

KENYA SCHOOL OF LAW
DIPLOMA IN PARA-LEGAL STUDIES
INTRODUCTION TO ENVIRONMENTAL LAW (PTP – 208)

COURSE OUTLINE

A. COURSE INSTRUCTOR

Mark Mukuha
mmukuha@ksl.ac.ke

B. INSTRUCTION HOURS

Thursday 9am to 12noon - (Morning)
Thursday 2pm to 5pm - (Afternoon)
Thursday 5.15pm to 8.15pm - (Evening)

C. CONSULTATION

On appointment

D. TEACHING METHODS/MODE OF DELIVERY

1. Lectures
2. Group Presentations
3. Research Assignments
4. Continuous Assessment Tests

E. ASSESSMENT

CAT 1	10%
CAT 2	10%
CAT 3	10%
End of Semester Examination	70%

F. PRE-REQUISITES

None

G. CONTACT HOURS

30 Hours

H. LEARNING OUTCOMES

1. Basic knowledge of the sources of environmental law, institutions concerned with the environment and mechanism applied by such institutions to protect the environment.
2. Understand the role of NGOs, civil society and communities in environmental issues.
3. Gain basic understanding of the emerging environmental issues like climate change, public participation.
4. Understand various aspects of the environment and natural resources such as water, energy, air pollution and toxic wastes

I. INTRODUCTION

Effective environmental governance is critical in finding solutions to the country's environmental challenges for supporting sustainable development. This course aims at enlightening students on the environmental governance structure including the legal, policy and institutional framework as well as the mechanisms that are necessary to ensure long-term sustenance of environmental resources. The course will also enable students to appreciate the different aspects of the environment, the role of different actors that impact on the environment including Governments, Non-Governmental Organizations, the private sector, and the civil society and specifically, the role of para-legal professionals in the enforcement and enjoyment of the right to a clean and healthy environment.

J. COURSE CONTENT

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. Principal of Intragenerational Equity
- 3.7. Polluter-Pays Principle
- 3.8. Pre-Cautionary Principle
- 3.9. Trusteeship Principle
- 3.10. Prior Informed Consent

4. Kenya's Legal Mechanisms for Environmental Protection

- 4.1. Strategic Environmental Assessment
- 4.2. Environmental Impact Assessment
- 4.3. Environmental Audit and Monitoring
- 4.4. Environmental Quality Standards
- 4.5. Licensing and Permits

- 4.6. Environmental Restoration Orders, Conservation Orders and Easements
- 4.7. Inspection, Analysis and Records
- 4.8. Prohibiting And Restricting Activities and Substances

5. Air, Atmospheric Pollution and Climate Change

- 5.1. Air Pollution
- 5.2. Noise
- 5.3. Atmosphere & the Ozone Layer
- 5.4. Climate Change

6. Land and Soil

- 6.1. Land Use Regulation and Planning
- 6.2. Transportation
- 6.3. Soil and Agriculture
- 6.4. Desertification
- 6.5. Forestry
- 6.6. Solid Waste Disposal

7. Biological Diversity and Nature Conservation

- 7.1. Tourism Sector Law and Policy
- 7.2. Protection of Cultural and Natural Heritage
- 7.3. Wildlife
- 7.4. Protection Biodiversity
- 7.5. Migratory Species
- 7.6. Trade in Endangered Species
- 7.7. Habitat Protection (Including Wetlands)
- 7.8. Biotechnology and Living Modified Organisms

8. Water Law and Policy

- 8.1. Surface and Ground Water
- 8.2. Marine Environment and Marine Pollution
- 8.3. Transboundary and International Water Courses

9. Energy And Mineral Resources Law and Policy

- 9.1. Oil and Gas
- 9.2. Non-Renewable Energy
- 9.3. Renewable Energy
- 9.4. Minerals

10. Management of Toxic and Hazardous Chemicals, Waste and Substances

- 10.1. Hazardous Wastes
- 10.2. Regulation of Pest Control
- 10.3. Control of Radioactive Substances
- 10.4. Medical Waste
- 10.5. Oil Discharge
- 10.6. E-Waste

K. KEY STATUTES

Constitution of Kenya, 2010

1. Environment Management and Coordination Act (EMCA)
2. Agriculture, Fisheries and Food Authority Act
3. Wildlife Conservation and Management Act
4. Forest Conservation and Management Act
5. Water Act, 2016
6. Mining Act, 2016
7. Physical Planning Act, 1996
8. Public Health Act, 2012
9. Radiation Protection Act, 2012
10. Maritime Zones Act, 1989
11. Climate Change Act, 2016
12. Energy Act, 2019
13. Petroleum Act, 2019
14. Community Land Act, 2016
15. Forest Conservation and Management Act, 2016
16. National Drought Management Authority Act, 2016
17. Natural Resources (Classes of Transactions Subject to Ratification) Act, 2016
18. Urban Areas and Cities Act, 2011
19. Environmental and Land Court, 2011
20. Fisheries Management and Development, 2016
21. Irrigation Act, 1966
22. Land Act, 2012
23. Land Registration Act, 2012
24. National Land Commission Act, 2012
25. Land Adjudication Act, 1968
26. Land Consolidation Act, 1959
27. Land Control Act, 1967
28. Sectional Properties Act, 1987
29. Protected Areas Act, 1949
30. Fair Administrative Action Act, 2015
31. Prevention of cruelty to animals, 1961

L. CORE TEXT

1. Pravin Bowry, A Guide to the Laws of Kenya (Law of Africa, 2021)
2. Kariuki Muigua, Didi Wamukoya and Francis Kariuki, Natural Resources and Environmental Justice in Kenya (Glenwood Publishers, 2015)
3. P. Birnie, A. Boyle and C. Redgwell, International Law and the Environment, 3rd ed. (New York: Oxford University Press, 2009)
4. D. Bodansky, The Art and Craft of International Environmental Law (Cambridge: Harvard University Press, 2010)
5. P. Sands and J. Peel, Principles of International Environmental Law, 3rd ed. (Cambridge: Cambridge University Press, 2012)
6. S. Alam, S. Atapattu, C. Gonzalez and J. Razzaque (eds.) International Environmental Law and the Global South, (Cambridge, Cambridge University Press, 2015)

M. REFERENCE TEXT

1. D. Bodansky, J. Brunne'e and E. Hey (eds.), The Oxford Handbook of International Environmental Law (2007)
2. D. Hunter, J. Salzman and D. Zaelke International Environmental Law and Policy, 4th ed. (New York: Foundation Press, 2011)
3. M. Fitzmaurice, D. M. Ong and P. Merkouris (eds.), Research Handbook on International Environmental Law (2010), Part III
4. S. Atapattu, Emerging Principles of International Environmental Law (New York: Transnational Publishers, 2006); N. de Sadeleer, Environmental Principles: From Political Slogans to Legal Rules (New York: Oxford University Press, 2002)

APPROVED BY

Mark Mukuha

Coordinator, PTP

Sign 

Date 17/01/2023

APPROVED

Dr. Henry Mutai

Director/CEO

Sign 

Date 19/1/23

