ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) REPORT FOR THE PROPOSED WAJIR LAW COURT

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PREPARED BY:
Lucas Nyamila Owiti- NEMA Reg 2549
Msc. Environmental Planning and Management
P. O. BOX 20430-00100, NAIROBI
Email: owitinyamila@gmail.com

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 EMCA 2015 Amendment Act and the Environmental (Impact Assessment and Audit) Regulations, 2003
DECLARATION PAGE

This Environmental and Social Impact Assessment project report for the proposed Wajir Law Courts On GPS Coordinates described by Latitude 1.73393034 and Longitude 40.0704798 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; 2015 Amendment Act on behalf of the Judiciary of Kenya (Proponent).

EIA 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

Sign:…………………………………………………………
Date:…………………………..
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ACRONYMS.

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<td>ESIA</td>
<td>Environmental And Social Impact Assessment</td>
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<td>ESMP</td>
<td>Environmental and Social Management Plan</td>
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<td>NEMA</td>
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<td>Personal Protective Equipment</td>
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EXECUTIVE SUMMARY

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 infrastructure 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). Wajir is one of the courts earmarked for new court construction. The World Bank is financing the projects under Judicial Performance improvement project (JPIP).

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 Wajir 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 (2015); and
- Prepare an Environmental and Social Management Plan (ESMP) report compliant with the Environmental Management and Coordination Act (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, 2015 Amendment Act 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, project secretariat, the project’s architect, the courts users such as the Law Society of Kenya (LSK) members, Kenya Police Service Officers and the neighbouring Wajir 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 new site will be located in approximately 3 km from Wajir town off Hilton road along El-Bay road next to new agriculture and Livestock offices at Wajir Showground on GPS coordinates; Latitude 1.73393034 and Longitude 40.0704798 elevation 225m.
Policy, Legal and Regulatory Framework

This study has reviewed the Environmental Management and Co-ordination 2015 amendment Act which is the legislation that governs EIA studies in Kenya. The proposed projects fall under the Second Schedule of EMCA 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 at Wajir. 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 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. 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.
- 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; sensitise 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 if 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 Occupational Health and Safety 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) reveals 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 Wajir 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 Wajir 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 Wajir 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.
SECTION 1: 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 Wajir town. The study was conducted in December 2016 and partly January 2017. 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 Wajir Law Courts Administration, on behalf of Kenya Judiciary the Project Proponent, in fulfillment of the Environmental Management and Coordination Act (EMCA), 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
Kenya Judiciary is currently implementing the blue print; 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 infrastructure 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). Wajir is one of the courts
earmarked for new court construction. It is on this background that the World Bank is financing the construction of a court building for the judiciary in Wajir towards an enhanced performance of the same. The World Bank is financing the projects under Judicial Performance improvement project (JPIP). The judiciary has thus commissioned the construction of the proposed court building in Wajir. 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 Wajir court is located off Hilton Road along El-Bay road in Wajir Town next to Agriculture and livestock offices adjacent to showground. The land for the proposed construction was allocated to Judiciary by the County Government.

1.4 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 (2015); and
- Prepare an Environmental and Social Management Plan (ESMP) report compliant with the Environmental Management and Coordination Act (2015)
SECTION 2: 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) 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 bare. 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 project 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 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 (2015) and associated Regulations made under the Act;
- The Way leaves Act, Cap 292;
- The Forests Act, 2006;
- 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, 1999
- 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 County Government Act 2012;
- 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 Section 3 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 at Wajir Law Courts
- Project secretariat,
- The project’s architect,
- The courts users such as the Law Society of Kenya (LSK) members,
- The neighbouring communities and other stakeholders

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.
SECTION 3: BASELINE INFORMATION

3.1 Overview
This section outlines the project location/site project area’s social, economic, physical and natural environment, including climate, topography, geology, vegetation, hydrology drainage and wildlife. It also gives the background information on the socio-economic and infrastructural information that has a bearing on the development of the county. The chapter provides description of the county in terms of the location, size, physiographic and natural conditions, demographic profiles as well as the administrative and political units. In addition, it provides information on infrastructure and access; land and land use; community organizations/non-state actors; crop, livestock and fish production; forestry, environment and climate change; mining; tourism; employment and other sources of income; water and sanitation; health access and nutrition, education and literacy, trade, energy, housing, transport and communication, community development and social welfare.

3.2 Project Location
The new site will be located in approximately 3 km from Wajir town off Hilton road along El-Bay road next to new agriculture and Livestock offices at Wajir Showground on GPS coordinates; Latitude 1.73393034 and Longitude 40.0704798 elevation 225m. Wajir is the capital of the Wajir County. The County is subdivided into 6 sub-counties (Wajir East, Wajir West, Wajir North, Wajir South, Tarbaj and Eldas). These sub-counties also correspond to the constituencies represented by Members of Parliament in the National Assembly. The county has a total of 30 wards. The current Governor, Ahmed Abdullahi was elected into office in 2013 as the First Governor of the county following the Promulgation of the new constitution. Wajir is located in an arid area prone to drought. The town is served by Wajir Airport, with flights to Nairobi, Galkacyo and Mogadishu. Currently what exists is Wajir Law Courts. The proposed Court will be located in a land owned by Judiciary.
Proposed Wajir Law Court project site

Plate 1: Site for the proposed Wajir High Court taken during initial field scoping visit
3.3 Physiographic and natural conditions

3.3.1 Physical and Topographic Features
Wajir County is a featureless plain and lies between 150 metres and 460 metres above sea level and along latitude 1°45’N and longitude 40°4’E. Its Altitude is 244 m (801 ft.). The plain rises gently from the south and east towards the north rising to 200 metres at Buna and 460 metres at Bute and Gurar at the foothills of Ethiopian highlands. There is the highly seasonal Ewaso Nyiro River and Lake Yahud. The county is prone to seasonal flooding during the rainy seasons which makes roads impassable. The county has seasonal swamps which together with drainage lines serve as grazing zones during dry season and for cultivation during the rainy seasons. The seasonal swamps are in Lagboghol area and in the western and southern part of Habaswein area. The county is generally covered with young sedimentary rocks with loamy soils in the north bordering the Ethiopian highlands. The county has considerable deposits of Limestone and sand which are used in the local building industry.

3.3.2 Ecological Conditions
Wajir County is a semi-arid area falling in the ecological zone V-VI. Zone V receives rainfall between 300-600mm annually, has low trees, grass and shrubs. On the other hand zone VI receives an annual rainfall of 200-400mm. The county receives an average of 240 mm of rainfall per year. The rainfall is usually erratic and short making it unfavourable for vegetation growth. There are two rainy seasons, i.e. short and long rains. The short rains are experienced between October to December and the long rains from March to May each year. Crop activity is carried out in the Lorian swamp and along the drainage lines in Bute. The crops grown in the area are sorghum, beans and vegetables.

3.3.3 Climatic Conditions
The county experiences annual average relative humidity of 61.8 per cent which ranges from 56 per cent in February to 68 per cent in June. The county does not experience frost conditions. The county receives an average of 240 mm precipitation annually or 20 mm each month. There are 24 days annually in which greater than 0.1 mm of precipitation (rain, sleet, snow or hail). June is the driest month with an average of 1 mm of rain across zero days while April is the wettest month with an average of 68 mm of rain, sleet, hail or snow across 6 days. The higher areas of Bute and Gurar receive higher rainfall of between 500mm and 700mm. The average temperature is 27.9 °C. The range of average monthly temperatures is 3.5 °C. The warmest months are February & March with an average of 36°C while the coolest months are June, July, August & September with an average low of 21 °C.
3.4 Administrative units

3.4.1 Administrative sub divisions (Sub county, divisions, locations)

Administratively, the county comprises of eight sub-counties namely Wajir East, Tarbaj, Wajir West, Eldas, Wajir North, Buna, Habaswein and Wajir South. It’s further divided into 29 divisions, 142 locations and 172 sub-locations as indicated in table below.

