



REPUBLIC OF KENYA

MINISTRY OF ENERGY AND PETROLEUM

KENYA PETROLEUM TECHNICAL ASSISTANCE PROJECT (KEPTAP)

(ANNEXES)

FOR

**STRATEGIC ENVIRONMENTAL AND SOCIAL ASSESSMENT (SESA) FOR
PETROLEUM SECTOR IN KENYA**

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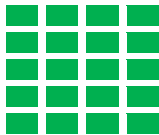
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ANNEX 1: SESA TERMS OF REFERENCE

1.Introduction

Until recently, Kenya had no known commercial reserves of petroleum, despite 50 years of exploration. Recent oil and natural gas discoveries have increased the national and private sector interest for onshore and offshore exploration of hydrocarbons in Kenya.

These recent oil and gas discoveries may have a substantial transformational impact on the Kenyan economy, and have triggered new developments which require a re-design of the institutional set up to effectively govern the petroleum sector with clearly defined roles and responsibilities. Further, the development of petroleum sector reforms is necessary to help manage challenges in the management of the Petroleum Sector upon discovery of commercially viable oil and gas deposits.

The discovery of oil and gas resources in Kenya presents great socio-economic opportunities and challenges for the country at large, as well as various challenges for environment protection in areas of high ecological and biodiversity significance.

The National Environment Management Authority (NEMA) is among the Kenyan government key institutions that will benefit from the Kenya Petroleum Technical Assistance Project (KEPTAP), to be financed by a credit from the World Bank. Part of the credit is intended to support NEMA to undertake a Strategic Environmental and Social Assessment (SESA) for the oil and natural gas sector.

The SESA will be conducted to present strategic recommendations for policies, plans, and programs that will guide environmental and socio-economic planning and decision making in the country. The SESA presents a unique opportunity for the country to systematically address environmental and socio-economic management issues pertaining to oil and gas activities in the context of sustainable development.

1.1. Kenya Petroleum Sector Strategic Plan and SESA

As the SESA is to support the development of the Kenyan national strategic petroleum (conventional and unconventional, onshore and offshore) master plan, it has to be well incorporated into the planning process. An integrated approach is needed, meaning that frequent communication will be required between the plan developers and the team that works on the SESA. The integration of the following planning procedures is generally considered as good practice SESA for the Petroleum Sector.

Strategic Plan	SESA Process
Scoping (SESA Consultant, NEMA as GoK delegate, the World Bank)	<ul style="list-style-type: none"><input type="checkbox"/> Identify the stakeholders in the planning process and announce the start of the SESA process.<input type="checkbox"/> Develop with all stakeholders a common vision on environmental, social, occupational safety and health risks, impacts, objectives, and alternatives.<input type="checkbox"/> Check consistency of the new objectives with those in existing policies through inter-agency cooperation.<input type="checkbox"/> Use the results of the above steps to define the scope of the SESA.

Assessment (SESA Consultant, NEMA as GoK delegate, the World Bank)	<input type="checkbox"/> Carry out the assessment, document its results and make these available. <input type="checkbox"/> Ensure quality assurance of both SESA information and process.
Decision-making (GoK, NEMA, MEP, other GoK Institutions)	<input type="checkbox"/> Discuss with stakeholders what the results of the SESA mean for decision making. <input type="checkbox"/> Justify in writing the choices that have been made in the finally adopted policy or plan(s).
Follow-up/monitoring (GoK, NEMA, MEP, other GoK Institutions, the World Bank)	<input type="checkbox"/> Monitor the implementation of the adopted policies/plans, and discuss outcomes with stakeholders and define actions to deal with unforeseen effects.

NEMA has prepared the following Terms of Reference (TOR) for SESA that have been agreed by both NEMA and The World Bank. In order to further carry on the SESA process, NEMA intends to conduct public stakeholder meetings to discuss the TOR with the main objective of getting more views and comments on the TOR for the SESA which is a very important working tool in developing a sustainable oil and natural gas industry in Kenya.

A consulting team (SESA consultant) will be hired based on procurement legislation to prepare the SESA. As part of the project, public stakeholder meetings are to take part throughout the SESA and will involve the local communities, civil society, national and county government agencies, oil and gas private sector, academic institutions, development partners, and non-governmental organizations.

The consultant will conduct the SESA in general accordance with the latest edition of the National Guidelines for Strategic Environmental Assessment in Kenya, National Environment Management Authority (NEMA).

In addition to the above Kenyan SESA guidelines, the consultant will conduct the preparation of the SESA in five phases: scoping; identification of impacts and issues; description of the regulatory and institutional framework and assessment of capacity; formulation of recommendations; and final consultations, review and approval.

The consultant will prepare interim outputs at the end of each phase, to be compiled into a draft report for final consultations, a final draft for review, and a final report. In addition, the consultant will be available on request to advise on the environmental, social, health and safety implications of policy and regulatory options that will be developed. NEMA will supervise the consultant's work, assisted by technical advisors under KEPTAP.

Throughout the project, the consultant will maximize opportunities for transferring knowledge of international best practices to increase the capacity of NEMA to undertake SESA, and the team of local consultants.

The SESA phases and their component tasks are described below.

1.2. Scoping

The objective of Scoping is to frame the content and methodology of the SESA, with substantial stakeholder inputs, based on the consultant's preliminary reviews of:

- Environmental and social impact management experience in the sector
- Trends and plans for oil and gas development
- The legal (national and county legislation), regulatory and institutional framework with which the sector operates

- An overview of the environmental and social characteristics of the areas most likely to be affected by sector activities; and
- Identification of possible claims/assertion of rights to oil and gas revenues by local communities, including vulnerable and marginalized groups

The individual tasks are described below.

- Review the most relevant ESIA, Environmental Management Plans (EMPs), and Environmental Statements of different projects in both the Marine (offshore) and Terrestrial (onshore) environments, during the last 8 years. NEMA will provide the reports and statements to the consultant.
- Assemble preliminary information relevant to the scope of the SESA, including but not limited to: plans and trends in oil and gas development (conventional and unconventional, onshore and offshore) that are likely to have environmental or social impacts (information to be provided by the Ministry of Energy and Petroleum - MEP); and the policy, legal, regulatory and institutional framework for the sector.
- The Consultant will identify and map the key stakeholders in the oil and gas sector that should be consulted, and analyze their interests, concerns and incentives. The intent of the stakeholder analysis is to identify the main interest groups in the sector, including local communities and vulnerable and marginalized
- groups, and to formulate a work plan for consultations that will ensure that their interests, concerns and advice are taken into account in the SESA.
- Prepare a draft report covering the proposed scope of the SESA, the table of contents for the SESA report (including annexes), the schedule and methodology for conducting the work, and plans for stakeholder consultation.
- Conduct scoping workshops. SESA is a participatory process that will involve relevant stakeholders, both to develop understanding and ownership of the process and to obtain valuable inputs. Accordingly, there will be six workshops and site visits to both onshore and offshore oil and natural gas areas nationwide. Locations in Kenya will be determined in agreement with NEMA, but preliminary information indicates those locations may include the northwest, west-central, southwest, northeast, east central, and southeast areas of the country. The Workshops will engage consultations with stakeholders; including sectors of fisheries, agriculture, transport, protected areas, industry groups, interested NGOs, representatives of regional and county governments, local representatives of the communities, and nomadic groups.
- Prepare the final Scoping Report, incorporating workshop results, for review by NEMA and other relevant agencies and the World Bank. The Scoping Report will serve as the consultant's inception report and should therefore include:
 - The institutional arrangements and timing agreed with NEMA, MEP, other key counterparts, and the World Bank to carry out the SESA
 - The SESA work plan describing the main activities for data collection and analysis, including consultation/validation with stakeholders, and
 - The expected products / deliverables, and reports schedule to be submitted to NEMA.

The Scoping Phase would require eight (8) weeks.

1.3. Identification of Environmental and Social Impacts and Issues, Safety and Occupational Health Risks and Issues, and Possible Mitigation measures

The consultant would:

- Identify, evaluate and compile a list of the environmental and social impacts / risks / issues, including climate change, associated with policy, programs and plans for future investments in Petroleum sector, and safety and occupational health risks and issues relevant to the sector, and potentially affected parts of Kenya. This requires that the Consultant develop criteria to prioritize environmental, social, safety and health issues in the context of Kenya for the sector. To the extent possible, such criteria must allow for quantification to objectively compare and categorize competing issues.
- Environmental, social, health and safety priorities will be identified based on secondary data, case studies, environmental impact assessments, reported incidents and accidents, and

oil and gas exploration industry performance in Kenya, expert judgment, and priority environmental, social, occupational health and safety concerns of stakeholders.

- Cumulative/synergistic/secondary impacts will be considered as well as impacts of individual developments in the sector.
- Potential mitigation measures and monitoring requirements will be identified for each potential impact.

The consultants will combine the outputs of this phase with that of section 2.3 described below and produce an interim report. This phase is expected to require ten (10) weeks.

1.4. Description of the Regulatory and Institutional Framework and Assessment of Capacity

- At this phase, the consultant will compile and describe the environmental, social, safety and occupational health legal, regulatory and institutional framework, and it will assess existing capacity of the relevant regulatory institutions.
- The consultant will prepare a compilation of relevant policies, laws, regulations, and guidelines, including national and county legislation.
- The Consultant will identify the institutions active in planning and carrying out development in the sector and those that are responsible for oil and gas sector governance.
- The consultant will assess the adequacy of the framework, based on international petroleum sector experience, Kenyan experience in other sectors, and the capacity of public agencies at national and county levels, the oil and gas industry, and non-governmental organizations at national and community levels to address the potential impacts of oil and natural gas development.

The consultant will conduct the assessment at two levels:

- At the national level, it will focus on relevant oil and gas / petroleum, environmental, social, safety and occupational health related sector institutions within the government.
- For public agencies at regional or local (county) levels, the oil and gas industry and NGOs, the assessment will be mainly based on existing environmental impact assessments and case studies, and complemented by in-depth interviews with key individual stakeholders, and there will be focus group discussions with vulnerable stakeholders.

The results of this phase, which is expected to require six (6) weeks partially overlapping phase 2.2, will be combined with those of phase 2.2 (above) into an interim report.

- Keeping the focus of the assessment on the effects of sector policy and regulatory development and on environmental, social, occupational health and safety issues, the following institutional and governance issues will be covered by the consultant:
 - Gap analysis of mandates, capacity, incentives and transparency in permitting, monitoring and enforcing environmental regulations in the oil and gas sector.
 - Expenditure review of sector and environmental institutions for environmental and social regulation and enforcement in the sector.
 - Gap analysis of mandates, capacity, incentives and transparency in permitting, monitoring and enforcing occupational health and safety regulations in the oil and gas sector.
 - Expenditure review of sector and occupational health and safety institutions for occupational health and safety regulation and enforcement in the sector.

- Capacity and transparency of institutions at the central and local level to resolve controversies between landowners and water users in both coastal / offshore and onshore locations.
- Capacity and transparency of institutions at the central and local level to resolve controversies between landowners and/or land users (people who may own the houses, or use the land, but do not own the land and do not have land title deeds), and oil and gas activities in both coastal / offshore and onshore locations. This assessment should also take into account possible controversies involving people with collective attachment to the land.
- Coordination between oil and gas, environment and natural resource management, occupational health and safety, and emergency response institutions.
- Accountability and independence of decision makers and authorities with competence for granting environmental permits, and occupational health and safety permits, to oil and gas activities.
- Organizational and institutional capacity of stakeholders' affected by (including local communities) and vulnerable peoples to activities in the oil and gas sector.
- The consultant will conduct a round of consultations on the interim report through national workshops. The workshops must serve to capture the perceptions and inputs of relevant stakeholders on environmental, social, health and safety priorities related to oil and natural gas development, and on the corresponding proposed government interventions or policies needed to address them. The Consultant must ensure that the perceptions of vulnerable stakeholders are taken into account and incorporated into the analysis.

Upon completion of the workshops, the consultant will revise the first interim report and submit it for review by NEMA and the World Bank.

1.5. Formulation of Recommendations

- The consultant will identify the necessary changes in or additions to policy, legislation, regulations and guidelines, and the SESA will deliver a policy, legislative, and regulatory matrix comprising recommendations and an action plan for their implementation and monitoring.
- The consultant will draft a plan for capacity building, including changes in or additions to the existing institutional structure and institutional development, also formulated as a matrix of recommendations and an action plan. The plan will also include recommendations and actions on strengthening conflict resolution (especially between vulnerable and marginalized groups/local communities and oil and gas developers)
- The SESA will include, as a planning tool, an Environmental and Social Management Framework. The consultant will draft a set of technical recommendations. These will consist of, but not be limited to, a freestanding set of petroleum sector specific guidelines for development planning, ESIA and impact management in the sector, including guidance in:
 - Identifying associated facilities and projects during the different phases of typical oil and gas developments (e.g. seismic, exploratory drilling, appraisal, development and construction, production, transportation, commercialization, decommissioning),
 - Identifying and managing cumulative / synergistic / secondary impacts and effects,
 - Conducting alternative analysis (e.g. location, technology, management, optimization),
 - Screening projects for the potential for involuntary resettlement (see also section 2.7.7),
 - Screening for impacts on vulnerable and marginalized groups and other local communities,

- Developing actionable environmental and social management plans that can be operationalize (including quantitative indicators to measure objectively),
 - Any recommended additions to Kenyan environmental and social standards to fill gaps in the oil and gas governing the sector,
 - Any recommended changes or updates to existing Kenyan environmental and social standards governing the sector,
 - Identifying the possible need for additional safeguards instruments to be prepared, if necessary.
- The consultant should apply best international practices, experience and judgment in identifying other appropriate technical outputs. The petroleum sector guidelines will be a freestanding document.
 - The consultant will compile the other outputs of this phase into a second interim report for review by NEMA and other institutions, MEP and the World Bank. Phase 2.4 is expected to require six (6) weeks.

1.6. Final Consultations, Review and Approval

- The consultant will combine the interim reports and key elements of the scoping report into a draft report for dissemination to stakeholders by NEMA. Task2.5.1 is expected to require eight (8) weeks, allowing time for review of the draft report by stakeholders prior to the workshops.
- The consultant will present the draft report at seven workshops – one national (Nairobi) and six regional at locations to be agreed with NEMA. Preliminary information indicates the regional workshops would be conducted in northwest, west-central, southwest, northeast, east central, and southeast areas of Kenya. The main objective of the workshops is to obtain stakeholder comments on the SESA. NEMA will organize the workshops.
- Following the workshops, the consultant will revise the draft report based on stakeholder inputs, document the consultations and their results in the report, and submit a draft final report to NEMA, with a copy to the World Bank, for review and approval. Tasks 2.5.2 to 2.5.3 are expected to require six (6) weeks, allowing time for conducting the seven workshops and addressing stakeholders' inputs.
- The consultant will prepare the final report, incorporating revisions suggested by NEMA and, via NEMA, by the World Bank. Task2.5.4 is expected to require for (4) weeks, allowing time for review of the draft final report by NEMA and the World Bank.
- The Consultant may be required to participate in key follow-up discussions necessary to further disseminate and explain the findings and recommendations of the SESA, particularly to the Government of Kenya, its institutions, and the World Bank.

1.7. Additional Advisory Services and Knowledge Transfer

- The consultant should include as a separate item in its proposal provision of eight person-weeks of specialized assistance to MEWNR, NEMA, MEP, DOSH, and the KEPTA Technical Advisors in assessing the potential environmental and social impacts, occupational safety and health risks and issues of policy, legislative, or regulatory changes that may be under consideration in KEPTAP.
- The consultant should include as a separate item in its proposal arrangements for transfer of knowledge on the petroleum sector strategic environmental and social assessments to NEMA staff. These can include on the job training, presentations of international experience, and participatory workshops in Kenya.

1.8. Specific Issues to be addressed by the SESA

In addition to the information and requirements presented in sections 2.1 to 2.6 above, the consultant will consider, assess, and incorporate during execution of the SESA the following key issues. The SESA draft and final reports will specifically address and include the following:

1.8.1. Legal, Regulatory and Institutional Reforms

Kenya has a substantial system in place with regards to environmental, health and safety regulations, but those are not petroleum sector specific. A high priority on the Government's agenda is the implementation of a comprehensive, clear and workable environmental, social, health and safety regulatory framework for the development of Kenya's petroleum. Moreover, Kenya is going through a major process of institutional reforms. As part of that, national and regional legislation (in each of the 47 counties) is being enacted. (e.g. Public Participation Law).

The SESA will provide the necessary input for the development of the required policy reforms, legal and regulatory framework, impact and strategic sector assessments, and guidelines and procedures for the implementation of recommended reforms for the key institutions involved in the oil and gas sector (e.g. Ministry of the Environment, NEMA, DOSHS and NOCK). This input will take into account the analysis of the legal and regulatory work undertaken to date in the oil and gas sector as well as institutional and policy recommendations prepared for the government in the context of that work. Further, the SESA will assess and make recommendations for the necessary inter-agency coordination for effective policy development and implementation.

The SESA will consider the necessary issues for Policy initiatives that must be implemented to address industry specific air (gas flaring, Green House Gases - GHG), water and effluents, wastes (hazardous and non-hazardous), and land use impacts associated with oil and gas (conventional and unconventional) exploration and production nationally and regionally within the country. These policies could range from the implementation of mandatory emissions limits on oil and gas operations, to other voluntary programs and actions. These activities need to encompass good international industry practices (e.g. IPIECA, WB/IFC EHS guidelines, IFC Performance Standards) to reduce environmental releases and enhance social well-being.

The SESA will incorporate the necessary information and produce the necessary deliverables to support the development of petroleum sector specific occupational safety and health regulations to provide effective and efficient oversight of the sector in line with international best practice (e.g. OGP, WB/IFC EHS guidelines, IFC Performance Standards).

The SESA will integrate and present the necessary support information to build or enhance the short and long-term capacity of key environmental, social, occupational health and safety institutions in petroleum sector activities and EIA/SEIA best practices. The SESA will consider, and its outcome will support the expansion of coordinating and supervising agencies such as the Ministry of the Environment, Water and Natural Resources (MEWNR), the National Environmental Management Authority (NEMA), and the Directorate of Occupational Safety and Health (DOSHS) in the Ministry of Labor. The SESA will complete institutional reviews in which a functional diagnosis is made of the institutions, with a focus on mandates, objectives and responsibilities, organizational management structures, processes and procedures, as well as human, technical and financial capabilities, while considering the growth of the petroleum sector. These reviews will further inform the human and institutional capacity building for the years to come. The SESA outcome will include the necessary policies / plans / programs (PPP) for capacity building and training of the personnel, and equipment necessary for the agencies to operate effectively.

In summary, the SESA deliverables must result in the necessary input for policies (national and counties), regulations and organizations, to well position the institutions (e.g. MEWNR, NEMA, DOSHS) to provide greater capacity for policy development, regulatory certainty and consistency in oil and gas oversight through enhanced policies/plans/programs, assessment /statements, data collection and analysis, improved information sharing and partnerships, and focused compliance assistance and enforcement.

1.8.2. Stakeholder Involvement, Engagement and Consultation

The SESA will identify initial barriers to public involvement in Kenya, will consider measures to eliminate those barriers, will deliver a plan and implement it, for effective stakeholder engagement, including:

- Access to information by a wide majority of the public
- Adequateness of awareness of roles by the public
- Adequateness of consultation where there is involvement, and
- Adequacy of language use in reports and presentations to communities and the general public

The SESA will reach out to diverse national and local stakeholders interested in or potentially affected by oil and gas development. The outreach should seek to improve understanding of stakeholders' issues, identify key drivers and barriers, increase performance, and address the environmental and social implications of oil and gas development.

The SESA will require adequate planning, methodology and resources, including the following initiatives for proper stakeholder involvement:

- Actively involving local experts and opinion leaders in SESA process
- Use of appropriate/ comprehensible / non-technical language
- Create awareness and encourage participation by the public
- Conduct the engagement at the location of interested/affected parties (communities), and if/when necessary facilitate transportation to a stakeholders meeting.

Any participatory incentives need to be given in good faith not merely as a way to have sizable public audience to rubber-stamp the SESA.

The consultant will describe the methodology that will be used to identify and map the stakeholders. If the consultant has any protocols that have been effective in similar projects please describe them.

1.8.3. Environmental and Social Safeguards in Oil and Gas GoK Contracts

The SESA will identify the existing environmental, social, occupational health and safety requirements that are included in the Oil and Gas contracts between the GoK and the Oil and Gas Companies. The SESA will consider the environmental, social, occupational health and safety safeguards that need to be incorporated in the Oil and Gas Contracts.

The SESA will provide the information necessary and specific recommendations of the environmental, social, occupational health and safety minimum requirements that the GoK should include in the Oil and Gas contracts.

1.8.4. Quality and Standard of Environmental Impact Assessment (EIA) and Impact Statement

The SESA will assess the general quality of Environmental Impact Assessment (EIA) and Impact Statement in Kenya by reviewing EIA reports and statements for oil and gas offshore and onshore projects.

The SESA outcome will provide input regarding the deficiencies in the EIAs and statements, and will provide recommendations to improve the EIAs and statements (EIAs and Statements to be provided by NEMA).

1.8.5. EIA follow-up

The SESA will assess the follow-up and enforcement of EIAs for oil and gas. It will provide the necessary input and recommendations for adequate compliance monitoring and enforcement, including the information that need be included in the reports submitted by companies / operators to NEMA.

The SESA will assess the existing mechanisms that NEMA uses for funding the monitoring, follow up and regulatory enforcement of oil and gas projects. The SESA will provide the necessary input and recommendations to assure funding at the institutional level (e.g. NEMA, DOSH) for independent and effective monitoring and auditing of petroleum activities by the regulatory agencies.

1.8.6. Biodiversity and Sustainable Management Living Natural Resources

The SESA will consider biodiversity and the policies, plans and programs necessary to sustainably manage and mitigate impacts on biodiversity and ecosystem services throughout the petroleum development lifecycle. Ecosystem services valued by humans are often underpinned by biodiversity. Impacts on biodiversity can therefore often adversely affect the delivery of ecosystem services.

The main objectives of the PPP related to biodiversity are:

- To protect and conserve biodiversity.
- To maintain the benefits from ecosystem services.
- To promote the sustainable management of living natural resources through the adoption of practices that integrates conservation needs and development priorities

The SESA will assess biodiversity, and it will recognize that protecting and conserving biodiversity, maintaining ecosystem services, and sustainably managing living natural resources are fundamental to sustainable development. The requirements for biodiversity will be guided by the Convention on Biological Diversity, which defines biodiversity as “the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are a part; this includes diversity within species, between species, and of ecosystems.”

Ecosystem services are the benefits that people, including businesses, derive from ecosystems. Ecosystem services are organized into four types: (i) provisioning services, which are the products people obtain from ecosystems; (ii) regulating services, which are the benefits people obtain from the regulation of ecosystem processes; (iii) cultural services, which are the nonmaterial benefits people obtain from ecosystems; and (iv) supporting services, which are the natural processes that maintain the other services.

1.8.7. Water Resources

Surface and underground water and energy are inextricably linked and mutually dependent, with each affecting the other’s availability. Water is needed for energy development and generation, and energy is required to supply, use, and treat drinking water and wastewater.

There is an increase in water use associated with energy development, and a considerable amount of water is used, for example, to extract oil and natural gas from geologic formations, and extract oil shale in the event commercial production of this energy source becomes economically feasible in the future.

In addition, development of oil and gas resources can produce large volumes of wastewater—“produced water”—that must be disposed of or treated to allow for its reuse. The SESA will identify and address the link between energy and water as essential to ensuring a sustainable supply of each.

The SESA will consider, identify and describe water resource (surface and underground) PPP considerations. The main objectives of the PPPs will be to protect water resources from the adverse impacts of oil and gas activities and to promote the equitable sharing of benefits and proper use of

both surface and underground water resources.

1.8.8. Seasonal nomadic communities, large-sized migratory species and cross-regional impacts

Seasonal nomadic communities, large-sized migratory species, and cross-regional impacts, with the potential to occur across much of Kenya where future oil and gas development activities may occur, will be addressed in the SESA.

The SESA outcome should provide not only the basis for policy development, but also and very important, it should be a key input for updating the Kenyan Petroleum Development Master planning to identify strategic options to optimize the social and environmental benefits and minimize the impacts of oil and gas development.

1.8.9. Resettlement Policy Framework

The development of oil and gas projects in Kenya is likely to have social impacts on land access, restriction of access to assets and natural resources, displacement and/or loss of livelihood among others (potential to trigger the World Bank's safeguards policy on Involuntary Resettlement, O.P 4.12).

The consultant will review current resettlement practices in other sectors in Kenya, their applicability to the petroleum sector, and their alignment with international best practice (e.g. IFC PS). Learning from these experiences and international best practices, the consultant will provide recommendations for petroleum sector-specific policies and recommendations on involuntary resettlement.

The SESA will provide a comprehensive diagnosis of typical and common petroleum sector land acquisition leading to resettlement and/or restrictions of access to resources and livelihoods. The SESA will provide an appropriate basis for development of policies to mitigate potential social risks consistent with international good practice.

1.8.10. Oil Spill Preparedness, Emergency Response and Crisis Management

The SESA will assess the capacity for Oil Spill Preparedness, Emergency Response and Crisis Management, and key information for development of a National Oil Spill Contingency Plan and actions to strengthen the GoK's capacities in these areas.

The SESA will identify the existing government agencies in Kenya with responsibility (defined mandates, roles and responsibilities), and existing built in capacity (or lack of) for contingency planning and responding to petroleum sector events.

The SESA will make recommendations regarding policy/plans/programs and institutional for developing a comprehensive Oil Spill (and other petroleum industry major events) Preparedness, Emergency Response and Crisis Management.

1.8.11. Climate Change Related Risks and Impacts

The SESA will consider climate risks and impacts that can provide key information regarding vulnerabilities and risks faced by the specific sector planned activities. The use of screening tools will enhance the capacity to understand and integrate climate change factors into project planning, especially at the initial stages of project preparation.

The SESA will generate recommendations with respect to a variety of adaptation measures. At this point, it will be important to narrow down the selection to those measures that are more suitable to the local conditions and expected to generate the best development outcomes.

1.8.12. Gender Considerations

The SESA will identify and analyze any potential gender-specific impacts and opportunities of the oil and gas sector – including how men and women may differently experience risks and benefits of the sector.

The SESA will propose implementable, culturally appropriate actions to minimize gender-specific impacts while optimizing opportunities in the petroleum sector.

1.8.13. Communities and Vulnerable Inhabitants

The SESA will recognize that oil and gas development often bring benefits to communities, including employment, services, and opportunities for economic development. However, oil and gas development can also increase the potential for community exposure (including vulnerable groups within the community) to risks and impacts arising from the projects activities. The SESA will consider the Policies, Plans and Programs to avoid or minimize the risks and impacts to community health, safety, and security that may arise from project activities. Further, the level of risks and impacts may be greater in projects located in conflict and post-conflict areas.

The main objectives of the PPPs will be:

- To avoid or minimize risks to and impacts on the health and safety of the Affected Communities during the life cycle of oil and gas development, from both routine and non-routine circumstances
- To ensure that the safeguarding of personnel and property is carried out consistently with relevant human rights principles and in a manner that avoids or minimizes risks to the Affected Communities

The SESA will address the status of vulnerable inhabitants as appropriate, including religious and ethnic minorities, indigenous and tribal peoples, pastoralist communities and, in some societies, women (refer to the gender considerations section above).

The SESA will conduct a mapping of vulnerable inhabitants in the oil and gas areas, to determine potential cultural risks and impacts – on shared customs, obligations, values, language, religious belief and other elements that make a social or ethnic group distinct; and that may affect vulnerable ethnic minorities. The mapping will indicate the presence and collective attachment to the land of distinctive or potentially vulnerable groups, and linkages among geo-political units (national, regional, county, local and inter-local).

As part of the social assessment of vulnerable inhabitants in the oil and gas areas, the SESA will include baseline information regarding education, literacy and poverty levels of the population among the criteria to be assessed. This data will be fundamental for designing vocational skills training programs linked to the oil industry (refer to local content section below); for the design of the information communications campaign; and for carrying out the workshops throughout the development of the SESA, among other issues.

Finally, the SESA will identify measures for avoidance or mitigation of adverse impacts, as well as for culturally appropriate benefit-sharing.

1.8.14. Cultural Heritage

The SESA will recognize the importance of cultural heritage for current and future generations. Consistent with the Convention Concerning the Protection of the World Cultural and Natural Heritage, the SESA will consider the policies, programs and plans (PPP) necessary for the protection of cultural heritage in the course of the petroleum development activities. In addition, the requirements of use of cultural heritage will be based in part on standards set by the Convention on Biological Diversity.

The main objectives of the PPPs will be:

- To protect cultural heritage from the adverse impacts of oil and gas activities and

- support its preservation.
- To promote the equitable sharing of benefits from the use of cultural heritage

Cultural heritage refers to (i) tangible forms of cultural heritage, such as tangible moveable or immovable objects, property, sites, structures, or groups of structures, having archaeological (prehistoric), paleontological, historical, cultural, artistic, and religious values; (ii) unique natural features or tangible objects that embody cultural values, such as sacred groves, rocks, lakes, and waterfall; and (iii) certain instances of intangible forms of culture that are proposed to be used for commercial purposes, such as cultural knowledge, innovations, and practices of communities embodying traditional lifestyles.

Cultural heritage PPP considerations will apply regardless of whether or not it has been legally protected or previously disturbed.

1.8.15. Local Content

Local content is referred to the creation of jobs, promotion of enterprise development and the transfer of skills and technologies. Industry business participation by local entrepreneurs and enterprises, and the employment of local population by the industry, are key matters in ensuring a social license to operate.

The SESA will identify local content opportunities in terms of goods and services to supply for the Kenyan O&G industry. Further, it will identify the workforce (quantities) and labor (skills) requirements in the Kenyan oil and gas sector, including technical, project management and vocational. The SESA will deliver recommendations on how to address local content.

1.8.16. Trans-boundary Considerations

The SESA will consider and identify environmental and social trans-boundary key issues for oil and gas development in Kenya, and address the trans-boundary impact of plans, programs and policies.

The SESA will review and describe the key challenges regarding environmental and social trans-boundary issues for oil and gas development. These may relate, for example, to compatibility of national systems for environmental assessment and public participation, trans-boundary movement of hazardous wastes, use of aquifers, etc., and discuss the practical problems of implementing trans-boundary agreements and to propose possible approaches.

2. CONSULTANT TEAM AND CONSULTANTS' QUALIFICATIONS

The consultant team to conduct the SESA will be an integrated team of local and international consultants and experts, confirmed by the following organization and with the following minimum qualifications and experience, including:

2.1. A local environmental and social consulting firm (local firm)

The local firm will have the lead responsibility for data collection and the analytical work. It will have demonstrable extensive experience conducting environmental and social impact assessments in Kenya, and proven petroleum sector experience. The local firm will also have extensive proven experience in developing and implementing public and community engagement plans in Kenya, including public and community (civil society) participation and consultation. The local firm must be registered as a consultant with NEMA.

The local firm must include the following professionals/specialists, with the minimum qualifications of the team members as follows:

- Environmental professional - specialist (national) with at least ten years of experience with ESIA in Kenya, including work on at least two EIAs for oil and gas projects. Must be very knowledgeable and familiar with the environmental policies and regulations existing in Kenya.

- Social development professional - specialist (national) with at least ten years of experience with ESIA in Kenya, including work on at least two EIAs for oil and gas projects. Must be very knowledgeable and familiar with the social related policies and regulations existing in Kenya (land acquisition, resettlement, compensation, gender considerations, inclusion of vulnerable groups, etc.), and proven expertise in community development.
- Safety and occupational health professional - specialist (national), with at least ten years of experience working in safety and occupational health in Kenya. Must be very knowledgeable and familiar with the safety and occupational health policies and regulations existing in Kenya.

Other Experts

- Civil society/community engagement professional - specialist (national) with at least five years of experience in public participation in Kenya, including community and grass-root engagement and consultation. Must be knowledgeable and have expertise with the similarities and differences for effective community consultation and participation across the different regions in Kenya. Must be familiar with existing policies and regulations regarding stakeholder communication/consultation/engagement, and preferably with experience in communication policymaking.
- Economist professional – specialist (national) with at least five years’ experience in economic alternative analysis, environmental and social costs, externalities, and mitigation costs

2.2. A team of international consultants (International Team)

The international team will have proven experience on conducting strategic impact assessments for the Oil and Natural Gas industry sector; and proven experience assessing and addressing environmental, social, safety and health policy and regulatory issues in oil and gas development. The international team will provide overall coordination and advisory services to the local consultants.

The minimum qualifications of key international team members are as follows:

- An environmental professional (environmental engineer, environmental scientist), specialist(international) with at least ten years of professional experience working in the international onshore and offshore oil and natural gas sector; very knowledgeable and familiar with the international oil and natural gas best industry practices including IPIECA; the World Bank General, Oil and Gas Sector and Infrastructure EHS Guidelines; the IFC 2012 Performance Standards, and ISO 14001.
- An engineer (international) with at least ten years of proven operational experience dealing with technical aspects of onshore and offshore oil and gas operations, with experience in exploration (seismic and drilling), appraisal, development and extraction, processing, and transmission. Must be very knowledgeable and familiar with international oil and natural gas best industry practices, including OGP.
- A lawyer with at least five years’ experience in environmental law, in particular, environmental procedures and regulations as well as familiarity with oil and gas legislation.

Others

- A social assessment professional (sociologist, anthropologist, natural resources economist), specialist (international)with at least ten years of professional experience in the oil and natural gas sector.
- With strongfoundations in natural and social sciences, the social specialist will have proven experience providing consulting services focused on the human and socio-economic aspects of natural resource management and environmental planning through impact assessment, follow-up monitoring, environmental policy and participatory decision making processes.

- Must be very knowledgeable and familiar with the international oil and natural gas best industry practices including IPIECA; the World Bank EHS Guidelines; the IFC 2012 Performance Standards, and ISO 26000
- A safety and occupational health professional (degree in safety and health CSP), specialist (international) with at least ten years of professional experience working in the international onshore and offshore oil and natural gas sector; very knowledgeable and familiar with the international oil and natural gas best industry practices including OGP, IPIECA; the World Bank General, Oil and Gas Sector and Infrastructure EHS Guidelines; and OHSAS 18001

3. DELIVERABLES AND SCHEDULE

S/N	Deliverables	Schedule
1.	SESA Brief	end of week 14
2.	SESA Scoping Report	end of week 22
3.	Draft SESA Report	end of week 32
4.	Final SESA Report	end of week 42

ANNEX 2: MINUTES OF REGIONAL AND STAKEHOLDER WORKSHOPS HELD

ANNEX 2(A): CIVIL SOCIETY WORKSHOP

ANNEX 2(B): NAIROBI METROPOLITAN REGIONAL WORKSHOP

ANNEX 2(C): LAMU LOCAL WORKSHOP

ANNEX 2(D): MOMBASA REGIONAL WORKSHOP

ANNEX 2(E): NORTH RIFT REGIONAL WORKSHOP

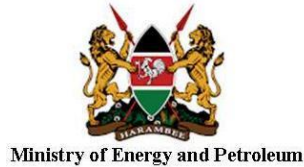
ANNEX 2(F): WESTERN KENYA/SOUTH RIFT REGIONAL WORKSHOP

ANNEX 2(G): ISIOLO REGIONAL WORKSHOP

ANNEX 2(H): TURKANA LOCAL MEETING

ANNEX 2(I): NATIONAL SCOPING WORKSHOP

***ANNEX 2(A): MINUTES FOR THE STRATEGIC ENVIRONMENTAL AND SOCIAL
ASSESSMENT (SESA) OF THE PETROLEUM SECTOR IN KENYA - CIVIL SOCIETY
WORKSHOP HELD ON 19TH APRIL 2016 AT THE LAICO REGENCY HOTEL, NAIROBI
CITY***



MINUTES FOR THE STRATEGIC ENVIRONMENTAL AND SOCIAL ASSESSMENT (SESA) OF THE PETROLEUM SECTOR IN KENYA - CIVIL SOCIETY WORKSHOP HELD ON 19TH APRIL 2016 AT THE LAICO REGENCY HOTEL IN NAIROBI COUNTY

In Attendance

(Full List attached in the Annex)

Consultants Present

1. Prof. Jacob Kibwage (Team leader/Lead Consultant)
2. Dr. Ben Agaya
3. Ms Grace Moraa
4. Eng. Peter Mwangi
5. Mr. Peter Magati
6. Ms. Eva Mukiri

AGENDA

1. Preliminaries
2. Presentation by SESA Consultant
3. Discussion on concerns and issues in the petroleum sector in Kenya
4. Closing remarks
5. AOB

ITEM 2/19/2016: PRELIMINARIES

The meeting was opened with a word of prayer at 9:35am from one of the participants. The session was chaired by the Strategic Environmental and Social Impact Assessment (SESA) team leader and the KEPTAP team from the Ministry of Energy and Petroleum. They gave a brief on the project description after introductions had been done.

