



GOVERNMENT OF KENYA

MINISTRY OF ENVIRONMENT, WATER AND NATURAL
RESOURCES



**VULNERABLE AND MARGINALISED GROUPS PLAN (VMGP)
FOR MWACHE MULTI PURPOSE DAM PROJECT**

WATER SECURITY AND CLIMATE RESILIENCE IN COASTAL REGION

Prepared by
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FINAL DRAFT

September 2014

EXECUTIVE SUMMARY

1.1 INTRODUCTION AND BACKGROUND TO PROJECT

The Government of Kenya is anticipating receipt of an International Development Association (IDA) loan from the World Bank for the Water Security and Climate Resilience in the Coastal Region herein referred to as *“the Project”*. The Water Security and Climate Resilience Project is centered around the Mwache Multipurpose Dam and related water supply and irrigation components. The proposed Project was identified by the Government as a flagship project under the Kenya Vision 2030 mission and also as a necessary facility to provide water for domestic and sanitation purposes including irrigation for Kwale County and at the same time supplement water supply for Mombasa County.

1.1.1 Background Overview

Not only will the project affect households but the people living in the project area have also been classified as vulnerable and marginalized requiring additional and specific support.

People classified as vulnerable and marginalized with traditional patterns and socio-cultural heritage and distinct in nature, were identified as being affected by the project through displacement. All the households identified as affected have been classified as vulnerable and marginalized this is because the project area has only one ethnic group-the Duruma-who are known to have kept historical traditional practices and culture hence categorized as indigenous when screened in accordance with OP. 4.10. A Vulnerable and Marginalized Groups Plan (VMGP) has thus been developed and aims to ensure that:

- The groups categorized as vulnerable and marginalized are included in the project preparation, implementation and monitoring
- These groups are consulted extensively and appropriately over issues that affect them and:
- Any potential adverse impacts emanating from the project are identified and adequately mitigated in relation to vulnerable groups, meeting local and international requirements and best practice.

1.2 METHODOLOGY

The preparation of this VMGP included a mixed method approach where qualitative and quantitative study approaches were employed including several consultations with the Duruma and review of anthropological and other related literature. **Annex 4** contains the detailed methodology and terms of reference.

1.3 LEGAL AND POLICY FRAMEWORK

The Vulnerable and Marginalized Groups Plan (VMGP) for this project has been prepared in compliance with the requirements of the relevant national legislation of the Republic of Kenya, as well as the World Bank Indigenous Peoples Policy (OP 4.10) and

the already prepared Indigenous Peoples Policy Framework (IPPF) for the KWSCR. The World Bank Group is the potential lender for the project.

1.3.1 National

While the Constitution of Kenya (COK, 2010), does not specifically use the term IP, it is nevertheless quite rich in articles that define vulnerability and marginalization, including issues that VMGs cite as the reasons for their self-identification. It also addresses social exclusion in general. Most important, the Constitution now underscores measures for mitigating social exclusion, vulnerability and marginalization by specifically providing for affirmative action as a strategy for facilitating and fast tracking inclusion of the hitherto groups who felt excluded for the mainstream economic and political processes of the country.

1.4 VULNERABLE AND MARGINALIZED GROUPS IN PROJECT AREA

The entire project area consists of a single ethnic group, which is part of the larger Mijikenda tribe referred to as the Duruma. The Durumas are categorized as marginalized and vulnerable as a result of screening that was conducted in accordance with OP. 4.10. The constitution of Kenya (COK 2010), has also categorized Kwale County as a vulnerable and marginalized County. Table 1 reflects a summary of the socio-economic characteristics of the Duruma.

1.4.1 Socio-Economic Characteristics of the Duruma

Table 1. Socio-Economic Characteristics of Vulnerable Groups in the Project Area

Social Structures	<ul style="list-style-type: none"> • Social Organisation is characterized as a patrilineal kinship system: property is transmitted in most cases from father to son, and the pattern of marital residence is patrilocal. • For the Duruma, the society is divided into clans (14 in total), clans divide into sub clans, and sub-clans subdivide into local patrilineal lineages. Each family is a member of a certain clan.
Political Organisation	<ul style="list-style-type: none"> • Traditional leaders exist-Kaya Elders and Council of Elders. • However, power is now vested in national and county governments with political authority and administrative organisations representing the state.
Language	<ul style="list-style-type: none"> • The language spoken in Duruma, but Kiswahili and English are also used as languages of communication
Religion	<ul style="list-style-type: none"> • The Duruma have some influence from their Muslim neighbors, the Swahili, but are primarily traditional. Islam is weakening among the Duruma. • Although most Mijikenda today profess monotheistic Christianity or Islam, the traditional Mijikenda religion was a combination of monotheism in which a supreme being and creator, Mulungu, was worshipped, and a strong belief in the influence of ancestral and other spirits in people's daily lives. Many Mijikenda today have not completely abandoned this view.
Occupation and Economy	<ul style="list-style-type: none"> • The Durumas are mainly agriculturalists and mostly own small parcels of land with women taking a leading role in earning a living and in farming work.
Cultural Identity	<ul style="list-style-type: none"> • The Duruma have maintained their cultural identity, although majority are adopting the modern lifestyle. They practise several rituals during rights of passage including circumcision among others.

1.5 KEY IMPACTS ON VULNERABLE GROUPS

1.5.1 Key Impacts and Benefits

The project's negative impacts on the vulnerable groups in the area include: loss of traditional worship shrines including kayas and caves; displacement and involuntary resettlement; loss of land, productive resources and other assets; disruption of livelihood systems; and impacts on social networks and community bonds. Given the close community of indigenous groups, households may be especially vulnerable to disruptions created by involuntary resettlement, through the possible dispersal of connected households, the fracturing of social networks, and the weakening of cultural practices. Feedback from the consultation programme reflected a preference of relocating as one community.

The vulnerable groups may be affected by additional construction related impacts, such as those associated with the in-migration of people and the presence of a large construction force, through a resultant pressure on service provision and the potential for an increase in HIV/AIDS and other Sexually Transmitted Diseases (STDs);

Potential economic and social benefits include:

- The provision of employment in construction of the dam and dam oriented businesses.
- The provision of training, support and development opportunities for local community members.
- Gender development, through employment opportunities, training and support, and providing a platform for women to participate in Project-related structures and activities.
- Contributing to improved regional, local and village-based infrastructure and service facilities.

1.5.2 Summary of Results of Free Prior Informed Consultation

The vulnerable groups through a consultative process raised a number of key issues associated with the Project during the free, prior and informed consultation process. These include;

1. Religious Structures, Sites and Graves

A major concern of the vulnerable groups was how traditional worship shrines; caves and graveyards would be relocated. They requested that all religious structures be replaced at a relocation site, with graveyards some distance away in accordance with appropriate religious/traditional norms and custom and in proper consultation with those concerned including compensation. Graves to be interred in an appropriate religious manner, following religious practice.

2. Community Relations and Social Bonds

A commonly raised concern was that the family bonds, community bonds, support structures, networks and social security which would be disrupted through relocation and

movement which will impact on religious activities, culture and traditional values of the Duruma. The Duruma are a closely-knit community that is structured along family and clan based bonds and kinships. In order to preserve their own separate cultural identities and maintain existing kinship and social ties, a preference was shown by the Duruma to be relocated, with members of the same family and clan, either in one village or in a neighborhood of a larger village.

3. Project Status

Requesting more detailed information on the status of the Project, the main concern was on the time schedule of the construction/project; whether it has been approved and when the construction will start. This related specifically to resettlement, which villages will be relocated to which areas and when.

4. Land/Asset Acquisition, Resettlement, Compensation and Livelihood Restoration

The most frequently raised issues were around the loss of land and its implication on their current way of life and livelihoods, the acquisition of other assets, and compensation. A concern was expressed as to the rights of people with no legal title to the land.

Mitigation measures proposed by the vulnerable groups;

- Resettlement and rehabilitation planning and preparation activities be undertaken well before displacement occurs, with identified areas and Resettlement Plan presented in advance to enable timely and appropriate decision-making.
- A preference for relocation to areas close-by to existing localities and to employment opportunities particularly the dam and to infrastructure and services.
- Payment of full compensation prior to displacement.
- Assistance in the restoration of livelihoods through for example, provision of training programmes, loan facilities and credit, and marketing support.
- Formation of local compensation committee that includes representatives of indigenous groups and other groups working with them.
- Assurance that spiritual and religious sites including graves affected by the project be relocated in accordance with the traditions, customs and rituals of the Duruma and full compensation provided for the exercise and ceremonies.
- A full ceremony for relocating the shrines to be conducted prior to commencement of any activity.

5. Employment opportunities

Indigenous groups requested that, as with other affected people, they be given preference for job opportunities on the dam and be provided with training and skills to fill positions, including for women.

6. Infrastructure and services

Concerns were raised about the potential impact of the Project on existing infrastructure/services and their replacement specifically the bridge that would be inundated by the reservoir. This bridge and road network connects the Duruma with each other community and helps to maintain the social networks and linkages between families

and clans in the project area. It is also the main bridge that ensures that the road is passable all year round hence significant in enhancing trade and movement of goods and services. The detailed design of the project includes re-alignment of the road to a higher ground to avoid flooding and construction of a new bridge.

7. Attitudes to the Project

Despite the concerns raised during the consultation process, the vulnerable groups have appeared supportive of the Project, participating in the consultation process through attendance at meetings and responding to the various surveys. However, there has been an underlying concern around the fact that this being a GOK project, they may never be compensated for losses, especially cultural ones. This is an anxiety and fear that was common in all the consultations held with the Duruma.

8. HIV/AIDS and other Sexually Transmitted Diseases

With the in-migration of workers and others seeking employment in the Project area, of particular concern is the potential increase in the spread of STDs, and particularly HIV/AIDS. HIV/AIDS/STD prevention and control will necessitate a continual program of prevention by the Project. Apart from the Government's policy and programmes of action, interventions are being implemented by many organizations in the country. The project can draw on such expertise and apply what is appropriate to its own HIV/AIDS/STD policy and strategy. Indigenous groups can be involved in formulation, implementation and monitoring of such.

9. Gender Equality and Participation

In order to ensure the equal distribution of Project benefits to women, and to safeguard the rights of women in all aspects of the Project, women's participation will be secured:

- The sustainable livelihoods sub component of the Kwale Development Program component will have an appointed gender specialist. Mechanisms will be put in place to ensure gender equality. This includes creation of employment opportunities, training and support, and providing a platform for women to participate in Project-related structures and activities through the same subcomponent.
- A gender task group under Sustainable Livelihood subcomponent will be established by Kwale project implementation unit, which includes affected women, will discuss, investigate and recommend on women's issues. All these activities are budgeted under that sub component. This task group will be set up by Kwale County Government and representatives will be nominated in the task force based on recommendations from their respective organizations.
- In addition, all Project-related monitoring and evaluation activities and structures will ensure application of, and compliance with, gender-related issues, with particular reference to vulnerable groups and reporting will be gender sensitive and gender-based.

1.6 MITIGATION AND DEVELOPMENT MEASURES

1. Traditional Shrines, Graves and Caves

There was broad community support for this project with a clear condition that the affected Kayas must be relocated in and following the traditional systems and ways of conducting the process. Kaya Elders will oversee the process of re-locating the Kayas but would need compensation mainly resources to obtain bulls that would be slaughtered in order to appease the spirits who would be disturbed because of the relocation. A full ceremony for relocating the shrines will be conducted prior to commencement of any activity.

All the affected caves (4 in number) used as worship sites have been identified during the RAP census survey conducted in March-April 2014. All caves identified as affected, would be relocated using the Duruma cultural practices and procedures. The council of elders will lead in the process of relocation, which is a ceremony with rituals and participation of the entire community. The Kaya and Duruma Elders as part of their tradition will identify the new traditional shrines and caves and will communicate the same to the community members who will then begin using the new shrines following the declaration by the Duruma Council of Elders. This has been budgeted and details are in the main text.

All the affected graves/burial sites have been identified during the RAP census survey conducted in March-April 2014. All graves/burial sites affected will be relocated using the Duruma cultural practices and procedures. The Duruma Council of Elders will lead in the process of relocation, which is a ceremony with rituals and participation of the affected households. All families whose dead will be disturbed will be compensated (monetary-already budgeted see details in main text) for the disturbances and emotional strife, and the project will meet all the costs related to relocation of the graves including those associated with rituals and ceremonial processes. New burial sites will be located within the land acquired by the families during resettlement.

2. Socio-Cultural Bonds

Like other Kenyan tribes today, Durumas have assimilated to modern cultural practices, resulting in the disappearance of many of their traditional customs. However, the project has ensured that all those families/homesteads that will be displaced will be resettled within their clan in order to retain membership and ensure continuation of cultural and clan based linkages.

Affected households who were interviewed during the process of preparing the RAP and VMGP indicated that they have several family members within their clans who reside in the different villages in the project area. They indicated that they have already consulted with their clansmen from these villages who are ready to give them resettlement land in order to maintain their cultural ties and familial linkages but for as long as there is compensation for land. These affected households indicated that they are only waiting for the compensation money in order to move after purchasing the land from their

clansmen. The Duruma Council of Elders will confirm and ensure that all affected households are settled within their respective clans in the area.

Physical Displacement

Full, informed and prior consultations were conducted with the Duruma community, the main affected VM groups, and they gave their broad support to the project. All affected land will be compensated in accordance with OP. 4.12 as a measure for impacts associated with land acquisition since all those affected by the RAP are Duruma. The Government of Kenya will provide funds for all compensation activities, which will occur before commencement of project works.

1.7 FRAMEWORK FOR FREE PRIOR AND INFORMED CONSULTATION

In addition to prior, free, and informed consultation during the preparation, a framework for free prior and informed consultation for implementing this VMGP has been designed in a consultative manner and following the guidelines for free, prior and informed consultation set forth by OP. 4.10. The framework has also been prepared in line with the Constitution of Kenya (2010) specifically those tenets focusing on public participation. Consultations with the vulnerable and marginalized groups (only Duruma in the project area) will be carried out through culturally appropriate processes they have identified (details in the main text), organizations and institutions, e.g., Duruma Council of Elders and Kaya Elders. The Duruma will have the right to participate through representatives' chosen by themselves in accordance with their own procedures and decision-making institutions and consultations will also take into account the issues of gender.

1.8 GRIEVANCE REDRESS MECHANISM

Effective implementation of Project-related developments will require the placement of a formal grievance management system on a Project level, and access by stakeholders to national and international institutions.

Traditional and National Procedures

The vulnerable groups do not have a judicial system operating separately from formal government structures. However, existing traditional judicial systems will take up localized grievances and disputes relating to the project, where appropriate. A two tier grievance redress mechanism has been proposed with the first tier (preferred) being the use of the Duruma Council of Elders (traditional system for dispute resolution); and the second tier is the formal judicial system which is not preferred and only recommended when alternative dispute resolution mechanism fails. Mechanisms and steps for bringing complaints to the Project for consideration and redress have been detailed in this report.

1.9 MONITORING AND EVALUATION

The M&E Section will be initiated at an early stage to undertake preparatory activities for the implementation of the monitoring and evaluation programme, including:

- Early training/capacity- building to prepare communities for participation in the programme.

- The establishment of a monitoring management system, incorporating a monitoring database that is linked to existing databases.

The overall aim of the programme will be to measure the extent to which the goals of the Vulnerable and Marginalized Groups Plan have been achieved. In order to do this, indicators and targets will be established including specific indicators developed.

Performance Monitoring

Using input/output indicators, progress with relocation and compensation of cultural sites (graves, caves, shrines) livelihood restoration etc. will be measured against scheduled actions and performance milestone by the M&E Section, together with relevant organizational structure.

Impact Monitoring

Impact monitoring will focus on the effectiveness of restoration of cultural resources, livelihood restoration measures, the identification of constraints, and recommendations for any corrective measures. While internal monitoring reports will be a source of information, the generation of new data will be required to compare against pre displacement (baseline) conditions, occurring at two levels:

- Standardized (quantitative) monitoring of households and businesses; using survey instruments, the socio-economic status of the vulnerable groups will be tracked and measured against baseline data collected during the preparation of the VMGP and RAP prior to resettlement. Baseline data from SA and RAP will therefore form the basis to which monitoring of impact will be measured.
- Participatory (qualitative) Monitoring and Evaluation (PME) of groups/communities: A community-based PME programme will be implemented whereby vulnerable groups will be assisted in developing their own criteria for acceptable standards of living; assessing their pre-project (baseline) standard of living based on their own criteria; monitoring their progress towards recovering their pre-project standard of living; evaluating the effectiveness of mitigation measures; and developing and communicating their own solutions to outstanding problems.

External agencies will be appointed to conduct these monitoring exercises, coordinated by the M&E Section of proponent.

Completion Audit

At the end of the VMGP activities, a completion audit will be undertaken by an independent agency to verify that activities have been undertaken in compliance with the VMGP.

1.10 COST ESTIMATES

As a Project-affected group, capital and operating costs relating to vulnerable groups are mainly covered in the overall resettlement budget in the Resettlement Plan. Particular

additional costs relate to vulnerable groups, over and above these costs are however factored and outlined in this VMGP. Capital costs comprising compensation paid for loss of land, standing crops and trees, for structures and other fixed assets and for other entitlements such as displacement allowances etc. Operation costs comprising costs for payment of salaries for CDA/PIU, for support to Kwale County Government, provincial administration, resettlement committees, for monitoring and evaluation etc.

The estimate for the cost of the VMGP is about USD 1,530,000.

ACRONYMS AND ABBREVIATIONS

ADR	Alternative Dispute Resolution
AFD	French Development Agency
AIDS	Acquired Immune Deficiency Syndrome
CBO	Community Based Organization
CDA	Coast Development Authority
CDD	Community Driven Development
CIDP	County Integrated Development Plan
COK	Constitution of Kenya
CWSB	Coast Water Services Board
DLSAO	District Land Adjudication and Settlement Officer
ESIA	Environment and Social Impact Assessment
ESMP	Environment and Social Management Plan
FGD	Focus Group Discussions
FGHM	Feedback, Grievance Handling Mechanism
GM	Grievance Mechanism
GOK	Government of Kenya
HIV/AIDS	Human Immuno Deficiency Virus
HVCs	High Value Crops
IDS	Irrigation Demonstration Scheme
IPPF	Indigenous Peoples Policy Framework
IPMP	Integrated Pest Management Plan
IWUA	Irrigation Water Users Association
KARI	Kenya Agricultural Research Institute
KCDP	Kenya Coastal Development Project
KFS	Kenya Forest Service
KNBS	Kenya National Bureau of Statistics
KWAWASCO	Kwale Water and Sewerage Company
MDGs	Millennium Development Goals
MEWNR	Ministry of Water and Natural Resources
NGOs	Non-Governmental Organizations
NLC	National Land Commission
NT	National Treasury
PIU	Project Implementation Unit
PMU	Project Management Unit
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
SA	Social Assessment
VMGP	Vulnerable and Marginalized Groups Plan
WaSSIP	Water Sanitation Service Improvement Project
WRAMA	Water Resources Management Authority
WRUAs	Water Resources Users Associations
WSCRP	Water Security Climate Resilience /Coastal Region
WSP	Water and Sanitation Program

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2 INTRODUCTION AND SUMMARY OF SOCIAL ASSESSMENT

2.1 BACKGROUND INFORMATION

This chapter provides a summary of the information existing in the Social Assessment (SA), para 2 (a) and (b) in accordance with OP. 4.10. The summary includes a review on project scale, legal and institutional framework applicable to vulnerable and marginalized groups in Kenya as well as baseline information on characteristics of the vulnerable groups. The baseline information includes demographics, social, cultural characteristics including land and territories traditionally owned or occupied and inherent natural resources.

2.1.1 The Project

The Water Security and Climate Resilience in the Coastal Region herein referred to as **“the Project”** is centred around the Mwache Multipurpose Dam and related water supply and irrigation components. The Project was identified as a priority project in Vision 2030 and is included in the Water Supply Master Plan for Coast/Mombasa prepared for the Coast Water Services Board (CWSB) with funding from the World Bank/French Development Agency (AFD) Water and Sanitation Service Improvement Project (WaSSIP).

2.1.2 Project Components

Component 1: Mwache Dam and Related Infrastructure

The scope for Component 1 of the project is:

- i. Construction of Mwache Dam, which is ultimately expected to provide 186,000 m³/day (67.9 MCM/year) of urban water supply to Mombasa County and Kwale Counties. The Dam is a key source of water for Mombasa, as per the Water Supply Master Plan for Mombasa and Other Towns within the Coast Province.
- ii. Catchment management activities in the Mwache watershed area, to ensure the long-term sustainability of the dam

Component 2: Kwale County Development Support

- i. Water supply and sanitation investments in Kwale County, where the dam is located, to extend project benefits to the County as the dam is constructed
- ii. Livelihoods activities in the Mwache watershed area that is located in Kwale County, to support benefit-sharing and sustainable livelihoods for communities
- iii. An irrigation demonstration project, to explore the viability of developing a large-scale (2,500 ha) irrigation scheme near the area of the dam, in Kwale County.

The proposed Project was identified by the Government as a flagship project under the Kenya Vision 2030 mission and also as a necessary facility to provide water for domestic and sanitation purposes including irrigation for Kwale County and at the same time supplement water supply for Mombasa County. Feasibility studies covering the project area have established that water is a priority to all the residents in Kwale and Mombasa Counties in terms of livelihoods and social/economic requirements.

2.1.3 Legal and Institutional Framework

The Vulnerable and Marginalized Groups Plan (VMGP) for this project has been prepared in compliance with the requirements of the relevant national legislation of the Republic of Kenya, as well as the World Bank Indigenous Peoples Policy (OP 4.10) and the already prepared Indigenous Peoples Policy Framework (IPPF) for the KWSCR. The World Bank Group is the potential lender for the project.

2.1.3.1 National

While the Constitution of Kenya (COK, 2010), does not specifically use the term IP, it is nevertheless quite rich in articles that define vulnerability and marginalization, including issues that VMGs cite as the reasons for their self-identification. It also addresses social exclusion in general. Most important, the Constitution now underscores measures for mitigating social exclusion, vulnerability and marginalization by specifically providing for affirmative action as a strategy for facilitating and fast tracking inclusion of the hitherto groups who felt excluded for the mainstream economic and political processes of the country.

In line with the recognition of marginalized groups by the COK, 2010, Article 260 of the Constitution defines a “marginalized community” as: (a) a community that, because of its relatively small population or for any other reason, has been unable to fully participate in the integrated social and economic life of Kenya as a whole;(b) a traditional community that, out of a need or desire to preserve its unique culture and identity from assimilation, has remained outside the integrated social and economic life of Kenya as a whole;(c) an indigenous community that has retained and maintained a traditional lifestyle and livelihood based on a hunter or gatherer economy; or (d) pastoral persons and communities, whether they are (i) nomadic; or (ii) a settled community that, because of its relative geographic isolation, has experienced only marginal participation in the integrated social and economic life of Kenya as a whole¹.

