



**Kenya National
Highways Authority**

Quality Highways, Better Connections

ENVIRONMENT AND SOCIAL SAFEGUARDS POLICY

SEPTEMBER 2023



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Vision

A Quality National Trunk Road Network to all for Prosperity

Mission

To Develop and Manage Resilient, Safe and Adequate National Trunk Roads for sustainable development through Innovation and Optimal utilization of resources.

Core Values

The guiding principles in the operations of KeNHA are:

Accountability

Sustainability

Innovation

Teamwork

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This Policy has been approved and issued under the signature of:

Ms. Winfrida Ngumi

Chairperson, Board of Directors



Date:

FOREWORD

The World is facing unprecedented ecological and social challenges such as climate change, biodiversity loss, economic stagnation and pandemics. This calls for concerted efforts in dealing with these environmental and social challenges by thinking globally and acting locally.

KeNHA recognizes that its activities have wider influences and impact on the environment and communities. It is therefore committed to continually improve its environmental and social performance in implementing projects through Contractors, Supervising Consultants and Staff.

The Board of Directors understands the Authority's position as the custodian of the National Highways Network and the critical role in providing quality and safe highways for sustainable social-economic development. The Authority has a responsibility therefore to manage and leverage resources in a way that promotes sustainable development.

The policy has taken into consideration emerging issues both nationally and internationally on environmental and social trends which have a direct bearing on the Authority's operations. The Policy realigns the Authority's activities to the Government's Environment and Climate Change agenda.

The Board of Directors gives a firm commitment of supporting and ensuring that the provisions of this policy are implemented by the Authority and those who work on our behalf as we strive to attain sustainable development.



Ms. Winfrida Ngumi

Chairperson of the Board of Directors

PREFACE

The revision of this policy has come at a time when the Authority is implementing large scale roads projects which pose huge environmental and social risks. The policy will provide a guide in the implementation of road projects with minimal impact to communities and fragile ecosystems.

The Authority uses Contractors and Supervising Consultants to undertake the actual road civil works and supervision of the construction process respectively. The construction phase of road projects carries the highest risk of potential environmental and social impacts. We will ensure that the Contractors comply with environment and social safeguards measures with support from supervising consultants.

We purpose to comply with all national environmental regulations especially Environmental Management and Coordination Act (EMCA) 1999(revised 2015) provisions. The Authority will ensure that Environmental and Social Impact Assessments are conducted for all our road projects to determine potential adverse impacts and put in place mitigation measures.

There has been an increase in severe accidents and incidents including fatalities in our road project. The Policy has recognized occupational health and safety risks in road projects and stringent measures have been put in place to address this.

The Authority too has taken cognizance of gender issues during road project implementation. Cases of Gender Based Violence (GBV) and Sexual Exploitation and Abuse (SEA) will be mitigated.

We face insatiable expectation from communities and other stakeholders during road project implementation. To ensure we handle our stakeholders well, the Authority to carry out continuous stakeholder engagement and public consultations and put in place a robust road project specific grievance redress mechanism.

The Authority will play a key role in attainment of Sustainable Development Goals by ensuring our road infrastructures are climate resilient. We will design our roads taking cognizance of climate change risks and participate in initiatives to support Government's target of increasing tree cover to 30% by 2050.

The policy will form part of Standard Bidding Documents (SBD) to ensure contractors and other service providers adhere to the Authority's environment and social safeguards requirements. The policy is intended for all Authority staff, contractors and other service providers.

I acknowledge the Board of Directors for their guidance, Management and staff for the support accorded in the revision of this policy.


