



# TANA WATER WORKS DEVELOPMENT AGENCY

## RESETTLEMENT ACTION PLAN (RAP)

### CHUKA SEWERAGE LAST MILE CONNECTIVITY PROJECT



13 May 2024



**Greenville Nexus International Ltd**

P. O. Box 50173-00100, Nairobi. Tel: 0725928477/0700 130 101  
Email: info@greenvilleint.com/greenvilleint@gmail.com,  
Suraj Plaza Suite 504 along Limuru Road  
Website: www.greenvilleint.com

## CERTIFICATION

---


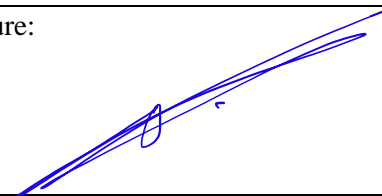
For and on behalf of:

### **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 for the Chuka Sewerage Project.

### **Key Experts**

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

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

## EXECUTIVE SUMMARY

### I. Compensation summary sheet

	Variables	Data
<b>A. General</b>		
1	Province/ County	Tharaka Nithi County
2	Municipality	Chuka
3	Village	Ndagani and Igambang'ombe
4	Activity(ies) that trigger resettlement	Excavation work, pipe aying and manhole construction for sewerage project
5	Project overall cost (KES)	218,290,315
6	Overall resettlement cost (KES)	6,110,827
7	Applied cut-off date (s)	11 April 2024
8	Dates of consultation with the people affected by the project (PAP)	16 Feb-25 to 12 April 2024
9	Dates of the negotiations of the compensation rates/prices	11 April 2024
<b>B. Specific information</b>		
10	Number of people affected by the project (PAP)	25
11	Number Physically displaced	None
12	Number Economically displaced	18
13	Number of affected households	25
14	Number of females affected	16
15	Number of vulnerable affected	None
16	Number of major PAP	None
17	Number of minor PAP	25
18	Number of total right-owners and beneficiaries	None
19	Number of households losing their shelters	None
20	Total area of lost arable/productive lands (ha)	None
21	Number of households losing their crops and/or revenues	None
22	Total areas of farmlands lost (ha)	None
23	Estimation of agricultural revenue lost (USD)	None
24	Number of buildings to demolish totally	None
25	Number of buildings to demolish at 50%	None
26	Number of buildings to demolish at 25%	None
27	Number of tree-crops lost	None
28	Number of commercial kiosks to demolish	6
29	Number of ambulant/street sailors affected	None
30	Number of community-level service infrastructures disrupted or dismantled	None
31	Number of households whose livelihood restoration is at risk	None

## II. Background

The Government of Kenya is currently implementing the National Urban Water Supply and Sanitation Program (NUWaSSaP) through the support of the African Development Bank (AfDB). The programme targets to improve water and sanitation services across communities in the country. The Tana Water Works Development Agency (TWWDA) is one of Kenya's nine waterworks agencies, registered under the Water Act 2016, is the implementing agency of the project within its area of jurisdiction. The Agency has developed this Resettlement Action Plan to help address resettlement issues arising from the Chuka Sewerage Last Mile Connectivity Project.

The project is located in Chuka Town, Chuka Sub County (Meru South sub-county) in Tharaka Nithi County. The town has an estimated population of 27,414 which is expected to reach 38,450 by 2027. The town plays a role in the economic and social activities of the region, contributing to the overall development of Tharaka Nithi County. The Project area is served by Nithi Water and Sanitation Company (NIWASCO) as the registered Water Service Provider (WSP).. The main activities involved will be excavation works, laying of pipelines and construction of relevant sewer manholes.

## III. Objective of Resettlement Action Plan

The overall objective of the Resettlement Action Plan (RAP) is to ensure that the Chuka Sewerage Last Mile Connectivity Project is implemented in a manner that avoids or minimises, to the greatest extent possible, issues of resettlement as defined under both national law and the African Development Bank Integrated Safeguards Policy, 2013, and wherever this is not possible, to address all resettlement issues in accordance with national law, the bank's policies and global best practices.

## IV. Policy, Legal and Regulatory Framework

The RAP has been carried out in accordance with the bank's Integrated Safeguards System (ISS), 2013, on involuntary resettlement: land acquisition, population displacement and compensation. National policies and legal framework that guide the resettlement process in Kenya have also been taken into account. Specifically, the following legal and policy considerations have been addressed:

### 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**

It provides 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. Ministry of Interior and Coordination of National Government Affairs
- v. Ministry of Micro, Small and Medium Enterprises
- vi. Water Services Regulatory Board (WASREB)

- vii. Tana Water Works Development Agency
- viii. County Government
- ix. Land Acquisition Tribunal
- x. Environment and Land Court
- xi. National Environment Management Authority
- xii. Water Resources Authority
- xiii. County Environment Committee
- xiv. Nithi Water and Sanitation Company (NIWASCO)

## **V. Socio-Economic Profile of the PAPs**

A detailed socioeconomic survey was conducted among the PAPs to establish their socioeconomic status and pick up the key issues that would be relevant for effective implementation of the RAP. A total of 72.2% of the PAPs were female while only 27.8% were male. Majority (72.2% ) of the PAPs were between 26-69 years of age. There were no PAPs over the age of 70.

Majority of the PAPs (77%) had attained Secondary School education and above. 53% of households relied on businesses as their main source of income while 40% were farmers. Only 7% of PAPs were found to rely on formal employment.

On sanitation services, a majority of the PAPs (81.3%) depended on septic tanks for disposal of wastewater. The remaining 18.3% used pit latrines, underscoring the need for sewerage services in the area. There were no vulnerable PAPs.

## **VI. Project Impact and Mitigation Measures**

This RAP recognises the anticipated economic effects of the project on the communities residing within the designated way leave. The ESIA has detailed additional impacts and mitigation measures to a much broader range of impacts. From the RAP perspective, the project will lead to two notable categories of impacts: displacements (physical and economic) and losses (structures, trees and livelihoods): Significant efforts in design and alignment of the sewerage system has however been done to minimise these disruptions. No private land will be impacted by the project as the entire sewer network has been aligned along road reserve.

The following mitigation measures have been proposed under the RAP to address the above impacts.

Table 1: Project Impacts and Mitigation Measures

Project Impact	Potential Effects	Proposed Mitigation Measure
Annexation of Land <sup>1</sup>	<ul style="list-style-type: none"> <li>i. Reduction of land holding threatening food security</li> <li>ii. Loss of business plots causing the loss of projected income</li> <li>iii. Possibility of being a squatter after losing land for the construction of residence</li> </ul>	<ul style="list-style-type: none"> <li>• Avoid, as much as possible, private land.</li> <li>• Compensate for the loss of private land where avoidance is not possible</li> </ul>
Restriction of Land Use	<ul style="list-style-type: none"> <li>i. Inability to utilise the full potential of the piece of land</li> </ul>	<ul style="list-style-type: none"> <li>• Pay easement allowance for the restriction</li> </ul>
Clearing of Trees & Crops	<ul style="list-style-type: none"> <li>i. Loss of fruit trees (i.e., avocado, banana and mango trees) and crops threatening food security and causing loss of income</li> </ul>	<ul style="list-style-type: none"> <li>• Compensate the community for the trees cut and the crops destroyed during construction</li> </ul>
Demolition of Family Structures	<ul style="list-style-type: none"> <li>i. Displacement from residence which may also have a sentimental value</li> <li>ii. Reduced quality of life</li> <li>iii. Additional risks for vulnerable groups</li> </ul>	<ul style="list-style-type: none"> <li>• Provide adequate notice to enable owners self-relocate</li> <li>• Compensate the owner of the structure for the loss</li> <li>• Include disturbance allowance in the compensation</li> <li>• Assist vulnerable groups (women, children, disabled, elderly) to relocate and re-establish their dwellings</li> </ul>
Loss of Livelihoods (Business)	<ul style="list-style-type: none"> <li>i. Loss of income</li> <li>ii. Reduced quality of life</li> </ul>	<ul style="list-style-type: none"> <li>• Provide adequate notice for business owner to relocate</li> <li>• Provide in-kind support including, but not limited to, alternative locations, market linkages, licensing facilitations, etc</li> <li>• Compensate the business owner for the loss of business for the duration necessary for the re-establish of the business elsewhere based on business valuation</li> </ul>

## VII. Cut Off Date and Entitlements

This RAP will be implemented in line with the Laws of Kenya. All PAPs living within or deriving their livelihoods from the project wayleave will be compensated for their various losses in line with the principles set out in the RAP report.

**Cut-Off date:** The date of census establishes the cut-off date to record the PAPs in a project area who can receive compensation for loss of assets and/or resettlement and rehabilitation assistance, the establishment of the Cut-Off Date is required to prevent opportunistic invasion of the wayleave or RoW. The **census and inventory of assets was conducted as by 11 April 2024**. Therefore, the cut-off-date for the RAP is **11 April 2024**, the last day of socio-economic survey and inventorization of PAPs.

### Entitlements

Entitlement matrix in Table 2 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.

<sup>1</sup> The project will not utilize private land.

Table 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>2</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	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</li> </ul>

<sup>2</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
	finishes including concrete, natural stone, bricks and treated sawn timber materials structures			<p>given to vacate and prior to demolition.</p> <ul style="list-style-type: none"> <li>• Training on financial management and livelihood restoration</li> </ul>
	Loss of semi-permanent structures (houses, shops, kiosks, grocery shops, butcheries, salon and boutique businesses among others) - Structures made from sawn timber, timber-off cuts, GCI walling, sundried bricks or cemented floors	Private owners	<ul style="list-style-type: none"> <li>• Cash compensation based on the full replacement value of the affected structure</li> <li>• Provide compensation rates of within range of KES 1000-2500 per square foot depending on finishes used</li> </ul>	<ul style="list-style-type: none"> <li>• Disturbance allowance of 15% of the total compensation amount</li> <li>• Materials from the affected structure may be salvaged at the owner's expense within the notice period given to vacate and prior to demolition</li> <li>• Training on financial management and livelihood restoration</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 and livelihood restoration</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> </ul>

Impact Category	Type of Impact (Permanent/ Temporary)	Entitled Persons	Entitlements	
			Compensation	Allowances and non-cash interventions
				<ul style="list-style-type: none"> <li>• Training on financial management and livelihood restoration</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 and livelihood restoration</li> </ul>
	Loss of pavements	Business owners	N/A	<ul style="list-style-type: none"> <li>• Restoration of destroyed pavements by the contractor immediately after completion of pipeline installation in affected areas. These costs have been catered for under the project ESMP</li> </ul>
	Loss of public structures such as motorbike shades ( <i>bodaboda</i> shades) and market stalls	Business owners	N/A	<ul style="list-style-type: none"> <li>• Reinstatement by TWWDA immediately after sectional completion of the project</li> </ul>
Impact on 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 and livelihood restoration</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> </ul>

Impact Category	Type of Impact (Permanent/ Temporary)	Entitled Persons	Entitlements	
			Compensation	Allowances and non-cash interventions
				<ul style="list-style-type: none"> <li>• Adequate notice on the construction schedule to get an opportunity to harvest trees</li> <li>• Training on financial management and livelihood restoration</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 temporarily businesses at close proximity to the wayleave	Business owners	<ul style="list-style-type: none"> <li>• Cash compensation for 5 days based on the magnitude of the business</li> </ul>	<ul style="list-style-type: none"> <li>• Disturbance allowance of 15% of the total compensation amount</li> <li>• Training on financial management</li> </ul>
Temporary impacts	Temporary loss of access to business facilities	Business owners	<ul style="list-style-type: none"> <li>• Cash compensation for 5 days based on the magnitude of the business</li> </ul>	<ul style="list-style-type: none"> <li>• Provision of alternative access routes during the period the affected sections are under construction</li> <li>• Adequate notice on the construction schedule</li> <li>• Training on financial management and livelihood restoration</li> </ul>
Impact on Vulnerable Individuals and groups	Households that may be disproportionately impacted	PAPs with disabled family members, the elderly, widows	<ul style="list-style-type: none"> <li>• Cash compensation in accordance with criteria set out in the relevant section of the entitlement matrix</li> </ul>	<ul style="list-style-type: none"> <li>• Disturbance allowance of 30% of the total compensation amount</li> <li>• Designated assistance to be assessed on a case-by-case basis to ensure that vulnerable people/groups have access to participation, compensation, assistance and livelihood restoration</li> <li>• Training on financial management and livelihood restoration</li> <li>• Linkage to the Government of Kenya (GoK) social protection programmes</li> </ul>

## **VIII. Grievance Redress**

A detailed grievance redress mechanism has been put forward under the ESIA and in this report. A three-tier grievance redress mechanism has been proposed. The three levels proposed are: Local/project level, County Level and an Arbitration system at the national level through the office of the Commission for Administrative Justice. The objectives of the GRM are as follows:

- i. To address complaints and grievances and enhance conflict resolution arising from, and during project implementation.
- ii. Ensure transparency and accountability throughout the implementation of projects and programmes amongst the relevant stakeholders including project beneficiaries.
- iii. Resolve any emerging environmental and social grievances in project areas.
- iv. To promote relations between the project implementers, executers and beneficiaries.

### ***General Procedure for Grievance Redress:***

Figure 1 presents the generalized procedures for grievance redress at various levels. All grievances reported shall be managed using the procedure as illustrated.

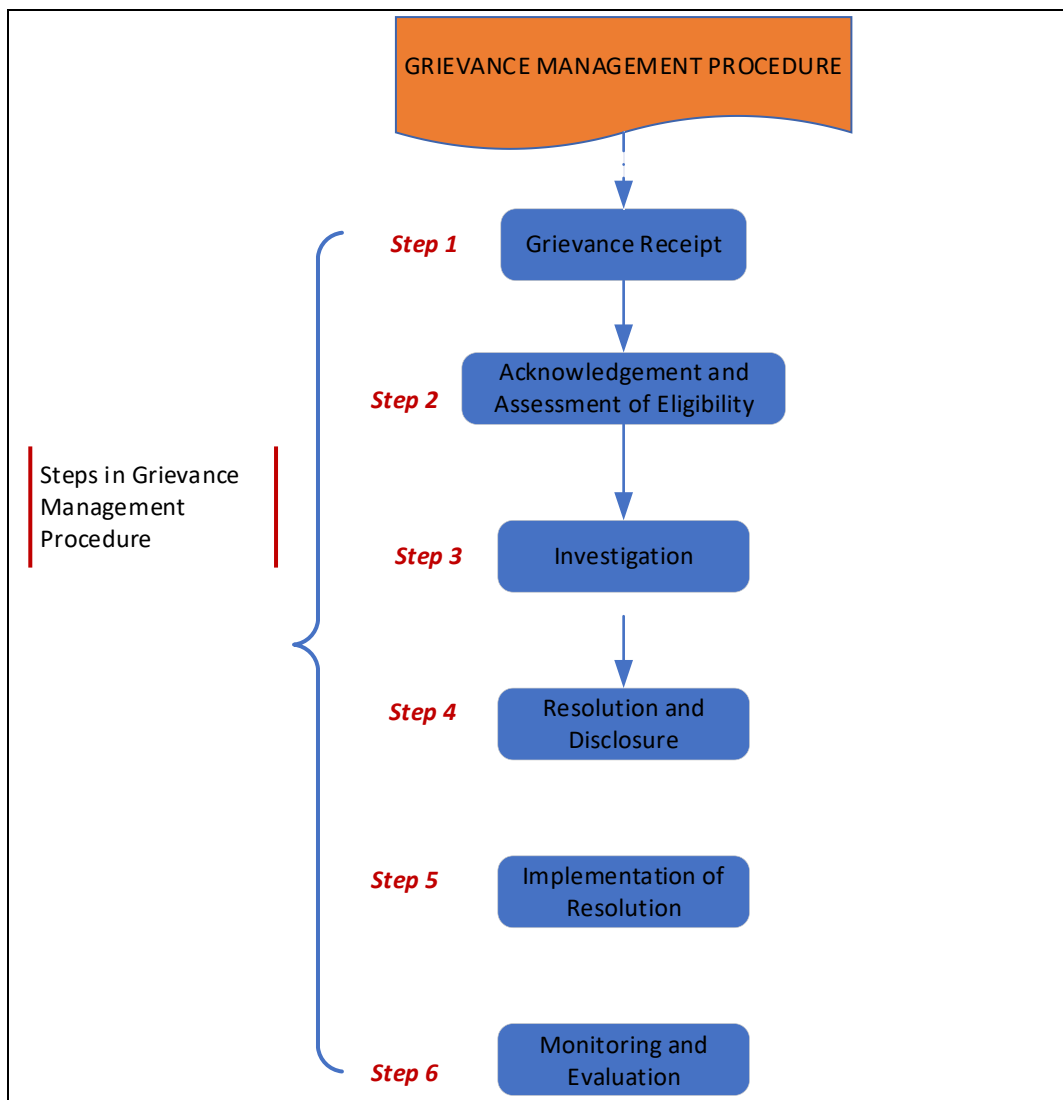


Figure 1: Grievance Management Procedure

### ***Safeguards Grievances Redress***

Safeguard grievances will be applied 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 distances. Proactively address the potential for increased Gender-Based Violence (GBV), Violence Against Children (VAC), and Sexual Exploitation, Abuse, and Harassment (SEAH) risks through preventative measures and community engagement.