The consultant stated that the Strategic Environmental and Social Assessment (SESA) was being conducted to present strategic recommendations for policies, plans and programs in the Kenya Oil and Gas (O&G) sector that will guide environmental and socio-economic planning and decision making in the country.

He stated that the National Environment Management Authority (NEMA) had taken a year preparing the Terms of Reference for the SESA. Same was available on the NEMA website.

He informed participants that the SESA work commenced on 17th February 2016 and that the first consultative kick off meeting had been held with the Ministry of Energy and Petroleum (MoEP) and World Bank.

He then invited the KEPTAP Environmental and Social Impact Specialist and the KEPTAP Project Manager to make some remarks.

KEPTAP Environmental and Social Specialist (ESS) Remarks

The Team Leader then invited the KEPTAP Environmental and Social Specialist (ESS) who gave a brief history of the project. He stated that Upstream Oil development is a new sector and

organizations like NEMA may be lacking the capacity and sector policies to manage this sector. It is for this reason that there was need to develop these tools and make SESA the first priority activity. He informed participants that SESA was a World Bank Safeguard that is mandatory and that public participation is a requirement for KEPTAP to ensure views, interests and concerns about the Oil and Gas sector were adequately captured. He stated that KEPTAP was keen to learn from participant's experience, lessons learnt and gaps identified so that these can be incorporated into the scoping report that the SESA consultant would prepare.

a) KEPTAP Project Manager Remarks

The Team Leader then invited the KEPTAP Project Manager, who conveyed apologies of the Commissioner of Petroleum and his Deputy who were unable to attend the workshop. He stated that SESA was a mandatory item in financing of the project and that there were strict timelines to be adhered to. He said CSOs had been identified as important players in the oil exploration sector whose insights would greatly inform the SESA. He stated that KEPTAP had identified 19 stakeholders and interest parties for this exercise including CSO's, Central Bank, and the Presidential Delivery Unit, among others. He informed participants that SESA would lay a framework for all future EIA's in the Oil and Gas sector so a critique of plans, programmes and policies was required so that at the end of the process, there would be a well thought out product. The project manager informed participants that a Transaction Expert had been brought on board to conduct an institutional review and that a Gender Assessment was also underway and it would inform the SESA, even though a component of gender assessment would be undertaken as well.

ITEM 2/19/2016: SESA LEAD CONSULTANTS' PRESENTATION

- I. The consultant introduced the SESA team which comprises of the local and international experts. He outlined the roles of the local and international experts in the team.
- II. The Team Leader reiterated that the SESA process had been triggered by recent oil and gas discoveries that may have a substantial transformational impact on the Kenyan economy, and trigger new developments which require petroleum sector reforms necessary to help manage potential environmental and social impacts, issues and concerns in the *upstream, midstream* and *downstream* sectors.
- III. He stated that SESA would be conducted to present strategic recommendations for Policies, Plans, and Programs (PPP) that would guide environmental and socio-economic planning and decision making in the country. The team leader informed participants that SESA presents a unique opportunity for the country to systematically address environmental and socio-economic management issues pertaining to oil and gas activities in the context of sustainable development. He informed participants that a SESA kick-off meeting was held on 16th February 2016 and the starting date set as from 17th February 2016.
- IV. The team leader then gave a general overview of SESA study approach that would be used. He stated that policies, programs and plans for the upstream, midstream and downstream subsectors would be reviewed. Participants were referred to the list of concerns and issues of the petroleum sector in Kenya that had been identified, he then directed them to the SESA scoping data collection schedule that had been provided for upstream, midstream and downstream and asked that they give their views on the identified impact themes and issues.
- V. He informed the participants that SESA will involve consultative workshops with stakeholders, regional meetings, national workshops as well as case studies in areas like Lamu, Isiolo and Lokichar. Views of all key players in the downstream sector would be sought as well as those on the existing pipeline and terminal network, with a view to identifying any gaps that need to be filled and whether there are agencies and adequate measures to deal with industry issues in this subsector.
- VI. The team leader then gave an overview of the guiding policy and legal framework as: The 2010 Constitution of Kenya, EMCA Cap. 387, NEMA SEA Guidelines of 2012, other Kenya Environmental Policies and Laws, World Bank/IFC Environmental and Social Performance Standards/Safeguards, Equator Principles, Multilateral Environmental Agreements (MEAs)

- and Sustainable Development Goals (SDGs) amongst others.
- VII. The consultant then informed participants that SESA would entail the following stages: Stage 1: Scoping; Stage 2: Identification of impacts and issues; Stage 3: Description of the regulatory and institutional framework and assessment of capacity; Stage 4: Formulation of recommendations; Stage 5: Final consultations, review and approval; Stage 6: Follow-up Discussions/Monitoring and Evaluation
- VIII. He welcomed the participants for open discussion and urged them to think of what is lacking in the county. The issues and policies they think should be put in place for the sector to move forward in terms of:
- **Upstream**- this deals with exploration and drilling, development and production of crude oil and natural gas.
 - **Midstream**- involves the transportation (by pipeline, rail, barge, oil tanker or truck), storage, and wholesale marketing of crude or refined petroleum products
 - **Downstream**- refers to the refining of petroleum crude oil and the processing and purifying of raw natural gas as well as the marketing and distribution of products derived from crude oil and natural gas. The downstream sector reaches consumers through products
- IX. He welcomed the participants for open discussion and urged them to think of what is lacking in the county. The issues and policies they think should be put in place for the sector to move forward. The Figure below shows the SESA Lead consultant making a presentation during the workshop.

ITEM 03/06/2016: IDENTIFICATION OF CONCERNS AND ISSUES IN THE PETROLEUM SECTOR

To guide the discussions, the concerns and issues were categorized and participants gave their comments on each category as follows:

- A. Land, Land Use and Potential Changes in Settlements, Livelihoods and Impact on Fisheries and Livelihoods**
- I. The following Bills should be reviewed and if possible enriched by the SESA exercise: Community Land Bill, Evictions and Resettlement Bills, Public Participation Bill.
 - II. Livelihoods should be broken down into terrestrial livelihoods as well as offshore livelihoods. The latter context should be reviewed separately so that the needs and concerns of people earning their living from the marine resources are specifically addressed.
 - III. The question of who owns the offshore resources and what stake local communities have on offshore resources should be addressed alongside the role of counties in planning for the marine resources and that of the boundaries under the National Government.
 - IV. Compensation should be looked at in totality not just from an economic point of view. It's not only livelihoods that should be accounted for but also cultural and non-economic stakes and values as recognized in the Constitution but are not yet clearly defined and effected through relevant statutes and policies.
 - V. Internationally acceptable guidelines for costing natural resources should be used in compensating project affected persons (PAP's).
 - VI. Capacity in Natural Resource Economics in Kenya should be strengthened.
 - VII. National Land Commission has prepared a draft document on mapping of resources and the SESA consultant should review whether offshore resources have been captured.
 - VIII. Guidelines should be drafted for eminent domain (compulsory acquisition) in community land, because constitution states that minerals fall under public land. The Land Act has provisions for how to transfer private land to public land, but there is a legal lacuna with respect to community land.
 - IX. EIA's do not adequately cover trans-boundary impacts, the EIA/EA Regulations should be reviewed to ensure there are guidelines to ensure buffer zones are considered and not just points directly impacted by projects.
 - X. Guidelines for reverting public land back to community land after a restoration process should be developed.

B. Preservation of Cultural Resources and Threats to Forestry Resources

- I. SESA should conclusively show environmental and cultural costs of what we are losing if the Country proceeds with oil and gas developments.
- II. Economic value on culture resources (e.g in areas like Lamu) as well as social capital should also be scientifically computed.
- III. Spatial planning guidelines being developed by the Ministry of Planning should be reviewed to ensure they include natural capital assessment, so that economic values can be obtained.
- IV. International benchmarks should be used for heritage/ historic/ cultural sites with the primary objective being to avoid interference with historical sites because they have intrinsic value. This can be reviewed from community to community.
- V. Regulatory or policy guidelines for certain mandatory studies such as ecosystem service assessment should be prepared to guide investors or interested parties.

C. Public Participation, Human Rights & Community Concerns

- I. The tripartite of access rights should be guaranteed i.e. timely access to relevant information so that communities can make informed decisions; Access to the institutions that are making decisions on behalf of the public; and Access to Justice.
- II. NEMA website should be redesigned to ensure systematic management and ease of reference to EIA reports.
- III. Build capacity of communities on rights based approach. Empower them on what information to look out for in EIA reports.
- IV. Policy guidelines should be reviewed to ensure that government and private investors are genuinely transparent and accountable to the public.
- V. On management of expectation, the public should be appropriately informed on the oil and gas and in particular what exploration will entail, how and where processing will be done and what implications these would have for the citizens.
- VI. Engagement: Avenues for public participation should be widened to ensure it is done throughout the project lifecycle. Opinions given should inform decisions & involvement be done through entire lifecycle. This would ensure consensus for decisions and allow for grievance redress as well as management of expectations.
- VII. The Ministry of Devolution guidelines for public participation should be reviewed with the aim of strengthening participation through such measures as creating citizen forums on issues relevant to oil and gas sector.
- VIII. Consider using existing forums such as *Water Resource Users Associations, Community Forest Associations* etc. or consider forming similar groups for the oil and gas sector.
- IX. Use existing legal and cultural frameworks to assess gender and inter-generational public participation.
- X. Constitution of Kenya, 4th schedule provides for the roles of County Governments in ensuring public participation. However, guidelines for what the minimal level of public participation ought to be developed.
- XI. The common practice in public consultation quite often does not address the question of participation in whose space, who is initiating the conversation etc. Public consultation should as much as possible be based on free prior and informed consent.
- XII. The SESA should explore the mechanisms for addressing conflicts or inadequate separation of powers such as, in the instances where a government agency operates as implementer of a project and at the same time as a custodian of the laws/regulator.
- XIII. Whoever conducts public consultation should demonstrate that there is diversity and inclusivity. Indicators for effective public participation should be identified and published.
- XIV. Most major infrastructural projects are besieged with fear of the unknown. Therefore, implementors should provide simplified correct information and it should be consistent i.e. have a communication strategy. Fears arise from under development of some areas and lack of inclusion in country's economic development. Historically unresolved grievances then are revisited.

- D. Water and Wetland Resources Pollution; Destruction of Wildlife Habitats; Coastal and Marine Resources; and Biodiversity Threats**
- I. Water consumption, how much is being used, how it will be recovered, how are payments for this being done by the International Oil Companies (IOC's) conducting upstream activities?
 - II. What heavy metals are potentially likely to be introduced into the environment through oil and gas operations?
 - III. Kenya is a member State of the International Sea Bed Authority, are our offshore drilling activities in harmony with the United Nations Convention of the Law of the SEA (LOSC)?
 - IV. Potential for oil spills: How is modeling for oil spill management both onshore/offshore, being done and costed?
 - V. The following EMCA CAP 387 regulations should be reviewed to capture the oil and gas sector impacts: *Environmental Impact Assessment and Audit Regulations, 2003; Waste Management Regulations, 2006; Water Quality Regulations, 2006; Controlled Substances Regulations, 2007; Wetlands, Riverbanks, Lakeshore and Seashore Management Regulations, 2009; Noise and Excessive Vibrations Pollution Control Regulations, 2009; The Air Quality Standards Regulation, 2014.*
 - VI. The following draft EMCA CAP 387 regulations should be reviewed to ensure oil and gas industry impacts are anticipated and factored in: *Draft EMC (Deposit Bonds) Regulations 2014, Draft EMC (Chemical Management) Regulations.*
 - VII. An inventory of all chemicals used in the oil and gas sector should be prepared and international best practice for handling these chemicals identified.
 - VIII. Air pollution, where gas as a pollutant affects different environments, humans, wildlife and ecology should be identified and control mechanisms put in place.
 - IX. There should be regular monitoring of the oil and gas sector to ensure prevention of pollution rather than firefighting and cleaning up pollution incidences.
 - X. Institutional mandates should be reviewed to make it clear on the institutions mandated for instance to do air quality analysis for the counties & disclose the findings. SESA should assess whether there is capacity and recommend inter-agency guidelines for cooperation to ensure roles aren't duplicated
 - XI. NEMA should have a department dedicated to dealing with the oil and gas sector management and coordination.
 - XII. EMCA CAP 387 should borrow from human rights impact assessment, which has duality, in that it can be done by a proponent as well as by receiving communities to contribute data and make the process more comprehensive. Simplified standardized guidelines for communities to undertake their own assessments should be developed and the human resource capital utilized.
 - XIII. Guidelines for Social Impact Assessment should be developed.
 - XIV. Lessons learnt from other Countries show that pollution happens long after the extractive activities and not only during the project activities, so the draft Environmental Bond Regulation should anticipate this fact.
 - XV. Mechanisms for handling radioactive wastes such as the Radiation Protective Boards, sharing inter-agency responsibilities, equipment, technical skills and personnel should be reviewed.
 - XVI. Loss of biodiversity should be compensated; biodiversity mapping and valuation should be done, values and mechanism for compensation attached to the valuation reports.
 - XVII. NEMA governance should be improved. Institutional analysis of NEMA should be done and recommendations given.
 - XVIII. EIA's should not be done by proponents but by NEMA
 - XIX. NEMA to share their experience on monitoring and give challenges from their point of view
 - XX. Mandates of institutions under EMCA CAP 387 should be reviewed for gaps & conflicts.
 - XXI. The oil and gas industry uses a lot of water yet communities in the oil and gas exploration zones are highly dependent on ground water. This should be assessed for sustainability and to determine whether intergenerational equity is assured.

E. Energy Demand

- I. Whether the Ministry of Energy and Petroleum has considered what the energy demands will be and if our national energy budget supports this sector.
- II. The central processing facility & pipeline are key points where energy will be required. Studies show the *Southern route* will involve a lot of displacement and experiences low temperatures during certain times of the year so cost of heating will go up. *Northern route* is less populated, experiences higher temperatures most of the year so cost of heating is lower. These routes should be assessed from an environmental perspective.
- III. Since demand is projected to go up, the assessment should establish whether this would affect energy cost for domestic consumers- as well as demand and supply.
- IV. The impact of new energy institutions associated with oil and gas should be identified.

F. Local Content; Revenue Sharing; Economic Impacts

- I. When revenues are received, SESA should review how they will be used, assess potential avenues for misuse/corruption and consider the frameworks that could be established to safeguard against this.
- II. The review should examine the issue of how to ensure revenues are properly invested.
- III. The coordination and regulatory institutions should be reviewed to hire experts in the field of extractives and to counter check reports/activities that IOC's are submitting.
- IV. On Production Sharing Contracts, contents should be disclosed and whether the industry is being audited.
- V. SESA consultants to meet the Senate & Parliament Committees on oil and gas to inform development of laws & policies that are being debated.
- VI. The process should review the mechanisms being put in place to ensure projected revenues are what we will be eventually received and if not, how the points of deviation will be identified and handled.

G. Gender Considerations, Communities and Vulnerable Inhabitants and Cultural Heritage

- I. Training opportunities should be availed to women, industry scholarships should target women for core training in the petroleum sector at all levels; certificate, diploma, undergraduate, postgraduate etc. but should be based on local content. Employment should be gender sensitive as provided for in the constitution
- II. Local Content, information on opportunities and how to get information on which contracts are available (dissemination of information) should be enhanced, so that women, youth, people with disability are able to get information on these opportunities.
- III. Proposals for affirmative action for the sector should be cascaded down to contractors/ sub-contractors.

H. Climate change

- I. Oil and Gas industry is a major contributor to climate change. It will be necessary to explore the need for a policy requiring National Government to compensate Counties where extraction is being done for potential climate change impacts.
- II. The question as to whether the Climate Change Bill anticipated carbon emissions from the petroleum sector was asked and whether it has put measures in place to manage these. The laws are required at regional level to deal with trans-boundary environmental concerns.

I. Preparedness, Emergency Response and Crisis Management

- I. Besides the private sectors, County Governments should be the first respondents in the event of an oil spill. Capacity should be built & resources provided. Emergency response services should be devolved to Counties not nationalized. Oil spill modeling should be done e.g for all counties through which a pipeline crosses and resources for emergency response provided.
- II. Communities should be directly involved in managing emergency responses. Define their roles: provide information to these communities; inform them of potential risks of having that

- pipeline or other oil and gas facilities and train them on what to do in the event of an emergency. (KPC already uses this model so they can inform the SESA process).
- III. The private sector should also train personnel/community volunteers on emergency response mechanisms.
 - IV. Public awareness to ensure the public understands which risks are involved and county governments should play a role in enforcement.

ITEM 03/12 /2016: AOB

- I. Participants will be invited to the data validation workshops.
- II. The SESA team was urged to examine the prospects for creating a Framework for National Government to engage county governments on natural resources management and use especially in accommodating county interests and concerns in the oil and gas sector.
- III. Explore and compare how revenue sharing is done in other countries to safeguard against corruption and conflicts.
- IV. It was announced that scoping forms to capture any additional issues and concerns relevant to the upstream, midstream and downstream oil and gas operations had been emailed to the participants. All participants agreed to submit their comments by end of May
- V. Participants requested that SESA Power Point presentation to be shared with them.
- VI. The list of identified stakeholders was shared with participants & they were requested to add to this list.


ITEM 04/12 /2016: CLOSING REMARKS

- I. The participants were praised for their attentive spirit and their wholehearted contributions. They were told that the draft reports will be shared to all at some stage and were urged to streamline their thinking in the sector.
- II. Participants were informed that they will be invited to the data validation workshops.
- VII. The team leader indicated that he was impressed by the good turn out and good participation from the local people.

ADJOURNMENT

There being no other business for discussion, the workshop was adjourned at 5:00pm with a word of prayer.

Confirmed and Approved for Circulation

Minutes Prepared by: Ms. Eva Mukiri Kaburu Signature:  Date: 7th July 2016

Confirmed by: Ms. Grace Moraa Signature:  Date: 7th July 2016

PARTICIPANTS LIST OF ATTENDANCE

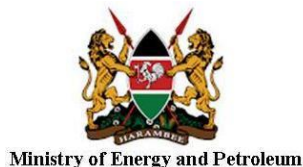


SCOPING MEETING FOR STRATEGIC, ENVIRONMENTAL AND SOCIAL ASSESSMENT (SESA) FOR THE PETROLEUM SECTOR IN KENYA FOR THE MINISTRY OF ENERGY AND PETROLEUM (MoEP)

ATTENDANCE SHEET FOR: *Civil Society Organizations* **VENUE:** *Laico Regency Hotel* **DATE:** *19/04/2016*

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16.	Abida Buoro	Africa Waste and Environment Management Centre	0723567135	abidabuoro@gmail.com
17.	Prof. J.K. Kibwage	Africa Waste and Environment Management Centre	0722479061	jkibwage@yahoo.com
18.	Omondi Winstine	Cordaid/ Timu	0722938806	joel.omondi@gmail.com

***ANNEX 2 (B): MINUTES FOR THE STRATEGIC ENVIRONMENTAL AND SOCIAL
ASSESSMENT (SESA) OF THE PETROLEUM SECTOR IN KENYA–NAIROBI
METROPOLITAN REGIONAL WORKSHOP HELD ON 5TH THURSDAY, MAY 2016 AT
FAIRVIEW HOTEL, NAIROBI CITY***



MINUTES FOR THE STRATEGIC ENVIRONMENTAL AND SOCIAL ASSESSMENT (SESA) OF THE PETROLEUM SECTOR IN KENYA – NAIROBI METROPOLITAN REGIONAL WORKSHOP HELD ON THURSDAY, 5TH MAY 2016 AT FAIRVIEW HOTEL IN NAIROBI COUNTY.

IN ATTENDANCE

(Full List attached in the Annex)

Consultants Present

1. Prof. Jacob Kibwage (Team leader/Lead Consultant)
2. Dr. Ben Agaya
3. Ms Grace Moraa
4. Eng. Peter Mwangi
5. Mr Peter Magati
6. Ms Eva Mukiri

AGENDA

1. Preliminaries
2. Presentation by SESA Consultants
3. Discussion on concerns and issues in the petroleum sector in Kenya
4. Closing remarks
5. AOB

ITEM 01 /05/2016: PRELIMINARIES

The meeting was called to order at 9:40am by the Strategic Environmental and Social Impact Assessment (SESA) team leader. An opening prayer was offered by one of the participants. Thereafter, introductions followed by stating the Institution/county and area of expertise.

The Consultant welcomed members to the workshop and took them through the program of the day. He informed them that previous meeting for the Civil Society Organizations had been held and individual consultations are still on course. He stated that the Strategic Environmental and Social Assessment (SESA), was being conducted to present strategic recommendations for policies, plans and programs in the Kenya Oil and Gas (O&G) sector that will guide environmental and socio-economic planning and decision making in the country. Hence, the reason why a grant has been given to the Ministry of Energy and Petroleum to prepare for the sector in terms of environmental and social issues, revenue sharing so that all will benefit and the county becomes stable.

He stated that the National Environment Management Authority (NEMA) has taken a year preparing the Terms of Reference for the SESA. Same was available on the NEMA website. He informed participants that the SESA work commenced on 17th February 2016, and that the first consultative kick off meeting had been held with the Ministry of Energy and Petroleum (MoEP) and World Bank. He further informed them that this was the Second workshop where participants from Nairobi County and the surrounding regions had been invited so that they can be involved in the SESA process right from the commencement of the project to share their opinions, insight and advice with regards to communities and how the Oil and Gas sector will affect them.

He then invited the KEPTAP Environmental and Social Safeguard Specialist and the KEPTAP project manager to make some remarks.

Remarks by KEPTAP-Environmental and Social Safeguard Specialist (ESSS)

- I. Mr. Jeremiah Wahome who is the KEPTAP Environmental and Social Specialist (ESSS) welcomed all the participants to the meeting and hoped to get the best from the forum.
- II. He gave a brief history of the project. He stated that until recently, Kenya had no knowledge on oil and gas but recent discoveries on onshore and offshore have triggered new developments.
- III. He therefore said that Upstream Oil development is a new sector and organizations like NEMA may be lacking the capacity and sector policies to manage this sector. It is for this reason that there was need to develop these tools and make SESA the first priority activity.
- IV. He informed members that the new developments have created challenges in environmental protection. He informed participants that SESA was a World Bank Safeguard that was mandatory for the sector and that public participation was a requirement for KEPTAP to ensure views, interests, and concerns about the O&G sector were adequately captured.
- V. He stated that KEPTAP was keen to learn from participant's experience, lessons learnt and gaps identified so that these can be incorporated into the scoping report that the SESA consultant would prepare.
- VI. He stated that though little is known in the upstream sector, the early measures are to put structures in place and provide solutions for the GOK before the sector picks up. That Kenya is at that stage where they are not sure of the capacity or formula for calculating profits between the Government and communities. This is because there are no existing laws on the same in place but KEPTAP will be looking for that. He reiterated that countries that produce oil did not prepare for it hence the issues they are facing.
- VII. The ESSS stated that SESA was a mandatory item in financing of the project and that there were strict timelines to be adhered to. He said the members present had been identified as important players in oil exploration sector whose insights would greatly inform the SESA.
- VIII. He further stated that KEPTAP had identified key stakeholders and interest parties for this exercise including MoEP, Central Bank, MoE, NOCK, KPA, Office of the Attorney General, DOSH, NEMA, KEMFRI, CSOs and the Presidential Delivery Unit among others.
- IX. He informed participants that the SESA would lay a framework for all future EIA's in the oil and gas sector so a critique of plans, programmes and policies was required so that at the end of the process there would be a well thought out product.
- X. He stated that it is a unique opportunity for the country for sustainable development because organizations working with NEMA have a role to play in implementation of the strategies. NEMA is the project beneficiary because it is charged with the mandate of SESA for Oil and Gas. The consultant was therefore supposed to map and identify key stakeholders to be consulted in various workshops in the country.
- XI. He concluded by stating that through engaging technical experts and various stakeholders, then the country is to make key recommendations for sustainable development. Every opinion was therefore welcome on how to improve the sector.

ITEM 02 /05/2016: SESA LEAD CONSULTANT’S PRESENTATION

- I. The consultant introduced the SESA team which comprises of the local and international experts. He outlined the roles of the local and international experts in the team.
- II. The Team Leader reiterated that SESA process had been triggered by recent oil and gas discoveries that may have a substantial transformational impact on the Kenyan economy, and trigger new developments which require petroleum sector reforms necessary to help manage potential environmental and social impacts, issues and concerns in the *upstream, midstream* and *downstream* sectors.
- III. He stated that SESA would be conducted to present strategic recommendations for Policies, Plans, and Programs (PPP) that would guide environmental and socio-economic planning and decision making in the country. The team leader informed participants that SESA presents a unique opportunity for the country to systematically address environmental and socio-economic management issues pertaining to oil and gas activities in the context of sustainable development. He informed participants that a SESA kick-off meeting was held on 16th February 2016 and the starting date set as from 17th February 2016.
- IV. The team leader then gave a general overview of SESA study approach that would be used. He stated that policies, programs and plans for the upstream, midstream and downstream subsectors would be reviewed. Participants were referred to the list of concerns and issues of the petroleum sector in Kenya that had been identified, he then directed them to the SESA scoping data collection schedule that had been provided for upstream, midstream and downstream and asked that they give their views on the identified impact themes and issues.
- V. He informed the participants that SESA will involve consultative workshops with stakeholders, regional meetings, national workshops as well as case studies in areas like Lamu, Isiolo and Lokichar. Views of all key players in the downstream sector would be sought as well as those on the existing pipeline and terminal network, with a view to identifying any gaps that need to be filled and whether there are agencies and adequate measures to deal with industry issues in this subsector.
- VI. The team leader then gave an overview of the guiding policy and legal framework as: The 2010 Constitution of Kenya, EMCA Cap. 387, NEMA SEA Guidelines of 2012, other Kenya Environmental Policies and Laws, World Bank/IFC Environmental and Social Performance Standards/Safeguards, Equator Principles, Multilateral Environmental Agreements (MEAs) and Sustainable Development Goals (SDGs) amongst others.
- VII. The consultant then informed participants that SESA would entail the following stages: Stage 1: Scoping; Stage 2: Identification of impacts and issues; Stage 3: Description of the regulatory and institutional framework and assessment of capacity; Stage 4: Formulation of recommendations; Stage 5: Final consultations, review and approval; Stage 6: Follow-up Discussions/Monitoring and Evaluation
- VIII. He welcomed the participants for open discussion and urged them to think of what is lacking in the county. The issues and policies they think should be put in place for the sector to move forward in terms of:
 - **Upstream**- this deals with exploration and drilling, development and production of crude oil and natural gas.
 - **Midstream**- involves the transportation (by pipeline, rail, barge, oil tanker or truck), storage, and wholesale marketing of crude or refined petroleum products
 - **Downstream**- refers to the refining of petroleum crude oil and the processing and purifying of raw natural gas as well as the marketing and distribution of products derived from crude oil and natural gas. The downstream sector reaches consumers through products
- IX. He welcomed the participants for open discussion and urged them to think of what is lacking in the county. The issues and policies they think should be put in place for the sector to move forward. The Figure below shows the SESA Lead consultant making a presentation during the workshop.

ITEM 03 /05/2016: IDENTIFICATION OF ISSUES AND CONCERNS IN THE PETROLEUM SECTOR

Participants acknowledged that the SESA consultants had presented a well thought out work plan and felt that the country is in the right direction. They had the following issues and concerns;

A. Preparedness, Emergency Response and Crisis Management

- I. Most of the emergencies occur in the downstream sector. Counties in Kenya have no disaster management kitty or a centralized fund to handle that. Disasters are handled as they come.
- II. Statutory laws should be put in place on Oil Spillage e.g. in Makueni County, the spillage has been there for the last 10years but no measures have been taken by the responsible agencies. County residents were also urged to be vigilant and report any detection of Oil Spillage.
- III. An issue of locals not being compensated was discussed. There should be a clear mechanism on compensation and clear guidelines on who should manage it.

Recommendations:

- Besides the private sectors, County Governments should be the first respondents in the event of an oil spill.
- Capacity building for the locals should be done and resources provided.
- Emergency response services should be devolved to Counties not nationalized.
- Revenues to be set aside for any environmental problem that arises in the counties. Participants proposed an independent body/agency to handle that fund i.e. Of Oil Spillage.
- There is need of building the capacity of the affected institutions. This is because the first respondents are people from that county.

B. Emergency/Mushrooming of Petrol Stations

- i. It was reported that most communities are ignorant about the emergence of petrol stations near their residential areas and they are not sensitized on the dangers of Petroleum.
- ii. There is need to reinforce the environmental laws and put in place strict measures before any petrol station is put up.
- iii. Clear standards on waste disposal at Petrol Stations should be adhered to so that whatever is from the service bay is not exposed to the environment.
- iv. Issues of recycling wastes should be adhered to in the Petrol stations.
- v. The stations should be minimized and the size of land should also be considered before any Petrol station is allowed in the locality.
- vi. There are inadequate enforcement capacities from NEMA and DOSH in their activities on compliance.

C. Transporting of Petroleum

- i. The issue of carrying Petroleum in cans, tins or polythene bags by motor cycle riders was discussed. These activities, done ignorantly expose people to the dangers of petroleum products.
- ii. Mode of transportation of Petroleum to the community was discussed at length. It was noted that ERC should enforce policies with the involvement of key agencies like DOSH and NEMA. However, it was reported that there is duplication of roles on the ground. There is therefore need to have a new legislation and reduce unnecessary duplication of roles.
- iii. Licenses are given without prior standards being observed. This was mostly attributed to the lack of proper coordination among the various regulatory agencies.
- iv. It was noted that matters of transportation and storage of LPGs almost presents security threats. NOCK reported that there is a pilot study being undertaken to look at the issues of safety.
- v. It was further suggested that marketing companies could assist on marketing of LPG Cylinders.

D. Formation of SACCOS

- i. There was a feeling that in the petroleum sector, formation of SACCOS is key. This will help oil companies control the transportation of petroleum to industries and check the quality of the vehicles transporting it.
- ii. Professionals to be appointed in the right sector and ethical considerations adhered to.

E. Knowledge Transfer

- i. There was a feeling that too much knowledge in the academic institutions does not trickle down to the common man in the village. There is need of building skills from grassroots to national level. There should be proper dissemination of knowledge so that it is consumed by the relevant people.
- ii. Universities were urged to initiate more programs in the petroleum sector.
- iii. Internship opportunities should be given to students undertaking studies in the Oil and Gas sector. NOCK was asked to fast track that.

F. Issues of Corruption

- i. Issues of corruption were reported from the downstream sector. It was reported that there are few informal depots especially in industrial areas. It was also reported that corruption is existing with group ranches and where the pipeline systems where the locals don't understand what is happening. However, it was noted that Kenya has the best tracking systems with just a small opportunity for strengthening existing systems. SESA to come up with clear recommendations on curbing the issue altogether.

G. Public Participation and Management of Community Expectations

- I. Build capacity of communities on rights based approach. Empower them on what information to look out for in EIA reports.
- II. Inform the communities on the amount of Oil the country has as a means of curbing expectations i.e. whether the oil will sustain for 20 years, whether there is enough money for the work and if there are proper mechanisms in place in terms of transportation due to the risks involved.
- III. Communities should be educated and sensitized on alternative plans if oil reserves run out.
- IV. Policy guidelines should be reviewed to ensure that government and private investors are genuinely transparent and accountable to the public.
- V. On management of expectation, the public should be appropriately informed on the oil and gas particularly, what exploration will entail, how and where processing will be done and what implications these would have for the citizens.

H. Gender Considerations, Communities and Vulnerable Inhabitants

- i. Consider using existing forums such as *Maendeleo Ya Wanawake* grassroots networks in terms of mobilization and other logistics. Gender considerations should demonstrate that there is diversity and inclusivity.
- ii. The Petroleum Bill should be adhered to where the community is supposed to receive the money. They should not live worse than they were before exploration started.
- iii. Issues of title deeds should be considered if the government wants to keep communities intact and without conflicts.
- iv. Training opportunities should be availed to women and youths, industry scholarships should target women and youths for core trainings in the petroleum sector at all levels i.e. certificate, diploma, undergraduate, postgraduate etc. but based on local content. Employment should be gender sensitive as provided for in the constitution.
- v. Local Content, information on opportunities, how to get information on which contracts be available (dissemination of information) so that all are able to get information on these opportunities.

I. Communal Land, Land Use and Potential Changes in Settlements and Livelihoods

- I. Compensation should be looked at in totality not just from an economic point of view. It's not only livelihoods that should be accounted for but also cultural and non-economic stakes and values as recognized in the Constitution. Though, these are not yet clearly defined and dealt with through the relevant statutes and policies.
- II. Compensation should be a flat rate for all especially on land in the same eco regions but not to follow the case of SGR because it was not done uniformly.
- III. The issues of land should be addressed properly because in most cases women are not aware. Policies should be put in place so that families and communities don't disintegrate. Therefore,

education to the locals is key. This calls for building capacity in Natural Resource Economics in Kenya.

- IV. Guidelines for reverting public land back to community land after a restoration process should be developed.
- V. Organizations dealing with land issues should sensitize the community.
- VI. There should be proper policies to take care of community livelihoods and embrace the extraction of Oil. Traditional sources of livelihoods should be integrated well with the communities.

J. Impact on Fisheries and Marine Life and Biodiversity Threats

- i. Loss of biodiversity should be compensated, biodiversity mapping and valuation should be done and values and mechanism for compensation attached to the valuation reports.
- ii. The issue of marine displacement should be looked at keenly by experts where dumping of wastes is discouraged.
- iii. The heavy metals that are potentially likely to be introduced into the environment through oil and gas operations should be disclosed.
- iv. The country should have good technology that should not interfere with marine life during exploration.
- v. Have a policy or National guidelines on treating contaminated environment. Then county governments should be appointed as lead agencies.

K. Local Content, Revenue Sharing and Economic Impacts

- I. Once the revenues are received, SESA should review how they will be used, assess potential avenues for misuse/corruption and consider the frameworks that could be established to safeguard against this.
- II. The review should examine on how revenues are properly invested in the counties.
- III. The coordination and regulatory institutions should be reviewed for capacity to hire experts in the field of extractives and to counter check reports/activities that international oil companies are submitting.
- IV. On production and sharing contracts, contents should be disclosed to all and whether there is auditing taking place.
- V. The process should review the mechanisms being put in place to ensure projected revenues are what will be eventually be received and if not how the points of deviation will be identified and handled.

L. Climate Change

Need to explore the policy requiring National Government to compensate Counties where extraction is being done for potential climate change impacts.

ITEM 04 /05/2016: CLOSING REMARKS

a) World Bank Representative

- i. Appreciated the comments and discussion from the participants.
- ii. Urged the consultant to identify the companies involved and see what opportunities they can tap specially in the energy sector.

b) KEPTAP-Environmental and Social Safeguard Specialist


- i. Appreciated the comments and discussion from the participants because it shows the interests and concerns they have to the country.
- ii. Once more informed them that NEMA will hold more consultations and urged them to participate for the common good of the country.
- iii. Thanked the government for doing a lot especially in the sector and expressed the need for proper policies and regulations to be put in place.
- iv. There is need to devolve resources so that they co-exist with the local economic activities so that the county makes profits rather than loses.
- v. Mentioned the lack of Resettlement Framework in the country which is hampering compensation issues.
- vi. Mentioning that all the issues raised for example cancer in Marsabit, radiation, pollution etc. should be based on scientific research and recommendations made.
- vii. Participants were informed that they will be invited to the data validation workshops and requested to share any information on the sector via the official email provided.

- viii. Draft reports will be shared to all at some stage. They were therefore urged to streamline their thinking in the sector.

MIN 05 /05/2016: ADJOURNMENT

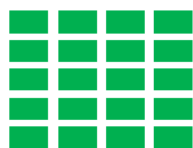
There being no other business for discussion, the workshop was adjourned at 2:00pm with a word of prayer from one of the participants.

Confirmed and Approved for Circulation

Minutes Prepared by: Ms. Eva Mukiri Kaburu Signature:  Date: 7th July 2016

Confirmed by: Ms. Grace Moraa Signature:  Date: 7th July 2016

PARTICIPANTS LIST OF ATTENDANCE



AWEMAC



SCOPING MEETING FOR STRATEGIC ENVIRONMENTAL AND SOCIAL ASSESSMENT (SESA) FOR THE PETROLEUM SECTOR IN KENYA FOR THE MINISTRY OF ENERGY AND PETROLEUM (MoEP)

ATTENDANCE SHEET FOR: *Nairobi Metropolitan and Surrounding Counties* VENUE: *Fairview Hotel* DATE: 5/5/2016

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S/ N	NAME	INSTITUTION/ ORGANIZATION	TELEPHONE No.	EMAIL ADDRESS
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27.	Jeremiah Wahome	Ministry of Energy and Petroleum - Kenya Petroleum Technical Assistance Project (KEPTAP)	0700310309	wahomej2002@yahoo.com
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***ANNEX 2 (C): MINUTES FOR THE STRATEGIC ENVIRONMENTAL AND SOCIAL
ASSESSMENT (SESA) OF THE PETROLEUM SECTOR IN KENYA–LAMU LOCAL
WORKSHOP HELD ON THURSDAY, 12TH MAY 2016 AT MSAFINI HOTEL, LAMU TOWN***



MINUTES FOR THE STRATEGIC ENVIRONMENTAL AND SOCIAL ASSESSMENT (SESA) OF THE PETROLEUM SECTOR IN KENYA – LAMU LOCAL WORKSHOP HELD ON THURSDAY, 12TH MAY 2016 AT MSAFINI HOTEL IN LAMU COUNTY.

