

ANALYSIS OF STAKEHOLDERS' PARTICIPATION IN STRATEGIC ENVIRONMENTAL ASSESSMENT OF THE MASTER PLAN ON LOGISTICS IN THE NORTHERN ECONOMIC CORRIDOR IN KENYA

REAGAN OCHIENG' AWINO

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DECLARATION

This Thesis is my original work and has not been presented for a degree in any other University.

Signature:Date:

Reagan Ochieng' Awino

SUPERVISORS' DECLARATION

This Thesis has been submitted with our approval as University supervisors

Signature:Date:

Prof. Nicholas Oguge

Centre for Advanced Studies in Environmental Law and Policy

University of Nairobi

Signature:Date:

Prof. Jones Agwata

Department of Environmental Sciences

Machakos University

DEDICATION

This work is dedicated to *my wife, Maria, my mother, Sarah, my son Samuel and my daughter Maya*, who are my pillars and strength in everything I do; and to *all my friends* without whom none of my accomplishments would be conceivable.

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ABSTRACT

Across the globe, stakeholder participation has been advocated for and accepted as the most crucial and important component in environmental assessment processes. This study examined how stakeholders participated and their comments incorporated in the Strategic Environmental Assessment (SEA) for the Master Plan on Logistics of the Northern Economic Corridor (NEC), Kenya. The objectives were to undertake stakeholders' analysis, evaluate the incorporation of views into the SEA output and analyse the existing policy and institutional framework regarding stakeholder participation in the SEA process. The study used both qualitative and quantitative methods to collect primary and secondary data. Qualitative data were subjected to content analysis while quantitative data were subjected to descriptive analysis. The study established that the stakeholder mapping brought out the interests of the participants with 62% expressing interests in the logistics sector such as roads, rail, pipeline and/or inland waterways transport; while 38% had their interests in the indirect impacts of the Master Plan, that is, enhanced economic growth, employment, facilitating transport, environmental protection and adherence to the rule of law. The stakeholder analysis also established that participation was influenced by early engagement, provision of adequate information, openness, accountability, transparency, accessibility, inclusiveness, appropriate method of engagement, giving sufficient time to interrogate and give views, use of a common known language and having a feedback loop for the stakeholders as key factors. A substantial number (42%) of the participants interviewed were of the opinion that they were only informed about the Master Plan and the SEA process through provision of information (that is, one-way communication); 26% were consulted during the SEA process which was a two-way communication (that is, obtaining feedback and inputs); 19% were involved during the SEA planning process which meant that they worked directly with the Plan Owner to ensure that their views and concerns were consistently understood. A small number (13%) collaborated with the Plan Owner during the SEA process through joint planning meetings as well as analysis of issues. The views of participants influenced the decision-making process and were incorporated into the SEA output as evidenced by SEA approval conditional letter issued by the National Environment Management Authority (NEMA). However, most (63%) of the participants did not know about the final status or outcome of the SEA. 32% of the respondents indicated that the Master Plan was approved while 5% were of the opinion that it was under review. These results suggest that, the level of participation of stakeholders influenced the approval and decision-making process hence the incorporation of the stakeholder views into the SEA output although there was no stakeholder disclosure on the final status of the SEA. It is recommended that, the environmental regulator, NEMA, comes up with a stakeholder disclosure framework with the aim of communicating back to the engaged participants on the outcome of the participation process and how their views and inputs were used during the entire process to complement the National SEA guidelines, 2012. The study also recommends that an enforcement and monitoring mechanisms for the approved Strategic Environmental Assessment (SEA) should be undertaken by NEMA so as to ensure that the final outcomes of the PPPs are being implemented as approved while still ensuring that the stakeholder's views and inputs are utilized accordingly.

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LIST OF ABBREVIATIONS AND ACRONYMS

WB	World Bank
CASELAP	Centre for Advanced Studies in Environmental Law and Policy
CIDA	Canadian International Development Agency
CoK	Constitution of Kenya
EIA	Environment Impact Assessment
EIA/EA	Environmental Impact Assessment and Audit Regulations
EMCA	Environmental Management and Coordination Act
GoK	Government of Kenya
GuK	Government of United Kingdom
HPL	High Participation Level
LPL	Low Participation Level
MPL	Medium Participation Level
NB	Note
NEC	Northern Economic Corridor
NEMA	National Environmental Management Authority
NGOs	Non-Governmental Organizations
OECD	Organization for Economic Co-operation and Development
PP	Public Participation
PPP	Policy, Plan, Programme

SEA Strategic Environmental Assessments

UNECE United Nations Economic Commission for Europe

CHAPTER ONE: INTRODUCTION

1.1 Background to the study

Strategic Environmental Assessment (SEA) is an environmental assessment tool that can be used as a pro-active instrument that is critical in decision making to support those engaged in the policy, plan, and programme (PPP) making process. SEA enables policy and decision makers to give strategic decisions that are more environmentally sustainable. This implies that SEA does not simply assess impacts of proposed policy, plan and programme (PPP) actions in a reactive manner. Instead, it alters the directional thinking of the policy makers by advocating for the development viable alternatives for attaining environmental sustainability by avoiding, reducing and or mitigating the negative impacts while enhancing positive ones.

The SEA tool provides a structural way for evaluating and coming up with mitigation measures for a wide range of environmental risks that might contribute to the integration of emerging issues into policies, plans and programs (OECD, 2010). An appropriate integration of SEA into the policy and decision-making processes is a well-thought-out and critical component that ensures the success of SEA during execution. Most of the literature in the SEA field focuses on the substantive aspects of feasible alternatives during decision making and the foreseeable environmental and social impacts. However, limited focus has been given to the importance and effects of the SEA concepts about decision-making processes of policy, plan and programmes (Thissen, 2012).

Stakeholder participation has been the focus of many SEA studies worldwide (Doelle and Sinclair, 2005). The Aarhus Convention of 1998 states that “citizens must not only have access to information but must also be entitled to participate in decision making and have access to justice in environmental matters”. This means that the convention provides an avenue for the stakeholders and the public to express their views and concerns to the relevant authorities. This

is because the enhanced quality and implementation of decisions depends on the access to information by the public and their level of awareness on environmental issues and matters. Stakeholder participation is therefore an important feature of the SEA with several benefits ranging from more open and transparent decision-making to greater credence of outputs by the affected population (Rega and Baldizzone, 2014). Thus, stakeholder participation in the SEA has remained an investigative priority in the environmental sector policies with unsettled issues on how it influences decision making.

The SEA stakeholder participation process is meant to bring out the stakeholders' interest and needs for incorporation of their views into the PPP in question during the SEA process. It is noted that if SEA is to influence decisions, then the PPP Owner responsible for the SEA process is obligated to share the SEA document in question including what it aims to achieve. The vision needs to be comparable to the expectations of the stakeholders who are involved in the SEA implementation process of the PPP (John & Bram, 2014). This currently is not the case since the PPP Owner vision and objectives are different from those of the stakeholders who they engaged with during the stakeholder participation exercises.

Stakeholder participation has been identified as a very lengthy, iterative and tedious process which delays the implementation of the various PPPs. It is, therefore, suggested that there is need for the SEA process to be more efficient and effective if it to assist in making the concerned parties explain whether the SEA process ensures that stakeholder interests are incorporated into the final PPP output (John & Bram, 2014). Studies also indicate that it could take some time before the actual applications of SEA are realized which is a contradiction with the objectives and mandates of the PPP owners and the stakeholders who want to show that they are meeting their PPPs objectives and goals are being met. This implies that the SEA process is being done merely to meet the set legal requirements and not to influence the output of the PPP in question during decision making.

In Kenya, the SEA process is “a participatory process that allows lead agencies, civil society, the private sector, and other relevant stakeholders that will affect or be affected by the proposed PPP to contribute inputs to strategic decision-making” (GoK, 2012). This means that the PPP Owner needs to identify the stakeholders to engage in the SEA process through undertaking of stakeholder analysis. The stakeholder participation should be undertaken from the SEA scoping stage to the PPP implementation and monitoring. The participation process needs to ensure that even the politically and the socially marginalized groups who might have limited or no involvement knowledge are given a chance to provide their views and inputs into the decision-making process. This might involve being innovative and ensuring that everyone is reached whether they have access to the modern technological tools or not, have cultural differences, language barriers or are illiterate.

The SEA process heavily depends on actual, current and continuous stakeholder engagement. This has an influence on the final PPP output in terms of the decisions being made that are rooted in the political sphere comprising power relations among the various stakeholders including how they connect with each other and the environment. The main challenge is to guarantee that stakeholder engagement is expressively meaningful and not just merely a scenario of availing information to the relevant stakeholders but rather that it offers an opportunity to influence the final decisions being made in relation to the PPP in question (GoK, 2012)

Frequently, the debate on the SEA has concentrated on the reasons and options for stakeholder engagement as well as pin pointing out the benefits attached to decision-making in the resulting plans and programmes. There is comparative less information available on how things are in

reality regarding the practice of SEA and decision making (Fischer *et al.*, 2012). They both indicated the need to collect more information on the real value that SEA adds to the decision-making process while indicating the costs and benefits of the same. In view of the above, it would be of essence to understand to what extent stakeholder and public involvement adds value to the SEA decision-making process and if it does not what are the reasons as to why it does not.

1.2 Statement of the Problem

Across the globe, stakeholder participation has been advocated for and accepted as the most crucial and important component in the environmental assessment processes. However, in Kenya, the influence of stakeholder participation in environmental assessment and subsequent decision making is not certain despite it being a mandatory requirement under the Kenyan laws such as the Constitution of Kenya, 2010, the Environmental Management and Coordination Act, (EMCA), Cap 387 and the National SEA guidelines of 2012.

While stakeholder participation is necessary in numerous environmental assessment activities, the stakeholders often view the participatory components as being inadequate. This is can be attributed to non incorporation of their comments and views into the final outcome of the SEA process of policies, plans and programmes. This is exacerbated by the fact that there is no standard format for undertaking good stakeholder participation since it is not based on a fixed set up but rather on a perceived view and interpretation of the existing laws and guidelines on stakeholder participation.

Since the inception of EMCA Cap 387, limited studies have been undertaken on stakeholder participation in the SEA process in Kenya and in particular how it influences decision making. Consequently, there is a dearth of information on stakeholder participation and how views from the stakeholders have been incorporated in the SEA process to ensure proper decision-making

regarding policies, plans and programmes. This is despite the fact that the stakeholder engagement process usually starts with the analysis of the stakeholders' to be engaged and preempting their interests. This is in addition to not knowing the key factors that do influence the level of stakeholder participation during the SEA process which impacts on the final output of the Policy Plan and/or Programme (PPP).

Despite widespread expectation for stakeholder participation in the SEA process, there is need to demonstrate its implications on the output of the decision-making on policies, plans and programmes. The lack of such information may be due to the dearth of systematic studies exploring the implications of stakeholders' participation outputs in the SEA process in Kenya. But the implications on the SEA output cannot be ascertained if the participation of various stakeholders and their inputs is not evaluated thus, to bridge this gap, it is necessary to determine how views from the stakeholders are incorporated in SEA outputs.

1.3 Research questions

The main research question of the study was to establish the implications of stakeholder participation of the SEA process for the Master Plan on Logistics in the Northern Economic Corridor in Kenya. To address this question, the study was guided by the following specific questions:

- i) How was the stakeholders' analysis of the SEA process for the Master Plan on Logistics in the Northern Economic Corridor (NEC) in Kenya undertaken?
- ii) How did their views inform the decision making of the SEA?
- iii) How does the existing policy and institutional frameworks on stakeholder participation influence the SEA process?

1.4 Objectives of the study

The main objective of the study was to assess the implications of stakeholder participation of the SEA process for the Master Plan on Logistics in the Northern Economic Corridor. The specific objectives of the study were to:

- i) Undertake a stakeholder analysis of the SEA process for the NEC Master Plan;
- ii) Evaluate if the stakeholders' views were incorporated in the decision making;
- iii) Assess how the existing policy and institutional frameworks on stakeholder participation influenced the SEA process for the NEC Master Plan.

1.5 Justification and significance of the study

SEA is still regarded as an emerging environmental assessment tool that aids development in Kenya since it successfully integrates environmental factors into the various policies, plans and programmes (PPPs). Stakeholder participation is mandatory as per the legal requirements in Kenya based on the Constitution of Kenya, 2010 and EMCA, Cap 387 as well as the National SEA guidelines of 2012. The research aims to contribute to the understanding of what influence the stakeholder participation output has in decision-making of the SEA process in Kenya.

This study is of significance to the National Environment Management Authority (NEMA) as the environmental regulator, in that it will evaluate whether the participation process as envisaged in the EIA/EA regulations and the National SEA guidelines of 2012 really work as required or not and if the PPP Owners do adhere to the set requirements. The policy, plan and programme owners and the policy makers will also benefit from this study by understanding how important the role of participation is during the SEA process and enable them know whether NEMA really analyzes their comments and uses them to inform the decisions made or it is just a formality since it is a requirement of the law. The stakeholders will also benefit from

this study since they will be able to understand the impact they have in shaping the outcome of the PPPs and it will enable them know how to engage better and follow up their comments to inform the decision making. This will be really helpful during the PPP monitoring stage.

1.6 Scope and limitations of the study

The scope of the study in terms of spatial extent was limited to Nairobi area as opposed to the entire Northern Economic Corridor that extends from Mombasa to Malaba for the Kenyan side. The temporal perspective of the study was also limited to Nairobi by undertaking key informant interviews with selected participants who were engaged during the SEA process as per the records reviewed in the SEA report of the NEC Master Plan. The focus of the study was limited to how the stakeholder participation component was conducted and how it influenced the decision-making process if at all it did.

1.7 Assumptions of the study

This study was based on the assumption that stakeholder participation during the SEA process was robust, detailed and comprehensive, supported by the provisions of the existing laws, regulations and guidelines governing the SEA process. The study also assumed that the information gathered from the various respondents was accurate in view of the stakeholder engagement process during the SEA process for the NEC Master Plan. It was also assumed that the gathered comments from the stakeholders were adequately used and were incorporated into the final output of the Plan in question. Based on this, the study was meant to ascertain if the current experiences conform to the requirements of the existing laws, regulations and guidelines. This is especially with regard to the use and incorporation of the gathered comments from the stakeholders who were engaged during the SEA process for the NEC Master Plan.

CHAPTER TWO: LITERATURE REVIEW

2.1 Introduction

This chapter provides the history of SEA and a review of the various studies on Strategic Environmental Assessment that have been done focusing on stakeholder participation and the influence to the decision-making process at the global and national levels. The theoretical and conceptual frameworks of the study are also presented in the last sections of the chapter with a view to demonstrating their relevance to the study.

2.2 The History of Strategic Environmental Assessment

Strategic Environmental Assessment (SEA) as an environmental assessment tool has advanced over a period of time. The evolution of SEA can be classified into two clear-cut period of times. The first timeline was where SEAs were being undertaken as extended EIAs while using the EIA processes and the second timeline generation are where SEAs are more process focused and geared towards critical analysis of environmental issues in a sustainable manner. The second timeline which is being used currently takes cognizance of the need for engaging with all relevant stakeholders which implies that their inputs and views are to be used to inform the decision making process.

2.2.1 Global History of Strategic Environmental Assessment

SEA emerged more strongly in the 1990s despite being used as part of the EIA process as from the 1969 by the National Environmental Protection Agency in the United States of America. SEA is currently wide spread and being used globally by all developed and the developing countries to inform their development agendas through the various Policies, Plans and Programmes. This can be attributed to the inadequate response to the complexity of environmental problems that the Environmental Impact Assessment process is unable to

handle. It is globally agreeable that SEA is still within the formative stages and is considered work in progress with various international frameworks being developed to guide the SEA process as well as the guiding principles to be used for the operations.

