

Factors Influencing Public Participation in Environmental Impact Assessment Process of Nairobi-Thika Superhighway Improvement Project in Nairobi City County, Kenya

Patrick Owiny^{1*}, Jones Agwata² & Kariuki Muguia³

¹Centre for Advanced Studies in Environmental Law and Policy, University of Nairobi

²School of Environment and Natural Resources Management, Machakos University

³School of Law, University of Nairobi

Abstract

Public participation is a key component in environmental impact assessment and governance. Public participation is a process by which public concerns, needs and values are incorporated into governmental and corporate decision-making with the overall goal being decisions that are supported by the public. Public participation is also important in the development and management of natural resources. Environmental impact assessment (EIA), on the other hand, is a procedure which seeks to ensure that adequate prior information is obtained on likely environmental consequences of development projects, on possible alternatives and on measures to mitigate the adverse impacts. The objective of this study was to examine key factors influencing public participation in the EIA process for the Nairobi-Thika Superhighway Improvement Project in Nairobi City County. The study adopted a descriptive research method with a total sample of 120 respondents/households sampled from along the Nairobi-Thika Superhighway within the County. The key finding of the study is that despite high levels of public awareness about the project, there was low knowledge on the need to participate and low level of actual participation in the EIA process. The reasons for low participation were attributed to lack of time, lack of knowledge about the need for participation and lack of trust and transparency in the EIA process. The study recommends enhancement of public education about public participation in development projects. Project planners and implementers need to observe transparency in the EIA process for increased public trust, acceptability and support.

Keywords: *Public Participation, Environmental Impact Assessment, Public Education, Transparency, Trust, Acceptability*

INTRODUCTION

Background to the study

Public participation (PP) has increasingly become a significant and integral part of environmental governance. The global environmental instruments emphasize the need for public participation in environmental matters (Shelton, 2004,p.2).Public participation is defined as the process by which public concerns, needs and values are incorporated into governmental and corporate decision-making with the overall goal of better decisions that are supported by the public (Creighton,2005,p.7). The ‘public’ or ‘publics’ potentially include everyone (Coffey, 2005,p.28). Public participation plays a key role in enhancing environmental democracy and there is an increasing recognition that environmental issues must be addressed by all, or at least

a majority of those affected by their outcome, not just by the minority comprising the governments and leading private sector actors (Mumma, 1999, March). Public participation in decision-making is essential for local development in general and in the management of natural resources in particular (Okidi, 2008, p.30; Muigua *et al*; 2015 and Pring, 2001).

Public participation is regarded as the cornerstone of Environmental Impact Assessment (EIA) and is critical in informing decision makers of the potential environmental harms of a proposed project or action (Zhao, 2010). EIA is defined as 'the process of identifying, predicting, evaluating and mitigating the biophysical, social and other relevant effects of development proposals prior to major decisions being taken and commitments made' (IAIA, 2015). First introduced through the National Environmental Policy Act (NEPA) of the United States in 1969; it is now an internationally accepted aspect of decision-making processes on issues affecting the environment. This law also embedded in the process of EIA the concept of public participation (Petts, 2003). EIA should be undertaken for all major development projects in virtually all countries worldwide (Sujit & Vikrant, 2018, p.1). The EIA process consists of various steps namely; screening, scoping, impact analysis, mitigation, impact management and report writing and decision making. Public participation cuts across each of the steps of the EIA process (UNEP, 2002).

The EIA tool is a proactive way to identify and mitigate negative environmental and social consequences of rapid economic development (Zuhair *et al*; 2016). EIA helps those involved in decision-making concerning development projects to make their decisions based on knowledge of the likely adverse impacts on the environment. EIA also gives individuals and communities a voice on issues that may bear directly on their health, welfare and entitlement to a clean and healthy environment (Angwenyi, 2008, p.167). Studies by Adomokai and Sheat (2004) and Wood (2003) reveal that in Bangladesh, public participation practice in government run EIA is much similar to many developing countries in Asia and Africa. The study on selected governmental projects suggest that public participation in EIA is very limited and stakeholders do not seem to have any noticeable influence on the decision making process. The study further indicates that participation took place at late stages where the stakeholder potential to influence decision-making process is extremely limited (Hasan *et al*; 2018). It is also noted that although public participation and involvement are essential parts of the EIA process, it remains a problematic issue in Sub-Saharan Africa and other developing countries (Kakonge, 1996; 1999).