The following is the proposed approach for the mechanism for managing social safeguards grievances such as GBV, VAC and SEAH, focused on the proposed sewerage 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:

The contractor shall prepare and sign an explicit independent policy document which should be expressly incorporate grievances related to GBV, VAC, SEAH, and other social safeguards concerns. **(Appendices 5,6,7 have proposed the format and content of these documents)**

The contractor must consider sensitivity and confidentiality of such grievances: The contractor to prepare 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 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.

## **IX. Implementation and Monitoring**

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

The Roles and responsibilities of the RAP Implementation Team 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 under GBV, VAC and SEAH that should be referred to the Social Safeguards specialist and be addressed as proposed above

## **X. Implementation Schedule**

The RAP will be implemented over a period of 15 months as per the schedule of activities presented in Table 3.

Table 3: RAP implementation schedule

Activity	Responsible	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
<b>Planning Phase</b>																
RAP Study	TWWDA															
Disclosure of RAP Report	TWWDA/ AfDB															
<b>Setting up Phase</b>																
Setting up the RAP Implementation Team	Project Implementation Unit, TWWDA															
Validation and verification of the PAPs	RAP Implementation Team															
Compensation of all PAPs	RAP Implementation Team															
Issuance of 3 months' vacation notice to PAPs	RAP Implementation Team															
<b>Commencement of construction works</b>																
Site Handover	TWWDA, Contractor															
Site clearance	Contractor															
Excavation and pipeline installation	Contractor															
Grievance Management	RAP Implementation Team, GRM Committees															
Implementation of livelihood restoration activities	Social Safeguard Specialist															
Monitoring and Evaluation of RAP (Monthly Reports)	Social Safeguard Specialist															
RAP Completion Audit	TWWDA/ External Auditor															

Table 4 summarizes the implementation budget for the RAP.



Table 4: RAP Implementation Budget

Item	No. of PAPs	Estimated Cost (KES)
Land (Wayleave)	Nil	0.00
Asset Loss (Buildings and Other Structures)	11 (5 Females, 6 Males)	561,923.75
Livelihood Loss	18 (13 Females, 5 Males)	330,432.50
Trees/Crops		0.00
Livelihood restoration interventions		2,100,000.00
Capacity Building for PAPs		500,000.00
Provisional sum for roads agencies <sup>3</sup>		1,000,000.00
RAP implementation monitoring and final audit		600,000.00
<b>Sub-Total Estimated Compensation</b>		<b>5,092,356.25</b>
Other costs including taxes and contingencies (20%)		1,018,471.25
<b>Grand Total</b>		<b>6,110,827</b>

## XI. Conclusions and Commitments

This RAP has been prepared consistent with the applicable policy provisions of Kenyan Law and the provisions of the AfDB Safeguards Policy, Integrated Safeguard System 2013. The project would lead to resettlement of those whose structures lie within the RoW. Those whose livelihoods are adversely affected by project activities will be duly consulted and compensated.

### Commitments

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

1. Timely compensation of all identified Project Affected Persons (PAPs) prior to project implementation in line with the eligibility criteria and entitlement matrix provided
2. Provision of adequate notice (three months) to PAPs prior to any demolition of structures to enable them salvage materials from the affected structures
3. Sharing the project implementation schedule with key stakeholders particularly the business men who might be impacted through limited access to their businesses for their planning
4. Strict supervision of the project contractor to ensure all damaged pavements are restored and public structures demolished restored

<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

5. Capacity building of Project Affected Persons (PAPs) on financial management, livelihood resolution, project GRM among others
6. Sensitisation of relevant stakeholders on project GRM and ensure all reported grievances are handled in a timely manner
7. Regular monitoring and evaluation of the RAP implementation to assess the overall project progress, effectiveness of various processes, efficiency in use of project resources and guidance in reviewing project policies and procedures for future projects.

## TABLE OF CONTENTS

---

<b>CERTIFICATION</b> .....	i
<b>EXECUTIVE SUMMARY</b> .....	ii
<b>TABLE OF CONTENTS</b> .....	viii
<b>LIST OF TABLES</b> .....	xii
<b>LIST OF FIGURES</b> .....	xii
<b>ABBREVIATIONS AND ACRONYMS</b> .....	xiv
<b>DEFINITION OF TERMS</b> .....	xvi
<b>1 INTRODUCTION</b> .....	- 18 -
1.1 Project Background .....	- 18 -
1.2 Objectives of the RAP .....	- 19 -
1.3 Scope of the RAP Report .....	- 19 -
1.4 Methodology .....	- 19 -
1.5 Structure of the Report .....	- 20 -
<b>2 PROJECT DESCRIPTION</b> .....	- 22 -
<b>2.1 Project Location</b> .....	- 22 -
2.2 Project Description .....	- 23 -
2.3 Project Alternatives .....	- 25 -
2.4 Socio-Economic and Environment Issues .....	- 26 -
2.4.1 Displacement .....	- 26 -
2.4.2 Losses .....	- 26 -
2.4.3 Compensation Issues .....	- 27 -
2.5 RAP Process .....	- 27 -
2.5.1 Socio-Economic Survey .....	- 29 -
2.5.2 Community Consultation.....	- 29 -
<b>3 LEGAL, POLICY AND INSTITUTIONAL FRAMEWORK</b> .....	- 30 -
3.1 National Legal Framework.....	- 30 -
3.1.1 Constitution of Kenya, 2010.....	- 30 -
3.1.2 Water Act, 2016.....	- 31 -
3.1.3 The Lands Act 2012 .....	- 31 -
3.1.4 The Land Registration Act, 2012 .....	- 31 -
3.1.5 The National Land Commission Act, 2012 .....	- 31 -
3.1.6 The Environment and Land Court Act, 2011 .....	- 31 -
3.1.7 Land Value (Amendment) Act, 2019 .....	- 32 -
3.1.8 Agriculture and Food Authority Act 2013 .....	- 32 -

3.1.9	Valuers Act (CAP 532).....	- 33 -
3.1.10	Valuation for Rating Act (CAP 266) .....	- 33 -
3.1.11	Rating Act (CAP 267).....	- 33 -
3.1.12	Persons with Disability Act, 2003 .....	- 34 -
3.1.13	Employment Act, 2007 .....	- 34 -
3.2	National Policy Framework .....	- 34 -
3.3	African Development Bank Integrated Safeguards System (ISS), 2013 .....	- 35 -
3.4	Institutional Framework for Water and Sanitation Services in Kenya.....	- 37 -
3.5	Gap Analysis .....	- 46 -
4	SOCIOECONOMIC PROFILE OF PAPS .....	- 48 -
4.1	Background .....	- 48 -
4.1.1	Distribution of PAPS Along the Proposed Line.....	- 48 -
4.1.2	Sex and Age Distribution of the PAPS .....	- 48 -
4.1.3	Education and Literacy .....	- 49 -
4.1.4	Health.....	- 50 -
4.1.5	HIV/AIDS.....	- 50 -
4.1.6	Economic and Livelihood Activities .....	- 50 -
4.1.7	Property Ownership.....	- 51 -
4.1.8	Lands under Dispute .....	- 51 -
4.1.9	Accessibility of Social Structures.....	- 52 -
4.1.10	Vulnerable Groups .....	- 52 -
4.1.11	Sanitation Facilities.....	- 52 -
4.1.12	Preferred Livelihood and Restoration .....	- 52 -
4.1.13	Water and Energy Source .....	- 53 -
5	PROJECT IMPACTS AND MITIGATION MEASURES .....	- 54 -
5.1	Identification of Project Impacts .....	- 54 -
5.1.1	Displacement .....	- 54 -
5.1.2	Losses .....	- 54 -
5.2	Summary of PAPS by Category .....	- 57 -
5.3	Proposed Mitigation Measure .....	- 57 -
6	VALUATION AND ENTITLEMENTS .....	- 59 -
6.1	Background .....	- 59 -
6.2	Valuation Methodology.....	- 59 -
6.2.1	Procedure .....	- 59 -
6.3	Valuation and Compensation Results .....	- 60 -

6.3.1	Valuation and Compensation of Land .....	- 60 -
6.3.2	Valuation of Structures .....	- 61 -
6.3.3	Valuation of Trees and Crops .....	- 61 -
6.3.4	Valuation and Compensation of Loss of Business .....	- 62 -
6.4	Disturbance Allowance .....	- 62 -
6.5	Taxes .....	- 62 -
6.6	Compensation.....	- 63 -
6.7	Eligibility, Cut-Off Date and Entitlements .....	- 64 -
6.7.1	Eligibility Criteria.....	- 64 -
6.7.2	Compensation for Land .....	- 65 -
6.7.3	Compensation for Livelihood Loss for Displacement Persons .....	- 65 -
6.7.4	Compensation for Structures .....	- 65 -
6.7.5	Compensation for Crops and Trees .....	- 66 -
6.7.6	Cut-Off Date .....	- 66 -
6.7.7	Entitlements .....	- 66 -
7	<b>GRIEVANCE REDRESS MECHANISM .....</b>	<b>- 71 -</b>
7.1	Definition and Background .....	- 71 -
7.2	Objectives of the Grievance Redress Mechanism.....	- 71 -
7.3	Scope and Types of Grievances .....	- 71 -
7.4	Principles of the GRM.....	- 72 -
7.5	The Grievance Redress Mechanism Structure .....	- 72 -
7.6	Safeguards Grievances Redress .....	- 75 -
7.7	GRM Budget .....	- 77 -
8	<b>PROPOSED INSTITUTIONAL ARRANGEMENTS FOR RAP IMPLEMENTATION ..</b> .....	<b>- 78 -</b>
8.1	Introduction .....	- 78 -
8.2	Resettlement Implementation Principles.....	- 78 -
8.3	Resettlement Implementation Arrangements .....	- 78 -
8.3.1	Resettlement Project Implementation Team.....	- 79 -
8.4	RAP Implementation Schedule .....	- 80 -
9	<b>PUBLIC CONSULTATION AND DISCLOSURE.....</b>	<b>- 82 -</b>
9.1	Objectives of the Public Consultation Sessions .....	- 82 -
9.2	Key Issues Arising from Public Participation Meetings .....	- 82 -
9.3	Key Stakeholders Engaged.....	- 84 -
9.4	Future Stakeholder Engagement Activities.....	- 84 -
9.5	Livelihood Restoration Plan.....	- 84 -

10	MONITORING AND EVALUATION.....	- 86 -
10.1	Monitoring and Evaluation Objectives .....	- 86 -
10.2	Monitoring and Evaluation Methodology .....	- 86 -
10.3	Identification of M&E Indicators .....	- 87 -
10.4	RAP Completion Audit .....	- 93 -
10.5	Monitoring and Evaluation Budget .....	- 93 -
10.6	RAP Implementation Budget .....	- 93 -
11	CONCLUSIONS AND COMMITMENTS.....	- 95 -
11.1	Conclusions .....	- 95 -
11.2	Commitments .....	- 95 -
12	APPENDICES .....	- 96 -
	Appendix I – Valuation Report.....	<b>Error! Bookmark not defined.</b>
	Appendix II – Minutes of Public Participation .....	- 97 -
	Appendix III – PAPs Consent Forms.....	<b>Error! Bookmark not defined.</b>
	Appendix IV: Socioeconomic Data Collection Tool .....	- 108 -
	Appendix V: GRM Tools.....	- 114 -
	Appendix VI: Sample Policy Documents for Safeguard Grievance Redress .....	- 118 -
	6a: Draft Gender Based Violence Policy .....	- 118 -
	6b: Policy on Grievance Reporting and Response for Violence Against Children (VAC) .....	- 120 -
	6c: Grievance Mechanism Policy for Preventing and Addressing Sexual Exploitation, Abuse, and Harassment (SEAH).....	- 123 -

## LIST OF TABLES

---

Table 3-1: Institutional Roles and Capacities .....	- 37 -
Table 4-1: Sex Distribution of PAPs along Chuka Sewer Line Wayleave .....	- 49 -
Table 4-2: Age Distribution of the PAPs .....	- 49 -
Table 4-3: Income distribution.....	- 51 -
Table 4-4: Distribution of the major water Source for the PAPs along Chuka Sewerage wayleave -	53 -
Table 5-1: Summary of PAPs by Category.....	- 57 -
Table 5-2: Project Impacts and Mitigation Measures .....	- 58 -
Table 6-1: Total Wayleave Space Affected per Locational Registration Area.....	- 60 -
Table 6-2: Summary of Compensation Costs .....	- 63 -
Table 6-3: Entitlement Matrix.....	- 67 -
Table 8-1: RAP Implementation Schedule .....	- 81 -
Table 10-1 Monitoring and Evaluation Plan for RAP Implementation .....	- 88 -
Table 10-2: Monitoring and Evaluation Budget .....	- 93 -
Table 10-4: RAP implementation budget .....	- 94 -

## LIST OF FIGURES

---

Figure 2-1: Project Location .....	- 22 -
Figure 2-2: Chuka Sewer LMC Project .....	- 23 -
Figure 2-3: Transecting the proposed areas to determine presence of structures in Chuka .....	- 28 -
Figure 2-4: A section of road reserve to be utilized by the sewer line in Kiringani, Chuka .....	- 28 -
Figure 4-1: Map showing the road reserves earmarked for use for sewer project .....	- 48 -
Figure 4-2: Literacy Levels among PAPs .....	- 49 -
Figure 4-3: Economic & Livelihood activities .....	- 51 -
Figure 5-1: Some of the structures to be impacted by the project.....	- 55 -
Figure 5-2: A concrete pavement and a temporary business structure to be affected by the project in Chuka town .....	- 55 -

Figure 5-3: Some of the businesses whose ownership will lose livelihood during project implementation ..... - 56 -

Figure 5-4: A posho mill and shop whose activities will be interrupted during the construction of the sewer line ..... - 56 -

Figure 7-1: Levels of grievance redress mechanism..... - 74 -

Figure 7-2: Grievance Management Procedure ..... - 75 -

Figure 9-1: Public participation meeting in Chuka town ..... - 83 -

Figure 10-1 Strategic Approach to M&E..... - 86 -



## ABBREVIATIONS AND ACRONYMS

---

AFA	Agriculture and Food Authority
AfDB	African Development Bank
AIDS	Acquired Immune Deficiency Syndrome
asl	Above Mean Sea Level
BPT	Break Pressure Tank
CAJ	Commission for Administrative Justice
DWC	Double Walled Corrugated HDPE Pipes
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
HDPE	High Density Polyethylene
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
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

## DEFINITION OF TERMS

---

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

**Baraza:** A public meeting(s) that is used as a platform for creating awareness, responding to issues affecting the community, sharing vital information, and providing citizens with the opportunity to identify and propose solutions to concerns. It is also an avenue for information dissemination

**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.

**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.

**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.

**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.

**Livelihood:** refers to the full range of economic, social and cultural capabilities, assets, and other means that individuals, families and communities use to satisfy their needs

**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.

**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.

**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.

# 1 INTRODUCTION

---

## 1.1 Project Background

The National Urban Water Supply and Sanitation Program (NUWaSSaP) is a joint intervention between the Government of Kenya and the African Development Bank (AfDB) and is designed to support projects and programs funded by other donors and the GoK focusing mainly on water supply and sanitation sub-sector in urban areas through various interventions related to components or cities not taken into account by other development partners. The program is being implemented in 28 cities, and consists of large or small sub-projects throughout Kenya. Specifically, it will contribute to the development of water supply infrastructure in 19 towns, and sanitation infrastructure in 17 towns (where reliable water supply services are already provided and will be supported under the proposed program).

The key components of the programme include: a) the construction and repair of water supply and sanitation equipment (including the network extension to the informal neighbourhoods) to improve the quality of water supply and sanitation services ; and (b) the improvement of water supply service providers and the sector's regulatory authority's capacities in order to increase the concerned services' efficiency, and create new employment opportunities for women and young people.

The main objective of NUWaSSaP is to improve water supply services access, quality, availability and sustainability, and wastewater management in Kenyan cities, in order to boost commercial activities, stimulate economic growth and job creation, improve the populations' quality of life, and strengthen resilience to fluctuations and climate change. In more specifics, the project will: (a) improve the reliability of water services and sanitation; (b) raise the overall level of public health in the beneficiary cities thanks to more reliable water supply and sanitation services; (c) strengthen the water service providers' operational and maintenance capacity; and (d) improve the business environment for businesses dependent on water and sanitation services.

Kenya's Water Act, 2016 bestows the responsibility for development of water and sanitation infrastructure on Water Works Development Agencies. The Water Service Providers operate these facilities and ensure that reticulation networks reach the target population. The Tana Water Works Development Agency (TWWDA) operates as one of the nine water work development agencies overseen by the Ministry of Water, Sanitation, and Irrigation. Its primary role is to assist the government in the creation, upkeep, and administration of national public water facilities. The agency aims to achieve sustainable access to high-quality water and enhanced sewerage services within its designated region.

