the accounting sector, the Institute of Certified Public Accountants of Kenya (ICPAK) provides professional oversight, while regulatory functions remain with other agencies. Similarly, the Institute of Human Resource Management (IHRM) governs HR professionals without interfering with regulatory authorities. The environmental sector requires a similar structured framework to enhance professionalism and accountability.
4. **Hon. Chair and Hon. Members,**
   The **Environment Institute of Kenya (EIK)** was established in 2013, registered in 2014,

and has been in existence for over a decade but lacks statutory recognition. Currently, it has a membership of over 6,000 registered environmental professionals. However, without legal backing, the Institute cannot adequately regulate the profession or enforce professional standards.

5. **Hon. Chair and Hon. Members,**
   The absence of a legally recognized professional body for environmental professionals has led to a lack of professional ethics and accountability among practitioners. Without an institution to uphold ethical standards, unqualified individuals can claim to be environmental experts, leading to substandard work, misrepresentation, and loss of public trust.
6. **Hon. Chair and Hon. Members,**
   A professional body will ensure that only qualified and ethical practitioners operate in the environmental sector. It will also help keep away unethical busybodies and activists who take advantage of donor funding to mislead the public. There have been cases where ungrounded media pressure from activists, hiding behind environmental activism, has been used to stop government projects by falsely claiming they are unethical—without any scientific evidence or facts. The professional body will take the lead in providing professional opinions to the public and the government and countering such misleading narratives for the benefit of our country.
7. **Hon. Chair and Hon. Members,**
   This Bill seeks to address these challenges by establishing a professional body that will ensure environmental practitioners meet the required standards of competence, accountability, and ethical practice. It will provide a structured career progression path, improve coordination within the sector, and ensure that environmental professionals remain up to date with emerging trends in environmental management and conservation.
8. **Hon. Chair and Hon. Members,**
   The primary objective of this Bill is to professionalize environmental practice in Kenya. By establishing the Environmental Professionals Institute of Kenya, this Bill will ensure that individuals practicing in the field of environment are adequately trained, certified, and held accountable for their professional conduct.
9. **Hon. Chair and Hon. Members,**
   The Bill seeks to provide a legal framework for the certification and registration of environmental professionals, ensuring they meet prescribed academic and professional qualifications. It establishes mechanisms for continuous professional development, ensuring that practitioners remain informed of emerging environmental challenges and best practices.
10. **Hon. Chair and Hon. Members,**
    The Bill also focuses on promoting ethical standards and accountability. By creating a structured Professional Code of Conduct, the Institute will ensure that environmental professionals operate with integrity and adhere to the highest professional and ethical standards.
11. **Hon. Chair and Hon. Members,**
    This Bill aligns Kenya's environmental sector with international standards, enabling local practitioners to collaborate with global organizations and access international

funding opportunities. Examples of professional bodies in other professions highlight the importance and success of such institutions in enhancing professionalism:

- **Rwanda Association of Environmental Practitioners (RAPEP):** RAPEP works to develop and promote the standards of environmental professionals in Rwanda. It advocates for environmental protection and sustainable development while promoting continuous professional development. Hon. Chair, these international examples demonstrate how professional bodies have contributed to the growth and integrity of the environmental sector. By adopting a similar structure in Kenya, the Environmental Professionals Institute of Kenya will raise the profile of environmental professionals and provide a platform for ensuring that environmental governance is based on sound, scientifically informed, and ethically grounded practices.
- **Law Society of Kenya (LSK)** – The Law Society of Kenya is a professional association established under the Law Society of Kenya Act (Cap. 18). It regulates and oversees the practice of law in Kenya, ensuring that legal professionals adhere to ethical standards and providing a platform for lawyers to advocate for justice and uphold the rule of law.
- **Institute of Human Resource Management (IHRM)** – The IHRM is a professional body recognized by the Human Resource Management Professionals Act. It governs the practice of human resource management in Kenya, sets standards for the profession, and accredits HR professionals. The Institute ensures that HR practitioners maintain high standards of competency and ethics.
- **Institute of Certified Public Accountants of Kenya (ICPAK)** – ICPAK is a statutory professional body for accountants in Kenya, established under the Accountants Act (Cap. 531). It regulates the accounting profession, provides certification for public accountants, and ensures that members adhere to ethical standards and continuing professional development.
- **Institute of Certified Secretaries (ICS)** – The Institute of Certified Secretaries is a statutory professional body that governs the practice of company secretarial and governance services in Kenya. It operates under the Companies Act and plays a vital role in ensuring that professionals adhere to high standards of corporate governance, compliance, and ethics.

12. **Hon. Chair and Hon. Members,**
The Institute will work in collaboration with the National Environment Management Authority (NEMA), much like the relationship between regulatory bodies and professional institutions in other sectors. While NEMA will continue its role in enforcing environmental laws, the Institute will focus on professional oversight, training, and ethical governance. This partnership will ensure a robust and coordinated approach to environmental management, contributing to the broader goals of sustainability and national development.

13. **Hon. Chair and Hon. Members,**
The enactment of this Bill will yield significant benefits for the government, the

environmental sector, and the public. The establishment of a professional body will enhance academic commitment among students and graduates pursuing environmental courses. Knowing that a legally recognized institute will oversee their professional growth and career progression will encourage higher academic and professional standards.

Other Benefits of the Bill to the Government:

i. Enhancing Academic Commitment Among Students and Graduates.
ii. The institute will offer Pro Bono Technical Expertise to the government.
iii. Establishing a Database of Qualified Practitioners to Enhance Professionalism.
iv. Improving Environmental Protection and Management.
v. Supporting Government and the General Public.
vi. Strengthening Collaboration Between Government and Environmental Practitioners.

14. Hon. Chair and Hon. Members,
The Institute will provide the government with a reliable pool of qualified environmental professionals. By maintaining a register of recognized practitioners, the Institute will help eliminate unqualified individuals from the environmental sector, ensuring that only competent professionals engage in environmental management and conservation efforts.

15. Hon. Chair and Hon. Members,
This Bill will enhance environmental protection and sustainable development by ensuring that environmental professionals meet high standards of competence and ethical practice. By strengthening professional oversight, the government will be better equipped to implement policies that promote sustainability, pollution control, and natural resource management.

16. Hon. Chair and Hon. Members,
This Bill will improve collaboration between the government and environmental professionals. With a structured professional body in place, engagement in policy discussions, regulatory compliance, and strategic planning will be more effective, fostering a well-coordinated environmental governance framework.

17. Hon. Chair and Hon. Members,
Professional governance through legally recognized bodies exists in various sectors in Kenya. In the accounting sector, ICPAK ensures that accountants adhere to professional and ethical standards. Similarly, IHRM oversees the professional conduct and career development of human resource practitioners, complementing regulatory functions within the labor sector. The environmental sector requires a similar structured approach. The Environmental Professionals Institute of Kenya will ensure that environmental practitioners operate under a professional framework, while NEMA continues to enforce environmental laws and policies.

18. Hon. Chair and Hon. Members,
The Environmental Professionals Institute of Kenya Bill, 2024, is a necessary and progressive piece of legislation that will enhance the professionalism, credibility, and accountability of the environmental sector. By establishing a legally recognized professional body, this Bill will ensure that only qualified individuals practice in the field, improving the quality of environmental governance in Kenya.

19. Hon. Chair and Hon. Members,
The Bill strengthens, rather than weakens, the role of NEMA by creating a structured professional body. It will encourage professional development, promote ethical standards, and ensure that environmental practitioners contribute effectively to national and international environmental goals.

20. Hon. Chair and Hon. Members,
The success of the professional body model has been demonstrated in other sectors, particularly in the legal profession. The Law Society of Kenya (LSK) has significantly contributed to the professional growth of its members and to the overall development of the legal sector in Kenya through its partnership with the Judicial Service Commission (JSC). The LSK regulates the profession by enforcing ethical conduct, ensuring compliance with professional standards, and promoting continuous legal education. It represents advocates' interests, while the JSC focuses on judicial administration, appointments, and ensuring compliance with legal standards.

Hon. Members, the success of this arrangement between the JSC and LSK has had tangible benefits for the legal profession. These benefits include:

- ✓ **Enhanced Professionalism:** Through the regulatory and professional framework established by the LSK, there has been a marked improvement in the professionalism of legal practitioners in Kenya. This has ensured a consistent standard of legal practice and upholding of ethics across the profession.
- ✓ **Increased Accountability:** The LSK's ability to monitor and enforce ethical conduct has resulted in higher levels of accountability among its members. Legal professionals are required to adhere to the highest standards of practice, benefiting both the public and the legal system.
- ✓ **Stronger Advocacy for Legal Reform:** The LSK has been an influential voice in legal reforms, contributing to the development of laws that promote justice and fairness in Kenya.
- ✓ **Support for Continuing Education:** The LSK has established various professional development programs that support ongoing education and skills development for lawyers, thus ensuring the profession evolves alongside emerging legal trends.
- ✓ **Representation of Interests:** The LSK represents the interests of its members in various forums, ensuring that the legal profession's concerns are addressed at the national level.

Hon. Chair and Hon. Members,
I would like to emphasize that the **Environmental Professionals Institute of Kenya** will work in collaboration with **NEMA**, much like the LSK works with the **JSC**. While **NEMA** will continue its regulatory and enforcement role, the Institute will focus on professional oversight, certification, and continuous development for environmental practitioners. This partnership between the Institute and NEMA will ensure a well-coordinated approach to environmental governance, fostering both effective regulation and professional development in the sector.

By creating this structured relationship, we will enhance the capacity of the environmental sector to contribute meaningfully to sustainable development while maintaining high standards of professionalism and accountability.

21. Hon. Chair and Hon. Members,

With a legally recognized professional body, the Environmental Professionals Institute of Kenya will be able to hold professionals accountable for their actions, ensuring that the country avoids professional negligence in environmental management. The professional body will ensure that individuals responsible for specific areas of environmental management can be held liable for their work, thereby promoting accountability and effective environmental management. *For example, officers responsible for ensuring that waste is not dumped into rivers will be held accountable for any negligence. This will save the country substantial funds that are currently allocated to regeneration and cleaning exercises—funds that could be better utilized elsewhere if the issue had been addressed at its source by accountable professionals.*

22. Hon. Chair and Hon. Members,

To demonstrate the need for a legally recognized professional body for environmental practitioners, I pose the following questions for consideration by the Hon. Members of the Committee:

i. If the Law Society of Kenya (LSK) did not exist, what would the state of the legal profession in Kenya look like today?
ii. Similarly, without a professional body overseeing environmental practitioners, can the environmental sector be effectively regulated, and would it be possible to avoid inefficiencies, substandard practices, and a lack of accountability in the management of our environment?
iii. Who takes care of the welfare of professionals in the environmental sector?
iv. Who represents their interests?
v. Can their interests be fully addressed by the regulator and enforcer of environmental regulations?