Statement Problem

In Kenya, the Constitution (GoK, 2010) and enabling legislation provide for public participation. Public participation is a mandatory requirement for projects that are subject to the EIA process (GoK, 2017). The EIA is required to be undertaken by the developer or proponent when the lead agency, in consultation with National Environmental Management Authority (NEMA), is of the view that the project may have a significant adverse impact on the environment (Angwenyi, 2008). Depending on the scale and possible effects of the proposed project, an environmental review, an environmental impact evaluation or an environmental impact study may be conducted. Even though for the EIA, the legal framework in Kenya is enabling, the public is still inadequately aware of their role and is unsatisfactorily involved in EIA practice (Okello *et al*; 2009). Similarly, Onyango and Namango (2005) observed that participation in EIA practice usually remains at the level of consultation and does not often reach higher ranks of citizen empowerment.

The importance of public participation in enriching decision making is recognized by various scholars and the same cannot be overemphasized. However, how to achieve effective participation still remains a challenge. In Kenya, several challenges hinder effective public participation in EIA process. These challenges need to be looked at with a view to encouraging public participation. This study was done between September and October, 2018 with the main objective being to examine key factors influencing public participation in the EIA process for the Nairobi-Thika Superhighway Improvement Project in Nairobi City County with a view to informing policy and practice to enhance effective public participation in the EIA process. Specifically, the study focused on the nature, level and challenges of public involvement in the EIA process for the project.

METHODOLOGY

The study was undertaken on the Nairobi-Thika Superhighway Improvement Project. This was a road project which was a dual carriage highway of about 45 Kilometers. The objective of the project was to improve road transport services along the Nairobi-Thika Corridor by reducing traffic congestion and enhancing mobility within the metropolitan area through better linkages to the immediate and distant suburbs. The expansion and rehabilitation of the said road was meant to alleviate perennial traffic congestion within Nairobi City, and between the City and the Satellite town of Thika. The project proponent or implementer was the Kenya National Highway Authority (KeNHA).

The specific area of the study comprised the households along the said Nairobi-Thika Superhighway which covers areas/centres of Ngara, Ruaraka, Kasarani, Githurai, Roysambu, Utali and Juja which had a population of 88,885 (GoK, 2009). A sample size of 120 households from the seven centres along the highway were used. Out of the 120 households, ninety questionnaires were administered and responses obtained from the respondents. However, 30 respondents were not available for the interviews because of tight work schedules and personal commitments. Proportionate sampling method was used to determine the number of households per cluster for the study.

This was followed by simple random sampling to select the individual households for the study. Open and closed ended questionnaires were first pre-tested to ensure they were valid and subsequently administered by research assistants to elicit responses from the respondents. The questionnaires were used to generate quantitative data. Both primary and secondary data were gathered. Secondary data comprised of desktop review of published materials. The purpose was to guarantee reliability of collected data and thereby improve the validity of the data.

Quantitative data was analysed using descriptive statistics in order to determine frequencies and percentages. Descriptive statistics comprising of frequencies, percentages and graphs were used to present the results. The gathered data was cleaned, verified and coded before entered into Statistical Package for Social Sciences (SPSS) software where descriptive techniques were used for data analysis.