Similarly, the COK, 2010, defines ‘marginalized group’ as: a group of people who, because of laws or practices, on, or after the effective date, were or are disadvantaged by discrimination on one or more of the grounds in Article 27 (4) which prohibits discrimination on the basis of ethnic or social origin, religion, conscience, belief, culture, dress or language. In addition, article 27(6) calls on the state to undertake, ‘legislative and other measures, including affirmative action programmes and policies designed to redress any disadvantage suffered by individuals or groups because of past discrimination’. This article prohibits both direct and indirect discrimination.

Articles 56 and 260 of the Constitution are a clear demonstration of the intentions of the country to deal with the concerns of minority and marginalized groups: The definition of marginalized communities and groups by the COK, 2010, and the provisions for affirmative action programmes for minority and marginalized groups are efforts to clearly provide a legal framework for the inclusion of minority and marginalized groups into mainstream development of the country. These articles present the minority and

¹Ditto

marginalized groups including groups that fit the OP 4.10 criteria as a unique category of certain segments of the Kenyan population that deserve special attention in order to bring them to par with the rest of the country.

The Constitution of Kenya requires the State to address the needs of vulnerable groups, including “minority or marginalized” and “particular ethnic, religious or cultural communities” (Article 21.3): The Specific provisions of the Constitution include: affirmative action programs and policies for minorities and marginalized groups (Articles 27.6 and 56); rights of “cultural or linguistic” communities to maintain their culture and language (Articles 7, 44.2 and 56); protection of community land, including land that is “lawfully held, managed or used by specific communities as community forests, grazing areas or shrines,” and “ancestral lands and lands traditionally occupied by hunter-gatherer communities” (Article 63); promotion of representation in Parliament of “...(d) ethnic and other minorities; and (e) marginalized communities” (Article 100); and an equalization fund to provide basic services to marginalized areas (Article 204).

Other Constitutional provisions that protect the right of Kenyan, including marginalized groups: Abraham (2012) further specifies the relevant articles in the 2010 Constitution that are meant to protect the rights of Kenyans either as an individual or groups; for example:(i) Article 22, the enforcement of the bill of rights, accords every individual the right to institute court proceedings: (ii) Article 22(2)(b) allow a person to institute proceedings either as a member of or in the interest of a group or class of persons; and, Article 22(2)(c) allows for proceedings by persons acting in the public interest (Abraham, 2012:20).

2.1.3.2 International

World Bank’s OP. 4.10 recognizes that “the distinct identities and cultures of VMGs remained inextricably linked to the lands they inhabited and the natural resources they depended upon to survive”. The policy thus established processing requirements for VMGs that include: (i) screening, (ii) social assessment, in consultations with communities involved, (iii) preparation of Indigenous Peoples Plan (IPP) or Indigenous Peoples Planning Framework (IPPF) and, (iv) disclosure. It also requires the borrower to seek broad community support of VMGs through a process of free, prior and informed consultation before deciding to develop any project that targets or affects VMGs.

2.1.4 Vulnerable and Marginalized Groups in Project Area

The Duruma are the ethnic group that is present in the project area and as a matter of fact it is the only ethnic group. They are part of the larger Mijikenda tribe. In essence the whole population is therefore categorized as vulnerable and there is no other group within the Duruma in the area that is distinct in nature and in regard to culture and traditional norms. The Durumas are categorized as marginalized and vulnerable as a result of screening that was conducted in accordance with OP. 4.10. The constitution of Kenya (COK 2010) has also categorized Kwale County as a vulnerable and marginalized County.

2.1.5 Characteristics of Duruma Community

2.1.5.1 Location

The Mwache Multipurpose Dam project is located in Fulugani and Miyani areas of Kasemeni Division of Kinango District. The northern areas of Mwache river stream falls in Mazeras sub-location and Kasemeni location while the southern side is in Rombo Location and Kinguluni location while the upstream zones are in Mwatate location of the same Division. The catchments, however, extends far to the west, northwest and southwest. The location coincides with 3o 59' 12"S and 39o 31' 07"N on a straight stretch of the river before discharging into the ocean via Mwache Forest.

The location is off Mazeras about 22km from the City of Mombasa bordering the Indian Ocean to the east at approximately 10km from the main Mombasa – Nairobi highway. The **Table** below presents the administrative areas of Kinango District:

Table 2: Project Administrative Location Details

Division	# Locations	Name of locations	Number of Sub locations	Area (Km)
Kinango	3	Kinango, Puma, Vigurungani	6	1060.8
Ndavaya	1	Ndavaya	4	555.9
Kasemeni	5	Kasemeni, Mwatate, Mwavumbo, Mtaa and Gandini	13	562
Samburu	5	Samburu, Taru, Chengoni, McKinnon Road, Makamini	5	1803.2
Total	14		28	4011.7

2.1.5.2 Demographics in Project Affected Division

The population of Kasemeni division (project site) is predominantly rural in character and the main economic activity of the area is subsistence farming. According to the 2009 Population Census (KNBS) Kasemeni division had a population of 78,859 comprising of 12,902 households. Kasemeni division is an administrative unit within Kinango district and the proposed Dam Project falls within the areas of Mazeras, Chigato and Mnyenzi sub-locations. The administrative setting of the division and the population (2009) distribution is as shown in **Table 3** below:

Table 3: Population by Administrative Unit. (Kasemeni Division)

Sub-location	Population (2009)	Area (Sq. Km)	Density (p/ sq. km)	No. of Households
Mazeras	8705	15.5	560	1680
Chigato	4022	17.8	226	668
Mnyenzi	8292	29.0	286	1363
Mwatate	10,791	41.1	262	1601

2.1.5.3 Economics

The economy is mainly dependent on farming for domestic needs, with a few other limited forms of formal employment. The non-farm activities include sand harvesting for sale outside particularly in Mazeras town, quarrying of building stone at the river bed of

River Mwache, fabrication of roofing materials (makuti) for local use and export and limited fishing in River Mwache.

Large part of the administrative area is rural with the dominant activity being subsistence farming that is entirely dependent on the rainy season. The project area is suitable for mixed farming including livestock farming and the livelihood restoration program is proposing initiatives aligned towards crop and livestock production as seen in chapter for livelihood restoration. The prevailing farming system is mixed farming system (crops and livestock) based on family labour on small plots, using traditional tools (hoe and machetes). Agricultural production is essentially by smallholder farmers who cultivate on average 1.41ha of land with simple farm implements and very low inputs use, growing traditional food crops primarily for self-consumption and secondarily for marketing, and keep small numbers of livestock. Production is characterized by organic system and involves the combination of food, fodder and tree crops. Some of the VGs engage in fishing as a primary activity especially during low agricultural seasons as a supplement to their livelihood. The youth also exploit sand from the riverbeds as well as mining of stones as a source of income with the construction industry in Mombasa providing a suitable market for these building materials.

2.1.5.4 Land Tenure

Land tenure is a mixture of formal, customary and group ranch. Formal tenure corresponds to land that was allocated by the government via a legal title. There is no standard size for formally allocated plots. Land in the area is not fully registered to individual ownership and part of the affected land is still a Trust Land under Kwale County as part of the larger Mijikenda Trust Land. The process of adjudicating land rights for individual ownership is going on and so far, an area list has been prepared by the Kinango District Land Adjudication and Settlement Officer (DLASO), but not finalized. Land ownership in the project area is clan based and this influences the settlement trends. More recently, there has been a large effort to sanction customary occupation by a formal, registered title and corresponding cadastral mapping.

2.1.5.5 Culture

Durumas are one of the nine tribes of Mijikenda. All of the nine are sometimes called by the name of the largest and most northern tribe of Mijikenda, the Giriama, who live near the coastal city of Malindi.

Language

The Duruma are very close in language and culture to the Rabai, another of the Mijikenda peoples living west of Mombasa. The languages of the Mijikenda are close to the major Bantu language of the East African coast, Swahili. Most Duruma are bilingual in Swahili. Linguists classify the languages of the Duruma and the Rabai as two dialects of one language. Some Duruma also speak Digo.

Customs

The Duruma largely maintain their traditional family-village farming and herding life. But they may also be found as fishers and shopkeepers. Some are successful business people. The Duruma differ from other Mijikenda by maintaining a dual descent system:

both matrilineal and patrilineal. While the Digo to the east are matrilineal, the northern six Mijikenda groups are patrilineal. Until recently, the Duruma observed with other Mijikenda a practice of age-sets of four years in which generational circumcision was observed as an initiation into adulthood.

Religion

The Duruma have some influence from their Muslim neighbors the Swahili, but are primarily traditional. Islam is weakening among the Duruma. The only madrassa (Muslim Quranic school) is in the Kinango-project area-where there is the only largest mosque. There are a few mud and stick mosques. To the south of Mombasa and inland, the Digo, another Mijikenda tribe by contrast, are strongly Muslim. Prominent in the Duruma-Rabai area are the Anglicans, Methodists, Baptists and Pentecostals. Most do not work exclusively with the Duruma. Although Most Mijikenda today profess monotheistic Christianity or Islam, the traditional Mijikenda religion was a combination of monotheism in which a supreme being and creator, Mulungu, was worshipped, and a strong belief in the influence of ancestral and other spirits in people's daily lives. Many Mijikenda today have not completely abandoned this view.

Traditional Worship Shrines (Kayas)

The Duruma have traditional shrines for worship and rituals known as Kayas. Kayas are active ritual sites even today and in Kwale County and specifically in the project area, there exists Kaya Mtswakara, which is still important for the unity and identity of the community. Initiated Kaya Elders conduct ceremonies for various purposes including:

- Prayers for rain in time of drought or famine – *Kulomba vula*
- The cleansing of the land.
- Prayers of thanksgiving and blessing of the harvest - *Kutohola*
- Prayers for the good health of the communities - *Sadaka ya Mudzi*
- Resolution of clan and family disputes
- Divination and healing for individual members of the community

Overview of and Summary of Kaya Forests

The Duruma Sacred Kaya forests are an outstanding and unique African example of how the collective attitudes and beliefs of a rural society have shaped or sculpted a landscape over time in response to prevailing needs. Kayas are residual patches (from ten to two hundred hectares) of diverse lowland forests. They contain the traces of historic fortified settlements of the Mijikenda ancestors, which serve as a focus of cultural and ritual activities continuing on the sites today. In a unique way, the intangible aspects of Mijikenda heritage are supported by physical cultural features of the kayas including paths, gate sites, burial grounds, settlement sites, ritual grounds etc. representing the material embodiment of their world view and traditional belief systems.

Mythical / Historical Origins

The Kayas would seem to owe their existence to the beliefs, culture, and history of the nine coastal Mijikenda ethnic groups. These are: the Giriama, Digo, Duruma, Rabai, Kauma, Ribe, Jibana, Kambe, and Chonyi. According to their oral traditions the forests

historically sheltered small fortified villages of the various groups when they first appeared in the region ten generations or more ago ('Kaya' means homestead). They took refuge in the forest settlements from the onslaught of nomadic tribes such as the Orma or Galla, who had driven them from their former settlements north of Tana, in what today is Somalia.

Cutting of trees and destruction of vegetation around these sites was prohibited in an attempt to preserve the surrounding "Kaya forest" as a screen or buffering environment for the Kaya clearings. While the surrounding areas were gradually converted to farmland, the Kaya sites remained on the coastal landscape as forest patches of varying size and ritual significance.

Traditional Protection Systems Used in the Kayas

The most important part of the Kaya forest traditionally was the Kaya itself, the central clearing; in a metaphorical and literal historical sense, the "home" of the community. This tended to be set at the centre of the forest. The Kaya was approached from only a few well-trodden and defined paths. It was unlucky to use any other route. Historically, use of any other trail but these paths and gates signified bad faith and enmity, and was met with hostility from the inhabitants of the Kaya.

At a secret spot near the central clearing the Fingo is buried, a powerful protective talisman of the tribe which came from their original home in the north. Burial sites were also associated with the central clearing, where generations of villagers were buried: their spirits still reside here. The graves of great leaders were kept somewhat apart and are also treated as shrines. Certain old trees and unusual landforms such as caves also have ritual importance.

As mentioned earlier, the Kaya Elders strictly forbade cutting of trees and other activities that could potentially cause damage to the forest around the Kaya and sacred spots. This included collecting or removing dead logs or twigs or any other forest material. One kept to the traditional paths and avoided wandering freely in the forest — trampling vegetation and disturbing secret sites — and grazing livestock in the forest was forbidden. Uncommon animals, particularly large snakes, were to be left alone if encountered. Any structures built for ritual purposes used materials from the Kaya forest.

In addition to these restrictions on physical interactions at the site, there were behavioral controls as well; designed to maintain the tranquility of the Kaya. They emphasized decorum and respect as well as control of physical and emotional passions. Blood was not to be shed within the Kaya under any circumstances. However, all members of the Kaya community, including women, were entitled to visit the site if they so wished, as well as using the site under the Elders' guidance for ritual and ceremonial purposes.

The penalty for infringement varied depending on the magnitude of the transgression, but it usually consisted of fines of livestock or fowl, which were then sacrificed to appease offended spirits. If the offence was committed secretly, it was believed it would come to light sooner or later when attempts were made by healers to investigate the root cause of

an illness or other misfortune, which would surely befall the culprit. In such a case, he or she might, out of guilt, be persuaded to make a full confession.

These “spiritually policed” regulations regarding acceptable and profane behaviour within the Kaya sanctuary relating to physical disturbance of the sites, including cutting and removal of forest material, have proven valuable in terms of conservation, as they preserved the forest vegetation of these sites. However, traditional systems of protection of sacred sites rely heavily on the presence of a homogenous ethnic or cultural community sharing similar values and experiences, on a strong shared belief in the spirit world and its pervasive influence in people’s lives, and on a common acceptance of religious and cultural authority figures associated with the sites.

According to the Elders various kinds of ceremonies are still performed in Kaya today. For example all prayers for rain, harvests, and others for general well-being in the community, must start in Kaya Mtswakara before proceeding in the other kayas such as Gandini, Chonyi, Puma etc. People also go to Kaya Mtswakara led by a spiritual leader to pray for the good health for their animals, bright children, relief from ailments etc. Everyone going to the Kaya must offer sacrifices of cows, goats or chickens, food or other items (Matano, 2007).

Anyone going to consult the spirits must refrain from sleeping with their spouses for four days before entering the Kaya and again for four days after the rituals. Contravention of this taboo may result in death. When a chicken is used as a sacrifice, it is strangled with the hands and a knife is never used. The’ Mwanatsi’ (spiritual leader) leading the ritual wears a black loin-cloth around his waist and wears a white cloth on his head. These customs are strictly followed to the present day (Matano, 2007).



Figure 1 Photo of Kaya Mtswakara

Family Set-Up (Clanism)

The Duruma culture revolves around **clans** and **age-sets**. A clan consists of several family groups with a common patriarchal ancestor. Traditionally, each clan lived in one fortified village built in a cleared area of the forested ridges. A person's age-set determined their role and social standing within the clan and elaborate rituals were often held for members graduating from one age-set to another.

Each clan had their own sacred place known as *kaya*, a shrine for prayer, sacrifices and other religious rituals. These kayas were located deep in the forests and it was considered taboo to cut the trees and vegetation around them. The kaya elders, often members of the oldest age-set, were deemed to possess supernatural powers including the ability to make rain.

All homesteads are members of one of 14 clans. Clan membership is determined by birth and not subject to change; the bride joins the husband's clan if differs from hers. Marriage within homesteads is discouraged but most marriages are within the 14 clans.

Each family unit is affiliated with one of the 14 clans. Males take care of families and they control the farming. Males also hunt wild animals and herd their domestic animals (i.e. cattle, sheep, goats and chickens). Boys help with this. Women do all household work assisted by girls and also do a great deal of the farming. The clan traditionally

owned land and not individuals however; this has since changed with land being owned by individuals in certain areas in the project area. The sons inherit land from their fathers including any goods or money they may have. Daughters do not receive any part of the inheritance.

Social Networks and Bonds

The Duruma have extensive social networks, comprised of extended family and community groups. Others, due to extensive trade networks and migration of family members, have relatively large, complex and far-flung networks. Within the villages, neighbors and community members provide social support but social ties to extended family members (whether within the village or in other villages) are perhaps stronger. Men in the communities near the project typically dominate formal settings such as community and organization meetings. Men also typically represent families in business dealings. Identification of women's issues, concerns and aspirations generally requires a specific initiative. Like other Kenyan tribes today, Durumas have assimilated to modern cultural practices, resulting in the disappearance of many of their traditional customs.

Prayer Shrines/Caves along Mwache River Bed

The Duruma also have other traditional caves along the river Mwache where individuals use as shrines for prayers just like the Kayas.

2.1.5.6 Gender

The majority of Duruma community still holds to the traditional misconception that women cannot make decisions and thus women are under-represented in property ownership, education, and political leadership among others. This situation is the outcome of the interplay of a myriad of factors ranging from discriminatory property ownership laws and practices to deep seated cultural biases that consign the female gender to subordinate status in the local communities. The social mobilization process in the project area, has enforced gender inequalities where the women and the girl child is only seen as a factor of production and is less favored when it comes to opportunities for advancement such as education, land ownership and economic development.

2.1.5.7 Natural Resources

The County of Kwale has a number of natural resources and include among others:

- Rivers including Mwache, Ramisi, Marere, Pemba, Uмба, Mkurumuji, and Mwachema
- Forests include Shimba Hills, Mwaluganje Elephant Sanctuary and Shima Hills National Reserve

3 SUMMARY OF RESULTS OF FREE PRIOR AND INFORMED CONSULTATION

This chapter highlights the summary of results of the free, prior, and informed consultation with vulnerable groups that was carried out during project preparation and that led to broad community support for the Mwache Multipurpose Dam Project. The summary of free prior and informed consultation has been structured according to the different categories of issues/comments/questions raised, e.g., if issues raised by stakeholders related to concerns about loss of grazing land or place of worship (kaya), it would have been categorized as “ **social adverse impacts.**”

3.1 OBJECTIVES

The objectives of free, prior and informed consultations with the Duruma community also referred to as Vulnerable Group (VG) was to:

- 1) Inform affected the vulnerable peoples/Duruma about the proposed project;
- 2) To receive their full support for the project
- 3) Assess in a participatory manner the possible project benefits and adverse impacts; and
- 4) Agree on measures to enhance benefits or mitigate adverse impacts that will be incorporated into the project’s design.
- 5) Confer with the VMGs at the outset on how they wish to be engaged
- 6) Understand and respect local entry protocols as they relate to permission to enter a community and access traditional lands
- 7) Ensure that all representatives of the WSCR and executing partner agencies (including third party subcontractors and agents) are well briefed on local customs, history
- 8) Consult on who is best to represent the Duruma in decision making

3.1.1 Free Prior and Informed Consultation was conducted in the following manner:

Initial Consultation with leaders/representatives of the vulnerable and marginalized groups with the objective of informing them about the project and get their opinions and broad support for the same. Even though FPIC entails free and voluntary consultation without any external manipulation, interference or coercion, in observing protocol, the consultants obtain authorizations from the Kwale County Government and National Administration to engage with the Duruma community and obtain their views, support and participation in defining the cultural impacts of the project and the most adequate mitigation measures to apply.

This was also a particularly important step because failure to engage with the Kwale County Government would have led to difficulties in conducting the consultations in their jurisdiction. As a matter of protocol, activities cannot be conducted in any County in Kenya without the knowledge of the County Governments and even the National Government.

Consultation with the Vulnerable and Marginalized Groups: Consultations were held with the Duruma community members in the affected project areas with the facilitation and participation of the **Duruma Council of Elders**. The consultations were held in different sites via open house/barazas or public meetings and prior to these meetings, all the Durumas were informed in advance of the objective of the meetings, the venue/location, time and stakeholders who would be present.

The Duruma Council of Elders is the supreme institution that represents the cultural views and position of the Duruma community and oversees issues related to customs and traditions. They are the decision-making organ for the Duruma on all matters customs and traditions and therefore their involvement is absolute and critical.

Prior to the open and public barazas/meetings with the Duruma, there was timely dissemination of information about the project and objective of the consultations. The Council of Elders, Kaya Elders and local administration were informed about the objective of the meeting and requested to disseminate the information to all affected villages prior to the consultations.

Community deliberations/discussions amongst themselves

Several targeted consultations, meetings and deliberations were held with the vulnerable groups through public barazas (open house meetings) that were organized by the following institutions that represent the Duruma community on aspects of culture and tradition;

Box 1. Institutions Facilitating Consultation

- Kaya Elders-Are the leaders and gatekeepers of traditional worship shrines found in the project area
- Council of Elders-Are the decision makers for all aspects of culture, tradition and customs in Duruma
- Kwale County Government-Participation is important as a result of their role of coordinating all activities in the County
- Provincial Administration-Is a national government organ that has grass root presence and effective in mobilisation and dissemination of information via Chiefs and Assistant Chiefs

3.1.1.1 Gender Considerations

The consultations also took into account the issues of gender. Specific consultations with women in the project-affected area were carried to ensure that their concerns are included in the project design and preparation. The Duruma community is highly patrilineal society where women and their views are generally not considered. Majority of Duruma still hold to the traditional misconception that women cannot make decisions and thus women are under-represented in property ownership, education, and political leadership among others. This situation is the outcome of the interplay of a myriad of factors ranging from discriminatory property ownership laws and practices to deep seated cultural biases that consign the female gender to subordinate status in the local communities.

3.1.1.2 Consultations/dialogues for additional information/clarification

In all the consultative meetings held across 18 villages with the Duruma, almost all issues were deliberated and concluded with after the project proponent provided full clarification.

However, the following issue required additional dialogue namely:

- **Compensation Cost for relocation of the 2 Kaya sites, worship caves and graves:** During the consultation, once the Durumas understood that two of their worship shrines (kayas), 4 worship caves along the riverbeds of Mwache River and graves would be affected by the project, they demanded compensation for ceremonial processes and rituals which includes, among others, slaughtering a bull to appease the spirits and allow for relocation of the same to new sites. When asked the cost of compensation and procedure, the Council of Elders and Kaya Elders indicated that they would form a task force to draw the cost related to the ceremony, associated rituals including identification of new burial sites and shrines. The project would meet all the costs related to these activities. Kaya Elders will oversee the process of re-locating the Kayas, shrines and graves but would need compensation mainly in terms of resources (cash) to obtain bulls that would be slaughtered in order to appease the spirits during the relocation who would be disturbed. A full ceremony for relocating the shrines will be conducted prior to commencement of any activity.
- **Method for collective decision-making:** During the consultations in each village, the Duruma were asked whether they support the project or otherwise. According to the Duruma culture, the Council of Elders including Kaya Elders wield great influence as representatives of the community on matters culture and tradition. All matters tradition and cultural including ceremonies and rituals are first reviewed by the Council of Elders who thereafter offer guidance to the community on the action and or direction to take based on the laid down traditions and culture. In almost all cases, the decision or advise of Council of Elders is supported by the entire community.

