

**REPUBLIC OF KENYA**  
**MINISTRY OF WATER, SANITATION AND IRRIGATION**



**CENTRAL RIFT VALLEY WATER WORKS DEVELOPMENT AGENCY**  
**RESETTLEMENT ACTION PLAN FOR OL'KALOU TOWN SEWERAGE PROJECT**



**JULY 2024**



DOCUMENT CONTROL

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SUPERVISION OF OL’KALOU TOWN SEWERAGE PROJECT

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RESETTLEMENT ACTION PLAN (RAP) PROJECT REPORT

CONSULTANT



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## SUBMISSION DETAILS

### Certificate of Declaration and Document Authentication

This document has been prepared in accordance with the African Development Bank Operation Safeguards of, 2013 and Kenya's National Laws and Legislations.

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## FACT SHEET

<b>Program Name</b>	Ol Kalou town sewerage project
<b>Assignment Name</b>	Consultancy Services for Design Review, Preparation of Tender documents and supervision of Ol'kalou Town Sewerage Project
<b>Report Name</b>	Resettlement Action of the Ol Kalou town sewerage Project
<b>Lead Implementing Agency</b>	Central Rift Valley Water Works Development Agency (CRVWWDA)
<b>Financier</b>	African Development Bank and Gok
<b>Project Scope</b>	<p>Water component</p> <ul style="list-style-type: none"> <li>• Rehabilitation and Expansion of Malewa System Intake Works</li> <li>• Replacement and Expansion of 25km Raw Water Main</li> <li>• Construction of Additional 1000m<sup>3</sup> Storage Tanks</li> <li>• Installation of Zonal Meters</li> <li>• Extension of 5.5 Km Water Network</li> </ul> <p>Sanitation component</p> <ul style="list-style-type: none"> <li>• Expansion of Sewer line by Laying an additional 11km of sewer line to cover areas not included in Phase 1.</li> <li>• Customer connection construction by constructing 500 more sewer customer connections to supplement the existing infrastructure.</li> </ul>
<b>Project Location</b>	Ol-kalou Town, Location - Nyandarua County, Ol Kalou Constituency
<b>Target beneficiaries</b>	Nyandarua County
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## LIST OF ABBREVIATIONS AND ACRONYMS

AfDB	African Development Bank
CLO	Community liaison Officer
DWC	Double Wall Corrugated Pipes
ESIA	Environmental and Social Impact Assessment
RAP	Resettlement Action Plan
CRVWWDA	Central Rift Valley Water Works Development Agency
GBV	Gender Based Violence
GO	Grievance Officer
HDPE	High-Density Polyethylene
HH	Household
GRM	Grievance Redress Mechanism
MH	Manhole
NEMA	National Environmental Management Authority
NLC	National Lands Commission
NLP	National Land Policy
NGOs	Non-Governmental Organizations
OP	Operation Policy
PAD	Project Appraisal Document
PAPs	Project Affected Persons
PCP	Project Contact Person
PC	Project Committee
PCT	Project Coordination Team
RAP	Resettlement Action Plan
RIC	Resettlement Implementing Committee

ROW	Right of Way
RPF	Resettlement Policy Framework
VMG	Vulnerable and Marginalized Groups
WSDP	Water and Sanitation Development Project
SEA	Sexual Exploitation and Abuse
UpVC	Unplasticized Polyvinyl Chloride

## Definition of Terms

**Compensation**—Payment in cash or in kind for an asset or a resource that is acquired or affected by a project at the time the asset needs to be replaced.

**Cut-off date**—Date of completion of the census and assets inventory of persons affected by the project. Persons occupying the project area after the cut-off date are not eligible for compensation and/or resettlement assistance. Similarly, fixed assets (such as built structures, crops, fruit trees, and woodlots) established after the date of completion of the assets inventory, or an alternative mutually agreed on date, will not be compensated.

**Economic displacement**—Loss of income streams or means of livelihood resulting from land acquisition or obstructed access to resources (land, water, or forest) resulting from the construction or operation of a project or its associated facilities.

**Involuntary resettlement**—Resettlement is involuntary when it occurs without the informed consent of the displaced persons or if they give their consent without having the power to refuse resettlement.

**Project-affected household**—All members of a household, whether related or not, operating as a single economic unit, who are affected by a project.

**Project-affected person**—Any person who, as a result of the implementation of a project, loses the right to own, use, or otherwise benefit from a built structure, land (residential, agricultural, or pasture), annual or perennial crops and trees, or any other fixed or moveable asset, either in full or in part, permanently or temporarily.

**Resettlement Action Plan (RAP)**—The document in which a project sponsor or other responsible entity specifies the procedures that it will follow and the actions that it will take to mitigate adverse effects, compensate losses, and provide development benefits to persons and communities affected by an investment project.

**Stakeholders**—Any and all individuals, groups, organizations, and institutions interested in and potentially affected by a project or having the ability to influence a project.

**Vulnerable groups**—People who by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status may be more adversely affected by resettlement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits.

**Assets:** Refers to properties or resources owned by individuals or communities that may be affected by a development project. Assessing and managing these assets is essential to determine compensation and support during resettlement.

**Census:** Involves gathering demographic data about the population residing in the area affected by the project. This data is crucial for identifying and understanding the needs of the affected population, determining eligibility for compensation, and planning resettlement activities.

**Entitlements:** Refers to the rights and benefits that affected individuals or communities are entitled to receive as compensation for their losses during resettlement. This may include monetary compensation, replacement housing, livelihood support, and access to services.

**Replacement Cost:** Replacement cost estimation involves determining the cost of replacing assets or properties that are acquired or affected by the project. This includes calculating the cost of land, structures, and other assets at current market rates, as well as factoring in any associated expenses such as relocation costs.

**Market Rate:** Market rate analysis involves assessing current market trends and prices for goods, services, and properties in the affected area. Understanding market rates is essential for determining fair compensation, negotiating land acquisition, and planning resettlement activities that are economically viable for affected individuals and communities.

**Involuntary Resettlement:** Involuntary resettlement occurs when individuals or communities are compelled to relocate from their homes or lands due to a development project, without their consent. Managing involuntary resettlement involves ensuring that affected individuals and communities are provided with adequate compensation, support, and opportunities for livelihood restoration.

**Free Prior Informed Consent (FPIC):** FPIC is a principle that requires developers to obtain the consent of affected communities before implementing projects that may impact their lands, resources, or livelihoods. In the context of a RAP, obtaining FPIC is essential for ensuring that resettlement plans are developed in consultation with affected communities and respect their rights and interests.

**Squatters:** Squatters are individuals or families who reside on land without legal ownership or authorization, addressing squatter settlements may involve regularization (formalizing land tenure rights), relocation, or providing alternative housing options for affected squatter communities.

**Livelihoods:** Livelihoods refer to the means by which individuals and communities earn a living and sustain their basic needs. Supporting livelihoods is a key component of a RAP, as it involves providing affected individuals and communities with opportunities for income generation, employment, skills training, and access to resources necessary for rebuilding their lives after resettlement.



## EXECUTIVE SUMMARY

## E-1 RAP Compensation Summary Sheet

#	Variables	Data
A. General		
County	Nyandarua	
Sub-County	Nyandarua Central	
Village	Munyeki and Muthaiga	
Activity that triggers resettlement	Sewer line extension	
Project overall cost	533,042,720.55	
Overall resettlement cost	Kes. 3,334,000.00	
Applied Cut-off dates	28th February 2024	
Date of consultation with PAPs	28th February 2024	
Date of negotiation for the compensation	28th February 2024	
B. Specific Information		
Number of PAPs affected by the Project	4 PAPs	
Number of physically displaced	1	
Number of people economically displaced	3	
Number of affected households	4	
Number of females affected	1	
Number of vulnerable affected	2	
Number of major PAPs	0	

Number of Minor PAPs	0
Number of total right owners or beneficiaries	4
Number of households losing their shelter	1
Total area of lost arable land (Ha)	0.3878 acres
Number of households losing their crops	4
Total area of farmland lost	0.3878 acres
Estimation of total Agricultural Revenue Lost	131,259.00 Kes.
Number of Buildings to be demolished totally	0
Number of Buildings to be demolished totally at 50%	0
Number of Buildings to be demolished totally at 25%	1
Number of trees/Crops lost	144
Number of commercial kiosks lost	0
Number of ambulant/street sailors affected	0
Number of community level services/infrastructure affected	0
Number of households whose livelihood restoration is at risk	4

## E-2 Project Information

Ol Kalou town sewerage expansion, rehabilitation and improvement of water supply project is funded by African Development Bank and the Government of Kenya. The project is being implemented by Central Rift Valley Water Works Development Agency (CRVWWDA) under the Kenya Urban Water Supply and Sanitation Programme.

The programme aims at contributing to the quality of life and health, and reducing poverty levels of the population of Kenya through provision of water and sanitation services on a sustainable basis.

The main objective of the program is to improve the access, availability and sustainability of water supply and wastewater management services in multiple towns with a view to catalyzing commercial activities, driving economic growth, improving quality of life of people and building resilience against climate variability and change.

The prioritized projects and infrastructures that will induce settlement and hence the preparation of this RAP are shown in the table below;

### E2-1 Proposed scope of works

Sewerage Works	Water Supply Works
<ul style="list-style-type: none"> <li>Expansion of Sewer line: Lay an additional 11km of sewer line to cover areas not included in Phase 1.</li> <li>Customer Connection Construction: Construct 500 more sewer customer connections to supplement the existing infrastructure for both Individual Households and Commercial buildings.</li> </ul>	<ul style="list-style-type: none"> <li>Rehabilitation and Expansion of Malewa System Intake Works: Undertake major rehabilitation and expansion works at the Malewa system intake works to improve water sourcing and efficiency.</li> <li>Replacement and Expansion of Raw Water Main: Replace and expand the existing 25km raw water main, which is currently dilapidated and prone to bursts, to enhance the reliability and durability of the water transportation system. The Raw water main is proposed to be upgraded to HDPE.</li> <li>Construction of Additional Storage Tanks: Construct additional storage tanks with a minimum combined capacity of 1,000m<sup>3</sup> to bolster water reserve capacity and ensure a consistent and reliable water supply.</li> <li>Installation of Zonal Meters: Install zonal meters to monitor and manage water distribution more effectively, reducing non-revenue water (NRW) and promoting efficient water usage.</li> </ul>

	<ul style="list-style-type: none"> <li>• <b>Extension of Water Network:</b>  Extend the water network by 5.5km to expand the coverage area and ensure that more residents have access to a reliable water supply.</li> </ul>
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### E-3 Project Beneficiaries

The Project will benefit the residents of Olkalou with improved access, reliability and sustainability of water supply and wastewater management services. The following represents benefits of the Project in terms of its implementation and RAP;

For the people of Olkalou, a sewer line and water project bring a multitude of benefits, both immediate and long-term. Here's a breakdown of the benefits for the community:

1. **Improved Sanitation:** The sewer line project will significantly improve sanitation conditions in Olkalou by providing a modern sewage system. This will help in reducing the risk of waterborne diseases and improving overall public health.
2. **Access to Clean Water:** The water project ensures a consistent and clean water supply for the residents of Olkalou. Access to clean water is essential for drinking, cooking, and maintaining hygiene, thus promoting better health outcomes.
3. **Environmental Protection:** Proper sewage disposal through the sewer line system helps in protecting the environment by preventing contamination of water sources and reducing pollution levels in the area.
4. **Increased Property Value:** Infrastructure development such as sewer lines and water projects often lead to an increase in property values in the vicinity. This can positively impact homeowners and the local economy.
5. **Economic Growth:** Reliable water and sanitation services are vital for economic activities such as agriculture, small businesses, and tourism. The improved infrastructure can attract investments and spur economic growth in Olkalou.

As for the Resettlement Action Plan (RAP) benefits, it's crucial to ensure that affected individuals or communities are adequately compensated and supported during the implementation of the project. Some of the RAP benefits will include:

1. **Fair Compensation:** Individuals or communities whose land is affected by the project will receive fair compensation for their land, structures, and any other assets that may be impacted.

2. **Resettlement Support:** The project is impacting structures, crops and trees and those whose structures, trees and crops are affected due to the project will be compensated as per the market rates so that they can continue with their livelihood opportunities.
3. **Consultation and Participation:** The RAP process involved consultation with affected stakeholders to ensure their concerns are addressed, and they have a say in the decision-making process. It was during the consultations that project information was disclosed and the community had the opportunity to raise their concerns and express support for the project.
4. **Livelihood Restoration:** Efforts will be made to restore or improve the livelihoods of affected individuals through training, skills development, or assistance in establishing alternative income-generating activities.

By incorporating these RAP benefits into the project planning and implementation process, the sewer line and water project can proceed in a socially responsible and sustainable manner, ensuring that the needs and rights of all stakeholders, including those affected by the project, are addressed.

#### **E-4 Justification for RAP**

The size and scope of impact has four Project Affected Persons (PAPs), making the scale of impact relatively minor. Given this limited number, handling the resettlement process through a Resettlement Action plan is more feasible. According to African Development Bank Operational Policy, RAP is typically required when the number of affected persons exceeds or less than 200. With four PAPs affected in this circumstance, the RAP is triggered, providing a streamlined and efficient approach to addressing resettlement needs.

#### **E-5 Objectives of the RAP**

**The main objective of preparation of the RAP are:**

- Identification and assessment of the impacts of the project on PAPs and communities in the project area,
- Conducting census and socio-economic survey,
- conduct public consultation with PAPs,
- Conduct public consultation with PAPs, county governments, and other stakeholders,
- Designing mechanisms and procedures for the resolution of conflict and redress of grievances arising from the implementation of the RAP and the project;
- Designing the organizational and institutional arrangements necessary for the implementation of the RAP, including detailed allocation of responsibilities and coordination issues;

- Formulating a system for the monitoring, review and evaluation of the process and outcome of the implementation of the RAP,
- Formulating the criteria for eligibility and entitlement as well as methods and mechanisms for the valuation of various categories of household and community assets for compensation,
- Designing appropriate strategies for restoration of the income and livelihood of PAPs, special support measures for vulnerable groups, and social and community development projects, prepare a timetable for the implementation of the RAP with detailed time-bound schedules for its various components and activities
- Preparing cost estimates and budget for the implementation of the RAP and its various components and activities,
- Undertaking a review of the relevant national and international policy, legal, and institutional frameworks and guidelines pertaining to involuntary resettlement, eminent domain and land tenure, expropriation and compensation, restoration and improvement of the income and livelihood of PAPs

## **E-6 Approach and Methodology**

### **E6-1 Literature Review:**

The preparation of the Resettlement Action Plan (RAP) involved a comprehensive review of relevant primary and secondary sources, including African Development Bank Operation Safeguards on Involuntary Resettlement, the Water and Sanitation Policy of 2016, the Land Act of 2012, the project Resettlement Policy Framework (RPF) and other pertinent Kenyan legislations. This review provided a foundational understanding of the legal and policy frameworks guiding involuntary resettlement and compensation processes in Kenya.

### **E6-2 Quantitative Methods of Data Collection:**

Quantitative data collection methods were utilized to gather demographic and socio-economic information from the affected communities. This included data collection through the use of questionnaires to collect numerical data on population demographics, household assets, and other relevant socio-economic indicators. These quantitative methods helped in obtaining structured data for analysis and decision-making.

### **E6-3 Census Enumeration and Inventory of Assets:**

A census enumeration was conducted to systematically collect demographic data on the population of the project area and the project affected persons (PAPs), including household size, composition, and socio-economic status and age cohorts. Additionally, an inventory of assets was undertaken to assess

the tangible assets owned by affected households, which would be affected by the project. Such information would guide and inform compensation calculations and resettlement assistance.

#### **E6-4 Sensitization and Familiarization Stage:**

During the sensitization and familiarization stage, efforts were made to engage with the affected communities and stakeholders to raise awareness about the project and its potential impacts. This stage aimed to foster understanding and cooperation among the affected persons by providing them with information about the project objectives, anticipated impacts, and mitigation options. It served as a crucial initial step in building trust and facilitating meaningful participation in the resettlement process.

#### **E6-5 Qualitative Methods:**

Qualitative methods, such as social relations and organization assessments of the affected communities, were employed to understand the social dynamics and structures within the project area. Key stakeholders were identified through these qualitative assessments, and their perspectives were incorporated into the planning process. A series of consultations, including both formal and informal meetings with key informants and all Project Affected Persons (PAPs), were conducted at the village, County, and Sub County levels. These consultations provided opportunities for dialogue, feedback, and consensus-building, ensuring that the voices and concerns of the affected communities were heard and addressed in the RAP.

#### **E-7 Review of Policies, Legal and Institutional Frameworks**

The following represents the policies, legal and institutions that were reviewed;

African Development Bank (AfDB) Involuntary Resettlement Policy, Constitution of Kenya (2010) The National Land Policy, Land Act, of 2019 National Land Commission Act, 2012, The Land Laws (amendment) Act 2016), The valuers act (CAP 532 of 2010), The Compulsory Land Acquisition Process in Kenya Proof that compulsory possession is for public good, Environment and Land Court Act (2011), Physical Planning Act (CAP. 286), The Environment Management and Coordination Act 1999 (amendment of 2015) Water Act (No 43 of 2016), The Public Health Act Laws of Kenya, Kenya Vision 2030, Traffic Act Cap. 403, the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, 2012 and HIV/AIDS Prevention and Control Act (Act No. 14 of 2006)

#### **E-8 Socio-Economic Survey**

##### **E8-1 Main socio-economic characteristics of the PAPs**

##### **Socio-economic aspects/issues:**

- Opportunities: The farming activities provide opportunities for income generation and food security for the PAPs.

- Risks: PAPs may face risks such as crop failure due to factors like adverse weather conditions, pests, or diseases.
- Livelihood vulnerability: Dependency on agriculture as the primary source of livelihood makes PAPs vulnerable to fluctuations in market prices, input costs, post-harvest losses and environmental factors.

#### **Land tenure systems, status and constraints:**

- The land in the project area of influence is titled.

Considering the RAP for these PAPs, it's essential to address their specific needs and concerns related to land acquisition, compensation, livelihood restoration, and social integration. This may involve providing livelihood support and options, ensuring access to basic services and infrastructure, and facilitating community participation in decision-making processes. Additionally, measures should be taken to minimize the adverse impacts of the project on the PAPs' socio-economic well-being and enhance their resilience to potential risks and vulnerabilities.

The PAPs affected are located within a privately owned parcels of land, hence the compensation will involve affected structures on the wayleave, crops and trees affected during the Project implementation.

#### **E8-2 Socio-economic aspects of the PAPs**

The baseline socio-economic profile of the Project Affected Persons (PAPs) in Ol Kalou and its environs reflects a diverse and dynamic community with varying levels of education, economic activities, and living conditions.

#### **Education Levels and Literacy:**

- 62% of Nyandarua County residents, including those in Ol Kalou, have completed secondary education or higher.
- 22% have only primary education, while 16% have no formal education. Kipipiri constituency has the highest share of residents with no formal education at 17%.
- Among the 85 respondents surveyed, the literacy levels are high, with most individuals having attained secondary education or higher.

#### **Vulnerable Groups:**

- Special attention is given to vulnerable groups as per lender guiding principles, including elderly individuals, female-headed households, and those with disabilities or health conditions.
- Among the four PAPs identified, two are considered vulnerable: a 76-year-old male with a spinal cord injury and a 79-year-old widowed female.



### **Housing and Infrastructure:**

- In Ol Kalou, residential and business structures are primarily made of stone, with cemented floors and corrugated iron sheet roofs.
- In Malewa, structures are mainly made of wood with mud floors and iron sheet roofs.

### **Educational Facilities:**

- Ol Kalou hosts 10 primary schools, six secondary schools, and two tertiary institutions. A significant portion of residents (57%) have completed secondary education, with 20% having reached university level.

### **Economic Activities:**

- The main sources of livelihood are agriculture and commercial businesses in the town of Olkalau.
- In Ol Kalou, many residents are engaged in trading, while in Malewa they rely heavily on agriculture
- Among the 85 respondents, 37% were self-employed, 35% were farmers, 13% being civil servants, 7% are retired civil servants, and 2% are traders or casual laborers.

### **Access to healthcare:**

- JM Level 4 Hospital is the main public health facility, supplemented by three private hospitals.
- The doctor-to-resident ratio is 1:155,188, and the nurse-to-resident ratio is 1: 2,150.
- The average distance to the nearest health center is 3.2 kilometers, with most households (78%) within 1.1-4.9 kilometers.

### **Water Supply:**

- Ol Kalou relies on a surface water system from the Malewa River with a capacity of 2000 m<sup>3</sup>/day, supplemented by boreholes during dry seasons.
- In the county residents 59% use improved water sources, but water quality is generally rated poor by 62% of respondents.

### **Demographics:**

- The majority of the respondents were household heads (60%), with a significant portion (48%) aged 18-35 years.
- Household sizes varied, with 40% having 2-4 persons, and most households have been residents in the areas for 6-10 years according to (41%).

**Income Levels:**

- Monthly income levels varied, with 57% of respondents earning around Kes. 10,000. The income distribution indicates that 31% earn between Kes. 10,001-20,000, 7% earn between 20,000-30,000 Kes., and 4% earn above 30,000 Kes.
- The main expenditure items were food (35%), rent (29%), school fees (24%), and savings groups (Chamas, 12%).

**Religious Affiliation:**

- The majority of respondents (94%) were Christians, with a small minority being Muslims (4%) and Atheists (2%).

**Population and Growth:**

- Ol Kalou, as the county headquarters, is experiencing rapid population growth. Surrounding areas engage in diverse agricultural activities, with dairy farming, horticulture, being predominant.
- The Aberdare Ranges and Forest contribute significantly to the local economy through tourism and natural resources.

**E8-3 Socio-Economic Project Resettlement Impacts**

The proposed protect works will be undertaken within the existing public wayleave and River riparian. However, a total of 0.3878 acres of land belonging to 4 PAPs at the proposed 6m wide sewer line pipeline route will be impacted. The PAPs included 1 female and 3 males. The one Female PAP who is elderly and considered vulnerable and 1 male PAP is disabled; also, vulnerable. Table E.8-1 below summarizes category of losses under this RAP.

**Table E8-1. Summary of Resettlement Impacts**

Type of loss	No.
PAPs losing less than 20% of Land	4
PAPs losing crops and trees on their land	4
Vulnerable PAPs	2

**E8-4 Cut-off date**

The cut of date was set to be 28<sup>th</sup> February, 2024.

### **E8-5 Summary of project impacts**

The RAP has been prepared to support the implementation of resettlement activities of the proposed Sewer line construction. The land (6m) for construction of the Sewer line is privately owned at Vatican settlement section. The other part of the sewer and waterlines have been designed to transverse through the road reserve, riparian reserve, KPLC reserve area and Nyandarua County Government land, however. The water distribution pipeline will be laid on the existing way leave.

Way leaves acquisition of the right of way (ROW) shall involve payment for the loss of use of land together with structures, tree and crop damage while permanent land acquisition will involve payment of land and any development on it including structures, crops and trees. A valuation of the affected assets and livelihoods has been undertaken and an entitlement matrix and compensation package proposed in this RAP.

### **E8- 6 Mitigation of Adverse Impacts**

The Project Affected Persons (PAPs) irrespective of their tenure status are eligible for assistance or compensation if their assets or livelihoods sources will be affected by the Project by the cut-off date set as 28th February 2024. This date was adopted during the public baraza held on the 28th February 2024 at the Vartican and Muthaiga grounds.

Therefore, this RAP provides that PAPs losing crops, trees and building structure will be compensated in cash calculated at prevailing rates in the area. Further, PAPs losing crops and trees will be compensated in terms of the yield of fully mature crop while PAPs losing livelihoods will be compensated in cash as per the provisions of the entitlement matrix presented below.

