



# **TANA WATER WORKS DEVELOPMENT AGENCY**

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## **RESETTLEMENT ACTION PLAN (RAP) REPORT FOR MERU SEWERAGE LAST MILE CONNECTIVITY PROJECT**

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**28 MAY 2024**



**Greenville Nexus International Ltd**

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**CERTIFICATION**

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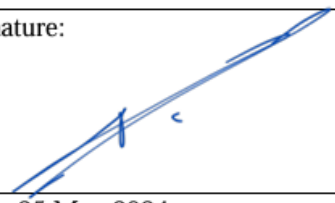
For and on behalf of:

**Tana Water Works Development Agency**

This Resettlement Action Plan (RAP) Report was prepared in accordance to the requirements of national laws and policies governing Valuation and Resettlement and the African Development Bank's Integrated Safeguards System (ISS) of 2013 particularly the Operational Safeguard 2 on Involuntary Resettlement, Land Acquisition, Population Displacement and Compensation. We, the undersigned, confirm that the contents of this report are a true representation of the RAP process for the Proposed Last Mile Connectivity of the Meru 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: 25 May 2024	Date: 25 May 2024

## EXECUTIVE SUMMARY

## 1. Compensation Summary Sheet

	Variables	Data
A. General		
1	Province/ County	Meru County
2	Municipality	Meru
3	Village	Meru Town
4	Activity(ies) that trigger resettlement	Implementation of the Meru Sewerage LMC project
5	Project overall cost (KSh.)	245,809,520.44
6	Overall resettlement cost (KSh)	<b>6,719,017</b>
7	Applied cut-off date (s)	10 April 2024
8	Dates of consultation with the people affected by the project (PAPs)	20 February 2024 to 10 April 2024
9	Dates of the negotiations of the compensation rates/prices	9 April 2024 and 10 April 2024
	B. information	
10	Number of Temporary Economically Displaced people	7
11	Number Physically displaced	None
12	Number Economically displaced (Temporary)	7
13	Number of affected households	7
14	Number of females affected	5
15	Number of vulnerable affected	1 <sup>1</sup>
16	Number of major PAP	None
17	Number of minor PAP	7
18	Number of total right-owners and beneficiaries	None
19	Number of households losing their shelters	None
20	Total area of lost arable/productive lands (ha)	None
21	Number of households losing their crops and/or revenues	None
22	Total areas of farmlands lost (ha)	None
23	Estimation of agricultural revenue lost (USD)	None
24	Number of buildings to demolish totally	None
25	Number of buildings to demolish at 50%	None
26	Number of buildings to demolish at 25%	None
27	Number of tree-crops lost	None
28	Number of commercial kiosks to demolish	1
29	Number of ambulant/street sailors affected	None
30	Number of community-level service infrastructures disrupted or dismantled	None
31	Number of households whose livelihood restoration is at risk	None

<sup>1</sup> Visually impaired

## 2. Brief Description of Project

Meru town has a sewerage project that was recently constructed with a capacity to treat 11,800m<sup>3</sup> of wastewater per day. It was funded by the African Development Bank and the Government of Kenya from the year financial 2018/2019 and was completed in 2023. The project has an elaborate network of trunk sewer lines of over 50Km ranging from DWC 600-250DN various sections to a newly constructed Waste Water Treatment Plant in Rwanyange. These network traverses the town including Makutano, Milimani, Kinoru, Mwandantu, Gitimbine, Kaaga, Gikumene and Kirunga areas, among others. The main lines have been laid and there is need for tertiary connections and secondary lines to join the trunk sewers laid for the residents within the Municipality to utilise the system. This calls for the proposed Last Mile Connectivity of the Meru Sewer Project. The figure below shows a layout map of the proposed Meru Sewer LMC project.

Figure 1 show the layout of the proposed project

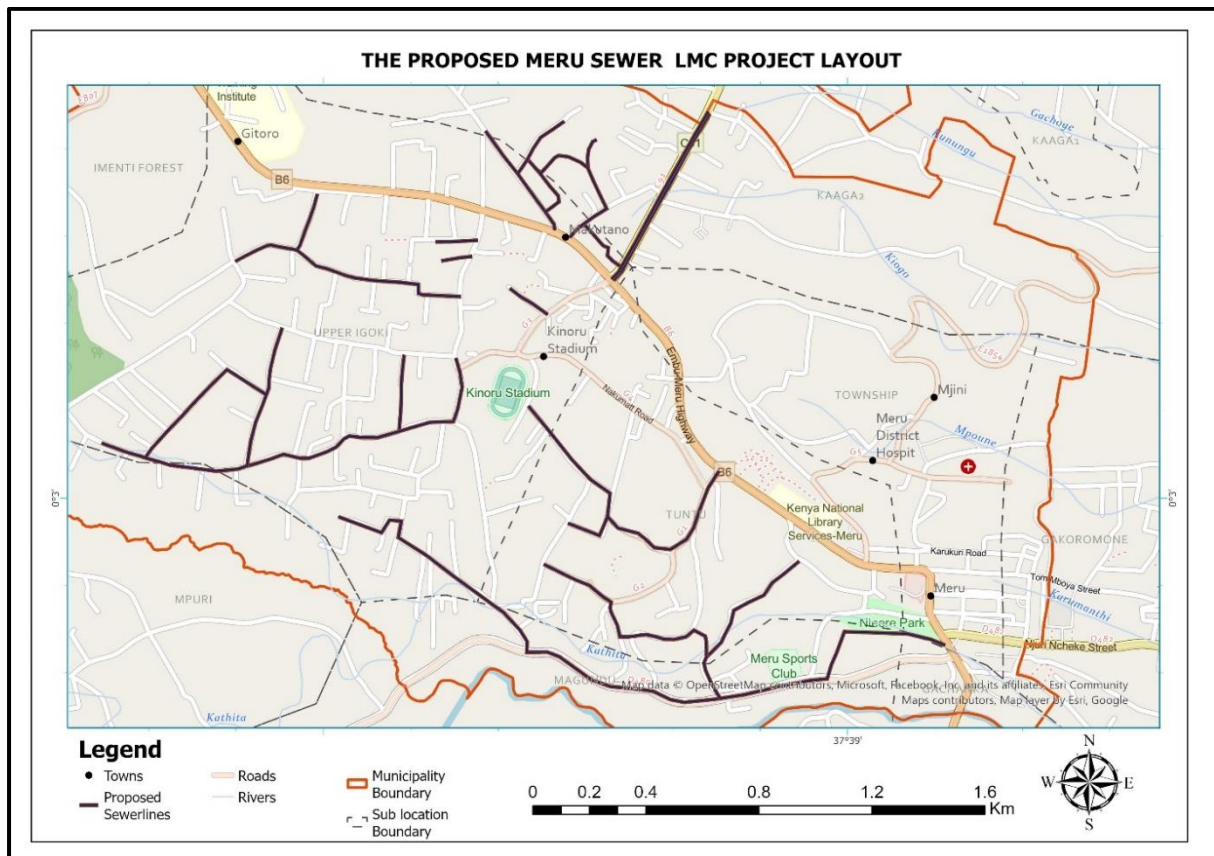


Figure 1: The proposed Last Mile Connectivity Sewer Project in Meru



Table 1: Proposed Sewerage Collection and Conveyance System Pipe Sizes and Lengths

Trunk	Pipe Diameter (mm)	Length (Km)	Last mile Connections	Pipe Diameter (mm)	Length (Km)
<i>Existing Trunk Lines</i>			<i>Proposed Last Mile Connectivity Lines</i>		
Kemu Trunk	300	3.3			
Kombokie Secondary Trunk	300	5.1	Kambokie line (TS3)	250	5.4
Kombokie River Trunk	300	5.6	Kambokie Line (TS1)	250	3.0
	375	3.3		300	1.4
Kaaga Trunk	300	2.2			
Gachoge River Trunk	300	5.5			
	450	4.0	Gachoge line (TS4)	250	3.7
Kunungu River Trunk	300	3.0			
MTTC-Mpuone Trunk	300	5.6			
Kiogo River Trunk	300	5.2			
	450	2.1			
	500	2.5	Kiogo Line (TS2)	250	4.0
	675	1.2		300	3.0
Karumanthi Trunk	300	4.6			
Gikumene Trunk	300	2.5	Gikumene line (TS5)	250	6.0
Kathita River Sewer	300	9.8			
	375	1			
<b>Total</b>		<b>56.2</b>			<b>26.5 Km</b>

### *Projects Alternative Analysis*

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

The ‘no action’ alternative option entails maintaining the current status quo of no sewerage system in project areas. This option implies that the residents shall will continue using the old systems with their inefficiencies. There would be continued pressure on the present waste water treatment plant in Gakeremoni leading to inefficiencies that would compromise ecosystems downstream.

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

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

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

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

The specific objectives of the RAP include:

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

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

The RAP study was conducted using the following methods:

1. Literature Review of relevant Kenyan legal, policy and institutional framework pertaining land management, tenure, acquisition and valuation; the applicable international standards and AfDB Integrated Safeguard System, 2013 particularly the Operational Safeguard 2 on Involuntary resettlement, land acquisition, population displacement and compensation which outlines the Bank's requirements for projects that may cause involuntary resettlement.
2. Community sensitization meetings in the form of *barazas*: Community sensitization meetings were first held jointly with the ESIA team to enlighten the community on the proposed project and E&S impacts. During the meeting, the community was sensitized on the RAP process and the AfDB requirements on compensation for project affected persons (PAPs).
3. Identification of PAPs: A transect along the pipeline route was done and PAPs with businesses along the road reserves were all identified.
4. Socio-economic survey: Socio-economic data of identified PAPs was collected electronically using a designed questionnaire in KoBo collect tool. Individual

interviews for PAPs were conducted to assess the income loss based on their daily revenues and a compensation amount for five (5) days was agreed upon and a disturbance allowance of 15% and consent forms signed.

5. Data Analysis: The socio-economic survey data was analyzed using the Statistical Package for Social Sciences (SPSS) while the asset inventory data base was analyzed in Microsoft excel.
6. Reporting: This RAP study report is informed by the results of the socio-economic survey of PAPs, public sensitization meetings (*barazas*) and key informant interviews. Preparation of the RAP report has also been informed by the Kenyan legal, policy and institutional framework and AfDB ISS, 2013.

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

The Kenyan legal requirements regarding resettlement are addressed in several laws and policies.

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

### **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 RAP report has taken into consideration these requirements.

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 Meru Sewerage LMC Project. Table 1 presents the gap analysis and proposed approaches to be adopted during RAP implementation.

### ***Gap Analysis***

**Table 2:** Gap Analysis

<b>Thematic area</b>	<b>AfDB ISS</b>	<b>Local Legislations/Practices</b>	<b>Proposal</b>
Entitlements	Bank advocates for compensation of PAPs with (i) formal legal entitlements (ii) Socio-cultural rights/claims (iii) No legal entitlements but live or derive livelihoods from project area	The law recognizes PAPs with formal legal rights and those with rights under customary law or cultural practices	The Bank's approach is more robust, progressive and responsive to international best practices and should be adopted
Economic losses	Bank ISS provides for compensation for both physical and economic losses	GoK considers compensation for only physical losses	Adopt the Bank's approach as it's more progressive
Grievance Redress	Project-specific GRM proposed to help deal with grievances	Whereas alternative dispute resolution mechanisms exist under the law, specific provisions have been provided for land-related disputes under both the Land Act and the Land Value (Amendment) Act 2019	Legal mechanism should be employed only after exhausting project-specific GRM. Stakeholders however reserve the right to explore legal redress at any point.
Monitoring	Bank has an inbuilt monitoring system for Bank-funded projects/programmes.	GoK conducts projects/programmes monitoring based on the	A combined monitoring framework is

Thematic area	AfDB ISS	Local Legislations/Practices	Proposal
	Bank internal review of ISS in 2019 recommended enhancement of monitoring framework currently under implementation	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	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

## 6. Baseline Socio Economic Profile of PAPs

Table 3 presents a summary of socio-economic characteristics of PAPs

Table 3: Baseline Socio economic characteristics of PAPs

Socio-Economic Characteristics of PAPs	Baseline Data													
Distribution of PAPs along the proposed LMC lines	<table><tr><th>Gender</th><th>Number of PAPs</th></tr><tr><td>Male</td><td>2</td></tr><tr><td>Female</td><td>5</td></tr><tr><td>Total</td><td>7</td></tr></table>		Gender	Number of PAPs	Male	2	Female	5	Total	7				
	Gender	Number of PAPs												
	Male	2												
	Female	5												
	Total	7												
One (1) PAP (male) was categorized as a vulnerable PAP since he was visually impaired														
Distribution of PAPs by age	<table><tr><th>Age category (years)</th><th>Percentage</th></tr><tr><td>18 – 25</td><td>28.6</td></tr><tr><td>26 – 35</td><td>14.3</td></tr><tr><td>36 – 45</td><td>14.3</td></tr><tr><td>46 – 60</td><td>42.9</td></tr></table>		Age category (years)	Percentage	18 – 25	28.6	26 – 35	14.3	36 – 45	14.3	46 – 60	42.9		
	Age category (years)	Percentage												
	18 – 25	28.6												
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	36 – 45	14.3												
	46 – 60	42.9												
Education and Literacy Levels	<table><tr><th>Highest Level of Education Attained</th><th>Percentage</th></tr><tr><td>Post Secondary</td><td>28.6</td></tr><tr><td>Secondary</td><td>57.1</td></tr><tr><td>Never Attended</td><td>14.3</td></tr><tr><td>Total</td><td>100</td></tr><tr><td></td><td></td></tr></table>		Highest Level of Education Attained	Percentage	Post Secondary	28.6	Secondary	57.1	Never Attended	14.3	Total	100		
	Highest Level of Education Attained	Percentage												
	Post Secondary	28.6												
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	Never Attended	14.3												
	Total	100												

<b>Socio-Economic Characteristics of PAPs</b>	<b>Baseline Data</b>
Access to Health Facilities	Most of the PAPs reported that a member of their household had recently encountered ailments such as flu, malaria, headaches and had sought medication from a local pharmacy. Majority of the households in the project area do not seek treatment at the designated health facilities either due to affordability or accessibility of such institutions
Knowledge on HIV/ AIDs	All PAPs reported awareness on HIV/ AIDs, way of contracting it and treatment available to manage the virus
Economic and livelihood activities	73% of the PAPs relied on business as a source of family income, 18% on farming activities and 9% on other income sources which included casual employment and formal employment.
Accessibility to social structures	The residents acknowledge that they had access to good roads, water, and schools. However, they cited minimum access to sewer infrastructure in the area.
Access to sanitation facilities	71.4% of the households in the project areas use septic tanks/ sock pits while 28.6% relied on pit latrines for sanitation purposes. However, no cases of water borne diseases were reported in the households three (3) months prior to the survey.
Main water source	85.7% of households had their water connection from the local Water Service Provider, MEWASS while 14.3% relied on boreholes.
Preferred mode of compensation for land, structure or livelihood loss	All PAPs reported cash compensation as the most preferred mode of compensation

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

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



## ***Stakeholder Engagement Plan***

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

In line with the SEP requirements, the RAP study team engaged relevant key stakeholders using various stakeholder engagement methods such as key informant interviews, focus group discussions, phone interviews, public barazas and questionnaires. Stakeholder engagement and public consultation will be a continuous activity in all project phases to be guided by the Stakeholder Engagement Plan.