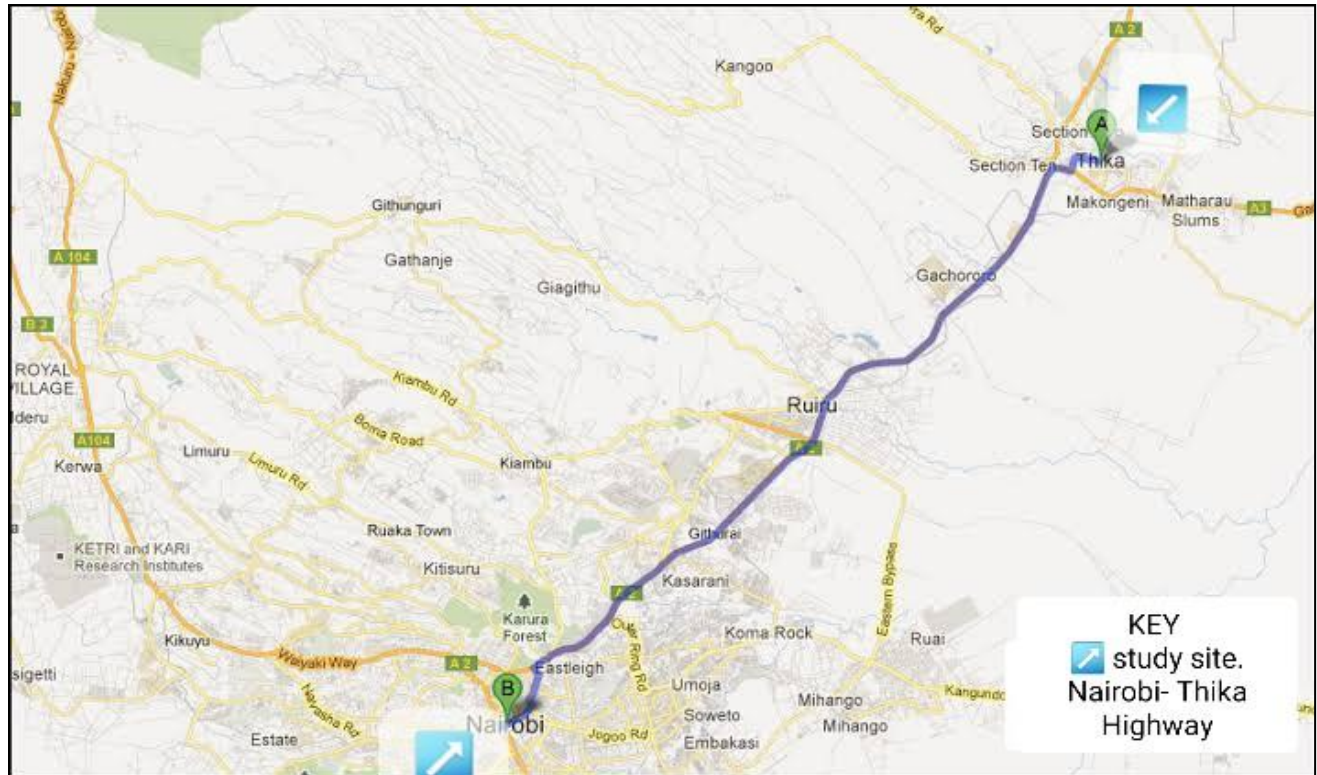


Figure 1:A Map Showing the Key Centres on the Nairobi-Thika Highway

Source: Google 2018

RESULTS AND DISCUSSIONS

Several factors were found to influence the level of public participation during the EIA process for the Nairobi-Thika Superhighway improvement project. The main ponens were gender, awareness of the process and channels of communication used to pass the message to the public.

Gender distribution

The gender factor plays critical role not only in public participation but in environmental matters. Out of the 90 respondents interviewed 76.6% of respondents who participated in the EIA were male while 23.1% were female. The demographic data on gender participation indicates that the male respondents who participated in the EIA process were high as compared to women. The reason attributed to this difference is that men were more willing to participate in the study as opposed to the female. The low participation of women in the EIA is attributed to social norms and low level of education. The finding confirms other studies with similar finding related to women participation in projects. Conducted by Syremon et al,(2016) and Sujit and Vikran,(2018).