### E8-6-1 -Entitlement Matrix

No.	Affected Asset	Type of loss	Entitled project - Affected persons	Entitlement (Compensation Package)	Implementation issues and plan of Action	Responsible organization
<b>LAND</b>						
1	Land	Loss of Land	Private owners of land	<ul style="list-style-type: none"> <li>Cash compensation for loss of land will be done at full replacement cost</li> <li>Payment of additional disturbance allowance at 15 % of the value of the property.</li> <li>In consultation with PAPs, notify three (3) Month in advance of intention to use the site.</li> <li>Right to harvest crops and trees in addition to compensation</li> </ul> <p><b>Livelihood Restoration Measures</b></p> <ul style="list-style-type: none"> <li>Financial Management</li> <li>Transitional Support- extra compensation to cater for labour and cost of hiring transport at time of harvest.</li> <li>Agricultural Capacity Enhancement which will include (ii) Referrals to agricultural extension officers who will track farmers' progress and provide information on good practices new crops and follow up for production.</li> </ul>	<ul style="list-style-type: none"> <li>Verification of property ownership</li> <li>Validation of valuation of property and</li> <li>Cash compensation will be done.</li> </ul>	CRVWWDA County Government Chief Local community

				<ul style="list-style-type: none"> <li>Referral for Enlisting to INUA JAMII PROGRAMME if not enlisted</li> </ul>		
<b>Crops and Trees</b>						
2	Crops and Trees	Crops and Trees 2	Private owners of Crops and Trees	<ul style="list-style-type: none"> <li>Cash compensation for lost trees and crops at full replacement cost valued at market rate</li> <li>Allowed adequate time to harvest the crop and trees.</li> <li>In consultation with PAPs, notify three (3) Months in advance to harvest crops and trees.</li> </ul> <p><b>Livelihood Restoration Measures</b></p> <ul style="list-style-type: none"> <li>Financial Management</li> <li>Linking to Micro-Credit Facilities</li> <li>Transitional Support- extra compensation to cater for labour and cost of hiring transport at time of harvest.</li> <li>Agricultural Capacity Enhancement which will include (ii) Referrals to extension officers who will track farmers' progress and provide information on good practices and available technology</li> </ul>	<ul style="list-style-type: none"> <li>Verification of property ownership</li> <li>Validation of valuation of property and</li> <li>Cash compensation will be done.</li> </ul>	CRVWWDA County Government Chief Local community

**E-9 RAP Implementation Budget**

This RAP provides a total implementation budget of Kes. 3,334,000.00 (Three million, three hundred thirty-four thousand Kenyan Shillings Only). The PAPs will be paid compensation allocation prior to commencement of construction of Olkalou Sewerage Project as presented in the RAP implementation schedule provided. The Table below represents the summary of RAP Compensation Summary Sheet;

**E-9-1: RAP Implementation Budget**

ITEM	AMOUNT <sup>9</sup> (Land, Trees, crops and structures affected) Inclusive 15% disbursement)
PAP 1	Kes. 886,000.00
PAP 2	Kes. 224,000.00
PAP 3	Kes. 1,369,000.00
PAP 4	Kes. 155,000.00
Overall RAP implementation and monitoring (RAP supervision, monitoring and Completion audit cost)	Percentage = 11.99% of the Total RAP Cost = $(3,334,000.00 / 400,000.00) \times 100 \approx 11.99\%$  Kes. 400,000.00
GRM Cost	Percentage = 4.5 % of the Total Rap Cost = $(3,334,000.00 / 150,000.00) \times 100 \approx 4.5\%$  Kes. 150, 000.00
Livelihood restoration cost	Percentage = 4.5 % of the Total Rap Cost = $(3,334,000.00 / 150,000.00) \times 100 \approx 4.5\%$  Kes. 150,000.00
<b>TOTAL</b>	Kes. 3,334,000.00

E-10 Public Consultations

The process of preparation of the Resettlement Action Plan (RAP) was consultative and it’s from these consultation meetings that the 4 PAPs were identified and enumerated. Further engagement was done with them during the public participation forum that was held on the 28th February 2024 at Vatican and Muthaiga grounds. Issues related to RAP such as; (i) legal and policy provisions with regard to RAP, (ii) Identified RAP impacts in the settlement after census and applicable entitlement, (iii) involvement of women in the RAP process and (iii) Support to vulnerable persons were discussed. Minutes of consultations are provided as Appendix 2 of this RAP.

E-11 Grievance Redress Mechanism

The RAP provided a grievance redress mechanism in a 3-tier arrangement as indicated below

- The first tier will allow for amicable review at the Village level consisting of 2 PAPS, 2 Village elders, Community Liasson Officer and the chief who will discuss and agree on amicable resolutions.
- The second tier will involve the RIC (2 PAPS, 2 village elders, chief, ACC, local County officials, NLC, Community Liaison Officer and CRVWWDA Social Safeguards Specialist) in case the grievance cannot be solved at the first level.
- The third tier will be the option of allowing the grieved party to seek redress in the court of law

Levels (i), and (ii) are costs free. The legal redress option however, may incur some costs for the parties involved.

E-12 Implementation of the RAP

The primary responsibility for implementation of the RAP is with CRVWWDA Project Coordination Team (PCT) and the CRVWWDA representatives. These units will ensure that all PAPs are adequately compensated as provided in the entitlement matrix and implementation schedule. The implementation schedule is shown in the table below;

S/. No.	TASK NAME	Actor	Period in Months						
			Implementation to begin immediately after approval of RAP						
			1	2	3	4	5	6	7

1.	Approval of RAP	African Development Bank							
2.	Formation of Grievance Redress Committees and training the GRC	CRVWWDA							
3.	Disclosure of RAP	CRVWWDA, Community							
4.	Validation of asset valuation/values	CRVWWDA, PAPs							
5.	Grievance Redress	CRVWWDA, PAPs GRC							
6.	Sensitization of PAPs on bank accounts and use of compensation funds including joint spousal management of cash, GBV in use of Cash	CRVWWDA, PAPs GRC							
7.	Implementation of Livelihood Restoration Measures	CRVWWDA							
8.	Payment of compensation	CRVWWDA, PAPs GRC							
9.	Issuance of notice for crop and trees harvesting	CRVWWDA, PAPs GRC							
10.	Monitoring activities	CRVWWDA, PAPs GRC/							
11.	RAP implementation Completion/closure	CRVWWDA, PAPs GRC/							

### E-13 Monitoring and Evaluation



Monitoring and evaluation framework provided by this RAP spells out a 3-level monitoring arrangement to be used to evaluate achievement of RAP. The levels include; internal monitoring to be undertaken by CRVWWDA Resettlement Implementation Committee (RIC) and safeguards team, external monitoring and a final completion audit to be undertaken after implementation of the Olkalou Sewerage Project and conclusion of PAPs facilitation.

#### **E-14 Conclusions**

The proposed protection works will be undertaken within the riparian and public wayleave. However, a total of 0.3878 acres of land belonging to 4 PAPs at the proposed 6m wide sewer line route will be impacted. There will be no complete or localized displacements, this is because the PAPs own large parcels of land out of which less than 20% will be acquired for the Project, and the remaining portion of their land will still be viable.

#### **E-15 Commitments**

Therefore, in order to ensure effective implementation of the RAP and ensuring smooth commencement of the project, commitments listed below will be undertaken by CRVWWDA.

- CRVWWDA will compensate all the Project Affected Persons according to provisions of this RAP including the budget for compensation and timelines as per the implementation schedule.
- CRVWWDA will ensure Grievances raised are addressed and resolved in a timely manner during implementation of the RAP as provided for in the GRM.
- CRVWWDA will promptly compensate all the vulnerable persons enumerated in this RAP in accordance with the provisions of the entitlement matrix.

To undertake monitoring and evaluation to ensure compliance with national laws and regulations and safeguard policy.

## 1. BACKGROUND INFORMATION

### 1.1 Introduction

The Ol Kalou town sewerage project is funded by African Development Bank and the Government of Kenya and is being implemented by Central Rift Valley Water Works Development Agency under the Kenya National Urban Water Supply & Sanitation Programme. The programme aims at contributing to improving quality health and reducing poverty levels of the population in Kenya through provision of water and sanitation services on a sustainable basis.

The main objective of the program is to improve the access, availability and sustainability of water supply and wastewater management services in multiple towns with a view to catalyzing commercial activities, driving economic growth, improving quality of life of people and building resilience against climate variability and change.

### 1.2 Scope of the Project

The scope for the proposed project includes the following;

#### **Sewerage Component:**

##### **a) Expansion of Sewer line:**

- Lay an additional 11km of sewer line to cover areas not included in Phase 1.

##### **b) Customer Connection Construction:**

- Construct 500 more sewer customer connections to supplement the existing infrastructure.

These targeted initiatives in Phase 2 aim to extend the coverage of the sewer network, ensuring that more areas are served and facilitating increased connectivity for the residents of Ol Kalou and its environs.

#### **Water Components:**

##### **a) Rehabilitation and Expansion of Malewa System Intake Works:**

- Undertake major rehabilitation and expansion works at the Malewa system intake works to improve water sourcing and efficiency.

##### **b) Replacement and Expansion of Raw Water Main:**

- Replace and expand the existing 25km raw water main, which is currently dilapidated and prone to bursts, to enhance the reliability and durability of the water transportation system. The Raw water main is proposed to be upgraded to HDPE.

##### **c) Construction of Additional Storage Tanks:**

- Construct additional storage tanks with a minimum combined capacity of 1,000m<sup>3</sup> to bolster water reserve capacity and ensure a consistent and reliable water supply.

**d) Installation of Zonal Meters:**

- Install zonal meters to monitor and manage water distribution more effectively, reducing non-revenue water (NRW) and promoting efficient water usage.

**e) Extension of Water Network:**

- Extend the water network by 5.5km to expand the coverage area and ensure that more residents have access to a reliable water supply.

### 1.3 Objective of the RAP

The main objective of the Resettlement Action Plan (RAP) for the Olkalou Sewerage Project is to identify and mitigate social impacts on Project Affected Persons (PAPs) and communities in Olkalou. This includes:

1. Identification and Assessment of Impacts: Evaluating how the project affects PAPs and communities, including their assets and livelihoods.
2. Census and Socio-economic Survey: Conducting surveys to gather demographic and socio-economic data of affected individuals and communities.
3. Public Consultation: Engaging in consultations with PAPs, county governments, and stakeholders to understand concerns and gather feedback.
4. Conflict Resolution Mechanisms: Designing procedures to resolve conflicts and address grievances arising from project implementation and the RAP.
5. Organizational and Institutional Arrangements: Establishing structures for RAP implementation, delineating responsibilities and coordination mechanisms.
6. Monitoring and Evaluation: Developing systems to monitor, review, and evaluate the implementation process and outcomes of the RAP.
7. Criteria for Eligibility and Compensation: Defining criteria for determining eligibility and entitlements for compensation, including valuation methods for various assets.
8. Restoration of Income and Livelihoods: Developing strategies to restore and enhance the income and livelihoods of PAPs, with special attention to vulnerable groups.
9. Social and Community Development Projects: Identifying and implement projects aimed at promoting social and community development in the affected areas.
10. Timetable and Budget: Preparing a detailed timetable with time-bound schedules for RAP components and activities, along with cost estimates and budget allocations.

11. Review of Policy and Legal Frameworks: Assessing relevant national and international policies, laws, and institutional frameworks related to involuntary resettlement, land tenure, compensation, and livelihood restoration.

#### 1.4 Scope of the RAP

Therefore, the scope of the assignment involved the following tasks:

- a. Development of RAP for the PAPs in line with national legislations, WSDP Resettlement Policy Framework and AfDB Operation Safeguards
- b. Development of innovative and implementable resettlement options for the PAPs based on existing situation and context of the village.
- c. Conducting extensive and in-depth stakeholder consultations with all project stakeholders.
- d. Proposing an acceptable entitlement matrix to guide compensation and other mitigation actions to PAPs.
- e. Compilation of an accurate PAP and asset register that is acceptable to the PAPs.
- f. Reviewing all the secondary data and information about the project, laws & policies, identifying all the affected assets and people;
- g. Undertaking baseline socio-economic studies of the affected people;
- h. Proposing an accessible and culturally appropriate grievance redress mechanism, developing an appropriate budget for RAP implementation, putting in a place a monitoring and evaluation framework among others.

#### 1.5 Approach and Methodology

The approach in the preparation of this RAP was participatory, and methods applied were participants centred. The activities included;

##### 1.5.1 Literature Review:

The preparation of the RAP involved a comprehensive review of relevant primary and secondary sources, including African Development Bank Operation Safeguards on Involuntary Resettlement, the Water and Sanitation Policy of 2016, the Land Act of 2012, the project Resettlement Policy Framework (RPF) and other pertinent Kenyan legislations. This review provided a foundational understanding of the legal and policy frameworks guiding involuntary resettlement and compensation processes in Kenya.

### 1.5.2 Quantitative Methods of Data Collection:

Quantitative data collection methods were used to gather demographic and socio-economic information from the affected communities. This included data collection through the use of questionnaires to collect numerical data on population demographics, household assets, and other relevant socio-economic parameters. See *Appendix 3 Socio-economic survey questionnaire*.

### 1.5.3 Census Enumeration and Inventory of Assets:

A census enumeration was conducted to systematically collect demographic data on the population of the project area and the project affected persons (PAPs), the data collected include household size, composition, and socio-economic status and age cohorts. Additionally, an inventory of assets was developed showing the tangible assets owned by affected households that would be affected by the project. The information was used to guided and inform compensation calculations and resettlement assistance.

### 1.5.4 Sensitization and Familiarization Stage:

During the sensitization and familiarization stage, efforts were made to engage with the affected communities and stakeholders to raise awareness about the project and its potential impacts. During this stage, awareness creation aimed at fostering understanding and cooperation among the affected persons by providing them with information on the project objectives, anticipated impacts, and mitigation options. It served as a crucial initial step in building trust and facilitating meaningful participation in the resettlement process.

### 1.5.5 Qualitative Methods:

Qualitative methods, such as social relations and organization assessments of the affected communities, were employed to understand the social dynamics and structures within the project area. Key stakeholders were identified through these qualitative assessments, and their perspectives were incorporated into the planning process. A series of consultations, including both formal and informal meetings with key informants and all Project Affected Persons (PAPs), were conducted at the village, County, and Sub County levels. These consultations provided opportunities for dialogue, feedback, and consensus-building, ensuring that the voices and concerns of the affected communities were heard and addressed in the RAP.

## 1.6 Report structure

**Chapter 1:** Contains Project Background, scope, objective of RAP and approach methodology.

**Chapter 2:** Contains description of the Project area and design criteria.

**Chapter 3:** Contains Project resettlement impacts and vulnerability assessment.

**Chapter 4:** Contains Socio-economic baseline condition and the Methodology used to collect data.

**Chapter 5:** Contains Policy, legal and institutional framework.

**Chapter 6:** Contains compensation Framework and entitlement matrix.

**Chapter 7:** Contains Budget and valuation methodology of the PAPs.

**Chapter 8:** Contains public consultation and stakeholder engagement plan

**Chapter 9:** Contains three tier GRM

**Chapter 10:** Contains Monitoring and evaluation framework

**Chapter 11:** Conclusion and commitment

## 2. PROJECT DESCRIPTION

### 2.1 Location of the Project

Ol-kalou Town is in Nyandarua County. Ol Kalou Constituency, it has an area of 566.7km<sup>2</sup> and consists of the urban, peri-urban, and rural areas. It is located west of Aberdare Ranges and 40 kilometers East of Nakuru. Ol-Kalou town is connected by road to Gilgil, Nyahururu and forms a township with a core urban population of 7025 and a peri- urban population of 58 990 (2019 census report).

The Geta Forest is a major land mark in Nyandarua county, part of the project Intake will be located, is categorized as a forest reserve or protected area. Forest reserves are designated for the conservation and sustainable management of forest resources, including biodiversity, ecosystem services, and water resources. These areas are typically managed by forestry authorities or conservation agencies to ensure the preservation of natural habitats, wildlife, and plant species. In terms of conservation status, Geta Forest is classified as a protected area with various levels of legal protection and management regulations. These protections aim to prevent deforestation, habitat destruction, and unsustainable exploitation of natural resources within the forest ecosystem. Conservation efforts in Geta Forest may include measures to control illegal logging, promote reforestation, and conserve endangered species. Geta Forest is situated within Gatondo ward, Kipipiri Constituency, Nyandarua County, Kenya, with coordinates of approximately 0°14'16.5"S latitude and 36°30'36.3"E longitude. The estimated terrain elevation above sea level in the forest area is around 2588 meters. The topography of Geta Forest includes a mix of hills, valleys, and plateaus, characteristic of the region's landscape. This diverse topography contributes to the forest's ecological richness and supports a variety of flora and fauna species.

The sewerage system is designed to take care of 1,500 Customer connections. Constituency has five wards namely Gichungo, Kaimbaga, Ol Kalou, Ol Kalou Central and Rurii. The project area lies between latitudes 0° 16'S and 0° 14 S and Longitude 36° 22'E and 36° 31'E.

The sewer lines extension will be done at Vartican coordinates 0.2727° S, 36.3775° E (Karau location) and Kiganjo (Kiamabaga location) coordinates 0.2616° S, 36.3964° E areas. The starting area will be vartican where the sewer will join the main trunk, the distance f this sewer line is 2.5km while the kiganjo sewer line is 8.5km.

The water line will be extended 25km and will pass through.

- Gatondo -Coordinates 0° 14' 59" S, 36° 13' 54" E
- Rurii -Coordinates 0.2727° S, 36.3775° E
- Karau – Coordinates 0.2727° S, 36.3775° E
- Kaimbaga – Coordinates 0.2616° S, 36.3964° E

The location of Ol kalou town is shown in the figure below.



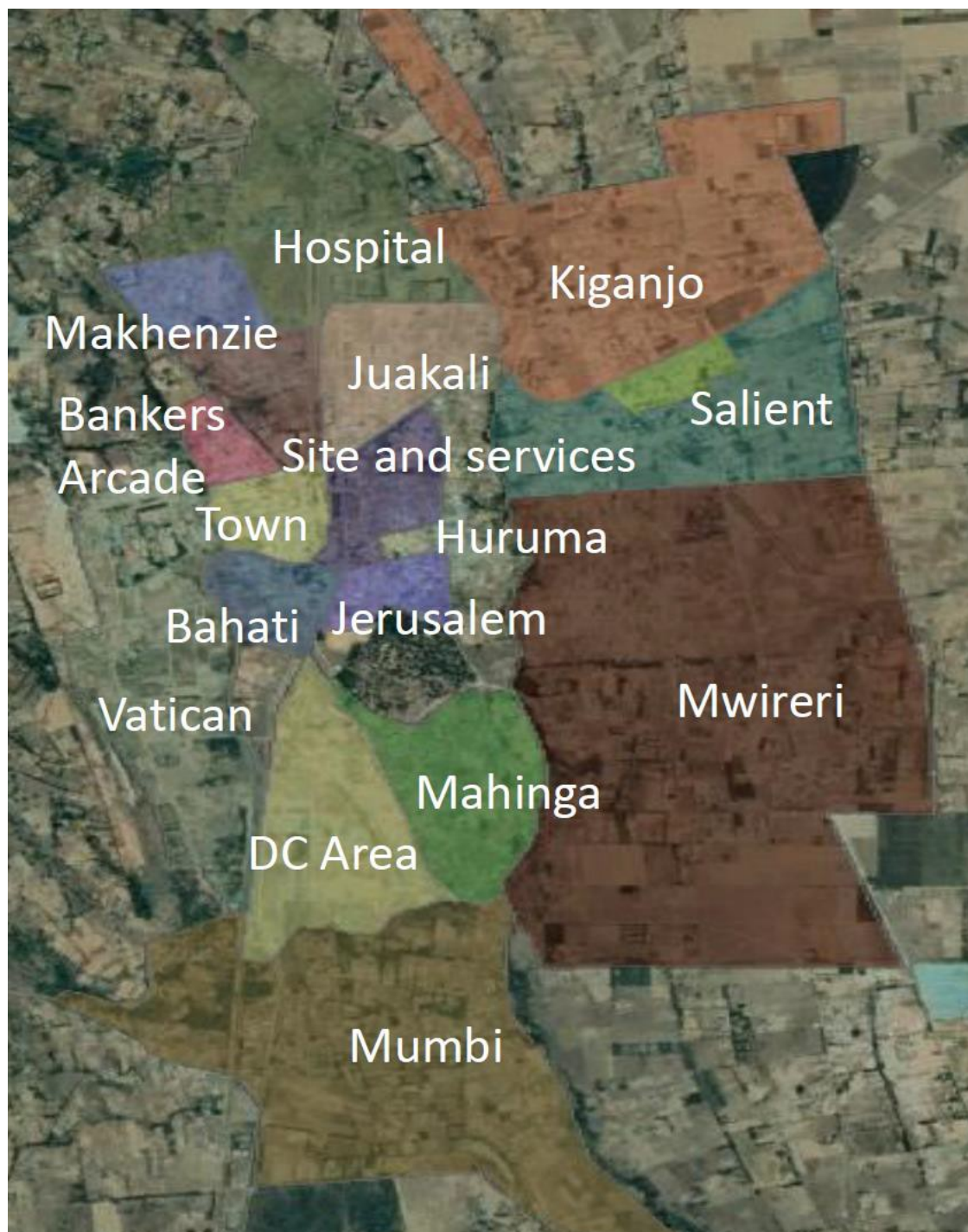


Figure 2-1: Ol kalou Project areas.



## 2.2 Objectives of the project

The specific objective of the project is to;

- Expand and upgrade sewerage infrastructure to accommodate the growing population, with a focus on increasing the number of customer connections to 1,500 to meet the demand.
- Implement water supply improvements to ensure reliable access to clean water for both urban and peri-urban areas within the project area.
- Develop and implement sustainable wastewater management practices to mitigate environmental pollution and health hazards associated with inadequate sanitation services.
- Enhance the capacity of local institutions and stakeholders to effectively manage and maintain water supply and wastewater infrastructure, promoting long-term sustainability.
- Foster community engagement and participation in water and sanitation initiatives, ensuring that the project meets the specific needs and priorities of the diverse population across the five wards of Gichungo, Kaimbaga, Ol Kalou, Ol Kalou Central, and Rurii.
- Integrate climate resilience strategies into water and wastewater management plans, aiming to adapt to and mitigate the impacts of climate variability and change on water resources and infrastructure.
- Monitor and evaluate the effectiveness and impact of the project regularly, incorporating feedback from stakeholders to continually improve and optimize water and sanitation services in the region.

## 2.3 Description of the project area

The undulating topography of Ol Kalou down to the fertile plains of the Malewa catchment, the socio-economic landscape of the project area reveals a dynamic interplay of demographic, infrastructural, and environmental factors. With a projected population growth rate of 3% annually in Ol Kalou and varied household structures, including male-headed, female-headed, and youth-headed households, the area faces both challenges and opportunities in infrastructure development and service provision. Housing in Ol Kalou consists predominantly of stone structures, while Malewa features wooden dwellings, reflecting differing architectural styles. The majority of residents in Ol Kalou engage in both business trading and agriculture, contributing to the town's economic vibrancy, whereas Malewa's economy relies primarily on farming. Access to healthcare, water, and sanitation services varies within the project area, with initiatives such as boreholes and a trunk and lateral sewerage system aiming to address these needs. Furthermore, the biological environment boasts diverse flora and fauna, with

forests like Geta and natural wetlands like Ol Bolossat serving as vital ecosystems. Despite these environmental riches, challenges such as water scarcity and waste management persist, underscoring the need for sustainable development practices and community engagement in the project's implementation.

## 2.4 Project Components and scope

The scope for the proposed project includes the following.

Sewerage Component:

- a) Expansion of Sewer line:
  - Lay an additional 11km of sewer line to cover areas not included in Phase 1.
- b) Customer Connection Construction:
  - Construct 1500 more sewer customer connections to supplement the existing infrastructure.

These targeted initiatives in Phase 2 aim to extend the coverage of the sewer network, ensuring that more areas are served and facilitating increased connectivity for the residents of Ol Kalou and its environs.

Water Components:

- a) Rehabilitation and Expansion of Malewa System Intake Works:
  - Undertake major rehabilitation and expansion

Table 2-1: Proposed Interventions for Water and Sanitation

Sewerage Works	Water Supply Works
<ul style="list-style-type: none"> <li>• Lying about 11km of lateral sewers</li> <li>• Installation of about 1,500 last mile sewer connections</li> </ul>	<ul style="list-style-type: none"> <li>• Rehabilitation and expansion of Malewa intake works.</li> </ul>

## 2.5 Design element of each component

The purpose of this design criteria is to establish the basis of design to provide the design data for the water pipelines, intake, sewer lines, storage tank, artificial wetland and other related infrastructure as required under this assignment. As a guide to the design of water supply infrastructure in Kenya, the Ministry of Water and Irrigation has published the Practice Manual for Water Supply Services in Kenya (2005). The standards and design criteria defined in this manual shall be applied whenever possible. Aspects, which are not covered by this standard, are specified by the following Standards.

- (i) BS 8005: Part 1:1987 Guide to New Sewer Construction.
- (ii) BS 5911: Part 100:1988 – Specification for Unreinforced and Reinforced Pipes and Fittings with Flexible Joints.

- (iii) WHO Report No. 9 – Selection and Design Criteria for Sewerage Projects.
- (iv) Nairobi City Council Adoptive Standards for Infrastructure Works.
- (v) MOPW&H Manual for Civil Works Details – 1983
- (vi) Environmental Management and Co-ordination Act of 1999 – National Environment Management Authority (NEMA)
- (vii) EN 1992-3 (2006): Eurocode 2: Design of concrete structures
- (viii) Other applicable standards as listed at the end of this chapter.

### 2.5.1 Design criteria for the water supply system components

#### Design criteria for pipelines

- A. Pipe alignment Wherever practicable, distribution mains shall follow the most direct route and utilise the road reserves. Pipe Slope • Falling main  $\geq 0.2\%$  in the direction of flow
- B. Hydraulic Parameters  
  
Head loss due to pipe friction Hydraulic calculations of head loss due to pipe wall friction shall be calculated based on Darcy Weisbach and Colebrook-White formula. Colebrook formula is recommended by the Kenya Water Services Design Manual.
- C. De-rating for elevated temperatures Polyethylene pipes shall be de-rated where the water temperature is expected to be above  $20^{\circ}\text{C}$  and PVC-U pipes will be de-rated for water temperatures above  $25^{\circ}\text{C}$ . The de-rating factors given in ISO 4427 and 4422 respectively will be used.
- D. Pipe fittings All flanged fittings have been standardized to the pipeline PN to ensure compatibility with valves and other flanged ends. Fittings have been designed to provide flexibility (couplings) on the pipelines to avoid stresses due to differential settlements around fixed areas such as chambers, crossings, etc. and to ensure ease of dismantling during maintenance. All fittings shall be protected internally and externally with fusion-bonded epoxy coating.
- E. Valves will be provided within the pipework at the appropriate locations to control the operations and flow of water. All valves shall be provided with hand wheels or Key operation nuts and located in protected chambers in the case of valves installed outside buildings. Gate valves shall be made of epoxy-coated cast ductile iron by BS 5163-1:2004. The gate should be completely rubber encapsulated, the gate valve being of the pocketless type with a straight through port. They should be provided with integral flanged ends and the face-to-face dimensions of gate valves with integral flanged ends should be by ISO 5752. They should be of the non-rising stem type. The stem seal shall

be of toroidal sealing rings (Orings) with at least two such seals. Seals shall be capable of being replaced with the valve under pressure and in the fully open position. Air Valves  
Air valves shall be fitted at all high points and significant changes in the downward slope  
Even in flat areas an air valve shall be included at every 1000m Suitably sized air valves  
shall be installed with upturned tees at all high points fitted with an isolating valve. The  
air valves shall be Anti-shock combination air valves with a full-bore single chamber  
double function combination air valve with a built-in anti-water hammer non-slam  
surge prevention system. The air valves shall allow the release of air pockets from  
pressurized pipelines, and admit a large volume of air in the event of pipe  
draining/burst, to prevent vacuum and negative pressure conditions.