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

sewerage projects within its jurisdiction. Notably, it includes the Chuka sewerage project's last mile connectivity, which will be carried out as part of the NUWaSSaP. The overall aim is to contribute to the expansion and improvement of water and sanitation services in the region.

The Agency is proposing to implement a last-mile sewerage network within Chuka Town in Chuka Sub County (Meru South sub county), Tharaka Nithi County. This Resettlement Action Plan is part of the process to ensure that any adverse impact that might be caused by the project on properties within the target wayleave are, first, avoided as much as possible, and where avoidance is not possible, are adequately anticipated and compensated for ahead of time. In order to assess the potential impact of the Chuka sewerage project on the communities residing along the designated route, TWWDA has formulated a Resettlement Action Plan (RAP) that aligns with the standards set by the African Development Bank (AfDB), as well as meeting legal and regulatory requirements, and adhering to other best practice standards for the successful implementation of the project.

## **1.2 Objectives of the RAP**

The overall objective of the Resettlement Action Plan (RAP) is to ensure that the Chuka Sewer Last Mile Connectivity Project is implemented in a manner that avoids or minimises to the greatest extent possible, issues of resettlement as defined under both national law and the African Development Bank Integrated Safeguards Policy, 2013, and wherever this is not possible, to address all resettlement issues in accordance with the bank's policies, national law and global best practices.

## **1.3 Scope of the RAP Report**

This RAP report conforms with AfDB's ISS policies. The RAP preparation team traversed the entire proposed lines, to establish the number of Project Affected Persons (PAPs) and the actual number of households that will be economically or physically displaced. Details of affected PAPs as well as the details of their properties have been provided as appendices to this report. Such details include, but are not limited to, name, location, description, photograph and identification of the property owner. The various properties have also been valued and the relevant reports appended. Additionally, the PAPs were fully engaged and a confirmation of their concurrence, through the signing of a consent form that were witnessed by the local leadership. The various consent form have been provided in the appendix.

## **1.4 Methodology**

The RAP exercises benefited from both primary and secondary literature that were available to the RAP preparation team. There were extensive consultations with project stakeholders through key informant interviews, public consultation meetings (*barazas*) as well as direct engagements with the project-affected persons. Household interview questionnaires were also administered to the project-affected persons to establish, among other things, their socioeconomic status as well as their preferred mode of compensation. The team visited the

project site and carried out extensive assessments and observations. GPS coordinates of the PAPs were taken against the location of the key project infrastructure.

Given that the proposed wayleave was entirely on road reserve, no valuation of land was necessary. However, valuation of structures along the wayleave were conducted through the recommended valuation methodologies. A census of the structures was conducted and detailed information of the structures were taken including the type of structure, size, materials used on the floor, walls, roof, etc, and the general condition of the structure. The replacement cost of the structures were then computed accordingly as detailed in Chapter 6 of this report.

Assessment of trees and crops that might be impacted was conducted through a transect survey. Compensation for trees and crops, where they existed, were based on type, age, and productive value of affected trees plus a 15% allowance. Crops were recommended for compensation on cash basis based on the average of the last 3 years market value for the mature and harvested crop plus a 15% disturbance allowance as recommended by the Ministry of Agriculture and Irrigation (2018)<sup>4</sup>.

On livelihoods, a census survey was conducted among those whose livelihoods were determined to be affected by the project. One-on-one discussions regarding their businesses, daily revenues, customers as well as acceptable compensations were discussed. Additional surveys within the locality were carried out to validate this information. A 15% disturbance allowance was recommended included for all losses anticipated under the RAP.

## **1.5 Structure of the Report**

This report is divided into eleven Chapters as follows:

### **Chapter 1: Introduction**

This chapter presents the background to the Chuka Sewerage LMC project, providing a justification for the same, its objectives, scope and the methodology applied in carrying out the Resettlement Action Plan.

### **Chapter 2: Project Description**

The Chapter provides a detailed description of the project's geographical location as well as the general socioeconomic characteristics of the project area.

### **Chapter 3: Legal, Policy and Institutional Framework for RAP**

The section provides a summary of the key legal, policy and institutional infrastructure that are key to the implementation of the RAP. An assessment of the capacities of the various institutions identified and recommendations on how to address any gaps that might hinder the smooth implementation of the RAP presented.

---

<sup>4</sup> Ministry of Agriculture and Irrigation (2018). Resettlement Policy Framework for East and Central Africa Agriculture Transformation Project. Nairobi.

#### **Chapter 4: Socioeconomic Profile of PAPs**

A comprehensive socio-economic survey of the PAPs was conducted as part of the RAP. Results from the survey are discussed under this section.

#### **Chapter 5: Project Impacts and Mitigation Measures**

The section provides the impacts of the Chuka Sewerage LMC project on the targeted beneficiaries as well as the general project area and identifies strategic mitigation measures for addressing some of the negative impacts.

#### **Chapter 6: Valuation and Entitlements**

The valuation approach and methodology for the various forms of losses is presented in this section. A detailed entitlement matrix has also been provided. The chapter also presents a compensation framework for the various losses identified.

#### **Chapter 7: Grievance Redress Mechanism (GRM)**

A comprehensive GRM has been presented for addressing all grievances that might emanate from RAP implementation.

#### **Chapter 8: Institutional Arrangement for RAP Implementation**

A three-tier institutional arrangement for RAP implementation is proposed under this section. The roles and responsibilities at each of the levels have been presented. A schedule for the various RAP activities has also been provided.

#### **Chapter 9: Public Consultations and Disclosure**

Various public consultation forums were held during the RAP exercise. The attendance, deliberations and outcomes of these engagements are presented under this section.

#### **Chapter 10: Monitoring and Evaluation**

A framework for M&E has been presented for the RAP with specific indicators and budget for the same.

#### **Chapter 11: Conclusions and Commitments**

The sections presents the conclusion statement for the RAP as well as a list of commitments.

#### **Chapter 12: Appendices**

The RAP has several appendices including, but not limited to, minutes of public engagements, socioeconomic data collection tool, the valuation matrix, consent forms duly signed by the PAPs and their witnesses and various GRM tools.



## 2 PROJECT DESCRIPTION

### 2.1 Project Location

Chuka sewerage last mile connectivity project is located in Chuka town, Meru South Subcounty of Tharaka Nithi County, in the eastern part of Kenya. Chuka town is one of the fastest growing urban centres in Tharaka Nithi County (Figure 2.1). The town has an estimated population of 27,414 which is expected to reach 38,450 by 2027. The town plays a role in the economic and social activities of the region, contributing to the overall development of Tharaka Nithi County.

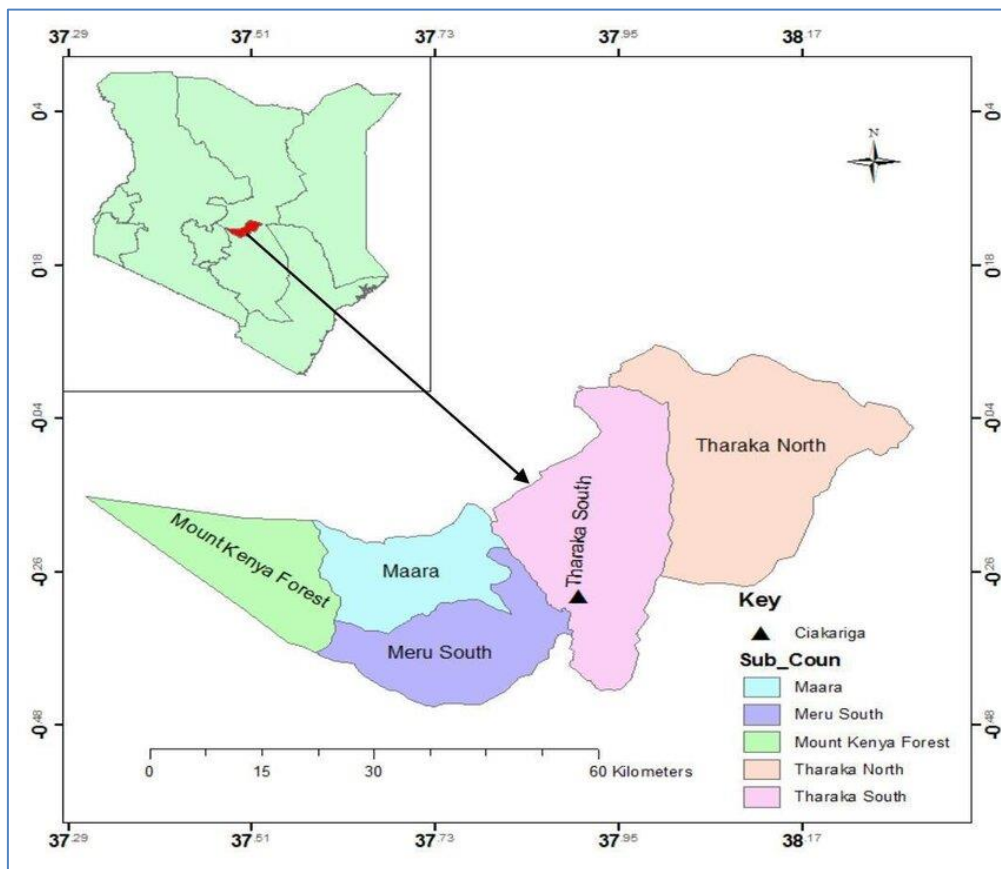


Figure 2-1: Project Location

The project is located at Rubate market, Itugururu market and their environs. The main road passing through the project area is the Embu-Meru Highway as shown in Figure 2.2.

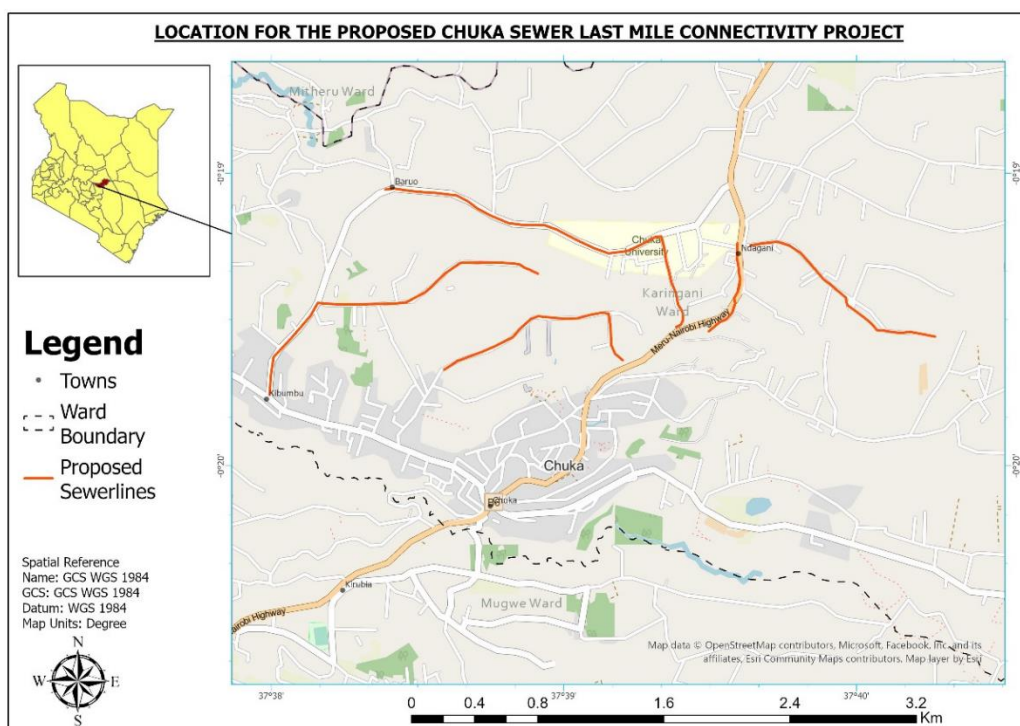


Figure 2-2: Chuka Sewer LMC Project

## 2.2 Project Description

Chuka town is currently predominantly served by septic tanks and pit latrines. A Decentralized Sewage Facility has recently been constructed in Chuka, capacity  $22\text{m}^3/\text{day}$  i.e. Septic tanks, Anaerobic Baffled Reactor and Constructed Wetland. The ongoing development of Chuka sewer system is meant to address the sanitation challenge within Chuka town. The proposed last mile connectivity sewer conveyance system includes tertiary sewers of diameter ranging 200-160mm and approximate 9.5km in length.

The sewer pipeline is described in Table 2.1:

Table 2-1: Sewer pipeline characteristics

Sewer line	Length (km)	Pipe material	Manhole numbers	Pipe diameter (mm)
KIBUMBU SEWER CONSUMER LINE KB-1	0.25	DWC	10	200
KIBUMBU SEWER CONSUMER LINE KB-2	0.204	DWC	10	160
KIBUMBU SEWER CONSUMER LINE KB-3	0.31	DWC	11	200
KIBUMBU SEWER CONSUMER LINE KB-4	0.338	DWC	10	200
KIBUMBU SEWER CONSUMER LINE KB-4.02	0.242	DWC	9	200
KIBUMBU KAHAWA SEWER CONSUMER LINE K1-KC	0.316	DWC	10	200
KIBUMBU KAHAWA SEWER CONSUMER LINE K2-KC	0.329	DWC	10	200
KIBUMBU KAHAWA SEWER CONSUMER LINE K3-KC	0.687	DWC	17	200
KIBUMBU KAHAWA SEWER CONSUMER LINE K3-KC-09	0.136	DWC	6	200
GENERAL HOSPITAL AREA SEWER	0.144	DWC	6	200

CONSUMER LINE SS2.153.4				
GENERAL HOSPITAL AREA SEWER CONSUMER LINE SS2.153.4.2	0.114	DWC	6	200
GENERAL HOSPITAL AREASEWER CONSUMER LINE SS2.153	0.281	DWC	10	200
GENERAL HOSPITAL AREA SEWER CONSUMER LINE SS2.155	0.199	DWC	4	200
GENERAL HOSPITAL AREA SEWER CONSUMER LINE SS2.155.1	0.149	DWC	4	200
GENERAL HOSPITAL AREA SEWER CONSUMER LINE SS2.151	0.131	DWC	4	200
CONSUMER SEWER LINE TS3.106	0.734	DWC	18	200
CONSUMER SEWER LINE TS3.106.13	0.115	DWC	5	200
CONSUMER SEWER LINE SS160.11	0.133	DWC	5	200
CONSUMER SEWER LINE SS160.11.1	0.412	DWC	10	200
CONSUMER SEWER LINE SS160.11.2	0.113	DWC	7	200
CONSUMER SEWER LINE TS1.3.2.147	0.403	DWC	9	200
NDAGANI CONSUMER SEWER LINE SS3.1.22	0.606	DWC	19	200
NDAGANI CONSUMER SEWER LINE SS3.2.180	0.77	DWC	14	200
<b>TOTAL LENGTH IN (km)</b>	<b>7.116km</b>			

The main activities of the project will entail:

- Excavation works along the sewer supply lines and auxiliary infrastructure will be installed. This will typically be done using excavators and backhoes in conjunction with human labour as per the approved designs.
- Pipe Installation: The pipes will be laid in place according to the planned layout and the proposed designs.
- Excavation and construction of associated manholes
- Jointing and Connection: Pipes will be joined together using appropriate fittings and connectors.
- Backfilling: the excavated trench will be backfilled with soil.
- Testing: the newly installed sewer lines.
- Connection of new customers to the sewer system.

The overall cost of the project has been estimated at KES 231,154,035.

Implementation of the last mile connectivity will result in:

- An increased in sewage coverage of Chuka town from 80% to 95%.
- Improved sub-economic life of the people in the target area including environmental Conservation.
- Minimized loss of waste water as the treated waste water is released back to the nearby rivers for reuse downstream.
- Improved financial stability as the company will create more employment opportunities.
- An increase in revenue income for the Nithi Water and Sanitation company.

## 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 liquid waste disposal tendencies within the project area, a situation that would leave the population susceptible to diseases and under poor sanitation practices. 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 sewer system as proposed under current intervention:** The Kenya Environmental Sanitation and Hygiene Policy, 2016-2030 targets to ensure universal access to improved sanitation, a clean and healthy environment by 2030. Implementation of the proposed last mile connectivity for Chuka Sewerage project as it is in the design would create a more efficient system for collection and disposal of waste water from various targeted estates. This will alleviate sanitation problems particularly in peri urban areas in line with national goals and provide employment opportunities to locals during 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 Chuka Sewer LMC project provided that the DWC HDPE Pipe would be the most appropriate. The pipes exhibit durability, withstanding corrosion and rust, making them ideal for buried applications in Chuka's 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 Chuka sewerage system, as currently conceptualized and designed provides the best alternative for ensuring proper waste management within the project area.

