

REPUBLIC OF KENYA



MINISTRY OF WATER & SANITATION

KENYA WATER SECURITY AND CLIMATE RESILIENCE PROJECT –

RESETTLEMENT ACTION PLAN FINAL REPORT

FOR

MOMBASA NORTH MAINLAND PIPELINES, MOMBASA COUNTY

RFP NO.: MOWI/KWSCR-1/007/2016-2017

PROJECT NO.: P117635

CREDIT NO. IDA5268-KE

30 NOVEMBER 2020

RAP EXECUTIVE SUMMARY

Background

The Government of Kenya through the Ministry of Water and Sanitation has received financing from the World Bank (IDA) in the form of a credit toward the cost of Kenya Water Security and Climate Resilience Program (KWSCRCP). Within the framework of the Kenyan Water Security and Climate Resilience Project Phase I (KWSCRCP-1) the Mwache Dam will be established in order to increase water supply for Mombasa County and expects to enter the first operating phase by the year 2022. At that point the water supply to Mombasa County to be managed by the Water Service Provider (Mombasa Water Supply and Sanitation Company Ltd., MOWASSCO) will be 100,000 m³ per day from Mwache Water Treatment Plant (WTP) increasing to 186,000 m³/h in 2025.

To enable Mombasa County to meet its financial obligations within the Mwache project the KWSCRCP-1 supports MOWASSCO's technical capability to distribute the water from Mwache Dam, to maintain the water infrastructure needed and to maintain a low level of Non-Revenue Water (NRW).

The water supply in Mombasa faces two major challenges: the current supply is well below the current demand and the Non-Revenue Water (NRW) is high. The planned Mwache Dam will significantly increase the supply but will create a new challenge: the capacity of the existing distribution system is unable to meet future demand.

Vitens Evides International were engaged to design the Distribution Network. Pipeline routes were selected based on existing road structure. The Distribution Network design includes:

- Primary pipelines

These are the main artery, the backbone of the system. The primary pipelines are selected based on the structure of the supply system. Diameter is not a selection criterion for primary pipelines. In general pipelines with a diameter of 300 mm and larger are primary pipelines but this varies per area.

- Secondary pipelines

These are pipelines with a diameter larger than 150 mm which are not part of the primary pipelines.

- Tertiary pipelines

These are all pipelines with a diameter smaller than 150 mm. The scope of the design considers a minimum diameter of 63 mm. These pipelines often have a branched structure. Tertiary pipelines are only laid in accessible public roads.

- District Metered Area (DMA) boundaries including flow meters

Logical isolated areas to monitor performance of the operation, maintenance, and investments of the network.

- Isolation valves

Valves to facilitate operation and DMA isolation.

Zamconsult Consulting Engineers has been contracted to undertake the ESIA and RAP for the proposed pipelines. The ESIA report is separate from this RAP report

Study Methods

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

- Primary Data Sources including household questionnaires, key informant interviews, site visits and observations.
- Secondary Data Sources including design report, World Bank Policies and Kenyan Policies on Resettlement.
- The data collected in the field was analyzed to obtain the socio-economic background of the PAPs, inventory of affected assets and cost the RAP implementation.

Expected impacts

The proposed pipelines will be located within the road reserves of various roads as such there will be no land acquisition for this project, however the water pipelines will cause several other impacts. These impacts will be temporary and will include:

- Impacts on Structures (permanent, semi-permanent, temporary) on road reserve
- Fences on road reserve
- Impacts on trees, live fences, lawns, and flowers within the road reserve
- Impacts on businesses/livelihood within the road reserve

Those whose structures are affected will be rebuilding their structures after the pipeline has been laid down and this will lessen the impact.

Eligibility Criteria and Entitlement Employed for the RAP

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

Project affected persons (PAP) identification: These were persons whose assets may be lost and/or affected, property, other assets, livelihoods and /or access to natural and/or economic resources as a result of activities related to the project way leave. This included also vulnerable people living in the area, squatters/encroachers as well.

Setting of the Cutoff date:

The cutoff date was established as 19th February 2018 the date when PAPs census exercise began for the locations affected by the pipelines. The PAPs identified during the census exercise were eligible for compensation for the assets. Any developments after this date are not eligible for compensation. In case anyone was missed during the census and their assets not considered; they can appeal through the set GRM process. This date was established by the consultant in consultation with the client. All stakeholders including PAPs and neighboring communities were informed of the cut-off date and its implications. Information about the cut-off date was disseminated through public consultative meetings neighboring, during socio-economic survey, focus group discussions, through local authorities and formalized through documentation in the RAP report.

Assets Inventory

All affected assets were identified and grouped as follows:

- i. Structures
- ii. Fences
- iii. Trees, live fences, lawns, and flowers
- iv. Businesses/Livelihoods

The table below present the summary of the affected PAPs for the proposed works.

Summary of Project Affected Persons

No	Type of PAPs	Number of PAPs
1	Institution (schools, churches, and mosques)	50
2	Male PAPs	464
3	Female PAPs	121
4	PAPs whose identity was not found	134
Total		769

All the PAPs were either squatters or encroachers since all works take place in the road reserve and hence all affected assets are in the road reserve.

Out of the 769 PAPs, it was not possible to identify 134 of them. Considerable effort was made to establish names and identity of the affected people by “triangulation” i.e., asking other affected persons; community leaders and representatives; and independent agents. Their assets were surveyed and accounted for but indicated as unknown in RAP the matrix. The schedule of work was emailed to the residents through the Nyali Residents Association chairperson. The Association were also informed of everyday working area in order to be available to answer the necessary questions.

Some of the affected persons were identified using the above method; however, 134 household owners were not identified. Of the 134 PAPs which were not able to be identified: most are not living in the area and the neighbors didn’t know anything about them. These PAPs were mainly from the middle to high income earning residential area of Nyali. The MoWSI will send written notices of the intention and effort to contact the affected property owners. These notices will be dropped at the residences and will give the contacts and address offices which the property owners would visit and get their due compensation and related project information.

Thirty-one, (31) out of the 134 unidentified PAPs refused to give their personal details while six, (6) caretakers refused to give the details of their employers although they acknowledged having received the emails. These 37 PAPs said they had no problem with the project so long as the contractor reinstated their driveways. They said most of the trees especially the neem trees had grown on their own and therefore they had no legal claim since they were on the road reserve.

The affected assets of the 134 were identified and recorded in the RAP asset inventory. The RAP implementation team will place appropriate notices and use local mechanisms to locate and engage with the PAPs who were not identified during the RAP preparation phase. As many of those unidentified PAPs who will have their driveways affected, they will be reinstated by the project.

Type of structures affected

Type of structures Affected	No of Structures Affected
Permanent Structures	42
Semi-permanent Structures	56
Temporary Structures	174
Total	272

The total PAPs with affected structures were 249 while the affected structures were 272. This was because some PAPs had more than one affected structure.

Type of structures Affected	Permanent Structures	Semi-permanent Structures	Temporary Structures
Structures with Running Businesses	17	25	84
Residential and house extensions	8	11	3
Housing for generator	2	0	0
Guard house	7	2	0
Unutilized structures	8	18	87
Total	42	56	174

144 out of 174 temporary structures were business premises of which 84 had running businesses while the rest were not being utilized by anyone during the RAP preparation period of about 3 months/ they were vacant. Out of 56 Semi-permanent Structures 4 were residential and 7 were house extensions, 2 guard houses while the rest were business premises, of which 25 had running businesses. Out of 42 permanent structures, 8 were residential, 7 were guard houses, 2 generator housing while the rest were business premises of which 17 had running businesses. The residential structures were mainly house extension in the Shauri Yako area. The section is 180m long and a way leave of 7m in width was considered to allow an excavator. The land is registered under government land and is heavily encroached though there is a high voltage powerline and waterline. Fortunately, they are aware that they have encroached the land and have built on the water pipeline and are willing to pave way for the construction of the project. Displacement won't be permanent as the affected wayleave can be used for establishment of small businesses once the works are completed.

Preferred compensation for structures with businesses

Those whose structures and business premises were affected were consulted and were given four options to ensure they are fully restored to the extent possible to ensure security of tenure.

The options were

1. Restoration of the structures by the contractor (fixed)
2. Restoration of the structures by the project (structures on wheels)
3. Compensation of structures as valued
4. Provision of stalls in Kongowea market (which was identified as the available council owned market in the project area)

Preferred method of compensation as shown in the table below.

Type of structures Affected	Permanent Structures	Semi-permanent Structures	Temporary Structures
Structures with Running Businesses	17	25	84
Restoration of the structures by the contractor (fixed)	0	0	0
Restoration of the structures by the project (structures on wheels)	0	1	10
Compensation of structures as valued	17	24	73
Provision of stalls in Kongowea market	0	0	1

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

Affected Asset	Eligible PAPs	Entitlements
Structures on the way leave within the road reserve	Structure owner (encroacher or Squatter and the vulnerable)	Replacement Cost of Structure For the vulnerable group special assistance by the Contractor in removing the structure in a manner that salvages the material and possible rebuild of the assets.
Trees on the way leave within the road reserve	Owner of the trees	Replacement cost of mature tree (fruit, commercial, indigenous, and medicinal) and assistance in establishing a new tree in monetary terms.
Flowers lawns and live fences on the way leave within the road reserve	Owner of the flowers and lawns	Replacement Cost of the flower's lawns and live fences
Fences, signboards, and gates along the proposed way leave within the road reserve	Owner (whether encroacher or	Replacement Cost of fence and an allowance to move the gate

	squatter)	
Temporary disturbance of Businesses/livelihood on the way leave and within the road reserve	Business owner (tenant, Squatter and the vulnerable)	<p>Monthly net income for three months for those whose structures will be demolished and assistance to re-establish their businesses for the vulnerable households</p> <p>Livelihood disturbance comprising of 3 days' business income at a mean value of KShs 3,000. (This was an agreed amount between the client, KWSCR and the Consultant and applies for those businesses that may have to close for between a day and 3 days as the pipeline will be laid in front of their businesses but the business premises will not be demolished.) The income levels of these businesses varied between KShs. 200 and KShs. 1,000 and hence the mean compensation value of KShs. 3,000</p>

Valuation Methods and Cost of Entitlements

All affected assets were valued based on the full replacement cost method for all the affected assets. The following assets were valued:

- i. Structures
- ii. Fences
- iii. Trees, lawns, flowers, and live fences
- iv. Businesses/Livelihoods

In addition to the entitlement, each PAH was allocated a disturbance allowance totaling 15% of the assessed compensation... The table below shows the cost of the various assets.

Entitlement for loss of Various Assets

No	Assets Affected	Entitlement costs (KShs.)	Total Entitlement Costs (KShs.) (including 15% Disturbance Allowance)
1	Structure	20,003,450.00.00	23,003,967.50.50
2	Fences	1,183,500.00	1,361,025.00
3	Trees, lawns, flowers, and live fences	5,706,950.00	6,562,992.50
4	Livelihoods	4,581,000.00.00	5,268,150.00.00
TOTAL COST		31,474,900.00.00	36,196,135.00.00

RAP Implementation Cost

The RAP implementation cost was computed considering administration costs and contingencies. Bringing the total cost of the RAP to thirty-six million, two hundred and seventy-eight thousand, nine hundred and thirty-five shillings only (KShs. 36,278,935.00) broken down in the table below.

Summary RAP Implementation Cost

No	RAP Item	Cost (KShs.)
1	Entitlement Costs	31,474,900.00
2	Disturbance allowance (15% of Entitlement Costs)	4,721,235.00.00
3	Total Entitlement Costs (including 15% Disturbance Allowance)	36,196,135.00.00
4	RAP Administration and monitoring Cost (10% of total Entitlement Cost)	3,619,613.50.00
TOTAL RAP IMPLEMENTATION COST		39,815,748.50.00

Conclusion

In order to mitigate the negative impacts of resettlement, the following will be observed:

- ❖ Any planned displacement of the project affected persons will be undertaken after compensation payments have been made before any construction activities are done and in accordance with the prevailing law and WB safeguard policies.
- ❖ Compensation will not only follow the replacement cost of the affected asset, but will also be associated with comprehensive consultations and negotiations with PAHs to minimize grievances. The compensation will follow the laid down procedures and payments schedules and guided by amounts given on Asset Register on Table 13.4 in this RAP Report.
- ❖ The project affected persons will be given adequate notice, at least thirty days to relocate their assets once they have been compensated.

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ACRONYMS AND ABBREVIATIONS

AIDS	Acquired Immunodeficiency Syndrome
CBO	Community Based Organization
EMCA	Environment Management Coordination Act
RAP	Resettlement Action Plan
PAP	Project Affected Person
PAH	Project Affected Household
EIA	Environmental Impact Assessment
ESIA	Environmental and Social Impact Assessment
GoK	Government of Kenya
HIV	Human Immunodeficiency Virus
ID No.	Identity Card Number
KShs.	Kenya Shillings
KWSCRCP	Kenya Water Security and Climate Resilience Program
LRCC	Locational Resettlement and Compensation Committees
MDG	Millennium Development Goals
MWS	Ministry of Water and Sanitation
NEMA	National Environment Management Authority
NLC	National Land Commission
NGO	Non-Governmental Organization
NMK	National Museums of Kenya
NPEP	National Poverty Eradication Plan
NWSB	Northern Water Services Board
O&M	Operation and Maintenance
PEC	Poverty Eradication Commission
SCRCC	Sub-County Resettlement and Compensation Committee
WaSSIP	Water Supply and Sanitation Improvement Program
WSB	Water Services Board
WSP	Water Services Provider
WSS	Water Supply and Sanitation Services
m ³	cubic meters
DMA	District Metered Area
DMZ	District Metered Zone
GI	Galvanized Iron

GIS	Geographical Information System
GPS	Global Positioning System
HDPE	High Density Poly Ethylene.

LIST OF DEFINATIONS

Replacement value: Replacement value is equal to the price it takes to replace or repair damaged property with new or restored property of similar quality.

Compensation: Payment in cash or in kind for an asset to be acquired or affected by a project at replacement cost

Project Affected Persons (PAPs): Any person or persons, household, firm, or public or private institutions who on account of a development project would be adversely affected by any project related change or changes in use of land, water or other natural resources, or a person/s who loses his/her/their assets or property movable or fixed, in full or in part including land, with or without displacement, after the commencement and during execution of a project.

Cut-off-date: Refers to the date prior to which the occupation or use of the project area makes residents/users of the same eligible to be categorized as PAP. A cut-off- date means the date after which people will not be considered eligible for compensation

Entitlement: Refers to a range of measures comprising compensation, income restoration support, transfer assistance, income substitution, relocation support, etc. which are due to the PAPs, depending on the type and severity of their losses, intended to restore their economic and social base.

Squatter: Those occupying public lands without legal arrangements with the Government or any of its concerned agencies.

Encroacher: Means those who own property and extend it into an adjacent area that is not owned by them

Census Surveys: A survey is a data collection activity involving a sample of the population. A census collects information about every member of the population. You might say a census is a 100 percent sample survey or, they can be used to collect more and different information than is collected in a census. A census is the procedure of systematically acquiring and recording information about the members of a given population.

Inventory of losses: Measurement of assets as a preliminary record of affected or lost assets

Land acquisition: The process whereby a person is compelled by a government agency to alleviate all or part of the land a person owns or possesses to the ownership and possession of the government agency for public purpose in return for a consideration.

Income restoration: The re-establishment of sources of income and livelihood of the affected households

Inventory of losses: The process where all fixed assets (i.e., lands used for residence, commerce, agriculture, including ponds; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; trees with commercial value; etc.) and sources of income and livelihood inside the Project right-of way (ROW) are identified, measured, their owners identified, and their exact location pinpointed. Additionally, the severity of impact to the affected assets and the severity of impact to the livelihood and productive capacity of APs will be determined.

Land acquisition: Refers to the process whereby an individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purposes in return for compensation at replacement costs.

Relocation: The physical relocation of a PAP from her/his pre-project place of residence and/or business.

Household: A household includes all persons living and eating together as a single-family unit.

Resettlement: Means mitigation of all the impacts associated with land acquisition including restriction of access to, or use of land, acquisition of assets, or impacts on income generation as a result of land acquisition.

Livelihood restoration: a plan that establishes the entitlements (e.g., compensation, other assistance) of affected persons and /or communities who are economically displaced, in order to provide them with adequate opportunity to reestablish their livelihood.

Disturbance allowance: Payment to compensate for the general upheaval and incidental expenses associated with the project.

Special assistance: Means support, rehabilitation and restoration measures extended in cash and /or kind over and above the compensation for lost assets.

Rehabilitation: Refers to additional support provided to APs for losing their respective productive assets, incomes, employment, or sources of living, for the purpose of supplementing payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of pre-project living standards and quality of life.

Replacement cost: The term used to determine the value sufficient to replace affected assets and/or cover transaction costs necessary to replace the affected assets without depreciation for such assets as well as material advantages, taxes and/or travel expenses. Resettlement - means all social and economic impacts that are permanent or temporary and are (i) caused by acquisition of land and other fixed assets, (ii) by change in the use of land, or (iii) restrictions imposed on land, as a result of a project.

Resettlement Action Plan: A time-bound action plan with budget setting out compensation and resettlement, ethnic minority strategies, objectives, entitlement, actions, responsibilities, monitoring and evaluation.

Meaningful Consultation: A process that (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues.

Severely affected households: Refers to affected households who will (i) lose 10% or more of their total productive land and/or assets, (ii) must relocate; and/or (iii) lose 10% or more of their total income sources due to the Project.

Vulnerable groups: Distinct groups of people who might suffer disproportionately or face the risk of being further marginalized by the effects of resettlement and specifically include: (i) female headed households without support, (ii) disabled household heads, (iii) households falling under the generally accepted indicator for poverty, (iv) children and the elderly households who are landless and with no other means of support, (v) landless

1 INTRODUCTION

1.1 PROJECT BACKGROUND

The Government of Kenya through the Ministry of Water and Sanitation has received financing from the World Bank (IDA) in the form of a credit toward the cost of Kenya Water Security and Climate Resilience Program (KWSCRIP). Within the framework of the Kenyan Water Security and Climate Resilience Project Phase I (KWSCRIP-1) the Mwache Dam will be established in order to increase water supply for Mombasa County and expects to enter the first operating phase by the year 2022. At that point the water supply to Mombasa County managed by the Water Service Provider (Mombasa Water Supply and Sanitation Company Ltd., MOWASSCO) will be 100,000 m³ per day from Mwache Water Treatment Plant (WTP) increasing to 186,000 m³/h in 2025.

To enable Mombasa County to meet its financial obligations within the Mwache project the KWSCRIP-1 supports MOWASSCO's technical capability to distribute the water from Mwache Dam, to maintain the water infrastructure needed and to maintain a low level of Non-Revenue Water (NRW).

The water supply in Mombasa faces two major challenges: the current supply is well below the current demand and the Non-Revenue Water (NRW) is high. The planned Mwache Dam, (not covered by this RAP) will significantly increase the supply but will create a new challenge: the capacity of the existing distribution system is unable to meet future demand.

Vitens Evides International were engaged to design the Distribution Network. Pipeline routes were selected based on existing road structure. The Distribution Network design includes:

- Primary pipelines

These are the main artery, the backbone of the system. The primary pipelines are selected based on the structure of the supply system. Diameter is not a selection criterion for primary pipelines. In general pipelines with a diameter of 300 mm and larger are primary pipelines but this varies per area.

- Secondary pipelines

These are pipelines with a diameter larger than 150 mm which are not part of the primary pipelines.

- Tertiary pipelines

These are all pipelines with a diameter smaller than 150 mm. The scope of the design considers a minimum diameter of 63 mm. These pipelines often have a branched structure. Tertiary pipelines are only laid in accessible public roads.

- DMA boundaries including flow meters

Logical isolated areas to monitor performance of the operation, maintenance, and investments of the network.

- Isolation valves

Valves to facilitate operation and DMA isolation.

Zamconsult Consulting Engineers has been contracted to undertake preparation of the ESIA and RAP for the proposed pipelines. The ESIA report is separate from this RAP report.

1.2 THE CLIENT

1.2.1 Ministry of Water and Sanitation

The Ministry of Water and Sanitation is the overall government body charged with ensuring water resources availability and accessibility by all within the country. It does this through water service providers and water boards within the country in meeting its mandate.

The government has planned a large-scale water investment program to close the massive water infrastructure gap that has been estimated at US\$5-7 billion. This is to be supported by the establishment of a strong and modern institutional and legal structure that aligns the water sector with the Constitution of Kenya 2010 through a Water Bill reflecting the new devolution framework under discussion in Parliament. Towards this end, the Ministry of Water and Sanitation is undertaking an ambitious agenda for the water sector through a long-term, transformational program aimed at building water security and climate resilience for economic growth and social wellbeing. The Kenya Water Security and Climate Resilience Program (KWSCRCP) responds to this need.

1.2.2 The Kenya Water Security and Climate Resilience Program (KWSCRCP)

The first phase of the program, (KWSCRCP-1) was approved by the World Bank board on June 18th, 2013 and declared effective on October 24th, 2013. The project development objectives of KWSCRCP-1 are to:

- i. Increase availability and productivity of irrigation water for project beneficiaries; and
- ii. Enhance the institutional framework and strengthen capacity for water security and climate resilience for the country.

KWSCRCP-1 focuses on the progressive development of a water investment pipeline, integrated and participatory basin planning, and technical assistance to the evolving water sector institutions and sector reforms at a critical period of constitutional and political transition. The Mombasa North Mainland project falls under KWSCRCP 1.

The Coastal Region Water Security and Climate Resilience Project (KWSCRCP-2) is the second operation under the program and its design is consistent with the approach envisaged for the program in that investment preparation follows a sound investment framework and incorporates a multi-sectoral, multi-dimensional approach. The project will improve access to water and sanitation, general health conditions and quality of life among poor urban and rural households that currently rely on expensive water sources and are exposed to serious health risks due to lack of sanitation.

1.2.3 North Mainland Pipelines in Mombasa County

The Mombasa North Mainland is the most populous region in Mombasa. North Mainland consists of two constituencies: Kisauni and Nyali. North Mainland forms one of the four zones earmarked for network development and Non-Revenue Water (NRW) reduction implementation.

The other three zones are South Mainland (Likoni), West Mainland and Island. Each of these zones is targeted in NRW reduction strategy, which seeks to measure, monitor, and evaluate how efficiently the utility delivers services, based on set, and agreed performance indicators. As such the area will greatly benefit from the proposed project. This RAP covers the proposed priority lines in Nyali constituency.

1.2.4 Project Guiding Principles

World Bank Operational Policy (OP 4.01) on Environmental Assessment, Involuntary Resettlement Policy (OP 4.12) together with relevant Kenyan environmental legislation and regulations (EMCA) are the guiding principles for this consultancy. In order to address the safeguard policy issues and to ensure that implementation of the project activities is carried out in an environmentally and socially sustainable manner, the GOK prepared and disclosed an Environmental and Social Management Framework (ESMF), and a Resettlement Policy Framework (RPF).

1.3 JUSTIFICATION FOR THE RAP

An environmental and social impact assessment (ESIA) has been undertaken for the proposed project and has identified some social impacts associated with the project within some of the project sites. Based on the findings of the ESIA and a RAP screening exercises, all the proposed pipelines will be located within road reserves and as such land acquisition for the wayleaves will not occur, however some of the pipelines will temporarily affect assets and livelihoods along the roads reserve. Hence the need for a RAP.

The Resettlement Action Plan helped to define the resettlement and compensation necessary as a result of implementing the water supply project in accordance with the Laws of Kenya and the World Bank Policies.

1.4 OBJECTIVES OF THE RAP

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

The Specific Objectives and activities of the RAP include:

- ❖ Conduct public consultation with PAPs, county governments, and other stakeholders not only to ensure that their concerns and suggestions are taken in to account, but also to promote the participation of the stakeholders in the planning, implementation, and evaluation of the RAP;
- ❖ Conducting census and socio-economic surveys of project affected areas and populations as a basis for identifying and measuring the types and magnitude of impact of the project, and the associated displacement and loss of household and community assets, in order to determine the required amounts of compensation and

other resettlement measures and assistances for the restoration of income and livelihoods;

- ❖ Design mechanisms and procedures for the resolution of conflict and redress of grievances arising from the implementation of the RAP and the project;
- ❖ Design the organizational and institutional arrangements necessary for the implementation of the RAP, including detailed allocation of responsibilities and coordination issues;
- ❖ Formulate a system for the monitoring, review and evaluation of the process and outcome of the implementation of the RAP;
- ❖ Formulate criteria for eligibility and entitlement as well as methods and mechanisms for the valuation of various categories of household and community assets for compensation.
- ❖ Identify and assess the impacts of the project on PAPs and communities in the project area, identify different options and alternatives to avoid or reduce displacement, of population and dislocation of livelihoods;
- ❖ Prepare a timetable for the implementation of the RAP with detailed time-bound schedules for its various components and activities.
- ❖ Prepare cost estimates and budget for the implementation of the RAP and its various components and activities;
- ❖ Provide mitigation for the project related impacts identified in the RAP
- ❖ Undertaking a review of the relevant national and international policy, legal, and institutional frameworks and guidelines pertaining to involuntary resettlement, eminent domain and land tenure, expropriation and compensation, restoration and improvement of the income and livelihood of PAPs, etc.

