

REPUBLIC OF KENYA



MINISTRY OF WATER & IRRIGATION

COAST WATER SERVICES BOARD (CWSB)



RESETTLEMENT ACTION PLAN REPORT

FOR

BARICHO LOT 1: AUGMENTATION OF BARICHO WELL FIELD

Works carried out under

Contract No.: CWSB/WaSSIP-AF/C/25/2013

Report Prepared by:



Zamconsult Consulting Engineers

JUNE 2017

RAP EXECUTIVE SUMMARY

Background

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

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

CWSB, as part of its mandate to provide bulk water to the population under its jurisdiction, intends to augment water supply to Mombasa, Malindi, Kilifi and Gongoni areas. This will be done through the drilling of three additional wells in the Baricho Treatment Works. The works will include:

- i. Drilling of three (3) new boreholes in the Sabaki Well field at Baricho
- ii. Laying of a new 600mm diameter, 2.4Km long water collector/ transmission pipeline
- iii. Access road for the new wells and
- iv. Extension of power lines to the well field

Zamconsult Consulting Engineers has been contracted to undertake the ESIA and RAP for the proposed pipelines as part of the WaSSIP-AF projects with funding from the World Bank.

An ESIA has been carried out on the proposed project and observations made that the project will displace a few farmers from their land resulting in this Resettlement Action Plan Report.

Study Methods

The methodology for carrying out the RAP included data collection and analysis of data from various sources. These Included:

- ❖ Primary Data Sources including household questionnaires, key informant interviews, site visits and observations.
- ❖ Secondary Data Sources including design report, World Bank Policies and Kenyan Policies on Resettlement.

The data collected in the field was analysed to obtain the socio-economic background of the PAPs, inventory of affected assets and cost the RAP implementation.

Legislative Framework for this Study

The main laws in the Country governing resettlement are the Land Act, No 6 of 2012 which identifies steps required for land acquisition, establishment of way leaves and land registration. The Constitution of Kenya also highlights matters of resettlement and land ownership.

In addition to the local legislation, the Consultant also reviewed the relevant World Bank Operational Policies on Resettlement, Indigenous people, physical and cultural resources and access to information, which would cover the gaps in the local laws concerning resettlement.

Expected impacts

The proposed boreholes and associated works will cause several resettlement impacts. These will include:

- ❖ Impacts on Land
- ❖ Impacts on Structures (permanent, semi-permanent, temporary, wells and sheds)
- ❖ Impacts on trees and Crops
- ❖ Impacts on businesses/livelihood

Eligibility Criteria and Entitlement Employed for the RAP

The main criteria employed for establishing the Eligibility of PAPs included:

- ❖ A PAP was defined as one having a parcel of land, a structure(s), tree(s) and crop(s) within the proposed project site.
- ❖ Setting of the Cutoff date: the PAPs identified during the data collection exercise were eligible for compensation for the aforementioned assets. The cutoff date was established as 21st October 2015. Any developments after this date are not eligible for compensation.

The Entitlement for the project is summarised in the table below:

Affected Asset	Eligibility Conditions	Entitlements
Land Within the proposed site	If them and a witness can prove ownership of the land.	Full replacement cost of affected land. If more than half of a PAP's land is affected, total displacement and compensation for full land parcel.
Structures within the proposed site	If them and a witness can prove ownership of the structure.	Replacement Cost of Structure
Trees and crops within the proposed site	If them and a witness can prove ownership of the trees and crops.	Replacement cost of trees and crops.

In addition to the entitlements mentioned in the table, each of the PAPs was entitled to a 15% disturbance allowance.

Cost of Entitlements

The following tables present the various entitlements for assets for each of the proposed works. The total entitlement for land is K.Shs. 770,150.00 which is summarized in the table below:

Summary of Entitlements for Land

PAHs with Land			Total Entitlement K.Shs.
			11
F=0	M=11	I=0	770,150.00

Where: *F* – Female headed household

M – Male headed household

I - Institution

The Total Entitlement for structures for all the pipelines is K.Shs. 24,150.00 as summarized in the table below.

Summary of Structure Owners' Entitlement

PAHs with Structures			Total Entitlement K.Shs.
			1
F=0	M=1	I=0	24,150.00

Where: *F* – Female headed household

M – Male headed household

I - Institution

The total entitlement for tree and crop owners is K.Shs. 971,300.00 shown below:

Summary of Trees and Crops Owners' Entitlement

PAHs with Trees & Crops			Total Entitlement K.Shs.
			7
F=1	M=6	I=0	971,300.00

Where: *F* – Female headed household

M – Male headed household

I - Institution

15% of the entitlement for each PAH is provided for the disturbance that will be as a result of the project. The total cost for disturbance is K.Shs. 264,840.00 and is summarized as follows

Summary of Disturbance Entitlement

Disturbance Allowance			Total Entitlement K.Shs.
			12
F=1	M=11	I=0	264,840.00

Where: *F* – Female headed household

M – Male headed household

I - Institution

The total entitlement for the project is K.Shs. 2,030,440.00, which is illustrated in the table below:

Summary of Entitlements

PAHs	Entitlement in K.Shs.
12	2,030,440.00

RAP Implementation Cost

The RAP implementation cost was also computed taking into account administration costs and an allowance for inflation and contingencies. Bringing the total cost of the RAP to **K.Shs. 2,456,832.00 (two million, four hundred and fifty six thousand, eight hundred and thirty two)** broken down in the table below.

No.	RAP Item	Cost in K.Shs.
1	Total Entitlement Costs (including 15% Disturbance)	2,030,440.00
2	RAP Administration Cost (10)% of Entitlement Cost)	203,044.00
3	Allowance for Inflation and Contingencies (10% of entitlement and administration costs)	223,348.00
TOTAL RAP IMPLEMENTATION COST		2,456,832.00

Conclusion

The Resettlement Action Plan identified 12 households (96 PAPs) would be affected by the proposed project. In order to mitigate the impact of the project on the PAPs a budget of K.Shs. 2,456,832.00 (two million, four hundred and fifty six thousand, eight hundred and thirty two) should be set aside to implement the RAP. If implemented in accordance with the laid down laws, guidelines and procedures and any arising grievances addressed as stipulated, this RAP is adequate to clear the required land for the proposed project. This RAP recommends that:

- ❖ Any planned displacement of the project affected persons be undertaken after compensation payments have been made before any construction activities are done and in accordance with the prevailing law.
- ❖ Compensation should not only follow the prevailing market rates, but should also be associated with comprehensive consultations and negotiations with PAPs so as to minimize grievances
- ❖ The project affected persons to be given adequate notice to relocate their assets.

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ACRONYMS AND ABBREVIATIONS

AIDS	Acquired Immunodeficiency Syndrome
CBO	Community Based Organization
CWSB	Coast Water Services Board
EIA	Environmental Impact Assessment
EMCA	Environment Management Coordination ACT
ESMMP	Environmental and Social Mitigation and Management Plan
ESMP	Environmental and Social Monitoring Plan
ESIA	Environmental and Social Impact Assessment
GoK	Government of Kenya
HIV	Human Immunodeficiency Virus
ID No.	Identity Card Number
KAPP	Kenya Agricultural Productivity
K.Shs.	Kenya Shillings
KFS	Kenya Forestry Service
KWS	Kenya Wildlife Service
LRCC	Locational Resettlement and Compensation Committees
m ³	cubic metres
MAWASCO	Malindi Water and Sewerage Company
MDG	Millennium Development Goals
MWI	Ministry of Water and Irrigation
NEMA	National Environment Management Authority
NLC	National Land Commission
NGO	Non-Governmental Organization
NMK	National Museums of Kenya
NPEP	National Poverty Eradication Plan
O&M	Operation and Maintenance
PAP	Project Affected Person
PLO	Project Liaison Officer
RAP	Resettlement Action Plan
SCRCC	Sub-County Resettlement and Compensation Committee
WSB	Water Services Board
WSP	Water Services Provider
WSS	Water Supply and Sanitation Services

1 INTRODUCTION

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

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

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

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

The Baricho Well fields provide bulk water to Mombasa, Malindi, Watamu and Kilifi. The proposed project intends to augment supply of water to Mombasa, Malindi, Kilifi and Gongoni areas. This will be done by drilling three (3) new boreholes to increase the water supply to the aforementioned areas.

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

1.1 JUSTIFICATION FOR THE RAP

An environmental and social impact assessment (ESIA) has been undertaken for the proposed project and has identified some of the social impacts associated with the project as being involuntary resettlement within the well field. The main type of resettlement will be site specific enclosing the well field. The land, structures, trees and crops located within the proposed site will be acquired as such their owners will need to be identified and negotiated with.

The Resettlement Action Plan helps to define the resettlement and compensation necessary as a result of implementing the project. This will be in accordance with the Laws of Kenya.

1.2 OBJECTIVES OF THE RAP

The overall objective of the RAP is to ensure that affected individuals, households and, affected and/or displaced communities are meaningfully consulted, have actively participated in the planning process and, are adequately compensated to the extent that at least their pre-displacement incomes or livelihoods have been restored or improved and, that the process is considered fair and transparent. The objective of the RAP is achieved through collections of key indicative information on the Project Affected Persons (PAPs) pre-impact status so as to enable develop an entitlement matrix geared at restoring the livelihoods to the pre-impact status or making their livelihoods better.

The Specific Objectives and activities of the RAP include:

- ❖ Conduct public consultation with PAPs, county governments, and other stakeholders not only to ensure that their concerns and suggestions are taken in to account, but also to promote the participation of the stakeholders in the planning, implementation and evaluation of the RAP;
- ❖ Conducting census and socio-economic surveys of project affected areas and populations as a basis for identifying and measuring the types and magnitude of impact of the project, and the associated displacement and loss of household and community assets, in order to determine the required amounts of compensation and other resettlement measures and assistances for the restoration of income and livelihoods;
- ❖ Design mechanisms and procedures for the resolution of conflict and redress of grievances arising from the implementation of the RAP and the project;
- ❖ Design the organizational and institutional arrangements necessary for the implementation of the RAP, including detailed allocation of responsibilities and coordination issues;
- ❖ Formulate a system for the monitoring, review and evaluation of the process and outcome of the implementation of the RAP;
- ❖ Formulate criteria for eligibility and entitlement as well as methods and mechanisms for the valuation of various categories of household and community assets for compensation, design appropriate strategies for restoration of the income and livelihood of PAPs, special support measures for vulnerable groups, and social and community development projects;
- ❖ Identify and assess the impacts of the project on PAPs and communities in the project area, identify different options and alternatives to avoid or reduce displacement, of population and dislocation of livelihoods;
- ❖ Prepare a timetable for the implementation of the RAP with detailed time-bound schedules for its various components and activities.
- ❖ Prepare cost estimates and budget for the implementation of the RAP and its various components and activities;
- ❖ Undertaking a review of the relevant national and international policy, legal, and institutional frameworks and guidelines pertaining to involuntary resettlement, eminent domain and land tenure, expropriation and compensation, restoration and improvement of the income and livelihood of PAPs, etc.

1.3 METHODOLOGY FOR CARRYING OUT THE RAP

The methodology for carrying out the RAP included data collection and analysis and is presented in the chapters of this report. The key steps are outlined below.

1.3.1 Primary Data Collection

1) Household Survey and Enumeration

This was used to identify the affected households and to take an inventory of their assets and livelihood as well as their socio-economic characteristics. A structured questionnaire was administered to the identified households by trained enumerators recruited from the local community. A copy of the questionnaire is provided in the appendices.

2) Site Visits and Observations

A number of site visits were conducted to locate the proposed project site as per the Engineering designs. These visits were also used to identify the people affected by the design to who were

enumerated for the survey. This was done by conducting actual field measurements for the proposed site as shown in the diagram below.

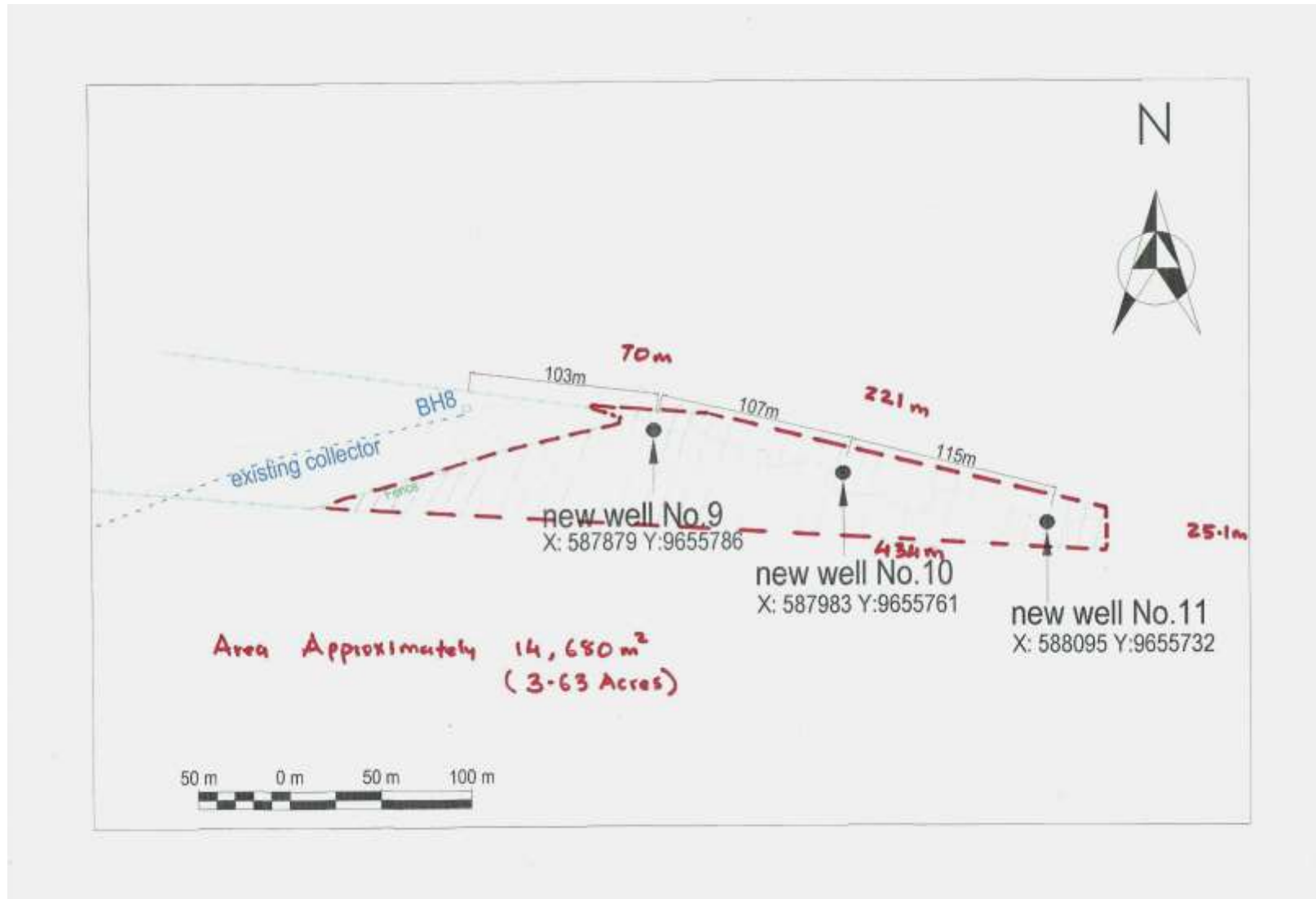


Figure 1-1: Schematic of proposed Land required for New Boreholes and Associated Works

1.3.2 Secondary Data Collection

This involved conducting a review of existing documents, reports, laws and policies relating to resettlement and other issues of the project and the project area. Key documents reviewed include but were not limited to:

- Kenyan Policies and Laws on Land and resettlement
- World Bank Policies Land and Resettlement
- The Design Report
- Maps of the Required land for the site

1.3.3 Public Consultation

This was done at two levels:

- Interviews with individual affected persons
- Key informant interviews with selected community leaders

1.3.4 Data Analysis and Processing

The collected information was analyzed thematically to reflect the components included in this RAP report.