- F. Washouts are required at low points to be able to periodically flush out the pipeline to help remove any matter that tends to accumulate at such points. Periodic flushing is essential because the matter that accumulates will include organic matter and over time this will turn the accumulation septic. If then disturbed this causes a 'plug' of foul water to be conveyed onwards that may be beyond the ability of the residual chlorine to disinfect before reaching the next consumer draw-off point. For large-diameter mains, the washout tee should be an inverted tee to be able to help evacuate the water and any settled deposits. The washout shall be sized as follows:  $d = 0.6 D$  if the upstream and the downstream sides of the main are washed simultaneously.  $d = 0.4 D$  if only one side is washed at a time Where:  $d$  is the diameter of the washout in mm  $D$  is the diameter of the main pipe in mm There shall be a valve only on the washout pipe and not on the main pipeline unless the valve can be combined with a section valve. There shall be an open drain leading the water from the washout to a suitable steam or discharge point nearby.
- G. Trench designs Pipe Cover The following minimum pipe covers are proposed for the design. • Minimum Pipe bedding 100 mm • Pipe Zone Embedment (Initial Backfill) 300 mm above pipe barrel • Minimum cover to pipe 600 mm Minimum Trench Width The width of the pipe trench would generally be pipe DN + 400 mm with a minimum of 600 mm.
- H. Valve Chambers Washout chambers and air valve chambers are placed as per longitudinal sections. The exact position will be indicated on-site. Reinforced Concrete chambers will be designed for each valve location to provide easy access for operation and maintenance. Chambers for air valves shall be vented for evacuation of vented air from the pipelines. The chamber sizes shall provide clearance of 300mm from bolts and pipework through chambers provided with flexible joints on both sides. Valve chamber size shall be designed for each valve but a minimum internal dimension of 1200x1200mm will be maintained. All chambers shall be roofed with concrete roof slab and provided with 600x600mm precast concrete chamber access covers.

- I. Thrust and Anchor Blocks Whenever the pipeline changes direction horizontally or vertically, or changes size, concrete thrust blocks will be designed to resist the thrust force in the pipe system. The force to be considered in the design of the thrust blocks and the anchor blocks will be that of the test pressure as well that developed when the valves are closed.
- J. Connection to existing or new mains at connections for new or existing mains, a node reference number will be given and the connection fittings and valves detailed in drawings. Standard fittings and their notations are used to detail the junctions and list of fittings enumerated.
- K. Bulk Water - 24 Bulk Water Meters are included at locations of major off-takes, inlets and outlets from reservoirs, and other strategic locations to assist in monitoring the bulk flow of water into and out of the system.

#### 2.5.2 Design considerations for sewerage component

In considering the design of the sewerage works, several general principles have been applied as detailed below.

##### A. Type of Sewerage System

The sewerage collection system has been designed to exclusively carry municipal sewage, which has been considered predominantly domestic but would also contain normal pre-treated industrial trade wastes.

##### B. Hydraulic Design of Sewers

Detailed designs have been undertaken by the agreed criteria which include;

- Design formulae

The pipe roughness Ks values used are 1.5mm for concrete pipes 0.1mm for DWC pipes and 1mm for steel pipes.

Sewers have been designed to flow at between 30 to 60% full bore at peak flows.

To reduce the risk of blockages and to simplify maintenance, the reticulation sewers were kept at least 200 mm in diameter as recommended in WHO Report No. 9.

##### C. Sewer Capacities

The sewer lines were designed to convey the peak flow. About the Manual NCSWSC/TEC/ENG/002-M2 of 2009,

Contributions by commercial and institutional flows were also considered. The expected wastewater generated is based on the expected water demand and is derived by multiplying the water consumption for the respective categories of consumers by reduction factors.

#### D. Splash Allowance

Splash allowance is the allowance made for unavoidable storm water entry and for authorized drainage of open industrial and commercial areas. This factor varies with income group levels and is taken as a % of sewage discharge. The area is classified as a medium-density/middle-income area. From Table 2-2 below, a splash allowance factor has been estimated at 12.5.

Table 2-2: Splash Allowance Factor

	High Density/ Low Income	Medium Density Medium Income	Low-Density High Income
<b>Splash Areas as % of P*G</b>	20-30	10-15	5-10

#### E. Minimum Gradients, Velocities and Depths

To prevent the accumulation of solid matter and the corrosion of concrete sewers (where concrete pipes have been considered) resulting from the evolution of hydrogen sulphide, the sewers have been designed to attain a self-cleansing velocity of 0.75 m/s at least once every day. Where the topography does not allow 0.75 m/s, a minimum velocity of 0.6 m/s is to be adopted

The sewers are to be designed to connect such that their soffits are level and their depths are sufficient to take the gravity flows of sewage from the adjacent developments being served. Sewer depths of more than 6 meters have been avoided and minimum depths to the crown of any sewers of 0.9 meters have been used. However, there are areas where the minimum cover would not be met due to topographical constraints and the need to avoid deep excavations in the subsequent sewer lines downstream. Consequently, Type D concrete haunch has been recommended for these sections to protect the pipes from external damage. Some of these lines include; A2, A-12, A-20, A-34 and E-1. At road crossings, extra ground cover beyond the minimum requirement and concrete surround where required have been provided for pipe protection.

#### F. Sewer Pipe Materials

The pipe material that has been considered for use is:

- HDPE Double Walled Corrugated pipes

The pipe material choice is as described below; *1 HDPE Double Walled Corrugated pipes.*

Double Walled Corrugated (DWC) pipes are manufactured from HDPE resins and their use can be attributed to their strength, durability, joint integrity and long-term cost-effectiveness. DWC pipes are flexible and capable of carrying loads without cracking as compared to rigid PCC

/uPVC. The flexibility of DWC pipes results in minimal maintenance costs. Since DWC pipes are lightweight, this will translate to quicker installation. The reduction in installation time will ensure early delivery of the project and potential reduction in overheads. The capital cost for DWC pipes is relatively similar to that for PCC pipes but slightly higher than for uPVC. DWC pipes are readily available in the Kenyan market and have been recommended for use in the project.

### **G. Minimum Size of Sewers**

To reduce the risk of blockages and to simplify maintenance, it has been recommended that the minimum size of all sewers be DN 200.

### **H. Depth of Sewers**

The depths of sewers must generally be sufficient to take the gravity flows of sewage from adjacent domestic and industrial premises. The normal minimum depth to the crown of sewers has been recommended to be 0.9m. Provided that suitable protection is given, property drains may be laid to shallower depths.

It is difficult to make any generalization about the maximum economic depth to which a sewer should be constructed because this depends on ground conditions, the depth of the water table, local topography, the size of the sewer and its proximity to buildings. However, sewers should rarely be deeper than 6m.

### **I. Groundwater Infiltration**

Groundwater infiltration into sewer pipes largely depends on the following factors;

- Number of joints
- Type of pipe
- Type of joints
- Groundwater Conditions
- Workmanship

If the above components are properly constructed, the infiltration should be reduced substantially. Further, since reticulation sewers are mostly built at depths of 1-2 meters below the ground surface, the amount of underground water that is likely to enter the sewer pipes would be small. A standardized infiltration rate of 0.025l/s/ha has been adopted. The sewers have been designed to run at half-full capacity.

### **J. Peak Flow Factors**

A sewer should be capable of dealing with the peak flows that it will receive. A peak factor is normally applied on the DWF to take account of this effect arising from diurnal peaks, and daily and seasonal fluctuation in water consumption, together with an allowance for extraneous flows such as infiltration.

For general detail design, the following peak flow factors recommended by the Manual Code NCWSC/SC/TEC/ENG/002-M2 sewer design manual for the design of wastewater sewerage system were used:

Table 2-3: Peak Flow Factors

DWF(l/s)	Peak Flow, FR
< 6	7.5
< 12	6.6
< 60	5.5
< 120	5.0
< 600	3.8
>1200	3.1

**Source:** Manual Code NCWSC/SC/TEC/ENG/002-M2

Design flows were computed as the sum of the peaked flow and infiltration.

#### K. Manhole Spacing and Manhole Diameter

Manholes have been provided on sewers at all changes of horizontal or vertical alignment, at all sewer junctions and generally throughout the sewerage systems at intervals sufficiently close to simplify sewer cleaning. The manhole spacing and sizes recommended and used in the design are presented in *Table 2-4* below. The manholes have been located to facilitate easy inspection and cleaning of the sewers and not to allow the inflow of storm water runoff into the sewer lines. In open land, therefore, the manholes are to be constructed with the final cover level set at 500 mm above the ground level.

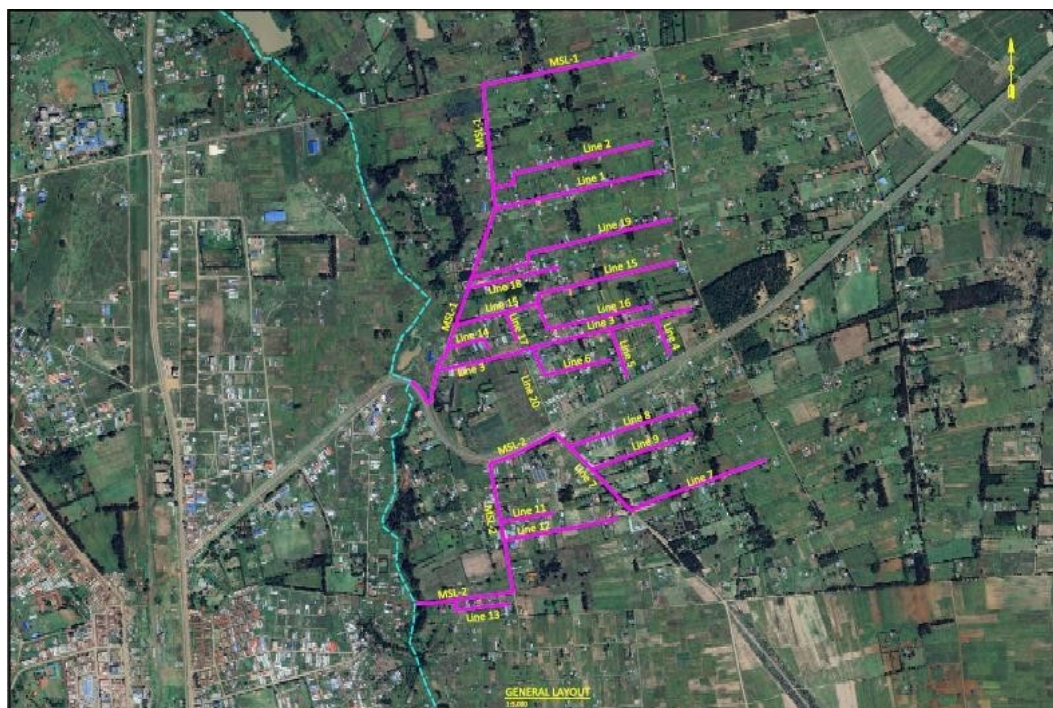


Table 2-4: Manhole Spacing and Sizes

Sizes of Sewer (millimeters)	Maximum Spacing (meters)	Minimum Manhole Diameters
≤230 to 375	60	1050
450 to 610	80	1200
685 to 900	100	1500

Source: Manual Code NCWSC/SC/TEC/ENG/002-M2

It is recommended that pre-cast concrete rings be used for the construction of manholes except in special cases where in situ reinforced concrete rings may be used in accordance with approved specifications and standards. Rings of diameters 1050 mm, 1200 mm and 1500 mm depending on the size and number of sewer pipes at the manhole junction have been adopted. In public roads or where high traffic loading is anticipated, the manhole covers recommended are made of heavy-duty nil value cover with a carrying capacity of 40 tonnes and frame with



holes for ventilation.

Figure 2-2 : Sewerage Network Coverage

### 2.6 Land requirement and ownership.

The proposed construction of the distribution water and sewer lines will be laid within the road reserves, the Malewa Intake will be constructed at Geta forest at Latitude: S 0°14'16.48968, Longitude: E 36°30'36.29484. There are three parcels of land that will be affected that are privately owned areas hence a resettlement action plan for these areas should be done and the three parcels affected by the Project compensated.

For both components the total land required 0.3878 acres.



Figure 2-3 :Engaging PAPs and accessing private land that will be affected by the Project.

**Source: Taken by the Consultant.**

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For both components the total land required 0.3878 acres.



Figure 2-4 :Engaging PAPs and accessing private land that will be affected by the Project.



**Source: Taken by the Consultant.**

### **2.8 Resettlement impacts**

The proposed project presents the optimal choice for minimizing resettlement impacts due to its focus on expanding existing infrastructure rather than displacing communities. Specifically, the expansion of the sewer line by laying an additional 11km and constructing 1500 more sewer customer connections in Phase 2 aims at extending coverage without necessitating the relocation of residents. By targeting areas not included in Phase 1, the project ensures that more households can access improved sanitation services without disruption to their livelihoods or displacement from their homes. Similarly, the rehabilitation and expansion of the Malewa system intake works under the water component enhances water sourcing and efficiency without requiring the resettlement of communities. This strategic approach demonstrates a commitment to mitigating resettlement impacts by prioritizing infrastructure expansion over displacement, making it the most suitable alternative for the project's objectives.

### **2.9 Project activities**

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### **2.10 Project Resources**

During the construction phase of the Ol Kalou sewerage and water supply project, a comprehensive array of resources will be required to facilitate the implementation of infrastructure. This includes a variety of equipment and machinery such as excavators, bulldozers, trenchers, cranes, dump trucks, and concrete mixers for tasks ranging from excavation and trenching to lifting heavy materials and mixing concrete. Additionally, sources of energy such as diesel generators and connections to the local electrical grid will be necessary to power construction equipment and site operations. Raw materials like concrete, steel, HDPE and PVC pipes, aggregates, bricks or blocks, and asphalt will be essential for constructing sewer pipelines, manholes, and other structures. Furthermore, a significant workforce comprising skilled labor including engineers, plumbers, electricians, welders, technicians, and surveyors, alongside unskilled labor, and supervisory staff, will be employed to oversee and execute the

construction activities efficiently. This coordinated effort with ample resources ensures the successful implementation of the project, adhering to quality and safety standards while meeting the infrastructure needs of Ol Kalou town.

### 2.11 Project cost

The cost estimates for this project have been derived using the current (2023) prices from manufacturers and priced bills of quantities of recently contracted works of similar nature. The following table represents the total cost for the Project.

Table 2-5: Project cost

BILL NO	DESCRIPTION	AMOUNT (Kes.)
1	PRELIMINARY AND GENERAL ITEMS	65,310,800.00
2	SEWERLINES	63,262,273.70
3	CUSTOMER CONNECTIONS	61,350,000.00
4	INTAKE REHABILITATION AND EXPANSION	15,750,000.00
BILL TOTAL EXCLUSIVE OF VAT		205,673,073.70
ADD 10% CONTINGENCY		20,567,307.37
BILL TOTAL INCLUSIVE OF CONTINGENCY		226,240,381.07
ADD 16% VAT TAX		36,198,460.97
BILL TOTAL INCLUSIVE OF VAT AND CONTINGENCY		262,438,842.04

### 3. THE RESETTLEMENT IMPACTS

#### 3.1 Resettlement Impacts

The proposed protection works will be undertaken within existing wayleave. However, a total of 0.3878 acres of land belonging to 4 PAPs at the proposed 6m sewer line route and wide access road corridor routes will be impacted. The existing wayleave has not been encroached. See photos below



Existing Intake at Malewa, where rehabilitation works will be done



Existing Wayleave that is not encroached



Existing Wayleave that is not encroached



Existing Wayleave that is not encroached

Figure 3-5: Existing Project area site and wayleaves free of encroachment.

**Source:** Taken by the Consultant.

#### 3.2 The Project Affected Persons (PAPs)

The proposed protection works will be undertaken within the existing wayleave apart from a section alongside Vartican and Muthaiga areas where private parcels of land shall be affected. The PAPs included 1 female and 3 males, this included 1 female PAP who is widowed and elderly. Table 3-1 below summarizes category of losses in this RAP.

Table 3-6. Summary of Resettlement Impacts

Type of loss	No.
PAPs losing less than 20% of Land	4
PAPs losing trees and crops on their land	4

### 3.3 Impacts on Land

There will be no complete or localized displacements, this is because the PAPs own large parcels of land. The nature of impact on land is partial with all the 4 PAPs losing less than 20% of their land and below as indicated in *Table 3-2* below.

Table 3-7: Category of PAPs losing land

Total land	PAPs losing Land	Women PAPs Losing Land	Male PAPs Losing Land	Vulnerable PAPs	
				Male	Female
4	1		3	1	1

### 3.4 Loss of Crops and Trees

Only 4 PAPs will lose crops and trees, they comprise of banana bush, Sugarcane, Tree Tomato, Kales, Sweet potato, Arrow roots, Avocado trees and indigenous trees on their land as indicated in *Table 3-3* below.

Table 3-8: Category of PAPS losing Crops and Trees

PAPs losing crops	Women PAPs losing crops	Male PAPs losing crops	Vulnerable PAPs	
			male	Female
4	1	3	1	1





Figure 3-6: PAPs who's a section of the house will be affected

**Source: Taken by the Consultant.**



Figure 3-7: PAP, vulnerable and unable to walk

**Source: Taken by the Consultant.**

### 3.5 Vulnerability assessment

The vulnerability assessment highlighted specific cases of Vulnerable persons /individuals within the affected community. One notable instance was a male Project Affected Person (PAP) aged 76 years, who faces mobility challenges due to a spinal cord injury, rendering him unable to walk. Furthermore, there was a female PAP, 79 years old and widowed, whose vulnerability is compounded by her advanced age and lack of family support. These individual circumstances underscore the importance of implementing mitigation measures that cater for the diverse needs of vulnerable members within the community, ensuring that their well-being and livelihoods are safeguarded throughout the project's lifecycle.

## 4. SOCIO-ECONOMIC SITUATION

### 4.1 Socio-Economic Context

This section highlights the social characteristics of the PAPs. It focuses on the demographic characteristics of PAPs giving the baseline socio-economic situation that will become the basis of anticipating socio-economic impacts. The socio-economic status of the project area was established through socio-economic survey conducted by the RAP Study team

### 4.2 Applied Methodology

Field survey was conducted in the project area during the preparation of the RAP. There were two broad data collection objectives for the socio- economic baseline assessment against which future changes will be measured, these are (socio economic characteristics, education, water and sanitation, health, sources of livelihood and housing).

The survey team applied the following methods:

- Public and stakeholder consultations
- Census survey
- Socio-economic survey
- Land and Asset Valuation
- Key Informant Interviews

Applying the mixed methods ensures that several distinct perspectives are offered on the socio-economic conditions in the proposed project areas and that a mix of both qualitative and quantitative results is produced.

Statistical Package for the Social Sciences (SPSS) was used for data entry and analysis. Data collected from the household survey was combined and validated with information from site surveys, observations by the sociologist, technical teams and key informant interviews.

### 4.3 The respondents

The survey conducted for the proposed project included a total of 85 participants, which included the four Project Affected Persons (PAPs) who will be compensated. The sampling methodology was designed to ensure representation and inclusivity, providing a comprehensive understanding of the impact on the community.

### 4.4 Sampling Methodology

- 1. Stratified Random Sampling:** To ensure the sample was representative of the diverse demographic and socio-economic backgrounds in the project area, a stratified random sampling method was employed. The population was divided into distinct strata based on key characteristics such as age, gender, occupation, and vulnerability status. Within each stratum, participants were randomly selected to ensure that each subgroup was adequately represented.
- 2. Inclusion of Vulnerable Groups:** Special attention was given to the inclusion of vulnerable groups, such as the elderly, disabled, and widowed individuals. This was achieved by



identifying these groups during the initial census and ensuring they were proportionally represented in the survey. Among the 85 participants, the four PAPs who will receive compensation were specifically included to ensure their unique perspectives and needs were captured.

3. **Comprehensive Demographic Coverage:** The survey aimed to cover a wide demographic range to capture varied perspectives. This included ensuring representation across different age groups, economic statuses, and geographic locations within the project area. The stratified sampling approach ensured that the final sample was reflective of the overall population's diversity.

#### 4. Representation and Participation

The total number of participants in the survey was 85, including the four PAPs.

- One male aged 76 years with a spinal cord injury that prevents him from walking.
- One female aged 79 years who is widowed.

The participation of these PAPs ensured that the survey accounted for the specific vulnerabilities and needs of the most affected individuals. Their inclusion was crucial for developing tailored mitigation measures and ensuring that the resettlement process addressed the unique challenges faced by elderly and disabled community members.

#### 4.5 Socio economic attributes of PAPs

The Socio-Economic attributes of the PAPs in the project area where the proposed waterlines and Sewer lines will be implemented were identified through the census survey that was carried out in Olkalou Town. The following variables were assessed:

#### 4.6 County Literacy levels

A total of 62% of Nyandarua County residents have a secondary level of education or above. A total of 22% have a primary level of education only, and 16% have no formal education with Kipipiri constituency has the highest share of residents with no formal education at 17% as per Nyandarua County Integrated Development Plan 2013-2017.

##### 4.6.1 Education facilities in Ol Kalou

In Ol Kalou, there are 10 primary schools including St. Joseph, AC, Kianda, Father Baldo, South West, Mumbi, Kiganjo, Huruma, Mureri, and Hospital Hill. Six secondary schools serve the area: Highway, Melenium, Kiganjo, Huruma, Ol Kalou High, and Kieni. Two tertiary institutions, Ol Kalou Vocational Training Center and Ol Kalou Medical Training Institutions, enrich the educational landscape.

#### 4.6.2 Respondents Education level

According to the socio-economic survey findings, 57% of residents have completed secondary education, 20% have reached university level, 15% have finished primary school, and 4% each have attended technical training and pre-primary.

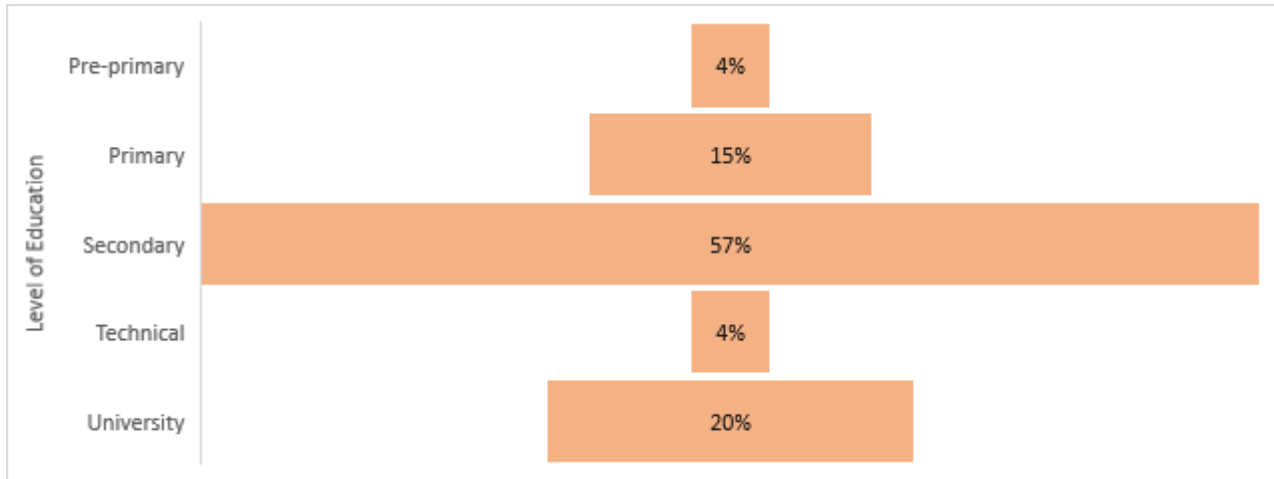


Figure 4-8: Education level of the residents in Project Area

#### 4.6.3 Level of education of the PAPs

Out of 85 No. PAPs, Majority (42%) of the respondents had attained primary level of education, twenty-six percent (26%) of the household head had attained secondary level of education. Only (6%) had attained tertiary level of education while the rest (26%) had not attained any level of education. Shown in Figure 4.1 below.

