

REPUBLIC OF KENYA



MINISTRY OF WATER & IRRIGATION

COAST WATER SERVICES BOARD (CWSB)



RESETTLEMENT ACTION PLAN REPORT

FOR

**KIPEVU WASTE WATER TREATMENT PLANT IMMEDIATE WORKS AND
EXTENSION**

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LIST OF ACRONYMS/ABBREVIATIONS

CWSB	Coast Water Services Board
MOWASCO	Mombasa Water and Sewerage Company
GoK	Government of Kenya
NEMA	National Environmental Management Authority
WB	World Bank
EMCA	Environmental Management and Co-ordination Act
RAP	Resettlement Action Plan
PAPs	Project Affected Persons
EIA	Environmental Impacts Assessment
ESIA	Environmental and Social Impacts Assessment
NGOs	Non-Governmental Organization
EP	Entitled Persons
R&R	Resettlement and Rehabilitation
OP	Operational Policy
BP	Bank Policy
IR	Income Restoration
GRM	Grievance Redress Mechanism
NLC	National Land Commission
RLA	Registered Land Act
DO	District officer
IEC	Information Education and Communication
PPE	Personal Protective Equipment
CSR	Corporate Social Responsibility
RAPIC	Resettlement Action Plan Implementation Committee
RIC	Resettlement Implementation Committee
PC	PAP Committee
ToR	Terms of Reference
PIB	Public Information Booklet
IMA	Independent Monitoring Agency
WRMA	Water Resource Management Authority

Units/Symbols

Kshs	Kenya Shillings
M	Metres
%	Percentage

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CERTIFICATION:

The RAP report was prepared in accordance with the Environmental Management and Coordination Act No. 8 of 1999, the Environmental (Impact Assessment and audit) Regulations of 2003 and the World Bank Operational Policy 4.12 on Involuntary Resettlement.

Proponent: Coast Water Services Board (CWSB)

Assignment: Consultancy Services for Kipevu WWTP immediate works and extension

Report Title: Resettlement Action Plan (RAP) for the

Report Prepared by:

Report Prepared by:



Zamconsult Consulting Engineers

Signed:

Date: Feb 2017

Name and Address of Proponent:

Coast Water Services Board

Signed: _____

Date: _____

Disclaimer:

This Resettlement Action Plan (RAP) Report is based on information made available by the client to the consultants and findings from field assessment. It is strictly confidential to the Coast Water Services Board (CWSB) and any use of the materials thereof should strictly be in accordance with agreement from the Management.

Glossary

Note: Several of the definitions below are sourced from the IFC’s “Handbook for Preparing a Resettlement Action Plan”, 2001.

Project: A project to rehabilitate Kipevu WWTP and sewer system on the Mombasa West Mainland. The Project includes a sewerage treatment plant for treating the wastes from Mombasa West Mainland and its environs and trunk sewer lines.

Project-Affected Area: An area, which is subject to a change in use as a result of the construction or operation of the Project.

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

- Physically Displaced People, i.e. people subject to Physical Displacement as defined hereunder,
- Economically Displaced People, i.e. people subject to Economic Displacement as defined hereunder.

Physical Displacement: Loss of assets resulting from the Project that requires the affected person(s) to move to another location.

Economic Displacement: Loss of income streams or means of livelihood resulting from obstructed access to resources (land, water or forest) caused by the construction or operation of the Project or its associated facilities. Not all economically displaced people need to relocate due to the Project.

Project-Affected Household (PAH): A PAH is a household that includes Project-Affected Persons as defined above. A PAH will usually include a head of household, his/her spouse and their children, but may also include other dependents living in the same dwelling or set of dwellings, like close relatives (e.g., parents, grandchildren).

Compensation: Payment in cash or in-kind at replacement value for an asset or a resource that is acquired or affected by the Project at the time the assets need to be replaced. In this RAP, “cash compensation” means compensation paid in cash or by cheque.

Resettlement Assistance: Support provided to people who are physically displaced by the Project. Assistance may include transportation, and social or other services that are provided to affected people during their relocation. Assistance may also include cash allowances that compensate affected people for the inconvenience associated with resettlement and defray the expenses of a transition to a new locale, such as moving expenses and lost work days.

Replacement Value: The rate of compensation for lost assets must be calculated at full replacement value, that is, the market value of the assets plus transaction costs. The replacement value must reflect the cost at the time the item must be replaced. With regard to land and structures, “replacement value” is defined as follows:

- Household and public structures: the cost of purchasing or building a new structure, with an area and quality similar to or better than those of the affected structure, or of repairing a partially affected structure, including labor and contractors' fees and any registration and transfer taxes.
- Vulnerable Groups: People who by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status may be more adversely affected by resettlement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits.
- Replacement cost for houses and other structure means the prevailing cost of replacing affected structures, in an area and of the quality similar to or better than that of the affected structures. Such costs will include: (a) transporting building materials to the construction site; (b) any labor and contractors' fees; and (c) any registration costs.
- Resettlement Policy Framework (RPF) is an instrument to be used throughout the Program implementation. The RPF sets out the resettlement objectives and principles, organizational arrangements and funding mechanisms for any resettlement that may be necessary during implementation. The RPF guides the preparation of Resettlement Action Plans of individual sub projects in order to meet the needs of the people who may be affected by the project.

Census: means a field survey carried out to identify and determine the number of Project Affected Persons (PAP) or Displaced Persons (DPs) as a result of related impacts. The census provides the basic information necessary for determining eligibility for compensation, resettlement and other measures emanating from consultations with affected communities and the relevant stakeholders.

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

Displaced Persons: mean persons who, for reasons due to involuntary acquisition or voluntary contribution of their land and other assets under the program, will suffer direct economic and or social adverse impacts, regardless of whether or not the said Displaced Persons are physically relocated. These people may have their: standard of living adversely affected, whether or not the Displaced Person will move to another location; lose right, title, interest in any houses, land (including premises, agricultural and grazing land) or any other fixed or movable assets acquired or possessed, lose access to productive assets or any means of livelihood.

Involuntary Displacement: means the involuntary acquisition of land resulting in direct or indirect economic and social impacts caused by: Loss of benefits from use of such land; relocation or loss of shelter; loss of assets or access to assets; or loss of income sources or means of livelihood, whether the Displaced Persons has moved to another location or not.

Rehabilitation Assistance: means the provision of development assistance in addition to compensation such as land preparation, credit facilities, training, or job opportunities, needed to enable the program Affected Persons and Displaced Persons to improve their living standards, income earning capacity and production levels; or at least maintain them at pre-program levels.

Resettlement and Compensation Plan: also known as a “Resettlement Action Plan (RAP)” or “Resettlement Plan” - is a resettlement instrument (document) to be prepared when program locations are identified. In such cases, land acquisition leads to physical displacement of persons, and/or loss of shelter, and /or loss of livelihoods and/or loss, denial or restriction of access to economic resources. RAPs are prepared by the party impacting on the people and their livelihoods. RAPs contain specific and legal binding requirements to resettle and compensate the affected party before implementation of the program activities commences.

Replacement cost: means replacement of assets with an amount sufficient to cover full cost of lost assets and related transaction costs.

In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of the benefits to be derived from the Project deducted from the valuation of an affected asset.

Host population: People living in or around areas to which people physically displaced by a project will be resettled who, in turn, may be affected by the resettlement.

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

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

EXECUTIVE SUMMARY

Introduction

The Coast Water Services Board (CWSB) is a Parastatal (Government Owned and Autonomous) created under Water Act, 2002 and established through a Gazette Notice No. 1328 of 27 February 2004.

CWSB (or the Board) is the agency charged with the responsibility for the effective and efficient provision of water and sanitation services within the Coast Province. The Board undertakes this by contracting Water Service Providers.

Seven Water Services Providers (WSPs) whose areas of jurisdiction correspond with the seven initial districts of Coast Province, namely, Mombasa, Malindi, Kilifi, Kwale, Taita and Taveta, Lamu and Tana River have been appointed by the Board to provide water and sanitation services in their respective jurisdictions. The WSPs are Mombasa Water and Sanitation Company (MOWASCO), Malindi Water and Sanitation Company (MAWASCO), Kilifi Mariakani Water and Sanitation Company (KIMAWASCO), Kwale Water and Sanitation Company (KWAWASCO), Taita and Taveta Water and Sanitation Company (TAVEVO), Lamu Water and Sanitation Company (LAWASCO) and Tana River respectively.

Unlike in other parts of the country, CWSB is also the water undertaker for the Coastal Bulk Water Supply System. Additionally, the Board is the asset holder of all public water and sanitation facilities within its area of jurisdiction.

CWSB as part of its mandate intends to improve the sanitation in the Mombasa West Mainland, via the rehabilitation of the existing sewer lines as well as the Kipevu Waste Water Treatment Plant. The sewer lines are as follows:

- Miritini Trunk Sewer and Main Secondary Sewers within Miritini Site and Service Estate
- Mikindani Trunk Sewer and Main Secondary Sewers within Mikindani Site and Service Estate
- Chaani Trunk Sewer and Main Secondary Sewers within Chaani Estate
- Changamwe Trunk Sewer and Main Secondary Sewers within Changamwe Site and Service Estate
- Port Reitz Trunk Sewer and Main Secondary Sewers within Port Reitz Estate
- Main Secondary Sewers within EPZ Estate
- Main Secondary Sewers within Hamisi Estate

Zamconsult Consulting Engineers has been contracted to undertake the ESIA and RAP for the proposed sewer lines as part of the KWSDP projects with funding from the World Bank.

The proposed construction and rehabilitation will have potential effect of creating environmental and social impacts through involuntary displacement of persons carrying out livelihood activities along the sewer lines, this Resettlement Action Plan report presents the findings of the report.

Project Area

The proposed Kipevu WWTP immediate works and extension is going to be located in Mombasa West Mainland, which has an existing sewage collection network which is poorly managed but has the capacity to handle additional volume of wastewater generated if additional areas are sewered. The capacity of Kipevu WWTP is 17,000m³/day.

Export Processing Zone (EPZ) is located on the Mombasa West Mainland where several large and medium sized industrial processing factories are located including the Oil Refinery and Magongo Housing Estates. The poor management of the existing sewage collection network on the west mainland has led to significant environmental degradation. In some areas, raw sewage passes through residential areas causing pollution.

Project Justification

Water-borne sanitation through the use of sewerage system exists in Mombasa West Mainland. The system has been continually expanded since its initial construction in 1952. At present, the area covered by the sewage system within West Mainland is approximately 40% of the developed service area. This system conveys wastewater to a Wastewater Treatment Plant located at Kipevu (17,000m³/day capacity), adjacent to Kilindini Harbour. A waste water master plan has been prepared for Mombasa which identifies the rehabilitation of the sewer lines and the treatment works as immediate works that should be implemented. These immediate investments will have the highest impact within the least time followed by investments that ensure that long term environment management standards are met at minimal cost.

The project is currently existing however rehabilitation is needed to ensure full functioning, thus justifying the need for this project.

Project description

The scope of work for Immediate Urgent Works Programme comprises of the following components;

- Implementation of Immediate Measures for the Improvement of Sanitation Systems in project Towns without Water-borne sewerage systems,

- Physical improvement of existing sewerage system and Kipevu Wastewater Treatment Plant including rehabilitation works,
- Rehabilitation of Existing Pumping Stations (Replacement of 1nr. Pump and Motor at Miritini Pumping Station and 2nr. Pumps and Motor at Port Reitz Pumping Station)

The targeted Trunk Sewers and Main Secondary Sewers to be rehabilitated are as follows:

- Miritini Trunk Sewer and Main Secondary Sewers within Miritini Site and Service Estate
- Mikindani Trunk Sewer and Main Secondary Sewers within Mikindani Site and Service Estate
- Chaani Trunk Sewer and Main Secondary Sewers within Chaani Estate
- Changamwe Trunk Sewer and Main Secondary Sewers within Changamwe Site and Service Estate
- Port Reitz Trunk Sewer and Main Secondary Sewers within Port Reitz Estate
- Main Secondary Sewers within EPZ Estate
- Main Secondary Sewers within Hamisi Estate

The Rehabilitation Works of the Sewers will mainly comprise of the following:

- Unblocking of sections of the sewer lines that are fully blocked
- Replacement of broken manhole cover slabs
- Exposing buried manholes and raising them above the ground level
- Replacement of missing / damaged or corroded step irons
- Replacement of collapsed sections of the sewer lines, mainly pitch fibre sewer pipes
- Re-routing / reconstruction of sewer lines prone to blockages as a result of inadequate slopes
- Replacement of broken / vandalised manhole covers

Project Beneficiaries

The project beneficiaries include the entire population of Mombasa West Mainland and its environs including Miritini, Chaani, Changamwe, Mikindani and Jomvu.

Objectives of the RAP

The overall objective of the RAP is to ensure that affected individuals, households and, affected and/or communities are meaningfully consulted, have actively participated in the planning process and, are adequately compensated to the extent that at least their pre-displacement incomes or livelihoods have been restored or improved and, that the process is considered fair and transparent. The objective of the RAP is achieved through collections of key indicative

information on the Project Affected Persons (PAPs) pre-impact status so as to enable develop an entitlement matrix geared at restoring the livelihoods to the pre-impact status or making their livelihoods better.

Scope of the RAP

The rehabilitation works will lead to the loss of businesses and their premises, structural extensions, loss of fences and gates along the sewer lines, as well as restriction of access to economic resources. This triggers World Bank OP4.12 - Involuntary Resettlement and therefore requires the preparation of a RAP.

The WB OP 4.12 Para 15 (a, b, & c) categorizes those eligible for compensation and resettlement in three groups as shown below.

- (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 action plan (itinerant farmers or sharecroppers) and;
- (c) Those who have no recognizable legal right or claim to the land they are occupying.

Under this project, the PAPs fall under the third category in the eligibility criteria. This RAP recommends that the PAPs to be provided with compensation for the loss of structures, loss of businesses, loss of fences and gates in order to achieve the objectives set out in this policy, if they occupy the project area prior to a cut-off date which is 15th December 2016.

This RAP contains:

- A summary description of the Project,
- A summary description of the baseline socio-economic conditions in the Project area,
- An assessment of the Kenyan legal and international requirements applicable to displacement and resettlement in the Project,
- An assessment of likely displacement impacts,
- A description of the proposed strategy to deal with displacement impacts,
- Implementation details, which presents the organizational and other arrangements to implement the mitigations related with physical and economic displacement.
- An identification of the PAPs by the type of loss and extent of displacement and consultation with potential PAPs to ensure free prior and informed consultation on the project and its impacts.
- A PAPs census and an inventory of all assets to be affected or damaged by the project including details on household characteristics.

- A Valuation of the affected assets at full replacement value and determination of any supplementary payments e.g. unit price lists and itemized breakdowns of compensation offers and participation;
- Presentation of a grievance referral and redress procedures and mechanisms;

Potential Adverse Impacts of the Kipevu WWTP immediate works and extension Project

Project activities that will give rise to impacts include the physical improvement of existing sewerage system and Kipevu Wastewater Treatment Plant including rehabilitation works as described above.

The project will lead to the loss of assets, income sources and livelihood, as well as restriction of access to economic resources. The project scope will cover:

1. Kipevu Wastewater Treatment Plant including rehabilitation works
2. Miritini Trunk Sewer and Main Secondary Sewers within Miritini Site and Service Estate
3. Mikindani Trunk Sewer and Main Secondary Sewers within Mikindani Site and Service Estate
4. Chaani Trunk Sewer and Main Secondary Sewers within Chaani Estate
5. Changamwe Trunk Sewer and Main Secondary Sewers within Changamwe Site and Service Estate
6. Port Reitz Trunk Sewer and Main Secondary Sewers within Port Reitz Estate
7. Main Secondary Sewers within EPZ Estate
8. Main Secondary Sewers within Hamisi Estate

Project Affected Persons (PAPs)

Project affected persons (PAPs) are individuals whose assets may be lost and/or affected, including property, other assets, livelihoods, and/or access to natural and/or economic resources as a result of activities by the project.

The project will have impact on 93 PAHs, among these are 89 households in project area, 70 male headed and 19 female headed and 4 institutions. These 89 households have 61 spouses and 180 children who are dependents.

Project affected households are groups of PAPs in one household and where one or more of its members are directly affected by the project. These include members such as the head of household, male, and female members, dependent relatives and members, tenants, etc.

Vulnerable groups are groups who could be a member of affected households. This RAP has separately identified the vulnerable members, such as those who are too old or too ill; children; physically challenged; and women headed households. The vulnerable groups are eligible for additional assistance under this RAP, as it is explained later in Entitlement Matrix table.

Category of impact

The following category of impacts in relation to PAPs has been identified namely;

- Project affected persons with business structures (property owners)
- Vulnerable groups – orphans, children, the sick, the old, women, disabled, and widows.

The informal traders are found at the following locations:

Table 1-1: Summary of the location and PAPs affected by the proposed project

Sewer line	Total of PAHs
Chaani Trunk	21
Changamwe Trunk	16
Miritini Trunk	26
Mikindani Trunk	30
Total	93

Minimizing resettlement and losses

Managing impacts like any major project, there will be impacts associated with the sewer rehabilitation works. As majority of the sewer lines and manholes are located along roads in residential areas and therefore there will be impacts on access conditions and displacement of business structures during the rehabilitation of the system. Major efforts have been made to reduce the potential direct negative impacts of the project on the social environment. Social concerns were considered carefully in RAP preparation and the following measures were put into place:

1. Adequate communication to the PAPs on the project activities and sensitization has given them time to prepare and mitigate adverse impacts
2. Confining the infrastructure within the existing public land and reserves so as to avoid or minimize relocation and therefore resettlement and disturbances arising from land acquisition in line with the World Bank OP 4.12.
3. There is an elaborate attention to safety features, such as narrowing the corridor of impact to avoid pulling down buildings in built-up areas where possible so as to avoid or minimize relocation

Not only have negative impacts, especially displacement, been minimized, but the project's positive impacts on communities have been extended and increased.

All those that shall be affected by the project will be fully compensated before project commencement.

Cut-off date

The practical Cut-off Date for implementation of the RAP is deemed to be the date at which the census of affected people and affected assets was completed, that is 15th of December 2016. No structure established or crops planted in the Project-Affected Area after 15th of December 2016 shall be eligible for compensation. This date serves as the cut-off date for eligibility and no new arrivals in the project area or assets created after the cut-off date will be eligible for compensation after this date. All stakeholders including PAPs have been informed of the cut-off date and its implications.

Income Restoration

The objective of Resettlement Plan income restoration (IR) activities is to ensure that no project-affected persons are worse off than they were before the project. Restoration of pre-project levels of income is an important part of rehabilitating individuals, socio-economic and cultural systems in affected communities.

The project will impact negatively on the ability of the PAPs to continue meeting their daily needs. The current operating businesses within the affected sections will have to be completely shut down resulting in economic displacement. Income restoration mechanisms must therefore be put in place by the concerned authorities to ensure that the PAPs benefit from the project and their standards of living improve or at least is restored after the project impact.

Under this project, there is no land acquisition and therefore there shall only be Non-Land Based (arising from loss of business structures and businesses) income restoration.

Non-Land Based Income Restoration

The sewer lines on the Mombasa Mainland have existed for many years characterized by poor demarcation as some sections of the sewer lines are fully blocked and manholes buried. This has been a recipe for people to construct structures on top of the sewer line. Since the Trunk sewers pass through populated areas, majority of the PAPs have constructed temporary structure for business targeting residents who form a large client base. Some of these losses could not have

easily been valued or compensated for in monetary terms, this RAP has made attempts to establish access to equivalent and culturally acceptable resources and earning opportunities. Since majority of the PAPs whose businesses will be affected target residents who form a large client base, they preferred non-permanent displacement as opposed to relocation. World Bank Policies on Resettlement and Compensation states that Livelihoods and living standards are to be restored in real terms to pre-displacement levels or better and support should be offered after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore livelihoods and standards of living. This RAP proposes non-permanent displacement that allows the business PAPs within the affected wayleave to re-establish their small businesses, using temporary structures that can easily be moved in case of maintenance activities once the pipelines have been placed with the condition that they will allow for the maintenance of the lines when the need arises. Thus, a disturbance allowance has been proposed above the compensation to cater for the lost structure and two months earnings equivalent before business picks up.

1. Policy, Legal and Institutional Framework

Resettlement of PAPs in the project will be carried out in accordance with:

- Laws, regulations and guidelines for Resettlement/Land Acquisition Policy Framework of the Government of Kenya; and
- The World Bank's Operational Policy (O.P 4.12).

Local Legislation

The study has been conducted in accordance with all the Laws, regulations and guidelines for Resettlement/Land Acquisition Policy Framework of the Government of Kenya.

World Bank Safeguard Policies relating to Relocation and Resettlement

Relevant World Bank Safeguard Policies have also been reviewed. The Project has been assessed and considerations made on how the legislations and policies are triggered.

i) Involuntary Resettlement: OP/BP 4.12

The Bank's Operational Policy 4.12: Involuntary Resettlement is triggered by the project requirements for involuntary resettlement of PAPs for persons carrying out informal businesses on temporary stands and kiosks next to the sewer lines as well as all persons whose assets will be affected or damaged by the project.

Entitlement Matrix

Criteria for Eligibility

According to the OP, displaced persons may fall under the following three groups:

- ❖ Those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country)
- ❖ 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, and
- ❖ Those who have no recognizable legal right or claim to the land they are occupying, however they have assets within the land.

Based on analysis of the impact of the project and the eligibility policies, an entitlement matrix is developed based on categories of PAPs according to losses and their entitlement benefits. The matrix proposes eligibility and payments for all kinds of losses (e.g., structures, businesses, and other income sources, temporary loss of income). It sets standards for compensation.

Under this project, the PAPs fall under the third category in the eligibility criteria. This RAP proposes that the PAPs to be provided with compensation for affected assets and non for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy the project area prior to a cut-off date which is 15th December 2016.

Categories of affected Items:

Items to be affected on the right of way include:

- ❖ Wooden and iron sheet structures for informal traders
- ❖ Temporary business structures

Items to be affected off the right of way include:

- ❖ Residential building structures mainly extension, storage area or access point with the remaining structures viable for continued use and other physical structures
- ❖ Displacement from occupied or commercial premise

2. Compensation and Resettlement Cost Estimates

The cost of compensation for structures, businesses, fences and trees is estimated at Kshs 12,918,550.

Institutional Arrangements for RAP Implementation

The overall responsibility of compensation and resettlement rests with the project sponsor, the Government of Kenya through CWSB, National Treasury and notably the Government Valuer.

