



Kenya National Highways Authority

Quality Highways, Better Connections

PROPOSED DEVELOPMENT, OPERATIONS AND MAINTENANCE OF THE NAIROBI - NAKURU – MAU SUMMIT (A8) HIGHWAY (PPP) PROJECT



RESETTLEMENT ACTION PLAN

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DISCLAIMER

This Resettlement Action Plan (RAP) is confidential to Kenya National Highways Authority (KeNHA) and any use of the materials thereof should be in accordance with the agreement between KENHA and the Project Consultants. KeNHA will update this report if further land acquisition will be required after completion of Detailed Final Road Design and its established the locations for either the expansion of the road or associated facilities including toll stations, parking bays, laybys, market centres and tourist viewing points if located outside the corridor.

Should there be further changes in the design at implementation which will necessitate the need for more land to be acquired, KeNHA will be responsible and will prepare an addendum to the RAP report following the **World Bank's OP 4.12** that will guide on ways to avoid involuntary resettlement wherever possible and to minimize its impact on those displaced through mitigation measures such as fair compensation and improvements to and living conditions which will be conducted through thorough community engagement throughout the entire process. On the other hand, land acquisition by the Concessionaire for borrow pits, quarries, workers' camps and other ancillary facilities will be in accordance with the World Bank's PS5.

KeNHA has prepared a separate VMGF that will guide the Concessionaire in its relations with, and treatment of VMGs in the project's area of influence.

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LIST OF ABBREVIATION

ACC	Assistant County Commissioner
BOTs	Build Operate and Transfer
CBK	Central Bank of Kenya
CC	County Commissioner
CESHSMP	Contractors Environmental Safety Health and Social Management Plan
CESMP	Contractors Environmental Social Management Plan
CLO	County Lands Board
DCC	Depute County Commissioner
EIA	Environmental Impact Assessment
EMP	Environmental Management Plan
FGD	Focus Group Discussions
GIC	Grievance Implementation Committee
GoK	Government of Kenya
GRC	Grievance Redress Committee
GRM	Grievance Redress Mechanism
ICT	Information Communication and Technology
IFPPP	Infrastructure Finance and Public-Private Partnership Program
ISK	Institution of Surveyors of Kenya
IVS	International Valuation Standards
KeNHA	Kenya National Highway Authority
KPLC	Kenya Power and Lighting Corporation
KRB	Kenya Roads Board
KRU	KeNHA Resettlement Unit
MAC	Multi Analysis Criteria
MCA	Member of County Assembly
PAFs	Project Affected Families
PAPs	Projected Affected People
PHAST	Participatory Hygiene and Sanitation Transformation
PIU	Project Implementation Unit
PPP	Public Private Partnership
PRSS	Proposed Road Side Stations
RAP	Full Resettlement Action Plan
RIC	RAP Implementation Committee
RoW	Right of Way
SMP	Social Management Plan
UTM	Universal Transverse Mercator

EXECUTIVE SUMMARY

Project Background

The Government of the Republic of Kenya (GoK) has in recent years been implementing comprehensive rehabilitation of major national roads, with the overall objective of enhancing safety, reducing road user costs (including travel time) and thereby promoting trade and socio-economic development.

To access funds for the envisaged projects, the GoK has embarked on a strategic program to attract private investment in the infrastructure through Public Private Partnership (PPP) mechanism and to create an enabling environment for the same. To facilitate this program and to prepare a pipeline of financially viable PPP projects, the GoK has received financing from the World Bank titled the Kenyan Infrastructure Finance and Public Private Partnerships projects (IFPPP)

Accordingly, the GoK, under the provision of the PPP Act of 2013, represented by the Kenya Highways Authority (KeNHA), defined as the Contracting Authority, with technical assistance from the Public Private Partnership Unit (PPPU) at the Treasury, awarded the project for Transaction Advisory Services on the development, operation and maintenance of the Nairobi-Nakuru (A8) Highway (Approx. 176 km length) to M/s Intercontinental Consultants and Technocrat Pvt. Ltd. (ICT), New Delhi, India in joint venture with Grant Thornton India LLP (GTI) and in association with Geodev (K) Ltd, Chitale & Chitale Partners (As sub-contractors) to provide the Consultancy Services for "Transaction -Advisory Services for the development, operation and maintenance of Nairobi-Nakuru (A8) PPP Project" including Feasibility Study, Preparation of Transaction Documents and Assistance in Financial Closure.

This project road forms a part of the Trans-African Highway (Northern corridor), part of the main transport route serving east and Central African Countries through the Indian Ocean seaport of Mombasa. The proposed construction and rehabilitation will have the potential effect of creating environmental and social impacts through involuntary displacement of persons carrying out informal businesses within the existing 60m highway road reserve. However, the strengthening of A8 South (Rironi Mai Mahiu Naivasha) is also expected to minimally cause disturbance to the roadside vendors during implementation.

Project Description

The project will involve two roads Rironi-Nakuru-Mau Summit (A8) which constitutes the main project and will take the larger share of the total cost, and Rironi-Mai Mahiu-Naivasha (A8-South). The widening proposal for the development of the existing A8 and strengthening of A8-South alignments were prepared cautiously and decisions were taken upon the observation made on site and is kept mostly eccentric on to the side with minimum land impacts. The upgrading and improvement/widening proposals for the various Project road sections are indicated in the following paragraphs:

Rironi-Mai Mahiu-Naivasha Road (A8-South)

A). *The Current Road Description*

As described in Project option analysis, tolls shall be collected from the traffic using A8-South traffic towards Naivasha/Narok and further. Hence recommended for strengthening, operation and maintenance of the section. B3 Road also called Kamandura – Mai Mahiu – Narok Road starts from Rironi to Naivasha using Rironi Interchange and passes through rolling terrain open fields till Km 3.400 after which it travels through hilly terrain of Great Rift Valley and Ngubi forest zone/Kikuyu Escarpment forest zone till km 18.300.

From Km 18.800 to Km 20.400 the alignment passes through the built-up section of Mai Mahiu town. At Km 19.750 B3 road takes off towards south west to Narok town Narok Junction and the alignment towards Naivasha is taken through C88 (Old Naivasha road). C88 (Old Naivasha Road) transits through plain terrain with few stretches

of rolling terrain in between and horizontal geometry is impeccably straight with scarcer curves at few locations. The alignment generally passes through open lands till Km 53.00 having fewer settlement of Longonot Town between Km 34.000 to Km 35.000. From Km 54.000 to Km 57.180 the alignment passes through the thickly built up Naivasha Town and joins back to Km 59.000 of A8 main alignment through Naivasha Interchange.

The roadway configuration from Km 0.000 to Km 19.750 of B3 Road and Km 19.750 to Km 55.000 of C88 Road is 2 lanes with paved shoulders and at km 55.000 the two lane road transits to 4 lane divided carriageway section with median varying from 5m-10m this portion of the road is called Moi south lake road. There is an existing Roundabout at Km 55.950 at the entry of the Naivasha town.

B). Proposed improvements

The Improvement proposal for this section of project shall be for strengthening of Pavement and rehabilitation of existing structures along with operation and maintenance of the section of the road.

Pavement Design

Pavement of B3 & C88 is in very poor condition. Considering the present condition of the pavement, the scope of pavement design comprises strengthening of existing pavement of B3 and C88 by partial / full re-construction in the stretch from Rironi to Naivasha.

In absence of existing pavement details for the time being crust composition of existing A8 will be adopted. Keeping in view very poor condition of the road, the section along B3 road for length of 19.75 Km is considered for strengthening of section which requires partial or full reconstruction depending on its residual strength (which shall be validated in phase II of the project). In absence of the details of the existing pavement crust and in-situ subgrade condition, for the time being, pavement composition evaluated for new construction for additional lanes for existing A8 is recommended. The C88 (Old Naivasha Road) being of fair riding quality and lesser pavement distress has been recommended for Overlay.

Rironi-Nakuru-Mau Summit (A8)

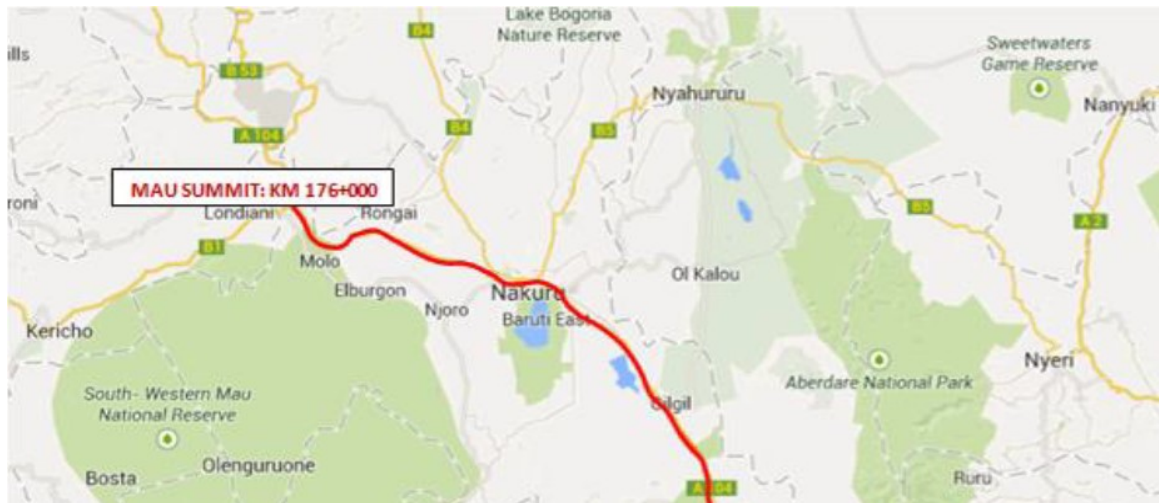
A). The Current Road Description

The project Road is approximately 176km long between Rironi and the junction at Mau Summit (approx. 50 km beyond Nakuru Town). The project road starts at (x) coordinates 236820.65, (y) 9874606.05 (Arc_1960_UTM _zone_37S) and ends at (x) 799767.25 (y) 9982461.45 (Arc_1960_UTM _zone_36S). The project road has Bitumen surface all through and connects various centers along the way as well as other towns. As indicated above, this section of the Northern Corridor starts in Nairobi at Rironi, which marks the end of the existing dual section of the Nairobi–Nakuru road (altitude of 2,280 meters above sea level) and approximately 35 km North West of Nairobi's Central Business District. The route bears a northerly direction past Limuru Township over a bridge ascending to an altitude of 2,480 meters at the Kijabe Escarpment on the eastern rim of the Rift Valley. From Kijabe, it takes a northwesterly direction to Kinungi in Nyandarua County, before descending to Naivasha at the bottom of the Rift Valley (km 90) with an altitude of 1,900 meters. It bypasses Gilgil Township and traverses Nakuru Municipality (km 158), which has a population of 260,000. The road continues in a northwesterly direction to Salgaa truck stop and market, and climbs to Mau Summit on the western rim of the Rift Valley (about km 211). The road is located mainly in Kiambu and Nakuru counties with some sections in Nyandarua and Kericho Counties.

Traffic on the project corridor consists of private cars, public transport and commercial vehicles which consist of; 4-wheel, pickup, taxi, motorcycles, Public service vans and minibuses for public transport and private use, buses, Light goods vehicles, 2-Axle/3-Axle/ trucks for commercial use and construction industry, multi-Axle articulated trailers for commercial haulage of goods as well as bicycles, hand and animal drawn carts on the project road.

The existing road is a single carriageway of 3m wide with less than one-meter shoulder at isolated places because of tearing and some places have deep cuts posing danger to both the motorists and pedestrians. The proposed project shall have several components that include providing additional Interchange at Kamandura, Kwambira Township and Bibirioni, dualling of the existing road between Rironi and Mau Summit, construction of a new access points and rehabilitation of existing road. The additional carriageway will be 7.5 m along the rural areas and 10.5- 15m in the urban center of Nakuru and will only use the available space within the existing corridor between Rironi KM 0 and Mau Summit KM. Additional activities include strengthening on A8 South road.

The major towns on the project corridor include Limuru at KM4.5, Uplands at KM8.8, Kimende at KM31, Naivasha at KM57.3, Gilgil at KM83.7 and Nakuru at KM119. The project shall ensure attainment of grade separation at major road intersections which include Waiyaki Way Narok junction at Rironi; Limuru; Ngarariga; Uplands Town Roads; Rwang'ang'a Town Roads; Naivasha Town Roads; Gilgil Town Roads; Nyahururu junction, Nakuru Town Roads; Njoro interchange; Salgaa Town Roads; Molo Junction; Mau Summit Interchange. The map of the project is illustrated by the red line in the figure below.



Four Minor bridges and 240 Culverts (223 pipe culverts, 17 box culverts) has been proposed for the entire as a part of cross drainage systems.

All the existing Minor bridges are proposed for structural rehabilitation and widening are given for 6 lane structure keeping in view of further lane augmentation.

1 Minor bridge near Naivasha at Km 59.650 has to be replaced with a new 6 lane structure.

Most of the pipe culverts are of 0.9m dia and are proposed to be replaced by 1.2 m dia Hume pipe culverts and Box culverts are to be rehabilitated and maintenance works has to be carried out for improving its outflow capacities.

The Project road has 3 Interchanges, 3 Overpasses, 35 underpasses (Pedestrian/Cattle), 3 Vehicular Underpasses, 2 Railway over pass and 4 Railway under pass along with 1 foot over bridges which are proposed to be retained and widened along with major rehabilitation and repair works. Comparative statement of the improvement proposal for all major structures is given in the book of drawings.

Elevated Corridor for Nakuru town is one of the major structure proposed in the recommended option. Six lane elevated corridor shall be built over the existing road to cater for the through traffic and existing road under the elevated corridor to cater for the local traffic (reduced from 7.5+2 m carriageway on either side to 3.5+2 m carriageway on either side due to substructure on the median location).

C). Improvement Proposal of Major Junctions

Improvement proposal for all the Major Junctions have been established upon the traffic projections of turning movement counts done and recognition of requirements by site inspection. Improvements are proposed for the existing interchanges and all other strategically important Roads.

D). Road User Facilities

i). **Pedestrian Crossing Facilities:** Pedestrian crossing facilities are provided at the urban locations where pedestrian crossings were observed along the project road. Foot over Bridges are provided for the safety of the pedestrians crossing the project;

ii). **Bus Stops/Footpaths/Cycle Tracks:** The locations of existing Bus bays as provided in the Inventory is proposed to be retained after the development of the existing highway. In addition to which Bus bays has to be provided at all the prominent locations of urban settlements/Major road crossings etc.

Foot path and cycle tracks has been provided in the urban section of Nakuru Town which are tentative and provisions may have to be made in the future stage of the project as per the minimum design provision drawn up in output specifications;

iii). **Lighting Facilities along Project Highway:** Most of the project road passes through the rural areas and doesn't require any lighting facilities apart from some of the major intersections; however retro-reflective road furniture is to be provided all throughout the project road. Fewer sections of the project road pass through built up sections/Urban locations for which Lighting facilities are provided.

It is therefore, proposed to provide street lighting in the following sections of the above roads which are passing through the Urban locations of Naivasha, Gilgil, Kikopey, Nakuru, Salgaa, Molo and Mau Summit.

iv). **Proposed Road Side Stations (RSS):** Road side stations are the highway rest areas facilities and public services aimed to Road users as well as a revenue generation stream for both investor and local community, they are also used for the purpose of fatigue management, we understand that all drivers are vulnerable to fatigue due to human nature therefore they need place to rest whenever they require and this results to accident reduction due to fatigue of the drivers. Of the above-mentioned road side station locations, RSS at Nakuru and Mau summit shall be large sized RSS with maximum facilities and others shall be of medium sized Road side stations.

The RSSs have been placed alternatively on both sides of the roads (right hand side and left hand side) in order to facilitate the access to all the users. The RSSs will always be located at least 30 m from the highway, in order to avoid interferences with future widening of the roads.

The basic facilities at proposed Road side stations shall be as follows: Parking spaces according to transport mode; And other basic services like toilets, shops, restaurants, Health clinics/Wellness and Emergency response centers, Bureau office/ATM/Mpesa or Airtel money office, Service center/Car Workshops/Truck repairs, Dormitory/Motels, and petrol stations.

v). **Wildlife Crossings:** The road corridor crosses through some of the wildlife migration corridors and conservancies as given below for which wildlife crossings shall be provided and fencing is recommended to guide the animals to cross at the designated crossings.

E). Road Safety Features

(a) **Proposed Retaining / Breast Wall Provisions-** Some of the locations along the project highway have geological constraints/Right of way restrictions for which brief assessment has been carried out for the locations of Breast wall/ Retaining wall provisions. However, a detailed assessment has to be carried out for the stability of the hill sections in Great Rift Valley and western rift valley locations.

(b) **Guard Rail/Crash Barrier Provisions-** The guard rails/Crash Barriers are required to prevent the errant vehicles from moving from the carriageway to the road side in high embankments areas and also on the approaches of major cross drainage structures. Based on the provision as prevalent in other countries of the sub Saharan region the guard rails have been proposed to be provided at the following locations.

- On high embankment (height more 3m)
- On approaches of high level bridges
- On deep valley Locations

F). Road Furniture and Road Signs

Road furniture also forms an important consideration in the design of roads. A Detailed study of the road has been done and safety measures like Retaining wall/breast wall and crash barriers/Guard rails has been provided earlier. Apart from that Road furniture shall include:

- Directional Informatory Signs
- Regulatory Signs
- Warning Signs
- Road Markings
- Road signs

Directional informatory signs have to be placed at the major crossings and gantries to be provided at all elevated structure locations. Regulatory signs priority signs, prohibitory signs and Mandatory signs needs to be provided at suitable locations carrying out cautious road safety audit over the entire improvement alignment option.

Road signs are the means of communication to the road users. Sharps Horizontal curves, steep gradients, accident prone spots have to be identified and indicated to the road users by placing proper road signs at suitable locations. Manual for Traffic Signs in Kenya (Part 2) shall be followed for installing road signs at appropriate places along the Project Road Sections.

Road markings also guide the road uses and controls the traffic on highways. The markings serve as a psychological barrier and signify delineation of traffic path and its lateral clearance from traffic hazards for safe movement of traffic. Manual for Road Marking in Kenya (Part 1) shall be referred for design of road marking.

Retro reflective Road studs to be provided as per international standards for lane marking and at the edge of the roadway at sharp curves which acts as a guide for vehicles travelling in night. Delineator posts are to be provided at all the Structure locations and at major junctions for cross road traffic.

All the above provisions are considered in the costing as a per km cost of road furniture and road makings. Further study needs to be done at detailed engineering design stage to decide the locations for the provision of road furniture.

Objectives of the RAP Consultancy

The specific objectives are:

- Conduct socio-economic census and asset survey studies of the PAPs residing between Rironi and Mau Summit Road and Rironi Mai Mahiu Naivasha road to establish the number of people and value of asset that will be affected by the road expansion;
- Enumeration of the current occupants of the affected areas to establish a baseline for the design of the resettlement program and to exclude subsequent inflows of people who are not eligible for compensation and resettlement assistance;
- Establishing a framework for resettlement and compensation process to guide the Rironi Mau Summit Road upgrade;
- Come up with baseline information upon which evaluation will be based during evaluation of RAP process to assess the impact;
- Establish a framework for best grievance redress mechanism upon which petitions will undergo;
- To collect views from the general public and any other party who in any way will/might be affected by the proposed project to determine attitude.

The Project Scope

The scope of the project is as illustrated below:

- Operation and maintenance of Gitaru to Rironi section. Development, operation and maintenance of existing A8 from Rironi to Mau summit (174.94 Km)-with Elevated Corridor as solution to Nakuru Congestion;
- Strengthening, operation and maintenance of B3/C88 from Rironi Mai Mahiu Naivasha (57.18 Km);
- Construction of 4 toll plazas at Km 39.500(Kinungi), Km 75.200(Gilgil) and at Km 41.500 (Sobeo) of existing A8 section and at Km 1.200 (Rironi) on B3 road at the tolling stage.

Scope of RAP

The Resettlement Action Plan (RAP) covers both the physical and economic displacement irrespective of the tenure status, with the former referring to actual physical relocation of people resulting in a loss of shelter, productive assets or access to productive assets (such as land and water) whereas the later considered interruption or elimination of people's access to productive assets without physically relocating the people themselves.

Project Alignment Options Considered

Alignment Options for the project road corridor analyzed are as follows:

- 1. Alignment option 1** – Widening of Existing A8 from Rironi to Mau Summit and Strengthening of Rironi Mai Mahiu Naivasha road;
- 2. Alignment option 2** – Widening of A8_south from Rironi to Naivasha and widening of existing A8 from Naivasha to Mau summit;
- 3. Alignment option 3** – Widening of existing A8 from Rironi to Gilgil and widening of old A8 from Gilgil to Start of Nakuru; then after widening and following existing A8 till Mau summit;
- 4. Alignment option 4** – Widening of A8-South from Rironi to Naivasha and widening of Old A8 from Gilgil to start of Nakuru town; rest of the section i.e. from Naivasha to Gilgil and from start of Nakuru to Mau summit;
- 5. Alignment option 5** – Parallel Greenfield expressway from Rironi to Mau summit.

Using the multi criteria analysis for technical alignment, environmental/social considerations, economic and financial analysis basis, alignment option 1 stands recommended as the best option. The of this stretch of road will create a section of continuous international corridor from Mombasa Port to Mau Summit turnoff which will further pass through either via Kisumu to Busia or Eldoret to Malaba thus connecting other land locked East African Countries.

Study Methodology

The assessment approach and methodology adopted included census enumeration of household heads of PAPs to obtain their bio and socio-economic information as well as survey affected land and assets therein. To assess existing livelihoods and determine vulnerability of PAPs, the study used probing questions and observation methods. The head of households for PAPs were key informants. Photos of affected property were taken to provide more information during the valuation exercise.

Legislative Framework

The constitution of Kenya is the framework for all other national statutes and therefore acts as a sole guideline to other legislations applied in this RAP. The following sections were considered:

- Article 24(1)(d) of the Constitution limits the rights of an individual if in his exercising the right, it prejudices the rights and freedom of other people;
- Article 40(3) of the Kenyan Constitution (2010) gives the state the right to compulsorily acquire land and deprive any individual of his right to land for public purpose;
- Article 40(6) is explicit on matters of property that has been unlawfully acquired;
- Under sub-section 60 (1) g, communities are encouraged to settle land disputes through recognized local community initiatives consistent with the Constitution;
- Sub-article 62(1) c, states that private land can be transferred to the state by way of sale, reversion or surrender;
- Article 66 empowers the state to regulate the use of land to achieve the objective of meeting public interest including land planning whereby transportation corridors constitute a major component.

The Land Act 2012 which gives effect to Article 68 of the Constitution, to revise, consolidate and rationalize land laws; to provide for the sustainable administration and management of land and land based resources, and for connected purposes provide a benchmark upon which this RAP was prepared. This law determines procedures for compensation and pinpoints the people entitled to compensation during resettlement or displacement. The Land Act 2012 repealed the Wayleaves Act Cap 292 and the Land Acquisition Act Cap 295.

The Environment and Land Court Act, 2011 which is the most 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. Those who will be dissatisfied with the process of resettlement will refer their issues or matters to this court.

Land Registration Act principally concerns the registration of interests in land. This Act applies to:

- (a) Registration of interests in all public land as declared by Article 62 of the Constitution;
- (b) Registration of interests in all private land as declared by Article 64 of the Constitution; and
- (c) Registration and recording of community interests in land.

The National Land Commission in consultation with national and county governments may, by order in the Gazette, constitute an area or areas of land to be a land registration unit and may at any time vary the limits of any such units. The land registration units shall be established at county level and at such other levels to ensure reasonable access to land administration and registration services. There shall be maintained in each registration unit, a community land register. In compliance with this act, all due procedures will be followed in matters regarding land acquisition and relevant authorities shall be engaged.

NLC Act is an Act of Parliament to make further provision as to the functions and powers of the National Land Commission, qualifications and procedures for appointments to the Commission; to give effect to the objects and principles of devolved government in land management and administration, and for connected purposes. Pursuant to Article 67(2) of the Constitution, the functions of the Commission shall be:

- (a) to manage public land on behalf of the national and county governments;
- (b) to recommend a national land policy to the national government;
- (c) to advise the national government on a comprehensive programme for the registration of title in land throughout Kenya;
- (d) to conduct research related to land and the use of natural resources, and make recommendations to appropriate authorities;
- (e) to initiate investigations, on its own initiative or on a complaint, into present or historical land injustices, and recommend appropriate redress;
- (f) to encourage the application of traditional dispute resolution mechanisms in land conflicts;
- (g) to assess tax on land and premiums on immovable property in any area designated by law; and
- (h) to monitor and have oversight responsibilities over land use planning throughout the country.

In addition to the functions set out above, the Commission shall, in accordance with Article 67(3) of the Constitution:

- (a) on behalf of, and with the consent of the national and county governments, alienate public land;
- (b) monitor the registration of all rights and interests in land;
- (c) ensure that public land under the management of the designated state agencies is sustainably managed for the intended purposes;
- (d) may develop and maintain an effective land information system for the management of public land;

Communal Land Act gives recognition, protection and registration of community land rights. Section 4 states that:

- (1) Community land in Kenya shall vest in the Community.
- (2) Subject to the provisions of this Act or any other written law, the State may regulate the use of community land in accordance with Article 66 of the Constitution.
- (3) Community land shall vest in the community and may be held under any of the following tenure system
 - (a) customary;
 - (b) freehold;
 - (c) leasehold; and

Such other tenure system recognized under this Act or other written law. Section 5. (1) states that every person shall have the right, either individually or in association with others, to acquire and own properly, in accordance with Article 40 of the Constitution No.27 Protection of community land rights. (a) of any description; and (b) in any part of Kenya.

Valuers Act Cap. 532 denotes that compensation awards will be made by the National Land Commission based on valuation determined by registered Valuers. Besides, the Valuers Act establishes the Valuers Registration Board, which regulates the activities and practice of registered Valuers. All Valuers must be registered with the Board to practice in Kenya.

The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, 2012 section 6 provides that displacements and relocation from development project will only be justified by compelling and overriding public interest. The procedures to follow are listed under section 22 and include:

- (i) Justification as to why the displacement is unavoidable and that there is no other feasible alternative.
- (ii) Seeking free and informed consent from the affected person
- (iii) Holding public hearing on project planning
- (iv) Provision of reasonable notice time to allow the affected persons review and react to the displacement conditions; and
- (v) Displacement process should reflect respect to human rights.

Institutional Framework

The Ministry of Transport and Infrastructure through its implementing agency KeNHA will work closely with the Ministry of Land, Housing and Urban Development (National Land Commission which has the overall responsibility of managing public land on behalf of the national and county governments) so as to realize the objectives of this RAP. Another critical institution that is the County Government (in this case Kiambu, Nakuru, Baringo and Kericho which are custodian of GoK lands belonging to the counties in the devolved system. The County Coordinators and County Commissioners and their administrative officers will also be a part of the structure ensuring Peace and security. Other institutions with roles in the RAP are Ministry of Finance, KPLC, Kiambu, Nakuru and Kericho Water and Sewerage Companies for relocation of services that are installed on the existing Right of Way on the 60 metres reserve.

Table 1: Institutions and Responsibilities

S/No.	Institution	Roles
1	KeNHA	In charge of the management of National Highways, approves road designs and maintains roads and will be in charge of the project from planning to completion.
2	NLC	Will provide acquisition of land where needed for the project, issue policy direction and resolve any land tenure grievances
3	Ministry of Finance	Will be responsible for financial management on behalf of the Borrower (GoK) Provision of counterpart funding – part of which is used to settle compensation claims by PAPs
4	NEMA	Will be in charge of approving and issuing EIA licenses for the proposed project and related activities e.g quarrying when the activity has addressed environmental and social concerns and impacts
5	County Governments	Will be in charge of providing alternatives markets places for hawkers and other RAP aspects
6	Office of the County Commissioners	Will responsible for grievances handling and provision of general security for all the activities and individuals.
7	Resettlements Coordinating Committee	Will be responsible for coordinating resettlement activities (compensation) and grievances redress
8	KPLC	Will be responsible for relocating electricity transmission lines from the road reserves and will also connect the project to the power for

S/No.	Institution	Roles
		construction and related purposes
9	Water & Sewerage companies	Will be responsible for relocating affected water infrastructure e.g. pipes, water kiosks and to maintain service levels, and will also provide water and permits for the use of water for the construction and related works

Socio-Economic and Census Survey Studies

Baseline socio-economic conditions survey was undertaken to document the pre-project status, and consequently provide the information required to support analysis of the changes to these conditions during and after project completion. The public participation and consultations were conducted in two phases: Phase one covered 60m corridor stretch between Rironi and Mau Summit conducted between 8th August and 3rd September 2016; and phase two covered the proposed interchanges and was conducted between 29th of June and 5th of July 2017 (see Table 2).

According to the public discussions, meetings and household questionnaire findings as illustrated in Table 2 below, the following were expressed and therefore stand out as what locals would wish to see done:

- Hiring local labour during the construction phase;
- Give enough notice to relocate before construction begins;
- Provision of foot bridges and overpasses for improved communication between the two sides of the dual carriageway;
- Provision of adequate mitigation measures during construction to address dust emission and traffic jams;
- Relocation of services for example water and electricity before construction works and taking care not to damage relocated utilities;
- Provision of adequate access to various homesteads and businesses along the highway during construction to avoid disruption of normal way of life;
- To provide alternative sites for informal traders to continue earning a living;
- To restrict working hours to certain times so as not to disrupt sleep;
- To rehabilitate all excavated areas including quarries and borrow pits.

All the above issues – except bullets 2 and 7 - will be addressed in detail by the Contractors Site Specific ESMP developed at the start of the construction phase.

Public and PAPs consultations

Consultation with stakeholders has been continually undertaken which commenced during preparation of Environmental Impact Assessment EIA for the project in attempt to address the interest of the project affected persons in the designs and planning stages of the project. Public consultations were held primarily during the development of the Environmental and Social Impact Assessment (ESIA) and preparation of the RAP in November and December 2017 and January 2018.

More stakeholders' consultation will continue during the implementation phase to follow up the implementation of the recommended RAP activities. Table 2 gives a summary of Public & PAPs Consultations held.

Table 2: Summary of Public & PAPs Consultations

DATE	VENUE	GENDER		ISSUES RAISED	RAP has Addressed Issues Raised
		MEN	WOMEN		
PHASE TWO					
11 th Aug. 2016	Nyambari	22	26	<ul style="list-style-type: none">What rates will be adopted in evaluating properties and will it be applicable to all the areas equallyWill the people selling green groceries on reserve road be compensated	<ul style="list-style-type: none">Assets will be valued at the Full replacement Cost that considers value of redoing a new structure without depreciationEverybody operating on the road reserve will be enumerated and entitlements will be developed according to nature and value of their losses.
15 th Aug 2016	Magina Location, Lari	53	31	<ul style="list-style-type: none">Will people be given enough time to relocate elsewhere once they are compensated and not to be hurried out of their current homes and business premisesWould the project provide speed bumps to protect pedestrians at the trading centre since the vehicles will be moving very fastWhat security arrangements would be in place since migrant workers may cause problems	<ul style="list-style-type: none">There will be adequate notice to relocate provided. The implementing authority will work with the chosen representatives and chiefs to inform people well in advance.Speed bumps will not be necessary because footbridges and underpasses will be providedContractor will work with chiefs, police and other security agents to ensure the influx of labour does not negatively affect the residents. Also, the Concessionaire will prepare a stakeholders' engagement plan to enable communication with all stakeholders throughout the life of the project.
22 nd Aug. 2016	Naivasha East Location, Kayole Area	35	15	<ul style="list-style-type: none">Would you give priority in allocation of job employment and that the same should be conducted in a transparent way to ensure that all qualified applicants get employedWill compensation be given before structures are demolished and/or before they can get other places?Will people without titles but are land owners be compensatedSome of us bought land from land selling companies and we've not been given subdivisions who will receive the compensation the land selling companies who own the deed	<ul style="list-style-type: none">Employment will be given to locals as long as they meet the required skills. The project will utilize National Land Commission to validate all claims publicly to ensure everybody's rights are protected. NLC will validate all claims to land whether there is a title or not.Compensation will be paid before relocation and due care will be taken to pay all beneficiaries of the project
23 rd Aug. 2016	Kinungi Market, Kinungi	71	42	<ul style="list-style-type: none">The factories operating now, will lay off workers who will lose their jobs and we cannot keep them on, who will they be compensated	<ul style="list-style-type: none">Those who will lose jobs from the factory will be given adequate notice as per the law, or one months' salary in lieu of notice. However, where possible the project will avoid major

DATE	VENUE	GENDER		ISSUES RAISED	RAP has Addressed Issues Raised
		MEN	WOMEN		
				Will compensation be given to expenses already incurred in acquiring construction permits to allow construction buildings in their parcels of land.	developments as a design intervention. ▪ Only assets that been developed will be compensated not future development plan, however all claims will be validated by NLC at the implementation stage.
25 th Aug. 2016	Kikopey	50	10	<ul style="list-style-type: none"> ▪ Why are you acquiring land on this side when you have enough space on the opposite side ▪ How would you compensate us for our businesses 	<ul style="list-style-type: none"> ▪ The land at Kikopey is not being acquired but being reclaimed since the road reserve has been encroached by individuals. ▪ The design has looked at all options and businesses will be valued based on evaluated income streams.
25 th Aug. 2016	Viewpoint, Gilgil	22	23	<ul style="list-style-type: none"> ▪ Would you compensate for displacing our seedlings beds 	<ul style="list-style-type: none"> ▪ Seedlings beds on the Road reserve will require to be relocated since the business is not authorized by KeNHA who own the road reserve. However, a relocation notice with movement and transition allowances to enable them re-establish their livelihood strategies shall be evaluated and provided.
PHASE ONE					
1st July 2017	Kamirithu Polytechnic	16	4	<ul style="list-style-type: none"> ▪ Why were alternatives routes not considered besides land acquisition? ▪ Which measures will be taken to protect or preserve water pipelines before road construction and who will be responsible for restoration of the services ▪ How will access to property/land left hanging due to cut and fill be handled ▪ Will compensation be provided to those living close to the road to avoid disturbance from the construction and operation? ▪ Is it possible to move the road to the extreme side of the parcels to avoid splitting our land through the middle? ▪ How will compensation for the graves be done 	<ul style="list-style-type: none"> ▪ The project is intending to improve junctions turning from the A8 hence the need for land acquisition at the interchanges. ▪ Water companies will be engaged to identify and relocate their own pipelines with the assistance of the project. ▪ Access to affected properties will be provided and alternative accesses will also be explored. ▪ The project will mitigate disturbances and temporary disruptions through the ESMP. Compensation will only be to the extent of the affected persons who are validated by NLC. ▪ The design of the road will consider geometric layout and safety operation of the road. The parcels affected will be compensated on the level of severance and if uneconomical portions are left, they shall also be compensated. ▪ All graves will be compensated through a consultative process that is sensitive to cultural rites and practices.
1st July 2017	Ngarariga / Bibihori	20	9	<ul style="list-style-type: none"> ▪ Why are beacons not placed on site to know the extent of the new land acquisition ▪ What arrangements are in place for crossing the road which will too wide 	<ul style="list-style-type: none"> ▪ Going forward beacons will be installed ▪ Designated crossing points will be provided alongside pedestrian overpasses and underpasses ▪ Trees on the right of way are going to be salvaged by their owners

DATE	VENUE	GENDER		ISSUES RAISED	RAP has Addressed Issues Raised
		MEN	WOMEN		
				<ul style="list-style-type: none"> Will trees be compensated again (given that were already compensated by KPLC but have since regenerated)? How will you compensate for land acquired for road construction which is owned by several siblings? 	<ul style="list-style-type: none"> Compensation will be determined by NLC during the implementation of the project. All land will be evaluated and validated by NLC. Apportioning of the compensation will be done during the Inquiries conducted by NLC and if there is a dispute, the amounts will be deposited into an Escrow account at NLC until the dispute is resolved.
3rd July 2017	Ngarariga	13	10	<ul style="list-style-type: none"> Will compensation be paid before any demolition of structures and/or acquisition of their lands? will it be paid directly into individual PAPs bank accounts or shall be paid through their leaders or their proxies 	<ul style="list-style-type: none"> The project will compensate properties in advance to allow for owners to relocate and salvage materials. This will be paid into the beneficiaries' bank accounts.
3rd July 2017	Kwa Mbira Market Grounds	9	0	<ul style="list-style-type: none"> what timeliness are we looking at for project commencement and compensation so we plan adequately Shall we be compensated for loss of/interference with business for businesspeople who are not land owners Shall we be compensated for residential houses too close to the road making them unsuitable for use as a residence 	<ul style="list-style-type: none"> The exact date for project commencement is not yet identified but it will be communicated once all the systems are in place. By 2019 the project should commence if all systems work out as planned. All PAPs operating on the road reserve will be relocated off the carriageway. This will not necessarily mean cash pay-out. However, relocation notice and/or allowance will be paid to those with movable assets and those with structures will be compensated at full replacement cost. The practicality of the compensation by virtue of proximity to the road cannot be assured, however, such issues will be determined during inquiries by NLC at implementation. For residences within the interchanges, it is expected that they will be compensated fully and relocate from the loops.
4th July 2017	Kwa Mbira Township	9	2	<ul style="list-style-type: none"> When will be the commencement date Will we be compensated for loss of business located on the road reserve? We want to express our satisfaction with the Consultants way of conducting their business We are enthusiastic about the project 	<ul style="list-style-type: none"> The date for project commencement is not yet identified but it will be communicated. By 2019 the project should commence if all systems work out as planned. Barazas to communicate when the project is about to start. All PAPs operating on the road reserve will be relocated off the carriageway. Relocation notice and movement allowance will be issued to those with movable business assets plus transition allowance for livelihood strategies.

Eligibility

The RAP classified the PAPs into three groups:

- a) Those who have formal legal rights to land;
- b) Those without formal legal rights to land at the time of the census, but have a claim due to inheritance or buy after the census;
- c) Those who have no recognizable legal right or claim to the land they are occupying but have assets on the land
- d) Those with tenancy rights by virtue of living in the houses that will be affected
- e) Those who are farming on the Right of Way and have perennial crops that cannot be harvested within the period of 3 months' notice, and;
- f) Hawkers and mobile traders with temporary structures on the road reserve.

In accordance with the WB Operational Policy 4.12: all the above categories will be compensated at current replacement cost for the loss of their assets as determined during the asset census. In addition, they will be provided with movement allowance in accordance with the applicable laws. Persons who undertake new developments on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance.

It should also be noted that the Proponent has complied with the requirements of OP 4.12 since the RAP study has assessed project alternatives to avoid, where feasible, or minimize involuntary resettlement. Further, the potential economic and social impacts of the project have been assessed in the RAP study. Project affected persons, other stakeholders have also been consulted as appropriate and more consultation programmes are envisaged in the implementation schedule.

Project Impacts

The impacts are illustrated in the table below.

