

REPUBLIC OF KENYA



**COAST WATER WORKS DEVELOPMENT AGENCY**

**WATER AND SANITATION SERVICE IMPROVEMENT  
PROJECT – ADDITIONAL FINANCING (WASSIP-AF)**

**Preparation of Detailed Designs, Preliminary ESIA/RAP and  
Tender Documents for Water Distribution Works for  
Mombasa and 3WSPs**

**Contract No. CWSB/WaSSIP-AF/C/34/2017**



**ABBREVIATED RESETTLEMENT ACTION PLAN (ARAP) REPORT  
FOR PROPOSED WATER DISTRIBUTION SHORT TERM WORKS  
FOR  
MOMBASA NORTH MAINLAND**

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(CWWDA)

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# WATER AND SANITATION SERVICE IMPROVEMENT PROJECT – ADDITIONAL FINANCING (WASSIP-AF)

## Preparation of Detailed Designs, Preliminary ESIA/RAP and Tender Documents for Water Distribution Works for Mombasa and 3WSPs

Contract No. CWSB/WaSSIP-AF/C/34/2017

### TABLE OF CONTENTS

<b>1. PROJECT RESETTLEMENT IMPACTS</b> .....	<b>1-1</b>
1.2 PROJECT AREA - DELINEATION OF MOWASSCO AREA .....	1-1
1.3 RESETTLEMENT IMPACTS IN NORTH MAINLAND .....	1-1
1.4. SOCIAL RISK - SPREAD OF COVID -19 AMONGST COMMUNITY MEMBERS DURING CONSULTATIONS .....	1-2
<b>2. ELIGIBILITY AND ENTITLEMENT MATRIX</b> .....	<b>2-1</b>
ELIGIBILITY FOR COMPENSATION .....	2-1
2.1.1 Eligibility for Compensation.....	2-1
2.1.2 Vulnerable PAPs Provisions .....	2-2
2.1.3 Compensation Options .....	2-2
2.1.4 Income Restoration Measures .....	2-2
ENTITLEMENT MATRIX .....	2-2
<b>3. 3-2</b>	
<b>4. GRIEVANCE REDRESS MECHANISM</b> .....	<b>4-1</b>
GRIEVANCE PROCEDURE AND RATIONALE .....	4-1
GRIEVANCE REDRESS MECHANISM .....	4-1
4.1.1 Procedure of Receiving and Resolution of Complaints .....	4-2
4.1.2 Capacity-Building for the Grievance Officer and Grievance Redress Committees.....	4-4
4.1.3 Other Alternatives .....	4-4
<b>5. RESETTLEMENT ACTION PLAN IMPLEMENTATION ARRANGEMENTS</b> .....	<b>5-1</b>
RESETTLEMENT IMPLEMENTATION PRINCIPLES .....	5-1
RESETTLEMENT IMPLEMENTATION ARRANGEMENTS.....	5-1
5.1.1 Project Management at Ministry Level .....	5-1
5.1.2 The Project Manager (PM) .....	5-1
5.1.3 Project Coordination Unit (PCU).....	5-2
5.1.4 CWWDA ARAP Committee .....	5-2
ARAP IMPLEMENTATION SCHEDULE .....	5-3
<b>6. VALUATION METHODOLOGY AND BUDGET</b> .....	<b>6-1</b>
VALUATION METHODOLOGY .....	6-1
BUSSINESS STRUCTURES VALUATION .....	6-1
Note: This ARAP recognizes the right of PAPs to demolish their own structures and right to salvage...	6-1
6.1.1 Loss of Livelihoods.....	6-1
6.1.2 Valuation for loss of Trees and Crops.....	6-2
6.1.3 ABBREVIATED RESETTLEMENT ACTION PLAN BUDGET.....	6-2
<b>7. MONITORING AND ARAP COMPLETION AUDIT</b> .....	<b>7-1</b>
INTRODUCTION .....	7-1
MONITORING AND EVALUATION FRAMEWORK .....	7-1

7.1.1 ARAP Monitoring Plan .....	7-1
7.1.2 ARAP Monitoring Framework.....	7-2
<b>8. CONCLUSION AND PROVISIONS.....</b>	<b>8-1</b>
CONCLUSION .....	8-1
ARAP PROVISIONS .....	8-2

## **LIST OF TABLES**

Table 1.1: Project Affected Persons in North Mainland .....	1-2
Table 2.1: Cut-off Date.....	2-1
Table 2.2: Entitlement Matrix.....	2-1
Table 3.1: Role of a Grievance Officer.....	4-2
Table 4.1: ARAP Implementation Schedule .....	5-4
Table 5.1: Bussiness Structures` Valuation .....	6-1
Table 5.2: Kitchen Structure Valuation.....	<b>Error! Bookmark not defined.</b>
Table 5.3: Pit Latrines Valuation.....	<b>Error! Bookmark not defined.</b>
Table 5.4: Valuation of Boundary Walls .....	<b>Error! Bookmark not defined.</b>
Table 5.5: Valuation of Gates .....	<b>Error! Bookmark not defined.</b>
Table 5.6: Grand ARAP Budget.....	6-3
Table 6.1: ARAP Monitoring Plan .....	7-2
Table 6.2: Internal Monitoring Indicators .....	7-3
Table 6.3: External Monitoring Indicators.....	7-3

## **LIST OF FIGURES**

Figure 3.1: Grievance Redress Flow Chart .....	4-5
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## **LIST OF APPENDICES**

Appendix 1	-	Approach and Methodology Flow Chart & Asset Inspection Sheet
Appendix 2	-	Minutes and List of Attendance to Consultative Meetings
Appendix 3	-	Cut-Off Date Disclosure
Appendix 4	-	Grievance Register Form
Appendix 5	-	Photographs of Affected Structures
Appendix 6	-	Assets register / Valuation Roll

## **LIST OF ABBREVIATIONS& ACRONYMS**

ARAP	Abbreviated Resettlement Action Plan
CEO	Chief Executive Officer
COVID 19	Corona Virus Disease 19
CWWDA	Coast Water Works Development Agency
DCC	Deputy County Commissioner
ESIA	Environmental and Social Impact Assessment
GER	Gender Enrolment Ration
GCI	Galvanized Corrugated Iron
GO	Grievance Officer
GoK	Government of Kenya
GRVM	Gross Replacement Value Method
GRC	Grievance Redress Committee
HH	Household
LPDP	Local Physical Development Plan
IoL	Inventory of Losses
MIBP	Mangat IB Patel Limited
M&E	Monitoring and Evaluation
MoH	Ministry of Health
MWS	Ministry of Water and Sanitation
NEMA	National Environment Management Authority
MOWASSCO	Mombasa Water Supply and Sanitation Company
NLC	National Lands Commission
NLP	National Land Policy
Nr	Number
NGO's	Non-Governmental Organizations
OS	Operations Safeguards
PAD	Project Appraisal Document
PAPs	Project Affected Persons
PC	Project Committee
PCU	Project Coordination Unit
PM	Project Manager
RAP	Resettlement Action Plan
RIC	Resettlement Implementation Committee
RIM	Registry Index Maps
ROW	Right of Way
RPF	Resettlement Policy Framework
SGRC	Sub Location Grievance Redress Committee
VMGs	Vulnerable and marginalized Groups
WaSSIP	Water and Sanitation Services Improvement Project

# 1. Project Resettlement Impacts

## 1.1 Resettlement Impacts

The Abbreviated Resettlement Action Plan (ARAP) identified that implementation of the proposed improvement of Water Distribution Network within Mombasa North Mainland area, has the potential of resulting to risks associated with destruction of structures used for business belonging to private individuals. However, no land will be acquired because the pipelines are planned to be constructed within existing road reserves.

The review of this ARAP is undertaken during the Coronavirus disease 2019 (COVID-19) pandemic outbreak. However, the preparation of the ARAP including the relevant consultations were undertaken before the first case of COVID-19 was reported in Kenya. As such, specific mitigation measures have been introduced to prevent the spread of the pandemic during the RAP implementation. More particularly, consultations required as part of the mitigation measures, during RAP implementation and training on E&S issues, also pose a risk of infection to communities. For this reason, the risk of contracting the virus during consultations will be avoided, minimized and mitigated with specific measures to ensure national requirements on social distancing and recommendations on how to minimize physical contact are adhered to.

## 1.2 Project Area - Delineation of MOWASSCO Area

The total area under the jurisdiction of MOWASSCO is the whole of Mombasa County and comprises of four distinct Geographical Areas/Administrative Divisions, namely: - Mombasa Island, North Mainland, South Mainland and West Mainland.

**Mombasa North Mainland** (Kisauni Division) covers the entire Kisauni Division (Nyali and Kisauni Sub Counties) and is predominantly a residential area with several commercial shopping centres. Its Coastal strip with Sandy beaches is pre-dominantly occupied by hotels and tourist resorts.

The total number of Project Affected Persons (PAPs) enumerated along the proposed water main routes is **31 PAPs**. This number includes 24 male PAPs of which 2 are vulnerable PAPs and 7 female PAPs of which 1 is a vulnerable PAP.

## 1.3 Resettlement Impacts in North Mainland

The total number of PAPs whose structures will be affected in North Mainland are 31 PAPs among them 7 PAPs are female while 24 PAPs are male, 3 PAPs are weak and elderly and are therefore regarded as vulnerable. All the PAPs will lose either business structures and/or livelihood sources derived from small scale business. However, **loss of land will not be triggered** under this Project.

