PROPOSED MOMBASA LAW COURT BUILDING
ON PLOT L.R. NO. MOMBASA/BLOCK XXVI/1157 LOCATED OFF DEDAN KIMATHI AVENUE
AND OFF MAMA NGINA DRIVE WITHIN MOMBASA TOWN IN MOMBASA COUNTY

ENVIRONMENTAL AND SOCIAL
IMPACT ASSESSMENT (ESIA) REPORT

EXPERT
Lucas Nyamila Owiti
EIA Lead Expert Reg. No. 2549
Mobile: +254 (0)724 235 152,
+254 (0)734 365 971
P. O. Box 20430-00100, Nairobi
Email: owitinyamila@gmail.com

PROPONENT
The Judiciary of Kenya
Supreme Court Building, City Hall Way,
P.O. Box 30041 – 00100
NAIROBI, KENYA

This Environmental and Social Impact Assessment (ESIA) Project Report is submitted to the
National Environment Management Authority (NEMA) in conformity with the requirements of
the Environmental Management and Coordination Act, amendment 2015 and the Environmental
(Impact Assessment and Audit) Regulations, 2003

©January 2017

View of Proposed Project

GPS Coordinates
Latitude: -4.065196
Longitude: 39.678356

Public Disclosure Authorized
CERTIFICATION AND SUBMISSION OF THE REPORT

This Environmental and Social Impact Assessment project report for the proposed Mombasa Court building On Plot L.R. No. Mombasa/Block XXVI/1157, measuring 1.477ha located Off Dedan Kimathi Avenue and Off Mama Ngina Drive within Mombasa town in Mombasa County on GPS Coordinates described by Latitude -4.065196 and Longitude 39.678356 was conducted and the report prepared by Lucas Nyamila Owiti, NEMA registered Lead expert in accordance with the requirements of the Environmental Impact (Assessment and Audit) Regulations, 2003, pursuant to The Environmental Management and Coordination Act, amendment 2015.

EXPERT

Lucas Nyamila Owiti
NEMA Lead Expert Reg. No. 2549
Mobile: +254 (0)724 235 152,
          +254 (0)734 365 971
P. O. Box 20430-00100, Nairobi
Email: owitinyamila@gmail.com

Signed:...................................................

Date:..............................................

PROJECT PROponent

CHIEF REGISTRAR
JUDICIARY OF KENYA
P.O. BOX 30041-00100,
NAIROBI, KENYA

Signature.............................................

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EXECUTIVE SUMMARY
This exercise has been necessitated by the judiciary of Kenya, which is implementing the Judicial Performance Improvement Project (JPIP). This is in line with the new Constitution in which the judicial reforms are anchored. In response to this, the judiciary has developed a new phase blue print on Sustaining Judiciary Transformation, 2017-2021, this next phase is predicated on the theme Sustaining Judiciary Transformation for Service Delivery. This new Framework is known as the Sustaining Judiciary Transformation (SJT) and it will shift focus away from institutional building and capacity enhancement to enhancing service delivery. In this phase, rather than concentrating efforts at renewed institutional reforms, interventions will focus on completing and consolidating those reforms, but emphasizing the improvement in the speed and quality of service delivery in the Judiciary by increasing efficiency and effectiveness at individual and system levels, as well as individual accountability for performance. It is also based on the Judiciary Strategic Plan 2014-2018 which builds upon the foundations of the previous 2012-2016 JTF, the plan provides a comprehensive roadmap for implementing, sustaining and furthering the transformation agenda. It also responds to emerging trends by positioning the Judiciary as an integral player in the overall national development agenda. The objective of the JPIP is to improve the performance of the Judiciary to perform its services in the project areas in a more effective and accountable manner. Rehabilitation and construction of new courts is one of the major reforms undertaken under JPIP and which calls for the preparation of the Environmental and Social Impact Assessment (ESIA). Mombasa is one of the courts earmarked for new court construction.

Being the custodian of law and justice matters, the Judiciary understands the importance of incorporating environmental protection issues as early as possible in the project planning and design stages of such a project, such that any adverse impacts are foreseen and addressed accordingly and in a sustainable and environmentally responsible manner.

This ESIA report for the proposed Mombasa Law court construction project has been undertaken to ensure that the significant environmental and social impacts at all stages i.e.; the preconstruction, construction, operation and decommissioning stages have been considered and assessed at the project planning phase. This report provides the background to the proposed project as well as an assessment of its likely environmental and social impacts, both beneficial and adverse. Proposed enhancement and mitigation measures are outlined in the Environmental and Social Management Plan (ESMP) and where necessary together with an initial assessment of costs and responsibilities for their implementation.
The purpose of this assessment and its overall objective is to ensure that the significant environmental and social impacts of the proposed project at all stages have been considered and integrated in the implementation of the project cycle in order to contribute to sustainable development of the general project area and areas in close proximity to it. Potential environmental impacts and socioeconomic conditions will be associated with the activities for the proposed initiative and therefore the need for assessment of impacts. Secondly, the assessment is intended to propose workable mitigation measures and thirdly to formulate an environmental and Social management and monitoring plan articulating the mitigation measures, responsible persons, frequency of monitoring, required resources, time frame for its implementation and possible costs.

The objective of the ESIA study is to carry out an assessment of the proposed project to determine whether or not the proposed project and associated activities will have any adverse impacts on the environment, taking into account environmental, social, cultural, economic and legal considerations. The main objectives of the ESIA are to:

- Identify and assess the anticipated environmental and social impacts of the proposed projects – both positive and negative;
- Identify and analyze alternatives to the proposed project;
- Propose mitigation measures for negative impacts and enhancement measures for positive impacts to be undertaken during and after the implementation of the proposed project;
- Verify compliance with national environmental regulations and policies, World Bank Safeguard Policies, and industry best practice and standards;
- Generate baseline data for monitoring and evaluation of how well the mitigation measures have been implemented during the project life cycle;
- Recommend cost effective measures to be used to mitigate against the anticipated negative impacts;
- Seek the views of affected persons in consultation with the judiciary and the National Environment Management Authority (NEMA);
- Prepare an Environmental & Social Impact Assessment Report compliant with the Environmental Management and Coordination Act (amendment 2015); and
- Prepare an Environmental and Social Management Plan (ESMP) report compliant with the Environmental Management and Coordination Act (amendment 2015)
The most important aim of the report is to ensure that the activities of the project will comply with the legal statutes and institutional frameworks as stipulated in the Kenya’s Environmental Management and Coordination Act, EMCA (1998) as well as the provisions of the project financing agency, World Bank’s environmental policies and guidelines.

The scope of the study conformed but not limited to the aspects outlined in the project Terms of Reference (ToRs) issued by the Judiciary, - and World Bank, the anticipated project financing agency. General guidelines and procedures for ESIA from Kenya’s EMCA were applied. The ESIA study was carried out using various methodological approaches best to address the study objectives. Operationally, the work entailed six (6) stages, namely (i) preparation/preliminaries including reviewing of project documents and briefs; (ii) data collection and fieldwork; (iii) situational analysis of the environment and social impacts; (iv) ESIA report writing; (v) Environmental and Social Management Plan (ESMP) generation; (vi) submission of the full ESIA report with detailed ESMP to NEMA for approval.

The consultant adopted a participatory methodology during the entire study and ensured that the client, the public and other key stakeholders in particularly court users were adequately involved throughout the process. Several consultative meetings were conducted with the judiciary officials, JPIP secretariat, the project’s architect, the courts users such as the Law Society of Kenya (LSK) members, Kenya Police Service Officers, Kenya Prisons Officers, Officers of the Director of public prosecution and the neighbouring communities and other stakeholders in ensuring that the exercise achieve its intended purpose in line with the World Bank’s Environmental Safeguard and Management Framework (ESMF) and with other local regulatory frameworks such as the Environmental Management and Coordination Act (EMCA) among others.

Checklists as data collection tools instruments were also used during the study for assessing possible environmental impacts during the construction and operation phase of the proposed court construction. The checklists were mainly used to facilitate identification, prediction of environmental impacts as well as to give an indication of the significance of the identified impacts.

**Project Location**

The proposed Mombasa Court is located Off Dedan Kimathi Avenue and Off Mama Ngina Drive within Mombasa town in Mombasa County. Currently, Mombasa Law Court and the County Government offices are located in Kizingo. The proposed new court site lies on GPS Coordinate described Latitude -4.065196 and Longitude 39.678356.
Proposed Mombasa Law Court Building

Environmental and Social Impact Assessment Project Report

Proposed Mombasa Law Court Building

Sketch route map to the proposed project site (Not drawn to scale)

Courtesy of Google map, 2016
Policy, Legal and Regulatory Framework

This study has reviewed the Environmental Management and Co-ordination Act amendment 2015, which is the legislation that governs EIA studies in Kenya. The proposed projects fall under the Second Schedule of EMCA amendment 2015, which lists the type of projects that are required to undergo EIA studies in accordance with Section 58 (1-4) of the Act.

Various other key national laws that govern the management of environmental resources in the country have been discussed in the report. This study has also made reference to international treaties and conventions as well as the procedures of the World Bank and with which the proposed projects will need to demonstrate compliance.

Project Activities

The proposed project entails the construction of a new court building in Mombasa. The process includes the following phases: design and planning, pre-construction, construction, decommissioning and occupation. This ESIA looks into the potential impacts and proposes mitigation measures through appropriate ESMPs.

Assessment of alternatives

A number of alternatives have been looked into to compare and determine the optimal use of the site. These alternatives range from No action, relocation and alternative designs. The studies concluded that the proposed project definitely fits the site given that the site already accommodates a current law court building hence hosting the same functions and also that there is ample land belonging to the judiciary for the construction of the new court.

Summary of Potential Impacts and Mitigation Measures

Potential Positive impacts of the proposed project

The proposed project is expected to have several positive impacts on the socio-economic welfare of the affected and or interested stakeholders. These include:

Improved judicial performance: the new development will provide more space for judicial operations than it is currently. More space will be availed for court offices, court rooms, data handling and management, adequate cells and facilities for several court users among others. These shall promote efficiency and effectiveness in delivery of justice.

Employment creation: during the construction phase a lot of jobs will be available to the local work force, both skilled and semi-skilled. It is approximated that 50 people will be employed during the project construction phase, 30 semi-skilled will be sourced locally and other 20 skilled workers will come from outside the County. The fact that a higher number of workers are expected to come
from within the county, no workers camp might be required to host them as will operate from their respective houses or homes. The site works, supply of materials, goods and services will offer income to the locals.

**Increased economic activity:** there is anticipated short-term increase in economic activity from the purchase of construction materials, procurement of services, taxes levied on construction workers.

**Gender issues:** opportunities for women in income generating activities e.g. through provision of catering services, selling of local goods/products. Recommended contractual requirement to employ local women as well as men in tenders prepared for letting of the construction works.

**Capacity building:** training and awareness campaigns on Occupational Health and Safety issues for workers, local residents, court users and any other affected/interested stakeholders.

**Potential Negative impacts and issues of concern associated with the proposed project**

The benefits mentioned notwithstanding, some associated costs may arise as well. The foreseeable negative impacts include but not limited to:

- Increased noise and vibration mostly during project implementation phase.
- Problems associated with waste management
- Visual intrusion
- Impact (constraints/pressure) to the existing infrastructure i.e. water, sewer system, power, surface drains, roads among others.
- Impact to soil especially when laying the foundation and other earthworks and reduction of the green areas
- Increased storm water/ run off resulting from the roof catchments and as a result of decreased recharge areas, after pavement of most areas.
- Air pollution as a result of dust particles emanating from excavation and construction activities. Exhausts from the involved machinery will lead to increased levels of noxious gases such as sulphur, carbon, and nitrogen oxides (most has already taken place because earthmovers have already done their main part).
- The health and safety of workers and immediate neighbours may be compromised due to accidents, pollution and disturbance. Hazards associated with construction include but not
limited to falling objects, risks from poor scaffolding, ladder and formwork. There is also risk of coming across live electric cables during excavations. Poor quality construction materials, poor workmanship and poor standards may also contribute to accidents. Inadequate skills in machinery operation and stress are serious safety hazard. Other risks involve fires.

- Climate change: temporal reduction in carbon sequestration from vegetation loss. The site is a bush thicket with shrubs vegetation, grass and trees (there are 25 fully grown trees to be cut to pave way for proposed development, 11 of them being Neem plants, 5 being Jacaranda trees).
- Enhanced security risks and social crimes during construction phase.

**Proposed mitigation measures**

To minimize the occurrence and magnitude of the negative impacts, mitigation measures have been proposed against each of the anticipated impact. Other measures have been integrated in the project designs with a view to ensuring compliance with applicable environmental laws and guidelines. The proactive design has provided various mitigation measures such as waste handling, lighting, ventilation, space requirements, surface drainage, sewerage system and the structural safety among others. In addition, the following measures should be implemented to attenuate any negative impacts:

Careful sitting, planning and design of the development to ensure that it is compatible to its surroundings and is in line with construction standards. To address issues to do with waste management, sound waste management policies and procedures must be adopted in accordance with the Environmental management and coordination (Waste Management) Regulations during both the implementation and occupational phases. These regulations require among others that waste transporters be licensed by NEMA. Waste should be reduced at source and all avenues towards recycling explored such as backfilling using excavated suitable materials and debris, which will ensure environmental enhancement over and above saving on costs. All waste that cannot be recycled should be dumped in approved dumpsite.

To minimize air pollution and soil disturbance/erosion ensure soil compaction and watering of loose soils on all unpaved access paths/roads, parking areas, construction materials at the construction sites. To cater for surface drainage, well-designed drain channels have been proposed to harmonize management of the resulting storm water within the site. The drains will effectively be installed to channel surface run-off to the public drainage system along the road. Storm water/runoff shall be significantly reduced by rainwater harvesting and rainwater storage facilities. The
drains should be regularly maintained and covered with gratings to avoid accidents and dirt choking them.

For purposes of reducing noise pollution, portable barriers to shield compressors and other small stationary equipment where necessary should be installed; sensitize workers on the need to switch off engines whenever possible; ensure that the machineries are well maintained, install silencers whenever possible consider working after 4pm to 6am and weekends to ensure that there is minimal interference with the court proceedings and related processes. The proponents/contractor should ensure sound maintenance of construction plant and equipment to minimize emission of noxious fumes and noise. Vehicle/machinery idling should be minimized/controlled not to mention use of cleaner fuels such as low sulphur diesel and unleaded gasoline. Machinery maintenance should be conducted in appropriate and designated service bays (outside the site) to reduce chances of contamination of environment by resulting oils and greases. Any of such oils should be collected and disposed appropriately. For health and safety, sewerage system will be properly designed (using approved materials), installed and regularly maintained to effectively drain effluent into the existing public sewer system.

All workers should be provided with full protective gear to beef up on their health and safety standards and should be trained on occupational health and safety. Qualified personnel must do all scaffolding, ladder and formwork to standards. Any live underground cables on site must be identified it they exist before excavations. Quality materials, skilled labour (where necessary), and the set standards must be put into practice. All precautions (barriers) must be taken to prevent accidents from falling objects. The site should always be fenced off during construction to keep off animals and the general public. Effective emergency response plans should also be adapted both during the entire project cycle.

There should be a specific area for hazardous material storage, machinery maintenance activities and refuelling and these should be clearly indicated and adhered to. Strictly, the Building Code and other applicable building standards as may be in force must be adhered to and the Factories and other places of work Act must be enforced. An accident/incident record should be kept on site and under care of responsible person and a first aid kit(s) with all basic requirements and the in-charge be trained. To prevent social crimes, the workers should be vetted during recruitment and should be closely monitored and movement out of site should be restricted. Construction workers should not reside on site and should be trained and sensitised on anti-social behaviour.
Comprehensive landscaping should follow on completion of the proposed development to prevent soil erosion and upgrade the site to appropriate environmental standard. It is recommended that an Environmental Management and Monitoring Plans within the site involving all the stakeholders be developed.

In conclusion, the study and a cost-benefit-analysis (CBA) reveal that the benefits far outweigh the associated costs. With reference to the proposed mitigation measures (the recommended Environmental and Social Management Plans (ESMPs) and strict adherence to the same, closely working with environmental experts and other relevant professionals, NEMA, County Government of Mombasa and other relevant institutions through the project cycle, the project would be compatible and sustainable. The importance of liaising with the above is to ensure that variation in predicted impacts is handled relevantly during the project cycle otherwise the major concerns at any point in time should be focused towards minimizing the occurrence of impacts that would degrade the general environment.

The project is worthwhile endeavour, noting that it is a new court building not to mention the other numerous advantages highlighted in this report. The proposed project also has the effect of raising the revenue base of the judiciary and the county. Monitoring and supervision is very important as significant variations can be noted in time and appropriate measures taken. The success of this is however reliant on the institutional capacity for carrying out the work, evaluating the results and initiating any necessary action to limit adverse impacts disclosed by monitoring. It is recommended that an ESIA for the whole of Mombasa be conducted. This is because a singly project may not singly have adverse significant effects as at the time of implementation but the cumulative effects of impacts of the collective projects may be adverse. This is however at the government level under coordination of NEMA in liaison with Mombasa County Government and other relevant institutions/departments and stakeholders.

**Conclusion**

The proposed project is in line with the development and socio-economic needs of Kenya as a whole. It also helps fulfill the Kenya Vision 2030 objectives besides facilitating judicial process by increasing the capacity for case hearings and rulings towards a reduced backlog of cases in court.

Indeed, the project has many positive socio-economic impacts both locally, regionally, nationally and globally. In view of positive and negative impacts identified, as well as public consultation conducted in the project area, it is unlikely that the proposed project will not have social and environmental impacts. Most impacts will be of a temporary nature during the construction phase and can be
managed to acceptable levels with implementation of the recommended mitigation measures for the project such that the overall benefits from the projects will greatly outweigh the few less adverse impacts.
CHAPTER ONE

1.0 INTRODUCTION

1.1 Background
This report is a result of the Environmental and Social Impact Assessment (ESIA) of the proposed construction of the court building in Mombasa town. The study was conducted in December 2016. It constitutes descriptions of possible environmental and social and economic impacts likely to occur during the proposed project cycle, - design, site preparation, construction and operation. This report provides the background to the proposed projects as well as an assessment of their likely environmental and social impacts, both beneficial and adverse. Proposed enhancement and mitigation measures are outlined where necessary together with an initial assessment of costs and responsibilities for their implementation. The report has been produced in consultation with Mombasa Law Courts Administration, on behalf of Kenya Judiciary the Project Proponent, in fulfillment of the Environmental Management and Coordination Act (EMCA), amendment 2015.

The EMCA requires that an Environmental Impact Assessment (EIA) is undertaken for proposed activities that are likely to have a significant adverse impact on the environment and is subject to a decision of a competent National Authority; in Kenya, this is the National Environment Management Authority (NEMA). The Second Schedule of the EMCA provides a list of projects that must undergo EIA subject to agreement of the approach with the National Authority.