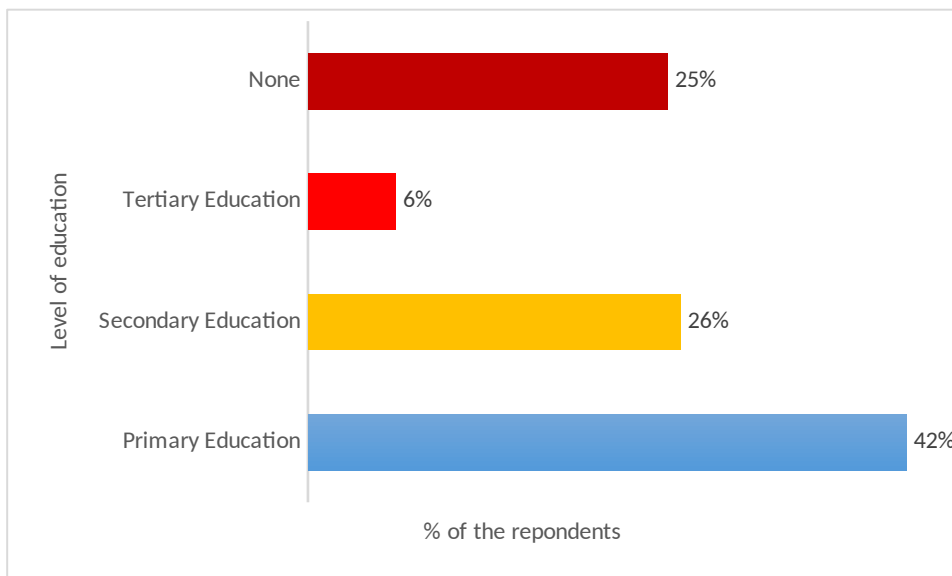


Figure 4-9: Level of education of the PAPs

#### 4.7 Vulnerability

In this project the vulnerable group are defined as, old age (>70 years), female headed households, visually impaired, those with mental disorders, people with physical disability and those living HIV/AIDs. Among the 4 PAPs 2 were vulnerable:

- One male aged 76 years with a spinal cord injury that prevents him from walking.
- One female aged 79 years who is widowed.

#### 4.8 Housing

In Ol kalou majority of houses were made of stones, cemented floors and roofs made of corrugated iron sheets. This architectural style characterizes both residential and business buildings, transforming the region into a bustling urban hub teeming with a myriad of activities.

The Malewa area around the Intake comprised of structures made of wood, with mud floors and Iron sheet roofs. *See photos below;*



Figure 4-10:Type of Houses

**Source: Taken by the Consultant.**



Figure 4-11:Type of Houses in Ol Kalou Town

**Source: Taken by the Consultant.**

#### 4.9 Economic Activities

Ol Kalou is a town bustling with business action, it's a town known for its vibrant business sector, many residents are engaged in trading activities, and a significant number engaging in agricultural activities. In contrast, Malewa relies heavily on agriculture, with farming being the primary economic activity. This economic diversity reflects the interconnectedness of commerce and agriculture in sustaining the livelihoods of the local population in the region.

Photo below shows the business environment in olkalau town;



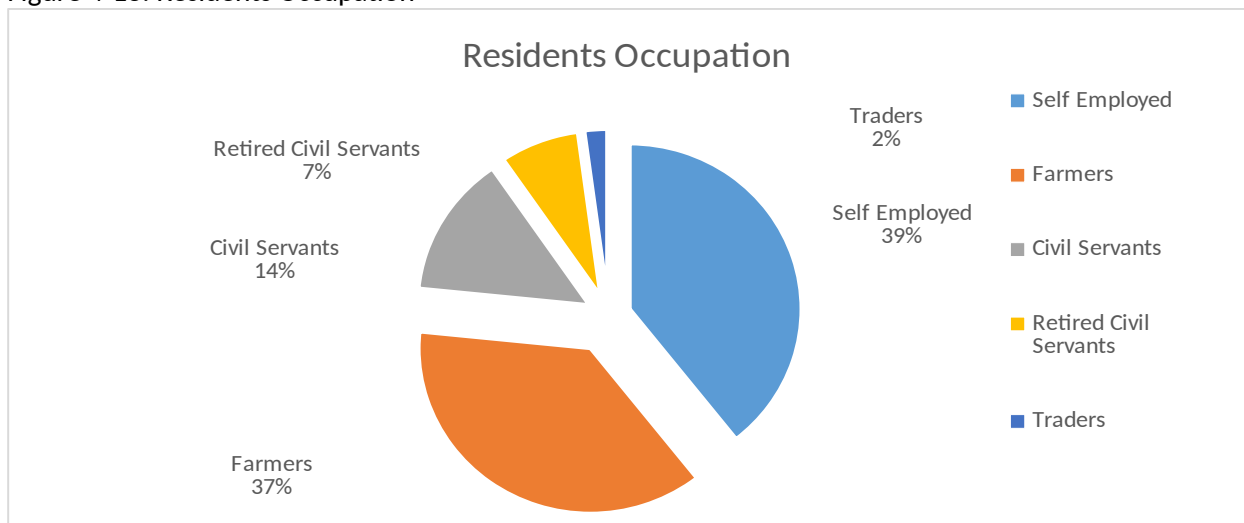
Figure 4-12: Business in Ol kalou area

Source: Taken by the Consultant.

#### 4.10 Occupation of the residents

In the socio-Economic study, it was established that, majority thirty-seven percent (37%) were self-employed, thirty-five percent (35%) were farmers, thirteen percent (13%) Civil servants employed by the Government, 7% were retired civil servants, while two percent (2%) stated that they were traders. See figure 4-6 below.

Figure 4-13: Residents Occupation



Source: Losai Management, Socio-Economic Survey, 2024.

#### 4.11 Access to health services

The Project area has M Level 4 Hospital as the primary public health facility, alongside three private hospitals: Father Baldo, Bethel, and Kanel. This mix of public and private healthcare providers enhances accessibility to medical services. Doctor-to-resident ratio stands at 1:155,188, and nurse-to-resident ratio at 1: 2,150, indicating healthcare workforce capacity.

The average distance to the nearest health center is 3.2 kilometers, with 21% of households within 1 kilometer, 78% within 1.1-4.9 kilometers, and only 1% beyond 5 kilometers.

The nearest health facilities/dispensaries are within Olkalou town e.g. Olkalou referral hospital and other private clinics. The survey findings noted that, in general, the health of the community was surprisingly good for both adults and children with few cases of diarrhea being the main complaint due to poor sanitation especially during the rainy season.

#### 4.12 Access to water

The town relies on a surface water system fed by the Malewa River, with a treatment capacity of 2000 m<sup>3</sup>/day. However, demand increases during the dry season, leading to water rationing (3-4 days a week) due to low river levels. Boreholes supplement surface water during the dry months (January to March). In the Project area, the average distance to the nearest water point is 1.5km. 59% of county residents use improved water sources, with the majority of respondents (62%) rating water quality in Ol Kalou Township as poor, 36% as fair, and 2% as good.

#### 4.13 Awareness of the Project and Project Impacts

All the community members and PAPs were aware of the proposed project since they were engaged in all public Barazas that were held in the project area.

#### 4.14 Compensation Details

The most preferred mode of compensation by the PAPs was cash compensation.

#### 4.15 Age of respondents

Majority of the household respondents (60%) reported that they were the head of the households, only (40%) were not the head of the household.

Majority (48%) were aged between 18-35 years, (33%) were between 36-55 years, and (11%) were above 55 years while only (8%) were under 18 years. The distribution of respondents by age and status at household level as shown in the *figure 4-7* below:



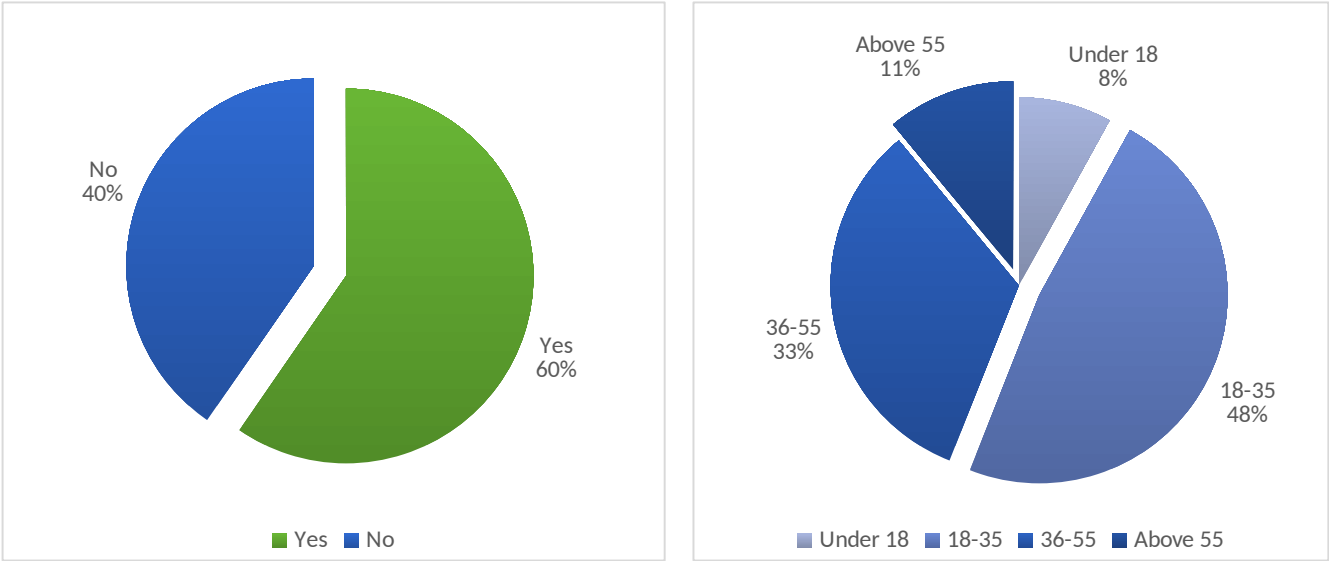


Figure 4-14: Household and the age brackets of the respondents

Source: Losai Management, Socio-Economic Survey, 2024.

4.16 Number of persons in the household and the number of years lived in the area

Majority of the respondents (40 %) Said that the household size is between 2-4 persons, twenty-four percent (24 %) have below 2 persons, and Nineteen percent (19 %) have 5-7 persons while the minority (16 %) reported to have above 7 persons in the household. On the other hand, (41 %) lived in the area for 6-10 years while twenty-seven percent (27 %) have lived in the area for less than 5 years, minority (16 %) have lived in the area for 11-15 years. The distribution is captured in Figure 4-8 below.

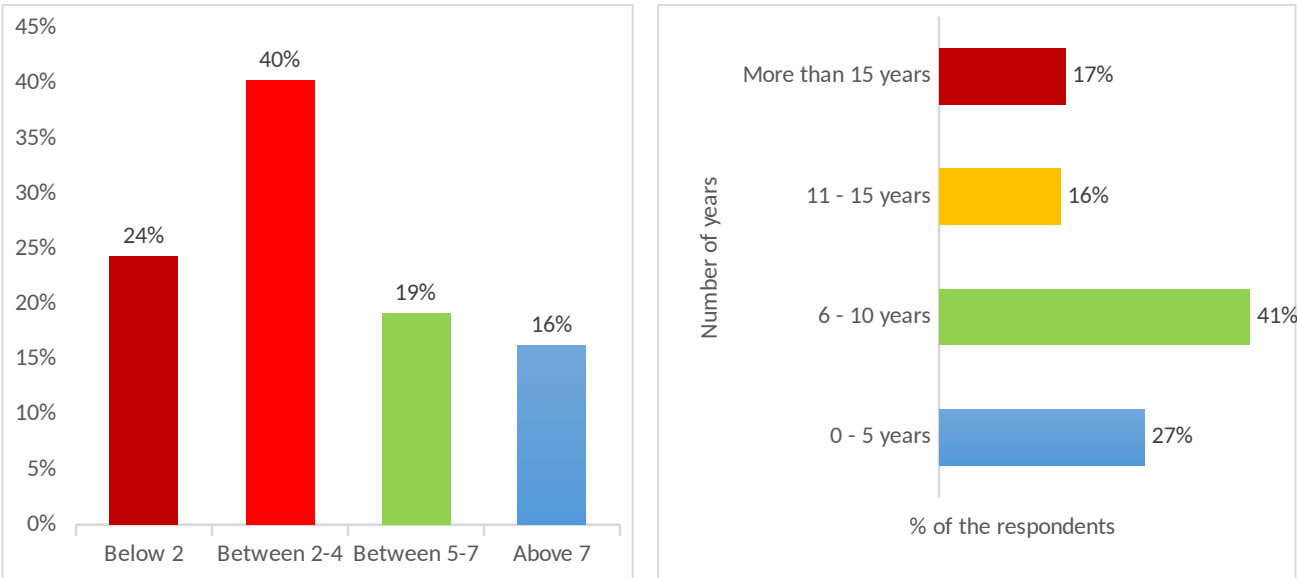


Figure 4-15: Persons in the household and years of residency

Source: Losai Management, Socio-Economic Survey, 2024.

4.17Monthly income

Majority of the respondents (57%) reported that their monthly income was around Kes. 10,000, Thirty-one percent (31%) earning is between Kes. 10,001-20,000, Seven percent (7%) earn between Kes. 20,000-30,000, while four percent (4%) earn above 30,000.as shown in figure 4-9 below.

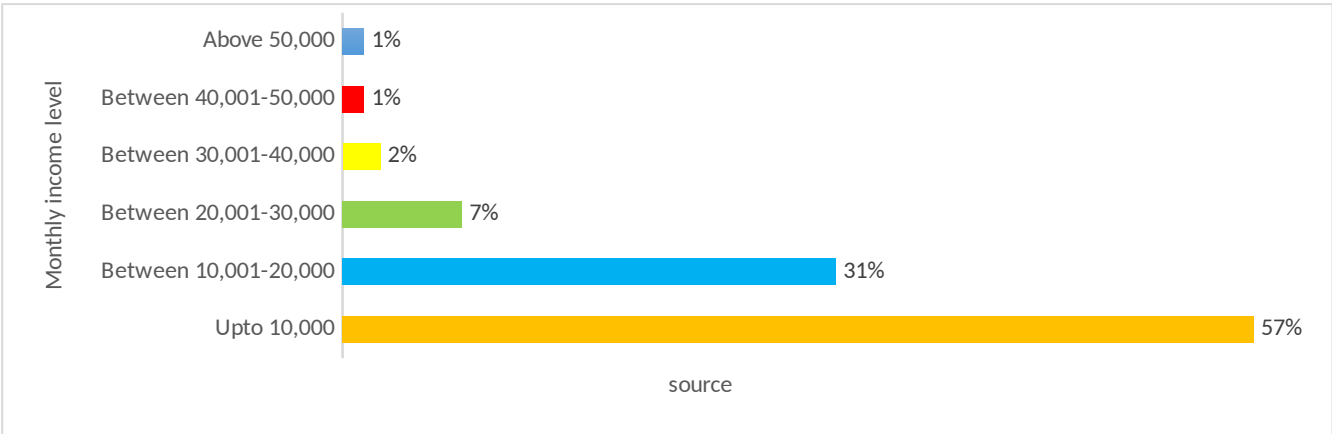


Figure 4-16: Income levels

Source: Losai Management, Socio-Economic Survey, 2024.

4.18Household Expenditure

Majority of the respondents spend their money on food (35%), twenty-nine percent29% spend money on rent, twenty-four percent24% on school fees and the minority 12% is spent on Chamas. The distribution is shown in the figure 4-10 below;

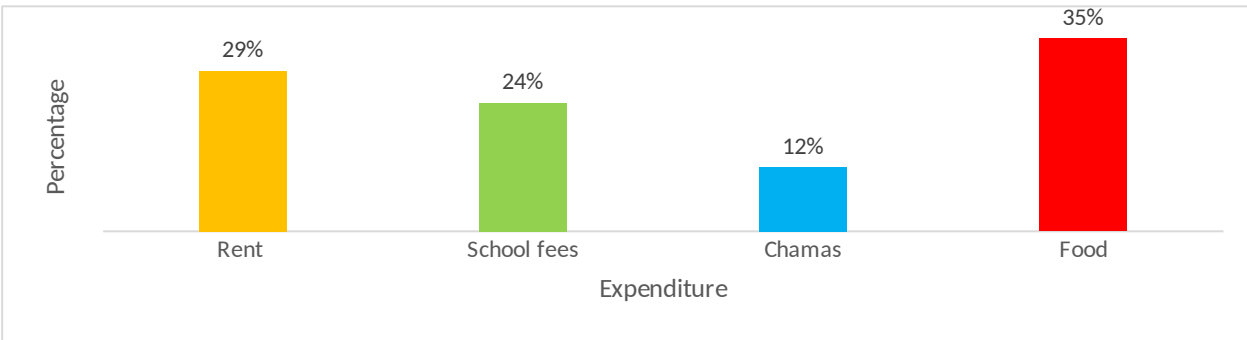


Figure 4-17: House hold Expenditure

Source: Losai Management, Socio-Economic Survey, 2024.

4.19Religion

Majority of the respondents were Christians (94%), four percent (4%) were Muslims and the minority two percent were non believer. The distribution is shown in the figure 4-10 below;

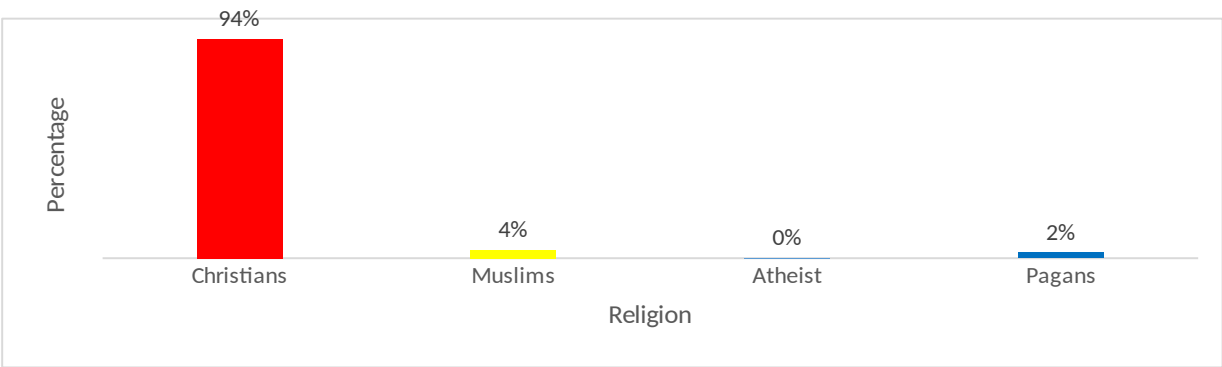


Figure 4-18: Religion of the respondents

Source: Losai Management, Socio-Economic Survey, 2024.

4.20 Land tenure systems

The land tenure system in the project area is Freehold.

4.21 Conclusions

The population of Olkalou Town, now the County headquarters for Nyandarua County, is experiencing rapid growth due to its central administrative role. Surrounding areas primarily engage in agriculture, including commercial and subsistence farming, with a focus on dairy farming, horticulture, and wheat cultivation, especially in the flat/plain areas favored by climatic and soil conditions. Additionally, food crops like maize, cabbages, peas, beans, and Irish potatoes are grown. Dairy farming is common, with households raising Friesian and Ayrshire cattle for milk. The Aberdare Ranges, particularly the Aberdare Forest, serve as a significant water tower and tourist attraction, contributing substantially to the county's economy through revenue generation and employment opportunities.



## 5. POLICY, LEGAL AND INSTITUTIONAL FRAMEWORK

### 5.1 Overview

Resettlement of Project-Affected Persons (PAPs) in the project will be carried out in accordance with laws, regulations and guidelines for Resettlement/Land Acquisition Policy Framework of the Government of Kenya and AfDB Operation Standards, which has resulted in the preparation of this RAP. The chapter sets out the legal operating environment for acquisition of land as anticipated in the implementation of the Project.

The chapter highlights major issues related to Kenyan land legislation with regards to involuntary resettlement in this RAP. It provides a brief overview of the Kenya land policy, the Kenya's constitutional provisions related to land use, planning, acquisition, management and tenure, and more specifically the legislations related with land expropriation or acquisition, land valuation and land replacement. This chapter also analyses the applicable legislations and also compares the Kenyan legislation with the AfDB Operation Standard on Land acquisition and Involuntary Resettlement, highlighting gaps and making recommendations to fill up gaps.

### 5.2 The National Relevant Laws

The National Land Policy ("NLP" or "Policy") as adopted in August 2009 with the aim of providing an overall framework for new legislation and defining key measures required to address critical issues such as land administration, access to land, land use, and restitution related to historical injustices and an outdated legal framework. The NLP addresses constitutional issues such as compulsory acquisition and development control. Section 45 of the NLP defines compulsory acquisition as "the power of the State to extinguish or acquire any title or other interest in land for a public purpose, subject to prompt payment of compensation. "Under the current Constitution, the Land Act 2012 empowers the National Land Commission (under the guidance of Cabinet Secretary for Lands) to exercise the power of compulsory acquisition on behalf of the State. Similarly, the NLP empowers the National Land Commission to compulsorily acquire land.

### 5.3 Constitution of Kenya (2010)

Article 24(1) (d) of the Constitution limits the rights of an individual if in his exercising the right, it prejudices the rights and freedom of other people; Article 40(3) of the Kenyan Constitution (2010) gives the state the right to compulsorily acquire land and deprive any individual of his right to land for public purpose. Land Act 2012 (LA) designates the National Land Commission (NLC) as the agency empowered to compulsorily acquire land.

Article 40(3) (a) refers to acquisition and conversion of all kinds of land in Kenya (private, public, community land and foreign interests in land). The Constitution further provides that payment of compensation shall be made to "occupants in good faith" of land acquired by the state who do not hold title for such land. An occupant in good faith is a "bona fide" occupant. On the other hand, under the Constitution, those who have acquired land illegally are not regarded as deserving any compensation.

In addition to Article 40, Chapter Five of the Constitution is relevant to compulsory acquisition. This chapter, entitled "Land and Environment," is divided into two parts. Part 1 deals with land, and Part 2 deals with environment and natural resources. Part 1 of Chapter 5, articles 60-68, describes the principles of land policy. Land should be held, used and managed in a manner that is equitable, efficient, productive and sustainable and in accordance with security of land rights, sound conservation and protection of ecologically sensitive areas. These principles must be implemented through a national land policy reviewed regularly by the national government and through legislation.

- Under sub-section 60 (1) g, communities are encouraged to settle land disputes through recognized local community initiatives consistent with the Constitution;
- Sub-article 62(1) c, states that private land can be transferred to the state by way of sale, reversion or surrender;
- Article 62 (1) (h) describes all roads and thoroughfares covered by an Act of parliament as public land and shall vest in the national government for the benefit of the people of Kenya;
- Article 66 empowers the state to regulate the use of land to achieve the objective of meeting public interest including land planning whereby transportation corridors constitute a major component.

#### 5.4 Land Act, of 2019

On The Land Value (Amendment) Act (hereinafter referred to as the "Act") was assented to on 2nd August 2019 and came into force on 19th August 2019. It amends three pieces of legislation including the Land Act, the Land 2 Registration Act and the Prevention, Protection and Assistance to Internally Displaced Persons and Affected 3 Communities Act. 4 Besides the introduction of key provisions on the assessment of the value of land acquired compulsorily, the Act goes further to outline the forms of compensation. The Act also establishes a Land Acquisition Tribunal to hear and determine issues arising from the land acquisition process. Another commendable provision is amendment to the Land Registration Act which gives the Land Registrar the power to impose restrictions on any transactions on land that is the subject of compulsory acquisition. Aside from that, it is unfortunate that this Act generally subjects community land to conditions and requirements similar to private land without accounting for the difference in their nature, values and conditions. In this way, the law jeopardizes the Bill of Rights including the requirement that all forms of property are equally protected and not taken from owners unjustly. Also concerning is the amendment to the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act to eliminate the requirement to seek the Free Prior Informed Consent (FPIC) of persons to be displaced due to development projects. That is because, this is the only law that express provided for FPIC in Kenya. Eliminating this requirement sets back progress towards ensuring that FPIC applies to all disadvantaged people who own land.

### 5.5 National Land Commission Act, 2012

The national land commission act was established and gazette on 2nd may 2012 in the Kenya Gazette Supplement No. 36 (Acts No. 5). The act established the National land commission as envisaged by;

section 67(1) of the Kenyan constitution. Section 67(2). Section 5 (1) a – h outlines the functions of the national land commission which include:

- a) To manage public land on behalf of the national and county governments;
- b) To recommend a national land policy to the national government;
- c) To advise the national government on a comprehensive programme for the registration of title in land throughout Kenya; to conduct research related to land and the use of natural resources, and make recommendations to appropriate authorities;
- d) To initiate investigations, on its own initiative or on a complaint, into present or historical land injustices, and recommend appropriate redress;
- e) To encourage the application of traditional dispute resolution mechanisms in land conflicts;
- f) To assess tax on land and premiums on immovable property in any area designated by law; and
- g) To monitor and have oversight responsibilities over land use planning throughout the country.

### 5.6 The Land Laws (amendment) Act 2016)

The Land Laws (Amendment) Act, 2016 (No. 28 of 2016) was assented to by the President on 31 August, 2016 and came into effect on 21 September, 2016. The Land Laws (Amendment) Act, 2016 revises the Land Act, 2012, the Land Registration Act, 2012 and National Land Commission Act, 2012. It also sets out regulations to give effect to Articles 67 (2) (e) and 68 (c) (i) of The Constitution of Kenya which deal with the National Land Commission's function of initiating investigations into present or historical land injustices and reparation and, prescribed minimum and maximum land holding acreages for private land respectively.

### 5.7 The valuers act (CAP 532,2010)

Valuation of land is a critical aspect of compulsory acquisition practice and compensation. The National Land Commission based on land valuation determined by registered valuers will make compensation awards. Besides, the Valuers Act establishes the Valuers Registration Board, which regulates the activities and practice of registered valuers. All valuers must be registered with the Board to practice in Kenya. The Board shall keep and maintain the names of registered valuers, which shall include the date of entry in the register; the address of the person registered the qualification of the person and any other relevant particular that the Board may find necessary.

The Valuer's Act does not provide for a description of the valuation procedures and methods. The RAP team has made use of the services of registered valuers who are approved by Valuers Registration Board.

