

Breaking Kenyan Barriers to Public Involvement in Environmental Impact Assessment

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Abstract

Although good EIA regulations, which specifically mention public involvement in environmental decision-making, exist in Kenya, an overall review suggests that in practice these regulations have not been respected. Indeed, even when public consultations were carried out, literature (for example Kameri-Mbote, 2000) shows that the views expressed have rarely been taken fully into account. This has compromised the qualitative integration of economic, social and environmental objectives into sustainable development. This paper examines the main barriers to public involvement and their possible solutions. It also investigates the potential for SEA to become a bridge to better public involvement.

The study uses multiple methodological techniques, including document review, qualitative interviews, and online surveys for data collection. Interview results indicate a diverse list of constraints such as poor information sharing, lack of consultation, incomprehensible language, lack of familiarity with EIA guidelines, and lack of institutional and regulatory capacity hinder serious public involvement. However, lack of interest in environmental issues is not highlighted as an important reason for non-participation.

This study shows that while EIA opens up an arena for deliberation between concerned parties, mechanisms that restrict public involvement in developing countries still require surmounting.

Key words: Public involvement barriers, EIA, Kenya

1. Introduction

Broadly, public involvement in planning projects and programs does not happen often in most African countries because of lack of environmental legislation or its enforcement (Kakonge and Imevbore, 1993). Even though the presence of an enabling legal framework for involvement of the public gives Kenya an advantage, the Capacity Development and Linkages for EIA in Africa place its EIA system under category 3 for Environmental Impact Assessment in Africa (UNECA, 2005; CLEIAA, 2002). This corresponds to incomplete regulatory and institutional framework.

Indeed, the Kenyan Ministry of Environment and Natural Resources reveals that it has several weaknesses among which, poor information sharing, and most importantly weak and unsustainable partnerships with stakeholders are the most notable (RoK, 2006). Kameri-Mbote (2000) adds that there is a need to fundamentally rethink the relationship between the government and the governed, and to allow greater public involvement. Understanding the barriers to public involvement is thus vital for any attempts to unlock the status quo.

While most previous studies have pointed to the weaknesses of EIA in Kenya, they have fallen short of describing the reasons behind inadequate practical involvement. Moreover, the Environmental Management and Coordination Act of 1999 (EMCA) which gives the public a voice is a relatively new legislation (Angwenyi, 2004) and so its assessment in part makes this study very important.

This paper focuses on Public involvement during the EIA process in Kenya. It examines; Knowledge of the EIA guidelines, the extent of public involvement in practice, EIA information accessibility, nature of

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the language and media of communication as well as public interest in EIA activities. It also examines the potential use of SEA to enhance communication between different stakeholders (Vicente and Partidario (2006); Onyango and Schmidt (2007)).

The study mainly utilized critical-comparative document review, qualitative interviews and online surveys. The online survey target was 20 respondents from a sample size of 44. A combination of non-random purposive and a chain sampling[‡] approach was employed (Patton, 1990). The regulator (National Environmental Management Authority (NEMA)), proponents of projects, affected public members, academics and EIA practitioners and consultants in Kenya comprised the respondents (Figure 1). The sample selected relates to and was representative of the target population. Anonymity and confidentiality as well as constant communication with the respondents improved the quality of the results (Iraossi, 2006). In addition, the variability of stakeholders minimized bias and resulted in a response rate of 52%. The affected local community members comprised the least group of respondents at 8%. This low response may have been so due to lack of accessibility to the internet, which was a prerequisite for this study.

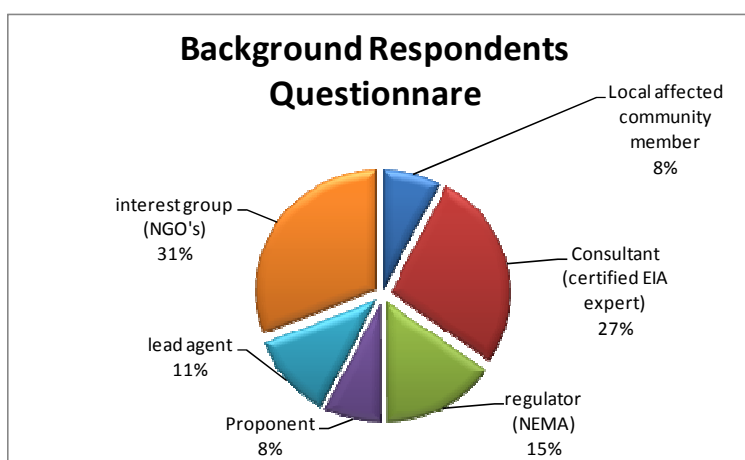


Figure 1: Respondents composition

2 Results and Discussion

The first step is to characterize the respondents for generalization of the results. All the respondents who took the survey were familiar with EIA. Ninety five percent (95%) had knowledge of the existence of Government provided EIA laws, regulations and guidelines. All had been involved in at least one EIA.

