



REPUBLIC OF KENYA
COAST WATER
SERVICES BOARD
(CWSB)



**FIELD SURVEYS AND PREPARATION OF RESETTLEMENT ACTION
PLAN REPORT FOR THE REHABILITATION /EXTENSION OF
MOMBASA WATER SUPPLY WORKS – LOT 2**

FINAL FIELD SURVEYS AND RAP REPORT

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EXECUTIVE SUMMARY

Introduction

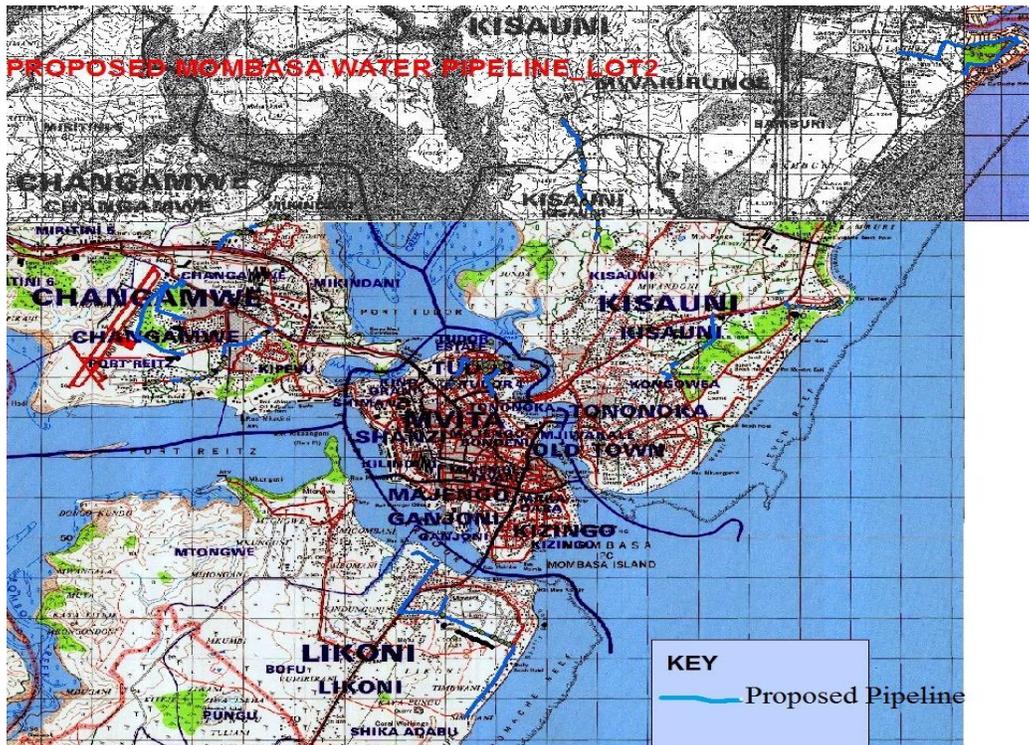
Coast Water Services Board (CWSB) is a parastatal established through a Gazette Notice No. 1328 of 27th February 2004. It is charged with the responsibility of effective and efficient provision of water and sanitation services within the Coast region. It manages its subsidiary Bulk Water Unit which supplies water to several water companies within the coastal region.

CWSB has engaged WAPCOS Limited, India, East Africa Engineering Consultants and Tertiary Consulting Engineers Limited (Joint Venture) as Consultants for the preparation of tender documents for the rehabilitation/extension of Mombasa water supply works ó Lot 2. In particular, Tertiary Consulting Engineering Limited was commissioned to develop a Resettlement Action Plan (RAP) for the proposed Rehabilitation/Extension of Mombasa Water Supply Works ó Lot 2.

This RAP is developed as a mitigation measure for the anticipated adverse impacts to Project Affected Persons (PAPs) who have properties along the pipeline.

Project Location

The Study Area lies wholly within the Boundary of Mombasa City and it covers all service area of the existing water supply distribution network.



Map of the proposed rehabilitation/extension of Mombasa Water Supply Works LOT 2.

The Mombasa Water and Sanitation Service Improvement Project (WaSSIP) for Rehabilitation and Extension of Mombasa Water Supply Works Lot 2 is a project with objectives of replacing and expanding part of the 85.45 km of Trunk Water Distribution Mains

of diameters 160mm to 1,200mm on Mombasa Island, Mombasa North Mainland, West Mainland and South Mainland.

There are four distinct areas covered by Mombasa City that are geographically separated by the creeks that surround the Island. These are:

- Mombasa Island ó Mvita Sub-County
- North Mainland ó Kisauni Sub-County
- West Mainland ó Changamwe Sub-County
- South Mainland ó Likoni Sub-County

Objectives of the Study

The objectives of the Resettlement Action Plan (RAP) are;

- Identification of PAPs and properties that will be affected by the proposed project
- Identification of impacts expected from the resettlement of PAPs;
- Recommendation of possible mitigation measures;
- Establishment of mechanisms to monitor the implementation; and efficacy of proposed mitigation measures.

The eligibility criteria for the PAPs were established as follows;

- a) Those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);
- b) Those who do not have formal legal rights to land at the time of commencing of the census but have a claim to such land or assets provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan;
- c) Those who have no recognizable legal right or claim to the land they are occupying.

It was noted that most of the PAPs along the proposed lines who will be affected by the proposed rehabilitation/extension of Mombasa water supply works ó Lot 2 project are mainly encroachers, they fall under category c. This notwithstanding, the aim of the RAP is to ensure that the PAPs are left no worse off than they were at the commencement of the project.

Methodology

Baseline project data collection was done through a combination of methodologies as part of the Social Impact Assessment for the Proposed Rehabilitation/Extension of Mombasa Water Supply Works - Lot 2.

Primary data was collected through the following methods:-

- É Census and Household Survey of those along the Rehabilitation/Extension pipeline construction corridor

- Formal and informal Interviews and discussions with key community informants including the local people, Assistant chiefs and Chiefs. Public meetings and consultations in the four key areas of the project area were also held.
- É Interviews with representatives of key government agencies and regulatory bodies;
- É Site transects walks and observations along the proposed pipelines.

Secondary data was sourced from published and un-published data as provided by respondents and from the World Wide Web (internet).

Project Description

The proposed project involves extension of pipe works and rehabilitation of vulnerable pipe works which experience low pressures and leakages. The rehabilitation will be for the vulnerable sections while the extension will comprise new sections.

Legal and Institutional framework

This RAP has been prepared in accordance to Kenya laws, regulations and international guidelines on involuntary resettlement of the World Bank among others.

The relevant national and local laws, regulations and guidelines applicable are as follows:

- The Constitution of Kenya Section 2010;
- Land Act 2012.
- Land Registration Act 2012.
- Physical planning Act Cap 286.

Socio-economic condition of PAPS

The people in the project area are predominantly cosmopolitan. Based on religion, they are either Muslims or Christians. Administratively, the project areas are in Shanzu, Mishomoroni ó Nguu Tatu, Nyali, Likoni, Mikindani, Chagamwe and Port Reitz. Economically, most PAPS are low income earners. Most PAPS living along the proposed lines are predominantly small business owners, accounting for over 70% of PAPS. Therefore, the PAPS largely depend on the income they generate from their small businesses situated along the way leave. Other economic activities include small scale subsistence agriculture, casual and formal employment.

Public consultations

Public consultation was undertaken to disseminate information to interested and affected parties (stakeholders), solicit their views and consult on issues of concern. The output is incorporated in the development of mitigation measures, and the Resettlement Action Plan.

The specific objectives of the consultation process were:

- To provide an opportunity to the local people to participate in planning and implementation process of the project.
- Improve Project design and thereby, minimize conflicts and delays in implementation;
- Facilitate the development of appropriate and acceptable entitlement portions;
- Increase long term Project sustainability and ownership;
- Reduce problems of institutional coordination;
- Increase the effectiveness and sustainability of income restoration strategies, and improve coping mechanisms;

The stakeholders identified are presented in the following table.

Table 1 Stakeholders involved in the Project

Stakeholder groups	Stakeholders identified	Consultation platform
Project proponent	<ul style="list-style-type: none"> • Coast Water Services Board Staff in Mombasa 	<ul style="list-style-type: none"> • Group discussions; • One on one interviews with specific departmental heads
Project affected persons	<ul style="list-style-type: none"> • Residents of settlements within the projects immediate zone of influence 	<ul style="list-style-type: none"> • Public meetings/barazas to inform the people on resettlement action plan process and the enumeration exercise • Door to door consultations using the survey form as part of the social survey. See Appendix 2 for a copy of the census survey form.
	<ul style="list-style-type: none"> • Key informants among the project affected persons. This included: • Villageelders • Chiefs and Assistant chiefs; • Women in the community; • Teachers in schools within the project area. 	<ul style="list-style-type: none"> • Meetings; • One on one interviews

Site visits for the RAP study were conducted from the 1st September to 15th September 2014 and included a census and household survey of PAPs, asset valuation, public meetings, interviews with Key informants and site surveys.

Outlined in Table 1-2 are some of the comments from various stakeholders with regard to the proposed project;

Table 2 Summaries of Comments from Stakeholders

Aspect	Summary of Comments
Support for the Project:	<ul style="list-style-type: none"> • The project will bring development to the region in line with the vision 2030; É Agree with the project as it is benefiting the entire Mombasa County; É The community will benefit from increased access to clean and safe water; É If compensation will be undertaken in a transparent manner, the livelihood of the affected persons shall improve; • Commend the government for giving the community a platform to air their views and to be involved in the project implementation process.
Social Responsibility:	<ul style="list-style-type: none"> • Consider employing some community members during and after construction stage; É Provide designated points, say, after every one hundred meters where the community can draw water at subsidized rates; É Provide water points for water sales by the affected parties.
Conflict Management:	<ul style="list-style-type: none"> • Ensure unity during project implementation; É The larger proportion of workforce should come from the local community save for technical team including engineers. This will enhance good relationship between the community and the proponent. It will also ensure help curb any likely conflict that may arise in terms of employment opportunities É The area chiefs should involve the village elders, youth groups in recruitment of the youths to be employed as casuals during the construction stage; É There should be no use of force.
Perceptions and issues raised on the proposed project	<ul style="list-style-type: none"> • The community should be adequately informed and involved during the project implementation phase.
Compensation	<ul style="list-style-type: none"> É Compensation should be handled carefully and in a transparent manner; É Prior to project commencement, public awareness information packages should include clear information on the compensation that will be given in accordance with Kenyan laws. This can be done through administrative officers to prevent blockage of rehabilitation and extension by these stakeholders; • The local administration especially the chief and the village elders should be actively involved in the compensation process and negotiations É For those who will need to be resettled, they should not lose current benefits after resettlement; É There will be no problem so long as compensation is done in a transparent manner

Assessment of Impacts

For the implementation of this project, a construction way-leave of 3-5m is required. However no relocation to a different site is anticipated since PAPs will only be required to move about 3m back away from the proposed pipeline. Due to this, impacts associated with relocation are minimal. Consequently, the social fabric of the community will not be affected at all since the PAPs will remain intact. However, some of the impacts discussed in this report include loss of assets, and other economic activities among others. The assets loss will be compensated at market rates in addition to the 15% disturbance allowance.