Under the Valuers Act, professional misconduct of registered valuer will include:

- False or incorrect entry in the register;
- False or misleading statement caused by omission or suppression of a material fact; and

The acceptance of "any professional valuation work which involves the giving or receiving of discounts or commissions."

In case of professional misconduct, the registered valuer is guilty of an offense punishable with a fine (not exceeding Kes. 10,000) and/or imprisonment for three years. Fees for land valuation in case of compulsory acquisition are established based on the value of the property as "the first Kes. 400,000 at 1 per cent. Residue at 0.5 per cent" and are paid by those who requested the valuation.

### **5.8 The Compulsory Land Acquisition Process in Kenya Proof that compulsory possession is for public good**

It is very explicit in the Land Act, 2012, Section 107, that whenever the national or county government is satisfied that it may be necessary to acquire some particular land under section 110 of Land Act 2012, the possession of the land must be necessary for public purpose or public interest, such as, in the interests of public defense, public safety, public order, public morality, public health, urban and planning, or the development or utilization of any property in such manner as to promote the public benefit. water supply and sanitation are explicitly identified as qualifying for land acquisition as public utility and the necessity therefore is such as to afford reasonable justification for the causing of any hardship that may result to any person having right over the property, and so certifies in writing, possession of such land may be taken.

#### **5.8.1 Responsible Government agency**

The respective Cabinet Secretary or Government agency or the County Executive Committee Member must submit a request for acquisition of private land to the NLC to acquire the land on its behalf. The Commission will prescribe a criteria and guidelines to be adhered to by the acquiring authorities in the acquisition of land. Similar, the Commission has powers to reject a request of an acquiring authority, to undertake an acquisition if it establishes that the request does not meet the requirements prescribed.

#### **5.8.2 Publication of notice of intention to acquire**

Upon approval, NLC shall publish a notice of intention to acquire the land in the Kenya Gazette and County Gazette. It will then serve a copy of the notice to every person interested in the land and deposit the same copy to the Registrar. The courts have strictly interpreted this provision, requiring that the notice include the description of the land, indicate the public

purpose for which the land is being acquired and state the name of the acquiring public body. NLC shall ensure that the provisions are included in her notice.

The Land Registrar shall then make entry in the master register on the intention to acquire as the office responsible for survey, at both national and county level, geo-references the land intended for acquisition.

#### **5.8.3 Inspection of Land to be acquired**

NLC may physically ascertain or satisfy itself whether the intended land is suitable for the public purpose, which the applying authority intends to use as specified. If it certifies that indeed the land is required for public purpose, it shall express the satisfaction in writing and serve necessary notices to land owners and or approve the request made by acquiring authority intending to acquire land.

#### **5.8.4 Valuation of the land**

Part III of the Land Act 2012, section 113 (2a) states that “the Commission shall determine the value of land with conclusive evidence of (i) the size of land to be acquired; (ii) the value, in the opinion of the Commission, of the land; (iii) the amount of compensation payable, whether the owners of land have or have not appeared at the inquiry.” This can be interpreted that NLC must determine the value of the land accordingly and pay appropriate just compensation in accordance with the principles and formulae that it will develop. Nonetheless, just compensation could also be interpreted as market rate. The final award on the value of the land shall be determined by NLC and shall not be invalidated by reason of discrepancy, which may be found to exist in the area.

#### **5.8.5 Matters considered in determining compensation**

The market value of the property, which is determined at the date of the publication of the acquisition notice, must be considered. Determination of the value has to take into consideration the conditions of the title and the regulations that classify the land use e.g. agricultural, residential, commercial or industrial.

Increased market value is disregarded when:

- It is accrued by improvements made within two years before the date of the publication of the acquisition notice, unless it is proved that such improvement was made in good faith and not in contemplation of the proceedings for compulsory acquisition.
- It is accrued by land use contrary to the law or detrimental to the health of the occupiers of the premises or public health.
- Any damages sustained or likely to be sustained by reason of severing such land from other land owned by the claimant.
- Any damage sustained or likely to be sustained if the acquisition of the land had negative effects on other property owned by the claimant.

- Reasonable expenses, if as a consequence of the acquisition, the claimant was compelled to change his residence or place of business (i.e., compensation for disruption to the claimant's life).
- Any damage from loss of profits over the land occurring between the date of the publication of the acquisition notice and the date the NLC takes possession of the land.

#### 5.8.6 Matters considered in determining compensation:

- The degree of urgency, which has led to the acquisition.
- Any disinclination of the person's interest to part with the land.
- Damages sustained by the claimant, which will not represent a good cause of action.
- Damages, which are likely to be caused to the land after the publication of the acquisition notice or as a consequence of the future, land use.
- Increased land value accrued by its future use.
- Any development at the time of acquisition notice, unless these improvements were necessary for maintaining the land.

#### 5.8.7 The notice of inquiry

Thirty days after the publication of the Notice of Intention to Acquire, NLC will schedule a hearing for public inquiry. NLC must publish notice of this meeting in the Kenya Gazette and County gazette 15 days before the inquiry meeting and serve the notice on every person interested in the land to be acquired. Such notice must instruct owner of land to deliver to the NLC, no later than the date of the inquiry, a written claim for compensation.

#### 5.8.8 Holding of Public hearing

NLC then convenes a public hearing not earlier than 30 days after publication of the Notice of Intention to Acquire. On the date of the hearing, NLC must conduct a full inquiry to determine the number of individuals who have legitimate claims on the land, the land value and the amount of compensation payable to each legitimate claimant. Besides, at the hearing, the Commission shall— make full inquiry into and determine who are the persons interested in the land; and receive written claims of compensation from those interested in the land. For the purposes of an inquiry, the Commission shall have all the powers of the Court to summon and examine witnesses, including the persons interested in the land, to administer oaths and affirmations and to compel the production and delivery to the Commission (NLC) of documents of title to the land.

The public body for whose purposes the land is being acquired, and every person interested in the land, is entitled to be heard, to produce evidence and to call and to question witnesses at an inquiry. It will also provide opportunity to land owners to hear the justification of the public authority in laying claims to acquire the land.

#### 5.8.9 Award of compensation

The Land Act 2012 does not stipulate that compensation must be in the form of money only. Under the Land Act 2012 section 117, the State can award a grant of land in lieu of money compensation ("land for land"), provided the value of the land awarded does not exceed the value of the money compensation that would have been allowable. The law could be interpreted that any dispossessed person shall be awarded the market value of the land. The new law is silent on relocation support or livelihood/disturbance allowance support. Therefore, in this RAP, the principles of AfDB OS 2. Will take precedence and will be applied instead of the requirements or restrictions of the Land Act which do not seem to offer relocation support or livelihood disturbance allowance. OS 2. Require that PAPs be provided with additional support including offer relocation support or livelihood disturbance allowance. CRVWWDA is committed to meeting the principles of OS 2.

Upon the conclusion of the inquiry, and once the NLC has determined the amount of compensation, NLC will prepare and serves a written award of compensation to each legitimate claimant. NLC will publish these awards, which will be considered "final and conclusive evidence" of the area of the land to be acquired, the value of the land and the amount payable as compensation. Land Act, Section 115 further stipulates that an award shall not be invalidated by reason only of a discrepancy between the area specified in the award and the actual area of the land. Compensation cannot include attorney's fees, costs of obtaining advice, and costs incurred in preparing and submitting written claims.

#### **5.8.10 Payment of Compensation**

A notice of award and offer of compensation shall be served to each person by the Commission. Section 120 provides that "first offer compensation shall be paid promptly" to all persons interested in land. Section 119 provides a different condition and states that the NLC "as soon as practicable" will pay such compensation. Where such amount is not paid on or before the taking of the land, the NLC must pay interest on the awarded amount at the market rate yearly, calculated from the date the State takes possession until the date of the payment.

In cases of dispute, the Commission may at any time pay the amount of the compensation into a special compensation account held by the Commission, notifying owner of land accordingly. If the amount of any compensation awarded is not paid, the Commission shall on or before the taking of possession of the land, open a special account into which the Commission shall pay interest on the amount awarded at the rate prevailing bank rates from the time of taking possession until the time of payment.

#### **5.8.11 Transfer of Possession and Ownership to the State**

Once first offer payment has been awarded, the NLC will serves notice to landowners in the property indicating the date the Government will take possession. Upon taking possession of land, the commission shall ensure payment of just compensation in full. When this has been done, NLC removes the ownership of private land from the register of private ownership and the land is vested in the national or county Government as public land free from any encumbrances.



On the other side also, the Commission has also the power to obtain temporary occupation of land. However, the commission shall as soon as be practicable, before taking possession, pay full and just compensation to all persons interested in the land.

In cases of where there is an urgent necessity for the acquisition of land, and it would be contrary to the public interest for the acquisition to be delayed by following the normal procedures of compulsory acquisition under this Act, the Commission may take possession of uncultivated or pasture or arable land upon the expiration of fifteen days from the date of publication of the notice of intention to acquire.

On the expiration of that time NLC shall, notwithstanding that no award has been made, take possession of that land. If the documents evidencing title to the land acquired have not been previously delivered, the Commission shall, in writing, require the person having possession of the documents of title to deliver them to the Registrar, and thereupon that person shall forthwith deliver the documents to the Registrar.

On receipt of the documents of title, the Registrar shall— cancel the title documents if the whole of the land comprised in the documents has been acquired; if only part of the land comprised in the documents has been acquired, the Registrar shall register the resultant parcels and cause to be issued, to the parties, title documents in respect of the resultant parcels. If the documents are not forthcoming, the Registrar will cause an entry to be made in the register recording the acquisition of the land under this Act.

#### 5.8.12 Opportunity for Appeal

The Kenya Constitution establishes Environment and Land Court. Article 162 of the constitution provides for the creation of specialized courts to handle all matters on land and the environment. Such a court will have the status and powers of a High Court in every respect. Article 159 on the principles of judicial authority, indicates that courts will endeavor to encourage application of alternative dispute resolution mechanisms, including traditional ones, so long as they are consistent with the constitution. Section 20, of the Environment and Land Court Act, 2011 empowers the Environment and Land Court, on its own motion, or on application of the parties to a dispute, to direct the application of including traditional dispute resolution mechanisms.

Any person whose land has been compulsorily acquired may petition the Environment and Land Court for redress with respect to:

- i. The determination of such person's right over the land;
- ii. The amount offered in compensation; and
- iii. The amount offered in compensation for damages for temporary dispossession in the case of the Government's withdrawal of its acquisition of the land.

Parties will pay fees as determined by Land and Environment or the court may choose to waive them completely or in part on grounds of financial hardship



### 5.9 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. Per 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 dispute relating to: a) Environmental planning and protection, climate issues, land use planning, title, tenure, boundaries, rates, 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 contracts, choses in action or other instrument 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 clean and healthy environment under Section 42, 69 and 70 of the constitution.

### 5.10 Physical Planning Act (CAP. 286)

The Act provides for preparation of land use plans with a view to improving the affected land, securing suitable provision for transport, public purposes, utilities and services, commercial, industrial, residential uses among others. This is defined in the Section 16 of the Act. The process for plan preparation are included in the main Act whereby all plans have to be presented to the public and published in the local newspaper prior to approval by the Cabinet Secretary. Stakeholders have to be involved in the planning process and their views have to be incorporated in the land use plan.

Once the land use category has been incorporated in a land use plan and it has gone through the approval stage, the dedicated land use vests in the authority responsible for the activity or service for benefit of the public as a whole. A restriction is implied of any re-allocation of the user to any other purpose thereafter.

Section 29 of the Act allows County Governments to prohibit or control use and development of land and buildings and give to approve all developments within their areas of jurisdiction. Where no such permission has been granted, the local authority is allowed to demolish any such structures.

The Act, however, does not provide any procedures to be followed where demolition is to be carried out and can raise ugly confrontations between compliance enforcers and owners and occupiers of illegal developments.

### 5.11 The Environment Management and Coordination Act 1999 (amendment of 2015)

This is the legislation that governs ESIA studies. The proposed project has been subjected to ESIA study in accordance with this Act. Part 3 of this Schedule applies to settlement planning. Resettlement component of this project may pose potentially negative environment impacts. The act requires preparation of RAP for projects that trigger displacements and involuntary resettlements.

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

The provisions of this Act apply to all internally displaced persons that arise through either calamities, social conflict or development project and are guided by the Bills of Right under the Constitution of

Kenya. Section 5 of the Act lists development projects among the displacement factors and outlines involvement of the affected persons through awareness, sensitization, training and education on causes, impact, consequences and prevention measures. Section 6 of the Act provides that displacements and relocation from development project will only be justified by compelling and overriding public interest.

The procedures to follow are listed under section 22 such as to include: -

- i. Justification as to why the displacement is unavoidable and that there is no other feasible alternative.
- ii. Seeking free and informed consent from the affected person
- iii. Holding public hearing on project planning
- iv. Provision of reasonable notice time to allow the affected persons review and react to the displacement conditions; and
- v. Displacement process should reflect respect to human rights.

Relocation of the affected persons will be guided by the following factors: -Full information on the affected persons and ensuring their participation;

- vi. Identification of safe, adequate and habitable alternatives;
- vii. Availability of safety, nutrition, health, and hygiene as well as protection at the new location
- viii. Acceptability by the host communities in the new location (if re-location is implemented).

### 5.13 The Land Act (2012)

The Land Act (2012) governs land acquisition in Kenya, providing a clear framework for compulsory acquisition to ensure that the process is fair and transparent. This law requires that land acquisition be for a public purpose and that affected persons receive prompt, fair, and just compensation. The Act outlines the steps for public participation, valuation of land, and appeals processes.

### 5.14 The Matrimonial Property Ownership (Revised 2022)

The Matrimonial Property Ownership (revised 2022) recognizes the rights of spouses to share in matrimonial property, protecting the interests of both parties in cases of property transactions. In the context of compulsory land acquisition, this Act ensures that the rights of spouses are considered, requiring their consent for any transactions involving matrimonial property. This is crucial for safeguarding the interests of families affected by the project.

#### **5.15 The Roads Act (2007)**

The Roads Act (2007) provides the legal framework for the development, maintenance, and management of roads in Kenya. It establishes the Kenya National Highways Authority (KeNHA), the Kenya Rural Roads Authority (KeRRA), and the Kenya Urban Roads Authority (KURA), each with specific mandates. The Act outlines the procedures for land acquisition for road development, ensuring that the process aligns with national standards and protects the rights of affected individuals.

#### **5.16 The National Land Commission Act (2012)**

The National Land Commission Act (2012) establishes the National Land Commission (NLC), which is responsible for managing public land and overseeing compulsory acquisitions. The NLC ensures that land acquisition processes are conducted transparently and that fair compensation is provided. The Act mandates the NLC to ensure public participation and adherence to the principles of equity and justice in land transactions.

#### **5.17 Provisions in the AFDB resettlement Policy**

##### **5.17.1 African Development Bank (AfDB) Involuntary Resettlement Policy**

The overall goal of the Bank's Policy on Involuntary Resettlement is to ensure that when people must be displaced, they are treated equitably, and that they share in the benefits of the project that involve their resettlement. The Policy has the following key objectives: -

- i. To avoid involuntary resettlement where feasible, or minimize resettlement impacts where population displacement is unavoidable, exploring all viable project designs. Particular attention must be given to socio-culture consideration such as culture or religious significance of land, the vulnerability of affected population, or the availability of in-kind replacement for assets, especially when they have important intangible implication. When a large number of people or a significant portion of the affected population would be subject to relocate or would suffer from the impacts that are difficult to quantify and to compensate, the alternative of not going ahead with the project should be give serious consideration;
- ii. To ensure that the displaced people receive resettlement assistance, preferably under the project, so that their standards of living, income earning capacity, and production levels are improved;
- iii. To provide explicit guidance to Bank staff and to the borrowers on the conditions that need to be met regarding involuntary resettlement issues in Bank operations in order to mitigate the negative impacts of displacement and resettlement and establish sustainable economy and society; and

- iv. To set up a mechanism for monitoring the performance of involuntary resettlement programs in Bank operations and remedying problems as they arise so as to safeguard against ill-prepared and poorly implemented resettlement plans.

In order to achieve the goals of this Policy that involve Involuntary Resettlement, the Plan shall be prepared and evaluated according to the following guiding principles: -

- a) The borrower should develop a resettlement plan where physical displacement and loss of economic assets are unavoidable. The plan should ensure that displacement is minimized, and that the displaced persons are provided with assistance prior to, during and following physical relocation. The aim of the relocation and of the resettlement plan is to improve displaced persons former living standards, income earning capacity, and production levels. The resettlement plan should be conceived and executed as part of development program, with displaced persons provided with sufficient resources and opportunities to share in the project benefits. Project planners should work to ensure that the affected communities give their demonstrable acceptance to the resettlement plan and the development program, and that necessary displacement is done in the context of negotiated settlement with affected community.
- b) Additionally, displaced persons and host community should be meaning-fully consulted early in the planning process and encourage participation in the planning and implementation of the resettlement program. The displaced persons should be informed about their options and right pertaining to resettlement. They should be given genuine choices among technically and economically feasible resettlement alternatives. In this regard, particular attention should be paid to the location and scheduling of activities. In order for consultations to be meaningful, information about the proposed project and the plans regarding resettlement and rehabilitation must be made available to local people and national civil society organizations in a timely manner and in a form and manner that is appropriate and understandable to the local people. As well, careful attention should be given in the organization of meetings. The feasibility of holding separate women's meetings and fair representation of female heads of households, in addition to mixed meetings should be explored. Also, the way in which information is disseminated should be cautiously planned as levels of literacy and networking may differ along gender liners;
- c) Particular attention should be paid to the need of disadvantaged groups among those displaced, especially those below the poverty line, the land less, the elderly, women and children, and ethnic, religious and linguistic minorities; including those without legal title to asset, female head of households. Appropriate assistance must be provided to assist the disadvantaged groups cope with the dislocation and to improve status. Provision of health care services, particularly for pregnant women and infants, may be important during and after relocation to prevent increases in

- morbidity and mortality due to malnutrition, the psychological stress of being uprooted, and increased risk of diseases;
- d) Resettles should be integrated socially and economically into host communities so that any adverse impacts on host communities are minimized. Any payment due to the hosts for land or other assets provided to resettles should promptly render. Conflicts between hosts and new arrivals may develop as increased demands are placed on land, water, forests, services, etc., or if the new arrivals are provided services and housing superior to those of the host. These impacts must be carefully considered when assessing the feasibility and cost of any proposed project involving displacement, and adequate resources must be reflected in the budget for the mitigation of those additional environmental and social impact.
  - e) Displaced persons should be compensated for losses at “replacement cost” prior to their physical displacement or before taking-over of the land and related assets or commencement of project activities, whichever occurs first; and
  - f) The total cost of the project as a result should be included in the full cost of all resettlement activities, factoring in the loss of livelihood and earning potential among affected peoples. This attempt to calculate the “total economic cost” should also factor the social, health, environmental and psychological impacts of the project and displacement, which may disrupt productivity and social integration. The resettlement cost should be treated against economic benefits of the project and any other net benefits to new arrivals should be added to the benefit stream of the project.
  - g) The policy defines the affected population in a resettlement program, describes the modes of identifying their loss of assets/income resources or access to assets, eligibility and entitlements within the context of a resettlement plan.

Table 5-9: Analysis matrix of bridging the gaps between the AfDB OS and the national laws and legislations

ASPECT	AFDB OS	NATIONAL LAWS AND POLICY ADOPTED IN RAP	MECHANISMS FOR BRIDGING GAPS
<b>Compensation for Loss of Land</b>	Full replacement cost	Market value as determined by the National Land Commission (NLC)	AfDB OS Additional compensation to cover the gap between market value and replacement cost
<b>Resettlement Assistance</b>	Provision of resettlement assistance to all PAPs	Limited to those with legal title or customary rights	AfDB OS Include informal settlers in the resettlement assistance program
<b>Compensation for Loss of Structures</b>	Replacement cost including labor and relocation expenses	Market value depreciation applied	AfDB OS Provide full replacement cost without depreciation
<b>Livelihood Restoration</b>	Restoration to pre-project levels or better	Not explicitly covered	AfDB OS Implement livelihood restoration programs tailored to affected PAPs
<b>Consultation and Participation</b>	Inclusive, ongoing consultation with all stakeholders	Public consultation during EIA process	AfDB OS Establish a continuous consultation process throughout the project lifecycle
<b>Grievance Redress Mechanism (GRM)</b>	Accessible and transparent GRM	Mechanisms through administrative channels	AfDB OS Establish a project-specific GRM to handle grievances transparently and efficiently

<b>Vulnerability Considerations</b>	Special provisions for vulnerable groups	General provisions under various laws	<b>AfDB OS</b>	Develop targeted measures for vulnerable groups identified in the survey
<b>Timing of Compensation</b>	Compensation before displacement	Compensation can occur after displacement	<b>AfDB OS</b>	Ensure compensation is completed prior to displacement
<b>Matrimonial Property Ownership ACT-revised- 2022</b>	Recognizes joint ownership of matrimonial property	Recognizes joint ownership and rights of both spouses	<b>National Law</b>	Ensure both spouses are involved in the compensation process and recognize joint ownership rights

*Source: Losai Management, Socio-Economic Survey, 2024.*

### 5.18 Institutional Frame Work

Whereas CRVWWDA is the project proponent and will be responsible for ensuring that the plan is implemented as agreed with the lenders, other Government agencies will be directly involved in the implementation of this resettlement action plan. Included in this category of agencies are also the County governments and Ol Kalau Water Company. Each of the agencies has its role to play in the process as mandated in its responsibilities vested in it by the various laws and the Constitution of Kenya. These institutions include:

#### 5.18.1 African Development Bank (AfDB)

**Financial Support:** Provide funding for the project, ensuring financial resources are available for RAP implementation.

**Compliance Monitoring:** Ensure that the project complies with AfDB Operational Safeguards (OS), particularly regarding resettlement and environmental standards.

**Technical Assistance:** Offer technical assistance and capacity building to the implementing agencies.

##### 5.18.1.1 Capacity Assessment:

The AfDB has substantial experience in financing and overseeing projects with resettlement components and enforcing compliance with its Operational Safeguards.

##### 5.18.1.2 Identified Gaps:

Potential challenges in ensuring continuous and effective monitoring due to the geographical distance and resource allocation.

##### 5.18.1.3 Proposed Enhancement Mechanisms:

**Regular Monitoring and Support Visits:** Increase the frequency of monitoring visits and support missions to provide ongoing guidance and ensure compliance.

**Enhanced Communication Channels:** Establish clear and consistent communication channels between the AfDB and implementing agencies for timely support and feedback.

#### 5.18.2 Ministry of Finance and National Treasury

**Funding Allocation:** Ensure timely disbursement of funds for the project and RAP activities.

**Policy Coordination:** Coordinate national policies related to resettlement and compensation.

**Financial Oversight:** Monitor the financial aspects of the project to ensure accountability and transparency.

##### 5.18.2.1 Capacity Assessment:

This ministry has a strong track record in financial management and policy coordination. However, it may lack the focused expertise required for managing resettlement-specific funding and activities.

##### 5.18.2.2 Identified Gaps:

Potential delays in fund disbursement specifically earmarked for resettlement. Limited focus on resettlement issues amidst broader financial management responsibilities.

##### 5.18.2.3 Proposed Enhancement Mechanisms:

**Streamlined Processes:** Develop streamlined procedures for the approval and release of funds to ensure timely implementation of RAP activities for the Olkalou Sewerage Project.



### 5.18.3 Road Agencies (KENHA, KERRA AND KURA)

**Infrastructure Coordination:** Coordinate with the project to ensure that sewer pipes and other infrastructure placed on road reserves are planned and executed without disrupting traffic and road use.

**Regulatory Compliance:** Ensure that all activities within the road reserve comply with relevant road safety and construction regulations.

#### 5.18.3.1 Capacity Assessment:

Road agencies have extensive experience in infrastructure development and maintenance. However, their capacity for integrating resettlement considerations into infrastructure projects may be limited.

#### 5.18.3.2 Identified Gaps:

Limited coordination mechanisms with resettlement planning entities. Insufficient capacity to manage the resettlement impacts of infrastructure projects.

#### 5.18.3.3 Proposed Enhancement Mechanisms:

**Joint Coordination Committees:** Establish joint coordination committees involving road agencies and resettlement planning entities to ensure integrated planning and execution.

**Capacity Building Workshops:** Conduct workshops and training programs on integrating resettlement considerations into infrastructure project planning and implementation.

### 5.18.4 National Environment Management Authority (NEMA)

**Environmental Oversight:** Review and approve Environmental and Social Impact Assessments (ESIAs) related to the project.

**Environmental Monitoring:** Monitor the environmental impacts of the project to ensure compliance with national environmental standards.

**Enforcement:** Enforce environmental regulations and standards to mitigate adverse impacts.

#### 5.18.4.1 Capacity Assessment:

NEMA has the mandate and experience in environmental oversight but may face resource constraints in effectively monitoring the project.

#### 5.18.4.2 Identified Gaps:

Limited resources for continuous and comprehensive environmental monitoring related to resettlement.

#### 5.18.4.3 Proposed Enhancement Mechanisms:

**Enhanced Resource Allocation:** The Client to allocate additional resources specifically for monitoring environmental impacts of resettlement activities.

**Partnerships with Local Entities:** Partner with local environmental organizations and universities to extend monitoring and assessment capacities.

### 5.18.5 Environment and Land Court

**Legal Adjudication:** Resolve disputes related to land acquisition, resettlement, and compensation.

**Legal Guidance:** Provide legal interpretations and guidance on matters related to land and environmental law.

**Grievance Redress:** Serve as a platform for grievance redress for affected persons who seek legal recourse.

#### 5.18.5.1 *Capacity Assessment:*

The court is equipped to handle legal disputes but may experience backlogs and delays due to high caseloads.