Table 3: Project Impacts

Affected Businesses/Livelihoods	
Type of Business	Number
Mechanical/bicycle repair	140
Construction Materials Vendors	28
Video/games shops	58
Metal fabricators & bricks makers	36
Farm inputs shops	17
Cereals vendors	240
Food outlets/vendors	192
Small traders/retail/Mpesa	143
Hardware business	32
Open air hawking –candies, snacks, fruits	297
Chemists	5
Traditional herbalists	28
Cyber cafe	9
Institution (schools & churches	30
Green grocers	255
Livestock, hides & skins vendors	10
Newspaper vendor	1

Affected Businesses/Livelihoods	
Type of Business	Number
Cosmetics shops	187
Tree nursery	59
property agent	3
rental business	117
Residential	16
Retail shops	183
Stores for merchandise goods	55
Timber yard	11
Curio shops related	136
Transport- sand/taxi/hand cart	40
Gardening within the corridor	371
Grazing of livestock	242
Type of structures	
Permanent Structures	301
Temporally Structures	1621
Land for interchanges	4.6053 acres

The numbers of assets located whole or partially within the 60m existing corridor were 1035. The types of structures and land use encountered is illustrated in Appendix 7.

Entitlement Matrix

PAPs without land ownership rights

S/N	Impact/Loss	Type of PAP	Entitlement
1	Land	Informal occupiers/users	No compensation Notice for relocation livelihood restoration to ensure they will not be worse off as a result of the investments' activities.
2	Structures: Business structure (kiosk, eateries, workshop, rental property, etc.); Residential Structure; Residential building business structure	Owners	The right to salvage materials and 2 months' cash compensation calculated based on the monthly payable rent plus 15% disturbance allowance. KRA records to be used to determine monthly rent
		Tenants	Three months' cash compensation based on the monthly rent payment plus 15% disturbance allowance
		Public/Community	The right to salvage materials and replacement in kind in consultations with the community or affected group
3	Animal feeds and tiles and pipes factory	Owner	Redesign of the road to avoid relocation
		Employees	1-3 Months' Notice or one months' salary in lieu of notice;
4	Movable assets (equipment, machinery)	Cost of relocation	Cash payment for relocation costs
5	Loss of Income	Business Operators	Cash compensation based on a calculated mean average of the documented income losses over a 3-month period.
		Landlords	Compensated only for structures at full replacement cost with 15% disturbance fee.

S/N	Impact/Loss	Type of PAP	Entitlement
		Mobile Traders without fixed assets	Livelihood support programs and possible relocation to new site for those at Soko Mjinga which forms the bulk of this category, while the rest possibility of relocation are being surveyed to fit into the existing markets in the specific areas.
		Employees	3 months' notice or one months' salary in lieu of notice
6	Crops and Trees	Annual Crops, cash crops	Biannual Crops-Three months' notice to allow harvesting Perennial Crops-Compensation at market value of harvested crop plus 15% disturbance.
		Trees	Compensation based on market value plus 15% disturbance fee and right to salvage
		Horticultural	3 months' notice
7	All PAPs	Without legal ownership	Other than the compensation for the particular impact as illustrated, they will receive: Notice to relocate; Livelihood restoration program; and, assisted to form welfare/organization and linked to credit facilities such as Women, Youth, and Uwezo Funds.
8	All vulnerable PAPs	With Assets to be displaced	Immediate livelihood plan of cash support

PAPs with Legal Rights

Category of PAPs	Loss	Entitlement
	Residential	Cash compensation at full replacement cost plus 15% disturbance fee
	Commercial, agricultural (4.6053 acres affected)	Transfer of the land to the PAP shall be free of taxes, registration, and other costs.
Land Owners	Public forest land	No compensation
	Loss of structures	Cash compensation at replacement cost plus 15% disturbance fee Relocation notice must be in written and agreed between PAP and client
	Movable assets	Compensation for relocation of assets plus 15 % disturbance cost
Structure Owners	Loss of Income due to loss of business	Three months relocation notice with an option of an extension to four months when requested and such a request is feasible
Tenants	Movable assets (Machinery, equipment)	Compensation for the cost of relocation plus 15% disturbance fee
	Loss of income	Compensation for the cost of moving the business to a new location; 3 months' cash payment equivalent to the monthly payable rent, Full replace value for fixed items (shelves) belonging the tenant plus 15% disturbance fee
Employee	Loss of income due to loss of employment	Impact not likely to occur as redesign will avoid the impact, however, 1-3 months' notice to all workers will be issued in case, and one month's salary in lieu of notice
	Owner	Redesign the alignment at the section to avoid the impact.
Factory	Employees	1- 3 months' notice or one months' salary in lieu of notice

Cut-off Date

The cut-off date for this exercise was established as 23rd December 2017 communicated during public consultation meetings.

The meetings indicated to the residents that all those engaged in any activity within the road corridor, should notify any new entrant that the census had been completed and they were not eligible for any form of assistance. They were also informed that it would not be prudent to embark on any new developments within the road corridor as that would be wastage of rare resources. They were otherwise advised to cease further development on the ROW and to initiate pull out process. This announcement was followed by marking all those assets that are illegally within 60m ROW.

Valuation for Compensation for Losses

This Resettlement Action Plan adopted the full replacement value based on diverse principles as follows:

i. Valuation of Land

The size of land to be acquired was computed in hectares. The size computed was thereon multiplied by the market prices for the land within the target locality to yield an estimate of total cost of the land to be acquired.

ii. Valuation of Buildings and other Structures

Valuation of buildings and other structures used as an estimate of the total effort invested in terms of building materials (floor, wall, roof type, finish and labour input) which was valued at replacement cost. The replacement cost principle was used to arrive at the total cost implication of shifting the affected structure to another point away from the way leave.

iii. Valuation of Crops

Compensation of crops is decided according to the gross market value of the lost crops. Gross market value makes full provision for owners' crops or users input already expended (labour, seeds, fertilizer etc.) in the event that there is a crop in the ground at the time of acquisition. There are two determinants of gross or full market value which are market value for crops and the average annual yield of the crop. The price used to calculate compensation is the highest market price of the crop during the year. The average annual yield of the crop involves some degree of data collection and analysis.

iv. Basis for the Valuation

Transparent methods for the valuation of all assets affected by the project as required under the laws of the land have been followed by embracing public participation and asset assessment for compensation at replacement cost. In Kenya, legally acceptable valuation procedures that are adaptable to the Government of Kenya and the WB have been applied for purposes of fairness and consistency. These include computation of replacement cost, compensation for lost earnings, disturbance allowance and other compensation as specified under the Laws of Kenya and the relevant WB safeguard policies. Note that the valuation is based on the principal of prevailing replacement cost which is normally determined by the various valuation methods used internationally.

Project RAP Cost

S/N	Item Description	Cost KSHs
1	A8 PAPs Compensation amount	735,273,122.50
2	A8 South PAPs Compensation amount	10,650,841.15
3	RAP Implementation cost	21,400,000.00
4	RAP contingency (estimated at 10% of 1&2 above)	74,592,396.365
5	Total Project RAP Cost	841,916,360.015

The value of the properties affected by the proposed relocation activities on the A8 within the ROW and for acquiring **1.864 hectares** of land for the interchanges (Kwambira mkt, Kamandura and Ngarariga) is **Kshs**

735,273,122.50 (Seven Hundred Thirty-Five Million Two Hundred Seventy-Three Thousand One Hundred Twenty-Two and fifty cents).

The cost for compensating PAPs within Rironi Maai Mahiu Naivasha road ROW is **Kshs 10,650,841.15** (Ten Million Six Hundred Fifty Thousand Eight Hundred Forty-One and fifteen Cents). And the RAP implementation cost is Kshs 21,400,000.00. Thus, the total project cost is **Kshs 841,916,360.00** (Eight Hundred forty-one Million nine Hundred sixteen Thousand three Hundred Sixty).

Grievance Redress Mechanism

Some of the issues that can cause delays and calls for dispute resolution mechanism include:

- Clerical errors in data entry that leads to delays in processing of compensation for the PAPs;
- Emerging issues such change in estate administration of affected properties causing delays to payment of compensation;
- Disputed ownership of an affected asset particularly where documentation is not available or reliable;
- Rejection of a compensation award considered not adequate and representative of market value;
- Handling of cultural issues where there are no clearly agreed precedents such as payment for compensation in a polygamous marriage.

The RAP espouses a four tier GRM process. The lowest level will be at the local level of the committees chaired by the chief or assistant Chief. The second level will be the Sub-County GRC chaired by the Deputy County commissioner. The third level will be an interparty mediatory committee where NLC, KeNHA, Contractor and the aggrieved PAPs representative sit together. The fourth level will be escalation to the Environment and Land Court.

The lowest level has established procedures that allow people to lodge complaints or claims include customary procedures involving the respected village elders and usage of GoK administration officers like the chiefs. These grievance channels are in place and have no direct cost and are timely and satisfactory in terms of resolving issues. These channels have been transformed into GRM with minor adjustments to expand representation and make them all-inclusive.

At the initial stages:

- Anybody with an issue can raise it through the established channels, the chiefs and village elders. Such a complaint should then be filed with the liaison offices employed for the project;
- The response time will depend on the issue to be addressed but it should be addressed with efficiency being mindful of the overall project time frame.
- Compensation will be paid to PAPs while observing the Matrimonial laws to ensure spouses are involved in the payment process where applicable to minimize grievances.

The RAP proposes formation of a Sub-County CGRC with membership from the identified relevant stakeholders in the project being:

- KeNHA
- County Governments of Kiambu and Nakuru;
- National Government County Commissioner Office;
- National Government County Social Development Department;
- Self-help groups;
- Limuru Kwambira Market Traders Committee;
- PAPs Representative;

- Persons with disability;
- Women representative.
- Contractors representative.

The Sub County Grievance Redress Committee (CGRC) will be established with representatives from each of the stakeholders from the above list with maximum of about 18 members with an official quorum of 80% to transact business is recommended. After approval, the members shall receive letters of appointment from the Project Manager to serve in the committee for a given period of time and their terms of references.

The procedure for managing grievances will be as follows:

- a) *Registration of grievances:* The affected person should file his/her grievance, relating to any issues associated with the resettlement process or compensation. The written grievance, signed and dated by the aggrieved person, will be submitted to the PAP committee. This can be through the chief or Liaison Office for the project. The Project Liaison Officer who will be the direct liaison with PAPs or chief can assist those who do not know how to write.
- b) *Acknowledgement:* the Aggrieved party will be furnished with a stamped copy of the grievance form as evidence of receipt.
- c) *Sorting and investigation:* The Grievance Officer will sort the various grievances and allocate them to the relevant actors who will investigate and report back with findings
- d) *Response of the Resettlement and Compensation Committee:* The Committee will review the claim together with the investigation report and inform the claimant if it is valid or not valid:

- if the claim is rejected by the Committee, the aggrieved person can take the matter to the Subcounty GRC,
- if valid, the Committee will notify the complainant and within 14 days remedy the grievance after consultations with the aggrieved person in establishing details of the grievance.
- The resolution shall be indicated in the grievance log and a copy will be filed.

Action of the aggrieved person if not satisfied with the outcome: If within the agreed time, the claimant does not receive a satisfactory response, she/he may take the matter to the Sub-county GRC for further review.

Implementation Schedule

The implementation time schedule shall depend on the processes grouped under the three phases namely preparation, implementation and post implementation which are also heavily depended PPP steering committee sourcing for the investor. The activities will involve:

- Identifying the various parties that are to implement the plan;
- Conducting further public participation;
- Handling the impact of the Project on the people who live and work on land along the transmission line route and the surrounding areas;
- Handling issues of equitability with the Project Affected Persons (PAPs);
- Provide an opportunity for affected households and other stakeholders to be consulted on the project implementation;
- Developing compensation, relocation and rehabilitation measures that will enable the affected people to re-establish their lives on an equal or preferably better-than-before Basis; and
- Preparing cost estimate of all measures required to achieve the successful implementation of the compensation and relocation program;

A schedule of activities is presented in Table 4 below. It should however be noted that the schedule is subject to changes should it be necessary. Any changes made shall be communicated to all project stakeholders.

Monitoring and Evaluation

The site specific Environmental and Social Management and Monitoring Plans, socio-economic baseline data, and RAP recommendations are in place and will guide implementation of RAP monitoring and evaluation to ensure that all PAPs have been given their due compensation, assisted to rebuild their livelihoods and potential negative impacts are mitigated. The EMP clearly outlines the persons responsible for monitoring implementation of these measures and these should form an integral part of decision making during RAP and project implementation.

Table 4: RAP Implementation Schedule

Month/Activity	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Public Information Awareness/Engagement																								
Detailed PAPs and assets identification and census																								
Notice of Land ownership claims by KeNHA/NLC																								
Verifications of the Valuation Register and beneficiaries																								
Benefit disclosures																								
Grievance Redress process																								
Compensation consent signing and PAPs consultations																								
Compensation payment																								
Notices for relocation for various road sections																								
Relocation and clearing of the existing ROW																								
Relocation and clearing of the interchanges																								
Road Construction																								
Monitoring and evaluation																								

Monitoring and Evaluation Indicators

In terms of the compensation and relocation process, the following indicators could be used to understand the success of the measures identified and the working of the relevant parties in implementation the RAP:

- Those entitlements are in accordance with the approved policy and that the assessment of compensation is carried out in accordance with agreed procedures;
- Payment of compensation to the PAPs in the various categories is made in accordance with the level of compensation described in this RAP;
- The number of contentious cases as a percentage of the total cases;
- The number of grievances and time taken to resolve and acceptance of resolution;
- The ability of individuals and families to re-establish their pre-displacement activities;
- Number of impacted locals employed by the civil works contractors;
- Adherence to public information and public consultation and grievance procedures as described in this RAP;
- Restoration process of affected public facilities and infrastructure completed prior to construction and as construction continues;
- General relations between the project and the local communities.

Conclusions

Considering that this is a very important national project in which the country is going to invest massive resources and that it has a huge economic implication for the country, the Consultant has proposed measure and requirements that should be implemented with careful intent to ensure that all the PAPs get sufficient/adequate information about the affected properties in order to limit any instances of grievances and/or litigation. This is even more so important given that this project is among the very first PPP programs being rolled out for the road sector and shall form the basis for future experiences.

1 INTRODUCTION

1.1 Project Background

The Government of the Republic of Kenya (GoK) has in recent years been implementing comprehensive rehabilitation of major national roads, with the overall objective of enhancing safety, reducing road user costs (including travel time) and thereby promoting trade and socio-economic development.

To access funds for the envisaged projects, the GoK has embarked on a strategic program to attract private investment in the infrastructure through Public Private Partnership (PPP) mechanism and to create an enabling environment for the same. To facilitate this program and to prepare a pipeline of financially viable PPP projects, the GoK has received financing from the World Bank titled the Kenyan Infrastructure Finance and Public Private Partnerships projects (IFPPP).

Accordingly, the GoK (under the provision of the PPP Act of 2013) represented by the Kenya Highways Authority (KeNHA) defined as the Contracting Authority, with technical assistance from the Public Private Partnership Unit (PPPU) at the National Treasury, awarded the project for the development, operation and maintenance of the Nairobi-Nakuru-Mau Summit (A8) Highway (Approx.176 km length) to M/s Intercontinental Consultants and Technocrat Pvt. Ltd. (ICT), New Delhi, India in joint venture with Grant Thompson India LLP (GTI) and in association with Geodev (K) Ltd, Chitale & Chitale Partners (As sub-contractors) to provide the Consultancy Services for “Transaction -Advisory Services for the development, operation and maintenance of Nairobi-Nakuru (A8) PPP Project” including Feasibility Study, Preparation of Transaction Documents and Assistance in Financial Closure. Charles and Barker was then commissioned by the consultants to carry out the Environmental and Social Impact Assessment, Resettlement Action Plan (RAP) preparation and other transaction advisory services for the Detailed Engineering Design for this Road Project. In line with these requirements Charles & Barker has undertaken RAP study for the purpose of advising the consultant and KeNHA as mandated.

The project will involve two roads Rironi-Nakuru-Mau Summit (A8) which constitutes the main project and will take the larger share of the total cost and Rironi-Maai Mahiu-Naivasha (A8-South). The A8 South will undergo strengthening while the A8 road will require an additional carriageway.

The A8 project road starts at (x) coordinates 236820.65, (y) 9874606.05 (Arc_1960_UTM _zone_37S) and ends at (x) 799767.25 (y) 9982461.45 (Arc_1960_UTM _zone_36S). The project road is of Bitumen surface all through and connects various centers and towns along the alignment with others further away from the alignment. As indicated above, this section of the Northern Corridor starts in Nairobi at Rironi, which marks the end of the existing dual section of the Nairobi–Nakuru road (altitude of 2,280 meters above sea level) and approximately 35 km North West of Nairobi’s Central Business District. The route bears a northerly direction past Limuru Township over a bridge ascending to an altitude of 2,480 meters at the Kijabe Escarpment on the eastern rim of the Rift Valley. From Kijabe, it takes a northwesterly direction to Kinungi in Nyandarua County, before descending to Naivasha at the bottom of the Rift Valley (km 90) with an altitude of 1,900 meters. It bypasses Gilgil Township and traverses Nakuru Municipality (km 158), which has a population of 260,000. The road continues in a northwesterly direction to Salgaa truck stop and market, and climbs to Mau Summit on the western rim of the Rift Valley (about km 211). The road is located mainly in Kiambu and Nakuru counties with some section in Nyandarua and Kericho Counties. Figure 1 indicates the alignment of the proposed road project.

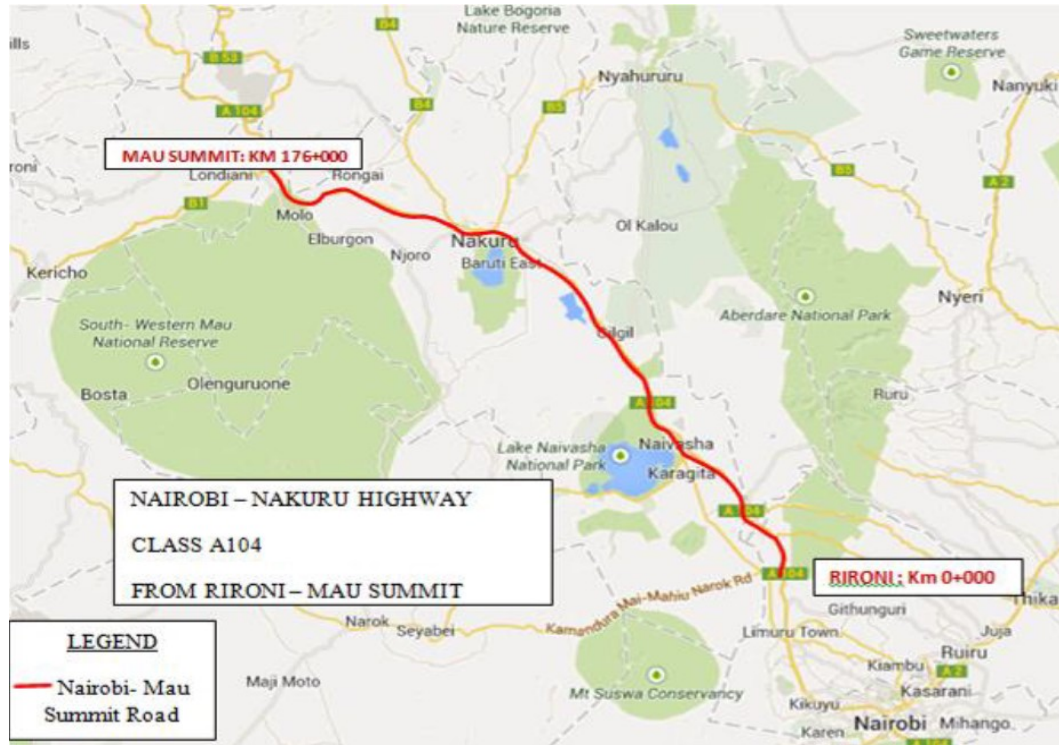


Figure 1: Index Map of Project Road

The existing road is a single carriageway seated within 60m wide corridor which has been encroached at several points thus requiring relocation of the encroached structures. The design of the additional carriageway has been restricted within the existing 60m corridor. The additional carriageway will be 7.5 m along the rural areas and 10.5- 15m in the urban center of Nakuru and will only use the available space within the existing corridor between Rironi Km 0 and Mau Summit Km. The current road is in a good condition, however, the shoulders conditions are poor because of tearing and some places have deep cuts posing danger to both the motorists and pedestrians.

As already mentioned the major towns on the project corridor include Limuru at KM4.5, Uplands at KM8.8, Kimende at KM31, Naivasha at KM57.3, Gilgil at KM83.7 and Nakuru at KM119. The project shall ensure attainment of grade separation at major road intersections which include Waiyaki Way Narok junction at Rironi; Limuru Interchange; Ngarariga; Uplands Town Roads; Rwang'ang'a Town Roads; Naivasha Town Roads; Gilgil Town Roads; Nyahururu Interchange, Nakuru Town Roads; Njoro interchange; Salgaa Town Roads; Molo Junction; Mau Summit Interchange. These are the areas that will most be affected and the greatest impact likely to be on the hawkers and other small scale traders.

This project road forms a part of the Trans-African Highway (Northern corridor), part of the main transport route serving east and Central African Countries through the Indian Ocean seaport of Mombasa. The proposed construction and rehabilitation will have the potential effect of creating environmental and social impacts through involuntary displacement of persons carrying out informal businesses within the existing 60m highway road reserve.

The proposed project shall have several components that include complete reconstruction of another carriageway with complete drainage systems and bridges and may interfere with the existing services and PAPs livelihood since many formal and informal activities are been undertaken within the ROW which will be relocated before construction commences. The proposed additional Interchange at Kamandura, Kwambira Township and Bibirioni will be constructed on privately owned Greenfields thus

requiring land acquisition. The relocation of the illegal occupants from the right of way and land acquisition for the interchange triggered the need for this RAP.

1.2 Project Description

The project will involve two roads Rironi-Nakuru-Mau Summit (A8) which constitutes the main project and will take the larger share of the total cost and Rironi-Maai Mahiu-Naivasha (A8-South). The widening proposal for the development of the existing A8 and strengthening of A8-South alignments were prepared cautiously and decisions were taken upon the observation made on site and is kept mostly eccentric on to the side with minimum land impacts. The upgrading and improvement/widening proposals for the various Project road sections are indicated in the following paragraphs:

1.2.1 Rironi-Mai Mahiu-Naivasha (A8-South).

A). The Current Road Description

As described in Project option analysis, tolls shall be collected from the traffic using A8-South traffic towards Naivasha/Narok and further. Hence recommended for strengthening, operation and maintenance of the section. B3 Road also called Kamandura – Mai Mahiu – Narok Road starts from Rironi to Naivasha using Rironi Interchange and passes through rolling terrain open fields till Km 3.400 after which it travels through hilly terrain of Great Rift Valley and Ngubi forest zone/Kikuyu Escarpment forest zone till km 18.300.

From Km 18.800 to Km 20.400 the alignment passes through the built up section of Mai Mahiu town. At Km 19.750 B3 road takes off towards south west to Narok town Narok Junction and the alignment towards Naivasha is taken through C88 (Old Naivasha road). C88 (Old Naivasha Road) transits through plain terrain with few stretches of rolling terrain in between and horizontal geometry is impeccably straight with scarcer curves at few locations. The alignment generally passes through open lands till Km 53.00 having fewer settlement of Longonot Town between Km 34.000 to Km 35.000. From Km 54.000 to Km 57.180 the alignment passes through the thickly built up Naivasha Town and joins back to Km 59.000 of A8 main alignment through Naivasha Interchange.

The roadway configuration from Km 0.000 to Km 19.750 of B3 Road and Km 19.750 to Km 55.000 of C88 Road is 2 lanes with paved shoulders and at km 55.000 the two-lane road transits to 4 lane divided carriageway section with median varying from 5m-10m this portion of the road is called Moi south lake road. There is an existing Roundabout at Km 55.950 at the entry of the Naivasha town.

B). Proposed improvements

The Improvement proposal for this section of project shall be for strengthening of Pavement and rehabilitation of existing structures along with operation and maintenance of the section of the road.

Pavement Design

Pavement of A8-South is in very poor condition. Considering the present condition of the pavement, the scope of pavement design comprises strengthening of existing pavement of B3 and C88 by partial / full re-construction in the stretch from Rironi to Naivasha.

In absence of existing pavement details for the time being crust composition of existing A8 will be adopted. Keeping in view very poor condition of the road, the section along B3 road for length of 19.75 Km is considered for strengthening of section which requires partial or full reconstruction depending on its

residual strength (which shall be validated in phase II of the project). In absence of the details of the existing pavement crust and in-situ subgrade condition, for the time being, pavement composition evaluated for new construction for additional lanes for existing A8 is recommended. The C88 (Old Naivasha Road) being of fair riding quality and lesser pavement distress has been recommended for Overlay.

1.2.2 Rironi-Nakuru-Mau Summit (A8)

A). *The Current Road Description*

The existing Highway is mostly 2lane with paved shoulders, 4 laning is carried out only in urban locations of Nakuru Town for approximately 16 Km alignment design and upgrading includes improvements of geometrics, flattening the sharp horizontal curves and maintaining design speed of 100 km/h as per design standards. The centerline of Project road is established in such a manner so as to have minimum acquisition of structures and land to avoid resettlement impacts and shifting of utilities. The project road has a carriageway width of 7.5m and 1.5 m wide paved shoulders from Km 0.000 to Km 114.300 after which it is a 4-lane divided carriageway till Km 129.600 (end of Nakuru town). From Km 129.600 to Km 174.94 (End of Project road) it is 2 lanes with earthen shoulders with climbing lane in between for achieving the grade compensation. The Project Road starts at Rironi at the beginning of approach to Rironi Interchange' flyover where the 4 laning section of urban A8 stretch ends.

The proposed Project Road upgraded will have service roads, non-motorized transport infrastructure, underpasses and foot bridges wherever necessary. Typical cross sections are developed as a guide for the development purpose and cost estimates.

The widening proposal for the development of the existing alignment was prepared cautiously and decisions were taken upon the observation made on site and is kept mostly eccentric on to the side with minimum land impacts. The upgrading and improvement/widening proposals for the various Project road sections are indicated in the following paragraphs:

B). *Proposed Structural Improvement*

Four Minor bridges and 240 Culverts (223 pipe culverts, 17 box culverts) has been proposed for the entire as a part of cross drainage systems.

All the existing Minor bridges are proposed for structural rehabilitation and widening are given for 6 lane structure keeping in view of further lane augmentation.

1 Minor bridge near Naivasha at Km 59.650 has to be replaced with a new 6 lane structure.

Most of the pipe culverts are of 0.9 m dia and are proposed to be replaced by 1.2 m dia Hume pipe culverts and Box culverts are to be rehabilitated and maintenance works has to be carried out for improving its outflow capacities.

The Project road has 3 Interchanges, 3 Overpasses, 35 underpasses (Pedestrian/Cattle), 3 Vehicular Underpasses, 2 Railway over pass and 4 Railway under pass along with 1 foot over bridges which are proposed to be retained and widened along with major rehabilitation and repair works. Comparative statement of the improvement proposal for all major structures is given in the book of drawings.

Elevated Corridor for Nakuru town is one of the major structure proposed in the recommended option. Six lane elevated corridor shall be built over the existing road to cater for the through traffic and existing road

under the elevated corridor to cater for the local traffic (reduced from 7.5+2 m carriageway on either side to 3.5+2 m carriageway on either side due to substructure on the median location).

C). Improvement Proposal of Major Junctions

Improvement proposal for all the Major Junctions have been established upon the traffic projections of turning movement counts done and recognition of requirements by site inspection. Improvements are proposed for the existing interchanges and all other strategically important Roads.

D). Road User Facilities

i). Pedestrian Crossing Facilities: Pedestrian crossing facilities are provided at the urban locations where pedestrian crossings were observed along the project road. Foot over Bridges are provided for the safety of the pedestrians crossing the project;

ii). Bus Stops/Footpaths/Cycle Tracks: The locations of existing Bus bays as provided in the Inventory is proposed to be retained after the development of the existing highway. In addition to which Bus bays has to be provided at all the prominent locations of urban settlements/Major road crossings etc.

Foot path and cycle tracks has been provided in the urban section of Nakuru Town which are tentative and provisions may have to be made in the future stage of the project as per the minimum design provision drawn up in output specifications;

iii). Lighting Facilities along Project Highway: Most of the project road passes through the rural areas and doesn't require any lighting facilities apart from some of the major intersections; however retro-reflective road furniture is to be provided all throughout the project road. Fewer sections of the project road pass through built up sections/Urban locations for which Lighting facilities are provided.

It is therefore, proposed to provide street lighting in the following sections of the above roads which are passing through the Urban locations of Naivasha, Gilgil, Kikopey, Nakuru, Salgaa, Molo and Mau Summit.

iv). Proposed Road Side Stations (RSS): Road side stations are the highway rest areas facilities and public services aimed to Road users as well as a revenue generation stream for both investor and local community, they are also used for the purpose of fatigue management, we understand that all drivers are vulnerable to fatigue due to human nature therefore they need place to rest whenever they require and this results to accident reduction due to fatigue of the drivers. Of the above-mentioned road side station locations, RSS at Nakuru and Mau summit shall be large sized RSS with maximum facilities and others shall be of medium sized Road side stations.

The RSSs have been place alternatively on both sides of the roads (right hand side and left hand side) in order to facilitate the access to all the users. The RSSs will always be located at least 30 m from the highway, in order to avoid interferences with future widening of the roads.

The basic facilities at proposed Road side stations shall be as follows: Parking spaces according to transport mode; And other basic services like toilets, shops, restaurants, Health clinics/Wellness and Emergency response centers, Bureau office/ATM/Mpesa or Airtel money office, Service center/Car Workshops/Truck repairs, Dormitory/Motels, and petrol stations.

v). **Wildlife Crossings:** The road corridor crosses through some of the wildlife migration corridors and conservancies as given below for which wildlife crossings shall be provided and fencing is recommended to guide the animals to cross at the designated crossings.

E). Road Safety Features

(a) **Proposed Retaining / Breast Wall Provisions-** Some of the locations along the project highway have geological constraints/Right of way restrictions for which brief assessment has been carried out for the locations of Breast wall/ Retaining wall provisions. However, a detailed assessment has to be carried out for the stability of the hill sections in Great Rift Valley and western rift valley locations.

(b) **Guard Rail/Crash Barrier Provisions-** The guard rails/Crash Barriers are required to prevent the errant vehicles from moving from the carriageway to the road side in high embankments areas and also on the approaches of major cross drainage structures. Based on the provision as prevalent in other countries of the sub Saharan region the guard rails have been proposed to be provided at the following locations.

- On high embankment (height more 3m)
- On approaches of high level bridges
- On deep valley Locations

F). Road Furniture and Road Signs

Road furniture also forms an important consideration in the design of roads. A Detailed study of the road has been done and safety measures like Retaining wall/breast wall and crash barriers/Guard rails has been provided earlier. Apart from that Road furniture shall include:

- Directional Informatory Signs
- Regulatory Signs
- Warning Signs
- Road Markings
- Road signs

Directional informatory signs have to be placed at the major crossings and gantries to be provided at all elevated structure locations. Regulatory signs priority signs, prohibitory signs and Mandatory signs needs to be provided at suitable locations carrying out cautious road safety audit over the entire improvement alignment option.

Road signs are the means of communication to the road users. Sharps Horizontal curves, steep gradients, accident prone spots have to be identified and indicated to the road users by placing proper road signs at suitable locations. Manual for Traffic Signs in Kenya (Part 2) shall be followed for installing road signs at appropriate places along the Project Road Sections.

Road markings also guide the road uses and controls the traffic on highways. The markings serve as a psychological barrier and signify delineation of traffic path and its lateral clearance from traffic hazards for safe movement of traffic. Manual for Road Marking in Kenya (Part 1) shall be referred for design of road marking.

Retro reflective Road studs to be provided as per international standards for lane marking and at the edge of the roadway at sharp curves which acts as a guide for vehicles travelling in night. Delineator posts are to be provided at all the Structure locations and at major junctions for cross road traffic.

All the above provisions are considered in the costing as a per km cost of road furniture and road makings. Further study needs to be done at detailed engineering design stage to decide the locations for the provision of road furniture.

1.3 Project Objectives

The objective of this Resettlement Action Plan is to provide guidelines for resettlement process and operations in order to ensure that the PAPs will not be impoverished by the displacement of property or disruption of their livelihoods. The specific objectives are:

- Conduct socio-economic census and asset survey studies of the PAPs resulting from Rironi Mau Summit Road Project to establish the number of people and value of asset that will be affected by the road expansion;
- Enumeration of the current occupants of the affected area to establish a baseline for the design of livelihood restoration program and to exclude subsequent inflows of people who are not eligible for compensation and resettlement assistance;
- Establishing a framework for resettlement and compensation process to guide the Rironi Mau Summit Road upgrade project;
- Come up with baseline information upon which monitoring and evaluation will be based when evaluating and assessing project impacts;
- Establish a framework for best grievance redress mechanism upon which petitions will undergo;
- To collect views from the general public and any other party who in some way will/might be affected by the proposed project to determine the level of support for the project.

1.4 Objectives of Resettlement Action Plan (RAP)

The objective of this Resettlement Action Plan is to provide guidelines for resettlement process and operations in order to ensure that the PAPs will not be impoverished or harmed in anyway by the displacement of property or disruption of their livelihoods by determining the number of persons living or operating along the proposed road who are likely to be affected by the project. The specific objectives are:

- To list all the current occupants or those carrying out activities within the proposed corridor in order to determine those likely to be adversely affected by the project works and to determine the severity and extent of the impacts;
- To list the poor and vulnerable groups so as to develop a strategy to ensure that they proactively benefit from the project;
- To consult and develop a strategy to actively involve all the stakeholders through project planning, implementation to operation;
- To review legal and other institutional frameworks governing resettlements as outlined in the WB policies and the Kenyan law;
- To develop mitigation measures for the envisaged impacts in consultation with those likely to be affected by the proposed project;
- To prepare detailed entitlement matrix and an implementation plan;
- To prepare an estimate resettlement budget;
- To establish a framework for resettlement and compensation process to guide the proposed project;
- To establish a Grievance Redress Mechanism for dispute resolution;
- To put in place a Monitoring and Evaluation reporting system for the resettlement plan.

1.5 The Project Scope

The scope of the project is as illustrated below:

- Operation and maintenance of Gitaru interchange;
- Development, operation and maintenance of existing A8 from Rironi to Mau summit (174.94 Km)-with Elevated Corridor as solution to Nakuru Congestion;
- Strengthening, operation and maintenance of B3/C88 from Rironi to Naivasha (57.18 Km);
- Construction of 4 toll plazas at Km 39.500(Kinungi), Km 75.200(Gilgil) and at Km 41.500 (Sobeo) of existing A8 section and at Km 1.200 (Rironi) on B3 road.

1.6 Scope for the RAP

To ensure that all categories of PAPs are identified and their eligibility and entitlement clearly reported in line with the GoK legislation and WB's OP 4.12, the following activities were undertaken:

- Collection of baseline socio economic data on the project affected persons (PAPs);
- Conducting actual census of the PAPs;
- Identification and analysis of nature of impacts on PAPs;
- Categorization of PAPs based on impacts on them;
- Establishing of the eligibility criteria for compensation;
- Valuation of structures, crops/trees and the total land affected;
- Establishing of entitlement Matrix,
- setting up of grievance redress mechanism (GRM);
- well as a determination of the cut-off date.
- Legal review to inform the RAP process of legal implications of the actions that may be required to be undertaken;
- Public Involvement, Consultations and Sensitization at various centres in Kiambu, Nakuru, Nyandarua and Kericho Counties.

1.7 Project Alignment Options Considered

Alignment Options for the project road corridor analyzed are as follows:

1. **Alignment option 1** – Widening of Existing A8 from Rironi to Mau Summit;
2. **Alignment option 2** – Widening of B3/C88 from Rironi to Naivasha and widening of existing A8 from Naivasha to Mau summit;
3. **Alignment option 3** – Widening of existing A8 from Rironi to Gilgil and widening of old A8 from Gilgil to Start of Nakuru; then after widening and following existing A8 till Mau summit;
4. **Alignment option 4** – Widening of B3/C88 from Rironi to Naivasha and widening of Old A8 from Gilgil to start of Nakuru town; rest of the section i.e. from Naivasha to Gilgil and from start of Nakuru to Mau summit;
5. **Alignment option 5** – Parallel Greenfield expressway from Rironi to Mau summit.

Using the multi criteria analysis for technical alignment, environmental/social considerations, economic and financial analysis basis, alignment option 1 stands recommended as the best option. This stretch of road will create a continuous international corridor from Mombasa Port to Mau Summit turnoff which will further pass through Eldoret thus connecting other land locked East African Countries.

1.8 Project Components Requiring Land Take

The project components that will require more land outside the existing corridor width will be the proposed interchanges at Kamandura, Kwambira (Limuru junction), and; Bibirioni (Ngarariga). We may also encounter situations where land take will be required for realignment to avoid the impacts of displacement of capital intensive developments.

1.9 Justification for Resettlement Action Plan

The proposed improvement and maintenance of the A8 between Rironi and Mau Summit will lead to physical displacement of people at Kamandura, Limuru, and Bibirioni-Ngarariga Junctions, loss of shelter and assets, income sources and livelihood. The Resettlement Action Plan is aimed at facilitating the resettlement and compensation before implementing the project, in accordance with applicable Laws of Kenya and in addition to the World Bank Operational Procedure 4.12 on Involuntary Resettlement which are triggered by this project and therefore require the preparation of a Resettlement Action Plan.

The RAP enumerated and listed all those to be affected when the project is implemented and recommends that the PAPs be compensated for their losses at replacement cost and provided with restoration measures where applicable, in order to assist them to improve or sustain their pre-project living standards and income generating capacity. From the census profiling of PAPs, it was established that:

- There will be need for land acquisition from various individuals and families;
- A total of approx. 4.6053 acres of land including 25 structures, 2 graves and 1 borehole and other development therein (fences, gate, water piping) will be compensated in the process of acquiring land for the construction of the three interchanges;
- Three thousand nine hundred twenty-one PAPs and their structures ranging from shades, kiosks of all types and sizes, residential houses both permanent and temporary, schools, churches to commercial structures and businesses will be relocated from the current 60m ROW.

The identification of the above made it imperative to carryout Resettlement Action Plan for the project.