Hon. Members, I am confident that the responses to these questions clearly demonstrate the pressing need for a legally recognized professional body for environmental professionals in Kenya. A structured body will not only ensure accountability and professionalism within the sector but will also safeguard the interests of environmental practitioners. By creating such an institution, we will ensure that the environmental sector is effectively regulated, that practitioners' welfare is prioritized, and that their interests are represented in policy discussions and decision-making.

A legally recognized professional body will complement the work of NEMA and other regulatory authorities by ensuring that environmental professionals operate at the highest standards. It will be responsible for continuous professional development, ethical oversight, and accountability, thus enhancing the effectiveness of environmental management in Kenya. This framework will ultimately improve the country's overall environmental governance and contribute to a more sustainable future for all.

As the Sponsor of this Bill, I firmly believe that the establishment of the Environmental Professionals Institute of Kenya will not only raise the profile of environmental professionals in Kenya but also ensure that the country's natural resources are managed by certified professionals in a way that supports long-term environmental sustainability.

I urge the Committee to support this Bill and expedite its passage into law for the benefit of environmental professionals and all Kenyans.

Signed and Submitted by

Hon. George Gachagua, MP
Member of National Assembly, Ndaragwa Constituency
Sponsor of the Environmental Professionals Institute of Kenya Bill, 2024

Therefore, we recommend replacing these punitive measures with a more collaborative approach focused on education and capacity-building.

Additionally, the bill's penalty clauses are inconsistent and disproportionately harsh, requiring a balanced and fair framework to align with its goals of promoting climate resilience and inclusivity.

B. THE ENVIRONMENTAL PROFESSIONALS INSTITUTE OF KENYA BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2024)

While this Bill represents a progressive step forward by establishing a regulatory framework for environmental professionals, its effectiveness can be further enhanced through the following recommendations:

i. Environmental experts undertaking Environmental Impact Assessments

Including a clause that outlines the specific duties and expertise of environmental professionals mandated to undertake Environmental Impact Assessments (EIA) as provided under Part VI of the Environmental Management and Coordination Act, 1999 CAP 382 (EMCA).

The Environmental Professionals Institute, in collaboration with NEMA, should maintain a public register of all individual experts or firms authorized to conduct or prepare EIA studies and reports;

Further, the Institute should oversee the compliance of its members especially those conducting EIAs with the principles, values, and guidelines of both this Bill and EMCA and take any disciplinary actions against those in breach.

ii. Public Records

A publicly accessible database containing the records of all certified environmental professionals should be created and maintained. This database should be designed to ensure access and promote accountability in the environmental profession.

It could be as simple as an annual gazettement at a certain date or an online database that is updated periodically.

iii. Continuous Professional Training as a basis of PC renewal

The Bill should include a provision mandating that all certified environmental professionals complete continuing professional development (CPD) training as a condition for the renewal of their practicing certificates. These trainings should be

Pastoralists Alliance for Resilience and Adaptation Across Nations

designed to ensure that professionals remain competent, up-to-date, and effective in their roles.

Thank you for your attention to this matter.

.....

Liban Golicha,

Membership Coordinator,

PARAAN.

.....

Mohamed Yusuf Goni

Convenor, Land and Natural Resources

Thematic Pillar Working Group

.....

James L. Orre

Member,

Land and Natural Resources,

Thematic Pillar Working Group – PARAAN.

Pastoralists Alliance for Resilience and Adaptation Across Nations

Submitted on behalf of other members of the Pastoralists Alliance for Resilience and Adaptation Across Nations (PARAAN) as listed below: -

NO.	ORGANIZATION	PHYSICAL LOCATION (COUNTY)
1	Indigenous Movement for Peace Advancement and Conflict Transformation (IMPACT)	Laikipia
2	Kivulini Trust (KT)	Isiolo
3	Indigenous Strategies and Institution for Development (ISID)	Marsabit
4	Samburu Women Trust (SWT)	Laikipia
5	Land, Environment, Advocacy and Research Net (LEARN) - Waso	Isiolo
6	Isiolo Gender Watch	Isiolo
7	Pastoralists Women for Health& Education (PHWE)	Isiolo
8	Regional Pastoralist Peace Link (RPPL)	Isiolo
9	The New Dawn Pace Setter (TNDP)	Laikipia
10	Indigenous Women and Girls Initiative	Baringo
11	Yaaku Laikipia Trust	Laikipia
12	Mukogodo Girls Empowerment Program	Laikipia
13	Pastoralist Peoples Initiative	Marsabit
14	Maasai Cultural Heritage	Laikipia
15	Nasaru Women Group	Kajiado
16	Endorois Indigenous Women Empowerment Network	Nakuru
17	Endorois Welfare Council	Nakuru
18	Indigenous Peoples Climate Change Watch	Garissa
19	Environmental Justice Team Samburu	Samburu
20	Community Empowerment and Development Initiative (CEDI)	Isiolo
21	Laikipia North Community Conservation Initiative (LANCCI)	Laikipia
22	Sangida Foundation	Laikipia
23	Baringo Women and Youth Organization	Baringo
24	Kaputir Resource Management Organization (KARMO)	Turkana
25	Livestock Direct	Laikipia
26	Marsabit Women Advocacy and Development Organization (MWADO)	Marsabit
27	Gurapau Women Group	Marsabit
28	Marti Elite Home-Grown Peace Initiative	Samburu
29	Indigenous Well-Being Initiative for All (IWIFA)	Samburu
30	CRDD Center for Research and Development in Drylands	Marsabit
31	Rebuilding Pastoralist Livelihoods	Marsabit
32	Laikipia Paralegals Organization (LAPO)	Laikipia
33	Ardha Jabesa Foundation	Isiolo
34	Isiolo Conservation Trust (ICT)	Isiolo

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Web: www.eik.co.ke

WRITTEN SUBMISSION BY THE ENVIRONMENT INSTITUTE OF KENYA (EIK) ON THE ENVIRONMENTAL PROFESSIONALS INSTITUTE OF KENYA BILL, 2024

SUBMITTED TO:

The Chairperson
Committee on Environment, Forestry, and Mining
National Assembly of Kenya

SUBMITTED BY:

Environment Institute of Kenya (EIK)
Highway Mall, 4th Floor, Suite 10
P.O. Box 5087-00506, Nairobi
Email: info@eik.co.ke
Date: March 2025

1. Introduction

Chairman and Members,

The **Environment Institute of Kenya (EIK)** is a professional body representing environmental practitioners across diverse sectors, including
Environmental and Social Impact Assessments, Resettlement experts, Green energy, Ecologists, Disaster Risk Management, Waste Management, Green Building, Climate Change, and Natural Resource Management. Our members are pivotal in promoting sustainability and compliance in development projects nationwide. Established in 2014, EIK has evolved into a leading institution in environmental assessment, research, policy advocacy, and professional development within the environmental sector.

Chairman, The Environment Institute of Kenya (EIK) represents over **6,000** duly registered and practicing environmental professionals and firms across Kenya, making it the largest and most influential institution within Kenya's environmental sector. Our membership comprises licensed environmental practitioners, sustainability consultants, natural resource managers, climate change specialists, and corporate environmental entities, all bound by the highest ethical, legal, and professional standards as prescribed by statutory and regulatory frameworks governing environmental practice.

In adherence to the principles of environmental governance, regulatory compliance, and sustainable development, EIK has established Technical Working Groups (TWGs) or chapters,

which constitute multidisciplinary panels of subject-matter experts responsible for advancing sectoral knowledge, professional ethics, and policy advocacy.

Chair, the 9 Technical Working Groups serve as advisory bodies and research think tanks within the following critical domains:

Environmental Educators
Watershed & Catchment Management (Blue Economy)
Sustainable Waste Management
Climate Science
Biodiversity & Natural Sciences
Built Environment & Construction
Energy – Clean and Renewables
Environmental Policy & Governance
Environmental Advocacy – PLWD, Youth & Women Groups

These working groups operate within the statutory mandates of Kenya's environmental regulatory regime, aligning with the Environmental Management and Coordination Act (EMCA), 1999 (Revised 2015), the Climate Change Act, 2016, and other pertinent legal instruments. Their core functions include complementing technical advisories, policy recommendations, stakeholder engagement, capacity building, and strengthening environmental governance frameworks. The Environmental Professionals Institute of Kenya remains committed to promoting the rule of law, fostering professional excellence, and supporting the effective implementation of environmental regulations through a structured, evidence-based, and legally sound approach to environmental management.

As the foremost body representing environmental professionals in Kenya, **EIK strongly supports the Environmental Professionals Institute of Kenya Bill, 2024, recognizing its significance in formalizing the regulation, registration, and governance of environmental professionals.**

2. Overview of the Environmental Professionals Institute of Kenya Bill, 2024

The Environmental Professionals Institute of Kenya Bill, 2024, provides a robust statutory framework for the recognition, regulation, and professionalization of environmental practitioners in Kenya. This Bill establishes the Environmental Professionals Institute of Kenya as the legally recognized professional body responsible for accreditation, standard-setting, and professional oversight of environmental experts, ensuring adherence to the highest ethical and technical standards.

By enacting this Bill, the Government institutionalizes professionalism in environmental practice, thereby enhancing scientific credibility, technical competence, and professional integrity in decision-making processes affecting Kenya's natural resources, public health, and sustainable development. This statutory framework will facilitate capacity-building, structured accreditation, and advisory support across various sectors, reinforcing the country's leadership in environmental governance, climate resilience, and sustainable resource management.

Furthermore, the legal recognition of environmental professionals safeguards public interest by ensuring that environmental assessments, policies, and interventions are guided by qualified and ethically bound experts. Moreover, it aligns Kenya with international best practices, strengthening compliance with national and global environmental commitments. This initiative will elevate the status of environmental professionals, fostering institutional trust, economic sustainability, and environmental security in line with the nation's long-term development agenda.

The Bill's provisions are structured as follows:

PART I: Preliminary Provisions (Clauses 1-2)

- ✔ Establishes the title of the Bill as The Environmental Professionals Institute of Kenya Bill, 2024.
- ✔ Provides definitions for key terms, laying the foundation for the Bill's interpretation and implementation.