In Attendance

(Full List with contacts attached in the Annex)

Consultants Present

1. Prof. Jacob Kibwage (Team Leader/Lead Consultant)
2. Dr. Ben Agaya
3. Ms Grace Moraa
4. Eng. Peter Mwangi
5. Mr Peter Magati
6. Mr Calvin Ouko
7. Ms Eva Mukiri

Agenda

1. Preliminaries
2. Presentation by SESA Consultant
3. Discussion on concerns and issues in the petroleum sector in Kenya
4. Closing remarks
5. AOB

ITEM 01/12 /2016: PRELIMINARIES

The meeting was called to order at 9:40am by the Strategic Environmental and Social Impact Assessment (SESA) team leader. An opening prayer was offered by one of the participants. Thereafter, introductions followed by stating the Institution/County and area of expertise.

The Consultant welcomed members to the workshop and took them through the program of the day. He informed them that previous meetings with stakeholders and in different regions had been held and individual consultations are still on course. He stated that the Strategic Environmental and Social Assessment (SESA), was being conducted to present strategic recommendations for policies, plans and programs in Kenya's Oil and Gas (O&G) sector that will guide environmental and socio-economic planning and decision making in the country. Hence, the reason why a grant has been given to the Ministry of Energy and Petroleum to prepare the sector in terms of environmental and social issues and revenue sharing so that all will benefit and the county becomes stable.

He stated that the National Environment Management Authority (NEMA) had taken a year preparing the Terms of Reference for the SESA. Same was available on the NEMA website. He informed participants that the SESA work commenced on 17th February 2016, and that the first consultative kick off meeting had been held with the Ministry of Energy and Petroleum (MoEP) and World Bank.

He then invited the County Commissioner and The County Executive Committee Member for Health and Environment to make some remarks.

Remarks by the County Commissioner

The County Commissioner highlighted the following:

- I. He gave an assurance of the lovely and welcoming nature of Lamu people. He informed them that the constitution demands that big projects require public participation so that the common man can air their grievances and satisfaction in an open manner.

- II. He hoped that the workshop will look at environmental issues in three dimensions (environmentally, socially and economically). He stated that environmental conservation does not mean that all developments are rejected but rather, development that ensures sustainability and uplifts the living standard of the locals. He therefore stated that a wholesome consideration of environmental issues is key for achieving sustainable development.
- III. The county commissioner reiterated the importance of the local meeting and the important role it will play in the development of the oil and gas sector in Lamu. He took the opportunity to emphasize the importance of the LAPSET project and the proposed pipeline from Lockichar to Lamu among other development agenda to the general community. He also reminded them to beware of the possible impacts that projects may have on the general socio-economic livelihoods of the people and their environmental concerns.
- IV. He concluded by stating that the community needs to be prepared for the project in many ways. For instance, employment opportunities in and outside the county, issues on environmental conservation, fishing and waste management among others. He urged all participants to air their views openly in the workshop.

County Executive Committee Member (Health and Environment)

- I. The County Executive Committee Member in charge of Health and Environment welcomed all participants to Lamu County and informed them that the county is secure contrary to what is reported daily in the media. He informed participants that LAPSET projects, oil and gas, coal plant, wind energy projects among others will all have all sorts of environmental impacts but mitigation measures should be put in place on time.
- II. He mentioned that Lamu County depended more on tourism, but due to the effects of the government curfews, the county economy has gone down tremendously. He urged the lead consultant/team leader and his team to listen to the people of Lamu and put proper measures in place for all to benefit from the proposed government programs.
- III. It was noted that about 90% of the population in Lamu depend on the sea for their daily livelihood. They call it “*their Shamba*” which they depend on for their daily livelihoods. He highlighted that the main challenges facing Lamu County is in the area of Environment, Fishing and Waste management among others. He hoped that the government would sort them out through proper policies, plans and programs in the SESA assignment. He therefore urged the visitors to cope with the rich Lamu culture which is portrayed in the language spoken by the locals.

ITEM 02/12 /2016: SESA LEAD CONSULTANT’S PRESENTATION

- I. The consultant introduced the SESA team which comprises of the local and international experts. He outlined the roles of the local and international experts in the team.
- II. The Team Leader reiterated that SESA process had been triggered by recent oil and gas discoveries that may have a substantial transformational impact on the Kenyan economy, and trigger new developments which require petroleum sector reforms necessary to help manage potential environmental and social impacts, issues and concerns in the *upstream, midstream and downstream* sectors.
- III. He stated that SESA would be conducted to present strategic recommendations for Policies, Plans, and Programs (PPP) that would guide environmental and socio-economic planning and decision making in the country. The team leader informed participants that SESA presents a unique opportunity for the country to systematically address environmental and socio-economic management issues pertaining to oil and gas activities in the context of sustainable development. He informed participants that a SESA kick-off meeting was held on 16th February 2016 and the starting date was set as from 17th February 2016.
- IV. The team leader then gave a general overview of SESA study approach that would be used. He stated that policies, programs and plans for the upstream, midstream and downstream subsectors would be reviewed. Participants were referred to the list of concerns and issues of the petroleum sector in Kenya that had been identified, he then directed them to the SESA scoping data collection schedule that had been provided for upstream, midstream and downstream and asked that they give their views on the identified impact themes and issues.
- V. He informed the participants that SESA will involve consultative workshops with stakeholders, regional meetings, national workshops as well as case studies in areas like Lamu, Isiolo and Lokichar. Views of all key players in the downstream sector would be sought as well as those on the existing pipeline and terminal network, with a view to identifying any gaps that need to be filled and whether there are agencies and adequate measures to deal with industry issues in this

subsector.

- VI. The team leader then gave an overview of the guiding policy and legal framework as: The 2010 Constitution of Kenya, EMCA Cap. 387, NEMA SEA Guidelines of 2012, other Kenya Environmental Policies and Laws, World Bank/IFC Environmental and Social Performance Standards/Safeguards, Equator Principles, Multilateral Environmental Agreements (MEAs) and Sustainable Development Goals (SDGs) amongst others.
- VII. The consultant then informed participants that SESA would entail the following stages: Stage 1: Scoping; Stage 2: Identification of impacts and issues; Stage 3: Description of the regulatory and institutional framework and assessment of capacity; Stage 4: Formulation of recommendations; Stage 5: Final consultations, review and approval; Stage 6: Follow-up Discussions/Monitoring and Evaluation
- VIII. He welcomed the participants for open discussion and urged them to think of what is lacking in the county. The issues and policies they think should be put in place for the sector to move forward in terms of:
 - **Upstream**- this deals with exploration and drilling, development and production of crude oil and natural gas.
 - **Midstream**- involves the transportation (by pipeline, rail, barge, oil tanker or truck), storage, and wholesale marketing of crude or refined petroleum products
 - **Downstream**- refers to the refining of petroleum crude oil and the processing and purifying of raw natural gas as well as the marketing and distribution of products derived from crude oil and natural gas. The downstream sector reaches consumers through products
- IX. He welcomed the participants for open discussion and urged them to think of what is lacking in the county. The issues and policies they think should be put in place for the sector to move forward. The Figure below shows the SESA Lead consultant making a presentation during the workshop.

ITEM 03/12/2016: IDENTIFICATION OF THE ISSUES AND CONCERNS IN THE PETROLEUM SECTOR

1. Upstream Sector

The following concerns were reported in the upstream sector.

I. Loss of Livelihoods for the Fishermen

- This is because 90% of the population in Lamu depend on the sea for their livelihood. Deep Ocean drilling will drive the fish away hence loss of livelihoods.
- Put in place plans for the fishermen to be properly compensated and source of livelihood restored.
- Divers who depend on the sea for their income will be displaced especially from the proposed port site.
- Participants wanted to know the programs and plans put in place for the fishermen in the deep sea and suggested that they should be given fishing gears to allow them fish away from the exploration sites.

II. Effects of the Construction of Lamu Port and the Crude Oil Pipeline

- Residents feared that with the construction of the Port, coming in of the Ships and the Crude Oil Pipeline from Lamu to Lockichar, there would be increased risks of boat collisions and accidents.
- The concern was to understand the inter linkages between the LAPSSET, refinery and the Oil and Gas drilling.

III. Erosion of Lamu Cultural Heritage Sites

- Lamu is a recognised UNESCO World Heritage site. The economy of the County depends on the tourism driven by the rich culture in the area.
- Lamu Island, most buildings in the sea fronts, sites in Siyu and Pate islands are all historical sites. They have grave sites where the sultan of Zanzibar and other Sultans were buried.
- Social issues like discos, night clubs, way of dressing and other vices might be introduced to the area hence eroding the culture of the people.

- The locals were concerned with what will happen with the coming of exploration vessels, foreigners and interference of their rich culture.

IV. Mangrove Forest and Climate Change:

- It was noted that Mangrove forests cover about 3,500 hectares in Lamu County. It is among the gazetted forests in the country.
- There was a concern of how the project will compensate for the impacts to/loss of the mangrove during exploration.
- The Mangroves are key sources of food and habitat to prawns and lobsters which have a very high market value.

V. Effects of Wildlife and Marine Conservancies and Biodiversity Threats:

- Both marine and wildlife will be affected during exploration. The Oil and Gas companies planning for exploration should take care of them.
- Oil Spillage during exploration in the sea was a concern. The people wanted to be notified of the mitigation measures to be put in place for the projects to be sustainable.

VI. Corporate Social Responsibility (CSR):

- It was asserted that companies should do more to ensure that communities benefit from oil through, for example, building schools in partnership with local government of Lamu, providing apprenticeships and improving skill levels and aspirations within the community.
- However, it was agreed that oil companies should not disrupt these communities in terms of development but should cooperate with them and identify the community needs.

Recommendations

To address the gaps on the impacts on fishermen, divers and mangroves, they proposed the following polices and programs:

- **Corporate Social Responsibility (CSR):** Policies to be put in place for the CSR and the benefits they will give to the communities.
- **Sea wall:** There should be plans to construct a Sea Wall which is vital for protection against sea erosion and any other accidents because the county borders the sea.
- **Displacement:** SESA to recommend on how displaced communities will be handled especially those whose source of livelihood depends on the sea.

VII. Air and Wind Pollution:

- Primary sources of noise and impacts on air quality associated with exploration include earth-moving equipment, vehicle traffic, seismic surveys, blasting and drilling operations.
- Impacts would depend on the amount, duration, location, and wind speed and direction.
- It was reported that the companies need to consider the direction of wind during exploration. This is because Lamu is a place prone to wind blowing.

VIII. Benefit Sharing:

Oil revenues have the potential to stimulate economy-wide growth if it is managed appropriately. However, if poorly managed, oil revenues can cause economic challenges and conflicts between the local communities.

IX. Vulnerable Communities like the Baragoni and Awer:

The Baragoni people used to be hunters and gatherers but are now honey harvesters. The mangrove forests and the ebony forests play a very important role in the culture of the people around this region. They are sacred places for spiritual endeavours.

X. Management of Community Expectations and Public Participation:

- It was noted that the community has never been given any feedback despite the many consultations held with other key stakeholders on various government developments before.
- The locals felt that before the arrival of the exploration vessels, they should be notified on what the exploration exercise will entail, how and where processing will be done and what implications these will have to the locals so that they are not caught unaware.
- Communities should be informed on recommendations and plans on what will happen to them when the Oil is finished.

- On management of expectation, the public should be appropriately informed and security enforced due to the County's close proximity to Somalia.

Policy recommendations

- It's good for the project to have a memorandum of understanding with the locals over issues affecting them so that they can improve the educational levels of people and other corporate social responsibility services especially the Baragoni and the Awer communities.
- Build capacity of communities on rights based approach. Inform them on what information to look out for in Environmental Impact Assessment reports.
- Inform the communities on the amount of Oil the country has to manage their expectations i.e. the duration the oil be available, whether there are enough resources for the work and if there are proper mechanisms in place in terms of transportation due to the risks involved.
- SESA to recommend on how displaced communities will be handled and compensated.
- Policy guidelines should be reviewed to ensure that government and private investors are transparent and accountable to the public.
- The local have issues with the reputation of the investors, they require them to be keen on environmental conservation.
- Policies to address the marginalised communities likely to be impacted by the new developments.
- There should be policies for sharing the benefits with the local people i.e. the host community
- Issues of title deeds should be considered in order to keep communities intact and get support from them.

2. Midstream Sector

The midstream sector involves the transportation (by pipeline, rail, barge, oil tanker or truck), storage, and wholesale marketing of crude or refined petroleum products. The following concerns were reported in the midstream sector.

I. Storage facilities

- It was reported that petrol is kept in small shops along the coast and even in houses, while other people keep and sell petrol and gas from the boats (potential oil spill disaster in the waiting).
- Poor roads in the area are a threat to the transportation of petroleum goods and services
- There are no good town plans in Lamu town and as such no guidelines on where to locate petrol stations
- Transportation of oils will affect the fish breeding grounds and the coral reefs.
- The process of emptying the oil tankers into small boats need proper supervision and enforced regulations (i.e. people involved in the refilling and emptying, often than not, even engage in smoking and other unsafe acts).
- Most petrol retailers don't have licences, the ERC hasn't provided licences and the trade is done illegally.

Recommendations

- Emptying the oil tankers into small boats need safety enforcement and proper policy regulations.
- Formulate a policy to address floating petrol stations as there is no law for regulating floating oil stations/boat petrol stations.

3. Downstream Sector

This refers to the refining of petroleum crude oil and the processing and purifying of raw natural gas as well as the marketing and distribution of petroleum products. There is a fairly well developed network of transport pipelines, storage and retail outlets in Kenya. However, the following concerns were reported in the downstream sector.

I. Emergencies Preparedness and Crisis Management

- It was noted that there is a gap in terms of disaster preparedness and emergencies response in the county in the event of a disaster. In case of fire outbreak, the designated heritage sites would be easily consumed.

II. Transporting of Petrol

- The issue of carrying Petrol in cans and tins or even polythene bags by the locals was a disaster in waiting. They don't know the dangers they are exposing themselves to.

Policy recommendations

Policies should be put in place to address emergency preparedness, crisis management and transporting of the petrol within the County

ITEM 04/12 /2016: CLOSING REMARKS


- All participants were requested to share any information on the sector via the official contacts provided.
- Draft reports will be shared to all at some stage and urged to streamline their thinking in the sector.
- Participants were informed that they will be invited to the data validation workshops.

Then the county commissioner gave closing remarks and was impressed by the good turn out and good participation from the local people.

ITEM 05/12 /2016: ADJOURNMENT

There being no other business, the meeting ended with a word of prayer from Hussein Suud at 1:37pm.

Confirmed and Approved for Circulation

Minutes Prepared by: Ms. Eva Mukiri Kaburu Signature:  Date: 7th July 2016

Confirmed by: Ms. Grace Moraa Signature:  Date: 7th July 2016

PARTICIPANTS LIST OF ATTENDANCE



SCOPING MEETING FOR STRATEGIC ENVIRONMENTAL AND SOCIAL ASSESSMENT (SESA) FOR THE PETROLEUM SECTOR IN KENYA FOR THE MINISTRY OF ENERGY AND PETROLEUM (MoEP)

ATTENDANCE SHEET: *Lamu Local Meeting* **VENUE:** *Msafini Mango Top Hotel Lamu* **DATE:** *12/5/2016*

S/N	NAME	INSTITUTION/ COMPANY	POSITION	TELEPHONE NO. & EMAIL ADDRESS
1.	Moha Faraj	Lamu Marine Conservation Trust	Secretary	0710-127840
2.	Famau Shukri	Lamu Marine Conservation Trust	Coordinator	famau2008@yahoo.com 0723-963533
3.	Masoud Mohamed	Lamu Marine Conservation Trust	Administrator	0715-246167
4.	Mohamed Aboud	Office Of The President Interior & Coordination. National Government	Senior Assistant Chief, Mkokoni	maboa11@gmail.com 0704-923850
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6.	Mohamed Abdillahi	Awer Conservancy	Assistant Manager	mohamedlugumba@gmail.com 0723-314410
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9.	Khadija Shekuwe	Save Lamu	Research Officer	0718-587290 khadijashekuwe@gmail.com
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11.	James C. Owenga	Kenya Forest Service	Ecosystem Conservator	0722-459548 owengajames@gmail.com
12.	Nasra Bakari Mohamed	Shungwaya Welfare Association	Human Resource Officer	0725-251335 nasrab526@gmail.com
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14.	Dr. Kombo Mohamed	Lamu County Government	County Executive Member – Environment	0722-668642 mbkombo@yahoo.com

15.	Milikah Aoko	County Ministry of Water Resources	Administrative assistant	0720-440704 millyaoko@gmail.com
16.	Henry M. Komu	Kenya Forestry Research Institute	Officer In charge Lamu	0725-211512 henry
17.	Charles Wanguhu	Kenya Civil Society Platform on Oil and Gas (KCSPOG)	Coordinator	Wanguhu@kcsfog.org
18.	Gabriel Ndeje	Kenya Coastal Development Project (KCPD)	County Lianza Officer	0724545597 gndeje@gmail.com
19.	Amina Athman	Organization of Women	Member	0790612537 aminaathhman@yahoo.com.2016
20.	H.S.ELMAAWY	Amu Council of Elders (A.C.E)	Chair	Tel, 0729488688
21.	Mohamed Yassin	Nothern Rangelands Trust (NRT)	Regional Coordinator	0724607631
22.	Swaleh Awadh	Shungwaya. Welfare Association		0710842140
23.	Shwaha Nolila	Natural Justice	Project Manager	0716190074 Shalom @naturaljustice.org
24.	Barice. A Said	Maendeleo Ya Wanawake	Mama wa Nyumba Kumi	0717332427
25.	Bihijam. Wala	Maendeleo Ya Wananawake	Member	0728273278
26.	Haji Mohd	National Museums of Kenya - Lamu Museum	Conservation Officer	0722558228 alihajimohamed@yahoo.com
27.	Tima Aboud	Kikozi Programme	Project Manager	0704765867 Tajramt93@gmail.com
28.	Cliff Barkatch	National Environmental Management Authority (NEMA)	County Director of Environment	0723710517 cliffbakatch@gmail.com
S/N	NAME	INSTITUTION/ COMPANY	POSITION	TELEPHONE NO. & EMAIL ADDRESS
29.	Jamica Ali	County Wildlife Conservation and Compensation Committee (CWCCC)	Member	0722667701 alishEbana@yahoo.com jhassan@yahoo.com
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32.	Lali Kombolali	Beach Management Unit (B.M.U)- Kiunga	Vice Chair	0729073829
33.	Ahmed Vale	Lamu Boys Secondary School	Deputy Principal	0722491370
34.	J.M. Kanyiri	County Commissioner Lamu	County Commissioner	0720253813 Lamuk@yahoo.com

35.	Fatma Said	Maendeleo ya wanawake organization -Lamu County	Chair	0715-257836 Fatmaalibusaidy2014@gmail.com
36.	John B. Othuch	County Commssioner Office Lamu	County Administrator	0725997149 Lamu-island@hotmail.com
37.	Maimuna Yussuf	Maendeleo ya wanawake organization- Kiunga	Vice chair	0717319862
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49.	Faraj. A. Faraj	Hotelier /Msafini	Manager	0720-223043 Chireboy6@gmail.com
50.	Ishaq Abubakar	Save Lamu	Board Member	0710939933 Ishakbakar2030@gmail.com
51.	Amos Okello	Agriculture	Monitoring and Evaluation	0720276789 amokello@gmail.com
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54.	Musa Mohamed	Beach Management Unit-Kizingitini	Vice Chair	0721440406
55.	Mjahid Mohamed	Beach Management Unit – Kiunga	Member	0718-116266

***ANNEX 2 (D): MINUTES FOR THE STRATEGIC ENVIRONMENTAL AND SOCIAL
ASSESSMENT (SESA) OF THE PETROLEUM SECTOR IN KENYA – MOMBASA
REGIONAL WORKSHOP HELD ON 24TH. MAY 2016 AT THE KENYA SCHOOL OF
GOVERNMENT, MOMBASA CITY***



MINUTES FOR THE STRATEGIC ENVIRONMENTAL AND SOCIAL ASSESSMENT (SESA) OF THE PETROLEUM SECTOR IN KENYA – MOMBASA REGIONAL WORKSHOP HELD ON TUESDAY, 24TH MAY 2016 AT THE KENYA SCHOOL OF GOVERNMENT, MOMBASA COUNTY.

Key Stakeholders in Attendance

(Full List of attendance and contacts attached in the Annex)

Consultants in Attendance

1. Prof. Jacob Kibwage (Team leader/Lead Consultant)
2. Mr. Jeremiah Wahome - KEPTAP ESS
3. Ms Grace Moraa
4. Dr. Benson Agaya
5. Eng. Peter Mwangi
6. Mr Peter Magati
7. Mr Calvince Ouko
8. Ms Eva Mukiri

Agenda

1. Preliminaries
2. Presentation by SESA Consultants
3. Discussion on issues and concerns in the petroleum sector in Kenya
4. Closing remarks
5. AOB

ITEM 01/24/2016: PRELIMINARIES

The meeting was called to order at 9:40am by the Strategic Environmental and Social Impact Assessment (SESA) team leader. An opening prayer was offered by one of the participants. Thereafter, introductions followed by stating the Institution/county and area of expertise.

The Consultant welcomed members to the workshop and took them through the program of the day. He informed them that previous meeting for stakeholders in other regions had been held and individual consultations are still on course. He stated that the Strategic Environmental and Social Assessment (SESA), was being conducted to present strategic recommendations for policies, plans and programs in the Kenya Oil and Gas (O&G) sector that will guide environmental and socio-economic planning and decision making in the country. Hence, the reason why a grant has been given to the Ministry of Energy and Petroleum to prepare the sector in terms of environmental and social issues, revenue sharing so that all will benefit and the county becomes stable.

He stated that the National Environment Management Authority (NEMA) has taken a year preparing the Terms of Reference for the SESA. Same was available on the NEMA website. He informed participants that the SESA work commenced on 17th February 2016, and that the first consultative kick off meeting had been held with the Ministry of Energy and Petroleum (MoEP) and World Bank.

He then invited the KEPTAP Environmental and Social Safeguard Specialist to make some remarks

Remarks by KEPTAP Environmental and Social Safeguard Specialist

Gave a background of the KEPTAP program and the background of the meeting and the plans the government has through KEPTAP.

In his presentation, he noted that:

- KEPTAP is a six-year World Bank funded program
- It is meant to strengthen Kenya's capacity in the development and management of the petroleum sector in Kenya.
- KEPTAP supports other 21 government agencies to build their capacities in the Petroleum Sector
- He explained the need for preparedness and visionary planning
- He informed participants that all the recommendations that will be given will encourage the government to put measures in place for sustainable development of the sector.
- He encouraged all to air their views openly because they count.

ITEM 02/24/2016: SESA LEAD CONSULTANTS PRESENTATION

- I. The consultant introduced the SESA team which comprises of the local and international experts. He outlined the roles of the local and international experts in the team.
- II. The Team Leader reiterated that SESA process had been triggered by recent oil and gas discoveries that may have a substantial transformational impact on the Kenyan economy, and trigger new developments which require petroleum sector reforms necessary to help manage potential environmental and social impacts, issues and concerns in the *upstream, midstream* and *downstream* sectors.
- III. He stated that SESA would be conducted to present strategic recommendations for Policies, Plans, and Programs (PPP) that would guide environmental and socio-economic planning and decision making in the country. The team leader informed participants that SESA presents a unique opportunity for the country to systematically address environmental and socio-economic management issues pertaining to oil and gas activities in the context of sustainable development. He informed participants that a SESA kick-off meeting was held on 16th February 2016 and the starting date set as from 17th February 2016.
- IV. The team leader then gave a general overview of SESA study approach that would be used. He stated that policies, programs and plans for the upstream, midstream and downstream subsectors would be reviewed. Participants were referred to the list of concerns and issues of the petroleum sector in Kenya that had been identified, he then directed them to the SESA scoping data collection schedule that had been provided for upstream, midstream and downstream and asked that they give their views on the identified impact themes and issues.
- V. He informed the participants that SESA will involve consultative workshops with stakeholders, regional meetings, national workshops as well as case studies in areas like Lamu, Isiolo and Lokichar. Views of all key players in the downstream sector would be sought as well as those on the existing pipeline and terminal network, with a view to identifying any gaps that need to be filled and whether there are agencies and adequate measures to deal with industry issues in this subsector.
- VI. The team leader then gave an overview of the guiding policy and legal framework as: The 2010 Constitution of Kenya, EMCA Cap. 387, NEMA SEA Guidelines of 2012, other Kenya Environmental Policies and Laws, World Bank/IFC Environmental and Social Performance Standards/Safeguards, Equator Principles, Multilateral Environmental Agreements (MEAs) and Sustainable Development Goals (SDGs) amongst others.
- VII. The consultant then informed participants that SESA would entail the following stages: Stage 1: Scoping; Stage 2: Identification of impacts and issues; Stage 3: Description of the regulatory

and institutional framework and assessment of capacity; Stage 4: Formulation of recommendations; Stage 5: Final consultations, review and approval; Stage 6: Follow-up Discussions/Monitoring and Evaluation

VIII. He welcomed the participants for open discussion and urged them to think of what is lacking in the county. The issues and policies they think should be put in place for the sector to move forward in terms of:

- **Upstream-** this deals with exploration and drilling, development and production of crude oil and natural gas.
- **Midstream-** involves the transportation (by pipeline, rail, barge, oil tanker or truck), storage, and wholesale marketing of crude or refined petroleum products
- **Downstream-** refers to the refining of petroleum crude oil and the processing and purifying of raw natural gas as well as the marketing and distribution of products derived from crude oil and natural gas. The downstream sector reaches consumers through products.

IX. He welcomed the participants for open discussion and urged them to think of what is lacking in the county, the issues and policies they think should be put in place for the sector to move forward.

ITEM 03/24/2016: IDENTIFICATION OF ISSUES AND CONCERNS IN THE PETROLEUM SECTOR

1. UPSTREAM SECTOR

I. Viability of the Oil wells

Availability of safeguards when the oil wells are depleted was noted as a sustainability issue. Specific measures should be put in place as the Oil sector is being developed. The safeguards should also be aligned to the county's development plans by looking at strategic places where the depots are developed.

II. Managing the Societies/Communities' Expectations

- Community expectations should be managed right from exploration to exportation of the oil. For instance, locals should be made aware of the duration the exploration will take and how they will benefit.
- County governments are supposed to participate so as to benefit from the resources. The oil and gas sector should be community oriented as opposed to company oriented. It was noted that this can be reduced through good community engagement mechanisms and information sharing with the communities.

III. Impact of Offshore Drilling on Fisheries and other Marine Life

- It was noted that offshore drilling will have a lot of impacts on the marine life. For instance, fish have their own migratory routes and security of the marine drilling platforms from pirates, thieves etc. There is need to observe migratory routes on where to put the Oil Platform.
- There should be alternative livelihoods for the displaced fishermen and procedure for compensation.
- There is need for Marine Spatial Planning Bill to be completed so that it takes care of all the issues.

IV. Local Content

- Participants wanted to know how the communities will benefit from the construction of the local refinery of the crude oil.
- They were concerned with employment opportunities for the local communities and whether there will be modalities for ensuring that the locals get a good share in the new job opportunities especially with the new planned county KPC depots.

V. Trans-boundary Environmental Concerns

- It was noted that Coast region gets spill-overs from all the other regions. There are so many trans-boundary environmental concerns especially along the parks like Diani when planning for the oil blocks.
- The issues of safety are captured in the Natural Resource Acts but did not cover the issue of oil.

VI. Governance Issues

- Governance and corruption issues in the entire upstream, downstream and midstream was pointed as critical

Comments/Policy Gaps

- Clear sustainability plans are critical before SESA kicks off.
- Compare benefits of sustainable green energy technologies and those of the oil and gas.
- Marine Spatial Planning to map the marine environment in terms of biodiversity, ecological sites, possible impacts areas and threats. The plans must take into account the obligations of the country in terms of international obligations
- There is need for economic planning for the resources the country has, how much fisheries exist, value for the coral reefs etc.
- National research component to be done on marine life in relation to Oil and gas.

2. MIDSTREAM SECTOR

I. Public/Community Consultations

- The local community should be consulted when a pipe line is being constructed for ownership purposes and this will avoid Oil Crimes. The immediate community is the first surveillance tools.
- The existing pipelines were installed years ago, consultations with the local communities was not conducted. This has been noticed as a potential crime. Policy guidelines on the penalties of such oil crimes are necessary

II. Security of the Depots

- Oil Depots store large quantities of Petroleum. They are prone to many accidents like fire or bomb at any time and this will be very disastrous. For instance, Shimanzi depot is in the form of a ring road hence accessibility is not easy. There are no police persons manning key oil installations. There should be armed police security manning the facility at all times.

III. Discharge of Waste Oil

- Oil transport in the deep sea- tankers discharge waste oil in the sea and the currents wash them onto the coastal shores.
- Waste oil from garages and petrol stations are disposed on the soil surface, and this oil finds its ways to the seas when it rains.
- Sludge oil, people buying the oil sludge has been associated with increased oil crimes.
- KMA is the incident commander for tier 2 oil spillage.

Comments/Policy Gaps

- Policies to address the marginalised communities likely to be impacted
- Forging MOUs with local communities over issues affecting them
- Marine Bill is pending since 2014 but has a lot of provisions on the framework of managing emergencies, compensation and responsibilities etc.
- The National Oil Spill Response Plan is also pending and needs to be fast tracked
- The government has a responsibility to improve response strategies through technology beyond the shoreline - ICT can be used to monitor deep seas drilling
- Need guidelines on the management of oil.

3. DOWNSTREAM SECTOR

I. Existence of Petrol Stations in Residential Places

- Most petrol stations don't have the fire extinguishers and this is a security threat.
- Existence of petrol stations in residential places in towns and villages needs immediate policy redress.

II. Conflicting Roles Among Key Agencies on Safety Issues

- It was noted that there are conflicting roles among key agencies on compliance to safety issues. For instance, NEMA, NCA and DOSH have conflicting roles.
- There is need for harmonization of their policies. DOSH has few personnel because their registration is tedious compared to NEMA. There is no capacity building of the officers who do inspection of the premises.

III. Emergency Preparedness

The government does not have capacity in terms of Emergency preparedness on land spillage, because OSMAG response capacity is mostly limited to oil spills on the seas.

IV. Storage Capacity

- The current strategic reserve capacity is too low and can only take the country one week.
- Strategic reserves need urgent increase
- CSR-should be in form of a target or performance targets to improve the efficiency and performance of the CSR services

V. Surface Pipelines

- It was noted that there are surface pipelines which are not properly buried on the ground. The lines interfere with animal migratory routes (i.e. elephants refusing to cross the overland pipelines). However, Oil pipeline laying process has an approved EMP and the pipeline is buried underground as soon as possible as per the EMP.
- Accessibility of the port and oil facilities especially during emergencies (movement around the port needs to be well upgraded)

VI. Oil Spills Within Petrol Stations

- Seemingly, oil spills within petrol stations are rarely audited and taken into responsibility. This is because waste is very hazardous.
- Suspect culprits-some oils spills may not be easily traceable but the suspects can be held accountable.

Comments/Policy Gaps

- Communities must be engaged in downstream issues since they are close and in contact with any emergency.
- Oil transport on roads can be improved through efficient pipeline infrastructure.
- Harmonization of the standards among institutions and information sharing is needed.
- Emphasis to be put on implementation of good policies that already exist.
- Community sensitization should be a reality and true to include more of the community participation.
- The surveillance and monitoring systems for tracking petroleum products needs to be in place.
- It is advisable to have oil depots out of towns.
- Defensive driving may be needed to equip driver with emergency skills.
- Mainstreaming of DOSH into all agencies is very critical.

ITEM 04/24/2016: CLOSING REMARKS

The following institutions gave their closing remarks as follows:

I. KPRL

- Played a bigger role in creating job opportunities for the last 50years when the facility was in operation. The closure affected many households who depended on it.
- There were recommendations for upgrade which would cost about 1.2 billion USD to process the Oil and Petrol.
- However, they have their strengths like a laboratory and a very rich Health and Safety section.
- KEPTAP can give a policy recommendation that can be given with regards to the refinery and employment issues

II. Kenya Wildlife Services (Marine Research)

- Recommended that marine biodiversity hotspots and trans-boundary biodiversity issues can be considered for mapping and inventory.
- When cleaning the oil spills, there should be concern for the marine life affected. Measures must be put in place to address these areas.

III. KMA

- A marine spatial plan is needed as soon as possible and should not only cover the marine exploration blocks, but also the biodiversity and migratory routes.
- After the spatial plans, a detailed economic valuation of the marine resources is needed to know how much the country is losing and the amount of impacts they are likely to have.
- Emergency response – there is need for proper risks assessment for projects in order to identify possible risks that are anticipated.

IV. KEPTAP ESSS Representative (Mr. Jeremiah Wahome)

- He noted that the government decided to build capacity since 2013 because of the opportunities and risks involved in the upstream sector.
- KEPTAP is keenly concerned with issues of wildlife impacts and regulatory frameworks
- The government is equally concerned with the issue of climate change and is working to fill the gaps and measures that can combat climate change in the field of energy
- Highlighted the decision of the government to abandon the local refinery for the Kenyan Pipeline.


V. Lead Consultant

- The consultant informed them that all participants were requested to share any information on the sector via the official email provided.
- Draft reports will be shared to all at some stage and urged to streamline their thinking in the sector.
- Participants were informed that they will be invited to the data validation workshops to look at the document that came up from the scoping workshop

ITEM 05/24/2016: AOB/Adjournment

- The meeting ended with a word of prayer from Dr. Agaya at 2pm.

Confirmed and Approved for Circulation

Minutes Prepared by: Ms. Eva Mukiri Kaburu Signature:  Date: 7th July 2016

Confirmed by: Ms. Grace Moraa Signature:  Date: 7th July 2016

PARTICIPANTS LIST OF ATTENDANCE



**SCOPING WORKSHOP FOR STRATEGIC, ENVIRONMENTAL AND SOCIAL ASSESSMENT (SESA) FOR THE PETROLEUM SECTOR IN KENYA
FOR THE MINISTRY OF ENERGY AND PETROLEUM (MOEP)**

ATTENDANCE SHEET: Coast Regional Meeting (Mombasa, Kwale, Kilifi, Tana River and Taita-Taveta counties)
VENUE: Kenya School Of Government DATE: 24/5/ 2016

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ANNEX 2 (E): MINUTES FOR THE STRATEGIC ENVIRONMENTAL AND SOCIAL ASSESSMENT (SESA) OF THE PETROLEUM SECTOR IN KENYA– NORTH RIFT REGIONAL WORKSHOP HELD ON 7TH TUESDAY, JUNE 2016 AT THE SIRIKWA HOTEL IN ELDORET TOWN, UASIN GISHU COUNTY



MINUTES FOR THE STRATEGIC ENVIRONMENTAL AND SOCIAL ASSESSMENT (SESA) OF THE PETROLEUM SECTOR IN KENYA– NORTH RIFT REGIONAL WORKSHOP HELD ON TUESDAY, 7TH JUNE 2016 AT THE SIRIKWA HOTEL IN ELDORET, UASIN GISHU COUNTY.

In Attendance

(Full List attached in the Annex)

Consultants Present

1. Prof. Jacob Kibwage (Team Leader/Lead Consultant)
2. Ms. Grace Moraa
3. Mr. Calvince Ouko
4. Ms. Eva Mukiri

Agenda

1. Preliminaries
2. Presentation by SESA Consultants
3. Discussion on concerns and issues in the petroleum sector in Kenya
4. Closing remarks
5. AOB

ITEM 01/07/2016: PRELIMINARIES

The meeting was called to order at 9:40am by the Strategic Environmental and Social Impact Assessment (SESA) team leader. An opening prayer was offered by one of the participants. Thereafter, introductions followed by stating the Institution/county and area of expertise.

The Consultant welcomed members to the workshop and took them through the program of the day. He informed them that previous meeting for the Civil Society Organizations had been held and individual consultations are still on course. He stated that the Strategic Environmental and Social Assessment (SESA), was being conducted to present strategic recommendations for policies, plans and programs in the Kenya Oil and Gas (O&G) sector that will guide environmental and socio-economic planning and decision making in the country. Hence, the reason why a grant has been given to the Ministry of Energy and Petroleum to prepare the sector in terms of environmental and social issues, revenue sharing so that all will benefit and the county becomes stable.

He stated that the National Environment Management Authority (NEMA) has taken a year preparing the Terms of Reference for the SESA. Same was available on the NEMA website. He informed participants that the SESA work commenced on 17th February 2016, and that the first consultative kick off meeting had been held with the Ministry of Energy and Petroleum (MoEP) and the World Bank.