This report has been undertaken to ensure that the significant environmental and social impacts of the proposed projects at the preconstruction, construction, operation and decommissioning stages have been considered and assessed at the project planning phase. It provides the background to the proposed projects as well as an assessment of their likely environmental and social impacts, both beneficial and adverse. Proposed enhancement and mitigation measures are outlined where necessary together with an initial assessment of costs and responsibilities for their implementation.

1.2 Proposed Project and Study rationale
The Republic of Kenya is implementing the Judicial Performance Improvement Project (JPIP). In line with the new Constitution in which the judicial reforms are anchored, the judiciary has developed a comprehensive anew phase blue print on Sustaining Judiciary Transformation, 2017-2021, This new Framework is known as the Sustaining Judiciary Transformation (SJT) and it will shift focus away from institutional building and capacity enhancement to enhancing service delivery.
The SJT is going to govern the reforms in the judiciary for the next four (4) years (2017-2021). The proposed JPIP is implementing some of the key activities in the new phase of SJT and is aligned with the SJT priorities. The objective of the JPIP is to improve the performance of the Judiciary to perform its services in the project areas in a more effective and accountable manner.

It is on this background that the World Bank is financing the construction of a court building for the judiciary in Mombasa towards an enhanced performance of the same. The judiciary has thus commissioned the construction of the proposed court building in Mombasa. This, ESIA report is thus, geared towards the identification and mitigation of potential negative environmental and social impacts of the project besides enhancing any positive impact identified.

1.3 Project location
The proposed Mombasa Court is located Off Dedan Kimathi Avenue and Off Mama Ngina Drive within Mombasa town in Mombasa County. It is the country's second-largest city, after the capital Nairobi, with an estimated population of about 1.2 million people in 2016. As an island, it is separated from the mainland by two creeks: Tudor Creek and Kilindini Harbour. It is connected to the mainland to the north by the Nyali Bridge, to the south by the Likoni Ferry, and to the west by the Makupa Causeway, alongside which runs the Kenya-Uganda Railway. Mombasa is regional cultural and economic hub, has an extra-large port and an international airport, and is an important regional tourism centre. The Mombasa Law Courts and the County Government offices are located in Kizingo. The proposed new court site lies on GPS Coordinate described Latitude -4.065196 and Longitude 39.678356.

1.4 Current Site Status
The proposed site is surrounded by a concrete perimeter wall, some section of the site previously used to be a building which has since been brought down. The site also has two secured access gates; a section of the site is rocky while other is sandy. The site is currently a bush thicket with shrubs vegetation, grass and trees (there are 25 fully grown trees to be cut to pave way for proposed development, 11 of them being Neem plants, 5 being ornamental trees). Hence the developer and contractor are thus advised to seek permission from Kenya Forest Department before cutting down any tree. The clearing should also be minimized only to the project affected area.
Figure 1: Google Site map

Figure 2: Sketch route map to the proposed project site (Not drawn to scale)
1.5 Objectives of the ESIA

The objective of the ESIA study is to carry out an assessment of the proposed project to determine whether or not the proposed project and associated activities will have any adverse impacts on the environment, taking into account environmental, social, cultural, economic and legal considerations.

The main objectives of the ESIA are to:

- Identify and assess the anticipated environmental and social impacts of the proposed projects – both positive and negative;
- Identify and analyze alternatives to the proposed project;
- Propose mitigation measures for negative impacts and enhancement measures for positive impacts to be undertaken during and after the implementation of the proposed project;
- Verify compliance with national environmental regulations and policies, World Bank Safeguard Policies, and industry best practice and standards;
- Generate baseline data for monitoring and evaluation of how well the mitigation measures have been implemented during the project life cycle;
- Recommend cost effective measures to be used to mitigate against the anticipated negative impacts;
- Seek the views of affected persons in consultation with the judiciary and the National Environment Management Authority (NEMA);
- Prepare an Environmental & Social Impact Assessment Report compliant with the Environmental Management and Coordination Act (amendment 2015); and
- Prepare an Environmental and Social Management Plan (ESMP) report compliant with the Environmental Management and Coordination Act (amendment 2015)

**EIA Expert**

The ESIA study was conducted by Mr. Lucas Nyamila, a practicing EIA/A Lead Expert (Reg. No. 2549) with the assistance of Peter Oluoch EIA Lead Expert No. 7872 and Moses O. Kololo EIA Associate Expert NEMA Reg. No. 7692 on behalf of the Judiciary thereof the Proponent.
CHAPTER TWO

2.0 METHODOLOGY

2.1 General Approach
An environmental and social impact assessment has been undertaken to fulfill the legislative requirements of the Environmental Management and Coordination Act (EMCA) amendment 2015, the subsequent Kenya Gazette Supplement on Environmental Impact Assessment and Environmental Audit Regulations 2003 and global environmental and social regulations by funding organization i.e. the World Bank. As such, the approach has been guided by these documents.

The ESIA identifies potential environmental, social, and economic impacts of the proposed project. It identifies the positive and negative impacts of the proposed project and proposes mitigation and enhancement measures. The studies in support of the preparation of the ESIA have comprised discussions and consultations with the proponent and stakeholders; initial site reconnaissance; desk study and literature review; preparation of data collection instruments; field visits for consultations and observations; data analysis and report writing.

No monitoring or detailed surveys (e.g. ecological surveys) have been undertaken, since the land is already holding a fairly elaborate building hosting court functions. The ESIA experts have therefore gathered environmental data from various court users and other information already available in the public domain backed up by observations in the field. In order to conduct a broad based and inclusive assessment, the proponent and the consultant have from the onset ensured the exercise is participatory. As such, discussions have been held with various relevant players such as the project architect, court officials and users and JPIP officials in understanding the details of the project.

2.2 Reconnaissance Field Visits / Field Observations
Initial field visits to the project area was conducted in the month of December 2016 for data collection, identification of environmentally sensitive issues of the project area, observations, interviews and conducting public consultation in collaboration with the Court Administration. During the field visits, the team also made field observations and further took photographs of the project areas. A photograph gallery is attached as Appendix A of this report.

2.3 Desk Study Review
The ESIA expert has collated and presented baseline information on the environmental characteristics as currently exist at the project site and areas near it with respect to the following:
Social and cultural environment: both current and projected as appropriate, with respect to population, land use, planned development activities, Employment and labour market, sources and cultural heritage, etc;

Physical environment with respect to topography, landform, geology, soils, climate and meteorology, air quality, hydrology, etc.; and

Biological environment with respect to flora and fauna including endangered species and sensitive and protected habitats.

A literature review has been undertaken which includes but is not limited to, a review of the following documents:

- EMCA (amendment 2015) and associated Regulations made under the Act;
- The Wayleaves Act, Cap 292;
- The Forests Act, 2006;
- The Lakes and Rivers Act, Cap 409;
- The Antiquities and Monuments Act 1983, Cap 215;
- The National Museums and Heritage Act 2006, Cap 216;
- The Water Act 2002;
- The Physical Planning Act, amendment 2015
- The Land Planning Act, Cap 303;
- The Land Acquisition Act, Cap 295;
- The Plant Protection Act, Cap 324;
- The Public Health Act, Cap 242
- The Government Lands Act, Cap 280;
- The Land Control Act, Cap 302;
- The Local Government Act, Cap 265;
- The Energy Act, 2006;
- International Conventions Applicable in Kenya; and previous Environmental and Social Impact Assessment (ESIA) reports, Environmental Impacts Assessment (EIA) reports and Environmental Audit (EA) reports submitted to NEMA.

The relevance of these and other legislation and guidance to the proposed projects are further described within Chapter three of this report.
2.4 Public Consultation
The public was involved in the study by filling in questionnaires through which their views about the proposed project were collected. The instrument covered issues ranging from the significance of the project, anticipated positive and negative impacts and potential mitigative measures mentioned. These views have been discussed in the report.

2.5 Key Stakeholder Consultation
Consultation has been undertaken with the following key stakeholders:
- the judiciary officials,
- JPIP secretariat,
- the project’s architect,
- the courts users such as the Law Society of Kenya (LSK) members, Kenya Police Service Officers, Kenya Prisons Officers, Officers of the Director of public prosecution and
- the neighbouring communities and other stakeholders
A summary of the consultation findings is provided in Chapter 8 of this report.

2.6 Data Analysis
The ESIA experts have used their past experience and knowledge to analyze the data from the desk studies and field visits in order to determine the potential impacts of the proposed project, the severity of effects arising from these impacts and how any adverse impacts can be best mitigated and positive impacts enhanced. This analysis provides the framework for the recommendations on corrective actions and remedial measures and provides the basis for the formulation of the environmental and social management plan which forms part of this report. The data have also been considered in terms of occupational health and safety with respect to the construction and operational phases of the proposed projects. Other factors observed include project alternatives including technology and global environmental impacts such as climate change.

2.7 ESIA Report Format
This report follows the format prescribed in the Legal Notice No. 101 of 13th June 2003 which deals with the Environmental (Impact Assessment and Audit) Regulations. The ESIA report looks at the background of the project; nature of the project; activities of the project; project design, materials and equipment to be used; potential environmental impacts; mitigation and enhancement measures; legislative and regulatory framework; prevention and management of possible accidents; health and safety issues; potential economic and social impacts; the budget; and proposes an environmental management plan for the proposed projects.
CHAPTER THREE

3.0 BASELINE INFORMATION

Introduction
For any development to take place, the existing natural environment in the area of the proposed
development has to be altered to a certain degree. That change will have both positive and negative
impacts to residents in the area and in particular to the environment itself. In order to have a basis
for continuous monitoring of any change to the environment and communities to be impacted upon
by the project, the baseline information is critical for benchmarking and planning of environmental
restoration activities.

3.1. Mombasa County
Mombasa County lies between latitude 3° 80' and 4°10' South and longitudes 39° 0 60 and 39° 0 80
East. It covers an area of 295 km², of which 15 km² is an island, 215 km² mainland and 65 km² Indian
Ocean waters. The Coral Island is situated along the shoreline of the Indian Ocean separated from
the mainland by two creeks namely Tudor and the Kilindini harbor. The Island links to the northern
mainland through the Bamburi Bridge and is accessible from the south coast mainly through the
Kenya Ferry Services at Likoni. It borders Kilifi County to the North, Indian Ocean to the East and
Kwale County to the South and West.
The county is mainly renowned for hosting the port of Mombasa which serves both Kenya and her
East Africa neighbors. It is also an important tourist destination within and outside Kenya thus
earning the county much needed foreign exchange.
3.2 Topography, geological features and soils

Due to its evolutionary history, the principle rocks observed within the site are of sedimentary origin (UNEP, 1998). Recent rocks comprise mostly of marls and limestone, and are represented by the sandstones, clays, conglomerates and gravels such as Marafa beds. This well-developed reef complex consisting of coral reefs, coral rumbles and sandstones are extensively exploited to extract blocks for the building industry. Based on the WWF Eastern Africa Marine Eco-region approach, most of the coastal area of Kenya from river Tana down to the northern parts of Tanzania falls under coral coast sub-region. The area is characterized by a fringing reef running parallel to the shoreline. Mombasa County has no permanent rivers, but due to the favorable geology of some parts of the municipality, the water table is high and the sinking of boreholes and wells has led to the increased
supply of water to supplement the reticulated supply by the Mombasa Water and Sewerage Company Ltd.

3.3 Meteorological information
The climatic regime of the project site is greatly influenced by the Migratory Tropical Convergence Zone characterized by monsoon winds. The wind patterns favor the existence of a bimodal rainfall pattern with the long rain season occurring from April to July and the short rains occurring from October to December.

The rainfall yields within the county are affected by a seasonal monsoon system reaching mean rainfall amounts of 1,300 mm/year. The north-east monsoon is predominant from the month of October to March hence being relatively dry. The wind then switches direction and flows westward during the months of March-May bringing moist air from the Indian Ocean and consequently long periods of rain. From June to August the rainfall is affected by the south-east monsoon which brings stable weather with limited rainfall near the coast. From September to December, the wind changes to an easterly direction bringing more rains.

Temperatures are fairly constant throughout the year ranging from 23°C to 280C. The warmest temperatures are generally recorded during the months of November to April (mean daily temperature of 270C) while slightly cooler temperatures are experienced from May to October (mean daily temperature of 24.50C). The average annual evaporation rate within the project area is 2300mm and the climate is generally classified as semi to sub-humid as the ratio of rainfall to evaporation ranges from 57-68%.

3.4. Disaster and Risk vulnerability
The county is prone to disasters in the following areas; Transport related accidents such as ferry and boat accidents, terrorism, factories and accidents related to warehousing. The County has a disaster management committee and is in the process of preparing a Disaster Management Plan. Delay in the implementation of National policy on Disaster Management has also exacerbated the County’s disaster preparedness and response.

3.5 Demographic characteristics and land tenure
3.5.1 Introduction
As it is the case with other major Coastal towns, population of Mombasa town has been on the rise mainly to factors attributed to population growth such as high fertility rate according to population and housing census of 2009 and rural urban migration. In the Kenyan Coast as a whole, population
distribution in the inter-lands is mainly affected by rainfall distribution, altitude, agro-ecological zones and administrative policy through which a number of settlement schemes have been created.

The coastal population is culturally heterogeneous. The largest indigenous ethnic group being the Mijikenda which is comprised of nine sub-tribes namely: Giriama, Digo, Rabai, Duruma, Kauma, Chonyi, Kambe, Ribe, and Jibana. Other indigenous Coastal ethnic groups are: Taita, Pokomo, Bajuni, Orma, Sagala, and Swahili. Due to its socio-economic dynamics which offer great opportunities for livelihoods and leisure, the Kenyan Coast and Mombasa in particular has over the years attracted a multiplicity of ethnic and racial groups.

3.5.2 Physical Environment
   i. Flora and fauna.
   ii. Geology and soil types.
   iii. Assess the existence of sites of cultural significance.
   iv. Air quality aspects especially dust.
   v. Noise as where applicable.

3.5.3 Health and safety, social welfare, economic and cultural environment
   i. Effects associated with the construction activities
   ii. Implications on the employees, visitors and public health, safety and related hazards/risks such as disease outbreaks, sanitary facilities, etc,
   iii. Impact of generated wastes generated during the period,
   iv. Effects associated with income generation opportunities created by the proposed project.

3.5.4 Population growth rate
Mombasa municipality has a population growth pattern which mirrors that of the other major coastal towns. A high population growth rate averaging at 3.6 % between 1989 and 1999 and 3.5% between 1999 and 2009 was recorded for the County. The general population density has been estimated at 4,084 persons per square kilometer, according to the 2009 population and housing census where Mombasa District had a total of 939,370 persons.

3.5.5 Unemployment
Unemployment in the County is high particularly among youth. Youth population comprises 41 per cent of the population in the county and 61 per cent of the county’s labour force. Efforts need to be stepped up to ensure youth become gainfully employed. Current estimated indicate that 38 per cent
of the population in the county is poor. The high unemployment and poverty rates underscore a critical need to address the challenge of unemployment by providing opportunities for gainful engagement to all youth. In 2013 the county economy needs to generate between 59,983 and 49,077 to bring unemployment level to NUR of 6% or 4% respectively. In order to keep unemployment at NUR the county economy needs to meet projected employment in 2017 of at least 780,694 jobs. Base on the proposed project, it is approximated that 50 people will be employed during the project construction phase, 30 semi-skilled will be sourced locally and other 20 skilled workers will come from outside the County. The fact that a higher number of workers are expected to come from within the county, no workers camp might be required to host them as will operate from their respective houses or homes.

3.5.6. Gender issues
Gender inequality in the county is manifested in all spheres of life. These include school enrollment, government institutions and in decision making organs. For example, enrollment rate in schools indicate that 49 per cent, 51 per cent and 48 per cent of those enrolled in pre-primary, primary and secondary schools respectively are girls respectively. In government institutions more than 80 per cent of all the departmental heads and their deputies are men. There is need for the county government to have an affirmative approach towards addressing the gender inequality in the county.

3.5.7. Persons living with disabilities
Persons living with disabilities constitute about 0.58% of the total population. Concerns of the physically challenged have not been adequately addressed nor taken into account in the County planning or, public and private transport facilities. Strategic measures need to be taken to ensure to ensure equal participation of persons with physical challenge in power structures and decision making process.

3.5.8. Economic context
At 60% the formal sector provides majority of employment. These formal employment opportunities are found in Mvita and Changamwe and Jomvu Sub Counties. Major employers include the hotel industry, shipping industry, Government of Kenya and various private institutions. The County has over 38 banks nd host several microfinance institutions. Despite high population density compared to other sub-counties Nyali and Likoni Sub-Counties do not host any meaningful industry. This may explain the relative high prevalence of crime rate, youth radicalization and apparent support to secessionist groups in Likoni and Kisauni areas.
Mombasa city being an ancient town hosts several tourist attractions including world heritage sites among them Fort Jesus Museum (a UNESCO World Heritage site). There are over 201 registered hotels and lodges with a total bed capacity of about 8,000 beds and average annually bed occupancy of 64 per cent. There is enormous Potential in the tourism and hospitality sectors which is yet to be optimally tapped.

The county has 65Km² water mass and an Exclusive Economic Zone extending 200 nautical miles into the Indian Ocean. There are 14 fish landing sites and one fish processing plant. The County’s fisheries potential of 994,718 metric tonnes has not been utilized at all.

3.6. Land tenure

The land tenure system in Mombasa is characterized by squatters, freehold and government trust land. Within the County many indigenous people live as squatters on government and private land. The current status of landlessness in some areas in the municipality has endangered the proliferation of informal settlements such as slums and make-shift dwelling structures characterized by unhygienic conditions. Further increased crime rate, drug abuse and prevalence of HIV and Aids among young people have been reported in these areas. Cases exist of absentee landlords who own huge tracts of land that has not been developed. However the proposed property lies in an area characterized by proper ownership of land as evidenced through the provision of a certificate of Title appended to this report.

3.7. Land use

A land use classification study (UNEP/FAO/PAP/CDA, 1999) indicated that only 31.2% of the total land area in Mombasa municipality was under informal settlements. The land area for residential purposes has increased by almost two and half times in Mombasa municipality. Whereas land area claimed for tourism activities has increased threefold, land for commercial purposes has doubled in the period (UNEP/FAO/PAP/CDA, 1999). The main commercial centre is located in the island. An industrial area and the Kilindini harbor are situated on the north-western side of the island with an extension of the former in Changamwe. The Kilindini harbor is the largest seaport in Kenya with a hinterland extending to Uganda and parts of Rwanda, Burundi and Congo. Major industrial establishments include the petroleum refinery, steel manufacturing, food processing and Export Processing Zone (EPZ) for apparels in Changamwe, and the Bamburi Portland cement factory in Kisauni.
3.8. Waste management

3.8.1. Solid waste

The main waste generation sources are domestic, commercial ventures, hotels, markets, industries and institutions including health facilities. The types of waste that are generated can be classified as follows.

