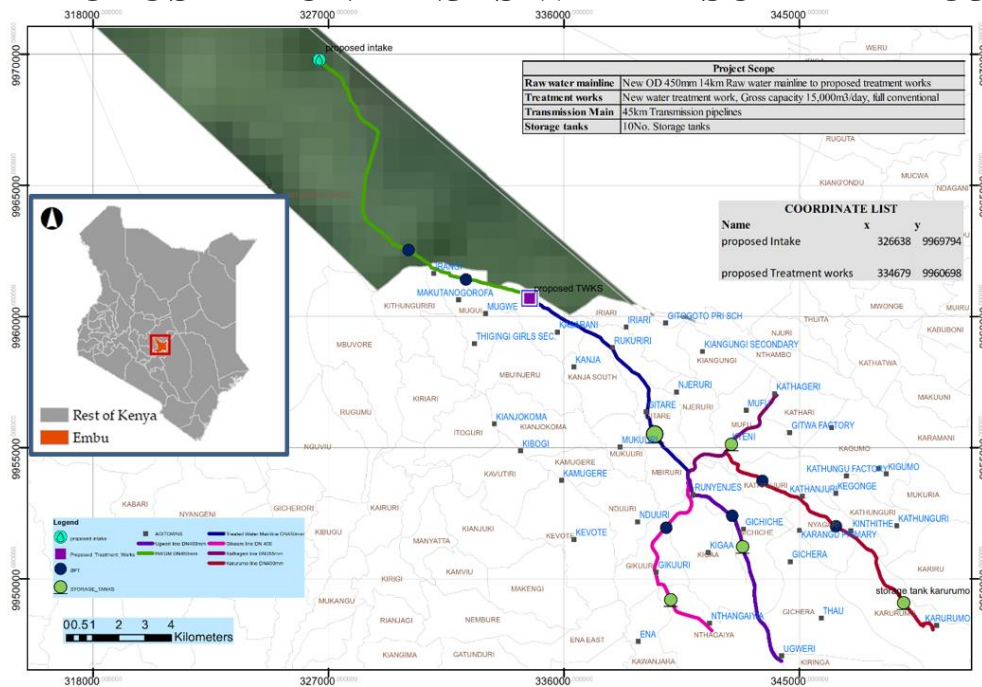




# TANA WATER WORKS DEVELOPMENT AGENCY

## RESETTLEMENT ACTION PLAN (RAP) REPORT FOR PROJECTS UNDER THE NATIONAL URBAN WATER SUPPLY AND SANITATION PROGRAM

### THE PROPOSED RUNYENJES WATER SUPPLY PROJECT



25 May 2024



**Greenville Nexus International Ltd**

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

## CERTIFICATION

For and on behalf of:

### **Tana Water Works Development Agency**

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

### **Key Experts**

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

Signed by Consultant	Signed by Client
Edwin Otieno Oduor, Land Valuer	Eng. Philip Gichuki
Signature: 	Signature: 
Date: 25 May 2024	Date: 25 May 2024

## EXECUTIVE SUMMARY

### 1. Compensation Summary Sheet;

	Variables	Data
A. General		
1	Province/ County	Embu County
2	Municipality	Runyenjes
3	Village	
4	Activities that trigger resettlement	<ul style="list-style-type: none"> <li>• Brake Pressure Tank (BPT) Construction</li> <li>• Treatment Works Construction</li> <li>• Storage Tanks Construction</li> </ul>
5	Project overall cost (KES)	1,770,233,941
6	Overall resettlement cost (KES)	46,055,902.70
7	Applied cut-off date (s)	13 April 2024
8	Dates of consultation with the people affected by the project (PAP)	16 Feb-24 to 14 April 2024
9	Dates of the negotiations of the compensation rates/prices	13 April 2024
B. information		
10	Number of people affected by the project (PAP)	42
11	Number Physically displaced	None
12	Number Economically displaced	None
13	Number of affected households	40
14	Number of females affected	19
15	Number of vulnerable affected	None
16	Number of major PAP	11
17	Number of minor PAP	31
18	Number of total right-owners and beneficiaries	Nine
19	Number of households losing their shelters	None
20	Total area of lost arable/productive lands (ha)	26.645ha
21	Number of households losing their crops and/or revenues	Nine
22	Total areas of farmlands lost (ha)	2.3ha
23	Estimation of agricultural revenue lost (USD)	USD 123,214
24	Number of buildings to demolish totally	4
25	Number of buildings to demolish at 50%	None
26	Number of buildings to demolish at 25%	None
27	Number of tree-crops lost	881
28	Number of commercial kiosks to demolish	3
29	Number of ambulant/street sailors affected	None
30	Number of community-level service infrastructures disrupted or dismantled	None
31	Number of households whose livelihood restoration is at risk	None

## 2. Brief Description of Project

The Tana Water Works Development Agency (TWWDA) is implementing the Runyenjes Water Supply Project to address chronic water shortages and drive economic development in Runyenjes Town and surrounding areas. As a key agency under the Ministry of Water, Sanitation, and Irrigation, TWWDA works to develop, maintain, and manage essential water infrastructure. This project aligns with TWWDA's mission to increase water and sewerage coverage across its jurisdiction (targeting 90% water and 30% sewerage access by 2027).

The proposed Runyenjes Water Supply System aims to significantly enhance the water supply capacity of the region in conjunction with KYEWASCO. This initiative will bolster the existing infrastructure and ensure reliable water distribution to a broader population. Key project elements include:

- 1) **Intake Weir Construction:** A new intake weir on the Thuchi River will establish a reliable raw water source.
- 2) **Raw Water Mains:** Construction of a 14km gravity-fed pipeline (DN 450mm HDPE PN20) to efficiently transport raw water.
- 3) **Water Treatment Works:** Development of a new treatment facility at Munyutu, with a 15,000m<sup>3</sup>/day capacity, ensuring the delivery of safe, potable water.
- 4) **Distribution Network:** An extensive 38km transmission and distribution network of HDPE pipes (DN 450mm to 150mm) to channel treated water throughout the designated area.
- 5) **Storage Infrastructure:** Creation of 10 masonry storage tanks (500m<sup>3</sup>, 225m<sup>3</sup>, 135m<sup>3</sup> capacities) to maintain water reserves and ensure consistent supply.

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

The main objectives of the RAP are to:

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

## 4. Approach and Methodology

The approach and methodology consisted of the following:

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

## 5. Socio-Economic Characteristics

**Demographics:** Runyenjes Sub-County boasts a dense population, indicative of a blend of rural and urban characteristics. The burgeoning populace has prompted a subdivision of land, resulting in smaller parcels. This shift suggests a move away from traditional agriculture towards residential land use and urban lifestyles.

**Gender and Education:** Women constitute a majority of Project Affected Persons (PAPs), comprising 65% of the demographic. Education levels are notably high, with a mere fraction of individuals lacking formal schooling. Many residents have attained secondary or tertiary education, reflecting a commitment to learning.

**Water and Sanitation:** The majority of PAPs (59%) rely on the existing water provider, yet many supplement their supply with alternative sources like wells, rainwater harvesting, or rivers. Sanitation primarily relies on pit latrines (80%), highlighting challenges posed by limited water supply and inadequate waste disposal facilities.

**Economic Activities:** A significant portion of PAPs (40%) sustain themselves through businesses centered in Runyenjes' commercial and administrative hub. Agriculture remains vital, with 37% engaged in farming, encompassing cash crops such as tea and coffee, as well as livestock rearing. Other sectors, including tourism and employment in government, education, and healthcare services, also contribute to the local economy.

**Infrastructure and Services:** The region benefits from decent road connections, though the quality varies. Basic education and healthcare facilities are accessible, though specialized care may necessitate travel. Challenges persist in terms of limited access to clean water and adequate sanitation.

**Social and Cultural Aspects:** The community surrounding Mt. Kenya retains strong cultural traditions, while Christianity dominates in terms of religion. Robust road infrastructure and social networks foster community support, underscoring the area's interconnectedness.

**Challenges and Opportunities:** Despite agricultural potential, poverty remains a concern due to market access issues and resource constraints. Vulnerability to climate-related risks, such as droughts and floods, poses further challenges. However, development opportunities abound, with infrastructure projects and initiatives focused on sustainable agriculture, education, and healthcare poised to drive socioeconomic progress.

**Additional Notes:** The transition from agricultural to residential land use underscores evolving land utilization patterns. Farming, particularly of tea and subsistence crops, remains a primary livelihood. Fairly good road networks, including a key highway, enhance transportation within the region.

## 6. Legal and Institutional Framework for Resettlement

### a) National Legal Framework

- i. **Constitution of Kenya, 2010:** Provides the fundamental legal basis for land rights, property ownership, and compensation principles in Kenya.
- ii. **Water Act, 2016:** Establishes the regulatory framework governing water resources, access, and management, relevant to potential project impacts on water sources.
- iii. **The Lands Act, 2012:** Outlines core principles for land acquisition, compulsory acquisition procedures, and compensation rights when land is needed for public projects.
- iv. **The Land Registration Act, 2012:** Ensures accurate and reliable records of land ownership, aiding the identification of affected individuals and simplifying compensation processes.
- v. **The National Land Commission Act, 2012:** Mandates the National Land Commission to handle land disputes, valuations, and oversee compulsory land acquisition for public use.
- vi. **The Environment and Land Court Act, 2011:** Establishes a specialized court for resolving land and environmental disputes that may arise due to the project.

- vii. **Land Value (Amendment) Act, 2019:** Provides guidelines for fair and updated compensation rates based on land values.
- viii. **Agriculture and Food Authority Act 2013:** Safeguards agricultural production and addresses potential disruptions to farming livelihoods caused by the project.
- ix. **Valuers Act (CAP 532):** Ensures professional standards in land valuation, guaranteeing accurate and transparent determination of compensation amounts.
- x. **Valuation for Rating Act (CAP 266):** Supports consistent land valuation methodology for fair compensation calculations.
- xi. **Rating Act (CAP 267):** Provides a framework for the valuation of properties, potentially relevant for determining compensation for affected structures.
- xii. **Persons with Disability Act, 2003:** Mandates the protection of rights and consideration of unique needs for persons with disabilities during resettlement processes.
- xiii. **Employment Act, 2007.** To ensure the protection of both employers and employees, ensure non employment of minors, maintenance of a safe working environment and observance of minimum wage requirements, among other safeguards

#### **b) National Policy Framework**

- A set of national policies, establishing procedures and principles for resettlement and compensation in infrastructure development projects.

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

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

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

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

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

## **7. Summary of Stakeholder's Engagements**

A series of public consultations were held to introduce a proposed water supply project to the community and solicit feedback. These consultations had the following specific goals:

- i. **Project Introduction:** Sensitize the public and stakeholders about the project's scope and objectives.
- ii. **Feedback Collection:** Gather community opinions, concerns, and suggestions to ensure the project aligns with their needs.

Several meetings took place to address specific aspects of the project:

- In February 13 2024, there was stakeholder meeting, held in Runyenjes Town Hall, which brought together 33 people (11 Female and 22 male). This consisted of area political leaders, local administrators and community representatives.
- A meeting was held on March 27th, 2024, at the Assistant County Commissioner's Office. Stakeholders engaged were Project Affected People (PAPs) with structures and land issues. The participation was 19 people, with 11 males and 8 females.
- Two meetings were held on April 13th, 2024, at Karurumo Trading Centre and Rukurire Centre, respectively. Stakeholders engaged in both meetings were Project Affected People (PAPs) with livelihood concerns. Participation at Karurumo was 13 people, with 9 males and 4 females. Participation at Rukurire was 11 people, with 7 females and 4 males.
- Another meeting had earlier been held on February 14th, 2024, at Kairuni Chief's Camp. The stakeholders engaged were the local administration and the public.

The participation details are provided in Appendix 4.

Meetings took place in four venues that were considered the closest to the PAPs: Assistant County Commissioner's Office, Karurumo Trading Centre, Rukurire Centre, Kairuni Chief's Camp. Generally, slightly higher number of males were identified as project-affected people compared to females, and hence the higher number of males who attended the meetings.

## 8. Compensation Plan

The following is the summary of the compensation plan:

- Eligibility:** This RAP aligns with Kenyan laws. Project Affected Persons (PAPs) residing in or economically dependent on the project wayleave are eligible for compensation.
- Cut-Off Date:** April 13, 2024, is the established cut-off date. This coincides with the asset inventory and census completion. Anyone settling in the area after this date is ineligible for resettlement assistance or compensation.

To ensure fair compensation, valuation was conducted. This valuation considered the type and quality of building materials used in the affected structures, associated construction labor costs, and the structural classifications (i.e., temporary, semi-permanent, or permanent).

### Compensation for structures:

Adhering to the principle of replacement cost and factoring in current market rates, the total compensation for the affected structures along the main road is calculated at KES 461,213.67. This figure incorporates a standard 15% disturbance allowance, acknowledging the potential inconvenience experienced by PAPs during the project's implementation phase.

### Livelihood Compensation:

The Resettlement Action Plan (RAP) identified 31 Project Affected Persons (PAPs)—15 female and 16 males—whose businesses operate in proximity to the proposed project lines. A thorough assessment concluded that these businesses could experience a potential disruption for a maximum of five days. In recognition of this impact, the project will provide fair compensation for income lost during this period to ensure minimal hardship for the affected individuals.

To calculate compensation amounts, a 15% disturbance allowance has been included to account for additional unforeseen disruptions associated with the project. Based on this calculation, the total proposed compensation sum is KSh 299,750.00.

A detailed list of affected individuals, along with relevant compensation amounts, is provided in in valuation report, i.e., Appendix 2 of this report.

## 9. Entitlements

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

Table 0.1: Entitlement Matrix

Impact Category	Type of Impact (Permanent/ Temporary)	Entitled Persons	Entitlements	
			Compensation	Allowances and non-cash interventions
Impact on Land	Loss of land (Permanent)	Private land owners	<ul style="list-style-type: none"> <li>Cash compensation for the affected portion of land at open market value</li> <li>For very small plots provide 100% compensation at open market value</li> <li>For land parcels below 4000m<sup>2</sup> and less than 50% affected, provide per centum rate of 50% of the open market value of the land affected</li> </ul>	<ul style="list-style-type: none"> <li>Disturbance allowance of 15% of the total compensation amount</li> <li>Training on financial management</li> </ul>
	Trust Land <sup>1</sup>	County Government	<ul style="list-style-type: none"> <li>Apply for delineation and allocation of the land in accordance with the Community Land Act, 2016</li> </ul>	<ul style="list-style-type: none"> <li>To be determined on a case-by-case basis in consultations with the County Government and NLC</li> </ul>
	Loss of land use	Private land owners	<ul style="list-style-type: none"> <li>Cash compensation for the affected portion of land at 30% of the market value</li> </ul>	<ul style="list-style-type: none"> <li>Disturbance allowance of 15% of the total compensation amount</li> <li>Training on financial management</li> </ul>
	Public wayleave (road reserves)	Road Agencies (KeNHA, KURA, KeRRA)	<ul style="list-style-type: none"> <li>Pay prescribed fees as may be determined by the agencies under the Roads Act, 2007 and relevant regulations</li> </ul>	N/A
	Forest land	KFS	<ul style="list-style-type: none"> <li>Pay prescribed fees as determined under the Forest Conservation and Management Act, 2016 and the Forest (Fees and Charges) Regulations 2016</li> </ul>	N/A
Impact on Structures	Loss of Permanent structures (houses, shops, kiosks, grocery shops, butcheries, salon and boutique businesses among others) - Modern structures characterised by modern finishes including concrete, natural stone, bricks and treated sawn timber materials structures	Private owners	<ul style="list-style-type: none"> <li>Cash compensation based on the full replacement value of the affected structure</li> <li>Provide compensation rate within range of KES 1,500 – 3000 per square feet depending on finishes used</li> </ul>	<ul style="list-style-type: none"> <li>Disturbance allowance of 15% of the total compensation amount</li> <li>Materials from the affected structure may be salvaged at the owner's expense within the notice period given to vacate and prior to demolition.</li> <li>Training on financial management</li> </ul>
	Loss of semi-permanent structures (houses, shops, kiosks, grocery shops, butcheries, salon and boutique businesses among others) - Structures made from sawn timber, timber-off cuts, GCI walling, sundried bricks or cemented floors	Private owners	<ul style="list-style-type: none"> <li>Cash compensation based on the full replacement value of the affected structure</li> <li>Provide compensation rates of within range of KES 1000-2500 per square foot depending on finishes used</li> </ul>	<ul style="list-style-type: none"> <li>Disturbance allowance of 15% of the total compensation amount</li> <li>Materials from the affected structure may be salvaged at the owner's expense within the notice period given to vacate and prior to demolition</li> <li>Training on financial management</li> </ul>

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



Impact Category	Type of Impact (Permanent/ Temporary)	Entitled Persons	Entitlements	
			Compensation	Allowances and non-cash interventions
	Loss of structures (houses, shops, kiosks, grocery shops, butcheries, salon and boutique businesses among others) characterised by thatched roofs, rammed or earthen floors and Adobe blocks and wattle, thatch walls, tents, tarpaulins and manyattas	Private owners	<ul style="list-style-type: none"> <li>Cash compensation based on the full replacement value of the affected structure</li> <li>Provide compensation rate within range of KES 500-1500 per square feet depending on finishes used</li> </ul>	<ul style="list-style-type: none"> <li>Disturbance allowance of 15% of the total compensation amount</li> <li>Materials from the affected structure may be salvaged at the owner's expense within the notice period given to vacate and prior to demolition.</li> <li>Training on financial management</li> </ul>
	Domestic storage facilities	Private owner	<ul style="list-style-type: none"> <li>Cash compensation based on the permanency, design, size and construction materials used, rates ranging between KES 500 -1,500 per square feet</li> </ul>	<ul style="list-style-type: none"> <li>Disturbance allowance of 15% of the total compensation amount</li> <li>Materials from the affected structure may be salvaged at the owner's expense within the notice period given to vacate and prior to demolition.</li> <li>Training on financial management</li> </ul>
	Loss of fence	Owners of fence structures	<ul style="list-style-type: none"> <li>Cash compensation based on the full replacement value of the affected fence</li> </ul>	<ul style="list-style-type: none"> <li>Disturbance allowance of 15% of the total compensation amount</li> <li>Materials from the affected structure may be salvaged at the owner's expense within the notice period given to vacate and prior to demolition</li> <li>Training on financial management</li> </ul>
	Loss of pavements	Business owners	N/A	<ul style="list-style-type: none"> <li>Restoration of destroyed pavements by the contractor immediately after completion of pipeline installation in affected areas. These costs have been catered for under the project ESMP</li> </ul>
	Loss of public structures such as motorbike shades ( <i>bodaboda</i> shades) and market stalls	Business owners	N/A	<ul style="list-style-type: none"> <li>Reinstatement by TWWDA immediately after sectional completion of the project</li> </ul>
Impact on Crops and Trees	Loss or damage of crops	Land owners	<ul style="list-style-type: none"> <li>Cash compensation for loss of all crops based on crop value</li> </ul>	<ul style="list-style-type: none"> <li>Disturbance allowance of 15% of the total compensation amount</li> <li>Adequate notice on the construction schedule to get an opportunity to harvest seasonal or annual crops</li> <li>Training on financial management</li> </ul>
	Trees/ fruit trees	Private ownership	<ul style="list-style-type: none"> <li>Cash compensation for loss of trees taller than 12 feet</li> </ul>	<ul style="list-style-type: none"> <li>Disturbance allowance of 15% of the total compensation amount</li> <li>Adequate notice on the construction schedule to get an opportunity to harvest trees</li> <li>Training on financial management</li> </ul>
		On public land/ unknown owner	N/A	<ul style="list-style-type: none"> <li>Support to counties and CSOs involved in conservation matters</li> </ul>
Loss of Livelihoods	Permanent and temporarily businesses at close proximity to the wayleave	Business owners	<ul style="list-style-type: none"> <li>Cash compensation for 5 days based on the magnitude of the business</li> </ul>	<ul style="list-style-type: none"> <li>Disturbance allowance of 15% of the total compensation amount</li> <li>Training on financial management</li> </ul>
Temporary impacts	Temporary loss of access to business facilities	Business owners	<ul style="list-style-type: none"> <li>Cash compensation for 5 days based on the magnitude of the business</li> </ul>	<ul style="list-style-type: none"> <li>Provision of alternative access routes during the period the affected sections are under construction</li> <li>Adequate notice on the construction schedule</li> <li>Training on financial management</li> </ul>
Impact on Vulnerable Individuals and groups	Households that may be disproportionately impacted	PAPs with disabled family members, the elderly, widows	<ul style="list-style-type: none"> <li>Cash compensation in accordance with criteria set out in the relevant section of the entitlement matrix</li> </ul>	<ul style="list-style-type: none"> <li>Disturbance allowance of 50% of the total compensation amount</li> <li>Designated assistance to be assessed on a case-by-case basis to ensure that vulnerable people/groups have access</li> </ul>

Impact Category	Type of Impact (Permanent/Temporary)	Entitled Persons	Entitlements		
			Compensation	Allowances and non-cash interventions	
				to participation, compensation, assistance and livelihood restoration	
				<ul style="list-style-type: none"> <li>• Training on financial management</li> <li>• Linkage to the Government of Kenya (GoK) social protection programmes</li> </ul>	

## 10. Summary of RAP Implementation Schedule

The implementation schedule of this RAP spans from the RAP study to the completion of the project. However, this is an indicative proposal, which should be synchronized with the contractor's work program. The phased approach aims to prevent re-encroachment by PAPs after receiving compensation. To ensure a smooth transition, immediate follow-up must occur after compensation is disbursed, followed by structural clearance. The contractor must then swiftly begin work to minimize the potential for the reestablishment of structures.

Table 0.2: Implementation Schedule

Activity	Responsible Party	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8
Planning Phase									
RAP Study	TWWDA	■	■						
Disclosure of RAP Report	TWWDA/AfDB		■						
Setting Up Phase									
RAP Implementation Team (RIT) is constituted	TWWDA & County Gov't		■						
PAP Committee (PC) Constituted and briefed	RAP Implementation Team		■						
Validation and verification of PAPs	RAP Implementation Team		■						
Disclosure of Updated	TWWDA			■					
Compensation of all PAPS	RIT			■					
Issuance of 3 months' vacation notice to PAPS	RAP Implementation Team			■	■	■			
Construction Phase									
Commencement of construction works	TWWDA, Contractor				■				
Site Handover	TWWDA, Contractor				■				
Site clearance	Contractor				■				
Excavation and pipeline installation	Contractor				■	■	■	■	
Grievance Management	RIT, GRM Committees		■	■	■	■	■	■	
Restoration activities of livelihood	RIT/ Social Safeguard Specialist		■	■	■	■			
Monitoring and Evaluation	RIT		■	■	■	■	■	■	
Monitoring and Evaluation of RAP (Monthly Reports)	Social Safeguard Specialist								■
RAP Completion Audit	External RAP Auditor/ Consultant								■

## 11. Summary of Monitoring and Evaluation

- **Purpose:** Monitoring and evaluation (M&E) is essential to get feedback, identify issues early, and make necessary adjustments to the RAP process. M&E focuses on physical resettlement, compensation, consultation effectiveness, and other key aspects of implementation.

