



25 years Netherlands Commission for  
Environmental Assessment

## RWANDA (DRIVE)

# Advisory Review of the updated Environmental and Social Impact Assessment for the Lake Kivu Water Transport Project



15 November 2019  
Ref: 7316



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## Advisory Report by the NCEA

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<b>Title</b>	<b>Advisory Review of the updated Environmental and Social Impact Assessment for the Lake Kivu Water Transport Project – Rwanda – DRIVE</b>
<b>To</b>	The Netherlands Enterprise Agency (RVO.nl)/DRIVE
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<b>Date</b>	15 November 2019
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## Abbreviations

DRC	Democratic Republic of Congo
EHS	Environmental and Health Safeguards
ESIA	Environmental and Social Impact Assessment
ESMP	Environmental and Social Management Plan
IFC PS	International Financing Corporation Performance Standards
GRM	Grievance Redress Mechanism
LKMP	Lake Kivu Monitoring Programme
NCEA	Netherlands Commission for Environmental Assessment
PAP	Project Affected Person
RAP	Resettlement Action Plan
RDB	Rwanda Development Board
REMA	Rwanda Environmental Management Authority
RNP	Rwanda National Police
RTDA	Rwanda Transport Development Agency
RVO	Netherlands Enterprise Agency
TMEA	TradeMark East Africa
ToR	Terms of Reference

# 1. Introduction

## 1.1 Project Description

The Rwanda Transport Development Authority (RTDA) has identified inland water transport on Lake Kivu as an additional safe and efficient mode of transportation. Through the development of several Rwandan ports and navigational aids Rwanda aims to provide the basis for enhanced development opportunities. Regulation (e.g. customs), efficiency of passenger and cargo handling and enforcement of safety standards of (ferry) operators are also among the objectives of this intervention.

The project contributes to the larger objective to enable access points for cross-border trade directly across Lake Kivu, to the Democratic Republic of Congo (DRC) and the to-be-built four Rwandan ports. In addition, according to two feasibility studies prepared by WAPCOS and by HPC and Sellhorn, a large increase of small-scale traders and cargo shipments between the cities on the Lake is predicted. This increased demand for enhanced transport and opportunities for small-scale traders will be met by the ferry service.

Lake Kivu is one of the African Rift Lakes, approximately 90 km long and at most 50 km wide. The lake is one of three lakes in the world known to undergo limnic eruptions<sup>1</sup>, meaning that lake stability requires special attention for any project located in its vicinity.

The ports are located close to villages or within urban limits along Lake Kivu. The port area surfaces vary between 1.0 and 1.8 hectares. The final design of the ports has not yet been completed, although several accessories such as one or two jetties, immigration posts, and cool storage have already been confirmed. During the construction phase, dredging and piling is foreseen to take place. The selected sites include pre-existing domestic and economic activities, meaning that resettlement is part of the project. At the time of this review, most resettlements have already taken place.

In 2016, WAPCOS completed an EIA for the seven ports that will be part of the project. The content of the EIA was based on a Terms of Reference (ToR) which had been prepared by the Rwanda Development Board (RDB) in 2014. Upon completion, the EIA was reviewed and approved (with conditions attached) by the RDB in 2016 and reviewed by one of the financiers of the project, TradeMark East Africa (TMEA).

The Netherlands Enterprise Agency (RVO) is considering co-financing the development of four of the seven ports: the three major ports of Rubavu, Karongi and Rusizi, and the subsidiary port of Nkora. In order to get a better understanding of the environmental and social impacts of this project and the way these impacts are managed, RVO has requested the Netherlands Commission for Environmental Assessment (NCEA) to conduct an independent review of the Environmental and Social Impact Assessment (ESIA) for this project.

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<sup>1</sup> In a limnic eruption, the carbon dioxide and methane gases that have been dissolved in the lake are suddenly released, causing a large cloud of these gases to emerge from the lake. As these gases are poisonous to humans and (most) animals, it can have disastrous effects on the large population living along the lake.

