



NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY

ENVIRONMENTAL SUSTAINABILITY PERFORMANCE CONTRACT GUIDELINES FOR MINISTRIES, DEPARTMENTS AND AGENCIES (MDAs) FOR 2015-2016 FINANCIAL YEAR

Introduction

Environmental Sustainability – refers to concerted efforts to mitigate against environmental degradation. It is the maintenance of the factors and practices that contribute to the quality of environment on a long term basis. (Refer to 12th cycle PC guidelines page 55).

The 12th cycle Performance Contract Guidelines for 2015-2016 provides that all Ministries, Departments and Agencies (MDAs) are required to:

- Comply with the Environmental Management and Coordination Act (EMCA);
- Submit 2014/15 Environmental Sustainability Audit Report on compliance with EMCA- 1999 by 30th Sept, 2015 (10%);
- Submit Annual work plan based on the 2014/15 Audit Report by 30th Sept, 2015 (5%); Format table 2)
- Establish/operationalize environmental sustainability committee (5%);
- Submit quarterly reports on the implementation of recommendations of the 2014/15 Audit Report by the 14th Day after the end of each quarter (80%). (Format table 3)
- New MDAs are required to carry out an Environmental Sustainability Audit within the contract year. In addition agencies are expected to implement activities outlined in table 1

MDAs Environmental Sustainability Audit Checklist

These guidelines provide a framework/checklist for environmental sustainability audit report preparation consistent with the provisions of EMCA, 1999. For those MDAs that have prepared the Audit report for 2014/15 the checklist suggests areas for intervention. However agencies work plans must be guided by recommendations from the 2014/15 environmental sustainability Audit report.

Key areas of focus that should be given priority include;-

- Preparation and submission of an approved environment policy for those institutions that have not submitted
- Establishment and operationalization of environment sustainability committees including holding quarterly meetings
- Addressing waste management issues (segregation, reusing, recycling, use of licensed transporters etc).
- Sensitization of staff and stakeholder on environmental sustainability
- Licensing of applicable activities under various EMCA Regulations including EIA for new projects
- Recognition of institutional environmental champions

Table 1: Guidance to environmental sustainability activities and Audit reports

Focal Area	Justification	Areas of Audit	Output/indicators
Environmental Sustainability planning	<p>Environmental sustainability involves making decisions and taking action that are in the interests of protecting the natural world, with particular emphasis on preserving the capability of the environment to support human life</p> <p>Sustainability means “meeting the needs of the present without compromising the ability of future generations to meet their own needs.”</p> <p>Sustainability is not an end goal, but a journey that MDAs should take to improve the social equity, environmental, and economic conditions in their jurisdiction.</p> <p>MDAs should explore the environmental issues within their operations, develop appropriate interventions and document the same in form of environmental sustainability policy</p>	<ul style="list-style-type: none"> - Development of an institutional workplace environment policy -Establishment of structures to address environmental issues - Adopting respect for the environment as a core value in the Service Charter -Contribution to preparation of State of Environment (SOE) reports and Environment Actions Plan (EAPs) -Compliance with the Environmental Impact Assessment and Environmental Audit regulations, 2006) -Submission of comments during EIA review (where applicable) 	<ul style="list-style-type: none"> -Institutional environmental sustainability policy -Environmental sustainability committee in place - Core value in the Service Charter -Inputs to SOE and EAP process on request - EIA reports for new projects -Annual environmental audit reports -Feedback on EIAs review (where applicable)
Pollution control	<p>Solid waste Waste Management Regulations are meant to streamline the segregation, handling, transportation and disposal of various types of waste. The aim of the Waste Management Regulations is to protect human health and the environment. The regulations place emphasis on waste minimization, cleaner production and segregation of waste at source</p> <p>MDAs generate a lot of waste that if not properly handled lead to pollution and increase in waste dumps. Each MDA should demonstrate measures that control, prevents and reduce pollution to the environment</p>	<p>Compliance with Waste management regulations, 2006</p> <ul style="list-style-type: none"> -Interventions on reducing, reusing, and recycling of waste in the respective institutions -Proof of proper disposal of solid waste, air conditioners, asbestos and E-waste among others -Installation of waste segregation bins - Submission of annual environmental audit reports where applicable 	<ul style="list-style-type: none"> -Waste Reducing, reusing and recycling initiatives in place - Evidence of contracted NEMA licensed waste handler or facility - Segregation bins -Environmental Audit Reports