The proposed pipelines alignments lie within existing road reserves and wayleaves shared by local utilities owned by the relevant Road Authorities i.e. Kenya Urban Roads Authority (KURA), Kenya Rural Roads Authority (KeRRA) or Kenya National Highways Authority (KeNHA). Therefore, no land will be acquired since the PAPs are occupying the land informally. CWWDA when implementing the water pipeline project should seek for approvals before laying the water pipes within the road reserves. Before approval is

granted, KeNHA / KURA will assess the request in line with the roads development master plan and advise CWWDA appropriately.

The affected lines are as listed in **Table 1.1** below. The lines are located in Mtopanga, Kwabulo, Fahari, Bandari, Bombolulu, Manoni and Vikwatani within North Mainland.

**Table 1.1: Project Affected Persons in North Mainland**

Design Horizon	Water Mains (Layout Map)	Sub Location	Total Number of PAPs	Total Number of Women PAPs	Total Number of Male PAPs	Vulnerable PAPs
2020	NM11	Mtopanga	11	3	8	1 female
		Kwabulo	6	2	4	0
	NM15	Fahari	1	0	1	0
	NM12	Bandari	2	0	2	0
	NM13	Bombolulu	2	1	1	0
	NM05	Mtopanga	3	0	3	0
	NM20	Manoni	4	0	4	1 male
	NM17	Vikwatani	2	1	1	1 male
<b>Total</b>			<b>31</b>	<b>7</b>	<b>24</b>	<b>3</b>

**Appendix 5** to this report presents sample photographs of affected business structures within the target Project areas

#### **1.4. Social Risk - Spread of COVID -19 Amongst Community Members During Consultations**

During implementation of the ARAP, various consultative activities will be undertaken. For efficient and meaningful engagement, a wide range of individual participants, groups in the local community and other stakeholders will be involved. The consultations will involve induction of the RAP Implementation Committee, verification of PAPs covering the occupants of the affected area and vulnerable persons and groups; awareness raising, sensitization of PAPs and gauging attitude to the project; training and capacity building for livelihoods restoration, grievance redress, execution of site - specific surveys among others. The activities will lead to close interaction between the proponent and the community members leading to a high risk of spreading COVID-19 amongst community members during the consultation process.

To minimize the risk of spread of COVID-19 amongst community members, measures will be required to ensure social distancing and appropriate communication measures. The mitigation measures will be supervised by a communications/ stakeholder engagement / social safeguards experts in the project proponent's team.



## 2. Eligibility and Entitlement Matrix

### Eligibility for Compensation

The concept of eligibility<sup>1</sup> is used with respect to the definition of PAPs and the criteria for determining their qualification for compensation and any other resettlement assistance. The project RPF further provides for, that if a Sub – project funded under WSDP causes loss of income or livelihood, regardless of whether or not the affected Project affected people are physically displaced, the project will meet the following requirements:

- a) Promptly compensate economically displaced persons for loss of assets or access to assets at full replacement cost.
- b) In cases where land acquisition affects commercial structures, compensate the affected business owner for the cost of reestablishing commercial activities elsewhere, for lost net income during the period of transition, and for the cost of transfer and reinstallation of plants, inventory, machinery and other equipment.
- c) Provide replacement property (e.g. Agricultural or commercial sites) of equal or greater value, or cash compensation at full replacement cost where appropriate, to persons with legal rights or claims to land which are recognized or recognizable.
- d) Compensate economically displaced persons who are without legally recognizable claim to land for lost assets including other improvements made to the land, other than land, at full replacement cost.
- e) Provide additional targeted assistance (e.g. credit facilities, training, or job opportunities) and opportunities to improve or at least restore their income – earning capacity, production levels, and standards of living to economically displaced persons whose livelihoods or income levels are adversely affected.
- f) Provide transitional support to economically displaced persons, as necessary, based on a reasonable estimate of the time required to restore to restore their income earning capacity, production levels, and standards of living.

#### 2.1.1 Eligibility for Compensation

The affected persons are eligible for some form of assistance if they engaged in any livelihood activity at the affected sites before the entitlement cut-off date.

The cut-off date was discussed and agreed upon during consultative meetings as the date of start of PAPs census activities as indicated in **Table 2.1** below and as indicated in minutes of consultation presented in **Appendix 3** of this report.

**Table 2.1: Cut-off Date**

Region	Cut- off Date
North Mainland	13 <sup>th</sup> November 2018

All the PAPs enumerated in Mombasa North Mainland will suffer economic displacement associated with loss of temporary business structures and loss of livelihood associated with businesses and trees and crops.

<sup>1</sup> Water and Sanitation Development Project (WSDP) Resettlement Policy Framework (RPF) page 52 Eligibility Type for Compensation.

## 2.1.2 Vulnerable PAPs Provisions

The below listed provisions are provided for the vulnerable PAPs enumerated

- (i) Targeted and localized house-to-house sensitization for the vulnerable PAPs households during pre-payment consultations. This will be applicable during ARAP implementation to vulnerable PAPs who are not able to attend PAPs sensitization forums. ARAP implementation teams will visit such PAPs at their premise and further sensitize and enlighten them on the ARAP implementation process.
- (ii) Priority consideration in processing compensation payments and extra assistance to vulnerable PAPs in explaining and filling out compensation payment forms.
- (iii) Provide any other necessary assistance for resettlement such as sourcing for labour and transport services<sup>2</sup>.
- (iv) Additional Ksh 5,000 to the vulnerable persons for the first 2 months

## 2.1.3 Compensation Options

PAPs losing structures will be entitled to full replacement of the structure through cash compensation with the right to salvage materials. PAPs losing business will be entitled to cash compensation equivalent to a 3-month average income derived from the businesses they operate. The option of in kind compensation by the Project, in form of reconstruction of a similar structure by the Project for PAPs was dismissed by the PAPs during consultative meeting pointing out that practicability of the option might not be feasible under this ARAP. This information is presented in minutes of meetings under **Appendix2**.

## 2.1.4 Income Restoration Measures

The ARAP aims to enhance restoration of the PAPs' income streams to pre-impact status. Therefore, in addition to compensation this ARAP provides for financial management training<sup>3</sup> of the PAPs to enhance utilisation of compensation money in a bid to improve their livelihood. This training will be undertaken by CWWDA during ARAP implementation phase.

## 2.1.5 Entitlement Matrix

The Entitlement Matrix is presented in **Table 2.2** below.

<sup>2</sup> This item is catered for under ARAP budget "Vulnerability Support and Assistance" (Table 5.6

<sup>3</sup>MOWASSCO will hire an expert on financial management during ARAP Implementation using funds provided under Training and Capacity Building for livelihood restoration and GRM in the budget (Table 5.6).



**Table 2.2: Entitlement Matrix**

No.	Affected Asset	Type of loss	Entitled project – Affected persons	Entitlement (Compensation Package)	Implementation issues and plan of Action	Responsible organization
<b>STRUCTURES</b>						
1.	Business structures	1. Temporary (made of Iron sheets, mud, wooden walls or stone)	Private owners of semi – permanent structures.	<p>1.. Cash compensation for loss of property will be done at full replacement cost.</p> <p>2. Payment of additional disturbance allowance at 15 % of the value of the property.</p> <p>3. In consultation with PAPs, notify one (1) Month in advance to remove their structures.</p> <p>4. Right to salvage construction materials.</p> <p>5. Financial management training of the PAPs to enhance efficient utilization of compensation money.</p> <ul style="list-style-type: none"> <li>• Targeted and localized house-to-house or group sensitization for the vulnerable PAPs households during pre-payment consultations. This is will be applicable during ARAP implementation to vulnerable PAPs who are not able to attend PAPs sensitization forums. ARAP implementation teams will visit such PAPs at their premise and further sensitize and enlighten them on the ARAP implementation process.</li> </ul>	<p>1.Verification of property ownership</p> <p>2.Validation of valuation of property and</p> <p>3.Cash compensation will be done.</p>	CWWDA

		2.Verandas	Owners of verandas to be demolished.	<ul style="list-style-type: none"> <li>• Priority consideration in processing compensation payments and specialized assistance to vulnerable PAPs in explaining and filling out compensation payment forms.</li> <li>• Any assistance in resettlement through provision of help in sourcing of labour and transport services.</li> <li>• Additional Ksh 5,000 to the vulnerable persons for the first 2 months</li> </ul> <p>Additionally, elderly PAPs not enrolled to the government social programme such as the "Inua Jamii for aged will be referred to enroll through local administration (chiefs).</p> <ol style="list-style-type: none"> <li>1. Cash compensation at full replacement cost</li> <li>2. Payment of additional disturbance allowance at 15 % of the value of the property</li> <li>3. Right of salvage.</li> </ol>	<ol style="list-style-type: none"> <li>1. Verification of property ownership</li> <li>2. Validation of valuation of property and</li> <li>3. Cash compensation will be done</li> </ol>	
<b>BUSINESS LOSS &amp; DISRUPTION OF INCOME</b>						
2.	Business	Loss of income from business	Private business operators	<ol style="list-style-type: none"> <li>1. Net monthly income from business (Multiplied by/ for 3 Months)</li> <li>2. Financial management training of the PAPs to enhance efficient utilization of compensation money.</li> <li>3. In consultation with PAPs notify one (1) month in advance to vacate.</li> </ol> <ul style="list-style-type: none"> <li>• Targeted and localized house-to-house or group sensitization for the</li> </ul>	<ol style="list-style-type: none"> <li>1.Verification of business ownership.</li> <li>2.Determination of the monthly net income from business.</li> <li>3.Cash compensation will be done.</li> </ol>	CWWDA

