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## CERTIFICATION


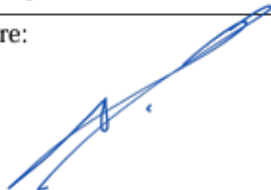
For and on behalf of:

### 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 Chogoria Water Supply 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: 25 May 2024	Date: 25 May 2024

## SUMMARY

### 1. Compensation Summary Sheet;

	Variables	Data
A. General		
1	Province/ County	Tharaka Nithi County
2	Municipality	Chogoria
3	Village	Katharaka
4	Activity(ies) that trigger resettlement	<ul style="list-style-type: none"> <li>Last Mile Connectivity- Construction of pipeline for a Water Supply Project</li> </ul>
5	Project overall cost	217,381,750.73
6	Overall resettlement cost	5,615,700.00
7	Applied cut-off date (s)	10 April 2024
8	Dates of consultation with the people affected by the project (PAP)	16 Feb-24 to 12 April 2024
9	Dates of the negotiations of the compensation rates/prices	10 April 2024
B. information		
10	Number of people affected by the project (PAP)	26
11	Number Physically displaced	None
12	Number Economically displaced (Temporary)	26
13	Number of affected households	26
14	Number of females affected	17
15	Number of vulnerable affected	None
16	Number of major PAP	None
17	Number of minor PAP	26
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	100 (provisional)
28	Number of commercial kiosks to demolish	None
29	Number of ambulant/street sailors affected	9
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 Tana Water Works Development Agency (TWWDA) is actively engaged in expanding water and sanitation services in its region, with a particular focus on the Chogoria Last Mile Connectivity Water Supply Project, a component of the NUWaSSaP initiative. This project targets the enhancement of water coverage in Chogoria, Maara Subcounty, to accommodate the growing population, estimated to reach 13,063 by 2027. Covering an area of 288km<sup>2</sup>, the project aims to enhance service delivery in the town. To minimize adverse effects, particularly on private business structures, the project confines its activities primarily to road reserves. However, recognizing the potential for impact, a comprehensive Resettlement Action Plan (RAP) was devised, adhering to the African Development Bank's safeguards, local regulations, and industry best practices. This underscores TWWDA's dedication to addressing the social and economic implications of project implementation.

## 3. Objectives of the Resettlement Action Plan (RAP)

The main objectives of the RAP are to:

- i. **Comply with Legal Frameworks:** Ensure adherence to national legislation (e.g., Kenyan Constitution and legal framework) and the African Development Bank's Integrated Safeguards Policy (2013).
- ii. **Minimize Impacts:** Reduce social and economic disruptions caused by the project, particularly potential damage to private businesses.
- iii. **Fair Compensation:** Provide fair and just compensation for any affected people
- iv. **Livelihood Restoration:** Support affected people in restoring or improving their livelihoods after resettlement.
- v. **Transparency and Participation:** Maintain transparency throughout the RAP process and encourage PAPs' participation in decision-making.

## 4. Approach and Methodology

The approach and methodology consisted of the following:

- i. **Site-Specific Studies:** Conduct detailed studies to assess the project's economic and social impacts, particularly on businesses.
- ii. **Stakeholder Consultation:** Engage with Project-Affected People (PAPs), local authorities, and other stakeholders throughout the RAP process.
- iii. **Alternative Analysis:** Explore alternative project designs or alignments to minimize resettlement needs.
- iv. **Valuation and Compensation:** Develop a transparent valuation process and determine appropriate compensation packages for affected businesses.
- v. **Livelihood Restoration Measures:** Design and implement programs to assist PAPs in rebuilding or enhancing their livelihoods after displacement.
- vi. **Monitoring and Reporting:** Establish a robust monitoring and reporting system to track RAP implementation progress and address any emerging issues.

## 5. Socio-Economic Characteristics

Chapter 4 provides the analysis of the socioeconomic landscape of Chogoria, located in Tharaka Nithi County, Kenya, with key focus on Project Affected Persons (PAPs). The demographic makeup reveals an urban population of 28,415 and a rural population of 3,208, comprising various ethnic groups, contributing to cultural diversity.

Gender distribution among PAPs shows 65% female-headed and 35% male-headed households, influencing decision-making dynamics. The education levels among PAPs indicate a predominantly literate population, with 48.2% having secondary education and 47.4% having attended university or college. Access to education remains a vital aspect of human capital development in the community.

On water sources, the survey unveils a diverse range of primary and alternative sources utilized by PAPs, highlighting concerns about water quality and associated health risks.

On the livelihood aspect, despite 100% reliance on small-scale businesses among affected PAPs, agriculture stands out as the primary economic activity, supported by fertile soil and suitable climatic conditions. However, challenges such as poverty and climate vulnerability persist, underscoring the need for targeted interventions to enhance infrastructure, especially water and sewer to promote sustainable practices.

## 6. Legal and Institutional Framework for Resettlement

### a) National Legal Framework

- i. **Constitution of Kenya, 2010:** Provides the fundamental legal basis for land rights, property ownership, and compensation principles in Kenya.
- ii. **Water Act, 2016:** Establishes the regulatory framework governing water resources, access, and management, relevant to potential project impacts on water sources.
- iii. **The Lands Act, 2012:** Outlines core principles for land acquisition, compulsory acquisition procedures, and compensation rights when land is needed for public projects.
- iv. **The Land Registration Act, 2012:** Ensures accurate and reliable records of land ownership, aiding the identification of affected individuals and simplifying compensation processes.
- v. **The National Land Commission Act, 2012:** Mandates the National Land Commission to handle land disputes, valuations, and oversee compulsory land acquisition for public use.
- vi. **The Environment and Land Court Act, 2011:** Establishes a specialized court for resolving land and environmental disputes that may arise due to the project.
- vii. **Land Value (Amendment) Act, 2019:** Provides guidelines for fair and updated compensation rates based on land values.
- viii. **Agriculture and Food Authority Act 2013:** Safeguards agricultural production and addresses potential disruptions to farming livelihoods caused by the project.
- ix. **Valuers Act (CAP 532):** Ensures professional standards in land valuation, guaranteeing accurate and transparent determination of compensation amounts.
- x. **Valuation for Rating Act (CAP 266):** Supports consistent land valuation methodology for fair compensation calculations.
- xi. **Rating Act (CAP 267):** Provides a framework for the valuation of properties, potentially relevant for determining compensation for affected structures.
- xii. **Persons with Disability Act, 2003:** Mandates the protection of rights and consideration of unique needs for persons with disabilities during resettlement processes.
- xiii. **Employment Act, 2007:** To, among other things, ensure fair labour practices

### b) National Policy Framework

- A set of various policy documents, establishing procedures and principles for resettlement and compensation in infrastructure development projects.

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

- Outlines the Bank's standards for minimizing environmental and social harm, ensuring ethical resettlement practices, and prioritizing affected communities' well-being.

### d) Institutional Framework for Water and Sanitation Services in Kenya

The Government governs the roles and responsibilities of agencies involved in water and sanitation projects, ensuring coordination and accountability during resettlement implementation. Key institutions include the following:

- i. Ministry of Finance and National Treasury

- ii. Ministry of Water, Sanitation and Irrigation
- iii. Ministry of Labour and Social Protection
- iv. Water Services Regulatory Board (WASREB)
- v. Tana Water Works Development Agency
- vi. County Government
- vii. Land Acquisition Tribunal
- viii. Environment and Land Court
- ix. National Environment Management Authority
- x. Water Resources Authority
- xi. County Environment Committee
- xii. Nithi Water and Sanitation Company (NIWASCO)

## 7. Summary of Stakeholder's Engagements.

A series of meetings have been held in Chogoria to discuss the proposed water project. The initial meeting, held on February 14th, 2024, was open to the wider community. Subsequent meetings on April 10, 2024, focused specifically on Project Affected People (PAPs), with attendance comprising 17 women and 9 men, addressed those whose livelihoods might be impacted.

**All the PAPs expressed full support of the project.** The table below however summarizes issues that they were raised:

Matters arising from the meeting

### Community Support:

- i. **Overall Project Acceptance:** The community expresses support for the water project, recognizing its potential benefits.
- ii. **Conditional on Compensation:** This support hinges on fair and timely compensation for affected businesses and livelihoods.

### Key Concerns:

- i. **Compensation Timeliness:** PAPs wanted assurance that compensation payments will be made promptly to minimize disruptions.
- ii. **Advance Notice:** Businesses need adequate notice before construction begins so they can plan and minimize losses.
- iii. **Livelihood Restoration:** The preferred method of restoring livelihoods is cash compensation, allowing PAPs flexibility in rebuilding.

### Additional Considerations Raised:

- i. **Local Benefits:** Community members expressed a desire for local priority in water connections and employment opportunities generated by the project.
- ii. **Community Input:** The consultant emphasized the importance of considering all feedback from PAPs during project implementation.



## Key Actionable Items for TWWDA:

Table 0.1: Actionable areas by the proponent

Issue Raised	Action Item
Concerns about compensation timeliness	TWWDA to ensure timely compensation. This must be done before the project commences The compensation will be 100%
Need for advance notice for business disruptions	TWWDA to provide advance notice to affected businesses
Desire for priority in water connections	TWWDA to ensure that locals get priority in water connections
Interest in project-related employment opportunities	TWWDA to consider prioritizing local community members for employment
Importance of considering all community feedback	Consideration of all community feedback in project implementation

## 8. Summary of RAP Impacts and Losses

The RAP addresses the foreseen economic repercussions of the project on the communities residing within the designated wayleave. While the ESIA primarily focused on environmental and social implications, the RAP offers additional insights into the social and environmental impacts, particularly regarding the clearance of vegetation and structures necessary for the water project.

**Displacement:** There shall be no physical displacement. In addition, no Private land shall be affected.

To document the potential impact on existing businesses located along the proposed pipeline route, extensive photographic evidence has been collected (and presented in the asset register). While no physical structures will be affected (demolished), the project recognizes that livelihoods shall be temporarily disrupted. To verify the connection between individuals and their businesses, Project Affected Persons alongside their businesses were included in some of the photographs.

**Economic Losses:** small-scale businesses shall be affected along some sections of the proposed corridors. The affected have been effectively captured

## 9. Compensation Plan

The following is the summary of the compensation plan:

- i. **Eligibility:** This RAP aligns with Kenyan laws. Project Affected Persons (PAPs) residing in or economically dependent on the project wayleave are eligible for compensation.
- ii. **Cut-Off Date:** April 10, 2024, is the established cut-off date. This coincides with the asset inventory and census completion. Anyone settling in the area after this date is ineligible for resettlement assistance or compensation.

**The following is the Summary of the losses and compensation for livelihoods**

- i. **Project Affected Persons (PAPs):** On livelihoods, 26 individuals' businesses will be directly impacted by the proposed water supply project (9 male, 17 female). None of the PAPs are considered vulnerable.
- ii. **Compensation:** The total compensation cost for the livelihoods is KES 179,750.00. This includes a 15% disturbance allowance to address the inconvenience caused by the project.

## 10. Entitlements

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

*Table 0.2: Entitlement Matrix*

Impact Category	Type of Impact (Permanent/ Temporary)	Entitled Persons	Entitlements	
			Compensation	Allowances and non-cash interventions
Impact on Land	Loss of land (Permanent)	Private land owners	<ul style="list-style-type: none"> <li>Cash compensation for the affected portion of land at open market value</li> <li>For very small plots provide 100% compensation at open market value</li> <li>For land parcels below 4000m<sup>2</sup> and less than 50% affected, provide per centum rate of 50% of the open market value of the land affected</li> </ul>	<ul style="list-style-type: none"> <li>Disturbance allowance of 15% of the total compensation amount</li> <li>Training on financial management</li> </ul>
	Trust Land <sup>1</sup>	County Government	<ul style="list-style-type: none"> <li>Apply for delineation and allocation of the land in accordance with the Community Land Act, 2016</li> </ul>	<ul style="list-style-type: none"> <li>To be determined on a case-by-case basis in consultations with the County Government and NLC</li> </ul>
	Loss of land use	Private land owners	<ul style="list-style-type: none"> <li>Cash compensation for the affected portion of land at 30% of the market value</li> </ul>	<ul style="list-style-type: none"> <li>Disturbance allowance of 15% of the total compensation amount</li> <li>Training on financial management</li> </ul>
	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
	Forest land	KFS	<ul style="list-style-type: none"> <li>Pay prescribed fees as determined under the Forest Conservation and Management Act, 2016 and the Forest (Fees and Charges) Regulations 2016</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 notice period given to vacate and prior to demolition.</li> <li>Training on financial management</li> </ul>

<sup>1</sup> The proposed project does not impact on any Trust Land

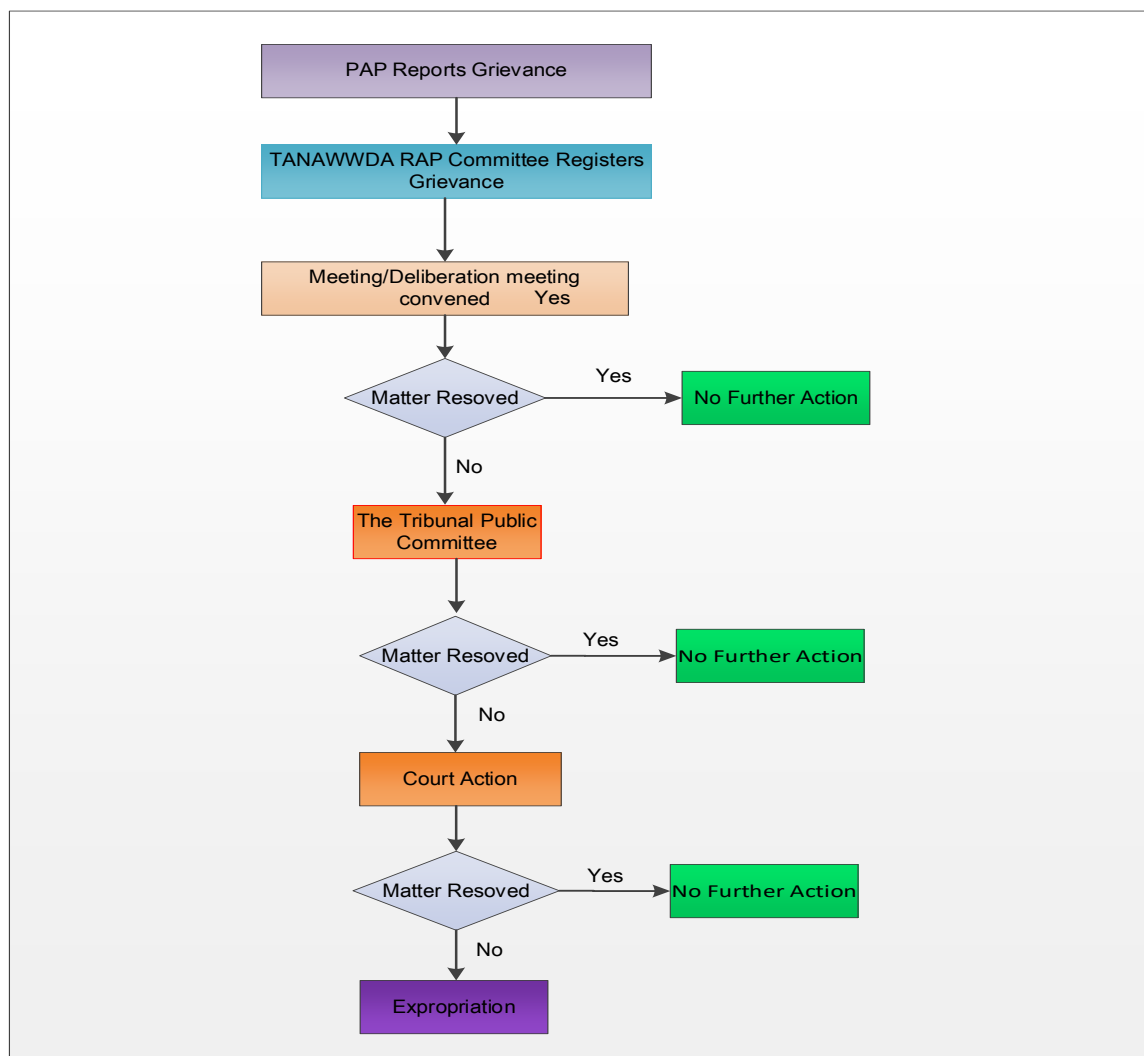


Impact Category	Type of Impact (Permanent/Temporary)	Entitled Persons	Entitlements	
			Compensation	Allowances and non-cash interventions
	Loss of semi-permanent structures (houses, shops, kiosks, grocery shops, butcheries, salon and boutique businesses among others) - Structures made from sawn timber, 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 notice period given to vacate and prior to demolition</li> <li>Training on financial management</li> </ul>
	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</li> </ul>
	Domestic storage facilities	Private owner	<ul style="list-style-type: none"> <li>Cash compensation based on the permanency, design, size and construction materials used, rates ranging between KES 500 -1,500 per square feet</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</li> </ul>
	Loss of fence	Owners of fence structures	<ul style="list-style-type: none"> <li>Cash compensation based on the full replacement value of the affected fence</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</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 Crops and Trees	Loss or damage of crops	Land owners	<ul style="list-style-type: none"> <li>Cash compensation for loss of all crops based on crop value</li> </ul>	<ul style="list-style-type: none"> <li>Disturbance allowance of 15% of the total compensation amount</li> <li>Adequate notice on the construction schedule to get an opportunity to harvest seasonal or annual crops</li> <li>Training on financial management</li> </ul>
	Trees/ fruit trees	Private ownership	<ul style="list-style-type: none"> <li>Cash compensation for loss of trees taller than 12 feet</li> </ul>	<ul style="list-style-type: none"> <li>Disturbance allowance of 15% of the total compensation amount</li> <li>Adequate notice on the construction schedule to get an opportunity to harvest trees</li> <li>Training on financial management</li> </ul>
		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 temporally 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</li> </ul>

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</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</li> <li>Linkage to the Government of Kenya (GoK) social protection programmes</li> </ul>

## 11. Grievance Redress Mechanism;

The flow chart below provides the proposed summary of grievance redress:



## GRM Budget

Grievance redress at the project level encompasses a broad scope of cross cutting 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, common training for grievance redress committees, continuous stakeholder engagements intended to reduce misunderstandings and 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 budget provided under the SEP.

## 12. Summary of RAP Implementation Schedule

The table below provides a projected schedule for the implementation of the Resettlement Action Plan (RAP), which needs to be coordinated with the contractor's work program. The anticipated duration for project implementation upto 18 months. However, this will also depend on the contractual agreements between TWWDA and the contractors.