The RAP Implementation Committee (RAPIC)

Effective implementation of the RAP will require an implementation committee. This committee shall have representatives from the Local Administration, Community Leaders, and County Government, Mombasa Water and Sewerage Company (MOWASCO) and CWSB. The committee shall carry out its deliberations at the nearest county Headquarters where most Government Offices are located namely Mombasa Island.

The RAPIC shall have the responsibility of implementing and managing the Resettlement Plan, coordinating the resettlement activities and providing technical support. Project implementation support will be provided by various agencies at the National, County and Village levels. These shall include government representatives from Ministry of Water, Ministry of Public Health and Sanitation, Ministry of Devolution and Planning, Ministry of Land, Housing and Urban Development, County Government, local administrative officers, local community leaders and proponent's representatives.

RAP Implementation Schedule

As per the World Bank's Policies, no works are to be started before resettlement is executed. Additional assistance should be provided to the affected population in accordance with the RP policy framework before, during and after the works are taken up.

The RAP Implementation Schedule shall involve the following activities:

- ❖ Public Consultation/Awareness Campaign with the PAPs (throughout project phases)
- ❖ Carry out a detailed RAP for the Project, socio-economic assessment of the PAPs and identification of affected property and other physical features requiring evaluation
- ❖ Capacity Building Programs for RAPIC, M&E and Grievance Committee members
- ❖ Compensation and Resettlement for loss of properties and livelihoods for Displaced Persons
- ❖ Putting together the required machinery, legal and educational processes, training of resettlement staff
- ❖ Detailed sewer line project surveys and marking out the boundaries
- ❖ Clearing of site area & rehabilitation works
- ❖ Monitoring and Evaluation of Resettlement activities

Grievance Redress

The RAP provides for a formalized grievance redress mechanism to help reduce any complaints and grievances of the PAPs and to enhance the acceptance of the proposed project, rehabilitation and resettlement program through people's participation and support. All efforts should be made to reduce unnecessary anxiety and antagonism by resolving disputes through

discussion, negotiation and compromise in a congenial, fair and impartial setting. In cases where the litigation reaches the courts, the Honorable Court will be requested to expedite and resolve any litigation related to acquisition and/or compensation in the best interests of the project and the people.

Census and Public Consultations

During the RAP study a lot of consultations with the affected population were done through consultative meetings and administration of questionnaires in December 2016.

All the stakeholders expressed support for the project including those affected citing it as a positive development. However, they stressed that project affected persons should be given ample notice and fairly compensated. They also stressed that there should be wide consultations at all stages of implementation so as to address all concerns and expectations.

Monitoring and Evaluation

For successful implementation of RAP, there will be need for continued monitoring and evaluation. This will ensure that emerging issues are promptly and properly addressed both during resettlement and after sewer rehabilitation phases of the project.

Community Expectations

Emanating from the public discussions and meetings, stakeholders and the locals put forward the following requests:

- ❖ The local community to be given first priority during recruitment of both skilled and unskilled labor
- ❖ PAPs should be fairly compensated
- ❖ The notice to vacate from the designated area should be humane considered enough to allow the PAPs time to relocate

1 PROPOSED PROJECT DESCRIPTION

1.1 PROJECT OVERVIEW

Mombasa County is one of the 47 Counties of Kenya. Initially it was one of the former Districts of Kenya but in 2013 it was reconstituted as a county, on the same boundaries. It is the smallest county in Kenya, covering an area of 229.7 km² excluding 65 km² of water mass. The county is situated in the South Eastern part of the former Coast Province. It borders Kilifi County to the North, Kwale County to the South West and the Indian Ocean to the East. The county population is 939,370 persons, comprising 486,924 males and 452,446 females¹. This is spurred by rapid population growth in Mombasa in the unplanned areas where land and housing is relatively cheap and characterized by deteriorated or inadequate sanitation infrastructure². The rapid growth in population and urbanization in Mombasa City has exerted relentless pressure on resources and services such as, housing, water supply and sanitation, education and health facilities. The delivery of essential services in the city has failed to keep pace with the increased demand³.

1.1.1 West Mainland Sewer Network

The Mombasa County is divided into four main areas namely: South mainland, north mainland, west mainland and Mombasa Island. This RAP focuses on the West Mainland.

The first sewers were built here in 1952 to serve the Government housing estates in Changamwe. In 1957 the piped sewerage was extended to serve the rail served Industrial area and later extensions were provided to serve the oil refinery and parts of Magongo. The Old Changamwe trunk sewer gravitates sewage through Kalahari informal settlement to Kipevu. In the 1980s and 1990s the system was extended to serve the newly developed site and service schemes of

¹ 1. 2009 Kenya Population and Housing Census, Volume IA, Population Distribution by Administrative Areas and Urban Centres.

² Mombasa County First County Integrated Development Plan 2013-2017, Also available: <https://www.mombasa.go.ke/downloads/1st%20CIDP%202013-2017%20Mombasa%20County.pdf> accessed on 18 December 2016

³ D. Munga, Project on Assessment of Pollution Status and Vulnerability of Water Supply Aquifers in African Cities- Vulnerability and Pollution of Groundwater in the Kisauni Area, Mombasa, Kenya, 2005 UNEP/UNESCO/UN-HABITAT/ECA - Also available at: http://www.unep.org/groundwaterproject/Countries/Kenya/Report/April2005_full.pdf Accessed on 18 December 2016

Miritini, Chaani and Mikindani and Port Reitz. Diameters range from 200 mm to a maximum of 1000 mm and pipe materials being PVC, steel and concrete. There are over 50 Km of main sewers covering nearly 40% of the developed area. The Chaani and Changamwe trunk sewers both convey wastewater separately to the Kipevu treatment plant entirely by gravity.

Blockages occur mostly in small size sewers in built up areas. Miritini and Mikindani Site and Service Schemes and the Port Reitz Area, have pumping stations and rising mains which discharge to the Chaani trunk sewer. A Low lift pump is also provided after the Miritini rising main at Jomvu. A Chamber on the Port Reitz gravity line is provided near the MTC staff houses for screening before sewage reaches Port Reitz pumping station.

1.1.2 Kipevu Sewage Treatment Plant

The Plant is located at Kipevu, adjacent to Kilindini Harbor with an outfall at berth No.14. It is an extended aeration facility, utilizing an oxidation ditch system, constructed under the Phase I of Mombasa Sewerage Project to replace the original Biological Filter Plant.

The plant commissioned in the Year 2000, consists of pretreatment, aeration, clarification, sludge processing and sludge drying units. The plant was designed to serve a population equivalent of 200,000. The inflow is currently at less than 40% of the Design Average Dry Weather Flow of 17100 cm/day.

1.1.3 Need for sewerage infrastructure

Water-borne sanitation through the use of Sewerage System exist only in Mombasa County out of all the Project Towns. Mombasa County comprises of four distinct Service Areas that are physically separated by the creeks that surround Mombasa Island. These Service Areas are Mombasa Island, North Mainland, South Mainland and West Mainland.

The only Serviced Areas in the County where piped sewerage systems have been built are on the West Mainland and Mombasa Island. The Service Areas and sewerage sub-service areas on Existing Sewerage System on West Mainland / Mombasa Island including Trunk Sewers, Pumping Stations, Kipevu and Kizingo Wastewater Treatment Works.

The Sewerage System for West Mainland has been continually expanded since its initial construction in 1952. At present, the sewerage area within West Mainland is approximately 40% of the developed service area. This sewerage system conveys wastewater to a Wastewater Treatment Plant located at Kipevu (17,000m³/day capacity), adjacent to Kilindini Harbour.

1.2 PROJECT DESCRIPTION

The proposed project involves physical improvement of existing sewerage system and Kipevu Wastewater Treatment Plant including rehabilitation works, rehabilitation of Existing Pumping

Stations (Replacement of 1nr. Pump and Motor at Miritini Pumping Station and 2nr. Pumps and Motor at Port Reitz Pumping Station) and targeted Trunk Sewers and Main Secondary Sewers. The sewers to be rehabilitated are:

- Miritini Trunk Sewer and Main Secondary Sewers within Miritini Site and Service Estate
- Mikindani Trunk Sewer and Main Secondary Sewers within Mikindani Site and Service Estate
- Chaani Trunk Sewer and Main Secondary Sewers within Chaani Estate
- Changamwe Trunk Sewer and Main Secondary Sewers within Changamwe Site and Service Estate
- Port Reitz Trunk Sewer and Main Secondary Sewers within Port Reitz Estate
- Main Secondary Sewers within EPZ Estate
- Main Secondary Sewers within Hamisi Estate

The Rehabilitation Works of the Sewers will mainly comprise of the following:

- Unblocking of sections of the sewer lines that are fully blocked
- Replacement of broken manhole cover slabs
- Exposing buried manholes and raising them above the ground level
- Replacement of missing / damaged or corroded step irons
- Replacement of collapsed sections of the sewer lines, mainly pitch fibre sewer pipes
- Re-routing / reconstruction of sewer lines prone to blockages as a result of inadequate slopes
- Replacement of broken / vandalized manhole covers

1.2.1 Design Components

The physical improvement of existing sewerage system and Kipevu Wastewater Treatment Plant including rehabilitation works comprise the major components of the project, as further described below.

1) Chaani Upgrading Scheme

The following rehabilitation works will be carried out:

- Replacement of missing / vandalized manhole covers
- Repair of broken manholes
- Repair of Benching for all Manholes
- Unblocking of partially / fully blocked sections of the sewer line and flushing of the entire system
- Identify, expose and raise above ground levels all buried manholes
- Backfilling eroded sections of the sewer line and protection against erosion

2) Chaani Trunk Sewer

The following rehabilitation works will be carried out:

- Replacement of missing / vandalized manhole covers
- Repair of broken manholes
- Unblocking of fully blocked sections of the sewer line and flushing
- Identify, expose and raise above ground levels buried manholes
- Supply of aluminium telescopic ladder.

3) Changamwe Site and Service Scheme

The following Rehabilitation Works will be carried out:

- Replacement of missing / vandalized manhole covers
- Repair of broken manholes
- Repair of Manhole Benching in all the manholes
- Unblocking of partially / fully blocked sections of the sewer line and flushing
- Backfilling eroded sections of the sewer line and protection against erosion
- Supply of aluminium telescopic ladder.

4) Changamwe Trunk Sewer

The following rehabilitation works will be carried out:

- Replacement of missing / vandalized manhole covers
- Repair of broken manholes
- Unblocking of partially / fully blocked sections of the sewer line and flushing
- Identify, expose and raise above ground levels buried manholes
- Supply of aluminium telescopic ladder.

5) Hamisi Municipal Estate

The following rehabilitation works will be carried out:

- Replacement of missing / vandalized manhole covers

- Repair of broken manholes
- Repair of Manhole Benching in all manholes
- Unblocking of partially / fully blocked sections of the sewer line and flushing
- Identify, expose and raise above ground levels buried manholes
- Backfilling eroded sections of the sewer line and protection against erosion
- Supply of aluminium telescopic ladder.

6) Export Processing Zone (EPZ) Area

The following rehabilitation works will be carried out:

- Remove the existing system
- Lay new sewer lines with higher capacities
- Construct new manholes
- Supply of aluminium telescopic ladder.

7) Mikindani Site and Service Scheme

The following rehabilitation works will be carried:

- Replacement of missing / vandalized manhole covers
- Repair of broken manholes
- Unblocking of partially / fully blocked sections of the sewer line and flushing
- Identify, expose and raise above ground levels buried manholes
- Supply of aluminium telescopic ladder.

8) Mikindani Pumping Station and Rising Main

Mikindani Pumping Station is located on a slope. Rains are gradually eroding the soil along the access road and the northern perimeter wall. Minor rehabilitation works are required at the Miritini pumping station e.g. repair to leaking roof, replacement of light fittings, replacement of door locks etc

9) Mikindani Trunk Sewer

The following rehabilitation works will be carried out:

- Replacement of missing / vandalized manhole covers
- Repair of broken manholes

- Unblocking of partially blocked sections of the sewer line and flushing
- Identify, expose and raise above ground levels buried manholes
- Supply of aluminium telescopic ladder.

10) Miritini Site and Service Scheme

The following remedial measures will be carried out:

- Replacement of missing / vandalized manhole covers
- Repair of broken manholes
- Repair of Manhole Benching for all Manholes
- Unblocking of partially / fully blocked sections of the sewer line and flushing
- Identify, expose and raise above ground levels buried manholes
- Replacement of collapsed sections of the sewer line
- Backfilling eroded sections of the sewer line and protection against erosion

11) Miritini Trunk Sewer

The following rehabilitation works will be carried out:

- Replacement of missing / vandalized manhole covers
- Repair of broken manholes
- Unblocking of partially / fully blocked sections of the sewer line and flushing
- Identify, expose and raise above ground levels buried manholes
- Supply of aluminium telescopic ladder.

12) Miritini Pumping Stations

Minor rehabilitation works are required at the Miritini Pumping Station e.g. repair to leaking roof, replacement of cable ducts cover, replacement of door locks etc. one pump is reported to be faulty. During the inspection the wet well was full of sewage which was overflowing to a valley downstream of the Pumping Station.

Minor rehabilitation works are required at the Miritini Pumping Station e.g. repair of leaking roof, replacement of light bulbs, replacement of door locks etc.

13) Port Reitz Trunk Sewer

The following rehabilitation works will be carried out:

- Replacement of missing / vandalized manhole covers
- Repair of broken manholes
- Unblocking of partially / fully blocked sections of the sewer line and flushing
- Identify, expose and raise above ground levels buried manholes
- Supply of Aluminium Telescopic Ladders

14) Port Reitz Pumping Station

The following rehabilitation works will be carried out:

- Supply and install new pumps
- Replace/ repair the blown pump main circuit breaker
- Repair/ replace the automatic level control
- Service the generator and check where the fault is
- Replace generator if necessary
- Replace the gate Provide security at the station at all times

15) Kipevu Wastewater Treatment Plant

The following rehabilitation works are recommended:

- Replace all faulty valves and fittings
- Replace steel works and apply epoxy paint
- Install a new flow measuring device at the Inlet Works
- Repair the gantry at the Inlet Works
- Replace 2Nr. motors of the Final Settlement Tanks
- Replace the scum brushes for one of the differential Settlement Tank
- Install 2Nr. return activated sludge pumps
- Install 1Nr. Surplus sludge pump
- Supply Laboratory Equipment as directed
- Carry out minor repair works to the existing buildings within the Treatment Works Site e.g. repair to plumbing fittings and electrical works, repainting, fixing of window panes etc.

1.2.2 Preconstruction phase

This phase shall entail the following activities:-

- ❖ Preparation of project designs
- ❖ Securing of all the necessary approvals by the client from local authorities and all relevant institutions
- ❖ Preparation of the project EIA report and its approval
- ❖ Identification of all persons to be affected by the project
- ❖ Preparation of the RAP report to identify all PAPs appropriate resettlement and compensation
- ❖ Compensation and Resettlement of PAPs

1.2.3 Construction and operation& maintenance phase

These phases shall entail the following activities

- ❖ Contract signing between the client and the contractor
- ❖ Procurement by the contractor of a performance bond
- ❖ Securing approvals and licenses by the contractor for contractor's installations
- ❖ Mobilization of the Contractor's machinery, plant and personnel, construction camp
- ❖ Identification/familiarization with materials sources and dump sites
- ❖ Demolition and site clearance
- ❖ Actual rehabilitation work
- ❖ Site reinstatement/clean up after completion of rehabilitation works
- ❖ Commissioning/handing over of the project to the client
- ❖ Routine and period maintenance of the sewer system during its life cycle

1.3 OBJECTIVES OF RESETTLEMENT ACTION PLAN

The main objective of this Resettlement Action Plan (RAP) is to provide a plan for resettlement and rehabilitation of the Project Affected Persons (PAPs) so that their losses will be compensated and their standard of living improved or restored to at least the pre-project levels and also minimize the adverse impacts to such PAPs.

Specifically, the RAP is designed to ensure:

- All types of losses are identified, clearly defined and properly categorized to reflect the nature of the loss;
- A standard or measure for defining eligibility and entitlement in order to have a fair basis for assessing compensation for the loss or impact suffered;

- Compliance with provisions of Kenyan Laws and World Bank Operational Policies (OP 4.12, paragraph 2(b)): that resettlement activity would be conceived and executed as development programs, providing sufficient investment resources to enable the PAPs to share in project benefits; and
- A comprehensive database, based on which values will be assessed and validated in the event of disputes, and more importantly serve as the database for monitoring and evaluation of the resettlement instrument.

1.4 JUSTIFICATION FOR RESETTLEMENT ACTION PLAN

The infrastructure development will lead to physical and economic displacement of people, loss of shelter, assets, income sources and livelihood, as well as restriction of access to economic resources.

The Resettlement Action Plan is aimed at facilitating the resettlement and compensation before implementing the project, in accordance with applicable Laws of Kenya and World Bank Operational Procedure 4.12 - Involuntary Resettlement.

The RAP enumerates and considers that the Project Affected Persons are compensated and resettled for their losses at current market value and they are provided with rehabilitation measures where applicable, in order to assist them to improve or sustain their pre-project living standards and income generating capacity.

1.5 THE GUIDING PRINCIPLES OF THE RAP STUDY

The following guiding principles based on the World Bank OP 4.12 Involuntary Resettlement have been used to steer the RAP process.

It is therefore important that the Principal implementing agent, Coast Water Services Board (CWSB) binds itself to the following guiding principles and forms a mechanism for prompt legal redress to any issues arising from the implementation of the project.

Principle 1: Resettlement must be avoided or brought to a minimum where it is not possible to eliminate. *The Consultant has proposed that the project is confined within the existing public land and reserves so as to avoid or minimize relocation.*

Principle 2: Affected population must be exhaustively consulted and their views regarding the project are factored into the project implementation. *Consultation Meetings/workshops have been*

held at various strategic locations along the trunk sewers. Participants were encouraged to participate, exhaustively air their views, and ask questions. Participants also filled in questionnaires.

Principle 3: *Pre-resettlement baseline data must be established. A household census and inventory of property belonging to affected persons was carried out. This data has been used to determine the compensation package for the project affected persons.*

Principle 4: *Affected persons must be assisted in the relocation. CWSB undertakes to adequately compensate project-affected persons and ensure that the displaced persons relocate appropriately.*

Principle 5: *Measures to address resettlement will ensure that project affected people are informed about their options and rights pertaining to resettlement. PAPs were included in the consultation process and given the opportunity to participate in the selection of technically and economically feasible alternatives.*

Principle 6: *Resettlement must be executed as a development that benefits the Project Affected Persons (PAPs). All the project-affected persons have been consulted through various forums including interviews and public consultation meetings where they freely provided their views. They will be given first priority for any job opportunities arising from the project.*

Principle 7: *Vulnerable Groups must be identified and given an opportunity to participate in the process. These are persons that will be in a disadvantaged position. The informal business population in the project area recorded cases of orphans and widows who wholly rely on this business for livelihood. Hence, the proponent will ensure that the vulnerable groups are compensated for loss of property and livelihood and resettled speedily and any grievances that they may bring up are addressed in a similar manner as those of the privileged and elite groups.*

Principle 8: *Resettlement must be seen as an upfront project cost. All PAPs will be (have to be) identified and recorded as early as possible, preferably at project investment identification stage, in order to protect those affected by the project and prevent an influx of illegal encroachers, squatters, and other non-residents who will wish to take advantage of such benefit. However this is still at the initial stages and CWSB will carry out the entire process on behalf the Kenya Government following the World Bank procedures on RAP.*

2 POLICY, LEGAL AND INSTITUTIONAL FRAMEWORK

2.1 INTRODUCTION

Resettlement of PAP in the project will be carried out in accordance with:

- Laws, regulations and guidelines for Resettlement/Land Acquisition Policy Framework of the Government of Kenya; and
- The World Bank's Operational Policy (O.P 4.12).

2.2 APPLICABLE GOVERNMENT OF KENYA (GoK) POLICIES AND LEGAL FRAMEWORK

The relevant national laws, regulations and guidelines are:

2.2.1 The Constitution of Kenya

The Constitution, the supreme law, in Kenya enshrines the right for every Kenyan, either individually or in association with others, to acquire and own property of any description in any part of Kenya, and outlaws enactment of any law that would permit the State or any person to arbitrarily deprive a person of any form of property.

The Constitution, however, conditionally allows deprivation of a person's property or of any interest therein, where:

- Deprivation is for a public purpose or where land is needed for a public interest;
- The acquisition is carried out in accordance with the provisions under the Constitution and any Act of Parliament; and provided;
- The persons affected receive "prompt payment in full, of just compensation" for deprivation of their interests in the property acquired; and
- The persons affected by the loss of their property have unhindered right of access to a court of law [Article 40 Clause (3)]

The Constitution extends a discretionary right to "prompt payment in full, of just compensation" to "occupants in good faith of land compulsorily acquired under clause (3) of Article 40" who hold no title to the land. Clause (6) of Article 40, however, expressly curtails payment of compensation for any property that has been found to have been unlawfully acquired.

The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, 2012

The provisions of this Act are guided by the Bill of Rights under the Constitution of Kenya. (2010).

Section 5 of the Act lists development projects among the displacing factors and outlines involvement of the affected persons through awareness, sensitization, training and education on causes, impact, consequences and prevention measures.

Section 6 of the Act provides that displacements and relocation from land required for a development project will only be justified by a compelling and overriding public interest.

The procedures to follow are listed under section 22 and include:-

- Justification as to why the displacement is unavoidable and that there is no other feasible alternative;
- Seeking free and informed consent from the affected persons;
- Holding public hearing on project planning;
- Giving reasonable notice to allow the affected persons review and react to the displacement conditions; and that
- Displacement process should reflect respect to human rights.

Relocation of the affected persons should, according to section 22 of the Act, be guided by the following factors:-

- i. Full information on the affected persons and ensuring their participation;
- ii. Identification of safe, adequate and habitable alternatives;
- iii. Availability of safety, nutrition, health, and hygiene as well as protection at the new location; and
- iv. Acceptability by the host communities in the new location where re-location is implemented.

2.2.2 Water Act, 2016

Water Act 2002 which has resulted to enactment of the Water Act 2016 which the President assented to on September 14, 2016.

The Act has provided the provision of the establishment of Water Services Regulatory Board whose principal object is to protect the interests and rights of consumers in the provision of water services.

Water Act broad objective is to determine and prescribe national standards for the provision of water services and asset development for water services providers, evaluate and recommend water and sewerage tariffs to the county water services providers and monitor compliance with standards including the design, construction, operation and maintenance of facilities for the provision of water services by the water works development bodies and the water services providers.

