



OFFICE OF THE DIRECTOR GENERAL

GUIDELINES ON CONDUCT OF PUBLIC CONSULTATION FOR EIA, EA AND SEA DURING THE PERIOD OF THE CORONA VIRUS (COVID-19) PANDEMIC

1. Preamble

Public participation is a process to involve those who are directly and indirectly affected by a project in the decision-making process, promoting sustainable decisions by providing the public with the information they need to be involved in a timely and meaningful way, and communicating to the public how their input affects the decision. (Source: International Association for Public Participation).

Public participation is an integral part of the Environmental Assessment (EA) as provided for in the Constitution of Kenya, 2010, the Environmental Management and Coordination Act, EMCA, 1999 and the Environmental (Impact Assessment and Audit) Regulations 2003. It provides an open, accountable and structured platform where stakeholders and/or affected persons interact, exchange views and influence decision making in development projects, plans, programs and policies.

The Guidelines present a common approach which can strengthen the implementation of public participation and access to information arrangements within existing National Strategic Environmental Assessment (SEA), Environmental Impact Assessment (EIA) and Environmental Audit (EA) frameworks.

2. Purpose of the Guidance

The purpose of the Guidelines is to provide practical guidance for implementing meaningful public participation in the Environmental Assessment processes (SEA, EIA & EA) during the Covid - 19 pandemic period.

3. Target Audience

The audience for the guidelines include Environmental Assessment (EA) experts, project proponents, Lead Agencies, project affected people (PAP), Civil society organizations (NGOs/CSOs), and other affected and interested stakeholders in the EA processes and implementation of investment projects.

4. Scope of the Guidance

The scope of the Guidelines covers proposed Policies, Plans, programmes and projects that are required to be subjected to SEA, EIA and EA processes in Kenya. Summary Projects Reports, comprehensive Project Reports and EIA Study Reports are considered as part of EIA. The Guidelines are also applicable to low, medium and high projects as classified under legal

notice 31, the Environmental Management and coordination Act, 1999, Amendment of the second Schedule of 2019.

5. The guidance

In recognition of the ban on all public events and the requirement for social distancing by the Government to minimize factors that may exacerbate the spread of COVID-19 disease the Authority guides the conduct of EIA, EA and SEA public consultation requirement as follows.

- i. **ICT Innovations;** The Environmental Assessment experts are advised to leverage on ICT innovations such as online questionnaires/ survey techniques and audio-visual and teleconferencing to undertake comprehensive public consultations during this pandemic period. It will be incumbent upon the proponent in consultation with the EIA expert(s) to choose the most practical technique for various target stakeholder groups and provide reliable evidence of the consultation to the Authority for consideration.
- ii. **Comprehensive Questionnaires;**
 - The questionnaires should indicate the name, plot No., distance from site, a telephone contact and/ or official Stamp (where applicable)
 - The questionnaire should include a clear description of the proposed project together with a copy of the architectural drawings
 - The questionnaire should have open ended questions about the project so as not to narrow the views of the project affected persons
- iii. **Public Consultation and Disclosure Plan;** For sensitive and complex projects where ICT technology is limited in applicability, the Authority shall advise on case by case basis on submission of comprehensive public consultation and disclosure plan.
- iv. **Submission of Reports;** Submission and processing of all EIA, EA and SEA reports shall be done through the online licensing portal accessible through the NEMA website, www.nema.go.ke and the E-Citizen platform. Hard copies of the same should be submitted to the Authority as per the requirements of the Environmental (Impact Assessment and Audit) Regulations, 2003 for processing.
- v. **Professionalism;** The code of practice and professional ethics for Environmental Assessment Experts shall apply to all experts undertaking the Environmental Assessments



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