2 PROPOSED PROJECT DESCRIPTION

2.1 LOCATION

The project site is located along the Sabaki River in Lango Baya in Kilifi County. A map of the project area is shown in the map below:

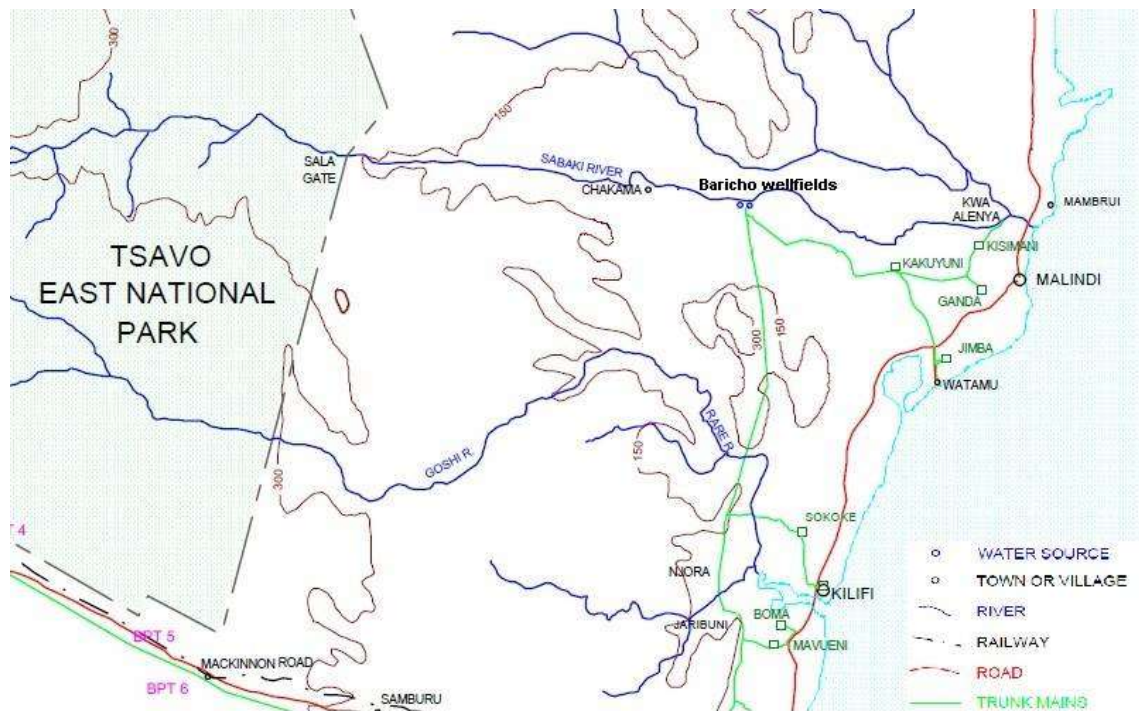


Figure 2-1: Map Showing the Location of the Project Area

2.2 THE EXISTING WATER SUPPLY

The Baricho Well Field Currently consists of 8 wells in two well fields located in the highly permeable, sandy sediments on the southern bank of the Sabaki River. The Figure below shows the two well fields.

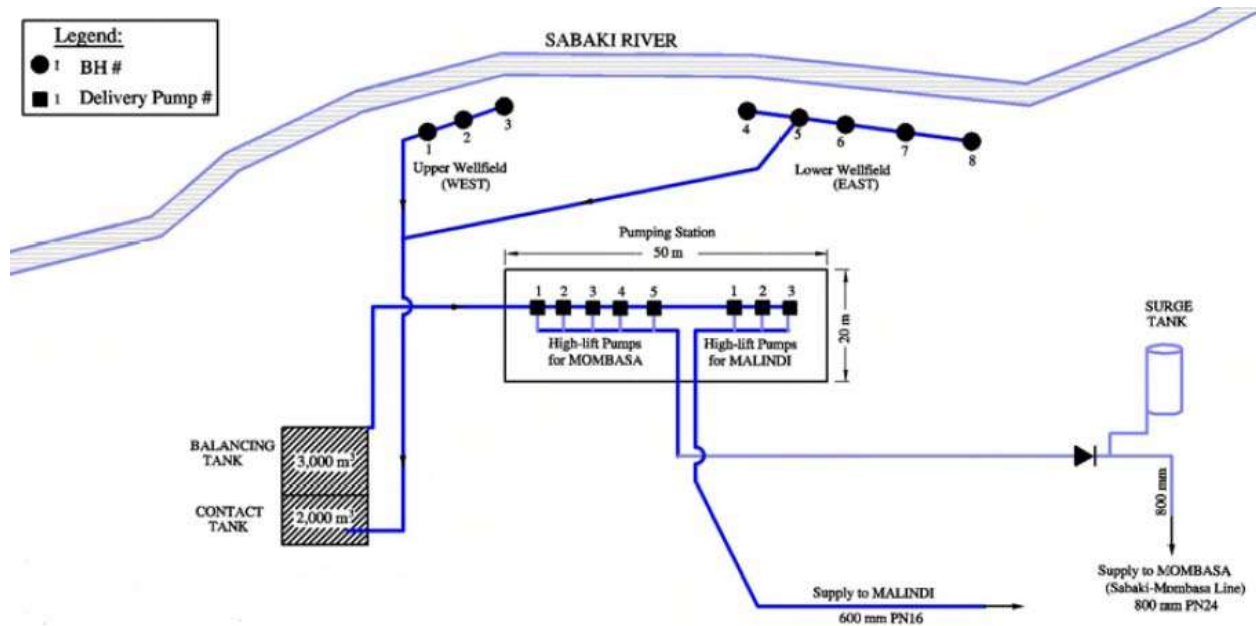


Figure 2-2: Schematic of Existing Well Fields, Treatment Works and Pump House

The upstream well field is located 0.6 km from the Water Treatment Plant while the downstream well field is located 1.3 km from the treatment plant. The wells are situated around 50m from the Sabaki River, thus a high percentage of the abstracted water is bank filtrate from the river. The wells have a spacing of 90m (upstream well field) and 120-160m in the downstream well field.

Raw water is pumped from the wells to treatment plant, where it is disinfected with Cahypochlorite via a gravity dosing system, stored, and later pumped to Mombasa, Malindi, Kilifi and other Coastal Regions.

The data on the existing wells is summarized in the table below:

Table 2-1: Summary on Wells

	BH1	BH2	BH3	BH4	BH5	BH6	BH7	BH8
Year of construction	1992	2014	1996	1996	1997	2014	1997	1997
Year of rehabilitation	2012		2012	2012	2011		2009	2012
Depth (m)	38.7	46	44.5	54.2	54.2	52.1	53	52.5
Borehole Ø (mm)	1000	1000	1000	1000	1000	1000	1000	1000
Casing Ø	600	600	600	600	600	600	600	600
Pump capacity (m³/h)	470	470	470	470	470	470	470	470
Pump depth (mbgl)	10.6	24.73	8.9	19.5	19.5	25.35	19.5	18.8

	BH1	BH2	BH3	BH4	BH5	BH6	BH7	BH8
Screen from ...to ... (mbgl)	14.5	18.3	20.5	24.0	24.0	20.8	23.3	22.5
	38.7	44.6	44.5	54.2	54.2	52.1	53.0	52.5
Screen length (m)	24.2	26.3	24	30.2	30.2	31.3	29.8	30

In 2014, 71,000 m³/day (outlet WTP) was being produced for use.

2.3 OBJECTIVES OF THE PROJECT

The works under Lot 1 aim to provide an additional quantity of is 22,000 m³/day to the water supply system for the augmentation of water supply to; Mombasa, Malindi Kilifi and Gongoni Areas. This shall be achieved through the extension of the existing well field at Baricho.

In detail the works comprise:

- Drilling of three new wells in the extension of the existing downstream well field,
- New pumping main from the wells to the existing water treatment plant and connection to the existing pumping main
- Power supply for the new wells

2.4 DESIGN COMPONENTS

2.4.1 Design Criteria

The Design employed the Practice Manual for Water Supply (2005) prepared by the Ministry of Water and Irrigation of Kenya. Aspects, which are not covered by this standard, are specified in accordance with the EN Standards listed below.

- DIN EN 805: “Water supply, Requirements for systems and components outside buildings”
- DIN EN 545: “Ductile iron pipes, fittings, accessories and their joints for water pipelines “
- DIN 4924: “Sands and gravels for well construction - Requirements and testing”
- DIN 4929: ”Steel wellheads”
- DVGW – GW 303:“Network calculation”
- DVGW 400-2: “Technical rules water distribution network, construction and testing”
- DVGW W122: “Closing structures for water catchment wells”
- DVGW W123: “Construction and design of vertical filter wells”
- DVGW W111:”Planning, execution and interpretation of pumping tests in water catchment”

The Design year for the different components of the project is shown in the table below:

Table 2-2: Design Horizon for Project Components

Component	Design Year
Wells	2016

Civil Structures	2035
Pipes	2035

2.4.2 Scope of Works

3) Drilling of New Wells

A geophysical investigation was carried out in 2014 and revealed that the paleochannel, in which the wells BH5-8 are situated, extends eastwards, but the axis of the channel slips under the Sabaki River east of BH8. Sediment thicknesses decrease slightly but seem to be still in the order of 50 metres.

The new wells will be placed as per the schematic shown in the figure below:

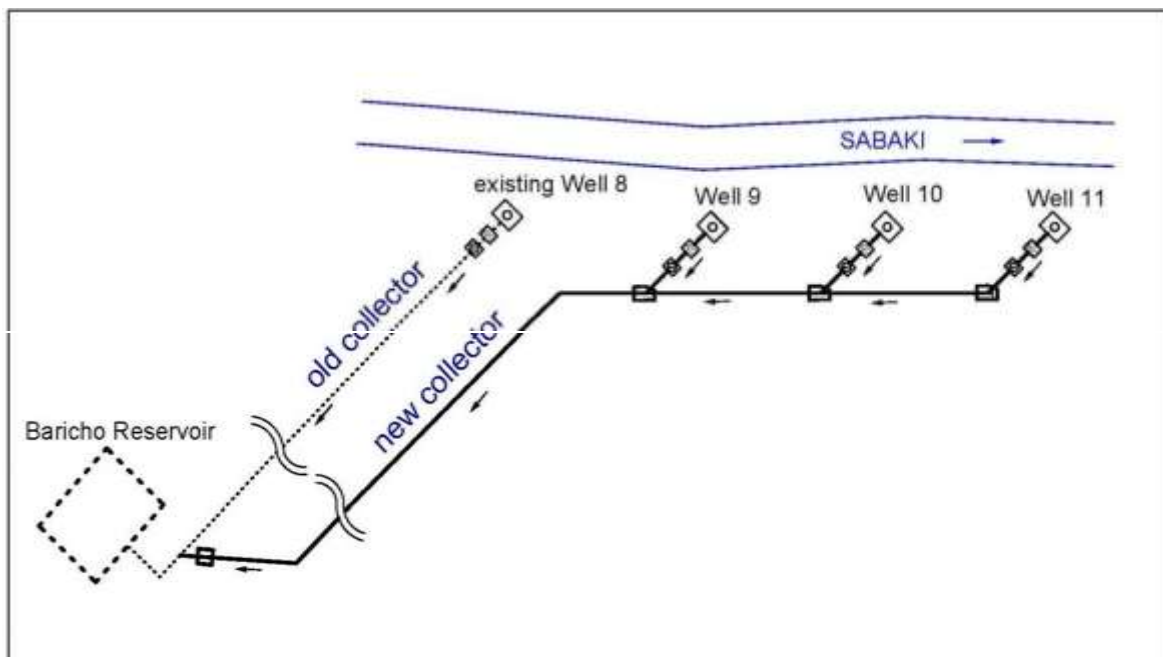


Figure 2-3: Schematic of the Proposed Wells

The expected aquifer thickness at the sites for wells BH9 and BH10 is around 50m. The yield will probably be in the same order of magnitude as in the existing boreholes (~450 m³/day).

The aquifer thickness is expected to decrease towards the east, so it will be 40 m or less at the proposed site for well BH11. The yield will decrease accordingly, but this has to be confirmed through test wells and pumping.

The drilling depths will not exceed 70 mbgl. The expected lithology is unconsolidated or partly cemented alluvium. Drilling in consolidated sediments or hard rock will be the exception and generally restricted to a few metres to confirm the (bedrock) stratigraphy.

The wells should preferably be drilled with the rotary drilling method. In order to avoid collapsing of the boreholes the installation of temporary casing is recommended.

The nominal final drilling diameter should not be less than 24", to allow installation of 12" screens and 20" casings with a sufficiently wide annular space for the installation of a high standard gravel pack.

Samples of the cuttings should be taken every 2m of drilling or at every change of strata. The samples should be wet-sieved with at least 5 standard sieve sizes (e.g. U.S. standard sieve

sizes: 20, 30, 50, 70, 120) and a collector pan. The result of the analysis will be presented as tables and graphs showing:

- Size of sieve openings
- Cumulative weight retained
- Cumulative percentage retained.

Geophysical borehole logging should also be carried out by measuring at least the following parameters:

- a) Self-Potential (SP)
- b) Resistivity (RES)
 - single point
 - long normal
 - short normal
- c) Natural γ -radiation (GAM)

The three drilled exploratory boreholes (final depth 40-60 mbgl, final drilling diameter min. 24”) will be converted into test wells and at a later stage into production wells.

Detailed well design will be prepared as soon as drilling results are available. The well design strongly depends on the encountered lithology, especially for the location and length of the screens. The detailed well design will specify the exact depths where blind casings, screens, gravel pack, clay seal(s) etc. should be installed. The figure below shows how the finished well should look.

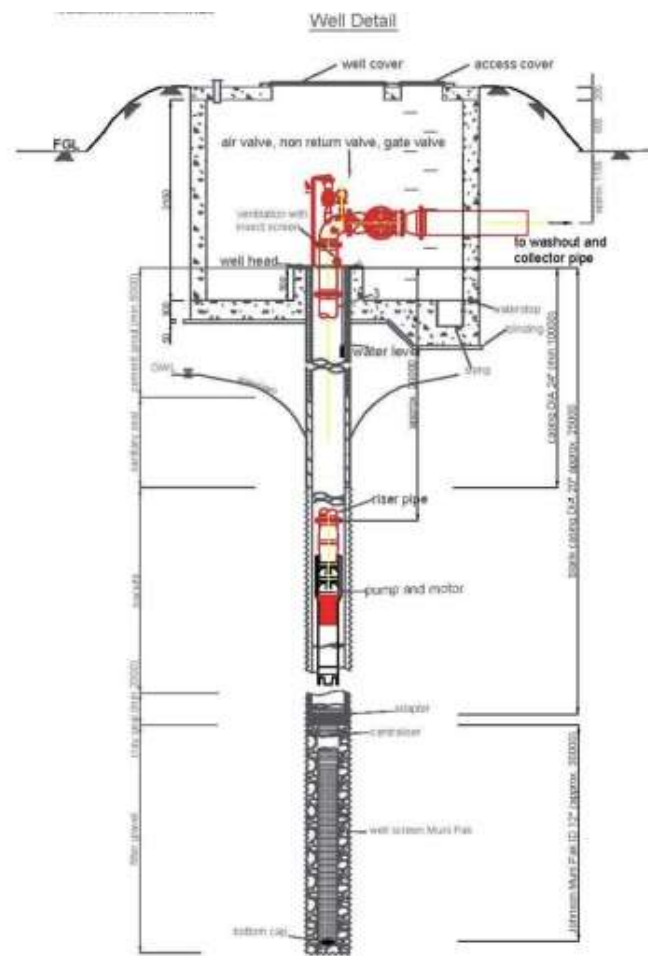


Figure 2-4: Complete Borehole

The following are details for the well design.

Casings

- *Outer casing* - A 24" nominal diameter casing of mild steel should be installed in the first 10 m of the borehole. The installation will be permanent.
- *Well casing* - A 20" diameter blank casing which will be connected to the well head will be built on the upper part of the well. It will have a length of approximately L=25 m.
- *Well Screen* - The well screen will be a Johnson Screen Muni Pak type with 12" internal diameter. The slot sizes of the screens will be 0.155" for the inner screen and 0.153" for the outer screen. The length will be approximately L=30 m. It will be connected to the well casing with an appropriate adaptor. A bottom cap will be attached to the lowest screen section. It will have a closed bottom or a tight plug secured by screws or similar. Centralisers of a kind as recommended or provided by the manufacturer of the casing/screens will be used for proper positioning of the screen section. The centralisers should be fixed at intervals as defined in the well design plan (at least every 10 m) between the upper and the lower edge of the screen section.