Eng. Kungu Ndungu
Director General

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LIST OF ABBREVIATIONS AND ACRONYMS

AIDS	Acquired Immunodeficiency Syndrome
ASAL	Arid and Semi-arid Lands
CAP	Corrective Action Plan
CFP	Chance Find Procedure
CHIA	Cultural and Heritage Impact Assessment
EMCA	Environmental Management and Co-ordination Act
ESMP	Environmental and Social Management Plan
GBV	Gender Based Violence
GHG	Green House Gases
GRM	Grievance Redress Mechanism
HDS	Highway Design and Safety
HIV	Human Immunodeficiency Virus
KeNHA	Kenya National Highways Authority
OHS	Occupational Health and Safety
OSHA	Occupational Safety and Health Act
RCA	Root Cause Analysis
SDGs	Sustainable Development Goals

DEFINITION OF TERMS

S/No.	Word/Phrase	Meaning
1.	Authority	The Kenya National Highways Authority.
2.	Climate Change Vulnerability Assessment	Process of establishing an understanding of the extent to which changing climate will affect the system in question (e.g. basin, roads, water use sector, country, city, etc.)
3.	Compensation	Money or payment in kind to which the people affected by the project are entitled to, as decreed by government regulations or laws in order to replace the lost asset, resource or income.
4.	Cultural and Heritage Impact Assessment	A survey of cultural and heritage resources which might be damaged by a project.
5.	Environment	The surroundings or conditions in which a person, animal, or plant lives or operates, including their interactions
6.	Environmental & Social Audit	Process of determining whether project operation and practices are in compliance with regulatory requirement, organization policies and procedures and accepted standards.
7.	Environmental and Social Impact Assessment	Systematic study conducted to determine whether or not a programme, activity or project will have adverse impacts on the environment.
8.	Environmental and Social Management Plan	Details of project activities, impacts, mitigation measure, time schedule, costs, responsibilities and commitments proposed to minimize environmental impacts or activities, including monitoring and environmental audits during implementation and decommissioning phases of a project
9.	Environmental & Social Policy Statement	is a public statement of an organization's philosophy, intentions, and objectives regarding the environment. It is an agreed documented statement of a company's stance towards the environment in which it operates. It is a written commitment (concise and probably on one sheet of A4) by an organization and signed by a senior executive to demonstrate that it is a Company Policy and reviewed at regular intervals
10.	Involuntary Resettlement	Development project results in unavoidable resettlement losses, that people affected, have no option but to rebuild their lives, incomes, and asset bases elsewhere. Involuntary resettles are thus people of all ages, outlooks and capabilities, many of whom have no option but to give up their assets. Bank policy designates involuntary resettlers as requiring assistance.
11.	Land Acquisition	Means the process whereby a person or household is involuntarily alienated from all or part of the land s/he owns or possesses, to the ownership and possession of a project for public purposes, in return for fair compensation.

S/No.	Word/Phrase	Meaning
12.	Project Affected Person	Means any person experiencing loss of asset, access to income whether of a temporary or permanent nature due to the land acquisition process regardless of whether they are physically displaced or relocated or not.
13.	Resettlement Action Plan	A time-bound action plan with budget setting out resettlement strategy, objectives, entitlement, actions, responsibilities, monitoring and evaluation.
14.	Sustainable Development	Means development that meets the needs of the present generation without compromising the ability of future generations to meet their needs by maintaining the carrying capacity of the supporting ecosystem.
15.	The Roads Act	The Kenya Roads Act, 2007, of the Laws of Kenya.

1. INTRODUCTION

- 1.1. Pursuant to the Kenya Roads Act 2007 Section 4(2), among the key functions and duties of KeNHA is implementation of road policies and ensuring that quality of road works is in accordance with such standards as may be prescribed by the Minister.
- 1.2. The Kenya National Highways Authority (KeNHA) is a State Corporation established under the Kenya Roads Act, 2007 and is responsible for the management; development; rehabilitation and maintenance of National Trunk Roads comprising Classes S, A, and B roads, totaling to approximately 18,220km.
- 1.3. There is a growing concern in Kenya and at global level that many forms of development activities cause damage to the environment. Development activities have the potential to damage the natural resources upon which the economies are based. It is globally now accepted that development projects must be economically viable, socially acceptable and environmentally sound.
- 1.4. The seventeen Sustainable Development Goals adopted by the United Nations in 2015 makes a universal call to action to end poverty, protect the planet, and ensure that by 2030 all people enjoy development which is socially, economically and environmentally sustainable.
- 1.5. The Constitution of Kenya 2010 section 42 provides that every person has the right to a clean and healthy environment, which includes the right to have the environment protected for the benefit of present and future generations through legislative and other measures and to have obligation relating to the environment.
- 1.6. The Government of Kenya is concerned about the quality of the environment and has enacted the Environmental Management and Co-ordination Act No. 8 of 1999 (EMCA,1999) thereby establishing a legal framework within which to ensure strict observance of clean production and consumption processes in the economy.
- 1.7. Kenya Vision 2030 is a new long-term development blueprint for the country. The vision aims at transforming Kenya into “a newly-industrializing, middle income country providing a high quality of life to all citizens in a clean and secure environment”. Environmental Management is one of the social pillars in the Vision.
- 1.8. Given KeNHA’s position as the custodian of the national road network and critical role in providing quality national road network for sustainable social and economic development, it has a responsibility to manage and leverage our resources in a way that promotes a healthy and sustainable environment.

