



# ENVIRONMENTAL IMPACT ASSESSMENT AND STRATEGIC ENVIRONMENTAL ASSESSMENT IN KENYA

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# Organization of the Presentation



1. Brief background to environmental management in Kenya
2. EIA and Process
3. The Second Schedule of EMCA (1999)
4. EIA and SEA Capacity , EIA assessment by type and regional coverage
5. SEA and Process
6. Some Examples



# Background



- NEAP (1994) and National Environment Policy (2013) emphasize Environmental Assessment
- The Environmental Management and Coordination Act 1999 – Legal & Institutional Framework
- EMCA provides coordination & harmonization of all environmental laws in Kenya
- Part VI of the Act (Sections 58-67) makes general provisions for Environmental Impact Assessment for all projects specified in the Second Schedule



# Background Cont'd



- EIA Operational Guidelines and Administrative Procedures developed in 2006 – Chapter 6 deals with SEA
- Also EIA Training Guidelines developed in 2006
- National Guidelines for SEA revised in 2011
- EAC (Kenya, Uganda, Tanzania, Rwanda & Burundi) developed Environmental Assessment Guidelines for Shared Ecosystems in EA – 2004
- EIA Guidelines for the tourism sector developed 2007 – an example of sectoral guidelines as required



# Background Cont'd

## \*\* Regulations \*\*



- Environmental (Impact Assessment and Audit) Regulations published as Legal Notice No. 101 in 2003 – aim to guide and standardize EIA, EA and SEA studies in Kenya – amended 2009
- Waste Management Regulations developed, 2006
- Water Quality Regulations developed 2006
- Conservation of biodiversity and resources, assess to genetic resources and benefit sharing Regulations, 1999



# Background Cont'd

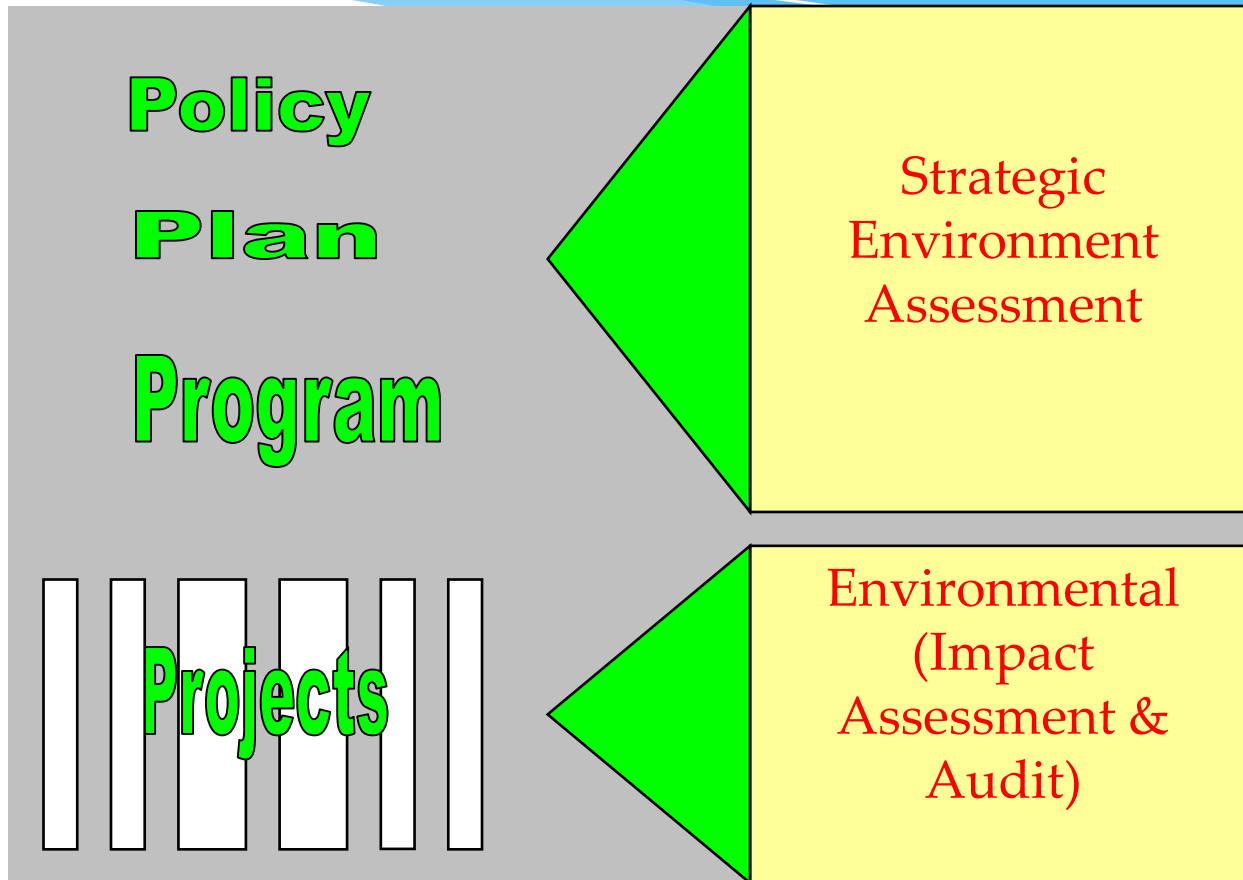
## \*\* Regulations\*\*



- Fossil fuel emission control Regulations, 2006
- Noise Regulations, 2009
- Controlled Substance Regulations, 2007
- Coastal Zone Regulations, 2003
- Under consideration – e-waste Regulations