This Act states that subject to the Land Act, 2012, land required for national public water works may be acquired in any manner provided by law for the acquisition of land for public purposes. The Cabinet Secretary may, after reasonable notice to any landholder concerned, cause to be constructed and maintained upon any land such works as the Cabinet Secretary may consider necessary for the purposes of any national public water works. Compensation on just terms shall be payable by the Government to the owner of the land on which any such works are constructed, but in assessing the amount of compensation payable, the Cabinet Secretary shall take into consideration any benefit accruing to the land by the construction of the works and any adverse effect on the land caused by the works, as the case may be.

The Act mandates the Cabinet Secretary within one year of the commencement of the Act and every five years thereafter, following public participation, formulate a National Water Resource Strategy. The object of the National Water Resource Strategy shall be to provide the Government's plans and programs for the protection, conservation, control and management of water resources. The National Water Resource Strategy shall contain, among other things, details of-

- Existing water resources and their defined riparian areas;
- Measures for the protection, conservation, control and management of water resources and approved land use for the riparian area;
- Minimum water reserve levels at national and county levels;
- Institutional capacity for water research and technological development;

- Functional responsibility for national and county governments in relation to water resources management; and
- Any other matters the Cabinet Secretary considers necessary.

The Water Act 2016 aims at providing for harmonized and streamlined management of water resources, water supply and sewerage services.

The Act stipulates that a county government shall establish water services providers. In establishing a water services provider, a county government shall comply with the standards of commercial viability set out by the Regulatory Board. (3) A water services provider established under this section may be a public limited liability company established under the Companies Act, 2015 or other body providing water services as may be approved by the Regulatory Board. The proposed project is under Mombasa Water and Sanitation Company (MOWASCO). The company is responsible for the provision of water and sewerage services within the area specified in the licence and the development of county assets for water service provision.

2.2.3 Physical Planning Act (Cap. 286)

The Act provides for preparation of land use plans with a view to improving the affected land, securing suitable provision for transport, public purposes, utilities and services, commercial, industrial, residential uses among others. This is defined in the Section 16 of the Act. The process for plan preparation are included in the main Act whereby all plans have to be presented to the public and published in the local newspaper prior to approval by the Cabinet Secretary. Stakeholders have to be involved in the planning process and their views have to be incorporated in the land use plan.

Once the land use category has been incorporated in a land use plan and it has gone through the approval stage, the dedicated land use vests in the authority responsible for the activity or service for benefit of the public as a whole. A restriction is implied of any re-allocation of the user to any other purpose thereafter.

Section 29 of the Act allows County Governments to prohibit or control use and development of land and buildings and give to approve all developments within their areas of jurisdiction. Where no such permission has been granted, the local authority is allowed to demolish any such structures.

The Act, however, does not provide any procedures to be followed where demolition is to be carried out and can make rise ugly confrontations between compliance enforcers and owners and occupiers of illegal developments.

2.2.4 The Land Act (2012)

This Act applies to all land declared as public land in Article 62 of the Constitution and all private land as declared by Article 64 of the Constitution.

The portion of the Act touching on Involuntary Resettlement is Part (viii) that spells out the process required to involuntarily acquire private land. As of now no rules have been promulgated to spell-out the safeguards to the affected persons' interests that are injured where involuntary resettlement cannot be avoided. To fill this vacuum, transitory provisions under the Schedule to the deleted Land Acquisition Act (Cap295) apply.

The Act permits involuntary land purchases to be resorted to where “the possession of the land is necessary in the interests of defense, public safety, public order, public morality, public health, urban and planning, or the development or utilization of any property in such manner as to promote the public benefit” and where “the necessity therefore is such as to afford reasonable justification for the causing of any hardship that may result to any person having an interest in or right over the property”

Kenya's definition of purposes for which involuntary settlement can be resorted to is open ended, providing much greater space for the exercise of discretion and interpretation. The involuntary purchase' powers do not, however, extend to settlement of squatters, the poor and landless, persons displaced by infrastructure developments and the internally displaced persons. Section 134 (4) of the Land Act specifically provide that land purchases for such purposes be subject to the Public Procurement and Disposal Act, 2005 (No. 3 of 2005).

The enactment of the Land Act, Sec 157(2), criminalized encroachments on public land as follows:

- (i) Unlawful occupation of public land is an offence which attracts fines of up to KES 500,000 and if a continuous offence, a sum not exceeding KES 10,000 for every day the offence is continued;

- (ii) Wrongful obstruction of a public right of way is an offence and attracts a fine of up to KES 10,000,000 and if a continuous offence, a sum of up to KES 100,000 for every day the offence is continued; and
- (iii) In addition to these criminal sanctions, any rights over land that were obtained by virtue or on account of an offence may be cancelled or revoked.

2.2.5 Land Acquisition Act cap 295

This Act provides guidelines on land expropriation by the State or Government for the general benefit of the community. The Act considered that the owners of the acquired land should be compensated and their grievances addressed.

The Land Acquisition Act (Cap 295) provides for the compulsory acquisition of private land and property held under Registered Lands Act, Cap 300 and the Land Titles Act, Cap 281. Public land administered under the Government Lands Act, Cap 280 but used for private development in leases can also be compulsorily acquired under the Land Acquisition Act. Stringent conditions have been set out under the Act in the event that compulsory acquisition must take place. In this case compensation may take two forms. One form is cash compensation and the other is land compensation. Cash compensation is provided for under section 9 of the Act. The amount entitled to the land owner is paid directly to them but in situations of prolonged dispute, the commissioner of lands is required to deposit the money in a court of law pending resolution of the dispute. Section 12 of the Act allows the Commissioner of Lands to award land of equivalent value as compensation

2.2.6 Urban Areas and Cities Act, 2011

Section 26 (b) gives power to the County government to formulate and implement a master plan for urban and physical planning. This plan framework would form the basis for infrastructure development and provision of essential services including provision of water, sanitation, health care, education, housing, transport, disaster management system and facility for safe environment.

According to section 26 (c) the County government is expected to exercise control over land use, land subdivision, land development and zoning of public and private land for any purpose including agriculture, industry, commerce, market, employment centres, residential areas, recreation parks, entertainment, passage transport freight and the transit stations within the framework of spatial and master plans of City and Municipality.

Section 44 provides for the County Government to form partnership of social infrastructural services with companies within and outside the County. This includes the construction of roads, environmental conservations and preservation, construction of health centers and promotion of tourist and cultural events.

2.2.7 Land Registration Act (2012) [LRA]

The Act applies to registration of interests to all public land and registration of interests to all private land. The Act has substantive and procedural law on dispositions, creation of charges and the liquidation of such charges are far-reaching and of some import to involuntary purchases as who is entitled to what rights and obligations while determining eligibility to compensation. Of interest with regard to involuntary resettlement is section 42 that provides that:

‘No part of the land comprised in a register shall be transferred unless the proprietor has first subdivided the land and duly registered each new subdivision’.

There is no specified penalty for non-compliance to this provision. Such a transaction is, however, void but the contract would still be enforceable under Section 36 (2) which provides that “Nothing in this section shall be construed as preventing any unregistered instrument from operating as a contract”

2.2.8 National Land Commission (NLC) Act (2012)

The National Land Commission was created in pursuance of Article 67 of the Constitution and is mandated to, among others, to manage public land for the national and county governments; recommend a national land policy to the national government, advise the national government on a comprehensive programme for the registration of title in land throughout Kenya and assess tax on land and premiums on immovable property;

Under Article 67 (3) of the Constitution the National Land Commission may perform any other functions prescribed by national legislation. Among those other functions prescribed by a national legislation is the compulsory land purchase and its consequential involuntary resettlement. [Section 107 (1) of the Land Act]

The Commission is responsible for assessment and payment of the compensation to the affected persons. The Commission handles the publication of the intention to compulsorily acquire land, inspections of affected properties, consulting the affected persons on intended resettlement, issuing of awards, payment of the awards to the affected persons

and taking possession of the land acquired and handing over the land to the project's implementer.

2.2.9 Environment and Land Court Act (2011)

The Act gives effect to Article 162(2) (b) of the Constitution by establishing the Environment and Land Court that has original and appellate jurisdiction. According to Section 4 (2) and (3), it is a court with the status of the High Court. It exercises jurisdiction throughout Kenya and pursuant to section 26, is expected to ensure reasonable and equitable access to its services in every county.

The principal objective of this Act is to enable the Court to facilitate a just, expeditious, proportionate and accessible resolution of disputes governed by the Act. The Court exercises its jurisdiction under **Section 162** (2) (b) of the Constitution and has power to hear and determine disputes relating to —

- (a) Environmental planning and protection, climate issues, land use planning, title, tenure, boundaries, rates, rents, valuations, mining, minerals and other natural resources;
- (b) Compulsory acquisition of land;
- (c) Land administration and management;
- (d) Public, private and community land and contracts, choses in action or other instruments granting any enforceable interests in land; and
- (e) Any other dispute relating to environment and land.

Nothing in the Act precludes the Court from hearing and determining applications for redress of a denial, violation or infringement of, or threat to, rights or fundamental freedom relating to land and to a clean and healthy environment under **Sections 42, 69 and 70** of the Constitution.

2.2.10 Environmental and Management Coordination Act No. 8 of 1999

Article 42 of the Constitution guarantees every person the right to a clean and healthy environment. Consequently the protection of the environment is a constitutional duty. The main objective of the Act, though enacted before promulgation of the new Kenyan Constitution, is to provide an appropriate legal and institutional framework for management of the environment. The Act makes it a criminal offence to interfere with fragile ecosystems and the penalties provided are criminal in nature.

2.2.11 Valuers Act Cap 532,

The valuation practice in Kenya is governed by the Valuers Act Cap 532, which provides for a Valuers Registration Board that regulates the activities and conduct of registered valuers. Valuers in Kenya are registered upon application to the Board and are required to be full members of the Institution of Surveyors of Kenya (ISK). The Act governs the formation and composition of valuation practices including the qualification of partners and directors in charge of valuation. The Board also deals with discipline and complaints in respect to valuation practice.

Other statutes that govern valuation are the Government Lands Act Cap 280 that regulates the valuation for land rent while valuation for rating is governed by the Rating Act Cap 267.

Land

Acquisition Act Cap 295 governs valuations for compulsory acquisition purposes.

2.3 WORLD BANK INVOLUNTARY RESETTLEMENT POLICY (OP 4.12)

2.3.1 Impacts Covered in the Policy

The policy provides a basis for preparation of Resettlement Policy Framework and Resettlement Action Plan.

The World Bank's policy on resettlement covers direct economic and social impacts that both result from infrastructure projects and caused by:

- (a) The involuntary taking of land resulting in:
 - Relocation or loss of shelter;
 - Loss of assets or access to assets; or
 - Loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or
- (b) The involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.

2.3.2 The World Bank's Policy Objectives

Involuntary resettlement can cause severe long-term hardship, impoverishment, and environmental damage unless appropriate measures are carefully planned and carried out. The World Bank policy on involuntary resettlement's fundamental principle is to prevent impoverishment of the persons affected by a project and on how to rebuild affected people's livelihoods.

The salient features of the detailed World Bank's policy on involuntary resettlement are as follows:

- a) Compulsory purchase shall not be the preferred tool for the acquisition of land, it should be avoided where feasible, or minimized, and should be resorted to where other options, e.g. project design, voluntary means, and / or land exchange are not available;
- b) The Policy acknowledges that there are circumstances where, due to scale of project or complexity of ownership structure, compulsory purchase is the only feasible option. In such instances involuntary land purchases can be implemented but with utmost respect for the rights of affected persons.
- c) Displaced persons should be assisted in efforts to improve their livelihoods and standards of living or at least restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
- d) Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programmes.
- e) Compensation for land and structures lost is to be based on their replacement cost.
- f) Given that issues of land title are a challenge for millions of people at all income levels across the developing world, the Bank holds that lack of title is not a fair reason to disqualify a person for compensation and resettlement assistance.
- g) Resettlement action plans must identify and assist the poor and vulnerable people, especially the elderly, the disabled and women-headed households to resettle and improve their

2.4 COMPARISON BETWEEN NATIONAL LEGISLATION AND WB OP 4.12

There are a number of differences between the Kenyan laws and World Bank Safeguard policies, such as:

World OP 4.12 stipulates that Displaced persons should be assisted in improving livelihoods or at least restoring them to previous levels. Kenyan legislation (Land Act) provides for 'just and fair compensation'. However, 'just and fair compensation' is not clear and can only be determined by NLC which can be subjective. It does not talk about improving livelihood or restoring them to pre-project status.

The World Bank OP 4.12 favors avoidance or minimization of involuntary resettlement while the Kenyan laws say that, as long as a project is for public interest, involuntary resettlement is considered to be inevitable.

Table 2-1: Comparison of Kenyan and World Bank Policies on Resettlement and Compensation

Category of PAPs/ Type of Lost Assets	Kenyan Law	World Bank OP4.12	Recommendation to address gap
Land Squatters (i.e. those who have no recognizable legal right or claim to the land that they are occupying)	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	Must be compensated for houses and other structures whatever the legal recognition of their occupancy (see below). Entitled to compensation for loss of crops and assistance for relocation as the case may be, and assistance for restoration of livelihood The physically displaced persons are provided with residential housing or housing site, in addition to assistance during relocation (such as moving allowance) and compensation for assets.	WB OP.4.12 prevails
Compensation to Encroachers	Those occupying public land in “good faith” (eg indigenous communities) eligible	Encroachers and squatters eligible for compensation	WB OP.4.12 prevails

Category of PAPs/ Type of Lost Assets	Kenyan Law	World Bank OP4.12	Recommendation to address gap
	for full compensation but compensation expressly denied to persons who have unlawfully acquired public property. Encroaching onto public land prosecutable as criminal offense,	for developments prior relocation and assistance during relocation.	
Preferred value approach	All valuations are made on the basis of fair market value. The value approaches preferred in determining fair market value in their hierarchical order are: i. Comparison Approach; ii. Investment Approach; and iii. Depreciated Replacement Cost approach (reproduction cost)	Replacement Cost approach	WB OP.4.12 prevails
Owners of temporary structures	The constitution of Kenya respects the right to private property and in case of compulsory acquisition, just compensation must be granted to the owner for the loss temporary buildings.	Recommends in-kind compensation or cash compensation at full replacement cost including labor. Recommends resettlement	WB OP.4.12 prevails

Category of PAPs/ Type of Lost Assets	Kenyan Law	World Bank OP4.12	Recommendation to address gap
		assistance	
Owners of permanent buildings	The constitution of Kenya respects the right to private property and in case of compulsory acquisition, just compensation must be granted to the owner for the permanent building	Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement	WB OP.4.12 prevails
Perennial and annual Crops	Cash compensation for the loss of crops	Market value for lost crops. Income restoration assistance (such as land preparation, credit facilities, training etc). Land for land compensation allows people to re-establish annual crops immediately.	
Seasonal crops	Cash compensation for the loss of crops	Market value for lost crops wherever arrangements cannot be made to harvest.	WB OP.4.12 prevails
Livelihood restoration and development assistance	Not specific on livelihood. The constitution says some pay maybe made in good faith	Livelihoods and living standards are to be restored in real terms to pre-displacement levels or better. Offer support after displacement, for a transition period,	WB OP.4.12 prevails

Category of PAPs/ Type of Lost Assets	Kenyan Law	World Bank OP4.12	Recommendation to address gap
		based on a reasonable estimate of the time likely to be needed to restore livelihoods and standards of living (for ex. land preparation, jobs, credit facilities)	
Timing of compensation payments	The Land Act provides for prompt, just compensation before the acquisition of land.	Implement all relevant resettlement plans before project completion and provide resettlement entitlements before displacement or restriction of access. For projects involving restrictions of access, impose the restrictions in accordance with the timetable in the plan of actions.	Follow the principles of OP.4.12
Consultation and disclosure	The Land Act outlines procedures for consultation with affected population by the NLC and grievance management procedures.	Consult project-affected persons, host communities and local NGOs, as appropriate. Provide them opportunities to participate in the planning, implementation, and monitoring of the resettlement program, especially in the	Implement consultation procedures as outlined in both Kenyan legislation and World Bank.

Category of PAPs/ Type of Lost Assets	Kenyan Law	World Bank OP4.12	Recommendation to address gap
		process of developing and implementing the procedures for determining eligibility for compensation benefits and development assistance (as documented in a resettlement plan), and for establishing appropriate and accessible grievance mechanisms.	
Relocation assistance and resettlement assistance	The Land Act does not out rightly stipulate assistance for relocation	Avoid or minimize involuntary resettlement and, where this is not feasible, assist displaced persons in improving or at least restoring their livelihoods and standards of living in real terms relative to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher Moving allowances	WB OP4.12 takes precedence

Category of PAPs/ Type of Lost Assets	Kenyan Law	World Bank OP4.12	Recommendation to address gap
Grievance mechanism and dispute resolution	Land Act 2012 clearly outlines the steps and process for grievance redress that includes alternative dispute resolution, re-negotiation with NLC and is backed by the judicial system through the Environmental and Land Court	Establish appropriate and accessible grievance mechanisms	No gap

2.5 INSTITUTIONAL FRAMEWORK

Whereas Coast Water Services Board is the project proponent and will be responsible for ensuring that the plan is implemented as agreed with the lenders, other Government agencies will be directly involved in the implementation of this resettlement plan. Included in this category of agencies are also the County governments. 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. These institutions include:-

2.5.1 National Environment Management Authority (NEMA)

NEMA will be responsible for approving and issuing EIA licenses for projects which have addressed environmental and social impacts

2.5.2 Mombasa Water and Sewerage Company Ltd (MOWASCO)

MOWASCO will be responsible for the sewer connection, metering and billing and will also manage the sewage infrastructure.

2.5.3 County Government of Mombasa

The Counties are responsible for ensuring that the plan is acceptable to the local residents as it supplements the Counties' capital programmes. The County governments are also responsible for regulating trade and providing markets within their areas of jurisdiction.

2.5.4 The Local NGOs/CBOs and other Civil Society

Member groups of the civil societies working in the area in related fields have responsibility to ensure that the resettlement plan is implemented as suggested and in the event of any departure or change in circumstances, the project affected persons are not adversely affected. The group will also have a role to sensitize the people and empower them to realise maximum benefits from the project. They will be involved in the training and counselling of the project affected persons

2.5.5 The local administration office

The office particularly at the location level is best suited to mobilise 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.

2.5.6 The Treasury

The ministry is responsible for financial management on behalf of the borrower (GoK) and also the provision of counterpart funding- part of which is used to settle compensation claims by PAPs.

3 CENSUS AND SOCIO-ECONOMIC SURVEY OF AFFECTED POPULATION

3.1 INTRODUCTION

The data used to establish socio-economic baseline conditions was derived from field surveys conducted in the project areas along the trunk sewers and adjacent areas.

There were two broad data objectives for the socio-economic baseline assessment:

- a) Establish a robust characterization of general pre-project socio-economic conditions against which future changes can be measured; and
- b) Enable the following key issues to be addressed during project implementation:
 - ✓ Physical and economic impacts on PAPs during and after the project implementation period;
 - ✓ Effects from an influx of migrants to the area, anticipated as a public response to perceived economic opportunity, leading to a number of issues including the following:
 - Inflation and resulting social tension due to economic disparities;
 - Increased social pathologies such as crime and prostitution; and
 - Decreased access to existing services and infrastructure.

3.2 SOURCES OF DATA

The Consultant applied a variety of methodologies to ensure that impact and compensation assessments are based on current and verifiable socio-economic and demographic information. These included Socio-Economic Survey: comprising detailed census/inventories with affected households as well as formal and semi-formal discussions with sample focus groups. A comprehensive questionnaire was developed for data collection.

3.3 LITERATURE REVIEW (SECONDARY DATA)

As secondary sources of information, literature available on issues of involuntary resettlement in general and the project area in particular was reviewed thoroughly. Some of the most important documents reviewed during preparation of this RAP include international policies, frameworks and guidelines, on the one hand and national policies, legal and institutional frameworks, sectorial development plans and World Bank guidelines.

3.4 SOCIO-ECONOMIC AND CENSUS SURVEY METHODOLOGY

The socio-economic survey and valuation of affected properties was carried out during the fieldwork sessions. Questionnaires were administered; household interviews were conducted with the PAPs whose properties were determined to be within the project area.

3.4.1 Public consultations

Public consultations were made an integral part of the process of RAP development due to the importance of the activity in soliciting the opinion of the PAPs about the project impacts and entitlements. The consultations were done as part of participatory approach through meetings/Workshops and “barazas” organized in collaboration with the local administration. In total, 4 Public Consultation meetings were organized in collaboration with the Local Administration (DO, Chiefs, Assistant Chiefs, village elders and Group Leaders) on different dates:

- Public consultative meeting held on 10th December 2016 at 10:30 hrs at Jomvu Screw Pump station
- Public consultative meeting held on 10th December 2016 at 15:00 hrs – at Miritini Pump Station
- Public consultative meeting held on 12th December 2016 from 10:30 hrs at Mikindani-Bangladesh open ground
- Public consultative meeting held on 12th December 2016 at 15:00 hrs at Chaani Social hall

Minutes of the Stakeholder Workshop Meetings/Public Barazas are included in appendix 4.

3.4.2 Social Economic Survey

A socio-economic survey was conducted to gather socioeconomic information on the PAPs. The consultant developed comprehensive questionnaires for detailed data collection. The questionnaire captured the following information: Level of education of family heads, religion, their source of income, number of children, adult male and female and type of business structure.

3.4.3 Census

A census was conducted of all PAPs and an inventory prepared of the impacts of the proposed sewer line rehabilitation. The census enumerated all the households, individuals and institutions that will be affected by the project. The information assembled has enabled the identification of all PAPs as well as a determination of the loss of affected assets and other impacts along the corridor.

The information collected during the field census survey included:

- Household demographic data
- Means of livelihood and economic activities
- Asset inventory survey
- Land Tenure
- Socio-Cultural Activities and
- Perception of the proposed Kipevu WWTP immediate works and extension

Data collection was led by a socio-economist in collaboration with other team members such as the surveyor, design engineers and the valuer.