- 1.9. The Authority recognizes the critical importance of a healthy environment to our global society, economy, business and people. KeNHA also realize the potential impacts that today's environmental and social challenges will pose if left unaddressed.
- 1.10. KeNHA further recognizes that its activities have wider influences and impact on the environment. The Authority is committed to continually improve its environmental performance. KeNHA will seek to develop amongst supplies/contractors, employees and members of the public an appreciation of their role in bringing about environmental improvement.
- 1.11. The policy has therefore been developed to guide the Authority's activities so as to ensure sustainable environmental management. The policy is intended for all KeNHA staff, contractors and other service providers.
- 1.12. The purpose of this policy is to set out responsibilities regarding both the protection and management of the environment and communities. It spells out guiding principles, gives policy framework and policy implementation strategies.

2. POLICY OBJECTIVES

- 2.1 The overall objective of the policy is to ensure that environmental and social concerns are incorporated in all Authority's operations.
- 2.2 The specific objectives of this policy are: -
 - a) To ensure that the impact of the Authority's activities to the environment is minimal if any and that they do not cause harm to the environment.
 - b) To provide the Authority's unified approach towards sustainable environmental Management.
 - c) To protect the surrounding communities where road projects are implemented
 - d) To minimize Occupational Health and Safety incidents and accidents that may result into liability.
 - e) To ensure that project affected people receive resettlement assistance as may be applicable, such that they may not be negatively affected economically, socially or otherwise.
 - f) To set up a mechanism for monitoring the Authority's Environmental and Social performance.

g) To ensure that as the Authority undertakes its mandate, the social-cultural aspects of various stakeholders such as project affected people are taken into consideration.

3 POLICY SCOPE

- 3.1 This Policy will be applicable while undertaking feasibility study, design, design reviews, construction and maintenance of all roads projects and related works by the Authority.
- 3.2 It shall be applicable to Contractors, Consultants, KeNHA Board Members, KeNHA staff and all other stakeholders.

4 POLICY STATEMENT

- 4.1 The Authority commits to continually improve the environmental and social stewardship. We will ensure that our activities do not negatively harm the environment and adversely affect the social fabric in communities where we work by:
- a) Ensuring adherence to the relevant laws/regulations among others for matters that pertain environment and social of the communities where we implement roads and related projects.
 - b) The Authority shall ensure that works performed by consultants/contractors meets the required standards as in (a) above.

The Authority specifically commits as follows: -

4.1.1 Environmental Safeguards

- a) Ensure Environmental and Social Impact Assessment is conducted for all our road projects to determine whether or not a project will have any adverse impacts on the environment as stipulated in Environmental Management and Coordination Act of 1999 (Revised, 2015).
- b) Ensure we obtain required Environmental approvals for road projects, including for all the necessary auxiliary facilities such as quarries, borrow pits, asphalt plants, camp sites and batching plants prior to commencement of civil works.