## Monitoring and Evaluation

- **Internal Monitoring**

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

- **External Monitoring and Evaluation**

- Independent specialists conduct annual evaluations.

Objectives:

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

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

*Table 0.3: Total cost for the full implementation of the RAP*

Item	No. of PAPs	Estimated Cost (KES)
Land (Pipeline Wayleave-)	KFS & Roads Agencies	1,438,000.00
Land Acquisition for Treatment Works, Brake Pressure Tanks and Storage Tanks		23,217,875.00
Asset Loss (Buildings and Other Structures) - (Inclusive of the 15% disturbance allowance)	4	461,213.67
Livelihood Loss (Inclusive of the 15% disturbance allowance)	31	299,750.00
Trees (estimates)		9,963,080.25
Livelihood Restoration Program (Capacity building, in-kind support, tree planting etc.)		1,500,000.00
RAP implementation monitoring		500,000.00
Provide for RAP Audit (External)		1,000,000.00
<b>Sub-Total Estimated Compensation</b>		<b>38,379,918.92</b>
Other costs including taxes and contingencies (20%)		7,675,983.78
<b>Grand Total</b>		<b>46,055,902.70</b>

## 12. Conclusion and Commitments

### Conclusions

This RAP Report is for the proposed construction water supply project in Runyenjes by TWWDA. The RAP has been prepared consistent with the applicable policy provisions of Kenyan Government and the provisions of the AfDB Safeguards Policy, a framework that establishes a compensation system for Project-Affected People (PAPs), guided by Kenyan laws and the financier's policy. The valuation was based on full replacement cost and market values, ensuring PAPs receive fair compensation for land, structures, and lost assets and livelihood.

### Commitments

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

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

## TABLE OF CONTENTS

CERTIFICATION.....	<b>Error! Bookmark not defined.</b>
EXECUTIVE SUMMARY .....	ii
TABLE OF CONTENTS .....	xii
LIST OF TABLES.....	xvi
LIST OF FIGURES.....	xvii
ABBREVIATIONS AND ACRONYMS.....	xviii
GLOSSARY OF TERMS.....	xx
1 INTRODUCTION.....	- 22 -
1.1 Project Background.....	- 22 -
1.2 Objectives of RAP Review .....	- 22 -
1.3 Scope of the RAP Report.....	- 23 -
1.4 The RAP Report Structure .....	- 23 -
2 PROJECT DESCRIPTION.....	- 25 -
2.1 Introduction.....	- 25 -
2.1.1 Project Purpose.....	- 25 -
2.1.2 Project Activities .....	- 26 -
2.1.3 Project Location.....	- 26 -
2.1.4 The Proposed Water Supply Scope.....	- 27 -
2.2 RAP Procedure .....	- 27 -
2.3 Overview of the RAP Key Issues .....	- 30 -
2.4 The Proposed Water Infrastructure Issues .....	- 30 -
2.4.1 The Water Intake Location .....	- 30 -
2.4.2 Water Abstractions within the Area.....	- 31 -
2.4.3 Site of the Proposed Water Treatment Plant .....	- 31 -
2.4.4 Transmission Lines .....	- 32 -
2.4.5 Main Storage Tank.....	- 33 -
2.4.6 Brake Pressure Tanks (BPTs) Sites .....	- 34 -
2.5 Socio-Economic and Environment Issues .....	- 35 -
3 LEGAL, POLICY AND INSTITUTIONAL FRAMEWORK.....	- 36 -
3.1 National Legal Framework .....	- 36 -
3.1.1 Constitution of Kenya, 2010.....	- 36 -
3.1.2 Water Act, 2016.....	- 36 -
3.1.3 The Lands Act 2012 .....	- 37 -
3.1.4 The Land Registration Act, 2012.....	- 37 -
3.1.5 The National Land Commission Act, 2012.....	- 37 -
3.1.6 The Environment and Land Court Act, 2011.....	- 37 -
3.1.7 Land Value (Amendment) Act, 2019.....	- 37 -
3.1.8 Agriculture and Food Authority Act 2013 .....	- 38 -
3.1.9 Valuers Act (CAP 532).....	- 38 -

3.1.10	Valuation for Rating Act (CAP 266).....	- 38 -
3.1.11	Rating Act (CAP 267).....	- 39 -
3.1.12	Persons with Disability Act, 2003.....	- 39 -
3.1.13	Employment Act, 2007.....	- 40 -
3.2	National Policy Framework.....	- 40 -
3.3	African Development Bank Integrated Safeguards System (ISS), 2013.....	- 40 -
3.4	Institutional Framework for Water and Sanitation Services in Kenya.....	- 41 -
3.5	Gap Analysis.....	- 47 -
4	SOCIOECONOMIC PROFILE OF PAPS.....	- 49 -
4.1	Introduction.....	- 49 -
4.2	Demographics.....	- 49 -
4.3	Sex Distribution of the PAPS.....	- 49 -
4.4	Household Education Status.....	- 49 -
4.5	Water Sources Utilized by the PAPS.....	- 50 -
4.6	Sanitation.....	- 50 -
4.7	Economic Activities.....	- 51 -
4.8	Infrastructure and Services.....	- 51 -
4.9	Social and Cultural Aspects.....	- 52 -
4.10	Compensation Preferences and willingness to Relocate.....	- 52 -
4.11	Vulnerable PAPS.....	- 52 -
4.12	Grievance Redress Mechanism.....	- 52 -
4.13	Challenges and Opportunities:.....	- 52 -
4.14	Land-use and Development.....	- 53 -
4.15	Transport and Communication.....	- 53 -
5	PROJECT IMPACTS AND MITIGATION MEASURES.....	- 54 -
5.1	Introduction.....	- 54 -
5.2	Identification of Project Impacts.....	- 54 -
5.2.1	Physical Displacement.....	- 54 -
5.2.2	Compensation for Livelihood Lost.....	- 56 -
5.3	Proposed Mitigation Measure.....	- 56 -
6	VALUATION, COMPENSATION AND ENTITLEMENTS.....	- 57 -
6.1	Introduction.....	- 57 -
6.2	Valuation Procedure and Methodology.....	- 57 -
6.2.1	Procedure.....	- 57 -
6.3	Valuation and Compensation Results.....	- 58 -
6.3.1	Valuation and Compensation of Land.....	- 58 -
6.3.2	Valuation and Compensation of Structures.....	- 59 -
6.3.3	Livelihood Compensation.....	- 60 -
6.3.4	Valuation and Compensations of Trees and Crops.....	- 60 -
6.4	Disturbance Allowance.....	- 61 -
6.5	Statutory Payments.....	- 61 -

6.6	Taxes.....	- 61 -
6.7	Summary of Compensation Costs .....	- 62 -
6.8	Eligibility, Cut-Off Date and Entitlements .....	- 62 -
6.8.1	Cut-Off Date .....	- 62 -
6.8.2	Entitlements.....	- 62 -
7	GRIEVANCE REDRESS MECHANISM .....	- 66 -
7.1	Introduction.....	- 66 -
7.2	Potential Resettlement Grievances.....	- 66 -
7.3	Objectives of the Grievance Redress Mechanism .....	- 66 -
7.4	Proposed Grievance Management and Redress Mechanism .....	- 66 -
7.5	RAP Grievance Redress Mechanism Monitoring and Evaluation.....	- 69 -
7.6	Safeguards Grievances Redress .....	- 71 -
7.7	Budget.....	- 72 -
8	PROPOSED INSTITUTIONAL ARRANGEMENTS FOR RAP IMPLEMENTATION.....	- 73 -
8.1	Introduction.....	- 73 -
8.2	Resettlement Implementation Principles.....	- 73 -
8.3	Resettlement Implementation Arrangements.....	- 73 -
8.3.1	Resettlement Project Implementation Team.....	- 73 -
9	PUBLIC CONSULTATION AND DISCLOSURE .....	- 75 -
9.1	Introduction.....	- 75 -
9.2	Objectives.....	- 75 -
9.3	Project Affected People's (PAPs) Perspectives .....	- 76 -
9.4	Vulnerable PAPs .....	- 77 -
9.5	Other Key Issues Arising from Public Participation Meetings.....	- 77 -
9.6	Stakeholder Engagement Plan (SEP).....	- 78 -
10	MONITORING AND EVALUATION .....	- 79 -
10.1	Monitoring and Evaluation Objectives.....	- 79 -
10.2	Monitoring and Evaluation Methodology.....	- 79 -
10.3	Monitoring and Evaluation.....	- 79 -
10.3.1	Internal Monitoring.....	- 79 -
10.3.2	External Monitoring and Evaluation .....	- 80 -
10.4	Identification of M&E Indicators.....	- 80 -
10.5	RAP Completion Audit .....	- 83 -
10.6	Monitoring Reports .....	- 83 -
10.7	Monitoring and Evaluation Budget .....	- 83 -
10.8	Land Acquisition Procedure .....	- 83 -
10.9	Livelihood Restoration Plan .....	- 84 -
10.9.1	Introduction.....	- 84 -
10.9.2	Assessment of Livelihoods.....	- 84 -
10.9.3	Objectives.....	- 84 -
10.9.4	Proposed Strategies and Actions.....	- 85 -

10.9.5	Livelihood Restorations Plan Budget .....	- 85 -
10.10	Implementation Scheduling .....	- 86 -
10.11	Overall RAP Compensation Budget .....	- 88 -
11	CONCLUSIONS AND COMMITMENTS .....	- 89 -
11.1	Conclusions .....	- 89 -
11.2	Commitments .....	- 89 -
	APPENDICES .....	- 90 -
	Appendix 1: PAPs Consent Forms .....	<b>Error! Bookmark not defined.</b>
	Appendix 2– Valuation Report .....	<b>Error! Bookmark not defined.</b>
	Appendix 3: KFS and Road Use Charges/Fees .....	- 90 -
	Appendix 4: Community Engagement Attendance List .....	- 94 -
	Appendix 5: Draft Gender Based Violence Policy .....	- 111 -
	Appendix 6: Policy on Grievance Reporting and Response for Violence Against Children (VAC) .....	- 113 -
	Appendix 7: Grievance Mechanism Policy for Preventing and Addressing Sexual Exploitation, Abuse, and Harassment (SEAH).....	- 116 -
	Appendix 8: Data Collection Tool.....	- 118 -
	Appendix 9: Grievance Redress Mechanism Tools .....	- 124 -
1.	Grievance Register/ Acknowledgement Form, GRM/ 001 .....	- 124 -
2.	Grievance Resolution Form – GRM/ 002 .....	- 125 -
3.	Grievance Disclosure Form – GRM/ 003 .....	- 126 -
4.	Format of Quarterly Reports of all Grievances – GRM/ 004 .....	- 126 -



## LIST OF TABLES

---

Table 0.1: Entitlement Matrix .....	vii
Table 0.2: Implementation Schedule .....	ix
<i>Table 0.3: Total cost for the full implementation of the RAP.....</i>	<i>x</i>
Table 2.1: Mainlines and Distribution Lines .....	- 32 -
Table 3.1: Institutional Roles and Capacities.....	- 41 -
Table 3.2: Gap Analysis.....	- 47 -
Table 5.1: Summary of land requirements.....	- 54 -
Table 5.2: Trees affected .....	- 55 -
Table 5.3: Project Impacts and Mitigation Measures .....	- 56 -
Table 6.1: Total Land Affected by the Pipe Line .....	- 59 -
Table 6.2: Summary of Compensation Costs .....	- 62 -
Table 9.1: summary of the public consultation meetings held in the project area .....	- 76 -
Table 10.1: Monitoring and Evaluation Plan for RAP Implementation.....	- 81 -
Table 10.2: Monitoring and Evaluation Budget.....	- 83 -
Table 10.3: Proposed Budget for the Livelihood Restoration Plan .....	- 85 -
Table 10.4: RAP Implementation Schedule.....	- 86 -
Table 10.5: RAP implementation budget estimates.....	- 88 -

## LIST OF FIGURES

---

Figure 2.1: The Proposed Runyenjes Water Project Layout .....	- 27 -
Figure 2.2: Assistant County Commisiners, Kyeni, Ward Admin Kyeni, Chairman of Business Association, Kairuni, TWWDA representative and the Consultant meeting PAPs at the project sites: Engaging PAPs who will lose livelihood on sections likely to be affected be the proposed water supply line .....	- 28 -
Figure 2.3: Transecting the proposed areas to meet with each PAP at the proposed project sites, sensitizing and explaining to each member, the proposed extent and impact of the project .....	- 29 -
Figure 2.4: Typical design layout of the proposed pipelines (Runyenjes-Rukuriri Road), BPTs and Storage tanks. Only BPTs and Storage Tanks were determined to be affecting the private properties (mainly land).....	- 33 -
Figure 2.5: The distribution of the proposed Storage Tank .....	- 34 -
Figure 4.1: PAPs distribution by Sex .....	- 49 -
Figure 4.2: Education Levels attained by respondents .....	- 50 -
Figure 4.3: Water Sources for all the Interviewed Households.....	- 50 -
Figure 4.4: The main economic activities.....	- 51 -
Figure 5.1: House under construction .....	- 55 -
Figure 5.2: temporary structure constructed on the proposed pipeline route .....	- 55 -
Figure 7.1: Levels of Grievance Redress Mechanism .....	- 68 -
Figure 7.2: Grievance Management Procedure .....	- 69 -
Figure 9.1: The Ward Administrator (Runyenjes), TWWDA representative, and The Consultant holding a meeting at the project sites: Engaging PAPs who will lose livelihood on sections likely to be affected by the proposed water supply line .....	- 75 -
Figure 9.2: Assistant County Commissioner (ACC) Kyeni, Ward Administrator, Kyeni, Chairman of Business Association, Kairuni, TWWDA representative and the Consultant meeting PAPs at the project sites: Engaging PAPs who will lose livelihood on sections likely to be affected be the proposed water supply line .....	- 75 -
Figure 10.1: Strategic Approach to M&E .....	- 79 -

## ABBREVIATIONS AND ACRONYMS

---

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

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

## GLOSSARY OF TERMS

---

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

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

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

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

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

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

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

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

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

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

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

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

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

residence, habitat or access to forest or community resources adversely affected, with or without displacement.

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

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

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

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

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

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

### 1.1 Project Background

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

The key components of the programme include: a) the construction and repair of water supply and sanitation equipment (including the network extension to the informal neighbourhoods) to improve the quality of water supply and sanitation services, and (b) the improvement of water supply service providers and the sector's regulatory authority's capacities in order to increase the concerned services' efficiency and create new employment opportunities for women and young people. The main objective of NUWaSSaP is to improve water supply services access, quality, availability and sustainability, and wastewater management in Kenyan cities, in order to boost commercial activities, stimulate economic growth and job creation, improve the populations' quality of life, and strengthen resilience to fluctuations and climate change.

Tana Water Works Development Agency (TWWDA) is one of the agencies created under the Water Act, 2016 to, among other roles, help develop water and sewerage infrastructure within its area of jurisdiction. To foster economic growth and resolve persistent water issues in Runyenjes Town, the Agency is committed to executing the proposed water supply initiative. TWWDA is implementing its mission to enhance water and sewerage coverage within its jurisdiction. The target is to elevate coverage levels from 57.8% and 8.1% in 2023 to 90% and 30% by 2027, respectively. To achieve this ambitious goal, the agency is concentrating on the development of resilient water and sanitation infrastructure.

To evaluate the potential impact of the Runyenjes Water Supply Project on communities along the designated route and to provide adequate mitigation measures for the losses the communities may incur as a result of the project, TWWDA appointed a consultant to carry out this Resettlement Action Plan (RAP). The consultant's mandate encompassed conducting thorough reviews and site-specific studies to assess the project's economic implications. Furthermore, they were tasked with conducting a detailed census of all the anticipated losses and developing the RAP to address the same while adhering to the standards set by the African Development Bank (AfDB), along with meeting legal obligations and adhering to other industry best practices to ensure the project's successful implementation.

### 1.2 Objectives of RAP Review

The Resettlement Action Plan (RAP) for the Runyenjes Water Project has the following key objectives:

- i. **Minimize adverse impacts:** The RAP identifies potential social and economic disruptions caused by the project, including displacement and loss of livelihoods. It outlines strategies to mitigate these effects and protect the rights and well-being of affected communities.
- ii. **Facilitate resettlement and rehabilitation:** If displacement is necessary, the RAP ensures fair compensation, support with livelihood restoration, and access to essential infrastructure. The goal is to maintain or improve the living standards of affected individuals.

- iii. **Promote community involvement:** The RAP prioritizes community participation in decision-making throughout the resettlement process. This approach fosters transparency, addresses concerns effectively, and builds trust in the project's implementation.
- iv. **Comply with Legal Frameworks:** Ensure adherence to national legislation (e.g., Kenyan Constitution and legal framework) and the African Development Bank's Integrated Safeguards Policy (2013).

By meeting these objectives, the RAP aims to ensure the Runyenjes Water Project is implemented in a socially responsible, equitable, and sustainable manner.

### 1.3 Scope of the RAP Report

This RAP report conforms with AfDB's ISS policies. The Consultant traversed various sections of the proposed lines, to establish the number of Project Affected Persons (PAPs) and the actual number of households that will be economically or physically affected.

The RAP also establishes the number of businesses to be affected by the project. The details are annexed to this report. It was also established that the project will be implemented along road corridors and will therefore have minimum effect on private land.

Consent forms confirming the PAPs acceptance of the project's compensation arrangements with respect to various structures are presented in Appendix 1.

### 1.4 The RAP Report Structure

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

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

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

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

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

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

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

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



Chapter 9: Public Consultation and Disclosure: This chapter discusses the process of public consultation and disclosure undertaken during the preparation of the RAP, ensuring transparency and stakeholder participation.

Chapter 10: Monitoring, Evaluation, and Reporting: The mechanisms for monitoring the implementation of the RAP, evaluating its effectiveness, and reporting on progress are outlined in this chapter.

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

## 2 PROJECT DESCRIPTION

---

### 2.1 Introduction

In order to stimulate economic growth and address persistent water challenges in Runyenjes Town, the Tana Water Works Development Agency (TWWDA) is spearheading the proposed Runyenjes Water Supply project. Situated within Runyenjes Sub County, Embu County, the project is poised to benefit 25 sub-locations in the region. Drawing water from the Thuchi River, located approximately 12.2 kilometres within the Mt. Kenya Forest and about 135 meters upstream of the Ndamunge water project intake, this initiative aims to establish a comprehensive water supply system.

The envisioned water supply system comprises several integral components, including a single diversion weir and two intake chambers. Additionally, it encompasses approximately 8.8 kilometres of main lines with diverse sizes and pressure ratings, a 15000 cubic meter full treatment works, and several storage facilities such as 1000 cubic meter reinforced concrete (RC) storage tanks, 225 cubic meter masonry storage tanks, 500 cubic meter RC storage tanks, as well as 135 cubic meter masonry storage tanks and 50 cubic meter masonry brake pressure tanks. This comprehensive infrastructure is designed to ensure efficient and sustainable water distribution to meet the diverse needs of the community while promoting economic development and water resource management in the area.

#### 2.1.1 Project Purpose

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

This project is strategically designed to achieve several objectives:

- i. Ensure uninterrupted water supply by implementing adequate water storage solutions to meet current demand requirements.
- ii. Decrease Non-Revenue Water (NRW) losses and associated maintenance expenses, thereby optimizing operational efficiency.
- iii. Enhance revenue generation and tax collection through improved management of water resources and services.
- iv. Ensure a consistent and abundant supply of clean drinking water for the residents of Runyenjes and the wider Embu East Sub-County.
- v. Contribute to regional economic development by creating employment opportunities for local residents, thereby stimulating economic growth and prosperity.
- vi. Mitigate the prevalence of waterborne diseases and enhance the overall health and well-being of the population through access to safe and reliable water and sanitation facilities.

These objectives underscore the project's commitment to addressing pressing socio-economic and public health challenges while advancing the overarching goals of national development and sustainability.

### 2.1.2 Project Activities

The proposed Runyenjes Water Supply System aims to significantly enhance the water supply capacity of the region in conjunction with KYEWASCO. This initiative will bolster the existing infrastructure and ensure reliable water distribution to a broader population. Key project elements include:

- 6) **Intake Weir Construction:** A new intake weir on the Thuchi River will establish a reliable raw water source.
- 7) **Raw Water Mains:** Construction of a 14km gravity-fed pipeline (DN 450mm HDPE PN20) to efficiently transport raw water.
- 8) **Water Treatment Works:** Development of a new treatment facility at Munyutu, with a 15,000m<sup>3</sup>/day capacity, ensuring the delivery of safe, potable water.
- 9) **Distribution Network:** An extensive 38km transmission and distribution network of HDPE pipes (DN 450mm to 150mm) to channel treated water throughout the designated area.
- 10) **Storage Infrastructure:** Creation of 10 masonry storage tanks (500m<sup>3</sup>, 225m<sup>3</sup>, 135m<sup>3</sup> capacities) to maintain water reserves and ensure consistent supply.

### 2.1.3 Project Location

The proposed supply system is situated within Runyenjes Constituency, Embu East Sub-County of Embu County, Kenya, approximately 165km from Nairobi. The intake works will be located along Thuchi River (GPS Coordinates: 37.4450800 E, 00.275618°S, Altitude: 2,248m ASL) within the Kanja North Sub-Location, Kagaari North East Location, of Runyenjes Ward. The intake structure will consist of a 10m long reinforced concrete weir. Water treatment works are proposed at Munyutu, also within the Kanja North Sub-Location.