1.10 Consultant Team

The resettlement action plan study team included the following experts:

- Team Leader/Expert in Resettlement Matters
- Registered Land Valuer
- Sociologist/Community Development Expert
- Environmental Scientist,
- Socio-Economic Survey Team Members/Enumerators

The experts who were in the team that executed the work are listed in **Table 5** below:

Table 5: Experts Team

Name Of Expert	Role
Charles L Muyembe	RAP Team Leader
Jayanth M	Engineering design
Andrew Gesicho	Field RAP Supervisor
Jane Kamau Nyaga	Sociologist/Community Expert
Dr. Oundo Ojiambo	Valuation lead
Allan Oundo	valuer
DK Gichuki	Lead Surveyor
Nelson Korir	Field survey team coordination
Duncan Abuga	surveyor
Martin Sila	Surveyor
Isaac Ngayo	Surveyor
Vincent Nyamweya Kears	Surveyor
Francis Karanja	Surveyor
Grace Naserian	Field Inventory Data collection
Evelyn Mbithi	Field Inventory Data collection

2 LEGISLATIVE AND REGULATORY FRAMEWORK

2.1 Legislations in Kenya

The legal framework of this RAP describes all laws, decrees, policies and regulations relevant to the resettlement activities associated with this project. The existing law and regulations of Kenya relevant and applicable to the proposed project have been reviewed. The survey analysed relevant Acts to understand the legalities and procedures in implementing this project and identified the gaps and area where there is a need for strengthening to comply with the World Bank policy on resettlement and support of project affected persons. Kenya has legislation and policies governing land expropriation and compensation for affected assets and these are well captured in the constitution. KeNHA recognises all National laws applicable to land acquisition and involuntary resettlement and World Bank's Operation Policy on involuntary resettlement and will abide by them. Further, the study reviewed relevant legislations and identified the commonalities between national legislations and World Bank OP on involuntary resettlement.

2.2 Constitution of Kenya

The Constitution of Kenya was enacted in 2010 and it is the supreme law of the Republic which binds all persons and all state organs at both levels of government and recognises international law. It is the framework for all other national statutes and therefore acts as overall guideline.

It protects the property of every citizen as long as it is legally acquired and remains so. Section 40 (1) Subject to Article 65 gives every citizen a right to either individually or in association with others, to acquire and own property of any description in any part of Kenya. Further it bars the state from depriving a person of property of any description, or of any interest in, or right over, property of any description, unless the acquisition is for a public purpose or in the public interest and must be promptly paid for in full, of just compensation granted in accordance with the Constitution.

Section 40 clause (4) gives provision for compensation in good faith to occupants of any land, or any interest in, or right over, property of any description that is acquired under clause (3) who may not even be holding title to that particular land for public purpose or in the public interest. The constitution requires prompt payment in full, of just compensation to such person. In situation where an agreement is not reached, it allows any aggrieved person, who has an interest in, or right over, that property a right of access to Land and Environment court for arbitration.

Article 67 of the constitution allows establishment of the National Land Commission by National Land Commission Act, 2012 (No. 5 of 2012) to deal with the management of Land and land based resources.

In section 66 clause (1) The State is empowered to regulate the use of any land, or any interest in or right over any land, in the interest of defence, public safety, public order, public morality, public health, or land use planning and therefore can apportion any piece of land for such use as long as rightful procedures are followed and compensation given.

In a nutshell, the New Constitution of Kenya 2010 has brought in several changes that cover the Bill of Rights for all citizens, Gender Parity, Vulnerable and Marginalized Groups, persons with disability, Equality and Freedom from Discrimination and Protection of Right to Property all of which will be triggered as all the group has been identified and listed along the Rironi-Maai Mahiu-Naivasha and Rironi-Nakuru-Mau Summit Roads.

2.3 Relevant Legislations

The following Acts will be triggered because land will be acquired for the construction of interchanges at Kamandura, Kwambira and Ngarariga. Also a number of people were found to be carrying out economic activities within the acquired right of way.

2.3.1 Land Act 2012

This is an Act of Parliament that gives effect to Article 68 of the Constitution, to revise, consolidate and rationalize land laws; to provide for the sustainable administration and management of land and land based resources, and for connected purposes. In part VIII of the Act on compulsory acquisition of interests in land, the powers are given to the cabinet secretary or the County Executive Committee member to submit a request for acquisition of desirable public land to the Commission to acquire the land on its behalf, and this can be granted as long as it meet the requirements prescribed under subsection (2) and Article 40(3) of the Constitution. In section 110 (1) such land may be acquired compulsorily under this part if the Commission certifies, in writing, that the land is required for public purposes or in the public interest as related to and necessary for fulfilment of the stated public purpose.

Whenever such a land is acquired or and is suitable for the intended purpose, section 111 (1) advocates for a just compensation to be paid promptly in full to all persons whose interests in the land have been determined. However, clause (2) of section 11 allows the Commission of lands to make rules that can regulate the assessment of just compensation for affected parties.

Section 115 (1) requires the Commission to promptly pay compensation in accordance with the award to the persons whose interests in the land have been determined except in a case where:

- There is no person competent to receive payment; or
- The person entitled does not consent to receive the amount awarded; or
- There is a dispute as to the right of the persons entitled to receive the compensation or as to the shares in which the compensation is to be paid.

Section 120 part (4) grants the ownership to the national or county governments land absolutely free from encumbrances as long as payment of just compensation in full has been made. If disputes occur as a result of this, section 128 requires such matters to be referred to the Land and Environment Court for determination.

2.3.2 Land Registration Act 2012

Section 19 of this Act empowers the Registrar of land to ascertain and fix the boundaries of any land as long as the owners and occupiers of the land adjoining the boundaries in question of the intention to ascertain and fix the boundaries are notified.

Section 20 clause (1) requires every proprietor of land to maintain in good order the fences, hedges, stones, pillars, beacons, walls and other features that demarcate the boundaries. Section 21 prohibits any person to deface, remove, injure or otherwise impair a boundary feature or any part of it unless authorized to do so by the Registrar, and if convicted is liable to pay the cost of restoring the boundary feature, and the cost shall be recoverable as a civil debt by any person who is responsible under this section for the maintenance of the feature.

Section 28 requires all registered land unless the contrary is expressed in the register, be subject to the following overriding interests as may for the time being subsist and affect the same, without their being noted on the register- (e) rights of compulsory acquisition, resumption, entry, search and user conferred by any other written law.

This Act therefore allows KENHA to fix its boundaries after compensation so that no further encroachments will occur.

2.3.3 The National Land Commission Act 2012

This Act provides for the functions and powers of the National Land Commission and to give effect to the objects and principles of devolved government in land management and administration, and for connected purposes.

Pursuant to Article 67(2) of the Constitution, the functions of the Commission shall be —

- i. to manage public land on behalf of the national and county governments;
- ii. to recommend a national land policy to the national government;
- iii. to advise the national government on a comprehensive programme for the registration of title in land throughout Kenya;
- iv. to conduct research related to land and the use of natural resources, and make recommendations to appropriate authorities;
- v. to initiate investigations, on its own initiative or on a complaint, into present or historical land injustices, and recommend appropriate redress;
- vi. to encourage the application of traditional dispute resolution mechanisms in land conflicts;
- vii. to assess tax on land and premiums on immovable property in any area designated by law; and
- viii. To monitor and have oversight responsibilities over land use planning throughout the country.

In addition to the functions set out in subsection (1), the Commission shall, in accordance with Article 67 (3) of the Constitution —

- ix. on behalf of, and with the consent of the national and county governments, alienate public land;
- x. monitor the registration of all rights and interests inland;
- xi. ensure that public land and land under the management of designated state agencies are sustainably managed for their intended purpose and for future generations;
- xii. develop and maintain an effective land information management system at national and county levels;
- xiii. manage and administer all unregistered trust land and unregistered community land on behalf of the county government; and
- xiv. Develop and encourage alternative dispute resolution mechanisms in land dispute handling and management.

All matters related to land acquisition and adjudication of historical land will be handled by the commission. Upon a complaint by the national or county government, the commission reviews, hear and determine all grants or dispositions of public land to establish their propriety or legality. The Commission has mandate to direct the Registrar to revoke any title acquired in an unlawful manner and take appropriate steps to correct the irregularity in addition to making consequential orders.

In section 14 part (7) prohibits revocation of title of a bona fide purchaser for value without notice of a defect in the title. Therefore, procedures for revocation and transfer of title will be adhered to and will remain fair.

The Commission shall, in consultation and cooperation with the national and county governments, establish county land management boards for purposes of managing public land and to subject to the physical planning and survey requirements, process applications for allocation of land, change and extension of user, subdivision of public land and renewal of leases.

Any land issues related to the above stated functions in the project area shall be addressed by the commission.

2.3.4 The Environment and Land Court Act, 2011

This is an Act of Parliament 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, and for connected purposes.

Any environmental disputes related to land is resolved with reference to this Act. The Court has powers to hear and determine disputes relating to environment and land. This includes disputes relating to environmental planning and protection, climate issues, land use planning, title, tenure, boundaries, valuations, mining, minerals and other natural resources; and compulsory acquisition of land and relating to land administration and management.

This will be the final institution charged with arbitration of matters that will arise out of the resettlement process. Nevertheless, the RAP process will take this to be the very last resort as court processes consumes considerable time and resources that can delay the project execution.

Table 6: Summary of Legislation relevant to resettlement in Kenya

Law/Regulation	Responsible Authority	Application
Constitution of Kenya	Judiciary	Framework for property rights and ownership
The Physical Planning Act (1996)	Ministry of Lands, Housing and Urban development	Stipulates circumstances for land acquisition
Lands Act 2012	Ministry of Lands, Housing and Urban development	Conditions and procedures for land acquisition & compensation
Land Registration Act 2012	Ministry of Lands, Housing and Urban development	Review of boundaries
The National Land Commission Act, 2012	Ministry of Lands, Housing and Urban development	<ul style="list-style-type: none"> ▪ Review irregular land acquisition ▪ Land management in Kenya
The Environment and Land Court Act, 2011	Judiciary	Resettlement and compensation redress

2.3.5 The Land Control Act Cap 302

This is an Act of parliament to provide for controlling transactions in agricultural land. The Act requires approval of the Land Control Board for the following transactions to be legal and valid:

- The sale, transfer, lease, mortgage, exchange, partition or other disposal of or dealing with any agricultural land which is situated within a land control area;
- The division of any such agricultural land into two or more parcels to be held under separate titles, other than the division of an area of less than twenty acres into plots in an area to which the Development and Use of Land (Planning) Regulations, 1961 for the time being apply.

The proposed interchanges will pass through mainly agricultural land; hence due consideration will be taken when acquiring land for the interchanges.

Also Under article 97

(1) The Commission may, subject to and in accordance with sections 98 and 99 create rights of way which be known as public rights of way.

(2) A public right of way may be –

(a) A right of way created for the benefit of the National or County Government, a local authority, a public authority or any corporate body to enable all such bodies to carry out their functions, referred to as a wayleave.

Article 110 provides for issuing of notice of eviction for any person or persons unlawfully occupying public land. In determining whether to serve a notice or oral communication and period of time to be specified in the notice. Under article 111 provides for issuance of notice for removal of any obstructions within the right of way. Under article 112 (2) and (3) provides for penalties for unlawful occupation of public land or causes obstruction in the right of way.

A notice of removal of all obstruction from the right of way will be issued after recommended entitlements have been paid.

2.3.6 Public Roads and Roads of Access Act (Cap. 399)

The Act provides for consolidation of laws relating to public transport. Sections 8 and 9 of the Act provides for the dedication, conversion or alignment of public travel lines including construction of access roads on adjacent lands from the nearest part of a public road. Section 10 and 11 allows for notices to be served on the adjacent land owners alerting and seeking permission to construct such access roads.

The proponent shall facilitate compliance to this Act by ensuring all lands used for the proposed this road project is within its way leave, where unavoidable, like the proposed interchanges, due consideration outlined in OP 4.12 shall be adhered to.

2.4 Compulsory Land Acquisition

Compulsory acquisition refers to the power of the government to acquire rights in a parcel of land without the willing consent of its owners or occupants to benefit society. The law governing compulsory acquisition is in Part VIII, Section 107 to 133 of the Land Act 2012. This is triggered because land will be acquired for the construction of the interchanges at Kamandura, Kwambira and Ngarariga. The process involves:

Pre-Inquiry

Preliminary Notice, Land Act Sec. 107(1) and (5): The National Land Commission (NLC) will receive a request for acquisition from the Ministry of Roads from the respective Cabinet Secretary. Preliminary Requirements, Sec. 107(2): NLC will require the acquiring body to provide a comprehensive list of the affected parcels of land and the respective owners, title search details, cadastral maps of the affected areas, a Resettlement Action Plan accompanied by a list of Persons Affected by Project. Compensation should address all the rights of affected persons in an equitable manner.

Notice of intention to acquire, Land Act Sec. 107 (5) 110(1): This is published in the Kenya Gazette after the commission certifies in writing that the land is required for public purposes or in public interest. Upon certification, the commission shall publish notice of intent and shall deliver a copy of the notice to the registrar and to every person who appears to have an interest in the land.

Ascertainment of suitability of land (survey), Sec. 108: All land to be compulsorily acquired shall be authenticated by the authority responsible for survey both at the national and county governments as per the Land Act Sec 107(8).

Inquiry

Notice of inquiry, Land Act Sec. 112 (1a): The NLC shall appoint a date for inquiry at least 30 days after publishing the notice of intention to acquire, and at least 15 days before the actual date of the inquiry. A copy of the notice is served on every person who appears to have an interest in the land.

Receipt of claims Sec. 112 (2): Any written claim for compensation is delivered to the commission not later than the date of inquiry. The inquiry determines who are the persons interested in the land.

Powers of the commission, Sec. 112 (5): For purposes of an inquiry, the commission shall have powers of the court to summon and examine witnesses including persons with interest, to administer oaths and affirmations and to compel production and delivery of title documents to the commission.

Post-Inquiry

Award of compensation, Sec. 113 and 114(1): Upon conclusion of the inquiry, the commission shall make a separate award of compensation for every person whom it has determined to be interested in the land. The commission shall then serve on each person a notice of the award and offer of compensation.

Land in lieu of compensation, Sec. 114(2): Land can be given in lieu of monetary award but such value of land shall not exceed the amount of money the commission considers would have been awarded. Such award shall be deemed to be all the compensation conclusively to which the person is entitled to in respect to the interest in that land.

Payment of compensation, Sec 115: Upon acceptance of the award, the commission shall promptly pay compensation. If the award is not accepted or there is a dispute, the amount is paid into a special compensation account held by the commission.

Payment of interest, Sec 117 & 119: If the amount of any compensation is not paid, the commission shall on or before taking possession open an account into which it shall pay interest on the amount awarded at the prevailing bank rates from the time of taking possession until the time of payment.

Payment of additional land, Sec. 118 and 119: If the acquired land is greater than the area of land in respect to which an award is made, compensation shall be paid for the excess area.

In summary the procedure for of acquisition to be followed is:

- i. The government informs the Minister of Lands of their intentions to acquire the land.
- ii. The Minister for Lands directs the Commissioner of Lands in writing to acquire the land compulsorily.
- iii. Commissioner of Land publishes a notice in the Kenya Gazette to inform the public of their intentions. A copy is sent to everyone to be affected by the acquisition and they are informed of the venue and date of the inquiry to be held.
- iv. Commissioner determines the value of the land as per the Land Acquisition Act.
- v. Commissioner declares an award of compensation in writing to people affected by the acquisition. This award is final unless challenged in court. If one is not satisfied with the amount they should accept it but must indicate that they have accepted, it under protest. Thereafter they proceed to court to make their claim.

2.4.1 Valuers Act, Cap 532 Laws of Kenya

Valuation of assets affected by the proposed Rironi Mau Summit road project was carried out in line with Valuers Act Cap 532 Laws of Kenya which requires that a duly authorized valuer be engaged in making cost valuation of assets.

2.5 World Bank Safeguard Policies relating to Relocation and Resettlement

The aim of the World Bank Policy on Involuntary Resettlement is to avoid or minimize the impacts of the process on people, households, businesses and others affected by the land acquisition required by the proposed road project. The main objectives and principles of the policy are:

- Involuntary resettlement should be avoided or minimized where feasible, exploring all viable alternative project designs. For example, realignment of roads to significantly reduce resettlement needs.
- Where displacement is unavoidable, resettlement plans should be developed. All involuntary resettlement should be conceived and executed as development programs, with PAPs provided with sufficient compensation, investment resources and opportunities to share in project benefits. The policy direct that displaced persons should be:
 1. compensated for their losses at full replacement cost prior to the actual move;
 2. assisted with the move and supported during the transition period in their settlement site; and
 3. Assisted in their efforts to improve their former living standards, income earning capacity, and production levels, or at least to restore them. Particular attention should be paid to the needs of the poorest groups to be resettled.
- Community participation in planning and implementing resettlement should be encouraged. Appropriate patterns of social organization should be established, and existing social and cultural institutions of resettlers and their hosts should be supported and used to the greatest extent possible to minimize the effect and create harmony in the process.

2.5.1 Involuntary Resettlement OP/BP 4.12

The Bank's Operational Policy 4.12: Involuntary Resettlement is triggered in situations involving involuntary taking of land and involuntary restrictions of access to legally designated parks and protected areas. The policy aims to avoid involuntary resettlement to the extent feasible, or to minimize and mitigate its adverse social and economic impacts.

It promotes participation of displaced people in resettlement planning and implementation, and its key economic objective is to assist displaced persons in their efforts to improve or at least restore their incomes and standards of living after displacement. The policy prescribes compensation and other resettlement measures to achieve its objectives and requires that borrowers prepare adequate resettlement planning instruments prior to Bank appraisal of proposed projects.

Bank experience indicates that involuntary resettlement under development projects, if unmitigated, often gives rise to severe economic, social, and environmental risks: production systems are dismantled; people face impoverishment when their productive assets or income sources are lost; people are relocated to environments where their productive skills may be less applicable and the competition for resources greater; community institutions and social networks are weakened; kin groups are dispersed; and cultural identity, traditional authority, and the potential for mutual help are diminished or lost. This policy includes safeguards to address and mitigate these impoverishment risks. In the project area various vulnerable groups were identified and listed as indicated in Appendix 9.

The OP 4.12 will be triggered due to the displacement of the informal traders and the fact that amongst them there are several types of vulnerable groups. The Proponent complies with the requirements of OP 4.12. The RAP study assessed project alternatives to avoid, where feasible, or minimize involuntary resettlement by first and foremost restricting the proposed expansion to the already acquired way leave.

The potential economic and social impacts of the project have been assessed in the RAP study and summarized in this report, project-affected persons and local non-governmental organizations, as appropriate have been consulted. PAPs have been informed of their rights including prompt compensation at full replacement cost for loss of assets attributable to the project; assistance during resettlement, and transitional support and development assistance.

2.5.2 Indigenous People: OP/BP 4.10

The World Bank policy on indigenous peoples, OP/BP 4.10, Indigenous Peoples, underscores the need for Borrowers and Bank staff to identify indigenous peoples, consult with them, ensure that they participate in, and benefit from Bank-funded operations in a culturally appropriate way - and that adverse impacts on them are avoided, or where not feasible, minimized or mitigated. This policy contributes to the Bank's mission of poverty reduction and sustainable development by ensuring that the development process fully respects the dignity, human rights, economies, and cultures of Indigenous Peoples. For all projects that are proposed for Bank financing and affect Indigenous Peoples, the Bank requires the borrower to engage in a process of free, prior, and informed consultation. The Bank provides project financing only where free, prior, and informed consultation results in broad community support to the project by the affected Indigenous Peoples.

Despite the fact that Rironi-Maai Mahiu-Naivasha (A8 South) road passes through areas which the Maasai (indigenous community) pass through during the seasonal search for pasture, the proposed improvement will be confined to the existing right of way and the project does not affect any designated grazing areas within the project's area of influence. For this reason, this policy (Indigenous People: OP/BP 4.10) will not be triggered. However, because of their seasonal migratory way of looking for grazing grounds for their animals in the hinterland, the road design is likely to affect crossing of animals. The design for this section will be interrogated to allow for inclusion of enough underpasses for animal crossing and movements where necessary.

2.5.3 World Bank's Policy Regarding Cultural Properties

Sacred sites include but not restricted only to; museums, altars, initiation centers, ritual sites, ancestral tombs, trees, stones, and cemeteries which are considered sacred by the project affected persons. It will also include other such sites or places/features that are accepted by local laws (including customary), practice, tradition and culture as sacred. This policy will be triggered as two (2) graves were encountered along the proposed Kamandura interchanges. Therefore, World Bank's policy regarding cultural properties is to assist in their preservation, and to seek to avoid their elimination. Specifically:

(a) The Bank normally declines to finance projects that will significantly damage non-replicable cultural property, and will assist only those projects that are sited or designed so as to prevent such damage.

(b) The Bank will assist in the protection and enhancement of cultural properties encountered in Bank-financed projects, rather than leaving that protection to chance. In some cases, the project is best relocated in order that sites and structures can be preserved, studied, and restored intact in situ. In other cases, structures can be relocated, preserved, studied, and restored on alternate sites. Such activities should be directly included in the scope of the project, rather than being postponed for some possible future action, and the costs are to be internalized in computing overall project costs.

(c) Deviations from this policy may be justified only where expected project benefits are great, and the loss of or damage to cultural property is judged by competent authorities to be unavoidable, minor, or otherwise acceptable. Specific details of the justification should be discussed in project documents. *It is recommended that this section is redesigned to avoid the graves'*

2.6 Commonalities between GoK, and the Bank guidelines

One commonality of both the national and world bank procedures is intent that focus on avoidance of dislocation of people as far as possible, when displacement of people is compulsory, then the policy and legislations of Kenya provide for the adoption of a wider developmental approach which seek to share the benefit of the development project with PAPs and local communities. The principle is that development project at least should not impoverish people by degrading the physical environment. In general, the national policies, legislation and regulations are all consistent with the World Bank's Operational Policies (OP 4.12) and bank procedure (BP 4.12) on involuntary resettlement and therefore will be preferred but with reference to them. From analysis undertaken above, the GoK, and World Bank requirements are found to converge on the following points:

- Avoidance of involuntary resettlement wherever feasible, and minimization of resettlement where population displacement is unavoidable by exploring all viable project options;
- Compensation at replacement cost (replacement cost of an affected asset is equivalent to the amount required to replace the asset in its existing condition);
- Assistance to the affected people for relocation;
- Assistance to the affected people to improve their living standards, capacity for income generation, and production levels, or at least to restore to their former levels;
- Participation of all stakeholders;
- Consultations with project affected persons at every stage;
- Grievance redress mechanisms for project affected persons.

The table below provides a summative comparative analysis of the World Bank guidelines and the Kenyan Law context.

Table 7: Comparative Analysis between World Bank O.P 4.12 and Kenyan Legal Context with Regard to Resettlement Process

World Bank OP4.12	Kenyan Context	Comparison	Recommendations
General RAP Requirements			
Involuntary resettlement should be avoided wherever possible, or minimized, exploring all alternatives.	Involuntary resettlement is possible in contexts of projects of national importance for the public good	The Land Act does not stipulate that resettlement should be avoided wherever possible; on the contrary, as long as a project is for public interest, involuntary resettlement is considered to be unavoidable.	Public/stakeholder participation ensured that resettlement issues are considered at the design stage of the project in order to
Resettlement programs to be sustainable, with meaningful consultation with affected parties.	The Land Act, 2012 Act provides steps for sensitizing the affected population. Gives provisions and guidance on consultation on implications and grievance procedures.	Same as the World Bank	Both WB OP 4.14 and GoK policies were adopted
Displaced persons should be assisted in improving livelihoods etc. or at least restoring them to previous levels.	The Land Act 2012 guarantees the right to fair and just compensation in case of relocation	Just and fair compensation as outlined in the Land Act 2012 is not clear and can only be determined by NLC. It gives provisions about improving livelihood or restoring them to pre-project status.	The World Bank OP 4.12 policy was applied
RAP Process Requirements			
Displaced persons should be meaningfully consulted and should be given equal opportunities to participate in planning and implementing resettlement programs	The Land Act outlines procedures for consultation with affected population by the NLC and grievance management procedures.	Same as World Bank	Both Kenyan legislation and World Bank were applied.
Grievance Redress Mechanism: For physical resettlement. Appropriate and accessible grievance mechanism will be established	Land Act 2012 clearly outlines the steps and process for grievance Redress that includes alternative dispute resolution, renegotiation with NLC and is backed by the judicial system through Environment and Land Court Act	Kenyan legislation meets OP4.12 requirements.	Adopt both Kenyan legislation and World Bank.

World Bank OP4.12	Kenyan Context	Comparison	Recommendations
Eligibility Criteria <i>Determined by:</i> (a) those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country); (b) those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets—provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan	The Land Act 2012 provides that written and unwritten official or customary land rights are recognized as valid land rights. The Law provides that people eligible for compensation are Those holding land tenure rights Land Act also recognizes those who have interest or some Claim in the land such pastoralist or who use the land for their livelihood. The constitution recognizes occupants of land even if they do not have titles' and payment made in good faith to those Occupants of land. However, this does not include those who illegally acquired land	The O.P 4.12's recognizes Eligibility as Both formal legal and informal (customary) owners of expropriated land. However, it does not specifically recognize all users of the land be compensated. The constitution of Kenya on the other hand recognizes occupants of land who do not have title and who the state has an obligation to pay in good faith when compulsory acquisition is made.	ALL users (including illegal squatters) of affected land were included in the census register for fairly compensated
(c) those who have no recognizable legal right or claim to the land they are occupying <i>To determine eligibility:</i> Carry out resettlement census. Announce Cutoff date for eligibility	Land Act 2012 provides for census through NLC inspection and valuation process	Same as World Bank	Cut-off date Procedures as outlined in the World Bank guidelines and Kenyan Law respected were closely followed
Compensation Measures: Cash based compensation should only be made where (a) land taken for the project is a small fraction of the affected asset and the residual is economically viable; (b) active markets for lost assets exist and there is sufficient supply of land and housing; or (c) Livelihoods are not land-based.	Land Act 2012 appears to prefer mode of cash compensation by the GoK to the affected population	Cash based compensation seems to be the preferred Mode of awarding compensation to the affected population by Government of Kenya. Just compensation as stipulated in the Land Act not yet specifically defined. OP 4.12 provides related land. Transaction fees. Land Act not clears on this clear on this.	All alternative Options were considered Before arriving at the option of cash compensation

World Bank OP4.12	Kenyan Context	Comparison	Recommendations
World Bank OP4.12 Article 6(a) requires that displaced persons are provided with prompt and effective compensation at full replacement cost for losses of assets Attributable directly to the project. If physical relocation is an impact, displaced persons must be provided with assistance during relocation and residential housing, housing sites and/or agricultural sites to at least equivalent standards as the previous site. Replacement cost does not take depreciation into account. In terms of valuing assets, if the residual of the asset being taken is not economically viable, compensation and assistance must be provided as if the entire asset had been taken.	Land Act talks of prompt, just Compensation before the acquisition of land. However, interpretation of just Compensation is yet to be clearly outlined through a specific schedule defining just Compensation has not been put in place.	OP4.12 requires that displacement must not occur before all necessary measures for resettlement are in place, i.e., measures over and above simple compensation.	World Bank OP4.12 Procedures in determining form of compensation Implement prompt and effective compensation at full replacement cost for the losses of the assets implemented
<p>Valuation: With regard to land and Structures-replacement costl is defined as follows:</p> <p>For houses and other structures- it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially Affected structure, plus the cost of Transporting building materials to the construction site, plus the cost of any labor and contractors' fees, plus the cost of any registration and transfer taxes.</p>	Land Act 2012 talks of just compensation for the lost assets but it is not specific of The exact amount or procedures on the same. The Land Act 2012 stipulates just compensation.	<p>Though one could argue that There is some form of Consistency between the Kenyan Law and World Bank OP.4.12, interpretation of just compensation has not been defined. Interpretation of just compensation not clear</p> <p>Both Kenyan Law and World Bank policy advocates for Monitoring and Evaluation</p>	GoK and World Bank OP4.12 applied during valuation as outlined in Section 6, in order to fully Value all affected assets in a consistent Manner.
<p>Monitor</p> <p>Adequate monitoring and evaluation of activities to be undertaken.</p>	According to Land Act can be undertaken County Land Boards.	Both Kenyan Law and World Bank policy advocates for Monitoring and Evaluation	Implemented as prescribed in the World Bank OP4. Kenyan Law.

2.7 Institutional Framework

The proposed actors involved in the proposed project is the Kenya National Highways Authority (the project proponent implementing the project on behalf of the government and will be responsible for ensuring that the plan is implemented as agreed with the lenders) and the Ministry of finance (treasury). Government agencies who will be directly involved in the implementation of this resettlement plan is *The Ministry of Transport and Infrastructure, The National Land Commission (under the Ministry of Land, Housing and Urban Development), The County Governments and The County Commissioners*. Each of the agencies has its role to play in the process as mandated in its responsibilities vested by various laws and the Constitution of Kenya.

2.7.1 Ministry of Finance

National Treasury has the responsibility for the mobilization of funds from Government for resettlement and compensation purposes of specific approved RAPs. Also the PPP department has been set up in the treasury to supervise PPP initiated projects.

2.7.2 Kenya National Highways Authority (KeNHA)

The core functions of KeNHA are stipulated in Kenya Roads Act, 2007 Section 4(2). They include construction, upgrading, rehabilitating and maintaining roads under its control; controlling national roads and road reserves and access to roadside development; implementing road policies in relation to national roads; and ensuring that the quality of roads works is in accordance with such standards. KeNHA also collect and collate data on use of national roads, plan, monitor and evaluate use of national roads. In addition to preparing road work programmes, KeNHA also advise the Minister on all issues relating to national roads.

Also, KeNHA being the project proponent will set-up the Resettlement Desk to oversee the implementation of the RAP. This will entail verifying the details of the PAPs and facilitating the payment of any compensation or assistance benefits. The in-charge will mobilize the PAPs and keep them informed of the various stages of the project implementation. The in-charge will also initiate awareness program among the communities living along the road corridor. The person's responsibilities will be:

- To ensure that appropriate agencies that are mandated to plan and implement compensation, income restoration, and rehabilitation programs are identified as early as possible in Project preparation;
- To ensure compliance with the Resettlement Plan and Environmental Management Plan; and
- Issue notification for all the land parcels affected along the alignment;
- Conduct verification of properties of affected persons and estimation of their type and level of losses;
- Preparation of entitlements for affected persons for Land Acquisition;
- To compensate the PAPs and acquire land for the road construction;
- Relocation and resettlement of the PAPs and monitoring RAP implementation during the construction and after to ensure that the objectives of the resettlement plan have been achieved.

2.7.3 The National Land Commission

The Commission is responsible for compulsory land acquisition and payment of the compensation money to the affected persons. The Commission will process the requests from KeNHA if there will be need to do so, that is in case there will be compulsory acquisition. The Commission handles the gazetting, inspections of affected properties. They prepare the awards and facilitate the taking of possession of the subject-matter land upon payment of the awards to the affected persons. The National Land Commission

has established County offices that will be directly involved in matters arising from the land acquisition if the affected persons are not satisfied with the awards.

2.7.4 National Environment Management Authority (NEMA)

NEMA is a corporate body charged with; exercising supervision and coordinating overall matters relating to environment as well as being the principal instrument of the Government in the implementation of all policies relating to the environment. NEMA will play a role in supervisory and monitoring of environmental conditions in the project site. It will also issue licenses for the project and related activities.

2.7.5 The County Government

The County Governments were formed as the result of the Transition to Devolved Government Act, 2012. An Act of Parliament to provide a framework for the transition to devolved government pursuant to section 15 of the Sixth Schedule to the Constitution, and for connected purposes. Following the enactment of Transition to Devolved Government Act 2012 and the Inter-Governmental Relations Act 2012, the transfer of functions from the National to county Governments commenced thus creating a basis to provide for cooperation and consultation between the two levels of government.

County government have a role in land acquisition especially communal land a highlighted in Community Land Act. According to the Act, county governments shall hold in trust all unregistered community land on behalf of the communities for which it is held. The county government shall hold in trust for the community, any monies payable as compensation for compulsory acquisition of any unregistered community land, which shall be deposited in a special interest earning account. Upon registration of such community land, the county government shall promptly release all such monies payable for all compulsory acquisition, including the amount and the interest earned to the registered communities as may be prescribed. Any transaction in relation to unregistered community land within the county shall be in accordance with the provisions of this Act and any other applicable law.

Upon the registration of any unregistered community land in accordance with this Act, the registered community shall, assume the management and administrative functions and the trusteeship role of the county government in relation to such land shall cease. A county government shall not sell, dispose, transfer, and convert for private purposes or in any other way dispose of any unregistered community land that it is holding in trust on behalf of the communities for which it is held.

County government is also responsible for regulating trade and providing markets within its area of jurisdiction. The informal traders that will be displaced from the road corridor where they were previously operating were operating with the recognition of Kiambu, Nakuru, Kericho and Nyandarua Counties and their resettlement will be in close collaboration with the respective counties

2.7.6 The office of the County Commissioner

The office particularly at the location level is best suited to mobilize the people as it has grass-root networks. It has the clout to chair meetings and settle disputes as it commands the general public support. The Chief knows all the residents of his area and has the advantage to give reliable information on various aspects of the plan for efficient implementation. It has vast experience in dealing with matters of dispute that need not be referred to the Courts of law. The commissioner will provide security, and its agents will form members of the Grievance Redress Committee.

2.7.7 The Resettlement Coordinating Committee

The proposed Resettlement Coordinating Committee will be comprised of representatives from the Ministry of Transport, Infrastructure, Housing and Urban Development, and representatives from community, representatives, from the Government administration, representatives from County Governments, PAPs, NGOs, and disadvantaged groups. The role of this committee will be to ensure smooth implementation of resettlement and restoration of the PAPs. The committee will also oversee the Grievance Redress Mechanism.

Table 8: Institutions and Responsibilities

S/N	Institution	Roles
1	KeNHA	In charge of the management of National Highway, approves road designs and maintains roads and will be in charge of the project from planning to completion.
2	NLC	Will clarify policy direction and land tenure issues and undertake actual land acquisition for the GoK
3	Ministry of Finance	Will be responsible for financial management on behalf of the Borrower (GoK) Provision of counterpart funding – part of which is used to settle compensation claims by PAPs
4	NEMA	Will be in charge of approving and issuing EIA licenses for the proposed project and related activities e.g. quarrying when the activity has addressed environmental and social concerns and impacts
5	County Governments	Will be in charge of providing alternatives markets places for hawkers and other RAP aspects
6	Office of the County Commissioners	Will responsible for grievances handling and provision of general security for all the activities and individuals.
7	Resettlements Coordinating Committee	Will be responsible for resettlements activities (compensation) and grievances redress
8	KPLC	Will be responsible for relocating electricity transmission lines from the road reserves and will also connect the project to the power for construction and related purposes
9	Water & Sewerage co	Will be responsible for relocating affected water infrastructure e.g. pipes, water kiosks and to maintain service levels, and will also provide water and permits for the use of water for the construction and related works

3 SOCIO-ECONOMIC PROFILE OF PAPs

3.1 Socio-economic Methodology

Data used to establish socio-economic baseline conditions were derived from field surveys conducted in the project area during the preparation of the RAP report. There were two broad data objectives for the socio-economic baseline assessment.

- i. Establish a robust characterization of general pre-project socio-economic conditions against which future changes can be measured,
- ii. To examine how proposed project interventions will impact on the social and economic parameters in relation to the affected persons.

The key socio- economic characteristics that were considered include: Household demographic data, livelihood and economic activities, education, water and sanitation, health, housing, Poverty, gender concerns, Land Tenure among others.

The survey team employed the following methods:

- Quantitative household survey
- Focus Group Discussions
- Key-Informant Interviews
- Observations

3.1.1 Socio-economic Data

The methodology details the approach that was adopted for sampling and identifying respondents to determine, evaluate and recommend mitigation measures for social impacts emanating from project implementation. The approach endeavored to identify affected groups, their socio economic condition, nature of predicted direct and indirect impact and consequential impacts as well as identifying mitigation measures that are commensurate to the socioeconomic and socio-cultural conditions. Additionally, disadvantaged groups were also identified who include the elderly people, the children, terminally ill and those at risk.

Field surveys were conducted to undertake interviews, observation, consultations and discussions with PAPs, opinion leaders and entire community to create rapport and meaningful engagement for appreciation and ownership of the project. The field survey employed participatory approach to be able to gather both qualitative and quantitative data. The techniques that were used in data collection included:

- Secondary data collection at county and sub-county level;
- Primary data collection from a representative sample of the Project Affected Persons along the corridor;
- Administering structured and semi-structured questionnaires;
- Key informant interviews;
- Transect Walks;
- Participant observations;
- Case study reviews; and
- Focus group discussions.

The combination of survey methods ensured survey data accuracy and varying vulnerability of PAPs along the road corridor.

(a) Literature Review

This will involve review of relevant social economic data such as land tenure systems, land use patterns and gender issues and disparities among the PAPs along the corridor, livelihoods sources, community structure, social economic infrastructure and service profile along the proposed road project. This will strengthen PAP profiling information obtained from respective social economic survey on PAPs, observation and FGD findings.

As part of the literature review, a review of county approaches to economic development among the poor and vulnerable groups will be undertaken to appreciate the safety nets for social economic and livelihood restoration and while contributing to the empowerment of the social service systems.

(b) Field Survey

Upon the completion of a comprehensive literature review, a field survey will be undertaken with the aim of conducting interviews with the PAPs and stakeholders so as to undertake a ground truthing of the information that will be collected from secondary literature. A detailed socio-economic questionnaire will be administered on 30% of the PAPs from various strata

(c) PAPs Mobilization and Awareness

A list of all the chiefs was established from the earlier public meetings and RAP. The list was used to contact all the chiefs and request for one to one discussions during which meetings with PAPs and other stakeholders were organized. Notices on PAPs meetings, identification, listing and asset survey were circulated through the chiefs and village heads. Announcements were made in churches notifying the people when the RAP team were to be in the location and of the public meetings where cut-off-date were announced.

(d) Stakeholder Identification and Consultation

Consultation with key stakeholders were undertaken through discussions with provincial administration to identify those to participate in the FGDs. Through FGDs discussions, existing grievance redress mechanism were identified, strengthened and adopted to address the needs of the project by responding to PAP's concerns from planning through project implementation.

Consultative meetings' participants comprised a broad spectrum of residents including women, elderly people and youths with a major emphasis on PAPs representation since the forum gives an opportunity to clarify issues that may not elicit the right response during household socio economic survey. A record of consultative meeting was prepared capturing the administrative area represented, those in-attendance and issues raised and how they are addressed by RAP.

Consultations on smaller scale continued to ensure further clarification as they were requested to provide information to PAPs who missed out from the meeting sessions to clarify aspects (especially on land, compensation, restoration and relocation that may apply to different categories of PAPs. Cutoff date was also clarified to all at all the forums.

(e) Courtesy Calls and Key Informant Interviews

Selected stakeholders namely the County Commissioners or their representatives, Land Registrar, Gender, Culture and Sports and the Officers of trade and development were visited at sub-county level

where the project traverses. The respective staff were consulted through either one-on-one or group interviews. This cultivated their engagement in project activities and subsequent consultations during project implementation.

(f) In-depth Interviews

In order to quickly gather additional data and information to supplement the data from the PAPs key informants or group leaders were invited to attend in-depth group interviews at every center in the region.

(g) Focus Group Discussions

In addition to information generated from the PAPs socio economic survey, specific issues required further assessment. Focus Group Discussions (FGD's) comprised of representatives from local leaders and elders, community development leaders, the poor and marginalized, women and disabled members in order to undertake more detailed discussions. The discussions elucidated the current development potential to be affected by the Project, before, during and post-construction stages. Attitudes towards social benefits, risks involved during construction and operation and compensation were also discussed.