2.1 Current situation concerning barriers to involvement of affected public in EA in Kenya

2.1.1 Situation on legal framework

In terms of policy, Kenya's EMCA of 1999 is clear that the affected public should be involved and consulted throughout the process of EIA (scoping and review of EIA study report) and after EIA (follow-up). At the height of its inception early 2000, authors e.g. Kakonge (1998) and Kameri-Mbote (2000), stated that even though the regulation was in force, the role of the public in environmental decision-making was inadequately implemented in practice. This trend seems to be changing over time. Amombo

[‡] In social science research, chain or snowball sampling is a technique for developing a research sample where existing study subjects recruit more subjects from among their acquaintances (Patton, 1990)

(2006) holds the view that the existence of this legal framework has significantly aided stakeholders in practice. This study reflects this trend and is in agreement with Amombo (2006) assertions.

The majority of the respondents (65%) believed that EIA regulations and guidelines in Kenya were good and effective. Further, the respondents interviewed were nearly equally split with slightly over one half (53%) stating that the guidelines were either very sufficiently or just sufficiently implemented in practice while 47% believed that these guidelines were either very insufficiently or just insufficiently implemented. Interestingly, the majority of those who were dissatisfied with the application of the guidelines in practice comprised the affected public, the lead agents and the regulator. The proponents were satisfied with the application of these guidelines in practice.

2.1.2 Situation on information access, awareness of guidelines,

Forty two percent (42%) of the respondents in this study indicate that the public access the regulations and guidelines freely at the local authority offices. Other means of accessing these documents were through purchasing (42%) and via the internet (11%). Purchases and internet pose a problem of accessibility considering Kenya's 40% unemployment rate with about half of the population leaving below poverty line (NEMA, 2008). Moreover, the internet hosts rate is only 0.65% (Obonyo, 2007). In addition, the records of EIA and SEA report are obtained from NEMA at a fee of Ksh200 (approx 2.5 Euros). In view of the stated situation, information availability to the majority of population is thus restricted. It is perhaps because of these reasons that over half of the respondents attested that the public in Kenya are insufficiently aware of their roles in EIA (Figure 2).

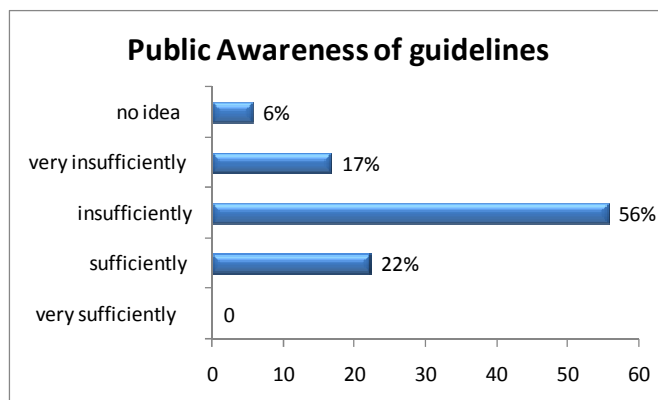


Figure 2: Public awareness of EIA guidelines

2.1.3 Situation on public involvement during EIA stages (scoping, EIA study Report and EIA follow-up activities)

Over half of the respondents (53% ranked the role allocated to the affected public members when involved during early EIA stages of scoping and review of EIA study report as either inadequate or very inadequate (Figure 3). In contrast, the respondents ranked the roles of other stakeholders as either adequate or very adequate with that of the lead agents topping the list with 95% of respondents, followed by the regulator (90%) and the proponent at 77%.

Results also show that whereas the public was interested in monitoring and evaluation of post EIA activities, close to 70% of the respondents (comprised mostly of the proponents, the EIA consultants and the public themselves) stated that the affected public was either inadequately or very inadequately involved (Figure 3). Inadequate consultation (50%) and lack of awareness (43%) were the main impediment to public involvement in EIA follow-up. In addition, over half of the respondents believed that communication during EIA public participation fora was neither accommodative, nor open and transparent.