#### 5.18.5.2 *Identified Gaps:*

Potential delays in resolving resettlement-related disputes.

#### 5.18.5.3 *Proposed Enhancement Mechanisms:*

**Fast-Track Mechanisms:** Implement fast-track procedures for resettlement-related cases to ensure timely resolution.

### 5.19 *Relevant Institutions*

**Local NGOs and CBOs:** Provide support services such as community mobilization, awareness campaigns, and livelihood restoration programs.

**Public Health Department:** Monitor and manage public health impacts during RAP implementation.

**Social Services Department:** Offer support to vulnerable groups, ensuring their needs are adequately addressed.

#### 5.19.1 *Ministry of Ministry of Water Sanitation & Irrigation.*

The Ministry is responsible for the roads sector and is responsible for procuring resources from the National Treasury for the overall project. The Ministry is also responsible for harmonizing the resettlement with other government policies on the same subject.

##### 5.19.1.1 *Capacity Assessment:*

This ministry has extensive experience in water resource management, sanitation, and irrigation projects. However, its capacity to handle resettlement issues related to large infrastructure projects may be limited.

##### 5.19.1.2 *Identified Gaps:*

Limited focus on social aspects of resettlement.

Potential delays in coordinating with other agencies and stakeholders.

##### 5.19.1.3 *Proposed Enhancement Mechanisms:*

**Inter-Agency Coordination Framework:** Establish a framework to ensure effective coordination between the Ministry of Water, Sanitation & Irrigation and other relevant agencies involved in resettlement.

**Social Safeguards Training:** Conduct training for ministry staff on social safeguards and best practices in resettlement planning and implementation.

**Dedicated Resettlement Unit:** Create a dedicated unit within the ministry to oversee resettlement activities, ensuring timely and effective action.

#### 5.19.2 *The National Land Commission*

The Commission is responsible for compulsory land acquisition and payment of the compensation money to the affected persons. The Commission processes the request from the

project promoter. The Commission handles the gazettelement, inspections of affected properties. They prepare the awards and facilitate the taking of possession of the subject-matter land upon payment of the awards to the affected persons. The National Land Commission has established County offices that will be directly involved in matters arising from the land acquisition if the affected persons are not satisfied with the awards.

### 5.19.3 County Government

The County Government of Nyandarua has several critical roles and responsibilities in the successful implementation of the Resettlement Action Plan (RAP) for the proposed project. These roles ensure that the project aligns with local needs, regulations, and development plans while minimizing negative impacts on the affected populations. The key roles of the County Government are outlined as follows:

#### 5.19.3.1 Ensuring Plan Acceptability to Local Residents:

**Community Engagement:** Facilitate continuous and effective community engagement to ensure that the RAP is well understood and accepted by the local residents.

**Feedback Mechanism:** Establish and manage a feedback mechanism to capture and address the concerns and suggestions of the local community regarding the RAP.

#### 5.19.3.2 Supplementing the County's Capital Programmes:

**Integration with Development Plans:** Ensure that the RAP aligns with and supports the County's broader capital development programmes, enhancing infrastructure and service delivery.

**Coordination of Resources:** Coordinate with various County departments to allocate resources effectively and ensure the smooth implementation of the RAP.

#### 5.19.3.3 Support for Displaced Informal Traders:

**Relocation Assistance:** Provide assistance to informal traders displaced by the project to relocate to designated market areas within Ol Kalou Town.

**Business Support Services:** Offer business support services, such as training and financial assistance, to help displaced traders re-establish their businesses in the new locations.

#### 5.19.3.4 Regulatory Compliance:

**Enforcement of Regulations:** Ensure that all activities related to the RAP comply with local regulations and by-laws.

**Environmental Management:** Monitor and enforce compliance with environmental regulations to mitigate any adverse impacts of the project.

#### 5.19.3.5 *Monitoring and Evaluation:*

**Progress Monitoring:** Regularly monitor the progress of RAP implementation to ensure that it adheres to the planned timelines and objectives.

**Impact Assessment:** Conduct periodic impact assessments to evaluate the effectiveness of the RAP in achieving its goals and to identify areas for improvement.

#### 5.19.3.6 *Grievance Redress Mechanism (GRM):*

**Establishment of GRM:** Collaborate with project stakeholders to establish a transparent and accessible grievance redress mechanism.

**Handling Grievances:** Actively participate in addressing and resolving grievances raised by the affected populations, ensuring fair and timely resolutions.

#### 5.19.3.7 *Capacity Building:*

**Training and Awareness:** Organize training sessions and awareness programs for County officials and staff involved in the RAP implementation.

**Resource Allocation:** Allocate necessary resources and support for capacity-building initiatives to enhance the County's ability to manage and execute the RAP effectively.

#### 5.19.3.8 *Capacity Assessment:*

The County Government has experience in local governance, community engagement, and development planning. However, it may lack specialized skills in resettlement planning and execution, especially in handling large-scale infrastructure projects.

#### 5.19.3.9 *Identified Gaps:*

Limited technical expertise in resettlement planning.

Inadequate capacity for monitoring and evaluation specific to RAP activities.

Insufficient mechanisms for grievance redress related to resettlement impacts.

#### 5.19.3.10 *Proposed Enhancement Mechanisms:*

- **Training and Capacity Building:** Conduct specialized training sessions for county officials on resettlement planning, implementation, and monitoring.
- **Technical Assistance:** Partner with external experts and organizations experienced in RAP to provide technical assistance and support.

- **Strengthen Grievance Redress Mechanism:** Establish a robust and transparent grievance redress mechanism tailored to resettlement issues, ensuring accessibility and effectiveness.

#### 5.19.4 The Local CBOs and Other Civil Society

These are member groups of the civil societies working in the area in related fields. Their responsibility is to ensure that the resettlement plan is implemented as suggested and in the event of any departure or change in circumstances, the project affected persons are not adversely affected. The group will also have a role to sensitize the people and empower them to realize maximum benefits from the project. They will be involved in the training and counselling of the project affected persons.

##### 5.19.4.1 Capacity Assessment:

Local CBOs and CSOs are typically well-versed in community engagement and advocacy. They play a crucial role in representing the interests of affected communities.

##### 5.19.4.2 Identified Gaps:

Limited resources and capacity to engage effectively in large-scale resettlement projects. Potential lack of technical expertise in resettlement planning.

##### 5.19.4.3 Proposed Enhancement Mechanisms:

**Capacity Building and Funding Support:** Provide training and financial support to CBOs and CSOs to enhance their capacity in resettlement planning and advocacy.

**Partnership Programs:** Develop partnerships between CBOs, CSOs, and government agencies to ensure community concerns are adequately addressed.

**Inclusion in Planning Processes:** Actively involve CBOs and CSOs in the resettlement planning and implementation processes to ensure community voices are heard and respected.

#### 5.19.5 The Office of the County Commissioner

The office particularly at the location level is best suited to mobilize the people as it has grass-root networks. It has the clout to chair meetings and settle disputes as it commands the general public support. The Chief knows all the residents of his area and has the advantage to give reliable information on various aspects of the plan for efficient implementation. It has vast experience in dealing with matters of dispute that need not be referred to the Courts of law.

##### 5.19.5.1 Capacity Assessment:

The Office of the County Commissioner has a strong mandate for local governance, law enforcement, and coordination of government activities at the county level.

##### 5.19.5.2 Identified Gaps:

Potential challenges in balancing administrative duties with the specific needs of resettlement planning and conflict resolution.

Limited expertise in handling resettlement-specific grievances and disputes.

##### 5.19.5.3 Proposed Enhancement Mechanisms:

**Dedicated Resettlement Liaison Officer:** Appoint a liaison officer within the County Commissioner's office to focus specifically on resettlement issues.

**Training in Conflict Resolution:** Provide specialized training for the County Commissioner's office staff on conflict resolution and grievance redress related to resettlement.

**Strengthened Community Engagement:** Enhance community engagement initiatives to ensure transparent and effective communication between the office and affected communities.

## 6. COMPENSATION FRAMEWORK AND ELIGIBILITY

### 6.1 Key Principles in Resettlement Compensation Framework

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

- Resettlement or relocation has been minimized by taking into consideration all possible alternative measures;
- Compensation will be paid before project works start in a specific project area and in a manner that does not curtail the livelihoods of the PAPs in terms of access and utilization of such compensation;
- The compensation values awarded will be fair enough to restore the livelihoods of PAPs;
- The compensation awards will be paid out according to the preference of the PAPs;
- A statutory disturbance allowance of 15 per cent of the compensation value will also be included;
- All other activities related to the RAP will be communicated in advance to the PAPs using the preferred channels of communication;
- Where grievances arise, the respective PAPs will be given an opportunity to be heard, fairly and promptly;
- Measures will be taken to ensure that vulnerable groups get special assistance and support; and where spousal and children consent is needed, the provision will be enforced.

### 6.2 Eligibility for compensation

The concept of eligibility is used with respect to the definition of PAPs and the criteria for determining their qualification for compensation and any other resettlement assistance. The three groups of people who are eligible for compensation are;

- Legal Owners
- Tenants and Leaseholders
- Informal Occupants and Users

Regardless of whether or not the affected people are physically displaced, the project will meet the following requirements:

- Promptly compensate economically displaced persons for loss of assets or access to assets at full replacement cost.
- In cases where land acquisition affects commercial structures, compensate the affected business owner for the cost of re- establishing commercial activities elsewhere, for lost net income during the period of transition, and for the cost of transfer and



reinstallation of plants, inventory, machinery and other equipment.

- Provide replacement property (e.g. Agricultural or commercial sites) of equal or greater value, or cash compensation at full replacement cost where appropriate, to persons with legal rights or claims to land which are recognized or recognizable.
- Compensate economically displaced persons who are without legally recognizable claim to land for lost assets including other improvements made to the land, other than land, at full replacement cost.
- Provide additional targeted assistance (e.g. training, or job opportunities) and opportunities to improve or at least restore their income – earning capacity, production levels, and standards of living to economically displaced persons whose livelihoods or income levels are adversely affected.
- Provide transitional support to economically displaced persons, as necessary, based on a reasonable estimate of the time required to restore to restore their income earning capacity, production levels, and standards of living.

### 6.3 Eligibility for Compensation and Cut – off date

The Project Affected Persons (PAPs) irrespective of their tenure status are eligible for assistance or compensation if their assets or livelihoods sources will be affected by the Project by the cut-off date set as 28th February 2024. This date, which is the commencement of the PAP Census in the project area was discussed with PAPs and agreed and consequently adopted during the public baraza held on the 28th February 2024 at Vartican and Muthaiga grounds. The minutes of the meeting are presented in *Appendix 2* to this report.

### 6.4 Income Restoration measures

The RAP aims to enhance restoration of the PAPs' income streams to pre- project status or even better. Therefore, in addition to compensation for loss of assets and livelihoods this RAP provides for income restoration measures which will include;

- Training in Financial Management
- Linking of PAPS to Micro-Credit Facilities
- Agricultural Capacity Enhancement which will include (ii) Referrals to extension officers who will track farmers' progress and provide information on good practices and available technology for adoption to enhance improved production.

### 6.5 Entitlement Matrix

The entitlement matrix is designed to ensure all eligible PAPs are compensated appropriately depending on the loss incurred. All persons affected by the project and meeting the cut-off date requirements will be entitled to a combination of facilitation packages and resettlement assistance depending on the nature of ownership rights on lost assets and scope of the impacts. The entitlement matrix developed for this assessment is presented in Table below:

Table 6-10 Entitlement Matrix

No.	Affected Asset	Type of loss	Entitled project - Affected persons	Entitlement (Compensation Package)	Implementation issues and plan of Action	Responsible organization
<b>LAND</b>						
1	Land	Loss of Land	Private owners of land	<ul style="list-style-type: none"> <li>• Cash compensation for loss of land will be done at full replacement cost</li> <li>• Payment of additional disturbance allowance at 15 % of the value of the property.</li> <li>• In consultation with PAPs, notify three (3) Month in advance of intention to use the site.</li> <li>• Right to harvest crops and trees in addition to compensation</li> </ul> <b>Livelihood Restoration Measures</b> <ul style="list-style-type: none"> <li>• Financial Management</li> <li>• Transitional Support- extra compensation to cater for labour and cost of hiring transport at time of harvest.</li> <li>• Agricultural Capacity Enhancement which will include (ii) Referrals to agricultural extension officers who will track farmers' progress and provide information on good practices new</li> </ul>	<ul style="list-style-type: none"> <li>• Verification of property ownership</li> <li>• Validation of valuation of property and</li> <li>• Cash compensation will be done.</li> </ul>	CRVWWDA County Government Chief Local community

				<p>crops and follow up for production.</p> <ul style="list-style-type: none"> <li>Referral for Enlisting to INUA JAMII PROGRAMME if not enlisted</li> </ul>		
<b>Crops and Trees</b>						
2	Crops and Trees	Crops and Trees  2	Private owners of Crops and Trees	<ul style="list-style-type: none"> <li>Cash compensation for lost trees and crops at full replacement cost valued at market rate</li> <li>Allowed adequate time to harvest the crop and trees.</li> <li>In consultation with PAPs, notify three (3) Months in advance to harvest crops and trees.</li> </ul> <p><b>Livelihood Restoration Measures</b></p> <ul style="list-style-type: none"> <li>Financial Management</li> <li>Linking to Micro-Credit Facilities</li> <li>Transitional Support- extra compensation to cater for labour and cost of hiring transport at time of harvest.</li> <li>Agricultural Capacity Enhancement which will include (ii) Referrals to extension officers who will track farmers' progress and provide information on good practices and available technology</li> </ul>	<ul style="list-style-type: none"> <li>Verification of property ownership</li> <li>Validation of valuation of property and</li> <li>Cash compensation will be done.</li> </ul>	CRVWWDA County Government Chief Local community

## 7. BUDGET AND VALUATION METHODOLOGY

### 7.1 Valuation Methodology

In property valuations there are 5 generally accepted methods or approaches to value. These are the Sales Comparison, the Income Capitalization, the Gross Replacement Value Method, the Residual, and the Profits method: The method adopted for this RAP was the Gross Replacement Value Method (GRVM) that evaluates the current cost of replacing an asset. The approach entails the measuring of the improvements (buildings, site works) to which the appropriate construction costs are applied, resulting in the new replacement (or reproduction) cost. An addition of 15% is added to the value of structures as statutory allowance to cater for disturbance.

### 7.2 Land Valuation

Land Valuation considered the local rates, consulted the local department of land and local land economist for comparison. Therefore, the rate for land acquisition per acre was estimated to be between Kes. 800,000 to Kes. 2,500,000 per acre.

### 7.3 Crops and Trees

Local rates from the State Department of Agriculture were adopted in determining the compensation values for crops. The value for trees was based on the valuation adopted from the local KFS (Kenya Forestry Services) rates, considering the age factor for trees and crops calculated at full replacement cost.

The following figures were adopted as shown in the table below:

Table 7-11 : Crops and Trees Compensation rates

CROP/PLANTATION	SEEDLING RATE	MEDIUM RATE	MATURE RATE
Avocado (10 mature, 4 seedlings)	1500	4500	10000
Tree Tomato	600	1200	1500
Banana	200	500	800
Sugarcane	100	150	250
Kales	100	150	250
Sweet Potato	100	150	250

Arrow root	50	100	150
Tomato	500	800	1000
Napier grass	1500	4500	10000

Source: Losai Management, Socio-Economic Survey, 2024.

#### 7.4 RAP Activities Implementation Process Flow

CRVWWDA as the implementing agency is responsible for the implementation of this RAP, and will also ensure affected households are fully compensated. The key institutions that were identified as critical to both preparation and implementation of the RAP are as indicated in Table 9 above through the Project Implementation Unit (PIU), local administrators, PAPs representatives, and RAP team as discussed below.

#### 7.5 Institutional Arrangement

##### 7.5.1 Central Rift Valley Water Works Development Agency social safeguards unit

The structure of the unit shall be as follows:

- Legal Advisor
- Surveyor
- Civil Engineer
- RAP specialist/Sociologist
- Environmental Expert
- Community Liaison Officer
- Database Officer
- Registered valuer

Central Rift Valley Water Works Development Agency Resettlement Unit will be responsible for the following:

Overseeing the implementation of the RAP;

- Ensuring maximum participation of the affected people in the planning of their own resettlement and post resettlement circumstances;
- Accepting financial responsibility for payment or compensation and other designated resettlement related costs;
- Ensuring detailed valuation of the structures in order to determine the case-to-case value of each component of the project and agreeing upon a value for compensation;
- Paying the affected people compensation to the amounts agreed;
- Ensuring monitoring and evaluation of the PAPs and the undertaking of appropriate remedial action to deal with grievances and to ensure that income restorations are satisfactorily implemented; and

- Ensuring initial baseline data is collected for the purposes of monitoring and evaluation report as per the indicators provided by the RAP.

#### 7.5.2 The PAPs Committee

This committee will include;

##### 1. Representatives of Affected Persons:

- At least two representatives from the directly affected community, ensuring diverse representation in terms of age, gender, and socio-economic status.
- A representative from vulnerable groups within the affected community, such as the elderly, disabled, or women-headed households.

##### 2. County Government Representatives:

- A representative from the County Government, preferably someone involved in local planning and community services.
- A representative from the Office of the County Commissioner to ensure alignment with local governance and administrative processes.

##### 3. CBOs and CSOs:

- Representatives from local Community-Based Organizations (CBOs) and Civil Society Organizations (CSOs) actively working in the community.
- NGOs focused on social justice, resettlement, or community development.

##### 4. Project Implementation Team:

- A member from the project implementation team to ensure direct communication and coordination between the project and the affected persons.
- A technical expert from the Ministry of Water, Sanitation & Irrigation to provide insights into the technical aspects of the project.

##### 5. Environmental and Social Safeguards Experts:

- An environmental expert to ensure that environmental considerations are integrated into the resettlement process.
- A social safeguards expert to monitor the social impacts of the resettlement and ensure compliance with the RAP.

The PC will be concerned with the following:

- i. Public Awareness: Includes extensive consultation with the affected people so that they can air their concerns, interests and grievances;
- ii. Compensation: Involves ratifying compensation rates and also serves as dispute resolution body to negotiate and solve any problem that may arise relating to resettlement process. If it is unable to resolve any such problems, will channel them through the appropriate grievance procedures laid out in this RAP;

- iii. Logistics: Involves exploring all mechanisms by which RAP can be implemented; and

### 7.6 Project Management at Ministry of water, sanitation and Irrigation level

Ministry of Water & Sanitation and Irrigation (MOWSI) will interface with other sector ministries, agencies and Counties on matters and policies relating to the project and more specifically RAP issues. The MOWSI will interface with the National Treasury on issues pertaining to RAP budget financing. The ministry will also communicate directly with the Bank on technical issues, pertaining RAP preparation, approvals, disclosure and even implementation amongst others.

### 7.7 RAP implementation and Budget

All resettlement and compensation entitlements will be settled and concluded prior to commencement of this RAP provides a total implementation budget of Kes. **3,334,000.00** (Three million, three hundred thirty-four thousand Kenyan Shillings Only). The following tables represents the RAP summary sheet and the RAP budget.

Table 7-12 Compensation Summary Sheet

#	Variables	Data
A. General		
County	Nyandarua	
Sub-County	Nyandarua Central	
Village	Munyeki and Muthaiga	
Activity that triggers resettlement	Sewer line extension	
Project overall cost	533,042,720.55	
Overall resettlement cost	Kes. 2,634,000.00	
Applied Cut-off dates	28th February 2024	
Date of consultation with PAPs	28th February 2024	
Date of negotiation for the compensation	28th February 2024	
B. Specific Information		
Number of PAPs affected by the Project	4 PAPs	



Number of physically displaced	1
Number of people economically displaced	3
Number of affected households	4
Number of females affected	1
Number of vulnerable affected	2
Number of major PAPs	0
Number of Minor PAPs	0
Number of total right owners or beneficiaries	4
Number of households losing their shelter	1
Total area of lost arable land (Ha)	0.3878 acres
Number of households losing their crops	4
Total area of farmland lost	0.3878 acres
Estimation of total Agricultural Revenue Lost	131,259.00 Kes.
Number of Buildings to be demolished totally	0
Number of Buildings to be demolished totally at 50%	0
Number of Buildings to be demolished totally at 25%	1
Number of trees/Crops lost	144
Number of commercial kiosks lost	0
Number of ambulant/street sailors affected	0
Number of community level services/infrastructure affected	0
Number of households whose livelihood restoration is	4

at risk

Table 7-13 RAP Budget

ITEM	AMOUNT <sup>9</sup> (Land, Trees, crops and structures affected) Inclusive 15% disbursement)
PAP 1	Kes. 886,000.00
PAP 2	Kes. 224,000.00
PAP 3	Kes. 1,369,000.00
PAP 4	Kes. 155,000.00
Overall RAP implementation and monitoring (RAP supervision, monitoring and Completion audit cost)	Percentage = 11.99% of the Total RAP Cost = $(3,334,000.00 / 400,000.00) \times 100 \approx 11.99\%$ Kes. 400,000.00
GRM Cost	Percentage = 4.5 % of the Total Rap Cost = $(3,334,000.00 / 150,000.00) \times 100 \approx 4.5\%$ Kes. 150, 000.00
Livelihood restoration cost	Percentage = 4.5 % of the Total Rap Cost = $(3,334,000.00 / 150,000.00) \times 100 \approx 4.5\%$ Kes. 150,000.00
<b>TOTAL</b>	Kes. 3,334,000.00

Source: Losai Management, Socio-Economic Survey, 2024.

### 7.8 Roles and Responsibilities for Planning and Execution of Resettlement

There different roles and responsibilities for planning and execution of resettlement. This is shown in the table below.

Table 7-14: Roles and Responsibilities for Planning and Execution of Resettlement

Activity	Purpose	Period	Responsible Authority	Implementation
<b>Preparation of Resettlement Action Plan</b>	To provide census of project affected households, socio-economic baseline data of PAPs, Asset inventory, notification and preliminary consultation with PAPs in line With international good practice & Donor requirements	Planning	<b>CRVWWDA</b>	RAP Consultant in cooperation with the Environment and Social Safeguards Team
<b>RAP approval and disclosure</b>	Banks Approval of the RAP and public disclosure	Planning	<b>CRVWWDA and AfDB</b>	<b>CRVWWDA</b> AfDB and approved

				RAP	
<b>Communication of intention to disrupt structures and sources of livelihood</b>	To inform PAPs of the intention to disrupt structures and sources of livelihood notify them of the meetings to hear their issues	Planning	CRVWWDA	To insert disclosure notice	RAP
<b>Validation of assets being affected and their assets owners</b>	To ensure that rightful asset owners and interested persons are identified for compensation	Planning	CRVWWDA	NLC	
<b>PAPs Disclosure and Acceptance of compensation values</b>	To formalize acquisition rights necessary construction of for	Pre- construction	CRVWWDA	CRVWWDA/NLC	
<b>Opening of Bank Accounts for compensation</b>	For ease in facilitation of safe payments of compensation	Pre- construction	CRVWWDA	CRVWWDA/NLC	
<b>Payments of compensation</b>	To disburse cash compensation to all eligible affected property owners and users	90 days before construction	CRVWWDA	KTWSSP	

<b>Issue Notices to Vacate</b>	To prepare PAPs compensated to relinquish the property compensated for	90 before over	days take	<b>CRVWWDA</b>	CRVWWDA RAP unit
<b>Livelihood restoration measures</b>	To facilitate project affected persons to restore or enhance their livelihoods	Construction/post construction period		<b>CRVWWDA</b>	CRVWWDA RAP unit
<b>On-going consultation and disclosure</b>	To keep project affected communities informed about project activities	Planning, Preconstruction and Construction period		<b>CRVWWDA</b>	CRVWWDA RAP unit
<b>Reception and redress of grievances</b>	To receive and promptly redress grievances	Planning, pre-construction, construction and post construction period		<b>CRVWWDA</b>	GRC
<b>Monitoring and evaluation</b>	To monitor reinstatement, receipt of entitlements and	All phases		<b>CRVWWDA</b>	CRVWWDA RAP unit
<b>Activity</b>	Purpose	Period		<b>Responsible Authority</b>	Implementation
	effectiveness of livelihood				

	restoration			
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Source: Losai Management, Socio-Economic Survey, 2024.

## 8. RESETTLEMENT ACTION PLAN ORGANISATIONAL RESPONSIBILITY AND IMPLEMENTATION SCHEDULE

### 8.1 Introduction

This Section provides details of all agencies and institutions that are involved in the implementation of the RAP. These organizations are crucial in the RAP implementation process and are mandated to perform their respective roles and have capacity to undertake their specific responsibilities but CRVWWDA Safeguards team will support overall implementation of the RAP.

### 8.2 Project Management at Ministry Level

Ministry of Water, Sanitation and Irrigation (MoWS) will engage other Institutions and Counties on matters and policies relating to the Project, specifically RAP issues. The MoWSI will involve the CRVWWDA on issues pertaining to RAP budget and African Development Bank financing.

The MoWSI will also communicate directly with AfDB on technical issues, RAP preparation, approvals, disclosure and even RAP implementation.

### 8.3 The Project Contact Person (PCP)

The Project Contact Person (PCP) is the overall technical coordinator in the implementation of the overall Project. Other officers in the project coordination team are the Environment and Social Safeguards. The PCP will supervise and coordinate the Project Team and ensure that Project implementation activities and reports are on schedule and in compliance with the financing agreement.