## 2.4 Socio-Economic and Environment Issues

The Tharaka Nithi County Integrated Development Plan 2023-2027 identifies lack of sewerage services as a key development challenge in Chuka Subcounty. Tana Water Works Development Agency (TWWDA), in exercising its mandate under the Water Act, 2016, seeks to improve this situation through the development of sewer services within Chuka. The Resettlement Action Plan is part of this process and will ensure that the sewer project does not disenfranchise project affected persons disproportionately by recognizing their important role and ensuring they are adequately compensated before project implementation.

The RAP exercise involves carrying out survey on the actual number of PAPs and households affected, raise awareness of the project and consequences through public participation and stakeholder's engagement, and to carry out estimated valuation of each category of PAPs and structures. The exercise was conducted through a forging a close working relationship with the relevant stakeholders to ensure that PAPs and the structures affected are compensated in a most suitable manner to pave way for the project. In this regard, the consultant will have a keen look at the issues that may arise during this stage of the project as identified in the RAP. This RAP Report has identified the possible social, and economic aspects that are to be considered in the implementation of the RAP.

### 2.4.1 Displacement

Two forms of displacement have been considered in the preparation of the RAP: physical displacement and economic displacement. Physical displacement involves the actual loss of property, farm, structure, among others, by a project affected person. Economic displacement on the other hand refers to the loss of livelihood.

In some areas, the proposed project will involve physical displacement within the wayleave trace. Such affected people will have to demolish the structures from the wayleave to pave way for the project. Adequate provisions have been made in the RAP for their compensation.

Similarly, there were enumerated some project-affected persons who may face livelihood losses as a result of their businesses or sources of livelihoods being disrupted by the project activities. The RAP addresses the same by proposing compensations at agreed rates as provided for in the AfDB ISS policy.

### 2.4.2 Losses

Physical and economic displacement leads to the loss of property (both private and public) and incomes which the project proponent must institute measures to compensate. The following are some of the losses that were identified:

1. **Loss of land:** There will be no loss of private land since the entire network has been designed to utilize existing road reserves. Several encroachments into the road reserve will however, be affected and for which, compensation have been proposed..

2. **Loss of Structures:** The structures within the wayleave trace that will need to be demolished include residential building, water storage structures, farm structures, domestic storage facilities, sanitary facilities and fences.
3. **Loss of Trees:** The region has indigenous trees and exotic trees such as miraa, gravellier, and bamboo trees and fruit trees such as mango, banana and pawpaw. Some of these growing within road reserves targeted by the project will be cleared. Where ownership is known, the owners will be duly compensated. However, trees cleared along the wayleave will be replaced through project support to the relevant county government department.
4. **Loss of Crops:** The project is not expected to impact on private farmland in the area.
5. **Loss of Livelihoods:** The project will result in disruption of livelihoods during the construction phase through blockage of business entrances and inhibition of customer movements.

### 2.4.3 Compensations

The following are the factors to be considered during RAP implementation;

- a. Where land may be involved:
  - Land use patterns
  - Value for land
  - Change in land ownership
- b. Vegetation (Trees and shrubs)
- c. Business revenues
- d. Disturbances

## 2.5 RAP Process

TWWDA provided the consultant with the data and information, including the GPS coordinates for the proposed route. Based on the information, the team transected the proposed project area to determine the extent to which private properties will be affected.





Figure 2-3: Transecting the proposed areas to determine presence of structures in Chuka



Figure 2-4: A section of road reserve to be utilized by the sewer line in Kiringani, Chuka

### **2.5.1 Socio-Economic Survey**

A thorough survey was conducted along the proposed sewer line to evaluate the extent of land, the specific number of structures, the total population to be affected, which includes both displaced individuals and households impacted by the proposed line. The survey also involved documenting concise descriptions, ownership details, and valuation parameters of the structures, accompanied by corresponding images

During data collection, household survey was conducted to obtain socioeconomic information of the project affected population. The household survey only targeted PAPs with houses and other structures along the proposed wayleave.

### **2.5.2 Community Consultation**

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

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 should be informed of the results of the survey findings and plans for the area including actual date of implementation, before these, a continuous series of consultations and counselling by the TAWWDA with other key stakeholders should be highly considered.

The specific community consultative meetings carried out have been presented in Chapter 9 of this report.



### 3 LEGAL, POLICY AND INSTITUTIONAL FRAMEWORK

---

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

#### 3.1 National Legal Framework

##### 3.1.1 Constitution of Kenya, 2010

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

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

It is in the above context that the current 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 Section 3.4.

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

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

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

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

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

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

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

This Act establishes a superior court to hear and determine disputes relating to the environment and the use and occupation of, and title to, land, and to make provision for its jurisdiction

functions and powers, and for connected purposes. The Court was established to hear and determine disputes relating to environment and land, including disputes:

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

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

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

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

### **3.1.8 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 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 declares and defines 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 general safety of workers, whether on contract or on a permanent basis, throughout the period of their engagement. The contractor shall ensure the observance of minimum wage regulations under the act, the protection of employees from gender-based violence, the observance and protection of the rights of children and the 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 sanitation in Chuka would be an important response to the Vision.

**Kenya Environmental Sanitation and Hygiene Policy, 2016-2030** is a national policy on sanitation and hygiene whose broad goal is to ensure universal access to improved sanitation, clean and healthy environment by 2030. The policy defines improved sanitation as the provision of hygienic facilities and the safe, environmentally-responsible collection and treatment of fecal 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

Table 3.2: Institutional Roles in RAP Implementation and Capacity Assessment

Table 3-1: Institutional Roles and Capacities

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



<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 and shall therefore offer the necessary technical support to the project implementer. In areas where the expertise maybe inadequate, this can be enhanced through partnership with the private sector.</p>
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 public administration has adequate capacity to play their role in RAP implementation</p>

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

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

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

Institution	Roles	Capacity Assessment
	<ul style="list-style-type: none"> <li>Ensures that public land and land under the management of designated state agencies are sustainably managed for their intended purpose and for future generations</li> </ul> <p>In the registration of any wayleave rights in case such a need arises, the project implementing agency must liaise with the NLC to ensure compliance and adherence to the above legal requirements.</p>	
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	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.	NEMA has the necessary capacity required to investigate/ arbitrate any concerns that may emanate from any

Institution	Roles	Capacity Assessment
	<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>	<p>stakeholder in regard to licensing of the proposed project</p>
<p>Water Resources Authority</p>	<p>Article 11(1) of the Water Act, 2016 establishes the Water Resources Authority with the mandate to;</p> <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> </ul>	<p>WRA has adequate capacity to address issues related to water abstraction and catchment protection. Opportunities to enhance this capacity through partnership with the private sector institutions can also be explored.</p>

Institution	Roles	Capacity Assessment
	<p>i. advise the Cabinet Secretary generally on the management and use of water resources.</p> <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>	
County Environment Committee	<p>EMCA (Amendment) 2015, Section 29, establishes the County Environment Committee to perform the following functions:</p> <ol 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> </ol> <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>	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.
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> <ol 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> </ol>	Upon project handover, NIWASCO shall be expected to increase their human capacity through employment of more staff to manage and maintain the new system.

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



### 3.5 Gap Analysis

Kenya has several laws, policy instruments and sectoral/agency-based frameworks under which project/programme-triggered involuntary resettlements, displacements, compensations and land acquisition are addressed. On the other hand, the African Development Bank Integrated Safeguards Systems provides the framework for the Bank, agencies and partners involved in bank-funded projects and programmes to adequately address resettlement issues emanating from such projects and programmes. A review of the approaches by the two entities in their approach towards project/programme-triggered resettlement, displacements, land acquisition and compensations has been conducted in the context of Chuka Sewer LMC Project. Table 3.2 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
Labour Practices	The Bank, under Operational Safeguard No. 5, promotes safe labour practices and has stringent requirements to ensure that all bank-funded projects adhere to best practices.	National law under the Employment Act, 2007 and supporting regulations require that employers adhere to safe labour practices including, but not limited to: <ul style="list-style-type: none"> <li>• Non employment of minors</li> <li>• Compliance to minimum wage requirements</li> <li>• Keeping of employee records</li> <li>• Ensuring safety at the work place</li> </ul>	Adherence to safe labour practices is a shared norm between the bank and GoK. Strict application of the standards stipulated in both frameworks will be required

## 4 SOCIOECONOMIC PROFILE OF PAPS

### 4.1 Background

A socioeconomic survey among the PAPS was carried out to assess and evaluate the economic resource base and social conditions of the PAPS including issues of household demography, household land holding and assets, community affiliation, and welfare indicators among others. This study investigated the socio-economic impact of the proposed Chuka sewer last mile connectivity project on the PAPS living within or deriving their livelihoods on the designated wayleave. The results of the survey for the project-affected areas are presented below. The tools used for the same has been presented in Appendix IV.

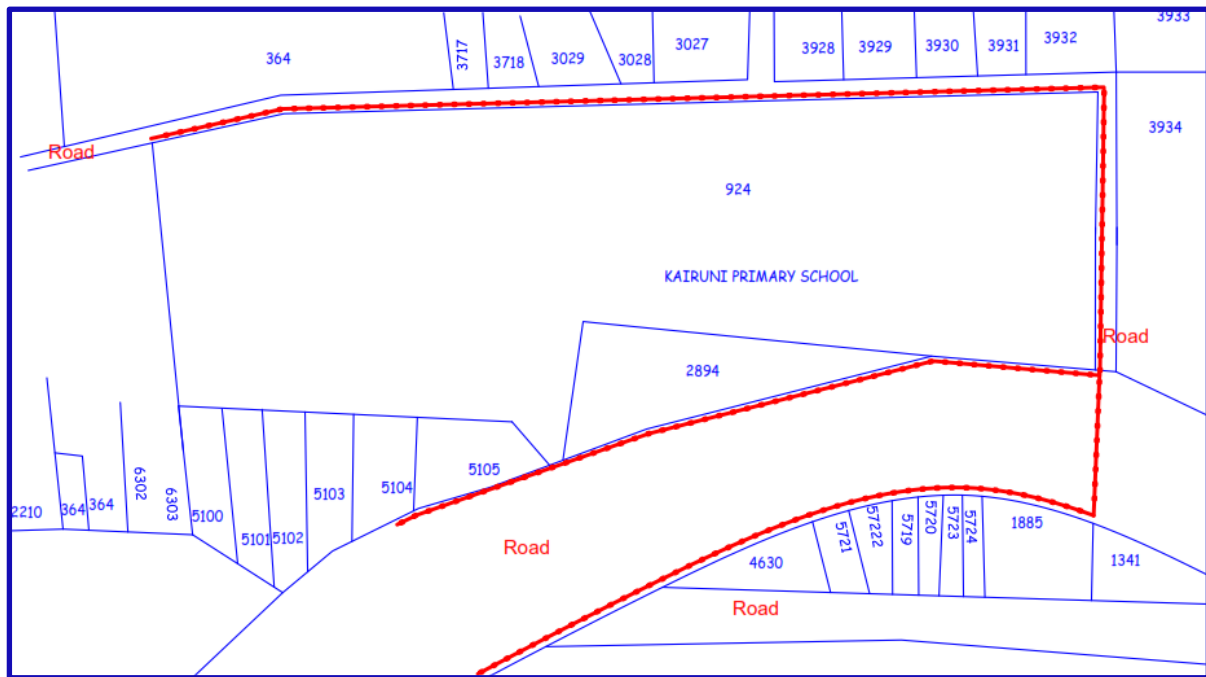


Figure 4-1: Map showing the road reserves earmarked for use for sewer project

#### 4.1.1 Distribution of PAPS Along the Proposed Line

PAPS encompass individuals whose properties (such as land, crops, businesses, houses, etc.), as well as livelihoods, will be impacted by the proposed project. A comprehensive census was conducted targeting all categories of PAPS during the period 18 March 2024 and 11 April 2024. A total of 25 Project Affected Persons were covered along the entire wayleave network.

#### 4.1.2 Sex and Age Distribution of the PAPS

The distribution of the PAPS based on sex and age along Chuka sewer line wayleave are as follows:

In terms of gender, 72.2% were female and 27.8% were male headed households. The figure below shows the PAPS distribution by sex.

Table 4-1: Sex Distribution of PAPs along Chuka Sewer Line Wayleave

Gender of the respondent	Percent
female	72.2
male	27.8
Total	100.0

The table below illustrates the distribution of the PAPs by age along the Chuka Sewer Wayleave

Table 4-2: Age Distribution of the PAPs

How old are you?	Percent
26__35	44.4
36__45	22.2
46__60	11.1
60__70	5.6
Total	100.0

Table 4.2 shows that the age group of the PAPs 26-35 has the highest frequency, with (44.4%). An estimated 5.6% of the PAPs were aged between 60-70 years.

### 4.1.3 Education and Literacy

When questioned about their highest level of education, it was found that majority of the PAPs (61.1%) had at least secondary school education. Another 16.7% had post secondary school education. The high levels of education are an indication that the PAPs have the requisite knowledge to understand and adapt to improved sanitation systems within their locality. Figure 4.3 shows the distribution of PAPs by level of education attained.

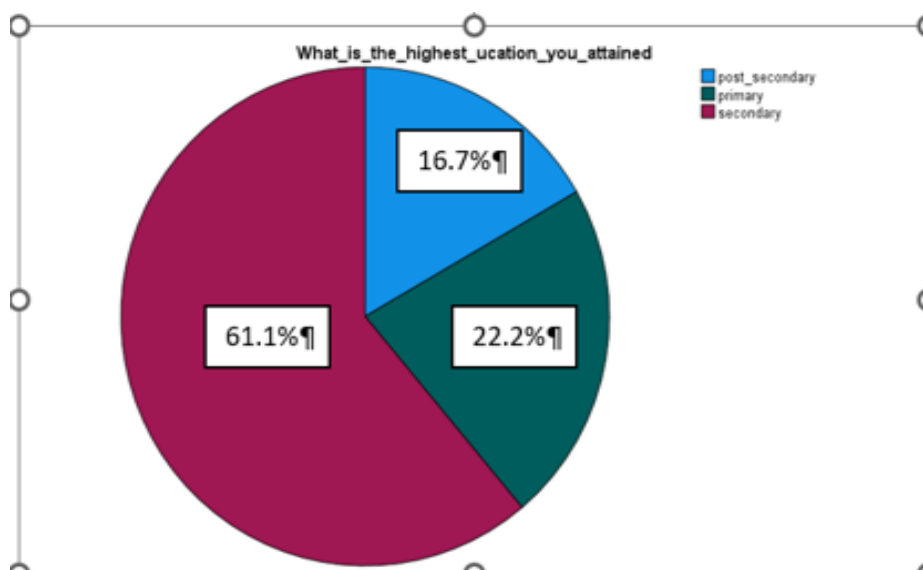


Figure 4-2: Literacy Levels among PAPs

The high levels of literacy will also inform training approaches and methodologies to be adopted by the project as it rolls out financial training programmes to PAPs as part of the RAP implementation exercise.

In addition to financial literacy training, **sensitizing the population about safety measures during construction and operation phases of the project is equally important.** Equipping them with the knowledge and skills to navigate these phases safely will minimize potential risks and promote a positive community experience.

#### **4.1.4 Health**

Respondents affirmed that their households had recently encountered a range of ailments. The majority of reported cases consisted of flu/cough, with other illnesses such as headaches and malaria also mentioned by members of the community. For households that reported ailments, the respective illnesses were typically addressed at pharmacies. It is evident that a significant number of individuals do not seek treatment at designated healthcare facilities, highlighting the need for sensitization efforts or the establishment of health facilities as part of corporate social responsibility initiatives.

The county generally has significant health facilities run by government, religious organization, community-based organizations and private individuals. Among the big hospitals Chuka District hospital and Chuka cottage Hospital

#### **4.1.5 HIV/AIDS**

HIV/AIDS remains a serious pandemic affecting Kenya. Construction projects particularly have been known to be one of the activities that enhance the spread of the disease among communities as construction workers interact with local communities. Increased incomes within the project area due to wages that the project may yield could end up being an enhancement to the spread of HIV/AIDSs.

Our findings on the level of HIV/AIDSs awareness among the PAPs indicate that all the households were aware of HIV/AIDS. The PAPs also reported various ways through which the disease can be contracted including unprotected sex with an infected person, sharing of instruments such as needles, infected blood transfusion and maternal.

#### **4.1.6 Economic and Livelihood Activities**

The survey revealed that business accounted for 53% of the total household income (Figure 4.4). Farming accounted for 40% of the activities. Other income sources included casual employment and formal employment (7%)

The road network is well developed within the town and its environs. Ndagani a fast urbanizing catalyzed by the growth of Chuka university.