3.4.4 Population Dynamics and Household Characteristics of PAPs

1) Sex Of Household Heads

The PAH population is made up of primarily male headed households. The rest of the PAPs are female headed. The distribution is shown in the figure below:

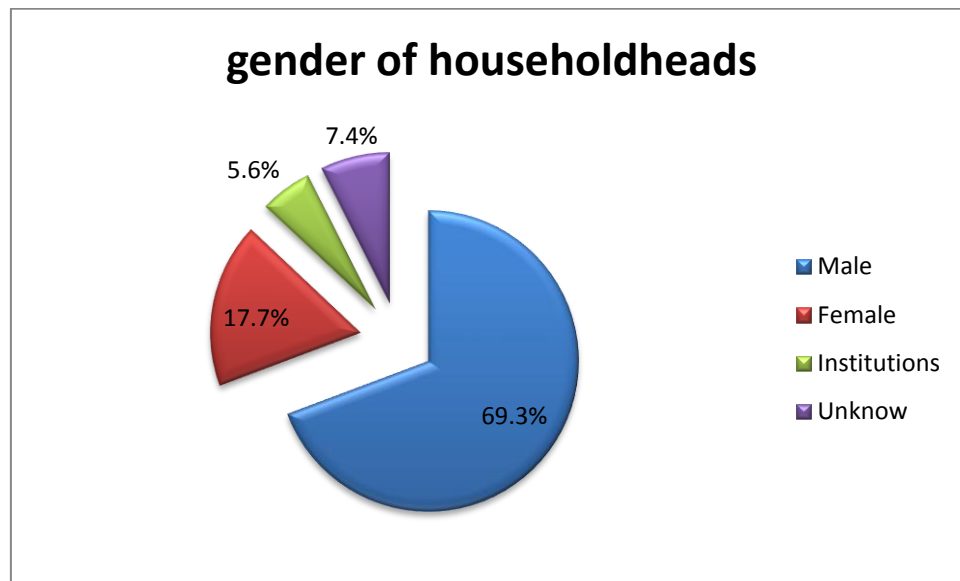


Figure 3-1: Sex of PAH Household Heads

2) Marital status of the household head

The household is the smallest decision-making unit in any society where decisions are taken daily - not only affecting the household itself, but cumulatively having long-term and global impact. Marital status is also one of the markers of gender identity that ultimately provide a platform for gender power relations. Majority of the PAHs are headed by married couples, with 52% of the household heads being married. The marital status of 38% is unknown, while a mere 7% and 3% are widowed and never married respectively as shown in in the figure below:

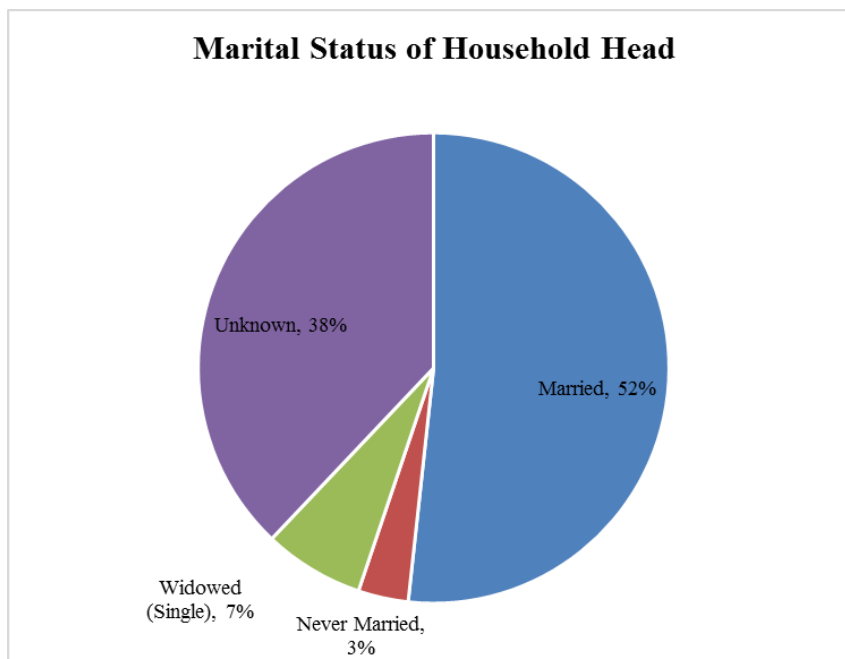


Figure 3-2: PAHs Marital Status

3) PAP Literacy Levels

The literacy levels are relatively high with only 33% of the PAP population having attended secondary school and 12% having attended College and University. Majority of the PAP population only reached primary school, whereas 19% of the population has not had any form of education. This is a good indication of the literacy levels of an urban centre. The literacy levels of the project PAPs are shown in the chart below:

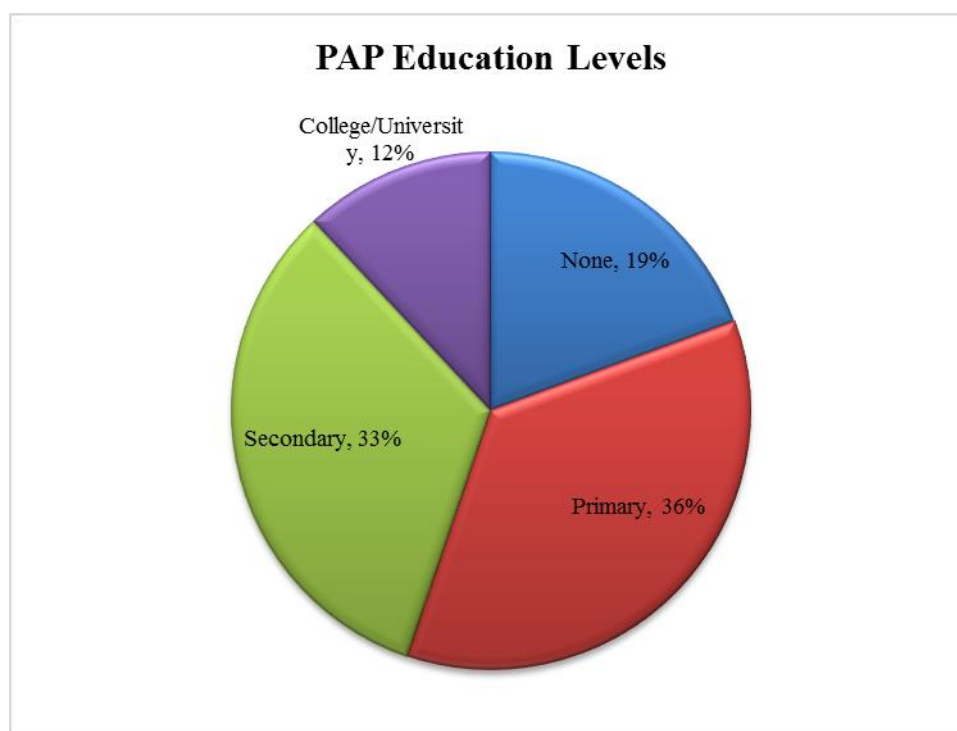


Figure 3-3: PAP literacy levels

4) Economic Activity of the Household Head

Business is the main economic activity in the area as established during the RAP investigations. The main economic activities are shown in the chart below:

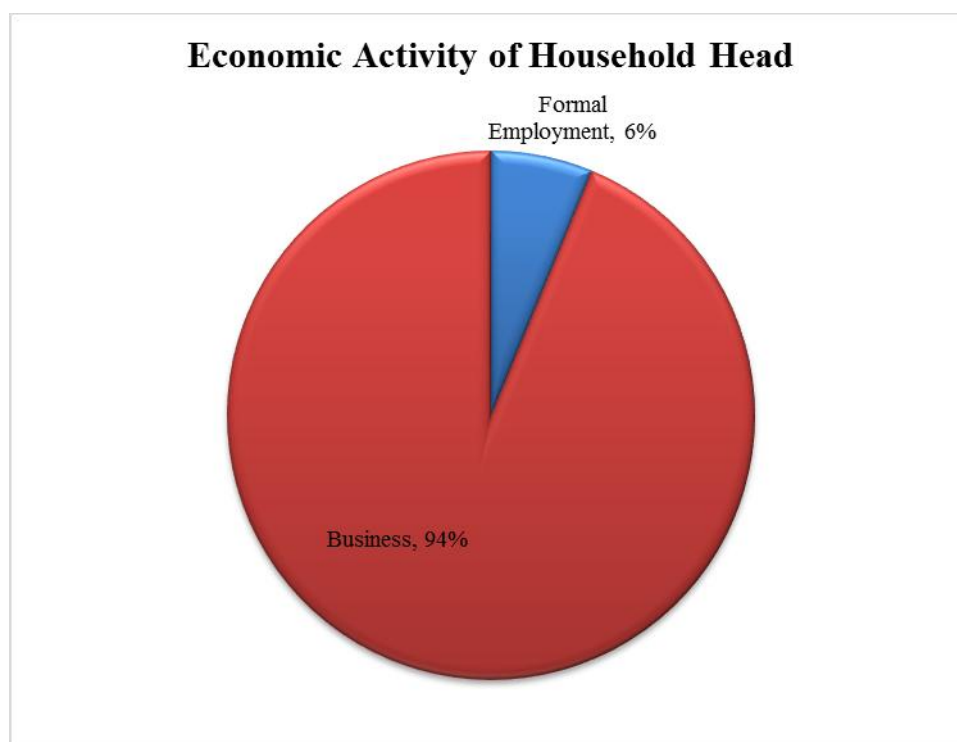


Figure 3-4: Economic Activity of the Household Head

5) Economic activities by gender

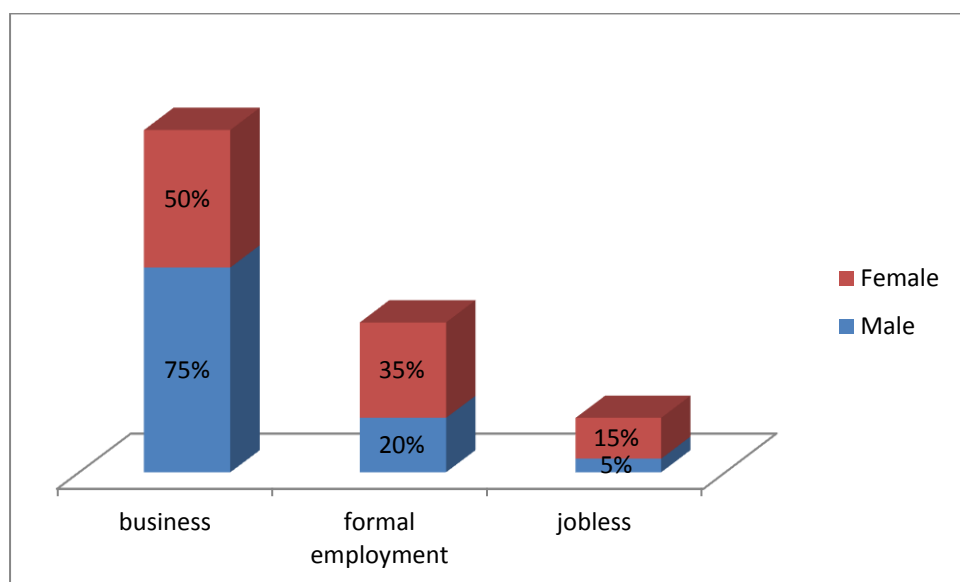


Figure 3-5: Economic activities by gender

Majority of the PAPs who have business as their main source of livelihood were male (75%) while female headed households was at 50%. More female headed households than male are in formal employment. A significant 15% of the female headed households are unemployed. The issue of

gender inequality in Kenya is historically rooted in traditional values and has been exacerbated by limited education, training and skill development; employment opportunities for women and men and; disparities in incomes. Thus the traditional role of a woman is still perceived as being a mother and taking care of household duties. Most women discontinue their formal education at primary level, and traditional division of labour, prevent them from gaining participation in the formal sector. Women earn only a fraction of the income generated in the country and own a nominal percentage of assets. Only 29 percent of those earning formal wage throughout the country are women, leaving a huge percentage of women to work in the informal sector mostly lacking infrastructural support. Left with limited capability to acquire and own assets; generally women continue to depend on assets owned by men, if they are married.

Currently in Kenya, women only hold between 5% -7% of land titles in their own names. Culturally, male heads of households make decision over family assets such as land and highly valued household items – that is the higher the value of an asset the more likely it is to be owned by the male head who solely make decision over them. It is therefore important to know that, women in male headed households have lesser decision making power than in the female-headed households.

The Gender Analysis study sought to find out the roles and responsibilities of women, men, and the youth; under whose control are the resources and who has the overall decision-making power over these resources.

Based on the above economic activities, the income levels of the households are vary as follows:

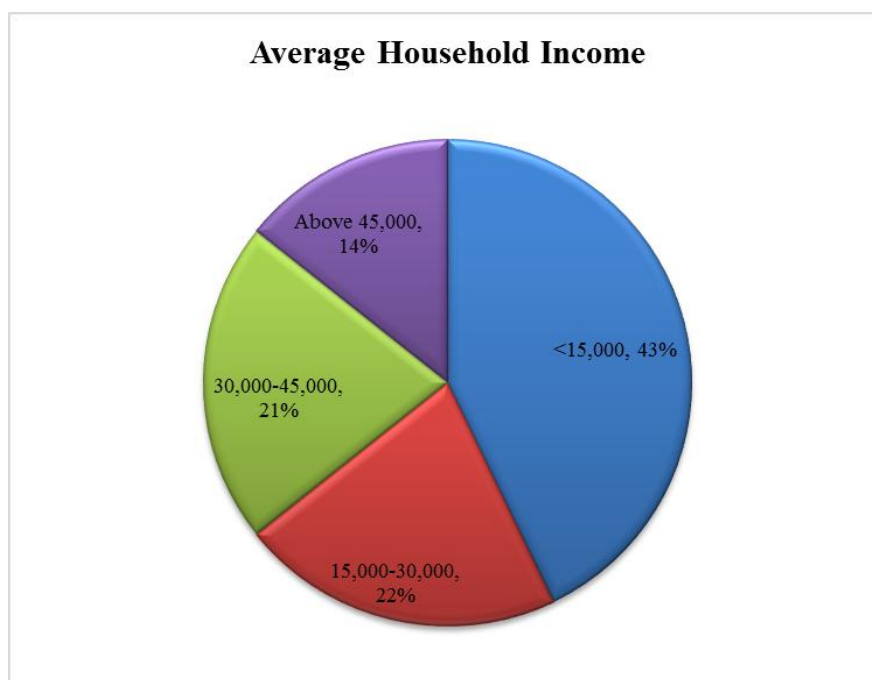


Figure 3-6: PAP Income Levels

6) Income by gender

Levels of incomes have implications for assessment of compensations. Nevertheless, it would be important to assess beyond the loss of incomes to total loss of livelihoods and support for oneself and family including women's support networks.

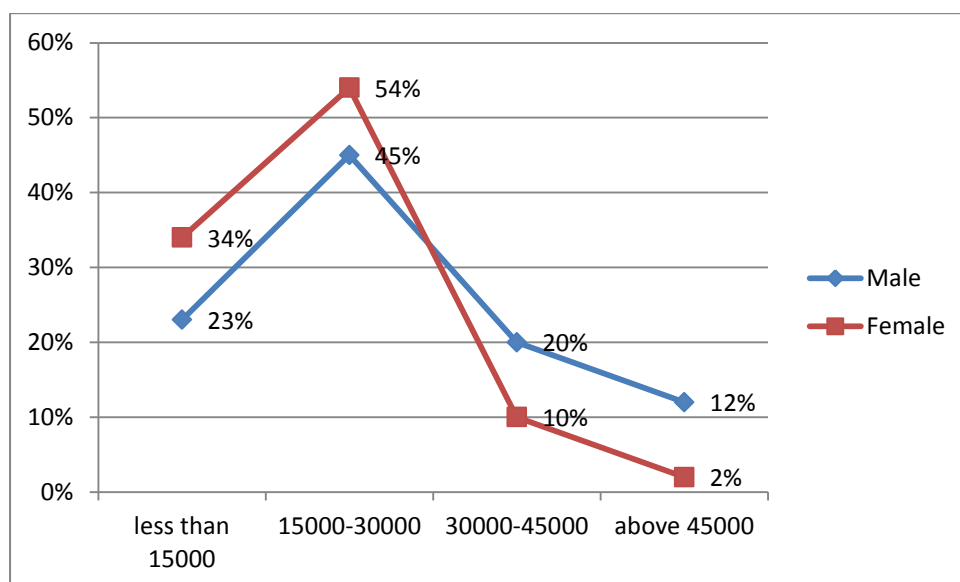


Figure 3-7: Income by gender

Figure 4-7 compares incomes for both males and females headed households. Most of the respondents lay in the income categories KES. 15000 and KES. 30,000. The income distribution for both genders is also skewed to the right, indicating that most respondents fall in the low income categories.

7) Religion

Christianity is the dominant religion in this region as shown in figure 4(66%). The second most dominant religion is Islam (32%), while just 2% is traditionalist.

8) Knowledge on the Project and its Environmental Impacts

Most of the residents at 61% are aware of the intended rehabilitation works of the project. 83% of the respondents perceived that the rehabilitation works will bring about positive impacts while 17% percent, adverse impacts.

9) Infrastructure and access

The major urban infrastructure are available in the area, they include; water supply, power supply, communication network and road network.

Community services such as education, health care centers, recreational centers and churches are in the neighborhood of the project road. Emergency facilities (fire brigade, ambulances and police) are within reach.

10) Energy

The project area is served with electricity and 90% of the respondents are connected to electricity only for lighting. The main source of fuel is charcoal and paraffin. Many of the respondents use paraffin or charcoal for their cooking purposes.

11) Security

Results from focus group discussion indicated that crime has risen in the recent past as a result of unplanned urbanization, with a minimal number of police stations and a proper security infrastructure.

12) Access to Financial Services

The project area is well served with a network of banking institutions which include Equity Bank, Cooperative Bank, Family Bank, Kenya Commercial Bank, M-Pesa Services etc. 69% of the business PAPs keep records, and 37% have their businesses audited while 28% make their tax returns. 99% of the all the PAPs have access to banking services while 17% reported to be members of different financial groups such as merry go rounds and saccos apart from the mainstream banking system.

4 IMPACTS ON PROJECT AFFECTED PERSONS

4.1 IMPACT MITIGATION MEASURES

Managing impacts like any major project, there will be impacts associated with the sewer rehabilitation works. As majority of the sewer lines and manholes are located along road reserves in residential areas and therefore there will be impacts on temporary access conditions and displacement during the rehabilitation of the system. Major efforts have been made to reduce the potential direct negative impacts of the project on the social environment. Social concerns were considered carefully in RAP preparation and the following measures were put into place:

1. Adequate communication to the PAPs on the project activities and sensitization has given them time to prepare and mitigate adverse impacts
2. Create awareness on resettlement options and identify alternative sites for relocation of affected persons.
3. Offer support after displacement for a transition period based on a reasonable estimate of the time likely be needed to restore their livelihood and standards of living;
4. Provide development assistance in addition to compensation measures;
5. Compute the actual number of displaced persons to be resettled;
6. Conduct resettlement processes and monitor progress of resettled persons;
7. Prepare and keep reports on resettled persons;
8. Develop a resettlement plan that responds to community issues adequately;
9. Prepare project progress reports and monitoring reports and implement recommendations;
10. Conduct Information Education and Communication (IEC) amongst the PAPs community and the project staff.
11. Confining the infrastructure within the existing public land and reserves so as to avoid or minimize relocation and therefore resettlement and disturbances arising from land acquisition in line with the World Bank OP 4.12.
12. There is an elaborate attention to safety features, such as narrowing the corridor of impact to avoid pulling down buildings in built-up areas where possible so as to avoid or minimize relocation

Not only have negative impacts, especially displacement, been minimized, but the project's positive impacts on communities have been extended and increased.

All those that shall be affected by the project will be fully compensated before project commencement.

4.2 IMPACT ON LAND: THE PROJECT-AFFECTED AREA

The proposed project will have no impact on private land due to the fact that majority of the sewer lines are located within existing road reserves in addition, the project is a rehabilitation of the existing sewer lines, the land belongs to the government as it is on the sewer wayleave.

4.3 IMPACT ON OTHER PROPERTIES

4.3.1 Kipevu Waste Water Treatment Plant

As already highlighted in other sections of this report, the land where the works on Kipevu Waste Water Treatment Plant will be carried out is public land. There is no foreseen impact on any private land or property

4.3.2 Changamwe and Chaani Trunk Sewers

The sewerage trunk line that is expected to target the waste from Magongo area and the environs is approximately 6.25 Kms which is 2.7 Kms for Chaani and 3.55Kms for Changamwe. The sewer trunk line is a linear infrastructure and the rehabilitation works will be done on the existing line which is public land.

The land is however encroached by 37 PAPs who have carried out various activities such as construction of walls, residential structures made up of extensions, storage areas or access points and temporary business premises hence illegally inhabiting and or using the land for economic purposes.

4.3.3 Miritini Trunk sewer

This sewerage trunk line will be about 6.27 Kms with 93 manholes. The project intends to use the land demarcated for the existing sewer line, which is in effect owned by the government, and as such, there will be no land acquisition other than compensation of PAPs for other properties within the proposed area. The land is however encroached by 26 PAPs who have carried out various activities such as construction of walls, residential structures made up of extensions, storage areas or access points and temporary business premises hence illegally inhabiting and or using the land for economic purposes.

4.3.4 Mikindani Trunk sewer

This sewerage trunk line will be about 1.4 Kms with 25 manholes. The project intends to use the land demarcated for the existing sewer line, which is in effect owned by the government, and as such, there will be no land acquisition other than compensation of PAPs for other properties within the proposed area. The land is however encroached by 30 PAPs who have carried out

various activities such as construction of walls, residential structures made up of extensions, storage areas or access points and temporary business premises hence illegally inhabiting and or using the land for economic purposes.

In summary, these will be the impacts:

Table 4-1: Summary of the location and PAPs affected by the proposed project

Sewer line	Total of PAHs
Chaani Trunk	21
Changamwe Trunk	16
Miritini Trunk	26
Mikindani Trunk	30
Total	93

4.4 VULNERABLE PEOPLE

Vulnerable people, as defined by the World Bank guidelines are people who by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status may be more adversely affected by resettlement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits. Vulnerable people potentially eligible for specific assistance under this Resettlement Action Plan are those who are affected by the compensation and resettlement activities.

Vulnerable people include, but are not limited to: Orphans; Children; The sick; the old; Women; Disabled; and widows.

The socio-economic survey results show that there are 19 female headed households, no PAPs are orphan or old people, no persons are disabled and no child headed households. This RAP proposes that this group will benefit from the livelihoods improvement facilities offered by these programs and a closer monitoring for implementation will be done by all stakeholders.