The European Union adopted the Directive on “the Assessment of the effects of certain Plans and Programmes on the Environment (2001/42/EC)”. The Directive is designed to “ensure that the environmental consequences of certain plans and programmes are identified and assessed during their preparation and before their adoption”. According to the requirements of the Directive, “competent authorities, stakeholders and the public can give their views on the results of assessment reports which should then be taken into consideration during the decision-making process”. This means that the SEA Directive requires the policy and decision makers to take into account the views and results of the stakeholders’ engagement process and the technical evaluation of the environmental assessment report before the adoption the policy, plan or programme in question (EU, 2001).

The United Nations Economic Commission for Europe (UNECE) Protocol on Strategic Environmental Assessment which provides “a forum for communication and brokers international legal instruments for trade, transport and the environment”. The objective of this Protocol is to “provide for a high level of protection of the environment, including health while establishing clear, transparent and effective procedures”. This includes the public participation components during the undertaking of the strategic environmental assessment for sustainable development. (UN Protocol, 2003).

2.2.2 National History of Strategic Environmental Assessment

The Environmental Management and Coordination Act (EMCA), 1999, is the framework law on environmental management and conservation in Kenya. However it did not have express provisions for subjecting all the Policies, Plans and Programmes through a Strategic Environmental Assessment process. This means that any PPP being proposed whether by the government agencies or private entities were just executed with further interrogation for environmental sustainability since there was no guidance on the same. This implies that the stakeholder views were not being sought for and did not influence the decision making in regards to the SEA process since there was no framework on how to engage the stakeholders and enable their views and inputs to influence decision making (GoK, 1999).

In realization that SEA is a critical component in environmental assessment, Kenya developed the Environmental (Impact Assessment and Audit) Regulations, 2003 to operationalize the EMCA, 1999 by detailing out the specific criteria to be undertaken for the various forms of environmental assessment. As such, the Regulations do recognize that “SEAs as a measure of environmental impact assessment at strategic level such as policy, plans and programmes”. The Regulations section 42(1) “requires Lead Agencies in consultation with NEMA to subject all policy, plans and programmes for implementation to a Strategic Environment Assessments” and Regulation 42(3) commits “the Government and all Lead Agencies to incorporate principles of SEA in the development of sector or national policy”. However, no further details on how to conduct the SEA process was given out and as such limiting the extent SEA can be used as a tool to influence decision making through stakeholder participation. This Regulation also clearly shows that participation is a key component for the SEA process that has to be undertaken before the implementation of the PPPs in order to ensure that all environmental concerns are incorporated into the PPPs during the SEA process. This enables the stakeholders

to give their views and influence the output of the PPP under interrogation thus “guides policy makers, planners, stakeholders and government agencies to make environmentally and economically sustainable decisions” despite the fact that it does not detail out the procedure or give a framework for undertaking the stakeholder participation and (GoK, 2003).

The Constitution of Kenya, 2010, Article 10 (2) (a) under the “national values and principles of governance” states that “patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people”; this means that participation is one of the national values and principles of governance that needs to be adhered to during the SEA process of any PPP. Article 69 (d) states that “encourage public participation in the management, protection and conservation of the environment”. This means that stakeholder participation has been identified as one of the factors that ensures sustainable environmental management in regards to the various natural resources that Kenya is endowed with. By anchoring this in the Constitution, it means that stakeholder participation is not optional and should be undertaken before the implementation of the PPPs in question. Article 174 also clearly indicates the aspects of public participation in regards to the management of environmental resources, equality and non-discrimination in participation of any matter that affects the public. This means that the views of the stakeholders need to be sought and they be given a chance to influence the final output of the PPP thus shaping the viable alternatives that are available for implementation (GoK, 2010).

The National Environmental Policy has proposed a number of strategic actions and implementation strategies which includes active stakeholder participation at all levels that will guide the implementation of the policy. This implies that the “integration of environmental considerations in all national, county and relevant sectoral policies, planning and development

processes is critical for the achievement of the goal and objectives of this policy”. The policy statement that will assist in the realization of the above statement is the “Institutionalization of Strategic Environmental Assessments (SEA) approaches to all policies, programmes and plans and to Strengthen the capacity on SEA process and subject all sector policies, plans and programmes to SEA process” (GoK, 2013). This means that SEA has been recognized as a valuable environmental assessment tool that needs to be utilized during the implementation process of any PPP in the Country. This comes from the premise that “environmental issues and challenges such as public participation, environmental education and awareness in decision making processes is one of the fundamental preconditions for sustainable development”. This anticipates a scenario whereby there is timely access to accurate information on the PPP during the SEA process including having a transparent and reliable stakeholder participation at all the SEA stages.

The NEC Master Plan was subjected through the SEA process as anticipated by the National Environment Policy which took cognizance of the fact that “infrastructural development includes among others buildings, roads, ports, railways, ICT, pipelines, irrigation systems, airports and electricity transmission are distinct and unique and as such their effects on flora and fauna, social and psychological disruption, vegetation clearance, excavation works and spillages during construction must be evaluated”. This will ensure that the environmental considerations have been considered and are incorporated into the various PPP in question. This implies that the stakeholder and public participation has to be undertaken to ensure that their views have been collected and collated to inform the decision-making process (GoK, 2013).

The Environmental Management and Coordination (Amendment) Act (EMCA), 2015, is the framework law on environmental management and conservation in Kenya. Section 57 (A) expressly states that “All Policies, Plans and Programmes for implementation shall be subject to Strategic Environmental Assessment”. This means that any PPP being proposed whether by the government agencies or private entity’s needs to subject the same through the SEA process as stipulated in the Act. Thus, it is an illegality for any entity whether government or not to initiate, finance and or execute a PPP without subjecting the same through the SEA process as stated by the Act (GoK, 2015). This means that the views of the stakeholders must be sought by the PPP owners and given a chance to influence the final output of the PPP thus shaping the final outcome before implementation of the PPP in question being done.

The National SEA Guidelines, 2012 indicates that “SEA can analytically and systematically integrate environmental issues into PPP formulation through a rigorous stakeholder engagement process”. This implies that stakeholders should be engaged during the SEA process and implementation of the PPP which gives a chance to the relevant stakeholders to give out their views which needs to be considered during the SEA decision making process. It also requires that a newspaper advert be made to broaden the stakeholders and public to be consulted in regards to a certain policy, plan, programme. This creates an enabling environment for the PPP affected persons to give their comments and as such have a chance to influence the decision-making process (GoK, 2012). This SEA guideline gives a framework for undertaking the stakeholder participation process that is aimed at ensuring that the process is meaningful and not just done as a fulfillment and requirement of the laws.

2.3 Appraisal of Strategic Environmental Assessment

Strategic Environmental Assessment (SEA) refers to “a range of analytical and participatory approaches that aim to integrate environmental consideration into policies, plans and programs and evaluate the inter-linkages with economic and social considerations” (National SEA guidelines, 2012). It stipulates recommendations at a strategic level and provides for reasonable alternatives of the various anticipated impacts and the mitigation measures including the cumulative effects. There are three main phases of the SEA. The first phase is the SEA screening stage which is the process of determining whether one needs to undertake a SEA or not. SEA process is necessary for all policies, plans or programmes that will have significant impacts on the environment when executed.

The second phase is the SEA scoping stage which refers to the process of identification and elaboration of key concerns and issues to be discussed in depth and addressed by the SEA. This stage should take into consideration the concerns and value judgments of the stakeholders and the public to enable incorporation in the SEA study. The last phase is the SEA study stage which refers to the comprehensive and detailed analysis of key issues. These are environmental baseline, identification of challenges and opportunities, identification and appraisal of the possible environmental impacts, identification and assessment of performance indicators, organizational capability to handle the environmental emerging issues and coming up with the conclusions and recommendations among other issues meant for deliberations.

Based on the above it can be indicated that there are four main interest groups in the whole SEA process. The interest groups include the organization responsible for the formulation or development of the Policy, Plan and/or Programme (PPP) in question. This can either be a private company or a government Institution or Ministry. The second one is the Environmental

Regulator whose mandate is to review and determine the adequacy of the submitted policy, plan and programme in terms of environmental aspects and make informed decisions on the same. In the case of Kenya, the National Environment Management Authority (NEMA) is the environmental regulator. The third group is the Lead Agencies which are usually government institutions with various mandates touching on the policy, plan and or programme in question and needs to bring their concerns and inputs during the SEA process for consideration during the decision making. Finally, there are the stakeholders and the public, who may be concerned with, possibly affected by, or may influence the implementation of a policy, plan and or programme and will need to submit their comments for consideration during the decision-making process.

Strategic Environmental Assessment involves the analysis of existing and proposed policies, plans and programs (PPPs) with an aim of making informed decisions to achieve sustainable development (Kim, 2015). The participatory dimension of the SEA allows the relevant stakeholders such as civil society, the private sector, community members, and the government associated with the proposed PPP to contribute to the discussions. This enhances the credibility and quality of the various Policies, Plans and or Programs since SEA enables the inclusion of information and integration of their views to enable informed decision-making process.

Reviews of SEA have mostly focused on its effectiveness in terms of the input and procedural requirements as set out in the various existing laws in terms of stages to be followed by the PPP owners and the SEA experts. The evaluation of the technical usefulness of following the SEA procedures as set out is a good practice which can simply be misconstrued as evidence of the effectiveness of the SEA process (John & Bram, 2014).

2.4 Stakeholder participation in the Strategic Environmental Assessment process

Stakeholder participation is a process in Strategic Environmental Assessment (SEA) and not a one-off activity. It consists of a sequence of events and activities by a policy, plan and or programme owner over the entire lifespan of the policy, plan and or programme and at all stages (scoping stage to the SEA study level) of the SEA process (Therivel & Paridario, 2013). This is to both inform and appraise the stakeholders and seek their comments and inputs at the specific points in the SEA process and on the specific issues concerning the PPP in question. Generally, “SEAs draw the attention of ‘stakeholder representatives’ rather than individuals. If the stakeholders have limited experience with being engaged at the strategic level, it is critical to include an education component in the stakeholder engagement process” (GoK, 2012).

Internationally, the requirement to engage the stakeholders in decision making process of environmental matters was initially brought about by “principle 10 of the Rio Declaration on environment and development” and subsequently improved and strengthened by the “Aarhus Convention”. In Europe, the EIA directive and later the SEA Directive formalized the stakeholder involvement in decision-making process concerning the environment. The latter indicates that the outcome of the stakeholder engagement should be taken into consideration by the decision makers during the finalization and adoption of the PPP in question (Pol'y, 2012). Accordingly, the above literature, it clearly demonstrates that stakeholder concerns and involvement into decision making is a legal requirement that needs to be enhanced to achieve the benefits of stakeholder participation in SEA.

A study on the “Strategic Environmental Assessment and Sustainable Development: Climate Change Perspective” established that SEA can be a significant tool used to facilitate decision - making in respect of “climate change and the role of SEA towards sustainable development by

adaptation and mitigation of climate change”. The study findings disclose that SEA should contemplate certain established institutional settings with the intention of having adaptable decision-making procedures. There is need to come out clearly so that the PPP owners do not see the engagement process as a costly affair making development agenda difficult instead of facilitating. The study also found out that there is deficiency of practical aspects on the application of SEA to climate change issues in terms of knowledge, adaptability and mitigation measures. This therefore, means that it is the “right time to create a database of adaptation, mitigation and impact studies that apply sectoral, regional, and global developments for application in decision-making and evaluations” (Suzaul-Islam, & Yanrong 2016).

According to the Kenyan National SEA Guidelines of 2012, “SEA is a participatory process that allows lead agencies, civil society, the private sector, and other relevant stakeholders that will affect or be affected by the proposed PPP to contribute and submit their inputs to the SEA decision-making process”. Based on this, a communication and engagement plan to be used during the SEA process needs to be developed by the PPP owner after carefully conducting a stakeholder analysis to identify who will be involved, at what stage, how, when and why. This means that active stakeholder engagement should be initiated from the SEA scoping stage through to the technical evaluation and review of the draft SEA report including the monitoring stage.

Different levels of stakeholder engagement do exist and can be used for different intentions which normally entail various methods and tools that can be used at the various SEA stages during the decision-making process (O'Faircheallaigh, 2010). Based on this we can clearly say that the role of stakeholder participation in SEA process is aiding in decision making process while being independent from the participating stakeholders. This enhances the realm of

decision making by enjoining the stakeholders as joint decision makers of the PPP in question while giving room for reconstituting the various decision-making structures.

So far, the stakeholder discussion on SEA has concentrated on the reasons and options for stakeholder participation as well as pin pointing out the benefits attached to decision-making in the resultant policy, plans or programmes in question. There is comparative limited information on how things are in reality regarding the undertaking of decision-making during SEA process (Fischer *et al.*, 2012). They both indicated the need to gather and collate more information on the real worth that SEA process adds to the decision-making process while indicating the costs and benefits of the same. In view of the above, it is of essence to understand the extent the value addition that stakeholder engagement has to the SEA decision-making process and if it does not what are the reasons as to why.

While investigating the role and function that power relations play in Environmental Assessment, Cashmore and Richardson (2013) identified “stakeholder participation” as one of the three important areas for research. They established that “Environmental Assessment has typically been planned as a mechanism for ‘opening-up’ decision making and empowering the stakeholders who were formerly excluded or otherwise marginalized”. Similarly, Soneryd and Weldon (2003) stated that “stakeholder participation is a matter of urgency, not only in the interests of promoting participatory democracy, or because consultation gives better knowledge about the environmental impact”. It is simply because conflicts spring up as a result of objections and resistance towards the proposed developments and the policies, plans and programmes (PPP) which have practical challenges that require to be resolved through stakeholder participation. PPP, if properly executed, will ensure that fundamental aspects of a

PPP are not overlooked. This also ensures that the expressed views of the stakeholders are taken on board during the decision-making process.

The West Midlands Regional Spatial Strategy in the United Kingdom has been applauded for “the innovative approaches used in stakeholder participation” during the SEA process especially at the SEA scoping stage. The Government for the West Midlands used “two scoping workshops and two sets of appraisal workshops” during the preparation of the spatial strategy plan. The appraisal workshops were very interactive and participatory and allowed for the stakeholders to select their preferred alternative to the strategy through the use of matrices (GuK, 2009).

The Canadian International Development Agency (CIDA) developed an “Action Plan on HIV/AIDS as part of its social development priorities (2000-05)” whose aim was to enhance cooperation among the CIDA branches and other sectors was subjected through the SEA process. The stakeholder participation was undertaken during the SEA scoping and the detailed SEA study with the focus on environmental issues being considered as part of determining the importance of the proposal’s. The stakeholder participation process identified specific projects that need to be executed later on to ensure that the plans objectives were achieved. Follow-up and monitoring of the plan was also critical to the stakeholders and the public especially the concerns about HIV/AIDS projects that were initiated for sustainability purposes (CIDA, 2002).

Another good case example of participation during SEA is that of the notable approach used by the Planning Department of Hong Kong to engage the various stakeholders during the SEA process for the review the Territorial Development Strategy in 2007. The participation process

has a high level of proactive engagements that can be outlined under four components within the review process. “For the first component, objectives and agenda setting, there were six workshops, briefings, an assigned planning panel, two public forums, discussion sessions, twenty-four presentations, two seminars and over forty media articles. All comments received were published on the Internet with the responses. This proactive approach received 106 written comments and 33 Internet comments that have redefined the projects objectives and will ultimately adapt how the strategy evolves (Hyder & Mott, 2007).

In the case study of Tychy, Poland, the Ministry of Environment did the participation process twelve months prior selecting a location for or deciding on the specification for setting up a new municipal waste landfill. The Ministry did awareness creation and public education for all that time indicating the need for and why the landfill was to be set up. This involved discussing the potential impacts both positive and negative in regards to the landfill and getting their concerns on the same. Involving stakeholders to give their suggestions on the specifications to be used even before the screening stage of the SEA commenced meant that their views did inform the design and location of the landfill (Thomas, & Edmund, 2011).