Well Assembly and Lowering

During the whole lowering process the lowering string will be kept in suspension. On reaching the final depth, the string will be maintained in its hanging position and will not touch the bottom of the hole. The clamps holding the string will be removed only when the filling of the annular space is completed. Hitting the bottom of the hole or any obstacle on the way down before reaching design depth will be regarded as an accident and will result in the withdrawal of the string and removal of the obstacle.

Gravel Packing

The annular space between casing and borehole wall of the test wells will be filled with gravel around the screen sections. The level of the filter gravel filling should be checked with a plumb line.

The required volume of the filter gravel is calculated by the cylindrical section volume formula: $V = \pi (R^2 - r^2) \times H$ with R = radius of the borehole, r = radius of the casing and H = height of the gravel section. An excess factor of 1.5 might be accepted in order to consider the volume of caving in the borehole wall.

Sealings

These include:

Cement grout - The annular space between the outer casing and the well casing is filled with cement grout in the upper 5 m, the rest with a sanitary seal.

Clay Seal - Where appropriate, a clay seal, made of pelleted clay of approved quality, should be installed on top of the gravel pack (preferably in a place where it faces a clay layer). The length of the clay seal will not be less than 2 m. proper positioning of the clay seal should be checked with a plumb line. Further clay seals in deeper sections of the wells might be requested when multi-layer aquifers need to be hydraulically separated.

4) Well Field Collector/Transmission Line

The main objective of the augmentation works in Baricho is to increase water abstraction by 22,000m³/d through the extension of the downstream well field. As the existing collector pipe is already working at its full capacity; an additional collector pipe will be required to transmit

this flow to the WTP. The new collector will have a length of 2.4km and a nominal diameter of 600mm.

The proposed pipeline will start at the downstream well field in Baricho at the bank of Sabaki River (~55masl). From the new wells (well 9, well 10, well 11), the raw water will be conveyed to the collector through respective discharge lines with a length of approximately 35m with a diameter of DN350 (DN250 at flow meter).

5) Access Road to the Well Field

The existing access road to the existing downstream well field will be extended to access the new boreholes. The extension will be about 330m.

6) Extension of Power Lines

The pumps in Baricho are currently served by a dedicated power line in order to run the pumps in the boreholes as well as the pump station for water supply. Currently a 3.3kV cable from the main substation to a 1000 kVA, 3300 to 420V step-down transformer mounted on an elevated and ring-fenced plinth, built at the central branch of the new collector to well 10.

The power is then transmitted through a steel armoured 3 core 95 sq. mm. cross-linked polyethylene (XLPE) insulated high tension cable with a medium voltage SF6 impregnated or vacuum circuit breaker located at the mains busbar and a ring-main unit located in the MV room of the switch-house close to the transformer. This cable runs through a waterproof cable conduit buried (DI = 100 mm) at least 0.8m below the ground level between the main substation and the location of the step-down transformer, as the standards demand.

The electrical works for the proposed additional wells which form part of this contract start at the 3.3 kV mains busbars after a step-down transformation from 3.3kV at the main incoming substation and include:

- A main medium voltage SF6 or vacuum circuit breaker with a protection and energy measurement intelligent relay suitable for transformer protection
- A High Tension cable laid from the terminals of the main medium voltage circuit breaker to the terminals of the medium voltage ring main unit installed in an enclosure near the step-down transformer close to the proposed wells (about 2.5 km away).
- The medium voltage ring main unit
- The 3300/420Volts step-down transformer
- The Incoming Low Voltage cell (cabinet) with:
 - the main low voltage circuit breaker or switch
 - -the Voltage Relay (the mains voltage condition monitor)
 - -the kWh-meter
 - -the power factor measurement and correction gear
- The Low Voltage and Auxiliary Voltage Board with the control voltage transformer, the voltage stabilizing UPS for control circuits and a 24V battery charger for supplying DC voltage
- Motor Control Centres (MCCs) one for each pump motor complete with the Motor Circuit Breakers, Contactors, Soft Starters and thermal overload relays as well as Input/output modules for motor signals
- The General Marshalling Board where all the field signals are collected and which also houses the associated input/ output ports, the communications hub and the CPU of the Programmable Logic Controller (PLC)
- The main control station with associated computers and associated peripherals

- Local Marshalling Boards at each well location with associated cable work to the local sensors and the General Marshalling Board
- The cable works to the pump motors
- Control system programming
- Earthing:
 - Medium Voltage Earthing
 - Low Voltage Earthing
- Sub Panel for switch-house installation distribution

The proposed layout for the electrical works is shown in the figure below:

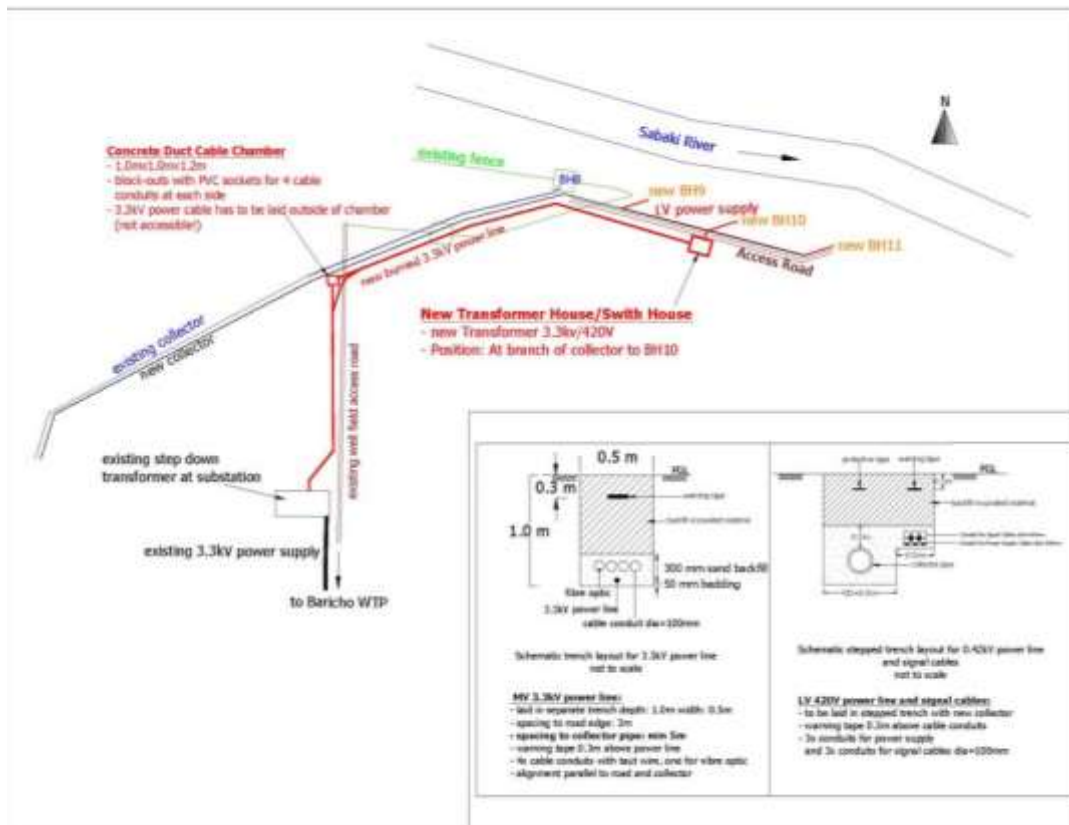


Figure 2-5: Proposed Layout for Electrical Works

2.5 PROJECT COSTS

The proposed project is estimated to cost K.Shs. 446,385,310.00 (Four Hundred and Forty Six Million, Three Hundred and Eighty Five Thousand, Three Hundred and Ten) Summarised in the table below:

Table 2-3: Breakdown of Project Costs

ITEM	COST IN K.SHS.
General Items	52,272,145.00
Supply of Plant, Material and Mandatory Spare Parts	222,918,219.00
Installation of Plant and Material	143,559,428.00
Day work	6,379,075.00

SUB TOTAL	425,128,867.00
Provisional Sums	21,254,443.00
TOTAL COST	446,385,310.00

3 RELEVANT LEGISLATIVE/ REGULATORY FRAMEWORK

This Chapter highlights the various laws, both national and international, that handle the issue of land, development of water systems and valuation of assets for the purpose of compensation. They are as follows:

3.1 THE LAND ACT, NO. 6 OF 2012

Under section 19. (1) The Commission shall make rules and regulations for the sustainable conservation of land based natural resources.

(2) Without limiting what the Commission may prescribe under subsection (1), the rules and regulations may contain;

- (a) Measures to protect critical ecosystems and habitats;
- (b) Incentives for communities and individuals to invest in income generating natural resource conservation programmes;
- (c) Measures to facilitate the access, use and co- management of forests, water and other resources by communities who have customary rights to these resources;
- (d) Procedures for the registration of natural resources in an appropriate register;
- (e) Procedures on the involvement of stakeholders in the management and utilization of land-based natural resources; and
- (f) Measures to ensure benefit sharing to the affected communities.

3.1.1 Land registration under land act, 2012

Under section 5 (1) of the land act, 2012 there shall be the following forms of land tenure-

- (a) Freehold;
- (b) Leasehold;
- (c) Such forms of partial interest as may be defined under this Act and other law, including but not limited to easements; and
- (d) Customary land rights, where consistent with the Constitution.

(2) There shall be equal recognition and enforcement of land rights arising under all tenure systems and non-discrimination in ownership of, and access to land under all tenure systems.

Title to land may be acquired through;

- (a) Allocation;
- (b) Land adjudication process;
- (c) Compulsory acquisition;
- (d) Prescription;
- (e) Settlement programs;
- (f) Transmissions;
- (g) Transfers;

- (h) long term leases exceeding twenty one years created out of private land; or
- (i) Any other manner prescribed in an Act of Parliament.

Under section 8 (a), the Land Commission shall identify public land, prepare and keep a database of all public land, which shall be geo-referenced and authenticated by the statutory body responsible for survey;

(d) May require the land to be used for specified purposes and subject to such conditions, covenants, encumbrances or reservations as are specified in the relevant order or other instrument.

Section 9 (1) states that any land may be converted from one category to another in accordance with the provisions of this Act or any other written law.

(2) Without prejudice to the generality of subsection (1);

(a) Public land may be converted to private land by alienation;

(b) Subject to public needs or in the interest of defense, public safety, public order, public morality, public health, or land use planning, public land may be converted to community land;

(c) Private land may be converted to public land by;

(i) Compulsory acquisition;

(ii) Reversion of leasehold interest to Government after the expiry of a lease; and

(iii) Transfers; or

(iv) Surrender.

(d) Community land may be converted to either private or public land in accordance with the law relating to community land enacted pursuant to Article 63(5) of the Constitution.

(3) Any substantial transaction involving the conversion of public land to private land shall require approval by the National Assembly or county assembly as the case may be.

3.1.2 Way leaves under land act, 2012

Subject to and in accordance with section 143 (1) and section 146, the Commission may, create a right of way which shall be known as public right of way.

144.(1) Unless the Commission is proposing on its own motion to create a wayleave, an application, for the creation of a wayleave, shall be made by any State department, or the county government, or public authority or corporate body, to the Commission.

(2) An application shall be made in the prescribed form and shall be accompanied by any prescribed information or other information that the Commission may, in writing require the applicant to supply and the Commission shall not begin the process of creating a wayleave until all prescribed or required information has been submitted to it.

(3) In order to enable a proposed wayleave to be created by the Commission of its own motion to comply with the provisions of this section, the Commission shall complete an application form as if it were applying to create a wayleave and references to "the applicant" in this Sub-part in relation to an application to create a wayleave shall be taken to apply as well to the Commission.

(4) The applicant shall serve a notice on: - (a) all persons occupying land over which the proposed wayleave is to be created, including persons occupying land in accordance with customary pastoral rights;

(b) The county government in whose area of jurisdiction land over which the proposed wayleave is to be created is located;

(c) All persons in actual occupation of land in an urban and per-urban area over which the proposed wayleave is to be created; and

(d) Any other interested person.

(5) The Commission shall publish the application along the route of the proposed wayleave calculated to bring the application clearly and in a comprehensible manner to the notice of all persons using land over which the proposed wayleave is likely to be created.

A county government, an association, or any group of persons may make an application to the commission for a communal right of way on accordance to section 145 (1).

3.1.3 Land acquisition under land acts 2012

Under section 110 (1) of Land Acts 2012 Land may be acquired compulsorily under this Part if the Commission certifies, in writing, that the land is required for public purposes or in the public interest as related to and necessary for fulfillment of the stated public purpose.

Part 2 of this section states that if, after land has been compulsorily acquired the public purpose or interest justifying the compulsory acquisition fails or ceases, the Commission may offer the original owners or their successors in title pre-emptive rights to re-acquire the land, upon restitution to the acquiring authority the full amount paid as compensation.

Section 111 (1) states that if land is acquired compulsorily under this Act, just compensation shall be paid promptly in full to all persons whose interests in the land have been determined. The commission shall make rules to regulate the assessment of just compensation.

Likewise where land is acquired compulsorily, full compensation shall be paid promptly to all persons affected in accordance to section 113 (1). (2) Subject to Article 40 (2) of the Constitution and section 122 and 128 of this Act, an award-

(a) Shall be final and conclusive evidence of-

- ❖ The size of the land to be acquired;
- ❖ The value, in the opinion of the Commission, of the land;
- ❖ The amount of the compensation payable, whether the persons interested in the land have or have not appeared at the inquiry; and

(b) Shall not be invalidated by reason only of a discrepancy which may thereafter be found to exist between the area specified in the award and the actual area of the land.

Section 124 of the Act allows for the temporary acquisition of land for public purpose or public interest; or for, the possession of the land is necessary in the interests of defence, public safety, public order, public morality, public health, urban planning, or the development or utilization of any property in such manner as to promote the public benefit; for utilization in promotion of the public good for periods not exceeding 5 years. At the expiry of the period, the Commissioner of Land shall vacate the land and undertake to restore the land to the conditions it was before as per section 125. The compensation to be paid under section 120 shall be limited to the damage done to trees, plants, growing crops and permanent improvements on the land,

together with a periodical sum for diminution in the profits of the land and of adjoining land by reason of that use.

148. (1) Subject to the provisions of this section, compensation shall be payable to any person for the use of land, of which the person is in lawful or actual occupation, as a communal right of way and, with respect to a wayleave, in addition to any compensation for the use of land for any damage suffered in respect of trees crops and buildings as shall, in cases of private land, be based on the value of the land as determined by a qualified valuer.

(2) Compensation relating to a wayleave or communal right of way shall not be paid to a public body unless there is a demonstrable interference of the use of the land by that public body.

(3) Damage caused as a result of the creation of a wayleave shall include any preliminary work undertaken in connection with surveying or determining the route of that wayleave, and whether the trees, crops or buildings so damaged were included in the route of the wayleave as delineated in the order of the Cabinet Secretary.

(4) The duty to pay compensation payable under this section shall lie with the State Department, county government, public authority or corporate body that applied for the public right of way and that duty shall be complied with promptly.

(5) If the person entitled to compensation under this section and the body under a duty to pay that compensation are unable to agree on the amount or method of payment of that compensation or if the person entitled to compensation is dissatisfied with the time taken to pay compensation, to make, negotiate or process an offer of compensation, that person may apply to the Court to determine the amount and method of payment of compensation and the Court in making any award may, make any additional costs and inconvenience incurred by the person entitled to compensation .

(5) The Commission shall make Regulations prescribing the criteria to be applied in the payment of compensation under this section and to give effect to this section.

3.2 LEGAL FRAMEWORK OF THE GOK IN REGARD TO LAND OWNERSHIP AND TRANSACTIONS

3.2.1 Land Ownership in Kenya

Kenyan law recognises three categories of land in Kenya subsequent to which, basic or radical title vests either in the Government for Government land, registered owners in the case of titles granted by the Government; and in the County councils for both Trust land and registered titles derived from Trust land.

1) Government Owned Land

Land that previously vested in the Regions was relocated to the Government of Kenya in 1964 and this situation continues to this date. Government land includes all un-alienated government land held and occupied by government agencies, territorial sea and sea bed, all public roads whether gazetted or not and land that remained un-adjudicated under the Land Titles Act (Cap.282).

