

17/12/2018

**REF:** Additional Financing Transport Sector Support Project - Additional Financing ( P146630 )  
WEBUYE- KITALE ROAD.

We would like to make a formal request to go on with the inspection. As the response from the grievances mechanism is not being clear with the concerns raised.

Our complain is being guided by The World Bank's Environmental and Social Framework (ESF), including the Environmental and Social Standard (ESS) 10 on Stakeholder Engagement and Information Disclosure . Information disclosure in a timely manner, in an accessible place, and in a form and language understandable to those affected by the project and other interested parties, motivates our action.

We believe that there has been no stakeholders meaningful consultation in a manner proportionate to the risks to and impacts on affected communities during the construction phase.

**CONSTRUCTION PHASE.**

The concerns are specifically engagement during the construction phase , when a lot of harm was experienced.

Right from the documents send earlier, there was no information to make meaningful, informed choices about livelihood restoration, compensation and other resettlement entitlements.

The project's Environmental Assessment had never been disclosed .

**LACK OF MITIGATION MEASURES ON:-**

- Disturbance to vendors- people mostly women have had their opportunities lost, affecting their livelihoods.
- Increased dust quantities and air pollution to vendors, small businesses and residents.- This was an issues of concern
- Increased dust quantities to road side foods, vegetables, fruits, meat and shop items. The effect and impact was both to sellers and buyers.
- Increase of noise pollution to the public.
- Control of effluent -
- Disruption of utility services
- Increase in organic and inorganic solid waste.
- Increased Green House Gas Emissions due to increased fossil fuel consumption.
- Easy access to school going children when the project is completed.
- Provision of roadside facilities
- Public awareness for the chemicals used and information on hazardous chemicals used.
- Compensation to loss of businesses.

**UN HUMAN RIGHTS OBLIGATION RELATING TO THE ENVIRONMENT SAYS:-**

- ❖ States should ensure a safe, clean, healthy and sustainable environment in order to respect, protect and fulfil human rights.
- ❖ Human rights and environmental protection are interdependent. A safe, clean, healthy and sustainable environment is necessary for the full enjoyment of human rights, including the rights to life, to the highest attainable standard of physical and mental health, to an adequate standard of living.
- ❖ The human right of all persons to seek, receive and impart information includes information on environmental matters.
- ❖ Public access to environmental information enables individuals to understand how environmental harm may undermine their rights, health, and supports their exercise of other rights, including association, participation and remedy.

**From:** [REDACTED]

**Sent:** Wednesday, January 16, 2019 3:02 AM

**To:** Birgit Kuba <[bkuba@worldbank.org](mailto:bkuba@worldbank.org)>

**Subject:** Re: urgent request for information

[External]

## CLARIFICATION

1. The construction works is on the finishing stages. What is being done is completion.
2. The flyover is located at Webuye, Bungoma county- serving as the main connection junction point for Eldoret- Bungoma – Kitale.
3. The livelihoods of local people and vendors have been affected mostly negatively. The disruption has resulted in the income loss, lost business opportunity, closed businesses, lost commodities and shop items, due to water flowing into buildings, loss of food stuffs due to dust, not able to raise fees for their children, difficult to secure bank loans,
4. The suffering is some claiming to be sickly due to dust and the impact of air pollution has a longer health impact to those affected. There was no information about the toxic chemicals, hazardous waste and dangerous materials. The erected wall has permanently divided the street into two different worlds and have to incur costs to cross. Again lack of walk ways from the road to shops makes it difficult to get assurance of accessibility of customers. Those who lost their vandalized kiosk construction materials can not recover them. There those who gave up, and out of frustrations do not want to engage in business again.
5. The discharge of grey water and sewage from the construction site used to flow to the road, commonly used by people both pedestrians and cyclists, this was harmful to health and motor cycles and bicycles.. Further flowing towards vendors displaying their goods, during the rain season. Sound pollution caused some buildings to crack and made it difficult for children in homes or schools to concentrate.
6. [REDACTED] land to be used as construction site, will have permanent land use change, yet wants it be a farmland. He claims what he was paid was little to sustain him in future, and how to reclaim the land back to farming will be beyond his income, and the agreement was not clear in assisting him, after they have left. With vendors, the disruption has not given them a clear alternative after the construction to have a proper established market. Due to the high population around the flyover, having a road side facility in the form of modern kiosks / market could have improved their opportunities. The division of the street is permanent.
7. There two types of access problem for school going children. There is a St.Claire academy preparatory school. Children to the school mostly nursery used to cross the other side, easily. Now they have to take a long route, taking more than 30 minutes to and fro. All this using a busy road, making it risk. Two children learning in public schools and the public at large , they now have to use only one crossing point taking a longer winding route to crossing from one to the other.
8. The working conditions of workers has never been human. The toilets at the construction side were poorly done, got filled and during rainy season used to overflow. This was allegedly rectified when it came to their attention that there was a complain on the project . Those spoken to claim that milk is never given to them as required, no protective cover , poor working relationships.