Table 1: Area of the County by Sub-County and Divisions

<table>
<thead>
<tr>
<th>Sub - County</th>
<th>Division</th>
<th>Area(Km²)</th>
<th>No. of Locations</th>
<th>No. of Sub-locations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wajir East</td>
<td>Central</td>
<td>139.3</td>
<td>6</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>Wajir-Bor</td>
<td>2,043.4</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Khorof-Harar</td>
<td>1,825.1</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>4,007.8</td>
<td>10</td>
<td>19</td>
</tr>
<tr>
<td>Tarbaj</td>
<td>Tarbaj</td>
<td>1,175.1</td>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>Sarman</td>
<td>1,561</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Kotulo</td>
<td>3,389.7</td>
<td>5</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>Mansa</td>
<td>3,313.6</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>9,439.4</td>
<td>15</td>
<td>23</td>
</tr>
<tr>
<td>Eldas</td>
<td>Della</td>
<td>413.9</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Eldas</td>
<td>2,059.4</td>
<td>8</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>Elnur</td>
<td>277.6</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Anole</td>
<td>294.1</td>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>3,045</td>
<td>18</td>
<td>17</td>
</tr>
<tr>
<td>Wajir West</td>
<td>Griftu</td>
<td>3,336.4</td>
<td>11</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>Arbajahan</td>
<td>2,345.3</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Lagbogol</td>
<td>373.3</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Hadado</td>
<td>2,480.1</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Ademasajida</td>
<td>1,017.3</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Wagalla</td>
<td>491.2</td>
<td>5</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>10,043.6</td>
<td>30</td>
<td>32</td>
</tr>
<tr>
<td>Habaswein</td>
<td>Habaswein</td>
<td>4,351.5</td>
<td>14</td>
<td>14</td>
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<tr>
<td></td>
<td>Sebule</td>
<td>2,680.2</td>
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<td>Banane</td>
<td>4,534.9</td>
<td>4</td>
<td>4</td>
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<tr>
<td></td>
<td>Dadajabulla</td>
<td>1,064.2</td>
<td>5</td>
<td>2</td>
</tr>
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<td></td>
<td>Total</td>
<td>12,630.8</td>
<td>28</td>
<td>29</td>
</tr>
<tr>
<td>Wajir South</td>
<td>Diif</td>
<td>5,446.8</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Wajir-Bor</td>
<td>1,224.4</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Kulaaley</td>
<td>2,293.7</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>Burder</td>
<td></td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>8,964.9</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Wajir North</td>
<td>Gurar</td>
<td>2,797.9</td>
<td>8</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>Bute</td>
<td>791.8</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>3,589.7</td>
<td>12</td>
<td>15</td>
</tr>
</tbody>
</table>
## Environmental and Social Impact Assessment (ESIA) Report for the Proposed Wajir Law Court Building

<table>
<thead>
<tr>
<th>Buna</th>
<th>Buna</th>
<th>3,764.7</th>
<th>4</th>
<th>8</th>
</tr>
</thead>
<tbody>
<tr>
<td>Korondille</td>
<td>1,200.1</td>
<td>5</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>4,964.8</strong></td>
<td><strong>9</strong></td>
<td><strong>16</strong></td>
<td></td>
</tr>
<tr>
<td><strong>County Total</strong></td>
<td><strong>56,685.9</strong></td>
<td><strong>142</strong></td>
<td><strong>172</strong></td>
<td></td>
</tr>
</tbody>
</table>

*Source: County Commissioner’s Office, Wajir, 2016*
Figure 1: Wajir County - Administrative and Political Boundaries

3.5 Demographic Features

3.5.1 Population Size and Composition

Projections from the Kenya 2009 Population and Housing census indicate that the county has a total population of 727,965 which is projected to be 852,963 in 2017. Males comprise 55 per cent of the population whereas female population account for 45 per cent. The county has an inter-censal growth rate of 3.22 per cent which is higher than the national population growth rate of 3.0 per cent.

Table 2: Population Projections by Age Cohort
The age cohorts reveal that 84.2 per cent of the population is below 29 years. This has a significant impact on the county resources as more resources will be required in education and health facilities and employment creation opportunities.

Over 54.06 per cent of the population is aged between 0-14 and above 65 years. This age group is dependent on the working proportion aged 15-64. This implies a very high dependency ratio, which is expected to bring down productivity in the county. The table below shows the projections for special age groups in the county.

### 3.5.2 Population Density and Distribution

Table below shows the population by constituency and population densities in the county where the average county population density stands at 13 persons per square kilometre.
Table 3: Population Distribution and Density by Constituency/Sub-County

<table>
<thead>
<tr>
<th>Constituency</th>
<th>2009 (Census)</th>
<th>2012 (Projections)</th>
<th>2015 (Projections)</th>
<th>2017 (Projections)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Population</td>
<td>Density (Km$^2$)</td>
<td>Population</td>
<td>Density (Km$^2$)</td>
</tr>
<tr>
<td>Wajir South</td>
<td>130,070</td>
<td>6</td>
<td>143,044</td>
<td>7</td>
</tr>
<tr>
<td>Wajir North</td>
<td>135,505</td>
<td>16</td>
<td>149,021</td>
<td>17</td>
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<tr>
<td>Wajir East</td>
<td>112,572</td>
<td>28</td>
<td>123,800</td>
<td>31</td>
</tr>
<tr>
<td>Tarbaj</td>
<td>111,846</td>
<td>12</td>
<td>123,001</td>
<td>13</td>
</tr>
<tr>
<td>Wajir West</td>
<td>91,143</td>
<td>9</td>
<td>100,233</td>
<td>10</td>
</tr>
<tr>
<td>Eldas</td>
<td>80,805</td>
<td>27</td>
<td>88,864</td>
<td>29</td>
</tr>
<tr>
<td>Total</td>
<td>661,941</td>
<td>12</td>
<td>727,966</td>
<td>13</td>
</tr>
</tbody>
</table>


Wajir East constituency which hosts the County headquarters is the most densely populated with a population density of 31 people per square kilometer. This can be attributed to vibrant economy in the town because of the large businesses, employment opportunities and informal sector income generating activities are concentrated.

Wajir South Constituency has the lowest population density of 7 people per square kilometer. This constituency is vast with a very long border with the republic of Somalia. There could be a disincentive to live along or near the border line thus the lower densities in this constituency. Moreover the constituency has only reliable underground water in areas around Habaswein and along underground river Ewaso Nyiro with the rest of the constituency having no access to clean water.

Most of the urban settlements in the county are found in the sub-county and divisional headquarters which also serve as market centers. On the other hand, rural population of whom majority are pastoralists are found in the grazing reserves and watering points which may sometimes double as administrative locations and sub-locations. The settlements are modeled around clans and pastoral resources.

3.6 Infrastructure and Access

3.6.1 Road, Rail Network, Ports and Airports and Airstrips

The county has a total of 1640 Km graveled roads, out of 5,280 Km road network. The rest of the roads are earthen and unclassified. The county is in the process of tarmacking 25KMs of Wajir township roads and KENHA and KURA are planning to tarmac a total of 57KMs through annuity program. There is no rail network. However, the county has an international airport in Wajir and 7 airstrips (Habaswein, Khorof Harar, Wagalla, Buna, Bute, Tarbaj, and Diff).
3.6.2 Posts and Telecommunications: Post offices, mobile telephony, landline etc

There are three mobile service providers namely Safaricom, Airtel and Orange. However, the mobile network connection is 20 per cent which is mainly limited to main settlement areas. The county has three post offices at Wajir, Habaswein and Griftu. There are also two private courier services. The county has six cyber cafes which facilitates communication with the rest of the country. In addition, there is Wajir community radio station is operational.