## 1.2 NCEA Approach

In May 2019, a working group of the NCEA conducted a review of the 2016 WAPCOS environmental Impact Assessment. Subsequently, RVO has demanded an update of the WAPCOS report to ensure that—amongst others—the recommendations of the NCEA are incorporated. The draft updated ESIA<sup>2</sup> was shared with the NCEA in October 2019 for a second review.

In its second review, the NCEA has based itself on its previous recommendations; it has also made other observations based on new information in the updated ESIA. The NCEA made use of the following reference frameworks:

- Rwandan legislation on ESIA;
- The IFC Performance Standards (PS);
- International good practice on water transport systems, including Environmental, Health and Safety Guidelines of the World Bank Group.

The working group to review the updated ESIA was composed of the same experts as the working group for the previous advice (information on the working group can be found in the colophon). Considering the fact that the NCEA had recently conducted a site visit to the four port locations for its previous review and that it has had the opportunity to speak with relevant stakeholders, this review of the updated ESIA was conducted without a site visit.

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<sup>2</sup> The updated document is referred to as an ESIA. In the first impact assessment the inclusion of social impacts was not required by the ToR, which resulted in a document which was called an EIA. For the update, social impacts were included, and the document is referred to as an ESIA. In its review, the NCEA uses the term ESIA to refer to the update.

## 2. Main Review Conclusions

In its previous review, the NCEA had identified four areas of concern. These include the ESIA process, environmental impacts, social impacts, and cumulative impacts. The NCEA notes that several of the recommendations have been followed-up and improvements have been made. However, the four areas of concern still contain shortcomings, which are discussed in detail in 2.1–2.4.

Apart from this, the NCEA noted some general shortcomings in the following areas:

1. Internal consistency of the report;
2. Complete consideration of impacts;
3. Guarantees that the Environmental and Social Management Plan (ESMP) will adequately address impacts.

First, the ESIA should have more internal consistency between the separate elements. Normally the assessment of impacts should build upon the baseline and project description, and the mitigation measures, monitoring efforts, and the Environmental and Social Management Plan (ESMP) should in turn be based upon the assessed impacts. Currently, the link between risks / impacts and their mitigation measures is often not straightforward and therefore it is challenging to evaluate the relevance of the proposed mitigation measures. For example, the Provisional Monitoring Plan (Table 44) mentions the implementation of a biodiversity action plan, which was not mentioned earlier in the document.

Second, the ESIA update is still lacking in completeness: Supporting data on various topics such as employment (executive summary), impacts on air quality (p 104–106) and risks of collision among vessels, local boats or obstacles with related consequences is insufficient or missing (specific examples are discussed in more detail in the paragraphs below). In short, the treatment of environmental impacts in the ESIA is not detailed enough. Although this may be allayed by a solid ESMP, this is not the case for this ESIA.

Third, the document does not give confidence that the ESMP will be able to sufficiently address negative impacts as they arise. Very clear agreements and commitments on impact management must be made before project construction can be considered. The table on the ESMP is missing indicators such as budget, timing, as well as monitoring indicators. Also, there is no consistency between the impact description in Tables 37, 38 and 39 (which include only social impacts) and Tables 43 and 44 ESMP and Monitoring, resulting in a mix of impacts, measures and monitoring efforts which do not have a clear relation to each other.

### 2.1 ESIA Process

In its previous advice the NCEA made two recommendations on the ESIA process:

- a) Promote transparency and consistency by including the most recent information on project design, resettlement, etc. in the ESIA. Ensure that all relevant information is included in the annexes of the ESIA (including the RAP).
- b) The ESMP of the ESIA has not yet been established, and impacts are expected to be managed through adaptive management. The NCEA recommends that a framework of who is responsible for each aspect of monitoring, and who can be held responsible for resolving issues that are identified during monitoring is included in the ESIA.

