



# **TANA WATER WORKS DEVELOPMENT AGENCY**

## **RESETTLEMENT ACTION PLAN (RAP) REPORT FOR CHUKA WATER LAST MILE CONNECTIVITY PROJECT**

**13 MAY 2024**



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## CERTIFICATION

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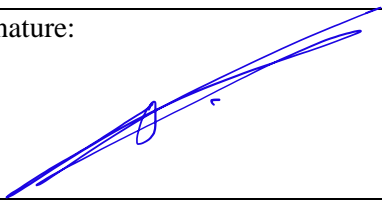
For and on behalf of:

### Tana Water Works Development Agency

This Resettlement Action Plan (RAP) Report was prepared in accordance to the requirements of national laws and policies governing Valuation and Resettlement and the African Development Bank's Integrated Safeguards System (ISS) of 2013 particularly the Operational Safeguard 2 on Involuntary Resettlement, Land Acquisition, Population Displacement and Compensation. We, the undersigned, confirm that the contents of this report are a true representation of the RAP process for the Proposed Last Mile Connectivity of the Chuka Water Project.

### Key Experts

S/No.	Name	Position in the Assignment
1.	Bernadett Wairimu	Team Leader, EIA/EA Lead Expert
2.	Edwin Otieno Oduor	Land Valuer and Surveyor
3.	Ezekiel Oranga	RAP Team Coordinator, Water and Sanitation Engineer
4.	Augustus Onyimbo	GIS Expert
5.	Caroline Ogindi	Crop Valuer
6.	Jackline Gicheru	Sociologist

Signed by Consultant	Signed by Client
Edwin Otieno Oduor, Land Valuer	Eng. Philip Gichuki
Signature: 	Signature: 
Date: 13 May 2024	Date: 13 May 2024

## EXECUTIVE SUMMARY

### 1. Compensation Summary Sheet

	Variables	Data
A. General		
1	Province/ County	Tharaka Nithi County
2	Municipality	Chuka
3	Village	Rubate and Chuka town areas
4	Activity(ies) that trigger resettlement	Implementation of Chuka Water LMC project
5	Project overall cost	<b>182,919,780.56</b>
6	Overall resettlement cost (KSh)	<b>3,081,379</b>
7	Applied cut-off date (s)	11 April 2024
8	Dates of consultation with the people affected by the project (PAP)	20 February 2024 to 11 April 2024
9	Dates of the negotiations of the compensation rates/prices	10 April 2024 and 11 April 2024
B. information		
10	Number of Number of Temporary Economically Displaced (PAP)	15
11	Number Physically displaced	None
12	Number Economically displaced	None
13	Number of affected households	15
14	Number of females affected	11
15	Number of vulnerable affected	None
16	Number of major PAP	None
17	Number of minor PAP	15
18	Number of total right-owners and beneficiaries	None
19	Number of households losing their shelters	None
20	Total area of lost arable/productive lands (ha)	None
21	Number of households losing their crops and/or revenues	None
22	Total areas of farmlands lost (ha)	None
23	Estimation of agricultural revenue lost (USD)	None
24	Number of buildings to demolish totally	None
25	Number of buildings to demolish at 50%	None
26	Number of buildings to demolish at 25%	None
27	Number of tree-crops lost	None
28	Number of commercial kiosks to demolish	1
29	Number of ambulant/street sailors affected	None
30	Number of community-level service infrastructures disrupted or dismantled	None
31	Number of households whose livelihood restoration is at risk	None

## 2. Brief Description of Project

The proposed Project is located in Chuka and Igamba ng’ombe sub counties in Tharaka Nithi County, which is part of Kenya's wider central region. The components of the existing system for Chuka Water Supply Project includes intake works on *Mara Manyi* River, raw water gravity mains, water treatment works at *Kiangondu* and *Kiarege* Treatment Works, transmission mains and storage tanks strategically located to ensure a gravity system. The proposed Last Mile Connectivity of Chuka Water Project is therefore designed to be connected to the existing system to achieve the following objectives:

- Raise water supply reliability in the target area.
- Reduce consumer connectivity distance.
- Widen consumer base thereby contributing to the long-term financial sustainability of water services.
- Improve household’s welfare via adequate service level.
- Improve on urban sanitation in the target area.
- Reduce the adverse impacts of water use on the ecosystems and biodiversity

Table 1 presents the design elements of the pipelines in the proposed system

**Table 1: Design elements of pipelines in the proposed system**

Sn	Name	Size (mm)	Length (km)
1.	Ikuu to Irugururu	250	11.8
2.	Ikuu to Rubate	90	5.48
3.	Rubate Line	90	7.7
4.	Ikawa Line	110	9.11
5.	Ikuu to Kagani Mixed	32	2.53
6.	Ikuu to Achiever’s boys	32	4.44
7.	Gacuuri Primary to Kanguru Primary	32	1.2
8.	Chera shopping centre to Karari Primary	32	2.49
9.	Kanyuru to Ngaani Primary	32	2.62
10.	Chera Market to Ikawa Secondary	32	1.56
11.	PCEA Ciamake to Kiamuchii Day school	32	2.94
12.	Kamwati Stage to Kamuguongo Primary	32	3.88

### Project Alternative Analysis

Assessment of project alternatives was done to determine the most appropriate development approach for the LMC of Chuka Water Project while minimizing adverse environmental and social impacts.

The ‘no action’ alternative option entails maintaining the current status quo of the water supply project in Chuka. The residents within the project areas would continue to rely on inadequate water supply systems, leading to inefficiencies and potential health risks due to waterborne illnesses. Additionally, the continued pressure on existing water sources may compromise

ecosystems downstream. Therefore, opting for the "No-action" alternative would not address the growing water supply needs of Chuka and may perpetuate existing challenges. Further, a huge investment has already been incurred on the existing system.

An "alternative project location" shall entail changing the proposed project locations. The proposed LMC of Chuka Water Project is designed to be connected to the existing system and therefore this option is not feasible. The project is also designed to utilize the road reserves and thus minimize issues of resettlement. The RAP study targeted business along the road reserve and structures which might be affected during the construction phase of the project. The anticipated impacts on livelihoods and loss of structures shall be mitigated through cash compensation in line with the agreement made with PAPs.

### **3. Objectives of Resettlement Action Plan**

The overall objective of the Resettlement Action Plan (RAP) is to provide a guide to the compensation and restoration of the Project Affected Persons (PAPs) who shall be impacted by the proposed Chuka Water LMC Project.

The specific objectives of the RAP include:

- Review of relevant national legal, policy and institutional framework and AfDB's Integrated Safeguards System (ISS), 2013 that outlines the Bank's requirements for development projects that may cause involuntary resettlement
- To conduct socio economic survey of all PAPs identified
- To provide clear details of the PAPs that will require compensation before project commencement
- To identify the impacts of PAPs and develop mitigation measures
- To develop entitlements for the PAPs for compensation and ensure their livelihoods are improved upon displacement
- To provide an institutional and implementation arrangements for RAP implementation
- To develop an M&E plan for the RAP implementation

### **4. Methodology for conducting the RAP study**

The RAP study was conducted using the following methods:

- i. Literature Review of relevant Kenyan legal, policy and institutional framework pertaining land management, tenure, acquisition and valuation; the applicable international standards and AfDB Integrated Safeguard System, 2013 particularly the Operational Safeguard 2 on Involuntary resettlement, land acquisition, population displacement and compensation which outlines the Bank's requirements for projects that may cause involuntary resettlement.
- ii. Community sensitization meetings in the form of *barazas*: Community sensitization meetings were first held with the ESIA team to enlighten the community on the

proposed project and E&S impacts. During the meeting, the community was sensitized on the RAP process and the AfDB requirements on compensation for project affected persons (PAPs).

- iii. PAP Census and Socio-economic survey: This commenced immediately after the completion of the sensitization exercise. The socio-economic survey of PAPs in project areas was collected electronically using a designed questionnaire in KoBo collect tool. The information collected on PAPs informed the socio-economic baseline of PAPs.
- iv. Data Analysis: The socio-economic survey data was analyzed using the Statistical Package for Social Sciences (SPSS) while the asset inventory data base was analyzed in Microsoft excel.
- v. Reporting: This RAP study report is informed by the results of the surveys, public sensitization meetings (*barazas*) and key informant interview

## **5. Legal, Policy and Institutional Framework for RAP Implementation**

The relevant legal, policy and institutional frameworks considered in the preparation of the Resettlement Action Plan (RAP) and which shall form part of the guiding frameworks for the implementation and monitoring include:

- Constitution of Kenya, 2010
- Water Act, 2016
- The Lands Act, 2012
- The Land Registration Act, 2012
- The National Land Commission Act
- The Environment Land Court Act
- Land Value (Amendment Act), 2019
- The Physical and Land Use Planning Act
- Valuers Act
- Valuation for Rating Act
- Rating Act
- Persons with Disabilities Act
- Occupational Health and Safety Act
- Kenya Labour laws
- The Access to Information Act, 2016
- The County Government Act, 2012 (Revised 2017)
- AfDB Integrated Safeguard System, 2013
- Institutional Framework for Water and Sanitation Services in Kenya

### ***Gap Analysis***

The Kenya has several laws, policy instruments and sectoral/agency-based frameworks under which project/programme-triggered involuntary resettlements, displacements, compensations and land acquisition are addressed. On the other hand, the African Development Bank Integrated Safeguards Systems provides the framework for the Bank, agencies and partners

*Resettlement Action Plan Report for Chuka Water LMC Project*

involved in bank-funded projects and programmes to adequately address resettlement issues emanating from such projects and programmes. A review of the approaches by the two entities in their approach towards project/programme-triggered resettlement, displacements, land acquisition and compensations has been conducted in the context of Chuka Water LMC Project as presented in Table 2 below.

**Table 2: Gap Analysis**

<b>Thematic area</b>	<b>AfDB ISS</b>	<b>Local Legislations/Practices</b>	<b>Proposal</b>
Entitlements	Bank advocates for compensation of PAPs with (i) formal legal entitlements (ii) Socio-cultural rights/claims (iii) No legal entitlements but live or derive livelihoods from project area	The law recognizes PAPs with formal legal rights and those with rights under customary law or cultural practices	The Bank's approach is more robust, progressive and responsive to international best practices and should be adopted
Economic losses	Bank ISS provides for compensation for both physical and economic losses	GoK considers compensation for only physical losses	Adopt the Bank's approach as it's more progressive
Grievance Redress	Project-specific GRM proposed to help deal with grievances	Whereas alternative dispute resolution mechanisms exist under the law, specific provisions have been provided for land-related disputes under both the Land Act and the Land Value (Amendment) Act 2019	Legal mechanism should be employed only after exhausting project-specific GRM. Stakeholders however reserve the right to explore legal redress at any point.
Monitoring	Bank has an inbuilt monitoring system for Bank-funded projects/programmes. Bank internal review of ISS in 2019 recommended enhancement of monitoring framework currently under implementation	GoK conducts projects/programmes monitoring based on the funding agency's needs for reporting. Additional monitoring is conducted by the Auditor General annually but is usually of limited scope and focuses mainly on procedural and financial issues	A combined monitoring framework is desirable. Adherence to Bank monitoring requirements while observing GoK legal requirements for monitoring should be adopted.
Capacity Enhancement for PAPs	Bank supports capacity development for PAPs as part of RAP budget	GoK processes have no provision for capacity development for PAPs beyond	Provide for capacity development for PAPs before,

Thematic area	AfDB ISS	Local Legislations/Practices	Proposal
		the compensation provided for physical losses.	during, and after compensation payments

## 6. Baseline Socio Economic Profile of PAPs

*Number of PAPs identified:* Overall, fifteen (15) PAPs were identified along the proposed distribution lines routes, 4 males and 11 females.

*Age distribution:* Majority of the PAPs were aged between 36 and 45 years. 40% of the PAPs were youths below 35 years while 20.0% of the PAPs were aged between 46 and 60 years. None of the PAPs was in the category of elderly (over 70 years)

*Education and Literacy Levels:* Majority of the PAPs have attained secondary school education while 20% had attained post-secondary education. Only one (1) pap who reported having not attended school.

**Table 3:** Education and Literacy Levels

Highest Level of Education Attained	Percentage
Post Secondary	20
Secondary School	66.7
Primary School	6.7
Never Attended	6.7
Total	100

*Access to Health Facilities:* Majority of the PAPs reported that at least a member of their household had in the recent past (3 months before the socio-economic survey) encountered ailments including water borne diseases. The cases of water borne diseases were attributed to lack of safe drinking water at homes and in schools in the project areas.

*Awareness on HIV/ AIDS:* 100% of the PAPs were aware of HIV/ AIDs, how its contracted, preventive measures and management measures when one is infected.

*Economic and Livelihood Activities:* The survey revealed that business accounted for 73 per cent of the total household income (Figure below). Farming accounted for 18 per cent of the activities. Other income sources included casual employment and formal employment (9 per cent).

*Levels of Income:* 13% of the PAPs reported their household incomes were below KES 10,000 per month.



**Table 4: PAP's Income Levels**

Household income ranges	Percentage
Below 10,000	13.3
10,001 – 20,000	26.7
20,001 – 30,000	10
30,001 – 40,000	15
40,001 – 50,000	25
Above 50,000	6.7
Total	100

*Accessibility of Social Structures:* The PAPs felt that they had access to good roads, health facilities and schools within the project area. However, they cited minimum access to clean drinking water due to unavailability or unreliability of piped water and most resulting to using boreholes.

*Sanitation Facilities used by PAPs:* The survey findings indicate that 81.7% of the households in the project areas use septic tanks/ sock pits while 18.3% relied on pit latrines for sanitation purposes. However, no recent cases of water borne diseases were reported in the households prior to the survey.

*Main Water Source:* 81.7% of households had their water connection from the local Water Service Provider, NIWASCO while 18.3% relied on boreholes.

*Preferred Mode of Compensation and willingness to relocate:* All PAPs reported cash compensation as the most preferred mode of compensation

## **7. Stakeholder Engagement and Grievance Redress Mechanism**

The main objective of stakeholder engagement is to ensure that project affected persons (PAPs) and other relevant stakeholders are informed, educated, consulted and allowed to participate actively in the resettlement planning process. Adequate stakeholder engagement ensures effective and inclusive planning of resettlement activities. The RAP study team conducted extensive stakeholder consultation activities between the period February and April 2024 in the project areas to incorporate stakeholder views, needs and expectations in the RAP report. Minutes of consultation meetings and the list of participants are attached in the appendices.

### ***Stakeholder Engagement Plan***

A Stakeholder Engagement Plan has been prepared separately to provide guidelines through which TWWDA will engage its stakeholders in a structured, informed, inclusive and regular manner.

In line with the SEP requirements, the RAP study team engaged relevant key stakeholders using various stakeholder engagement methods such as key informant interviews, focus group discussions, phone interviews, public barazas and questionnaires. Stakeholder engagement and

public consultation will be a continuous activity in all project phases to be guided by the Stakeholder Engagement Plan.

### ***Future Stakeholder Engagement Activities***

The next project activities that will necessitate stakeholder engagement include:

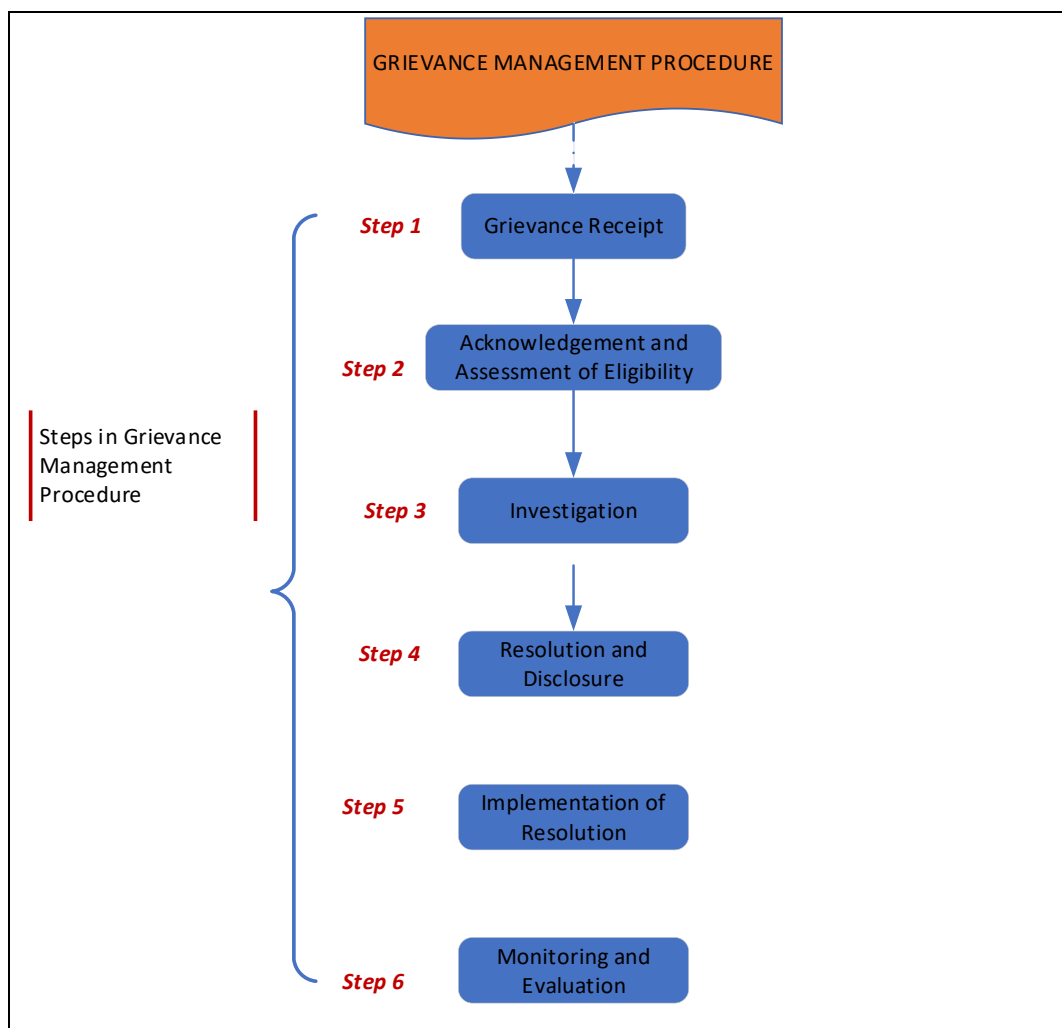
- Disclosure of the RAP Report
- Compensation of Project Affected Persons (PAPs)
- Grievance management at various levels
- Project implementation activities
- Monitoring and Evaluation

Table 5: Summary of Public Consultation Meetings Held

<b>Date</b>	<b>Venue</b>	<b>Category of Stakeholder Engaged</b>	<b>Attendance</b>
14 <sup>th</sup> , February 2024	Ndagani Social Hall	PAP's and local community	19 (10M, 9F)
9 <sup>th</sup> to 10 <sup>th</sup> April 2024	Along the proposed pipeline routes	Project Affected Persons (PAPs)	12 (5M, 7F)

### **Grievance Redress Mechanism**

A Grievance Redress Mechanism (GRM) is an instrument through which dispute resolution is sought and provided. It involves the receipt and processing of grievances from individuals or groups negatively affected by activities of a particular project. A Grievance Redress Mechanism (GRM) plays a critical role in preventing negative interruptions in project implementation occasioned by legal redress that are costly and time consuming.



**Figure 1: Grievance Management Procedure**

### *Levels of Grievance Redress Mechanism*

#### **I. First Level of Redress: Community Level**

The first level of grievance redress will be at the community level mainly targeting the local beneficiary communities and the project affected persons (PAPs). For every community at location level, a local grievance management committee shall be formed and trained to handle community grievances/ complaints emanating from the implementation of the proposed water supply and sanitation projects. The committee shall comprise of five members who shall include the local chief as the chair. The other members shall be nominated by the project beneficiaries ensuring gender balance and a representation of the vulnerable where applicable.<sup>1</sup>. The committee shall be trained by the Social Safeguard Officer on conflict resolution, group dynamics, project sustainability among other areas that shall be deemed necessary.

#### **II. Second Level of Redress: County Level**

The second level of redress will be at the county level where a county grievance management committee shall be established and chaired by a nominee of the proponent, TWWDA. The

<sup>1</sup> The committee should have at least two female members

membership of the committee shall entail a social safeguard specialist, community liaison officers from the WSPs and the chairs of the various local grievance management committees in the County. The committee will also be trained in handling project grievances.

### **III. Third Level of Redress: National Level**

A Grievance Handling Committee at national level shall be formed and equally trained to handle grievances. The committee shall be chaired by a nominee at the Ministry of Water, Sanitation and Irrigation, other membership shall include the CEO TWWDA, the project coordinators at TWWDA, the chairs of the county grievance management committees and a representation from TWWDA legal department. The ministry shall appoint a grievance handling officer who shall foresee operations of the committee. As in other levels, the reporting tools for other levels shall equally apply at national level reporting.

The resolution period at national level shall be expected to take a maximum of twenty (21) working days and the concerned shall be notified through the GRM/003 form. Should the grievance not be solved within this period, the complainant shall be advised to seek recourse through the legal and judicial mechanisms in Kenya discussed in this report.

#### **Safeguards Grievances Redress**

The project safeguard grievances such as Gender-Based Violence (GBV), Violence Against Children (VAC), and Sexual Exploitation, Abuse, and Harassment (SEAH) arising from the PAPs, project workers and the surrounding communities shall be addressed through preventative measures and community engagement through the following approaches:

- Contractor to develop a policy document on social safeguard grievances integrating all grievances related to GBV, VAC and SEAH
- Community awareness and sensitization on social safeguard grievances
- Partnership with social service providers with expertise in addressing GBV, VAC, and SEAH
- Establishment of clear referral system
- Monitoring, evaluation and learning

The GRM and stakeholder engagement budget has been incorporated in the overall programme Stakeholder Engagement Plan (SEP) prepared separately.

### **8. Project Displacement Impacts and Mitigation Measures**

- **Impacts on Livelihood:** Businesses along the road reserve where the project will be implemented shall suffer temporary impacts on livelihoods associated with income loss and loss of access during construction phase of the project. The PAPs affected shall be compensated for livelihood loss
- **Impact on Structures:** There were minimal impacts on structures along the road reserve. In most instances, the structures were temporary and movable and hence the

business owners would only be compensated for livelihood loss and disturbance allowance. Only one structure was found on the wayleave which would necessitate demolition. The structure will be compensated at a fair market value rate. Adequate notice to vacate shall be issued to the owner to salvage materials from the structure.

- **Impacts on Crops and Trees** - Since the proposed Chuka Water LMC project will entirely use the road reserve, there will be no impacts on crops. However, a few trees on the road reserve might be affected and this shall be mitigated through CSR activities such as issuance of tree seedlings to people in the project area or partnership with the county government on tree planting initiatives.
- **Impacts on Pavements**: The construction phase of the project will result into temporary impacts on pavements particularly within the urban areas of Chuka town. The pavements are constructed by either the county government or private businesses. The contractors shall be expected to restore the pavements after any disturbance during the excavations. This mitigation has adequately been captured and costed for in the project Environmental and Social Management Plan (ESMP).

## **9. Eligibility and Entitlements**

**Cutoff Date**: The cut-off date is defined as the date of completion of asset inventory and socio-economic survey for the respective PAPs. The information about the cut-off date was communicated verbally at public barazas held in all the affected locations and also during individual interviews with the PAPs. The cut-off date established for the PAPs during the RAP study was 11 April 2024

### ***Eligibility Criteria***

#### **a) Compensation for Livelihood Loss for Temporary Displaced PAPs**

The temporarily displaced PAPs are those who will suffer loss of livelihoods during the construction phase of the project. Some may opt to close their businesses during the period the project construction shall be underway over access challenges. Compensation for livelihood loss shall apply to any business owner along the wayleave and not necessarily the owners of the business structures.

#### **b) Compensation for Structures**

The following broad categories are entitled to compensation:

- Persons who own affected buildings and structures, such as primary and secondary dwellings, ancillary domestic buildings and agricultural structures
- Institutions who own affected buildings and/or public facilities
- Communities who own affected community assets
- Owners of the affected standalone business structures with or without a license or permit for such operations and structures

### *Resettlement Action Plan Report for Chuka Water LMC Project*

- Tenants of affected primary and secondary dwellings, ancillary domestic buildings and agricultural structures and tenants of temporary or informal business structures, i.e., persons who, while not owning the dwelling or land, have an agreement of occupancy with the legal owner of the dwelling
- Informal occupiers and users of affected dwellings and/or land, i.e., persons who do not own the dwelling and do not have a formal agreement of occupancy with the legal owner of the structures
- Occupiers who encroached into the construction corridor before the cut-off date and have built structures on the land.

#### ***Statutory Payments***

Roads' agencies established under the Kenya Roads Act, 2007, are legally mandated to manage road surfaces as well as road reserves. These agencies in charge of the road reserves where the pipeline network will be installed are the Kenya Urban Roads Authority (KURA) and the Kenya Rural Roads Authority (KERRA). In order to effectively perform their functions, roads agencies charge nominal fees for infrastructure that utilise road reserves. Such infrastructure includes water and sewer lines, telecommunication and internet cables, electricity lines, among others. A provisional sum of KES 1,000,000 has been allocated in anticipation of these charges for the Chuka Water Supply LMC Project.