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

The next project activities that will necessitate stakeholder engagement include:

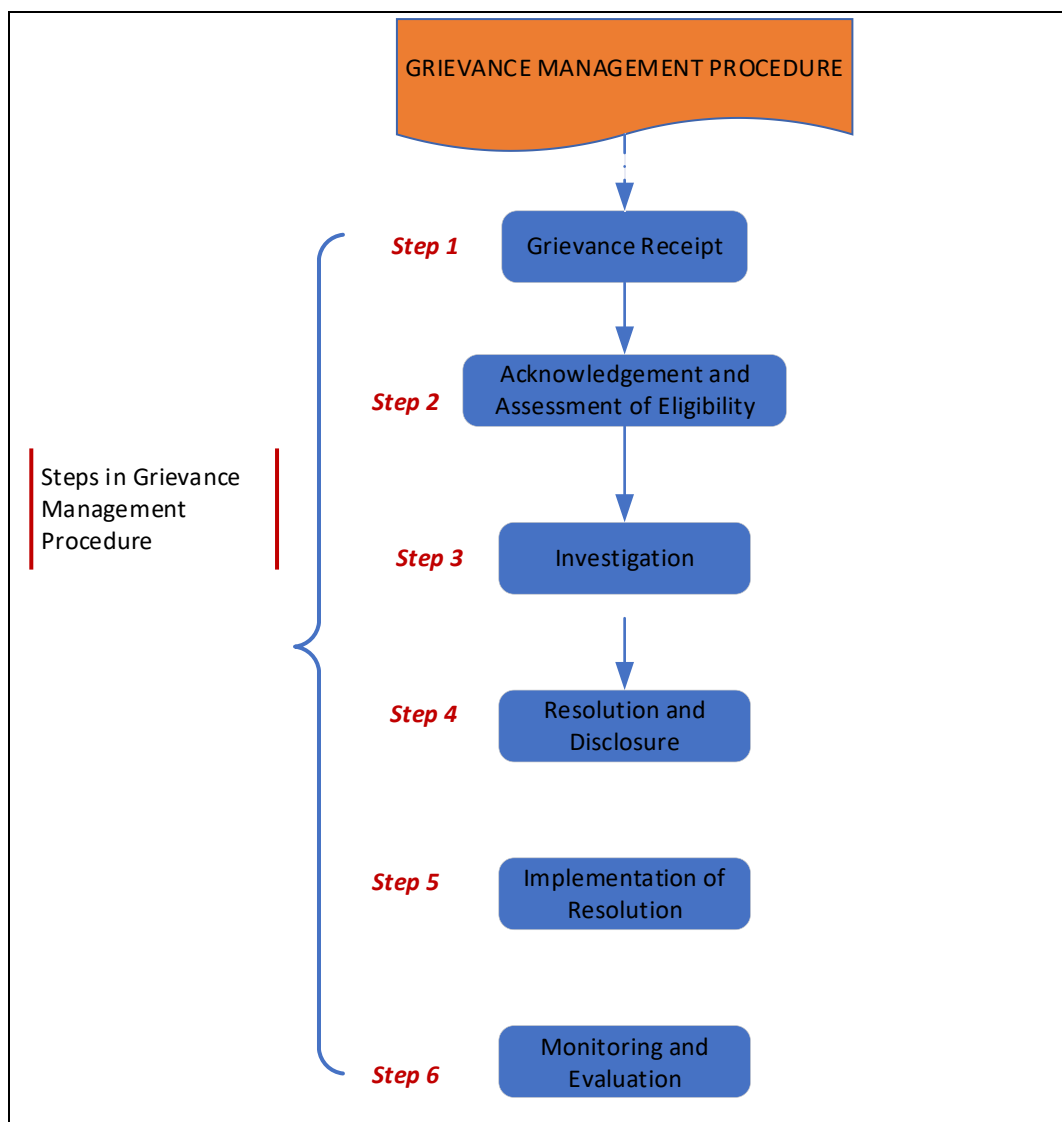
- Disclosure of the RAP Report
- Compensation of Project Affected Persons (PAPs)
- Grievance management at various levels
- Project implementation activities
- Monitoring and Evaluation
- RAP Completion Audit Report

Table 4: Summary of public consultation meetings held

<b>Date</b>	<b>Venue</b>	<b>Category of Stakeholder Engaged</b>	<b>Attendance</b>
28 <sup>th</sup> , February 2024	DCC's Boardroom Meru	Public Administration and community leaders	18 (10M, 8F)
29 <sup>th</sup> , February 2024	Meru Municipal Hall	PAP's and local community	40 (18M, 22F)
7 <sup>th</sup> , March 2024	Kinoru Stadium Hall	Municipality business community and local community	78 (40M, 38F)
9 <sup>th</sup> to 10 <sup>th</sup> April 2024	Along the proposed pipeline route	Project Affected Persons (PAPs)	12 (5M, 7F)

## **Grievance Redress Mechanism**

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



**Figure 2: Grievance Management Procedure**

### *Levels of Grievance Redress Mechanism*

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

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

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

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

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

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

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

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

Grievances related to gender-based violence, sexual exploitation and abuse and violence against children shall be referred to the project Social Safeguard Specialist who shall advice on how they shall be handled or referred to the relevant authorities. The contractors shall be expected to have a Sexual Exploitation Abuse and Harassment (SEAH) policy.

GRM tools for reporting have been attached in Appendix 4.

### **Safeguards Grievances Redress**

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

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

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

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

- ***Impacts on Livelihood:*** Businesses along the road reserve where the project will be implemented shall suffer temporary impacts on livelihoods associated with income loss and loss of access during construction phase of the project. The PAPs affected shall be compensated for livelihood loss
- ***Impact on Structures:*** There were minimal impacts on structures along the road reserve. In most instances, the structures were temporary and movable and hence the business owners would only be compensated for livelihood loss and disturbance allowance. Only one structure was found on the wayleave which would necessitate demolition. The structure will be compensated at a fair market value rate. Adequate notice to vacate shall be issued to the owner to salvage materials from the structure.
- ***Impacts on Crops and Trees*** - Since the proposed Meru Sewerage LMC project will entirely use the road reserve, there will be no impacts on crops. However, a few trees on the road reserve might be affected and this shall be mitigated through CSR activities such as issuance of tree seedlings to people in the project area or partnership with the county government on tree planting initiatives.
- ***Impacts on Pavements:*** The construction phase of the project will result into temporary impacts on pavements particularly within the urban areas of Meru town. The pavements are constructed by either the county government or private businesses. The contractors shall be expected to restore the pavements after any disturbance during the excavations. This mitigation has adequately been captured and costed for in the project Environmental and Social Management Plan (ESMP).

## **9. Eligibility and Entitlements**

***Cutoff Date:*** The cut-off date is defined as the date of completion of asset inventory and socio-economic survey for the respective PAPs. The information about the cut-off date was communicated verbally at public barazas held in all the affected locations and also during individual interviews with the PAPs. The cut-off date established for the PAPs during the RAP study was 10 April 2024

### ***Eligibility Criteria***

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

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

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

## **b) Compensation for Structures**

The following broad categories are entitled to compensation:

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

## ***Statutory Payments***

Roads' agencies established under the Kenya Roads Act, 2007, are legally mandated to manage road surfaces as well as road reserves. These agencies include the Kenya National Highways Authority (KENHA), Kenya Urban Roads Authority (KURA) and the Kenya Rural Roads Authority (KERRA). In order to effectively perform their functions, roads agencies charge nominal fees for infrastructure that utilise road reserves. Such infrastructure includes water and sewer lines, telecommunication and internet cables, electricity lines, among others. A provisional sum of KES 3,500,000 has been allocated in anticipation of these charges for the Meru Sewerage LMC Project.

**Table 5: Entitlement Matrix**

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



*Resettlement Action Plan Report for Meru Sewerage LMC Project*

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

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Impact Category	Type of Impact (Permanent/Temporary)	Entitled Persons	Entitlements	
			Compensation	Allowances and non-cash interventions
Temporary impacts	Temporary loss of access to business facilities	Business owners	<ul style="list-style-type: none"> <li>Cash compensation for 5 days based on the magnitude of the business</li> </ul>	<ul style="list-style-type: none"> <li>Provision of alternative access routes during the period the affected sections are under construction</li> <li>Adequate notice on the construction schedule</li> <li>Training on financial management</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 35% of the total compensation amount</li> <li>Designated assistance to be assessed on a case-by-case basis to ensure that vulnerable people/groups have access to participation, compensation, assistance and livelihood restoration</li> <li>Training on financial management</li> <li>Linkage to the Government of Kenya (GoK) social protection programmes</li> </ul>

**10. Valuation Summary****Table 6: Valuation Summary**

<b>Compensation</b>	<b>Number of PAPs</b>	<b>Amount (KES)</b>
Loss of Livelihood and loss of Structure (1)	7	125,375
Disturbance Allowance (15% for 6 PAPs and 35% for 1 PAP who was categorized as a vulnerable)	7	23,806
Statutory payments to road agencies	3 road agencies (KENHA, KURA & KERRA)	3,500,000
<b>Total Compensation</b>		<b>3,649,181</b>

**11. Livelihood Restoration Measures**

The following livelihood restoration measures shall improve the standards of living of the PAPs.

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

## **12. Institutional and Implementation Arrangements**

### **1) Project Implementation Unit**

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

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

### **2) RAP Implementation Team**

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

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

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

### **3) National and County Government Institutions in RAP Implementation**

**Table 7 Roles of National and County Government Institutions in RAP Implementation**

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

## **12 Monitoring and Evaluation**

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

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

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

### **Total RAP Implementation Budget**

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

**Table 8: Total RAP Implementation Budget**

<b>Item</b>	<b>Amount (KES)</b>
Valuation and Compensation Costs	3,649,181
Livelihood Restoration Activities Budget	350,000
RAP Implementation Team (RIT) Budget	500,000
Monitoring and Evaluation	1,100,000
Contingency (20%)	1,119,836
<b>Grand Total</b>	<b>6,719,017</b>

### **RAP Implementation Schedule**

Table 9 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 9: RAP Implementation Schedule**

Activity	Responsible	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Phase 1: Planning Phase																
RAP Study	TWWDA															
Approval of the RAP Report	TWWDA/ AfDB															
Disclosure of RAP Report	TWWDA/ AfDB															
Phase 2: Compensation of the PAPs																
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															
Phase 3: Commencement of Construction works																
Site Handover	TWWDA, Contractor															
Site clearance	TWWDA, Contractor															
Excavation works and sewer line, manhole & access point installation	TWWDA, Contractor															
Phase 4: Management Measures																
Grievance Management	RAP Implementation Team/ GRM Committees															

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

## **13 Conclusion and Commitments**

### ***Conclusion***

The Resettlement Action Plan for the proposed Meru Sewerage LMC project provides a guide to the compensation and restoration of the Project Affected Persons (PAPs) whose income generating sources such as shops, grocery shops, furniture shops etc are located along the proposed wayleave for the transmission lines and networks. Development of the RAP report was guided by relevant national legal, policy and institutional frameworks and the AfDB African Development Bank's Integrated Safeguards System (ISS), 2013 particularly the Operational Safeguard on Involuntary Resettlement: Land Acquisition, Population Displacement and Compensation. Overall, the RAP study identified seven (7) PAPs (5 Male, 2 Female) who would suffer livelihood loss and loss of structure during project implementation. These were people with businesses along the road reserve at close proximity to the project wayleave. Appropriate measures to safeguard the PAPs have been provided in detail in this Report.

### ***Commitments***

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

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

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## **ABBREVIATIONS AND ACRONYMS**

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AfDB	African Development Bank
ASL	Above Sea Level
BoQs	Bills of Quantity
CAJ	Commission on Administrative Justice
CSOs	Civil Society Organisations
E&S	Environmental and Social
ESIA	Environmental and Social Impact Assessment
ESMP	Environmental and Social Management Plan
GoK	Government of Kenya
GBV	Gender Based Violence
GRM	Grievance Redress Mechanism
HDPE	High Density Poly Ethylene
HIV/ AIDs	Human Immunodeficiency Virus/ Acquired Immuno Deficiency Syndrome
ISS	Integrated Safeguards System

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KENHA	Kenya National Highways Authority
KERRA	Kenya Rural Roads Authority
km	Kilometre
KRA	Kenya Revenue Authority
KURA	Kenya Urban Roads Authority
LMC	Last Mile Connectivity Project
MEWASS	Meru Water and Sanitation Services
mm	Millimetre
MOU	Memorandum of Understanding
NEMA	National Environment Management Authority
NIWASCO	Nithi Water and Sanitation Company
NET	National Environment Tribunal
NLC	National Land Commission
NUWSSP	National Urban Water Supply and Sanitation Program
OD	Outer Diameter
OS	Operational Safeguard
PAPs	Project Affected Persons
PIU	Project Implementation Unit
PWDs	People with Disabilities
RAP	Resettlement Action Plan
RIT	RAP Implementation Team
ROW	Right of Way
SEAH	Sexual Exploitation, Abuse, and Harassment
SEP	Stakeholder Engagement Plan
SPSS	Statistical Package for Social Sciences
TWWDA	Tana Water Works Development Agency
UpVC	Polymerizing Vinyl Chloride
UTM	Universal Transverse Mercator
VAC	Violence Against Children
WASREB	Water Services Regulatory Board
WRA	Water Resources Authority
WSP	Water Service Provider
WWTP	Waste Water Treatment Plant

## **DEFINITION OF TERMS**

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

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

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

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

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

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

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

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

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

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

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

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

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

## **1.0 INTRODUCTION**

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### **1.1 Background**

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

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

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

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

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

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

The specific objectives of the RAP include:

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

- To develop an M&E plan for the RAP implementation

### **1.3 Methodology for Conducting the RAP Study**

The RAP study was conducted using the following methods:

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

### **1.4 The RAP Report Structure**

The structure of this RAP Report is as follows:

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

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

**Chapter 3:** Legal, Policy and Institutional Framework: This chapter describes the relevant legal, policy and institutional framework context within which the proposed project shall

operate. The chapter also covers institutional roles, including those that are typically involved in land access, compensation, displacement and resettlement as well as applicable AfDB Integrated Safeguard System (2013). A gap analysis is provided of Kenya legislation compared to international standards and proposed approaches for the Project to address these gaps.

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

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

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

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

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

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

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

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

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

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



## **2.0 PROJECT DESCRIPTION**

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### **2.1 Existing Sewerage Infrastructure**

Meru town has a sewerage project that was recently constructed with a capacity to treat 11,800m<sup>3</sup> of wastewater per day. It was funded by the African Development Bank and the Government of Kenya from the year financial 2018/2019 and was completed in 2023. The project has an elaborate network of trunk sewer lines of over 50Km ranging from DWC 600-250DN various sections to a newly constructed Waste Water Treatment Plant in Rwanyange. These network traverses the town including Makutano, Milimani, Kinoru, Mwandantu, Gitimbine, Kaaga, Gikumene and Kirunga areas, among others. The main lines have been laid and there is need for tertiary connections and secondary lines to join the trunk sewers laid for the residents within the Municipality to utilise the system. This calls for the proposed Last Mile Connectivity of the Meru Sewer Project.

### **2.2 Proposed Project Design**

The proposed project Design Criteria and Standards were prepared for adoption in the design of the various elements of the project in line with the Kenyan Waste water design guidelines and best international practices. The design criteria cover, but is not limited to, the planning horizon, population projections, selection and sizing of sewer lines. The design guiding principles for the proposed project include:

- The trunk sewers are realigned as much as is practical to avoid interfering with existing private properties and developments;
- The trunk sewers are realigned to follow the valleys as applicable;
- The design of sewers will aim at optimizing the pipe gradients in order to minimize the earthworks.

#### **2.2.1 Design for Sewerage Conveyance System**

The proposed project shall use a minimum diameter size of 230 mm for sewers in their parameters for Adoptive Standards (2). In order to reduce the tendency of blockages, the project have adopted a minimum of 300 mm in its trunk sewers. It is proposed to adopt a similar standard for this particular project.

Table 2.1: Minimum size of sewer lines

<b>No of House Connections</b>	<b>Diameter</b>
Individual connections	150 mm
Up to 5 house connections	150mm
Greater than 5 connections	200mm
5 to 10 Connections	250mm

### **2.2.2 Depth of Sewers**

The minimum depth of sewers at the starting points will be maintained at 900mm and 400mm at other locations. However, minimum and maximum depths of sewers are dictated by the actual ground conditions on site and economic considerations. The following protection criteria generally apply in the design:

Table 2.2: Depth of Sewers and Protection Criteria

	<b>Depth range in mm</b>	<b>Pipe protection</b>
In Open fields	400-600	Concrete bed and surround
	600-750	Concrete bed and haunch
	Over 750	Protection governed by factors other than shallowness 100mm concrete bed to be used when founding on rock
In roads	600-750	Concrete bed and surround
	750-1200	Concrete bed and haunch
	Over 1200	Protection indicated by factors other than shallowness. i.e., Type C/Type D as provided in the drawings

The above-mentioned pipe protection criteria should however be checked with structural stability conditions of pipes using the Marston equation and proper measures recommended.

### **2.2.3 Pipe Materials**

The following pipe materials are manufactured in Kenya:

- Precast concrete pipes
- uPVC pipes
- Steel pipes

According to the Design report prepared by the Client, uPVC and concrete pipes are recommended for trunk sewers. However, the use of concrete pipes for trunk sewers is recommended due to their strength and durability. uPVC pipes are recommended for the laterals and reticulation sewers.