The female headed households will benefit from the livelihoods restoration measures as discussed in this RAP. This RAP proposes that these vulnerable PAPs to benefit from the employment created as a result of the project and money management awareness. This RAP also proposes CWSB will be **compelled** to assist these vulnerable people in so far as they are affected by the displacement and resettlement process as stipulated by the World Bank procedures for resettlement. Such assistance may include the following activities:

- Identification of required assistance at the various stages of the process: negotiation, compensation, moving;
- Implementation of the measures necessary to assist the vulnerable person; and
- Monitoring and continuation of assistance after resettlement and/or compensation, if required, and/or identification of those entities, whether Governmental or not, that could sustain the Project's assistance beyond its period of activity.

Assistance may take the following forms, depending upon vulnerable persons' requests and needs:

- Assistance in the compensation payment procedure (e.g., specifically explain the process and procedures, make sure that documents are well understood);
- Assistance in the post payment period to secure the compensation money and reduce risks of misuse/robbery;
- Assistance in moving: providing vehicle, driver and assistance at the moving stage;
- Assistance during the post-resettlement period, particularly if the solidarity networks that the vulnerable person was relying on have been affected: food support, health monitoring, etc.; and
- Health care if required at critical periods specifically for the physically challenged, particularly the moving and transition periods.

5 ELIGIBILITY AND ENTITLEMENT

This section of the report identifies the categories of the PAPs eligible for compensation for losses that will be incurred during the project construction and implementation.

5.1 CLASSIFICATION OF DISPLACED PERSONS

In line with o P 4.12, displaced persons may be classified in one of the following three groups:

- (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; and
- (c) Those who have no recognizable legal right or claim to the land they are occupying, however have assets on the said land

All the PAPs fall under category (c).

5.2 PROPOSED ENTITLEMENT MATRIX

In summary, the following entitlements and additional assistance are proposed:

Table 5-1: entitlements and additional assistance proposed

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
Buildings and structures	Structures are partially affected without relocation of PAPs	Owner	Cash compensation for affected building and other fixed assets Cash assistance to cover costs of restoration of the remaining structure
	Remaining structures viable for continued use	Rental/lease holder	Cash compensation for affected assets (verifiable improvements to the property by the tenant). Disturbance compensation equivalent to two months rental cost
		Squatter/informal dweller/encroachers	Cash compensation for affected structure without depreciation Right to salvage materials without deduction from compensation Relocation assistance (if relevant)
		Street vendor (informal without title or lease to the stall or shop)	Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher. Relocation assistance (costs of shifting) Assistance to obtain alternative site to re-establish the business.
Standing crops	Crops affected by land acquisition or temporary acquisition or easement	PAP (whether owner, tenant, or squatter)	Cash compensation equivalent to average of last 3 years market value for the mature and harvested crop, plus the labour cost.
Trees	Trees lost	Title holder	Cash compensation based on type, age and productive value of affected trees plus 10% premium
Loss of livelihoods	Loss of means of livelihoods such as small production, small dependent jobs on affected assets	Communities engaging in non-farming livelihoods such as hunters and gatherers, fisher folk, beekeeper.	Livelihood restoration programs: Undertake to help the affected communities restore their livelihood.
Vulnerable people	Businesses and structures	Female headed households	Benefit from the employment created as a result of the project and money management awareness Assistance in the compensation payment procedure (e.g., specifically explain the process and procedures, make sure that documents are well understood); compensated for loss of property and livelihood and resettled speedily Assistance in the post payment period to secure the compensation money and reduce risks of misuse/robbery; Assistance in moving: providing vehicle, driver and assistance at the moving stage; Assistance during the post-resettlement period, particularly if the

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
			solidarity networks that the vulnerable person was relying on have been affected: food support, health monitoring, etc.; and

5.3 CONDITIONS OF ELIGIBILITY FOR COMPENSATION

5.3.1 Cutoff Date

The practical Cut-off Date for implementation of the RAP is deemed to be the date at which the census of affected people and affected assets was completed, that is 15th of December 2016. No structure established or crops planted in the Project-Affected Area after 15th of December 2016 shall be eligible for compensation. This date serves as the cut-off date for eligibility and no new arrivals in the project area or assets created after the cut-off date will be eligible for compensation after this date. All stakeholders including PAPs have been informed of the cut-off date and its implications.

1) Eligibility

Assets, including structures, fences, trees and crop fields, which were surveyed in the Project-Affected Area by the Cut-Off Date are eligible for compensation. People residing in the Project-Affected Area by the Cut-Off Date are eligible for compensation even if they have no legal tenure (encroachers).

5.4 METHODOLOGY OF VALUATION

5.4.1 Assets Valuation Methods

The International Valuation Standards Council (IVSC), as well as most major valuation standard setters in the world, refers to three approaches to valuation, namely, the Comparison approach, the Investment approach (Discounted Cash Flow approach) and Depreciated Replacement Cost approach.

The Kenyan land acquisition law does not prescribe the valuation techniques that must be used in compulsory acquisition cases. The acquiring authority is free to choose any of the three valuation approaches depending on the particular circumstance of the property being acquired. The valuation technique used to measure market value should, however, be appropriate for the circumstances, and should be supported by availability of sufficient data. This is summarized in **Error! Reference source not found. 5-2** below.

Table 5-2: International Valuation Standards (IVS) guidance provided by the IVSC

Value Approach	Application guidance provided by IVSC
<p>Market approach Valuation technique uses prices and other relevant information generated by market transactions involving identical or comparable assets</p>	<ul style="list-style-type: none"> • Under the market approach, the value is determined based on comparable transactions. Although property interests are not homogeneous, the IVSC considers the market approach most commonly applied. • “In order to compare the subject of the valuation with the price of other real property interests that have been recently exchanged or that may be currently available in the market, it is usual to adopt a suitable unit of comparison. • A unit of comparison is only useful when it is consistently selected and applied to the subject property and the comparable property interests in each analysis.”
<p>Income approach Valuation techniques converts expected future net cash flows to a single current (discounted) amount</p>	<p>Various valuation methods can be captured under this valuation technique. They all have in common that the valuation is based on estimated future income and profits or cash flows.</p> <p>Most commonly recognized are the:</p> <p>Income capitalization method, also known as the yield method under which a constant income stream is capitalized; and,</p> <p>The discounted cash flow method.</p> <p>“The yield method” is quick and simple but cannot be reliably used where the income is expected to change in future periods to an extent greater than that generally expected in the market or where a more sophisticated analysis of risk is required. In such cases, various forms of discounted cash flow models can be used.”</p>

<p>Cost approach Valuation technique that reflects the amount that would be required currently to replace the service capacity of an asset (often referred to as current replacement cost)</p>	<p>IVSC considers that this method should be applied by exception only:</p> <p>“It is normally used when there is either no evidence of transaction prices for similar property or no identifiable actual or notional income stream that would accrue to the owner of the relevant interest. It is principally used for the valuation of specialized property, which is property that is rarely if ever sold in the market, except by way of sale of the business or entity of which it is part.”</p>
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5.4.2 The World Bank and Choice of the Value Approach

The Replacement cost (RC) approach is the basis of value preferred by the World Bank’s OP 4.12 Policy guidelines on involuntary resettlement.

1) Definition of Replacement Cost

Replacement cost is the estimated cost to construct, at current prices, a building with utility equivalent to the building being valued. The concept of replacement assumes the use of modern materials and current standards, design, layout, and quality of workmanship.

The concept of replacement embodies all the subject property’s attractions and deficiencies that in valuation of assets are accounted for by the process of depreciation. The World Bank’s OP 4.12 Policy guidelines on involuntary resettlement, however, disallow depreciation of assets for compensation purposes. This simply translates to assessing “replacement cost” as if the structure being valued is new and has been constructed using modern materials and current standards, design, layout, and quality of workmanship.

Similar floor area of premises can easily be understood to offer similar utility but what are modern materials, design and layout can be contentious. This report has assumed that “replacement cost” refers to the cost of buying or creating an alternative new asset that provides the same utility as provided by the subject property.

5.4.3 Methodology for Establishing Replacement Cost

Building costs can be estimated in several ways, including:

1. The **square-foot method** (aka **comparison method**) takes the cost per square foot of a recently developed comparable property and multiplies it by the square footage, using the external dimensions of the structures of the subject property.
2. The **unit-in-place method** estimates the cost of the subject property by summing the costs of the individual components of the structures, such as materials, labour, overhead, and profit.
3. The **quantity-survey method** estimates the separate costs of construction materials (wood, plaster, etc.), labour, and other factors and adds them together. This method is the most accurate and the most expensive method.
4. There is also an **index method** that uses the actual construction cost of the subject property, then multiplies it by how much the cost of materials and labour have increased since the structure was built. This method is deemed the least accurate and is generally used as a check on the 3 main methods of reproduction or replacement cost.

For this report the Valuer has adopted what it would cost to build a new structure (costs of preparing the site, purchase and delivery of materials, and labour without allowing for depreciation) as the replacement cost. Dividing the total cost by the plinth area of the structure in square feet gives the rate per square foot used in the report. Contract average prices all-in rates of construction in the major towns are available in the Quantity Surveyors Journal published in Kenya.

5.4.4 Valuation of livelihoods/Businesses

Businesses will be affected as a result of the project. These range from small-case businesses in stalls/kiosks to large-scale business establishments. Livelihood valuation was based on the amount of average income from each business per month. The livelihood PAPs were considered for two months earnings equivalent before business picks up

5.4.5 Project Approach

The calculation of replacement cost at current market values was made using information collected from both secondary and primary sources (direct interviews with project affected and interested people) and from the provincial administration. Replacement cost at current market value of business structures will be based on current fair market prices for new building materials and labor, without any deductions made for depreciations or for salvaged building materials. The market value of crops, trees and other commodities forms the basis for replacement cost at current market values of these assets.

5.4.6 Valuation of and Compensation for Losses

Various valuation techniques were used to ensure that businesses, structures and buildings, trees and crops were appropriately valued where necessary. This was done to help establish the

compensation packages for PAPs. Valuation can simply be defined as the art or science of establishing the value (worth) of a particular interest in property for a specific purpose and at a particular moment in time; taking into considerations all the features of the property and also considering all the underlying factors of the market.

The following is therefore the valuation methods used on the different affected items.

5.4.7 Valuation of loss of Structures

In order to obtain the unit value of the affected structures, the materials used to construct the structures, area of the structure and number of floors was identified in order to obtain the full value of the structures. A full replacement cost for the structures was obtained for each of the identified structures. The total value for all the affected structures is K.Shs 10,062,000.

5.4.8 Valuation of Businesses

The project will affect several businesses along the sewer line route. The compensation for businesses was valued based on the income from the business, the monthly incomes were multiplied by 2 months to facilitate compensation. The total businesses for compensation are valued at KShs. 680,000

5.4.9 Valuation for Loss of trees and crops

Trees and crops on the sewer line were valued based on the cost of harvesting the trees and crops. The Consultant proposes that tree owners be issued with notices to cut them. Similarly, crop owners should be notified to harvest their crops. The Consultant has proposed an allowance to facilitate the cutting down of trees and harvesting of the crops. The crops and trees were valued based on the aforementioned allowance. The full cost of a mature tree was used to evaluate the cost of cutting a tree. There were no crops identified during the RAP.

The trees and crops were valued at K.Shs. 6,000

5.4.10 Valuation for Fences

The project will affect the fences in some households. These fences were classified as: Live Fence (fence comprised fully or partly of some vegetation); permanent fence (including wall fences and barbed wire fence); corrugated iron sheet fences; and electric fences. The value of compensation was computed per unit area of fences based on possible cost of replacement of the fences.

Fences for this project were valued at K.Shs. 529,000

5.4.11 Valuation for Disturbance

The entitlement for disturbance was valued as percentage of the total entitlement for the different aspects of the project. The percentage employed in this RAP is 15% of the entitlement costs.

5.5 MODE OF PAYMENT OF PAPs

After the ownership and valuation of affected assets are determined, compensation of the PAPs will occur. The compensation should be done so as to ensure important members of the households (wives) are also aware of the compensation. This will be done so as to ensure that all PAPs benefit from the compensation. Local administration will be used to ensure that all PAPs benefit from the compensation.

6 RESETTLEMENT SITES AND LIVELIHOOD RESTORATION PROGRAM

6.1 RESETTLEMENT SITES

The project area under consideration is linear and will affect areas adjacent to the sewer lines. There are PAPs who carry out businesses on these areas due to non-use over a period, and some have put up business structures on the sewer line. During the public consultations, majority of persons carrying out the businesses on the sewer line preferred to not be relocated due to the clientele base already established, or be moved to a sites with larger populations where a large client base is found. Due to the fact that the trenches will be dug, the sewer lines rehabilitated and covered up, there is no consideration for any relocation and the method adopted for resettling the traders from the line is by way of giving them assistance to re-establish their business structures within the available space along the sewer line, with the condition that they do not establish permanent or semi-permanent structures. This RAP proposes non-permanent displacement that allows the business PAPs within the affected wayleave to re-establish their small businesses, using temporary structures that can easily be moved in case of maintenance activities once the pipelines have been placed with the condition that they will allow for the maintenance of the lines when the need arises. World Bank Policies on Resettlement and Compensation states that livelihoods and living standards are to be restored in real terms to pre-displacement levels or better and support should be offered after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore livelihoods and standards of living. Therefore this RAP proposes that business PAPs are entitled to cash compensation for entire structure and other fixed assets without depreciation equal to replacement cost, or alternative structure of equal or better size and quality in an available location which is acceptable to the PAP, they have the right to salvage materials without deduction from compensation.

The project will have impact on residential structures which mainly are extension such as walls, verandahs and stores. The structures will be partially affected with the remaining structures viable for continued use. This RAP proposes full cash compensation for the affected structure, cash assistance to cover costs of restoration of the remaining structure and owners given enough time to remove the affected structures.

6.2 HOST COMMUNITIES

The PAPs operating businesses along the sewer line are members of the community and since they live within the community, they use the space for their trading activities due to its being available at no cost to their businesses. In regard to the use of community facilities as by the displaced persons, this does not arise because they are already part of the community and will share in the benefits accruing to the community through the corporate social responsibility.

The community in the area has been consulted and they understand the benefits of the sewer rehabilitation project. They likewise understand the impacts of the infrastructure and are willing to support the project. Majority of the people interviewed at their business premises indicated that they have always lived in the area and they therefore would not be strangers in the community.

6.3 LOCATION OF RESETTLEMENT SITES FOR INFORMAL TRADERS

The selection of resettlement sites shall ensure that the PAPs resume their businesses as soon as possible and they do not lose clientele.

- The PAPs will benefit from relocation assistance to facilitate them re-establish their small businesses, using temporary structures that can easily be moved in case of maintenance activities once the pipelines have been placed without necessarily relocating to new sites to make sure they maintain their clientele.
- This will ensure that the displaced persons do not have to incur extra travel costs to reach their business centres.
- The informal traders keep majority of their local clientele.
- Introduction of the PAPs to the characteristics and appropriate production as well as profitable economic activities.
- Rehabilitation assistance if required (assistance with job placement, skills training). Vulnerable Groups including the poor, sick, the orphaned and women need to be given priority in employment opportunities arising from the project.
- Public information and awareness creation to enlighten the residents on the importance as well as the need for attitudinal change towards the projects impacts.

6.4 INFLUX MANAGEMENT

Resettlement site will likely be located close to project area and thus represent an obvious collection point for job seekers. The proposed project will 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.

Effects from an influx of migrants to the area, anticipated as a public response to perceived economic opportunity, leading to a number of issues including the following:

- Inflation and resulting social tension due to economic disparities
- Increased social pathologies such as crime and prostitution
- Decreased access to existing services and infrastructure

To avoid such circumstances, the Proponent should take a proactive approach and prepare an influx management plan in association with RAPIC. All PAPs will be (have to be) identified and recorded as

early as possible, preferably at project investment identification stage, in order to protect those affected by the project and prevent an influx of illegal encroachers, squatters, and other non-residents who will wish to take advantage of such benefit.

6.5 LIVELIHOOD RESTORATION

As a result of the proposed project and consequent displacement there will be diminishing income and disruptions in livelihoods of project affected persons therefore in addition to providing resettlement and compensation benefit further measures need to be undertaken for income and livelihood restoration some of these will include offering employment on the project affected persons or their proxies on construction work. The PAPs shall be considered also for any activity in the contract they are capable of performing and earn an income. Women and vulnerable groups will be given preference. The RAPIC will monitor and co-ordinate this arrangement. Occupational skills and training will be offered to the project affected persons as part of the income and livelihood restoration.

When these benefits are appropriately exploited, they can assist in ensuring that livelihoods are restored within manageable time and space. Some of the positive impacts include;

6.5.1 Supporting employment opportunities

The project is expected to create 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. Given the levels of poverty these employment opportunities will provide a major positive economic boost to the areas.

6.6 MONEY MANAGEMENT AWARENESS

For most PAPs, the cash compensation they will receive from the project will represent an amount of cash far beyond any that they ever handled before. Experience of similar situations in Africa indicates that most PAPs are particularly vulnerable to crooks and thieves and also to misuse and mismanagement of this sudden influx of cash. Cash may be used on short term spending (particularly alcohol and commercial sex where male household heads are concerned), which will eventually leave the household in its entirety in hardship worse than they experienced before compensation.

Although such problems cannot be avoided entirely, creating better awareness on money management can to a certain extent mitigate them. Any PAP receiving cash compensation will receive a one-day course on money management delivered by an organization with experience in similar matters, with the following objectives:

- How to secure cash,
- How to avoid misuse and mismanagement,
- Household savings and expenditures plan,
- Benefit of having the money in a bank account.

- Budgeting and financial discipline (money used for intended purpose)

7 ORGANIZATIONAL RESPONSIBILITIES AND IMPLEMENTATION ARRANGEMENTS

7.1 RAP IMPLEMENTATION SCHEDULE

The implementation schedule for this RAP covers the periods from the preparation of the RAP to the conclusion of the Kipevu WWTP immediate works and extension project and up-to the completion and the time that the infrastructure will be fully available to full use.

The procedure in the schedule starting from notification of the PAPs before their displacement through compensation and resettlement will be done in phases to synchronize with the various phases of the project. The RAP Implementation schedule defines the duration and timing of the key milestones and tasks. The major component tasks for the schedule include:

- Preparation of RAP
- Consultation and Disclosure of RAP
- Audit of the PAP register and compensation package due to each PAP
- Signing of agreements on compensation packages by PAPs
- Resolving emerging grievances
- Compensation and/or Supplementary assistance
- Notification of PAPs to relocate
- Commencement of project operations
- Monitoring and evaluation, including baseline update

Table 7-1: Implementation Schedule

Activity	Months											
	1	2	3	4	5	6	7	8	9	10	11	12
Preparation of RAP												
Disclosure of the RAP Report												
Audit of the RAP report to verify PAP and compensation details												
Signing of compensation and relocation assistance agreements												
Resolution of conflicts and Grievances												

Payment of compensation to PAPs and facilitation of relocation												
Issuance of notices for relocation												
Commencement of works												
Monitoring of the resettlement activities												

The implementation of the RAP seeks to minimize the resettlement and resultant impacts and calls for collaboration from all the stakeholders. This would therefore require a properly constituted structure for the administration of the same. The proposed rehabilitation of Sewer system project have some positive/negative effects especially to those who will be displaced from right of way through loss of business. Hence there is a need to compensate them for the loss of structures and businesses.

This RAP report sets out a broad outline framework for compensation and indicative budgets to facilitate forward planning and the execution of a detailed RAP process. CWSB is therefore expected to institute the process before commencement of the project.

7.2 ORGANIZATION STRUCTURE

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 resettlement and compensation of affected people for the loss of their informal businesses.

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 with procedures to be followed along with the support facilities available and a timeframe for implementation of each of the activities.

The table below shows the various institutions and their role in the implementation of the RAP.

Institution	Role	Capacity
Ministry of Water and Irrigation (MOWI)	Will be an overall implementing agency. Central agency responsible for holding all information on the RAP. Mobilization of financial resources from Government/ County Governments for resettlement and compensation purposes of the approved RAP.	Capacity Exists
County Government of	Has the responsibility of planning and enforce policies to	Financial capacity is

Mombasa	discourage encroachments on the sewer line	lacking.
Coast Water Services Board (CWSB)	<p>Responsible for day to day coordination and implementation of the RAP.</p> <p>Ensure that the procedures and requirement of Kenya laws are enforced.</p> <p>Review the RAP to ensure that all procedures have been adhered to and there is consistency in approach between subprojects.</p> <p>Oversee the implementation of the RAP.</p> <p>Oversee the formation of Resettlement Committees (RCs)</p>	Need capacity
Kenya Urban Roads Authority	In charge of the management of urban roads. It will be responsible for approving construction of sewer line in points it is impacting on roads.	Capacity exists
Mombasa Water and Sewerage Company (MOWASCO)	The company is responsible for the provision of water and sewerage services within the area specified in the licensed and the development of county assets for water service provision.. It will run the project upon completion	Capacity exists
KPLC	Responsible for relocating electricity transmission lines from the proposed sewer line	Capacity exists. Will provide cost.
National Environment Management Authority (NEMA)	Approving and issuing EIA licenses for projects which have addressed environmental and social impacts	Capacity exists. Costs of license provided in different document
Ministry of Finance	Provision of counterpart funding – part of which is used to settle compensation claims by PAPs	Capacity exists and funds will be made available.
Sub-County Resettlement and Compensation Committees (SCRCC)	<p>Ensure effective flow of information between NLC and PAPs</p> <p>Coordinate Locational Resettlement and Compensation Committees (LRCCs), validate inventories of PAPs and affected assets; monitor the disbursement of compensation funds; guide and monitor the implementation of relocation</p> <p>Coordinate activities between the various organizations involved in relocation; facilitate grievance and conflict resolution; and provide support and assistance to vulnerable groups.</p> <p>Conducting extensive public awareness and consultations with the affected people so that they can air their</p>	Lacks Capacity

	<p>concerns, interests and grievances.</p> <p>Resolve disputes that may arise relating to resettlement process. If it is unable to resolve any such problems, will channel them through the appropriate formal grievance procedures laid out in this RAP.</p> <p>Assist with the livelihood restoration</p>	
Locational Resettlement and Compensation Committee (LRCC)	<p>Conduct extensive public awareness and consultations with the affected people.</p> <p>Help ensure that local concerns raised by PAPs as regards resettlement and compensation among others are promptly addressed by relevant authorities.</p> <p>Assist the effective working of RAP consultants in preparation and validation of the RAP</p> <p>Resolve manageable disputes that may arise relating to resettlement and compensation process. If it is unable to resolve, help refer such grievances to the SCRCC.</p> <p>Ensure that the concerns of vulnerable persons such as the disabled, widowed women, orphaned children affected by the project are addressed and included in the RAP.</p>	Lacks Capacity
Water Resource Management Authority (WRMA)	Defining and management of the water resources and riparian land.	Capacity exist
National Land Commission (NLC)	Manage public land for the national and county governments	Capacity exist

Table 7-2: Institutional Roles in RAP Implementation

7.3 LOCAL RAP IMPLEMENTATION COMMITTEE (RAPIC)

Effective implementation of the RAP will require an implementation committee. RAP Implementation Committee (RAPIC) 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.

