



## Briefing: Integrated Environmental Impact Assessment (IEIA)

### Introduction

In an effort to achieve sustainable development of the oil and gas sector through increasing government participation and strengthening capacity in managing the oil and gas industry, the Government of Kenya through its lead environmental agency (National Environment Management Authority - NEMA) will be conducting a **Strategic Environmental and Social Assessment (SESA)** starting February, 2016.<sup>1</sup> The exercise, which will be supported by the World Bank through its Kenya Petroleum Sector Technical Assistance Program (KEPTAP), aims to identify and improve management, socio-economic and environmental impacts of the oil and gas sector in Kenya by conducting in-depth and

consultative pre-exploration and production analysis of 6 exploration areas in Kenya.<sup>2</sup>

In tandem, Kenya's lead environmental body has amended its current legislative framework- the Environmental Management and Coordination Act, 1999 by incorporating the principles that the SESA espouses as part of the law<sup>3</sup>- principles and guidelines that shall be elaborated within this briefing. The provision states verbatim that all Policies, Plans and Programmes for implementation shall be subject to **Strategic Environmental Assessment** deeming the assessment as a prerequisite before the execution of any project that is determined by the Authority as likely to have significant effects on the environment<sup>4</sup>.

Moreover, EMCA 1999 adopts the term **Integrated Environmental Impact Assessment (IEIA)** to replace the traditional **Environmental Impact Assessment**. Interestingly, the amendment introduces the term 'integrated' implying

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<sup>1</sup> World Bank. 2014. *Kenya - Petroleum Technical Assistance Project: Terms of reference for strategic environmental and social assessment for the oil and gas sector*. Available at: <http://documents.worldbank.org/curated/en/2014/07/19942264/kenya-petroleum-technical-assistance-project-terms-reference-strategic-environmental-social-assessment-oil-gas-sector>

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<sup>2</sup> Objectives of the Technical Assistance program. Available at: <http://www.worldbank.org/projects/P145234?lang=en>

<sup>3</sup> Section 57A EMCA, 1999.

<sup>4</sup> Section 57A 2(b) EMCA, 1999.

that 'there are further considerations' to the impact assessment besides strictly environmental concerns. This implies that efforts need to go beyond compliance with environmental standards and mitigation of adverse impacts, to identifying sustainability as an objective of the development process. By virtue of the amendments, the IEIA assessment is considered a prerequisite before undertaking any project and 'inherits' the projects that were previously listed under the purview of the now-amended Environmental Impact Assessment<sup>5</sup>. An IEIA is thus compulsory for all projects that previously required an EIA assessment.

### What is an IEIA?

The IEIA is a structured, rigorous, participative, open and transparent means of integrating environmental and social considerations into policies, plans and programs. Thus, unlike a conventional EIA, an IEIA assessment goes beyond the traditional environmental due diligence investigation and focuses on the social impacts of a proposed project, which may include health, demographics, social and cultural patterns; services and infrastructure; local, regional and territorial economy; land and resource use; employment, education and training; government; and other matters.

### Guiding Principles for IEIA

An IEIA ensures that the proposed projects are compatible with sustainable environmental planning and management- a prerequisite towards ensuring sustainable development of natural resources (Article 69 of the Constitution).

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<sup>5</sup> The Environmental Management and Coordination Act vide Section 58 as read with Schedule II lists projects in which an EIA must be conducted before commencement. The provision is being revised to replace a conventional EIA with a more comprehensive and inclusive IEIA.

An effective IEIA is guided by the following principles:

- **Integrated:** The assessment should have a wider scope than the conventional EIA. It should include environmental, health and social concerns.
- **Fit – for – purpose:** The IEIA has to be customized to decision making.
- Different projects present varied considerations and therefore, each assessment should be tailor-made to individual projects.
- **Sustainability driven:** The IEIA should be conducted to ensure and promote sustainable development of the project under review.
- **Comprehensive scope:** The IEIA should have far-reaching considerations- It should incorporate existing policies, plans and programs.
- **Transparent:** A proposed IEIA should have clear and easy to understand requirements which will favour the stakeholders being consulted.
- **Participative:** An effective IEIA should be consultative by allowing maximum public engagement and involvement.
- **Accountable:** The assessment should be implemented fairly, impartially and professionally.
- **Cost – effective:** The IEIA should meet objectives within time and budget limits.
- **Pre-emptive:** The final decision in evaluating a IEIA should be pre-emptive and should focus on anticipated and future concerns.

## Going forward

A properly designed impact assessment that integrates social and environmental considerations generates a holistic assessment; it reduces duplication of data and information resources, avoids potential inconsistencies, and enhances financial efficiency, strengths, complementarities and the value of social and environmental sciences in proposed project, programme or policy decision making.

While the IEIA within the Kenyan context is a positive move towards environmental and social protection, the process needs to be transparent, independent and should stay clear of any influence thus ensuring public and investor confidence and strengthening of the regulatory framework.

Secondly, the IEIA needs to devise innovative and effective methods towards ensuring maximum participation by the public and stakeholders at large. This will guarantee acceptance of the IEIA assessment outcomes.

## Further information

For more information on any of the points raised within this briefing, please do not hesitate to get in touch with us at:

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