The gender analysis exercise was undertaken using the Participatory Hygiene and Sanitation Transformation (PHAST) to for Gender Analysis to bring out gender issues and gaps and the reasons resulting to the same. During the discussion, the approaches to address to disparities were discussed. The FGDs were conducted at the chief's offices in each location.

(h) Physical Observation

The information that were collected through field surveys, household surveys, interviews and focus group meetings were triangulated with direct observation by the study team. Observation specifically aimed at assessing physical assets of people in affected areas, living conditions, settlement patterns, and households 'capacity to diversify income, social and economic networks. Most observations were recorded through photography.

(i) PAPs Participation Meetings

Through FGDs venues for PAPs participation meetings were agreed for each location and information relayed to the affected people to attend for project information sharing and participation. They also aired their issues and the cutoff date were also declared. The list of attendees and minutes were prepared.

(j) Socio Economic Survey Sample Size

A third of the PAP's were assessed for socio-economic parameters in every survey zone (stratum). The sample size constituted respondents identified through stratified sampling so as to include the various categories of PAPs (Squatters; business operators/ owners; land owners; tenants; employees; owners of residential/ commercial premises; hawkers and transport operators. The sample were determined through the number of PAPs recorded in the inventory register.

PAP interviews were conducted at their own places of residence or operation so as to observed housing and living conditions. At the end of the questionnaire, the affected person was asked to sign on his or her questionnaire and a photograph taken to show proof of the rightful owner. PAPs that were not available at that time were represented by either a spouse or their children.

3.2 Socio-economic Findings for the Rironi-Nakuru Mau Summit Corridor

3.2.1 Age of respondent and Household head

From the socio-economic findings, respondents interviewed in Kiambu County had an average age of 47 years, Nakuru County had an average age of 38 years while those interviewed in Nyandarua County had a mean age of 42 years respectively. The findings also indicate that the average age of the household heads in Kiambu County was 48 years, Nakuru County was 40 years and Nyandarua County was 43 years respectively. This is as shown in the **Table 9** below.

Table 9: Mean age of respondent and Household head

Mean Age in years of respondent & Head of HH		
COUNTY	Age of respondent	Age of HH head
KIAMBU	47	48
NAKURU	38	40
NYANDARUA	42	43
Overall	42	44

3.2.2 Household head

The survey findings show that the majority (79.6%) of the respondents interviewed were the household heads while 20.4% of the respondents interviewed were not the household heads. This is as shown in the **Figure 2** below.

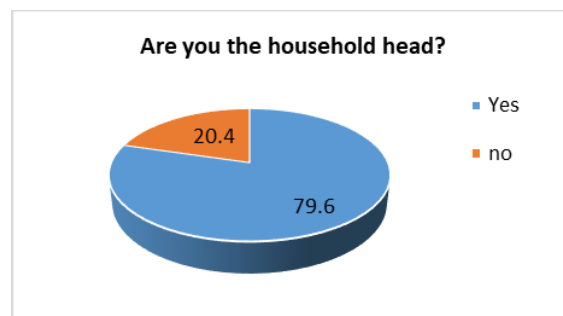


Figure 2: Household head

3.2.3 Gender of the household head

Gender is an important component in any social assessment. As shown in Figure 2 below, the findings indicate that the majority, 75.7% of the household heads were men while 24.3% were women. This in most cases will imply that men are the main decision makers in the households.

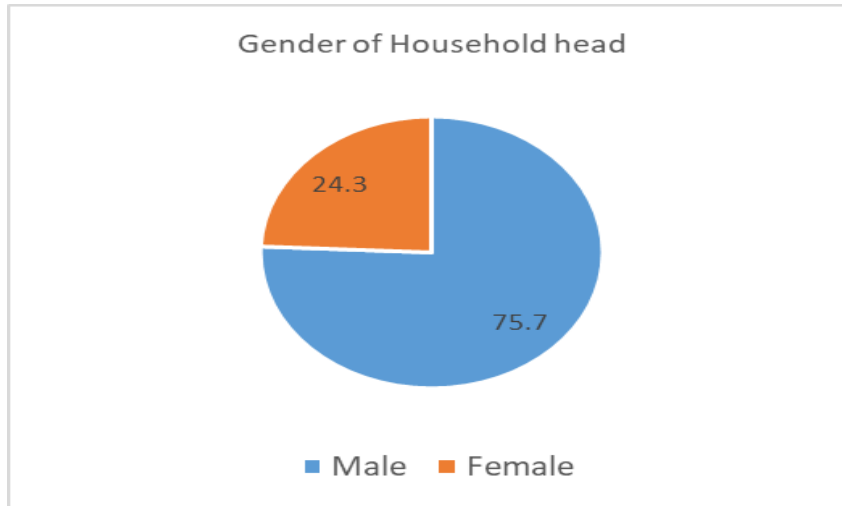


Figure 3: Household Head

3.2.4 Marital Status of the respondents

The survey shows that, the majority 69.2% of the respondents were married, 18.3% were single, 8.2% were widowed, 3.0% were divorced and 1.2% represented other marital statuses. This is as shown in the Figure 3 below.

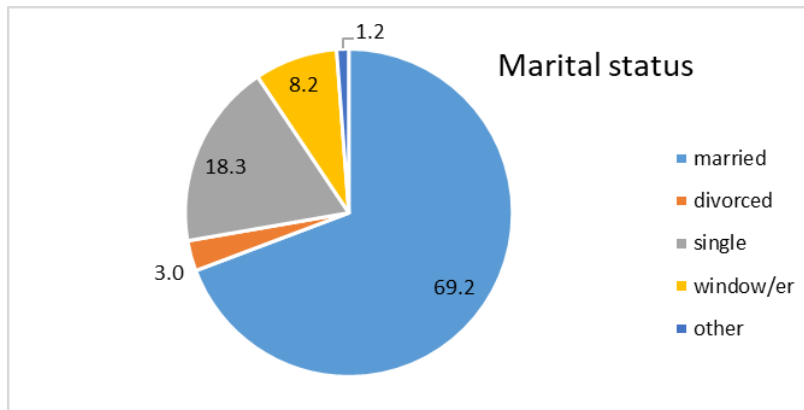


Figure 4: Marital status

3.2.5 Family type of the respondents

From the socio-economic survey, the major family type was Nuclear family as rated 89.3% overall with few extended families as rated 10.7%. This signifies that most households have a father and a mother with children. This is as illustrated in the figure 4 below.

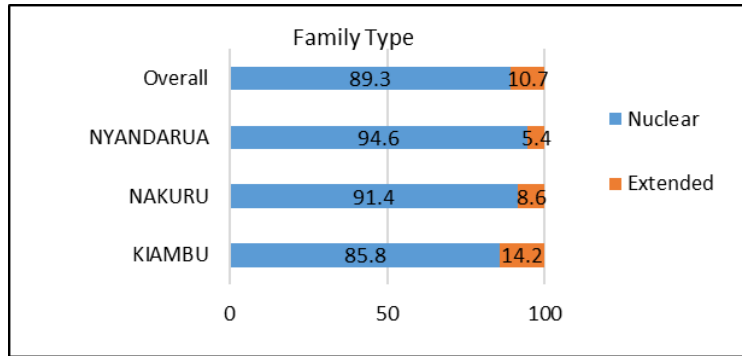


Figure 5: Family type

3.2.6 Family size of the respondents

The average family size is 5 per household. The number of household members below and above 18 years was 2 and 3 for each category with very few aged 70 years and above. This implies there is only a replacement population as the families are comprised of the two parents and two children. The number of dependents in each household is averagely 2. From FGD small family sizes are due to influence from the urban set up as opposed to the rural set up, use of family planning by women, career and employment among women and high cost of living.

Table 10: Family size of respondents

COUNTY	household size	No. of members below 18 yrs.	No. of members above 18 yrs.	No. of members above 70 yrs.	No. of dependents in the family
KIAMBU	5.1	2.2	3.1	0.2	3.3
NAKURU	4.7	2.4	2.4	0.1	1.0
NYANDARUA	5.2	2.4	2.8	0.2	3.3
Overall	4.9	2.3	2.8	0.2	2.2

3.2.7 Dependency factor in the households

The population composition consisted of 2 dependents per family. The dependency factor is due to the following reasons:

- 68.9% of the dependents are schooling;
- 17.3% of the dependents are minor;
- 12.% of the dependents are unemployed;
- 0.8% are either under age, disabled, aged or are sick.

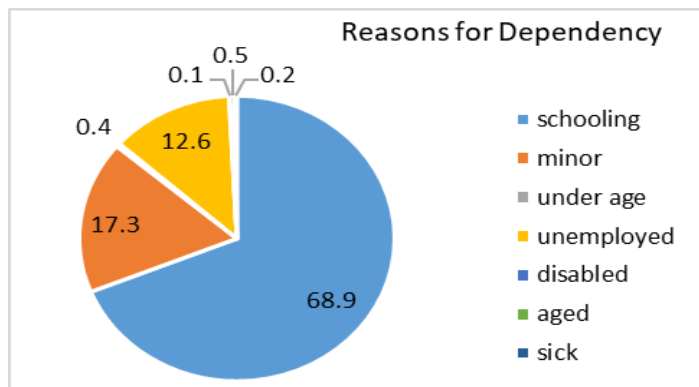


Figure 6: Reasons for dependency by family members.

3.2.8 Categories of Project affected persons

The socio-economic survey shows that, the majority 31.2% of the affected persons were in the category of land and asset owners. Land owner affected persons were 23.3%, asset owners were 17.8%, illegal land users/squatters were 17.2% and designated market vendor affected persons were 9.8%. this information is as tabled below.

Table 11: Project PAPs affected categories

Pap category	KIAMBU	NAKURU	NYANDARUA	Overall
Illegal land users/squatters	25.9	11.5	7.0	17.2
Designated market vendor	13.0	7.8	5.7	9.8
Asset owner	18.5	16.1	21.0	17.8
Land owner	22.6	19.5	38.9	23.3
Land & asset owner	20.0	43.6	27.4	31.2
Public institution		1.5		0.6

3.2.9 Affected land size of the respondents

The figure 5 below illustrates that 69.8% of the land size was fully affected while 30.2 % was partially affected.

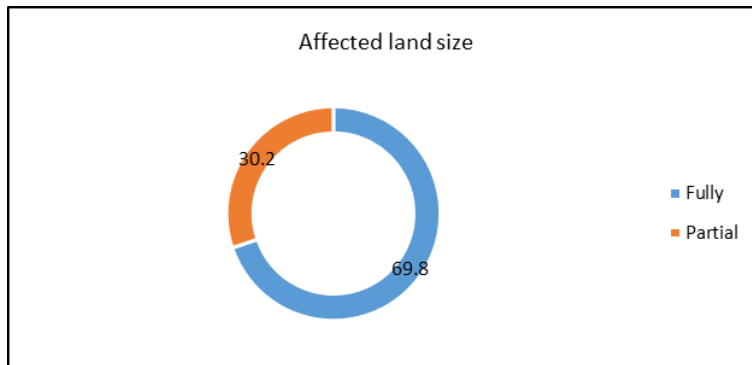


Figure 7: Affected land size

3.2.10 Anticipated Project Impacts on Assets

This section outlines the potential negative impacts that are anticipated and will be associated with the development of the road. The impacts will be related to activities carried out during construction, commissioning, operations, maintenance and decommissioning phases.

Most of the land under this project is public owned hence no land will be acquired for construction of the road. However, the squatters doing various businesses are operating on the same ground and will therefore get displaced.

- 71.7% of the PAPs will be fully displaced from the ground where they conduct their business;
- 17.8% of the PAPs will be partly displaced from the ground where they conduct their business; and
- 10.5% of the PAPs will be fully or partially loss land, annual and perennial crops.

The construction of the proposed road will result to interference of multiple business activities along the road corridor. This will result to livelihood loss and lower living standards and especially during the construction period. This is as illustrated in the chart below:

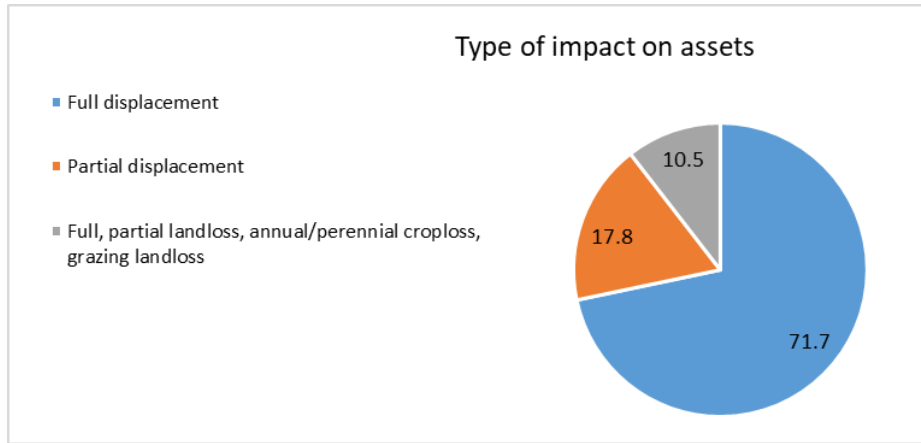


Figure 8: Type of impacts on assets

3.2.11 Project effect on infrastructure

69.4% of the PAPs reported that road construction will interfere with the use of the current road resulting to traffic congestion; 42% of the PAPs reported there will be power outage thus forcing the PAPs to rely to other unreliable power sources; 25.7% of the PAPs reported that access to water will be difficult as a result of the road construction; 21.9% of the PAPs reported the sanitation services will be interfered with for instance the sewerage system and some Public toilets along the ROW 13.9% of the PAPs reported that access to religious and learning institution will be blocked by heaps of soil during excavation. This information is as shown in the chart below.

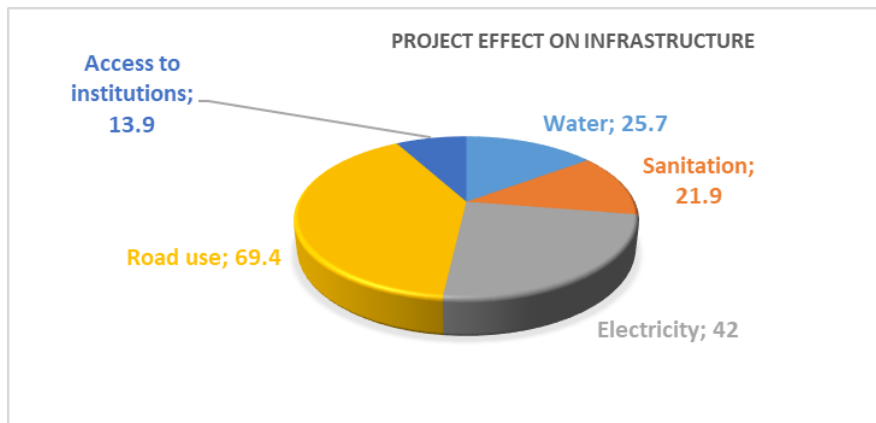


Figure 9: Project effect on infrastructure

3.2.12 Land Ownership

From the socio-economic findings, 68.1% of the land is owned while 31.9% of the land is leased. This is as tabled below.

Table 12: Land ownership

Land ownership	KIAMBU	NAKURU	NYANDARUA	Overall
Owner	77.9	52.5	81.4	68.1
Leased	22.1	47.5	18.6	31.9

3.2.13 Asset ownership

Figure 6 illustrates that 80.3% of the assets affected were owned while 19.7% of affected assets were rented.

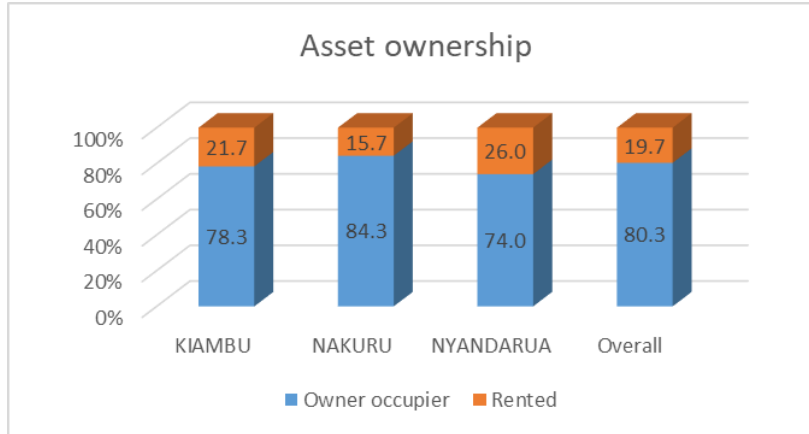


Figure 10: Asset ownership

3.2.14 Land Use Types

The land affected was mainly for commercial rated 70.9%, agricultural land rated 14.9% and residential land rated at 10.6%. Educational land, public utility rated 0.2% and 1.7% respectively. The land affected by the project is both on the way leave and private land commercial use was based and the highest.

Table 13: Affected land use types

Affected land use (Responses %)				
	KIAMBU	NAKURU	NYANDARUA	Overall
Residential	15.4	6.5	7.7	10.6
Commercial	59.2	78.6	85.8	70.9
Both 1&2	2	1.1	2.6	1.7
Agriculture	21	12.3	1.9	14.9
Educational	0.5	0	0	0.2
Public utility	0.5	0.6	0.6	0.6
Public purpose	1.3	0.9	1.3	1.1

3.3 Community Infrastructure

3.3.1 Main domestic water source for the households

Majority 30.5% of the PAPs' accessed water from communal taps for all domestic purposes which is safe, 23.5% from piped individual connection, 19.7% accessed water from boreholes, 8.6% buy water from the vendors for consumption which is very expensive and this limits the amount of water used by the household in a day. Other PAPs use rain and river water as reported by 2% and 3.3 % respectively. Rain water is safe for consumption when it is hygienically harvested, while raw water from the river is not safe unless treated. Availability of water to the households dictates the level of hygiene and absence or presence of water borne diseases. As deduced from the survey findings, majority of the persons use water from the communal taps thus care or immediate repair of distribution pipes should be ensured during project implementation to ensure reliable water supply

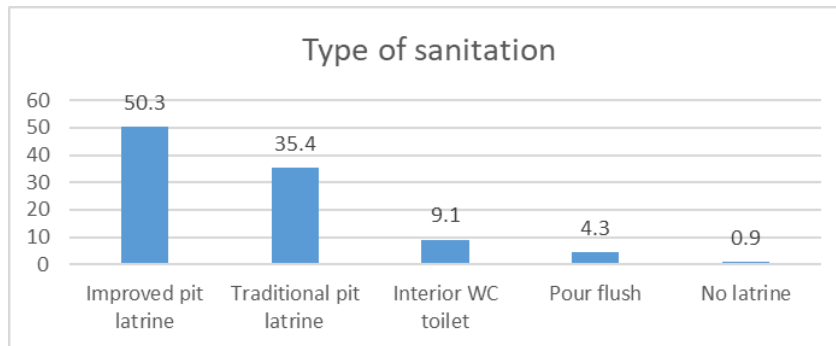
Table 14: Main domestic water source for the households

	KIAMBU	NAKURU	NYANDARUA	Overall
Piped individual	34.6	16.9	8.3	23.5
Piped communal	30.8	37.9	10.2	30.5
Shallow well	5.1	6.0	30.6	9.3
Borehole	18.6	14.0	38.2	19.7
BUYING	7.7	9.0	10.2	8.6
NEIGHBOURS TAPPED	0.0	0.2	0.0	0.1
RAIN WATER	0.6	3.8	1.3	2.0
RIVER	1.5	6.4	0.0	3.3
WATER KIOSK	0.2	0.5	1.3	0.5
WATER VENDORS	0.9	5.2	0.0	2.5

3.3.2 Sanitation

The survey findings indicate that majority of the PAPs (50.3%) used improved pit latrine, 35.4% of the PAPs used traditional pit latrine, 9.1% of the PAPs use interior WC with toilet flush tank, 4.3% use pour flush toilet facilities. 0.9% of the PAPs do not have any sanitation facility and this implies that they practice open defecation which could be attributed to presence of the water borne diseases.

The PAPs along the road corridor will require sanitation promotion activities like construction of modern public toilets with hand washing facilities and kiosks to promote both hygiene and IGA along the corridor. The Sanitation facilities used by the PAPs are as shown below.

**Figure 11: Type of sanitation used by the households**

3.3.3 Impacts on Public Health

Some of the public health issues related to construction works are HIV/AIDS and other communicable and sexually transmitted diseases (STDs). It has been observed that construction works and projects increase disease prevalence through sexual interactions between project staff and local communities. However, no camps will be put up that might attract concentration of prostitutes. The contractor will, as part of each workers' initial orientation and on-going education, provide public education information about HIV/AIDS and prevention measures. Condoms should be made available to project workers at no cost. This impact is considered minimal.

3.3.4 Health

From the socio-economic survey findings, majority of the household members three months before the survey had suffered from Malaria as reported by 24.3% of the respondents, common cold as reported by 18.9% of the PAPs each. However, Malaria has been highly prevalent among the PAPs due to presence of mosquitoes as reported during FGD. Other minor diseases that the inhabitants suffered from include; pneumonia rated (18.0%), typhoid rated (8.8%), Arthritis rated (9.2%), flu rated (5.0%), diabetes rated

2.9%. high blood pressure rated (1.8%), URTI rated 1.7%, asthma rated 1.5% and HIV/AIDS rated 0.9%. Some of the diseases are attributed to dust and therefore it will be mandatory for the contractor to minimize the spread of the disease through sprinkling water as recommended in ESIA report. An addition it will be crucial to curb further spread of HIV/AIDS through adopting behavior change approaches in addition to distribution of condoms in hotels and other public places. The diseases are as shown in the figure below.

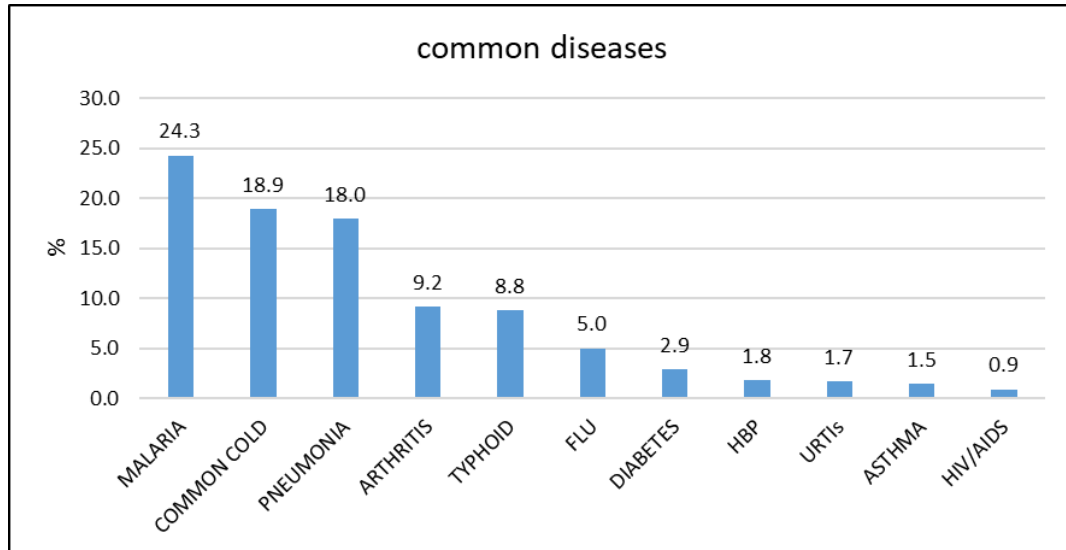


Figure 12: Common diseases in the project area

3.4 Energy/Power Sources

3.4.1 Fuel used for cooking and lighting by the households

The two main sources of fuel for cooking include wood used by 32.7% of PAPs, charcoal which is used by 29% of PAPs. The FGD mentioned that the two sources are cheap and affordable to the majority of community members who are poor. Other fuel sources used by small percentage include gas used by 25.7%, electricity used by 5.3%, Bio-gas use by 4% of the PAPs and paraffin used by 3.4% of the PAPs.

Following the fact that majority of the PAPs lived along the road corridor and in rental houses, 86.5% of PAPs used electricity for lighting, the rest of the PAPs 11.2% use paraffin, fuel wood and charcoal is used by 0.6% and 1.2% of PAPs each for lighting. This implies there are poor members of the community as much as there are the rich. This is as shown below.

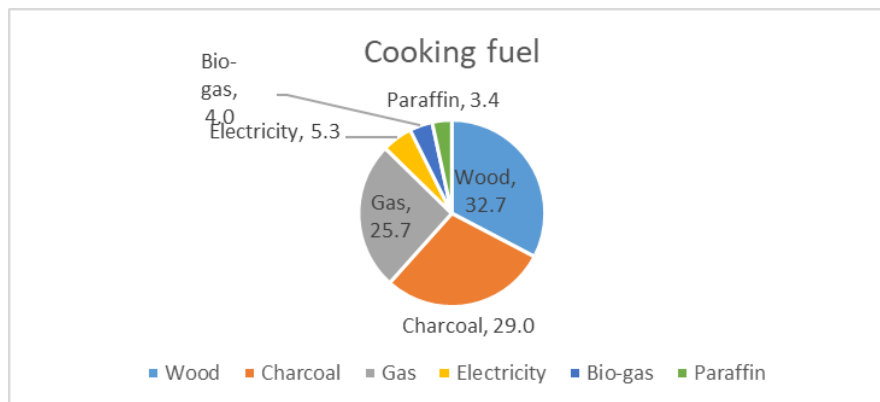


Figure 13: Fuel used for cooking by the households

3.5 Education

3.5.1 Highest level of education of the household members

The socio-economic findings indicate that majority (30.0%) of the family members did complete their primary school education which is formal education and 16.7% did not complete. 28.9% of the family members completed their secondary education while 10.9% did not complete. 6.3%, 3.2% and 0.2% rated those who attained a diploma bachelor's degree and postgraduate respectively. The illiterate amongst the family members were rated 3.7%. This information is as tabled below.

Table 15: Highest education level reached by household members

	KIAMBU	NAKURU	NYANDARUA	Overall	Overall head
none	5.6	6.7	6.0	6.1	3.7
primary incomplete	28.4	37.6	30.0	32.4	16.7
completed primary	16.1	17.9	19.6	17.3	30.0
secondary incomplete	13.8	16.2	15.6	15.0	10.9
completed secondary	26.1	14.8	18.5	20.4	28.9
diploma	6.2	4.3	6.5	5.4	6.3
bachelor's degree	3.4	2.6	3.6	3.1	3.2
postgraduate	0.4		0.3	0.2	0.2

3.6 Employment

3.6.1 Ability of family members to work

From the socio-economic survey, majority (37.5%) of the respondents reported that they were able to work full time. 36.5% of the family members were studying hence they were not able to work. 10.6% rated those who family members who are too young to study or work while 6.5% were involved only in housework and other family chores. 6.9%, 0.4%, 0.2% and 1.3% rated those family members who were working part time, studying and working at the same time, unable to work because they were disabled and too old respectively.

Table 16: Ability of family members to work

	KIAMBU	NAKURU	NYANDARUA	Overall
yes, fulltime	39.6	36.0	35.5	37.5
yes, part-time	10.9	4.0	3.6	6.9
study & work	0.7	0.2	0.3	0.4
Study	31.9	38.6	43.9	36.5
no, disabled	0.5	0.1		0.2
no, too old	2.1	0.6	1.2	1.3
no, too young	7.7	14.8	6.4	10.6
house work and other family chores (not payment)	6.5	5.7	9.1	6.5

3.6.2 Employment status of the family members for the last 6 months

Majority of the family members were not working as rated 45.5% and this could be attributed to cases of disability, old age and studying. 28.5% for the family members were self- employed while 8.6% were capable of working but they lacked employment. Paid employees amongst the family members were rated 8.3% and unpaid family workers rated 3.2%. this is as illustrated in the table below.

Table 17: Employment status of the family members for the last 6 months

	KIAMBU	NAKURU	NYANDARUA	overall
not provided	8.7	4.8	0.1	5.9
not applicable	39.5	48.1	58	45.5
paid employee	10.6	6.5	6.3	8.3
self employed	25.8	30.7	30.7	28.5
unpaid family worker	4.6	1.9	2.2	3.2
unemployed	10.8	8.1	2.7	8.6

3.6.3 Working industry for the family members

From the table below, majority (49.6%) of the family members were working in the trade industry. This implied that they were involved in various business activities which they entirely depended on as their main daily source of income. 26.6% of the respondents reported that to work in the agricultural industry hence entirely depended on farming activities. Those family members who worked in transport sector, construction, government, factory, tourism, NGO and domestic industries were rated 8.4%, 4.5%, 3.1%, 1.2%, 2.2%, 0.6% and 3.8% respectively.

Table 18: Working industry for the family members

	KIAMBU	NAKURU	NYANDARUA	Overall
Agriculture	31.0	23.4	20.4	26.6
Transport	8.3	9.4	5.8	8.4
Trade	39.7	57.9	59.5	49.6
Construction	4.2	4.6	4.7	4.5
Government/State	4.6	1.5	2.9	3.1
Factory	1.7	0.7	1.5	1.2
Tourism	3.6	0.2	3.3	2.2
NGO	0.9	0.2	1.1	0.6
Domestic	6.0	2.1	0.7	3.8

3.7 Project awareness and perception

3.7.1 Awareness of the project by the respondents

The social economic findings indicated that majority (79.1%) of the respondents were aware of the proposed road project. This awareness was created through rumors, through public meetings held with the community members, through focus group discussions, through chiefs and village elders. 20.9% of the respondents reported not to be aware of the project. This is as shown below.

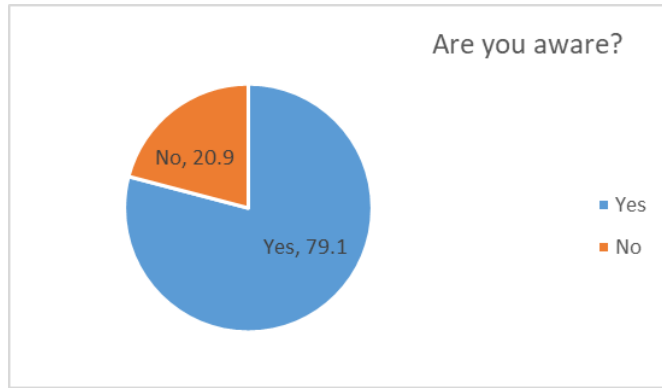


Figure 14: Awareness of the project by the respondents

3.7.2 Support of the project by the respondents

The majority (95.5%) of the respondents strongly agreed and supported the proposed road project. A few did not support the project as reported by 4.5%.

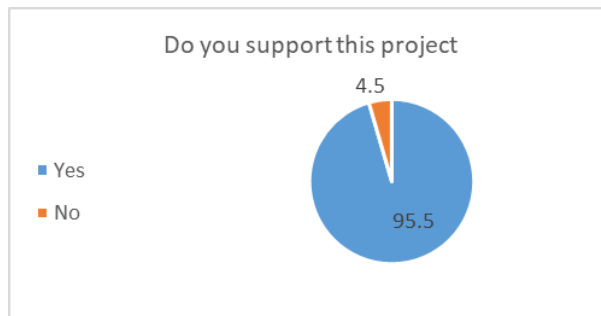


Figure 15: Support of the project by the respondents

3.7.3 Reasons for the support of the proposed road project

The respondents had varying views regarding the proposed road project. Those who strongly supported the project outlined some of the great positive impacts that will emanate from the construction stage to the monitoring and implementation stages of the proposed road project. These positive impacts included:

- Asset appreciation like land in the project area;
- Improved road infrastructure;
- Improved transportation of goods and services;
- General development of the area hence improved living standards of the people;
- Reduced road accidents and reduced traffic congestion in the road after its completion;
- Improved security in the project area;
- Creation of jobs to the community people during construction of the road and increased business opportunities;
- Improved social amenities in the area like schools, hospitals and recreation centers; and
- Promotion of tourism industry in the project area and realization of vision 2030 goals.

3.7.4 Negative impacts attributed to the proposed road project

- Displacement
- Loss of jobs and business hence loss of livelihoods
- Loss of land as an asset
- Poverty increase in the households.

3.8 Socio-economic Findings for the Rironi-Mai Mahiu-Naivasha Corridor

3.8.1 Age of respondent and Household head

From the socio-economic findings, respondents interviewed had an average age of 42 years. The findings also indicate that the average age of the household heads was 39 years. This is as shown in the table below.

Table 19: Age of respondent and Household head

Age	Age of respondent	Age of HH head
Percentage	38	39

3.8.2 Household head

The survey findings show that the majority (79.6%) of the respondents interviewed were the household heads while 20.4% of the respondents interviewed were either spouses or close relatives. This is as shown in the table below.

Table 20: Household head

	NAKURU
Yes	79.6
no	20.4

3.9 Marital status of the respondents

The survey shows that, the majority 67.3% of the respondents were married, 27.1% were single, 0.9% were widowed, 2.8% were divorced and 1.9% represented other marital statuses. This is as shown in the figure 16 below

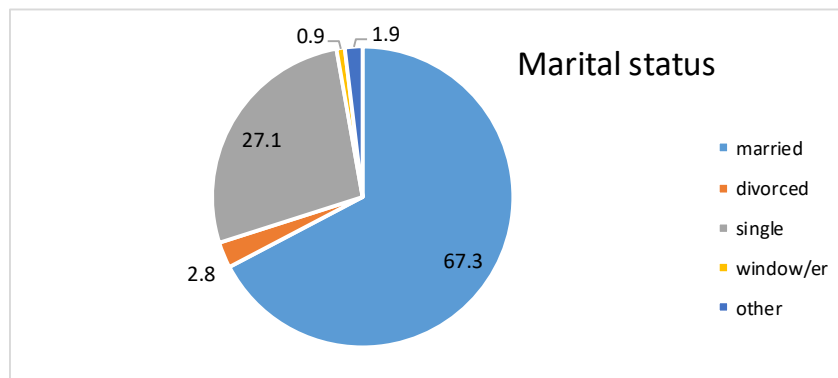


Figure 16: Marital status of the respondents

3.9.1 Family size of the respondents

The average family size is 4 per household. The number of household members below and above 18 years was 2 for each category with very few aged 70 years and above. This implies there is only a replacement population as the families are comprised of the two parents and two children. The number of dependents in each household is averagely 3. From FGD small family sizes are due to influence from the urban set up as opposed to the rural set up, use of family planning by women, career and employment among women and high cost of living.

Table 21: Family size of the respondents

Household size	household size	No. of members below 18 yrs.	No. of members above 18 yrs.	No. of members above 70 yrs.	No. of dependents in the family
percentage	4.1	2.1	2.1	0.0	2.5

3.9.2 Dependency factor in the households

The population composition consisted of 3 dependents per family. The dependency factor is due to the following reasons:

- 76.6% of the dependents are schooling;
- 17.0% of the dependents are minor;
- 6.4% of the dependents are unemployed;
- 0.8% are either under age, disabled, aged or are sick

Table 22: Dependency factor in the households

Education level	percentage
Schooling	76.6
Minor	17
Unemployed	6.4

3.9.3 Family type of the respondents

From the socio-economic survey, the major family type was Nuclear family as rated 97.1% overall with few extended families as rated 2.9%. This signifies that most households have a father and a mother with children. This is as illustrated in the figure below.

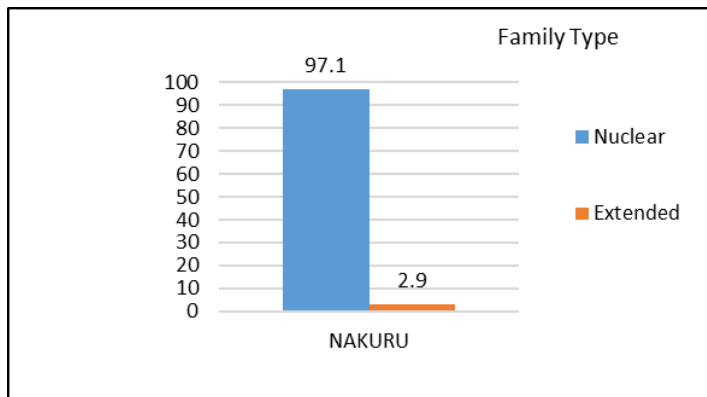


Figure 17: Family type of the respondents

3.9.4 Categories of Project affected persons

The socio-economic survey shows that, the majority 35.4% of the affected persons were designated market vendors while 34.5% of the project affected persons were illegal land users/squatters. Under asset owner and public institution categories, the project affected persons rated 27.4% and 2.7% respectively. This information is as tabled below.

Table 23: Categories of Project affected persons

PAP category	Percentage
Asset owner	27.4
Designated market vendor	35.4
Illegal land users/squatters	34.5
Public institution	2.7

3.9.5 Affected land size of the respondents

The table 24 below illustrates that 94.7% of the land size was fully affected while 5.3 % was partially affected.

Table 24: Affected land size of the respondents

Affected Land S	Percentage
Fully	94.7
Partial	5.3

3.9.6 Anticipated Project Impacts on Assets

This section outlines the potential negative impacts that are anticipated and will be associated with the development of the road. The impacts will be related to activities carried out during construction, commissioning, operations, maintenance and decommissioning phases.

Squatters doing various businesses are operating on the same ground and will therefore get displaced.

- 94.5% of the PAPs will be fully displaced from the ground where they conduct their business;
- 4.5% of the PAPs will be partly displaced from the ground where they conduct their business; and
- 0.9% of the PAPs will be fully or partially loss land, annual and perennial crops.

The construction of the proposed road will result to interference of multiple business activities along the road corridor. This will result to livelihood loss and lower living standards and especially during the construction period.

Table 25: Anticipated Project Impacts on Assets

	NAKURU
Full displacement	94.5
Partial displacement	4.5
Full, partial land loss, annual/perennial crop loss, grazing land loss	0.9

3.9.7 Project effect on infrastructure

- 59.3% of the PAPs reported that road construction will interfere with the use of the current road resulting to traffic congestion;

- 71.4% of the PAPs reported there will be power outage thus forcing the PAPs to rely to other unreliable power sources;
- 35.2% of the PAPs reported that access to water will be difficult as a result of the road construction;
- 52.7% of the PAPs reported the sanitation services will be interfered with for instance the sewerage system and some Public toilets along the road corridor
- 13.2% of the PAPs reported that access to religious and learning institution will be blocked by heaps of soil during excavation.

This information is as shown in the chart below.