#### ***Entitlement Matrix***

Table 6 presents an entitlement matrix under which the valuation was conducted.

**Table 6: Entitlement Matrix**

Impact Category	Type of Impact (Permanent/ Temporary)	Entitled Persons	Entitlements	
			Compensation	Allowances and non-cash interventions
Impact on Land	Public wayleave (road reserves)	Road Agencies (KENHA, KURA, KeRRA)	<ul style="list-style-type: none"> <li>Pay prescribed fees as may be determined by the agencies under the Roads Act, 2007 and relevant regulations</li> </ul>	N/A
Impact on Structures	Loss of Permanent structures (houses, shops, kiosks, grocery shops, butcheries, salon and boutique businesses among others) - Modern structures characterised by modern finishes including concrete, natural stone, bricks and treated sawn timber materials structures	Private owners	<ul style="list-style-type: none"> <li>Cash compensation based on the full replacement value of the affected structure</li> <li>Provide compensation rate within range of KES 1,500 – 3000 per square feet depending on finishes used</li> </ul>	<ul style="list-style-type: none"> <li>Disturbance allowance of 15% of the total compensation amount</li> <li>Materials from the affected structure may be salvaged at the owner’s expense within the three-month notice period given to vacate and prior to demolition.</li> <li>Training on financial management and livelihood restoration</li> </ul>
	Loss of semi-permanent structures (houses, shops, kiosks, grocery shops, butcheries, salon and boutique businesses among others) - Structures made from sawn timber, timber-off cuts, GCI walling, sundried bricks or cemented floors	Private owners	<ul style="list-style-type: none"> <li>Cash compensation based on the full replacement value of the affected structure</li> <li>Provide compensation rates of within range of KES 1000-2500 per square foot depending on finishes used</li> </ul>	<ul style="list-style-type: none"> <li>Disturbance allowance of 15% of the total compensation amount</li> <li>Materials from the affected structure may be salvaged at the owner’s expense within the three-month notice period given to vacate and prior to demolition</li> <li>Training on financial management and livelihood restoration</li> </ul>

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Impact Category	Type of Impact (Permanent/ Temporary)	Entitled Persons	Entitlements	
			Compensation	Allowances and non-cash interventions
	Loss of structures (houses, shops, kiosks, grocery shops, butcheries, salon and boutique businesses among others) characterised by thatched roofs, rammed or earthen floors and Adobe blocks and wattle, thatch walls, tents, tarpaulins and manyattas	Private owners	<ul style="list-style-type: none"> <li>• Cash compensation based on the full replacement value of the affected structure</li> <li>• Provide compensation rate within range of KES 500-1500 per square feet depending on finishes used</li> </ul>	<ul style="list-style-type: none"> <li>• Disturbance allowance of 15% of the total compensation amount</li> <li>• Materials from the affected structure may be salvaged at the owner's expense within the notice period given to vacate and prior to demolition.</li> <li>• Training on financial management and livelihood restoration</li> </ul>
	Loss of pavements	Business owners	N/A	<ul style="list-style-type: none"> <li>• Restoration of destroyed pavements by the contractor immediately after completion of pipeline installation in affected areas. These costs have been catered for under the project ESMP</li> </ul>
	Loss of public structures such as motorbike shades ( <i>bodaboda</i> shades) and market stalls	Business owners	N/A	<ul style="list-style-type: none"> <li>• Reinstatement by TWWDA immediately after sectional completion of the project</li> </ul>
Impact on Trees		On public land/ No known owner	N/A	<ul style="list-style-type: none"> <li>• Support to counties and CSOs involved in conservation matters</li> </ul>
Loss of Livelihoods	Permanent and temporarily businesses at close proximity to the wayleave	Business owners	<ul style="list-style-type: none"> <li>• Cash compensation for 5 days based on the magnitude of the business</li> </ul>	<ul style="list-style-type: none"> <li>• Disturbance allowance of 15% of the total compensation amount</li> <li>• Training on financial management, livelihood restoration, project GRM for reporting grievances etc</li> </ul>



*Resettlement Action Plan Report for Chuka Water LMC Project*

Impact Category	Type of Impact (Permanent/Temporary)	Entitled Persons	Entitlements	
			Compensation	Allowances and non-cash interventions
Temporary impacts	Temporary loss of access to business facilities	Business owners	<ul style="list-style-type: none"> <li>• Cash compensation for 5 days based on the magnitude of the business</li> </ul>	<ul style="list-style-type: none"> <li>• Provision of alternative access routes during the period the affected sections are under construction</li> <li>• Adequate notice on the construction schedule</li> <li>• Training on financial management and livelihood restoration</li> </ul>
Impact on Vulnerable Individuals and groups	Households that may be disproportionately impacted	PAPs with disabled family members, the elderly, widows	<ul style="list-style-type: none"> <li>• Cash compensation in accordance with criteria set out in the relevant section of the entitlement matrix</li> </ul>	<ul style="list-style-type: none"> <li>• Disturbance allowance of 50% of the total compensation amount</li> <li>• Designated assistance to be assessed on a case-by-case basis to ensure that vulnerable people/groups have access to participation, compensation, assistance and livelihood restoration</li> <li>• Training on financial management and livelihood restoration</li> <li>• Linkage to the Government of Kenya (GoK) social protection programmes</li> </ul>

## 10. Valuation and Compensation Summary

**Table 7: Valuation and Compensation Summary**

Compensation	Number of PAPs	Amount (KES)
Loss of Livelihood and structure (1)	15	101,145
Disturbance Allowance (15%)	15	16,671
Statutory payments to road agencies	2 road agencies (KURA & KERRA)	1,000,000
<b>Total Compensation</b>		<b>1,117,816</b>

## 11. Institutional and Implementation Arrangements

### I. Project Implementation Unit

A Project Implementation Unit at TWWDA will have an oversight role in management of the RAP implementation. They shall nominate the members of the RAP Implementation Team and avail the resources required for RAP implementation. The PIU will report to the Ministry of Water, Sanitation and Irrigation on monthly basis on the status of RAP implementation.

### II. RAP Implementation Team

A specific RAP Implementation Team for this project will be established by TWWDA to manage the RAP process. The team shall comprise of a Social Safeguard Specialist, Community Liaison Officer (WSP), Land Surveyor (NIWASCO), Land Valuer and a Finance Officer (TWWDA) and the Chiefs.

The roles and responsibilities of the RAP Implementation Team will include but not limited to:

- i. Verification of PAPs and compensation of PAPs
- ii. Resolution of any grievances related to compensation of PAPs
- iii. Issuance of notice to vacate to PAPs after compensation prior to project activities
- iv. Determination of compensation for loss of livelihoods, business or structure in special cases where there might have been an oversight
- v. Participate in stakeholder engagement on a need basis
- vi. Determination of compensation for loss of employment/incomes and loss of business in special cases where there might have been oversight
- vii. Reporting progress on RAP implementation

### III. Role of AfDB and Government Institutions in RAP Implementation

**Table 8 Roles of AfDB and Relevant Government Institutions in RAP Implementation**

Institution	Role in RAP Implementation
African Development Bank, AfDB	Project financing and general oversight and monitoring the implementation of the RAP
Ministry of Finance and National Treasury	Coordination of project financing through the National Treasury

<b>Institution</b>	<b>Role in RAP Implementation</b>
Ministry of Water, Irrigation and Sanitation	Project coordination, policy direction
Road Agencies	<ul style="list-style-type: none"> <li>• Authorization to use the road reserve</li> <li>• Maintenance of the road reserve</li> </ul>
County Government of Tharaka Nithi	<ul style="list-style-type: none"> <li>• Support in verification of PAPs</li> <li>• Project technical support and information sharing</li> <li>• Partnership in capacity building initiatives for livelihood restoration</li> </ul>
Public administration (County Commissioner, Deputy County Commissioner, Ward Administrator, Chiefs and Subchiefs)	<ul style="list-style-type: none"> <li>• Security provision during RAP implementation and other project phases</li> <li>• Community mobilization for public meetings</li> </ul>

## **12 Monitoring and Evaluation**

Performance monitoring of the RAP implementation shall be done at two levels i.e. Internal monitoring by TWWDA on input and output indicators and impact monitoring by independent consultant after completion of RAP implementation. A monitoring and evaluation plan has been presented in Chapter 9 of this RAP report.

A completion audit shall be done at the end of RAP implementation to verify and ascertain that the resettlement process complied with various commitments in the RAP Report and recommendations from the RAP monitoring reports. This audit shall be done by an external consultant. The completion audit shall have the following objectives:

- Assessment of RAP implementation in compliance with national legal & policy framework and AfDB's ISS
- Assessment of resettlement procedures and their effectiveness
- Evaluation of impacts of compensation on livelihood restoration through a socio-economic survey on project affected persons
- Key challenges in RAP implementation
- Key policy recommendations for future projects

### ***Total RAP Implementation Budget***

The overall RAP implementation budget constitutes the Valuation and Compensation costs, the Livelihood Restoration budget, the RIT operational budget and the Monitoring and Evaluation budget. The GRM Budget and Stakeholder Engagement Costs have been provided for in the project Stakeholder Engagement Plan (SEP) prepared separately. Table 8 presents the overall RAP implementation budget.

**Table 9 Total RAP Implementation Budget**

<b>Item</b>	<b>Amount (KES)</b>
Valuation and Compensation Costs	1,117,816
Livelihood Restoration Activities	350,000
RAP Implementation Team (RIT) Budget	500,000
Monitoring and Evaluation	600,000
<b>Subtotal</b>	<b>2,567,816</b>
Contingency (20%)	513,563
<b>Grand Total</b>	<b>3,081,379</b>

***RAP Implementation Schedule***

Table 10 presents an indicative RAP implementation schedule which shall be synchronized with the contractor's work program. The estimated project implementation period is approximately 15 months with planning activities taking first seven (7) months.

Resettlement Action Plan Report for Chuka Water LMC Project

Table 10: RAP Implementation Schedule

Activity	Responsible	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
<b>Phase 1: Planning Phase</b>																
RAP Study	TWWDA															
Approval of the RAP Report	TWWDA/ AfDB															
Disclosure of RAP Report	TWWDA/ AfDB															
<b>Phase 2: Compensation of the PAPs</b>																
Setting up the RAP Implementation Team	PIU, TWWDA															
Validation and verification of the PAPs	RIT															
Compensation of all PAPs	RIT															
Issuance of 3 months' vacation notice to PAPs	RIT															
<b>Phase 3: Commencement of Construction works</b>																
Site Handover	TWWDA, Contractor															
Site clearance	TWWDA, Contractor															
Excavation, pipe installation, jointing & connection, backfilling and connection to water source	TWWDA, Contractor															
<b>Phase 4: Management Measures</b>																
Grievance Management	RIT/ GRM Committees															

*Resettlement Action Plan Report for Chuka Water LMC Project*

<b>Activity</b>	<b>Responsible</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>
Implementation of livelihood restoration activities	Social Safeguard Specialist/ County Government															
Monitoring and Evaluation of RAP (Monthly Reports)	Social Safeguard Specialist															
RAP Completion Audit	TWWDA/ External Consultant															

### **13. Conclusion and Commitments**

#### ***Conclusion***

The proposed Chuka Water LMC Project is designed to utilise the road reserve. However, the project will cause temporary displacements to businesses along the road reserve. A census of all the project affected persons and businesses along the road reserve was done. Overall, a total of fifteen (15) PAPs will be impacted by the project. The RAP report has presented mitigation measures for the displacement impacts which include compensation to road agencies who maintain the road reserve in line with their policies, adequate compensation for livelihood loss to all PAPs affected, compensation for structures which will be demolished, reinstatement of public structures that maybe affected during construction, restoration of pavements disturbed during excavations and adequate notice to vacate to be issued to PAPs to minimise their losses. The contractor shall also be expected to share the construction schedule with business owners in project areas. The RAP report has given a criterion which shall guide compensation to the PAPs and proposed structures for RAP implementation. An M&E plan to ensure effective implementation of the RAP has also been provided.

#### ***Commitments***

The proponent, TWWDA, shall make deliberate efforts to accomplish the following commitments prior and during project implementation:

- i. Timely compensation of all identified Project Affected Persons (PAPs) prior to project implementation in line with the eligibility criteria and entitlement matrix provided
- ii. Provision of adequate notice to PAPs prior to any demolition of structures to enable them salvage materials from the affected structures
- iii. Sharing the project implementation schedule with key stakeholders particularly the business men who might be impacted through limited access to their businesses for their planning
- iv. Strict supervision of the project contractor to ensure all damaged pavements are restored and public structures demolished restored
- v. Capacity building of Project Affected Persons (PAPs) on financial management, livelihood resolution, project GRM among others
- vi. Sensitisation of relevant stakeholders on project GRM and ensure all reported grievances are handled in a timely manner
- vii. Regular monitoring and evaluation of the RAP implementation to assess the overall project progress, effectiveness of various processes, efficiency in use of project resources and guidance in reviewing project policies and procedures for future projects.

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## **ABBREVIATIONS AND ACRONYMS**

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AfDB	African Development Bank
ASL	Above Sea Level
BoQs	Bill of Quantities
CSOs	Civil Society Organisations
E&S	Environmental and Social
ESIA	Environmental and Social Impact Assessment
ESMP	Environmental and Social Management Plan
GoK	Government of Kenya
GRM	Grievance Redress Mechanism
HDPE	High Density Poly Ethylene
HIV/ AIDs	Human Immunodeficiency Virus/ Acquired Immuno Deficiency Syndrome
ISS	Integrated Safeguards System
KENHA	Kenya National Highways Authority
KERRA	Kenya Rural Roads Authority
km	Kilometre
KRA	Kenya Revenue Authority
KURA	Kenya Urban Roads Authority
LMC	Last Mile Connectivity Project
mm	Millimetre
MOU	Memorandum of Understanding
NEMA	National Environment Management Authority
NIWASCO	Nithi Water and Sanitation Company
NLC	National Land Commission

NUWSSP	National Urban Water Supply and Sanitation Program
OD	Outer Diameter
OS	Operational Safeguard
PAPs	Project Affected Persons
PIU	Project Implementation Unit
PWDs	People with Disabilities
RAP	Resettlement Action Plan
RIT	RAP Implementation Team
ROW	Right of Way
SEAH	Sexual Exploitation, Abuse, and Harassment
SEP	Stakeholder Engagement Plan
SPSS	Statistical Package for Social Sciences
TWWDA	Tana Water Works Development Agency
UTM	Universal Transverse Mercator
VAC	Violence Against Children
WASREB	Water Services Regulatory Board
WRA	Water Resources Authority
WSP	Water Service Provider

## **DEFINITION OF TERMS**

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**Allowance:** Cash paid in respect of losses or resettlement-related expenses other than losses of immovable assets, such as providing an allowance to pay for moving the contents of a house/business. An allowance should be distinguished from compensation, which is intended to cater for the loss of an immovable asset.

**Compensation:** means payments made in cash or kind in recognition of loss of land, assets, structure and livelihoods resulting from impacts caused by planning and surveying.

**Complete Displacement:** means the displacement of a structure owner or institution PAP etc. from one parcel of land to a different parcel of land outside the settlement due to the planning and survey activities including demarcation of road wayleaves.

**Cut-off date:** A cut-off date is defined as the date of completion of asset inventory and socio-economic survey for the respective PAPs. Persons entering and/or occupying land in the project area after this date and not included in the inventory of PAPs will not be considered eligible for facilitation. Similarly, fixed assets such as structures, established after the cut-off date will not be compensated/facilitated.

**Entitlement:** The compensation offered to persons, households, groups and/or communities physically and/or economically displaced by the Project. This includes (but is not limited to) cash compensation, in-kind compensation and the right to participate in livelihood restoration programmes.

**Market rate:** The selling price of a commodity in the open competitive market.

**Project Affected Person(s) (PAPs):** Persons who, because of the implementation the Project, loses the right to own, use, or otherwise benefit from a built structure, land, annual or perennial crops and trees, or any other fixed or moveable asset, either in full or in part, permanently or temporarily.

**Rehabilitation Assistance** is the additional support, over and above compensation accorded to the vulnerable or at-risk members of the affected community during implementation of the RAP e.g. labor support.

**Resettlement Action Plan** is a resettlement instrument prepared to mitigate against displacement impacts by a development project. It provides a guide to compensation and restoration of the Project Affected Persons (PAPs).

**Localized displacement** means displacement of a structure owner or institution PAP etc. from one parcel of land to a different parcel of land (within the settlement) due to the planning and survey activities including demarcation of road wayleaves.

**Replacement cost** means replacement of assets with same quality and quantity with an amount sufficient to cover full cost of lost assets and related transaction costs and taxes. The cost is to be based on Market rate (commercial rate) according to Kenyan law for sale of land or property, without depreciation in addition to other considerations such as (a) transporting building materials to the construction site; (b) any labour and contractors' fees; and (c) any registration costs. Therefore, for Replacement cost for houses and other structures means the prevailing cost of replacing affected structures, in an area and of the quality similar to or better than that of the affected structures at market rates without depreciation.

**Resettlement Assistance** means the measures to ensure that Project Affected Persons who may require to be physically relocated are provided with assistance during relocation, such as moving/shifting allowances for ease of resettlement, residential housing or rentals, rental allowance whichever is feasible and as required, for ease of resettlement.

**Vulnerable Groups** include all those affected by the project who are below the poverty line, the elderly (over 70 yrs.), women and children headed households, persons with disabilities or a Project Affected Person who may not be protected through national land compensation legislation.

## **1.0 INTRODUCTION**

---

### **1.1 Background**

Tana Water Works Development Agency (TWWDA) is one of the nine water agencies overseen by the Ministry of Water, Sanitation, and Irrigation. Its primary role is to assist the government in the creation, upkeep, and administration of national public water facilities. The agency aims to achieve sustainable access to high-quality water and enhanced sewerage services within its designated region.

TWWDA is dedicated to elevating water and sewerage coverage in its area of jurisdiction. The goal is to increase coverage from 57.8% and 8.1% in 2023 to 90% and 30% by 2027, respectively. To realize this vision, the agency is focused on the development of enduring water and sanitation infrastructure.

In alignment with this commitment, TWWDA has identified several water and sewerage projects within its jurisdiction which includes the Chuka Water Last Mile Connectivity project, which will be carried out as part of the National Urban Water Supply and Sanitation Program (NUWSSP). The overall aim is to contribute to the expansion and improvement of water and sanitation services in the region. The proposed project is designed to utilise the road reserve where several businesses operating along the road reserve and structures shall be affected.

The Resettlement Action Plan for Chuka Water LMC project therefore seeks to mitigate the anticipated displacement impacts expected to occur as a result of project implementation.

### **1.2 Objectives of Resettlement Action Plan**

The overall objective of the Resettlement Action Plan (RAP) is to provide a guide to compensation and restoration of the Project Affected Persons (PAPs) who shall be impacted by the proposed Chuka Water LMC Project.

The specific objectives of the RAP include:

- Review of relevant national legal, policy and institutional framework and AfDB's Integrated Safeguards System (ISS), 2013 that outlines the Bank's requirements for development projects that may cause involuntary resettlement
- Socio economic survey of all project affected person (PAPS)
- Valuation of any affected facilities, enterprises, trees, and other livelihood activities
- To identify the impacts of PAPs and develop mitigation measures
- To develop entitlements for the PAPs for compensation and ensure their livelihoods are improved upon displacement
- To provide an institutional and implementation arrangements for RAP implementation
- To develop an M&E plan for the RAP implementation

### 1.3 Methodology for conducting the RAP Study

The RAP study was conducted using the following methods:

1. Literature Review of relevant Kenyan legal, policy and institutional framework pertaining land management, tenure, acquisition and valuation; the applicable international standards and AfDB Integrated Safeguard System, 2013 particularly the Operational Safeguard 2 on Involuntary resettlement, land acquisition, population displacement and compensation which outlines the Bank's requirements for projects that may cause involuntary resettlement.
2. Community sensitization meetings in the form of *barazas*: Community sensitization meetings were first held jointly with the ESIA team to enlighten the community on the proposed project and E&S impacts. During the meeting, the community was sensitized on the RAP process and the AfDB requirements on compensation for project affected persons (PAPs).
3. Identification of PAPs: A transect along the pipeline route was done and PAPs with businesses along the road reserves were all identified.
4. Socio-economic survey: Socio-economic data of identified PAPs was collected electronically using a designed questionnaire in KoBo collect tool. Individual interviews for PAPs were conducted to assess the income loss based on their daily revenues and a compensation amount for five (5) days was agreed upon and a disturbance allowance of 15% and consent forms signed.
5. Data Analysis: The socio-economic survey data was analyzed using the Statistical Package for Social Sciences (SPSS) while the asset inventory data base was analyzed in Microsoft excel.
6. Reporting: This RAP study report is informed by the results of the socio-economic survey of PAPs, public sensitization meetings (*barazas*) and key informant interviews. Preparation of the RAP report has also been informed by the Kenyan legal, policy and institutional framework and AfDB ISS, 2013.

### 1.4 The RAP Report Structure

The structure of this RAP Report is as follows:

**Chapter 1:** Introduction: This chapter provides a brief background of the project implementer and the proposed project activities necessitating a RAP. The objectives of the RAP and the methodology are also presented.

**Chapter 2:** Project Description: This chapter provides a detailed description of the project including project location, a description of the existing system, proposed project objectives, scope, project activities and raw materials and resources to be used.

**Chapter 3:** Legal, Policy and Institutional Framework: This chapter describes the relevant legal, policy and institutional framework context within which the proposed project shall operate. The chapter also covers institutional roles, including those that are typically involved



in land access, compensation, displacement and resettlement as well as applicable AfDB Integrated Safeguard System (2013). A gap analysis is provided of Kenya legislation compared to international standards and proposed approaches for the Project to address these gaps.

**Chapter 4:** Stakeholder Engagement and Grievance This Chapter presents the stakeholder activities executed during the RAP study and the proposed Grievance Redress Management procedures. A stand-alone Stakeholder Engagement Plan (SEP) for the project has been developed to guide future stakeholder engagement activities.

**Chapter 5:** Socio Economic Profile of PAPs: This chapter provides the analysis of socio-economic survey for all project affected persons (PAPs).

**Chapter 6:** Displacement Impacts and Mitigation Measures: This chapter describes the extent of impacts on land, livelihoods, structures, crops and trees and pavements. The chapter also discusses the mitigation measures to be employed to minimize the displacement impacts.

**Chapter 7:** Eligibility and Entitlements: This chapter defines the categories of persons who are eligible for compensation as well as the relevant processes including the eligibility cutoff date. It also sets out the compensation options and packages to be provided for various types of displacement impacts. It concludes with an entitlement matrix and valuation summary which provides the compensation that accrue for each category of eligible persons in accordance with the entitlements.

**Chapter 8:** Livelihood Restoration Plan: This chapter outlines livelihood restoration measures to restore and improve the quality of life and standards of living of project affected persons (PAPs) and a budget.

**Chapter 9:** Monitoring and Evaluation: This chapter presents the M&E plan aimed at tracking the resettlement progress. Key performance indicators for monitoring and evaluation have been identified.

**Chapter 10:** Institutional and Implementation Arrangements: This chapter presents the structures/ institutions for RAP implementation and their roles and responsibilities.

**Chapter 11:** Overall Budget and RAP Implementation Schedule: This chapter presents the overall RAP budget which includes the valuation and compensation budget, livelihood restoration budget and the M&E budget. The chapter also provides an indicative schedule for RAP related activities.

**Chapter 12:** Conclusion and Commitments: This chapter presents the overall conclusion of the RAP study and the commitments to be adhered to by the proponent, TWWDA during RAP implementation.

**Appendices:** This section presents the minutes of the stakeholder engagement meetings, the questionnaire used for socio economic survey, the GRM tools, the valuation matrix and the PAP consent forms.

## **2.0 PROJECT DESCRIPTION**

---

The proposed Project is located in Chuka and Igamba ng'ombe sub counties in Tharaka Nithi County, which is part of Kenya's wider central region. This chapter describes the components of the existing system and the LMC component which composes of distribution pipelines connecting to the mains.

### **2.1 Description of the Existing system**

Water Supply Services in Chuka are managed by Nithi Water and Sanitation Company (NIWASCO) which is the licensed Water Service Provider (WSP) in the project area. In addition to the NIWASCO system, there are several community water supply schemes which supply raw water for domestic consumption and irrigation. These community water supply schemes have pipeline networks that run parallel to the WSP networks in the urban areas and extend to rural areas beyond the NIWASCO network.

#### **a. Existing Intake Works**

The existing intake works is on Mara Manyi River. It is a reinforced concrete weir intake constructed in 1977 at elevation 1661.40 m ASL. The intake structure has a primary weir and secondary weir opening into a diversion channel directing water to an inlet chamber through coarse and fine screens.

#### **b. Existing Raw Water Gravity Mains**

There are 2 Nr. OD 250mm uPVC Raw Water Gravity Mains, one constructed in 1977 and the other in 2001. The pipelines are 3km long traversing the dense Mt. Kenya Forest. Each raw water main has a capacity of 4000m<sup>3</sup>/day. There is another raw water main of OD 450mm constructed in 2022 with a capacity of 15000m<sup>3</sup>/day.

#### **c. Existing Water Treatment Works**

The existing Kiang'ondu Water treatment works at elevation 1620.90 m ASL is comprised of two independent water systems i.e.