### **2.2.4 Location and Spacing of Manholes**

Manholes shall be constructed at every change of alignment, of gradient, at the head of sewers or branches, at every junction of two or more sewers and wherever there is a change in the size of sewers. The recommendations for minimum manhole spacing and wayleaves are given in Table 2.3.

Table 2.3: Recommended Manhole Spacing

Sewer Size		Manhole Spacing	Min. Manhole Dia.	Construction Wayleave	Permanent Wayleave
From	To				
mm	mm	m	mm	m	m
230	375	60	1050	4	3
450	610	80	1200	5	4.5
635	900	100	1500	6	6.0

Manholes shall be constructed of locally manufactured bricks where the sewers are shallow (up to 600mm depth) but preference will be given to cast in situ or precast concrete manholes. Precast concrete manholes/slab covers shall be adopted in order to discourage theft or vandalism.

In areas with heavy traffic, heavy-duty cast-iron manhole covers could be used, while medium duty manhole covers and frames or equivalent could be used in areas with limited traffic access. Manhole covers are to be imbedded in road bitumen after final inspection if required.

The minimum height from the soffit of the pipe to bottom of the roof slab shall be maintained at 2m in order to provide comfortable space for the maintenance purposes.

## Benching

An area of benching shall be so provided in each manhole as to permit a man to stand easily, comfortably and without danger to himself, on such benching while working in the manhole. The manhole benching is designed at a grade not steeper than 1 in 5 or flatter than 1 in 25 and will be battered back equally from each-side of the manhole channels.

### 2.2.5 Structural Designs of Sewer Pipes

The maximum and minimum trench depths for sewers of various materials is calculated using the methods given in National Annex (NA) to BS EN 1295-1:1998. Appropriate materials for the intended depth of installation are considered.

The computation of loads on buried pipelines has been established by the work of Marston, Spangler and others, and is summarized by the Simplified Tables of External Loads on Buried Pipelines, (10), which will be adopted for this Project.

The trench bottom shall be smooth and free from all stones and other projections, in order to give the pipe an even support for the entire length. Where this is not possible, and in rock, a minimum depth of 100mm of granular material shall be provided as bedding under pipes, shall be placed between the pipes and the trench sides and brought up in 200 mm compacted layers to at least 150mm above the crown of the pipe. Where the depth of cover to pipes is low, concrete bedding, haunch and surround shall be provided. a minimum diameter of 300 mm

diameter for the trunk sewers and a maximum of 675 mm diameter at the Outfall sewer piping's shall be adopted for the project. Figure 2.1 shows the proposed Meru Sewer LMC project layout.

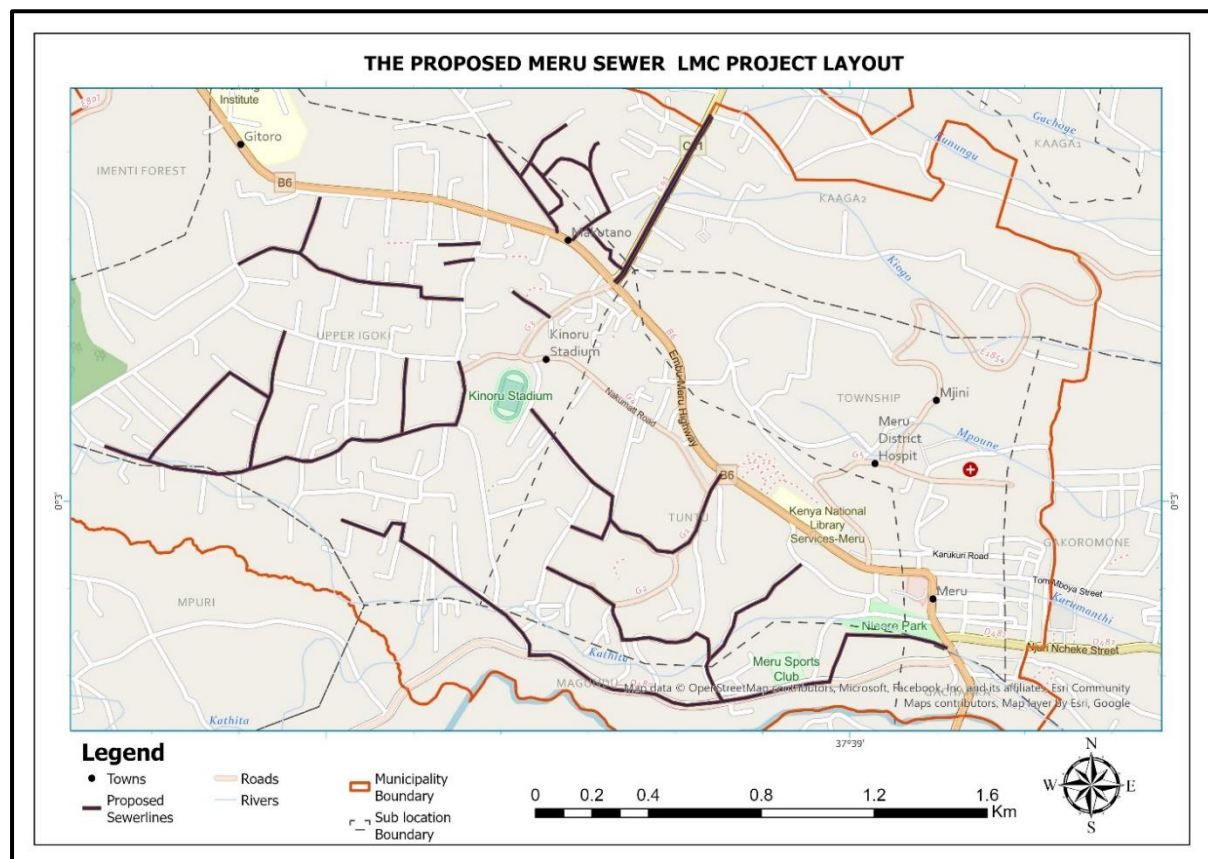


Figure 2.1: Meru Sewer LMC Project Layout

Table 2.4: Sewerage Collection and Conveyance System Pipe Sizes and Lengths

Trunk	Pipe Diameter (mm)	Length (Km)	Last mile Connections	Pipe Diameter (mm)	Length (Km)
<b>Existing Trunk Lines</b>			<b>Proposed Last Mile Connectivity Lines</b>		
Kemu Trunk	300	3.3			
Kombokie Secondary Trunk	300	5.1	Kombokie line (TS3)	250	5.4
Kombokie River Trunk	300	5.6	Kombokie Line (TS1)	250	3.0
	375	3.3		300	1.4
Kaaga Trunk	300	2.2			
Gachoge River Trunk	300	5.5			
	450	4.0	Gachoge line (TS4)	250	3.7
Kunungu River Trunk	300	3.0			
MTTC-Mpuone Trunk	300	5.6			
Kiogo River Trunk	300	5.2			
	450	2.1			
	500	2.5	Kiogo Line (TS2)	250	4.0

Trunk	Pipe Diameter (mm)	Length (Km)	Last mile Connections	Pipe Diameter (mm)	Length (Km)
	675	1.2		300	3.0
Karumanthi Trunk	300	4.6			
Gikumene Trunk	300	2.5	Gikumene line (TS5)	250	6.0
Kathita River Sewer	300	9.8			
	375	1			
<b>Total</b>		<b>56.2</b>			<b>26.5 Km</b>

## 2.3 Sludge Management and Disposal

The town has a sewerage project recently constructed with a capacity to treat wastewater of 11,800m<sup>3</sup> per day. It was funded by the African Development Bank and the Government of Kenya. The project commenced in the year 2018/2019 and was completed in 2023. The LMC Project for Meru Sewerage Project shall be linked up to the current sewerage system with a Waste Water Treatment Plant in Rwanyange in Meru. The design specifications for the treatment plant is as described.

The sewage treatment works was designed for the future year (2030) design flow.

The sewage treatment process consists of preliminary treatment and waste water stabilisation ponds consisting of anaerobic, facultative and maturation ponds as shown in the schematic representation below.

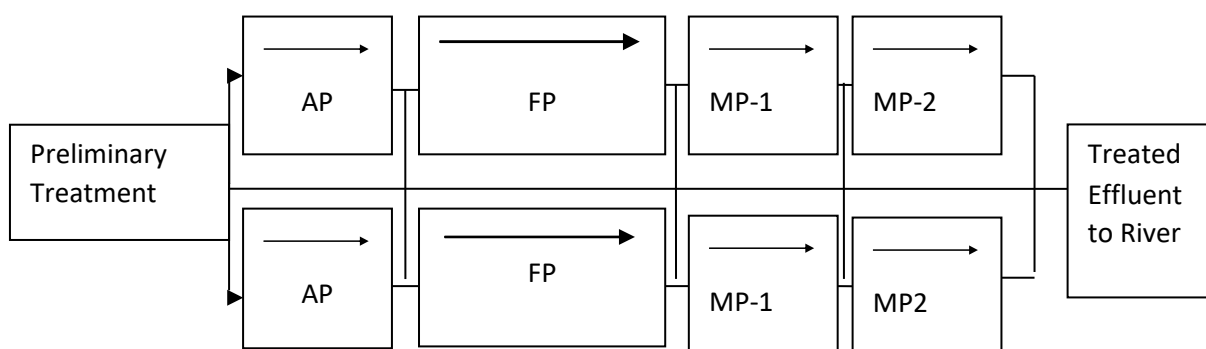


Figure 2.2: Schematic Drawing of the Sewage Treatment Work

### 2.3.1 Preliminary Treatment

The preliminary treatment works consist of screens, grit chambers, parshal flumes, over flow chamber and flow distribution chambers. The works have been designed to have two parallel systems of equal capacity for ease of maintenance.

#### 1. Screens

Manually raked screens which consist of coarse and fine screens, have been provided in the design.

**Coarse Screens:** These consist of 25mm diameter bars placed at  $60^0$  to the vertical at a clear spacing of 50 mm. The vertical inclination gives increased surface area of contact with the sewage and eases the cleaning by the use of a hand-held rake.

**Fine Screens:** These consist of 6 mm diameter bars placed at  $60^0$  to the vertical at a clear spacing of 25 mm. The Screens are located in the inlet chambers (2No) with dimensions 8.5 m long, 2 m wide and 1 m depth with a design approach velocity of 0.75 m/s.

## **2. Grit Removal Channel and Parshall Flume**

Two constant velocity rectangular grit channels have been proposed for grit removal. The grit channels are each designed to accommodate the design flow capacity. The dimensions of the channel for the Ultimate year design flow are as shown below;

- Length= 8.5 m.
- Width= 2 m.
- Depth= 0.8 m

The Parshall flumes have been provided immediately downstream of the grit removal channel to enable flow measurements and to assist in ensuring constant velocity in the grit chambers.

## **3. Overflow Chamber**

An overflow chamber was designed with a weir that connects to a pipe and drain at the sewage treatment works outfall to the river.

## **4. Flow Distribution Channels**

The flow distribution channels have been designed to distribute the flows to the 2 parallel waste water stabilization ponds systems. Sluice gates were provided to control the flow and an emergency by-pass to outfall of the sewage treatment works.

### **2.3.2 Anaerobic Ponds**

The Waste Water Treatment Plant (WWTP) has two Anaerobic ponds in parallel, they were designed for a depth of 4.5m, a retention time of 1 day with a volumetric flow of 350 g/m<sup>3</sup>-day. The area covered by each of the anaerobic ponds is 1297 m<sup>2</sup>.

### **2.3.3 Facultative Ponds**

The WWTP has two Facultative ponds for the two parallel waste water stabilization ponds systems. They were designed for a depth of 1.5m, a retention time of 4.5 days and a surface loading of 350 kg/ha-day. The coverage area for each pond is 17,508 m<sup>2</sup>.

### **2.3.4 Maturation Ponds**

The WWTP has four maturation ponds for two for each parallel waste water stabilization ponds system. A depth of 1m has been adopted for the ponds with a retention time of 3.4 days. In each series the first maturation pond covers 18,961 m<sup>2</sup> and the second maturation pond covers an area of 18,585 m<sup>2</sup>.

### **2.3.5 Effluent Outlet Works**

The effluent from the WWTP is being drained into the near Gachioma River to be used for irrigation purposes downstream.

### **2.3.6 Sludge Drying Beds**

The WWTP has open air sludge drying beds with an under-drainage system with an area of .0.17 ha.

## **2.4 Proposed Project Activities**

### **2.4.1 Preconstruction Phase Activities**

The main activities during pre-construction phase include resource mobilization, conducting specific studies i.e., feasibility studies, ESIA and RAP, acquisition of necessary permits, tendering services, site handover, handover of drawing and water work plans and site layout to the contractor.

### **2.4.2 Construction Phase Activities**

The construction phase shall entail the following activities:

#### **1. Site Preparation**

- Clearing the construction site of any obstacles, debris, or vegetation.
- Excavating trenches for laying sewer pipes and installing other infrastructure.

#### **2. Sewer Line Installation**

- Excavating trenches according to the approved design specifications.
- Laying sewer pipes carefully, ensuring proper alignment, slope, and joint connections.
- Backfilling the trenches with suitable material and compacting it to provide support and stability to the sewer pipes.

#### **3. Manhole and Access Point Installation**

- Constructing manholes and access points at regular intervals along the sewer line for maintenance and inspection purposes.

- Installing frames, covers, and other appurtenances to secure and protect access points.

#### **4. Machinery and Equipment**

During the construction of the sewerage pipeline, a variety of machinery and equipment will be required to ensure efficient construction, operation, and maintenance. Some of these machinery and equipment include:

- Dozer
- Poker vibrator
- Concrete mixer
- Excavator
- Backhoes
- Truck/Tipper
- Plain Roller
- Modern Survey Equipment
- Fusion Machines for HDPE Pipes
- Welding Machines

**Construction Workforce:** Indicative workforce projections have been estimated from the design analysis. The EPC Contractor will prepare a more detailed workforce numbers and workforce management plans based on the commitments set out in this ESIA report. The construction workforce will comprise approximately 150 to 200 personnel. Construction jobs will comprise:

- Management – Site Resident Engineer, Supervisor, Foreman, Site Planner.
- Skilled – Quantity Surveyor, Safety Health and Environment Consultant, Welder, Site Operators
- Semi-Skilled – Electrician, Mechanic, First Aider
- Unskilled – General Laborers/ workers, Guards, Drivers

#### **2.4.3 Operation Phase Activities**

Upon completion of the construction phase, the proposed Meru Sewerage LMC sanitation infrastructure shall be ready for use. The management and operation of the newly constructed sewerage treatment and system shall be entrusted to the local WSP, Meru Water and Sewerage Services, in accordance with the provisions of the Water Act 2016 and the policies set forth by WASREB. Continuous monitoring of the sewer system's functionality will be undertaken to ensure its conformity with local, national, and international environmental sustainability standards and best practices. Regular assessments, maintenance and repair works and scientific tests shall be undertaken to ascertain that the structure continues to meet the requisite standards and effectively serves its designated purpose.



#### **2.4.4 Decommissioning Phase Activities**

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

During the closure of the project, all activities will be halted, and the built structures and fences will be demolished. The affected land will undergo landscaping efforts, including the planting of appropriate indigenous trees and grass, to restore its natural state.

#### **2.4.5 Project Cost**

According to the bills of quantity (BOQ) derived from the technical design of the project, the estimated cost of implementing the project, including auxiliary infrastructure (excluding the cost of the Environmental and Social Management & Monitoring Plan and Resettlement Action Plan), is approximately KES 245,809,520.44.

### **2.5 Project Alternative Analysis**

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

The ‘no action’ alternative option entails maintaining the current status quo of no sewerage system in project areas. This option implies that the residents shall will continue using the old systems with their inefficiencies. There would be continued pressure on the present waste water treatment plant in Gakeremoni leading to inefficiencies that would compromise ecosystems downstream.

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

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



Figure 2.3: A grocery business along the road reserve



Figure 2.4: A boutique (clothes) business along the road reserve



Figure 2.5: A *juakali* workshop business along the road reserve



Figure 2.6: Shops (grocery and butchery businesses) along the road reserve

### 3.0 LEGAL, POLICY AND INSTITUTIONAL FRAMEWORK

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

#### 3.1 National Legal Framework

##### 3.1.1 Constitution of Kenya, 2010

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

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

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

##### 3.1.2 Water Act, 2016

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Rating Act requires every rate-able 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 35% as opposed to 15% for other PAPs. A certificate from the Commission would be required as proof of disability and government recognition.