Since Coast Water Services Board has the easement right to the proposed construction way-leave, a fact that was acknowledged by the residents during the wider consultative meetings, the PAPs have encroached onto this land and will therefore only be compensated for the property including structures as per the World Bank policy on involuntary resettlement. Land compensation is not anticipated under this process.

Cost of Compensation

The expected cost for compensation is presented in Table below;-

Table 3 The expected cost of compensation

Section	Lines	Total Length (Km)	No. of Properties	Estimated Compensation (Kshs.)
Mombasa Island	ISW 04	0.244	16	3,926,300.00
	ISW 05	2.158		
	ISW 06	Approx 0.600		
North Mainland	NMW 05	1.982	57	5,774,940.00
	NMW 16	2.700		
	NMW 17	1.492		
	NMW 20	1.226		
	NMW 27	3.193		
West Mainland	WMW 06	1.738	184	30,191,714.00
	WMW 07	2.427		
	WMW 09	1.979		
	WMW 15	3.189		
South Mainland	SMW 05	1.951	51	75,843,000.00
	SMW 06	1.232		
	<u>SMW 08</u>	<u>3.708</u>		
Total	15 Lines	29.82	308	115,735,954.00

RAP Implementation

The following tools as presented in the table were recommended for implementation of the RAP

Tools for implementation

Table 4 Tools for implementation

Tool	Aspect	Action Recommended
Public Consultations	Continuous public consultation	Through the CWSB Community Liaison Officer: Conduct of public meetings, sample social surveys and focus group discussions during implementation of the RAP.
RAP Implementation team	Participatory approach to implementation	Composition of the team to include community representatives including members of vulnerable groups among the PAPs
Grievance Mechanism	Performance and response after complaints have been submitted	Targeted recruitment of members and setting of deadlines for responses to complaints.
Institutional Arrangements	Use of existing institutions as per the Water Act 2002 and County Government Act 2012.	Active participation of these institutions to ensure quality delivery of service
Monitoring and evaluation	Benchmarks for Monitoring and evaluation	Through monitoring of resettlement exercise and impacts and conduct of a preliminary and completion audit.

Provision of water to the Coastal region should be aimed at improving the livelihood of the people living in the project area and not impoverish them, hence the need for proper planning and participatory implementation of the Resettlement Action Plan.

1.0 INTRODUCTION

1.1 Background

Coast Water Services Board (CWSB) is a parastatal established through a Gazette Notice No. 1328 of 27th February 2004. It is charged with the responsibility for the effective and efficient provision of water and sanitation services within the Coast region. CWSB manages Bulk water supply through its Bulk Water Unit, supplying water to services provider companies within the coast region.

Rehabilitation/Extension of Mombasa Water Supply Works ó Lot 2 is part of the investment programs in view of attaining the strategic goal of sustainable, efficient and economic water and sewerage services for the people of the Coast Region with special focus on Mombasa City.

Part of this pipeline has been in existence and has deteriorated over a period of time necessitating the need for rehabilitation and reconstruction to improve the supply of water within the entire Mombasa County.

CWSB has engaged WAPCOS Limited, East Africa Engineering Consultants and Tertiary Consulting Engineers Limited (Joint Venture) as Consultants to prepare a Resettlement Action Plan (RAP) for the proposed Rehabilitation / Extension of Mombasa Water Supply Works - Lot 2

This Resettlement Action Plan is developed as a mitigation measure to the anticipated adverse impacts to the Project Affected Persons (PAPs), living along the proposed new and existing pipeline, which mainly include displacement of people, destruction of property and crops/trees and loss of business.

The actual pipeline way-leave of which CWSB has an easement right is about 3-5metres, to pose as minimum interference as possible in the area. The minority of Bokole residents adjacent to the airport were concerned about acquisition of an area exceeding 5 meters based on the experience they had during the acquisition of the airport land, which impacted them negatively causing loss of their beloved ones burial site to the Kenya Airports Authority. There is need therefore during the implementation process to address their concerns. However, the majority of the PAPs were motivated by the project due to the expected reduction in the cost of living, improved sanitation, access to portable water and the expected compensation it will give them.

1.2 Project Location

The Study Area lies wholly within the boundary of Mombasa City and it covers all service area of the existing water supply distribution network. Refer to table 3 for a summary of the proposed lines, their locations and lengths.

There are four areas covered by the distribution network which are also geographically separated by the creeks that surround the Island. These are:

- Mombasa Island ó Mvita Sub-County.
- North Mainland ó Kisauni Sub-County.
- West Mainland ó Changamwe Sub-County.
- South Mainland ó Likoni Sub-County.

Maps of the pipeline are provided in Appendix 4.

1.3 Objectives of the Resettlement Action Plan Study

During the implementation of the project, the livelihood of the Project Affected Persons (PAPs) will be interrupted hence the need for restoration through compensation as provided for in the RAP objectives. The specific objectives of the Resettlement Action Plan (RAP) therefore are:

- Identification of land and properties affected by the proposed project.
- Identification of impacts expected from the resettlement of PAPs;
- Recommendation of plausible mitigation measures;
- Establishment of mechanisms to monitor the implementation; and efficacy of proposed mitigation measures.

1.4 Study Methodology

1.4.1 Background

Baseline project area data was collected throughout the three stages of the Environmental and Social Impact Assessment Study. Baseline data specific to the PAPs were collected through a combination of methodologies as indicated below.

Census and Social Survey of all the people within the proposed 3-5metre construction way-leave within the four locations of on Mombasa Island, Mombasa North Mainland, West Mainland and South Mainland.

- Formal and informal Interviews and discussions with key community informants including village elders, village women. teachers and youths;
- Public meetings in the four project areas.
- Interviews with representatives of key government agencies and regulatory bodies;
- Sites transect walks and observations by the sociologist and RAP experts.

1.4.2 Identification of Project Affected Persons

The PAPs were identified as all those people that resided and/or were conducting economic activities in terms of agriculture and businesses within the 3-5m construction corridor over a distance of approximated 30km, in locations where rehabilitation and extension of the pipeline is to be undertaken. These were determined after the surveyor had done the demarcation of the way-leave and put beacons to show the extent of the way-leave in terms of the width.

1.4.3 Primary Sources of Data

Primary sources of data consisted of:

- Public meetings;
- Household census and survey;
- Focus Group Discussion (FGD);
- Interviews with select stakeholders.

1.4.4 Meetings and Public Barazas

Meetings and public barazas were convened in all the project areas. The public was informed about these meeting through the respective area local Chiefs. The finding of these meeting is as shown in the Social Economic Profile of the project affected persons under item **4.0** this report.

1.4.5 Census and Household Survey

The census and social survey was conducted by several enumerators drawn from the respective location where the survey was being done. The team was briefly trained on objective of the project and data were collected through the provided questionnaire. The enumerators were accompanied by respective village elders to avoid any suspicion from the community.

I. Objectives of the census and social survey

The objectives of the census and social survey were as follows:

- To record data on the Project Affected Persons (PAPs) and their assets as a basis for compensation;
- To identify the PAPs in terms of the different entitlements in relation to land owners, assets, non-entitled persons etc;
- To minimize impact of later influx of people who are not entitled to any form of compensation;
- To prepare a socio-economic profile of PAPs;
- To collect baseline data for development of the Resettlement Action Plan (RAP);
- To assess incomes, identify productive activities, and collect data to plan for income restoration;
- To identify possible vulnerable groups.

II. Census and Household survey program

Enumeration exercise was conducted in respective locations after consultations and consent of the PAPs during public meetings.

Tools used for census and social survey

III. The tools that were used to collect information during the census and social survey included:

- É Household questionnaires;
- É Interview guide with key informants within the community;

É Interview guides with the local administration especially village elders

A household questionnaire was used to collect baseline socio-economic elements of the PAPs. The main elements of the questionnaire covered the following:

- Respondent identification;
- Household head identification in the event that the respondent is not the household head;
- Length of time respondents have lived in the project area and reasons for migration where applicable;
- Occupation;
- Tenancy where applicable;
- Household compositions and education levels;
- Household incomes;
- Household expenses;
- Basic health data including nutrition, disease incidence, substance use and health facilities frequented;
- Household water and sanitation facilities;
- Energy use;
- Socio-cultural elements and sharing of household and community residences;
- Incidences and causes of food shortages;

1.4.6 Asset Inventory and Valuation

An asset inventory and valuation exercise was conducted from 1st to 15th September 2014 to establish the properties of the Project Affected Persons (PAPs) that would be affected by the proposed project implementation process. The surveyor and Valuer were guided by village elders or guides appointed by local chiefs.

The identified properties along the construction corridor valued using the full replacement cost method, thus establishing an estimated cost for the Resettlement/compensation Exercise.

1.4.7 Secondary Sources of Data

Secondary data was sourced from published and un-published data as provided by respondents and from the World Wide Web (internet).

1.5 Eligibility Criteria for Compensation

PAPs eligible for resettlement and compensation were determined as per World Bank Policy on Involuntary Resettlement (O.P. 4.12). The policy provides guidelines which categorizes PAPs that are eligible for compensation as follows:

- (a) Those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);

(b) Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan;

(c) Those who have no recognizable legal right or claim to the land they are occupying.

Persons covered under (a) and (b) are compensated for the land they lose, and other assistance.

Persons covered under (c) are provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, if they occupy the project area prior to a cut-off date established at the beginning of the study.

Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in (a), (b), or (c) are provided compensation for loss of assets other than land.

This therefore implies that the PAPs along these pipelines are covered under category (c), as per the World Bank policy.

1.6 Cutoff Date for Eligibility for Compensation

The Cut-off date for compensation was set at the consultative meetings and in consultation with the local administration as the first day of enumeration. The physical Cutoff date varied with regard to when the consultative meeting was held. This date has been indicated in the minutes taken for every location. The following is a summary of the same;

- Mikindani: 4th of September, 2014.
- Tudor: 5th of September, 2014.
- Changamwe: 9th September, 2014.
- Kongowea: 12th September, 2014.
- Likoni: 12th September 2014.

1.7 Limitations

As much as the pipeline traverses several sub-counties as mentioned in section above, this RAP focused only on seven administrative locations within which rehabilitation and extension will be undertaken. These are Tudor, Likoni, Mikindani, Changamwe/PortReiz, Kongowea, Shanzu and Mishomoroni.