- c) Ensure that after extraction of materials, the contractors rehabilitate material sites to the satisfaction of the respective site owners and or the Authority before being fully discharge from the contractual obligations.
- d) Ensure protection of ecosystems with special regard to sensitive ecosystems such as protected areas, wetlands, forests, and other areas of conservation.
- e) Ensure a standalone Biodiversity Assessment is carried out in road sections traversing sensitive ecosystems. The objective of the assessment is to put in place measures to manage, compensate/offset and monitor significant adverse impacts on key ecosystem services, terrestrial and aquatic biodiversity and other socio-economic benefits derived by the adjacent communities.
- f) Ensure robust and innovative designs and use of appropriate materials to promote resilience to adverse effects caused by climate change and attendant weather stresses.
- g) Ensure climate change vulnerability assessment is undertaken and the findings incorporated in road and bridge designs.
- h) Deliberate conversion of material sites in ASAL to safe water pans to mitigate impacts of climate change to the local communities.
- i) Prepare proposals aimed at attracting funding from green climate funds.
- j) Ensure deliberate investment in the use of green energy in offices and other installations.
- k) Ensure independent Environmental Audits are conducted in accordance with the provisions of Environmental Management and Coordination Act of 1999 (Revised, 2015).
- l) Ensure tree planting and growing during construction of new roads and road maintenance works is provided for in the bidding documents. The Performance Based Contractors will be tasked with the maintenance of planted trees during road construction.

- m) Ensure collaboration with other stakeholders in planting, growing and maintenance of indigenous trees, flowers and fruit trees on road reserves and other areas.

4.1.2 Social Safeguards

- a) Ensure measures to identify tangible and intangible cultural heritage that may be affected by our projects and put in procedures to protect and conserve cultural heritage to the extent possible and as required by applicable regulations and standards.
- b) Ensure where necessary, Cultural and Heritage Impact Assessment (CHIA) is carried out to assess and determine how to handle cultural resources.
- c) Develop a road specific Chance Find Procedure (CFP) that outlines actions required if previously unknown heritage resources, particularly archaeological resources, are encountered during road project construction or operation.
- d) The Authority shall minimize the need for involuntary resettlement during design of roads.
- e) Ensure a Resettlement Action Plan (RAP) is prepared for each new construction project to give guidelines to project stakeholders participating in the mitigation of adverse social impacts of a road project.
- f) The Authority shall provide an enabling environment where women, men, and vulnerable people, have equal opportunity to participate in, and benefit from road projects.
- g) Undertake a preventive program against communicable diseases like HIV and AIDS and sexually transmitted infections (STIs) and non-communicable diseases targeting construction workers and the local communities when implementing new construction projects or as may be appropriate.
- h) The Authority shall be put in place systems to prevent gender-based violence (GBV), child abuse, child defilement, inhuman and degrading treatment and all forms of sexual abuse including but not limited to sexual harassment and exploitation.
- i) Ensure preparation of road project specific stakeholders' engagement plan to provide guidance on how to engage with different stakeholders. The plan shall

provide stakeholder mapping and their interests, roles and responsibilities in the project for new construction projects or as may be appropriate.

- j) Ensure establishment of road project specific grievance redress committees (GRC) consisting of all relevant stakeholders.
- k) Shall ensure compliance with various laws / regulations on labor matters as shall be applicable while implementing projects.

4.1.3 Occupational Health and Safety Safeguards

- a) The Authority shall ensure provision and maintenance of a healthy and safe work environment and safe systems for its employees, those working directly in the projects and project surrounding communities.
- b) The Authority directly or through its consultants and contractors shall ensure that all activities are conducted in a manner that protects the health and safety of workers, communities, and the general public.
- c) Ensure contractors adopt policies and provide safe tools, materials, equipment, and processes for work and rest that meet National and International requirements, as well as best practices, for occupational and community health and safety.
- d) Ensure necessary measures are in place to protect the health and safety of local communities and road users throughout the roads project cycle, with particular concern for those who are disabled, elderly, or otherwise vulnerable.
- e) Ensure that contractors prepare OHS plans to guide them on how to deal with work-related death, injury and illness, and prevention through effective and appropriate risk management.
- f) Ensure contractors carry out Root Cause Analysis (RCA) and prepare Corrective Action Plan (CAP) for every incident and accident that occurs at the project site.
- g) The Authority shall suspend civil works if it is investigated and established that a workplace fatality occurred due to omission and negligence of a contractor.

- h) Require consultants and contractors to submit the code of conduct that will apply to the consultant's and contractor's staff to ensure compliance with best Occupational Health and Safety (OHS) practises.
- i) The Authority shall apply relevant sanctions and recourse to senior contractor and supervising consultant staff for repeated safeguards non-compliance and non-implementation of Corrective Action Plans (CAP).