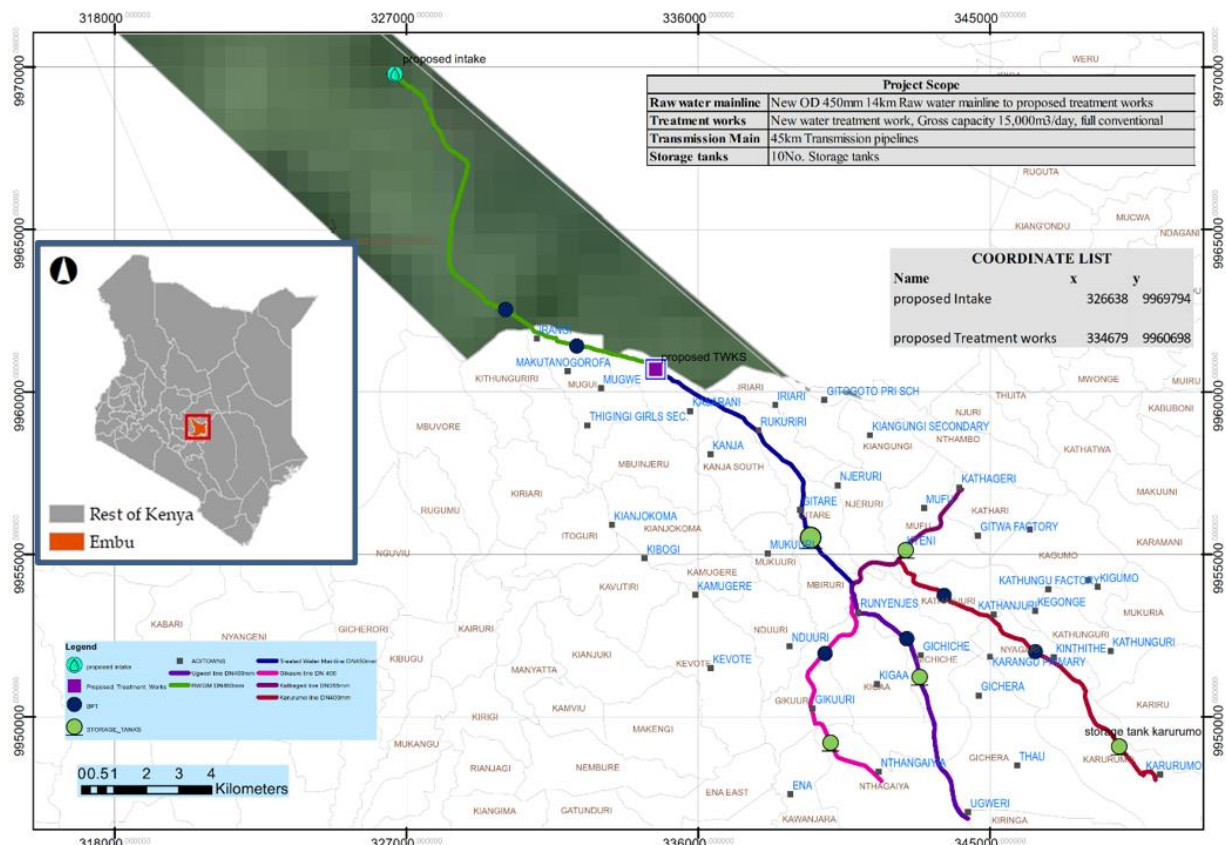


Figure 2.1: The Proposed Runyenjes Water Project Layout

## 2.1.4 The Proposed Water Supply Scope

This project aims to provide a reliable water supply to the following administrative locations within Embu County:

- i. Runyenjes West Location
- ii. Runyenjes East Location
- iii. Kagaari Southwest Location
- iv. Kagaari Southeast Location
- v. Kagaari Northeast Location
- vi. Kyeni South Location
- vii. Kyeni Northwest Location

## 2.2 RAP Procedure

The consultant, working very closely with TWWDA, and in collaboration local administration (Chiefs, Ward Administrators, Village Elders), implemented a thorough data collection and analysis process to ensure fair and inclusive process. This procedure included the following key steps:

### 1. Property Identification and Survey:

- Precise delineation of all project-affected land parcels using survey methods (physical measurements, GPS coordinates, mapping).
- Physically visiting the project sites and affected areas
- Creation of a detailed inventory of affected assets, including land size, structures, crops, trees, and any other relevant features.

**2. Socioeconomic Baseline Data:**

- Collection of demographic information on Project Affected Persons (PAPs)
- Assessment of potential social and economic impacts of the project on PAPs

**3. Valuation Methodology:**

- Determination of fair market value for land and assets based on established standards, involving local real estate data and/or professional appraisals.
- Consideration of replacement costs for structures and compensation for loss of income-generating assets.

**4. Consultation and Disclosure:**

- Transparent sharing of valuation results with PAPs, providing opportunities for feedback, questions, and potential negotiation.
- Documentation of agreements reached with PAPs.



*Figure 2.2: Assistant County Commisiners, Kyeni, Ward Admin Kyeni, Chairman of Business Association, Kairuni, TWWDA representative and the Consultant meeting PAPs at the project sites: Engaging PAPs who will lose livelihood on sections likely to be affected be the proposed water supply line*



*Figure 2.3: Transecting the proposed areas to meet with each PAP at the proposed project sites, sensitizing and explaining to each member, the proposed extent and impact of the project*

## **5. Community Consultation**

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

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

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

Vulnerable Groups: Special attention to any vulnerable individuals or groups among PAPs to ensure equitable treatment and additional support as needed. One household was established to have person living with disability.

## 2.3 Overview of the RAP Key Issues

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

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

## 2.4 The Proposed Water Infrastructure Issues

### 2.4.1 The Water Intake Location

#### Environmental Impact Mitigation and Existing Infrastructure

While the proposed water abstraction location falls within a gazetted forest under the jurisdiction of the Kenya Forest Service (KFS), the environmental impact of the project is significantly mitigated by existing factors:

1. **Prior Authorizations:** KFS has previously authorized numerous water abstractions at the proposed site. This indicates an established precedent for compatible use within the forest environment.
2. **Pre-existing Pipeline Corridor:** The presence of an existing pipeline corridor demonstrates prior infrastructural development within the area. Utilizing this corridor will substantially minimize the need for tree removal, preserving forest integrity.
3. **Strategic Partnership:** TWWDA will coordinate closely with KFS to ensure that the project aligns with their forest management objectives. This collaboration will further reduce environmental impact and promote sustainable practices.

**By leveraging existing infrastructure (captured above) and adhering to KFS guidelines, TWWDA should be committed to minimizing its environmental footprint while successfully delivering this essential water supply project.**

#### 2.4.2 Water Abstractions within the Area

Water Resource Authority (WRA) data reveals 16 existing permits for surface water abstraction within the Thuchi sub-catchment. Importantly, 11 of these are located downstream of TWWDA's proposed intake along the main Thuchi River. This highlights an established pattern of water use within the area. The main one includes the following:

- 1) Kamarandi Irrigation Community Based Organisation
- 2) Tana Water Services Board (Embu-Mbeere Water Supply)
- 3) Rukuriri Tea Factory Co. Ltd
- 4) Kigumo Njuri Self Help Group
- 5) Kangai Sky Limit Self Help Group
- 6) Patrick Kiringa Mugeru
- 7) Kavando Water Project
- 8) Kanyuambora Irrigation Project Self Help Group
- 9) Kiambindu Bidii Self Help Group
- 10) Ndamunge Water Project CBO
- 11) Green Paradise Project Now

Furthermore, one Class D permit is specifically for non-consumptive hydropower production. This type of project returns at least 90% of water flow to the river, minimizing downstream impact. However, it's important to note that any upstream water users could significantly reduce the hydropower station's allocation and output.

The existing water abstractions, along with the non-consumptive hydropower use, demonstrate the feasibility of TWWDA's proposed project in this location. TWWDA's responsible water use will be crucial to ensure equitable allocation and minimal impact on established downstream users, including the hydropower project.

#### 2.4.3 Site of the Proposed Water Treatment Plant

TWWDA has proposed to construct a new water treatment facility adjacent to St. Joseph Munyutu Primary School, at the edge of Mount Kenya Forest (Irangi). The proposed facility, shall be situated on land owned by Nyayo Tea Zone, and will occupy approximately 5 hectares. The site is currently occupied by tea plantation. TWWDA is actively engaged in negotiations for the acquisition of the 5-acre parcel for this essential public infrastructure project.

The proposed treatment plant is designed with a capacity to treat up to 15,000 cubic meters of water per day. The Key Components include the following:

- i. **Intake Structure:** Equipped with precise flow measurement devices to monitor incoming water volume.
- ii. **Stilling Well:** Designed to reduce water turbulence and promote initial settling.
- iii. **Flocculation Basins:** Facilitates the formation of floc (aggregated particles) to enhance sedimentation.
- iv. **Horizontal Flow Sedimentation Tanks:** Efficiently separate settled solids from the water.
- v. **Rapid Sand Filters:** Provide additional filtration to remove remaining impurities.
- vi. **Chemical Storage and Dosing Building:** Securely houses and manages water treatment chemicals.
- vii. **Administration Building:** Central hub for plant operations and management.



- viii. **Clear Water Tank (1,000m<sup>3</sup> capacity):** Stores treated water prior to distribution.
- ix. **Chlorine Storage and Dosing Building:** Ensures safe and controlled disinfection of water.
- x. **Elevated Backwash Tank (150m<sup>3</sup> capacity):** Provides water for filter cleaning processes.
- xi. **Staff Houses:** On-site accommodations for essential plant personnel.
- xii. **Ancillary Works:** Includes necessary support infrastructure, such as access roads and utilities.

#### 2.4.4 Transmission Lines

The proposed project will have the following lines:

Table 2.1: *Mainlines and Distribution Lines*

Name of Pipeline	Total Length(m)	Maximum Design Discharge (m <sup>3</sup> /s)	Area Served/Termination point	Pipe Size and Material
<b>Raw Water Gravity Main</b>	14000	0.17361	Treatment Works	• 450mm HDPE
<b>Treated Water Main</b>	3800	0.16667	Rukuriri	• 450mm HDPE
	3920	0.0983	Gitare tank	• 400mm HDPE
<b>Ugweri Main line</b>	2200	0.08843	Tee off to Gikuuri	• 400mm HDPE
	3760	0.05134	Gichiche storage tank	• 315mm HDPE
	4680	0.02518	Ugweri town	• 250mm HDPE • 160mm HDPE
<b>Gikuuri main line</b>	2800	0.03706	Gikuuri town	• 315mm HDPE
	3050		Nthagaiya	• 250mm HDPE • 225mm HDPE • 160mm HDPE
<b>Kathageri Mainline</b>	4440	0.0439	Kyeni tank	• 400mm HDPE
	2500	0.01013	Mufu Kathageri	• 280mm HDPE • 160 mm HDPE
<b>Karurumo Mainline</b>	2100	0.02789	Kathanjuri tank	• 280mm HDPE
	3760	0.02411	Kathunguri tank Kariru	• 250mm HDPE
			Karurumo tank	• 225mm HDPE • 160mm HDPE

The proposed lines will pass through the existing roads reserves. Therefore, the lines will not affect the private lands

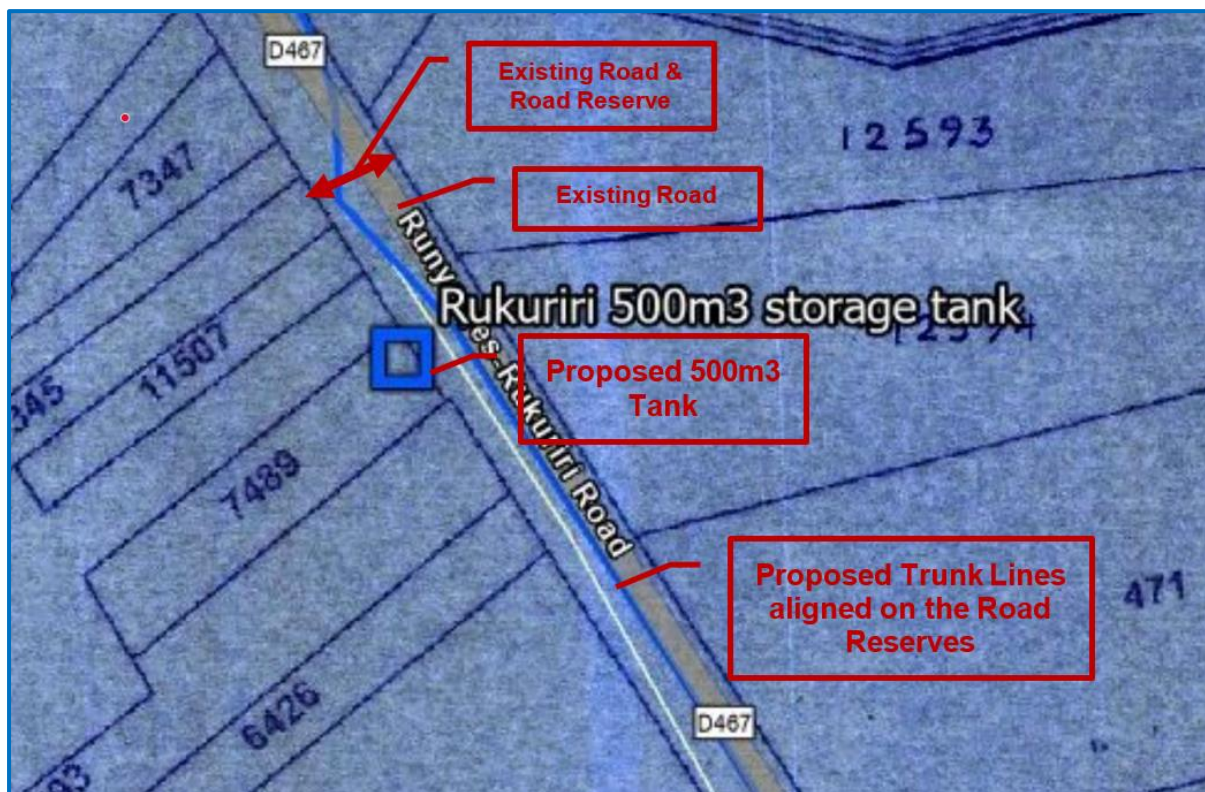


Figure 2.4: Typical design layout of the proposed pipelines (Runyenjes-Rukuriri Road), BPTs and Storage tanks. Only BPTs and Storage Tanks were determined to be affecting the private properties (mainly land)

#### 2.4.5 Main Storage Tank

The design for the proposed water supply system includes the installation of five storage tanks, all of which will encroach upon private properties. These tanks are essential components for ensuring adequate water storage and distribution throughout the system. The main storage tank specifications are as follows:

1. **Rukuriri Storage Tank:** This tank is proposed to have a capacity of 500 cubic meters, occupying an area of approximately 0.045 hectares.
2. **Mufu Storage Tank:** With a capacity of 225 cubic meters, this tank will cover an area of around 0.02 hectares.
3. **Gikuuri/Gitare Storage Tank:** Similar to the Rukuriri tank, this one is also designed to hold 500 cubic meters of water, occupying approximately 0.045 hectares of land.
4. **Gichiche Storage Tank:** With a capacity of 225 cubic meters, this tank will cover an area of about 0.02 hectares.
5. **Karurumo Storage Tank:** The Karurumo tank is designed to hold 500 cubic meters of water and will occupy an area of 0.045 hectares.

It is pertinent to acknowledge that thorough consultations have been conducted with all affected landowners regarding the acquisition of land for the construction of storage tanks, as outlined in the Resettlement Action Plan (RAP) initiated by the Tana Water Works Development Agency. Among the five affected landowners, three have duly agreed to relinquish the required land for the project. However, two Project Affected Persons (PAPs) have requested additional time to consider the proposal.

One PAP, directly impacted by the Rukuriri Tank, has expressed the need for more time to consult with their family members regarding the land acquisition. Similarly, another PAP, affected by the Gichiche Storage Tank, has cited the necessity for additional time to resolve a land dispute and to seek legal counsel.

In light of these requests, the consultant has recommended that alternative solutions be explored if the affected landowners do not provide a response within a reasonable timeframe. This approach ensures that the project remains on schedule while also accommodating the needs and concerns of all stakeholders involved.

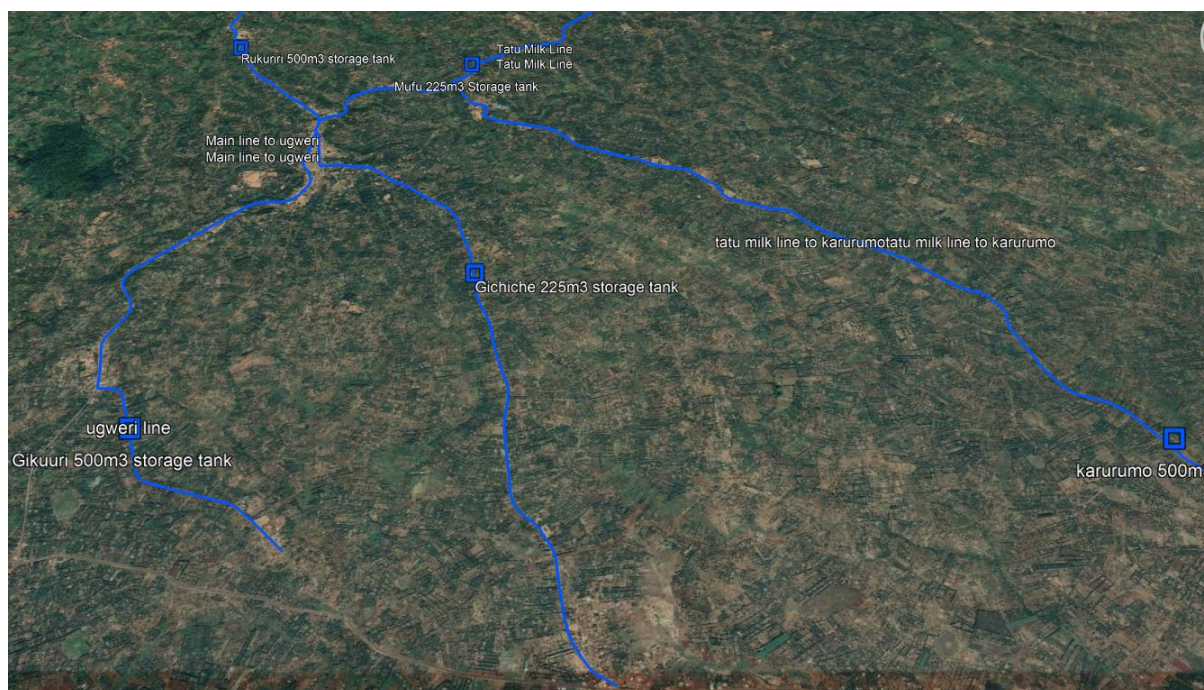


Figure 2.5: The distribution of the proposed Storage Tank

#### 2.4.6 Brake Pressure Tanks (BPTs) Sites

The design for the proposed water supply system prioritizes the use of Brake Pressure Tanks (BPTs) over Pressure-Reducing Valves (PRVs) for pressure reduction purposes. Accordingly, two BPTs, each with a capacity of 50m<sup>3</sup>, have been recommended for installation along the raw water gravity main within the forest area. Additionally, four other BPTs have been proposed downstream along the pipeline route. These four BPTs are intended to be situated on private properties, necessitating the acquisition of a total land area of 0.08 hectares. Each BPT requires approximately 0.02 hectares of land.

The designated locations for these BPTs and their corresponding land areas are as follows:

1. BPT Gichiche Line: 0.02 hectares
2. BPT Kathanjuri: 0.02 hectares
3. BPT Gikuure: 0.02 hectares
4. BPT Karurumo: 0.02 hectares

Additionally, two BPT tanks are planned for installation within the forest area, each requiring 0.02 hectares of land. These measures have been proposed to ensure the efficient operation and maintenance of the water supply system, in alignment with the project's objectives.

It's important to note that all affected landowners under BPTs have been consulted and have consented to cede the necessary land for the construction of these storage tanks as part of the Resettlement Action Plan (RAP) conducted by the Tana Water Works Development Agency (TWWDA).

## 2.5 Socio-Economic and Environment Issues

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

### 3 LEGAL, POLICY AND INSTITUTIONAL FRAMEWORK

---

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

#### 3.1 National Legal Framework

##### 3.1.1 Constitution of Kenya, 2010

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

*(2) Parliament shall not enact a law that permits the State or any person—*

*(a) to arbitrarily deprive a person of property of any description or of any interest in, or right over, any property of any description; or*

*(b) to limit, or in any way restrict the enjoyment of any right under this Article on the basis of any of the grounds specified or contemplated in Article 27 (4).*

*(3) The State shall not deprive a person of property of any description, or of any interest in, or right over, property of any description, unless the deprivation—*

*(a) results from an acquisition of land or an interest in land or a conversion of an interest in land, or title to land, in accordance with Chapter Five; or*

*(b) is for a public purpose or in the public interest and is carried out in accordance with this Constitution and any Act of Parliament that—*

*(i) requires prompt payment in full, of just compensation to the person; and*

*(ii) allows any person who has an interest in, or right over, that property a right of access to a court of law.*

***(4) Provision may be made for compensation to be paid to occupants in good faith of land acquired under clause (3) who may not hold title to the land.***

*(5) The State shall support, promote and protect the intellectual property rights of the people of Kenya.*

*(6) The rights under this Article do not extend to any property that has been found to have been unlawfully acquired*

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

##### 3.1.2 Water Act, 2016

The Water Act, 2016 provides for the regulation, management and development of water resources, water and sewerage services; and for other connected purposes in Kenya. The Act establishes several institutions necessary for the management of the sector. Such institutions include the Water Resources Authority (Art. 11), National Water Harvesting and Storage Authority (Art. 30), Water Services Regulatory Board (Art. 70), Water Sector Trust Fund (Art. 113), Water Works Development Agencies

(Art. 65), Water Service Providers (Art.77) and the Water Tribunal (Art. 113). Some of sector institutions will have important roles to play within their legal mandates during various stages in the implementation of the current project as highlighted under 1.4.

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

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

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

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

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

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

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

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

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

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

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

The Act amends the Land Act, the Land Registration Act and the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act; to provide for the assessment of land value index in respect of compulsory acquisition of land; and for connected purposes. The Act, under

Part VIII creates the Land Acquisition Tribunal as an appellate tribunal for appeals related to compulsory land acquisition emanating from persons dissatisfied with the determination of the NLC.

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

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

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

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

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

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

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

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

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

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

- i). the description, situation and area of the land valued;

- ii). the name and address of the rateable owner;
- iii). the value of the land;
- iv). the value of the unimproved land;
- v). the assessment for improvement rate

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

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

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

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

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

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

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

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



### 3.1.13 Employment Act, 2007

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

It shall be required that all contractors under the project observe the requirement of the Employment Act, 2007, in the recruitment, management, remuneration and general safety of workers, whether on contract or on permanent basis, throughout the period of their engagement. Contractor shall ensure the observance of minimum wage regulations under the act, protection of employees from gender-based violence, the observance and protection of the rights of children and observance of all other rights provided for under the Act.

## 3.2 National Policy Framework

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

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

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

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

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

The Safeguard highlights five objectives that target to (i) avoid involuntary resettlement where feasible, or minimize resettlement impacts where involuntary resettlement is deemed unavoidable after all alternative project designs have been considered, project implementers must, (ii) ensure that displaced

people are meaningfully consulted and given opportunities to participate in the planning and implementation of resettlement programmes, (iii) ensure that displaced people receive significant resettlement assistance under the project, so that their standards of living, income-earning capacity, production levels and overall means of livelihood are improved beyond pre-project levels, (iv) provide explicit guidance to borrowers on the conditions that need to be met regarding involuntary resettlement issues in Bank operations to mitigate the negative impacts of displacement and resettlement, actively facilitate social development and establish a sustainable economy and society and (v) guard against poorly prepared and implemented resettlement plans by setting up a mechanism for monitoring the performance of involuntary resettlement programmes in Bank operations and remedying problems as they arise.

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

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

Entitlements under the AfDB ISS, OS 2 cover all project affected persons with legal rights as well as those who may not have legal rights to land or property but can show that they have been benefiting from the resources prior to the project interventions. It is important to note that an important aspect of the OS 2 is its recognition of the right of not only formal legal owners to property within the project area, but also the recognition of those PAPs who may not have any legal entitlements under local laws. It also recognizes cultural and customary considerations to the broader definition of PAPs under the Bank's policy.