- Inlet Works, Plain sedimentation capacity 3,500m<sup>3</sup>/day and chlorination. The existing sedimentation tanks are not connected to the existing filters.
- Direct filtration of raw water with rapid gravity sand filters, capacity 3500m<sup>3</sup>/day and chlorination.

The Kirege Treatment Works is located at the edge of the Mt. Kenya Forest within the Nyayo Tea Plantations at UTM coordinates 344915m E and 9962387m S along Kangoro – Kianjeru road. It has a capacity of 15000m<sup>3</sup>/day and caters for the Year 2037 water demand for Chuka Service area.

**d. Existing Distribution System**

For the Kiang’onde Water treatment Works, the distribution network was first constructed in 1977 in Kiang’onde area and Chuka town with subsequent expansion works over the years. The approximate total length of transmission mains is 60km with diameters ranging from 50mm – 250mm uPVC and HDPE pipes. There are 15 Nr. tanks in the distribution network with capacities ranging from 50m<sup>3</sup> – 1,000m<sup>3</sup>. The location of storage tanks and the pipeline routing ensures a gravity system with no pumping required.

The Kirege Treatment Works constructed in the year 2022 comprises of Bulk Water Transmission lines to strategically located water tanks that supply to various supply zones delineated based on topography in Chuka. These tanks augmented the existing tanks constructed for the transmission network from the Kiang’onde treatment works. The capacities of the tanks range from 100m<sup>3</sup> to 500m<sup>3</sup>. The approximate length of the transmission mains is 15km with pipe sizes ranging from 250mm – 400mm.

**2.2 The proposed Chuka Water LMC Project Objectives**

To address the challenge of large-scale infrastructure projects failing due to an overemphasis on costly first-mile components, the technical designs for additional Water Supply Distribution was designed to prioritize efficiency, sustainability, and inclusivity. This entails balancing investments between first-mile infrastructure and essential smaller-scale components to ensure comprehensive service delivery. Towards the resolution of this, the technical designs for additional Water Supply Distribution (Last Mile Connectivity) for Chuka was done to achieve the following objectives:

1. Raise water supply reliability in the target area.
2. Reduce consumer connectivity distance.
3. Widen consumer base thereby contributing to the long-term financial sustainability of water services.
4. Improve household’s welfare via adequate service level.
5. Improve on urban sanitation in the target area.
6. Reduce the adverse impacts of water use on the ecosystems and biodiversity

**2.3 Proposed Chuka Water LMC Distribution System**

The proposed Last Mile Connectivity for Chuka Water Supply Project will entail distribution pipelines as shown in Table 2.1 below.

Table 2.1: Design elements of pipelines in the proposed system

<b>Sn</b>	<b>Name</b>	<b>Size (mm)</b>	<b>Length (km)</b>
13.	Ikuu to Irugururu	250	11.8
14.	Ikuu to Rubate	90	5.48
15.	Rubate Line	90	7.7
16.	Ikawa Line	110	9.11

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Sn	Name	Size (mm)	Length (km)
17.	Ikuu to Kagani Mixed	32	2.53
18.	Ikuu to Achiever's boys	32	4.44
19.	Gacuuri Primary to Kanguru Primary	32	1.2
20.	Chera shopping centre to Karari Primary	32	2.49
21.	Kanyuru to Ngaani Primary	32	2.62
22.	Chera Market to Ikawa Secondary	32	1.56
23.	PCEA Ciamake to Kiamuchii Day school	32	2.94
24.	Kamwati Stage to Kamuguongo Primary	32	3.88

Figure 2.1 shows the layout of the proposed LMC of Chuka Water supply project.

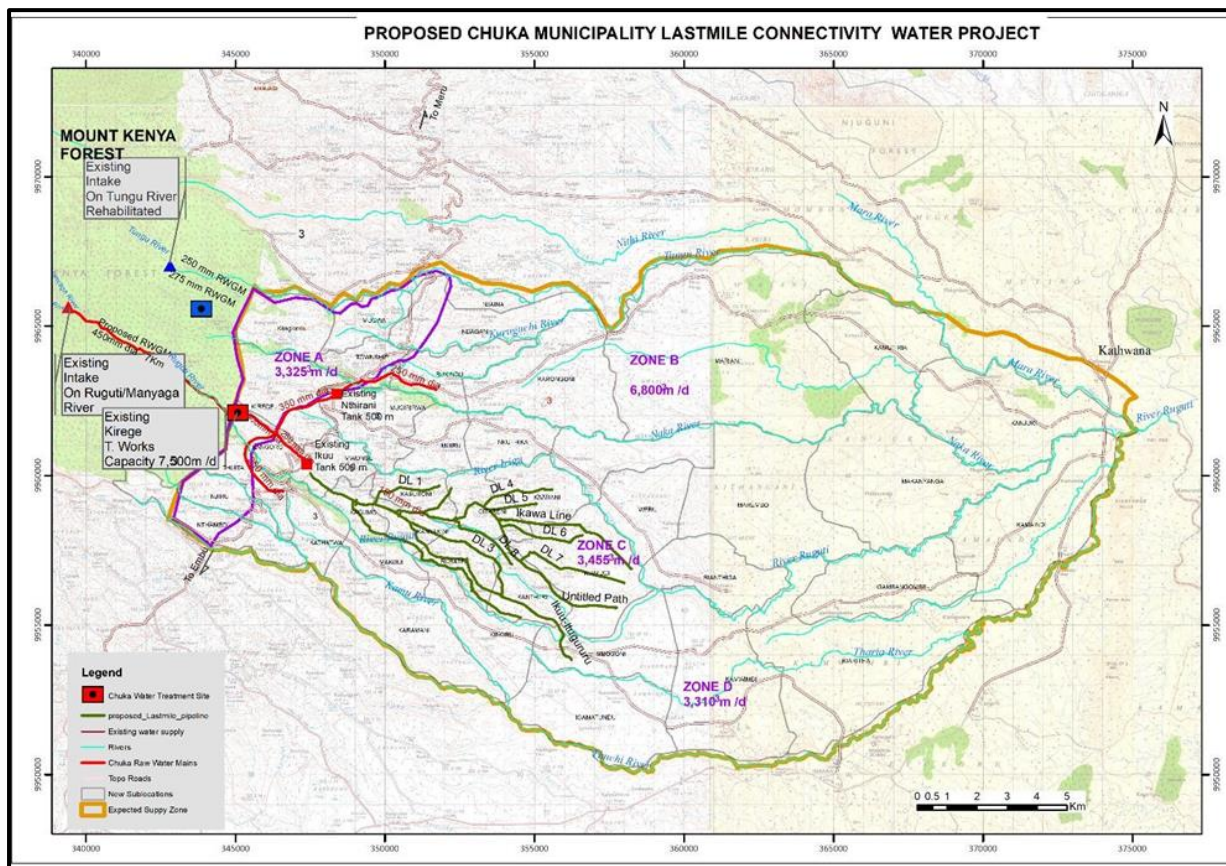


Figure 2.1: Project Layout Map

### 2.3.1 Appurtenances

#### i. Air Valves

Air valves have been provided along the pipeline to protect the system from trapped air or from collapse due to vacuum. The following was considered in locating and designing the air valves:

- Located at all notable high points along pipeline.
- Where the pipeline section is flat and long, air valves are to be installed at approximately 600m intervals.
- Double orifice air valves were selected in sections where air lock and vacuum are likely to occur otherwise single orifice air valves were selected.
- The air valves were equipped with isolation valves for easy removal and repair.
- Selected air valve size ranges were 25mm, 50mm and 80mm diameter depending on the size of the main pipe as indicated in the figure below.

## **ii. Washouts**

The following was considered in locating and designing the washouts:

- Washouts were provided at selected notable low points in the pipeline for flushing sediments from the system.
- Provision was also made for an open drain or drain pipe to lead the water from the washout to a suitable discharge point nearby.
- The ends of supply pipelines were also provided with washouts as long as they are sloping towards the end.
- A gate valve was located on the wash out pipeline as appropriate.
  - a. 50mm and 80mm washout size was selected depending on the size of the main pipeline.
  - b. Spill chambers have been provided for the washout out flow.

## **iii. Section Valves**

Section valves have been provided for in the design to facilitate operation and maintenance of the system including managing water rationing. Section valves shall be located in the following positions:

- a. At the branching point i.e., at the start of every distribution line.
- b. Before and or after major structures such as the intake and water tanks 2-3 km apart along the pipeline.

## **iv. Valve Chambers**

Rectangular or square masonry chambers have been designed to house the section valves, air valves and washout valves. Some of the considerations made in the design of the chambers include;

- The internal dimension of at least 1000mm x 1000mm and a height dependent on the site conditions. This will allow adequate space for operation.
- Only steel pipe fittings inside the chamber have been selected.
- Lockable chambers' covers to avoid vandalism and ensure proper management of the facility.

- Step iron/access ladders to be installed on the inside of the chamber wall to facilitate access of the facilities inside.

**v. Road Crossings**

Road crossings have been designed as where pipe is to cross a tarmac road, a gravel road or a busy earth road, a steel pipe casing or a concrete pipe/ culvert is to be installed to protect the pipe and allow easy maintenance.

**2.3.2 Proposed Project Activities**

The activities related to the proposed project have been classified into four distinct phases of project implementation, which are the planning phase, construction phase, operation phase, and decommissioning phase. Each of these phases has its specific set of activities and considerations, which will be discussed in detail in the following subsections of the report.

**i. Planning Phase Activities**

The main activities considered during this phase are fund mobilization, ESIA and RAP preparation, tendering services, site handover, handover of drawing and water work plans and site layout to the contractor.

**ii. Construction Phase Activities**

The construction phase entails the following activities:

- Excavation will be required to expose the ground where the water supply lines and auxiliary infrastructure will be installed. This will typically be done using excavators and backhoes in conjunction with human labour as per the approved designs.
- Pipe Installation: The pipes will be laid in place according to the planned layout and the proposed designs.
- Jointing and Connection: Pipes will be joined together using appropriate fittings and connectors. This will involve techniques such as solvent welding for PVC pipes, heat fusion for HDPE pipes, soldering for copper pipes, or threading for steel pipes. Valves, hydrants, and other components will also be installed as required.
- Backfilling: the excavated trench will be backfilled with soil.
- Pressure Testing: the newly installed water supply lines will be pressure tested to ensure there are no leaks. This will involve pressurizing the system to a specified pressure and monitoring it for a period of time to verify that the pressure remains stable.
- Connection to Water Source: the water supply lines will be connected to the source of water, from the water mains within the existing system.

The contractor during this phase will establish a construction camp on-site to accommodate construction workers and store materials. The contractor will manage all site access and

implement temporary measures such as barricades, screens, fencing, hoardings and planking footpaths as needed to ensure the safety of the public and others.

### **iii. Operation Phase Activities**

Upon completion, the facility is poised to provide a reliable and clean water source for domestic consumption. The management and operation of the system will be entrusted to the Nithi Water and Sanitation Company (NIWASCo), in accordance with the provisions of the Water Act 2016 and the policies set forth by WASREB.

Ensuring the ongoing effectiveness and sustainability of the water supply Project is of utmost importance. Active monitoring will be carried out to ensure compliance with local, national, and international environmental sustainability standards and best practices. Regular assessments will be conducted to ensure that the Project maintains the necessary standards and effectively fulfils its intended role. These periodic evaluations will also ensure that the water supply Project stays up-to-date with the latest advancements in water infrastructure technology, thus ensuring its continued alignment with evolving developments.

### **iv. Decommissioning Phase Activities**

The decommissioning of the water supply Project may be required under certain circumstances, such as a change in project goals, changes in climatic conditions, or a shift in government policies related to land and water use. In such cases, the structures that are affected will be demolished. Non-reusable materials from the demolition process will be sold to licensed scrap metal dealers.

During the closure of the project, all activities will be halted, and the built structures and fences will be demolished. The affected land will undergo restoration efforts, including the planting of appropriate indigenous trees and grass, to restore its natural state. This approach ensures the proper management of the project's conclusion and minimizes any potential negative environmental impacts.

### **2.3.3 Machinery**

The machinery required for the construction of the proposed LMC of Chuka Water Project will include but not limited to:

- Excavators essential for digging trenches meant for laying pipelines and various earthmoving tasks.
- Backhoe loaders to be used for digging, lifting, and loading materials, making them useful for various construction activities.
- Dump trucks will be necessary for transporting materials including soil, gravel, and construction debris to and from the construction site.
- Compactors shall be utilized to compress soil, gravel, or asphalt to create a stable foundation for the pipeline and other structures.
- Trenchers shall be used to dig narrow trenches quickly and efficiently, particularly for laying underground pipelines.

- Graders are to be used for levelling and smoothing the ground surface to ensure proper drainage and road construction whenever needed.
- Concrete mixers will be essential for preparing concrete onsite, which is used for constructing manholes, culverts, and other infrastructural components of the LMC project
- Welding machines will be required for joining sections of pipelines and for other metal fabrication tasks.

#### **2.3.4 The Construction Work force**

Overall, the project is estimated to employ up to 150 workers, comprising both skilled and unskilled labour. The unskilled labour force will primarily be recruited from the immediate community surrounding the project sites, providing employment opportunities for local residents and contributing to community development. On the other hand, skilled labour will be selected based on merit, ensuring that qualified individuals with the necessary expertise and experience are recruited to fulfil specific roles within the project. Some of the key roles within the construction workforce will include:

- Engineers will be responsible for overseeing the design, planning, and execution of the sewerage project.
- Project managers will responsible for overall project coordination, scheduling, budgeting, and ensuring that construction activities are carried out efficiently and according to specifications.
- Site Supervisors: will oversee construction activities on-site, ensuring that work is performed safely, according to plans and specifications, and within budget and schedule constraints.
- Construction Workers: Skilled and unskilled laborers will be involved in various construction tasks including excavation, trenching, pipe laying, concrete work, welding, and general labour.
- Heavy Equipment Operators: Operators of excavators, bulldozers, backhoe loaders, dump trucks, and other heavy machinery are essential for earthmoving, trenching, and material transport activities.
- Welders: will be responsible for joining sections of pipelines, fabricating metal structures, and performing other welding tasks as needed.
- Surveyors: will be engaged in land surveying and layout tasks to ensure accurate placement of pipelines and other infrastructure components.
- Environmental Health and Safety Officers: the officers will be responsible for implementing and enforcing safety regulations, conducting safety training, and ensuring a safe working environment for all construction personnel.
- Support Staff and other support personnel will play crucial roles in supporting construction operations.



### **2.3.5 Project Duration**

The proposed project is expected to have a construction duration of about 18 months from the issuance of an Engineering, Procurement, and Construction (EPC) contract. Following the decision to proceed with the project and the subsequent awarding of the EPC contract, there will be approximately a 3-month period before construction mobilization begins. The projected average rate of pipeline installation is estimated to be approximately 500 meters per day, although progress may be slower in challenging areas such as road crossings. Additionally, the construction schedule will factor in weather conditions, especially during the peak rainy season, to mitigate any potential delays.

## **2.4 Project Alternative Analysis**

Assessment of project alternatives was done to determine the most appropriate development approach for the LMC of Chuka Water Project while minimizing adverse environmental and social impacts.

The ‘no action’ alternative option entails maintaining the current status quo of the water supply project in Chuka. The residents within the project areas would continue to rely on inadequate water supply systems, leading to inefficiencies and potential health risks due to waterborne illnesses. Additionally, the continued pressure on existing water sources may compromise ecosystems downstream. Therefore, opting for the "No-action" alternative would not address the growing water supply needs of Chuka and may perpetuate existing challenges. Further, a huge investment has already been incurred on the existing system.

An ‘alternative project location’ shall entail changing the proposed project location. The proposed LMC of Chuka Water Project is designed to be connected with the existing system and therefore this option is not feasible. The project is also designed to utilize the road reserves and thus minimize issues of resettlement.

The RAP study targeted business along the road reserve and structures which might be affected during the construction phase of the project. The anticipated impacts on livelihoods and loss of structures shall be mitigated through cash compensation in line with the agreement made with PAPs. The figures below show the project areas along the road reserves and businesses likely to be impacted during the construction phase.



Figure 2.2: A road section with upcoming businesses along the proposed wayleave on the right



Figure 2.3: A section of the proposed route at Ndagani area



Figure 2.4: A grocery shop along the road reserve that shall be compensated

### 3.0 LEGAL, POLICY AND INSTITUTIONAL FRAMEWORK

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The relevant legal, policy and institutional frameworks considered in the preparation of the Resettlement Action Plan (RAP) and which shall form part of the guiding frameworks for the implementation and monitoring of the same are discussed here below.

#### 3.1 National Legal Framework

##### 3.1.1 Constitution of Kenya, 2010

Article 40(1) of the Constitution of Kenya protects the right of individuals to own property anywhere in Kenya and states in part; ***Subject to Article 65, every person has the right, either individually or in association with others, to acquire and own property (a) of any description; and (b) in any part of Kenya.*** Article 40(2) offers specific protection for property ownership and provides for circumstances under which the state may possess property legally owned by an individual. It states:

- (2) *Parliament shall not enact a law that permits the State or any person—*
  - (a) *to arbitrarily deprive a person of property of any description or of any interest in, or right over, any property of any description; or*
  - (b) *to limit, or in any way restrict the enjoyment of any right under this Article on the basis of any of the grounds specified or contemplated in Article 27 (4).*
- (3) *The State shall not deprive a person of property of any description, or of any interest in, or right over, property of any description, unless the deprivation—*
  - (a) *results from an acquisition of land or an interest in land or a conversion of an interest in land, or title to land, in accordance with Chapter Five; or*
  - (b) *is for a public purpose or in the public interest and is carried out in accordance with this Constitution and any Act of Parliament that—*
    - (i) *requires prompt payment in full, of just compensation to the person; and*
    - (ii) *allows any person who has an interest in, or right over, that property a right of access to a court of law.*
- (4) ***Provision may be made for compensation to be paid to occupants in good faith of land acquired under clause (3) who may not hold title to the land.***
- (5) *The State shall support, promote and protect the intellectual property rights of the people of Kenya.*
- (6) *The rights under this Article do not extend to any property that has been found to have been unlawfully acquired*

It is in the above context that the current Abbreviated Resettlement Action Plan has been undertaken.

##### 3.1.2 Water Act, 2016

The Water Act, 2016 provides for the regulation, management and development of water resources, water and sewerage services; and for other connected purposes in Kenya. The Act establishes several institutions necessary for the management of the sector. Such institutions include the Water Resources Authority (Art. 11), National Water Harvesting and Storage

Authority (Art. 30), Water Services Regulatory Board (Art. 70), Water Sector Trust Fund (Art. 113), Water Works Development Agencies (Art. 65), Water Service Providers (Art.77) and the Water Tribunal (Art. 113). Some of sector institutions will have important roles to play within their legal mandates during various stages in the implementation of the current project as highlighted under 3.4.

### **3.1.3 The Lands Act 2012**

The Land Act of 2012 provides for the sustainable administration and management of land and land-based resources, and for connected purposes. The Act defines the forms of land tenure as freehold, leasehold, customary and easements; it recognizes and enforces land rights arising under all tenure systems and non-discrimination in ownership and access to land under all tenure systems. Article 7 clause (c) provides for the compulsory acquisition of land for public good.

### **3.1.4 The Land Registration Act, 2012**

The Act provides that any person may acquire ownership to any land once he or she has been registered as the owner. On registration, such a person acquires freehold interests on the land and is issued with a certificate title under Article 26 of the Act. All wayleaves are registered under this act and an easement issued under Article 98 of the Act.

### **3.1.5 The National Land Commission Act, 2012**

The National Land Commission is tasked with establishing county land management boards for purposes of managing public land. Article 5 of the Act narrates the functions of the commission. In section 5(1)(c), the Commission is tasked with provision of advise to the national government on a comprehensive program for the registration of title in land throughout Kenya. The Commission is further mandated to monitor the registration of all rights and interests in land, ensuring that public land and land under the management of designated state agencies are sustainably managed for their intended purpose and for future generations and to develop and maintain an effective land information management system at national and county levels. Project implementing agency will therefore be required, where acquisition or registration of interests (wayleaves or outright acquisition) is anticipated, to seek the final consent and registration with the National Land Commission. This is however, an administrative process to be effected by the relevant departments of the implementing agency.

### **3.1.6 The Environment and Land Court Act, 2011**

This Act establishes a superior court to hear and determine disputes relating to the environment and the use and occupation of, and title to, land, and to make provision for its jurisdiction functions and powers, and for connected purposes. The Court was established to hear and determine disputes relating to environment and land, including disputes:

- i). relating to environmental planning and protection, trade, climate issues, land use planning, title, tenure, boundaries, rates, rents, valuations, mining, minerals and other natural resources;
- ii). relating to compulsory acquisition of land;
- iii). relating to land administration and management;
- iv). relating to public, private and community land and contracts, choses in action or other instruments granting any enforceable interests in land

Any project stakeholder who feels disenfranchised by the project planning, implementation or operations, and who may have exhausted the procedures spelled out in the project-specific grievance redress mechanisms may approach the Court for adjudication.

### **3.1.7 Land Value (Amendment) Act, 2019**

The Act amends the Land Act, the Land Registration Act and the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act; to provide for the assessment of land value index in respect of compulsory acquisition of land; and for connected purposes. The Act, under Part VIII creates the Land Acquisition Tribunal as an appellate tribunal for appeals related to compulsory land acquisition emanating from persons dissatisfied with the determination of the NLC.

### **3.1.8 The Physical and Land Use Planning Act, 2019**

The Physical and Land Use Planning Act, 2019 is a robust and comprehensive framework for the planning, use, regulation and development of land. The Act:

- Sets out the principles, procedures and standards for the preparation and implementation of physical and land use development plans at the national, county, urban, rural and cities level
- Provides for the administration and management of physical and land use planning in Kenya
- Outlines the procedures and standards for development control and the regulation of physical planning and land use
- Provides for the coordination of physical and land use planning by county governments
- Provides a mechanism for dispute resolution with respect to physical and land use planning
- Provides for equitable and sustainable use, planning and management of land
- Gives the functions of and the relationship between planning authorities
- Provides a framework to ensure that investments in property benefit local communities and their economies

The project design team has taken into consideration the requirements of this Act by designing the proposed project to utilize the road reserve.

### **3.1.9 Valuers Act (CAP 532)**

The Valuers Act (CAP 532) provides for the registration of Valuers and regulates the practice of valuation by establishing The Valuers Registration Board to oversee the operations of the discipline. Under this Act, the conditions and qualifications for registration as a Valuer are set out; the Act also details the circumstances under which the name of a Registered Valuer may be struck out of the register.

### **3.1.10 Valuation for Rating Act (CAP 266)**

The Valuation for Rating Act empowers local government authorities (read County Governments) to value land for the purpose of rates and for related purposes and applies to any area of a local authority in respect of which any rate on the valuation of land, other than a rate on the annual value of agricultural land, in the area has been imposed by or under any law. The Act permits a Valuer appointed by the local authority to enter any property for the purposes of valuation and to enter the valuation details into a valuation roll; the valuation roll or any supplementary valuation roll contains:

- i). the description, situation and area of the land valued;
- ii). the name and address of the rateable owner;
- iii). the value of the land;
- iv). the value of the unimproved land;
- v). the assessment for improvement rate

The value of land, according to Valuation for Rating Act CAP 266, is the sum which the freehold, free from encumbrances (including easements) might be expected to realize at the time of valuation if offered for sale on such reasonable terms and conditions as a bona fide seller might be expected to impose taking into consideration other land of similar class, character or position, and to other comparative factors, and to any restrictions imposed on the land, and on the use of the land.

### **3.1.11 Rating Act (CAP 267)**

This is an Act of Parliament that provides for the imposition of rates on land and buildings in Kenya. This Act allows local authorities to levy rates on properties to meet their expenses and to provide basic services such as water and sewerage within their areas of jurisdiction.

The Rating Act requires every rateable owner, joint registered owners and any person collecting rent from the piece of property to pay land rates and any interests accrued before the first day of January in the financial year.

This Act exempts from land rates the pieces of land exempted by the Valuation for Rating Act from valuation. The Valuation for Rating Act frees any land with encumbrances from valuation. For the purposes of this RAP, easements will be provided by the PAPs for their land acquired for the wayleave and thus no land rates will apply for such portions.

### **3.1.12 Persons with Disability Act, 2003**

The Act provides for the rights and rehabilitation of persons with disabilities, the achievement of equalization of opportunities for persons with disabilities and the establishment of the National Council for Persons with Disabilities as well as connected purposes. Under Article 7(1)(c), the National Council for Persons with Disabilities maintains a register of all persons with disabilities in Kenya. Under Article 12(3), all persons with disability are exempted from payment of income tax on their employment income. Similar provisions are extended to employers of PWDs under Article 16(1).

It is therefore, encouraged, under this RAP, that project implementing agency puts in place similar measures for the inclusion of PWDs. Whereas many of such measures are already spelled out in the Act, administrative decisions that facilitate the inclusion of PWDs are continually encouraged as part of GoK policy. Article 15(1) of the Act highlights some of such decisions. For compensation purposes, however, the report has enhanced the disturbance allowance payable for PWDs to 50% as opposed to 15% for other PAPs. A certificate from the Commission would be required as proof of disability and government recognition.

### **3.1.13 Occupational Health and Safety Act, 2007 (Revision 2010)**

The Project shall comply with the provisions of the Occupational, Health and Safety Act (OSHA), 2007 in all its activities. The OSHA aims to secure the safety, health and welfare of persons at work; and protect persons other than persons at work against risks to safety and health arising out of, or in connection with, the activities of the persons at work.

