



Center For Justice Governance And Environmental Action

NUCLEAR ENERGY AND POLICY IN KENYA

Kenyans within Kilifi county and the Uyombo community that has been earmarked for the first Nuclear reactor in Kenya continue to have unaddressed questions around energy policies and nuclear power. Kenya has no experiences on the political, Environmental, societal and scientific debate about the pros and cons of nuclear power (including alternatives such as renewable energies), the government of Kenya is developing plans to set-up nuclear power plants in coastal regions with minimal knowledge, skill expertise and resources for such operations.

A strategic environmental and social assessment (SESA) was commissioned and published by Nuclear Power and Energy Agency (NuPEA), however, some of the information outlined in the report are incomplete and potentially biased, which will limit profound decision-making and a broader societal exchange in Kenya.

The Environmental Management and Coordination Act (EMCA 1999) calls for application of the precautionary principle in developments with the potential to cause serious and irreversible damage to the environment. This therefore requires any development project to carry out scientific studies i.e. Environmental Impact Assessment before commissioning of the development projects especially those that operate in handling hazardous components such as nuclear energy.

From research that has been conducted recently, the nuclear sites are zoned for Kilifi and Kwale counties along the coastline. Our area of focus is Kilifi County. Kilifi County has a population of 1,453,787 according to census of 2019 and is home to 4,153 fishermen and has a total of 199,674 families practicing agriculture in 112,879 ha piece of land. The county has continued to support education programmes with 1550 ECDE centres, 41 vocational training centres, 538 primary schools and 86 secondary schools.

The proposed nuclear power plant has the potential of causing detrimental socio-economic impacts to the local communities as per the statistics above.

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Some of the Questions raised by the communities include:-

LEGAL GAPS

1. Kenya has not signed the Vienna Convention on Nuclear that covers liability and Compensation.
2. The legal framework for Management of Nuclear plant in Kenya is not adequate:
- EMCA is weak on risks assessment, liability and compensation
3. There is no effective legal framework for disaster management in Kenya- going by how they manage floods, drought and other disasters
4. There are no existing guidelines on health impact assessment with respect to projects and related disasters
5. There is no existing policy framework for radioactive waste management.
6. There is no remediation policy in Kenya
7. There is no proven need for nuclear as Kenya suffers no energy deficit. In addition Kenya has geothermal resources which is clean energy and the risks attached to it are less.
8. The SESA report was not done by professionals in nuclear energy and radioactive waste management.

SECURITY

1. The plant location is near Somalia which country has harbored terrorists for the longest time.

HUMAN RIGHTS CONCERNS

1. Historical Land injustices are a common and rampant Issue around the coast where communities are easily displaced from ancestral Lands because of lack of title deeds. The Uyombo community land had already been adjudicated waiting for the issuance of land title deeds. However, the issue of the reactor in the community has halted the process with NUPEA indicating interest in the same land. This has left the community that has occupied the land for decades at risk of losing their ancestral homes.
2. The proposed buffer zone for the Nuclear plant is said to be an army Base. The community is concerned that they will become a high target for terrorists if an army base is set up within their community.

ENVIRONMENTAL GAPS

1. Nuclear energy is not a renewable source of power, countries in Europe who proudly branded it as 'green' based solely on lack of carbon output and expanded it widely, like France and Germany, are now trying to scale it back. They have run out of space in which to store the waste. Or they are trying to palm it off on developing countries by paying huge sums for the future 200,000 year problem to go away.
2. Kenya has enough natural resources to not only avoid these issues, but also to become a shining light of cheap, green low impact living on the international stage (for less public investment). In short, there is nothing positive to recommend this decision for the plant, especially from the point of view of attracting much needed foreign investment to the coastal area.
3. Tourism as an industry is changing, as the wild natural world shrinks, places that offer untouched wilderness will gain exponentially in value, something that Kenya has in spades. But the government needs to recognise the 'green gold' this country has and step in to preserve this valuable resource. There's a lot more money to be made taking advantage of this than from an anachronistic, potentially dangerous and deeply toxic power source.

SOCIO-ECONOMIC GAPS

1. Watamu & environs will suffer irreparable damage in the sphere of tourism.
2. The fishing industry would invariably be adversely affected by the recycled cooling water.
3. Kilifi town is fast gaining an internationally recognized reputation as an eco-destination, which is starting to attract and new type of tourist to the area and to Kenya E.G [Beneath the Baobab international event](#). This diversifies the Kenyan offering past the beautiful game reserved, broadens the attraction and will bring much needed jobs and wealth to the coastal region.
4. The fact that Kenya already generates 90% of its power from renewable sources should be a point of HUGE national pride, and further targets to make that 100% is something that attracted me hugely as an investor in the country.
5. Even putting aside the drain on the public purse, environmental impact and safety concerns, who wants to holiday anywhere near a Nuclear reactor - whether one is traveling from Nairobi or New York - the mere existence of such will negatively impact people's decisions to visit the area.