# Difference between EIA, EA and SEA





# EIA PROCESS IN KENYA

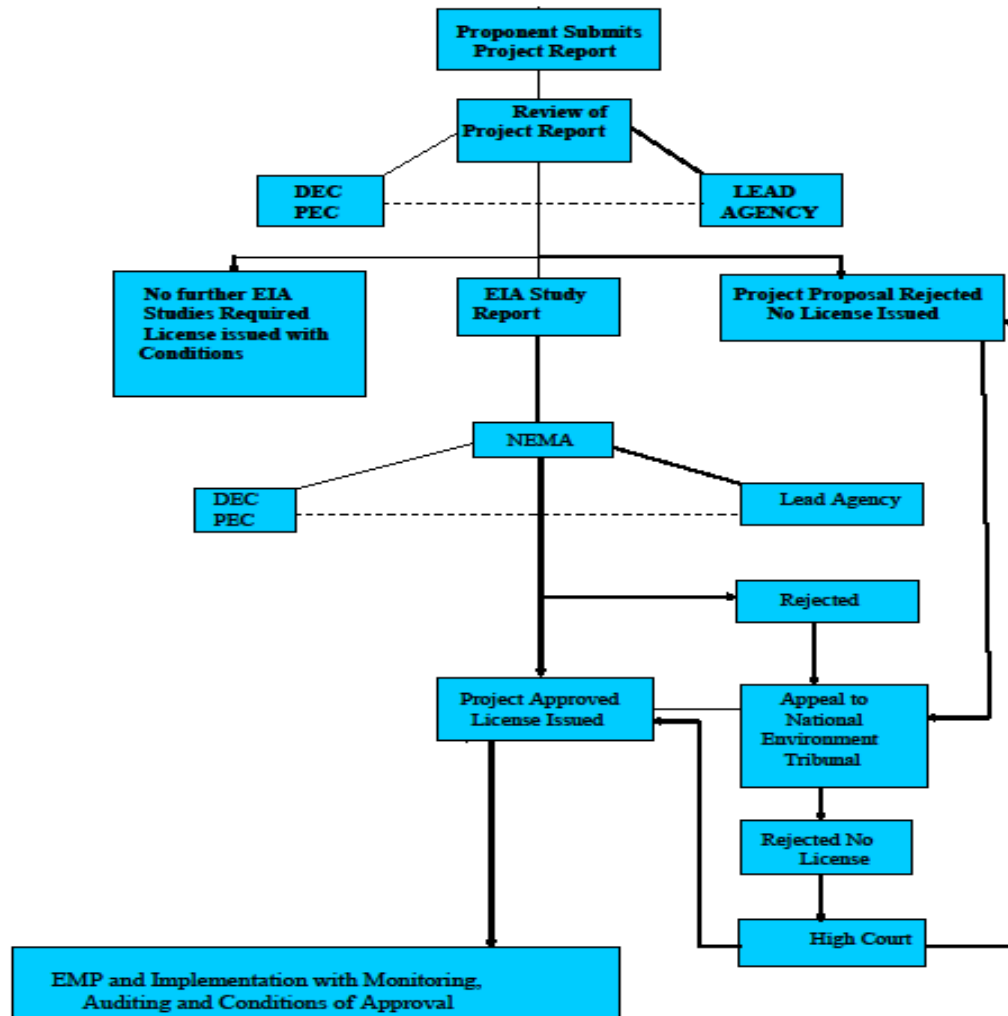


- The Project Report Phase
- The EIA Study Phase
- The EIA Review Phase
- Decision making





## SIMPLIFIED EIA PROCESS IN KENYA





# Second Schedule - Prescribed Projects for EIA



- Urban development
- Transportation
- Dams, rivers & water resources
- Aerial spraying
- Forestry related activities
- Agriculture projects
- Processing & manufacturing industries
- Electrical infrastructure



# Second Schedule - Prescribed Projects for EIA Cont'd



- Management of hydrocarbons
- Waste disposal
- Natural conservation areas
- Nuclear reactors
- Biotechnology projects