2) Trust Lands

The Kenya Independence Order Council in 1963 provided that all land that was vested in Her Majesty or in the Governor shall be deemed to have vested in the Regions or the Government of Kenya on 12th December 1963. All trust lands are vested in County councils, to hold such land for the benefit of the persons ordinarily resident on that land. Under section 117 of the

Constitution, an Act of Parliament may empower a County Council to set apart an area of trust land vested in it for public use and occupation. Thus Local Government Act (Cap. 265) provides for the establishment of local authorities and defines their functions. Local Authorities exist for the purposes of planning for and providing basic social amenities and services including education, health care, roads, sanitation, housing, markets, open spaces, parks etc. The local Authorities as such are vested with authority over trust land for the benefit of their residents. Such land can thus be allocated for occupation as follows:

- ❖ For the purposes of prospecting for or the extraction of minerals or mineral oils; or
- ❖ By any person or persons who in the opinion of the County council will benefit area residents.

This latter clause is important because it provides for access to land by schemes meant to benefit the public. Transfer of such land either to individuals, institutions or other group is through letters of allotment which must cite the minutes of a full Council meeting which approved the transaction.

3) Private land

Private land is all land with registered title in accordance with any registration statute. Under the National Constitution, all land is vested with the Government and occupants of private land only enjoy usage rights either under lease or freehold arrangements. Section 70 of the Constitution of Kenya recognizes and protects the right to private property including land.

3.2.2 Legal Provision Governing Voluntary Land Transactions in Kenya

Towards safeguarding this unalienable constitutional right, legal provisions on land registration and ownership have been put in place as follows:

1) State-owned land

State owned land is governed by diverse laws depending on the purpose for reservation.

2) The Government Lands Act (Cap.280)

The Act governs the allocation and administration of all Government land both urban and agricultural. State owned land may be allocated free or sold on a commercial basis to individuals or communities by the Minister responsible for land administration. For cases where the state-owned land is being used by the public (for instance as settlements, for farming, for grazing or any other productive activity) the individual or the community would be expected to pay compensation.

3) Forests Act 2005

All state forests in Kenya were gazetted under Cap 383 but are now protected under the Forest Act 2005. The Forest Act allows for several avenues towards accessing and use of forestland:

- ❖ Under the Forest Act, a piece of forest land can be de-gazetted and converted to other uses. Forest Act however requires all de-Gazettement of forest land to be discussed and approved by Parliament. All de-gazetted land then reverts to the Commissioner of Lands who then proceeds to allocate in line with the Land Control Act.
- ❖ Under the Forest Act 2005, forestland can also be leased for use for other purposes provided that such use does not contradict the purpose for land reservation.
- ❖ The same Act also allows for Participatory Management of Forests and thus guarantees communities (under auspices of Community Forest Associations) rights to access and utilize certain forest goods and services including siting of water supply intake works

in forest areas. These intake works require that small infrastructure be placed in water courses to allow for abstraction.

4) Wildlife Act Cap 376:

Nature Reserves and National Parks are controlled by the Kenya Wildlife Service under the Wildlife Management and Co-ordination Act of 1976. The common feature with all land reserved for use by wildlife is that its conversion to any other form must be approved by parliament.

5) Museums and National Monuments:

Quite often, sites of historical and cultural importance are gazetted and reserved under the Museums and National Monuments Act. Such land is never available for alternative uses.

6) Riparian Reserves and Water Courses:

All riparian reserves in Kenya governed by the Water Act of 2002 which empowers the Water Resources Management Authority (WRMA) to define, conserve and regulate activity in riparian areas.

7) Road reserves

All road reserves are public land reserved under the Physical Planning Act Cap 286. Road Reserves are unique as public utility lands where all infrastructure lines such as for water supply, power and telecommunication will be found.

8) Trust Lands

Trust land is defined as land held in trust in Part IX of the Constitution and the Trust Land Act (Cap.288). The Trust Lands Act (Cap.285) governs the administration of land as described in section 114 of the Constitution.

9) Private Land:

Transactions in private land in Kenya is regulated under diverse laws namely:

1. Registration of Titles Act (R.T.A):
2. The Land Titles Act (L.T.A): Private land is all land with registered title in accordance with the Land Titles Act (Cap.282).
3. The Registered Land Act (R.L.A) governs registration of title to land, and for regulation of dealings in such land. It provides for private ownership of land by individuals. It should be noted that both individual and corporate persons can hold title under the RLA.
4. The Land Control Act Cap 406: This statute allows for all private land to be adjudicated and registered following which, a title deed is issued to the registered owner. Acquisition of private land is through transfer of the Title Deed either on account of inheritance, purchase or free gift but in all cases, transfers must be registered with the Sub-County Land Registrars following approval by the Land Control Boards

3.2.3 Legal Provision for Involuntary Land Acquisition in Kenya

The Kenyan law has an explicit provision for expropriation of land under any of three categories.

In Kenya, expropriation is provided for in the Constitution under section 75 for private land and sections 117 and 118 for unregistered Trust Land. Section 75(1) provides that the Government can take possession of private land if this is necessary in the interest of town

planning among other public interests, or if the development and utilization of the said land is to promote public benefit:

- a) The development and utilization of the property will promote public benefit among other things.
- b) The necessity for expropriation is great enough to justify any hardship caused to any persons
- c) Law for prompt payment of full compensation makes the provision

3.3 WATER ACT 2002

The Water Act makes provision for the conservation, control, apportionment and use of water resources in Kenya, and for incidental and connected purposes.

This Act, apart from its introductory part 1 on interpretations contains key issues on ownership and control of water in Kenya and water resources management through the creation, under powers vested in the Minister of Water. The Water Act (2002) aims at providing for harmonized and streamlined management of water resources, water supply and sewerage services. Responsibility for infrastructure development and the provision of services now lies with Water Services Boards (WSB), eight of which have been established countrywide. These Boards are required to contract out water delivery services to Water Services Providers (WSPs), which may be public, private entities or community managed entities dedicated to water services provision.

Coast Water Services Board (under whose jurisdiction this project falls) is one of the eight (8) state corporations created under the Ministry of Water and Irrigation pursuant to the Water Act 2002.

Due to the vastness of the CWSB's area of jurisdiction, the Board has representative offices at sub-county level that act as coordination centres between the Board and water service provision companies as well as representing the Board in the sub county's water related issues. The proposed water project is under Malindi Water and Sanitation Company (MAWASCO).

The Act also provides for public consultations where appropriate in the use of the resources notably where such use is likely to impact negatively on the quantity, quality of the water resources in any catchment area.

Section 94 (1) states that No person shall, without authority under this Act -

- ❖ Wilfully obstruct, interfere with, divert or obstruct water from any watercourse or any water resource, or negligently allow any such obstruction, interference, diversion or abstraction; or
- ❖ Throw or convey, or cause or permit to be thrown or conveyed, any rubbish, dirt, refuse, effluent, trade waste or other offensive or unwholesome matter or thing into or near to any water resource in such manner as to cause, or be likely to cause, pollution of the water resource.

Section 94 (2) states that a person who contravenes section 94 (1) shall be guilty of an offence.

3.4 THE CONSTITUTION OF KENYA 2010

3.4.1 Access to Information

Article 35 of the constitution states that every citizen has the right to access:

- (a) Information held by the State; and
- (b) Information held by another person and required for the exercise or protection of any right or fundamental freedom.

In addition the State shall publish and publicise any important information affecting the nation.

3.4.2 Classification of land

Under Article 61 (1) all land in Kenya belongs to the people of Kenya collectively as a nation, as communities and as individuals.

(2) Land in Kenya is classified as public, community or private.

62. (1) Public land is (a) land which at the effective date was unalienated government land as defined by an Act of Parliament in force at the effective date;

(b) Land lawfully held, used or occupied by any State organ, except any such land that is occupied by the State organ as lessee under a private lease;

(c) Land transferred to the State by way of sale, reversion or surrender;

(d) Land in respect of which no individual or community ownership can be established by any legal process;

(e) Land in respect of which no heir can be identified by any legal process

(f) All minerals and mineral oils as defined by law;

(g) government forests other than forests to which Article 63 (2)(d) (i) applies, government game reserves, water catchment areas, national parks, government animal sanctuaries, and specially protected areas;

(h) All roads and thoroughfares provided for by an Act of Parliament;

(i) All rivers, lakes and other water bodies as defined by an act of parliament;

(j) The territorial sea, the exclusive economic zone and the sea bed;

(k) The continental shelf;

(l) All land between the high and low water marks;

(m) Any land not classified as private or community land under this Constitution; and

(n) Any other land declared to be public land by an Act of Parliament; (i) in force at the effective date; or (ii) enacted after the effective date.

(4) Public land shall not be disposed of or otherwise used except in terms of an Act of Parliament specifying the nature and terms of that disposal or use.

Section 63 (1) Community land shall vest in and be held by communities identified on the basis of ethnicity, culture or similar community of interest.

(3) Any unregistered community land shall be held in trust by county governments on behalf of the communities for which it is held.

(4) Community land shall not be disposed of or otherwise used except in terms of legislation specifying the nature and extent of the rights of members of each community individually and collectively.

64. Private land consists of; (a) registered land held by any person under any freehold tenure;

- (b) Land held by any person under leasehold tenure; and
- (c) Any other land declared private land under an Act of Parliament.

3.5 THE COUNTY GOVERNMENTS ACT, 2012

This is an act of Parliament to give effect to Chapter Eleven of the Constitution; to provide for county governments powers, functions and responsibilities to deliver services and for connected purposes

According to section 103 the objectives of county planning shall be to;

- (g) Protect the historical and cultural heritage, artefacts and sites within the county; and
- (h) Make reservations for public security and other critical national infrastructure and other utilities and services;
- (i) work towards the achievement and maintenance of a tree cover of at least ten per cent of the land area of Kenya as provided in Article 69 of the Constitution; and
- (j) Develop the human resource capacity of the county.

Under section 104, (1) A county government shall plan for the county and no public funds shall be appropriated outside a planning framework developed by the county executive committee and approved by the county assembly.

- (2) The county planning framework shall integrate economic, physical, social, environmental and spatial planning.
- (3) The county government shall designate county departments, cities and urban areas, sub-counties and Wards as planning authorities of the county.
- (4) To promote public participation, non-state actors shall be incorporated in the planning processes by all authorities.

Under section 111, (1) For each city and municipality there shall be; the

- (a) City or municipal land use plans;
 - (b) City or municipal building and zoning plans;
 - (c) City or urban area building and zoning plans;
 - (d) Location of recreational areas and public facilities.
- (2) A city or municipal plans shall be the instrument for development facilitation and development control within the respective city or municipality.
- (3) A city or municipal plan shall, within a particular city or municipality, provide for;
- (a) Functions and principles of land use and building plans;
 - (b) Location of various types of infrastructure within the city or municipality;
 - (c) Development control in the city or municipality within the national housing and building code framework.
- (4) City or municipal land use and building plans shall be binding on all public entities and private citizens operating within the particular city or municipality.
- (5) City or municipal land use and building plans shall be the regulatory instruments for guiding and facilitating development within the particular city or municipality.

(6) Each city or municipal land use and building plan shall be reviewed every five years and the revisions approved by the respective county assemblies.

Under section 115, (1) Public participation in the county planning processes shall be mandatory and be facilitated through;

(b) Provision to the public of clear and unambiguous information on any matter under consideration in the planning process, including;

- (i) clear strategic environmental assessments;
- (ii) Clear environmental impact assessment reports;
- (iii) Expected development outcomes; and
- (iv) Development options and their cost implications.

(2) Each county assembly shall develop laws and regulations giving effect to the requirement for effective citizen participation in development planning and performance management within the county and such laws and guidelines shall adhere to minimum national requirements.

3.5.1 The Physical Planning Act (CAP 286) 2010

Under the Physical Planning Act, physical development activities are supposed to be carried out according to the physical plans. The Act provides for the preparation and implementation of physical development plans and for related purposes. It gives provisions for the development of local physical development plan for guiding and coordinating development of infrastructure facilities and services within the area of authority of County, municipal and town council and for specific control of the use and development of land.

Accordingly the processes of physical planning involve two stages; the plan making stage and the development control stage. The former involves drawing up the actual plan to indicate the various activities and zones whereas the latter involves the process of determining applications by developers to carry out specific development activities. Section 36 states “if in connection with a development application a local authority is of the opinion that proposals for industrial location, dumping site, sewerage treatment, quarries or any other development activity will have injurious impact on the environment, the applicant shall be required to submit together with the application an environment impact assessment report”.

The site layout plan appended to this report shows the route of the entire project route. The proponent shall secure all mandatory approvals and permits as required by the law.

3.6 WORLD BANK SAFEGUARD POLICIES

3.6.1 The Bank's Operational Policy 4.12: Involuntary Resettlement

This is triggered in situations involving involuntary taking of land and involuntary restrictions of access to legally designated parks and protected areas. The policy aims to avoid involuntary resettlement to the extent feasible, or to minimize and mitigate its adverse social and economic impacts.

It promotes participation of displaced people in resettlement planning and implementation, and its key economic objective is to assist displaced persons in their efforts to improve or at least restore their incomes and standards of living after displacement.

The policy prescribes compensation and other resettlement measures to achieve its objectives and requires that borrowers prepare adequate resettlement planning instruments prior to Bank appraisal of proposed projects.

3.6.2 Operational Policy (OP) 4.10 - Indigenous Peoples

This policy contributes to the Bank's mission of poverty reduction and sustainable development by ensuring that the development process fully respects the dignity, human rights, economies, and cultures of Indigenous Peoples. For all projects that are proposed for Bank financing and affect Indigenous peoples the Bank requires the borrower to engage in a process of free, prior, and informed consultation. The provide financing only where free, prior, and informed consultation results in broad community support to the project by the affected Indigenous Peoples. Such Bank-financed projects include measures to (a) avoid potentially adverse effects on the Indigenous Peoples' communities; or (b) when avoidance is not feasible, minimize, mitigate, or compensate for such effects. Bank-financed projects are also designed to ensure that the Indigenous Peoples receive social and economic benefits that are culturally appropriate and gender and inter-generationally inclusive.

3.6.3 Operational Policy (OP/BP) 4.11: Physical Cultural Resources

The objective of this policy is to assist countries in preserving physical cultural resources and avoiding their destruction or damage. PCR are defined as movable or immovable objects, sites, structures, groups of structures, and natural features and landscapes that have archaeological, paleontological, historical, architectural, religious (including graveyards and burial sites), aesthetic, or other cultural significance. PCR may be located in urban or rural settings, and may be above ground, underground, or under water. The cultural interest may be at the local, provincial or national level, or within the international community. This policy applies to all projects requiring a category A or B environmental assessment, project located in, or in the vicinity of recognized cultural heritage sites. Physical cultural resources are important as sources of valuable scientific and historical information, as assets for economic and social development, and as integral parts of a people's cultural identity and practices

3.6.4 World Bank Policy on Access to Information, 2010

The World Bank policy on access to information sets out the policy of the World Bank on public access to information in its possession. This Policy supersedes the World Bank Policy on Disclosure of Information, and took effect on July 1, 2010.

This Policy is based on five principles:

- ❖ Maximizing access to information.
- ❖ Setting out a clear list of exceptions.
- ❖ Safeguarding the deliberative process.
- ❖ Providing clear procedures for making information available.
- ❖ Recognizing requesters' right to an appeals process.

In disclosing information related to member countries/borrower in the case of documents prepared or commissioned by a member country/borrower (in this instance, safeguards assessments and plans related to environment, resettlement, and indigenous peoples, OP/BP 4.01, Environmental Assessments, OP/BP 4.10, Indigenous Peoples, and OP/BP 4.12 Involuntary Resettlement); the bank takes the approach that the country/borrower provides

such documents to the Bank with the understanding that the Bank will make them available to the public.

3.7 GAPS BETWEEN KENYAN POLICIES AND WORLD BANK POLICIES ON RESETTLEMENT

Both the Kenyan and World Bank Policies on land acquisition related impacts allow for land acquisition. However, operational differences exist between both documents as follows:-

- While the GoK Policy legally allows for land acquisition and thus causes displacement, the World Bank Safeguards favour a policy of avoidance or minimization of involuntary resettlement and design appropriate mitigation provision in case avoidance or minimization is not possible.
- While the Kenyan system has no provision for resettlement and actually allows for compensation for land at market rates, the World Bank's Operational Policy- OP 4.12 emphasizes that affected people be provided with compensation at replacement cost and supported during the transitional period to improve or at least restore their living standards to pre-displacement levels.
- The Kenya system recognizes only title holders as bonafide property owners while under OP 4.12, lack of legal title is no bar in extending assistance and support to those affected by the investments.