This committee shall have representatives from:

- The Local Administration;
- Community Leaders;
- Women representative;
- PAP representative;

- County Government;
- Mombasa Water and Sewerage Company (MOWASCO); and
- CWSB.

The committee shall carry out its deliberations at the nearest county Headquarters where most Government Offices are located namely Mombasa Island.

The RAPIC shall have the responsibility of implementing and managing the Resettlement Plan, coordinating the resettlement activities and providing technical support. Project implementation support will be provided by various agencies at the National, County and Village levels. These shall include government representatives from Ministry of Water, Ministry of Public Health and Sanitation, Ministry of Devolution and Planning, Ministry of Land, Housing and Urban Development, County Government, local administrative officers, local community leaders and proponent's representatives.

The committee's roles will include resettlement and compensation, ensuring promotion to address grievances and ensuring continuous communication between the PAPs and other stakeholders.

7.3.1 Responsibilities of the Local RAP Implementation Committee (RAPIC)

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 business ownership for compensation purposes
- Resettlement and compensation on the ground
- Linking the PAPs to other stakeholders
- Create awareness on resettlement options and identify alternative markets or sites for relocation;
- Facilitate coordination of all stakeholders through-out the project period
- 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;
- Compute the Actual number of persons to be resettled;
- Conduct resettlement and monitor progress of resettled persons.

7.4 CAPACITY/ RESPONSIBILITY OF CWSB RESETTLEMENT UNIT (CRU)

The CRU will be responsible 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 Committee (PC)
- Accept financial responsibility for payment or compensation and other designated resettlement related costs.
- Ensure detailed valuation of 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 are satisfactorily implemented.
- Oversee the implementation of the RAP.

8 PARTICIPATION AND CONSULTATION

8.1 COMMUNITY CONSULTATION

The consultations were aimed at identifying the best ways to mitigate the impacts the project is likely to have. The Consultants were very consistent with this approach to ensure that all stakeholders are adequately briefed about the project and their suggestions and inputs are included in the project. This approach will further strengthen the sustainability of the project.

In each area, the consultants and the valuation experts conducted open forums with the PAPs to inform them about the project and the need for some of them to either shift or get relocated away from the right of way.

Community consultation was undertaken with the affected communities. The outcome of the community consultation undertaken indicated that initially, the PAPs did not know about the project but were however made aware of the project during the consultation. The community will be continuously consulted and involved in the implementation of the project.

Generally, the community consultation process will be on a continuous basis throughout all the project phases to enhance community ownership and support to the project.

Community consultations involved the local administration and were undertaken through public meetings/ barazas, questionnaire administration, oral interviews, and stakeholder workshops.

During these consultations, PAPs were informed of the results of the survey findings and plans for the area. Consultation and grievance redress will be an ongoing process.

The stakeholders were identified and consulted with the objective of establishing the existing socio-economic conditions within the proposed project area of influence and the immediate surroundings.

During consultation meetings, the PAPs recognized that the sewer rehabilitation project would have impacts and were willing to remove the structures and crops to pave way for the project. They recognize the benefits that the project will have on their communities.

During the discussions, the PAPs raised questions and provided comments concerning compensation option and types of compensation they expected. They were also concerned about the project timelines and the period they would be granted to relocate after compensation

The census survey and consultations was done in the month of December 2016. The affected communities were engaged in discussions regarding the proposed project at their business sites and later invited to attend Public Consultation Meetings to further discuss project impacts, possible mitigation measures and project alternatives including relocation and resettlement.

8.2 INTERVIEWS, DISCUSSIONS & PUBLIC CONSULTATION MEETINGS

The Consultant Team together with the Local Chief visited the affected businesses. A total of 93 PAPs were identified.

Eight Public consultation meetings were organized and held during the ESIA and RAP Study.



Figure 8-1- Public Consultation meeting held at Jomvu screw pump station compound



Figure 8-2- Public consultative meeting held at Miritini pump station camp

Minutes of stakeholder workshops are appended (appendix 3).

8.3 RESULTS AND RECOMMENDATIONS

All the stakeholders supported the Sewerage project citing improved system will increase the value of their land and housing.

Positive Economic and Social Impacts:

- Generation of employment during construction
- Appreciation of land in the neighborhood
- Improved health status
- Clean environment

Negative Economic and Social impacts:

- Displacement of Informal Businesses
- Population during construction works.

Minutes of the Stakeholder Workshop Meetings/Public Barazas are included in appendix 4.

A checklist of the information collected from each public consultation meeting guided the collection of data throughout the field exercise. The data was analyzed at the end of the fieldwork.

A number of formal stakeholders were met during the process as presented in the table below:

Table 8-1: List of stakeholders met during the RAP development process

NAME	DESIGNATION	INSTITUTION
1) Mr. John Mwaburi	Operations Manager Waste water	Mombasa water and sewerage company (MOWASCO)
2) Mr. Jared Mjomba	Technical Officer-Waste water	Mombasa water and sewerage company (MOWASCO)-West Mainland
3) Mr. Alphonse Okoth	Technical Manager	Kipevu waste water treatment plant and pump stations (MOWASCO)
4) Mr. William Opiyo	Environment officer- EIA	NEMA- Mombasa County
5) Mr. Nasoro Bakari	County director of water	Mombasa County Government
6) Mr. Mohammed Bilafif	County director of	Mombasa County Government

	Environment	
7) Mrs. Ima Matano Mzee	Chief	Mikindani
8) Mr. Fredrick Shuma Momachi	Chief	Chaani
9) Mr .Hussein Matano Kombo	Chief	Miritini & Jomvu
10) Mr. Robert Ojwang'	Engineer	Coast Water Services Board (CWSB)

8.4 COMMUNICATION AND DISCLOSURE

In an effort to disseminate information to affected populations and stakeholders, information should be translated into Swahili and broadcast through media that are accessible to literate and non-literate individuals alike (radio, mobile phones, broadcasting, newspapers, leaflets, door-to-door canvassing and public meetings (barazas)) in addition to community liaisons. A summary of the RAP and an illustrated resettlement booklet providing details on eligibility rates of compensation and other entitlements plus a timetable for implementation and the grievance procedures should be prepared in Swahili as well as English for distribution to accessible points within the project area. Special efforts should be made to reach vulnerable groups lacking access to public media and information exchange.

9 GRIEVANCES REDRESS MECHANISMS

9.1 INTRODUCTION

The proposed project will infringe on peoples' right to property and/or livelihood and readjustment to new life conditions as such the resettlement process is bound to elicit grievances from the PAPs or from other interested parties. It is therefore imperative to have a workable grievance redress mechanism to take care of any such disputes arising from the resettlement so that they do not have an adverse effect on the project. This chapter briefly outlines a mechanism for settling the anticipated disputes.

9.2 POSSIBLE SOURCES OF GRIEVANCES

Some of the issues that may elicit disputes in the resettlement process include:

- Failure to understand the essence of the project and the need for the proposed resettlement
- Clerical errors in data entry that leads to delays in processing of compensation for the PAP
- 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 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 relocation of graves or payment for compensation in a polygamous marriage

9.3 COMMITTEES INVOLVED IN THE GRIEVANCE REDRESS PROCESS AND THE MANAGEMENT PROCESS

9.3.1 Sub-County Resettlement and Compensation Committee (SCRCC)

The SCRCC will be in charge of administration of the grievance procedure at the project level.

The SCRCC will be established at the Sub-County level. The SCRCC will be made up of:

- Representative of NLC, as the chair of SCRCC to grant legitimacy to the resettlement process and ensure that legal procedures as outlined in Land Act 2012 and World Bank policies are adhered to.
- Representatives of CWSB and MOWASCO

- The County administration representative, which will provide the much needed community mobilization, and political support to the project and to the process of resettlement
- Sub-County Land Survey Officer
- The Sub-County Gender and Social Development Officer
- The Sub-County Lands Registrar Office
- Two PAP representative from Location Resettlement Committee – act as voice for the PAPs
- NGOs and CBOs locally active in relevant fields to ensure effectiveness, fairness, just compensation, and transparent process in the whole acquisition process.

9.3.2 Locational Resettlement and Compensation Committees (LRCCs)

These committees will be based in each administrative location. It will be established by SCRCC through PAPs consultative meetings chaired by a representative of implementing agency (CWSB). The locational chief will be co-opted in the committee as is the government local representative at the location. The LRCC will act as the voice of the PAPs and will work under guidance and coordination of SCRCC in handling PAPs' grievances. The LRCC will be meeting in the local chief's office and will be made up of:

- The locational Chief, who is the Government administrative representative at the locational unit and who deals with community disputes will represent the Government in LRCC
- Assistant Chiefs, who support the locational Chief and Government in managing local community disputes in village units
- Female PAP, elected by women PAPs, will represent women and children related issues as regards resettlement and compensations
- Youth representative, elected by youths, will represent youth related concerns in the LRCCs
- Vulnerable persons representative, will deal and represent vulnerable persons issues in the LRCC.
- Business representative, will represent business people concerns in LRCC

- CBO representatives

9.3.3 The Grievance Management Process

The overall process of grievance management will be as follows:-

- (i) During the initial stages of the valuation process, the affected persons will be given copies of grievance procedures as a guide on how to handle the grievances. This will include who to contact (a phone number, address and location, time) as well as type of grievances they can refer to this committee. These procedures will be made available at the Chief's office where they can be distributed to the PAPs.
- (ii) The process of grievance redress will start with registration of the grievances to be addressed for reference at the locational level through LRCC. In all instances, records will be kept to enable progress updates of the cases.
- (iii) Traditional local mechanisms will be used and will include local leaders and the affected persons trying to find a solution with the concerned parties.
- (iv) In cases where a solution cannot be found at the locational or LRCC level reference will be made to the SCRCC.
- (v) These will ensure transparency, fairness, consensus building across cases, eliminate nuisance claims and satisfy legitimate claimants at low cost.
- (vi) The response time will depend on the issue to be addressed but all measures will be put in place to ensure efficiency,
- (vii) Once the grievance is addressed and agreement reached, the compensation will be paid to the PAPs.

9.4 GRIEVANCE REDRESS PROCEDURE

The Grievance redress will be the functions of the LRCC and SCRCC committees. All the grievances will be channeled to the Locational Resettlement and Compensation Committee. A grievance log will be established by SCRCC and copies of the records kept by both LRCC and SCRCC to be used for monitoring of complaints.

The grievance redress mechanisms are 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 law courts for resolution which would otherwise take a

considerably longer time. If LRCC cannot adequately address the grievance, then reference will be made to SCRCC who shall strive to address the grievances raised.

If a complaint pattern emerges, the implementing agencies which are CWSB and MOWASCO, SCRCC, and LRCC will discuss possible remedial measures. The above institutions will be required to give advice concerning the need for revisions of procedures. Once they agree on necessary and appropriate changes, then a written description of the changed process will be made. CWSB, MOWASCO, SCRCCs, LRCCs and the local leaders will be responsible for communicating any changes to future potential PAPs when the consultation process with them begins.

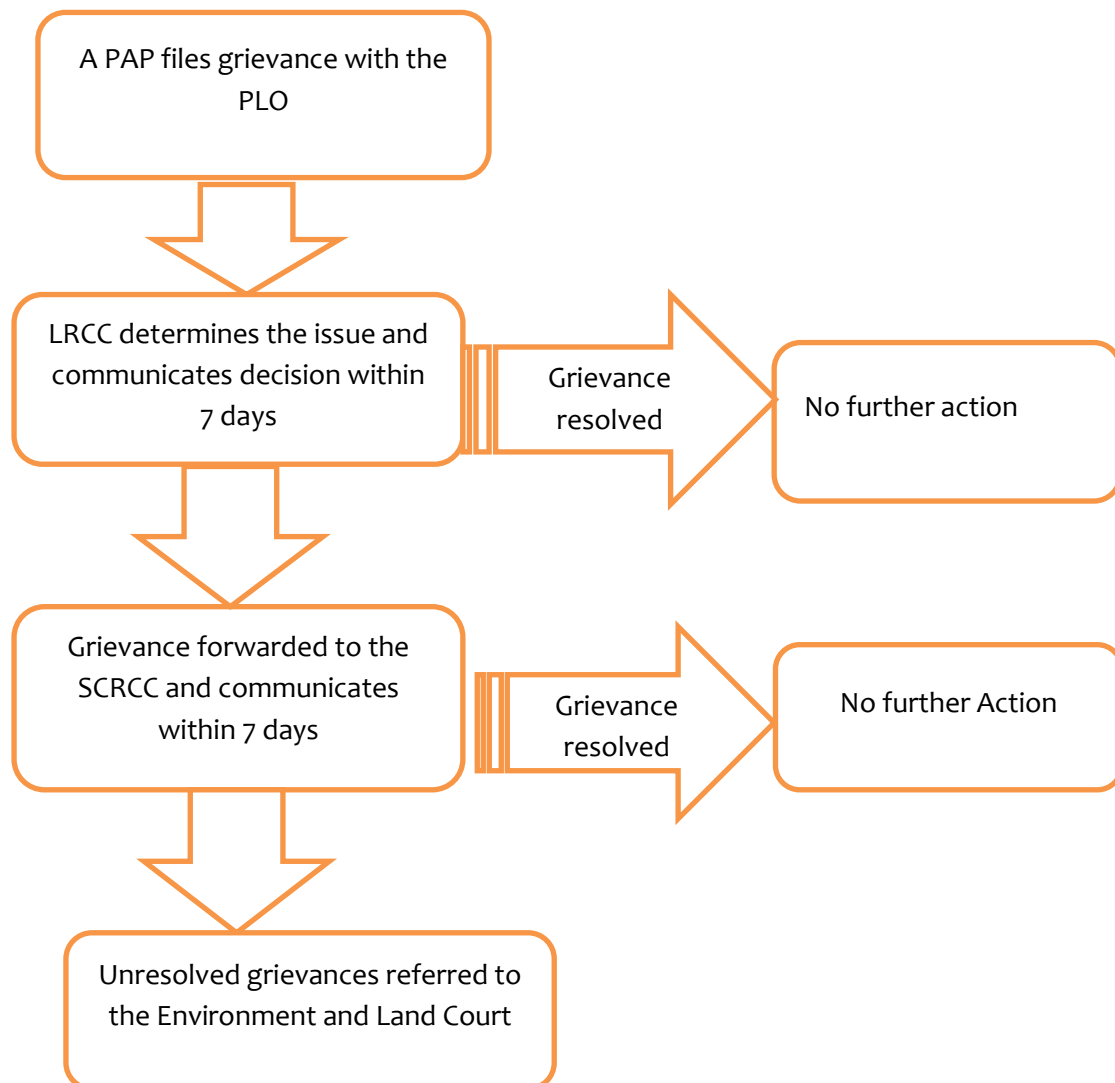
The procedure for managing grievances under will be as follows:

- (i) The affected person will file his/ her grievance, relating to any issue associated with the resettlement process or compensation, in writing to the LRCC, through a complaints box placed at the local chief's office or physically to a member of the LRCC. The grievance note should be signed and dated by the aggrieved person. A selected member of the Committee will act as the Project Liaison Officer (PLO) who will be the direct liaison with PAPs.
- (ii) The PLO will be working in collaboration with the other LRCCs and SCRCC, and will be a member an independent NGO in the locality to ensure transparency and fairness in the process grievance address. Where the affected person is unable to write, the PLO will write the note on the aggrieved person's behalf. Any informal grievances will also be documented by the Project Liaison officer. The note should be embossed with aggrieved person's signature or thumbprint. A sample grievance form is provided in table 10-1 below. A copy of this completed form should be submitted by the Project Liaison Officer to SCRCC.

The Project Liaison officer will ensure that each complaint has an individual reference number, and is appropriately tracked and recorded actions are completed. This will be done via a grievance log which will also contain a record of the person responsible for an individual complaint, and records dates for the following events:

- (i) Date the complaint was reported;
- (ii) Date the grievance log was uploaded onto the project database;
- (iii) Date information on proposed corrective action sent to complainant (if appropriate);
- (iv) The date the complaint was closed out; and
- (v) Date response was sent to complainant.
- (vi) Nature and type of grievances being raised

The entire grievance redress procedure can be summarized in the figure below



- **Failure to Resolve Disputes**

If the Grievance Redress Sub-Committee fails to resolve the disputes with the PAPs, an independent third party will be sought so as to resolve the issue. This party may be an arbitrator. If the matter is still not resolved, the aggrieved parties may move to court to settle the matter. However all legal fees for each party must be met by the party members.

Table 9-1: Table Showing a Sample Grievance Form

RAP Reference No.	
Contact Information Please mark how you wish to be contacted (mail, telephone, e-mail)	Address: Telephone: - Email: -
Preferred Language for Communication (Please mark how you wish to be contacted)	English Kiswahili
National Identity Number	
Description of Incident or Grievance: What happened? Where did it happen? Who did it happen to? What is the result of the problem	
Date of Incident/ Grievance	
	One time incident/ grievance (date-----) Happened more than once (How many times-----) Ongoing (Currently experiencing problem.....)
What would you like see happen to resolve the problem?	

Signature: Date:

Please return this form to: RAP COMMITTEE

In addition, there will be a follow up form to ensure that the grievances have been resolved as shown in the table below:

Table 9-2: Sample of a Grievance Resolution Form

Sample Grievance and Resolution Form

Name (Filer of Complaint): _____

ID Number: _____ (PAPs ID number)

Contact Information: _____ (Village; mobile phone)

Nature of Grievance or Complaint:

<u>Date</u>	<u>Individuals Contacted</u>	<u>Summary of Discussion</u>
_____	_____	_____

Signature _____ Date: _____

Signed (Filer of Complaint): _____
 Name of Person Filing Complaint : _____ (if different from Filer)

Position or Relationship to Filer: _____

Review/Resolution

Date of Conciliation Session: _____

Was Filer Present? : Yes No
 Was field verification of complaint conducted? Yes No

Findings of field investigation:

Summary of Conciliation Session

Discussion: _____

Issues _____ -

Was agreement reached on the issues? Yes No

If agreement was reached, detail the agreement below:

If agreement was not reached, specify the points of disagreement below:

Signed (Conciliator): _____ Signed (Filer): _____

Signed: _____ Date: _____

There will also be records of the complaints within the engineer's office for easy reference to the matters. A sample is shown in the table below:

Table 9-3: Complaints record log

Name of complainant, I.D No. and Telephone	Date received	Source/type of complain	Action taken	Date of action

10 MONITORING AND SUPERVISION

10.1 INTERNAL MONITORING

The proponent will conduct regular internal monitoring of the resettlement performance of the operation through the Resettlement Action Implementation Team which will be responsible for implementing resettlement and compensation activities and monitor its efficiency.

The objective of internal monitoring and supervision will be:

- To verify that the valuation of assets lost or damaged, and the provision of compensation, resettlement and other rehabilitation entitlements, has been carried out in accordance with the resettlement policies provided by the Government of Kenya and the World Bank.
- To oversee that the RAP is implemented as designed and approved;
- To verify that funds for implementation of the RAP are provided by the Project authorities in a timely manner and in amounts sufficient for their purposes and that such funds are used in accordance with the provisions of the RAP.

The PAP Committee should be charged with the task of monitoring and evaluation of the PAPs since they would be familiar with the various variables in the project area. It will therefore be enlisted to continue the post project evaluation system and conduct actual monitoring and reporting. The PAP committee will periodically provide the Proponent with collected data for report preparation.

10.2 RESPONSIBILITY OF THE PAP COMMITTEE

The PAP Committee shall be charged with the task of monitoring and evaluation of the PAPs and resettlement since they would be familiar with the various variables in the project area.

It will therefore be enlisted to continue the post project evaluation system and conduct actual monitoring and reporting. The PAP committee will periodically provide the Proponent with collected data for report preparation.

10.3 PERFORMANCE MONITORING

Successful project management requires the ongoing monitoring of performance in order to generate data by which to judge the success or otherwise of the project. The data generated shall relate to the indicators to be monitored. It can be qualitative or quantitative in nature depending on the parameter being monitored. The data will be collected on a regular basis and accumulated. It will then be analyzed and presented appropriately.

10.4 IMPACT MONITORING

The project will generate both positive and negative impacts. Social monitoring is envisioned as an important process in the implementation of RAP. The monitoring programme will reveal changes and trends brought about by the presence and operations of the project. Such information will be useful in the formulation of sustainable project management and operation strategies.

The basic activities for a sound-monitoring programme for the Waste water project once it starts operating should at least include the following parameters:

- Quality of life of the resettled persons;
- Change in health trends of persons in the project area;
- Identification of unexpected environmental impacts.

10.4.1 Monitoring and Evaluation Indicators

The main internal indicators that will be monitored regularly:

- That the CWSB 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 the RAP;
- Public information and public consultation and grievance procedures are followed as described in the RAP;
- Resettlement and payment of subsistence and shifting allowances are made in a timely manner;
- Restoration of affected public facilities and infrastructure are completed prior to construction.

Main external indicators that will be monitored are presented in the Table 10.1

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Table 10-1: Monitoring and Evaluation Indicators

Process Indicator	Project Input; Public participation; and Monitoring	<ul style="list-style-type: none"> • Setting up of RAP Implementation Committee; • Start and progress disclosure and consultative events • Formation of Grievance Resolution Committee; • Monitoring reports.
Output Indicators	Delivery of entitlements; Relocation and rehabilitation	<ul style="list-style-type: none"> • Number of PAPs' assets affected; • Number of PAPs compensated and assisted; • Amount of compensation disbursed.
Impact Indicators	Long term impacts	<ul style="list-style-type: none"> • Changes in land values and plot ownership • Changes in the quality of life of the residents and the vulnerable groups

10.4.2 Agency Responsibilities

The proponent will hire an organization for the independent monitoring and evaluation of RAP implementation. The organization, to be called the Independent Monitoring Agency (IMA) will be specialized in social sciences and experienced in resettlement monitoring.