				<p>vulnerable PAPs households during pre-payment consultations. This is will be applicable during ARAP implementation to vulnerable PAPs who are not able to attend PAPs sensitization forums. ARAP implementation teams will visit such PAPs at their premise and further sensitize and enlighten them on the ARAP implementation process.</p> <ul style="list-style-type: none"> <li>• Priority consideration in processing compensation payments and specialized assistance to vulnerable PAPs in explaining and filling out compensation payment forms.</li> <li>• Any assistance in resettlement through provision of help in sourcing of labour and transport services.</li> <li>• Additional Ksh 5,000 to the vulnerable persons for the first 2 months</li> </ul> <p>Additionally, elderly PAPs not enrolled to the government social programme such as the "Inua Jamii for aged will be referred to enrol through local</p>		
<b>TREES AND CROPS</b>						
3.	Banana Crops & Mzumbe Tree	Loss of livelihood	Owner of tree & crop	Cash compensation considering mature type of tree. Total crop production multiply by market prices	1. Verification of tree/crop ownership 2.Cash compensation will be done	CWWDA

## 4. Grievance Redress Mechanism

### Grievance Procedure and Rationale

This section describes the procedure and mechanism through which PAPs will be able to report, make, place/ lodge or express a grievance against the Project and its staff or contractors as part of the Resettlement Action Plan (ARAP) implementation. It also describes the roles and responsibilities of different structures in resolving grievances.

The aim and purpose of this system is to make the grievance handling procedures accessible, prompt and affordable to the PAPs given the generally low values of some of the properties to be affected, and also provide an alternative to the costly and time-consuming formal court procedures for handling grievances and disputes.

The objective of the grievance handling systems and procedure is to establish for the PAPs mechanism for raising complaints related to compensation for loss of structures and other livelihood properties and assets and having such complaints resolved as amicably as possible through acceptable and binding corrective actions. This grievance management system will be in place throughout the Project construction period, including the exit period.

### **Grievance Redress Mechanism for Project is proposed for 3 tier arrangement, as follows:**

- (i) The first tier will allow for amicable review and settlement of the grievance at the Project site level
- (ii) The second tier will involve a mediation committee in case the grievance cannot be solved at the first tier
- (iii) The third tier will be the option of allowing the grieved party to seek redress in a Court of Law

### Grievance Redress Mechanism

This ARAP establishes that the Project Implementation Team at CWWDA will form a Grievance Redress Committee (GRM) with the affected locations.

This ARAP has an enhanced framework of GRM through the following three-tier Grievance Mechanism:

#### **(i) Sub Location Grievance Redress Committees (SGRC)**

It is desirable to resolve all the grievances at the community level to the greatest extent possible. The community or community level grievance mechanism must be credible and generally acceptable. The grievance redress mechanism will aim to solve disputes at the earliest possible time in the interest of all parties concerned.

The committee will comprise of 2nr Community Elders, 1nr Women's Representative, 1nr Youth Representative, 1nr Representative of Vulnerable Groups and Location Chief who chairs the Committee. The Committee in addressing construction-related grievances will give opportunity to the local communities and the public to express any grievances related to Project.

## (ii) Mediation Committees

In case the grievance is not resolved at first tier, the SGRC handling resettlement-related grievances will be enjoined by the Resettlement Implementation Committee (RIC) from CWWDA. The committee RIC at CWWDA will comprise of an Environmental & Social Safeguards Specialist and a Project Engineer, assisted by Land Surveyors and Land Valuers.

## (iii) Courts of Law

If complainants are not satisfied by the decision of the first two tiers of the Grievance Mechanism, they can seek redress from the Courts of Law.

### 4.1.1 Procedure of Receiving and Resolution of Complaints

#### **Step 1: Receipt of Complaint/Grievance**

A verbal or written complaint from a PAP or community member will be received by the Grievance Officer (GO) on behalf of the Grievance Committee. **Table 3.1** below defines the roles of the GO or an assigned Contract Officer in a given administrative jurisdiction/authority near to community level where grievances are received and recorded, and a copy delivered to the offices of the contractor and MOWASSCO Project Coordinating Office.

#### **Table 4.1: Role of a Grievance Officer**

A Grievance Officer (GO), who will be a member of the Sub Location Committee (SGRC) appointed by members of the committee. Principal responsibilities of the GO will include:

- Recording the grievances in the grievance log, both written and oral, of the affected people, categorising and prioritising them and providing solutions within a specified time period.
- Discussing grievances on a regular basis with the SGRC and coming up with decisions/actions regarding issues that can be resolved at that level.
- Informing the SGRC of serious cases within an appropriate time frame.
- Reporting to the aggrieved parties about developments regarding their grievances and the decisions of the SGRC and mediation committee.
- Providing inputs into the monitoring and evaluation process.

The grievance team will hold meetings at site level, Grievances are normally received by a contact person who would then hand over the received complaints to the GO, for entering into the grievance log.

The Grievance Log<sup>4</sup> (**Appendix 4**) will indicate grievances, date opened/lodged, actions taken to address or reasons why the grievance was not acted upon (e.g. the grievance was not related to the resettlement process), information provided to complainant and date on which the grievance was closed.

Grievances can be lodged at any time directly to the GO. The process of lodging complaints is outlined below:

- (i) The GO will receive a complaint from the complainant.

<sup>4</sup>The Grievance Logs will be shared with the Ministry of Water, Irrigation and Sanitation and the World Bank on a quarterly basis



- (ii) The GO will ask the complainant questions in their local language, write the answers in English and enter them in English onto the grievance form.
- (iii) The local leader (representative of an independent local civil society organisation) and the complainant both sign the grievance form after they have both confirmed the accuracy of the grievance.
- (iv) The GO lodges the complaint in the Grievance Log.

### **Step 2: Determination of Corrective Action**

If in their judgment, the grievance can be solved at this stage, the GO and SGRC will determine a corrective action in consultation with the aggrieved person. A description of the action, the time frame within which the action is to take place, and the party charged with implementing the action will be recorded in the grievance data base.

Grievances will be resolved, and the status reported back to complainants within 30 days. If more time is required, this will be clearly communicated in advance to the aggrieved person. In cases that are not resolved within the stipulated time, site investigations will be undertaken, and results discussed in the monthly meetings with the affected persons. In some instances, it may be appropriate to appoint independent third parties to undertake the investigations.

### **Step 3: Meeting with the Complainant**

The proposed corrective action and the time frame in which it is to be implemented will be discussed with the complainant within 30 days of receipt of the grievance. If no agreement is achieved, Step 2 will be revisited.

### **Step 4: Implementation of Corrective Action**

Agreed corrective actions will be undertaken by the project developer or its Contractors within the agreed time frame. The date of the completed action will be recorded in the grievance database.

### **Step 5: Verification of Corrective Action**

To verify satisfaction, the aggrieved person will be approached by the GO and SGRC to verify that the corrective action has been implemented. A signature of the complainant will be obtained and recorded in the log and/or on the consent form (see Step 1). If the complainant is not satisfied with the outcome of the corrective action, additional steps may be undertaken to reach agreement between the parties. If additional corrective action is not possible alternative avenues may be pursued.

### **Step 6: Action by Grievance and Resettlement Committee**

If the complainant remains dissatisfied and a satisfactory resolution cannot be reached, the complaint will be handled by the Mediation Committee.

This committee is made up of the below listed persons.

- (i) One representative of the Administration; - National Government (Assistant County Commissioner)
- (ii) One representative of National Administration; - Local Chief

- (iii) One representative of CWWDA acting as an observer
- (iv) Three representatives of the affected people, amongst them at least one woman. These representatives will be chosen from community-based organizations, elders, traders, etc.
- (v) Relevant road authority representative i.e. Kenya Urban Roads Authority (KURA), Kenya Rural Roads Authority (KeRRA) or Kenya National Highways Authority (KeNHA).

This committee must have a quorum of at least three persons. Decisions will be reached by simple majority. The Grievance Committee should be constituted for as long as grievances are being lodged.

Once the Mediation Committee has determined its approach to the lodged grievance, this will be communicated to the GO, who will communicate this to the complainant. If satisfied, the complainant signs to acknowledge that the issue has been resolved satisfactorily. If the complainant is not satisfied, however, the complainant notes the outstanding issues, which may be re-lodged with the Grievance Committee or the complainant may proceed with judicial proceedings.

#### **Step 7: Alternative Action/Judicial Recourse**

In case the grievances are not resolved at the mediation committee level then the complainant is free to seek redress in a Court of Law at any given time.