### **3.1.14 Kenya Labour Laws**

#### **a. Employment Act, 2007**

This Act deals with the conditions of employment and the rights of workers. All workers, including those employed during the construction phase of the project, should be employed under conditions of this Act which includes provision with respect to minimum wage, working conditions and time, and adequate measures in the resolution of disputes. The contractor for this project shall be expected to adhere to these requirements.

#### **b. Work Injury Benefits Act, 2007**

This law governs the rights of employees and employers at the workplace. The act sets out obligations of employers and employees rights in cases of accidents, occupational diseases, rights to medical aid, among other pertinent issues.

Section 8(1) requires that every employer operating in the country is duly registered by the Director of Occupational Safety and Health Services. Section 7(1) of the act makes it mandatory for an employer to obtain insurance policy in respect of any liability that the employer may incur to any of his employees. This requirement shall be mandatory to all contractors engaged in the project.

**c. NSSF Act and NHIF Act**

The National Social Security Fund Act makes it mandatory for all employers and employees to register and submit to the fund prescribed monthly payments with respect to social security. Registration with the NSSF and NHIF and regular remittances to the funds by both employers and employees are legal requirements.

**3.1.15 The Access to Information Act, 2016**

The purpose of the Access to Information Act of 2016 is to:

- Provide the right of access to information by citizens as provided under Article 35 of the Constitution
- Provide a framework for public entities and private bodies to proactively disclose information that they hold and to provide information on request in line with the constitutional principles
- Provide a framework to facilitate access to information held by private bodies in compliance with any right protected by the Constitution and any other law
- Promote routine and systematic information disclosure by public entities and private bodies on constitutional principles relating to accountability, transparency and public participation and access to information
- Provide for the protection of persons who disclose information of public interest in good faith; and
- Provide a framework to facilitate public education on the right to access information.

Part II of the Act provides for the right to information, including the requirement of providing information expeditiously at a reasonable cost. Section 5 (2) of the Act provides that information shall be disseminated taking into consideration the need to reach persons with disabilities, the cost, local language, the most effective method of communication in that local area, and the information shall be easily accessible and available free or at cost considering the medium used. Relevant elements of the Act that considered in the formulation of the RAP are elaborated in Table 3.1 below.

Table 3.1: Sections of Access to Information Act, 2016 relevant to the RAP Process

<b>Relevant Article/ Sections</b>	<b>Provisions/ Requirements</b>	<b>Relevance to RAP</b>
Section 4,6 and 12	Every citizen has the right of access to information held by the State and another person and where that information is required for the exercise or protection of any right or fundamental freedom; access to information shall be provided expeditiously at a reasonable cost.	<ul style="list-style-type: none"> <li>• Disclosure of information has been done through RAP meetings</li> <li>• RAP report to be disclosed by the Bank</li> </ul>



Relevant Article/ Sections	Provisions/ Requirements	Relevance to RAP
Section 8 & 9	An application to access information shall be made in writing in English or Kiswahili and the applicant shall provide details and sufficient particulars for the public officer or any other official to understand the information requested. Where an applicant is unable to make a written request for access to information because of illiteracy or disability, the information officer shall take the necessary steps to ensure that the applicant makes a request in a manner that meets their needs. The decision about an application for access to information should be as soon as possible i.e., within 21 days of receipt of the application. It can be extended for a further 14 days.	An application to access information by stakeholders will be submitted when required. This will be done timeously.

### 3.1.16 The County Government Act, 2012 (Revision 2017)

The County Government Act No. 17 of 2012 provides for county governments’ powers, functions and responsibilities to deliver services. Section 6 (2) gives the counties the powers to acquire, purchase or lease land. Section 114 determines that the development of nationally significant development projects within counties shall be preceded by mandatory public hearings in each of the affected counties. Projects shall subsequently be approved or rejected by the county assembly. Methods of facilitating public participation are provided in Part VIII of the Act, and include, but are not limited to the following:

- Timely access to information, data, documents, and other information relevant or related to policy formulation and implementation
- Reasonable access to the process of formulating and implementing policies, laws, and regulations, including the approval of development proposals, projects and budgets, the granting of permits and the establishment of specific performance standards
- Protection and promotion of the interest and rights of minorities, marginalised groups and communities and their access to relevant information
- Legal standing to interested or affected persons, organisations, and where pertinent, communities, to appeal from or, review decisions, or redress grievances, with particular emphasis on persons and traditionally marginalised communities, including women, the youth, and disadvantaged communities
- Reasonable balance in the roles and obligations of county governments and non-state actors in decision-making processes to promote shared responsibility and partnership, and to provide complementary authority and oversight
- Promotion of public-private partnerships, such as joint committees, technical teams, and citizen commissions, to encourage direct dialogue and concerted action on sustainable development

- Recognition and promotion of the reciprocal roles of non-state actors' participation and governmental facilitation and oversight; and 19 Polluter-pays principle means that the cost of cleaning up any element of the environment damaged by pollution, compensating victims of pollution, cost of beneficial uses lost because of an act of pollution and other costs that relate to or incidental to the foregoing, is to be paid or borne by the person causing the pollution. 20 Precautionary principle means that where there are threats of damage to the environment, whether serious or irreversible, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation. Volume A Resettlement Planning
- Provision to the public of clear and unambiguous information on any matter, including clear environmental impact assessment reports, expected development outcomes and development options and their cost implications.

Section 97 of the Act requires that special consideration be given to vulnerable and marginalised groups through the principles of inclusion and integration, protection from discrimination based on language, religion, culture, national or social origin, sex, caste, birth, descent or other status; non-discrimination and equality of treatment in all areas of economic, educational, social, religious, political and cultural life of the marginalised and minority groups; special protection to vulnerable persons who may be subject to threats or acts of discrimination, hostility, violence and abuse as a result of their ethnic, cultural, linguistic, religious or other identity; special measures of affirmative action for marginalised and minority groups to ensure their enjoyment of equal rights with the rest of the population; respect and promotion of the identity and characteristics of minorities; promotion of diversity and intercultural education; and promotion of effective participation of marginalised and minority groups. Vulnerable and marginalised groups have been engaged with and considered during the development of the RAP.

### **3.2 National Policy Framework**

**Kenya Vision 2030** is Kenya's macroeconomic and social blueprint enacted in 2008 to guide the country into achieving middle-income status where citizens enjoy improved livelihoods and standards of living. Vision 2030 provides for improvement in the sanitation of the citizens as well as proper environmental management. It focuses on the betterment of the livelihoods of the Kenyan citizens politically through improved meaningful participation in governance, economically by empowering the people and their livelihoods, socially by ensuring a cohesive nation and environmentally by guaranteeing the right of every citizen to live and enjoy a safe environment. Improved sanitation in Chuka would be an important response to the Vision.

**Kenya Environmental Sanitation and Hygiene Policy, 2016-2030** is a national policy on sanitation and hygiene whose broad goal is to ensure universal access to improved sanitation, clean and healthy environment by 2030. The policy defines improved sanitation as the provision of hygienic facilities and the safe, environmentally-responsible collection and treatment of faecal sludge. The policy established that national sewerage coverage in Kenya stood at only 12% with only 5% of being effectively treated. Interventions in water and sanitation service provision will therefore go a long way in addressing the policy goals.

**National Water Policy:** The National Water Policy guides the development and management of water resources in Kenya, emphasizing equitable access, sustainability, and community participation.

### 3.3 African Development Bank Integrated Safeguards System (ISS), 2013

The AfDB's Integrated Safeguards System (ISS), 2013, Operational Safeguard 2 on Involuntary resettlement, land acquisition, population displacement and compensation, outlines the Bank's requirements for projects that may cause involuntary resettlement. The policy aims to ensure that people affected by projects are treated fairly and receive adequate compensation and support to rebuild their lives. The safeguard seeks to ensure that when project affected people must be displaced, they are treated fairly, equitably, and in a socially and culturally acceptable manner, that they receive compensation and resettlement assistance so that their standards of living, income-earning capacity, production levels and general livelihood are improved and they share in the benefits of the project that involves their resettlement.

The Safeguard highlights five objectives that target to (i) avoid involuntary resettlement where feasible, or minimize resettlement impacts where involuntary resettlement is deemed unavoidable after all alternative project designs have been considered, project implementers must, (ii) ensure that displaced people are meaningfully consulted and given opportunities to participate in the planning and implementation of resettlement programmes, (iii) ensure that displaced people receive significant resettlement assistance under the project, so that their standards of living, income-earning capacity, production levels and overall means of livelihood are improved beyond pre-project levels, (iv) provide explicit guidance to borrowers on the conditions that need to be met regarding involuntary resettlement issues in Bank operations to mitigate the negative impacts of displacement and resettlement, actively facilitate social development and establish a sustainable economy and society and (v) guard against poorly prepared and implemented resettlement plans by setting up a mechanism for monitoring the performance of involuntary resettlement programmes in Bank operations and remedying problems as they arise.

The safeguard system applies to the whole range of losses that project affected persons may incur including:

- Loss of shelter (living environment)
- Loss of assets (loss of structures and assets including cultural, spiritual, and other socially important sites such as parks and recreational facilities, among others)
- Loss of livelihoods/income sources due to project activities at any of the project phases (planning, construction, operations and maintenance or decommissioning)
- Disturbances caused by movement occasioned by the need for relocation or to readjust as a result of project activities

Entitlements under the AfDB ISS, OS 2 cover all project affected persons with legal rights as well as those who may not have legal rights to land or property but can show that they have been benefiting from the resources prior to the project interventions. It is important to note that

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an important aspect of the OS 2 is its recognition of the right of not only formal legal owners to property within the project area, but also the recognition of those PAPs who may not have any legal entitlements under local laws. It also recognizes cultural and customary considerations to the broader definition of PAPs under the Bank's policy.

### 3.4 Institutional Roles in RAP Implementation and Capacity Assessment

Table 3.2: Institutional Roles in RAP Implementation and Capacity Assessment

Institution	Roles	Capacity Assessment
African Development Bank (AfDB)	Project financing and general oversight and monitoring the implementation of the RAP	The AfDB has adequate capacity to finance the project and monitor its implementation.
Ministry of Finance and National Treasury	<p>The National Treasury and Planning was established under the Executive Order No. 1 of 2022 to oversee the Country’s economic policy and public finance management and national and sectoral development planning. The Ministry’s Vision is to provide leadership in economic and public financial management, and development planning for shared growth through formulation, implementation and monitoring of economic, financial and development policies.</p> <p>Among other roles, the ministry is in charge of formulation of national budget, public debt management, formulation and maintenance of government accounting standards, bilateral and multilateral financial relations, public procurement and disposal policy, public investment policy and oversight and development and enforcement of financial governance standards.</p> <p>Investment interventions by development agencies such as the African Development Bank are important in the achievement of national sectoral goals. Such investments are coordinated through the National Treasury and Planning.</p> <p>For purposes of the smooth implementation of the RAP, the Ministry will require to facilitate the disbursement of project funds in a timely manner to facilitate compensation of PAPs especially considering that PAP compensation must precede any construction works.</p>	The Ministry of Finance and National Treasury has adequate capacity for financial management on behalf of the borrower.
Ministry of Water, Sanitation and Irrigation	The Ministry was established under Executive Order No. 1 of 2022 to, among other functions, develop water resources management policy and standards, develop water and sewerage services management policy, develop waste water treatment and disposal policy, carry out water quality	The Ministry has the relevant experts in key areas such as Design of water and sanitation systems, physical planning,

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<b>Institution</b>	<b>Roles</b>	<b>Capacity Assessment</b>
	<p>and pollution control, conduct sanitation management and carry out management of public water schemes and community water projects.</p> <p>The development of water and sanitation systems under NUWSSP are in accordance with the mandate of the Ministry and are therefore coordinated by the Ministry on behalf of the Government of Kenya.</p> <p>In facilitating RAP implementation, the Ministry will therefore provide the necessary facilitative oversight including, but not limited to coordination with the national treasury and the Bank for timely disbursement of funds, provision of technical support to the implementing agency and ensuring adequate capacities are maintained at the implementing agency.</p>	<p>resettlement planning and shall therefore offer the necessary technical support to the project implementer. In areas where the expertise maybe inadequate, this can be enhanced through partnership with the private sector.</p>
<p>Ministry of Labour and Social Protection</p>	<p>The Ministry was established under Executive Order No. 1 of 2022 to, among other things, ensure the protection of workers’ rights as guaranteed under the Constitution of Kenya 2010.</p> <p>All Agencies and their agents (contractors and consultants) are, under the law expected to observe safe working conditions and the practice of fair labour practices. The Ministry handles all labour-related complaints in the country. The Ministry of labour will therefore need to facilitate RAP implementation through timely resolution of labour-related issues that might emanate from the various contracts under the project.</p>	<p>The Ministry of Labour and Social Protection has the required personnel to solve any labour related grievances that may arise during project implementation.</p>
<p>Ministry of Interior and National Administration</p>	<p>The Ministry was created under Executive Order No. 1 of 2022 to, among other things, coordinate national government functions.</p> <p>The Ministry, through local administrators (Village elders, Assistant Chiefs, Chiefs, Assistant County Commissioners, Deputy County Commissioners and County Commissioners) supports and coordinates all projects and programmes implemented by the national government.</p>	<p>The public administration has adequate capacity to play their role in RAP implementation</p>

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<b>Institution</b>	<b>Roles</b>	<b>Capacity Assessment</b>
	<p>Chiefs and Assistant Chiefs, particularly play an important role in linking national government agencies to the communities who are the target beneficiaries of the projects. In the implementation of the RAP, Chiefs will play a vital role, particularly in addressing local grievances. They will also support the RAP Implementation Team in all its activities at the local level.</p>	
<p>Ministry of Cooperatives and Micro, Small and Medium Enterprises (MSMEs)</p>	<p>The Ministry was Created through Executive order No, 1 of 2022 to, among other things, support the growth and development of MSMEs towards the socioeconomic transformation of the economy. The Ministry therefore plays a vital role in the development and implementation of policies, and strategies targeting the micro, small and medium enterprises in the country.</p> <p>Under the RAP, TWWDA anticipates to collaborate with the Ministry in skills development in support of the livelihoods restoration plan proposed herein.</p>	<p>The ministry of cooperatives and MSMEs has adequate capacity to support TWWDA in implementing livelihood restoration activities to PAPs. Where inadequate, their capacity can be enhanced through partnership with the private sector.</p>
<p>Water Services Regulatory Board (WASREB)</p>	<p>Established by Section 70(1) of the Water Act 2016 with the mandate to, among other things: determine, prescribe and monitor standards for the provision of water services and asset development for water service providers, evaluate and recommend water and sewerage tariffs for the county water service providers and approve the imposition of such standards in line with consumer protection standards and set license conditions for water services providers.</p> <p>For sustainability purposes and for the purposes of consumer protection, water and sewerage tariffs are strictly regulated by the Board in accordance with the law. The tariffs to be imposed by TWWDA under the current project will therefore have to comply with WASREB guidelines.</p> <p>WASREB retains the regulatory mandate over the WSPs. In implementing the current project therefore, any grievances that the project affected persons and project beneficiaries might have against the local WSP may be channeled to WASREB for adjudication in accordance with the Water Act, 2016. Project stakeholders are however encouraged to utilize the GRM channels proposed under this RAP.</p>	<p>WASREB has adequate capacity</p>

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<b>Institution</b>	<b>Roles</b>	<b>Capacity Assessment</b>
Tana Water Works Development Agency	<p>Tana Water Works Development Agency is one of the agencies established under Section 65(1) of the Water Act 2016 with the mandate to;</p> <ul style="list-style-type: none"> <li>• RAP preparation and implementation</li> <li>• Undertake the development, maintenance and management of the national public water works within its area of jurisdiction;</li> <li>• Operate the waterworks and provide water services as a water service provider, until such a time as responsibility for the operation and management of the waterworks are handed over to a county government, joint committee, authority of county governments or water services provider within whose area of jurisdiction or supply the waterworks is located;</li> <li>• Provide reserve capacity for purposes of providing water services where pursuant to section 103, the Regulatory Board orders the transfer of water services functions from a defaulting water services provider to another licensee;</li> <li>• Provide technical services and capacity building to such county governments and water services providers within its area as may be requested; and</li> <li>• Provide to the Cabinet Secretary technical support in the discharge of his or her functions under the Constitution and this Act</li> </ul> <p>The agency is the implementing institution of the Chuka Water Last Mile Connectivity project and shall be in charge of ensuring the full implementation of the RAP. The agency may delegate some of the functions to the Water Services Provider as stipulated under the Act.</p>	The proponent, TWWDA has adequate capacity to carry out their mandate in RAP preparation and implementation. This capacity shall be enhanced through partnership with the private sector e.g. tendering for consulting services
County Government	The CoK, 2010 created 47 County Governments. Schedule 4 of CoK provides for water and sanitation services as devolved functions. Section 77(1) of the Water Act mandates the county governments to establish water service providers for the purposes of provision and development of water service infrastructure and management of water services within the county. The Public Health Act requires county governments to enforce the use of sewerage systems whenever such systems are available.	The County Government has adequate capacity to play their role of overall supervision of projects in the counties and support during conflict resolution.



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<b>Institution</b>	<b>Roles</b>	<b>Capacity Assessment</b>
	<p>County Governments play an important role in the overall supervision of all projects and programmes in the counties and are an important node in resolving conflicts that may emanate from project implementation. The proposed GRM under this RAP will be activated at three levels; local community level, county level and national level.</p> <p>The County Government of Tharaka Nithi will also play a coordination role during RAP implementation and overall project implementation.</p>	
National Land Commission	<p>The Commission is set up under the National Land Commission Act, 2012, and sets out the functions and powers of the National Land Commission, qualifications and procedures for appointments to the Commission and to give effect to the objects and principles of devolved government in land management and administration in Kenya and connected purposes.</p> <p>The Commission, among other things:</p> <ul style="list-style-type: none"> <li>• Manages public land on behalf of the national and county governments;</li> <li>• Recommends a national land policy to the national government;</li> <li>• Advises the national government on a comprehensive programme for the registration of titles in land throughout Kenya;</li> <li>• Encourages the application of traditional dispute resolution mechanisms in land conflicts;</li> <li>• Assesses tax on land and premiums on immovable property in any area designated by law; and</li> <li>• Monitors and has oversight responsibilities over land use planning throughout the country.</li> </ul> <p>The Commission also:</p> <ul style="list-style-type: none"> <li>• On behalf of, and with the consent of the national and county governments, alienate public land;</li> <li>• Monitors the registration of all rights and interests in land</li> <li>• Ensures that public land and land under the management of designated state agencies are sustainably managed for their intended purpose and for future generations</li> </ul>	<p>NLC has the necessary capacity required to carry out their mandate in regard to RAP preparation and implementation. This capacity can also be enhanced through collaboration with the private sector institutions.</p>

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<b>Institution</b>	<b>Roles</b>	<b>Capacity Assessment</b>
	<p>In the registration of any wayleave rights in case such a need arises, the project implementing agency must liaise with the NLC to ensure compliance and adherence to the above legal requirements.</p>	
<p>Land Acquisition Tribunal</p>	<p>The tribunal was created by the Land Value (Amendment) Act 2019, Part VIIA and is mandated to hear and determine appeals from the decisions of the National Land Commission in matters relating to the process of compulsory acquisition of land.</p> <p>Though not anticipated under the current project, the role of Land Acquisition Tribunal becomes important where grievances arise from such need.</p>	<p>The tribunal has the necessary capacity to carry out their mandate of dispute resolution on land acquisition matters.</p>
<p>Environment and Land Court</p>	<p>The Court was established under the Environment and Land Court Act, 2011. The Act sought to give effect to Article 162(2)(b) of the Constitution; to establish a superior court to hear and determine disputes relating to the environment and the use and occupation of, and title to, land, and to make provision for its jurisdiction functions and powers</p> <p>Since its establishment as an arm of the High Court of Kenya, the E&amp;L Court has hastened the period within which environmental and land related matters are adjudicated in the country. Any PAP, therefore, who may not be satisfied under the GRM process proposed under this RAP and may feel that their right to land or to a clean environment may be infringed would be at discretion to prosecute the matter under this Court.</p>	<p>The Environment and Land Court has the necessary capacity to resolve project grievances relating to environment and land even though such cases are time consuming and may result to project delays. The PAPs and any aggrieved parties shall therefore be sensitized on the project GRM to ensure most of the project grievances are resolved within short timeframes.</p>
<p>National Environment Management Authority</p>	<p>The National Environment Management Authority, NEMA, was established under the Environmental Management and Coordination Act, 1999. The Act established the legal and institutional framework for the management of the environment and for the matters connected therewith and incidental thereto in Kenya.</p>	<p>NEMA has the necessary capacity required to investigate/ arbitrate any concerns that may emanate from any stakeholder in regard to licensing of the proposed project</p>

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<b>Institution</b>	<b>Roles</b>	<b>Capacity Assessment</b>
	<p>The object and purpose of NEMA under the Act is to exercise general supervision and co-ordination over all matters relating to the environment and to be the principal instrument of Government in the implementation of all policies related to the environment.</p> <p>The Authority, under Section VI of the Act, is mandated to license any development initiative after an Environmental Impact Assessment is conducted in the prescribed format. The law also allows any citizen whose right to a clean and safe environment may be infringed to seek redress from the Authority. NEMA has administratively devolved its functions to county levels where the County Director of Environment receives and addresses all issues directed at the Authority. In the implementation of the project, stakeholders may, in exhaustion of the GRM mechanisms within this RAP, or within their own assessment, submit relevant complaints to NEMA for arbitration. The Authority in its own motion, may exercise its mandate to address any breaches to the conditions of the environmental license as the need may arise.</p>	
Water Resources Authority	<p>Article 11(1) of the Water Act, 2016 establishes the Water Resources Authority with the mandate to;</p> <ol style="list-style-type: none"> <li>a. formulate and enforce standards, procedures and Regulations for the management and use of water resources and flood mitigation;</li> <li>b. regulate the management and use of water resources;</li> <li>c. enforce Regulations made under the Act;</li> <li>d. receive water permit applications for water abstraction, water use and recharge and determine, issue, vary water permits; and enforce the conditions of those permits;</li> <li>e. collect water permit fees and water use charges;</li> <li>f. determine and set permit and water use fees;</li> <li>g. provide information and advice to the Cabinet Secretary for formulation of policy on national water resource management, water storage and flood control strategies;</li> <li>h. coordinate with other regional, national and international bodies for the better regulation of the management and use of water resources; and</li> <li>i. advise the Cabinet Secretary generally on the management and use of water resources.</li> </ol>	<p>WRA has adequate capacity to address issues related to water abstraction and catchment protection. Opportunities to enhance this capacity through partnership with the private sector institutions can also be explored.</p>

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Institution	Roles	Capacity Assessment
	<p>Any water abstraction from either ground or surface water thus requires a permit from the Authority. The Authority has administratively devolved its functions at regional and county levels to effectively serve the population. Together with NEMA, the Authority monitors concerns of water quality and water contamination within the country and is therefore adequately mandated to address all issues related to water abstraction.</p>	
<p>County Environment Committee</p>	<p>EMCA (Amendment) 2015, Section 29, establishes the County Environment Committee to perform the following functions:</p> <ul style="list-style-type: none"> <li>a. be responsible for the proper management of the environment within the county for which it is appointed;</li> <li>b. develop a county strategic environmental action plan every five years; and</li> <li>c. perform such additional functions as are prescribed by this Act or as may, from time to time, be assigned by the Governor by notice in the Gazette.</li> </ul> <p>The committee may on its own motion, or through a complaint by a stakeholder, investigate, assess and or advise on the proper implementation of any project within the county that impacts on the environment. The committee may from time to time advise the RAP implementation team on pertinent issues to be addressed during the RAP implementation including, but not limited to, the restoration of public and private infrastructure, implementation of environmental restoration activities within the county, among others.</p>	<p>The county environment committee has the relevant capacity required to carry on their mandate in supporting RAP implementation. Opportunities to enhance their capacity through partnership with the private sector also exists.</p>
<p>Nithi Water and Sanitation Company (NIWASCO)</p>	<p>Water service providers (WSPs) are established in accordance with Article 77(1) of the Water Act and has the mandate to:</p> <ul style="list-style-type: none"> <li>(a) provide water services within the area specified in the license; and</li> <li>(b) develop county assets for water service provision.</li> </ul> <p>The water service providers manage and maintain, on a day-to-day basis, water and sewerage services in the designated areas and levy tariffs as approved by WASREB.</p>	<p>Upon project handover, NIWASCO shall be expected to increase their human capacity through employment of more staff to manage and maintain the new system.</p>

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<b>Institution</b>	<b>Roles</b>	<b>Capacity Assessment</b>
	<p>On completion, Chuka Water project shall be handed over to NIWASCO for operations and maintenance. NIWASCO will thereafter be required to address any matters that could be pending from the implementation of the project. The involvement of NIWASCO at the onset of the project is therefore important as it would ensure continuity as well as in understanding the issues that may be of concern to project stakeholders.</p>	

### 3.5 Gap Analysis

Kenya has several laws, policy instruments and sectoral/agency-based frameworks under which project/programme-triggered involuntary resettlements, displacements, compensations and land acquisition are addressed. On the other hand, the African Development Bank Integrated Safeguards Systems provides the framework for the Bank, agencies and partners involved in bank-funded projects and programmes to adequately address resettlement issues emanating from such projects and programmes. A review of the approaches by the two entities in their approach towards project/programme-triggered resettlement, displacements, land acquisition and compensations has been conducted in the context of Chuka Water LMC Project. Table 3.3 presents a summary of the key issues.