According to Syremon, *et al*, (2016) women participation in EIA is hindered by social norms which recognize men as household heads and community representatives, stereotypes, education levels, knowledge on the project and communication barriers. The situation is further confirmed

by (Sujit and Vikran, 2018) on inclusion of gender in Environmental impact assessment study conducted in twelve countries including Kenya observe that despite the multiple roles women assume at the household level and society at large, their representation and participation in decision making processes remain abysmal. This can be attributed to strong patriarchal patterns and numerous gender-based assumptions in society.

Awareness and Participation in the Public Engagement in the EIA process

Public awareness about a project is important in enabling the public engagement. From the study out of the 90 respondents interviewed, all were aware of the Nairobi-Thika Superhighway improvement project having received information about the project. However, despite the level of awareness of the project only 39.5% of the respondents participated in the actual EIA public deliberations. This indicates that awareness alone does not translate to public participation and more needs to be done to encourage public participation.

Channels of Communication used to Notify Respondents on Public Participation

It is a requirement of the law that members of the public are notified of the project and their input is required during the EIA process. From the study 92.1% of the respondents indicated that the newspaper was the medium through which they became aware of the public consultation while 7.9% of the respondents indicated that they became aware of the notification for public participation by word of mouth. From the study, limited channels were used which were newspaper and word of mouth which is limiting in notifying the public about meetings. The finding is consistent with the study by Okello, (2008) who found that information on public participation remains inaccessible to many people and observed that there is need to improve access to information.

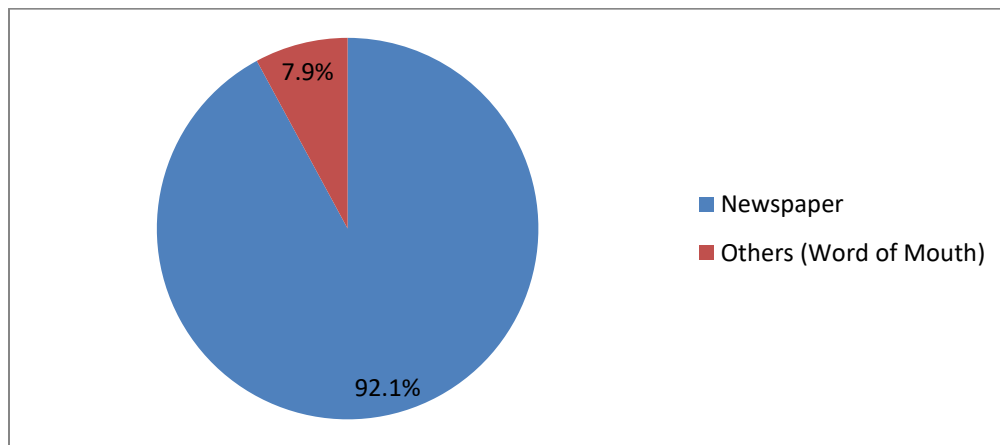


Figure 2: Channels of Communication used to notify the respondents of the public consultations for the project (Source: Author, 2018)

Reasons for non-attendance during public consultation

There was low attendance for the EIA public engagement in this project. The respondents interviewed cited various reasons for non-attendance during the public participation in the EIA process. All respondents cited lack of time, 83.3% of respondents indicated that they lacked information about the project, 88.9% of the respondents cited lack of trust in the system, whereas 75% and 78% of respondents indicated lack of transparency and conflicts of interest groups respectively. Other barriers cited to have hindered public participation in the project include, reliance on one channel of communication, the choice of venue of the meeting and poor engagement of stakeholders by NEMA and project proponents and the nature of EIA reports and documents.

The findings on low attendance in public participation in EIA process is consistent with previous studies conducted which revealed inadequate awareness by the public of their roles and rights during the EIA. Okello,(2009) in studies on public participation in EIA in Kenya found that although the EIA legal framework was enabling, the public were still inadequately aware of their role and were unsatisfactorily invited in EIA practice. Similarly, studies by,(Kameri-Mbote,2001,Okello, Marara *et al*, 2011 and Mwenda *et al*,2012) confirms low level of participation in EIA process in Kenya which is attributed to various obstacles.