The table below provides the proposed implementation schedule:

*Table 0.3: RAP Implementation Schedule*

Activity	Responsible Party	Q1	Q2	Q3	Q4	Q5	Q6
Planning Phase							
RAP Study, and Preparation	TWWDA						
Aproval and Disclosure of RAP Report	TWWDA/AfDB						
Setting Up Phase							
RAP Implementation Team (RIT) is constituted	TWWDA & County Gov't						
PAP Committee (PC) Constituted and briefed	RIT						
Validation and verification of PAPs	RIT						
Disclosure of Updated	TWWDA						
Full compensation of all PAPS	RIT						
Issuance of 3 months' vacation notice to PAPS	RIT						
Construction Phase							
Commencement of construction works	TWWDA, Contractor						
Site Handover	TWWDA, Contractor						
Site clearance	Contractor						
Excavation and pipeline installation	Contractor						
Grievance Management	RIT, GRM Committees						
Restoration activities of livelihood	RIT/ Social Safeguard Specialist						
Monitoring and Evaluation							
Monitoring and Evaluation of RAP (Monthly Reports)	Social Safeguard Specialist						
RAP Completion Audit	External RAP Auditor/ Consultant						

## 13. Summary of Monitoring and Evaluation

- **Purpose:** Monitoring and evaluation (M&E) is essential to get feedback, identify issues early, and make necessary adjustments to the RAP process. M&E focuses on physical

resettlement, compensation, consultation effectiveness, and other key aspects of implementation.

## Monitoring and Evaluation

- **Internal Monitoring**
  - a. Conducted monthly by the TWWDA monitoring office.
  - b. Focuses on tracking progress against RAP action plans.
  - c. Periodic evaluations assess full compensation and whether standards of living for PAPs are maintained or improved.
  - d. TWWDA's Head of Technical Services oversees the process.
- **External Monitoring and Evaluation**
  - Independent specialists conduct annual evaluations.

Objectives:

  - Ensure compliance with the RAP.
  - Verify that resettlement goals for housing, living standards, and compensation are met.
  - Evaluate efficiency, sustainability, and effectiveness of implementation, providing lessons for the future.

The table below provides the cost for the full implementation of the RAP

*Table 0.4: Total cost for the full implementation of the RAP*

Item	No. of PAPs	Estimated Cost (KES)
Land (Wayleave)	Nil	0
Asset Loss (Buildings and Other Structures)	Nil	0
Livelihood Loss (Inclusive of the 15% disturbance allowance)	<b>26</b>	<b>179,750.00</b>
Capacity Building and in-kind support		500,000.00
Provisional sum for roads agencies <sup>2</sup>		1,000,000.00
Livelihood Restoration Program (Capacity building, Natural Resource Management, tree planting etc.)		1,500,000.00
RAP implementation monitoring		500,000.00
Provide for RAP Audit (External)		1,000,000.00
<b>Sub-Total Estimated Compensation</b>		<b>4,679,750.00</b>
Other costs including, inadvertent deserving omissions, vulnerable cases, taxes and contingencies (20%)		935,950.00
<b>Grand Total</b>		<b>5,615,700.00</b>

## 14. Conclusion and Commitments

TWWDA aims to ensure sustainable access to quality water and improved sewerage services in its area. TWWDA is committed to expanding water and sewerage coverage, aiming to increase from 57.8% to 90% and from 8.1% to 30% by 2027. To achieve this, the agency prioritizes the development of long-lasting water and sanitation infrastructure. Through adherence to laws and

<sup>2</sup> To provide for any statutory fees as may be levied by KeNHA, KURA and/or KeRRA for maintenance of road reserve used by the project as may be provided for under the law

regulations and coordination among stakeholders, TWWDA has developed a RAP, which aims to mitigate the social and economic impacts of the project on affected communities while promoting sustainable development and safeguarding the rights of all involved parties.

#### a) Commitments

Based on the assessment made on site and the extent of the resettlement it is recommended that the RAP should be implemented by TWWDA in accordance with the law and regulations. The following are some of the commitments the project will need to address going forward:

Key issue	Commitment
Consultations with stakeholders	The project to continue engaging with all stakeholders including, but not limited to PAPs, Road's agencies, WRA, among others  Provide special attention to vulnerable groups such as the elderly, female headed households, the sick, and the orphans
Timely compensation	In order to promptly mitigate the impacts of the project caused by physical and economic displacements, the project shall compensate all PAPs in a timely manner
Monitoring	For the RAP to be successful TWWDA will initiate monitoring and evaluation. This will ensure that arising issues are properly addressed
Local concerns	During the public discussions and meetings, the following requests have been made by the locals: <ul style="list-style-type: none"> <li>• Use of local labor during the construction phase</li> <li>• Provision of connection points for the residents</li> <li>• Timely compensation</li> <li>• Affected access roads, cables, pipelines should be repaired as soon as possible to minimise disruption</li> </ul> TWWDA has committed to meet the above requests
Community expectations	The PAPs raised numerous issues for the attention of the project proponent. TWWDA to establish its RWG in order to deal with any community grievances in a timely manner.
Capacity building for PAPs	Before resettlement, the PAPs will be mobilized and sensitized both socially and economically to avoid undue social and economic disruptions. Where applicable, health experts should be involved in counseling to create awareness within the community on issues relating to HIV/AIDS

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## ABBREVIATIONS AND ACRONYMS

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AFA	Agriculture and Food Authority
AfDB	African Development Bank
AIDS	Acquired Immune Deficiency Syndrome
Asl	Above Mean Sea Level
BPT	Brake Pressure Tank
CAJ	Commission for Administrative Justice
E&S	Environmental and Social
ESIA	Environmental and Social Impact Assessment
GBV	Gender-Based Violence
GoK	Government of Kenya
GPS	Global Positioning System
GRM	Grievance Redress Mechanism
Ha	Hectare
HH	Household
HIV	Human Immune Virus
ISS	Integrated Safeguards System
KES	Kenya Shillings
KFS	Kenya Forestry Service
KeNHA	Kenya National Highways Authority
KeRRA	Kenya Rural Roads Authority
KURA	Kenya Urban Roads Authority
KWTA	Kenya Water Towers Agency
Km	Kilometre
M	Meter
M&E	Monitoring and valuation
MS	Microsoft
MSMEs	Micro, Small and Medium Enterprises
NEMA	National Environment Management Authority
NET	National Environment Tribunal
NGO	Non-Governmental Organisations
NLC	National Land Commission
NUWaSSaP	National Urban Water Supply and Sanitation Programme



OS	Operational Safeguard
PAP	Project Affected Person
PC	PAP Committee
PDPs	Project Displaced Persons
PIU	Project Implementation Unit
PWDs	Persons With Disability
RAP	Resettlement Action Plan
RIT	Resettlement Action Plan Implementation Team
SEAH	Sexual Exploitation, Abuse, and Harassment
SEP	Stakeholders Engagement Plan
SPSS	Statistical Package for Social Scientists
STI	Sexually Transmitted Infections
TWWDA	Tana Water Works Development Agency
UNDP	United Nations Development Programme
UTM	Universal Transverse Mercator Coordinate System
VAC	Violence Against Children
WASREB	Water Services Regulatory Board
WRA	Water Resources Authority
WSP	Water Service Provider

## GLOSSARY OF TERMS

---

**Resettlement Action Plan:** A public document that specifies the procedures and actions to be undertaken to mitigate adverse effects, compensate losses, and provide development benefits to project-affected persons.

**Assets:** Comprises land, structures, or crops/trees, unless otherwise defined.

**Census:** Means a field survey carried out to identify and determine the number of Projected Affected Persons (PAPs) families/households/persons or displaced persons (PDPs). The meaning of the word shall also embrace the criteria for eligibility for compensation, resettlement, and other measures that result from consultation with PAPs.

**Compensation:** Payment in cash or in kind for an asset or a resource that is acquired or affected by a project at the time the asset needs to be replaced.

**Cut-Off Date:** Date of completion of the census and assets inventory of persons affected by the project. Persons occupying the project area after the cut-off-date are not eligible for compensation and/or resettlement assistance. Similarly, fixed assets (such as built structures, crops, fruit trees, and woodlots) established after the date of completion of the assets inventory, or an alternative mutually agreed on date, will not be compensated.

**Crop Damage:** Shall be compensated at the value assessed on the basis of prevailing market rates for crops and trees. Cognisance of seasons planting schedules will be taken (based on information acquired during the socio-economic survey). A one-off payment will be provided at the time of bush clearance by the contractor.

**Entitlements:** The benefits set out in the Resettlement Action Plan (RAP), including: financial compensation; the right to participate in livelihood restoration programs; housing, house sites and service provision; and, transport and other short-term assistance required to resettle or relocate.

**Household:** A person, or group of persons living together, in an individual house or compound, who share cooking and eating facilities, and form a basic socio-economic and decision-making unit.

**Involuntary Resettlement:** Resettlement is involuntary when it occurs without the informed consent of the displaced persons or if they give their consent without having the power to refuse resettlement.

**“Legitimate interest”:** Means that even those PAPs with no recognizable legal right or claim to the asset they are occupying or using are considered eligible for compensation

**Millennium Development Goals:** There are eight United Nations brokered MDGs, which range from halving extreme poverty to halting the spread of HIV/AIDS and providing universal primary education. They form a blueprint agreed to by all the world's countries and leading development institutions, and seek to galvanize efforts to meet the needs of the World's poorest.

**Project-Affected Person:** Any person who, as a result of the implementation of a project, loses the right to own, use, or otherwise benefit from a built structure, land (residential, agricultural, or pasture), annual or perennial crops and trees, or any other fixed or moveable asset, either in full or in part, permanently or temporarily.

**Project Displaced Persons:** All the people affected by a project who through involuntary acquisition and/ or encumbrance placed upon the land on account of the execution of the project, necessitating the moving and resettlement from the affected land; includes any person, household, firms, or public or private institutions who as a result of a project would have their; standard of living adversely affected; right, title or interest in all or any part of a house, land (including residential, commercial, agricultural, plantations, forest and grazing land) or any other moveable or fixed assets acquired or possessed, in

full or in part, permanently or temporarily adversely affected; or business, occupation, place of work, residence, habitat or access to forest or community resources adversely affected, with or without displacement.

**Relocation:** Physical moving of PAPs from their pre-project place or residence, place for work or business premises, to an area within the parcel of land that is not affected by the project.

**Replacement Cost:** Full cost of replacing or reinstating an asset with another of similar functionality, quality and quantity with an amount sufficient to cover the loss and related costs such as labour and contractor fees, transporting building materials and related transaction costs and taxes but without depreciation.

**Resettlement Action Plan:** The document in which a project sponsor or other responsible entity specifies the procedures that it will follow and the actions that it will take to mitigate adverse effects, compensate losses, and provide development benefits to persons and communities affected by a project.

**Stakeholders:** Any and all individuals, groups, organizations, and institutions interested in and potentially affected by a project or having the ability to influence a project.

**Vulnerable Groups:** People who by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status may be more adversely affected by a project than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits.

**Squatters:** People who have illegally occupied land for residential, business and/or other purposes. They are not eligible for land compensation but qualify for compensation for loss of structures and resettlement assistance.

### 1.1 Project Background

The Tana Water Works Development Agency (TWWDA), responsible for developing and managing water infrastructure, is focused on expanding water and sanitation coverage within its region. Chogoria Last Mile Connectivity Water Supply Project is one of the interventions under the NUWaSSaP and focuses on the improvement of water coverage in Chogoria, Maara Subcounty, Tharaka Nithi County. The project has an estimated coverage of 288km<sup>2</sup>. The Chogoria water project, aims to improve service delivery.

While the project is primarily restricted to road reserves to minimize impacts, an Resettlement Action Plan (RAP) was developed due to the potential for damage to private business structures, especially small traders along the roads. The RAP ensures compliance with the African Development Bank's safeguards, local laws, and best practices, highlighting the TWWDA's commitment to mitigate the social and economic impacts of the project's implementation.

### 1.2 The Resettlement Impacts

TWWDA engaged a consultant to review and conduct site-specific studies to understand the Chogoria water supply project economic implications. Moreover, the TWWDA formulated RAP in accordance with the African Development Bank's Integrated Safeguards Policy of 2013, local legal mandates, and other industry best practices to ensure the project's successful execution.

The RAP highlights that implementing the proposed water project in certain areas may pose risks such as interfering with small scale businesses. Various alternative sites have been explored to minimise impacts of the project to private properties. Largely, this led to restriction of the proposed project to the road reserves. **Therefore, land acquisition will NOT be necessary.**

### 1.3 Objectives of RAP

To mitigate the potential impacts of the proposed last mile connectivity (LMC) water supply project in Chogoria on affected communities, the objective of the RAP is to:

- i. **Comply with Legal Frameworks:** Ensure adherence to national legislation (e.g., Kenyan Constitution and legal framework) and the African Development Bank's Integrated Safeguards Policy (2013).
- ii. **Minimize Impacts:** Reduce social and economic disruptions caused by the project, particularly potential damage to private businesses.
- iii. **Fair Compensation:** Provide fair and just compensation for any affected people
- iv. **Livelihood Restoration:** Support affected people in restoring or improving their livelihoods after resettlement.
- v. **Transparency and Participation:** Maintain transparency throughout the RAP process and encourage PAPs' participation in decision-making.

### 1.4 Scope of the RAP Report

The report establishes the number of businesses to be affected by the project. The details are annexed to this report. It was also established that the project will be implemented along road corridors and will therefore not acquire any private land. The project team traversed the entire proposed water supply

project to establish the number of Project Affected Persons (PAPs) and the actual number of households that will be economically or physically displaced.

Consent forms confirming the PAPs acceptance of the project's compensation arrangements with respect to various structures are presented in Annex 2.

## **1.5 The RAP Report Structure**

Chapter 1: Introduction: This chapter serves as the opening segment of the RAP report, providing an overview of the project background, The Resettlement Impacts, and RAP objectives.

Chapter 2: Project Description: Here, a detailed description of the project is presented, including its objectives, scope, location, and anticipated timeline for implementation.

Chapter 3: Legal, Policy, and Institutional Framework: This chapter delves into the legal, policy, and institutional context within which the project operates, outlining relevant regulations, guidelines, and institutional arrangements.

Chapter 4: Socioeconomic Profiles of PAPs: An analysis of the socioeconomic profiles of the Project Affected Persons (PAPs) is provided in this chapter, offering insights into their demographics, livelihoods, and vulnerabilities.

Chapter 5: Project Impacts and Mitigation Measures: The impacts of the project on the affected communities and the environment are discussed here, along with proposed mitigation measures to minimize adverse effects.

Chapter 6: Valuation, Compensation, and Entitlements: This chapter outlines the methodologies used for valuing affected assets, determining compensation packages, and defining entitlements for the PAPs.

Chapter 7: Grievance Redress Mechanism: grievance redress mechanism (GRM) is detailed in this chapter, specifying procedures for addressing complaints and resolving disputes related to the project.

Chapter 8: Proposed Institutional Arrangements for RAP Implementation: The institutional arrangements proposed for the implementation of the RAP are elucidated here, including the roles and responsibilities.

Chapter 9: Monitoring, Evaluation, and Reporting: The mechanisms for monitoring the implementation of the RAP, evaluating its effectiveness, and reporting on progress are outlined in this chapter.

Chapter 10: Public Consultation and Disclosure: This chapter discusses the process of public consultation and disclosure undertaken during the preparation of the RAP, ensuring transparency and stakeholder participation.

Chapter 11: Conclusions and Commitments: The final chapter of the RAP report summarizes key findings, conclusions, and commitments made by the project proponent towards ensuring the successful implementation of the resettlement plan.

## 2 PROJECT DESCRIPTION

### 2.1 Introduction

The proposed Chogoria water supply and sanitation interventions are aligned with the strategic goals of the National Government as outlined in the social pillar of Vision 2030, which seeks to establish "a just, coherent, and equitable social development in a clean and secure environment."

### 2.2 Project Location

The proposed project will serve the resident of Chogoria and its environs. Chogoria is located approximately 185km north of Nairobi, the Capital City of Kenya, in Tharaka Nithi County. Chogoria Town is on the Western slopes of Mt. Kenya which is the highest Mountain in Kenya with the highest peak at 5199m amsl. The Project Area covers 280km<sup>2</sup>. The area is shown in Figure 2.1.

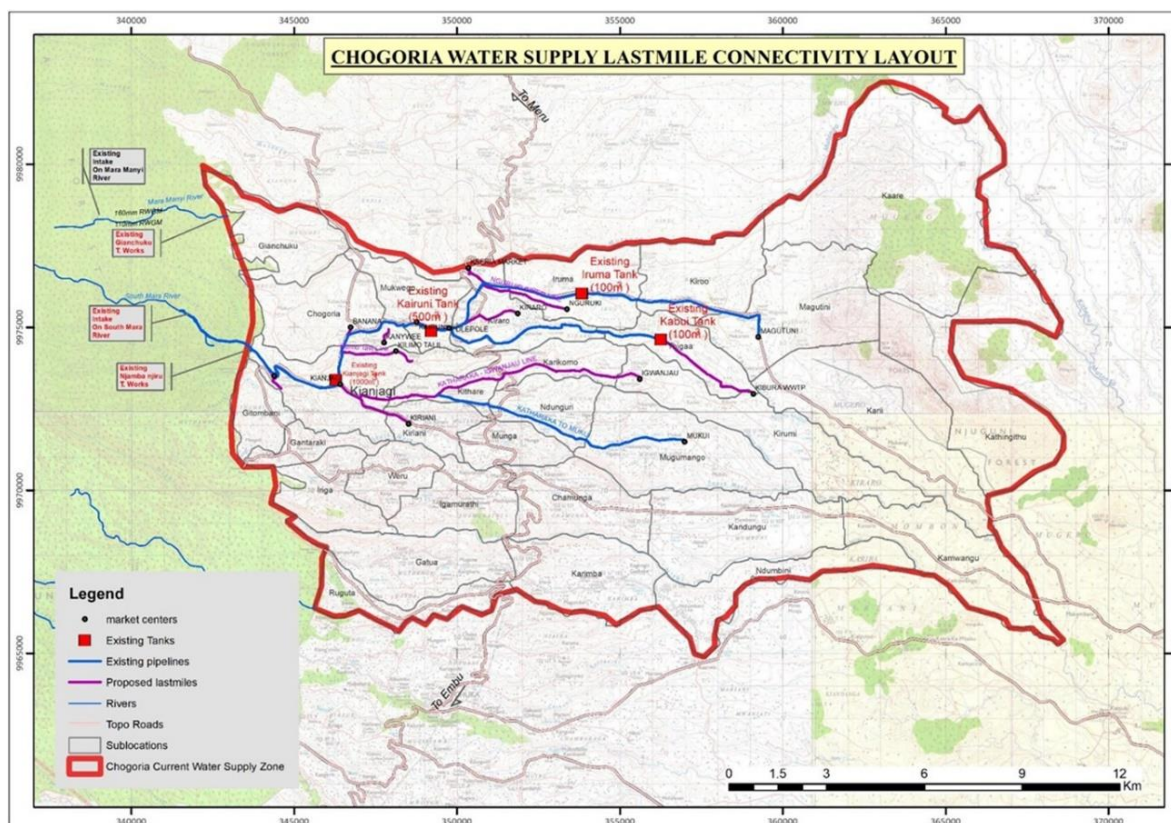


Figure 2.1: Project location

The proposed last mile connectivity network transmission lines will largely be laid on the existing road reserve to minimize the need for resettlement.