In Mexico, the Policy for sustainable development for tourism was subjected through the SEA process. The aim of the policy was to “campaign for improved development and updating of land use plans and strengthened institutional framework that promotes interaction among all stakeholders among others”. The stakeholder participation was undertaken through the use of several workshops, meetings and use of questionnaires to the tourists. From the participation process, environmental quality and security came out as important factors being considered by tourists while picking their destinations. The stakeholder participation proposed for the continuous improvement of tourism policy over time through close monitoring and follow-up

of specific activities. This led to the establishment and institutionalization of a high-level inter-institutional coordination as the inter-sectoral Commission for Tourism (Environmental Resources Management, 2005).

The State Environmental Protection Administration (SEPA) subjected “the Chinese Government’s “Great Western Development” (GWD) strategy” through the SEA process. The strategic framework links over 20 national policies and a range of key construction projects. The SEA process analysed the “possible impacts associated with the implementation of the GWD strategy”. The stakeholder participation engagement was alluded to though no any formal methodology was employed to gather the views and concerns of the stakeholders during the SEA process. This makes it difficult to ascertain to what extent did the stakeholder participation exercise addresses specific concerns raised during the SEA process. It is also difficult to ascertain whether the SEA process has enhanced the consciousness and understanding of environmental impacts that area related with the GWD proposals. (Haakon *et al.*, 2005).

The Colombian Ministry of Development with consultant technical assistance from the World Bank task team undertook a SEA for the “policy reform in the water and sanitation sectors in Colombia (development policy lending)”. The aim was to “quantify various negative externalities: deterioration of water quality, inefficient water use, and impacts associated with the construction and maintenance of public works”. The SEA process was incorporated beforehand during the designing stages for the sector reforms. An inter-agency committee was constituted to facilitate the combined work on environmental management issues in the sector. Two nation-wide workshops were held where the views of the stakeholders and the public were collated and used to improve the final document (Ernesto & Santiago, 2005).

The Sperrgebiet land use plan in Namibia was subjected through the SEA process because despite being a desert wilderness area in southwest Namibia it has richness in terms of biodiversity. The area also comprised a relinquished diamond mining area with considerable interests arising on the after-use plan of the area. A land use plan was formulated after consultations with the Government, the mining licence holder and NGOs to guarantee for a sustainable economic and ecological use of the Sperrgebiet fragile ecosystem before it was opened up. An extensive stakeholder consultation programme that included: “stakeholder workshops, information leaflets and feedback forms, land use questionnaires, and a technical workshop with selected specialists” was undertaken. This allowed for the generation of a list of possible and viable land use options for the area and an evaluation of the same in terms of the environmental matters both the challenges and opportunities. After the SEA process that was inclusive of stakeholder participation a Land Use Plan was finalized and the Sperrgebiet area was proclaimed a National Park (Walmsley, 2001).

South African Department of Water Affairs and Forestry (DWAF), with support from UK DFID, did a pilot “SEA for Water Use Study” in the Mhlathuze Catchment in KwaZulu Natal. This was because the “catchment was under water stress and there was no surplus for allocation to new users with deep historical inequity in the allocation of water resources between established commercial sectors and the community, although more than half of the land was in communal ownership and occupied by 80% of the population in the catchment”. The SEA process was used to convene for stakeholder and public meetings due to its robustness and giving an opportunity for all to give their views. The SEA process was used for planning and decision-making with the aim of “ensuring that best use of water was achieved in an integrated way to benefit the society and the economy without degrading the environment”. (Mike *et al.* 2001).

Ghana's Poverty Reduction Strategy (GPRS) was subjected through the SEA process to ensure that the environmental issues were incorporated into the revised GPRS because the initial GPRS did not take the environment as a stand-alone sector despite it being a crosscutting issue. The SEA process used two well defined approaches, that is, "the top-down assessment of the impact of the policies contributed by 23 ministries to the GPRS and a bottom-up exploration of the issues raised by implementation of policies at district and regional levels". The comprehensive inclusion of all the stakeholders including politicians and the finance sector during the undertaking of SEA process contributed to the change in attitude of not only the policy makers in various sectors but also of the stakeholders and the public. This has led to greater emphasis on the key role SEA plays in improving the environment and the need for more budgetary allocation. This is a win-win situation for all since SEA is being used at all levels of decision making while integrating environmental issues into the PPPs (Jean *et al.*, 2003).

The Nairobi City Integrated Urban Development Master Plan (NIUPLAN) was subjected through the Strategic Environmental Assessment (SEA) process. The plan covered development vision for Nairobi in terms of the structural development plan, sub-centre development, urban transport development, infrastructure development and relevant capacity development issues up to the year 2030. The stakeholder participation process involved stakeholder mapping and analysis to come up with the interests of those to be engaged. The stakeholder participation activities were dependent on the mapped-out target group that is, use of public meetings, focus group discussions (FDGs), round table discussions, virtual discussions through emails, key informant interviews, workshops, use of print and electronic media (TV adverts, radio adverts, newspapers, posters, letters, website). The SEA approval

conditions issued by the National Environment Management Authority indicate that the stakeholder comments were taken on board and were part of the conditions issued to the Plan Owner (Gibb Africa, 2014).

The study also reviewed the Strategic Environmental Assessment report for the Mining Sector in Kenya with a view of establishing how the stakeholder engagement process was done. The intention of this Policy SEA for the mining sector in Kenya was “to assess ways in which environmental administration and governance was being undertaken in the mining sector”. In regards to the stakeholder participation, the SEA for the mining sector did a stakeholder mapping and analysis to establish a key list of stakeholders across the entire sector. The objectives of the stakeholder’s mapping were “to identify groups, organizations and people having interests in the mining sector, environment and human rights; understand stakeholders’ stakes i.e., interests, levels of involvement and how they are affected by mining activities and projects”. The participation process was undertaken in Nairobi, Kwale and Kitui Counties. Stakeholder consultations involved the use of key informant interviews, focus group discussions in the remote mining areas, meetings and workshops. At the SEA scoping stage, three meetings and three workshops were undertaken with one each in Kwale, Kitui and Nairobi. A national SEA validation workshop was held in Nairobi after the compilation of the SEA study findings including the issues raised during the various stakeholder engagement process (Habitat Planners, 2016).

Kenya’s petroleum sector was also subjected through the Strategic Environmental and Social Assessment (SESA) process. This was done so as to fully comprehend the effect of the petroleum activities and come up with a systematic way of “addressing the environmental and socioeconomic management issues pertaining to oil and gas activities in the context of

sustainable development” (Africa Waste and Environment Management Centre, 2016). The Plan Owner through the SESA process undertook a stakeholder and public participation exercise with an aim of collecting their views and coming up with “strategic recommendations for Policies, Plans, and Programs (PPP) that will guide environmental and socioeconomic planning and decision making in the petroleum sector in the country”. This was after doing a stakeholder mapping and identifying their interest in relation to the Plan. This was done through conducting of scoping workshops in several regions, two local stakeholders’ meetings were undertaken to “capture local concerns at grassroots level of communities directly impacted by on-going oil explorations and developments related to the petroleum sector”. The Environmental Regulator, NEMA gave an approval condition for the SESA for Kenya’s Petroleum Sector after considering and incorporating the views of the engaged stakeholders (Africa Waste and Environment Management Centre, 2016).

Kenya’s Vision 2030 Strategy Framework has several Plans and Programmes such as the Lamu Port-South Sudan- Ethiopia (LAPSSSET) Infrastructure Corridor Project meant to improve access and connectivity between Kenya, Southern Sudan and Ethiopia as well as other East African countries. A Strategic Environmental Assessment was conducted for the (LAPSSSET) Infrastructure Corridor with an aim to align and incorporate all the environmental concerns into the Plan. A stakeholder identification and mapping was done at the scoping level with an aim of identifying the various interests and concerns. During the detailed SEA study stage, a total of 47 meetings were held through “*barazas*” mainly speaking and listening to grassroots communities all the way from Lamu to Lodwar. Scoping workshops were also held as well as the validation workshop to crown all the stakeholder engagements process. The various concerns raised by the stakeholders and the public were used by NEMA during the decision making by approving the Plan and issuing a SEA approval with conditions to be followed

during the implementation stage (Repcon Associates, 2017).

The Study also reviewed the Tatu City Master Plan located in Ruiru, Kiambu County. The Plans purpose was to alleviate the high demand for housing in the capital city of Nairobi with emphasis on mobility, social interactions and environmentally friendly infrastructures. The nature of the Plan necessitated a SEA to be done to evaluate the anticipated cumulative impacts and how the environmental concerns will be incorporated into the plan. The stakeholder and public participation were conducted from the SEA scoping stage and during the detailed SEA study. The participation process started by stakeholder identification, stakeholder mapping based on their interests and coming up an engagement plan. The Plan Owner and the consultants used several tools of engagement as they deem fit, which is, one on one interviews, distribution of questionnaires, undertaking Key informants guide, public meetings, workshops. All these forums were to get the views of the stakeholders and the public which were used by NEMA to inform their decision making as evident by the SEA approval conditions issued (Gibb Africa, 2011).

A review of the Strategic Environmental Assessment for the Konza Technology City a flagship project under the Kenya Vision 2030 was also done. Konza city is “envisioned to be a sustainable, world class technology hub and major economic driver for Kenya”. The SEA for the master plan involved the stakeholders from the SEA scoping stage and during the SEA detailed study. The stakeholders were mapped out and their interest highlighted before being engaged. The stakeholder meetings that were held created awareness to the participants on the objectives of the plan and how the environmental issues were incorporated in the final Plan. The Plan Owner and the consultants used several tools of engagement as they deem fit, that is, one on one interviews, distribution of questionnaires, undertaking key informants guide, public

meetings, workshops. National Environment Management Authority gave an approval condition after considering the views raised by the stakeholders during the decision making (Pell *et al.*:2014).

A study on “Community participation in strategic environmental Assessment: an exploration of process and learning Outcomes in Kenya” (Heidi, 2012) “examined completed Kenyan SEA and compared procedures to standard practice, with particular emphasis on public participation”. The study revealed that “public participation is variable amongst the completed SEAs and shows that the ideal conditions for learning in public participation were not completely fulfilled, resulting in a greater abundance of instrumental than communicative or transformative learning outcomes” (Heidi, 2012). The study indicates that “lack of feedback, inadequate notice, inaccessibility of information as common barriers to effective public participation involving the public too late, lack of meaningful integration of input, inaccessibility of information, and ineffective communication among stakeholders are challenges that frequently hinder the effectiveness of SEA processes”. This is despite the SEA studies interrogated being subjected through the policy and institutional framework of SEA in Kenya. The highlighted challenges can be overcome to ensure that the stakeholder participation is more effective and has a chance to influence the final PPP.

A study on “Implementation and effectiveness of Strategic Environmental Assessment in Kenya” (Frida, 2014) examined “The current SEA practice system, its weaknesses and strengths in the country are explored and the possible suggestions to improve the effectiveness of SEA in environmental management”. The study established that “most of the decision-makers do not comprehend the concept of SEA, which results in poor understanding of environmental issues and sustainability”. It is further established that “there is totally no

monitoring that is carried out making it impossible to know whether SEA is having the desired outcomes of environmental protection, and whether intervention is required due to thresholds having been exceeded or whether SEA is improving the understanding and integration of the environmental considerations in decision-making". The study indicated that SEA opens up a sphere for discussions among the concerned parties despite having restrictive actions towards public involvement which need to be overcome. The study reveals that by engaging the citizens in the various spheres of government issues such as evaluation of a PPP during the SEA process, it enables them to give their views and have a chance of influencing the final decision being made by the policy and decision makers. This means that the decision made through the stakeholder engagement process is owned by all parties thus legitimate has high chances of being implemented successfully (Frida, 2014).

2.6 Gaps identified in previous studies

The main challenge of stakeholder participation exercise during the SEA process of any PPP is to guarantee that the engagement process is substantive and purposeful and not a consolable case of furnishing the stakeholders with elaborate and all-encompassing information. The participation process must give a possibility to the stakeholders to influence decisions and needs to establish the best way to guarantee that everyone participates effectively and their views are acknowledged and properly considered during the SEA decision making process.

Based on the reviewed SEA studies earlier, the glaring gap is the dearth of research on the analysis and influence that stakeholder views have in regards to the final output of the PPPs during the decision making of the SEA process after the collation of the views. Hence this study analysed the stakeholder participation output in the decision-making process of the SEA in Kenya with a case study of the Northern Economic Corridor Master Plan.

2.6 Stakeholder participation framework

Stakeholder engagement is the process by which an institution involves those who are interested, affected or have an influence in regards to a particular PPP in process of being developed and implemented. The participation process considers the expectation that stakeholder's views and inputs need to influence the decision making process. This study adopted and used the World Bank Group consultations framework guidelines in analyzing the stakeholder participation in SEA for the NEC master plan and how it influenced the decision making.

2.6.1 Stakeholder participation framework

Stakeholder participation is a critical aspect that has been embraced by the World Bank and other development partners. This is attributed to the benefits associated with the stakeholder participation and the need to tap into the all-encompassing viewpoints, exchanging of ideas and views and taking them into account during decision making process. These views and ideas need to be given within a specified timeline by the interested, affected and influential stakeholders with the hope of determining the outcome of the PPP in question during decision making.

The World Bank consultation framework guidelines shows that stakeholder participation depends on the intention of the engagement process since it is either meant for the collection of views, thoughts, ideas and inputs aimed at influencing the decisions being made or to validate the final decisions already made for the implementation of the various PPP in question.

The WB consultation framework guidelines clearly state that “regardless of the types, format, scope and duration of consultations, there are a number of principles that govern the process of consultation and, when applied, make it effective”. These principles are: “*Early Engagement*”- this principle states that it is essential for participation to be undertaken early

when the plan is still under thought process and development. Another principle to be considered is “*Adequate and realistic time-frames for consultations*” - this principle states that the stakeholders need to be given sufficient time to interrogate and give their feedback in regards to the documents in question. “*Openness*” is another participation principle that the WB framework highlights and states that the views and ideas of the stakeholders will be taken into consideration during the decision making and as such their inputs have a chance of influencing the final outcome of the plan in question. The principle of “*Access to information*” states that all relevant and pertinent information needs to be shared and given to the stakeholders in good time to enable them interrogate the same and give objective feedback in regards to the subject matter. “*Accountability*” principle states that the gathered views and ideas from the stakeholders are evaluated and feedback given to the participants on how their inputs have been used during the decision making process.

Another principle of consultation as considered by WB is that of “*Transparency*” which states that information is readily availed and accessible to the stakeholders concerning the entire PPP in question and how their inputs is used during the participation process. The principle of “*Visibility*” states that the project affected persons, the interested parties and any one that may be impacted by the implementation of a PPP in question need to know about it and as such every effort need to be made to reach them all and get their views and ideas. This should be done through a stakeholder mapping and analysis. The principle of “*Accessibility*” states that the participation method need to be suitable for all stakeholders who must also be aware of the process being undertaken and comprehend the information being shared with them for commenting. “*Inclusiveness*” principle states that the PPP owners need to ensure that the stakeholder analysis undertaken for those who will give their inputs and ideas is a representative of the entire group considering the multi-stakeholder nature in view of the

subject matter under deliberation. Another principle of the WB participation is that of “*Appropriate Forms and Methods of Consultations*” which states that “the choice of the consultation method depends on a number of factors, including the purpose of the consultation, its subject matter, the range of stakeholders, and the scope and duration of the exercise”.

The selected method of engagement need to be suitable for the stakeholders in question and able to meet their technical and educational needs during the participation process including those stakeholders with special needs and requirements. The final principle highlighted by the WB framework is that of the “*Feedback to Stakeholders and Feed forward Stakeholder input into Decision-Making*”. This principle states that after every engagement process held there is need for the discussion points being made available to the participants in a timely manner and indicating how their inputs were used during the entire participation process including decision making. This in essence closes the participation loop by ensuring that a feedback loop is given to the participants who were engaged and the final outcome of the process also disseminated to all.