PART II: Establishment of the Institute (Clauses 3-17)

- ✔ Establishes the **Environmental Professionals Institute of Kenya as the statutory professional body** for environmental professionals.
- ✔ Defines Environmental Professionals Institute of Kenya mandate, which includes:

    i. *Registering, regulating, and overseeing environmental professionals.*
    ii. *Setting and enforcing professional standards and codes of conduct.*
    iii. *Promoting environmental research, innovation, and training.*
    iv. *Liaising with NEMA and other agencies to enhance environmental governance.*
    v. *Ensuring continued professional development for environmental practitioners.*

    - ✔ Establishes a Council of the Institute responsible for policy oversight, strategic direction, and institutional governance.

PART III: Registration & Licensing of Environmental Professionals (Clauses 18-29)

- ✔ Establishes **membership categories**, including:

    i. **Lead Members** (fully registered professionals).
    ii. **Fellow Members** (distinguished experts in the field).
    iii. **Honorary Fellows** (recognized contributors to the environmental sector).
    iv. **Associate Members** (practitioners awaiting full registration).
    v. **Corporate Members** (registered environmental firms).

    vi. Affiliate Members

- ✔ Defines eligibility criteria for registration and licensing.
- ✔ Mandates the maintenance of a national register of licensed professionals and firms.

PART IV: Enforcement & Disciplinary Provisions (Clauses 30-36)

- ✔ Prohibits unqualified persons from practicing as environmental professionals.
- ✔ Establishes a disciplinary mechanism for dealing with misconduct, ethical breaches, and professional negligence.
- ✔ Provides penalties for violations, including:

    i. *Suspension or revocation of practicing certificates.*
    ii. *Fines and legal action against fraudulent practitioners.*
    iii. *An appeals mechanism through the High Court.*

PART V: Financial Provisions (Clauses 37-41)

- ✔ Establishes funding sources for **Environmental Professionals Institute of Kenya**, including:

    i. *Membership fees, levies, and service charges.*
    ii. *Grants, donations, and investment income.*

- ✔ Mandates financial audits and compliance with accounting standards.

PART VI: Meetings & Governance (Clauses 42-48)

- ✔ Provides for Annual General Meetings (AGMs) and Special General Meetings (SGMs) to ensure participatory decision-making.
- ✔ Establishes Council Committees to manage different aspects of governance, including:

    i. *Legal, Ethics & Membership Committee.*
    ii. *Partnership, Education & Communication Committee.*
    iii. *Resource Mobilization Committee.*
    iv. *Finance & Administration Committee.*

PART VII: Transitional Provisions (Clause 52)

- Grants a one-year transition period for practicing professionals to comply with the new regulatory framework.
- Provides that the current EIK Council shall serve as an interim governing body until elections are conducted.
- Ensures continuity in professional oversight and regulatory functions.

3. JUSTIFICATION & BENEFITS OF THE BILL

The enactment of this Bill will have far-reaching positive implications for environmental governance and professional practice in Kenya, including:

i. Enhancing Professionalism & Expertise

By establishing a structured registration and licensing system, the Bill ensures that only qualified and competent environmental professionals can practice, thus enhancing service delivery.

ii. Strengthening Environmental Governance

A regulated profession guarantees adherence to environmental laws, ethical codes, and global best practices, leading to better decision-making and policy implementation.

iii. Climate Change Mitigation & Adaptation

Environmental professionals play a crucial role in climate resilience, adaptation strategies, and mitigation efforts, which are strengthened by structured capacity building and oversight.

iv. Legal Protection Against Unqualified Practitioners

The Bill provides a clear legal framework for taking action against unregistered and unethical practitioners, safeguarding public interest and environmental integrity.

v. Promoting Collaboration & Knowledge Exchange

The Bill fosters partnerships between environmental professionals, government agencies, and international organizations, improving research, innovation, and policy formulation.

vi. Aligning with International Standards

By regulating environmental professionals, Kenya aligns its professional practices with global environmental standards, enabling participation in international climate negotiations and funding programs. The institute will receive international recognition, allowing Kenyan environmental professionals to engage in global research collaborations, access international job opportunities, and contribute to global environmental decision-making processes.

4. Benefits of the Bill to the Government

The enactment of this Bill will bring significant benefits to the government, strengthening environmental governance, enhancing professionalism, and improving the overall management of the environmental sector. Key benefits include:

4.1. Enhancing Academic Commitment Among Students and Graduates

The establishment of a professional body will encourage students and graduates of environmental courses to take their education seriously, knowing that a recognized institute will oversee their professional growth, certification, and career progression.

4.2. Pro Bono Technical Expertise for Environmental Governance

Through technical working groups and a diverse pool of environmental experts, the Institute will engage the government pro bono on matters of environmental legislation, regulation, and governance, providing expert recommendations to enhance policy development and implementation.

4.3. Eliminating Unqualified Practitioners and Enhancing Professionalism

The Institute will be a self-regulating body that ensures only qualified professionals are recognized and allowed to practice, eliminating quacks and upholding high professional standards within the environmental sector.

4.4. Improving Environmental Protection and Management

ü By ensuring that environmental professionals meet high standards of competence and ethical conduct, the Bill will contribute to better environmental decision-making, leading to improved environmental conservation, pollution control, and sustainable development.

4.5. Supporting Government in Identifying Qualified Environmental Professionals

ü The Institute will help the government define who is qualified to provide professional environmental services, ensuring that only certified professionals participate in environmental assessments, audits, and policymaking.

4.6. Strengthening Collaboration Between Government and Environmental Practitioners

With a structured professional body in place, the government will have an easier time engaging environmental practitioners in policy discussions, implementation strategies, and regulatory compliance, fostering a more coordinated approach to environmental governance.

4. CONCLUSION & CALL TO ACTION

The **Environment Institute of Kenya (EIK) fully supports the Environmental Professionals Institute of Kenya Bill, 2024**, as it will:

i. Enhance professionalism and accountability in the environmental sector.
ii. Protect the public and stakeholders from unqualified practitioners.
iii. Strengthen Kenya's capacity in environmental governance and sustainability.
iv. Establish a regulatory framework for accreditation, licensing, and ethical conduct of environmental professionals.
v. Promote continuous professional development (CPD) and capacity building for environmental practitioners.
vi. Ensure adherence to global best practices in environmental management and impact assessment.
vii. Safeguard environmental integrity by ensuring that assessments and audits are conducted by competent professionals.
viii. Encourage innovation and research in environmental conservation, climate change adaptation, and sustainable development.
ix. Facilitate collaboration between environmental professionals, government agencies, and international organizations.
x. Improve enforcement of environmental laws and policies by ensuring that ONLY qualified experts are involved in policy implementation.
xi. Boost public confidence in environmental decision-making by ensuring professional integrity in environmental assessments.

xii. The enactment of this Bill will grant the institute international recognition, positioning Kenyan environmental professionals to participate in global research collaborations, secure international career opportunities, and actively contribute to global environmental policymaking and decision-making processes.

We urge the Departmental Committee on Environment, Forestry, and Mining to support and expedite the passage of this Bill, as it represents a milestone in Kenya's environmental governance framework.

The Environment Institute of Kenya remains available for further consultation and engagement as may be required.

5. DECLARATION

I, the undersigned representative of the **Environment Institute of Kenya (EIK)**, submit this written memorandum in support of the **Environmental Professionals Institute of Kenya Bill, 2024**, for consideration by the **National Assembly's Departmental Committee on Environment, Forestry, and Mining**.

Signed by:

Alex Mugambi, MEIK
Chairperson
ENVIRONMENT INSTITUTE OF KENYA.

WRITTEN SUBMISSION BY DR. JOSEPH KATHIAI KURAUKA ON THE ENVIRONMENTAL PROFESSIONALS INSTITUTE OF KENYA BILL, 2024

SUBMITTED TO:
The Chairperson
Departmental Committee on Environment, Forestry, and Mining
National Assembly of Kenya

SUBMITTED BY:
Dr. Joseph Kathiai Kurauka

1. Hon. Chair, I submit this written submission in response to the Environmental Professionals Institute of Kenya Bill, 2024 (hereinafter referred to as "the Bill"). This submission provides comments, recommendations, and key areas for improvement to strengthen the Bill and ensure its effective implementation.
2. Hon. Chair, under Section 21, the qualifications for registration should be clearly stated, and the Council should not have discretion to use any other unspecified criteria for membership registration.
3. Hon. Chair, the term "research" in the qualifications is too broad and needs specificity. It is recommended that for Lead Expert registration, the qualifications should include:
    - ✓ Master's Degree in Environmental Studies, Natural Resources Management, or Earth Sciences.
    - ✓ Holders of other relevant qualifications as may be prescribed by the Council and approved during the Annual General Meeting (AGM).
4. Hon. Chair, the Bill should provide clear provisions on meetings, training, and other capacity building as mandatory requirements for license renewal to maintain professional standards.
5. Hon. Chair, an internship or pupilage program of at least six (6) months should be introduced to ensure practical training and mentorship for new professionals.
6. Hon. Chair, the Bill should include a Code of Conduct outlining disciplinary matters, disciplinary processes, and consequences/punishments for professional misconduct.
7. Hon. Chair, under Section 35, the deregistration process for members should be clearly outlined with a detailed and transparent procedure.
8. Hon. Chair, there should be a Remuneration Order to prevent undercutting and ensure fair and standardized remuneration for environmental professionals.
9. Hon. Chair, the Bill should include an elaborate dispute resolution mechanism to handle conflicts within the profession.
10. Hon. Chair, clear qualifications for various categories of membership should be explicitly stated to ensure uniformity and fairness in registration.