3.6.3 Financial Institutions: Banks, SACCOS, Micro Finance Institutions

The county has four commercial banks namely KCB, First Community, Equity and National Bank. First community has two branches one in Wajir and the other in Habaswein town, all the other banks have one branch in Wajir town only. There are 36 SACCOS and 78 cooperative societies. The biggest challenge in the administration of development Funds is the absence of banks at the sub-county headquarters in Eldas, Griftu, Tarbaj and Bute. Financial service providers will be encouraged to establish banks at urban centers to take advantage of the existing and emerging opportunities.

3.6.4 Education Institutions: Primary/Secondary schools, Polytechnics, colleges, universities

ECD centers are 243 with a total enrolment of 18,673 with 7,751 girls and 10,922 boys. The teacher/pupil ratio is 1:77 and transition rate of 90 per cent. The Primary schools are 245 with a total enrolment of 67,187 pupils of which 40,864 are boys and 26,322 are girls. The total teacher population is 931 and the teacher pupil ratio is 1:72 and primary school retention and transition rates are 51 per cent and 58 per cent respectively.

There are 45 secondary schools with a total population of 10,363 students of which 7,216 are boys against 3,147 girls. The total staffing stands at 395 and hence the teacher student ratio is 1:26. The completion and retention rates are 90 per cent and 87 per cent. Moreover, there are four youth polytechnics (Wajir, Habaswein, Khorof Harar and Griftu polytechnics) and one tertiary institution. Adult literacy is low at 23.6 per cent.

3.6.5 Energy Access (Main Sources of energy, Electricity coverage etc.)

According to the KIHBS 2005/6, 98.4 per cent of the county households depend on wood fuel (Firewood and Charcoal) for cooking and 31.5 per cent depend on lantern for lighting. 96.6 per cent of households use traditional stone fire for cooking.

Wajir, Habaswein, Bute and Eldas towns are connected to the national grid where 3,039 (2009 KPHC) households are supplied with power. However, efforts are being made to connect Griftu town through the Kenya Rural Electrification Programme. Connection to Abakore, Tarbaj and El nur market
centers is on-going. Solar energy accounts for 0.2 per cent (2009 KPHC) of energy source but is also limited to schools and health facilities as it is out of reach for majority of the households.

3.6.6 Markets and Urban Centres
There are 13 trading centers with the main ones been Wajir, Habaswein, Bute, Griftu, Kotulo, Buna, Eldas and Tarbaj. The main business is retail with 500 registered traders. In addition, there are 12 registered wholesalers. Wajir town is the major livestock market and also the main source of livestock sector inputs. Small selling points have been established in all the market centers mainly for local trade.

3.6.7 Housing Types
According to 2009 KHPC, 95.6 per cent of the households live in their own houses. Grass straw walled houses constitutes 75.9 per cent and those with earth floor constitute 91.5 per cent. The grass thatched houses constitute 86.2 per cent. Walled houses are found in Wajir town, Bute, Habaswein, Griftu, and divisional headquarters and in few rural areas (settlements).

3.7 Land and land use

3.7.1 Mean holding size
The mean land holding size for the county is 7.8 Ha. Majority of the people practice nomadic pastoralism where the large portion of the land is used as grazing zones. There are however few farmers who are practising small scale farming.

3.7.2 Percentage of land with title deeds
The entire county is categorized as trust land apart from a small percentage of the total area occupied by townships. The land is mostly used communally for nomadic pastoralism. However some small areas are exclusively under small scale agriculture by individuals or groups.

3.7.3 Incidence of landlessness
Land in the county is communally owned except in urban areas where plots are allocated to individuals by the county council. There are very few cases of landlessness.

3.8 Crop, Livestock and Fish Production
Agriculture is practiced in depressions and along drainage lines where there is more moisture due to seasonal flooding. Irrigation using underground water is limited in areas with permanent shallow wells. Due to the aridity of the county, food production is limited and contributes little to food security. Most people rely on livestock products like milk and meat which is their staple food.
Efforts have been put towards increasing crops productivity in the county, but over reliance on relief food has been a major hindrance in achieving food security. Other setbacks include; inadequate funding, inadequate technical support (extension), inaccessibility of markets especially by farmers, costly farm inputs and unreliable rains.

Livestock production activities are practiced county wide. Poultry keeping is more pronounced in Wajir town. Livestock population density in the county is low due to the low land-carrying capacity of the rangeland. Droughts, livestock diseases and pests adversely affect livestock development in the county.

3.8.1 Main Crops Produced

Main crops produced include sorghum, drought resistant maize, beans, melons, cowpeas, green grams and horticultural crops like kales, spinach, tomatoes, sweet and hot peppers. These activities are undertaken in small scale because there is no commercial farming registered so far. However, there are indications of huge potential in this sector as witnessed by the water melons flooding the markets across the county during rainy season.

3.8.2 Acreage under Food Crops and Cash Crop

The acreage under food and cash crop is negligible with most of the farmers adapting the nomadic pastoralism due to the climatic conditions which are not favourable for crop farming. The acreage under food crops is approximate 3,823 Ha with the total arable land being 1,024.06 Km². There are efforts to increase the acreage through irrigation where the National Irrigation Board is in the process of establishing demonstration irrigation farms in the selected locations in the county after drilling boreholes to provide irrigation water.

3.8.3 Average Farm Sizes

Farms are small scale with average holding of 2.4 Ha. Crop activities are carried out in Lorian swamp and along the drainage lines in Bute Ward in Wajir North Constituency. There are initiatives by NGOs and the department of agriculture to promote greenhouse farming in Wajir East Constituency.

3.8.4 Main Storage Facilities

The main storage facilities in the county include Silos, Cribs, grain banks and granaries. Silos are mainly used for storing relief food supplies. National Cereals and Produce Board in Wajir town stores all relief food before distribution.
3.8.5 Main Livestock Bred

The main types of livestock are cattle (mostly Borana type and dairy crosses), sheep, goats (dominantly Totenberg goats), camels and donkeys. Poultry keeping is more pronounced in Wajir Town. According to the 2009 population and housing census, there were 794,552 cattle, 1,406,883 sheep, 1,866,226 goats, 115,503 donkeys and 533,651 camels. The production of milk and meat is estimated at 3,875,940 litres and 191,100 Kgs respectively per year. The pictures below show camels drinking water and are some of the livestock types reared in the county.

![Livestock Image]

Figure 2: Livestock is economic mainstay of most residents of Wajir County

3.9 Water, Sanitation and Hygiene

Wajir County has the borehole (35%) as the main source of drinking water followed by surface water and protected shallow well at 24% and 22% respectively Most of the water sources (94%) nearest to or being utilized by the household are reported functional. Proportion of households paying for water is at 42%.

3.10 Sanitation & Hygiene:

(Latrine and defecation issues, solid waste management, Hygiene related diseases)

Household latrine ownership is at 54% while those who didn’t own a latrine used Bush (83%), communal/shared (2%) and neighbours’ (15%). Overall reported latrine use stood at 51%. The main reason for defecating in the bush was lack of toilet (84%). The existing latrine types included: 79% traditional pit latrine, 16% VIP and 1% Flush toilets. 40% of the latrine drop holes had covers. Children
feces are mostly disposed off at latrines (38%), left lying on the ground (26%) and thrown outside in the bush (34%).