#### **4.1.2 Capacity-Building for the Grievance Officer and Grievance Redress Committees**

It will be important for the GO to be appointed based on his/her experience and training in conflict resolution through mediation and reconciliation. It will also be important for the GO to have sufficient skills in data management, including data entry, data analysis and storage. This notwithstanding, it will be important that steps are taken to orient and build the capacity of the GO as part of the Project Implementation Team in conflict resolution procedures, such as mediation and reconciliation, and other management areas such as record-keeping, report-writing and ICT equipment management.

The Grievance Redress Committee members will also need to be oriented to the grievance management system suggested in the ARAP. The capacities of the Grievance Committee members will also need to be built around issues of conflict identification, conflict information analysis and conflict resolution as provided for in the land legislation.

#### **4.1.3 Other Alternatives**

The other alternative recourse suggested as a measure of last resort is for the complainant to seek redress in formal Courts of Law. The constitution establishes the Land and Environment Court (High Court) and empowers this Court to determine disputes relating to the amount of compensation to be paid for land acquired compulsorily in public interest.

**Figure 3-1** on **Page 3-5** provides an illustration of Grievance redress flow chart discussed in the above Sub-section.

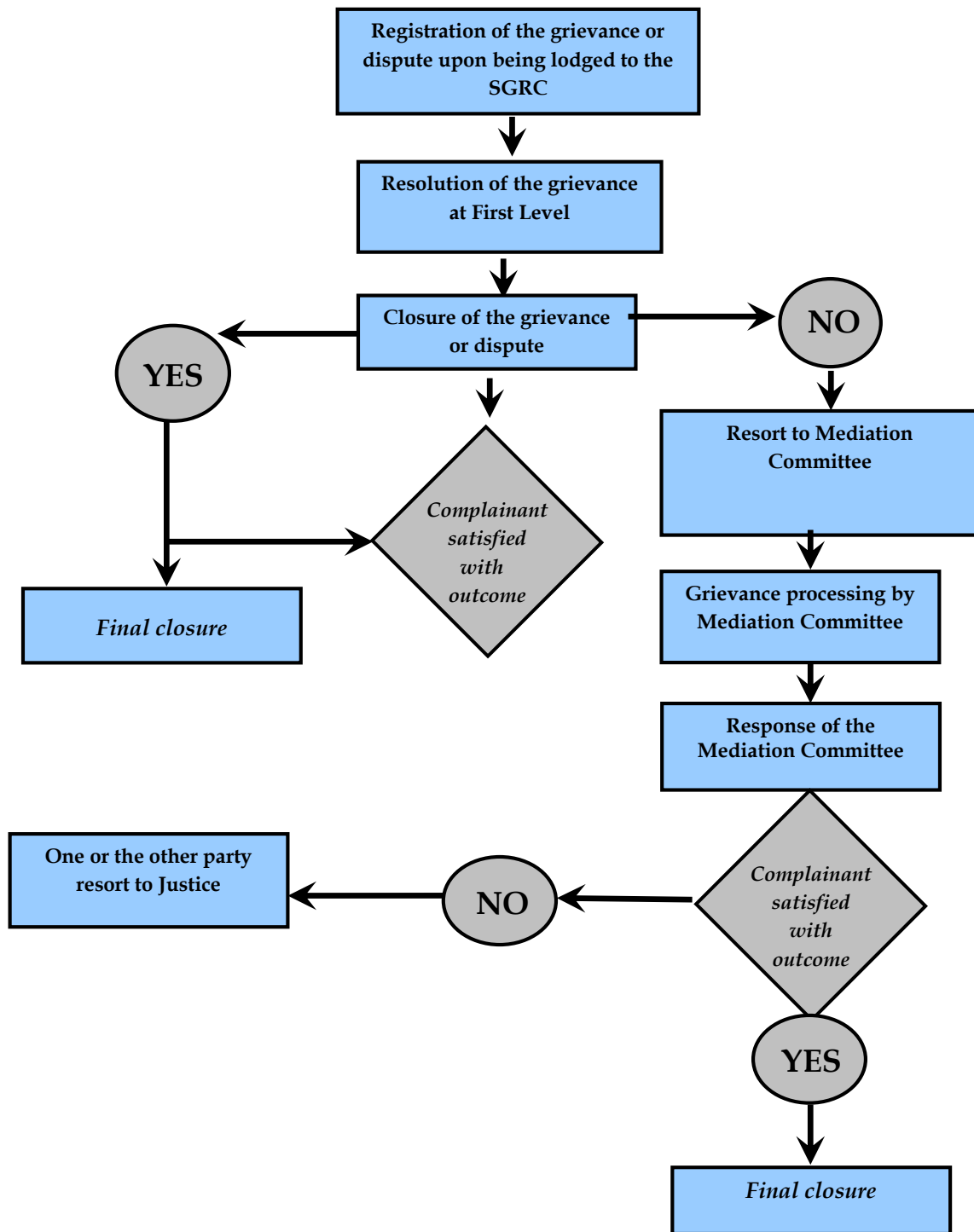


Figure 4.1: Grievance Redress Flow Chart

## 5. Resettlement Action Plan Implementation Arrangements

### Resettlement Implementation Principles

The main objective of resettlement and compensation are to ensure that the PAPs get fair and prompt compensation. In this way it is expected that their income, production capacity and standard of living will be improved, or at least restored to their former levels. The guiding principles for the implementation of the ARAP will be as follows:

- (i) Resettlement or relocation has been minimised by taking into consideration all possible alternative measures
- (ii) Compensation will be paid before Project Works commence in a specific Project area and in a manner that does not curtail the livelihoods of the PAPs in terms of access and utilisation of such compensation
- (iii) The compensation values awarded will be fair enough to restore the livelihoods of PAPs
- (iv) The compensation awards will be paid out according to the preference of the PAPs
- (v) All other activities related to the ARAP will be communicated in advance to the PAPs using the preferred channels of communication
- (vi) Where grievances arise, the respective PAPs will be given an opportunity to be heard, fairly and promptly
- (vii) Measures will be taken to ensure that vulnerable groups get special assistance and support; and where spousal and children consent is needed, the provision will be enforced
- (viii) A statutory disturbance allowance of 15 percent of the compensation value will also be included.

### Resettlement Implementation Arrangements

This Section provides details of all agencies and institutions that are involved in the implementation of the ARAP. These organizations are crucial in the ARAP implementation process and are mandated to perform their respective roles and have capacity to undertake their specific responsibilities even though MOWASSCO ARAP implementation unit will be charged with the overall responsibilities of implementation of the ARAP.

#### 5.1.1 Project Management at Ministry Level

Ministry of Water and Sanitation (MWS) will engage other Institutions and Counties on matters and policies relating to the Project, specifically ARAP issues. The MWS will involve the Coast Water Works Development Agency (CWWDA) and National Treasury on issues pertaining to ARAP budget and World Bank financing.

The MWS will also communicate directly with the World Bank on technical issues, ARAP preparation, approvals, disclosure and even ARAP implementation.

#### 5.1.2 The Project Manager (PM)

The Project Manager (PM) is the overall technical coordinator in the implementation of the overall Project, called Water and Sanitation Services Improvement Project (WaSSIP) Additional Financing. The Project Manager is employed by Coast Water

Works Development Agency (CWWDA) and he/she is assisted by the Water and Environment Specialists, recruited by the Agency. Other officers include the Asset Manager in case of any land acquisition and resettlement and other social issues related to this Program.

The Project Manager will supervise and coordinate the Project Team and ensure that Project implementation activities and reports are on schedule and in compliance with the financing agreement. The coordinator will report to the Chief Executive Officer (CEO) of Coast Water Works Development Agency (CWWDA) and from time to time draw the attention of the CEO to all emerging policy issues for decision at that level or at a higher level.

### **5.1.3 Project Coordination Unit (PCU)**

The overall coordination of the whole process, from development to implementation and monitoring, is provided by the PCU. The team has the following roles:

- (i) The PCU will be responsible for routine implementation and technical austerity of the Project. The PCU will have a Safeguards Team which has an Environmental Specialist and an Assets Manager who will ensure that the environmental and social safeguards are implemented.
- (ii) The PCU will carry out quality checks and review the ARAP reports before forwarding them to the World Bank Safeguards Specialist. The PCU will also oversee actual implementation of the ARAP with assistance from a Resettlement Implementation Committee constituted for the Project.
- (iii) Coordinate the effective implementation of the ARAP and ensure compliance with agreed implementation procedures and guidelines.
- (iv) Prepare Progress Reports on the implementation of the environmental and social safeguards.
- (v) Ensure integration of ARAP provision in management of the Project.
- (vi) Ensure adequate community participation during Project implementation.

### **5.1.4 CWWDA ARAP Committee**

The CWWDA ARAP committee will be in charge of overall monitoring and evaluation of the resettlement process. The committee will comprise of Environmental and Social Safeguards Specialist, Land Surveyor, Accountant, Legal and Monitoring/ Evaluation Expert and Project Engineer, all drawn from the Project Coordinating Unit (PCU) that was established under the Consultancy Contract.

The committee will work with a representative of CWWDA and the Project Affected Persons (PAPs), the committees' roles are as follows:

- (i) To ensure the list of all PAPs has been verified and documented in the PAPs register. The register shall have among other parameters the following:
  - The name of the person,
  - Type of loss (structure / Livelihood)
  - Identification number of the PAP,
  - Compensation Amount
  - Bank Details or Mpesa details of the PAP.