# Some Statistics



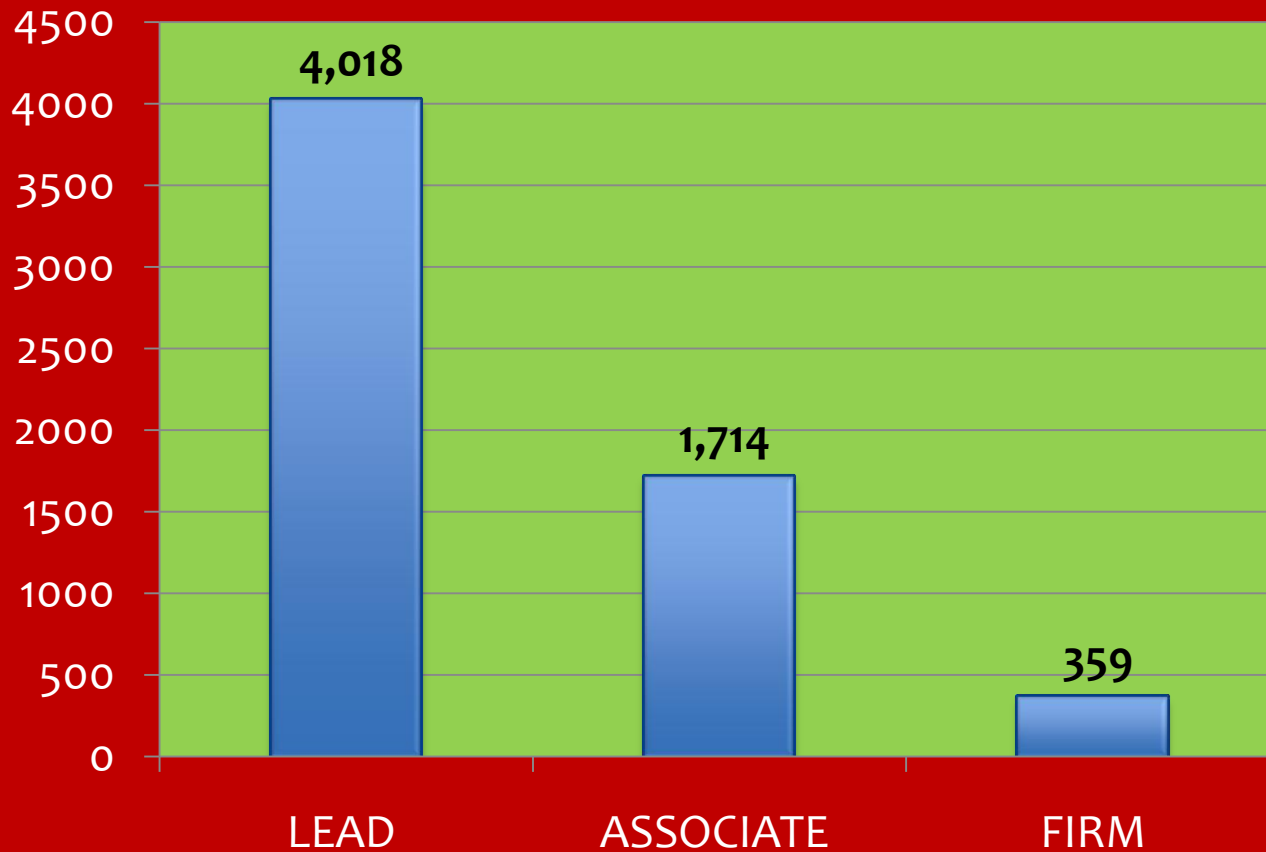
- EIA/SEA Capacity
  - No. registered Lead Experts =
  - No. registered Associate Experts =
  - No. registered Firm of Experts =
- Coverage
  - No. Project Reports =
  - No. EIA Reports =
  - No. SEA Reports =
  - Regional coverage



# EIA & SEA Capacity



Registered EIA Experts in Kenya (as at July 2013)