3.7.1 Recommendations for bridging the Gaps

This RAP recognizes both provisions of the GoK on land acquisition as stated in the constitution and its legal provisions and the policy provisions of the World Bank (as provided in OP 4.12). Where there are gaps between the World Bank Policies and Kenyan Laws, those of the Bank shall take precedence. The compensation package was derived from summation of the costs to affected land, fences, buildings, trees and crops to which was added a 15% mark-up to cater for involuntary acquisition in line with OP 4.12.

4 CENSUS AND SOCIO-ECONOMIC SURVEYS

A socio-economic sample survey and census enumeration was conducted in the project area. The primary objectives of the surveys are, among others, to understand the scale and nature of project impacts on local communities, identify Project Affected Persons (PAPs) and map out their social and economic characteristics, obtain information necessary for the preparation of this Resettlement Action Plan (RAP), establish indicators for the implementation of the RAP, and provide baseline data for monitoring and evaluation of livelihoods and income restoration and other sustainable development components of the RAP. Besides, in order to obtain information needed for entitlement and compensation payments for lost assets, a detailed inventory of all assets affected by the project was undertaken. In this Chapter, findings of the census and socioeconomic sample surveys are presented.

4.1 POPULATION DYNAMICS AND HOUSEHOLD CHARACTERISTICS OF PAPs

4.1.1 Sex of Household Heads

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

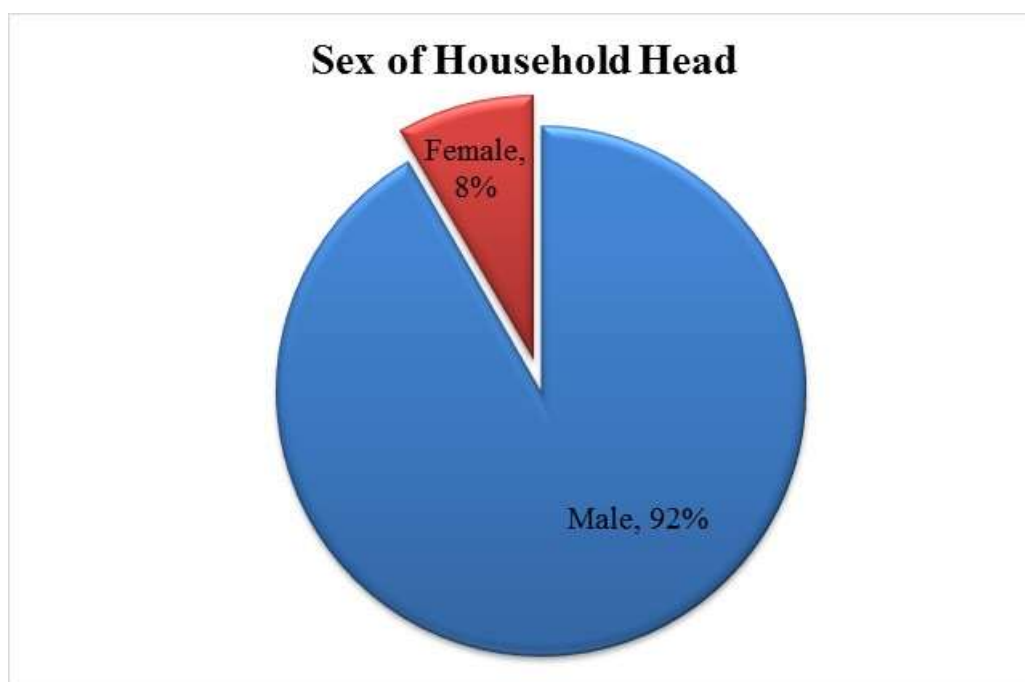


Figure 4-1: Sex of PAH Household Heads

4.1.2 Marital Status of the Household Head

The entire population is headed by married couples as shown in the chart below.

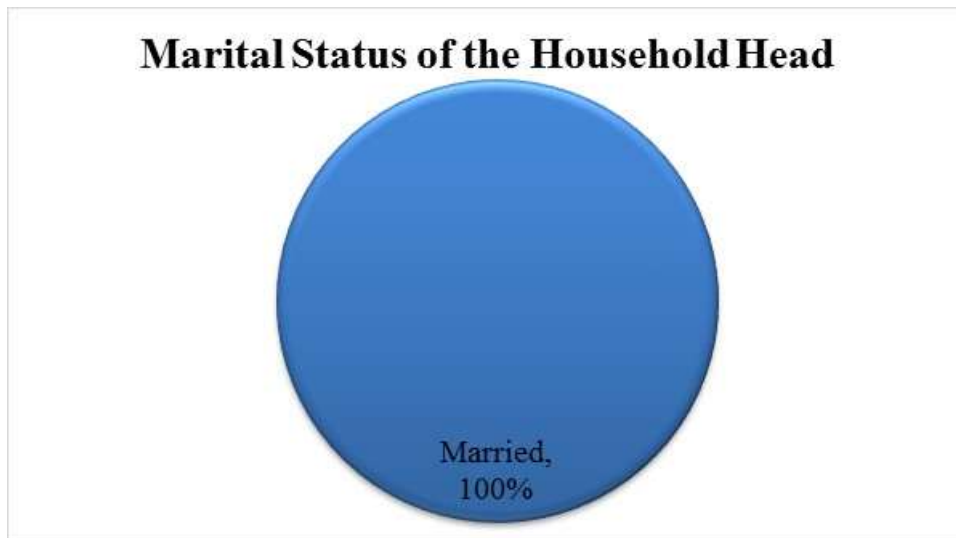


Figure 4-2: PAHs Marital Status

4.1.3 PAP Gender Ratio

The PAP population is evenly distributed between males and females. These results are shown in the chart below:

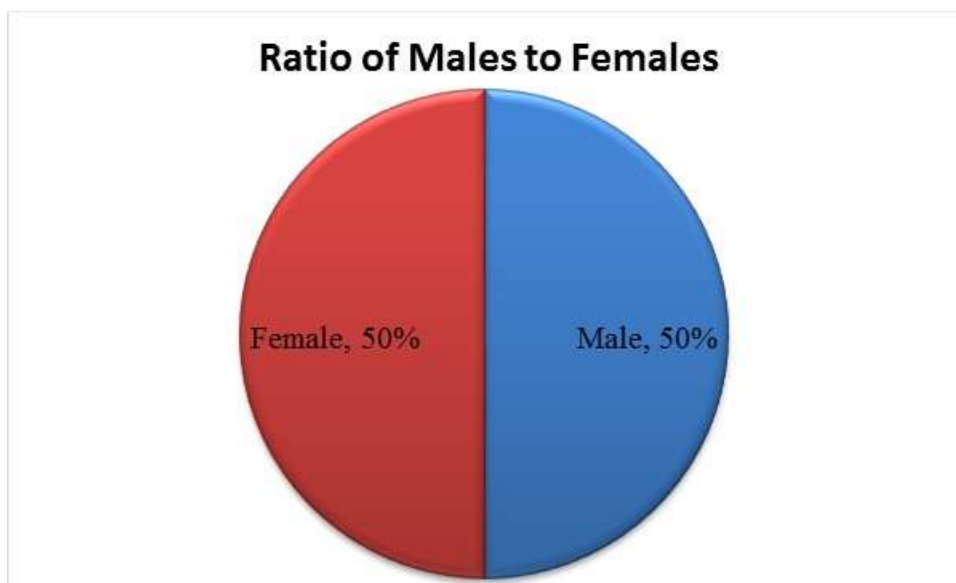


Figure 4-3: Male: Female ratio of PAPs

4.1.4 PAP Literacy Levels

The literacy levels are low with only 13% of the PAP population having attended secondary school. Majority of the PAP population only reached primary school, whereas 31% of the population have not had any form of education. The literacy levels of the project PAPs are shown in the chart below:

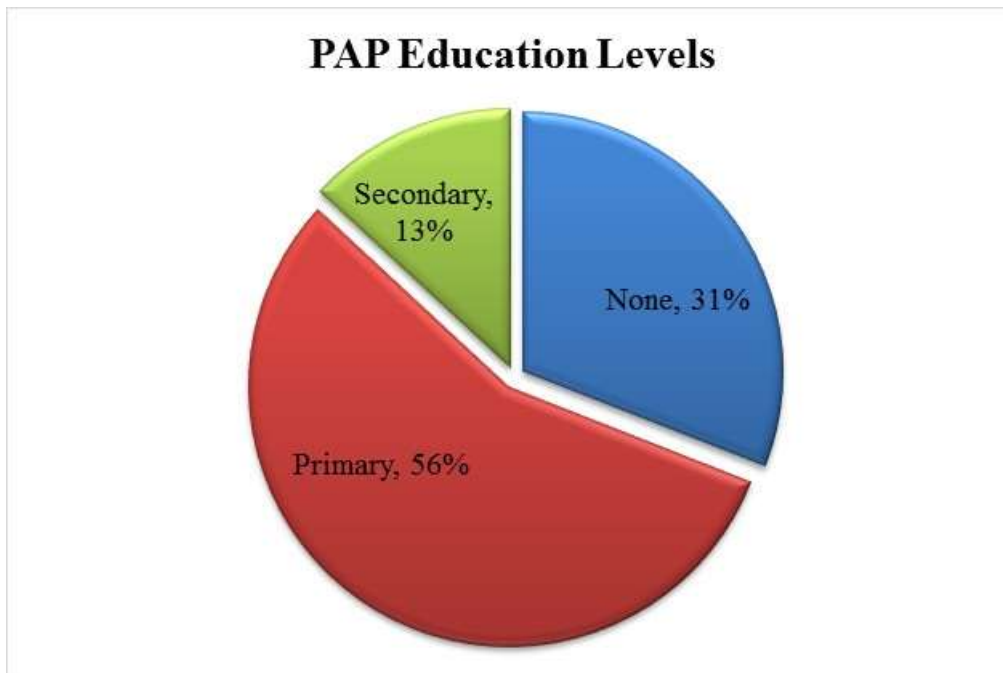


Figure 4-4: PAP literacy levels

4.1.5 Economic Activity of the Household Head

Crop farming is the main economic activity carried out in the project area, with the PAPs growing maize, coconuts and other vegetables:

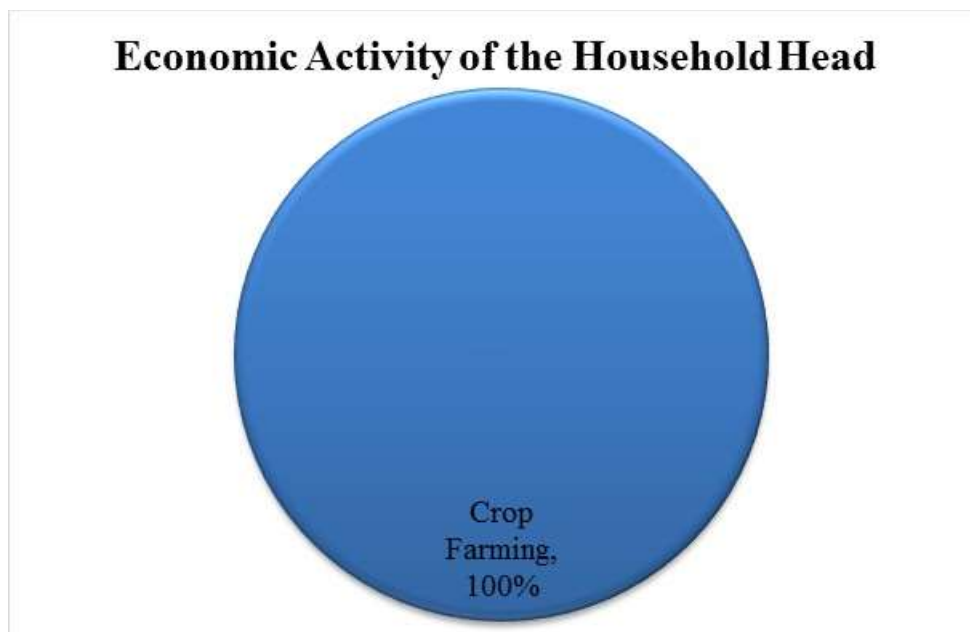


Figure 4-5: Economic Activity of the Household Head

The main businesses are located in Gongoni area.

Based on the above economic activities, the income levels of the households are generally low and are as follows:

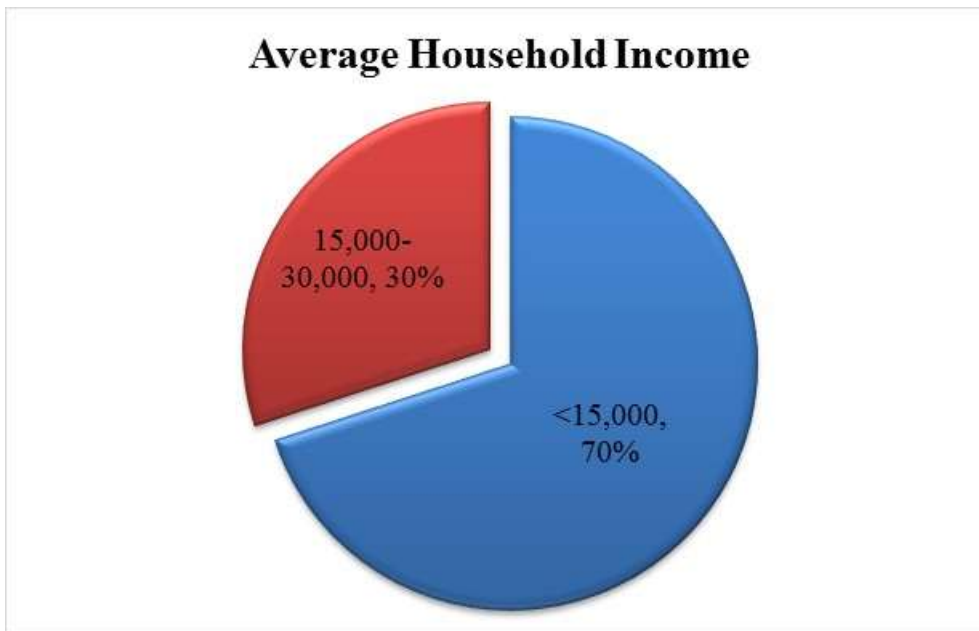


Figure 4-6: PAP Income Levels

4.1.6 Religion

The PAPs in the project area are predominantly Christian with about 8% of the PAP population being Muslim, the rest of the population are traditionalist and the others' religions are unknown as shown below:

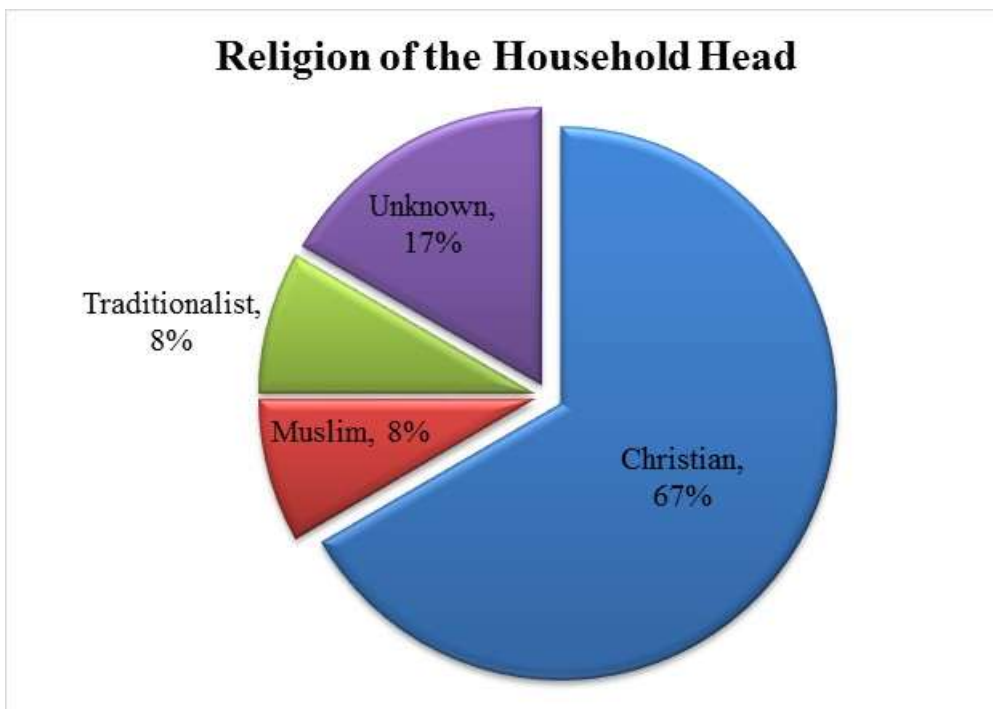


Figure 4-7: PAP Religion

5 IMPACTS ON PROJECT AFFECTED PERSONS

The impacts of the project particularly on the PAPs of the project are highlighted in this chapter. Apart from showing the nature, magnitude and types of impact, the description and analysis presented in this chapter serve other purposes: first it serves as the basis on which the valuation and compensation of assets lost by the PAHs is undertaken. Second, various income restoration and improvement strategies formulated in this RAP are partly based on the assessment of the severity of the impact and loss of assets by different categories of PAPs. The project only affects households as shown in the table below:

Table 5-1: Summary of Affected PAPs and PAHs

Identified Institutional PAPs	Identified Household PAPs	Total PAPs	Total PAHs
0	96	96	12

The number of households and the types and amount of household assets affected: land, housing and related structures, and perennial crops and trees is as follows;

5.1 IMPACT ON LAND

The project will affect approximately 3.63 acres of land adjacent to the existing well field. The land is farmland with majority of the PAPs carrying out subsistence farming. The land is currently undergoing adjudication. The land originally belonged to the Weru Ranch Group which is still in ownership of the title deeds of the proposed land for acquisition. However the land is now under the ownership of individual farmers who are still undertaking the process of acquiring title deeds.