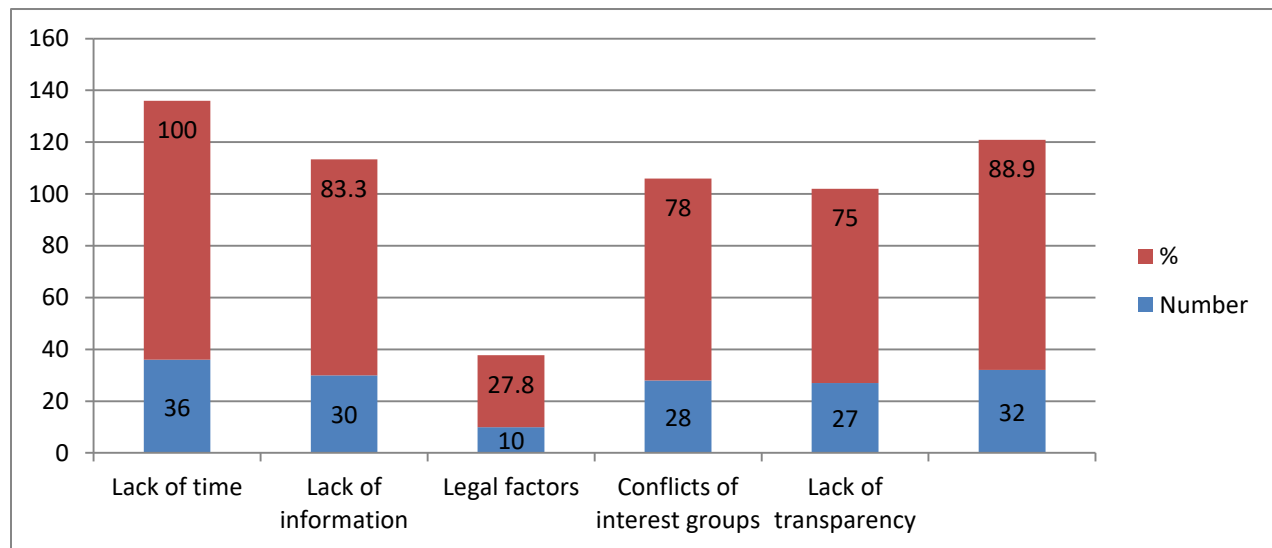


Figure 3: Reasons for Non-Attendance Public Consultation Meetings (Source: Author,2018)

CONCLUSION AND RECOMMENDATIONS

The study concludes that low knowledge on the need to participate in EIA process led to low actual public participation by individuals during the EIA process for the Nairobi-Thika Superhighway improvement project. The study recommends the following measures to improve the level of public participation during the EIA process.

Enhancement of public education and awareness

There is need to enhance public education and awareness on the importance of public participation in development projects particularly in EIA process. The National government, Ministry of Environment and Forestry, the County governments and environmental lead agency - NEMA should coordinate and develop civic education programs aimed at educating the public on their right and roles regarding public participation in development projects. A thorough understanding of public participation by the public is crucial for effective engagement in EIA process.

Improvement on the channels of communication

There is need to embrace more channels of communication to notify the public apart from the newspapers. It is proposed that channels of communication such vernacular radio stations, posters, websites and social media should be used to give people more opportunities to access information and create awareness. These channels can be used also to notify the public about the participation venues, dates of meetings and explanation of the EIA Reports and documents.

Enhancing Trust and Transparency in the Participation Process

The level of transparency should be increased. The project planners and implementers need to observe transparency in the EIA process for increased public trust, acceptability and support.

