

Environmental and Social Data Sheet

Overview

Project Name:	REGIONAL MOMBASA PORT ACCESS ROAD
Project Number:	2014-0546
Country:	Kenya
Project Description:	The proposed project concerns the widening of 41.7km of the existing road between Mombasa Port and the town of Mariakani in south east Kenya. The road forms the main axis to Nairobi and it is part on the Northern Corridor which links the port of Mombasa with the land locked eastern and central African countries of Uganda, Rwanda, Burundi and Democratic Republic of Congo (DRC).
EIA required:	Yes
Project included in Carbon Footprint Exercise:	No

Summary of Environmental and Social Assessment, including key issues and overall conclusion and recommendation

A publicly consulted ESIA has been conducted on the project in line with Kenyan Environmental & Management Coordination Act (EMCA) Act of 1999 and the Environmental Impact Assessment and Audit Regulations of 2003. The ESIA including Environmental and Social Management Plan has been processed by the National Environment Management Authority (NEMA), which is ready to issue a formal licence to start construction. Its contents largely meet EIB standards; where necessary, the Promoter will elaborate and implement additional management plans assuring effective mitigation of identified risks.

Land acquisition provoking involuntary resettlement features in the project. Due remedy and compensations will be determined in the final Resettlement Action Plan (RAP) in accordance with appropriate national procedures and EIB standards. Enhanced stakeholder engagement and due access to grievance and recourse will also be fostered throughout the project, implemented through the provisions of a Stakeholder Engagement Plan.

The project traverses a diverse range of environments and social settings, from densely populated urban areas to villages and rural areas with limited vegetation and population. The communities along the road, which today are impacted by noise, emissions, waste, barrier effects and safety risks due to high traffic volumes and congestion, will benefit from improved local environment. The project will, however, facilitate road transport on the entire Northern Corridor, with expected neutral impacts on emissions and environment. It will generate noise, dust and emissions during construction, common for this type of project. The project will be rolled out in an existing corridor with limited environmental impacts. Nevertheless, mitigation measures will be applied to reduce impacts, e.g. through good implementation practices and landscaping. Safety for residents has been addressed through a number of requirements to the Promoter, including staff responsible for road safety in the supervision and contractor's organisations and integration of safety audits recommendations.

The submission of final Resettlement Action Plan (RAP) will be a first disbursement condition. The submission of an Environmental and Social Management Systems document and a Stakeholder Engagement Plan (SEP) will also be conditions for first disbursement.

Based on the above, the project is acceptable from a social and environmental point of view.

Environmental and Social Assessment (supplementary information)

Environmental Assessment

Legal basis

The ESIA process was carried out in accordance with national legislation. Within EU, the project would fall under Annex I of the EIA Directive 2011/92/EU and be required to undergo a full EIA procedure. This is also in line with AfDB rules, which for projects causing disruption of urban activities and relocation of more than 200 persons require an ESIA Study Report approved by the competent authority (NEMA), supplemented by stand-alone ESMP and RAP reports. NEMA has denoted the project a major project with high impact, which requires the above documentation according to the regulations in the Environmental Management and Coordination Act 1999 (EMCA) and the Environmental Impact Assessment and Audit Regulations from 2003. NEMA reviewed the ESIA, requested adjustments of mitigation measures, and upgraded the ESIA to an official Study Report, which was publicised. The process foresees further public consultation, also involving Project Affected Persons (PAPs).

ESIA

The project presents good environmental and social foundations although with room for improvement of KeNHAs capacity to implement the agreed procedures. The submission of an Environmental and Social Management Systems document outlining relevant KeNHA policies and procedures for compliance with Lenders' Environmental and Social standards will be part of the first disbursement conditions. KeNHA will also address a number of issues related to e.g. the verification of PAPs and compensations, and access to information and grievance mechanisms.

The competent authority, NEMA, received the ESIA report for approval in 2014 and requested KeNHA to publish the notice in the Gazette on 19th September 2014. NEMA provided the official invoice to pay about KES 31.7 million for the approval process. The issuance of this invoice is in principle NEMA's no objection to the project, signalling that NEMA is ready to issue the formal license, subject to conditions being fulfilled. Copies of letters and invoices have been received by the Bank. The submission of a Licence from the National Environmental Management Authority (NEMA) to start construction is included as a condition for first disbursement.

Environmental impacts

The Project's potential negative impacts on natural resources and environment are mainly connected to the construction phase and include the following:

- Land degradation due to soil loosening and erosion, siltation of streams and wetlands, and water quality degradation from road construction and use and unsafe disposal of pollutants (oil, grease, paint and asphalt);
- Destruction of vegetation and changed land forms along the road, namely the new truck parking facility, but also from diversions, contractors camp sites, materials holding areas, borrow pit sites and open quarries;
- Disruption of general and biodiversity along the route with potential effects in nearby sanctuaries and habitats;
- Noise and dust from earthworks and scarification of the existing road base, construction of new road base and alignments, and construction of new road surface;
- Smoke/GHG emissions during construction and increased traffic after commissioning;
- Interference with old trees, historical buildings, public amenities, and cultural features;
- Mandatory relocation of limited number of petrol stations.