- Mixed heavy plastics - Soft drink bottles, detergent bottles, cooking oil/fat bottles, household plastics etc,
- Mixed light plastics - Shopping bags, wrapping films, waste collection bags
- Rubber - Old tires, shoe soles etc,
- Mixed paper - Books, office paper, newspapers carton pieces etc,
- Metals - Pieces and sheets of aluminum, steel and other metals,
Mixed glass - Colored and non-colored, broken or whole glass bottles, panes, household glass items etc,
- Organics - Food remnants, wooden debris, yard waste etc,
- Biomedical waste - waste from hospitals, dispensaries and medical clinics.

All types of waste are transported to the waste disposal (Mwakirunge) site including hazardous types containing pesticides, heavy metals, oils, batteries, acids, domestic and hospital wastes. The private sector has initiated ways to address the problem of waste management through construction of compost pits in areas where collection is limited and providing waste disposal services to complement those provided by the Municipal Council. Although the council by-laws stipulate waste management measures, penalties and dumpsite procedures, there is a consistent lack of compliance enabling dumping of garbage on the edges of the road leading to the Mwakirunge dumpsite.

3.8.2. Liquid waste

The sewerage system faces a similar predicament with only one sewerage system serving the Island. The system is connected to two treatment plants i.e. Kipevu treatment plant located on the mainland and Kizingo treatment plant located in Kizingo. Whereas the Kizingo plant is currently non-functional, the Kipevu one operates at 70% potential leading to the disposal of partially treated sewage into the sea at Makupa, Ziwani and Port Tudor. The rest of the municipality depends on privately constructed soak pits and pit latrines which have a potential to pollute water sources. Further the municipal council has not developed by-laws guiding the generation and disposal of liquid waste. It relies on the Public Health Act Cap 242, which is inadequate in seeking lasting solutions to the problem of liquid waste. There is little evidence of adherence to the Water Act 2002 that stipulate the requirements for boreholes and pit latrines to be located at far distances protect ground water sources from contamination.

3.9. Terrestrial ecosystems

3.9.1. Flora

Due to the low altitude of many areas within Mombasa Municipality (mean height = 30m) and the existence of poorly drained clay soils the main vegetation types consist of shrub material which has been extensively described by Fitzgerald (1898); Dale (1939); Edwards (1952) and were classified in detail by Moomaw (1960). Other vegetation types include planted casuarinas, coconut trees and baobab. Although rare shrub species have been recorded in other areas along the Kenyan coast for example in Kwale, none has been observed within Mombasa Town.
The site is currently a bush thicket with shrubs vegetation, grass and trees (there are 25 fully grown trees to be cut to pave way for proposed development, 11 of them being Neem plants, 5 being Jacaranda trees). Hence the developer and contractor are thus advised to seek permission from Kenya Forest Department before cutting down any tree. The clearing should also be minimized only to the project affected area.

Plate 2: Some typical vegetation dominating the area

3.9.2. Fauna
There exists no dominant (endangered) wildlife or habitant within or neighboring area of the proposed project site.

3.10. The socio-economic environment of the proposed project area
3.10.1. History/ Archeology
Mombasa Municipality is one of the oldest towns in the country which has hence contributed to the existence of many historical and archeological features. The indigenous inhabitants of the district at large are the Digos, Girama’s, Swahili’s and a mix of Arab communities. The indigenous
communities belong to the larger Mijikenda ethnic grouping. Overtime there has been an influx of investors and increase in population occasioned by a rural urban migration driven by a search for job and business opportunities. The site however has no documented potential areas or objects of historical significance that are protected under the Museums and Heritage Act.

A key historical attraction for the county is the Fort Jesus Museum which was built by the Portuguese during the 15th Century.

3.10.2. Economy

The economy of Mombasa Island is driven by the manufacturing, service, and industrial sector. The existence of the Kenya Ports Authority and the attractions that Mombasa offers to tourists contributes significantly to the overall business activity in Mombasa. The increase in the services offered by the transport sector has greatly been influenced by the cargo turnovers at the Port of Mombasa.

3.10.3. Infrastructural development

3.10.3.1. Roads

Mombasa Town has relatively well maintained infrastructure including a tarmacked road network. The project site is situated in an area served by a good road network and accessible in all weather conditions.

3.10.3.2. Telecommunications

The project site is well served by a telecommunication network including all mobile networks in Kenya and fixed landlines provided by Telkom Kenya.

3.10.3.3. Water resources

The Mombasa town is served by a waterline managed by the Mombasa Water and sewerage Company (MOWASCO) sourced from Mzima Springs in Taita Taveta District. Where premises are not connected to this supply system, water is obtained from water kiosks and bowsers that also source water from the MOWASCO supply. Boreholes are also used as a supplement source, for uses other than drinking. The proposed project will get water supply from a borehole and supplement it with MOWASCO sources.

3.10.3.4. Electricity

Electric energy within the Mombasa town is sourced from the national grid.

3.10.3.5. Health

Good health is a perquisite for enhanced economic growth and poverty reduction and a precursor to the realization of not only County vision but also Kenya Vision 2030’s social pillar goal. The county has one level five hospital (Coast General) and two level four hospitals i.e. Tudor and Port Reitz
hospitals. The level five is also a referral facility serving the entire cost region. Mombasa County has over 35 public dispensaries and health centers, 18 clinics and 4 special clinics. Challenges in the health sector include adequate personnel in health service delivery points. Although the average distance to health facilities is currently 0.55Km, the doctor patient ratio of 1:11, 875 and the nurse/population ratio is 1:18,678 are very low than the world health Organizations recommended doctor patient ration of 1:600. The task ahead is to establish new strategic health service delivery points, rehabilitate the existing ones and improve on staffing levels.

Many health facilities are within the reach of the site including the, Bakarani community clinic, Bamburi dispensary, Bona Medical Clinic Lukim Medical Clinic Tumaini Children’s Home outpatient Clinic Coast Provincial Hospital, among others.

3.10.3.6. HIV/AIDS
Due to location of the county as seaport, cases of substance and drug abuse and trafficking have been on the increase. HIV/AIDS prevalence in the county is at 8.1 per cent as compared to the national rate of 6.3 per cent. Additionally the number of orphans and child-headed families are likely to increase in future. This high prevalence rates in the county if unchecked will adversely affect the household income, savings, investment, and labor productivity.

3.11. Strategic Context
Mombasa County owing to its unique geographic, historic and socio-economic and political situation has a number of strategic advantages and opportunities. These include development corridors and initiatives by National Government and neighbouring counties within and through the County that offer strategic opportunities towards achievement of the county vision.
CHAPTER FOUR

4.0 POLICY, LEGISLATIVE AND REGULATORY FRAMEWORKS

4.1 Introduction
This section identifies the most pertinent legislation and regulations and standards governing the environmental quality, solid and liquid waste management, health and safety, protection of sensitive areas, land use control at the national and local levels and ecological and socio-economic issues.

4.2 Social Issues
There is no legal instrument in the country that addresses social issues in development interventions. However, over the years, the Kenya Government has recognised the importance of entrenching social dimensions of development in its development agenda. Notably, development initiatives are required to deliberately ensure that the marginalized and more vulnerable people in society are actively involved in development processes. Thus the new constitution has emphasized on the need for public participation and awareness on any development initiatives.

In addition to this Government approach is the requirement that a project is screened so as to test its conformity with the World Bank’s safeguard policies. These policies are geared towards mitigating any social and environmental negative impacts that may result from projects.

4.3 Environmental Issues
It is the Government’s policy that the rights of its citizens to clean and health environment are met. In return, every person has responsibility to protect and manage the environment. In this regard, the Government enacted the EMCA (amendment 2015) and the Environmental Impact Assessment and Audit Regulations (2003) to provide a framework law for the coordinated management of environment.

Both the EMCA and the EIA regulations require EIA to be undertaken for certain new projects. The umbrella body administering this requirement is NEMA. The Authority has a designated Environmental Committees to oversee the implementation of the EMCA at the Provincial and District levels. With the observance of international laws by organizations such as the World Bank, it’s now possible to factor social impacts of proposed development projects.

4.4 Applicable Laws and Regulatory Frameworks

4.4.1 Environmental Management and Coordination Act 2015:
Part 6 of the EMCA (2015) of Kenya, provides for environmental impact assessment. This is in agreement with Principle 17 of the Rio Declaration which extends the rule of prior assessment of
potentially harmful activities to include those activities which have impacts solely within a state: “Environmental Impact Assessment (EIA), as a national instrument, shall be undertaken for proposed activities that are likely to have a significant adverse impact on the environment and are subject to a decision of a competent National authority.”

The EMCA amendment 2015 provides under the **Second Schedule**, a list of projects that must undergo screening for EIA. The proposed transmission line and substation projects fall under this schedule and as such require that an EIA Project Report be undertaken and submitted to NEMA for review. The expert review by NEMA of the project report shall then advise on whether each of the proposed projects requires a full EIA study or not. EIA is undertaken by registered experts and their report is submitted to NEMA. Both the project report and the EIA report are open to review by the public and individuals.

The EMCA Section 68 and 69 also states that the proponent must submit an Environmental Audit Report one year after commencement of the project, and thereafter undertake Self Audits. The mandate of NEMA is to “exercise general supervision and co-ordination over all matters relating to the environment and to be the principal instrument of Government in the implementation of all policies relating to the environment”.

The functions of NEMA under the Act are:

- Coordination of the various environmental management activities being undertaken by the lead agencies and promote the integration of environmental considerations;
- Prepare and issue an annual report on the state of the environment in Kenya;
- Monitor and assess activities, including activities being carried out by relevant lead agencies, in order to ensure that the environment is not degraded by such activities;
- Public education and awareness creation on environmental matters;
- Compliance and enforcement of environmental legislation;
- Enhancement of the effectiveness of the Provincial and District Environment Committees;
- Development of linkages involving the private sector, inter-governmental organizations, non-governmental organizations and government agencies of other states, on issues related to the environment; and
- Coordination and development of the necessary capacity for environmental management.
4.4.2 Environmental (Impact Assessment) and Audit Regulations, 2003:
These Regulations stipulate how an EIA will be undertaken and what the EIA study report should contain. It also provides regulations on Environmental Audits (EA), which the proposed project proponent will be required to undertake. The Regulations are presently under review.

4.4.3 Environmental Management and Co-ordination (Water Quality) Regulations 2006:
The New Water Quality Regulations provide for the protection of lakes, rivers, streams, springs, wells, and other water sources. The regulations also stipulate that all industries should refrain from any actions, which may directly or indirectly cause water pollution. All industries are therefore required to refrain from discharging effluent into water bodies. This regulation gives a minimum distance from a water body for which any development may be undertaken and as such affect the proposed projects with regards to the choice of line route.

4.4.4 Environmental Management and Co-ordination (Waste Management) Regulations 2006:
The Waste Management Regulations sets out standards for handling, transportation and disposal of various types of wastes. The regulations stipulate the need for facilities to undertake, in order of preference, waste minimization or cleaner production, waste segregation, recycling or composting. These regulations provide guidelines on how to store, transport and dispose any wastes generated during the construction and maintenance phases of the transmission lines and sub-stations. Some of these wastes may fall under the hazardous wastes category and thus require particular disposal arrangements.

4.4.5 Environmental Management and Co-ordination (Noise and Excessive Vibrations) Regulations 2009:
These have recently been gazetted. The regulations define noise as any undesirable sound that is intrinsically objectionable or that may cause adverse effects on human health or the environment. The regulations prohibit any person from making or causing to be made any loud, unreasonable, unnecessary or unusual noise which annoys, disturbs, injures or endangers the comfort, repose, health or safety of others and the environment.

4.4.6 Environmental Management and Co-ordination (Fossil Fuel Emission Control) Regulations 2006:
The Fossil Fuel Emission Control Regulations provide for acceptable emission standards in Kenya. Section 4 of the regulations states that any internal combustion engine for motor vehicles and generators must comply with the emission standards provided for in the First Schedule of those regulations. Hence anyone who operates such engines whether on the road, street, public highway or
any premises, which emits smoke in excess of the emissions standard in the First Schedule contravenes the regulations and is liable to prosecution. Section 8 provides that any person intending to use any fuel catalysts other than those permitted by the authority to disclose it and seek prior approval. Establishments that use generators as alternative sources of energy must take account of the regulation on the emission standards.

4.4.7 Environmental Management and Coordination (Air Quality) Regulations, 2008:
These regulations provide for the safeguarding of the ambient air quality and give guidelines to prevent and control air pollution. The first and seventh schedules of the regulations provide a list with associated emission limits of prohibited, controlled, and un-controlled air pollutants. The regulations also give ambient air quality tolerance limits. The regulations will be particularly relevant to the construction works (including transportation) and also to operational substation sites.

4.4.8 The Water Act 2002:
The Water Act, 2002, provides for the management, development, conservation, use and control of water resources and for the acquisition and regulation of rights to use water, to provide for the regulation and management of water supply and sewerage services. The Act focuses on two key sub-sectors - Water Resources Management (WRM) and Water and Sanitation Services (WSS). The Water Act 2002, commenced by virtue of Legal Notice No. 31 of 18th March 2003 and Legal Notice No. 158 of 29th August 2003, provided for a reformed legal/institutional framework for the management and development of Kenya's water resources and the provision of water services. The Act establishes relevant authorities and creates catchment management bodies and seven regional service boards. It specifies “public participation”, in relation to any application made, or action proposed to be taken. The act further provides for the strategic management of the water resources.

4.4.9 The Public Health Act (Cap 242):
Health and hygiene are particularly important where communities congregate for a shared resource such as water. Section 116 requires Local Authorities to take all lawful, necessary and reasonably practicable measures to maintain their jurisdiction clean and sanitary to prevent occurrence of nuisance or condition liable for injurious or dangerous to human health. Part IX Section 115 of the Act states that no person/ institution shall cause nuisance or condition liable to be injurious or dangerous to human health. Such nuisance or conditions are defined under Section 118, waste pipes, sewers, drains or refuse pits in such a state, situated or constructed as in the opinion of the medical officer of health to be offensive or injurious to health. Any noxious matter or waste water flowing or discharged from any premises into a public street or into the gutter or side channel or water house, irrigation channel or bed not approved for discharge is also deemed as a nuisance. Other nuisances
are accumulation of materials or refuse which in the opinion of the medical officer of health is likely to harbour rats or other vermin. This will be of particular relevance to any temporary worker camps set up during the construction phase of the project.

4.4.10 The Physical Planning Act, 1996

Local Authorities are empowered under section 29 of the Act to reserve and maintain all land planned for open spaces, parks, urban forests and green belts. The same section allows for prohibition or controls the use and development of land and buildings in the interest of proper and orderly development of an area. Section 30 states that any person who carries out development without development permission will be required to restore the land to its original condition. It also states that no other licensing authority shall grant license for commercial or industrial use or occupation for any building without development permission granted by the respective local authority. Finally, section 36 states that, if in connection with a development application, the local authority is of the opinion that the proposed development activity will have injurious impact on the environment, the applicant shall be required to submit, together with the application, an EIA report. EMCA, amendment 2015 echoes the same by requiring that such an EIA is approved by NEMA and should be followed by annual environmental audits.

4.4.11 Way Leaves Act (Cap. 292):

The Act provides for certain undertakings to be constructed e.g. transmission lines, pipelines, canals, pathways etc., through, over or under any lands. This project is under the provision of the Act. Section 3 of the Act states that the Government may carry any works through, over or under any land whatsoever provided it shall not interfere with any existing building or structures of an ongoing activity. Where the line touches buildings or interferes with people’s livelihoods, the Act requires written consent of affected parties and compensation thereof.

4.4.12 Land Acquisition Act (Cap. 295):

This Act provides for the compulsory or otherwise acquisition of land from private ownership for the benefit of the general public. For the acquisition to take place, the minister responsible must issue a gazette notice. The Act also provides for full compensation to the affected parties. This provision is not applicable to the proposed project for the land is already in place and belongs to the proponent.

4.4.13 The Lakes and River Act, Cap 409, Laws of Kenya:

This Act provides for protection of rivers, lakes and associated flora and fauna. Part IV of the Act specifies that the Minister may make rules for the protecting bird or animal life on or in a lake or river. It is not anticipated that the proposed project will have any adverse effects to Indian Ocean.
waters which is within Mombasa municipality. Measures have been proposed to mitigate any potential impacts with respect to pollution and waste management.

4.4.15 National Museums and Heritage Act 2006:
The Act gives provision for an area of land of cultural significance to be set-aside or acquired under compulsory provision and declared a protected area under Sections 34 and 35 of the Act. This provides for the gazettement of national monuments. Monuments gazetted under this Act fall under the management of the National Museums of Kenya. Several of these monuments include forests of cultural and biodiversity significance. It is therefore appropriate for the proponent to check whether the proposed project falls with sacred sites, ruins, caves or areas of national significance before construction.

4.4.16 The Antiquities and Monuments Act, 1983 Cap 215:
The Act aims to preserve Kenya's national heritage by empowering the National Museums of Kenya to collect, document, preserve and enhance knowledge, appreciation, management and the use of these resources for the benefit of Kenya and the world. Through the National Museums of Kenya, many sites are protected by law by having them gazetted under the Act.

4.4.17 The Local Government Act, Cap 265, Laws of Kenya:
This provides for making by-laws and institutions by the Local County Councils. By-laws can be made on the governance of a project under the provisions of this Act.

4.4.18 Labour Laws of Kenya including employment Act 2007:
This is the revised employment act in Kenya, repealing the former employment Act Cap 226. It deals with new employment conditions of employment and the rights of workers including for paternity leave for fathers. All workers, including those employed during the construction phase, will be employed under this Act which includes provision with respect to minimum wage, working conditions and time, and also in the resolution of disputes.

4.4.19 The Factories and Other Places of Work Act (Cap 514):
This is the core legislation governing requirements for occupational health and safety at the place of work. The Factories Act identifies up to 43 requirements which include; observing high standards of cleanliness, avoiding overcrowding, constructing and maintaining adequate ventilation, and providing and maintaining suitable natural or artificial lighting, as appropriate. This will be once again of particular relevance to the construction phase and operation of temporary worksites as well as to the operation of substation sites.
4.4.20 The Penal Code (Cap. 63):
Section 191 of the Penal Code states that any person or institution that voluntarily corrupts or foils water for public springs or reservoirs, rendering it less fit for its ordinary use, is guilty of an offence. Section 192 of the same act says a person who makes or violates the atmosphere in any place to make it noxious to health of persons/institution in dwellings or business premises in the neighbourhood or those passing by, commits an offence punishable by law.