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

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

### **3.1.14 Kenya Labour Laws**

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

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

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

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

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



### **c. NSSF Act and NHIF Act**

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

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

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

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

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

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

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



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

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

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

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

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

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

### **3.2 National Policy Framework**

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

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

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

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

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

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

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

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

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

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

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

Table 3.2: Institutional Roles in RAP Implementation and Capacity Assessment

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

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<b>Institution</b>	<b>Roles</b>	<b>Capacity Assessment</b>
	<p>and pollution control, conduct sanitation management and carry out management of public water schemes and community water projects.</p> <p>The development of water and sanitation systems under NUWSSP are in accordance with the mandate of the Ministry and are therefore coordinated by the Ministry on behalf of the Government of Kenya.</p> <p>In facilitating RAP implementation, the Ministry will therefore provide the necessary facilitative oversight including, but not limited to coordination with the national treasury and the Bank for timely disbursement of funds, provision of technical support to the implementing agency and ensuring adequate capacities are maintained at the implementing agency.</p>	<p>resettlement planning, Environmental and Social Safeguards, financial management &amp; project Management. However due to the numerous projects to be implemented under the program, the ministry may require a dedicated project management team drawn from the ministry or by engaging consultants to boost their capacity.</p>
Ministry of Labour and Social Protection	<p>The Ministry was established under Executive Order No. 1 of 2022 to, among other things, ensure the protection of workers' rights as guaranteed under the Constitution of Kenya 2010.</p> <p>All Agencies and their agents (contractors and consultants) are, under the law expected to observe safe working conditions and the practice of fair labour practices. The Ministry handles all labour-related complaints in the country. The Ministry of labour will therefore need to facilitate RAP implementation through timely resolution of labour-related issues that might emanate from the various contracts under the project.</p>	<p>The Ministry of Labour and Social Protection has the required personnel to solve any labour related grievances that may arise during project implementation.</p>
Ministry of Interior and National Administration	<p>The Ministry was created under Executive Order No. 1 of 2022 to, among other things, coordinate national government functions.</p> <p>The Ministry, through local administrators (Village elders, Assistant Chiefs, Chiefs, Assistant County Commissioners, Deputy County Commissioners and County Commissioners) supports and coordinates all projects and programmes implemented by the national government.</p>	<p>The public administration has adequate capacity to play their role in RAP implementation as has been witnesses in the other ongoing project. The local Sub chiefs, Chief's and village managers are well versed with the local environment and in good touch with the locals. Case that require special attention will be</p>

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<b>Institution</b>	<b>Roles</b>	<b>Capacity Assessment</b>
	<p>Chiefs and Assistant Chiefs, particularly play an important role in linking national government agencies to the communities who are the target beneficiaries of the projects. In the implementation of the RAP, Chiefs will play a vital role, particularly in addressing local grievances. They will also support the RAP Implementation Team in all its activities at the local level.</p>	<p>escalated to the Assistant County Commissioners or the County commissioners.</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. At the grassroots, there are representatives at the Subcounty level who are well trained and experienced in matters of business development and entrepreneurship who also understand the local business environment and local opportunities for startups and business growth.</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 as the regulator to the Water Service Providers has adequate capacity to handle relevant disputes involving the WSPs and in enforcing regulations in management and provision of water and sanitation services including tariff development. WASREB will also promote sustainability of water and sewer provision by harmonizing the working relationship between the WSP, County government and TWWDA.</p>

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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 through engagement of consultants.
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 monitoring of the project and offer support in conflict resolution especially



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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>	<p>those involving institutional stakeholders.</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>

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

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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>
Water Resources Authority	<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>

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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> <ul style="list-style-type: none"> <li>a. be responsible for the proper management of the environment within the county for which it is appointed;</li> <li>b. develop a county strategic environmental action plan every five years; and</li> <li>c. perform such additional functions as are prescribed by this Act or as may, from to time, be assigned by the Governor by notice in the Gazette.</li> </ul> <p>The committee may on its own motion, or through a complaint by a stakeholder, investigate, assess and or advise on the proper implementation of any project within the county that impacts on the environment. The committee may from time to time advise the RAP implementation team on pertinent issues to be addressed during the RAP implementation including, but not limited to, the restoration of public and private infrastructure, implementation of environmental restoration activities within the county, among others.</p>	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.
Meru Water and Sanitation Services (MEWASS)	<p>Water service providers (WSPs) are established in accordance with Article 77(1) of the Water Act and has the mandate to:</p> <ul style="list-style-type: none"> <li>(a) provide water services within the area specified in the license; and</li> <li>(b) develop county assets for water service provision.</li> </ul>	Upon project handover, MEWASS shall be expected to increase their human capacity through employment of more staff to manage and maintain the new system.

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<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, Meru Sewerage LMC project shall be handed over to MEWASS for operations and maintenance. MEWASS shall thereafter be required to address any matters that could be pending from the implementation of the project. The involvement of MEWASS 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 Meru Sewerage LMC Project Table 3.3 presents a summary of the key issues.

**Table 3.3: Gap Analysis**

<b>Thematic area</b>	<b>AfDB ISS</b>	<b>Local Legislations/Practices</b>	<b>Proposal</b>
Entitlements	Bank advocates for compensation of PAPs with (iv) formal legal entitlements (v) Socio-cultural rights/claims (vi) 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.

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

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

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### **4.1 Stakeholder Engagement**

#### **4.1.1 Overview**

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

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

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

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

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



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

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

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

The key stakeholders engaged during the RAP study included:

- Deputy County Commissioner
- Ministry of Lands
- Meru Water and Sewerage Services
- Road agencies
- Business community in Meru town
- Project area chiefs and subchiefs

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

Table 4.1: Summary of public consultation meetings held

<b>Date</b>	<b>Venue</b>	<b>Category of Stakeholder Engaged</b>	<b>Attendance</b>
28 <sup>th</sup> , February 2024	DCC's Boardroom Meru	Public Administration and community leaders	18 (10M, 8F)
29 <sup>th</sup> , February 2024	Meru Municipal Hall	PAP's and local community	40 (18M, 22F)
7 <sup>th</sup> , March 2024	Kinoru Stadium Hall	Municipality business community and local community	78 (40M, 38F)
9 <sup>th</sup> to 10 <sup>th</sup> April 2024	Along the proposed pipeline route	Project Affected Persons (PAPs)	12 (5M, 7F)

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

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

Issue Raised	Technical Team Response
Compensation of the affected persons	<ul style="list-style-type: none"> <li>Unlike the ongoing sewer treatment plant that involved resettlement of people to pave way for construction the LMC project would utilise road reserves hence there will be minimal disturbance of the municipality people.</li> <li>However, compensation for any person that will be directly affected by the projects shall be done diligently following the Resettlement Action plan that shall be formulated by the consultant.</li> </ul>
If the local labour force would be prioritized by the contractors	<ul style="list-style-type: none"> <li>In a bid to grow the economy of the project area, the contractor shall be keen on hiring locals, especially for unskilled labour.</li> </ul>
How will the community get sewer services?	<ul style="list-style-type: none"> <li>The stakeholders were informed to liaise with MEWASS</li> </ul>
What is the sustainability of the proposed project	<ul style="list-style-type: none"> <li>The sewer lines will be constructed durably with plastic PVC pipes which are long-lasting</li> <li>Once the construction was done the project would be handed over to MEWASS who will be tasked with the operational and maintenance of the project infrastructure</li> </ul>
Remedy for sewer leakages	<ul style="list-style-type: none"> <li>There will be a quick response from the MEWASS operational and maintenance team.</li> </ul>
<ul style="list-style-type: none"> <li>Inquiry if the scope of the project if it will cover parts of Rangaini, Milimani and Forest areas in the Municipality</li> <li>When the proposed works will begin</li> </ul>	<ul style="list-style-type: none"> <li>The areas were captured. They further explained the layout using the local dialect and the local names of areas to allow the community members understand the proposed layout better.</li> <li>It was responded that they were not certain of how soon the proposed works would begin but explained that it will begin after the proponent has complied with all the financier and the national requirements</li> </ul>
<ul style="list-style-type: none"> <li>The terms of compensation of the lost livelihoods</li> <li>Will the project incorporate the existing sewer projects which have been serving the town</li> </ul>	<ul style="list-style-type: none"> <li>Compensation was based on how the proposed project had directly affected the livelihood of the person in regards to the wayleave. He explained that wherever a way leave will lead to demolition of property of destruction of crops and trees then it would compensate appropriately as per the outcome values of the RAP. A huge percentage of the sewer lines were designed to be on the road reserves</li> <li>On the second question it was responded that the proposed project won't be incorporated with the previous sewer systems as the pipes are non-interoperable with the current systems. Furthermore, the sewer systems were built considering the gravitational flow of sewer to the Gakoromone Sewer Treatment plant which is scheduled for decommissioning. The new system was designed to gravitate the waste to the new Rwanyange Sewer treatment plant.</li> </ul>
The previous road reserves were so narrow this would	<ul style="list-style-type: none"> <li>All the roads within Meru town were of standard with of 10 meters all accounting for the carriage way, footpath and drainage. It was addressed the members who had encroached</li> </ul>

Issue Raised	Technical Team Response
compromise the ways for the sewer lines getting into farms	the road reserves to quit as this would lead to demolitions. She recommended that TWWDA and KURA to engage to acquire the right of ways for pipelines within the reserve.
How TWWDA is planning to engage institutions where the lines were designed to pass	<ul style="list-style-type: none"> <li>The proposed layout doesn't pass through institutions however whenever they would be forced by the designs to pass through the institution TWWDA will follow requisite procedures to acquire wayleave through the institution's management.</li> <li>Dedicated sewer trunks have been designed primarily to serve big institutions in Meru including: KeMU, MUST, and Meru National Polytechnic</li> </ul>
The proposed projects potentiality to disturb the water supply lines as previous projects terminated their water supply infrastructure	<ul style="list-style-type: none"> <li>The previous projects done by TWWDA had not tempered with the water supply lines. Whenever the pipeline was disturbed the agency through the Residential Engineer made efforts to repair the pipeline. He further responded that the project will have grievances readdress mechanism through which the community shall air out their concerns throughout the project implementation. The office responsible shall be situated at MEWASS offices at the Water Treatment plant in Kinoru</li> </ul>
Will the people near the main sewer trunk be connected directly to the sewer system?	<ul style="list-style-type: none"> <li>It is not advisable to be connected to the sewer line directly via the main trunk as whenever the main trunk is tempered with it will lead to a sanitation calamity. The community members were advised that whenever they would need a connection to the sewer line, they would be connected through application to MEWASS the WSP for Meru urban areas.</li> </ul>
Proposed works impacts on road disruptions as previous works conducted by MEWASS disrupted transportation	<ul style="list-style-type: none"> <li>The proposed works will ensure there is minimal inconveniences on the roads. There would be a dedicated marshal to ensure the roads are passable. The road crossings shall be executed through micro tunnelling minimising road cuttings</li> </ul>
Inquiry if Gitoro village was included in the proposed LMC sewer Project	<ul style="list-style-type: none"> <li>Based on the surveyed layout the village was not in the plan however the technical team assured that the village will be included in the future plans</li> </ul>

A summary of key issues raised by the PAPs who had businesses along the roads where the pipelines would be installed are summarized below:

Table 4.3: Issues Raised by Key Stakeholders and Responses given by the Technical Team

Issue	Response by the Technical Team
When the project construction was likely to commence	The technical team explained that the proposed project was still in the pre-construction/ planning phase. Design and survey works had been completed and the ESIA and RAP studies were ongoing after which project appraisal by the financier would follow. Upon financing, procurement and tendering process to procure services of a contractor would follow.

<b>Issue</b>	<b>Response by the Technical Team</b>
	It was emphasized that the project affected persons (PAPs) would be engaged regularly in the planning process prior to contractor mobilization to site
Criteria for compensation of livelihood loss	The technical team explained that in line with the AfDB policies, the livelihood losses for businesses along the roads where the sewer line would be constructed would be compensated for a period of 5 days. The criteria to be used
What criteria is used to determine who is affected and not	The RAP study team members are using handheld GPS equipment that is preloaded with the right of way (ROW) and they are able to establish who is affected and who is not
Whether compensation would be done before the project construction	All compensations will be dealt with prior to any project implementation.
What avenues exist for project related complaints particularly related to compensation and workmanship by the contractor	TWWDA is developing a grievance redress mechanism (GRM) which will ensure all grievances/ complaints related to Meru Sewerage LMC project are addressed. The PAPs shall be sensitized on the project GRM
There are cases of similar projects in the area where the contractors did not restore the sites after completion of works and other areas where improper backfilling was done. How will Tana Water ensure that the contractors	TWWDA shall engage a resident engineer for the project who shall supervise and ensure the contractors adhere to the required standards including restoration of sites after pipe installation. The project shall also have a GRM where such grievances from the community shall be reported and addressed promptly.

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

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

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

## **4.2 Grievance Redress Mechanism**

A Grievance Redress Mechanism (GRM) is an instrument through which dispute resolution is sought and provided. It involves the receipt and processing of grievances from individuals or groups negatively affected by activities of a particular project. A Grievance Redress

Mechanism (GRM) plays a critical role in preventing negative interruptions in project implementation occasioned by legal redress that are costly and time consuming. It spells out avenues to mitigate grievances from stakeholders and provides a legitimate, accessible and cost-effective avenue for receiving and addressing grievances whenever they occur. This section presents the procedures for handling grievances during the implementation phase of the RAP. The GRM reporting tools have been provided in Appendix 4 of this Report.

#### **4.2.1 Objectives of the Grievance Redress Mechanism**

The objectives of the GRM are as follows:

- i. To provide and operationalize structures for receiving and addressing grievances emanating from project activities and providing feedback
- ii. To sensitize stakeholders on existing avenues and channels for registering and resolving grievances
- iii. To mitigate negative impacts of grievances emanating from project interventions
- iv. To promote good relations between the project implementers, executors and beneficiaries.

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

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

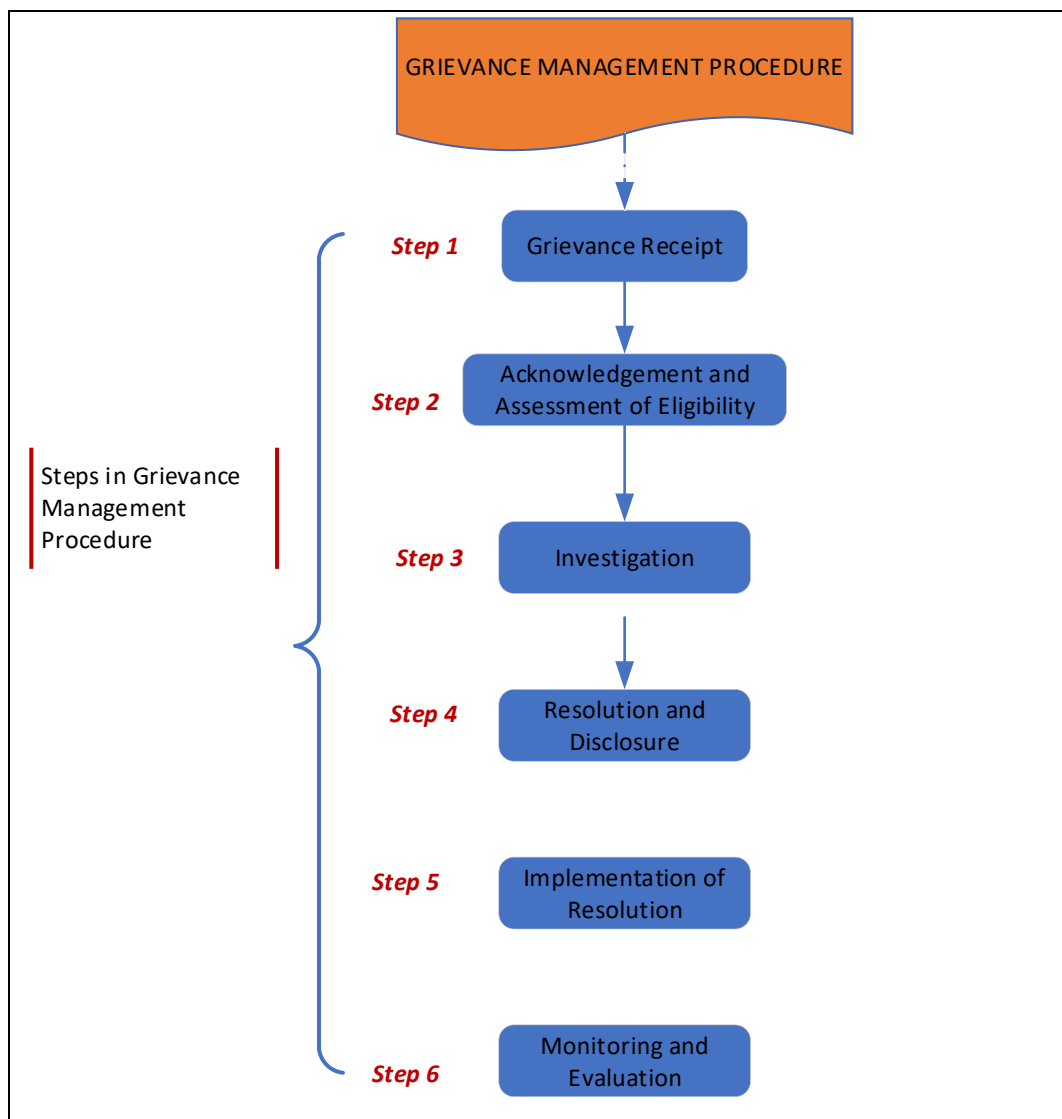
- Accessibility – The GRM shall be accessible to everyone and at anytime
- Predictability –time bound at any stage with specified timeframes for the responses
- Fairness – The procedures herein are perceived as unbiased in regard to access to information and meaningful public participation
- Rights compatibility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

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

The GRM structure presents procedures and timeframes for grievance redress at various levels. Figure 1 presents the general steps for each grievance reported.