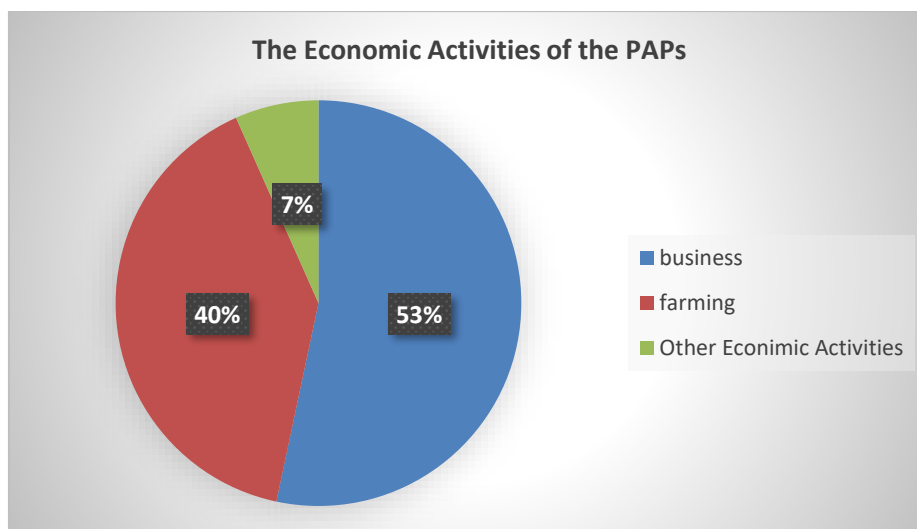


Figure 4-3: Economic & Livelihood activities

Among the PAPs who responded to the income levels, 16.7% stated that they earn greater than KES 50,000 per month, while 33.3% receive between 20,000-50,000 per month. 5.6% recorded to receive between 2001-5000 earned, 5,001-10,000 recorded 5.6%. A greater percentage of 38.9% stated that the earn between 10,001- 20,000 per month

Table 4-3: Income distribution

**What is your average monthly income?**

	Percent
10_001__20_000	38.9
2_001__5_000	5.6
20_001__50_000	33.3
5_001__10_000	5.6
above_50_000	16.7
Total	100.0

#### 4.1.7 Property Ownership

Property ownership is crucial for human life, providing shelter, space for socioeconomic activities, and resources like food and construction materials. In this project, the impact extends to structures, trees and crops in the wayleave. Regarding relocation, data indicates that all affected households are willing to relocate within their current plots if necessary.

Furthermore, inquiries were made about any disputes or caveats regarding land ownership. None of the respondents reported any such issues.

#### 4.1.8 Lands under Dispute

PAPs were also asked whether their land holding was under any form of dispute or caveats. None of the respondents cited nor acknowledged any disputes or caveats.

#### 4.1.9 Accessibility of Social Structures

The survey sought to know the most accessible public utility by the PAPs. The residents acknowledge that they have access to good roads, water, and schools. However, sewer infrastructure was cited as minimal and should be expanded.

#### 4.1.10 Vulnerable Groups

Vulnerable groups such as individuals living with disabilities and those aged 70<sup>5</sup> and above would require special consideration. The Chuka Sewer Line LMC report revealed that there were no vulnerable persons along the proposed sewer line.

#### 4.1.11 Sanitation Facilities

Sanitation involves the safe disposal of human waste, proper management of wastewater, access to clean water for drinking and hygiene. The survey findings indicated that 81.7% of wastewater disposal was attributed to septic tanks, with pit latrines accounting for 18.3%, as illustrated in the table below with no Sewer line facilities available necessitating for the sewerage construction

Sewer network and Septic tanks are generally associated with improved hygiene, reduced environmental contamination, and enhanced public health outcomes compared to pit latrines. By extending the sewer line infrastructure in the area, the project aims to provide access to improved sanitation services for a larger segment of the population. This alignment with the existing sanitation preferences of the community likely contributes to the widespread support for the project, as it addresses a pressing need and aligns with the community's aspirations for modern and effective sanitation solutions.

#### 4.1.12 Preferred Livelihood and Restoration

When the Project Affected People (PAPs) were asked about their desired mode of livelihood restoration program there was 100% preference of cash compensation.

Additionally, regarding compensation matters, several key issues emerged:

- **Willingness to Relocate:** Notably, all individuals whose livelihoods are impacted did not express any resistance to temporarily relocation as long as they are fairly compensated for their losses.
- **Acceptance of Compensation:** The PAPs demonstrated a willingness to accept compensation for the disruption to their livelihoods caused by the project.
- **Preferred Type of Compensation:** The consultant mentioned that compensation can be in kind or in cash. Option of the contractor restoring the property as it was found was given as an

---

<sup>5</sup> Defined under the Ministry of Labour and Social Protection Policy

example. All the PAPs expressed a preference for cash compensation. However, even with cash, PAPs stated that they must be given adequate notice

#### 4.1.13 Water and Energy Source

When questioned about their main source of water, it was found that 81.7% of respondents had their household connection from the community water service Provider for this case Nithi water and Sanitation Company (NIWASCO). The respondents who are connected to water service provider (NIWASCO) in Chuka address the unreliable water supply problems by getting water from boreholes 18.3%. The distribution of water source among the PAPs is detailed in Table 4.5. It was noted that 100% of the PAPs that responded used electricity from the mains as their main source of electricity

*Table 4-4: Distribution of the major water Source for the PAPs along Chuka Sewerage wayleave*

<b>What is your major source of water?</b>	<b>Frequency</b>	<b>Percent</b>
Household connection from Water Service Provider	12	73.92
Borehole	6	26.8
Total	16	100.0



The Environmental and Social Impact Assessment (ESAI) report has provided a detailed assessment of the impacts of the project on local communities. This Resettlement Action Plan (RAP) recognizes the anticipated economic effects of the project on the communities residing within the designated way leave. The RAP provides additional insights into the economic and livelihoods impacts, specifically, the consequences arising from the clearance of structures, trees and crops and the disruption of livelihoods along the wayleave necessary to facilitate the installation of the sewer line.

## 5.1 Identification of Project Impacts

### 5.1.1 Displacement

Refers to the forced movement of individuals, households, or communities from their original residences or land due to the implementation of a development project. Displacement is often an unavoidable consequence of infrastructure projects. The proposed project will involve physical and economic displacement within the wayleave trace.

**Physical Displacement:** This entails the loss of shelter and assets resulting from the acquisition of land associated with a project that requires the affected person(s) to move to another location. Residents occupying houses within the wayleave trace built on or before the entitlement cut-off date as primary or sole residence will have to demolish the structures from the wayleave trace and this will have their livelihood impacted by the project.

**Economic Displacement:** This is the loss of income streams or means of livelihood resulting from land acquisition or obstructed access to resources (land, water, or forest) resulting from the construction or operation of a project or its associated facilities. Whereas significant efforts have been proposed herein to address these impacts as well as in the ESMP, there are instances where commercial activity along the wayleave might be temporarily affected.

### 5.1.2 Losses

Physical and Economic displacement leads to loss of property (both private and public) which the project proponent must institute measures to compensate. The following are some of the losses that shall be encumbered upon due to the project:

**Loss of Structures:** A total of Eleven (11 No.) 5 female, 6 males)) PAPs will lose their structures within the wayleave trace. The structures to be demolished are majorly small business structures constructed on the wayleave. Figures 5.1 and 5.2 show some of such structures.



*Figure 5-1: Some of the structures to be impacted by the project*



*Figure 5-2: A concrete pavement and a temporary business structure to be affected by the project in Chuka town*

**Loss of livelihoods:** A total of 18 PAPs (13 female, 5 male) will be impacted by loss of their livelihoods due to interruption of their businesses during project construction. Some of these businesses are shown in Figures 5.3 and 5.4,





Figure 5-3: Some of the businesses whose ownership will lose livelihood during project implementation



Figure 5-4: A posho mill and shop whose activities will be interrupted during the construction of the sewer line

## 5.2 Summary of PAPs by Category

The following is the summary of PAPs under Chuka Sewer grouped by category of losses to be experienced.

Table 5-1: Summary of PAPs by Category

	Nature of loss	PAPs		
		Total	Female	Male
1	Number of people affected by the project (PAP) for both physical and economic losses	25	16	9
2	Number Physical displacements	11	5	6
3	Number Economically displacements (livelihoods)	18	13	5
4	Number of affected households	25	16	9
5	Number of vulnerable affected	0	0	0
6	Number of households losing their crops	0	0	0
7	Total areas of farmlands lost (ha)	Nil	0	0
8	Number of tree-crops lost	Nil	0	0

**Loss of Trees:** The road reserves marked for use by the project have no trees above 6m high that would trigger the need for compensation. It is however, envisaged that, during construction phase, there could be accidental or deliberate cutting of some trees to pave way for machinery or accessibility to site. This shall be addressed from the contingency provisions in the budget. Where the ownership of such trees are known, such compensation shall be paid to the owner. However, where such trees are unclaimed, this support may be provided to the county government department of environment or any local non profit making environmental civic organisations.

The compensation for trees shall be based on type, age, and productive value of affected trees plus a 15% allowance.

**Loss of Crops:** The general community where the project will be implemented is a farming community. Some of the crops grown in the area include, miraa, avocados, bananas, cassava, maize and beans. However, the crops are grown strictly in private landholdings and none was observed to be on road reserves at the time of the survey. However, in line with the provision for trees above, and depending on the season of the year for implementing the project, there might be some accidental damage to some seasonal crops. This shall be addressed from the contingency provisions in the budget.

The level of compensation for crops shall be on cash basis and shall be to average of the last 3 years market value for the mature and harvested crop plus a 15% disturbance allowance.

## 5.3 Proposed Mitigation Measure

The following matrix contains suitable mitigation measures for the losses discussed above:

Table 5-2: Project Impacts and Mitigation Measures

<b>Project Impact</b>	<b>Potential Effects</b>	<b>Proposed Mitigation Measure</b>
Annexation of Land <sup>6</sup>	<ul style="list-style-type: none"> <li>i. Reduction of land holding threatening food security</li> <li>ii. Loss of business plots causing the loss of projected income</li> <li>iii. Possibility of being a squatter after losing land for the construction of residence</li> </ul>	<ul style="list-style-type: none"> <li>i. Compensate for the loss of land</li> <li>ii. Pay disturbance allowance</li> </ul>
Restriction of Land Use	<ul style="list-style-type: none"> <li>i. Inability to utilise the full potential of the piece of land</li> </ul>	<ul style="list-style-type: none"> <li>i. Pay easement allowance for the restriction</li> <li>ii. Pay disturbance allowance</li> </ul>
Clearing of Trees & Crops	<ul style="list-style-type: none"> <li>i. Loss of fruit trees (i.e. avocado, banana and mango trees) and crops threatening food security and causing loss of income</li> </ul>	<ul style="list-style-type: none"> <li>i. Compensate for the trees cut and the crops destroyed during construction</li> </ul>
Demolition of Family Structures	<ul style="list-style-type: none"> <li>i. Displacement from residence which may also have a sentimental value</li> <li>ii. Reduced quality of life</li> <li>iii. Additional risks for vulnerable groups</li> </ul>	<ul style="list-style-type: none"> <li>i. Compensate the owner of the structure for the loss</li> <li>ii. Include disturbance allowance in the compensation</li> <li>iii. Assist vulnerable groups (women, children, disabled, elderly) to relocate and re-establish their dwellings</li> </ul>
Loss of Livelihoods (Business)	<ul style="list-style-type: none"> <li>iii. Loss of income</li> <li>iv. Reduced quality of life</li> </ul>	<ul style="list-style-type: none"> <li>i. Provide adequate notice (3 months) to enable safe business relocation</li> <li>ii. Provide in-kind support such as capacity building, market linkages and licence acquisition</li> <li>iii. Compensate the business owner for the temporary loss of business for the duration necessary for the re-establish of the business elsewhere</li> </ul>

<sup>6</sup> No land shall be annexed by the project as entire wayleave runs along road reserves

### 6.1 Background

A transparent framework for compensating Project-Affected People (PAPs) and Project-Displaced People (PDPs) whose properties fall within the wayleave is a necessary condition for compliance with national law and bank policies. Such a process entails an agreed-upon entitlements framework for each impact category, eligibility criteria for compensation, and an acceptable valuation process.

A transparent valuation procedure follows 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 and PDPs receive adequate compensation to rebuild their lives and livelihoods.

The valuation framework adopted recognizes the project's potential financing by the African Development Bank (AfDB) and therefore was aligned with the AfDB's Integrated Safeguards System (ISS), 2013. This alignment ensures responsible resettlement practices that prioritize fairness and minimize harm to affected communities.

#### **Key Issues to note:**

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

### 6.2 Valuation Methodology

#### 6.2.1 Procedure

The recommended resettlement procedure in this document is based on Kenyan laws, and AfDB's Integrated Safeguards System (ISS). The market value of the property, which is determined at the date of the publication of the assessment 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 it is accrued by improvements made after the assessment unless it is proved that such improvement was made in good faith and not in contemplation of the proceedings for acquisition.

Consideration is also given to reasonable expenses such as; 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). Also, consideration is given to damages from loss of profits over the land occurring between the date the assessment for acquisition and the date the project proponent takes possession of the land.

## 6.3 Valuation and Compensation Results

### 6.3.1 Valuation and Compensation of Land

The total acreage of the proposed wayleave was realised by multiplying the length of land taken/encumbered by the wayleave trace by the 6m width to yield area in square meters.

The cost of land is based on the *open market prices*. Market values for land varied from place to place depending on: locality characteristics, land use, topography, prevailing climatic conditions and infrastructure; the acreage was then multiplied by the *open market prices* for land within the specific locality to yield an estimate of total cost of the land to be affected along the wayleave trace.

#### 1) The Propose Pipeline Wayleave

#### Project Revision and Impact Reduction

In response to concerns raised by affected communities, TWWDA and the consultant proactively revisited and realigned the proposed sewer line. This realignment successfully utilizes existing road reserves, effectively eliminating impacts on private properties.

#### Current Alignment

The proposed **sewer** lines in Chuka now exclusively follow existing road reserves. Table 6.1 below details the specific areas affected by the revised project design:

This revision demonstrates TWWDA's commitment to minimizing community impact and fostering collaboration throughout the project implementation.

Table 6-1: Total Wayleave Space Affected per Locational Registration Area

	Name of the proposed line	Wayleave Length (km)	Wayleave width (6 m)	Wayleave Size (Acres)
1.	PRP 1 (200ND)	1.47	On Existing Road Reserve	2.18
2.	NDG 2 (200ND)	0.64	On Existing Road Reserve	0.95
3.	MPR Line (200ND)	1.41	On Existing Road Reserve	2.10
4.	Kimbumbu - Ndagani coffee factory(200ND)	2.48	On Existing Road Reserve	3.68
5.	KIMB 1 (200ND)	2.18	On Existing Road Reserve	3.24
	<b>Total</b>			<b>12.15</b>



### 6.3.2 Valuation of Structures

The buildings and structures were valued based on the effort invested in terms of building materials (floor, wall, roof type, finish and labour input) and the condition of the structure, whether temporary, semi- permanent or permanent. With the consultations with property owners and contractors within locality; expert judgement and property comparison, full *replacement cost* for each of the affected properties were determined.

By applying the replacement cost principle and the market rates the consultant derived the total compensation cost for the affected structures along the main trunk shall be KES 561,923.78. This compensation cost is inclusive of 15 per cent disturbance allowance in line with best practice.

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

### 6.3.3 Valuation of Trees and Crops

The ESIA has recommended that trees shall be fell only if extremely necessary. This RAP report recommends that the compensation for trees and crops be based on the status at the time of project implementation.

Trees and crops, where they may exist, shall be compensated based on the status of the farms (i.e., crop presence) at the time of construction. However, based on the assessment at the time of RAP, the consultant has proposed that reasonable budget be set aside for the same. However, a comprehensive survey of the road reserves targeted for use by the sewer line are relatively clear of trees and crops.

Compensation will be granted for those having annual and perennial crops, including fruit trees. Minimum destruction of mature food crop is highly encouraged. Harvesting of food crops will be given first priority but where harvesting will not be possible, the affected crops will be compensated at market rates.

Where trees or crops may be encountered, valuation for the same shall be based on Ministry of Agriculture and Livestock Development as well as the Ministry of Environment, Climate Change and Forestry's current rates and guidelines. The compensation rate for trees is based on the distinction between various types of trees; indigenous and exotic; fruit variety, the type of tree, size, current local price per unit and its economic benefit. Compensations for the coffee trees are based on the cost per tree based on the current Government rates on coffee within the project locality.

For food crops, it is recommended that such crops be harvested by the owners before construction commences. In Embu the planting seasons generally align with the region's two rainy seasons:



**Long Rain Season:** The long rainy season typically occurs from March/April to May/June. This is the main planting season in the project area, as the rainfall is more consistent and abundant, providing optimal conditions for seed germination and crop growth.

**Short Rain Season:** The short rainy season usually takes place from October to December. While this period may not be as favourable for planting as the long rainy season, farmers in Embu may still engage in planting certain crops that are suitable for shorter growing periods or that can withstand irregular rainfall patterns. The above timelines have an impact on the compensation payable for food crops particularly. Therefore, though it is not envisaged that any crops will be destroyed by the project activities.

#### **6.3.4 Valuation and Compensation of Loss of Business**

Businesses contribute significantly to people's livelihoods. Project interventions need to take into account their unintended impacts on businesses and livelihoods. To accurately assess these impacts, relevant and accurate data is necessary.