4.4.21 Traffic Act Cap 403:
The Traffic Act prohibits air pollution through Section 51 which requires that motor vehicle use proper fuels. The Act requires that every vehicle be so constructed and used as not to emit any smoke, or visible vapour. The amendment further prohibits the use of any stationary internal combustion engine, discharging exhaust gas into the atmosphere without treatment.

4.4.22 National Environmental Action Plan (NEAP)
According to the Kenya National Environmental Action Plan (NEAP, 1994) the Government recognized the negative impacts on ecosystems emanating from development programmes that disregarded environmental sustainability. Established in 1990, the plan’s effort was to integrate environmental considerations into the country’s economic and social development. Under the NEAP process EIA was introduced and is nowadays a requirement for any proposed project.

4.4.23 National Policy on Water Resources Management and Development
While the National Policy on Water Resources Management and Development (1999) enhances a systematic development of water facilities in all sectors for the promotion of the country’s socio-economic progress, it also recognizes the by-products of these processes as wastewater. It, therefore, calls for the development of appropriate sanitation systems to protect people’s health and water resources from pollution. The project’s internal wastewater system will be connected to a septic tank proposed by the proponent. This will ensure safe wastewater disposal.

4.4.24 Occupation Health and Safety Act (OSHA), 2007
The Act makes provision for the health, safety and welfare of persons on work places. The provision requires that all practicable measures be taken to protect persons in work places from potential Hazards. The provisions of the Act are also relevant to the management of hazardous and non-hazardous wastes, which may arise from/in workplaces.

For developments such as construction projects, the Act is important as it requires project proponents to have adequate management procedures of occupational safety and health at the work.
places. For safe construction works, the contractor and project managers should ensure the following:

- Provision of personal protective equipment (PPE), fire safety, electrical safety, and other precautions essential for safe construction work.
- Provision of physical barriers and solid separators (dust barriers, hazard barriers, temporary walkways, among others, as explained in the extract of the Act.)
- Inspection of construction equipment to ensure that they are in good working condition before beginning a job. In addition, the contractor/proponent will ensure that regular inspections and maintenance of the equipment are conducted accordingly.

4.4.25 Land Planning Act Cap. 303

The operative clauses of this Act are contained in the Development and Use of Land (planning) Regulations, which provide that land be dealt with either under an area plan or a town plan, superintended by an interim planning authority. Under this Act, all developments or any form of land use in the designated areas are subject to approval by the interim planning authority or the Central Authority (the overall governing body under the Act) in the absence of an interim planning authority. The Central Authority decides instances when the proposal is to be referred to the relevant Local Authority.

Any change of use or actual development without authority is prohibited. Similarly, deposition of refuse, scrap or waste materials in a designated area without the consent of the planning authority or the relevant local authority is prohibited under this Act.

This project proposal is subjected to seek legal permission before commencing the project from the relevant local authority.

4.4.26 Building code 2000

This provides the basic rules, guidelines and standards that must be observed during construction. It is a comprehensive document, which every developer/proponents/contractor should have. All approvals shall be sought and regular monitoring will follow to ensure compliance.

4.5 International Conventions Applicable in Kenya:

Kenya has ratified various international conventions on environment that are applicable to this study. Conventions are agreements that are legally binding on states that have become parties to them. Kenya has the International Convention on Biological Diversity (1992) which promotes
the protection of ecosystems and natural habitats, respects the traditional lifestyles of indigenous communities, and promotes the sustainable use of resources.

The importance of wetlands and water birds are also covered under the Ramsar Convention 1971, which governs wetlands of international importance. The convention entered into force in Kenya in 1990 and it governs Lake Nakuru, Lake Baringo, and Lake Natron, which is a shared ecosystem between Kenya and Tanzania. Kenya is therefore committed to avoid degradation of wetlands under its jurisdiction.

The United Nations Framework Convention on Climate Change (UNFCCC or FCCC) is an international environmental treaty produced at the United Nations Conference on Environment and Development (UNCED), informally known as the Earth Summit, held in Rio de Janeiro from 3rd to 14th June, 1992. The objective of the treaty is to stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.

The treaty itself sets no mandatory limits on greenhouse gas emissions for individual countries and contains no enforcement mechanisms. In that sense, the treaty is considered legally non-binding. Instead, the treaty provides for updates (called "protocols") that would set mandatory emission limits. The principal update is the Kyoto Protocol, which has become much better known than the UNFCCC itself.

4.6 World Bank Safeguard Policies

The objective of the World Bank's environmental and social safeguard policies is to prevent and mitigate undue harm to people and their environment in the development process. These policies provide guidelines for the bank and borrowers in the identification, preparation, and implementation of programs and projects. Safeguard policies have often provided a platform for the participation of stakeholders in project design, and have been an important instrument for building ownership among local populations.

The World Bank's environmental assessment policy and recommended processes are described in Operational Policy (OP)/Bank Procedure (BP) 4.01: Environmental Assessment. Its purpose is to improve decision making, to ensure that project options under consideration are sound and sustainable, and that potentially affected people have been properly consulted.

The preparation of the environmental assessment is the responsibility of the borrower, but the Bank’s task manager assists and monitors the project and screens it in order to determine the nature
and extent of the environmental work required. The Operational Directive includes checklists of potential issues for an environmental assessment. It also proposes outlines and models for the assessment and prescriptions for the assessment and the screening procedures.

Environmental review begins with identifying the seriousness of the potential harm. The Bank screens all new projects and assigns each one of four categories based upon the character, dimension, and sensitivity of the environmental issue. Project categories identifies include:

- **Category A**: Projects which may have a significant impact on the environment and thus require a complete environmental assessment.
- **Category B**: Projects that may only have limited, specific environmental effects which should be investigated but do not necessarily require an in-depth environmental assessment.
- **Category C**: Projects for which an environmental analysis is not normally necessary e.g. education; family planning; health; nutrition; institutional development; technical assistance; and human resource projects.
- **Category D**: Environmental projects which do not require an assessment for the reason that environmental development is the focus of the project, and it is assumed that any environmental consequences have already been considered.

For those projects for which a full EIA is not required, but are in need of some environmental analysis (Category B), an Environmental Mitigation or Environmental Management Plan often will suffice (these are also prepared for category A projects as a part of the full EIA). The Bank’s requirement for mitigation plans includes: a description of all adverse environmental impacts; a description and technical details for each mitigation measure; the assignment of responsibilities for carrying out the mitigation measures; an implementation schedule for the mitigation measures; monitoring and reporting procedures; and; cost estimates.

The Bank expects the borrower to ensure coordination among government agencies and to take into account the views of affected groups and local Non-Governmental Organisations (NGOs). It also requires the borrower to provide relevant information to affected groups and local NGOs and to hold meaningful consultations with them. The environmental assessment should form part of the overall feasibility study or project preparation and be submitted to the Bank which decides on the loan.

While the ESIA is being prepared, drafts should be made available, and the final ESIA must be available prior to the final appraisal of the project. The borrower submits the final ESIA when it is
complete to the Bank prior to the Bank’s appraisal. During the appraisal phase, the Bank and the borrower together review the assessment. At this time any unclear issues are resolved, and the two parties determine whether the recommendations from the assessment have been incorporated into the project design.

The impact assessment will later provide the framework through which the project is evaluated as it is being implemented by the borrowing country. The borrowing country must inform the Bank of its compliance with the environmental conditions, the status and effectiveness of the mitigating measures, and the findings of the monitoring program. In the final phase of the process, project-completion reports are required to evaluate environmental effects. The reports are to take a particular notice of whether the original assessment correctly identified the potential environmental consequences, and determine whether the mitigating measures were successful.

Environmental and Social Assessment is one of the 10 environmental, social, and legal Safeguard Policies of the World Bank. Other safeguard policies of relevance to this study include:
- Bank Safeguard Policy 4.04 Natural Habitats;
- Bank Safeguard Policy 4.10 Indigenous People; and

**OP/BP 4.04 Natural Habitats**2: This safeguard policy requires a precautionary approach to natural resources management and requires the conservation of critical environments during project development. In order to ensure conservation and project sustainability, this policy requires that:
- Project alternatives are sought when working in fragile environments; and
- Key stakeholders (e.g. KWS) are consulted during the project design, implementation, monitoring and evaluation of mitigation.

**OP/BP 4.10 Indigenous People**3: The World Bank recognizes that the identities and cultures of Indigenous Peoples are inextricably linked to the lands on which they live and the natural resources on which they depend. These distinct circumstances expose Indigenous Peoples to different types of risks and levels of impacts from development projects, including loss of identity, culture, and customary livelihoods, as well as exposure to disease. Gender and intergenerational issues among Indigenous Peoples are also complex. As social groups with identities that are often distinct from dominant groups in their national societies, Indigenous
Peoples are frequently among the most marginalized and vulnerable segments of the population. As a result, their economic, social, and legal status often limits their capacity to defend their interests in and rights to lands, territories, and other productive resources, and/or restricts their ability to participate in and benefit from development. At the same time, the Bank recognizes that Indigenous Peoples play a vital role in sustainable development and that their rights are increasingly being addressed under both domestic and international law.’

**OP/BP 4.12 Involuntary Resettlement**: ‘The World Bank’s experience indicates that involuntary resettlement under development projects, if unmitigated, often gives rise to severe economic, social, and environmental risks: production systems are dismantled; people face impoverishment when their productive assets or income sources are lost; people are relocated to environments where their productive skills may be less applicable and the competition for resources greater; community institutions and social networks are weakened; kin groups are dispersed; and cultural identity, traditional authority, and the potential for mutual help are diminished or lost. This policy includes safeguards to address and mitigate these impoverishment risks.’

‘This policy contributes to the World Bank’s mission of poverty reduction and sustainable development by ensuring that the development process fully respects the dignity, human rights, economies, and cultures of Indigenous Peoples. For all projects that are proposed for Bank financing and affect Indigenous Peoples, the Bank requires the borrower to engage in a process of free, prior, and informed consultation. The Bank provides project financing only where free, prior, and informed consultation results in broad community support to the project by the affected Indigenous Peoples. Such Bank financed projects include measures to (a) avoid potentially adverse effects on the Indigenous Peoples’ communities; or (b) when avoidance is not feasible, minimize, mitigate, or compensate for such effects. Bank-financed projects are also designed to ensure that the Indigenous Peoples receive social and economic benefits that are culturally appropriate and gender and inter-generationally inclusive’.

**4.7 Other Development Targets**

The **Millennium Development Goals (MDGs)** are eight international development goals that all 192 United Nations member states international organisations have agreed to achieve by 2015. They include eradicating extreme poverty, reducing child mortality rates, fighting disease and epidemics, such as HIV/AIDS, and developing a global partnership for development.
The proposed projects are in line with the MDGs in terms of poverty eradication, through creation of employment and improving livelihoods through provision of energy and may also make some contribution towards reducing diseases such as bronchitis which is related to a high dependence on firewood as source of energy.

**Kenya Vision 2030** is an economic development plan by the Kenyan Government to develop different economic zones in various parts of the country. The plan aims to produce annual economic growth rates of 10%. Currently, Kenya has a GDP growth of 4.9% (2007). The Vision calls for a series of five-year plans, with the first one being from 2008 to 2012. The first plan calls for investments in six key sectors; tourism, agriculture, manufacturing, trade, information technology and financial services.
CHAPTER FIVE

5.0 NATURE OF THE PROJECT

5.1 Overview
This exercise has been necessitated by the judiciary of Kenya, which is currently implementing the blueprint; Sustaining Judiciary Transformation for service delivery (2017-2021) that has replaced the Judiciary Transformation Framework which was an ambitious transformation agenda in line with the new Constitution in which the judicial reforms are anchored. The project is part of all the pre-conditions for take-off and steady growth to excellence in service delivery once all infrastructures are in place.

In response to this phase the judiciary is operating on an increased access to courts and legal information in which court construction activities now fall under. Rehabilitation and construction of new courts is one of the major reforms undertaken under increased access to courts and legal information and calls for the preparation of the Environmental and Social Impact Assessment (ESIA). Mombasa is one of the courts earmarked for new court construction.

Construction of Court Infrastructure component is likely to generate environmental and social impacts that will require environmental and social safeguards monitoring. This component aims to overcome obstacles Kenyans face in obtaining access to justice, including access to courts. Under this component, with the World Bank financing the Judiciary shall rehabilitate 30 existing courts and construct eight (8) new High Courts and two (2) Magistrate Courts in Kenya. Mombasa is part of the 8 new courts to be constructed.

5.2 Proposed project
The proposed courts provisions are provided in the table below;

Table 1: Proposed Court Details

<table>
<thead>
<tr>
<th>COUNTY HIGH COURT BRIEF</th>
</tr>
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<tbody>
<tr>
<td>The spatial accommodation for the County High Courts are to be as follows:</td>
</tr>
<tr>
<td>• Self Contained Chambers(Judge) 1no.</td>
</tr>
<tr>
<td>• Self Contained Chambers(Magistrates) -------5no.</td>
</tr>
<tr>
<td>• Secretaries -----------------------------2no.</td>
</tr>
<tr>
<td>• Court rooms -----------------------------4no.</td>
</tr>
<tr>
<td>• Kitchennete-----------------------------1no.</td>
</tr>
<tr>
<td>• Toilets (Staff, Handicapped and public)</td>
</tr>
<tr>
<td>• Civil Registry-----------------------------1no.</td>
</tr>
<tr>
<td>• Criminal Registry-----------------------------1no.</td>
</tr>
<tr>
<td>• Traffic Registry-----------------------------1no.</td>
</tr>
</tbody>
</table>
In the World Bank, the purpose of the Environmental Assessment is to improve decision making to ensure that the project options under considerations are sound and sustainable and that potentially affected persons have been properly consulted. Projects of interest to the World Bank are categorized as indicated below.

**Category:**  

**Requirement:**

A  
Mainly for new projects; Projects in these categories are considered to have significant adverse environmental impacts that may be irreversible and diverse. Comprehensive EIA is required

B  
Projects requiring rehabilitation, maintenance or upgrading rather than new installations. There is limited environmental analysis since mitigation measures can be easily designed.
C  Projects focusing on education, family planning, health and human resource development; environmental analysis is largely unnecessary.

D  Separate EIAs may not be required.

The JPIP is rated Category B for environmental purposes. The project entails the construction and rehabilitation of courts and will trigger World Bank Safeguard Policies OP/BP 4.01 on Environmental Assessment (EA), OP/BP 4.11 on Physical Cultural Resources and OP/BP 4.12 on Involuntary Resettlement, namely:

a. **Environmental Assessment (OP/BP 4.01):** According to national environmental guidelines, new constructions and rehabilitations may impact negatively on the socio and biophysical environments and there may need the preparation of Environmental Assessments (EA) and/or Environmental Management Plans (EMPs) which would have to be approval by NEMA. The principal objective of OP/BP 4.01 is also to ensure that World Bank-financed projects are environmentally sound and sustainable and that decision-making is improved through appropriate analysis of actions and of their likely environmental impacts. The policy is triggered if a project is likely to have potential (adverse) environmental risks and impacts in its area of influence. OP 4.01 covers impacts on the natural environment (air, water and land); human health and safety; physical cultural resources; and trans boundary and global environment;

b. **Physical Cultural Resources – OP/BP4.11:** The objective of this policy is to avoid or mitigate adverse impacts of development projects on physical cultural resources. “Physical cultural resources” may be defined as movable or immovable objects, sites, structures, groups of structures, natural features and landscapes that have archaeological, paleontological, historical, architectural, religious, aesthetic, or other cultural significance. Physical cultural resources may be located in urban or rural settings, and may be above ground, underground, or underwater. The cultural interest may be at the local, provincial or national level. This policy applies to all projects requiring a Category A or B Environmental Assessment under OP 4.01.

c. **Involuntary Resettlement (OP/BP 4.12):**– Involuntary land acquisition or restriction of access to resources will need to be managed through a Resettlement Policy Framework (RPF), Resettlement Action Plan (RAP) or Policy Framework (PF). The application of this policy will depend on how land will be acquired for construction of the courts. Critical to the Project, the policy covers not only physical relocation, but any loss of land or other assets resulting in: (i)
relocation or loss of shelter; (ii) loss of assets or access to assets; and (iii) loss of income sources or means of livelihood, whether or not the affected people must move to another location.

Initial scoping indicates that the JPIP is not likely to lead to any large scale acquisition of land or denial of access to people’s means of livelihood. The judiciary will only carry out construction and rehabilitation in those areas where the Judiciary owns the Land. It is anticipated that there will be few, if any, human settlements or wide scale economic activity on the land owned by the Judiciary. However, as a precautionary measure, an RPF will be prepared to take care of any displacement or loss of livelihood in new sites that do not have existing Judiciary Courts. Issue of land ownership status will therefore be very important in addressing (OP/BP 4.12).

According to the World Bank OP 4.12 on Involuntary Resettlement, displaced persons may be classified in one of the following three groups:

a. Those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);

b. Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets—provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan and

c. Those who have no recognizable legal right or claim to the land they are occupying.

Persons covered under (a) and (b) above are provided compensation for the land they lose, and other assistance as necessary. Persons covered under (c) are provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy the project area prior to a cut-off date established by the borrower and acceptable to the Bank. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in (a), (b), or (c) are provided compensation for loss of assets other than land.

According to the EIA/A regulations of 2003 Second schedule, court developments fall under such regulations since they are; (i) out of character with their surroundings (ii) of a scale not in keeping with their surroundings and (iii) a major change in land use.
CHAPTER SIX

6.0 PROPOSED PROJECT ACTIVITIES, INPUTS AND OUTPUTS.
The activities to be undertaken in the implementation of the project are broadly grouped into four namely, Preparation, Construction, Operation, and Decommissioning phases.

6.1 Project Activities
6.1.1 Planning Phase
The planning is the initial phase of the project. This involves various activities that aim at ensuring that the project meets all the requirements and gets approvals prior to the actual physical developments. In the early stages of this phase, the proponent selects the project experts and makes consultative meetings with them. In turn, the appointed experts in consultation with the entire team undertake various designs and submit the same to various authorities for approval. The architects, who are also the lead consultants on the other hand, undertake design of the detailed building plans, which were submitted to the Municipal Council for approval. The preparation of this project report and its expected submission to NEMA forms an essential step in the project planning.

6.1.2 Construction Phase
Several physical activities will be involved in this phase. These include site clearing, fencing, excavation, leveling, and construction of the town houses. During the construction, there will be regular inspections to ensure that the implementation of the project abides by the set regulations as well as conforming to the approved schemes. The Project Architect and Engineer, the Municipal council, County officials of Mombasa as well as the proponent will undertake the inspections. The development will thus undergo several certifications during the construction process. The construction activities of the proposed project will entail the following: –

- **Site preparation**
The site is to be secured by screening before starting construction activities; such hoarding will contain construction activities to minimize any overspills such as dust to the surrounding. Save for removal of vegetation, site clearance will not entail significant works as the exact site for construction does not feature any obstacles. The site will then be laid out to identify the exact locations of the proposed units. The corner points and edges of the houses will be established accordingly. The marking out will use stakes and strings as well as chalk lines.