### 8.4 Project Implementation Team (PIT) at CRVWWDA

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

- Coordinate the effective implementation of the RAP and ensure compliance with African Development Bank (AfDB) Involuntary Resettlement Policy and government of Kenya laws and guidelines on land acquisition.
- Prepare Progress Reports on the implementation of the environmental and social safeguards.
- Ensure integration of EMPs and RAPs into Contract and Bid Documents.
- Ensure adequate community participation.
- The PIT will carry out quality checks and review the RAP reports before forwarding them to the African Development Bank Safeguards Specialist. It will also be in charge of actual implementation of the RAP with assistance from a Resettlement Implementation Committee constituted for the Project.



- Ensure integration of RAP provision in management of the project

### 8.5 The Implementation Team

The CRVWWDA RAP team will be in charge of overall implementation, monitoring and evaluation of the resettlement process. The team will comprise of a Social Expert, Environmental Safeguards, Accountant and Legal officer.

The roles team are as follows:

- (i) To ensure the list of all PAPs has been verified and documented in the PAPs register. The register shall have, among other parameters the following:
  - The name of the person, age, age and national identification document
  - Type of loss (structure, Asset / Livelihood)
  - Identification number of the PAP,
  - Compensation Amount
  - Bank Details of the PAP.
- (ii) To verify and validate each PAP as stated in the register and ascertain that every identity card holder is correctly documented in the register.
- (iii) To develop an appropriate framework for delivering the compensation payments to the PAPs in line with government financial management regulations and as much as possible keeping in mind that most PAPs have no bank accounts. In the event that an individual is absent during payment, the Compensation Committee will immediately communicate a new date of issuing cheques to such PAP.

### 8.6 African Development Bank (AfDB)

**Financial Support:** Provide funding for the project, ensuring financial resources are available for RAP implementation.

**Compliance Monitoring:** Ensure that the project complies with AfDB Operational Safeguards (OS), particularly regarding resettlement and environmental standards.

**Technical Assistance:** Offer technical assistance and capacity building to the implementing agencies.

### 8.7 Ministry of Finance and National Treasury

**Funding Allocation:** Ensure timely disbursement of funds for the project and RAP activities.

**Policy Coordination:** Coordinate national policies related to resettlement and compensation.

Financial Oversight: Monitor the financial aspects of the project to ensure accountability and transparency.

### **8.8 Road Infrastructure Agencies**

Infrastructure Coordination: Coordinate with the project to ensure that sewer pipes and other infrastructure placed on road reserves are planned and executed without disrupting traffic and road use.

Regulatory Compliance: Ensure that all activities within the road reserve comply with relevant road safety and construction regulations.

### **8.9 National Environment Management Authority (NEMA)**

Environmental Oversight: Review and approve Environmental and Social Impact Assessments (ESIAs) related to the project.

Environmental Monitoring: Monitor the environmental impacts of the project to ensure compliance with national environmental standards.

Enforcement: Enforce environmental regulations and standards to mitigate adverse impacts.

### **8.10 Environment and Land Court**

Legal Adjudication: Resolve disputes related to land acquisition, resettlement, and compensation.

Legal Guidance: Provide legal interpretations and guidance on matters related to land and environmental law.

Grievance Redress: Serve as a platform for grievance redress for affected persons who seek legal recourse.

### **8.11 Other Relevant Institutions**

Local NGOs and CBOs: Provide support services such as community mobilization, awareness campaigns, and livelihood restoration programs.

Public Health Department: Monitor and manage public health impacts during RAP implementation.

Social Services Department: Offer support to vulnerable groups, ensuring their needs are adequately addressed.

### **8.12 Resettlement Action Plan (RAP) Implementation Schedule**

The implementation schedule for this RAP covers the period from the preparation of the RAP to the conclusion of the envisaged Project within CRVWWDA Project Area. This RAP is structured such that the procedures will be phased to synchronize with the work program of the contractor.

The RAP Implementation Schedule defines the duration and timing of the key milestones and tasks as

presented in the entire RAP, the key milestones and tasks for this schedule include:

- Approval of RAP report – The RAP report must be approved by the African Development Bank and disclosed in the African Development Bank Info Shop prior to implementation. The report will also be published on the CRVWWDA website.
- Disclosure of the RAP – Meetings will be organized by CRVWWDA Project Implementation Team within the project area. During the meetings, a summary of the main findings and recommendations, entitlements, and PAP register will be presented to the community for review and signing of compensation agreements.
- Resolution of emerging grievances - The grievance redress mechanism will allow for resolution of grievance at the local level through the Grievance Redress Committees (GRC).
- Payment of Compensation Funds – After verification of PAPs, the payments will be disbursed as detailed in the RAP implementation plan detailed in *table 8-1* below.
- Commencement of Project Civil Works – Handover of site will be made once all RAP Actions have been finalized.
- Monitoring and evaluation- this will be undertaken throughout the RAP implementation and project period using RAP implementation indicators

Table 8-15 RAP Implementation Schedule

S/. No.	TASK NAME	Actor	Period in Months						
			Implementation to begin immediately after approval of RAP						
			1	2	3	4	5	6	7
12.	Approval of RAP	African Development Bank							
13.	Formation of Grievance Redress Committees and training the GRC	CRVWWDA							
14.	Disclosure of RAP	CRVWWDA, Community							
15.	Validation of asset valuation/values	CRVWWDA, PAPs							
16.	Grievance Redress	CRVWWDA, PAPs GRC							
17.	Sensitization of PAPs on bank accounts and use of compensation funds including joint spousal management of cash, GBV in use of Cash	CRVWWDA, PAPs GRC							

18.	Implementation of Livelihood Restoration Measures	CRVWWDA							
19.	Payment of compensation	CRVWWDA, PAPs GRC							
20.	Issuance of notice for crop and trees harvesting	CRVWWDA, PAPs GRC							
21.	Monitoring activities	CRVWWDA, PAPs GRC/							
22.	RAP Completion	CRVWWDA, PAPs GRC/							

Source: Losai Management, Socio-Economic Survey, 2024.

## 9. FRAMEWORK FOR PUBLIC CONSULTATION, PARTICIPATION AND Development planning

### 9.1 Overview

The African Development Bank Operation Standards (OS 2) and Government of Kenya Guidelines (EMCA 1999 with 2015 amendments and the constitution) require that the people likely to be affected by a development project are consulted so that their views and concerns are incorporated into development planning. Knowledge of stakeholder's perceptions (in particular, affected local communities) assists during compensation and resettlement action planning. Therefore, during the RAP preparation process, consultations were conducted with relevant stakeholders, including potential beneficiaries, affected groups, and local authorities with regards to the proposed project's environmental and social aspects and their views considered.

The process of consultations will continue until implementation of the RAP is completed. During these consultations the communities were encouraged to (i) be open and make known their concerns and claims; (ii) be free to access the formally established grievance process for lodging Complaints; and (iii) allow and give the necessary assistance to the ESIA and RAP team.

#### 9.1.1 Stakeholders and Public Consultation

##### **Context**

The consultations with relevant stakeholders in the project area in order to ensure that the interests of the community, the PAPs and the public at various levels were captured and incorporated into the design of the RAP were held in different venues in the project area. A consultative-participatory approach was adopted, and the consultant's team shared information with the participants on project sub-components, implementation activities, the likely impact and the resettlement measures available to the PAPs.

##### **The Aim**

The aim of stakeholder consultations was to provide a platform for information sharing and opinion gathering in relation to the proposed Project. Consultations were conducted in form of public meetings and key informant interviews.

The issues were then analyzed and presented to the design team for finalization of Project designs and planning on how best to implement the Project. PAPs were engaged from 27<sup>th</sup> February 2024 to 29<sup>th</sup> February 2024.





Figure 9-19: RAP engagement meeting and land survey and Valuer

**Source: Taken by The Consultant.**

The main objectives of the consultation were to;

- a) Disseminate information and collect opinions on the proposed projects by;
  - Providing clear and accurate information about the project to the



communities

- Obtain main concerns and perception of local community
  - Provide an opportunity to the public to influence project activities to facilitate the creation of a sense of ownership of the proposal
- b) Understand community views on the project impacts and possible mitigation measures by:
- Obtaining opinions and suggestions directly from the affected communities on their preferred mitigation measures
  - Ensuring important impacts are not overlooked
- c) Provide a platform for future consultation by;
- Reducing conflict through early identification of contentious issues
  - Improving transparency and accountability
  - Facilitation participation as a legal requirement

#### *The consultation meetings schedule*

The table below presents schedule of meetings that were held in the project area;

Table 9-16: Schedule of consultation Meetings

Venue	Key Stakeholders	Date	No of attendee
<b>Vartican Venue 1</b>	CRVWWDA, Valuer, Consultant, Community Members, Community Liaison Officer	<b>28th February 2024</b>	8
<b>Vartican Venue 2</b>	CRVWWDA, Valuer, Consultant, Community Members, Community Liaison Officer	<b>28th February 2024</b>	13
<b>Muthaiga</b>	CRVWWDA, Valuer, Consultant, Community Members, Community Liaison Officer	<b>28th February 2024</b>	8
<b>DCC office</b>	Deputy County Commissioner, Consultant	<b>29<sup>th</sup> November 2023</b>	4
<b>KFS Office</b>	Chief Conservator	<b>29<sup>th</sup> November 2023</b>	3
<b>County Government Offices</b>	County Admin	<b>29<sup>th</sup> November 2023</b>	3
<b>Public Health Office</b>	Public Health Officer	<b>28<sup>th</sup> November 2023</b>	2
<b>KURA office</b>	Roads Engineer	<b>28<sup>th</sup> November 2023</b>	2
<b>WRUA office</b>	WRUA Chairman	<b>28<sup>th</sup> November 2023</b>	3

Source: Losai Management, Socio-Economic Survey, 2024.

The detailed issues that were discussed during public forums and Stakeholders are shown in the table 9.2 below.

Table 9-17: Issues discussed during public forums

N o.	Comment/ issue	Response	How the issue guided the RAP
1.	Employment Opportunities	The youth complained of lack of employment opportunities within the town. They lamented that most time when such projects of high magnitude are set to be constructed the residents in the area where the proposed project is located are often left out and others employed	It was proposed that the contractor be encouraged to engage local employment especially for the unskilled labour force.  The Contractor to liaise with area chiefs, elders and GRC when recruiting labor force so as to ensure that residents are given the first priority.
2.	Compensation of the PAPs	The community requested that the project should not commence until compensation of the affected assets, crops and trees is fully settled.	The Study team responded by informing the meetings that they would ensure that all affected PAPs are compensated before commencement of the project.
3.	Asset Valuation	The community proposed that the valuer should consider use of fair rates when awarding values to their assets, crops and trees.	The Study team informed the meeting that, the value would use current market and that there would be a negotiation phase on values awarded to ensure they are

			satisfied with compensation awarded.
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*Source: Losai Management, Socio-Economic Survey, 2024.*

Continuous consultation and stakeholders' engagement during the entire project implementation period is recommended as it will assist in:

- a) Managing public expectations concerning project impacts
- b) Negotiating compensation packages
- c) Channeling Resettlement assistant and;
- d) Managing the timing of the resettlement activities

## 9.2 Inclusion of Outcomes of Stakeholder Engagement in the Design of the Project

### 9.2.1 Project Impacts on Peoples Assets and Sources of Livelihood

The Stakeholder Engagement forums identified the need to provide adequate mitigation measures for possible Project Impacts identified in chapter 6 of this assessment. Therefore, this report presents on a preliminary basis of likely Project impacts on people's assets and sources of livelihoods, applicable entitlement, compensation and livelihood restoration measures as required by Kenyan Laws and AfDB OS 2 on Involuntary resettlement land acquisition, population displacement and compensation.

### 9.2.2 Public Disclosure of RAP, and Annual Monitoring Reports

This RAP provides for public disclosure, in accordance with EMCA 2015 and AfDB OS1, the Project Proponent in this case CRVWWDA being the lead implementing agent will ensure that the Results of Public Consultations including RAP area disclosed on CRVWWDA website and public Information Centre (PIC),

The Reports will also be made available at Chiefs' Offices in the affected project areas for ease of access by the project interested parties at location level and Project site office.

### 9.2.3 Future Stakeholder Engagement Proposals and Activities

Stakeholder consultation is a vital aspect of the resettlement process, as it ensures transparency, inclusivity, and community ownership. To facilitate ongoing engagement and addressing emerging concerns, the following proposals for future stakeholder engagements and anticipated activities are outlined:

1. **Regular Community Meetings:** Organize periodic community meetings to provide updates on project progress, address grievances, and gather feedback from affected persons.
2. **Focused Workshops and Training:** Conduct workshops and training sessions on various aspects of the project, including livelihood restoration, legal rights, and grievance redress mechanisms.
3. **Stakeholder Surveys:** Conduct surveys to assess the effectiveness of resettlement activities, gather insights on community needs, and identify areas for improvement.
4. **Information Dissemination:** Utilize multiple channels, including community radio, posters, and pamphlets, to disseminate project information and updates.

5. **Formation of Community Committees:** Establish community committees to facilitate continuous dialogue, enhance communication channels, and empower local leadership in decision-making processes.
6. **Public Hearings and Consultations:** Organize public hearings and consultations for major project milestones, such as land acquisition and compensation disbursement, to ensure transparency and accountability.

The stakeholder engagement budget is included in the overall RAP report.

## 10. GRIEVANCE REDRESS MECHANISM

### 10.1 Grievance Procedure and Rationale

A grievance is any dissatisfaction or sense of injustice or unfairness felt by a person in this respect a PAP or his/her representative in connection with his/her compensation entitlements, the RAP implementation process, the project and other scenarios related to project implementation. Grievance procedures may be invoked at any time, depending on the complaint and on the people involved. Grievances might be triggered due to the following reasons among others:

- Misidentification of assets
- Dispute over the ownership of a given asset (two individuals could claim to be the owners of this asset)
- Disagreement over the valuation of the asset
- Successions, divorces, and other family issues, resulting in disputes between heirs and other family members, over ownership or ownership shares for a given asset.
- Grievances related to the titling process.
- Grievances related to workers' welfare
- Grievances related to civil works impacts on the community.

The aim and purpose of this grievance redress procedure is to make the grievance handling processes accessible, prompt and affordable to the PAPs given the generally low values of the properties to be affected, and also provide an alternative to the costly and time-consuming formal court procedures for handling grievances and disputes. The objective of the grievance handling procedure is to establish for the PAPs mechanism for raising and resolving complaints related to compensation for loss of land, crops, trees other livelihood properties and assets and having such complaints resolved as amicably as possible through acceptable and binding corrective actions. This grievance management mechanism will be in place throughout the Project period, including the exit phase.

### 10.2 Grievance Redress Tiers

The RAP provided a grievance redress mechanism in a 3-tier arrangement as indicated below

- The first tier will allow for amicable review at the Village level consisting of 2 PAPs, 2 Village elder, Community Liaison Officer and the chief who will discuss and agree on amicable resolutions.



- The second tier will involve the RIC (2 PAPS, 2 village elders, chief, ACC, local County officials, NLC, Community Liaison Officer and CRVWWDA Social Safeguards Specialist) in case the grievance cannot be solved at the first level.
- The third tier will be the option of allowing the grieved party to seek redress at the court of law

Levels (i), and (ii) are costs free. The legal redress option however, may incur some costs for the parties involved.

### 10.3 Grievance Redress Steps

The procedure of receiving and resolution of complaints is summarized in Table 10-18 below:

**Table 10-18: Grievance Redress Steps**

Steps	Grievance Redress Steps Details
<b>Step 1: Receipt of complaint/grievance</b>	A verbal or written complaint from a PAP or community member will be received and recorded/registered by the Grievance Redress Committee Chairman on behalf of the GRC and the date of receipt entered.
<b>Step 2: Determination of Resolution</b>	If in their judgment, the grievance can be solved at this stage and the GRC will determine the resolution in consultation with the aggrieved person feedback is given immediately. +3
<b>Step 3: Meeting with the complainant</b>	The proposed corrective action and the time frame in which it is to be implemented will be discussed with the complainant within 14 days of receipt of the grievance. Acceptance of the agreement and corrective action will be documented
<b>Step 4: Implementation of Corrective Action</b>	Agreed corrective actions will be undertaken by the party agreed by GRC within the agreed time frame. The date of the completed action will be recorded in the grievance register.
<b>Step 5: Action by Grievance and Resettlement Committee</b>	<p>If the complainant remains dissatisfied and a satisfactory resolution cannot be reached, the complaint will be handled by the Mediation Committee, this committee is made up of the below listed persons.</p> <ul style="list-style-type: none"> <li>• One representative of the Administration; - National</li> </ul>

	<p>Government (Assistant County Commissioner)</p> <ul style="list-style-type: none"> <li>• One representative of National Administration; - Local Chief</li> <li>• One representative of CRVWWDA acting as an observer;</li> <li>• Three representatives of the affected people, amongst them at least one woman and representative of vulnerable PAPs.</li> </ul> <p>This committee must have a quorum of at least three persons. Decisions will be reached by simple majority. The Grievance Committee should be constituted for as long as grievances are being lodged.</p> <p>The committee will deliberate and make a resolution which will be communicated to the GRC Chairman, who will communicate this to the complainant. The complainant may proceed with judicial process</p>
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Source: Losai Management, Socio-Economic Survey, 2024.

#### 10.4 Capacity-Building for the Grievance Redress Committees

The Grievance Redress Committee members will be trained on their mandates and oriented to the grievance management procedures as outlined in the RAP

#### 10.5 Grievance Redress Mechanism

The grievance redress mechanism flow chart is summarized in figure below.

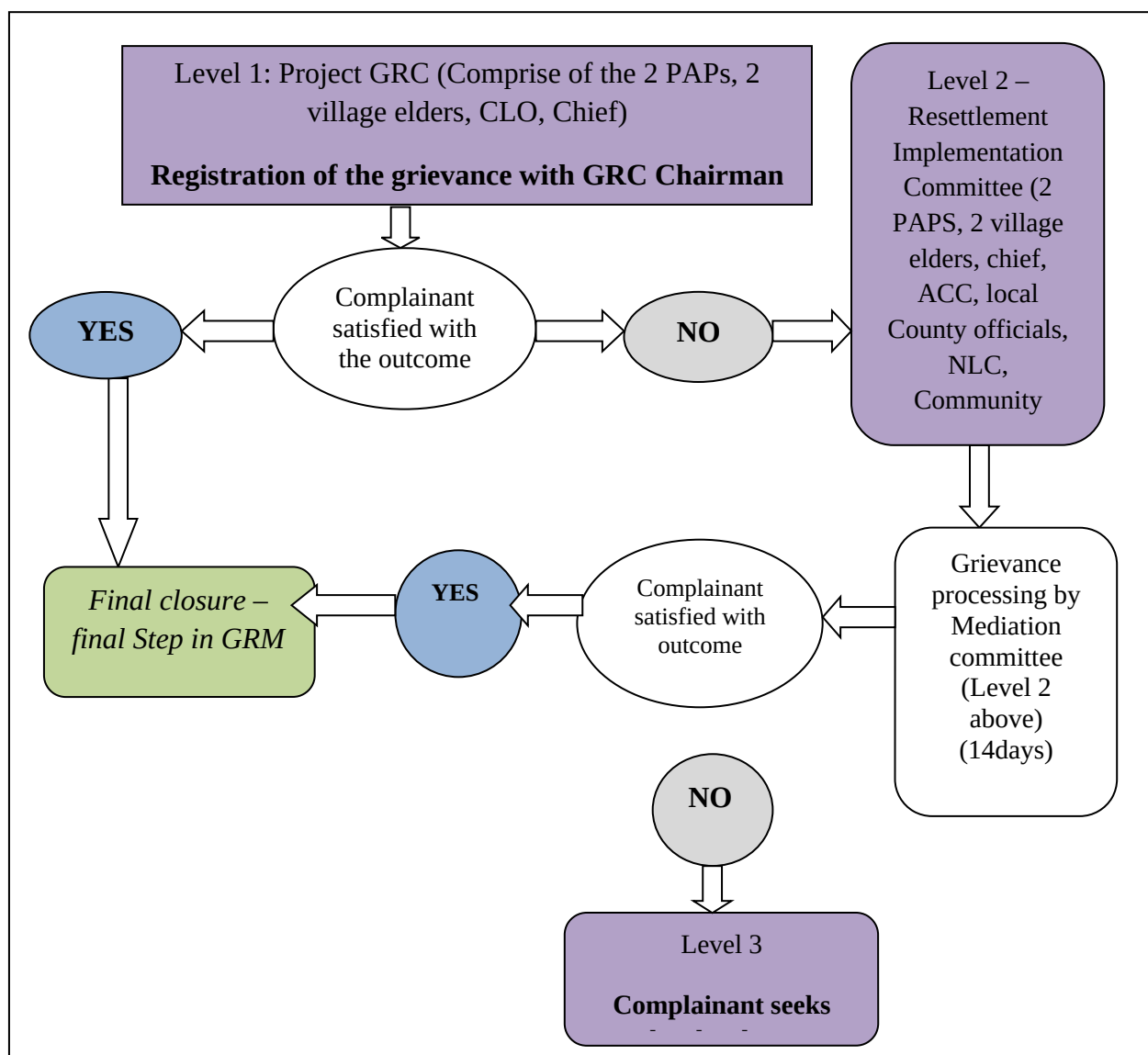


Figure 10-20: Grievance Redress Procedure

Source: Losai Management, Socio-Economic Survey, 2024.

## 10.6 Mechanisms for Managing Social Safeguard Grievances

In addition to addressing grievances related to resettlement, it's crucial to establish mechanisms for managing other social safeguard concerns, including Gender-Based Violence (GBV), Violence Against Children (VAC), and Sexual Exploitation and Abuse (SEA). The following mechanisms will be implemented to address these issues effectively:

- **Awareness and Sensitization Programs:** Conduct regular awareness and sensitization programs on GBV, VAC, and SEA to educate community members about their rights and available support services.
- **Establishment of Reporting Mechanisms:** Set up confidential reporting mechanisms, such as hotlines or designated focal points, where individuals can report incidents of GBV, VAC, or SEA safely and confidentially.
- **Capacity Building:** Provide training to project staff, community leaders, and relevant stakeholders on identifying, preventing, and responding to instances of GBV, VAC, and SEA.
- **Referral Systems:** Develop referral pathways to connect survivors of GBV, VAC, or SEA with appropriate support services, including medical care, counseling, legal assistance, and community-based organizations.
- **Community Support Networks:** Strengthen community-based support networks and partnerships with local organizations to provide survivors with ongoing support and assistance.

### 10.7 Monitoring and Evaluation of Grievance Redress Mechanism (GRM)

Effective monitoring and evaluation (M&E) of the Grievance Redress Mechanism (GRM) is essential so as to ensure its efficiency, responsiveness, and compliance with social safeguard standards. The following outlines the M&E framework for the GRM, including timelines and key indicators:

#### **Timelines:**

- **Monthly Reporting:** Regular monitoring of grievance data and trends to identify emerging issues and patterns.
- **Quarterly Review Meetings:** Conduct quarterly review meetings to assess the performance of the GRM, address challenges, and make necessary improvements.
- **Annual Evaluation:** Perform an annual evaluation of the GRM to measure its effectiveness, impact, and adherence to social safeguard policies and procedures.

#### **Key Indicators:**

- **Number of Grievances Received:** Measure the total number of grievances received through the GRM, categorized by type (resettlement-related, social safeguard-related).
- **Response Time:** Monitor the average time taken to acknowledge, investigate, and resolve grievances.
- **Resolution Rate:** Track the percentage of grievances resolved satisfactorily within a specified timeframe.
- **Quality of Responses:** Assess the quality and appropriateness of responses provided to grievances, including feedback and follow-up mechanisms.
- **Community Satisfaction:** Gather feedback from affected communities through surveys or focus group discussions to assess satisfaction levels with the GRM process and outcomes.

**Feedback Loop:** Establish a feedback loop to ensure that lessons learned from the M&E process is incorporated into continuous improvement efforts for the GRM.

By implementing robust mechanisms for managing social safeguard grievances and establishing a comprehensive M&E framework for the GRM, the project will mitigate risks, promote accountability, and safeguard the well-being of affected communities effectively.

## 11. MONITORING AND EVALUATION

### 11.1 Introduction

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

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

- i. Actions and commitments described in the RAP are implemented;
- ii. Eligible PAPs receive/d their full compensation
- iii. RAP actions and compensation measures have helped the people who sought cash compensation in restoring their lost incomes and in sustaining pre-project living standards;
- iv. Complaints and grievances lodged by PAPs are/were resolved.
- v. Changes in RAP procedure are made, if necessary, to improve delivery of entitlements to PAPs.

The African Development Bank Operational Safeguards states that the project proponent is responsible for adequate M&E of the activities. Monitoring and evaluation activities and programs will be adequately funded and staffed. Accordingly, the primary responsibility for monitoring rests with CRVWWDA PCT which already has social safeguards team who will work in collaboration with the RIC, GRC and other project stakeholder.

### 11.2 Monitoring and Evaluation Framework

#### 11.2.1 RAP Monitoring Plan

The RAP monitoring plan and framework involves: Internal Monitoring, External Monitoring and Completion Audit as indicated below.