5.2 IMPACT ON STRUCTURES

As mentioned in section 5.1 above, the project area is mainly agricultural land. Majority of the land owners only practice agriculture on the land near the river and then live elsewhere on higher ground. The only structure encountered was a temporary storage shed.

5.3 IMPACT ON TREES AND CROPS

The project area is predominantly agricultural as such many of the PAPs are crop and tree owners. The major trees encountered include:

- a. Coconut Trees
- b. Pawpaw trees and
- c. Banana trees

The main crops encountered include maize, cassava, tomatoes and beans.

5.4 IMPACTS ON PUBLIC ASSETS AND COMMUNITY INSTITUTIONS

The project does not affect any institutions. The land is individually owned.

6 CONSULTATIONS – PERSONS, AGENCIES & PUBLIC

6.1 LEGAL REQUIREMENTS

6.1.1 Government Policy on Public Consultation

The overall objective of the Government is to involve communities in policy formulation and implementation at the local level. More specifically, the Community Action Planning Programme objective is to put in place a durable system of intra-community co-operation through collective action, which creates communal discussion forums for the implementation of development activities.

6.2 PERSONS OR AGENCIES CONSULTED

The key issues associated with the drilling of the three new boreholes will often relate to land-take, biodiversity, pollution, disruption of livelihoods, community safety, traffic management, communicable diseases and employment and trade opportunities.

Effort was not spared to contact all with information on the following issues:

- Assessment of the baseline environmental and social conditions
- Consideration of feasible and environmentally & socially preferable alternatives
- Requirements under Kenya country laws and regulations, applicable international treaties and agreements
- Protection of human rights and community health, safety and security (including risks, impacts and management of project's use of security personnel)
- Protection of cultural property and heritage
- Protection and conservation of biodiversity, including endangered species and sensitive ecosystems in modified, natural and critical habitats, and identification of legally protected areas
- Sustainable management and use of renewable natural resources (including sustainable resource management through appropriate independent certification systems)
- Use and management of dangerous substances and major hazards assessment
- Labour issues (including the four core labour standards), and occupational health and safety
- Socio-economic impacts & fire prevention and life safety
- Land acquisition and involuntary resettlement
- Impacts on affected communities, and disadvantaged or vulnerable groups
- Impacts on indigenous peoples, and their unique cultural systems and values
- Cumulative impacts of existing projects, the proposed project, and anticipated future projects
- Consultation and participation of affected parties in the design, review and implementation of the project
- Efficient production, delivery and use of energy
- Pollution prevention and waste minimization, pollution controls (liquid effluents and air emissions) and solid and chemical waste management.

As such a cross-section of persons were consulted in Lango Baya location as indicated by the following consultation registers in tables 5-1.

Table 6-1: Persons met during the ESIA study in planning the Proposed Water Supply Project

No.	Name	Office	Designation	Contacts
1	Eng. Martin Tsuma	CWSB	Engineer in Charge of Baricho Water Treatment Plant now CEO CWSB	+254721545497
2	Stephen Gunga	Ministry of Interior and Co-ordination of National Government	Assistant Chief Lango Baya Sub-Location	+254729393414
3	James Taari	Ministry of Interior and Co-ordination of National Government	Assistant County Commissioner (ACC) Lango Baya Division	+254720832441 or +254735162324
4				

6.2.1 Overview from the Engineer in charge at Baricho Water Treatment Works on 19/06/2015

The Engineer welcomed the team to the Baricho Treatment works and proceeded to give the team an overview of the project as well as provide a key informant interview on the environmental and social issues affecting the community, what is and can be done to mitigate the issues.

Current Operations in the Treatment Works

The Water Treatment Plant currently provides water to Mombasa, Kilifi, Malindi, Watamu and their environs. However the water supply needs to be augmented as such the proposal for the additional wells. He added that the locals in Lango Baya had water supply from the treatment works, the centres along the pipelines also had off takes for water provision.

Environmental and Social Impact of the Project

The Engineer stated that the major impact of the project would be land take and loss of flora and fauna, since the proposed site for the boreholes was out of the CWSB's land. He added that the land owners would have to be identified to facilitate negotiations.

6.2.2 Overview from the Lango Baya Assistant Chief on 19/07/15

The Assistant Chief welcomed the team to Lango Baya, he then assured the team that he would assist in any way he could to ensure the successful implementation of the project. He further added that he did not foresee any impediments to the project just ensuring open channels of communication between CWSB and the stakeholders was maintained.

6.2.3 Overview from the Assistant County Commissioner Lango Baya Division on 22/10/2015

The ACC invited the team to Lango Baya and stated that he and his team were in full support of the project and were willing to assist in any way they could.

He further added that the project area in particular was mainly farmland and did not anticipate any permanent displacement of PAPs. There would only be the loss of agricultural land, a few structures and trees and crops.

He also pointed out that the land in question, like most land in the coastal region, had two types of owners. He stated that the land had title deeds, however these titles were under a ranch called Were Farm. He added that the land was undergoing adjudication, with the land originally under Weru Ranch, which is still in possession of the title deeds. However the land is now under individual farmers who have not yet gotten the individual titles. He advised the Consultant to consider the land owners without titles.

6.3 PUBLIC CONSULTATIONS

The Consultant carried out public consultation in the form of a consultative meeting where, the Consultant presented the project to the local community, comprised of various stakeholders. The Consultant held a meeting on 3rd June 2016 at the chief's office in Lango Baya. Minutes, photos and an attendance sheet of the meeting are presented in appendix 16.2. In addition to the public consultation, the Consultant carried out ad hoc interviews of locals. Their views included:

- i. Mr. Kazungu Fondo: The respondent was happy that the Client had taken the initiative to talk to the PAPs. He stated that majority of the PAPs in the project area used the land for agricultural purposes, with the farmers preferring to live on higher ground in case of flooding. He added that they would be willing to move elsewhere if compensated to do so.
- ii. Mr. Joseph Yaa Yeri: The respondent stated that they were in the know on the expansion of the project and would be willing to move his farmland to another area if he was facilitated to do so.

6.3.1 Findings of the meetings

The Consultant explained the various impacts associated with the project, throughout the project duration (planning, construction, operation and decommissioning), including displacement of PAPs and loss of farmland. Fortunately the Consultant explained, all of the PAPs only owned farmland in the proposed project area, as such there would be no permanent relocation of PAPs due to the loss of a home.

Being a public consultation meeting, feedback from the stakeholders was obtained with majority of the stakeholders approving of the project however requesting that their preference to seek local labor be met before the implementation of the project. In addition, the consultant registered the proposal by the PAPs on the inadequacy of the compensation package for forwarding to CWSB. The meeting was successful, with the public accepting the project.

7 ELIGIBILITY CRITERIA AND ENTITLEMENT MATRIX

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

7.1 CONDITIONS OF ELIGIBILITY FOR COMPENSATION

7.1.1 Cutoff Date

The practical Cut-off Date for implementation of the RAP will be deemed to be the date at which the census of affected people and affected assets was completed, that is 21st of October 2015. No structure established or crops planted in the Project-Affected Area after 21st of October 2015 shall be eligible for compensation.

7.1.2 Eligibility

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

7.1.3 Entitlements Matrix

The table below highlights the different categories of the PAPs:

Figure 7-1: Eligibility Criteria

Affected Asset	Eligibility Conditions	Entitlements
Land Within the proposed site	If them and a witness can prove ownership of the land.	Full replacement cost of affected land, based on prevailing market prices in the area. If more than half of a PAP's land is affected, total displacement and compensation for full land parcel.
Structures within the proposed site	If them and a witness can prove ownership of the structure.	Replacement Cost of Structure
Trees and crops within the proposed site	If them and a witness can prove ownership of the trees and crops.	Replacement cost of trees and crops.

7.2 VALUATION OF AND COMPENSATION FOR LOSSES

Various valuation techniques were used to ensure that various land parcels, businesses, structures and buildings, trees and crops were appropriately valued where necessary. This was

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

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

7.2.1 Valuation for loss of Land

The affected land for the proposed boreholes and associated works was measured by taking the perimeter and general shape of each land parcel for each PAP in order to calculate the area. The land was then valued based on the replacement cost of the land which incorporated local market land rates and any taxes, fees and rates to obtain new land documents.. The total number of PAPs with land is 11 with a value of K.Shs. 770,150.00.

7.2.2 Valuation of loss of Structures

In order to obtain the unit value of the affected structures, the materials used to construct the structures, area of the structure and number of floors was identified in order to obtain the full value of the structures. A full replacement cost for the structures was obtained for each of the identified structures. The Consultant only identified 1 PAH with a temporary structure with the structure valued at K.Shs. 24,150.00.

7.2.3 Valuation for Loss of trees and crops

Crops are compensated on the basis of their types i.e. whether annual or perennial. For annual crops, compensation values are computed following the criteria below:

- ❖ The proportion of area harvested, along with the area covered by each crop types, is taken into account.
- ❖ Yield per unit area of land is set for each crops;
- ❖ Total crop production is calculated by multiplying yield per unit of land obtained and the area of land cropped by each crop types;
- ❖ Value of crops is computed by multiplying the total crop production by the current prices taken as a basis for valuation. The retail prices of crops, and other required outputs were also collected and reviewed from the weekly market of close major towns considered to be terminal markets.

For perennial crops, the displacement costs for the loss of fruit bearing trees, and perennial trees are computed on the basis of the level of the growth of the plant, which classification the crops into two: ripe and unripe. The methods to compute the rates for both ripe and unripe crops are:

The trees are also valued at the full harvest cost of a mature tree.

The total number of PAHs with trees and crops is 7 valued at K.Shs. 971,300.00.

7.2.4 Valuation for Disturbance

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

7.3 MODE OF PAYMENT OF PAPs

After the ownership and valuation of affected assets are determined, compensation of the PAPs will occur. The compensation should be done so as to ensure important members of the households (wives) are also aware of the compensation. This will be done so as to ensure that all PAPs benefit from the compensation. Local administration i.e. chiefs and village elders will be used to ensure that all PAPs benefit from the compensation. The administration knows each of the affected PAPs and will be able to ensure that all decision making household members are aware and present during any payments.

8 INCOME RESTORATION AND SOCIAL DEVELOPMENT MEASURES

This chapter highlights the various measures in place in order to ensure livelihoods are restored for all affected parties.

Land Owners and displaced by the project will be compensated fully for the parcel of land lost. However if more than half of the land will be affected by the project, total acquisition will occur and the land owner will be paid for the full parcel of land. Lango Baya is sparsely populated as such the displaced PAPs can easily be assimilated back into their community. In addition to that the land is mostly agricultural land with majority of the PAPs carrying out agricultural activities, and residing at higher levels away from the river. Thus there is only the loss of agricultural land.

Land users will also be compensated for the loss of the use of the land. This will be dependent on the size of the land that is under each of the land users.

Structures, trees and crops within the within the proposed site will be compensated at the full replacement cost.

8.1 VULNERABLE GROUPS

These are made up of distinct groups of socially distressed people who might suffer disproportionately from the effects of resettlement. These may be ethnic minority/indigenous people, women headed households, the most poor (based on the poverty line), the disabled and elderly. The Consultant encountered only 1 household with vulnerable members, who will have their land affected by the project. This vulnerable household was headed by an elderly couple that had no education and was having difficulty understanding the RAP process.

This group of people will be eligible for special assistance e.g. assistance to move structures and harvest crops and trees. The PAH also stated that they had a representative that would look after their interest in the matter, the Chief also added that he would be at hand to ensure that the PAH got the assistance it needed.

9 RAP IMPLEMENTATION SCHEDULE

The proposed time frame for the resettlement process is estimated to begin immediately after the completion of the design and last the duration of the project. This takes into account important variables such as creation of awareness on of the potential impacts and resolution of conflicts/grievance and cash flow from the financier. Time schedule and summary of activities is presented in the Table 9.1.

9.1 RAP IMPLEMENTATION DURATION

The RAP should be implemented before construction begins, in accordance to OP 4.12, however the consultant proposes that grievance redress be an on-going process throughout the construction period. A RAP implementation period of 4 months for the site and the activities are shown in the schedule below:

No.	ACTIVITY					
		MONTH 1 (July 2015)	MONTH 2	MONTH 3	MONTH 4	
D-1	Preparation of Draft and Final RAP Report					
1	Field Data Collection and Analysis					
2	Disclosure of RAP Report					
3	Audit of the RAP report to verify PAP and compensation details					
4	Signing of compensation and relocation assistance agreements					
5	Resolution of conflicts and Grievances					
6	Payment of compensation to PAPs and facilitation of relocation					
7	Issuance of notices for relocation					
8	Monitoring of the resettlement activities					
9	Site Confirmation Survey					
	Consultant's Report					
	Client's Approval and comments of preceeding report					
	Duration for Review or Production of the Report					

Figure 9-1: Proposed Activity for RAP Implementation

10 GRIEVANCE REDRESS MECHANISMS

10.1 INTRODUCTION

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

10.2 POSSIBLE SOURCES OF GRIEVANCES

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

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

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

10.3.1 Sub-County Resettlement and Compensation Committee (SCRCC)

The SCRCC will be in charge of administration of the grievance procedure at the project level. The SCRCC will be established at the Sub-County level, which involves land acquisition and impact on assets. The SCRCC will be made up of:

- Representative of NLC, as the chair of SCRCC to grant legitimacy to the acquisition and resettlement process and ensure that legal procedures as outlined in Land Act 2012 and World Bank policies are adhered to.
- Representatives of CWSB, as the acquiring institution interested in the land, benefiting from the acquisition and resettlement process.
- The County administration representative, which will provide the much needed community mobilization, and political support to the project and to the process of resettlement.

- Sub-County Land Survey Officer to help with survey works and demarcation of land to be acquired.
- The Sub-County Gender and Social Development Officer which will be responsible for livelihood restoration programs.
- The Sub-County Lands Registrar Office will help with validation and verification of the documentation provided by the affected persons.
- Two PAP representative from Location Resettlement Committee – act as voice for the PAPs
- NGOs and CBOs locally active in relevant fields to ensure effectiveness, fairness, just compensation, and transparent process in the whole acquisition process.

10.3.2 Locational Resettlement and Compensation Committees (LRCCs)

These committees will be based administrative location i.e. Lango Baya. It will be established by SCRCC through PAPs consultative meetings chaired by a representative of implementing agency (CWSB). S/he will be assisted by the locational chief, who is the government local representative at the location. The LRCC will act as the voice of the PAPs and will work under guidance and coordination of SCRCC in handling PAPs' grievances. The LRCC will be meeting in the local chief's office and will be made up of:

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

10.3.3 The Grievance Management Process

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

- i. During the initial stages of the valuation process, the affected persons will be given copies of grievance procedures as a guide on how to handle the grievances. This will include who to contact (a phone number, address and location, time) as well as type of grievances they can refer to this committee. These procedures will be made available at the Chief's office where they can be distributed to the PAPs.
- ii. The process of grievance redress will start with registration of the grievances to be addressed for reference at the locational level through LRCC. In all instances, records will be kept to enable progress updates of the cases.
- iii. Traditional local mechanisms will be used and will include local leaders and the affected persons trying to find a solution with the concerned parties.
- iv. In cases where a solution cannot be found at the locational or LRCC level reference will be made to the SCRCC.