1.7.1 Challenges and Mitigation Measures

The census was conducted on residents who were available during the census exercise carried out from 1st to 15th September 2014; hence the number of people to be compensated was based on the outcome of the census. However, any household that might have been left out was captured during the Asset Inventory and valuation process with the help of village elders. There

was also a follow up exercise during valuation whereby any household that may have been missed out was enumerated.

Despite distribution of information on the proposed project and the development of a RAP, some respondents were reluctant to answer the questions as they viewed it as a mere gimmick exercise by the Government since from past experience during implementation of government projects, the people were promised to be compensated and it never came to pass. This was therefore perceived as a futile exercise. However the consultants through the help of the village elders assured the PAPs that they will be compensated as per the World Bank policy.

2.0 PROJECT DESCRIPTION

2.1 Introduction.

Rehabilitation/Extension of Mombasa Water Supply Works ó Lot 2 is a Mombasa Water and Sanitation Service Improvement Project (WaSSIP) aimed at expanding the fresh water supply system to the whole of Mombasa County.

The System covers the following regions;-

- Mombasa Island: Covering the Tudor areas.
- North Coast; Covering Shanzu, Nyali, Maweni, Junda, Mishomoroni and Nguu Tatu areas
- South Coast; Covering Likoni, Majengo Mapya, Shelli Beach Service Road areas.
- West Mainland; Covering Mikindani, Chaani, Changamwe, Magongo Mwisho, Moi International Airport Areas, PortReiz areas

The main works will comprise extension of the pipe works and rehabilitation of the old pipe works.

This Resettlement Action Plan is a mitigation measure for the social economic impacts associated with involuntary resettlement as a result of the rehabilitation and extension of Mombasa Water Supply Works ó Lot 2.

2.2 Project Description

2.2.1 Replacement of Vulnerable Sections

The vulnerable sections are spread along the designed lines of the pipeline, though not specified as extension or rehabilitation. Both works comprise the complete length of the Lot 2 acquisition works.

These extension works and rehabilitation of the vulnerable sections scheduled for acquisition and reconstruction will interrupt several households especially those who might have structures along the way-leaves and dependents of the little water available from the piping works.

2.3 Project Components Necessitating Compensation

During rehabilitation of the pipeline, a construction way-leave of 3 -5metres shall be required. The construction way-leave is allocated in the interest of public safety during construction phase.

Since the people around the proposed pipeline have encroached on the road reserves and are utilizing the land within this area for their livelihoods in terms of businesses (building structures both permanent and temporary), cultivation of crops and planting of trees, and dwellings, such assets shall be demolished to pave way for construction. It will therefore be necessary for these people to be compensated so that their livelihood is not adversely impacted upon.

2.3.1 Measures for Minimizing Resettlement

The spirit of a resettlement action plan (RAP) is to minimize disturbance and interference of peoples livelihood as much as possible. Resettlement is one measure that can easily affect ones normal way of living. Therefore appropriate measures shall be put in place to ensure that resettlement is minimized as much as possible. Further, all proposed works shall as much as possible be confined within the available way-leave. Only the affected parties found along this section shall qualify for resettlement.

3.0 LEGAL AND INSTITUTIONAL FRAMEWORK

3.1 Legal Framework

The establishment of infrastructure such as the proposed rehabilitation of the water pipeline is accompanied by displacement and or disruption of people's livelihoods hence the need to resettle or restore the livelihoods of such people. This RAP has been prepared in accordance to Kenya laws, regulations and international guidelines on involuntary resettlement of the World Bank.

The relevant national and local laws, regulations and guidelines applicable are as follows:

- The Constitution of Kenya Section 2010;
- Land Act 2012.
- Land Registration Act 2012.
- Physical Planning Act Cap 286.
- Public Health Act Cap 242.

3.1.1 The Constitution of Kenya 2010

The Kenya Constitution (2010) in Article (40) on right to property provides that every person has the right, either individually or in association with others to acquire and own property of any description in any part of Kenya. However, Article 40(3) provides that the State may deprive a person of property of any description if the deprivation is for a public purpose or in the public interest, and that there is prompt payment in full of just compensation to the person. Article 40(4) provides for compensation to be paid to occupants in good faith of land acquired under clause (3) who may not hold title to the land. These provisions of Article (40) have been legislated for in the Land Act No.6 of 2012.

Expropriation of Land in Kenya

The Kenyan Law allows for expropriation of private property on condition that:

- The development and utilization of the property will promote public benefit among other things;
- The necessity for expropriation is great enough to justify any hardship caused to any persons;
- Prompt payment of full compensation is made.

3.1.2 Land Act 2012

The Land Act(2012) repealed both the Land Acquisition Act and the Way leaves Act that relate to deprivation of property for a public purpose or in the public interest, and provided for the same under Part VIII on compulsory acquisition of interest in land and Part X on easements and analogous rights, respectively.

The Land Act vests the procedures for compulsory acquisition of land in the National Land Commission on behalf of an entity requiring land for a public purpose or public interest, and provides under Section 111(1) that if land is acquired compulsorily, "just compensation shall be paid promptly in full to all persons whose interests in the land have been determined".

Section 144(1) of the Act provides for the creation of a way leave on application to the Commission whether by a State department, county government, public authority or corporate body. The entity applying for way leave shall serve notice to all persons occupying or have interest in the land and the county government in whose area of jurisdiction land over which the proposed way leave to be created is located.

Sections 146-147 provide for the procedure to be followed by the Commission in the creation of the way leave that involves consultations with the respective county government and the occupants of the land. The agreed way leave should be delineated, published in the Gazette by the Cabinet Secretary for Lands, notified to the county government, and publicized in any manner to bring it to attention of people occupying or using the land along the route of the way leave.

Section 148(1) provides for compensation for a way leave in case of private land to any person in lawful or actual occupation as assessed by a qualified Valuer in respect of the use of the land, the damage suffered in respect of trees, crops, buildings on the route of the way leave, and the damage suffered during any preliminary work undertaken in connection with surveying or determining the route of that way leave.

Section 148(5) provides for recourse to Land and Environment Court for a person entitled to compensation for way leave who is dissatisfied with the amount, mode of payment and time taken to make payment. The Court in determining the amount and method of payment may make additional costs and inconvenience incurred by the person entitled to compensation.

3.1.3 Land Registration Act 2012.

The Land Registration Act (2012) provides for registration of overriding interests in the register for each parcel of land. The overriding interests under Section 28 include among other things rights of way, rights of water, or electric power lines, telephone and telegraph lines or poles, pipelines etc. erected, constructed or laid in pursuance or by virtue any power conferred by any written law. It is a requirement that any way leave or ROW acquired be gazetted and submitted to the Land Registrar for entry into the particulars of each parcel of land affected.

3.1.4 Physical Planning Act Cap 286.

It is an Act of parliament that provides for the preparation and implementation of physical development plans and connected purposes. According to the Act, every local physical development shall have for its general purpose orderly, coordinated, harmonious and progressive development of the area to which it relates in order to promote health, safety, order, amenity, convenience and general welfare of all its inhabitants, as well as efficiency and economy in the process of development and improvement of communication.

This Act is applicable in the following sectors; industrial development, housing, transportation, health services, education, water supply, sewerage and electricity supply. Generally the Act works to eliminate any possible conflicts.

3.1.5 Public Health Act Cap 242.

The Act addresses matters of sanitation, hygiene, pollution and general environmental health and safety. While the Government of Kenya recognizes the importance of water, it also provides for the prevention of water pollution by any development activity including resettlement where necessary by stakeholders. Part XI section 129 & 130 of the Act gives several rules for protection of water supplies.

3.2 The influence of Legislation on involuntary resettlement

The above legislations provide for involuntary acquisition or purchase of private land for a public purpose or interest. They also provide for prompt and full compensation for loss of land and other assets to all persons determined to have interest in the land, including occupants in good faith of land acquired who may not hold title to the land. To this extent the legislation embodies the spirit of the World Bank and other agencies regarding compulsory acquisition of land for public purpose or interest. What the laws do not provide for is resettlement of people displaced as a result of such compulsory acquisition, including restoration of livelihoods. In this context the interpretation of full compensation may vary from one acquiring entity to another, with others considering the issue of livelihood restoration as an aspect of corporate social responsibility, rather a resettlement need. However, where the project is funded externally, there is the tendency to conform to the guidelines on involuntary resettlement required by the lender mostly influenced by World Bank guidelines.

3.3 World Bank Operational Policies

3.3.1 Operational Policy 4.12 on Involuntary Resettlement

The World Bank (WB) OP 4.12 includes safeguards to address and mitigate impoverishment risks arising from involuntary resettlement. For the purposes of this policy, "involuntary" means actions that may be taken without the displaced person's informed consent or power of choice.

The Bank's experience indicates that involuntary resettlement under development projects, if unmitigated, often gives rise negative socio-cultural and economic impacts on the project affected people. For this reason, the overall objectives on WB's policy on involuntary resettlement are:

- Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs;
- Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits.

Displaced persons should be meaningfully consulted and should have support unities to participate in planning and implementing resettlement programs;

- Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

End note 5 of O.P 4.12 states:

"Where there are adverse indirect social or economic impacts, its good practice for the borrower to undertake a social assessment and implement measures to minimize and mitigate adverse economic and social impacts, particularly upon poor and vulnerable groups. Other environmental, social, and economic impacts that do not result from land taking may be identified and addressed through environmental assessments and other project reports and instruments."

During the ESIA study, the policy recommends the following:

- Displaced persons should be meaningfully consulted and should have support unities to participate in planning and implementing resettlement programs;
- Borrower needs to inform potentially displaced persons at an early stage about the resettlement aspects of the project and take their views into account in project design;
- Displaced persons and their communities, and any host communities receiving them, should be provided with timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning, implementing, and monitoring resettlement.

According to this policy, an Abbreviated Resettlement Plan (ARP) applies to projects whereby:

The number of people to be displaced with a loss of assets or restriction of access to assets is "small "(less than 200 persons). However, if the number is more than 200 and the individual land take is less than 10% of the total holding and there is no relocation to a new site is anticipated, the project requires an Abbreviated Resettlement Plan.

In this case, a total of 308 households accounting for 308 persons will be affected by this project. Since individual land take is less than 10% of the total holding and no relocation to a new site is anticipated. This therefore qualifies to be an ARP.

3.3.2 Operational Policy 4.20 Gender and Development

The objective WB's gender and development policy is to assist member countries to reduce poverty and enhance economic growth, Human well-being and development effectiveness by addressing the gender disparities and inequalities that are barriers to development.

Projects are expected to take into consideration the gender dimensions of the proposed intervention. This study considered the gender dimensions of the project by collecting data while considering gender disaggregation.