Although the project will have some negative impacts, it should be noted that the road corridor is already inhabited and wildlife disturbed, such as smaller species of birds, rodents and reptiles. The corridor has limited vegetation, with coconut trees as main agricultural crop. Indigenous plants and mangroves are already highly influenced by human activity. The Arabuko Sokoke forest is situated 50km to the north and the lower fringes of Tsavo National Park to the west, and no impacts are expected on these.

Where the relocation and decommissioning of petrol stations is confirmed by the project design, the elaboration and execution of dedicated decommissioning plans will be required of KeNHA as an additional ESMP action item. These plans will be further enhanced by site-specific soil testing so as to satisfy proper mitigation of related risks on public health and soil degradation.

The Project's overall impact on climate change is expected to be neutral. Smoother traffic flow may reduce GHG emissions along certain parts of the road but will be overshadowed by the overall traffic growth and increased emissions the project facilitates in the long term.

A positive environmental impact is reduced pollution enabled by a new and improved storm drainage system and separate street wastewater system. The resilience of the new constructions to climate change is therefore considered satisfactory. The project may interfere with existing hydrological trends, particularly with increased magnitude in future downpour and increased surface runoff.

Mitigation measures and organisational setup

The mitigation measures are elaborated in the ESMP. The conditions and requirements are managed by KeNHA and implemented by the contractor during the construction phase, and the 5 year maintenance period to be included in the contract. NEMA oversees the ESMP and RAP, with KeNHA as overall responsible for the implementation of the ESMP. An Environmentalist/Sociologist will form part of KeNHA's Project Implementation Team, supported by TA financed by the AITF grant and AfDB. In addition, an Environmental and Social Management Systems document will be required as a first disbursement condition, outlining the part of the overall management system of KeNHA that includes the relevant policies, organisational structure, planning activities, responsibilities, practices, procedures and resources for developing, implementing, achieving, reviewing, monitoring and maintaining compliance with Lenders' Environmental and Social standards and which is dedicated to the structural improvement of the environmental and social performance of KeNHA.

Social Assessment

At present, the road reserve features substantial encroachment along certain sections, primarily by income-generating activities (informal produce stands and street-hawkers). Reclaiming the reserve, coupled with realignment of the road will trigger involuntary resettlement of primarily an economic displacement nature, affecting approximately 1,350 persons, the majority economically vulnerable. Exact numbers of affected population will be verified later in 2015 by the National Lands Commission, according to relevant national procedures. Otherwise, a Resettlement Action Plan (RAP) has already been elaborated by KeNHA. Improvements required therein concern eligibility/entitlement clarifications, vulnerability definitions, weighting and ranking amongst PAPs, effective and sustainable livelihood restoration measures for affected street hawkers and informal stand-keepers, governance, representativeness, and stakeholder engagement in the RAP implementation, and access to information, grievance and meaningful consultation. The finalised RAP constitutes a first disbursement condition and will need to be put out for consultation by PAPs following Lenders' no-objection.

Kenyan legislation on labour standards and occupational health and safety matters is deemed satisfactory, however it is its enforcement across the project that might prove challenging, particularly since EIB standards will also apply to first-tier contractors and suppliers. To this end, robust oversight and management systems ought to be in place by KenHA, supported by tailored TA from the Lenders.

On a wider note, these same systems will support compliance of labour and environmental and social standards by KeNHA's 1st tier contractor/supplier. As part of the undertakings, the EIB will follow up with the Promoter on the E&S clauses to be introduced in tender documentation and contracts forged for this project, as well as on contract clauses ensuring penalisation of contractors in cases of non-compliance.

Public Consultation and Stakeholder Engagement

Public consultations were done as part of the due diligence undertaken to date by KeNHA. Room for improvement exists and will be pursued by KeNHA in agreement with the Bank, particularly towards timely access to information by all parties, enhancing the effectiveness of the RAP, and the meaningful engagement of affected parties. The final RAP will be submitted for approval by the Bank and other co-financiers, and subsequently made available to PAPs for consultation. Additionally, the agency's E&S management systems will be supported by TA, as will benefit-sharing measures to the local communities along the road.

To date, public consultation has been undertaken both in the context of the ESIA as well as the RAP elaboration. In going forward, enhancement of the project's engagement with stakeholders in general, and impacted parties in particular, will be pursued by way of a Stakeholder Engagement Plan (SEP) to ensure timely access to information by all interested parties; access to meaningful consultation by those affected; and meaningful and reliable access to redress. The involvement both of official representative channels and authorities, as well as community-based organisations as outreach agents to those most vulnerable will be endeavoured. Such Plan will also include a project-wide grievance mechanism. The submission of the SEP constitutes a first disbursement CP.

Other Environmental and Social Aspects

Beyond risk management and remedying, attention is also paid to the project's social value-added. In this sense, TA funds will be provided towards for HIV/AIDS campaigns, promotion of gender equality in KeNHA policy, road safety campaigns, and employment training for local youths.

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