3.1.1.3 Broad Support For Project

During all the consultative meetings with the Duruma, the Kaya Elders, Council of Elders and Local Administration were present. Decision-making was undertaken collectively in the following manner:

- A community member raised an issue verbally in local Duruma language, which was then translated so that the consultants and project proponent could understand.
- If the issue for instance touched on traditional worship sites or graves and concern over the impact, the Council of Elders were asked to make suggestions on how to avoid this impact and then if the project proponent accepted the proposed mitigation action, the community members present were requested to decide by acclamation whether they would support the project if the mitigation measure(s)

proposed are implemented.

- In all cases, the community members broadly supported the project and its objectives but with conditions which mainly included addressing the adverse effects on cultural resources, customs and way of life by the project proponent prior to any construction works.
- The results of the decision making process was therefore instant with only a few cases being deferred for instance where the Council of Elders and Kaya Elders requested for more time to determine the cost of relocation of graves and worship shrines and caves.

Table 4. – Consultations with Vulnerable and Marginalized Groups

April 8th 2014	Meeting with County Government of Kwale officials as part of protocol and communicate intentions and objectives	Kwale County Government Offices
April 8th 2014	Meeting with Provincial Government officials as part of protocol and communicate intentions and objectives	D.O 's Office at Kasemeni Division
April 9 2014	Public Consultation Meeting with Vulnerable Groups/Duruma	Fulugani Primary School
April 9 2014	Special Meeting with Kaya Elders	Fulugani Primary School
April 9 2014	Public Consultation Meeting with Vulnerable Groups/Duruma	Mnyenzeni Grounds
April 9 2014	Public Consultation Meeting with women	Mnyenzeni Grounds
April 9 2014	Meeting with Area Assistant Chief where proposed Demonstration Irrigation area is situated.	Pemba Dispensary
May 1 2014	Public meeting with Irrigation area potential PAs & Stakeholders	Pemba Primary School
	Public Consultation Meeting with Vulnerable Groups/Duruma	
May 4 2014	Meeting with Dam Committee Members & Assistant Chiefs.	Mwache Primary School

Table 5. Consultation Meetings with Vulnerable Groups in All Affected Villages

Meeting with members of Fulugani Village	April 12 th 2014
Meeting with members of Mwachipa Village	April 14 th 2014
Meeting with members of Bokole Village	April 15 th 2014
Meeting with members of Mwache Village	April 17 th 2014
Meeting with members of Chigomeni Village	April 19 th 2014
Meeting with members of Chigato Village	April 19 th 2014
Meeting with members of Chinguluni Village	April 21 st 2014
Meeting with members of Luweni Village	April 22 nd 2014
Meeting with members of Miyani Village	April 22 nd 2014
Meeting with members of Mrabaini Village	April 22 nd 2014
Meeting with members of Mgandini Village	April 22 nd 2014
Meeting with members of Mnyenzeni Village	April 22 nd & 23 rd 2014
Meeting with members of Mwashanga Village	April 24 th 2014
Meeting with members of Vikinduni Village	April 24 th 2014
Meeting with members of Changa Village	April 24 th 2014

Meeting with members of Mwatate Village	April 25 th 2014
Meeting with members of Nunguni Village	April 26 th 2014
Meeting with members of Pemba Village	May 2 nd & 3 rd 2014

3.1.1.4 Establishment of grievance mechanism

A grievance mechanism and re-dress process was established for handling the issues related to customs, culture and tradition of the Duruma which could be affected as a result of the project. The grievance redress mechanism proposed is highlighted in detail in *chapter 7* of this VMGP.

3.1.2 Results Of Free Prior and Informed Consultation

Table 6 below is a summary of the results of free prior and informed consultations held in various villages. The table is categorized into issues, comment or concern of vulnerable group member, the source or venue of where the concerns were raised and the response provided by the consultants.

The tables have been split into the following key topics for ease of reference

- Concern in regard to vulnerable groups understanding the project
- Concern in regard to vulnerable groups fears over project risks on their culture, customs and traditions
- Concerns in regard to the social economic benefits to the vulnerable groups
- Concerns in regard to public consultation and stakeholder integrity
- Concern in regard to vulnerable groups understanding of implementing agencies
- Vulnerable groups broad support to project

Table 6. Summary of Results of Free Prior and Informed Consultation

Project Understanding

Issue/Comment	Organization/Who	Source	Summary of the Response
1.1 I am concerned by the fact that as project beneficiaries and marginalized group, we do not yet fully understand the components of the Mwache Dam Project, it keeps on changing and we keep hearing rumours	Kaya Elder	Open House Meeting/Baraza	The project is a multipurpose dam with the following 2 components: 1. Mwache Dam and Related Infrastructure 2. Kwale County Development Support which includes;-Irrigation-Demonstration Scheme 100Ha and sustainable livelihood component
1.2 Will the Project provide electricity for local residents, we are in dire need of electricity	Vulnerable Group Member	Open House Meeting/Baraza	The Mwache Multipurpose Dam Project will not include electricity generation, it is primarily for water supply for agriculture and sanitation
1.3 Why is the water going to Mombasa County, are we also going to benefit from the water?	Vulnerable Group Member	Open House Meeting/Baraza	It is correct the project will supply water to Mombasa County which is also in dire need for water but this project also intends to supply water to the entire Kwale County as well through the water supply and sanitation investments sub component.
1.4 Who are the owners of the Mwache Dam Project?	Vulnerable Group Member	Open House Meeting/Baraza	The project is implemented by the Ministry of Environment, Water and Natural Resources (MEWNR) on behalf of the people of Kenya and will be executed by Coast Development Authority (CDA) and Kwale County Government
1.5 When will the Project commence, we are tired of the several visits and missions and consultations since 2010.	Vulnerable Group Member	Open House Meeting/Baraza	The construction of the dam is expected to begin in 2017, however, check dams for irrigation and the pilot irrigation may begin much earlier.

Project Risks/Impacts

Issue/Comment	Organization	Source	Response
2.1 Is the project going to affect our traditional Kaya? What actions will the project take to protect the shrines?	Kaya Elder-Chairman	Open House Meeting/Baraza	The project will affect 2 kaya sites; one close to the dam site (Fulugani) and the other close to the bridge. We would like to discuss and consult with the Kaya Elders on the customary procedures and ceremonies used by the Duruma to relocate cultural assets. The project will pay for the needed rituals and will compensate for the disturbances
2.2 I would like to know if the project will	Vulnerable Group Member	Open House	Graves and burial sites will be affected as a result of the

affect our graves and burial sites. We as Duruma have a lot of respect for the dead and would be unhappy if they are disturbed		Meeting/Baraza		<p>project. The project is extremely respectful of the culture and customs of the Duruma, who are consulted fully and will decide where to relocate graves and the burial sites. A budget for this activity is set-aside in the budget section.</p> <p>The RAP preparation is on going and we will finally be able to determine how many graves will be affected.</p>
2.3 Do you know how many graves will be affected as a result of the project and which families?	Vulnerable Group Member	Open Meeting/Baraza	House	The project is currently preparing a Resettlement Action Plan, which includes mapping of all affected graves and burial sites including concerned families.
2.4 Along the Mwache River, we have traditional caves where we conduct traditional worship and are concerned that the project will affect these areas	Vulnerable Group Member	Open Meeting/Baraza	House	<p>Thank you for this information. The project would appreciate during this process to be informed of all the cultural resources in the area and significance including locations. As a result of the dam, several areas along the Mwache River will be inundated hence these caves are likely to be affected.</p> <p>The project would like to listen to your views and traditions for relocating these caves. The project also assures and affirms that it will respect and follow all the cultural norms, ceremonies and rituals for relocating these caves and will meet all costs associated with the same.</p>
<p>2.5 We live in clans as Duruma people and share tight bonds including inter-marrying, sharing of land etc. Every family member is connected to a particular clan.</p> <p>Will the project displace us from our villages and restrict our linkages with fellow clansmen?</p>	Council of Elder	Open Meeting/Baraza	House	<p>The project has no intention of disrupting or severing your linkages at family and clan level. Even though the project is going to lead to physical displacement, the plan of action is to resettle all those identified as affected within their clans and with their families including the extended families.</p> <p>The RAP report will highlight the findings and will recommend this approach during implementation</p>
2.6 We would like to know which villages and families will be physically displaced by the project and where they will be resettled. We do not want to move far away from our clan members and kinsfolk	Vulnerable Group Member	Open Meeting/Baraza	House	<p>A total of 18 villages will be affected but no single family or homestead displaced (physically) will be resettled away from their clan members.</p> <p>The RAP is under preparation and for the moment we do not have the exact number of homesteads affected.</p>
2.7 Land is a critical aspect of us-Duruma, we depend on land for cultivation of crops, grazing of livestock among others. If the project is going to acquire a lot of land from us, I will not support this project, I will oppose it.	Vulnerable Group Member	Open Meeting/Baraza	House	The project will provide compensation for all land acquired in accordance with OP. 4.12 and even though land acquisition will occur, the benefits include introduction of water for irrigation which will boost crop production through intensification which will achieve more yields annually unlike the current rain fed dependence

<p>2.8 You are the experts and we would like you to inform us how much land will be acquired, which villages will be affected and how you will compensate for the loss of land and other assets, we will not make an informed decision if this information is not made available to us in time.</p>	Vulnerable Group Member	Open Meeting/Baraza House	<p>The process of determining the amount of land to be acquired, villages affected are on going. Once this process is complete, you will be updated. Compensation for all assets including land will be according to OP. 4.12</p>
<p>2.9 As the Chairman of Kaya Elders, I wish to say that we support the project and we are only tired of the waiting.</p> <p>Also, I would like to say that, we have traditional ways of the Duruma for re-locating traditional shrines (Kayas) and graves, and that for as long as we are compensated, we will lead the process for relocating these cultural resources in the traditional manner.</p> <p>However, we will not support this project until we get the assurance of compensation for loss of the Kayas and our graves.</p>	Vulnerable Group Member	Open Meeting/Baraza House	<p>Thank you for this information and the project is glad that there are cultural norms and ways of relocating the shrines of worship and graves.</p> <p>The project assures the Duruma community that it will compensate for the cultural losses as guided by Kaya Elders and Council of Elders</p> <p>The project will support all the rituals that are observed in order to relocate the graves and shrines</p>
<p>2.10 On behalf of the women, I would like to thank you for holding a separate meeting with us. In our culture, women cannot discuss issues where there are men. We are concerned that we will not gain economically from the compensation (cash) for land acquisition. Our men are likely to take all the money and distribute it to their sons ONLY. This will leave us poorer and vulnerable</p>	Vulnerable Group Member/Women Representative	Open Meeting/Baraza House	<p>The project understands this concern and this is why it organised for a separate meeting with women ONLY.</p> <p>Compensation for loss of land will be given to all without discrimination of gender as clearly spelt out in our constitution.</p> <p>The project will also design gender specific income generating initiatives targeting women to reduce their vulnerability</p>
<p>2.11 What guarantee do you have in place that women will not be excluded from the compensation and benefits</p>	Vulnerable Group Member	Open Meeting/Baraza House	<p>Compensation for loss of land will be given to all without discrimination of gender as clearly spelt out in our constitution.</p> <p>The project will also design gender specific income generating initiatives targeting women to reduce their vulnerability</p>
<p>2.12 A project of this magnitude will require labourers who are likely to come from other regions within Kenya or outside of Kenya i.e. foreign countries.</p>	Vulnerable Group Member	Open Meeting/Baraza House	<p>This is a correct observation and a likely scenario because the contractors are going to use local and foreign labourers.</p> <p>The project will prepare a cultural sensitisation program and plan which will be used to enlighten and sensitize the</p>

I am a concerned member regarding how these external persons may affect, influence or distort our traditional and cultural way of life. I am worried of the negative influence they may exert on our people. Foreigners staying with us for long may bring aspects of life that may erode or culture or spoil our youth. How will you address this?			labourers of the culture, customs and traditions of the Duruma and need to respect their cultural way of life at all times	
<u>2.13</u> I am concerned about the potential for conflict over land compensation and disruption of harmony within families. As you may know, land in this area is still held under group ranching or by the head of the household. Some of us are young but with families and living on land allocated to us by our parents without a title deed. How will the project ensure that each of us gets benefits?	Vulnerable Group Member	Open Meeting/Baraza	House	The project will establish a resettlement and grievance management committee, which will handle all disputes related to compensation. These committees will include the council of elders and kaya elders as well. However, the project will consult widely with the traditional structures and systems on how to handle such cases
<u>2.14</u> I support this project because this area where we live has many problems. We have inadequate water for domestic use and the climate does not favour cultivation of crops. The dam including irrigation will boost the livelihoods of our area, I am happy	Vulnerable Group Member	Open Meeting/Baraza	House	Thank you very much for your support for this project.
<u>2.15</u> I am worried that this project will lead to spread of HIV/AIDS and drug abuse specifically because of the interaction of external workers and our people. This is bad for our culture and I will not support this project	Vulnerable Group Member	Open Meeting/Baraza	House	Thank you and the project will develop an action plan for managing impacts associated with HIV/AIDS and drug abuse including awareness and sensitization of the foreign workers on culture of the Duruma
<u>2.17</u> Our people need to be very careful about this project. We are mostly poor and I have seen in other places, families breaking apart when foreigners seduce locals and entice them with money due to poverty, this leads to family fragmentation and strife.	Vulnerable Group Member	Open Meeting/Baraza	House	The project as part of the RAP has included a component on money management specifically targeting all those affected once they are provided monetary compensation

Project Benefits

Query/Comment	Organization	Source	Response
3.1 How is this Project going to benefit the people of Duruma?	Kaya Elder	Open House Meeting/Baraza	The project has a lot of benefits and includes provision of water for domestic use and sanitation as well as for irrigation purposes.
3.2 I am not happy that only 100 Ha is made available as a demonstration irrigation site, why can the project not cover a larger area for irrigation?	Vulnerable Group Member	Open House Meeting/Baraza	The Demonstration Irrigation Scheme is only for testing the methods, crops and market. The irrigation project in itself, will cover over 2,500 Ha and will benefit a lot more people
3.3 I am confused. Originally, this project, as I understand it was to include irrigation of over 2,500Ha, this is what we were informed by CDA, why are you reducing the scope, how are we to benefit if the scope is reduced?	Vulnerable Group Member	Open House Meeting/Baraza	Additional studies were conducted and it was deemed that because it will take almost 3 years to construct the dam, a pilot scheme be started using the check dam #2.
3.4 Our youth are jobless, what are the opportunities that this project will avail for our Duruma people?	Vulnerable Group Member	Open House Meeting/Baraza	The project will create several job opportunities –skilled and unskilled during construction phase and first priority will be given to the Duruma people
3.5 Have you identified all jobs required for operation, the portion for local people and what job fields, and wage proportion of total project cost	Vulnerable Group Member	Open House Meeting/Baraza	The project will create several job opportunities –skilled and unskilled during construction phase and first priority will be given to the Duruma people
3.6 How many jobs will be created by the project?	Vulnerable Group Member	Open House Meeting/Baraza	The project will create several job opportunities –skilled and unskilled during construction phase and first priority will be given to the Duruma people
3.7 Although the projects should result in economic benefits for the area, how will it be ensured that these benefits are shared amongst the affected communities especially women and youth?	Vulnerable Group Member	Open House Meeting/Baraza	A plan for ensuring that socio-economic benefits for all including youth and women will be drawn
3.8 What are the benefits (short, medium and long term) for local employment? To what degree will local communities benefit?	Vulnerable Group Member	Open House Meeting/Baraza	Due to the technical nature and regulated health and safety requirements for operations, opportunities for local employment will be limited to casual and unskilled positions. Where possible, employment opportunities will be offered to

			local communities before others are considered. Opportunities for skills development and training will be explored in order to maximise long-term benefits of employment.
3.9 This project can help address poverty and other social problems experienced in local communities. Will this project bring education and build capacity in local communities?	Vulnerable Group Member	Open House Meeting/Baraza	The project does not education as a direct component. However, through provision of water, time lost by women to fetch water will be reduced hence focus on education. The irrigation project will boost economic power of the Duruma providing resources that can be used in education
3.10 The project will be a good thing. It will stimulate the local economy; potentially provide job opportunities to an area with incredibly high unemployment.	Women Representative From Local Community	Open House Meeting/Baraza	Thank you for your comment.
3.11 This project will contribute to empowerment of communities, skills transfer and will contribute employment to a region with the highest unemployment.	Women Representative From Local Community	Open House Meeting/Baraza	Thank you for this comment. Where possible, employment opportunities will be offered to local communities before others are considered. Opportunities for skills development and training will be explored in order to maximize long-term benefits of employment.
3.15 This project is going to affect our economic activities especially fisheries, sand harvesting and stone quarrying, how will this be compensated?	Vulnerable Group Member	Open House Meeting/Baraza	A RAP is under preparation and it will provide basis for compensation for all categories of affected vulnerable groups

Public Consultation and Stakeholder Integrity

Issue/Comment	Organization	Source	Response
4.1 Please provide us with notification of meeting dates, well in advance.	Local Community Member	Open House Meeting/Baraza	Thank you. The project is preparing a Stakeholder Engagement Plan which will further highlight and provide details for commentators, and includes the schedule of and venues for public meetings.
4.2 How does the project propose consulting with and communicating its intentions with local communities?	Vulnerable Group Member	Open House Meeting/Baraza	Thank you. The project is intending to communicate and consult with the people of Duruma in a culturally appropriate manner. The project would like to communicate with the Duruma through their preferred modes and customs

			including time and locations. The project respects the decision and ways that are used traditionally for communication and will follow these ways The project is preparing a Stakeholder Engagement Plan which will further highlight and provide details for commentators, and includes the schedule of and venues for public meetings.
<u>4.3</u> A far more comprehensive process needs to be conducted to inform stakeholders of the implications of this proposed process and project.	Vulnerable Group Member	Open House Meeting/Baraza	Thank you. The project is preparing documents and an engagement plan, which will be used to continue informing the Duruma about the benefits and impacts of the project on your culture and way of life.
<u>4.4</u> Will we be able to view all comments and objections raised against the project before being used to make a decision?	Member of County Assembly	Open House Meeting/Baraza	Yes: All reports will be publicly disclosed as per the Bank's disclosure policy in several places including in the project site
<u>4.5</u> I would like to receive further documentation regarding this project; especially the comments raised by interested and affected parties, as well as the ESIA/EMP/VGMP/RAP reports.	Local Community Member	Open House Meeting/Baraza	As a registered stakeholder you will be kept informed of the proposed project.
<u>4.6</u> Stakeholders would like the assurance that all information and responses provided by the project are honest and transparent.	Local Community Member	Open House Meeting/Baraza	Your comment is noted.

Project Implementing Agencies

Issue/Comment	Organization	Source	Response
<u>5.1</u> I am interested to know the implementing parties in this program. I have seen numerous parties coming here every now and then and I am a bit confused.	Vulnerable Group Member	Open House Meeting/Baraza	This project is implemented by the MEWNRs with CDA and Kwale County Government as the main executing agencies. There are however other institutions like KFS, WRMA, KARI etc. who will also play an important role

Support For Mwache Project

Comments	Organization	Source	Response
<p>6.1 I am the Ward Administrator but I am a Duruma in the first place. I would like to state that I support this project, which we have been waiting for, and is actually one of the projects identified as a priority in our County Integrated Development Plan for Kwale. This was one of our pledges to the people of Kwale</p>	Ward Administrator	Open House Meeting/Baraza	Thank you.
<p>6.2 On behalf of the Kaya Elders, I would like to say that we really support this Mwache Project. We have been part and parcel of the activities and conceptualisation of this project ever since CDA and the now defunct Ministry of Regional Development Authorities announced it to us. We have been extensively consulted and participated in all dialogue and meetings from 2010.</p> <p>Please stop further studies we support this project but now we are getting extremely fatigued of these consultations. This project has our blessing.</p>	Kaya Elder-Chairman	Open House Meeting/Baraza	Thank you.
<p>6.3 We represent the youth in this area and support this project because of the benefits that the project presents for the youth of the area</p>	Vulnerable Group Member	Open House Meeting/Baraza	Thank you.
<p>6.4 As the County Government of Kwale we support this project and would like to see it implemented as soon as possible. We however hold reservations on the fact that the water will be for use in Mombasa County. We insist that, the first beneficiaries of this project should be the people of Kinango, and then we can discuss Mombasa County.</p>	Vulnerable Group Member	Open House Meeting/Baraza	Thank you.

3.1.3 Consultations in Context of SA/VMGP Disclosure

The Social Assessment and VMGP will be disclosed in the website of the Kwale County Government, World Bank and MEWNR to allow the public and stakeholders to consult the documents for final feedback. Publications will be in English. Hard copies will be placed in public areas (Kwale County headquarters, MEWNR, CDA office) to allow for public consultation.

The disclosure process will be accompanied by the consultation of the VGs in order to obtain their views and concerns on the overall approach. A disclosure program, comprising:

- Additional public information events for presentation and explanation of the VMGP,
- Consultation events during disclosure will be held on site in the affected villages and be made accessible for all vulnerable groups.
- The disclosure process will be explained and the VMGP's executive summary will be presented and explained and which will be translated in Swahili.
- During the public disclosure events, if there are additional concerns they will be recorded and questions will be answered.
- The County Government of Kwale will support the performance of the disclosure consultation program.

3.1.4 Consultation During Implementation

During implementation, the Project Implementation Unit (PIU) within Coast Development Authority will be responsible for the planning and performance of regular consultation with VGs. Community Liaison Officers (to be assigned immediately by the start of implementation, at the start of year 0) will be the staff who will operate the consultation program for the VGs during the implementation phase. Key elements of consultation during project implementation are:

- Routine consultation of Council of Elders/Kaya Elders in the context of the VMGP monitoring program;
- Public consultation events in the context of the VMGP monitoring program;
- Continuous information of the VGs and other project stakeholders about Project progress and upcoming relevant activities;
- Provide accessibility for VGs; establish capacity/availability for quick response to consultation needs expressed by VGs

From the start of VMGP implementation, PIU will operate a field office at the project site. The operation of the project office will be communicated broadly to all the VGs, including office hours of key staff. The location of the office will be signposted. The field office will be established at a site, which will be accessible without any disturbance from construction activities, access will not be severed by construction activities at any time.

4 FRAMEWORK FOR ENSURING FREE, PRIOR, AND INFORMED CONSULTATION

4.1 INTRODUCTION

This chapter described the proposed framework for ensuring free, prior and informed consultation with the affected vulnerable groups during implementation of the Mwache Multipurpose Dam Project.

The proposed framework has been designed in a consultative manner and following the guidelines for free, prior and informed consultation set forth by OP. 4.10. The framework has also been prepared in line with the Constitution of Kenya (2010) specifically those tenets focusing on public participation.

Consultations with the vulnerable groups will be carried out through their own existing processes, organizations and institutions, e.g., Duruma councils of elders and Kaya elders. The Duruma will have the right to participate through representatives' chosen by themselves in accordance with their own procedures and decision-making institutions and consultations will also take into account the issues of gender.