The enumeration team also had representation from both gender due to the fact that some respondents would feel uncomfortable sharing information with the persons of opposite sex. The affected population and host communities should be involved in the design of the resettlement plan.

3.4 Review of Kenyan Legislation concerning resettlement and World Bank Policy on Involuntary Resettlement.

Kenyan Law allows for compensation for loss of land or assets to owners who have legal rights over the same In the event of involuntary resettlement. The World Bank Policy on involuntary resettlement however has wider criteria for eligibility of compensation to include

".....those who have no recognizable legal right or claim to the land they are occupying ..."

This includes encroachers. The Operation Policy 4.12 states that where there is a conflict between the Bank policy and government frameworks, the Bank policy shall take precedence

The policy also outlines procedures that should be followed during resettlement, which include:

Consultations with the host community and an opportunity for their involvement in planning, implementation and monitoring of resettlement;

- Replacement of infrastructure and services in the resettled area to improve, restore or maintain accessibility and levels of service for the displaced persons and host community;
- Provision of alternative or similar resources to compensate for loss of community assets such as fishing or grazing areas;
- Preservation of existing social and cultural institutions of the host and resettled communities' to the extent possible.

The following is a comparison between Kenya legal requirement on involuntary resettlement and the World Bank operation policy 4.12 are presented in Table below;-

3.4.1 Comparison of what Kenya Law says on Involuntary Resettlement and World Bank OP 4.12

Table 5 Comparison of what Kenya Law says on Involuntary Resettlement and World Bank OP 4.12

Category of PAPS/Type of Lost Assets	Kenya Law	World Bank OP 4.12
Land Owners	<ul style="list-style-type: none"> • Cash Compensation at current market values under statutes • Land for land compensation under customary law. 	Recommends land for land compensation, while other compensation at replacement costs

Land Tenants	Entitled to compensation based on the amount of rights they hold upon the land under relevant laws	Are entitled to some form of compensation whatever the legal recognition of their occupancy
Land Users	In some cases land users have some form of secured tenure extended to them under the law regarding the easement rights where if a person uses land for consecutive 12 years without a dispute, he is entitled to an equivalent right of ownership. In other cases land users are not entitled to compensation for land, but are entitled to compensation for crops and any other economic assets	Entitled to compensation for crops, and may be entitled to replacement for land. Income must be replaced to pre-project levels at least
Owners of Non-permanent Buildings	Cash compensation based on market value or entitled to new housing on authorized land under government (state or local) housing programs	Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement
Owners of Permanent Buildings	Cash compensation is based on market value	Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses prior to displacement
Perennial Crops	Cash compensation based on the current market rates calculated as an average net agricultural income	Cash compensation based on market value

It is important to note that there are some disparities in principle between World Bank Policy on Involuntary Resettlement and the Kenyan laws especially with regard to entitlement to compensation. Ideally, encroachers from the Kenyan Laws point of view are not entitled to any compensation. Inversely, World Bank policy provides for compensation for his category of PAPs.

In this regard, in the implementation of this project, the provisions of the World Bank Involuntary Resettlement Policy O.P 4.12 take precedence.

3.5 Institutional Framework

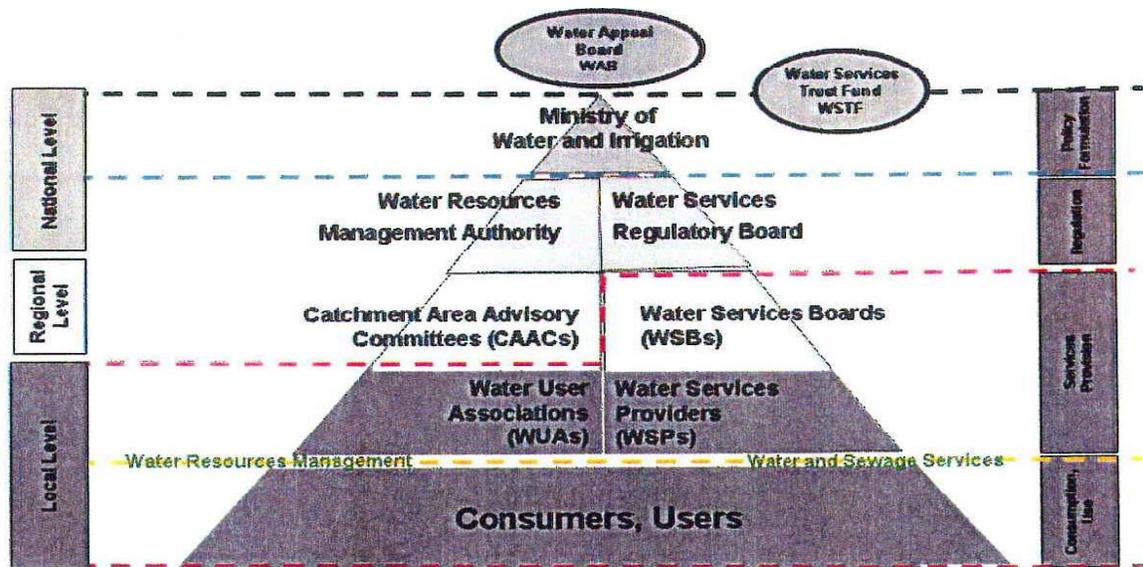
3.5.1 Ministry of Environment, Water and Natural Resources

The project is under the administrative authority of the Ministry of Environment, Water and Natural Resources, which is the ministry in charge of the water sector and is therefore responsible for the overall management of water resources and implementation of government policies with regard to water in the country. Its goal is conserving, managing and protecting water resources for socio-economic development.

Under the water sector reforms, the Ministry transferred management of/and operation of water services to the Water Services Regulatory Board (WASREB) from end 2005. The Director of water was in charge of water services in the ministry and these powers and duties were transferred to the regional water service boards, like Coast Water Services Board (CWSB) that are now licensed by the WASREB to provide water services in different regions across the country. The water services boards do not offer water services directly. They do so through a service provision agreement with water service providers i.e. the water companies.

The ministry and other state corporations that were involved in water supply such as the National Water Conservation and Pipeline Corporation also transferred their water supply facilities to these regional water service boards. NGOs, CBOs and any other community self-help groups are required to enter into agreements with the respective regional water service boards with regard to use of water supply facilities owned by the community organizations.

Figure 3.1 Actors involved in the water sector;
 (Note that with the new constitution the responsible ministry has been changed from Ministry of Water and Irrigation to Ministry of Environment, Water and Natural Resources).



3.5.2 Water Services Regulatory Board

The Water Services Regulatory Board was established under the Water Act and has been operational since March 2003. The functions of the WASREB include the issuance of licenses to Water Service Boards and to approve service provision agreements concluded between Water Service Boards and Water Service Providers. The Water Service Providers are the agencies that directly provide water and sanitation services to consumers. The WASREB is responsible for ensuring that water services and supply are efficient and meet expectations of consumers through regulation and monitoring of Water Service Boards and Water Service Providers.

To standardize service provision, the Board has the responsibility of developing among others, tariff guidelines. The Board is therefore supposed to oversee the implementation of policies and strategies relating to provision of water and sanitation services. These policies include the National Water Services Strategy (2007 -2015) Pro-Poor Implementation Plan for Water Supply.

The specific functions of the WASREB include:

- Providing information about water and sanitation services.
- Regulating the provision of water and sanitation services; this is done through such methods as setting standards for the provision of water services, monitor compliance of facilities for water supply with the set standards
- Licensing Water Service Boards such as the Coast Water Services Board and other regional water service boards and approving their appointed Water Service Providers through service provision agreements;
- Setting the rules, establishing standards guidelines and monitoring the performance of Water Service Boards and Water Service Providers and enforcing regulations.
- Establishing technical, water quality and effluent disposal standards.

3.5.3 Water Services Boards

Water Service Boards (WSBs) are constituted under the Water Act 2002. The WSBs are responsible for the provision of water and sewerage services within their areas of coverage and are licensed by the WASREB. The WSBs are also responsible for contracting Water Services Providers (WSPs) for the provision of water services.

WSB and WSP enter into service provision agreements that include but not limited to the supply area, development, rehabilitation and maintenance of water and sewerage facilities of the WSBs. The WSBs are responsible for the review of the water services tariffs proposals from WSP before submission to WASREB for consideration.

There are currently eight established WSBs in the country namely, Athi Water Services Board, Tana Water Services Board, Coast Water Services Board, Lake Victoria South Water Services Board, Lake Victoria North Water Services Board, Northern Water Services Board, Rift Valley Water Services Board and Tanathi Water Services Board

3.5.4 Coast Water Services Board

The implementing agency of this project is CWSB whose main responsibilities as per Water Act 2002 are:

- Expand coverage with strong focus on improving access to water services in urban informal settlements and to the rural poor.
- Contribute to poverty reduction, promote gender equity, sensitize communities on good health and hygiene practices, promote HIV/AIDS awareness and conserve the environment
- Appoint viable and well managed Water Service Providers and ensure they have appropriate systems by undertaking the following:
 - Enforce water quality monitoring;
 - Ensure they have maintenance systems and procedures to minimize interruptions to water supplies;
 - Ensure they have accurate and efficient billing system;
 - Ensure they are customer focused in all their activities;
 - Monitor and evaluate performances against targets for the Board and Water Service Providers;
 - Build Capacities of Water Service Providers to embrace efficiency, accountability and responsibility in service delivery.

4.0 SOCIO-ECONOMIC PROFILE OF PROJECT AFFECTED PERSONS (PAPs)

4.1 Baseline information

Baseline socio-economic survey and census data was collected in the following project areas under which the proposed pipeline was designed to pass through.

- Mombasa Island-Tudor
- North Mainland-Shanzu, Nguu Tatu, Mishomoroni and Maweni
- West Mainland-Changamwe, Mikindani, Chaani and Port Reitz
- South Mainland-Likoni.

Data collection was done using structured questionnaires that were administered to the PAPs by trained data collectors who worked as enumerators. The questionnaire covered among other issues, services and infrastructure, income and expenses dynamics of the PAPs, water and sanitation, energy, health issues, religion and culture of the PAPs. Households were selected randomly to the left or right of the proposed pipelines. Grievance committees for the Project Affected Persons were chosen by the members in the meeting. They were brought together by a common factor such as being residents of same trading Centre.

Field data collection combined the role of public awareness about the project, community consultations and formation of conflict resolution committees. Data was then analyzed and presented using descriptive statistics including Tables and Graphs.

For purposes of this study, a household refers to persons living within the same building as a family where they share common resources, cook and eat from the same pot. Such a household is headed by one person. In this context, the household head will be the recipient of compensation since he/she is responsible for construction and or relocation.