- v. These will ensure transparency, fairness, consensus building across cases, eliminate nuisance claims and satisfy legitimate claimants at low cost.
- vi. The response time will depend on the issue to be addressed but all measures will be put in place to ensure efficiency,
- vii. Once the grievance is addressed and agreement reached, the compensation will be paid to the PAPs.

10.4 GRIEVANCE REDRESS PROCEDURE

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

The grievance redress mechanisms are designed with the objective of solving disputes at the earliest possible time which will be in the interest of all parties concerned and therefore implicitly discourages referring such matters to the law courts for resolution which would otherwise take a considerably longer time. If LRCC cannot adequately address the grievance, then reference will be made to SCRCC who shall strive to address the grievances raised.

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

The procedure for managing grievances under will be as follows:

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

Table 10-1: Table Showing a Sample Grievance Form

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

Signature: Date:

Please return this form to: COMMITTEE

- 3) The Project Liaison Officer and the LRCC will consult to determine the validity of claims. If valid, the Committee will notify the complainant that s/he will be assisted and a response will be given in the due time.
- 4) The LRCC will meet and respond within 14 days during which time any meetings and discussions to be held with the aggrieved person will be conducted. If the grievance relates to valuation of assets, a second or even a third valuation will be undertaken, at the approval of SCRCC until it is accepted by both parties. These should be undertaken by separate independent valuers than the person who carried out the initial valuation. The more valuations that are required to achieve an agreement by both parties, the longer the process will take. In this case, the aggrieved person must be notified by the Project Liaison Officer that his/her complaint is being considered.
- 5) If the complainant's claim is rejected by the Committees, the Project Liaison Officer will assist the aggrieved person to take the matter to the SCRCC. The SCRCC will look at the complaint raised by the PAPs and provide direction, explanation and a response. Sometimes, it will necessitate the aggrieved person to present him or herself to SCRCC to explain him/herself. All efforts will be made to try and reach some consensus with the complainant.
- 6) If the aggrieved person does not receive a response or is not satisfied with the outcome by SCRCC within the agreed time, s/he may lodge his/her grievance to the Sub-County Land Office, also mandated to help resolve such matters). If requested, or deemed necessary by the project Committee, the Project Liaison Officer will assist the aggrieved person in this matter.
- 7) Where the matters cannot be resolved through local routes, the grievance will be referred to courts. The SCRCC will provide assistance at all stages to the aggrieved person to facilitate resolution of their complaint and ensure that the matter is addressed in the optimal way possible.

After the process, a grievance resolution form will be filled in order to document the resolution made. A sample of the form is provided below:

Table 10-2: Sample of a Grievance Resolution Form

Sample Grievance and Resolution Form

Name (Filer of Complaint): _____

ID Number: _____ (PAPs ID number)

Contact Information: _____ (Village; mobile phone)

Nature of Grievance or Complaint:

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

Signature _____ Date: _____

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

Position or Relationship to Filer: _____

Review/Resolution

Date of Conciliation Session: _____

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

Findings of field investigation:

Summary of Conciliation Session

Discussion: _____

Issues _____ -

Was agreement reached on the issues? Yes No

If agreement was reached, detail the agreement below:

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

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

Signed: _____ Date: _____

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

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

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

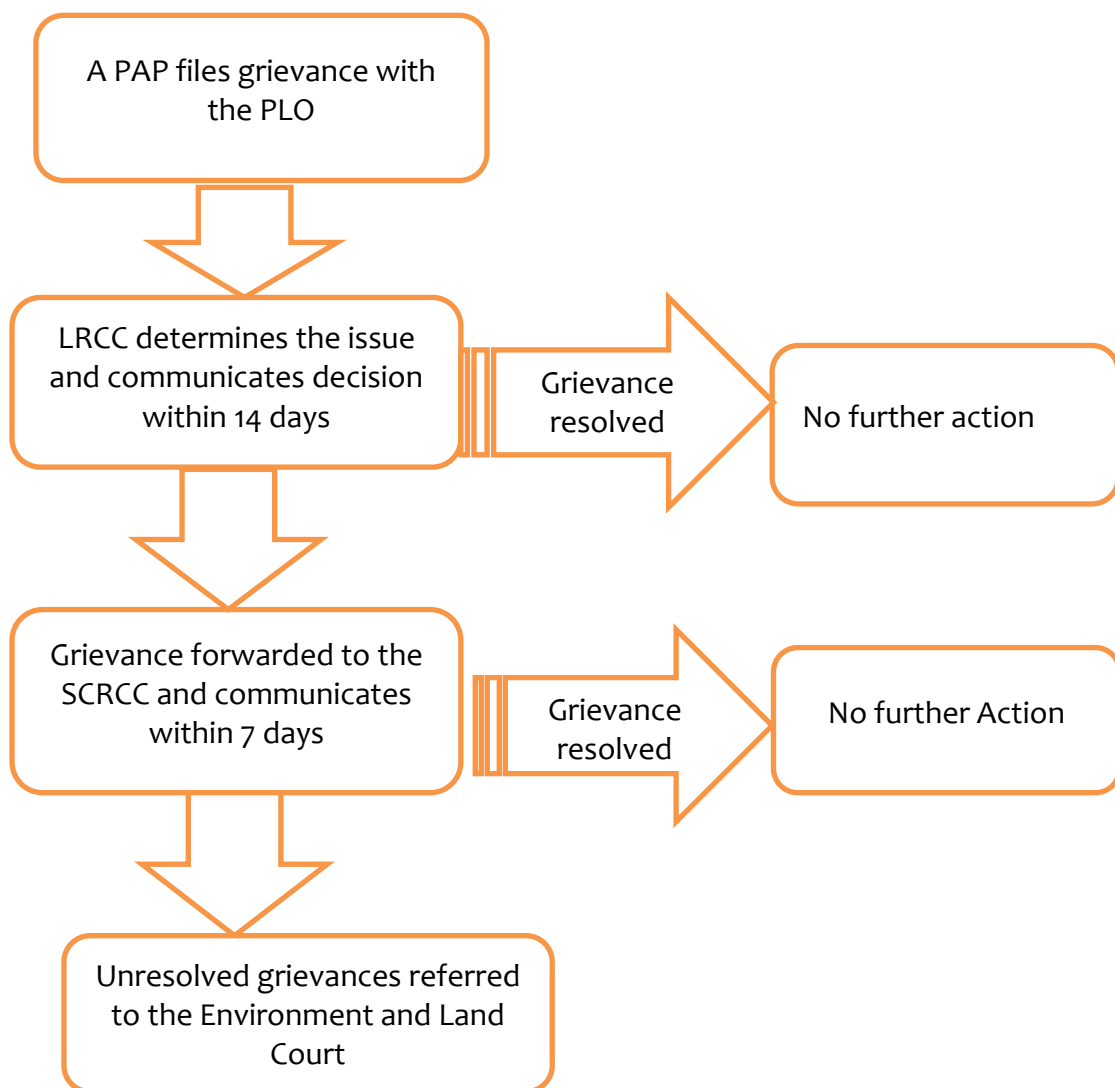


Figure 10-1: Figure Showing Dispute Resolution Procedure

11 ORGANISATIONAL RESPONSIBILITIES

The organizational structure elaborates on the role of various stakeholders in administering the RAP. It further clarifies the role of PAPs and their responsibility in the exercise in relation to the stakeholders. Table 11.1 shows the various institutions and their role in the implementation of the RAP.

Table 11-1: Institutional Roles in RAP Implementation

Name of Institution	Role of Institution
Ministry of Water and Irrigation (MOWI)	<p>Will be an overall implementing agency.</p> <p>Central agency responsible for holding all information on the RAP.</p> <p>Mobilization of financial resources from Government/ County Governments for resettlement and compensation purposes of the approved RAP.</p>
CWSB	<p>Responsible for day to day coordination and implementation of the RAP</p> <p>Oversee the RAP consultant's work</p> <p>Seek approval from NLC for the acquisition of way leave and land for the reservoir site.</p> <p>Work with the NLC to establish the SCRCC and LRCCs.</p> <p>Provide budget to NLC for compensation</p> <p>Establish the SCRCC and LRCCs operations.</p> <p>Make funding request from MOWI for RAP implementation and compensation through NLC.</p> <p>Ensure the grievance committees are established and working.</p> <p>Collect all the needed documentation for compensation as well as grievances and compiling them</p> <p>Monitor the RAP implementation.</p>
National Land Commission	<p>Provide approval to request made by CWSB to acquire land.</p> <p>Notify landholders in writing of the intention to acquire land.</p> <p>Assist in resolving disputes related to compensation</p> <p>Undertake public consultation on intended acquisition with the help of SCRCC.</p> <p>Receive money from MOWI for actual payment of entitlement awards to PAPs.</p>

<p>Sub-County Resettlement and Compensation Committees (SCRCC)</p>	<p>Ensure effective flow of information between NLC and PAPs</p> <p>Coordinate Locational Resettlement and Compensation Committees (LRCCs), validate inventories of PAPs and affected assets; monitor the disbursement of compensation funds; guide and monitor the implementation of relocation</p> <p>Coordinate activities between the various organizations involved in RAP; facilitate grievance and conflict resolution; and provide support and assistance to vulnerable groups.</p> <p>Conducting extensive public awareness and consultations with the affected people so that they can air their concerns, interests and grievances.</p> <p>Resolve disputes that may arise relating to resettlement process. If it is unable to resolve any such problems, will channel them through the appropriate formal grievance procedures laid out in this RAP.</p> <p>Assist with the livelihood restoration</p>
<p>Locational Resettlement and Compensation Committee (LRCC)</p>	<p>Conduct extensive public awareness and consultations with the affected people.</p> <p>Help ensure that local concerns raised by PAPs as regards resettlement and compensation among others are promptly addressed by relevant authorities.</p> <p>Assist the effective working of RAP consultants in preparation and validation of the RAP</p> <p>Resolve manageable disputes that may arise relating to resettlement and compensation process. If it is unable to resolve, help refer such grievances to the SCRCC.</p> <p>Ensure that the concerns of vulnerable persons such as the disabled, widowed women, orphaned children affected by the project are addressed and included in the RAP.</p>

12 MONITORING AND EVALUATION

A monitoring and evaluation (M&E) program is required to be developed to provide feedback to project management which will help keep the programs on schedule and successful. Monitoring provides both a working system for effective implementation of the RAP by the project managers, and an information channel for the PAPs to assess how their needs are being met.

In reference to the monitoring of this particular RAP, the SCRCC will assist in compiling basic information related to compensation and send them to the CWSB as part of the monthly monitoring. Some of the information which will be collected at the SCRCC level will include: time to gauge the performance of the:-

- Length of time from project identification to payment of compensation to PAPs;
- Timing of compensation in relation to commencement of physical works;
- Amount of compensation paid to each PAP household (if in cash), or the nature of compensation (if in kind);
- Number of people raising grievances in relation to each project investment;
- Number of unresolved grievances.
- Number of vulnerable people assisted.
- Number of livelihoods restored and types of the livelihood restoration

CWSB will make this information available all stakeholders including the World Bank. The implementing agencies will directly monitor compensation as undertaken by NLC.

In addition there will be external monitoring and evaluation. This will be done by an independent consultancy/agency. Information will be collected via survey, interviews and focus group discussions with the affected communities. The data for these indicators will be collected every six months during the RAP implementation by the implementing agency which is CWSB, SCRCC and an independent NGO working in the area to ensure triangulation of data. LRCCs will also assist with collection of monitoring data of the RAPs implementation.

Financial records will be maintained by NLC and CWSB to permit calculation of the final cost of resettlement and compensation per individual or household and they will be included in the monitoring report. The statistics will also be provided to the external independent consultant/agency that will be contracted on an annual basis to monitor the implementation of the RAP.

13 RAP COSTS AND BUDGETS

This chapter highlights the various costs of entitlements for the project as well as the costs for monitoring and evaluation.

13.1 COST OF ENTITLEMENTS

13.1.1 Entitlements for Land

The total entitlement for land is K.Shs. 770,150.00 which is summarized in the table below:

Table 13-1: Summary of Entitlements for Land

PAHs with Land			Total Entitlement K.Shs.
			11
F=0	M=11	I=0	770,150.00

Where: *F* – Female headed household

M – Male headed household

I - Institution

13.1.2 Entitlement for Structures

The Total Entitlement for structures for all the pipelines is K.Shs. 24,150.00 as summarized in the table below.

Table 13-2: Summary of Structure Owners' Entitlement

PAHs with Structures			Total Entitlement K.Shs.
			1
F=0	M=1	I=0	24,150.00

Where: *F* – Female headed household

M – Male headed household

I - Institution

13.1.3 Entitlement for Trees and Crops

The total entitlement for tree and crop owners is K.Shs. 971,300.00 shown below:

Table 13-3: Summary of Trees and Crops Owners' Entitlement

PAHs with Trees & Crops			Total Entitlement K.Shs.
			7
F=1	M=6	I=0	971,300.00

Where: *F* – Female headed household

M – Male headed household

*I - Institution***13.1.4 Entitlement for Disturbance**

15% of the entitlement for each PAH is provided for the disturbance that will be as a result of the project. The total cost for disturbance is K.Shs. 264,840.00 and is summarized as follows

Table 13-4: Summary of Disturbance Entitlement

Disturbance Allowance			Total Entitlement K.Shs.
			12
F=1	M=11	I=0	264,840.00

Where: *F* – Female headed household

M – Male headed household

I - Institution

13.1.5 Total Entitlements

The total entitlement for the project is K.Shs. 2,030,440.00, which is illustrated in the table below:

Table 13-5: Summary of Entitlements

PAHs	Entitlement in K.Shs.
12	2,030,440.00

In addition the entitlement per type of asset is also summarized as shown below:

Table 13-6: Summary of Entitlements per Asset Category

	Asset Type	Total Entitlement
1	Land	770,150.00
2	Structures	24,150.00
3	Trees & Crops	971,300.00
4	Disturbance Allowance	264,840.00
TOTALS		2,030,440.00

13.2 RAP IMPLEMENTATION BUDGET

The RAP implementation budget is a function of the total entitlement cost and requisite administrative costs required to implement the plan. These were estimated at 10% of the entitlement cost. A further 10% of the resulting amount was considered for contingencies in the budget and other factors such as inflation. This brings the total budget of this RAP to K.Shs. 2,456,832.00 as shown in Table 13.7 below:

Table 13-7: Summary of RAP Implementation Budget

No.	RAP Item	Cost in K.Shs.
1	Total Entitlement Costs (including 15% Disturbance)	2,030,440.00
2	RAP Administration Cost (10)% of Entitlement Cost)	203,044.00
3	Allowance for Inflation and Contingencies (10% of entitlement and administration costs)	223,348.00
TOTAL RAP IMPLEMENTATION COST		2,456,832.00

14 CONCLUSIONS AND RECOMMENDATIONS

The proposed project will affect approximately 96 PAPs and 12 households, which will lose their assets. In order to mitigate the negative impacts of resettlement, the following recommendations are made:

- ❖ Any planned displacement of the project affected persons be undertaken after compensation payments have been made before any construction activities are done and in accordance with the prevailing law.
- ❖ Compensation should not only follow the prevailing market rates, but should also be associated with comprehensive consultations and negotiations with PAPs so as to minimize grievances
- ❖ The project affected persons to be given adequate notice to relocate their assets.

15 REFERENCES

Republic of Kenya, Water Act (2002), Government Printer, Nairobi

The Constitution of Kenya 2010

The Land Act, No. 6 of 2012

World Bank Operational Policies

16 APPENDICES

16.1 RAP HOUSEHOLD QUESTIONNAIRE

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RAP FOR PROPOSED WORKS CONTRACTS UNDER COAST WATER SERVICES BOARD RESETTLEMENT ACTION PLAN (RAP) HOUSEHOLD QUESTIONNAIRE

A Resettlement Action Plan triggered by the proposed **Lot 1: Augmentation of Baricho Well Field** under Coast Water Services Board is being carried out by Zamconsult Consulting Engineers. The aim of this exercise is to identify the Project Affected Persons (PAPs) by type of loss. We need your honest and accurate information during this discussion. Your inputs will assist in the understanding of your needs for improvement. The answers you provide will be kept confidential.