2.7 Theoretical framework of the study

The theoretical framework for this study was based on the “theory of communicative action” which is credited to Jurgen Habermas (1929), a German philosopher and sociologist. This theory suggests that “language” plays the role “of coordinating the goal-directed activities of different subjects, as well as the role of a medium in the socialization of these very subjects”. According to Philips and Pittman (2009), this theory argues that “power and dominance are directly related to communication found among social systems on the macro level and their interaction with more locally-based systems, such as communities and groups”.

This theory has two concepts i.e. the “Public Sphere” which refers to “a body of ‘private persons’ who assemble to discuss matters of public concerns or common interest” and “Lifeworld” which refers to the life world as “being organised through the intersubjective transmission of cultural and historical traditions”. The theory indicates that the aim of communication is to reach an understanding by use of a language that is connected to credibility. This implies that the study variables namely; accessibility, inclusiveness, transparency, visibility, accountability, access to information, openness, appropriate methods of engagement, feedback to stakeholders on the final outcome, adequate time for consultations and timing of the communication are all participation principles that are interlinked and are utilized by stakeholders during engagement process of any common matter under consideration.

The application of this theory to the study is inferred in the stakeholder participation process whereby the participants are involved through stakeholder mapping and analysis and how their inputs influenced the decision making process of the SEA for the NEC Master Plan with the aim of achieving the desired participation process that is well sustained and yields the desired good engagement outcomes at all levels.

2.8 Conceptual framework of the study

The conceptual framework for this study was informed by the communicative action theory that clearly indicates that language that is connected to credibility. This means that the principles of participation such as accessibility, inclusiveness, transparency, visibility, and accountability, access to information, openness, timing of communication and giving feedback to stakeholders are social order networks that are utilized by stakeholder’s participation process. The interactions of these principles and other factors that influences stakeholder participation are highlighted in the conceptual framework in Figure 2.1.

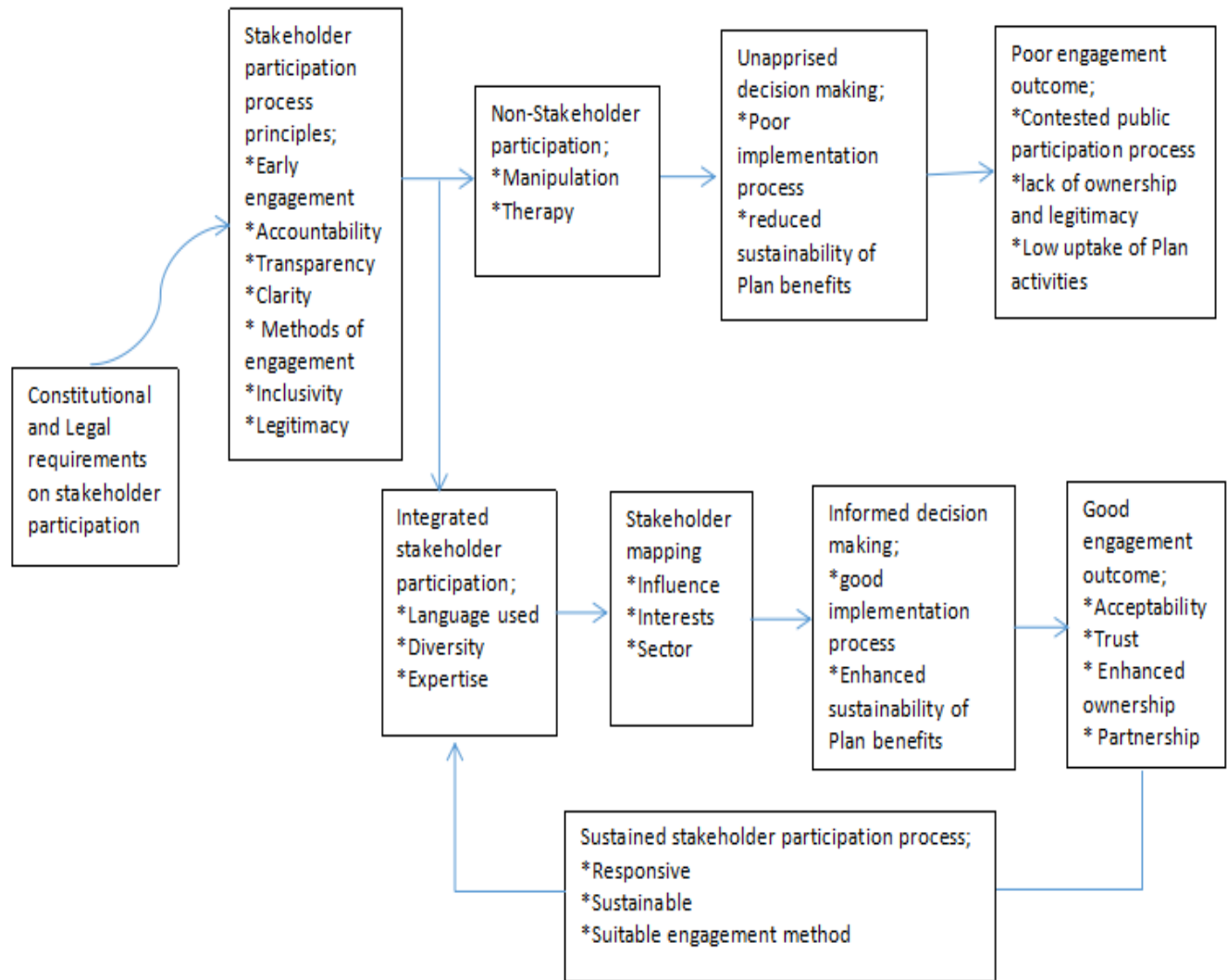


Figure 2.1: Factors influencing stakeholder participation output during the SEA process

(Source: Author 2018)

CHAPTER THREE: METHODOLOGY

3.1 Introduction

This chapter describes the approach used to undertake the study in order to meet the study objectives. Details of the study design as well as the study site are provided. An elaborate presentation on the data collection methods, identification of data sources and how data analysis was done is presented in the subsequent sections of the chapter.

3.2 Study area

The Northern Economic Corridor (NEC) is “a multi-modal corridor, consisting of road, rail, pipeline, and inland waterways transport, and is recognized as a significant corridor for logistics in East Africa. The main road network runs from Mombasa Sea Port through Kenya and Uganda to Rwanda and Burundi and to Democratic Republic of Congo (DRC)” (JICA, 2016).

The study area was limited to Nairobi in terms of spatial extent as opposed to the entire Northern Economic Corridor by undertaking key informant interviews with selected participants who were engaged during the SEA process as per the records reviewed in the SEA report of the NEC Master Plan.

3.3 Study Approach

The Study used the inductive approach where it aimed at assigning meaning to the collected data set that relates to how stakeholder participation component was conducted and how the inputs were used to during decision-making process or not with reasons as to why. This approach tends to look for patterns in the data collected and aims at developing an explanation to the patterns being seen.

3.3.1 Research Design

To analyse the stakeholder participation output on decision making in “Strategic Environmental Assessment (SEA) for the Master Plan on Logistics in the Northern Economic Corridor”, the study used both quantitative and qualitative research methods to accomplish the research objectives.

The qualitative approach was used to undertake stakeholder analysis where the interests and factors that influenced their level of stakeholder participation was analysed and evaluation of the incorporation of stakeholders’ views into the decision-making process. Quantitative approach was used to determine the level of awareness of the stakeholders about the Plan and the SEA process, the extent to which participation influenced decision-making and whether feedback was provided to the engaged participants on the final outcome of the participation process and how their inputs were used during decision making.

3.4 Data sources and data collection procedures

The study used both primary and secondary data to meet the set objectives.

3.4.1 Primary data

Primary data was collected through Key Informants interviews (KIIs) with the engaged participants in the SEA process of the NEC Master Plan. The Key Informants were mapped out through stakeholder identification process of those engaged by the Plan owner during the SEA process. The engaged stakeholders were as per the list in appendix iv.

Primary data collected was aimed at undertaking a stakeholder analysis by mapping out their interest in relation to the Plan in question, assess the factors that influenced their levels of participation, evaluate the incorporation of stakeholder views into the decision-making process

and assess the policy recommendations that stakeholders might have to complement the existing structures.

3.4.2 Secondary data

Secondary data was collected through analysis and review of documents which entailed scrutinizing the NEC SEA report, the SEA report review comments, the written submissions from the engaged participants and the SEA approval conditions issued by NEMA. Past studies on stakeholder participation on SEA and existing International and National Policy and Institutional documents that address stakeholder participation issues were also interrogated.

Secondary data collected was aimed at assessing the level of awareness of the stakeholders in regards to knowing about the NEC Master Plan and the SEA process, assess the extent to which participation influenced the decision-making process, establish if feedback and disclosure was done to the stakeholders on the final status of the SEA and assess the level of awareness of the stakeholders in regards to the existing laws and regulations concerning participation during the SEA process.

3.5 Sampling frame and procedures

The target population for the research study were those stakeholder participants who were engaged in the SEA process for the NEC as indicated in Appendix IV. The study held Key Informant Interviews with forty one (41) of the engaged stakeholders out of a possible total of seventy three (73) as indicated in Appendix IV to ascertain whether and how their views and inputs were used during decision making process.

It is worth noting that the study established that from the list of stakeholders, who attended the various participation forums convened by the Plan owner, none was categorized as being local community member and as such the study could not be able engage them to get their views at this level.

3.6 Data analysis and presentation

Qualitative data was analysed by use of content analysis which is a research technique that allows the examination of stakeholder views and creation of trends through social interaction. Through the content analysis of the key informants' interviews results, some of the qualitative data gathered were converted into quantitative data aspects. Thus, the quantitative data collected was analysed by use of descriptive analysis using Microsoft Excel Software. The results have been presented in form of Tables and Pie charts with appropriate explanations. Details of the results and discussions are presented in the next chapter.

3.7 Data needs matrix

The data needs for the study was identified based on the study objectives as illustrated in Table 3.1.

Objectives	Type of data needed	Source of data	Method of data collection	Method of data analysis	Methods of Data presentation	Expected outcome
Undertake a stakeholder Analysis;	Quantitative and Qualitative: interests of the engaged stakeholders and factors that influenced their participation	KII data, SEA report, SEA review comments	KII guide, Document analysis	Microsoft excel	Graphs, Charts	Charts/Graphs showing the interests of the engaged stakeholders
Evaluate how the stakeholders' views were incorporated in the decision-making process;	Qualitative: SEA conditional approval letter (Record of decision by NEMA)	SEA Report, SEA conditional approval letter	KII guide Document analysis,	Thematic analysis	Content analysis	Analysed content showing the incorporation of the public views on the final SEA decision-making process
Assess how the existing policy and institutional frameworks on stakeholder participation influenced the SEA process for the NEC Master Plan	Quantitative and Qualitative: views of the engaged stakeholders	SEA Report, SEA conditional approval letter	KII guide Document analysis,	Thematic analysis	Content analysis	Analysed content showing the existing policy and institutional framework in regards to stakeholder participation during SEA process.

Table 3.1: Data needs matrix.

Source: Author, 2018

3.8 Ethical considerations

The research ethics as articulated by Creswell (2003) and Johnson and Christensen (2008) was adopted. The consent of the participant to be interviewed in the study was sought through scheduling of appointments and informing the participants about the objective and process of undertaking the study. Moreover, the participants were informed that their engagement was voluntary and they could not be compelled to take part in the study, neither could there be any monetary compensation. The confidentiality of data, anonymity, privacy and safety of participants was strictly maintained and adhered to. Consequently, in compiling this thesis, the interview data collected from the various resource persons were not attributable to any specific official but were analysed using identification codes to ensure anonymity.

CHAPTER FOUR: RESULTS AND DISCUSSIONS

4.1 Introduction

This chapter provides the results obtained from the analysis of the data collected. The results are discussed as appropriate but on the basis of the objectives of the study.

4.2 Stakeholder analysis during the SEA process for the NEC Master Plan

The study established that the stakeholder analysis was based on the identification of those groups and institutions that would be interested, their levels of participation, engagement methodology and level of influence to the in the NEC plan. The study established that majority of those engaged were state actors at 63% while 37% were from the non-state actors. This finding agreed with the SEA studies done in Kenya such as the SESA for the Petroleum sector done by (African Waste and Environment Management Centre, 2016), the SEA for the Mining sector done by (Habitat Planners, 2016) and the SEA for the Lamu Port-South Sudan-Ethiopia-Transport (Lapsset) corridor Plan (Repcon Associates, 2018). These studies showed that the SEA process was a high-level engagement process and the majority invited to participate were state actors. This means that SEA for the NEC Master Plan conducted involved high-level stakeholders mainly from the state agencies and others from the non-state agencies whose views were also collated to inform the final Plan output. This means, the SEA process for the NEC Master Plan targeted the policy and decision makers rather than the public at this level with a view that the public will be engaged more and in detail at the project level during the SEA implementation process.

4.2.1 Stakeholder interests

The study established that for the interests of the participants to come out clearly, the Plan Owner did a stakeholder mapping and analysed their roles and level of influence during the SEA process that will impact on the Plan. This was in agreement with all the SEA literature

reviewed above which clearly and strongly indicated that a stakeholder mapping has to be done. This enables the Plan Owner be able to categorize the stakeholders into four main categories. These are those with high influence and are high contributors as the key players in the participation process and mainly categorized as state actors, those with high influence and low contributors who need to be satisfied and their needs met during the participation process, those with low influence but high contributors who should be informed and consulted on interest areas such as the development partners and NGOs and finally those that are low influence and are low contributors who need to be monitored and are not very crucial in the participation process at the moment.

Table 4.1 Stakeholder mapping and analysis

Influence / power of stakeholders	High	Satisfy/Meet the needs of stakeholders <i>(Non-State Actors)</i> Engage and consult on interest area, Try to increase level of interest, Aim to move to the right hand box on Key players	Key Players work with stakeholders <i>(State Actors)</i> Focus effort on this group, Involve in decision making, Engage and consult regularly
	Low	Least Important thus monitor stakeholders <i>(Members of the public/Local Community/Academia)</i> Inform via general communications, newsletter, website, Aim to move to the right hand box on Key players	Inform/Show Consideration to stakeholders <i>(Development Partners)</i> Keep informed and consult on interest areas, Make use of interest and involve in low risk areas
		Low	High
		Interest/contribution of stakeholders	

Source: Field Data, 2018

The state actors had interests mainly in the logistics sectors of roads, rail, pipeline and inland waterways transport. This is because most of the legal mandate is placed upon them to undertake the stated roles which are the key drivers in meeting Kenya's development agenda. Thus, their participation was to represent their Institutions with an aim of ensuring that their logistics sector interests are considered in relation to the NEC Master Plan by the Plan Owner. This finding agreed with the study conducted for the Konza Technological City which showed that government agencies with certain mandates have to execute them as per their objectives and development plans (Pell, 2011).

Other state actors had their interests both in environmental, biodiversity and or archaeological conservation and not directly in the logistics sector. This was attributed to the anticipated impacts that the Plan will have on the environment, biodiversity and the archaeological sites once the implementation is done. This means that the participation aspect ensured that the environmental and human rights were not infringed upon during the execution of the Plan thus influencing the SEA output by having their views incorporated into the approval process.

The non-state actors that participated in the SEA process for the NEC Master Plan indicated that their interests were in the logistics sector either directly or indirectly depending on their mandate in relation to the SEA process. The direct interests were linked to the anticipated development of the various infrastructural aspects highlighted in the NEC Master Plan such as building of roads, railway and pipeline among others. This agreed with the SESA study for the Petroleum sector which showed that the private companies will have to be engaged during the implementation of the SESA recommendations (African Waste and Environment Management Centre, 2016). The indirect interests were either in environmental, biodiversity and or archaeological conservation due to anticipated impacts that will occur during the

implementation of the NEC Master Plan. This agreed with the findings from several SEA studies such as SEA for Tatu City Master Plan (Gibb Africa, 2011), SEA for the mining sector (Habitat Planners, 2017), SESA for the petroleum sector (African Waste and Environment Management Centre 2016), SEA for Lapsset Corridor (Recon Associates, 2018). All these studies indicated that the sensitive environment within the implementation areas must be conserved and the biodiversity and archaeological sites protected for posterity.

