

**KENYA SCHOOL OF LAW
DIPLOMA IN PARA-LEGAL STUDIES
ENVIRONMENTAL LAW**



A. COURSE OUTLINE

1. The Concept of the Environment and Environmental Law

- 1.1. Introduction to the Environment
- 1.2. Introduction to Environmental Law
- 1.3. Environment Remedies Under the Law of Tort
- 1.4. Historical Development of Environmental Law in Kenya
- 1.5. The Right to a Clean Environment

2. Legal and Institutional Framework for the Environmental Law

- 2.1. Sources of Environmental Law
- 2.2. Institutional Framework of Environmental Law
- 2.3. Environmental Planning
- 2.4. International Environmental Law
 - 2.4.1. Treaties and Conventions
 - 2.4.2. Rights to and Use of Shared Resources
 - 2.4.3. Responsibility for Trans Boundary Pollution
 - 2.4.4. Using International Law to Interpret and Enforce Rights

3. Principles of Sustainable Development

- 3.1. Introduction to Sustainable Development
- 3.2. Principle of Public Participation
- 3.3. Cultural and Social Principles Traditionally Applied in Kenya
- 3.4. Principle of International Cooperation
- 3.5. Principle of Intergenerational Equity
- 3.6. Principle of Intragenerational Equity
- 3.7. Polluter-Pays Principle
- 3.8. Pre-Cautious Principle
- 3.9. Trusteeship Principle
- 3.10. Prior Informed Consent

4. Environmental Rights and their Enforcement

- 4.1. The Right to a Clean Environment
- 4.2. Right to Access to Environmental Justice and Equity
- 4.3. Right to Information
- 4.4. Right to Environmental Quality
- 4.5. Enforcement Of Environment Rights and Dispute Resolution
 - 4.5.1. Jurisdiction, Causation, Locus Standi and Timelines
 - 4.5.2. Litigation Including Rules of Procedure, Evidence, Standard of Proof
 - 4.5.3. Alternative Dispute Resolution Including Arbitration
 - 4.5.4. Environmental crimes, sanctions and penalties
 - 4.5.5. Dispute Resolution at the International Level
 - 4.5.6. Remedial Measures (Injunctions, Damages, Restitution and Remediation)

4.5.7. Enforcement of Judicial Decisions

5. Kenya's Legal Mechanisms for Environmental Protection

- 5.1. Strategic Environmental Assessment
- 5.2. Environmental Impact Assessment
- 5.3. Environmental Audit and Monitoring
- 5.4. Environmental Quality Standards
- 5.5. Licensing and Permits
- 5.6. Environmental Restoration Orders, Conservation Orders and Easements
- 5.7. Inspection, Analysis and Records
- 5.8. Prohibiting And Restricting Activities and Substances

6. Air, Atmospheric Pollution and Climate Change

- 6.1. Air Pollution
- 6.2. Noise
- 6.3. Atmosphere & the Ozone Layer
- 6.4. Climate Change

7. Land and Soil

- 7.1. Land Use Regulation and Planning
- 7.2. Transportation
- 7.3. Soil and Agriculture
- 7.4. Desertification
- 7.5. Forestry
- 7.6. Solid Waste Disposal

8. Biological Diversity and Nature Conservation

- 8.1. Tourism Sector Law and Policy
- 8.2. Protection of Cultural and Natural Heritage
- 8.3. Wildlife
- 8.4. Protection Biodiversity
- 8.5. Migratory Species
- 8.6. Trade in Endangered Species
- 8.7. Habitat Protection (Including Wetlands)
- 8.8. Biotechnology and Living Modified Organisms

9. Water Law and Policy

- 9.1. Surface and Ground Water
- 9.2. Marine Environment and Marine Pollution
- 9.3. Transboundary and International Water Courses

10. Energy And Mineral Resources Law and Policy

- 10.1. Oil and Gas
- 10.2. Non-Renewable Energy
- 10.3. Renewable Energy
- 10.4. Minerals