##### **Grievance Management Procedure**

All grievances reported shall be managed using the procedure illustrated in figure 4.1 below.



**Figure 4.1: Grievance Management Procedure**

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

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

The first level of grievance redress will be at the community level mainly targeting the local beneficiary communities and the project affected persons (PAPs). For every community at location level, a local grievance management committee shall be formed and trained to handle community grievances/ complaints emanating from the implementation of the proposed water supply and sanitation projects. The committee shall comprise of five members who shall include the local chief as the chair. The other members shall be nominated by the project beneficiaries ensuring gender balance and a representation of the vulnerable where applicable.<sup>3</sup>. The committee shall be trained by the Social Safeguard Officer on conflict resolution, group dynamics, project sustainability among other areas that shall be deemed necessary.

<sup>3</sup> The committee should have at least two female members

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

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

Grievances related to gender-based violence, sexual exploitation and abuse and violence against children shall be referred to the project Social Safeguard Specialist who shall advice on how they shall be handled or referred to the relevant authorities. The contractors shall be expected to have a Sexual Exploitation Abuse and Harassment (SEAH) policy.

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

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

### **Step 3: Investigation**

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

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

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

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

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

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

## **Step 6: Grievance monitoring**

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

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

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

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

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

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

At the National Level, a Grievance Handling Committee shall be appointed and equally trained to handle grievances. The committee shall be chaired by a nominee at the Ministry of Water, Sanitation and Irrigation, other membership shall include the project co-ordinators at TWWDA, the chairs of the county grievance management committees and a representation



from TWWDA legal department. The ministry shall appoint a grievance handling officer who shall foresee operations of the committee. As in other levels, the reporting tools for other levels shall equally apply at national level reporting.

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

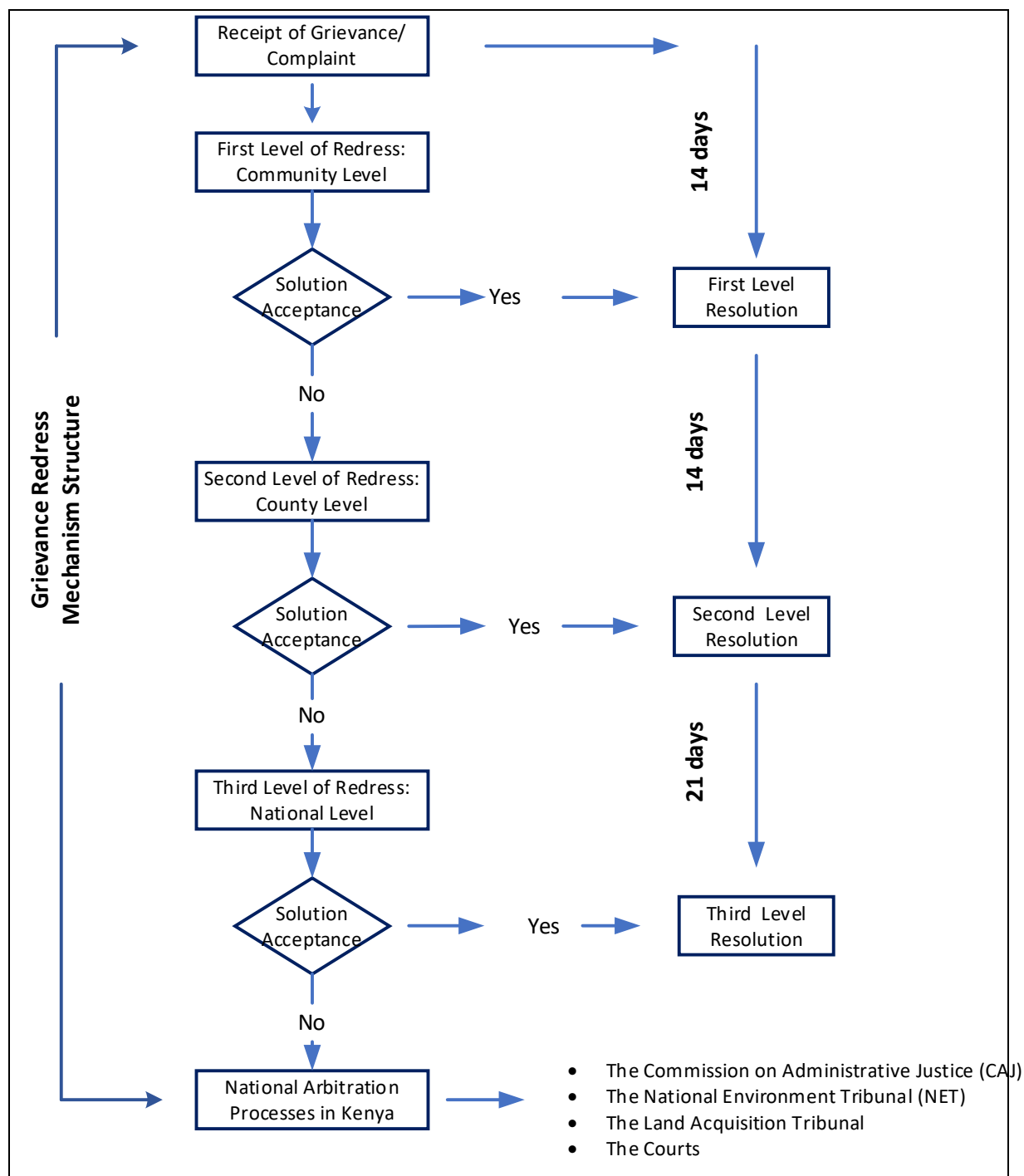
TWWDA shall maintain databases and reports on all grievances and regularly conduct an assessment of the overall effectiveness and the impact of the GRM. The results of the assessment shall be used to improve the performance of the GRM and provide valuable feedback to project management.

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

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

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

Figure 4.2 presents a summary of the levels of grievance redress mechanism



**Figure 4.2: Levels of Grievance Redress Mechanism**

The M&E Plan for project related grievances has been provided in Chapter 9.

#### 4.2.4 Safeguards Grievances Redress

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

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

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

**b) Community Awareness and Sensitization**

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

**c) Collaboration and Referral Pathways**

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

**d) Incident Reporting and Response**

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

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

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

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

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

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

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

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

### 5.1 Distribution of PAPs along the Proposed Line

The study identified seven (7) PAPs who would suffer livelihood loss and loss of structure. These included those with businesses along the road reserve at close proximity to the project wayleave. These PAPs would suffer livelihood loss for a few days during project construction. Some of their structures would also be affected since they were found to be along the line route.

### 5.2 Sex and Age Distribution

Overall, five (5) PAPs were female while two (2) PAPs were male. One (1) PAP (male) was categorized as a vulnerable PAP since he was visually impaired and had a disability certificate issued by the Government of Kenya. The Table below shows the sex distribution of the PAPs.

Table 5.1: Sex distribution

Gender	Total Number of PAPs	Percentage
Male	2	28.6
Female	5	71.4
Total	7	100.0

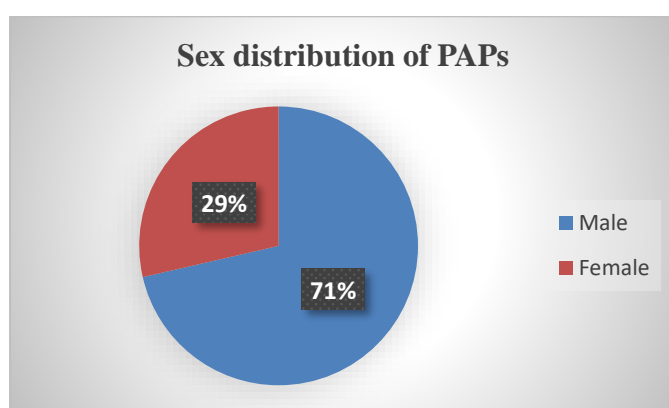


Figure 5.1: Sex distribution of PAPs

Majority of the PAPs were aged between 46 and 60 years. 42.9% of the PAPs were youths below 35 years which 14.3% were aged between 36 to 45 years. This data is presented in Table 5.2 below.

Table 5.2: Distribution of PAPs by age

Age category (years)	Percentage
18 - 25	28.6
26 - 35	14.3
36 - 45	14.3
46 - 60	42.9

### 5.3 Education and Literacy Levels

The levels of education attained by the PAPs are presented in Table 5.3 below. Overall, majority of the PAPs, 57.1% had attained secondary education while only one (1) PAP reported never to have attended school. The data shows that 85% of the PAPs can read and write.

Table 5.3: Levels of Education attained by PAPs

Highest Level of Education Attained	Percentage
Post Secondary	28.6
Secondary	57.1
Never Attended	14.3
Total	100

### 5.4 Access to Health Facilities

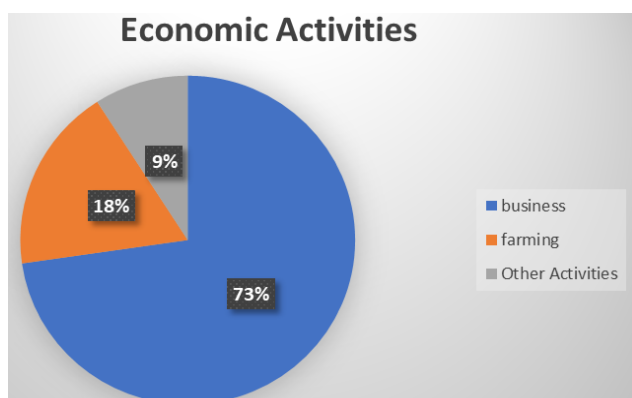
Most of the PAPs reported that a member of their household had recently encountered ailments such as flu, malaria, headaches and had sought medication from a local pharmacy. Majority of the households in the project area do not seek treatment at the designated health facilities either due to affordability or accessibility of such institutions.

### 5.5 Knowledge on HIV/AIDS

HIV/AIDS is still a major pandemic affecting Kenya. The findings on the level of HIV/AIDS awareness among 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.

### 5.6 Economic and Livelihood Activities

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



**Figure 5.2: Economic and livelihood activities**

## 5.7 Levels of Income

Table 5.4 presents the household income levels of the PAPs. Over 50% of the respondents reported their household incomes to be over KES 40,000 per month.

Table 5.4: Levels of Education attained by PAPs

Household income ranges	Percentage
Below 10,000	14.3
10,001 – 20,000	14.3
20,001 – 30,000	14.3
30,001 – 40,000	14.3
40,001 – 50,000	28.6
Above 50,000	28.6
Total	100

## 5.8 Accessibility of Social Structures

The survey sought to know the most accessible public utility by the PAPs. The residents acknowledge that they had access to good roads, water, and schools. However, they cited minimum access to sewer infrastructure in the area.

## 5.9 Access to Sanitation Facilities

The survey findings indicate that 71.4% of the households in the project areas use septic tanks/ sock pits while 28.6% relied on pit latrines for sanitation purposes. However, no cases of water borne diseases were reported in the households three (3) months prior to the survey. The overall standards of hygiene were generally poor near the towns where waste water was discharged in public places and hence the LMC project will lead to improved hygiene levels particularly in the estates at Meru town.

Table 5.5: Sanitation Facilities used by PAPs

<b>Sanitation facility used by Households</b>	<b>Percentage</b>
Pit Latrine	28.6
Socket Pit/ Septic Tank	71.4
Total	100

### **5.10 Main Water Source**

85.7% of households had their water connection from the local Water Service Provider, MEWASS while 14.3% relied on boreholes. This analysis is presented in Table 5.5 below.

Table 5.5: Main Source of Water

<b>Main source of water for the household</b>	<b>Percentage</b>
Water Service Provider	85.7
Boreholes	14.3
Total	100

### **5.11 Preferred Mode of Compensation**

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



## **6.0 PROJECT DISPLACEMENT IMPACTS AND MITIGATION MEASURES**

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Implementation of the proposed Meru Sewerage LMC Project will result in both positive and negative impacts, which have been identified and enhancement and mitigation measures discussed in the ESIA report. Relevant to this RAP is the livelihood loss impacts in some sections of the road where there are businesses. A total of seven (7) PAPs were identified during the RAP study (5 Female, 2 Male).

### **6.1: Impact on Land**

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



Figure 6.1: Photos showing the existing road reserves to be utilized by the proposed project

### **6.2 Compensation for Livelihood Loss for Temporary Displaced PAPs**

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





Figure 6.2: Juakali/ artisan business



Figure 6.3: Butchery business



Figure 6.4: Salon business



Figure 6.5: Juakali business



Figure 6.6: Furniture shop, the carpenter displays his wares where the sewer transmission line will be laid



Figure 6.7: Mobile clothes business stand



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

- Compensation of business owners who shall suffer livelihood loss during the period of construction
- The contractor to provide alternative access crossing points to facilitate movements to affected businesses
- Involvement of the affected business owners in project plans

### **6.3 Impact on Structures**

There were minimal impacts on structures along the road reserve. In most instances, the structures were temporary and movable and hence the business owners would only be compensated for livelihood loss and disturbance allowance. Only one structure (figure 6.8) that was found on the wayleave which would necessitate demolition. The structure will be compensated at a fair market value rate. Adequate notice to vacate shall be issued to the owner.



Figure 6.8: Grocery kiosk along the wayleave that would be demolished to pave way for excavation

### **6.4 Impact on Crops and Trees**

Since the proposed LMC project will entirely use the road reserve, there will be no impacts on crops. However, a few trees on the road reserve might be affected and this shall be mitigated through CSR activities such as issuance of tree seedlings to people in the project area or partnership with the county government on tree planting initiatives.

## **6.5: Impacts on Pavements**

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



Figure 6.9: Paved area by county government of Meru



Figure 6.10: Pavements by private businesses

## **6.6 Measures to Minimise Displacement**

The proposed project adopted the following strategies and measures to avoid or minimise displacement impacts:

1. The project was designed to utilise the road reserve to minimise issues of displacement and restriction of land use.
2. The ESIA process considered several alternatives for minimising displacement impacts
3. A construction schedule shall be shared with the PAPs to ensure they make the necessary arrangements to move any of the affected structures. The schedule shall also help them to plan accordingly to minimise loss of income

## **7.0 ELIGIBILITY AND ENTITLEMENTS**

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### **7.1 Overview**

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

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

The cut-off date is defined as the date of completion of asset inventory and socio-economic survey for the respective PAPs. The information about the cut-off date was communicated verbally at public barazas held in all the affected locations and also during individual interviews with the PAPs. The cut-off date established for the PAPs during the RAP study was 10 April 2024. The date corresponds to the date of completion of the RAP related surveys in the project area.