1.5 METHODOLOGY FOR CARRYING OUT THE RAP

The methodology for carrying out the RAP included data collection and analysis. The key steps are outlined below.

1.5.1 Primary Data Collection

1) 1.5.1.1 Household Survey and Enumeration (Done between 15th Jan 2018 and 13th March 2018)

This was used to identify the affected households and to take an inventory of their assets and livelihood as well as their socio-economic characteristics. A structured questionnaire was administered to the identified households by trained enumerators recruited from the local community. A copy of the questionnaire is provided in the appendices, section 15.1.

2) 1.5.1.2 Site Visits and Observations

Several site visits were conducted to locate the pipelines. These visits were also used to identify the people affected by the design to who were enumerated for the survey. In addition, the Consultant carried out a physical mapping of all PAPs within the project areas, with all affected developments. Due to the fact that the existing roads will be used to access the sites a wayleave of 2m was taken for all the pipelines except a section of Makongeni line at Shauri Yako area which is not a road reserve. The section is 180m long and a way leave of 7m was considered to allow an excavator. The land is registered under government land and is

heavily encroached though there is a high voltage powerline and waterline. The consultant proposed a re-alignment for sections of the pipeline that passed through private land. The proposal for realignment was taken up by the Ministry of Water and Sanitation.

These sections are: -

- NML1139- Passes through a built-up area
- NML708- Passes through private land and Luther land Church compound
- NML671- Passes through private land
- NML1454 -Passes through the Nyali Post Office compound, since Nyati road does not pass through.

1.5.2 Secondary Data Collection

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

- Kenyan Policies and Laws on Land and resettlement
- World Bank Policies Land and Resettlement
- The Design Report

1.5.3 Public Consultation

This was done at three levels between the 15th Jan 2018 and the 13th March 2018:

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

1.5.4 Data Analysis and Processing

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

2 PROPOSED PROJECT DESCRIPTION

2.1 LOCATION

The proposed project area is in Mombasa North Mainland which is the most populous region in Mombasa. Mombasa North Mainland consists of two constituencies: Kisauni and Nyali. This RAP covers the proposed priority lines in Nyali constituency as shown in the map below.

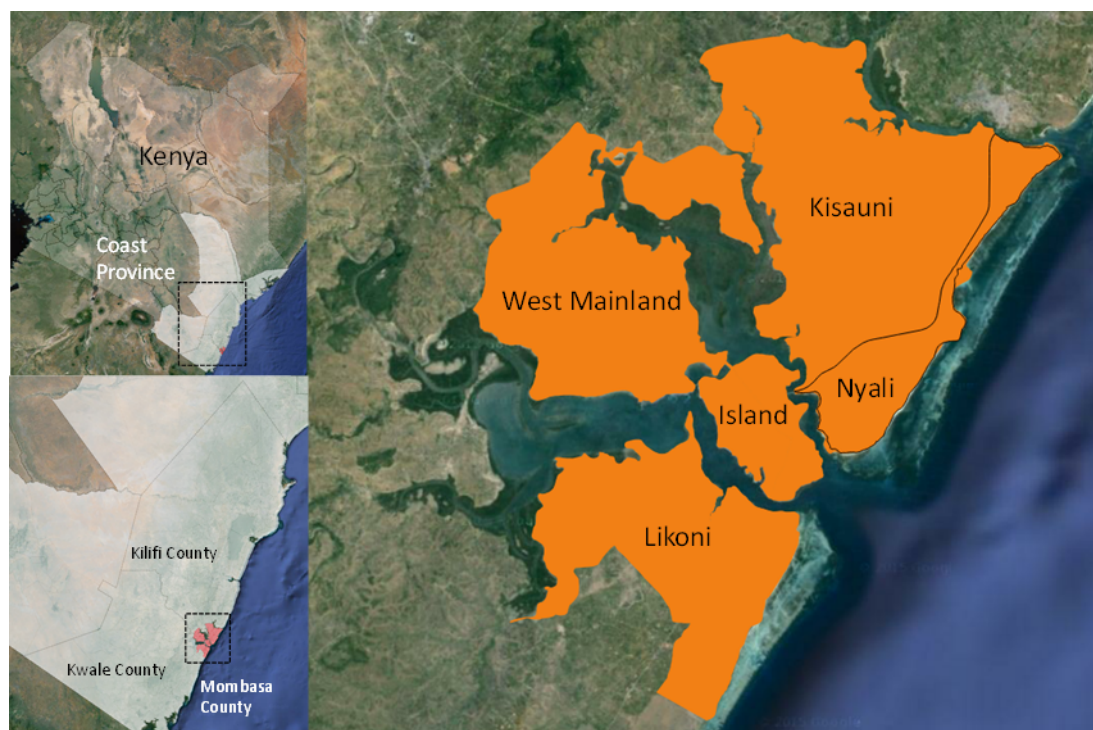


Figure 2-1: Map Showing the Location of the Project Area

The proposed pipelines are all scattered within the Nyali Sub-County with the centre at GPS Co-ordinates 4°02'36.39" S and 39°42'06.28" E.

2.2 THE BACKGROUND OF PROPOSED PROJECT

2.2.1 Current Water Supply

Mombasa County is currently supplied by four major water sources:

1. Baricho Wellfield.
2. Mzima Springs.
3. Marere springs.
4. Tiwi Boreholes.

The summary of the sources and the quantities of water supplied to Mombasa from the above sources is summarized in Table 2 -1 below:

Table 2-1: Summary of Water Sources for Mombasa County

Source	Production capacity (m ³ /d)	Supply to Mombasa (m ³ /d)		
		2006-2011	2013	Q1 and Q2 2015
Baricho	83,000	25,206	28,596	27,713
Mzima springs	35,000	17,849	13,364	12,951
Marere springs	12,000	2,965	2,202	2,134
Tiwi boreholes	13,000	1,880	1,649	1,598
Total	143,000	47,900	45,811	44,396

The Mombasa North Mainland (project area included) gets its water from the Nguu Tatu reservoir. The reservoir has a capacity of 27,100 m³. According to the design report for the North Mainland water supply by Vitens Evides International in 2017 highlights that the current water supply only meets 29% of the net demand in Mombasa.

2.2.2 Current Water infrastructure

A situational analysis of the pipeline networks was carried out and identified the distribution network in Mombasa summarized in Table 2 2 below:

Table 2-2: Distribution Network in Nyali

Material	Length (km)	Length (%)
AC	52.7	18%
Cast Iron	11.9	4%
Concrete	0.4	0%
GI	72.1	24%
HDPE	46.0	15%
PPR	3.6	1%
uPVC	114.2	38%
Total	300.9	

The situational analysis also identified that Non-revenue water in North Mainland amounted to 49% in the period from September 2015 to January 2016, showing great losses in the system and losses for MOWASCO.

The analysis also established that only some parts of the network will need replacement and not a complete overhaul of the entire network.

2.2.3 Previous Projects and proposed Projects in the Area

There are several projects that have been or are in the process of implementation; of particular benefit of the Mombasa North mainland are the Water and Sanitation Service Improvement Project (WaSSIP) project and Mwache Dam.

2.2.3.1 Water and Sanitation Service Improvement Project (WaSSIP)

The Water and Sanitation Service Improvement Project (WaSSIP) targets the improvement of distribution of water supply in Mombasa County and surrounding areas, the improvement of access to waste water services in part of Island and some others works. Both main activities comprised of detailed feasibility studies and phased construction by expansion or rehabilitation of existing systems for water and waste water in and around Mombasa County. The Kipevu waste water treatment plant was also rehabilitated under the WASSIP program. Other works were the rehabilitation of the Tiwi and Sabaki well fields, and construction of new Marere pipeline with funding from Agence Française de Developpement (AfD).

Coast Water Services Board, with funding from the World Bank sought to improve water and sanitation in Mombasa under WaSSIP. Some of the endeavors under WaSSIP focused on improving water distribution in Mombasa North Mainland under Mombasa Lot 1 and 2 projects.

The pipelines although extremely useful, have not fully covered the required improvements needed in the distribution network of the Mombasa North Mainland.

2.2.3.2 Establishment of District Metering Areas (DMAs)

Six pilot DMAs were established in the four main district metered zones (DMZs) of MOWASSCO in 2016, initially with good result. The pilots showed a significant reduction of NRW and increase of billing. The knowledge and experience from the pilot DMAs were the basis for the design and recommendation for establishment of DMAs throughout Mombasa.

It was the intention to scale-up the successes of the 6 pilot DMAs to MOWASSCO's DMZs, starting in North Mainland, followed by West Mainland, and subsequently Likoni and Island. However, the organizational changes have interfered with this intention. The whole water network is to be broken down into easily measured, controlled, and managed units (i.e. DMAs), where water balances can be established on monthly basis and NRW reduction strategies employed effectively and with economic sustainability.

2.2.3.3 Mwache Dam

This is one of the proposed projects that intend to improve the water supply and availability in the area. The project initiated by the Government of Kenya through credit financing from the International Development Association (IDA) to implement projects under the Kenya Water Security and Climate Resilience Project (KWSCR 2). One of the potential investments identified under the KWSCR 2 is the Mwache multi-purpose dam project, a Vision 2035 flagship project, which has been given high priority by the Ministry of Water and Sanitation, and the CWSB.

The dam site is located across the Mwache River at the Fulugani village, Kwale County, about 22 km west of the city of Mombasa in the coastal region of Kenya. The Coast Water Supply Master Plan had identified the dam as a preferential, viable, and necessary long-term option for water supply to Mombasa and Kwale counties.

This dam will eventually also provide water to North Mainland, in addition to the Baricho scheme, and thus can be considered as a crucial element of the design of the North Mainland distribution network.

In 2025, the dam will supply an estimated 186,000 m³/day for purpose of urban water demand, starting with approximately 100,000 m³/day in 2022. The Mwache dam requires major expansion of the trunk mains to the distribution reservoirs of MOWASSCO, as well as of the distribution network.

2.3 PROPOSED PROJECT AND ITS OBJECTIVES

The main aim of the project will be to reduce NRW water in the project area as well as improve the water infrastructure in Mombasa North Mainland in preparation for the water from the construction and completion of Mwache Dam.

The NRW will be reduced through the design of DMAs for easy management of areas to prevent losses.

Due to limited funds, several pipelines have been earmarked for immediate improvement under the priority works in the Nyali area.

2.4 DESIGN COMPONENTS

This chapter identifies the baseline used to design the improvements as well as the specific improvements that will be made on the storm water system.

2.4.1 Design Population

The current and future populations for the proposed project were based on the Mombasa County Master Plan. The following are the proposed population projections for the Nyali area

Table 2-3: Population Data based on Mombasa County Masterplan

Sub County	Area (km ²)	2009			2035		
		Population	Population Density (P/Km ²)	Population Distribution (%)	Projected Population	Projected Density (P/Km ²)	Assigned population distribution (%)
Nyali	22.79	185,990	8161	19.8	473,084	20,758	20.5 (+0.7)

2.4.2 Design Demand

The design consultant based the water demand for the area on a previous projection carried out by Mangat and Egisbeom, which estimated the 2030 water demand to be 87,200m³/day. VEI further projected the water demand for the year 2035 based on the following criteria:

Table 2-4: Design Criteria

Description	Parameters
Design horizon 2035	Based on the Urban Master Plan Mombasa County
24/7 supply, no rationing	Peak factor 2.0
Domestic and non-domestic water consumption	27% non-domestic use
Low level NRW	20% NRW

Based on the design criteria, considering development in the area, the demand was computed as:

- Average demand of 107,080 m³/day;
- Peak demand of 214,159 m³/day.

2.4.3 Project Components

1) Primary, Secondary and Tertiary Pipelines

The design of the distribution network of North Mainland primarily aimed to structure the distribution system to facilitate ease of establishment of DMAs, increase in the absorptive capacity and major extension of the supply network coverage. The design entailed new pipelines, existing distribution network in good condition, strategic interconnections between these two systems and revised interconnections within the old system. The approach was based on:

- ❖ The existing network which is quite extensive and generally of reasonable quality and will therefore form an integral part of the future network;
- ❖ Coverage of the network which is very much extensive in the Nyali area and central Kisauni areas. The revised network extends the network substantially in these areas with limited service but existing habitations, and considers planned developmental areas, as well as the envisaged structure of the network in view of the future additional supply of water;
- ❖ Increase in distribution capacity of the network to meet water demand in 2035.
- ❖ The final pipelines are subdivided based on functionality:
- ❖ Primary pipelines: These form the backbone of the distribution network. Diameters vary from 150 to 900 mm with a total length of approximately 73 km with 46 km being newly designed lines;
- ❖ Secondary pipelines: connection between the primary lines and the DMAs. These ensure minimal takeoffs from the primary lines, maintain network structure and ease of segmenting the network into separated smaller areas. Pipe diameters range from 150 to 250 mm and pipes not classified as primary. The secondary lines are approximately 105 km with 80 km being newly designed lines;
- ❖ Tertiary pipelines: Pipelines providing final supply to the consumers. Diameters vary from 110 mm to 50 mm with a total length of approximately 260 km with 126 km being newly designed lines.

The pipelines proposed are summarized in the table below:

Table 2-5: Summary of the Proposed Primary, Secondary and Tertiary Pipelines

Diameter (mm)	Length (m)
50	2,590
63	17,116
75	33,003
110	80,520
160	49,587
200	16,269
250	8,430
315	9,114
350	6,016
400	12,342
500	12,796
800	3,383
1000	1,401
Total	252,567

The pipelines will be made up of HDPE, steel, and uPVC.

2) DMAs

The size and the number of projected connections per district metered area (DMAs) are as shown in the table below. These figures represent potential connection based on spatial identification of households/buildings within the DMA and as per the field survey of the project area. In each area there may be consumers of low, medium, or high income. The number of connections per DMA varies from 200 to 6,300, because some areas are densely populated, yet are still considered a single DMA.

The table below shows the proposed DMAs

Table 2-6: Proposed DMAs

DMA	DMA Area (km²)	Existing Buildings	Flow Meters	Valves
NML00	0.8	1,463	4	6
NML01	0.7	1,729	4	14
NML02	1.2	1,961	5	12
NML03	1.1	1,515	4	4
NML04	2.6	2,979	1	4
NML05	2.8	6,277	3	12
NML06	5.1	2,412	2	16

NML07	1.9	1,884	3	12
NML08	2.9	2,927	3	1
NML09	1.0	2,263	6	12
NML10	0.9	2,319	1	7
NML12	1.3	596	1	11
NML13	2.6	1,167	6	13
NML14	2.0	3,470	5	15
NML15	3.1	2,303	3	22
NML16	1.7	1,415	8	13
NML17	2.6	5,408	2	24
NML18	4.2	1,433	5	17
NML20	1.7	3,310	6	8
NML22	1.4	809	3	5
NML24	1.4	3,634	4	7
NML25	1.2	1,299	4	16
NML26	2.2	1,133	1	7
NML28	2.2	4,531	2	12
NML29	3.9	2,430	2	3
NML30	3.5	1,914	2	5
NML31	6.8	3,572	2	4
Baobab	1.1	770		4
Kiembene Estate	0.4	950	1	
Bombolulu	0.5	696		
Vescon	1.1	190		

3) Establishment of Priority Areas for Investment

Due to limited funds from the project priority pipelines were established based on the following criteria:

1. Good availability and/or increase of water in the coming years;
2. Increase of the number of new customers;
3. Increase of revenue for Mombasa Water;
4. Increase supply to important customers (Industry, Hotels, etc.);
5. Extend water infrastructure to DMAs which are currently not or insufficient supplied with water (social aspect)

Based on the above criteria, the pipelines earmarked for investment in Nyali include:

Lot 1D Replacement of existing pipelines (most AC) and improving system capacity in high NRW areas in parts of Nyali, covering about 6 DMAs.

The area under lot 1D is shown in the figure below:

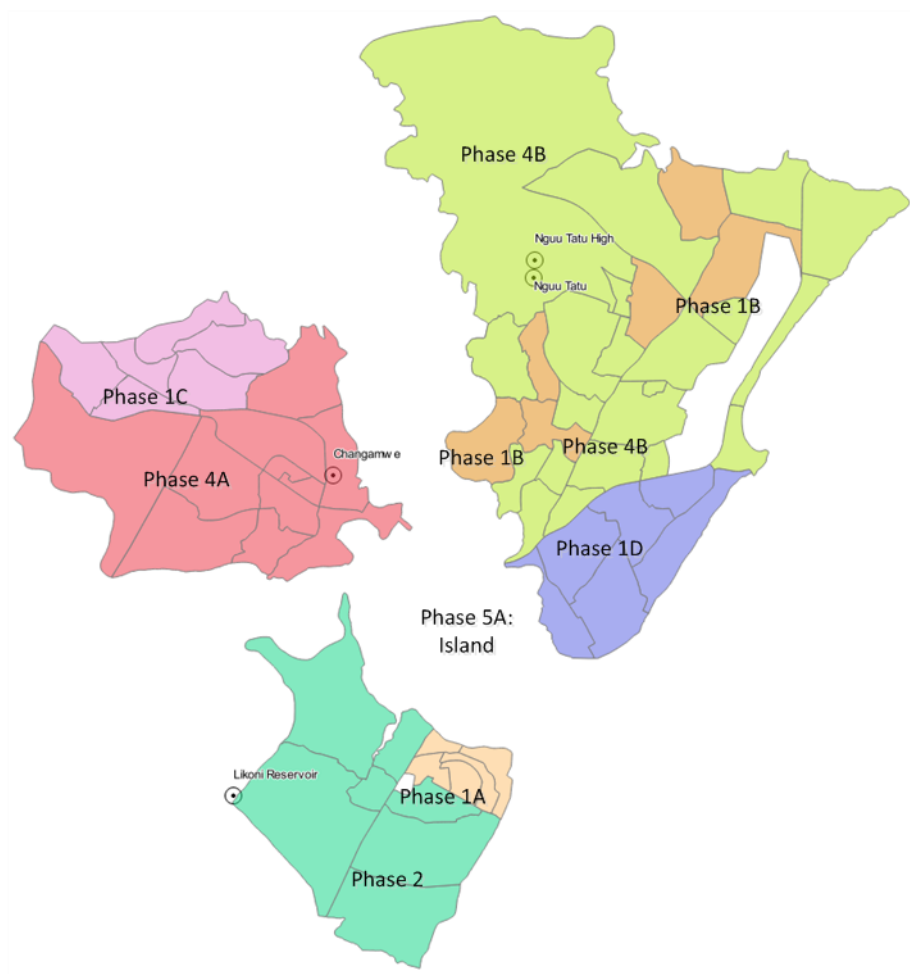


Figure 2-2: Lot 1D highlighted in blue as Phase 1D

2.5 STUDY OBJECTIVE

2.5.1 To carry out a RAP for the pipelines network

The objective of the study was

- i. To undertake a census survey to ensure that all potential PAPs are identified and appropriate measures to remedy resettlement effects and safeguard livelihoods are implemented.
- ii. To undertake socio-economic survey of the PAPs and ensure that baseline data are generated for the purposes of monitoring and evaluation during the project implementation period.
- iii. To undertake asset inventory survey and ensure that all potential assets that will be affected by the proposed project are enumerated, valued, and costed.

-
- iv. To map out the affected properties (structures, crops, trees, fences, graves etc.) using GPS with an accuracy of 1 meter in UTM Coordinate System.
 - v. To undertake stakeholder analysis and public consultation and participation of PAPs in identification, implementation, and monitoring of resettlement process.
 - vi. To develop Resettlement Action Plan (RAP) consistent with the policy and regulation of the Government of Kenya as well as the World Bank's policy on Involuntary Resettlement. The RAP shall identify project affected people (PAPs), affected assets, loss of access to resources and provide for mitigation measures and compensation in accordance to the Government of Kenya regulation and the World Bank guidelines. Where Banks' standards are confirmed to hold a wider scope than the relevant national provisions, the former are expected to take precedence and the RAP is required to provide accordingly.
 - vii. Develop the grievance redress mechanism.

3 RELEVANT LEGISLATIVE/ REGULATORY FRAMEWORK

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

3.1 KENYA POLICIES AND REGULATIONS

3.1.1 The Water Act 2016

This Act is an update of the Water Act of 2002. It makes provision for the provision of clean and safe water in adequate quantities and to reasonable standards of sanitation for all citizens.

The Act gives power to Water Works Development Agencies which are charged with:

- a. Undertaking the development, maintenance and management of the national public water works within its area of jurisdiction.
- b. Operating the waterworks and providing water services as a water service provider, until such time as responsibility for the operation and management of the waterworks are handed over to a county government, joint committee, authority of county governments or water services provider within whose area of jurisdiction or supply the waterworks is located.
- c. Providing a reserve capacity for purposes of providing water services where pursuant to section 103, the Regulatory Board orders the transfer of water services functions from a defaulting water services provider to another licensee.
- d. Providing technical services and capacity building to such county governments and water services providers within its area as may be requested; and
- e. Providing to the cabinet secretary technical support in the discharge of his/her functions under the constitution of this Act.

3.1.2 The Land Act (2012)

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

The Act identifies all public land, of importance to this project will be road reserves which are categorized as public land.

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

- i. Unlawful occupation of public land is an offence which attracts fines of up to KES 500,000 and if a continuous offence, a sum not exceeding KES 10,000 for every day the offence is continued;
- ii. Wrongful obstruction of a public right of way is an offence and attracts a fine of up to KES 10,000,000 and if a continuous offence, a sum of up to KES 100,000 for every day the offence is continued; and

- iii. In addition to these criminal sanctions, any rights over land that were obtained by virtue or on account of an offence may be cancelled or revoked.

3.1.3 Environment and Land Court Act (2011)

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

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

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

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

3.1.4 Cities and Urban Areas Act 2011

This act identifies Mombasa as a city due to its integrated urban area. The city is under the jurisdiction of boards which carry out the duties of the County Government. The various boards within the city are charged with:

- a. exercise executive authority as delegated by the county executive;
- b. ensure provision of services to its residents;
- c. impose such fees, levies and charges as may be authorized by the county government for delivery of services by the municipality or the city;
- d. promote constitutional values and principles;
- e. ensure the implementation and compliance with policies formulated by both the national and county government;
- f. make bye-laws or make recommendations for issues to be included in bye-laws;
- g. ensure participation of the residents in decision making, its activities and programs in accordance with the Schedule to the Act; and
- h. Exercise such other powers as may be delegated by the county executive committee.

This Act identifies the importance of consulting with the county council and its departments for the proposed project in order to get opinions and recommendations for the successful

implementation of the project. In addition, the County Council will be part of the operation of the proposed project.

3.1.5 The Physical Planning Act (CAP 286) 2010

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

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

The site layout plans appended to this report show the project area locations. The proponent shall secure all mandatory approvals and permits as required by the law.

3.1.6 The Wayleaves Act Cap 292

Way Leaves Act (Cap. 292) Section 3 of the Act states that the Government may carry any works through, over or under any land whatsoever provided it shall not interfere with any existing building or structures of an ongoing activity. Notice, however, will be given one month before carrying out any such works (section 4) with full description of the intended works and targeted place for inspection. Any damages caused by the works would then be compensated to the owner as per section. Finally, section 8 states that any person without consent causes any building to be newly erected on a way leave, or cause hindrance along the way leave shall be guilty of an offence and any alternations will be done at his/her costs.

The proposed pipelines will pass through existing road reserves which in essence is a wayleave on its own. The road reserve has an allowance for services including water pipelines.

3.1.7 Public Roads and Roads of Access Act Cap 399

This is an act of parliament that gives power to the various roads boards that control the activities within the roads and road reserves. However, there is a new bill known as the Kenya Roads Bill of 2015 will replace this law.

3.2 WORLD BANK SAFEGUARD POLICIES

3.2.1 The Bank's Operational Policy 4.12: Involuntary Resettlement

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

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

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

Criteria for Eligibility. Displaced persons according to Operational Policy 4.12 are classified as;

- (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.

The key principles of the World Bank Involuntary Resettlement Policy are;

- The need to screen the project early in the planning stage
- Carry out meaningful consultation
- At the minimum restore livelihood levels to what they were before the project, improve the livelihoods of affected vulnerable groups
- Prompt compensation at full replacement cost
- Provide displacement people with adequate assistance
- Ensure that affected persons with no legal rights to land are compensated for the loss of non-land assets
- Disclose all social safeguard documents.