- (ii) To verify the correctness of each PAP as stated in the register and ascertain that every identity card holder is correctly documented in the register.
- (iii) To develop an appropriate framework for delivering the compensation payments to the PAPs in line with government financial management regulations and as much as possible keeping in mind that most PAPs have no bank accounts. In the event that an individual is absent during payment, the Compensation Committee will immediately communicate a new date of payment to such individual(s).
- (iv) On completion of the PAP Audit list, payments will be made according to locations and adequate information will be made available to all affected persons prior to payment. Such information will include: Dates and locations where payment will be made, List of eligible people, amount to be made Mode of payment, etc.

### **5.1.5 ARAP Implementation Schedule**

The implementation schedule for this ARAP covers the period from the finalization of the preparation of the ARAP and its subsequent approval to the conclusion of the envisaged Project within MOWASSCO Project Area. This ARAP is structured such that the procedures will be phased to synchronize with the work program of the contractor. Phasing is done to eliminate cases of re- encroachment on the pipeline way leave by PAPs after compensation.

**Table 4.1** on **Page 5-4** presents the ARAP implementation schedule prepared for the Project.

**Table 5.1: ARAP Implementation Schedule**

Task Name	Actors	Period in Months					
		Implementation to begin immediately after approval of ARAP					
		1	2	3	4	5	6
Approval of ARAP Updated Report	World bank						
Formation of Grievance Management Committees	PCU & CWWDA ARAP Committee						
Disclosure of Updated ARAP	World Bank & CWWDA						
Validation of asset register	PCU & CWWDA ARAP Committee						
Issuance of Self Demolition Notices	Mombasa County Government						
Payment of compensation	PCU & CWWDA ARAP Committee						
Grievance Resolution	GRC						
Training on Financial Management	PCU & CWWDA ARAP Committee						
Demolition of structures upon expiry of 3-month demolition notice	Mombasa County Government						
Monitoring activities	PCU & CWWDA						

## 6. Valuation Methodology and Budget

### Valuation Methodology

The method adopted for this ARAP was the **Gross Replacement Value Method (GRVM)** that evaluates the current cost of replacing an asset. The approach entails measurement of the improvements (buildings, site works) to which the appropriate construction costs are applied, resulting in the new replacement (or reproduction) cost. An addition of **15%** is added to the value of structures as statutory allowance to cater for disturbance. This method is consistent with the replacement cost method as required by OP 4.12.

### Business Structures Valuation

All the affected assets are temporal structures made from iron sheets, mud walls, wooden walls or masonry stones. Therefore, in valuing the structures, that is, the cost of replicating a similar structure at the current cost/rate of construction per square foot, the rates given in **Table 5.1** below for business structures were adopted.

**Table 6.1: Business Structure Valuation**

Item	Type of Walling	Type of Roofing and Floor	Rate Per Square Feet (Kshs)
1	Stone Wall	GCI roof on timber trusses and hard-core floor	1,000 - 1,200
		GCI roof on timber trusses and Screed floor	1,200 - 1,400
		GCI roof on timber trusses, wall plastered or painted and Screed floor	2,000
		GCI roof on timber trusses, wall plastered or painted and tiled floor	2,000
2	Brick Wall	GCI roof on timber trusses and hard-core floor	900 - 1,100
		GCI roof on timber trusses and Screed floor	1,100 - 1,300
		GCI roof on timber trusses, brick plastered or painted and Screed floor	2,000
		GCI roof on timber trusses, brick plastered or painted and tiled floor	2,200
3	Timber Wall	GCI roof on timber trusses and earth floor	400
		GCI roof on timber trusses and hard-core floor	450
		GCI roof on timber trusses and Screed floor	500
4	Drum Wall	GCI roof on timber trusses and earth floor	450
		GCI roof on timber trusses and hard-core floor	500
		GCI roof on timber trusses and Screed floor	550
5	Mud Wall	GCI roof on timber trusses and earth floor	350
		GCI roof on timber trusses and hard-core floor	400
		Thatch roof on wooden trusses and earth floor	300

**Note:** This ARAP recognizes the right of PAPs to demolish their own structures and right to salvage

#### 6.1.1 Loss of Livelihoods

The Socio-Economic survey involving all the households, identified that majority of the 31 PAPs were engaged in small scale business. Therefore, to ensure adequate compensation for potential loss of income streams, PAPs will be compensated for average loss of income calculated over a period of 3 months. This duration is the



estimated time taken by the contractor to excavate the pipe trench, install, test the water pipe and reinstate the site.

### **6.1.2 Valuation for loss of Trees and Crops**

For trees the type of tree and its age/size was considered during the valuation process. The trees were valued based on a mature tree.

Value of crops is computed by multiplying the total crop production by the current market prices taken as a basis for valuation.

### **6.1.3 Abbreviated Resettlement Action Plan Budget**

This ARAP provides a total implementation budget of **Kshs 2,164,715 (Two Million, One Hundred and Sixty-Four Thousand, Seven Hundred and Fifteen Shillings Only)**. The cost includes valuation of the affected structures and livelihood sources for 31 PAPs, cost of Livelihood restoration measures and cost of monitoring and evaluation. The PAPs will be paid compensation allocation prior to commission of the Project as presented in the ARAP implementation schedule as summarized in **Table 5.6 on Page 5-4**.

**Table 6.2: Grand ARAP Budget**

<b>Description</b>	<b>Amount (Kshs.)</b>
<b>North Mainland</b>	
Asset Loss	1,235,215
Livelihood Loss	379,500
<b>Sub Total 1</b>	<b>1,614,715</b>
Vulnerability Support and assistance	150,000
Financial Management Training, Awareness raising and sensitization of PAPs <sup>5</sup>	100,000
Training and Capacity Building for GRM <sup>6</sup>	100,000
Operational & Administrative Costs of ARAP Committees	100,000
Monitoring and Evaluation	100,000
<b>Sub Total 2</b>	<b>550,000</b>
<b>Total ARAP Cost</b>	<b>2,164,715</b>

<sup>5</sup>Gender Sensitizations and Training, Bank accounts, use of compensation money etc.

<sup>6</sup> The GRM will require sufficient skills in data management, including data entry, data analysis and storage. The team will also require training conflict resolution procedures, such as mediation and reconciliation, and other management areas such as record-keeping, report-writing and ICT equipment management.

## 7. Monitoring and ARAP Completion Audit

### Introduction

Monitoring and Evaluation (M&E) procedures establish the effectiveness of all resettlement activities, in addition to the measures designed to mitigate adverse social impacts. The procedures include internal track-keeping efforts as well as independent external monitoring.

The purpose of resettlement monitoring for the Project is to verify that:

- (i) Actions and commitments described in the ARAP are implemented;
- (ii) Eligible PAPs receive their full compensation prior to the commencement of the construction activities in the Project area;
- (iii) ARAP actions and compensation measures have helped the people who sought cash compensation in restoring their lost incomes and in sustaining/improving pre-project living standards;
- (iv) Complaints and grievances lodged by PAPs are followed up and, where necessary, appropriate corrective actions taken;
- (v) Changes in ARAP procedure are made, if necessary, to improve delivery of entitlements to PAPs.

The World Bank OP 4.12 states that the Project sponsor is responsible for adequate M&E of the activities set forth in the resettlement instrument. Monitoring will provide both a warning system for the Project sponsor and a channel for the affected persons to make known their needs and their reactions to resettlement execution.

Monitoring and evaluation activities and programs will be adequately funded and staffed. In-house monitoring may need to be supplemented by independent monitors to ensure complete and objective information. Accordingly, the primary responsibility for monitoring rests with proponent. Fortunately, CWWDA and MOWASSCO already have an Environmental Specialist and Asset Manager. These personnel, in cooperation with each other and with guidance from the external actors, will monitor the Project.

### Monitoring and Evaluation Framework

#### 7.1.1 ARAP Monitoring Plan

The ARAP Monitoring Plan and Framework involves the following:

- (i) Internal monitoring by CWWDA/ MOWASSCO
- (ii) External monitoring commissioned to specialized firms

**Table 6.1** on **Page 7-2** presents the ARAP Monitoring Plan that will be adopted for the Project.

**Table 7.1: ARAP Monitoring Plan**

<b>Component Activity</b>	<b>Type of Information/ Data Collected</b>	<b>Source of Information/ Data Collection Methods</b>	<b>Responsibility for Data Collection, Analysis and Reporting</b>	<b>Frequency/ Audience of Reporting</b>
Internal Monitoring	Measurement of ARAP monitoring indicators against the implementation schedule	Monthly or quarterly narrative status and Financial Reports	CWWDA/ Project Implementation Team	Semi-annual/annual as required by the Proponent CWWDA/ MOWASSCO
Impact Monitoring	Assessment of PAP satisfaction compensation of the affected assets and livelihood sources	Quarterly or semi-annual quantitative and qualitative surveys  Regular public meetings and other consultation with people affected by the Project; review of grievance mechanism outputs	Project resettlement unit or contracted external Monitoring Agency	Annual or more frequently as required by the Proponent CWWDA/ MOWASSCO

### 7.1.2 ARAP Monitoring Framework

ARAP Monitoring framework include the following provisions:

- (i) Internal ARAP Implementation Reports will be verified by a field check of the following:
  - Payment of compensation including its levels and timing
  - Adequacy of training and other developmental inputs
  - Rehabilitation of vulnerable Persons
  - Infrastructure repair, relocation or replacement
  - Enterprise relocation, compensation and its adequacy
  - Transition allowances
- (ii) Random samples of affected people will be interviewed in open-ended discussions to assess their knowledge and concerns regarding the resettlement process, their entitlements and rehabilitation measures.
- (iii) Public Consultations with affected people at the community level will be observed.
- (iv) The resettlement operation at all levels will be observed to assess its effectiveness and compliance with the ARAP.
- (v) The type of grievance issues and the functioning of grievance redress mechanisms will be checked by reviewing the processing of appeals at all levels and interviewing aggrieved affected people.
- (vi) The standards of living of the affected people before and after implementation of resettlement will be surveyed to assess whether the standards of living of the affected people have improved or been maintained.