### 3.4 Institutional Framework for Water and Sanitation Services in Kenya

Table 3.1 below provides the institutional roles in RAP implementation and capacity assessment:

*Table 3.1: Institutional Roles and Capacities*

<b>Institution</b>	<b>Roles</b>	<b>Capacity Assessment</b>
African Development Bank (AfDB)	Project financing and general oversight and monitoring the implementation of the RAP	The AfDB has adequate capacity to finance the project and monitor its implementation.
Ministry of Finance and National Treasury	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.  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	The Ministry of Finance and National Treasury has adequate capacity for financial management on behalf of the borrower.

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

Institution	Roles	Capacity Assessment
	<p>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>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 livelihood's 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 Water Act, 2016. Project stakeholders are however encouraged to utilize the GRM channels proposed under this RAP.</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>
<p>Tana Water Works Development Agency</p>	<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> </ul>	<p>The proponent, TWWDA has adequate capacity to carry out their mandate in RAP preparation and implementation. This capacity shall be enhanced through partnership with the private sector by engaging of consultants such as Sociologists for implementation of SEP and RAP monitoring and audit.</p>

Institution	Roles	Capacity Assessment
	<ul style="list-style-type: none"> <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>	
County Government	<p>The CoK, 2010 created 47 County Governments. Schedule 4 of CoK provides for water and sanitation services as devolved functions. Section 77(1) of the Water Act mandates the county governments to establish water service providers for the purposes of provision and development of water service infrastructure and management of water services within the county. The Public Health Act requires county governments to enforce the use of sewerage systems whenever such systems are available.</p> <p>County Governments play an important role in the overall monitoring of the projects and programmes in the counties and are an important node in resolving conflicts that may emanate from project implementation. The proposed GRM under this RAP will be activated at three levels; local community level, county level and national level.</p> <p>In addition, once the project is completed, it will be handed over to the County Government of Embu through the Water Service Provider.</p> <p>The County Government of Embu will also play a coordination role during RAP implementation and overall project implementation.</p>	The County Government has adequate capacity to play their role of overall monitoring of the project and offer support in conflict resolution especially those involving institutional stakeholders.
National Land Commission	<p>The Commission is set up under the National Land Commission Act, 2012, and sets out the functions and powers of the National Land Commission, qualifications and procedures for appointments to the Commission and to give effect to the objects and principles of devolved government in land management and administration in Kenya and connected purposes.</p> <p>The Commission, among other things:</p> <ul style="list-style-type: none"> <li>• Manages public land on behalf of the national and county governments;</li> <li>• Recommends a national land policy to the national government;</li> <li>• Advises the national government on a comprehensive programme for the registration of titles in land throughout Kenya;</li> <li>• Encourages the application of traditional dispute resolution mechanisms in land conflicts;</li> </ul>	NLC has the necessary capacity required to carry out their mandate in regard to RAP preparation and implementation. This capacity can also be enhanced through collaboration with the private sector institutions.

Institution	Roles	Capacity Assessment
	<ul style="list-style-type: none"> <li>• Assesses tax on land and premiums on immovable property in any area designated by law; and</li> <li>• Monitors and has oversight responsibilities over land use planning throughout the country.</li> </ul> <p>The Commission also:</p> <ul style="list-style-type: none"> <li>• On behalf of, and with the consent of the national and county governments, alienate public land;</li> <li>• Monitors the registration of all rights and interests in land</li> <li>• Ensures that public land and land under the management of designated state agencies are sustainably managed for their intended purpose and for future generations</li> </ul> <p>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	<p>The National Environment Management Authority, NEMA, was established under the Environmental Management and Coordination Act, 1999. The Act established the legal and institutional framework for the management of the environment and for the matters connected therewith and incidental thereto in Kenya.</p> <p>The object and purpose of NEMA under the Act is to exercise general supervision and co-ordination over all matters relating to the environment and to be the principal instrument of Government in the implementation of all policies related to the environment.</p> <p>The Authority, under Section VI of the Act, is mandated to license any development initiative after an Environmental Impact Assessment is conducted in the prescribed format. The</p>	NEMA has the necessary capacity required to investigate/ arbitrate any concerns that may emanate from any stakeholder in regard to licensing of the proposed project

Institution	Roles	Capacity Assessment
	<p>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>Water Resources Authority</p>	<p>Article 11(1) of the Water Act, 2016 establishes the Water Resources Authority with the mandate to;</p> <ol style="list-style-type: none"> <li>a. formulate and enforce standards, procedures and Regulations for the management and use of water resources and flood mitigation;</li> <li>b. regulate the management and use of water resources;</li> <li>c. enforce Regulations made under the Act;</li> <li>d. receive water permit applications for water abstraction, water use and recharge and determine, issue, vary water permits; and enforce the conditions of those permits;</li> <li>e. collect water permit fees and water use charges;</li> <li>f. determine and set permit and water use fees;</li> <li>g. provide information and advice to the Cabinet Secretary for formulation of policy on national water resource management, water storage and flood control strategies;</li> <li>h. coordinate with other regional, national and international bodies for the better regulation of the management and use of water resources; and</li> <li>i. advise the Cabinet Secretary generally on the management and use of water resources.</li> </ol> <p>Any water abstraction from either ground or surface water thus requires a permit from the Authority. The Authority has administratively devolved its functions at regional and county levels to effectively serve the population. Together with NEMA, the Authority monitors concerns of water quality and water contamination within the country and is therefore adequately mandated to address all issues related to water abstraction.</p>	<p>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>
<p>County Environment Committee</p>	<p>EMCA (Amendment) 2015, Section 29, establishes the County Environment Committee to perform the following functions:</p> <ol style="list-style-type: none"> <li>a. be responsible for the proper management of the environment within the county for which it is appointed;</li> <li>b. develop a county strategic environmental action plan every five years; and</li> <li>c. perform such additional functions as are prescribed by this Act or as may, from time to time, be assigned by the Governor by notice in the Gazette.</li> </ol> <p>The committee may on its own motion, or through a complaint by a stakeholder, investigate, assess and or advise on the proper implementation of any project within the county that impacts on the environment. The committee may from time to time advise the RAP implementation team on pertinent issues to be addressed during the RAP implementation including, but</p>	<p>The county environment committee has the relevant capacity required to carry on their mandate in supporting RAP implementation. Opportunities to enhance their capacity through partnership with the private sector also exists.</p>

Institution	Roles	Capacity Assessment
	not limited to, the restoration of public and private infrastructure, implementation of environmental restoration activities within the county, among others.	
Kyeni Water and Sewerage Company (KYEWASCO) LTD	<p>Water service providers (WSPs) are established in accordance with Article 77(1) of the Water Act and has the mandate to:</p> <p>(a) provide water services within the area specified in the license; and</p> <p>(b) develop county assets for water service provision.</p> <p>The water service providers manage and maintain, on a day-to-day basis, water and sewerage services in the designated areas and levy tariffs as approved by WASREB.</p> <p>On completion, Chuka Water project shall be handed over to KYEWASCO for operations and maintenance. KYEWASCO will thereafter be required to address any matters that could be pending from the implementation of the project. The involvement of KYEWASCO 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>	<p>Upon project handover, KYEWASCO shall be expected to increase their human capacity through employment of more staff to manage and maintain the new system. The company has not handled a project of such complexity in the past and therefore institution capacity is required such as automation of their services, provision of O&amp;M assets and equipment such as vehicles, motorbikes, offices, laboratory &amp; laboratory equipment etc. Training of staff in system operations, financial management and governance among others will be required.</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 Water Supply Project. The Table below presents a summary of the key issues.

Table 3.2: Gap Analysis

Thematic area	AfDB ISS	Local Legislations/Practices	Proposal
Entitlements	<p>Bank advocates for compensation of PAPs with</p> <p>(i) formal legal entitlements</p> <p>(ii) Socio-cultural rights/claims</p> <p>(iii) No legal entitlements but live or derive livelihoods from project area</p>	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-	Legal mechanism should be employed only after exhausting project-specific GRM.



		related disputes under both the Land Act and the Land Value (Amendment) Act 2019	Stakeholders however reserve the right to explore legal redress at any point.
Monitoring	Bank has an inbuilt monitoring system for Bank-funded projects/programmes. Bank internal review of ISS in 2019 recommended enhancement of monitoring framework currently under implementation	GoK conducts projects/programmes monitoring based on the funding agency's needs for reporting. Additional monitoring is conducted by the Auditor General annually but is usually of limited scope and focuses mainly on procedural and financial issues	A combined monitoring framework is desirable. Adherence to Bank monitoring requirements while observing GoK legal requirements for monitoring should be adopted.
Capacity Enhancement for PAPs	Bank supports capacity development for PAPs as part of RAP budget	GoK processes have no provision for capacity development for PAPs beyond the compensation provided for physical losses.	Provide for capacity development for PAPs before, during, and after compensation payments

## 4 SOCIOECONOMIC PROFILE OF PAPS

### 4.1 Introduction

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

### 4.2 Demographics

Runyenjes is located within Embu County, one of Kenya's 47 counties. The 2019 population census revealed a population of 78,212 within Runyenjes Sub-County (Embu East), covering 154.0 km<sup>2</sup>. This translates to a high population density of 508 persons per square kilometer. Factors such as rural-to-urban migration, proximity to Embu Town, and developed infrastructure have shaped settlement patterns in the project area, resulting in a mix of rural and urban characteristics. The majority of the population clusters around Runyenjes Township, the central market hub.

Dense population within the area has led to the subdivision of land parcels into smaller residential plots. This reflects a shift from agricultural to residential land use, driven by increasing housing demand in Runyenjes and nearby towns. The changing land use patterns highlight a transition in livelihoods and economic activities towards urban living. This trend underscores the need for essential urban services, a gap that the proposed Runyenjes Projects aims to address.

### 4.3 Sex Distribution of the PAPS

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

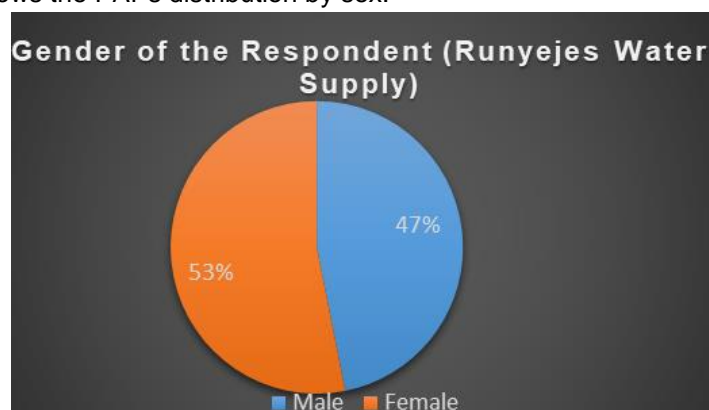


Figure 4.1: PAPS distribution by Sex

### 4.4 Household Education Status

Literacy levels in the project area are significantly high. Of the PAPS interviewed, only none had not been to school, 24% had primary education levels, 60% secondary school and 16% to either university or collage. The education status is presented in the figure below:

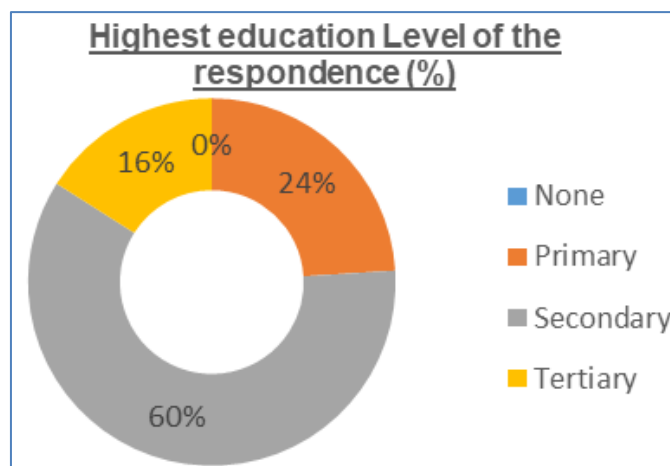


Figure 4.2: Education Levels attained by respondents

#### 4.5 Water Sources Utilized by the PAPS

The majority of Project Affected Persons (PAPs), 59%, obtain their primary water source from the existing water service provider. However, a significant portion of the population supplements this supply with alternative sources. These alternatives include:

- Shallow or Hand-Dug Wells: 21% of PAPs utilize this traditional water source.
- Rainwater Harvesting: 10% of PAPs demonstrate resourcefulness by collecting rainwater.
- Rivers/Streams: 10% of PAPs rely on rivers or streams, raising potential concerns about water safety and sanitation.

The accompanying figure provides a detailed breakdown of these water sources across various socio-economic groups, offering valuable insights into consumption patterns and potential vulnerabilities within the community.

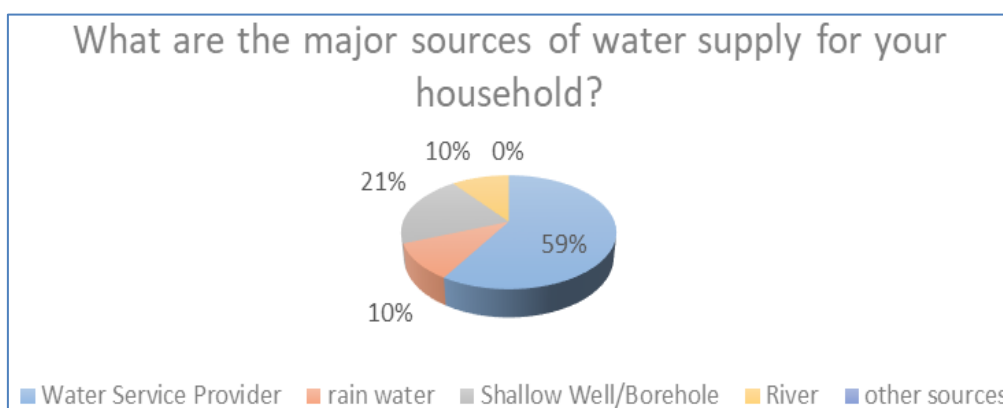


Figure 4.3: Water Sources for all the Interviewed Households

#### 4.6 Sanitation

Sanitation in Runyenjes Town and its environs is characterized by heavy reliance on pit latrines, with quality varying based on household income. Field observations indicate water scarcity as a primary reason for choosing pit latrines over flush systems. Approximately 80% of households in the sub-county utilize pit latrines, while flush toilets (40%) and bio-digesters are mainly concentrated in urban centers.

The lack of a designated waste disposal facility exacerbates sanitation problems. This leads to harmful practices like dumping waste in rivers and open defecation. Furthermore, piped water access is limited to specific areas of the town, hindering effective sanitation practices.

## 4.7 Economic Activities

A significant portion (40%) of Project-Affected Persons (PAPs) rely on businesses for their livelihoods. Runyenjes town functions as a vital commercial and administrative center for the surrounding region, supporting a network of markets and small businesses that serve local residents.

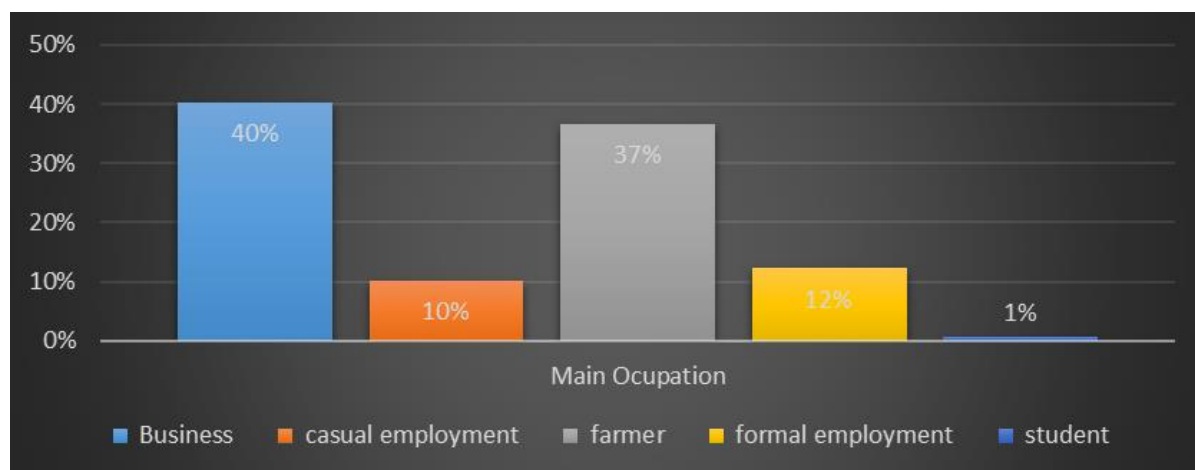


Figure 4.4: The main economic activities

**Additionally, 37% of those affected are engaged in agriculture. Key economic activities observed within the project area include:**

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

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

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

## 4.8 Infrastructure and Services

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

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

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

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

## 4.9 Social and Cultural Aspects

**Cultural Practices:** The project area borders Mt. Kenya. The community has rich cultural traditions, including ceremonies which play a significant role in social cohesion and identity.

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

**Social Networks:** Excellent roads infrastructure connects the area to many regions. Runyenjes has strong social networks exist within the community, facilitating cooperation, support, and collective action during times of need or celebration.

## 4.10 Compensation Preferences and willingness to Relocate

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

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

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

## 4.11 Vulnerable PAPs

The socio-economic assessment did not identify any PAPs falling under the Kenyan government's definition of vulnerable persons.

## 4.12 Grievance Redress Mechanism

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

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

## 4.13 Challenges and Opportunities:

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

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

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

#### 4.14 Land-use and Development

Runyenjes and its environs in Embu County confront economic vulnerabilities stemming from factors such as shrinking farm sizes, diminishing land productivity, reliance on rain-fed agriculture, and the ramifications of rainfall variability and climate change. Industrial activities within the region are predominantly centered around tea factories, which are perceived as beneficiaries of development initiatives. Additionally, local shopping centers host various medium and small-scale commercial enterprises including shops, restaurants, and bars. However, the project does not foresee the establishment of further industries over its duration, though it accounts for the water requirements of existing industrial and commercial establishments.

The livelihoods of the community are primarily agricultural, with a significant portion engaged in tea farming and subsistence crop cultivation. However, fluctuating market prices and inadequate agricultural practices often lead to low-income levels, resulting in a modest to low standard of living. The local farming systems primarily consist of intensively managed smallholder farms that cultivate a diverse range of crops, trees, and livestock. Subsistence crops such as maize, beans, yams, and bananas are cultivated alongside cash crops like tea, coffee, cotton, and macadamia nuts. Livestock rearing includes cattle, goats, sheep, and poultry, forming an integral part of the community's livelihoods. The provision of water in the area aims to fulfill the fundamental human need for reliable domestic water supply and to ensure sufficient water for livestock, essential for sustaining the local population's livelihoods.

#### 4.15 Transport and Communication

Runyenjes Sub County boasts accessibility to Embu, the county headquarters, via the Nairobi - Meru Highway (B6), serving as the primary access route for the County and the broader Meru region. Additionally, the region benefits from other key roads such as the Embu-Ishiara Road C92, supplemented by minor earth/gravel access roads. While bitumen roads are somewhat limited, notable examples include the Ishiara and Kathwana-Chiakariga Road (commonly known as the mate road), as well as a segment of the D471 road spanning 1.2 kilometers to Kibugua. Notably, the proposed water infrastructure is slated for construction along the Nairobi-Meru Highway (B6). Overall, the transportation system across the project area is commendable, with various centers interconnected via all-weather gravel and tarmac roads. Access to the proposed Water Treatment Plant (WWTP) site is approximately 4 kilometers from Runyenjes town.

## 5 PROJECT IMPACTS AND MITIGATION MEASURES

### 5.1 Introduction

The Resettlement Action Plan (RAP) report has acknowledged the projected impacts of the project on the surrounding communities. While an Environmental and Social Impact Assessment (ESIA) rigorously evaluates the environmental and social ramifications of the project, this RAP offers supplementary insights into both social and environmental effects. It particularly examines the outcomes stemming from the land acquisitions, clearance of vegetation and structures required for the installation of the water line. This chapter underscores the potential impacts on the PAPs.

### 5.2 Identification of Project Impacts

#### 5.2.1 Physical Displacement

The planned water project is not expected to result in the physical displacement of Project Affected Persons (PAPs). The design of the project has maximized on utilizing existing road reserve. Transect of the pipeline determined that the pipeline shall not displace any individual. However, it should be noted that the construction of the Kathanjuri Brake Pressure Tank (BPT) will impact a structure currently under construction. Physical displacement, in this context, refers to the disruption of living arrangements and the loss of property due to land acquisition for the project, which may necessitate relocation for affected individuals. Those affected will be required to dismantle any structures situated within the designated wayleave as part of the relocation process.

Physical displacement entails the loss of property, both private and public, for which TWWDA will institute compensatory measures. Various losses have been identified as follows:

- **Loss of Land:** The construction of the proposed project will result in both permanent and temporary loss of farmland due to tank construction. Extensive efforts have been made to minimize the need for relocation and mitigate mass disturbances through significant alterations and adjustments to the pipeline route. However, some few people would still lose their land.

Private individuals would lose about 0.255ha of land, while Nyayo tea zone would lose 2.02ha. These are mainly agricultural lands. KFS will be required to isolate 0.04 acres for two BPTs as well as 14.36km wayleave for the raw water pipeline. However, there already exists wayleave for pipeline, which means there shall be minimal clearance of trees for the pipeline.

*Table 5.1: Summary of land requirements*

S/N	Name of the proposed line	Land Affected and required	Ownership
1.	Transmission lines	44.67Km	On the existing road reserve
2.	Raw Water Line (KFS)	14.36Km	KFS
3.	Land required for BPT within the Forest	0.04ha	KFS
4.	Land required for BPT and Storage tank	0.255ha	Private
5.	Treatment works	2.02ha	Nyayo Tea Zone

The study identified 9 individuals (8 male, 1 female) whose land will be affected; the lands would be acquired for the placement of water tanks or brake pressure tanks. Required land per site

ranges from 0.02ha to 0.45ha, based on tank size. Additionally, the project will affect three institutions: KFS, Nyayo Tea Zones, and Roads Agencies.

- **Loss of Structures:** few structures within the proposed sites that will be affected include one building under construction, small vegetable selling structure and fence. The figures below show the main structures affected

The survey identified four PAPs within the proposed routes. These PAPs consist of one male and three females. The assessment found no vulnerable individuals among the affected people.



Figure 5.1: House under construction



Figure 5.2: temporary structure constructed on the proposed pipeline route

- **Loss of Trees:** The region is characterized by indigenous and exotic tree species, including tea, gravellier, bamboo, as well as fruit trees which will need to be cleared during construction.

Field assessments indicate that the proposed pipeline corridors traverse areas with minimal tree and crop cover, except for forest areas. However, the installation of brake pressure, water treatment works and storage tanks will necessitate the removal of indigenous trees of varying sizes, both within and outside forest boundaries. About 615 general trees and 266 crop trees would be affected.

Table 5.2: Trees affected

Tree Data Runyenjes	Trees	Crop and fruit trees
Bananas		105
Macadamia		9
Aloe Vera		1
Mangoes		10
Cassavas		64
Tree Tomato		1
Gravellier	10	
Pawpaw		5
Avocado		15
Coffee		16
Mature Indigenous trees	60	
Sugar cane heaps		40
KFS	545	
Total	615	266



- **Loss of Crops:** Certain crops, including bananas, cassava, maize, and arrowroots, may incur damage during the construction phase. Although their visibility might not have been present during the visit, they are seasonal, and could be present during the construction phase. The proposed contingency expenses could mitigate the losses.