- **Excavation and earth works**
The main method of excavation to be used is trenching in order to accommodate the buildings’ foundations / footing. The excavated soil material will be disposed off-site at designated sites. No
major rock obstruction is registered on site to warrant use of explosives. Going by existing developments in the area, the load bearing capacity of the underlying soil is adequate and safe to support the building foundation without additional stabilization.

- **Construction of foundation**
The proposed development has detached footing, reinforced concrete, designed to structural engineer’s details. The depth of the foundation will be established to structural engineers specification based on the test pit results. The foundation walling is made of load bearing stone 200 mm wide. The footings will be molded using customer built timber formwork fabricated on site. The steel reinforcement for strip foundations will be cut and fabricated on site. The concrete is also to be mixed on site. All the foundation works are to be constructed to structural engineers detail and approval. Minimal amount of ground water is expected to accumulate below the ground surface thus installation of sub-surface drainage system will not be required. However, damp proof canvass and dump proof membrane are recommended. The area enclosed by the foundation walls is to be backfilled with compacted hardcore. Termite treatment is also to be given to the foundation.

- **Construction of super structure**
  i) **Ground Floor Slab**
The ground floor reinforced concrete slab, 150mm thick, shall be cast overlying compacted hardcore and ground. The concrete is to be poured and finished as necessary through screeding to level to top surface and remove excess concrete. A vibrator will also be used during the casting of the slab.

  ii) **Walls**
The buildings will utilize load bearing masonry walls. All external and other load bearing walls measure 200 mm thick. The masonry for the external walls is to be dressed to provide a pleasant view from the outside.

  iii) **Roofing**
A trussed conventional timber structure frame shall be used to erect the roof based on a combination of hip and gable roof structure. The roof cover shall be made of decra metal tiles, or its equivalent, laid on timber structure. Some parts will be slab reinforced to engineering details.

  iv) **Internal Finishes**
  - **Floors** – The floor to the main spaces shall be finished in tiles and patches of grano in wet areas.
  - **Walls** – All walls will be finished in plaster and paint.
- **Ceilings** – The ceiling will be finished in plaster and paint with timber moulding in selected areas to design specifications.

v) **External Finishes**
External walls shall be of dressed masonry stone with any rendered surfaces painted or applied with brick facing. All exposed steel or timber shall be painted.

- **Installation of internal / utility services**
  i) **Plumbing System**
  a) **Water Supply**
  The proposed houses will be supplied with water from MOWASCO and any other reliable source. Both cold and hot water supply system will be installed in the project.

  b) **Waste Water Drainage**
  The wastewater drainage system consists of drain pipes. These pipes also incorporate gully traps, inspection chambers, and other assorted fittings. Except for cooling fans, the development does not provide for air conditioning installations.

ii) **Electrical System**
The installation of electrical wiring and fittings will mainly cater for lighting and appliances. The installation will also cater for internal communication, and telecommunication. All installations shall be to Kenya Power Company’s approval. There is need for consideration for solar energy.

- **Development of external works**
  i) **Driveway, Walkway and Parking**
Paved driveways and walkways will be constructed to give motor vehicle and pedestrian traffic proper surface on which to move. Any paving will be made of 50 mm thick standard paving blocks.

  ii) **Water Connection**
The development will be connected to the MOWASCO water supply.

  iii) **Sewerage and Foul Water Drainage**
The development will be connected to the municipal sewer line for sewage management.

  iv) **Surface Water Drainage**
Surface run off from the proposed development site will be collected and directed to the neighbourhood open drainage.

v) **Solid Waste Disposal**
The court spaces/rooms will be supplied with dustbins, complete with waste separation option. The storage capacity will be one week and waste will then be collected for final disposal at municipal designated site. A private company may be employed to deal with solid waste management.

**vi) Landscaping**
This will mainly entail small works in paving, flower beds, and lawns. The top soil will be treated with manure if necessary to encourage faster and improved plant growth. The perimeter gardens will be planted with continuous bed of grass lawn and provide aesthetically appealing scene.

**vii) Perimeter Fence.**
A perimeter stone wall already exists on one side but some open or dilapidated parts will need to be enhanced and complemented. The final wall will be finished in key dressing and painting.

**viii) Clearing of Site**
The site will be given a general cleaning, and any left-over material and debris will be carted away to designated municipal disposal sites. Similarly, any tools and equipment still on site will be removed.

### 6.1.3 Completion Phase and Final Inspection
During this stage, finalization activities of the project are undertaken. These include; internal finishes of the court building, completion of the statutory inspections and certifications, installation of utility meters and issuance of completion /occupation certificates by the municipal Council. Final inspection will be undertaken to ensure that the project has been done properly and according to the terms of the contract. The inspection team will include the project proponent/client, the architect, the engineer and the contractor or their representatives. The inspection team shall prepare a punch list indicating any items that will need to be corrected. The list will be given to the contractor for necessary action within a specified period. If no defects are noted, the job will officially be completed and a certificate of occupancy will subsequently be issued. In issuing the certificate of occupancy, the inspection will take into account health and safety considerations of intended occupants.

It is important to note that the Council shall issue the occupation certificates on completion of the civil works. The certificates are issued after municipal council of Mombasa building and health inspectors inspect and certify the buildings to ensure compliance with approved plans. This is done to certify the building fit for occupancy.
6.1.4 Operation Phase
Once the construction is completed, the court building will be ready for occupation. Once occupied, periodic monitoring and maintenance will be necessary to ensure that the facilities remain in good order. The developments are expected to remain in good condition for several decades during which monitoring, maintenance, and waste management activities will take place.

6.1.5 Decommissioning Phase
With time, the development will age and depreciate; some components of the development will either partly or wholly need to be replaced or demolished. Such changes may also be triggered by land use structural/functional shifts in the project area. This will depend on the changes in developmental priorities over time. The environmental concerns of decommissioning include safe disassembling of structures, storage of derived materials and waste, and their safe removal from site. Where the site is not immediately put to another use, its rehabilitation will be necessary, awaiting redevelopment. Decommissioning strategies to be adopted include:

- Assess the prevailing planning and development policy in application in the area to determine the appropriate use of the land.
- Assessment of the condition of the building to determine appropriate use or disposal of materials.
- Preparation a demolition plan and application for approvals to the relevant agencies.
- Issuance of vacation notices to all the affected residents.
- Screening and hoarding of the affected site.
- Disconnection and removal of utilities e.g. water pipes, electricity and telephone cables.
- Removal of all the underground facilities like water pipes, septic tanks, electricity and telephone cables.
- Mechanical demolition of the structures.
- Reuse or sell of the salvaged materials.
- Disposal of waste materials at designated municipal council of Mombasa’s disposal sites.
- Leveling and landscaping, including re-vegetation.

The completion of the decommissioning should ensure that the site is restored to its original state as much as possible; this will thus open an opportunity for another development cycle.

6.2 Project Inputs, Outputs, and By-Products
6.2.1 Project Inputs
The main inputs in the project include: –
Natural stone, Sand, Cement, Crushed stone, Gravel, Soil, Timber, Steel (reinforcement, casement, wiring, pipe etc), Glass, PVC material (tiles pipes, conduits and fittings), Concrete tiles, metal tiles, and paving blocks, Paint, Plant material – grass, tree seedlings etc., and water. Money and electricity are non-tangible inputs of the project.

6.2.2 Project Outputs/Products
The expected outputs of this proposal is a new court building with 5 floors hosting various court facilities including offices, registry, cells and other support facilities such as boardrooms, lavatories etc. covering a plinth area of approximately 8,680.624m². Besides space for court functions, there will be provisions for circulations vehicular and human, parking, and landscaped compound among others.

6.2.3 Project by-products
The project will generate the following by-products: -

Construction waste, Solid waste, Occasional Noise, Occasional traffic disruptions, Increased surface water runoff, and increased foul water discharge.
CHAPTER SEVEN

7.0 ALTERNATIVES INCLUDING THE PROPOSED ACTION

7.1 The proposed Alternative

The ESIA Project report has been prepared for submission to NEMA; facts, findings and recommendations/proposals of which are based on the proposed site, materials and proposed technologies. This helps in evaluating and examining the foreseeable effects of the project on the environment and therefore assisting in addressing how the proposed development has to ensure that all environmental and social measures are complied with during the premises preparation and during operational phase.

The alternative consists of the proponent’s/applicant’s final proposal with the inclusion of the legal guidelines, regulations and procedures as stipulated in the EMCA, amendment 2015 which aims at reducing environmental impacts to the maximum extent practicable. Appropriate Environmental and Social Management Plans have been prepared as per the proposed project.

7.2 Relocation alternative

Relocation option to a different site is not an option for the project implementation. The function of the proposed building is similar but creates more space for court functions. At the moment, the proponents have no alternative sites for relocation. Looking for the land to accommodate the type of the project and completing official transactions on it may take a long period. Besides, the proposed site is ideal for the project and there is no guarantee that such land would be available and suitability is another very important factor, which cannot be ignored.

This would also call extra costs in terms of money and time for example whatever has been done and paid to date would be a direct loss to the proponents. This may also lead to a No Action Alternative situation. In consideration of the above concerns and assessment of the current proposed site, relocation of the project is not a viable option. The problem is further aggravated by the characteristics of land and the restrictions of the planning policy for example the proponents may get an alternative land in area not designate for this use. In addition, suitable land may be available elsewhere where there shall be constraints accessing it coupled with security issues.

7.3 The No Action Alternative

The No Action Alternative in respect to the proposed project implies that the status quo is maintained. This option is the most suitable alternative from an extreme environmental perspective as it ensures non-interference with the existing conditions. The anticipated insignificant environmental impacts resulting from construction, and occupation activities would not occur.
This option will however, involve several losses both to the project proponents and other stakeholders; society and Government. The proponents shall continue to pay high taxes on the underutilized property. The No Project Option is the least preferred with reasons such that there will be perennial delays in court processes and as the population increases, the number of court cases are likely to increase making the situation dire in the future. From the analysis, it becomes apparent that the No Project Alternative is not the appropriate alternative.

7.4 Alternative design and technology
Various alternative designs and technology has been evaluated by the proponents and various professionals involved i.e. the architect, engineers, surveyors, Court Users Committee (CUC) members and environmental consultants. After extensive discussions, the various options were assessed and the most optimal design and technology taking into account inclusion of solar energy and large water harvesting tanks were agreed as minor adjustments of the proposed plans, materials and technology.

7.5 The comparison of alternatives
Under the proposed Development Alternative, the project would create standard court building development and would provide employment directly and indirectly to the public over and above the benefits of information to the general public. It would provide jobs for the workers during construction. After completion more jobs would be generated by the within the project. Under the No Action Alternative, there would be no development at all. There would be no benefits from the site and neither would there be the insignificant environmental Impacts.

Provided the Environmental Impact mitigation measures are implemented as well as adoption of sound construction management practices, negative impacts will be avoided /minimized. However, commitments related to development alternative would ensure that potential impacts are minimized to levels of insignificance as envisaged in the ESMP.
CHAPTER EIGHT

8.0 PUBLIC CONSULTATION AND PARTICIPATION

8.1 Introduction
The following chapter describes the public consultation. The aim of consultation is to ensure that stakeholder interests are identified during the ESIA study and that stakeholder views, and in particular those of PAPs, are taken into account at the project planning stage. Stakeholders’ views are also important in shaping the development of the ESMP. The main findings and feedback from these events is summarized within this section while copies of the lists of attendees at the various consultations are provided in this report.

8.2 Stakeholder/ Public Consultation and Participation
This is a very important and an integral part of the ESIA process, which is a legal requirement and a very important tool for collection of the data and especially the baseline/background information. The ESIA helps bring out the contentious issues and gives a chance to those who may be affected by a proposed project to give their views, inputs and opinions and any significant issue is addressed at the initiation stage. This enables evaluation of the public and neighbours views and is thus a very important part of the study. Questionnaires and interviews were used to collect the views of the various stakeholders. Some of the targeted stakeholders did not respond while others refused to complete the questionnaires. Others were cautious and wanted to give their views without completing the questionnaires arguing that they do not wish to have their names indicated. Almost all the respondents were positive. Majority was reluctant to fill in their details in the questionnaires and preferred to give oral submissions. Most of the respondents endorsed the project indicated various potential benefits including enhanced judicial service space, enhancement of security or otherwise, utilization of the land was long overdue. However, they raised some issues regarding pressure on existing infrastructure, noise, potential pollution, dust and safety (during construction), enhanced social crime risks they recommended should be controlled to the minimum. They also mentioned the need for safe and adequate drive way, sounds drainage system and solid waste management. They indicated the obvious advantages including potentially better court housing, creation employment, and promotion of development in the area and enhancing the utility of the land and urbanization. They indicated that issues of infrastructure should be addressed by the respective service providers in conjunction with the proponents beforehand e.g. power provider should assess the requirements and install the necessary equipment and facilities.

8.3 Stakeholder mapping and responses
This is a very important and an integral part of the ESIA process, which is a legal requirement and a very important tool for collection of the data and especially the baseline/background information and establishing social issues as far the project is concerned. It involved mapping and reaching out to all key stakeholders that will be affected by and have an interest in this development. The ESIA stakeholder mapping helped bring out the contentious issues and gave a chance to those who may
be affected by a proposed project to give their views, inputs and opinions and any significant issue is addressed at the initiation stage. Key persons, groups that were mapped for consultation include;

i. County Government of Mombasa

ii. Local administration (Ministry of Interior)

iii. National Environment Management Authority (NEMA); Mombasa County

iv. Judiciary Staff; Mombasa Law Courts

v. Mombasa Township Community

vi. Community leaders

vii. Youth groups

viii. Women groups

ix. Persons with disabilities

Public and Stakeholder Consultations were carried out at different levels. There were mini Stakeholder Forums at Mombasa law Courts premises on 15th December 2016. The Stakeholders Forums had representatives from Mombasa County Government, Judiciary, NEMA, community leaders and the local administration within Mombasa Township.

These sessions were used for sensitization, information sharing and soliciting comments from the participants as well as enhancing project ownership among the general public. The meetings involved participation of leaders and their communities within Mombasa through their key local leaders and the Administration.

From the consultations done, there was broad support for the project as it is viewed that the project, a modern Law Court is long overdue, given the rapid increase of crime cases and backlog of cases.

The general community was targeted through Questionnaires and interviews. Some of the targeted stakeholders especially the women did not respond because of Islamic laws and cultural reasons dominant in the area while others refused to complete the questionnaires. However, the learned woman from the community contributed their views through interviews and focus group discussion.

All the respondents especially the youths were positive that the project will have positive economic impacts and elevate the status of Mombasa Town in the Coastal Region. The respondents indicated various potential benefits including expansion of Court premises, enhancement of security and proper utilization of the Government land. However, they raised some issues regarding project land (proposed land is under lease), noise, potential pollution, dust and safety (during construction), cultural change that they recommended should be controlled to the minimum. They indicated the obvious advantages including potentially better law courts building, creation employment, and promotion of development in the area and enhancing the utility of the land and urbanization.
Some of the concerns from the key stakeholders are summarised in table 5 below.

Table 1: Concerns raised by various key stakeholders affected by the proposed project

<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Concerns/ issues raised</th>
</tr>
</thead>
</table>
| Wider Local community and community leaders | • The contractor should adhere to NEMA regulations and avoid construction after 6.00pm  
• Local community to be given first priority in employment as well procurement of contractor for the construction work. |
| County Government of Mombasa | • Expressed the desire to integrate the evolving infrastructural development around Mombasa and particularly on the streamlining of the proposed Law Courts, public transport and goods movement patterns – design of walkways, drainage systems.  
• Also expressed desire to be continuously involved at every stage in the project planning to ensure minimal disruptions in operations around project area. |
| Local administration (Ministry of Interior) | • Noted that once implemented its hoped that security in the area will be farther improved  
• Under age youths should not be allowed or offered jobs at construction site by the contractor |
| National Environment Management Authority (NEMA); Mombasa County | • An elaborate sewage treatment should be in place that will not lead to pollution of underground water.  
• Judiciary trough the contractor to put measures in place to control dust during construction  
• Resource optimization especially water which is scarce be enhanced.  
• Judiciary to provide for efficient solid waste disposal from the courts once the court building is occupied by a NEMA licensed waste contractor. |
| Women and youth groups | • National affirmative action for women and youths for employments be considered at all phases of the project. |
| Person with disabilities (PWD) | • Judiciary to design the Law Courts with the needs of PWD on mind and consideration be made for them during employment. |
| Judiciary staff | • Judicial Service delivery will be enhanced  
• Additional registries  
• Safety and security measures must be addressed appropriately  
• More and spacious court rooms and chambers |

The issues raised and many others foreseeable have been adequately addressed in the report and in the ESMP. NB: Some completed questionnaires and FGD meeting are attached in the annex.
CHAPTER NINE

9.0 POTENTIAL ENVIRONMENTAL IMPACTS AND MITIGATION

9.1 Anticipated Impacts

Human activities have a positive or negative, direct or indirect impact on the biological and physical environment. The nature and degree of impact however varies depending on the location and the type of operation. The magnitude of each impact is described in terms of being significant, minor or negligible, temporary or permanent, long-term or short-term, specific (localized) or widespread, reversible or irreversible. Some mitigation of impacts has already been addressed in the proactive design and other mitigations can only be guaranteed through active, responsible management, helped by following the guidelines in the project environmental management plan.

9.2 Potential Positive Social Impacts of the proposed project

The proposed project is expected to have several positive impacts on the socio-economic welfare of the affected and or interested stakeholders. These include:

**Improved judicial performance:** the new development will provide more space for judicial operations than it is currently. More space will be availed for court offices, court rooms, data handling and management among others. These shall promote efficiency and effectiveness.

**Employment creation:** during the construction phase a lot of jobs will be available to the local workforce, both skilled and semi-skilled. The site works, supply of materials, goods and services will offer income to the locals.

**Increased economic activity:** there is anticipated short-term increase in economic activity from the purchase of construction materials, procurement of services, taxes levied on construction workers.

**Gender issues:** opportunities for women in income generating activities e.g. through provision of catering services, selling of local goods/products. Recommended contractual requirement to employ local women as well as men in tenders prepared for letting of the construction works.

**Capacity building:** training and awareness campaigns on Occupational Health and Safety issues for workers, local residents, court users and any other affected/interested stakeholders.

**Socio-cultural importance:** re-emphasis the role of the local leadership when a committee is formed to facilitate the rolling out of the project.