The first recommendation has partially been followed up. The update includes latest project design, supporting projects and renewed data. For example, the ESIA now makes references to more recent project documents such as the feasibility study, Sellhorn BoQ, and RAP. However, as stated above, some parts of the ESIA are still missing. For example, the RAP is not included as an annex. To promote transparency and accessibility of essential project information for all, these documents should be included in the publicly available ESIA documents.

Concerning recommendation b), the NCEA has noted the risks associated with completing the Environmental and Social Management Plan (ESMP) at a later phase (adaptive management). To a certain extent, by listing those responsible for various aspects of plans, the updated ESIA has responded to these concerns. However, most plans must still be submitted by the Contractor in cooperation with the RTDA, and it is not clear when and how this will happen and what the contents of these plans will be.

There are still concerns whether the ESMP will be adequate: the ESMP framework suffers from inconsistencies. As mentioned above, mitigation measures do not logically follow from impacts and baseline data provided in previous chapters. Also, the ESMP does not contain a budget for the implementation of the measures, nor does it contain assurances that budget will be available if, for example, dredging turns out to have significant impacts (see 2.2). This is concerning because there can be unexpected impacts caused by activities during construction or operation.

The NCEA recommends that the RAP and the status of its implementation be included in an annex of the ESIA, as this is an important aspect of social impact mitigation and to improve process transparency.

With relation to the ESMP, the NCEA recommends that if adaptive management is used as impact managing instrument, the monitoring responsibilities and mitigation budget are clearly defined. The timeline for completion of the plans listed in the chapter 8 should be included.

## 2.2 Environmental Impacts

The environmental impacts include four main areas of concern, which have been discussed in the previous review of the NCEA. Recommendations included:

- a) Risk of limnic eruption: The EIA should include a detailed geotechnical study covering the Lake Kivu's coastal zones and detailed bathymetric maps.
- b) Dredging: A geotechnical study should be included and should contain information on the reuse of dredged materials in land reclamation or disposal methods.
- c) Monitoring and management of impacts on ecosystem services: the outlines of various plans should be included in the project design, including dredging management plan, waste management plan, hazardous materials management plan, etc.
- d) Fuel spills: it is recommended to include a fuel spill response plan, for the eventualities of boat collisions or other occurrences that can lead to spills.

Limnic eruption is briefly mentioned in the updated ESIA, but it has not been adequately addressed. The project description indicates there may be activities such as blasting, piling, and

disposal of dredged material in the lake (depending on the nature of the material). A geotechnical survey has not been done yet. Careful assessment is required to assess this risk, as stated in the previous NCEA advice. The NCEA notes that use can be made of biophysical studies on other stratified lakes that may overturn under different pressures.<sup>3</sup>

The dredging impacts have been updated, and new data is provided. Rather than the initial 5.5 million m<sup>3</sup> that was foreseen, the ESIA now speaks of around 170.000 m<sup>3</sup> of dredged material. However, even though reference is made to the feasibility study, it still does not become clear where this number comes from. Also, the dredging method and manner in which the material will be reused or disposed of is still not included in the ESIA. The ESIA states that dredging costs can vary between \$30 to \$300 per m<sup>3</sup>—this is a wide range and can have significant impacts on the overall budget of the project. The various types of material will also have an influence on the magnitude of the impacts of dredging (especially if blasting will be necessary). Here, too, the ESIA would profit from a geotechnical study.

Most of Lake Kivu's ecosystem services and processes are concentrated along the edge of the lake, a vital zone of the receiving environment. This is also the area where most negative impacts on the biological environment will take place. For this reason, impacts such as sound and the creation of dust plumes must be carefully assessed, monitored, and included in management plans. The outlines of various plans recommended by NCEA in its previous review advice (paragraph 2.2.3) have not been included in the update (even though they are referred to in the chapter on the ESMP). See also 2.1.

The risk of fuel spills is considered unlikely in section 7.25, while the priority is high in the ESMP (Table 43). Thus, there is still a need of an estimation of the actual risks by looking at the fuel consumption, holding tanks of the boats, refuelling methods and frequencies, risks of collisions compared to international statistics on fuel spills. As with other management plans, there must be assurances that they will be present before the construction phase.