11. Hon. Chair, the appointment, terms, and obligations of Council members should be clearly elaborated and should involve stakeholder participation to ensure transparency and inclusivity.
12. Hon. Chair, I recommend the inclusion of any other relevant provisions to enhance the Bill and ensure its alignment with international best practices in professional environmental governance.
13. Hon. Chair, I strongly support this Bill as it is a vital step toward strengthening environmental professionalism in Kenya. By establishing a structured, transparent, and accountable professional body, the Bill will enhance environmental governance, ensure fair professional standards, and promote sustainable natural resource management.
14. Hon. Chair, while I support the Bill, I strongly recommend the proposed amendments to ensure clarity, inclusivity, and fairness in its implementation. Addressing these concerns will enhance the credibility, efficiency, and effectiveness of the Institute in governing environmental professionals in Kenya.
15. **Hon. Chair, I urge the Committee to consider and adopt these recommendations in the final version of the Bill to strengthen its impact and effectiveness in the environmental sector.**

Submitted by;
Dr. Joseph Kurauka
Lecturer, Kenyatta University & Reg. Lead Expert, NEMA

Signature: 

Date: 19th March 2025

WRITTEN SUBMISSION BY DR. KURAUKA ON THE ENVIRONMENTAL PROFESSIONALS INSTITUTE OF KENYA BILL, 2024

SUBMITTED TO:
The Chairperson
Departmental Committee on Environment, Forestry, and Mining
National Assembly of Kenya

SUBMITTED BY:
Dr. Kurauka

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15. **Hon. Chair, I urge the Committee to consider and adopt these recommendations in the final version of the Bill to strengthen its impact and effectiveness in the environmental sector.**

Submitted by
Dr. Kurauka
Kenyatta University

WRITTEN SUBMISSION BY PROF. RATEMO W. MICHIEKA IN SUPPORT OF THE ENVIRONMENTAL PROFESSIONALS INSTITUTE OF KENYA BILL, 2024

SUBMITTED TO
The Clerk
Departmental Committee on Environment, Forestry, and Mining
National Assembly of Kenya

SUBMITTED BY
Prof. Ratemo W. Michieka
Chairperson, National Research Fund (NRF)
Chairperson, Kenya National Academy of Sciences (KNAS)
Chancellor, Tharaka University

1. Hon. Chair, I make this submission as a highly experienced environmental professional, the Chairperson of the National Research Fund, the Chairperson of the Kenya National Academy of Sciences, the Chancellor of Tharaka University, and a former Director General of the National Environment Management Authority (NEMA). With my extensive experience in environmental governance, policy, and professional development, I appreciate this opportunity to present my views on the Environmental Professionals Institute of Kenya Bill, 2024 (the Bill).

2. Hon. Chair, this Bill is a necessary step toward strengthening Kenya's environmental sector by ensuring a structured professional framework for environmental practitioners. The Bill does not contradict the mandate of NEMA as provided for in the Environmental Management and Coordination Act, 1999 (EMCA, 1999). Instead, it enhances NEMA's role by ensuring that the environmental profession is governed by a legally recognized body that works collaboratively with NEMA. Under EMCA, 1999, NEMA is designated as the principal environmental regulator, but EMCA does not provide for mentorship, continuous professional development, or the welfare of environmental professionals. The Bill seeks to fill this gap by establishing the Environmental Professionals Institute of Kenya (the Institute) as the professional body responsible for overseeing the professional development, welfare, and conduct of environmental practitioners.

3. Hon. Chair, under Part II of the Bill, the role of the Institute is to ensure that environmental professionals operate under an ethical, structured, and well-organized framework. The Bill does not seek to take away any of NEMA's licensing powers. Instead, it ensures that environmental professionals are members of a legally recognized body, which will enhance professionalism in the sector. NEMA remains the regulator, while the Institute provides a structured

professional home for all environmental practitioners, just as other professions such as law and accounting have similar professional bodies.

4. Hon. Chair, I find it necessary to provide clarity on the definition of Environmental Experts and Environmental Professionals. In Part I of the Bill, I propose a clear distinction:
    I. **Environmental Experts** are individuals who are actively practicing and are licensed by NEMA to conduct Environmental Impact Assessments (EIA), Environmental Audits, and other compliance-related activities as provided under the provisions of EMCA, 1999.
    II. **Environmental Professionals** include all individuals who have undergone formal training in environmental Courses and hold a degree in the field, regardless of whether they are in active practice or not. This broader category ensures that all environmental graduates have a professional body where they can be recognized and supported.

    Hon. Chair, this distinction is important to ensure clarity on the mandate of NEMA and that of the Institute, avoiding any overlap or conflict between the two.
5. Hon. Chair, under Part III of the Bill the institute will register members based on the categories therein and it will not be involved in licensing Environmental Experts. Licensing will remain solely under NEMA as per Section 58 of EMCA, 1999, which mandates NEMA to register and license Environmental Impact Assessment Experts. However, it is critical to recognize that the environmental sector consists of many other professionals beyond EIA Experts. This Bill ensures that all these professionals, including those in environmental planning, climate change, conservation, waste management, and natural resource management among others, are recognized and operate under a professional framework.

6. Hon. Chair, NEMA, as the regulator, cannot simultaneously be responsible for the mentorship, welfare, and continuous professional development of the professionals it regulates. A regulatory authority should not also be the custodian of the interests of the people it is regulating. In line with international best practices, professional development, welfare, and ethical oversight should be the mandate of an independent professional body. This Bill ensures that the Institute takes up these responsibilities, complementing rather than conflicting with NEMA's role.

7. Hon. Chair, in the spirit of collaboration and ensuring an effective working relationship, it will be a requirement that NEMA licenses only individuals who are members of the legally recognized professional body established by this Bill. This approach strengthens accountability, ensures that only qualified professionals operate in the sector, and upholds high standards of environmental practice.

8. Hon. Chair, the environmental sector is growing rapidly. Over 3,000 environmental graduates enter the job market annually, yet there is no formal structure to support their professional growth. This Bill fills that gap by providing a

legally recognized platform where professionals can access mentorship, training, and professional development. The absence of such a body has created gaps in professional standards, career progression, and ethical accountability, which this Bill seeks to address.

9. Hon. Chair, I recommend that the Bill adopt the definition of Environmental Experts and Environmental Professionals as proposed above to eliminate any ambiguity in interpretation. This will reinforce the distinction between the licensing role of NEMA and the professional development role of the Institute, ensuring effective governance of the environmental profession.

10. Hon. Chair, I strongly submit that this Bill is progressive and essential for the advancement of Kenya's environmental sector. It strengthens, rather than weakens, the role of NEMA by creating a structured, legally recognized professional body that will work collaboratively with NEMA to enhance environmental governance in the country.

Thank you.

Yours Sincerely,
Prof. Ratemo W. Michieka
Chairperson, National Research Fund
Chairperson, Kenya National Academy of Sciences
Chancellor, Tharaka University

WRITTEN SUBMISSION BY PROF. RATEMO W. MICHIEKA IN SUPPORT OF THE ENVIRONMENTAL PROFESSIONALS INSTITUTE OF KENYA BILL, 2024

SUBMITTED TO
The Clerk
Departmental Committee on Environment, Forestry, and Mining
National Assembly of Kenya

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Yours Sincerely,
Prof. Ratemo W. Michieka
Chairperson, National Research Fund
Chairperson, Kenya National Academy of Sciences
Chancellor, Tharaka University

WRITTEN SUBMISSION BY THE KENYA WILDLIFE CONSERVANCIES ASSOCIATION (KWCA)

Submitted By:

Mr. Dickson Ole Kaelo
Chief Executive Officer
Kenya Wildlife Conservancies Association (KWCA)

Submitted To:
The Chairman
Departmental Committee on Environment, Forestry, and Mining
National Assembly of Kenya

1. Introduction

On behalf of the Kenya Wildlife Conservancies Association (KWCA), I submit this written statement in support of the Environmental Professionals Institute of Kenya Bill, 2024 (hereafter referred to as "the Bill"). KWCA is dedicated to promoting sustainable wildlife conservation through community engagement and best practices in the management of wildlife conservancies. The passage of this Bill is integral to addressing the challenges posed by the triple planetary crisis of climate change, biodiversity loss, and pollution—issues that directly impact the work we do.

The Bill aims to establish the Environmental Professionals Institute of Kenya, which will provide the framework for certifying and regulating environmental professionals. KWCA supports this initiative, as it will significantly enhance the capacity of professionals in the field of environmental conservation, strengthen environmental governance, and contribute to the resolution of the current planetary crises.

2. RATIONALE AND JUSTIFICATION

KWCA strongly believes that Kenya's environmental sector needs a robust framework to ensure that those involved in environmental conservation and management are adequately trained, certified, and held accountable. This Bill provides a timely and necessary response to the environmental challenges we face by professionalizing the sector.

As a key player in wildlife conservation, KWCA is deeply invested in the protection of Kenya's rich biodiversity, especially within community-managed conservancies. The environmental sector plays a critical role in addressing the threats of climate change, biodiversity loss, and pollution—three interconnected crises that threaten not only wildlife but also the livelihoods of local communities.

The Bill ensures that only qualified and ethical professionals are allowed to engage in environmental management. This regulation is crucial to KWCA's mission, as it helps ensure that the individuals leading conservation efforts within conservancies are equipped with the necessary knowledge and skills to address the urgent threats of the climate change, biodiversity loss, and environmental degradation.

3. THE IMPACT OF THE BILL ON KWCA'S WORK

KWCA works directly with communities to manage wildlife conservancies that play a pivotal role in biodiversity conservation, land restoration, and sustainable development. The Bill supports KWCA's efforts in the following ways:

3.1 Enhancing Professionalism in Environmental Management

The Bill will ensure that the professionals working in conservation have the expertise required to implement effective strategies for mitigating climate change, halting biodiversity loss, and preventing pollution. KWCA's efforts to engage local communities in sustainable practices, such as community-based conservation and land restoration, will benefit from the work of certified professionals who are well-versed in the latest scientific knowledge and ethical standards.

3.2 Improving Governance in Wildlife Conservancies

A central part of KWCA's work is strengthening governance structures within wildlife conservancies. The Bill's emphasis on the certification and regulation of environmental professionals aligns with this goal, as it will ensure that the conservancies are managed by qualified individuals who adhere to high standards of environmental and ethical conduct. This, in turn, will enhance the effectiveness of our conservation programs, particularly those focusing on habitat restoration, anti-poaching, and wildlife monitoring.

3.3 Supporting Climate Change Mitigation and Adaptation Efforts

The Bill's focus on creating a professional regulatory framework for environmental management directly supports KWCA's efforts in climate change mitigation and adaptation. As the effects of climate change become increasingly pronounced, with rising temperatures and changing weather patterns, wildlife conservancies are on the front lines of these challenges. By ensuring that environmental professionals are trained in best practices for climate resilience, the Bill will support the development of adaptive strategies that reduce the vulnerability of ecosystems and communities to climate-related impacts.

3.4 Promoting Biodiversity Conservation and Habitat Restoration

KWCA's work in biodiversity conservation, especially in community-based wildlife conservancies, requires skilled professionals who can implement effective habitat restoration projects. These efforts are critical in addressing the biodiversity crisis by

improving ecosystem health, protecting endangered species, and enhancing the resilience of natural habitats. The Bill will ensure that the individuals overseeing these projects are well-trained in ecological restoration techniques and have the skills to monitor and assess the success of restoration initiatives.

3.5 Fostering Collaboration Across Sectors

As an organization that partners with government agencies, conservation NGOs, and community groups, KWCA recognizes the importance of collaboration in addressing environmental challenges. The Bill's establishment of the Environmental Professionals Institute of Kenya will foster stronger collaboration by creating a platform for professionals across the environmental sector to exchange knowledge, share best practices, and work together towards common goals. This will enhance KWCA's ability to engage with other stakeholders and ensure that our conservation efforts are aligned with national and international goals.