The academia indicated that their interests were both direct and indirect benefits such as professional education and awareness through learning from the NEC SEA process, enhanced economic growth, employment creation, facilitating transport and environmental protection because the Master Plan had to be implemented before they are able to realise the benefits. This is agreement with the SEA findings of a study conducted for the Konza Technological City (Pell, 2011), SEA study conducted for the Lapsset Corridor Plan (Recon Associates, 2018) which both indicates that once the plan has been implemented then the public will benefit.

The study also established that NEMA's interest as the Environmental Regulator was to ensure that the environmental considerations in terms of impact analysis, mitigation measures and alternatives proposed were viable and are implementable by the Plan Owner. This falls within their mandate as per the legal requirements of EMCA, Cap 387, the EIA/EA Regulations and the National SEA Guidelines for 2012 which includes the approval process and the monitoring exercise of the SEA.

The high-level participation of involving mostly the policy and decision makers during the SEA process for the NEC Master Plan was corroborated by the KIIs held with NEMA, Plan Owner and the SEA Expert who indicated that SEA has to be executed at the highest possible

level for policy direction. While the public will be engaged at later during the implementation of the individual projects identified under the PPP activities.

The study established that the Ministry of Environment and Forestry role and interest during the stakeholder participation exercise was to guide the Plan Owner in terms of adhering to the Policy direction of the Country in regards to various anticipated developments at all levels that is Policy, Plan, Programme and or Project level. The study further notes that the Ministry of Environment and Forestry takes cognizance of the fact that it has NEMA as the technical wing that ensures implementation of the various aspects of the National Environment Policy. In reference to this study the Ministry of Environment and Forestry ensured that the Plan Owner subjected the NEC Master Plan through the SEA process as stated in the Environment Policy and as a requirement of the environmental laws of the land.

The study established that development partners such as African Development Bank (ADB) interest to assist the member states develop both economically and socially while taking care of the environment component. This is attributed to the concept of sustainable development that ensures PPPs do incorporate the environmental issues into its design and are implemented as required. The ADB interest also is to ensure that the rule of law is adhered to by the member states during the implementation process of the PPP in question. This means that for example, if stakeholders are to be compensated and relocated before implementation of the plan then it done in a fair and equitable manner before they can finance its implementation.

4.2.2 Factors that influenced the level of stakeholder participation

The study established that the engaged stakeholders were of the opinion that several factors did influence their level of participation during the SEA for the NEC Master Plan. One factor was early engagement of the stakeholders and public by bringing them on board at the initial stages

of the SEA process. This means that the Plan Owner mapped-out all stakeholders with their interests and categorized them in terms of levels of influence. The early engagement gives an opportunity to the Plan Owner to make necessary adjustments in light of the views received thus informs the decision making and influences the output. This finding agrees with those by Thomas & Edmund, (2011) that due to the early engagement process, the views of the stakeholders did inform the design and also on the location of the landfill.

The early engagement of stakeholders also means that the Plan Owner did invite the participants through formal channels (invitational letters) early enough which gave them time to prepare and attend the participation forums as scheduled. The implication of this factor to the SEA process especially the participation aspects is that it created an environment for continuous engagement through the entire SEA process once the Institution had been mapped out at the scoping stage to be included in the participation process. This gives an opportunity for the stakeholders to influence the decision making of the policy makers and the Environmental Regulator.

The study established that provision of adequate information concerning the SEA process for the NEC Master Plan did influence the participation level of the engaged stakeholders. This was in relation to, the purpose, need, cumulative impacts (positive and negative) and alternatives captured in the SEA of the NEC Master Plan. The Plan Owner provided an access link to the stakeholders where the SEA report for the NEC Master Plan was uploaded for interrogation. This means that the engaged stakeholders had the opportunity to interrogate the SEA report further and send comments after the various scheduled meetings and presentation done by the Plan Owner and the SEA Expert during the various meetings and workshops. This

finding agrees with the SEA study conducted for the Nairobi Integrated Urban Development Plan by Gibb Africa, (2011) which indicated that by availing a link to the stakeholders it gives them more time to interrogate the documents and send objective comments even after the scheduled meeting have taken place. This factor clearly shows that the decision makers whether the Plan Owner or the Environmental Regulator makes informed decisions based on the received comments.

The study established that the availing of sufficient time for the engaged stakeholders to access the SEA report, interrogate it and submit their views to the Plan Owner for incorporation into the NEC Master Plan and to NEMA for consideration during the decision-making process did influence the level of participation. This means that the stakeholders were given ample time to collate, seek further clarifications and submit their comments in regards to the NEC Master Plan for consideration by the decision makers. This demonstrates that stakeholder participation process was not just being undertaken for the sake of it as a requirement of the law but was meant to influence the output of the SEA process. This finding concurs with a SEA study conducted for the policy reform in the water and sanitation sectors in Colombia (Ernesto & Santiago, 2005). In this case study the stakeholders were given sufficient time and engaged early enough to interrogate the document and submit comments. This influences the decision-making process and enables the comments received be harmonized and form part of the decision made.

The Environmental Regulator (NEMA), corroborated this aspect by indicating that as a requirement of the National SEA Guidelines of 2012, they did place a public advert at the Plan Owners expense seeking comments from the public and stakeholders regarding the SEA report

for the NEC Master Plan. The advert indicated the physical locations (NEMA Head Office, the former Ministry of Environment and Natural Resources and the Ministry of Transport and Infrastructure) where the SEA report for the NEC Master Plan was to be accessed. The interrogation timeline was thirty (30) days from the date of the advert within which either written or oral comments were to be sent to NEMA for consideration during the decision-making process.

The study established that allowing for free expression of concerns, issues and views on the Plan during the SEA process was another important factor that influenced the level of stakeholder participation. This allowed for a created an ambient environment for raising concerns, discussing ideas however divergent they are with an aim of improving the SEA for the NEC Master Plan. This means that the information was either relayed through oral communication during the public meetings or through written dossiers on the provided link by the Plan Owner. This has an impact on the participation process in that it allows the participants to forecast and scenario build on the various alternatives offered and comment objectively as to which option will influence them positively for maximum benefits. This finding agrees with the SEA study conducted for the Lapsset corridor Plan where they engaged at all levels including the locals in various Plan areas whom were allowed to share their views in the local dialect (Repcon Associates, 2018). This has an impact on the SEA output in that it will have considered all the concerns raised by the stakeholders and the public.

The study established that the mode of engaging the stakeholders was also a key factor that influenced the level of participation during the SEA process for the NEC Master Plan. The mode of engagement was through stakeholder meetings, workshops, key informant interviews

and emails where necessary. This implies that their direct interaction between the Plan Owner and the stakeholders as well as NEMA which enhanced the engagement levels thus influencing the SEA output. This finding is in agreement with all the reviewed case studies above on SEA process conducted for the various policies, plans and programmes. This gives an opportunity to the stakeholders to ensure that their views are really captured by the Plan Owner who uses the comments to improve the Plan. NEMA uses the various modes of engagement to receive comments that assist in making informed decision in regards to the SEA for the NEC Master Plan.

The study established that use of a common known language during the meetings was another did influence the level of participation during the SEA process. The official and the national language were both used throughout the stakeholder participation process which enabled the easy of interaction between the Plan Owner, the SEA Expert and the participants. This also allowed the participants to express themselves in a way that they could be understood and their views considered during the decision making thus able to influence the output. However, one can also argue that the use of the official language at times might be too technical such that others could not easily understand what is expected from them in regards to the SEA for the NEC Master Plan without further simplification from the Plan Owner.

This finding is alluded to from the SEA study conducted for the “Great Western Development” (GWD) strategy which provided a strategic framework that linked over 20 national policies and a range of key construction projects where by there was no formal methodology employed to gather the views and concerns of the stakeholders during the SEA process due to the technical language being used during the SEA process (Dala-Clayton and Sadler, 2005). It was

therefore not clear how the SEA report addressed the issues raised by stakeholders during the participation process thus not being able to ascertain the impact the SEA process had in terms of awareness creation and understanding of the environmental impacts associated with the implementation of the strategy.

4.2.3 Feedback to Stakeholder

The study established that 42% of the participants were informed about the SEA process of the NEC Master Plan. This means that the engagement process was a one-way communication process, which aims at having a balanced and objective distribution of information for awareness creation and understanding of the NEC Master Plan. A sizeable number of the participants (26%) were of the opinion that they were consulted during the SEA process. This means that communication becomes two-way process whereby the information on the subject matter is shared with the public/stakeholders and ways of getting responses and feedback are availed. The intention is to create awareness and raise the understanding level concerning the NEC Master Plan and/or the various proposed activities while at the same time receiving and considering public comments about the plan.

A small portion (19%) was of the opinion that they were involved. This means that the engagement process was undertaken through a continuum involving the stakeholders and the public. This enhanced the two-way communication channel and focused on the already established and mutually agreed objectives. Thus, the stakeholders and the public had more influence on decision making process of the NEC Master Plan. At this involving level, feedback from the engaged stakeholders and the public were analysed and integrated into the various possible alternatives and outcomes of the NEC Master Plan. A smaller number (13%) were of the opinion that they collaborated with the Plan Owner during the SEA process. This means that they were included at “the joint planning and input meetings” whereby, the

stakeholders and public took part in the analysis of issues, development of viable alternatives, and directly influenced the decisions making process and outcomes of the NEC Master Plan. This is illustrated in figure 4.1.

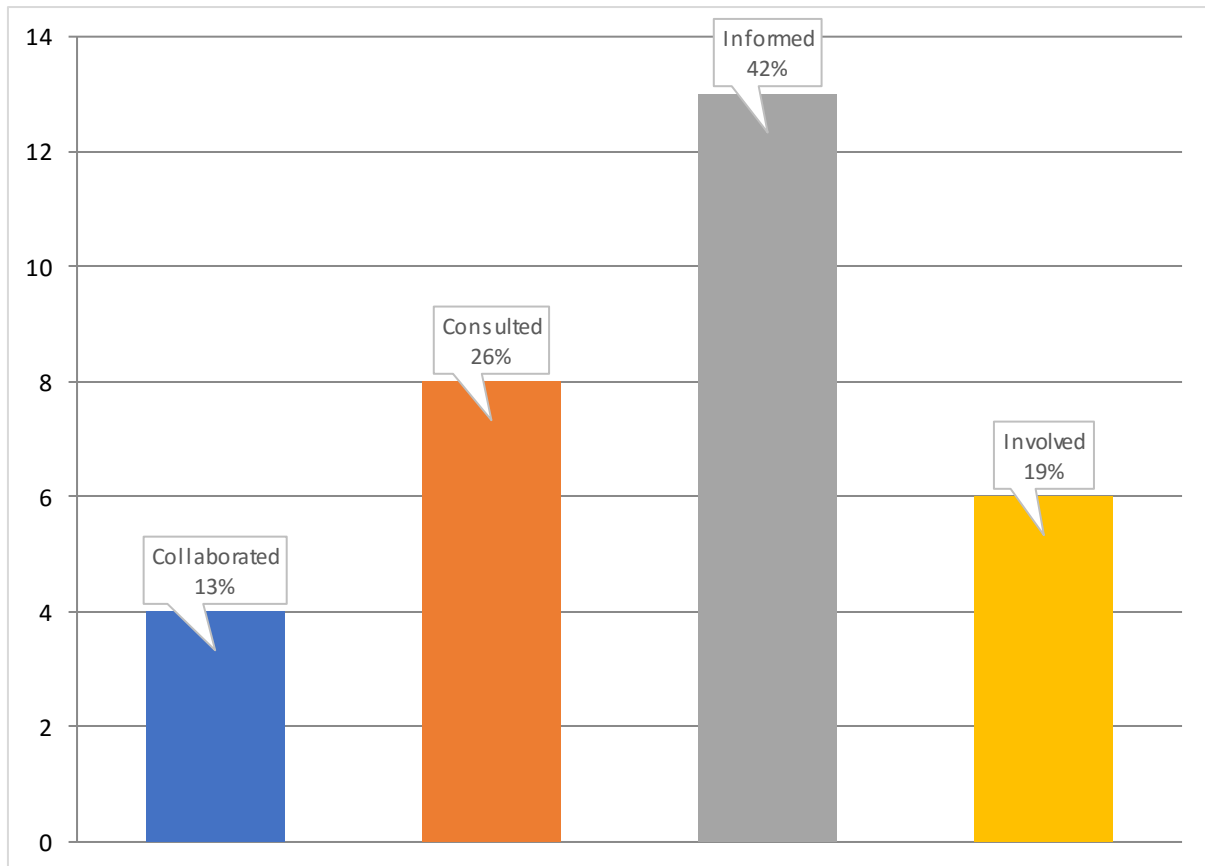


Figure 4.1: Stakeholder level of participation

(Source: Field data, 2018)

The above findings agree with the SESA study conducted for the petroleum sector and the SEA for the mining sector which indicated that the stakeholder engagement process had all the four categories of levels of engagement. That is, all engaged stakeholders either were informed, consulted, involved or collaborated with the policy owners. This means that the other factors already discussed above are crucial in determining at what level of participation a stakeholder can be placed.

The study established that the Ministry of Environment and Forestry relies on its technical department (i.e., NEMA), to ensure that all the key aspects of stakeholder participation are adhered to and implemented to the latter as per the legal requirements. This means that the Plan Owner need to ensure that key factors that do influence stakeholder participation such as access to the report at convenient time and place, being given adequate time to interrogate the report and give feedback, use of a common known language, the timing of the participation process among others are used. This is to enable the participation process have a chance to influence the final output of the SEA process for the NEC Master Plan.

The study established that development partners such as African Development Bank (ADB) have a very keen interest on how the participation component is undertaken for the projects they will finance and assist in the implementation process. The bank has developed its own manual to guide the stakeholder and public participation aspect that highlights some key factors to be considered during the participation exercise. Some of the key factors that they consider as important and always have an impact to the final output of the process are access to the report at convenient time and place, giving adequate time to the participants to interrogate the report and give feedback, use of a common known language, incorporation of gender into the participation process, adequacy of the information given out and the timing of the participation process among others. All these have an impact on the SEA output in terms of how rich and diverse it will be or not during the implementation process thus sustainable development.

4.3 Evaluation of the incorporation of the public views into the SEA output

The study established that 80% of those interviewed knew about the SEA for the NEC Master Plan while 20% did not know about the SEA for the NEC Master Plan. From the 80% of the stakeholders who knew about the SEA process, 55% were from the state actors. The other 20% were from the non-state actors and remaining 5% were individuals classified as the public. The 20% of the interviewed participants whom did not know about the SEA for the NEC Master

Plan were majorly the individuals classified as the public. This implies that during the stakeholder mapping and identification of interests, the government agencies ranked more influential with high contributions while the public ranked with low influence and low contributions. This has an impact on the participation process in that it will affect the type and nature of comments being raised as they will be skewed towards the government agenda. The majority of the engaged stakeholders disagrees with the study conducted for the Ministry of Environment, Tychy, Poland on the location of a landfill which indicated that the public need to be involved more rather than the state actors. They did through public education well before the location was chosen and even the state actors gave the various approvals on the plan (Thomas & Edmund, 2011).