Will be sending pictures.

Thanks.





The  
Inspection  
Panel

THE WORLD BANK

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## COMPLAINT (REQUEST FOR INSPECTION) FORM

### To:

The Executive Secretary, The Inspection Panel, The World Bank, MSN: MC 10-1007

1818 H St., NW, Washington, DC 20433, USA. Fax: +1(202)-522-0916. Email: [ipanel@worldbank.org](mailto:ipanel@worldbank.org)

### Section 1: Complaint

1. What harm do you believe the World Bank-financed project caused or is likely to cause to you or your community? Please describe in as much detail as possible.

[REDACTED] has observed that residents of [REDACTED] county in Kenya face risks of exposure to hazardous pollutants due to the on going construction of the Webuye- Kitale road.

The Webuye fly-over construction has compromised the community health and safety exposing vulnerable members of the public exposure to contaminated air, dust effect on animals and humans, plus social economic impact, with likely long term negative impact to those affected.

There is environmental degradation at the construction site.

Increased debris.

Increased dust quantities from [REDACTED] and air pollution from construction affecting vendors and their commodities, disrupting businesses.

Increase in noise pollution due to heavy construction equipments.

Oil spillage from construction machinery and equipments.

Disruption of normal services.

Increase in organic and inorganic solid waste generation.

2. What is the name of the World Bank project? (If known)

KISUMU- KAKAMEGA- WEBUYE- KITALE ROAD(A1), LOT3: WEBUYE- KITALE ROAD.

3. Where is the World Bank project located? (Please include country name)

Webuye – Kitale Road, Kenya

4. Do you live in the project area?

Yes

5. Have you previously reported your concerns to World Bank management? If yes, please provide the details about those communications and explain why you are not satisfied with the Bank's action in response.

No

6. If known, please list the World Bank's operational procedures you believe have not been followed.

Stakeholder Engagement and Information Disclosure. Stakeholder feedback to inform project design in the identification and mitigation of environmental and social risks and impacts. Continuous assessment of risks and impacts. Supporting active and inclusive engagement with project affected parties.



7. Do you expect any form of retaliation or threats for filing this complaint to the Inspection Panel?

YES

## Section 2: Contact Information

8. Are you complainants or a representative of complainants?

Complainants: ☐ Representing a complainant or community: ☒

9. Would you like your name and contact details to be kept confidential? *(The Inspection Panel will not disclose your identities to anyone without your prior consent.)* Yes ☐ No ☐

10. Complainants' Names (Minimum two names and signatures are required):

Complainant 1		Complainant 2	
Name	<input type="text"/>	Name	<input type="text"/>
Address	<input type="text"/>	Address	<input type="text"/>
Phone	<input type="text"/>	Phone	<input type="text"/>
Email	<input type="text"/>	Email	<input type="text"/>

11. We, the undersigned, request the Inspection Panel to investigate the issues described above.

Signatures *(More signatures can be sent as an attachment document):*

<input type="text"/>	<input type="text"/>
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### NOTES:

- Please attach supporting documents, if available.
- If you have any difficulty in completing the form, please contact the Inspection Panel at [ipanel@worldbank.org](mailto:ipanel@worldbank.org) or by phone: +1-202-458-5200.