### 2.3 Project Alternatives

The ESIA report has provided a detailed description of the available project alternatives from an environmental, social and technical perspectives. Below is a summary of the project alternatives from a RAP perspective and why the sewer project as described provides the best option.

1. No Project Option (maintenance of status quo): This option would entail non-improvement of current portable water supply situation within the project area, a situation that would leave the



population susceptible to water borne diseases as a result of unsafe water, It would also be against the national and global development goals as provided under national policy (Vision 2030) and global objectives spelled out in the Sustainable Development Goals (SDGs). This is not a desirable option.

2. Development of a piped water supply system as proposed under current intervention: Implementation of the proposed last mile connectivity for Chogoria Water project as conceptualized and designed would provide sustainable water supply to the residents of Chogoria town and its environs in line with Vision 2030 and the Sustainable Development Goals. This will alleviate health problems, particularly in peri-urban areas in line with national goals and provide employment opportunities to locals during the construction and operational phase.
3. Routing: The design of the project has focused on the use of available public wayleave to the greatest extent possible to avoid resettlement issues as per AfDB policies.
4. Piping materials: An evaluation of various piping materials for the Chogoria Water LMC project provided that the HDPE Pipe would be the most appropriate. The pipes exhibit durability, withstanding corrosion and rust, making them ideal for buried applications in local soil conditions. Their lightweight and flexible nature enables easier transportation, handling, and installation compared to heavier alternatives like steel, which is crucial for navigating the challenging terrain of the project area. Moreover, the local availability of HDPE pipes simplifies procurement processes and contributes to the growth of the local economy

Based on the above, it was established that the Chogoria Water system, as currently conceptualized and designed provides the best alternative for ensuring proper waste management within the project area.

## 2.4 Project Activities of the Proposed Last Mile Connectivity Water Supply Project

The proposed Chogoria Water Supply System, is a last mile project, which mainly consists of delivering water to the people. It aims to significantly enhance the water supply capacity of the region in conjunction. This initiative will bolster the existing infrastructure and ensure reliable water distribution to a broader population. Key project elements that triggered RAP include are tabulated below:

*Table 2.1: The proposed Project Activities*

Pipeline	Zone	Area covered	Ultimate Water Demand year 2037 (m <sup>3</sup> /day)	High Level Zone (m <sup>3</sup> /day)	Low Level Zone, (m <sup>3</sup> /day)
Kianjagi – Katharaka – Igwanjau pipeline (9.9km)	Zone B, Zone C, Zone F	Igwanjau market, Kariakomo market, about 9No. public institutions and the surrounding 13010No. estimated households or 52040 people	2966.32		2966.32
Karaa – Kiriani pipeline (2.45km)	Zone F	Karaa market, Kiriani market, about 5No. public institutions and 2626No. estimated households or 10503 people	598.63		598.63
Katharaka junction – Mukui pipeline (8.01km)		Kiamaogo market, Ndunguri market, Ngeru market, Ngaita market, and Mukui markets as well as 15No. public institutions and 4958 estimated households or 19830 people.	1130.33		1130.33
Nguruki – Magutuni pipeline (5.64km)	Zone D	Nguruki market up to Magutuni market, 6No. public institutions and 5577 households or 22509 people	1271.66		1271.66

Pipeline	Zone	Area covered	Ultimate Water Demand year 2037 (m <sup>3</sup> /day)	High Level Zone (m <sup>3</sup> /day)	Low Level Zone, (m <sup>3</sup> /day)
Kieganguru – Kiraro pipeline (1.67km)	Zone D	Kiraro, 4No. public institutions and 1397 households or 5588 people	318.50		318.50
Chogoria town pipelines (0.74km)	Banana Line (0.29m) - Zone A	Chogoria town	100.00	100.00	
	Kanywee Line (0.45) - Zone A		90.0	90.0	
Keeria Market pipeline (0.89km)	Zone D	Keeria market	54		54
Mutindwa market pipeline (1.7km)	Zone D	Mutindwa market, 5No. public institutions and 100 households or 400 people	339.1		339.1
Kairuni – Polepole pipeline (0.91km)	Zone D	Kairuni market, Polepole market 2No. public institutions and 120 households or 480 people.	150.00	150.00	

## 2.5 RAP Procedure

Greenville was tasked with preparing the RAP on behalf of TWWDA. The consultant's responsibilities included conducting a survey to determine the actual number of Project Affected Persons (PAPs) and households, raising awareness about the project and its consequences through public participation and stakeholder engagement, and estimating the valuation of each category of PAPs and affected structures.

To achieve this, close collaboration with relevant stakeholders was necessary to ensure that compensation for PAPs and affected structures was carried out in the most appropriate manner, facilitating the smooth progression of the project. During this stage, the consultant carefully examined potential issues identified in the RAP that might arise, addressing them proactively.

The consultant, in close collaboration with TWWDA and local administration (Chiefs, Ward Administrators, and Village Elders), implemented a comprehensive data collection and analysis process to ensure a fair and inclusive compensation approach. Key steps included:

- Property Identification and Survey:
  - Accurately delineated all project-affected land parcels using survey methods (physical measurements, GPS coordinates, and mapping).
  - Conducted site visits to affected areas.
  - Compiled a detailed inventory of impacted assets, including land size, structures, crops, trees, and other relevant features.
- Socioeconomic Baseline Data:
  - Gathered demographic information on Project Affected Persons (PAPs).
  - Evaluated the project's potential social and economic impacts on PAPs.
- Valuation Methodology:
  - Established fair market value for land and assets using recognized standards, incorporating local real estate data and/or professional appraisals.
  - Assessed replacement costs for structures and factored in compensation for lost income-generating assets.
- Consultation and Disclosure:
  - Shared valuation results with PAPs transparently, facilitating feedback, questions, and potential negotiation.
  - Documented all agreements reached with PAPs.



Figure 2.1: The pipeline traversing rural roads with minimal interference with private properties



Figure 2.2: Sample businesses that are likely to be affected by the proposed line

To document the potential impact on existing businesses located along the proposed pipeline route, extensive photographic evidence has been collected (and presented in the asset register). While no physical structures will be affected (demolished), the project recognizes that livelihoods shall be temporarily disrupted. To verify the connection between individuals and their businesses, Project Affected Persons alongside their businesses were included in some of the photographs.



## 2.6 Community Consultation

Resettlement or compensating PAPs needs effective communication or dialogue with the stakeholders. To achieve this, several public meetings were conducted. This exercise is recommended to continue until implementation of RAP is complete. The consultant undertook consultation with the PAPs along the line.

It is anticipated that TWWDA will, throughout project implementation team, comply with the project's stakeholder's engagement plan (SEP) and ESMP to ensure that identified PAPs are adequately sensitized and involved before, during and even after compensations.



*Figure 2.3: Meeting with PAPs/ Traders at Katharaka Centre, in Chogoria, and explaining to them the scope and impacts of the project*

Chiefs, whose areas are traversed by the proposed line, were also consulted and informed in detail, what the project entailed. This was done to forestall misinformation, especially on land.

PAPs were informed of the plans for the area. However, they were also informed that the actual date of implementation would be communicated later.

## 2.7 Socio-Economic and Environment Issues

While the Environmental Impact Assessment examined the environmental and social implications of the project, this RAP provides additional insights into the social and environmental impacts. Specifically, it delves into the consequences arising from the clearance of vegetation and structures necessary to facilitate the installation of the water line.

### 3 LEGAL, POLICY AND INSTITUTIONAL FRAMEWORK

---

The relevant legal, policy and institutional frameworks considered in the preparation of the 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 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 1.4.

### **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 Agriculture and Food Authority Act 2013**

This Act provides for the consolidation of the laws on the regulation and promotion of agriculture generally, to provide for the establishment of the Agriculture and Food Authority, to make provision for the respective roles of the national and county governments in agriculture excluding livestock and related matters in furtherance of the relevant provisions of the Fourth Schedule to the Constitution and for connected purposes.

Part 4, Article 21 of the Act mandates the Cabinet Secretary in charge of land to make land development guidelines; general rules for the preservation, utilization and development of agricultural land and aquatic resources, either in Kenya generally or in any particular part thereof may then be made in consultation with the National Land Commission as envisaged in Article 22 of the Act.

In Article 23 of the Act, the Cabinet Secretary in consultation with the National Land Commission may prescribe national guidelines for the purposes of the conservation of the soil, or the prevention of the adverse effects of soil erosion on any land to:

- i). Prohibit regulating or controlling the undertaking of any agricultural activity including the firing, clearing or destruction of vegetation
- ii). Prohibit restricting or controlling the use of land for any agricultural purpose excluding livestock

The project under consideration has been designed in compliance with the Agriculture and Food Authority (AFA) Act and does not infringe on any guidelines provided under the AFA Act.

### **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 ratable 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 Employment Act, 2007**

The Act declare and define the fundamental rights of employees, to provide basic conditions of employment of employees, to regulate employment of children, and to provide for matters connected with the foregoing. It provides for, among other things, the provision of safe working environment by employers, protection of workers and workers' rights and the management of proper employment records at the workplace.

It shall be required that all contractors under the project observe the requirement of the Employment Act, 2007, in the recruitment, management, remuneration and geeral safety of workers, whether on contract or on permanent basis, throughtout the period of their engagement. Contractor shall ensure

the observance of minimum wage regulations under the act, protection of employees from gender-based violence, the observance and protection of the rights of children and observance of all other rights provided for under the Act.

### 3.2 National Policy Framework

**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 water 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 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 Framework for Water and Sanitation Services in Kenya

The table below provides the Institutional Framework for Water and Sanitation Services in Kenya:

*Table 3.1: Institutional Framework for Water and Sanitation Services in Kenya*

<b>Institution</b>	<b>Roles</b>	<b>Capacity Assessment</b>
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.

<b>Institution</b>	<b>Roles</b>	<b>Capacity Assessment</b>
Ministry of Water, Sanitation and Irrigation	<p>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 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>The Ministry has the relevant experts in key areas such as Design of water and sanitation systems, physical planning, resettlement planning, Environmental and Social Safeguards, financial management &amp; project Management. However due to the numerous projects to be implemented under the program, the ministry may require a dedicated project management team drawn from the ministry or by engaging consultants to boost their capacity.</p>
Ministry of Labour and Social Protection	<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>
Ministry of Interior and National Administration	<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>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>The public administration has adequate capacity to play their role in RAP implementation as has been witnessed in the other ongoing project. The local Sub chiefs, Chiefs and village managers are well versed with the local environment and in good touch with the locals. Case that require special attention will be escalated to the Assistant County Commissioners or the County commissioners.</p>
Ministry of Cooperatives and Micro, Small and Medium Enterprises (MSMEs)	<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>The ministry of cooperatives and MSMEs has adequate capacity to support TWWDA in implementing livelihood restoration activities to PAPs. At the grassroots, there are representatives at the Subcounty level who are well trained and experienced in matters of business</p>

Institution	Roles	Capacity Assessment
	Under the RAP, TWWDA anticipates to collaborate with the Ministry in skills development in support of the livelihoods restoration plan proposed herein.	development and entrepreneurship who also understand the local business environment and local opportunities for startups and business growth.
Water Services Regulatory Board (WASREB)	<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>	WASREB as the regulator to the Water Service Providers has adequate capacity to handle relevant disputes involving the WSPs and in enforcing regulations in management and provision of water and sanitation services including tariff development. WASREB will also promote sustainability of water and sewer provision by harmonizing the working relationship between the WSP, County government and TWWDA.
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 Chogoria Water Last Mile Connectivity project and shall be in charge of</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 by engaging of consultants such as Sociologists for implementation of SEP and RAP monitoring and audit.



Institution	Roles	Capacity Assessment
	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.	
County Government	<p>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.</p> <p>County Governments play an important role in the overall monitoring of the 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>In addition, once the project is completed, it will be handed over to the County Government of Embu through the Water Service Provider.</p> <p>The County Government of Tharaka Nithi will also play a coordination role during RAP implementation and overall project implementation.</p>	The County Government has adequate capacity to play their role of overall monitoring of the project and offer support in conflict resolution especially those involving institutional stakeholders.
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>	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.

<b>Institution</b>	<b>Roles</b>	<b>Capacity Assessment</b>
	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.	
Land Acquisition Tribunal	<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>	The tribunal has the necessary capacity to carry out their mandate of dispute resolution on land acquisition matters.
Environment and Land Court	<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>	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.
National Environment Management Authority	<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>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>	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
Water Resources Authority	Article 11(1) of the Water Act, 2016 establishes the Water Resources Authority with the mandate to;	WRA has adequate capacity to address issues related to water abstraction and



Institution	Roles	Capacity Assessment
	<ul 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> </ul> <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>catchment protection. Opportunities to enhance this capacity through partnership with the private sector institutions can also be explored.</p>
County Environment Committee	<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>
Nithi Water and Sanitation Company (NIWASCO)	<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>

Institution	Roles	Capacity Assessment
	On completion, Chogoria 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.	

### 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 Chogoria Water Supply LMC Project. Table 3.1 presents a summary of the key issues.

Table 3.2: Gap Analysis

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

### 4.1 Introduction

This chapter summarizes the findings of a socioeconomic survey conducted to evaluate the economic resource base and social conditions of the Project Affected Persons (PAPs), including household demography, land holding, assets, community affiliation, and welfare indicators.

Chogoria, situated in Tharaka Nithi County, Kenya, exhibits a range of socio-economic characteristics that contribute to its unique identity and livelihood patterns. Chogoria's socio-economic landscape reflects a blend of agricultural heritage, cultural diversity, and development challenges, with potential for growth and resilience through targeted interventions and community-driven initiatives.

### 4.2 Geography and Environment

Chogoria is located in the eastern region of Kenya, characterized by diverse landscapes ranging from lush greenery to semi-arid areas.

The area is known for its fertile soil, conducive to agriculture, with crops like maize, beans, tea, and coffee being common.

The region is endowed with natural resources, including rivers and forests, which play a vital role in supporting livelihoods and biodiversity.

### 4.3 Demographics

Chogoria has an urban population of 28,415 and a rural population of 3,208. The population consists of various ethnic groups, including the Meru, Tharaka, and Kikuyu, contributing to its cultural diversity.

The demographic structure includes a mix of age groups, with a significant portion falling within the working-age population.

Gender distribution within households may vary, with some being male-headed and others female-headed, influencing decision-making and resource allocation within families.

### 4.4 Sex and Age Distribution of the PAPs

The distribution of the PAPs based on sex under Chogoria Water Supply LMC is captured in the figure below. In terms of gender, 65% were female and 35% were male. These are the categories whose livelihood might be temporarily affected by the proposed water supply project. The figure below shows the PAPs distribution by sex.

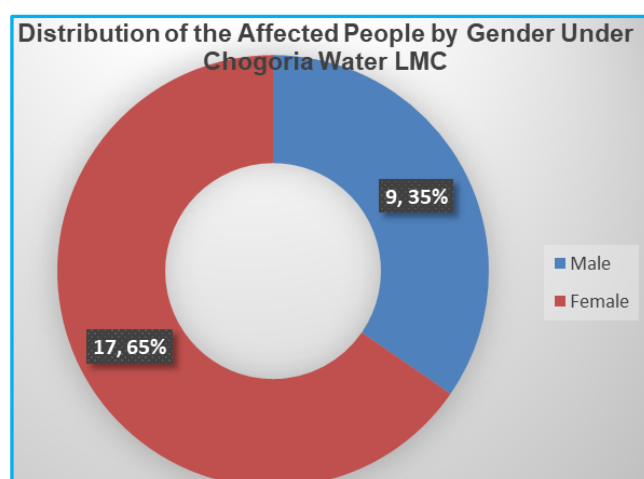


Figure 4.1: PAPs distribution by Sex

#### 4.5 Household Education Status

Literacy levels in the project area are significantly high. Of the 26 PAPs interviewed, only 2.1% had not been to school, 2.4% had primary education levels, 48.2% secondary school and 47.4% to either university or collage. The education status is presented in the figure below:

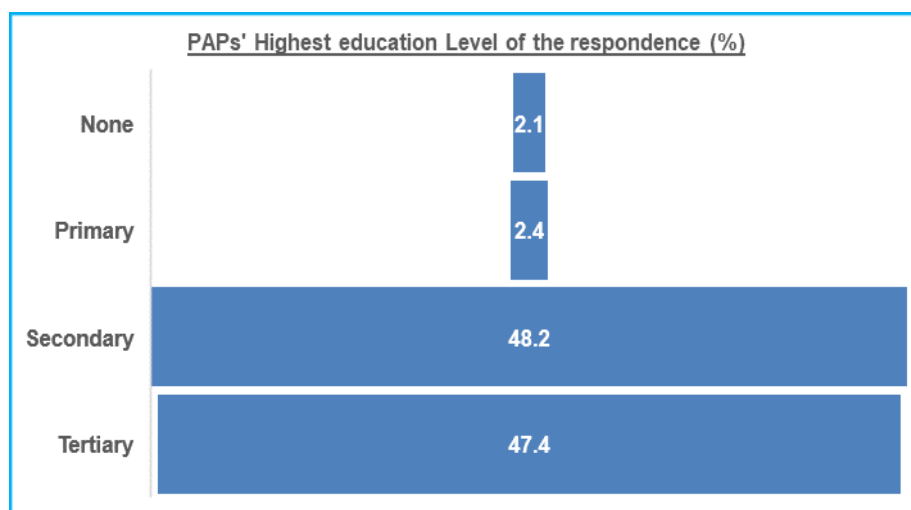


Figure 4.2: Education Levels attained by respondents

#### 4.6 Water Sources Utilized by the PAPS

This section delves into the diverse water sources accessed by the Project Affected Persons (PAPs). Notably, no single predominant water source emerged from the survey findings.

**Primary Sources:** The primary water source for 35% of PAPs is provided by the water service provider.

**Alternative Water Sources:** In probing alternative water sources, the breakdown was given as follows:

- Shallow or Hand-Dug Wells: 35% of PAPs rely on shallow or hand-dug wells, reflecting the enduring reliance on this traditional water source within the community.
- Rainwater Harvesting: 13% of PAPs engage in rainwater harvesting, demonstrating adaptive strategies to meet water needs through resourcefulness.
- Rivers/Streams: 26% of PAPs source water from rivers/streams, highlighting potential concerns regarding water quality and safety associated with these natural sources.