4.2 Administrative Boundaries

Mombasa County is one of the 47 Counties of Kenya. It is the smallest of all the counties covering an area of 229.7km² excluding 65km² of water mass. It is situated in the South Eastern part of the former Coast Province. It borders Kilifi County to the North, Kwale County to the South West and Indian Ocean to the East. Administratively the county is divided into seven divisions, eighteen locations and thirty sub-locations. It also hosts six constituencies namely Mvita, Changamwe, Jomvu Kuu, Likoni, Kisauni and Nyali.

Resettlement Action Plan (RAP) for proposed Rehabilitation/Extension of Mombasa Water supply Works Lot 2 shall be covered under the following:

Mombasa Island

Mombasa Island is the administrative Centre of Mombasa County and houses most National and County offices/Institutions. Council Offices, Law courts, Railway stations, Main Port/Harbor etc. The Island is the commercial Centre of the city market and National Transport Hub. The Old Town with the Fort Jesus archipelago is also located on the Island which is predominantly residential houses with relatively high density occupancy.

North Mainland

The North mainland is predominantly a residential area with a number of commercial shopping centers for basic services such as supermarkets, restaurants, bakeries, bookshops etc. The coastal strip on the North Mainland with its sandy beaches is predominantly occupied by hotels and tourist resorts.

The high income Nyali residential area which was originally planned for single dwelling is now undergoing major transformation to development of apartments which might result to further pressure on the already strained water supply services.

South Mainland

The South Mainland focus area is at Migombani, Likoni flats, Majengo Mapya, and Shelly Beach of Likoni Sub-County.

West Mainland

West Mainland is major industrial zone, hosting several strategic and large water consumers e.g. Moi International Airport, Kenya Petroleum Refineries Limited, Kipevu Power Station, PA Kipevu Port, Kenya Oil Refineries Complex and the Proposed Kipevu EPZ site. Due to this and its easy access to the Island, the area also accommodates a number of residential estates such as Mikindani, Miritini, Chaani, PortReitz, which is covered under Changamwe Sub-County.

4.3 Population Profile and Settlement.

According to the 2009 Census Report (Source KNBS) Mombasa County population stood at 939,370 and is projected to increase to 1,116,855 by sunset of 2015. While the medium Term Plan (MTP) of the vision 2030 focuses on broad National policies aimed at making Kenya a globally competitive nation. Additionally, it provides an implementation frame work for the vision 2030 which contains the people's perceptions, strategies and suggestions on how best to achieve and sustain a GDP growth rate of 10%. According to the 2009 Kenya Population and Housing Census, Kenya's current population annual growth rate stands at 3.0%.

Population distribution and settlement patterns in the County is influenced by proximity to roads, clean water and electricity facilities. The population is also concentrated in areas where there is availability and accessibility to employment opportunities, affordable housing and security. Highly populated areas are Mombasa Island, Likoni, Kingorani, Bamburi, Bangladesh

Mikindani, Jomvu, Mitritini, Migadini, PortReitz, Mtwapa, Mishomoroni and Bombolulu among others. Despite the efforts being made to settle people, the County still has a very large number of landless people most of who live in the city's slums of Mishomoroni, Junda and Kisumu Ndogo in Kisauni Sub-County and Shika Adabu in Likoni Sub-County.

Inter-censal Population

The trend in population growth rate in the North Mainland, West Mainland and the South Coast compares closely with that of the entire Coast region. The island has however recorded a negative population growth within 1999-2009 decade. The inter-censal population and growth rates for the four sub areas of Mombasa are given in the table 4.1 below.

Table 6 Intercensal Population and Growth Rates of Mombasa County

Area	Population (Census)				Annual Growth Rate		
	1979	1989	1999	2009	1979 1989	1989 1999	1999 2009
Mombasa Island	138,312	127,720	146,344	143,128	-0.8%	1.4%	-0.2%
Old Town	19,989	16,923	21,516	18,712	-1.7%	2.4%	-1.4%
Majengo + Mwembe Tayari	42,841	40,869	40,241	38,834	-0.5%	-0.2%	-0.4%
Tononoka	27,245	26,123	29,044	27,513	-0.4%	1.1%	-0.5%
Tudor	17,156	19,303	27,225	32,100	1.2%	3.4%	1.6%
Shimanzi (Railway)	8,061	8,207	9,527	8,388	0.2%	1.5%	-1.3%
Ganjoni	23,020	16,295	18,791	17,581	-3.5%	1.4%	-0.7%
North Mainland	80,299	153,324	249,861	380,055	6.5%	4.9%	4.2%
Kisauni (Kisanui + Kongowea)	61,533	124,027	204,567	308,141	7.0%	5.0%	4.1%
Bamburi (Mwakirunge + Bamburi)	17,594	29,297	45,294	71,914	5.1%	4.4%	4.6%
South Mainland	40,184	67,240	94,883	139,972	5.1%	3.4%	3.9%
Likoni	26,001	49,909	73,702	111,804	6.5%	3.9%	4.2%
Mtongwe	14,183	17,331	21,181	28,168	2.0%	2.0%	2.9%
West Mainland	82,353	113,469	173,930	250,179	3.2%	4.3%	3.6%
Changamwe	61,390	80,880	110,150	132,692	2.8%	3.1%	1.9%
Miritini	20,963	32,589	63,780	117,487	4.4%	6.7%	6.1%

Land, infrastructure and reliable water supply are major constraints within the Island, and most developers seeking new investments or expansion are currently shifting to the Main Lands especially North and West Mainland.

The projected population results to the 2030 is indicated as shown on table 4.2 below.

Table 7 Summary of the Projected Population Results to the 2030 Design Horizon.

Area	Population	Growth Rate	Projected Population			
	2009		2010	2015	2020	2030
Mombasa Island	143,128	3.4%	148,078	175,022	208,042	292,288
North Mainland	380,055	3.4%	393,199	464,745	552,424	776,127
South Mainland	139,972	3.4%	144,813	171,163	203,455	285,843
West Mainland	250,179	3.4%	258,831	305,925	363,644	510,901

4.4 Land Tenure and Land Use

The majority of land is held under freehold form of ownership. Privately owned land is set to tenants-at-will, many of whom have for generations rented the land upon which their temporary houses are built. Since the 1920s, this system has been recognized, facilitated and in theory, regulated the local authority through a system of village layouts.

This system of ownership determines planning, infrastructure development and provision of public facilities with the consent of the land owners, many of whom are absentee landlords living elsewhere in the country or even overseas. Land tenure arrangements are prevalent through;

- Allocation of land to private individual is either done by the provincial administration now County Government or politicians.
- Temporary occupation of private land with permission from the land owner.
- Land originally occupied under customary tenure on which adjudication and issue of title is completed or in progress.
- Land temporarily allocated to specific groups of people, such as customary owners displaced by government projects and occupied by their descendants. Temporary tenure is accompanied by restrictions on house improvements and tenancy-at-will in privately owned areas, some with approved layouts (this is the most prevalent form of occupation in informal settlements in Mombasa County).
- Many of the owners are absent and construction increasingly utilizes permanent materials although prohibited by regulations.

4.5 Livelihoods:-Income and Expenditure

Most of the people affected by the project engage in either casual or unskilled labour, informal enterprises or activities such as retail traders, food or fruit vending and domestic work while a few are in formal employment. Youth are engaged in tourism activities, recycling (scavenging for food items or scrap metals or plastic bottles that can be resold). The urban populace also works on construction sites, as porters in markets and urban agriculture. Men dominate the more

lucrative activities in the informal sector, such as handcrafts sales, manufacturing, renting out of rooms, water vending and car washing while women are engaged mainly in selling food stuffs, brewing and selling illicit liquor.

Analysis of the monthly income of the PAPs showed a variation from as low as Kshs.200 to as high as over Ksh.5000 per day. However, half (50.4%) of the PAPs had net daily incomes below Kshs.500, while 40.6% had daily net incomes from Kshs.500 Kshs.2000. Only 5% of the PAPs reported net incomes above Kshs.5000. Most of the PAPs were engaged in businesses, wage or casual employment, formal employment and the rest were involved in other activities that earned them a living in the project area as tabulated below.

Table 8 Occupation and Economic activities of the PAPs

Area	Occupation in percentages (%)			
	Wage employment	Business	Formal employment	Others
Kongowea	7.0%	86.0%	4.7%	2.3%
Likoni	31.6%	59.6%	3.5%	5.3%
Mikindani	7.9%	84.2%	7.0%	0.9%
Shanzu	25%	50%	25%	-
Tudor	2%	94.4%	3.6%	-
Changamwe	32.7%	51.9%	7.7%	7.7%
Mishomoroni	23.8%	76.2%	-	-

Source: survey tool findings

4.6 Education.

Mombasa County has a total of 253 pre-primary schools with enrolment of 26,504 pupils. Only 50% of children in this age group go to school. There are 140 primary schools with enrolment of 67,049 pupils representing 90% participation rate. Island division with 47 schools has the highest enrolment of 25,672 pupils followed by Kisauni with 45 schools and 16,855; (Source: Mombasa District Development Plan 2008-2012). Changamwe has 28 schools and 14,342 pupils and Likoni with 20 schools and 1533 pupils. There are a total of 33 secondary schools in Mombasa. Island division has 25 schools. Changamwe division 4, Kisauni 3 and Likoni have one. Tertiary training Institutions include Shanzu Teachers Training College, Mombasa Polytechnic now Technical University of Mombasa, Bandari College and customs Training College serving the whole County and country.

There was a notable significant disparity in educational levels among the gender in the household proposed in the project areas. The ability of the some sections of household to afford school fees, uniform, books and tuition fee as expenditure was very limited, despite the introduction of free primary school policy that was rolled down and still with its own challenges.

High percentage of household heads had attained both primary and secondary education implying a high level of illiteracy. In summary, 30.6% attained primary education, 32% secondary education, 15.4% went to technical Training colleges while 10.5% had attained university education which connotes positive feedback in terms of understanding the project and contributing ideas on the same. This is shown in the table below.

Table 9 Education Level of Household Head among the PAPs

Area	None	Primary	Secondary	Technical Training	University	Others
Tudor	5.6%	16.7%	27.7%	27.8%	22.2%	-
Shanzu	9.1%	54.5%	27.3%	-	9.1%	-
Mishomoroni	4.6%	40.9%	31.8%	13.6%	9.1%	-
Mikindani	6.9%	25.6%	55.8%	4.7%	7.0%	-
Likoni	6.0%	37.2%	43.3%	4.5%	9.0%	-
Kongowea	2%	30.0%	28%	16%	12%	12%
Changamwe	2%	30.7%	32.7%	21.2%	1.9%	11.5%

Source: survey tool findings.