The NCEA recommends that impacts on the receiving environment that includes the biological components, in particular in the expected zone of influence, are assessed more comprehensively and then followed by the description of consistent mitigation measures.

The NCEA recommends including guarantees that the list of plans foreseen in the ESMP structure will be completed within the right timeframe (for most this means before construction begins). As mentioned in the previous review, these plans include:

- Dredging, Soil and Drainage Management Plan which includes a discussion of the potential difference between dredging methods and impacts, and which includes control procedures for resuspension, sedimentation, run-off, and erosion;
- Fuel and Chemical Spill Prevention and Contingency plans;
- Waste and sewage Management and Disposal Plan (including bilge water treatment);
- Hazardous Materials Management Plan;
- Emergency Action and Response Plan identifying potential emergencies (like earthquakes, fire, collision of ships or construction equipment, accidents with ferries), countermeasures, responsibilities, response equipment, and communication lines.

<sup>3</sup> Although Lake Kivu is unique in the combination of stratification and dissolved gasses, there are many stratified lakes around the world. The ESIA can profit from studies on the way construction activities have impacts in stratified lakes.



## 2.3 Social Impacts

In its previous review, the NCEA recommended that

- a) The assessment should include social impacts during the construction phase (e.g. hired workers from other areas, potentially leading to Gender Based Violence) and the operation phase (e.g. social changes because of predicted economic development).

The ESIA has shown improvement by including relevant social impacts such as health and safety. For example, the ESIA includes a discussion on the risk of spread of Ebola and HIV/Aids in the main text (p85) and in the ESMP table (p152).

However, the description of social impacts suffers from the same deficiencies as some of the other impacts. For example, the clarity of responsibilities in the ESMP is limited for the social aspects: it is not clear which impacts are monitored by the contractor and which ones by the RTDA; it also seems likely that other stakeholders might be involved. Also, some activities (for instance Illegal activities) only receive minimal attention, without including an explanation on why it is important, data on the impacts, or proposed mitigation measure.<sup>4</sup> Finally, Gender Based Violence is not included in the update.

One important form of social impact is the resettlement which has to take place before construction can start. In 2019, most of the resettlement had already taken place, and a RAP was drafted as well. However, the ESIA does not clarify whether *all* resettlements have taken place, and if this is not the case, how many people still need to be resettled. And as mentioned before, the ESIA does not make a direct link to the RAP, where these impacts should be discussed. The RAP is not included as annex in the ESIA, which is concerning because of the necessity to compensate negative effects (such as incomplete compensation of traders in Rusizi, as stated by the ESIA on page 123 and follow-up with a livelihood restoration plan as mentioned in the ESIA on page 147).

In short, the ESIA is improved as compared to the EIA, thanks to the inclusion of the social impacts. Still, the shortcomings of the EIA have only slightly been addressed, and proposed mitigation measures for social risks don't give enough confidence in their relevance, and effectiveness, nor have responsibilities to monitor social risks been clearly identified.

The NCEA recommends that the social impacts and their mitigation measures are described in a more consistent manner, and that management of impacts is guaranteed in the ESMP. The current state of the implementation of the RAP should be described in the ESIA, as well as including the RAP itself in an annex of the ESIA.

<sup>4</sup> The ESIA does include the establishment of a Grievance Redress Mechanism, which is an improvement over the previous version. However, in the current text the GRM is considered a mitigation measure. A GRM is not a mitigation measure, but rather an instrument to deal with problems that arise if mitigation is not done correctly.

## 2.4 Cumulative Impacts

When discussing cumulative impacts of the project in its previous review, NCEA advised

- a) To include associated facilities (and their risks and impacts) in the description of the project's area of influence, as is required by IFC PS1.
- b) To draft a strategic policy for the transport system (lake and land), where relevant long-term developments such as roads, markets, increased water transport, and economic growth are charted and planned in relation to the ports and each other.