4.1.1 Cost of Information Dissemination and Consultation

The project will disseminate all information related to the project and touching on the vulnerable groups free of charge and in a timely manner and using methods that are culturally appropriate and respectful of the culture of the Duruma.

All information about the project will be made available voluntarily and in a transparent manner at the request of the Duruma in strategic places within the project area and in their local language without any cost. All costs for information dissemination and communication will be met by the project. The vulnerable groups will determine the process and timeline for decision making and all the community members will be free to participate regardless of age, gender or standing in the community.

4.1.2 Information Dissemination Timeframe

Information about the project, information on public meetings and consultations will be disseminated in advance to the vulnerable groups before consultations and deliberations on are held. Information will include the objective of the meetings or discussions, the agenda and venue/locations, the time among others and will be in the local Duruma language and in formats decided by the Duruma.

- Sufficient time will be provided in the project to allow the vulnerable groups to understand, access, and analyze information on the proposed activity. The amount of time required will depend on the decision-making processes of the vulnerable groups.
- Information will be provided before activities can be initiated, at the beginning or initiation of an activity, process or phase of implementation, including

conceptualization, design, proposal, information, execution, and following evaluation; and

- The decision-making timeline established by the vulnerable groups must be respected, as it reflects the time needed to understand, analyze, and evaluate the activities under consideration in accordance with their own customs.

4.1.3 Proposed Communication Channels

1. *Duruma Council of Elders and Kaya Elders*

The Duruma community in the project area has its own representative organizations that provide effective channels for communicating local preferences especially on matters related to culture and customs. These traditional leaders (Kaya Elders and Duruma Council of Elders) occupy pivotal positions for mobilizing people and have been proposed as the mediums to use for communication into the planning process, with due concern for ensuring genuine representation of the indigenous population.

2. *Local Administration-Chiefs, Assistant Chiefs*

Chiefs and Assistant Chiefs are important channels for communication and dissemination of information and are part of the National Government.

Information provided to the vulnerable groups will:

- Be accessible, clear, consistent, accurate, constant, and transparent;
- Be delivered in appropriate language and culturally appropriate format (including radio, video, graphics, documentaries, photos, oral presentations);
- Be objective, covering both the positive and negative potential of project activities and consequences of giving or withholding consent;
- Be complete, covering the spectrum of potential social, financial, political, cultural, environmental impacts, including scientific information with access to original sources in appropriate language;
- Be delivered in a manner that strengthens and does not erode indigenous or local cultures;
- Be delivered by culturally appropriate personnel, in culturally appropriate locations, and include capacity building of indigenous or local trainers;
- Be delivered with sufficient time to be understood and verified;
- Reach the most remote, rural communities, women and the marginalized; and
- Be provided on an ongoing and continuous basis throughout the FPIC process.

4.1.4 Methods of Communication/Information Dissemination/Consultation

• *Public Barazas/Open House meetings*

Public meetings/barazas will be used for communicating of information and discussing issues related to the project to the vulnerable groups.

• *Use of Community Radio*

The local vernacular radio station will also be used as a channel of communicating and disseminating information about the project to the vulnerable groups.

- ***Posters***

Posters in local language will also be used to disseminate information about the project to the vulnerable groups for instance in announcing proposed meetings which will be placed in strategic points like market centres, hospitals, schools etc.

- ***Background Information Document***

The purpose of the background information document (BID) is to offer the vulnerable groups a clear, non-technical and consistent explanation of the project activities, proponent, and mechanisms for stakeholder engagement and communication about the project. This reduces misinformation and miscommunication about project activities and impacts.

- The BID will be distributed to all the vulnerable groups and posted in project-affected communities in advance of the start of project activities. The BID will be a single sheet of paper printed on both sides. Information on one side in local language will be replicated on the reverse side in English. Information will also be made available in Kiswahili as needed.

4.1.5 Documentation

The opinions, views, concerns, and recommendations of meetings and consultations held with the vulnerable groups must and will be properly recorded and acknowledged. Responses and actions in relation to the result of the consultations shall be provided and made public. All communications with stakeholders, including grievances, will be recorded in a stakeholder engagement record.

It is the responsibility of PIU to maintain this record and are responsible for accurate and timely management and maintenance of the stakeholder engagement record.

5 ACTION PLAN FOR ENSURING SOCIO-ECONOMIC BENEFITS

This chapter describes the plan of action proposed by the project to ensure that the Duruma receive social and economic benefits that are culturally appropriate. This chapter therefore identifies the likely social development outcomes of the project and proposes a social development strategy, including recommendations for institutional arrangements to achieve them, based on the findings of the social assessment. The social development strategy is expected to increase the benefits to Duruma community as well as reduce social and political risks that could undermine the gains of development, thereby increasing the equity and social sustainability of projects.

This chapter further identifies the short and long term interventions and strategies proposed in order to ensure that negative impacts from the Mwache Multipurpose Dam Project are addressed and that the VMGs participate in the project benefits at their various local village levels. The strategies have ensured adequate inclusion, consultation and participation of women, youth and other vulnerable groups.

The identification of and planning for the Duruma peoples, affected community development programs and impact mitigation for the project is an ongoing and iterative process. From the beginning, the Duruma and community leaders have identified the following key areas of interest:

- Water Provision
- Project employment and contracting opportunities
- Agricultural improvement and intensification
- Health care
- Education
- Vocational training
- Community infrastructure and roads
- Environmental protection

The KWSCR-2 has commenced the development of culturally appropriate plans and projects that will increase socio-economic benefits to the Duruma without increasing their vulnerability or eroding their culture. These are discussed in details in the sections below and they are principally activities that have been conducted by the Durumas in the project site historically, for example farming or cultivation of crops.

5.1 DEVELOPMENT OBJECTIVE OF MWACHE MULTIPURPOSE DAM PROJECT

The development objective of this project (KWSCR-2) is to improve access to water in Kenya's coastal region, and enhance livelihoods in Kwale County. As part of the social development strategy and to protect the Durumas from risks associated with the project, the KWSCR-2 has developed activities that seek to improve incomes in Kwale County overall, through support of community-driven development activities that provide sustainable livelihood support.

These activities are intended to improve sustainable livelihood paradigms and project benefit sharing for the largely rural communities in Kwale County. The activities will also focus in developing alternative livelihood activities for communities currently dependent on the unsustainable use of natural resources. As such, it will focus on income-generating activities that also support water security and climate resilience in the county.

These could include the development of village-based manufacturing capacity for items such as water source protection, low-cost irrigation and agricultural water management, crop cultivation in zai pits, production value addition, composting, establishment of tree nurseries (for fruit and woodlots), sustainable brick making, development of alternative energy products, improved cook stoves, bee keeping, household-level pond aquaculture, modern livestock management, etc.

5.1.1 Kwale County Development Support

This Component of the KWSCR-2 will support development in Kwale County, where the Mwache Multipurpose Dam is located, through investments in water supply and sanitation in rural communities and small towns; a demonstration irrigation scheme to inform design and establish viability of a large-scale irrigation program in Kwale in the future, and livelihoods investments.

By supporting these activities, this project component will bring near-term and medium-term benefits to Kwale County, in parallel to the planning and preparation for the large-scale infrastructure that would supply water to Kwale (from Mwache, and other sources) in the long-term. Water supply and sanitation activities under Component 2 have been designed considering the post 2015 MDG targets, which have more focus on eliminating open defecation; achieving universal access to basic drinking water, sanitation and hygiene for households, schools and health facilities; and progressively eliminating inequalities in access.

Due to the dispersed nature of Kwale County population, sustainable supply to rural areas through conventional water systems is not feasible in most cases. The option to supply communities located along the bulk water system through water kiosks along the main pipelines will be explored further². Priority will be given to communities affected by construction of the dam, some of which are currently supplied from Mzima pipeline. If found viable, this sub-component will support construction of pipelines from off-takes on the main pipelines and kiosks or yard taps to supply the communities. Other viable, low-cost near-term options for rural water supply include point water sources (boreholes, protected dug wells, and protected springs); rainwater collection; and small dams across seasonal streams. Investments under this sub-component will be identified through a participatory and demand-driven approach and will include rehabilitation and construction of boreholes, protected dug wells, protected springs and small dams.

² The Coast Water Masterplan estimated that 30% of total population in Kwale, Kinango and Msambweni districts could be supplied through connection to the bulk water supply system.

5.1.2 Sustainable Livelihoods Improvement

The project plans to improve livelihoods in the watershed, through support to benefit-sharing and sustainable livelihood paradigms for the largely rural communities in the area. Focus will be where required catchment conservation practices are not sustainable per se, such as in steep slope and river bank crop cultivation, where alternative livelihoods need to be supported.

In these areas the project will aim in developing alternative livelihood activities for common interest groups currently dependent on the unsustainable use of natural resources, aiming on new income-generating activities. These would include enhancing production capacity for livestock, and/or items such as water source protection, water harvesting, improved energy-efficient cook stoves, alternative energy products, low-cost irrigation and water management, crop cultivation in zai pits, composting of vegetable residues and manure, establishment of tree nurseries (for indigenous species, fruit or fodder trees and/or woodlots), improved livestock breeds and management, production value addition, sustainable brick making, bee keeping, household-level pond aquaculture, etc.

The sub-component will draw upon successful demand driven experiences in Kenya (e.g. the recently closed Natural Resources Management Project in Upper Tana, the Kenya Coastal Development Project and its HNP, the Lake Victoria Environmental Management Program, and the Western Kenya CDD Project). These experiences demonstrate that strong, motivated community groups can be formed in Kenya to undertake activities to promote sustainable practices that reduce pressure on degraded watersheds and restore and improve livelihoods.

5.1.3 Irrigation Development Scheme

This project plans to support the implementation of an irrigation demonstration scheme (IDS) for about 100 ha. The activities condense intervention strategies for irrigation development and validation of improved agricultural practices. The IDS will also offer proven practices for the viability of developing a larger irrigation scheme in the area (between 2,000 and 3,000 ha).

The IDS is expected to test adapted approaches and technologies for the development of irrigation in the coastal region. These include: (a) the land tenure and water use aspects of irrigation, (b) the marketing strategies for the crops that would need to be grown to enable recovering O&M costs of the I&D infrastructure, (c) the irrigation and production technologies (drip, sprinklers or bubble irrigation, use of compost, integrated pest management, etc.) and hence, the best practices for water efficiency and irrigation potential given the water allocation for irrigation from the main dam, and (d) the farmers capacity to adopt innovative technologies, and their capacity to pay for O&M costs through volumetric water tariffs.

The IDS would comprise the following four activities: (i) construction of the irrigation and drainage (I&D) infrastructure; (ii) agricultural support services, value chain and

marketing linkages development; (iii) participatory irrigation management (PIM) through Irrigation Water User Association (IWUA); and (iv) project management.

The Infrastructure Development would start with the construction of the upper check dam to be financed under the KWSCR phase 1 in order to advance the development of the IDS by about 1 year. The sub-component will fund investments for conveying water to the farms, including head-works and irrigation water distribution network. The irrigation system will be pressurized in a piped system to supply water from the reservoir to the demonstration fields.

The Agricultural Support and Value Chain activities would support farmers to grow, add value and market high value irrigated agricultural products in a competitive and sustainable manner including: (i) the establishment of irrigation management facilities (operator house, office, and IWUA meeting room that will also serve for on-site training sessions); (ii) planning and management of a demonstration plots in farmer fields; (iii) establishment of a Nursery for producing seedlings for new crops, and a compost producing unit; (iv) capacity building and training through the Farmer Field School (FFS) approach; (v) support for farmer-market linkages development (e.g. through private sector partners such as VEGPRO); (vi) post-harvest infrastructure (cold storage room and packing space); and (vii) the creation of a revolving fund for farmers to access required inputs and services.

5.1.4 Strengthening Social Inclusion and stakeholder participation

Using a Community Driven Development (CDD) approach, proposals will be sought from communities in the treatment catchments and forest perimeters which includes all the VMGs (Duruma), to invest in livelihood enhancing micro-projects, which support the natural resource base. For example, opportunities to establish afforestation schemes, development of private sector/community partnerships for timber, fuel-wood and/or fodder production, production/sale of seedlings, introduction of productivity-enhancing techniques of agro-forestry or conservation farming, beekeeping, and other investments in farm agriculture development will be supported.

The subcomponent will also bring different actors from different sectors under a Steering Committee to vet and prioritize proposals. This is one of the ways that social inclusion will be achieved and ensures that vulnerable groups are included in the benefit stream and in access to opportunities created by the project.

Four million dollars would be availed for funding community micro-projects - in addition to those funds available through the HMP-KCDP - with additional funds for capacity building and training. A secretariat for the component will be established in the CDA offices with representatives from the Counties, WRMA, KFS and KARI, to manage the component. Once proposals are selected, targeted engagement with communities, employing capacity building techniques and technical targeted training will support the communities in the implementation of their micro-projects. This will ensure that stakeholders are empowered through their participation in the design and implementation of the project, their access to information, and their increased voice and accountability.

6 POTENTIAL ADVERSE EFFECTS ON VULNERABLE GROUPS

This chapter describes the potential adverse effects of the Mwache Multipurpose Dam Project on the Duruma community (vulnerable group) with specific reference to effects on cultural resources and culture and customs, land resources, family set up and way of life as well as disruption of clan based system. An appropriate action plan which includes measures to avoid, minimize, mitigate, or compensate for these adverse effects concludes the chapter.

6.1 LOSS OF KAYAS-TRADITIONAL WORSHIP SHRINES

The project area is located close to *Kaya Mtswakara forest*, which will be affected by the project in terms of land acquisition and has spiritual importance for Duruma. 2 sites of worship are within the dam area and will be destroyed as a result of the dam. The 2 sites for traditional worship (kayas) are found at Mwache Bridge and at the Dam site in Fulugani.

Kayas are active ritual sites in the project area, and still important for the unity and identity of the community. Initiated Kaya Elders who are Duruma elders specially looking over these spiritual site conduct ceremonies for various purposes including:

- Prayers for rain in time of drought or famine – **Kulomba vula**
- The cleansing of the land.
- Prayers of thanksgiving and blessing of the harvest - **Kutohola**
- Prayers for the good health of the communities - **Sadaka ya Mudzi**
- Resolution of clan and family disputes
- Divination and healing for individual members of the community

The rituals usually involve slaughter of livestock such as sheep and cows depending on the occasion in which case the offering must be consumed within the Kaya. Nothing must leave the sacred forest. There may also be a mixing of medicine including a concoction of leaves and other herbs. In the community ceremonies, accompanied by colorful dances, all members of the community from the surrounding villages are welcome.

An important element of the Kaya ceremonies is their strong symbolism around the concept of the home and village. For example, major ceremonies for the whole village, are preceded by a ritual clearing of the paths and cleaning of the central space by the women, much as one would spruce up ones residence in expectation of a visitor or event.

6.1.1 Mitigation Measure(s)

There was broad community support for this project with a clear condition that the affected Kayas must be relocated in and following the traditional systems and ways of conducting the process. The Kaya Elders, who were informed that the project would affect the Kayas, were further consulted to find out measures that are culturally appropriate for minimizing this impact.

Kaya Elders indicated that they would oversee the process of re-locating the Kayas but would need compensation mainly resources to obtain bulls that would be slaughtered in order to appease the spirits during the relocation who would be disturbed. A full ceremony for relocating the shrines exists and Kaya Elders would conduct the ceremony prior to commencement of any activity. Kaya Elders were requested to draw up a cost estimate for the whole process and which would be supported by the project.

The relocation process mainly entails choosing a new spot in the forest to symbolically become a worship shrine (kaya) and the selection is conducted in accordance with the traditions and rituals of the Duruma and overseen by the Kaya Elders. The selection of 2 new shrines will be undertaken once the compensation and provision of resources is provided to the Kaya Elders after which the whole community will be informed of the new spot. Discussions and consultations with the Kaya Elders during the preparation of the VMGP showed that the Kaya Elders select a new site at their own discretion once compensation is provided specifically for the rituals aimed at symbolically closing down the existing Kayas.

The Kaya forest is expansive and only a portion where 2 shrines exist will be affected therefore, herbs that grow within the forest and used to perform rituals will not be lost since they are available in other sections of the Kaya forest not affected by the reservoir in regard to inundation.

6.2 LOSS OF SPIRITUAL WORSHIP CAVES ON RIVER MWACHE

The Duruma people in the project area have a number of caves along the Mwache River bed, which are used, as spiritual worship shrines by individual community members and these will be affected as a result of the dam which will lead to inundation of several areas to create the reservoir. This therefore will adversely affect the spiritual way of life of the Duruma due to denial of access of traditional worship sites.

6.2.1 Mitigation

All the affected caves (4 in number) used as worship sites have been identified during the RAP census survey conducted in March-April 2014. During the dissemination of information about this project and as part of obtaining broad community support, the Duruma community was informed of the fact that these caves will be affected and consultations were held to determine the measures, which are culturally acceptable to the Duruma and to minimize in avoiding, minimizing or compensating for the adverse effects.

The mitigation measure that was agreed upon during the deliberations was that all caves would be symbolically relocated following the Duruma cultural practices and traditions. The Council of Elders will lead in the process of symbolic relocation, which is a ceremony with rituals and participation of the entire community. The selection of new spiritual worship caves is a function that is secretive and at the discretion of the Council of Elders who will only announce the new worship caves along the Mwache River once they are compensated for the process.

6.3 LOSS GRAVES/BURIAL SITES

The Duruma people have a lot of reverence for the dead and therefore their graves are well preserved including communal burial sites, which is a common way of resting the departed in this community. They also, as much as they have adopted new forms of religious worship, have deep attachment to the traditional worship and the shrines are crucial in their ways of life.

According to the Resettlement Action Plan (RAP), a total of 100 graves/burial sites will be affected by the project i.e. inundated hence adversely affecting the cultural norms of the Duruma community.

6.3.1 Mitigation Measure(s)

All the affected graves/burial sites have been identified during the RAP census survey conducted in March-April 2014. During the dissemination of information about this project and as part of obtaining broad community support, the Duruma community was informed of the fact that graves will be affected and consultations were held to determine the measures, which are culturally acceptable in avoiding, minimizing or compensating for the adverse effects.

The mitigation measure that was agreed upon during the deliberations was that all graves /burial sites identified as affected, will be relocated using the Duruma cultural practices and procedures. The council of elders will lead in the process of relocation, which is a ceremony with rituals and participation of the entire community.

All families whose dead will be disturbed will be compensated (monetary) for the disturbances and emotional strife, and the project will meet all the costs related to relocation of the graves including those associated with rituals and ceremonial processes. The new gravesites will be located in the new areas of land acquired following compensation.

6.4 LOSS OF LAND/DISPLACEMENT

The Duruma community have a lot of collective attachment to land and inherent resources. Land is used by this community in many instances communally for grazing of livestock, settlements and homesteads, crop production among others.

The impact on land during construction is limited to the dam site as well as the irrigation area. Affected land will be residential land, land used for business and agricultural land. Land take will result in the permanent change of land use and the termination of the present use of the land.

6.4.1 Mitigation Measure(s)

Even though the project is likely to acquire parcels of land from the VGs for this project, there is broad support and awareness that this is unavoidable. All affected land will be compensated in accordance with OP. 4.12 as a measure for impacts associated with land

acquisition. The Government of Kenya will provide funds for all compensation activities, which will occur before commencement of project works.

6.5 DISRUPTION OF FAMILY SET UP/WEAKENING OF SOCIAL BONDS

Given the close community of the Duruma, households and homesteads may be especially vulnerable to involuntary resettlement, such as the possible dispersal of connected households, the fracturing of social networks and weakening of cultural practices.

The Duruma men are largely polygamous and have more often than not, more than one wife. This is part of their culture and hence a family comprises of the head of household (male), the wives and children. Each family unit is affiliated with one of the 14 clans. Males take care of families and they control the farming. Males (including boys) also historically would hunt wild animals and herd their domestic animals (i.e. cattle, sheep, goats and chickens). Women do all household work assisted by girls and also do a great deal of the farming. All homesteads are members of one of 14 clans.

Households may find it difficult to re-establish viable communities and networks in their new areas. Feedback obtained from the consultations indicates and reflect an anxiety over related issues, focusing on concerns around;

- The disruption and severance of existing community bonds
- Where they will be resettled, whether they will be accepted by host communities and on social security in the relocation areas and;
- The impact of relocation on religious activities, culture and traditional values.

Preference was shown towards relocating as one community and within the specific clans

6.5.1 Mitigation Measure(s)

Like other Kenyan tribes today, Durumas have assimilated to modern cultural practices, resulting in the disappearance of many of their traditional customs. However, the project will ensure that all those families/homesteads that will be displaced will be resettled within their clan in order to retain membership and ensure continuation of cultural and clan based linkages.

6.6 DISRUPTION OF CLAN/SOCIAL LINKAGES

The Duruma culture revolves around **clans** and **age-sets**. A clan consists of several family groups with a common patriarchal ancestor. Traditionally, each clan lived in one fortified village built in a cleared area of the forested ridges, but this is not the case anymore specifically due to modernization and urbanization trends. A person's age-set determined their role and social standing within the clan and elaborate rituals were often held for members graduating from one age-set to another.

Clan membership is determined by birth and not subject to change; the bride joins the husband's clan if differs from hers. Marriage within homesteads is discouraged but most marriages are within the 14 clans. The clan traditionally owned land and not individuals

however; this has since changed with land being owned by individuals in certain areas in the project area. The sons inherit land from their fathers including any goods or money they may have. Daughters do not receive any part of the inheritance.

The project as a result of land acquisition and displacement is likely to interrupt and disrupt the social and clan based linkages that exist as part of Duruma traditional culture.

6.6.1 Mitigation Measure(s)

Like other Kenyan tribes today, Durumas have assimilated to modern cultural practices, resulting in the disappearance of many of their traditional customs. The project has ensured that all those families/homesteads that will be physically displaced will be resettled within their clan in order to retain membership and ensure continuation of cultural and clan based linkages. Since all affected people are Duruma they are already covered in the RAP. When consulted, they all opted for cash compensation since they all had identified land in the vicinity of their villages and within their own clan. The identified areas by Duruma for resettlement include villages of Mwachipa, Fulugani, Bokole, Mwache, Chigomeni, Chigato, Chinguluni, Luyeni, Miyani, Mrabaini, Mgandini, Mnyenzi, Mwashanga, Changa, Mwatate and Nunguni. The affected households confirmed that they have family and clan relations in the above villages and that their clan members were willing to allocate land to them for as long as their was adequate compensation for purchase of the land. The GOK, will provide compensation for land which the affected households will use to purchase land from their kinsmen.

In order to ensure that the families/homesteads that will be physically displaced are resettled within their own clans so as to retain membership and ensure continuation of linkages, all families were requested to identify or indicate that they have families/clans members in neighboring villages who would accommodate them without conflict. During the consultations, the families indicated that they had located where there clan members reside and that there was available land and were simply waiting for compensation to buy the land from their fellow clansmen and resettle.