- (vii) Project management will be advised regarding necessary improvements in the implementation of the ARAP, if any.

The **Table 6.2** below indicates Internal Monitoring Indicators that will be checked during Internal Performance Monitoring by CWWDA/ MOWASSCO.

**Table 7.2: Internal Monitoring Indicators**

Activity/Parameters	Indicators (% of achievement)/ No.
Compensation Payments to PAPs	<ul style="list-style-type: none"> <li>• PAPs successfully compensated</li> <li>• PAPs promptly paid</li> <li>• PAPs not paid promptly and reasons</li> <li>• Money paid to PAPs</li> </ul>
Additional Assistance and Livelihood Restoration	<ul style="list-style-type: none"> <li>• PAPs with restored assets</li> <li>• PAPS with restored livelihood enterprises</li> <li>• PAPs without restored assets</li> <li>• PAPS without restored livelihood enterprises</li> </ul>
Community participation and public engagement	<ul style="list-style-type: none"> <li>• Local consultative Meetings held</li> <li>• PAP consultative Meetings held</li> </ul>
Grievance management	<ul style="list-style-type: none"> <li>• Grievances received</li> <li>• Grievances resolved promptly (within the duration allowed in the Grievance Redress Mechanism)</li> <li>• Grievances not resolved in time but completed</li> <li>• Outstanding grievances not resolved</li> </ul>

CWWDA/MOWASSCO will initiate the process of external evaluation. To avoid conflict of interest, the external evaluation will be undertaken by an external Evaluation Agency. **Table 6.3** below shows External Monitoring Indicators that will be checked during External Performance Monitoring, preferably done by a community-based organization.

**Table 7.3: External Monitoring Indicators**

Parameters	Indicators (Number)
Adequacy (of Staff number/skills/knowledge levels; equipment and facilities) at RIC and PIU	<ul style="list-style-type: none"> <li>• Grievances resolved by the RIC and PIU and durations taken to resolve them</li> <li>• Grievances referred to Level 3 (Courts of Law)</li> </ul>
Legislative compliance with National and International Standards	<ul style="list-style-type: none"> <li>• Grievances referred to Level 3 (Courts of Law)</li> <li>• Complaints referred to World Bank Safeguards team</li> </ul>
Compensation payments, community engagement, reporting, grievance redress mechanisms	<ul style="list-style-type: none"> <li>• Amounts of payments made</li> <li>• Local consultative meetings held</li> <li>• PAP consultative meetings held</li> <li>• Grievances received</li> <li>• Grievances resolved promptly (within the duration allowed in the Grievance Redress Mechanism)</li> <li>• Grievances not resolved in time but completed</li> <li>• Outstanding grievances not resolved</li> </ul>

The indicators presented in **Table 6.3** above will be revised and appropriate Terms of Reference (ToR) established for the External Monitoring Consultant.

The External Monitoring Consultant will focus on restoration of affected livelihoods and corresponding tracking of Project Affected Persons through a certain period of time to be identified.

Evaluation will be done against the existing baseline information identified in the ARAP and indicators identified in **Tables 6.2** and **Table 6.3** above. CWWDA/ MOWASSCO to engage an External Monitoring Consultant who will be engaged as soon the ARAP is approved; this is because tracking will start immediately after PAPs are impacted.

Therefore, monitoring and evaluation will be undertaken regularly during implementation and at the end for the purposes of compiling the Project Completion Report. The Report will include an evaluation that ascertains whether resettlement compensation goals and objectives have been realised. Monitoring will be systematically carried out at two process levels: during the resettlement compensation payment period and after that period (post-compensation payment period).

## 8. Conclusion and Provisions

### Conclusion

The Abbreviated Resettlement Action Plan (ARAP) identified that implementation of the proposed improvement of Water Distribution Network within Mombasa North Mainland has the potential of resulting to risks associated with destruction of structures used for business belonging to private individuals. However, **loss of land will not be triggered** under this Project

The proposed pipelines alignments lie within existing road reserves and wayleaves shared by local utilities owned by the relevant Road Authorities i.e. Kenya Urban Roads Authority (KURA), Kenya Rural Roads Authority (KeRRA) or Kenya National Highways Authority (KeNHA). Therefore, no land will be acquired since the PAPs are occupying the land informally. CWWDA when implementing the water pipeline project should seek for approvals from the relevant roads authority before laying the water pipes with the road reserves.

The total number of Project Affected Persons (PAPs) enumerated along the proposed water main routes is **31 PAPs**. This number includes 24 male PAPs of which 2 are vulnerable PAPs and 7 female PAPs of which 1 is a vulnerable PAP.

The activities necessary for effective and meaningful consultations will lead to close interaction between the proponent and the community members leading to a high risk of spreading Covid – 19 amongst community members during the consultation process. The activities may take the form of one –on –one or onsite presence in the community, large gatherings and long duration of engagement sessions. To minimize the risk of spread of COVID-19 amongst community members, the following measures will be required to ensure social distancing and appropriate communication measures. The mitigation measures will be supervised by a communications/ stakeholder engagement / social safeguards experts in the project proponent's team:

- (i) Electronic means of consulting stakeholders and holding meetings shall be encouraged whenever feasible. One on one engagements for the PAPs while observing social distance and adhering to PPE wearing shall be enforced;
- (ii) Avoid concentrating of more than 15 community members at one location. Where more than one person are gathered, maintain social distancing of at least 2 meters;
- (iii) The team carrying out engagements within the communities on one-on-one basis will be provided with appropriate PPE for the number of people they intend to meet;
- (iv) Use traditional channels of communications (TV, newspaper, radio, dedicated phone-lines, public announcements and mail) when stakeholders do not have access to online channels or do not use them frequently. Ensure to provide and allow participants to provide feedback and suggestions.
- (v) Hold meetings in small groups, mainly in form of FGDs if permitted depending on restrictions in place and subject to strict observance of physical distancing and limited duration.
- (vi) In situations where online interaction is challenging, disseminate information through digital platform (where available) like Facebook and WhatsApp & Chart groups.

- (vii) Ensure online registration of participants, distribution of consultation materials and share feedback electronically with participants.

## **ARAP Provisions**

Therefore, in order to ensure smooth implementation of the Proposed Project, the below listed provision will be undertaken by CWWDA.

- (i) CWWDA will provide adequate notice to the PAPs for them to salvage and relocate their assets
- (ii) To minimise grievances. CWWDA will not only follow the full replacement cost for compensation but hold comprehensive consultation and negotiations with the PAPs.
- (iii) CWWDA will ensure all the 31 PAPs are compensated prior to laying of the water lines. The ARAP provides for phasing of compensation depending on the water lines that are ready for construction. This approach will eliminate the risk of PAPs re-encroaching on water lines after compensation.