Within the project area, there exist businesses that may be impacted during the construction period. To address the interruptions to businesses through project activities to be carried out particularly during the construction phase, the RAP has made the following proposals:

- a. Financial compensation of up to 5 days of loss of business for those livelihood activities that are determined to be interrupted by the project
- b. Constructions within business areas be conducted in close consultations with business owners
- c. Where open trenches pass in front of business premises, provisions to be made by the contractor for customer crossing points
- d. Where the business premise is to be relocated, adequate notice (three months) be provided

#### **6.4 Disturbance Allowance**

Best practice requires that a 15 percent disturbance allowance be paid in addition to compensation value on the affected assets/properties. Although some community members raised concerns over the 15% disturbance allowance, citing that the rate was low, the assessments, document reviews and additional consultations, established that the rate was fair.

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. It is further recommended that the community members be enlightened further on legal restrictions that govern the process. A summary of the valuation computations for each PAP is provided in Appendix I.

#### **6.5 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 Ministry of Finance (MoF) 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 MoF 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 MoF do not yield positive outcome, we have made an additional contingency provision that the Agency might use to address this eventuality.

## 6.6 Compensation

The summary below shows the total compensation costs based on the analysis and valuation of the project impacts on land, structures, businesses, crops and trees.

Table 6-2: Summary of Compensation Costs

Item	No. of PAPs	Estimated Cost (KES)
Land (Wayleave)	Nil	0.00
Asset Loss (Buildings and Other Structures)	11 (5 Females, 6 Males)	561,923.75
Livelihood Loss	18 (13 Females, 5 Males)	330,432.50
Trees/Crops		0.00
Livelihood restoration interventions		2,100,000.00
Capacity Building for PAPs		500,000.00
Provisional sum for roads agencies <sup>7</sup>		1,000,000.00
RAP implementation monitoring and final audit		600,000.00
<b>Sub-Total Estimated Compensation</b>		<b>5,092,356.25</b>
Other costs including taxes and contingencies (20%)		1,018,471.25
<b>Grand Total</b>		<b>6,110,827</b>

<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

## 6.7 Eligibility, Cut-Off Date and Entitlements

### 6.7.1 Eligibility Criteria

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

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

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

- Displaced persons who have formal legal rights to land and/or the assets they occupy. This includes persons with properties that are formally registered in cadastral land registers.
- Those who do not have formal legal rights to lands but do have a claim to land that is recognised or recognisable under national law. This category includes persons with customary ownership/rights of occupancy of land. It also includes:
  - Persons who have constructed buildings or cultivated crops on land owned by others, with approval and/or knowledge of the land holder/custodian through a formal or informal agreement like a rental agreement. Such persons will be entitled to compensation for assets that they have established on the land, e.g., buildings, other structures, crops and economic trees.
- Displaced persons who have no recognisable legal right or claim to land and/or assets they occupy or use and have constructed buildings or cultivated crops on land owned by others, without approval and/or knowledge of the land holder/custodian. Such persons are entitled to compensation for assets that they own, e.g., buildings, structures, crops and trees.
- Encroachers into the road reserve are not eligible for compensation for the loss of land since they occupy the land illegally. They would be entitled to compensation for assets that they own, e.g., built structures, crops and trees

### **6.7.2 Compensation for Land**

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

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

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

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

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

### **6.7.4 Compensation for Structures**

The following broad categories are entitled to compensation:

- Persons who own affected buildings and structures, such as primary and secondary dwellings, ancillary domestic buildings and agricultural structures
- Institutions who own affected buildings and/or public facilities
- Communities who own affected community assets

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

### **6.7.5 Compensation for Crops and Trees**

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

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

### **6.7.6 Cut-Off Date**

The date of census establishes the cut-off date to record the PAPs in a project area who can receive compensation for loss of assets and/or resettlement and rehabilitation assistance, the establishment of the Cut-Off Date is required to prevent opportunistic invasion of the wayleave or RoW.

The census for the sewer project PAPs was concluded on 11 April 2024. Therefore, the cut-off-date for the PAPs is **11 April 2024**, the last day of socio-economic survey and inventorization of PAPs.

### **6.7.7 Entitlements**

Entitlement matrix outlined in Table 6.3 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 6-3: 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 and livelihood restoration</li> </ul>
	Trust Land <sup>8</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	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</li> </ul>

<sup>8</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
	characterised by modern finishes including concrete, natural stone, bricks and treated sawn timber materials structures			to vacate and prior to demolition. <ul style="list-style-type: none"> <li>• Training on financial management and livelihood restoration</li> </ul>
	Loss of semi-permanent structures (houses, shops, kiosks, grocery shops, butcheries, salon and boutique businesses among others) - Structures made from sawn timber, timber-off cuts, GCI walling, sundried bricks or cemented floors	Private owners	<ul style="list-style-type: none"> <li>• Cash compensation based on the full replacement value of the affected structure</li> <li>• Provide compensation rates of within range of KES 1000-2500 per square foot depending on finishes used</li> </ul>	<ul style="list-style-type: none"> <li>• Disturbance allowance of 15% of the total compensation amount</li> <li>• Materials from the affected structure may be salvaged at the owner's expense within the 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</li> </ul>	<ul style="list-style-type: none"> <li>• Disturbance allowance of 15% of the total compensation amount</li> </ul>

Impact Category	Type of Impact (Permanent/ Temporary)	Entitled Persons	Entitlements	
			Compensation	Allowances and non-cash interventions
			replacement value of the affected fence	<ul style="list-style-type: none"> <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 and livelihood restoration</li> </ul>
Impact on Vulnerable Individuals and groups	Households that may be disproportionately impacted	PAPs with disabled family members, the elderly, widows	<ul style="list-style-type: none"> <li>Cash compensation in accordance with criteria set out in the relevant section of the entitlement matrix</li> </ul>	<ul style="list-style-type: none"> <li>Disturbance allowance of 30% of the total compensation amount</li> <li>Designated assistance to be assessed on a case-by-case basis to ensure that vulnerable people/groups have access to participation, compensation, assistance and livelihood restoration</li> <li>Training on financial management and livelihood restoration</li> <li>Linkage to the Government of Kenya (GoK) social protection programmes</li> </ul>

### 7.1 Definition and Background

A Grievance Redress Mechanism (GRM) is an instrument through which dispute resolution is sought and provided. It involves the receipt and processing of grievances from individuals or groups negatively affected by activities of a particular project. A Grievance Redress Mechanism (GRM) plays a critical role in preventing negative interruptions in project implementation occasioned by legal redress that are costly and time consuming. It spells out avenues to mitigate grievances from stakeholders and provides a legitimate, accessible and cost-effective avenue for receiving and addressing grievances whenever they occur. It is on this basis that it was found necessary for TWWDA to put in place a GRM for the proposed water supply and sewerage projects under the National Urban Water Supply and Sanitation Programme in Embu, Kirinyaga, Tharaka Nithi, Meru and Nyeri counties.

The targeted stakeholders for this GRM include the project financier, TWWDA, Water Service Providers (WSPs), County governments and their related institutions such as NEMA, Water Resource Authority (WRA), the contractors, project workers, project affected persons (PAPs) and the local communities.

### 7.2 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.

### 7.3 Scope and Types of Grievances

The GRM will solely be dedicated to handling grievances related or emanating from activities of the proposed projects under the National Urban Water Supply and Sanitation Programme. The type/ scope of grievances shall include those related to:

- Grievances and disputes emanating from compensation
- Inadequate stakeholders' consultation and participation at any stage of projects implementation
- Negative social and environmental impacts emanating from projects implementation

---

<sup>9</sup> Project ESIA Report

- Concerns on prioritization and/ or distribution of project interventions
- Concerns on social and environmental safeguards matters
- Gender and inclusivity related concerns
- Any concerns/ complaints from stakeholders relating to contractors and consultants engaged during projects implementation

Any grievances that will be raised outside this scope shall be redirected to other GRMs discussed at national level. Matters that are within project management and coordination will also not trigger the use of this GRM and will be dealt with administratively within the projects.

#### 7.4 Principles of the GRM

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

- Accessibility – The GRM should be accessible to everyone and at anytime
- Predictability – The GRM to be time bound at any stage and have specified timeframes for the responses
- Fairness – The procedures herein are perceived as unbiased in regard to access to information and meaningful public participation
- Rights compatibility – The outcome of the mechanism should be consistent with the Bank and national standards and should not restrict access to other redress mechanisms
- Transparency and Accountability – The entire GRM process to be open and transparent and done out of public interest
- Resource Allocation – The necessary human and financial resources must be allocated for each project
- Feedback – The GRM to serve as a means of feedback from various stakeholders to improve project outcomes.

#### 7.5 The Grievance Redress Mechanism Structure

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 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>10</sup> The committee shall be trained by the community liaison officer from the

---

<sup>10</sup> The committee should have at least two female members

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 summarises the levels of grievance redress mechanism

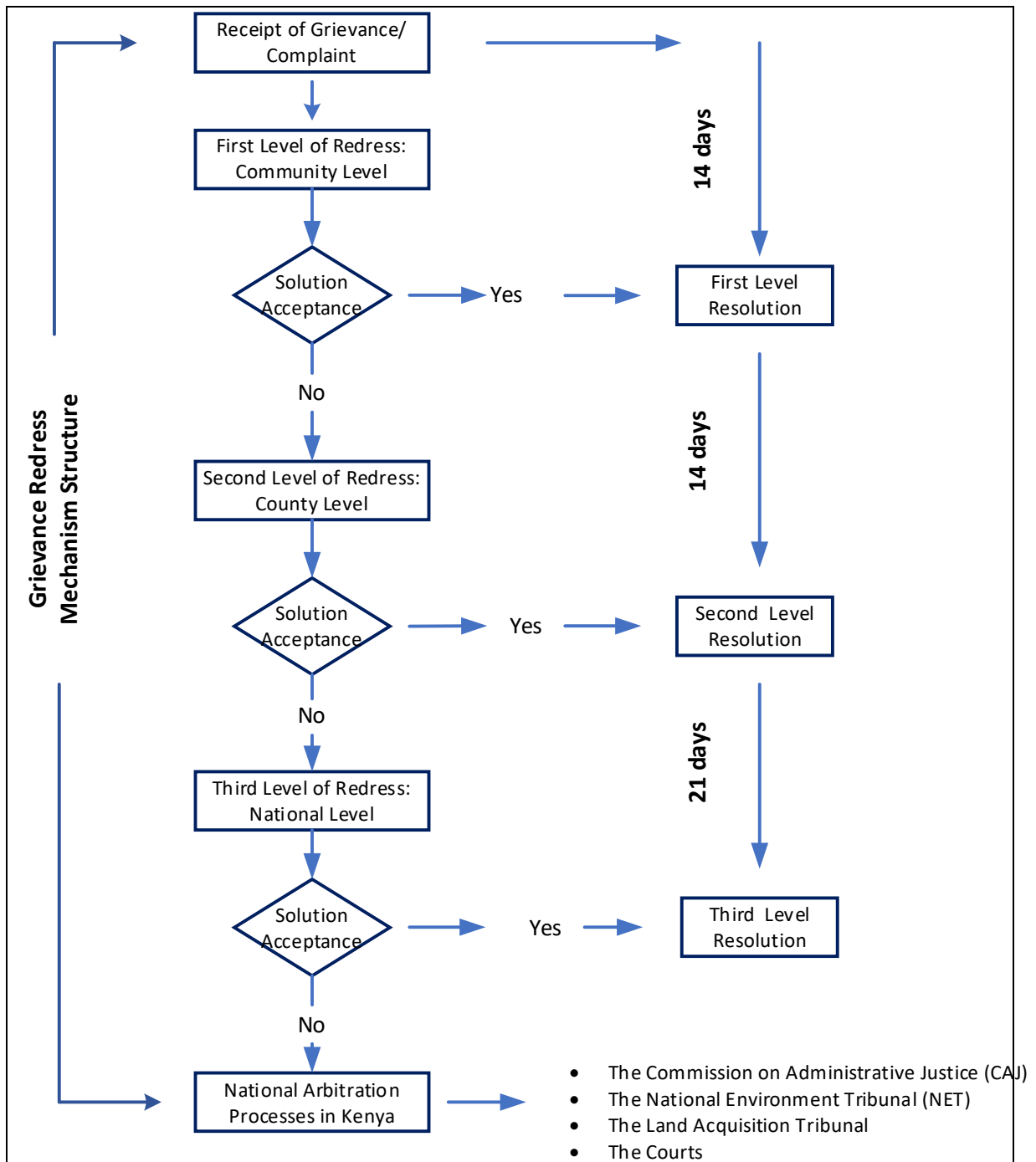
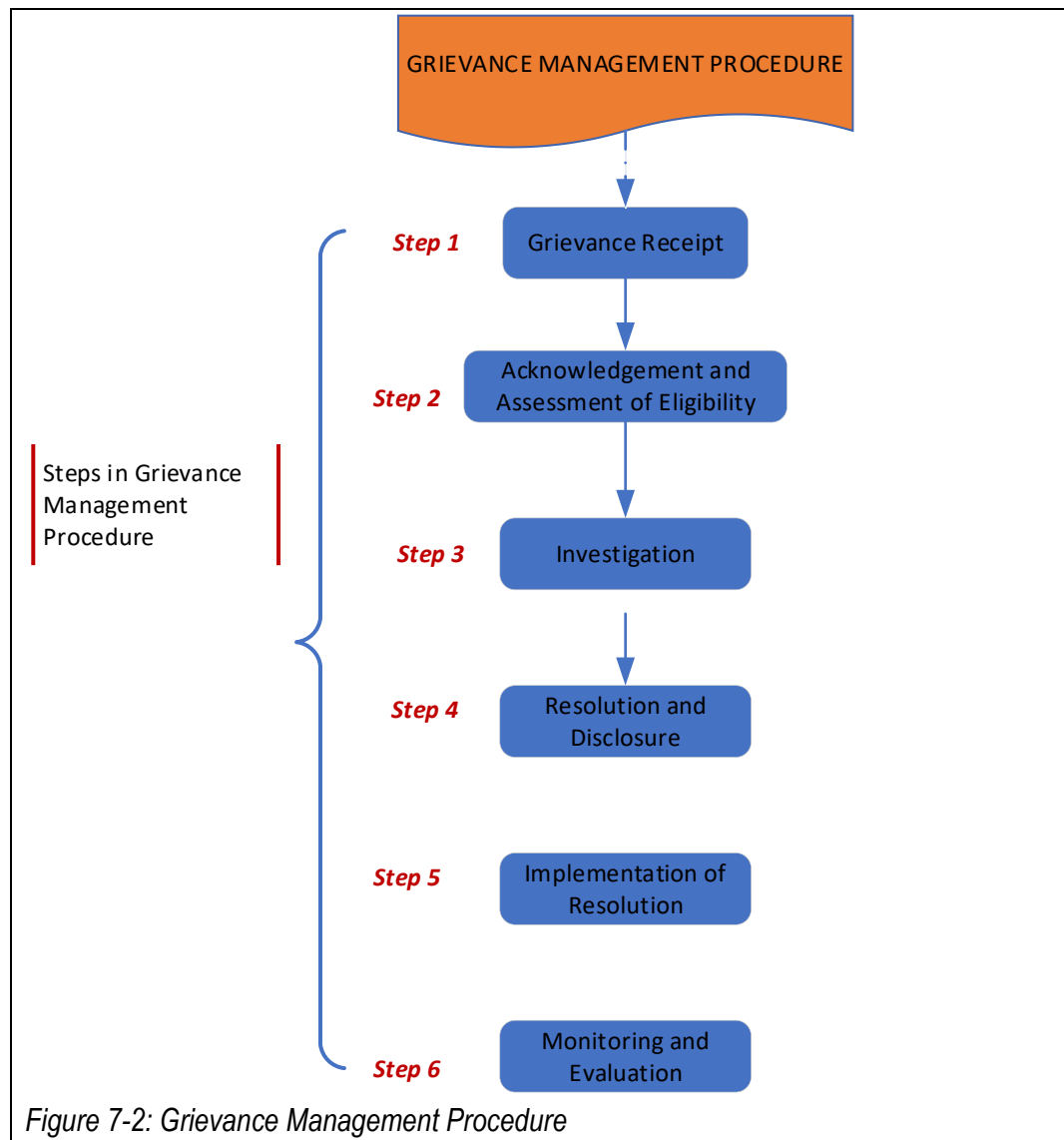


Figure 7-1: Levels of grievance redress mechanism

## 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. The relevant GRM tools are provided in Appendix V.



## 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 Gender-Based Violence (GBV), Violence Against Children (VAC), and Sexual Exploitation, Abuse, and Harassment (SEAH) risks through preventative measures and community engagement.