The figure below presents the main sources of water for each socio-economic group:

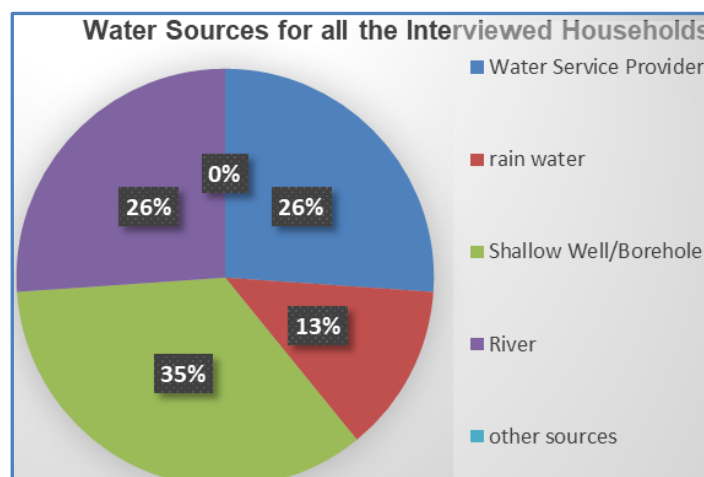


Figure 4.3: **Water Sources for all the Interviewed Households**

#### Water quality concerns:

Three (3) PAPs within the surveyed population reported that a family member had been treated for waterborne diseases such as cholera, dysentery, or typhoid, while others responded negatively, see the figure below:

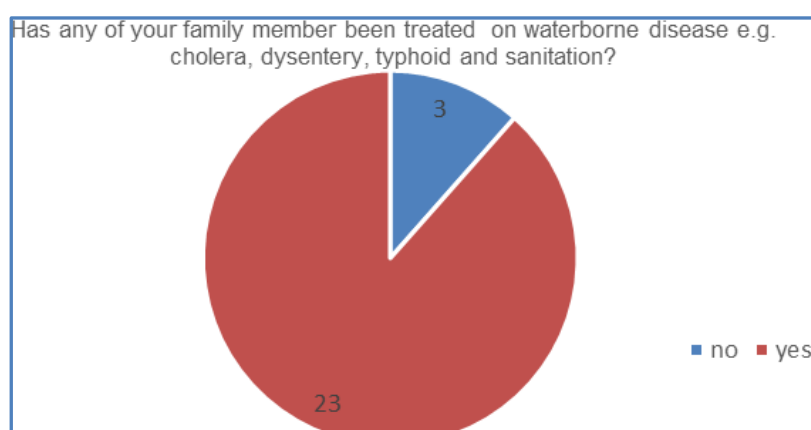


Figure 4.4: **Water quality within the project area**

This indicates a noteworthy aspect of public health within the community.

- **Positive Responses:** Three cases of family members treated for waterborne diseases indicate potential health concerns within the community.
- **Scope:** While the number of positive responses is relatively small, it's important not to dismiss it. This could simply be a small sample, or the reluctance to share information could mean the issue is more widespread than reported.

#### Key Implications:

- **Water Quality:** The presence of waterborne diseases suggests potential contamination of water sources. Further investigation is warranted.
- **Sanitation:** Inadequate sanitation practices could contribute to the spread of waterborne diseases.
- **Health Vulnerability:** Limited access to quality healthcare may be a factor, as people might not seek treatment or may face delays, worsening the impact of such diseases.

**Important Note:** TWWDA is implementing the water supply program, which will alleviate the water quality situation in the area.

#### 4.7 Economic Activities

**Trade and Commerce:** All (100%) of the PAPs who would be affected by the proposed line stated that they rely on small scale business. Chogoria town serves as a commercial and administrative hub for the surrounding rural areas, with markets and small businesses catering to the needs of residents. However, the project is largely in the rural areas. Those affected are within small trading center.

It was observed that largely the key economic activities within the project area include the following sectors:

**Agriculture:** Agriculture is the backbone of the economy, with subsistence and commercial farming being prevalent. Cash crops like tea and coffee contribute significantly to the local economy. Livestock farming (zero grazing) was found to be widespread.

**Tourism:** Chogoria is a gateway to the Mount Kenya National Park, attracting tourists interested in hiking, trekking, and exploring the natural beauty of the region.

**Employment:** Apart from agriculture and small-scale businesses, employment opportunities may also arise from government services, education, healthcare, and tourism-related activities.

#### 4.8 Infrastructure and Services

**Transportation:** The area is connected to major towns and cities through road networks, facilitating the movement of goods and people. However, road conditions may vary, affecting accessibility, especially during adverse weather conditions.

**Education:** Chogoria has educational institutions ranging from primary schools to secondary schools, providing formal education to children in the area. Access to higher education may require travel to nearby towns or cities.

**Healthcare:** Health facilities, including dispensaries and health centers, cater to the medical needs of the community. However, access to specialized healthcare services may be limited, requiring travel to urban centers.

**Water and Sanitation:** Access to clean water and sanitation facilities remains a challenge in some parts of Chogoria, impacting public health and hygiene practices.

#### 4.9 Compensation Preferences and willingness to Relocate

Willingness to relocate was discussed in all the meetings held as well as with individual PAPs. 100% of PAPs whose livelihoods will be affected expressed willingness to temporarily relocate from their current areas to pave way for the project, for up to 5 days. This high level of agreement suggests a strong understanding of the project's benefits, particularly improved access to clean water. For those whose lands would be affected, none rejected to give land for the project, although two requested time to consult with family members, since the land was shared.

**Compensation Acceptance:** All the PAPs willingly accepted the proposed compensation package and signed a compensation agreement form. This signifies a transparent and mutually agreeable compensation process.

**Preferred Compensation Type:** In all the meetings held, the PAPs were sensitized on the forms of compensation options available. However, when offered a choice between in-kind and cash compensation, all PAPs opted for cash compensation. This preference likely reflects the flexibility it provides for PAPs to address their specific needs and reinvest in their livelihoods post-relocation.

#### 4.10 Vulnerable PAPs

Although the survey did not identify any vulnerable PAPs, it is strongly advised that the TWWDA proactively prepares for the possibility of encountering vulnerabilities during the implementations due to changing circumstances or emerging evidence. This proactive stance will ensure readiness to address any unforeseen challenges and uphold the project's commitment to comprehensive stakeholder support and welfare. Part of the budget proposed 20% contingency should be used for this purpose.

#### 4.11 Grievance Redress Mechanism

At the local level, village elders and chiefs handle most grievances. This includes common issues like disagreements between neighbors over the exact boundaries of their land. Family disagreements are also handled at that level. Conflicts within families, such as inheritance disputes, marital issues, or disagreements between relatives could be mediated by elders and chiefs.

For the water project, a robust grievance redress mechanism (GRM) has been established to address any concerns or disputes arising from the compensation process. PAPs can submit grievances verbally or in writing to the project. All grievances will be documented, investigated, and responded to within a designated timeframe. If a resolution cannot be reached at the project level, PAPs can escalate their grievances for further mediation. PAPs were sensitized on GRM options. The proponent should continue with the sensitization.

#### 4.12 Social and Cultural Aspects

**Cultural Practices:** The community in Chogoria has rich cultural traditions, including ceremonies, rituals, music, and dance, which play a significant role in social cohesion and identity.

**Religion:** Christianity is predominant, with churches of various denominations serving as centers of worship and community gatherings.

**Social Networks:** Strong social networks exist within the community, facilitating cooperation, support, and collective action during times of need or celebration.

#### 4.13 Challenges and Opportunities

**Poverty:** Despite its agricultural potential, poverty levels may be high in certain areas, exacerbated by factors such as limited access to markets, resources, and employment opportunities.

**Climate Vulnerability:** Climate variability and extreme weather events, such as droughts and floods, pose risks to agricultural productivity and food security, affecting livelihoods and economic stability.

**Development Opportunities:** Initiatives aimed at improving infrastructure, promoting sustainable agriculture, and enhancing access to education and healthcare services present opportunities for socio-economic development and poverty alleviation in Chogoria.

## 5 PROJECT IMPACTS AND MITIGATION MEASURES

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### 5.1 Introduction

The RAP has captured the projected impacts of the project on the surrounding communities. While the Environmental Impact Assessment (EIA) rigorously evaluates the environmental and social ramifications of the project, this RAP offers supplementary insights into both social and environmental effects. It particularly examines the outcomes stemming from any land acquisitions, clearance of vegetation and structures required for the installation of the water line. This chapter underscores the potential impacts on the Project Affected Persons (PAPs).

### 5.2 Identification of Project Impacts

#### 5.2.1 Physical Displacement

Physical displacement, in this context, refers to the disruption of living arrangements and the loss of property due to land acquisition for the project, which may necessitate relocation for affected individuals.

**The planned Chogoria water supply project is not expected to result in the physical displacement of any Person(s). The design of the project has maximized on utilizing existing road reserve. Transect of the pipeline determined that the pipeline shall not displace any individual.**

- **Structural Impact:** This project will not cause any negative structural impacts. The pipeline route follows existing road reserves, and surveys confirmed no structures will be **affected**.
- **Proximity to Businesses:** In certain sections, the pipeline will pass near existing shops and grocery structures. Construction may temporarily disrupt business operations, but no demolition is required.
- **Movable Structures:** Two vendors were identified with movable structures (a sweet rack and a maize/cassava roasting stove). Since these are typically stored inside after work, they do not qualify as **structural** concerns. However, the owners will be considered for compensation for potential livelihood losses, and their details have been recorded. The same case was applied to other vendors, whom although they were no station their moveable structures on the proposed site, it was considrd that construction process will creat barrier from their potential customers. All these categories were considered for livelihood compensation.

#### 5.2.2 Livelihood losses

The Resettlement Action Plan (RAP) conducted a needs assessment, identifying 26 Project Affected Persons (PAPs) whose business operations stand to be disrupted by the pipeline project. This group comprises 17 females and 9 males engaged in a variety of commercial activities. An in-depth assessment concluded that typical business operations could face up to five (5) days of potential disruption as a direct result of the project's construction activities.

Recognizing the economic impact of this temporary disruption, the project has proactively committed to providing compensation for lost income during this unavoidable period. This decision was made in close consultation with the PAPs to ensure transparency and fairness.



The affected businesses display a mix of operational models. Nine PAPs operate mobile vending stations, offering goods such as roasted maize, sweets, groceries and bananas. These vendors rely on immediate access and visibility to potential customers. Additionally, the project will compensate owners of permanent shop structures. Due to the pipeline's proximity, these shops face a potential barrier to safe and convenient customer-seller interactions. The majority of these affected traders are concentrated within the proposed Katharaka line, allowing for focused and efficient implementation of the compensation plan.

### 5.2.3 Compensation for Livelihood Lost

**Economic Displacement:** This is the loss of income streams or means of livelihood resulting from land acquisition or **obstructed access** to resources resulting from the construction or operation of a project or its associated facilities.

**The design of the current project has attempted, but not fully eliminated economic displacement of some small-scale businesses within the project area. Financial and non-financial compensation mechanisms have been proposed to address this.**

### 5.3 Proposed Mitigation Measure

Recognizing the potential disruption to small traders along the road during the pipeline construction, a comprehensive mitigation measure has been developed. Compensation for up to five days of lost income was determined as the appropriate response. This approach was discussed in-depth with the affected traders to ensure transparency and understanding. To formalize the agreement, each Project Affected Person (PAP) signed a detailed form outlining the specific compensation amount.

Importantly, the contractor will be contractually obligated to complete the work in these specific areas within a strict five-day timeframe. This minimizes the duration of disruption and allows traders to resume their businesses promptly. Regular communication between the project team and the affected traders will be maintained to ensure awareness of the work schedule and provide a channel for addressing any unforeseen concerns.

### 6.1 Introduction

This section details the framework for compensating Project-Affected People (PAPs). It outlines: Entitlements, Eligibility Criteria, and the Valuation Process

#### Eligibility and Entitlements:

- Recognizing the legal rights established by Kenyan laws and the financier's policy, this framework ensures compensation for those with "legitimate interest" in properties within the proposed project area.
- It categorizes potential impacts and clearly defines the corresponding entitlements for each category.

#### Transparent Valuation:

- Following the principles of full replacement cost and open market value, the framework guarantees fair compensation for land, structures, trees, and crops affected by the project.
- This approach ensures PAPs receive adequate compensation to rebuild their lives and livelihoods.

#### Adhering to International Standards:

- Recognizing the project's potential financing by the African Development Bank (AfDB), this framework aligns with the AfDB's Integrated Safeguards System (ISS).
- This alignment ensures responsible resettlement practices that prioritize fairness and minimize harm to affected communities.

#### Key Areas:

- This framework emphasizes transparency and fairness throughout the compensation process.
- It is grounded in Kenyan law, and international best practices.
- **By ensuring fair compensation, the project aims to minimize disruption to livelihoods and support affected communities.**

### 6.2 Valuation Procedure and Methodology

#### 6.2.1 Procedure

The recommended resettlement procedure in this document is based on the Kenya laws, and AfDB's Integrated Safeguards System (ISS). They all require that, the market value of the property, which is determined at the date of the publication of the acquisition notice must be taken into account when determining compensation.

Determination of the value has to take into consideration the regulations that classify the land use e.g., agricultural, residential, commercial or industrial. Increased market value is disregarded when:

- i. It is accrued by improvements made within two years before the date of the publication of the acquisition notice, unless it is proved that such improvement was made in good faith and not in contemplation of the proceedings for compulsory acquisition. It is accrued by land use contrary to the law or detrimental to the health of the occupiers of the premises or public health.
- ii. Any damages sustained or likely to be sustained by reason of severing such land from other land owned by the claimant.

- iii. Any damage sustained or likely to be sustained if the acquisition of the land had negative effects on other property owned by the claimant.
- iv. Reasonable expenses, if as a consequence of the acquisition, the claimant was compelled to change his residence or place of business (i.e., compensation for disruption to the claimant's life).
- v. Any damage from loss of profits over the land occurring between the date of the publication of the acquisition notice and the date the NLC takes possession of the land.

Other statutes governing valuation and adopted in this report include Land Registration Act, 2012.

### 6.3 Valuation and Compensation Results

This section outlines the key principles for implementing the RAP with the primary goal of ensuring fair and timely compensation for Project Affected People (PAPs). The aim is to improve, or at least restore, their income, production capacity, and standard of living.

The guiding principles for RAP implementation include:

1. **Minimize Resettlement:** All possible alternatives will be explored to minimize the need for physical relocation.
2. **Prompt and Accessible Compensation:** Compensation will be paid before project works begin in a specific area and will be provided in a way that allows PAPs to continue their livelihoods without disruption.
3. **Fair Compensation:** Awarded compensation will be sufficient to restore the PAPs' pre-resettlement livelihoods.
4. **Choice in Compensation:** PAPs will have a say in how their compensation is delivered (e.g., cash, replacement).
5. **Clear Communication:** All RAP activities will be clearly communicated to PAPs well in advance using their preferred channels.
6. **Grievance Redress Mechanism:** A fair and prompt grievance resolution process will be established to address any concerns raised by PAPs.
7. **Supporting Vulnerable Groups:** Special assistance and support will be provided to vulnerable groups within the affected population. Additionally, the requirement for spousal and child consent (where applicable) will be strictly enforced.
8. **Disturbance Allowance:** A statutory disturbance allowance of 15% will be included in the compensation package.

#### 6.3.1 Valuation and Compensation of Land

In the context of land valuation and compensation, it is pertinent to note that the project's scope will exclusively encompass the existing wayleave, thereby precluding any impact on privately owned land parcels. Consequently, no provisions have been allocated for compensatory payments to individuals for land acquisition. However, it is noteworthy that a designated budget has been earmarked to facilitate collaboration with pertinent road agencies, including the Kenya National Highways Authority (KenHA), the Kenya Urban Roads Authority (KURA), and the Kenya Rural Roads Authority (KeRRA). This allocation serves to ensure seamless coordination and adherence to regulatory frameworks governing infrastructure development within the designated area.

#### 6.3.2 Valuation and Compensation of Structures

This project will not negatively impact structure.

The pipeline has been restricted along the road reserve. While the survey captured a number of livelihoods that will be affected, no structure was identify. In some sections, the proposed pipeline passes close to shops and grocery structures. It was determined that construction phase would interfere with the normal business operation, but would not lead to any demolition.

Two customers were identified to have potable structures: sweet rack and maize/casava roasting stove. These are usually stored within the nearest building after work. Therefore, they did not qualify for structural interference. However, the owners qualified to be considered for livelihood losses. Details were captured.

### **6.3.3 Livelihood Compensation**

For the livelihood compensation, **the RAP identified 26 Project Affected Persons (PAPs), comprising seventeen (17) females and nine (9) males**, whose businesses operate close to the designated sections of the proposed lines. An assessment determined that their regular business activities could potentially be disrupted for a maximum period of five (5) days. Consequently, it was mutually agreed with these individuals that the project would provide compensation for the income lost during this interruption.

**To ensure fair compensation, a disturbance allowance of 15% has been factored into the computed loss. As a result, a total compensation sum of KSh 179,750.00 00 has been proposed to mitigate the impact on their livelihoods.**

The details of all the affected people are provided in **Appendix 1** - of this Report.

### **6.3.4 Valuation and Compensations of Trees and Crops**

The proposed corridors were found to have minimal trees and crops. This RAP report has proposed strict adherence to the ESIA and ESMP, to minimise destruction of trees. However, any trees and crops inadvertently overlooked by the team should be compensated for during project implementation. Compensation should only be provided for trees directly affected by the project. A total budget of KES 250,000 is proposed for the same. This budget may also cater for tree planting activities incorporating local community.

## **6.4 Disturbance Allowance**

International best practice requires that a 15 percent disturbance allowance be paid in addition to compensation value on the affected assets/properties. Guided by these facts it is recommended that a 15% disturbance allowance be paid in addition to the compensation value of the affected assets/properties. This was considered in the valuation.

## **6.5 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 include the Kenya National Highways Authority (KeNHA), Kenya Urban Roads Authority (KURA) and the Kenya Rural Roads Authority (KeRRA). County Governments also have a legal mandate to manage county roads under the County Governments Act, 2012. 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 Chogoria water supply project, last mile connectivity.

## **6.6 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 businesses. However, payments with respect to land, where that might be necessary, will continue to attract Stamp Duty in accordance with relevant laws. A provision has therefore been made to cater for such duty which would generally be 2-4% depending on the value of the land. Where the negotiations between the Agency and KRA do not yield positive outcome, we have made an additional contingency provision that the Agency might use to address this eventuality.

## 6.7 Summary of RAP Costs

The summary below shows the total compensation costs based on the analysis and valuation of the project impacts on PAPs.

Table 6.1: Summary of Compensation Costs

Item	No. of PAPs	Estimated Cost (KES)
Land (Wayleave)	Nil	0
Asset Loss (Buildings and Other Structures)	Nil	0
Livelihood Loss (Inclusive of the 15% disturbance allowance)	<b>26</b>	<b>179,750.00</b>
Capacity Building and in-kind support		500,000.00
Provisional sum for roads agencies <sup>3</sup>		1,000,000.00
Livelihood Restoration Program (Capacity building, Natural Resource Management, tree planting etc.)		1,500,000.00
RAP implementation monitoring		500,000.00
Provide for RAP Audit (External)		1,000,000.00
<b>Sub-Total Estimated Compensation</b>		<b>4,679,750.00</b>
Other costs including, inadvertent deserving omissions, vulnerable cases, taxes and contingencies (20%)		935,950.00
<b>Grand Total</b>		<b>5,615,700.00</b>

## 6.8 Eligibility, Cut-Off Date and Entitlements

### 6.8.1 Cut-Off Date

The **census and inventory of lost assets was concluded as from 10 April 2024**. Therefore, the cut-off-date for the trunk line is **10 April 2024**, the last day of socio-economic survey and inventorization of PAPs.