## 5.2.2 Compensation for Livelihood Lost

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

The design of the current project has attempted, but not fully eliminated economic displacement of some small-scale businesses within the project area. The RAP study identified 31 livelihoods affected Project Affected Persons—15 female and 16 males.

Financial and non-financial compensation mechanisms (including training under livelihood restoration programs) have been proposed to address this.

## 5.3 Proposed Mitigation Measure

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

*Table 5.3: Project Impacts and Mitigation Measures*

Project Impact	Potential Effects	Proposed Mitigation Measure
Annexation of Land	<ul style="list-style-type: none"> <li>i. Reduction of land holding threatening food security</li> <li>ii. Loss of business plots causing the loss of projected income</li> <li>iii. Possibility of being a squatter after losing land for the construction of residence</li> </ul>	<ul style="list-style-type: none"> <li>• Compensate for the loss of land</li> </ul>
Restriction of Land Use	<ul style="list-style-type: none"> <li>i. Inability to utilise the full potential of the piece of land</li> </ul>	<ul style="list-style-type: none"> <li>• Pay easement allowance for the restriction</li> </ul>
Clearing of Trees & Crops	<ul style="list-style-type: none"> <li>i. Loss of fruit trees (i.e., avocado, banana and mango trees) and crops threatening food security and causing loss of income</li> </ul>	<ul style="list-style-type: none"> <li>• Compensate the community for the trees cut and the crops destroyed during construction</li> </ul>
Demolition of Structures	<ul style="list-style-type: none"> <li>i. Displacement from residence which may also have a sentimental value</li> <li>ii. Reduced quality of life</li> <li>iii. Additional risks for vulnerable groups</li> </ul>	<ul style="list-style-type: none"> <li>• Compensate the owner of the structure for the loss</li> <li>• Include disturbance allowance in the compensation</li> <li>• Assist vulnerable groups (women, children, disabled, elderly) to relocate and re-establish their dwellings</li> </ul>

## 6 VALUATION, COMPENSATION AND ENTITLEMENTS

---

### 6.1 Introduction

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

#### Eligibility and Entitlements:

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

#### Transparent Valuation:

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

#### Adhering to International Standards:

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

#### Key Areas:

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

### 6.2 Valuation Procedure and Methodology

#### 6.2.1 Procedure

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

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

- i. It is accrued by improvements made within two years before the date of the publication of the acquisition notice, unless it is proved that such improvement was made in good faith and not in contemplation of the proceedings for compulsory acquisition. It is accrued by land use contrary to the law or detrimental to the health of the occupiers of the premises or public health.

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

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

### 6.3 Valuation and Compensation Results

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

The guiding principles for RAP implementation include:

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

#### 6.3.1 Valuation and Compensation of Land

The total acreage of the proposed wayleave was realised by multiplying the length of land taken/encumbered by the wayleave trace by the 6m width to yield the area in square meters. **However, all the pipeline wayleave is confined within the existing road reserve.** However, it is noteworthy that a designated budget has been earmarked to facilitate collaboration with pertinent road agencies, including the Kenya National Highways Authority (KeNHA), the Kenya Urban Roads Authority (KURA), and the Kenya Rural Roads Authority (KeRRA). This allocation serves to ensure seamless coordination and adherence to regulatory frameworks governing infrastructure development within the designated area.

##### 1) The Propose Pipeline Wayleave and tank sites

For the proposed pipeline, the project will utilise the roads wayleave, which was determined to be adequate, both within the forest (which already have an existing corridor for water pipelines) and on the road. Therefore, there shall be zero land acquisition for the proposed pipeline.

For the location of tanks and brake pressure tanks, the study enumerated 9 project affected persons: 8 male and 1 female. The size of land required per site alternates between 0.02ha and 0.45ha, depending on the size of the proposed tank.

Various areas affected as indicated by table 6.1 below:

*Table 6.1: Total Land Affected by the Pipe Line*

S/N	Name of the proposed line	Land Affected and required	Size to be acquired
1.	Main Line to Ugweri	18.41m	On Existing Road Reserve
2.	Tatu Milk Line to Karurumo	13.34m	On Existing Road Reserve
3.	Tatu Milk Line	5.10m	On Existing Road Reserve
4.	Ugweri Line	7.82m	On Existing Road Reserve
5.	Raw Water Line (KFS)	14.36km	Within the forest
6.	Mufu 225m3 Storage tank	0.02ha	0.02ha
7.	Gikuuri 500m3 storage tank	0.045ha	0.045ha
8.	Gichiche 225m3 storage tank	0.02ha	0.02ha
9.	karurumo 500m3 tank	0.045ha	0.045ha
10.	Rukuriri 500m3 storage tank	0.045ha	0.045ha
11.	BPT Gikuure line	0.02ha	0.02ha
12.	BPT Ugweri line	0.02ha	0.02ha
13.	Kathanjuri BPT 135M3	0.02ha	0.02ha
14.	Kar 1 135m3 BPT	0.02ha	0.02ha
15.	BPT1 FOREST	0.02ha	0.02ha
16.	BPT2 Forest	0.02ha	0.02ha
17.	Treatment works (Nyayo Tea Zone)	2.02ha	2.02ha

### 6.3.2 Valuation and Compensation of Structures

A detailed survey identified four Project Affected Persons (PAP) structures located within the proposed routes. This group consists of one (1) male and three (3) female PAPs. A thorough assessment found no individuals who meet the criteria for vulnerable PAP status.

To ensure fair compensation, valuation was conducted, which considered the type and quality of building materials used in the affected structures, associated construction labor costs, and the structural classifications (i.e., temporary, semi-permanent, or permanent).

**Adhering to the principle of replacement cost and factoring in current market rates, the total compensation for the affected structures along the main road is calculated at KES 461,213.67.** This figure incorporates a standard 15% disturbance allowance, acknowledging the potential inconvenience experienced by PAPs during the project's implementation phase.

### **6.3.3 Livelihood Compensation**

**The Resettlement Action Plan (RAP) identified 31 Project Affected Persons (PAPs)—15 female and 16 males—whose businesses operate in proximity to the proposed project lines.** A thorough assessment concluded that these businesses could experience a potential disruption for a maximum of five days. In recognition of this impact, the project will provide fair compensation for income lost during this period to ensure minimal hardship for the affected individuals.

To calculate compensation amounts, a 15% disturbance allowance has been included to account for additional unforeseen disruptions associated with the project. Based on this calculation, the total proposed compensation sum is KSh 299,750.00.

**A detailed list of affected individuals, along with relevant compensation amounts, is provided in Appendix 1 of this report.**

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

#### **Environmental Impact and Mitigation**

Field assessments indicate that the proposed pipeline corridors traverse areas with minimal tree and crop cover, except for forest areas. The installation of brake pressure and storage tanks will necessitate the removal of indigenous trees of varying sizes, both within and outside forest boundaries. To address this impact, mitigation budgets of KSh 2,997,500.00 for the Kenya Forest Service (KFS) and KSh 965,580.25 for Project Affected Persons (PAPs) have been proposed.

The project will also impact an estimated 5 hectares of tea plantation, with a compensation budget of KSh 6,000,000.00 allocated.

#### **Environmental Compliance and Strategic Alignment**

The Resettlement Action Plan (RAP) underscores strict adherence to the project's Environmental and Social Impact Assessment (ESIA) and its accompanying Environmental and Social Management Plan (ESMP) to minimize adverse environmental impacts. Strategically routing the pipeline within existing forest corridors will significantly reduce the need for tree removal.

#### **Compensation and Support**

**The RAP has proposed that TWWDA provides full compensation for the unavoidable loss of trees and crops due to construction. A total budget of KES 9,963,080.25 (for KFS, Nyayo Tea Zone and PAPs) has been designated for this purpose, including support for:**

- Compensation for the trees lost
- Forest restoration during the construction phase
- Climate resilience initiatives (e.g., tree-planting, beekeeping) in collaboration with the local community.

## Land Use

The proposed pipeline will make use of existing road wayleaves within both forested areas (where a water pipeline corridor exists) and along the road. This approach minimizes the need for additional land acquisition specific to the project.

## Project Affected Persons (PAPs)

Site assessments for tank and brake pressure tank placement have identified nine PAPs (8 male, 1 female). The required land for these sites ranges from 0.02ha to 0.45ha, depending on tank size.

### 6.4 Disturbance Allowance

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

### 6.5 Statutory Payments

**Road Management in Kenya:** The Kenya Roads Act of 2007 establishes the legal framework for road management in Kenya. Three primary agencies are responsible for different road classifications:

- **Kenya National Highways Authority (KeNHA):** Manages national highways.
- **Kenya Urban Roads Authority (KURA):** Oversees urban roads.
- **Kenya Rural Roads Authority (KeRRA):** Responsible for rural roads.

The County Governments Act of 2012 further grants county governments the authority to manage their respective county roads.

**Road Reserve Utilization Charges:** To ensure the effective upkeep of road infrastructure, designated agencies levy nominal fees for the use of road reserves. These reserves often house essential utilities such as water and sewer lines, telecommunication cables, and electricity lines.

**For the Water Supply Project:** A provisional sum of KES 1,438,000.00 has been allocated to cover potential road reserve utilization charges associated with the last-mile connectivity aspect of the water supply project.

### 6.6 Taxes

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

The Report recommends that TWWDA, through the Ministry of Water, Sanitation and Irrigation, liaises with KRA so that payments made to PAPs in the implementation of this RAP be exempted from taxation. Such payments may include compensations for structures as well as for loss of businesses. However, payments with respect to land, where that might be necessary, will continue to attract Stamp Duty in accordance with relevant laws. A provision has therefore been made to cater for such duty which would generally be 2-4% depending on the value of the land. Where the negotiations between the Agency and KRA do not yield positive outcome, we have made an additional contingency provision that the Agency might use to address this eventuality.

## 6.7 Summary of Compensation Costs

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

Table 6.2: Summary of Compensation Costs

Item	No. of PAPs	Estimated Cost (KES)
Land (Pipeline Wayleave-)	KFS & Roads Agencies	1,438,000.00
Land Acquisition for Treatment Works, Brake Pressure Tanks and Storage Tanks		23,217,875.00
Asset Loss (Buildings and Other Structures) - (Inclusive of the 15% disturbance allowance)	4	461,213.67
Livelihood Loss (Inclusive of the 15% disturbance allowance)	31	299,750.00
Trees (estimates)		9,963,080.25
Livelihood Restoration Program (Capacity building, in-kind support, tree planting etc.)		1,500,000.00
RAP implementation monitoring		500,000.00
Provide for RAP Audit (External)		1,000,000.00
<b>Sub-Total Estimated Compensation</b>		<b>38,379,918.92</b>
Other costs including taxes and contingencies (20%)		7,675,983.78
<b>Grand Total</b>		<b>46,055,902.70</b>

## 6.8 Eligibility, Cut-Off Date and Entitlements

### 6.8.1 Cut-Off Date

The **census and inventory of lost assets was concluded as from 13 April 2024**. Therefore, the cut-off-date for the trunk line is **13 April 2024**, the last day of socio-economic survey and inventorization of PAPs.

### 6.8.2 Entitlements

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

Table 6.2: Entitlement Matrix

Impact Category	Type of Impact (Permanent/ Temporary)	Entitled Persons	Entitlements	
			Compensation	Allowances and non-cash interventions
Impact on Land	Loss of land (Permanent)	Private land owners	<ul style="list-style-type: none"> <li>• Cash compensation for the affected portion of land at open market value</li> <li>• For very small plots provide 100% compensation at open market value</li> <li>• For land parcels below 4000m<sup>2</sup> and less than 50% affected, provide per centum rate of 50% of the open market value of the land affected</li> </ul>	<ul style="list-style-type: none"> <li>• Disturbance allowance of 15% of the total compensation amount</li> <li>• Training on financial management</li> </ul>
	Trust Land <sup>2</sup>	County Government	<ul style="list-style-type: none"> <li>• Apply for delineation and allocation of the land in accordance with the Community Land Act, 2016</li> </ul>	<ul style="list-style-type: none"> <li>• To be determined on a case-by-case basis in consultations with the County Government and NLC</li> </ul>
	Loss of land use	Private land owners	<ul style="list-style-type: none"> <li>• Cash compensation for the affected portion of land at 30% of the market value</li> </ul>	<ul style="list-style-type: none"> <li>• Disturbance allowance of 15% of the total compensation amount</li> <li>• Training on financial management</li> </ul>
	Public wayleave (road reserves)	Road Agencies (KeNHA, KURA, KeRRA)	<ul style="list-style-type: none"> <li>• Pay prescribed fees as may be determined by the agencies under the Roads Act, 2007 and relevant regulations</li> </ul>	N/A
	Forest land	KFS	<ul style="list-style-type: none"> <li>• Pay prescribed fees as determined under the Forest Conservation and Management Act, 2016 and the Forest (Fees and Charges) Regulations 2016</li> </ul>	N/A
Impact on Structures	Loss of Permanent structures (houses, shops, kiosks, grocery shops, butcheries, salon and boutique businesses among others) - Modern structures characterised by modern finishes including concrete, natural stone, bricks and treated sawn timber materials structures	Private owners	<ul style="list-style-type: none"> <li>• Cash compensation based on the full replacement value of the affected structure</li> <li>• Provide compensation rate within range of KES 1,500 – 3000 per square feet depending on finishes used</li> </ul>	<ul style="list-style-type: none"> <li>• Disturbance allowance of 15% of the total compensation amount</li> <li>• Materials from the affected structure may be salvaged at the owner's expense within the notice period given to vacate and prior to demolition.</li> <li>• Training on financial management</li> </ul>
	Loss of semi-permanent structures (houses, shops, kiosks, grocery shops, butcheries, salon and boutique businesses among others) - Structures made from sawn timber, timber-off cuts, GCI walling, sundried bricks or cemented floors	Private owners	<ul style="list-style-type: none"> <li>• Cash compensation based on the full replacement value of the affected structure</li> <li>• Provide compensation rates of within range of KES 1000-2500 per square foot depending on finishes used</li> </ul>	<ul style="list-style-type: none"> <li>• Disturbance allowance of 15% of the total compensation amount</li> <li>• Materials from the affected structure may be salvaged at the owner's expense within the notice period given to vacate and prior to demolition</li> <li>• Training on financial management</li> </ul>

<sup>2</sup> The proposed project does not impact on any Trust Land



Impact Category	Type of Impact (Permanent/Temporary)	Entitled Persons	Entitlements	
			Compensation	Allowances and non-cash interventions
	Loss of structures (houses, shops, kiosks, grocery shops, butcheries, salon and boutique businesses among others) characterised by thatched roofs, rammed or earthen floors and Adobe blocks and wattle, thatch walls, tents, tarpaulins and manyattas	Private owners	<ul style="list-style-type: none"> <li>Cash compensation based on the full replacement value of the affected structure</li> <li>Provide compensation rate within range of KES 500-1500 per square feet depending on finishes used</li> </ul>	<ul style="list-style-type: none"> <li>Disturbance allowance of 15% of the total compensation amount</li> <li>Materials from the affected structure may be salvaged at the owner's expense within the notice period given to vacate and prior to demolition.</li> <li>Training on financial management</li> </ul>
	Domestic storage facilities	Private owner	<ul style="list-style-type: none"> <li>Cash compensation based on the permanency, design, size and construction materials used, rates ranging between KES 500 -1,500 per square feet</li> </ul>	<ul style="list-style-type: none"> <li>Disturbance allowance of 15% of the total compensation amount</li> <li>Materials from the affected structure may be salvaged at the owner's expense within the notice period given to vacate and prior to demolition.</li> <li>Training on financial management</li> </ul>
	Loss of fence	Owners of fence structures	<ul style="list-style-type: none"> <li>Cash compensation based on the full replacement value of the affected fence</li> </ul>	<ul style="list-style-type: none"> <li>Disturbance allowance of 15% of the total compensation amount</li> <li>Materials from the affected structure may be salvaged at the owner's expense within the notice period given to vacate and prior to demolition</li> <li>Training on financial management</li> </ul>
	Loss of pavements	Business owners	N/A	<ul style="list-style-type: none"> <li>Restoration of destroyed pavements by the contractor immediately after completion of pipeline installation in affected areas. These costs have been catered for under the project ESMP</li> </ul>
	Loss of public structures such as motorbike shades ( <i>bodaboda</i> shades) and market stalls	Business owners	N/A	<ul style="list-style-type: none"> <li>Reinstatement by TWWDA immediately after sectional completion of the project</li> </ul>
Impact on Crops and Trees	Loss or damage of crops	Land owners	<ul style="list-style-type: none"> <li>Cash compensation for loss of all crops based on crop value</li> </ul>	<ul style="list-style-type: none"> <li>Disturbance allowance of 15% of the total compensation amount</li> <li>Adequate notice on the construction schedule to get an opportunity to harvest seasonal or annual crops</li> <li>Training on financial management</li> </ul>
	Trees/ fruit trees	Private ownership	<ul style="list-style-type: none"> <li>Cash compensation for loss of trees taller than 12 feet</li> </ul>	<ul style="list-style-type: none"> <li>Disturbance allowance of 15% of the total compensation amount</li> <li>Adequate notice on the construction schedule to get an opportunity to harvest trees</li> <li>Training on financial management</li> </ul>
		On public land/ No known owner	N/A	<ul style="list-style-type: none"> <li>Support to counties and CSOs involved in conservation matters</li> </ul>
Loss of Livelihoods	Permanent and temporally businesses at close proximity to the wayleave	Business owners	<ul style="list-style-type: none"> <li>Cash compensation for 5 days based on the magnitude of the business</li> </ul>	<ul style="list-style-type: none"> <li>Disturbance allowance of 15% of the total compensation amount</li> <li>Training on financial management</li> </ul>
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,	<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>Disturbance allowance of 50% of the total compensation amount</li> <li>Designated assistance to be assessed on a case-by-case basis</li> </ul>

Impact Category	Type of Impact (Permanent/Temporary)	Entitled Persons	Entitlements	
			Compensation	Allowances and non-cash interventions
		the elderly, widows	section of the entitlement matrix	<p>to ensure that vulnerable people/groups have access to participation, compensation, assistance and livelihood restoration</p> <ul style="list-style-type: none"> <li>• Training on financial management</li> <li>• Linkage to the Government of Kenya (GoK) social protection programmes</li> </ul>

## 7 GRIEVANCE REDRESS MECHANISM<sup>3</sup>

### 7.1 Introduction

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

### 7.2 Potential Resettlement Grievances

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

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

### 7.3 Objectives of the Grievance Redress Mechanism

The objectives of the GRM are as follows:

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

### 7.4 Proposed Grievance Management and Redress Mechanism

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

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

This stage will target the local beneficiary communities and the project-affected persons. For every community at Location level, a local grievance management committee shall be formed and trained to handle community grievances/ complaints emanating from the implementation of the proposed water

---

<sup>3</sup> Project ESIA Report

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>4</sup> The committee shall be trained by the community liaison officer from the local water service provider (WSP) on conflict resolution and grievance redress, group dynamics, and project sustainability among other areas that shall be deemed necessary.

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

The second level of redress will be at the county level where a county grievance management committee shall be established and chaired by a nominee of the proponent, TWWDA. The membership of the committee shall entail a nominee from the water service providers (WSPs), community liaison officers from the WSPs and the chairs of the various local grievance management committees in the County. The committee will also be trained in handling project grievances. The county level grievance committee will handle appeals from the project level and also may address new issues lodged directly at the county by any affected persons.