The ESIA is improved in that associated facilities are mentioned, such as access roads and shipyard for maintenance, quarries, markets, induced development. There is, however, limited information about the shipyard, quarries and markets—they are mentioned, but there is no discussion of their impacts. Although induced developments around the ports are mentioned, a complete description of cumulative impacts is not included, nor are mitigation measures proposed.

A separate ESIA will be done on one of the access roads, which will be of considerable length.

Recommendation b) was aimed at Rwandan authorities and is more relevant in the medium term; as no new information on this topic is included in the updated ESIA, it will not be discussed in this review. The recommendation remains valid, however.

The NCEA recommends that the section on cumulative impacts is completed to include an analysis of the impacts of induced developments and that mitigation measures for the cumulative impacts are included in the ESIA.

### 3. Comparison IFC PS

According to the introduction, the ESIA has been updated to include reference to the IFC Performance Standards, as required by RVO. In its previous advice, the NCEA has reviewed to what extent the relevant IFC PS are adequately addressed in the EIA and presented this in a list. This list has been revisited for the NCEA's advice on the updated ESIA.

In general, the NCEA notes that the updated ESIA includes more references to the IFC PS, which is an improvement over the previous EIA. However, there are still several shortcomings with regards to following the IFC PS. Below, the NCEA has revisited this list, and for each shortcoming it has indicated whether:

- The shortcoming has been adequately addressed (green)
- The ESIA has shown some improvement, but requires further information (orange)
- The shortcoming is still present, no change has taken place (red)

Note: if a recommendation has received an orange colour, this does not mean that it has been sufficiently addressed. More work is still required to meet the IFC PS.

The NCEA recommends remedying these shortcomings and to pay special attention to the monitoring during project implementation.

<b>IFC Performance Standard 1: Social and Environmental Assessment and Management Systems</b>	
<p><b>Objectives:</b></p> <ul style="list-style-type: none"> <li>• To identify and evaluate environmental and social risks and impacts of the project.</li> <li>• To adopt a mitigation hierarchy to anticipate and avoid, or where avoidance is not possible, minimise and where residual impacts remain, compensate/offset for risks and impacts to workers, Affected Communities, and the environment.</li> <li>• To promote improved environmental and social performance of clients through the effective use of management systems.</li> <li>• To ensure that grievances from Affected Communities and external communications from other stakeholders are responded to and managed appropriately.</li> </ul>	<p><b>Shortcomings:</b></p> <ul style="list-style-type: none"> <li>• Social risks and impacts are not covered sufficiently in EIA. The description of social economic impacts caused by environmental impacts, e.g. on ecosystem services, is lacking.               <ul style="list-style-type: none"> <li>○ <b>As explained in the main text, although improvements have been made there are still essential shortcomings in the description of impacts.</b></li> </ul> </li> <li>• The EIA does not contain a description of the assessment framework used.               <ul style="list-style-type: none"> <li>○ <b>Not included in the update.</b></li> </ul> </li> <li>• In the impact assessment methodology used, the magnitude of potential impacts is not made explicit. As a result, the effectiveness of proposed measures remains uncertain. In addition, the magnitude of impacts remains unclear in case a measure will not be implemented or proves to be ineffective.               <ul style="list-style-type: none"> <li>○ <b>No description of the assessment framework present. There are also still inconsistencies in impact magnitudes and mitigation measures.</b></li> </ul> </li> <li>• The ESMP does not provide sufficient information with regard to those assigned</li> </ul>