The IMA should start its work as soon as the final detailed RAP has been approved by WB.

10.4.3 Methodology of Monitoring and Evaluation

The Monitoring & Evaluation advisors will use the baseline information that has been collected and that has been included in this RAP Report and would hence be in a position to note changes that may have occurred before and after resettlement.

The basis of comparison could be qualitative, although a quantitative measure could also be developed based on per capita maintenance costs. The choice of the relocation site would depend on the PAPs.

The socio-economic indicators that will be monitored regularly include the following:

- Entitlements according to CWSB's approved policy and the assessments are carried out according to the agreed procedures.
- Public information, public consultation and grievance procedures are followed as elaborated in the RAP Report.
- Payment of compensation to the PAPs is done according to the level of compensation as elaborated in the RAP Report
- There is timely compensation payment to the PAPs
- The affected facilities like trees and other infrastructure like Power lines and billboards are restored

10.4.4 Sample Socioeconomic Survey

The sample socio-economic survey comprised of a detailed census/inventories with affected informal businesses as well as formal and semi-formal discussions with sample focus groups. A comprehensive questionnaire for household data collection will be developed. The questionnaire will capture the following information:

- Household Bio data (Demographic information)
- Sources of income
- Level of education
- Infrastructure inventories including commercial properties and social services infrastructure.

10.4.5 Database Management and Storage

The proponent will prepare and maintain a well-organized database of all project information in both hard and soft form. The information should be backed up in the safe to ensure continuity in the event of loss of the master files. This database will require updating when new project information is obtained, analyzed and new reports generated.

10.4.6 Reporting

After monitoring and evaluation, reports will be generated. Reporting stage will follow the analyzing of information. The report will be in written form and will be made into PowerPoint presentation. These reports will be put on the proponent website for access by interested and affected parties.

10.4.7 Evaluation Method of Monitoring Results

Evaluation of monitoring results may use either quantitative or qualitative methods, or a mix of the two. As a starting point it will be useful to consider the various sources and type of data to be evaluated then choose an appropriate method.

Numerical data which includes the number of PAPs and structures will be analyzed using quantitative methods while qualitative data which include the quality of life before and after resettlement will be analyzed using qualitative methods.

11 RAP COSTS AND BUDGETS

11.1 COST OF AFFECTED PROPERTY AND RESETTLEMENT

The cost of compensation for structures, businesses, fences and trees is estimated at Kshs 12,918,550. broken down as follows:

Table 11-1: Estimated Valuation of Property along the proposed project

Impact		Valuation Cost (Kshs)
Structures	On private land	-
	On sewer wayleave	10,062,000
Trees		6,000.00
Loss of business profit (for two months)		680,000
Fences		529,000
Sub total		11,277,000
15 % disturbance allowance		1,691,550
Sub-Total 1		12,918,550
Cost of Monitoring & Evaluation		10,000,000.00
Subtotal 2		22,918,550
Contingency (15%)		3,437,782.50
Sub-Total 2		26,356,332.50
Inflation (20%)		5,271,266.55
Grand Total		31,627,599

11.2 FLOW OF FUNDS

It will be the responsibility of CWSB to channel the funds for the resettlement to the RAP Implementation Committee (RAPIC) who will be responsible for its payment directly to affected persons with respect to the structures and business and any allowances. CWSB will also be responsible for contracting an independent institution to undertake the independent monitoring to evaluate how the compensation process is being carried out and measure its success or otherwise.

12 CONCLUSIONS AND RECOMMENDATIONS

12.1 CONCLUSIONS

The rehabilitation of Kipevu WWTP immediate works and extension is a viable project that will benefit the Mombasa West Mainland and its environs by improving the sewerage connection coverage.

The proposed project will create displacement of informal businesses located on the wayleave, loss of livelihood and some interference with resources and sensitive receptors during construction, however the benefits are enormous. Where displacement or impact is unavoidable, appropriate mitigation measures can be put in place to reduce to a minimum or eliminate any undesirable effects of the project.

12.2 RECOMMENDATIONS

1. CWSB should ensure that all affected persons are consulted and resettlement/compensation options offered to them in good time. The PAPs should be appropriately assisted to resettle and compensated in a timely manner. The identification and acquisition of space for resettlement should be done with due consideration of the wishes of the affected persons.
2. The project affected persons who will be displaced or relocated, should be informed in good time (given approximately 2 months to prepare them for relocation) and modalities of conducting resettlement counseling put in place.
3. It is therefore recommended that CWSB carries out compensation of any structures that may be demolished during project implementation.
4. Displacement as opposed to relocation will be in conformity with the desires of the local population and will also reduce compensation costs.

13 REFERENCES

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PICTORIAL SUMMARY

Figure 13-1: Mkupe (Mikindani) Consultative meeting held on 11th December 2016



Figure 13-2 Chaani (Chaani social hall) Consultative meeting held on 11th December 2016





Figure 13-3 Miritini (Miritini pump station) Consultative meeting held on 12th December 2016



Figure 13-4: Jomvu (Screw pump compound) Consultative meeting held on 12th December 2016

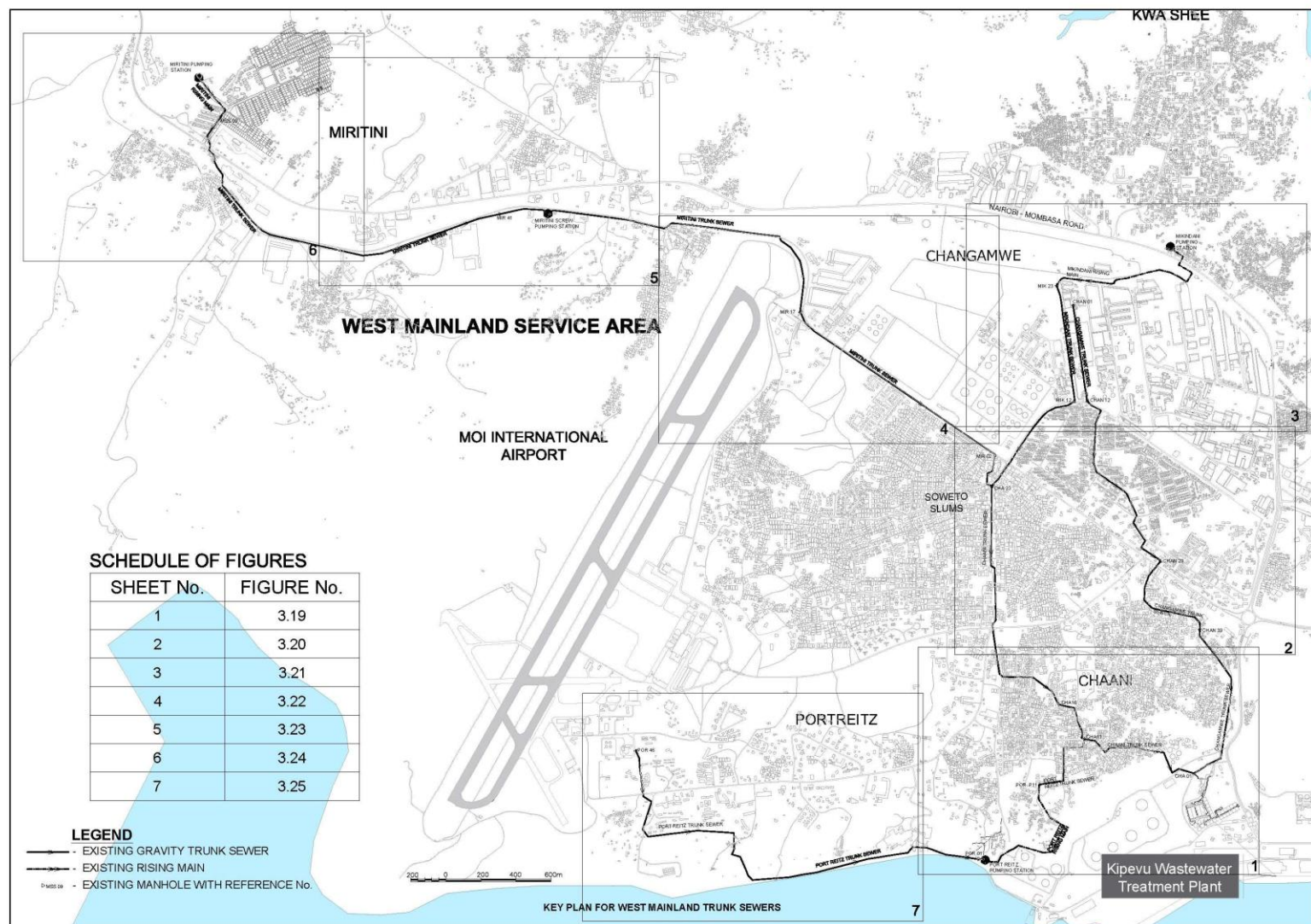
14 APPENDICES

Appendix 1: Project Location Map

Appendix 2: Entitlement matrix

Appendix 3: Minutes of Stakeholder meetings/Workshops

14.1 APPENDIX 1: PROJECT LOCATION MAP



14.2 APPENDIX 2: ENTITLEMENT MATRIX

MINUTES OF PUBLIC STAKEHOLDER MEETING HELD ON 11TH DECEMBER 2016 FROM 02:00 HRS AT MKUPE-MIKINDANI PUMPING STATION PREMISES.

PRESENT: All members who attended the meeting are annexed to these minutes.

The meeting was called to order by the area chief at 02:00pm and prayers were conducted by Rashid Juma.

Minute	Deliberation	Action By
1.	Introduction of Consultant's Team	
2.	The area chief –Ima Matano Mzee introduced the stakeholders and the consultant team that was present and gave a short brief of the purpose of the meeting.	
	Opening Remarks	
3.	Elijah Kimani gave opening remarks on the project and requested questions to be directed to the consultant members present. He also emphasized on the importance of community participation and encouraged the participants to be free and open as their input was very valuable.	
4.	Outline of the RAP process	
	Elijah Kimani briefed the stakeholders on the RAP process; history/background of the project; what necessitated the proposed works, the follow-up process of RAP process and the measures put in place for the smooth transition of the process.	
	Presentation of the proposed project to the stakeholders	
5.	Elijah Kimani explained the existing main sewer system of the area and the problems that had been identified in the trunk system and also in the pumping stations in the west mainland. He also outlined articulately on the proposed works that intended to fix the existing problems. He then encouraged the participants to give their comments, opinions and views on the proposed works.	
	Question & Answer session	
	Q1: Anderson Were from Bangladesh settlement asked	
	a. <i>Some projects take long to be implemented, how long will this take to start?</i>	
	A: Elijah Kimani stated that the project works are stated to be 'immediate' because they are urgent works hence they will not take long. He further said that the project works are intended to start by March 2016.	

Minute	Deliberation	Action By
	<p>Q2: Paul Simba from Bangaldesh village asked</p> <p><i>a. What impact will the project have on them?</i></p> <p>A: Elijah Kimani responded to this and stated that the project had put all necessary measures to cushion the community on the negative impact of the project. A comprehensive EIA report was conducted and its recommendations will be followed to the letter to ensure their safety and the preservation of their environment.</p> <p>A: Joy Wasirimba also added that the project will impact those who are on the trunk sewer lines or just next to the line. What obstructs the works to the sewer system will be removed. Their infrastructure will be affected but they will be fairly and justly compensated.</p> <p>Comment 1: Halima Wanje from Mkupe Darajani Village commented</p> <p>The Mikindani pumping station has not been operational for a long time and raw sewage is passing by people's houses. A bridge used by the community where the sewage has been passing through has caused the bridge to rust and be dangerous to all. However small works have been done to rehabilitate it but they will not hold for a long time because of the passing sewer. He encouraged the consultants to be hasty with the start of the project to avoid accidents there.</p> <p>There are also houses of community members falling down and people being injures especially during the rainy season as a result of the galleys created by the raw sewage passing down their houses. They should be included in the compensation list.</p> <p>A: Elijah Kimani assured her that the project intends to bring minimal damages to the environment and the community at large and all to be affected will be compensated.</p> <p>Comment 2: Juma Abdallah from Mkupe commented</p> <p>The raw soil erosion caused by the passing raw sewage has caused massive soil erosion and deep galleys which cause accidents to people. He suggested that the contractors pay key considerations to these environmental hazards and restore the environment back.</p> <p>A: Joy Wasirimba replied and stated that the project would take into consideration the restoration of the environment caused by the damages of the raw sewer passing through surface run off pass ways.</p> <p>Comment 3: Karisa Kombe who is a community leader-Mkupe commented:</p>	

Minute	Deliberation	Action By
	<p><i>He is very satisfied with everything that has been planned and he is very happy that the community has been involved. He also emphasized that the community should be given first priority during implementation on the works to be done.</i></p> <p>A: Area chief also assured him that he will personally make that follow up with the contractor.</p> <p><u>AOB</u></p> <ol style="list-style-type: none"> 1. The area chief cautioned the community members against conmen who Purport to come and extort money from unsuspecting villagers in the hope that they will be compensated. They should only trust reliable information given to them by her and other government officials during public meetings. 2. Area chief requested all people who attended the meeting to issue truthful reports to their fellow community members and spread the word on the project on matters discussed and not issue negative reports to spark controversy. <p>The meeting adjourned at 02:30pm with a word of prayer from the area pastor.</p>	

Minutes confirmed and signed off by;**Confirmed by****Date 15/12/2016**

.....

.....

Signed off by**Date 15/12/2016**

.....

.....

List of participants

STAKEHOLDERS BARAZA HELD ON 11/12/2016 AT						
MUKUPE VILLAGE FROM 2:30 PM.						
	NAME	VILLAGE	ID NUMBER	MOBILE NO.	SIGNATURE	
1	Sarah Oduori	Birikani	26046554	0717763911		
2	DESMOND OKINGA	MUKINDANI	25480846	0708508890		
3	BONFACE MULI	MUKINDANI	13455226	0700388637		
4	KEVIN VICTOR	MUKUPE	22326547	0796981885		
5	JUMA ABDALLAH	MUKUPE	27625141	0717217814		
6	GIBRAN KITEGUTI	MUKUPE	13823645	0727455296		
7	PHILIP KASAH	MUKUPE	5385496	0712768805		
8	MURANDI MUMBA	MUKUPE	29482503	0795496226		
9	CHARO KENGA	MUKUPE	9965758	0729645229		
10	PETERSON OSARIO	MUKUPE	11553996	0700346657		
11	SAIDI KARISA	MUKUPE	22608037	0796670671		
12	BERNARD AMISI	MUKUPE	31315953	0716762521		
13	EMALYNE AUMA	MUKUPE	79469301	0796691774		
14	MAURICE OROCH	MUKUPE	26133422	0710564982		
15	ABDULLAH BAYU	MUKUPE	14435849	0788866780		
16	HAMUS BAYU	MUKUPE	29071581	0704577321		
17	JOSEPH BU HAMUSI	MUKUPE	1466058	0700880675		
18	DOREEN HAMWANDO	MUKUPE	21476463	0700335667		
19	MONICA ADHIAMBO	MUKUPE		0706590296		
20	MULI MWANGANGI	MUKUPE	13780414	0718515672		
21	BERNARD W. TUNGU	MUKUPE	22607400	0725282107		
22	DAVID M. MUSEMBI	MUKUPE	14616600	0712019376		
23	PHILOMENA MUNGOKI	MUKUPE	11276693	0713009148		
24	ELIZABETH SEBASTIAN	MUKUPE	27800157	0717628362		
25	BEATRICE LONGO	MUKUPE	20412689	0726052552		
26	MILCAH JUMA	MUKUPE	27266635	0701948233		
27	KADZO KAZUNGU	MUKUPE		0727946765		
28	TATU MWAMBI	MUKUPE				
29	NZINGO KAVALA	MUKUPE	20258513	07077923104		
30	RUTH BAYA	MUKUPE	25274562	0711271010		
31	TIMOTHY M. KOLUMBE	MUKUPE	29682275	0726361145		
32	VINCENT OCHONY	MUKUPE	31117511	0792220520		

	NAME	VILLAGE	ID NUMBER	MOBILE NO	SIGNATURE
31	ATUB CHARLES	Mkufe	12896535	0726088353	J
32	DAVID OTIENO	Mkufe	2001663	07215788	Chul
33	MWAMBI CHARLES	MUKUMBE			mw
34	Amos Mikiue	Mkufe	9582658	07185335	Ofah
35	JAMES ADMA		12685012	07167116	
36	BRANOS KARIUKI	Mkufe	20982473	07255179	Bu
37	DENNIS OTIENO	Mkufe	26031820	072090403	D
38	IZIRAL MUMBA	Mkufe	5463164	0705861295	
39	Pawn in Jimba	Mkufe	2258150	0707048004	Bu
40	Were Anderson Pall	A11	8291210	07288881	A
41	NANCY WAMBUI	Mkufe	11222324	0721869891	Nu
42	Grace Mokeira Ombugri	Mkufe	2482357	0713	
43	TATU MWAMBI	Mkufe		0724024931	
44	JUMWA KAZUNGU	Mkufe			
45	Magdalene Kamanya	Mkufe		079177022	
46	DAMA HAMIS	Mkufe		07061580	DA
47	MWENDA HAMIS	Mkufe	22697209	07061580	M.H
48	JAMES Ngang	Mkufe		0710164840	Ju
49	BEATRICE ANYANGO Odior	Mkufe	9613463	0700213112	BE
50	Florence were	Mkufe		0491941851	Pu
51	Stephen Othemi Kamau	Mkufe	10544418	07007484	
52	Julius NZOKA	Mkufe	2348246	072785746	
53	KIAKO JOSEPH	Mkufe	24281562	0704960	Ju
54	Tobias OPUOLZI			07287323	
55					
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**MINUTES OF PUBLIC STAKEHOLDER MEETING HELD ON 11TH DECEMBER 2016 FROM 04:00 HRS
AT CHAANI SOCIAL HALL.**

PRESENT: All members who attended the meeting are annexed to this minutes.

The meeting was called to order by the area chief at 04:00pm and prayers were conducted by Kepha Kisingadi.

Minute	Deliberation	Action By
3.	Introduction of Consultant's Team	
4.	The area chief representative-Kepha Kisingadi introduced the stakeholders and the consultant team that was present and gave a short brief of the purpose of the meeting.	
3.	Opening Remarks Elijah Kimani gave opening remarks on the project and requested questions to be directed to the consultant members present. He also emphasized on the importance of community participation and encouraged the participants to be free and open as their input was very valuable.	
4.	Outline of the RAP process Elijah Kimani briefed the stakeholders on the RAP process; history/background of the project; what necessitated the proposed works, the follow-up process of RAP process and the measures put in place for the smooth transition of the process. He further explained that the importance of this process to the success of the project.	
5.	Presentation of the proposed project to the stakeholders Elijah Kimani explained the existing main sewer system of the area and the problems that had been identified in the trunk system and also in the pumping stations in the west mainland. He also outlined articulately on the proposed works that intended to fix the existing problems. He then encouraged the participants to give their comments, opinions and views on the proposed works.	
	Question & Answer session Q1: Richard Mutua from Kalahari asked <i>b. Compensation is always a source of conflict in many projects, how will this project compensation scheme be handled.</i>	

Minute	Deliberation	Action By
	<p>A: Elijah Kimani explained that part of his assignment was to develop a resettlement action plan (RAP) to identify who and what was to be affected. This then would inform and advise the compensation and grievance redress procedures for the project which would direct the compensation.</p> <p>The compensation criteria will be determined by the extent of damage to the structure, holders of titles among others.</p> <p>The compensation plan will include all those affected by the proposed works and it will be assessed and conducted fairly to all affected without discrimination.</p> <p><i>b. What happens to those without legal documents for their land?</i></p> <p>A: Those who are squatters will not be compensated for the land because they do not own it but will be compensated fully for the damages to their infrastructure. The compensation will also be timely and fast.</p> <p>Q2: Sharif Juma from Kalahari village asked</p> <p><i>b. What environmental impact will the project have on them?</i></p> <p>A: Elijah Kimani responded to this and stated that the project had put all necessary measures to cushion the community on the negative impact of the project. A comprehensive EIA report was conducted and its recommendations will be followed to the letter to ensure their safety and the preservation of their environment.</p> <p>Comment 1: The compensation claims should include those without legal land documents and consider their swift resettlement.</p> <p>Q3: John Makandi from Kalahari Village commented</p> <p>Comment 2: There should be some sort of compensation on the disturbance to the communities living along the sewer lines.</p> <p>There should be compensation for impact on the families living adjacent to the line as their lives will be affected.</p>	

Minute	Deliberation	Action By
	<p>A: Joy Wasirimba assured him that the compensation covers anyone to be affected. Whether on the line or adjacent to the line.</p> <p>Suggestion 1: Dismus Alemba from Kalahari commented</p> <p>There should be no removal of persons that are affected before compensation is completed to avoid chaos during implementation. They should also be given enough time to resettle back to their lives.</p> <p>Suggestion 2: During rehabilitation, the contractor should ensure that the systems are litter proof so that the sewer system can hold for longer without any issues.</p> <p>A: Elijah Kimani reaffirmed to the participants that all their suggestions have been noted and will be put into consideration.</p> <p>Q4: Mwanawiri from Kalahari village asked</p> <p style="padding-left: 40px;"><i>a. Some other projects have discriminated on the community will this project be the same?</i></p> <p>A: Elijah Kimani replied and said mechanisms are in place to compensate all project affected persons including home and business owners and further mechanisms are also employed, influx management plan, that help ensure that people relocated from the project site are well taken care of.</p> <p>A: Joy Wasirimba also stated that the project as a whole will affect companies, communities, farms etc. and the compensation and resettlement plan will be accurately and justly measured. Discrimination according to religion, race, education level or any other kind will not be part of the project. Non-technical works will be done in collaboration with the community.</p> <p>Q6: Nzuki Kimuli suggested</p> <p>Suggestion 3:</p> <p>More stakeholder meetings should be held before implementation of the project to popularize the project so that the community all gets on board and that they are no setbacks during implementation.</p>	

Minute	Deliberation	Action By
	<p>A: Elijah Kimani stated that the community stands to gain a lot from this project. Except being involved in the non-technical works, the community will get its good environment back through this project. The community will have an operational sewer system and the occurrence of diseases will go down because of this.</p> <p>There was no AOB.</p> <p>The meeting adjourned at 05:00pm with a word of prayer from the chief representative.</p>	

Minutes confirmed and signed off by;

Confirmed by

Date 15/12/2016

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Signed off by

Date 15/12/2016

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List of participants

STAKEHOLDERS MEETING ON 11/12/2016 AT
CHAANI SOCIAL HALL FROM 4PM.