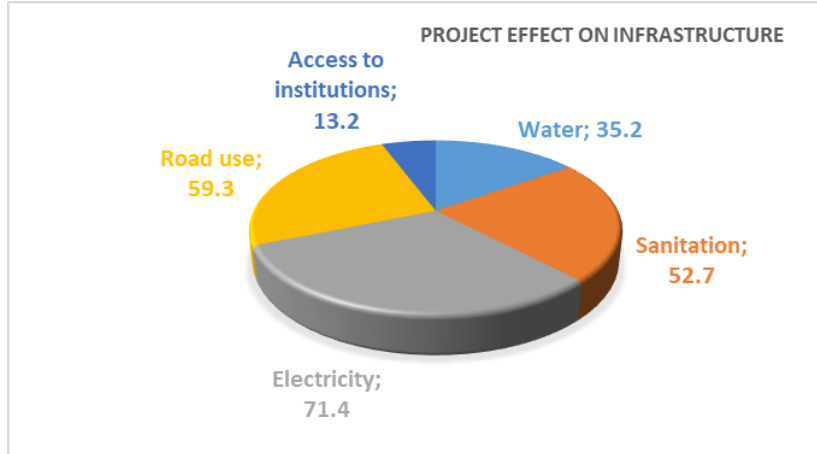


Figure 18: Project effect on infrastructure

3.9.8 Land Use Types

The land affected was majorly for commercial rated 99.1%, with little effect on public purpose as reported by 0.9% of the respondents. This implies that most of the business activities will be highly disrupted due to the proposed road project. The land affected by the project is both on the way leave and private land.

Table 26: Land Use Types

Land Use Types	Percentage
Residential	0
Commercial	99.1
Both 1&2	0
Agriculture	0
Educational	0
Public utility	0
Public purpose	0.9

3.9.9 Main domestic water source for the households

Majority of the PAPs along the stretch, rated at 30% buy water which was termed to be expensive, 25% get communal piped water, 20.5% buy water from water vendors pipes, 30.5% of the PAPs' accessed water from communal taps for all domestic purposes which is safe, 9.8% from piped individual connection, 7.1% accessed water from boreholes, 20.5% buy water from the vendors for consumption which is very expensive and this limits the amount of water used by the household in a day. Other PAPs use rain and river water as reported by 1.8% and 2.7 % respectively. Rain water is safe for consumption when it is hygienically harvested, while raw water from the river is not safe unless treated. Availability of water to the households dictates the level of hygiene and absence or presence of water borne diseases. As deduced from the survey findings, majority of the persons use water from the communal taps thus care or immediate repair of distribution pipes should be ensured during project implementation to ensure reliable water supply

Table 27: Sources of water for domestic use

Source of water	Percentage
Piped individual	9.8
Piped communal	25.0
Shallow well	2.7
Borehole	7.1
BUYING	30.4
RAIN WATER	1.8
RIVER	2.7
WATER VENDORS	20.5

3.9.10 Sanitation

The survey findings indicate that majority of the PAPs rated at 32.1% of the PAPs used improved pit latrine, 18.8% of used pour flush toilets, 16.1% used interior WC toilet and 8% used traditional pit latrine. It is worth noticing that some PAPs, rated at 25% did not have latrines implying that they practice open defecation which could be attributed to presence of the water borne diseases. The PAPs along the road corridor will require sanitation promotion activities like construction of modern public toilets with hand washing facilities and kiosks to promote both hygiene and good health among the PAPs along the corridor. The Sanitation facilities used by the PAPs are as shown in below.

Table 28: Type of sanitation used by the households

Available sanitation facilities	Percentage
Interior WC toilet	16.1
Pour flush	18.8
Improved pit latrine	32.1
Traditional pit latrine	8
No latrine	25

3.9.11 Impacts on Public Health

Some of the public health issues related to construction works are HIV/AIDS and other communicable and sexually transmitted diseases (STDs). It has been observed that construction works and projects increase disease prevalence through sexual interactions between project staff and local communities. The contractor will, as part of each workers' initial orientation and on-going education, provide public education information about HIV/AIDS and prevention measures. Condoms should be made available to project workers at no cost. This impact is considered minimal.

Health

From the socio-economic survey findings, majority of the household members had suffered from Malaria as reported by 27.7% of the respondents due to presence of mosquitoes as reported during FGD, Common Cold was reported to the second most occurring disease by 22.6% of the PAPs while typhoid was the third most occurring as reported by 17.9% of the PAPs.

Other minor diseases that the inhabitants suffered from include; Chest Problems, Eye Infection, Pneumonia Flu, Eye Problems, HIV/AIDS, Ulcers, Stomach Problems, Headache, Arthritis, Cholera, Teeth Problems, Diabetes, HBP and Amoeba. Some of the diseases such as Chest Problems, Eye Infection and Eye Problems are attributed to dust and therefore it will be mandatory for the contractor to minimize the spread of such diseases through sprinkling water as recommended in ESIA report. In addition, it will be crucial to curb further spread of HIV/AIDS through adopting behavior change approaches in addition to distribution of condoms in camps, worksites and other public places. The rate of occurrences of the minor diseases each of the diseases mentioned are as indicated in the table below

Table 29: Common diseases in the project area

Common Diseases in the area	Percentage
MALARIA	27.7
COMMON COLD	22.6
TYPHOID	17.9
CHEST PROBLEMS	5.1
EYE INFECTION	5.1
PNEUMONIA	3.1
FLU	3.1
EYE PROBLEMS	3.1
HIV/AIDS	2.1
ULCERS	2.1
STOMACH PROBLEMS	2.1
HEADACHE	1.5
ARTHRITIS	1.0
CHOLERA	1.0
TEETH PROBLEMS	1.0
DIABETES	0.5
HBP	0.5
Amoeba	0.5

3.10 Energy/Power Sources

3.10.1 Fuel used for cooking and lighting by the households

Types of fuel used by households for cooking include wood, gas, bio-gas, paraffin, electricity and charcoal. Of all the fuel sources, Gas is mostly used by the households, rated at 29.5% followed by Charcoal at 25%, then Bio-Gas rated at 22.0%, then Paraffin at 11.4%, wood at 10.6% with the least used fuel being electricity at 1.5% as shown in table 30 below.

Table 30: Fuel used for cooking by the households

Fuel used	Percentage
Wood	10.6
Gas	29.5
Bio-gas	22.0
Paraffin	11.4
Electricity	1.5
Charcoal	25.0

Following the fact that majority of the PAPs lived along the road corridor and in rental houses, 83.8% of PAPs used electricity for lighting, 9.9% of the remaining PAPs use paraffin and charcoal and the last 6.3% use charcoal. This implies that there are poor members of the community as much as there are the rich. This is as shown below.

Table 31: Lighting fuel

Lighting Fuel	Percentage
Paraffin	9.9
Electricity	83.8
Charcoal	6.3

Education

Highest level of education of the household members

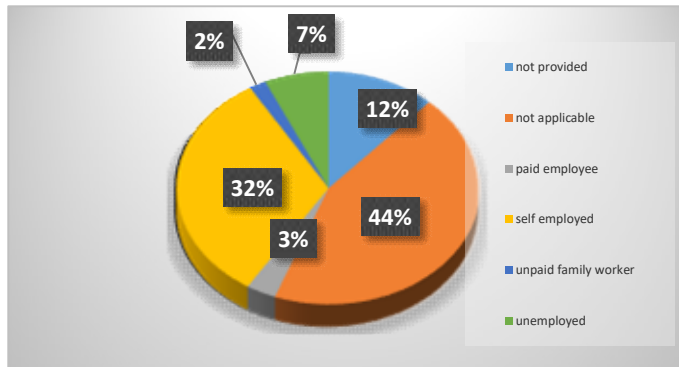
The socio-economic findings indicate that majority (25.9%) of the family members did complete their primary school education which is formal education and 18.8% did not complete. 24.1% of the family members completed their secondary education while 11.6% did not complete. 15.2%, and 1.8% rated those who attained a diploma bachelor's degree respectively. The illiterate amongst the family members were rated 7.2%. This information is as tabled below.

Table 32: Highest level of education of the household members

Highest level of education	Percentage
none	0.0
primary incomplete	18.8
completed primary	25.9
secondary incomplete	11.6
completed secondary	24.1
diploma	15.2
bachelor's degree	1.8

Employment status of the family members for the last 6 months

Majority of the family members, 32%, were self-employed, 3% of the members were employed with pay and 2% were employed without pay. In addition, 7% of the family members were unemployed. This is as illustrated in the figure below.

**Figure 19: Employment status of family members**

Working industry for the family members

From the table below, majority (66.0%) of the family members were working in the trade industry. This implied that they were involved in various business activities which they entirely depended on as their main daily source of income. 19.4% of the respondents reported to work in the agricultural industry hence entirely depended on farming activities. Those family members who worked in transport sector, construction, government and domestic industries were rated 19.4%, 2.1%, 0.7%, and 6.9%.

Table 33: Working industry for the family members

Working industry	percentage
------------------	------------

Agriculture	4.9
Transport	19.4
Trade	66.0
Construction	2.1
Government/State	0.7
Domestic	6.9

3.11 Project awareness and perception

3.11.1 Awareness of the project by the respondents

The social economic findings indicated that majority (71.2%) of the respondents were aware of the proposed road project. The remaining 28.8% of the respondents reported not to be aware of the project. This awareness was created through rumors rated at 85.7% and also through neighbors rated at 14.35%. this is as shown in table 34 and 35.

Table 34: Awareness of the project by the respondents

Aware	percentage
Yes	71.2
No	28.8

Table 35: Mode of communication about the project

Mode of communication	percentage
Neighbors	14.3
Rumors	85.7

3.11.2 Support of the project by the respondents

The majority (98.2%) of the respondents strongly agreed and supported the proposed road project. A few did not support the project as reported by 1.8%.

Table 36: Support of the project by the respondents

awareness	Percentage
Yes	98.2
No	1.8

3.11.3 Reasons for the support of the proposed road project

The respondents had varying views regarding the proposed road project. Those who strongly supported the project outlined some of the great positive impacts that will emanate from the construction stage to the monitoring and implementation stages of the proposed road project. These positive impacts included;

- Development of the area;
- Economic growth;
- Reduced road accidents;
- Promote business;
- Job creation;
- Reduced traffic congestion;
- Better transport;
- Better infrastructure;
- Promotion of transport sector and vision 2030 achievement

3.11.4 Negative impacts attributed to the proposed road project

- business loss;
- job loss;
- displacement;
- loss of income;
- livelihood loss;
- loss of assets;
- blocked access;
- business growth; and
- loss of youth projects

3.12 Gender Analysis

3.12.1 Introduction

Understanding of the gender concept distinguishes biologically founded sexual differences between women and men from the culturally determined differences between the roles given to or undertaken by women and men in a society. It is easy to understand the biological differences between men and women, as these are universal.

Socially, gender describes socially constructed roles and relationships defined for men and women within a society. These roles and relationships are learned, change over time and have wide variations within and between communities holding to various cultural beliefs and practices.

Gender roles are affected by a number of factors such as age, class, race, ethnicity, religion and ideologies, in addition to the geographical, economic and political environment. Roles may be flexible, rigid, similar or different as well as they may be complimentary or conflicting.

The elaboration of a comprehensive gender analysis that identifies existing gender inequalities and their basic causes would considerably facilitate the incorporation of a gender perspective in during project implementation. The provision of base-line data disaggregated by sex is also crucial for the possibilities to monitor outcomes related to gender

3.12.2 Gender Calendar

Through use of Participatory Hygiene and Transformation (PHAST) Gender Analysis tool was administered to men and women during the Focused Group Discussions. The consultations with women in the project-affected area were carried to ensure that their concerns addressed in RAP and project design and preparation phases.

Profiling for the PAPs indicated that as is the case with many African communities that are a highly patrilineal where women and their views are generally not considered. Majority of the PAPs reported that communities still hold to the traditional misconception that women cannot make decisions and thus women are under-represented in property ownership, education, and political leadership among others. This situation is the outcome of the interplay of a myriad of factors ranging from discriminatory property ownership laws and practices to deep seated cultural values.

The GA used in developing the Gender Calendar indicated that women undertake productive and the reproductive work. Women were found to work full time undertaking the following full responsibility for the maintenance of the household. These activities usually begin at dawn (5.00-6.00 am. The routine activities included:

- i. Caring for the children,
- ii. Family's healthcare,
- iii. Food preparation,
- iv. Shopping,
- v. Cleaning and washing

vi. Farming, business

Evening household chores usually concluded at 10.00 or 11.00 pm. The gender calendar for men usually begins with the following activities:

- a. Breakfast at 7.00 am,
- b. Bathing
- c. Business/ farming/ grazing
- d. Lunch
- e. Leisure/ politics
- f. Supper
- g. Sleep

The above division of work often put up considerable constraint to women's possibilities to undertake productive and community politics activities, and thus has a fundamental impact on the equality between men and women. As these roles are often reinforced when the first child is born, it might be vital to systematically address the gender division of labour and responsibilities in the Early Childhood Development project.

3.12.3 Mapping the gender division of labour along the road Corridor

Productive Work involves the production activities such as farming in the rural where both men and women undertook farming activities. In the urban and peri-urban areas men and women are mainly involved in employment and self-employment). When people are asked what they do, the response is most often related to productive work, especially work which is paid or generates income. Though both women and men get involved in productive activities, women's productive work is often less visible and less valued than men's.

Reproductive Work involves the care and maintenance of the household and its members including bearing and caring for children, food preparation, shopping, housekeeping, and family health care. Reproductive work is crucial to human survival, yet it is seldom considered 'real work'. Reproductive work is, for the most part labour- intensive, and time-consuming. It is almost always the responsibility of women and girls.

In addition, women reported that they are also involved in **Community Work** which is voluntary. This involves preparing for social events and services such as ceremonies and celebrations, community improvement activities, participation in groups and organizations, local political activities, and so on. This is for social cultural sustainability. However, in such functions men were said to take the planning and organizing role.

3.12.4 Gender Needs

Cross cutting gender needs as discussed along the road corridor included:

- Health care
- Income earning for household provision
- Housing and basic needs
- Family food provision

They are needs shared by all household members, yet it is women who assume responsibility for meeting these needs.

Gender / Resource Tool

This tool entails questions such as:

Which are the key resources? Key community resources included: Land and structures, machinery and vehicles.

Who owns the resources? Some PAPs reported that the resources are mainly owned by men. Though some reported that the key family resources are owned jointly by men and women while women only owned in absence of men (widowed, single parents) or where they purchase the resources. Who controls? The owner controls. Most of the resources are controlled by men? What to buy, where and when to sell, at what price. Women only takes over the control in the absence of men.

3.12.5 Gender issues along the corridor:

- Legal rights,
- Domestic violence,
- Unequal wages
- Women's lack control over their bodies. These are formulated by an analysis
- Limited access to credit facilities
- No freedom in child bearing
- Unequal access to job opportunities
- Women's subordinate in society

Strategies to promote gender equality include:

- a) Abolition of sexual division of labour
- b) Alleviation of the burden of domestic labour and childcare
- c) The removal of institutionalized forms of discrimination such as rights to own land or
- d) property
- e) Access to credit and other resources
- f) Freedom of choice over child bearing
- g) Measures against gender based violence and male control over women

The elaboration of a comprehensive gender analysis that identifies existing gender inequalities and their basic causes would considerably facilitate the incorporation of a gender perspective in the programme cycle. The provision of base-line data disaggregated by sex is also crucial for the possibilities to monitor outcomes related to gender.

Promotion of Gender equality and women empowerment:

- a) Project design to purposively allow specific provisions regarding participation of women during implementation.
- b) Ensure that more women shall be given opportunities to work at the construction site. Accordingly, a quota of 30% will be targeted at women
- c) Recruits in accordance with the New Constitutional dispensation requirement on gender parity.
- d) The design includes measures aimed at improving the work environment
- e) for women by ensuring provision of ablution corners, dedicated for women, code of conduct to prevent abusive language and unwanted approaches at the work place.
- f) Relocation of road side market operators and traders (36.2% of hawkers are women). As a mitigation measures, the project will create market stalls and expands the existing markets belonging to the County to accommodate the affected persons. The Council will give equal opportunity between men and women in allocating the available stalls or space.
- g) To promote business among the PAPs, KeNHA in conjunction with KIE to provide entrepreneurs training program for vulnerable youth and women in the project with main target being young women.
- h) KeNHA to design and implement an awareness program on curbing the spread of HIV/AIDS and STI among workers and communities' members focusing on women and girls

3.12.6 The main recommendations for future

Recommended interventions to address gender issues based on the assessment are:

- Ensure a gender focal point is appointed or a gender specialist hired for each road project for monitoring and gender mainstreaming in project activities.
- Improve monitoring of gender-related impact through capacity building of PIU and GRC to ensure that gender disaggregated data is collected during monitoring.
- Promote more balanced gender representation in decision-making roles (this may mean extra support is needed for women, such as adult literacy training, leadership training, confidence building, etc.)
- Support business activities specifically targeting women and ensure gender sensitive budget lines
- Create a revolving fund to support the vulnerable women that will ensure they access informal credit services in addition to the existing merry go rounds and table banking
- Concentrate efforts on reaching the most vulnerable community members, especially
- households headed by women and orphans, and people living with HIV for training and sensitization meetings.
- Provide literacy training to women or disadvantaged person to make them more productive in GR committees.

3.12.7 Vulnerability targeting

From FGD with women, opinion leaders and church leaders' representatives, the following were identified as vulnerable members that lived under support by the PAPs or were PAP themselves without care givers. They included:

- Persons living with physical Disability
- Those with chronic illness/prolonged illness
- Those over 70 years and no income and had received support from any kitty, but has been terminated i.e. from the government for the aged, Mau Mau veterans
- Orphaned with no source of income and stable job but are among the PAPs (hawkers)
- Widowed with large families and unreliable revenue stream
- Extremely poor with large families, landless and casual laborer

3.12.8 Criteria for identification of the vulnerable

- i. Land size owned and in use
- ii. Family size
- iii. Income level
- iv. Occupation
- v. Previous support accorded

Those identified include;

- 1) Female headed households,
- 2) Child headed households,
- 3) Disabled people (PWD)
- 4) Chronic and terminal illness
- 5) People living with HIV/AIDS)
- 6) Elderly supporting dependents
- 7) The list for the vulnerable is attached to the report.

Vulnerable categorization Findings

#	Nature of Disability	Percentage
1.	Disabled and Sick	1.9
2.	Aged & sick	13.8
3.	Aged & Disabled	1.9
4.	Sick	13.8
5.	Orphaned & HIV/AIDS	10.8
6.	HIV/AIDS	0.9

#	Nature of Disability	Percentage
7.	Orphaned	9.9
8.	Disabled	12.8
9.	Widowed & Sick	2.9
10.	Extremely poor	0.9
11.	Single Parent and Sick	0.9
12.	Widowed, disabled & Mentally sick	0.9
13.	Aged & Mental Disorder	2.9
14.	Mental Disorder	2.9
15.	Aged	13.8
16.	Aged, widowed and Sick	4.9
17.	Widowed	0.9
18.	Aged, single parent & Sick	0.9
19.	Aged & Widowed	2.9

Vulnerable persons with the highest rate were aged & sick; sick and aged rated 13.8%, disabled and HIV/AIDs rated 10.8% and the disabled rated 12.8%.

3.12.9 Recommendations

The major affecting the disadvantaged is poverty, lack of employment, lack of capital for expanding business and farming. Thus, support for the vulnerable will require the following:

- Creation of pool of capital that will be used as a revolving fund to support the activities for the vulnerable persons or for their caregivers.
- Training small scale entrepreneurs on areas of investment options, finance management and other related areas.

4 ELIGIBILITY AND ENTITLEMENTS

4.1 Eligibility for Benefits

The consultant carried out a census to identify persons who will be directly affected by the project and are therefore eligible for assistance. The study team also held meaningful consultations with affected persons and communities where issue of displacement and compensation was the main agenda. The framework for compensation was developed in consultation with the affected communities.

The Cut-off date was used to determine eligible persons for compensation based on account of constitution of Kenya and Lands Act and Regulations, and the criteria set by the World Bank safeguard policy on Involuntary Resettlement. Those who have formal legal right to land and have lawful possession over the land that will be expropriated and owns properties situated thereon are eligible for compensation.

4.2 Criteria for Eligibility

All the affected people and their assets at the time of census were identified and listed by a team of surveyors, inventory enumerators, valuers, sociology and gender expert and socio-economic data enumerators between 22nd November and 23rd December 2017. The last day of the enumeration (23rd December 2017) technically become the cut-off date and was announced in all the barazas. Persons who encroach on the identified area for the road expansion after the cut-off date will not be entitled to compensation or any other form of resettlement assistance. The PAPs affected were classified as:

- a) Those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);
- b) Those who do not have formal legal rights to land at the time the census but have a claim to such land or assets--provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan;
- c) Structure owners who will lose part or whole of their structures on private land (e.g. fence, roof, wall etc. that protrudes into the ROW);
- d) Those with moveable asset;
- e) Tenants because whose premises have been marked for relocation;
- f) The employees who will lose their jobs because the business or factory will be relocated;
- g) People who conduct businesses in the affected structures on privately owned land and will lose income as a result;

All the affected people and or assets at the time of census were identified and listed. Persons who encroach on the identified area for the road expansion after the cut-off date will not be entitled to compensation or any other form of resettlement assistance. All persons included in paragraph (a), (b), or (c) above will be provided with compensation for loss of land and 15% disturbance while all the others will receive compensation for assets and or livelihoods and 15% disturbance fee.

4.3 Determination of Eligible PAPs

The World Bank Resettlement Policy/Guidelines require compensation for lost assets at replacement cost to both titled and non-titled landholders and resettlement assistance for lost income and livelihoods. In this project, the absence of formal titles will not constitute a barrier to resettlement assistance and rehabilitation. To determine the PAPs the study team followed the following steps:

- Enumerating and collecting basic bio data information of the PAPs. - The survey captured bio-data, surveyed socio-economic diversity of the PAPs, considered squatters, included those occupying affected structures for shelter or business purposes and did not leave out PAPs without land ownership documents;
- Registering the affected people by location and county;
- Established a list of legitimate beneficiaries to the compensation scheme so as to avert false claims from those moving into the road reserve solely in anticipation of reaping the benefits;
- Carried out a socioeconomic enquiry to establish and set a fair compensation rates and to design, monitor, and evaluate sustainable income restoration or development interventions;
- The survey also established a benchmark for monitoring and evaluation.

In our enumeration, the consultant gave an opportunity to PAPs to give information that could allow the RAP team assess their vulnerability. As a result, the team was able to identify households headed by women or children, people with disabilities, the extremely poor and the elderly. Such groups have been accorded special or supplementary resettlement assistance because they are less able to cope with the physical and/or economic displacement compared to the rest of the affected population.

The consultant was not able to identify all PAPS as some were living and working in other areas so a few isolated cases of absentees' asset owners were encountered, all assets were identified, enumerated, surveyed and evaluated. The consultant will actively seek to reach all those affected to ensure they are identified.

It is also anticipated that there will be a significant time lag between the completion of the census and implementation of the RAP, and so the RAP team will undertake a final census to capture any changes that had taken place as a result of human population movements as well as natural population increase and expansion of households before final compensation scheme for each PAP is determined.

The purpose was to determine the right to benefits is only granted to PAPs whose assets will be demolished and those who will have to move their assets to a different location. The developer will use prevailing market rates for permanent structures, titled or land with recognizable ownership and trees and other structures as practiced by the international Valuation Standards Committee rules, WB OP 4.12 and the Institution of Surveyors of Kenya Valuation rules.

The following methodologies were used to determine eligible PAPs:

4.3.1 PAPs Identification and Asset Census

(a) Identification of Assets

Using land acquisition drawings from KeNHA, the road reserve was identified so as to determine those affected, their structures and land they are occupying on the ground. The extent affected was marked using pegs, paint and ribbons to ease identification, enumeration and listing. The following data was collected by the survey team: PAP's name, contacts, ID No, plot number, area affected and then all their georeferenced coordinates picked for plotting. The georeferenced coordinates of the structure was picked using trimble juno gps and used to plot the structures on the strip maps with all their details structure type, size, construction materials among other descriptions/comments. The structures which are affected was then be painted using red colour. These data were prepared on strip maps and summarized on excel formats.

A team of 6 surveyors were involved in determining and marking the boundaries of the existing road corridor using red paint and coloured ribbons. They also took GPS coordinates of all assets including

actual measurements of the affected areas. All the assets that were either partially or whole within the existing corridor were coded and also marked with red X mark for listing and enumeration by the inventory enumerators who required asset owners to identify themselves with the help of the village elders and area chief/as chief.

(b) Asset Census PAPs and Inventory

The inventory questionnaire was administered to 100% of all project-affected persons (PAPs) as determined by the surveyors. The affected people were identified through their IDs, the neighbours and community leaders who always accompanying the RAP team. Any asset where owners was not present was indicated as so and all means including barazas, churches and announcements in the Print/TV and Radio stations both at national and vernacular languages will be used with a view to reaching those who were not present during the census at the implementation phase. The contested asset or those with disputes were recorded under the parties claiming ownership and indicated as disputed for the RGM to resolve.

The consultants taking the inventory was guided by the surveyor who indicates the alignment and the enumerator's takes stock of all affected assets. In addition, the valuers also take stock of the affected assets and prepared valuation roll.

The inventory team identified the asset owners and listed all the asset with their owners. So the inventory enumerators identification and listed all affected people, their assets and took photographs of the affected persons and their assets. A coding system was adopted for identifying every PAP and their assets. The enumerators also collected basic socioeconomic data pertaining to each PAP.

(c) Valuation for Compensation

The valuation team also after identification and listing of affected people and assets, took details of the assets and measurements for attaching a replacement value. The valuation team determined replacement costs for structures/developments currently on the ROW for compensation purposes.

The valuers collect the names of all PAPs and affected assets with clearly categorized and clear descriptions so as to determine compensation amounts for opportunities lost. The survey team undertook:

- A detailed census and valuation of all affected structures, by type and nature, e.g. residential, institutional, communal or businesses structures and whether made of permanent, semi – permanent or temporary materials and the plinth area;
- A detailed census and valuation of affected crops and trees by type and level of maturity; and
- Capture of GPS coordinates for each land parcel and structures affected;
- Field studies to determine replacement cost of the affected assets as evidence of comparable for replacement costs.

The valuation roll will be prepared after determining the costs of all the items as listed in their tool.

4.4 Cut-off Date

The cut-off date of 3rd September 2016 communicated during public consultation meetings held at Lari Nyambari Grounds on 11/08/2016; Magina Chiefs office (15/08/2016); Kinungi chiefs Office (23/08/2016); Kayole Bridge Naivasha (22/08/2016); Kikopey Gilgil (25/08/2016); View point Gilgil (25/08/2016) and Menengai Chiefs Office (30/08 2016) and that of 5th July 2017 for the interchanges announced during

barazas held at Kamandura, Limuru Kwambira and Bibirioni was changed to 23rd of December 2017. The 23rd of December 2017 was the last day when socio-economic and inventory studies for updating RAP for the project were concluded.

The studies covered Rironi (starting point- Kilometer Zero)-Nakuru-Mau Summit (project end point) and Rironi-Maai Mahiu-Naivasha Roads and were conducted between 22nd November and 23rd December 2017. The general public was informed during the public consultative meetings that the exercise of taking census of the project affected persons and the socio-economic survey was to start in 22nd November 2017 and all those with engaged in any activity within the road corridor, should be available to register his/her interest for inclusion in the exercise. They were also informed that it would not be prudent to embark on any new developments within the road corridor as that would be wastage of rare resources. They were otherwise advised to cease further development on the ROW and to initiate pull out process. This announcement was followed by marking all those assets that are illegally within 60m ROW.

The last date of the census was 23rd December 2017, which therefore became the cut-off date (the last day for asset survey), meaning, no structure established after 23rd December 2017 should be eligible for compensation. This information was communicated during public consultation meetings held at Ngariga market 27th November 2017, Kamirithu Polytechnic 27th November 2017, Nyambare Market 29th November 2017, Soko Mjinga Assemblies of God Church 30th November 2017, Magina Chiefs Camp 1st December 2017, Kinungi Chiefs Camp 5th December 2017, Mbaruk Chiefs Camp 8th December 2017, Kikopey mkt/Kariandusi Viewing pt/Gilgil stage December 13th 2017, Ngata Pr Sch. 14th December 2017, Salgaa Chiefs Camp 15th December 2017, Maai Mahiu Chiefs Camp 20th December 2017 and Longonot 22nd December 2017 (Appendix 4).

4.5 Categories of Items Eligibility for Compensation

The following are some of the category of impacts eligible for compensation:

- Land;
- Movable Assets (machinery)
- Structures
- Crops and trees
- Livelihoods
- Cultural sites
- Jobs
- Parking lots
- Businesses
- Community water pan at Barnabas (NKR County)
- Borehole

All affected persons irrespective of their status or whether they have formal titles, legal rights or not, are eligible for some kind of assistance if they occupied the land before the entitlement cut-off date. The entitlement cut-off date refers to the time when the assessment of persons and their property in the area is carried out for the preparation of investment specific RAPs.

4.6 Affected Assets and Livelihoods

The total number of PAPs encountered along the proposed road project were 3921 majorities of whom are small traders consisting of vegetable vendors popularly known as 'vegetable vendors', and Motorcycle operators (motorcycle riders), and other mobile snacks and sweets vendors. For Motorcycle

riders only the group's names were recorded in the inventory while the members' names were written in the note book and filed. On average each Motorcycle group had 30-50 members. The vegetable vendors groups were also encountered in most markets mostly in Nyambari, Flyover, Ihendu, Kinungi, Naivasha, Gilgil toll station, Gilgil stage, Kikopey, Molo junction and Mau Summit. Other than the motorcycle operators who had shades many of the other hawkers like in Gilgil toll and Gilgil stage were hawking hand held goods such as snacks, candies and water on the go without a shade. Fish mongers encountered at Naivasha Kayore did not have shade for their business.

For the Rironi-Maai Mahiu-Naivasha Road, the major activities impacted were people hawking roasted maize along the escarpment stretch, curio shops also found at certain points along the escarpment, metallic kiosk retails in Maai Mahiu and Naivasha towns and makeshift kiosks in longonot for vegetable vendors (Appendix 7).

Table 37: Affected Businesses/Livelihoods

Type of Business	Number
Mechanical/bicycle repair	140
Construction Materials Vendors	28
Video/games shops	58
Metal fabricators & bricks makers	36
Farm inputs shops	17
Cereals vendors	240
Food outlets/vendors	192
Small traders/retail/Mpesa	143
Hardware business	32
Open air hawking –candies, snacks, fruits	297
Chemists	5
Traditional herbalists	28
Cyber cafe	9
Institution (schools & churches	30
Green grocers	255
Livestock, hides & skins vendors	10
Newspaper vendor	1
Cosmetics shops	187
Tree nursery	59
property agent	3
rental business	117
Residential	16
Retail shops	183
Stores for merchandise goods	55
Timber yard	11
Curio shops related	136
Transport- sand/taxi/hand cart	40

The numbers of assets located whole or partially within the 60m existing corridor were 1035. The types of structures and land use encountered consisted of (see Appendix 7):

- Permanent Structures 301;
- Temporary structures 1621
- Gardening Use 371; *1
- Grazing use 242; *2
- Land for 3 interchanges 4.6053 acres

*1: These were food crops like kales and maize planted along the road reserve and owners have other land along the corridor

*2: These were animals found tethered or grazing on the grass on road reserve and owners have other land along the corridor

4.7 Entitlements for the PAPs

4.7.1 PAPs without Ownership Rights

(i) Hawkers and Small Scale Business Operators

The categories of PAPs operating illegally in the 60-meter corridor have been notified and involved in a series barazas already carried out on the corridor on two occasions; from 8th August to 3rd September 2016 and between 22nd November to 23rd December 2017. More awareness meetings are recommended so that they are constantly kept aware of the intention of the GoK to develop the roads between Rironi and Mau Summit and Rironi-Maai Mahiu-Naivasha. People who were trading or carrying some activity within the road corridor during the census concluded on 23rd December 2017 and were earning a living, in one way or another from the area identified for the expansion, will be entitled to receive regular project up-date information, training and some stipends during training in order to take the earliest opportunities that present itself so as to diversify their sources of income. And after successfully undertaking the training, they will be assisted to organize themselves into groups for those willing and then linked to the numerous funds (youth enterprise fund, women enterprise fund, uwezo fund etc) that are available for these purposes.

Several discussions where various options for settling the informal traders have also been held with the representative of affected Counties to plan ways of absorbing displaced vendors from the corridor. Additionally, the proposed project includes plans for setting up stop-over market centres away from the highway targeting travelers for enhancing local tourism, creating employment and reducing likely accidents from speeding vehicles. As a show of Commitment, Nyandarua County sent a team consisting of the County Executive Committee (CEC) and MCAs who met with KeNHA DD-H/PPP, DD-PPP and DD-ESS together with the project consultant to discuss ways of relocating the traders at Soko Mjinga to preferably a new modern market that had been previously developed for the Market Centre. The team requested KeNHA to provide access to the market in the design that will facilitate movement of the traders as well as open up business capacity for this market in a safe environment off the carriageway. This proposal was accepted by KeNHA as a measure to relocate the traders. From the consultations held with representatives from Kiambu County, the county government has promised to identify alternative site for the few hawkers at the Kwambira area which is earmarked for the interchange. These promises will be pursued and where possible MoU reached between the respective Counties and KeNHA. KeNHA will work with these county governments to ensure that these informal traders are relocated to the new markers prior to commencement of construction work by the concessionaire. In addition, KeNHA will undertake a vulnerability assessment to ensure the vulnerable traders are given priority in the allocation of stalls in the new market centres.

All these plans are in line with WB safeguards policy requiring that all affected persons, irrespective of their legal status be eligible for some form of compensation if they occupied the land before the entitlement cut-off date. The safeguards stress that the main determinant for compensation should be on the basis of a pre-project census during which all the assets and PAPs are identified and listed.

Finally, any illegal traders on the ROW who have structures will be compensated for their structures at current replacement cost and a 15% disturbance allowance. They will also be allowed the right of salvage.

(ii) Structure Owners

These assets include several Governments assets (Kamandura primary School, Ruhia Bidii School, County Government of Kiambu offices, and Makumu Traffic Police offices), churches, Mosque, Hotels, Garages, Commercial shops, Curio shops, and Hawking shades. However, majority of illegal occupiers were informal business, residential properties and agricultural activities. The kiosk venders and the various groups of hawkers will be served with a notice as required by OP 4.12 and the Constitution of Kenya, 2010. They will be trained to diversify their income sources so as to restore and improve their livelihoods. Livelihood restoration programmes for PAPs who are earning a living from the 60m width corridor have been developed but require further studies before implementation. It should be noted that the informal businesses that will be affected by the project is small in terms of capital investment and largely located at isolated points (although bus stops are favorite areas) along the entire stretch. The affected informal businesses are conducted from temporary premises and makeshift stands, wooden stands and kiosks made from materials ranging from polythene paper, makuti, grass to iron sheets and metals. This group of PAPs will be compensated at replacement cost and those with metal containers, assisted to relocate. As indicated in the previous subheading, some counties have plans of assisting those displaced by providing market places.

Table 38: Entitlement Matrix (PAPs without ownership rights)

S/N	Impact/Loss	Type of PAP	Entitlement
1	Land	Informal occupiers/users	No compensation Notice for relocation Compensation to restore livelihood and ensure they will not be worse off as a result of the investments' activities.
2	Structures: Business structure (kiosk, eateries, workshop, rental property, etc.); Residential Structure; Residential building business structure	Owners of structures	Structures will be compensated at replacement cost. Plus 15% disturbance allowance and the right to salvage materials
		Owners of businesses	2 months' cash compensation calculated based on the monthly payable rent plus 15% disturbance allowance. KRA records to be used to determine monthly rent
		Tenants	Three months cash compensation based on the monthly rent payment plus 15% disturbance allowance
		Public/Community	The right to salvage materials and replacement in kind in consultations with the community or affected group
3	Animal feeds and tiles and pipes factory	Owner	Redesign of the road to avoid relocation
		Employees	1-3 Months' Notice or one months' salary in lieu of notice
4	Movable assets (equipment, machinery)	Cost of relocation	Cash payment for costs to be incurred during relocation exercise
5	Loss of Income	Business Operators	Cash compensation based on a calculated mean average of the documented income losses over a 3-month period.
		Landlords	Compensated only for structures at full replacement cost with 15% disturbance fee.
		Employees	3 months' notice or one months' salary in lieu of notice
		Mobile Traders without fixed assets	Livelihood support programs and possible relocation to new site for those at Soko Mjinga, while the rest possibility of relocation are being surveyed.
6	Crops and Trees	Annual Crops, cash crops	Biannual Crops-Three months' notice to allow harvesting Perennial Crops-Compensation at market value of

S/N	Impact/Loss	Type of PAP	Entitlement
			harvested crop plus 15% disturbance.
		Trees	Compensation based on market value plus 15% disturbance fee and right to salvage
		Horticultural	3 months' notice
7	All types of Impacts	All PAPs	Other than the compensation for the particular impact as illustrated, they will receive: Notice to relocate; Livelihood restoration program; and, assisted to form welfare/organization and linked to credit facilities for example Women, Youth and Uwesio Fund.
8	All vulnerable gps	With Assets to be displaced	Immediate livelihood plan of cash support

4.7.2 PAPs with Ownership Rights

The PAPs with ownership rights are those whose land will be acquired for the proposed interchanges and deceleration lanes for accessing Kwambira Township when coming from the Nairobi City. The additional land to allow for construction of interchanges at Kamandura village in Limuru location, Kwambira Market and at Ngarariga (Bibirioni) will take 4.6053 acres of land belonging 21 households with 25 structures (Permanent, Semi-permanent and Temporary). Also 2 graves are to be affected at Kamandura village Kamirithi Sub-location and one borehole and associated facilities at Bibirioni location (**Error! Reference source not found.**).

Table 39: Entitlement to PAPs with Legal Rights

Category of PAPs	Loss	Entitlement
Land Owners	Residential Commercial, agricultural (4.6053 acres affected)	Cash compensation at full replacement cost plus 15% disturbance fee Transfer of the land to the PAP shall be free of taxes, registration, and other costs.
		No compensation. Land belonging to another government agency (in this case, the Kenya Forest Service). However, the agency will be involved in discussions on the conversion of the land to another use, while ensuring the functions of the agency are not closed out as the project is rolled out. Additional mitigation measures are will be considered in the project design and implementation phase reviews to improve the facilities affected where necessary
	Public forest land	
Structure Owners	Loss of structures	Cash compensation at replacement cost plus 15% disturbance fee Salvage rights to Materials, Relocation notice shall be in writing.
	Movable assets	Compensation for relocation of assets plus 15 % disturbance cost
	Loss of Income due to loss of business	Two month's cash payment equivalent to calculated average monthly income based on KRA tax returns. Three months' relocation notice with an option of an extension to four months when requested and such a request is feasible.
Tenants	Movable assets (Machinery, equipment)	Compensation for the cost of relocation plus 15% disturbance fee
	Loss of income	Compensation for the cost of moving the business to a new location; 3 months' cash payment equivalent to the monthly payable rent, Full

		replace value for fixed items (shelves) belonging the tenant plus 15% disturbance fee
Employees	Loss of income due to loss of employment	1-3 months' notice or one months' salary in lieu of notice,
Factory	Owner	Redesign the alignment at the section to avoid the impact.
	Employees	Avoid impact; 1- 3 months' notice or one months' salary in lieu of notice

5 PROJECT IMPACTS AND COST ESTIMATES

5.1 Introduction

The proposed road project has two components; namely the improvement of the Rironi-Maai Mahiu-Naivasha road and development of Rironi-Naivasha-Nakuru-Mau Summit roads road. The compensation budget for the affected assets has been prepared on the assumption that RAP will be implemented within the same economic time and payment will be in cash. However, if there should be a time-lag of more than one year between the cut-off date and the start of the compensation exercise, then 10% of the total cost will be added to offset the inflation of the shilling. The compensation for land has been based on the doctrine of willing seller willing buyer (and at replacement cost) with a modification to include a 15% by way of compensation for disturbances as per the provisions of Cap 295. It is the view of the consulting valuer that the amount of compensation for the land will prevail for a period of 1 year from the date of this report.