3.2.2 World Bank Policy on Access to Information, 2010

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

This Policy is based on five principles:

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

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

3.3 GAPS BETWEEN KENYAN POLICIES AND WORLD BANK POLICIES ON RESETTLEMENT AND APPLICATION

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

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

This is summarized in the table below, with application given for bridging the gaps

Table 3-1: Summary of Gaps between Kenyan and World Bank Policies giving application on how to bridge the Gaps

General Requirements			
World Bank OP 4.12	Kenyan Policy	Comparison	Application
Involuntary resettlement should be avoided wherever possible, or minimized, exploring all alternatives.	Involuntary resettlement may occur as a result of projects implemented in public interest.	The Kenyan Policy does not stipulate that resettlement should be avoided wherever possible; on the contrary, if a project is for public interest, involuntary resettlement is inevitable.	Resettlement issues considered project in order to avoid/ minimize
Resettlement programs should be sustainable, include meaningful consultation with affected parties, and provide benefits to the affected parties.	The Land Act, 2012 Act outlines procedures for sensitizing the affected population to the project and for consultation on implications and grievance procedures.	Both policies are similar	Implement as prescribed in Law.
Affected persons should be assisted in improving livelihoods etc., or at least restoring them to previous levels.	The Land Act 2012 guarantees the right to fair and just compensation in case of relocation.	Just and fair compensation as outlined in the Land Act 2012 is not clear and can only be determined by the National Land Commission which can be subjective. It does not talk about improving livelihood or restoring them to pre-project status.	Implement World Bank OP should be assisted to improve livelihood to pre-project status
Consultation			
Project Affected persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs	The law outlines procedures for consultation with affected population by the project implementing agencies and grievance management procedures.	Both Policies are similar	Implement the World Bank be meaningfully consulted
Eligibility Criteria			

<p>All PAPs including squatters and encroachers</p> <p>PAPs who neither have formal legal rights nor recognizable claims to land will be entitled to be compensated for non-land assets.</p>	<p>The constitution recognizes ‘occupants of land even if they do not have titles’ and payment made in good faith to those occupants of land. However, this does not include those who illegally acquired land.</p>	<p>The World Bank OP 4.12 policy differ with the Kenyan policy in eligibility criteria.</p>	<p>Implement World Bank PAPs without legal ownership compensated for non-land assets.</p>
PAPs			
<p>Includes both those who are temporarily/permanently or partially /fully affected by the project including squatters and encroachers</p>	<p>Squatters and encroachers i.e. those who acquired land illegally are not entitled to any compensation</p> <p>The way leaves act stipulate demolition of structures on the way leave to be done at owners’ cost</p>	<p>The World Bank OP 4.12 policy differ with the Kenyan policy in recognizing squatters and encroachers.</p>	<p>Implement World Bank PAPs squatters and encroachers affected by the project</p>
Cut-off date			
<p>Compensation is considered if the person/s occupy the project area prior to a cut-off date established by the borrower and acceptable to the Bank. Persons who encroach on the area after the cutoff date are not entitled to compensation or any other form of resettlement assistance. Persons unintentionally not covered in the RAP census will be able to appeal through the project GRM and provide proof that they were operating on the project corridor by the cutoff date</p>	<p>The date when the census survey kicks off</p>	<p>Both Policies are similar</p>	<p>Implement the World Bank PAPs</p>

Valuation			
For houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees, plus the cost of any registration and transfer taxes.	The law stipulates just and fair compensation.	Interpretation of just and fair compensation not clear.	Apply World Bank OP4.12 to achieve replacement value.
Disclosure of Information			
Consult project-affected persons, host communities and local NGOs, as appropriate. Provide them opportunities to participate in the planning, implementation, and monitoring of the resettlement program, especially in the process of developing and implementing the procedures for determining eligibility for compensation benefits and development assistance (as documented in a resettlement plan), and for establishing appropriate and accessible grievance mechanisms	The Land Act outlines procedures for consultation and disclosure of information with affected population by the NLC and grievance management procedures. The Land Act also stipulates the use of public and private spaces and wayleaves for government projects	Both allows for meaningful consultation and disclosure of information even if no land is acquired.	Implement consultation per Kenyan legislation and World Bank OP4.10

Role of depreciation and salvage value			
Provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project.	The law is not clear on the role of depreciation and salvage value and stipulates just and fair compensation	Interpretation of just and fair compensation not clear.	Apply World Bank OP4.12 procedures.
Grievance redress mechanism			
Establish appropriate and accessible grievance mechanisms	Land Act 2012 clearly outlines the steps and process for grievance redress that includes alternative dispute resolution, re-negotiation with NLC and is backed by the judicial system through the Environmental and Land Court	No gap	Implement as prescribed in Law.
Monitoring			
Adequate monitoring and evaluation of activities to be undertaken.	According to Land Act can be undertaken by County Land Boards.	Both Kenyan Law and World Bank policy advocates for Monitoring and Evaluation	Implement as prescribed in Kenyan Law.

In case of conflicts between Kenyan's national laws/regulations and World Bank safeguards policies, the most stringent will prevail.

4 CENSUS AND SOCIO-ECONOMIC SURVEYS

A socio-economic survey and census were conducted in the project area between the 16th Jan 2018 and the 13th March 2018. The primary objectives of the surveys were, among others, to understand the scale and nature of project impacts on local communities, identify Project Affected Persons (PAPs) and map out their social and economic characteristics, obtain information necessary for the preparation of this Resettlement Action Plan (RAP), establish indicators for the implementation of the RAP, and provide baseline data for monitoring and evaluation of livelihoods and income restoration and other sustainable development components of the RAP. In order to obtain information needed for entitlement and compensation payments for lost assets, a detailed inventory of all assets affected by the project was undertaken. The cutoff date was also communicated which was 19th February 2018. In this Chapter, findings of the census and socioeconomic sample surveys are presented.

4.1 POPULATION DYNAMICS AND HOUSEHOLD CHARACTERISTICS OF PAPs

4.1.1 Sex of Household Heads

The PAP population is made up of predominantly male headed households accounting for 60% of the total population. The distribution is shown in the figure below:

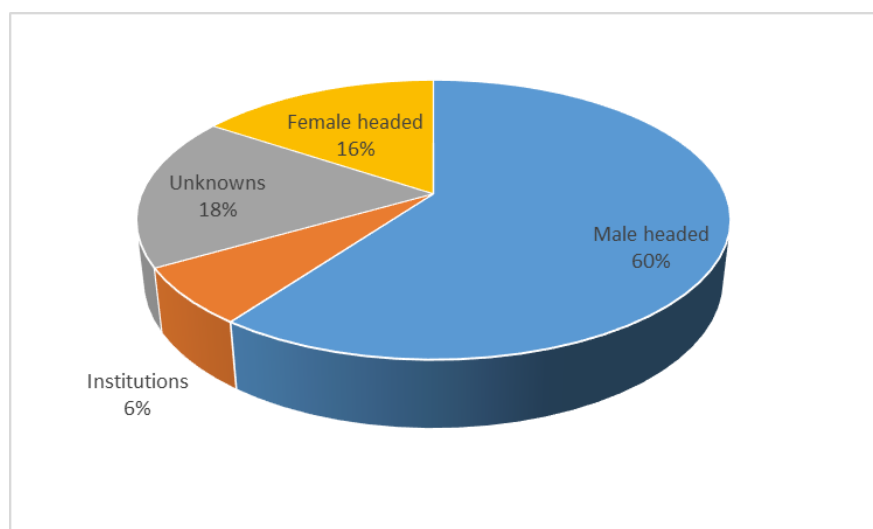
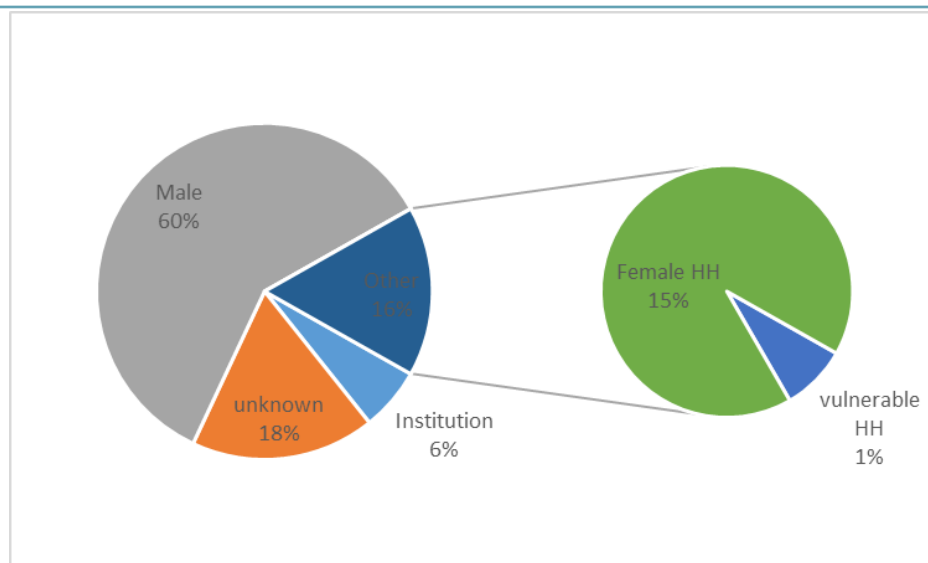


Figure 4-1: Sex of Household Heads

4.1.2 Vulnerable households

The vulnerable households were female headed accounting for a 1% of total households affected.



4.1.3 Figure 4-2: Vulnerable Households Marital Status of the Household Head

The marital status of the identified projected affected household heads is shown figuratively below:

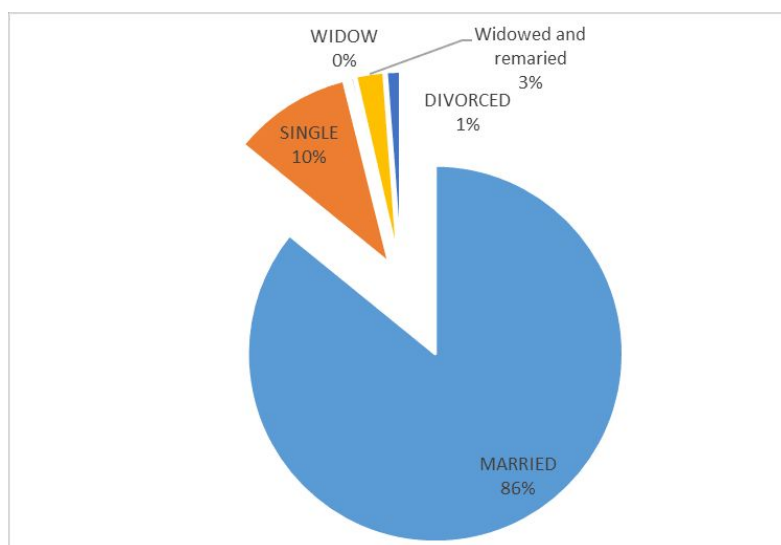


Figure 4-3: PAPs Marital Status

4.1.4 PAPs Gender Analysis

The PAPs in the project area are generally evenly split between males and females. These results are shown in the chart below:

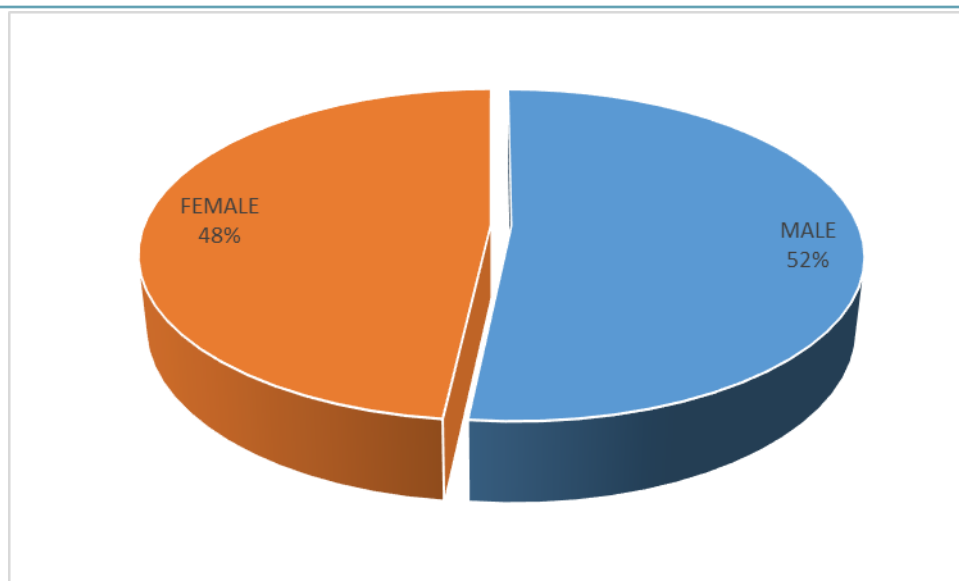


Figure 4-4: Male: Female ratio of PAPs in the project area

4.1.5 PAP Literacy Levels

Majority of the PAP population is literate with only about 4% having not received any formal education, indicative of an urban setting. The literacy levels of the project PAPs are shown in the charts below:

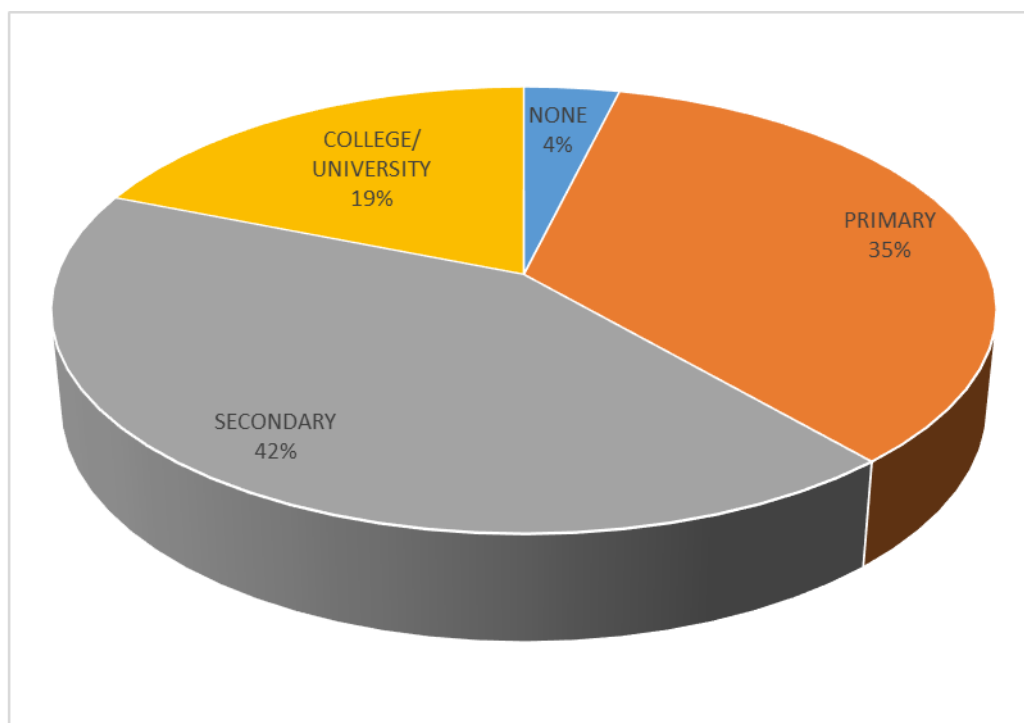


Figure 4-5: PAP literacy levels

4.1.6 Economic Activity of the Household Head

Being that all the pipelines are located within an urban area, the major economic activities include business and formal employment.

Other economic activities in the project area are indicated in the chart below:

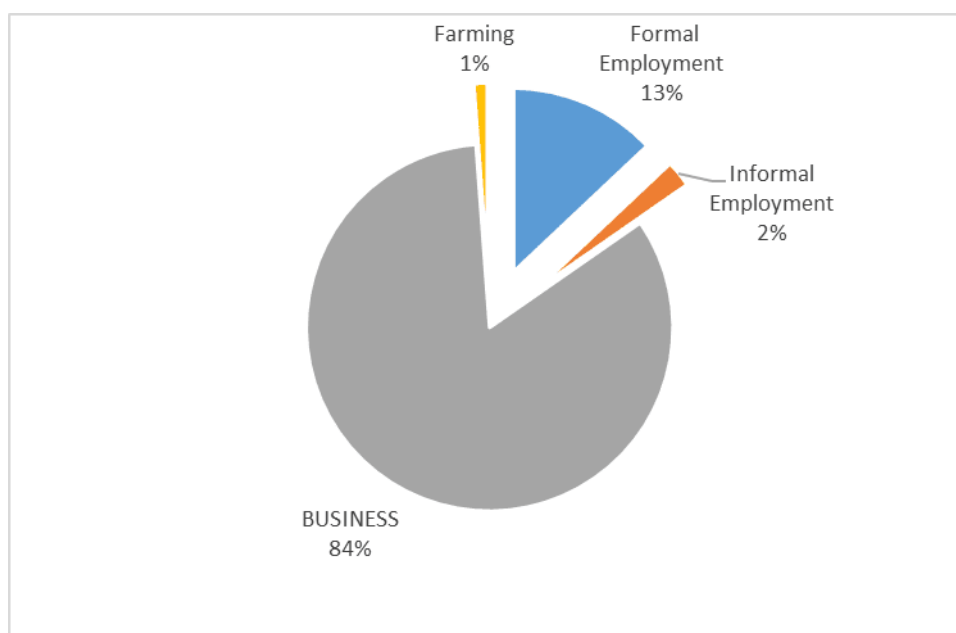


Figure 4-6: Economic Activity of the Household Head

4.1.7 PAPs Household Income per month

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

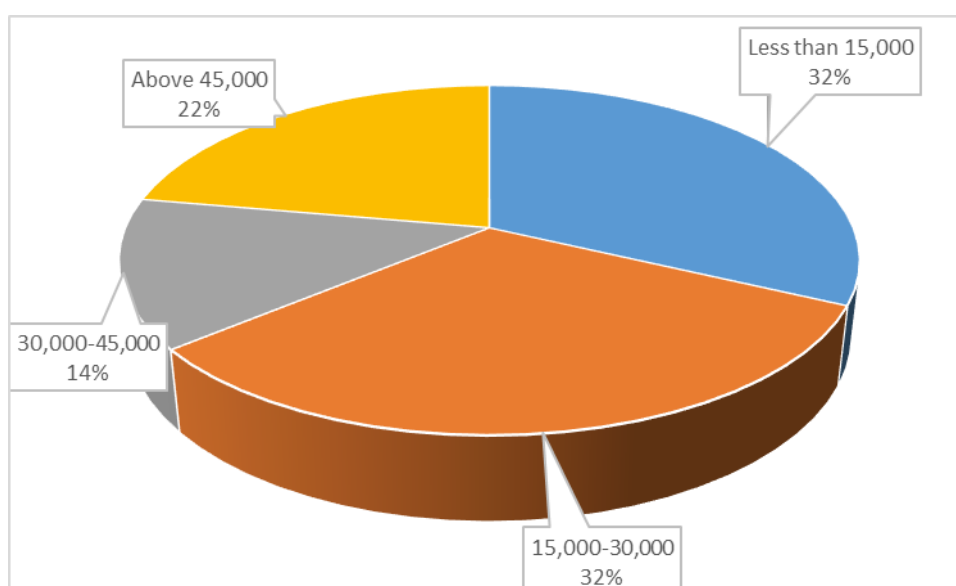


Figure 4-7: PAP Income Levels

Additionally, for an analysis of the businesses that would be affected by the pipelines through the blockage of access to their shops and not demolition, the average income of Kshs 22,402 per month based on the analysis would be lost.

4.1.8 Religion

The known PAPs in the project area are predominantly Christian. The other religions are Islam and Hindu as shown in the chart below:

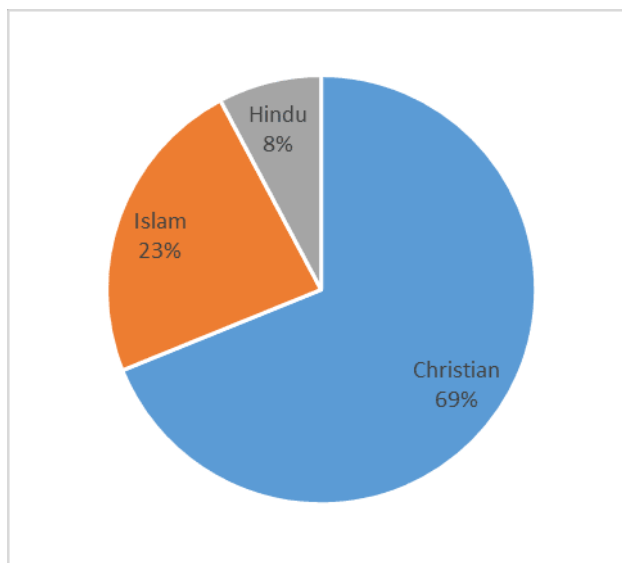


Figure 4-8: PAP Religion

5 IMPACTS ON PROJECT AFFECTED PERSONS

The impacts of the project on the PAPs are highlighted in this chapter. Apart from showing the nature, magnitude and types of impact, the description and analysis presented in this chapter serve other purposes: first it serves as the basis on which the valuation and compensation of assets lost by the PAPs will be undertaken. Second, the PAPs will be compensated for the disturbance caused through the disturbance allowance. In addition to individual households, the project also affects the assets of public institutions (schools, churches, and mosques) and community-group assets. The number of PAPs is shown in the table below.

Table 5-1: Summary of Project Affected Persons

No.	Type of PAPs	Number of PAPs
1	Institution (schools, churches, and mosques)	50
2	Male PAPs	464
3	Female PAPs	121
4	PAPs whose identity was not identified.	134
Total		769

All the PAPs were either squatters or encroachers since all affected assets are in the road reserve – where all works will take place

Out of the 769 PAPs, it was not possible to identify 134 of them. Considerable effort was made to establish names and identity of the affected people by “triangulation” i.e., asking other affected persons; community leaders and representatives; and independent agents. The schedule of works was emailed to the residents through the Nyali residents association chairperson. The Association were also informed of everyday working area in order to be available to answer the necessary questions.

Some of the affected persons were identified using the above method; however, 134 household owners were not identified. Of the 134 PAPs which were not able to be identified: most are not living in the area and the neighbors didn’t know anything about them. These PAPs were mainly from the middle to high income earning residential area of Nyali.

Thirty-one, (31) out of the 134 unidentified PAPs refused to give their personal details while six, (6) caretakers refused to give the details of their employers although they acknowledged having received the emails. These 37 PAPs said they had no problem with the project so long as the contractor reinstated their driveways. They said most of the trees especially the neem trees had grown on their own and therefore they had no legal claim since they were on the road reserve. The affected assets of the 134 were identified and recorded in the RAP asset inventory. The RAP implementation team will place appropriate notices and use local mechanisms to locate and engage with the PAPs who were not identified during the RAP preparation phase. As many of those unidentified PAPs who will have their driveways affected, they will be reinstated by the project.

5.1 IMPACT ON LAND

The proposed pipelines will be located within the road reserves of various roads as such there will be no land acquisition for this project. The project does not pass through private land and as such legal documents such as title deeds were not required. The affected persons were squatters and encroachers. Where the original pipeline design passed through built up areas or on private land, a realignment was proposed, agreed, and adopted to avoid and reduce resettlement impacts.

5.2 IMPACT ON STRUCTURES

Being located within the road reserves of roads within an urban setting, majority of the structures were business premises. Most of these structures were temporary structures as shown on table 5-2 below.

Table 5-2: Type of structures affected

Type of structures Affected	No of Structures Affected
Permanent Structures	42
Semi-permanent Structures	56
Temporary Structures	174
Total	272

The total number of PAPs with affected structures was 249 while the affected structures were 272. This was because some PAPs had more than one affected structure.

Table 5-3; Structures use

Type of structures Affected	Permanent Structures	Semi-permanent Structures	Temporary Structures
Structures with Running Businesses	17	25	84
Residential and house extensions	8	11	3
Housing for generator	2	0	0
Guard house	7	2	0
Unutilized structures	8	18	87
Total	42	56	174

144 out 174 temporary structures were business premises of which 84 had running businesses while the rest were not being utilized. Out of 56 Semi-permanent Structures 4 were residential and 7 were house extensions, 2 guard houses while the rest were business premises of which 25 had running businesses. Out of 42 permanent structures, 8 were residential, 7 were guard houses, 2 generator housings while the rest were business premises of which 17 had running businesses. The residential structures were mainly house extension in the Shauri Yako area.

The section is 180m long and a way leave of 7m was considered to allow an excavator. The land is registered under government land and is heavily encroached though there is a high voltage power line and waterline. Fortunately, they are aware that they have encroached the land and have built on the water pipeline and are willing to pave way for the construction of the project. Displacement won't be permanent as the affected wayleave can be used for establishment of small businesses.