4.7 History and Cultural Environment

Mombasa County has a cosmopolitan population, with the Swahili people and Mijikenda predominant. Other communities include the Kamba, Hindus and the Taitas, Kikuyus, Luhyas, Merus and Luos. Over the centuries, many immigrants and traders have settled in Mombasa County particularly from Iran, the Middle East and the Indian-Sub continent, who came mainly as traders and skilled craftsmen. Mombasa County is a centre of coastal tourism in Kenya. The Island itself is an attraction although many people visit the old Town and Fort Jesus. The Nyali, Bamburi and Shanzu beaches are located in the North of the County. The Shelly, Tiwi and Diani beaches are located South of Mombasa with several luxury hotels on these beaches. It is a major cultural hub due to its proximity to South Asia, Zanzibar and Nairobi as well as its large shipping and maritime industries gives it a diverse mosaic of cultures.

4.8 Ethnicity and Religion

The major religions practiced in the City are Islam, Christianity, Hinduism although there were a few PAPs who practiced traditional way of worship. Mombasa people are hospitable especially to visitors and foreigners who tour the region. There are a number of big Mosques which also act as tourist attraction sites due to decorations and designs from the East. Further, there are churches dating many years back when missionary activities were rolled out in the region.

4.9 Services and Infrastructure

4.9.1 Water Supply and Sanitation

Mombasa County is served by a small and old sewerage system just covering the Island. Other sanitation facilities used include on-site waste disposal such septic tanks and Pit Latrines. Water

treatment facilities are available and services are offered by Coast Water Services Board together with Mombasa Water and Sewerage Company. The following data was drawn from the household survey; those who rely on Ventilated Pit Latrines accounted for 37%, open Pit latrines 28%, 10% go or throw the waste in the bush while the remaining 25% use flush toilets that wash to the sewerage system run by the County.

The table 4.3 below represents sources of drinking water among the PAPs. 60% of the PAPs noted that they use chlorine powder or ðwater guardð as a method of water treatment while 30% boiled water before drinking and the rest with 10% used solar disinfection before drinking.

Table 10 sources of drinking water among the PAPs

Project Area	Piped into yard/Dwelling	Public tap/stand pipe	Tube well/borehole	Protected dug well	Truck
Tudor	33.3%	5.6%	38.9%	5.6%	-
Shanzu	-	9.1%	36.4%	18.2%	18.2%
Kongowea	4.7%	18.6%	2.3%	2.3%	-
Mikindani	14%	65.1%	11.6%	-	2.3%
Likoni	3.2%	48.1%	38%	-	10.7%
Mishomoroni	14%	60%	10%	-	16%
Changamwe	38.5%	36.5%	9.6%	-	7.7%

Source: survey tool findings.

4.9.2 Energy

Mombasa County is well covered with electricity due to its proximity to the Port and other manufacturing industries. However, most of the PAPs use Kerosene, Charcoal and firewood as source of energy. Others in middle and high level income areas, hotels and resorts use gas for cooking and heating. It was noted that 50% of the PAPs of the project areas use a combination of gas and charcoal for cooking, while 40% use a combination of charcoal and kerosene, while 10% use firewood.

4.9.3 Transport and Communication

Mombasa County provides a major linkage in the transport and communication sector. This boosts accessibility and flexibility in terms of productivity and service delivery. Most of the feeder roads are well maintained; either tarmacked or murram roads in good condition. However it was noted that some areas like Mishomoroni had roads that were fairly passable due to the ongoing projects along the road reserves. Communication system in all proposed lines is clearly covered by main servers i.e. Safaricom, Airtel, Orange and other technologies to enhance proper network and communication.

4.9.4 Health Profiles

Coast General Hospital is the only referral hospital available in the region. It is located in Mvita Sub-County, Island division, Tononoka location, Tononoka Sub-location in Mvita Constituency. Majority of other health facilities in Mombasa County are small, privately owned clinics totaling to about 160 while 37 are County owned. Other major health facilities include Mombasa Hospital, Aga Khan and Pandya Hospitals. These are privately owned.

The areas served by the pipeline are well covered with public health centres, private health facilities and Sub-County hospitals. Majority of those interviewed indicated that, they seek medical services from the nearest public health centres which are reachable on foot or use bicycle, or motorcycle famously known as *boda-boda*; others use public transport vehicles or own cars.

STIs/HIV/AIDS Prevalence

The PAPs indicated that Malaria is the most prevalent disease affecting the people in the project areas. It is followed closely by Respiratory problems, diarrhea, anemia, stomach problems, tuberculosis and other diseases related to malnutrition. It was noted that among the PAPs, HIV/AIDS affects every sector and it is now taken as a crosscutting issue which continue to affect a large population. Most people affected are in the productive group which affects the sustainability of service delivery in most of those areas.

Diseases Prevalence among PAPs

The most prevalent or common diseases found in the project areas are represented as percentages in table 11 as follows: Malaria being the most prevalent disease due to presence of mosquito parasites attributed by presence of water bodies that acts as breeding places.

Women are more vulnerable to HIV infection compared to men with 8% for women and 4.3% for men. Challenges associated with the rise in HIV/AIDS include orphans, Child prostitution and loss of labour due to sickness. (Source: Mombasa County; HIV and AIDS Profiles.)

Table 11 Disease prevalence in the project area

Area	Malaria	Diarhorrea	STIs/HIV/AIDS	Respiratory problems
Changamwe	67.3%	7.7%	5.8%	5.8%
Mishomoroni	63.4%	14.5%	4.5%	7.6%
Likoni	67.3%	7.7%	5.8%	5.8%
Mikindani	67.4%	2.3%	2.3%	28%
Kongowea	93%	2.3%	2.3%	3.0%
Tudor	66.7%	5.6%	5.6%	22.1%
Shanzu	71%	19.1%	2.8%	7.1%

Source: survey tool findings.

Graph showing a representation of most prevalent diseases to the least in the project area.

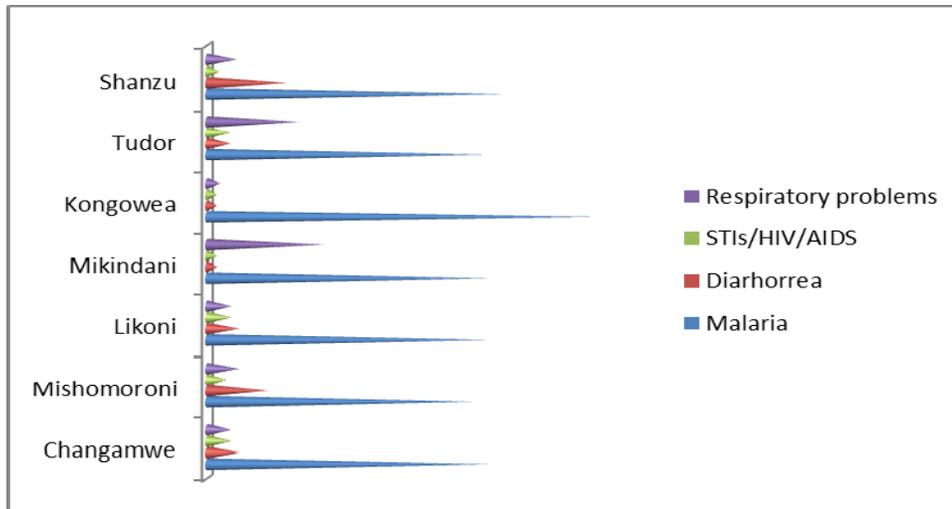


Figure 4.1: most prevalent diseases to the least in the project area

5.0 Public Participation and Consultation

Public consultations were undertaken to disseminate information to Project Affected Persons (PAPs) and their representatives to solicit their views and consult on sensitive issues. The output in this report shall be incorporated in the development of mitigation measures in the Resettlement Action Plan. Site visits for the RAP was conducted over the period of 15 days from 1st of September 2014 to 15th September 2014, which included a census survey and household survey of the PAPs, asset valuation, consultative meetings and interviews on sites.

Consultative meetings were organized at the local administrative level to record what the committees preferred in terms of prioritization of issues, perception of the project and their expectations. They took place at the Chiefs offices in areas served by the proposed pipeline. The project scope of work was introduced by the Sociologist to members and elders from the PAPs who could engage in significant feedback discussions.

Based on the understanding of the project and its process, there was an overwhelming support from the members who later chose their representatives during consultations. The chairman, secretary and Treasurer were elected to form conflict resolution committees that would work together with the consultant and the client.

There was a general consensus in support of the project, most of them citing difficulties PAPs have undergone in accessing clean and safe water. A number of elders representing the PAPs indicated that clean water is a pivotal ingredient for any development, providing food, energy and support livelihoods in general.

They also noted that, the project shall benefit many households especially in low earning informal settlements like Likoni, Changamwe, Magongo, Chaani and Kongowea. They requested the client to consider employment of the youths during the implementation phase and adequate updates and information regarding the projects developments to the communities before

implementation and after construction. The schedule of the meetings that were held is as outlined in table 4.5 below;

Table 12 A schedule of the consultative meetings held.

Ref.	Area	Date	Attendants	Agenda
1.	Shanzu	3/9/2014	Area Chief-Meeting took place with the Chief who requested more time to mobilize institutional heads and hotel owners.	Introduced the RAP study and requested him to mobilize enumerators for household surveys
2.	Tudor	5/9/2014	Area Chief, elders and residents	Sociologist introduced the RAP and why it was important to conduct the household survey and census study. The team was engaged consultatively to find out their perception on the proposed water project.
3.	Mishomoroni	5/9/2014	The consultation was done with the Assistant chief, elders, and residents.	Introduced the RAP to the representative. Consultation meetings were done but were not structured meetings, which took place along the lines.
4.	Mikindani	4/9/2014	Area Chief, elders and residents	Sociologist introduced the RAP and why it was important to conduct the household survey and census study. The team was engaged consultatively to find out their perception on the proposed water project
5.	Changamwe	4/9/2014	Area Chief, elders and residents	Sociologist introduced the RAP and why it was important to conduct the household survey and census study. The team was engaged consultatively to find out their perception on the proposed water project
6.	Likoni	11/9/2014	Area Chief, elders and residents	Sociologist introduced the RAP and why it was important to conduct the household survey and census

				study. The team was engaged consultatively to find out their perception on the proposed water project
7.	Kongowea	12/9/2014	Area Chief, elders and residents	Sociologist introduced the RAP and why it was important to conduct the household survey and census study. The team was engaged consultatively to find out their perception on the proposed water project

See Appendix 1 for minutes and list of attendants.

5.10 PUBLIC CONSULTATION EXERCISE

Public consultation in the ESIA Process is undertaken during the project design, implementation and initial operation. The aim is to disseminate information to interested and affected parties (stakeholders), solicit their views and consult on sensitive issues. The output is expected to be incorporated in the development of mitigation measures, environmental and social management plans and the Resettlement Action Plan.