The following is the proposed approach for mechanism for managing social safeguards grievances such as GBV, VAC, and SEAH focused on proposed water supply project:

**e) 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:

1. The contractor shall prepare and sign an explicit independent policy document which should be expressly incorporate grievances related to GBV, VAC, SEAH, and other social safeguards concerns. (Appendix VI (a), (b) and (c) have proposed the format and content of these documents)
2. The contractor must consider sensitivity and confidentiality of such grievances: The contractor to prepare Policy Documents that address and emphasize the specific protocols addressing the sensitive nature of these grievances. This includes:
  - iv. Separate, confidential reporting channels
  - v. Designated, trained personnel with expertise in handling these types of cases
  - vi. Strict measures for safeguarding the privacy and safety of survivors

**f) Community Awareness and Sensitization**

3. Communication Campaign: Develop a targeted campaign to inform PAPs, project workers and surrounding communities about:
  - iv. GBV, VAC, SEAH grievances
  - v. How to safely and confidentially report incidents
  - vi. Zero-tolerance policy for any form of GBV, VAC, or SEAH
4. 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.

**g) Collaboration and Referral Pathways**

5. Partnership with Specialized Organizations: Establish partnerships with social service providers with expertise in addressing GBV, VAC, and SEAH. These organizations can play a crucial role in:
  - iv. Providing support services and counseling to survivors
  - v. Capacity building and training for project personnel
  - vi. Assisting with investigations and case management where necessary
6. 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.

**h) Incident Reporting and Response**

7. 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.

8. 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.
9. Timely and Thorough Investigations: Establish procedures for a prompt, sensitive, and thorough investigation of grievances.
10. 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.
11. 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.

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

12. Incorporate into Existing Procedures: Include GBV, VAC, and SEAH reporting and response metrics in the overall GRM's Monitoring and Evaluation (M&E) procedures.
13. 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.
14. 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 PROPOSED INSTITUTIONAL ARRANGEMENTS FOR RAP IMPLEMENTATION**

---

### **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 NIWASCO, 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 Project Affected Persons (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.

### **8.3 Resettlement Implementation Arrangements**

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

### **8.3.1 Resettlement Project Implementation Team**

#### **a. RAP Implementation Team**

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

The Roles and responsibilities of the RAP Implementation Team 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 under GBV, VAC and SEAH that should be referred to the Social Safeguards specialist and be addressed as proposed under Section 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 RAP Implementation Team. The unit will ensure accountability for the RAP Implementation Team and ensuring that the RAP Implementation Team has the resources required to fully implement the RAP exercise. The following are the specific tasks of the PIU with respect to RAP implementation:

1. Nominate members of the RAP Implementation Team (RIT)
2. Provide financial and logistical resources for the functioning of the RIT
3. Provide oversight to all the activities of the RIT
4. Pay compensations to PAPs in line with the recommendations of the RIT
5. Account to the Ministry and the Bank on the status of RAP implementation
6. Prepare and submit regular reports on all matters on RAP implementation. Such matters shall include, but not limited to: (i) compensations paid (ii) grievances registered (iii)grievances resolved (iv) challenges encountered (v) any other relevant issue arising from the implementation of the RAP

The PIU will report to the Ministry of Water, Sanitation and Irrigation on a monthly basis on the status of RAP implementation.

### **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. Ministry of Finance and National Treasury**

The ministry will be critical in ensuring timely disbursement of funds to the relevant agency accounts and ensuring accountability for the same.

### **e. 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. **National Land Commission (NLC):** The NLC oversees land administration and management, including the acquisition of land for public purposes and the resettlement of affected persons.
- iii. **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.
- iv. **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
- v. **The County Government:** The Relevant County departments play important roles to ensure that the project meet expectations of the locals
- vi. **Roads Agencies:** The project is proposed to be implemented majorly along the road reserves. The roads agencies, KeNHA, KURA and KeRRA will be primarily responsible for maintenance of the wayleaves and ensuring non-encroachment.

## **8.4 RAP Implementation Schedule**

Table 8.1 presents an indicative RAP implementation schedule which shall be synchronized with the contractor's work program. The estimated project implementation period is approximately 15 months with planning activities taking first seven (7) months.

Table 8-1: RAP Implementation Schedule

Activity	Responsible	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
<b>Planning Phase</b>																
RAP Study	TWWDA															
Disclosure of RAP Report	TWWDA/ AfDB															
<b>Setting up Phase</b>																
Setting up the RAP Implementation Team	Project Implementation Unit, TWWDA															
Validation and verification of the PAPs	RAP Implementation Team															
Compensation of all PAPs	RAP Implementation Team															
Issuance of 3 months' vacation notice to PAPs	RAP Implementation Team															
<b>Commencement of construction works</b>																
Site Handover	TWWDA, Contractor															
Site clearance	Contractor															
Excavation and pipeline installation	Contractor															
Grievance Management	RAP Implementation Team, GRM Committees															
Implementation of livelihood restoration activities	Social Safeguard Specialist															
Monitoring and Evaluation of RAP (Monthly Reports)	Social Safeguard Specialist															
RAP Completion Audit	TWWDA/ External Auditor															

## 9 PUBLIC CONSULTATION AND DISCLOSURE

The RAP process integrated public consultations as a vital tool for a successful implementation of a project. Several consultative meetings were held across the project area to discuss relevant issues including, but not limited to, compensation arrangements, valuation process, eligibility criteria, among others.

### 9.1 Objectives of the Public Consultation Sessions

The main objective of public consultations was to provide an avenue for the project implementers to educate the public on the project as well receive their opinions, concerns and reservations on the same. The public and other stakeholders needed 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
- iii). Brainstorming on solutions to any anticipated project challenges
- iv). Planning for further engagements throughout project life cycle

Well-attended public consultation meetings were held with the Project Affected Persons in the course of conducting the RAP exercise. Table 9.1 summarises some of these meetings. Additionally, one-on-one discussions were conducted with most all the PAPs before signing for consent (see consent forms in Appendix III). The Minutes for the relevant meetings are provided in Appendix II.

*Table 9-1: Public consultation meetings held in the project area*

Date	Venue	Stakeholders engaged	Attendance
25 March 2024	Ndagani Chief's Camp	<ul style="list-style-type: none"> <li>• Local public administration</li> <li>• Project Affected persons</li> </ul>	10 (6Females, 4 males)
10 April 2024	Along the sewer wayleave	<ul style="list-style-type: none"> <li>• Project Affected Persons</li> </ul>	21 (17 Females, 4 Males)

### 9.2 Key Issues Arising from Public Participation Meetings

Under this exercise, consultative meetings with community members were held along the project areas. During these meetings, PAPs were informed prior to the meetings so as to avail themselves in time and this assisted in having a large turnout. Meetings involved both the local leadership, the general population and the PAPs.

The main purpose of the meetings was to re-introduce the project to the PAPs and the community at large and receive their feedback on how it will impact on them. Below are some of the key issues discussed during the public consultation sessions.

- i. **Employment:** The residents needed to be prioritised in the provision of semi-skilled labor within the sections under their jurisdictions
- ii. **Safety of land occupants near the wayleave:** it was stated that the occupants could safely build at least 15m on either side of the project
- iii. **Notifications for demolition:** PAPs requested that notifications should be in time and notices prior to relocation for those displaced. These notifications to be made clearly and to all those affected to facilitate proper timely relocation if need be. Chiefs and Village Elders to be actively involved in relaying communication so to ensure all PAPs are aware.
- iv. **Timely Resettlement:** PAPs requested for proper and timely compensation (before project implementation) to facilitate search for new land or construction of structures. Avoid haste and disorganization during displacement and relocation by giving ample time after compensation for affected to take necessary measures.
- v. **Deceased Property Owners-** PAPs asked that compensation should ensure that the inherited land with no proof of ownerships, are fairly done, and all the deceased dependents are considered.
- vi. **Training on financial management-** a team of professionals on financial and funds management who would offer training to assist individuals, families and partnerships falling under the category of PAPs to make proper decisions in managing their money in form of compensation. From previous experiences residents deemed it a necessity if this project was to improve their living standards and community development as a whole.
- vii. **Fraud-** cases of fraud generally been on the rise in many of the urban centres. Caution to be taken to avoid compensating the fraudulent persons.
- viii. **Land encroachments-** The majority of PAPs under consideration encroached into public land. Most instances the structures affected are on public wayleave. Adequate compensation measures have been proposed in the RAP report.



Figure 9-1: Public participation meeting in Chuka town

### 9.3 Key Stakeholders Engaged

The key stakeholders engaged during the RAP study included:

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

### 9.4 Future Stakeholder Engagement Activities

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

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

### 9.5 Livelihood Restoration Plan

In cases where resettlement affects the income-earning capacity of the PAPs, compensation alone does not guarantee the restoration or improvement of their living standard. A livelihoods restoration plan ensures that livelihoods are improved or restored to pre-displacement levels. Compensation for affected property and livelihoods will therefore seek to facilitate full and smooth recovery without exposing the PAPs to vulnerability. The livelihoods restoration plan has the following objectives:

#### Objectives

This livelihoods restoration plan aims to:

- i. Improve, or at a minimum, restore the livelihoods and standards of living of PAPs;
- ii. Provide opportunities to PAPs to derive appropriate development benefits from the Project
- iii. Ensure that affected vulnerable people receive additional and/or targeted assistance, if required.

The following restoration measures will be carried out (Table 9.2);

Table 9-2: Livelihood Restoration Plan

#	Strategy	Activities	Budget estimate (KSh.)	
			Description	Amount
1	Offer employment opportunities for PAPs and local community through working with local contractor to provide preferential treatment for local PAPs and their community	i. Include the need for PAPs participation in contractor's contract	Contractor's budget	
2	Restore, in a timely manner, any piece of local infrastructure that may be destroyed during construction phase	i. Provision of effective supervision	Contractor's budget	
3	Capacity building for PAPs on financial management, entrepreneurship, alternative livelihood activities, business record keeping, taxation, among others in partnership with a. County Government b. Ministry of Micro, Small and Medium Enterprises c. Private sector	Sponsor training activities for PAPs a. Direct costs	At least 3 No. training events	600,000
		b. Hire a consultant to conduct training for PAPs	Consultant's fee @KSh. 500,000 per training	1,500,000
4	Community participation and consultative meetings to continually appraise the PAPs and communities on project activities	ii. Hold at least one monthly community consultative meeting with the PAPs and local community to review project progress	SEP budget	
5	Support to vulnerable PAPs	i. Linking of vulnerable PAPs to available social services and networks	Identification of social support groups and opportunities for vulnerable PAPs	Nil
6	Implementation of a robust project-GRM to help address any concerns in a timely manner	i. Establish and facilitate an effective local grievance redress system at the community level	Grievance redress budget under section 7	Nil



## 10 MONITORING AND EVALUATION

### 10.1 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.

### 10.2 Monitoring and Evaluation Methodology

The M&E methodology has been adopted from the UNDP handbook on Monitoring and Evaluation (2002) which details the methods of measuring the effectiveness and efficiency of development programmes/ projects. Figure 10.1 presents a Strategic Approach to Monitoring and Evaluation.

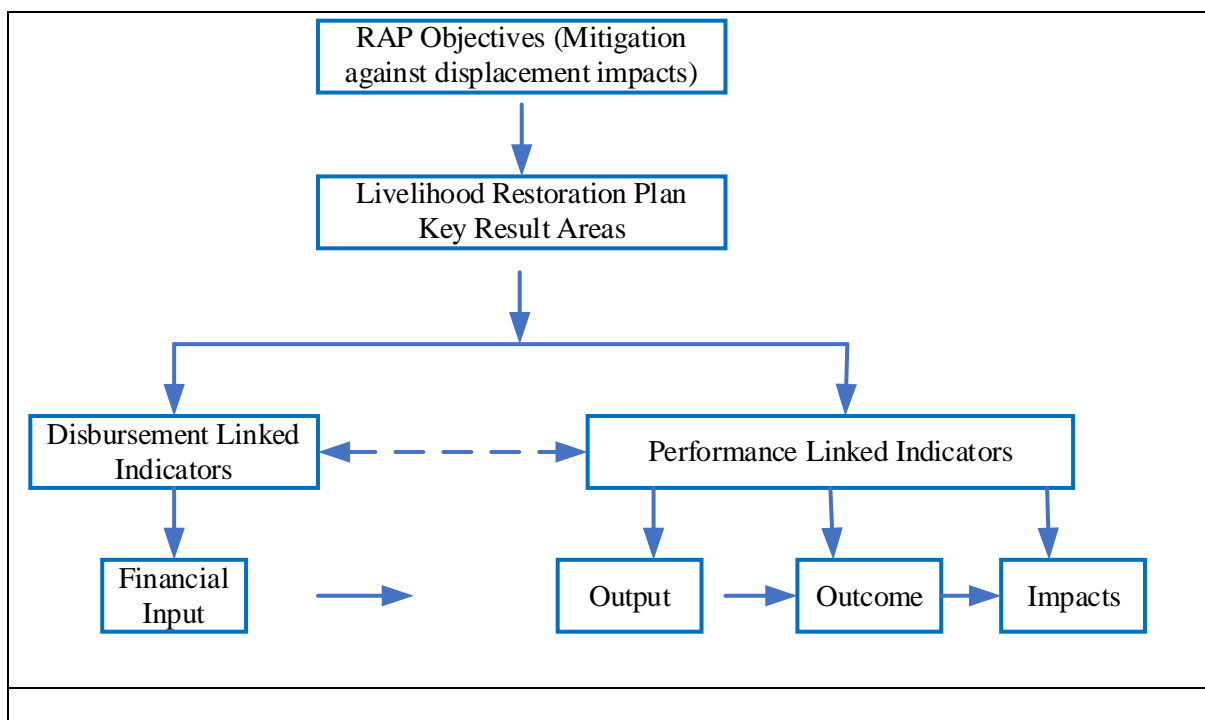


Figure 10-1 Strategic Approach to M&E

### 10.3 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.

Table 10.1 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.

Table 10-1 Monitoring and Evaluation Plan for RAP Implementation

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

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

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

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

			<ul style="list-style-type: none"> <li>Number of alternative access routes provided to affected businesses</li> </ul>	routes during project activities	communication through shared construction schedule		
--	--	--	---	----------------------------------	--	--	--

Management Issue	Input and Output Monitoring Indicators	Outcome and Impact Monitoring Indicators (External Monitoring)	Frequency	Target
6. Stakeholder Participation	<ul style="list-style-type: none"> <li>Number and type of stakeholder meetings per quarter</li> <li>Attendance of stakeholder meetings (M/F) <ul style="list-style-type: none"> <li>Age of attendees</li> <li>Vulnerability of attendees</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Diversity of stakeholder meetings</li> <li>Inter-agency relationships established</li> <li>MOUs established with different stakeholders</li> </ul>	Monthly	To be determined
7. Grievance Management	<ul style="list-style-type: none"> <li>Number of GRM Committees established at various levels</li> <li>Number of GRM Committees trained on grievance handling</li> <li>Number of grievances reported per category including those related to GBV, VAC, SEAH</li> <li>Number of grievances open beyond resolution period</li> <li>Number of grievances resolved within the required timelines</li> <li>Number of grievances referred to courts</li> </ul>	<ul style="list-style-type: none"> <li>Percentage of stakeholders satisfied with the project GRM in place</li> <li>Successful management and resolution of grievances</li> <li>Percentage of handled within the project GRM structures</li> <li>Percentage of grievances referred to courts</li> </ul>	Monthly	80%
8. 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>No. of PAPs engaged in skills based economic enterprises</li> <li>Percentage of PAPs reporting increased agricultural production</li> <li>Percentage of PAPs satisfaction with restoration of the infrastructure</li> <li>Number of tree seedlings distributed and planted</li> </ul>	Monthly	80%

## 10.4 RAP Completion Audit

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

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

## 10.5 Monitoring and Evaluation Budget

Table 10.2 presents the overall M&E budget for RAP implementation.

*Table 10-2: Monitoring and Evaluation Budget*

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

## 10.6 RAP Implementation Budget

The compensation plan for the Chuka LMC Sewerage 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 11, 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.

A total of eleven (11 No.), (5 female, 6 males)) PAPs will lose their structures within the wayleave trace. The structures to be demolished are majorly small business structures constructed on the wayleave. Similarly, eighteen 18 PAPs (13 female, 5 male) will be impacted by loss of their livelihoods due to the interruption of their businesses during project construction. Table 10.1 provides the summary of key items:



Table 10-3: RAP implementation budget

Item	No. of PAPs	Estimated Cost (KES)
Land (Wayleave)	Nil	0.00
Asset Loss (Buildings and Other Structures)	11 (5 Females, 6 Males)	561,923.75
Livelihood Loss	18 (13 Females, 5 Males)	330,432.50
Trees/Crops		0.00
Livelihood restoration interventions		2,100,000.00
Capacity Building for PAPs		500,000.00
Provisional sum for roads agencies <sup>11</sup>		1,000,000.00
RAP implementation monitoring and final audit		600,000.00
<b>Sub-Total Estimated Compensation</b>		<b>5,092,356.25</b>
Other costs including taxes and contingencies (20%)		1,018,471.25
<b>Grand Total</b>		<b>6,110,827</b>

The total compensation cost for the physical and economic displacements is KES 892,356.25 (physical displacement totaling 561,923.75 and economic displacement totaling KES 330,432.50), inclusive of 15% disturbance allowance. The budget also provides for livelihood restoration and RAP monitoring, evaluation and final audit. It is noted herein that the stakeholder engagement and GRM costs have been provided separately under the SEP budget.