### 6.8.2 Entitlements

<sup>3</sup> To provide for any statutory fees as may be levied by KeNHA, KURA and/or KeRRA for maintenance of road reserve used by the project as may be provided for under the law

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

*Table 6.2: Entitlement Matrix*

Impact Category	Type of Impact (Permanent/ Temporary)	Entitled Persons	Entitlements	
			Compensation	Allowances and non-cash interventions
Impact on Land	Loss of land (Permanent)	Private land owners	<ul style="list-style-type: none"> <li>• Cash compensation for the affected portion of land at open market value</li> <li>• For very small plots provide 100% compensation at open market value</li> <li>• For land parcels below 4000m<sup>2</sup> and less than 50% affected, provide per centum rate of 50% of the open market value of the land affected</li> </ul>	<ul style="list-style-type: none"> <li>• Disturbance allowance of 15% of the total compensation amount</li> <li>• Training on financial management</li> </ul>
	Trust Land <sup>4</sup>	County Government	<ul style="list-style-type: none"> <li>• Apply for delineation and allocation of the land in accordance with the Community Land Act, 2016</li> </ul>	<ul style="list-style-type: none"> <li>• To be determined on a case-by-case basis in consultations with the County Government and NLC</li> </ul>
	Loss of land use	Private land owners	<ul style="list-style-type: none"> <li>• Cash compensation for the affected portion of land at 30% of the market value</li> </ul>	<ul style="list-style-type: none"> <li>• Disturbance allowance of 15% of the total compensation amount</li> <li>• Training on financial management</li> </ul>
	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
	Forest land	KFS	<ul style="list-style-type: none"> <li>• Pay prescribed fees as determined under the Forest Conservation and Management Act, 2016 and the Forest (Fees and Charges) Regulations 2016</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 notice period given to vacate and prior to demolition.</li> <li>• Training on financial management</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 notice period given to vacate and prior to demolition</li> <li>• Training on financial management</li> </ul>

<sup>4</sup> The proposed project does not impact on any Trust Land

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</li> </ul>
	Domestic storage facilities	Private owner	<ul style="list-style-type: none"> <li>• Cash compensation based on the permanency, design, size and construction materials used, rates ranging between KES 500 -1,500 per square feet</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</li> </ul>
	Loss of fence	Owners of fence structures	<ul style="list-style-type: none"> <li>• Cash compensation based on the full replacement value of the affected fence</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</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 Crops and Trees	Loss or damage of crops	Land owners	<ul style="list-style-type: none"> <li>• Cash compensation for loss of all crops based on crop value</li> </ul>	<ul style="list-style-type: none"> <li>• Disturbance allowance of 15% of the total compensation amount</li> <li>• Adequate notice on the construction schedule to get an opportunity to harvest seasonal or annual crops</li> <li>• Training on financial management</li> </ul>
	Trees/ fruit trees	Private ownership	<ul style="list-style-type: none"> <li>• Cash compensation for loss of trees taller than 12 feet</li> </ul>	<ul style="list-style-type: none"> <li>• Disturbance allowance of 15% of the total compensation amount</li> <li>• Adequate notice on the construction schedule to get an opportunity to harvest trees</li> <li>• Training on financial management</li> </ul>
		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 temporally 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</li> </ul>

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</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</li> <li>Linkage to the Government of Kenya (GoK) social protection programmes</li> </ul>



### 7.1 Introduction

Grievance redress mechanisms are procedures put in place to allow people to lodge a complaint without cost and with assurance of a timely and satisfactory resolution of that complaint. They are essential tools for allowing affected people to voice their concerns regarding resettlement and compensation process as they arise and, if necessary, for corrective action to be taken in a timely manner. Such mechanisms are fundamental to achieving transparency in the resettlement process. Timely redress of such grievance is vital to the satisfactory implementation of resettlement and the completion of the project in schedule.

### 7.2 Potential Resettlement Grievances

Potential grievances and disputes that may arise in the course of implementation of the RAP may be related to the following:

- i. Project implementation.
- ii. PAPs' categorization,
- iii. Valuation process; crop rates, etc.
- iv. Disagreements on compensation values;
- v. Disagreements on eligibility criteria,
- vi. Inventory mistakes;
- vii. Mistakes related to identification and disagreements on boundaries between the PAPs;
- viii. Divorces, successors and the family issues resulting into ownership disputes;
- ix. Disputed ownership of a given asset; and
- x. Community planning measures.

### 7.3 Objectives of the Grievance Redress Mechanism

The objectives of the GRM are as follows:

- i. To 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 build capacity of relevant stakeholders on implementation of the TWWDA – GRM
- iv. To mitigate negative impacts of grievances emanating from project interventions
- v. To promote good relations between the project implementers, executors and beneficiaries.

### 7.4 Proposed Grievance Management and Redress Mechanism

A three-tier grievance redress procedure has been proposed in the ESIA. The GRM process starts at community/project level, to the county level and finally to the national level. A brief of the process is presented below:

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

This stage will target the local beneficiary communities and the project-affected persons. 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

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<sup>5</sup> Project ESIA Report

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>6</sup> The committee shall be trained by the community liaison officer from the local water service provider (WSP) on conflict resolution and grievance redress, group dynamics, and project sustainability among other areas that shall be deemed necessary.

### ***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 membership of the committee shall entail a nominee from the water service providers (WSPs), 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. The county level grievance committee will handle appeals from the project level and also may address new issues lodged directly at the county by any affected persons.

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

Grievance Handling Committee at the national level shall be appointed and 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 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.

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.

### ***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 7.1 presents a summary of the levels of grievance redress mechanism

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<sup>6</sup> The committee should have at least two female members

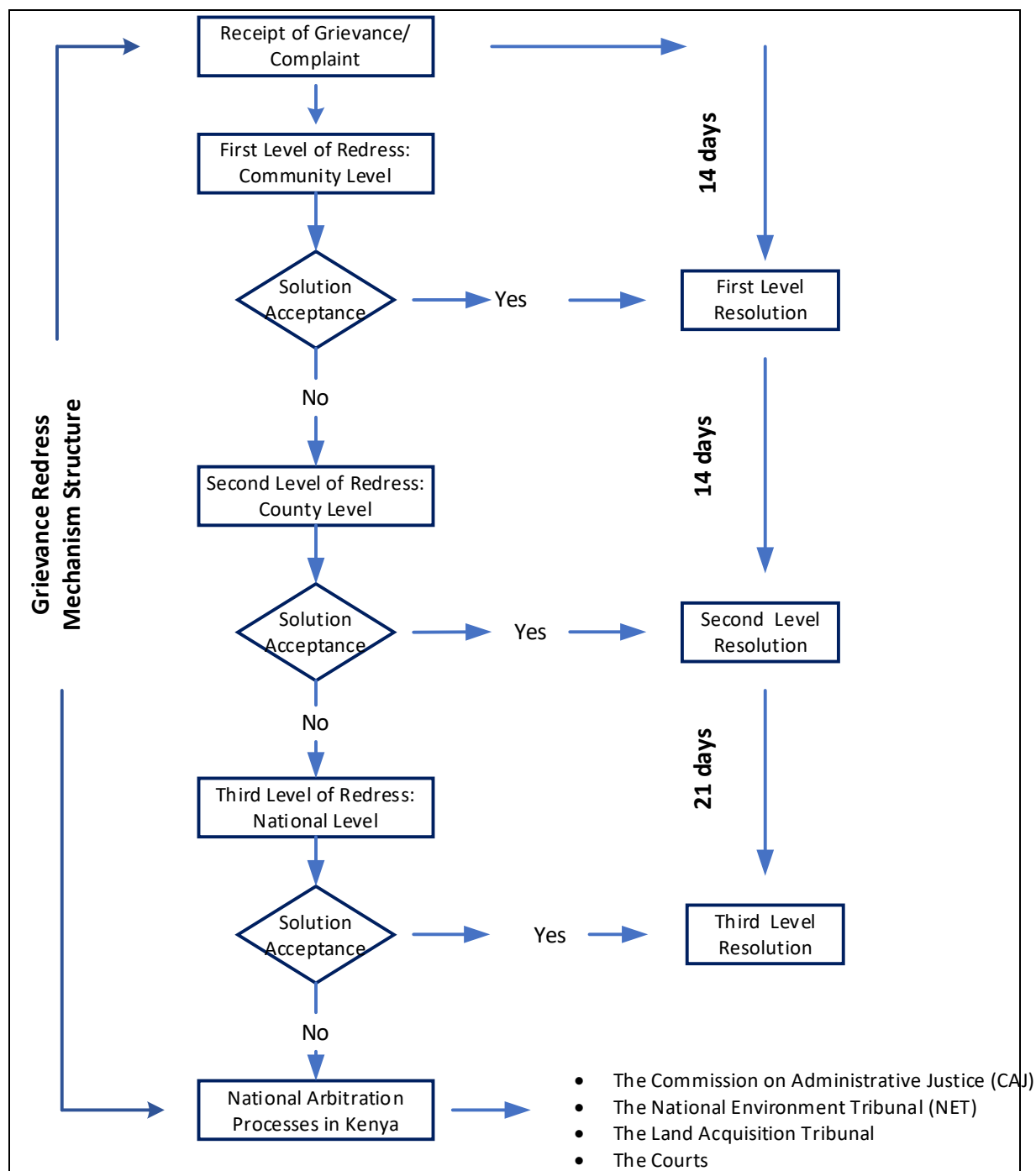


Figure 7.1: Levels of Grievance Redress Mechanism

## General Procedure for Grievance Redress:

Figure 7.2 presents the generalized procedures for grievance redress at various levels. All grievances reported shall be managed using the procedure illustrated in Figure 7.2.

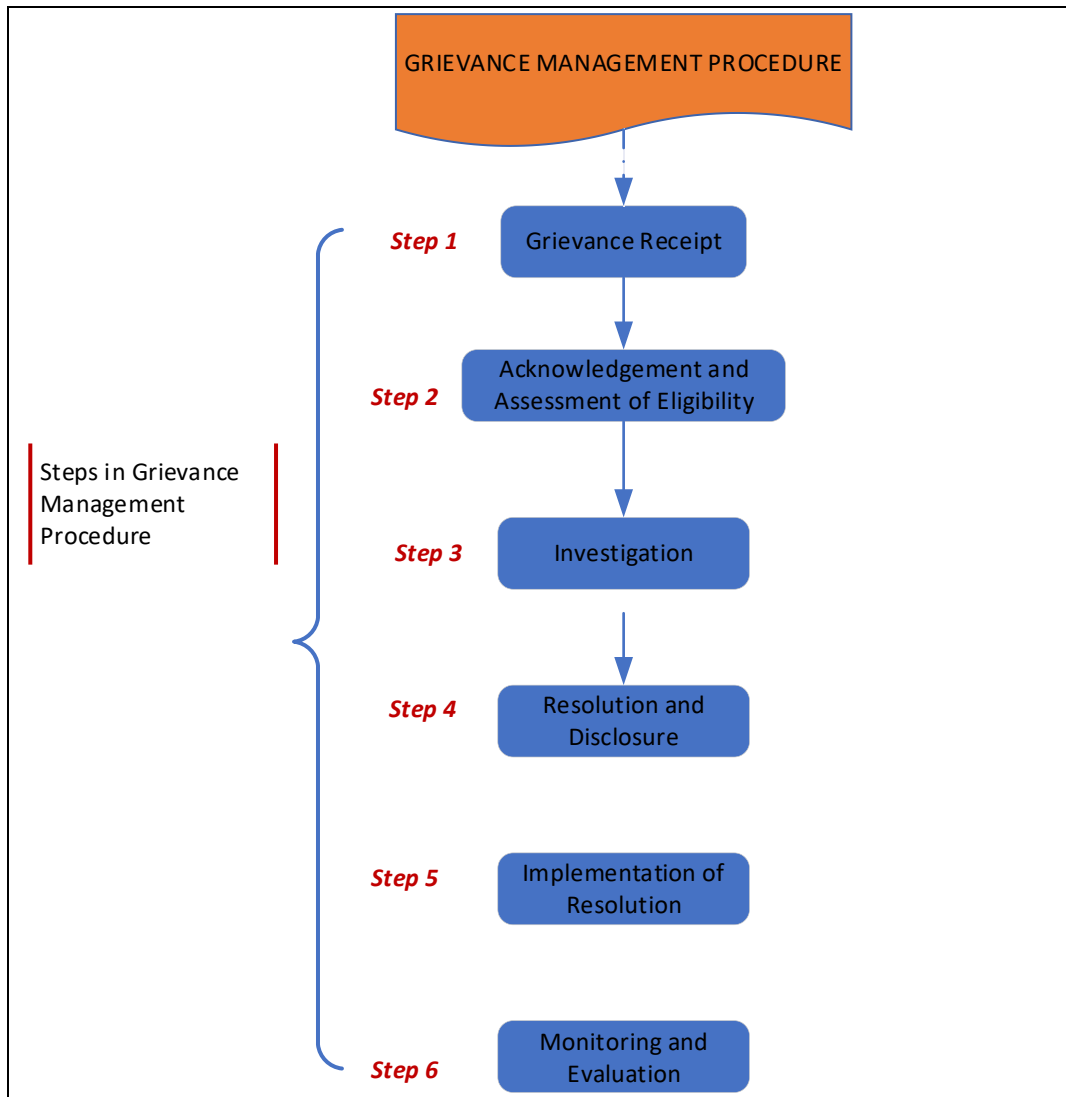


Figure 7.2: Grievance Management Procedure

## 7.5 RAP Grievance Redress Mechanism Monitoring and Evaluation

Grievance Redress Mechanism (GRM) requires of M&E for to enhance:

- i. Effectiveness: Assess if the GRM is accessible, fair, and responsive to the needs of PAPs.
- ii. Efficiency: Evaluate the timeliness of grievance resolution. Identify potential bottlenecks or delays within the process.
- iii. Transparency: Ensure clear documentation and communication related to grievances and their resolution.
- iv. Accountability: Promote responsibility and responsiveness by all stakeholders involved in the GRM (community leaders, project team, oversight bodies).
- v. Continuous Improvement: Identify areas for improving the GRM based on lessons learned.

Key Information to Include in GRM M&E Procedures:

#### **a) Data Collection and Reporting**

- i. Types of Grievances: Develop a standardized system for categorizing grievances (e.g., compensation amount, relocation site, livelihood disruption, etc.).
- ii. Source of Grievances: Track whether grievances originate from individuals, families, or community groups.
- iii. Mechanism Used: Document how grievances are submitted (written, verbal, via representatives)
- iv. Resolution Timeline: Maintain detailed records of the time taken for resolution at each stage of the GRM.
- v. Outcomes: Record all resolutions, including compensation adjustments, alternative arrangements, or cases escalated to higher authorities.
- vi. Reporting Frequency: Define how often data will be compiled and reported (e.g., monthly, quarterly)

#### **b) M&E Indicators**

- i. Number of grievances received
- ii. Percentage of grievances resolved within the agreed timeframe
- iii. Percentage of PAPs satisfied with the grievance resolution process (can be assessed through surveys or interviews)
- iv. Number of grievances escalated to higher levels
- v. Average time for grievance resolution

#### **c) M&E Methods**

- i. Document Review: Regular analysis of grievance records, meeting minutes, and resolution reports.
- ii. Interviews and Surveys: Direct feedback from PAPs, community leaders, and GRM personnel.
- iii. Observation: Periodic on-site observation of GRM processes.

#### **d) Responsibility and Accountability**

- i. Data Collection: Identify the person or team responsible for collecting and maintaining grievance data.
- ii. Analysis and Reporting: Designate who will analyze data, prepare M&E reports, and share findings with stakeholders.
- iii. Decision-making: Clearly define who has the authority to make changes to the GRM based on M&E results.

#### **e) Additional Considerations**

- i. Community Participation: Involve PAPs in the M&E process to increase transparency and ownership.

- ii. Confidentiality and Protection: Ensure that sensitive data is handled responsibly to protect PAPs' privacy and safety.

## **7.6 Safeguards Grievances Redress**

Safeguard grievances will cut across PAPs as well as project workers and the surrounding communities. Pipeline construction projects often involve a significant influx of workers, and traverses long distance. Proactively address the potential for increased GBV, VAC, and SEAH risks through preventative measures and community engagement.

The following is the proposed approach for mechanism for managing social safeguards grievances such as Gender-Based Violence (GBV), Violence Against Children (VAC), and Sexual Exploitation, Abuse, and Harassment (SEAH) focused on proposed water supply project:

### **a) Contractor to Develop a Policy Document:**

The contractor to prepared a policy document, which will be approved by TWWDA. The policy document shall integrate the following:

- Broaden Scope of GRM: Make an explicit independent policy documents which should be expressly incorporate grievances related to GBV, VAC, SEAH, and other social safeguards concerns.
- Sensitivity and Confidentiality: Policy Documents that address and emphasize the specific protocols addressing the sensitive nature of these grievances. This includes:
  - i. Separate, confidential reporting channels
  - ii. Designated, trained personnel with expertise in handling these types of cases
  - iii. Strict measures for safeguarding the privacy and safety of survivors

### **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 NGOs or 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.

## **7.7 GRM 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, common training for grievance redress committees, continuous stakeholder engagements intended to reduce misunderstandings and 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 budget provided under the SEP.

### 8.1 Introduction

Successful implementation of the plan depends majorly on the institutional and organizational arrangements made for its implementation. The implementation of the RAP rests with TWWDA and its partners and more specifically the water service provider, who will support the implementation of this plan in consultation with the PAPs, key stakeholders, county administration and the local administration.

The collaboration from all the above through a properly constituted structure will lead to transparency in the implementation.

### 8.2 Resettlement Implementation Principles

The primary aim of resettlement and compensation is to ensure equitable and timely compensation for PAPs. It is anticipated that this compensation will enhance or restore the income, production capacity, and standard of living of the PAPs. The following principles will guide the implementation of the RAP:

- a. Minimization of resettlement or relocation through exploration of alternative measures.
- b. Compensation disbursed prior to the commencement of Project Works in a manner that sustains the livelihoods of the PAPs.
- c. Fair compensation values to reinstate the livelihoods of PAPs.
- d. Payment of compensation in accordance with the preferences of the PAPs.
- e. Advance communication of all RAP-related activities to the PAPs through their preferred channels.
- f. Fair and prompt resolution of grievances, affording PAPs the opportunity to be heard.
- g. Special assistance and support for vulnerable groups, with enforcement of spousal and children consent provisions.
- h. Inclusion of a statutory disturbance allowance equal to 15 percent of the compensation value.
- i. The payment method should be transparent and must leave transaction trail. The method should not be inconvenient to the PAPs and should not make them incur additional hefty charges. It must also be safe. Options that are available include electronic mobile money transfer, cheque, bank transfer or cash payments. This shall be presented to the PAPs.