3.6 Supporting Sustainable Resource Management

The climate change, biodiversity loss, and environmental degradation crisis has highlighted the need for sustainable management of natural resources. KWCA's community conservancies play a vital role in sustainable land management and resource conservation, ensuring that local communities derive livelihoods from natural resources while also protecting them for future generations. The Bill supports this work by ensuring that professionals involved in resource management are properly trained in sustainable practices, helping to balance ecological needs with human development.

4. CONCLUSION

In conclusion, the Environmental Professionals Institute of Kenya Bill, 2024 represents a critical step towards professionalizing the environmental sector in Kenya and addressing the climate crisis. The Bill will directly support KWCA's mission of promoting sustainable wildlife conservation and empowering local communities. By ensuring that environmental professionals are equipped with the necessary skills and ethical standards, the Bill will strengthen the governance of wildlife conservancies, enhance climate resilience, and support the restoration of biodiversity. KWCA wholeheartedly supports the passage of this Bill and urges the Committee to prioritize its approval for the benefit of Kenya's environment, wildlife, and communities.

5. CALL TO ACTION

KWCA strongly urges the **Departmental Committee on Environment, Forestry, and Mining** to approve the **Environmental Professionals Institute of Kenya Bill, 2024** and ensure its passage into law. By doing so, the Committee will play a pivotal role in enhancing the professionalism and capacity of environmental practitioners across the country, empowering them to tackle the urgent challenges posed by the climate change.

This will not only benefit the conservation sector but also ensure that communities are better equipped to manage and protect Kenya's natural resources.

We call upon all relevant stakeholders, including the government, civil society, and professional bodies, to support the Bill and work together in fostering an environment where Kenya's wildlife, ecosystems, and communities can thrive sustainably. The time to act is now, as the future of our planet and the generations that follow depend on the decisions we make today.

Signed and Submitted by:
Mr. Dickson Ole Kaelo
Chief Executive Officer
Kenya Wildlife Conservancies Association (KWCA)

WRITTEN SUBMISSION BY THE KENYA WILDLIFE CONSERVANCIES ASSOCIATION (KWCA)

Submitted By:

Mr. Dickson Ole Kaelo
Chief Executive Officer
Kenya Wildlife Conservancies Association (KWCA)

Submitted To:
The Chairman
Departmental Committee on Environment, Forestry, and Mining
National Assembly of Kenya

1. Introduction

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The Bill aims to establish the Environmental Professionals Institute of Kenya, which will provide the framework for certifying and regulating environmental professionals. KWCA supports this initiative, as it will significantly enhance the capacity of professionals in the field of environmental conservation, strengthen environmental governance, and contribute to the resolution of the current planetary crises.

2. RATIONALE AND JUSTIFICATION

KWCA strongly believes that Kenya's environmental sector needs a robust framework to ensure that those involved in environmental conservation and management are adequately trained, certified, and held accountable. This Bill provides a timely and necessary response to the environmental challenges we face by professionalizing the sector.

As a key player in wildlife conservation, KWCA is deeply invested in the protection of Kenya's rich biodiversity, especially within community-managed conservancies. The environmental sector plays a critical role in addressing the threats of climate change, biodiversity loss, and pollution—three interconnected crises that threaten not only wildlife but also the livelihoods of local communities.

The Bill ensures that only qualified and ethical professionals are allowed to engage in environmental management. This regulation is crucial to KWCA's mission, as it helps ensure that the individuals leading conservation efforts within conservancies are equipped with the necessary knowledge and skills to address the urgent threats of the climate change, biodiversity loss, and environmental degradation.

3. THE IMPACT OF THE BILL ON KWCA'S WORK

KWCA works directly with communities to manage wildlife conservancies that play a pivotal role in biodiversity conservation, land restoration, and sustainable development. The Bill supports KWCA's efforts in the following ways:

3.1 Enhancing Professionalism in Environmental Management

The Bill will ensure that the professionals working in conservation have the expertise required to implement effective strategies for mitigating climate change, halting biodiversity loss, and preventing pollution. KWCA's efforts to engage local communities in sustainable practices, such as community-based conservation and land restoration, will benefit from the work of certified professionals who are well-versed in the latest scientific knowledge and ethical standards.

3.2 Improving Governance in Wildlife Conservancies

A central part of KWCA's work is strengthening governance structures within wildlife conservancies. The Bill's emphasis on the certification and regulation of environmental professionals aligns with this goal, as it will ensure that the conservancies are managed by qualified individuals who adhere to high standards of environmental and ethical conduct. This, in turn, will enhance the effectiveness of our conservation programs, particularly those focusing on habitat restoration, anti-poaching, and wildlife monitoring.

3.3 Supporting Climate Change Mitigation and Adaptation Efforts

The Bill's focus on creating a professional regulatory framework for environmental management directly supports KWCA's efforts in climate change mitigation and adaptation. As the effects of climate change become increasingly pronounced, with rising temperatures and changing weather patterns, wildlife conservancies are on the front lines of these challenges. By ensuring that environmental professionals are trained in best practices for climate resilience, the Bill will support the development of adaptive strategies that reduce the vulnerability of ecosystems and communities to climate-related impacts.

3.4 Promoting Biodiversity Conservation and Habitat Restoration

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improving ecosystem health, protecting endangered species, and enhancing the resilience of natural habitats. The Bill will ensure that the individuals overseeing these projects are well-trained in ecological restoration techniques and have the skills to monitor and assess the success of restoration initiatives.

3.5 Fostering Collaboration Across Sectors

As an organization that partners with government agencies, conservation NGOs, and community groups, KWCA recognizes the importance of collaboration in addressing environmental challenges. The Bill's establishment of the Environmental Professionals Institute of Kenya will foster stronger collaboration by creating a platform for professionals across the environmental sector to exchange knowledge, share best practices, and work together towards common goals. This will enhance KWCA's ability to engage with other stakeholders and ensure that our conservation efforts are aligned with national and international goals.

3.6 Supporting Sustainable Resource Management

The climate change, biodiversity loss, and environmental degradation crisis has highlighted the need for sustainable management of natural resources. KWCA's community conservancies play a vital role in sustainable land management and resource conservation, ensuring that local communities derive livelihoods from natural resources while also protecting them for future generations. The Bill supports this work by ensuring that professionals involved in resource management are properly trained in sustainable practices, helping to balance ecological needs with human development.

4. CONCLUSION

In conclusion, the Environmental Professionals Institute of Kenya Bill, 2024 represents a critical step towards professionalizing the environmental sector in Kenya and addressing the climate crisis. The Bill will directly support KWCA's mission of promoting sustainable wildlife conservation and empowering local communities. By ensuring that environmental professionals are equipped with the necessary skills and ethical standards, the Bill will strengthen the governance of wildlife conservancies, enhance climate resilience, and support the restoration of biodiversity. KWCA wholeheartedly supports the passage of this Bill and urges the Committee to prioritize its approval for the benefit of Kenya's environment, wildlife, and communities.

5. CALL TO ACTION

KWCA strongly urges the **Departmental Committee on Environment, Forestry, and Mining** to approve the **Environmental Professionals Institute of Kenya Bill, 2024** and ensure its passage into law. By doing so, the Committee will play a pivotal role in enhancing the professionalism and capacity of environmental practitioners across the country, empowering them to tackle the urgent challenges posed by the climate change.

This will not only benefit the conservation sector but also ensure that communities are better equipped to manage and protect Kenya's natural resources.

We call upon all relevant stakeholders, including the government, civil society, and professional bodies, to support the Bill and work together in fostering an environment where Kenya's wildlife, ecosystems, and communities can thrive sustainably. The time to act is now, as the future of our planet and the generations that follow depend on the decisions we make today.

Signed and Submitted by:
Mr. Dickson Ole Kaelo
Chief Executive Officer
Kenya Wildlife Conservancies Association (KWCA)

Annexure 7: The Environmental Professionals Institute of Kenya Bill (National Assembly Bill No. 36 of 2024))

SPECIAL ISSUE

Kenya Gazette Supplement No. 130 (National Assembly Bills No. 36)

REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2024

NAIROBI, 9th July, 2024

CONTENT

Bill for Introduction into the National Assembly—

PAGE

The Environmental Professionals Institute of Kenya Bill, 2024 851

NATIONAL ASSEMBLY
RECEIVED
05 AUG 2024
DIRECTOR LEGAL SERVICES
P. O. Bo 41842-00100, NAIROBI

PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER, NAIROBI

THE ENVIRONMENTAL PROFESSIONALS INSTITUTE OF KENYA BILL, 2024

ARRANGEMENT OF CLAUSES

PART I—PRELIMINARY

Clause

1— Short title.

2— Interpretation.

PART II—ESTABLISHMENT OF THE ENVIRONMENTAL PROFESSIONALS INSTITUTE OF KENYA

3— Establishment of the Institute.

4— Functions of the Institute.

5— Council of the Institute

6— Composition of the Council.

7— Powers of the Council.

8— Remuneration of Council members.

9— Eligibility for election as a member of the Council.

10— Registrar.

11— Qualification of the Registrar.

12— Committees of the Council.

13— Staff of the Institute.

14— Expert and consultants.

15— Delegation by Council.

16— Conduct of business and affairs of the Council.

17— Common seal.

18— Protection from personal liability.

PART III—REGISTRATION AND LICENSING OF ENVIRONMENTAL PROFESSIONALS

19— Membership of the Institute.

20— Membership rights.

21— Qualifications for registration.

22— Registration.
23— Registration as an environmental firm.
24— Certificate of registration.
25 – Register of environmental professionals.
26— Removal of name from the register.
27— Publication of register.
28— Authorization to practice.
29— Period of validity of practicing certificate.

PART IV–ENFORCEMENT

30— False registration or licensing.
31— Professional misconduct.
32— Disciplinary proceedings by the Council.
33— Effect of removal, suspension or cancellation.
34— Appeals.
35— Offences by unregistered or unlicensed persons.
36— Obstruction of officers of the Council.

PART V— FINANCIAL PROVISIONS

37— Funds of the Institute.
38— Financial year.
39— Annual estimates.
40— Accounts and audit.
41— Investment of funds.

PART VI—MEETINGS OF THE INSTITUTE

42—Ordinary general meeting.
43— Requisitioning a special general meeting.
44— Convening and procedure of meetings.
45— Resolutions of the Institute.
46— Voting.
47— Voting procedure.
48— Alterations of resolutions.

49— Minutes.

PART VII—MISCELLANEOUS

50— Collaboration with the National Environment Management Authority.