### **7.3 Eligibility Criteria**

Asset or right holders affected by economic and/or physical displacement as a direct result of a Project are eligible for some form of compensation and assistance (also referred to as 'entitlements'). Eligible PAPs were identified during the census and socio-economic survey. These surveys were executed the same period to ensure they are all aligned to the cutoff 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, fruit trees and woodlots) 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 may apply to absentee business owners.

#### **7.3.1 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 Meru 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.

### **7.3.2 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 construction corridor before the cut-off date and have built structures on the land.

### **7.4 Entitlement Matrix**

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

**Table 7.1: Entitlement Matrix**

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

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



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Impact Category	Type of Impact (Permanent/Temporary)	Entitled Persons	Entitlements	
			Compensation	Allowances and non-cash interventions
Temporary impacts	Temporary loss of access to business facilities	Business owners	<ul style="list-style-type: none"> <li>• Cash compensation for 5 days based on the magnitude of the business</li> </ul>	<ul style="list-style-type: none"> <li>• Provision of alternative access routes during the period the affected sections are under construction</li> <li>• Adequate notice on the construction schedule</li> <li>• Training on financial management</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 35% of the total compensation amount</li> <li>• Designated assistance to be assessed on a case-by-case basis to ensure that vulnerable people/groups have access to participation, compensation, assistance and livelihood restoration</li> <li>• Training on financial management</li> <li>• Linkage to the Government of Kenya (GoK) social protection programmes</li> </ul>

## 7.5 Statutory Payments

Roads' agencies established under the Kenya Roads Act, 2007, are legally mandated to manage road surfaces as well as road reserves. These agencies include the Kenya National Highways Authority (KeNHA), Kenya Urban Roads Authority (KURA) and the Kenya Rural Roads Authority (KeRRA). County Governments also have a legal mandate to manage county roads under the County Governments Act, 2012. In order to effectively perform their functions, roads agencies charge nominal fees for infrastructure that utilise road reserves. Such infrastructure includes water and sewer lines, telecommunication and internet cables, electricity lines, among others. A provisional sum of KES 3,500,000 has been allocated in anticipation of these charges for the Meru Sewerage LMC Project with the following breakdown:

**Table 7.2: Entitlement Matrix**

<b>Institution</b>	<b>Estimated statutory compensation level (KES)<sup>4</sup></b>
Kenya National Highways Authority (KeNHA)	1,500,000
Kenya Urban Roads Authority (KURA)	1,000,000
Kenya Rural Roads Authority (KeRRA)	1,000,000
<b>Sub-total</b>	<b>3,500,000</b>

## 7.6 Taxes

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

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

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<sup>4</sup> Provisional estimates subject to formal feedback from respective entities

## **7.7 Valuation and Compensation**

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

Table 7.2: Valuation Summary

<b>Compensation</b>	<b>Number of PAPs</b>	<b>Amount (KES)</b>
Loss of Livelihood and loss of Structure (1)	7	125,375
Disturbance Allowance (15% for 6 PAPs and 35% for 1 PAP who was categorized as a vulnerable)	7	23,806
Statutory payments to road agencies	3 road agencies (KENHA, KURA & KERRA)	3,500,000
<b>Total Compensation</b>		<b>3,649,181</b>

## 8.0 LIVELIHOOD RESTORATION PLAN

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

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

Table 8.1: Livelihood Restoration Plan

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

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

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

## 9.0 MONITORING AND EVALUATION

### 9.1 Monitoring and Evaluation Objectives

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

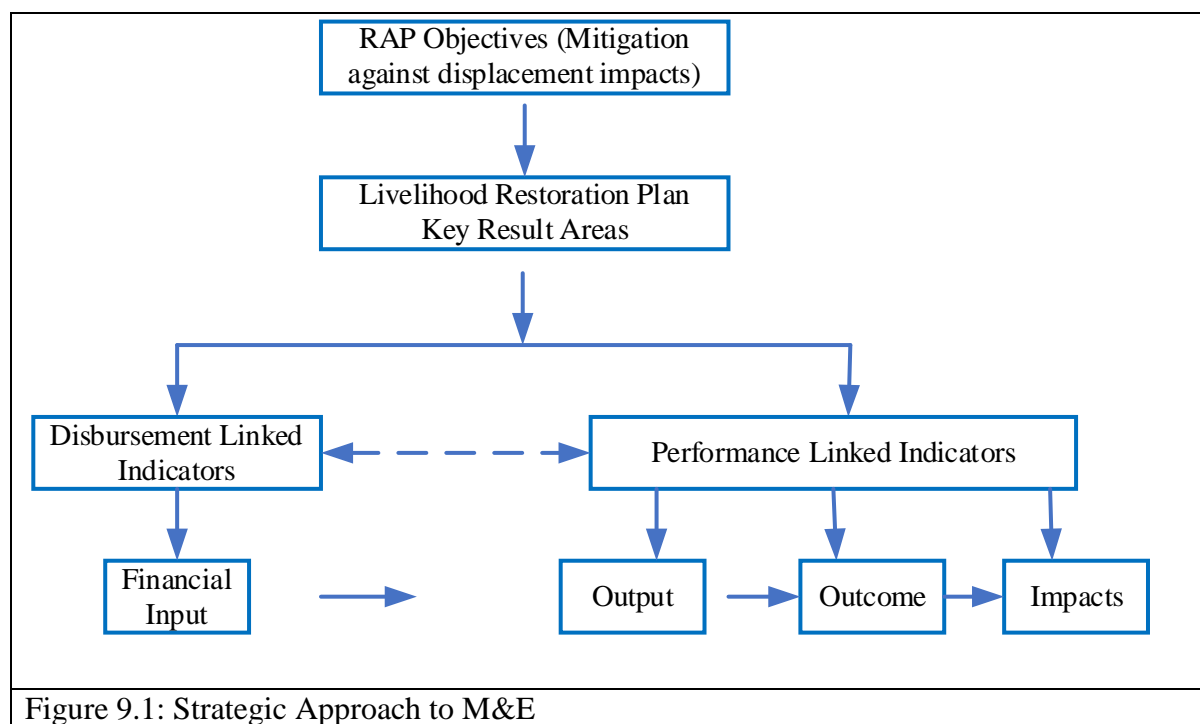
The purpose of resettlement monitoring is to:

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

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

### 9.2 Monitoring and Evaluation Methodology

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



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

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

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

Table 9.1: Monitoring and Evaluation Plan for RAP Implementation

Impact Category	Type of Impact (Permanent/ Temporary)	Input	Input Monitoring Indicators	Input Monitoring Indicators		Outcome and Impact Monitoring Indicators
				Compensation	Allowances and non-cash interventions	
1. Impact on Land	Public wayleave (road reserves)	Resources – Human and Financial resources	<ul style="list-style-type: none"> <li>Number of road agencies compensated for use of road reserve (Target 3 – KENHA, KURA, KERRA)</li> </ul>	<ul style="list-style-type: none"> <li>Cash compensation based on prescribed fees by the road agencies (proof of payment)</li> </ul>	N/A	<ul style="list-style-type: none"> <li>Permits issued by the road agencies authorizing TWWDA to use the road reserve</li> </ul>
2. Impact on Structures	Loss of Permanent structures	Human and Financial Resources	<ul style="list-style-type: none"> <li>Number of PAPs compensated for loss of structures</li> <li>Number of PAPs trained on financial management, livelihood restoration etc</li> </ul>	<ul style="list-style-type: none"> <li>Cash compensation for relocating the affected temporary structure received by PAPs (Proof of payment on record)</li> </ul>	<ul style="list-style-type: none"> <li>Cash compensation for 15% disturbance allowance received by PAPs (proof of payment)</li> <li>Proof (monitoring reports and photos) that PAP was able to salvage (at their own expense) the materials, within the one month notice period given to vacate and prior to demolition.</li> </ul>	<ul style="list-style-type: none"> <li>Number of PAPs satisfied with compensation issued</li> <li>Number of PAPs impacted by the training received on financial management, group dynamics, livelihood restoration etc.</li> <li>Perception of PAPs on the usefulness of the training received and its impacts</li> </ul>
	Loss of semi-permanent structures					



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					<ul style="list-style-type: none"> <li>• Cash compensation for 15% disturbance allowance received by PAPs (proof of payment)</li> <li>• Proof (monitoring reports and photos) that PAP was able to salvage (at their own expense) the materials, within the given notice period to vacate and prior to demolition.</li> </ul>	
	Loss of pavements	Human and Financial Resources	Sections of pavements restored by the contractor	N/A	<ul style="list-style-type: none"> <li>• Proof of restored pavements by the contractor upon completion of pipeline installation in affected areas</li> </ul>	<ul style="list-style-type: none"> <li>• Number of business owners and county departments satisfied with the restored pavements</li> </ul>
	Loss of public structures such as motorbike shades ( <i>bodaboda</i> shades) and market stalls	Human and Financial Resources	Number of public structures reinstated by the contractor	N/A	<ul style="list-style-type: none"> <li>• Photographic proof of reinstated public structures by TWWDA after sectional completion of the project</li> </ul>	<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>

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3. Impact on Trees	Temporary	Human / Financial Resources	Resources used on conservation matters/ CSR activities by the agency	N/A	<ul style="list-style-type: none"> <li>Support to county and CSOs involved in conservation matters</li> </ul>	CSOs/ county departments satisfied with the support provided on conservation matters
4. Loss of Livelihoods	Permanent and temporally businesses at close proximity to the wayleave	Human/ Financial Resources	<ul style="list-style-type: none"> <li>Number of PAPs compensated for loss of livelihood</li> <li>Number of PAPs trained on financial management, livelihood restoration etc</li> </ul>	<ul style="list-style-type: none"> <li>Cash compensation for loss of livelihood/ income received by PAPs (Proof of payment on record)</li> </ul>	<ul style="list-style-type: none"> <li>Cash compensation for 15% disturbance allowance received by PAPs (proof of payment)</li> </ul>	<ul style="list-style-type: none"> <li>Number of PAPs satisfied with compensation issued</li> <li>Number of PAPs impacted by the training received on financial management, group dynamics, livelihood restoration etc.</li> <li>Perception of PAPs on the usefulness of the training received and its impacts</li> </ul>
5. Temporary impacts	Temporary loss of access to business facilities	Human/ Financial Resources	<ul style="list-style-type: none"> <li>Resources used in provision of alternative access routes for affected businesses</li> <li>Number of alternative access routes provided to affected businesses</li> </ul>	<ul style="list-style-type: none"> <li>Cash compensation for 5 days based on the magnitude of the business</li> </ul>	<ul style="list-style-type: none"> <li>Alternative access routes during the period the affected sections are under construction</li> <li>Proof of involvement during planning e.g. communication through shared construction schedule</li> </ul>	<ul style="list-style-type: none"> <li>Number of businesses satisfied by the provided alternative access routes during project activities</li> </ul>
6. Impact on Vulnerable Individuals and groups	Households that may be disproportionately impacted	Human/ Financial Resource	<ul style="list-style-type: none"> <li>Number of vulnerable groups/ PAPs compensated for loss of structures</li> </ul>	<ul style="list-style-type: none"> <li>Cash compensation in accordance with criteria set out in the relevant</li> </ul>	<ul style="list-style-type: none"> <li>Cash compensation for 35% disturbance allowance received by PAPs (proof of payment)</li> </ul>	<ul style="list-style-type: none"> <li>Number of vulnerable groups/ PAPs satisfied with the compensation and additional support provided by the project</li> </ul>

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			<ul style="list-style-type: none"> <li>Number of PAPs trained on financial management, livelihood restoration etc</li> </ul>	section of the entitlement matrix	<ul style="list-style-type: none"> <li>Additional support received from the project e.g. linkages to GoK socio protection programmes, training etc</li> </ul>	<ul style="list-style-type: none"> <li>Number of vulnerable PAPs/ groups impacted by the training received on financial management, group dynamics, livelihood restoration etc.</li> <li>Perception of PAPs on the usefulness of the training received and its impacts</li> </ul>
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Issue	Type of impact/ Affected stakeholders	Input	Input Monitoring Indicators	Impact Monitoring Indicators
7. Stakeholder Participation	Temporary, all project stakeholders	Human/ Financial Resource	<ul style="list-style-type: none"> <li>Number of stakeholder meetings per quarter</li> <li>Attendance of stakeholder meetings (M/F)</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>
8. Grievance Management	Temporary, all project stakeholders	Human/ Financial Resource	<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 registered at various levels</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>Average time for resolution of grievances</li> <li>Number and type of grievances causing project delay</li> <li>Percentage of stakeholders satisfied with the project GRM in place</li> </ul>

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

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

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

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

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

Table 9.2: Monitoring and Evaluation Budget

<b>Item</b>	<b>Budget (KES)</b>
Monitoring and Evaluation on RAP Implementation	350,000
RAP Completion Audit	750,000
<b>Total</b>	<b>1,100,000</b>

## **10.0 INSTITUTIONAL AND IMPLEMENTATION ARRANGEMENTS**

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To ensure effective implementation of this RAP, several structures have been established as follows:

### **10.1 Project Implementation Unit, PIU**

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

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

### **10.2 RAP Implementation Team, RIU**

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

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

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

### 10.3 Government Institutions

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

Table 10.1 Roles of Government Institutions in RAP Implementation

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

## 11.0 OVERALL BUDGET AND RAP IMPLEMENTATION SCHEDULE

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### 11.1 Total RAP Implementation Budget

The overall RAP implementation budget constitutes the Valuation and Compensation costs, the Livelihood Restoration budget and the Monitoring and Evaluation budget. The GRM Budget and Stakeholder Engagement Costs have been provided for in the project Stakeholder Engagement Plan (SEP) prepared separately. Table 11.1 presents the overall RAP implementation budget.

Table 11.1: Total RAP Implementation Budget

Item	Amount (KES)
Valuation and Compensation Costs	3,649,181
Livelihood Restoration Activities Budget	350,000
RAP Implementation Team (RIT) Budget	500,000
Monitoring and Evaluation	1,100,000
Contingency (20%)	1,119,836
<b>Grand Total</b>	<b>6,719,017</b>

### 11.2 RAP Implementation Schedule

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

Table 11.2: RAP Implementation Schedule

Activity	Responsible	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Phase 1: Planning Phase																
RAP Study	TWWDA															
Approval of the RAP Report	TWWDA/ AfDB															
Disclosure of RAP Report	TWWDA/ AfDB															
Phase 2: Compensation of the PAPs																
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															
Phase 3: Commencement of Construction works																
Site Handover	TWWDA, Contractor															
Site clearance	Contractor															
Excavation and pipeline installation	Contractor															
Phase 4: Management Measures																
Grievance Management	RAP Implementation Team/ GRM Committees															



*Resettlement Action Plan Report for Meru Sewerage LMC Project*

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

## **12.0 CONCLUSION AND COMMITMENTS**

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### **12.1 Conclusions**

The Resettlement Action Plan for the proposed Meru Sewerage LMC project provides a guide to the compensation and restoration of the Project Affected Persons (PAPs) whose income generating sources such as shops, grocery shops, furniture shops etc are located along the proposed wayleave for the transmission lines and networks. Development of the RAP report was guided by relevant national legal, policy and institutional frameworks and the AfDB African Development Bank's Integrated Safeguards System (ISS), 2013 particularly the Operational Safeguard on Involuntary Resettlement: Land Acquisition, Population Displacement and Compensation. Overall, the RAP study identified seven (7) PAPs (5 Female, 2 Male) who would suffer livelihood loss and loss of structure. These were people with businesses along the road reserve at close proximity to the project wayleave. Appropriate measures to safeguard the PAPs have been provided in detail in this Report.