<ul style="list-style-type: none"> <li>• To promote and provide means for adequate engagement with Affected Communities.</li> <li>• Throughout the project cycle on issues that could potentially affect them and to ensure that relevant environmental and social information is disclosed and disseminated.</li> </ul>	<p>responsibility, nor how the project will enhance their existing capacity to deliver effectively.</p> <ul style="list-style-type: none"> <li>○ This has been improved, but the ESMP still lacks guarantees that impacts will be managed (budget, responsibilities, key performance indicators, timeline).</li> <li>• Cooperatives and unions, as representatives of the pelagic and traditional fishermen, should be involved in the monitoring of the economic and social impacts during and after construction. <ul style="list-style-type: none"> <li>○ This recommendation has not been discussed in the update.</li> </ul> </li> <li>• The NCEA notes that the Lake Kivu Monitoring Programme (LKMP) already independently monitors various relevant environmental indicators. In addition, they will build a new laboratory in Rubavu port. The RTDA could consider involving LKMP in monitoring. <ul style="list-style-type: none"> <li>○ In the ESMP the LKMP is mentioned as a potential partner for monitoring.</li> </ul> </li> </ul>
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### IFC Performance Standard 2: Labour and Working Conditions

<p>Objectives:</p> <ul style="list-style-type: none"> <li>• To promote the fair treatment, non-discrimination and equal opportunity of workers.</li> <li>• To establish, maintain, and improve the worker-management relationship.</li> <li>• To promote compliance with national employment and labor laws.</li> <li>• To protect workers, including vulnerable categories of workers such as children, migrant workers, workers engaged by third parties, and workers in the client's supply chain.</li> <li>• To promote safe and healthy working conditions, and the health of workers.</li> <li>• To avoid the use of forced labour.</li> <li>• See PS4 for comments on occupational health and safety.</li> </ul>	<p>Shortcomings:</p> <ul style="list-style-type: none"> <li>• The Rwandan legal and institutional system includes many useful safeguards to prevent issues such as child labour. However, from the EIA it does not become clear who will be responsible for the screening of contractors and how they will be monitored on compliance. The ESMP should describe the way how the contractors' performance in their compliance to the procedures (as proposed in this EIA), as well as to applicable national employment and labour laws is monitored. This needs to be monitored in order to be sure that the good intentions are being put into practice. <ul style="list-style-type: none"> <li>○ The ESIA acknowledges that child labour takes place in Rwanda (80). A 'Human Resources Policy' is proposed (119), for whom the contractor/RTDA is responsible. This document has not yet been completed.</li> </ul> </li> <li>• For various reasons, not all employees receive minimum wage in Rwanda. The EIA should explain how the proponent will guarantee fair income during construction and operation. A recruitment and labour plan should be prepared for construction and operation. An outline should be included in the EIA. <ul style="list-style-type: none"> <li>○ Not covered in update</li> </ul> </li> </ul>
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<b>IFC Performance Standard 3: Resource Efficiency</b>	
<p>Objectives 3:</p> <ul style="list-style-type: none"> <li>• To avoid or minimise adverse impacts on human health and the environment by avoiding or minimizing pollution from project activities.</li> <li>• To promote more sustainable use of resources, including energy and water.</li> <li>• To reduce project related GHG emissions.</li> </ul>	<p>Shortcomings:</p> <ul style="list-style-type: none"> <li>• The dredging operation will result in dredged materials which need to be disposed of or which can be reused for land reclamation. Since the quality of the materials is not known at this stage, the disposal or reuse options are unclear. This may result in unknown impacts and risks, depending on the end use chosen. The planned geotechnical survey of the materials should define the disposal and reuse opportunities. An estimation of the soil balance should be prepared to know the volumes to be dredged, to be reused, to be disposed and to be sourced for land reclamation. This should be done for each port individually (see 2.2.2). <ul style="list-style-type: none"> <li>◦ See recommendations in main text.</li> </ul> </li> <li>• It is unclear whether dredging will lead to increased GHG emissions. This depends on the composition of the dredged materials; it should be included in the dredging management plan (see 2.2.1 and 2.2.2.). <ul style="list-style-type: none"> <li>◦ See recommendations in main text.</li> </ul> </li> <li>• Further hydrodynamical investigation (such as a more detailed bathymetric maps) is necessary to determine the refreshment rates of affected waters in the bays. This is necessary to better understand the impact of increased turbidity caused by construction activities. With the current information it is not clear whether mitigation measures proposed will be sufficient (see also below, PS6). <ul style="list-style-type: none"> <li>◦ No geotechnical study has been conducted. The ESIA proposes to include this in the dredging management plan, which has not yet been completed. 6-monthly inspections are too infrequent during construction phase.</li> </ul> </li> </ul>
<b>IFC Performance Standard 4: Community Health, Safety and Security</b>	
<p>Objectives:</p> <ul style="list-style-type: none"> <li>• To anticipate and avoid adverse impacts on the health and safety of the Affected Community during the project life from both routine and non-routine circumstances.</li> <li>• To ensure that the safeguarding of personnel and property is</li> </ul>	<p>Shortcomings:</p> <ul style="list-style-type: none"> <li>• The EIA currently contains only a limited analysis of potential health and safety risks for local communities during the construction and operational phase. Only immediate safety and health risks because of the most immediate activities (e.g. increased traffic) are dealt with. Attention should be given to for example health risks related to activities of future trade markets,</li> </ul>