### 8.3 Resettlement Implementation Arrangements

This section delineates the agencies and institutions responsible for implementing the RAP:

#### a. RAP Implementation Team (RIT)

A specific RAP Implementation Team for this project will be established by TWWDA to manage the RAP process and will comprise of the Environmental and Social Safeguards Specialist from TWWDA, the local chief, a community liaison officer from the WSP, a surveyor (TWWDA), a valuer (TWWDA) and a finance officer (TWWDA).

The Roles and responsibilities of the RIT will include but not limited to:

- i. Public sensitization of all stakeholders and on-going community engagement;
- ii. Verification and validation of PAP data;
- iii. Determination of compensation for loss of employment/incomes and loss of business in special cases where there might have been oversight
- iv. Sensitise PAPs on compensation options – including cash and non-cash options

- v. Deliver prompt compensation/resettlement
- vi. Monitoring, evaluation and reporting
- vii. Refer any grievances emanating from RAP implementation activities to the grievance redress committee, except for grievances regarding GBV, VAC or SEAH, which shall be handled in accordance with the respective policies proposed under 7.6

#### **b. TWWDA PIU**

The Project Implementation Unit at TWWDA will have oversight role in the management of RAP implementation. The PIU shall nominate members of the RIT. The unit will ensure accountability for the RIT and ensuring that the RIT has the resources required to fully implement the RAP exercise. The PIU will report to the ministry of Water, Sanitation and Irrigation on monthly basis on the status of RAP implementation.

The Environmental and Social (E&S) Unit within the PIU will play a critical role in the RAP. The E&S unit will be responsible for:

- i. Overseeing E&S Safeguards: Ensuring compliance with relevant environmental and social standards, frameworks, and regulations.
- ii. Impact Assessment: Conducting detailed assessments of the project's potential impacts on land acquisition, livelihoods, and vulnerable groups.
- iii. Consultation and Disclosure: Facilitating meaningful consultations with affected communities and ensuring timely disclosure of project information.
- iv. Grievance Management: Establishing and managing an effective grievance redress mechanism for any E&S related concerns raised during RAP implementation.
- v. Monitoring and Reporting: Regularly monitoring RAP implementation, identifying potential E&S risks, and reporting progress to relevant stakeholders.

#### **c. Ministry of Water, Sanitation and Irrigation**

The Ministry shall constitute a committee for the overall supervision of RAP implementation and to provide proper policy guidance to the PIU. It will ensure that the RAP process complies with GoK and Bank policy, local laws and all other relevant frameworks. The Ministry shall also ensure that the PIU adheres to proper accounting procedures in the implementation of the RAP and regularly report to the Bank and stakeholders on progress.

#### **d. Other relevant and supporting institutions for RAP implementation**

- i. **AfDB:** The AfDB, through its PIUs, provides funding, technical assistance, and oversight for the implementation of water and sewer projects, including adherence to social safeguards and resettlement policies.
- ii. **NLC:** The NLC oversees land administration and management, including the acquisition of land for public purposes and the resettlement of affected persons.
- iii. **National Environment Management Authority (NEMA):** This agency reviews environmental assessments and ensures compliance with environmental regulations.
- iv. **Kenya Water Towers Agency (KWTa):** Responsible for the protection, rehabilitation, and conservation of water catchment areas, KWTa may play a role in ensuring the environmental sustainability of resettlement areas.
- v. **Community-Based Organizations (CBOs):** These organizations can play a crucial role in representing affected communities and ensuring their voices are heard in the RAP process.
- vi. **The National Government County Administrative Structure:** County Commissioner, Deputy and Assistant County Commissioner, Chiefs and sub-chiefs play important roles to enable smooth project implementation
- vii. **The County Government: The Relevant County departments play important roles to ensure that the project meet expectations of the locals**



## 9 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. The figure below presents a Strategic Approach to Monitoring and Evaluation.

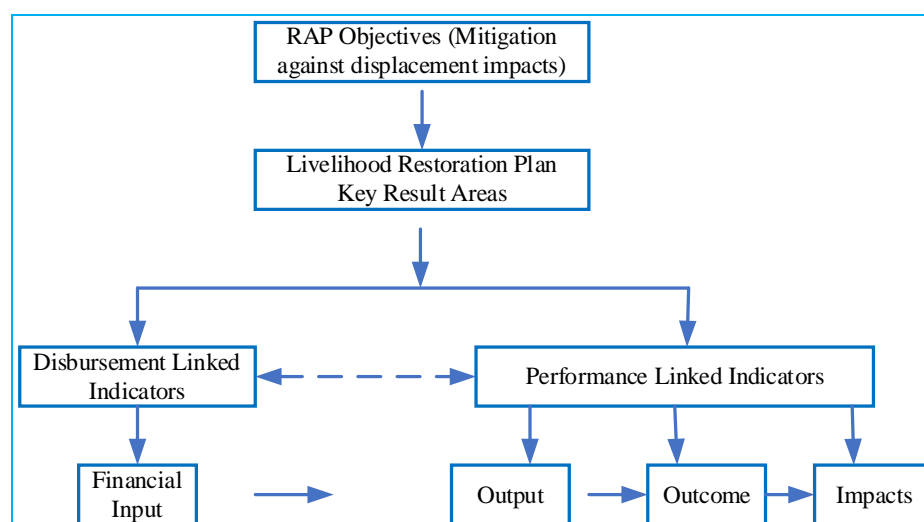


Figure 9.1: Strategic Approach to M&E

### 9.3 Monitoring and Evaluation

#### 9.3.1 Internal Monitoring

Internal Monitoring by TWWDA should be done in line with stipulated monitoring framework in of TWWDA policy. This will check that physical progress has been made in execution of required actions. Progress reports will be produced on a monthly basis, or as deemed necessary. This monitoring will be conducted by a suitably qualified person(s) within TWWDA.

Periodic evaluations will be made in order to determine whether the PAPs have been compensated before implementation of the project activities; and whether the PAPs enjoy the same or higher

standard of living than before. Specific attention shall be given to the requirements of vulnerable people.

Monitoring will be overseen by the Head of Technical Services within TWWDA and shall be also be supported closely by the social safeguards' specialist of TWWDA. A framework listing indicative resettlement performance indicators for monitoring purposes will be developed. TWWDA will also develop a project specific schedule of monitoring for the project and the duration of when monitoring will be carried out.

### **9.3.2 External Monitoring and Evaluation**

This RAP recommends that in cases where the capacity for monitoring and evaluation will be inadequate within the company, an external monitoring and evaluation team may be recruited.

External monitoring will serve the purposes of compliance monitoring and impact evaluation. The overall objective of external monitoring will be to:

- i. Review the results of internal monitoring and review overall compliance of RAP
- ii. Assess whether relocation objectives have been met especially with regard to housing, living standards, and compensation levels among other parameters
- iii. Assess general efficiency, sustainability and effectiveness of relocation and formulate lessons for future resettlement activities.

### **9.4 Identification of M&E Indicators**

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.

The table below presents the key M&E indicators for monitoring and evaluation. The indicators have been aligned to the entitlement matrix which forms the basis of all compensation to PAPs.

1. Loss of Income	Permanent and temporarily businesses at close proximity to the wayleave	<ul style="list-style-type: none"> <li>• Compensation for loss of income to affected businesses</li> </ul>	<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>	<ul style="list-style-type: none"> <li>• Signed compensation agreements</li> <li>• Interviews, business records</li> </ul>	Monthly	100%
2. Temporary loss of access to business facilities	Contractor to provide alternative access routes	<ul style="list-style-type: none"> <li>• Contractor to provide alternative access routes</li> </ul>	<ul style="list-style-type: none"> <li>• Resources used in provision of alternative access routes for affected businesses</li> <li>• Number of alternative access routes provided to affected businesses</li> </ul>	<ul style="list-style-type: none"> <li>• Number of businesses satisfied by the provided alternative access routes during project activities</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Proof of involvement affected of business people during planning e.g. communication through shared construction schedule</li> </ul>	• Monthly	100%

Management Issue	Input and Output Monitoring Indicators	Outcome and Impact Monitoring Indicators (External Monitoring)	Frequency	Target
3. 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
4. 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 handled within the project GRM structures</li> <li>• Percentage of grievances referred to courts</li> </ul>	Monthly	80%
5. Livelihood Restoration Program	<ul style="list-style-type: none"> <li>• Number of PAPs engaged by the Contractor</li> <li>• Number of PAPs trained on Financial Management</li> <li>• Number of PAPs trained on Agriculture</li> <li>• Number of broken infrastructure Repairs</li> <li>• Natural Resource Management Activities conducted like tree planted</li> </ul>	<ul style="list-style-type: none"> <li>• Percentage of PAPs satisfied by the employment process</li> <li>• Reports on number of workshops conducted</li> <li>• Reports on extension services conducted</li> <li>• Percentage of PAPs satisfaction with restoration of the infrastructure</li> <li>• Number of trees distributed and planted</li> </ul>	Monthly	



## 9.5 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

## 9.6 Monitoring Reports

There shall be monthly and annual RAP Reports.

### A. Monthly RAP Implementation & Monitoring Reports

These should consist of the following:

- i. Compilation of all data collected on the specific indicators outlined in the table.
- ii. Capture the analysis of trends, challenges, and successes in RAP implementation.
- iii. Documentation of any deviations from planned activities and proposed corrective measures.
- iv. Recommendations for improving RAP implementation processes.

### B. Annual Audit Reports:

These should consist of the following:

- i. Comprehensive assessment of the RAP implementation over the past year.
- ii. Verification of data accuracy and compliance with project guidelines and regulations.
- iii. Evaluation of the effectiveness of grievance redress mechanisms and compensation disbursement processes.
- iv. Identification of areas for improvement and potential risks for future project phases.

## 9.7 Monitoring and Evaluation Budget

The table below presents the overall M&E budget for RAP implementation.

*Table 9.1: Monitoring and Evaluation Budget*

Item	Budget (KES)
Monitoring and Evaluation on RAP Implementation	500,000.00
RAP Completion Audit	1,000,000.00
<b>Total</b>	<b>1,500,000.00</b>

## 9.8 Land Acquisition Procedure

Land acquisition process is the mandate of the National Land Commission (NLC) for public projects like water supply. The following are the summary of the key processes:

**1. Project Identification & Preliminary Inquiry**

- Initiation: TWWDA identifies the need for land for a purpose project and engages the NLC.
- Feasibility Study: The project entity conducts a feasibility study/designs to justify the need, define the boundaries of land needed, and conduct initial socioeconomic and environmental assessments.

**2. Public Notice**

- Publication: The NLC publishes a Gazette Notice announcing the intention to acquire the land and a description of the project and land impacted.
- Public Participation: Community members can submit objections to the NLC within a stipulated timeframe (usually 60 days).

**3. NLC Investigations & Inquiry**

- Verification: The NLC verifies claims of land ownership, and considers potential impacts of the acquisition on affected individuals and communities.
- Inquiry Hearings: The NLC holds public hearings allowing landowners, interested parties, and project representatives to present their views.

**4. NLC Determination**

- Approval: If the NLC determines the acquisition is for a public purpose and all legal requirements have been met, it approves the acquisition.
- Compensation Award: The NLC determines fair compensation amounts for each affected landowner.

**5. Compensation and Possession**

- Payment: The acquiring government entity deposits compensation amounts with the NLC.
- Notice of Possession: The NLC issues a notice to landowners requiring them to vacate within a specified timeframe.
- Transfer of Title: Upon full compensation payment and confirmed relocation (if necessary), affected persons surrender title deeds. The NLC processes the title transfer to the government's name.

## **9.9 Livelihood Restoration Plan**

### **9.9.1 Introduction**

The livelihood restoration plan is designed to mitigate the adverse impacts of the supply project, especially during the construction phase, on the affected communities' economic activities and ensure their swift recovery. This section outlines the strategies, actions, and timeline for restoring livelihoods to pre-disruption levels or better.

### **9.9.2 Assessment of Livelihoods**

The impact of the project on the livelihood has been captured under the previous Chapters of this document.

### **9.9.3 Objectives**

The primary objectives of the livelihood restoration plan are:

- i. Restore Sustainable Livelihoods: Ensure that affected individuals and communities regain access to income-generating activities that are environmentally sustainable and resilient to future shocks.
- ii. Enhance Resilience: Build the resilience of livelihood systems to withstand future disruptions through diversification, capacity-building, and infrastructure development.
- iii. Ensure Equity and Inclusivity: Prioritize the needs of the community in the restoration process.
- iv. Promote Local Ownership: Facilitate community participation and ownership in the design, implementation, and monitoring of livelihood restoration interventions.

#### 9.9.4 Proposed Strategies and Actions

The following are the main proposed strategies and actions for the livelihood restoration:

- i. Offer employment opportunities to the PAPs through working with the contractor
- ii. Immediate Compensation of all PAPs: Provide cash equivalent or greater than what the PAPs would lose during the project period.
- iii. Capacity Building/Skills Training: Financial management skills, and other basic trainings should be organized for PAPs.
- iv. Infrastructure Repair: Any roads and other infrastructure such as cables damaged during the construction phase should be repaired as quickly as possible.
- v. Natural Resource Management: Promote sustainable natural resource management practices. For instance, all PAPs will lose trees, should be encouraged to plant more to enhance the resilience of livelihood systems and protect ecosystems.

#### 9.9.5 Livelihood Restorations Plan Budget

A budget of KES 750,000 has been allocated for the implementation of this Livelihood Restoration Plan. This budget supports all specified actions and includes provisions for contingencies. The breakdown is summarized in the table below:

*Table 9.2: Proposed Budget for the Livelihood Restoration Plan*

Activity	Targeted PAPs	Responsibility	Budget (KES)	Notes
Offer employment opportunities: the contractor to provide preferential treatment for local PAPs and their community	PAPs and local community	TWWD/Contractor	Nil	Contractor budget
Microenterprise Support: Financial Management/ Business plan training	PAPs who previously operated small businesses, those interested in entrepreneurship	RIT, external financial expert trainer	250,000	Includes facilitators, workshop materials
Community Infrastructure Repair/restoration	All affected communities	Contractor, RIT	Included in project costs	Ensures rapid restoration of essential infrastructure (underground cables, pipeline, cut roads etc.)
Agricultural Extension Services and support services	PAPs interested in agriculture	RIT to secure services of an Agricultural Extension Officer	250,000	Includes training, demonstration plots, seed distribution
Natural Resource Management: Tree Planting	All affected communities	RIT, Community Groups	250,000	Seedling provision, awareness campaigns
Grievance redress	Establish and facilitate an effective local grievance redress system at the community level	Grievance redress budget	Nil	Costs already captured under GRM budget

## 9.10 Implementation Scheduling

The implementation times will be pegged on the following process

- RAP Implementation Team is constituted
- PAP Committee (PC) Constituted and briefed
- Disclosure of Updated
- Validation of asset register
- PIU draws up offer documents for affected people and public disclosures that offers will be made.
- The affected people review the offers made and enter into agreements with TWWDA/PIU.
- Payment of compensation for both economic and physical losses and issuance of Self Demolition Notices for structures
- Receive Conflict Reports
- Grievance Resolution
- Training on Financial Management
- Demolition of structures upon expiry of 3-months demolition notice
- Monitoring activities

The table provides a projected schedule for the implementation of the Resettlement Action Plan (RAP), which needs to be coordinated with the contractor's work program. The anticipated duration for project implementation upto 18 months. However, this will also depend on the contractual agreements between TWWDA and the contractors.

The table below provides the proposed implementation schedule:

*Table 9.3: RAP Implementation Schedule*

Activity	Responsible Party	Q1	Q2	Q3	Q4	Q5	Q6
<b>Planning Phase</b>							
RAP Study, and Preparation	TWWDA						
Aproval and Disclosure of RAP Report	TWWDA/AfDB						
<b>Setting Up Phase</b>							
RAP Implementation Team is constituted	TWWDA & County Gov't						
PAP Committee (PC) Constituted and briefed	RIT						
Validation and verification of PAPs	RIT						
Disclosure of Updated	TWWDA						
Full compensation of all PAPS	RIT						
Issuance of 3 months' vacation notice to PAPS	RIT						
<b>Construction Phase</b>							
Commencement of construction works	TWWDA, Contractor						
Site Handover	TWWDA, Contractor						
Site clearance	Contractor						
Excavation and pipeline installation	Contractor						
Grievance Management	RIT, GRM Committees						
Restoration activities of livelihood	RIT/ Social Safeguard Specialist						
Monitoring and Evaluation	RIT						
Monitoring and Evaluation of RAP (Monthly Reports)	Social Safeguard Specialist						
RAP Completion Audit	External RAP Auditor/ Consultant						

### 9.11 Overall RAP Compensation Budget

The compensation plan for the Chogoria LMC Water Supply Project entails a thorough valuation approach, determining values based on assessments of disturbance and rates to ascertain compensation values. Eligibility for compensation aligns with Kenyan laws, focusing on Project Affected Persons (PAPs) residing in or economically dependent on the project wayleave.

April 10, 2024, marked the cut-off date, synchronized with the completion of asset inventory and census. Settlement in the area post this date renders individuals ineligible for resettlement assistance or compensation.

**Twenty-six (26) individuals' businesses, comprising 9 males and 17 females, will be directly impacted. None of these individuals are categorized as vulnerable. The total compensation cost for their livelihoods stands at KES 179,750.00, including a 15% disturbance allowance.**

The table below provides the summary of key items:

Table 9.4: RAP implementation budget estimates

Item	No. of PAPs	Estimated Cost (KES)
Land (Wayleave)	Nil	0
Asset Loss (Buildings and Other Structures)	Nil	0
Livelihood Loss (Inclusive of the 15% disturbance allowance)	<b>26</b>	<b>179,750.00</b>
Capacity Building and in-kind support		500,000.00
Provisional sum for roads agencies <sup>7</sup>		1,000,000.00
Livelihood Restoration Program (Capacity building, Natural Resource Management, tree planting etc.)		1,500,000.00
RAP implementation monitoring		500,000.00
Provide for RAP Audit (External)		1,000,000.00
<b>Sub-Total Estimated Compensation</b>		<b>4,679,750.00</b>
Other costs including, inadvertent deserving omissions, vulnerable cases, taxes and contingencies (20%)		935,950.00
<b>Grand Total</b>		<b>5,615,700.00</b>

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<sup>7</sup> To provide for any statutory fees as may be levied by KeNHA, KURA and/or KeRRA for maintenance of road reserve used by the project as may be provided for under the law

### 10.1 Introduction

On February 15, 2024, a public meeting was held at the Chogoria Chief's camp to discuss the environmental and social impacts of the upcoming water supply project. Community members were informed about the project (both sewer and water project), and potential adverse impacts, including possible interference with existing structures, were highlighted. The public was assured that a Resettlement Action Plan (RAP) would be initiated to address these concerns and compensate any Project-Affected Persons (PAPs). The meeting was attended by 29 individuals (9 women and 20 men), along with representatives from the Tana Water Works Development Agency (TWWDA), a consulting firm, and the Chogoria Chief.