**Climate change:** temporal reduction in carbon sequestration from vegetation loss.

9.3 Potential Negative Environmental Impacts

The nature and magnitude of impacts and their mitigation will be evaluated based on the classification/matrix in the tables below:
On the basis of information gathered during the field study, potential environmental impacts of the project are tabulated below.

Table 2: Anticipated Negative Environmental Impacts

<table>
<thead>
<tr>
<th>Impact</th>
<th>Construction</th>
<th>Occupation</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vegetation / flora</td>
<td>-</td>
<td>+</td>
<td>The grass and shrubs on the project site will be cleared during construction works. Landscaping will be done after construction.</td>
</tr>
<tr>
<td>Fauna</td>
<td>- , t</td>
<td>+/-</td>
<td>The insects, rodents and birds on the project site will be disturbed during clearing and construction works. This disturbance will be temporary or minimal. The fauna will have to find new nesting homes</td>
</tr>
<tr>
<td>Change in land use-extent</td>
<td>-</td>
<td>-/0</td>
<td>The proposed project is within a public purpose use area. The new functions will increase population in the area. The project will increase plot density.</td>
</tr>
<tr>
<td>Pollution:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Air/dust</td>
<td>- , t , ir</td>
<td>+/-</td>
<td>Construction works will contribute considerable dust to the environment. Hooting of vehicles and workers will generate noise. Petrol used by machines and vehicles will leak to the ground hence in to soil and water systems.</td>
</tr>
<tr>
<td>Noise</td>
<td>- , t , ir</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Oil waste</td>
<td>- , l , ir</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Soil erosion</td>
<td>- , l , sp</td>
<td>0</td>
<td>Earth works during construction will contribute to soil erosion. During occupation there will be no soil erosion as the site will be well landscaped.</td>
</tr>
<tr>
<td>Changes in hydrology</td>
<td>+/-</td>
<td>0</td>
<td>There will be no obstruction on the flow of surface and underground water resources.</td>
</tr>
<tr>
<td></td>
<td>Impact</td>
<td>Change</td>
<td>Note</td>
</tr>
<tr>
<td>------------------------</td>
<td>--------</td>
<td>--------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Site drainage</td>
<td>+/-</td>
<td>0</td>
<td>Run-off might increase due to impervious surfaces. Roof catchments during occupation will ease the problem.</td>
</tr>
<tr>
<td>Public health</td>
<td>t, ir</td>
<td>NC</td>
<td>Increased dust, noise and air pollution might impact public health during construction. During occupation there will be no change on pollution.</td>
</tr>
<tr>
<td>HIV and Aids</td>
<td>--, ir</td>
<td>p</td>
<td>There should be clinic with first-aid supplies/equipment, condoms and illustrated materials informing about HIV/AIDS awareness and prevention</td>
</tr>
<tr>
<td>Workers influx</td>
<td>Sh, sp, r, 0,-</td>
<td>0,-</td>
<td>Confirm that local workers are recruited in preference to outside labour for work requiring equivalent qualifications and skills. Hiring for unskilled or semi-skilled workers recruited from the local labour-pool should be gender-neutral</td>
</tr>
<tr>
<td>Water resources</td>
<td>-, sh</td>
<td>+</td>
<td>Construction work will require much water. Water will be from the piped water source provided by the council. A private water provider will be hired to supplement water supply. During occupation period the population may increase water demand, although roof water harvesting and storage will solve this.</td>
</tr>
<tr>
<td>Sites of cultural, historic or traditional significance</td>
<td>0</td>
<td>0</td>
<td>There are no sites of historic, cultural and traditional significance.</td>
</tr>
<tr>
<td>Visual intrusion</td>
<td>t, p</td>
<td>+/- 0</td>
<td>Construction traffic and dust could contribute to visual intrusion. The project should be blended like the neighbourhood. Construction work should take place during day time. Debris should be cleared and landscaping.</td>
</tr>
<tr>
<td>Disturbance of the public</td>
<td>t, ir, sp</td>
<td>-</td>
<td>Noise during construction will affect the public. During occupation this impact will be negligible.</td>
</tr>
<tr>
<td>Construction materials</td>
<td>-</td>
<td>0</td>
<td>Building stones, sand and cement are required. These will be sourced from licensed suppliers. Hazardous, undesirable and unauthorized materials should not be used.</td>
</tr>
</tbody>
</table>
9.4 Mitigation Measures.
The construction of the building will involve a series of distinct yet interdependent physical operations. These include site clearing, excavation works; building works etc. all are potentially significant sources of particular impacts. This part includes impacts during implementation: construction, occupation and decommissioning phases. The following issues are addressed: soil degradation, air quality, noise, oil wastes, water resources, solid and liquid wastes management, drainage, terrestrial/ ecology, visual and landscape, traffic, public comfort, occupation health and safety (OHS), and energy. Most of these key issues were identified during the scoping exercise and are clearly elaborated as follows:

9.4.1 Soil Erosion
This is the removal of the top- most fertile soil material down slope or transportation by the use of machinery or other equipment including animals. Removal or clearing of vegetation accompanied with soil disturbances arising from foundation excavations will expose soils to erosion. Loosened soil particles if exposed to heavy rain droplets, surface run-off, trampling and wind are easily eroded. Erosion threats will be most prevalent during the construction phase and particularly on the initial stages. It will be minimal during the operation phase. Hence this will not be a major impact.

Potential Mitigation measures

- Channel surface run-off into the paved drains rather than onto bare soil surfaces.
- Landscaping scheme including creation of soil traps such as gabions, stones and boulders at the lower section of the site.
- Leveling of the completed construction sites.
- Undertake excavation activities during dry spells to minimize soil erosion.
- Compaction will be undertaken to further stabilize the loose soils.
- Planting of trees and other vegetation on the garden and all other exposed surfaces
9.4.2 Flora and Fauna
The clearance of the affected area will potentially lead to the destruction of vegetation, destruction of fauna habitats, and loss of scenic beauty and enhancement of soil erosion. Decreased vegetation cover leads to microclimate change and increased soil erosion. The grass on the project site and some trees will be cleared during the implementation of the project. The trees at the boundary may not be affected.

Potential Mitigation measures
- Avoiding clearing the areas that will not be affected by the project
- Replant trees once the construction activities have been completed
- Employ gardeners to tend and care for the new trees, flowers, grass and hedges to be planted
- Landscaping as proposed in the designs should be done by specialists
- Reserve vegetation having conservation value and those along the boundary

9.4.3 Noise and Vibration
Noise is any unwanted / undesirable sound that can affect job performance, safety and health. Psychological effects of noise include annoyance and disruption of concentration. Physical effects include loss of hearing, pain, nausea and interference with communication when the exposure is severe. The natural silence in the neighborhood may be interfered by noise emanating from the construction activities. This will affect workers on site and the residents of the nearby houses. This noise will be felt most by the neighbors in the plots adjacent to the project site. Vibration is likely to be felt during the construction period. This could arise from the heavy trucks driving in and out of the construction site, compressors and mixers and other combined activities of the laborers.

Potential Mitigation measures
- Construction work to take place between 1600hrs to 0700hrs so as not to interfere with court sessions.
- Trucks and vehicles to be used to be in good condition.
- Engines of trucks and other vehicles to be switched off when idle.
- Construction workers and particularly those operating machines to be provided with ear muffs.
- Install a notice at the entry to the compound notifying construction activity and timings.
- Prohibit entry of non-workers to the site to ward off idlers who are likely to cause more noise.
9.4.4 Increased Water Demand

Obviously, the construction work and the housing units will result in an increase in water demand. High water consumption occurs during both the construction and operation phases. These will in turn strain the existing piped network.

Potential Mitigation measures

- Recycling of wastewater where appropriate
- Sinking of a borehole to supply water for the project (if need be).
- Install water pipes which turn off automatically when water is not in use
- Provide on-site water storage tanks to harness rainwater and therefore reduce demand on the piped water sources especially after the completion of the development.
- Work ethics: Provide notices and information signs to sensitize on means and needs to conserve water resources i.e. “keep/leave the tap closed.” This will awaken the civic consciousness of the workers and occupants with regard to water usage and management.
- Private water undertaker should be hired to supplement water supply.

9.4.5 Increased Energy Demand

A slight increase in energy resources is expected. This will be attributed to the optimum use of petroleum products (diesel and gasoline), electrical appliances (equipment), lighting systems, and other electric machinery as may be used for different purposes. It also includes use of renewable energy resources.

Potential Mitigation measures

Electrical appliances

- Installation of a stand-by generator.
- Switch off electrical appliances when not in use
- Optimize operations of electrical appliances to enhance energy conservation

Lighting

- Put off lights immediately when not in use or are not wanted
- Provide for adequate natural lighting in the design of houses so as to reduce domestic consumption.
- Use energy saving bulbs including those for street and security lights within the development.
- Make use of alternative source of energy such as solar power which is renewable
9.4.6 Oil Leaks and Spills
It is important to note that oil spills are prevalent in construction sites. Although this may not be prevalent (since the proposed project is rather of smaller scale i.e motorized construction machinery may not be involved at a large scale), it is wise to control and observe the little that occurs especially during maintenance of the involved machinery.

Potential mitigation measures
- All machinery should be keenly observed not to leak oils on the ground. This can be ensured through regular maintenance.
- Maintenance should be carried out in well-protected areas where oil and grease will be restrained from reaching the ground. Such areas should be covered to prevent storm from carrying away oils into soils and water systems. Wastewater and wash water from these areas should be properly disposed.
- All oils/grease and materials should be stored in a sites store in the contractor’s yard.

9.4.7 Waste
During the construction activities, waste materials such as sand, concrete, cement, timber planks, used water, human wastes from the construction workers, glasses, paints, cans, plastics and paper packaging, pieces of steel, building stones, ballast and oil spills among others will be generated. In the occupation phase, waste materials likely to be generated are mainly solid and liquid wastes. These include paper wastes, cans, foodstuffs, liquid wastes, fecal material, textiles and other general wastes. The amount of wastes can be considerable and, if improperly managed, could significantly litter the site and overspill into the neighboring properties. The wastes can also accumulate into large heaps harboring rats, flies etc which disseminate germs of diseases.

Potential Mitigation measures
- Undertake an efficient estimation of quantities by experts to minimize wastes.
- Recycling of construction wastes where applicable
- Collection of wastes and regular disposal at designated Council disposal sites.
- Regular on-site incineration or shredding of some wastes such as waste paper
- Contract a NEMA licensed private waste collection firm for disposal of wastes
- Proponent / Residents to subscribe to the NEMA registered private refuse collection firms operating in the area.
- Provide conveniently located dustbins cubicles protected from rain and scavengers to each unit.
- Use of an integrated solid waste management system through a hierarchy of options source reduction, recycling, composting and reuse and sanitary land filling will facilitate waste handling during occupation phase.

9.4.8 Construction Materials
They include stones, sand, cement, ballast; reinforcing steel rods etc. They should be of the appropriate quality and well handled to minimize wastage and spilling over to neighbouring sites. Inappropriate building materials could be harmful to the builders, dwellers, and the recipient environment at large.

Potential mitigation measures
- These should be sourced from licensed dealers and suppliers and those that are environmentally conscious.
- Quality should be thoroughly monitored through regular tests of the material used.
- Materials should be appropriately stored on site and issued cautiously to avoid clutter and spillovers.

9.4.9 Visual Impacts
Visual impacts are likely to occur during earthworks for the foundation of the project. The project will however not be out of scale with the existing housing projects or developments within the area. The development being a high-rise, there is significant possibility of creating vantage position looking into other neighbouring properties, hence compromising the privacy levels.

Potential mitigation measures
- On completion of the earth works the excavated or disturbed areas should be restored immediately especially through back filling, leveling and planting of suitable vegetation.
- All solid waste from the construction site should be cleared on completion and disposed suitably bin to the approved dumpsites.
- The project should be blended in a way to merge with the existing environment. It should in fact upgrade the quality of the surrounding.
- The visual impact will in addition be contained within the site.
- Visual intrusion shall be avoided by orienting most of the visual links to the street and public areas of buildings.
9.4.10 Occupational Health and Safety (OHS)
Human safety risks are likely to occur in the project especially during the construction period. There is significant exposure to hazards such as moving trucks, falling rocks or objects, timber, sharp objects, slips or accidental falls, or contacts with corrosive chemicals etc. During construction there will be increased dust, air and noise pollution. Food for the construction workforce is usually provided by mobile vendors most of who operate without licenses. This can compromise health of the workers especially if such food stuffs are prepared in unhygienic conditions. Other issues that are of health concern are sanitation especially for the workers. Improper design of the buildings can also expose the expected residents to health and safety issues during the operation phase.

Potential Mitigation measures

- Integrate safety considerations in the design of the buildings such as contractor to take an insurance cover against occupational accidents on workers during the construction period
- Provide first aid kits at the site fully equipped always and managed by qualified persons.
- Provide mandatory personal protective equipment like headgear (shields), boots, overalls, helmets, goggles, earmuffs, masks and gloves to all workers.
- Provide clean water and food to the workers
- Install handrails and balustrades to engineer’s details to minimize accidental falls.
- Safety awareness may be gained through regular safety meetings, safety training or personal interest in safety and health.
- The contractor should have workmen’s compensation cover. It should comply with workmen’s compensation Act as well as other ordinances regulations and union agreements.
- Workers should always be sensitized on social issues such as drugs, alcohol, diseases etc.
- Avoid unnecessary idling of all machinery related to the project
- Sanitary facilities should be provided and maintain standard cleanliness of the facilities.

9.4.11 Public Disturbance
This refers to construction-related disturbances mainly resulting from noise, pollution, and lighting especially if construction activities are extended into the night. There will be such disturbances during the project construction/ implementation.

Proposed mitigation

- Construction activities should be done only during the day
- Billboards should be suitably erected at the start of the project. The signs should indicate and inform the public when works start and when it will be completed.
- Contain construction activities on the project site as much as it is practicable and seek permission/approval where overspills are unavoidable.

9.4.12 Security
Security is a perquisite for any development. During construction security is very important in any project site. This ensures that materials are safe but also controls movement within the site especially for the intruders who might be injured by the materials and other hazardous features available within the site.

Mitigation
- There should be a guardhouse at the gate. Security guards should always monitor the gate of the facility to keep away intruders and to control movement within the site.
- The project site should be enclosed using suitable walls to beef-up security and to control movement within the site.
- The contractor should provide adequate security during the construction period when there are no works being done on the site.
- The guards stationed at the gate should document movements in and out of the site/property.
- Lighting as well as security alarms should be installed in strategic positions all over the site during construction and after the completion of the project.

9.4.13 Fire preparedness
Fire outbreaks are common in Kenya and they usually subject detrimental effects to the environment. Fire causes both economic and social drawbacks. There are operations that are prone to such outbreaks at construction sites. It is therefore always important to consider the issue of fire.

Mitigation:

Recommended firefighting equipment:
- Install fire alarm system for entire project.
- All installation of firefighting facilities to follow the Mombasa Municipality’s Fire Master’s requirements and approval.

In addition to the above, the structure management should consider the following:-
- Adapt an emergency response plan for the project during construction and implementation stages
- Conduct regular firefighting drills within the site
- Ensure that all firefighting equipment are regularly maintained and serviced
- Provide fire safety signs such as “No Smoking” and those showing direction to Exit in case of any fire incidence and emergency numbers.

### 9.4.14 Construction Safety

Construction work can be particularly hazardous. Personal protective equipment, fire safety, electrical safety and other precautions are essential for safe construction work. The following section provides general guidelines and procedures for construction safety during project implementation process; these guidelines are to be followed whenever visiting or working at the construction site:

**Mitigation:**

- To avoid walking, standing, or working under suspended loads; if a load is raised be sure to crib, block, or otherwise secure the load as soon as possible.
- To be prepared for unexpected hazards. BE ALERT!
- To avoid placing unusual strain on equipment or materials.

### 9.4.15 Barriers and guards

Barriers, guards and warning signs are required to ensure safety against existing hazards. Contractors and project managers should use barriers and guards as necessary to protect employees, and visitors from physical hazards. Any area that poses a physical threat to workers and/ or pedestrians requires barriers or guards. Areas that typically require permanent or temporary protection include the following: stairways, open manholes, elevated plat forms areas with moving machinery, excavation sites, construction sites, temporary wall or floor openings, doors opening to construction. The common types of barriers include physical obstructions and solid separators (dust barriers, hazard barriers, temporary walkways etc)

**Mitigation:**

- If it is suspected that a hazard is not sufficiently protected, it will be necessary to notify the attending workers or the Environmental Health and Safety Office on site immediately.
- Signs that state DANGER, WARNING or CAUTION are also important when barriers or guards are necessary
9.4.16 Traffic density
The proposed project will come along with increased (vehicle) traffic along the connecting routes especially during construction phase. The effect may also be felt during occupation phase.

Mitigation:
- Notify the motorists about the proposed development once implementation has started. It is important that warning/informative signs (bill boards) be erected at the site. The signs should be positioned in a way to be easily viewed by the public and mostly motorists.
- The traffic along the connecting road should be controlled especially during construction phase and mostly when large trucks are turning in to the site say when doing delivery of materials.
- Provide adequate parking within the project site to avoid parking on the access road.

9.4.17 Workers influx from outside the county
Unemployment within the County and in the neighbouring regions is high particularly among youth. Youth population comprises 41 per cent of the population in the country and 61 per cent of the county’s labour force. It is expected that none or a small labour force will be sourced from outside the County.

Mitigation:
- Confirm that local workers are recruited in preference to outside labour for work requiring equivalent qualifications and skills. Hiring for unskilled or semi-skilled workers recruited from the local labour-pool should be gender-neutral
- Confirm that local workers are being recruited in preference to outside labour for work requiring equivalent qualifications and skills.
- Confirm that hiring for unskilled or semi-skilled workers recruited from the local labour-pool is gender-neutral.
- Confirm that wages paid to locally recruited workers are equivalent and competitive with wages paid to outside labourers.

9.4.18 STDs and HIV/AIDS
Due to location of the county as seaport, cases of substance and drug abuse and trafficking have been on the increase. HIV/AIDS prevalence in the county is at 8.1 per cent as compared to the national rate of 6.3 per cent. In case of the project workers are outsourced from outside the county, majority recruited outside the community. Mostly without wives and families, these construction workers usually young and sexually active are frequently responsible for spreading STDs and HIV/AIDS among indigenous people and within nearby villages or towns.
Mitigation:

- The project designs should include provisions for a clinic with first-aid supplies/equipment, condoms and illustrated materials informing about HIV/AIDS awareness and prevention.

- Through organized and on-going consultations, the community must be fully informed about the project its human occupants and mechanical components and possible unmitigated consequences to community health and safety, including STDs and HIV/AIDS.

- Community to be sensitized about the unmitigated consequences to community safety and health, including the transmission of STDs and HIV/AIDS.

- Involving the community in ongoing monitoring of the measures implemented to protect the health, safety and welfare of community members and the workforce.