5 ROLES AND RESPONSIBILITIES

The roles and responsibilities of various parties are as follows:

5.1 The Board of Directors

- 5.1.1 Formulation and approval of this policy
- 5.1.2 Provide oversight over the implementation of this Policy by receiving reports from the management.
- 5.1.3 Approve reviews/amendments of the policy.
- 5.1.4 Approve allocation of resources to implement the policy.

5.2 The Director General

- 5.2.1 Ensuring the implementation of this policy across the Authority's operations.
- 5.3.2 Providing reports to the Board on the implementation status of this policy.
- 5.2.4 Allocate resources to implement the policy.

5.3 The Director – Highway Design and Safety:

- 5.3.1 Administration, monitoring and maintenance of systems necessary for implementation of this policy.
- 5.3.2 Creating awareness of this policy across the Authority.
- 5.3.3 Promote collaboration with other stakeholders on this policy.
- 5.3.4 Ensuring the overall Authority's work plan incorporates provisions of this policy.

6 ACTION TO ADDRESS RISKS AND RESPONSIBILITIES

- 6.1 This shall be undertaken as per the detailed provisions of the Environment and Social Safeguards Departmental Risk Register and respective Project Risks Registers.

7 MONITORING AND EVALUATION

- 7.1 Monitoring of this policy shall be done annually and evaluation at mid-term and end of the three (3) years.

- 7.2 Policy Implementation Matrix will be:

	Strategy	Initiatives	Outputs	Annual Targets
1	Compliance to Environmental and Social Safeguards	Undertake Environmental and Social Impact Assessment (ESIA) studies	ESIA Reports	6
		Prepare Resettlement Action Plans (RAPs)	RAP Reports	2
		Undertake Environmental and Social Audits (EA)	Audit Reports	8
		Carry out Occupational Health and Safety Audits	OHS Audit Reports	8
		Carry out RAP implementation monitoring	Implementation Monitoring Reports	5
2.	Mainstream cross cutting issues in road projects	HIV/AIDS mainstreaming in projects	Quarterly HIV/AIDS mainstreaming Monitoring Reports	4
		Gender mainstreaming in projects	Quarterly Gender mainstreaming Monitoring Reports	4
3.	Improve stakeholder relations	Undertake stakeholder engagement activities	Stakeholder Engagement Reports	10
		Mainstream grievance redress mechanism to projects	No. of Grievance Redress mechanism operationalized reports	10
4.	Develop Climate resilient structures	Develop climate resilient structures	Number of climate resilient	4

	Strategy	Initiatives	Outputs	Annual Targets
			structure developed	
		Develop climate resilient roads	Number of km of roads climate-proofed.	500
5.	Undertake environmental conservation and preservation initiatives	Afforestation and Reforestation	Number of trees planted and grown	500,000
		Rehabilitation of material sites	Number of sites reinstatement and have clearance certificate	5

8 POLICY REVIEW

8.1 This Policy shall be reviewed from time to time as necessary but in the periods not exceeding three (3) years from the date it comes into effect.

9 REFERENCE DOCUMENTS

9.1 The guiding principles in the development of this policy are derived from the following legal framework:

- a) The Constitution of Kenya 2010
- b) Kenya Roads Act, 2007
- c) Environmental Management and Co-ordination Act (EMCA) 1999(Revised 2015)
- d) The Kenya Lands Act, 2012
- e) National Lands Commission Act, 2012
- f) Environmental Management and Co-ordination Act, 1999
- g) The Occupational Safety and Health Act (OSHA) 2007
- h) Physical Planning Act (Chapter 286)
- i) FIDIC Conditions of Contract (general conditions of contract) and specific conditions of contract
- j) Standard Specifications for Road and Bridge Construction, 1986 Edition.
- k) The Kenya Road Design Manuals parts I to IV
- l) Approved National Specifications for Road & Bridge Construction, Road Design Manuals and Material Testing Manuals
- m) Approved National Specifications for Road & Bridge Construction, Road Design Manuals and Material Testing Manuals

- n) Kenya National Highways Authority Design Policy
- o) Any other relevant laws, regulations, policies and government circulars issued or approved from time to time.