<p>carried out in accordance with relevant human rights principles and in a manner, that avoids or minimises risks to the Affected Communities.</p>	<p>increased use of energy sources, and increased risks of diseases as a result of influx of foreigners. Special attention should be given to the risk of Ebola, which might spread through cross-border transport.</p> <ul style="list-style-type: none"> <li>○ A paragraph on Sewage treatment is included in the ESIA. However, this does not cover the entire liquid waste management cycle, nor does it support its conclusions with specific data. This makes it difficult to discern whether the impacts will truly be 'moderate'. The measures necessary to treat waste are not defined, but rather relegated to the ESMP.</li> <li>• When describing the potential impact of noise, the EIA states that nearest residential area is 1 km away from the project site. However, nearest residential areas are located closer to the port than 1 km. Thus, the effects of noise should be stated more accurately. <ul style="list-style-type: none"> <li>○ The ESIA's description of noise impacts has improved. It is also included in the ESMP. However, this could be done more specifically by including data on maximum noise levels and specifying who is responsible for monitoring. Also, the ESIA has some notable inaccuracies, such as the fact that the noise receptor is not an industrial site, but rather residential, so 55 and 45 dB apply instead.<sup>5</sup></li> </ul> </li> </ul>
<b>IFC Performance Standard 5: Land Acquisition and Involuntary Resettlement</b>	
<p>Objectives:</p> <ul style="list-style-type: none"> <li>• To avoid and, when avoidance is not possible, minimise displacement by exploring alternative project designs.</li> <li>• To avoid forced eviction.</li> <li>• To anticipate and avoid or, where avoidance is not possible, minimise adverse social and economic impacts from land acquisition or restrictions on land use by (1) providing compensation for loss of assets at replacement cost and (2) ensuring</li> </ul>	<p>Shortcomings:</p> <ul style="list-style-type: none"> <li>• The EIA does not describe how the project locations were selected. During the field visit, the NCEA understood that the locations and project design have been adapted so as to avoid unnecessary displacement. Stakeholders (such as the RNP) have been included in this process. This process should be described in the EIA. <ul style="list-style-type: none"> <li>○ No change.</li> </ul> </li> <li>• Engagement of affected communities is not well-recorded, and minutes are not included in the EIA or the RAP. These should be attached in an update of the EIA (see 2.1.1 previous review). <ul style="list-style-type: none"> <li>○ No change, see recommendations.</li> </ul> </li> </ul>

<sup>5</sup> See <https://www.ifc.org/wps/wcm/connect/4a4db1c5-ee97-43ba-99dd-8b120b22ea32/1-7%2BNoise.pdf?MOD=AJPERES&CVID=Is4XYBw>.