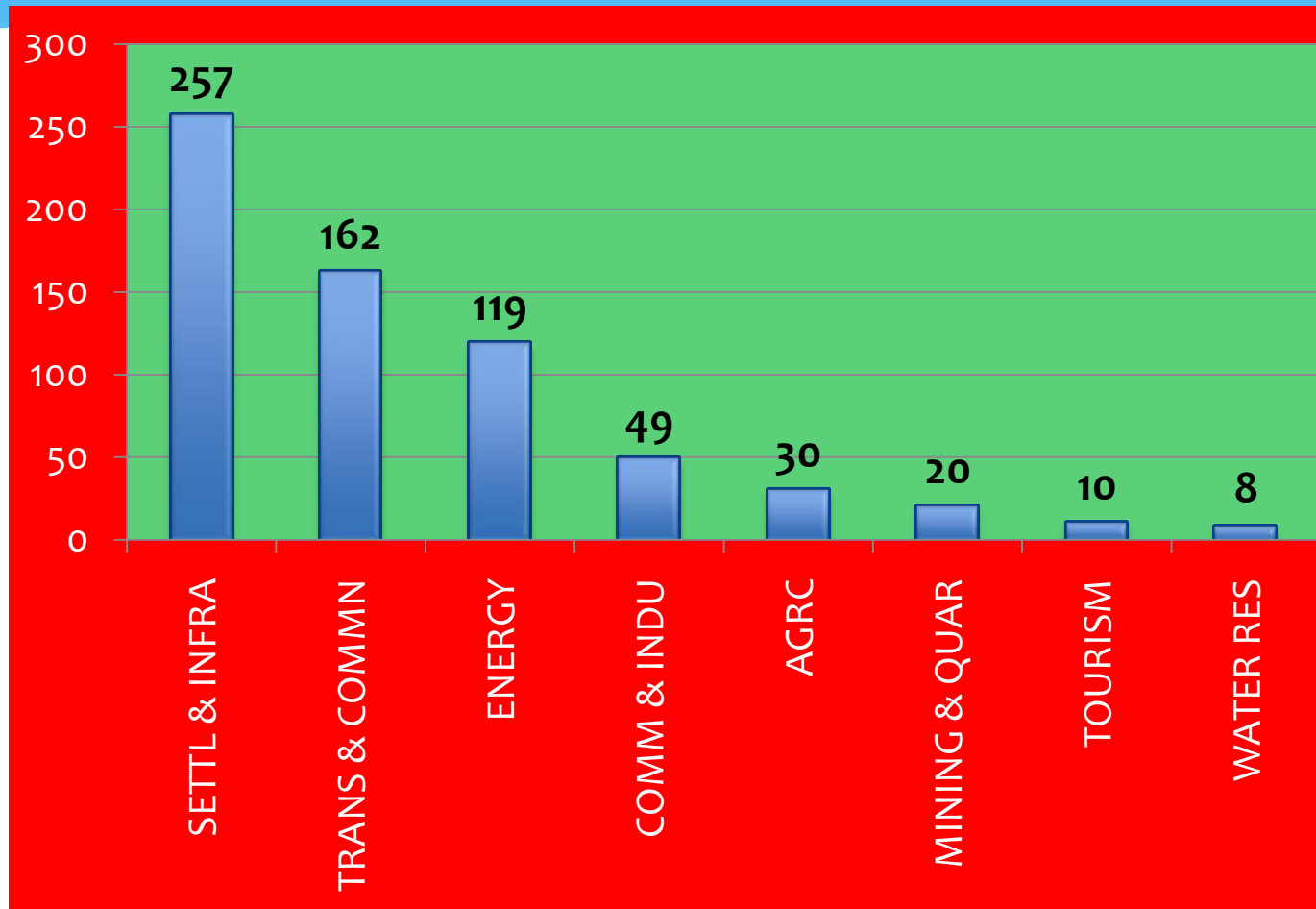


# Environmental Assessment by Type



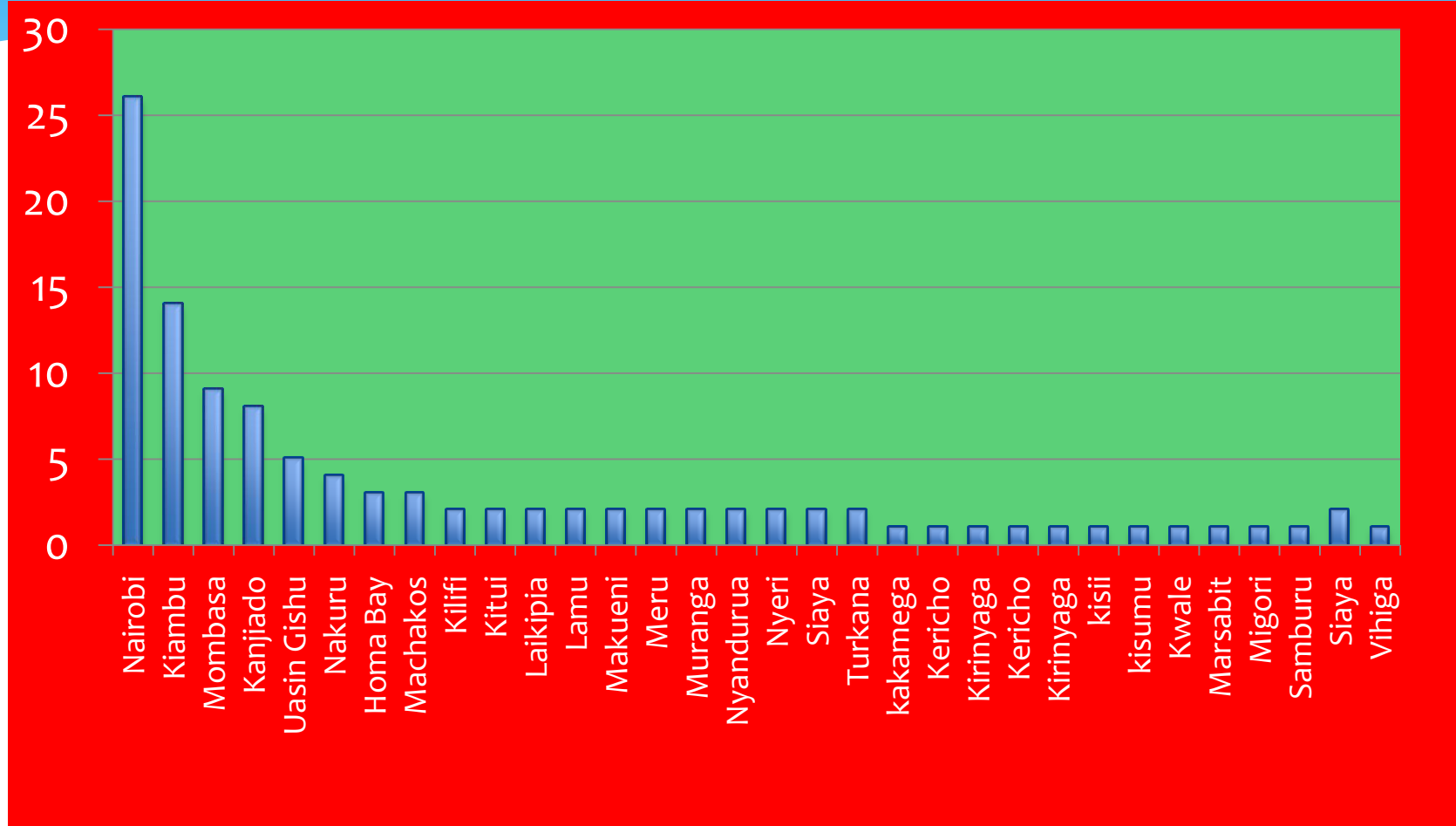


## EIAs by Sector (Dec 2012 to July 2013)





# Regional Coverage (Dec '12 to Jul '13)







# Strategic Environmental Assessment (SEA)



- SEA extends aims and principles of EIA upstream in decision-making process
- Aims at evaluating environmental implications of policies, plans or programmes (and their alternatives)
- Responsibility for SEA rests with the Lead Agency



# SEA Process



- Similar to the EIA process
  - Screening and scoping
    - Stakeholder analysis
    - Assessment of political economy
    - Literature review
  
- Situation assessment
  - Environmental assessment
  - Social assessment
  - Financial and economic assessment



# SEA Process



- Political institutional and governance assessment
- A case study (if possible)
- Setting of SEA priorities and development of alternatives
  - Stakeholder workshops
- SEA review (NEMA)
  - Lead Agencies
  - Public
- NEMA prepares brief for policy makers to use – NEC and concerned Minister – to make decision



# Entry Point for SEA in Kenya



- Macro-level strategies and plans
- Policy reforms and budget support programmes
- National sectoral development programmes
- Infrastructure investments programmes and plans
- Spatial development programmes and plans
- Transnational planning
- Country Assistance strategies and plans
- Agency-wide sectoral development strategies
- Donor-sectoral policies



# SOME EXAMPLES



# EXAMPLE 1

## **Proposed Tana Integrated Sugar Project in Tana River and Lamu Districts, Coast Province, Kenya - 2007**



- \* 16,000 ha will be under the Nucleus Estate management
- \* 4,000 ha will be under small holder farmers out grower production
- \* Pasture/ livestock development, environmental conservation and provision of way leaves for livestock and human movement.