**Table 3.3:** Gap Analysis between National Policies and AfDB Operational Safeguards

Thematic area	AfDB ISS	Local Legislations/Practices	Proposal
Entitlements	Bank advocates for compensation of PAPs with <ul style="list-style-type: none"> <li>• Formal legal entitlements</li> <li>• Socio-cultural rights/claims</li> <li>• No legal entitlements but live or derive livelihoods from project area</li> </ul>	The law recognizes PAPs with formal legal rights and those with rights under customary law or cultural practices	The Bank's approach is more robust, progressive and responsive to international best practices and should be adopted
Economic losses	Bank ISS provides for compensation for both physical and economic losses	GoK considers compensation for only physical losses	Adopt the Bank's approach as it's more progressive
Grievance Redress	Project-specific GRM proposed to help deal with grievances	Whereas alternative dispute resolution mechanisms exist under the law, specific provisions have been provided for land-related disputes under both the Land Act and the Land Value (Amendment) Act 2019	Legal mechanism should be employed only after exhausting project-specific GRM. Stakeholders however reserve the right to explore legal redress at any point.
Monitoring	Bank has an inbuilt monitoring system for Bank-funded projects/programmes. Bank internal review of ISS in 2019 recommended enhancement of monitoring framework currently under implementation	GoK conducts projects/programmes monitoring based on the funding agency's needs for reporting. Additional monitoring is conducted by the Auditor General annually but is usually of limited scope and focuses mainly on procedural and financial issues	A combined monitoring framework is desirable. Adherence to Bank monitoring requirements while observing GoK legal requirements for monitoring should be adopted.

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<b>Thematic area</b>	<b>AfDB ISS</b>	<b>Local Legislations/Practices</b>	<b>Proposal</b>
Capacity Enhancement for PAPs	Bank supports capacity development for PAPs as part of RAP budget	GoK processes have no provision for capacity development for PAPs beyond the compensation provided for physical losses.	Provide for capacity development for PAPs before, during, and after compensation payments

## **4.0 STAKEHOLDER ENGAGEMENT AND GRIEVANCE REDRESS MECHANISM**

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### **4.1 Stakeholder Engagement**

#### **4.1.1 Overview**

The main objective of stakeholder engagement is to ensure that project affected persons (PAPs) and other relevant stakeholders are informed, educated, consulted and allowed to participate actively in the resettlement planning process. Adequate stakeholder engagement ensures effective and inclusive planning of resettlement activities. The RAP study team conducted extensive stakeholder consultation activities between the period March and April 2024 in the project areas to incorporate stakeholder views, needs and expectations in the RAP report. Minutes of consultation meetings and the list of participants are attached in the appendices. This chapter discusses how the RAP study team carried out stakeholder engagement activities and provides a summary of the issues raised and responses given by the proponent and the RAP team. The chapter also presents a summary of the Stakeholder Engagement Plan (SEP) and a Grievance Redress Management structure that will guide future engagements with project stakeholders and a GRM through which most grievances emanating from the project shall be addressed.

#### **4.1.2 Stakeholder Engagement Plan**

A Stakeholder Engagement Plan has been prepared separately to provide guidelines through which TWWDA will engage its stakeholders in a structured, informed, inclusive and regular manner. The main objectives of the SEP are to:

- i. To establish a systematic approach for stakeholder engagement throughout the project cycles
- ii. To identify key stakeholders that are affected by the proposed projects, their interests, concerns and influence in relation to project activities
- iii. To promote and provide means for effective and inclusive engagement with project affected persons throughout the project cycle on issues that could potentially affect them
- iv. Identify effective ways and methods to disseminate project information as per the needs of the stakeholders
- v. To ensure that appropriate project information on environmental and social risks and impacts is disclosed to stakeholders in a timely, understandable, accessible and appropriate manner
- vi. To provide project affected parties with accessible and inclusive means to raise grievances and allow the project implementers to respond and manage such grievances

In line with the SEP requirements, the RAP study team engaged relevant key stakeholders using various stakeholder engagement methods such as key informant interviews, focus group discussions, phone interviews, public barazas and questionnaires. Stakeholder engagement and



public consultation will be a continuous activity in all project phases guided by the Stakeholder Engagement Plan. The next project activities that will necessitate stakeholder engagement are:

- Disclosure of the RAP Report
- Compensation of Project Affected Persons (PAPs)
- Grievance management at various levels
- Project implementation activities
- Monitoring and Evaluation

#### **4.1.3 Key Stakeholders Engaged**

The key stakeholders engaged during the RAP study included:

- Deputy County Commissioner
- Ministry of Lands
- Nithi Water and Sanitation Company (NIWASCO)
- Road agencies
- Business community in Chuka town
- Project area chiefs and subchiefs

Table 4.1 presents a summary of the public consultations' meetings jointly held by both the ESIA and RAP study teams.

Table 4.1: Summary of public consultation meetings held

<b>Date</b>	<b>Venue</b>	<b>Category of Stakeholder Engaged</b>	<b>Attendance</b>
14 <sup>th</sup> , February 2024	Ndagani Social Hall	PAP's and local community	19 (10M, 9F)
9 <sup>th</sup> to 10 <sup>th</sup> April 2024	Along the proposed pipeline route	Project Affected Persons (PAPs)	12 (5M, 7F)

The main objectives of the public participation meetings were to disseminate information about the proposed project to the stakeholders detailing various project components and project location and to discuss project impacts and appropriate enhancement and mitigation measures. The stakeholders were also able to raise their key concerns regarding the project and appropriate responses were issued by TWWDA and the consultant team as presented in Table 4.2. The minutes of the meetings held and the list of participants have been attached in the appendices of this report.

**Table 4.2: Issues Raised by Key Stakeholders and Responses given by the Technical Team**

Issue/Concern	Technical Team Response
Enquiry about compensation of the affected persons	Compensation for all persons that will be directly affected by the projects shall be done diligently following the Resettlement Action plan that shall be formulated by the consultant.
An inquiry whether the local labour force would be prioritized	In a bid to grow the economy of the project area, the contractor shall be keen on hiring locals, especially for unskilled labour.
Inquiry about the economic viability of his land parcel after a pipe line transvers somebody's land.	The community members were informed that they would still carry out agricultural activities on their land parcels after the pipelines were laid but would be limited to growing shallow-rooted crops such as maize and beans. No structures would be allowed along the line to allow for operational maintenance
Dust pollution during excavations	The contractor will ensure sprinkling of roads with water to mitigate against dust during project construction phase
Noise pollution from project vehicles and excavation activities	Contractor will restrict site activities during the day especially for sections requiring heavy use of machinery
Accidents	The proponent will put in place adequate safety measures to be adhered to by contractors and the workers during project implementation.  Excavated trenches not to be left unattended
Cases of the pipeline passing through private land	It was confirmed that the proposed project will utilize the road reserve to minimize issues of compensation
Which businesses qualify for compensation for livelihood loss	The technical team explained that in line with the AfDB policies, the livelihood losses for businesses along the roads where the water pipelines would be installed would be compensated for a period of 5 days. The amount of compensation would be based on assessment of business loss per day based on the scale and type of business.
How grievances would be addresses or complaints regarding the project	TWWDA is developing a grievance redress mechanism (GRM) to handle all project related grievances related to the proposed Chuka Water Supply LMC project. The PAPs and general stakeholders shall be sensitized on the project GRM

The figures below show photos of public participation meetings held jointly by the ESIA and RAP teams.



Figure 4.1: Public participation meeting at Chuka Water Office.



Figure 4.2: Public participation meeting at Ndagani

#### 4.1.4 Future Stakeholder Engagement Activities

Stakeholder engagement and public consultation will be a continuous activity in all project phases. This will be guided by the Stakeholder Engagement Plan which provides guidelines for stakeholder's engagement in a structured, informed and inclusive manner. The next project activities that will necessitate stakeholder engagement are:

- Disclosure of RAP Reports
- Compensation of Project Affected Persons (PAPs)
- Grievance management at various levels
- Project implementation activities
- Monitoring and Evaluation

## 4.2 Grievance Redress Mechanism

A Grievance Redress Mechanism (GRM) is an instrument through which dispute resolution is sought and provided. It involves the receipt and processing of grievances from individuals or groups negatively affected by activities of a particular project. A Grievance Redress Mechanism (GRM) plays a critical role in preventing negative interruptions in project implementation occasioned by legal redress that are costly and time consuming. It spells out avenues to mitigate grievances from stakeholders and provides a legitimate, accessible and cost-effective avenue for receiving and addressing grievances whenever they occur. This section presents the procedures for handling grievances during the implementation phase of the RAP.

### 4.2.1 Objectives of the Grievance Redress Mechanism

The objectives of the GRM are as follows:

- i. To provide and operationalize structures for receiving and addressing grievances emanating from project activities and providing feedback

- ii. To sensitize stakeholders on existing avenues and channels for registering and resolving grievances
- iii. To mitigate negative impacts of grievances emanating from project interventions
- iv. To promote good relations between the project implementers, executors and beneficiaries.

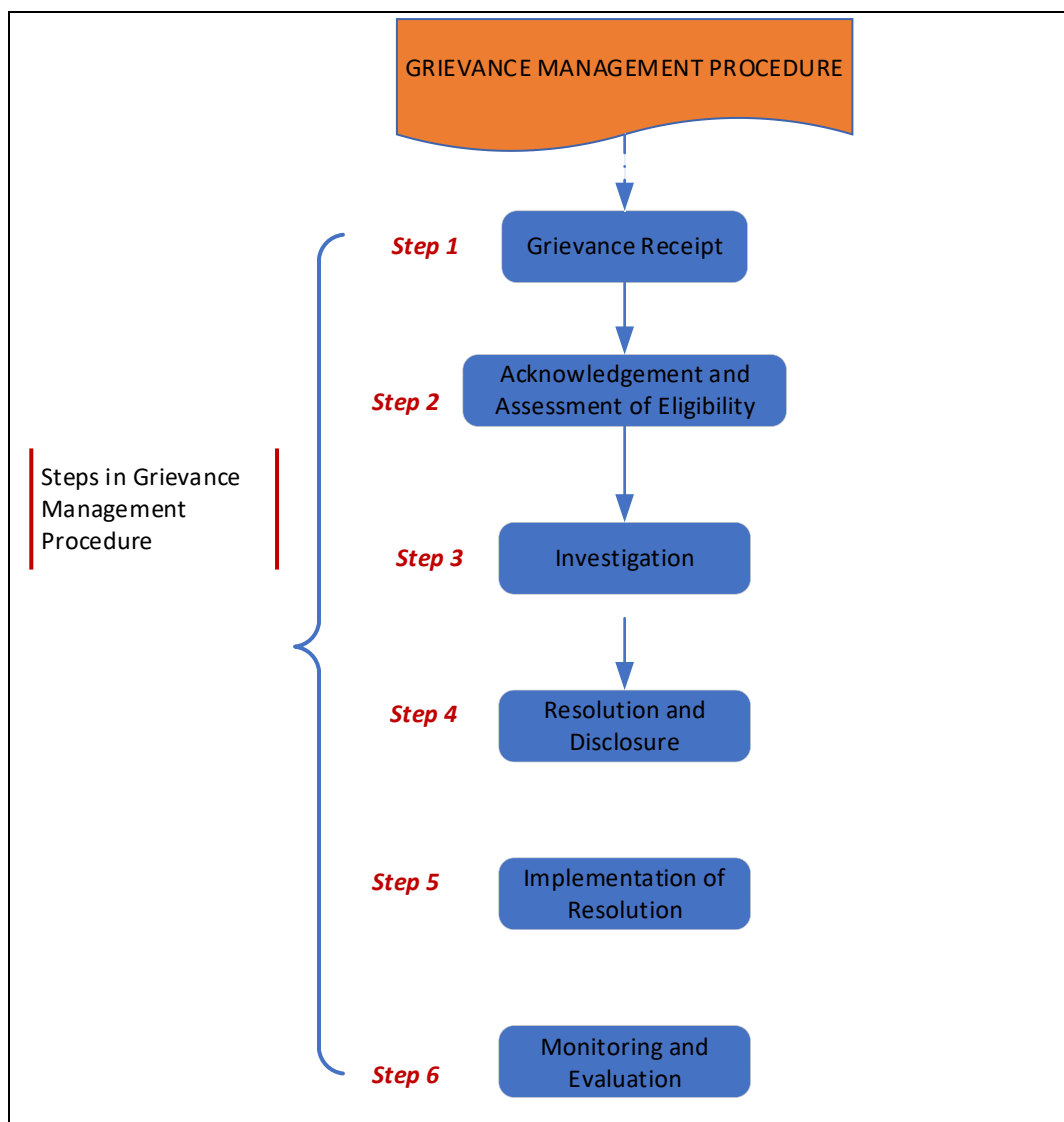
#### **4.2.2 Principles of the GRM**

The effectiveness of this GRM will be guided by following principles:

- Accessibility – The GRM shall be accessible to everyone and at anytime
- Predictability –time bound at any stage with specified timeframes for the responses
- Fairness – The procedures herein are perceived as unbiased in regard to access to information and meaningful public participation
- Rights compatibility – The outcome of the mechanism should be consistent with the Bank and national standards and should not restrict access to other redress mechanisms
- Transparency and Accountability – The entire GRM process to be open and transparent and done out of public interest
- Culturally appropriate, thus sensitive to people’s perceptions about fairness, justice and respectful solutions
- Feedback – The GRM to serve as a means of feedback from various stakeholders to improve project outcomes.

#### **4.2.3 The Grievance Redress Mechanism Structure**

The GRM structure presents procedures and timeframes for grievance redress at various levels. All grievances reported shall be managed using the procedure illustrated in figure 4.3 below.



**Figure 4.3: Grievance Management Procedure**

A three-level redress mechanism targeting all stakeholders involved in project implementation will be adopted.

### 1. First Level of Redress: Community Level

The first level of grievance redress will be at the community level mainly targeting the local beneficiary communities and the project affected persons (PAPs). For every community at location level, a local grievance management committee shall be formed and trained to handle community grievances/ complaints emanating from the implementation of the proposed water supply and sanitation projects. The committee shall comprise of five members who shall include the local chief as the chair. The other members shall be nominated by the project beneficiaries ensuring gender balance and a representation of the vulnerable where applicable.<sup>2</sup>. The committee shall be trained by the Social Safeguard Officer on conflict resolution, group dynamics, project sustainability among other areas that shall be deemed necessary.

<sup>2</sup> The committee should have at least two female members

### **Step 1: Receipt of grievances**

The mode of receipt of the complaints/ grievances may either be in writing, reported verbally, over the phone or emails. Once the local grievance management committee receives a grievance, the committee secretary shall be mandated to register the grievance. The received grievance and relevant information related to the grievance shall be recorded on a standardized grievance register form attached in the Appendix 4.

### **Step 2: Acknowledgement, assessment for eligibility and recording**

The committee shall then determine the eligibility of the grievance received and if eligible, they shall notify the complainant and acknowledge receipt within three (3) days of receiving it. If not eligible, the complainant shall be informed of the reasons and advised on other existing GRMs to address his grievance. The complainant shall also be informed of the next steps and the timeframes including any further information/ documentation that maybe required to aid in investigation. The timeframes should not be later than twenty-one (21) days after the grievance is received.

### **Step 3: Investigation**

The committee shall then set a day when all members are available and begin the investigation by assessing the seriousness/ severity of the grievance and classifying it either as high, medium, or low based on its impact to the complainant and the project. The assessment may necessitate the need for additional data collection through field visits to the sites, interviews with the relevant groups and follow up meetings with the affected groups to validate the information provided by the complainant. Minutes of such meetings shall be recorded and attached to the grievance report.

### **Step 4: Grievance Resolution and Disclosure**

Depending on the findings and severity of the grievance, a resolution shall be decided immediately and the deliberations recorded in the grievance resolution form provided in the SEP. However, if the grievance cannot be resolved by the local grievance management committee it shall be escalated to the county level and to the national level if not resolved at the county level. In cases where the complainant shall not be satisfied with the resolution given by the concerned committee, they shall be advised to report to the next level of redress. Also, in cases where the project GRM levels are unable to resolve the grievance, the complainant will be referred to the existing legal and judicial mechanisms in Kenya. This process should take a maximum of twenty-one (21) days from the time the parties are informed of the acceptance of the grievance.

### **Step 5: Implementation of the Resolution Mechanism**

Once a resolution has been determined and the same communicated to the affected parties, an agreement shall be drawn outlining the following among other strategies for settlement of the grievance:

- Requesting the relevant agencies/ contractors responsible for the grievance to take appropriate measures to address the root causes of the grievance
- Determining reasonable compensation for loss from the accused parties
- Signing agreements between the accused persons and the project for solutions mutually agreed upon

## **Step 6: Grievance monitoring**

The local grievance management committee shall then monitor the implementation of the grievance resolution mechanisms given and assess any further impacts of the project related grievances. They shall also monitor to ensure that the redress is granted to complainant in a timely and efficient manner and give regular feedback to the complainants about the progress.

### **2. County Level – Second Level of Redress**

The second level of redress will be at the county level where a county grievance management committee shall be established and chaired by a nominee of the proponent, TWWDA. The membership of the committee shall entail a social safeguard specialist, community liaison officers from the WSPs and the chairs of the various local grievance management committees in the County. The committee will also be trained in handling project grievances.

Just like the case with the first level of redress, once a complaint has been registered, the county grievance management committee will set a day to investigate the same and offer an action/ solution. If possible, a meeting will be held between the complainants and the concerned project officer to find a solution. Similarly, like in the first level of redress, a grievance resolution form shall be filled providing details of how the grievance was investigated and the recommended action provided. The resolution period shall be expected to take a maximum of fourteen (14) working days after which the complainant shall be notified through a grievance disclosure form. Grievances that shall not be resolved at this level shall be referred to the next level.

The county grievance management committees shall be obligated to submit a quarterly report using the standardized format provided in Appendix 4.

### **3. Third Level of Redress: National Level**

At the National Level, a Grievance Handling Committee shall be appointed and equally trained to handle grievances. The committee shall be chaired by a nominee at the Ministry of Water, Sanitation and Irrigation, other membership shall include the project co-ordinators at TWWDA, the chairs of the county grievance management committees and a representation from TWWDA legal department. The ministry shall appoint a grievance handling officer who shall foresee operations of the committee. As in other levels, the reporting tools for other levels shall equally apply at national level reporting.

The resolution period at national level shall be expected to take a maximum of twenty (21) working days and the concerned shall be notified through the GRM/003 form. Should the grievance not be solved within this period, the complainant shall be advised to seek recourse through the legal and judicial mechanisms in Kenya discussed below.

TWWDA shall maintain databases and reports on all grievances and regularly conduct an assessment of the overall effectiveness and the impact of the GRM. The results of the assessment shall be used to improve the performance of the GRM and provide valuable feedback to project management.

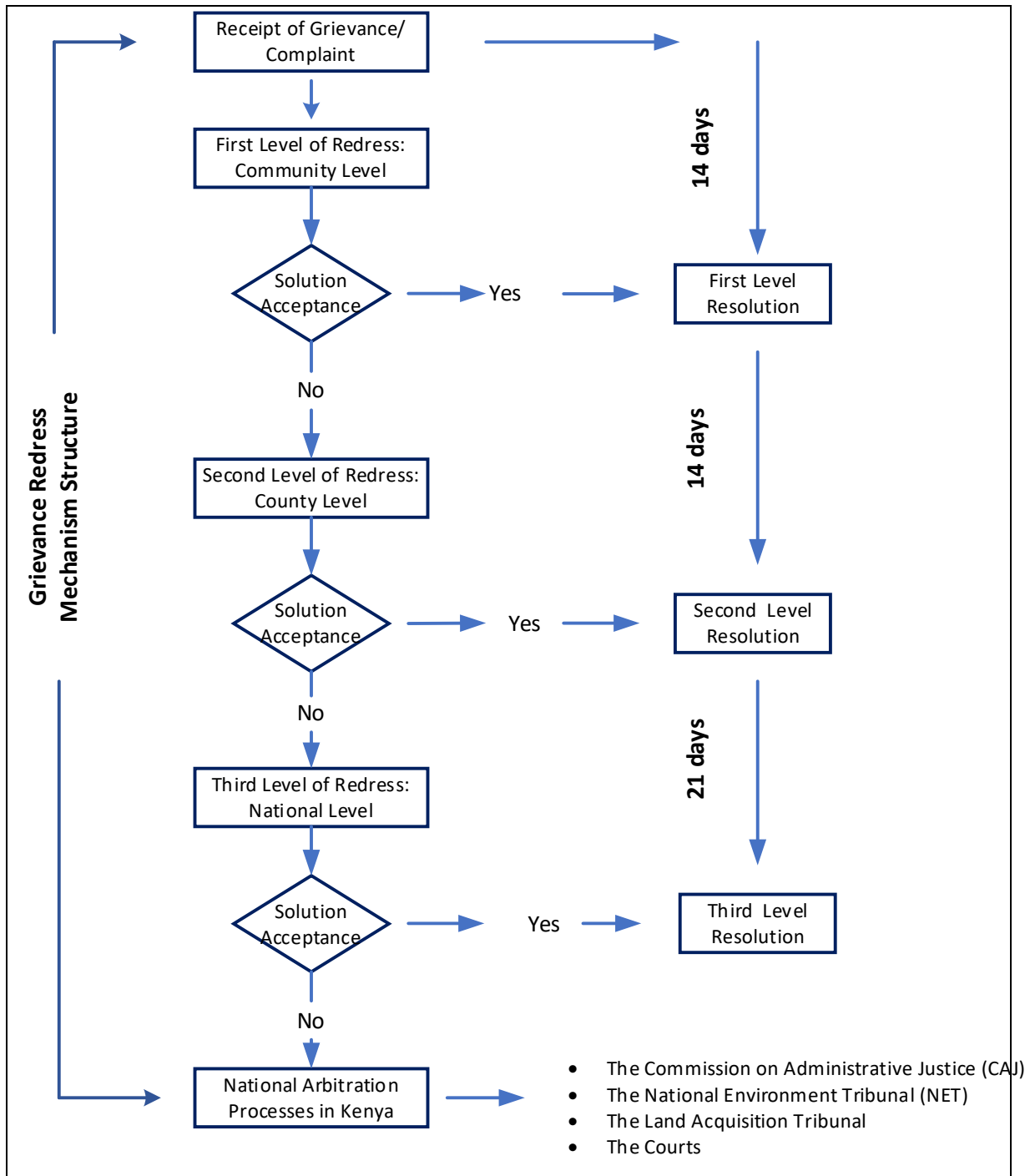
#### **4. National Arbitration Processes in Kenya**

In the event that the complainants are dissatisfied with the outcome of grievance resolution, they shall be advised to seek recourse through the following national arbitration processes:

- i. The Commission on Administrative Justice (CAJ)
- ii. The National Environment Tribunal (NET)
- iii. The Land Acquisition Tribunal
- iv. The Courts

Figure 4.4 presents a summary of the levels of grievance redress mechanism





**Figure 4.4: Levels of Grievance Redress Mechanism**

The GRM reporting tools are provided in Appendix 4.

#### 4.2.4 Safeguards Grievances Redress

Safeguard grievances will cut across PAPs as well as project workers and the surrounding communities. The project shall therefore proactively address the potential for increased Gender-Based Violence (GBV), Violence Against Children (VAC), and Sexual Exploitation, Abuse, and Harassment (SEAH) risks through preventative measures and community engagement through the following approaches:

**a) Contractor to Develop a Policy Document on Social Safeguard Grievances**

The contractor shall be required to prepare an explicit stand-alone policy document on social safeguard grievances integrating grievances related to GBV, VAC and SEAH. The policy document shall specify the protocols for addressing such grievances including separate confidential reporting channels, and strict measures for safeguarding the privacy and safety of victims. The contractor shall report all social safeguard grievances to the project Social Safeguard Specialist and consider sensitivity and confidentiality of such grievances.

**b) Community Awareness and Sensitization**

- Communication Campaign: Develop a targeted campaign to inform PAPs, project workers and surrounding communities about:
  - i. GBV, VAC, SEAH grievances
  - ii. How to safely and confidentially report incidents
  - iii. Zero-tolerance policy for any form of GBV, VAC, or SEAH
- Contractor and Worker Training: Mandatory training modules for all project personnel, including contractors, on prevention, identification, and appropriate response to GBV, VAC, and SEAH incidents.

**c) Collaboration and Referral Pathways**

- Partnership with Specialized Organizations: Establish partnerships with social service providers with expertise in addressing GBV, VAC, and SEAH. These organizations can play a crucial role in:
  - i. Providing support services and counseling to survivors
  - ii. Capacity building and training for project personnel
  - iii. Assisting with investigations and case management where necessary
- Clear Referral System: Develop clear protocols and referral mechanisms for handling reported cases. This includes establishing lines of communication between the project team and specialized support organizations.

**d) Incident Reporting and Response**

- Designated Responsibility: Appoint a dedicated point person from the project team, ideally a Social Safeguards Specialist, to oversee reporting, investigation, and response related to GBV, VAC, and SEAH incidents.
- Reporting Channels: In addition to the general GRM, provide multiple reporting options (verbal, written, anonymous hotlines) accommodating the needs and safety concerns of potential survivors.