5.2.1 Preferred compensation for structures with businesses

PAPs whose structures and business were affected were individually consulted between the 16th Jan 2018 and the 13th March 2018 and were given four options to ensure they are fully restored and somehow ensure security of tenure. The options were

1. Restoration of the structures by the contractor (fixed)
2. Restoration of the structures by the project (structures on wheels)
3. Compensation of structures as valued
4. Provision of stalls in Kongowea market (which was identified as the available council owned market in the project area)

Majority of the affected were in favor of compensation of structures as valued as shown in the table below.

Table 5-4: Preferred compensation for structures with businesses

Type of structures Affected	Permanent Structures	Semi-permanent Structures	Temporary Structures
Structures with Running Businesses	17	25	84
Restoration of the structures by the contractor (fixed)	0	0	0
Restoration of the structures by the project (structures on wheels)	0	1	10
Compensation of structures as valued	17	24	73
Provision of stalls in Kongowea market	0	0	1

For the PAP that requested relocation to Kongowea Market, will be assisted by the Client, through working with the county government to secure a stall after which the PAP will continue renting the stall. Funds to facilitate the securing of the stall by the Client will be covered under RAP administration and monitoring costs. After the securing of the stall, the PAP will continue renting the stall according to the County Council's rate of KShs. 800 per month.

However, any PAP that opts for to be moved can be assisted in the same way.

With regards to integration with host communities, the project area is located within an urban setting where the markets experience dynamic movement of tenants, as such there will be no need for an integration plan with host communities.

5.3 IMPACT ON FENCES

A few fences were identified mostly barbed wire fences.

5.4 IMPACT ON TREES AND CROPS

Some of the pipelines will affect trees, lawn, live fences, and flowers belonging to individuals along the road reserves. This being an urban setting there was not much of crop farming, the only crops identified were some bananas and pawpaw.

5.5 IMPACT ON BUSINESS AND LIVELIHOOD

Majority of the PAHs identified by this RAP were business owners, common to the urban settings in the Country.

The number of PAPs and the types and amount of assets affected: structures, businesses, driveways, fences, and trees were as follows

Table 5-5: Affected PAPs for various assets.

No	Affected assets	Project Affected Persons (PAPs)		
		PAPs	Affected Institutions	PAPs whose identity was not found
1	Structures	209	10	30
2	Fences (excluding live fences)	23	5	6
3	Trees, live fences lawns and flowers	224	36	108
4	Businesses / livelihood	214	2	13
	Total	670	53	157

The affected PAPs for the various assets are more than the affected PAPs because most of the PAPs have more than one asset affected.

6 CONSULTATIONS – PERSONS, AGENCIES & PUBLIC

6.1 LEGAL REQUIREMENTS

6.1.1 Policy on Public Consultation

Both Kenyan and World Bank Policies emphasize the importance of public consultation, both within the PAPs and stakeholders. The Consultant conducted both key informant interviews and public consultation meetings to sensitize all stakeholders on the RAP exercise and to get feedback on the proposed project.

6.2 PERSONS AND AGENCIES CONSULTED

A cross-section of persons was consulted in Mombasa Nyali sub-county under which the project jurisdiction falls. Those consulted included the deputy county commissioner, the area Chiefs, County Public Health Officer, County Director of Education, Ecosystem Conservator (Kenya Forestry Service) Mombasa the ward administrators and the area chiefs. This consultation happened between the 16th Jan and the 13th March 2018.

Table 6-1: Persons met during the RAP study

No.	Name	Office	Designation	Contacts
1	Mr. Francis Kombe	MD MOWASCO and Mombasa County Water, Environment, and Natural Resources Office	CEO	+254721820335
2	Mr. Raphael Mwanyamawi	Ministry of Health	Chief Public Health Officer (CPHO)	+254710747486
3	James K. Kairu	Ministry of Education	County Director of Education (CDE)	+254721316887
4	Eng. Abdulmajid Salim	Kenya Urban Roads Authority (KURA)	Assistant Director	+254714633611
5	Eng. Peter M Migosi	Mombasa County Roads Department	Chief General Manager	+254721794704
6	Mr. Chrispine Ochieng	Kenya Forestry Service Mombasa County	Ecosystem Conservator	+254724704361
7	Mr. Galyne Onyimbo	New Nyali Resident Association	Assistant Chairman	+254722128491
8	Mr. Rua Francis	North Coast Resident Association	Chairman	+254780001379
9	Pauline Mukumbu	Ministry of Agriculture and Fisheries – Mombasa County	Assistant Director of Agriculture	+254722433228

10	Wanyama Sebastian	Ministry of Agriculture and Fisheries – Mombasa County	Agricultural Officer	+254728941218

6.2.1 Overview from the Chief Public Health Officer Mombasa County

The CPHO welcomed the Consultants to Mombasa, explaining that the County experiences water shortage throughout the year. He explained that Nyali area only has two public health institutions i.e. Kongowea health center and Ziwa la Ng'ombe dispensary, which only offered outpatient services, more serious cases are referred to the Coast General Hospital, or other private hospitals.

With regards to the health issues in the area, the CPHO explained that the common diseases in the area include diarrhea, respiratory diseases and Malaria are common in the area. These diseases are mostly due to poor sanitation and hygiene. He gave an example of the low-income areas in Bombolulu and Kongowea where some of the residents made use of pit latrines, some of which were sited next to shallow wells which were used for domestic use.

In addition to the common diseases, the area and county in general had an outbreak of Chikungunya Fever, which is caused by the same mosquito that causes Dengue Fever. These mosquitoes breed in fresh water, particularly in storage tanks. The CPHO identified that the disease could be related to the water shortage in the area, since majority of the households stored fresh water in storage tanks which provide breeding grounds for the mosquitoes.

Concerning activities carried out by the Ministry with regards to initiatives to reduce water borne diseases, the CPHO stated that they provide chlorine tablets during outbreaks to minimize the effect of water borne diseases. In addition, the Ministry holds public education drives which educate people on proper water storage (to eradicate Chikungunya), and proper hygiene practices.

With regards to the successful implementation of the project, he said that the project would help the people in the area, he however stated that the low-income areas should not be left out

6.2.2 Overview from the County Director of Education

The CDE welcomed the team to Mombasa, stating that the education sector would benefit from the proposed project.

He stated that the Nyali area had 21 secondary schools 4 of which were public and 17 private; 78 primary schools, 64 of which are private and 14 public. The area however does not have any public tertiary institutions but a few private ones.

He further explained that majority of the schools in the area had a water connection, however due to the lack of water, they buy water from water vendors in the area. He further pointed out that most of the institutions had a feeding program hence more need for adequate water.

With regards to the school populations and issues in the area, he highlighted that the ratio of boys to girls is 50:50, however there were a few cases of dropouts due to early marriages and employment. In addition, the area has cases of absences in schools due to parents not being keen on education, disease outbreaks, drug and substance abuse. These cases were particularly rampant in the low-income areas of Nyali.

He finally stated that the project would be beneficial to the schools in the area due to reduced costs of buying water from vendors and paying for water to MoWASCO. He further added that other water harvesting methods be employed in the area.

6.2.3 Overview from the Assistant Director KURA

The Assistant Director began by stating that with the new devolved system in the country, KURA only had a few roads under its jurisdiction in the project area, these included:

1. Links Road
2. Part of Beach Road
3. Cement Road

With regards to the proposed project, the Assistant Director explained that KURA had no opposition to the project. He proposed that during the laying down of the pipelines the Contractor restores all wayleaves and road furniture to pre-pipeline construction level, as well as lay the pipelines deep and to the edge of the road reserve to prevent negative impacts during road works. This will be incorporated into the Contractor's Contract and he will be committed to restore all damages caused on the existing public and private properties and to lay pipelines to the required depths.

6.2.4 Overview from the Chief General Manager Mombasa County Roads Department.

The Engineer stated that the County had taken over the implementation of roads in the area, and had made great strides in the improvement of the road network. He stated that the road corridor was home to various stakeholders and their services (KPLC, fibre optic cables, among others). As such he requested that MOWASCO provide plans of the proposed pipelines to their office.

6.2.5 Overview from Assistant Director of Agriculture, Ministry of Agriculture and Fisheries – Mombasa

Approximately 450 acres of land within Mombasa County is under crop farming, against an approximate 1000 acres of arable land in the county. Not much of farming is carried out in the city of Mombasa and especially the Nyali area.

Type of crops grown include: Food crops e.g. maize, cassava, sweet potatoes, cow peas; horticultural crops e.g. amaranths, leafy cow peas, okra, sweet pepper, pawpaw; Asian vegetables; industrial crops e.g. coconut.

In terms of whether the county has food security, food security depends on availability, affordability, access, and usability. Those involved in the production also, don't produce enough due to the lack of use of certified inputs such as the recommended fertilizers etc. from the ministry.

Diseases and pests majorly affect the maize. They include fall army worms, maize lethal necrotic disease.

Initiatives from the ministry to boost production include mechanization e.g. offering tractor hire services at subsidized prices i.e. 1,500 KES as opposed to 2,500 KES from private entities; the ministry also has an input subsidy program especially due to poverty. Here, the county purchases agricultural input, identifies vulnerable farmers and assists them; the ministry also offers trainings on new technologies; the ministry also promotes water harvesting and irrigation by use of water pans; value addition in agro-processing through trainings.

The aging population is mainly the one involved in the practice of agricultural activities.

The issue of compensation is based on the type of crop and its nature. It involves the inspection of the input that the farmer incurred in crop preparation and the available rates.

6.2.6 Overview from the New Nyali Resident Association and the North Coast Resident Association leaders

The leaders welcomed the project noting that it would solve the acute water problem in the area. They raised concern on the issue of Non-Revenue Water in the area, particularly in the informal settlements and suggested the need for more stringent action against those that made use of illegal connections. They said they had noted with a lot of concern the damage of pipes by neem trees roots. They said most of these neem trees grow on their own and a solution should be sought to avoid more damages.

They said the best way to communicate was through email and requested communication to be done through the associations email. They requested a schedule of works for the ESIA and RAP field work to be made available for the residents to avail themselves on the specific dates in order to answer the necessary questions.

6.2.7 Overview from the Ecosystem Conservator, Kenya Forestry Service Mombasa County

Kenya Forestry Service is a state corporation established in 2007 under the forest act 2005 to conserve, develop and sustainably manage forest resources for Kenya Natural forest in Kenya's social-economic development. He said the natural forest forms the bulk of our gazette forests with an area of more than 1.2 million hectares. Most of these forms our water towers.

The Kenya Forestry Service in carrying out its mandate assist the County Governments to develop and manage forest resources on community and private lands for the equitable benefit of present and future generation.

Forest cover includes all the trees in an area including those on the road reserves. It is advisable to plant more than one tree for every tree that is cut down. Cutting down trees along the project area will affect the beauty of the Nyali area. The contractor and the residents should ensure that the cut down trees are replaced.

The value of trees largely depends on the different varieties and ages of the trees. For an income generating tree the yearly earning multiplied by the number of years it will take to mature is considered. Replacement cost of mature tree (fruit, commercial, indigenous, and medicinal) and assistance in establishing a new tree is also considered.

6.3 PUBLIC CONSULTATION

The Consultant conducted key stakeholders and public consultation meetings in the project area. These meetings were held to inform the people about the RAP exercise (PAPs census survey and asset inventory exercise). During these meetings, the Consultant highlighted the project, its features, its impacts on PAPs, the project area community and the eligibility criteria. The cutoff date was also communicated which was 19th February 2018. The consultant pointed out that the Designers had tried their very best to minimize resettlement and that the proposed works would be located within road reserves. At the time of preparing this report, the Consultant had held meetings with key stakeholders and the public in the project area, as summarized in the table below:

Table 6-2: Consultation meetings carried out

No.	Meeting	Location	Date
1.	Kick off meeting at KWSCR	KWSCR offices Nairobi	16/01/2018
2.	Kick off meeting at KWSCR PMU	KWSCR PMU offices in Mombasa	23/01/2018
3.	Meeting with county administration	Nyali Sub-county offices	13/02/2018
4.	Meeting with Ward Administrators	Nyali Constituency offices	13/02/2018
5.	Meeting with representatives of the New Nyali Residents Association	Member's residence on Coral Drive	13/02/2018
6.	Meeting with MOWASCO	MOWASCO offices	28/02/2018
7.	Public Consultation Meeting with Ziwa la Ng'ombe Residents	Mwavile grounds community hall (Ziwa la Ng'ombe)	06/03/2018
8.	Public Consultation Meeting with Kongowea and Mkomani Residents	Chief's camp Kongowea (Kongowea and Mkomani)	07/03/2018
9.	Public Consultation Meeting with Maweni Residents	Elim Church, Shauri Yako (Maweni)	13/03/2018

The participants of the public consultation meetings were village elders, women representatives, youth representatives, KWSCR and MOWASCO representatives, local administration, project affected persons and other stakeholders.

Table 6-3: Type of stakeholders

No.	Meeting	Type of stakeholders					Gender
		Client	Consultant	Administration	Opinion leaders	Project affected persons	Male per consulted
1	Kick off meeting at KWSCR	4	8				10
2	Kick off meeting at KWSCR PMU	3	7				8
3	Meeting with county administration	2	3	4			6
4	Meeting with Ward Administrators	2	3	7			7
5	Meeting with representatives of the New Nyali Residents Association	2	3		2	4	5
6	Meeting with MOWASCO	4	2				4
7	Public Consultation Meeting with Ziwa la Ng'ombe Residents	2	3	2	22	39	43
8	Public Consultation Meeting with Kongowea and Mkomani Residents	2	3	2	3	21	22
9	Public Consultation Meeting with Maweni Residents	2	3	2	3	55	39

6.3.1 Findings of the meetings

Being public consultation meeting, feedback from the stakeholders were obtained with the stakeholders approving of the project, however they stated that water supply in Mombasa needs to be augmented for the full success of the project. Issues raised by the PAPs and the community along with the project's response to them are outlined below. Minutes and photos of the meetings are in the appendices, section 15.3.

a) Meeting with ward administration

1. The Ward Administrator from Frere Town wanted to know why the Kisauni side was left out in the project. *The MOWASCO representative stated that the pipelines being done in this project were only the priority works, and MOWASCO was still working hard to improve the infrastructure in the area in general.*
2. The Ward Administrator Mkomani requested that jobs for the local youth be provided. *The Consultant stated that their recommendations would be included in the ESIA report, further adding that the baseline data collection would be carried out by local youth as such the opportunities had already begun.*
3. The ward administrators wanted to know if there would be compensation for any affected assets. *The consultant explained that the RAP was being conducted to establish potential PAPs, who would be compensated based on their losses.*

b) Meeting with representatives of the New Nyali Residents Association

1. The residents raised concern on the sustainability of the project, stating that the major issue in the area was the maintenance of the existing infrastructure. *The MOWASCO representative explained that the company was undergoing capacity building in order to fully handle the project.*
2. The residents also wanted to know if the issue of Non-Revenue Water in the area, particularly in the informal settlements would come to an end. They highlighted the need for more stringent action against those that made use of illegal connections. *The MOWASCO representative explained that one core aspect of this project was reduction of non-revenue water. He added that the area would be divided into DMAs to cut down the occurrence of the NRW.*
3. The Residents requested for a solution for damage to pipes by neem trees in the area. *The Consultant stated that an option would be included in the ESIA report. But most likely the affected trees would have to be cut down, however others would be replanted in a more suitable area.*
4. The residents requested a schedule of works for the ESIA and RAP field work in order to be available to answer the necessary questions. *The Consultant stated that a copy of the schedule would be sent through the association's email.*

c) Meeting with county administration

- i. The Deputy County Commissioner requested that more pipelines be included in the more informal settlements. *The MOWASCO representative stated that the pipelines being done in this project were only the priority works, the company was still working hard to improve the infrastructure in the area in general.*

d) Public Consultation Meeting with Ziwa la Ng'ombe Residents

Q1. Mr. Mwandime inquired if the price of water in the water kiosks would reduce since the quantity of water would increase. He said the residents were buying water at 20 shillings per 20litre gallon and that water was a business that was enriching a few individuals.

The MOWASCO representative responded by stating that once the new project was completed the price of water would decrease. He further informed them that those who were licensed to sell water were supposed to sell the water at two shillings for twenty liter gallon.

He said the license clearly states that water is two shillings per twenty liter gallon. He requested the residents to be vigilant and report the water kiosk owners who were exploiting them.

Q2. Mr. Harib Khirib commented that the things that affect people were health, peace, food, and water. He said water is life and nobody should be allowed to exploit other people. He said the issues of water should be put first as the people were really suffering.

The consultant responded by stating that currently, the water supply for Mombasa was inadequate but that with the implementation of the proposed project the water problem would be addressed. She informed them that with the completion of the project people would be able to connect water to their homes and nobody will be able to exploit them again.

Q3. Mr. Alex Kimwene requested to know exactly which pipes were being replaced since there were three types of pipes and some were recently laid. He said the reason people were being overcharged for water was because the kiosk owners were required to pay MOWASCO though they receive water once or twice a week stating that there was standing charges that had to be paid with or without water.

The consultant stated that the water pipes that were being replaced were asbestos pipes, the old and dilapidated pipes for bulk water supply. She said other pipes for distribution would remain. KWSCRIP is for bulk water supply while MOWASCO is for distribution of water. She stated further that MOWASCO operates in conjunction with the county in implementing its duties. She further said the issue of people being overcharged will be addressed once and for all with the completion of the project.

Q4. Reverend Francis said they already had pipes and inquired whether the pipe sizes would be increased. He said there was a project by the government that constructed toilets but these toilets are never used because of lack of water and inquired to know whether the toilets will become operational. He also inquired whether demolition of the structures will be before or after compensation.

The MOWASCO representative informed the people that individual pipes to homes would not be replaced as the project was concerned with the bigger pipes for bulk supply. He said the toilets were closed because of lack of water but once there was water, they would become operational.

The KWSCRIP representative informed the people that demolition of structures will be after compensation. She said the contractor will start works after the affected persons had been compensated.

5. Mr. Joram said that the village elders were not in a position to force the water kiosk owners to sell water at two shillings and requested for assistance. He inquired to know who would be responsible for repair of personal lines that would be affected by the trenching. He said in the past there was a water main that was broken by a contractor and water spilled for days. He also recommended water kiosks to help those unable to pipe water to their homes.

The consultant stated that the contractor should repair any pipes broken during construction and encouraged the people to address such complaints immediately to the grievance redress mechanism (chief, resident engineers etc.) as long as these pipes are not illegal connections. Furthermore, she stated that water kiosks were not part of the mandate of the project hence issues of water kiosks to be addressed by MOWASCO since that was the organization dealing with operations. However, the consultant would propose the recommendations in their report to KWSCR.

The MOWASCO representative informed the people that any water kiosk owner reported for selling water at a higher price will have their license cancelled. He said he was aware of the main pipe that had been cut by the contractor and that the contractor had repaired the pipe and was also supposed to pay for the water lost.

e) Public Consultation Meeting with Kongowea and Mkomani Residents

Q1. Pastor Samuel inquired if the grievance committee would have people from the area as they were in a better position to identify those who are real PAPs.

The KWSCR representative informed them that the affected persons would comprise the committee. He said there were two types of committees the committee for compensation and the grievance redress committee. He advised them that when time comes to choose the committee members they should avail themselves so that they choose the right people. He said it is very important to attend meetings so that whatever decision are made you are part and parcel.

Q2. Mr. Charles requested to know whether the dam water would be supply raw water or whether there would be a treatment plant.

The consultant informed the people that there would be a treatment plant as raw water from the dam would be harmful. He responded by stating that currently, the water supply for Mombasa was inadequate but that with the implementation of the proposed project the water problem would be addressed. She informed them that with the completion of the project people would be able to connect water to their homes and nobody will be able to exploit them again.

Q3. Mzee Salim complained that at Matopeni the people connected to water but the water only comes once a week yet they continue to receive huge bills. He said that the people attended the meeting because they thought their water problems would be solved

The consultant informed the people that the water supply was not adequate and this has led to water rationing. She said currently, the water supply for Mombasa was inadequate but that with the implementation of the proposed project the water problem would be addressed. She informed them that with the completion of the project people would be able to connect water to their homes and nobody will be able to exploit them again. She said that due to many connections the water pressure is low and as a result the pipes are not able to deliver water.

Q4. Mr. Hamisi Suleimani requested to know whether water kiosks would still be there.

The KWSCR representative responded by stating that currently, the water supply for Mombasa was inadequate but that with the implementation of the proposed project the water problem would be addressed. He informed them that with the completion of the project people would be able to connect water to their homes.

The KWSCR representative informed the people that demolition of structures will be after compensation. She said the contractor will start works after the affected persons had been compensated.

Q5. Bwana Mkuu complained that the rainy season was about to start. He requested the ward administrator to inform them what the county government intended to do with the storm water because it is a nuisance.

The ward administrator informed them that he was aware of the problem and at the chief's camp and that he was doing everything possible to alleviate the problem. He said they needed to sit down as the residents and discuss possible solutions to the problems facing the people

Q6. Dennis Okwara complained that the people at Kazandani village had written a proposal for water connection but the owner of the land had barred them from being connected. He requested to know whether the scope of the project could be extended to serve this village. He said the population of the squatters was 300 but had risen to 8000.

The KWSCR representative responded by informing the people that the scope of the works could not be extended since the project was about the priority lines only, and he was doing everything possible to alleviate the problem. He said they needed to sit down as the residents and discuss possible solutions to the problems facing the people

f) Public Consultation Meeting with Maweni Residents

Q1. Janet inquired to know why they were getting a huge bill yet there was no water.

Q2. Agnes Bile who operates a water kiosk for a women group inquired to know why they only received water for a few days but had to pay huge bills due to the standing charges.

The technical manager – MOWASCO informed the people that the water supply was not adequate and this has led to water rationing. He said that there were too many connections and therefore the water pressure is low and hence the water cannot reach the customers.

Q3. Ephantus Maguma wanted to know whether the project was a completely new project or it was a continuation of the existing projects.

Q4. Tima Rubea encouraged the women to talk in order to get answers since they suffer most due to lack of water. She requested that during construction, work should be given to the youth in the area.

The KWSCR representative informed them that the old pipes would be replaced since they cannot withstand the water pressure once more water was made available. He said that this was a new project to alleviate the water problem in Mombasa. He informed them that already the consultant was using youths in the area to collect data of the affected persons. He informed them that the contractor will also be advised to employ from the communities in the project area.

Q5 Ferdinand Wamalwa wanted to know what would happen to the old pipe if this was completely new project. He also inquired of the timeline of the project.

The KWSCR representative informed them that the pipes that are in good conditions would be incorporated within the project. He informed them that once the RAP report was complete and approved it will be implemented and only then would the contractor start work. He informed them that Mwache dam construction would start in October 2018. He said the dam construction would take approximately three years.

Q6 Mzee Wafula inquired to know how the water bill would be. He said the people may get excited at the thought of enough water but the price may not be affordable.

The KWSCR representative informed them that the project was dealing with bulk water supply which once completed would be handed over to MOWASCO for distribution. He said that affordable water tariffs would be negotiated. He insisted that the project was a national government project and the social responsibility of the government was to provide water

Q7 William Onyango the disabled chairman said as a group they applied for a license to sell water and ever since they were connected, they have never received water. He said the meter was removed but they were still being served with water bills. He requested for help to solve the issue once and for all.

Q8 Beatrice said that they were receiving very high-water bill without water and that they were not able to pay the bills.

The technical manager – MOWASCO requested Mr. Onyango to visit his office promising that the issue would be resolved. He gave him his phone number so that he could communicate. He advised those receiving bill without any water supply to settle their issues at the office of the commercial officer, MOWASCO. He said they were aware that when the valves are opened some people comes and closes them denying the people water.

Q9 Alice wanted to know what the problem was since within the same neighborhood some people receive water while others don't.

Q10 Mr. Wanderi commented that there was no water yet in the Nyali high end area there was water even to irrigate the lawns.

Q11 Mr. Wanderi also commented that there was no water yet in the Nyali high end area there was water. He said the water chambers were in the area were open.

The technical manager – MOWASCO informed them that some of the residents in Nyali high end area had dug wells for irrigating their lawns. He said they were aware that when the valves are opened some people comes and closes them denying the people water.

Q12 Duncan suggested that since the pipelines were passing along the road the government to put up water kiosks that would be managed by the youth. He also requested that the project should give back to the community as social corporate responsibility by building them a resource center like a hall or a tertiary institution.

The KWSCR representative reminded them that the government does not do business but rather provide services. He informed them that once the project was complete there would be no need for water kiosks as the people will have individual water connections. He said once money was available it will not be diverted to another project but will be put in the intended project. He insisted the social responsibility of the government was to provide water to the residence of Mombasa.