<p>that resettlement activities are implemented with appropriate disclosure of information, consultation, and the informed participation of those affected.</p> <ul style="list-style-type: none"> <li>• To improve, or restore, the livelihoods and standards of living of displaced persons.</li> <li>• To improve living conditions among physically displaced persons through the provision of adequate housing with security of tenure at resettlement sites.</li> </ul>	<ul style="list-style-type: none"> <li>• Resettlements are mostly completed. Recording of the implementation of the process should be available (see. 2.1.1). <ul style="list-style-type: none"> <li>○ No change, see recommendations.</li> </ul> </li> </ul>
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**IFC Performance Standard 6: Biodiversity Conservation & Sustainable Management of Living Natural Resources**

<p>Objectives:</p> <ul style="list-style-type: none"> <li>• To protect and conserve biodiversity</li> <li>• To maintain the benefits from ecosystem services</li> <li>• To promote the sustainable management of living natural resources through the adoption of practices that integrate conservation needs and development priorities.</li> </ul>	<p>Shortcomings:</p> <ul style="list-style-type: none"> <li>• The taxonomic assessment of the EIA seems a temporal ‘snap-shot’ of a limited number of animal and plant species and is incomplete. There are some species in the Lake Kivu area which are considered endangered and were not considered in the EIA. This assessment should be done comprehensively and needs to cover the status and trends of all important and endangered species of the animal and plant classes, like the ones above, in the potentially impacted lake and land areas at the proposed development sites. <ul style="list-style-type: none"> <li>○ No new information on the biodiversity / taxonomy (chapter 5.9) is presented. The statement that “Lake Ecology has been covered comprehensively in the WAPCOS EIA” is not correct.</li> <li>○ The argument that zones of ecological importance are far from the ‘project of influence’ is generally unfounded and no new information is presented.</li> </ul> </li> <li>• The EIA does not pay enough attention to potential adverse impacts of construction and operation on the specific lake shore zones and their environments. Specifically, construction activities such as dredging and piling create sediment plumes (increased turbidity) and can lower oxygen levels, increase pollution and hinder feeding and spawning of fish. In turn, this results in decreased fish populations. Because of the limited refreshment rate in the bay areas</li> </ul>
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	<p>and the stratified nature of the lake, turbidity plumes remain relatively stagnant.</p> <ul style="list-style-type: none"> <li>○ A biodiversity action plan is referred to in Table 44. However, the background of this plan is unclear, nor is the plan itself included in the ESIA.</li> </ul>
<b>IFC Performance Standard 7: Indigenous Peoples</b>	
<p>Objectives:</p> <ul style="list-style-type: none"> <li>• To address the need to avoid or minimise impacts on indigenous peoples.</li> <li>• To ensure sustainable and culturally appropriate development of benefits and opportunities.</li> <li>• To ensure Free, Prior and Informed Consent (FPIC) of all peoples.</li> </ul>	<p>Shortcomings:</p> <ul style="list-style-type: none"> <li>• The RAP states that the project will not affect directly any vulnerable PAPs. It is not clear whether this refers to indigenous peoples as intended by IFC PS7. The EIA should explicitly state whether indigenous peoples are affected and on what data and assumptions this statement is based. <ul style="list-style-type: none"> <li>○ The ESIA states that it is not known whether Twa are present.</li> <li>○ In addition, in the gap analysis it is stated that “Rwanda is a country with a single/common culture, tribe and language, with a National constitution that recognises all Rwandans are born and remain equal in rights and freedom (article 16 of Rwandan Constitution, 2015)”, which seems to imply that indigenous peoples are not recognized as such.</li> </ul> </li> </ul>
<b>IFC Performance Standard 8: Cultural Heritage</b>	
<p>Objectives:</p> <ul style="list-style-type: none"> <li>• To protect cultural heritage from the adverse impacts of project activities and support its preservation.</li> <li>• To promote the equitable sharing of benefits from the use of cultural heritage.</li> </ul>	<p>Shortcomings:</p> <ul style="list-style-type: none"> <li>• The EIA should explicitly state that no cultural heritage is affected. Also, it should state that if cultural heritage is touched upon unexpectedly, it will be handled in accordance with this IFC PS. <ul style="list-style-type: none"> <li>○ This shortcoming has been addressed by stating that an unexpected finding plan will be established.</li> </ul> </li> </ul>