## **LIST OF APPENDICES**

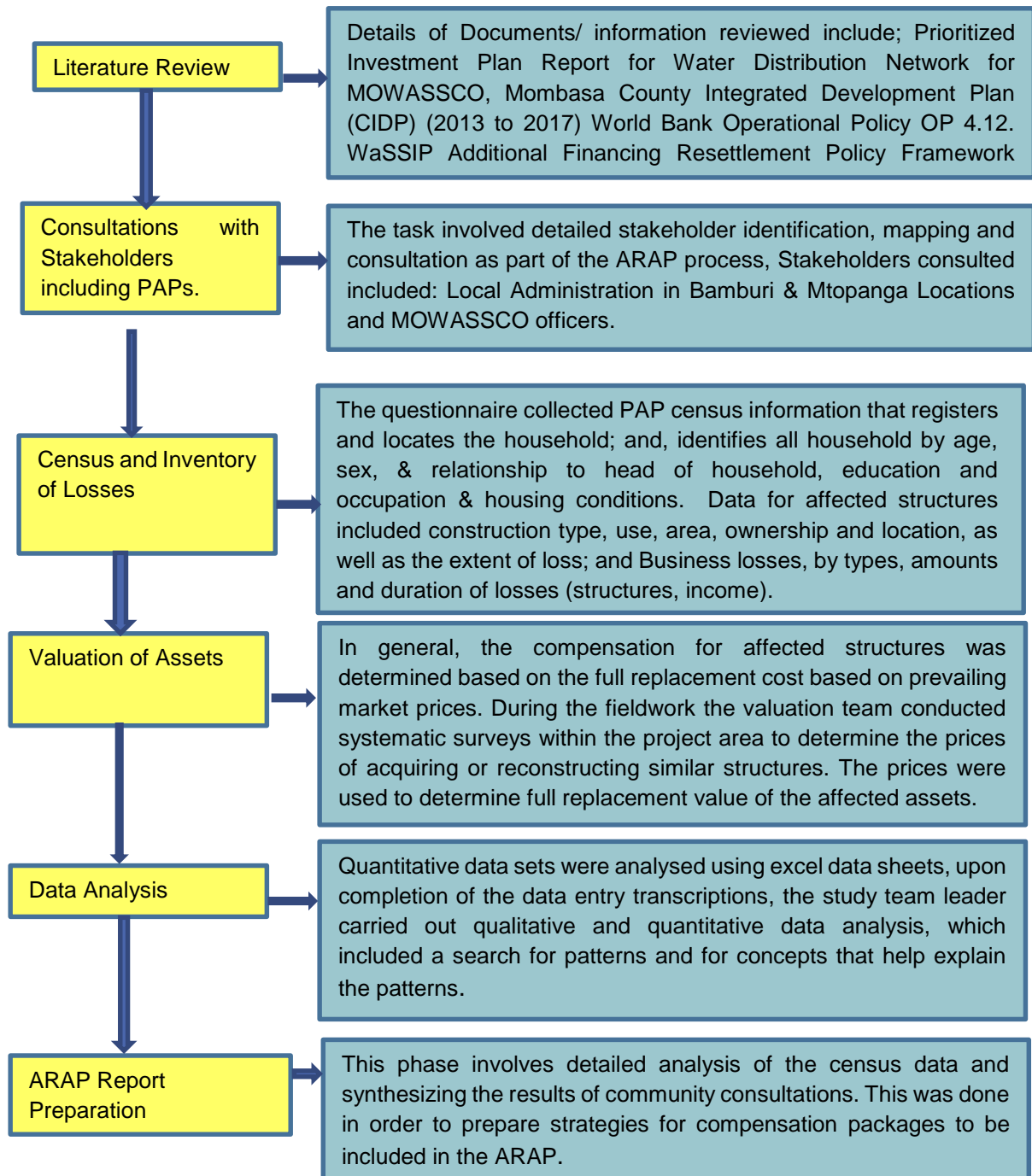
- Appendix 1 - Approach and Methodology Flow Chart & Asset Inspection Sheet
- Appendix 2 - Minutes and List of Attendance to Consultative Meetings
- Appendix 3 - Cut-Off Date Disclosure
- Appendix 4 - Grievance Register Form
- Appendix 5 - Photographs of Affected Structures
- Appendix 6 - Assets Register/ Valuation Roll

## **APPENDIX 1**

### **APPROACH AND METHODOLOGY FLOW CHART & ASSET INSPECTION SHEET**



## APPROACH AND METHODOLOGY FLOW CHART



## ASSET INSPECTION SHEET

Household No / unique Identifier .....

General details of Affected Asset or Livelihood

Village / Cluster	Location	Sub County	County
Plot Number	PAP category <sup>7</sup>	Ownership / Rented	GPS coordinates / Photo Number

### Demographic Data of PAP

Name of the owner (HH)	ID	Telephone	Gender	Age
Spouse Details	ID	Telephone	Gender	Age
Family Size				
Household size				
Education Level				
Livelihood				

### Vulnerability (Marginalized and Vulnerable Groups (VMG))

No	Vulnerable Parameter	Answer
	Is the HH headed by child under 18yrs	
	Is the HH headed by a disabled Person	
	Is the HH headed a chronic ill person	
	Is the HH headed by elderly over 65yrs	
	Is the HH enrolled to government social program that supports the aged and VMG	
	Did the HH business / loss of income collapse in the recent month	
	HH lost livestock due to disease or drought	

Yes (1) or No (2)

**Land Affected (Yes/no) .....Size (acre/square meters).....**

**Structure .....(partial / total impact) tick appropriately**

Type of Structure Affected	Nature of Material			Size in Sqft	GPS Coordinates	Photo Number
	Wall	Roof	Floor			
A1. Main house						
A2. Kitchen						
A3. Store						
A4. Fixed Business shed						
A5. Mobile business shed						
A6. Goat shed						
A7. Poultry house						
A8. Latrine						
A9. Bathroom						
A10. House 1						

<sup>7</sup> Structure owner could be PAPs or Institutions owning land, structures, livelihood or community assets

A11. Community water point						
A12. Community mosque						
A13. Others indicate						

**Codification Asset structure below**

A2 Relationship to Household Head	A3 Type of Wall	A4 Type of Roof	A5 Floor	A6 Size (meters)
1.Head 2. Spouse 3.Son/Daughter 4.Brother/Sister 5. Parent. 6. other indicate	1.Stone not plastered. 2.stone and plastered 3.Bricksand plastered 4.Bricks not plastered 5. Iron sheets. 6.Wooden 7. Mud 8.Mud +plastered 9. Other	1.Iron Sheets 2. Grass thatched. 3.Plastic paper 4.Other	1.Plain concrete 2.Tiled 3.Mud 4.Other	Length Width Radius

**LOSS OF LIVELIHOOD**

S/ NO	Type of Business	Average Daily Income Ksh.	Affected Total/ Partial	Type	Owner of the business Name (ID and address if not member of the household)

**Codification Business type**

- 1- grocery / shop   
  2- Beauty shop/ salon / barber   
  3- retail shop kiosk   
  4- cereals kiosk .....  
 5- cloth stall   
  6- food kiosk / hotel   
  7- mpesa shed   
  8 shoe vendors stand  
 9- local chemist   
  10- hardware shop   
  11- domestic bakery .....  
 12- Movie shop .....  
 13- Other (s) (please specify)

**Type of ownership:**

- 1- Head of household   
  2- Spouse   
  3- Other member of the household  
 4- Tenant   
 5- Other (please specify)

**CROPS GROWN**

TYPE OF CROP	AREA IN SQUARE FEET	Name (ID and address if not member of the household)

**See codes below**

- 1-Tea 2-Coffee 3-Maize 4 Sweet potato 5- Sugarcane 6- Beans 7- Nippier grass 8- Peas 9- Cassava 10-arrowroots 11- kales 12- Bananas 13- Irish potatoes 14-Pumkins 15-Passion fruits 16-Other (s) (please specify)

**TREES GROWN**

TYPE OF TREE	AGE OF TREES			Name (ID and address if not member of the household)
	YOUNG	MEDIUM	MATURE	

**See codes below**

Mango 2 Orange 3 Guava 4 Avocado 5 Eucalyptus 6 Cyprus 7 Bamboo 8 Pawpaw 9Pine 10 Gravelia11 Other(s) (please specify)

**Tenants**

List the Names and Telephone Numbers of Residents Tenants in the Structure

**TENANT'S / EMPLOYEE INFORMATION USING STRUCTURE OR BUSINESS**

Name of Tenant	Gender	Rent Amount (Kshs)	Telephone	ID Number

## **APPENDIX 2**

### **MINUTES AND ATTENDANCE LIST FOR CONSULTATIVE MEETINGS**





**MINUTES FOR PUBLIC CONSULTATIVE MEETING HELD AT ASSISTANT CHIEF'S OFFICE KISAUNI SUB LOCATION MOMBASA COUNTY ON 8<sup>TH</sup> NOVEMBER 2018 AT 11 AM**

**MEMBERS PRESENT**

1. Area Assistant Chief
2. Nyumba Kumi Chairperson
3. Consultant representative
4. Residents of Bamburi and Mto Panga

**AGENDA**

1. Reason for Stakeholder Consultation
2. Current Sanitation situation and Challenges
3. CWWDA interventions to address the challenges
4. Potential Project Impacts (Both Positive and Negative)
5. Cut-off Date Declaration
6. Plenary

**MIN 1/11/2018: Introduction**

The meeting kicked off at 10.00 am with the introduction of parties present, opening remarks from the area assistant chief and later an opening prayer said by a resident of Mtopanga.

The area assistant chief highlighted the numerous challenges that residents face which include; lack of sufficient water supply, poor sanitation that leads to numerous water borne diseases like typhoid, diarrhoea and cholera. He also lamented that residents especially women and children spend a lot of time trying to fetch water from fresh water points that are far and usually experience long queues. Some residents have opted to drill boreholes and dig shallow wells within their home, water quality from these sources has high salinity levels. Drilling of boreholes closely can also lead to over abstraction of underground water.

**MIN 2/11/2018: LEGAL AND POLICY PROVISIONS WITH REGARDS TO RAP**

The consultant guided PAPS present on legal and policy provision with regards to RAP. The PAPS were informed that Kenya – Land Act 2012 and World Bank OP 4.12 on Involuntary Resettlement were the main statutes which protect PAPs against impacts caused to them by development projects

**MIN 3/11/2018: IDENTIFIED RAP IMPACTS IN THE PROJECT AREA TO BE IDENTIFIED DURING THE RAP CENSUS AND APPLICABLE ENTITLEMENT**

The PAPs were informed that during census the below listed category of impacts will be recorded in the settlement.

- (i) PAP's whose structures used for business or residential purposes will be partially or total affected.
- (ii) PAP's whose business or sources of livelihood will be affected.

Further the PAPs were informed that the PAPs will be entitled to the below.