51— Regulations.

52— Transitional provisions.

FIRST SCHEDULE— ELECTION OF COUNCIL MEMBERS.

SECOND SCHEDULE— PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE COUNCIL.

THE ENVIRONMENTAL PROFESSIONALS INSTITUTE OF KENYA BILL, 2024

A Bill for—

AN ACT of Parliament to provide for the establishment of the Environmental Professionals Institute of Kenya; to provide for the registration, licensing and regulation of the standards and practice of environmental professionals and for connected purposes

ENACTED by the Parliament of Kenya as follows —

PART I—PRELIMINARY

Short title.

1. This Act may be cited as the Environmental Professionals Institute of Kenya Act, 2024.

Interpretation.

2. In this Act, unless the context otherwise requires—

"Council" means the Council of the Institute established under section 5;

"environmental professional" means a person who has successfully undertaken a degree course in the field of environment, natural resources, earth sciences, or research as may be prescribed by the Council and is registered in accordance with section 21;

"practicing certificate" means a practicing certificate issued by the Council;

"president" means the person elected as the president of the Institute;

"Institute" means the Environmental Professionals Institute of Kenya established under section 3;

"register" means the register of environmental professionals maintained under section 25; and

'Registrar" means the Registrar of environmental professionals appointed under section 10.

PART II—ESTABLISHMENT OF THE ENVIRONMENTAL PROFESSIONALS INSTITUTE OF KENYA

Establishment of the Institute.

3. (1) There is established an institute to be known as the Environmental Professionals Institute of Kenya.

(2) The Institute shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—

(a) suing and being sued;

(b) purchasing, acquiring, holding, charging or disposing of movable and immovable property;

(c) raising or borrowing money; and

(d) performing such other functions necessary for the proper performance of its functions under this Act.

(3) The Headquarters of the Institute shall be in Nairobi but the Institute may establish offices at any other place in Kenya.

Functions of the Institute.

4. (1) The Institute shall register, regulate and exercise general supervision and control over the professional development and practice of environmental professionals in Kenya.

(2) Without prejudice to the generality of the foregoing, the functions of the Institute shall be to—

(a) establish, monitor and publish the standards of professional competence and practice amongst environmental professionals;

(b) register environmental professionals in accordance with the requirements of this Act;

(c) promote research in environmental practice and related matters;

Cap. 387.

(d) liaise with the National Environment Management Authority established under the Environmental Management and Co-ordination Act and other national agencies in charge of environmental management towards the betterment of the environmental profession;

(e) provide a medium for communication and exchange of information, knowledge and ethical standards for those persons engaged in the field of environment;

(f) ~~network~~ with local, regional and international institutions to promote and develop progressive

environment practices and the environmental profession;

(g) develop and facilitate programmes for training and continuous professional education and development for environmental professionals;

(h) regulate the conduct of registered environmental professionals under this Act in order to maintain proper professional standards;

(i) formulate policies that promote and enhance the environmental profession;

(j) regulate the practice, competence and professional conduct of environmental professionals;

(k) promote and protect the welfare and interests of the environmental professionals;

(l) promote inter-professional collaboration with other professional bodies;

(m) cause to be maintained a register of the persons registered and licenced to practice in accordance with this Act;

(n) determine and revise categories under which environmental professionals may be registered;

(o) advise the government in relation to the aspects of supervision and control over the professional development and practice of environmental professionals in Kenya;

(p) provide professional advice and collaborate with private and public institutions in relation to the aspects of professional development and practice of environmental professionals; and

(q) carry out such other functions prescribed under this Act or any written law.

Council of the Institute.

5. There is established a Council of the Institute which shall be the governing body responsible for the management of the Institute.

Composition of the Council.

6. (1) The Council shall be composed of—

(a) the president;

(b) the vice-president;

(c) seven representatives of the general membership of the Institute; and

(d) the Registrar who shall be an *ex-officio* member.

(2) The members of the Council shall be elected by the members of the Institute in accordance with the First Schedule to this Act.

(3) The members of the Council, other than the *ex officio* member, shall hold office for a period of three years on such terms and conditions as may be specified in the instrument of appointment, and shall be eligible for re-appointment for one further term.

Powers of the Council.

7. The Council shall have the powers necessary for the proper performance of its functions under this Act and in particular, but without prejudice to the generality of the foregoing, the Council shall have power to—

(a) control, supervise and administer the assets of the Institute in such manner as best promotes the purpose for which the Institute is established;

(b) determine the provisions to be made for capital and recurrent expenditure and for the reserves of the Institute;

(c) receive grants, gifts, donations or endowments and make legitimate disbursements therefrom;

(d) open such banking accounts for its funds as may be necessary;

(e) invest funds of the Institute not immediately required for its purposes in the manner provided in section 37; and

(f) undertake activity necessary for the fulfilment of the functions of the Institute.

Remuneration of the Council members.

8. The Council shall pay its members such remuneration, fees or allowances for expenses as it may determine, on the advice of the Salaries and Remuneration Commission.

Eligibility for election as a member of the Council

9. A person is eligible for election as a member of the Council if such person—

(a) has been a member of good standing of the Institute for at least three years;

(b) has practised as an environmental professional for at least five years;

(c) has not been found liable for professional misconduct in the three years immediately preceding the election; and

(d) meets the requirements of Chapter Six of the Constitution.

Registrar.

10. (1) There shall be a Registrar of the Institute who shall be competitively recruited and appointed by the Council and whose terms and conditions of service shall be determined by the Council in the instrument of appointment or otherwise from time to time.

(2) The Registrar shall—

(a) be the Chief Executive Officer of the Institute and shall, subject to the direction of the Council, be responsible for the day to day management of the affairs and staff of the Institute;

(b) be an *ex-officio* member of the Council but shall have no right to vote at the meetings of the Council;

(c) be the secretary to the Council; and

(d) be responsible to the Council generally for the implementation of this Act.

(3) The Registrar shall serve for a term of four years renewable once subject to satisfactory performance.

Qualification of the Registrar.

11. A person shall not be appointed as a Registrar under this section unless such person is registered as an environmental professional under this Act and—

(a) holds a degree from a university recognised in Kenya;

(b) is a citizen of Kenya;

(c) has at least ten years proven experience in matters related to environment;

(d) has knowledge and experience in policy formulation, administration and management;

(e) is a member of good standing of the Institute; and

(f) meets the requirement of Chapter Six of the Constitution.

Committees of the Council.

12. (1) The Council may establish such committees consisting of members of the Council as it may consider necessary for the discharge of its functions.

(2) The decisions by a committee under subsection (1) shall be ratified by the Council.

Staff of the Institute.

13. The Council may appoint such officers, agents and other staff as are necessary for the proper discharge of the functions of the Institute and the Council under this Act, upon such terms and conditions of service as the Council may determine.

Experts and consultants.

14. The Council may, on the advice of the Registrar, engage on behalf of the Institute the services of experts and consultants in respect of the functions of the Institute in connection with which they are considered to have special competence.

Delegation by the Council.

15. The Council may, by a resolution generally or in any particular case, delegate to any of its committees the exercise of the powers or the performance of the functions or duties of the Council or the Institute under this Act or under any other written law.

Conduct of business and affairs of the Council.

16. (1) The conduct and regulation of the business and affairs of the Council shall be as provided for in the Second Schedule.

(2) Except as provided in the Second Schedule, the Council may regulate its own procedure.

Common seal.

17. (1) The common seal of the Institute shall be kept in the custody of the Registrar or of such other person as the Council may direct, and shall not be used except upon the order of the Council.

(2) The common seal of the Institute, when affixed to a document and duly authenticated, shall be judicially and officially noticed and unless proved to the contrary, an

order or authorization by the Council under this section shall be presumed to have been duly given.

(3) The common seal of the Institute shall be authenticated by the president of the Institute and the Registrar.

(4) Notwithstanding the provisions of subsection (3), the Council shall, in the absence of either the president or the Registrar in a particular matter, nominate one member to authenticate the seal on behalf of either the president or the Registrar.

Protection from personal liability.

18. (1) No act or omission by a member of the Institute or by an officer, employee, agent or servant of the Institute shall, if the act or omission was done bona fide for the purposes of executing a function, power or duty under the Act, render such member, officer, employee, agent or servant personally liable to an action, claim or demand whatsoever.

(2) The provisions of subsection (1) shall not relieve the Institute of the liability to pay compensation to a person for an injury to the person, their property or interests caused by the exercise of a power conferred by this Act or by failure, whether wholly or partially, of an action.

PART III- REGISTRATION AND LICENSING OF ENVIRONMENTAL PROFESSIONALS

Membership of the Institute.

19. (1) A person who is registered under this Act shall be a member of the Institute.

(2) The members of the Institute shall be classified into the following categories—

(a) lead members comprising members of the Institute who are registered pursuant to section 21;

(b) Fellow members comprising of persons who become fellows pursuant to subsection (3);

(c) Honorary Fellows comprising of persons who become honorary fellows pursuant to subsection (4);

(d) associate members comprising persons eligible to be registered under section 21 but who do not

meet the requirements prescribed under that section; and

(e) corporate members comprising of firms which practice environmental management activities and are issued with a practicing certificate in accordance with section 23.

(3) Where the Council considers that a member of the Institute has rendered outstanding services to the environment profession, the Council may, invite the member to become a Fellow.

(4) Where the Council considers that a person (not being a member of the Institute) has rendered special services to the Institute or the environment profession, the Council may invite the person to become an Honorary Fellow of the Institute.

(5) The Honorary Fellow shall not be a member of the Institute.

Membership rights.

20. The members of the Institute shall have the following rights—

(a) to be issued with an annual practising certificate upon meeting the requirements under section 21;

(b) vote at an election of the Institute or on a matter of the Institute; and

(c) vie for an office of the Institute.

Qualifications for registration.

21. A person shall be eligible for registration under this Act as an environmental professional if that person—

(a) is of good conduct;

(b) has paid the prescribed fees;

(c) has successfully undertaken a degree course in the field of environment, natural resources, earth sciences, or research as may be prescribed by the Council; and

(d) holds such other qualification as the Council may prescribe.

Registration.

22. (1) A person who is eligible to be registered as an environmental professional may apply in the prescribed

form to the Registrar for registration in the register and every such application shall be accompanied by the prescribed fee.

(2) Where a person has complied with the provisions of subsection (1) and has been accepted by the Council as being eligible for registration and has satisfied the Registrar that they have been so accepted, they shall be registered.

Registration as an environmental firm

23. (1) A person intending to register an environmental firm under this Act shall apply to the Council in the prescribed manner accompanied by the prescribed fee.