ITEM 02/07/2016: SESA LEAD CONSULTANT'S PRESENTATION

- I. The consultant introduced the SESA team which comprises of the local and international experts. He outlined the roles of the local and international experts in the team.
- II. The Team Leader reiterated that SESA process had been triggered by recent oil and gas discoveries that may have a substantial transformational impact on the Kenyan economy, and may trigger new developments which require petroleum sector reforms necessary to help

manage potential environmental and social impacts, issues and concerns in the *upstream*, *midstream* and *downstream* sectors.

- III. He stated that SESA would be conducted to present strategic recommendations for Policies, Plans, and Programs (PPP) that would guide environmental and socio-economic planning and decision making in the country. The team leader informed participants that SESA presents a unique opportunity for the country to systematically address environmental and socio-economic management issues pertaining to oil and gas activities in the context of sustainable development. He informed participants that a SESA kick-off meeting was held on 16th February 2016 and the starting date set as from 17th February 2016.
- IV. The team leader then gave a general overview of SESA study approach that would be used. He stated that policies, programs and plans for the upstream, midstream and downstream subsectors would be reviewed. Participants were referred to the list of concerns and issues of the petroleum sector in Kenya that had been identified, he then directed them to the SESA scoping data collection schedule that had been provided for upstream, midstream and downstream and asked that they give their views on the identified impact themes and issues.
- V. He informed the participants that SESA will involve consultative workshops with stakeholders, regional meetings, national workshops as well as case studies in areas like Lamu, Isiolo and Lokichar. Views of all key players in the downstream sector would be sought as well as those on the existing pipeline and terminal network, with a view to identifying any gaps that need to be filled and whether there are agencies and adequate measures to deal with industry issues in this subsector.
- VI. The team leader then gave an overview of the guiding policy and legal framework as: The 2010 Constitution of Kenya, EMCA Cap. 387, NEMA SEA Guidelines of 2012, other Kenya Environmental Policies and Laws, World Bank/IFC Environmental and Social Performance Standards/Safeguards, Equator Principles, Multilateral Environmental Agreements (MEAs) and Sustainable Development Goals (SDGs) amongst others.
- VII. The consultant then informed participants that SESA would entail the following stages: Stage 1: Scoping; Stage 2: Identification of impacts and issues; Stage 3: Description of the regulatory and institutional framework and assessment of capacity; Stage 4: Formulation of recommendations; Stage 5: Final consultations, review and approval; Stage 6: Follow-up Discussions/Monitoring and Evaluation
- VIII. He welcomed the participants for open discussion and urged them to think of what is lacking in the county. The issues and policies they think should be put in place for the sector to move forward in terms of:
 - **Upstream**- this deals with exploration and drilling, development and production of crude oil and natural gas.
 - **Midstream**- involves the transportation (by pipeline, rail, barge, oil tanker or truck), storage, and wholesale marketing of crude or refined petroleum products
 - **Downstream**- refers to the refining of petroleum crude oil and the processing and purifying of raw natural gas as well as the marketing and distribution of products derived from crude oil and natural gas. The downstream sector reaches consumers through products
- IX. He welcomed the participants for open discussion and urged them to think of what is lacking in the county. The issues and policies they think should be put in place for the sector to move forward.

ITEM 03/07/2016: IDENTIFICATION OF ISSUES AND CONCERNS IN THE PETROLEUM SECTOR

In North Rift regional meeting, most of the issues were in the upstream and downstream sectors. Participants had the following issues;

1. Upstream Sector

I. Lack of Petroleum Training Institutions

It was noted that there is no single university in the upstream region to train experts in the sector. The recommendation was to engage academic institutions to teach/train graduates on the petroleum industry

II. Wildlife and Biodiversity Issues

Pipelines passing through conservancies need to be inspected. Around South Turkana County, there is a conservancy called Nasot which is a migration corridor for the elephants and the oil pipeline will pass there. Around Kapnarok National reserve where exploration is going on, there is already human-wildlife conflict occurring as a result of the disturbance.

- Kenya Wildlife Service should advise on the issue of the migratory routes
- Use of proper mapping of the entire system and application of green technology

III. Gender Considerations, Communities and Vulnerable Inhabitants

Gender issues should be mainstreamed in the petroleum sector. Men are usually the ones who transact businesses in the petroleum sector. In most African cultures, it is not easy for the woman to own land. Men are the custodians of the wealth.

Recommendation

- Women need to be given title deeds so that they have equal ownership opportunities.
- Compensation policies and guidelines should be for the whole family where there is a clear policy/budget for school fees, alternative land, building of the land etc. i.e. it was suggested that if possible, parents should have joint accounts so that they all benefit equally and avoid misuse of resources usually by men.
- Youths should be encouraged to go for further trainings on the oil and gas sector and Petroleum Training Institute should absorb more youths in its trainings.
- 30% of the scholarships to be reserved for the youths and the women. Jobs should also be reserved for the youths and women.
- CSR to be mainstreamed well to incorporate both genders.

IV. Public Participation and Management of Community Expectations

It was reported that the public is not aware of the oil exploration and transportation. The constitution gives them the right to be informed of any developments to avoid any future conflicts and increase their cooperation and participation.

V. Communal land, land Use and Potential Changes in Settlements and Livelihoods

It was reported that where most exploration is taking place on community land, There are no title deeds for the locals. Compensation is therefore very difficult. Some few informed people acquire the titles for the lands without the community's knowledge hence conflicts arise.

There are guidelines on how the public can be involved on the framework on issues of land acquisition

Recommendation

- The county Government to be transparent with the locals so that the actual community members benefit and get compensated in the right way to avoid conflicts.
- Community to be vigilant not to sell land without documentation.
- Even where there is registration of land, the community with their leaders should also make it cheaper for the government to acquire land for government development projects.
- The investor should sort out issues of land first with the government before any exploration is done to avoid delays which lead to heavy costing of the whole process. With the use of the expensive drilling machines that are often hired, time is of essence.
- Counties should enlighten their communities to engage in activities that will maximize on profits once compensated.

VI. Revenue/Benefit sharing

The communities need to be made aware of the benefits of the oil discovery. It was noted that people run towards where resources are discovered without informing the locals. Therefore, the counties should be informed on their specific revenue share from the resource.

VII. Transboundary Environmental Concerns

Oil explorations have transboundary issues. Effects are felt across the board and this should be handled with a lot of care. Environmental issues are bound to emerge and there will be huge impacts on fisheries and Marine life.

Recommendation

- To have a fund to handle all the issues in Ministry of Energy and Petroleum.
- Create a body to deal with the transboundary issues.
- Use Polluter Pay Principle where the polluter is responsible of his/her actions.
- Countries and Counties affected should benefit from the activities undertaken

VIII. Water and Wetland Resources Pollution, Destruction Of Wildlife Habitats, Marine Resources and Biodiversity Threats

Loss of biodiversity should be compensated, biodiversity mapping and valuation should be done and values and mechanism for compensation attached to the valuation reports.

IX. Local Content; Economic Impacts

The locals wanted to know whether the resources are translating to the GDP of the Country. They urged the consultant to benchmark the situation with the other countries that have heard similar experiences.

X. Climate Change

- The exploration and production of oil and gas will result to increased emissions into the atmosphere. It is important for a County to adhere to various International agreements in order to reduce effects of climate change and global warming. There is need to come up with a policy requiring National Government to compensate Counties where extraction is being done for potential climate change impacts.
- Need for experts both from National and county level. Proper monitoring of pollution should be enhanced.
- Strong policies to curb the emissions from the Oil and gas.

XI. Health Concerns

There is expectation of emergence of diseases, sanitation, informal settlements etc. hence County should put more money aside for the anticipated public health issues.

2. Downstream Sector

I. Mushrooming of Petrol Stations

- Eldoret town is a key connection route in terms of crude transportation from Lokichar. However, the road network in the area needs improvement.
- There are no proper emergency response mechanisms in the area. Petrol stations are not built to standards i.e. dispensers and the canopy are missing, the old tanks and pumps are not inspected to ensure compliance.

3. Designing of Petrol Stations

It was noted that when designing the petrol stations, there are no expertise on board to assist. Petrol stations are built even very close to the residential areas and people continue with their businesses as usual. Some petrol stations don't have oil interceptors. Some investors are out to make money even at the risk of the public safety and welfare.

Recommendations

- Make bypasses so that petroleum trucks do not pass through the various town centers.
- Train more expertise in the area
- Involve local administration like the chiefs and sub- chiefs to reinforce the law and create awareness among the people.

- It is necessary to have well-planned towns within the Counties so that the petrol stations are only found in the specific designated areas.

I. Transporting of oil Products and Motorbike businesses

Currently, the main route through Eldoret to other towns and even Uganda passes through the town center hence posing a risk. Due to the many motor cyclists, fuel is now sold widely and not just in the petrol stations which poses a great fire risk. Public service vehicles carry the Petrol like any other luggage even with passengers on board. There are no designated parking areas for trucks hence they park by the roadside which is very risky.

II. Preparedness, Emergency Response and Disaster Management

There are no County disaster preparedness and management Programs or any mechanisms put in place. The counties do not have the capacity to handle petroleum related disasters.

Recommendations

- Counties need to form County Response Committees to deal with emergencies and disasters such as fire, floods etc. i.e., Purchase the equipments required and train the necessary personnel.
- The Ministry of Energy and Petroleum needs to take a key role in terms of organization of the disaster management issues.
- Capacity building in all the counties to deal with 'Little Shambas' (Adulteration sites) and make people aware of the dangers involved. There needs to be measures put in place to stop the cartels involved.
- There is need for capacity building for the locals. They should have well planned training programs put in place.
- Look at the EIA requirements in regard to setting up facilities and licensing
- Counties should work closely with the rescue teams in the country i.e KDF, Law enforcement teams.
- Fund critical departments which deal with health and safety issues
- Training of medical personnel should be increased along the corridor.

III. Occupational Health and Safety

The authorities like Water Resources Management Authority, National Environment Management Authority, Directorate of Occupational Safety and Health Services and Public Health, Energy Regulatory Commission and Environmental ministries should work closely to enforce standards and regulations for occupational health and safety and avoid blame game in the event of a disaster.

Proposals/Recommendations

- There is need for streamlining issues in the Petroleum sector to bring about proper coordination.
- County Governments should borrow from what Red Cross does.
- Counties need proper coordination and harmonization of all players involved. This because regulations in the county governments are weak.
- There is need for Occupational Health and Safety audits to be reinforced
- Government to increase budgetary allocation to strengthen the department. Regulators should be on board.
- Legislation to harmonize various laws to avoid replication of mandate for various regulatory bodies.

IV. Waste Disposal in the Petrol Stations

Waste from the outlets in petrol stations is not properly disposed. There needs to be policies and designated areas established for management and disposal of waste especially the waste oil.

V. Illegal Businesses

It was reported that some people have illegal petrol products businesses in the county. Some even sell the products from their houses which is very risky. There is a need to train all Petroleum dealers on how to handle to products to enhance safety.

- Dispensing of the products need to be supervised by the relevant authorities.
- Need for strong monitoring systems to be put in place.
- Awareness among the locals needs to be encouraged.

VI. Use of LPG Cylinders

People are not aware on the expiry dates of their gas cylinders. This is a disaster in waiting. Illegal refilling is being done in the country which is very risky. Energy Regulatory Commission has to enforce related laws because people are not aware of the leakages and other dangers.

VII. Forestry Issues

Forests play a key role in the economy. During exploration, vegetation is cleared and the carbon cycle is disrupted. Policies are weak and are not workable. There is need for capacity building on enforcement i.e. 10% cover of forests should be more emphasized.

Recommendation

- There should be rehabilitation measures in place such that if there is no oil discovery made, there should be proper restoration of the vegetation cover.
- Rehabilitation programs should be keen not to introduce invasive species.


ITEM 04/07/2016: CLOSING REMARKS

- The participants were praised for their attentive spirits and their wholehearted contributions. They were told that the draft reports will be shared to all at some stage and urged to streamline their thinking in the sector.
- The lead consultant and his team gave closing remarks and indicated that they were impressed by the good turn out and participation from the local people.
- Participants were informed that they will be invited to validation workshops.
- They were requested to share any information on the sector via the official contacts provided.
- They were informed that there are policies makers targeted in the counties and at National levels and will be consulted during the exercise.
- Later draft reports will be shared at some stage to all government agencies. They were all urged to streamline their thinking in the sector.
- A participant proposed that a security team and Petroleum Institute of East Africa, to be invited in future meetings

ITEM 05/07/2016: ADJOURNMENT

- There being no other business for discussion, the workshop was adjourned at 2:00pm with a word of prayer from one of the participants.

Confirmed and Approved for Circulation

Minutes Prepared by: Ms. Eva Mukiri Kaburu Signature:  Date: 7th July 2016

Confirmed by: Ms. Grace Moraa Signature:  Date: 7th July 2016

PARTICIPANTS LIST OF ATTENDANCE



**SCOPING MEETING FOR STRATEGIC, ENVIRONMENTAL AND SOCIAL ASSESSMENT (SESA) FOR THE PETROLEUM SECTOR IN KENYA
FOR THE MINISTRY OF ENERGY AND PETROLEUM (MoEP)**

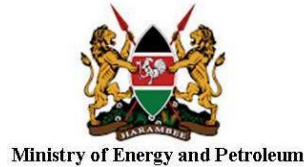
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***ANNEX 2 (F): MINUTES FOR THE STRATEGIC ENVIRONMENTAL AND SOCIAL
ASSESSMENT (SESA) OF THE PETROLEUM SECTOR IN KENYA – WESTERN
KENYA/SOUTH RIFT REGIONAL WORKSHOP HELD ON THURSDAY, 9TH JUNE 2016 AT
THE KISUMU HOTEL-MASENO UNIVERSITY, KISUMU CITY***



**MINUTES FOR THE STRATEGIC ENVIRONMENTAL AND SOCIAL ASSESSMENT (SESA)
OF THE PETROLEUM SECTOR IN KENYA – WESTERN KENYA/SOUTH RIFT REGIONAL
WORKSHOP HELD ON THURSDAY, 9TH JUNE 2016 AT THE KISUMU HOTEL-MASENO
UNIVERSITY, KISUMU COUNTY.**

In Attendance

(Full List attached in the Annex)

Consultants Present

1. Prof. Jacob Kibwage (Team Leader/Lead Consultant)
2. Ms Grace Moraa
3. Mr Calvin Ouko
4. Ms Eva Mukiri

Agenda

1. Preliminaries
2. Presentation by SESA Consultant
3. Discussion on concerns and issues in the petroleum sector in Kenya
4. Final remarks
5. AOB

ITEM 01/06/2016: PRELIMINARIES

The meeting was called to order at 9:10am by the Strategic Environmental and Social Impact Assessment (SESA) team leader. An opening prayer was offered by one of the participants. Thereafter, introductions followed by stating the Institution/county and area of expertise.

The Consultant welcomed members to the workshop and took them through the program of the day. He informed them that previous meetings for stakeholders and the Civil Society Organizations had been held and individual consultations are still on course. He stated that the Strategic Environmental and Social Assessment (SESA), was being conducted to present strategic recommendations for policies, plans and programs in the Kenya Oil and Gas (O&G) sector that will guide environmental and socio-economic planning and decision making in the country. Hence, the reason why a grant has been given to the Ministry of Energy and Petroleum to prepare the sector in terms of environmental and social issues, revenue sharing so that all will benefit and the county becomes stable.

He stated that the National Environment Management Authority (NEMA) has taken a year preparing the Terms of Reference for the SESA. Same was available on the NEMA website. He informed participants that the SESA work commenced on 17th February 2016, and that the first consultative kick off meeting had been held with the Ministry of Energy and Petroleum (MoEP) and World Bank.

ITEM 02 /06/2016: SESA LEAD CONSULTANT'S PRESENTATION

- I. The consultant introduced the SESA team which comprises of the local and international experts. He outlined the roles of the local and international experts in the team.
- II. The Team Leader reiterated that SESA process had been triggered by recent oil and gas discoveries that may have a substantial transformational impact on the Kenyan economy, and trigger new developments which require petroleum sector reforms necessary to help manage potential environmental and social impacts, issues and concerns in the *upstream, midstream and downstream* sectors.
- III. He stated that SESA would be conducted to present strategic recommendations for Policies, Plans, and Programs (PPP) that would guide environmental and socio-economic planning and decision making in the country. The team leader informed participants that SESA presents a unique opportunity for the country to systematically address environmental and socio-economic

management issues pertaining to oil and gas activities in the context of sustainable development. He informed participants that a SESA kick-off meeting was held on 16th February 2016 and the starting date set as from 17th February 2016.

- IV. The team leader then gave a general overview of SESA study approach that would be used. He stated that policies, programs and plans for the upstream, midstream and downstream subsectors would be reviewed. Participants were referred to the list of concerns and issues of the petroleum sector in Kenya that had been identified, he then directed them to the SESA scoping data collection schedule that had been provided for upstream, midstream and downstream and asked that they give their views on the identified impact themes and issues.
- V. He informed the participants that SESA will involve consultative workshops with stakeholders, regional meetings, national workshops as well as case studies in areas like Lamu, Isiolo and Lokichar. Views of all key players in the downstream sector would be sought as well as those on the existing pipeline and terminal network, with a view to identifying any gaps that need to be filled and whether there are agencies and adequate measures to deal with industry issues in this subsector.
- VI. The team leader then gave an overview of the guiding policy and legal framework as: The 2010 Constitution of Kenya, EMCA Cap. 387, NEMA SEA Guidelines of 2012, other Kenya Environmental Policies and Laws, World Bank/IFC Environmental and Social Performance Standards/Safeguards, Equator Principles, Multilateral Environmental Agreements (MEAs) and Sustainable Development Goals (SDGs) amongst others.
- VII. The consultant then informed participants that SESA would entail the following stages: Stage 1: Scoping; Stage 2: Identification of impacts and issues; Stage 3: Description of the regulatory and institutional framework and assessment of capacity; Stage 4: Formulation of recommendations; Stage 5: Final consultations, review and approval; Stage 6: Follow-up Discussions/Monitoring and Evaluation
- VIII. He welcomed the participants for open discussion and urged them to think of what is lacking in the county. The issues and policies they think should be put in place for the sector to move forward in terms of:
 - **Upstream**- this deals with exploration and drilling, development and production of crude oil and natural gas.
 - **Midstream**- involves the transportation (by pipeline, rail, barge, oil tanker or truck), storage, and wholesale marketing of crude or refined petroleum products
 - **Downstream**- refers to the refining of petroleum crude oil and the processing and purifying of raw natural gas as well as the marketing and distribution of products derived from crude oil and natural gas. The downstream sector reaches consumers through products
- IX. He welcomed the participants for open discussion and urged them to think of what is lacking in the county. The issues and policies they think should be put in place for the sector to move forward. The Figure below shows the SESA Lead consultant making a presentation during the workshop.

ITEM 04/06/2016: IDENTIFICATION OF ISSUES AND CONCERNS IN THE PETROLEUM SECTOR

The discussion was organized along the following key areas: downstream, midstream and upstream as summarized below;

1. Downstream Sector Issues

I. Location and Supervision of Petrol Stations

- It was noted that there are pumps even in the residential areas without any safety mechanisms observed. There are no fire extinguishers in place, no canopy and when it rains, the oil spills are swept to the rivers hence polluting them.
- It was heard that local people have limited knowledge on risks and disaster associated with petroleum products.
- There are mushrooming petrol stations in the communities (especially along the Nairobi – Kisumu road); however, usually the communities nearby the petrol stations are never sensitized or consulted before such installations.
- There is illegal gas retailing in the country usually in substandard cylinders hence compromising gas quality and safety.

II. Emergency Response and Disaster Management

- It was noted that disaster preparedness in many counties is still not at par with the range of disasters envisioned, facilities like ambulances are lacking and medical supplies are also not adequate and reliable when disaster strikes.
- There is little synergy when it comes to the response to emergencies and this has been a challenge when it comes to deciding who needs to respond when.
- Ground water pollution and waste oil: there needs for a monitoring system on the issue of the waste oil after it has left the petroleum sector. Most of the oil is later released into the informal systems and may end up being disposed off in the environment.
- Disaster committees in the county are weak, with limited funding and mandate but this can be expanded to cover the whole disaster response strategies, especially in terms of equipment, ambulances and medical supplies etc.
- Public health department; sector is not well equipped to manage disasters of oil and gas magnitude, besides the understaffing challenges.
- Disaster management committees are not well funded. No money set aside for disaster management. Most issues are not done properly and not handled the way they should be.

III. Conflicts Among Institutional Agencies in the Counties

- There is overlap and duplication in the management, supervision of environmental issues as well as in safety and occupational issues. NEMA and WARMA in issuing similar water discharge licenses.
- It was noted that WARMA has the mandate to conduct periodic assessment on the ground water. The management of waste oil after it leaves the Petrol stations is supposed to be handled well. WARMA issues effluent discharge permit and NEMA issues effluent discharge license but this discrepancy is being handled in the new Bill.
- County government has a responsibility on issues of Environment and Natural Resources.
- Conflict also exists between the national lead agencies and the county lead agencies, for example the environment committees are appointed by the governor and yet the committees need to supervise the operations of the county.
- County Environmental Committees is a new structure which has members from the business communities, fishermen etc., depending on the project at hand. They prepare County Environmental Plans which identify the key areas that need some follow ups. However, very few counties have gazetted the committees.

Recommendations

- There needs to be synergy/harmonization among the government agencies and policies. It was suggested that some inter-agency approval committees could be formed to sit and do joint approval for projects of important environmental concerns.
- Education and increased capacity development among communities on the dangers in the oils and gas sector.
- Need for identifying and mapping of environment stakeholders in the counties so that the public knows the clear roles and mandate of government Institutional agencies and various private sectors.
- Town planning: Every major town should have major parking yard for oil tankers which should be well equipped with fire extinguishers and other disaster response mechanisms.
- County environment committees can be strengthened as they have a lot of potential in environmental management at the county levels, their budgets and composition can be expanded to include communities and all other relevant stakeholders.
- The best way is the National Government to support systems which have been devolved. This is because a lot is happening there.
- During approvals, there should be a clear Inter Agency Committee dealing with joint approvals related to Environment so that no blame game is done after a disaster occurs. Proposed a review of the composition of such a committee.

IV. Governance and Ethical Issues

- In Kenya, the petrol station tanks are built underground. Trucks full of products go into the sites for loading.
- Then there are issues of ‘*Shamba Systems*’ where the products are mixed with others and are sold to the public. This later brings other disasters because they are not meant for that purpose.
- Issues of corruption and illegal dealings in the oil and gas sector were identified including illegal oil storages, illegal filling stations, adulterated oil in the market and these are done by strong industry cartels.
- Corruption was reported in the issuance of the license and certificates were pointed as one issue that leads to illegal practices in the sector.

Recommendation

- It was suggested that regional regulations can be established for East Africa to oversee policy making, labelling as well as licensing
- Streamlining the regulatory agencies, we can have one mega agency for the oil and gas sector instead of many institutions.

V. Environmental Impact Assessments and Audits

- Environmental Impact Assessments and Audits on water quality bring interactions with ERC, Public Health and WARMA for them to give comments prior approval.
- Most lead agencies rarely comment on such project because they are bulky and institutions do not have the capacity.
- In Petrol stations, they rarely give comments and this is a big problem. Fire audits should be done regularly to avoid any disaster.
- In some instances, there are no Environmental Audits undertaken in Petrol stations by NEMA registered experts.

Recommendations

- Need for curriculum to be developed in that sector. Kenya Pipeline Company is offering such training at Morendat in Naivasha. Counties should prepare their youth on the same area.
- Training opportunities should be at all levels i.e. Certificate level, craft level, diploma, and degree and doctorate level so that to increase the knowledge and capacity of the people in the country.

VI. Licensing of Petrol Stations

- Licensing of petrol stations is done hurriedly and in case of fire outbreak, it will consume the whole place. Counties only meet when a disaster has happened. Both the County and National Government need to be involved.
- No sensitization to our communities on the dangers in Oil, Gas and Petroleum sector.
- Licenses are given to companies and yet they are not very qualified.

Recommendations

- It was suggested that regional regulations can be established for East African to oversee policies making, labelling as well as licensing.
- Streamlining the regulatory agencies, we can have one mega agency for the oil and gas sector instead of many institutions.

2. Midstream Sector

I. Transporting of Oil Products

- The transit of tracks especially when passing through major towns and the issue of insurance cover when the tracks are passing in the counties was raised.
- Counties to come up with parking area designated and well equipped for Petroleum tankers.

II. Use of LPG Cylinders

Cylinders are stored in very dangerous places. What is given out to the public is adulterated. There is gas which is well refined and there is gas from outside which is existing naturally but not well refined (LNG).

Recommendation

- KEBS should set the standards very clearly. ERC to come up with a policy and harmonize policy within the member states and then cascade it down to the county level and have a regional body to handle that.
- Reduce the numbers of institutions regulating the gas and Oil sector to safeguard us from all the problems that are existing.

3. Upstream Sector

i. Local Content and Compensations

- All counties need a stake in the upstream sector. However, it was noted that Communities still don't understand the 40% local content, the challenges are magnified through the devolved systems. How much of the 40% is for the county?
- It was suggested that 40% local content should be progressive over time even to reach 100% over time. Also the term "local" is ambiguous and may be replaced with the word "host community".
- It was also suggested that all communities need to be engaged and involved especially where displacement is eminent

ii. Climate change, Wildlife, Marine and Fisheries Sector Concerns

- There is a need for climate change to be mainstreamed in the petroleum sector, seeing that Kenya has adopted the National Climate Change Act which will later create the Climate Change Authority, the Act also requires counties to establish a climate change funding and plans.
- It was noted that some of the wildlife are outside the protected areas, thus projects with significant environmental concerns must consider the impacts on wildlife and their habitats of such projects in case they come across important wildlife habitats.
- Marinelife in the water is also a concern especially with the exploration prospects in the lake basin. It was noted that part of the Winam Gulf has been earmarked as a critical area for protection for fisheries and also serving as a critical habitat for breeding ground like Nile Perch.

Recommendations

- It was suggested that all sensitive habitats within the Winam Gulf and the fishing grounds need to be mapped by the exploration companies.
- That there should be a clear policy on the restorations of lands where project activities have been decommissioned.

III. Information Sharing (Public Information Disclosure)

- There were feelings that exploration activities are done in secrecy and the information in the public domain is limited. Some counties may not be aware of the exploration activities in their backyards.
- That Kenyans who will take care of the resources are not aware of it. However, it was reported that there is a bill in parliament on public disclosure and information sharing procedures to deal with that.
- There should be proper public participation, sensitization and involvement. This will deal with issues of compensation and relocation.
- County government's particularly academic institutions to quickly think of curricula on the same and in terms of dissemination of knowledge.

IV. Gender Issues

- It was observed that gender issues in the oil and gas sector emanate from land ownership which creates a challenge in compensation efforts. Currently, there are no policies that guide on sharing of the proceeds of compensation schemes

- Gender issues can be mainstreamed in the education systems right from primary as well as other capacity development efforts.
- It was suggested that county governments can create local management policies on the use of compensations so as to safeguard against misuse, and such policies should go beyond the compensations stage.
- Need for Gender Needs Analysis in the sector. There are no policies on who receives the compensation
- Have paradigm shift on terms of ownership and compensation. Look at the family level not on gender level.
- Have a Local governance structures and laws that can deal with compensation at the local level so that one gender is not disadvantaged.
- More awareness needed on the opportunities out there in IT, Seismic data and any engineering jobs.

V. Capacity Development

- The government should take a deliberate effort to create programs and develop capacity in the sector. Capacity building should be enhanced at the county level for the county to get enough personnel.
- The issues of oil and gas may be mainstreamed in the schools' curriculum. Also, education on issues of safety and disaster management needs also be mainstreamed. The scholarships that the government will give must be equitably shared.
- It was suggested that alternative livelihoods opportunities should be encouraged to avoid overreliance on the oil and gas sector in the future.
- Universities should start looking into the opportunities of creating good skills oriented programs in the oil and petroleum sector. There is lack of technical capacity in the country.

VI. Dutch Disease

The area is dependent on the fishing industry only. The Beach Management Units should urge their members to diversify their livelihoods and avoid overdependence on fishing.

VII. Transboundary Environmental Concerns

Oil explorations are transboundary. The effects are felt across the board and issues like loss of biodiversity should be addressed through biodiversity mapping and valuation, so that values and mechanism for compensation can be attached.

VIII. Climate Change

Global warming issues were raised. That Green House effect will be much with the oil discoveries. They wanted clarification on how air cleaning will be done.

Recommendation

- National Climate Change Act and all county governments are supposed to set aside budgets for handling climate change mitigation and adaptation in the Country
- It was reported that Lake Victoria Regional Climate Change Initiative wants to bring on board 14 counties to support projects in greening regions where big projects will be passing.
- Academic Institutions should also mainstream Climate Change courses in their teaching programs.

ITEM 05/12 /2016: CLOSING REMARKS


- The participants were praised for their attentive spirits and their wholehearted contributions. They were told that the draft reports will be shared to all at some stage and urged to streamline their thinking in the sector.
- Participants were informed that they will be invited to the validation workshops.
- The consultant team leader then gave closing remarks where he indicated that he was impressed by the good turn out and good participation from the local people.

- The lead consultant thanked all for their participation and finding time to come for the workshop and urged members to strategize themselves in the sector.

ITEM 06 /06/2016: ADJOURNMENT

There being no other business for discussion, the workshop was adjourned at 1:50pm with a word of prayer from one of the participants.

Confirmed and Approved for Circulation

Minutes Prepared by: Ms. Eva Mukiri Kaburu Signature:  Date: 7th July 2016

Confirmed by: Ms. Grace Moraa Signature:  Date: 7th July 2016

PARTICIPANTS LIST OF ATTENDANCE



**SCOPING MEETING FOR STRATEGIC, ENVIRONMENTAL AND SOCIAL ASSESSMENT (SESA) FOR THE PETROLEUM SECTOR IN KENYA
FOR THE MINISTRY OF ENERGY AND PETROLEUM (MoEP)**

ATTENDANCE SHEET FOR: *Western Kenya and Parts of South Rift Region* **VENUE:** *Kisumu Hotel, Maseno University* **DATE:** *9/06/2016*

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20.	George Onyiwa	Kenya Pipeline Company Limited	Safety Officer (HSE)	0722488826 george.onyina@kpl.co.ke
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			Founder	
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34.	Edwin Owino	National Environment Management Authority Homabay	Secretary	0717052426
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38.	Palapala Muteshi	National Environment Management Authority	County Development Executive	muteshi@yahoo.com
39.	Daudi Kitur	CGK- Kericho	Director Environment	0722405364 Daudikitur@yahoo.com
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41.	Calvince Ouko	AWEMAC	Technical Assistant	owukoiwitos@gmail.com

***ANNEX 2 (G): MINUTES FOR THE STRATEGIC ENVIRONMENTAL AND SOCIAL
ASSESSMENT (SESA) OF THE PETROLEUM SECTOR IN KENYA – ISIOLO REGIONAL
WORKSHOP HELD ON MONDAY, 13TH JUNE 2016 AT THE NORTHERN GALAXY HOTEL,
ISIOLO TOWN***



MINUTES FOR THE STRATEGIC ENVIRONMENTAL AND SOCIAL ASSESSMENT (SESA) OF THE PETROLEUM SECTOR IN KENYA – ISIOLO REGIONAL WORKSHOP HELD ON MONDAY, 13TH JUNE 2016 AT THE NORTHERN GALAXY HOTEL, ISIOLO TOWN.

In Attendance

(Full List with contacts attached as an Annex)

Consultants in Attendance

1. Prof. Jacob Kibwage (Team Leader/Lead Consultant)
2. Dr. Benson Agaya
3. Mr Calvince Ouko
4. Ms Eva Mukiri

Agenda

1. Preliminaries
2. Presentation by SESA Consultants
3. Discussion on concerns and issues in the petroleum sector in Kenya
4. Closing remarks
5. AOB

ITEM 01/13/2016: Preliminaries

The meeting was called to order at 9:40am by the Strategic Environmental and Social Impact Assessment (SESA) team leader. An opening prayer was offered by one of the participants. Thereafter, introductions followed by stating the Institution/county and area of expertise.

The Consultant welcomed members to the workshop and took them through the program of the day. He informed them that previous meeting for the Civil Society Organizations had been held and individual consultations are still on course. He stated that the Strategic Environmental and Social Assessment (SESA), was being conducted to present strategic recommendations for policies, plans and programs in the Kenya Oil and Gas (O&G) sector that will guide environmental and socio-economic planning and decision making in the country. Hence, the reason why a grant has been given to the Ministry of Energy and Petroleum to prepare the sector in terms of environmental and social issues and revenue sharing so that all will benefit and the county becomes stable.

He stated that the National Environment Management Authority (NEMA) has taken a year preparing the Terms of Reference for the SESA. Same was available on the NEMA website. He informed participants that the SESA work commenced on 17th February 2016, and that the first consultative kick off meeting had been held with the Ministry of Energy and Petroleum (MoEP) and World Bank.

The consultant, then, invited the county committee and the county shief of staff to mke remarks

Remarks by County Executive Committee Member, Water: Amina Aden

- The CEC stated that the county was very delighted to host such a meeting for the oil and gas sector. She also spent time giving background information of Isiolo County
- She said that Isiolo as a county has only one fire engine and this weakness was felt in the recent fire incidents which were not responded to adequately. Currently, they have 15 fire fighters in place which is very inadequate.
- She noted that currently all the petrol stations in Isiolo are along the main highway.
- They have a unit on civic education but they have not been used to educate on the line of oil and gas.

- Inter community conflicts were pointed as a key issue in the county, and they are linked to the LAPSSET project. The area most disputed stretches from Kachuru – to Isiolo town where both communities stay. She stated that some constructions are going on already even on the disputed land and these are likely to create more tension.
- The county assembly of Isiolo had debated to have the corridor pass through a non-conflict area.

Remarks by the County Chief of Staff

- The County Chief of Staff stated that Isiolo as a County is growing as fast and this presents a challenge with regards to capacity development for the management of the upcoming infrastructure.
- It was observed that petroleum issues have not been a key exposure area and this is why the fire fighters have not been empowered to deal with any disaster arising.

ITEM 02/13/2016: SESA LEAD CONSULTANT’S PRESENTATION

- I. The consultant introduced the SESA team which comprises of the local and international experts. He outlined the roles of the local and international experts in the team.
- II. The Team Leader reiterated that SESA process had been triggered by recent oil and gas discoveries that may have a substantial transformational impact on the Kenyan economy, and trigger new developments which require petroleum sector reforms necessary to help manage potential environmental and social impacts, issues and concerns in the *upstream, midstream* and *downstream* sectors.
- III. He stated that SESA would be conducted to present strategic recommendations for Policies, Plans, and Programs (PPP) that would guide environmental and socio-economic planning and decision making in the country. The team leader informed participants that SESA presents a unique opportunity for the country to systematically address environmental and socio-economic management issues pertaining to oil and gas activities in the context of sustainable development. He informed participants that a SESA kick-off meeting was held on 16th February 2016 and the starting date set as from 17th February 2016.
- IV. The team leader then gave a general overview of SESA study approach that would be used. He stated that policies, programs and plans for the upstream, midstream and downstream subsectors would be reviewed. Participants were referred to the list of concerns and issues of the petroleum sector in Kenya that had been identified, he then directed them to the SESA scoping data collection schedule that had been provided for upstream, midstream and downstream and asked that they give their views on the identified impact themes and issues.
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- VIII. He welcomed the participants for open discussion and urged them to think of what is lacking in the county. The issues and policies they think should be put in place for the sector to move forward in terms of:
 - **Upstream**- this deals with exploration and drilling, development and production of crude oil and natural gas.
 - **Midstream**- involves the transportation (by pipeline, rail, barge, oil tanker or truck), storage, and wholesale marketing of crude or refined petroleum products

- **Downstream**- refers to the refining of petroleum crude oil and the processing and purifying of raw natural gas as well as the marketing and distribution of products derived from crude oil and natural gas. The downstream sector reaches consumers through products
- IX. He welcomed the participants for open discussion and urged them to think of what is lacking in the county. The issues and policies they think should be put in place for the sector to move forward. The Figure below shows the SESA Lead consultant making a presentation during the workshop.

ITEM 03/13/2016: IDENTIFICATION OF ISSUES AND CONCERNS IN THE PETROLEUM SECTOR

The discussion was organized along the following key areas: upstream, downstream and midstream.