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

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

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

### ***National Arbitration Processes in Kenya***

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

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

---

<sup>4</sup> The committee should have at least two female members

Figure 7.1 presents a summary of the levels of grievance redress mechanism

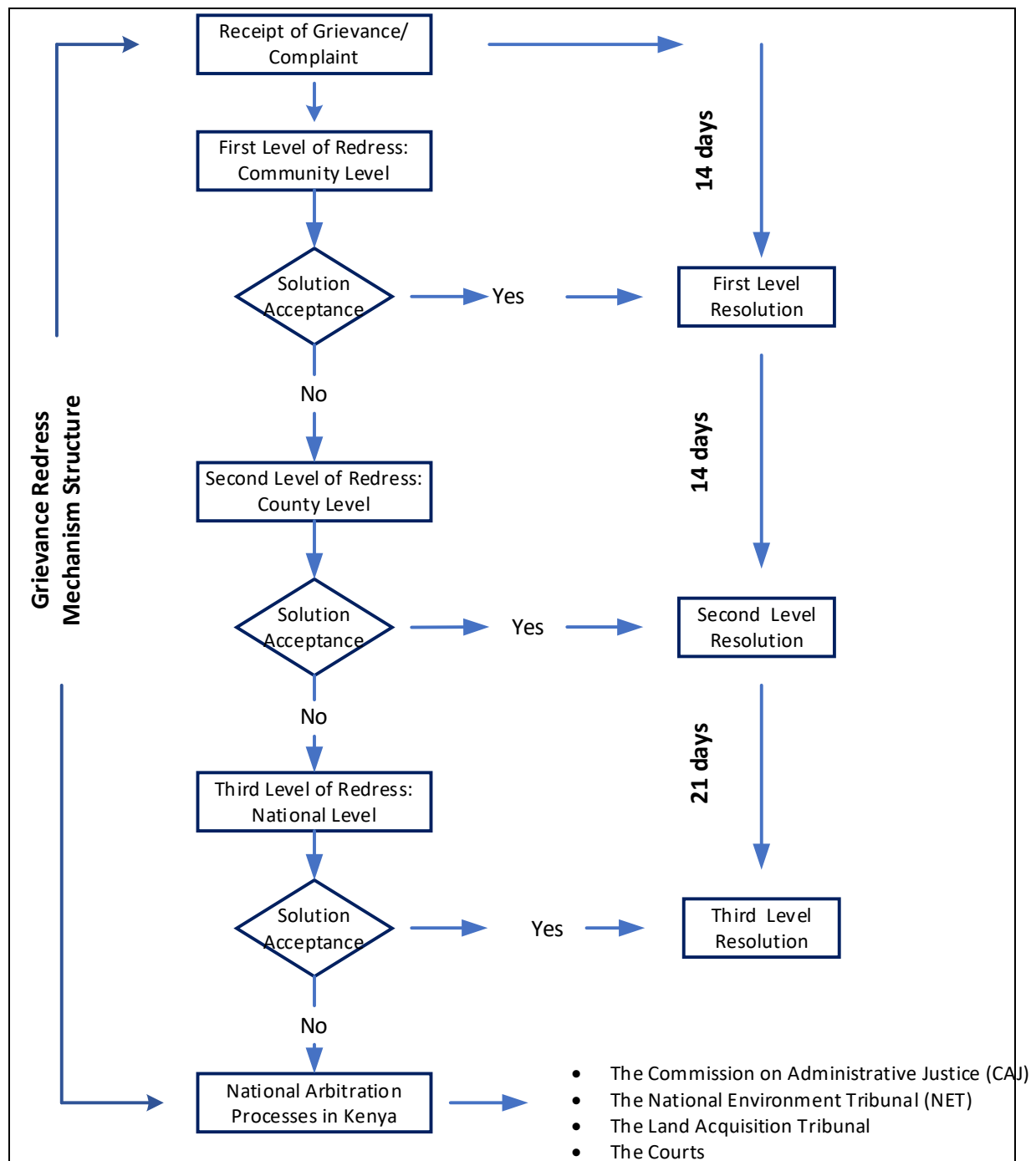


Figure 7.1: Levels of Grievance Redress Mechanism

## General Procedure for Grievance Redress:

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

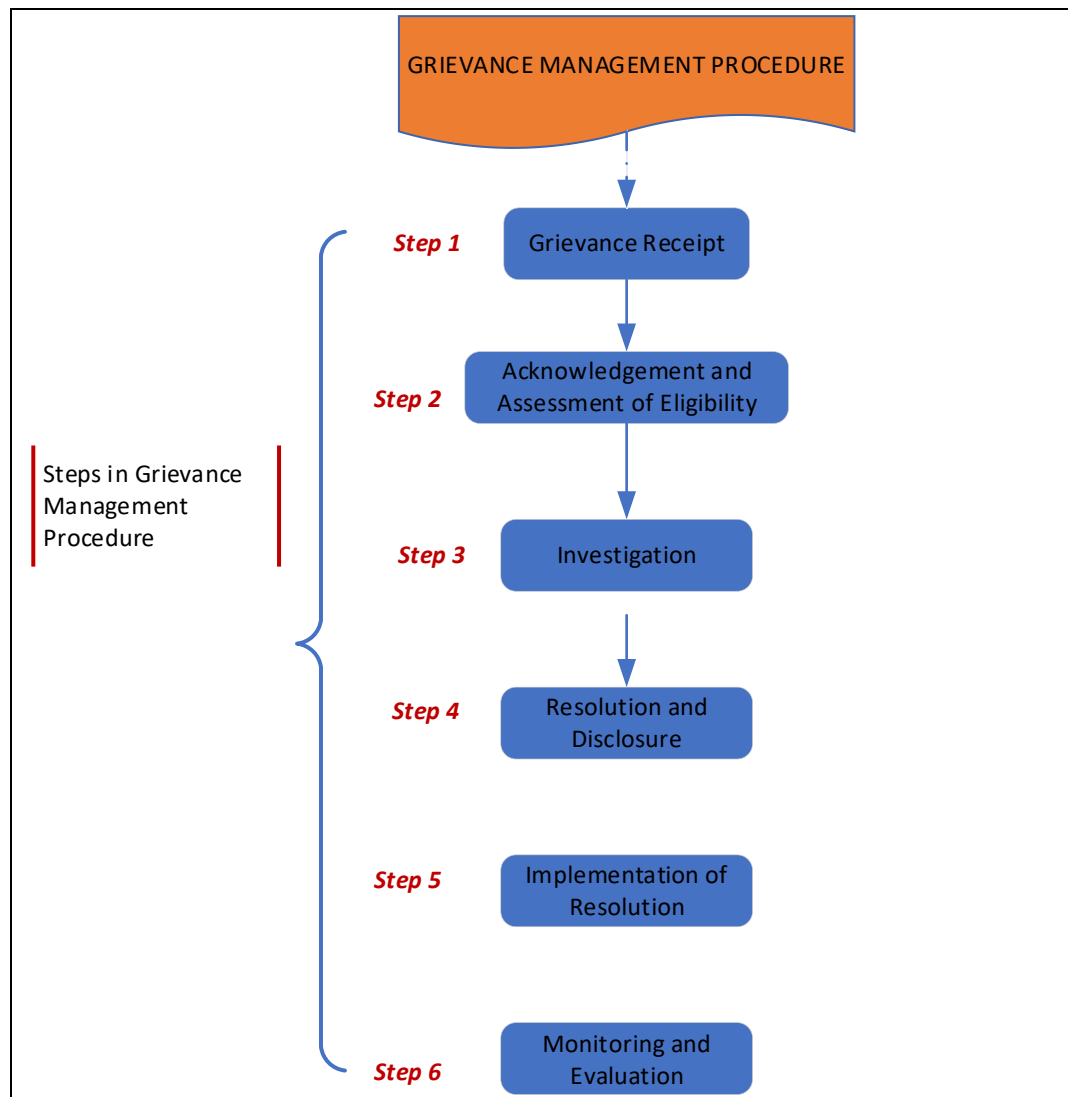


Figure 7.2: Grievance Management Procedure

## 7.5 RAP Grievance Redress Mechanism Monitoring and Evaluation

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

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

Key Information to Include in GRM M&E Procedures:

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

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

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

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

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

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

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

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

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

- i. Community Participation: Involve PAPs in the M&E process to increase transparency and ownership.
- ii. Confidentiality and Protection: Ensure that sensitive data is handled responsibly to protect PAPs' privacy and safety.

## 7.6 Safeguards Grievances Redress

Safeguard grievances will cut across PAPs as well as project workers and the surrounding communities. Pipeline construction projects often involve a significant influx of workers, and traverses long distance. Proactively address the potential for increased Gender-Based Violence (GBV), Violence Against Children (VAC), and Sexual Exploitation, Abuse, and Harassment (SEAH) risks through preventative measures and community engagement.

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

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

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

- The contractor shall prepare and sign an explicit independent policy document which should be expressly incorporate grievances related to GBV, VAC, SEAH, and other social safeguards concerns. **(Appendices 5,6,7 have proposed the format and content of these documents)**
- The contractor must consider sensitivity and confidentiality of such grievances: The contractor to prepare Policy Documents that address and emphasize the specific protocols addressing the sensitive nature of these grievances. This includes:
  - i. Separate, confidential reporting channels
  - ii. Designated, trained personnel with expertise in handling these types of cases
  - iii. Strict measures for safeguarding the privacy and safety of survivors

### b) Community Awareness and Sensitization

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

### c) Collaboration and Referral Pathways

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



**d) Incident Reporting and Response**

- Designated Responsibility: Appoint a dedicated point person from the project team, ideally a Social Safeguards Specialist, to oversee reporting, investigation, and response related to GBV, VAC, and SEAH incidents.
- Reporting Channels: In addition to the general GRM, provide multiple reporting options (verbal, written, anonymous hotlines) accommodating the needs and safety concerns of potential survivors.
- Timely and Thorough Investigations: Establish procedures for a prompt, sensitive, and thorough investigation of grievances.
- Survivor-Centered Response: Prioritize the well-being, safety, and expressed needs of survivors in all response actions. Ensure access to medical, psychological, and legal support as needed.
- Accountability and Corrective Actions: Implement clear disciplinary measures for any project personnel found to have committed GBV, VAC, or SEAH violations. Take appropriate actions to prevent recurrence.

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

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

## **7.7 Budget**

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

## 8 PROPOSED INSTITUTIONAL ARRANGEMENTS FOR RAP IMPLEMENTATION

### 8.1 Introduction

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

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

### 8.2 Resettlement Implementation Principles

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

- a. Minimization of resettlement or relocation through exploration of alternative measures.
- b. Compensation disbursed prior to the commencement of Project Works in a manner that sustains the livelihoods of the PAPs.
- c. Fair compensation values to reinstate the livelihoods of PAPs.
- d. Payment of compensation in accordance with the preferences of the PAPs.
- e. Advance communication of all RAP-related activities to the PAPs through their preferred channels.
- f. Fair and prompt resolution of grievances, affording PAPs the opportunity to be heard.
- g. Special assistance and support for vulnerable groups, with enforcement of spousal and children consent provisions.
- h. Inclusion of a statutory disturbance allowance equal to 15 percent of the compensation value.

### 8.3 Resettlement Implementation Arrangements

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

#### 8.3.1 Resettlement Project Implementation Team

##### a. RAP Implementation Team

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

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

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

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

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

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

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

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

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

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

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

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

9.1 Introduction

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



Figure 9.1: The Ward Administrator (Runyenjes), TWWDA representative, and The Consultant holding meeting at the project sites: Engaging PAPs who will lose livelihood on sections likely to be affected by the proposed water supply line



Figure 9.2: Assistant County Commissioner (ACC) Kyeni, Ward Administrator, Kyeni, Chairman of Business Association, Kairuni, TWWDA representative and the Consultant meeting PAPs at the project sites: Engaging PAPs who will lose livelihood on sections likely to be affected by the proposed water supply line

9.2 Objectives

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

Specific objectives of the consultations are to:

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

The first meeting took place in February 13 2024. The meeting was chaired by the Deputy County Commissioner, discussing proposed water supply and sewerage projects by the Tana Water Works Development Agency. Representatives from TWWDA and an environmental consulting firm (Greenville Nexus International Limited) were present. The project engineer from TWWDA discussed and sensitized the participants and provided the project details such as water source (Thuci River), the proposed distribution network, and proposed treatment technology. Land acquisition for the sewerage project was addressed by a Resettlement Action Plan (RAP) expert, and a biodiversity expert discussed potential environmental impacts of the projects.

Community members raised concerns regarding project timelines, compensation processes, and dispute resolution for land acquisitions. The RAP processes were discussed.

Subsequent meetings took place at locations that had PAPs. Figure 9.1: Resettlement Action Plan (RAP) meeting convened with Project Affected Persons (PAPs) to discuss potential livelihood impacts of the proposed water supply project. Key attendees included the Runyenjes Ward Administrator, a TWWDA representative, and project consultants. The meeting engaged four female and six male PAPs.

Figure 9.2: Consultative meeting addressing potential implications for existing structures. Participants included the Kyeni Assistant County Commissioner (ACC), the Kyeni Ward Administrator, the Kairuni Business Association Chairman, a TWWDA representative, project consultants, and affected PAPs (eight men, one woman). The meeting, held at Karurumo Trading Centre on April 13, 2024, focused on mitigating potential livelihood disruptions.

Additionally, comprehensive Environmental and Social Impact Assessment (ESIA) meetings were conducted to inform the local community about the project's purpose and potential effects.

*Table 9.1: summary of the public consultation meetings held in the project area*

Date	Venue	Stakeholders engaged	Participation by Gender
13 February 2024	Runyenjes Town Hall	Community representatives, political and administrative leaders	33 (11 Female 22 male)
27 March 2024	Assistant County Commissioner's Office	Project Affected People (PAPs)-Structures and Land issues	19 (11 Male 8 Female)
13 April 2024	Karurumo Trading Centre	Project Affected People (PAPs)-Livelihood Issues	13 (4 Female 9 Male)
13 April 2024	Rukurire Centre	Project Affected People (PAPs)-Livelihood Issues	11 (7 Female 4 Male)
14 February 2024	Kairuni Chief's Camp	Local public administration	8 (7 Male, 1 Female)

### 9.3 Project Affected People's (PAPs) Perspectives

Unanimously, the PAPs expressed strong support for the project's potential to improve public health and sanitation within the community.

The meetings also served as a platform for PAPs to voice their concerns. Although many issues such as employment, among other issues were raised, the recurring theme was the timeliness and adequacy of compensation.

Specifically, PAPs emphasized the importance of:

- **Prompt Compensation Disbursement:** PAPs expressed a strong desire to receive compensation well in advance of any relocation or disruptions caused by the project. This financial security would allow them to make informed decisions about their future livelihood options.
- **Sufficient Relocation Timeframe:** PAPs underscored the need for an adequate timeframe to facilitate a smooth transition if relocation is required. This would enable them to secure

alternative housing and make necessary arrangements to minimize disruption to their lives and businesses.

The RAP team acknowledged the importance of these concerns and has recommended to TWWDA to be committed to ensuring a fair and transparent compensation process. A comprehensive compensation package that will be clearly communicated to all PAPs well in advance of any project activities that might necessitate relocation or impact their property has been prepared. Additionally, a flexible relocation timeframe will be established to allow PAPs ample time to secure new housing and adjust to any changes.

By proactively addressing these concerns, TWWDA will be able to foster a positive and collaborative relationship with PAPs throughout the project implementation phase.

#### 9.4 Vulnerable PAPs

Although the meetings did not identify any vulnerable PAPs, it is strongly advised that the TWWDA proactively prepares for the possibility of PAPs encountering vulnerabilities due to changing circumstances or emerging evidence. This proactive stance will ensure readiness to address any unforeseen challenges and uphold the project's commitment to comprehensive stakeholder support and welfare.

#### 9.5 Other Key Issues Arising from Public Participation Meetings

To foster transparency and address community concerns, consultative meetings were held along the project's proposed route. These meetings received enthusiastic attendance, with diverse representation across age groups and genders, and were presided over by the local chief. The primary objective was to re-familiarize Project Affected Persons (PAPs) and the broader community with the initiative, while actively soliciting feedback on potential impacts.

Overall, the project garnered strong support. However, several key issues were consistently raised, which are summarized below:

##### Matters Arising

###### a. Community Support:

- i. The project enjoys substantial backing from the community, primarily due to the recognition of its long-term potential for improved quality of life.
- ii. It's important to note that this support is directly tied to the expectation of fair and timely compensation for individuals and businesses experiencing direct impacts.

###### b. Key Concerns:

- i. **Compensation Timeliness:** PAPs seek firm assurances that compensation payments will be processed without undue delay, minimizing disruptions to their livelihoods and routines.
- ii. **Advance Notice:** Businesses, in particular, emphasize the need for sufficient advance notification before construction commences. This will allow them to implement contingency plans and mitigate potential losses.
- iii. **Livelihood Restoration:** Cash compensation is strongly favored as the primary method of restoring livelihoods. This approach offers PAPs the flexibility and agency to make choices best suited to their individual circumstances.

**c. Additional Considerations:**

- i. **Local Benefits:** Community members expressed a strong desire to see the project prioritize local residents in areas such as water connections and any employment opportunities that may arise.
- ii. **Community Input:** The consultant underscored the importance of integrating PAP feedback and concerns into the project's implementation phases. This collaborative approach will foster trust and ensure benefits are distributed equitably.

## **9.6 Stakeholder Engagement Plan (SEP)**

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

## 10 MONITORING AND EVALUATION

### 10.1 Monitoring and Evaluation Objectives

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

The purpose of resettlement monitoring is to:

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

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

### 10.2 Monitoring and Evaluation Methodology

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

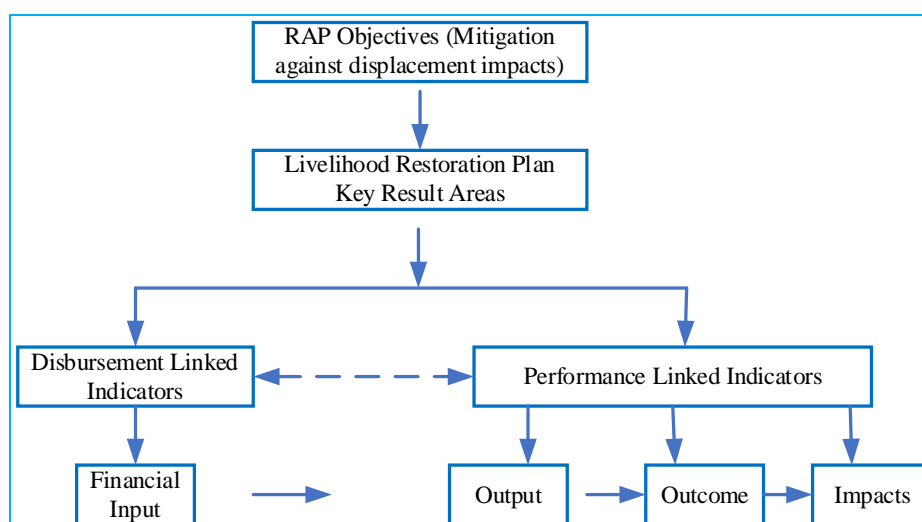


Figure 10.1: Strategic Approach to M&E

### 10.3 Monitoring and Evaluation

#### 10.3.1 Internal Monitoring

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

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



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

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

### **10.3.2 External Monitoring and Evaluation**

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

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

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

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

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

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

Table 10.1: Monitoring and Evaluation Plan for RAP Implementation

Impact	Category of Impact	Mitigation	Input and Output M&E Indicators (Internal Monitoring)	Outcome and Impact Monitoring Indicators (External Monitoring)	How the indicator will be measured/ Means of Verification	Frequency	Target
1. Impact on Land	Loss of land (total acquisition)	<ul style="list-style-type: none"> <li>Cash compensation for the affected portion of land at open market value and 15% disturbance allowance</li> <li>Cash payment in tranches where compensation is more sizeable to serve as a risk mitigation to prevent PAPs squandering sudden 'windfalls'</li> <li>Training on financial management, livelihood restoration</li> </ul>	<ul style="list-style-type: none"> <li>Number of PAPs compensated for loss of land (M/F/vulnerable)</li> <li>Percentage of compensation issued to PAPs</li> <li>Number of PAPs trained on financial management, livelihood restoration etc (M/F, vulnerable)</li> <li>Number of livelihood restoration training sessions per type and attendance per training.</li> <li>No of vulnerable PAPs who have received additional support from the project e.g., linkages to GoK socio protection programmes</li> </ul>	<ul style="list-style-type: none"> <li>Number of PAPs satisfied with the compensation issued (M/F/Vulnerable)</li> <li>Number of PAPs reporting the usefulness of the training received (M/F/Vulnerable)</li> <li>Number of PAPs reporting increased incomes (M/F/Vulnerable)</li> </ul>	<ul style="list-style-type: none"> <li>Support documentation such as PAPs compensation agreements signed</li> </ul>	Monthly Reports	Number of PAPs compensated – Target 100% Training – 100% Increased incomes – 100%
	Loss of land use	<ul style="list-style-type: none"> <li>Cash compensation for the affected portion of land at 30% market value and a 15% disturbance allowance</li> <li>Training on financial management</li> </ul>	<ul style="list-style-type: none"> <li>Number of PAPs compensated for loss of land (M/F/vulnerable)</li> <li>Number of PAPs trained on financial management, livelihood restoration etc (M/F, vulnerable)</li> </ul>	<ul style="list-style-type: none"> <li>Number of PAPs satisfied with the compensation issued (M/F/vulnerable)</li> <li>Number of PAPs reporting increased incomes (M/F/vulnerable)</li> </ul>	<ul style="list-style-type: none"> <li>Support documentation such as compensation agreements signed</li> </ul>	Monthly Reports	Number of PAPs compensated – Target 100% Training – 100%
	Public wayleave/ road reserve	<ul style="list-style-type: none"> <li>Cash compensation based on prescribed fees by the road agencies</li> </ul>	<ul style="list-style-type: none"> <li>Number of permits by road agencies authorizing the agency to use the road reserve</li> </ul>	<ul style="list-style-type: none"> <li>Timely implementation of project without delays</li> </ul>	<ul style="list-style-type: none"> <li>Evidence of permits issued</li> <li>Minutes of meetings/ MOUs</li> </ul>	Monthly	100% compensation MOU with @ road agency
	Forest Land	<ul style="list-style-type: none"> <li>Payment of prescribed fees as determined by the Forest Regulations, 2016</li> </ul>	<ul style="list-style-type: none"> <li>Permit issued authorizing use of forest land</li> </ul>	<ul style="list-style-type: none"> <li>Timely implementation of project without delays</li> </ul>	<ul style="list-style-type: none"> <li>Minutes of engagement meetings with KFS/ MOUs</li> </ul>	Monthly	100% compensation MOU/ written agreements with KFS - 1
2. Impact on Structures	Loss of Permanent structures	<ul style="list-style-type: none"> <li>Cash compensation based on the full replacement value of the affected structure and 15% disturbance allowance</li> </ul>	<ul style="list-style-type: none"> <li>Number of PAPs compensated for loss of structures ((M/F/vulnerable)</li> <li>Number of PAPs that were able to salvage (at their own expense) the materials, within the three months' notice period given to vacate and prior to demolition.</li> <li>Number of PAPs trained on financial management, and livelihood restoration measures etc ((M/F/vulnerable)</li> </ul>	<ul style="list-style-type: none"> <li>Number of PAPs satisfied with the compensation issued (M/F/vulnerable)</li> <li>Number of PAPs reporting improved businesses (M/F/vulnerable)</li> <li>Number of structures restored</li> </ul>		Monthly	100% - phased out per month
	Loss of pavements	<ul style="list-style-type: none"> <li>Restoration of pavements by the contractor upon completion of pipeline installation in affected areas</li> </ul>	<ul style="list-style-type: none"> <li>Sections of pavements restored by the contractor</li> </ul>	<ul style="list-style-type: none"> <li>Number of business owners and county departments satisfied with the restored pavements</li> </ul>	<ul style="list-style-type: none"> <li>Photographic proof</li> </ul>	Monthly	To be determined based on the contractors work schedule
	Loss of public structures such as motorbike shades (bodaboda)	<ul style="list-style-type: none"> <li>Restoration of public structures</li> </ul>	<ul style="list-style-type: none"> <li>Number of public structures reinstated by 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>	<ul style="list-style-type: none"> <li>Photographic proof of reinstated public structures by TWWDA after sectional</li> </ul>	Monthly	100% of the structures affected

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

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

## 10.5 RAP Completion Audit

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

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

## 10.6 Monitoring Reports

There shall be monthly and annual RAP Reports.

### A. Monthly RAP Implementation & Monitoring Reports

These should consist of the following:

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

### B. Annual Audit Reports:

These should consist of the following:

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

## 10.7 Monitoring and Evaluation Budget

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

Table 10.2: Monitoring and Evaluation Budget

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

## 10.8 Land Acquisition Procedure

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

## 1. Project Identification & Preliminary Inquiry

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

## 2. Public Notice

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

## 3. NLC Investigations & Inquiry

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

## 4. NLC Determination

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

## 5. Compensation and Possession

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

## 10.9 Livelihood Restoration Plan

### 10.9.1 Introduction

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

### 10.9.2 Assessment of Livelihoods

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

### 10.9.3 Objectives

The primary objectives of the livelihood restoration plan are:

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

- iv. Promote Local Ownership: Facilitate community participation and ownership in the design, implementation, and monitoring of livelihood restoration interventions.

#### 10.9.4 Proposed Strategies and Actions

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

- i. Immediate Compensation of all PAPs: Provide cash equivalent or greater than what the PAPs would lose during the project period.
- ii. Recovery Grants/In-Kind support: Where it is necessary, offer small grants to support the restart of small businesses and other income-generating ventures. This has been captured and proposed in the RAP budget.
- iii. Capacity Building/Skills Training: Financial management skills, and other basic trainings should be organized for PAPs.
- iv. Infrastructure Repair: Any roads and other infrastructure such as cables damaged during the construction phase should be repaired as quickly as possible.
- v. Natural Resource Management: Promote sustainable natural resource management practices. For instance, all PAPs will lose trees, should be encouraged to plant more to enhance the resilience of livelihood systems and protect ecosystems.