Following this initial meeting, further discussions were held in areas where PAPs were directly affected.

Public consultation is a continuous process and is vital tool for a successful implementation of a project. It has to be incorporated in the RAP so as to achieve firsthand information on the suggestions and opinions that the public may have with regards to compensation, resettlement, impact assessment and any other emerging issues specific to the area. Furthermore, their consent and participation make the exercise efficient and fast.

### 10.2 Objectives

The main objective of public consultations is to provide an avenue for the TWWDA to sensitise the public on the project as well receive their opinions, concerns and reservations on the same. The public and other stakeholders need to be involved from an early stage to ensure that their needs and suggestions are identified and met.

Specific objectives of the consultations are to:

- i). Introduce the public and other stakeholders to the project
- ii). Identify the opinions, concerns and suggestions that the stakeholders have in relation to the project



Figure 10.1: RAP Team Consulting with traders at Katharaka Centre, Chogoria

In the figure above, the Resettlement Action Plan meeting was convened with Project Affected Persons (PAPs) whose livelihoods or businesses were potentially impacted. The session garnered participation from 17 women and 8 men and was held on April 10, 2024, at the Katharaka Centre. Prior to this gathering, several Environmental and Social Impact Assessment (ESIA) general meetings had been conducted at the Chogoria Chiefs Office to raise awareness among local residents regarding the project's scope and implications.

Table 10.1: summary of the public consultation meetings held in the project area

Date	Venue	Stakeholders engaged	Attendance
15/02/2024	Chogoria Chiefs Office	The general local communities	29 (20 Male 9 Female)
15 February 2024	Chogoria Chief's Office	<ul style="list-style-type: none"> <li>Local administration public</li> <li>General public</li> <li>Project Affected persons</li> </ul>	29 (23 Male, 6 Female)
10 April 2024	Katharaka Centre	<ul style="list-style-type: none"> <li>Project Affected Persons</li> </ul>	25 (8 Male, 17 Female)

### 10.3 Consultative Meetings with Project-Affected Persons (PAPs)

Community members in areas along the project route participated in well-attended consultative meeting. Attendees were diverse in gender and age and was specifically targeted at PAPs.



### 10.3.1 Matters arising from the meeting

#### Community Support:

- **Overall Project Acceptance:** The community expresses support for the water and sewerage project, recognizing its potential benefits.
- **Conditional on Compensation:** This support hinges on fair and timely compensation for affected businesses and livelihoods.

#### Key Concerns:

- **Compensation Timeliness:** PAPs wanted assurance that compensation payments will be made promptly to minimize disruptions.
- **Advance Notice:** Businesses need adequate notice before construction begins so they can plan and minimize losses.
- **Livelihood Restoration:** The preferred method of restoring livelihoods is cash compensation, allowing PAPs flexibility in rebuilding.

#### Additional Considerations Raised:

- **Local Benefits:** Community members expressed a desire for local priority in water connections and employment opportunities generated by the project.
- **Community Input:** The consultant emphasized the importance of considering all feedback from PAPs during project implementation.

#### Key Actionable Items for TWWDA:

Table 10.2: Actionable areas by the proponent

Issue Raised	Action Item
Concerns about compensation timeliness	TWWDA to ensure timely compensation. This must be done before the project commences
Need for advance notice for business disruptions	TWWDA to provide advance notice to affected businesses
Desire for priority in water connections	TWWDA to ensure that locals get priority in water connections
Interest in project-related employment opportunities	TWWDA to consider prioritizing local community members for employment
Importance of considering all community feedback	Consideration of all community feedback in project implementation

## 10.4 Stakeholder Engagement Plan (SEP)

TWWDA should continue to conduct a series of consultation and counseling meetings with the PAPs. During these meetings the PAPs enquiring about the outcome of the RAP should be informed of the results of the survey findings and plans for the area including actual date of implementation. These consultative meetings should include all other stakeholders.

**A comprehensive Stakeholder Engagement Plan (SEP) has been developed as a separate document. The SEP outlines a detailed strategy for identifying and interacting with all project stakeholders. This includes specific activities tailored to address the interests and concerns of diverse stakeholder groups. Furthermore, the SEP allocates a dedicated budget to ensure the effective implementation and monitoring of all stakeholder engagement initiatives.**

## 11 CONCLUSIONS AND COMMITMENTS

### 11.1 Conclusions

This RAP Report is for the proposed construction water supply project in Chogoria by TWWDA. The RAP has been prepared consistent with the applicable policy provisions of Kenyan Government and the provisions of the AfDB Safeguards Policy. The project would not lead to any acquisition of privateland nor destruction of properties.

### 11.2 Commitments

Based on the assessment made on site and the extent of the resettlement it is recommended that the RAP should be implemented by TWWDA in accordance with the law and regulations. The following are some of the commitments the project will need to address going forward:

Key issue	Commitment
Consultations with stakeholders	<p>The project to continue engaging with all stakeholders including, but not limited to PAPs, Road's agencies, WRA, among others</p> <p>Provide special attention to vulnerable groups such as the elderly, female headed households, the sick, and the orphans</p>
Timely compensation	<p>In order to promptly mitigate the impacts of the project caused by physical and economic displacements, the project shall compensate all PAPs in a timely manner</p>
Monitoring	<p>For the RAP to be successful TWWDA will initiate monitoring and evaluation. This will ensure that arising issues are properly addressed</p>
Local concerns	<p>During the public discussions and meetings, the following requests have been made by the locals:</p> <ul style="list-style-type: none"><li>• Use of local labor during the construction phase</li><li>• Provision of connection points for the residents</li><li>• Timely compensation</li><li>• Affected access roads, cables, water pipelines and any other infrastructure should be repaired as soon as possible to minimise disruption</li></ul> <p>TWWDA has committed to meet the above requests</p>
Community expectations	<p>The PAPs raised numerous issues for the attention of the project proponent. TWWDA to establish its RWG in order to deal with any community grievances in a timely manner.</p>
Capacity building for PAPs	<p>Before resettlement, the PAPs will be mobilized and sensitized both socially and economically to avoid undue social and economic disruptions. Where applicable, health experts should be involved in counseling to create awareness within the community on issues relating to HIV/AIDS</p>

## APPENDICES

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### Appendix 1: Minutes of Stakeholders Consultation Meetings



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 MERU COUNTY



PROJECT: PROPOSED LAST MILE CONNECTIVITY OF CHOGORIA WATER SUPPLY PROJECT

PUBLIC PARTICIPATION LIST

VENUE Chogoria church office DATE 15/2/2024 TIME 11:00 AM

S/ No.	NAME	VILLAGE/INSTITUTION	ID No	CONTACTS	SIGN
1	ROBERT MURITH GIGET	KITHUNI	13359100	0725292469	
2	JAMES KABI KANASHA	KAIRUNI	24657328	0721135759	
3	JOHN GIONGA	KAIRUNI	21053734	0721395360	
4	MURUNGI THIOZARI	KAIRUNI	21387391	0705542403	
5	CHARLES MUTHURI IDERI	KIMUCHIA	21616055	0793973181	
6	ALVIN NGERU NABEN	KIMUCHIA	745857	0720149120	
7	PETERSON MARAUCH	KAIRUNI	8861657	0727949659	
8	JOHN K. NJERU	KAIRUNI	2463342	0728121522	
9	WILFORD M'ITI	KAIRUNI	7460739	0796083693	
10	JASPER MARANGU MUYUA	KAIRUNI	2462228	0729803534	
11	MANTIN MUKHOKI	KAIRUNI	20961932	0726762508	

By the President  
THE CHIEF  
CHOGORIA LOCATION





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 MERU COUNTY



PROJECT: PROPOSED LAST MILE CONNECTIVITY OF CHOGORIA WATER SUPPLY PROJECT

PUBLIC PARTICIPATION LIST

VENUE Chogoria Chief's Office DATE 7/02/2020 TIME 11:00AM

S/ No.	NAME	VILLAGE/INSTITUTION	ID No	CONTACTS	SIGN
12	LAWRENCE GUANTAI	KAIRUNI	9696877	0724501455	
13	AMARIA NKUENE	KAIRUNI	2438262	0729620375 0729620385	
14	MARGARET NJERU	KAIRUNI	11608762	0725713379	
15	MBAE SABARI	KAIRUNI	13251854	N/A	
16	SARAH NIGINGA MUKENHA	KAIRUNI	5098095	N/A	
17	ANASTACIA MUTHONI	KAIRUNI	13812089	0718674233	
18	CILBERT WANJIDHI	KAIRUNI	8857542	0769795572	
19	JULIUS NJERU	KAIRUNI	9908906	0726968587	
20	JAMES NJAGI	KAIRUNI	21528374	0752574390	
21	GRACE NJERU	KAIRUNI	2462136	0720312039	
22	WINUS MURITI MITHUA	KAIRUNI	7461098	0705405796	

Office of The President  
THE CHIEF  
CHOGORIA LOCATION



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 MERU COUNTY



PROJECT: PROPOSED LAST MILE CONNECTIVITY OF CHOGORIA WATER SUPPLY PROJECT

PUBLIC PARTICIPATION LIST

VENUE Chogoria Chief's Office DATE 16/02/2020 TIME 11:00AM

S/ No.	NAME	VILLAGE/INSTITUTION	ID No	CONTACTS	SIGN
23	JEDIEL KIAMBI GITONGA	KABECHHE	11610875	0726277174	
24	MORRIS NYUMBA KIRANI	ASSIST. CHIEF KIRANI	26008048	0713148795	
25	TOMES MUGENDI MICHENI	ASSIST. CHIEF MUKWEGU	22582370	0728244787	
26	GEORGE MUMEMBEI M.	CHIEF CHOGORIA	11327164	0795124600	
27	ELISEBIO G. WABERU	TWDA	0702526514	07182558	
28	Benny Wanjiku	TWDA	0768751227	07182558	
29	NOL KOECH	Environment Expert	0716816400	07171998	

Office of The President  
THE CHIEF  
CHOGORIA LOCATION



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**TANA WATER WORKS DEVELOPMENT AGENCY**

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**THE PUBLIC PARTICIPATION MINUTES FOR THE LAST MILE CONNECTIVITY OF CHOGORIA WATER SUPPLY AND SEWERAGE PROJECTS HELD ON 15<sup>TH</sup> FEBRUARY 2024 AT CHOGORIA CHIEF'S CAMP IN THARAKA NITHI COUNTY AT 11: 00AM**

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**MEMBERS PRESENT**

Attendance List Attached

**AGENDA:**

The agenda of the meeting was as follows:

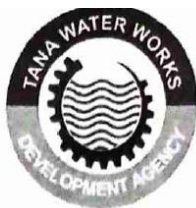
- Preliminary matter
- Introduction and Presentation of the Last Mile project to the community
- Comments and Concerns of the Community
- Recommendation
- Closing remarks

**MIN 1/15/02/2024: PRELIMINARY MATTER**

The area chief Mr Mutembei called the meeting to order promptly at 11:00 a.m. and set a tone with a prayer led by one of the community members creating a conducive environment for the meeting's agenda to proceed smoothly.

The chief then welcomed everyone to the meeting and extended a heartfelt invitation to the Tana Water Works Development Agency and Environmental consultants' team to express themselves freely. He explained to the members of the community about the intentions of the meeting regarding the current state of their water supply and sewerage project. He further expressed the joy of the community regarding the last mile connectivity of the Chogoria Water supply and sewerage projects. Additionally, he encouraged every community member to voice their thoughts and concerns regarding the project, emphasizing an open and inclusive atmosphere for discussions. He then opened the floor for the representative from the Proponent's side (Tana Water Works Development Agency) Eng. Mwenda to take over the meeting.





#### **TANA WATER WORKS DEVELOPMENT AGENCY**

#### **MIN 2/15/02/2024: INTRODUCTION AND PRESENTATION OF THE PROJECT**

Mr. Mwenda from TWWDA gave his opening remarks and explained to the members of the community the objectives of Tana Water Works Development Agency in ensuring sustainable water works within their area of Jurisdiction in Tharaka Nithi County.

He went on to elaborate that the agency is currently proposing for the addition of Last Mile Connectivity of the Chogoria Water Supply and the Sewerage project within Chogoria in Maara Sub-County. He emphasised that the comprehensive project aims at bridging gaps in water access, sanitation, and water resource management within the 1<sup>st</sup> phase of the Kenya Small Towns and Rural Water Supply and Sanitation Project.

He later explained to the community members that public consultations regarding the projects are what has led to the convention of the meeting. He asked members of the community to feel free to ask any question and raise any concern as he welcomed one of the ESIA consultants Mr Mutuma to take over the floor.

Mr Mutuma provided crucial insights and remarks aimed at fostering sustainable development and environmental responsibility. He emphasized the importance of integrating environmentally sustainable practices into the last mile connectivity project. This includes implementing measures to minimize the ecological footprint, ensuring proper waste management, and preserving local biodiversity. Moreover, he also highlighted the necessity of ensuring that the last mile connectivity project is socially inclusive. This involves considering the needs of vulnerable and marginalized groups within the community. Special attention should be given to accessibility for people with disabilities and the elderly, fostering an inclusive and equitable development process. The consultant discussed the importance of designing infrastructure with resilience in mind, considering potential climate change impacts. This includes proper drainage systems, flood prevention measures, and the incorporation of climate-resilient materials to enhance the project's longevity.

#### **MIN 3/15/02/2024: COMMENTS AND CONCERNS OF THE COMMUNITY**

<b>NAME OF THE CONCERNED MEMBER</b>	<b>QUESTION ASKED</b>	<b>RESPONSE FROM THE TECHNICAL TEAM</b>
Murungi Thirari	Will the implementing agency or the contractor repair the fence in case it is brought down during the excavation works?	Yes. The contractor shall endeavour to restore the fence or any damaged structure back to its original form as much as possible.





#### TANA WATER WORKS DEVELOPMENT AGENCY

Anastacia Muthoni	Will part of the labour-force be taken from the local people, or they will all come from a different region?	In a bid to grow the economy of the project area, the contractor shall be keen on hiring locals especially for the unskilled labour.
Grace Njeru	Due to loss of utility of the land through which the sewer line will pass, will the affected persons be compensated and when will the compensation process commence?	Compensation for all persons that'll be directly affected by the projects shall be done diligently following the Resettlement Action plan that shall be formulated by the consultant.
Linus Miriti	In case a person detects leakage from the proposed sewer line during the project operation phase, where can they report the incident?	After construction and successful commissioning of water and sewer projects, the TWWDA shall hand over the project to the area Water Service Provider; NIWASCO. Any reports pertaining to leakage or system failure shall be reported to their field officers who will in return carry out quick repairs. The area water provider shall provide hotline numbers on which they can be reached.

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

The team leader of the consultants addressed the community, assuring them that their grievances and wishes would be carefully considered and incorporated into the project's recommendations for consideration. He emphasized on the importance of sustainability and acknowledged the community's valuable input in shaping the project's outcomes. The ESIA consultant's remarks underscored the need for a holistic and sustainable approach to the Chogoria sewer and water last mile connectivity project. By prioritizing environmental responsibility, community engagement, social inclusivity, water quality, infrastructure



#### TANA WATER WORKS DEVELOPMENT AGENCY

resilience, and capacity building, the project can contribute significantly to the well-being of the community while minimizing its impact on the environment. The consultant's insights serve as a valuable guide for steering the project towards a more sustainable and socially responsible future.

The chief then took the step to formally conclude the meeting by making a few announcements regarding the community development. The chairman thanked everyone for their active participation and fruitful contributions during the session.

There being no other business the meeting was adjourned with a closing prayer from Madam Anastancia Muthoni at 12:30 hrs.



#### TANA WATER WORKS DEVELOPMENT AGENCY

##### CONFIRMED BY:

<b>LEAD EXPERT</b>  Eng. Bernadett Wairimu NEMA Reg No. 7394  11th, March 2024  Sign:	<b>THE PUBLIC ADMINISTRATION CHIEF CHOGORIA LOCATION:</b>  Mr. <u>GEORGE MUIEMBEI</u> <u>MULALAKU</u>  Date: <u>13/03/2024</u>  Sign:   Stamp: <u>Office Of The President</u> <b>THE CHIEF</b> <u>CHOGORIA LOCATION</u>
<b>TWWD A REPRESENTATIVE</b>  Gregory Mwenda  11 <sup>th</sup> March 2024  Sign:	

## MINUTES – PUBLIC CONSULTATION – MEETING WITH THE PROJECT AFFECTED PEOPLE

Date: 10 April 2024

Time: 10:00 AM - 4:30 PM

Meeting Location: Katharaka Market

Attendees:

- TWWDA Representative, Mr. Robert Mutugi
- Consultant for the Resettlement Action Plan (RAP)
- Nyumba Kumi Official-Florence Gatwiri, Representing the Area Chief
- Members of the community (PAPs-Attached List)

Agenda:

1. Introduction and Purpose of the Meeting
2. Remarks from Stakeholders
3. Presentation on the Project Scope and Impacts
4. Community Feedback and Concerns
5. Conclusion and Closing

Minutes:

The meeting commenced at 10:00 AM with the Tana Water Works Development Agency (TWWDA) expressing gratitude to all attendees for their presence, acknowledging the brief notice provided. Mr. Robert Mutugi, representing TWWDA, emphasized the organization's aim to enhance water supply in Chogoria and highlighted plans for a sewerage program.

The consultant for the Resettlement Action Plan (RAP) provided an overview of the project's scope and potential impacts on the community, particularly on local businesses along the proposed corridor.

Despite potential challenges, community members (PAPs) expressed overall support for the project, citing anticipated improvements in water quality and accessibility. Concerns were raised regarding compensation timeliness and the need for advance notice to mitigate disruptions to businesses.

The consultant ensured that all views were heard and urged TWWDA to consider all livelihoods affected by the project.


Action Items on the issues raised:

1. TWWDA to ensure that locals get priority in water connections
2. TWWDA to ensure timely compensation
3. TWWDA to provide advance notice to affected businesses.
4. TWWDA to consider prioritizing local community members for employment opportunities stemming from the project
5. Consideration of all community feedback in project implementation.

With no further issues to address, the meeting concluded at 11:15am.