- **Timely and Thorough Investigations:** Establish procedures for a prompt, sensitive, and thorough investigation of grievances.
- **Survivor-Centered Response:** Prioritize the well-being, safety, and expressed needs of survivors in all response actions. Ensure access to medical, psychological, and legal support as needed.
- **Accountability and Corrective Actions:** Implement clear disciplinary measures for any project personnel found to have committed GBV, VAC, or SEAH violations. Take appropriate actions to prevent recurrence.

**e) Monitoring, Evaluation, and Learning:**

- **Incorporate into Existing Procedures:** Include GBV, VAC, and SEAH reporting and response metrics in the overall GRM's Monitoring and Evaluation (M&E) procedures.
- **Qualitative Feedback:** Collect qualitative data through interviews and focus groups to capture the experiences of survivors and the effectiveness of the grievance and response mechanisms.
- **Adaptive Management:** Use M&E findings to continuously improve policies, procedures, and preventative measures related to social safeguards.

#### **4.2.5 GRM and Stakeholder Engagement Budget**

Grievance redress at the project level encompasses a broad scope of issues within and outside RAP interventions. To effectively address the same, TWWDA has developed a programme-wide Stakeholder Engagement Plan (SEP) to help the Agency effectively address the broad scope of grievances anticipated. Among the activities covered under the SEP are the recruitment of a programme social safeguard specialist, establishment of GRM committees, common training for grievance redress committees, continuous stakeholder engagements intended to reduce project grievances, and grievance monitoring across projects. The SEP also provides an overall budget for addressing GRM across the projects. To avoid duplications therefore, the RAP herein adopts the GRM and Stakeholder Engagement budget provided under the SEP.

## 5.0 SOCIO ECONOMIC PROFILE OF PROJECTS AFFECTED PERSONS (PAPs)

The RAP study team conducted socio-economic survey for all project affected persons (PAPs) to gain an in-depth understanding of the PAPs background and the potential impact of the Project on their quality of life and access to livelihoods. The data collected included the household size, age profile, level of education, economic profile, access to water and sanitation services, access to health facilities in the area among others.

### 5.1 Number of PAPs Identified

A total of fifteen (15) PAPs were identified during the RAP study. These included those with businesses along the road reserves where the water distribution lines will be installed. Some of their structures would also be affected since they were found to be along the line route.

### 5.2 Sex and Age Distribution

Overall, eleven (11) PAPs were female while four (4) PAPs were males. The Table below shows the sex distribution of the PAPs.

Table 5.1: Sex distribution

Gender	Total Number of PAPs	Percentage
Male	4	26.7
Female	11	73.3
Total	15	100.0

Majority of the PAPs were aged between 36 and 45 years. 40% of the PAPs were youths below 35 years while 20.0% of the PAPs were aged between 46 and 60 years. None of the PAPs was in the category of elderly. This data is presented in Table 5.2 below.

Table 5.2: Distribution of PAPs by age

Age category (years)	Percentage
18 - 25	13.3
26 - 35	26.7
36 - 45	40.0
46 - 60	20.0

### 5.3 Education and Literacy Levels

Table 5.3 presents the literacy levels of PAPs. Majority of the PAPs have attained secondary school education while 20% had attained post-secondary education. Only one (1) pap who reported having not attended school.

Table 5.3: Levels of Education attained by PAPs

Highest Level of Education Attained	Percentage
Post Secondary	20
Secondary School	66.7
Primary School	6.7
Never Attended	6.7
Total	100

#### 5.4 Access to Health Facilities

Majority of the PAPs reported that at least a member of their household had in the recent past (3 months before the socio-economic survey) encountered ailments including water borne diseases. The cases of water borne diseases could be attributed to lack of safe drinking water in the project areas.

#### 5.5 Awareness on HIV/AIDS

100% of the PAPs were aware of HIV/ AIDs, how its contracted, preventive measures and management measures when one is infected.

#### 5.6 Economic and Livelihood Activities

The survey revealed that business accounted for 73 per cent of the total household income (Figure below). Farming accounted for 18 per cent of the activities. Other income sources included casual employment and formal employment (9 per cent).

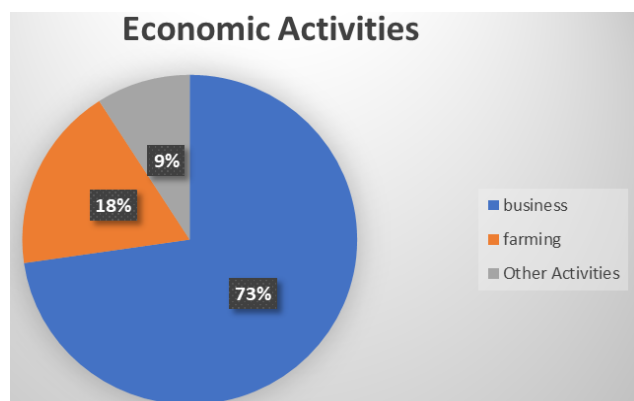


Figure 5.2: Economic and livelihood activities

#### 5.7 Levels of Income

Table 5.4 presents the household income levels of the PAPs. 13% of the respondents reported their household incomes were below KES 10,000 per month.

Table 5.4: Levels of income by PAPs

Household income ranges	Percentage
Below 10,000	13.3
10,001 – 20,000	26.7
20,001 – 30,000	10
30,001 – 40,000	15
40,001 – 50,000	25
Above 50,000	6.7
Total	100

### 5.8 Accessibility of Social Structures

The PAPs felt that they had access to good roads, health facilities and schools within the project area. However, they cited minimum access to clean drinking water due to unavailability or unreliability of piped water and most resulting to using boreholes.

### 5.9 Sanitation Facilities used by PAPs

The survey findings indicate that 81.7% of the households in the project areas use septic tanks/ sock pits while 18.3% relied on pit latrines for sanitation purposes. However, no recent cases of water borne diseases were reported in the households prior to the survey.

Table 5.5: Sanitation Facilities used by PAPs

Sanitation facility used by Households	Percentage
Pit Latrine	18.3
Sock Pit/ Septic Tank	81.7
Total	100

### 5.10 Main Water Source

81.7% of households had their water connection from the local Water Service Provider, NIWASCO while 18.3% relied on boreholes. This analysis is presented in Table 5.5 below.

Table 5.5: Main Source of Water

Main source of water for the household	Percentage
Water Service Provider	81.7
Boreholes	18.3
Total	100

### 5.11 Preferred Mode of Compensation

All PAPs reported cash compensation as the most preferred mode of compensation.

## 6.0 DISPLACEMENT IMPACTS AND MITIGATION MEASURES

Implementation of the proposed Chuka Water LMC Project will result in both positive and negative impacts, which have been identified and enhancement and mitigation measures discussed in the ESIA report. Relevant to this RAP is the livelihood loss impacts in some sections of the road where there are businesses. A total of fifteen (15) PAPs were identified during the RAP study (11 Female, 4 Male).

### 6.1: Impact on Land

The design of the proposed Chuka Water Supply LMC network was conducted to deliberately avoid any impacts on private landholding. A transect survey of the entire stretch of the proposed pipeline established no significant impact on the private land parcels within the vicinity of the project. The sewer line is designed to utilize only public road reserves. Adequate way leave exists within the road reserves for this purpose. The road agencies that manage the road reserve i.e. KURA and KERRA have been consulted and the process of wayleave acquisition initiated by the proponent. The figures below show some of the road reserves where the project will be constructed.



Figure 6.1 & 6.2: Photos of existing road reserves to be utilized by the proposed project

### 6.2 Impacts on Livelihood

The temporarily displaced PAPs are those who will suffer loss of livelihoods during the construction phase of the project. Some may opt to close their businesses during the period the project construction shall be underway over access challenges. Compensation for livelihood loss shall apply to any business owner along the wayleave. The photos below show some of the businesses operating along the road reserve that shall be eligible for compensation for livelihood loss.



Figure 6.3: Furniture shop



Figure 6.4: Butchery business that shall be compensated for livelihood loss



Figure 6.5: Juakali workshop



Figure 6.6: Shops

The following are mitigation measures for impacts on livelihood which shall be implemented:

- Compensation of business owners who shall suffer livelihood loss during the period of construction
- The contractor to provide alternative access crossing points to facilitate movements to affected businesses
- Contractor to issue a construction schedule to the affected business owners for proper planning and to minimise their impacts



### 6.3 Impact on Structures

There were minimal impacts on structures along the road reserve. In most instances, the structures were temporary and movable and hence the business owners would only be compensated for livelihood loss and disturbance allowance. Only one structure (figure 6.7) that was found on the wayleave which would necessitate demolition. The structure will be compensated at a fair market value rate. Adequate notice to vacate shall be issued to the owner.



Figure 6.7: Grocery kiosk along the wayleave that would be demolished to pave way for excavation

### 6.4 Impact on Crops and Trees

The proposed LMC project will utilise the road reserve. A transect along the proposed line route showed that there were crops planted along the road reserve. However, a few trees on the road reserve might be affected and this can be mitigated through CSR activities such as issuance of tree seedlings to people in the project area or partnership with the county government on tree planting initiatives.

### 6.5 Impacts on Pavements

The construction phase of the project will result into temporary impacts on pavements particularly within the urban areas of Chuka town. The pavements were constructed by either the county government or private businesses. The contractors shall be expected to restore the pavements after any disturbance during the excavations. This mitigation has adequately been captured and costed for in the project Environmental and Social Management Plan (ESMP).

## **7.0 ELIGIBILITY AND ENTITLEMENTS**

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### **7.1 Overview**

The legal context, socio-economic baseline survey and the project displacement impacts form the framework for establishing eligibility criteria, which apply to the PAPs. The eligibility criteria determine the type of compensation a project-affected persons qualify for. This chapter identifies those eligible for compensation and assistance in accordance with the losses they will experience and outlines the types of compensation and assistance the PAPs are entitled to for each kind of loss.

### **7.2 Cut-Off Date**

The cut-off date is defined as the date of completion of asset inventory and socio-economic survey for the respective PAPs. The information about the cut-off date was communicated verbally at public barazas held in all the affected locations and also during individual interviews with the PAPs. The cut-off date established for the PAPs during the RAP study was 11 April 2024. The date corresponds to the date of completion of the RAP related surveys in the project area.

### **7.3 Eligibility Criteria**

Asset or right holders affected by economic and/or physical displacement as a direct result of a Project are eligible for some form of compensation and assistance (also referred to as ‘entitlements’). Eligible PAPs were identified during the census and socio-economic survey. These surveys were executed the same period to ensure they are all aligned to the cut-off date which is the date when the surveys were completed.

The implication of the cut-off date is that persons who start occupying or using the area within the Project footprint after the cut-off date are not eligible for compensation and/or resettlement assistance. Similarly, fixed assets (such as built structures, crops and trees) established after the cut-off date will not be compensated. Persons who were not included in the surveys but consider themselves to be eligible for compensation for assets within the project footprint must provide proof that they owned these assets before the cut-off date; a consideration that has been factored in within the 20% contingency in the budget.

Based on the bank standards and our national laws, the PAPs with the following types of land holding are eligible for some form of compensation:

- Displaced persons who have formal legal rights to land and/or the assets they occupy. This includes persons with properties that are formally registered in cadastral land registers.
- Those who do not have formal legal rights to lands but do have a claim to land that is recognised or recognisable under national law. This category includes persons with customary ownership/rights of occupancy of land. It also includes:

- Persons who have constructed buildings or cultivated crops on land owned by others, with approval and/or knowledge of the land holder/custodian through a formal or informal agreement like a rental agreement. Such persons will be entitled to compensation for assets that they have established on the land, e.g., buildings, other structures, crops and economic trees.
- Displaced persons who have no recognisable legal right or claim to land and/or assets they occupy or use and have constructed buildings or cultivated crops on land owned by others, without approval and/or knowledge of the land holder/custodian. Such persons are entitled to compensation for assets that they own, e.g., buildings, structures, crops and trees.
- Encroachers into the road reserve are not eligible for compensation for the loss of land since they occupy the land illegally. They would be entitled to compensation for assets that they own, e.g., built structures, crops and trees

### **7.3.1 Compensation for Land**

The land tenure system in the area is private ownership where most of the land is registered under individuals who are issued with title deeds. The Project Affected Persons (PAPs) eligible for land compensation are as follows:

1. Persons with formal legal rights to land including:
  - Persons that are formally registered and have a freehold title deed
2. Persons who, for less than six years, occupy or use land owned by others, with approval and/or knowledge of the land owner/custodian. These persons have no legal right/claim to land and a recognised tenure system is not in place.
3. Persons (squatters) who have no recognised legal right or claim to land and/or assets they occupy or who use without approval and/or knowledge of the landowner/custodian. No recognised tenure system is in place.
4. Persons who have no recognisable legal right or claim to land and/or assets they occupy or use but have a registered leasehold and have constructed buildings or have cultivated crops on land owned by others, with approval and/or knowledge of the landowner/custodian through a formal or informal agreement like a rental agreement.
5. Tenants of affected land, i.e., persons who, while not owning the land, have an agreement of occupancy with the legal owner of the land.

### **7.3.2 Compensation for Livelihood Loss for Displacement Persons**

Project Affected Persons (PAPs) will either be permanently displaced or temporarily displaced. The permanently displaced PAPs are those that will be affected through loss of land for project activities. For the Chuka Water LMC project, there will be no total land acquisition and thus no PAP will suffer permanent displacement.

The temporarily displaced PAPs are those who will suffer loss of livelihoods during the construction phase of the project. Some may opt to close their businesses during the period the project construction shall be underway over access challenges. Compensation for livelihood

loss shall apply to any business owner along the wayleave and not necessarily the owners of the business structures.

### **7.3.3 Compensation for Structures**

The following broad categories are entitled to compensation:

- Persons who own affected buildings and structures, such as primary and secondary dwellings, ancillary domestic buildings and agricultural structures
- Institutions who own affected buildings and/or public facilities
- Communities who own affected community assets
- Owners of the affected standalone business structures with or without a license or permit for such operations and structures
- Tenants of affected primary and secondary dwellings, ancillary domestic buildings and agricultural structures and tenants of temporary or informal business structures, i.e., persons who, while not owning the dwelling or land, have an agreement of occupancy with the legal owner of the dwelling
- Informal occupiers and users of affected dwellings and/or land, i.e., persons who do not own the dwelling and do not have a formal agreement of occupancy with the legal owner of the structures
- Occupiers who encroached into the road reserve before the cut-off date and have built structures on the land.

### **7.3.4 Compensation for Crops**

Compensation of PAPs for crops, either on their own land, or on the land of others, applies as follows:

- Owners of affected perennial (annual) agricultural crops
- Owners of affected seasonal crops, planted and harvested each season
- Owners of trees growing in the affected areas

## **7.4 Entitlement Matrix**

The entitlement matrix outlined in Table 7.1 below defines categories of affected people, type of loss associated with the project and types of compensation and/or assistance to which each category shall be entitled to.

**Table 7.1: Entitlement Matrix**

Impact Category	Type of Impact (Permanent/Temporary)	Entitled Persons	Entitlements	
			Compensation	Allowances and non-cash interventions
Impact on Land	Public wayleave (road reserves)	Road Agencies (KENHA, KURA, KeRRA)	<ul style="list-style-type: none"> <li>Pay prescribed fees as may be determined by the agencies under the Roads Act, 2007 and relevant regulations</li> </ul>	N/A
Impact on Structures	Loss of Permanent structures (houses, shops, kiosks, grocery shops, butcheries, salon and boutique businesses among others) - Modern structures characterised by modern finishes including concrete, natural stone, bricks and treated sawn timber materials structures	Private owners	<ul style="list-style-type: none"> <li>Cash compensation based on the full replacement value of the affected structure</li> <li>Provide compensation rate within range of KES 1,500 – 3000 per square feet depending on finishes used</li> </ul>	<ul style="list-style-type: none"> <li>Disturbance allowance of 15% of the total compensation amount</li> <li>Materials from the affected structure may be salvaged at the owner’s expense within the three-month notice period given to vacate and prior to demolition.</li> <li>Training on financial management and livelihood restoration</li> </ul>
	Loss of semi-permanent structures (houses, shops, kiosks, grocery shops, butcheries, salon and boutique businesses among others) - Structures made from sawn timber, timber-off cuts, GCI walling, sundried bricks or cemented floors	Private owners	<ul style="list-style-type: none"> <li>Cash compensation based on the full replacement value of the affected structure</li> <li>Provide compensation rates of within range of KES 1000-2500 per square foot depending on finishes used</li> </ul>	<ul style="list-style-type: none"> <li>Disturbance allowance of 15% of the total compensation amount</li> <li>Materials from the affected structure may be salvaged at the owner’s expense within the three-month notice period given to vacate and prior to demolition</li> <li>Training on financial management and livelihood restoration</li> </ul>

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Impact Category	Type of Impact (Permanent/ Temporary)	Entitled Persons	Entitlements	
			Compensation	Allowances and non-cash interventions
	Loss of structures (houses, shops, kiosks, grocery shops, butcheries, salon and boutique businesses among others) characterised by thatched roofs, rammed or earthen floors and Adobe blocks and wattle, thatch walls, tents, tarpaulins and manyattas	Private owners	<ul style="list-style-type: none"> <li>• Cash compensation based on the full replacement value of the affected structure</li> <li>• Provide compensation rate within range of KES 500-1500 per square feet depending on finishes used</li> </ul>	<ul style="list-style-type: none"> <li>• Disturbance allowance of 15% of the total compensation amount</li> <li>• Materials from the affected structure may be salvaged at the owner's expense within the notice period given to vacate and prior to demolition.</li> <li>• Training on financial management and livelihood restoration</li> </ul>
	Loss of pavements	Business owners	N/A	<ul style="list-style-type: none"> <li>• Restoration of destroyed pavements by the contractor immediately after completion of pipeline installation in affected areas. These costs have been catered for under the project ESMP</li> </ul>
	Loss of public structures such as motorbike shades ( <i>bodaboda</i> shades) and market stalls	Business owners	N/A	<ul style="list-style-type: none"> <li>• Reinstatement by TWWDA immediately after sectional completion of the project</li> </ul>
Impact on Trees		On public land/ No known owner	N/A	<ul style="list-style-type: none"> <li>• Support to counties and CSOs involved in conservation matters</li> </ul>
Loss of Livelihoods	Permanent and temporarily businesses at close proximity to the wayleave	Business owners	<ul style="list-style-type: none"> <li>• Cash compensation for 5 days based on the magnitude of the business</li> </ul>	<ul style="list-style-type: none"> <li>• Disturbance allowance of 15% of the total compensation amount</li> <li>• Training on financial management, livelihood restoration, project GRM for reporting grievances etc</li> </ul>

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Impact Category	Type of Impact (Permanent/Temporary)	Entitled Persons	Entitlements	
			Compensation	Allowances and non-cash interventions
Temporary impacts	Temporary loss of access to business facilities	Business owners	<ul style="list-style-type: none"> <li>• Cash compensation for 5 days based on the magnitude of the business</li> </ul>	<ul style="list-style-type: none"> <li>• Provision of alternative access routes during the period the affected sections are under construction</li> <li>• Adequate notice on the construction schedule</li> <li>• Training on financial management and livelihood restoration</li> </ul>
Impact on Vulnerable Individuals and groups	Households that may be disproportionately impacted	PAPs with disabled family members, the elderly, widows	<ul style="list-style-type: none"> <li>• Cash compensation in accordance with criteria set out in the relevant section of the entitlement matrix</li> </ul>	<ul style="list-style-type: none"> <li>• Disturbance allowance of 50% of the total compensation amount</li> <li>• Designated assistance to be assessed on a case-by-case basis to ensure that vulnerable people/groups have access to participation, compensation, assistance and livelihood restoration</li> <li>• Training on financial management and livelihood restoration</li> <li>• Linkage to the Government of Kenya (GoK) social protection programmes</li> </ul>

## 7.5 Statutory Payments

Roads' agencies established under the Kenya Roads Act, 2007, are legally mandated to manage road surfaces as well as road reserves. These agencies incharge of the road reserves where the pipeline network will be installed are the Kenya Urban Roads Authority (KURA) and the Kenya Rural Roads Authority (KeRRA). In order to effectively perform their functions, roads agencies charge nominal fees for infrastructure that utilise road reserves. Such infrastructure includes water and sewer lines, telecommunication and internet cables, electricity lines, among others. A provisional sum of KES 1,000,000 has been allocated in anticipation of these charges for the Chuka Water Supply LMC Project.

## 7.6 Taxes

The Constitution of Kenya 2010 and Public Finance Management Act, 2012, puts an obligation on every citizen and all other persons doing business in Kenya to honour their tax obligations and remit relevant taxes to the State. Exemptions from such obligations can be obtained from the Kenya Revenue Authority in accordance with the law, e.g. where a financing agreement negotiated by the Government of Kenya clearly spells out such exemptions.

We recommend that TWWDA, through the Ministry of Water, Sanitation and Irrigation, liaises with KRA so that payments made to PAPs in the implementation of this RAP be exempted from taxation. Such payments may include compensations for structures as well as for loss of livelihoods.

## 7.7 Valuation and Compensation

In accordance with the entitlements discussed in Section 7.4, the following valuations presented in Table 7.2 accrue.

Table 7.2: Valuation Summary

Compensation	Number of PAPs	Amount (KES)
Loss of Livelihood and structure (1)	15	101,145
Disturbance Allowance (15%)	15	16,671
Statutory payments to road agencies	2 road agencies (KURA & KERRA)	1,000,000
<b>Total Compensation</b>		<b>1,117,816</b>



## 8.0 LIVELIHOOD RESTORATION PLAN

The objective of the Livelihood Restoration Plan is to restore and improve the quality of life and standards of living of project affected persons (PAPs). The socio-economic survey carried out in the project area shows that the main source of income for the project affected parties was from businesses and agricultural activities. The following livelihood restoration measures shall improve the standards of living of the PAPs.

1. **Cash Compensation:** Livelihood restoration of PAPs will begin with the provision of adequate compensation for loss of structure and business loss for those with businesses on the road reserve. The identified PAPs shall be fairly compensated in line with the entitlements discussed in Chapter 7 of this report.
2. **Provision of employment opportunities:** The PAPs shall benefit from employment opportunities during the construction phase where skilled and unskilled labor will be required. In line with the project Environmental and Social Management Plan (ESMP), the contractor will be required to prioritize the locals when offering job opportunities.
3. **Capacity Building Initiatives:** All PAPs will be eligible for training on the following thematic areas:
  - **Financial Management** – All PAPs shall be trained on financial management skills which shall cover basic financial management skills, record keeping, money management, savings and other advisory services that shall be identified as challenges.
  - **Agricultural capacity enhancement** – PAPs practicing subsistence farming shall be trained on better farming practices that could enhance production and increase incomes, value addition to products, market linkages among others
  - **Development of small businesses:** The youth and women shall be sensitized to form groups which shall be trained on small business development as a means of livelihood diversification and linkages to financial institutions. Those already with businesses shall be sensitized on how to increase their capacity and improve their businesses to function more effectively and profitable.

Table 8.1: Livelihood Restoration Plan

Key Livelihood Restoration Measures	Responsible	Input and Output Indicators	Outcome and Impact Indicators	Budget (KES)
Cash compensation for loss of structures and business income	TWWDA	<ul style="list-style-type: none"> <li>• Number of PAPs compensated for loss of structures (M/F)</li> <li>• Number of PAPs compensated</li> </ul>	<ul style="list-style-type: none"> <li>• Number of PAPs satisfied with the compensation issued (M/F/vulnerable)</li> <li>• Number of PAPs reporting improved</li> </ul>	Covered in valuation costs

*Resettlement Action Plan Report for Chuka Water LMC Project*

<b>Key Livelihood Restoration Measures</b>	<b>Responsible</b>	<b>Input and Output Indicators</b>	<b>Outcome and Impact Indicators</b>	<b>Budget (KES)</b>
		for loss of livelihoods	businesses (M/F/vulnerable) <ul style="list-style-type: none"> <li>Number of structures restored</li> </ul>	
Provision of employment opportunities during project construction	TWWDA/Contractor	Number of PAPs who have benefitted from employment opportunities (M/F)	Number of PAPs reporting increased incomes (M/F)	Contractor budget
Capacity Building Initiatives <ul style="list-style-type: none"> <li>Financial Management</li> <li>Agricultural capacity enhancement</li> <li>Development of small businesses</li> </ul>	TWWDA/ Relevant County Government Departments	Number of PAPs trained on various thematic areas (M/F)	<ul style="list-style-type: none"> <li>Number of PAPs reporting increased incomes from businesses (M/F)</li> <li>Number of PAPs reporting improvement in skills set including evidence of practical application via improved livelihoods (M/F)</li> <li>Improved food security of PAPs</li> </ul>	350,000
<b>Total Budget</b>				<b>350,000</b>

Progress on livelihood restoration activities shall be captured in monthly progress reports.

## 9.0 MONITORING AND EVALUATION

### 9.1 Monitoring and Evaluation Objectives

The primary objective of monitoring and evaluation is to provide a basis for assessing the overall success and effectiveness of the implementation of the resettlement and compensation processes and the outcome and impact of these processes.

The purpose of resettlement monitoring is to:

- Measure progress
- Identify digression from objectives
- Where digression occurs, identify and implement corrective measures
- Improve on future project activities
- Ensure accountability and transparency on progress made and issues encountered.