### **12.2 Commitments**

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

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

## APPENDICES

## Appendix 1: Community Engagement Attendance List

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

PROJECT: PROPOSED LAST MILE CONNECTIVITY OF MERU SEWERAGE PROJECT

PUBLIC PARTICIPATION LIST

VENUE Meru Municipal Hall DATE 29/02/2024 TIME 2.00 PM

S/ No.	NAME	VILLAGE/INSTITUTION	ID No	CONTACTS	SIGN
	ROSE KARID STEPHEN	Kongoacheke	2511847	0706101557	R
	ALI ABU	Mjini	23068339	0710885869	A
	Mohamed Koomo	Mjini	29455613	0710685397	Mohamed
	AMINA KAIRUTHI	Mjini	23164658	0723992797	Ami
	PAUL MURTHI M	KONGWACHEKE	7011899	0717423291	Paul
	DOROTHY N. MUTEGI	ASS. CHIEF	24596473	0723428809	Dorothy
	MARGARET V. GAKUBA	CHIEF MUNICIPALITY	9854362	0721639352	Margaret
	CAROLINE KIRIMI	MEWARCO	24279525	0725714118	Caroline
	ENGR. KEVIN NOKI	TWDA	27776290	0727386699	Kevin
	Brian Kenneth Kori	INTERIOR	23496956	0705895718	Brian
	GUANTAI KEVIN Kigoro	INTERIOR	34384415	0706340094	Guantai

THE NATIONAL URBAN WATER SUPPLY AND SANITATION PROGRAM  
SITE SPECIFIC STUDIES, ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT(ESIA) AND RESETTLEMENT  
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PROJECT: PROPOSED LAST MILE CONNECTIVITY OF MERU SEWERAGE PROJECT


PUBLIC PARTICIPATION LIST

VENUE Meru Municipal Hall DATE 29/02/2024 TIME 2.00 PM

S/ No.	NAME	VILLAGE/INSTITUTION	ID No	CONTACTS	SIGN
	ENGR. KEVIN NOKI	TWDA	27776290	0727386699	Kevin
	Bethadett Wairimu Njorge	Greenville Nexus International Limited	2447035	0725928477	Bethadett
	IRENE MUTAM	TWDA	30151521	0712792860	Irene
	STELLA MACHARIA	TWDA	33569671	0725881696	Stella
	Noel Koech	Kongochoke	33171998	0716816444	Noel
	Jennifer Kainini	Kongochoke	8877616	070024434	Jennifer
	JOSEPH MWITI	KONGOACHEKE	0432581	0724362257	Joseph
	Joan Kamenchi	KONGOACHEKE	7677693	0728734442	Joan
	JASITA chubira	Kongochoke	16122845	0703453745	Jasita
	SADIA mohamed	MJINI	22226922	0726619470	Sadia
	ZULEA MUSA	MJINI	20139114	0721760149	Zulea




# Resettlement Action Plan Report for Meru Sewerage LMC Project



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


PROJECT: PROPOSED LAST MILE CONNECTIVITY OF MERU SEWERAGE PROJECT



**PUBLIC PARTICIPATION LIST**


VENUE DCC Board Room IMENTI NORTH DATE 28/02/2024 TIME 2:30 PM

S/ No.	NAME	VILLAGE/INSTITUTION	ID No	CONTACTS	SIGN
1	ROY MURITHI	MEWASS	26290584	0726387135	ROY
2	MARTIN M MBAYA	NGAO	23333559	0706374460	MH
3	PETER MURUGA KAAIA	NGAO	23460882	0723542723	JP
4	SMAT BANUKUTHI ARACHI	MWITERIA	11610649	0712159498	Smat
5	JOSEPHINE K. MURUNGI	NGAO	13361983	0714041519	JOSEPHINE
6	LUCY WANJA MAGILI	NGAO	11327173	0701521420	LUCY
7	MARTIN KUEIKI	NGAO	20082259	0724094430	K
8	MAOM NAKHA MBUKU	Kibarangaki	8865793	0799768791	MAOM



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

PROJECT: PROPOSED LAST MILE CONNECTIVITY OF MERU SEWERAGE PROJECT




**PUBLIC PARTICIPATION LIST**

VENUE Meru Municipal Hall DATE 29/02/2024 TIME 2:00 PM


S/ No.	NAME	VILLAGE/INSTITUTION	ID No	CONTACTS	SIGN
	FRANK KEVIN MUKI	TWIDA	27446290	0727286699	FRANK
	Bethadeth Wainimu Njoroge	Greenville Nexus International Limited	24147035	0725928471	BETHADETH
	IRENE MUITAH	TWIDA	30151521	0712792860	IRENE
	STELLA MACHARIA	TWIDA	83569695	0725881696	STELLA
	Noel Koech	Kisumu Express	33171998	0716816444	NOEL
	Jenika Kainisi	Kongocake	887766	0700214344	JENIKA
	JOSEPH MWITI	KONGOCAKE	0432581	0724362251	JOSEPH
	Joan Kamenchu	KONGOCAKE	7677693	0728734442	JOAN
	JASITA chubira	Kongocake	16122845	0703145374	JASITA
	SADIA mohamed	MJINI	22226922	0726619470	SADIA
	ZULEA MUSA	MJINI	20139114	0721760149	ZULEA

# Resettlement Action Plan Report for Meru Sewerage LMC Project



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


PROJECT: PROPOSED LAST MILE CONNECTIVITY OF MERU SEWERAGE PROJECT



**PUBLIC PARTICIPATION LIST**


VENUE DCC Board Room (MENT) NORTH DATE 22/02/2024 TIME 2:30 PM

S/ No.	NAME	VILLAGE/INSTITUTION	ID No	CONTACTS	SIGN
1					
2					
3	Joyce Mwangi	INTERIOR	9946956	0723790324	
4	Lucas Mwangi	INTERIOR	20270712	0724296458	
5	Juster Kirigo	INTERIOR	7677593	0713268550	
6	Daniel Otara	INTERIOR	10343254	072094029	
7	Margaret Karuthi Gakuru	INTERIOR	9854262	0721639352	
8	Zephaniah M. Nyamu	KONJO/GAKURU	31247472	0743249533	
9	Musafa Gitonga	CHAMMAN MUNICIPALITY	9524210	0727880576	
10	Isaac Kithinji Kimani	INTERIOR	11258987	0728097577	
11	George M. Mathiu	INTERIOR	8345456	0727081356	



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

PROJECT: PROPOSED LAST MILE CONNECTIVITY OF MERU SEWERAGE PROJECT



**PUBLIC PARTICIPATION LIST**

VENUE DCC Board Room (MENT) NORTH DATE 22/02/2024 TIME 2:30 PM

S/ No.	NAME	VILLAGE/INSTITUTION	ID No	CONTACTS	SIGN
	Joseph Bundi Kirebi	KATUNGA BUNDI	7957161	0727659752	
	Stanley Gitonga	KIONYO KATHERI AREA MANAGER	2360280	0722494536	
	Joshua Mwendu Kiara	AREA MANAGER KIONYO ID/PHO/WEST	22029267	0726929472	
	Shamir Mwongera Muthur	CHIEF KITHIRINGI WEST KIONYO WEST WARD	13359739	0728009231	



# Resettlement Action Plan Report for Meru Sewerage LMC Project



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

Greenville International Ltd

P.O. Box 28171 Nairobi, Kenya. Tel: +254 20 2817100  
Email: info@greenvillekenya.com, sales@greenvillekenya.com  
info@kenya.greenville.com, sales@kenya.greenville.com  
Website: www.greenville.com

Cluster 1 Projects Meru, Emisu and Kirinyaga

## Public Participation Attendance List

MERU SEWERAGE LMC Project

Date: 9/04/2024

Time:

Venue:

No.	Name	Location	ID No.	Contracts	Signature
1.	DOROTHY MBATA	RWANYAMBO	27596494	0726946483	
2.	CAROLINE KINYARI	RWANYAMBO	37768502	079908784	
3.	ERICK AWIRU OMUODIA	MADUKA	20657881	0703530458	
4.	HARINE ADIKAMBA AWIRO	MATARA	27188494	0713473383	
5.	DAVID MIA MANGO	MWARA	13554995	0729560614	
6.	Michael Ofue	Ntima	20045795	0721933308	
7.	JOSHUA SITUMA WANYAMBO	Ntima	11021170	0755654958	
8.	WEDDY GATWIRI	Ntima	39330882	0790224618	
9.	Rose hawu	Ntima	14415247	0725707267	
10.	Juliet mukamu	Ntima	42216743	0703517625	
11.	DANIEL NTARA	Ntima	10343284	0720970229	
12.	Hellen Mwai	ESIA Consultant	22701687	0722978664	

Public Participation Attendance List

Page 4 of 4

**Appendix 2: Community Engagement Minutes**

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

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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 attendees. 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 Meru Sewerage LMC Project.

The client representative, Mr. Mwangi 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

avoid issues of resettlement. He also explained that the project will be funded by AGDB and hence various bank policies will be adhered to. He asked the attendees who would mainly be affected through limited access to their businesses along the road refuse to cooperate with the Contractor during project implementation.

He observed that the project will give prominence for alternative access routes to sections where access to institutions and key businesses may be affected. He however emphasized that this will be expected to be short term since the Contractor will restore / reinstate access routes upon construction / laying the pipelines. He has welcomed the Consultant to address the local community on specific <sup>data</sup> requirements for the RAP exercise.

MIN 3 / 10 / 04 / 2024 : Consultant Address to PAPs

The Consultant briefly summarised the project affected parties on the following project aspects.

- The Scope of the RAP exercise
- The Project Components
- Project Impacts
- Project Duration

He then proceeded to collect / Socioeconomic data via a questionnaire



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

Minutes Certification.

LEAD Expert : Reg No. 7394

Bernadett Wairimu Njunge

Date: 10/4/2024

Signature: 

Chief, Ndagani.

Name: JOHN MBAE NJERU

Date: 10/4/2024

Signature:  



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

Cluster 1 Projects Meru, Embu and Kirinyaga

Date: 9/04/2024

Public Participation Attendance List  
MERU SEWERAGE LMC Project.

Time:

Venue:

Greenville International Ltd  
P.O. Box 50179-00100 Nairobi, Tel: 0729284779/0729284780  
Email: info@greenvillekenya.com/procurement@greenvillekenya.com  
www.greenvillekenya.com

No.	Name	Location	ID No.	Contacts	Signature
1.	DOROTHY MBATA	KWANTHAMB	27596494	07267146483	
2.	CAROLINE KINYARI	KWANTHAMB	37768502	0799804784	
3.	ERICK AMUO OMBUO	MADAYA	20654881	0703530458	
4.	HITINE ADIKAMBARI AMUND	MATBARAKA	27188494	0713473383	
5.	DAVID MUKHARABU	MWAKARA	13554995	0729560614	
6.	MICHAEL OJUE	Ntima	20045795	0701933398	
7.	SOSTHA STUMA WATINYUWA	Ntima	11021174	0755659455	
8.	Waddy Gakwiri	Ntima	39330882	0790224618	
9.	Rose hauer	Ntima	14415247	0725707267	
10.	Juliet mukami	Ntima	42216743	0703517625	
11.	DANIEL MTHARA	Ntima	10349284	0720970229	
12.	Hellen Mwai	ESIA Consultant	22701687	0722978864	

Public Participation Attendance List  
Date: 9/04/2024



**TANA WATER WORKS DEVELOPMENT AGENCY**

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**ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT AND RESETTLEMENT ACTION PLAN PUBLIC PARTICIPATION AND SENSITIZATION MEETING MINUTES FOR THE PROPOSED LASTMILE CONNECTIVITY OF MERU SEWERAGE PROJECT HELD ON THE 7<sup>TH</sup>, MARCH 2024 AT KINORU STADIUM HALL AT 10:00HRS**

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**MEMBERS PRESENT**

Attendance List Attached

**AGENDA**

The agenda of the meeting was as follows:

- Preliminary matter
- Presentation of the proposed project to the community
- Sensitization of community members
- Comments and Concerns of the Community
- Recommendation
- Closing remarks

**MIN 1/07/03/2024: PRELIMINARIES**

The Assistant County Commissioner Madam Joyce called the meeting to order at 10:15Hrs and requested Sr Isabella to start of the meeting with a word of prayer

The ACC then initiated the meeting by extending a warm welcome to all attendees expressing her gratitude for their presence. She then requested everyone in the meeting to introduce hi/herself with the institution or village representing.

The ACC later invited the client (TWWDA & MeWaSS) and the consultant (Greenville) teams to share their valuable insights openly. Providing a concise overview of the day's agenda, she focused on the critical matter at hand – the need to address issues with the proposed last mile connectivity of Meru Sewerage project.

**MIN 2/05/08/2023: PRESENTATION OF THE PROPOSED PROJECT ACTIVITY**

Engineer Kevin Njuki the projects Engineer, then introduced Tana Water Works Development Agency (TWWDA) as one of the nine (9) water Agencies under the Ministry of Water, Sanitation and Irrigation which is supporting the government in developing, maintaining, and managing national public water works to attain sustainable access to quality water and improved sewerage services within its area of jurisdiction. He elucidated that the Agency runs operations in five (5) counties namely: Embu, Kirinyaga, Meru, Nyeri and Tharaka Nithi.

He then delved that as part of the agency's strategic plan, TWWDA is committed to increasing the water and sewerage coverage in its area of jurisdiction from 57.8% and 8.1% in 2023 to





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**TANA WATER WORKS DEVELOPMENT AGENCY**

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90% and 30% by 2027 respectively through development of sustainable Water and Sanitation Infrastructure in its area of jurisdiction including Meru. He further went on and explained that the phase 1 laying of main trunk sewers for the Meru Sewerage project was coming to an end and the agency is aiming at implementing the second phase of the project which is the last mile connectivity of the project. The last mile connectivity of the Meru sewerage project is aimed at connecting the sewer line to the final user and residents in Meru mainly within the municipality. The engineer presented the proposed layout to the participants. With the help of Surveyors and technicians from the Meru Water and Sewerage Services the engineer explained in details the villages and estates where the approximately 20Km last mile connectivity of sewerage project had been proposed. He concluded by inviting Irene Mutahi, the Environmentalist from TWWDA to continue with the rest of the presentation.

Ms Mutahi explained to the participants that the proposed last mile connectivity of the Meru Sewerage project is to be undertaken under the National Urban Water Supply and Sanitation Program (NUWaSSaP) which aims at bridging the gaps in access to sewerage and water services in urban areas of Kenya. She further explained that the project shall be implemented with funding being prospected from the African Development Bank. In that regard she explained that as per the Kenyan environmental regulations and the AfDB safeguards systems, there was need to follow the prerequisite procedures before the project is financed including the ESIA and RAP activities for the proposed project activity. She therefore invited Mr Mutuma Murithi from the consultant team to further delve into the issue at hand.

**MIN 3/07/03/2024: SENSITIZATION OF THE COMMUNITY MEMBERS**

Mr. Mutuma the Expert from the ESIA team, outlined the purpose of the meeting in regards to the ESIA and RAP for the proposed last mile connectivity of the Meru Sewerage project. He went on and explained that the sewerage project was licensed by NEMA at the inception of the project during phase one. However, there was need to adjust the Environmental and Social Impact Management Plan (ESMP) to suite the current baseline conditions. In regards to updating the ESMP, Mr Mutuma explained to the participants that there was need to incorporate the views of the community and institutional members to ensure that the project runs in harmony with the communal activities. He then explained to the residents the minimal negative impacts that could be experienced during the construction phase of Sewerage projects and explained to them the mitigation measures that had been put in place to control the impacts.

He further went on and sensitised the community members on the forth coming resettlement Action Plan activity that was going to take place later for purposes of compensation of livelihoods for the Project Affected Persons (PAP's). He clearly elucidated the aim of RAP and the key information needed from the PAPs to ensure that all information was accurately captured. He also captured how sensitive the exercise was and urged the community members to work with the RAP team that would come following up the surveyed lines.



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After the short brief, Mr Mutuma welcomed the community to air out their issues and concerns in regards to the proposed project activities. He encouraged the community members to engage openly, stressing that their input was essential in shaping the proposed LMC of Meru Sewerage project.