5.1.1 Public Consultation and Involvement for Water Projects

The main purpose of water projects is to enhance sustainable water supply that will translate into increased accessibility and affordability, consequently improving the economic and social wellbeing of the people in line with the country's vision 2030. While this project is likely to achieve this objective on a national scale, the improvement of the socio-economic well-being of the people in the immediate project area could be more successful if the project affected persons (PAPs) are actively involved in the project cycle.

Public participation in all stages of the project is likely to contribute to maximization of expected benefits and minimization and mitigation costs of expected negative socio-economic impacts on the immediate environment.

5.1.2 Objectives of the public consultation program.

Objectives of the Public consultation program

The specific objectives of the consultation process are to:

- Improve Project design and, thereby, minimize conflicts and delays in implementation;
- Facilitate the development of appropriate and acceptable entitlement options;
- Increase long term Project sustainability and ownership;
- Reduce problems of institutional coordination;
- Make the resettlement/compensation process participatory and transparent;
- Increase the effectiveness and sustainability of income restoration strategies, and improve coping mechanisms.

Specific information was to be drawn from the stakeholders as presented in Table 5-1 below.

Table 13 Objectives of consultations with specific stakeholders

Stakeholder	Objective
Local community:	Disseminate information and collect opinions on the proposed project by: <ul style="list-style-type: none">• Providing clear and accurate information about the project to the community;• Facilitating the consideration of alternatives, mitigation measures and trade-offs;• Obtaining the main concerns and perceptions of the populations and their representatives regarding the project;

	<ul style="list-style-type: none"> • Providing an opportunity for the public to influence project design in a positive manner to facilitate creation of a sense of ownership of the proposal.
	<p>Understand the communities views on project impacts and plausible mitigation measures by:</p> <ul style="list-style-type: none"> • Obtaining opinions and suggestions directly from the affected communities on their preferred mitigation measures; • Obtain local and traditional know ledge that may be useful for decision making; • Ensuring that important impacts are not overlooked and benefits are maximized.
	<p>Providing a platform for future consultation by:</p> <ul style="list-style-type: none"> • Reducing conflict through early identification of contentious issues; • Improving transparency and accountability of decision making; • Facilitating participation to increase public confidence in the ESIA process; • Identifying local leaders with who further dialogue can be continued in subsequent stages of the project.
Consultations with government agencies	<p>Discussions on:</p> <ul style="list-style-type: none"> • Definition of the institutional framework; • Recent experience in the Region with respect to compensation eligibility criteria and entitlement packages; • Environmental and socio-economic concerns and perceptions regarding the water projects; • Role of authorities in public information dissemination, monitoring and environmental and social management plans

5.1.3 Stakeholders Identification

The public consultation exercise was initiated through consultations with the Local Chiefs, their assistants and the village elders. The chiefs were identified at the location, their assistants at sub location level and elders at the community level.

After consultations with the chiefs and village elders in respective locations, meetings and public barazas were held and minutes of such meetings taken and presented in appendix 1.

Over and above establishment of the PAPs socio-economic environment, the census questionnaire was also designed to get the comments of the PAPs on the project.

The following are the highlights of issues raised during public barazas;-

a. Employment

During the public meetings, employment came out as a major concern. Most speakers emphasized the fact that there is a lot of unemployment within the community and youth are the most affected lot. Due to this, most youth are idle and are tempted to be involved in vices like drug abuse. During the implementation of this project, it will save a great deal if the youths will be taken on board.

b. Water Services

Level of development can be measured by among other indicators, the accessibility of people to social services including water. Without adequate water, women spend a lot of productive time to collect water from far places. The Kenya Government has put a lot of effort to improve the quality and the quantity of water services in the country. However, the targets have never been met because of challenges facing the water sector.

During public consultation, it was reckoned that there was no clean water supply for most of the households in the respective locations. This calls for CWSB to consider supporting water projects to address the issue of water provision for all. It was suggested that CWSB as part of its CSR programs, should in consultation with the local communities establish stand pipes at designated points along the pipeline. The taps should be fitted with water meters and CWSB should agree with the local communities on how to generate revenue from this venture.

5.1.4 Consultation with vulnerable groups

The business communities found along the road reserves especially the women and the youth were able to indicate to us their concerns especial with the expectation of the stalling period of operations during the project implementation.

The issues raised by the vulnerable youths included:

- Youths should be made part and parcel of the discussions and consultations between CWSB and the community
- Piped water as seen as a luxury due to the high cost involved in terms of connection and operational cost among others. To make it more affordable, Water Service Providers should harmonize their rates and offer subsidies to the rural folks
- Since there is a lot of unemployment, CWSB should consider using the local youths during the construction stage. Those with qualifications should be considered for

permanent jobs whenever they are available. In identifying the youths to be employed as casuals, the local administration should work closely with the youth group leaders. This exercise should be conducted in a fair and transparent manner. Politicians should not be involved in this exercise.

- On the other hand, women also raised their issue which revolved around challenges faced while accessing water, high costs of borehole water, Kshs. 20 per 20l container. Therefore a suggestion to engage women in the control and dispensing water to the community through the public stand pipes was made.

5.1.5 Future Consultations.

Further consultations are recommended when:

- The project is formally referred to public review, hearings or inquiries;
- Coast Water Services Board seeks to apply best practice process to their proposal;

5.2 Grievance Redress Mechanism

The grievance redress mechanism for the RAP implementation process is as follows:

The PAP will file a complaint to the RAP implementation Committee. The Committee will be given a seven day notice to hold a meeting. Two days after the meeting, the committee will call the PAP for the decision made, discussions and subsequent agreement. This should be done within twelve days.

In the event that the committee does not communicate with the PAP, or an agreement is not made, the PAP can resort to the nearest administrative centre through the Sub county Resettlement Office. He/she should then wait 15 days for a decision to be made.

In the event that the local administration office does not respond in any way to the PAP's grievance in 15 days, he/she can resort to the Court of Law. This should however be avoided as focus should be on resolving the issues without involving law courts as this could take a long time hence become counterproductive in the long-run.

The PAPs should be exempt from financial obligations whenever they resort to this mechanism.

5.3 Disclosure of the RAP Report

Kenyan law does not provide for the disclosure of the RAP report. However, it is a requirement by World Bank that RAP be disclosed to the public. In this regard, the RAP should be disclosed at the various chiefs' administrative canters for various locations, where the public have an easy access. The DC, chiefs and sub chiefs should be consulted and informed in advance.

6.0 ASSESSMENT OF RESETTLEMENT IMPACTS

In general the social impacts due to relocation/resettlement are expected to be minimal. Equally, the extent of relocation and consequent upheavals is not anticipated to be major, and so are the impacts with regard to resettlement.

All the PAPs, who in this case are encroachers to the way leave, requested monetary compensation. Indeed, they need to surrender 6m strip of the encroached land which is adjacent to their own land, rather than to relocate completely. However, all the activities undertaken within this jurisdiction shall be compensated for.

In addition, the social fabric of these people will not be interrupted at all as they will remain within their residential areas/estates/business areas, villages and communities. Some of the impacts associated with this project are presented in this section.

6.1 Impacts of Displacement on PAPs

As indicated earlier on, due to the nature of this project, relocation to a new site is anticipated to affect a few households. However, a larger section of the project lines are not affected to the magnitude of relocation, there will be removal of a few houses both permanent and temporary, trees, crops and some assets within the construction way leave, which in one way or another may impact on the livelihoods of the PAPs.

The properties to be affected include:

- Few Permanent Houses;
- A few vacant lands that encompasses crops and trees;
- Temporary Houses and other pit latrines;
- Business stalls;
- Concrete Pavements; and
- Landscaping works.

6.1.1 Loss of Livelihood from Loss of Business

Majority of the PAPs are small scale business owners. It is anticipated that there businesses will be put to a halt during the project implementation exercise; there stalls will be removed from the way leaves to create space for construction works. The business stalls were varying in sizes therefore the variation in values. A summary of the affected properties are represented in the compensation matrix attached as Appendix 3.

Recommendation:

- The mitigation measures recommended for compensation for loss of houses and trees is basically cash at prevailing market value as requested by PAPs. However, money without a financial plan in most cases ends up being lost. CWSB will therefore be expected to provide the capacity building training on financial management and investment as part of

its additional support/assistance to PAPs to restore their livelihoods. This should be based on the provision of the 25% supervision and implementation costs.

- As a gesture of good practice, CWSB will allow the PAPs to use their uprooted crops and trees along the pipelines.

6.1.2 Loss of Structures

A few housing units will be directly affected by the project. Shelter of people is very important and it should not be compromised whenever a project is initiated in a given location. However we noted that the areas of Likoni were affected to the magnitude of removal of rental houses, therefore the owners may lose a monthly rental income from the property. It was noted that sections along the Mombasa Airport boundary lines where issues of graves have to be addressed with utmost due care. The stakeholders suggested at the time of consultation meetings that the lines to be re-routed to alternative areas. It was considered as a positive thing to involve both the client and the stakeholders.

Recommendation:

- Re-routing of line to the immediate areas where the population feels non offensive to their cultural diversities.
- Full replacement cost of the houses and other structures.
- Compensation will be done prior to construction.
- Adequate time will be given for the PAPs to construct other houses before they relocate.
- In case of loss of the house, both husband and wife and the local administration will be involved to ensure that money given is used for the intended purpose so that the household does not suffer when money is diverted/misused by the head of the household, for example, by drinking all the money.
- Compensation should incorporate the loss of income over a period of six months in addition to the 15% disturbance allowance.

6.1.3 Impact on Business

The majority of the PAPs are engaged in small groceries business along the road reserves business as indicated along the Nguu Tatu ó Junda Road, Portreiz Road, Magongo Mwisho ó Scope Road, Mikindani Road as well as Likoni Areas. The small business activities are their sources of livelihood and the project will be affecting them drastically. Numerous number of kiosks/business stalls are earmarked for demolition. Although these kiosks are along the pipeline way leave reserve, the owners earn a livelihood from them.

Recommendation:

- The owners will be compensated for the removal of the kiosks at full replacement cost. In addition, after compensation, they will be given a grace period of one month to re-establishing their businesses. This is as per their suggestion.

- We recommend a sufficient notice to them and issuance of a specified date of the project implementation.
- We also recommend compensation before project initiation to allow for cohesion and support for the project.

6.1.4 Other Impacts Associated with the Project

Other impacts associated with the project include;

a) Conflict in Resource Use

The communities along the pipeline seem to have a mentality that the water will be supplied along their premises and will not be connected to their plots; they blame the rich personalities to hijack the water systems and further sell to them at exorbitant prices forgetting that insufficiency of water within the area is due to limited supply necessitating high prices.

Recommendation:

- CWSB will conduct awareness and education programmes to foster changes in stakeholders' attitudes on equitable distribution of the water from the new lines of water supply.

b) Interruption of Water Supply and Distribution

The existing pipeline will be affected during the construction and rehabilitation process for the old pipe works under rehabilitation.