REFERENCES

- Angwenyi.A.N.(2008). ‘An Overview of The Environmental Management and Coordination act’. In Okidi C.O.,*et al, (Eds) Environmental Governance in Kenya: Implementing the Framework law*. East Africa Educational Publishers.
- Adomokai R. and Sheate, W.R. (2004). Community Participation and Environmental Decision-Making in the Niger Delta. *Environmental Impact Assessment Review*, 24 (5), 495-518.
- Coffey C. (2005).*What Role for Public Participation in Fisheries governance*. In T.S.Gray (Ed.) *Participation in Fisheries Governance*.
- Creighhton J. L. (2005). *The Public Participation Handbook: Making Better Decisions Through Citizen Involvement*. John Wiley & Sons, New York.
- GoK.(2009). *Kenya Population and Housing Census*. Kenya National Bureau of Statistics. Government Printer, Nairobi.
- GoK (2010). *The Constitution of Kenya*, Government Printer, Nairobi.
- GoK (2017). *The Environmental Management and Coordination Act*, Government Printer, Nairobi.
- International Association for Impact Assessment, (2005).

- Kakonge J.O. (1996). "Problems with Public Participation in Environmental Impact Assessment Process. Examples from Sub-Sahara Africa. *Environmental Impact Assessment Review*.14:309-20.
- Kakonge J.O. (1999) Environmental Impact Assessment in Africa, in Petts: J., Handbook of Environmental Impact Assessment .2. Oxford: Blackwell Science.
- Kariuki M., Didi W., Kariuki.F. (2015). Natural Resources and Environmental Justice in Kenya. Glenwood Publishers, Nairobi.
- Hasan A, Nahiduzzaman M., Aldosary S. (2018). Public Participation in Eia: a Comparative Study of the Projects Run by Government and Non-Governmental Organizations. *Environmental Impact Assessment Review*, 72, 12-24.
- Mumma A. (1999, March, 11th). Environmental law in Kenya. Paper Presented at the ICJ (K) Members Conference on "New frontiers in the law" held at Nyali Beach Hotel.6.
- Okello N., Beevers I., Douven W., Leentvar J. (2009). The Doing and Un-Doing of Public Participation During the Environmental Impact Assessment in Kenya. *Impact assessment Project Appraisals*.27 (3), 217-226.
- Okidi C.O. (2008). "Concept, function and structure of environmental law". In Okidi C.O, Kameri Mbote P. and Akech Migai. Environmental governance in Kenya: Implementing the framework law (Centre for Advanced Studies in Environmental Law and Policy, CASELAP).
- Onyango V., Namango S., (2005). The Need for Strategic Environmental Assessment in Kenya.(Eds).M.,Schmidt,E,Joao and E,Albrecht.Heidelberg:Springer-Verlag.
- Petts. J. (2003). Public Participation and Environmental Impact Assessment, in Petts J, (Ed.). Handbook of environmental impact assessment, 1.London:Blackwell Science.
- Pring, G. (2001). *The law of Public Participation in Mining and Resources Development* Washington,DC:IIED/WBCSD.
- Sujit Kumar Sigh and Vikrant Wankhede (2018). *Inclusion of Gender in Environmental Impact Assessment*, Centre for Science and Environment, New Delhi.
- Shelton D. (2004).Techniques and Procedures in Environmental Law. Second Edition, UNITAR, Geneva, Switzerland.143.
- Sreymon S., Nong Monin, Chanimol K. (2016). Gender in environmental impact assessment and public participation. Stockholm Environment Institute.
- UNEP (2002). Environmental Impact Assessment Training Resource manual. Second Edition, Nairobi.

Wood (2003). Environmental Impact Assessment in Developing Countries. *International Development Planning Review*, 25 (3), 301-321.

World Bank (1996). World Bank Participation Sourcebook, Washington, DC: World Bank.

Zuhair M. Kurian P.(2016). Socio-economic and Political Barriers to Public Participation in Environmental Impact Assessment: Implication for Sustainable Development in Maldives. *Impact Assessment and Project Appraisal*, 34:2:129-142.

Zhao Y. (2010). Public Participation in China's Eia Regime: Rhetoric or Reality. *Journal of Environmental Law*, 22:1, 89-123.