I. Downstream Sector

a) Petrol Stations and Related Dangers

- Local communities are not aware of the dangers posed in the downstream Oil activities and yet the petrol stations are mushrooming in the county.
- Many of the stations fault safety rules and engage in illegal practices, it was observed that some of the stations even use plastic tanks, some of these stations are very close to rivers and their drains are directed to rivers.
- It was also pointed out that monitoring and compliance institutions only survey big stations like Total, Shell etc. but the small stations are ignored, and many accidents occur because of this ignorant malpractice.
- It was emphasised that many counties simply inherited firefighters from the former county councils who were ill trained or not trained at all. The county does not have capacity needed in fire incidents, most firefighting equipment are also not tailor made for the petroleum fires.
- There are no mechanisms to test and check the quality of the products in the market.
- It was recommended that police patrols are needed even to patrol and keep people away from petrol tankers, county reinforcement teams are also needed to help in case of emergencies
- It was noted that public education on the Oil and Gas issue is very low yet they have the community civic education programs. It was suggested that this can be reviewed for any gaps.
- The locations of petrol stations need to be considerate to avoid important water resources being contaminated or polluted.
- Some Institutions mandated to monitor and inspect environmental issues are not well capacitated in terms of facilities and man power; some institutions are not devolved while others are, this creates a technicality in terms of coordination and synergy between agencies.

b) Boundary Disputes and County Planning

- Isiolo is located in a valley and there is a very steep descent from uphill and this has always been a cause of several accidents, but these accidents can be much fatal if they involve Oil tankers.
- It was therefore recommended that Isiolo town and other towns in the region should have bypasses.
- The community did a proposal for the LAPSSSET and they recommended if it could pass through the interior part of the county, far from the disputed lands between Meru and Isiolo counties, in these areas, population is low, land rates are lower and the land is a bit flat.
- Meru has Njuri Ncheke council of elders who solve inter communal conflicts, but they are effective for the intra-communal issues. When it gets inter-communal, the challenge becomes bigger and complex.
- It was noted that some of the issues of land and boundaries are historical and were pre-developed by the colonial government, however, education was identified as key methods in solving the disputes and petty conflicts in the oil and gas sector.

II. Midstream and Upstream Sectors

a) Information sharing and Feedback

- It was observed that companies doing exploratory activities rarely share information with communities on the outcomes of their works. For example, in 1978 a company called Geosource did some survey in a place called Marti. Environmental issues of concern were raised i.e. sicknesses and animal health, and even samples were taken to the University of Nairobi, but no feedback has been given to the community at all. The meeting facilitator wondered why Isiolo is not counted as one of the block and yet they think Isiolo has seen exploratory activities in the past.
- It was recommended that companies doing exploration need to give the community feedback on what has taken place, and take responsibility, where necessary, for any environmental and health issues that arise.

- They have developed a community LAPSSET committee so that they work together to air the view of all the affected communities.

b) Wildlife, Forestry and Cultural Concerns

- The whole zone from Garissa through Baringo is a wildlife corridor; all projects in these areas should plan for the wildlife corridor. Recommendations were put for ground wildlife corridors as well as the demarcation of more wildlife corridors along the proposed LAPSSET project.
- It was also suggested that water resources along the corridor need to be mapped and known for example the buffalo springs and the crocodile jaw dam which are in the region.
- It was also suggested that geological/landscape beauty should be preserved and any project that would extensively alter the beauty of land should be avoided.
- There is need to document and map the world heritage sites like Mt. Kenya and Ngaridare which are classified as world heritage sites in the regions and must be avoided
- For trees and vegetation of importance, economic and environmental valuation must be considered and programs of protecting, replanting and maintaining. Some of the important trees along the corridor include:
 1. Acacia senego
 2. Acaia seyal
 3. Comiphora holtizian
 4. Conifer mill
 5. Conifara confuse
 6. Aloe etc.

c) Gender Issues

- It was felt that the issues of gender are community specific, thus it depends on different community practices, for example the Turkana community looks at the man as the family and all the members of the household including children born out of wedlock by the wife are children of the man and a man's property is everyone's property including all the women legally married.
- It was suggested that the cheques for compensation needs to be enjoined when a payment of transaction is being made, by this the whole family is involved. Laws and rules should be made at the counties to define who is entitled for any benefits or compensation.

d) Land Issues, Compensation and Local Content

- The revenue sharing scheme under local content proposal is good but should be specific on defining "local content" and "host community".
- Revenue sharing should consider cross boundary issues.
- It was suggested that jobs for local content should be defined clearly, it should be known which should go for open tenders for the whole country, which ones go for the County and which ones go for the host community from the locality. Local content can be defined in a simpler way
- Acquisition should allow certain limited access rights so that the community is not completely detached.
- Even after the acquisition of the way-leaves, the community still needs to be considered so that the community feels part of the deal and thus they can be used to protect and have a feeling of ownership
- The counties along the corridor should also be given a small percentage of the revenues sharing throughout the whole project life. Not all the 30% to the county producing the Oil alone.
- There are issues of human rights violations when dealing with land acquisition and buying. The rich and those from high places of government come and buy land from the poor when they foresee a development project.

e) Education in the Sector

- Stakeholders felt that academic institutions have not installed programs to provide technical capacity and other necessary skills. Children need to be guided in the new emerging Oil and Gas sector and this was highly advised.


ITEM 04/13/2016: CLOSING REMARKS

-
- All participants were requested to share any information on the sector via the official contacts provided.
 - Draft reports will be shared to all at some stage and urged to streamline their thinking in the sector.
 - Participants were informed that they will be invited to the validation workshops.

ITEM 05/13/2016: ADJOURNMENT

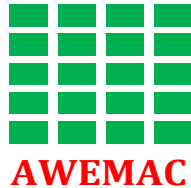
There being no other business, the meeting ended with a word of prayer from Hussein Suud at 1:37pm.

Confirmed and Approved for Circulation

Minutes Prepared by: Ms. Eva Mukiri Kaburu Signature:  Date: 7th July 2016

Confirmed by: Ms. Grace Moraa Signature:  Date: 7th July 2016

PARTICIPANTS LIST OF ATTENDANCE



SCOPING MEETING FOR STRATEGIC, ENVIRONMENTAL AND SOCIAL ASSESSMENT (SESA) FOR THE PETROLEUM SECTOR IN KENYA FOR THE MINISTRY OF ENERGY AND PETROLEUM (MoEP)

ATTENDANCE SHEET FOR: *Isiolo Regional Workshop* VENUE: *Northern Galaxy Hotel* DATE: *13/06/2016*

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30.	Nichoras Mwenda	Kenya Methodist University	Staff in Chemistry Department	0722985262 mwendany@yahoo.co
31.	Juhas Juma Ogega	National Museum of Kenya- Meru Museum	Senior Curator	0710260904 jogega@museum.or.ke julias.ogega@gmail.com

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34.	Kaburu Mukiri Eva	AWEMAC	Technical Assistant	0728631589 clareeva@gmail.com

***ANNEX 2 (H): MINUTES FOR THE STRATEGIC ENVIRONMENTAL AND SOCIAL
ASSESSMENT (SESA) OF THE PETROLEUM SECTOR IN KENYA – TURKANA LOCAL
MEETING HELD ON THURSDAY, 23RD JUNE 2016 AT ST. TERESA PASTORAL CENTRE
DIOCESE OF LODWAR TOWN, TURKANA COUNTY***



MINUTES FOR THE STRATEGIC ENVIRONMENTAL AND SOCIAL ASSESSMENT (SESA) OF THE PETROLEUM SECTOR IN KENYA– TURKANA LOCAL SCOPING MEETING HELD ON THURSDAY, 23RD JUNE 2016 AT ST. TERESA PASTORAL CENTRE DIOCESE OF LODWAR, TURKANA COUNTY.

In Attendance

(Full List with contacts attached as an Annex)

Consultants Present

1. Prof. Jacob Kibwage (Team Leader/Lead Consultant)
2. Dr. Ben Agaya
3. Ms Grace Moraa
4. Eng. Peter Mwangi
5. Mr Peter Magati
6. Mr Calvin Ouko
7. Ms Eva Mukiri

AGENDA

1. Preliminaries
2. Presentation by SESA Consultants
3. Methodology and Approach
4. Discussion on concerns and issues in the petroleum sector in Kenya
5. AOB

ITEM 01 /23/2016: PRELIMINARIES

The meeting was called to order at 9:40am by the Strategic Environmental and Social Impact Assessment (SESA) team leader. An opening prayer was offered by one of the participants. Thereafter, introductions followed by stating the Institution/county and area of expertise.

The Consultant welcomed members to the workshop and took them through the program of the day. He informed them that previous meetings for stakeholders and the Civil Society Organizations had been held and individual consultations are still on course. He stated that the Strategic Environmental and Social Assessment (SESA), was being conducted to present strategic recommendations for policies, plans and programs in the Kenya Oil and Gas (O&G) sector that will guide environmental and socio-economic planning and decision making in the country. Hence, the reason why a grant has been given to the Ministry of Energy and Petroleum to prepare the sector in terms of environmental and social issues, revenue sharing so that all will benefit and the county becomes stable.

He stated that the National Environment Management Authority (NEMA) has taken a year preparing the Terms of Reference for the SESA. Same was available on the NEMA website. He informed participants that the SESA work commenced on 17th February 2016, and that the first consultative kick off meeting had been held with the Ministry of Energy and Petroleum (MoEP) and World Bank.

He further, informed them that similar meetings had been held like for the Civil Society Organizations in Nairobi, Nairobi region/Metropolitan, Lamu Local workshop, Coast region counties, Uasin Gishu and the surrounding counties, Kisumu and the surrounding counties and Isiolo meeting.

He therefore introduced one of the SESA resource persons from the local community (*Prof. Akujah*) in terms of any information required.

The team leader invited the KEPTAP specialist from the ministry and the county commissioners to make remarks

Remarks by KEPTAP ESSS (Mr. Jeremiah Wahome)

- I. The *KEPTAP ESS Representative* gave a brief background of himself and his role in KEPTAP He acknowledged the presence of the various groups in the meeting i.e. *Maendeleo Ya Wanawake, Civil Society Organizations, Turkana Professional Association, Office of the President-interior & Coordination among others*
- II. He stated that Petroleum sector is very wide reason why the Government should make sure that the sector is managed well for sustainability purposes.
- III. Mentioned that KEPTAP is looking across the board i.e. from exploration to supply/marketing.
- IV. Stated that the discovery of oil and gas in Kenya presents greater social economic opportunities despite the serious challenges involved.
- V. That the Government of Kenya received a credit from World Bank to build the capacity of technical management in the Petroleum Sector.
- VI. That the project is for Six years hence it will provide solutions that will caution Kenya in the right development of the sector up to April 2021.
- VII. SESA therefore is designed as an early strategy to curb any anticipated hustle.
- VIII. He stated that the National Environment Management Authority (NEMA) has taken a year preparing the Terms of Reference for the SESA. Same was available on the NEMA website. He informed participants that the SESA work commenced on 17th February 2016, and that the first consultative kick off meeting had been held with the Ministry of Energy and Petroleum (MoEP) and World Bank.
- IX. He further informed them that various workshops had been held where participants had been invited so that they can be involved in the SESA process right from commencement of the project to share their lessons learnt, insight and advice with regards to communities and how the Oil and Gas sector will affect them.
- X. He therefore named the various KEPTAP beneficiaries like Ministry of Energy and Petroleum, Ministry of Industrialization and Enterprise Development, KPC, Presidential Delivery Unit, ERC, Ministry of Devolution, Ministry of Education Directorate of Occupational Safety and Health Services among others.
- XI. Mentioned that NEMA received part of the credit from the Ministry of Energy and Petroleum to support it in its SESA activities hence a very critical institution to SESA activities.
- XII. He concluded by mentioning that the consultant is supposed to map the identified issues which will be implemented by various authorities.
- XIII. This will help the country be in a position to use its National Recourses well for sustainable development.
- XIV. That the geographical location of Turkana County is very important in the management of the sector. Therefore, every opinion and contribution is welcome.

Remarks by County Commissioner Remarks- Stephen Ikua

- I. Welcomed the SESA team of experts and praised team for choosing the county to sensitize them of the developments.
- II. Mentioned that good consultations in advance are important so that the community is informed
- III. Turkana county very happy because of its potential in terms of developed. County not marginalized because it is a concept in peoples' mind set. Urged them to take advantage of the forum and air their views openly.

ITEM 02 /23/2016: SEA LEADS CONSULTANT'S PRESENTATION

- I. The consultant introduced the SESA team which comprises of the local and international experts. He outlined the roles of the local and international experts in the team.

- II. The Team Leader reiterated that SESA process had been triggered by recent oil and gas discoveries that may have a substantial transformational impact on the Kenyan economy, and trigger new developments which require petroleum sector reforms necessary to help manage potential environmental and social impacts, issues and concerns in the *upstream, midstream* and *downstream* sectors.
- III. He stated that SESA would be conducted to present strategic recommendations for Policies, Plans, and Programs (PPP) that would guide environmental and socio-economic planning and decision making in the country. The team leader informed participants that SESA presents a unique opportunity for the country to systematically address environmental and socio-economic management issues pertaining to oil and gas activities in the context of sustainable development. He informed participants that a SESA kick-off meeting was held on 16th February 2016 and the starting date set as from 17th February 2016.
- IV. The team leader then gave a general overview of SESA study approach that would be used. He stated that policies, programs and plans for the upstream, midstream and downstream subsectors would be reviewed. Participants were referred to the list of concerns and issues of the petroleum sector in Kenya that had been identified, he then directed them to the SESA scoping data collection schedule that had been provided for upstream, midstream and downstream and asked that they give their views on the identified impact themes and issues.
- V. He informed the participants that SESA will involve consultative workshops with stakeholders, regional meetings, national workshops as well as case studies in areas like Lamu, Isiolo and Lokichar. Views of all key players in the downstream sector would be sought as well as those on the existing pipeline and terminal network, with a view to identifying any gaps that need to be filled and whether there are agencies and adequate measures to deal with industry issues in this subsector.
- VI. The team leader then gave an overview of the guiding policy and legal framework as: The 2010 Constitution of Kenya, EMCA Cap. 387, NEMA SEA Guidelines of 2012, other Kenya Environmental Policies and Laws, World Bank/IFC Environmental and Social Performance Standards/Safeguards, Equator Principles, Multilateral Environmental Agreements (MEAs) and Sustainable Development Goals (SDGs) amongst others.
- VII. The consultant then informed participants that SESA would entail the following stages: Stage 1: Scoping; Stage 2: Identification of impacts and issues; Stage 3: Description of the regulatory and institutional framework and assessment of capacity; Stage 4: Formulation of recommendations; Stage 5: Final consultations, review and approval; Stage 6: Follow-up Discussions/Monitoring and Evaluation
- VIII. He welcomed the participants for open discussion and urged them to think of what is lacking in the county. The issues and policies they think should be put in place for the sector to move forward in terms of:
 - a. **Upstream-** this deals with exploration and drilling, development and production of crude oil and natural gas.
 - b. **Midstream-** involves the transportation (by pipeline, rail, barge, oil tanker or truck), storage, and wholesale marketing of crude or refined petroleum products
 - c. **Downstream-** refers to the refining of petroleum crude oil and the processing and purifying of raw natural gas as well as the marketing and distribution of products derived from crude oil and natural gas. The downstream sector reaches consumers through products

- IX. He welcomed the participants for open discussion and urged them to think of what is lacking in the county. The issues and policies they think should be put in place for the sector to move forward. The Figure below shows the SESA Lead consultant making a presentation during the workshop.

ITEM 03/23/2016: IDENTIFICATION OF ISSUES AND CONCERNS IN THE PETROLEUM SECTOR

In the Turkana local meeting, most of the issues were of the upstream sector and a bit of downstream in nature. Participants had the following issues;

1. Upstream Sector Issues

I. Lack of Petroleum Training Institutions

- It was noted that there is no single university in the upstream region to train experts in the sector. The County should control most of the activities in the area.
- Engage academic institutions to teach/train graduates on the petroleum industry
- Petroleum companies to keep their word and absorb the graduates once they finalize.

II. Early Oil Scheme Project

- Participants were concerned about the Early Oil Scheme Pilot Project. It was reported that there needs to be a pipeline from Lokichar to Lamu. However, Kenyan oil is waxy hence has more products.
- The pipeline will be heated all the way with power stations. Filing a ship takes time hence the Kenyan Government will be piloting it hence the Kenyan Government will have known how the market will be fairing. The Government will have specifications of the trucks to be transporting the oil. They were informed that when LAPSSET project was being planned, the issue of oil had not been discovered.
- Asked participants on the structures of engagement the county needs to put in place. They were informed that the government is planning to build the roads from Lokichar to Nandabar then to Eldoret.

Recommendations

- There is need to have enough electricity in the county for heating the oil from the wells.
- There is expectation of emergence of diseases, sanitation, informal settlements etc, hence the County should put more money for public health issues.
- Ensure that there is a framework in place for accountability purposes when the oil is being transported from the county.
- Build the capacity of the neighbours especially the West Pokot so that they know that the oil is not for the Turkana community alone but for all Kenyans.
- That the construction of the pipeline should be underground not above the ground.
- Need to have County Regulatory Authority.

III. Marginalization of the Community

The County Government should strive through various means to make good relations with the neighbors especially the West Pokot. They should be recognized as Kenyans and deserve to be treated equally like others.

IV. Local Content

- There is need for professionals in Turkana to be given opportunities in terms of employment. There is no clear local content plan. It was noted that locals have not been included in the MoEP.

- Numbers of Turkana community members working in Tullow Oil sites are very low. The community felt that there should be proper representation of Tullow and the MoEP in decision making process.
- They wanted to know how KEPTAP is building the capacity of the Turkana community and yet none is employed in the sector yet the resources are translating to the GDP of the country. Urged to benchmark with the other countries who have heard similar experiences.

Recommendation

- Greater efforts should be expended in building the capacity of the locals to take up the jobs likely to arise out of the oil and gas activities in the region.
- The integration of the local people should be at all academic levels. However they need to be sensitized to understand that the constitution also covers all Kenyans in terms of revenue sharing.

V. Infrastructure Development

Transportation of the oil through roads will be critical. Wondered whether the government is going to have spot maintenance or complete construction of the new roads.

VI. Information Sharing/Disclosure and Management of Community Expectations

- It was reported that the public is not aware of the oil exploration and transportation. The constitution gives them the right to know of any development to avoid any future conflicts.
- The pastoralists are not getting the right information on any development in the area. They have minimal information on the oil production despite the so many explorations around. They have not been involved in the drilling of the oil or other lesser activities. Information is vital at this production stage so that they can be prepared.
- The community argued that they are not aware of the techniques used in drilling the oil so they are ignorant of what is happening and future impacts.
- There should be public disclosure of all technologies and procedures to the community.

VII. Displacement of People

- Displacement of people will affect the community. They are pastoralists and depend on hunting and moving from one place to another. They will be displaced from their ancestral land to pave way for the exploration to take place. There should be clear clarification on the duration of displacement

VIII. Compensation/Benefit Sharing and Uncertainties

- They wanted to know what compensation measures the Government has put in place for the people who will be displaced. The whole land in Turkana is Communal land.
- Wondered where the animals will be grazing because the fields are communal grazing grounds. Wanted clarification whether the new sector will be sustainable to the owners and the locals.
- The communities need to be made aware of the benefits. People run towards where resources are discovered. Counties should know how much the 20% is during upstream activities.
- They were alerted that the law is very clear on negotiation so locals should not get worried.

IX. Underground Water

The Turkana community depends on underground water because rains are very scarce. With the coming of oil drilling, there is likelihood that the water will be contaminated. They had an opinion that wells with underground water need to be protected.

X. EIA Reports

It was reported that the locals need capacity building on accessing recommendations on EIA/A reports. There is no public participation conducted as per the law during the EIAs. The reports are voluminous hence very difficult for the locals to read. They require validation by all. The reports of oil and gas should be discussed for the community to have an idea of any upcoming project.

XI. Insecurity Issues (Cultural Raids & Boundary Disputes)

- For some time, the Turkana and West Pokot communities have been in civil wars due to cattle rustling. They are also not sure of fellow pastoralist neighbors from Uganda, Ethiopia (*Merire*), Sudan (*Toposa*) etc. They wanted to know the measures the Government have put in place to protect the Turkana community from outside attacks.
- Insecurity issues have also been reported in the area since the discovery of oil. There is massive intrusion of foreigners and other people to the county hence posing insecurity issues. They are bound to overstretch the Government in terms of service provision.
- Wanted to know how the government is prepared in terms of infrastructure and transporting of the oil by road yet the relationship between the Turkana and the Pokot communities is not good. They anticipated attacks on the pipelines, piracy issues on the offshore etc. It was also noted that a quarter of Lake Turkana is in Turkana County and a third in Marsabit County and yet the name is Turkana.

XII. Signing and Sharing of Contracts

Communities are not aware on who owns the wells and yet they are found in the community land. Contracts are not signed by the community. They are only signed by the ministry and the companies. They are signed without the County Government being aware. Accessibility to them is difficult.

XIII. Contamination of Underground Water

- Turkana depends on underground water and this should be well considered by the upstream activities in the area.
- Plastic waste disposal has been an issue for the oil companies and it is suspected that they are disposed off in the environment.
- It is an issue which has been happening in the wells. The land has to be taken care of. The environment and the people living there need to be protected. Measures should be put in place to avoid any spillage of crude oil during transportation.
- Water disposal from the wells will be a challenge hence need for a tracking system on the tracking form and the end of the disposal point or to any facility. This will track the actual tonnes up to the disposal point. Heavy fines and all forms of punishment should apply to any company that defaults.

XIV. Gas Flaring

It was reported that gas flaring in Twiga 2 was not done with the consultation of the local communities hence their animals were affected by the smoke. This is because there are no laws governing flaring in place especially from the companies concerned.

Recommendation

- To enact laws on the same.
- Educate the public on the time for flaring and the distance covered.

XV. Petrol Station

Residents wanted to know the distance or spacing between the petrol stations from one place to another. There should be a regulation on the proximity of petrol stations countrywide.

XVI. Health Issues

- The risk of exposure to the hydrocarbons may cause cancers and other public health concerns.
- People need to be sensitized on the health concerns and also measures should be put in place to avoid health impacts.

XVII. Natural Conservancies

- Pipes passing in conservancies need to be considered. Around South Turkana County, there is a conservancy called Nasot which is a migration corridor for the elephants and yet the oil pipeline will pass there. Around Kapnarok National Reserve where exploration is going on, there already human-wildlife conflicts-because of the exploration.
- KWS should advise on the issue of migratory routes
- Use of proper mapping of the entire system and green technology

XVIII. Gender Considerations, Communities and Vulnerable Inhabitants

Gender issues should be mainstreamed in the petroleum sector. Men are the ones who transact the issues on petroleum oil. It is a problem in African concept where it is not easy for the woman to own land. Men are the custodian of money. The sharing formula is discriminating the women and youths.

Recommendation

- Women also need to be given title deeds so that they have equal ownership.
- There is need for policies and guidelines on compensation which should be for the whole family.
- Youths should be encouraged to go for further trainings on the oil and gas sector or be absorbed in the Petroleum Training Institute for other trainings.
- 30% of the scholarships and jobs to be reserved for both genders.
- CSR activities to be mainstreamed to incooperate all.
- Contributions should be fair to policy making for both youths and women.

XIX. Communal Land, Land Use and Potential Changes in Settlements and Livelihoods

- It was reported that where exploration is taking place is community land, there are no title deeds for the locals and therefore, compensation is very difficult. Titles are processed and acquired without the knowledge of the community.
- There was a concern that those acquiring the land should do it from the community perspective. For instance, in Kapese area, the land was acquired by a private developer.
- They wanted to know whether there is a formula for valuing community land because they were not aware of one.
- The places where there are oil and gas wells, used to be grazing land. For instance, from *Amosin* to *Edon*, pastoralists move along the river looking for water for their animals. They wondered whether they will be accepted by the host communities if they are moved from the wells(their grazing land)
- There are guidelines on how the public can be involved on issues of land acquisition. Community consultation is a big problem. They felt that the rights of the community should not be infringed at the expense of the resource.

Recommendation

- The county government to be open to the communities so that the actual community members benefit and get compensated in the right way to avoid conflicts.
- Community members to be sensitized to be vigilant against sale of land without documentation.
- It was felt that investors ought to sort out issues of land first with the government before any exploration is done. This is because exploration and drilling machines are expensive and time is of essence to the companies. So that this does not discourage the investors because at the end, it is the community that loses.
- County Governments should enlighten their communities on how maximize on profits.
- Community Land Bill should be passed to address issues on land.

XX. Climate change

- The discovery of oil and gas will emit various emissions. It is important for a county to adhere to various International agreements in terms of transporting the oil and to know how much will be emitted to the air.

- There is need for sustainable plans for alternative livelihoods; need to consider issues on drought management and irrigation to ensure that food production does not decrease in the wake of the oil and gas discovery.

2. Downstream sector

i. Mushrooming of Petrol Stations

There are so many petrol stations in Lodwar. The road network is also poor. Participants felt that there is need to know the distance or spacing of petrol stations from one another. That there should be regulations on the proximity of petrol stations especially in towns. The old tanks and pumps are not inspected to gauge whether they are compliant.

ii. Occupational Health and Safety

It was noted that fire extinguishers are missing in key places and this is causing great danger in case of any disaster.

Proposals/Recommendations

- There is need for streamlining issues in the petroleum sector so that they work together and push for regular committees.
- County Governments to buy the necessary equipment for disaster management.
- Counties should promote intersectoral issues which are needed for proper coordination and harmonization of all players involved. Regulations in the county Government are weak.
- There is need for Occupational Health and Safety Audits to be reinforced but the office is understaffed.
- Government to increase the budgetary allocation to strengthen the sector. Regulators should be on board.
- Legislation to harmonize various laws is necessary

ITEM 04/23/2016: CLOSING REMARKS

a) Deputy County Commissioner

- The commissioner was highly impressed with the rich discussion from all the stakeholders.
- He stated that the issues were well-articulated. Some will be fast-tracked especially those that are within their control.
- Emphasized on the Land Bill issues and confirmed that the issue is very clear on the compensation to the locals. The clauses of law will be followed up to the latter.
- He also assured that the government will take the necessary measures to protect the locals.
- On insecurity issues, Turkana community has been at peace with the neighboring counties. Good rapport should be established with the neighboring communities.
- More research is being done on the disputed places and will be resolved in due course. Hence territorial integrity has to be protected.
- The rules of international trade will be applicable when it comes to transporting of Kenyan oil.
- More security plans are being put in place to protect all through community policing.

b) KEPTAP ESSS

- Appreciated the valuable contributions from the stakeholders.
- Urged all consortium team members to capture all in the report because the MoEP will be interested with the issues spelt out.
- KEPTAP will try to identify the issues that are within their control.
- Noted that the issues raised with their political leaders shows that they are in touch with the local people.
- Reiterated that economic activities should not kill the existing livelihoods of the people.
- They were urged to work with all sectors in the area of oil production.
- Mentioned of planned validation meetings by NEMA.
- Building information disclosure systems is necessary to promote transparency to all Kenyans.
- Public consultation should be encouraged for all and at all levels.
- On gender issues, there is going to be another study to inform whether our cultural issues allow compensation across all genders.


- Concluded by informing them that whatever they had contributed is of much value and beneficial to all.

ITEM 05 /23/2016: AOB /ADJOURNMENT

- All participants were requested to share any information on the Oil and Gas sector via the official email provided.
- Draft reports will be shared at some stage to all government agencies. They were therefore urged to streamline their thinking in the sector.
- The lead consultant thanked all for their participation.

There being no other business for discussion, the workshop was adjourned at 2:50pm with a word of prayer from one of the participants.

Confirmed and Approved for Circulation

Minutes Prepared by: Ms. Eva Mukiri Kaburu Signature:  Date: 7th July 2016

Confirmed by: Ms. Grace Moraa Signature:  Date: 7th July 2016

PARTICIPANTS LIST OF ATTENDANCE



SCOPING MEETING FOR STRATEGIC, ENVIRONMENTAL AND SOCIAL ASSESSMENT (SESA) FOR THE PETROLEUM SECTOR IN KENYA FOR THE MINISTRY OF ENERGY AND PETROLEUM (MoEP)

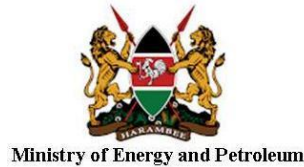
ATTENDANCE SHEET FOR: *Turkana Local Meeting* VENUE: *St. Teresa Pastoral Centre-Lodwar* DATE: *23/06/2016*

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***ANNEX 2 (I): MINUTES FOR THE STRATEGIC ENVIRONMENTAL AND SOCIAL ASSESSMENT
(SESA) OF THE PETROLEUM SECTOR IN KENYA– NATIONAL SCOPING WORKSHOP HELD
ON 30TH JUNE 2016 AT THE NATIONAL SCOPING WORKSHOP INTERCONTINENTAL HOTEL,
NAIROBI CITY***



MINUTES FOR THE STRATEGIC ENVIRONMENTAL AND SOCIAL ASSESSMENT (SESA) OF THE PETROLEUM SECTOR IN KENYA– NATIONAL SCOPING WORKSHOP HELD ON THURSDAY, 30TH JUNE 2016 AT THE INTERCONTINENTAL HOTEL NAIROBI.

In Attendance

(Full List of all Stakeholders in the Annex)

Consultants Present

1. Prof. Jacob Kibwage (Team Leader/Lead Consultant)
2. Dr. Ben Agaya
3. Ms Grace Moraa
4. Eng. Peter Mwangi
5. Mr Peter Magati
6. Ms Eva Mukiri

AGENDA

1. Preliminaries
2. SESA Consultant Presentations
3. Commissioner of Petroleum- Ministry of Energy and Petroleum
4. Upstream and Midstream Sector Presentations
5. Downstream Sector and Cross-Cutting Issues
6. Closing Remarks
7. AOB/Adjournment

ITEM 01/30/2016: PRELIMINARIES

The meeting was called to order at 8:40am by the Strategic Environmental and Social Impact Assessment (SESA) team leader. An opening prayer was offered by one of the participants. Thereafter, introductions followed by stating the Institution/county and area of expertise.

The Consultant welcomed members to the workshop and took them through the program of the day. He informed them that previous meeting for the Civil Society Organizations had been held and individual consultations are still on course. He stated that the Strategic Environmental and Social Assessment (SESA), was being conducted to present strategic recommendations for policies, plans and programs in the Kenya Oil and Gas (O&G) sector that will guide environmental and socio-economic planning and decision making in the country. Hence, the reason why a grant has been given to the Ministry of Energy and Petroleum to prepare the sector in terms of environmental and social issues and revenue sharing so that all will benefit and the Country will be stable in the wake of oil discovery.

He stated that the National Environment Management Authority (NEMA) has taken a year preparing the Terms of Reference for the SESA. Same was available on the NEMA website. He informed participants that the SESA work commenced on 17th February 2016, and that the first consultative kick off meeting had been held with the Ministry of Energy and Petroleum (MoEP) and World Bank.

He informed that similar meeting had been conducted in different regions across the country and this was the national workshop. He then invited for some remarks.

Remarks

KEPTAP ESSS - Mr. Jeremiah Wahome's Remarks

The KEPTAP Environmental and Social Safeguard Specialist (ESS) welcomed all to the meeting and gave the following remarks;

- I. That there have been recent discoveries of oil in Kenya and that upstream activities are new initiatives in the country. Therefore, the reforms are necessary.
- II. KEPTAP will develop objectives to strengthen the capacity of Kenyan communities in the Petroleum sector before actual development of the resources.
- III. He stated that many countries without structures are faced with social economic consequences because they never put the structures in place at the right time.
- IV. That KEPTAP is a World Bank safeguard project and hoped that SESA will address the issue from the ground.

World Bank Representative- Edward Dwumfour's Remarks

- I. World Bank Representative talked about Environmental and Social Performance Standards and expectations from the Project. That World Bank is making effort to support the government of Kenya in governance structures.
- II. Gave examples of countries like Ghana and Nigeria who have difficult time because they did not put structures in place earlier.
- III. He was happy that Kenya realized that from other countries and is putting structures in place before the real exploration starts. SESA therefore, will be an environmental tool to put environmental tools and structures in place for sustainability purposes. It will identify social and environmental issues in Upstream, Midstream and Downstream.
- IV. That through SESA, Upstream and Downstream risks will be identified and mitigated.
- V. He urged all Institutions i.e. Private Sector, Civil Society Organizations and communities to contribute to this noble task.
- VI. Noted that it is important to look at the three arms where each stakeholder should be given a right to the natural resource the country is planning to extract.
- VII. Hoped that the consultants will do detailed work and inform the government on the issues identified.
- VIII. Wished them excellent deliberations in the workshop and other upcoming validation workshops.

KEPTAP Project Manager- David Wainaina's Remarks

- I. The Project Manager introduced himself and gave a brief history of the secretariat in the KEPTAP Project. Mentioned that secretariat work started in 2015.
- II. Gave a brief on where the Ministry of Energy and Petroleum is on KEPTAP and stressed on its mandate which is to build the institutional capacity for institutions so that they have the mandate to exploit the resources.
- III. He identified the Institutions sponsored by KEPTAP as;
Ministry of Energy and Petroleum, Ministry of Industrialization and Enterprise Development, National Treasury, Kenya Pipeline Company, Energy Regulatory Commission, National Oil Corporation of Kenya, Central Bank, Presidential Delivery Unit, National Environment Management Authority, Directorate of Occupational Safety and Health Services, Kenya Maritime Authority, National Disaster Operation Centre, Commission on Revenue Allocation, Office of the Attorney General and Department of Justice, Office of the Auditor General, Ministry of Health, Ministry of Education, Ministry of Devolution and Planning, Kenya Revenue Authority, Kenya Bureau of Standards and Civil Society Organizations.

- IV. Talked of basic Petroleum Law, the 320 personnel who have undergone through the training and the 39 programs being rolled out in the sector. He stated that government agencies and CSO Platform have a key role to play in KEPTAP.
- V. Mentioned that under KEPTAP, institutional review study will commence soon on the 21 agencies to address their mandate overlap. All will be invited to see the need to identify the gaps and pick the issues. They are benchmarking with other countries on best practices.
- VI. That another consultancy under KEPTAP will be out in engaging the petroleum companies when negotiating contracts and other petroleum negotiations. This will give way to early oil initiative.
- VII. Another consultancy under KEPTAP will be on Communication Strategy with well-defined structure where all the resources are well understood and expectations managed.
- VIII. Then there will be implementation framework for national communication strategy. It is a fairly detailed study. Sustainable arrangement will also be defined. Potential conflicts are high on the ground and the process will be completed soon.
- IX. Mentioned of the Gender Study for SESA which will alienate the challenges of historically vulnerable groups i.e. women, youth, people living with disabilities etc. It will also advise on how necessary capacity will be built.

ITEM 02/30/2016: SESA LEAD CONSULTANT PRESENTATIONS

- I. The consultant introduced the SESA team which comprises of the local and international experts. He outlined the roles of the local and international experts in the team.
- II. The Team Leader reiterated that SESA process had been triggered by recent oil and gas discoveries that may have a substantial transformational impact on the Kenyan economy, and trigger new developments which require petroleum sector reforms necessary to help manage potential environmental and social impacts, issues and concerns in the *upstream, midstream* and *downstream* sectors.
- III. He stated that SESA would be conducted to present strategic recommendations for Policies, Plans, and Programs (PPP) that would guide environmental and socio-economic planning and decision making in the country. The team leader informed participants that SESA presents a unique opportunity for the country to systematically address environmental and socio-economic management issues pertaining to oil and gas activities in the context of sustainable development. He informed participants that a SESA kick-off meeting was held on 16th February 2016 and the starting date set as from 17th February 2016.
- IV. The team leader then gave a general overview of SESA study approach that would be used. He stated that policies, programs and plans for the upstream, midstream and downstream subsectors would be reviewed. Participants were referred to the list of concerns and issues of the petroleum sector in Kenya that had been identified, he then directed them to the SESA scoping data collection schedule that had been provided for upstream, midstream and downstream and asked that they give their views on the identified impact themes and issues.
- V. He informed the participants that SESA will involve consultative workshops with stakeholders, regional meetings, national workshops as well as case studies in areas like Lamu, Isiolo and Lokichar. Views of all key players in the downstream sector would be sought as well as those on the existing pipeline and terminal network, with a view to identifying any gaps that need to be filled and whether there are agencies and adequate measures to deal with industry issues in this subsector.
- VI. The team leader then gave an overview of the guiding policy and legal framework as: The 2010 Constitution of Kenya, EMCA Cap. 387, NEMA SEA Guidelines of 2012, other Kenya Environmental Policies and Laws, World Bank/IFC Environmental and Social Performance

Standards/Safeguards, Equator Principles, Multilateral Environmental Agreements (MEAs) and Sustainable Development Goals (SDGs) amongst others.

- VII. The consultant then informed participants that SESA would entail the following stages: Stage 1: Scoping; Stage 2: Identification of impacts and issues; Stage 3: Description of the regulatory and institutional framework and assessment of capacity; Stage 4: Formulation of recommendations; Stage 5: Final consultations, review and approval; Stage 6: Follow-up Discussions/Monitoring and Evaluation
- VIII. He welcomed the participants for open discussion and urged them to think of what is lacking in the county. The issues and policies they think should be put in place for the sector to move forward in terms of:
- a. **Upstream**- this deals with exploration and drilling, development and production of crude oil and natural gas.
 - b. **Midstream**- involves the transportation (by pipeline, rail, barge, oil tanker or truck), storage, and wholesale marketing of crude or refined petroleum products
 - c. **Downstream**- refers to the refining of petroleum crude oil and the processing and purifying of raw natural gas as well as the marketing and distribution of products derived from crude oil and natural gas. The downstream sector reaches consumers through products
- IX. He welcomed the participants for open discussion and urged them to think of what is lacking in the county. The issues and policies they think should be put in place for the sector to move forward. The Figure below shows the SESA Lead consultant making a presentation during the workshop.