CONSULTANT: GRIFFINS MURUGU

  
10/4/2024

OFFICE OF THE ASSISTANT CHIEF  
KITHARE SUB-LOCATION  
P. O. Box 324, CHOGORIA  
Date: 10/4/2024 Sign: 





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

Greenville International Ltd

P.O. Box 4975, 0100, Nairobi, Tel: 0729284770/070 130 101  
Email: info@greenville.com, info@grl.co.ke  
Sara Plaza along Lamu Road, Suite 404  
Website: www.greenville.com

Cluster 1 Projects Meru, Embu and Kirinyaga

### Public Participation Attendance List

Date: 10/4/24 Time: 10:10am Venue: Katharaka Market

No.	Name	Location	ID No.	Contacts	Signature
1.	Florence Gatwiri	Murugieas	13756668	0720310742	gatwiri
2.	NISRO MUKANDI	MURUGI	239492	0797819888	K
3.	IDAHA MURUGA CHABARI	MURUGIE	1399089	0720895831	Chabari
4.	ROSE-MARY KAGEN CHABARI	MURUGIE	5089961	0712016736	Chabari
5.	IDAHA KAVINI	MURUGI	13872651	0720594764	Idha
6.	BETTY KENSI NSEBU	MURUGI	27946757	0799494525	Betty
7.	Joyce Kavendi Chabari	MURUGI	11398712	0720895831	Joyce
8.	FLORENCE WANDIKU MAMWA	MURUGI	27380185	0791641107	Florence
9.	LISBETH KANANA FELIX	MURUGI	27021020	0715404995	LF
10.	EMISS GATHURU KITHINI	MURUGI	24050104	0721805544	EG
11.	David Mutunga	MURUGI	26443877	07445871263	David
12.	Mam Evans Muthomi	MURUGI	37794592	0790476137	Mam Evans

OFFICE OF THE ASSISTANT CHIEF  
KITWARE SUB-LOCATION  
P.O. Box 324, CHOSOROA  
Date: 10-4-2024

Public Participation Attendance List  
Page 1 of 1



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

Greenville International Ltd

P.O. Box 60172-00100 Nairobi, Tel: 0725284770/090 150 101  
Email: info@greenville.co.ke, info@greenvilleni.com, info@greenvilleni.co.ke  
Safari Plaza along Limuru road, Nairobi 00100  
Website: www.greenvilleni.com

Cluster 1 Projects Mernu, Embu and Kirinyaga

### Public Participation Attendance List

Date: 10/14/24

Time: 12:00pm

Venue: Katharaka Market

No.	Name	Location	ID No.	Contacts	Signature
13.	JOSEPH MURUGI	MURUGI	11129725	0723496261	[Signature]
14.	MOSES RUGENDO NGARU	MURUGI	13247712	0720373521	[Signature]
15.	HARRIET MATEGI	MURUGI	13871232	0713521260	[Signature]
16.	CATHERINE RUGENDO	MURUGI	925 0410	071663092	[Signature]
17.	LAWRENCE RUGENDO	KATHARAKA	11157606	0725822365	[Signature]
18.	MERCY KIRATHI	MURUGI	154 26102	070877044	[Signature]
19.	JACINTA WANJA	MURUGI	112 59967	0725493580	[Signature]
20.	CAROLINE RUGENDO	MURUGI	215 29961	0706551605	[Signature]
21.	FRANCIS MUTEMBEI	KATHARAKA	12613277	0711552905	[Signature]
22.	SAMUEL MURUKI	KATHARAKA			[Signature]
23.	MUREN KAWIRA	KATHARAKA	389 56112	0768730772	[Signature]
24.	MARE EVANS	KATHARAKA	37994592	07900075137	[Signature]
25.	MARTIN KINYUA	KATHARAKA	248 69990	064882208	[Signature]

Public Participation Attendance List

Date: 10/14/24

OFFICE OF THE ASSISTANT CHIEF  
KITHARE SUB-LOCATION  
P.O. Box 324, CHOGORIA  
Date: 10/14/24 Sign: [Signature]



## Appendix 2: Road Use Charges/Fees

	renewal fees of Kshs 100K	annual renewal fees of Kshs 100K	Meter with annual renewal fees of Kshs 100K
8. On grant of annual approval to place Gantry on road reserves or abutting areas	Charge Kshs 2,000 per square Meter per year	Charge Kshs 2,000 per square Meter per year	Charge Kshs 2,000 per square Meter per year
9. On grant of annual approval to place a Communications Masts on road reserves or abutting areas	Charge Kshs 100,000 per year	Charge Kshs 100,000 per year	Charge Kshs 100,000 per year
10. To direct Storm water or drain to the Road Drainage structure	Charge Kshs 50,000 per connection	Charge Kshs 50,000 per connection	Charge Kshs 50,000 per connection
11. On grant of annual approval to place/attach a service on road bridge	KShs. 10,000.00 per Meter length of cable/duct placed.	5,000	5000

### B. CHARGES FOR EXCAVATIONS FOR PIPES, DUCTS OR CABLE CROSSINGS UNDER ROAD PAVEMENT

The amounts set out in the table shall be paid annually to the Road Authority Per metre length of the road carriageway excavated:

1. To lay pipes, ducts or cable not exceeding 0.5meter diameter-

Surface type	Rate		
	Road Class S (Proposed)	Road Class A	Road Class B
	Ksh/M	Ksh/M	Ksh/M
Bitumen	150,000	100,000	80,000
Gravel	N/A	30,000	25,000
Earth	N/A	10,000	10,000

2. To lay pipes, ducts or cables exceeding 0.5 meter diameter-

Surface type	Rate		
	Road Class S (Proposed)	Road Class A	Road Class B
	KSh/M	KSh/M	KSh/M
Bitumen	200,000	150,000	120,000
Gravel	N/A	45,000	37,000

Earth	N/A	15,000	15,000
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**C. CHARGES FOR MICROTUNNELLING FOR PIPES, DUCTS OR CABLE CROSSINGS UNDER ROAD PAVEMENT**

The amounts set out in the table shall be paid annually to the Road Authority Per metre length of the road carriageway excavated:

1. To lay pipes, ducts or cable not exceeding 0.5meter diameter-

Surface type	Rate		
	Road Class S (Proposed)	Road Class A	Road Class B
	KSh/lane	KSh/lane	KSh/lane
Bitumen	150,000	100,000	80,000
Gravel	N/A	30,000	25,000
Earth	N/A	10,000	10,000

2. To lay pipes, ducts or cables exceeding 0.5 meter diameter-

Surface type	Rate		
	Road Class S (Proposed)	Road Class A	Road Class B
	KSh/lane	KSh/lane	KSh/lane
Bitumen	200,000	150,000	120,000
Gravel	N/A	45,000	37,000
Earth	N/A	15,000	15,000

**D. FEES AND CHARGES FOR APPROVAL TO CONSTRUCT ACCESS ROAD OR LANE TO PREMISES**

1. A Person may upon payment of the requisite fee apply to the Director General, of the Road Authority for approval to construct a road to access his premises.

2. Fees and charges payable for access to premises shall be as set in the table below-

Description	Rate ( KSh	Rate KSh (Proposed)	Rate KSh (Proposed)
Road Class (Proposed)	S	A	B
Application Fee	5,000	5,000	5,000
Fees payable upon approval to construct access road/lane to private premises.	50,000	30,000	10,000
Fees payable upon approval to construct access road/lane to petrol stations.	200,000	200,000	150,000



Fees payable upon approval to construct access road/lane to shopping mall and departmental stores or equivalent	300,000	200,000	150,000
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### 3. CHARGES FOR ISSUANCE OF EXEMPTION PERMITS FOR MOVEMENT OF ABNORMAL/OVERSIZE LOADS

The charges payable upon application for issuance of exemption permits for abnormal or oversize loads are as set out in table below-

<i>Description</i>	<i>KSh.</i>
Upto 25,000 Kg of oversize load	5,000
Exceeding 25,000 kg of oversize cargo and upto 50,000 kg	10,000
Oversize cargo exceeding 50,000 kg	250,000
Exceeding 2.65m maximum overall vehicle width with projection beyond the width of the vehicle	5,000
Exceeding 4.20m maximum overall vehicle height, laden or unladen, measured from the road surface	10, 000
Exceeding 12.50m maximum overall length of rigid chassis goods or passenger vehicle	15, 000
Exceeding 17.40m maximum overall length of articulated vehicle including the semi-trailer	20,000
Exceeding 22.00m maximum overall length of a combination of a motor vehicle and a drawbar trailer or vehicle and a semi-trailer with a drawbar trailer coupled to the latter.	25,000

### 4. USE OF ROAD RESEARVE FOR PRIVATE BUSINESS SCHEDULE OF FEES FOR LEASING OF THE LAND ON THE NATIONAL OR URBAN ROAD RESEARVE- 2023

S/No	Lease Category	Description	Rate (KShs)	
			Cities	Municipalities & Other areas
1.		a) Application Fees	20,000	10,000

### Appendix 3: Draft Gender Based Violence Policy

**Draft Policy document specifically designed to address grievances related to Gender-Based Violence (GBV). This policy focuses on providing a clear, accessible, and supportive mechanism for reporting and addressing GBV concerns:**

#### **Title: Gender-Based Violence Grievance Policy**

#### **1. Purpose**

- This policy establishes a confidential, safe, and responsive system for reporting and addressing grievances related to Gender-Based Violence (GBV) within [Name of Organization].
- We recognize GBV as a serious violation of human rights that disproportionately affects women and girls, as well as other marginalized groups.
- This policy reflects our commitment to zero tolerance for GBV and to create an environment where all individuals feel safe, respected, and supported.

#### **2. Scope**

- This policy applies to all employees, volunteers, contractors, service providers, beneficiaries, and other individuals associated with [Name of Organization].
- It covers incidents of GBV that occur within the context of our work, programs, or on our premises, as well as those that may occur outside but impact our community.

#### **3. Definitions**

- **Gender-Based Violence (GBV):** Any harmful act perpetrated against a person's will based on socially ascribed differences between males and females. It includes acts that inflict physical, sexual, or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty.
- **Grievance:** A formal complaint related to GBV, including but not limited to:
  - Sexual harassment, assault, or exploitation
  - Domestic violence or intimate partner violence
  - Child abuse or neglect
  - Human trafficking
  - Harmful traditional practices

#### **4. Grievance Reporting Mechanisms**

- **Reporting Channels:** Individuals can report GBV grievances through the following confidential channels:
  - **Designated GBV Focal Person:** [Name and Contact Information]
  - **[Other Trusted Staff Members]:** [List Names and Contact Information]
  - **Anonymous Reporting Hotline:** [Phone Number, if applicable]
  - **Online Reporting Form:** [Website Link, if applicable]
- **Accessibility:** We will ensure these reporting channels are accessible to all, including individuals with disabilities and those with limited communication abilities. Information will be available in multiple languages and alternative formats as needed.
- **No Retaliation:** We strictly prohibit retaliation against anyone who reports GBV in good faith.

#### **5. Grievance Handling Procedures**

- **Acknowledgement:** All grievances will be acknowledged promptly and treated with sensitivity and respect.

- **Investigation:** The GBV Focal Person (or designated investigator) will conduct a thorough and impartial investigation, ensuring the confidentiality and safety of the complainant.
- **Response:** We will take appropriate actions based on the investigation's findings, which may include:
  - Disciplinary action against perpetrators (up to and including termination)
  - Referral to legal or law enforcement authorities
  - Supportive measures for survivors (medical care, counseling, safe accommodation)
  - Prevention and awareness-raising activities

## 6. Monitoring and Evaluation

- We will track and analyze GBV grievance data to identify trends and improve our prevention and response mechanisms.
- This policy will be reviewed and updated regularly.

## 7. Additional Resources

- [List of local and national support services for GBV survivors, such as hotlines, counseling centers, legal aid]

## Important Notes:

- Tailor this policy to the specific context of your organization or community.
- Consult with GBV experts and survivors when developing and implementing this policy.
- Provide comprehensive training to staff on GBV prevention, identification, and response.

## **Appendix 4: Policy on Grievance Reporting and Response for Violence Against Children (VAC)**

### **Policy on Grievance Reporting and Response for Violence Against Children (VAC)**

#### **1. Introduction**

This policy establishes a clear and accessible mechanism for reporting and responding to grievances related to Violence Against Children (VAC) within [Organization Name]. We are committed to providing a safe and protective environment for all children and take all allegations of VAC seriously.

#### **2. Definition of Violence Against Children (VAC)**

This policy defines VAC as any act of physical, sexual, or emotional abuse, neglect, or exploitation, or commercial or other exploitative work that harms, or violates the rights of children.

#### **3. Reporting Procedures**

- **Who can report?** Anyone who suspects or witnesses VAC involving a child can report it. This includes staff, children, volunteers, parents, or any concerned individual.
- **How to report:** Reports can be made in the following ways:
  - Directly to a designated VAC Reporting Officer.
  - Anonymously through a designated hotline or online reporting form (details provided below).
  - To any staff member of [Organization Name] who is obligated to report it to the designated VAC Reporting Officer.
- **What to report:** All reports, even those based on suspicion, should be made. Reports should include details such as:
  - The name of the child (if known)
  - The nature of the alleged VAC
  - The suspected perpetrator (if known)
  - Any witnesses or other relevant information

#### **4. Response Procedures**

- **Confidentiality:** The confidentiality of the child and reporter will be maintained to the fullest extent possible, while allowing for a thorough investigation.
- **Investigation:** All reports will be promptly investigated by a designated team with expertise in VAC issues.
- **Support Services:** The child will be connected with appropriate support services, regardless of whether the allegation is substantiated.
- **Action:** Based on the investigation findings, appropriate action will be taken, which may include contacting law enforcement, disciplinary action for staff, or modifying practices to prevent future incidents.

#### **5. Grievance Resolution Process**

If a reporter is not satisfied with the response to their report, they have the right to appeal the decision through a clearly defined grievance resolution process.

#### **6. Communication and Training**

- This policy will be widely disseminated to all staff, volunteers, children, parents, and relevant stakeholders.
- Staff will receive regular training on recognizing and reporting VAC.

#### **7. Reporting Officer Contact Information**

- Name: [Name of Designated VAC Reporting Officer]

- Phone: [Phone Number]
- Email: [Email Address]

## **8. Anonymous Reporting**

- Hotline Number: [Hotline Number] (if applicable)
- Online Reporting Form Link: [Link to Online Reporting Form] (if applicable)

## **9. Legal Compliance**

This policy is developed in compliance with all applicable laws and regulations regarding child protection.

## **10. Review and Update**

This policy will be reviewed and updated on a regular basis to ensure its effectiveness.

**Through implementing this independent policy, [Organization Name] demonstrates a strong commitment to protecting children from violence and ensuring a safe and supportive environment for them.**

## **Appendix 5: Grievance Mechanism Policy for Preventing and Addressing Sexual Exploitation, Abuse, and Harassment (SEAH)**

### **Grievance Mechanism Policy for Preventing and Addressing Sexual Exploitation, Abuse, and Harassment (SEAH)**

#### **1. Introduction**

This Grievance Mechanism Policy establishes a safe and confidential process for reporting and addressing incidents of Sexual Exploitation, Abuse, and Harassment (SEAH) within [Organization Name]. We are committed to fostering a work and project environment free from SEAH, and this policy outlines the procedures for reporting incidents, conducting investigations, and ensuring fair and timely resolution.

#### **2. Definitions**

- **Sexual Exploitation:** Any act that abuses a relationship of vulnerability, power, or trust for sexual purposes.
- **Sexual Abuse:** The use of force, coercion, or manipulation to obtain sexual activity.
- **Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

#### **3. Reporting Procedures**

Anyone who experiences, witnesses, or has reasonable suspicion of SEAH can report the incident using the following methods:

- **SEAH Reporting Officer:** A designated staff member trained to receive and handle SEAH complaints confidentially. Contact information for the SEAH Reporting Officer will be widely disseminated.
- **Anonymous Reporting System:** A secure online or phone hotline system allowing anonymous reporting.
- **Direct Supervisor:** Employees are encouraged to report to their immediate supervisor, unless the supervisor is the alleged perpetrator.

#### **4. Investigation Process**

All reported incidents of SEAH will be promptly investigated by a trained and impartial committee. The investigation will be conducted confidentially and with respect for the privacy of all parties involved. The complainant and the alleged perpetrator will have the opportunity to present their cases and be accompanied by a support person of their choice during the investigation process.

#### **5. Outcomes and Remedies**

Based on the investigation findings, appropriate disciplinary action will be taken against the alleged perpetrator, which may include verbal or written warnings, suspension, or termination of employment. The policy will also outline potential support services available to the complainant, such as counseling, medical care, and legal assistance.

#### **6. Confidentiality and Anti-Retaliation**

The organization will maintain confidentiality throughout the grievance process to the greatest extent possible. No retaliation will be tolerated against anyone who reports an incident of SEAH in good faith.

## **7. Training and Awareness**

The organization will provide regular training to all staff members on SEAH prevention, identification, and reporting procedures. This training will raise awareness about SEAH, promote a culture of respect, and empower individuals to report incidents without fear of retaliation.

## **8. Continuous Improvement**

This Grievance Mechanism Policy will be reviewed and updated periodically to ensure its effectiveness in addressing SEAH and fostering a safe working environment.

## **9. Contact Information**

For more information or clarification on this policy, please contact the designated SEAH Reporting Officer or Human Resources Department.



## Appendix 6: Data Collection Tool

### Tool 1: Household Study Questionnaire

#### SECTION A: INTRODUCTION

Hello. My name is [. . . . .]. I am working with Greenville. We have been contracted by TANA ATHI 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.

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	..... .....

## SECTION B: DEMOGRAPHIC DATA

B1	B2	B3	B4	B5		B6				
<b>Gender of respondent?</b>  1. Male 2. Female	<b>Relationship to Household head?</b>  1. Head 2. Spouse 3. Son/Daughter 4. Brother/Sister 5. Parent 6. Other Relative	<b>What is your age?</b>  1. < 18 yrs 2. 18 – 25 3. 26 – 35 4. 36 – 45 5. 46 – 60 6. Above 60 yrs	<b>What is your marital status?</b>  1. Married (No. of Spouses) 2. Widowed 3. Divorced 4. Separated 5. Single 6. Other	<b>Number of Dependants</b>  No: <table border="1" style="width: 100%;"> <tr> <td>Male</td> <td></td> </tr> <tr> <td>Female</td> <td></td> </tr> </table>		Male		Female		<b>What is the highest level of education you attained?</b>  1. Primary 2. Secondary 3. Post-Secondary 4. Never Attended
Male										
Female										

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

## SECTION C: VULNERABILITY

C1	C2			C3	C4	C5
Are there physically challenged people in the Household?  1. Yes>> <b>C2</b> 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>> <b>C7</b> 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 >> <b>E2</b> 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 >> <b>E3</b> 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 >> <b>E5</b>	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 >> <b>F7</b> 2. No >> <b>G1</b>	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

G1	G2
<p>Which of these Public facilities are you closest to?</p> <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>	<p>Distance to public facility?</p> <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>
G3	G4
<p>What are the major sources of water supply for your household?</p> <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>	<p>What type of sanitation facility does your household use?</p> <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>
G5	G6
<p>Specify other sanitation facilities used in G4</p>	<p>Has any of your family member been treated on waterborne disease e.g., cholera, dysentery, typhoid and sanitation?</p> <ol style="list-style-type: none"> <li>1. Yes</li> <li>2. No</li> </ol>
G7	G8
<p>What is your main source of power?</p>	<p>Specify other public facility closer to you</p>

## Tool 2: Valuation Data Collection Tool

Name of Property Owner							
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	