Focal Area	Justification	Areas of Audit	Output/indicators
	<p>Effluent Discharge This entails sustainable use of water, minimizing wastage and appropriate disposal of effluent. The objective of the water quality regulations is to protect human health and the environment from negative impact of pollution from effluent discharge into the environment. The effective enforcement of the water quality regulations will lead to a marked reduction of water-borne diseases and hence a reduction in the health budget.</p>	<p>Compliance to Water quality regulations, 2006 -Water recycling, reuse and conservation -Licensing of effluent discharges where applicable -Construction of Sewerage facilities - Installation of Septic, soak pit and other sanitary methods of effluent control</p>	<p>-License issued by NEMA -licensed Sewerage facilities -Proof of connectivity to main sewers -Proof of water conservation measures</p>
	<p>Noise and Air pollution This is addressed through activities or interventions towards prevention, control and abatement of air pollution to ensure clean and healthy ambient air. Air pollution sources may be mobile sources (e.g. motor vehicles) and stationary sources (e.g. industries) as outlined in the Environmental Management and Coordination Act, 1999.</p>	<p>-Proof of measures to promote compliance to Noise and Excessive vibrations regulations, 2008 -Proof of measures to reduce air pollution</p>	<p>Measures to promote compliance to Noise and Excessive vibrations regulations Measures to reduce air pollution</p>
<p>Climate change mitigation and adaptation (Refer to the climate change response strategy and action plan)</p>	<p>Climate change is the worst challenge of our time and is characterized by unpredictable weather patterns such as increased rainfall, temperatures, drought and hunger.</p> <p>Climate mitigation is any action taken to permanently eliminate or reduce the long-term risk and hazards of climate change to human life, property.</p> <p>Climate change adaptations entail how individuals, groups and natural systems can prepare for and respond to changes in climate or their environment. MDAs should take action to promote mitigation and adaptation to climate change.</p>	<p>Climate change adaptation and mitigation initiatives such as:- -Installation of energy saving devices, renewable energy, water harvesting, -Proof of measures to control greenhouse gases -Proof of mitigation and adaptation initiatives</p> <p>Compliance to Controlled substances regulations, 2007;- Importation, use and disposal of Ozone Depleting Substances (ODS)</p>	<p>-Energy saving devices</p> <p>-Rain water harvesting structures in place - Measures to control greenhouse gases - Mitigation and adaptation initiatives</p> <p>-Measures in place on importation, use and disposal of ODS</p>

Focal Area	Justification	Areas of Audit	Output/indicators
Environmental ecological enhancement	<p>Many ecosystems have been degraded in Kenya over several decades of misuse and overuse.</p> <p>Ecological restoration is a valuable endeavour to ensure that degraded and destroyed natural ecosystems will be re-established to levels where they once existed. The Constitution of Kenya (2010) demands that forest cover in Kenya be increased to at least 10%.</p>	<p>Compliance to the Conservation of biological diversity and benefit sharing regulations, 2006</p> <ul style="list-style-type: none"> -Proof of Authority to access genetic resources -Proof of benefit sharing arrangements on utilization of biological and genetic resources -Activities toward increase of forest cover 	<ul style="list-style-type: none"> -Permits to access genetic resources -Evidence of benefit sharing on utilization of biological and genetic resources No. of trees planted and survived
	<p>Ecosystems such as wetlands are under threat from human activities. This leads to degradation and have to be restored to increase biodiversity, clean water, improve microclimate, improved economy etc.</p> <p>Some institutions near wetland are likely to be benefitting from the goods and services derived from the wetlands and hence the need to undertake activities toward enhancement of the same</p>	<p>Compliance to Wetlands, River banks, lakeshores, and seashore management regulations, 2009</p> <ul style="list-style-type: none"> -Submission of EIA reports for new projects where applicable - Submission of EA reports -Environment management plans for forests, wetlands, coastal zone, Environment significant areas among others -Plant or support tree planting initiatives -Restoration of degraded sites -Conservation of riparian reserve 	<ul style="list-style-type: none"> -EIA Reports -EA Reports -Environment management plans -No. of surviving trees -size of degraded lands restored -Area of riparian reserves secured and conserved
Environmental education and awareness	<p>Environmental awareness entails understanding the fragility of our environment and the importance of its protection. The MDAs need to make all their staff aware of their relationship with the environment from a social, ecological and economic perspective. The same understanding and awareness should be extended to other stakeholders and the local community.</p> <p>Promoting environmental awareness is an easy way to become an environmental steward and participate in creating a brighter future for our children. Environmental</p>	<ul style="list-style-type: none"> -Proof of behaviour change among staff -Sensitization of staff and public on Environmental sustainability relevant to the institutional mandate - Participation in environmental events with communities and schools -Recognition of environmental champions 	<ul style="list-style-type: none"> -Behaviour change assessment -Reduced cost of electricity, water -Reduced waste -Evidence of Participation in environmental events -Evidence of appreciation of environmental sustainability champions