(2) An application under subsection (1) shall be accompanied by—

(a) a registration certificate of business name or certificate of incorporation of the entity;

(b) a practicing certificate for each of the partners who must be environmental professionals;

(c) the profile of each partner; and

(d) a written commitment that the Council shall be allowed to verify the suitability of the firm for the purposes of registration.

(3) An environmental firm with more than fifty per centum of its shares held by Kenyan citizens shall upon registration be considered a local environmental firm and be recognized as such in the register.

(4) An environmental firm registered in another jurisdiction recognized by the Council may apply to the Council to be allowed to practice, provided that the application is made in partnership with a local firm.

(5) The Council may require the applicant to furnish such further information or evidence of eligibility for registration as it may deem fit.

Certificate of registration.

24. The Registrar shall issue to every person or firm registered under this Act, a certificate of registration in the prescribed form.

Register of environmental professionals.

25. The Registrar shall maintain a register of persons registered as environmental professionals to be known as the Register of Environmental Professionals.

Removal of name from the register.

26. (1) The Registrar shall, from time to time, in accordance with the directions of the Council, make corrections to the register in relation to an entry.

(2) A change in the entry under subsection (3) shall be made by the Registrar as soon as is practicable after receipt of the notification.

(3) The Registrar shall remove from the register—

(a) the name of a deceased person;

(b) the name of a person convicted of an offence under this Act where the avenue of appeal has been exhausted;

(c) an entry which has been incorrectly or fraudulently made in the register; and

(d) the name of a person who violates the provisions of Chapter Six of the Constitution and has been convicted for such an offence and the avenue of appeal has been exhausted.

(4) The Registrar may, with the written consent of a member of the Institute, remove from the register the name of a person who has ceased to practice.

Publication of register.

27. (1) The Registrar shall publish in the *Gazette* as soon as may be practicable after registration the name of every environmental professional registered under this Act.

(2) The publication of the list of registered environmental professionals in the *Gazette* shall be prima facie evidence that the persons named therein are registered under this Act and the absence of the name of a person from such list shall be prima facie evidence that the person is not so registered.

Authorization to practice.

28. (1) A person shall not practice as an environmental professional unless such person has—

(a) been registered under this Act;

(b) complied with the prescribed requirements for continuing education and professional development; and

(c) been issued with a valid practicing certificate by the Institute in accordance with regulations made under this Act.

Period of validity of practicing certificate.

29. (1) A practicing certificate granted under this Act shall be valid for one year, for the duration between the 1st January and 31st December in every year, and may, upon expiry be renewed.

(2) The Council may refuse to issue or renew a practicing certificate or cancel, withdraw or suspend a practicing certificate if satisfied that the environmental professional is guilty of professional misconduct or is in breach of the provisions of this Act or regulations made thereunder, for a period of twelve months.

PART IV–ENFORCEMENT

False registration or licensing.

30. (1) A person who wilfully procures or attempts to procure registration or a practicing certificate under the provisions of this Act, by making or producing or causing to be made or produced a false or fraudulent representation or declaration either orally or in writing, commits an offence and shall be liable, on conviction, to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding five years or both.

(2) Upon conviction of an offence under this section by a person registered or authorized to practice under this Act, the Registrar shall upon direction from the Council remove such person's name from the register and cancel the practicing certificate.

Professional misconduct.

31. A person registered as an environmental professional commits an act of professional misconduct if such person —

(a) deliberately fails to follow the laid down standards of conduct and practice of the profession as may be laid down by the Council under this Act or any other written law;

(b) commits gross negligence in the conduct of professional duties;

(c) releases information concerning the affairs of a client that is gathered in the course of a professional engagement without the consent of the client;

(d) performs an assignment which is beyond the scope of the professional's competency, knowledge, and expertise; or

(e) allows another person to practice in their name, where such person is not registered under this Act or a holder of a practicing certificate issued under this Act.

Disciplinary proceedings by the Council.

32. (1) A person, being dissatisfied with services offered by an environmental professional or who alleges breach of the standards of conduct as may be specified by the Council from time to time, may make a written complaint to the Council in the prescribed manner.

(2) Where the Council is satisfied in respect of a person registered or practicing under this Act, that such person—

(a) has been convicted of an offence under this Act or under any other law punishable by imprisonment, the commission of which in the opinion of the Council has brought the profession to disrepute;

(b) has committed an act of negligence or malpractice in respect of their profession; or

(c) has committed an act of impropriety or misconduct in respect of their profession,

the Council may subject to subsection (9) —

(i) issue the environmental professional with a letter of admonishment;

(ii) remove such person's name from the Register;

(iii) impose a fine which the Council deems appropriate in the circumstances;

(iv) suspend such person's practicing certificate or registration for a period not exceeding twelve months; or

(v) cancel such person's practicing certificate.

(3) Upon an inquiry held by the Council to determine a complaint made under subsection (1), the person whose conduct is being inquired into shall be afforded an opportunity of being heard, either in person or by an advocate of his own choice.

(4) For the purpose of proceedings at an inquiry held under this section, the Council may administer oaths and may, subject to the provisions of regulations made under this Act, enforce the attendance of persons as witnesses and the production of books and documents as evidence.

(5) A person whose name has been removed from the register or whose practicing certificate has been cancelled or suspended shall forthwith surrender to the Registrar their certificate of registration or practicing certificate and a person who fails to do so commits an offence and shall be liable, on conviction, to a fine not exceeding three hundred thousand shillings or imprisonment to term not exceeding six months or both.

(6) Subject to the provisions of this section and to rules as to procedure made under this Act, the Council may regulate its own procedure in disciplinary proceedings.

(7) The power to direct the removal of the name of a person from the register or to cancel the practicing certificate of a person shall include a power exercisable in the same manner to direct that during such period as may be specified in the order, the registration of a person's name in the register or the practicing certificate granted to them shall not have effect.

(8) A person who, when summoned by the Council, fails to attend as a witness or to produce a book or document which they are required by the Council to produce, commits an offence and shall be liable, on conviction, to a fine not exceeding three hundred thousand shillings or to imprisonment for six months or both.

(9) Notwithstanding any other provisions of this Act, the Council shall not remove the name of a person from the register, or cancel a practicing certificate granted to a person, unless such a decision is supported by a majority of the Council members.

Effect of removal, suspension or cancellation.

33. (1) Subject to the provisions of this Act, the removal of a person's name from the Register shall be notified by the Registrar to that person by registered mail sent to the address appearing in the register against their name immediately before such removal.

(2) Where the name of a person has been removed from the Register, the name of that person shall not, subject to the provisions of this Act, be entered again in the Register except by order of the Council.

(3) Where an order has been made for the removal of a person's name from the Register, or for suspending a person's registration under this Act, or for cancellation or suspension of a practicing certificate granted to a person under this Act, the Council may, either on its own motion or on the application of the person concerned and in either case after holding such inquiry as the Council may deem fit, cause the name of that person to be restored to the register or terminate the suspension of the registration, or as the case may be, grant a new practicing certificate or terminate the suspension of the existing practicing certificate in such case, either without fee or on the payment of such fee not exceeding the appropriate registration or practicing certificate fee, as the Council may determine.

(4) Subsection (1) shall not apply when a person's name has been removed from the Register at the person's request or with their consent in circumstances under which it could not have been removed without consent.

(5) Notwithstanding the provisions of subsection (3), a person whose name was removed from the Register at the person's request, shall upon application and on payment of the prescribed fee, have their name restored to the register.

Appeals.

34. A person aggrieved by a decision of the Council under this Act may appeal within thirty days to the High Court and in such an appeal, the High Court may confirm, annul or vary the decision as it deems fit.

Offences by unregistered or unlicensed persons.

35. (1) A person who, not being eligible to be registered or licensed under this Act, wilfully and falsely takes or uses a name, title or addition implying a qualification to practice as an environmental professional or who, not being registered or issued with a practicing certificate under this Act, practices or professes to practice or publishes their name as practicing as an environmental professional commits an offence and shall be liable, on conviction, to a fine not exceeding five hundred thousand

shillings or to imprisonment for a term not exceeding five years or both.

(2) A person who, not being eligible to be registered or issued with a practicing certificate under this Act, uses the title "environmental professional" commits an offence and shall be liable, on conviction, to a fine not exceeding three hundred thousand shillings or imprisonment for a term not exceeding six months or both.

Obstruction of officers of the Council.

36. A person who obstructs or hinders, or knowingly makes a false or misleading statement to a member, officer, servant or agent of the Council who is carrying out duties under this Act commits an offence and shall be liable, on conviction, to a fine not exceeding three hundred thousand shillings or imprisonment for a term not exceeding one year or both.

PART V—FINANCIAL PROVISIONS.

Funds of the Institute.

37. The funds of the Institute shall comprise—

(a) such fees, monies or assets as may accrue to or vest in the Institute in the course of the exercise of its powers or the performance of its functions under this Act or under any other written law;

(b) all monies from such other source as may be provided for or donated or lent to the Institute;

(c) donations, grants, gifts and endowments from lawful organizations or sources; and

(d) such monies as may be payable to the Institute pursuant to this Act or any other written law.

Financial year.

38. The financial year of the Council shall be the period of twelve months ending on the 31st December of every year.

Annual estimates.

39. (1) At least three months before the commencement of each financial year, the Council shall cause to be prepared estimates of the revenue and expenditure of the Institute for that year.

(2) The annual estimates shall make provision for the estimated expenditure of the Institute for the financial year and in particular, the estimates shall provide for—

(a) the payment of the allowances and other charges in respect of members of the Council;

(b) the payment of salaries, pensions, gratuities and other charges in respect of staff of the Institute;

(c) the proper maintenance of the buildings and grounds of the Institute;

(d) the maintenance, repair and replacement of the equipment and other property of the Institute; and

(e) the creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment, or in respect of such other matter as the Council may deem appropriate.

(3) The annual estimates shall be approved by the Council before the commencement of the financial year to which they relate.

Accounts and audit.

40. The Council shall cause to be kept proper books and records of accounts of the income, expenditure and assets of the Institute to be audited as of the 31st December of every year.

Investment of funds.

41. The Council may invest funds, not immediately required for its purposes, in securities in which for the time being trustees may by law invest trust funds, or in any other securities or banks.

PART VI – MEETINGS OF THE INSTITUTE

Ordinary general meeting.

42. (1) The Council shall convene an ordinary general meeting of the Institute in the month of March of every year at such venue as may be determined by the Council.

(2) The Council shall present to the ordinary general meeting a full report of the activities of the Institute in the immediately preceding year.

Requisitioning a special general meeting.