A substantial number (40%) indicated that they knew about the SEA for the NEC Master Plan through the Plan Owner (The Ministry of Transport and Infrastructure Development) and or NEMA as the Environmental Regulator who sent the SEA report to them seeking their sectoral comments. A considerable number (40%) of those engaged indicated that they knew about the Plan through the meetings they attended which were convened by the Plan Owner. This was on invitational basis meaning that 80% of those engaged knew about the SEA process from the Plan Owner. The remaining 20% of those engaged knew about the NEC Master Plan through the print media (i.e. Newspaper Dailies/Kenya Gazette) once it was published by NEMA seeking public comments in regards to the NEC Master Plan. This finding is in agreement with study conducted on “Community Participation in Strategic Environmental Assessment: An Exploration of Process and Learning Outcomes in Kenya” (Heidi, 2012) which established that the PPP Owner has the prerogative of ensuring that the engaged stakeholders are informed about the PPP in question. This is also in line with the set requirements for participation during the SEA process for the various PPPs (National SEA Guidelines, 2012). This is illustrated in the figure 4.2

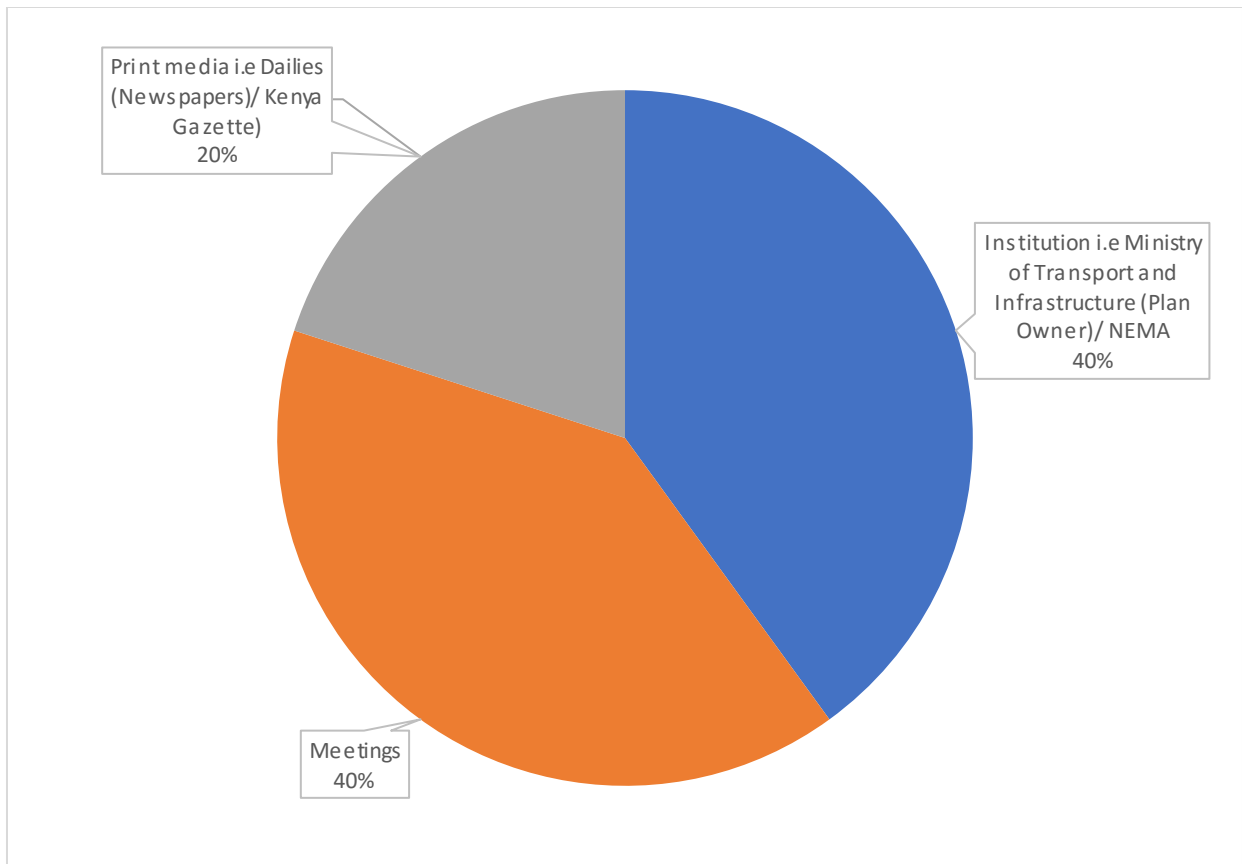


Figure 4.2: Source of knowledge on the SEA for the NEC Master Plan.

(Source: Field Data, 2018)

The study established that the stakeholder participation exercise was conducted throughout the SEA stages apart from SEA screening. A substantial number (42%) of the interviewed stakeholders participated at the SEA scoping level, a moderate number (26%) participated at the SEA study level while a significant number (32%) participated at the SEA validation workshop level. From the SEA stages it is clear that the SEA scoping and SEA study stages was where the views being collected were used to influence the SEA process NEC Master Plan. At the SEA validation workshop there were minimal new comments arising from the stakeholders since they were already engaged and aware of the SEA process with a view of just validating the inputs they gave and know how they have been used to inform in the compilation of the final SEA report and how it will influence the final decision making. This

is agreement with the findings of the study conducted on the “evaluation of SEA effectiveness in Kenya” (Frida, 2014) which indicated that the participation exercise during the SEA process needs to be done throughout all the SEA stages. This was corroborated by the SESA study conducted on Kenya’s Petroleum Sector which established that for a successful stakeholder engagement process, participation needs to be done throughout all the SEA stages (African Waste and Environmental Management Centre, 2016).

At the SEA scoping stage, the Plan Owner established the focus, content of the SEA and the relevant criteria for assessment for further in-depth study at the SEA study level. The potential significant issues identified ranged from environmental impacts and mitigation measures (air emissions, habitat alterations and biodiversity impacts, soil impacts, hydrology, hydro-geology etc), socio-economic baseline impacts, alternative policy option strategies, among others relating to the Plan were identified. The identified issues were elaborated on during the SEA study after gathering of views from the stakeholders hence improving the incorporation of comments into the SEA report. This finding agrees with the study conducted on “Action Plan on HIV/AIDS as part of social development priorities” which established that at the SEA scoping stage the significant issues were identified for further interrogation during the detailed SEA study (CIDA, 2002). This also agrees with the SEA study conducted for Tatu City Master Plan which clearly established that at the SEA scoping level all the pertinent issues need to be raised and all the stakeholders given an opportunity to interrogate the same in detail in the subsequent SEA stages (Gibb Africa, 2011).

The study established that, the stakeholder participation process during the SEA process for the NEC was taken seriously by the Plan Owner as well as the stakeholders and it allowed for the interrogation of views, information sharing and giving of feedback on the various aspects (environmental, economic, social, technological) that will impact the NEC implementation process. This has a bearing on the final output of the SEA in that the various views have to be

harmonized and incorporated into the final document and considered during decision making. This finding agrees with the study conducted for the Sperrgebiet land use plan which acknowledged that allowing stakeholders to give their views on the possible after use plans and interrogated the given options led to an informed decision by the relevant authorities (Walmsley, 2001). Figure 4.3 illustrates the stages at which the participation was undertaken.

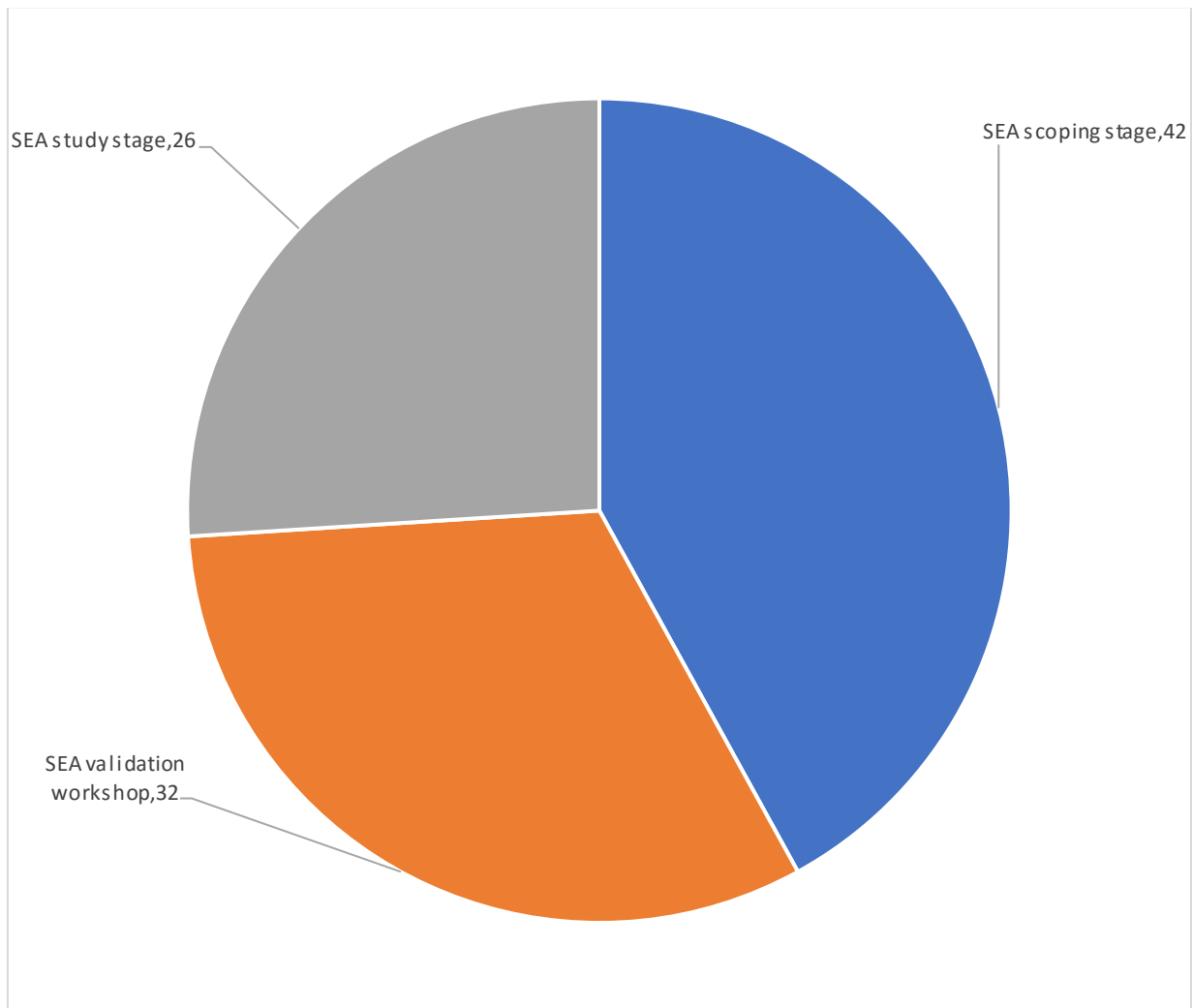


Figure 4.3: SEA stages at which stakeholders participated.

(Source: Field Data, 2018)

The study established that the majority (55%) of the interviewed participants were of the opinion that the participation exercise played a role in influencing the incorporation of the collected views into the final SEA report. This was also evident from the SEA conditional approval issued by NEMA to the Plan Owner which summarized and condensed the various concerns raised into thematic areas to be monitored by the Environmental Regulator, that is, SEA conditional approval number 1.5 which states that *“This approval shall not be taken as a statutory defence against charges of environmental degradation in respect of any manner of environmental degradation not specified herein”*. This was in response to the concerns raised by the participants in that the Plan owner will go ahead and implement the project in disregard of the other existing environmental laws.

This finding answers the third objective of the study which was evaluating the incorporation of stakeholder’s view into the decision-making process. It also agrees with the findings SESA findings on Kenya’s petroleum sector which indicated that some views of the stakeholders were collated and placed as conditions by NEMA during the approval process of the Policy SEA (African Waste and Environmental Management Centre, 2016). This was also evident in the SEA Policy for the mining sector in Kenya which also established that NEMA used some of the views raised by the stakeholders to make its decision and form part of the SEA conditional approval letter issued (Habitat Planners, 2017). This means that the stakeholder participation process during the NEC Master Plan SEA process did influence the output through the consideration of the raised comments during decision making.

SEA conditional approval number 2.6 which states that *“The PPP owner shall ensure that the development of any project within the corridor is in compliance with the existing land use*

plans”. This condition is in response to the key issue raised by the participants which required the Plan Owner to ensure the implementation of the NEC Master Plan was aligned with other existing PPPs so as to avoid duplication of work and waste of resources. This finding clearly shows that the stakeholder participation process did influence the output of the SEA process and it was not undertaken just as a requirement of the law rather because it is important and was used to make informed decision making. This finding is in agreement with findings of the SEA study for the Lapsset corridor infrastructure development plan that traverses several counties and acknowledges the need to adhere to the various existing land uses where the Plan will intersect (Repton Associates, 2017). This is corroborated by the SEA study on the Mining sector in Kenya which also cuts across several counties and the implementation of individual projects therein requires that the existing land uses are taken into account during the development aspects of the mining sector in those Counties (Habitat Planners, 2017).

SEA conditional approval number 2.9 which states that *“The PPP owner shall undertake subsequent Environmental Impact Assessments (EIAs) for specific projects within the plan and submit the same to NEMA before commencement of the projects”*. This was in response to the concerns raised by the participants in that there will be development of huge infrastructural projects without undertaking of feasibility studies to ascertain the project impacts. This clearly shows that the Environmental Regulator did consider the views raised during the stakeholder participation exercises held at the various stages of the SEA process for the NEC Master Plan. This is in agreement with the reviewed Kenya SEA case studies above on the use of the views collected and collated from the stakeholders and as the requirement of the law.

SEA conditional approval 2.10 which states that *“The PPP owner shall ensure strict adherence to the Environmental Management and Monitoring Plan (EMMP) developed throughout the*

plan implementation cycle with emphasis on Waste Management Plan, Transport Management Plan, Infrastructure and services management plan, pollution prevention management plan, emergency response management plan and plan on protection of conservation areas". This was in response to a combination of issues raised by the participants ranging from economic issues, Health and Safety issues, road furniture issues, gender and vulnerable groups issues among others. This finding shows that the Environmental Regulator did analyse all the submitted comments and harmonized them during the decision making thus issuance of the SEA approval conditions for the NEC Master Plan. It is expected that NEMA will monitor the set conditions during the SEA implementation process thus the need for continued stakeholder engagements. This finding agrees with the SESA study conducted for the petroleum sector which indicates that once the approval has been issued, the Plan Owner still needs to work with NEMA to ensure sustainable management during the Plan implementation (Africa Waste and Environment Management Centre, 2016). The above findings are summarized in Table 4.2.

Table 4.2: Summary of issues raised by stakeholders and how they were incorporated into the SEA output

Stakeholders concerns	SEA Conditions issued	Incorporation of the stakeholders' views
Plan implementation with total disregard of the existing environmental laws and regulations	SEA conditional approval number 1.5	This approval shall not be taken as a statutory defence against charges of environmental degradation in respect of any manner of environmental degradation not specified herein
Duplication of work and waste of resources through plan implementation to ensure that the NEC Master Plan is aligned with other existing PPPs	SEA conditional approval number 2.6	The PPP owner shall ensure that the development of any project within the corridor is in compliance with the existing land use plans
Development of huge infrastructural projects without undertaking of feasibility studies to ascertain the project impacts	SEA conditional approval number 2.9	The PPP owner shall undertake subsequent Environmental Impact Assessments (EIAs) for specific projects within the plan and submit the same to NEMA before commencement of the projects
A range of issues on economics, social, environment, human health and safety aspects, road furniture issues, gender and vulnerable groups issues among others	SEA conditional approval number 2.10	The PPP owner shall ensure strict adherence to the Environmental Management and Monitoring Plan (EMMP) developed throughout the plan implementation cycle with emphasis on Waste Management Plan, Transport Management Plan, Infrastructure and services management plan, pollution prevention management plan, emergency response management plan and plan on protection of conservation areas.

Source: Field Data, 2018

The study established that SEA conditional approval issued was as a result of the issues raised during the stakeholder participation process and harmonized by NEMA for easy of monitoring.

This means that the stakeholders and the public can question the Plan Owner on the

implementation process if they breach the given conditions. This finding indicates that, the stakeholder participation exercise was conducted objectively and used to help in decision making and not for its own sake and as a requirement of the law. This finding is in agreement with the study conducted on the “Community Participation in Strategic Environmental Assessment: An Exploration of Process and Learning Outcomes in Kenya” which established that the participation process done during the various SEA study’s in Kenya was not just done for the sake as a requirement but was genuine in influencing the final output however there are still challenges of ensuring that this is achieved fully (Heidi, 2012).