5.2 Compensation of the PAPs

Compensation to PAPs is a pre-construction activity and shall be done before demolition commences. This will be done at either the KeNHA offices or at the local chief's office, whichever will be appropriate after approval. After compensation, a minimum of one-month notice shall be given to the affected people before the demolition exercise commences, so as to allow relocation and salvage of necessary asset by the PAPs. Renters shall likewise be given at least one-month notice before actual demolition to give them ample time to relocate. The sites shall be handed over to KeNHA once all the PAPs have been fully compensated.

Should there be further changes in the design at implementation which will necessitate the need for more land to be acquired, KeNHA will be responsible and will prepare an addendum to the RAP report following the OP 4.12 that will guide on ways to avoid involuntary resettlement wherever possible and to minimize its impact on those displaced through mitigation measures such as fair compensation and improvements to and living conditions which will be conducted through thorough community engagement throughout the entire process. The addendum will follow the guidelines and format adopted in this RAP for purposes of consistency.

Sites for quarries, borrow pits, camps and other auxiliary requirements for the project will be handled directly by Concessionaire on purchase/lease via willing buyer-willing seller basis. In order for acquisition of land to be considered "willing buyer/willing seller," where the affected households voluntarily sell their property and assets, the Concessionaire will maintain documentation demonstrating that: (i) land markets or other opportunities for the productive investment of the sales income exist; (ii) the transaction took place with the seller's informed consent; and (iii) the seller was provided with fair compensation based on prevailing market values. This documentation will form part of handover records.

Where **leased sites** are assessed as necessary for the sustainability of the project, and the term of the lease is expiring together with the life of the concession, an update/addendum (to the RAP) will be done by KeNHA to necessitate the compulsory acquisition of those leased sites for use by the project/government after the life of the concession. While preparing this addendum, the proponent shall comply with the World Bank's O.P 4.12 and shall form part of the hand over documents for action by the implementing agency.

5.3 Impacts Related to Resettlements

5.3.1 Summary of Encountered Impacts

The total number of PAPs encountered along the proposed road project were 3921 majority of whom are small traders consisting of 'vegetable vendors, motorcycle riders, and other small time vendors. For Motorcycle riders only the group's names were recorded in the inventory while the members' names were written in the note book and filed. On average, each motorcycle group had 30-50 members. The vegetable vendors groups were also encountered in most markets mostly in Nyambari, Flyover, Ihendu, Kinungi, Naivasha, Gilgil toll station, Gilgil stage, Kikopey, Molo junction and MauSummit. Other than the Motorcycle guys who had shades many of the other vendors like in Gilgil toll and Gilgil stage were hawking goods on the run without a shade.

For the Rironi Maai Mahiu Naivasha Road, the major activities impacted were people hawking roasted maize along the escarpment stretch, curio shops also found at certain points along the escarpment, metallic kiosk retails in Maai Mahiu and Naivasha towns and makeshift kiosks in Longonot for vegetable vendors.

The summary of items affected on the right of way for Rironi-Mau Summit and Rironi-Maai Mahiu-Naivasha Roads include:

- Wooden stands for informal traders;
- Kiosks –timber, iron sheet and metallic;
- Traffic lights and signs;
- Road signs;
- Billboards;
- Bus stop shelters;
- Roadside clocks;
- Motorcycle and car parks for taxis;
- Trees and tree seedlings nursery;
- Land – commercial, residential, agricultural and grazing;
- Structures –permanent and temporary;
- Livelihoods and businesses;
- Graves
- Crops;
- Water/electricity service lines;
- Indirect social impacts.

5.4 Flow of Funds for Compensation

KeNHA will be responsible to receive and channel the funds for the resettlement to the RAP Implementation Committee (RIC) who will be responsible for its payment directly to affected persons with respect to the structures and business and any allowances stipulated under this RAP. KeNHA will also be responsible for contracting an independent institution to undertake the independent monitoring to evaluate how the compensation process is carried out and measure its success or otherwise and make a report with suggested mitigation measures for improving the implementation process.

5.5 Impacts and Estimated Costs

The impacts discussed relates to the two proposed roads;

- Rironi Maai Mahiu A8 South;
- Rironi Mau Summit A8.

5.5.1 Rironi-Mau Summit (A8) Impacts and Estimated Costs

Taking into account all the factors dictating entitlements and absence of all encumbrances, it is KeNHA's opinion that, the value of the properties affected by the proposed upgrading activities on the A8 within the ROW and for acquiring 4.6053 acres of land for the interchanges (Kwambira mkt, Kamandura and Ngarariga) is KSHs **735,273,122.50 (KSHs Seven Hundred Thirty Five Million Two Hundred Seventy Three Thousand One Hundred Twenty Two)** as illustrated in Table 40 and **Error! Reference source not found.**

Table 40: Estimated Impact Cost per Area in Kenya Shillings (Kshs)

AREA OF IMPACT	TOTAL VALUE
Mau Summit and Shawa Rongai	37,550,919.00
Elburgon, Muirini, Kibunja, Kimanyi	14,062,663.00
Kibianga (Jolly Farm) and Salgaa	76,093,234.00
Njoro-Ngata Block and Karatina	2,486,970.00
Lanet/Kiundu Area	26,409,557.00
Gilgil Area and Kikopey Area	28,896,527.00
Naivasha/Allotment	86,913,731.00
Longonot/Kijabe/Block 3	2,496,101.00
Nyandarua/Kinangop Area/Soko Mjinga	154,937,486.50
Lari/Magina Area	233,900,479.50
Escarpment Jetscheme	5,241,615.50
Nyambari	1,145,520.00
Limuru-Bibrioni	65,138,319.00
GRAND TOTAL VALUE	735,273,122.50

Table 41: Rironi-Mau Summit Impact Types and Estimated Costs

MAU SUMMIT and SHAWA RONGAI			NYANDARUA/KINANGOP AREA/SOKO MJINGA		
IMPACT TYPE	NUMBER	TOTAL VALUE	IMPACT TYPE	NUMBER	TOTAL VALUE
COMMERCIAL HOUSES	3.00	10,314,780.00	RESIDENTIAL HOUSES	121.00	38,695,094.00
KIOSKS	20.00	3,984,689.00	COMMERCIAL HOUSES	50.00	98,919,628.00
LATRINES	5.00	279,900.00	CROPS	52.00	167,076.00
RESIDENTIAL HOUSES	12.00	22,960,950.00	TREES	60.00	5,558,160.00
FENCES	2.00	8,000.00	FUEL PUMPS	1.00	100,000.00
CROPS	2.00	2,600.00	FUEL TANKS	2.00	1,200,000.00
		37,550,919.00	CABROS	2.00	609,000.00
ELBURGON, MUIRINI, KIBUNJA, KIMANYI			SEPTIC TANKS/PIT LATRINES	36.00	1,656,510.50
IMPACT TYPE	NUMBER	TOTAL VALUE	GATES	43.00	472,862.00
RESIDENTIAL HOUSES	13.00	4,613,024.00	FENCES	83.00	2,582,093.00
COMMERCIAL HOUSES	3.00	8,108,800.00	SLAUGHTER HOUSE	1.00	685,860.00
KIOSK	2.00	80,712.00	SHEDS	8.00	639,808.00
FENCE	7.00	46,500.00	SUNKEN WELLS	28.00	1,710,028.00
CROPS	13.00	4,950.00	METALIC CONTAINER	1.00	55,440.00
GATE	1.00	1,080.00	TIMBER YARDS	2.00	343,900.00
TREES	40.00	415,050.00	CHURCH HOUSES	3.00	1,423,123.00
PIT LATRENEs	6.00	210,247.00	STORES	2.00	113,280.00
BATHROOM HUT	1.00	4,800.00	SHEDS	1.00	5,624.00
CHURCH	1.00	577,500.00			154,937,486.50
		14,062,663.00	LARI/MAGINA AREA		
KIBIANGA (JOLLY FARM) and SALGAA			IMPACT TYPE	NUMBER	TOTAL VALUE
IMPACT TYPE	NUMBER	TOTAL VALUE	RESIDENTIAL HOUSES	152.00	83,040,524.00
RESIDENTIAL HOUSES	21.00	22,802,590.00	FENCES	324.00	5,302,588.00
COMMERCIAL HOUSES	29.00	45,182,970.00	TREES	699.00	44,929,535.00
FENCE	3.00	66,200.00	CROPS	377.00	1,552,817.00
FUEL TANKS	8.00	1,600,000.00	GATES	105.00	1,435,475.00

KIOSKS	39.00	3,689,300.00	PIT LATRINES/ABLUTION/SEPTIC TANK	10.00	3,506,637.50
PIT LATRINE	10.00	2,539,150.00	GRAVES	11.00	2,940,000.00
GATE	4.00	38,544.00	CABROS	5.00	269,700.00
CONCRETE WATER TOWERS	2.00	99,480.00	WOODEN STORE	1.00	32,400.00
FUEL PUMPS	3.00	75,000.00	WATER STAND	1.00	8,900.00
		76,093,234.00	KIOSKS	2.00	30,306.00
NJORO-NGATA BLOCK and KARATINA			STORES	6.00	335,670.00
IMPACT TYPE	NUMBER	TOTAL VALUE	SUNKEN WELLS	11.00	1,528,000.00
RESIDENTIAL HOUSE	1.00	216,450.00	SHEDS	35.00	2,989,292.00
FENCE	2.00	6,400.00	COMMERCIAL HOUSES	18.00	42,589,715.00
GATE	3.00	900.00	CONCRETE WATER TANK	1.00	10,600.00
TREES	2.00	2,000.00	METALIC WATER MAST	1.00	32,800.00
COMMERCIAL BUILDING	1.00	2,090,000.00	GARAGE	1.00	701,960.00
KIOSK	1.00	45,000.00	WATER TANKS	18.00	375,730.00
SHADE	2.00	126,220.00	GREEN HOUSE	1.00	1,548,400.00
		2,486,970.00	MACHINE HOUSE	1.00	2,112.00
LANET/KIUNDU AREA	NUMBER	TOTAL VALUE	BIOGAS MAN HOLE	2.00	1,131,740.00
KIOSKS	79.00	4,235,205.00	TIMBER YARD	4.00	2,922,750.00
COMMERCIAL HOUSE	8.00	13,111,364.00	MANHOLE	1.00	8,662.00
FENCE	12.00	583,600.00	CONCRETE PILLARS	1.00	10,000.00
SECURITY HOUSE	2.00	277,240.00	METALIC CONTAINERS	2.00	15,520.00
GATE	7.00	60,500.00	LIGHTING STRESSOR	1.00	3,000.00
RESIDENTIAL HOUSES	10.00	1,936,713.00	SHOWROOMS	2.00	592,424.00
PIT LATRINE	2.00	2,376,945.00	METALIC STANDS	1.00	6,600.00
METALIC PILLARS	1.00	165,000.00	STRUCTURES	19.00	567,662.00
GODOWN	1.00	3,162,500.00	CHURCH BUILDINGS	3.00	10,004,160.00
HALL	1.00	414,640.00	LAND	11.00	25,192,000.00
SHADE	1.00	85,850.00	SECURITY HOUSE	1.00	202,800.00
		26,409,557.00	WELLS/DAMS	1.00	80,000.00

GILGIL AREA and KIKOPEY AREA					233,900,479.50
IMPACT TYPE	NUMBER	TOTAL VALUE	ESCARPMENT JETSCHEME		
METALIC PILLARS	1.00	165,000.00	IMPACT TYPE	NUMBER	TOTAL VALUE
KIOSKS	45.00	699,081.00	TREES	36.00	602,800.00
		864,081.00	FENCE	20.00	459,200.00
NAIVASHA/ALLOTMENT			GATE	15.00	148,000.00
IMPACT TYPE	NUMBER	TOTAL VALUE	CROPS	31.00	177,792.50
KIOSKS	3.00	237,900.00	PIT LATRINE	4.00	76,305.00
RESIDENTIAL HOUSES	43.00	18,396,719.00	RESIDENTIAL HOUSES	10.00	2,780,376.00
ABLUTION BLOCKS/LATRINES/SEPTIC	28.00	1,409,907.00	WATER TANKS	2.00	52,500.00
GATES	25.00	411,525.00	SHED	1.00	22,816.00
FENCE	51.00	1,027,920.00	POULTRY HOUSE	2.00	85,138.00
CHURCHES	5.00	12,781,025.00	SEPTIC TANKS	1.00	36,000.00
POULTRY HOUSES	3.00	186,520.00	GRAVES	1.00	100,000.00
SHADE	5.00	663,236.00	ABLUTION BLOCKS	1.00	203,040.00
RENTAL BLOCKS	19.00	23,614,591.50	KIOSK	1.00	6,000.00
WATER TANKS	10.00	5,072,708.00	TIMBER YARDS	2.00	262,248.00
TREES	46.00	9,279,541.00	STORE	2.00	160,520.00
CROPS	6.00	29,417.50	METALIC CONTAINER	1.00	68,880.00
SECURITY HOUSES	2.00	361,750.00			5,241,615.50
SWIMMING POOL	1.00	3,000,000.00	NYABARI		
WATER FOUNTAIN	1.00	100,000.00	IMPACT TYPE	NUMBER	TOTAL VALUE
CABROS	1.00	242,440.00	CROPS	6.00	5,912.50
WELLS&DAMS	7.00	1,598,407.00	PIT LATRINE	1.00	52,387.50
COMMERCIAL BUILDINGS	4.00	8,200,124.00	RESIDENTIAL HOUSE	3.00	1,027,920.00
GRAVE	1.00	300,000.00	METALIC CONTAINER	1.00	46,800.00
		86,913,731.00	FENCE	1.00	12,500.00
					1,145,520.00
			LIMURU-BIBIRIONI		

			IMPACT TYPE	NUMBER	TOTAL VALUE
			TREES	297.00	22,539,295.00
			FENCE	100.00	3,302,920.00
			GATE	34.00	396,000.00
			CROPS	281.00	954,130.00
			PIT LATRINE	5.00	90,630.00
			RESIDENTIAL HOUSES	24.00	17,473,900.00
LONGONOT/KIJABE/BLOCK 3			GRAVES	4.00	400,000.00
IMPACT TYPE	NUMBER	TOTAL VALUE	LAND	1.00	2,220,000.00
TREES	11.00	727,511.00	SECURITY HOUSE	4.00	1,333,640.00
GATE	3.00	67,000.00	COMMERCIAL BUILDING	1.00	4,488,000.00
FENCE	5.00	92,005.00	ABOLUTION BLOCK	9.00	411,090.00
DAM	1.00	662,500.00	SHEDS	2.00	855,466.00
RESIDENTIAL HOUSES	4.00	881,685.00	WATER TANKS	6.00	1,047,000.00
SHEDS	2.00	34,400.00	GREEN HOUSE	1.00	624,000.00
CROPS	8.00	31,033.00	WELLS	3.00	297,800.00
		2,496,101.00	SHADES	3.00	472,475.00
			CLASSROOM BLOCKS	5.00	7,994,340.00
			SEPTIC TANKS	2.00	87,360.00
			STRUCTURES	8.00	99,248.00
			METALIC CONTAINER	1.00	51,025.00
					65,138,319.00

5.5.2 Rironi-Maai Mahiu-Naivasha Impacts and Estimated Costs

The estimated cost to be incurred for loss of assets and livelihood for upgrading the road is **KShs 10,650,841.15 (Ten Million Six Hundred Fifty Thousand Eight Hundred forty One and fifteen Cents)** broken down as illustrated in (Table 42).

Table 42: Rironi-Maai Mahiu Naivasha Asset Estimated Costs

S/N	LOCATION	AFFECTED ITEMS	SUB-TOTALS	TOTALS
1	MAAI MAHIU			
	KIOSKS	149	4850840	5,414,900
	PUBLIC TOILETS	2	564060	
2	LONGONOT			
	KIOSKS	30	1127281	2,698,881
	FENCE	1	3600	
	COMMERCIAL HOUSES	1	1568000	
3	KAMANDURA			
	FENCE	1	96000	148,900
	WATER TANK	1	52000	
4	RIRONI			
	COMMERCIAL HOUSES	1	861520	861,520
5	KAMIRITHU			
	RESIDENTIAL HOUSES	1	124800	137,400
	PRIVATE TOILET	1	12600	
TOTALS CALCULATIONS	Totals			9,261,601.00
	Disturbance Allowance	15%	1,389,240.15	10,650,841.15
	GRAND TOTAL			

5.6 Summary Project RAP Cost

S/N	Item Description	Cost KSHs
1	A8 PAPs Compensation amount	735,273,122.50
2	A8 South PAPs Compensation amount	10,650,841.15
3	RAP Implementation cost	21,400,000.00
4	RAP contingency (estimated at 10% of 1&2 above)	74,592,396.365
5	Total Project RAP Cost	841,916,360.015

5.7 Identified Negative Social Impacts and Mitigation Measures

The proposed project is intended to ease traffic movement along the A8 and A8 South Roads and their immediate environs thereby reducing travelling time and fuel consumption. The designs have been carefully made to avoid as much as possible impacts on livelihoods, costly business premises and industries thereby reducing displacement and resettlement and disruption of livelihoods. Where it is difficult to avoid interfering with such items, appropriate mitigation measures have been proposed in the entitlements and shall be implemented to eliminate or reduce to a minimum, such impacts.

The negative impacts identified by RAP team and also mentioned by the communities were loss of business base, dust emission during construction, loss of employment, insecurity, moral decay due to

labor influx and loss of income. The main reasons behind the negative impacts mentioned by the communities are summarized in **Error! Reference source not found..**

Table 43: Community Identified Negative Impacts

S/N	Impact Description	Reason for Occurrence	Mitigation approaches
1	Security challenges	Influx of workers from outside project sites and also opening up of compound by breaking the fences.	Give priority employment to local for non-skilled labour Compensation to repair fences
2	Loss of customers	PAPs may be moved to areas where there are no clients and the vehicles will be restricted from stopping on the highway, and General Public avoid markets due to lack of secure parking	The new markets must be given access and will be selected through public participation supported
3	Blocking residences/businesses	Blocking of entrances for those with plots next to the road during construction or rehabilitation. Also the cut and fill may leave some compounds hanging or in a depression hence not accessible	Contractor will be required to provide suitable and acceptable access to businesses and residences even at cut and fill areas
4	Relocation and loss of Businesses	Business on the reserve road and on the acquired land will move to pave way for the project. The business may not thrive due many factors associated with the new sites	Hawkers will be provided with alternative sites while others will step back
5	Increased accidents	Frequent accident due to poor road markings, high vehicle speeds and non-provision of pedestrian crossing points	A budget for rolling out public campaigns on road use awareness will be rolled out. Both under passes and footbridges will be provided
6	Poor handling of cultural sites	Non-respect of the local culture by the project executants by not involving local community in making decisions affecting their culture	A budget has been set aside for public participation and for set up GRM for disputes resolution
7	High community expectation	Expectations that big projects must provide direct benefits to the local areas in which they are implemented	Provide continuous and timely project information and involve public at all times
8	Community lack of trust for RAP implementation	PAPs from other similar projects poorly or not compensated at all	Implement the RAP and the GRM. Hold regular meetings and barazas to explain eligible beneficiaries
9	Proliferation of unplanned settlements	Some opportunities may arise, e.g. at new bus terminus where businesses is likely to flourish leading to unplanned structures	The project in consultations with the counties will provide areas for businesses ventures
10	Moral decay and other social ills	Workers from outside the area and the vehicle parks may attract commercial sex workers	Budget for Public campaigns, SMP and HIV AIDs management plans will be implemented
11	Loss of income and livelihoods	Displacements of PAPs from the current sites (Markets) or areas where there are Clients, loss of employments	New markets will be located at accessible places through public participation; skill training and

S/N	Impact Description	Reason for Occurrence	Mitigation approaches
		due to displacement of instruments of production	priority employment for locals and PAPs
12	Loss/conversion of government Land from other uses to road/ road reserve	Uptake of strips of government Land from other uses like schools along the road or forest use to road/ road reserve (where necessary). Land belonging to GoK and is under forest plantations is regarded as land that has a land Owner (Kenya Forestry Service)	Land belonging to the government is not necessarily acquired but an indication to the relevant agency/Ministry of the conversion of the land to another use, and ensuring continuity of the functions of the agency are not closed out as the project is rolled out. Mitigation measures are always considered in the project design and implementation phase reviews to improve the facilities of the affected institution where necessary.

For impacts that cannot easily be valued or compensated for in monetary terms (e.g. loss of customers, suppliers, grazing, or forest areas), attempts will be made to establish access to equivalent and acceptable resources and earning opportunities. The PAPs will be encouraged to set up welfare groups and assisted to grow through mentoring programs and will also take up functions of collaborating with security agents, social organization and creating merry-go-round funds to support reduction in vulnerability.

5.8 Anticipated Construction Phase Impacts and Mitigation Measures

The construction stage will involve majorly the following:

- excavation and preparation of road works and deviations to accommodate traffic during construction of the additional carriageway, rehabilitation and access roads;
- Identification and development of borrow pits and quarries for obtaining construction raw material;
- Transportation of raw materials to site and construction activities;
- Rehabilitation of the disturbed areas.

The Contractor will be expected to prepare a detailed CESHSM to ensure adequate mitigation measures are implemented to alleviate impacts on the workers and the local area residents and motorists. Some of the mitigation measures anticipated under the mandatory CESHSM to be prepared by the contractor includes but not limited to:

- Provision of dust masks for use while working in dusty conditions and hearing protection devices when working with noisy equipment's;
- Provision of appropriate personal protective equipment (PPE) for all personnel on site;
- Adopting ergonomic work flow designs that fit physical tasks to employees and not vice versa while maintaining a balance with productivity;
- Provision of first aid facilities at the site and ensuring that there is a competent first aider within the site area;
- Use of construction site barriers e.g. fixed shutters, safety nets, reflective duct tapes to isolate the site (working) area to bar intruders from accessing the area in case of a dropping object;
- Securing of excavated areas and fencing of quarries to avoid any accidental falls;
- Inspection, maintenance, and replacement of fall protection equipment;
- Emergency response plans/procedures including details (phone numbers and location) of the nearest dispensaries, hospitals to be provided to the construction site manager;
- Public sensitization and awareness campaigns;
- HIV AIDS awareness, testing and counseling.

6 VALUATION AND COMPENSATION FOR LOSSES

6.1 Valuation Methods Adopted

Valuation is the process of determining the value of land, or an asset that PAPs possesses or use. Replacement cost will be used for land and properties affected by the proposed project as required by WB OP 4.12 and determined through a diverse valuation methodology as follows:

6.1.1 Valuation of Land

For agricultural land, the replacement value it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes.

It was however noticed that change of use is being applied for by majority of current owners thus turning them to commercial land use. For commercial and industrial land, the size of land to be acquired was computed in acres/hectares. The size computed was thereon multiplied by the market prices for the land within the target locality to yield an estimate of total cost of the land to be acquired, again plus the cost of any registration and transfer taxes.

6.1.2 Valuation of Buildings and other Structures (commercial and residential)

Valuation of buildings and other structures used as an estimate of the total effort invested in terms of building materials (floor, wall, roof type, finish and labour input) which was valued at replacement cost. The value covers the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees, plus the cost of any registration and transfer. The replacement cost principle was used to arrive at the total cost implication of shifting the affected structure to another point away from the way leave.

6.1.3 Valuation of Crops

Compensation of crops is decided according to the gross market value of the lost crops. Gross market value makes full provision for owners' crops or users input already expended (labour, seeds, fertilizer etc.) in the event that there is a crop in the ground at the time of acquisition. There are two determinants of gross or full market value which are market value for crops and the average annual yield of the crop. The price used to calculate compensation is the highest market price of the crop during the year. The average annual yield of the crop involves some degree of data collection and analysis.

6.2 Basis for Valuation Justification

A basis of value is a statement of the fundamental measurement assumptions of a valuation. The following bases of value are recognized by the International Valuation Standards (IVS):

- Market value;
- Market rent;
- Worth (investment value); and
- Fair value.

However, legal provisions may instruct to provide valuation advice based on other criteria, and therefore other bases of valuation may become appropriate. For example, a proponent may be required to provide advice on the value of a particular property to a specific client, and may therefore need to account for criteria that are particular to that client, rather than those applicable in the market at large.

In Kenya, legally acceptable valuation procedures that are adaptable to the Government of Kenya and the WB have been applied for purposes of fairness and consistency. These include computation of replacement cost, compensation for lost earnings, disturbance allowance and other compensation as specified under the Laws of Kenya and the relevant WB safeguard policies. Note that the valuation is based on the principal of prevailing replacement cost which is normally determined by the various valuation methods used internationally.

Table 44: Valuation of Assets to be affected by the Project

Asset	Valuation Comments
Land with Structures	<p>a) A detailed inventory of all persons, possessions, assets and stock requiring resettlement has been made by the RAP Consultant.</p> <p>b) Accurate and real valuation of dwelling has been undertaken.</p> <p>c) Determination of compensation packages according to valuations has been undertaken.</p> <p>d) The process will allow a reasonable time period prior to moving, for salvage of building materials. PAP's shall salvage any material without the same being deducted from their compensation entitlements</p> <p>Recommendations</p> <p>a) The proponent will pay compensation for the lost housing structures</p> <p>b) The proponent will provide transport for the occupants and their belongings to their new place of residence for those who intend to relocate</p> <p>c) The owner will be entitled to remove any materials he/she wishes to salvage within one month of vacating the old dwelling</p> <p>d) The proponent will provide transport for these materials, other than masonry, to the new residential site</p>
Land without Structures	<p>Inventory: As part of the RAP phase, on behalf of the proponent, the consultant has acquired names and contact details of all persons affected by the project</p> <p>Compensation: The RAP data sheet prepared spells out how each person is affected and indicates how much compensation will be paid for crops and trees lost.</p>
Business loses and employment earnings within the way leave.	Where business profits within the way leave will be affected, compensation will be paid in accordance with documented valuation & audited results of the business' monthly income
Crops/Fruit s/Trees on PAP plantation	<p>Tree/seasonal crops: Harvesting of the crops was given a first priority but where harvesting is not possible, counting of the affected crops was done by a registered valuer and proponent agent in the presence of the owner. Computation of the costs was done according to market rates and payments thereafter made by the proponent</p> <p>Annual crops: Crops will be harvested by the owner and therefore no compensation will be paid for crops. Where crops cannot be harvested, KeNHA will pay compensation at the market rate</p>

6.3 Current Asset Valuation Methods

Valuation is not an exact science. There are, however, certain fundamentals and basic appraisal methods which will enable the valuer to arrive at a logical and supportable estimate of value of property owned by

PAPs. Any valuation model to have validity it will have to produce an accurate estimate of the market price. The method will therefore have to reflect the market culture and conditions at the time of valuation. The following method were considered: -

6.3.1 Direct Comparison Method

While it is true that no two properties can be the same, this method compares like properties. It is the most reliable and requires an active market while adjustments are made to fit specific properties. The limitation faced by this method is lack of data and sometimes misleading data. Comparable may be biased where the seller may sell more or less depending on the needs at the time. Elsewhere the data given may not be correct because of personal secrecy. Thus, valuers have been able to come up with values per square foot/meter that can be used in various regions and give a reasonable value. Adjustments are made depending on various factors.

6.3.2 Investment Method

On the other hand, is based on the expected future returns and its applicable where active investment market is available. Just like comparison method, investment method is limited due to lack of varied data. The investment method will treat property like any other investment in the market, where the main factors influencing investment decisions are security of principal, adequate yield, security of income, administrative costs and capital growth. The procedure is to capitalize the rental income (net of expenses or outgoing) using a coefficient based on the prevailing market yield. Yield adjustments will have to be made where income is terminable. Where ownership will accrue in future or the expected income stream is likely to change, the benefit is deferred at an appropriate rate, where adequate market data are available. Where sale and rental transactions are rare, and there is scarcity of comparative data on rental and capitalization rates, the method will not be used.

6.3.3 Replacement Cost Approach Method

This is where the property value is assessed based on the cost of buying the site and constructing the building. It is based on the reproduction/replacement value. Replacement Cost Approach, is where market sale and rental information is not available, value can be arrived at by using the cost approach - that the costs of replacing assets is based on damages caused by project operations. The approach involves direct replacement of expropriated assets and covers an amount that is sufficient for asset replacement, moving expenses and other transaction costs.

6.3.4 Gross Current Replacement Cost

Gross Current Replacement Cost (GCRC) is defined as the estimated cost of erecting a new building having the same gross external area as that of the existing one, with the same site works and services and on a similar piece of land

6.3.5 Profit Method

This method is used in absence of sufficient rental or sales evidence and where the hypothetical purchaser would base his/her offer of profit from the business conducted from the property.

6.3.6 Residual Method

This is applied to property with development potential either undeveloped or partially developed.

6.3.7 Rates from Contractors:

When rate schedules do not exist, or are out of date, recent quotations by contractors for similar types of construction in the vicinity of the project will be used for calculating replacement costs. In projects offering the options of cash compensation or alternative accommodation, the construction cost estimates for alternative accommodation could be used for calculating cash compensation payable.

6.3.8 Schedule of rates from Ministry of Public Works

Ministry of Public Works have a schedule of rates for preparing estimates for construction projects, which the consultant can use to assess costs for construction materials and labour. When applied to calculate replacement cost, rates current for the period of actual replacement must be used.

As noted earlier, to comply with OP 4.12, the replacement cost approach will be used, which includes all expenses to replace a lost property and/or land. No depreciation will be used since the crux of this approach is that the people who lose land and assets will be able to replace them at least at the pre-project level.

6.4 Preferred Valuation Method

Structures have been valued at full replacement cost and in line with the guiding principle in the WB safeguard policy. Cash compensation at full replacement rates for affected structure and other fixed assets, based on material cost, construction and labour costs free of salvageable materials and depreciation costs was adopted. In addition, 15% disturbance allowance/uplift will be added to the full replacement value of each structure to ensure that fair and equitable compensation is provided to the Vendors/PAPs with a contingency margin so that they can relocate/replace their structures and improve them should they so wish.

6.5 Calculation of Compensation

The following methods of calculation were adopted for the preparation of the aforementioned standardized asset valuation tables.

6.5.1 Compensation for Land (Urban Areas)

The compensation was based on replacement cost, which was the market price plus the cost of buying a new plot of land and the fees and taxes involved.

6.5.2 Compensation for Agricultural Land

Cash compensation at full replacement value will be provided. This was computed based on the prevailing market value in the locality to purchase an equally productive plot of land in the same locality.

Any associated costs of purchasing the land i.e., taxes, registration fees have been included in the compensation. Compensation was also considered for any improvement made on the land with calculation made using current prevailing market rates for labour, equipment and materials. In cases where land lost is only a small fraction of total land owned by the PAP, but renders the remaining land as unusable, the compensation provided was calculated based on the total land affected (i.e., the actual land lost plus the remaining unusable land). In addition, the PAPs was compensated for any permanent improvements made to the land (for instance water distribution and supply lines). This was calculated

based on the price of making the permanent improvement at current prevailing market rates for labour, equipment and materials.

Compensation for land is aimed at providing a farmer and land owners whose land is acquired and used for project purposes, with compensation for land labour and crop loss. The farmer's labour is one of the biggest investments he/she makes in producing a crop which is higher than all other inputs such as seed and fertilizer. As a result, compensation relating to land covered the market price of labour invested as well as the market price of the crop lost.

6.5.3 Calculation of Crops Compensation Rate

The compensation of the crops was paid at market rate for the production lost. This rate incorporates the value of crops and the value of the labour invested in preparing new land. Market value is equivalent to average of last 3 years' market value for the mature and harvested crop. The value of the labor invested in preparing agricultural land and ploughing will be compensated at the average wage in the community for the same period of time.

6.5.4 Crop Values Determination

The value of each staple crop affected was taken as the highest market price (over 3 years) reached during the year. This was validated from current market prices of crops as kept by Agricultural office. The labor cost for preparing replacement land was calculated on what it would cost a farmer to create a replacement land. This value is found by adding together the average costs of clearing, ploughing, sowing, weeding twice, and harvesting the crop.

The labor costs were paid in Kenya Shillings at the prevailing market rates. For transparency reason, all land labor was compensated for at the same rate. If the land is needed at agriculturally critical date when farmer or PAPs will not have enough time to prepare another land without assistance, support will be provided in the form of labor intensive village hire, or perhaps mechanized clearing, so that replacement land will be ready by the sowing dates. The farmer will still continue to receive his/her cash compensation to enable him/her to pay for sowing, weeding and harvesting.

6.5.5 Compensation for Buildings and Structures

Compensation was paid by replacing structures such as houses, buildings, huts, farm, outbuildings, latrines and fences on alternative land provided as an in-kind compensation. Cash compensation was the preferred option for structures lost, that are not the main house or house in which someone is living. Compensation was paid in-kind for the replacement costs without depreciation of the structure. The second option is provision of cash compensation at full replacement value. Replacement values was based on:

- Measurements of structures and detail of materials used;
- Average replacement costs of different types of household buildings and
- Structures based on collection of information on the numbers and types of materials used to construct different types of structures (e.g. poles, bricks, rafters, bundles of straw, corrugated iron sheets, doors etc.).
- Prices of these items collected in different local markets;
- Costs for transportation and delivery of these items to acquired/ replacement land or building site;
- Estimates of construction of new buildings including labor required;
- Any associated taxes, registration fees.

6.5.6 Compensation for Community Assets

Community assets include community-owned assets such as water points, wells, marketplaces and community/ public facilities (e.g., schools, clinics police posts). Community assets were identified through the census and enumerated. In the event that community assets are affected, new facilities will be provided as would be needed by the community. However, for community trees, the community will be compensated through provision of new seedlings equivalent to the value of lost trees. Some community assets such burial grounds as 2 were encountered in one case will need to be moved, therefore the cost of moving graves and related structures was considered in relation to the culturally acceptable practices.

6.5.7 Compensation for Sacred Sites

The proponent is conscious of the fact that valuation of sacred places is a difficult undertaking because of the complexity of placing monetary value on a cultural site. Additionally, most sacred sites belong not only to an individual but a family, village or community.

Under this project, the largest extent possible, the sacred sites and use of land that is defined to be cultural and/or sacred property by the Banks Safeguards OP 4.11 will be avoided. However, if the impact on any cultural site is unavoidable, utmost care will be done to ensure that all related activities affecting such sites and compensation is culturally appropriate and acceptable to the involved community and that all the processes are done in a consultative manner and with full participation of the affected communities.

6.6 Mode of Payment

Asset replacement i.e. house for house land and for land was considered to be the most desirable option for compensating the private land acquired for the development of the proposed project. One of the criteria of land-for-land compensation for affected land is the equivalent productive potential of replacement land. In the context of scarcity of similar productive land one of the criteria of land-for-land compensation for affected land is the equivalent productive potential of replacement land. In the context of scarcity of land, providing equivalent land may be difficult, laborious and time wasting and eventually too expensive for the project. Also procurement for other asset replacement will take a lot of time while the affected people are left suffering.

Based on the above technicalities, majority the PAPs at the proposed interchanges expressed willingness for cash compensation for their assets that will be affected. They, however, they stressed that it should be on replacement cost with good allowances to will enable them to reconstruct and or replace their affected properties.

Cash compensation was therefore adopted across the project sites although some of the affected persons choose land – for – land compensation rather than cash claiming that inflation may make the calculated cash amounts less valuable at the time of compensation thus making the option appear less attractive. The cash compensation options will be adopted owing to its flexibility and cheapness as compared to the other approaches.

7 RESETTLEMENT ASSISTANCE

7.1 Introduction

Resettlement assistance is advisable in this project because displacement of hawkers and informal businesses is inevitable.

7.2 Business Relocation

The displacement of businesses from their sites would be encountered around market/town centers which are scattered all along the stretch between Rironi and Mau Summit. This made it difficult to select relocation places for the businesses. To ensure that Project-Affected People are properly compensated, their views were sought on the most suitable places for relocation taking into consideration advantages and disadvantages of each proposed location. Consultations with local administration and the County governments of Kiambu, Nakuru and Kericho resolved that since the number of PAPs involved is small places especially at the viewing points will be created by the design for parking the vehicles to enable growth of informal business. This was explicitly accepted by most traders and the engineers were tasked to allow enough parking for people wishing to stop at various vantage places along project alignment for viewing scenic land formations.

The proposed project includes business sites that will be set up in major markets and towns through which the road project traverses. The identified and listed PAPs will be given priority when allocating slots for business.

7.3 Influx Management

It's a requirement for resettlement site to be located close to project area and thus be accessible to same characteristic of clientele. The proposed project site will also attract a significant number of newcomers seeking employment or other opportunities associated with construction and operations of the project. The influx of large numbers of newcomers may have severe negative effects on host communities in and around the project area as well as on the project itself. To avoid such circumstances, the Proponent will take a proactive approach and prepare an influx management plan in association with Counties.

With regard to those to be displaced, due to their small number at each Town and small business turnover, not much influx is expected to occur. However, there may be traders who will desire to move into the proposed project area in the hope of getting 'some space-for-space' compensation benefits. This situation will be controlled by:

- Use of the official cut-off date whereby only those found within the area on or before the date will be eligible for resettlement consideration. The number of traders as at the establishment of the cut-off date shall also be considered first in reallocation of market slots. The cut-off date in this context was set as 23rd December 2017.
- The chiefs agreed to actively enforce no new structures in the way after the cut-off date.
- Also, those listed were tasked to self-regulate themselves and keep newcomers away with the help of the administration or else their benefits will be reduced by equivalent to the number of the newcomers.
- the Proponent should take a proactive approach and prepare an influx management plan

7.4 Arrangements for Allocation of New Market Places

The Formal enterprises will not be significantly affected since a negligible section of their assets will be affected mainly a fence, roof or a wall. Hence they will only be required to move back on their land. Nevertheless, they will be compensated for the affected assets, based on the extent of the partial impact, at full replacement cost

As already mentioned the affected informal traders are spread all along the entire alignment and therefore difficult to be relocated to one or two sites to allow the PAPs resume their businesses as soon as possible and they do not lose clientele. Because of this the RAP team had discussions with leaders from areas with pockets of traders on the road side (namely Limuru Kwambira; Ngaraliga; Uplands; Kimende; Rwang'ang'a; Naivasha; Gilgil; Nyahururu, Nakuru; Salgaa; Molo and Mau Summit to give priority when allocating stalls to those who will be displaced by the project. This approach will:

- Ensure that the displaced persons do not have to incur extra travel costs to reach their business centres;
- That informal traders keep majority of their local clientele;
- Their removal from the roadside shall ensure enhanced safety since the Rironi Mau Summit road is a main highway with fast moving vehicles;
- Ensure that KeNHA and the Local Authority can work together to introduce more markets along the highway and ensure they have ample parking for clients;
- That the PAPs remain in their familiar setting with appropriate production as well as profitable economic activities;
- Avoid the necessity of social adjustment for both the host business community and PAPs as a result of the anticipated psychological constraints that come with changes;

To further cushion the PAPs from the impacts of displacement, more consultations will be arranged with the listed individuals to identify those who may require restoration assistance on humanitarian grounds. Those for further assistance will include; vulnerable groups including the poor, sick, orphaned and vulnerable children who will be given priority in employment opportunities arising from the project. Further during construction, there will be need to identify appropriate micro-programs that could be provided under the Project to assist the need PAPs. Robust Public information and awareness creation to enlighten the residents on the importance as well as the need for attitudinal change towards the projects impacts will also be mounted.