6.4 COMMUNICATION AND DISCLOSURE

The RAP will be approved and cleared by the Government of Kenya and the World Bank, translated into a language that PAPs and stakeholders understands and disclosed locally in a culturally appropriate manner. It will also be disclosed in the World Bank external website. Any changes to the RAP or an addendum will need to follow the same clearance and disclosure protocols. The proponent will publicly disclose this RAP report and make copies available and distribute accompanied by a letter to local government authorities concerned. This could be done by:

- a) Publishing it on proponent's website;
- b) Depositing/posting it in a range of publicly accessible places such as, village elders' offices and community squares where they could be protected and not abused. In addition, the proponent will ensure that the affected public is adequately sensitized through public meetings, notices, and handbills/information booklets.

Once this RAP report is disclosed, the public must be notified both through administrative structures and informal structures about the availability of the RAP documents and be requested to make their suggestions and comments. The final approved RAP report will be made available in easily accessible locations in or near the affected project areas.

7 ELIGIBILITY CRITERIA AND ENTITLEMENT MATRIX

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

7.1 CONDITIONS OF ELIGIBILITY FOR COMPENSATION

7.1.1 Cutoff Date

The practical Cut-off Date for implementation of the RAP which was the date the census or the socioeconomic survey was initiated, was 19th February 2018. No structure, fence, trees, lawns, pavements, and businesses established in the Project-Affected Area after 19th of February 2018 shall be eligible for compensation.

In case anyone was missed during the census and their assets not considered; they can appeal through the set GRM process. This date was established by the consultant in consultation with the client. All stakeholders including PAPs and neighboring communities were informed of the cut-off date and its implications. Information about the cut-off date was disseminated through public consultative meetings neighboring, during socio-economic survey, focus group discussions, through local authorities and formalized through documentation in the RAP report.

7.1.2 Eligibility

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

7.1.3 Entitlements Matrix

The table below highlights the different entitlements of the PAPs

Table 7-1: Entitlement Matrix

Affected Asset	Eligible PAPs	Entitlements
Structures on the way leave within the road reserve	Structure owner (encroacher or Squatter and the vulnerable)	Replacement Cost of Structure. For the vulnerable group special assistance by the Contractor in removing the structure or fence in a manner that salvages the material and possible rebuild of the assets.
Trees on the way leave within the road reserve	Owner of the trees	Replacement cost of mature tree (fruit, commercial, indigenous, and medicinal) and assistance in establishing a new tree in monetary terms. An income generating tree the yearly earning multiplied by the number of years it will take to mature.

Flowers and lawns on the way leave within the road reserve	Owner of the flowers and lawns	Replacement Cost of the flowers and lawns
Fences, signboards, and gates along the proposed way leave within the road reserve	Owner (whether encroacher or squatter)	Replacement Cost of fence and an allowance to move the gate
Temporary disturbance Businesses/livelihood on the way leave and within the road reserve	Business owner (tenant, Squatter and the vulnerable)	<p>Monthly net income for three months for those whose structures will be demolished and assistance to re-establish their businesses for the vulnerable households</p> <p>Livelihood disturbance comprising of 3 days' business income at a mean value of KShs 3,000. (This was an agreed amount between the client, KWSCR and the Consultant and applies for those businesses that may have to close for between a day and 3 days as the pipeline will be laid in front of their businesses but the business premises will not be demolished.) The income levels of these businesses varied between KShs. 200 and KShs. 1,000 and hence the mean compensation value of KShs. 3,000. In case, the disturbance extends beyond the 3 day, the businesses will have to be fully compensated for all the days affected.</p>

The structures will be temporarily affected. The affected residential structures are house extensions.

7.2 VALUATION OF AND COMPENSATION FOR LOSSES

The valuation technique used was the replacement cost in order to ensure that various businesses, structures and buildings, trees fences were appropriately valued where necessary. This was done to help establish the compensation packages for PAHs.

The following was the valuation methods used on the different affected items.

7.2.1 Valuation for loss of Structures

The main structures identified include permanent, semi-permanent, temporary, and other structures such as, gates and signboards. All of these were valued at the full replacement cost. Driveways and pavements will be reinstated by the contractor. The plinth area of the various structures and materials used were all employed in obtaining the values of affected structures. Depreciation and the salvage values were not considered only the current rates.

7.2.2 Valuation for loss of Fences

The size and type of fences were considered during valuation. The value of compensation was computed per unit length of fences based on possible cost of replacement of the fences. Gates and signboards were valued based on the cost of moving them and reinstallation away from the project area.

7.2.3 Valuation for Loss of trees, live fences, lawns, flowers, and crops

All the pipelines are located within the road reserve. The tree owners will be issued with notices to cut them. The crops were valued based on the rates from the ministry of agriculture while the trees were valued based on the rates provided by Kenya Forestry Service for the different varieties and ages of trees. An income generating tree the yearly earning multiplied by the number of years it will take to mature was also considered.

7.2.4 Valuation for Loss of Business/Livelihood

The project will affect several businesses along the pipeline routes/ along the roads. The impact will be temporary disturbance. The compensation for businesses disturbance was valued based on the income from the existing businesses. The average daily incomes were multiplied by 3 days to facilitate compensation for those being temporary disturbed. Therefore, for those who will experience livelihood disturbance, a mean compensation of KShs. 3,000 will be given. This was an agreed amount between the client, KWSCR and the consultant and applies for those businesses that may have to close for between a day and 3 days as the pipeline will be laid in front of their businesses but the business premises will not be affected. The income levels of these businesses varied between KShs. 200 and KShs. 1,000 and hence the mean compensation value of KShs. 3,000. In case, the disturbance extends beyond the 3 day, the businesses will have to be fully compensated for all the days affected and have the right to register and access justice through the project GRM on any related grievance.

7.2.5 Valuation for Disturbance

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

7.3 MODE OF PAYMENT OF PAPs

After the ownership and valuation of affected assets are determined, compensation of the PAPs will be according to the entitlement provided in this RAP. This will be done to ensure that all PAPs benefit from the compensation and restorative measures taken. Local administration i.e. chiefs, village elders and GRC members will be used to ensure that all PAPs are verified and receive the compensation and affected structures are reinstated by the Contractor. Compensation will be carried out by KWSCR internal RAP Implementation team in consultation with MoWASCO, Local administration and the GRC members. The compensation will be done in a transparent way so that in case of shared businesses, all the parties have the required information. The compensation process will be documented and records kept by the RAP Implementation Agency.

8 INCOME RESTORATION AND SOCIAL DEVELOPMENT MEASURES

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

The project will not permanently displace any households; however, structures, businesses, trees, and fences will be affected, which will be compensated to the valuation standards described in chapter 7.2.

8.1 VULNERABLE GROUPS



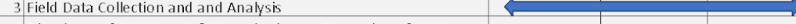
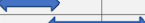




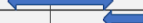

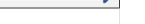



These are made up of distinct groups of socially distressed people who might suffer disproportionately from the effects of resettlement. These were, women headed households. The Consultant encountered only 13 households with vulnerable members, who will have their own residential or tenancy affected by the project. These vulnerable groups were identified as all female headed households residing at the shauri yako area and an ECD school. Fortunately, they are aware that they have encroached the land and are willing to pave way for the construction of the project. Displacement won't be permanent as the affected wayleave can be used for establishment of small businesses, using temporary structures that can easily be moved in case of maintenance activities once the pipelines have been placed, with the condition that residences will have to allow for the maintenance of the lines when the need arises.

This group of people will be eligible for special assistance for example assistance by the Contractor in removing the structure or fence in a manner that salvages the material and possible rebuild of the assets. The LRCC will assist in this exercise by procuring the labour to carry out the works, and this activity being overseen by the Resident Engineer and KWSCR. The LRCC will also assist in ensuring they get alternate residence before demolition take place.

9 RAP IMPLEMENTATION SCHEDULE

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

Table 9-1: Time Schedule and Summary of Activities

No	ACTIVITY	MONTH 1-3	MONTH 3-6	MONTH 6-9	MONTH 9-12	MONTH 12-15	MONTH 15-18	MONTH 18-21
1	Preparation of Draft and Final RAP Report							
2	Site Confirmation Survey							
3	Field Data Collection and and Analysis							
4	Discolsure of RAP Report & Consultation on Formation of GRM							
5	Formation and Training of the GRCs							
6	Commencement of the GRM/ Hearing and Resolution Grievances							
7	Audit of the RAP report to verify PAP and Compensation Details							
8	Signing of compensation Agreements							
9	Payment of compensation to PAPs							
10	Issuance of notices for commencement of works							
11	Monitoring of resettlemennt activities							
	 Consultants Report							
	 Clients Approval and comments of preceeding report							
	 Duration for review or production of the report							

9.1 RAP IMPLEMENTATION DURATION

The RAP should be implemented before the Construction process begins. However, the grievance redress and monitoring of the resettlement activities should be continuous throughout the construction process.

The monitoring and evaluation information will be collected via survey, interviews, and focus group discussions with the affected communities. The data for these indicators will be collected every six months during the RAP implementation by the implementing agency which is KWSCR, SCRCC and an independent NGO working in the area to ensure triangulation of data. GRMCs and LRCCs will also assist with collection of monitoring data of the RAP implementation. The figure below shows RAP activities and those responsible.

3 months after completion of the resettlement activites, a RAP completion Audit will be done by an independent RAP Auditor.

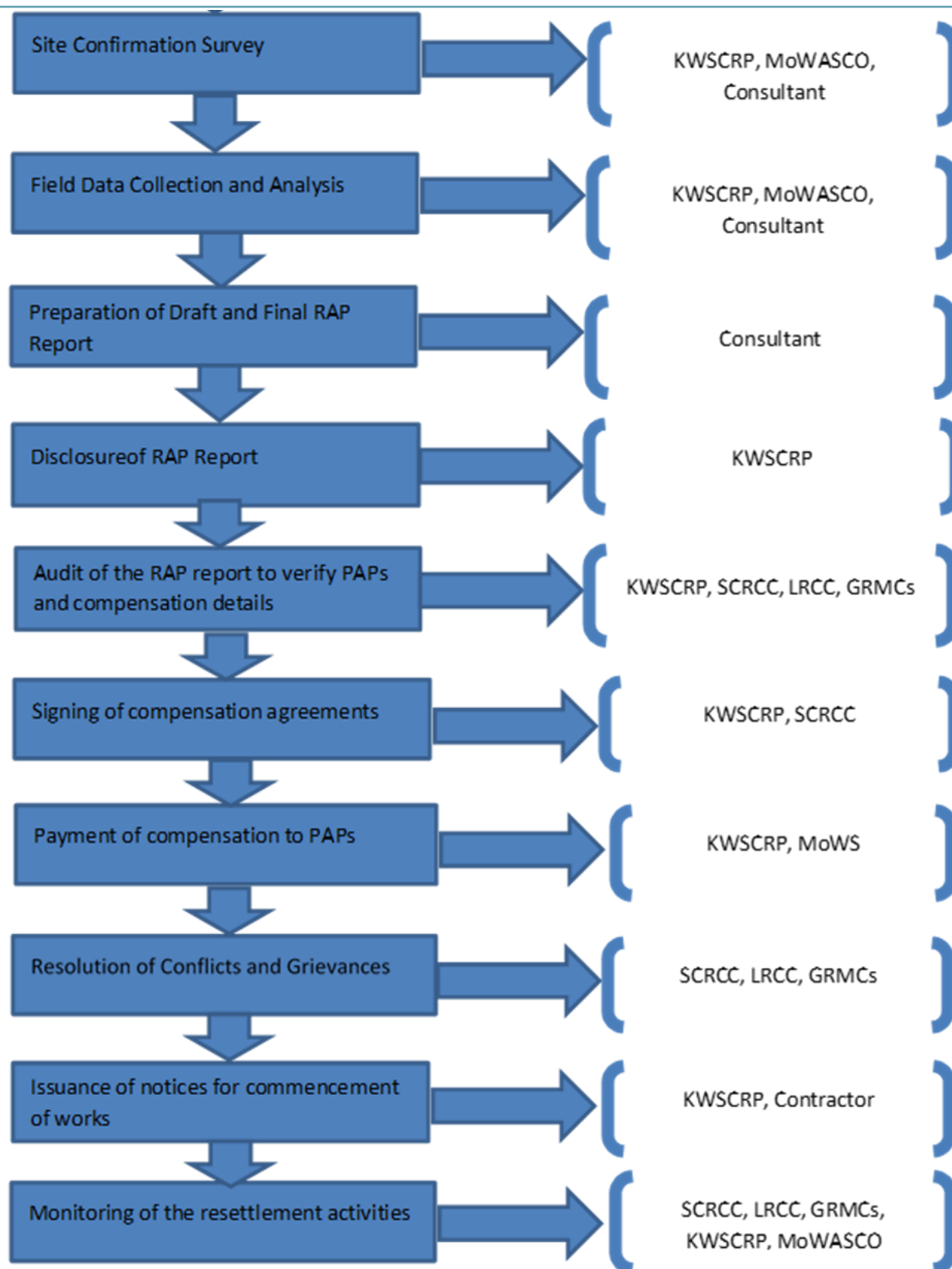


Figure 9-1: Activities and those responsible

10 GRIEVANCE REDRESS MECHANISMS

10.1 INTRODUCTION

The proposed project will slightly infringe on peoples' right to property and/or livelihood and readjustment to new life conditions as such the resettlement process is bound to elicit grievances from the PAPs or from other interested parties. It is therefore imperative to have a workable grievance redress mechanism to take care of any such disputes arising from the resettlement so that they do not have an adverse effect on the project. This chapter briefly outlines a mechanism for settling the anticipated disputes. This procedure will not replace the existing legal system for dealing with grievances, however the PAPs will be encouraged to use the proposed mechanism, and make use of the legal redress as a last resort at their own cost.

10.2 POSSIBLE SOURCES OF GRIEVANCES

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

- Failure to understand the essence of the project and the need for the proposed resettlement
- Clerical errors in data entry that leads to delays in processing of compensation for the PAPs
- Emerging issues such as change in estate administration of affected properties causing delays to payment of compensation
- Disputed ownership of an affected asset particularly where documentation is not reliable
- Unavailable PAPs during the census, who have been identified wanting to have a say in the compensation
- Rejection of a compensation award considered not adequate and representative of market value; PAPs have the right to register and access justice through the project GRM on any related grievance.

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

10.3.1 Sub-County Resettlement and Compensation Committee (SCRCC)

The SCRCC will oversee administration of the grievance procedure at the project level.

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

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

- Representatives of the representative implementing agencies: KWSCRCP and MoWASCO.
- The County administration representative from both National and County government of Mombasa, which will provide the much-needed community mobilization, and political support to the project and to the process of resettlement
- The Department of Water and Natural Resources (CGK) Safeguards Officer to help in addressing safeguards issues,
- The Sub-County Gender and Social Development Officer
- Two PAP representatives from the Location Resettlement Committee – act as voice for the PAPs
- NGOs and CBOs locally active in relevant fields to ensure effectiveness, fairness, just compensation, and transparent process in the whole acquisition process.

10.3.2 Locational Resettlement and Compensation Committees (LRCCs).

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

- The Ward Administrator who is the county government administrators at the Ward units who deal with community disputes/issues will represent the county government in the LRCC.
- The Locational chief who is the Government administrative representative at the locational unit and who deals with community disputes will represent the National Government in the LRCC
- Assistant Chiefs, who support the locational Chief and Government in managing local community disputes in village units will form membership of the team.
- Female PAP, elected by women PAPs, will represent women and children related issues as regards resettlement and compensations
- Youth representative, elected by youths, will represent youth related concerns in the LRCCs
- Vulnerable person's representative, will deal and represent vulnerable persons issues in the LRCC.
- Business representative, will represent business people concerns in LRCC
- CBO representatives

Membership to LRCCs will be elected by each category of PAPs except the locational Chief and ward administrator who will automatic members of the team by virtue of their positions. These elections will take place during PAPs consultation meetings organized by KWSCRCP. The LRCCs will be meeting every fortnight and will be in place throughout the project phase. The GRMCs committees

These committees will be based in each cluster of villages or at sub-locational level. They will be established by SCRCC. Through PAPs consultative meetings Chaired by the Social Safeguards Officer of KWSCRCP. She/he will be assisted by the Locational Chiefs.

GRMC Composition.

- Female PAP elected by women PAPs will represent women and children.
- Youth representative elected by youth will represent youth related concerns
- Vulnerable persons' representative will deal and represent vulnerable persons.
- An Opinion leader will deal and represent cultural and general community issues.
- A Religious representative will deal and represent all Religions.

Membership to GRMCs will be elected by each category of PAPs except the assistance Chief who will be automatic member of the team by virtue of his/her position. These elections will take place during PAPs consultation meetings organized by KWSCR. The GRMCs will be meeting every fortnight and will be in place throughout the project phase.

10.3.3 The Grievance Management Process

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

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

10.4 GRIEVANCE REDRESS PROCEDURE

The Grievance redress will be the functions of the GRMC, LRCC and SCRCC committees. All the grievances will be channeled to the GRMCs. A grievance log will be established by SCRCC and copies of the records kept by both LRCC and SCRCC to be used for monitoring of complaints. PAPs who will be aggrieved and desiring to register their grievances will be directed to the office of the RAP Implementation Agency by whichever project or local office they will report their grievances. The channels of registering grievances will be communicated clearly at the onset of the RAP implementation Phase to ensure that the PAPs and the project area community members are aware of the venues and offices where they can register their grievances and the procedures to be followed.

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

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

The procedure for managing grievances will be as follows:

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

Table 10-1: Table Showing a Sample Grievance Form

RAP Reference No.	
Contact Information Please mark how you wish to be contacted (mail, telephone, e-mail)	Address: Telephone: - Email: -
Preferred Language for Communication (Please	English Kiswahili

mark how you wish to be contacted)	
National Identity Number	
Description of Incident or Grievance: What happened? Where did it happen? Who did it happen to? What is the result of the problem?	
Date of Incident/ Grievance	
	One-time incident/ grievance (date-----) Happened more than once (How many times-----) Ongoing (Currently experiencing problem.....)
What would you like see happen to resolve the problem?	

Signature: Date:

Please return this form to: RAP COMMITTEE

- 1) The Project Liaison Officer and the GRMCs/LRCC will consult to determine the validity of claims. If valid, the Committee will notify the complainant that s/he will be assisted and a response will be given in the due time.
- 2) The GRMCs/LRCC will meet and respond within 14 days during which time any meetings and discussions to be held with the aggrieved person will be conducted. If the grievance relates to valuation of assets, a second or even a third valuation will be undertaken, at the approval of SCRCC until it is accepted by both parties. These should be undertaken by separate independent valuers than the person who carried out the initial valuation. The more valuations that are required to achieve an agreement by both parties, the longer the process will take. In this case, the aggrieved person must be notified by the Project Liaison Officer that his/her complaint is being considered.
- 3) If the complainant's claim is rejected by the Committees, the Project Liaison Officer will assist the aggrieved person to take the matter to the SCRCC. The SCRCC will look at the complaint raised by the PAPs and provide direction, explanation, and a response. Sometimes, it will necessitate the aggrieved person to present him or herself to SCRCC to explain him/herself. All efforts will be made to try and reach some consensus with the complainant.
- 4) Where the matters cannot be resolved through local routes, the grievance will be referred to courts. The SCRCC will aid at all stages to the aggrieved person to facilitate resolution of their complaint and ensure that the matter is addressed in the optimal way possible.
- 5) After the process, a grievance resolution form will be filled in order to document the resolution made. A sample of the form is provided below:

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

Table 10-2: Sample of a Grievance Resolution Form

Sample Grievance and Resolution Form

Name (Filer of Complaint): _____

ID Number: _____ (PAPs ID number)

Contact Information: _____ (Village; mobile phone)

Nature of Grievance or Complaint:

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

Signature _____ Date: _____

Signed (Filer of Complaint): _____

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

Position or Relationship to Filer: _____

Review/Resolution

Date of Conciliation Session: _____

Was Filer Present? : _____ Yes _____ No _____

Was field verification of complaint conducted? _____ Yes _____ No _____

Findings of field investigation:

Summary of Conciliation Session

Discussion: _____

Issues _____ - _____

Was agreement reached on the issues? _____ Yes _____ No _____

If agreement was reached, detail the agreement below:

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

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

Signed: _____ Date: _____

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

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

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

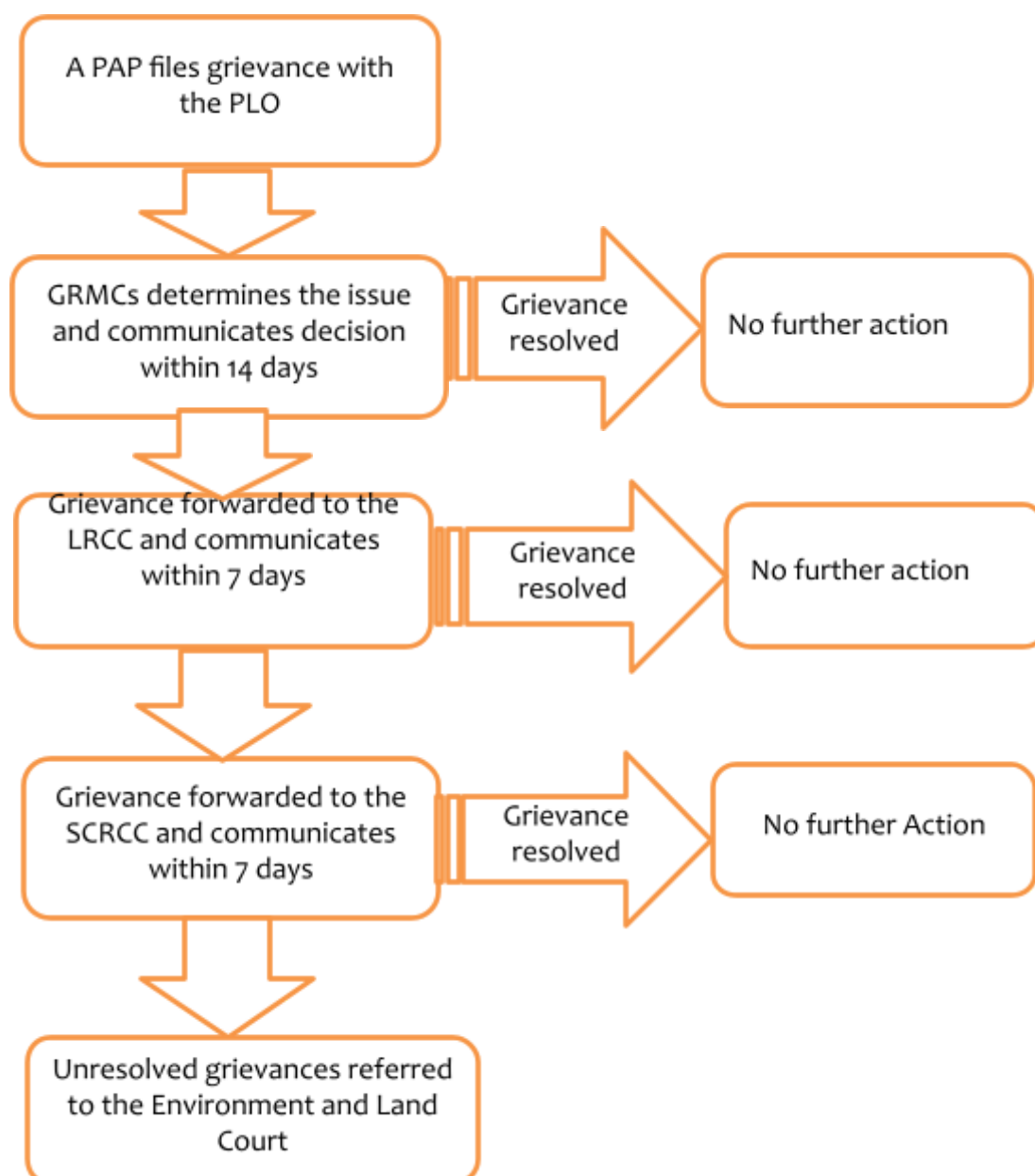


Figure 10-1: Figure Showing the Dispute Resolution Procedure

11 ORGANISATIONAL RESPONSIBILITIES

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

Table 11-1: Institutional Roles in RAP Implementation

Name of Institution	Role of Institution
Ministry of Water and Sanitation (MOWS)	<p>Will be the overall implementing agency.</p> <p>Central agency responsible for holding all information on the RAP.</p> <p>Mobilization of financial resources from Government/ County Governments for resettlement and compensation purposes of the approved RAP including paying compensation directly to the individual PAPs.</p>
KWSCRIP & MOWASCO	<p>Responsible for day to day coordination and implementation of the RAP</p> <p>Oversee the RAP consultant's work</p> <p>Ensure the grievance committees are established and working.</p> <p>Collect all the needed documentation for compensation as well as grievances and compiling them</p> <p>Monitor the RAP implementation.</p>
Sub-County Resettlement and Compensation Committees (SCRCC)	<p>Ensure effective flow of information between KWSCRIP and PAPs</p> <p>Coordinate Locational Resettlement and Compensation Committees (GRMCs and LRCCs), validate inventories of PAPs and affected assets; monitor the disbursement of compensation funds; guide and monitor the implementation of relocation</p> <p>Coordinate activities between the various organizations involved in relocation; facilitate grievance and conflict resolution; and provide support and assistance to vulnerable groups.</p> <p>Conducting extensive public awareness and consultations with the affected people so that they can air their concerns, interests, and grievances.</p> <p>Resolve disputes that may arise relating to resettlement process. If it is unable to resolve any such problems, will channel them through the</p>

	<p>appropriate formal grievance procedures laid out in this RAP.</p> <p>Collect monitoring data of RAP implementation through interviews and focus group discussions with the affected communities</p>
Locational Resettlement and Compensation Committee (LRCC)	<p>Conduct extensive public awareness and consultations with the affected people.</p> <p>Help ensure that local concerns raised by PAPs as regards resettlement and compensation among others are promptly addressed by relevant authorities.</p> <p>Assist the effective working of RAP consultants in preparation and validation of the RAP</p> <p>Resolve manageable disputes that may arise relating to resettlement and compensation process. If it is unable to resolve, help refer such grievances to the SCRCC.</p> <p>Ensure that the concerns of vulnerable persons such as the disabled, widowed women, orphaned children affected by the project are addressed and included in the RAP.</p> <p>Collect monitoring data of RAP implementation through interviews and focus group discussions with the affected communities</p>
KURA, County Roads Office	<p>Provision of technical support in resettlement, including road reserve issues</p>

12 MONITORING AND EVALUATION

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

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

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

KWSCRCP will make this information available to all stakeholders including the World Bank.