6.7 IN-MIGRATION

Non-residents may move into the project area seeking employment and improved access to grazing, water resources, and improved infrastructure and services. This may result in increased resource-based conflict, strain on resources and infrastructure, increase in communicable disease transfer, and disruption to existing social structures

6.7.1 Mitigation Measure (s)

The project will strive to recruit local residents for all positions that do not require skilled labour in order to minimize huge exodus of immigrants and further hire those from neighbouring counties like Kilifi and Mombasa who share an almost similar culture with the Duruma.

All non-resident workers will be sensitized on the customs, traditions and way of life of the Duruma in order to minimize cultural conflicts.

6.8 LOSS OF ACCESS TO RESOURCES-FISHERIES AND PASTURE

The Duruma in the project area practice fishing as a seasonal economic activity and will lose access to their present fishing sites locations especially during construction of the dam and when the reservoir is filling up. **Grazing** of livestock is common along the riverbed and therefore community members with livestock will lose grazing areas as well as source of water for the livestock due to the flooding of the reservoir.

6.8.1 Mitigation Measure(s)

The dam reservoir will provide a suitable alternative for the Duruma who are fisher folk and will lose their income source. In the short term, the fishermen will be provided with other alternative sources of income until the reservoir is full and capable of having fish introduced. One immediate alternative is to involve them in sand harvesting sale that will be generated from the check dams to be constructed.

6.9 WOMEN AND CHILDREN

The majority of Duruma still hold to the traditional misconception that women cannot make decisions and thus women are under-represented in property ownership, education, and political leadership among others. This situation is the outcome of the interplay of a myriad of factors ranging from discriminatory property ownership laws and practices to deep seated cultural biases that consign the female gender to subordinate status in the local communities.

Women and children might be at risk of being dispossessed of their immovable and productive assets as a result of the compensation process that may solely benefit the male household head. The social mobilization process in the project area, has enforced gender inequalities where the women and the girl child is only seen as a factor of production and is less favored when it comes to opportunities for advancement such as education, land ownership and economic development.

6.9.1 Mitigation Measure(s)

Due to low levels of educational attainment, prevalence of traditional attitudes toward gendered roles, and high birth rates, project-associated employment benefits will go to male residents at the exclusion of women and other vulnerable residents. The project has prioritized recruitment, training, and hiring of women for unskilled and semiskilled employment with an agreement that 30% of the labourers will be women who will also be given tenders and contracts for supply of food stuff like vegetables, meat products and firewood to construction camps established during the dam construction. These training of women will be done under Sustainable Livelihood subcomponent. Project activities targeting women will be designed as part of implementation of the VMGP and will include establishment of income generating projects as described above specifically for the Duruma women affected by project. Compensation for loss of land and property will not discriminate against women who will have a right to land compensation as provided for by the constitution of Kenya.

6.10 LOSS OF INFRASTRUCTURE AND NETWORKS

A bridge connecting the several villages and a main road will be inundated due to the fact that these facilities lie within the reservoir area. This will sever the links between the Duruma and strain the cultural and family interactions.

6.10.1 Mitigation Measure(s)

The project will construct a new bridge and access road as a mitigation measure for the above impact. Construction of the bridge and road will commence immediately the project is approved to ensure that communities are not cut off from each other. The bridge will simply be re-aligned and moved to a distance of about 100m from where the present bridge exists and within the same route but on a higher ground where inundation is not expected. Technical feasibility studies have been conducted during the design of the dam and assurance of that it is feasible to re-align the road and the bridge to a higher ground but within the original route provided.

6.11 MANAGEMENT OF OTHER SOCIAL RISKS

The project will lead to other social risks that are not specifically related or directly affecting the cultural way of life of the Duruma community and include among others incidences of public health related diseases/waterborne like malaria, bilharzia, cholera etc.; loss of life or accidents as a result of drowning in the dam reservoir area. These social risks identified are expected to be experienced during project design, implementation, and monitoring and evaluation. Risk management plans need to be prepared with an eye to addressing these concerns.

To manage other risks, a *Resettlement Action Plan (RAP), *Environmental and Social Impact Assessment Report-ESIA (including Environmental Management Plan) and *Integrated Pest Management Plan (IPMP) have been prepared to identify and minimize these social risks. A dam safety plan is also under preparation and a dam safety expert panel has been established for this project to safeguard against risks associated with dam design and climate variability.

* These documents for minimizing social risks including action plans have already been prepared

Table 7. Summary of Impact and Mitigation Measures of Potential Adverse Impacts on Duruma

Issue/Impact	Mitigation Measure(s)
<p>Loss of 2 traditional worship shrines (Kayas) and 4 worship caves located within the project area</p>	<p>There was broad community support for this project with a clear condition that the affected Kayas and caves must be relocated in and following the traditional systems and ways of conducting the process. The Kaya Elders, who were informed that the project would affect the Kayas, were further consulted to find out measures that are culturally appropriate for minimizing this impact.</p> <p>Kaya Elders indicated that they would oversee the process of relocating the kayas but would need compensation mainly resources to obtain bulls that would be slaughters in order to appease the spirits during the relocation who would be disturbed. A full ceremony for relocating the shrines exists and Kaya elders would conduct the ceremony prior to commencement of any activity.</p>
<p>Loss of graves and communal burial sites</p> <p>The Duruma people have a lot of reverence for the dead and therefore their graves are well preserved including communal burial sites, which is a common way of resting the departed in this community. They also, as much as they have adopted new forms of religious worship, have deep attachment to the traditional worship and the shrines are crucial in their ways of life.</p>	<p>All the affected graves/burial sites have been identified during the RAP census survey conducted in March-April 2014. During the dissemination of information about this project and as part of obtaining broad community support, the Duruma community was informed of the fact that graves will be affected and consultations were held to determine the measures, which are culturally acceptable in avoiding, minimizing or compensating for the adverse effects.</p> <p>The mitigation measure that was agreed upon during the deliberations was that all graves /burial sites identified as affected, will be relocated using the Duruma cultural practices and procedures. The council of elders will lead in the process of relocation, which is a ceremony with rituals and participation of the entire community.</p> <p>All families whose dead will be disturbed will be compensated (monetary) for the disturbances and emotional strife, and the project will meet all the costs related to relocation of the graves including those associated with rituals and ceremonial processes.</p>
<p>Disruption of familial/Clan linkages, ties and family set up</p>	<p>Like other Kenyan tribes today, Durumas have assimilated to modern cultural practices, resulting in the disappearance of many of their traditional customs. In order to ensure that the families/homesteads that will be physically displaced are resettled</p>

Issue/Impact	Mitigation Measure(s)
	<p>within their own clans so as to retain membership and ensure continuation of linkages, all families were requested to identify or indicate that they have families/clans members in neighbouring villages who would accommodate them without conflict and 16 villages have been identified. During the consultations, the families indicated that they had located where there clan members reside and that there was available land and were simply waiting for compensation to buy the land from their fellow clansmen and resettle.</p>
<p>Loss of grazing/pasture land and fishing areas</p>	<p>Alternative business and income generating activities will be initiated for the fisher folk until the dam and reservoir is filled up to allow for fishing to occur in the reservoir.</p>
<p>Loss of Land</p> <p>The Duruma community have a lot of collective attachment to land and inherent resources. Land is used by this community in many instances communally for grazing of livestock, settlements and homesteads, crop production among others.</p> <p>The impact on land during construction is limited to the dam site as well as the irrigation area. Affected land will be residential land, land used for business and agricultural land. Land take will result in the permanent change of land use and the termination of the present use of the land.</p>	<p>All land owned collectively or individually by the Duruma that will be acquired as a result of the project will be compensated based on the findings of the RAP and in accordance with OP. 4.12 The Government of Kenya will pay for all land acquired.</p>
<p>In-Migration</p> <p>Non-residents may move into the project area seeking employment and improved access to grazing, water resources, and improved infrastructure and services. This may result in increased resource-based conflict, strain on resources and infrastructure, increase in communicable disease transfer, and disruption to existing social structures</p>	<p>The project will sensitize all foreign workers on the customs, traditions and way of life of the Duruma. This will also include awareness on HIV/AIDS which is likely to become a health concern</p>
<p>Gender</p> <p>Due to low levels of educational attainment, prevalence of traditional attitudes toward gendered roles, and high birth rates,</p>	<p>Compensation for losses will not discriminate against gender and will be in accordance with the Constitution of Kenya. Gender targeted investments or income generating initiatives will be designed to target the vulnerable Duruma women</p>

Issue/Impact	Mitigation Measure(s)
<p>project-associated employment benefits will go to male residents at the exclusion of women and other vulnerable residents.</p>	
<p>HIV/AIDS</p> <p>Increase in project-associated laborers, human and vehicular traffic may attract sex workers resulting in increased social conflict and rates of HIV and other disease infection</p>	<p>Upon hiring, employees (local and non-local) should receive training in culturally appropriate interactions with local communities, as well as infectious disease transfer prevention. No non-local community employees should be permitted to leave camps. Only managerial employees with specific reason will be permitted to access local community for duty related activities.</p>

7 COST ESTIMATES AND FINANCING PLAN FOR THE VMGP

This chapter outlines the estimated costs for implementing the different aspects of VMGP for the Mwache Multipurpose Dam Project. All costs for implementation of VMGP will be financed by the KWSCR-2. The costs below have been estimated based on interviews with community members and relevant government officials.

The budget for the implementation of the VMGP mainly includes costs for skills development and self-employment, training of the VMGs, consultation/meetings, information dissemination, NGO/Agency hiring for VMGP implementation & monitoring, GRM etc. The VMGPs budget also includes costs for implementation of VMGPs, such as salaries and travel costs of the relevant CDA/PIU staff. The Government of Kenya will finance all the cost of the VMGP.

Since all the project-affected people are Duruma, costs related to the vulnerable groups are covered in the overall resettlement budget and resettlement action plan. The resettlement budget reflects among others;

Capital costs comprising compensation paid for loss of land, standing crops and trees, for structures and other fixed assets and for other entitlements such as displacement allowances etc.

Operation costs comprising costs for payment of salaries for CDA/PIU, for support to Kwale County Government, provincial administration, resettlement committees, for monitoring and evaluation etc.

- Costs related to land acquisition from the Duruma including restoration efforts will be financed by the Government of Kenya and have been estimated in the RAP document.
- The Government of Kenya and World Bank will jointly finance the costs related to relocation of the graves and traditional worship shrines/Kayas.

Table 8. Cost for VMGP Implementation

	Cost (USD)
Compensation for loss of traditional worship shrines	20,000
Compensation for loss graves and burial sites	50,000
Compensation for land	See RAP
Compensation for trees	See RAP
Compensation for structures	See RAP
Livelihood restoration costs	See RAP
Moving/Disturbance Allowances	See RAP
Initiation of alternative income generating activities for fisher folk	100,000
Initiation of gender focused interventions for vulnerable groups	200,000
Communication and Consultation	100,000
Workshops and Seminars	10,000

Grievance Redress and Feedback Processes	50,000
Capacity Building including training	300,000
Fee to NGO for VMGP Implementation	300,000
Fee For Monitoring and Evaluation/External and Internal Consultants	400,000
Total	1,530,000

8 FEEDBACK AND GRIEVANCE REDRESS MECHANISM

This chapter describes the accessible procedures appropriate to the subproject to address grievances by the affected VGs/Duruma arising from subproject implementation. The design of the grievance procedures proposed has taken into account the availability of judicial recourse and customary dispute settlement mechanisms among the VGs.

8.1.1 General Principles and Key Aspects

The Project has put in place an extra-judicial mechanism for the management of grievances and disputes, based on explanation and on mediation by third parties principally the Duruma Council of Elders. The VGs will be able to trigger this mechanism, while still being able to resort to the judicial system.

The mechanism for feedback and grievance redress has been designed based on the following principles:

- VGs will have easy access to deliver grievances and complaints;
- Grievances can be submitted orally (and will be recorded) or in written form;
- Any grievance will be registered, acknowledged receipt of, and tracked until it is closed;
- The grievance management arrangement will include two tiers of extra-judicial, amicable review and settlement, with the first one internal to the PIU in cooperation with the customary dispute resolution mechanism in this case Duruma Council of Elders;
- The second tier of the mechanism is the judicial system, for those grievances that cannot be resolved; the overall objective is to avoid resorting to justice for as many grievances as possible.

Key aspects of the grievance mechanism are:

- The VGs need to be informed about the grievance mechanism and how they can make use of this process.
- Grievances will be recorded using a Grievance Form (in local language, also available in English). Grievance Forms will contain details regarding the grievance as well as the name and address of the applicant, application date, type of application and the name of the persons receiving the grievance. The forms will be logged in a register where they will be tracked through to a suitable resolution.
- Receipt with acknowledgement of registration, to be handed back to the complainant;
- Grievance monitoring sheet (actions taken, corrective measures);
- Closure sheet, copy of which will be handed to the complainant after he/she has agreed to the resolution and signed off.
- The PIU will maintain a digital grievance database, containing the logs and records of all grievances received, with an indication of the respective status of a grievance (i.e. resolved, not resolved, pending. . .)
- Resolution options will be developed through unilateral proposal, bilateral discussion and/or third party mediation. If a complaint is not legitimate the

case will be closed without agreement with the complainant. Any response will be communicated clearly either orally or in writing, and a grievance case will only be closed when an agreement with the complainant is reached.

- VGs will be offered access to third party legal advice, through a qualified lawyer; this lawyer will be available at the PIU; legal advice will be at no costs; information on the possibility of access to legal advice will be communicated to the affected people;

8.1.2 Grievance Registration and Monitoring

Grievance registration will be possible:

- At the village level with the registration done through the Duruma Council of Elders;
- At the PIU Community Liaison Office, to be established at the Project site who will forward all the grievances to the Duruma Council of Elders;

Grievances will be registered within 7 days of receipt and a response will be provided to the aggrieved party in 30 days or less.

Closure of a grievance does not automatically mean that the complainant is satisfied with the action taken (i.e. in cases where a complaint is not justified). Closure means that the complainant agrees that action has been taken to address the grievance without being necessarily satisfied with the outcome.

8.1.3 First Level: Duruma Council of Elders

The Duruma community is deeply traditional and observes a historical way of life based on clan system. Durumas are part of the Mijikenda and comprise of 14 clans who are guided by Duruma Council of Elders. The Council of Elders is a supreme body that plays a significant role among the Duruma and is widely respected. They have the mandate to resolve conflicts including land related conflicts; natural resources related conflict e.g. pasture; interclan conflicts; among others. The Duruma Council of Elders also presides over rights of passage including circumcision, marriage rights among others.

Box 2. Duruma Council of Elders

The **Duruma Council of Elders** is composed of people of good reputation and who have knowledge of customs and culture of the Duruma. Each of the two clans i.e. Arima and Amwezi constitute their individual council independent of the other. These two separate councils can only congregate together during a major occurrence that affects all the Durumas.

Council members are not elected, as long as one has a good reputation in the society and is regarded as impartial then he is welcomed in the council. Women are not part of this forum. There is no term limit, one serves until they are too old and retire on their own volition or when they die. The other way to be removed from the council is if a person's reputation becomes negative, then the council members will not involve them in council matters. The person may not be formally informed that he is no longer a council member, but will not be informed of meetings and decisions made, basically he is side-lined.

Council of Elders say/decisions is strongly respected. In case a person defies their decision, the person will be fined and/or banned from attending any social functions e.g. burials, marriages or any other function that brings the community together. The person is may be excommunicated from the community.

This VMGP prefers the first level of grievance or conflict redress to be handled by the Duruma Council of Elders as an organ that has been part of Duruma culture and engaged in resolving all forms of cultural disputes. Grievances not resolved by the Duruma Council of Elders will be taken to the second level-judiciary.

An integral part of the grievance mechanism (GM) is a defined way for VGs to bring questions or concerns about project activities to the project proponent, and receive prompt responses in a consistent and transparent manner. In order to comply with these standards, the GM will be:

- Legitimate;
- Accessible;
- Equitable;
- Transparent;
- Consistent;
- Adaptively managed; and
- Dialogic.

In order to fulfill the above criteria, the GM by the Duruma Council of Elders will:

- Respect the confidentiality of all parties and accommodate anonymous complaints as much as reasonably possible;
- Impose minimal restrictions on the types of issues to be raised under the GM;
- Take steps to protect aggrieved parties from retaliation;
- Communicate the GM process with stakeholders clearly, appropriately, and broadly;
- Provide multiple points of access;
- Involve stakeholders in the GM design and ensure it is culturally appropriate;
- Ensure stakeholder feedback informs the development and ongoing management of the GM;
- Maintain the grievance register;

- Monitor and report on outcomes to the community to ensure accountability and communication; and

The GM that conducted by the Duruma Council of Elders is not intended to replace state judicial or non-judicial recourse, but offers an alternate means of dispute resolution that is efficient, immediate, and at a low cost to both stakeholders and the project.

8.1.3.1 Grievance Management Team

The Duruma Council of Elders and CDA/PIU will be responsible for receiving complaints, distributing responses and acknowledgements, liaising with complainants as needed, and maintaining the grievance register and grievance forms.

The dedicated project social manager from CDA/PIU will be responsible; in consultation with the Duruma Council of Elders will be responsible for assessing and managing grievances. The Duruma Council of Elders will also be responsible for assigning and managing grievance investigations through close-out.

8.1.3.2 Grievance Management Process-

There are seven general steps in the GM process that will be followed by the Duruma Council of Elders. These are illustrated in below.

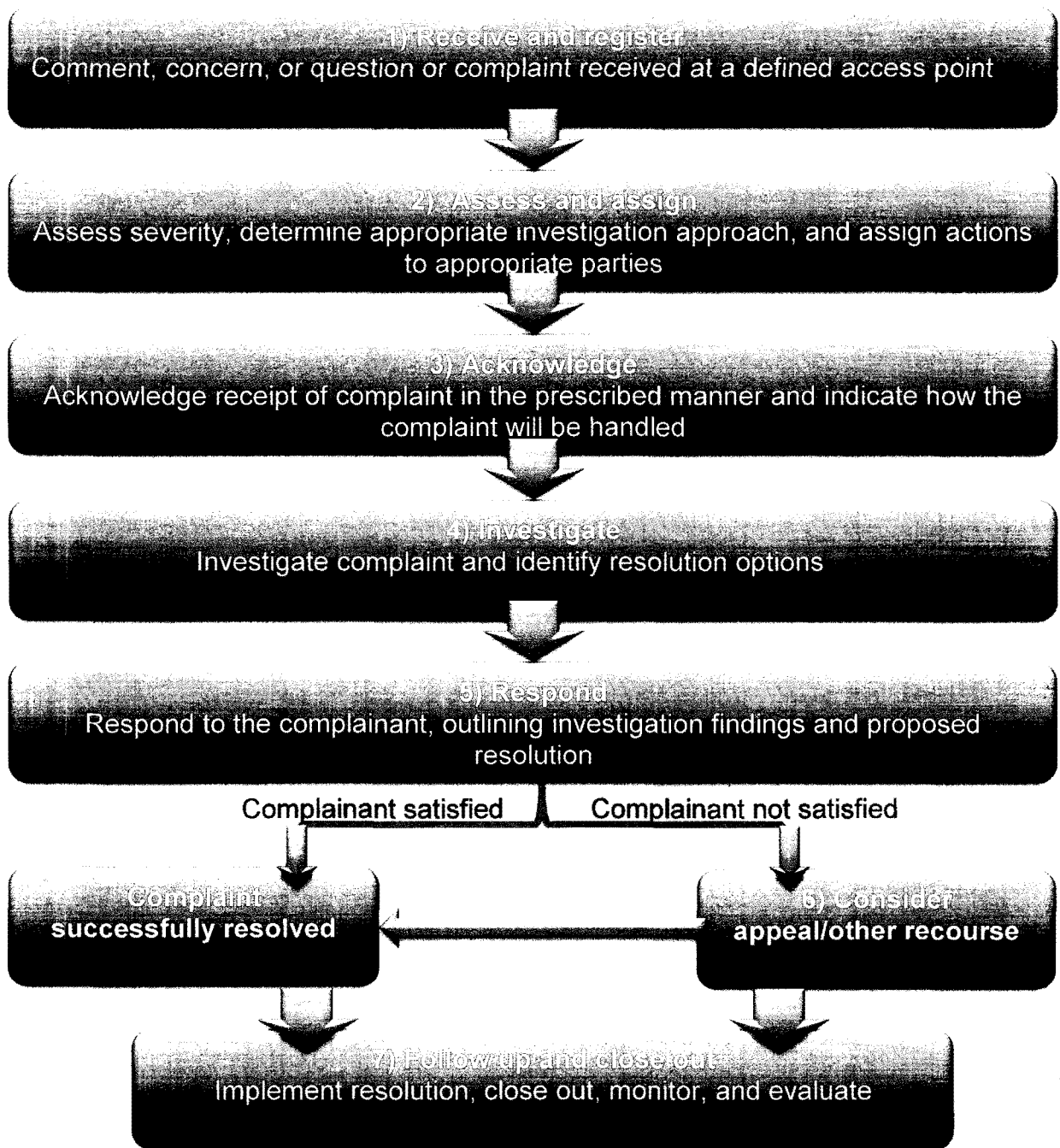


Figure 2 general process steps in the grievance mechanism

8.1.3.3 Receive and register

VMGs will be able to register a complaint (including comments, questions, disputes, and concerns) to the Duruma Council of Elders or the PIU through any of the following means:

- Text message to a dedicated number given to the Council of Elders (publicized on the BID and presented at every meeting)
- Phone call to a PIUs dedicated number (publicized on the BID and presented at every meeting)
- Email to a dedicated address (publicized on the BID and presented at every meeting)
- Verbal statement (signature or signed and dated) to translator, PIU, or other third party scribe
- Written statement delivered to project office (provided form optional)
- Written statement deposited in a dedicated drop box in a designated location(s) (provided form optional)
- Due to high level of illiteracy among Duruma, especially women who also traditionally they are not very present in the community affairs, to accommodate their access and filing of complaints if they have any during compensation, once a week, the Duruma Council of Elders will reside in an affected village together with the Grievance Committee to collect verbal complaints if any

Received complaints will be registered daily in the grievance register, an electronic spreadsheet database. For each complaint registered, a case number will be assigned and a grievance form will be completed if the complainant has not already done so. Grievance forms will be scanned and electronically filed, and a hard copy given to the complainant.

8.1.3.4 Assess and assign

Upon registration, the Duruma Council of Elders will conduct a rapid assessment of the nature and severity of the grievance. Simple complaints that can be easily resolved will be fast tracked for response and resolution within several days.

8.1.3.5 Acknowledge

Within 24 hours of registration, complainants should be informed that their complaint has been received and their case registered. Acknowledgement is done by the PIU Staff and Duruma Council of Elders, and should be communicated via text or phone call, followed up with a hard copy of the grievance form. In the case of anonymous complaints, acknowledgement will be posted in the designated community notice board location(s). These may be co-located with the complaint drop box(es). At a minimum, these will be posted outside the fence, as well as at the project office.

8.1.3.6 Investigate

Simple complaints may be fast tracked for immediate response by the Council of Elders and communicated through the PIU.