7.5 Relocation Schedule and Notices

A relocation schedule will be prepared by the Project Implementation Team (PIT) with sufficient notices. Relevant bodies as identified in the administrative framework will be involved in the exercise. The schedule should be well thought out and matched against the overall project timetable. The dates and time that the PAPs will be expected to move, will be communicated by the Project Management, through the Resettlement Unit, headed by the project client. Sufficient time allowance will be given between notification and actual movement to enable PAPs coordinate their movement plans and enlist the help of handymen if required.

It should be noted here that ALL those who are operating illegally within the 60M ROW have been asked to prepare and move the structures and pave way for the proposed project when the notice is given, following full compensation based on each PAP's entitlements under the RAP. For the PAPs whose land will be acquired, the notice for relocation will be issued after payment of the compensation amounts.

8 LIVELIHOOD AND INCOME RESTORATION

The proposed road projects will generate positive impacts which the local administration should exploit at the benefit of the local community and in particular the PAPs. When these benefits are appropriately exploited, they can assist in ensuring that livelihoods are restored within manageable time and space. Through the needs assessment that will be undertaken the PAPs and administrator will be trained to take advantage of the opportunities that will arise. Some of the negative impacts especially affecting those using sections of 60M ROW and restoration strategies include:

8.1.1 Loss of Trading Area

This has been addressed by setting up amenities sites where hotels, kiosks, shops and other stopover needs will be set up in all major centres along the proposed project road. Also, where necessary, other grounds where they be allocated stalls may be prepared through excavation, leveling and compaction to meet the required standards.

Proposed Road Side Stations (**RSS**)-Road side stations are the highway rest areas facilities and public services aimed to Road users as well as a revenue generation stream for both investor and local community, they are also used for the purpose of fatigue management, we understand that all drivers are vulnerable to fatigue due to human nature therefore they need place to rest whenever they require and this results to accident reduction due to fatigue of the drivers. Of the above mentioned road side station locations, RSS at Nakuru and Mau summit shall be large sized RSS with maximum facilities and others shall be of medium sized Road side stations.

The RSSs have been place alternatively on both sides of the roads (right hand side and left hand side) in order to facilitate the access to all the users. The RSSs will always be located at least 30 m from the highway, in order to avoid interferences with future widening of the roads.

The basic facilities at proposed Road side stations shall be as follows: Parking spaces according to transport mode; And other basic services like toilets, shops, restaurants, Health clinics/Wellness and Emergency response centres, Bureau office/ATM/Mpesa or Airtel money office, Service centre/Car Workshops/Truck repairs, Dormitory/Motels, and petrol stations.

8.1.2 Loss of business and Wages

For loss of wages the PAPs will be considered for:

- Training on entrepreneurship skills;
- Support to organize merry-go-round groups and provided with the seed capital for continuing their businesses;
- Waiver of charges on cess during the construction/transition period;
- Promoting them by acquiring some of their goods and services;
- And some financial support.

8.1.3 Loss of Employment and Wage

The project will give priority employment opportunities for members of the local communities during construction. Besides the direct employment by the project, other forms of employment are likely to result from the spin-off effects including establishment of local markets for providing goods and services during construction. The employment opportunities will generate income and improve the standards of living in the project area and its environs, albeit on a small scale. These employment opportunities will provide a major positive economic boost to the towns and market centres along the alignment.

The will set market centres for stopovers and relaxation. These centres will generate more employment and business that will help to improve standard of living for the immediate communities and also downstream ones.

8.1.4 Damage to Assets

Care should be taken so as to avoid any damage to movable fragile assets and merchandise. PAPs should be compensated for loss of immovable assets.

8.1.5 Capacity Building

Needs assessment will be conducted to identify training programmes for the PAPs so that they can take full advantage of arising opportunities during both the construction and operation phase. The PAPs will be advised and educated through a consultative process on how to sustainably propagate their businesses.

8.1.6 Corporate Social Responsibility (CSR)

The proponent is advised to take responsibility in directing and assisting the contractor to be committed to corporate social responsibility. The following proposals are recommended for consideration by KeNHA:

- Employment of locals from the area during construction (Unskilled);
- Employing a Community Development Expert and assistants from the project communities to be responsible for Community and Social development programmes. These staff members would prioritize programmes with key representatives and local leaders from the surrounding community;
- To develop a vehicle park to help diversify business opportunities for the affected communities.

8.1.7 Improvement on Road Safety

Sharing of information regarding improvement of road safety and convenience when the road construction is completed. This will enhance understanding, appreciation, appropriate use of the safety features/facilities such as underpass and footbridges and acceptance of the project.

8.1.8 Special Assistance for Women and Vulnerable Groups

No special needs persons were identified during the study, however special assistance will be considered for women and other needy cases from the project catchment for employment.

8.2 Treatment of graves as Cultural Property

Two graves were identified at Kamandura belonging to one family. The graves will be relocated to different sites as will be suggested by the affected family in consultations with the community but within the same property. The expenses and other benefits will have to be agreed between KeNHA, the family and community elders and paid promptly by KeNHA before ritual is conducted.

8.3 Social and community programmes for livelihood Restoration

Community development programmes are identified based on the baseline information provided in the RAP i.e. where can the project provide assistance e.g. in the sectors of water and sanitation, health, education etc. A number of social and community development programs on how the proposed project can assist the community have been identified and are discussed below, based largely on the community priorities of the area in which the proposed project. The following community development plans/programmes have been identified as is relevant for implementation:

- Provision of employment priority for the affected PAPs, vulnerable members and community members;
- To improve the health services in the project area by providing training for village midwives, primary health care centres, child spacing/family planning and counseling services while working together with the HIV/AIDS organizations in the project area;
- Provide clean water supply and sanitation training among the project affected persons;

- To include extension of agricultural services by providing various inputs, such as cash assistance, replacement of agricultural land, seeds, and fertilizers to support local livelihoods;
- In addition to some of the recommendations above, the developer could also institute some necessary training pertaining to:
 - Advising PAPs on how to invest cash/compensation fees to gain a return similar to agricultural income from land occupied by the project.
 - Increasing people's income by setting up credit groups and improving access to markets as well as marketing of goods and services produced
 - Improving health services by providing training for village midwives, primary health care centres, and child spacing/family planning counseling while working together with the HIV/AIDS organizations within and/or near the project area.
 - Provision of sanitation training and clean water supply around the project area"

8.4 Income Restoration

Income restoration is the re-establishment of income sources and livelihoods of affected people. The resettled PAPs will be affected by the relocation activities. These negative effects will include loss of livelihood and income streams. The resettled persons are informal traders running informal businesses. A few of the PAPs are skilled and semi-skilled laborers.

To minimize the negative economic impact of road construction activities on commercial establishments, it is recommended that financial support and training come early before relocation exercise to enable them to adjust to the new ways of operation and thereby minimize disruptions and/ or disturbances. An income restoration program ensures that the income streams of the PAPs are maintained and possibly enhanced to better standards. The RAP enhances restoration of the residents' and PAPs economic and income bases, mostly by promoting diversification and adoption of alternative economic activities.

To realize this objective, there is need for the proposed project to incorporate other activities beyond normal compensation. These activities are proposed to ensure minimal shock as well as fast recovery of losses and eventual realization of stability of incomes. They can be summarized as follows

- Identification of training needs and rolling out of training programs based on need analysis;
- Identification of income streams that can be supported with off carriageway activities like nurseries on communal land and assisting the PAPs to form welfare groups based shared interests;
- Assisting various organized groups to form self-help groups or cooperatives;
- Actively engaging the county governments to set up new market centers/expand existing ones to absorb displaced PAPs;
- Immediately roll out community wide public participation and campaigns targeting those in the ROW on project sensitization, awareness and education.

9 STAKEHOLDER AND PUBLIC CONSULTATIONS

9.1 Introduction

Consultation with stakeholders has been continually undertaken which commenced during preparation of Environmental Impact Assessment EIA for the project in attempt to address the interest of the project affected persons in the designs and planning stages of the project. Public consultations were held primarily during the following periods:

1. During the development of the Environmental and Social Impact Assessment (ESIA) and
2. During the preparation of the RAP in November and December 2017.

More stakeholders' consultation will continue during the implementation phase to follow up the implementation of the recommended RAP activities at location level. This will be done on quarterly basis in liaison with the chiefs and PLO. More meetings would be called on need basis to address issues as they arise.

The stakeholders were mobilized by chiefs, assisted by their assistants and village headmen to make announcements and post notices at market centres informing the public about planned meetings seven days prior to the meeting. The announcements were also done in various churches during Sunday services.

The major concerns expressed during the meetings revolved around the survey works and the existing ROW; assets to be compensated and their valuation rates; issue of notice prior to relocation; continuity of business activities along the corridor; drainage in some road sections; underpasses and overpasses at areas prone or likely to experience accidents; and employment during construction. All these issues were addressed to the satisfaction of the participants and the communities were assured that the project will ensure that most of the unskilled jobs will be offered to communities living in the project area. The entire community seemed to embrace the project if their concern were addressed as discussed.

9.2 Objectives of Public Consultation

The principal objectives of the consultation were information sharing with view of dissemination the proposed project design details and obtain feedback that would inform the design and construction phase of the project. However, the specific objectives were as follows:

- a. To disseminate information about the project to the affected Persons (PAPs)
- b. To communicate the cut-off date for census survey
- c. To ensure open dialogue that would cultivate inclusiveness, transparency and timely provision of feedback on project related issues as raised by stakeholders
- d. To allow stakeholders raise anticipated concerns and allow for planning and development of mitigation measures to the raised issues. This would inform Resettlement Action Plan (RAP) and also to inform designs on improvement of the proposed Road projects
- e. To deduce unforeseen issues that would become contentious and result to conflict in the foreseeable future

9.3 Stakeholder Identification Criteria

The identification of stakeholders was done through categorization of the stakeholders into primary and secondary stakeholders. The stake holders are those who will be directly affected by the road expansion. These include but not limited to:

- i. Transport operators who include motorists; PSV/lorry owners and drivers; conductors,
- ii. Businessmen operators;
- iii. Commuters;
- iv. Private road users;
- v. Land owners and or farmers;
- vi. Structure owners;
- vii. Learning Institutions;
- viii. Religious Institutions;
- ix. Local Community members.

This study also identified a second category of stakeholders comprised of GoK officers, market committee officials, matatu associations officials, county government heads and institutions in charge of diverse sectors (Ministry of Transport, Ministry of Transport), which are likely to be impacted by the road construction project.

Prior to the consultative meeting, pre-planning for the meetings were held with the chiefs and assistant chiefs along the corridor. This ensured that seven days were allowed for after communicating and setting the dates and agreeing on the venue for intended meetings. The stakeholders were mobilized by chiefs, assisted by their assistants and village headmen to make announcements and post notices at market centres and churches informing the public about planned meetings seven days prior to the meeting.

A total of 14 meetings were held as indicated in the schedule for the meetings as indicated below as per gender desegregated data:

A diversity of community stakeholders including Government administrators (chiefs, village headmen, etc), village elders, farmers, transporters, and business men and women and larger community members were consulted in pre-arranged public meetings held in public places such as markets centres and/or chiefs' offices along the proposed road corridors. Gender desegregated details for the participant is as presented below.

Table 45: Consultative Meetings Schedule

#	Date	Area	Male	Female	Total
1	27 th Nov. 2017	Kamirithu	48	20	68
2	27 th Nov. 2017	Ngarariga	65	26	91
3	29 th Nov. 2017	Nyambare	138	115	253
4	30 th Nov. 2017	Soko Mjinga	65	72	137
5	1 st Dec 2017	Magina	59	29	88
6	5 th Dec 2017	Kinungi	250	45	305
7	8 th Dec 2017	Mbaruk-Kiungururia	37	19	56
8	13 th Dec 2017	Gilgil Junction	9	6	15
9	13 th Dec 2017	View Point Diatomite	24	22	46
10	13 th Dec 2017	Kikopey	32	18	50
11	14 th Dec 2017	Ngata	23	3	27
12	15 th Dec 2017	Salgaa	87	19	106

#	Date	Area	Male	Female	Total
13	20 th Dec 2017	Mai Mahiu	76	56	132
14	22 nd Dec 2017	Longonot	60	58	118

9.4 Government Policy on Community Consultation & Participation

Under guiding values and principles of the Land Act, every public officer must ensure inclusiveness and participation of the people in matters related to Land. Also, people should participate in determining critical land matters for instance determining the economic viability of minimum and maximum acreages in respect of private land for various land zones in the country.

9.5 Contribution of Public Participation

This process captured:

- The views expressed by the PAPs were factored into preparing the resettlement plan;
- Considerations to the relocation options for affected businesses presented by PAPs, design aspects such as where to construct underpasses and footbridges, and the choices made by displaced persons regarding options available to them, including choices related to forms of compensation and resettlement assistance, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g. places of worship and cemeteries); and
- Institutionalized arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as indigenous people, ethnic minorities, the landless, and women are adequately represented.

The Rironi Mau Summit Road development will involve both physical and economic displacement; therefore, it has special responsibilities in addition to disclosure and consultation requirements. This project will continue with regular consultations with project stakeholders. The consultations will assist in:

- Managing public expectations concerning impacts and expect of the benefits of the project;
- Negotiate compensation packages;
- Identify eligible PAPs and requirements for enumeration;
- Resettlement assistance;
- Timing of the resettlement activities;
- Free flow of information between the project and the stakeholders and all the PAPs are aware of the impending process.

For further information on the deliberations of the project disclosure and public participation see **Appendix 4** for minutes of public meetings held in different centres along the project route.

For the successful implementation of the RAP the following was considered:

- working closely with the stakeholders to identify the most vulnerable, least visible, and voiceless for whom special consultation efforts had to be made;
- identifying contentious issues and forces behind it so as to find mechanisms for creating harmony;
- Program or schedule of disclosure at various stages of the project and identifying methods to be used, agenda, budget, and plan for consultation activities;
- Informing the local government, village leaders, local community organization of the plan for the project and asked them to relay this to community members;

- setting eligibility cut off and we have informed local administration machinery to discourage construction or approval of construction of new buildings or capital improvements of the areas affected by the project;
- the RAP consultant will prepare an illustrated resettlement information booklet with information on eligibility, rates of compensation and other entitlements, time table for implementation and all applicable grievance procedures;
- Preparing and issuing resettlement updates on a regular and timely basis;
- The African Development Bank policy on involuntary resettlement stipulates that resettlement information be assessable and understandable. Therefore, all communication will be translated into Kiswahili or broadcasted in the media assessable to both illiterate and literate (local radio stations, television, public notice board, leaflets, newspapers, fliers, posters in both local and Kiswahili languages).

9.6 Essence of Public Participation

The purpose is to inform the stakeholders about the project and its effects and provide opportunities for people to voice their concerns and propose alternatives. The formal consultations included relevant government representatives, community leaders and household heads for PAPS. The study team organised different forums to discuss project concerns, identify and contain concerns from different groups. The community consultation was in form of public hearings and they focussed on the level of effects and compensation. The consulting team had interview schedules to guide the discussion at the same time obtain specific information necessary for the enumeration.

The consulting team will arrange for women and other vulnerable groups to have their consultations in small focus group consultations of about 10 people per session to enable them air their views without being discriminated upon.

From our experience in the field we identified issues which future deliberation and process will focus on. This included:

- Resettlement strategy;
- Choice of resettlement site and timing of relocation;
- Development opportunities and initiatives;
- Development of procedures for grievances and resolving disputes;
- Monitoring and evaluation and implementing corrective measures mechanisms.

9.7 Public Barazas and FGDs

Public Barazas were conducted in three phases:

Phase One: Seven (7) consultation meetings were conducted at various towns/centres along the route of the proposed road. Consultations were carried out with the key stakeholders, local leaders and PAPs through direct verbal interaction with them. The purpose of the meetings focussed on increasing awareness of the proposed road rehabilitation project, giving information on means of evaluation for compensation, the resettlement and compensation process, provide clarification to emerging issues regarding evaluation and compensation process and notifying the public of the cut-off date for survey which determined eligibility for compensation. The cut-off-date announced in the meetings was taken as the last date of the census survey which was 3rd September 2016. The asset survey tools and Minutes of the Stakeholder Workshop Meetings/Public Barazas is included in the appendix.

Phase Two: This was conducted between 29th June and 5th July 2017 and only involved the communities and PAPs at the interchanges (Kamandura, Limuru Kwambira, and Bibirioni Ngarariga Market), for details see Appendix 3.

Phase Three: The phase three consultations covered both the B3/C88 and A8 and were undertaken between 22 November and 23 December 2017.

Focus Group Discussions: Other than the public barazas that were conducted the team also met and held discussions with a few MCA, several ACC, not less than 70 chiefs and their assistants, village elders and the 'Nyumba Kumi' chairpersons.

9.8 Key Issues Raised and Responses from the Consultant

9.8.1 Phase I and II Consultations

Several issues were raised by the community and PAPs during the survey consultation meetings. Basically, they wanted clarifications and assurances regarding the process of property evaluation, compensation payment, offering of resettlement assistance and employment opportunities to the locals. The key issues raised include the following (see Table 46):

- PAPs wished to know the plans that are in place to compensate the affected persons for their properties;
Response: all the assets that is affected will be valued and compensated at replacement cost.
- The PAPs wanted clarification on the rates to be adopted in evaluating their properties. In addition, they wanted to know whether same land rates would be used across the board;
Responses from the consultant: uniform rates may not be applicable across the board but this depends on the market rates (replacement Cost) for each particular region. Also special assistance may be provided where found necessary;
- They wanted to know if they will be given enough time to relocate elsewhere once they are compensated and not to be hurried out of their current homes and business premises;
Responses from the consultant: There will be enough time to salvage your properties. You will be provided with a three months' notice and if that period cannot suffice more time can be allowed upon request and needs assessment
- They requested that the project gives them priority in allocation of job employment and that the same should be conducted in a transparent way to ensure that all qualified applicants get employed;
Responses from the consultant: employment will be transparent and through the local administrative offices, however this will be very competitive. The locals will be given priority for both skilled and unskilled jobs as long as they qualify. It should however be noted that the contractor will be guided by the labour laws.
- Clarification was sought on whether compensation will be conducted before structures are demolished and/or before they can get other places;
The project may stimulate petty trade and food vending among women but measures should be taken to limit hidden relationships which may jeopardize marriage bonds among married couples and their daughters in getting early pregnancies
Responses from the consultant: the project will provide business opportunities at both the construction and operation stage and measures to include HIV AIDS awareness, testing and counselling, public barazas, and direct employment opportunities for locals to reduce unemployment level.
- They raised concerns about business people who operate in rented business premises. Relocation would affect their business and since the property owners will be compensated for any damages, they wished to know how they will be compensated for loss of their sources of income;
Responses from the consultant: Loss of livelihoods will be compensated on the basis of the prevailing WB safeguard policy OP 4.12.

- Concern was also raised over the cost already incurred in acquiring construction permits to allow construction buildings in their parcels of land. This would be halted should these lands be acquired for the project. Therefore, they wanted to know how they will be compensated for this costs;
Responses from the consultant: the consultant promised to consult the client for more clarification on the issue, however, the government cannot compensate based on the anticipated future plans.
- There was concern about lack of land identification documents by the PAPs. Areas that were noted to be affected by this include Karai, Kayole, Mukinyai, Sachangwan and Menengai. Most PAPs had sale agreements only and hence were worried whether the latter can be presented for compensation or they will be made to acquire title deeds which might take time. In addition, they wanted to know whether squatters who reside in the area and have put up structures would be considered for compensation;
Responses from the consultant: all those who own lands that has been marked for acquisition with or without title deeds will be compensated as long as they demonstrate acceptable ownership. However, it should be noted that no land will be acquired in the areas you have stated;
- They also wanted to know if compensation packages will be paid before any demolition of structures and/or acquisition of their lands and also if the packages will be paid directly into individual PAPs bank accounts or shall be paid through their leaders or their proxies.
Responses from the consultant: the laws demand that compensation should be paid before relocation and this will be respected as far as possible.
- We have a factory which is operating now, relocation will bring havoc to our employees by losing the job and we cannot keep them on;
Responses from the consultant: You will be compensated according to the law and regulations. For employees they will be served with notice or one-month salary in lieu of notice.

Table 46: Summary of Public & PAPs Consultations

Table 40: Summary of Public & RAP Consultations					
DATE	VENUE	GENDER		ISSUES RAISED	RAP has Addressed Issues Raised
		MEN	WOMEN		
PHASE TWO					
11 th Aug. 2016	Nyambari	22	26	<ul style="list-style-type: none">What rates will be adopted in evaluating properties and will it be applicable to all the areas equallyWill the people selling green groceries on reserve road be compensated	<ul style="list-style-type: none">Assets will be valued at the full replacement Cost that considers value of redoing a new structure without depreciationThose with movable assets will be given relocation allowance and provided with livelihood restorations strategies; those with immovable structures will be compensated at replacement cost.
15 th Aug 2016	Magina Location, Lari	53	31	<ul style="list-style-type: none">Will people be given enough time to relocate elsewhere once they are compensated and not to be hurried out of their current homes and business premisesWould the project provide speed bumps to protect pedestrians at the trading centre since the vehicles will be moving very fastWhat security arrangements would be in place since migrant workers may cause problems	<ul style="list-style-type: none">There will be adequate notice to relocate provided. The implementing authority will work with the chosen representatives and chiefs to inform people well in advance.Speed bumps will not be necessary because footbridges and underpasses will be providedContractor will work with chiefs, police and other security agents to ensure the influx of labour does not negatively affect the residents
22 nd Aug. 2016	Naivasha East Location,, Kayole Area	35	15	<ul style="list-style-type: none">Would you give priority in allocation of job employment and that the same should be conducted in a transparent way to ensure that all qualified applicants get employedWill compensation be given before structures are demolished and/or before they can get other places?Will people without titles but are land owners be compensatedSome of us bought land from land selling companies and we've not been given subdivisions who will receive the compensation the land selling companies who own the deed	<ul style="list-style-type: none">Employment priority will be given to locals as long as they meet the required skills and in accordance to labour Kenya's labour regulations.The project will utilize National Land Commission to validate all claims publicly to ensure everybody's rights are protected. NLC will validate all claims to land whether there is a title or not.Compensation will be paid before relocation and due care will be taken to pay all beneficiaries of the project
23 rd Aug. 2016	Kinungi Market, Kinungi	71	42	<p>The factories operating now, will lay off workers who will lose their jobs and we cannot keep them on, how will they be compensated?</p> <ul style="list-style-type: none">Will compensation be given to expenses already incurred in acquiring construction permits to allow construction?	<ul style="list-style-type: none">Those who will lose jobs from the factory will be given adequate notice as per the law, or one month's salary in lieu of notice. However, where possible the project will avoid major developments as a design intervention.Only assets that have been developed will be compensated not

DATE	VENUE	GENDER		ISSUES RAISED	RAP has Addressed Issues Raised
		MEN	WOMEN		
				buildings in their parcels of land.	future development plan, however all claims will be validated by NLC at the implementation stage.
25 th Aug. 2016	Kikohey	50	10	<ul style="list-style-type: none"> Why are you acquiring land on this side when you have enough space on the opposite site? How would you compensate us for our businesses 	<ul style="list-style-type: none"> The land at Kikohey is not being acquired but being reclaimed since the road reserve has been encroached by individuals. The design has looked at all options and businesses will be valued based on evaluated income streams plus relocation allowance.
25 th Aug. 2016	Viewpoint, Gilgil	22	23	<ul style="list-style-type: none"> Would you compensate for displacing our seedlings beds 	<ul style="list-style-type: none"> Seedlings beds on the Road reserve will require to be relocated since the business is not authorized by KeNHA who own the road reserve. A relocation notice with relocation and livelihood restoration strategies allowances shall be provided.
PHASE ONE					
1st July 2017	Kamirithu Polytechnic	16	4	<ul style="list-style-type: none"> Why were alternatives routes not considered besides land acquisition? Which measures will be taken to protect or preserve water pipelines before road construction and who will be responsible for restoration of the services How will access to property/land left hanging due to cut and fill be handled Will compensation be provided to those living close to the road to avoid disturbance from the construction and operation> Is it possible to move the road to the extreme side of the parcels to avoid splitting our land through the middle? How will compensation for the graves be done 	<ul style="list-style-type: none"> The project is intending to improve junctions turning from the A8 hence the need for land acquisition at the interchanges. Water companies will be engaged to identify and relocate their own pipelines with the assistance of the project. Access to affected properties will be provided and alternative accesses will also be explored. The project will mitigate disturbances and temporary disruptions through the ESMP. Compensation will only be to the extent of the affected persons who are validated by NLC. The design of the road will consider geometric layout and safety operation of the road. The parcels affected will be compensated on the level of severance and if uneconomical portions are left, they shall also be compensated. All graves will be compensated through a consultative process that is sensitive to cultural rites and practices. Construction disturbance will be mitigated through ESMP which the contractor is bound to respect The engineer looked at several options to settle on this alignment, however based on the facts highlighted the contractor will look at best options available
1st July	Ngarariga /	20	9	<ul style="list-style-type: none"> Why are beacons not placed on site to know the extent of 	<ul style="list-style-type: none"> Going forward beacons will be installed

DATE	VENUE	GENDER		ISSUES RAISED	RAP has Addressed Issues Raised
		MEN	WOMEN		
2017	Bibirioni			<ul style="list-style-type: none"> the new land acquisition What arrangements are in place for crossing the road which will too wide Will trees be compensated again (given that were already compensated by KPLC but have since regenerated)? How will you compensate for land acquired for road construction which is owned by several siblings? 	<ul style="list-style-type: none"> Designated crossing points will be provided alongside pedestrian overpasses and underpasses Trees on the right of way are going to be salvaged by their owners. Compensation will be determined by NLC during the implementation of the project. All land will be evaluated and validated by NLC. Apportioning of the compensation will be done during the Inquiries conducted by NLC and if there is a dispute, the amounts will be deposited into an Escrow account at NLC until the dispute is resolved.
3rd July 2017	Ngarariga	13	10	<ul style="list-style-type: none"> Will compensation be paid before any demolition of structures and/or acquisition of their lands? will it be paid directly into individual PAPs bank accounts or shall be paid through their leaders or their proxies 	<ul style="list-style-type: none"> The project will compensate properties in advance to allow for owners to relocate and salvage materials. This will be paid into the beneficiaries' bank accounts.
3rd July 2017	Kwa Mbira Market Grounds	9	0	<ul style="list-style-type: none"> what timeliness are we looking at for project commencement and compensation so we plan adequately Shall we be compensated for loss of/interference with business for businesspeople who are not land owners Shall we be compensated for residential houses too close to the road making them unsuitable for use as a residence 	<ul style="list-style-type: none"> The exact date for project commencement is not yet identified but it will be communicated once all the systems are in place. By 2019 the project should commence if all systems work out as planned. All PAPs operating on the road reserve will be relocated off the carriageway. This will not necessarily mean cash pay-out. However, relocation notice and/or allowance will be paid to those who will be evaluated as requiring such an intervention. Owners of movable business assets will be provided with relocation plus restoration strategies allowances The practicality of the compensation by virtue of proximity to the road cannot be assured, however, such issues will be determined during inquiries by NLC at implementation. For residences within the interchanges, it is expected that they will be compensated fully and relocate from the loops.
4th July 2017	Kwambira Township	9	2	<ul style="list-style-type: none"> when will be the commencement date Will we be compensated for loss of business located on the road reserve? We want to express our satisfaction with the Consultants way of conducting their business 	<ul style="list-style-type: none"> The exact date for project commencement is not yet identified but it will be communicated once all the systems are in place. By 2019 the project should commence if all systems work out as planned. will be a series of barazas to communicate when the project will

DATE	VENUE	GENDER		ISSUES RAISED	RAP has Addressed Issues Raised
		MEN	WOMEN		
				<ul style="list-style-type: none"> We are enthusiastic about the project 	<p>be about to start so you will not be ambushed.</p> <ul style="list-style-type: none"> All PAPs operating on the road reserve will be relocated off the carriageway. Relocation notice, relocation allowance and livelihood strategies allowances will be issued to those with movable assets and immovable assets will attract an extra compensation for structures at replacement cost.

9.8.2 Summary of Phase III Consultations

Issues / Concerns	Recommendations / Requests / Proposed Measures
Compensation for land and assets found on the wayleave.	<ul style="list-style-type: none"> ➤ Compensation will be accorded to those whose land is to be acquired for the interchanges ➤ Those PAPs who claim not to have been compensated were requested for volunteer their LRN and ownership for confirmation with KeNHA ➤ Those who claimed the land on the way leave is part of their land were advised to use an independent surveyor to confirm whether the ROW was part of their land or not. ➤ All assets within the way leave will be compensated at Full replacement cost and an additional 15% disturbance allowance will be paid.
What would be done for houses and other structures adjacent to the road that are left hanging on a cliff after construction, developing cracks due to vibration etc that makes the homesteads inaccessible by owners (Cars are left on the high way)	<ul style="list-style-type: none"> ➤ The proximity of the structures to the road will be assessed and also the houses and recommendations given. ➤ The structures that get damaged depending on findings will be compensated but damage or loss ought to be verifiable and attributable to the project ➤ Access paths will be done where cliffs are found after excavation
Will the owners of the affected assets be served with adequate notice to salvage the affected assets after compensation?	The PAPs will be served with a 3 months' notice to enable them reorganize for both salvage and relocation
The construction will interfere with other existing infrastructure such as water distribution pipes, electricity, water storage tanks. What will be done to ensure that the residents access these key services?	<ul style="list-style-type: none"> ➤ The contractor will work closely with the providers of the key services and where the re-location of such infrastructure is inevitable, then that should precede construction ➤ Where the consumers note otherwise or delays this should be reported to the GRC and the relevant institutions
Is the proposed road development affecting both right and left side of the road?	➤ The surveyors are marking the extent of the corridor on both left and right side of the road.
Are there ready survey maps for the PAPs to view where the proposed road passes through?	The maps will be finalized and overlaid to indicate the route and subsequent plot numbers and will be available at County Offices
There are some assets where there are tenants and the landlord. How will they be treated?	➤ Both are entitled to some compensation but the tenant will not be compensated for the structure but for cost of relocation allowance.
When will the survey be concluded and compensation be awarded?)	➤ The survey will end in the month of December 2017. Thereafter the RAP be concluded and valuation done. Then compensation will be processed.
Where land sub division has been done which Title Deed counts	Where there are new title deeds and compensation had been done for the entire parcel, then land will not be compensated for but only where there are assets if any

Issues / Concerns	Recommendations / Requests / Proposed Measures
Some Kiosks not open or structure owners not present during the survey. How will they be treated?	➤ The GPS coordinates for the assets have been taken and the description taken and valuation done. It's only the owner that shall be identified at disclosure.
How will land with succession issue be treated? And who will be paid for the assets?	Compensation for land is done by the NLC once succession is completed. However, the claiming owners of the assets will be paid.
There are existing beacons are they to be used for the ongoing survey?	➤ Some existing beacons marks the elevation during road construction and therefore, the survey determines the ROW
What rates will be used to determine compensation?	➤ Compensation will be done according to market rates
If the stage will be away from the highway, how will the passengers be picked and dropped?	➤ The interchange will allow for the picking and dropping of the passengers but not on the high way.
How will the graves be treated?	➤ The family will be consulted on how they wish the graves treated
How will the accidents be minimized at institutions i.e. schools	➤ Foot bridges will be considered to reduce accidents.
Some road sections flooded	➤ Drainage is addressed in the designs
The PAPs undertaking business would wish to remain and continue their business activities along the highway. Will there be room to let them carry on?	➤ Those who may find space may carry on. However, there is currently the Highway Management Authority that keeps off human activities along the way leave.
The curio shops attract tourism along the roads who view the good scenery of the escarpments. The curio shop operators fear losing out their businesses. How will KeNHA assist to allow them continue with their businesses?	➤ KeNHA will assist to level the ground for the re-location of the curio shops is the space left would allow
Would KeNHA assist the informal vendors in construction of compartmentalized stalls to enable them carry on their business	The vendors to lobby with their counties to be assisted in accessing land and thereafter request KeNHA to assist in construction.
Some containers carry out the services of St. Johns Ambulance yet they are marked X	Johns Ambulance services take care of accident victims and will need to liaise with KeNHA to be assisted in the relocation of the structures.
Where will the aggrieved PAPs seek redress for any project related grievance?	➤ The GRC will be formed which will take cognizance of the existing dispute resolution structures. The grievance procedure will start with lodging the complaint with the Assistant chief who forwards the complaint to the chief to ensure minimal or no cost incurred.
There are some assets where there are tenants and the landlord. How will they be treated?	➤ Both are entitled to some compensation but the tenant will not be compensated for the structure but for disturbance allowance.
How will the absent PAPs be identified and captured to ensure no omissions?	➤ All assets are capture without the names of the owners where absent. ➤ The participants were also given the names of the

Issues / Concerns	Recommendations / Requests / Proposed Measures
	<p>survey coordinators to call for bridging gaps before the cut-off date elapsed</p> <ul style="list-style-type: none"> ➤ Further information will be filled in at disclosure with assistance from chiefs and assistant chiefs who are familiar with all residents
How will the individuals with joint Title Deeds be treated with some touching the Road corridor and others not near the road?	<ul style="list-style-type: none"> ➤ Only those with assets on the way leave will be compensated under this project while others who will be affected by the proposed expansion latter.
Has the design considered the areas where livestock will cross to graze from one side of the road to the other?	<p>The under pass will be considered for those who graze livestock in Kinari forest. Other areas to be considered for fly overs and underpasses include: kimende, magina, Gichiengo to take care of people crossing and livestock.</p>
Will there be fresh land acquisition and compensation?	<ul style="list-style-type: none"> ➤ Compensation for land will be accorded to those whose land is to be acquired for the interchanges or beyond the way leave. ➤ The assets affected will be compensated at Full replacement cost and an additional 15% disturbance allowance will be paid.
Will there be access roads to link the high way to shopping centers/ market to ensure that the market receives customers?	<ul style="list-style-type: none"> ➤ Access will be provided. .
The dust is always a menace during construction. Is the community assured that dust will be addressed?	<ul style="list-style-type: none"> ➤ This is addressed under ESIA report and the contractor is expected to sprinkle water ➤ The community members are also supposed to keep watch to the contractor to ensure he fulfills contractual obligation and if not so, it should be discussed with the resident Engineer.
What aspects would KeNHA support through CSR? Can they support construction of classrooms or development of water facilities or equipping of health facilities?	<ul style="list-style-type: none"> ➤ There is key interest to support the vulnerable persons or other facilities as may be found to emerge as a felt need that the community recommend for support but to be relevant to the mandate of KeNHA.
How is the design to address the frequent fatal accidents that have frequented Kinungi area?	<ul style="list-style-type: none"> ➤ The foot bridge will be required at Kayole, Kiroche, Line, Ihindu the stage and an under pass at Maguna (Nyakairu). This should be considered by the design.
Will lighting be provided to enhance security especially at market centers?	<p>The designs have considered the lighting element</p>
Will the locals be considered for employment? There exist both unskilled and semi-skilled labour in the area. There are also hardwares that can supply materials for construction	<ul style="list-style-type: none"> ➤ Employment for the local community will be availed up to 30%. However, recruitment and employment will be done in conjunction with the chief's office.
How have the designs considered PLWD	<p>Will be considered at under passes</p>
Will the existing under passes be maintained or removed?	<p>Will be maintained and foot bridges added where necessary</p>

Issues / Concerns	Recommendations / Requests / Proposed Measures
What will be the charging rates at toll station?	➤ To be concluded and thereafter communicated
Where will the toll stations be positioned?	➤ There are 4 toll stations and where positioned will be shown on the designs.
How will the disputes be resolved to ensure project progress?	➤ The GRC will be formed which will take cognizance of the existing dispute resolution structures. The grievance procedure will start with lodging the complaint with the Assistant chief who forwards the complaint to the chief to ensure minimal or no cost incurred.
The road expansion will kill the shopping centers as there will be no sufficient parking for the tracks that promote all the commercial services for the centers along the road	<ul style="list-style-type: none"> ➤ The service lanes will be used for parking though not sufficient ➤ The private investors were encouraged to invest in developing parking lots to tap the potential ➤ KeNHA to assist the centers in developing parking lots as done in other areas along the high ways
Can the proposed development consider acquiring land on the left side as one approaches from Nairobi where land does not have structures as compared to the right-hand side which is constructed with all nature of business activities?	➤ KeNHA will work on the existing ROW but will acquire land for phase 2
Why does KeNHA let people construct and conduct business on the way leave	➤ KeNHA to mark the way leave and keep of the encroachers to avoided disruption of already established businesses
There is need to think of pedestrian crossing to avoid the death of students as a result of accidents	➤ There is interchange at Gilgil and other foot bridges and under passes where there are learning institutions
Has designs allowed for several stage points where there is dropping and picking of passengers thus promoting business in the respective market centers	➤ This will be guided by the design manual
Will the current tarmacked road be maintained or there will be diversions during road construction	The old road will remain though there would be diversions here and there
Which side will be diversions?	➤ Diversions are few and will be informed by designs
How will the disputes be resolved to ensure project progress?	➤ The GRC will be formed which will take cognizance of the existing dispute resolution structures. The grievance procedure will start with lodging the complaint with the Assistant chief who forwards the complaint to the chief to ensure minimal or no cost incurred.
Will there be junctions and how will they be treated?	➤ There will be interchanges as indicated in the designs
The community toilet jointly owned-who is to be compensated? And also land bought to construct a hospital	➤ The group owning the facility will be compensated or where the facility serve the community and there is available space the facility will be re-located.
Will there be brokers that may interfere	No middlemen will be involved to ensure compensation

Issues / Concerns	Recommendations / Requests / Proposed Measures
with compensation process?	reaches the intended PAPs
Will there be communication between KeNHA and the PAPs to allow for clarification and reporting on issues	There will be a GR committee and PLO who will act as a link between the PIU and the PAPs
Will compensation be paid upfront?	All compensation should be paid before construction works are started
Where will the displaced relocate to?	➤ The vendors will be relocated to the existing market though it will not accommodate all the PAPs from this market. More discussions will be done with both the county of Naivasha sub-county to see where they can be relocated to.
Who selects the GR committee	The PAPs in the presence of the consultants and provincial administration
Can KeNHA assist to harness the storm water for farming?	➤ This can be done where there are communal water points that can be enlarged.
How will the PAPs verify their details	➤ The feedback of RAP will be communicated through the chief's office and all the PAPs will be called upon confirm the list is okay ➤ Name of PAPs will also be gazzeted for transparency

9.9 Way Forward

The local community and other stakeholders are ready to embrace the proposed project if their major fears and concerns revolving around compensation are addressed prior and during the project implementation and agree that the potential negative impacts are manageable. With proposed road improvement, the living standards of the local community will be enhanced; accessibility to other parts of the country with ease and reduction of accident occurrence.