#### 10.9.5 Livelihood Restorations Plan Budget

A budget of KES 1,500,000 has been allocated for the implementation of this Livelihood Restoration Plan. This budget supports all specified actions and includes provisions for contingencies. The breakdown is summarized in the table below:

*Table 10.3: Proposed Budget for the Livelihood Restoration Plan*

Activity	Targeted PAPs	Responsibility	Budget (KES)	Notes
Offer employment opportunities for through working with local contractor to provide preferential treatment for local PAPs and their community	PAPs and local community	TWWD/Contractor	Nil	Contractor budget
Microenterprise Support: Financial Management/ Business plan training	PAPs who previously operated small businesses, those interested in entrepreneurship	RIT, external expert trainer	500,000	Includes facilitators, workshop materials
Community Infrastructure Repair/restoration	All affected communities	Contractor, RIT	Included in project costs	Ensures rapid restoration of essential infrastructure (underground cables, pipeline, cut roads etc.)
Agricultural Extension Services and support services	Farmers, PAPs interested in agriculture	RIT to secure services of an Agricultural Extension Officer	500,000	Includes training, demonstration plots, seed distribution
Natural Resource Management: Tree Planting	All affected communities	RIT, Community Groups	500,000	Seedling provision, awareness campaigns
Grievance redress	Establish and facilitate an effective local grievance redress system at the community level	Grievance redress budget	Nil	Costs already captured under GRM budget

## 10.10 Implementation Scheduling

The implementation times will be pegged on the following process

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

The table provides a projected schedule for the implementation of the Resettlement Action Plan (RAP), which needs to be coordinated with the contractor's work program. The anticipated duration for project implementation is around 24 months.

The table below provides the proposed implementation schedule:

*Table 10.4: RAP Implementation Schedule*

Activity	Responsible Party	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8
Planning Phase									
RAP Study	TWWDA	■	■						
Disclosure of RAP Report	TWWDA/AfDB		■						
Setting Up Phase									
RAP Implementation Team (RIT) is constituted	TWWDA & County Gov't		■						
PAP Committee (PC) Constituted and briefed	RAP Implementation Team		■						
Validation and verification of PAPS	RAP Implementation Team		■						
Disclosure of Updated	TWWDA			■					
Compensation of all PAPS	RAP Implementation Team			■					
Issuance of 3 months' vacation notice to PAPS	RAP Implementation Team			■	■	■			
Construction Phase									
Commencement of construction works	TWWDA, Contractor				■				
Site Handover	TWWDA, Contractor				■				
Site clearance	Contractor				■				
Excavation and pipeline installation	Contractor				■	■	■	■	■
Grievance Management	RAP Implementation Team, GRM Committees		■	■	■	■	■	■	■





## 10.11 Overall RAP Compensation Budget

PAPs will be fully compensated (100%) in accordance with the law prior to relocation. This compensation includes a 15% disturbance allowance and has been determined through a transparent process involving consultations with affected communities and individual meetings to discuss personalized payment options.

Each PAP has received and signed an offer form detailing their individual compensation for land, structures, crops, disturbance allowance, and any additional support granted. Respective chiefs have also signed these forms to confirm the process's transparency and authenticity.

The table below provides the total compensation and other expected expenditures:

*Table 10.5: RAP implementation budget estimates*

Item	No. of PAPs	Estimated Cost (KES)
Land (Pipeline Wayleave-)	KFS & Roads Agencies	1,438,000.00
Land Acquisition for Treatment Works, Brake Pressure Tanks and Storage Tanks		23,217,875.00
Asset Loss (Buildings and Other Structures) -(Inclusive of the 15% disturbance allowance)	4	461,213.67
Livelihood Loss (Inclusive of the 15% disturbance allowance)	31	299,750.00
Trees (estimates)		9,963,080.25
Livelihood Restoration Program (Capacity building, in-kind support, tree planting etc.)		1,500,000.00
RAP implementation monitoring		500,000.00
Provide for RAP Audit (External)		1,000,000.00
<b>Sub-Total Estimated Compensation</b>		<b>38,379,918.92</b>
Other costs including taxes and contingencies (20%)		7,675,983.78
<b>Grand Total</b>		<b>46,055,902.70</b>

## 11 CONCLUSIONS AND COMMITMENTS

### 11.1 Conclusions

This RAP Report is for the proposed construction water supply project in Runyenjes by TWWDA. The RAP has been prepared consistent with the applicable policy provisions of Kenyan Government and the provisions of the AfDB Safeguards Policy, a framework that establishes a compensation system for Project-Affected People (PAPs), guided by Kenyan laws and the financier's policy. The valuation was based on full replacement cost and market values, ensuring PAPs receive fair compensation for land, structures, and lost assets and livelihood.

### 11.2 Commitments

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

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

## APPENDICES

### Appendix 3: KFS and Road Use Charges/Fees

*Kenya Subsidiary Legislation, 2016*

1481

FOURTH SCHEDULE (r. 7)  
FEES FOR FOREST ACTIVITIES

<i>Activities</i>		<i>Price (KSh.)</i>
1. Water reservoirs	For commercial consumption – Large (Annual)	50,000
	For commercial consumption – Small (Annual)	20,000
	Small dam – Up to 1 million cubic metres	350,000
	Large dam – More than 1 million cubic metres	1,000,000
2. Water abstraction	Water easement (Once)	15,000
	Small wayleave – Up to one metre diameter (Per kilometre)	5,000
	Large wayleave – More than one metre diameter (Per kilometre)	20,000
	Borehole (Annual)	50,000
	Monitoring boreholes (Annual)	50,000
3. Fish farming (Annual License)	Fish farming (Fresh water) – 300m <sup>2</sup>	30,000
	Fish farming (Fresh water) – Larger than 300m <sup>2</sup>	100,000
4. Aquaculture (Annual License)	Aquaculture (Marine) – Large	75,000
	Aquaculture (Marie) – Small	20,000
5. Grazing	Cattle (Per month)	100
	Sheep (Per month)	40
6. Transmitters and transceivers	Mobile phone firms. (Annual)	250,000
	Radio station (Annual)	150,000
	Internet	150,000
	TV stations (Annual)	250,000
7. Annual Licenses	General Forest License	10,000
	Small sawmill (Less than 10m <sup>3</sup> of timber per day)	30,000
	Medium sawmill (between	45,000

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

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

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

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

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

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

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

Earth	N/A	15,000	15,000
-------	-----	--------	--------

**C. CHARGES FOR MICROTUNNELLING FOR PIPES, DUCTS OR CABLE CROSSINGS UNDER ROAD PAVEMENT**

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

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

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

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

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

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

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

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

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

Fees payable upon approval to construct access road/lane to shopping mall and departmental stores or equivalent	300,000	200,000	150,000
---	---------	---------	---------

### 3. CHARGES FOR ISSUANCE OF EXEMPTION PERMITS FOR MOVEMENT OF ABNORMAL/OVERSIZE LOADS

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

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

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

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

## Appendix 4: Community Engagement Attendance List

### MINUTES OF THE PUBLIC CONSULTATION MEETING WITH THE PROJECT AFFECTED PEOPLE (PAPS)

Project: Runyenjes Water Supply Pipeline (Transmission Main) Construction  
Location: Rukuriri Centre  
Date: April 12, 2024  
Time: 11:00 AM – 12:30 PM  
Attendees:

- Ms. Miriam, TWWDA Representative
- Mr. Kevin, Ward Administrator
- RAP Consultant
- Project Affected Persons (PAPs - see attached list)

#### Agenda:

##### 1. Opening Remarks:

The Ward Administrator initiated the meeting by extending a warm welcome to all attendees, expressing gratitude for their prompt response, and urging attentiveness during the consultant's presentation. He introduced the RAP team and invited the TWWDA team to provide an overview of the project.

Ms. Miriam (TWWDA) reiterated the Agency's dedication to enhancing water infrastructure in the region, hinting at a prospective sewerage program.

Mr. Kevin, the Ward Administrator, emphasized the significance of the project in alleviating prolonged water shortages and encouraged community support. Subsequently, he introduced the consultant to address the Project Affected People.

##### 2. Consultant Presentation:

The Consultant delineated the project's scope and its potential ramifications on the community, particularly focusing on potential disruptions to businesses along the corridor during the construction phase.

The inquiry was made regarding the community's acceptance of the project, and all members responded positively. Additionally, the Project Affected People (PAPs) indicated their willingness to facilitate the project's progress, contingent upon receiving sufficient compensation.

The consultant further made it clear to the PAPs that there are two common primary methods of livelihood restoration for those affected: compensation in kind or cash payment. It was clarified that the TWWDA could task the contractor with reinstating structures to their original condition, or alternatively, the PAPs could opt for compensation to restore them independently. All PAPs expressed preference for the latter option.

##### 3. Public Feedback:

The project affected people raised the following issues

- PAPs expressed endorsement for the project as a remedy for water scarcity and the issue of unsafe drinking water.
- Concerns were raised regarding the adverse impacts on businesses during the construction period.
- There was a strong inclination for prioritizing local residents for employment opportunities arising from the project.
- Emphasis was placed on timely compensation and prior notification to minimize adverse effects and afford businesses sufficient adjustment time.


##### 4. Closing Remarks:

- The consultant extended gratitude to the residents for embracing the project and assured them that their concerns would be duly addressed.
- The Ward Administrator acknowledged the raised concerns and urged TWWDA to thoroughly investigate the issues, particularly those pertaining to the local livelihood impacts.

#### Action Points:

1. TWWDA to formulate a strategy to mitigate adverse impacts on local businesses during construction.
2. TWWDA to prioritize employment opportunities for members of the local.
3. TWWDA to ensure timely compensation and provide advance notification (2Months) to PAPs.

Meeting Adjourned: 12:30 PM

Consultant: Griffin Muringu  
  
12/04/24

CHIEF   
RUNYENJES EAST LOCATION  
DATE .....



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 90754 Nairobi, Kenya Tel: 020 2524770/070 130 111  
 Email: info@greenvilleint.com  
 Kenya Plaza along Lorian road, Suite 204  
 Website: www.greenvilleint.com

Cluster 1 Projects Meru, Embu and Kirinyaga

Public Participation Attendance List

Kyeru north

Date: ..... Time: 14:00 (11:00am) Venue: Rukwira

No.	Name	Location	ID No.	Contacts	Signature
1.	LINUS MUGENI MURANGI	KIEHI NORTH	2294275	0716170547	[Signature]
2.	David Mutini Kangu	"	27684888	0718922511	[Signature]
3.	James Karuki Kiangina	"	28446452	0700265341	[Signature]
4.	Angelica Murangi	"	0294549	0711364463	[Signature]
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					

CHIEF MURANGI  
 RUVENJES EAST LOCATION  
 DATE: 12.10.24





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 8017-00100, Nairobi, Tel: 0725284770/070 130 101  
Zimbabwe Road, Nairobi, Kenya  
Email: info@greenvilleint.com  
Semi Plaza along Lorian Road, Suite 504  
Website: www.greenvilleint.com

Cluster 1 Projects Meru, Embu and Kirinyaga

Public Participation Attendance List

Date: 13/04/24 Time: 11:00 AM Venue: Kimurumo

No.	Name	Location	ID No.	Contacts	Signature
1.	Annie Wang'a Julius	Kyeni North	2619242	0718435913	<i>[Signature]</i>
2.	Mercy Mueuri Njeru	Kyeni North	24279087	0726059371	<i>[Signature]</i>
3.	Auey Waberi Nyakaga	Kyeni North	9679240	0723297717	<i>[Signature]</i>
4.	Jeremiah Nyaga	Gichicho	2530412	0706148152	<i>[Signature]</i>
5.	Pauline Kagendo	Gichicho	30919744	0742286237	<i>[Signature]</i>
6.	Lylia Ruguru Njiru	Murungu Gichicho	1304086	0705118845	<i>[Signature]</i>
7.	Syria Karimi		32707669	0745877855	<i>[Signature]</i>
8.					
9.					
10.					
11.					
12.					

CHIEF OFFICER  
REVENUES EAST LOCATION  
DATE: .....

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

**Project:** Construction of Runyenjes Water Supply Pipeline (Transmission Main)

**Location:** Karurumo Market

**Date:** 11 April 2024

**Time:** 3:45 PM – 4:30 PM

**Attendees**

- Assistant County Commissioner (ACC B. Wangechi)
- TWWDA Representative (Mr. Robert Mutugi)
- Ward Administrator (Mr. Seth Jason)
- RAP Consultant
- Project Affected Persons (PAPs-Attached list)

**AGENDA**

**1. Opening Remarks**

- The ACC welcomed the attendees, thanked them for responding to the brief notice, and urged attentiveness to the consultant's presentation.
- Mr. Robert (TWWDA) expressed the Agency's commitment to improving water infrastructure in the region, mentioning the potential for a future sewerage program.
- Mr. Seth, Ward Administrator, highlighted the importance of the project in addressing long-standing water shortages and urged the community to support it.

**2. Consultant Presentation**

- The Consultant outlined the project's scope and potential impacts on the community, particularly for businesses along the corridor due to potential disruptions during construction.
- Question was posed as to whether the community accepted project, to which all responded in the affirmative. PAPs also agreed to pave way for the project, as long as there was adequate compensation.
- The consultant also noted that for those who are affected, there is two main modes of livelihood restoration: in kind or cash payment. It was explained that TWWDA could engage the contractor to reinstate the structures as originally found, or the PAPs could be compensated and restore them on their own. All the PAPs were in favor of the latter.

**3. Public Feedback**

- PAPs expressed support for the project as a solution to water scarcity and unsafe drinking water.
- Concerns were raised regarding disruptions to businesses during construction.
- A strong desire was expressed for local residents to be prioritized for employment opportunities generated by the project.
- Timely compensation and advance notice were emphasized to minimize negative impacts and allow businesses time for adjustments.

**4. Closing Remarks**

- The consultant thanked the residents for welcoming the project and also acknowledged that their concerns would be addressed
- The ACC acknowledged the concerns raised and urged the TWWDA to prioritize the mitigation of impacts on local livelihoods.

**ACTION POINTS**

- TWWDA to develop a plan to mitigate the negative impacts of construction on local businesses.
- TWWDA to consider prioritizing local community members for employment opportunities stemming from the project.
- TWWDA to ensure timely compensation and provide advance notice to affected businesses.

Meeting Adjourned: 4:30 PM

Consultant: GRIFFINS MURUNGU

 11/04/2024

CHIEF   
CONVENES EAST LOCATIO  
DATE 11/04/2024



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 5017-00100, Nairobi, Tel: 0729247700/0729247701  
 Email: [procurement@greenvilleint.com](mailto:procurement@greenvilleint.com) / [info@greenvilleint.com](mailto:info@greenvilleint.com)  
 Website: [www.greenvilleint.com](http://www.greenvilleint.com)

Cluster 1 Projects Meru, Embu and Kirinyaga

Public Participation Attendance List

Date: ..... Time: ..... Venue: .....

No.	Name	Location	ID No.	Contacts	Signature
13.	SAMUEL NYAGA NDOKI	KARUMBO	23862455	0712782095	<i>[Signature]</i>
14.					
15.					
16.					
17.					
18.					
19.					
20.					
21.					
22.					
23.					
24.					
25.					

Public Participation Attendance List  
 Page 9 of 1



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

Greenville International Ltd

P.O. Box 6975-00100, Nairobi, Tel: 0725928770/790 130 101  
 Panatharua Road, Nairobi, Kenya  
 Email: info@greenville.com  
 Website: www.greenville.com

Cluster 1 Projects Meru, Embu and Kirinyaga

Public Participation Attendance List

Date: ..... Time: ..... Venue: .....

No.	Name	Location	ID No.	Contacts	Signature
1.	TITUS SARI	(KIRINYA)			
2.	DANIEL MUNDUA	KARURUMU	26652025	07413809144	[Signature]
3.	AUGUSTIN NJUO	KARURUMU	21572746	0714440457	[Signature]
4.	ALFRED MUMEME	KARURUMU	3709923	0714050723	[Signature]
5.	CHARLINE NJOKI NJAGI	KARURUMU	28165618	0758891857	[Signature]
6.	CHARITY KAGENDO	KARURUMU	23130123	0703393782	[Signature]
7.	DOMINIC S-NGOCI GACHENJA	KARURUMU	23265080	0713598506	[Signature]
8.	ANGGAY MAKENA	KARURUMU	1292033	0720760620	[Signature]
9.	SALLY MADRIM MURIAKO	KARURUMU	28665955	0710444671	[Signature]
10.	SIMON HDWIGA KAMUTI	KARURUMU	20705096	0721595202	[Signature]
11.	RABSON MURIBENDI NJERU	KARURUMU	9570864	0710317996	[Signature]
12.	JOHN NGUGI NJAGI	KARURUMU	13723971	0712740935	[Signature]
			29787282	079671569	[Signature]

Public Participation Attendance List  
 Page 1 of 1



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

Greenville International Ltd

P.O. Box 50175-00100, Nairobi, Tel: 0725284720/296 132 101  
 Email: info@greenville.com, greenville@kenya.com, sales@greenville.com  
 State Representative: State 504  
 Website: www.greenville.com

Cluster 1 Projects Meru, Embu and Kirinyaga

Public Participation Attendance List

Date: 12/04/2024

Time: Venue: Karurumo

No.	Name	Location	ID No.	Contacts	Signature
39.	POLYN RITA WAKINA	KARURUMO	14409766	0706681564	<i>[Signature]</i>
40.	Hpsbon Meru	Karurumo	80 66610	0717766227	<i>[Signature]</i>
41.	Peter Nderegi Mwangi	Karurumo	1294353	0720252241	<i>[Signature]</i>
42.	Julian waagwe Meru	Karurumo	2507666	0710403752	<i>[Signature]</i>
43.	Ronald Mwaniki Ita	Karurumo	23639582	0796125387	<i>[Signature]</i>
44.					
45.					
46.					
47.					
48.					
49.					
50.					

THE PUBLIC PARTICIPATION MINUTES FOR RUMYENJES IRIATER SUPPLY PROJECT HELD ON 27<sup>TH</sup> MARCH 2024 AT KATHANJURI ASSISTANT COUNTY COMMISSIONER'S OFFICE IN EMBU COUNTY, AT 11:00 AM. EMBU EAST SUBCOUNTY, KIYENI DIVISION AT 11:00 AM

Present

1. ACC Administrator.
2. Ward Representative
3. Area Chief
4. The Project Affected Persons (Attendance List Attached)

Introduction

- The meeting was called to order by the Assistant county Commissioner at 11:00am
- The ACC introduced the present administrators who included the area chiefs and the ward administrators of the Project Affected Area
- The ACC asked the consultant to introduce the team and highlight the objective of the meeting
- The consultant explained the background of the proposed project and highlighted the purpose of the Resettlement Action Plan
- He further explained the proposed scope and enumerated the areas that are expected to be affected by the


- prepared project
- Mary Muthoni, speaking on behalf of the other PAPs, welcomed the project
- She noted that all the individual PAPs have been met and the process of PAP explained to them.
- The ACC Administrator urged TWIDA to expedite the process in order to benefit the residents
- The PAPs were given the consent forms to sign under the presence of the area chiefs and the ward administrator which they signed and were stamped by the chief
- There being no any other business, the meeting was adjourned at 12:00 noon with a word of prayer from one of the PAPs

MINUTES CERTIFICATION

Consultant:

Date: 27/3/2024

Signature:

Confirmed by  
Ward Representative: 



Assistant County Commissioner:

Date: 27/3/2024

Signature: 

Date: 27/3/2024

Signature: 



Cluster 1 Projects Meru, Embu and Kirinyaga

Public Participation Attendance List

Agricultural Commodity Commission's Office  
 (Kathangoni)

Date: 27/08/2024 Time: .....

Venue: .....

No.	Name	Location	ID No.	Contacts	Signature
1.	Augustus Omyimbo	Consultant	23541030	0722755959	<i>AA</i>
2.	SILAS N. MURIBIA	KYENI SOUTH	11150460	0728430276	<i>[Signature]</i>
3.	EMILI WANGARI	KYENI N.W ACC	13722432	0721100586	<i>[Signature]</i>
4.	B.HO WANGIECI	KYENI DIVISION	23794428	0723694876	<i>[Signature]</i>
5.	SETHI JHON	WARA KATHANGONI	13573321	0720968632	<i>[Signature]</i>
6.	PAUL MURANGIRI	Mumbuni	35500586	0707906029	<i>[Signature]</i>
7.	EMMA WANGIRA	KYENI CENTRAL	21829367	0703260333	<i>[Signature]</i>
8.	ALAN OKOTH	Consultant	35794994	0792899094	<i>[Signature]</i>
9.	CAROLINE OGINDI	CONSULTANT	34112893	0792317580	<i>[Signature]</i>
10.	MARY MUTHONI MWAFURA	K.C.C	8066913	0710579708	<i>[Signature]</i>
11.	Timofsa Wandina Nyaboh	K.C.C	0718141	0718535574	<i>[Signature]</i>
12.	NANCY MUTICHI KALUKI	KYENI N	04117074	0705262853	<i>NKI</i>

Public Participation Attendance List



Cluster 1 Projects Meru, Embu and Kirinyaga

Public Participation Attendance List

Date: ..... Time: ..... Venue: .....

No.	Name	Location	ID No.	Contacts	Signature
13.	Jeremiah Thoth. Nthia	Gikuu.	12575325	0700813653	Jeremia
14.	Kuzedica Njoki	Gikuu.	23373254	0706768946	<del>AA</del>
15.	ESTON KARUKI	GICHICHE	13572130	0748639795	<del>RE</del>
16.	KEVIN MUGAMBI	RUMENGEI	32998585	0707232022	<del>RE</del>
17.	LIDIA N. TALUAI	RUMENGEI HQT	11211975	0717738981	LA
18.	KIBARU KAUMBURU	RUMENGEI EAST	10786230	0721679093	Thimith
19.	GRUFFIN MURUNGU	CONSULTANT	36505620	0710312212	<del>RE</del>
20.					
21.					
22.					
23.					
24.					
25.					



**THE PUBLIC PARTICIPATION MINUTES FOR THE PROPOSED SEWER & WATER SUPPLY PROJECTS FOR RUNYENJES HELD ON 13<sup>TH</sup>, FEBRUARY, 2024 AT THE RUNYENJES MUNICIPAL HALL AT 1000 Hrs.**

---

**MEMBERS PRESENT**

Attendance List Attached

**AGENDA**

The agenda of the meeting was as follows:

- Preliminary matter
- Introduction and Presentation of the proposed water & sewerage projects
- Comments members in attendance
- Recommendation
- Closing remarks

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

The DCC Madam Joyce Waruingi called the meeting to order at 10:10 a.m. and one of the chiefs in attendance led in the opening prayer.

Madam Joyce then welcomed everyone to the meeting and extended a heartfelt invitation to the Tana Water Works Development Agency team and Environmental consultants' team from Greenville Nexus International Limited to take the members present through the details of the proposed projects, the projects' cycle and the expected impacts of the proposed projects to the environment and the community. She explained to the members of the community about the intentions of the meeting, which was to sensitize the members about the proposed water supply and sewerage projects. She urged the chiefs, assistant chiefs and village elders in attendance to freely voice their thoughts and concerns regarding the two proposed projects, emphasizing an open and inclusive atmosphere for discussions. She then opened the floor for the representative from the Proponent's side (Tana Water Works Development Agency) Eng. Kevin Njuki to take over the meeting.