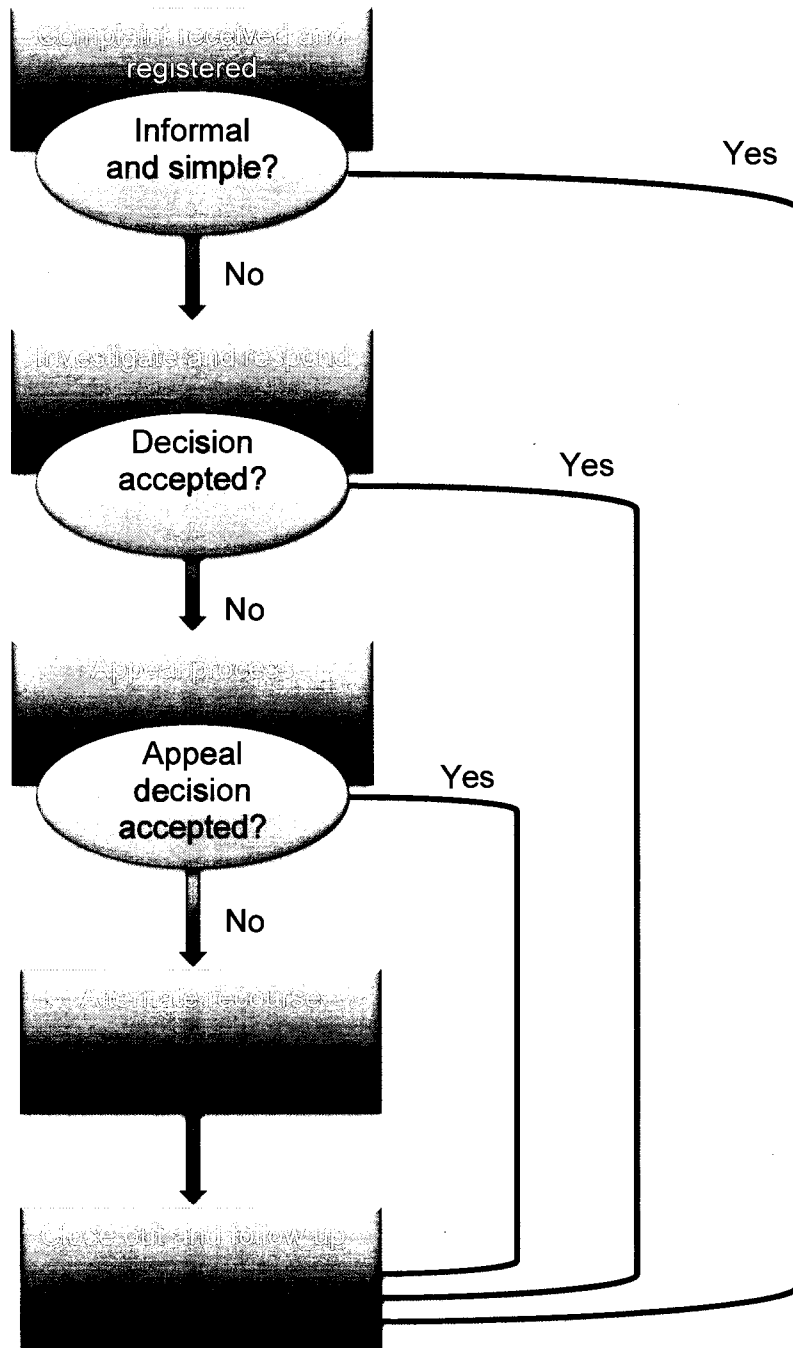


Figure 3 Complaint fast track points

Throughout the investigation, cultural sensitivity to the way in which the complainant experiences the issue is crucial to achieving a successful outcome, in addition to simply establishing the facts of the complaint.

8.1.3.7 Respond

Upon conclusion of the investigation, the Council of Elders will develop a provisional

proposal that is culturally appropriate, and both reasonable and proportionate to the grievance. Initial responses should be developed and reviewed internally, as resulting resolutions may affect policies or set precedence for future complaint responses.

The Council of Elders, along with a CDA/PIU staff, will then meet with the complainant to discuss the provisional proposal and consider any alternative remedies. The complainant then may accept the proposed resolution, reject it, or consider alternative remedies. The final agreed resolution should be specific, time bound, and mutually agreed by both parties. If the resolution is not self-executed, a monitoring plan must be included. In the event that the complaint is found to be unsubstantiated, the grievance manager will explain the reasons as found during investigation, and may suggest other possible recourse for the complainant.

8.1.3.8 Follow up and close out

Upon agreement or resolution, the final process step of the grievance mechanism is to implement the resolution and any appropriate monitoring of outcomes, and then close out the grievance. Following verification that the agreed resolution has been implemented, the PIU will note the resolution particulars and close out date in the grievance register. If appropriate, involved parties may be asked to give feedback on their experience of the grievance mechanism process and outcome in order to improve the GM. Close out and documentation of results will be done in cases where no agreement has been reached, and the parties' evaluation of the GM process should be requested.

8.1.4 Second Level: Resort to the Justice system

In case this mechanism will not allow an amicable agreement to be reached, the complainant or the defendant can resort to the Justice system (courts)..and could at any time in the grievance process.

9 MONITORING AND EVALUATION

This chapter describes the mechanisms and benchmarks appropriate to the project for monitoring, evaluating, and reporting on the implementation of the VGP. The monitoring and evaluation mechanism includes arrangements for the free, prior, and informed consultation with the affected VGs. The framework also identifies organizational responsibilities in terms of monitoring, supervision, and evaluation procedures.

9.1 OVERVIEW

The monitoring is to assess the overall success of the VMGP and the effectiveness of the various processes and measures. Monitoring activities will comprise three main components:

- Internal monitoring
- External monitoring (by external experts);
- VMGP completion audit (by one or more international experts)

The internal monitoring process will run as part of day to day PIU activities by the PIU teams.

External monitoring is intended to provide an independent, third party, objective assessment of the on-going project implementation to ensure that the Project is meeting international standards for compensation and resettlement.

The monitoring & evaluation team in collaboration with representatives of affected people will select final outcome indicators by the start of Year 0. A stratified sample of about 20% of the vulnerable groups will be used consistently for outcome measurement. The stratification process will ensure that all sub-groups are adequately represented in the sample.

The completion audit will verify full, comprehensive and transparent implementation of the project according to international policies.

9.1.1 OBJECTIVES OF MONITORING

The overall objectives of monitoring is to verify the following points:

- Actions and commitments described in the VMGP and project are implemented fully and on time;
- The vulnerable groups understand their rights;
- Vulnerable groups receive their full compensation for losses of cultural resources within the agreed time;
- Cultural restoration measures are effective with regard to and views of the VG;
- Complaints and grievances expressed/submitted by VGs are followed up and resolved and that, where necessary, corrective actions are implemented;
- If necessary, changes in procedures are made to improve delivery of assistance to VGs; needs for changes would be noted largely by the monitoring and evaluation results and through consultation of VGs

The overall responsibility of monitoring is with CDA/PIU staff who will receive training with regard to monitoring techniques and recording of monitoring results

External experts will be hired for external monitoring (evaluation) where applicable.

9.1.2 M&E APPROACH

The following monitoring and evaluation approach will be used, whereby different levels of monitoring and evaluation are used

- Internal progress (Input/output) monitoring: measures whether inputs are delivered on schedule, and their direct measurable results, for instance
 - Lost places of worship/shrines/ re-established
 - Graves and burial re-established
 - Vulnerable families relocated within their own clans

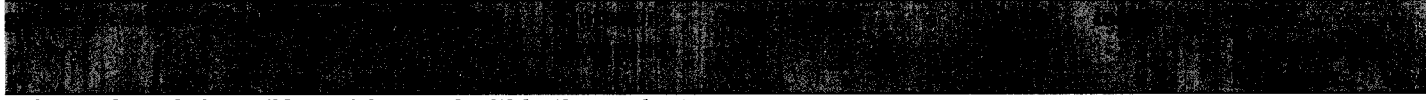
Monitoring will also seek to document and investigate specific conflict or hardship situations arising from the implementation of the VMGP. Monitoring keeps track of VMGP implementation efficiency and indicates whether changes have to be made to make the program work more efficiently. Progress monitoring is done internally by the Project at a frequency determined by the VMGP for every indicator. For this VMGP, participatory elements are integrated in the monitoring process, e.g. interviews and focus group discussions.

- Outcome evaluation defines the extent to which the project is achieving or likely to achieve the objectives. Re-establishment of traditional worship shrines or graves is an example of outcome. Outcome evaluation, combined with output monitoring results, will indicate whether the program is genuinely working and should continue to be implemented as planned, or whether some fundamental changes need to be made. Outcome evaluation looks beyond numerical compliance to the longer-term impacts of program inputs and outputs, do determine what works and what does not work, and what needs to be changed. Outcome evaluation will be done by an independent entity during project implementation.
- Audit of compliance and completion: Defines whether the VMGP and applicable requirements have been complied with, and if the implementation can be deemed complete.

9.1.3 INTERNAL MONITORING

Internal monitoring will verify progress and analyse relevant issues at regular intervals (e.g. quarterly) in order to provide information for necessary updates of the project implementation.

Impact Evaluation



Traditional worship shrines (Kayas) located within the project area

<p>affected Kayas must be relocated in and following traditional systems and procedures of conducting the ceremony.</p> <p>Elders indicated that they would oversee the process of re-locating the shrines but would need compensation mainly in the form of bullocks to obtain bulls which would be slaughtered in a ceremony to appease the spirits of the relocation who have been disturbed.</p> <p>A full ceremony for relocating the shrines exists. Kaya elders would conduct the ceremony prior to commencement of any activity.</p>	<p>Kayas relocated and re-established</p> <p>Compensation for ceremonies and rituals for relocating the Kayas provided</p> <p>Ceremony held to signify new Kaya sites</p> <p>Written attestation by Kaya Elders on satisfaction with compensation</p>	<p>Throughout the pre-construction phase and ends when Kaya Elders are satisfied and have relocated the shrines</p>	<p>Prior construction works to</p>	<p>MEWNR</p>	<p>MEWNR, CDA and Kwale County Government</p>
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Graves and burial sites The Duruma people have a lot of reverence for the dead and therefore their graves are well maintained burial sites, which is a common way of resting the departed in this community. They also, as much as other forms of religious worship, have deep attachment to the traditional worship and the shrines are crucial in their lives.

<p>Graves/burial sites affected will be relocated using the Duruma traditional practices and procedures. The council of elders will lead in the process of relocation, which includes a ceremony with rituals and participation of the community.</p>	<p>Graves and burial sites relocated</p> <p>Compensation for ceremonies and rituals for relocating graves provided</p>	<p>Throughout the pre-construction phase and ends when Affected Families, Council of Elders, Kaya Elders are satisfied and have relocated the graves</p>	<p>Prior construction works to</p>	<p>MEWNR</p>	<p>MEWNR, CDA and Kwale County Government</p>
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Physical observation to ensure that affected graves and burial sites are relocated to the satisfaction of the Durumas affected before any construction works begin	All families whose dead will be disturbed will be compensated (monetary) for the disturbances and emotional strife, and the project will meet all the costs related to relocation of the graves including those associated with rituals and ceremonial processes.	Written attestation by affected families, council of elders on satisfaction with compensation and relocation process				
Impact: Disruption of familial linkages, ties and family set up						
Monitor relocation processes against the RAP including the implementation plan Physical monitoring of the relocation exercise to ensure that homesteads affected are relocated within their clans and families	The project will ensure that all those homesteads that will be physically displaced will be resettled within their clan in order to retain membership and ensure continuation of cultural and clan based linkages.	Relocation Plan showing all Vulnerable Groups affected by clan and where they will be resettled. Physical map showing the clans in the project area and in proposed relocation sites Affected VGs resettled within their families % Total relocations made within agreed time Confirmation and attestation in written form by Duruma Council of Elders, Local Administrators and Clan Elders that homesteads have been relocated next to their kinsmen	Throughout the pre-construction phase and ends when Affected Families, Council of Elders, Kaya Elders are satisfied and have been relocated in areas where they are together as a family	Prior construction works	to MEWNR	MEWNR, CDA and Kwale County Government
Impact: Disruption of clan related linkages, ties and structures/Social Bonds						
Physical monitoring of the relocation exercise to ensure that homesteads affected are relocated within their clans	The project will ensure that all those homesteads that will be physically displaced will be resettled within their clan in order to retain membership and ensure continuation of cultural and clan based linkages.	Relocation Plan showing all Vulnerable Groups affected by clan and where they will be resettled. Physical map showing the clans in the project area and in proposed relocation sites	Throughout the pre-construction phase and ends when Affected Families, Council of Elders, Kaya Elders are satisfied and have been relocated in areas where they are	Prior construction works	to MEWNR	MEWNR, CDA and Kwale County Government

		Affected VGs resettled within their families	together as a family			
		% Total relocations made within agreed time				
		Confirmation and attestation in written form by Duruma Council of Elders, Local Administrators and Clan Elders that homesteads have been relocated next to their kinsmen				
Impact: Loss of grazing/pasture land and fishing areas						
	Alternative business and income generating activities will be initiated for the fisher folk until the dam and reservoir is filled up to allow for fishing to occur in the reservoir.		Throughout the pre-construction phase and ends when Affected Families, Council of Elders, Kaya Elders are satisfied and have been relocated in areas where they are together as a family	Prior construction works	to MEWNR	MEWNR, CDA and Kwale County Government
Impact: Loss of Land						
Monitor relocation processes against the RAP including the implementation plan	All land owned collectively or individually by the Duruma that will be acquired as a result of the project will be compensated based on the findings of the RAP and in accordance with OP. 4.12	Compensation of Duruma for land acquired as per OP. 4.12 and livelihood restoration including cultural way of life achieved	Throughout the pre-construction phase and ends when Affected Families, Council of Elders, Kaya Elders are satisfied and have been relocated in areas where they are together as a family	Prior construction works	to MEWNR	MEWNR, CDA and Kwale County Government
Physical monitoring of the relocation and compensation exercise to ensure that homesteads affected are relocated in line with OP. 4.12		% Total compensations made within agreed time at agreed cost				
Impact: Consultation and Grievance						
Monitor grievances and complaints from VGs about the project prior to implementation, during implementation and post	Establish a functional and culturally appropriate grievance and feedback redress mechanism for the vulnerable groups	Do VGs understand the process of land acquisition/ compensation/ livelihood restoration measures?	Prior to construction phase, during implementation.	Prior construction works and through out project	to MEWNR	MEWNR, CDA and Kwale County Government

project		<p>Results of routine interviews with VGs</p> <p>Do VGs understand avenues for expressing grievances? Results of routine interviews with VGs</p> <p>What types of grievances have been issued and how have these been resolved?</p> <p>Summary of input from Grievance Procedure and routine interviews with VGs: factual information.</p> <p>Number and type of complaints received, response times, and feedback from stakeholders about their satisfaction with the process.</p>		construction phase		
Performance Against Schedule						
Monitor implementation of VMGP as per schedule	Development of a Program Implementation Plan and schedule	<p>Payment of compensation and delivery of livelihood restoration measures % complete</p> <p>Grievance process: no. of grievances received/responded/resolved</p> <p>Consultation activities: records of meetings, discussions, interviews, etc.</p>	Prior to construction phase, during implementation.	Prior to construction works and through out project construction phase	MEWNR	MEWNR, CDA and Kwale County Government
Overall Benefits to Vulnerable Group						
			Prior to construction phase, during implementation.	Prior to construction works and through out project construction phase	MEWNR	MEWNR, CDA and Kwale County Government

10 ANNEX:

10.1 ANNEX 1. MINUTES OF MEETINGS WITH VULNERABLE AND MARGINALIZED GROUPS

Public Consultation Meeting at Fulugani on 9th April 2014/Minutes of the public baraza held at Fulugani Primary school

Present;

- Mark Owuondo Consultant (RAP Team Leader)
- Liya Mango Consultant (GIS Specialist)
- Lydia Olambo Consultant (Gender Specialist)
- Pauline Makhoha Consultant (Gender Specialist)
- Tito Kodiaga Consultant (World Bank)
- Fauziah Mohammed CDA
- Mkalla Mwero CDA
- William Fonda CDA
- Charles Loktari CDA
- Stakeholders as per attached attendance list.

1. Introduction

This public baraza took place at Fulugani Primary School grounds. It was attended by diverse project stakeholders that included women and the youth as well members of the Duruma Council of Elders, potential project affected persons and the local administration officials. The meeting was preceded by prayers led by Stephen Mwachiti chairman of the ad hoc dam committee.

The consultants and CDA officials then introduced themselves to the assembled stakeholders. They then went on to explain their presence at the locality. The public was made aware that the consultants were there to undertake an inventory of assets belonging to the community.

Mr. Mkalla Mwero and Fauzia Mohammed made the presentation in that regard, informing the residents about the intended benefits of the proposed project. The consultants then informed the baraza on the processes they would follow while conducting the RAP and ESIA exercise.

Discussions

The community members present were urged to give their views on the project, which they did, a summary of the consultative exercise is tabled below;

<u>Comments</u>	<u>Response</u>
<ul style="list-style-type: none"> ▪ We use our land for farming and pasture for our animals. If our land is acquired what will we leave on? 	The owner of land that is acquired will be fully compensated for it to enable them get a similar property elsewhere.
<ul style="list-style-type: none"> ▪ There are family graves in our land; won't this proposed project affect them? 	It was acknowledged that indeed some graves would be affected. Elders and Kaya members offered the solution that the graves would be re-buried at another location after a cleansing ceremony was done. They would ensure that these affected graves got a dignified re-burial

	with the proponent absorbing the costs.
<ul style="list-style-type: none"> ▪ By acquiring land here for the project, family and social linkages may be interfered with? How can this be avoided? 	The project proponent is aware of the close ties families have. It does not expect to relocate affected persons too far from their kin, it hopes the PAPs will be accommodated within their kin hence no social destabilization in a big scale is expected.
<ul style="list-style-type: none"> ▪ There are concerns that the dam may result in deterioration of public health. Water borne diseases may increase together with malaria. 	The project proponent has foreseen that and put mitigating mechanisms in place to curb any potential upsurge of disease. The implementer will also sensitize the public on the benefits of proper sanitation.
<ul style="list-style-type: none"> ▪ Workers from outside the community engaged in construction may bring with them alien cultures, which may corrupt our youth. 	All in-migration workers will be furnished with an ethics code on how to interact with the locals in a respectable manner.
<ul style="list-style-type: none"> ▪ Aside from compensating us for involuntary displacement, is there any other way the project will benefit us? 	The project will provide access to quality water regularly. The proponent will also come up with measures to restore livelihoods.
<ul style="list-style-type: none"> ▪ Is there a grievance redress mechanism system in place and will it be effective? 	There is a grievance redress mechanism in place which with corporation from the PAPs is expected to handle any issues fairly.
<ul style="list-style-type: none"> ▪ Why is the irrigation command area only 100ha? This is too small an area. 	The area is put at 100ha as it is going to be for learning purposes. Once it is confirmed as a viable investment, 2500ha will be put under full irrigation.
<ul style="list-style-type: none"> ▪ Will my whole land be affected? 	Only the area that is below the 100m contour mark will be affect, those with properties higher than the watermark will not be affected.
<ul style="list-style-type: none"> ▪ Will the dam project provide jobs for our youth? 	The project will aspire to create jobs for the youth and women during construction.
<ul style="list-style-type: none"> ▪ There are some who depend on the river for livelihood e.g. stone quarrying and sand harvesting, will they be compensated for loss of livelihood. 	During the R A P exercise all affected persons will be enumerated. Those whose livelihoods are affected will be compensated for loss of livelihoods and a livelihoods restoration mechanism will be constituted.
<ul style="list-style-type: none"> ▪ Will the project come with electricity supply component? The locality lacks power. 	Mwache Dam project will not be used to generate electricity, the request is however noted and the implementers will liaise with relevant governmental agencies to request them to assist.

Conclusion

The meeting ended at 1:30 pm with a word of prayer from an elder. The community resolved to support the project to its conclusion and stressed the need for them to be involved in all aspects of the project.

Recorded by – Beatrice Githinji

Approved by – Mark Owuondo

Minutes of meeting with Administration Chiefs at the District Officer's office on 8th May 2014

Present

- Chief Benson Kalimbo Kokoi – Chief Kasemeni Location
- William Kamana Nyumba – Asst. Chief - Mazeras
- Ngala M Kitangalia - Asst. Chief – Mnyenzi
- Msambala Mwabakari Mumba – Asst. Chief – Mwamdudu
- Charles Mbuje – Asst Chief – Chigato
- Mark Owuondo – TTR
- Liya Mango – TTR
- Lydia Olambo – TTR
- Pauline Makhoha – TTR
- Tito Kodiaga – World Bank
- Fauziah Mohammed – CDA
- Mkalla Mwero – CDA
- William Fondo – CDA

Purpose of meeting

The meeting was convened to inform the area local administration of the intended project and have their views as to the same. The chiefs were also requested to inform the area residents of the project and to mobilize them as well to attend a public stakeholder meeting as would be scheduled.

Proceedings

The meeting commenced at 3:00 pm by a prayer from Asst. Chief Ngala Kitangalia. Those in attendance then had an opportunity for self-introduction after which the CDA officials were requested to inform the administrators as to the reason for the meeting.

The Chiefs and their assistants were comprehensively informed of the need for the project, and were reminded that as stakeholders in the community their views would go a long way in giving the project big support or make it difficult for the project to achieve intended goals.

Discussions

The discussions were consultative in nature and raised the issues tabled below that the project proponents and consultants responded to:

<u>Comments/Queries</u>	<u>Response</u>
When is the project meant to commence?	As soon as all relevant mechanisms are in place including resettlement of displaced persons.
Title deeds have been given to some land owners but give acreage that is perceived as erroneous, how do we verify?	The Chiefs should advice the landowners to get surveyors and have proper survey done in their presence. They should also lodge any queries with the lands office.

Will potential host communities accept the families affected?	Yes, the community is made up of kinsmen so they will accept them.
There is the potential of disrupting social networks with displacement.	Those who will be involuntarily displaced are to be resettled within the county and in the location hence minimal disruption is expected.
What mode will compensation take?	Compensation will be as per the choice of the individual PAP. It may be in money form or as an asset equivalent.
How will the young or the very old or sickly be compensated?	Child-headed households and those headed by the very old fall under the vulnerable and marginalized groups. As such there is separate plan especially for them to ensure they benefit from the project.
Will the local populace be considered for jobs?	Youth and women as well as all able-bodied persons will get an opportunity to work on the project. The implementing agency will work closely with the local demography at all times.
What will determine compensation rates?	Compensation will be determined at the rates prevailing in the area at that moment.
How will the area to be submerged be determined?	Technical details have put the high water mark at 100m contour. Beacons have also been erected to mark that area.
Who will monitor the progress of the project to ensure it is positive?	The implementer has an in-built monitoring & evaluation section that will be activated when the project is commencing i.e. from inventory of loss of assets to project de-commissioning.