	NAME	VILLAGE	ID NUMBER	MOBILE NO	SIGNATURE
1	NEPHER KISHANGANI	KALAHARI	8478955	0710419911	
2	NICHOLAS P Mwine	Kemari	9933405	0703887016	
3	Shant Juma	Kalahari	11377134	0713865471	
4	JOHN MAGHANGA	KALAHARI	25036250	0715602645	
5	Juma Wenga	Kalahari		0729417768	J. Wenga
6	PERUS KEMUKI	KEMARI	8371194	070848554	P. Kemuki
7	DISMAS DRYANGO	KALAHARI	7301064	0728373711	
8	Alex Kunga Koringa	Kalahari	2177488	0715770140	
9	Nelson Zitto	Kalahari		070614398	
10	LULO ALI	Kalahari		070614398	
11	JOHANNAN MUGA X NGAAN			0702471310	
12	NZUKI KIMULI			0728558453	
12	NZUKI KIMULI			0728453570	
13	Nelson Kaka Kotto				
14	BOLTONE MWANDAWIRO	KALAHARI		0724756678	
15	Mutuku Mutiso	KALAHARI	23389591	0703617962	M. Mutiso
16	SARAH THOMAS	KALAHARI	12963654	0720768861	
17	KATHU NGUHI			0719898071	
18	MUTHONI MWANGI				
19	Richard Muku	Kalahari	21218276	0721-650490	

**MINUTES OF PUBLIC STAKEHOLDER MEETING HELD ON 11TH DECEMBER 2016 FROM 10:00 HRS
AT JOMVU SCREW FARM PREMISES.**

PRESENT: All members who attended the meeting are annexed to this minutes.

The meeting was called to order by the area chief at 10:30am and prayers were conducted by Abdul Rahman Ngal.

Minute	Deliberation	Action By
5.	Introduction of Consultant's Team The area chief introduced the stakeholders and the consultant team that was present and gave a short brief of the purpose of the meeting.	
6.	Opening Remarks Elijah Kimani gave opening remarks on the project and requested questions to be directed to the consultant members present. He also emphasized on the importance of community participation and encouraged the participants to be free and open as their input was very valuable.	
3.	Outline of the RAP process Elijah Kimani briefed the stakeholders on the RAP process; history/background of the project; what necessitated the proposed works, the follow-up process of RAP process and the measures put in place for the smooth transition of the process.	
4.	Presentation of the proposed project to the stakeholders Elijah Kimani explained the existing main sewer system of the area and the problems that had been identified in the trunk system and also in the pumping stations in the west mainland. He also outlined articulately on the proposed works that intended to fix the existing problems. He then encouraged the participants to give their comments, opinions and views on the proposed works.	
5.	Question & Answer session Q1: Sophia Rada from Rabai Ndogo asked c. Will the project include the local community in their works? A: Elijah Kimani assured her that all project work will involve the community and will be sympathetic to them. The community will be utilized in the non-technical works so that they can own the project and be responsible in taking care of it.	

Minute	Deliberation	Action By
	<p>Q2: Ramadhan Ali Ngudi from Mwamlai village asked</p> <p><i>c. What environmental impact will the project have on them?</i></p> <p>A: Elijah Kimani responded to this and stated that the project had put all necessary measures to cushion the community on the negative impact of the project. A comprehensive EIA report was conducted and its recommendations will be followed to the letter to ensure their safety and the preservation of their environment.</p> <p>Q3: Hadija Omari from Mwamlai Village asked</p> <p><i>a. Should the community expect air pollution during the project implementation?</i></p> <p>A: Joy Wasirimba assured her that the project intends to bring minimal damages to the environment and the community at large and stamped on Elijahs' earlier comment on the measures put in place to cushion them.</p> <p>Q4: Abdullahi Mohammed from Jomvi asked</p> <p><i>a. When is the project intended to start?</i></p> <p>A: Elijah Kimani replied and stated that the project was slated to start early next year.</p> <p>Q5: Sidi Charo from Mwamlai village asked</p> <p><i>b. Some other projects have discriminated on the community and favored big companies, will this project be the same?</i></p> <p>A: Elijah Kimani replied and said mechanisms are in place to compensate all project affected persons including home and business owners and further mechanisms are also employed, influx management plan, that help ensure that people relocated from the project site are well taken care of.</p> <p>A: Joy Wasirimba also stated that the project as a whole will affect companies, communities, farms etc. and the compensation and resettlement plan will be accurately and justly measured. Discrimination according to religion, race, education level or any other kind will not be part of the project. Non-technical works will be done in collaboration with the community.</p>	

Minute	Deliberation	Action By
	<p>Q6: Abdul Rahman Ngal asked</p> <p>a. How else will the community benefit from this project?</p> <p>A: Elijah Kimani stated that the community stands to gain a lot from this project. Except being involved in the non-technical works, the community will get its good environment back through this project. The community will have an operational sewer system and the occurrence of diseases will go down because of this.</p> <p>Comment 1: Beja Charles Nguta who is a community leader commented:</p> <p><i>He is very satisfied with everything that has been planned and he is very happy that the community has been involved. He also emphasized that the community should be given first priority during implementation on the works to be done.</i></p> <p>A: Area chief also assured him that he will personally make that follow up with the contractor.</p> <p>AOB</p> <p>3. Area chief requested all people who attended the meeting to issue truthful reports to their fellow community members and spread the word on the project on matters discussed and not issue negative reports to spark controversy.</p> <p>The meeting adjourned at 11:50pm with a word of prayer from the area pastor.</p>	

Minutes confirmed and signed off by;

Confirmed by

Date 15/12/2016

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Signed off by

Date 15/12/2016

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List of participants

STAKEHOLDERS MEETING ON 11/12/2016 HELD AT
JOMVU SCREW PUMP STATION FROM 10:00 AM

	NAME	VILLAGE	ID NO.	MOBILE NO	SIGNATURE
1	MATANGI KOMB	MIRITI	0253012	072478023	[Signature]
2	EDWARD RONDO	MIRITI	9628641	072666252	[Signature]
3	SIDI CEFARO	MWAMULAI		07	[Signature]
4	MASIKU MURU	MWAMULAI	13196013	079023698	MR
5	KHADIZA O. NGOTE	MWAMULAI	2255947	071965532	[Signature]
6	DAWADITAN NGUMBI	MWAMULAI	0792228	072561089	[Signature]
7	AMINA ABBI	MWAMULAI	11173941	0727271512	[Signature]
8	SIMION OGEA	MWAMULAI	5332093	0701797536	[Signature]
9	LEONARD AGATA	MWAMULAI	20974456	0719318429	[Signature]
10	DAISY JUMA	MWAMULAI	26579634	0729441306	[Signature]
11	SOFIA SUSA	RABAI NDOGO	11519381	070036594	[Signature]
12	NYANZINA S KAGUMA	RABAI NDOGO		0701514050	[Signature]
13	MAHERO CHITANGI	RABAI NDOGO		0795763314	[Signature]
14	ABDILLAH MOHAMED	JOMVU KUU	22701806	0715271363	[Signature]
15	ABUKRAHMAN NGALI	JOMVU	13631906	0723655083	[Signature]
16	MWENBUWA MUTHOKA	MWAMULAI	11103993	0720660573	[Signature]
17	CHARL. BETA NGATI	JOMVU	20421908	0727376002	[Signature]
18	Rebecca NEMO	JOMVU	25004714	0701486468	[Signature]

MINUTES OF PUBLIC STAKEHOLDER MEETING HELD ON 11TH DECEMBER 2016 FROM 12:00 HRS AT MIRITINI PUMP STATION PREMISES.

PRESENT: All members who attended the meeting are annexed to this minutes.

The meeting was called to order by the area chief at 12:00pm and prayers were conducted by Charles Mwang'ombe.

Minute	Deliberation	Action By
7.	Introduction of Consultant's Team & stakeholders	
8.	The area chief welcomed all participants the consultant team that was present and gave a short brief of the purpose of the meeting. The other stakeholders introduced themselves too.	
	Opening Remarks	
3.	Elijah Kimani – the lead consultant gave opening remarks on the project he outlined the current status of the project and the proposed immediate works needed to restore the sewer system. He also emphasized on the importance of community participation and encouraged the participants to be free and open as their input was very valuable.	
4.	Outline of the RAP process	
	Elijah Kimani briefed the stakeholders on the RAP process; history/background of the project; what necessitated the proposed works, the follow-up process of RAP process and the measures put in place for the smooth transition of the process.	
5.	Presentation of the proposed project to the stakeholders	
	Elijah Kimani explained the existing main sewer system of the area and the problems that had been identified in the trunk system and also in the pumping stations in the west mainland. He also outlined articulately on the proposed works that intended to fix the existing problems. He then encouraged the participants to give their comments, opinions and views on the proposed works.	
	Question & Answer session	
	Q1: Stephen Katana from Miritini Misufini asked	
	<i>d. Will the project cause bad odor that will affect them?</i>	
	A: Elijah Kimani assured her that all project work will cushion all persons involved from air and general pollution to the environment.	
	Elijah Kimani further stated that the project had put all necessary measures to cushion the community on the negative impact of the project. A comprehensive EIA report was conducted and its recommendations will be followed to the letter to ensure their safety and the preservation of their environment.	
	Q2: : Hamisi Harun from World Bank Village asked	

Minute	Deliberation	Action By
	<p><i>b. Is the project handling a new line and what happened to previous rehabilitations?</i></p> <p>A: Joy Wasirimba stated that this was not a new project and that it was rehabilitation of the existing waste water system. There were areas that had been rehabilitated and those are not going to be in this project since they do not have any issues. All areas in the main trunks and the pumping stations that have issues are the ones that are going to be handled by this project.</p> <p>Comment 1: Rehema Fuwe from Miritini asked</p> <p><i>b. Is there going to be compensation for those affected?</i></p> <p>A: Elijah Kimani replied and stated that part of his scope of work was identifying the persons, businesses, houses or any other infrastructure that would be affected. With this information, a detailed resettlement action plan will be laid out as well as a compensation roster that will cater for all affected. He also added that all will be compensated justly according to their damages</p> <p>Q3: Stephen Ngudi Ndao from World Bank village asked</p> <p><i>c. When was the project slated to start?</i></p> <p>A: Elijah Kimani replied and stated that the project was slated to start early next year.</p> <p><i>d. How will local communities benefit from the project?</i></p> <p>Elijah Kimani stated that the community stands to gain a lot from this project. Except being involved in the non-technical works, the community will get its good environment back through this project. The community will have an operational sewer system and the occurrence of diseases will go down because of this.</p> <p>The community level committee will also be involved in the implementation of the project. The women and youth will also be involved in project implementation as most of the times they are forgotten.</p> <p>Comment 1: Stephen Katana commented:</p> <p><i>He is very satisfied with everything that has been planned and he is very happy that the community has been involved. He also emphasized that the community should be given first priority during implementation on the works to be done.</i></p> <p>Comment 2: Area chief was very impressed that the consultant decided to involve him and the community at large before any process and this will ensure that the community is receptive of the project.</p> <p>AOB</p> <p>4. Area chief thanked all participants for their time and requested all people who attended the meeting to issue truthful reports to their fellow community members and spread the word on the project on matters discussed and not issue negative reports to spark controversy.</p>	

Minute	Deliberation	Action By
	The meeting adjourned at 01:30pm with a word of prayer from the area pastor.	

Minutes confirmed and signed off by;

Confirmed by

Date 15/12/2016

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Signed off by

Date 15/12/2016

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List of participants





STAKEHOLDERS MEETING ON 11/12/2016 HELD AT
MIRITINI PUMPING STATION FROM 12.00 NOON





	NAME	VILLAGE	ID NUMBER	MOBILE NO.	SIGNATURE
1	RASHID HAMISI HARUN	ESTATE	29247680	0720114524	
2	LEHA JIMMY BOMA	MSUFINI	26120821	0716365742	Ans
3	SAUMU MDINGO	MSUFINI	22978750	0703311637	Wamw
4	KACHE BAYA YAA	MSUFINI	32147957	0717210451	W
5	MARZUWA RAMADHAN	MSUFINI	31039397	0712844388	Wamw
6	GONA NZALA	MSUFINI	20023918	0733535713	Wamw
7	MWATIME HAMISI HARUN	MSUFINI	22700866	0717487711	Wamw
8	HAMISI HARUN HAMISI	ESTATE	5378973	0710851633	Wamw
9	HAMISI SHEG MIONSA	WORLD BANK	32078490	0704969057	Wamw
10	CHARLES M. MWANGOME	ESTATE	1165137	0721694691	Wamw
11	MTINDA- ISITAVI - KITSILO	KITSILO	24447676	0717210451	Wamw
12	STEPHEN M.K. MBINU	MSUFINI	5424908	0721561524	Wamw
13	REHEMA FUE	MIRITINI	9986414	0722364110	Wamw
14	NAOMI BUNI	MIRITINI	11228360	0722364110	Wamw
15	ADINA KHAMISI	MIRITINI	21690006	0718715893	Wamw
16	STEPHEN GUNAI NABO	MSUFINI	2983062	0721379785	Wamw
17	MWARD NWA CHABO	MSUFINI	30794602	0737579197	Wamw
18	MATAND H. KOMBO	MIRITINI	0253012	0724780233	Wamw
19					
20					





PHOTOS OF PAPs





PAP Photos: Changamwe and Chaani Trunks



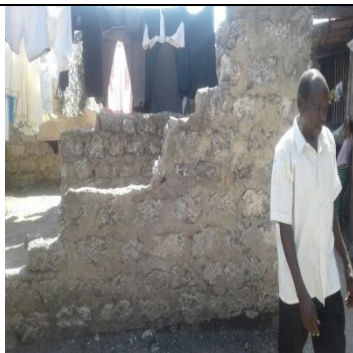

NAME OF PAP	COORDINATES	IMAGES
1) Daniel Ombati	4° 2' 7.06513" S 39° 37' 22.99163" E	
2) James Otieno	4° 1' 57.23062" S 39° 37' 23.20602" E	
3) Joshua Nzeka	4° 2' 10.79369" S 39° 37' 18.00696" E	
4) Sophia	4° 2' 12.0692" S 39° 47' 17.94295" E	





5) Kagombe Stephen N	4° 2' 14.56595" S 39° 37' 13.82318" E	
6) House managed by Nzinyi Dev Company	4° 2' 13.33342" S 39° 37' 14.79054" E	
7) House managed by Gate land properties	4° 2' 9.36737" S 39° 37' 15.18226" E	
8) Rose William	4° 1' 50.6464" S 39° 37' 14.64219" E	





9) Structure 1	$4^{\circ}1'59.85872''\text{S}$ $39^{\circ}37'13.30334''\text{E}$	
10) Ngome Nzuma	$4^{\circ}1'59.69824''\text{S}$ $39^{\circ}37'13.79147''\text{E}$	
11) Juliana Mbinya	$4^{\circ}1'59.97688''\text{S}$ $39^{\circ}37'14.22732''\text{E}$	
12) Benjamin Jichambo	$4^{\circ}1'50.49149''\text{S}$ $39^{\circ}37'18.11237''\text{E}$	





13) Georgina Ninda	$4^{\circ}1'50.66602''\text{S}$ $39^{\circ}37'19.69637''\text{E}$	
14) Bernard Muriuki	$4^{\circ}2'1.18849''\text{S}$ $39^{\circ}37'14.05412''\text{E}$	
15) John Maro	$4^{\circ}1'23.88353''\text{S}$ $39^{\circ}37'48.38574''\text{E}$	
16) Gallamiti Manhole	$4^{\circ}1'49.73765''\text{S}$ $39^{\circ}37'39.25031''\text{E}$	

17) Scholarstica	$4^{\circ} 2' 13.72024''$ S $39^{\circ} 37' 29.01734''$ E	
18) Jane Mwere	$4^{\circ} 1' 56.95288''$ S $39^{\circ} 37' 44.83276''$ E	
19) Titus Omawuel	$4^{\circ} 2' 0.13816''$ S $39^{\circ} 37' 32.19701''$ E	
20) Lilian Mang'o	$4^{\circ} 2' 0.543''$ S $39^{\circ} 37' 48.5567''$ E	





21) Anastachia Ngui	4° 1' 53.69618" S 39° 37' 45.06974" E	
22) Mbugua Njoroge	4° 1' 51.3255" S 39° 37' 38.72528" E	
23) Thomas Nyamwezi Mwangololo	4° 2' 12.81412" S 39° 37' 38.72528"	
24) Soko gala M (Mawaole)	4° 1' 50.32553" S 39° 37' 39.8128"	

25) Galamii Bar	$4^{\circ} 2' 57.23062''$ S $39^{\circ} 37' 50.20662''$	
26) Muthike Musyimi	$4^{\circ} 2' 2.93849''$ S $39^{\circ} 37' 1.19701''$	
27) Samuel Dundo	$4^{\circ} 2' 0.6754''$ S $39^{\circ} 37' 50.5378''$	
28) Turning Cafe	$4^{\circ} 2' 13.72024''$ S $39^{\circ} 37' 29.01734''$	





29) Issah Abdallah	$4^{\circ}1'34.4531''$ S $39^{\circ}37'43.8842''$	
30) Structure 2		
31) Structure 3		
32) Fence Photo	$4^{\circ}1'56.33051''$ S $39^{\circ}37'49.64419''$	




33) Church Photo	4° 2' 0.1532" S 39° 37' 46.89988"	
34) Blocked Fence	4° 1' 57.50864" S 39° 37' 49.85864"	
37) Barbed Fence	4° 2' 0.48332" S 39° 37' 47.44996"	
38) House	4° 2' 2.83715" S 39° 37' 29.6002"	

PAP Photos: Miritini Trunk sewer-




NAME OF PAP	IMAGE	COORDINATES
1) Corado Ileri Njeri		4° 0' 17.24332" S 39° 34' 54.7074"E
2) Virginia Mwadime		4° 0' 12.00874" S 39° 34' 56.55446"E
3) James Ezekiel		4° 0' 15.34216" S 39° 34' 47.91994"E
4) Jackline Akinyi		4° 0' 15.94807" S 39° 34' 48.50202"E

5) Robert Otieno		4° 0' 16.30624" S 39° 34' 49.28567" E
6) Khudniok Mochorwa		4° 0' 18.94187" S 39° 34' 52.6061" E
7) Anna Wanjiru		4° 0' 13.54601" S 39° 34' 51.11544" E
8) Nicholas Mulwa Nzesia		4° 0' 17.96058" S 39° 34' 51.6254" E

9) Stephen Mgire Mwaruta		4° 0' 19.66774" S 39° 43' 52.87464" E
10) Purity Wambui		4° 0' 2.6992" S 39° 35' 2.50858" E
11) Geoffrey Muchiri		4° 0' 17.37187" S 39° 34' 50.93501" E
12) Sammy Kim		4° 0' 2.11727" S 39° 35' 4.25659" E

13) Phillip		4° 0' 5.61906'' S 39° 35' 5.7074'' E
14) Rajender Kumar		4° 0' 17.39059'' S 39° 34' 50.63207'' E
15) Justus Munyao Kyungu		3° 59' 59.38328'' S 39° 35' 0.02821'' E






16) Ramadhan Mohammed		3° 59' 59.41889" S 39° 35' 6.46026" E
17) Geoffrey M Nyakudi		4° 0' 0.18641" S 39° 35' 5.54989" E
18) Peter K Munguti		4° 0' 5.51333" S 39° 35' 4.36585" E
19) Giverson Kilaghanyo		30° 59' 58.76394" S 39° 35' 6.34711" E





20) Friends Shop		4° 0' 1.9228" S 39° 35' 4.91168" E
21) Badi Twalib		4° 0' 2.88734" S 39° 35' 2.70017" E
22) Charles Chege Gitau		4° 0' 2.08213" S 39° 35' 4.46269" E





PAP
Mikindani
sewer






Photos:
Trunk






23) Jamal		4° 0' 4.65512" S 39° 35' 2.41897" E
PAP		
1) HADIJA MUHAMMED		
24) Before Badi Twalib's house		8" S 39° 35' 2.72645" E
2) JOHN OWINO		
3) CHRISTOPHER		
-24) BRAHIM Enos Simbili		8" S 5116"E
4) SHALET TAIRE CHULA		
25) Bathma little Angel School		

5) JOSPHAT MAINGI	4° 0'22.872"S 39° 37'44.34	
6) BILUKI MUHAMMED	4° 0'31.08"S 39° 37'49.158"E	
7) SAMMY MUIINDE	4° 0'26.274"S 39° 37'38.556"E	
8) COSMASS NJULI	4° 0'19.404"S 39° 37'47.946"E	
9) MATHIAS SESE	4° 0'20.832"S 39° 37'48.942"E	

10) ELIZABETH NDATU	4° 0'25.158"S 39° 37'44.682"E	
11) SAMUEL KIMANI MUTHURA	4° 0'26.004"S 39° 37'29.934"E	
12) PASTOR MJAMBILI	4° 0'25.332"S 39° 37'30.018"E	
13) GRANDSON CATHOLIC	4° 0'13.818"S 39° 37'36.114"E	

14) MUTUKU AGENT PROPERTY	4° 0'4.62"S 39° 37'46.314"E	
15) GEOFREY MURIUKI	4° 0'15.81"S 39° 37'37.794"E	
16) ROSE WAMBOI	4° 0'17.982"S 39° 37'24.798"E	
17) AGENT	4° 0'20.502"S 39° 37'30.978"E	
18) DR. KISIA	4° 0'23.82"S 39° 37'31.788"E	

19) REGINA OKWECH	4° 0'25.236"S 39° 37'29.172"E	
20) ROSE MARY	4° 0'16.758"S 39° 37'36.354"E	
21) JANET ATIENO	4° 0'24.268"S 39° 37'31.284"E	
22) WILLIAM TINDI	4° 0'24.654"S 39° 37'29.514"E	
23) Unknown	4° 0'18.158"S 39° 37'26.208"E	

24) FRANCIS KINUTHIA	4° 0'4.056"S 39° 37'45.75"E	
25) KENNETH MUGA	4° 0'25.158"S 39° 37'39.8168"E	
26) KHAMISI NGAO	4° 0'13.932"S 39° 37'45.822"E	
27) NAHASHON ajNO	4° 0'19.254"S 39° 37'29.052"E	
28) MILTON WESONGA	4° 0'24.192"S 39° 37'25.74"E	

29) ALICE NJERI KURIA	4° 0'15.158"S 39° 37'37.896"E	
30) DAVIS MWACHEDA	4° 0'10.656"S 39° 37'38.574"E	