The data for these indicators will be collected every six months during the RAP implementation by the implementing agency which is KWSCRCP, SCRCC and an independent NGO working in the area to ensure triangulation of data. GRMCs and LRCCs will also assist with collection of monitoring data of the RAP implementation.

Financial records will be maintained by KWSCRCP to permit calculation of the final cost of resettlement and compensation per individual or household and they will be included in the monitoring report.

12.1 MONITORING INDICATORS

The following indicators (in Table 12-1) can be used to monitor implementation of the RAP.

Table 12-1: Monitoring Indicators of RAP Impacts

Monitoring (of Issues)	Evaluation (of Impacts)
Number of compensation (and valuation) not completed	Changes (positive/negative) in PAPs conditions during transition process
Number of vulnerable households assisted	Changes (positive/negative) in vulnerable household income and livelihood conditions
Number of livelihood restoration programs completed	Changes (positive/negative) in affected household's income levels
Pre project production versus present production levels	Equal or improved production per affected household
Number of people raising grievances	Number of resolved/unresolved grievances.

Prevalence of gender-based violence (GBV) cases	Increase/decrease of gender-based violence (GBV) complains
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13 RAP COSTS AND BUDGETS

This chapter highlights the various costs of entitlements.

13.1 COST OF ENTITLEMENTS

13.1.1 Entitlement Cost

The Total Entitlement cost for the affected assets thirty-six million, one hundred and ninety-six thousand, one hundred and thirty-five shillings (KShs. 36,196,135.00) inclusive of a 15% disturbance allowance as shown in the table below.

Table 13-1: Entitlement for loss of Various Assets

No	Assets Affected	Entitlement costs (Kshs.)	Total Entitlement Costs (Kshs.) (including 15% Disturbance Allowance)
1	Structure	20,003,450.00	23,003,967.50
2	Fences	1,183,500.00	1,361,025.00
3	Trees, lawns, flowers, and live fences	5,706,950.00	6,562,992.50
4	Livelihoods	4,581,000.00	5,268,150.00
TOTAL COST		31,474,900.00	36,196,135.00

Table 13-2 Entitlement for loss of structures

No	Affected Structures	Entitlement costs (KShs.)	Total Entitlement Costs (Kshs.) (including 15% Disturbance Allowance)
1	Permanent Structures	10,662,000.00	12,261,300.00
2	Semi-permanent Structures	4,719,400.00	5,427,310.00
3	Temporary Structures	3,436,050.00	3,951,457.50
	Other structures (shallow wells and toilets)	1,186,000.00	1,363,900.00
TOTAL COST		20,003,450.00	23,003,967.50

13.2 RAP IMPLEMENTATION COST

The RAP implementation cost was computed considering administration costs and contingencies. Bringing the total cost of the RAP to thirty-nine million, eight hundred and fifteen thousand, seven hundred and forty-eight shillings and fifty cents only (KShs. 39,815,748.50.) broken down in the table below.

Table 13-3: Summary Rap Implementation Cost

No .	RAP Item	Cost (Kshs.)
1	Entitlement Costs	31,474,900.00
2	Disturbance allowance (15% of Entitlement Costs)	4,721,235.00
3	Total Entitlement Costs (including 15% Disturbance Allowance)	36,196,135 .00
4	RAP Administration and Monitoring Cost (10% of total Entitlement Cost)	3,619,613.50
TOTAL RAP IMPLEMENTATION COST		39,815,748.50

The PAPs census, their contact numbers, assets affected and entitlement costs are provided in the asset register table below:

Table 13-4: Asset Register

14 REFERENCES

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

The Constitution of Kenya 2010

The Land Act, No. 6 of 2012

National Land Commission (NLC) Act (2012)

Environment and Land Court Act (2011)

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

The County Governments Act, 2012

The Physical Planning Act (CAP 286) 2010

Valuers Act Cap 532

The Wayleaves Act Cap 292

Public Roads and Roads of Access Act Cap 399

World Bank Operational Policies

Design Report Mombasa North Mainland Water Supply

15 APPENDICES

15.1 RAP HOUSEHOLD QUESTIONNAIRE

Zamconsult Consulting Engineers Ltd

RESETTLEMENT ACTION PLAN (RAP) FOR THE PROPOSED MOMBASA NORTH MAINLAND WORKS CONTRACTS, UNDER KENYA WATER SECURITY & CLIMATE RESILIENCE PROGRAM (KWSCR) FOR THE MINISTRY OF WATER AND IRRIGATION

RAP HOUSEHOLD QUESTIONNAIRE

A Resettlement Action Plan triggered by the proposed works to improve the water services in Mombasa North Mainland, under the Ministry of Water and Irrigation is being carried out by Zamconsult Consulting Engineers. The aim of this exercise is to identify the Project Affected Persons (PAPs) by type of loss. We need your honest and accurate information during this discussion. Your inputs will assist in the understanding of your needs for improvement. The answers you provide will be kept confidential.

1 SECTION 1 DETAILS

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

2 SECTION 2 BASIC HOUSEHOLD CHARACTERISTICS

- 2.1 Name of the household head?
- 2.2 I.D number of household head Telephone Number of Household head
- 2.3 Sex of Household head 1) Male 2) Female
- 2.4 Marital Status of the Household Head? 1) Married 2) Never Married
3) Widowed (Single) 4) Widowed Remarried 5) Divorced (Single)
6) Divorced Remarried
- What is the number of people in this household in these categories 1) All 2) Spouse
3) Own offspring under 18 4) own offspring above 18 5) orphaned children
6) Kinsmen above 55 years 7) others, specify
- 2.5 How many members does this household have? 1) All 2) Males 3) Females
- 2.6 How many of your household members have attained each of the following education levels?
(1) None (2) Primary (3) Secondary (4) College/university
- 2.7 What is the occupation /economic activities of the household head (tick)
(1) Crop farming (2) Livestock farming (3) Formal employment
(4) Business (5) Others (specify)
- 2.8 Is this business affected by the proposed project? (Tick as appropriate)
(1) Yes (2) No

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- 2.9 If yes, what is the business type? (1) General Shop (2) Hardware.....
(3) Clothes/Shoes Shop..... (4) Jua kali(5) M-pesa.....
(6)Bodaboda (bicycle/motorbike)..... (7) Others specify
- 2.10 What is the average income from this business per month? (Exact Value)
- 2.11 What is the average combined household income per month? (Tick)
(1) Less than 15,000..... (2) 15,000-30,000..... (3) 30,000-45,000..... (4) Above 45,000
- 2.12 What's the religion of the Household Head? (Tick)
(1) Christian..... (2) Muslim..... (3) Hindu..... (4) Traditionalist (5) Others Specify
- 2.13 Do any of the household members live with any disabilities? (1) Yes..... (2) No.....
- 2.14 If yes who house (a) The Head (b)Spouse (c) Offspring.....
(d) Others (Specify).....
- 2.15 and what kind of disability(a) Physical (b)visual impairment (c) hearing
impairment (c) Cognitive impairment (c) Psychiatric
(d) Others (Specify).....

3 SECTION 3 LAND OWNERSHIP DETAILS

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

4 SECTION 4 ASSETS, BUILDING STRUCTURES & OTHER PROPERTY DETAILS**a) STRUCTURES measurements (In Meters)**

Type	Length	Width	No. of Storeys
Permanent buildings			
Semi-permanent buildings			
Temporary Buildings			

b) Other Structures Sizes In Meters

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

c) Fences in meters

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

d) No of Trees

Type		Young (No.)	Mature (No.)
Indigenous Trees			
Commercial Trees	Blue gum		
	Casuarina		
	Sisal		
	Others		
Ornamental Trees	Indian Ashoka		
	Palm		
	Bamboo		
	Other		
Fruit trees	Coconut		
	Cashew nut		
	Pawpaw		
	Mango		
	Oranges		
	Guavas		
	Avocado		
	Lemons		
	Others		
Medicinal	Muarubaine		
	Moringa		
	Aloe Vera		
	Others		

e) CROPS

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

f) LAWN

Length in meters	Width in meters

5 SECTION 5 EXPECTED MODE OF COMPENSATION

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

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

15.2 RAP INSTITUTIONAL QUESTIONNAIRE

Zamconsult Consulting Engineers Ltd

RESETTLEMENT ACTION PLAN (RAP) FOR THE PROPOSED MOMBASA NORTH MAINLAND.WORKS CONTRACTS, UNDER KENYA WATER SECURITY & CLIMATE RESILIENCE PROGRAM (KWSCR) FOR THE MINISTRY OF WATER AND IRRIGATION

RAP INSTITUTIONAL QUESTIONNAIRE

A Resettlement Action Plan triggered by the proposed works to improve the water services in Mombasa North Mainland, under the Ministry of Water and Irrigation is being carried out by Zamconsult Consulting Engineers. The aim of this exercise is to identify the Project Affected Persons (PAPs) by type of loss. We need your honest and accurate information during this discussion. Your inputs will assist in the understanding of your needs for improvement. The answers you provide will be kept confidential.

1 SECTION 1 DETAILS

- 1.1 Name of the Enumerator: Sign
- 1.2 Name of the respondent ID NO. Tel No.
- 1.3 Relationship of respondent to the institution (a) Owner (b) Spouse to the owner
(c) Offspring (d) Employee (e) Others (specify)
- 1.4 Date of Interview: Time of Interview:
- 1.5 Location of the institution (a) Estate (b) Sub-Location
(c) Location. (d) Sub-County (e) County

2 SECTION 2 BASIC INSTITUTIONAL CHARACTERISTICS

- 2.1 Name of the institution
- 2.2 Category of the Institution (1) Church (2) School (3) Hospital/Health Clinic
4) Orphanage 5) Government institution 6) Mosque 7) Hotel
8) CBO/NGO 9) Others (specify)
- 2.3 Name of the institutional head
- 2.4 Phone Number of the institutional head
- 2.5 Sex of the institutional head 1) Male (2) Female
- 2.6 Total number of people in the institution? 1) All 2) Male 3) Female
- 2.7 What is the number of people in this institution under these categories 1) All 2) Regular staff 3) Students 4) Cooks 5) Cleaners 6) Inpatients (weekly) 7) Outpatients (weekly) 8) Orphans 9) Tourists 10) Others (specify)

3 SECTION 3 LAND OWNERSHIP DETAILS

- 3.1 Does the Institution own the land it currently occupies? (Tick) (1) Yes (2) No
- 3.2 If no Who owns the land? Name of Registered Owner
- 3.3 Does the registered owner have any land ownership documents? (Tick) 1) Yes 2) No
(1) If yes, what documents do you have for the land? (Tick) Title deed (2) Allocation letter (3) Lease (4) None (5) Other, specify
- 3.4 What is the L.R/plot/parcel. No. of the Land
- 3.5 What is the total size of the land? Acres/Ha/ Plot size (specify)
- 3.6 What is the total size of the land affected by the proposed Project? Length(m) Width(m)

4 SECTION 4 AFFECTED ASSETS, BUILDING STRUCTURES & OTHER PROPERTY DETAILS**a) STRUCTURES measurements (In Meters)**

Type	Length	Width	No. of Storeys
Permanent buildings			
Semi-permanent buildings			

4 SECTION 4 ASSETS, BUILDING STRUCTURES & OTHER PROPERTY DETAILS**a) STRUCTURES measurements (In Meters)**

Type	Length	Width	No. of Storeys
Permanent buildings			
Semi-permanent buildings			
Temporary Buildings			

b) Other Structures Sizes In Meters

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

c) Fences in meters

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

Zamconsult Consulting Engineers Ltd

b) Fences in meters

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

c) No of Trees

Type		Young (No.)	Mature (No.)
Indigenous Trees			
Commercial Trees	Blue gum		
	Casuarina		
	Sisal		
	Others		
Ornamental Trees	Indian Ashoka		
	Palm		
	Bamboo		
	Other		
Fruit trees	Coconut		
	Cashew nut		
	Pawpaw		
	Mango		
	Oranges		
	Guavas		
	Avocado		
	Lemons		
	Others		
Medicinal	Muarubaine		
	Moringa		
	Aloe Vera		
	Others		

e) CROPS

TYPE	Length	Width
Maize		
Beans		
Vegetables		
Sugarcane		

15.3 SUMMARY OF PUBLIC AND STAKEHOLDER CONSULTATION

15.3.1 Minutes of the Kick off Meeting Held on 16th January 2018 at KWSCR Nairobi Offices at 3pm

1) Present

- Eng. Simon G. Mwangi – Project Manager; KWSCR (Chairman)
- Lazarus Kubasu – Social specialist; KWSCR
- Eng. S. Musyoka – Engineer; KWSCR
- Anthony Kiluku – Project Engineer; KWSCR
- Eng. Dr. Zablon Oonge – MD; Zamconsult Consulting Engineers
- Marion Orina – Civil & Environmental Engineer; Zamconsult Consulting Engineers
- Dr. Joseph Misati – Social Development Expert; Zamconsult Consulting Engineers
- Dr. David Siriba – Surveyor and GIS specialist; Zamconsult Consulting Engineers
- Margaret Mbugua – Environmental Engineer; Zamconsult Consulting Engineers
- Dr. Owiti K' Akumu – Valuer; Zamconsult Consulting Engineers
- Abok Kefa – Valuer; TTR
- Peter Obiero – Business manager; TTR

2) Agenda

- Introduction of the Consultant's team to the client
- Presentation of the works carried out to date (including the inception report)

3) Minutes

Minute No.	Item	Action
01/05	<p><u>1. Introduction of Members Present</u></p> <p>The Chairman welcomed the participants to the meeting stating that KWSCR had several projects in the coast region.</p> <p>He then invited the participants to introduce themselves.</p> <p>He expressed positivity in the implementation of the ESIA and RAP in the North Mainland, however advised the Consultant to closely work with MOWASCO and the design consultant in order to reduce excess resettlement by the pipeline.</p>	ALL
02/05	<p><u>2. Consultant's presentation on works to date</u></p> <p>The Consultant then proceeded to give a presentation on the works carried out to date. These included:</p> <ol style="list-style-type: none"> 1. Mobilisation of all staff members 2. Presentation of the Inception report 3. A desktop study of the proposed project features 4. An appreciation of the project area <p>In addition, the Consultant assured the Client that they were on hand to work together so as to establish a cost-effective RAP.</p>	CONSULTANT
03/05	<p><u>3. Matters Arising</u></p>	

Following the presentation, the following were the matters arising:

1. The Client pointed out that the pipelines in Nyali were an existing network and the proposed works involved either replacing some of the lengths along the pipelines or decommissioning others. In addition, no land acquisition was foreseen for this project, however leases for the wayleaves would be considered if the unlikely need arises.
2. The Client also explained that the replacement of utilities and road crossings would be included in the Contractor's works contract as such the costs should not be included in the RAP. However, the Consultant would still identify these assets so as to have an estimate for the works contract.
3. It was discussed that the World Bank was very keen on livelihood restoration measures particularly low-income areas such as Kongowea. The Consultant stated that they would keenly look into this
4. Due to the difficulty in placing beacons along road reserves, The Consultant pointed out that they would map the proposed wayleave as well as any proposed changes using GIS.
5. The Client also pointed out that some areas within Nyali were middle to high income earning areas, as such the residents may not be willing to attend public consultation barazas as such a new approach would have to be decided upon. The Consultant agreed and stated that they would look into contacting resident associations as part of the public consultation.
6. The Client pointed out that any correspondence with the Client should be addressed the Project Manager. The Consultant noted the observation.
7. Finally, the Client assured the Consultant that they would be on hand every step of the way as such the Consultant should continuously liaise with the members of MOWASCO and the KWSCR project management unit for successful implementation of a cost-effective RAP. The Client further pointed out that they would be on hand to make any changes in the design if the resettlement issues were too extreme in some cases. In the interest of continuous liaison with all key stakeholders it was proposed to have a meeting in Mombasa to meet the key stakeholders and get a go ahead to proceed with the field work.

CLIENT &
CONSULTANT

04/05

4. AOB

	The proposed meeting in Mombasa was set for Tuesday the 23 rd January at the KWSCRPMU offices in Mombasa. The Client stated that the date would be confirmed at a later date	ALL
05/05	<u>5. Close of Meeting</u>	
	There being no other business. The meeting ended at 4.00pm	ALL

Meeting's Attendance ListESIA, RAP FOR NORTH MAINLAND & MWACHE DAM KICKOFF MEETING HELD ON 16/01/2018 AT NPMU ACK GARDEN HOUSE OFFICE 1ST FLOOR

NAME	TITLE	EMAIL ADDRESS	TELEPHONE	SIGNATURE
Simon G. Mwangi				
Lazarus Kubasu	Social specialist	Lkubasu@kwscrp.org	0724881380	
Dr. ZABLON OONGE	M.D. ZAMCONSULT	oongezi@gmail.com	0720801680	
Marion Orina	Civil & Environmental Engineer	marionorina@gmail.com	0720806583	
Dr. Joseph Misati	Sociologist	josephmisati@yahoo.com	0726493984	
Dr. David Siriba	Surveyor	drsiriba@gmail.com	0721100332	
Margaret Mbugua	Environmental Eng.	Wangari.ephantus@yahoo.co.uk	0721122354	
Eng. S. Mwangi	Engineer	smwangi@kwscrp.org	0723005234	
Anthony Kiloku	Projects Eng. PMU	akiluku@kwscrp.org	0720711659	
John Kopa	Valuer	john.kopa@kwscrp.org	0721-770483	
Peter Oluo	BUSINESS MANAGER TFR	peteoluo@kwscrp.org	0720655364	
DR O. K'AKUMU	VALUER	owiti@kakumu.co.ke	0733601251	

**15.3.2 Minutes of the Kick off Meeting held on 23rd January 2018 at KWSCR P
Mombasa Offices at 11am**

1) Present

- Martin Ngaa – Mombasa Unit Manager; KWSCR P (Chairman)
- Lazarus Kubasu – Social specialist; KWSCR P
- Mwero Mkalla – Safeguards expert, PMU Coast
- Eng. Dr. Zablun Oonge – MD; Zamconsult Consulting Engineers
- Eng. Meshack Saboke – Director; Zamconsult Consulting Engineers
- Marion Orina – Civil & Environmental Engineer; Zamconsult Consulting Engineers
- Dr. Joseph Misati – Social Development Expert; Zamconsult Consulting Engineers
- Dr. David Siriba – Surveyor and GIS specialist; Zamconsult Consulting Engineers
- Margaret Mbugua – Environmental Engineer; Zamconsult Consulting Engineers
- Dr. Owiti K'akumu – Valuer; Zamconsult Consulting Engineers

2) Absent With Apologies

- MOWASCO team

3) Agenda

- Introduction of the Consultant's team to Mombasa Client
- Introduction of the Consultant to Mombasa Stakeholders (MOWASCO)
- Preparation for field work and what to expect

Minute No.	Item	Action
01/07	<p><u>1. Introduction of Members Present</u></p> <p>The Chairman welcomed the participants to the meeting, expressing the sincere apologies from the MOWASCO team lead by Mr. Kombe, who had to attend to an urgent matter. He explained that the discussions held in during the meeting would be shared with the MOWASCO team.</p> <p>Further Mr. Kubasu stated that the meeting had initially been slotted for 2.00pm, however due to the attendance of the Consultant and Client before time and the absence of the MOWASCO team, the meeting would proceed at 11.00am.</p> <p>The chairman then invited the participants to introduce themselves.</p>	ALL
02/07	<p><u>2. Chairman's Expectations of the Consultant</u></p> <p>The chairman explained to the attendees what was expected in carrying out the ESIA and RAP for the proposed project.</p> <ol style="list-style-type: none"> 1. Pointed out that the PAPs should not be given unrealistic expectations with regards to compensation. In addition, he expressed concerns over additional PAPs cropping up during the project implementation. The Consultant explained that there would be a cut-off date established in the RAP. In addition, the RAP would put in place verification measures in order to ensure that the correct PAPs and their assets would be identified. 2. Avoidance of permanent structures by the pipeline if it doesn't affect the hydraulic design of the pipelines. He added that the design engineer had offices in Nyali and would be available for discussions on any pipeline route changes. 3. Inclusion of World Bank policies on ESIA and RAP, which should take precedence. 4. Inclusion of the stakeholders (MOWASCO, County government, KWSCR) during the public consultation meetings. The Consultant stated that the stakeholders would be notified in advance of the proposed meetings so as to include them. 	CONSULTANT
03/07	<p><u>3. Safeguards expert, PMU Coast's expectations of the Consultant</u></p> <p>The Safeguards expert invited the Consultant to Mombasa, stating that their office was happy to help with the</p>	

	implementation of the ESIA and RAP. He had the following expectations:	
	<ol style="list-style-type: none"> 1. He stated the importance of involving political, administrative and local leaders before conducting fieldwork. These leaders would be gatekeepers into the communities within the project area. Ensuring their awareness of the project will ensure seamless field work. 	CONSULTANT
04/07	<p><u>4. Social specialist's expectations of the Consultant</u></p> <p>The social specialist reiterated the comments of the previous KWSCR staff stating that:</p> <ol style="list-style-type: none"> 1. Notices should be given to all stakeholders on all proposed public consultation meetings beforehand. 2. The Nyali area would need a different approach for public consultation. He added that residential associations could be used for setting up meetings. 3. The Consultant should meet with the design engineers and consult with them continuously on any alignment changes. 4. The Consultant will be in charge of proposing members of the grievance committees. 5. The Consultant should obtain copies of cadastral maps in the project area so as to establish the proposed pipeline routes in relation to any private land. 	CONSULTANT
05/07	<p><u>5. Matters Arising</u></p> <p>Following the expectations, the following were the matters arising:</p> <ol style="list-style-type: none"> 1. The Consultant made a request for introduction letters for use in the field. The Client stated that these would be provided. 2. The Client stated that no land acquisition was foreseen, hence the need for the cadastral maps to establish this. 	CLIENT & CONSULTANT
06/07	<p><u>6. AOB</u></p> <p>It was proposed that MOWASCO should receive a copy of these minutes, and could meet with the team coming onsite for field work.</p> <p>In addition, it was agreed that the Consultant would provide an itinerary of the proposed field work to the PMU so as to facilitate planning.</p>	ALL CONSULTANT
07/07	<p><u>7. Close of Meeting</u></p> <p>There being no other business. The meeting ended at 12.45pm</p>	ALL

Meeting's Attendance List

23.01.18.