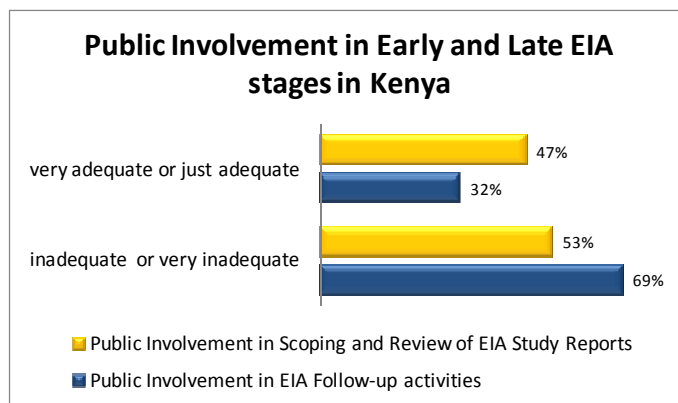


Figure 3: Public involvement in different EIA stages (scoping, EIA study report review and follow-up)

2.1.4 Situation on public interest, language and media of communication used

The respondents categorized the public either as very interested or just interested (60%) in environmental activities. This interest is nonetheless insufficiently tapped considering the low level of public awareness (see Figure 2)

Sixty-six percent of the respondents indicated that English as a language dominated pamphlets, posters, photos and maps used in public participation fora. While English is Kenya's national language and the literacy level may be 79% (Obonyo, 2007), often the message is lost due to inadequate interpretational skills. Consequently, there is inadequate explanation of background and technical material (EPA, 2001). EIA advertisements for the public in daily newspapers face the same obstacle of language interpretation. The low level of newspaper circulation (1.3%) (Obonyo, 2007) worsens the case. Nevertheless, it is worth noting that local radio stations with local community language have a great potential to information sharing. Radio in Kenya has an estimated listening rate of 9.98% (at least one radio per homestead)

2.2 Current Role of SEA in overcoming barriers to public involvement in EA in Kenya

Almost half of the respondents (mainly the public, interest groups and EIA practitioners) did not respond to questions on SEA. This was perhaps due to lack of knowledge. Of the group that responded (Lead agents and regulator), 33% had taken part in SEA while 40% had only read about SEA in books. The rest were not familiar with SEA. Half of the respondents who answered SEA questions ranked the SEA guidelines as insufficient and about 90% of the respondents stated that the practice of SEA in Kenya was poor. Public involvement in SEA in Kenya was in itself found to be very insufficient.

3 Conclusion and Recommendations

Most experts agree that the EIA legal framework in Kenya is enabling. Based on the comparison of this study with previous ones, there seems to be an improvement in practice of the application of the EIA regulations and guidelines. This can be attributed to the coming of age of the EMCA of 1999. However, this study concludes that the public is still inadequately aware of their roles and are inadequately involved in EIA activities particularly scoping, review of EIA study report and EIA follow-up activities.

Further, there is a need to invest in and improve access to EIA information and information technology. Perhaps, the public is still unaware of the availability of EIA information in local government offices. Moreover, internet access remains poor and information posted on the internet remains inaccessible to many.

This study recommends a greater involvement of NGOs and interest groups in Environmental decision-making. NEMA, through its Environmental and Awareness Department needs to take a more proactive approach on informing the public about their roles during pre-post and ex-ante EIA activities and to utilize the strong character of the civil society in Kenya.

In addition, even though local area language (mother tongue) has been used in some quotas to interpret EIA proceedings for local communities, the use of this technique is not extensive. EIA information needs more translation to local indigenous languages in media such as posters and pamphlets. Also, better interactive mechanisms of public participation at different stages for example a visit to success developments of related projects during scoping can help the affected community members understand different aspects of the project and participate in an informed way. This will also enhance the community's sense of ownership to the project.

Public interest in EIA activities has not been sufficiently tapped. It is imperative that involvement techniques should be checked for effectiveness. Going to meet the public say in a public place such as the church as opposed to inviting them in a hotel may be more effective. It is therefore important to understand the public dynamics (how they spend their time and where to get them).

Some respondents have argued that giving incentives such as allowance for workshop attendance or value incentive such as household commodities would capitalize on interest and encourage involvement. Although this can encourage public participation, the idea is open to misuse and can be used by some developers/ proponents to avert the focus of the public the main issues of concern.

Lastly, SEA knowledge and awareness amongst all levels of society needs improvement. SEA's potential to be used to improve stakeholders' involvement is still unrealized and a lot remains to be done. The immediate task would be first to improve the institution and practice of SEA, then probably use it to improve EIA. While both processes of EIA and SEA continue to develop in Kenya, the lessons learnt from EIA in terms of public involvement can be used to enhance the practice of SEA.

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