**MIN 2/15/02/2024: INTRODUCTION AND PRESENTATION OF THE PROPOSED WATER SUPPLY AND SEWER PROJECTS**

Eng. Kevin Njuki gave his opening remarks and explained to the members present the objectives of Tana Water Works Development Agency in ensuring sustainable water supply and sewerage treatment projects within their area of Jurisdiction in Embu County. He assured the members present on the commitment of TWWDA to ensuring a constant supply of safe drinking water and connection to the sewer line in order to keep a clean environment for all as envisaged in SDG 6.0.

He went on to explain that the source of water for the water supply project shall be Thuci river and a volume of about 15,000 M<sup>3</sup>/day shall be abstracted for treatment and distribution to the residents of Runyenjes. He further explained that the trunks and the distribution lines will mainly run along the road reserve since the water shall be pressurized from the treatment plant, enabling it to flow to various points. Unlike water which is pressurized after treatment, the faecal sludge flows through gravity and hence the sewerage project would call for utilization of people's private land since the sewer line can only follow a slopy gradient towards the treatment plant.

The engineer also explained that the proposed treatment plant shall use the state of the art technology, specifically the trickling filters which ensures optimal treatment of waste water, rendering it safe for discharge into the environment.

Eng. Kevin invited Mr. Ezekiel Oranga, the RAP expert who explained to the members the concept of Resettlement Action Plan. He explained that utilization of people's private land could lead to loss of utility in the case of allowing the leeway for the sewer line or loss of ownership in the case of construction of the treatment plant. He also took the members present through the questionnaire that all the project affected persons were required to fill in order to facilitate compensation for those whose land would be affected by the proposed projects.

Mr. Eliphas Mutuma, a biodiversity expert took the members present through the possible impacts that the proposed projects would have on the environment; both the flora and fauna, and how the same projects would impact the residents of Runyenjes both economically and socially.

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

NAME OF THE CONCERNED MEMBER	QUESTION ASKED	TECHNICAL TEAM RESPONSE
Ephantus Ndwiga	When were the projects going to commence? And how long will the construction for the same take?	As soon as the implementing agency; TWWDA got the funding from the project financier. The estimated duration of project implementation shall be two years.
Julia Wangui	How soon would the project affected persons be compensated?	The process of compensation shall kick off immediately all the details of the paps are verified and the funds for compensation are availed to TWWDA.
Daniel Nyaga	What happens in the event that family members of an affected parcel of land that is affected by the project fails to agree amongst themselves on how to share the money given as compensation for RAP?	A family that may have disputes regarding how to share the money given as compensation should seek for mediation from the local administration offices like that of the chief, assistant chief or the county commissioner.
Faith Karimi	In case a person detects leakage from the proposed sewer line during the project operation phase, where can they report the leakage?	After construction and successful commissioning of the water and sewer project, the TWWDA shall hand over the project to the area Water Service Provider; KYEWASCO and therefore any reports pertaining to leakage or system failure should be reported to their field officers who carry out inspectorate work of the water and sewerage projects.

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

The director of Water & Sanitation for Embu County, Mr. Albert Gatuta emphasized on the merits of the proposed centralized waste water treatment as it is affordable for the residents and also helps to keep a clean environment. He explained to the members present the relationship between sanitation and waterborne diseases and asked the chiefs, assistant chiefs and the village elders present to diligently sensitize the community members in order to have a successful implementation of the project.

The District County Commissioner madam Joyce Waruingi formally concluded the meeting by making a few announcements in regards to the community development. She then thanked everyone for their active participation and fruitful contributions during the session.

There being no any other business the meeting was adjourned with a closing prayer from one of the chiefs at 1200 Hrs.



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 EMBU COUNTY



PROJECT: PROPOSED RUNYENJES WATER SUPPLY PROJECT

PUBLIC PARTICIPATION LIST

VENUE Runyenjes Town DATE 13/02/2024 TIME .....

S/ No.	NAME	VILLAGE/INSTITUTION	ID No	CONTACTS	SIGN
1.	BEATRICE MACHARIA	ACC SCHQ	29336336	0703573983	
2.	ASHA OKAR	ACC- RUNYENJES	0711 134127		
3.	WANGECI MUMBI	ACC - KYENI	0723694876		
4.	ERIC MUNENE NIERU	WARDS MANAGER RUMS CENTRAL WARD	0723711192		
5.	ESTHER NYAGA	ASST. CHIEF- KIRINGA	0705537760		
6.	DANIEL KAWI GA	SNR. CHIEF KARARA I.S.E LOC	928894	0715256044	
7.	MADRES MWATHA	SHR ASST CHIEF KANJA NORTH S/LOC	13855622	0721932462	
8.	EMMA NAMJIRA	CHIEF - KIRITHI CENTRAL LOC.	21829367	0703260333	
9.	KIBARU KAUMBUTHU	CHIEF RUNYENJES EAST LOCATION	10796230	0721679093	
10.	FRANCIS IRERI PAUL	ASST CHIEF NSURURI	82133153	0720236486	
11.	EMMAROSE. W. GITONGA	ASST-CHIEF GITARE	22218668	0725653304	



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 EMBU COUNTY



PROJECT: PROPOSED RUNYENJES WATER SUPPLY PROJECT

PUBLIC PARTICIPATION LIST

VENUE Runyenjes Town DATE 13/02/24 TIME .....

S/ No.	NAME	VILLAGE/INSTITUTION	ID No	CONTACTS	SIGN
12	PATRIK RUNDU	ASSI. CHIEF	9836684	0728240287 9836634	
13	DAVID NGARU	SHR. ASSI. CHIEF	10729105	0726225468	
14	RITA WAMBETI NURU	ASSISTANT CHIEF	23367692	0715837043	
15	ALPHAN G. MUGOH	ASSISTANT CHIEF	13572915	0721286259	
16	SIMAS N. MURIBI	SNR CHIEF	11150460	0728480276	
17	MARSH MUTHONYI IRERI	ASSI. CHIEF	12356996	0721966725	
18	JULIAH WANGUI NJORGE	ASSI. CHIEF	21468968	0720430993	
19	EPHANTUS N. NDWIGA	ASSI. CHIEF	21992969	0724338407	
20	EMILY WANGARI	CHIEF	13722432	0721100586	
21	DANIEL M NYAGA	ASSI CHIEF	13572208	0725204772	
22	AUGUSTINE - M. NJERU	ASSI. CHIEF	28125528	0719357643	



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 EMBU COUNTY



PROJECT: PROPOSED RUNYENJES WATER SUPPLY PROJECT  
PUBLIC PARTICIPATION LIST

VENUE Runyenjes Town DATE 13/02/2024 TIME

S/No.	NAME	VILLAGE/INSTITUTION	ID No	CONTACTS	SIGN
23	NANCY MURUGIKARUKI	KYERI	34174074	0705262353	
24	ROBERT KINYUA IGERI	KYENI NORTH MURU	12879248	0722 159563	
25	JUSTAS NJAGI KANAMU	MAUCHET P Chairman	0718767	0713372347	
26	JOHN MURUKI HUDSON	SECRETARY RUNYENJES JWA KALI	0720997	0718720962	
27	SILAS NJERU GILBERI	MUMUTU KANJA NORTH.	9284322	0726395421	
28	SAMMY NYAGA KAUNYU	KYENI CENTRAL Plot	374153737	0724861611	
29	PATRICK NYAGA	RUNYENJES	13855873	0734551265	PA
30	PAUL MURUGIKI	MUMBUBI	3560586	079706029	PA
31	FAITH KARIMI	MUKURI (MCA OFFICE)	3427229	0704626102	
32	MOSES NGERU	KIGAA (MCA OFFICE)	35627018	0740076881	
33	STEPHEN NDETI	GITARE (MCA OFFICE)	24234056	0701571366	

## Appendix 5: Draft Gender Based Violence Policy

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

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

#### **1. Purpose**

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

#### **2. Scope**

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

#### **3. Definitions**

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

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

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

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

- **Acknowledgement:** All grievances will be acknowledged promptly and treated with sensitivity and respect.
- **Investigation:** The GBV Focal Person (or designated investigator) will conduct a thorough and impartial investigation, ensuring the confidentiality and safety of the complainant.
- **Response:** We will take appropriate actions based on the investigation's findings, which may include:
  - Disciplinary action against perpetrators (up to and including termination)



- Referral to legal or law enforcement authorities
- Supportive measures for survivors (medical care, counseling, safe accommodation)
- Prevention and awareness-raising activities

## **6. Monitoring and Evaluation**

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

## **7. Additional Resources**

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

## **Important Notes:**

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

## Appendix 6: Policy on Grievance Reporting and Response for Violence Against Children (VAC)

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

#### 1. Introduction

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

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

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

#### 3. Reporting Procedures

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

#### 4. Response Procedures

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

#### 5. Grievance Resolution Process

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

#### 6. Communication and Training

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

#### 7. Reporting Officer Contact Information

- Name: [Name of Designated VAC Reporting Officer]
- Phone: [Phone Number]

- Email: [Email Address]

### **8. Anonymous Reporting**

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

### **9. Legal Compliance**

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

### **10. Review and Update**

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

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

- Referral to legal or law enforcement authorities
- Supportive measures for survivors (medical care, counseling, safe accommodation)
- Prevention and awareness-raising activities

#### **6. Monitoring and Evaluation**

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

#### **7. Additional Resources**

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

#### **Important Notes:**

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

## **Appendix 7: Grievance Mechanism Policy for Preventing and Addressing Sexual Exploitation, Abuse, and Harassment (SEAH)**

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

#### **1. Introduction**

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

#### **2. Definitions**

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

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

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

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

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

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

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

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

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

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

#### **7. Training and Awareness**

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

## **8. Continuous Improvement**

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

## **9. Contact Information**

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

## Appendix 8: Data Collection Tool



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

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

P. O. Box 50173-00100, Nairobi, Tel: 0723928473/0709 136 181  
Email: info@greenvilleint.com, greenvilleint@gmail.com  
Semi Plaza along Limuru road, Suite 504  
Website: www.greenvilleint.com

### 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	.....
	.....		.....



**SECTION B: DEMOGRAPHIC DATA**

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

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





**SECTION C: VULNERABILITY**

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

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

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

**SECTION D: INCOME**

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



**SECTION E: ASSETS**

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



**SECTION G: SOCIAL STRUCTURES**

<b>G1</b>	<b>G2</b>
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
<b>G3</b>	<b>G4</b>
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)
<b>G5</b>	<b>G6</b>
Specify other sanitation facilities used in G4	Has any of your family member been treated on waterborne disease e.g., cholera, dysentery, typhoid and sanitation? 1. Yes 2. No
<b>G7</b>	<b>G8</b>
What is your main source of power?	Specify other public facility closer to you



**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

**Appendix 9: Grievance Redress Mechanism 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	KWS	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)





## TANA WATER WORKS DEVELOPMENT AGENCY

MAJI HSE BADEN POWELL ROAD  
P.O. BOX 1292 – 10100 NYERI  
Tel: 061-2032282 Fax: 061-2034118  
Email: [info@tanawwda.go.ke](mailto:info@tanawwda.go.ke)  
Website: [www.tanawwda.go.ke](http://www.tanawwda.go.ke)



TWWDA/PRJ/6/210 VOL.I/ (21)

29<sup>th</sup> January, 2024

The Chief Conservator of Forests,  
Kenya Forest Service,  
P.O Box 30513,  
Karura off Kiambu Road,  
**NAIROBI.**

**RE: TECHNICAL ASSISTANCE AND CONSENT TO UNDERTAKE PROPOSED PROJECTS WITHIN THE FOREST.**

The above subject matter refers.

Tana Water Works Development Agency (TWWDA) is in the process of documenting the various projects for implementation, through funding from the African Development Bank, under the National Urban Water Supply and Sanitation Program.

As part of the exercise, it is a requirement that Resettlement Action Plans be formulated for all Project Affected Persons (PAPs). Kenya Forest Service has been identified as one of the Project Affected Institutions due to the anticipated negative impacts on biodiversity within the forests.

The Agency therefore seeks the following;

1. Consent to implement the various project components tabulated below within the forest.
2. Facilitate the Agency in valuation of the appropriate assets to be affected by the projects.
3. Facilitate the Agency in undertaking biodiversity studies.



TWWDA IS ISO 9001:2015 CERTIFIED

S/NO	Project Name	County	Forest Affected	Proposed Infrastructure	Acreege/ Way leave Extent
1.	Runyenjes Water Supply Project	Embu	Mt Kenya Forest( Irangi Forest)	Intake works at River Thuci	15,000 m <sup>3</sup> /day
				Raw Water Main inside the forest	14 km
				2 Break Pressure Tanks inside the forest	0.02 Ha
				Treatment Works Facility at the forest edge	2 Ha
2.	Karatina Water Supply Project	Nyeri	Mt Kenya Forest (Chehe Forest)	Intake at River Kururu	30,000m <sup>3</sup> /day
				Raw Water Mains inside the forest	5 km
				Treatment Works at the edge of the forest	2 Ha
				90-day storage	2.7M m3
3.	Naromoru Water Supply Project	Nyeri	Mt Kenya Forest (Gathiuru Forest)	Intake at River Tigithi	10,000m <sup>3</sup> /day
				Raw Water Mains inside the Forest	3km
				Treatment Works at the edge of the forest	2 Ha
				90-day storage	0.9M m3
4.	Timau Water Supply Project	Meru	Mt Kenya Forest (Ontulili Forest)	Intake works at River Teleswani	10,000m <sup>3</sup> /day
				Raw main inside the forest	3.5 km
				Treatment works at the edge of the forest	2 Ha
				90-day storage	0.9M m3
5.	Meru Water Supply Project- Mutuara System	Meru	Mt Kenya Forest (Mucheene Forest)	Intake at River Kathita	30,000m <sup>3</sup> /day
				Raw Water Mains inside the forest	7.5 km
				Treatment works at the edge of the forest	4 Ha

Attached find the layout maps for the five No. (5) Proposed projects.

**Eng. Philip Gichuki, MBS**  
**CHIEF EXECUTIVE OFFICER**

**Encl.**



PR/16/210

48



Kenya Forest Service Hqs  
Karura, Off Kiambu Rd  
P.O. Box 30513 - 00100  
Nairobi, Kenya

Ref: No. WATER/1/KFS/VOL. XXI/68

Date: 14<sup>th</sup> February 2024

Chief Executive Officer  
Tana Water Works Development Agency  
P.O Box 1292-10100  
Nyeri

**RE: TECHNICAL ASSISTANCE AND CONSENT TO UNDERTAKE PROPOSED PROJECTS WITHIN THE FOREST**

Your letter TWWDA/PRJ/210/VOL.1/(21) dated 29<sup>th</sup> January , 2024 refers.

Your request to access Mt. Kenya Forest Ecosystem to Undertake Biodiversity studies in Irangi, Chehe, Gathuene, Ontulili and Muchene Forest Stations to implement various projects components has been considered and authority granted.

Subject to the following requirements

1. Kenya Forest Service staff in the field shall be involved to ensure that there is no destruction of the forest.
2. The findings of the biodiversity studies shall be forwarded to KFS to inform its decision on the approval process.

Please note that this authority does not grant you the authority to implement various components of the projects inside the forest without KFS Approval.

**A. L. LEMARKOKO EBS, 'ndc' (k)  
CHIEF CONSERVATOR OF FORESTS**

Copy to: -Central Highlands Conservancy  
-Eastern Conservancy  
-CFC -Nyeri County  
-CFC Embu County  
-CFC - Meru County

BO/sa

**Trees for better lives**

Tel: (254)020-3754904/5/6, (254)020-2014663, (254)020-2020285, Fax: (254)020-2385374  
Email: info@kenyaforestservice.org. Web: www.kenyaforestservice.org



## TANA WATER WORKS DEVELOPMENT AGENCY

### **MINUTES ON CONSULTATIVE MEETING WITH KENHA CENTRAL REGION FOR THE PROPOSED PROJECTS IN NYERI, KIRINYAGA, THARAKA NITHI AND EMBU COUNTIES HELD ON 15<sup>th</sup> MARCH, 2024 AT KeNHA CENTRAL REGION OFFICE**

#### **Present**

1.	Eng. Mbae John	Resident Engineer-Kenya CENTRAL REGION
2.	Eng. David Ndegwa	Program Coordinator -NuWaSSaP- TWWDA
3.	Evans Kageche	Environmentalist-TWWDA
4.	Shaurot Kamama	Environmentalist Intern- TWWDA

#### **Agenda**

- Preliminary matter
- Introduction and Presentation of the Project to KeNHA
- Comments and Concerns from KeNHA
- A.O.B
- Closing remarks

#### **MIN 1/15/03/2024: PRELIMINARY MATTER**

Eng. Mbae called the meeting to order promptly at 4pm welcoming the Tana Water Works Development Agency team.

Additionally, he provided a brief overview of KeNHA's mandate and the area of jurisdiction of Central Region Office namely the counties of Nyeri, Murang'a, Tharaka Nithi, Kirinyaga, and Kiambu Counties.

*Dmt*



TWWDA IS ISO 9001:2015 CERTIFIED



## TANA WATER WORKS DEVELOPMENT AGENCY

### **MIN 2/15/03/2024: INTRODUCTION AND PRESENTATION OF THE PROJECT**

Eng. Ndegwa provided an overview of the projects that TWWDA was planning to undertake under the AfDB's National Urban Water Supply and Sanitation.

Eng. Ndegwa emphasized that the projects were at the final planning phase, with Environmental and Social Impact Assessment (ESIA) and Resettlement Action Plan (RAP) documentation being under preparation for funding by the African Development Bank (AfDB). He explained that the purpose of the visit to KENHA office was to appraise KENHA about the proposed projects, which will involve usage of KENHA road reserve for road crossings and pipe installation along the road.

### **MIN 3/15/03/2024: COMMENTS AND CONCERNS FROM KENHA**

Eng. Mbae acknowledged the importance of the water and sanitation projects and appreciated the effort of TWWDA to make the consultations with KENHA prior to commencement of construction.

Eng. Mbae highlighted some of the requirements/conditions by KENHA before and during project construction as follows;

#### **Special Requirements**

- Site reconnaissance by surveyors and Engineers from KeNHA to know the exact points of road crossing in the project coverage.
- Provision of the approved project drawings for both the water and sewerage project.
- TWWDA to provide project maps to show the coverage.

#### **Technology to be used**

- To use micro tunnelling method for paved road crossings to avoid destruction of the road.
- The Agency to provide for traffic diversion during micro tunnelling and ensure safety to the motorists and workers.

*Dint*



TWWDA IS ISO 9001:2015 CERTIFIED



## TANA WATER WORKS DEVELOPMENT AGENCY

### Application for Approvals

- Eng. Mbae guided the Agency on the process of online application for authorization to use the road reserve.
  - He also outlined the rates for the road Crossing based on the Class of the road as stated below
    - ❖ Road Crossing on Class A Roads-Kshs 100,000 per Lane
    - ❖ Road Crossing on Class B Roads-Kshs-80,000 per Lane
    - ❖ Utilization of Road reserve-Kshs 5000 per Kilometre (Both Road Class A &B)
- NB:** The amounts paid would have an equivalent deposition which is refundable once the project was complete and the Reinstatement done to KeNHA's standards.
- He advised that application for approval should be made once the project is fully ready for implementation since the approval once given is valid for 6 months after which a renewal of the approval is required.

### **MIN 4/15/03/2024: A.O.B**

Eng. Mbae advised on the need to map the existing utilities on the road reserve such as fiber optic cables to minimise damage during construction and avoid unnecessary disputes.

### **MIN 5/15/03/2024: CLOSING REMARKS**

Eng. Mbae thanked the TWWDA team and assured them of KENHA's support in implementing the projects.

Eng. Ndegwa thanked KENHA's representative for the meaningful deliberations assuring him of TWWDA's commitment to following all the requirements by KENHA for the proposed works and shall in due time submit the necessary documents and make applications for approval.

*Dmn*



TWWDA IS ISO 9001:2015 CERTIFIED



TANA WATER WORKS DEVELOPMENT AGENCY

**Confirmation of True Record of the Meeting:**

<i>Eng. David W. Adegoke</i>		
<b>TWWDA's Representative</b>	<i>[Signature]</i> <b>Signature</b>	<i>25/3/24</i> <b>Date</b>
<b>KeNHA's Representative</b>	<b>Signature</b>	<b>Date</b>

*Down*



TWWDA IS ISO 9001:2015 CERTIFIED





## Appendix 5: Draft Gender Based Violence Policy

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

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

#### **1. Purpose**

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

#### **2. Scope**

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

#### **3. Definitions**

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

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

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

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

- **Acknowledgement:** All grievances will be acknowledged promptly and treated with sensitivity and respect.
- **Investigation:** The GBV Focal Person (or designated investigator) will conduct a thorough and impartial investigation, ensuring the confidentiality and safety of the complainant.
- **Response:** We will take appropriate actions based on the investigation's findings, which may include:

- Disciplinary action against perpetrators (up to and including termination)
- Referral to legal or law enforcement authorities
- Supportive measures for survivors (medical care, counseling, safe accommodation)
- Prevention and awareness-raising activities

## **6. Monitoring and Evaluation**

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

## **7. Additional Resources**

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

## **Important Notes:**

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

## Appendix 6: Policy on Grievance Reporting and Response for Violence Against Children (VAC)

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

#### 1. Introduction

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

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

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

#### 3. Reporting Procedures

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

#### 4. Response Procedures

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

#### 5. Grievance Resolution Process

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

#### 6. Communication and Training

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

#### 7. Reporting Officer Contact Information

- Name: [Name of Designated VAC Reporting Officer]
- Phone: [Phone Number]

- Email: [Email Address]

## **8. Anonymous Reporting**

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

## **9. Legal Compliance**

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

## **10. Review and Update**

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

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

- Referral to legal or law enforcement authorities
- Supportive measures for survivors (medical care, counseling, safe accommodation)
- Prevention and awareness-raising activities

#### **6. Monitoring and Evaluation**

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

#### **7. Additional Resources**

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

#### **Important Notes:**

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

## **Appendix 7: Grievance Mechanism Policy for Preventing and Addressing Sexual Exploitation, Abuse, and Harassment (SEAH)**

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

#### **1. Introduction**

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

#### **2. Definitions**

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

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

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

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

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

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

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

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

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

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

#### **7. Training and Awareness**

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

## **8. Continuous Improvement**

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

## **9. Contact Information**

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

## Appendix 8: Data Collection Tool



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: 072292847/0709 136 181  
Email: info@greenvilleint.com, greenvilleint@gmail.com  
Sara Plaza along Limuru road, Suite 204  
Website: www.greenvilleint.com

### 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	.....
	.....		.....





**SECTION B: DEMOGRAPHIC DATA**

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

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



**SECTION C: VULNERABILITY**

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

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

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

**SECTION D: INCOME**

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



**SECTION E: ASSETS**

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



**SECTION G: SOCIAL STRUCTURES**

<b>G1</b>	<b>G2</b>
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
<b>G3</b>	<b>G4</b>
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)
<b>G5</b>	<b>G6</b>
Specify other sanitation facilities used in G4	Has any of your family member been treated on waterborne disease e.g., cholera, dysentery, typhoid and sanitation? 1. Yes 2. No
<b>G7</b>	<b>G8</b>
What is your main source of power?	Specify other public facility closer to you



**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

**Appendix 9: Grievance Redress Mechanism 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	KWS	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)