# Project Components

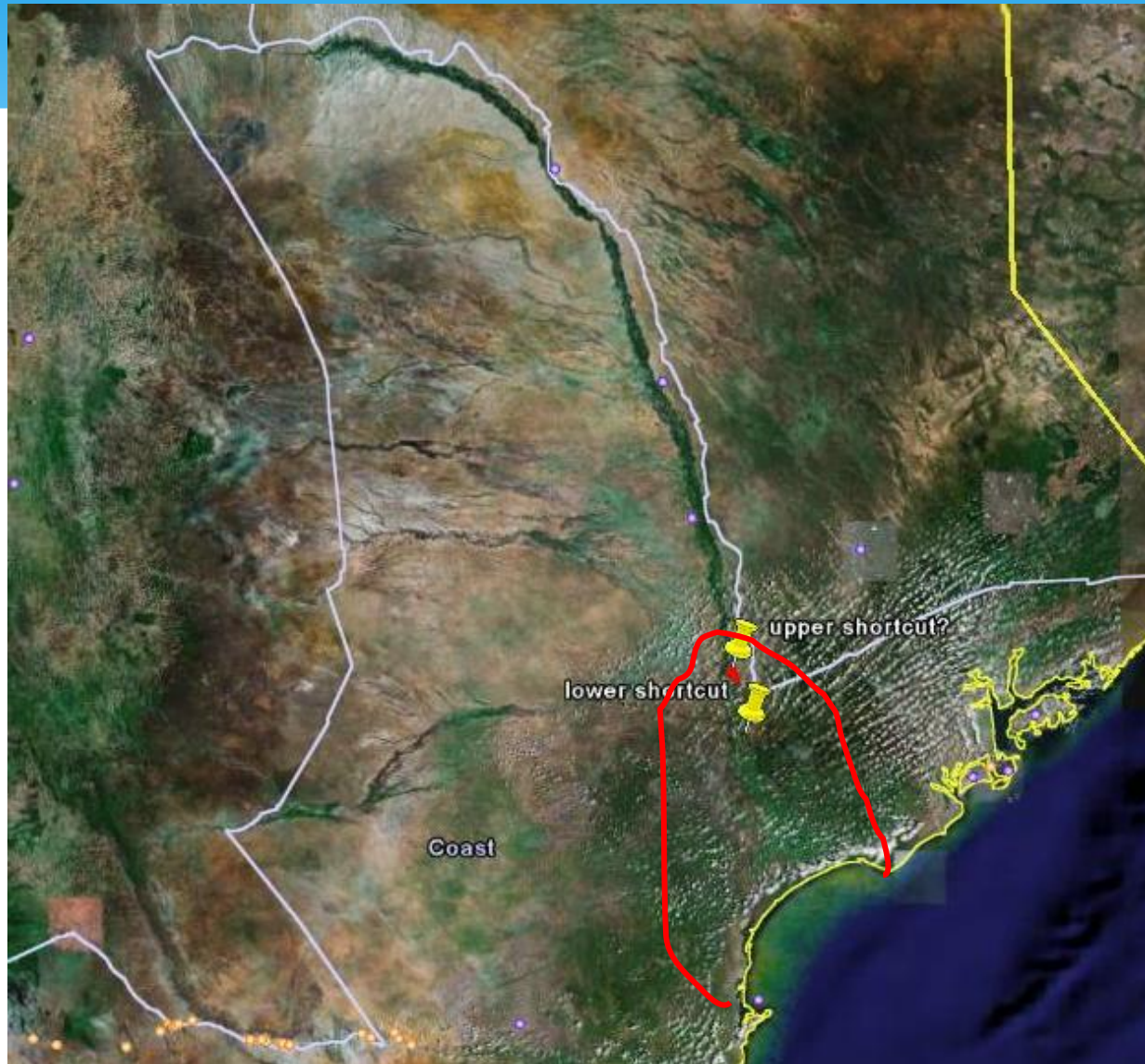


- \* Irrigated sugar cane production
- \* Sugar-processing mill
- \* Co-generation of electricity
- \* Ethanol Plant
- \* Water treatment
- \* Waste water treatment