3.11 Employment and Other Sources of Income
The County has a labour force of 334,429 people. This represents 45.9 per cent of the total population. This age group is projected to increase to 391,853 people in 2017 respectively. Majority of people in the labour force are engaged in livestock keeping. It is necessary to offer these people adequate training on animal husbandry in order to make livestock rearing more productive. In order to absorb the increasing labour force, investment in diverse sectors such as modern agricultural, agri-business and eco-tourism should be encouraged. There is great potential in employment creation in the craft industry. However, there is a challenge posed by the small proportion of the population in their working years therefore implying a high dependency ratio. Thus there is need for the county to prioritize programmes to address birth rates and improve output per worker to improve per capita income and therefore welfare of the residents.

3.11.1 Wage Earners
The 2009 KHPC put the number of people in the county above fifteen years of age that are in employment at 196,322 in rural and 14,031 in urban areas which accounts for 32 per cent of the total population. The agriculture sector engages 284, 265 people which accounts for 85% of the households income.

3.11.2 Self employed
Estimates indicate that between 2,000 and 3,000 people are employed in quarry activities, 6,000 people in carpentry, 50 people in metal fabrication, 50 people in bakery, 890 people in tailoring and about 5,000 people make mats, thatches and beads as part time activities.

3.11.3 Unemployment levels
The rate of unemployment in the county is 63 per cent. The causes of unemployment are cyclic droughts, insecurity, high illiteracy and inefficient marketing systems for county products. To reduce unemployment the county government should attract investments into the county, commercialization of livestock farming and escalation of mining activities.

3.12 The Gender Inequality Index (GII)
It reflects gender-based disadvantage in three dimensions reproductive health, empowerment and the labour market. The index shows the loss in potential human development due to inequality between female and male achievements in these dimensions. It varies between 0 when women and men fare equally—and 1, where one gender fares as poorly as possible in all measured dimensions.
Kenya has an overall GII of 0.651 (Draft 7th Human Development Report). This is however, not equal everywhere as there are regional disparities with counties located in Arid and Semi-Arid Lands (ASALS) having high Gender Inequality Indices. In addition, there are certain groups which are more likely to experience poverty. These vulnerable groups include children living in poor households, the disabled and the youth. Improving equity in gender issues and reducing gender disparities will benefit all sectors and thus contribute to sustainable economic growth, poverty reduction and social injustices. The GII for Wajir County stands at 0.73 and is the highest in the County (Source: Kenya - Gender Inequality Index per county – OCHA Humanitarian Data 2015).

### 3.13 Social Protection Culture and Recreation

Some cultural practices have led to low development. These include early and forced marriages of the girl child thus denying the youth opportunities to advance in education. Female Genital Mutilation (FGM) is at a high rate of 90 per cent. This has exposed the girl child to risks such as HIV/AIDs infection. There is need to advocate and sensitize the population to do away with such negative cultural practices and pursue alternative channels of initiation.
SECTION 4: 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 recognized 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 (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 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 advice 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, 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, 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 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.

4.4.14 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.
4.4.15 The County Government Act 2012:

This provides for making by-laws and institutions by the County Government. By-laws can be made on the governance of a project under the provisions of this Act.

4.4.16 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.

4.4.17 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.

4.4.18 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.

4.4.19 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.

4.4.20 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.
4.4.21 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.

4.4.21 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 proponent is subjected to seek legal permission before commencing the project project from the relevant local authority.

4.4.22 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 Wajir, 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 and Social Impact Assessment (ESIA) Report for the Proposed Wajir Law Court Building

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**4: ‘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 proposed projects are in line with the SDGs in terms of poverty eradication, through creation of employment and improving livelihoods

**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).
SECTION 5: 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 infrastructure 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). Wajir 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. Wajir 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 4: Proposed Court Details

<table>
<thead>
<tr>
<th>WAJIR COUNTY HIGH COURT BRIEF</th>
</tr>
</thead>
<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>• Kitchens 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>
<tr>
<td>• Archives Registry 1no.</td>
</tr>
<tr>
<td>• Prosecution Offices 1no.</td>
</tr>
<tr>
<td>• Cells(Adult—Male &amp; Female)</td>
</tr>
</tbody>
</table>
Environmental and Social Impact Assessment (ESIA) Report for the Proposed Wajir Law Court Building

Juvenile---Male& Female)- ------2no.

- Stores( Sizeable Procurement & Exhibit)----2no.
- Executive Officer----------------------1no.
- Allow for a Server room-------1no.
- Accountant------------------------1no.
- Banking Hall----------------------1no.
- Huduma centre.....................
- Waiting Bay------------------------1no.
- Multi-Purpose meeting Room for 30 no. people-------1no
- A room with sink for breast-feeding mothers.---1 no.
- Accounts and Administration -1no.
- Registrar Chambers ---2no.
- Court Clerks-------------1no.
- Internal Access roads,
- Open and Covered Parking,
- Address Water supply,
- Allow for Stone fencing,
- Allow for incinerator,
- Address power supply issues,
- Attend to any matters arising from Environmental impact assessment report,
- Allow for minimal Landscaping.
- Allow for any other issue that is unique to the sites,
- Allow for ICT cabling.

Figure 3: 3D presentation of the proposed Wajir Law Courts on 4 floors high

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.
Environmental and Social Impact Assessment (ESIA) Report for the Proposed Wajir Law Court Building

<table>
<thead>
<tr>
<th>Category</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>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.</td>
</tr>
<tr>
<td>B</td>
<td>Projects requiring rehabilitation, maintenance or upgrading rather than new installations. There is limited environmental analysis since mitigation measures can be easily designed.</td>
</tr>
<tr>
<td>C</td>
<td>Projects focusing on education, family planning, health and human resource development; environmental analysis is largely unnecessary.</td>
</tr>
<tr>
<td>D</td>
<td>Separate EIAs may not be required.</td>
</tr>
</tbody>
</table>

The project 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 increased access to courts and legal information project 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.
SECTION 6: 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 will submitted to the Wajir County 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 Law Courts. 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 County Government, County officials of Wajir 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 Law Courts 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.

  viii) **Internal Finishes**

      - **Floors** – The floor to the main spaces shall be finished in tiles and patches of grano in wet areas.
Environmental and Social Impact Assessment (ESIA) Report for the Proposed Wajir Law Court Building

- 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.

ix) 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 Law Courts will be supplied with water from the Wajir County Government 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 County 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 fence (hedge) already exists on one side but this will need to be enhanced and complemented with stone wall/fence. The final wall will be finished in key dressing.

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 County Government. 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 County Government of Wajir 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 County Government of Wajir’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 3 floors and 2 ground floors hosting various court facilities including offices, registry, cells and other support facilities such as boardrooms, lavatories etc. covering a plinth area of 7,538m². 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.
SECTION 7: 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, 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.
SECTION 8: PUBLIC CONSULTATION AND PARTICIPATION

8.1 Introduction
The following section 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 Methodology adopted for public participation
The consultations were in the form of:
- Mini focus group discussion with youths and women groups
- Oral interviews
- Questionnaire survey
- Site visit and observation

The role of the public participation was to:

i. Establish common needs and ensure that the project continues to satisfy these needs or even enhance the needs of both the Judiciary, Wajir community and the entire Republic of Kenya.

ii. Provide background information which will form an important part of baseline data for project report preparation

iii. Create awareness amongst the stakeholders and sensitize them on environmental issues related to the project.

iv. To present a forum for stakeholders to understand the nature of proposed project, present their views, concerns and suggestions.

v. To explain the EIA process to the stakeholders and the importance of their participation in the process.