Evaluation on the other hand assesses the performance of a project based on the information gathered during monitoring. Monitoring and Evaluation therefore yields information about progress, delays, cost and efficiency and will guide the refining of policies and procedures of future projects by the agency.

### 9.2 Monitoring and Evaluation Methodology

The M&E methodology has been adopted from the UNDP handbook on Monitoring and Evaluation (2002) which details the methods of measuring the effectiveness and efficiency of development programmes/ projects. Figure 9.1 presents a Strategic Approach to Monitoring and Evaluation.

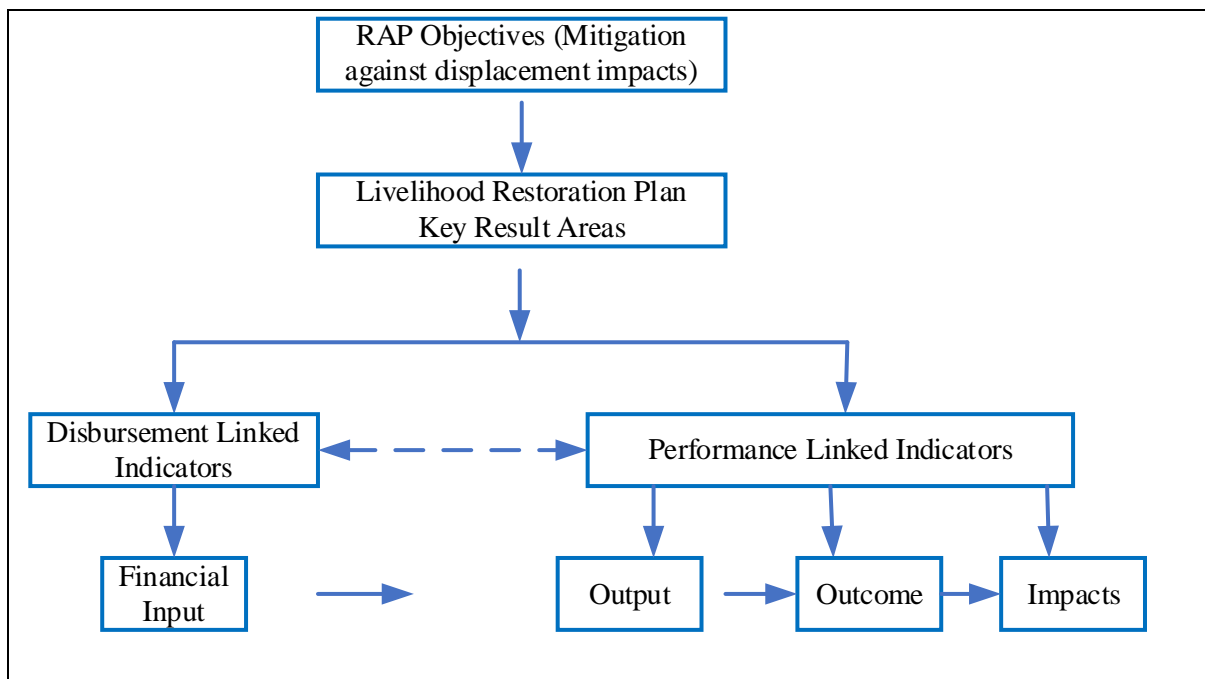


Figure 9.1: Strategic Approach to M&E

### **9.3 Monitoring and Evaluation Plan**

Input and output monitoring aimed at tracking the resettlement progress will be done internally on a regular basis and reported on a monthly basis by the Social Safeguard Specialist. The outcome and impact indicators such as the level of satisfaction of PAPs by the compensation and impact of training received shall be done by an external evaluator.

Table 9.1 presents a monitoring and evaluation plan for RAP implementation. The indicators have been aligned to the entitlement matrix which forms the basis of all compensation to PAPs.

Table 9.1: Monitoring and Evaluation Plan for RAP Implementation

Impact	Category of Impact	Mitigation	Input and Output M&E Indicators (Internal Monitoring)	Outcome and Impact Monitoring Indicators (External Monitoring)	How the indicator will be measured/ Means of Verification	Frequency	Target
1. Impact on Land	Loss of land (total acquisition)	<ul style="list-style-type: none"> <li>• Cash compensation for the affected portion of land at open market value and 15% disturbance allowance</li> <li>• Cash payment in tranches where compensation is more sizeable to serve as a risk mitigation to prevent PAPs squandering sudden ‘windfalls’</li> <li>• Training on financial management, livelihood restoration</li> </ul>	<ul style="list-style-type: none"> <li>• Number of PAPs compensated for loss of land (M/F/vulnerable)</li> <li>• Percentage of compensation issued to PAPs</li> <li>• Number of PAPs trained on financial management, livelihood restoration etc (M/F, vulnerable)</li> <li>• Number of livelihood restoration training sessions per type and attendance per training.</li> <li>• No of vulnerable PAPs who have received additional support from the</li> </ul>	<ul style="list-style-type: none"> <li>• Number of PAPs satisfied with the compensation issued (M/F/ Vulnerable)</li> <li>• Number of PAPs reporting the usefulness of the training received (M/F/Vulnerable)</li> <li>• Number of PAPs reporting increased incomes (M/F/Vulnerable)</li> </ul>	Support documentation such as PAPs compensation agreements signed	Monthly Reports	Number of PAPs compensated – Target 100% Training – 100% Increased incomes – 100%

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			project e.g. linkages to GoK socio protection programmes				
	Loss of land use	<ul style="list-style-type: none"> <li>Cash compensation for the affected portion of land at 30% market value and a disturbance allowance of 15%</li> <li>Training on financial management</li> </ul>	<ul style="list-style-type: none"> <li>Number of PAPs compensated for loss of land (M/F/vulnerable)</li> <li>Number of PAPs trained on financial management, livelihood restoration etc (M/F, vulnerable)</li> </ul>	<ul style="list-style-type: none"> <li>Number of PAPs satisfied with the compensation issued (M/F/vulnerable)</li> <li>Number of PAPs reporting increased incomes (M/F/vulnerable)</li> </ul>	Support documentation such as compensation agreements signed	Monthly Reports	Number of PAPs compensated – Target 100% Training – 100%
	Public wayleave/ road reserve	<ul style="list-style-type: none"> <li>Cash compensation based on prescribed fees by the road agencies</li> </ul>	<ul style="list-style-type: none"> <li>Number of permits by road agencies authorizing the agency to use the road reserve</li> </ul>	<ul style="list-style-type: none"> <li>Timely implementation of project without delays</li> </ul>	Evidence of permits issued Minutes of meetings/ MOUs	Monthly	100% compensation MOU with @ road agency
	Forest Land	<ul style="list-style-type: none"> <li>Payment of prescribed fees as determined by the Forest Regulations, 2016</li> </ul>	<ul style="list-style-type: none"> <li>Permit issued authorizing use of forest land</li> </ul>	<ul style="list-style-type: none"> <li>Timely implementation of project without delays</li> </ul>	Minutes of engagement meetings with KFS/ MOUs	Monthly	100% compensation MOU/ written agreements with KFS - 1
2. Impact on Structures	Loss of Permanent structures	<ul style="list-style-type: none"> <li>Cash compensation based on the full replacement value of the affected structure and 15% disturbance allowance</li> </ul>	<ul style="list-style-type: none"> <li>Number of PAPs compensated for loss of structures ((M/F/vulnerable)</li> <li>Number of PAPs that were able to salvage (at their own expense) the</li> </ul>	<ul style="list-style-type: none"> <li>Number of PAPs satisfied with the compensation issued (M/F/vulnerable)</li> <li>Number of PAPs reporting improved</li> </ul>		Monthly	100% - phased out per month

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			<p>materials, within the three months' notice period given to vacate and prior to demolition.</p> <ul style="list-style-type: none"> <li>Number of PAPs trained on financial management, and livelihood restoration measures etc ((M/F/vulnerable)</li> </ul>	<p>businesses (M/F/vulnerable)</p> <ul style="list-style-type: none"> <li>Number of structures restored</li> </ul>			
	Loss of pavements	Restoration of pavements by the contractor upon completion of pipeline installation in affected areas	Sections of pavements restored by the contractor	Number of business owners and county departments satisfied with the restored pavements	<ul style="list-style-type: none"> <li>Photographic proof</li> </ul>	Monthly	To be determined based on the contractors work schedule
	Loss of public structures such as motorbike shades ( <i>bodaboda</i> shades) and market stalls	Restoration of public structures	Number of public structures reinstated by the project	<ul style="list-style-type: none"> <li>Number of public structures restored by the project</li> <li>Number of users of public structures satisfied with the reinstated structures</li> </ul>	<ul style="list-style-type: none"> <li>Photographic proof of reinstated public structures by TWWDA after sectional completion of the project</li> </ul>	Monthly	100% of the structures affected

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3. Impact on crops and trees	Loss of Crops and Trees	<p>Compensation on a basis of fair market value</p> <p>Support to county and CSOs involved in conservation matters for trees cut on the road reserve</p>	<ul style="list-style-type: none"> <li>• Number of PAPs compensated for loss of crops and trees ((M/F/vulnerable)</li> <li>• Number of PAPs trained on financial mgt and livelihood restoration measures ((M/F/vulnerable)</li> <li>• Resources used on conservation matters/ CSR activities by the agency</li> </ul>	CSOs/ county departments satisfied with the support provided on conservation matters	<ul style="list-style-type: none"> <li>• Evidence of signed compensation agreements</li> <li>• Minutes of planning meetings</li> <li>• Photos of tree planting activities</li> </ul>	Monthly	100% - PAPs compensated
4. Loss of Income	Permanent and temporally businesses at close proximity to the wayleave	Compensation for loss of income to affected businesses	<ul style="list-style-type: none"> <li>• Number of PAPs compensated for loss of income (M/F/vulnerable)</li> <li>• Number of PAPs trained on financial management, livelihood restoration etc ((M/F/vulnerable)</li> </ul>	<ul style="list-style-type: none"> <li>• Number of PAPs satisfied with compensation issued. (M/F/vulnerable)</li> <li>• Number of PAPs reporting improved incomes (M/F/vulnerable)</li> </ul>	Signed compensation agreements Interviews, business records	Monthly	100%
5. Temporary loss of access to business facilities	Contractor to provide alternative access routes	Contractor to provide alternative access routes	<ul style="list-style-type: none"> <li>• Resources used in provision of alternative access routes for affected businesses</li> </ul>	<ul style="list-style-type: none"> <li>• Number of businesses satisfied by the provided alternative access</li> </ul>	<ul style="list-style-type: none"> <li>• Proof of involvement affected of business people during planning e.g.</li> </ul>	Monthly	100%



Resettlement Action Plan Report for Chuka Water LMC Project

			<ul style="list-style-type: none"> <li>Number of alternative access routes provided to affected businesses</li> </ul>	routes during project activities	communication through shared construction schedule		
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Management Issue	Input and Output Monitoring Indicators	Outcome and Impact Monitoring Indicators (External Monitoring)	Frequency	Target
6. Stakeholder Participation	<ul style="list-style-type: none"> <li>Number and type of stakeholder meetings per quarter</li> <li>Attendance of stakeholder meetings (M/F)                             <ul style="list-style-type: none"> <li>Age of attendees</li> <li>Vulnerability of attendees</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Diversity of stakeholder meetings</li> <li>Inter-agency relationships established</li> <li>MOUs established with different stakeholders</li> </ul>	Monthly	To be determined
7. Grievance Management	<ul style="list-style-type: none"> <li>Number of GRM Committees established at various levels</li> <li>Number of GRM Committees trained on grievance handling</li> <li>Number of grievances reported per category including those related to GBV, VAC, SEAH</li> <li>Number of grievances open beyond resolution period</li> <li>Number of grievances resolved within the required timelines</li> <li>Number of grievances referred to courts</li> </ul>	<ul style="list-style-type: none"> <li>Percentage of stakeholders satisfied with the project GRM in place</li> <li>Successful management and resolution of grievances</li> <li>Percentage of grievances handled within the project GRM structures</li> <li>Percentage of grievances referred to courts</li> </ul>	Monthly	80%

The Socio Safeguard Specialist shall provide monthly progress reports on findings from M&E and generally on progress of RAP implementation. The RAP Completion Audit shall be done twelve (12) months after relocation by PAPs.

#### **9.4 RAP Completion Audit**

A completion audit shall be done at the end of RAP implementation to verify and ascertain that the resettlement process complied with various commitments in the RAP Report and recommendations from the RAP monitoring reports. This audit shall be done externally by a consultant. The completion audit shall have the following objectives:

1. Assessment of RAP implementation in compliance with national legal & policy framework and AfDB's ISS
2. Assessment of resettlement procedures and their effectiveness
3. Evaluation of impacts of compensation on livelihood restoration through a socio-economic survey on project affected persons
4. Key challenges in RAP implementation
5. Key policy recommendations for future projects

#### **9.5 Monitoring and Evaluation Budget**

Table 9.2 presents the overall M&E budget for RAP implementation.

Table 9.2: Monitoring and Evaluation Budget

<b>Item</b>	<b>Budget (KES)</b>
Monitoring and Evaluation on RAP Implementation	350,000
RAP Completion Audit	250,000
<b>Total</b>	<b>600,000</b>

## **10.0 INSTITUTIONAL AND IMPLEMENTATION ARRANGEMENTS**

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To ensure effective implementation of this RAP, several structures shall be established as follows:

### **10.1 Project Implementation Unit (PIU)**

A Project Implementation Unit at TWWDA will have an oversight role in management of the RAP implementation. They shall nominate the members of the RAP Implementation Team and avail the resources required for RAP implementation. The PIU will report to the Ministry of Water, Sanitation and Irrigation on a monthly basis on the status of RAP implementation. The roles of the Project Implementation Unit in RAP implementation shall include:

1. Team coordination during planning and RAP implementation in compliance with the national laws and AfDB requirements
2. Compiling RAP disclosure materials
3. Facilitating all stakeholder engagement meetings
4. Planning, coordinating and delivering compensation packages and other entitlements to the PAPs including vulnerable groups
5. Managing grievances
6. Planning and coordinating monitoring and evaluation activities
7. Implementation of corrective measures from M&E reports
8. Planning and coordinating the RAP completion audit

### **10.2 RAP Implementation Team (RIT)**

A specific RAP Implementation Team for this project will be established by TWWDA to manage the RAP process. The team shall comprise of a Social Safeguard Specialist, Community Liaison Officer (WSP), Land Surveyor (NIWASCO), Land Valuer and a Finance Officer (TWWDA) and the Chiefs.

The Roles and responsibilities of the RAP Implementation Team will include but not limited to:

1. Verification of PAPs and compensation of PAPs
2. Resolution of any grievances related to compensation of PAPs
3. Issuance of notice to vacate to PAPs after compensation prior to project activities
4. Determination of compensation for loss of livelihoods, business or structure in special cases where there might have been an oversight
5. Participate in stakeholder engagement on a need basis
6. Determination of compensation for loss of employment/incomes and loss of business in special cases where there might have been oversight
7. Reporting progress on RAP implementation

### 10.3 The AfDB and Relevant Government Institutions

Table 10.1 presents the supportive role of various government institutions in RAP implementation

Table 10.1 Roles of AfDB and Government Institutions in RAP Implementation

<b>Institution</b>	<b>Role in RAP Implementation</b>
African Development Bank (AfDB)	<ul style="list-style-type: none"> <li>• Project financing</li> <li>• General oversight and monitoring the implementation of the RAP</li> </ul>
Ministry of Finance and National Treasury	Coordination of project financing through the National Treasury
Ministry of Water, Irrigation and Sanitation	Project coordination, policy direction
County Government	<ul style="list-style-type: none"> <li>• Support in verification of PAPs</li> <li>• Project technical support and information sharing</li> <li>• Partnership with the proponent in capacity building initiatives for livelihood restoration to PAPs</li> </ul>
Road Agencies (KERRA and KURA)	<ul style="list-style-type: none"> <li>• Authorization to use the road reserve</li> </ul>
Community Based Organizations (CBOs)	<ul style="list-style-type: none"> <li>• Partnership in livelihood restoration activities</li> </ul>
Public administration (County Commissioner, Deputy County Commissioner, Ward Administrator, Chiefs and Subchiefs)	<ul style="list-style-type: none"> <li>• Security provision during RAP implementation and other project phases</li> <li>• Community mobilization for public meetings</li> </ul>

## 11.0 OVERALL BUDGET AND RAP IMPLEMENTATION SCHEDULE

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### 11.1 Total RAP Implementation Budget

The overall RAP implementation budget constitutes the Valuation and Compensation costs, the Livelihood Restoration budget, the RIT operational budget and the Monitoring and Evaluation budget. The GRM Budget and Stakeholder Engagement Costs have been provided for in the project Stakeholder Engagement Plan (SEP) prepared separately.

Table 11.1: Total RAP Implementation Budget

Item	Amount (KES)
Valuation and Compensation Costs	1,117,816
Livelihood Restoration Activities	350,000
RAP Implementation Team (RIT) Budget	500,000
Monitoring and Evaluation	600,000
<b>Subtotal</b>	<b>2,567,816</b>
Contingency (20%)	513,563
<b>Grand Total</b>	<b>3,081,379</b>

### 11.2 RAP Implementation Schedule

Table 11.2 presents an indicative RAP implementation schedule which shall be synchronized with the contractor's work program. The estimated project implementation period is approximately 15 months with planning activities taking first seven (7) months.

Table 11.2: RAP Implementation Schedule

Activity	Responsible	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
<b>Phase 1: Planning Phase</b>																
RAP Study	TWWDA															
Approval of the RAP Report	TWWDA/ AfDB															
Disclosure of RAP Report	TWWDA/ AfDB															
<b>Phase 2: Compensation of the PAPs</b>																
Setting up the RAP Implementation Team	PIU, TWWDA															
Validation and verification of the PAPs	RIT															
Compensation of all PAPs	RIT															
Issuance of 3 months' vacation notice to PAPs	RIT															
<b>Phase 3: Commencement of Construction works</b>																
Site Handover	TWWDA, Contractor															
Site clearance	TWWDA, Contractor															
Excavation, pipe installation, jointing & connection, backfilling and connection to water source	TWWDA, Contractor															
<b>Phase 4: Management Measures</b>																
Grievance Management	RIT/ GRM Committees															
Implementation of livelihood restoration activities	Social Safeguard Specialist, TWWDA/ County Government															

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<b>Activity</b>	<b>Responsible</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>
Monitoring and Evaluation of RAP (Monthly Reports)	TWWDA, Social Safeguard Specialist															
RAP Completion Audit	TWWDA/ External Consultant															

## **12.0 CONCLUSION AND COMMITMENTS**

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### **12.1 Conclusions**

The proposed Chuka Water LMC Project is designed to utilise the road reserve. However, the project will cause temporary displacements to businesses along the road reserve. A census of all the project affected persons and businesses along the road reserve was done. Overall, a total of fifteen (15) PAPs will be impacted by the project. The RAP report has presented mitigation measures for the displacement impacts which include compensation to road agencies who maintain the road reserve in line with their policies, adequate compensation for livelihood loss to all PAPs affected, compensation for structures which will be demolished, reinstatement of public structures that maybe affected during construction, restoration of pavements disturbed during excavations and adequate notice to vacate to be issued to PAPs to minimise their losses. The contractor shall also be expected to share the construction schedule with business owners in project areas. The RAP report has given a criterion which shall guide compensation to the PAPs and proposed structures for RAP implementation. An M&E plan to ensure effective implementation of the RAP has also been provided.

### **12.2 Commitments**

The proponent, TWWDA, shall make deliberate efforts to accomplish the following commitments prior and during project implementation:

1. Timely compensation of all identified Project Affected Persons (PAPs) prior to project implementation in line with the eligibility criteria and entitlement matrix provided
2. Provision of adequate notice to PAPs prior to any demolition of structures to enable them salvage materials from the affected structures
3. Sharing the project implementation schedule with key stakeholders particularly the business men who might be impacted through limited access to their businesses for their planning
4. Strict supervision of the project contractor to ensure all damaged pavements are restored and public structures demolished restored
5. Capacity building of Project Affected Persons (PAPs) on financial management, livelihood resolution, project GRM among others
6. Sensitisation of relevant stakeholders on project GRM and ensure all reported grievances are handled in a timely manner
7. Regular monitoring and evaluation of the RAP implementation to assess the overall project progress, effectiveness of various processes, efficiency in use of project resources and guidance in reviewing project policies and procedures for future projects.



## **APPENDICES**

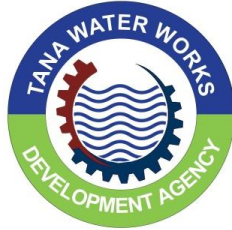
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**Appendix 1: Public Participation Minutes**

**Appendix 2: Public Participation Attendance List**

**Appendix 3: Questionnaire for Socio -economic Data Collection**

**Appendix 4 GRM Tools**



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**TANA WATER WORKS DEVELOPMENT AGENCY**

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**THE PUBLIC PARTICIPATION MINUTES FOR LAST MILE CONNECTIVITY OF THE CHUKA WATER SUPPLY AND SEWERAGE PROJECTS HELD ON 14<sup>TH</sup>, FEBRUARY 2024 AT DAGANI SOCIAL HALL IN THARAKA NITHI COUNTY AT 1200 HRS**

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**MEMBERS PRESENT**

Attendance List Attached

**AGENDA**

The agenda of the meeting was as follows:

- Preliminary matter
- Introduction and Presentation of the sewerage project to the community
- Comments and Concerns of the Community
- Closing remarks

**MIN 1/14/02/2024: PRELIMINARY MATTER**

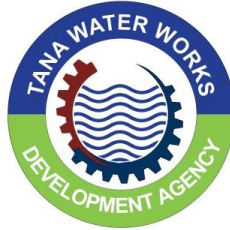
The area chief Mr Njagi called the meeting to order promptly at noon which began with a word of prayer from one of the community members and thereafter a welcoming note to the participants and the Tana Water Works Development Agency and Environmental consultants' team.

Further, he gave a brief on the current state of their sewerage project and urged the community to participate. Additionally, he encouraged community members to provide feedback regarding the project, emphasizing the need to seek clarification where possible.

**MIN 2/14/02/2024: INTRODUCTION AND PRESENTATION OF THE PROJECT**

Mr. Mwenda who represented TWWDA provided an overview of the project while citing their major accomplishments. He further highlighted that he was collaborating with relevant stakeholders to ensure successful completion and further handing over when completion is done. He also stressed the importance of meeting the community's water and sewer needs while ensuring the infrastructure's long-term sustainability. Additionally, he emphasized the importance of a collaborative approach, working closely with local authorities and communities to address any challenges that may arise during the project.

He later engaged the community in discussions that clarified the project activities in their areas. Thereafter, he welcomed the consultant team leader Mr Mutuma for more technical information on the project.



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## TANA WATER WORKS DEVELOPMENT AGENCY

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Mr Mutuma emphasized the paramount importance of conducting a thorough environmental and social impact assessment. Highlighting potential risks and benefits, the consultant stressed the need for a balanced approach that preserves the local ecosystem while addressing the community's water and sanitation needs. He also underlined the significance of community involvement in decision-making processes and the implementation of environmentally friendly practices throughout the project.

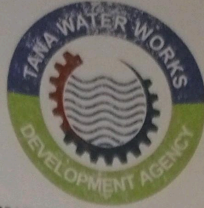
### MIN 3/14/02/2024: COMMENTS AND CONCERNS OF THE COMMUNITY

NAME OF THE CONCERNED MEMBER	QUESTION ASKED	RESPONSE FROM THE TECHNICAL TEAM
James Kabii	He enquired how the community members would get water connection?	After construction and successful commissioning of the water project, the TWWDA shall hand over the project to the area Water Service Provider; NIWASCO
Catherine Mutembei	Due to the loss of utility of the land through which the water pipeline line will pass, will the affected persons be compensated and when will the compensation process commence?	Compensation for all persons that will be directly affected by the projects shall be done diligently following the Resettlement Action plan that shall be formulated by the consultant.

### MIN 4/15/02/2024: CLOSING REMARKS

The team leader of the consultants assured the community that their grievances and wishes would be carefully considered and incorporated into the project's recommendations.

The chief of the local community provided valuable insights grounded in the community's perspectives and needs. Expressing gratitude for the initiative, the chief highlighted the potential positive impacts on the community's health and overall well-being. He also stressed the importance of clear and continuous communication between project stakeholders and the community to address any concerns or questions. Additionally, the chief requested that cultural



**TANA WATER WORKS DEVELOPMENT AGENCY**

and local considerations be taken into account to ensure the project aligns with the community's values and practices. Thereafter, the chief thanked the participants for their participation and feedback giving a few remarks before concluding the meeting.

There being no other business the meeting was adjourned with a closing prayer at 1400 hrs.

**MINUTES CERTIFICATION**

**LEAD EXPERT: Reg. No 7394**  
Bernadett Wairimu Njoroge

**NDAGANI CHIEF**  
Mr. Charles Njagi

**CHIEF  
KARINGANI LDC  
BOX 80 CHUK.**

**DATE: 11/3/2024**

**DATE: 23/3/2024**

**SIGNATURE:**

**SIGNATURE:**

**CONFIRMED BY:**

<b>LEAD EXPERT</b> Eng. Bernadett Wairimu NEMA Reg No. 7394  11th, March 2024  Sign.....	<b>THE PUBLIC ADMINISTRATION</b> <b>DCC CHUKA SUB COUNTY</b>  Name: .....  Date 12 <sup>th</sup> March 2024  Sign .....
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THE PUBLIC PARTICIPATION MINUTES FOR THE PROPOSED  
CHUKA WATER SUPPLY LMC PROJECT HELD ON  
11<sup>TH</sup> APRIL 2024 WITH THE PROJECT AFFECTED PERSONS  
ALONG THE WAY LEAVE AT 11:00 AM.