- Creation of HIV/AIDS awareness/prevention campaigns among the host community.
CHAPTER TEN

10.0 PROJECT BUDGET
The total approximate cost of the proposed Mombasa Law court project is Four hundred Million (400,000,000).
11.0 ENVIRONMENTAL AND SOCIAL MANAGEMENT PLAN

11.1 Introduction
This Environmental and Social Management Plan (ESMP) provides a logical framework within which the negative environmental and social impacts identified during the ESIA study can be mitigated and any beneficial environment effects can be enhanced. Monitoring and management practices as well as cost estimates included as applicable. Responsibilities and time frames for the implementation of the various aspects of the ESMP will be identified.

The actions have been grouped according to the various phases of the project cycle i.e. Planning, Construction, Operation, and Decommissioning. This categorization shall improve the implementation of the suggested mitigation measures throughout the project cycle. Each phase has a distinct set of activities that will need to be undertaken. The Municipal Council of Mombasa, the Architect, and other agencies responsible for the supervision of the implementation of the project will thus have a clear basis of decision making as they certify each phase of implementation.

The ESMP will be provided to prospective bidders for the construction contracts to ensure that environmental mitigation costs are factored into their costing. The Contractor(s) will also be required to prepare a separate and specific ESMP for their works in order to control construction impacts and ensure compliance with applicable environmental and health and safety legislation and standards. The Judiciary will ultimately be responsible for ensuring that the ESMP is implemented on site via reviewing the Contractor’s ESMP and ensuring its implementation on site via audits.

11.2 ESMP for Planning Phase
The planning phase involved all the steps to be followed by the proponent before the start of the construction. These include the approvals from all the relevant authorities such as the Municipal Council of Mombasa and NEMA. The ESMP for planning phase provides a set of actions that the proponent needs to implement before the commencement of the construction phase. Foremost, the ESMP requires that the proponent should have applied for and obtained all the requisite approvals and procedures before the actual implementation of the project. The following are some of the activities carried out including the actors at the planning phase.
### Table 3: ESMP for Planning Phase

<table>
<thead>
<tr>
<th>Environmental issue/impact</th>
<th>Proposed mitigation and aspects for monitoring</th>
<th>Responsible Actor</th>
<th>Monitoring means</th>
<th>Estimated costs (Kshs)</th>
<th>Recommended frequency of monitoring</th>
</tr>
</thead>
<tbody>
<tr>
<td>Uncontrolled and incompatible development that is out of character with its context</td>
<td>Plan and obtain development permission for the project from relevant authorities</td>
<td>Registered Physical Planner and architect</td>
<td>Project approvals; routine inspections</td>
<td>10% of project cost</td>
<td>Once</td>
</tr>
<tr>
<td>Lack of Environmental Awareness on proposed project</td>
<td>Provide project information at entry to the project site.</td>
<td>Proponent, Municipal Council of Mombasa, NEMA</td>
<td>Routine inspections; Sign boards and notices at project site</td>
<td>100,000</td>
<td>Continuous</td>
</tr>
<tr>
<td>Uncontrolled site demarcation</td>
<td>Survey of plot and establishment/confirmation of beacons before commencement of construction.</td>
<td>Proponent, surveyor</td>
<td>Survey plan; site inspections</td>
<td>150,000</td>
<td>Once</td>
</tr>
<tr>
<td>Uncontrolled construction contrary to approved plans and of poor workmanship</td>
<td>Appointment of a qualified project manager and contractor</td>
<td>Proponent; Project Manager</td>
<td>Verification; inspection</td>
<td>400,000</td>
<td>Routine</td>
</tr>
<tr>
<td>Mismanagement of site operations contrary to conditions of approval.</td>
<td>Appointment of project manager Appointment of Clerk of Works</td>
<td>Proponent; Project Manager</td>
<td>Verification; inspection</td>
<td>250,000</td>
<td>Routine</td>
</tr>
<tr>
<td>Vulnerability to accidents and hazards during project implementation</td>
<td>Obtaining insurance to cover all accidents including Workmen’s Compensation.</td>
<td>Proponent</td>
<td>Verification; Inspection</td>
<td>300,000</td>
<td>Once</td>
</tr>
<tr>
<td>Vegetation loss</td>
<td>Seek permit from the Kenya Forest Department before cutting down the trees</td>
<td>Proponent; Contractor</td>
<td>Verification; Inspection</td>
<td>Varies</td>
<td>Once</td>
</tr>
</tbody>
</table>
11.3 ESMP for Construction and Operation Phase

The phase included the construction and operation of the court building. The Construction Environmental Management Plan below indicates the likely environmental impacts, which were anticipated from the project, and it indicates ways of mitigating them.

Table 4: ESMP for Construction Phase

<table>
<thead>
<tr>
<th>Environmental/social impact</th>
<th>Proposed mitigation and aspects for monitoring</th>
<th>Responsible Actors</th>
<th>Monitoring means (c) Construction (o) Occupation</th>
<th>Estimated Costs (KShs)</th>
<th>Recommended Frequency of Monitoring</th>
</tr>
</thead>
<tbody>
<tr>
<td>Soil erosion</td>
<td>- Control earthworks</td>
<td>Contractor</td>
<td>(c) Inspection (o) Routine Maintenance</td>
<td>300,000</td>
<td>(c) Daily Erosion control measures</td>
</tr>
<tr>
<td></td>
<td>- Install drainage structures properly where necessary</td>
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<td></td>
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<tr>
<td></td>
<td>- Landscaping</td>
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<tr>
<td></td>
<td>- Compact loose soils</td>
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<tr>
<td></td>
<td>- Ensure management of excavation activities</td>
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<tr>
<td></td>
<td>- Control activities especially during rainy conditions</td>
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<tr>
<td></td>
<td>- Provide soil erosion control and conservation structures where necessary</td>
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<tr>
<td></td>
<td>- Observe efficiency of erosion control measures</td>
<td></td>
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</tr>
<tr>
<td>Air pollution</td>
<td>- Water sprinkling on dusty areas</td>
<td>Contractor; Project manager</td>
<td>(c) Inspection/observation</td>
<td>100,000</td>
<td>(c) Daily</td>
</tr>
<tr>
<td></td>
<td>- Control speed and operation of construction vehicles</td>
<td></td>
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<td></td>
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<tr>
<td></td>
<td>- Prohibit idling of vehicles</td>
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<tr>
<td></td>
<td>- Regular maintenance of construction plant and equipment</td>
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<tr>
<td></td>
<td>- Engage sensitive construction workers</td>
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</tr>
<tr>
<td>Changes in hydrology/impe nded drainage</td>
<td>- Proper installation of drainage structures</td>
<td>Contractor; Project manager</td>
<td>(c) Inspection (o) Routine maintenance</td>
<td>300,000</td>
<td>(c) One-off during construction and on completion of project (o) Routine checks</td>
</tr>
<tr>
<td></td>
<td>- Ensure efficiency of drainage structures through proper design and maintenance</td>
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<tr>
<td></td>
<td>- Provide gratings to the drainage channels</td>
<td></td>
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</tr>
<tr>
<td></td>
<td>- Proper installation of drainage structures</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oil pollution</td>
<td>- Proper storage, handling and disposal of new oil</td>
<td>Contractor;</td>
<td>(c) Inspection/observation</td>
<td>150,000</td>
<td>(c) Daily</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Project manager</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Topic</td>
<td>Action Plan</td>
<td>Responsible Parties</td>
<td>Observation</td>
<td>Frequency</td>
<td></td>
</tr>
<tr>
<td>--------------------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>--------------------------------------------</td>
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</tr>
<tr>
<td>Noise pollution</td>
<td>- Workers in the vicinity of or involved in high level noise to wear respective safety and protective gear &lt;br&gt;- Construction activities to be restricted to daytime &lt;br&gt;- Sensitize drivers of construction machinery on effects of noise and control measures &lt;br&gt;- Maintain plant equipment (if present) &lt;br&gt;- Use of suppressors on involved noisy equipment or noise shields for instance corrugated iron sheets structures</td>
<td>Contractor; Project manager; Municipal Council of Mombasa; NEMA</td>
<td>(c) Inspection/observation</td>
<td>100,000</td>
<td>(c) Daily (o) Continuous</td>
</tr>
<tr>
<td>Road safety</td>
<td>- Enforce speed limits for construction vehicles especially along roads leading to the site &lt;br&gt;- Provide billboards at the site entrance to notify motorists about the development.</td>
<td>Contractor; Project manager</td>
<td>(c) Observation; inspection</td>
<td>300,000</td>
<td>(c) Daily (o) Daily</td>
</tr>
<tr>
<td>Water resources and water quality/waste water management</td>
<td>- Recycling or reuse of water at the construction phase where possible &lt;br&gt;- Management of water usage. Avoid unnecessary wastage &lt;br&gt;- Make use of roof catchments to provide water &lt;br&gt;- Follow NEMA regulations</td>
<td>Contractor; Project manager; Municipal Council of Mombasa; NEMA</td>
<td>(c) Inspection/observation</td>
<td>300,000</td>
<td>(c) Continuous (o) Continuous</td>
</tr>
<tr>
<td>Solid waste management</td>
<td>- Construction debris should be disposed off periodically and at approved dumpsites &lt;br&gt;- Special attention should be paid to sanitary facilities on site</td>
<td>Contractor; Project manager</td>
<td>(c) Inspection</td>
<td>350,000</td>
<td>(c) Daily (o) Routine</td>
</tr>
<tr>
<td>Vegetation loss</td>
<td>- Replant areas where vegetation was unnecessarily removed &lt;br&gt;- Landscaping and planting all disturbed areas &lt;br&gt;- Planting and grassing should be done just before</td>
<td>Contractor; Project manager</td>
<td>(c) Inspection (c) Observation</td>
<td>500,000</td>
<td>(c) Daily (c) Weekly</td>
</tr>
<tr>
<td>Public health and occupational safety</td>
<td>the rains or irrigated on dry spells</td>
<td>(o) Observation</td>
<td>(o) Random</td>
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<tr>
<td></td>
<td>- Ensure proper solid waste disposal and collection machines</td>
<td>Contractor/foreman</td>
<td>150,000</td>
<td></td>
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</tr>
<tr>
<td></td>
<td>- Ensure effective waste water management</td>
<td>(c) Observation</td>
<td>(o) Weekly for solid waste disposal and monthly for others.</td>
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<tr>
<td></td>
<td>- Design of sewerage system should be as provided in the approved plans</td>
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<td></td>
</tr>
<tr>
<td></td>
<td>- Provide first aid kits</td>
<td>)</td>
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<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Sensitize residents on environmental management</td>
<td>)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>STDs and HIV/AIDS</td>
<td>- The project designs should include provisions for a clinic with first-aid supplies/equipment, condoms and illustrated materials informing about HIV/AIDS awareness and prevention.</td>
<td>Contractor/proponent, Public health</td>
<td>500,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Through organized and on-going consultations, the community must be fully informed about the project its human occupants and mechanical components and possible unmitigated consequences to community health and safety, including STDs and HIV/AIDS.</td>
<td>(c) Inspection/observation</td>
<td>(c) Continuous</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Community to be sensitized about the unmitigated consequences to community safety and health, including the transmission of STDs and HIV/AIDS.</td>
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<tr>
<td></td>
<td>- Involving the community in ongoing monitoring of the measures implemented to protect the health, safety and welfare of community members and the workforce.</td>
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<tr>
<td></td>
<td>- Creation of HIV/AIDS awareness/prevention campaigns among the host community.</td>
<td>)</td>
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</tr>
</tbody>
</table>
### Fire outbreak
- Maintain firefighting equipment regularly
- Provide emergency numbers at strategic points
- Adapt effective emergency response plan
- Install firefighting equipment as stated elsewhere in the report
- Sensitize residents on fire risks i.e. conduct regular fire drills

<table>
<thead>
<tr>
<th>Contractor</th>
<th>(c) Inspection</th>
<th>250,000</th>
<th>(c) Routine</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project manager</td>
<td></td>
<td></td>
<td>Once on completion time</td>
</tr>
</tbody>
</table>

### Security
- Provide security guards and facilities during construction
- The gate should always be controlled by the security men even during occupation

<table>
<thead>
<tr>
<th>Contractor</th>
<th>(c) Observation; enforcement</th>
<th>100,000 per month</th>
<th>(c) Daily</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project manager</td>
<td></td>
<td></td>
<td>Daily</td>
</tr>
</tbody>
</table>

### Record keeping
- Collection and analysis of the relevant environmental data of the project/site

<table>
<thead>
<tr>
<th>Proponent/contractor</th>
<th>(c) Inspection (o) Inspection</th>
<th>50,000 annually</th>
<th>(c) Daily</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project manager</td>
<td></td>
<td></td>
<td>Daily</td>
</tr>
</tbody>
</table>

### Environmental audits
- Monitoring will involve measurements, observations, evaluations, assessment of changes in water quality, waste management, noise levels, and contractor safety e.t.c.

<table>
<thead>
<tr>
<th>Contractor/ proponent; NEMA</th>
<th>(o) Inspection; assessment</th>
<th>400,000 annually</th>
<th>(o) Random</th>
</tr>
</thead>
</table>

### 11.4 ESMP for the Decommissioning Phase

Table 5: Environmental & Social Management and Monitoring Plan for Decommissioning Phase

<table>
<thead>
<tr>
<th>Expected negative impacts</th>
<th>Recommended mitigation measures</th>
<th>Responsibility party</th>
<th>Time frame</th>
<th>Cost (KShs)</th>
</tr>
</thead>
</table>

Proposed Mombasa Law Court Building
<table>
<thead>
<tr>
<th>Environmental and Social Impact Assessment Project Report</th>
</tr>
</thead>
</table>

| - Construction machinery/structures and wastes | - use an integrated solid waste management system through a hierarchy of options |
|                                               | - Waste generated as a result of facility decommissioning activities will be characterized in compliance with standard waste management procedures. The contractor based on the properties of the particular waste stream will select disposal locations. |
|                                               | - All buildings machinery, equipment, structures and portions that will not be used for other purposes should be removed and recycled reused say in other projects |
|                                               | - Where recycling, reuse of the machinery equipment implements, structures, portions and other demolition waste is not possible the materials should be taken to approved dumpsites |
|                                               | Project manager and contractor |
|                                               | Project manager and contractor |
|                                               | Project manager and contractor |
|                                               | One-off |
|                                               | 300,000 |

<table>
<thead>
<tr>
<th>Rehabilitation of project site:</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Vegetation disturbance</td>
</tr>
<tr>
<td>- Land deformation, soil erosion, drainage problem</td>
</tr>
<tr>
<td>- Monitoring and inspection of the area for indication of erosion will be conducted and appropriate measure taken to correct any occurrence</td>
</tr>
<tr>
<td>- Comprehensive landscaping</td>
</tr>
<tr>
<td>- Implement an appropriate re-vegetation Programme to restore the site to its original status</td>
</tr>
<tr>
<td>- During the vegetation period appropriate surface water run-off controls will be taken to prevent surface erosion</td>
</tr>
<tr>
<td>- Fencing and signs restricting access will be posted to minimize disturbance to newly planted areas</td>
</tr>
<tr>
<td>Contractor and project manager</td>
</tr>
<tr>
<td>Project manager and contractor</td>
</tr>
<tr>
<td>One-off</td>
</tr>
<tr>
<td>500,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Safety of the project:</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Occupational hazards</td>
</tr>
<tr>
<td>- Ensure that safety measures have been effectively integrated and positioned in respective areas of the project to control and manage the outbreaks</td>
</tr>
<tr>
<td>- Staircases and other hazardous areas should be suitably protected say using strong rails to avoid occurrence of accidents</td>
</tr>
<tr>
<td>Proponent</td>
</tr>
<tr>
<td>One-off</td>
</tr>
<tr>
<td>-</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Safety and social-economic impacts:</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Loss of income; reduced</td>
</tr>
<tr>
<td>- The safety of the workers of the workers should surpass as a priority of all other objectives in the decommission project</td>
</tr>
<tr>
<td>- Adapt a project completion policy identifying key issues to</td>
</tr>
<tr>
<td>Project manager and contractor</td>
</tr>
<tr>
<td>-</td>
</tr>
<tr>
<td>-</td>
</tr>
</tbody>
</table>
ability to support dependants;  
- Loss of quality of life  
- Loss of benefits i.e. medical, insurance cover  
- Women employment

| be considered  
- Assist with re-employment and job-seeking of the involved work force  
- Compensates and suitably recommend the workers to help in seeking opportunities elsewhere  
- Offer advice and counseling on issues such as financial matters  
- Gender balance should be ensured during recruitment of the workforce, women should be considered during the selection to enhance gender equity |

<p>| | | |</p>
<table>
<thead>
<tr>
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</table>

Proposed Mombasa Law Court Building
CHAPTER TWELVE

12.0 RECOMMENDATIONS AND CONCLUSIONS

12.1 Conclusion

It is a legal requirement that Environmental & Social Impact Assessment (ESIA) be undertaken on any new development to protect environment since without adequate environmental protection, socio-economic development is undermined. An Environmental Impact Assessment was commissioned by the proponent for the proposed project and associated support infrastructure. This report serves as the documentation in support of the assessment level of study as part of the procedure carried out on the subject project.

The analysis of the ESIA study has evidenced that the implementation and occupation/operation of the proposed project will have positive impacts on the Kenyan society. The impacts will include increase in the national / local housing stock and quality, increased utility on land; increase on in government revenue, improvement and provision of job opportunities during project implementation phase. However despite the outlined positive impacts, the proposed development will come up with some negative impacts such as increased pressure on existing infrastructure (i.e. water, roads and electricity), pollution (to air, water, soil), mostly during construction phase and clearing of vegetation.

The proposed project’s design has integrated some mitigation measures with a view to ensuring compliance with the applicable laws and procedures as well as the legislation and regulatory framework that govern environmental management. To this effect, the proposed project shall be developed to the required planning/architectural/structural standards of the Municipal Council, Ministry of Lands, Ministry of Environment, and Ministry of Health. During project implementation and occupation, Sustainable Environmental Management (SEM) shall be ensured; avoiding inadequate/ improper use of natural resources, conserving nature sensitivity to guarantee respectful and fair treatment of all people working on the project, general public at the vicinity as well as the inhabitants of the project.

In relation to the proposed mitigation measures that will be incorporated during implementation and occupation phases; the development’s input to the housing sector; and cognition that the project proponent is environmentally conscious, the proposed project is beneficial for a developing county and indeed Kenya. During implementation and occupation phases, major concerns should be focused towards minimizing the occurrence of impacts that would degrade the general environment.
This will however be overcome through close following and implementation of the recommended Environmental Management and Monitoring Plan (ESMMP).