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 Wajir
ii. Local administration (Ministry of Interior)
iii. National Environment Management Authority; Wajir County
iv. Judiciary Staff; Wajir Law Courts
v. Wajir 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 Wajir law Courts premises on 15th December 2016. The Stakeholders Forums had representatives from Wajir County Government, Judiciary, NEMA, community leaders representing communities Wajir County, persons with disabilities and the local administration within Wajir Township. In addition, two Focus Group Discussions meetings with local youth, women groups and persons with disabilities were conducted from 14th to 16th December 2016 within the Judiciary law courts premise in Wajir. The meetings, were preceded by mobilization through the community leaders. 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 Wajir through their key local leaders and the Administration. The meetings were facilitated by the consultants but chaired by the local administration and chiefs.

The meetings were well attended and had representation by both men and women. In general, 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 were 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 Wajir Town in the North Eastern 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 (Wajir is dominantly under communal land system), 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 5: Concerns raised by various key stakeholders affected by the proposed project

<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Concerns/ issues raised</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wider Local community and community leaders</td>
<td>• Project should at once, be approved by respective Authorities starting with NEMA</td>
</tr>
<tr>
<td></td>
<td>• Local community to be given first priority in employment as well procurement of</td>
</tr>
<tr>
<td></td>
<td>contractor for the construction work.</td>
</tr>
<tr>
<td>County Government of Wajir</td>
<td>• Expressed the desire to integrate the evolving infrastructural development around</td>
</tr>
<tr>
<td></td>
<td>Wajir and particularly on the streamlining of the proposed Law Courts, public</td>
</tr>
<tr>
<td></td>
<td>transport and goods movement patterns – design of walkways, drainage systems.</td>
</tr>
<tr>
<td></td>
<td>• Also expressed desire to be continuously involved at every stage in the project</td>
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<tr>
<td></td>
<td>planning to ensure minimal disruptions in operations around Wajir.</td>
</tr>
<tr>
<td>Local administration (Ministry of Interior)</td>
<td>• Noted that once implemented its hoped that security in the area will be farther</td>
</tr>
<tr>
<td></td>
<td>improved</td>
</tr>
<tr>
<td>National Environment Management Authority; Wajir</td>
<td>• An elaborate sewage treatment should be in place that will not lead to pollution of</td>
</tr>
<tr>
<td>County</td>
<td>underground water.</td>
</tr>
<tr>
<td></td>
<td>• Judiciary trough the contractor to put measures in place to control dust during</td>
</tr>
<tr>
<td></td>
<td>construction</td>
</tr>
<tr>
<td></td>
<td>• Resource optimization especially water which is scarce be enhanced.</td>
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<tr>
<td></td>
<td>• Judiciary to provide for efficient solid waste disposal from the courts once the court</td>
</tr>
<tr>
<td></td>
<td>building is occupied by a NEMA licensed waste contractor.</td>
</tr>
<tr>
<td>Women and youth groups</td>
<td>• National affirmative action for women and youths for employments be considered</td>
</tr>
<tr>
<td></td>
<td>at all phases of the project.</td>
</tr>
<tr>
<td>Person with disabilities (PWD)</td>
<td>• Judiciary to design the Law Courts with the needs of PWD on mind and</td>
</tr>
<tr>
<td></td>
<td>consideration be made for them during employment.</td>
</tr>
<tr>
<td>Judiciary staff</td>
<td>• Project will open up the space and contribute to area beatification.</td>
</tr>
</tbody>
</table>

The issues raised and many others foreseeable have been adequately addressed in the report and in the ESMP. *Completed questionnaires are attached (semidetached) in the annex of the hard copy of the final report.*
SECTION 9: 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:

<table>
<thead>
<tr>
<th>Key</th>
<th>Type of impact</th>
<th>Key</th>
<th>Type of impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>++</td>
<td>Major positive impact</td>
<td>+</td>
<td>Minor positive impact</td>
</tr>
<tr>
<td>--</td>
<td>Major negative impact</td>
<td>-</td>
<td>Minor negative impact</td>
</tr>
<tr>
<td>0</td>
<td>Negligible/zero impact</td>
<td>NC</td>
<td>No change</td>
</tr>
<tr>
<td>SP</td>
<td>Specific/ localized</td>
<td>W</td>
<td>Wide spread</td>
</tr>
<tr>
<td>r</td>
<td>reversible</td>
<td>ir</td>
<td>irreversible</td>
</tr>
<tr>
<td>sh</td>
<td>short term</td>
<td>l</td>
<td>long term</td>
</tr>
<tr>
<td>t</td>
<td>temporary</td>
<td>p</td>
<td>permanent</td>
</tr>
</tbody>
</table>

On the basis of information gathered during the field study, potential environmental impacts of the project are tabulated below.

Table 6: 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></td>
<td>sp,ir,sh</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fauna</td>
<td>+/-</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>-</td>
<td>-/0</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></td>
<td>t, ir</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Noise</td>
<td>-</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td></td>
<td>t, ir</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Oil waste</td>
<td>-</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td></td>
<td>l, ir</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>
### Environmental and Social Impact Assessment (ESIA) Report for the Proposed Wajir Law Court Building

<table>
<thead>
<tr>
<th>Environmental Impact</th>
<th>Significance</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Soil erosion</strong></td>
<td>- / l, sp</td>
<td>0</td>
</tr>
<tr>
<td><strong>Changes in hydrology</strong></td>
<td>- / 0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Site drainage</strong></td>
<td>- / 0</td>
<td>+/- 0</td>
</tr>
<tr>
<td><strong>Public health</strong></td>
<td>- / t, ir</td>
<td>NC</td>
</tr>
<tr>
<td><strong>Water resources</strong></td>
<td>- / sh</td>
<td>+</td>
</tr>
<tr>
<td><strong>Sites of cultural, historic or traditional significance</strong></td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Visual intrusion</strong></td>
<td>- / t / p</td>
<td>+/- - / p</td>
</tr>
<tr>
<td><strong>Disturbance of the public</strong></td>
<td>- / t, ir, sp</td>
<td>-</td>
</tr>
<tr>
<td><strong>Construction materials</strong></td>
<td>-</td>
<td>0</td>
</tr>
<tr>
<td><strong>Construction waste</strong></td>
<td>Sp, sh</td>
<td>0</td>
</tr>
<tr>
<td><strong>Clean up on completion</strong></td>
<td>- / sp</td>
<td>0</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 establishments. 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

- 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 mufflers.
- 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 of the law courts will result in an increase in water demand. High water consumption occurs during both the construction and operation phases.

Potential Mitigation measures

- Recycling of wastewater where appropriate
- Sinking of a borehole to supply water for the project through consultation with WRMA
- 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.
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 the Law courts 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 dwelling 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 clatter 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 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.
- 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 occupants 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 work men’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 especially in volatile areas of Wajir County. 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 Wajir County 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 HIV/Aids and construction sites

Research indicates that construction industry has the third highest incidence of HIV/Aids in Africa. The construction sector has a predominantly migratory labour force, making it a prime contributor to the spread of HIV/Aids. Labour camps are a breeding ground for the spread of HIV/Aids and Sexually Transmitted Diseases (STDs), this being compounded by the situation where migrant workers on contract generally ignore or are ignorant of the consequences of casual sexual relationships.

