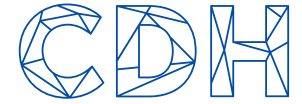


Environmental Law



ALERT | 18 November 2025

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KENYA

Kenya strengthens environmental sustainability oversight in the ICT sector



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ENVIRONMENTAL LAW ALERT

Kenya strengthens environmental sustainability oversight in the ICT sector



The Communications Authority of Kenya (CA) has launched the Environmental and Social Impact Assessment (ESIA) Guidelines for ICT Projects, 2025 and the Framework for Reduction of Carbon Emissions in the ICT Sector, 2025 (Framework). This marks a significant step toward embedding environmental sustainability into Kenya's fast-growing digital economy. Together, these instruments establish a comprehensive framework that aligns Kenya's information and communications technology (ICT) development with the country's national and international climate goals, which are reflected under the Climate Change Act, 2016, the United Nations Framework Convention on Climate Change and the Paris Agreement.

Established under the Kenya Information and Communications Act, 1998 (KICA), the CA regulates the telecommunications, broadcasting, postal and courier, e-commerce, and cybersecurity sub-sectors. As Kenya's lead ICT regulator, the CA's environmental responsibilities are anchored in the Environmental Management and Co-ordination Act, 1999 (EMCA), under which it is designated as the lead agency for the ICT sector. This mandate obliges the CA to collaborate with the National Environment Management Authority (NEMA) in reviewing ICT-related environmental assessments and ensuring that projects comply with national environmental law.

The ESIA Guidelines: Mainstreaming sustainability in ICT project development

The CA ESIA Guidelines establish uniform procedures and content requirements for environmental and social impact assessments of ICT projects such as masts, towers, data centres, fibre networks and broadcasting infrastructure. They are intended to complement, rather than replace, NEMA's ESIA processes under the EMCA, providing sector-specific guidance that reflects the unique environmental footprint of ICT infrastructure.

Key features include:

- Standardised reporting requirements: The ESIA Guidelines prescribe the structure, content and supporting documentation that must accompany ICT ESIA reports, ensuring consistency across the sector.
- Integration of sustainability principles: Developers must demonstrate resource efficiency, biodiversity protection, cultural heritage conservation, equitable participation and adherence to the precautionary principle.



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- Carbon reduction and energy efficiency: Projects must align with the CA's Framework and Kenya's national climate legislation, including the Climate Change Act, 2016.
- E-waste and lifecycle management: Proponents are required to prepare e-waste management plans covering all project phases, in line with circular economy principles.
- Verification and compliance: Evidence of stakeholder engagement, statutory approvals, and environmental management systems must be submitted for review by the CA and NEMA.

Through these provisions, the ESIA Guidelines embed environmental due diligence into every stage of ICT project design and implementation.

The Carbon Emission Reduction Framework: Decarbonizing the ICT Sector

Complementing the ESIA Guidelines, the CA's Framework provides a strategic roadmap for reducing greenhouse gas emissions from the ICT and postal sectors. Drawing from international standards – notably the International Telecommunication Union's Overview and general principles of methodologies for assessing the environmental impact of ICT (ITU-T L.1400) and the Greenhouse gas emissions trajectories for the ICT sector (ITU-T L.1470), and the Universal Postal Union's Online Solution for Carbon Analysis and Reporting – the Framework commits Kenya's ICT sector to measurable emission reductions consistent with the Paris Agreement's 1.5°C target.

The Framework is guided by four core principles: innovation, industry-driven efforts, technology neutrality and progressive attainment toward net-zero emissions by 2050. It aims to identify sectoral emission sources, set reduction targets and encourage ICT-enabled mitigation solutions such as e-commerce, e-government and virtualisation. The Framework requires licensees to adopt greener technologies and to report annually on their emission reduction performance. For the telecommunications subsector, indicators include the number of green, shared, smart and cloud-hosted sites; for the postal subsector, indicators capture energy efficiency and sustainable logistics practices.



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Conclusion

The rollout of the CA's ESIA Guidelines and Framework, marks a significant step in Kenya's efforts to align ICT sector growth with environmental responsibility. Together, these instruments demonstrate a co-ordinated national approach that integrates regulatory oversight with innovation-driven compliance, embedding sustainability into the foundation of Kenya's digital infrastructure development.

The ESIA Guidelines focus on addressing environmental and social impacts at the project approval stage, ensuring that proposed ICT developments meet sustainability and resource-efficiency standards before implementation. The Framework extends this responsibility into the operational phase, providing mechanisms for monitoring, reporting and reducing emissions throughout the lifecycle of ICT infrastructure. Collectively, they establish a full-cycle regulatory system that governs sustainability from project design and construction through operation and eventual decommissioning.

ICT and postal service providers, infrastructure developers, and investors should review these instruments closely to ensure future projects meet the new environmental expectations. Compliance will not only be a legal requirement but also a competitive advantage in an increasingly climate-conscious regulatory and market landscape.

Clarice Wambua and Lauriene Maingi



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BBBEE STATUS: LEVEL ONE CONTRIBUTOR

Our BBBEE verification is one of several components of our transformation strategy and we continue to seek ways of improving it in a meaningful manner.

PLEASE NOTE

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