12.2 Summary of the Project’s aspects

i. Social and Economic Rating of the Project
From the foregoing analysis, the social and economic rating for this project is highly positive. The magnitude and nature of development compares favorably to other developments in the project area. Already the proponent has invested a substantial amount of money and other resources in the project up to design stage. The project is also an avenue for the realization of the Vision 2030 on Housing the Economic pillar too. Objection or delay of the project will deny all stakeholders the anticipated benefits.

ii. Environmental Compatibility
The project’s respect for the environment has, herein, been analyzed under three categories, namely, planning and design; construction aspects; and functional operational aspects. The study established that the project does not pose serious negative environmental and social impacts. However, adequate mitigation measures have been proposed to address any of the potential negative impacts that may arise from development of the project.

iii. Planning and Design Aspects
The project planning and design show responsiveness to the site context by planning for the following: ensuring that the scale of the building is considerate to surrounding (the predominant government offices use), which compares favourably to the surrounding; proper provision for services; minimal disruption of site characteristics and ambience; and use of materials and finishes that are harmonious to the surrounding.

iv. Construction Aspects

• Use of environmentally Friendly Technology and Process
This is reflected in the following aspects of the project:
  - Screening of construction site to reduce noise and dust
  - Damping down of site to reduce dust emission
  - Proper handling of waste and other hazardous materials

• Use of Environmentally Friendly Materials;
This is reflected in the following aspects of the project:
- Use of masonry as the predominant building material.
- Use of medium-dressed, machine-cut stone work to minimize production of dust, rubble and related waste
- Minimal use timber as a scarce material (mainly for roof truss)
- Use of steel in formwork for casting slabs, beams, and columns to minimize construction waste.

v. Functional /Operational Aspects

- **Proposed project versus existing development**

Comparing the proposed project to both onsite and other nearby developments in the area, the scale and nature of development envisioned in the project is quite similar to the ones existing in the area. In fact, the project site already accommodates an initial court building which is to be supplemented by this proposed development. With access to infrastructure and security safeguarded, the project will indeed complement and enhance the well-being of the community in general.

- **Proposed project versus Infrastructure and Services**

The project got approval for its plans; this means that the additional construction to be introduced and its projected activities do not threaten the capacity and the amenities provided by the infrastructure and services at the neighborhood level. The project can also provide opportunity for harvest of rain water and tapping of solar energy to reduce on reliance on existing infrastructural services.

12.3 Recommendation

It is expected that the developer and financier of the proposed project will ensure that the project is implemented and managed on sound socio-economic and environmentally sustainable basis as directed in this report. In that regard, this report recommends that:

- The Project Report presented is sufficient and meets the requirements of the Environmental (Impact Assessment and Audit) Regulations of 2003.
- The scale and scope of the project does not require the preparation of a full Environmental Impact Assessment Study Report.

The National Environment Management Authority does consider, approve and grant required Environmental Impact Assessment License to the proponent in respect to the proposed New Mombasa Law court building development.
REFERENCES


xiii) Republic of Kenya. The Penal Code (Cap. 63)


APPENDICES

1. Photo Gallery
2. Stakeholder Consultation/FGD Minutes
3. Public Participation questionnaires
4. Proposed plans/drawings
5. Copies of Land Ownership Documents
<table>
<thead>
<tr>
<th>PHOTOGRAPHIC PLATES</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Plate 3: Current Mombasa Law Court building</td>
<td></td>
</tr>
<tr>
<td>Plate 4: View of proposed site neighbourhood and existing perimeter wall enclosing the area.</td>
<td></td>
</tr>
<tr>
<td>Plate 5: Gate 2 to the site</td>
<td></td>
</tr>
</tbody>
</table>
Plate 6: Access murram road to the site through gate 2 and boundary and Perimeter wall around it

Plate 7: Mombasa Law Court main entrance gate

Plate 8: Current parking area and residential buildings adjacent to the site
Plate 9: Main access route to site

Plate 10: Residential buildings in the neighbourhood
STAKEHOLDER CONSULTATION/FGD MINUTES

15/12/2016

Meeting started at 4:25

Positive Impacts of Project

1. Reduce congestion & provide more space
   estimated 8 chambers & registers 8
   chambers & offices
2. Once constructed - rate of disposal of cases
   will go up
3. Will create conducive working environment
   because some registries will have to be
   decongested now
4. Better use of the land from the
   current state. Given threats from
   terrorist attacks & 137d animals

Negative Impacts of Project

1. None

Meeting ended at 4:45 pm

Present: Mr. Otiendo
Designation: Senior Executive Officers

Sign: [Signature]
15-12-2016

Sakayo wandeja@judiciary.go.ke

S. W. OTIENO
Senior Executive Officer
MOMBASA LAW COURTS
15-12-2016
LAND OWNERSHIP DOCUMENT

Lease Certificate

REPUBLIC OF KENYA
THE REGISTERED LAND ACT
(Chapter 300)

Certificate of Lease

TITLE NO. MOMBASA/BLOCK XXVI/1157
APPROXIMATE AREA 1.477 HA

LESSOR GOVERNMENT OF KENYA
RINT KSH. 72/= P.A. (REV)
TERM 99 YEARS FROM 1.8.2012

This is to certify that THE PERMANENT SECRETARY
TO TREASURY OF KENYA (As Trustee for Judiciary)
P. O. BOX 30007, NAIROBI.

is (are) now registered as the proprietor(s) of the leasehold interest above
referred to, subject to the agreements and other matters contained in the
registered lease, to the entries in the register relating to the lease and to such
of the overriding interests set out in section 30 of the Registered Land Act as
may for the time being subsist and affect the land comprised in the lease.

GIVEN under my hand and the seal of the
MOMBASA District Registry
this 29TH day of AUGUST, 2012

[Signature]
Land Registrar
(To be completed only when the applicant has paid Sh. 125)

At the date stated on the front hereof, the following entries appeared in the register relating to the land:

**PART A—PROPERTY SECTION**

<table>
<thead>
<tr>
<th>EDITION</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>OPENED</td>
<td>29.8.2012</td>
</tr>
</tbody>
</table>

**REGISTRATION SECTION**

- **MOMBASA** BLOCK XXVI
- **PARCEL NUMBER** 1157
- **APPROXIMATE AREA** 1.477 HECTARES
- **REGISTRY MAP SHEET No.** MSA/BLOCK XXVI

**PARTICULARS OF LEASE**

- **LESSOR:** GOVERNMENT OF KENYA
- **LESSEE:**
- **RENT:** Ksh. 72/= PER A. (REV)
- **TERM:** 99 YRS. FROM: 1.8.2012
- **PROPERTY TYPE:** LEASEHOLD

For appurtenances see the registered lease. N.B. Where the lease is of a part of a parcel, the parcel number refers to the number shown on the filed plan.

**PART B—PROPRIETORSHIP SECTION**

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<thead>
<tr>
<th>ENTRY NO.</th>
<th>DATE</th>
<th>NAME OF REGISTERED PROPRIETOR</th>
<th>ADDRESS AND DESCRIPTION OF REGISTERED PROPRIETOR</th>
<th>CONSIDERATIONS AND REMARKS</th>
<th>SIGNATURE OF REGIS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>29.8.2012</td>
<td>THE PERMANENT SECRETARY P. O. BOX 30007</td>
<td>TO TREASURY OF KENYA NAIROBI, (As Trustee for Judiciary)</td>
<td>RESTR: NO DISPOSITION BY THE PROPRIETOR SHALL BE REGISTERED WITHOUT THE WRITTEN CONSENT OF THE LESSOR (S. 48)</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>29.8.2012</td>
<td>CERTIFICATE OF LEASE ISSUED.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>S/N</td>
<td>Name</td>
<td>Occupation</td>
<td>Identification Number</td>
<td>Contacts</td>
<td></td>
</tr>
<tr>
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<tr>
<td>1.</td>
<td>Sakayo W. Otieno</td>
<td>CEO Mombasa Law Court</td>
<td>7841391</td>
<td>0725369410</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Oketch D. Odera</td>
<td>Advocate</td>
<td>21484638</td>
<td>0723389170</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Maurice Odeche</td>
<td>Neighbouring Resident</td>
<td>Passport No. 114545</td>
<td>+1666234572</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Silas Kaunda</td>
<td>S.C.O</td>
<td>23788019</td>
<td>0724109405</td>
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<tr>
<td>5.</td>
<td>S.N Solanki</td>
<td>Neighbour</td>
<td>4600976</td>
<td>0722831469</td>
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<td>6.</td>
<td>Elijah K. Muia</td>
<td>Mombasa Family Division</td>
<td>8706710</td>
<td>076375533</td>
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<tr>
<td>7.</td>
<td>Rachael Ntiro</td>
<td>Engineer</td>
<td>25892370</td>
<td>0720330504</td>
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<td>8.</td>
<td>Leteipan S. Leyian</td>
<td>Civil Servant</td>
<td>22588034</td>
<td>0720311026</td>
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<tr>
<td>9.</td>
<td>Pauline Mukonyo Mbai</td>
<td>House wife</td>
<td>31731830</td>
<td>0704808547</td>
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<tr>
<td>10.</td>
<td>Maurice Otieno</td>
<td>-</td>
<td>22543944</td>
<td>0722170173</td>
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<tr>
<td>11.</td>
<td>Ruth Kimanthi</td>
<td>C.O</td>
<td>2282335</td>
<td>0733670763</td>
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<tr>
<td>12.</td>
<td>Miano Samuel</td>
<td>Accountant</td>
<td>13543979</td>
<td>0720927727</td>
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<td>13.</td>
<td>Martin M. Kyalo</td>
<td>HSCO</td>
<td>8950010</td>
<td>0715658975</td>
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<tr>
<td>14.</td>
<td>Nancy Munyi</td>
<td>E/A</td>
<td>1880268</td>
<td>0725232990</td>
<td></td>
</tr>
<tr>
<td>15.</td>
<td>Arika A.O</td>
<td>Legal Practitioner</td>
<td>284772162</td>
<td>0727844243</td>
<td></td>
</tr>
<tr>
<td>16.</td>
<td>J.K Kambi</td>
<td>Customer Care</td>
<td>11062184</td>
<td>0721259890</td>
<td></td>
</tr>
</tbody>
</table>
NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA)
THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT
ENVIRONMENTAL IMPACT ASSESSMENT/AUDIT (EIA/EA) PRACTICING LICENSE

License No.: NEMA/EIA/ERPL/4804
Application Reference No.: NEMA/EIA/EL/6782

M/S Lucas Nyamila Owiti
(individual or firm) of address
P.O. BOX 20430-00100, Nairobi
is licensed to practice in the capacity of a (Lead Expert/Associate Expert/Firm of Experts) Lead Expert
registration number 2549
in accordance with the provision of the Environmental Management and Coordination Act Cap 387.

Issued Date: 1/27/2017

Expiry Date: 12/31/2017

Signature.....

(Seal)
Director General
The National Environment Management Authority

P.T.O.
ISO 9001: 2008 Certified
SAMPLE QUESTIONNAIRES USED

ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT STUDY
CONSULTATIVE PUBLIC PARTICIPATION-STAKEHOLDERS’
PARTICIPATION FORM
ENVIRONMENT AND SOCIAL IMPACT ASSESSMENT STUDY FOR THE PROPOSED
MOMBASA LAW COURT-MOMBASA COUNTY

Dear stakeholder,

Kenya Judiciary intends to construct Mombasa High Court. The construction is part of an elaborate infrastructure development programme projects currently under implementation across the country. The projects are financed by the Government and the World Bank. The infrastructure improvement plan aims to take justice closer to the people and is part of the Judiciary Transformation Framework. Construction of Mombasa Law Court is supported by the World Bank through the Judicial Performance Improvement Project (JPPIP). The proposed building has an objective of providing modern offices with good working environment for the staffs and clients. Due to increasing cases and the population in Mombasa County, there is need for the court to have a modern facility that will increase the efficient at work. Upon completion, the Court will have courtrooms, chambers and modern facilities to cater for children, prosecution, probation staff and advocates. The construction works also comprise of increasing the number of court rooms and chambers, separate holding cells for both gender and juveniles, administration offices, and other ancillary court facilities. Part of the approval process for this intervention is the undertaking of environmental and social impact assessment study which is mandatory for all new projects which a NEMA registered EIA Experts (led by Lucas Nyamila Owiti NEMA REG No. 2549) are undertaking in accordance with the requirements of the Environmental (assessment and Audit) Regulations, 2003, pursuant to The Environmental Management and Coordination Act, (EMCA) 1999.

Present Stakeholder Consultation is your (staff, resident, employee) forum to express your honest views and opinions on the proposed development with respect to your neighbourhood welfare, safety, infrastructure and Institution amenities among other issues that you may consider pertinent to be addressed in the project implementation. Please use the following space in this regard.

1. Distance from your work place or residence to the proposed Law Court site? 100 Meters

2. What challenges (if any) do you experience with the use of the current Court? (List)

   Lack of enough space. More Judicial Officers have been posted to the station. Hence we need more courtrooms and chambers offices, registries and archive to cater for the ever increasing population.

3. Comment on how the proposed construction of New Mombasa Law Court will impact you and your immediate environment during Construction.

   Noise generated by the machines whilst the construction is on going.

   Dusty atmosphere.
4. Comment on how the proposed Law Court will positively impact you, your community and your immediate environment during implementation stages:

- More and spacious court rooms and chambers.
- Additional registries.
- Generally good and conducive working environment for staff.
- All courts will be situated in one compound.

5. In light of the existing Court, give a proposal, a recommendation to project planning team and Judiciary Management on what design aspects you wish to be included before its official construction begin to enhance the sustainability if any (can be technological, facility based, social proposal etc.)

- The design should take into consideration the very hot and humid climate in Mombasa.
- Court rooms should be placed on the outside so that there is free flow of air and light unlike the current court building.

6. In your own opinion should the proposed project continue or not?

<table>
<thead>
<tr>
<th>Continue</th>
<th>Should not continue</th>
</tr>
</thead>
<tbody>
<tr>
<td>☑️</td>
<td></td>
</tr>
</tbody>
</table>

NB: You may use an extra sheet for more information.

Relationship with the project (proposed Mombasa Law Court) - tick as appropriate and specify

- Staff
- Resident
- Government Agency
- Community

Name: SAWAYO W. OTHENO
Occupation/Designation: S.E.O Mombasa Law Courts
Phone: 0725-369410
ID No: 7241891

Sign: [Signature]
Date: 19-1-2017

Thank you for your participation.
Dear stakeholder,

Kenya Judiciary intends to construct Mombasa High Court. The construction is part of an elaborate infrastructure development programme projects currently under implementation across the country. The projects are financed by the Government and the World Bank. The infrastructure improvement plan aims to take justice closer to the people and is part of the Judiciary Transformation Framework. Construction of Mombasa Law Court is supported by the World Bank through the Judicial Performance Improvement Project (JPIP). The proposed building has an objective of providing modern offices with good working environment for the staffs and clients. Due to increasing cases and the population in Mombasa County, there is need for the court to have a modern facility that will increase the efficient at work. Upon completion, the Court will have courtrooms, chambers and modern facilities to cater for children, prosecution, probation staff and advocates. The construction works also comprise of increasing the number of court rooms and chambers, separate holding cells for both gender and juveniles, administration offices, and other attendant court facilities. Part of the approval process for this intervention is the undertaking of environmental and social impact assessment study which is mandatory for all new projects which a NEMA registered EIA Experts (led by Lucas Nyamala Owiti NEMA REG No. 2549) are undertaking in accordance with the requirements of the Environmental (assessment and Audit) Regulations, 2003, pursuant to The Environmental Management and Coordination Act, (EMCA) 1999.

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1. Distance from your work place or residence to the proposed Law Court site? 40m

2. What challenges (if any) do you experience with the use of the current Court? (list)
   - THE COURT IS CONGESTED
   - LARGE CASES / INSECURITY DURING SENSITIVE CASES INVOLVING ELITES
   - TRAFFIC AT THE LANDING NOT ADEQUATE

3. Comment on how the proposed construction of New Mombasa Law Court will impact you and your immediate environment during Construction.
   - DUST
   - NOISE
   - TRAFFIC DURING TRANSPORT OF MATERIALS TO SITE
4. Comment on how the proposed Law Court will positively impact you, your community and your immediate environment during implementation stages.

It will help people get justice.

5. In light of the existing Court, give a proposal, a recommendation to project planning team and Judiciary Management on what design aspects you wish to be included before its official construction begin to enhance the sustainability if any (can be technological, facility based, social proposal etc).

Non the engineer knew better.

The design should be according to Kenyan Government laws and the Constitution and NEEMA Regulations.

6. In your own opinion should the proposed project continue or not?

Continue YES
Should not continue

NB: You may use an extra sheet for more information

Relationship with the project (proposed Mombasa Law Court) - tick as appropriate and specify

☐ Staff ☐ Resident ☐ Gok Agency ☑ Community

Name: MOAPCE UDELHE ORAL Occupation/Designation: Neighbor

Phone: 0612345672 ID No. PASSPORT NO. 114545

Date: 30/1/2017

Thank you for your participation.
ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT STUDY
CONSULTATIVE PUBLIC PARTICIPATION-STAKEHOLDERS' PARTICIPATION FORM
ENVIRONMENT AND SOCIAL IMPACT ASSESSMENT STUDY FOR THE PROPOSED
MOMBASA LAW COURT-MOMBASA COUNTY

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Present Stakeholder Consultation is your (staff, resident, employee) forum to express your honest views and opinions on the proposed development with respect to your neighbourhood welfare, safety, infrastructure and institution amenities among other issues that you may consider pertinent to be addressed in the project implementation. Please use the following space in this regard.

1. Distance from your work place or residence to the proposed Law Court site? 15 mts

2. What challenges (if any) do you experience with the use of the current Court? (list)

   - Limited space
   - Poor Cooling System
   - Back-up power failure

3. Comment on how the proposed construction of New Mombasa Law Court will impact you and your immediate environment during Construction.

   - There will be hope that a new and modern facility is underway.
4. Comment on how the proposed Law Court will positively impact you, your community and your immediate environment during implementation stages.

- Improved accessibility and ease of mobility as a result of creation of more space to address the increased population of court users.

5. In light of the existing Court, give a proposal, a recommendation to project planning team and Judiciary Management on what design aspects you wish to be included before its official construction begin to enhance the sustainability if any (can be technological, facility based, social proposal etc).

- Safety and security measures must be addressed appropriately.

6. In your own opinion should the proposed project continue or not?

Continue [ ] Should not continue [ ]

NB: You may use an extra sheet for more information

Relationship with the project (proposed Mombasa Law Court) - tick as appropriate and specify

- Staff [ ] Resident [ ] Gok Agency [ ] Community [ ]

Name: Silas Kamau
Occupation/Designation: S.C.O
Phone: 0724108469, ID No: 872482019

Sign: __________________________

Date: 19.01.2017

Thank you for your participation