<sup>11</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

### 11.1 Conclusions

The Chuka sewer last mile connectivity project is an important milestone towards the achievement of Kenya's national policy objectives of ensuring sanitary living for all her citizens. The successful implementation of this project will ensure that the majority of the population in Chuka have access to sanitation services thereby improving significantly the region's health indicators. This RAP report has been prepared in a manner that is consistent with the applicable national policies and laws as well as with the provisions of the AfDB Integrated Safeguards System, 2013.

The project runs along road reserves with minimal resettlements anticipated. This report highlights the resettlement issues, identifies all the Project Affected Persons (PAPs), discusses their entitlements, and recommends a detailed resettlement action necessary to improve their living standards in line with bank policies.

### 11.2 Commitments

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

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



## Appendix II – Minutes of Public Participation



Site Specific Studies & Preparation of ESIA and  
RAP for Projects Under the National Urban Water  
Supply and Sanitation Program

Greenville International Ltd

P. O. Box 50174-00100, Nairobi. Tel: 0725928477/0700 130 101  
Email: info@greenvilleint.com/greenvilleint@gmail.com  
Straj Plaza along Limuru road, Suite 504  
Website: www.greenvilleint.com

### Minute of Public Participation

#### THE PUBLIC PARTICIPATION MINUTES FOR LAST MILE CONNECTIVITY OF THE CHUKA SEWER SUPPLY PROJECTS HELD ON 25<sup>TH</sup>, MARCH 2024 AT NDAGANI CHIEF'S CAMP IN THARAKA NITHI COUNTY AT 1500 HRS

#### MEMBERS PRESENT

- Area Chief
- Project Affected People (PAPs)
- TWWDA (Legal and Technical Team)
- Greenville Consultant (RAP and Environment Team)

(Enclosed Attendance List)

#### AGENDA

The agenda of the meeting was as follows:

- Preliminary Matter
- Update Regarding the Chuka Sewer Line
- Comments and Concerns of the Community
- Conclusion
- Closing Remarks

#### MIN 1/03/2024: PRELIMINARY MATTER

- **Meeting called to order:** Area Chief Mr. Njagi called the meeting to order at 3:00 PM. A community member opened the meeting with a prayer.
- **Welcome and Introduction:** The Area Chief welcomed participants, including representatives from the Tana Water Works Development Agency and the consulting team. He provided a brief update on the current sewerage project status and encouraged active community participation and feedback.
- The consultant representative Introduced his team
- Mr. Mwenda from the TWWDA also introduced the team and provided an overview of the proposed project.

#### MIN 2/03/2024: UPDATE REGARDING THE NDAGANI SEWER LINE

- **Consultant Introduction:** Mr. Mutuma (consultant) introduced the team and outlined the project background. He identified sections where the sewer line would cross private property, noting concerns raised by some residents. He confirmed that the design phase involved collaboration with stakeholders to investigate potential rerouting options to address landowner concerns.



### Minute of Public Participation

- **Resettlement Action Plan:** Mr. Onyimbo (consultant) presented the results of the Resettlement Action Plan (RAP). He thanked the Project Affected Persons (PAPs) for their cooperation throughout the process. He confirmed that all affected individuals will be compensated according to Kenyan law and AfDB requirements. He asked if there were any objections to the project, and those present voiced their support.

#### MIN 3/03/2024: COMMENTS AND CONCERNS OF THE COMMUNITY

NAME OF THE CONCERNED MEMBER	QUESTION ASKED	RESPONSE
<ul style="list-style-type: none"> <li>• Phineas Mwenda</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Long-term Impact:</b> What are the potential long-term repercussions of the sewer line crossing our private property? We understand the immediate compensation, but are there future risks or limitations we should be aware of?</li> <li>• <b>Land Use Restrictions:</b> Will the presence of the sewer line restrict how we can use our land in the future? Will it affect our ability to build, farm, or make other changes on the affected areas?</li> <li>• <b>Alternative Routes:</b> We strongly request that the line be re-routed to minimize the impact on private property. Even within my own land, could the line be placed closer to the boundary rather than cutting through the middle of my property?</li> </ul>	<ul style="list-style-type: none"> <li>• We understand and appreciate the valid concerns raised by landowners. Here's how we plan to address potential issues:</li> <li>• <b>Long-term Impact:</b> While there will be some initial disruption, the sewer line is designed to operate with minimal long-term impact. Property owners will be provided with <b>clear</b> information about any easements related to the line. We are committed to regular maintenance and ensuring minimal future disruption.</li> <li>• <b>Land Use Restrictions:</b> The sewer line may introduce some necessary restrictions within a designated zone around the line itself. We'll provide detailed documentation outlining these restrictions to ensure you fully understand how it might affect your future land use plans.</li> <li>• <b>Alternative Routes:</b> We're actively exploring alternative routes to minimize the impact on private property. Even within your land, we'll investigate adjustments, such as placing the line closer to the boundary, to better accommodate your needs. We'll present updated route proposals for community feedback as soon as possible.</li> </ul>
<ul style="list-style-type: none"> <li>• Ian Munene</li> </ul>	<ul style="list-style-type: none"> <li>• "I am concerned that the current alignment of the proposed sewer line infringes on my ability to develop my property according to its designated use. I have recently secured legally authorized permits for constructing a home on the land. Unfortunately, the current placement of the line would create a substantial obstacle to implementing these approved plans. I respectfully request that the project team</li> </ul>	<ul style="list-style-type: none"> <li>• Thank you for bringing your concerns to our attention. We understand the importance of respecting landowners' existing plans and approved permits. We'll carefully review the current sewer line alignment and investigate the feasibility of rerouting it. We aim to find the best solution to accommodate your construction project while ensuring the successful completion of the sewer line.</li> </ul>



### Minute of Public Participation

	consider rerouting the line to the perimeter of my property, allowing me to proceed with my permitted construction project."	
<ul style="list-style-type: none"> <li>• Kelvin Kinyua</li> </ul>	<ul style="list-style-type: none"> <li>• He was concerned that the line passes directly in front of his newly built house, he is embracing the project and said he would be ready to accept it if it were further from his front door</li> </ul>	

#### MIN 4/03/2024: CONCLUSION

**Land Use Impact:** Attendees expressed concern that the sewer line's original route would significantly hinder their ability to effectively plan and utilize their properties.

**Resolution:** The meeting reached a consensus that the sewer line should be rerouted to follow the road reserve, ensuring sufficient space for landowners.

#### Action Items:

- Mr. Mwenda (TWWDA) confirmed that the rerouting has been completed.
- The consultant team will assess and verify the impact of the rerouting on the project.

#### MIN 5/03/2024: CLOSING REMARKS

The Principal Legal Officer, Lilian Kamau, thanked the PAPs for being receptive to the consultant. She assured the participants that the process would be above board and that any grievances would be adequately addressed.

Mr. Mwenda also assured that all the issues raised in the meeting shall be addressed immediately and effectively. He assured the PAPs that he would visit the ground the following day together with the consultant to determine possibilities of realignment. He also requested the continued cooperation of the PAPs.

Consultant Response: The consultant team leader assured the community that their concerns and requests would be thoroughly reviewed and addressed in the project recommendations.

Area Chief's Perspective: The Area Chief commended the project's potential to improve community health and well-being, offering insights based on local needs. He expressed gratitude for the community's participation and feedback.

Adjournment: With no further business, the Area Chief adjourned the meeting at 4:30 PM with a closing prayer.

#### MINUTES CERTIFICATION

Consultant:	NDAGANI AREA CHIEF (THE PUBLIC ADMINISTRATION) Mr. Charles Njagi
-------------	--



Minute of Public Participation

**MINUTES CERTIFICATION**

<b>Consultant:</b> <i>Augustine Anyamba</i>	<b>CHUK AREA CHIEF (THE PUBLIC ADMINISTRATION)</b> Mr. Charles Njagi
<b>DATE:</b> <i>26/3/2024</i>	<b>DATE:</b> <i>26/3/2024</i>
<b>SIGNATURE:</b> <i>[Signature]</i>	<b>SIGNATURE:</b> <i>[Signature]</i>
	<b>Stamp</b>  <i>26/3/2024</i> <i>[Signature]</i> <i>Njagi</i>

**CONFIRMED BY:**

<b>TWWDA REPRESENTATIVE</b> Gregory Mwenda 25 <sup>th</sup> March 2024 Sign <i>[Signature]</i> .....
---





Cluster 1 Projects Meru, Embu and Kirinyaga

Public Participation Attendance List

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Venue: \_\_\_\_\_

No.	Name	Location	ID No.	Contacts	Signature
1	Miriam Kendo	Wagari	11191226	0210078187	MR
2	MORRIS MUIWIRI	//	26772531	0705740306	MA
3	Josphine Mulei	//	94937506	0703873412	<del>MR</del>
4	Stella Kangiu	//	31317977	0705049805	SR
5	Fridah Ketuni	//	96584833	0701388035	Clatline
6	Augustus Gwimbo	Consultant	02521030	0722755959	MA
7	Erasto Mwangi	THWA	38341831	07240780665	de
8	MILIAN GITAHU	THWA	32369515	0741736779	MR
9	Lilian Kamau	THWA	<del>0703873412</del>	0722755959	MR
10	Griffin Mwangi	Consultant	35636223	0790312018	MR
11					
12					



PUBLIC PARTICIPATION MINUTES FOR THE PROPOSED  
CHUKA SEWERAGE LMC PROJECT HELD ON  
10<sup>TH</sup> APRIL 2024 ALONG THE WAYLEAVE AT 2 PM

---

Members Present

- Attendance List attached.

Agenda

1. Introductions
2. Client to present the Project and its components.
3. Consultant to Address the PAPs
4. Matters Arising and Responses Given
5. A.O.B

MIN 1 / 10 / 04 / 2024 : Introductions

The meeting was called to order introducing all the attendants. The Community leader asked the project affected parties to feel free to ask all the questions regarding the proposed sewerage project.

MIN 2 / 10 / 04 / 2024 : Client Representative Introducing the Proposed Chuka Sewerage LMC Project.

The client representative, Mr. Mwarida gave a brief introduction about the proposed project which is intended to improve access to Sanitation Services in the area. He noted that the proposed project will mainly utilize the road reserve to

---



Min 4) 10/04/2024: Matters Arising

The following key areas of clarifications were discussed:

Issue	Clarification Given
When the Compensation would be effected?	The Consultant team clarified that all Compensation will be effected prior to project implementation.
When the project will be implemented	The Consultant took the P&A's through various project phases & acknowledged that the project was still in planning phase. A period of about 6 months was given.
How will the conflicts emanating from the project be handled	Conflicts emanating from the project would be handled in an organised manner since the proponent had developed a CRM. The P&A would be sensitised on the same during implementation.
Concerns were raised over poor workmanship by Contractors working on similar projects in the area	The client representative assured the P&A that adequate supervision will be done to ensure the Contractors follow the laid down procedures during project implementation.
Will affected pavements be compensated.	The R&P team indicated that the Contractors will be expected to reinstate/restore damaged pavements during construction phase. The same had been captured in Project EIR.

Min 5 10/04/2024 Any other Business . . .  
There being no other business the meeting ended at  
6.00 pm.

Minutes Certification

LEAD LYFOOT : Reg No. 7394  
Bernadett Wainimu Njoroge  
Date: 10/4/2024

Signature: 

Chief, Njirani

Name: JOHN MBAE NJERU

Date: 10/4/2024

Signature:   
JAMES CHIEF  
DATE: 10/4/2024



Cluster 1 Projects Meru, Embu and Kirinyaga

P.O. Box 50770 Nairobi, Kenya Tel: 011 254 254 770000 Fax: 011 254 254 770001  
Email: info@greenvilleni.com, sales@greenvilleni.com, ir@greenvilleni.com  
Sales Place: Kilimaniyo, Nairobi, Kenya  
Website: www.greenvilleni.com

Public Participation Attendance List

Date: 10/14/2024 Time: 2:00pm Venue: .....

No.	Name	Location	ID No.	Contacts	Signature
1.	HETICH NJERI KATHIA	KIANGONDU	22723235	0117329622	HETICH
2.	DEWIS Kirinya Kathiri	KIANGONDU	13356478	0722370719	Kirinya
3.	STELLA NKATHA	KIANGONDU	20969078	0721882814	Stella
4.	MARY Kangai	KIANGONDU	25558256	0725251822	Kangai
5.	Fridah Mahans	Kiangondu	30586393	0710264756	Fridah
6.	MERCY GATWIRI	Kiangondu	28410732	0729023762	AGT
7.	MURITHI TONY BUNDI	Kiangondu	42809357	0715976880	MURITHI
8.	JEMIMA GAIKAA	Kiangondu	21899916	07261386302	JG
9.	Joy Brecla Kathure	Kiangondu	833857144	0718706353	Joy
10.	JOSIEPH MURITHI GIKONGA	Kiangondu	36173765	0798995771	JOSIEPH
11.	SUSAN KADOTA	Kiangondu	10342453	0763347067	Susan
12.	DEWIS NKIRATE	Kiangondu	2818289A	0798307437	DEWIS

Public Participation Attendance List





Cluster 1 Projects Meru, Embu and Kirinyaga

Public Participation Attendance List

Date: 10/4/2024 Time: 2:00 pm Venue:

No.	Name	Location	ID No.	Contacts	Signature
13.	JULIET CIAMATI NJAKA	Karinyaga	4322609	0701376270	
14.	LILIAN KAMUNGE MICHAEL	Karinyaga	35532726	0799926371	
15.	Caroline Muthoni Nyuya	Karinyaga	3147748	011326517	
16.	WIKIMBEK KARENDI MURUGU	Karinyaga	32309498	0790390182	
17.	Daniel Kioko Mbatuka	Karinyaga	35069882	0741999569	
18.	Edith Adunge Muthu	Karinyaga	35561590	0791077304	
19.	LINDUS MURATI MWITI	Karinyaga	31551997	0705307344	
20.	ALICENT MURUGI MICHENI	Karinyaga	3200304	0797505791	
21.	John Mbat Njeru	Karinyaga	22899948	0723697118	
22.					
23.					
24.					
25.					

Public Participation Attendance List

## Appendix IV: Socioeconomic Data Collection Tool

### Tool 1: Household Study Questionnaire

#### HOUSEHOLD SOCIO-ECONOMIC 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**

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

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



### SECTION C: VULNERABILITY

<i>C1</i>	<i>C2</i>			<i>C3</i>	<i>C4</i>	<i>C5</i>
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.

<i>C6</i>	<i>C7</i>	<i>C8</i>
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

<i>D1</i>	<i>D2</i>	<i>D3</i>
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**

<i>E1</i>	<i>E2</i>	<i>E3</i>	<i>E4</i>	<i>E5</i>
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**

<b>G1</b>	<b>G2</b>
<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>
<b>G3</b>	<b>G4</b>
<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>
<b>G5</b>	<b>G6</b>
<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>
<b>G7</b>	<b>G8</b>
<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	

## Appendix V: GRM Tools

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

Date of receiving the grievance: .....

Grievance Number: .....

Project Name: .....

Mode of Receipt (tick where applicable)

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

#### Details of the Grievance

Name: .....

Gender: .....

Contacts/ Email address: .....

Location of complainant:

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

#### Category of Complainant (tick appropriately)

i. Local Communities

ii. Regulatory bodies and Road agencies (tick where applicable)

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

iii. Contractors

iv. NGOs, CBOs

v. Funding institution/ AfDB

vi. Other interested party (specify)

#### Category of Grievance (tick appropriately)

i. Project implementation related

ii. Social

iii. Environment

#### Brief Description of the grievance

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

(attach letter or any document provided by the complainant)

#### Received/ prepared by:

Name: .....

Date: .....

Signature: .....

## 2. Grievance Resolution Form – GRM/ 002

Date of Meeting: .....

Complaint No: .....

Venue of Meeting: .....

### List of Participants

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

### Brief Description of the Grievance:

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

### Key Discussions

- 1.
- 2.
- 3.

### Recommendations made by the Local Grievance Redress Committee

- 1.
- 2.
- 3.

### Status of Grievance (Tick appropriately)

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

### Chairperson, Local Grievance Redress Committee

Name: .....

Signature: .....

Date: .....

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

Complaint No: .....

Name of Complainant: .....

Date of Grievance Redress: .....

Brief Description of Grievance:

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

Summary of Resolution:

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

Name of complainant: .....

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

.....

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

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

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

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

##### 1.0 General Information

Project Name: .....

Date: .....

County: .....

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

##### 2.0 Summary of Complaints Received

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

##### 3.0 Summary of Grievance Redress Meetings Held

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

##### 4.0 Key Challenges and Measures Taken

##### 5.0 Appendices

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



## Appendix VI: Sample Policy Documents for Safeguard Grievance Redress

### 6a: 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.

## 6b: 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.**

- 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.

## **6c: 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.