1 SECTION 1 DETAILS

- 1.1 Name of the Enumerator: Sign
- 1.2 Name of the respondent ID NO. Tel No.
- 1.3 Relationship of respondent to head of house (a) The Head (b) Spouse
- (c) Offspring..... (d) Others Specify.....
- 1.4 Date of Interview: Time of Interview:
- 1.5 Respondents place of residence (a) Village..... (b) Location
- (c) Sub-County (d) County

2 SECTION 2 BASIC HOUSEHOLD CHARACTERISTICS

- 2.1 Name of the household head?
- 2.2 I.D number of household head Telephone Number of Household head
- 2.3 Sex of Household head 1) Male.....2) Female.....
- 2.4 Marital Status of the Household Head? 1) Married.....2) Never Married.....
- 3) Widowed (Single) 4) Widowed Remarried 5) Divorced (Single)..... 6) Divorced Remarried
- What is the number of people in this household in these categories 1) All2) Spouse.....
- 3) Own offspring under 18..... 4) own offspring above 18..... 5) orphaned children.....
- 6) Kinsmen above 55 years..... 7) others, specify.....
- 2.5 How many members does this household have? 1) All..... 2) Males..... 3) Females.....
- 2.6 How many of your household members have attained each of the following education levels?
(1) None (2) Primary (3) Secondary (4) College/university
- 2.7 What is the occupation /economic activities of the household head (tick)
(1) Crop farming (2) Livestock farming (3) Formal employment
- (4) Business (5) Others (specify)
- 2.8 Is this business affected by the proposed road project? (Tick as appropriate)
(1) Yes..... (2) No.....
- 2.9 If yes, what is the business type? (1) Shop (2) Bodaboda (bicycle/motorbike).....
(3) M-pesa..... (4) Jua kali (5) Others specify
- 2.10 What is the average income from this business per month? (Exact Value)
- 2.11 What is the average combined household income per month? (Tick)
(1) Less than 15,000..... (2) 15,000-30,000..... (3) 30,000-45,000..... (4) Above 45,000

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- 2.12 What's the religion of the Household Head? (Tick)
 (1) Christian..... (2) Muslim..... (3) Hindu..... (4) Traditionalist (5) Others Specify

3 SECTION 3 LAND OWNERSHIP DETAILS

- 3.1 Do you own the land you currently reside on? (Tick)
 1) Yes..... 2) No.....
- 3.2 Who owns the land? Name of Registered Owner.....
- 3.3 Does the registered owner have any land ownership documents? (Tick) 1) Yes..... 2) No.....
- 3.4 If yes, what documents do you have for the land? (Tick)
 (1) Title deed..... (2) Allocation letter..... (3) None..... (4) Other, specify.....
- 3.5 What is the L.R./plot/parcel. No. of the Land.....
- 3.6 What is the total size of the land?Acres/Ha/ Plot size (specify)
- 3.7 What is the total size of the land affected by the proposed Project?
 Length..... (m)... Width..... (m)
- 3.8 What is the ownership nature of this land? (Tick)
 (1) Owned by extended family..... (2) Owned by individual..... (3) Owned by nuclear family.....
 (4) Communal land (5) Trust land..... (6) Others Specify

4 SECTION 4 ASSETS, BUILDING STRUCTURES & OTHER PROPERTY DETAILS

a) STRUCTURES measurements (In Meters)

1) Permanent buildings

Length	Width	Storeys	Sketch

2) Semi-permanent buildings

Length	Width	Storeys	Sketch

3) Temporary Buildings

Length	Width	Storeys	Sketch

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b) Other Structures Sizes In Meters

TYPE	SIZE IN METRES
Well	
Bore Hole	
Animal Sheds	
Water Tanks	
Others	

c) Fences in meters

TYPE	Length (m)	Height (m)	Strands
Live Fence			
Permanent (Masonry)			
Barbed Wire			
Corrugated Iron			
Chain-link			
Gate (iron, mabati, wooden, barbed wire)			

d) No of Trees

Type	No
Indigenous Trees	
Commercial	
Indian Ashoka	
Blue gum	
Casurina	
Sisal	
Fruit trees	
Coconut	
Cashew nut	
Pawpaw	
Mango	
Oranges	
Guavas	
Avocado	
Lemons	
Others	
Medicinal	
Muarubaine	
Aloe Vera	
others	

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e) CROPS

TYPE	Length	Width
Maize		
Beans		
Vegetables		
Sugarcane		
Pineapples		
Cassava		
Sweet Potatoes		
Others		

5 SECTION 5 EXPECTED MODE OF COMPENSATION

5.1 What is your preferred mode of compensation? (Tick)

(1) In Kind..... (2) Monetary terms..... (3) Others Specify

16.2 PUBLIC CONSULTATION SUMMARY

16.2.1 Minutes of the Public Consultation Meeting Held at Chief's Office-Lango Baya On 3rd June 2016 at 11.00am

1) Present

- Marion Orina - Zamconsult Consulting Engineers (Consultant)
- Francis Moturi - Zamconsult Consulting Engineers (Consultant)
- Jonathan Mwamvula – CWSB representative
- Stephen Gunga – Assistant Chief Lango Baya
- General Public

2) Introductions

The meeting started at 11.00 am and was chaired by the assistant chief, who introduced the Consultant to the attendees. He then invited the Consultant to give her presentation.

3) Presentation on Project by the Consultant

The Consultant gave a presentation of the proposed project, its scope, and the laws governing the Environmental and Social Process as well as the need to conduct public consultation meetings.

The Consultant explained the various impacts associated with the project, throughout the project duration (planning, construction, operation and decommissioning), including displacement of PAPs and loss of farmland. Fortunately the Consultant explained, all of the PAPs only owned farmland in the proposed project area, as such there would be no permanent relocation of PAPs due to the loss of a home. The consultant further explained that the contractor would try as much as possible to stick within the acquired space in order to avoid damage to private property and in case anyone's property would be affected in the construction phase, it would be reinstalled immediately by the contractor. She also explained that an ESIA and RAP activities had been carried out in the area to sensitize the public about the expansion of the Baricho Wells project and now the meeting was being conducted so as to disseminate information on the findings of the ESIA and RAP. She further explained all the mitigation measures put in place in view of the anticipated disturbances and assured the public that in case the contractor fails to adhere with the regulations put in place, they could address their complaints to the resident engineer in place for relevant action to be taken.

4) Questions, Answers and Feedback

The Consultant then invited the attendees to raise whatever issues they had, in order to have full knowledge on the project.

Q1. Daniel Charo Iha, a PAP stated that the project affected persons to be given a priority in case of any job opportunities associated with the project, before considering other citizens of Lango Baya.

The consultant noted the participant's recommendation and stated that she would forward it to CWSB for implementation.

In addition, the CWSB representative noted that most of the residents of the area were fighting to get jobs but were not keen to keep them pointing out one nearby community project where residents got jobs and were nowhere to be seen after receiving their first pay. The contractor was therefore disappointed by that behaviour making him to consider

outsourcing labour. The CWSB urged those seeking job opportunities in the project should be hardworking and resilient.

Q2. Joseph Kahindi Dzomba, a PAP stated that 3 of his coconuts were not enumerated.

The consultant suggested that the area chief be involved during RAP verification to ascertain the trees were there during the first RAP census.

The area chief added that once the PAPs were compensated, they were not keen to verify if the compensation was done accordingly. He therefore proposed that all individuals with any pending issues to register their complaints with him before the compensation period elapses.

Q3. Charo Iha, a PAP raised several concerns as follows;

- i. The proposed land acquired would not be acquired, due to the fact that some pre-construction activities had already negatively affected his parcel of land which was outside of the boundary of the affected land.
- ii. Secondly, there were irrigation pipes serving several farms and was damaged during the pre-construction activities, and wanted to know if they would be re-established.

The consultant suggested that they would the notify CWSB to push the contractor to immediately compensate for all the damages incurred as well as move the affected features to a place where they wouldn't interfere with both the construction and the public's way of life.

Q4. Samson Sirya Thoya, a PAP echoed the sentiments of the previous participant adding that the pipe that had been damaged served several farms and affected their source of income. He finally recommended that the locals should be allowed to get access to the river through the proposed fence instead of having to go round to the edge of the fence.

The consultant stated that she would the notify CWSB to push the contractor to compensate immediately all the affected developments before being allowed to carry out the construction activities. The consultant added that they supported the recommendation noting that perhaps the acquired land should have paths at intervals to provide access to the river.

Q5. Thomas Karisa, a PAP observed that the edges of the land taken by coast water was at the same level as his land hence was concerned that his trees and crops shall be affected through flooding and also inquired if the outlet would affect any land.

The consultant stated that she would notify CWSB to instruct the contractor to stay within the boundaries of the site and if in any case they cannot stay there they should compensate as soon as such issues develop. Also, that the contractor shall stay within the acquired land. In addition, the consultant noted that the design of modern projects such as the Baricho Wells catered for drainage hence no incidences of flooding are anticipated.

Q6. Benslason Konde, a PAP suggested that the contractor should use the locals to get a job in the masonry section, and observed that Bi. Silas/Rehema Thoya was old and did not understand the RAP process and as such was being passed by events.

The consultant noted the issue and recommended the issue to be forwarded to the chief, coast water services board and the representative of the PAP all to be involved to ensure that the PAP gets compensated.

The chief added that he his office was always open and would personally look into ensuring that the PAP got compensated.

Q7. Samson Sirya observed that some chambers in the wash-out allowed water to flow resulting into pools and hence affecting the land next to them by making them unproductive for farming.

He also observed that the people were not involved in formulating the compensation formula hence the PAPs are not fully content with the proposed rates.

The CWSB representative noted that the new design catered for all the washout water by directing it to the river. The consultant added by supporting the PAPs recommendation that a drainage system to be constructed to cater for the washout water. In case of any further developments about the issue, the consultant suggested that the residents contact the resident engineer for the issue to be forwarded to CWSB.

Concerning the rates used, the Consultant explained that the rates had been calculated based on the type of crop/tree, its age and a rate from the ministry of agriculture used. She added that the PAPs would receive a disturbance allowance to cater for the loss of revenue from the trees/crops

5) Conclusion

The Consultant asked if the people were in support of the project. The locals, by a show of hands approved of the project, stating that their recommendations given in the meeting taken into account. The meeting ended at 11.55 am with a word of prayer.

16.2.2 List of Attendance

PUBLIC CONSULTATION ATTENDANCE LIST					
BARICHO 3RD JUNE 2016					
No.	Name	Designation	Village	Location	Phone Number
1	JONATHAN KAINGO	FARMER	MAMBO SASA	LANGO BAYA	0725321868
2	JAJI CHARO		MAMBO SASA	LANGO BAYA	0708258348
3	DANIEL CHARO IHA	FARMER	LANGO BAYA	LANGO BAYA	0700509619
4	JOSEPH KAHINDI	FARMER	LANGO BAYA	LANGO BAYA	0718891064
5	ONESMUS L. MASHA	FARMER	LANGO BAYA	LANGO BAYA	0717487150
6	HASSAN KAHINDI	FARMER	LANGO BAYA	LANGO BAYA	0710183567
7	SAMSON SIRYA THOYA	FARMER	LANGO BAYA	LANGO BAYA	0713472152
8	DANSON GUNGA CHEA	FARMER	KENYALOMA	LANGO BAYA	0718840599
9	ANDERSON KITHI THOYA	FARMER	KENYALOMA	LANGO BAYA	0700494195
10	BENSLUSONE KONDE TUVA	FARMER	MGANDINI	LANGO BAYA	0728463491
11	KAZUNGU BALOZI MSANZU	FARMER	MAMBO SASA	LANGO BAYA	0727124896
12	KAZUNGU FONDO MWANGURANI	FARMER	MAMBO SASA	LANGO BAYA	
13	CHARO IHA MDZOMBA	FARMER	KENYALOMA	LANGO BAYA	
14	THOMAS KARISA IHA	FARMER	KENYALOMA	LANGO BAYA	0721917403
15	HILLARY MSANZU NDORO	FARMER	KENYALOMA	LANGO BAYA	0715908588
16	THOYA CHEA MSANZU	FARMER	KENYALOMA	LANGO BAYA	0717192717
17	JOSEPH YAA YERI	V.E/FARMER	KENYALOMA	LANGO BAYA	0729164540
18	REHEMA KITSAO SAID	FARMER	MIRIUINI	LANGO BAYA	0714831515
19	CHEA MSANZU	FARMER	KENYALOMA	LANGO BAYA	0705039008
20	JONATHAN MWAVULA	CWSB MANAGER	LANGO BAYA	LANGO BAYA	0721517294

PUBLIC CONSULTATION ATTENDANCE LIST

~~KAKUYUWA~~ BARICHO WELLS
 Assistant Chief's Office - Langya Baya
 03/06/2016

No.	Name	Designation	Village	Location	Phone No.	Signature
1	JAMESON KAMBO	FARMER	MAMBA SABA	LANGYUWA	07225321848	[Signature]
2	JOELI CHORO	INA	MAMBA SABA	LANGYUWA	078259348	[Signature]
3	DANIEL CHADU HIN	FARMER	MAMBA SABA	LANGYUWA	078259348	[Signature]
4	JOSEPH KALWILI	FARMER	MAMBA SABA	LANGYUWA	078259348	[Signature]
5	DONOVAN MASHA	FARMER	MAMBA SABA	LANGYUWA	078259348	[Signature]
6	HAROLD KATHALI	FARMER	MAMBA SABA	LANGYUWA	078259348	[Signature]
7	GAMSON SIRYA THETA	FARMER	MAMBA SABA	LANGYUWA	078259348	[Signature]
8	DANSON SIKHISA CHEA	FARMER	MAMBA SABA	LANGYUWA	078259348	[Signature]
9	ANDREW KITHI TUKU	FARMER	MAMBA SABA	LANGYUWA	078259348	[Signature]
10	FRANCIS KITHI TUKU	FARMER	MAMBA SABA	LANGYUWA	078259348	[Signature]
11	KAZUNGO EKELI NGARU	FARMER	MAMBA SABA	LANGYUWA	078259348	[Signature]
12	KAZUNGO JITHI MUKHAMBILI	FARMER	MAMBA SABA	LANGYUWA	078259348	[Signature]
13	CHADU WAKAMBUKA	FARMER	MAMBA SABA	LANGYUWA	078259348	[Signature]
14	THEMA KATHA HIN	FARMER	MAMBA SABA	LANGYUWA	078259348	[Signature]
15	KALLET MISHA HIN	FARMER	MAMBA SABA	LANGYUWA	078259348	[Signature]
16	THEVA CHEA MAMBA	FARMER	MAMBA SABA	LANGYUWA	078259348	[Signature]
17	JOSEPH YAA WOKI	FARMER	MAMBA SABA	LANGYUWA	078259348	[Signature]
18	REUBEN KITHI TUKU	FARMER	MAMBA SABA	LANGYUWA	078259348	[Signature]
19	JOEL MAMBA	FARMER	MAMBA SABA	LANGYUWA	078259348	[Signature]
20	JOSEPH MAMBA	FARMER	MAMBA SABA	LANGYUWA	078259348	[Signature]
21	JONATHAN MAMBA	FARMER	MAMBA SABA	LANGYUWA	078259348	[Signature]
22						
23						
24						

Figure 16-1: Baricho Attendance Scan

16.2.3 Public Consultation Minutes Photos



Figure 16-2: The Consultant's Presentation during the Meeting



Figure 16-3: Stakeholder Feedback during Meeting



Figure 16-4: Stakeholder Feedback during Meeting



Figure 16-5: Stakeholder Feedback during Meeting



Figure 16-6: Stakeholder Feedback during Meeting



Figure 16-7: Stakeholders showing their support of the Project

16.3 PAP PHOTOS



Kazungu Fondo's Property



Balozi Ngao's land



Charo Iha's Property



Anderson Kithi's Property



Thomas Karissa's Property



Samson Sirya Thoya's Property



Joseph Katana Masha's Property



Renson Konde Thula's Property



Chengo Ziro's land



Bi Silas' Property

16.4 PAP ENTITLEMENT MATRICES