## Resettlement Action Plan Report for Meru Sewerage LMC Project



TANA WATER WORKS DEVELOPMENT AGENCY

### MIN 4/07/03/2024: COMMENTS AND CONCERNS FROM THE COMMUNITY

Some of the concerns highlighted by the members of the community have been put in the table below:

NAME	CONCERN	RESPONSE
Joshua Mureithi	<ul style="list-style-type: none"><li>• He wanted to understand the scope of the project-whether it was going to cover parts of Rangaini, Milimani and Forest areas in the Municipality</li><li>• When the proposed works would commence</li></ul>	<ul style="list-style-type: none"><li>• Mr. Frank and Ms Carolynne from MeWaSS who did the survey work responded that the areas were captured. They further explained the layout using the local dialect and the local names of areas to allow the community members understand the proposed layout better.</li><li>• Eng Kevin responded that they were not certain of how soon the proposed works would begin but explained that it would begin after the proponent had complied with all the financier and the national requirements.</li></ul>
Mr Macaria (West gate)	<ul style="list-style-type: none"><li>• The terms of compensation of the lost livelihoods</li><li>• Wanted to know whether the project would incorporate the existing sewer projects which have been serving the town</li></ul>	<ul style="list-style-type: none"><li>• Mr Mutuma responded that the compensation would be based on how the proposed project had directly affected the livelihood of the person in regards to the wayleave. He explained that whenever a way leave would lead to demolition of property or destruction of crops and trees, then it would be compensated appropriately as per the outcome values of the RAP. He further assured the attendees that a huge percentage of the sewer lines were designed to be on the road reserves</li><li>• On the second question, Eng. Njuki responded that the proposed project was not going to be incorporated with the previous sewer systems as the pipes are non-interoperable with the current systems. Furthermore, the sewer systems that were done by the Ministry of Housing, were built considering the gravitational flow of sewer to a treatment plant at the Meru Teacher's College. The new system was designed to gravitate the waste to the new Rwanyange Sewer treatment plant.</li></ul>

## Resettlement Action Plan Report for Meru Sewerage LMC Project



### TANA WATER WORKS DEVELOPMENT AGENCY

Juster Tuntu	The previous road reserves were so narrow and this would compromise the ways for the sewer lines getting into farms	<ul style="list-style-type: none"> <li>In regards to the road reserves, a team from KURA responded that all the roads within Meru town were of standard with of 10 meters all accounting for the carriage way, footpath and drainage. She addressed the members who had encroached the road reserves to quit as this would lead to demolitions. She recommended that TWWDA and KURA should engage in order to acquire the right of ways for pipelines within the reserve.</li> </ul>
Lydia Mwit (Kenya Methodist University)	Appreciated the projects and inquired how TWWDA is planning to engage institutions where the lines were designed to pass	<ul style="list-style-type: none"> <li>The proposed layout doesn't pass through institutions however whenever they would be forced by the designs to pass through the institution TWWDA will follow requisite procedures to acquire wayleave through the institution's management. Dedicated sewer trunks have been designed primarily to serve big institutions in Meru including: KeMU and Meru National Polytechnic</li> </ul>
Samson Mwenda	The proposed projects potentiality to disturb the water supply lines as previous projects terminated their water supply infrastructure.	<ul style="list-style-type: none"> <li>Eng. Njuki responded that the previous projects implemented by TWWDA had not tampered with the water supply lines. Whenever the pipeline was disturbed, the agency through the Residential Engineer made efforts to repair the pipeline. He further responded that the project shall have grievance redress mechanism through which the community shall air out their concerns throughout the project implementation. The office responsible shall be situated at MeWaSS offices at the Water Treatment plant in Kinoru</li> </ul>
Mr. Martin Gitari	Will the people near the main sewer trunk be connected directly to the sewer system?	<ul style="list-style-type: none"> <li>The technical team responded that it is not advisable to be connected to the sewer line directly via the main trunk as whenever the main trunk is tampered with, it would lead to a sanitation calamity. The community members were advised that whenever they would need a connection to the sewer line, they would be connected through application to MeWaSS which is the the WSP for Meru urban areas.</li> </ul>

## *Resettlement Action Plan Report for Meru Sewerage LMC Project*



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### TANA WATER WORKS DEVELOPMENT AGENCY

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Mr. J Mureithi	Was concerned about the proposed works impacts on road disruptions as previous works conducted by MeWaSS had disrupted transportation	<ul style="list-style-type: none"><li>• It was responded that the proposed works would ensure that there is minimal inconveniences on the roads. There would be a dedicated marshal to ensure the roads are passable. The road crossings shall be executed through micro tunnelling minimising road cuttings</li></ul>
Alice Kaburu	Inquired if Gitoro village was included in the proposed LMC sewer Project	<ul style="list-style-type: none"><li>• Based on the surveyed layout, the village was not in the plan. However, the technical team assured that the village will be included in the future plans</li></ul>





**TANA WATER WORKS DEVELOPMENT AGENCY**

**MIN 5/07/03/2024: RECOMMENDATIONS**

Mr. Geoffrey Mugambi gave a recommendation based on the fact that some of the lines will pass through private lands. He proposed that the RAP teams should notify the plot owners through the chief a few days prior to the exercise to ensure that the PAPs are available during the valuation process.

The community strongly urged the contractor and the donor to engage in open discussions with them to proactively address any potential water shortages that may arise during the construction phase as the proposed sewer line excavation terminates water supply pipes.

The community members made an appeal to the selected contractor, requesting that they prioritize the employment of local youth whenever job openings arise during the project's duration.

**MIN 6/07/03/2024: CLOSING REMARKS**

There being no other concerns, Mr Mutuma took the opportunity to assure the community members that their concerns and desires would be taken into serious consideration and integrated into the project's recommendations. He emphasized the importance of sustainability and acknowledged the community's invaluable input in shaping the project's outcomes. The consultant also encouraged the residents to welcome the contractor warmly once they report to the site, fostering a collaborative and positive environment for the project's implementation.

The ACC then officially concluded the meeting by thanking the team from TWWDA, MeWaSS and the consultants for enlightening and making them aware of the proposed project. She expressed sincere appreciation to everyone for their active participation and fruitful contributions throughout the session.

As all matters had been addressed, the meeting was adjourned at 12:40hrs with a word of prayer from Sr. Isabella.

**MINUTES COMPILED BY:**

Noel Koech Environmental Expert  
NEMA Reg. No 11747  
8<sup>th</sup>, March 2024

Sign  .....





**CONFIRMED BY:**

LEAD EXPERT	THE PUBLIC ADMINISTRATION
Eng. Bernadett Wairimu NEMA Reg No. 7394  11th, March 2024	ACC MERU MUNICIPALITY: Madam Joyce Mwangi  Date 12 <sup>th</sup> March 2024

*Resettlement Action Plan Report for Meru Sewerage LMC Project*



**TANA WATER WORKS DEVELOPMENT AGENCY**

<p>Sign.....</p>	<p>Sign.....</p> <p>ASSISTANT COUNTY COMMISSIONER MUNICIPALITY DIVISION P. O. Box 703 - 60200 MERU</p> <p>Stamp:.....</p>
<p><b>TWWDA REPRESENTATIVE</b> Eng. Kevin Njuki Project Engineer 11<sup>th</sup> March 2024</p> <p>Sign.....</p>	



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**TANA WATER WORKS DEVELOPMENT AGENCY**

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**ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT STAKEHOLDER  
ENGAGEMENT MINUTES FOR THE PROPOSED LAST MILE CONNECTIVITY OF THE  
MERU SEWERAGE PROJECT HELD ON 28<sup>TH</sup> FEBRUARY 2024 AT THE DEPUTY  
COUNTY COMMISSIONER'S BOARDROOM AT 2.30PM**

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**MEMBERS PRESENT**

Attendance list attached

**AGENDA**

The agenda of the meeting was as follows:

- Preliminary matter
- Introduction and presentation of the last mile project to the stakeholders
- Introduction of the ESIA exercise
- Comments and Concerns of the stakeholders
- Closing remarks

**MIN 1/28/02/2024: PRELIMINARY MATTER**

The Assistant County Commissioner Meru Municipality Division Madam Joyce Mwangi called the meeting to order promptly at 2.30 pm, setting the tone with a prayer led by one of the stakeholders in attendance. This fostered a sense of unity and respect among all present, creating a conducive environment for the meeting's agenda to proceed smoothly.

The ACC welcomed DCC Samuel Njuguna from Central Imenti who was the chair for the stakeholder engagement. The DCC welcomed everyone to the meeting and extended a heartfelt invitation to the Tana Water Works Development Agency and the Environmental Consultant team to express themselves freely. He explained to the stakeholders the intentions of the meeting regarding the Proposed Last Mile Connectivity of Meru Sewerage Project. Additionally, he encouraged every stakeholder to voice their thoughts and concerns regarding the project, emphasizing an open and inclusive atmosphere for discussions. He then opened the floor for the representative from the Proponent's side (Tana Water Development Agency) Eng. Kevin Njuki to take over the meeting.

**MIN 2/28/02/2024: INTRODUCTION AND PRESENTATION OF THE PROJECT**

Eng. Kevin Njuki from TWWDA gave his opening remarks and explained to the stakeholders the objectives of Tana Water Works Development Agency in ensuring sustainable sanitation systems within their area of jurisdiction in Meru County. He went on to elaborate that the agency is currently planning to execute the last mile sewerage connectivity within Meru Municipality. He emphasised that the project aims to bridge gaps in sanitation within the 1<sup>st</sup> phase of the Kenya Towns Sustainable Water Supply and Sanitation Program. He explained to the stakeholders that the project would mainly utilize the road reserve areas within the municipality.



**TANA WATER WORKS DEVELOPMENT AGENCY**

He later explained to the stakeholders that public consultations regarding the project are what led to the convention of the meeting. He asked members of the community to feel free to ask any question and raise any concerns as he welcomed the consultant team leader Mrs Bernadett Wairimu to take over the floor.

**MIN 3/28/02/2024: INTRODUCTION OF THE ESIA EXERCISE**

The ESIA Lead Expert Mrs. Bernadett Wairimu introduced herself and the entire ESIA team and gave a brief of what the meeting entailed. She asked the stakeholders to feel free and interact with her freely as this was a chance given to them to put forward their views regarding the proposed Last Mile Connectivity of the Meru Sewerage project.

**MIN 4/28/02/2024: COMMENTS AND CONCERNS OF THE STAKEHOLDERS**

NAME OF THE CONCERNED STAKEHOLDER	QUESTION ASKED	RESPONSE FROM THE TECHNICAL TEAM
ACC Japala Kiamwitari division	Enquired about compensation of the affected persons	<ul style="list-style-type: none"><li>• Unlike the ongoing sewer treatment plant that involved resettlement of people to pave way for construction, the proposed LMC project would utilise road reserves hence there will be minimal disturbance of people within the municipality.</li><li>• However, compensation for any person that will be directly affected by the projects shall be done diligently following the Resettlement Action plan that shall be formulated by the consultant.</li></ul>
Madam Margaret	She enquired whether the local labour force would be prioritized	<ul style="list-style-type: none"><li>• In a bid to grow the economy of the project area, the contractor shall be keen on hiring locals, especially for unskilled labour.</li></ul>
Brian mwenda	How will the community get sewer services?	<ul style="list-style-type: none"><li>• The stakeholders were advised to liaise with area water &amp; sanitation services provider (MEWASS) for connections.</li></ul>
Wilson mutuma	What is the sustainability of the proposed project	<ul style="list-style-type: none"><li>• The sewer lines will be constructed durably with plastic DWC pipes which are long-lasting</li><li>• Once the construction was done the project would be handed over to MEWASS who will</li></ul>





**TANA WATER WORKS DEVELOPMENT AGENCY**

		be tasked with the operation and maintenance of the project infrastructure
Doris mulekyo	Remedy for sewer leakages	<ul style="list-style-type: none"> <li>There will be a quick response from the MEWASS operational and maintenance team.</li> </ul>



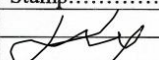
**MIN 5/28/02/2024: CLOSING REMARKS**

The team leader of the consultants addressed the stakeholders, assuring them that their grievances and wishes would be carefully considered and incorporated into the project's recommendations for possible adoption and integration across the project cycle. She emphasized the importance of sustainability and acknowledged the stakeholders' valuable input in shaping the project's outcomes.

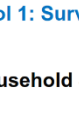
The DCC then took the step to formally conclude the meeting by making a few announcements regarding community development and thanked everyone for their active participation and fruitful contributions during the session.

There being no other business the meeting was adjourned with a closing prayer from Mr. Mustafa Gitonga at 3:30 Pm.

**CONFIRMED BY:**

<b>LEAD EXPERT</b> Eng. Bernadett Weirimu NEMA Reg No. 7394  11th, March 2024   Sign.....	<b>THE PUBLIC ADMINISTRATION</b> <b>ACC MERU MUNICIPALITY:</b> Madam Joyce Mwangi  Date 12 <sup>th</sup> March 2024   Sig:..... ASSISTANT COUNTY COMMISSIONER MUNICIPALITY DIVISION P.O. Box 703 - 60200, MERU Date: 12/13/2024  Stamp:.....
<b>TWWDA REPRESENTATIVE</b> Eng. Kevin Njuki	

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



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

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Cluster 1 Projects Meru, Embu and Kirinyaga  
*Data Collection Tool*

Greenville International Ltd

P.O. Box 50173-00100, Nairobi. Tel: 0723924677/0709 130 101  
Email: info@greenvilleint.com/greenvilleint@gmail.com  
Sara Plaza along Lattimer road, Suite 504  
Website: www.greenvilleint.com

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## Tool 1: Survey Data Collection Tool

### 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 Water Works Development Agency (TWWDA) to conduct a Resettlement Action Plan (RAP) for Projects Under the National Urban Water Supply and Sanitation Program, Cluster 1 Projects Meru, Embu and Kirinyaga. This will ensure that all those people who are affected will be adequately considered. It will also provide valuable information to the project implementers on the actual cost of resettlement. We have noted that you are likely to be affected by the project so we are requesting that you assist us fill this questionnaire to enable us determine how much you should be compensated.

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 .....	.....

# Resettlement Action Plan Report for Meru Sewerage LMC Project



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

Cluster 1 Projects Meru, Embu and Kirinyaga  
Data Collection Tool

Greenville International Ltd

P. O. Box 50173-00100, Nairobi. Tel: 0722928477/0700 136 181  
Email: info@greenville.com, greenville@gmail.com  
Sungu Plaza along Limuru road, Suite 504  
Website: www.greenville.com

## SECTION C: VULNERABILITY

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

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

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

## SECTION D: INCOME

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

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Website: www.greenintl.com

## SECTION E: ASSETS

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

## SECTION F: LAND OWNERSHIP

F1	F2	F3	F4	F5
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

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



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## SECTION G: SOCIAL STRUCTURES

G1	G2
Which of these Public facilities are you closest to?  1. Primary School 2. Secondary School 3. Health Centre 4. Road 5. Water Source/Point 6. Historical Sites 7. Others (Specify)	Distance to public facility?  1. < 500m 2. 501m to 1 km 3. 1-2 km 4. 2-3 km 5. 3-5 km 6. More than 5 km
G3	G4
What are the major sources of water supply for your household? 1. Household connection from Water Service Provider 2. Water venders/kiosks 3. River /Stream 4. Borehole/Shallow well 5. Rain water 6. Others (specify)	What type of sanitation facility does your household use? 1. Pit latrine 2. Sock pit/Septic Tank 3. Sewer Network 4. Bush 5. Other (Specify)
G5	G6
Specify other sanitation facilities used in G4	Has any of your family member been treated on waterborne disease e.g., cholera, dysentery, typhoid and sanitation? 1. Yes 2. No
G7	G8
What is your main source of power?	Specify other public facility closer to you

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## Tool 2: Valuation Data Collection Tool

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

# Resettlement Action Plan Report for Meru Sewerage LMC Project



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## SECTION B: DEMOGRAPHIC DATA

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

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

## Appendix 4: GRM Tools

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

Date of receiving the grievance: .....

Grievance Number: .....

Project Name: .....

Mode of Receipt (tick where applicable)

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

#### Details of the Grievance

Name: .....

Gender: .....

Contacts/ Email address: .....

Location of complainant:

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

#### Category of Complainant (tick appropriately)

i. Local Communities

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

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

iii. Contractors

iv. NGOs, CBOs

v. Funding institution/ AfDB

vi. Other interested party (specify)

#### Category of Grievance (tick appropriately)

i. Project implementation related

ii. Social

iii. Environment

#### Brief Description of the grievance

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

(attach letter or any document provided by the complainant)

#### Received/ prepared by:

Name: .....

Date: .....

Signature: .....

## 2. Grievance Resolution Form – GRM/ 002

Date of Meeting: .....

Complaint No: .....

Venue of Meeting: .....

### List of Participants

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

### Brief Description of the Grievance:

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

### Key Discussions

- 1.
- 2.
- 3.

### Recommendations made by the Local Grievance Redress Committee

- 1.
- 2.
- 3.

### Status of Grievance (Tick appropriately)

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

### Chairperson, Local Grievance Redress Committee

Name: .....

Signature: .....

Date: .....

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

Complaint No: .....

Name of Complainant: .....

Date of Grievance Redress: .....

Brief Description of Grievance:

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

Summary of Resolution:

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

Name of complainant: .....

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

.....

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

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

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

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

##### **1.0 General Information**

Project Name: .....

Date: .....

County: .....

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

##### **2.0 Summary of Complaints Received**

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

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

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

##### **4.0 Key Challenges and Measures Taken**

##### **5.0 Appendices**

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