The prevalence of subcontracting, the emergence of many small contractors and the tendency toward labour-only subcontracting increased the complexity of developing an effective HIV/Aids strategy that targets the full spectrum of those employed in construction. This level of complexity places a special responsibility on clients, the professions and industry leaders. The construction sector has the potential to play an important role in the country’s inter-sectoral approach to coping with the epidemic. The sector also provides entry-level local jobs, which may be crucial to the survival of youth-headed households and extended families in areas hard hit by the epidemic. Construction sites can accordingly provide a convenient location for HIV/Aids programmes to both construction workers and rural communities.

**HIV-AIDs Mitigation**

The Contractor shall conduct an HIV-AIDS awareness programme via an approved Service Provider, and shall undertake such other measures as are specified in this Contract to reduce the risk of the transfer of the HIV virus between and among the Contractors Employees and their families and the Wajir community, to promote voluntary early diagnosis and to assist affected individuals.
9.5 Labour influx
The information presented has been gathered through a review of pre-crisis secondary data, studies and lessons learnt reports. Available indicator information is by Sub County, county and national (where there is no available sub-county/county information). This desk review is to help in the process of assessment planning as far labour influx is concerned. Wajir town within the County has the largest urban population taking 10.1% of the county’s population, Habaswein 1.03%. Wajir Town, the headquarters of Wajir County, is experiencing a construction boom, with investors putting up residential and commercial buildings. The boom is partly attributable to the county government’s decision to provide office space and other amenities. The town has also seen an increase in the number of contractors, hardware shops and skilled construction workers. The population of immigrant workers from other Counties stands at 8.3 % of the total labour force. Most of the workers are mainly humanitarian workers and those of Government. Frequent intercommunity conflict between Garre and Degodia along Mandera Wajir border locations that include Lehely, Bojigars, Mansa, Burmayo, Ogoralle, Ber janai, Dunto, Basaneja, Gunana and Belowe (Wajir North) have had an influx of the displaced persons which include Sarman, Elben, Tarbaj, Kutulo, Batalu, Danaba, Quadama and Gulani flocking into Wajir town. This has instead kept away other immigrant workers from coming to the County because of potential clashes. Another factor that controls influx of immigrant workers is the rate of poverty (adult equivalent poverty head count) which is 84.0% higher than the national rate of 47.2% and its ranked 45/47 in the County rating.
Table 7: Analysis of anticipated labour demand and labour influx information

<table>
<thead>
<tr>
<th>POTENTIAL LABOUR ISSUE</th>
<th>IMPACT</th>
<th>Approximated Labour Influx</th>
<th>MITIGATION MEASURE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Planning and design phase</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Labor demand Approximated 20 people</td>
<td>Skilled (consultancies, and designs) on competitive bidding</td>
<td>Locals contribution 30%</td>
<td>-Low consumption of local skills</td>
</tr>
<tr>
<td></td>
<td>Immigrants (Non locals) 70%</td>
<td>-Exchange of knowledge</td>
<td>-Low consumption of local skills</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>The government to sponsor local community to acquire skills for such development as much as possible</td>
</tr>
<tr>
<td><strong>Construction phase</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Labor demand Approximately 200 people</td>
<td>Skilled 5%</td>
<td>Exchange of construction knowledge</td>
<td>10%=20 people</td>
</tr>
<tr>
<td></td>
<td>Semi-skilled 5%</td>
<td>Reduction of employment to the locals</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Locals must be encouraged and trained to undertake such work</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Judiciary to enforce policy on affirmative action on local persons employment</td>
</tr>
</tbody>
</table>
SECTION 10: OCCUPATIONAL HEALTH AND SAFETY

10.1 Introduction
In any working environment, Occupational Health and Safety (OHS) is of paramount importance. It is important for mechanisms to be put in place to predict potential risks, incidents and hazards in a working environment. This is because the occupational environment directly affects communities, general public, and ecosystems. Therefore before start of implementation of the proposed Wajir Law Courts, a number of safety measures have to be in place to ensure the safety of community, Human health and Environment systems.

Creation of the proposed development shall create significant sources of risks during construction and operation phases. We shall apply a coordinated and managed approach for Health, Safety and Environmental issues through all the stages of the project i.e. from schematic design to detailed designs, during construction and thereafter during the operational phase of the project. We shall identify the major hazards to health, safety and environment during the construction and operational phases arising from the designs and our strategy for health and safety risk management shall be to firstly avoid, if not possible to avoid then reduce, and if reduction is also not possible then to control the risks. This strategy shall be adopted throughout the various design phases. The residual risk control measures shall be incorporated in the approach to manage the health and safety risk during construction and operational phases.

10.2 Occupational Health and Safety Management System
An Occupational Health and Safety Management System (OHSMS) must be established, managed and operated for the proposed Wajir Law Courts activity. The system must contain the following features:

1. Occupational Health and Safety Policy
2. Organizational framework of the OHSMS
   - Staffing of OHSMS;
   - Competence requirements
   - Operating procedures
   - Training programs
   - System documentation
   - Communication
3. OHSMS objective (documentation)
4. Hazard prevention
   - Risk assessment
   - Prevention and control measures (active and negative)
   - Management of changes
• Emergency preparedness and response;
• Procurement (tools, equipment, services, contractors).

5. Performance monitoring and measurements
• Hazard prevention measures;
• Ambient working environment;
• Work related injuries, ill health, disease and injuries.

6. Evaluation and feedback from Egerton Community
   (a) Presence of any negative reports from the communities on the proposed project if any.
   (b) Reports from the communities on the likely operational mishaps.
   (c) Corrective measures and suitable action plan
   (d) Positive reports from the student and entire Egerton community

10.3 Workers Safety
In addressing requirements and needs to ensure operators safety, the following shall be in place:
• Training of all the personnel on safety measures to undertake.
• Provision of adequate personal protective clothing.
• Enforcement and proper use of personal protective clothing.
• Provision of Wajir Law Courts aid and emergency services.
• Proposed Wajir Law Courts Project management committees will have a clear policy on treatment of the injured employees in case of work related accidents
• In case of permanent disability arising from injury at work place, adequate compensation should be available;
• Appropriate tools and equipment in sound working condition must be provided to employees to enable them work safely.
SECTION 11: 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 County Government of Wajir, 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 County Government of Wajir 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 8: 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>Random</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, County Government of Wajir</td>
<td>Routine inspections; Sign</td>
<td>150,000</td>
<td></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>200,000</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>450,000</td>
<td>Routine</td>
</tr>
<tr>
<td>Mismanagement of site operations contrary to conditions of approval.</td>
<td>Appointment of project manager</td>
<td>Proponent; Project Manager</td>
<td>Verification; inspection</td>
<td>250,000</td>
<td>Routine</td>
</tr>
</tbody>
</table>
Vulnerability to accidents and hazards during project implementation | Obtaining insurance to cover all accidents including Workmen’s Compensation. | Proponent | Verification; Inspection | 300,000 | Once