Focal Area	Justification	Areas of Audit	Output/indicators
	awareness evokes the necessity and responsibility of humans to respect, protect, and preserve the natural world from its anthropogenic (caused by humans) afflictions.		
Promoting Environmental protection and conservation through partnerships with stakeholders	Sustainability requires participation of diverse stakeholders. A single institution cannot achieve much and needs to team up with others in joint projects. The MDAs could take advantage of partnerships to profile themselves as a way of giving back to the community through Corporate Social Responsibility (CSR).	-Environmental projects and activities undertaken through partnership with stakeholders -Memorandum of understanding -Joint management plans -Corporate social responsibility (CSR) on environment -Proof of Partnerships with NEMA on Monitoring and inspections to ensure compliance with environment legislation	-Projects and activities undertaken jointly -MoUs -Joint management plans -CSR initiatives in place -Areas of partnerships with NEMA on Monitoring and inspections to ensure compliance with environment legislation

Submission of Reports

Quarterly reports to be submitted to The Director General, NEMA, P.O Box 67839 -00200 NAIROBI, Kapiti Rd, South C in a prescribed template / format available on the NEMA website (www.nema.go.ke).

Responsibility of NEMA

The Authority will:

Monitor agencies, review the quarterly reports and provide feedback and also issue a certificate at the end of the performance contract period indicating the score.

Table 2: Format Annual Work Plan

Annual Work Plan for Environmental Sustainability targets 1 st July, 2015-30 th June 2016						
Name of Organization	Type of Organizations (tick where Applicable)					
NEMA	Ministry or Department:		County		Public University	
	State Corporation		Tertiary Institution		Others Specify	
Focal areas	Annual Activities	Targets- Indicator	Time frame			
			1 st quarter	2 nd quarter	3 rd quarter	4 th Quarter
Environmental Sustainability planning	-Submission of Annual work plan	-Annual work plan	X	-	-	-
	-Submission of Audit report	-Audit report	X	-	-	-
	-Submission of quarterly reports	-Quarterly reports	X	X	X	X
	-Development of an institutional workplace environment policy	-Workplace environmental policy	-	X	X	X
Pollution control	-Installation of 6 waste segregations bins	-No of bins procured	X	X	-	-
Prepared by Name: Address: Telephone Contacts: E-Mail: Signature..... Date:						

Table 3: Reporting Format for the Quarterly reports on Environmental Sustainability

Reporting format for Environmental Sustainability for Public Institutions Quarterly report for the Period –1 st July-30 th Sept, 2015							
Name of Organization	Type of Organizations (tick where Applicable)						
NEMA	Ministry or Department:			County		Public University	
	State Corporation			Tertiary Institution		Others Specify	
Focal areas	Annual Activities	Targets-	Indicator	achievement (%)	Target for the Quarter	Variance	Challenges
Environmental Sustainability planning	-Submission of Annual work plan -Submission of Audit report -Submission of quarterly reports		-Annual work plan -Audit report -Quarterly reports	100%	100%	Nil	
	-Development of an institutional workplace environment policy		-Workplace environmental policy	100%	100%	Nil	Committee members need sensitization
Pollution control	-Installation of 6 waste segregations bins		-No. of Bins installed	50%	100%	(50%)	
Achievements during the reporting period and reasons for under achievement 1. Environmental Sustainability planning: a. During the quarter Submitted annual work plan, the Audit report and the 1 st quarter progress report b. Development of an institutional workplace environment policy: During the period a draft workplace environment policy was prepared as planned 2. Pollution control: During the quarter procurement of the 6 waste bins initiated. To be finalized in the 2 nd quarter							
Reporting officer Name: Address: Telephone Contacts: E-Mail: Signature.....							