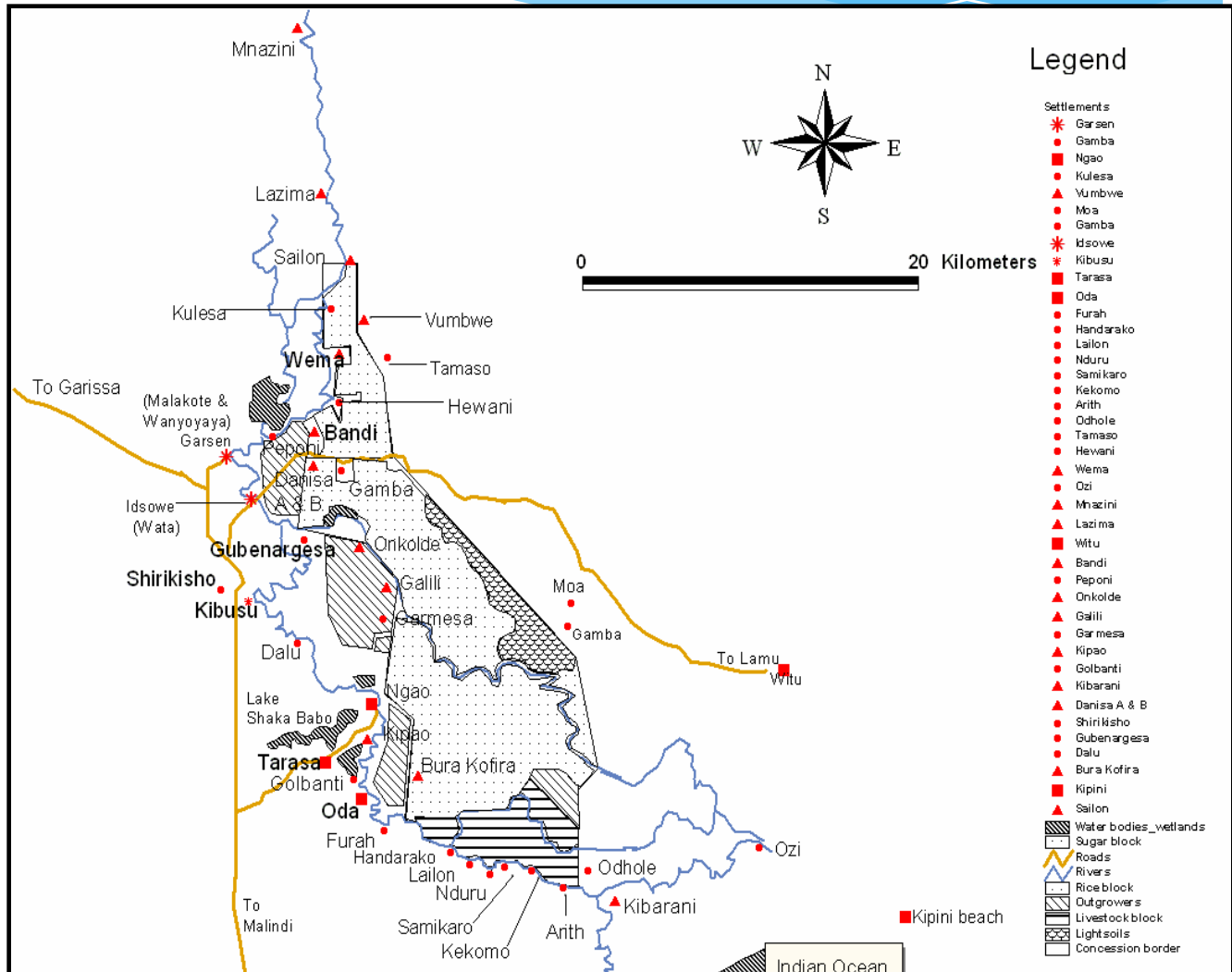


# Satellite View of Tana Delta



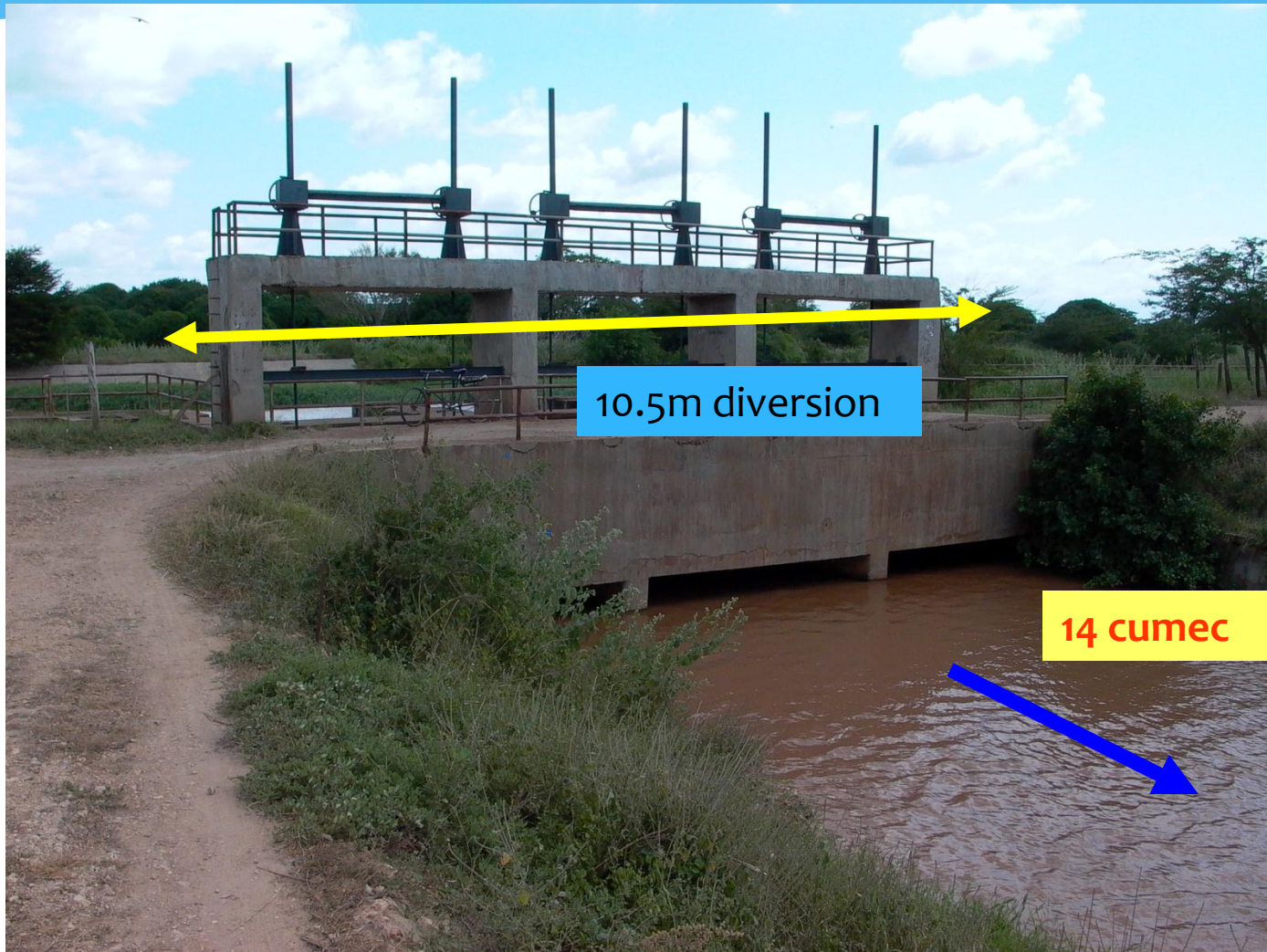


# Human Settlements in Project Area – Farmers, Pastoralists, Fishermen, Traders



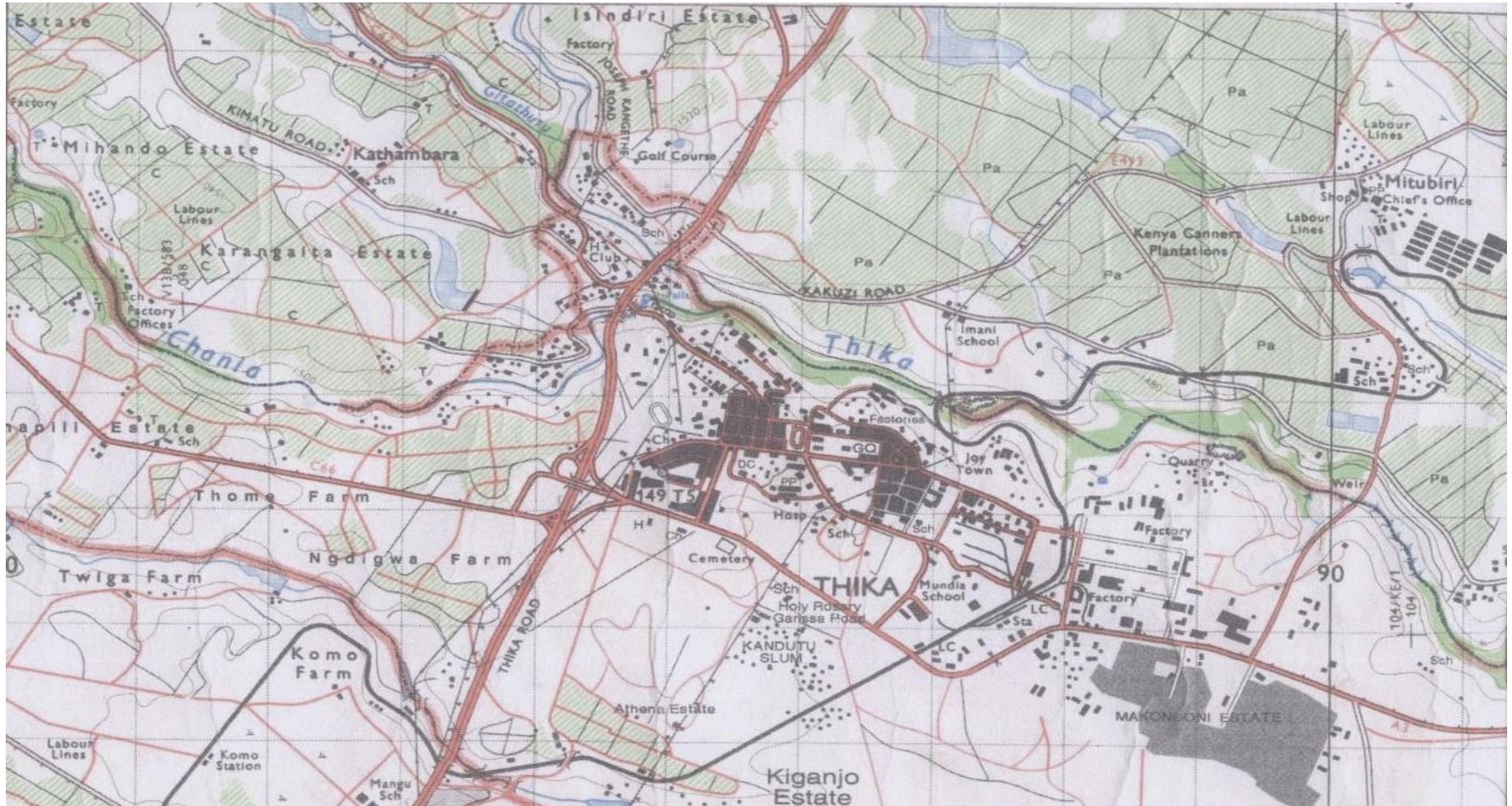


# Sailoni Headworks





# EXAMPLE 2: Xpressions Flora Rose Flower Farm, THIKA - 2006





# Proposed Site for the Flower Farm Site ~ 1,000m upstream of Water Treatment Works for Thika Town





# Water Intake for Thika Municipality on Chania River – 1,000m downstream of proposed flower farm





## EXAMPLE 3: SEA by the Ministry of Education (2005)



- Vol. I - A strategic environmental and social impact assessment on the Kenya Education Sector Support Programme (KESSP)
- Vol. II – Environmental and social guidelines for infrastructure component/WATSAN
- Resettlement Policy Framework for the KESSP



## EXAMPLE 4: SEA by the Ministry of Lands (Land Use Plan for Tana River Delta)



- Scoping Report in 2012 – full SEA to follow
- Current pressure – rising population, competition for land, water and other natural resources, declining water flows & climate change
- Purpose – to guide policy formulation and decision-making on future development of the Delta (land use planning)





# EXAMPLE 5: SEA by the World Bank on the Kenya Forests Act 2005



- Study carried out in 2007
- Institutions-centred SEA
- Purpose – to inform, influence and strengthen implementation of the Forests Act 2005
- Approach – a blend of analytical work and consultation to diagnose issues, identify priority areas and potential actions



***Health Break***



***Thanks for Your Attention***