ITEM 03/30/2016: COMMISSIONER OF PETROLEUM- MINISTRY OF ENERGY AND PETROLEUM

- I. The Commissioner of Petroleum welcomed all participants to the meeting and hoped for a wonderful deliberation.
- II. Was impressed with the presentation and urged the consultants to keep timelines in the deliverables.
- III. He talked about the status of the Kenya Upstream, Midstream and Downstream Petroleum Sectors.
- IV. Mentioned that SESA is an overview to understand the status of the country's opportunities on the number of barrels so that we discover more oil and compete with the outside market.
- V. Stressed that Oil is not about exploration but has very serious benefits to the country as a whole. That without SESA, there is no road map for the country because they must be prepared on the resource.
- VI. Stressed that the purpose of undertaking KEPTAP is to strengthen the capacity of the National Government of Kenya and its affiliated institutions and advise it through the recommendations made from the its findings.
- VII. He urged consultants to look at the Petroleum Bill and identify the gaps therein especially on the issue of flaring.
- VIII. Mentioned the 21 Institutions in the country that KEPTAP is building capacity and urged the MoEP to do their best to make sure that there will be value for the grant from World Bank.
- IX. Mentioned of Tullow Company's work, the licensed 39 Blocks and the Government's role in tracking the first oil from Lockichar in Turkana to Mombasa.
- X. Highlighted the partnership between Kenya and Uganda on the pipeline and the teething challenges the country is facing and hoped for a solution towards the stalemate.

- XI. Informed members that the Petroleum Master Plan is in place and the plans the Ministry has to own it.

The following concerns were brought to the commissioner's attention;

That Kenya Railways Police Special Unit is to be included among the key government agencies.

The meetings are inter-ministerial and all those affected always cooperate. There are so many committees involved. The government wants to get it right from the beginning.

On LAPSSET Corridor- Initially, Uganda was not part of the plan. Now that they have left, how is Kenya preparing to handle that because the plan of Kenyan Government was to create that link for easy transportation of the oil? What are the plans of mitigating that?

It was true that when the project was started, Uganda was not there but South Sudan was well engaged. Later, there was a lot of bureaucracy in S. Sudan hence the country kept a loof. In Ethiopia, consultations are ongoing. In Uganda, there have been very many meetings held between the states. There is more oil in Uganda than Kenya hence more economic value.

What is the MoEP doing to make sure that the officers in charge of sensitizing the public understands KEPTAP activities and appealed for more workshops?

- The MoEP working on the Communication Strategy.
- Members should be made aware that clarification on the position of the refinery and the way forward will soon be brought to the public's attention because Kenya has less oil compared to Uganda hence need for more discoveries.
- Selling the crude will be cheaper for the time being and the government will make more revenue if it revived the current refinery.
- Technology has also changed so it is not economical for the country but it will be used for storage purposes for the time being.
- It was noted that energy in Kenya is very expensive and refineries are very expensive to build and the returns are very low.

What is the Government's Position on high prevalence of cancer in Isiolo and Marsabit Counties?

There is need for more research to be done in the area. In those Counties, there is that talk and there is a report which investigated the allegations and results from the study show that it is not related to oil activities. However, there is need for more/further research on the same. There is also need for the community to be sensitized by the relevant authorities like the Ministry of Health.

ITEM 04/30/2016: UPSTREAM AND MIDSTREAM SECTOR PRESENTATIONS

The following presentations were done on Upstream and Midstream sector activities;

I. National Land Commission

Presentation from the *National Land Commission* was done by Kenya Land Alliance. They highlighted the following;

a) Land issues

- Interpretation of land covers even offshore. Areas of common land should be give legal property rights but that has not yet been done.
- How do we deal with inevitable displacement? Is there fair compensation methodology in place?

- All infrastructure activities will run on community land. The government should be made aware that nothing should be done until the Land Bill is passed. Asked whether the country is ready to wait.
- Land should be occupied in good faith. There is a vacuum existing because engagement in previous projects was not done well. It is very important that the Ministry of Lands does what is necessary on the Community Land Bill.
- Advocated that the rules and regulations on land should be put in place.
- Displacement of communities should be handled well. That whoever is displaced should be in agreement or at own will, where the resettlement will be done. This is to avoid the assumption that communities are going to go away without compensation.

b) Issue of Minerals

- Places where minerals are found are classified as public land. Minerals belong to the government. We make the mistake of attaching the value of land with the minerals.
- Wanted clarification whether compensation is done in terms of value of minerals or in terms of economic activity.

c) Compensation for the Fishermen

- There are plots in the ocean. Have the fishermen been allocated their share? There is need to assess the impact vis a vis what the fishermen do. This is because their activities will be affected. They deserve proper compensation because that is their livelihood. They have no title but the country must engage them properly.
- Any exploration is for development. No development if the resource will be extracted and make communities miserable. Improving of livelihoods should be key in any development then they will be able afford the basic needs.
- Compensation should be looked at as a right to all despite the cultural background. Consultant to look at the issues keenly and make proper recommendations despite the community, government and political threats.
- Concluded by stating that any extraction should take us forward.

II. Tullow Oil

- The issue of land and fisherman is very important in their activities.
- Noted that measuring loss of productivity for the fishermen is very complicated.
- Community land should be provided with titles for easy compensation.
- Fundamental education to the community important. Compensation should be done based on traditional home tenure.
- Recommended that titling of community land to be made apriority for sustainability purposes but wondered on the extent it should be done without interfering with community lifestyle.

III. County Government Concerns

a) Turkana County Government

The concerns were brought to the attention of the members through the Chief Officer, Ministry of Environment and Natural Resources. The following key concerns were highlighted;

Environmental Concerns-As a community, they are concerned with the issues of atmospheric impact, various diseases to animals and birds that must be looked into and flaring issues addressed. *Recommendation*- Monitor, regulate and control these concerns.

Physical Destruction of the Environment- This might cause migration of the animals and wildlife. The place is a grazing field for wildlife. There is aquatic life and various aquifer in the county. In case of spillage, what will happen to the lives of the people? In the event of piping Oil even spillage to the lake, what will happen to the fish life and what will happen if consumed by human beings?

Land Compensation- Turkana land is communal. *Land Level Society* is where there are people coming from a common ancestor. The study needs to consider that. Then *Tribal Level Society*- whereby whatever happens in the south affects the North and nobody will question the movement. Therefore, introducing land acquisition will bring conflict to the community.

Access to Information- Let the community have access to information and let it be shared to all grass root not only at the National level.

Legal Framework- the County has enacted a *Natural Resource Bill and Policy* and also *Energy Strategic Plan, County Energy Bill and Policy* and other small scale articles on policy. There is need for a common ground on the same.

KEPTAP Activities - They were urged to come to the county to see which programs need to be put in place and all were urged to work together to have a common destiny.

b) Isiolo County Government

The following key concerns were highlighted;

LAPSSET Oil Pipeline and Refineries

Refinery not to be put in Isiolo Sub- County but Garbatulla Sub- County because Isiolo Sub- County has so many projects already and it is a wildlife corridor ie. Buffalo spring, Sheba National Reserve etc.

Energy Demand in Isiolo County

They want to have the plant located in Garbatulla Sub- County because it is viable for producing electricity.

Militarized Zones

There is KDF 78 Barracks in Isiolo Sub County hence proposed that the refinery must be located a way from the barracks due to radiation issues.

Preparedness and Challenges

- It was felt that there is need for public participation for all concerned in the counties.
- That there are minimal human resource capacities for the students in Isiolo County.
- Emergency responses and crisis management- The County has invested a lot but have not experienced disasters in the oil sector.

Concluded by stating the following;

- There should be MoU between the National Government and the County Government of Isiolo.
- Capacity building for the youth should be encouraged to do related courses in the sector.
- County government is drafting necessary laws on renewable energy.
- Engage the services of the experts on Environmental issues.

IV. National Museums of Kenya

The following key highlights were brought to the attention of the members;

- That most projects ignore the National Museums of Kenya when they are being undertaken.
- What they conserve is defined in the National Museums Heritage which includes-
 - 320 gazetted sites- Historical, Traditional, Natural Features, Archeological sites etc. All of them are classified as open sites in Kenya.
 - Most of the tea reserves that are gazetted under the Act

- Under UNESCO Convention gazetted sites etc.
- It was noted that oil and gas explorations are in the Rift valley and Coast Region areas which fall under the gazetted sites will be dangerous to the archeological sites. It means the country is going to lose a lot of sites and economic gains. Need to work with exploration companies to see how the sites can be preserved.
- Urged exploration companies to survey the areas which are not surveyed.
- Involve them right from the planning stages so that they can reduced the impacts of the sites

ITEM 05/30/2016: DOWNSTREAM SECTOR AND CROSS-CUTTING ISSUES

I. Petroleum Institute of East Africa (PIEA) Presentation

Their presentation was based on Preparedness, Emergency Response, Crisis Management in the Petroleum Sector, Current Sector Initiatives, Technical and Institutional Challenges.

One of the policy gaps is that Petroleum Institute of East Africa is not well trained to handle the emergencies.

Main concerns were;

- Oil dealers selling adulterated oil.
- Concern on petroleum products where people are not sensitized
- How they can have programs running in petroleum in academic institutions
- To consult NEMA and ERC, who need to work together.
- Need for safety of the drivers and of commercial vehicles

II. Energy Regulatory Commission (ERC) Presentation

The discussion on their presentation was based on Occupational, Health and Safety Enforcement and Compliance in the Petroleum Sector in Kenya, Existing Technical and Institutional Challenges, Policy Gaps and Recommendations.

Concerns to note;

- **Issue of LPG- Whether there is something happening-** Kenya has been importing and transporting the LPG. There is illegal mushrooming of the petrol stations. They have compliance and energy regulation team whose work is to identify the key issues. The issue has been the cylinders, where all valves are the same. ERC is developing regulations on that.
- **Heavy Penalties for Offenders-** developing regulations on minimum/punitive penalties depending on what the person has done will be addressed on Energy Bill 2015.
- **Gulf Energy-** They have some equipment for checking adulteration so that the product sent to customers is not adulterated.
- Raising the price of kerosene is disadvantaging the common man- It is the most consumed product in the country. It is a proposal from the common man. Kerosene has diverse effects on human health. The country is moving to clean sources of energy.
- More interaction with dealers is required.

Dumping and tracking away of differentiating local and export –Any truck that is selling the mark done in KPC depots. There are self-testing kits in place. In case it is suspected, KRC comes to close the station and they pay penalties.

- Incidences and accidents i.e. Makueni County Oil spillage
- Performance records
- Occupational safety issues
- The design of the petrol facilities i.e. 2400 petrol stations in the Country regulation is a bit tricky
- Vehicle cleaning and washing- where does the water go to. It is contaminated and most of it ends in the water reservoirs.
- Loading and unloading petroleum tankers is being streamlined

- Compliance with regulatory requirements necessary
- Crisis management, injuries and pollution related activities

III. Kenya Civil Society Platform for Oil and Gas (KCSPOG)

The presentation was on the Human Rights Approach in Petroleum Sector Development, Policy Gaps and Recommendations.

Concerns to note;

- Human Rights Approach is putting people at the center so that they can know their rights.
- It is increasing peoples' ability and accountability.
- It is putting more focus on the common rights.
- All human beings are entitled to their rights which should be protected.
- Human Rights issues apply to all.
- Local content issues should be addressed to all as per the Kenya definition
- The approach is entrenched in the Bill of Rights and should be respected through legislation and policy.
- The approach advocates for involvement for all especially the groups that have not been given a voice.
- Human Rights Approach gives right to access the information held by the state or any person.
- That the Earlier Oil Issue Initiative should consider the rights of minorities and marginalized groups.

IV. Open Session Concerns

SESA Lead Consultant led the session and made the following remarks;

- A framework will be created to address the concerns raised.
- There is a need for harmonization of government agencies for better understanding of each other and good working atmosphere.
- Understanding of the issue of local content as per the Kenya definition is key.

a) Technical University of Kenya

Households should look at money management whether from the cheque point of view or households'. Universities to look at life skills courses in their programs to meet the current demands.

b) Commission on Gender

- Integrate all groups and come up with policies and regulations.
- Ensure that equality and equity is observed across the board in KEPTAP programs.
- Issues of spillage - In areas where there is spillage, concerned agencies should be tasked on their failure.

c) Emergency Preparedness and Crisis Management

Isiolo County to work with SESA expert so that they can advise more on the upcoming government projects.

d) Inclusion of other Counties

Wajir and Mandera Counties to be included in the SESA exercise. However, it was reported that they were invited to the workshop. National Oil has not participated in this activity but other consultations are ongoing.

e) Early Oil Scheme

Look at it from the economic point of view-More thought on viability needed. Others felt that it is prudent to wait and sell the oil later. However, at national level the country must start thinking of a sovereign fund, where the money from oil will be invested for sustainable development.

Consultant- It is a pilot scheme according to international benchmarks. Later environmental, social and safety issues will be worked on.

- f) Kenya Civil Aviation Authority-**It is ready to support the consultant in achieving the intended objectives. Preparedness on emergencies is highly encouraged.
- g) Kenya Land Alliance-** All sectors to work together for the future of this country. All participants to track on who does the framework and who pays for it. MoEP to integrate the document in their final Strategic Plan Output.
- h) Ministry of Lands-**Discovery of oil brought too much excitement in Turkana. The insecurity issues i.e. Ilemi/Elemi Triangle which is disputed land between Kenya and S. Sudan and how it will be handled.

ITEM 06/30/2016: CLOSING REMARKS

I. International Consultant Remarks-Abubakar and Malia

- The approach is good and concerns are genuine.
- They will advise accordingly especially on health and safety issues.
- The issues cut a cross even in other developed countries so the Kenyan case not unique. They will advise on legislations and the various gaps identified.

II. Final Remarks from the MoEP

- Thanked all participants for the good thought deliberations.
- Waiting for the Consortium team to identify the issues which will advise the government on the way forward on the sector.
- Appreciated the commitment for the international team and willingness to help us come up with the structures.
- Reiterated that the issue of cancer is only caused by radio-active naturally occurring materials. The technology used in oil exploration is a different technology. The Government of Kenya is doing more research on the same but oil companies should not be condemned for the time being.

ITEM 07/30/2016: AOB/ADJOURNMENT

The lead consultant thanked all participants for their participation and finding time to attend the workshop. There being no other business for discussion, the workshop was adjourned at 5:15pm with a word of prayer from Dr. Agaya.

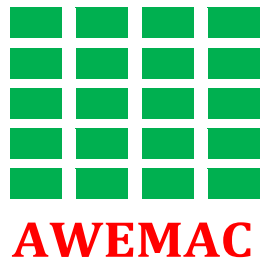
Confirmed and Approved for Circulation

Minutes Prepared by: Ms. Eva Mukiri Kaburu Signature:  Date: 7th July 2016

Confirmed by: Ms. Grace Moraa

Signature:  Date: 7th July 2016

PARTICIPANTS LIST OF ATTENDANCE



SCOPING MEETING FOR STRATEGIC, ENVIRONMENTAL AND SOCIAL ASSESSMENT (SESA) FOR THE PETROLEUM SECTOR IN KENYA FOR THE MINISTRY OF ENERGY AND PETROLEUM (MoEP)

ATTENDANCE SHEET FOR: National Scoping Workshop VENUE: Intercontinental Hotel-Nairobi DATE: 30/06/2016

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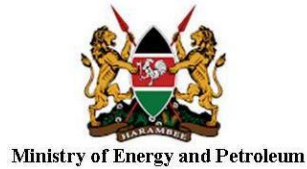
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ANNEX 3: MINUTES OF KEY STAKEHOLDERS CONSULTED



ANNEX 3 (A): MINUTES OF KEY STAKEHOLDERS' CONSULTATIONS IN NAIROBI

**National Environment
Management Authority
(NEMA)**

NEMA HQ Offices

20th April 2016

Preliminaries

The meeting was called to order at 9.30AM by the SESA Team Leader who gave a brief of the KEPTAP SESA consultancy work after the introductions. He mentioned that the Petroleum sector in the country is growing as a result of oil discovery. SESA therefore, is a tool that ensures that oil production will be done in an economically viable, socially acceptable and an environmentally sustainable way.

He expounded on the ongoing policies, programs and plans in the petroleum sector in Kenya, covering both the onshore and offshore activities. He also mentioned the previous and on-going scoping meetings in the country.

The Team Leader emphasised that key stakeholders' views are needed to be captured in the SESA report hence need for the consultative meetings.

Minutes/ Notes of Discussions

- It was identified that the current laws and regulations are not adequate and there is a need for sector specific guidelines.
- Environmental Impact Assessment and Environmental Audit regulations address social aspects identified from public participation. NEMA recommends Resettlement Action Plans (RAPs) where necessary. However, implementation and monitoring on compliance of social aspects is inadequate. Most of social issues are handled as corporate social responsibilities.
- NEMA is undertaking Institutional Development Fund to address Environmental and Social Safeguards through Kenya Institutional Development Framework.
- The existing laws on upstream sector are not clear.
- Natural resource economics has not been fully addressed in current policies. There is a policy gap in economic valuation of natural resources because there are no guidelines.

Occupational Health and Safety in the Upstream Sector

- NEMA relies on Directorate of Occupational Safety and Health Services (DOSHS) guidelines but they are inadequate.
- There is duplication of roles (Annual audits) and conflicting laws between NEMA and DOSHS e.g. Noise regulations for NEMA and DOSHS are different.

Coordinating Environmental Compliance

- Regulations are being reviewed to align them with the new constitution and EMCA. The coordination role of NEMA and the role of counties need to be clear.
- With regards to emergencies and response on oil sector issues, there is a gap in policies e.g. NEMA's role is not clear.

Upstream Petroleum Regulatory Authority Bill

- NEMA should review and find out the gaps.
- The role of the relevant authorities e.g. NEMA, National Disaster Management Authority etc.
- There is need for a framework to deal with emergency issues in the petroleum sector.

Trans Boundary Environmental Issues

- It was noted that regional policy and environmental issues should not be localized and thus a need for regional plans.
- Public participation should be enhanced so as to disseminate information to the people.

There being no any other business, the meeting was adjourned at 11:00AM.

Preliminaries

The meeting was called to order at 2:45PM by the SESA Team Leader who gave a brief of the KEPTAP SESA consultancy work after the introductions. He mentioned that the Petroleum sector in the country is growing as a result of oil discovery. SESA therefore is a tool that ensures that oil production will be done in an economically viable, socially acceptable and an environmentally sustainable way.

He expounded on the on-going policies, programs and plans in the petroleum sector in Kenya, covering both the onshore and offshore activities. He also mentioned the previous and on-going scoping meetings in the country.

The Team Leader emphasised that key stakeholders' views needed to be captured in the SESA report hence the need for the consultative meetings.

Minutes/ Notes of Discussions

Adequacy of the Existing Legislation (Health And Safety) to Address Health and Safety Issues in the Petroleum Sector

- It was pointed out that currently, there are two Acts of Parliament that the Directorate of Occupational Health and Safety Services (DOSHS) implement to govern the safety and welfare of workers at workplaces; the Work Injury Benefits Act, 2007 and the Occupational Safety and Health Act, 2007 (OSHA,2007) and its subsidiary legislations.
- It was reported that both WIBA, 2007 and OSHA, 2007 were under amendment to be in line with the Constitution of Kenya, 2010. Various issues under the petroleum sector can be addressed by a number of subsidiary legislation under OSHA, 2007 but the need to have sector specific regulations for the petroleum sector was acknowledged. It was reported that plans were under way to formulate a sector specific safety regulation for the oil and gas sector.
- It was observed that both OSHA, 2007 and WIBA, 2007 address issues at a workplace and does not take into consideration the areas/facilities/people in close proximity to the working place. Thus community safety when dealing with the petroleum sector is not addressed hence DOSHS cannot enforce and monitor community safety currently.
- A member from the National Upstream Petroleum Advisory Committee proposed under section 12 of the Petroleum (Exploration, Development and Production) Bill, 2015 that DOSHS reviews the bill to cater for safety concerns in the envisaged oil and gas exploration and extraction.

Available Resources and Capacity Building

- Resources for monitoring and enforcement for the current regulatory framework especially for offshore exploration are grossly insufficient. It was reported that

DOSHS had requested for vehicles under KEPTAP but none had been availed. It was observed that DOSHS may work in liaison with other government agencies in a resource sharing framework.

- The need for capacity building especially for upstream and downstream was acknowledged. The need to establish a department within DOSHS to deal with the oil and gas sector was also pointed out.
- Both DOSHS staff and approved safety advisors will need adequate training for efficient and accurate testing of facilities/equipment and objective inspection/ assessment of the oil fields and sites.
- Currently DOSHS has no capacity to train its own staff on the upstream and downstream sectors because these are emerging sectors in Kenya.
- DOSHS is in the process of establishing a training institute where it will first begin by offering certificate courses in Occupational Health and Safety especially to Safety Officers and Health and Safety Committee members on site and then advance to higher levels. It will also seek accreditation from local examination regulators e.g. Kenya National Examination Council (KNEC) and partner with international regulators e.g. Institute of Occupational Safety and Health (IOSH), UK.

Challenges

- There is duplication of roles and duties with other government agencies especially NEMA and County governments. This was identified as a major problem in enforcing the principal Act (OSHA, 2007). For Instance, it was observed that the provisions in Environmental Management and Coordination (Noise and Excessive Vibration Pollution Control) Regulations, 2009 being enforced by NEMA are at variance with the provisions of the Factories and Other Places of Work (Noise Prevention and Control) Rules, 2005 being enforced by DOSHS.
- There is need for a clear coordination framework with other government agencies (County governments, Energy Regulatory Commission (ERC) among others in enforcing the Act (OSHA, 2007).
- It was recommended that National Environment Management Authority (NEMA) should focus on coordination and let the lead agencies e.g. DOSHS enforce respective laws under their jurisdiction.

There being no any other business, the meeting was adjourned at 4:45PM.

Preliminaries

The meeting was called to order at 12:00 PM by the SESA Team Leader who gave a brief of the KEPTAP SESA consultancy work after the introductions. He mentioned that the Petroleum sector in the country is growing as a result of oil discovery. SESA therefore is a tool that ensures that oil production will be done in an economically viable, socially acceptable and an environmentally sustainable way.

He expounded on the on-going policies, programs and plans in the petroleum sector in Kenya, covering both the onshore and offshore activities. He also mentioned the previous and on-going scoping meetings in the country.

The Team Leader emphasised that key stakeholders' views needed to be captured in the SESA report hence the need for the consultative meetings.

Minutes/ Notes of Discussions**Policy and Current Procedure of Tax Collection in The Oil and Gas Sector**

- It was observed that the Income Tax Act of 2014(Cap 470) is applied when collecting tax from the petroleum sector. It was pointed out that the 9th schedule to the Act (Cap 470) expanded the scope of tax collection to include oil and gas. Thus the 9th schedule sealed the gap that had been observed in the Act (Cap 470).
- Tax collection has been ongoing in both in the upstream and downstream sectors. Payroll and withholding taxes have been under implementation.
- It was observed that the sector was still under exploration (upstream). No production has been done and that arrangements towards collection of revenue during exploration are provided for in the 9th schedule of the Act (Cap 470).
- The revenue sharing agreements will be addressed by the Petroleum (Exploration, Development and Production) Bill, 2015 which will provide guidelines for the proportions and the percentages.
- The records on payroll and withholding taxes collected in the upstream can be given to the consultant upon request. This may be done by writing a letter to the Commissioner KRA requesting for records on withholding taxes and payroll taxes while records on other fees can be obtained by writing to the Cabinet Secretary Ministry of Energy and Petroleum (MoEP).
- It was pointed out that under the Petroleum (Exploration and Production) Act, 2012 (Cap308), the whole licensing process for the petroleum sector is done by the Ministry of Energy and Petroleum and that there are a number of fees collections done at the Ministry level.
- It was also noted that under Cap 308, the Government of Kenya audits the costs incurred by exploration companies before approval and that KRA is part of the auditing team. It was also observed that the Petroleum (Exploration, Development

and Production) Bill, 2015 has provided for the auditing of costs incurred by the exploration firms under the leadership of the MoEP with the involvement of relevant Government agencies.

- It was pointed out that EMCA 1999 and Cap 308 should address environmental issues / concerns of the petroleum sector. Under the Petroleum (Exploration, Development and Production) Bill, 2015, an environmental fund has been proposed. The MoEP and NEMA will determine the value/ criteria for the contributions to be made by the companies. KRA will treat the contributions made by the companies as an expense but in case of a surplus, taxation will be done. KRA will play a major role in the collection of the contributions.
- Measures put in place to address revenue collection capacity challenges in the sector to enable maximum revenue collection in the upstream, mid-stream and downstream are as follows:
 1. A department to address tax collection in the extractives sector was established in 1989 and the Mining, Oil & Gas Exploration unit was formed in 2010 to specifically deal with tax collection under this sector. This unit is under the Large Taxpayers Office.
 2. The core mandate of this unit is to review tax legislation and harmonize with other laws. The members of this unit are part of the technical team that is reviewing the Petroleum (Exploration, Development and Production) Bill, 2015.
 3. The need to have continuous capacity building for KRA staff in the collection of revenue in the upstream and downstream was emphasized. It was observed that capacity building has been ongoing and that a number of staff has been offered specific training in the gas and oil sector. It was reported that a number of benchmarking exercises and training sessions have been arranged. The need to expand the scope for the training was noted i.e. include more staff.
 4. It was observed that for the downstream normal tax laws apply where monitoring of the revenues is done on monthly basis while for the upstream and downstream the firms involved in the sectors send quarterly budgets to the CS MoEP.
 5. It was pointed out that KRA is part of the monitoring team and therefore it has access to the contracts. Once appropriate legislation is put in place these contracts can be made public.
- Measures in place to prevent economic crimes at the upstream, midstream and downstream sectors:
 1. It was pointed out that Cap. 308 provides for penalties for environmental degradation and penalties for crimes associated with tax are deterrent and that some of the crimes that may be committed in the sector can be effectively be addressed by the Anti-Corruption and *Economic Crimes Act (Cap65)*.

2. KRA has established the Investigation and Enforcement Department which can also deal with cases of economic crimes in the petroleum sector.
 3. KRA has signed multilateral agreements making it part of the global forum thus, it will be able to get pertinent information from other countries on transaction deals of exploration companies. The *Tax Information Exchange Agreements (TIEA)* will also assist in tax recovery.
 4. A variety of economic crimes can also be dealt with penalties stipulated in a number of Kenyan laws and prosecution can be done under the *Income Tax Act, 2014 (Cap 470)*.
 5. It was also observed that the regulator (*Upstream Petroleum Regulatory Authority*) proposed under the Petroleum (Exploration, Development and Production) Bill, 2015 will have a wide mandate of regulating the sector and dealing with the potential economic crimes.
- Areas of Improvement/Challenges in dealing with the petroleum sector:
1. There is need for continuous capacity building in this sector for KRA staff.
 2. There is need to consolidate revenue collection from the petroleum sector and accord the revenue collected from this sector proper management i.e. creation of a wealth fund. In as much as formulas are in place, the relevant structures to enable a well- structured management are missing.
 3. Therefore, there is need for strengthening structures for revenue management and the management of the wealth fund. For better management, there will be need for the creation of a full department to address the needs for the petroleum sector though this is dependent on the additional discoveries that may be made.
 4. The need to guard against the Dutch disease was reiterated and it was observed that deliberate efforts should be made to safeguard other sectors. It is therefore imperative to diversify with other industries. The revenue collected from petroleum sector can be used to diversify other sectors/industries.

There being no other business, the meeting was adjourned at 4:45PM

Preliminaries

The meeting was called to order at 09:00AM by the SESA Team Leader who gave a brief of the KEPTAP SESA consultancy work after introduction. He mentioned that the Petroleum sector in the country is growing as a result of oil discovery. SESA therefore is a tool that ensures that oil production will be done in an economically viable, socially acceptable and an environmentally sustainable way.

He expounded on the on-going policies, programs and plans in the petroleum sector in Kenya, covering both the onshore and offshore activities. He also mentioned the previous and on-going scoping meetings in the country.

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Minutes/ Notes of Discussions

- The commission is involved in the allocation of revenue accrued from natural resources. It works in consultation with other government agencies and has made appropriate inputs in the mining bill and the petroleum bill.
- The methodology and/or rationale of establishing the formula for allocation of revenue accrued from natural resources like oil and gas.
 1. A directorate of Environment was established within CRA to deal with allocation of income accrued from natural resources. Benchmarking with other countries and taking into consideration the needs of the local people was also done.
 2. CRA is alive to the fact that the resources within the petroleum sector are finite and thus prioritizes the integration of community needs in the revenue sharing arrangement. Best practices and/or models in other regions or countries are considered.
 3. It was noted that the Petroleum Bill is still under review and the revenue sharing ratios are still subject to changes and that the consultant should fast-track these changes.
- CRA's proposed mitigation measures for potential Dutch disease and trans-boundary environmental issues arising from the sector as;
 1. Creation of a sovereign wealth fund in the petroleum bill for posterity. This wealth fund is to be used when the resources are depleted.
 2. Build capacity through seminars, focused group discussions and employment. It was pointed out that CRA was also undertaking stakeholder workshops within Counties which have potential to harness petroleum resources to build capacity on impacts and benefits.
 3. Plan and come up with a data bank/inventory of natural resources in all Counties with their economic values.

4. Come up with appropriate recommendations and arrangements to deal with trans-boundary negative environmental impacts arising from the extraction of the petroleum resources. It was agreed that the SESA report should propose measures to address this gap.

- Community involvement was emphasized. It was recommended that the respective communities should be involved at all levels and that deliberate efforts should be made towards training and capacity building to prevent conflicts during the implementation of the KEPTAP project.
- It was observed that there was need for deliberate efforts to be made to decide on the number of trainings to be done for the community and various levels and that the training should also focus on other important sectors in the respective regions e.g. agriculture. The need to address community concerns at the grassroots and inclusiveness was reiterated.

There being no any other agenda, the meeting came to a close at 10.30AM

Preliminaries

The meeting was called to order at 2:00 PM by the SESA Team Leader who gave a brief of the KEPTAP SESA consultancy work after the introductions. He mentioned that the Petroleum sector in the country is growing as a result of oil discovery. SESA therefore is a tool that ensures that oil production will be done in an economically viable, socially acceptable and an environmentally sustainable way.

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Minutes/ Notes of Discussions

- It was explained that ERC works in close association with other organizations and agencies including DOSH, WARMA, KEBS, and KRA among others. The roles of these institutions were discussed as follows;
 - a) The role of NEMA on ERC activities:
 1. It was noted that NEMA through the EMCA is the one currently coordinating the activities in the sector. However, policies on the coordination of EHS activities are not as clear under the NEMA activities.
 2. There is a feeling that organizations may have MOUs with one another on EHS programs like the one that exist between ERC and NEMA.
 3. NEMAs coordinating work is weak but they have the mandate to, maybe the challenge could be the lack of resources.
 - b) The role of DOSH on ERC activities:
 1. Gaps exist when it comes to health and safety. DOSH should be the in charge on the ground but at the moment it is limited and insufficient.
 2. DOSH need to review their criterion of registering their experts and safety advisors so that they may avoid the conflicts among expert requirements and training needs.
 - c) Kenya Revenue Authority and the Kenya Bureau of Standards:
 1. They work hand-in-hand with these two organizations in joint inspections of price irregularities of oil in the petroleum sector. Some of the activities they engage in include reporting systems, energy audits, environmental audits and health and safety audits.

2. Energy audits are more exhaustive than environmental audits. Safety audits under DOSH are also different and unique from energy audits. The objectives are different from one to another.
3. Some of the audit policies need harmonization so that they work in coordination.

d) County Governments:

1. Overlap on the issuance of the construction permits, ERC offers the permits and the County government also does that. There need to be a joint integrated exercise, or one can do without the other.
- Standards and guidelines and existing gaps. Some of the standards that exist and are covered in the law include:
 1. KS 25006 (Kenya standards 25006) defines safety distances to residential areas, and buildings near petroleum stations.
 2. Currently there are distance spelled out in KS 1938 of 2012 for LPGS, but there is a gap for petroleum stations.
 3. Safe Sword guidelines are already under implementations but they are not properly enforced despite the fact that the guidelines are highly useful in waste disposal from oil and gas.
 4. The upcoming Energy Bill will have ERC transformed to assume both the regulatory and management of the upstream and downstream sector until a new authority is formed. It will address capacity building issues. The Petroleum Bill is also in parliament for debate.
 - The gas sector and gas discovery.
 - The gas discovered is not commercially viable-according to ERC.
 - It was also explained that the gas markets work differently from petroleum. The markets must be known in advance before exploitation is done and these could be reasons why Kenya has not begun exploiting its gas reserves.
 - Adulteration and illegal activities in the LPG.
 - It was explained that most risks in the gas sector arises from cylinders' quality, and illegal re-fillers.
 - It was also stated that there is only one testing facility for checking gas quality and it is in Mombasa therefore they have to sample gas all over the country and send to Mombasa for testing. This presents a great gap.
 - ERC has testing kits and they are provided to the consumer of the product so that

they can test the quality of the product at reception.

- Sometimes gaps exist in conflicting interest between ERC and KEBS when it comes to testing LPG quality.
 - Gas is no longer imported from Zambia. Currently, Kenya gets most of its gas from Tanzania.
 - The reasoning behind gas threats is scientific; Gas is odourless but they add an odorant gas (industrial gas) to give the LPG its smell. The problem is with the consumers exposing themselves to the odourless LPG without knowing especially when the industrial gas is lacking.
 - LPG gas has two gases, propane and butane, propane is mixed to give the butane to supply the pressure to make it come out. So the composition of butane and propane is critical to maintain the pressure levels needed. Many illegal traders mix more propane than butane because propane is cheaper but this is a timely bomb due to the cylinder experiencing irregular pressure.
- Recommendations:
- A gas testing facility was highly recommended in Nairobi and other areas.
 - Since adulterations arise because of the price difference between diesel and paraffin, it can be recommended that the prices of diesel and paraffin be balanced.

There being no other business the meeting was adjourned at 3:10PM.

Preliminaries

The meeting was called to order at 11:00 AM by the SESA Team Leader who gave a brief of the KEPTAP SESA consultancy work after the introductions. He mentioned that the Petroleum sector in the country is growing as a result of oil discovery. SESA therefore is a tool that ensures that oil production will be done in an economically viable, socially acceptable and an environmentally sustainable way.

He expounded on the on-going policies, programs and plans in the petroleum sector in Kenya, covering both the onshore and offshore activities. He also mentioned the previous and on-going scoping meetings in the country.

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Minutes/ Notes of Discussions

- Operation areas: KPC is mainly operating on the midstream as a transporter of petroleum products through the pipeline services.
- Strategic plans: KPC has developed a 10 year strategic plan (Vision 2025) and EHS is an integral part of the plan. The plan has all the provisions for the ESIA requirements as an integral part of the plans.
- Standards: the EHS standards in KPC are tailored to meet the international standards and good practices. This is because compliance with the international standards is a sure easy way of compliance with the domestic standards and it makes the company competitive internationally. When they only apply the national standard, then it means that at some point in time they will still have to upgrade to the international levels. Again local standards should be working to imitate, as much as possible, the international standards like the equator principles and others.
- It was also established that there is no gas pipeline in Kenya yet.
- Management structure of the EHS department at KPC
EHS as currently constituted in KPC is a department (Safety, Health, Environment and Quality Assurance- SHEQA) and has an operational budget.
The management structure of the SHEQA include;
 1. EHS manager
 2. Chief EHS
 3. Senior EHS officer
 4. General officers
- Way Leave Management

KPC pipeline operates a way leave of 30m; this is also part of the EHS considerations and wellbeing of the communities served. The way leave also includes 1m underground and 7m below a river.

- Challenges of the way leave:
 1. The way leave comes with a lease agreement in case people have to be displaced.
 2. Illegal settlement on the way leaves are big concerns.
- Corporate Social Responsibility (CSR)

KPC has CSR policy that defines their relationships with the communities impacted or affected by their operations in terms of giving back to the societies. However, they are yet to have a suitable policy on community engagement on pipelinemanagement.
- KPC is in the process of obtaining the International Organization for Standardization (ISO) and Environmental Management Systems (EMS) certifications.
- Level of Involvements of KPC in oil and gas upstream activities:

KPC is involved in the oil and gas sector plans in the country. It is the desire of KPC to have full control of the pipeline transportation in the country and to provide services to other countries.
- Level of involvement in Early Oil activities

KPC is involved in the early oil plans due to the fact that they are planning to acquire KPRL in Mombasa and they may use it as a storage facility.