Conclusion

The meeting ended at 5:30 pm with a closing prayer and the Chiefs promising to mobilize the community for the public baraza.

Recorded by – Beatrice Githinji

Approved by – Mark Owuondo

Minutes of Meeting with Kwale County Executives at County headquarters on 8th April 2014

Present:

- ❖ Mkalla Mwero – County coordinator and representative of CDA in Kwale County.
- ❖ Fauziah Mohammed – CDA
- ❖ Lydia Olambo – TTR
- ❖ Liya Mango – TTR
- ❖ Mark Owuondo – TTR
- ❖ Tito Kodiaga – World Bank
- ❖ Pauline Makhoha - TTR
- ❖ Patrick Msami – CEC – Community development, Youth, Women and Social Services.
- ❖ Hemed Mwabudzo – CEC – Decentralized Governance

Introduction

The meeting opened with a word of prayer by Mkalla Mwero and commenced at 9:00 am at the office of CEC Patrick Mtsami.

Proceedings

A short period of self – introduction ensued to allow those present an opportunity to familiarize themselves.

Purpose of meeting

Mwache Multipurpose dam is a project with diverse stakeholders. The county government is a major stakeholder in the project thus without involving Kwale County Government in consultations would have led to difficulties in conducting the consultations in their jurisdiction. As a matter of protocol, activities cannot be conducted in any County in Kenya without the knowledge of the County Governments and even the National Government.

Issues and concerns that arose from the discussion are tabled below;

Comments/Queries

Responses

Resource i.e. the river Mwache is in Kwale County yet its neighboring Mombasa county that will benefit. Where is equitable distribution of resources?	The fear is valid. There is a component in the project that will address this issue Kwale Water and sanitation project as well as the irrigation component.
Project fatigue: There is a feeling of fatigue. The project has taken long to start and there is doubts as to if it will do take off.	The project is on course and in the near future will be implemented.
The officials asked why the irrigation command area was just 100 ha. They felt this was too small an area.	This size identified is a pilot scheme to see whether the irrigation will be feasible if applied in large scale. The pilot would aid in gauging capacity of the community as

	well as find out the economic viability of the same.
We are aware of the project, but do not know its components. Can you articulate them?	The project is a multipurpose dam whose waters will be used to serve Mombasa county via bulk water transmission. It includes the dam reservoir, bulk water transmission pipe to Mombasa and a waste water treatment plant in Mombasa. An irrigation component is also included.
Why is there no component for electricity? The county has a dire shortfall in supply.	The logistics involved and the resultant costs make it difficult to include an electricity generation component as it is now.
Projects of such magnitude bring in-migration. Won't this strain the environment in regards to resource utilization?	Project implementers will sensitize workers who are not from Duruma on how to interact sensibly with the host community to minimize conflicts and allow effective and sustainable use of available resources. A HIV/AIDS and other STIs awareness campaign will also be mainstreamed.
Will the local population be involved during construction?	The project will provide skilled and unskilled jobs during and after construction. It is envisaged that project area residents will be given priority when jobs are allocated, this would go a long way in aiding livelihood restoration especially among those affected directly by the project.

Conclusion

The meeting ended with the resolution that at all the different stages of the project; the County Government should be involved in the implementation process. The meeting ended at 10:00 am.

Recorded by – Beatrice Githinji

Approved by - Mark Owuondo

Minutes of meeting held with the Youth at Mnyenzi grounds on 9th April 2014

Present;

- Mark Owuondo Consultant (RAP Team Leader)
- Liya Mango Consultant (GIS Specialist)
- Lydia Olambo Consultant (Gender Specialist)
- Pauline Makhoha Consultant (Gender Specialist)
- Tito Kodiaga Consultant (World Bank)
- Fauziah Mohammed CDA
- Mkalla Mwero CDA
- William Fonda CDA
- Charles Loktari CDA
- Youth Members

Introduction

The consultants invited the Youth to an exclusive sitting away from their parents. The meeting was opened by a prayer from one of the members present. Members present were then accorded an opportunity to introduce themselves briefly.

Purpose of the meeting

The Youth make up a large part of the community’s demography. As such they are vital stakeholders in any project. Those present were reminded that they were representatives of their colleagues who were unavailable; they were encouraged to air their views on the proposed project freely as they would play an integral part in the realization of the project benefits both during and after construction.

Discussions

The consultative discussion so a number of comments and views raised by the Youth present; a summary of which is tabled below;

Comments/Queries raised

Response

<ul style="list-style-type: none"> • Some of us do stone quarrying and sand harvesting on the river; won’t the completed dam render us unemployed? 	<p>The completed dam will result in benefits that outweigh what they are engaged in at the moment. With the dam operational they would be able to engage in high value crop farming, fishing income would increase and recreation as well as tourism activities would be available to which the youth would be best suited.</p>
<ul style="list-style-type: none"> • Will the proponent utilize local labour or will this be sourced from outside the community? 	<p>The project intends to utilize local labour and will give the youth first priority in allocation of jobs both skilled and unskilled. With the skills they will acquire from the construction of the dam they would then be able to diversify their employment chances.</p>

<ul style="list-style-type: none"> • Will we be compensated for assets we have developed in our parents land? 	<p>They were informed that any who had developed any assets on their parents' property would get full compensation recorded separately after an inventory of loss of assets has been carried out. The law provided for them to be compensated separately on their rights to development on the affected land parcels.</p>
<ul style="list-style-type: none"> • We are concerned that the project may disrupt our social lives, access to our friends and family may be impeded e.g. if the roads are submerged. 	<p>The project will reconstitute any social or infrastructural amenity that may be affected hence social network disruption may be minimal.</p>
<ul style="list-style-type: none"> • We are worried that this project will lead to spread of HIV/AIDS and drug abuse specifically because of the interaction of external workers and our people. 	<p>The implementer will ensure that any external workers will respect the local community. Negative interaction will be curbed and awareness on HIV/AIDS and drug abuse increased.</p>
<ul style="list-style-type: none"> • What do we do in case we have a dispute on how to share compensation proceeds or if we are not satisfied with the compensation provided? 	<p>The project will establish a resettlement and grievance management committee, which will handle all disputes related to compensation. These committees will include the council of elders and kaya elders as well. However, the project will consult widely with the traditional structures and systems on how to handle such cases</p>

Conclusion

The meeting concluded with the resolution that the issues raised by the Youth would be given consideration and incorporated in the project. The youth also requested to be involved in all aspects of the project for its betterment.

There being no other business, the meeting ended with a prayer from Suleiman Dalu.

Recorded by – Beatrice Githinji

Approved by – Mark Owuondo

Minutes of meeting held with Kaya Elders at Fulugani Primary on 9th April 2014

Present:

- Mark Owuondo Consultant (RAP Team Leader)
- Liya Mango Consultant (GIS Specialist)
- Lydia Olambo Consultant (Gender Specialist)
- Pauline Makhoha Consultant (Gender Specialist)
- Tito Kodiaga Consultant (World Bank)
- Fauziah Mohammed CDA
- Mkalla Mwero CDA
- William Fonda CDA
- Charles Loktari CDA
- Kaya Elders

Constitution

The Kaya elders have a strongly held traditional culture, which requires any meeting to start with a prayer. One of the elders prayed before the meeting commencing. The attendants of this meeting were then given an opportunity to introduce themselves so that all would be familiar with each other

Purpose of the meeting

The Kaya is the spiritual home of the Duruma. A kaya elder is thus a much-respected member of this society. As such being fundamental stakeholders in the proposed project, the consultants had to seek their views (Kaya elders) in regard to the same.

This Kaya is known as Mtswakara and it is composed of two villages i.e. Fulugani and Miyani.

The main agenda was to discuss matters of a cultural nature of the local community that would be affected by the proposed project. The elders were encouraged to provide guidance on how cultural issues should be managed to ensure the project good will from the community.

Proceedings

The leader of Kaya Mtswakara, Shaban Ndegwa started by giving a brief overview of the Kaya. Below is a summary of the same;

- The Kaya is sacred forest where the people can communicate with their deity.
- Land is owned communally
- Graves can be moved after cultural rituals involving the Kaya Elders have been performed. This issue has not happened within the area of the project for a long time but the Kaya elders will be able to go through the procedure if the need arises.
- Widowed women have fights over property especially where they have young children.

- Kaya elders are the ones who sit and resolve disputes within the community. It is only when it is not possible to have a resolution that matters are taken to law courts.
- The Kaya elders perceive their land as marginalized. The rate of development in their area is low hence the perception.
- The Duruma are keeping their identity and culture even as they get to embrace modernity.
- They dress in their traditional clothing when they pray for rain.
- Not all of the community members can be Kaya Elders. To be a kaya elder a very rigorous vetting ritual before induction.
- Are there restrictions on inter-clan marriages? No, the restrictions may only arise if the clans are having a dispute.
- Kaya Elders requested the project proponent to acquire land and build for them in case of resettlement. They fear that jealousy may arise in the community and thus push the prices of land beyond their means.
- Kaya Elders are informed or consulted before entering the kaya. One needs to be in the company of them.
- Kaya membership is open to both men and women.

Discussions

During the discussion key issues and queries and comments were raised by the Kaya elders to which CDA officials present as well as the consultants responded satisfactorily to as seen on the table below:

<u>Comments/Queries raised</u>	<u>Response</u>
<ul style="list-style-type: none"> • The kaya members were apprehensive as to what would be done to graves within the impound area. 	<p>After consulting with them it was decided that special ceremonies/rituals would be conducted before exhuming the graves and re-burying. These ceremonies would be conducted at the project implementer's cost. Families whose graves will be affected would be compensated at a later to be agreed cost.</p>
<ul style="list-style-type: none"> • There are special caves within Mwache River that are used as prayer shrines, if affected what happens to them. 	<p>The shrines and spirits or 'Mizimu' will be relocated after special ceremonies are carried out for cleansing purposes. The process will be undertaken at the project implementer's expense.</p>
<ul style="list-style-type: none"> • The Kaya members wanted to know the start date of the project. A number of visits and studies have already been done but they see no groundwork commencing. 	<p>The implementer is going through the process to identify project-affected persons and compensate them before commencing construction. The groundwork is expected to start in 2017.</p>
<ul style="list-style-type: none"> • The kaya members expressed concern that the project may disrupt their people's close-knit lives due to 	<p>The implementer envisages that those PAPs who will be involuntarily displaced will be relocated within clan areas hence no</p>

displacement.	social-network disruptions will occur.
<ul style="list-style-type: none"> • Will the community's youth and able-bodied get an opportunity to be engaged in jobs when the project commences. 	The implementer of the project is keen to have the local community members engaged positively in the construction process. They will ensure that the community gets first priority in job allocations whenever possible.
<ul style="list-style-type: none"> • Will the project have other services such as schools or hospitals? 	The project as at this stage does not have these components but the implementer will liaise with other government agencies to bring more of such services to the community.

Conclusion

The discussion ended with the Kaya members giving their support to the project and promising to inform members of the community on the projects benefits.

Recorded by – Beatrice Githinji

Approved by – Mark Owuondo

Public Consultation Meeting at Mnyenzi on 9th April 2014/Minutes of the Public Baraza held at Mnyenzi grounds.

Present;

- Mark Owuondo Consultant (RAP Team Leader)
- Liya Mango Consultant (GIS Specialist)
- Lydia Olambo Consultant (Gender Specialist)
- Pauline Makhoha Consultant (Gender Specialist)
- Tito Kodiaga Consultant (World Bank)
- Fauziah Mohammed CDA
- Mkalla Mwero CDA
- William Fonda CDA
- Charles Loktari CDA
- Stakeholders as per attached attendance list.

2. Introduction

The meeting was convened at Mnyenzi in Kasemeni Ward. The stakeholder consultation started with a word of prayer at 2.30 pm. A moment of self- introduction followed which gave the area residents the opportunity to get to know those present. The area Chief Mr. Benson Kalimbo Kokoi then requested the project implementer CDA to inform the public on the purpose of calling the public baraza.

Mr. Mkalla Mwero and Fauzia Mohammed made the presentation in that regard, informing the residents about the intended benefits of the proposed project. The attendees were informed that the consultants were on a tour of the proposed Multi-purpose Dam project area to conduct an ESIA as well as a Resettlement Action Plan exercise that would potentially impact on the locality. Being a consultative forum, the stakeholders had an opportunity to give their comments and/or queries in regard to the project.

Comments/Issues	Response
▪ How will the proponent determine the rate of compensation for land and other property that would be affected?	Land would be compensated for at prevailing area market rates. A similar approach would be taken for compensating residential dwellings, commercial enterprises together with crops and trees that would be affected.
▪ There are graves in the project area, what happens to them in the event of involuntary displacement.	With guidance from community elders & kaya elders, cultural rituals and rites would be undertaken to ensure graves are given a dignified re-burial.
▪ Would compensation be money-based or in other form e.g. land for land?	Compensation would be undertaken as per the preference of the affected person.
▪ As the reservoir fills up there may be risks to health. Diseases like malaria, bilharzia and other water-	Mitigation measures have been put in place. Project implementer will ensure preventive measures are applied as well aid

borne ailments may increase. How will these be curbed?	in enhancing capacity of health facilities in the area of the project.
<ul style="list-style-type: none"> There is a possibility of roads and other infrastructure being submerged 	New roads will be built together with bridges where necessary.
<ul style="list-style-type: none"> There are fears that social networks may be disrupted 	The project has no plans to disrupt the social networks. The project envisages to resettle those affected within their clans hence keep social networks intact.
<ul style="list-style-type: none"> Is there a grievance redress mechanism system in place and will it be effective? 	There is a grievance redress mechanism in place, which with corporation from the PAPs is expected to handle any issues fairly.
<ul style="list-style-type: none"> Why is the irrigation command area only 100ha? This is too small an area. 	The area is put at 100ha as it is going to be for learning purposes. Once it is confirmed as a viable investment, 2500ha will be put under full irrigation.
<ul style="list-style-type: none"> Will my whole land be affected? 	Only the area that is below the 100m contour mark will be affect, those with properties higher than the watermark will not be affected.
<ul style="list-style-type: none"> Will the dam project provide jobs for our youth? 	The project will aspire to create jobs for the youth and women during construction.
<ul style="list-style-type: none"> There are some who depend on the river for livelihood e.g. stone quarrying and sand harvesting, will they be compensated for loss of livelihood. 	During the R A P exercise all affected persons will be enumerated. Those whose livelihoods are affected will be compensated for loss of livelihoods and a livelihoods restoration mechanism will be constituted.
<ul style="list-style-type: none"> Will the project come with electricity supply component? The locality lacks power. 	Mwache Dam project will not be used to generate electricity, the request is however noted and the implementers will liaise with relevant governmental agencies to request them to assist.

Conclusion

The meeting ended at 5.30 pm with a word of prayer from an elder. The Ward Administrator Mr. Prisce Katana advised the residents not to fall prey to conmen who would want to buy their land cheaply as they speculate with it on project compensation rates.

Recorded by Beatrice Githinji

Approved by – Mark Owuondo

Minutes of meeting held with Women at Fulugani Primary on 9th April 2014

Present:

- Mark Owuondo Consultant (RAP Team Leader)
- Liya Mango Consultant (GIS Specialist)
- Lydia Olambo Consultant (Gender Specialist)
- Pauline Makhoha Consultant (Gender Specialist)
- Tito Kodiaga Consultant (World Bank)
- Fauziah Mohammed CDA
- Mkalla Mwero CDA
- William Fonda CDA
- Charles Loktari CDA
- Women

Introduction

This special group meeting was preceded by a word of prayer by one of the women, Margaret Mvuno. The chair then gave all present an opportunity to introduce themselves before the meeting fully commenced.

Purpose of the meeting

The assembled women were taken through the genesis of the proposed project by the proponent's officials as well as the consultants present. They were informed that the consultants were in their area to carry out an inventory of loss of assets as a component used to determine compensation for those among them who would be involuntarily displaced.

The women were requested to give their candid views in order to ensure their interests would put under consideration. They were reminded that together with the children, they are considered vulnerable hence this was a major chance for them to influence decision-making.

Since they were the ones who did most of the household duties in matters to do with water, they stood to benefit in several areas including time saving from meeting household water demands. This would give them time to look at other opportunities for income generation as well as socializing etc.

Discussions

The consultative discussion saw a number of comments and views raised by the women present a summary of which is tabled below;

<u>Comments and Issues</u>	<u>Responses</u>
<ul style="list-style-type: none">• Among us, there are women who depend on the river as a source of livelihood, we harvest sand from the river and also use the river water to grow food crops. We will	The consultants and proponent officials assured them that with the completion of the project more favourable and less strenuous opportunities would arise.

lose our livelihoods with the project being implemented.	
<ul style="list-style-type: none"> • Our men own the land here, what happens to us if the men receive compensation and use the proceeds inappropriately? This would impact negatively on our lives. 	<p>Compensation for loss of land will be given to all without discrimination of gender as clearly spelt out in our constitution. The project will also design gender specific income generating initiatives targeting women to reduce their vulnerability</p>
<ul style="list-style-type: none"> • How and who will take the inventory of our assets? What criteria will be used for compensation? 	<p>The resettlement action plan team comprises of enumerators who lead note all assets that are affected in the presence of the owner. Compensation will be pegged on the prevailing market rates.</p>
<ul style="list-style-type: none"> • There are projects that come up and affected people are promised compensation only to be displaced without being compensated or the compensation is not adequate, will this exercise be similar? 	<p>There may have been such occurrences in other projects but the women were assured that would not happen in regard to Mwache dam. All affected would be reasonably compensated and this would be done before they are relocated.</p>
<ul style="list-style-type: none"> • Would our youth be able to get jobs once the implementation process begins? 	<p>The implementer of the project is keen to have the local community members engaged positively in the construction process. They will ensure that the community gets first priority in job allocations whenever possible.</p>
<ul style="list-style-type: none"> • Will the project have other services such as schools or hospitals? 	<p>The project as at this stage does not have these components but the implementer will liaise with other government agencies to bring more of such services to the community.</p>

Conclusion

The discussion ended with the women present promising to inform their colleagues on how the project would be of benefit to their lives. They also promised to galvanize support for the project in the community as a whole. Halima Mwero gave a vote of thanks and ended the meeting with a prayer.

Recorded by – Beatrice Githinji

Approved by – Mark Owuondo

Public Consultation Meeting at Pemba Village on 1 May 2014/Minutes of the Public Baraza held at Pemba Primary School grounds.

Present:

- Mark Owuondo Consultant (RAP Team Leader)
- Liya Mango Consultant (GIS Specialist)
- Lydia Olambo Consultant (Gender Specialist)
- Pauline Makhoha Consultant (Gender Specialist)
- Tito Kodiaga Consultant (World Bank)
- Mkalla Mwero CDA
- William Fonda CDA
- Stakeholders as per attached attendance list.

3. Introduction

The meeting was convened at Pemba in Mwatate Ward. The stakeholder consultation started with a word of prayer at 11:00 AM. A moment of self- introduction followed which gave the area residents the opportunity to get to know those present. The area Assistant Chief Mr. Nasib Chirima Mwingo then requested the project implementer CDA to inform the public on the purpose of calling the public baraza.

Mr. Mkalla Mwero and William Fondo made the presentation in that regard, informing the residents about the intended benefits of the proposed project. The attendees were informed that the consultants were on a tour of the proposed Multi-purpose Dam project area to conduct an ESIA as well as a Resettlement Action Plan exercise that would potentially impact on the locality. Being a consultative forum, the stakeholders had an opportunity to give their comments and/or queries in regard to the project.

Comments/Issues	Response
<ul style="list-style-type: none"> ▪ The land is under group ranch system, who will get the compensation? Is it the group ranch members or individual utilizing the land? 	Compensation would apply to the individual utilizing the affected land area.
<ul style="list-style-type: none"> ▪ Is the project implementer intending to lease the land for irrigation pilot scheme from owners or will they buy it outright? 	The project will wholly acquire the land mass needed and will give full prevailing market rate prices for the acquisition.
<ul style="list-style-type: none"> ▪ Will compensation be monetary or land for a replacement parcel? 	Compensation would be undertaken as per the preference of the affected person.
<ul style="list-style-type: none"> ▪ Where is this area identified for the pilot scheme? Will the whole village be affected? 	The project studies identified an area of 100ha by the river bank. Thus the village will not be completely affected.
<ul style="list-style-type: none"> ▪ 100ha is too small for an irrigation scheme, why not add? 	This is a pilot scheme meant to gauge the viability of the component. If it is deemed successful a full project taking in 2000ha will be rolled out.

<ul style="list-style-type: none"> ▪ Will the irrigation system entail the use of chemicals e.g. fertilizers? They could be harmful to the biodiversity? 	<p>The project has prepared an integrated Pest management plan that will be used to mitigate such situations when the need would arise.</p>
<ul style="list-style-type: none"> ▪ Since the land is regarded as belonging to the household head (mostly the man) how will the project implementer ensure compensation will be beneficial to all household members? 	<p>Compensation for loss of land will be given to all without discrimination of gender as clearly spelt out in our constitution.</p> <p>The project will also design gender specific income generating initiatives targeting women to reduce their vulnerability</p>
<ul style="list-style-type: none"> ▪ In case I am not satisfied with the rate of compensation, what recourse do I have, the government is very powerful? 	<p>A grievance redress mechanism system has been drawn up and will guide all PAPs when and if a grievance matter is noted.</p>
<ul style="list-style-type: none"> ▪ Will the project provide job opportunities for us? 	<p>As a demonstration and learning facility the project will be of benefit to all. During construction of check dams, jobs will be available both skilled and unskilled and the host community will get first priority.</p>

Conclusion

The meeting ended at 1:00 pm with a word of prayer from an elder. The Ward Administrator Mr. Mwanjole counseled the residents to utilize the opportunity to learn new and better farming systems from the intended pilot irrigation command area. They were also advised to use what they get from compensation prudently for their own good.

Recorded by – Beatrice Githinji

Approved by – Mark Owuondo

10.2 ANNEX 2. PHOTOGRAPHS



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10.3 ANNEX 3. LIST OF PARTICIPANTS

FULUGHANI

Tech Training & Research & Safeguards Environmental Consultants

**STAKEHOLDERS CONSULTATION MEETING – ENVIRONMENTAL AND SOCIAL ASSESSMENT, RESETTLEMENT ACTION PLAN AND VULNERABLE AND MARGINALISED GROUPS FOR MWACHE DAM PROJECT
HELD AT FULUGHANI AND MNYENZENI, 9th April 2014**

Name	Village	Telephone number
1. Fatima Nyota.	Fulughani	0714 924892 .
2. Njupa Omer .	"	—
3. Nyamwa Tuma .	Mtabiricani	—
4. Vungwa Ndegwa .		
5. Ngala Chirwa .		
6. Hassan a. Anata .		
7. Banjo a. Gwazi .		
8. Rogers Mangale Mweru .		
9. Hamisi Akili Mangale .		
10. Chinima Mwangi .		
11. Mwanjye Bw .		
12. Mdzomba Mwambonga .		
13. Peter Kasungu Ng'aa .		
14. Mboru Mwangi .		
15. Ngogi Mvuri .		
16. Choga Kumbo .		
17. Rajab Ngome .		
18. Karisa Mwangi .		
19. Samuel Jefa .		
20. Ngaku Maki .		
21. Nyamwa Masudi .		
22. Nzingo Kakata .		
23. Dzame Mwangi .		
24. Rehema Kambi .		

