

ABSTRACT

The thesis addresses the state of implementation of Multilateral Environmental Agreements (MEAs) in the realm of biological diversity, ecosystem and habitat conservation which have been ratified by Kenya. The importance of the study is evident from the increasing environmental challenges facing the country despite the proliferation of MEAs, a phenomenon that is referred to in international law circles as 'treaty congestion.' The study is undertaken to determine the efficacy of Kenya's efforts in implementing the commitment it has assumed upon ratifying MEAs in the field of biological diversity, ecosystem and habitat conservation. While the study points out to the fact that Kenya is party to over fifty seven MEAs, for purposes of its critique, it focuses on the treaties relating to biodiversity conservation and the related areas of ecosystems and habitats. The study responds to four basic research questions, namely: (i) What has been Kenya's ratification practice since independence and to what extent has this impacted on the implementation of her MEA obligations in the field of the present study? (ii) How effective in have been Kenya's existing policy, legal and institutional frameworks in implementing her MEA obligations in the field of biodiversity, ecology and habitat conservation? (iii) Has Kenya prioritized environmental management and sustainable development in her national socioeconomic agenda? (iv) Has Kenya fulfilled her MEA obligations in accordance with the principle of *pacta sunt servanda*? The study responds to the above questions within the context of the country's changed Constitution, especially the implications of Article 2(5) and 2(6) addressing the relationship between international and national law. The conclusion drawn in the study is that despite the adoption of several policies and law to implement the MEA provisions within Kenya, the same has been undertaken in a piecemeal and uncoordinated manner and results in gaps in the implementation process in Kenya.