Recommendation:

- É People will be given notice in good time when interruptions are scheduled to allow them to store water.
- É The notices will be published through the mass media so as to reach as many people as possible e.g. use of local FM radio Stations, public barazas or contacting grassroots' community representatives especially the village chairmen to pass the message;
- É The feeder pipes will be replaced by contractor.

(c) HIV/AIDS Risks

It is anticipated that there will be influx of construction workers working on the project. Occurrences of Sexually Transmitted Infections are likely to arise due to social interactions between the workers and the local community.

Recommendation:

- The contractor will manage the occurrences through:
- Education and sensitization of workers and the local communities on STI's;
- Where possible conduct regular sensitization campaigns and monitoring and evaluation of the modes used during the two year course of the project.

- The contractor will institute HIV/AIDS awareness and prevention campaign amongst workers for the duration of the contract.
- The contractor will ensure that staffs are made aware of the risks of contracting or spreading sexually transmitted diseases.
- The contractor will ensure that the project workers are educated on the local culture;

(d) Vulnerable Groups

Vulnerable groups within the population were identified. These are women, the disabled and youths. The following is recommended during compensation of PAPs:

- Ensure the participation of vulnerable groups in needs assessments, aid distribution and in the monitoring and evaluation of the compensation Implementation Programmes.
- Special efforts will be made to ensure creative and social activities outlets, educational and training opportunities for adolescents, women and young people.

6.2 Employment Opportunities

Other than the negative impacts outline above, one of the positive impacts associated with the project is creation of short term employment during construction.

Recommendation:

- Registration of persons for employment will be done by the local administration in consultation with youth and women group representatives.
- Men and women from the area will be confirmed as true residents through the grassroots community representatives who include the Assistant chiefs and village elders/chairmen.
- CWSB will set a reasonable quota target for skilled and unskilled labor that will be sourced from the local community.
- A quota for women to participate in the project as per the Government of Kenya policy on gender mainstreaming, which is usually at least third representation will be applied.

6.3 Dealing with Future Encroachment

Encroachment is driven by the need of water for domestic, agricultural and livestock use. This has resulted into people sabotaging the pipeline by piercing it In order to get water. It is anticipated that this may continue even after rehabilitation.

Recommendation:

- Since pipeline encroachment is rampant along the old lines, there is need for CWSB to put measures in place that could curb this. There should be frequent supervision and patrols along the lines in order to stop developments and encroaching of the way leaves.
- Rehabilitate the access road along the pipeline to necessitate accessing the pipe works for servicing and renovation works

- Employ more community based overseers of the way leave, this will help in reporting any encroachment.
- There should be water points along the pipelines to promote accessibility of the fresh water services by the local communities.
- Establish close liaison with the physical Planning Department of Mombasa County Government.

7.0 COMPENSATION

7.1 Compensation

During the PAP survey, the names and details of project affected households were documented. This also included the type of property that was being affected, ranging from land, crops, trees, and buildings.

The amount of compensation for individual PAPs was arrived at after computation of what he/she owned based on the social survey data and asset inventory. Compensation will be paid in cash directly to the individual PAPs. A detailed breakdown of the assets to be affected is given as Appendix 3 of this report.

7.2 Valuation Method

Full replacement cost method or contractor's method was adopted for asset valuation. This method of valuation is based on an estimate of the current market value of the asset.

The dates of inspection or survey were from 1st to 15th September 2014, therefore the date of Valuation being taken as 15th September 2014, the last day of the exercise.

7.2.1 Valuation of Assets

The assets valued included buildings (both permanent and temporary), crops and trees within the proposed project area.

The valuation was based on detailed field data, description on type of property, condition, plinth/built-up area, full replacement cost and a 15% disturbance as per The Land Act 2012, Laws of Kenya. The value of crops was arrived based on the production cost, the expected yield and the prevailing market price of the produce, while the young trees were valued based on the current market prices at the market for similar sizes and products accrued from them and the prevailing market of the same.

7.2.2 Budget Estimates for Implementation

During consultations the PAPs asked for cash compensation and therefore, for the implementation of this project, CWSB will need a total of **Kshs. 115,735,954.00**. There is need for an extra 25% supervision and implementation fund for the project. The extra 25% supervision and implementation portion is **Kshs. 28,933,988.50**. This is because the proposed project implementation and overseeing of compensation requires the services of consultants ranging from appraisers to community leaders. It is worth noting that it will take a duration of not less than two months to oversee the implementation of the compensation works with full engagement of an array of professionals calling for the above indicated percentage. The total compensation amounts to **Kshs. 144,669,924.50**. These total costs of compensation will be for the proportions of land parcels acquired, permanent buildings affected, temporary structures affected, supervision and implementation costs as well as disturbance allowances.

8.0 IMPLEMENTATION OF THE RESETTLEMENT ACTION PLAN

8.1 Introduction

A data base schedule should be developed based on the Resettlement Action Plan, to handle Resettlement/Compensation for each household.

The schedule should clearly state each household's requirements and kept in file. These files should only be accessible to authorized RAP implementation members. Other institutions that request for this information should be informed that their requests will be dealt with individually, based on the merit of the request.

A summary Organogram of the components of the RAP Implementation Team is presented in Appendix 5.

Other aspects of the Implementation of the RAP are as presented in the following sections.

8.2 Institutional Arrangements

8.2.1 Implementation Committee

A RAP Implementation Committee is recommended for the implementation of the Rap. This committee should at a minimum be composed of the following persons:

- a) CWSB Representatives;
- b) Women representative, preferably the head of a female headed household;
- c) Youth Representative;
- d) Assistant Chiefs for various project locations;
- e) Area Chiefs for Tudor, Mwakirunge, Shanzu, Kongowea, Mishomoroni, Mikindani, Chagamwe, PortReiz and Likoni areas

The implementation committee should form task teams from amongst themselves to handle specific tasks of the RAP and ensure that the compensation process runs as scheduled.

The major tasks include:

- Compensation of the PAPs
- Handling of grievances as raised by PAPs in accordance with the provision of the Kenya law;
- Monitoring and Evaluation of the RAP process

To achieve their objectives, the implementation committee should:

- Hold regular meetings to report on the progress of the implementation exercise;
- Review and comment on reports presented by the environmental and Liaison Officers.

8.2.2 CWSB Steering Team

The RAP Steering Team will participate at the RAP Implementation Committee Level with the following representatives:

- Project Manager as the Team Leader;
- Finance Officer;
- Community Liaison Officer;
- Internal Auditor;
- Environmental Officer.

The Environmental and Liaison Officers shall be responsible for:

- Development of the database based on the information provided by the report clearly stating each household's entitlement in terms of compensation;
- Development of environmental database that should be under the custody of the Environmental Officer;
- Preparation of internal monthly environmental and social reports.

The Financial Officer shall be responsible for the provision of resettlement budgetary funds as approved by CWSB management while the internal auditor shall monitor the use of the resettlement funds and provide bi-annual reports.

All these officers shall be answerable to the Project Manager who is the overall team leader. He/She will in return be answerable to the CWSB management committee under the Chief Executive Officer.

8.2.3 External Auditor

An external party should be contracted by CWSB to conduct a semi-annual audit and a close down audit. The approval of the close down audit is to mark the end of liability of CWSB to the Resettlement Process.

8.3 Monitoring and Evaluation Schedule

The tools for monitoring and evaluation should include:

- Review of reports e.g. construction, grievance, implementation etc;
- Review of minutes of public meetings;
- Review of complaint reports;
- Focus Group Discussions;
- Sample surveys.

The Monitoring and Evaluation (M&E) cycle should consist of the benchmarks shown in Table 8-1. The completion audit should bring to a closure CWSB's responsibility for resettlement, compensation, livelihood restoration and development support.

Table 14 Monitoring and Evaluation Benchmarks

Benchmarks	Responsibility	Aspects	Reporting	Frequency
Preliminary and completion audit		<p>Ensure all physical assets destroyed have been compensated</p> <p>Compliance to local and international laws and policies</p> <p>Percentage of targets achieved</p> <p>Constraints and mitigations to constraints</p> <p>Handling of emerging issues</p> <p>Response on grievances raised this should include adequacy of dealing with queries and promptness with which grievances were attended to</p> <p>Percentage attendance of public meetings</p> <p>Percentage of development initiatives as additional assistance to PAPs/CSR that were started as well as their status at closure active or inactive.</p>	<p>Semi Annual Reports submitted to CWSB/ the implementing team</p>	<p>Preliminary Audit Half way through implementation</p> <p>Completion audit at end of implementation</p>
Monitoring of compensation exercise	CWSB Representatives	<p>Review and confirmation of Census and Identification Documentation;</p> <p>Conduct of grievance audits to including teams to CWSB going check-ups on number of public meetings held;</p> <p>Include contingency to deal with emerging issues;</p> <p>PAPs perception on handling of grievances</p> <p>Percentage of payments made vis a vis percentage of payments issued</p> <p>Percentage of people compensated</p> <p>Percentage of social programmes implementation with regards to CSR</p> <p>Follow up on reports submitted on</p>	<p>Quarterly reports submitted by the task team to the CWSB</p>	<p>At the beginning of RAP implementation and ongoing</p>

emerging issues during the RAP implementation	
Monitoring of displacement impacts	Monthly reports by the task team to the CWSB

9.0 CONCLUSIONS

The proposed project aims to rehabilitate and extend the bulk water supply works in the coastal Town of Mombasa and its environs. Going by the reports from various households where fresh clean water is hardly accessible and boreholes are the main sources of water sold to the public at exorbitant prices, it is critical that measures had to be undertaken to curb that. Hence, the rehabilitation and extension of the main water supply pipeline of Mombasa Water and Sanitation Service Improvement Project.

However, provision of water in the Coastal town of Mombasa should not impoverish the people currently living in the project area, hence the need for proper planning and participation of all stakeholders in the implementation of the Resettlement Action Plan.

Impacts of the project to PAPs and possible mitigation measures have been discussed. The most prominent is that of compensation where CWSB should ensure that notices for removal of trees, crops and other assets are given in good time to avoid delay of the rehabilitation implementation program for future plans of expansion, there is need for CWSB to demarcate and protect the 3-5m way leave of which it has the easement right. It is important that people that have encroached are sensitized and compensated for any development and farming activities before they are evicted.

A participatory process is encouraged through public meetings; one-on-one discussions through the grievance mechanism and focus group discussions. The proposed implementation committee includes community members' representatives, including representatives of vulnerable groups to ensure that every PAP has a voice during the resettlement process.

The success of the RAP will be enhanced if the institutions mandated by Law, especially the provincial administration represented by the Sub-County Commissioner's office, and the Ministry of Environment, Water and Natural Resources represented by the Coast Water Services Board who are the project implementers, work closely with other stakeholders including the Project Affected Persons.