NAME	TITLE&INSTITUTION	TELEPHONE	EMAIL	SIGNATURE
Martin Ngaa	Unit Manager, Mombasa KWSERP	0725144565	martin.ngaa@gmail.com	
HAZARUS KUBAN	Social Specialist, NPMU	0724881380	lkubas@kwsgrp.org	
DA KAKUMU	VALUER, ZAMCONSULT	0733601257	owiti.kakumu@gmail.com	
D.N. SIRIBA	SURVEYOR, ZAMCONSULT	0721100832	dnsiriba@gmail.com	
JOSEPH MISATI	SOCIOLOGIST, ZAMCONSULT	0726493984	josephmisati@yahoo.com	
MARGARET MBUGUA	ENVIRONMENTAL ENGINEER	0721122354	margaretmbugua@yahoo.co.ke	
Marion Orina	Civil & Environmental Engineer Zamconsult	0720806583	marianorina@gmail.com	
M. M. SABOKE	Water Engineer, ZAMCONSULT	0733766141	mmsaboke224@yahoo.co.ke	
Zakdon Oonge	MD ZAMCONSULT	0720801680	zamconsulttd@gmail.com oongez@gmail.com	
MWERO MKALLA	SAFEGUARDS PMU - COAST	0722-390642	mmkalla@kwsgrp.org	

**15.3.3.1 Minutes of a Consultation Meeting Held with the Nyali Administration
on 14th February 2018 at 9.00am at the Nyali Sub-County Offices**

1) Present

- Joseph Marete – Nyali Sub-County Deputy County Commissioner
- Etyang James Collins – Nyali Sub-County Assistant County Commissioner
- Yasmin Lavoga – Ag. Chief Kongowea
- Bernard Omollo – Assistant Chief Maweni
- Millicent Dzombo – KWSCR
- Dennis Mutai - MOWASCO
- Marion Orina - Zamconsult Consulting Engineers (Consultant)
- Margaret Mbugua - Zamconsult Consulting Engineers (Consultant)
- Joseph Makheta - Zamconsult Consulting Engineers (Consultant)

Introduction of Members Present

The Chairman welcomed the participants to the meeting, expressing that Mombasa (North Mainland Included) were facing a major water shortage, and any water project would be of assistance.

The chairman then invited the participants to introduce themselves.

Overview from KWSCR Representative

The chairman handed the meeting over to the KWSCR representative.

The representative gave an overview of KWSCR in the country as well as its operations in order to meet its core mandate. She explained that the project being carried out currently was the Mwache Dam and related infrastructure. The related infrastructure she explained was improvement of pipelines and storage facilities in the county.

She then pointed out that both Kenyan and international laws required an ESIA and RAP. She stated that the Consultant was there to carry out both activities.

Finally, she invited the MOWASCO representative to give an overview of the project features.

Overview from MOWASCO Representative

The MOWASCO representative gave an overview of the proposed improvements in the Nyali area, stating that the works were a priority project, since majority of the pipelines were constructed in the colonial periods, some of which were made from asbestos.

He explained that the pipelines were located in Nyali area, from Nakumatt Cinemax to Kongowea and the new Malindi Highway.

He pointed out that due to various developments in the area, some of the pipelines will be rerouted in order to ensure that all pipelines would be located within the road reserve.

He then invited the Consultant to give an overview on the ESIA and RAP

Overview from the Consultant

The social specialist reiterated the comments of the KWSCRIP representative stating that, their role in the project was carrying out an ESIA and RAP for the proposed aspect.

She pointed out that it was important to look into the social and environmental impacts of the proposed works and come up with mitigation measures.

She highlighted the importance of stakeholder consultation in the ESIA and RAP process. She explained that the local communities needed to have a say in the best methods for implementing the project, proposal of additional mitigation measures as well as ensuring buy in for the project.

She stated that this meeting with the leaders in the county was one of the key steps to beginning the consultation process.

In addition, she explained that there was going to be a baseline data collection exercise on going in the area for the next weeks in order to understand the environmental and social characteristics of the area and its people.

Matters Arising

Following the discussions, the following were the matters arising:

- i. The Deputy County Commissioner requested that the more pipelines be included in the more informal settlements. The MOWASCO representative stated that the pipelines being done in this project were only the priority works, the company was still working hard to improve the infrastructure in the area in general.

Close of Meeting

There being no other business, the meeting ended at 10.30 am with the administration assuring the consultant that all support would be given for the successful implementation of the project. **Meeting's Attendance List**



REPUBLIC OF KENYA
MINISTRY OF WATER AND IRRIGATION



KENYA WATER SECURITY & CLIMATE RESILIENCE PROJECT

ATTENDANCE LIST

MEETING: INTRODUCTION OF NYALI RAP CONSULTANTS

DATE 13/2/2018

NAME	TITLE&INSTITUTION	TELEPHONE	EMAIL	SIGNATURE
Joseph Makheti	Zam Consult, Surveyor	+254789210154	Josephmakheti@gmail.com	
Millicent Dzombo	KWSCR	0736 057314	mdzombo@kwscr.org	
Dennis Mutai	MOWASSCO	0729281641	d.mutai@mombasawater.co.ke mtadeniso@gmail.com	
Margaret Mbugua	Zam Consult - Environment	0721122354	wangarielphantus@yahoo.co.uk	
Marion Orina	"	0720806583	marionorina@gmail.com	
Bernard Oondo	Asst Chief Mwaneni	0780788879	bernardooondo@gmail.com	
Nasmin Langa	Asst Chief - Kongowea	0729010391	nasminlanga@gmail.com	
Esther James Collins	M.I.C.N.G	0706934199	keystonethic@gmail.com	
JOSHUA MARETE	WATER & COORD.	0722227096	dmarete@gmail.com	

**15.3.4 Minutes of a Consultation Meeting Held with the Nyali Ward Administrators
on 14th February 2018 at 11.00am at the Nyali Constituency Offices**

1) Present

- Evans Mwamuye – Ag. Sub-county Administrator & Ward Administrator Kongowea (Chairman)
- Petro Okodo – Ward Administrator Mkomani
- Hellen Keera – Ward Administrator Frere Town
- Irene Muraguri – Ward Administrator Ziwa la Ng'ombe
- Dennis Okwara – Ward Administrator Kongowea
- Elma Mponda – County government of Mombasa
- Millicent Dzombo – KWSCR
- Dennis Mutai - MOWASCO
- Marion Orina - Zamconsult Consulting Engineers (Consultant)
- Margaret Mbugua - Zamconsult Consulting Engineers (Consultant)
- Joseph Makheti - Zamconsult Consulting Engineers (Consultant)

2) Minutes

Introduction of Members Present

The Chairman welcomed the participants to the meeting, expressing the great need for water due to inadequate supply in the area.

The chairman then invited the participants to introduce themselves.

Overview from KWSCR Representative

The chairman handed the meeting over to the KWSCR representative.

The representative gave an overview of KWSCR in the country as well as its operations in order to meet its core mandate. She explained that the project being carried out currently was the Mwache Dam and related infrastructure. The related infrastructure she explained was improvement of pipelines and storage facilities in the county.

She then pointed out that both Kenyan and international laws required an ESIA and RAP. She stated that the Consultant was there to carry out both activities.

Finally, she invited the MOWASCO representative to give an overview of the project features.

Overview from MOWASCO Representative

The MOWASCO representative gave an overview of the proposed improvements in the Nyali area, stating that the works were a priority project, since majority of the pipelines were constructed in the colonial periods, some of which were made from asbestos.

He explained that the pipelines were in Nyali area, from Nakumatt Cinemax to Kongowea and the new Malindi Highway.

He pointed out that due to various developments in the area, some of the pipelines will be rerouted in order to ensure that all pipelines would be located within the road reserve.

He then invited the Consultant to give an overview on the ESIA and RAP

Overview from the Consultant

The social specialist reiterated the comments of the KWSCR representative stating that, their role in the project was carrying out an ESIA and RAP for the proposed aspect.

She pointed out that it was important to investigate the social and environmental impacts of the proposed works and come up with mitigation measures.

She highlighted the importance of stakeholder consultation in the ESIA and RAP process. She explained that the local communities needed to have a say in the best methods for implementing the project, proposal of additional mitigation measures as well as ensuring buy in for the project.

She stated that this meeting with the leaders in the county was one of the key steps to beginning the consultation process.

In addition, she explained that there was going to be a baseline data collection exercise on going in the area for the next weeks in order to understand the environmental and social characteristics of the area and its people.

Matters Arising

Following the discussions, the following were the matters arising:

1. The Ward Administrator from Frere Town wanted to know why the Kisauni side was left out in the project. The MOWASCO representative stated that the pipelines being done in this project were only the priority works, the company was still working hard to improve the infrastructure in the area in general.
2. The Ward Administrator Mkomani requested that jobs for the local youth be provided. The Consultant stated that their recommendations would be included in the ESIA report, further adding that the baseline data collection would be carried out by local youth as such the opportunities had already begun.
3. The ward administrators wanted to know if there would be compensation for any affected assets. The consultant explained that the RAP was being conducted to establish potential PAPs, who would be compensated based on their losses.
4. The ward administrators also requested for corporate social responsibility with regards to the vulnerable in the community.

Close of Meeting

There being no other business, the meeting ended at 12.00 noon with the ward administrators assuring the consultant that all support would be given for the successful implementation of the project.

Meeting's Attendance List



REPUBLIC OF KENYA
MINISTRY OF WATER AND IRRIGATION
KENYA WATER SECURITY & CLIMATE RESILIENCE PROJECT
ATTENDANCE LIST



MEETING: INTRODUCTION OF NYALI RAP CONSULTANTS - WARD ADMINISTRATORS

DATE: 13/2/2018

NAME	TITLE&INSTITUTION	TELEPHONE	EMAIL	SIGNATURE
PETRO OKOJO	WARD ADMINISTRATOR MKOMANI	0720 951412	okododepetro@gmail.com	
EMMA MWAMURE	SUBCOUNTY ADMINISTRATOR	0702139133	emwamure@gmail.com	
Hellen Keaga	Ward Administrator Frere town	0727304758	hellenkeaga@yahoo.com	
Irene Murgui	Ward Administrator Ziwa k ng'ombe	072879453	irene.wanjiru16@gmail.com	
EMMA MPONDA	County Credit, RSA	0721305722	mpondaemma@gmail.com	
Marian Orona	Zamconsult	0720806583	marian.orona@gmail.com	
Millicent Dzombo	KWSCRP	0736057314	mdzombo@kwscrp.org	

15.3.5 Minutes of a Consultation Meeting Held with the New Nyali Residents' Association on 14th February 2018 at 2.00pm at the Coral Lane

1) Present

- Francis Rua – Member (Chairman)
- Galyne Onyimbo – Member
- Lindsay Nichols - Member

- Annemarie de Jong - Member
- Shaheen Yakub - Member
- Penny Holding - Member
- Millicent Dzombo – KWSCRCP
- Dennis Mutai - MOWASCO
- Marion Orina - Zamconsult Consulting Engineers (Consultant)
- Margaret Mbugua - Zamconsult Consulting Engineers (Consultant)
- Joseph Makheti - Zamconsult Consulting Engineers (Consultant)

2) Minutes

Introduction of Members Present

The Chairman welcomed the participants to the meeting.

The chairman then invited the participants to introduce themselves.

Overview from KWSCRCP Representative

The chairman handed the meeting over to the KWSCRCP representative.

The representative gave an overview of KWSCRCP in the country as well as its operations in order to meet its core mandate. She explained that the project being carried out currently was the Mwache Dam and related infrastructure. The related infrastructure she explained was improvement of pipelines and storage facilities in the county.

She then pointed out that both Kenyan and international laws required an ESIA and RAP. She stated that the Consultant was there to carry out both activities.

Finally, she invited the MOWASCO representative to give an overview of the project features.

Overview from MOWASCO Representative

The MOWASCO representative gave an overview of the proposed improvements in the Nyali area, stating that the works were a priority project, since majority of the pipelines were constructed in the colonial periods, some of which were made from asbestos.

He explained that the pipelines were in Nyali area, from Nakumatt Cinemax to Kongowea and the new Malindi Highway.

He pointed out that due to various developments in the area, some of the pipelines will be rerouted in order to ensure that all pipelines would be located within the road reserve.

He then invited the Consultant to give an overview on the ESIA and RAP

Overview from the Consultant

The social specialist reiterated the comments of the KWSCRCP representative stating that, their role in the project was carrying out an ESIA and RAP for the proposed aspect.

She pointed out that it was important to investigate the social and environmental impacts of the proposed works and come up with mitigation measures.

She highlighted the importance of stakeholder consultation in the ESIA and RAP process. She explained that the local communities needed to have a say in the best methods for

implementing the project, proposal of additional mitigation measures as well as ensuring buy in for the project.

She stated that this meeting with the leaders in the county was one of the key steps to beginning the consultation process.

In addition, she explained that there was going to be a baseline data collection exercise on going in the area for the next weeks in order to understand the environmental and social characteristics of the area and its people.

Matters Arising

Following the discussions, the following were the matters arising:

1. The residents raised concern on the sustainability of the project, stating that the major issue in the area was the maintenance of the existing infrastructure. The MOWASCO representative explained that the company was undergoing capacity building in order to fully handle the project.
2. The residents also wanted to know if the issue of Non-Revenue Water in the area, particularly in the informal settlements would come to an end. They highlighted the need for more stringent action against those that made use of illegal connections. The MOWASCO representative explained that one core aspect of this project was reduction of non-revenue water. He added that the area would be divided into DMAs to cut down the occurrence of the NRW.
3. The Residents requested for a solution for damage to pipes by neem trees in the area. The Consultant stated that an option would be included in the ESIA report. But most likely the affected trees would have to be cut down, however others would be replanted in a more suitable area.
4. The residents requested a schedule of works for the ESIA and RAP field work in order to be available to answer the necessary questions. The Consultant stated that a copy of the schedule would be sent to the association's email.

Close of Meeting

There being no other business, the meeting ended at 4.00pm with the residents thanking the Consultant for the meeting and hoping there would be another once the reports were compiled. The Consultant assured them that another meeting with the findings of the ESIA and RAP would be held.

Meeting's Attendance List

REPUBLIC OF KENYA
MINISTRY OF WATER AND IRRIGATION



KENYA WATER SECURITY & CLIMATE RESILIENCE PROJECT

ATTENDANCE LIST

MEETING: NORTH COAST RESIDENTS ASSOCIATION / NEW NYALI RESIDENTS ASSOCIATION

DATE 13/2/18

NAME	TITLE&INSTITUTION	TELEPHONE	EMAIL	SIGNATURE
Galyne Onyimo	New Nyali Residents Ass.	0722128491	newnyaliresidents@gmail.com	
LINDSAY NICHOLS	NORTH COAST RESIDENTS & RATEPAYERS ASS.	0724 074099	linicholls.ln@gmail.com	
Annemarie de Jong	North Coast Residents & Ratepayers member	0724053450	ankenya@gmail.com	
RITA PRANUS	NURRA	0780001379	nurra.nyali@gmail.com	
Shahreen Yakub	New Resident	0716 050500	Shahreen.yakub@gmail.com	
Penny Holding	NCRRA	% NCRRA		
Maman Orina	Zamconsult Consulting Engineers	0720806583	maman.orina@gmail.com	
Joseph Makhehi	Zam Consult Consultants	725472921054	Joewakiye@gmail.com	
Milicet Dzombo	KWSCR	0736057314	mdzombo@kwscr.org	

15.3.6 Minutes of Consultation Meeting at MOWASCO Offices**1) Present**

- Mr. Francis Kombe - MD MOWASCO and the Chief Officer DWR
- Mwero Mkalla - KWSCR representative
- Sarah Langat - MOWASCO
- Olwa - MOWASCO
- Tiberius Atuti - Zamconsult Consulting Engineers (Consultant)
- Margaret Mbugua - Zamconsult Consulting Engineers (Consultant)

2) Introduction

The KWSCR representative thanked the MD, MOWASCO for being available and allowing a meeting in the office out of his busy schedule.

He invited the participants to introduce themselves.

3) Overview from KWSCR Representative

The representative gave an overview of KWSCR in the country as well as its operations in order to meet its core mandate. He explained that the project being carried out currently was the Mwache Dam and related infrastructure. He informed them that the consultant was on site to carry out RAP. He requested MOWASCO to take the front line in the project implementation as the project will eventually be handed over to MOWASCO to do the water distribution.

He invited the consultant to give an overview of the RAP activities.

4) Overview from the Consultant

The Consultant explained that a Resettlement Action Plan was being carried out in order to identify all the project affected persons (PAPs). Fortunately, the pipelines project intended to stick within the road reserve hence very few people would be identified as PAPs since there was minimal encroachment within the road reserve area. She informed them that the affected would be mapped using GPS with an accuracy of 1metre in UTM coordinate system. She outlined that the cut-off date for the RAP exercise was 19th of February 2018. She added that the project affected persons would be treated following the correct procedures to ensure seamless transitions and resettlement.

5) Overview from the MD, MOWASCO

He urged the consultant to organize for public consultations meeting with the residents. He recommended for consultations to be held with key stakeholders and the general public within the project area, to ensure that all stakeholders were aware of and had accepted the project. He said it was important to win the people through dissemination of information to avoid any kind of resistance. He said lack of proper public consultation derails a project. He highlighted Kong'owe, Matopeni, Shauri yako, Kisimani and Mkomani as areas that needed proper public consultation. He requested the Consultant team to consult the MoWASCO team to ensure the RAP exercise was done properly.

6) Close of Meeting

There being no other business, the meeting ended at 4.00pm with the Consultant assuring them that public consultation meetings would be held with immediate effect.

15.3.7 Minutes of the Public Consultation Meeting at Ziwa la Ng'ombe, Mwavila grounds

1) Present

- Galyne Onyimbo -New Nyali Resident Association
- Margaret Mbugua - Zamconsult Consulting Engineers (Consultant)
- Millicent Nzombo - KWSCRCP representative
- Irene Muraguri – Ward Administrator
- Benard Omolo – Assistant Chief, Ziwa la Ng'ombe
- Tiberius Atuti- Zamconsult Consulting Engineers (Surveyor)
- Kennedy Mwadime - MOWASCO representative
- Other leaders, project affected persons and General Public

2) Introductions

The meeting started at 10.15am with a word of prayer by Reverend Francis Kyalo. The meeting was chaired by the area chief, who introduced the Consultant to the attendees. He then invited the Consultant and KESCRP staff to give their presentation.

3) Presentation on Project by the KWSCRCP staff

The KWSCRCP staff madam Millicent informed the people that the project was intended to alleviate the water problems in Mombasa. She said that the Mombasa north mainland project was a component of the Mwache dam project and once completed there would be enough water for Mombasa residents. She said the existing water supplies are limited and the government in collaboration with the World Bank has considered the construction of the said

dam and the laying down of pipes that would accommodate the water. She informed the people that the construction of the dam would commence by the end of the year and the laying of pipes was ongoing at Likoni and Mombasa West Mainland would follow and then Mombasa North Mainland. The old asbestos pipes would be replaced.

4) Presentation on Project by the consultant

The Consultant gave a presentation of the proposed project, its scope, and the laws governing the Environmental and Social Process as well as the need to conduct public consultation meetings. She explained that the project involved replacement of the old asbestos pipes and as well as extension of the pipes network by putting up new pipelines. She informed them that the project would maintain the road reserve.

The Consultant explained the various impacts associated with the project, throughout the project duration (planning, construction, operation, and decommissioning, including possible resettlement of Project Affected Persons (PAPs). The Consultant explained that a Resettlement Action Plan was being carried out in order to identify all the project affected persons (PAPs). Fortunately, the pipelines project intended to stick within the road reserve hence very few people would be identified as PAPs since there was minimal encroachment within the road reserve area. She informed them that the affected would be mapped using GPS with an accuracy of 1metre in UTM coordinate system. She outlined that the cut-off date for the RAP exercise was 19th of February 2018. As such, any further developments within the project site would not be considered for compensation.

The Consultant also explained that a RAP verification process would be done by KWSCRIP before any negotiations/compensation can be done.

5) Questions, Answers and Feedback

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

Q1. Mr. Mwandime inquired if the price of water in the water kiosks would reduce since the quantity of water would increase. He said the residents were buying water at 20 shillings per 20litre gallon and that water was a business that was enriching a few individuals.

The MOWASCO representative responded by stating that once the new project was completed the price of water would decrease. He further informed them that those who were licensed to sell water were supposed to sell the water at two shillings for twenty liter gallon.

He said the license clearly states that water is two shillings per twenty liter gallon. He requested the residents to be vigilant and report the water kiosk owners who were exploiting them.

Q2. Mr. Harib Khirib commented that the things that affect people were health, peace, food, and water. He said water is life and nobody should be allowed to exploit other people. He said the issues of water should be put first as the people were really suffering.

The consultant responded by stating that currently, the water supply for Mombasa was inadequate but that with the implementation of the proposed project the water problem would be addressed. She informed them that with the completion of the project people would be able to connect water to their homes and nobody will be able to exploit them again.

Q3. Mr. Alex Kimwene requested to know exactly which pipes were being replaced since there were three types of pipes and some were recently laid. He said the reason people were being overcharged for water was because the kiosk owners were required to pay MOWASCO though they receive water once or twice a week stating that there was standing charges that had to be paid with or without water.

The consultant stated that the water pipes that were being replaced were asbestos pipes, the old and dilapidated pipes for bulk water supply. She said other pipes for distribution would remain. KWSCRIP is for bulk water supply while MOWASCO is for distribution of water. She stated further that MOWASCO operates in conjunction with the county in implementing its duties. She further said the issue of people being overcharged will be addressed once and for all with the completion of the project.

Q4. Reverend Francis said they already had pipes and inquired whether the pipe sizes would be increased. He said there was a project by the government that constructed toilets but these toilets are never used because of lack of water and inquired to know whether the toilets will become operational. He also inquired whether demolition of the structures will be before or after compensation.

The MOWASCO representative informed the people that individual pipes to homes would not be replaced as the project was concerned with the bigger pipes for bulk supply. He said the toilets were closed because of lack of water but once there was water, they would become operational.

The KWSCRIP representative informed the people that demolition of structures will be after compensation. She said the contractor will start works after the affected persons had been compensated.

Q5. Mr. Joram said that the village elders were not able to force the water kiosk owners to sell water at two shillings and requested for assistance. He inquired to know who would be responsible for repair of personal lines that would be affected by the trenching. He said in the past there was a water main that was broken by a contractor and water spilled for days. He also recommended water kiosks to help those unable to pipe water to their homes.

The consultant stated that the contractor should repair any pipes broken during construction and encouraged the people to address such complaints immediately to the grievance redress mechanism (chief, resident engineers etc.) if these pipes are not illegal connections. Furthermore, she stated that water kiosks were not part of the mandate of the project hence issues of water kiosks to be addressed by MOWASCO since that was the organization dealing with operations. However, the consultant would propose the recommendations in their report to KWSCRIP.

The MOWASCO representative informed the people that any water kiosk owner reported for selling water at a higher price will have their license cancelled. He said he was aware of the main pipe that had been cut by the contractor and that the contractor had repaired the pipe and was also supposed to pay for the water lost.

6) Conclusion

The Consultant stated that she would forward all the people's comments, feedback, and recommendations to the relevant authorities. She also stated that she would include all that

was discussed in the meeting in her report. She requested the people to inform others about the RAP exercise. In addition, it was concluded that the people had accepted the project and that it was long overdue.

The Chief thanked everyone for attending the meeting and requested that the youth should be given jobs during the project construction phase. He thanked the consultant for engaging the youth in data collection. He said he will organize a meeting for the MOWASCO representative since most of the questions were being addressed to MOWASCO.

The ward administrator thanked the people in attendance and the government for the project. He requested the people to educate others about the project and the PAPs identification exercise.

The KWSCRП representative also requested the people to be good ambassadors for the project.

Close of Meeting

The meeting ended at 12.30pm with a word of prayer.