10 GRIEVANCES RESETTLEMENT

10.1 Sources of Grievances

During RAP process, it is inevitable that complaints will arise among the affected people over contentious issues. From the asset survey conducted, it was noted that there are many arising issues concerning the project and compensation matters. For instance, there are imposters who sold land but did not carry out land succession. Hence the land parcels are still under the original title deeds which the imposters use to claim compensation. Some of the issues that can cause delays and calls for dispute resolution mechanism included:

- Clerical errors in data entry that may leads;
- Emerging issues such change in estate administration of affected properties;
- Disputed ownership of an affected asset particularly where documentation forma documentation is lacking;
- Rejection of the awards that may be considered not adequate and representative of market value;
- Change of mind concerning compensation mode by a PAP demanding for example land-for-land where only cash payment is preferred;
- Handling of cultural issues where there are no clearly agreed precedents such as payment for compensation in a polygamous marriage.

Therefore, it was considered necessary for a grievance management mechanism be formulated to handle such issues. Timely and affordable redress is important to ensure satisfactory resettlement and completion of the project as scheduled. The committee will allow people to lodge complaints or claims including customary law and usage without a cost and timely and satisfactory to that claim or compliant.

Special arrangements should be made for women and other vulnerable groups to ensure that they have equal access to redress procedures. This include employment of women or other vulnerable groups in RAP committee to facilitate the redress process or ensure that groups that are representing interest of women and other vulnerable groups take part in the process.

10.2 Subject Matter of Grievance on the Project

The PAPs may have grievances on the value of compensation for Land, movable and immovable assets, cash crops and food crops, human and livestock disturbance. Other grievances may arise from the loss of livelihood, disconnection of steams of income and reduction of earning capacity due to the relocation.

During the public consultations in the project area, there were concerns expressed that include adequate and timely compensation of affected persons and acquisition of land and subdivision of land. Grievance redress mechanisms are necessary avenues for allowing affected people to voice concerns about the resettlement and compensation process as they arise and, if necessary, for corrective action to be taken promptly. Such mechanisms are important to achieving transparency in the acquisition and resettlement processes. Arising from the above observations, the Consultant proposes that all the grievances be addressed before commencing construction and that resettlement land should be sought from the local area and the affected communities be given an assurance of deserved consideration.

10.3 Grievance Committee Membership

The grievance redress mechanisms were designed with the objective of solving disputes at the earliest possible time which will be in the interest of all parties concerned and therefore implicitly discourages referring such matters to the Courts which would otherwise take a considerably longer time.

This section sets out the measures to be used to manage grievances from grass root where the Assistant Chiefs at sub-location level collect the grievances as they emerge and **Complaints Registration Form** is completed and forwarded to the chief for documentation, filling and resolution. This ensure that the aggrieved is able to access the structure with ease and when in need.

The grievance procedure will be simple, administered as far as possible at the local levels to facilitate access, flexibility and open to various scrutiny. KeNHA at preparation phase has facilitated Formation of a Grievance handling mechanism in which committees have been formed along the proposed Nairobi-Nakuru-Mau Summit (A8) and Kamandura-Maai- Mahiu Road Projects. KeNHA will conduct separate orientation sessions for the proposed committees along the ROW and also to inform the PAPs about the operations of the GR mechanism.

Grievance Redress Committee shall try as much as possible to arrive at a remedy for complaints raised. This may be obtained through series of conciliation, mediation and negotiation exercises conducted with the PAPs. If PAPs accept the recommendations made by the committee, dispute is closed and if not, If the verdict rendered by the chief and the committee is not acceptable to either the individual affected, the PLO and KeNHA will hold further mediation meetings involving the committee at the appointed places and time. The approach will provide solutions, and reduce unnecessary litigation by resolving disputes through mediation. The grassroots grievance membership is illustrated as shown in the table below for details of names and contact refer to **Appendix 8**.

Table 47: Proposed Grievance Redress Committee Members

#	Location	Designation	Name
1	Gilgil Area	PAP Representative	Charles Gichuki
		Chief	Gabriel Kamau
		Assistant Chief	Boniface Mbage
		Women Leader	Emmily Wamucii
		Youth Leader	Laban Mwangi
		PWD Representative	James Njuguna
2	Ngata Area	PAP Representative	Kennedy Orina
		Chief	Agustine Rotich
		Assistant Chief	Rosemary Oniego
		Women Leader	Lucia Akai
		Youth Leader	Peter Edadeli
3	Gilgil-Kikopey-Diatomite Area	PAP Representative	Charles Maina
		Chief	Gabriel Kamau
		Assistant Chief	Boniface Mbage
		Women Leader	
		Youth Leader	Patrick Maina
4	Kinungi- Lake View Location & Hells gate Area	PAP Representative	Peter Njoroge Gichaga
		Chief	Nga'nga Thitu,
		Chief	Josephine Wangari
		Asst Chief	David Kiunyu Waitugi
		Women Leader	
		Youth Leader	Peter Njuguna Njogu

#	Location	Designation	Name
		PWD Representative	Jackline wagechi
5	Salgaa Area		
		Assistant Chief	Beldina Wanja
		PAP Representative	Tonny Hnegrand
		Women Leader	Joyce Rono
		PAP Representative	Andrew Koros
		Youth Leader	Philip Sang
6	Nakuru Section 58	PAP Representative	Andrew Lusaka
		Chief	Ali Noor Hassan
		Assistant Chief	Timothy Muinde
		Women Leader	Mary Njeri
		Youth Leader	Carolyn Keroro
7	Nakuru (Lower Town)	PAP Representative	Joseph Chomba
8	Mau Summit	Youth Representative	Benjamin Mutai
		PAP Representative	Hannah Muthoni
		Chief	Joseph Kuria
		Assistant Chief	Charles Ngetich
9	Mai Mahiu	PAP Representative	Moses Gicheru
		Women Leader	Margaret Ngendo
		Chief	Zecharia Igeria
		Assistant Chief	James Njau
10	Longonot	PAP Representative	George M Ndirangu
		Chief	Mbugua
		Assistant Chief	Wangei Ropeo
		Women Leader	Margaret N Njoroge
		Youth Leader	Joseph M Njenga
11	Kamirithu-Limuru	PAP Representative	David N Mburu
		Chief	JM Kimani
		Assistant Chief	Kangethe
		Women Leader	Josephine Wairimu
		Youth Leader	Lucy N Kibugi
12	Mbaruk –Laikipia University- Green Sted	PAP Representative	Wilson Gitu
		Chief	Josepk K Mwangi
		Assistant Chief	Zecharia Ngugi
		Women Leader	Mama Dan
		Youth Leader	David Karasinga
13	Lari –Nyambare-Kimende	PAP Representative	
		Chief	John Kamau
		Assistant Chief	Tabby W Kamau
		Women Leader	
		Youth Leader	F rancis Mwangi M
		PWD Representative	Joseph Githaiga m

10.4 Roles of Grievance Resettlement Committee

The main function of the Grievance Resettlement Committee is to provide a forum for the PAPs to air their dissatisfaction arising from the compensation or implementation process of the project. This is an informal forum within the Resettlement Committee to fast-track addressing of emerging issues in a project that can derail a smooth implementation of a project. The Committee is to receive complaints from the PAPs through the project liaison office, village elders or assistant chief either verbally or in writing and they endeavor to address the issue to the satisfaction of the complainant. If the matter cannot be addressed to the satisfaction of the complainant within the prescribed period, the complainant may have recourse to the KeNHA Project Implementation Unit. Failure to be satisfied at this level, the complainant reserves the right to seek redress from the Court of law that is lengthy and costly in most cases.

The redress committee will compile registers of all complaints received from the PAPs at the project office showing the actions taken and the decisions arrived at. Initially, the Resident Engineer and his staff with secretariat of the GRC will handle the complaints until failure to arrive at a satisfactory answer, then the RE will refer the matter to the GRC that meets periodically. Whereas the GRC is constituted of people outside the Project Office of the Resident Engineer, the latter will be a co-opted member together with the Contractors representative for expeditious resolution of the complaints regarding the project.

10.5 Training PAPs on the use GRM

Barazas have been held as indicated in the minutes in the appendix of this report and PAPs informed about the GRM and its functions. The PAPs also participated in electing their representatives at the grassroots level. More series of meetings will be held with small groups on the use composition and use of the GRM for grievance arbitration exercise. This will make them aware on their roles and rights. It will also restore confidence of the arbitration exercise. In addition to these issues for dissemination to the affected individuals, the project proponent will emphasize on:

- PAPs making their issues, claims and concerns known;
- PAPs having right of access to the formally established grievance process and will be entitled to make their complaints known;
- The Monitoring team having the right to visit and interview PAPs;
- PAPs through the grievance procedure process will be able to contact the monitoring and evaluation team to ensure that their concerns are heard.

10.6 Method of Lodging Complaints

KeNHA will issue a grievance redress forms which will be completed by the aggrieved persons in the event of a dispute or grievance so as to reach a settlement within a period of one month. The complainant can also raise their discontent verbally. The proponent will use all available mechanism to ensure that the grievances are settled within a short time so as to reduce undue stress on the PAPs and delays in project implementation.

All disputes can be referred to KeNHA who may handle the grievance straight away or refer them to the GRM grass root or Grievance Redress committee at the RE's office who will be asked to provide recommendations as to how it is to be addressed. If deemed necessary by these committees the case will be re-investigated and, depending on the nature of the issue, referred to the Land Compensation Tribunal or Public Complaints Committee Grievances.

Consultation and grievance redress will be an ongoing process until proper compensation is achieved.

10.6.1 The Grievance Procedures

During implementation KeNHA will employ a Project Liaisons Officer (PLO) who shall work closely with the established Grievance Redress Committee (GRC) to maintain a complaint record database to enable complaint tracking and review. The grievance redress mechanism will also engage existing levels of grievance dispute resolution mechanism that exist at sub and at County levels. Conflict resolution will commence at the lowest grass root office (Assistant chief, chiefs, GRC, PLO, Sub County Grievance committee, County Grievance committee. Where these levels fail, the individual PAP has the right to take his case to the civil courts for litigation (The proposed Grievance Redress committee members are attached as Annex 8).

The overall process of grievance handling is as follows:

- Grievance Redress Committees for adjacent 3 locations were elected by PAPs during consultative meetings. The committee includes representatives of All PAP categories, Assistant chiefs and Chiefs. The committee shall elect the executive once they are confirmed during consultative meeting during implementation. At the formative stage inclusivity of its composition the elected members comprised representatives of religious leaders, women leaders, youth leaders and People living with Disability (PWD) who were among the PAPs. The team will address all project related complaints.
- During the pre-implementation stage of the project, the affected persons will be given copies of grievance procedures as a guide on how to handle the grievances among PAPs.
- The process of grievance redress will start with registration of the grievances to be raised for reference, and also to enable progress updates of the cases. The registration will capture Name of complainant; Contact/Physical Address; Description / nature of complain; Signature by Complainant and date. (The form will be completed in triplicate).
 - One copy for the Chiefs office
 - A copy for complainant and
 - A copy for the PLO.
- The chief will inform and consult with GRC to determine validity of a claim. If valid, the chief will call for a sitting and notify the complainant and her/him of the outcome within 7 days.
- The project will use a local mechanism, which include chiefs and assistants' chiefs hailing from respective PAPs sub locations and locations. These will ensure accessibility across cases and also eliminate nuisance claims and satisfy legitimate claimants at low cost.
- Grievance procedures may be invoked at any time, depending on the complaint. No person or community from whom land or other productive assets are to be taken will be required to surrender those assets until any complaints s/he has about the method or value of the assets or proposed measures are satisfactorily resolved. Disputes relating to land ownership will be referred to NLC
- To avoid repetitive claims, affected individuals, families and homesteads will be informed of the details of the GRM.
- When the complaining PAP is not satisfied with the verdict at the chief's level, he/she proceeds to the Sub-County and finally county level.

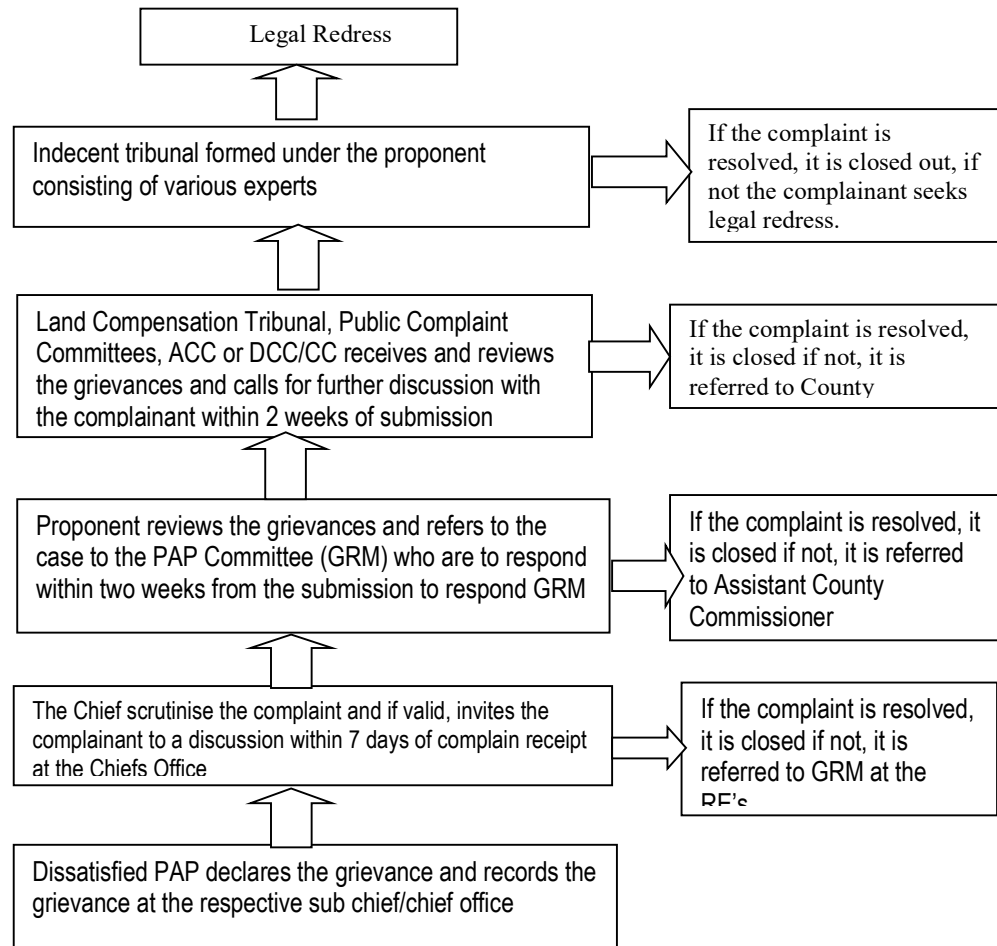


Figure 20: GRM Chart

It should be noted that:

- Grievance procedures do not replace existing legal processes;
- Grievance procedures seeks to resolve issues quickly in order to expedite the receipt of entitlements, without resulting to expensive and time-consuming legal actions;
- Grievance procedures will be simple and will be administered as far as possible at the sub-project level by the chiefs;
- Grievance procedures will be implemented within a clear time schedule which should be adhered to;
- If grievance procedures fail to provide an agreed result, complainants can still seek legal redress.

10.6.2 The Overall Process of Grievance

- During the initial stages of the valuation process, the affected persons are to be given copies of grievance procedures as a guide on how to handle grievances.
- The process will start with registration of the grievances to be addressed for reference, and to enable progress updates of the cases.
- The project will use local mechanism, which include resettlement committees and local leaders in the affected community. These will ensure equity across cases, eliminate nuisance claims and satisfy legitimate claimants impartially.
- The response time will depend on the issue to be addressed but it should be dispensed with efficiency being mindful of the overall project time frame.
- Compensation will be paid to PAPs, only after a written consent of the PAPs, and for couples both husband and wife will give their consent.

10.6.3 Timelines for Grievances Process

Grievance redress procedures may be invoked at any time, depending on the complaint. No person or community from whom land or other productive assets are to be taken will be required to surrender those assets until any complaints he/she has about the method or value of the assets or proposed measures are satisfactorily resolved. If the verdict rendered by the Grievance Redress Committee is not acceptable, the aggrieved party can take recourse following the provisions of the Law. The applicable legal route will start with the local community leadership as it exists now or as will be defined under the new Constitution. Kenya's judicial authority and legal system is set out in Chapter Ten of the new Constitution.

The nature of grievance and consequently the manner in which it will be addressed will depend on the specific community and the impact on the PAPs (see Figure 20) **Error! Reference source not found.**

10.6.4 County Land Adjudication Board

If a PAP rejects the compensation award for land, the Land Acquisition Act Chapter 295 Section 19 will apply which involves the collector deposits the money in court pending the former's appeal. The norm is to use peers and local leaders to first diffuse the conflict. Then an appeal is made to the County councils, addressed to the County Lands Officer, assisted by the local Land Control Board. Some form of grievance resolution takes place and the land owner can appeal to a Court of Law if the decision by the County Land Officer is not accepted. The decision of the High Court would be final and all such decisions must be reached within a full growing season after the complaint is lodged.

Grievance procedures may be invoked at any time, depending on the complaint. No person or community from whom land or other productive assets are to be taken will be required to surrender those assets until

any complaints s/he has about the method or value of the assets or proposed measures are satisfactorily resolved.

If a complaint pattern emerges, the local Land Control Board and the local Chief discuss possible remediation. The local leaders are required to give advice concerning the need for revisions to procedures. Once they agree on necessary and appropriate changes, then a written description of the changed process is made. The local Land Control Board are responsible for communicating any changes to future potential PAPs when the consultation process with them begins.

10.7 Other Acceptable Grievances Avenues

10.7.1 Appel Procedure

Disputes not resolved by the GRC will be registered by Ministry of Transport, Infrastructure, Housing and Urban Development (MoTIHUD) and referred to a registered and licensed Arbitrator practicing in Kenya and the arbitration shall be governed by the Kenya Constitution 2010, the Arbitration Act (Chapter 49 of the Laws of Kenya). Arbitration agreements shall be enforced by the courts, which have the power to refer a dispute to arbitration.

If the PAP is still not satisfied with the settlement after formal arbitration, other legal redress mechanisms may be sought such as appealing to an independent arbitrator or in court through litigation. This should however be a last resort mechanism to avoid dragging the project, since project implementation will not commence until all major public grievances are addressed satisfactorily.

10.8 The Grievance Log

The Project Liaison Officer will ensure that each complainant has an individual reference number, and is appropriately tracked and recorded actions are completed. A record of the stages the claim goes through and the person/s responsible for an individual claim must be clearly recorded and information provided to the complainant. The record will show:

- Date the complaint was reported;
- Date the grievance was uploaded to the project database;
- Date information on proposed action was communicated to the complainant;
- Date the complaint was closed; and
- Date response was sent to the complainant.

11 RAP ORGANIZATIONAL STRUCTURE AND RESPONSIBILITIES

11.1 Organizational Structure and Responsibilities

RAP implementation seeks to minimize the resettlement and resultant impacts which calls for collaboration from all the stakeholders. This would therefore require a properly constituted structure for implementation of RAP.

11.1.1 Institutions for RAP Implementation

Resettlement implementation will be implemented at different levels by the following institutions:

- (i) National Ministry of Finance (PPP-PIU/PPPU);
- (ii) Contracting Authority (KeNHA);
- (iii) National Land Commission;
- (iv) County Governments;
- (v) Resettlement and Compensation Committees (RCCs).

11.1.2 Local RAP Implementation Committee

RAP Implementation Committee (RIC) shall be formed to ensure a timely execution of the whole process and further clarifies the role of PAPs and their responsibility in the entire exercise. The committee shall consist of Government representatives from Lands, Housing, Agriculture, local Administrative Officers, local Community leaders, PAP representatives for each of the location through which the road passes and Proponent's representatives. The experts in the committee will include but not limited to the following: Legal Advisor, Surveyor, Highways Engineer, Socio-Economist, Environmental Expert, Community Liaison Officer, Database Officer, NEMA Officer and KeNHA Representative and Registered Valuer.

The committees' roles will include resettlement and compensation on the, ensuring promote address of grievances and ensuring continuous communication between the PAPs and other stakeholders. The committees will be based at the major town centers to be agreed by the members.

11.1.3 Responsibilities of the RAP Implementation Committee (RIC)

The RAP implementation committee will set out the framework for policies, principles, institutional arrangements schedules, and other indicative budgets to facilitate the project resettlement process. It shall;

- Verify land tenure and ownership for compensation purposes;
- Resettlement and compensation on the ground;
- Linking the PAPs to other stakeholders;
- Create awareness on land alternatives and resettlement options and identify alternative land for relocation;
- Ensure displaced persons are informed about their options and rights pertaining to resettlement, offered choices and provided with alternatives;
- Provide prompt compensation at full replacement cost for losses of assets attributable directly to the project; offer support after displacement, for a transition period, based on a reasonable estimate of the time likely/to be needed to restore their livelihood and standards of living;
- Provide development assistance in addition to compensation measures; and
- Conduct resettlement and monitor progress of resettled persons.

The implementation of the RAP requires collaboration from all the stakeholders. This would require a properly constituted structure for the administration of the same. The proposed project involves land acquisition and compensation for loss of other assets and opportunities. The Institutional Framework clarifies the role of various stakeholders in the implementation and administration of the RAP. It further clarifies the role of PAPs and their responsibility in the entire exercise.

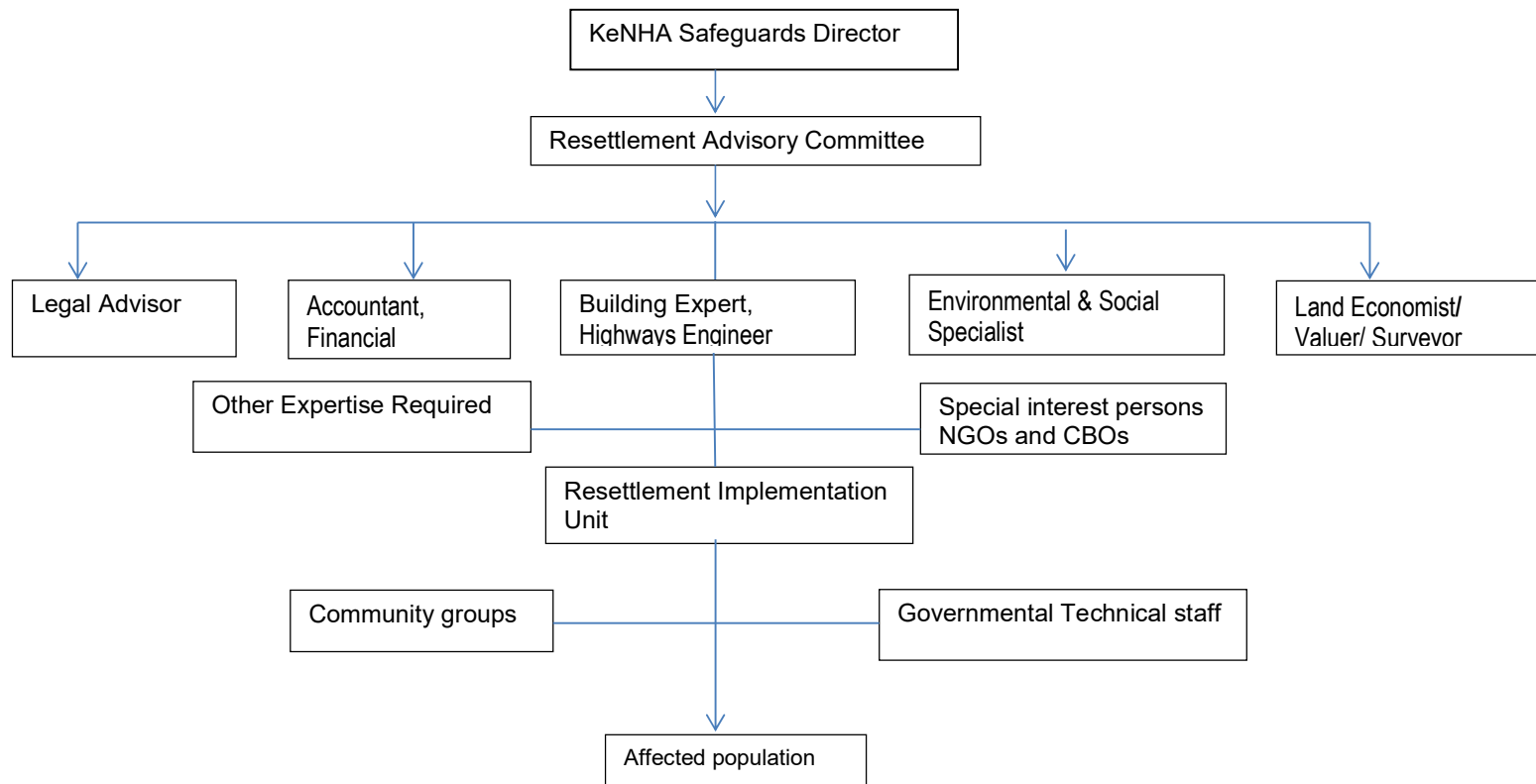


Figure 21: Organizational Framework for Resettlement Management

11.2 Capacity/ responsibility of KeNHA (KRU)

The KRU will have the overall responsibility for the following:

- Ensure maximum participation of the affected people in the planning of their own resettlement and post resettlement circumstances.
- Oversee the formation of PAP Committees (PC)
- Accept financial responsibility for payment or compensation and other designated resettlement related costs.
- Ensure detailed valuation of the structures in order to determine the case to case value of each component of the project and agree upon a value for compensation.
- Ensure that the affected peoples receive their compensation in terms of amounts agreed.
- Ensure monitoring and evaluation of the PAPs and the undertaking of appropriate remedial action to deal with grievances and to ensure that income restoration is satisfactorily implemented.
- Oversee the implementation of the RAP.

12 RAP IMPLEMENTATION SCHEDULE

12.1 Resettlement Process and Civil Works Linkage

Before implemented of the project, PAPs whose land will be acquired will need to be fully compensated by NLC in accordance with the principles of this RAP, Project SMP and the Project RPF. For other activities involving land loss, denial or restriction to access, it will require that measures including provision of compensation and of other assistance required for relocation prior to displacement be completed first. Taking of land and related assets should take place only after compensation has been paid and where applicable, moving allowances have been provided to displaced persons.

In situations requiring relocation or loss of shelter, the policy further requires that measures to assist the displaced persons are implemented in accordance with the project's RPF and RAP recommendations. This proposed schedule will be negotiated and agreed between the NLC, National Treasury PPP Unity (Ministry of Finance), PIU, KeNHA, County Governments, and affected PAPs to give legitimacy to the whole process as outlined in the law.

The consultation process will ensure that RAP contains acceptable measures agreed upon among all stakeholders that link resettlement activity to civil works in compliance with this policy.

The timing mechanism of these measures will ensure that no individual or affected household would be displaced (economically or physically) due to civil works activity before compensation is paid and resettlement sites with adequate facilities are prepared and provided for to the individual or homestead affected. Once finalized this RAP will be sent to KeNHA, Treasury PPP/PIU and the World Bank for final review and approval.

12.2 Implementation Schedule

All RAP reports are supposed to include an implementation schedule for each activity covering initial baseline and preparation, actual relocation, and post relocation economic and social activities. But preparing an implementing schedule for the project at the moment is not possible since the starting date is not definite as it was not indicated under the ToR. However, starting dates may depend on when project funds become available, identifying the various parties (training them on their responsibilities) that are to implement the plan and provide an opportunity for affected persons and other stakeholders to be consulted on the plans and provide meaningful input into the design and implementation of the overall program.

Planning and coordination of the tasks of the various actors involved in the RAP implementation will be key to successful RAP implementation. To achieve this, workshops will be organized with the stakeholders and other relevant government agencies. The workshops will focus on:

- taking stock of the legal framework for compensation;
- describing institutional arrangements and mechanisms for payment of compensation;
- defining tasks and responsibilities of each stakeholder; and
- establishing a work plan in accordance to individual tasks in RAP.

Table 48: RAP Implementation Schedule

Month/Activity	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Public Information Awareness/Engagement																								
Detailed PAPs and assets identification and census																								
Notice of Land ownership claims by KeNHA/NLC																								
Verifications of the Valuation Register and beneficiaries																								
Benefit disclosures																								
Grievance Redress process																								
Compensation consent signing and PAPs consultations																								
Compensation payment																								
Notices for relocation for various road sections																								
Relocation and clearing of the existing ROW																								
Relocation and clearing of the interchanges																								
Road Construction																								
Monitoring and evaluation																								

13 RAP IMPLEMENTATION COSTS

13.1 Background

Public Participation with the PAPs will be carried out to initiate the compensation process as part of an ongoing process that started at the planning stages when the technical designs were being developed. The process will seek the involvement of PAPs in a participatory approach from the beginning.

These activities together with notification of land resource holders, Agreement on Compensation and Preparation of Contracts and Compensation Payments will all require a budget to execute.

13.2 The RAP Implementation Cost Estimates

S/N	ITEM	COST KSHs	CHANNEL OF DISBURSEMENT
1	RAP IMPLEMENTATION		
	Transportation	4,000,000	KeNHA
	Allowances	6,000,000	KeNHA
	Consulting Services	30,000,000	KeNHA
	Statutory and Legal fees	10,000,000	KeNHA
2	Monitoring		
	Monitoring	500,000.00 PM	KeNHA
	Evaluation	500,000.00 PM	KeNHA
3	Restoration Programmes/Community Dev		
	Small Enterprises training	3,500,000.00	KeNHA
	Allowances for people undertaking the training	2,200,000.00	KeNHA
	Training materials	600,000.00	KeNHA
4	Contingency support programmes		
	Monthly vulnerable support	10,000,000.00	KeNHA
5	Total	21,400,000.00	KeNHA

13.2.1 Administrative Costs for Implementing the RAP

Annual budgetary arrangements should be made for the running of the various arms of the implementation committee which should include the following:

- Resettlement staff salaries and benefits;
- Office capital investment costs and running expenses;
- Implementation Committee capacity building, especially for community representatives;
- Logistical costs for travel to meetings and field visits to both the departure and receiving sites. These costs include, fuel costs for staff, and logistical costs for inclusion of implementation committee members and the independent evaluation panel;
- Resettlement preparation costs;
- Public participation costs for activities such as social surveys, public meetings, interest group meetings and / or workshops etc;
- Logistical costs for grievance handling and resolution and training of the staff;
- Financial auditing costs;

- Monitoring and evaluation costs;

14 MONITORING AND EVALUATION

The objective of monitoring and evaluation is to identify problems and successes as early as possible to allow timely adjustments of implementation arrangements. With the RAP organizational responsibilities, the focus shifted to three monitoring components namely: performance monitoring, impact monitoring and completion audit.

14.1 Performance Monitoring

This is an internal management function that measures physical progress against milestones established in the RAP that is against scheduled actions. The performance schedule includes:

- Meetings to be held;
- Census assets inventories, assessments, social economic studies completed;
- Grievance redresses procedures functioning and records;
- Compensation for housing and related infrastructure status;
- Relocation process;
- Income restoration for the PAPs;
- Monitoring and evaluation reports submitted.

Performance monitoring will be on going with reports done monthly, quarterly and semi-annually.

14.2 Impact Monitoring

This will measure the effectiveness of the RAP process and its implementation in meeting the needs of the affected people. It will be conducted by Advisory resettlement group in conjunction with the community. This will provide KeNHA with an assessment of the effects of resettlement, verify internal performance monitoring and to identify adjustments in the implementation of RAP as required. Where possible, PAPs will be included in all phases of impact monitoring especially in identification and measurement of baseline indicators upon which the effects of RAP will be measured against.

The baseline has already been established through the census, assets inventory, land use assessment, social economic studies of the affected population and areas affected by the project. The RAP indicators will measure the following:

- Impact of resettlement on health and welfare of affect population;
- Impact on relocation of PAPs;
- Timely compensation of the PAPs;
- Effectiveness of livelihood restoration and development initiatives.

This RAP cost includes a sufficient budget for monitoring the indicators independently and will monitor the project even after implementation to see to the success of the resettled affect persons such as restoration of livelihoods and development issues.

Impact monitoring will also capture and incorporate qualitative indicators to measure the satisfaction of affected persons with resettlement initiatives. This will be done through regular contacts and meetings with PAPs and focus group discussions with stakeholders. It is not easy to involve all stakeholders but where possible the PAPs will be actively involved in identification and measurement of baseline indicators to establish the performance of the whole process.

14.3 Completion of Audit

In doing the final evaluation, a third party will be required to carry out an independent assessment of the RAP to establish whether the RAP outcomes comply with the resettlement policies. The audits aim is to determine whether the efforts to restore the living standards of the affected populations have properly conceived and executed.

The audit will evaluate the following:

- Verify that all physical inputs committed in the RAP have been delivered and all services offered.
- Evaluate the mitigation actions prescribed have had the desired results and identify those that require further consideration.
- Social economic status of the PAPs should be measured against the baseline conditions of the population before displacement.

Completion audit should be under taken after all RAP inputs have been completed. A timely audit will enable the KeNHA to undertake correct measures if any.

It is worth noting that completion audit brings a closure to the sponsor's liabilities for resettlement, compensation, livelihood restoration and development support.

14.4 Objectives of Monitoring and Evaluation

RAP exercise has already determined the socio-economic baseline data of the affected PAPs. The ultimate aim of RAP is to make sure that:

- (i) affected individuals, households, and communities are able to maintain their pre-project standard of living, and even improve on it;
- (ii) the local communities remaining supportive of the project; and
- (iii) there is harmony and social order among the relocated individuals (absence of conflicts);
- (iv) project affected persons are contented with the resettlement operation and therefore report satisfaction.

Therefore, objective of the monitoring will be to determine:

- If affected people are satisfied with the actual resettlement process;
- If affected people have been paid in full and before implementation of the project;
- If affected individuals, households, and communities have been able to maintain their pre-project standard of living, and even improve on it.

14.5 RAP Monitoring Indicators

The census and/or the socio-economic survey study is the basis for the preparation this RAP investment hence will be used as the base line for the monitoring and evaluation of the RAP. In terms of the compensation and relocation process, the following indicators could be used to understand the success of the mitigation measures:

- Those entitlements are in accordance with the approved policy and that the assessment of compensation is carried out in accordance with agreed procedures;
- The ability of individuals and families to re-establish their pre-displacement activities;

- Number of impacted locals employed by the civil works contractors;
- Adherence to public information and public consultation and grievance procedures as described in this RAP;
- Restoration process of affected public facilities and infrastructure completed prior to construction and as construction continues;
- General relations between the project and the local communities;
- number of grievances and time taken to resolve them. If not resolved, what were the next steps;
- Number of unresolved grievances;
- Number of vulnerable people assisted;
- Number of livelihoods restored and types of the livelihood restoration.

14.6 Monitoring Tools

These will include the following:

1. Random Interview and open ended discussion with PAPs- to assess their knowledge and concerns of their resettlement process, entitlements, and rehabilitation measures;
2. Observations of functions of affected persons;
3. Grievance check list to identify grievance issues reviewing the process of appeals at all levels and interview aggrieved affected person;
4. Survey – to capture standard of living of the PAPs against an unaffected control group before and after the implementation of resettlement to assess whether the standard of living of the affected people have been improved or maintained;
5. Regular resettlement status reports submitted by the implementing agency will be reviewed.

15 CONCLUSION

15.1 Conclusions

This Resettlement Action Plan will be implemented by compensating the individuals affected by the Proposed Development, Operations and Maintenance of the Nairobi - Nakuru – Mau Summit (A8) Highway (PPP) Project to enable the PAPs to relocate and pave way for the project. The values for each PAP have been presented and further measures proposed to ensure that the resettlement of Project Affected Persons is smooth, harmonious and sustainable.

This RAP has been prepared in compliance with the policies and principles for involuntary resettlement of the WB as well as the National Environmental Management Authority (NEMA), environmental, social, health and safety guidelines, land tenure laws and regulations in Kenya.

It should also be noted that this preliminary RAP is only sufficient to the extent that the draft design does not change, in the event that it does then it will need to be updated based on final design, approved by the World Bank and implemented by KeNHA before start of works.

15.2 Project Commitments

It is expected that:

- Displacement of the project affected persons shall be undertaken after compensation payments and/or resettlement is completed in full before any construction activities are undertaken under the proposed project, in accordance with the **World Bank's OP 4.12**, prevailing **Kenyan** law and international best practices. The PAPs should be given at least 1 month to relocate after full compensation and issuance notice.
- Considering that this is a very important national project in which the country will invest massive resources and that it has a huge economic implication for the country, KeNHA has proposed measure and requirements that should be implemented with careful intent to ensure that all the PAPs get sufficient/adequate information about the affected properties in order to limit any instances of grievances and/or litigation. This is even more important given that this project is among the very first PPP programs being rolled out for the road sector and will form the basis for future experiences.
- Awareness/sensitization and consultation process for stakeholders right from the PAPs, general public, line ministries and county officials should be planned well in advance and undertaken on continuous basis so as to anticipate, reduce and manage emerging issues.
- Acquisition of land outside ROW for ancillary facilities e.g. campsites, borrow pits, quarries and other material sites is the sole responsibility of the concessionaire who is bound by the various legal, policy and both National and international good International practices of the World Bank Group as described and cited in the legal framework in this document.
- Acquiring land for the borrow pits, quarries and other ancillary facilities by the concessionaire will be done through participatory approaches and due processes followed for approval as required by Kenyan Constitution 2010 and EMCA 1999. The concessionaire will also be responsible for any residual risks accruing from their use and before decommissioning and hand over.
- The contractor's activities **will** be guided by environmental, social, health and safety guidelines, land tenure laws and regulations in Kenya. The contractor shall therefore be liable for any risks to the public and communities arising out of his omission or commission while undertaking construction activities as specified in the tender document. To achieve this, the contractor **MUST** prepare site specific CESMP with the help of the ESIA study report to guide construction activities and safeguard the environment and the public, and shall adhere to the World Bank's Performance Standards (PS5).

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APPENDICES

Appendix 1: Valuation & Compensation Roll

Appendix 2: Land Acquisition Plans

Appendix 3: Details of the Structures in the 60 Metre Corridor

Appendix 4: Public Baraza Attendance List and Minutes of Meetings

Appendix 5: RAP Tools

Appendix 6: RAP Process Photo Log

Appendix 7: Inventory List

Appendix 8: GRM Committees

Appendix 9: Vulnerable People