### Members Present:

- Attendance List attached.

### AGENDA:

1. Prayer
2. Introduction of the Project to the PAPs by the Client Representative
3. Brief Introduction of the RAP Assignment and Addressing Matters Arising
4. Comments and Community's Concerns
5. Closing Remarks

### MIN 1/11/04/2024 Introduction and Prayer

The meeting was called to order by the area chief who invited one community member to lead with prayer. He welcomed the team from Tana Water Agency and invited them to explain to the local community about the proposed water project. The chief also asked the project affected persons who to feel free to seek all the necessary clarifications regarding the project.

### MIN 2/11/04/2024: Introduction of the Project by the Client Representative, Mr. Waweru.

The client representative introduced the proposed Chuka Water Supply project to the attendees explaining that the project component will include the pipeline which had utilised the road <sup>relocation</sup> to minimise issues of ~~congestion~~. He explained that the project will be funded by the donor, AfDB and therefore various

Requirements such as Compensation for Livelihood loss were mandatory. He elaborated that the Ikuu Itugumbe transmission line will be constructed entirely on road reserve. He then welcomed the PAP Consultants to collect data on various aspects for consideration in regard to loss of Livelihoods and address concerns arising from the project affected persons.

Min 3/11/04/2024 Introduction of the PAP Assignments and Matters Arising.

The Consultant team represented by Hellen Mwal introduced the proposed project to the project affected persons and proceeded to elaborate the data requirements particularly on Socioeconomics. She also explained that since the proposed project will be constructed along the road reserve, there would be no impacts on loss of land and land use. She elaborated that however, the businesses along the road reserve that are likely to be affected will be provided with a small token for Livelihood loss and a disturbance allowance. She elaborated on the acceptable criteria that would be used to arrive at the amount of compensation. She then welcomed the PAPs to give their views on projects impacts and ask questions related to the proposed project. Table 1 presents a summary of issues raised and the responses given.

Min 4/11/04/2024 Comments and Concerns from Project Affected Persons

Name of the Concerned Member	Questions Asked	Responses Given by the PAP Team
Stella Njeri	What are the other expected project benefits?	The proposed project will benefit local with...


Name of the Concerned Community Member	Questions Asked	Responses given by the RAP and ESIA Team.
Stella Njiri	Will the affected businesses be given enough time to move the affected businesses such as grocery stands, gas stands from the road reserve?	The Consultant team explained that all the project affected persons will continually be engaged during planning. Upon compensation, they will be given adequate time to move their S

MINUTES CERTIFICATION

LEAD EXPERT: Reg No. 7394

Bernadette Wairimu Njoroge

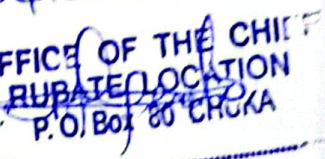
Date: 11/14/2024

Signature: 

CHIEF, RUBATE LOCATION

NAME: PRISCA KAGENDO  
Charles

DATE: 11/04/2024

Signature:   
OFFICE OF THE CHIEF  
RUBATE LOCATION  
P.O. Box 60 CHUKA

Date: .....





THE NATIONAL URBAN WATER SUPPLY AND SANITATION PROGRAM)  
 SITE SPECIFIC STUDIES, ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT(ESIA) AND RESETTLEMENT  
 ACTION PLAN (RAP) FOR PROJECTS IN THARAKA NITHI COUNTY



PROJECT: PROPOSED LAST MILE CONNECTIVITY OF CHUKA WATER SUPPLY PROJECT

PUBLIC PARTICIPATION LIST

VENUE Water office Chuka ..... DATE 15/02/24 ..... TIME 9:00 Am .....

S/ No.	NAME	VILLAGE/INSTITUTION	ID No	CONTACTS	SIGN
1	Benson Ndeke	KIBUMBU	8857681	0727551277	<i>Bdeke</i>
2	Japhet Muriithi	Kibumbu	12731562	0728825579	<i>Muriithi</i>
3	Catherine Gabure	Kibumbu	1296482	0710609612	<i>C</i>
4	Stella Kainda	Kibumbu	23767770	0716233057	<i>Stella</i>
5	Hamson Muriithi	Kibumbu	11695604	0720336834	<i>Hamson</i>
6	Ann Nduta	Kibumbu	26000918	0709937534	<i>ANNIE</i>
7	Johnson Mugumbi	Kibumbu	24154506		<i>Mugumbi</i>
8	Fliphelet Mukuru	Kibumbu	1739516	0727989340	<i>Mukuru</i>
9	Bridget Kagenelo	Kibumbu	1296484	0723466734	<i>B</i>
10	<del>OFFO</del> Timothy Muehang'i	Kibumbu	30586110 <del>17282226</del>	0704177789	<i>TM, Kuehang'i</i>
11	Charity Kaari	Kibumbu	1728226		<i>Raari</i>

OFFICE OF THE ASSISTANT CHIEF  
 CHUKA TOWNSHIP  
 P. O. Box 80 - 60400, CHUKA  
 Date: 15/02/2024



THE NATIONAL URBAN WATER SUPPLY AND SANITATION PROGRAM)  
 SITE SPECIFIC STUDIES, ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT(ESIA) AND RESETTLEMENT  
 ACTION PLAN (RAP) FOR PROJECTS IN THARAKA NITHI COUNTY



PROJECT: PROPOSED LAST MILE CONNECTIVITY OF CHUKA WATER SUPPLY PROJECT

PUBLIC PARTICIPATION LIST

VENUE Water office Chuka ..... DATE: 15/02/2024 ..... TIME: 9:00 AM .....

S/ No.	NAME	VILLAGE/INSTITUTION	ID No	CONTACTS	SIGN
12	CECILIA KAGENDO	KIBUMBU	28240644	0711303214	
13	DORIS NYAGA KAROMBO	KIBUMBU	4321870	070805757	
14	PATRICK MIBANI	KIBUMBU	4320395	0716130053	
15	SHADYS KARIKONGI CIAMBANA	KIBUMBU	2083109	0724105002	
16	JUDY GATJARI NJAJI	KIBUMBU	4447797	0714801522	
17	PETER MURITHI	KIBUMBU	136117808	0711564996	
18	PATRICK MICHENI	KIBUMBU		0726393970	
19	JUSTIN KIRUA TIGABIRI	CHUKA TOWN	7209120	0722336853	

OFFICE OF THE ASSISTANT CHIEF  
 CHUKA TOWNSHIP  
 P.O. Box 80 - 60400, CHUKA  
 Date: 15/02/2024



THE NATIONAL URBAN WATER SUPPLY AND SANITATION PROGRAM)  
 SITE SPECIFIC STUDIES, ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT(ESIA) AND RESETTLEMENT  
 ACTION PLAN (RAP) FOR PROJECTS IN THARAKA NITHI COUNTY



PROJECT: PROPOSED LAST MILE CONNECTIVITY OF CHUKA SEWERAGE PROJECT  
 and water supply  
 PUBLIC PARTICIPATION LIST

VENUE ..... *Nakogon Chief's Office* ..... DATE *19/02/2024* ..... TIME *12:00 PM* .....

S/ No.	NAME	VILLAGE/INSTITUTION	ID No	CONTACTS	SIGN
1	GEORGE OGARD	KISHUSWA/slaughter	24697761	0722131476	<i>[Signature]</i>
2	Margaret MUMBER	Gichucha	2463311	0716411591	<i>[Signature]</i>
3	Frudah NJAGI	Gichucha	20242965	0720766243	<i>[Signature]</i>
4	JOSEPH KIWUNJA	NDOGO Village	2642205	0770486679	<i>[Signature]</i>
5	ESTHER KAWIRA	NDOGO village	114618335	0721685123	<i>[Signature]</i>
6	JUSTIN KIWUNJA	JUVERUS CITY	7209120	0722336883	<i>[Signature]</i>
7	EUNICE KINOTI	SLAUGHTER		0722915353	
8	BETHY KANANA	DOCTORS PIRZA GICHUCHA	25843852	071844212615	<i>[Signature]</i>
9	Nimrod Matigano	KISHUSWA	32884816	0799245174	<i>[Signature]</i>
10	REV. ARAMSTIRONS N. NJERU	NDAGANI MKT FRUKINDU VILLAGE	5086343	0721327807 0733788448	<i>[Signature]</i>
11	Catherine MUMBER	Gichucha	10795294	0720056800	<i>[Signature]</i>





Cluster 1 Projects Meru, Embu and Kirinyaga

Public Participation Attendance List

Date: 11/04/2024 Time: 6:00 pm Venue: Rubate chiefs office

Chuba water Linc Project

No.	Name	Location	ID No.	Contacts	Signature
1.	Winnare Mutloni Nygo.	Rubate.	38495103	0759755438	
2.	Linda Mwendu Nyaga	Rubate.	39189056	0710209514	
3.	RENDON MUMIRI NJUGU	Rubate	21745708	0720035263	
4.	SIMEON WATHANJI	Rubate	24660630	0711609081	
5.	STELLA NJERI	Rubate	25626029	0718365406	
6.	JAMLUCK MUNDENE	Rubate	21489412	0713610167	
7.	Martin Kiumi	Rubate	22097431	072056063	
8.	ALEX MWITI	Rubate	23634846	0725326881	
9.	Layford Benjamin	Rubate	35204652	079682525	
10.	GACERI SURUS	Rubate	28058523	07907132337	
11.	Mercy Katharine Nyuglatia	Rubate	30088335	0704104370	
12.	Hellen W. Mwai	NRB, ESIA Co-ordinator	22701387	0722978864	

of RAP Co-ordinator



Cluster 1 Projects Meru, Embu and Kirinyaga

Public Participation Attendance List

Chuka Water Linc Project

Date: 11/04/2024 Time: 10:00am Venue: Along the Wayleave, Rubata area

No.	Name	Location	ID No.	Contacts	Signature
13	Margaret Gaoji Chabari	Rubate	7862534	0701373841	margaret
14	EMILY KAGANI GIBONGI	Rubate	13492787	0757461966	EE
15	JOYCE MUTHONY HEEMARD	Rubate	134775-18	0725209220	
16	MARLYNE OGINDI	CONSULTANT	34112893	0792317580	
17	PERISCA KAGENDO CHAKO	RUBATE	20172199	0725864893	
18	JEDIEL M. NGARUNI	RUBATE	1071672	0713-707324	
19	ROYFORD MUGENDI	RUBATE	23422358	0724499541	
20					
21					
22					
23					
24					
25					



Cluster I Projects Meru, Embu and Kirinyaga

Public Participation Attendance List


Date: 11/04/2024 Time: 10:00 am Venue: Along the way lane, Rubate

Chuka Water, Linc Project

No.	Name	Location	ID No.	Contacts	Signature
1.	ROSE MAKEMIA	MWONGE	2400467	074172135	Rose
2.	CAROLINE NAKENA NYAGA	MWONGE	37240332	0702719011	
3.	LINET KENDI	MWONGE	34359596	0798893705	
4.	MARYANN MUTHONI IRERI	MWONGE	24465874	0729519875	
5.	ERIC MWENJA NYAGI	MWONGE	30577321	0790773811	
6.	DOLINE KARIMI MISHOKI	MWONGE	9696432	0728929040	
7.	Murane Chubane	Mwonge	30594989	0769023483	
8.	Muanda Reuben	Mwonge	20180502	0728039116	
9.	Marcy Kattware	Mwonge	31726013	0746979986	
10.	PRISCILLA KAGENDO CHARLES	RUBATE	20172199	0725864893	
11.					
12.					

OFFICE OF THE CI  
RUBATE LOCATION  
  
Date: .....

## Appendix 3: Questionnaire for Socio-economic Data Collection

	<p>Site Specific Studies &amp; Preparation of Environmental and Social Impact Assessment (ESIA) And Resettlement Action Plan (RAP) for Projects Under the National Urban Water Supply and Sanitation Program</p> <hr style="border: 1px solid black;"/> <p>Cluster 1 Projects Meru, Embu and Kirinyaga <i>Data Collection Tool</i></p>	<p><b>Greenville International Ltd</b></p> <p><small>P. O. Box 50173-00100, Nairobi, Tel: 0725284770/070 138 101 Email: info@greenville.com, greenville@gmail.com Site: Plot along Limuru road, Suite 04 Website: www.greenville.com</small></p>																																																
<p><b>Tool 1: Survey Data Collection Tool</b></p> <p><b>Household Study Questionnaire</b></p> <p style="text-align: center;"><b>HOUSEHOLD SOCIO-ECONOMIC QUESTIONNAIRE</b></p> <p><b>SECTION A: INTRODUCTION</b></p> <p>Hello. My name is [.....]. I am working with Greenville. We have been contracted by TANA Water Works Development Agency (TWWDA) to conduct a Resettlement Action Plan (RAP) for Projects Under the National Urban Water Supply and Sanitation Program, Cluster 1 Projects Meru, Embu and Kirinyaga. This will ensure that all those people who are affected will be adequately considered. It will also provide valuable information to the project implementers on the actual cost of resettlement. We have noted that you are likely to be affected by the project so we are requesting that you assist us fill this questionnaire to enable us determine how much you should be compensated.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 30%;">Village</td> <td style="width: 30%;">.....</td> <td style="width: 20%;">Name of Household Head</td> <td style="width: 20%;">.....</td> </tr> <tr> <td></td> <td>.....</td> <td></td> <td>.....</td> </tr> <tr> <td>Sub-location</td> <td>.....</td> <td>Household Head ID No.</td> <td>.....</td> </tr> <tr> <td></td> <td>.....</td> <td></td> <td>.....</td> </tr> <tr> <td>Location</td> <td>.....</td> <td>Household Head Contact (Phone Number)</td> <td>.....</td> </tr> <tr> <td></td> <td>.....</td> <td></td> <td>.....</td> </tr> <tr> <td>Division</td> <td>.....</td> <td>Name of Respondent (If not HH Head)</td> <td>.....</td> </tr> <tr> <td></td> <td>.....</td> <td></td> <td>.....</td> </tr> <tr> <td>Sub-County /District</td> <td>.....</td> <td>Respondent Contact (If not HH Head)</td> <td>.....</td> </tr> <tr> <td></td> <td>.....</td> <td></td> <td>.....</td> </tr> <tr> <td>Interviewer</td> <td>.....</td> <td>GPS Location</td> <td>.....</td> </tr> <tr> <td></td> <td>.....</td> <td></td> <td>.....</td> </tr> </table>			Village	.....	Name of Household Head	.....		.....		.....	Sub-location	.....	Household Head ID No.	.....		.....		.....	Location	.....	Household Head Contact (Phone Number)	.....		.....		.....	Division	.....	Name of Respondent (If not HH Head)	.....		.....		.....	Sub-County /District	.....	Respondent Contact (If not HH Head)	.....		.....		.....	Interviewer	.....	GPS Location	.....		.....		.....
Village	.....	Name of Household Head	.....																																															
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Interviewer	.....	GPS Location	.....																																															
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<p>Page 1 of 6</p>																																																		





**SECTION C: VULNERABILITY**

C1	C2			C3	C4	C5
Are there physically challenged people in the Household?  1. Yes >> C2 2. No	What is the nature of the challenge 1. Physically handicapped 2. Visual impairment 3. Deaf 4. Dumb 5. Crossed eyes 6. Mentally handicapped 7. Other (Specify)			Has any member of your household been ill within the last four months?  1. Yes 2. No	If yes, what was the nature of illness? 1. Malaria 2. Flu/Cough 3. Stomach disorders 4. Diarrhea 5. Cholera 6. Headaches 7. Chronic Illness 8. Other (Specify)	Where did they get medical attention?  1. Home 2. Hospital 3. Dispensary 4. Clinic
	Name	Disability	Type of Care			

**NB:** Chronic illnesses include Ulcers, Sickle Cells, Cancer, Diabetes, Asthma, High Blood Pressure, Tuberculosis, and HIV/AIDS.

C6	C7	C8
Are you aware of HIV/AIDS?  1. Yes >> C7 2. No	If yes, how is HIV/AIDS contracted?  1. Unprotected sex with an infected person 2. Sharing sharp instruments 3. Infected blood transfusion 4. Mother to child transmission at birth 5. Other (specify)	How can HIV/AIDS be avoided?  1. Using condoms 2. Abstinence 3. Avoiding sharing sharp instruments 4. Faithfulness 5. Safe child birth 6. Other (specify)

**SECTION D: INCOME**

D1	D2	D3
What do you do for a living  1. Farming 2. Livestock Rearing 3. Fishing 4. Business 5. Formal employment 6. Casual employment	Other Sources of Incomes for the past one year  1. Farming 2. Business 3. Employment 4. Remittance 5. Others (Specify)	What is the average income for the Household per month (KSH)  1. Less than 500 2. 501 – 2,000 3. 2,001 – 5,000 4. 5,001 – 10,000 5. 10,001 – 20,000 6. 20,001 – 50,000 7. Above 50,000



**SECTION E: ASSETS**

<b>E1</b>	<b>E2</b>	<b>E3</b>	<b>E4</b>	<b>E5</b>
Which of your assets are affected  1. None 2. Land >>E2 3. Structure (s) 4. Crops/Trees 5. Grave/Cultural site 6. Others (Specify)	For the affected land do you have proof of Ownership?  1. Yes>>E3 2. No	If yes in E2, which one? 1. Title deed 2. Allotment letter 3. Other, Specify	If affected, can you relocate within your plot (if settlement land) or outside the way leave trace (If trust land)?  1. Yes 2. No >> E5	If No, give reason (s)

**SECTION F: LAND OWNERSHIP**

<b>F1</b>	<b>F2</b>	<b>F3</b>	<b>F4</b>	<b>F5</b>
Which type of ownership is your land under? 1. Leasehold 2. Freehold 3. Trust land 4. Squatter	What is the size of this Land and when did you acquire?	How did you acquire this property? 1. Buying 2. Inherited 3. Gift 4. Rented	How do you use your land? 1. Crop Farming 2. Livestock Keeping 3. Sanctuary 4. Other Uses (specify)	To the best of your knowledge, does this land have any caveats or under any form of dispute? If yes, explain

<b>F6</b>	<b>F7</b>	<b>F8</b>	<b>F9</b>	<b>F10</b>
Do you or any of the affected families on this plot have other land holding nearby or elsewhere? 1. Yes>>F7 2. No>>G1	If yes, where?	Estimated total size (Acres)	Land Type 1. Settlement 2. Trust	Nature occupancy 1. Land owner 2. Tenant 3. Co-owner 4. Co-tenant 5. Licensee 6. Renter 7. Squatter



**SECTION G: SOCIAL STRUCTURES**

<b>G1</b>	<b>G2</b>
Which of these Public facilities are you closest to?  <ol style="list-style-type: none"> <li>1. Primary School</li> <li>2. Secondary School</li> <li>3. Health Centre</li> <li>4. Road</li> <li>5. Water Source/Point</li> <li>6. Historical Sites</li> <li>7. Others (Specify)</li> </ol>	Distance to public facility?  <ol style="list-style-type: none"> <li>1. &lt; 500m</li> <li>2. 501m to 1 km</li> <li>3. 1-2 km</li> <li>4. 2-3 km</li> <li>5. 3-5 km</li> <li>6. More than 5 km</li> </ol>
<b>G3</b>	<b>G4</b>
What are the major sources of water supply for your household? <ol style="list-style-type: none"> <li>1. Household connection from Water Service Provider</li> <li>2. Water venders/kiosks</li> <li>3. River /Stream</li> <li>4. Borehole/Shallow well</li> <li>5. Rain water</li> <li>6. Others (specify)</li> </ol>	What type of sanitation facility does your household use? <ol style="list-style-type: none"> <li>1. Pit latrine</li> <li>2. Sock pit/Septic Tank</li> <li>3. Sewer Network</li> <li>4. Bush</li> <li>5. Other (Specify)</li> </ol>
<b>G5</b>	<b>G6</b>
Specify other sanitation facilities used in G4	Has any of your family member been treated on waterborne disease e.g., cholera, dysentery, typhoid and sanitation? <ol style="list-style-type: none"> <li>1. Yes</li> <li>2. No</li> </ol>
<b>G7</b>	<b>G8</b>
What is your main source of power?	Specify other public facility closer to you



Site Specific Studies & Preparation of Environmental and Social Impact Assessment (ESIA) And Resettlement Action Plan (RAP) for Projects Under the National Urban Water Supply and Sanitation Program

Cluster 1 Projects Meru, Embu and Kirinyaga  
Data Collection Tool

Greenville International Ltd

P. O. Box 50173-00100, Nairobi. Tel: 0729284770/0709 138 101  
E-mail: info@greenville.com/green@icloud.com  
Sungu Plaza along Limuru road, Suite 504  
Website: www.greenintl.com

**Tool 2: Valuation Data Collection Tool**

<b>Name of Property Owner</b>						
Plot Number		ID No.		Sub-County		
Location		Sub-Location		Village		
Date		GPS Reference				
Serial No:	ITEM Description	Plinth Area/ Number	Rate (KSh.)	Photo Number	Replacement Cost (KSh.)	Comments



**SECTION B: DEMOGRAPHIC DATA**

B1	B2	B3	B4	B5		B6
Gender of respondent?  1. Male 2. Female	Relationship to Household head?  1. Head 2. Spouse 3. Son/Daughter 4. Brother/Sister 5. Parent 6. Other Relative	What is your age?  1. < 18 yrs 2. 18 – 25 3. 26 – 35 4. 36 – 45 5. 46 – 60 6. Above 60 yrs	What is your marital status?  1. Married (No. of Spouses) 2. Widowed 3. Divorced 4. Separated 5. Single 6. Other	Number of Dependants  No:  Male		What is the highest level of education you attained?  1. Primary 2. Secondary 3. Post-Secondary 4. Never Attended
				Female		

B7	B8	B9	B10
How long have you lived here?  1. From birth 2. Less than 5 yrs 3. 6-11 years 4. More than 11 yrs.	To the best of your knowledge, is this your ancestral land?  1. Yes 2. No >>B9	When did your family move here?	Where is your ancestral land?

**Appendix 4 GRM Tools**

**1. Grievance Register/ Acknowledgement Form, GRM/ 001**

Date of receiving the grievance: .....

Grievance Number: .....

Project Name: .....

Mode of Receipt (tick where applicable)

Writing	Verbal	Phone	Email
---------	--------	-------	-------

**Details of the Grievance**

Name: .....

Gender: .....

Contacts/ Email address: .....

Location of complainant:

Village/ location/ sublocation: ..... County: .....

**Category of Complainant (tick appropriately)**

- i. Local Communities
- ii. Regulatory bodies and Road agencies (tick where applicable)

NEMA	WRA	Road Agencies (specify)	KFS	Any other specify
------	-----	-------------------------	-----	-------------------

- iii. Contractors
- iv. NGOs, CBOs
- v. Funding institution/ AfDB
- vi. Other interested party (specify)

**Category of Grievance (tick appropriately)**

- i. Project implementation related
- ii. Social
- iii. Environment

**Brief Description of the grievance**

.....  
.....  
.....

(attach letter or any document provided by the complainant)

**Received/ prepared by:**

Name: .....

Date: .....

Signature: .....

## 2. Grievance Resolution Form – GRM/ 002

Date of Meeting: .....

Complaint No: .....

Venue of Meeting: .....

### List of Participants

Complainant side	Local Grievance Redress Committee Members present
1.	1.
2.	2.
3.	3.
4.	4.

### Brief Description of the Grievance:

.....  
.....  
.....

### Key Discussions

- 1.
- 2.
- 3.

### Recommendations made by the Local Grievance Redress Committee

- 1.
- 2.
- 3.

### Status of Grievance (Tick appropriately)

<i>Solved</i>	<i>Unsolved</i>

### Chairperson, Local Grievance Redress Committee

Name: .....

Signature: .....

Date: .....

**3. Grievance Disclosure Form – GRM/ 003**

Complaint No: .....

Name of Complainant: .....

Date of Grievance Redress: .....

Brief Description of Grievance:

.....  
.....  
.....

Summary of Resolution:

.....  
.....  
.....

Name of complainant: .....

Signature of complainant (indicating acceptance of the solution or action taken for his grievance)

.....

Name of the Grievance Handling Officer: .....

Signature of the Grievance Handling Officer: .....

Date (dd/mm/yy): .....

**4. Format of Quarterly Reports of all Grievances – GRM/ 004**

**1.0 General Information**

Project Name: .....

Date: .....

County: .....

Period of Reporting (Quarter): .....

**2.0 Summary of Complaints Received**

Sn.	Name and Address of Complainant	Location of Complaint	Date of receipt of the complaint	Complaint Number
1				
2				
3				

**3.0 Summary of Grievance Redress Meetings Held**



Complaint No.	Brief Description of Complaint	Date of Meeting	Name of Participants	Recommendations Issued	Date of issuance of grievance disclosure form

**4.0 Key Challenges and Measures Taken**

**5.0 Appendices**

- Grievance register
- Minutes of meetings held
- Attendance register (signed)