A substantial number (40%) of the engaged stakeholders, both the state actors and non-state actors were of the opinion that they did not get a chance to read the final SEA report and there was no feedback given to them either by the Environmental Regulator or the Plan Owner in regards to the participation process. Therefore, they could not tell whether their views influenced the decision making or not since National Environment Management Authority was at liberty to decide which comments to use or not. This finding is in agreement with the study conducted for the Chinese Government on the “Great Western Development Strategy (GWDS)” which alluded to the undertaking of public participation though it cannot be ascertained if it took place or not and the extent the stakeholder participation addressed the concerns raised (Haakon *et al.*, 2005). This means that there was no stakeholder disclosure done thus, the need for full disclosure once the final SEA report has been submitted, reviewed and a decision made by the National Environment Management Authority. This is to offer an opportunity to the participants to appreciate the important role they played and be able to see how their views were used and if at all they influenced the output or not.

From the findings, it was further established that, the majority (63%) of the participants did not know about the outcome of the SEA process for the NEC Master Plan, that is whether it was approved or not. A substantial number (32%) of the engaged stakeholders were of the opinion

that it was approved while a small number (5%) were of the opinion that it was under review. This means that the Plan Owner did not disclose the final outcome of the participation process of SEA to the engaged stakeholders after receiving the SEA approval conditions from NEMA. This also means that NEMA, as the Environmental Regulator also did not disclose to the stakeholders the final outcome of the SEA process after reviewing the Plan. This has an implication to the participation process in that it will not enable those engaged realise the important role they played in interrogating the SEA and giving their opinions which shaped the final output and how their views were used during decision making. This might hinder their participation in future if they are called to participate in any stakeholder engagements due to the assumption that they are just being used for the sake to meet the legal requirements but not to influence the final output of the PPP during the SEA process. Figure 4.4 illustrates the participants' knowledge in terms of the status of the SEA status for the NEC Master Plan.

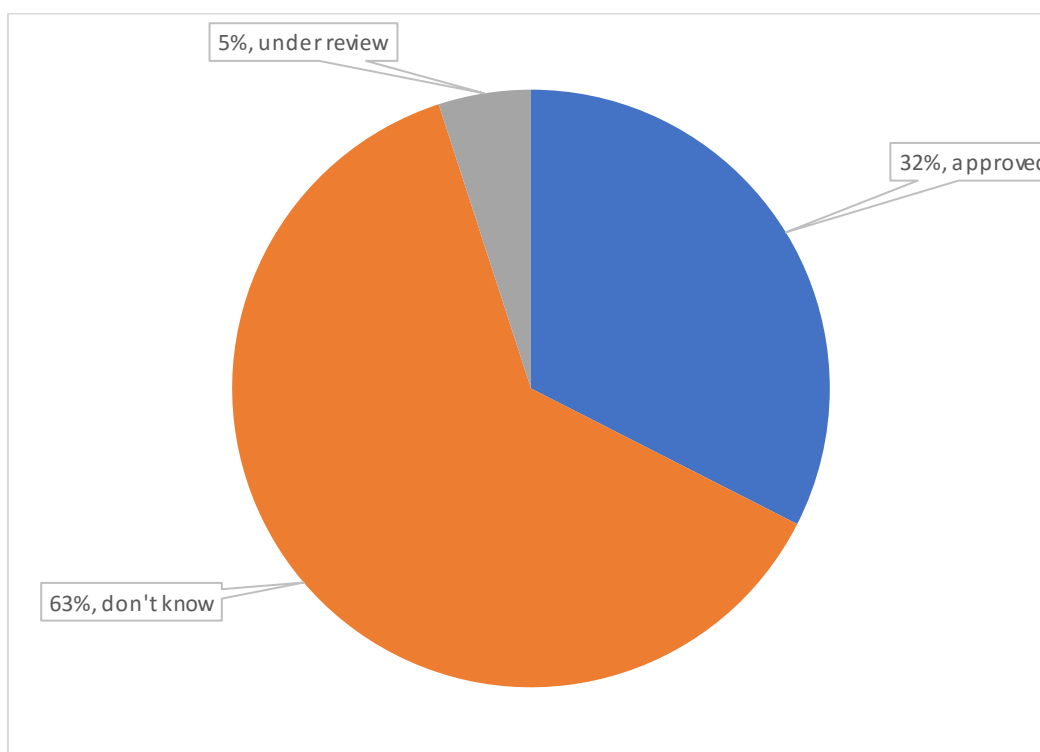


Figure 4.4: Knowledge on the status of the SEA for the NEC Master Plan by the participants

(Source: Field Data, 2018)

Based on the discussion above, it is evident that the issues raised by the stakeholders during the various engagement forums were incorporated into the final decision making of the SEA for the NEC Master Plan. This was with a view to ensure that the pertinent issues raised by the stakeholders such as environmental protection and conservation, health and safety, economic issues, alignment of the Plan with other PPPs during implementation, feasibility studies for the various individual projects that will be done under the Plan and engagement of the political class among others to ensure proper implementation of the Plan to the latter.

4.4 Existing policy and institutional frameworks regarding stakeholder participation in the SEA process in Kenya

The study established that Kenya has several policy frameworks that are being used to guide the stakeholder participation exercise through the SEA process for the various PPPs. It was noted that the policy framework is anchored on the supreme law of the land that is the Constitution of Kenya, 2010. The CoK has several articles that touches on participation aspects in regards to the management of the environmental resources in the Country and also on matters that will affect the livelihoods of the people. This means that they must be involved so that their views can be used to inform the final output of the various processes including that of the SEA for the PPPs under implementation. This finding is in agreement with the study on “Community participation in strategic environmental Assessment: an exploration of process and learning Outcomes in Kenya”. It was established that the stakeholder and public participation exercise was undertaken as requirement of the Constitution of Kenya (Heidi, 2012). Another study on the “Implementation and effectiveness of Strategic Environmental Assessment in Kenya” also proved that the Constitution of Kenya influenced the process of stakeholder engagement (Frida, 2014) during the SEA process. This means that the various institutions are capable of ensuring that the participation process for the SEA is executed to the latter and the regulator to enforce the same during the approval process.

The National Environmental Policy of 2013 is also a guiding policy document used during the SEA implementation since it requires that all policies, plans and programmes be subjected through the SEA process. However, neither of the studies conducted on the SEA process in Kenya interrogated the aspect of participation as provide for in the Environment Policy despite it being very clear undertaking of the participation process during the SEA for any PPP (National Environment Policy 2013). This shows that the implementation of the environment policy is still yet to be realized fully and thus its influence to the PPP cannot be ascertained at this point. The policy document recognizes the role SEA plays in environmental management and advocates for its strengthening in the various government agencies while ensuring that stakeholder participation is done. This is to enable the stakeholder participation process have a chance of influencing the final decision of the PPP in question and ensure ownership of the process.

The Environmental Management and Coordination Act (EMCA), Cap 387, is the framework law on environmental management and conservation in Kenya. The Act has several subsidiary legislations within it that do guide the stakeholder participation exercise during the undertaking of SEA process for the various PPPs. The Environmental (Impact Assessment and Audit) Regulations, 2003 do recognizes that “SEAs as a measure of environmental impact assessment at strategic level such as policy, plans and programmes”. This is finding is in agreement with the study on “Community participation in strategic environmental Assessment: an exploration of process and learning Outcomes in Kenya” (Heidi, 2012) and the study conducted on the “Implementation and effectiveness of Strategic Environmental Assessment in Kenya” (Frida, 2014). It was established these studies clearly showed how EMCA was used during the stakeholder participation exercise as required by the law.

The study established that the National Environment Management Authority (NEMA), is the responsible government body in processing all the SEAs submitted for the various PPPs in the Country. This means that NEMA is empowered to ensure that the stakeholder participation aspects are undertaken during the SEA process of any PPP. This finding agrees with the study on “Community participation in strategic environmental Assessment: an exploration of process and learning Outcomes in Kenya” (Heidi, 2012) and the study conducted on the “Implementation and effectiveness of Strategic Environmental Assessment in Kenya” (Frida N. 2014). It clearly shows that the SEA process does not take place in a vacuum but rather uses an already set out criteria for the processing of the PPPs during the undertaking of the SEA by the various state and non-state actors.

The study also established that the engaged stakeholders both the state actors and the non-state actors were aware of the indicated policy document above as those used to guide participation of PPPs during the SEA process. They were also aware that NEMA is the government body charged with the responsibility on environmental matters and as such processed the SEA for the NEC Master Plan. This means that the knowledge level of the stakeholders in regards to the existing laws and regulations governing SEA is enhanced though they might not be aware of the finer details of the full requirements which support participation components. The stakeholders were of the opinion that further education and awareness in regards to the SEA process and its importance to the PPPs should be enhanced so that they are shown how they are to engage better.

The study established that the strategic actions on participation aspects in the National Environment Policy are general to SEA process and there is no specific aspect that relates to

stakeholder participation in SEA. This means that the SEA process will be undertaken but the participation component will not be robust as expected and the benefits that are associated with participation might not be realized. The same scenario was also established in the EIA/EA Regulations which only limits the participation component to the EIA and EA process and not in the SEA process.

The study established that the mechanisms for stakeholder feedback loop on the participation process and how their inputs were used in the entire process including decision making are not available and as such the engaged parties are not aware if they participated in an exercise in futility or if their inputs really made an impact. This goes against the best practice as highlighted in the participation guidelines for the World Bank Group.

CHAPTER FIVE: SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

This chapter presents the summary of the findings, conclusions and recommendations arising from the findings of the study.

5.2 Summary

In view of the above results and discussions, it is evident that the study established the influence the stakeholder participation had on the SEA process for the Master Plan on logistics of the NEC. It therefore empathizes the important and crucial component that stakeholder participation has to while undertaking SEA process. The results in this study show that stakeholder participation did influence the SEA output for the NEC Master Plan. The study demonstrated that stakeholder analysis was undertaken during the participation exercise through mapping out of stakeholders into state actors and non-state actors and identifying their interests based on their mandates. This means that participation exercise undertaken was not done for the sake of it or simply as a requirement of the law but rather due to the positive benefits the engagement process has to the plan.

The study established that several key factors influenced the level of stakeholder participation in SEA process for the NEC Master Plan. This means that attributing suitable participation methods to the engagement process for the stakeholders has a direct positive impact into the incorporation of their views into the decision-making process and thus influences the final output. In regards to the evaluation of incorporation of the stakeholder views into the SEA output, the study established that the views of the stakeholders were objectively analysed and incorporated as evident by the SEA conditional approval letter issued by NEMA. The approval condition did condense the various concerns into monitor-able conditions after harmonization

of all the received comments and views to be used during the implementation and operational phases of the plan.

The study established that the existing policy and institutional frameworks on stakeholder participation during the SEA process are general and lacks the appropriate and specific mechanisms for ensuring that specific methodology or approaches for participation engagement are used depending on the types of SEA, the sector, the specific target group including the minorities and marginalized during the SEA process and the non-disclosure of the final status and outcome of the engagement process.

5.3 Conclusion

The results suggest that the stakeholder views were incorporated into the SEA output for the NEC Master Plan during the decision-making process. This was evident through issuance of SEA conditional approval letter by NEMA to the Plan Owner for ease of monitoring during the plan implementation. However, there was no appropriate framework to ensure that stakeholder disclosure for the final status of the SEA for the NEC Master Plan was done to the engaged stakeholders for them to know the role they played in influencing the decision making process thus need for a participation disclosure framework.

The implication of the study therefore is that a good and effective stakeholder participation process should not only target the high level participants in this case the state actors and non state actor but rather should also include the public/local community as the low level participants who are high contributors. Stakeholder participation does not occur by chance; it must be judiciously planned and be more pre-emptive which will lead to an effective process and thus protection of the environment which is the ultimate goal of environmental

sustainability while reducing conflict among the stakeholders and enhances the economic benefits associated with the Plan implementation process.

5.4 Recommendations

Based on the results and conclusion made from the study, it is recommended that, stakeholder engagement process be enhanced by the environmental regulator, NEMA, through strengthening the stakeholder participation process by coming up with a detailed procedures of undertaking stakeholder participation process which clearly stipulate the specific methodology or approaches to be used during the SEA engagement process to complement the National SEA guidelines, 2012. This will ensure that even the public/local community members are also engaged in the participation process and have a chance of having their inputs and ideas influencing the decision making thus having a greater sense of ownership.

The study also recommends that the environmental regulator, NEMA, comes up with a stakeholder disclosure framework with the aim of communicating back to the engaged participants on the outcome of the participation process and how their views and inputs were used during the entire process. This will enable the stakeholders appreciate the value of stakeholder participation while undertaking the SEA process of any PPP as well as know what is expected of them during the monitoring stage.

The study also recommends that an enforcement and monitoring mechanisms for the approved Strategic Environmental Assessment (SEA) should be undertaken by NEMA so as to ensure that the final outcomes of the PPPs are being implemented as approved while still ensuring that the stakeholder's views and inputs are utilized accordingly.

5.5 Areas for further research

Further research should be undertaken to examine;

- i) The expertise of those SEA Experts who undertake the various SEAs studies for the Policy, Plan and Programmes (PPPs) in terms of their competency, knowledge and skills needed to execute SEA process;
- ii) The implementation status of the approved PPPs during the SEA process and the results thereof;

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APPENDICES

APPENDIX 1: Interview Guide for the National Environment Management Authority (NEMA)

Introduction

I am Reagan Awino a registered Masters student at the Centre for Advanced Studies in Environmental Law and Policy (CASELAP), University of Nairobi. I am conducting a study on the “Analysis of Stakeholders’ Participation Outputs on Strategic Environmental Assessment (SEA) for the Master Plan on Logistics in the Northern Economic Corridor (NEC), Kenya”. A key component of this study is obtaining important input from the various stakeholders such as NEMA officials, Plan Owner and the public who were involved in the SEA process.

The study aims at analyzing the stakeholder participation output and process on Strategic Environmental Assessment (SEA) for the Master Plan on Logistics in the Northern Economic Corridor (NEC), Kenya. Your positive response will help in identifying some of the constraints faced by decision makers and propose viable options on how best to integrate the various views/opinions from the stakeholders into the SEA decision-making process in Kenya. This can be used for future policy improvements in Kenya in regards to stakeholder participation aspects. The information sought will be treated with the utmost confidentiality and will be used solely for the purpose of this research.

SEA Questions for Interviews:

1. What is the description of the stakeholder participation process, its objectives and the scope regarding SEA tool?

2. How do stakeholders perceive participation in the SEA process?

Positive () Negative ()

3. What factors promote stakeholder participation in the SEA process?

4. What factors hinder stakeholder participation in the SEA process?

5. At what stage were the stakeholders involved in the SEA process for the Northern Economic Corridor and why?

8. What factors influenced their level of participation?

9. Does your organization have a mandate/role that relates to the NEC Master Plan?

Yes () No () If yes state how?

10. Did the decision-makers read the inputs from the public participation exercise during the decision-making process?

Yes () No () If No kindly explain

11. Which of the following statements best describe how the you as a participant were engaged in the SEA process for the NEC Master Plan (Pick one only)

- a) They were informed on the SEA process (one-way communication, usually with a goal to distribute balanced and objective information aimed at raising awareness and understanding)
- b) They were consulted on the SEA process (communication becomes two-way, information is shared with the public and opportunities for feedback are provided. The intent is to raise awareness and understanding about a project or activity, and to receive and consider public comments).
- c) They were involved (Moving through the continuum to involving the public, two-way communication increases and centres on established and mutually accepted objectives and

the public has more influence on decision making. Feedback from the public is analysed and incorporated into alternatives and outcomes).

- d) They Collaborated with the Plan Owner during the SEA process (may include joint planning and input. At this level, the public participates in the analysis of issues, contributes to the development of alternatives, and directly influences recommendations, decisions and outcomes).