- (i) Loss of Structures will be replaced at full replacement cost, the owners will also be given three months' notice to remove the affected asset and the right to salvage materials.
- (ii) Loss of Business: Affected businesses will be given three months' cash compensation equivalent to average income or a lump sum compensation for temporary loss of business income.

- (iii) Vulnerability: Vulnerable PAPs will be given tailor made assistance to enable them to relocate easily.

PAPs were informed that the other option would be in kind compensation by the Project, he explained that this applies where a similar structure to the one affected is constructed for the PAPs under the Project. However, this option was immediately dismissed by the PAPs who indicated that the practicability of the option might not be feasible.

#### **MIN 6/11/2018: STAKEHOLDERS INCLUSIVITY IN THE PROCESS**

Stakeholders attending the meeting highlighted the importance of extensive participation right from the start of the process until completion. The County Government of Mombasa, Mombasa water and sanitation Company (MOWASSCO), National Government and residents should be consulted at each stage in order to incorporate their views and address any concerns that might arise.

#### **MIN 7/11/2018: SUPPORT TO VULNERABLE GROUPS**

The PAPs were informed that vulnerable PAPs are a distinct group of people who might suffer disproportionately or face the risk of being marginalized as a result of resettlement and specifically include: (i) female- and child-headed households, (ii) disabled household heads, (iv) Households headed by elderly persons with no means of support.

Vulnerable PAPs, will be entitled to additional financial support for the first 2 months, specialized assistance during relocation and priority in disbursement of compensation funds. In addition, the elderly PAPs not enlisted in the government social programme such as the 'Inua Jamii' cash transfer programme for aged persons will be referred to relevant entities to enlist through the existing local administration structures.

#### **MIN 8/11/2018: PLENARY DISCUSSION AND CUTOFF DATE**

The cutoff date was agreed to be 12<sup>th</sup> November 2018 which was to be the start of census activities. The below listed issues in Table 1 were discussed with the residents in attendance at the plenary session.

**Table 1: Plenary Discussion during the Meeting**

<b>Issues</b>	<b>Discussion</b>	<b>Way forward</b>
<b>Way leave issues</b>	<ul style="list-style-type: none"> <li>• Residents of Bamburi and Mto panga raised concerns about the way leave for the proposed pipeline. They wanted to know where the pipeline will be laid since their area was densely populated.</li> <li>• They also wanted to know if the water pipeline will serve them or if it has a different target area</li> </ul>	<ul style="list-style-type: none"> <li>• Residents were informed that from the preliminary designs the pipeline has been proposed to be laid on road reserves and access routes. No way is leave acquisition being anticipated for the entire line.</li> <li>• They were further informed that the line being proposed is for distribution of water within the project area and the lines are relatively small therefore they will fit in the existing access routes and road reserves.</li> </ul>
<b>Compensation of PAPs</b>	<ul style="list-style-type: none"> <li>• Resident agreed that some kind of facilitation should be offered by the Government for affected property</li> <li>• Residents suggested certified valuer be contracted to do the valuation of their properties.</li> </ul>	<ul style="list-style-type: none"> <li>• The RAP report will identify all eligible PAPs who will be enumerated, and their assets valued and documented for purposes of compensation.</li> <li>• A cutoff date has been set as 12<sup>th</sup> November 2018 so that only legitimate PAPs can be enumerated</li> </ul>
<b>Employment opportunities</b>	<p>Residents wanted to know if they will get any employment opportunities during project implementation phase.</p>	<ul style="list-style-type: none"> <li>• They were informed that during implementation, the contractor will prioritize hiring of youth from the local community</li> <li>• Also, during the RAP Process some youth and village elders will be engaged to help conduct the census.</li> </ul>

There being no business the forum adjourned at 12:00 noon with a word of prayer from a residence in attendance.

**PHOTOS OF PUBLIC CONSULTATION SESSIONS**



Chairperson Nyumba Kumi addressing residents



Environmentalism addressing residents



A resident asking questions



A resident asking questions



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WATER AND SANITATION SERVICE IMPROVEMENT PROJECT – ADDITIONAL FINANCING (WASSIP-AF)  
Preparation of Water Distribution Master Plans for Water Service Providers (5 WSPs) in Mombasa, Kilifi, Taita Taveta and Kwale Counties  
Contract No. CWSB/WaSSIP-AF/C/27/2012

Stakeholder consultation list –ESIA/RAP

DATE: 31/10/18

No.	Name	Organization/Designation	Phone No	Signature
1.	Mauk Mwanabota	Ag GM Engineering: Mombasa 31/10/18	0726513052	
2.	Naima T. Yusuf	Ag GM Buss Communit	0707 200 400	
3.	Maldrine Mshai	Ag -BUM - Kisauni	0722 172433	
4.	HAMISI S. KENI	INTERIOR CHIEF	0722537051	
5.	RONALD U. RANTU	BUM - Likoni	0721-286430	
6.	DICKAS M. KIRANGU	TECH-OFFICER	0791 016 957	
7.	SAID J. KANDY	CHIEF LIKONI INTERIOR-NGA	0723 995908	
8.	EVA OUMOU	BUM - ISLAND	0721 642888	
9.	MOHAMMED JADIL	CHIEF GARDENST	0726542256	
10.	OMAR KOMBOMUSIKAN	TUBER DAY	0722126216	

NELSON KEMOLI ARTISAN 0724145330



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**WATER AND SANITATION SERVICE IMPROVEMENT PROJECT – ADDITIONAL FINANCING (WASSIP-AF)**  
Preparation of Water Distribution Master Plans for Water Service Providers (5 WSPs) in Mombasa, Kilifi, Taita Taveta and Kwale Counties  
Contract No. CWSB/WaSSIP-AF/C/27/2012

**Stakeholder consultation list – ESIA/RAP**

DATE: 15<sup>th</sup> November 2018

No.	Name	Organization/Designation	Phone No	Signature
1.	JIKI NDAURUKI	TECHNICAL OFFICER	0725455096	
2.	BEN M. VALASA	CHIEF-CHAMA	0724694087	
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				





## **APPENDIX 3**

### **CUT-OFF DATE DISCLOSURE**

## REPUBLIC OF KENYA



### Coast Water Works Development Agency

**Preparation of Detailed Designs, Preliminary ESIA/RAP and Tender Documents for Water Distribution Works for Mombasa and 3WSPs**

**ABBREVIATED RESETTLEMENT ACTION REPORT (ARAP) FOR IMPROVEMENT OF WATER DISTRIBUTION NETWORK WITHIN (MOWASSCO)**

## DISCLOSURE OF CUT-OFF DATE

**This is to notify all interested persons in the above referenced Project that the cut-off date for enumeration of assets and sources of livelihood for proposed Improvement of Water Distribution Network within (MOWASSCO) was established to as summarized in table below.**

### Cut-off date

Region	Cut- off Date
North Mainland	13 <sup>th</sup> November 2018

**Therefore, any asset or livelihood source established after this date will be ineligible for compensation.**

**CHIEF EXECUTIVE OFFICER**  
**COAST WATER WORKS DEVELOPMENT AGENCY**



## **APPENDIX 4**

### **GRIEVANCE REGISTER FORM**



**GRIEVANCE REGISTER FORM**

<b>Grievance Register Form</b>				
Grievance Number				Copies to forward to:
Name of the Recorder				(Original)-Receiver Party
Sub-County				(Copy)-Responsible Party
Date				
<b>INFORMATION ABOUT GRIEVANCE</b>				
Define The Grievance:				
<b>INFORMATION ABOUT THE COMPLAINANT</b>				<b>Forms of Receive</b>
Name-Surname				<input type="checkbox"/> Phone Line <input type="checkbox"/> Community/ Information Meetings <input type="checkbox"/> Mail <input type="checkbox"/> Informal <input type="checkbox"/> Other
Telephone Number				
Address				
Village				
Sub-County				
Signature of Complainant				
<b>DETAILS OF GRIEVANCE</b>				
<b>1. Access to Land and Resources</b>  a) Fishing grounds b) Lands c) Pasturelands d) House e) Commercial site f) Other	<b>2. Damage to</b>  a) House b) Land c) Livestock d) Means of livelihood e) Other	<b>3. Damage to Infrastructure or Community Assets</b>  a) Road/Railway b) Bridge/ Passageways c) Power/Telephone Lines d) Water sources, canals and water infrastructure for irrigation and animals e) Drinking water f) Sewerage System g) Other	<b>4. Decrease or Loss of Livelihood</b>  a) Agriculture b) Animal husbandry c) Beekeeping d) Small scale trade e) Other	<b>5. Traffic Accident</b>  a) Injury b) Damage to property c) Damage to livestock d) Other
<b>6. Incidents Regarding Expropriation and Compensation (Specify)</b>	<b>7. Resettlement Process (Specify)</b>	<b>8. Employment and Recruitment (Specify)</b>	<b>9. Construction Camp and Community Relations</b> a) Nuisance from dust b) Nuisance from noise c) Vibrations due to explosions d) Misconduct of the project personal/worker e) Complaint follow up f) Other	<b>10. Other (Specify)</b>

GRIEVANCE RESOLUTION	<i>Comment</i>
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## **APPENDIX 5**

### **SELECTED PHOTOGRAPHS OF AFFECTED STRUCTURES**







## **APPENDIX 6**

### **ASSETS REGISTER / VALUATION ROLL**