GUIDELINES TO DEVELOPING AN INSTITUTIONAL ENVIRONMENT POLICY (For agencies that have not developed an environment policy)

A. What is an institutional environment policy?

An environmental policy for an institution/MDA is the top management's declaration of its environmental commitment to reducing its environmental impacts.

It is a set of basic principles which guide the institution when defining objectives and targets for improving environmental performance.

It is also a key tool for informing employees, customers, environmental interest groups, etc. what the institution's environmental priorities are.

The institution must act according to its principles. For example, an institution cannot be committed to energy efficiency on paper, while using obsolete energy-intensive production processes in practice. If the institution has decided that energy is a key issue, it must act accordingly and back this up with resources, in so far as this is economically and financially reasonable.

An environmental policy:

- Is written clearly, concisely and in plain language so everyone can understand it.
- Is credible and realistic.
- Does not make promises that the institution cannot keep.
- It motivates employees to action.
- It addresses top priorities for being an efficient environmental performer.
- It gives clear direction of how it can be achieved through objectives and targets.
- Should be developed with input from staff.

B. Outline of an institutional Environment policy

The policy should:

1. State the organisation's missions and core values
2. Commit to:
 - protecting the environment
 - complying with relevant legislation and/or regulation
 - complying with relevant government policy commitments
 - continual improvement in environmental performance
3. Set a timeline for periodically reviewing environmental goals
4. Be signed off by the organisations chief executive officer
5. Be easily accessible and publicly available
6. Be included in staff and contractor inductions
7. Incorporated in other relevant documents (e.g. contract and business planning documents).

C. Sample

The Department of Sustainability and Environment is committed to a future in which all people are living sustainably within their natural and built environments.

The Department will focus on sustainability as a key driver in its own activities. We are committed to improving the environmental performance of our office-based activities, and to be leaders in best practice environmental management of these. This forms a key component of our commitment to demonstrate good environmental practice in our own operations.

To do this we will establish appropriate procedures and practices to minimise the consumption of energy, water, paper and other material inputs, and minimise the generation of waste, associated with our office-based activities. These will include:

- reducing energy, water and paper intensity of our office-based operations.
- purchasing Green Power (if applicable)
- reducing the amount of waste we produce, and maximising the amount reused and recycled.
- separating our office waste into reusable, recyclable, compost and true waste components.
- reducing greenhouse gas emissions associated with our vehicle fleet.

- ensuring that all new capital works programs incorporate comprehensive environmental sustainability principles.
 - making environmentally-sound purchasing decisions for capital items and consumables.
 - adopting a pollution prevention approach to our activities.
 - communicating our environmental performance through regular reporting.
 - striving for continual improvement in our environmental performance.
 - recognising that all staff have a responsibility to assist the Department to meet these Commitments, empowering staff to minimize our environmental impacts through generating staff awareness, and encouraging participation and feedback.
- The institution will comply with all relevant Government environmental management policy, practices, regulations and legislation.

Outline of an Environmental Sustainability Audit report

- Introduction:- Mandate of the MDA
- Areas/activities/project that must comply with EMCA and relevant section/laws/regulation
- The past and present impacts of the MDA on environment
- The responsibility and proficiency/ability/skill/ capacity of the MDA to deals with the impacts
- Existing internal control measures to identify and mitigate activities with negative environmental impacts
- Existing internal control mechanisms to ensure the workers' health and safety
- The existence of environmental awareness and sensitization measures including environmental standards and regulations, laws and policy for the managerial and operational personnel
- Recommendations for areas of improvement

Recommendations

Areas	Status	Recommendations for improvement
Waste management	Poor waste management	-Segregation bins be installed in common areas -Contract waste transporter registered with NEMA

NB: Reference may be made to EMCA, 1999 and regulations developed available on the NEMA website www.nema.go.ke