There being no other business the meeting was adjourned at 4:10PM

Preliminaries

The meeting was called to order at 2:00 PM by the SESA Team Leader who gave a brief of the KEPTAP SESA consultancy work after the introductions. He mentioned that the Petroleum sector in the country is growing as a result of oil discovery. SESA therefore is a tool that ensures that oil production will be done in an economically viable, socially acceptable and an environmentally sustainable way.

He expounded on the on-going policies, programs and plans in the petroleum sector in Kenya, covering both the onshore and offshore activities. He also mentioned the previous and on-going scoping meetings in the country.

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Minutes/ Notes of Discussions

Tullow Oil Company has specific policies and standards for the different operations i.e. seismic, drilling and Production etc.

Seismic surveys

- Tullow Oil Company undertakes the necessary Environmental and Social Impact Assessment in line with the requirements of NEMA.
- There have been no major environmental issues that have been raised by the communities except for the few complains that the seismic radiations cause infertility in camels and goats, a claim that has not been substantially proven.
- Inclusion of stakeholders: both the local communities and the National Museums of Kenya were all involved in the processes of EIA and SIA. All the seismic survey based EIA are done according to the industries best practices and the international standards.

Exploration licensing:

- The company was given site licensing for the oil blocks as marked in the Kenya oil exploration blocks. Since a block is an expansive area and at the beginning it's not clear which part of the block will be the drilling site, it is not easy to carry out site- specific drilling EIA or SIA. The EIA and SIA are therefore normally very generic and broad.

Gaps identified:

- Information database/registry: Policies, Laws and Regulations for compliance need to be outlined from a one access point for new investors' entrants. As at now, there is no database or registry to provide an investor with the necessary information on the required Environmental, Health and Social regulations according to NEMA and other agencies.

- There should be a centralised accessible database for an investor to know what compliance needs must be met before operationalization of activities (the certifications, relevant agencies and implementation processes) so that the investors are not gagged by a compliance missed when it has begun operations.
- Waste acceptance criterion: Waste management criteria are not clear in the NEMA guidelines. It is not so easy to comply with the laws as they are currently constituted.
- Drilling
 1. Since drilling, a license is issued for a block site and not for a drilling site; thus as said earlier; the EIA is a bit generic and broad. This is because at the time of the EIA it is still not clear where the actual drilling will take place.
 2. Tullow has a decommissioning policy for restoration of the area in case they have to relocate to another site. The policies are in line with the international oil and gas best practices which are in line with the International Practices.
 3. Some areas like Turkana may not be easy to restore to the original state considering the nature of the geography and the environmental conditions.

Land acquisition and related issues

There is a challenge with land and the community expectations which is generally high due to the following:

1. Turkana is communal land
2. Elgeyo Marakwet –Land is private owned

Challenges

- Laws on land acquisition and benefit sharing are clear on the Land Bill and Community Land Bills. However, this is normally not applied. In most cases compensations and acquisitions are done on agreements outside the laws since the communities always bring complications with higher demands than is expected or provided for in the law.
- Tullow has not had serious land issues with the communities it has worked with since it always engages the communities from the beginning

Gaps

- Trust Land Act still talks of local authority's land which is no longer there in the new constitutional dispensation.
- There is no clear definition of "community" in the context of communally owned land.
- The new Land Bill doesn't have provision for land acquisitions during the transitions from enactment and implementation of the new land acquisition bills.
- Conflict of interest where the county governments own the land but the central government owns the minerals-especially on the communally owned land.
- The investors lack protection against the gazetted compensation rates so communities and the county government demand a lot

These can be addressed by the following:

- Strengthened investor protection
- MOUs with the communities
- Enforcements from executives
- Assenting the Mining Bill

Labour policies in upstream:

- There are gaps especially the minimum wage policy in the upstream and the policies on working hours in the drilling industry since it's a 24hour- 7days a week non-stop exercise - this should be provided for in the law.

Local content challenges:

- Communities have skewed understanding of the local content i.e. to them local content mean their clan, tribe or just local citizens.
- Most issues arise in the non-skilled sector. Skilled and technical experts are normally well understood.

Gas flaring

- There is policy gap on gas flaring in the provisions under NEMA. First it needs to be understood in the context of emergency operation that the flaring is necessary since the unwanted gases are potentially dangerous if not burnt to less harmful gases.

Heritage considerations

- Tullow takes heritage issues fairly seriously; they acknowledge and have provision for heritage, cultural and religious consideration in their exploratory works.
- They work hand in hand with the National Museums of Kenya throughout their seismic studies, EIA/SIA and drilling activities to be able to identify and protect as much as possible.

Gaps:

- The law is not quite clear on the definition of indigenous, so they rely on international laws to integrate.

Other issues

- It was noted that it is not economically viable refining oil upstream in Turkana in Kenya-selling crude is more sensible.

There being no other business the meeting was adjourned at 4:00PM

Preliminaries

The meeting was called to order at 11:00 AM by the SESA Team Leader who gave a brief of the KEPTAP SESA consultancy work after the introductions. He mentioned that the Petroleum sector in the country is growing as a result of oil discovery. SESA therefore is a tool that ensures that oil production will be done in an economically viable, socially acceptable and an environmentally sustainable way.

He expounded on the on-going policies, programs and plans in the petroleum sector in Kenya, covering both the onshore and offshore activities. He also mentioned the previous and on-going scoping meetings in the country.

The Team Leader emphasised that key stakeholders' views needed to be captured in the SESA report hence the need for the consultative meetings.

Minutes/ Notes of Discussions

Safety and Environmental Issues

- They have developed specific EIA Oil Industry guidelines.
- They have also put in place other oil and gas emergency response management guideline. They have also established training stations along the main eastern corridor.
- They have also had activation with response going out onto the public like public educational and sensitization.
- They have an initiative for safe waste disposal according to the NEMA guidelines.

Challenges:

- Retaining the trained emergency responders and the costs associated are some of the challenges and
- They have no timely responses and this sometimes leads to huge losses.

Waste management policy

- They have no firm decision when it comes to the waste management systems, the government wants compliance like on burning waste oil in furnaces but they don't give the alternatives.
- The waste policy is not so clear on disposal guidelines.

Lubrication policy:

- ERC feels like lubricants are not part of their regulatory framework. It's not considered part of energy.

Corruption issues:

- Some trucks are not fit for the road, yet they have been certified.
- Regulatory efforts are concentrated in Mombasa. Companies dealing with waste are

in Mombasa and even if they are available, only a few meet the international standards.

- Illegal oil trade and illegal fuel dens put the marketers out of business.
- Cartels in the business - Sometimes the drivers have corrupted calibrating scales.
- A truck that has stolen products would be the one which causes accidents while avoiding arrest.

Recommendations on corruption and illegal oil deals:

- There needs to be policies on how to deal with waste oil.
- The government should have guidelines on black oil adulterations
- They can have centres in the country where oil waste in the sector can be destroyed.
- Harmonisation of tax rates in East Africa
- There should be regional control systems, not one that ends at the border. As of now, Kenya laws end at the border.
- Bonding policy; for monitoring both quality and quantity. Integrity issues are a concern, the quality assessment is often shoddily done.
- Use of technology in monitoring trucks to track the trucks from loading points to the destination

Fire Management

- They have in place the emergency response plan.
- They also partner with emergency response agencies like St. John's Ambulance for first aid response.
- Fire fighting engines are very few for use in the sector.
- They also have plan to allocate the marketer allotments along the corridor to have response vehicles and emergency response stations

Recommendation:

- There should be a Government/National safety coordinator i.e. fire commandant for fire brigades with a countrywide command.
- Petroleum safety should be integrated in the education curriculum.

Emergency drills and preparedness

- PIEA does emergency drills jointly with other agencies, the latest one was done in Machakos.
- There should be a standard response structure for the whole oil industry in the country and should be made mandatory.
- As it is, much OSHA focus is with the fire extinguishers.

Recommendation:

- As Kenya moves to oil and gas production, there is need for an advanced fire emergency requirement like fire engines (*you can't fight fire in a petrol station with a fire extinguisher!*)

Zoning rules

- They are critical and highly needed in the sector, there should be clear zoning near petrol station for example, Nanyuki road was demarcated as a protected area.

Pipeline in the corridor

- Public engagement is not done according to the IFC guidelines. Sometimes the engagements done, according to NEMA are petty engagements with the community and some are mere fake interviews.
- The current challenge is with the communities along the corridor.
- There is no policy on cultural heritage protections, in many cases the best practices are more applied than the application of policies

Wildlife issues

- Pipeline installations have impacts on wildlife in that the pipes lying on surface block animals' movement for example at the moment they have trenched over 100km which has not been buried yet.

Reporting

- So many agencies want report and they are conducting independent audits hence conflicting and duplicated duties. PIEA has had issue with these many reporting schedules.
- PIEA has recommended for a collective and fair enforcement including the review of compliance costs.
- The report is more less the same in terms of content, so one comprehensive report can be enough.
- Enforcement normally targets the big companies
- Reporting can be modernised, i.e. they can be done online or the reports can be submitted online and the information can be digitized. This will make the work quite easy.

Education and capacity building

- PIEA should be the leading institution in the OSHA review changes because they understand more specifically the issue in the sector. This is because DOSH may not be aware of the safety needs of the industry

Training programs

- They have developed diploma courses in Petroleum Science and Petroleum Geoscience
- The training arm of PIEA started as a result of the need observed by the industry players
- They also do training on basic OHS on short term basis depending on needs.
- They are also in touch with the Kenya Pipeline Company to develop courses relevant to pipeline activities.
- These can be regularised and accredited to certify and accredit professional graduates in the industry. They can take the lead as regulator in the industry to register petroleum experts.
- PIEA is challenged to look at the whole chain and to offer accredited programs.
- PIEA is open to partnership and collaboration with other agencies including:
 1. OSMAG
 2. NOCK

There being no other business, the meeting adjourned at 2:00PM

Preliminaries

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Minutes/ Notes of Discussions

Population influx issues

- Sewerage from the camps formed transported to Kitale.
- Hazardous waste transportation has risks to Public Health.
- MoH should be included in accrediting Petroleum hazardous waste handlers. Key health

issues in the Counties

- No medical personnel trained.
- No emergency equipment in place. Waste

and Sanitation

- Impacts on water for irrigation.
- Housing and demographics and impacts on health
- Emerging issues i.e. climate change, technology etc.

Prevailing conditions.

NEMA is regulating the Ministry plans of addressing climate change e.g. planning 10 Micro-wave plants.

Issues of waste management and Health

- Health issues are key to World Bank on safeguard touching on health.
- There should be working relationship with the department of Health, NEMA and DOSH
- Issues of overlap exist between the agencies such as DOSH&NEMA.
- Safety issues in the community are a Public Health responsibility. The MoH works closely with NEMA and DOSHS through KEPTAP.

Influx Management.

- Prevent developments of slums due to the population influx
- Increase in communicable diseases.

Emergency response

- In upstream, capacity for local people has to be built for them to respond positively.
- Oil comes with its own challenges thus the need for Health Impact Assessment by the government. This can be done by using WHO guidelines due to its magnitude.
- Capacity needs to be built along the route in terms of human skills to address any issue especially in major towns.
- The existing referral hospitals in the country are not sufficient.
- Handling of emergencies at the county levels is still wanting. Quality

control- proposal for Environmental Health

- The available laboratories are not well equipped.
- Proximity issues; a problem should be managed within where it is generated. i.e. management at the source.
- Environmental Regulatory Framework has not regulated the radiation and health issues adequately.

Recommendations

- Need for baseline Radiation study
- Need for building (Central Radioactive Waste processing facility) in the country
- Map and list of isolated points e.g. Home hills-Mfangano- Mzima springs.
- There are gaps in EIA reports i.e. do not capture health issues.
- Need to expand scope to look at toxic metals i.e. Uranium, Lead etc. if noticed earlier, then there should be safeguards.
- Need to have a special program for HIV/AIDS and the Health Impacts Assessment.

The meeting was adjourned at 4:00PM

Preliminaries

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Minutes/ Notes of Discussions

The Director was concerned that most EIA studies carried out in the country do not incorporate the concerns raised by the National Museums of Kenya. They also highlighted that Tullow Kenya works with NMK to ensure that during Oil exploration, the heritage sites are not tampered with.

There are areas that were identified to have gaps in the structure which include:

1. The process of gazettment is expensive and slow.
2. Not all heritage sites have been protected and many are on privateland.
3. Documented archeological and paleontological sites are not marked and many have been destroyed.
4. Many areas in the country have not been surveyed and so many heritage sites are not recorded and documented.
5. There is lack of comprehensive database of heritage sites.
6. There is lack of archeological/heritage experts at County levels.
7. There is lack of public awareness on the importance of heritage sites.
8. There is no specialized training institute for heritage management and conservation in the country.
9. NMK lacks modern survey equipment to enable comprehensive recording and documentation of sites.
10. There is lack of sufficient funds for continuous survey. There are areas

that were noted to be in need of strengthening i.e.;

- Comprehensive survey areas with critical heritage sites especially within the Rift Valley, in the Victoria basin, along the LAPSET Corridor and along the coastal strip with a view to record and document all possible sites through heritage site mapping.
- The acquisition of equipment to carry out the above exercise and for the creation of a comprehensive digital database.
- Digitization of all existing records of sites held at the NMK.

- Capacity building in human resources with respect to professional skills required to manage these resources. This also requires working with universities teaching Archeology and Anthropology to provide practical internships for students. This involves the creation of a suitable curriculum for practical courses.
- Capacity building at the County Level to enable staff to carry out independent heritage site mapping for sites now managed by counties.
- Development of a training institute for heritage professionals. Koobi Fora Research Station near Lake Turkana is especially ideal for this since it is close to the oil producing blocks. Some of the key areas which this research and training center would undertake would include; developing a data set sharing platforms, enhancing heritage policies, training personnel on conservation and management of heritage, developing procedures to educate the public on the importance of heritage resources.
- Review and developing new procedures, policies and guidelines in the management of heritage. This includes fast tracking the amendments to the National Museums and Heritage Act to align with the constitution 2010. There is also a need to include an amendment in EMCA Act that all projects should have Heritage Impact Assessment component undertaken and approved by the NMK.
- Acquisition by the government on land which holds critical sites in cases where it is privately owned.
- It is recommended that Cultural Heritage Impact Assessment be carried out as stand- alone studies that are not tied to the Social Component, as its importance is not properly expressed.
- Creating a monument Fund which will be used to safe guard monuments gazetted sites in Kenya by all monument owners.

There being no other business, the meeting was adjourned at 1:30PM

Preliminaries

The meeting was called to order at 2:00 PM by the SESA Team Leader who gave a brief of the KEPTAP SESA consultancy work after the introductions. He mentioned that the Petroleum sector in the country is growing as a result of oil discovery. SESA therefore is a tool that ensures that oil production will be done in an economically viable, socially acceptable and an environmentally sustainable way.

He expounded on the on-going policies, programs and plans in the petroleum sector in Kenya, covering both the onshore and offshore activities. He also mentioned the previous and on-going scoping meetings in the country.

The Team Leader emphasised that key stakeholders' views needed to be captured in the SESA report hence the need for the consultative meetings.

Minutes/ Notes of Discussions

- He emphasized to the LAPSSET team that the SESA team's main interests was to understand the social, environmental and economic related issues that are likely to arise by the activities of the LAPSSET particularly issues that affect the communities along the corridor.
- The LAPSSET team informed the consultants that the LAPSSET project has been commissioned and 28,000 ha of land has been surveyed and acquired in Lamu County and the affected people have been compensated. The compensations have only been done in Lamu while the rest of the communities along the corridor are yet to be identified and resettlement done.
- They confirmed that the LAPSSET master plan will incite greater development along the Northern Kenya Region. According to the master plan, developments have been planned 50km on each side of the road. This 50km on both sides will be developed in conjunction with the County Governments, to ensure appropriate and planned development currently and in the future.

Concerns in Lamu

The LAPSSET team also informed the consultants that:

- It was agreed that fishermen would not be compensated, but they will be empowered to do deep sea fishing. This arrangement would be championed by the LAPSSET.
- Major development in the LAPSSET will be done on the mainland so that Lamu Island is not affected as a world heritage site.
- Impacts on Mangroves have been sorted and money has been allocated for the replanting of the mangroves.

- Marine resource mapping has also been done to quantify the amount of impacts at the Port area including feasibility studies that have been done by the LAPSSET authority for the whole LAPSSET corridor from Lamu to Turkana. This was done to avoid repeated studies being done by the individual project developers like KeNHA, KPA, etc.
 - The issue of the oil spillage has also been discussed in major meetings along the corridor.

Land issues

- LAPSSET needs about 1.2-1.3 million acres of land and communities are demanding a lot of money in terms of compensation. The issues of land and compensation are quite emotive and have brought issues in the LAPSSET.
- It was stated that LAPSSET is trying to avoid monetary compensation at all cost, land to land compensation is the best alternative

Recommendations:

Some of the recommendations in land acquisitions include:

- Compensations in kind i.e. compensate land owners along the corridor with other land elsewhere.
- Legal redress - The government can come up with a fixed valuation of land for compensation with rates fixed according to the rates and nature of land.
- Compensation according to the economic valuation of the land – the project affected persons are paid in installments such that even generations to come benefits for example in the case of Safaricom Kenya Ltd, a network provider in Kenya.
- The land for all the projects is acquired at once such that no individual projects needs to do compensations again.

Militarised LAPSSET zones:

- The LAPSSET team indicated that the militarization near or along the corridor is for the best interest of the corridor's security. The government is planning to increase security along the corridor. The LAPSSET has developed a security master plan

Alignment from Isiolo and Turkana

- The stretch between Isiolo and Turkana may be realigned due to the conditions of the terrain and landscapes. Most of the activities along this section are currently withdrawn pending the settlement of the realignment proposal.

There being no other business the meeting was adjourned at 4:25pm.

ANNEX 3 (B): MINUTES OF KEY STAKEHOLDERS'CONSULTATIONS IN LAMU

Lamu County Commissioner

**County Commissioners'
Office**

11th May 2016

Preliminaries

The meeting was called to order at 2:00 PM by the SESA Team Leader who gave a brief of the KEPTAP SESA consultancy work after the introductions. He mentioned that the Petroleum sector in the country is growing as a result of oil discovery. SESA therefore is a tool that ensures that oil production will be done in an economically viable, socially acceptable and an environmentally sustainable way.

He expounded on the on-going policies, programs and plans in the petroleum sector in Kenya, covering both the onshore and offshore activities. He also mentioned the previous and on-going scoping meetings in the country.

The Team Leader emphasised that key stakeholders' views needed to be captured in the SESA report hence the need for the Local consultative meetings in Lamu.

Minutes/ Notes of Discussions

The meeting with the County Commissioner was basically on security issues. The following issues were discussed during the local meetings:

- Social and environmental issues
- LAPSSET activities.
- The team was informed that there are two main religions i.e. Muslims and Christians in Lamu County.
- The Divisions in Lamu County are:
 - Kiunga
 - Hindi
 - Mpeketoni
 - Witu
 - Amu
 - Faza/ Kizingitini
- LAPSSET issues:
It was reported that LAPSSET gives scholarship to middle level students.
- Security Issues
The County Commissioner said that the area is peaceful unlike the reports from the media.
- Environmental concerns
 1. Clearance of the mangrove forest.
 2. Increase in human-wildlife conflicts.
 3. Increase in land value.
- Lamu Island and other gazetted sites will be tampered with especially some buildings in the Sea fronts in Siyu and Pate i.e. grave sites of the Sultan of Zanzibar.

- There will be culture erosion as a result of oil and gas exploration and production.

Currently, Lamu has the following means of transport;

- Two “*Tuk Tuk*” ambulances
- Three boat ambulances
- Five operational vehicles
- To retain the town, no driving vehicles

Meeting was adjourned at 3. 00PM.

Preliminaries

The meeting was called to order at 3:30PM by the SESA Team Leader who gave a brief of the KEPTAP SESA consultancy work after the introductions. He mentioned that the Petroleum sector in the country is growing as a result of oil discovery. SESA therefore is a tool that ensures that oil production will be done in an economically viable, socially acceptable and an environmentally sustainable way.

He expounded on the on-going policies, programs and plans in the petroleum sector in Kenya, covering both the onshore and offshore activities. He also mentioned the previous and on-going scoping meetings in the country.

The Team Leader emphasised that key stakeholders' views needed to be captured in the SESA report hence the need for the consultative meetings.

Minutes/ Notes of Discussions

- There is no capacity in NEMA Lamu office to monitor the oil exploration activities.
- In Lamu, recent explorations were at Mutangawana in Pate Island. Concerns
- There are risks of contamination of aquifers and underground water.
- Drilling ultimately affects fishing activities.
- Fishing in Lamu is subsistence not commercial as they are not equipped to practice deep sea fishing.
- There is need for good environmental measures to be put in place during explorations.

LAPSSET

- Construction of the Lamu Port has started i.e. the office block is underway.
- KeNHA to do a railway from Lamu to Garissa through Ijara. Feasibility studies have already been conducted.

Policies

- Petroleum Act needs to be revised such that when building a petrol station, it has to be approved by the local County Commissioner. The government is not regulating the sector.
- Oil transporters are supposed to be regulated.
- In the island, people used to keep oil (petrol and diesel) in tanks but it was a big risk due to the proximity of the houses in Lamu hence it was banned. Now they sell petrol from boats.

- The standards for selling oil at retail centers is lacking.
- Closure plans need to be in place in a case where there might be existence of dry wells and should be well captured in a decommissioning strategy
- DOSHS activities in the island are very minimal. At the moment, they are incorporated with NEMA and coordination is done at the national level but very minimal activities at the County level.
- The standards and designs of the petrol stations are not clear and they do not have ERC licenses.
- Pricing is also an issue in Lamu as it is not standard.

There being no other business, the meeting was adjourned at 5:00PM.

Preliminaries

The meeting was called to order at 5:30PM by the SESA Team Leader who gave a brief of the KEPTAP SESA consultancy work after the introductions. He mentioned that the Petroleum sector in the country is growing as a result of oil discovery. SESA therefore is a tool that ensures that oil production will be done in an economically viable, socially acceptable and an environmentally sustainable way.

He expounded on the on-going policies, programs and plans in the petroleum sector in Kenya, covering both the onshore and offshore activities. He also mentioned the previous and on-going scoping meetings in the country.

The Team Leader emphasised that key stakeholders' views needed to be captured in the SESA report hence the need for the consultative meetings.

Minutes/ Notes of Discussions

General issues anticipated.

- There will be issues on air and noise pollution.
- Increase in the amount of garbage to be disposed.
- Laws on waste and oil are in the process of being enacted.
- Limited waste disposal sites in Lamu County.
- Population of the island is 30-35,000 with no sewer system. At the moment they only use pit latrines. Wondered what will happen due to the influx of people in the area.

Complaints

- Fishermen lack proper fishing gear i.e. fishing nets, diving gear etc.
- National government needs to build the capacity of the locals by buying for them fishing vessels.
- Number of fishing villages are many hence there is need for the modern fishing gear.
- Security issues – Lamu borders Somalia. Fishermen have been told about the curfew which is still on and this has affected their activities.
- There are also cooperatives but they are not strong enough. They should be strengthened.
- Locals should benefit from any development by having a percentage going to locals and the rest to other Counties.
- Unemployment is very high hence leading to drug trafficking.
- Revenue sharing – Lamu gets the least amount as compared to other Counties.
- The County used to depend on tourism but it has reduced due to terrorism.
- County government to be represented in the LAPSSET Board.
- Training of locals to be enhanced.

There being no other business, the meeting was adjourned at 6:30PM.

Preliminaries

The meeting was called to order at 9:30AM by the SESA Team Leader who gave a brief of the KEPTAP SESA consultancy work after the introductions. He mentioned that the Petroleum sector in the country is growing as a result of oil discovery. SESA therefore is a tool that ensures that oil production will be done in an economically viable, socially acceptable and an environmentally sustainable way.

He expounded on the on-going policies, programs and plans in the petroleum sector in Kenya, covering both the onshore and offshore activities. He also mentioned the previous and on-going scoping meetings in the country.

The Team Leader emphasised that key stakeholders' views needed to be captured in the SESA report hence the need for the consultative meetings.

Minutes/ Notes of Discussions

The curator stated that Lamu has many sites of interest, however Lamu is the most important one. Other sites include;

- Pate
 - Kipini
 - Gedia
 - Takaungu
- The Jurisdiction of the Lamu heritage centre is the coastline all the way from the Somali Border up to the Tana Delta.
 - Garsen has the Mau Mau bankers and the world war concentration camps.
 - The museum is in the process of digitizing old maps; they have been having analogue maps.

Policy gaps in the oil explorations

- Impact assessment has been done on the impacts of the port to the historical sites.
- There is a follow up study done by UNESCO for the first three berths.
- They have also done site management plans.
- As Human population increase in Lamu, especially from other places, the residents of Lamu are likely to lose a bit of their heritage.
- There should be a small surcharge (integrated in air ticket, train etc) which goes to the community in supporting the community directly or indirectly in facilitating activities like the organizing of the Lamu cultural festival. As a heritage site access to the whole of Lamu should be chargeable to visitors and tourist.

Cultural inventory of Lamu

- There is inventory of the resource base of Lamu but plans are underway.
- They propose the cultural heritage should be a component of the management plan of the development in the whole country.

Museums Act of Kenya

- Is sufficient
- Museums have been devolved
- There are also the Lamu County Development Bylaws in place.
- There are some sites in the Boni forest which have been designated as sacred sites Public

programs

- There is a program intended to reach to the community and to bring on board government stakeholders among others.
- One challenge though is that the information is not well disseminated to the locals.

Other notes

- Most of the exploration in the North has affected archaeological sites.

There being no other business, the meeting was adjourned at 11:00AM.

ANNEX 3 (C): MINUTES OF KEY STAKEHOLDERS'CONSULTATIONS IN MOMBASA

Kenya Petroleum Refineries Ltd (KPRL)

KPRL Offices, Mombasa

23rd May 2016

Preliminaries

The meeting was called to order at 9:30AM by the SESA Team Leader who gave a brief of the KEPTAP SESA consultancy work after the introductions. He mentioned that the Petroleum sector in the country is growing as a result of oil discovery. SESA therefore is a tool that ensures that oil production will be done in an economically viable, socially acceptable and an environmentally sustainable way.

He expounded on the on-going policies, programs and plans in the petroleum sector in Kenya, covering both the onshore and offshore activities. He also mentioned the previous and on-going scoping meetings in the country.

The Team Leader emphasised that key stakeholders' views needed to be captured in the SESA report hence the need for the consultative meetings.

Minutes/ Notes of Discussions

- It was outlined that the facility was started in 1959 and has been running since the 1960's up to 2013 and it was a Merchant Refinery in 2012 which brought crude oil that was processed into products which were sold to wholesalers and it later went into retail.
- They outlined that in 2014 the Cabinet approved stopping of processing activities but it continued to operate as a terminal which has a loading facility for diesel and kerosene. The terminals are in Kipevu and Changamwe.
- It was reported that KPRL has a total of 250 permanent employers and 700 who are contracted.
- KPRL is environmentally responsible in terms of handling skills and is also an OSMAG member.
- Monitoring wells are in various parts and so far, there has been no major issue on spillage, only minor spills. There is also an oil interceptor which is monitored. Also, spills occur when there are welding activities with the last incident recorded to have taken place in 2006 and was reported to DOSHS. Mostly, KPRL outsources the capacity to do the monitoring.
- There is lack of policies that should be enacted for petrol stations near residential areas, there should be a safety buffer zone of 300M. The existing laws are inadequate as they talk of fire extinguishers yet there is no concern for the response team. The emergency teams should be institutionalized. It is also important to have an entity charged with some responsibilities especially when there are spillages.

- Issues have been well represented in the Energy Bill and there is hope that the government will take on those issues.
- It was noted that the refinery tends to be a male generated field. KPRL is sensitive on the gender issue and has tried to encourage ladies in the field. The government also needs to sponsor and build more capacity on women.
- Early Oil Production for Export will be done by road (private tankers) or by the Rift Valley Railways and there are major areas which include:
 - Receiving – where they have identified some oil and then store it in tanks
 - Exportation through the Sea
- There should be a policy to process the crude oil locally and the government should utilize the existing facility as it expands on others.

The meeting was adjourned at 10:30 AM.

Preliminaries

The meeting was called to order at 11:00AM by the SESA Team Leader who gave a brief of the KEPTAP SESA consultancy work after the introductions. He mentioned that the Petroleum sector in the country is growing as a result of oil discovery. SESA therefore is a tool that ensures that oil production will be done in an economically viable, socially acceptable and an environmentally sustainable way.

He expounded on the on-going policies, programs and plans in the petroleum sector in Kenya, covering both the onshore and offshore activities. He also mentioned the previous and on-going scoping meetings in the country.

The Team Leader emphasised that key stakeholders' views needed to be captured in the SESA report hence the need for the consultative meetings.

Minutes/ Notes of Discussions

Remarks from the Environmental, Health and Safety Officer In charge of the KPC Mombasa

- He outlined the safety procedures in case of an alarm or any emergency.
- It was pointed out that KPC mitigates pollution depending on the type of the environment. In the Coast for example the corrosion is high due to high salinity.
- KPC does continuous repair since the pipeline is old. It was installed in 1978 and the life span of 30 years is surpassed. They also do continuous monitoring using Micro- processor Control Systems.
- In case of spillages, there are containment facilities. There is also a response and emergency team which functions 24hours.
- KPC has a site at Sultan Hamud to dispose the sludge; they have an incinerator.
- They have monitoring wells – they monitor underground water to see whether it has hydrocarbons and they also do continuous audits for safety purposes.
- They engage DOSH and have fire and safety audits conducted.

Applications of Remediation techniques. They offer a number of remediation techniques for oil spillage as;

- The most common remediation practice for oil spills is the Bioremediation.
- Other treatments techniques include the Offsite treatments (scoop the soil and treat it somewhere then return) at the moment the offsite treatment site is in MtitoAndei.

Other facts gathered included;

- KPC Mombasa does both internal and external audits
- KPC also offers Oil spills capacity training
- KPC is the current chair of OSMAG
- KPC meets every month and have trainings on oil spillages, management, command systems etc.

The meeting was adjourned at 1:00PM

Preliminaries

The meeting was called to order at 2:00PM by the SESA Team Leader who gave a brief of the KEPTAP SESA consultancy work after the introductions. He mentioned that the Petroleum sector in the country is growing as a result of oil discovery. SESA therefore is a tool that ensures that oil production will be done in an economically viable, socially acceptable and an environmentally sustainable way.

He expounded on the on-going policies, programs and plans in the petroleum sector in Kenya, covering both the onshore and offshore activities. He also mentioned the previous and on-going scoping meetings in the country.

The Team Leader emphasised that key stakeholders' views needed to be captured in the SESA report hence the need for the consultative meetings.

Minutes/ Notes of Discussions

Brief about KPA was give as:

- KPA handles Petroleum products both imports and exports.
- Early oil will be exported through KPA. The

various departments in KPA include:

- Safety
- Environment
- Fire Services

It was reported that KPA has two terminals namely:

1. *Shimanzi Oil Terminal (SOT)*-Receives the waste products and LPG.
2. *Kipevu Oil Terminal (KOT)*

Has the capacity to handle refined and crude oil products.

The following was also

reported about KPA.

- KPA works closely with others and has fire service staff who man the two terminals
- They are part of OSMAG and also work together in terms of training.
- They conduct drilling activities.
- There is a warehouse that stores all the equipment for KPA.
- The Port is prepared in terms of firefighting and pollution for the fire station, main station and sub stations at SOT and KOT
- Health and Safety Committee has been in existence since 2012 to date and is headed by a Safety and Health Officer who reports on marine operations and general management operations.

Policies

The following policies are in place:

- i. Occupational Health and Safety Policy.
- ii. Environmental Policy.
- iii. Fire Safety Policy.

N/B: They have complied with Environmental Impact Assessment/ Audit Regulations, 2003 as they conduct Environmental Audits Annually.

Gaps

However, the following gaps were identified;

- i. Inadequate storage space for pollution response equipment.
- ii. There is need to train more staff now that more products are coming into the market.
- iii. Statistics on spillage pollution and fire incidents should be in the same department.

The meeting was adjourned at 5:00PM

Preliminaries

The meeting was called to order at 2:00PM by the SESA Team Leader who gave a brief of the KEPTAP SESA consultancy work after the introductions. He mentioned that the Petroleum sector in the country is growing as a result of oil discovery. SESA therefore is a tool that ensures that oil production will be done in an economically viable, socially acceptable and an environmentally sustainable way.

He expounded on the on-going policies, programs and plans in the petroleum sector in Kenya, covering both the onshore and offshore activities. He also mentioned the previous and on-going scoping meetings in the country.

The Team Leader emphasised that key stakeholders' views needed to be captured in the SESA report hence the need for the consultative meetings.

Minutes/ Notes of Discussions

KMA environmental officer gave a presentation on the activities of KMA, its mandate and vision. It was later followed by an interactive session.

Other information pointed out included;

- KMA was formed by the Kenya Maritime Authority Act of 2006.
- The Act specified the mandate and responsibility of KMA which includes among others:
 - The registration of ships,
 - The management of the maritime affairs, and
 - Certification for various activities of ships and other marine going vessels.
- Before a vessel docks, the KMA captains have to get on board the ship to assess three main things i.e. cargo, welfare and the conditions of the ship.
- In case a ship misses to adhere to these standards it can be flagged off until it meets the standards required.
- The flag flying on a ship indicates compliance with the laws of the flag's origin for which the ship has to abide and receive compliance credits.
- KMA ensures compliance with the international conventions like the MARPOL, LC&P, the OPRC Convention and the Anti-fouling Systems Convention.
- The KMA receives the wrecks of ships coming into its coastlines.

KMA on inland water

- They have offices across the major inland waters i.e. Kisumu, Turkana, Lamu and Baringo.
- They have the small vessels regulation that manages the operations of the small vessels. They are in a process of developing an inland response contingency plan.

Policy gaps

1. Floating petrol stations

There is no proper legislation on the activities of the floating petrol stations (Petrol sold on boats). KMA licences vessels from a technical point of view, checking that the vessel is sea worthy but they have not been keen on the floating petrol stations (like the case for Lamu)

The major activities they undertake in Lamu include:

- Safety of ships,
- Pollution prevention and response/rescue,
- Maritime security, and
- Training of the ship operators.

Responsibility of KMA and NEMA in offshore explorations

- KMA contribute significantly to the review and commenting on the NEMA EIA reports that are meant for licensing the exploration projects in the deep waters.
- Under normal circumstances, the pollution and spills control and its associated technical inspections are done by KMA.
- The proposed Maritime Pollution Bill has certain clauses which conflict with certain provisions of the EMCA for example, to fully operationalize the Maritime Bill, it requires the deletion of certain clauses of the EMCA and under NEMA, EMCA is superior.
- At the moment KMA is a lead agency

There is need to have clear policy on the roles differentiation between NEMA and KMA.

Disaster preparedness

- KMA works hand in hand with OSMAG (Oil Spill Mutual Aid Group) on oil spill management (or oil disaster).
- In case of pollution the impacts is far reaching and tourism is affected.
- OSMAG needs to have a certain level of preparedness and emergency response in place.
- KMA is the coordinator of OSMAG activities.
- KMA is the incident commander under normal practice for tier 2 spills but KMA can delegate the duty of managing the site pollution at the site of the spill.
- Efforts to form regional response plan have not worked in the past, but it's a great vision.

Disaster Response strategies

- Before they involve the internal response teams, they will have to liaise with the Ministry of Foreign Affairs.
- In the case of pollution, there are mechanisms for addressing this including the compensations and handling, much of this is captured in the Marine Pollution Bill.

- At the moment KMA does not have the technical capacity in marine resource inventory (i.e. biodiversity assessment).
- There is a lack of capacity for enforcement of the inspection failures for small ships and boats. For major ships it's done frequently every time a ship docks.

Process of spillage response

- The first response is to use what is on site and readily available as other logistics are being arranged.
- They have a robust communication channel from the inland units i.e. through the Beach Management Unit who can inform the KMA on any existing spillage or disaster.
- But they don't have any equipment for responses at the inland KMA units.

Governance and ethics

- The Bill proposes an oil spill mobilization fund.
- Governance and management of policies of KMA are those that foster non- corruption and gender mainstreaming.
- A ship is handled between many countries so that what has been inspected in Kenya must be validated in other countries and as such there is no room for malpractices. No country will want their port to be classified as unsafe.

The meeting was adjourned at 5:00PM

Preliminaries

The meeting was called to order at 9:00AM by the SESA Team Leader who gave a brief of the KEPTAP SESA consultancy work after the introductions. He mentioned that the Petroleum sector in the country is growing as a result of oil discovery. SESA therefore is a tool that ensures that oil production will be done in an economically viable, socially acceptable and an environmentally sustainable way.

He expounded on the on-going policies, programs and plans in the petroleum sector in Kenya, covering both the onshore and offshore activities. He also mentioned the previous and on-going scoping meetings in the country.

The Team Leader emphasised that key stakeholders' views needed to be captured in the SESA report hence the need for the consultative meetings.

Minutes/ Notes of Discussions

Background of OSMAG was given.