Meeting's Attendance List

	NAME	ORGANIZATION	KITAMBULISHO	SIMU	SIGN
1	Bernard Omba	Asst Chief	1469473	0710733	
2	Joram Migwi	V/Elder	547948		
3	Samuel Kasanga	V/Elder	2251429	07119555	
4	ESTHER KASUSE	V/Elder	3956734	07219776	Kasuse
5	MTAWALI K. Kifimbe	V/Elder	2266508	0705623078	
6	KAKA Chao Buega	V/Elder	2150353	0711873602	KAKA
7	Mohamed Halid	V/Elder	4618457 4618458	071385575	
8	Irene Muzgwi	Ziwa la Ng'ombe Rural Administrator	21782692	072187253	
9	Sammy S. Tangui	Kico def	9204136	0721709480	
10	Rw FRANCIS MENZA MWAHIMO	RELIGIOUS LEADER	2158511	0711259662	
11	SWALEH ABDALLA	SETTLEMENT EX. GROUP	6732469	072522241	
12	MACHISI MACHALE MENZA	V/ELDER	4633024	0734391808	
13	DORINE MAMBORI	MOTHER LEADER	23359564	071749554	
14	AGNES JUMWA	COMMUNITY POLICING	36179026	070355443	
15	SHADRACK K. JOHN	Mzee wa Ng'ambe	3690070	070002354	
16	MEJUMBA ATHUMAN	YOUTH	30986495	070433150	
17	Nopi Kimwile	SEC	9277220	07234740	
18	NA KAZUNGU	KITHIRI		0788768978	
19	HESBON ALIAYO	KIOGO BASI	10022696	0727813374	
20	SAMMY MUTHI	KIOGO BASI	5355573	0713838143	
21	RACHEL M. MBUNGA	IDD KUMBI	3930592	0721159014	
22	ATHUMAN HASSAN	KISIMAWI	13618071	0726344919	
23	STEPHEN L. BAYA	Ziwa la Ng'ombe	11457746	0726175124	
24	Anthony Kainidi	Ziwa la Ng'ombe	33806402	0707814683	
25	ROSE K. MENDO	MWANGI IDO	2246455	0702524729	
26	Salma Rubia	IDD Kumbi	1361872	072013810	
27	Fatuma Nyule	MKunguni	3907962		Fatuma
28	Mohamed Makau Ali	Ziwa la Ng'ombe	11226974	0721681188	
29	Bethseba Angango	muburi	21272085	0716260536	
30	Anne Kahuya Viregwa	Ziwa la Ng'ombe	32021764	0725279458	
31	Amina Habada Zakaria	kambi ya moto	3419448	0724264968	A.H

<u>NAMES</u>	<u>ORGANIZATION</u>	<u>ID NO.</u>	<u>CONTACT NO.</u>	<u>REMARKS</u>
32 VIGORANCE MGAHA	WELDER	2250407	0712664361	Distance
33 Dancan Sanyu	Youth	83787527	0791449298	Self
34 JARDE MWERI	SEC	60672968	0722797311	Thatus
35 Tima Ali	Youth		0729405365	Time
36 ROBERT BOGOSHA	WELDER	0504349	0711779851	
37 HASSAN Batsaba		31026090	0911435381	
38 WATWA MASTUKI	CHV	10323991	0711296301	WAYWA
39 PIKI KAZUNGI		30720296	0729031453	
40 Galyne Chyirika	ANITA	14647294	0722128491	P
41 DORIS HADERA		24190482	0729897312	
42 ELIJAH KANOTI M	WELDER	4566358	0713205044	HEA
43 JUMANNE KANOTI	YOUTH	33862884	0792608065	HO
44 KASIM HA	BALAZI	21757909	0725930608	Val
45 MARY SIBI KAZUNGI		21736469	0717322624	NB
46 ELIZABETH Mwanajuma Swede		33221538	072829215	For
47 RUCALC BAKAMI	WELDER	226076	0700451723	For
48 ISSIMAYA AHU MWA BAKUSA KISIMAN			0781114533	For
49 NYAGAH Keniki BALAZI		11872837	0710135311	Time
50 ERNEST MURISA	ICBO ASS chair	12490888	0714466590	For
51 Julius Mlinge		30636234	0790813916	For

LIST OF ATTENDANCE

	NAME	ORGANIZATION	KITAMBULU	PHONE	SIGN
52	DENNIS KAMUNDE CHIRRO	VELDER	16018482	0727454446	
53	Ricky Onyango	Resident	29403718	0722860632	
54	John Mwey	Resident	32161902	0711003558	
55	Juma dosa	Police C	11871585	0722522222	
56	Said Swaleh	P.C	0509021	0722222499	
57	Joyce Mumbi	Diary	5323249	0723020251	
58	NAHSHON GAMBO	Resident	10305964	0713039415	
59	Dulice Danbo	KWSCRIP	27609374	0736033011	
60	Margaret Wangari	Zamconsult	11418334	0721122350	
61	Tiberiu Atuti	Zamconsult	29776296	0702022222	
62	Kennedy Mwadime	Mawassco	13709408	0722222222	
63	HAROLD ERISA	ZIWA	26022858	0713020202	
64	ERNEST - MRISA	C.B.D Chaina	12490888	0724466590	
65	Irene Awar	mKamani	34607576	074042574	
65	Aisha Ali	ZIWA KANGAMBE	32840554	0707825560	
66	Kelvin Kijumba	Resident	28755608	0704433263	
67	Timothy Koome	ZAMCONSULT	25276970	0726534616	
68	Brian Nyaranga	Resident	34643541	0727369770	

15.3.8 Minutes of the Public /Consultation Meeting at Kongowea Chiefs Camp

1) Present

- Yasmin Lavoga – Assistant Chief, Kongowea
- Mr. Dennis Okwara - Ward Administrator
- Millicent Nzombo - KWSCRCP representative
- Mwero Mkalla - KWSCRCP representative
- Margaret Mbugua - Zamconsult Consulting Engineers (Consultant)
- Misati - Zamconsult Consulting Engineers (Consultant)
- Other leaders, project affected persons and General Public

2) Introductions

The meeting started at 11.30am with the chief welcoming everyone. She thanked the people for attending the meeting saying it meant a lot for her as it was a sign that she was serving them well. She requested Pastor Samuel to open the meeting with a word of prayer. She requested the people present to introduce themselves and excused herself as she was to attend another meeting.

3) Presentation on Project by the KWSCRCP staff - Mr. Mkalla

The KWSCRCP staff Mr. Mkalla informed the people that the sources of water for Mombasa were limited. He noted the Marere pipeline, Baricho, and Mzima pipeline saying their water supply was inadequate. He said the proposed project was intended to alleviate the water problems in Mombasa. He said that the Mombasa north mainland project was a component of the Mwache dam project and once completed there would be enough water for Mombasa residents. He informed them that the dam would be 87m high, 400m wide and 1.5km long. He said the existing water supplies are limited and the government in collaboration with the World Bank has considered the construction of the said dam and the laying down of pipes that would accommodate the water.

4) Presentation on Project by the KWSCRCP staff - Madam Millicent

She informed the people that the construction of the Mwache dam would commence by the end of the year and the laying down of pipes was ongoing at Likoni and Mombasa West Mainland would follow and then Mombasa North Mainland.

5) Presentation on Project by the consultant

The Consultant gave a presentation of the proposed project, its scope, and the laws governing the Environmental and Social Process as well as the need to conduct public consultation meetings. She explained that the project involved replacement of the old asbestos pipes and as well as extension of the pipes network by putting up new pipelines. She informed them that the project would maintain the road reserve.

The Consultant explained the various impacts associated with the project, throughout the project duration (planning, construction, operation, and decommissioning, including possible resettlement of Project Affected Persons (PAPs). The Consultant explained that a Resettlement Action Plan was being carried out in order to identify all the project affected persons (PAPs). Fortunately, the pipelines project intended to stick within the road reserve hence very few people would be identified as PAPs since there was minimal encroachment within the road reserve area. She informed them that the affected would be mapped using GPS with an accuracy of 1metre in UTM coordinate system. She outlined that the cut-off date for the RAP exercise was 19th of February 2018. As such, any further developments within the project site would not be considered for compensation.

She informed them that before demolition of any structures the affected persons would be compensated. For any grievances she said a grievance redress mechanism would be put in place so that the whole exercise would be smooth.

6) Questions, Answers and Feedback

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

Q1. Pastor Samuel inquired if the grievance committee would have people from the area as they were in a better position to identify those who are real PAPs.

The KWSCR representative informed them that the affected persons would comprise the committee. He said there were two types of committees the committee for compensation and the grievance redress committee. He advised them that when time comes to choose the committee members, they should avail themselves so that they choose the right people. He said it is very important to attend meetings so that whatever decision are made you are part and parcel. He illustrated this with a story.

Q2. Mr. Charles requested to know whether the dam water would be supply raw water or whether there would be a treatment plant.

The consultant informed the people that there would be a treatment plant as raw water from the dam would be harmful. He responded by stating that currently, the water supply for Mombasa was inadequate but that with the implementation of the proposed project the water problem would be addressed. She informed them that with the completion of the project people would be able to connect water to their homes and nobody will be able to exploit them again.

Q3. Mzee Salim complained that at Matopeni the people connected to water but the water only comes once a week yet they continue to receive huge bills. He said that the people attended the meeting because they thought they their water problems would be solved

The consultant informed the people that the water supply was not adequate and this has led to water rationing. She said currently, the water supply for Mombasa was inadequate but that with the implementation of the proposed project the water problem would be addressed. She informed them that with the completion of the project people would be able to connect water to their homes and nobody will be able to exploit them again. She said that due to many connections the water pressure is low and as a result the pipes are not able to deliver water.

Q4. Mr. Hamisi Suleimani requested to know whether water kiosks would still be there.

The KWSCR representative responded by stating that currently, the water supply for Mombasa was inadequate but that with the implementation of the proposed project the water problem would be addressed. He informed them that with the completion of the project people would be able to connect water to their homes.

The KWSCR representative informed the people that demolition of structures will be after compensation. She said the contractor will start works after the affected persons had been compensated.

Q5. Bwana Mkuu complained that the rainy season was about to start. He requested the ward administrator to inform them what the county government intended to do with the storm water because it is a nuisance.

The ward administrator informed them that he was aware of the problem and at the chief's camp and that he was doing everything possible to alleviate the problem. He said they needed to sit down as the residents and discuss possible solutions to the problems facing the people

Q6. Dennis Okwara complained that the people at Kazandani village had written a proposal for water connection but the owner of the land had barred them from being connected. He requested to know whether the scope of the project could be extended to serve this village. He said the population of the squatters was 300 but had risen to 8000.

The KWSCR representative responded by informing the people that the scope of the works could not be extended since the project was about the priority lines only, and he was doing everything possible to alleviate the problem. He said they needed to sit down as the residents and discuss possible solutions to the problems facing the people

7) Conclusion

The Consultant thanked everybody and requested them to inform their friends and neighbors about the PAPs census survey exercise.

The ward administrator thanked everyone for attending the meeting and requested that the youth should be given jobs during the project construction phase. He thanked the guests for informing the people about the project in a good and simple way. He requested the people to own the project.

The KWSCR representative also requested the people to be good ambassadors for the project.

Close of Meeting

The meeting ended at 1.30pm with a word of prayer by Ustali Salim Said.

Meeting's Attendance List

NAME	ORGANIZATION	KITAMBULISHO	SIMBU	SIGN
DENNIS KAKUNDE CHIRO	V/ELDER	16018482	0727185446	
Ricky Onyango	Resident	29403718	0722860632	
John May	Resident	32161902	0711003558	
Juma dosa	Police C	11871585	0722352307	
Said Swaleh	P.C	0509021	0722322499	
Joyce Mumbi	Student	5323249	0723070251	
NAHSHON GAMBO	RESIDENT	103059604	0713039415	
Duliced Donbu	KWSCRIP	27609374	0735073019	
Margare Wangari	ZamConsult	11418334	0721122354	
Tiberiu Atuti	Zamconsult	29776296	070202293	
Kennedy Mwadime	Movassco	13709458	0722288004	
HIPATY ERISA	ZIWA	26021858	071306006	
ERNEST -MRISA	C.B.P Chaina	12490888	0764466590	
Irene Awar	mKamani	34607596	0714002574	
Aisha Ali	Ziwa la ngombe	32841055	0707525860	
Kelvin Kijumba	Resident	28755608	0704433263	
Timothy Koome	ZAMCONSULT	25276970	0726534616	
Brian Nyaranga	Resident	34603541	0727369770	

15.3.9 Minutes of the Public /Consultation Meeting at Maweni, Elim Church Hall on 13th March 2018.

1) Present

- Mr. Dismas Ndirangu – Technical Manager, MOWASCO
- Mr. Petro Okodo – Mkomani Ward Administrator
- Mr. Mwero Mkalla - KWSCRCP (Coast PMU)
- Margaret Mbugua - Zamconsult Consulting Engineers (Consultant)
- Dr. Joseph Misati - Zamconsult Consulting Engineers (Consultant)
- Mr. Solomon Ondere – Community Policing Chairman
- Mr. Joseph Mumbo – Elder Shauri yako
- Mr. Gabriel Chibwai – Village Elder
- Other leaders and General Public

2) Introductions

The meeting started at 10.45 am with a word of prayer. The ward administrator welcoming everyone and introduced the guests to the people. He thanked the people for attending the meeting saying there is always something learn. He requested the people present to introduce themselves and invited the guests to address the people.

3) Presentation on Project by the KWSCRCP staff - Mr. Mkalla

Mr. Mkalla thanked the people for attending the meeting. He informed the people that the sources of water for Mombasa were limited. He noted the Marere pipeline, Baricho, and Mzima pipeline saying their water supply was inadequate. He said the proposed project was intended to alleviate the water problems in Mombasa. He said that the Mombasa north mainland project was a component of the Mwache dam project and once completed there would be enough water for Mombasa residents. He informed them that the dam would be 87m high, 400m wide and 1.5km long He said the existing water supplies are limited and the government in collaboration with the World Bank has considered the construction of the said dam and the laying down of pipes that would accommodate the water.

4) Presentation on Project by the consultant

The Consultant gave a presentation of the proposed project. He informed them that the RAP exercise was meant to cater for the project affected persons. He explained that the project involved replacement of the old asbestos pipes and as well as extension of the pipes network by putting up new pipelines. He informed them that no private land would be affected as the project would maintain the road reserve.

The Consultant explained that a Resettlement Action Plan was being carried out in order to identify all the project affected persons (PAPs). He outlined that the cut-off date for the RAP exercise was 19th of February 2018. As such, any further developments within the project site would not be considered for compensation. He informed them that before demolition of any structures the affected persons would be compensated.

6) Questions, Answers and Feedback

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

- Q1. Janet inquired to know why they were getting a huge bill yet there was no water.

Q2. Agnes Bile who operates a water kiosk for a women group inquired to know why they only received water for a few days but had to pay huge bills due to the standing charges.

The technical manager – MOWASCO informed the people that the water supply was not adequate and this has led to water rationing. He said that there were too many connections and therefore the water pressure is low and hence the water cannot reach the customers.

Q3. Ephantus Maguma wanted to know whether the project was a completely new project or it was a continuation of the existing projects.

Q4. Tima Rubea encouraged the women to talk in order to get answers since they suffer most due to lack of water. She requested that during construction, work should be given to the youth in the area.

The KWSCR representative informed them that the old pipes would be replaced since they cannot withstand the water pressure once more water was made available. He said that this was a new project to alleviate the water problem in Mombasa. He informed them that already the consultant was using youths in the area to collect data of the affected persons. He informed them that the contractor will also be advised to employ from the communities in the project area.

Q5. Ferdinard Wamalwa wanted to know what would happen to the old pipe if this was completely new project. He also inquired of the timeline of the project.

The KWSCR representative informed them that the pipes that are in good conditions would be incorporated within the project. He informed them that once the RAP report was complete and approved it will be implemented and only then would the contractor start work. He informed them that Mwache dam construction would start in October 2018. He said the dam construction would take approximately three years.

Q6. Mzee Wafula inquired to know how the water bill would be. He said the people may get excited at the thought of enough water but the price may not be affordable.

The KWSCR representative informed them that the project was dealing with bulk water supply which once completed would be handed over to MOWASCO for distribution. He said that affordable water tariffs would be negotiated. He insisted that the project was a national government project and the social responsibility of the government was to provide water

Q7. William Onyango the disabled chairman said as a group they applied for a license to sell water and ever since they were connected, they have never received water. He said the meter was removed but they were still being served with water bills. He requested for help to solve the issue once and for all.

Q8. Beatrice said that they were receiving very high-water bill without water and that they were not able to pay the bills.

The technical manager – MOWASCO requested Mr. Onyango to visit his office promising that the issue would be resolved. He gave him his phone number so that he could communicate. He advised those receiving bill without any water supply to settle their issues at the office of the commercial officer, MOWASCO. He said they were aware that when the valves are opened some people comes and closes them denying the people water.

Q9 Alice wanted to know what the problem was since within the same neighborhood some people receive water while others don't.

Q10 Mr. Wanderi commented that there was no water yet in the Nyali high end area there was water even to irrigate the lawns.

Q11 Mr. Wanderi also commented that there was no water yet in the Nyali high end area there was water. He said the water chambers were in the area were open.

The technical manager – MOWASCO informed them that some of the residents in Nyali high end area had dug wells for irrigating their lawns. He said they were aware that when the valves are opened some people comes and closes them denying the people water.

Q12 Duncan suggested that since the pipelines were passing along the road the government to put up water kiosks that would be managed by the youth. He also requested that the project should give back to the community as social corporate responsibility by building them a resource center like a hall or a tertiary institution.

The KWSCR representative reminded them that the government does not do business but rather provide services. He informed them that once the project was complete there would be no need for water kiosks as the people will have individual water connections. He said once money was available it will not be diverted to another project but will be put in the intended project. He insisted the social responsibility of the government was to provide water to the residence of Mombasa.

Conclusion

The Consultant thanked everybody and requested them to inform their friends and neighbors about the PAPs census survey exercise.

The KWSCR representative also thanked the people for attending the meeting. He said it was important to attend meetings so that whatever decision are made you are part and parcel. He illustrated this with a story.

Vote of thanks

The ward administrator thanked everyone for attending the meeting. He thanked the guests for informing the people about the project in a good and simple way. He requested the people to own the project. He said that there was a septic tank that had collapsed and lives were lost. He requested the people to report any septic tank or soak pit in their place of residence to allow the county government to carry out inspection.

Mzee Gabriel thanked the visitors for informing and listening to them as they aired their problems. He requested the visitors to visit them more often.

Mr. Jared Ongolo thanked the visitors for the information and requested more meetings to be organized so that the people can be enlightened.

Close of Meeting

The meeting ended at 2.00pm with a word of prayer by Mzee Ali Wafula

Meeting's Attendance List

REPUBLIC OF KENYA
MINISTRY OF WATER AND IRRIGATION



THE WORLD BANK
IBRD IDA IFAD

KENYA WATER SECURITY & CLIMATE RESILIENCE PROJECT

ATTENDANCE LIST

MEETING: Nyali Elm Church

DATE 13/3/2018

NAME	TITLE&INSTITUTION	TELEPHONE	EMAIL	SIGNATURE
GABRIEL CHIRWA	VILLAGE ELDER	0711503313	—	<i>Chirwa</i>
AGNES MBITHI	Resident MNAZI MOJA	0706346272	—	<i>Agnes</i>
Robert Mwangi	Resident MNAZI MOJA	072348246	—	<i>Robert</i>
JANE K. SIREDI	MNAZI MOJA	0726603744	—	<i>Jane</i>
PETRO OKODI	MKOMANI WARD ADMIN	0720951472	okodipetro@gmail.com	<i>Petro</i>
Margaret Irungu	Zam Consult Consultancy Eng SDS - COAST	0721122354	wangariiphonius@yahoo.co.uk	<i>Margaret</i>
MWERO MWALLA	KWSCRP (COAST PMU)	0722-390642	mwalla@kwsgrp.org	<i>Mwalla</i>
FERDINAND WAMALWA	RESIDENT MNAZI MOJA	0729484972	—	<i>Ferdinand</i>
JARED ONGOLO	CHAIR, NSS, MNAZI MOJA	0705375373	—	<i>Jared</i>
ALI WAFULA	AMBASADOR, SHAWRI YAKO	0711580517	—	<i>Ali</i>
CRISPIN OJIMBO	RESIDENT MNAZI MOJA	0710226124	—	<i>Ojimbo</i>
OSCAR SHUKANO	RESIDENT KISUMU ndogo	0725051848	—	<i>Shukano</i>
Kevin Oscar Odhiambo	Resident Mnazi moja	0712863480	kevinoscar89@gmail.com	<i>Kevin</i>
Vincent Othman	Resident Mnazi moja	0790061945	—	<i>Vincent</i>
Dismas M. Wanga	MWASA	0795197300	—	<i>Dismas</i>
Joseph Mwangi	Zamconsult	0726493784	josephmwangi@yahoo.com	<i>Joseph</i>
Onyango William	Kisumu ndogo	0725670365	—	<i>Onyango</i>
Janet Masira	Resident Mnazi moja	0705211660	—	<i>Janet</i>
Pauline Dapela	Resident mnazi moja	0723626650	—	<i>Pauline</i>
Duncan Ndota	Resident Mnazi moja	0712906448	duncancanbroslim298@gmail.com	<i>Duncan</i>
Fred Simiyu	Resident Shauri yako	0727867522	simiyufred618@gmail.com	<i>Fred</i>
Esther Dambeko	Resident Mnazi moja	0724356954	—	<i>Esther</i>
Moses Mulemere	RESIDENCE Shauri yako	0717980298	mulemeremoses@yahoo.com	<i>Moses</i>

MEETING: _____

DATE 13/3/2018

NAME	TITLE&INSTITUTION	TELEPHONE	EMAIL	SIGNATURE
HESBON A. FESTUS	Shauri Moko	0711-251283	HESBONFESTUS@yahoo.co	
CHUKA MISOGASHIRAJI	MNAZI MOJA	0715713425	N/A	C.M
DOUGLAS OCHIENG	MNAZI MOJA	0714099263	dachiborbor@gmail.com	
Laban Edgar	MNAZI MOJA	0717802466	—	
George Uchula	Shauri Moko	0705750099	—	
SPRINTERS MACHUMBA	LOYAL FRIENDS YOUTH GROUP	0722342521	spkries2@gmail.com	
BRAIN JONES	LOYAL FRIENDS YOUTH GROUP	0753955729	Brainjones36@gmail.com	

MEETING: _____

DATE 13.3.18

NAME	TITLE&INSTITUTION	TELEPHONE	EMAIL	SIGNATURE
Alex Kigaro	Resident MNAZI MOJA	0703691851	—	
ALICE WAMBUI	MNAZI MOJA	0721305629	—	
Sidi Munga	Resident MNAZI MOJA	0727214115	—	
MUSA DNYANGO DKEICH	MNAZI MOJA	0731245286	—	
Jennifer Wandera	Resident Shauri Moko	0729896773	—	
Frederic Adhiambo	Resident MNAZI MOJA	0703726096	—	
Josphine Adhiambo	Resident MNAZI MOJA	0716664055	—	

MEETING: _____

DATE 13.3.18

NAME	TITLE&INSTITUTION	TELEPHONE	EMAIL	SIGNATURE
Caroline Akinyi	MNAZI MOJA	07954423218	—	
Richard Onoligi	Resident (MNAZI MOJA)	0722270882	—	
MOURINE ATIGBO	MNAZI MOJA	0711662558	—	
FLORENCE MCHOI	MNAZI MOJA	0713901546	—	
Paul Oduor	MNAZI MOJA	0720679641	—	
EUNICE AKINYI	MNAZI MOJA	072254737	—	
CAROLINE OKATA	MNAZI MOJA	073830687	—	

MEETING: _____

DATE 13.3.18

NAME	TITLE&INSTITUTION	TELEPHONE	EMAIL	SIGNATURE
GRACE Vugara	Resident Mnazi Moja	0742688958	—	Coco
Joseph Odiambo	LOYAL FRIENDS YOUTH GROUP	0743112362	—	JO
Pauline Kera	Mnazi Moja	0723 611935	—	P
Muhammadi Juma	Resident Mnazi Moja	0706216742	—	MO
FREDERICK BUIRE	" " "	0723758421	—	FB
Pius Mochangy	" " "	0727810495	—	PM
ANGELINE BRUNO	" " "	0708172910	—	AB

MEETING: _____

DATE 13.3.18

NAME	TITLE&INSTITUTION	TELEPHONE	EMAIL	SIGNATURE
Wilkie Achiong	Resident Mnazi Moja	0700487661	—	ACH
Nora Thomas	Resident Mnazi Moja	0713323498	—	NT
Baseline Adhiambo	Resident Mnazi Moja	0728855647	—	BA
Sabina Juma	Resident Mnazi Moja	0714514433	—	SJ
Beatrice Osiako	Resident Mnazi Moja	0717505691	—	Beatrice
BEATRICE TIMBOI	Resident Mnazi Moja	0713289510	—	BT
Simon Kiroko	PLC Mnazi Moja	0723103151	SKIROKO2017@gmail.com	Simon

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MEETING: _____

DATE 13.3.18

NAME	TITLE&INSTITUTION	TELEPHONE	EMAIL	SIGNATURE
Mary Atheria ^{AKG}	Mnazi Moja	071459733	—	MA
Amina Mohammad	Resident Mnazi Moja	—	—	AM
Esther Nabwine	Resident Mnazi Moja	—	—	EN
Philip Runa	Mnazi Moja	0725441377	Kellyruna@gmail.com	PR
Irine Anga	Resident Mnazi Moja	0710136564	—	IA
Solomon ODERE	COMMUNITY CHAIRMAN	0707977358	—	SO
JOSEPH M. MUMBO	ELDER SHAKIYA	0726475977	Josephmumbo55@gmail.com	JM

15.3.10

Public Consultation Meeting Photos



Figure 15-1: Photos of the Kick off Meeting Held on 16th January 2018 at KWSCR Nairobi Offices at 3pm



Figure 15-2: Photos of a Consultation Meeting Held with the Nyali Ward Administrators on 14th February 2018 at 11.00am at the Nyali Constituency Offices



Figure 15-3: Photos of Consultation Meeting Held with the New Nyali Residents' Association on 14th February 2018 at 2.00pm at the Coral Lane



Figure 15-4: Photos of Public Consultation Meeting at Ziwa la Ng'ombe



Figure 15-5: Area Chief Addressing Participants



Figure 15-6: Stakeholder Feedback during a Meeting at Ziwa la Ng'ombe



Figure 15-7: Public Consultation Meeting at Kongowea Chief's camp



Figure 15-8: Consultant (Sociologist) making Presentation at Maweni, Elim Church hall.



Figure 15-9: Public Consultation Meeting at Maweni, Elim Church hall.