### 11.3 ESMP for construction and occupation phase

The phase included the construction and occupation 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 9: 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</td>
<td>200,000</td>
<td>(c) Daily Erosion control measures During construction and completion of each project</td>
</tr>
<tr>
<td></td>
<td>▪ Install drainage structures properly where necessary</td>
<td></td>
<td>(o) Routine Maintenance</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>▪ Landscaping</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>▪ Compact loose soils</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>▪ Ensure management of excavation activities</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>▪ Control activities especially during rainy conditions</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>▪ Provide soil erosion control and conservation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
structures where necessary
- Observe efficiency of
- erosion control measures

| Air pollution | Water sprinkling on dusty areas
- Control speed and operation of construction vehicles
- Prohibit idling of vehicles
- Regular maintenance of construction plant and equipment
- Engage sensitive construction workers | Contractor; Project manager | (c) Inspection/observation | 150,000 | (c) Daily |
|----------------|---------------------------------|------------------|------------------------|----------|---------|
| Changes in hydrology/impen ded drainage | Proper installation of drainage structures
- Ensure efficiency of drainage structures through proper design and maintenance
- Provide gratings to the drainage channels
- Proper installation of drainage structures | Contractor; Project manager | (c) Inspection
(o) Routine maintenance | 200,000 | (c) One-off during construction and on completion of project
(o) Routine checks |
<p>| Oil pollution | Proper storage, handling and disposal of new oil and used oil and related wastes | Contractor; Project | | | |</p>
<table>
<thead>
<tr>
<th>Category</th>
<th>Action</th>
<th>Responsible Party</th>
<th>Cost (KES)</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noise pollution</td>
<td>▪ Provide oil interceptors along the drains leading from car wash areas</td>
<td>County Government of Wajir; NEMA</td>
<td>150,000</td>
<td>(c) Daily</td>
</tr>
<tr>
<td></td>
<td>▪ Maintenance of construction vehicles should be carried out in the contractors yard (off the site)</td>
<td>County Government of Wajir; NEMA</td>
<td>150,000</td>
<td>(c) Daily</td>
</tr>
<tr>
<td></td>
<td>▪ Workers in the vicinity of or involved in high level noise to wear respective safety and protective gear</td>
<td>County Government of Wajir; NEMA</td>
<td>150,000</td>
<td>(c) Daily</td>
</tr>
<tr>
<td></td>
<td>▪ Construction activities to be restricted to daytime</td>
<td>County Government of Wajir; NEMA</td>
<td>150,000</td>
<td>(c) Daily</td>
</tr>
<tr>
<td></td>
<td>▪ Sensitize drivers of construction machinery on effects of noise and control measures</td>
<td>County Government of Wajir; NEMA</td>
<td>150,000</td>
<td>(c) Daily</td>
</tr>
<tr>
<td></td>
<td>▪ Maintain plant equipment (if present)</td>
<td>County Government of Wajir; NEMA</td>
<td>150,000</td>
<td>(c) Daily</td>
</tr>
<tr>
<td></td>
<td>▪ Use of suppressors on involved noisy equipment or noise shields for instance corrugated iron sheets structures</td>
<td>County Government of Wajir; NEMA</td>
<td>150,000</td>
<td>(c) Daily</td>
</tr>
<tr>
<td>Road safety</td>
<td>▪ Enforce speed limits for construction vehicles especially along roads leading to the site</td>
<td>County Government of Wajir; NEMA</td>
<td>150,000</td>
<td>(c) Daily</td>
</tr>
<tr>
<td></td>
<td>▪ Provide billboards at the site entrance to notify motorists about the development.</td>
<td>County Government of Wajir; NEMA</td>
<td>150,000</td>
<td>(c) Daily</td>
</tr>
<tr>
<td>Water resources and water quality/waste</td>
<td>▪ Recycling or reuse of water at the construction phase where possible</td>
<td>County Government of Wajir; NEMA</td>
<td>300,000</td>
<td>(c) Random</td>
</tr>
<tr>
<td></td>
<td>▪ Management of water usage. Avoid unnecessary</td>
<td>County Government of Wajir; NEMA</td>
<td>300,000</td>
<td>(c) Random</td>
</tr>
</tbody>
</table>

The Judiciary
<table>
<thead>
<tr>
<th>Water management</th>
<th>wastage</th>
<th>project manager; NEMA</th>
<th>(o) Random</th>
</tr>
</thead>
<tbody>
<tr>
<td>Make use of roof catchments to provide water</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Follow NEMA regulations</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Solid waste management          | Construction debris should be disposed off periodically and at approved dumpsites | Contractor; project manager | (c) Inspection   |
|                                 | Special attention should be paid to sanitary facilities on site           |                          | 150,000          |
|                                 |                                                                          | (c) Observation          | (c) Daily        |
|                                 |                                                                          | (o) Observation          | (o) Routine      |

| Vegetation loss                 | Replant areas where vegetation was unnecessarily removed                  | Contractor; project manager | (c) Inspection   |
|                                 | Landscaping and planting all disturbed areas                              |                          | 150,000          |
|                                 | Planting and grassing should be done just before the rains or irrigated on dry spells | (c) Observation          | (c) Daily        |
|                                 |                                                                          | (o) Observation          | (o) Random      |

| Public health and occupational safety | Ensure proper solid waste disposal and collection machines | Contractor/ foreman | (o) Observation   |
|                                      | Ensure effective waste water management                              |                         | 200,000          |
|                                      | Design of sewerage system should be as provided in the approved plans  | (c) Observation        | (o) Weekly        |
|                                      | provide first aid kits                                                |                         |                  |
|                                      | sensitize residents on environmental management                       |                         |                  |
### Environmental and Social Impact Assessment (ESIA) Report for the Proposed Wajir Law Court Building

| 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 | Contractor; project manager | (c) Inspection | 250,000 | (c) Routine | (c) Once on completion time |
| Security      | Provide security guards and facilities during construction  
|               | The gate should always be controlled by the security men even during occupation | Contractor; project manager | (c) Observation; enforcement | 50,000 per month | (c) Daily | (o) Daily |
| Record keeping| Collection and analysis of the relevant environmental data of the project/site | Proponent/contractor | (c) Inspection | 50,000 annually | (c) Daily | (o) Weekly |
| Social behavior change-HIV/AIDS | Raise awareness amongst construction workers and the local community of the risk of infection with the HIV virus;  
|                               | Promote the benefits of abstinence/avoidance  
|                               | Promote voluntary early diagnosis; and  
|                               | Assist affected individuals to access care and counselling | Proponent/contractor | (c) Inspection | 100,000 during construction period | routine |
| Gender mainstreaming and other equality | Ensuring at least 30% of the workforce are women or men  
No school-going children be employed at the construction site  
70% of the employees be from the local community | Proponent/contractor | (c) Inspection  
(o) Inspection | During construction and operation | Routine-Deliberate |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Labour influx</td>
<td>At least 70% of the employment to go to the locals</td>
<td>Proponent/contractor</td>
<td>Inspection of list</td>
<td>During construction and operation</td>
<td>Routine-Deliberate</td>
</tr>
<tr>
<td>Environmental audits</td>
<td>Monitoring will involve measurements, observations, evaluations, assessment of changes in water quality, waste management, noise levels, and contractor safety e.t.c.</td>
<td>Contractor/proponent; NEMA</td>
<td>(o) Inspection; assessment</td>
<td>300,000 annually</td>
<td>(o) Random</td>
</tr>
</tbody>
</table>
### 11.4 ESMP for the decommissioning phase

Table 10: 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>
<tbody>
<tr>
<td>▪ <strong>Construction machinery/structures and wastes</strong></td>
<td>▪ use an integrated solid waste management system through a hierarchy of options</td>
<td>Project manager and contractor</td>
<td>One-off</td>
<td>250,000</td>
</tr>
</tbody>
</table>
| ▪ **Scrap and other debris on site**                          | ▪ 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              | One-off    |             |
| ▪ **Rehabilitation of project site:**                          | ▪ Monitoring and inspection of the area for indication of erosion will be conducted and appropriate measure taken to correct any occurrence  
▪ Comprehensive landscaping  
▪ Implement an appropriate re-vegetation Programme to restore | Contractor and project manager              | One-off    | 150,000     |
### Problem
- the site to its original status
  - During the vegetation period appropriate surface water run-off controls will be taken to prevent surface erosion
  - Fencing and signs restricting access will be posted to minimize disturbance to newly planted areas