- Has an existing secretariat on rotational basis (office shifts among the OSMAG members).
- They have 2 Permanent staff and 77 members. Works with 4 government agencies
 1. KPA
 2. KENGEN
 3. KPRL
 4. NOCK
- KPA-are not members but partners, other partners include
 1. KEMFRI
 2. KMA
 3. NEMA
 4. KFS
 5. KWS
 6. Fisheries department
 7. Kenya Navy
 8. Police
 9. ERC
 10. NDOC (National Disaster Operation Centre), NDMA (National Disaster Management Authority)
- OSMAG has mostly been responding to the marine oil spills hence only work with companies dealing on export and import of oil.
- OSMAG should be a society anchored in the law as a legally recognized entity and

this should have been captured in the Bill.

- Support mechanisms in OSMAG
 1. They have a directory of support services,
 2. Directory of equipment, and
 3. Directory of responders as support service providers.
- Use of ICT
 1. They inspect and assess equipment regularly.
 2. They train staff over the year and they update the records on a quarterly basis.
 3. They have a list of support services in the way of contacts/support contact phone numbers.
 4. Once they do a support request, they then develop a contract of engagement.
 5. They aspire to be having working agreements with the support services and MoUs.
- Limitations/Gaps:
 1. OSMAG is not able to respond to an Inland Oil Spill as they are only based in the marine.
 2. The County government is not very involved as much at the moment; however, they are important partners in the OSMAG activities.
 3. Rotational secretariat is not one of the best and they would love to have a permanent station for a permanent secretariat.
- Nonmember issues:

ERC has put a policy that before an oil company undertakes operation they have to demonstrate a capacity to respond to emergency and one of the ways of demonstrating this is by joining OSMAG. Technically this compels the importing companies to be members of OSMAG.
- Civil society's engagements: Currently Kenya Association of Hotelier and Workers are members.
- They would have also loved to work with the Beach Management Units and any other NGOs dealing specifically with marine pollution.
- OSMAG budget and member contributions

Every year they do a budget of what they need in the following year and this budget is shared among the member companies. However, this may be unfair considering that companies have different market shares and some are giants and are more economically powerful.
- Operational command and response

If the emergency is within the port, it's the port commander who takes charge but in case it is outside the port, then KMA becomes the incident commander by default. Some highlights include:

1. They respond only to the incidences caused by members; as such they don't deploy their resources on illegal or strange spills caused by non-members. But they can respond in case they are given an official invitation in which case they will have to get into an agreement.
2. There is a possibility of getting international and even expanding their response to Tier 3 emergencies.
3. They are not into fire response/gas emissions so technically gas companies cannot be members.
4. After response, there needs for a legal framework and compensation.

Gaps and weaknesses

- There are partners who should be on board i.e. upstream players; especially offshore explorations (should be members) but are not.
- OSMAG doesn't have capacity for on-land/offshore response.
- They can work more coherently and strongly with the National Disaster Management Authority and the National Disaster Operation Center.

Government may invest in the following;

1. Equipment
2. Manpower

Management Issues

There is need for unified response mechanisms, synergy and harmony. As it is, there are institutional overlaps and no coordination.

Value is not as much attached to the efforts of oil spill response as the commercial business that surround oil and gas

Challenges

- Lack sites – OSMAG is not very pronounced thus it can be recommended to improve Emergency Preparedness.
- Legal and Regulatory Framework is not adequate because in case of a fire for example, one is not allowed to access the premise since one can be accused of trespassing.
- There is no harmonized level of preparedness.
- NEMA does not do much but often comes to penalize instead of advice on pertinent issues.
- The policies should be changed so that NEMA can have the capacity to conduct audits
- There is the issue of land grabbing on KPC land.
- Conflicting fire fire-fighting rules: There are disconnections in firefighting policies, for example, one can be sued for trespassing and fighting fire in someone's premises without permission but yet it is an emergency response which should be timely and limitless.
- NEMA is doing more of policing than advisory work. It should act like a partner instead.

There being no other business, the meeting ended at 10:00AM.

Preliminaries

The meeting was called to order at 11:00AM by the SESA Team Leader who gave a brief of the KEPTAP SESA consultancy work after the introductions. He mentioned that the Petroleum sector in the country is growing as a result of oil discovery. SESA therefore is a tool that ensures that oil production will be done in an economically viable, socially acceptable and an environmentally sustainable way.

He expounded on the on-going policies, programs and plans in the petroleum sector in Kenya, covering both the onshore and offshore activities. He also mentioned the previous and on-going scoping meetings in the country.

The Team Leader emphasised that key stakeholders' views needed to be captured in the SESA report hence the need for the consultative meetings.

Minutes/ Notes of Discussions

History and background

- Operationally AGOL started in 2010.
- Gas used to come from the following places; Refinery (KPRL), and then Oil Libya, Vivo, Total, Caltex and KenolKobil.
- KPRL production was about 30% of the total demand, which was insufficient even at the time
- After the shutdown of KPRL, AGOL grabbed the opportunity and came into the market.
- Current capacity of AGOL is 14,000metric tones.
- Current imports: mostly from Middle East and India.
- AGOL has the capacity to handle our LNG, process and even handle any new gas discoveries.

Environmental, Health and Safety challenges

- There is no policy on ground water analysis for any oil and gas terminal, also for soil. Earlier there used to benchmark with the Dutch standards.
- Ground water: The use of the same quality standards for both oil and gas terminals which shouldn't be the case. The parameters for the LPG and oil should be different.
- For LPG the parameter should be for propane and butane.
- Piping:
 1. Over water-special rubber
 2. Ground-metallic pipes

Incidences

- There are only minor ones and mostly in illegal filling plants.
- Cylinders exploding in the homestead (they need to undergo pressure testing before refilling).

Policy

- ERC has come up with a regulator for valves.
- There were plans to regulate cylinders.

Challenges

- Qualities of gases from different regions don't undergo quality check as the imported ones.
- Quality monitoring standards i.e. explosively, Isotanks, RVP, smell.

There being no other business, the meeting was adjourned at 1:00PM.

Preliminaries

The meeting was called to order at 11:00AM by the SESA Team Leader who gave a brief of the KEPTAP SESA consultancy work after the introductions. He mentioned that the Petroleum sector in the country is growing as a result of oil discovery. SESA therefore is a tool that ensures that oil production will be done in an economically viable, socially acceptable and an environmentally sustainable way.

He expounded on the on-going policies, programs and plans in the petroleum sector in Kenya, covering both the onshore and offshore activities. He also mentioned the previous and on-going scoping meetings in the country.

The Team Leader emphasised that key stakeholders' views needed to be captured in the SESA report hence the need for the consultative meetings.

Minutes/ Notes of Discussions

The curator identified the following issues:

1. That the site has a long history of conquest and counter conquest, over throws and ruler ship of different powers including the sultans, the Portuguese and the British.
2. That the British were the last to rule the site.
3. It was explained that most of the cultural sites are located at the sea front.
4. That the Mangroves are under the protection of KFS, however most cultural/historical sites are under the National Museums of Kenya.
5. It was noted that a good number of heritage sites have good management plans like case of Fort Jesus which has a comprehensive management plan.
6. That any development near a heritage site must undertake a heritage impact assessment to reveal the impacts of the intended activity on the existing sites.
7. It was also noted that some local historical sites and their management have been taken over by the county government. However, sites of international importance have been left under the National Government.
8. It was a feeling of the interviewed stakeholders that the management of cultural sites should be left in the hands of the National Museums of Kenya.
9. It was explained that there are other many more historical sites i.e.:
 - Built sites like Fort Jesus and old town
 - Natural environments/cultural sites i.e. mangrove forests, Mama Ngina drive etc.
 - Archaeological sites i.e. Gedi ruins among others
 - Under water sites i.e. ship wrecks, Lamu Archipelago

10. Environmental concerns included:

- The oil spillage in Makupa Course which may pollute the natural mangrove vegetation and other important historical sites like the Mama Ngina Drive which is facing pollution by the oil tankers and ships heading to the port.
- The salty water of the ocean is slowly eroding the walls of the Fort Jesus.
- Discharge of raw sewerage into the sea has potential for pollution.

There being no other business, the meeting was adjourned at 4:00PM.

ANNEX 3 (D): MINUTES OF KEY STAKEHOLDERS'CONSULTATIONS IN ELDORET

Kenya Pipeline Company

Eldoret Station

7th June 2016

Preliminaries

The meeting was called to order at 3:30PM by the SESA Team Leader who gave a brief of the KEPTAP SESA consultancy work after the introductions. He mentioned that the Petroleum sector in the country is growing as a result of oil discovery. SESA therefore is a tool that ensures that oil production will be done in an economically viable, socially acceptable and an environmentally sustainable way.

He expounded on the on-going policies, programs and plans in the petroleum sector in Kenya, covering both the onshore and offshore activities. He also mentioned the previous and on-going scoping meetings in the country.

The Team Leader emphasised that key stakeholders' views needed to be captured in the SESA report hence the need for the consultative meetings.

Minutes/ Notes of Discussions

The following were pointed out:

- There is lack of awareness on petroleum products, handling and use.
- ERC has accomplished a lot in electrical sector but not much in the petroleum sector in terms of technicians, drivers etc.
- More training on health and safety awareness is seriously required.
- Technical training/ Capacity building is required and especially on offshore drilling/pipelines as well as LNG/LPG Expert training.
- Zoning of petroleum is critical. Counties need to have special zones similar to the ones in Nairobi where all depots are in the same area as KPC Headquarters/ Main depot.
- There is need for program planning on early oil to reduce any associated risks as well as have proper offloading and loading facilities.
- There are security concerns as a result of encroachment of buffer zones near regional depots e.g. in Eldoret.
- Cross-border security issues need to be properly addressed as the country moves to oil production.
- The country should have sovereign fund to protect and help other sectors to regenerate revenue thus avoiding Dutch Disease.
- The generated revenue must be regulated both at National and County level

There being no other business the meeting was adjourned at 4:30PM.

ANNEX 3 (E): MINUTES OF KEY STAKEHOLDERS'CONSULTATIONS IN KISUMU

Kenya Pipeline Company

KPC Office Kisumu

9th June 2016

Preliminaries

The meeting was called to order at 3:00PM by the SESA Team Leader who gave a brief of the KEPTAP SESA consultancy work after the introductions. He mentioned that the Petroleum sector in the country is growing as a result of oil discovery. SESA therefore is a tool that ensures that oil production will be done in an economically viable, socially acceptable and an environmentally sustainable way.

He expounded on the on-going policies, programs and plans in the petroleum sector in Kenya, covering both the onshore and offshore activities. He also mentioned the previous and on-going scoping meetings in the country.

The Team Leader emphasized that key stakeholders' views needed to be captured in the SESA report hence the need for the consultative meetings.

Minutes/ Notes of Discussions

Remarks from the Head of Station.

- He outlined the safety procedures in case of an alarm or any emergency.
- He outlined that fuel adulteration is a big problem to the Kenyan market and it is risking our supply potential to the neighboring countries.
- Adulteration can be stopped by raising the price of paraffin to be equal to that of the diesel
- The government should be actively involved to stop the oil cartels that run "shambas" (areas where the fuel is adulterated)
- Kenyans are not well informed on the dangers of petroleum. There should be proper training done at all levels of education so as to ensure even children at the tender age are well informed on the dangers associated with petroleum.
- The SESA team was taken around the pump station by the Health and Safety officer There being no

other business, the meeting was adjourned at 4:30PM.

ANNEX 3 (F): MINUTES OF KEY STAKEHOLDERS'CONSULTATIONS IN ISIOLO

County Commissioner

Isiolo Town

13th June 2016

Preliminaries

The meeting was called to order at 3:30PM by the SESA Team Leader who gave a brief of the KEPTAP SESA consultancy work after the introductions. He mentioned that the Petroleum sector in the country is growing as a result of oil discovery. SESA therefore is a tool that ensures that oil production will be done in an economically viable, socially acceptable and an environmentally sustainable way.

He expounded on the on-going policies, programs and plans in the petroleum sector in Kenya, covering both the onshore and offshore activities. He also mentioned the previous and on-going scoping meetings in the country.

The Team Leader emphasised that key stakeholders' views needed to be captured in the SESA report hence the need for the consultative meetings.

Minutes/ Notes of Discussions

Preparedness and challenges

- Public participation where the necessary information should be well disseminated to the communities and compensation done adequately.
- Human resources capacity to be increased among the locals so that they can be employed in the oil and gas industry
- Emergency responses and crisis management should be well planned as the sector grows
- Petroleum sector security should be increased to avoid terrorist attacks

Recommendations

- Site should be between Garbatula and Kulamawe in Garbatula sub-county because of the closer proximity of the place to Garissa as well.
- 70% of the total employment to be shared amongst the local resident
- There is need for support in the areas of Disaster management and mitigation and establishment of response centres and also in areas of public awareness
- Memorandum of understanding on revenue sharing between the County government and national government.
- The County Government will enact the necessary laws in line with the petroleum and energy sector.
- Isiolo County will engage the services of experts to carry out studies on the environment, social-economic impact of the project.

Militarized zones in Isiolo

The following zones should be taken into consideration;

- KDF 78 Barracks just located in Isiolo town
- Kenya School of combat engineering.
- School of Artilleries
- School of Infantry
- Soi Barracks
- The British army training zones

There being no other business, the meeting was adjourned at 5:00 PM

ANNEX 3 (G): MINUTES OF KEY STAKEHOLDERS'CONSULTATIONS IN TURKANA

Turkana Political Leaders Meeting

Fairview Hotel- Nairobi

21st June 2016

Preliminaries

The meeting was called to order at 5:30PM by the SESA Team Leader who gave a brief of the KEPTAP SESA consultancy work after the introductions. He mentioned that the Petroleum sector in the country is growing as a result of oil discovery. SESA therefore is a tool that ensures that oil production will be done in an economically viable, socially acceptable and an environmentally sustainable way.

He expounded on the on-going policies, programs and plans in the petroleum sector in Kenya, covering both the onshore and offshore activities. He also mentioned the previous and on-going scoping meetings in the country.

The Team Leader emphasised that key stakeholders' views needed to be captured in the SESA report hence the need for the consultative meetings.

Minutes/ Notes of Discussions

Issues on environment

- The leaders said that the explorers need to protect and improve the environment.
- They were also concerned about the disposal of the waste oil.
- Disturbance of the vegetation - Tullow company never audited the impact of destruction of trees in the area nor did they take stock of the trees before starting their activities.
- Local expert who have done environmental courses are not absorbed.

Community awareness

- Local people are illiterate hence no awareness or civic education has been given to them. Issue of illiteracy should be dealt with.
- They need assurance that their livelihood will be improved.
- Ministry of Energy and Petroleum to work with the locals in terms of community awareness especially the committee of energy and Environment in the county.
- They are very suspicious because companies are not transparent. They invade their land without consulting them. The companies don't keep their promises.

Issue of tenders and local content

- Small tenders like supplying of foodstuff should be given to the locals.
- Need an agreement between Lamu County and Turkana County Governments where the ratio will be equal in terms of transfer of jobs.
- Initially, Tullow company entered into contracts with so many people and the bills have not been cleared. Felt that all debts should be cleared before any further exploration.
- Tullow company discouraged the locals from dealing with subsidiary companies contracted by them hence making things very difficult for the locals

Issue of Land.

- In Turkana, land belongs to the Community and with no title deeds. They only have allotment letters. Some land is ancestral but it was taken by the exploration companies and the community was not compensated.

Light Vehicle Scheme issues

- It was a strategy to get rid of all local vehicles but was never accomplished.

Grazing field issues

- Ancestral land - Communities misplaced but not compensated
- Initially there was no information given to the locals
- There is no alternative livelihood given to the community

Infrastructure issues and Early Oil Scheme

- Locals feel that if roads in Turkana are not constructed then there is no Oil being transported from there because transport cost from Kitale to Lodwar is very expensive.
- Government is aware on the issues on the ground but wondered why the hurry.
- Need for Legal Frame work to be put in place.

Hazards like Air and Noise pollution

- Emission of chemicals to the air and how it will be mitigated.

Social unrest

- Community has been living together peacefully but they expect the following;
 1. Diseases due the influx of people.
 2. A lot of migration and displacement.

Tullow's mode of communication

- Turkana has free culture but Tullow's mode of communication is very bureaucratic and has no access to information for the locals.
- Need a County Government Unit to monitor Tullow activities on the ground. This will ease a lot of suspicions.

Unfulfilled pledges

- The company (Tullow) promised the community so many goodies like building of schools, health centres, improvement of roads, scholarships to the locals etc. Later the communication was cut and up to now there is nothing on the ground.

There being no other business the meeting was adjourned at 8:25PM.

Preliminaries

The meeting was called to order at 9:30AM by the SESA Team Leader who gave a brief of the KEPTAP SESA consultancy work after the introductions. He mentioned that the Petroleum sector in the country is growing as a result of oil discovery. SESA therefore is a tool that ensures that oil production will be done in an economically viable, socially acceptable and an environmentally sustainable way.

He expounded on the on-going policies, programs and plans in the petroleum sector in Kenya, covering both the onshore and offshore activities. He also mentioned the previous and on-going scoping meetings in the country.

The Team Leader emphasised that key stakeholders' views needed to be captured in the SESA report hence the need for the consultative meetings.

Minutes/ Notes of Discussions

The meeting was held at the office of the Chief Officer in Lodwar town, Turkana County. The Chief Officer highlighted the following issues:

- That there are various non-governmental organizations that bring aid to the people of Turkana. Food distribution by various donor firms targets women because that way the food will get to the children hence the petroleum sector should also be gender sensitized in terms development. Consider the health hazard caused by petroleum sector activities. School dropouts due to population and opportunities influx.
- It was also outlined that the exploring companies need to improve on the local content e.g. currently there are 300 Egyptians in Lokichar working for Tullow.
- There is need for monitoring to ensure environmental protection during exploration and oil production.
- Northern Rangeland Trust is suspected to be targeting the LAPSSSET areas hence they should leave the County since the conservancies are managed by the County. Their activities should also be closely investigated.
- KWS to train game rangers from the County to protect the conservancies.
- Revenue from the conservancies should be shared between KWS and County government.
- There is no specific waste disposal site in Lodwar but the plans are underway. The county is planning to come up with plastic recycling centers.

There being no other business, the meeting was adjourned at 10:00AM

Preliminaries

The meeting was called to order at 11:00AM by the SESA Team Leader who gave a brief of the KEPTAP SESA consultancy work after the introductions. He mentioned that the Petroleum sector in the country is growing as a result of oil discovery. SESA therefore is a tool that ensures that oil production will be done in an economically viable, socially acceptable and an environmentally sustainable way.

He expounded on the on-going policies, programs and plans in the petroleum sector in Kenya, covering both the onshore and offshore activities. He also mentioned the previous and on-going scoping meetings in the country.

The Team Leader emphasised that key stakeholders' views needed to be captured in the SESA report hence the need for the consultative meetings.

Minutes/ Notes of Discussions

- The consultants met with the central island warden. He highlighted that Kalokon Exploration poses risks of oil spill into the lake.
- Lake Turkana is the largest host for Nile crocodile in the world. Islands in L. Turkana include Northern, Central, Southern islands.
- Kalokoi Island is at risk of oil spillage.
- People from Kalokol, Meril, Dasatch, Samburu, Rendile, Gabra depend on lake entirely for fishing and domestic purposes.
- Railway and road will interfere with the animal migratory routes. Over time, KWS has noted that elephants come to Turkana and "marry" i.e. go back with female elephants.
- Research scientist should be involved in oil exploration and production to ensure that animal behavior is not altered.

There being no other business the meeting was adjourned at 12:00PM

Preliminaries

The meeting was called to order at 3:30PM by the SESA Team Leader who gave a brief of the KEPTAP SESA consultancy work after the introductions. He mentioned that the Petroleum sector in the country is growing as a result of oil discovery. SESA therefore is a tool that ensures that oil production will be done in an economically viable, socially acceptable and an environmentally sustainable way.

He expounded on the on-going policies, programs and plans in the petroleum sector in Kenya, covering both the onshore and offshore activities. He also mentioned the previous and on-going scoping meetings in the country.

The Team Leader emphasised that key stakeholders' views needed to be captured in the SESA report hence the need for the consultative meetings.

Minutes/ Notes of Discussions

- Tullow initially did the EIA for various blocks but now NEMA officer felt that it is important that each drilling site has its own EIA project report done it is more efficient to pass information via local radio.
- Need for capacity building for County environmental officer, Sub County environmental officer and Ward environmental officers.
- County Environmental Director (CED) is the secretary for County Environment Committee while the CEC is the chair to the committee.
- Turkana is a vast county thus need more NEMA staff for environmental supervision. Currently County officers junior than CDE are only certificate holders.
- The environmental officers should be empowered e.g. via short courses to enable them to inspect exploration sites, to understand synthetic and non-synthetic drilling courses such as Environmental chemistry.
- There is no designed laboratory to test various wastes produced during exploration.
- There is a problem of disposing grey and black water because the whole of Lodwar town has no sewerage system.
- 82% of the open defecation is represented in Turkana County by recent studies.
- Most water pollutant is the fecal (human) waste. Tullow takes its wastes to bio digesters and the sludge/waste form them is taken to Kitale after about a year.
- Drilled mud is poorly disposed by other explorers. They insist its safe but it has an unpleasant smell.

- There is only one licensed incinerator in Kakuma.
- There is no DOSHS officer in Turkana hence NEMA works with public health officers instead.
- Monitoring is an issue in Turkana e.g. even a NEMA officer cannot visit the Tullow site for an audit without an appointment.
- There are 4 conservancies in Turkana and 2 in West Pokot with 109 wardens recruited by NRT.

There being no other business the meeting was adjourned at 5:00 PM



ANNEX 4: SUMMARY OF ALL EIA REPORTS REVIEWED DURING SESA STUDY

BLOCK	YEAR	ACTIVITY	DOCUMENT TITLE	PROPONENT
10A	2008	2D seismic	Project report for Environmental Impact Assessment of the proposed oil and gas exploration in Block 10A, northern Kenya for Lundin Kenya b.v.	Tullow Kenya B.V
10A	2011	Drilling	Environmental Impact Assessment project report for proposed exploratory oil and natural gas well drilling programme in Block 10A: parts of Marsabit North (Chalbi) and Loyangalani districts by Tullow Kenya b.v	Tullow Kenya B.V
10A	2012	Airstrip	Environmental Impact Assessment project report of the proposed aerodrome near Paipai base camp, Block 10a, Marsabit North district	Tullow Kenya B.V
10BA	2011	2D seismic	Environmental Impact Assessment project report for the proposed oil and gas seismic survey project in Block 10BA: Turkana Central, Turkana North, Loyangalani and North Horr districts by Tullow Kenya b.v.	Tullow Kenya B.V
10BA	2014	Drilling	Environmental and Social Impact Assessment project report the proposed exploratory oil well drilling in Block 10BA, Turkana Central and North districts by Tullow September 2013 for Kenya b.v.	Tullow Kenya B.V
10BB	2009	2D seismic	Environmental Impact Assessment project report for proposed exploratory oil and natural gas well drilling programme in Block 10BB: Turkana South and Turkana Central	Tullow Kenya B.V
10BB	2013	3D seismic	Environmental Impact Assessment Project Report for the proposed 3D seismic survey in Block 10BB by Tullow Kenya	Tullow Kenya B.V

BLOCK	YEAR	ACTIVITY	DOCUMENT TITLE	PROPONENT
			b.v.	
10BB	2011	Drilling	Environmental Impact Assessment Project Report of the proposed exploratory well drilling in Block 10BB, Turkana South and Turkana Central districts by Africa oil Kenya b.v.	Tullow Kenya B.V
10BB	2015	Amosing EWT	Extended well testing – Amosing 1. Environment project report study	Tullow Kenya B.V
10BB	2015	Ngamia EWT	Extended well testing – Ngamia D. Environment project report study	Tullow Kenya B.V
13T	2011	2D seismic	Environmental Impact Assessment project report for proposed oil and gas seismic project in Block 13T: parts of Central Pokot, Loima, Turkana Central, and Turkana South districts by Tullow Kenya b.v.	Tullow Kenya B.V
13T	2013	3D seismic	Environmental Impact Assessment project report for proposed 3D seismic survey for Block 13T: parts of Central Pokot, Loima, Turkana Central, and Turkana South districts by Tullow Kenya b.v.	Tullow Kenya B.V
13T	2012	Drilling	Environmental Impact Assessment project report for proposed exploratory oil and natural gas wells drilling programme in Block 13T, Turkana county, Kenya, by Tullow Kenya b.v.	Tullow Kenya B.V
13T	2015	Kapese ISB	Environmental and Social Impact Assessment project report for the proposed Kapese integrated support base in Lokichar, Turkana county	Tullow Kenya B.V
12A	2011	2D seismic	Environmental and Social Impact Assessment project report for proposed oil and gas seismic project in Block 12A: parts of Turkana East, East Pokot, Marakwet West, Baringo Ventral, Marigat, Keiyo South, Baringo North, Mogotio and Samburu districts by Tullow Kenya b.v.	Tullow Kenya B.V
12A	2015	Drilling	Environmental and Social Impact Assessment report for proposed drilling in Block 12A, onshore Kenya	Tullow Kenya B.V
12B	2013	2D seismic	Environmental and Social Impact Assessment project report for the proposed 2D seismic survey in block 12B by Tullow Kenya b.v.	Tullow Kenya B.V

BLOCK	YEAR	ACTIVITY	DOCUMENT TITLE	PROPONENT
Not Stated	2012	Drilling	Environmental and Social Impact Assessment for exploratory drilling, offshore Kenya	Anadarko Kenya Company
L4	2009	Exploration	Environmental Impact Assessment of the proposed oil and gas exploration in Block L4, Lamu and Ijara districts for Sohi oil and gas	Sohi Gas Lamu
L6	2010	Exploration	Environmental Impact Assessment of the Proposed oil and gas exploration in Block L6, Lamu and Tana Delta districts for Flow Energy (formerly Gippsland Offshore Petroleum Limited)	Flow Energy
Not Stated	2013	Construction	Environmental Impact Assessment project report for the proposed development of an airstrip and accommodation facility at Lokichar in Turkana South district, Turkana county.	Africa Camp Solutions Limited (ACS)
13T	2015	Kapese ISB	Kapese Integrated Support Base Heritage Impact Assessment study	Tullow Kenya B.V
13T	2015	Kapese ISB	Kapese Integrated Support Base Ecological Impact Assessment study	Tullow Kenya B.V
11B	2013	2D Seismic	Environmental and Social Impact Assessment project report for the proposed 2D seismic survey project in Block 11B	Adamantine Energy (Kenya) Limited.
(A1)	2012	Construction/ Upgrading	Environmental and Social Impact Assessment project report for the proposed upgrading of the Lodwar-Lokichogio - Nadapal (A1) road	Kenya National Highways Authority (KeNHA)
L22	2013	3D Seismic	Environmental and Social Impact Assessment project report for Block L22 3D seismic survey, offshore Kenya.	Total Kenya
L14	2013	2D Seismic	Environmental Impact Assessment project report for the proposed 2D seismic survey programme in Block L14 by Lamu Oil and Gas Ltd.	Lamu Oil and Gas Limited
L-21, L-23 and L-24	2014	3D Seismic	Environmental, Social & Health Impact Assessment project report for 3D Seismic Survey in Blocks L-21, L-23 & L-24 Offshore Kenya.	Eni Kenya B.V
Plot. L. R. No. 209/14652, Nairobi	2014	Construction	Environmental Impact Assessment study report for the proposed petrol station at Pumwani	Abdi Abdirahman Muhumed
Plot Title N.o. 753	2013	Construction	Environmental Impact Assessment full study report for	National Oil Corporation

BLOCK	YEAR	ACTIVITY	DOCUMENT TITLE	PROPONENT
			NOCK petrol station in King'ong'o Nyeri	of Kenya Limited.
Plot Title N.o. MN/II/12385	2013	Construction	Environmental Impact Assessment full study report for the proposed model standard petrol station, Kisauni, Mombasa county	National Oil Corporation of Kenya Limited.
Plot Title N.o.11594	2013	Construction	Environmental Impact Assessment full study report for the proposed model standard petrol station, Kamulu, Nairobi county	National Oil Corporation of Kenya Limited
L.R No. Thika Municipality Block 8/181		Construction	Environmental Impact Assessment Study Report for the Proposed Petrol Service Station, Along Garissa Highway	Mr. Vishal Shah Nemchand
L.R No. Thika Municipality Block 2/404	2013	Construction	Environmental Impact Assessment full study report for the proposed service station development off White Sisters road, Thika West district.	Wajibu Ventures Limited
L.R Nos KJD/Kipeto/6613 & 6614	2013	Construction	Environmental Impact Assessment study report for the proposed service station along the Kiserian -Isinya highway	Moses Parantai Shukuru
L.R No. KJD/Kaputiei North/57039	2013	Construction	Environmental Impact Assessment study report for the proposed development of a petrol station at Isinya Kajiado county	Mr. Joseph Ngotiek
Plot 64	2013	Construction	Environmental Impact Assessment study report for the proposed development of a petroleum filling station Baharini, along Eldoret Jua Kali road Eldoret West district, Uasin Gishu county	Farah Mowlid Khalif
L.R No. Gilgil/Gilgil Block 1/18243	2014	Construction	Environmental Impact Assessment study report for the proposed NOC service station along Nairobi- Nakuru highway, Gilgil, L.R No. Gilgil/Gilgil Block 1/18243 (KEKOPEY), Nakuru county	National Oil Corporation of Kenya Limited.
L.R Nos. 512 & 1724	2014	Construction	Environmental Impact Assessment study report for the proposed construction of a fuel depot located in Ulu area of Malili division, Makueni county	Kenpetrogas Limited
LR No 1499 Namanga	2014	Construction	Environmental Impact Assessment full study report for the proposed construction of a petrol station off Namanga – Nairobi road	Gulf Energy Limited
LR No 29C	2014	Construction	Environmental Impact Assessment full study Report For The	Kingsent Petroleum

BLOCK	YEAR	ACTIVITY	DOCUMENT TITLE	PROPONENT
Matiliku			Proposed construction of a service station, on L.R No 29c Matiliku off Emali – Matiliku road.	Kenya Ltd
L.R No. 4885/124 and 4885/125	2014	Construction	Environmental Impact Assessment project report the proposed construction of fuel filling station Rironi Kikuyu, Kiambu county	Astrol Petroleum Company Limited
L.R No. 1/168	2014	Construction	Environmental Impact Assessment project report on the proposed construction of fuel filling station on plot L.R No. 1/168 Lenana road Nairobi county	Astrol Petroleum Company Limited
Not Stated	2014	Installation	Environmental Impact Assessment study report for the proposed installation of 5 Tonne liquefied petroleum storage tank at Bat green leaf threshing plant, Thika.	Total Kenya Limited
L.R. No.899	2014	Construction	Environmental Impact Assessment study report for the proposed Maseki filling station in Kitui on plot L.R. No.899, Kitui county	Tesa Holdings Company Limited
Uasin Gishu /Kimumu/6594 & 6595	2014	Construction	Environmental Impact Assessment study report for proposed development of a petrol service station on plots Uasin Gishu /Kimumu/6594 & 6595, along Eldoret-Ziwa road, Eldoret East district, Uasin Gishu county.	Peter Ndungu Mucuku Mungai
L.R. No. 631/1183	2013	Construction	Environmental Impact Assessment report proposed petrol station development on plot L.R.No. 631/1183, Kericho municipality, Kericho county For Shajanand Hardwares Limited	Shajanand Hardwares Ltd
Nos. 163b, 166,150	2014	Construction	Environmental Impact Assessment project report for the proposed development for the proposed fuel station on amalgated land parcel Nos. 163b, 166,150 And 120, Katangi town, Machakos county	Nancy Mwendu Kangata
L.R No. 11487/1	2014	Remodelling	Environmental and Social Impact Assessment study of the proposed remodeling of a service station on plot L.R No. 11487/1 in Mtito Andei	National Oil Corporation of Kenya Limited.
L.R Kabare/Nyangati /5735	2014	Construction	Environmental Impact Assessment study report for the proposed construction and operation of fuel service station at Lr Kabare/Nyangati/5735 at Kimbimbi market, Nyangati location Mwea sub county Kirinyaga county	Johnson Gachoki Gakuru

BLOCK	YEAR	ACTIVITY	DOCUMENT TITLE	PROPONENT
L.R. Nos. 3506/3507	2014	Construction	Environmental Impact Assessment (EIA) full study report for the proposed construction of petrol station on plot L.R. Nos. 3506/3507 situated at Tala town, off Nairobi-Kangundo road, Matungulu sub-county, Machakos county.	Mr. Samuel Dominic Muathe Of Saminico Limited,
Block 1	2014	Drilling	Environmental And Social Impact Assessment (ESIA) study report of the proposed onshore hydrocarbon exploratory drilling in Block 1, Konton area, Wajir East district Wajir county	Afren East African Exploration (K) Ltd.
Block 1	2014	Drilling	Environmental And Social Impact Assessment (ESIA) study report of the proposed onshore hydrocarbon exploratory drilling area in Block 1, El Wak district, Mandera county	Afren East African Exploration (K) Ltd.
Not Stated	2014	Construction	Environmental Impact Assessment report for the construction of proposed petrol station located at Kamwosor trading center, Keiyo South district	Inego Investment Company Limited
L.R No. Nakuru Municipality Block 16/263	2014	Construction	Environmental Impact Assessment study report for the proposed petrol station on plot title L.R No. Nakuru municipality Block 16/263 Nakuru town	National Oil Corporation of Kenya Limited.
LR. No West Mugirango/Siamani/5818	2016	Construction	Environmental Impact Assessment full study report for filling station on plot LR. No. West Mugirango/SIAMANI/5818, at Konate in Nyamira county	Gerick Kenya Ltd
Pump Station 10	2015	Construction	Proposed construction of additional white oils storage tanks and accessories at Pump Station 10 (Nairobi Terminal) Contract No. SU/QT/784N/13	
Sinendet (PS-26) to Kisumu (PS-28)	2015	Construction	Environmental And Social Impact Assessment study report for the proposed construction of a 10" (ten inch 122km oil pipeline from Sinendet (PS-26) to Kisumu (PS-28) by China Petroleum Pipeline Bureau for Kenya Pipeline Company Ltd	Kenya Pipeline Company Ltd
Kingongo/91 & 92	2014	Construction	Proposed development of a petroleum service station on Eldoret municipality Block Kingongo/91 & 92 along EldoretJua Kali Road Eldoret West district, UasinGishu county	
L16	2013	2D seismic	Environmental And Social Impact Assessment project report for the proposed 2D Seismic survey in Block L16, in Kilifi county by Camac Energy	Camac Energy

BLOCK	YEAR	ACTIVITY	DOCUMENT TITLE	PROPONENT
Plot No. Siaya/Kobong/2893	2012	Construction	Proposed filling station and a hotel at Chianda in Uyoma along Ndori-Luanda K'otieno road on plot No. Siaya/Kobong/2893	
L.R. No. Embakasi Ranching-P-6966	2013	Construction	Environmental Impact Assessment study report for the proposed filling station cum commercial service on plot L.R. No. Embakasi ranching-P-6966, Nairobi county	
Plot No. Nakuru Municipality/Block8/6	2013	Construction	Environmental Impact Assessment project report for the proposed Musipe Oil Resellers ltd's oil storage facility and filling station on plot No. Nakuru municipality/Block8/6 in Industrial Zone, Nakuru	Musipe Oil Resellers ltd
Nairobi Block 115/14 and 115/15	2013	Construction	The proposed construction of fuel station on plot No. Nairobi block 115/14 and 115/15, Eastern bypass, Nairobi	
Thika Municipality block 2/404	2013	Construction	Environmental Impact Assessment full study report for petrol station development- Ngoingwa shopping centre	
L.R No. 209/1622	2014	Construction	Environmental Impact Assessment study report for the proposed oil petrol station cum waste oil/sludge recycling facility along Murang'a road, Pangani L.R No. 209/1622, Nairobi county	
Plot No. Makindu/Kiboko B/687	2013	Construction	Proposed construction of a filling station on plot No. Makindu/Kiboko B/687 Makindu, Makueni county	
	2014	Construction	Proposed construction of Greatmount LPG Limited depot at Naromoru, Nyeri county	
KER/SIL/2128	2014	Construction	Environmental Impact Assessment report for the proposed filling station project on plot no. KER/SIL/2128 Bomet township, Bomet county	
Not Stated	2014	Construction	Environmental Impact Assessment study for proposed Eastern bypass service station Kiambu, for Total (K) Ltd	Total (K) Ltd
L.R. No. 209/7139	2014	Installation	Environmental Impact Assessment study report for the proposed installation of a 2t liquefied petroleum gas storage tank and filling point on L.R. No. 209/7139, off Likoni road in Industrial Area, Nairobi	
L.R. No.	2013	Construction	Full study report for the proposed petrol station on plot L.R.	Naivasha Health Park

BLOCK	YEAR	ACTIVITY	DOCUMENT TITLE	PROPONENT
Naivasha plot 396/71 (previously 396/28)			No. Naivasha plot 396/71 (previously 396/28) on Moi south lake road, Naivasha municipality of Nakuru county	Limited