Tech Training & Research & Safeguards Environmental Consultants

25	JUSTINE MAZERA BIDU	PEMBA	0721177105
26	CHIBOBO MAYSISA	PEMBA	
27	NGULWA MAKAZI	PEMBA	
28	EGGA MAZERA	PEMBA	
29	MARIAMI LUGOGO	PEMBA	
30	MLONGO GINGO	PEMBA	
31	MINYAZI KAMANZA	PEMBA	
32	KABIDE NDUNJI	PEMBA	
33	TUMAINI MWAMRANZI	PEMBA	07 23 65 2898
34	KANGA KAMANZA	PEMBA	
35	MLONGO NGUIA SAMUEL	PEMBA	07111 07 14 716 4911
36	MARIAMI MBAE	PEMBA	0714242710
37	KABZO MINYIKA	PEMBA	
38	KABIBI BEJA	PEMBA	
39	JOHN NDEME	PEMBA	
40	MWARI BORA	PEMBA	
41	MUPA SWALEH	MADIKONI	
42	SALAMA GUNI		
43	DUNCAN N. CHIKOZA	MADIKONI	
44	NYONDO M. BEJA	NITUU	
45	CHRISTOPHER NAU	PEMBA	0701363749
46	MUJI MAZERA	PEMBA	
47	NDOME MGANZI	PEMBA	07245748526
48	RUMBA BIDU	PEMBA	0728781981
49	KUINIENYWA NDEME	PEMBA	
50	DUNCAN N. MURIBU	JITSAKAVIRI	0723609203
51	GIDEON M. MUGANDA	PEMBA	0700038767
52	CHIPORI BADA	KASEMENI	
53	KAMAZA MWATERA NADIMU	KASEMENI	

STAKEHOLDERS CONSULTATION MEETING –ENVIRONMENTAL AND SOCIAL ASSESSMENT, RESETTLEMENT ACTION PLAN AND VULNERABLE AND MARGINALISED GROUPS FOR MWACHE DAM PROJECT
HELD AT PEMBA PRIMARY SCHOOL ON MAY 1 2014 (PILOT IRRIGATION COMMAND AREA 130ha)

	Name	Village	Telephone number
54	NGUITAH NYAMAWI BATI	KASEMENI	071896178
55	ALISIAK NYAMAWI NDORO	PEMBA	0710727765
56	DANIEL MWACHIRO AIYO	NIHUTU	0700439268
57	ALFAN N. MANGALE	PEMBA	0724728334
58	OMAR CHUHA DRUAMWENGA	PEMBA	0717932472
59	BAKARI MWATEKA NYALI	PEMBA	0916696959
60	BONFACE MAZERA NYAMAWI	PEMBA	
61	MOUNE TILI NYONDO	NIJISAKA-VIRI	
62	MARCUS MUKUBA LUQOYO	PEMBA	0728866981
63	JUMA NYONDO CHAKOBA	NIHUTU	
64	DAUDI LUQUA MUKALLA	NYONYONI	0718163621
65	SALIM NDUNTI MWERO	PEMBA	0729326544
66	SHEAI MWERO	PEMBA	0715749452
67	ZUMA BOMBO GINGO	PEMBA	0739258689
68	ANDERSON SHANGA BOMBO	PEMBA	0754925438
69	HAMIS NDEME LUQOYO	PEMBA	0711190348
70	ZUMA CHOMBO	PEMBA	0714412372
71	NYAMVULA MWARUA BETHA	PEMBA	0787104539
72	ISA MWASAKA NYAMAWI	PEMBA	0735886879
73	MAZERA CHIPORI BADA	MGANDINI	070125034
74	ALTER NISEME PALLA	PEMBA	0711520334
75	CHIRIMA NDEGA MUKO	PEMBA	0729217308
76	HAKIM NGUIBA (BENTA)	PEMBA	0704998409
77	KASSIM NGOMBE NYOJA	PEMBA	0714833154

MNYENZENI

STAKEHOLDERS CONSULTATION MEETING – ENVIRONMENTAL AND SOCIAL ASSESSMENT, RESETTLEMENT ACTION PLAN AND VULNERABLE AND MARGINALISED GROUPS FOR MWACHE DAM PROJECT
HELD AT FULUGHANI AND MNYENZENI, 9th April 2014

	Name	Village	Telephone number	
1	KHADIJA H. MARZO	MUYANI	0728541415	<i>[Signature]</i>
2	NDEGWA MUNGEA	YOWANI	0716688809	<i>[Signature]</i>
3	FRANCIS NDEGWA	PEKU	0700010298	<i>[Signature]</i>
4	MBAJI KWALE	CHIZONI	0729991929	<i>[Signature]</i>
5	MWARUWA RUWA	MTULU	0716989232	<i>[Signature]</i>
6	JIRA MBGA	MNYENZENI	0717407028	<i>[Signature]</i>
7	BASHID MAKANZU	MNYENZENI	0717082255	<i>[Signature]</i>
8	NTANJE ZIZA AYUB	KILBOLE	0700532406	<i>[Signature]</i>
9	NTAMAWI DIYO	MNYENZENI		
10	SANADZA MVUNGU	MWACHE		
11	JONATHAN MARGALE	PEKU	0735378082	<i>[Signature]</i>
12	JUNGWA MWAMULLA	PEKU	0723-708580	<i>[Signature]</i>
13	MWARUWA DIYO	MNYENZENI		
14	CHIDIYA PILI	MTULU		
15	MWARUWA MNDALU DIYO	MNYENZENI	0727026061	<i>[Signature]</i>
16	MWAHANJE KANTAMA	MNYENZENI	0706964232	<i>[Signature]</i>
17	MATARI NYAE	MNYENZENI	0727564395	<i>[Signature]</i>
18	ZUMA MASA	VITANGANI	0715678839	<i>[Signature]</i>
19	NTUMA MGAZA	MNYENZENI		<i>[Signature]</i>
20	DZUMA CHIRO	MNYENZENI	0722	<i>[Signature]</i>
21	MWAGWARU MTSOMA	MNYENZENI	0713661981	<i>[Signature]</i>
22	OMAR MWERO	MTULU	0714602150	<i>[Signature]</i>
23	SANADZA JUNIOR	MWACHE	0700356077	<i>[Signature]</i>
24	JAMES ROME BIALI	MTULU	0727612879	<i>[Signature]</i>

2023 Training & Research & Safeguards Environmental Consultants

25	Njigo	Nyudo		
26	Angizi	Nwambode		
27	Njira	Xingwe		
28	Gaumu	Tuma		
29	Gaumu	Konya		
30	Njira	Chikuze		
31	Chaviku	Chenge		
32	Mwaka	Mwahul		
33	Margret	Mambul		
34	Zawadi	Xadalla		
35	Mbayu	Migi		
36	Kwekwe	Mbaga		
37	Patence	Chigubi		0707268892
38	Sofia	Said		
39	Mariam	Gwalaha		
40	Juna	Ngeme		
41	Mjira	Mganga		
42	Chizi	Mgala		
43	Gaumu	Chiring		
44	Chizi	Mganga		
45	Umagi	agad		
46	Luwao	Said		
47	Fama	Mambo		
48	Khadiga	Kunya		07
49	Juliana	Hamboni		0710-588991
50	Dama	Jefa		
51	Dora	Mbuche		
52	Nagzua	Said		
53	Uman	Gawa		

Tech Training & Research & Safeguards Environmental Consultants

53. Mubwa Ngug.		
54. Kombo Mwaro.		
55. Agenta Juma.		0729856469.
56. Sarah Magrath.		0170519299
57. Kwakwe Ngug		0720919299 0113654558.
58. Mwanakombo Ndeme.		045 854558 . 0727072888
59. Mjoni mganga		0727072888 .
60. Nadzua mganga		
61. William mwenya.		
62. Juma makino.		0770474118 .
63. Lorenzo Bura.		0716108598 .
64. Mwanasha Juma.		
65. Haron Joto.		
66. Baji mar.		
67. Mbodge mrema.		
68. Magethi Jira		
69. Athumani Buvuvu.		
70. Alice Rudha		070218623 .
71. Loice Mwangini		
72. Mzalambi limo		
73. Margaret Ngao.		0718216063 .
74. Mlango Jwale.		
75. Asha Kachongo.		0716914248'.
76. Juma Mwangale.		
77. mkambe Rumba.		
78. Mjoni Rowa.		
79. Esther Sudi.		
80. Mkambe Kutwanyu.		
81. Mbeyu limo .		

STAKEHOLDERS CONSULTATION MEETING – ENVIRONMENTAL AND SOCIAL ASSESSMENT, RESETTLEMENT ACTION PLAN AND VULNERABLE AND MARGINALISED GROUPS FOR MWACHE DAM PROJECT
HELD AT FULUGHANI AND MNYENZENI, 9th April 2014

	Name	Village	Telephone number
1	SHABAM MDEGKIA.	FULUGHANI	0728175091.
2	NYAYE MRISA.	"	
3	UMAZI NYAYE	"	
4	ZANABU NYUNDO KARIMRO.	"	
5	MREYU MDEGKIA.	"	0715 574 581.
6	ANZAZI DOGO	MIYANI	0706358073
7	MAVULA NYAWIA MGAZI.	FULUGHANI	
8	MATARI MWAGATI.	MIYANI.	0729 013 468.
9	GOGO KEKE	ETA Fulughani.	072877345 0728771127.
10	REKWE CHIRONGO.	MIYANI	
11	MAJUMAA TUNGWA	"	-
12	MWERO KARIMRO.	"	0711 852 818.
13	MGALAA YAMBIA	"	0711 6464 86.
14	KUPHA MWATELA.	"	07
15	MWAKA MTULA.	"	.
16	MROBE REMROGHO.	"	
17	MARRO KOKOTA.	FULUGHANI	-
18	MANGALO MDEGKIA.	"	
19	UMAZI CHAKA	"	
20	MREYU DETE	MIYANI	
21	RIZIKI CHIBUSO.	FULUGHANI.	
22	NYAMVULA ZUMA.	"	
23	MALAO MDEGKIA.	"	
24	CHIGUSA ZUMA.	"	

STAKEHOLDERS CONSULTATION MEETING – ENVIRONMENTAL AND SOCIAL ASSESSMENT, RESETTLEMENT ACTION PLAN AND VULNERABLE AND MARGINALISED GROUPS FOR MWACHE DAM PROJECT
HELD AT PEMBA PRIMARY SCHOOL ON MAY 1 2014 (PILOT IRRIGATION COMMAND AREA 130ha)

	Name	Village	Telephone number
1	KARUNGA MANGALE NYOMA	MATUMBI B	0703301454
2	OSMUS KOMBO KALIMBO	PEMBA CENTRAL	0710450620
3	KOMBO MANGALE	MATUMBI B	0725881462
4	BEJA GUNI	PEMBA	
5	KAMB I MURANKAZI	PEMBA	0727365681
6	MWATELA MUYIKA	PEMISA	0715227504
7	DZUMAMWENGA MUYIKA	PEMBA	0731296010
8	Muzena Y GUNI	PEMBA	0702811547
9	NGALAA NYAMANI	PEMISA	0720092869
10	MANSIKE NYATI MCHAMUSI	PEMISA	0724531210
11	MAZGA SAMUEL BADA	PEMISA	0716253392
12	ESTINS MCHAMUSI	PEMISA	071042269
13	NDOSWA NYATI	PEMISA	
14	MUYIKA BEJA	PEMISA	
15	Mulonga GUNI	PEMISA	
16	BEJA MUYIKA	PEMISA	0734705205
17	KANZE MANGALE	PEMISA	
18	UMATI NDAGE	PEMISA	
19	LUVUNO LUSO	PEMISA	
20	SALAM MCHAMUSI	PEMISA	
21	HABIBI NGALAA	PEMISA	
22	MWAHAMUSI GINGO	PEMISA	
23	AMINA MWAMUMBA	PEMISA	
24	MWANAJUMA NYEME	PEMISA	

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25	HAMISI CHMERAH	MNYENZENI	0715503958	Handwritten
26	CHIMENE MAMBO	VIKLANI	0721947584	Handwritten
27	HAMISI KALUME KAZUNGU	KILIBCHE	0717416357	Handwritten
28	KWAKA CHIRGZO	MNYENZENI		
29	BEJA MWAMBA	KILIBCHE	0718578669	
30	STEPHEN TUNUWA	MTULU	0707268540	Handwritten
31	KUWA NTAKJE	VIKLANI		
32	CHIKUZA KUKSI	MITANI	0723708580	Handwritten
33	OLILO KAZUNGU	KILIBCHE		
34	TABU IBRAHIM	MNYENZENI		Tabu
35	MWERO TAWA	MTULU		
36	LUVUNO NYAMANI	MNYENZENI		
37	KACHACHE MWERO	MTULU	0732414790	Handwritten
38	UMAZI MWAMBA	KILIBCHE		
39	EMILY SAMUEL	MTULU		
40	MOHAMED MAKANZA	KILIBCHE	0723-458986	Handwritten
41	MAKALE CHIKO	MNYENZENI	0702092052	Handwritten
42	BGHORA MDILA	MNYENZENI	07	Handwritten
43	SAUMU GMAR	MNYENZENI		
44	JOHN MWADAWU JIRA	NWACHE	0726622585	Handwritten
45	MLONGO ATHUMAN	VITANGANI		
46	CEVSTANJE MBORE	CHIKO	0720154419	Cens
47	MLONGO KUMBO	MNYENZENI		
48	UMAZI BARUWA	MNYENZENI		
49	REHEMA NYAMANI	MITANI		
50	CHIZI MINDAWU	MNYENZENI		
51	SERAH CHIKITA	MNYENZENI		
52	CHINYAVU NYAMANI	MNYENZENI		
53	JUMWA KIBORI	KILIBCHE		

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54	MWONGO MUSAFSAHU	VIKULANI	
55	OLIPHENYO MBOZA	KILIBOHE	
56	MWANALIMA KAZUNGU	MNYENZENI	
57	HADIJA ALI MSEMU	MNYENZENI	
58	MESALIMU MUNGUMU	MNYENZENI	
59	KACHIMBIZI DIYO		
60	UMAZI CHIMERA	MNYENZENI	
61	MJENI CHUMBO	MNYENZENI	
62	ELIZABETH GHEU	MNYENZENI	
63	CHINYAVU ZUMA	MNYENZENI	
64	MBEYU NYAMANI	MNYENZENI	
65	DZAME CHIRO	MNYENZENI	
66	KWEKWE NYAMANI	MNYENZENI	
67	KUNTE MKARTE MASANJA	VIKULANI	
68	FALUMA HAMISI	VIKULANI	
69	MJENI NGOKA	MNYENZENI	
70	MBOZE RAMAAN	MNYENZENI	
71	NINDALA CHIZAMA	MNYENZENI	
72	JUMAA MWACHIDU	MNYENZENI	
73	MANGALE SWEDE	VIKULANI	
74	MWARUKA ZUMU	MWACHE	

10.4 ANNEX 4. MAPS OF PROJECT AREA

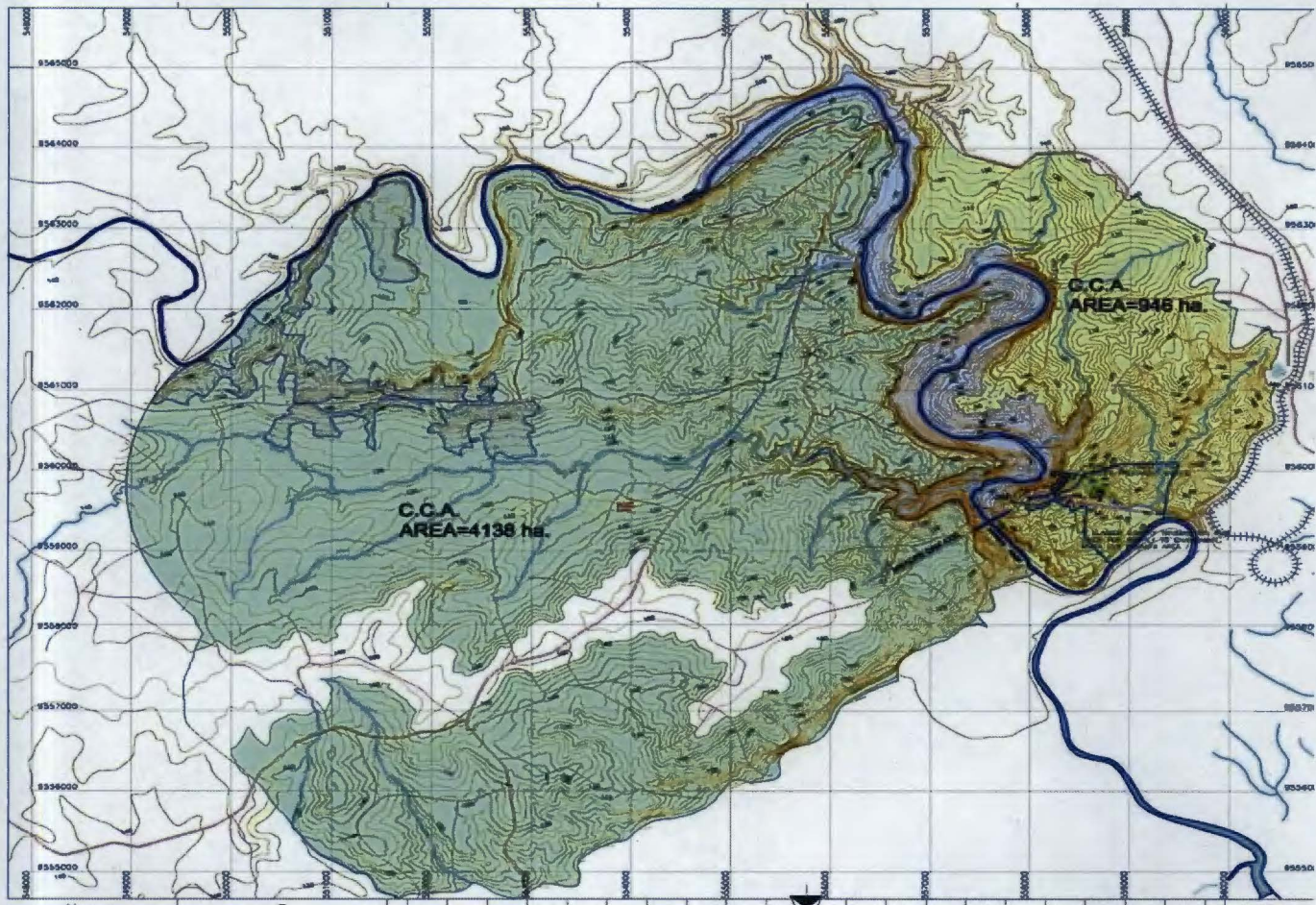


Figure 4 Map of Project Area Location (Source: CES)



Figure 5 Demonstration Irrigation Site Map (Source: CES)

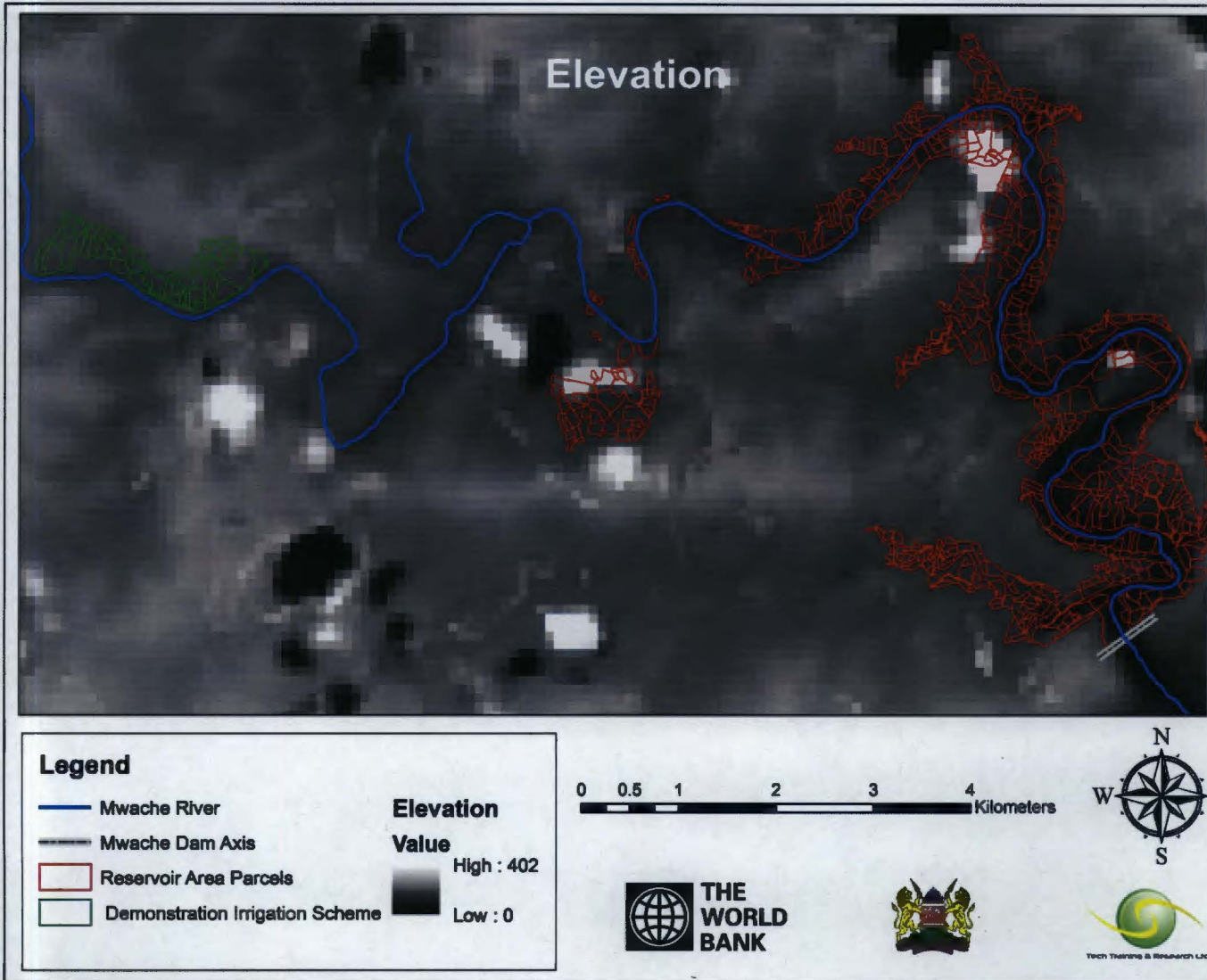


Figure 6 Detailed Project Area map (Source: CES)