<table>
<thead>
<tr>
<th>Safety of the project:</th>
<th>Project manager and contractor</th>
<th>One-off</th>
<th>200,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Occupational hazards</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
|                        | Ensure that safety measures have been effectively integrated and positioned in respective areas of the project to control and manage the outbreaks
|                        | Staircases and other hazardous areas should be suitably protected say using strong rails to avoid occurrence of accidents
| Safety and social-economic impacts: | Proponent | One-off | - |
| Loss of income; reduced ability to support dependents; | | | |
| Loss of quality of life | | | |
| Loss of benefits i.e. medical, insurance cover | | | |
| The safety of the workers of the workers should surpass as a priority of all other objectives in the decommission project
| Women workforce need be considered to reduce risks associated with project decommissioning
| Adapt a project completion policy identifying key issues to be considered
| Assist with re-employment and job-seeking of the involved workforce. At least 30% of the reemployment should be women.
| Compensates and suitably recommend the workers to help in seeking opportunities elsewhere
| Offer advice and counseling on issues such as financial matters

The Judiciary
SECTION 12: 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 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 County Government, 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 court building development approved in Wajir County.
SELECTED REFERENCES

1. County Integrated Development Plan; Wajir County
3. The Environmental Management and Coordination Act (Environment Impact Assessment Guidelines and Administrative Procedures)
8. The water Act, cap 372, Water 2002
15. NEMA Sector Checklists guidelines.
PHOTO LOGS

Plate 2: View of the existing law courts
Environmental and Social Impact Assessment (ESIA) Report for the Proposed Wajir Law Court Building

Plat
NEMA PRACTICING LICENSE 2017

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

Expiration Date: 12/31/2017

Signature: [Signature]

(Seal)

Director General
The National Environment Management Authority

P.T.O.

ISO 9001: 2008 Certified
e.3: Proposed site for the new law court building
ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) REPORT FOR THE PROPOSED WAJIR LAW COURT.

Consultation Sheet

List of respondents for questionnaire schedule

<table>
<thead>
<tr>
<th>Name</th>
<th>Occupation</th>
<th>Identification Number</th>
<th>Contacts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Sadam Hassan Mohamed</td>
<td>Court staff</td>
<td>31079525</td>
<td>0727754035</td>
</tr>
<tr>
<td>2. Aisha Ibrahim</td>
<td>Court staff</td>
<td>14466012</td>
<td>0725481099</td>
</tr>
<tr>
<td>3. Yusuf David</td>
<td>Community member</td>
<td>24742183</td>
<td></td>
</tr>
<tr>
<td>4. Rukia Abdi</td>
<td>Community member</td>
<td>Nil</td>
<td>0701384959</td>
</tr>
<tr>
<td>5. Stephen Wanyoike</td>
<td>Area Resident</td>
<td>4300946</td>
<td>0723445690</td>
</tr>
<tr>
<td>6. Abdi Muktar Adan</td>
<td>County Government employee</td>
<td>0036894</td>
<td>0705582656</td>
</tr>
<tr>
<td>7. David Collins Omondi</td>
<td>County Government</td>
<td>28374268</td>
<td>0710824735</td>
</tr>
<tr>
<td>8. Ibrahim Noor (Community chairperson)</td>
<td>Community elder</td>
<td>8491467</td>
<td>0724381032</td>
</tr>
<tr>
<td>9. Adam Shaban Omar</td>
<td>Community member</td>
<td>5490375</td>
<td>0713353671</td>
</tr>
<tr>
<td>10. Mohamed Sheikh</td>
<td>Area resident</td>
<td>13701865</td>
<td>0724740685</td>
</tr>
<tr>
<td>11. Hassan Abdi Noor</td>
<td>Community member</td>
<td>25138754</td>
<td>0722800104</td>
</tr>
<tr>
<td>12. Rashid Ismail</td>
<td>Paralegal officer</td>
<td>20599355</td>
<td>0720924277</td>
</tr>
<tr>
<td>13. Abdullahi Nunow Ibrahim</td>
<td>County government staff</td>
<td>33098569</td>
<td>0722174817</td>
</tr>
<tr>
<td>14. Ahmed Abdi</td>
<td>Area resident</td>
<td>28023418</td>
<td>0722604609</td>
</tr>
<tr>
<td>15. Ahmed Bashir</td>
<td>World Vision</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>
**ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT STUDY**
**CONSULTATIVE PUBLIC PARTICIPATION-STAKEHOLDERS’ PARTICIPATION FORM**

**ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT STUDY FOR THE PROPOSED WAJIR HIGH COURT-WAJIR COUNTY**

**Dear stakeholder,**

Kenya Judiciary intends to construct Wajir 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 Wajir Court is supported by the World Bank through the Judicial Performance Improvement Project (JPJP). 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 Wajir 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 Nyailia Owiti NEMA REG 2524) are undertaking in accordance with the Environmental Management and Coordination Act, 1999 and EMCA amendment Act 2015.

Present Stakeholder Consultation is your (staff, resident, employee, community members) 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. Name of the respondent
   - [Name]

2. Distance from the Proposed high Court site
   - [40 meters]

3. What challenges do you experience with the use of the current Court? (list)
   - [Challenges]

4. Comment on how the proposed construction of Wajir High Court will impact you and your immediate environment during construction.
   - [Impact]

---

The Judiciary
5. Comment on how the proposed High Court will positively impact you, your community and your immediate environment once implemented.

1. The cost of traveling to other courts for High Court will be reduced.
2. There will be lawyers at the town who will assist the public.
3. Fewer cases for court to handle.
4. Local instead of other place.

6. 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.)

- It has been planned well. Need construction for all buildings. Need materials to build. I contributed for all your hardware material such as cement and others must be supplied by the local.

7. In your opinion should the construction of Wajir High Court be approved by the concerned Authorities? Please

YES / NO

May use an extra sheet for more information

Name: ___________________________ Tel: ___________________________

Relationship with the project (proposed Wajir High Court) -tick as appropriate and specify

Staff / Resident / Gok Agency / Community

Sign: ___________________________ ID No: ___________________________

Date: ___________________________
Dear stakeholder,

Kenya Judiciary intends to construct Wajir 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 Wajir 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 staff and clients. Due to increasing cases and the population in Wajir County, there is need for the court to have a modern facility that will increase the efficiency 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 Nyaila Owiti NEMA REG 2524) are undertaking in accordance with the Environmental Management and Coordination Act, 1999 and EMCA amendment Act 2015.

Present Stakeholder Consultation is your (staff, resident, employee, community members) 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. Name of the respondent
   
2. Distance from the Proposed high Court site
   2000 meters

3. What challenges do you experience with the use of the current Court? (list)
   
4. Comment on how the proposed construction of Wajir High Court will impact you and your immediate environment during construction.
   
Contact: Environment Lead Expert 0734236597/0727841483 for any correspondence with regard to this questionnaire.
5. Comment on how the proposed High Court will positively impact you, your community and your immediate environment once implemented.

- Job creation
- Promotion of local economy
- Improved access to justice

6. 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.)

- It should have CCTV cameras
- Enough IT equipment
- Men and female should have separate courts area

7. In your opinion should the construction of Wajir High Court be approved by the concerned Authorities? Please

YES  NO

May use an extra sheet for more information

Name: Adam Shahin  Tel: 413386571
Relationship with the project (proposed Wajir High Court) - tick as appropriate and specify
- Staff  - Resident  - Gok Agency  - Community

Sign: ADAN H  ID No: 810575
Date: 2/1/2016

Contact: Environment Land Expert 0734236597/0727841483 for any correspondence with regard to this questionnaire.
Proposed Development Plans