43. (1) A special general meeting shall be convened—

(a) if requisitioned by at least ten percent of the members of the Institute; or

(b) by the Council on its own motion after giving a thirty days' notice.

(2) The notice requisitioning a special general meeting under subsection (1)(a) shall—

(a) be in writing;

(b) be signed by the members of the Institute as specified in subsection (1);

(c) specify the object of the proposed meeting; and

(d) be submitted to the Registrar.

(3) The Council shall, within fourteen days of receiving a requisition submitted under subsection (2), convene a special general meeting of the Institute.

(4) If within fourteen days after the requisition, the Council fails to convene a general meeting in accordance with the requisition and specifying that it shall be held within thirty days, the members may themselves convene that general meeting to be held within two months after such requisition.

Convening and procedure of meetings.

44. Subject to the provisions of this Act, the manner of convening general meetings of the Institute and the procedure at a general meeting shall, be as may be prescribed, from time to time, by the Council.

Resolutions of the Institute.

45. (1) Except for the purpose for which a special resolution is expressly required by this Act or by regulations made under this Act, the resolutions of the Institute in a general meeting shall be by simple majority vote.

(2) In this Act a "special resolution" means a resolution passed by not less than two-thirds of such members of the Institute as may be present and vote thereon at a general meeting of the Institute, duly convened with notice of the intention to propose such resolution.

Voting.

46. Every member present at a general meeting of the Institute shall have one vote, and the president of that Council shall also have a casting vote.

Voting procedure.

47. Subject to the provisions of this Act, the procedure of voting at the general meetings, shall, be as may be prescribed, from time to time, by the Council.

Alteration of resolutions.

48. A resolution of the Institute in a general meeting shall not be altered or rescinded within nine months after

the passage of the resolution without a special resolution of the Institute.

Minutes.

49. The Council shall cause proper minutes and resolutions of the meetings of the Council and of the general meeting to be taken and recorded.

PART VII – MISCELLANEOUS

Collaboration with the National Environment Management Authority. Cap 387.

50. In carrying out its functions, the Institute shall work in collaboration and co-operation with the National Environment Management Authority established under the Environmental Management and Co-ordination Act.

Regulations.

51. (1) The Council may, subject to the provisions of this Act and with the approval by a resolution of members make regulations generally for the better carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of the foregoing, the regulations under this Act may—

(a) prescribe the form and method of keeping the Register under this Act;

(b) prescribe forms, methods and regulations concerning conditions for the issuance of licenses;

(c) prescribe the manner of professional development, subject matter of professional development courses, standards of proficiency for the environmental profession, whom provision is made under this Act to be regulated;

(d) prescribe the code of ethics, rules of professional conduct and standards and conditions of practice of persons registered or licensed under this Act;

(e) provide for the procedure to be followed by the Council in a disciplinary inquiry;

(f) provide for enforcing the attendance of witnesses and the production of books and documents at an inquiry held by the Council;

(g) prescribe forms to be used in connection with this Act or fees to be charged under this Act;

(h) prescribe the procedure for application and issuance of a practicing certificate under this Act; and

(i) prescribe anything required by this Act to be prescribed.

Transitional provisions.

52. (1) Notwithstanding anything in this Act, a person who, immediately before the date of commencement of this Act was engaged in the practice of the environment profession shall be entitled to continue in such practice without a practicing certificate under this Act —

(a) for a period of one year beginning with the date of the commencement of this Act; and

(b) if before the expiration of six months, the person applies for a practicing certificate under this Act, until the practicing certificate is granted or finally refused, or the application is withdrawn.

(2) The Council of the Environmental Professionals Institute of Kenya existing before the enactment of this Act shall assume the responsibilities imposed on the Council by this Act as an Interim Council until the first elections are held under this Act.

(3) A person who was immediately before the commencement of this Act serving as the Chief Executive Officer or an employee of the former Institute shall continue in office until the expiry of their term.

(4) The president elected at the last annual general meeting of the former Institute shall continue to act as president of the Institute until the first elections held under this Act.

(5) A rule or regulation made, order or directive issued, notification given or an administrative act undertaken by the former Council of the former Institute, shall be deemed to have been made, issued, given or undertaken under this Act and shall continue in force and have effect as if it had been so made, issued, given or undertaken under this Act.

(6) The property, which, immediately before the commencement of this Act, was vested in the former Institute, shall, on the date of commencement of this Act, vest in the Institute, subject to the interests, liabilities,

charges, obligations and trusts affecting that property.

(7) The first annual general meeting of the Institute shall be convened by the Interim Council within a period of twelve months of the commencement of this Act.

(8) "former Institute" means the Environment Institute of Kenya existing before the enactment of this Act.

FIRST SCHEDULE (section 6)

ELECTION OF COUNCIL MEMBERS

Elections of the members of the Council.

1. The election of the president, vice-president and members of the Council shall be—

(a) conducted in a transparent and fair manner;

(b) in every third year after the election of the Council;

(c) by secret ballot; and

(d) conducted on the same day by the members physically present.

Supervision of the election.

2. The elections for the membership of the Council shall be conducted by such body as the Council may propose and approved by the general meeting preceding the election.

SECOND SCHEDULE (Section 16)

PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE COUNCIL

Meetings.

1. (1) The Council shall meet not less than four times in every financial year and not more than four months shall elapse between the date of one meeting and the date of the next meeting.

(2) Notwithstanding subparagraph (2), the president of the Council may convene a special meeting of the Council for the transaction of the business of the Council, upon requisition in writing by at least five members of the Council.

(3) Unless three quarters of the total members of the Council otherwise agree, at least fourteen days' written notice of every meeting of the Council shall be given to every member of the Council

Quorum.

2. (1) The quorum for the conduct of the business of the Council shall be five members.

(2) The president shall preside at every meeting of the Council and in the absence of the president, the vice-president shall preside at such meeting and shall have all the powers of the president with respect to that meeting and the business transacted thereat.

(3) In the absence of both the president and vice-president, the members present shall elect one of their members to preside and the person so elected shall have all the powers of the president with respect to that meeting and the business transacted thereat.

(4) Unless a unanimous decision is reached, a decision on a matter before the Council shall be by a majority of the votes of the members present and voting, and in case of an equality of votes, the president or the person presiding shall have a casting vote.

(5) Subject to subparagraph (5), no proceedings of the Council shall be invalid by reason only of a vacancy among the members thereof.

(6) Subject to the provisions of this Schedule, the Council may determine its own procedure and the

procedure for a committee of the Council and for the attendance of other persons at its meetings and may make standing orders in respect thereof.

Removal from Office.

3. (1) A member of the Council, other than an *ex officio* member, may be removed from office at a general meeting by a vote of at least two thirds of the members present and eligible to vote on grounds of —

(a) inability to perform the functions of the office arising from mental or physical infirmity;

(b) suspension or expulsion as provided under the Act;

(c) bankruptcy; or

(d) failure to attend three consecutive Council meetings, without reasonable grounds acceptable to the Council.

(2) Before removal under subsection (1), such member of the Council shall be—

(a) informed of the reasons for the intended removal, in writing; and

(b) given an opportunity to put in a defence against the allegations, either in person or through an advocate.

Disclosure of interest.

4. (1) A member of the Council, who has an interest in a contract or other matter and present at a meeting, shall at the meeting and as soon as reasonably practicable after the commencement, disclose the fact thereof and shall not take part in the consideration or discussion of, or vote on any question with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter.

(2) A disclosure of interest made under subparagraph (1) shall be recorded in the minutes of the meeting at which it is made.

(3) A member of the Council who contravenes subparagraph (1) commits an offence and shall be liable, on conviction, to a fine not exceeding five hundred thousand shillings.

Contracts and instruments.

5. A contract or instrument which, if entered into or executed by a person not being a body corporate would not require to be under seal, may be entered into or executed on behalf of the Council by a person generally or specially authorized by the Council for that purpose.

Committees of the Council.

6. (1) The Council shall establish the following committees for the effective discharge of its functions—

(a) Legal Ethics and Membership Services Committee;

(b) Partnership, Education and Communication Committee;

(c) Resource Mobilization Committee; and

(d) Finance and Administration Committee.

(2) Despite paragraph (1), the Council may establish such other ad hoc committees as may be necessary for the effective carrying out of the functions of the Council.

MEMORANDUM OF OBJECTS AND REASONS

Statement of objects and reasons for the Bill

The principal object of this Bill is to provide for a legal framework for the establishment of the Environmental Professionals Institute of Kenya. The Bill further seeks to promote professionalism within the environment profession and to also provide mechanisms for registration, licensing, regulation and professional development of environmental professionals.

Part I of the Bill contains preliminary provisions.

Part II of the Bill provides for the establishment of the Environmental Professionals Institute of Kenya; functions of the Institute; Council of the Institute; composition of the Council; powers of the Council; remuneration of Council members; eligibility of election as a member of the Council; Registrar; qualification of the Registrar; committees of the Council; staff of the Institute; experts and consultants; delegation by the Council; conduct of business and affairs of the Council; common seal; and protection from personal liability.

Part III of the Bill provides for the registration and licensing of environmental professionals including membership of the Institute; membership rights; qualifications for registration; registration; registration as an environmental firm; certificate of registration; register of environmental professionals; removal of name from register; publication of register; authorization to practice; and period of validity of practicing certificate.

Part IV of the Bill provides for enforcement including false registration or licensing; professional misconduct; disciplinary proceedings by the Council; effect of removal, suspension and cancellation; appeals; offences by unregistered or unlicensed persons; and obstruction of officers of the Council.

Part V of the Bill contains financial provisions including funds of the Institute; financial year; annual estimates; accounts and audit; and investment of funds.

Part VI of the Bill contains provisions on meetings of the Institute including ordinary general meeting, requisitioning a special general meeting; convening and procedure of meetings; resolutions of the Institute; voting; voting procedure; alteration of resolutions; and minutes.

Part VII of the Bill provides for miscellaneous provisions including collaboration with the National Environment Management Authority; power of the Council to make regulations; and transitional provisions.

The **First Schedule** of the Bill provides for the election of Council members.

The **Second Schedule** of the Bill contains provisions as to the conduct of business and affairs of the Council.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

This Bill delegates legislative power to the Council of the Institute to make regulations for the carrying into effect of its provisions. The Bill does not limit fundamental rights or freedoms.

Statement that the Bill concerns county governments

The Bill does not affect the functions of the county governments as set out in the Fourth Schedule of the Constitution.

Statement as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution

The enactment of this Bill will not occasion additional expenditure of public funds.

Dated the 5th July, 2024.

GEORGE GACHAGUA,
Member of Parliament.