12. How can incorporation of stakeholders' views into decision making be improved?

THANK YOU FOR YOUR COOPORATION

APPENDIX II: Interview Guide for the Engaged Stakeholders

Introduction

I am Reagan Awino a registered Masters student at the Centre for Advanced Studies in Environmental Law and Policy (CASELAP), University of Nairobi. I am conducting a study on the “Analysis of Stakeholder Participation Output on Strategic Environmental Assessment (SEA) for the Master Plan on Logistics in the Northern Economic Corridor (NEC), Kenya”. A key component of this study is obtaining important input from the various stakeholders such as NEMA officials, Plan Owner and the public who were involved in the SEA process.

The study aims at analyzing the stakeholder participation output and process on Strategic Environmental Assessment (SEA) for the Master Plan on Logistics in the Northern Economic Corridor (NEC), Kenya. Your positive response will help in identifying some of the constraints faced by decision makers and propose viable options on how best to integrate the various views/opinions from the stakeholders into the SEA decision-making process in Kenya. This can be used for future policy improvements in Kenya in regards to stakeholder participation aspects. The information sought will be treated with the utmost confidentiality and will be used solely for the purpose of this research.

SEA Questions for Interviews:

1. Name of the stakeholder entity you represent (Government Agency/Private Company/NGOs/Academia/CBOs/Local community/Development Partner)

2. Do you know about the SEA for the NEC?

Yes () No ()

3. If yes, how did you know about the SEA process? Through;

Institution - Plan Owner/NEMA 1, Radio 2, TV 3, Print Media - Newspaper/Kenya Gazette 4, Meetings 5, Posters 6, others (please specify) 7

4. Do you know the status of the SEA for the NEC?

- (a) Approved ()
- (b) Not Approved ()
- (c) Under Review ()
- (d) Don't know ()

5. Does your organization have a mandate/role that relates to the NEC Master Plan?

Yes () No () If yes state how?

6. Did you participate in any form of stakeholder participation exercise during the SEA process?

Yes () No ()

7. If yes, at what stage of the SEA process did you participate?

SEA screening () SEA Scoping () SEA Study () SEA validation workshop () other (please specify)

8. Why did you attend or participate in the stakeholder participation exercise of the NEC Master Plan SEA?

9. How did you participate in the SEA process, through?

Questionnaires 1, Meetings 2, Written memorandum 3, FGDs 4, Other (please specify) 5

10. Which of the following statements best describe how you participated in the SEA process for the NEC Master Plan (Pick one only)

- a) I was informed on the SEA process (one-way communication, usually with a goal to distribute balanced and objective information aimed at raising awareness and understanding)
- b) I was consulted on the SEA process (communication becomes two-way, information is shared with the public and opportunities for feedback are provided. The intent is to raise awareness and understanding about a project or activity, and to receive and consider public comments).
- c) I was involved (Moving through the continuum to involving the public, two-way communication increases and centres on established and mutually accepted objectives and the public has more influence on decision making. Feedback from the public is analysed and incorporated into alternatives and outcomes).
- d) I Collaborated with the Plan Owner during the SEA process (may include joint planning and input. At this level, the public participates in the analysis of issues, contributes to the development of alternatives, and directly influences recommendations, decisions and outcomes).

11. Do you think stakeholder participation exercise played a role in the decision-making process of the SEA process?

12. Were the stakeholder views incorporated into the SEA process? Kindly elaborate on your answer

13. What factors influenced the level of stakeholder participation during the SEA process?

14. Suggest measures that can be put in place to ensure incorporation of stakeholder comments into the decision-making process of the SEA

THANK YOU FOR YOUR PARTICIPATION

APPENDIX III: Interview Guide for the Plan Owner and the SEA Expert

Introduction

I am Reagan Awino a registered Masters student at the Centre for Advanced Studies in Environmental Law and Policy (CASELAP), University of Nairobi. I am conducting a study on the “Analysis of Stakeholder Participation Output on Strategic Environmental Assessment (SEA) for the Master Plan on Logistics in the Northern Economic Corridor (NEC), Kenya”. A key component of this study is obtaining important input from the various stakeholders such as NEMA officials, Plan Owner and the public who were involved in the SEA process.

The study aims at analyzing the stakeholder participation output and process on Strategic Environmental Assessment (SEA) for the Master Plan on Logistics in the Northern Economic Corridor (NEC), Kenya. Your positive response will help in identifying some of the constraints faced by decision makers and propose viable options on how best to integrate the various views/opinions from the stakeholders into the SEA decision-making process in Kenya. This can be used for future policy improvements in Kenya in regards to stakeholder participation aspects. The information sought will be treated with the utmost confidentiality and will be used solely for the purpose of this research.

SEA Questions for Interviews:

1. What is the description of the stakeholder participation process, its objectives and the scope regarding SEA tool?
2. What factors promote stakeholder participation in the SEA process?
3. What factors hinder stakeholder participation in the SEA process?
4. At what stage did you engage the stakeholders in the SEA process and why?
5. What factors influenced their level of participation?
6. How were the views of the public used during the SEA process for the NEC?

7. Do you think stakeholders' participation exercise contributed to the approval of the NEC SEA?

8. Which of the following statements best describe the participation exercise of the SEA process for the NEC Master Plan

- a) The public was informed on the SEA process (one-way communication, usually with a goal to distribute balanced and objective information aimed at raising awareness and understanding)
- b) The public was consulted on the SEA process (communication becomes two-way, information is shared with the public and opportunities for feedback are provided. The intent is to raise awareness and understanding about a project or activity, and to receive and consider public comments).
- c) The public was involved (Moving through the continuum to involving the public, two-way communication increases and centres on established and mutually accepted objectives and the public has more influence on decision making. Feedback from the public is analyzed and incorporated into alternatives and outcomes).
- d) The public collaborated with the Plan Owner during the SEA process (may include joint planning and input. At this level, the public participates in the analysis of issues, contributes to the development of alternatives, and directly influences recommendations, decisions and outcomes).

9. In your own opinion, how good was the public participation exercise?

Very Good 1, Good 2, Fair 3, Poor 2, Very poor 1

10. Suggest measures that can be put in place to ensure incorporation of public comments into the decision-making process of SEAs

THANK YOU FOR YOUR PARTICIPATION

APPENDIX IV: List of participants in the Strategic Environmental Assessment (SEA) process for the Master Plan on Logistics in the Northern Economic Corridor (NEC), Kenya as per the signed attendance sheets in the final SEA Report submitted to the National Environment Management Authority (NEMA).

NO.	GOVERNMENT ENTITIES
1.	Ministry of Transport and Infrastructure
2.	Ministry of Mining
3.	Kenya National Highways Authority
4.	LAPSSET
5.	Ministry of Water and Irrigation
6.	Ministry of Land Housing and Urban Development
7.	Ministry of Industrialization and Enterprise Development
8.	Police Department – Traffic
9.	Kenya Ports Authority
10.	Kenya Urban Roads Authority
11.	Kenya Pipeline Corporation
12.	National Environment Management Authority
13.	Kenya Revenue Authority
14.	Kenya Rural Roads Authority
15.	State Department of East African Affairs (SDEAA)

16.	Kenya Wildlife Service
17.	Rift Valley Railways
18.	Kenya National Chambers of Commerce and Industry
19.	National Museum of Kenya
20.	Kenya Railways
21.	Kenya Airports Authority
22.	Ministry of Transport Infrastructure Housing and Urban Development
23.	Kenya Maritime Authority
24.	Kenya National Commission on Human Rights
25.	Nairobi Water Conservation and Pipeline Corporation
26.	National Cereals and Produce Board
27.	Coast Water and Services Board
28.	Lake Victoria South Water Services Board
29.	Kenya Marine Fisheries and Research Institute
30.	KETRACO
31.	National Irrigation Board
32.	Kenya Vision 2030
33.	Kenya Ferry Services Limited
34.	Kenya Petroleum Refinery Limited


35.	Northern Corridor Transit and Transport Coordination Authority (NCTTCA)
36.	Council of Governors
37.	Immigration Office
38.	Ministry of Environment and Forestry
NO.	NAME OF INSTITUTION
1.	ERM – SEA experts
2.	NORKEN
3.	Kenya International Freight and Warehousing Association (KIFWA)
4.	Petroleum Institute of East Africa
5.	Toyota Tsusho
6.	Kenya Fish Processors and Exporters Association (AFIPEK)
7.	Federation of East Africa Freight Associations (FEAFFA)
8.	KURRENT Technologies
9.	Shipping and Maritime
10.	Kenya Association of Manufacturers
11.	Kenya Forest Working Group
12.	Kenya Transporters Association
13.	Law Society of Kenya (LSK)
	PRIVATE ENTITIES - NGOs/ASSOCIATIONS

1.	Natural Justice and Environmental Law Alliance Worldwide
2.	WWF-Kenya
3.	East Africa Wild Life Society/Kenya Forest Working Group
4.	East Africa Wild Life Society/Kenya Wetland Forum
5.	Green Belt Movement
6.	Eco Plan Kenya
7.	Nature Kenya
8.	Kenya Alliance of Residents Association
9.	Transport Workers Union of Kenya
11.	Kisumu Business Coalition
12.	FOPPS Sacco
13.	Voice of Malaba
14.	Amagoro motorbike group
15.	Malaba motorbike Association
16.	FERN
17.	Malaba Community
18.	Friends of Lake of Nakuru
	RESEARCH AND ACADEMIA
1.	University of Nairobi

2.	Egerton University
3.	Maseno University
4.	Kenya Water Institute
5.	Coastal Oceans Research and Development - Indian Ocean (CORDIO) East Africa

Source: Strategic Environmental Assessment (SEA) process for the Master Plan on Logistics in the Northern Economic Corridor (NEC), Kenya, 2017 and amended Author, 2018

APPENDIX V: SEA Approval conditions issued by NEMA for the NEC Master Plan


nema
NATIONAL ENVIRONMENTAL MANAGEMENT AUTHORITY

NATIONAL ENVIRONMENTAL MANAGEMENT AUTHORITY

Telcom Wireless: 020-2183718, 020-2101370, 020-2103694
Mobile Line: 0724 253 398, 0723 363 010, 0735 013 046
Incident Line: 0796 101 100

P. O. Box 67899 - 00200
Papa Road, Nairobi, Kenya
Email: dgrem@nema.go.ke
Website: www.nema.go.ke

NEMA/SEA/5/2/043 **14 March, 2011**


Infrastructure Secretary,
Ministry of Transport, Infrastructure,
Housing & Urban Development
P.O. Box 30260 - 00100
NAIROBI.

**RE: APPROVAL FOR THE STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) FOR
THE FORMULATION OF A MASTER PLAN ON LOGISTICS IN THE NORTHERN
ECONOMIC CORRIDOR, KENYA**

1. General Conditions

- 1.1 The approval is for the Strategic Environmental Assessment for the Formulation of a Master Plan on Logistics in the Northern Economic Corridor
- 1.2 The approval shall be valid for 24 months from the date of issue (Time within which the Master plan implementation should commence).
- 1.3 Without prejudice to the other conditions of this approval, the PPP owner shall implement and maintain an environmental management system, organizational structure and allocate resources that are sufficient to achieve compliance with the requirements and conditions of this approval.
- 1.4 The Authority shall take appropriate action against the PPP owner in the event of breach of any of the conditions stated herein or any contravention to the Environmental Management and Coordination Act, CAP 387 and regulations there under.
- 1.5 This approval shall not be taken as statutory defense against charges of environmental degradation in respect of any manner of environmental degradation not specified herein.
- 1.6 The PPP owner shall ensure that records on conditions of approval and monitoring and evaluation shall be available for inspection by NEMA's Environmental Inspectors.
- 1.7 The PPP owner shall engage an Environmental Expert to undertake periodic (biannually) monitoring and evaluation of the implementation plan to confirm the efficacy and adequacy of the Environmental Management and Monitoring Plan and submit a report to NEMA.

Our Environment, Our Life, Our Responsibility


AND WE'VE BEEN Certified

1.8 The PPP owner shall comply with NEMA's improvement orders throughout the plan implementation cycle.

2. Implementation Phase

2.1 The PPP owner shall ensure appropriate intra-governmental coordination mechanisms for the implementation of the Northern Economic Corridor.

2.2 The PPP owner shall in consultation with the relevant County Governments ensure that the County Integrated Development Plans (CIDPs) are harmonized with the Master Plan for the Northern Economic Corridor.

2.3 The PPP owner shall in consultation with the relevant stakeholders including Kenya Forest Service, Kenya Wildlife Service, various County Governments ensure continued conservation of different Conservation Areas traversing the corridor and submit the plan to NEMA before submission of site specific Environmental Impact Assessments (EIAs).

2.4 The PPP owner shall in consultation with Kenya Wildlife Service prepare an Integrated Wildlife Management Plan to include conservation of wildlife dispersal areas among other factors and submit the plan to NEMA before submission of site specific Environmental Impact Assessments (EIAs).

2.5 The PPP owner shall in consultation with Water Resources Management Authority (WRMA) prepare an Integrated Wetlands and Riparian Reserve Management plan to include conservation of wetland areas and riparian reserves and submit the plan to NEMA before submission of site specific Environmental Impact Assessments (EIAs).

2.6 The PPP owner shall ensure that the development of any project within the Corridor is in compliance with existing land use plans.

2.7 The PPP owner shall in consultation with the relevant stakeholders ensure a comprehensive institutional framework for solid waste management and establishment of a recycling based society.

2.8 The PPP owner shall ensure that there is adequate public participation in the design, oversight and approval of the development/projects that conform to the existing plans.

2.9 The PPP owner shall undertake subsequent Environmental Impact Assessments (EIAs) for specific projects within the Plan and submit the same to NEMA before commencement of the projects.

2.10 The PPP owner shall ensure strict adherence to the Environmental Management and Monitoring Plan developed throughout the Plan implementation cycle with emphasis on waste management plan/strategy, transport management plan, infrastructure and services management plan, pollution prevention management plan, Emergency Response Management Plan and plan on protection of conservation areas.

2.11 The PPP owner shall ensure that the implementation of the Plan adheres to zoning specifications, carrying capacities, open space requirement and land use plan as in the Plan.

- 2.12 The PPP owner shall comply with the relevant principle laws, by-laws and guidelines issued for development of such a Plan within the jurisdiction of Ministry of Environment and Natural Resources, Ministry of Water and Irrigation, Ministry of Finance and National Treasury, Athi Water Services Board, Ministry of Energy and Petroleum, Water Resources Management Authority, Kenya Wildlife Service, Kenya Forest Service, Kenya Highways Authority, Kenya Urban Roads Authority, Kenya Airports Authority, Kenya Civil Aviation Authority, Nairobi City Water and Sewerage Company, Ministry of Land, Housing and Urban Development, Ministry of Health, Ministry of Energy & Petroleum, National Museums of Kenya, National Land Commission, Kenya Marine Research Fisheries Institute, Kenya Maritime Authority, LAPSET Corridor development Authority, Directorate of the Occupational Health and Safety Services and other relevant authorities.
- 2.13 The PPP owner shall, in consultation with the Ministry of Land, Housing and Urban Development and the neighbouring County Governments, put measures in place to control the mushrooming of slums in the neighbourhood.
- 2.14 The PPP owner shall ensure that necessary infrastructure and utilities are constructed before implementation of specific projects.
- 2.15 The PPP owner shall ensure proper zoning specifications are developed while taking into consideration the different user types and the need for social amenities, conservation zones and environmentally significant areas.

3.1 Operational Conditions

- 3.1 The PPP owner shall seek written approval from the Authority for any implementation changes under this approval.
- 3.2 The PPP owner shall seek written approval from the Authority if they intend to deviate from the justified/acceptable alternative in terms of location, design, technology, etc.
- 3.3 The PPP owner shall notify the Authority of its intention to review the Plan.
- 3.4 The above conditions will ensure environmentally sustainable development and must be complied with.



PROF. GEOFFREY WAHUNGU
DIRECTOR GENERAL