Table 11-19 RAP Monitoring Plan

Component Activity	Type of Information/Data Collected	Source of Information/ Data collection Methods	Responsibility for Data Collection, Analysis and Reporting	Frequency/Audience of Reporting
<b>Internal Monitoring</b>	Measurement of RAP monitoring indicators against the implementation schedule.	Monthly and quarterly RAP implementation reports	CRVWWDA PCT/RIC	Monthly and Quarterly Report
<b>External Monitoring</b>	Assessment of PAP satisfaction with compensation for the affected assets and livelihood sources	Quarterly or semi-annual rapid socio-economic survey  Regular meetings and consultation with people affected by the project. review of grievance mechanism register	CRVWWDA Social safeguards and RIC and GRC	Quarterly Report
<b>Completion Audit</b>	Measurement of output indicators such as productivity gains, livelihood restoration, and developmental impact against baseline	External monitoring of RAP implementation by other stakeholders, independent surveys, scoping for social and economic performance in consultation with affected	Internal RAP implementation audit	On completion of the RAP time table

		persons		
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### 11.2.2 RAP Monitoring Framework

The Table below shows internal monitoring indicators that will be checked during internal performance monitoring by CRVWWDA:

Table 11-20 Internal Monitoring Indicators

Activity/ Parameters	Indicators
● <b>Compensation and Livelihood restoration</b>	<ul style="list-style-type: none"> <li>● Number of PAPs promptly paid disaggregated by gender</li> <li>● Amounts of payments made to PAPs</li> <li>● Number of PAPS with restored livelihood enterprises</li> <li>● Use of compensation cash</li> <li>● Number of PAPs with improved livelihoods</li> </ul>
● <b>Vulnerability</b>	<ul style="list-style-type: none"> <li>● Status of vulnerable PAPs (Improved status or worse)</li> </ul>
● <b>Community participation and public engagement</b>	<ul style="list-style-type: none"> <li>● Number of local consultative meetings held</li> <li>● Type of issues raised at public consultation meetings</li> <li>● Number of participants attending public consultation meetings related to loss of asset disaggregated by gender</li> </ul>
● <b>Gender Concerns</b>	<ul style="list-style-type: none"> <li>● Participation of women and men in trainings</li> <li>● Number of Cases of GBV reported.</li> </ul>
● <b>Grievance Redress</b>	<ul style="list-style-type: none"> <li>● Number of grievances received</li> <li>● Number of grievances resolved promptly (within the duration allowed in the grievance redress mechanism)</li> <li>● Number of outstanding grievances not resolved</li> <li>● Average timelines for resolution of grievances disaggregated by the various levels of grievance redress mechanism/institutions</li> <li>● Number of grievances referred to Level 3 (Courts of Law)</li> <li>● Number of complaints referred to African Development Bank</li> </ul>

<p>● <b>Capacity Building and Grievance Mechanisms</b></p>	<p>● Training Programs: Number of capacity-building workshops and training sessions for project staff, government officials, community leaders, and affected populations on various aspects of the resettlement process, including rights, entitlements, grievance procedures, and social safeguard standards.</p> <p>● Establishment of Grievance Redress Mechanisms: Set up robust grievance redress mechanisms (GRMs) with clear procedures for receiving, recording, and resolving grievances related to resettlement and social safeguards. This includes ensuring accessibility, confidentiality, and responsiveness in handling grievances.</p> <p>● Awareness Campaigns: Number of launched comprehensive awareness campaigns to disseminate information about the project, the RAP process, and available support services. This will involve using various communication channels to reach diverse audiences and ensure that stakeholders are well-informed and empowered to participate effectively.</p> <p>● Coordination Among Institutions: coordination and collaboration forums among relevant institutions, including government agencies, civil society organizations, and project stakeholders, to streamline efforts, share resources, and address challenges collectively. This will facilitate a cohesive approach to RAP implementation and social safeguard management.</p>
<p>● <b>RAP Completion Audit</b></p>	<p>● Rap completion audit to be carried out and a budget set under the same.</p>

*Source: Losai Management, Socio-Economic Survey, 2024.*

The budget for monitoring & evaluation including RAP completion audit has been included in the final RAP budget

## 12. RAP CONCLUSIONS AND COMMITMENTS

### 12.1 Conclusions

The proposed protection works will be undertaken within the riparian and public wayleave. However, a total of 0.3878 acres of land belonging to 4 PAPs at the proposed 6m wide sewer line route will be impacted. There will be no complete or localized displacements, this is because the PAPs own large parcels of land out of which less than 20% will be acquired for the Project, and the remaining portion of their land will still be viable.

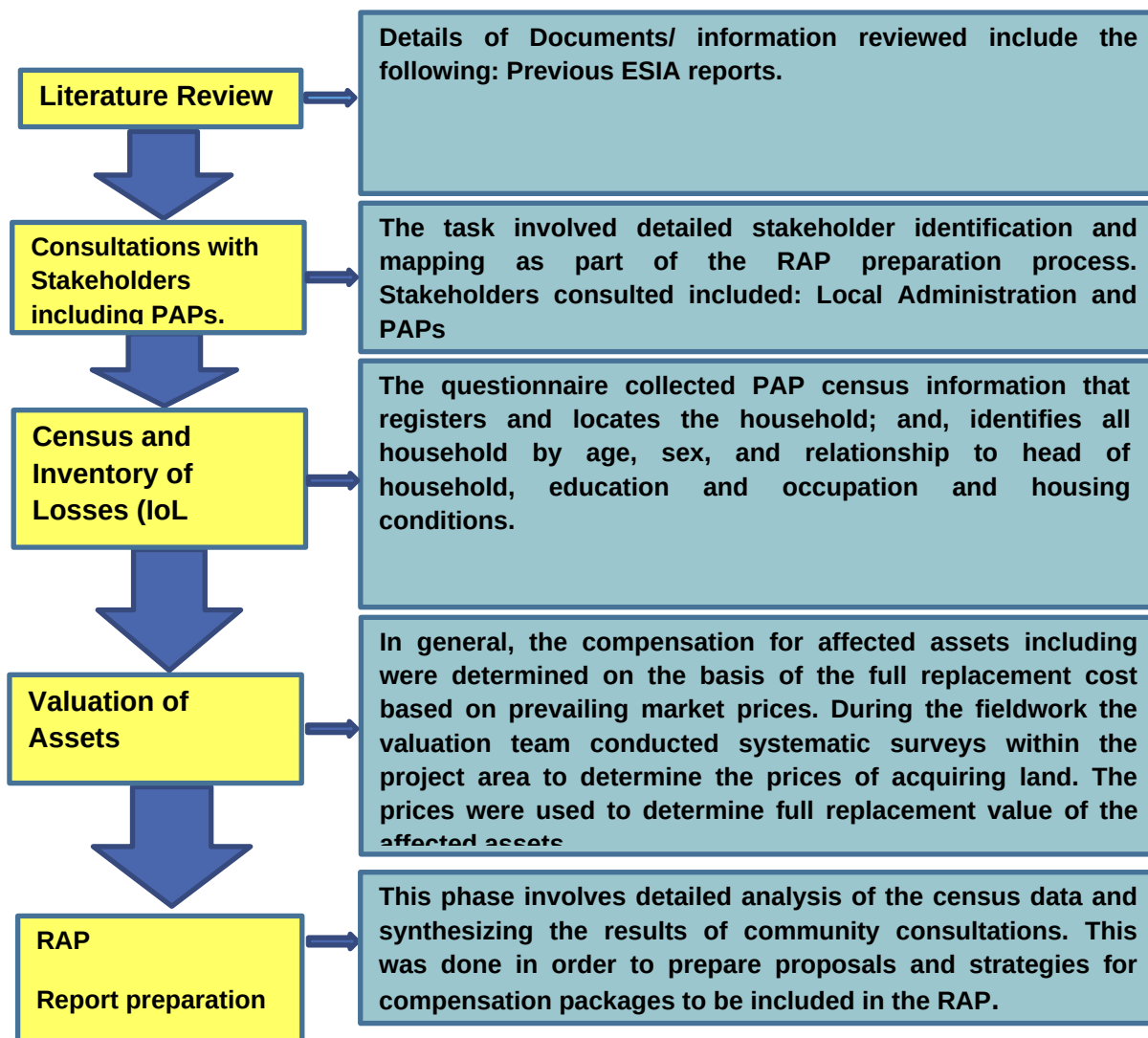
### 12.2 Commitments

Therefore, in order to ensure effective implementation of the RAP and lead to the smooth commencement of the project, the below listed commitments will be undertaken by CRVWWDA.

- CRVWWDA will compensate all the Project Affected Persons according to provisions of this RAP including the budget for compensation and timelines as per the implementation schedule.
- CRVWWDA will ensure Grievances raised are addressed and resolved on a timely manner during implementation of the RAP as provided by the GRM.
- CRVWWDA will promptly compensate all the vulnerable persons enumerated in this RAP in accordance with the provisions of the entitlement matrix.
- To undertake monitoring and evaluation to ensure compliance to national laws and regulations and safeguard policy.

# APPENDICES

## Appendix 1: Approach and Methodology Flow Chart & Asset Inspection Sheet



## Appendix 2: Minutes and Attendance Sheet



### CONSULTANCY SERVICES FOR DESIGN REVIEW, PREPARATION OF TENDER DOCUMENTS AND SUPERVISION OF OL'KALOU TOWN SEWERAGE PROJECT

Minutes of public participation Meeting for Vartican held on November 28, 2023 at 11.20 AM-3:00 PM at Vartican Grounds.

Project:	CONSULTANCY SERVICES FOR DESIGN REVIEW, PREPARATION OF TENDER DOCUMENTS AND SUPERVISION OF OL'KALOU TOWN SEWERAGE PROJECT
Subject:	Minutes of Public Participation
Date and Time:	November 28, 2023 at 11:20 AM-3.00PM
Venue:	Vartican Grounds

#### CONSULTANT:

 <p><b>Gath Consulting Engineers</b></p> <p>Muthangari Drive/off Waiyaki Way</p> <p>P.O BOX 14279, /00800, Nairobi, Kenya</p> <p><a href="tel:254-020-4441473/4444837">Tel:254-020-4441473/4444837</a></p> <p>Email:<a href="mailto:gce@gathkenya.com">gce@gathkenya.com</a></p> 	 <p><b>Losai Management Limited</b></p> <p>Local Office: 15 Westlands Road, Office N° 09</p> <p>P.O. Box 30337 - 00100 Nairobi, KENYA</p> <p>Tel. +254 718 875 310, +254 788 352 533</p> <p>Email : <a href="mailto:info@losaimanagement.com">info@losaimanagement.com</a></p> 	<p><b>SCET TUNISIE</b></p> <p>Head Office: 2, rue Sahab Ibn Abbad, Cité Jardins BP 16, 1002, Belvédère, Tunis - Tunisia</p> <p>Tél : (+216) 71 89 45 65</p> <p>E-mail: <a href="mailto:direction@scet.tn">direction@scet.tn</a></p>
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		<a href="http://tunisie.com.tn">tunisie.com.tn</a>
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**MEMBERS PRESENT (The full is attached)**

NO.	NAME	DESIGNATION	ORGANIZATION
1.	Kelvin Mwangi	EHSS	Losai
2.	Storm Wambugu	CLO	Losai
3.	Dickson Mwangi	TM	OLWASCO
4.	Monica Njambi	PHO	Ministry of Health
5.	Muna Muraya	Chief	NGAO
6.	Anthony Maina	Community member	Community member
7.	Francis Mathege	Community member	Community member
8.	Samson Kimeria	Community member	Community member
9.	Peter Gatu	Community member	Community member
10.	James Mwangi	Community member	Community member
11.	John Njoroge	Community member	Community member
12.	Jesse Mbatia	Community member	Community member
13.	Isaac Irungu	Community member	Community member



14.	Samuel Wanjohi	Community member	Community member
15.	Stephen Gachuki	Community member	Community member
16.	Paul Kanyagi	Community member	Community member
17.	James Macharia	Community member	Community member
18.	John Macharia	Community member	Community member
19.	Samuel Waithaka	Community member	Community member
20.	Samuel Irungu	Community member	Community member
21.	Samuel Murathe	Community member	Community member
22.	Joseph Kamwaro	Community member	Community member
23.	Erastus Mwathi	Community member	Community member
24.	Zipporah Mwangi	Community member	Community member
25.	Joseph Mwangi	Community member	Community member
26.	Jane Njeri	Community member	Community member
27.	Teresia Kibui	Community member	Community member

## AGENDA

1. Introduction.
2. Meeting Agenda, Project brief and scope of works.
3. Project anticipated impacts
4. Project support
5. Comments and Response section
6. A.O.B
7. Meeting Closure

MINUTE No.	ITEM DESCRIPTION
<b>Min 1</b>	Introduction
<b>28/11/2023</b>	<p>The meeting began at 11:30 A.M. with a word of prayer from Madam. Ziporah Mwangi. This was followed by self-introductions by all members. The Assistant Chief welcomed the attendees and handed over the meeting to the Consultant to take the community members through the agenda of the day.</p>
<b>Min 2</b>	Meeting Agenda, project brief and scope
<b>28/11/2023</b>	<p>The EHS officer Kelvin Mwangi explained that the meeting Agenda was:</p> <ul style="list-style-type: none"> <li>-To engage the community members in the public participation meeting which will play a vital role in ensuring that the ESIA and RAP reports are comprehensive, well-informed, and inclusive, leading to better decision-making and more responsible and sustainable project development.</li> <li>-To engage the community members in understanding the scope of works that was proposed Water and Sanitation Project</li> </ul> <p><b>Project brief</b></p> <p>-The EHS Officer Kelvin Mwangi gave a brief introduction of the Project and stated that the Consulting agency as Losai Management Limited and Gath Consultants. He described the company as an engineering consulting firm contracted by Central Rift Valley Water Works Development Agency (CRVWWDA) to oversee the implementation of a water and sanitation project in the Ol kalou Sewerage Project Phase II. The EHS Kelvin Mwangi further explained that the Project was a continuation of Phase I of the Ol Kalou Sewerage Project.</p> <p><b>Scope</b></p> <p>The Consultant outlined the planned actions of the project intervention, which would encompass the following initiatives:</p> <p>The scope for the proposed project includes the following;</p> <p>Sewerage Component:</p> <p>Expansion of Sewer line:</p>

- Lay an additional 11km of sewer line to cover areas not included in Phase 1.

Customer Connection Construction:

- Construct 500 more sewer customer connections to supplement the existing infrastructure.
- These targeted initiatives in Phase 2 aim to extend the coverage of the sewer network, ensuring that more areas are served and facilitating increased connectivity for the residents of Ol Kalou and its environs.

Water Components:

Rehabilitation and Expansion of Malewa System Intake Works:

- Undertake major rehabilitation and expansion works at the Malewa system intake works to improve water sourcing and efficiency.

Replacement and Expansion of Raw Water Main:

- Replace and expand the existing 25km raw water main, which is currently dilapidated and prone to bursts, to enhance the reliability and durability of the water transportation system. The Raw water main is proposed to be upgraded to HDPE.

Construction of Additional Storage Tanks:

- Construct additional storage tanks with a minimum combined capacity of 1,000m<sup>3</sup> to bolster water reserve capacity and ensure a consistent and reliable water supply.

Installation of Zonal Meters:

- Install zonal meters to monitor and manage water distribution more effectively, reducing non-revenue water (NRW) and promoting efficient water usage.

Extension of Water Network:

- Extend the water network by 5.5km to expand the coverage area and ensure that more residents have access to a reliable water supply.

**Min 3**

Project anticipated impacts



The EHS officer Kelvin Mwangi explained that ESIA means Environmental

<p>28/11/2023</p>	<p>and Social Impact Assessment and RAP means Resettlement Action Plan.</p> <p>He also explained that public participation involves individuals, groups, or communities in the decision-making processes that affect their lives, their environment, or the broader society.</p> <p>Kelvin Mwangi, explained that the feedback received during the Public Participation process would be carefully recorded, incorporating each member's input and responses from a questionnaire. Subsequently, these valuable insights will be appended to the ESIA and RAP reports, which will be submitted to different regulatory bodies for licensing purposes. He further, emphasized that the Sewer lines and Water lines will be constructed on road reserves and public land to avoid interfering with private properties and if a private property is affected by the Project, it will be evaluated through the National Land Commission and a compensation process will be initiated for all the affected properties within the Cut-off date.</p> <p>The EHS officer Kelvin Mwangi took the participants through the project anticipated impacts that included but was not limited to;</p> <ul style="list-style-type: none"> <li>• Access to clean drinking water: Members of the community will have access to clean drinking water</li> <li>• Access to improved sanitation facilities</li> <li>• Employment opportunities: During the construction</li> <li>• Economic growth: There will be economic growth in the area</li> <li>• Empowerment and Community Participation: During the implementation phase, there will be community engagement and participation. Community members will be actively involved in decision-making, project planning, and sometimes even construction. This participatory approach fosters a sense of ownership, empowerment, and community cohesion, leading to long-term sustainability and success of the project.</li> </ul> <p>The EHS Officer Kelvin Mwangi explained that there will be anticipated negative impacts during the construction phase, he further explained that mitigation measures will be put in place to prevent the negative impacts.</p>
<p>Min 4</p>	<p>Project support</p>

<p><b>28/11/2023</b></p>	<p>Prior to moving on to the comments and responses section, the consultant EHS, Kelvin Mwangi, inquired whether the community members would express their support for the Project by raising their hands. All community members raised their hands in favour of the Project's implementation.</p>
<p><b>Min 5</b></p> <p><b>28/12/2023</b></p>	<p>Discussion/Comment &amp; Responses</p> <p>The EHS Officer, Kelvin Mwangi, initiated the discussion by encouraging the attendees to ask questions. The following represents comments and responses of the discussions;</p> <p>Comment: Mr. Anthony Maina wanted to know why some section of Vartican were left out from the Ol kalou Phase II Project</p> <p>Response:</p> <p>The consultant communicated to the participants that the funding encompassed regions regarded as sensitive with high population density. Additionally, the consultant mentioned that the areas previously excluded would be taken into account in future considerations</p> <p>Comment: Mr. James Mwangi wanted to know whether during the Project Implementation the excavated trenches will be hoarded off and covered.</p> <p>Response: The consultant apprised the attendee that, in alignment with the Health and Safety Plan, the contractor would be directed to secure excavated areas</p> <p>Comment: Mr. Paul Kanyagi inquired about the status of an agreement regarding a section of land through which the sewer line is planned to pass, seeking clarification on whether an agreement had been reached for access through private land.</p> <p>Response: The consultant conveyed to the attendee that a Resettlement Action Plan (RAP) would be formulated for the Project Affected Persons (PAPs), ensuring that those affected would be considered, and agreements would be reached accordingly.</p> <p>Comment: Mr. Peter Gatu sought information about the covers that would be utilized during the implementation of the project. This inquiry stemmed from concerns about the vulnerability of the covers used in Phase I to vandalism.</p> <p>Response: The consultant clarified that efforts are underway to explore</p>

	alternatives for covers that are less susceptible to vandalism. Additionally, it was emphasized that community engagement is crucial; the community is encouraged to take ownership of the project and play a role as watchdogs by reporting any incidents of theft or vandalism.
<b>Min 6</b>  <b>28/11/2023</b>	<p>Any Other Business</p> <p>The Consultant thanked the attendees for taking their time to attend the meeting and assured them that their concerns would be put into consideration.</p> <p>The EHS Officer Kelvin Mwangi, assured the members of the community that the project would ensure water and sanitation facilities are improved. He thanked all for attending the meeting.</p>
<b>Min 7</b>  <b>28/11/2023</b>	<p>Meeting Closure</p> <p>There being no other business, the Consultant thanked all members for attending the meeting and meeting was adjourned at 3:00 PM with a word of prayer from Samuel Murathe.</p>

## Attendance list

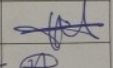
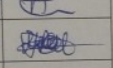
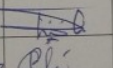
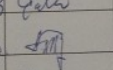
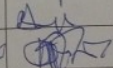
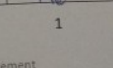
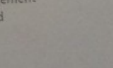
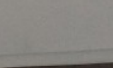



CONSULTANCY SERVICES FOR DESIGN REVIEW, PREPARATION OF TENDER DOCUMENTS AND SUPERVISION OF OL'KALOU TOWN SEWERAGE PROJECT


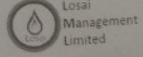
Purpose:

Date:

Venue: Vakora

No.	Name	Organization	Designation	Email	PhoneNo	Signature
1.	<u>MUNA I. NURAYA</u>	MINISTRY OF INTERIOR AND NATIONAL ADMINISTRATION	ASSISTANT CHIEF	<u>ikace Mung-Mungya 1285@gmail.com</u>	0723032983	
2.	<u>Antony Mwangi</u>		<u>Vakora Resident</u>	<u>antony.mwangi@gmail.com</u>	0721674165	
3.	<u>FRANCIS P.K. MATHENGE</u>		<u>Vakora Resident</u>		0721232940	
4.	<u>SAMSON M. KIMERIA</u>		<u>Vakora Resident</u>		0726336031	
5.	<u>PETER GATU</u>		<u>"</u>	<u>Pelegah 59</u>	0711601473	
6.	<u>JAMES K. MWANGI</u>		<u>Vakora Resident</u>	<u>Kimani@gmail.com</u>	0724261130	
7.	<u>John C. Njenga</u>		<u>Resident</u>	<u>johnnyng@gmail.com</u>	0733669129	
8.	<u>JESSE MBATIA</u>		<u>RESIDENT</u>	<u>jesswmbatia@gmail.com</u>	0721-72644	

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CONSULTANCY SERVICES FOR DESIGN REVIEW, PREPARATION OF TENDER DOCUMENTS AND SUPERVISION OF OL'KALOU TOWN SEWERAGE PROJECT

Purpose:

Date:

Venue:

No.	Name	Organization	Designation	Email	PhoneNo	Signature
17.	SAMUEL MURAITI		Vatican Resident		0726336041	
18.	JOSEPH KAMWAGO		Vatican Resident		072309549	
19.	ERASTUS MWAITHI		Vatican Resident		0724413225	
20.	ZIPPORAH MWANGI		Vatican Resident		0724320684	
21.	JOSEPH G. MAINA		Vatican Resident		0723761609	
22.	JANE NJERI NANGI		Vatican Resident		0723951756	
23.	TERESIA KIBUY		Vatican Resident		0725310242	

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gath CONSULTING ENGINEERS

Local Management Limited

CONSULTANCY SERVICES FOR DESIGN REVIEW, PREPARATION OF TENDER DOCUMENTS AND SUPERVISION OF OL'KALOU TOWN SEWERAGE PROJECT

Purpose:

Date:

Venue:


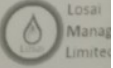
No.	Name	Organization	Designation	Email	PhoneNo	Signature
9.	ISAAC IRUNGU		VATICAN		0729543557	
10.	STANLEY K. WANJOHI		VATICAN RESIDENT	kinyasas@gmail	0725308632	
11.	STEPHEN K. COCHUKI		VATICAN RESIDENT		0797557811	
12.	PAUL M. KARIYAGU		VATICAN RESIDENT		0703170248	
13.	JAMES K. MACHARIA		VATICAN	N/A	0723262468	
14.	JOHN W. MACHARIA		VATICAN		0726285362	
15.	SAMUEL WACHUKU MURITHI		VATICAN		0794020642	
16.	SAMUEL G. IRUNGU		RESIDENT		2934733	

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gath CONSULTING ENGINEERS

Local Management Limited

MONICAH W NJAMBI	MINISTRY OF HEALTH	PUBLIC HEALTH OFFICE	njambiwonji@gmail.com	0708296012
Storm Wambugu	Consultant	C.L.O	wambugu.storm@gmail.com	0705807668

Minutes of Public Participation Signed by

Client

Central Rift Valley Water Works Development Agency

Name: Phillip Kimeli

Signature:



Date: 3<sup>rd</sup> July 2024

Local Administration (Chief/Ass.Chief)

Name MUNA MUZA YA

Signature ASST CHIEF  
OLKALOU TOWN

Date 28/11/2023

Consultant (Losai Management Limited)

Name kelvin mwangi

Signature KCM

Date 06/19/2024



CONSULTANCY SERVICES FOR DESIGN REVIEW, PREPARATION OF TENDER DOCUMENTS AND SUPERVISION OF OL'KALOU TOWN SEWERAGE PROJECT

Minutes of public participation Meeting for Malewa held on November 30, 2023 at 10.00 AM-12:00 PM at Malewa Grounds.

<b>Project:</b>	CONSULTANCY SERVICES FOR DESIGN REVIEW, PREPARATION OF TENDER DOCUMENTS AND SUPERVISION OF OL'KALOU TOWN SEWERAGE PROJECT
<b>Subject:</b>	Minutes of Public Participation
<b>Date and Time:</b>	November 30, 2023 at 10:00 AM-12.00PM
<b>Venue:</b>	Malewa Grounds

CONSULTANT:

 <p>Gath Consulting Engineers Muthangari Drive/off Waiyaki Way P.O BOX 14279, /00800, Nairobi, Kenya <a href="tel:254-020-4441473/4444837">Tel:254-020-4441473/4444837</a> Email:<a href="mailto:gce@gathkenya.com">gce@gathkenya.com</a></p>	 <p>Losai Management Limited <i>Local Office:</i> 15 Westlands Road, Office N° 09 P.O. Box 30337 – 00100 Nairobi, KENYA Tel. +254 718 875 310, +254 788 352 533 Email : <a href="mailto:info@losaimanagement.com">info@losaimanagement.com</a></p>	 <p>Head Office: 2, rue Sahab Ibn Abbad, Cité Jardins BP 16, 1002, Belvédère, Tunis - Tunisia Tél : (+216) 71 89 45 65 E-mail: <a href="mailto:direction@scet-tunisie.com.tn">direction@scet-tunisie.com.tn</a></p>
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## MEMBERS PRESENT

NO.	NAME	DESIGNATION	ORGANIZATION
1.	Kelvin Mwangi	EHSS	Losai
2.	Storm Wambugu	CLO	Losai
3.	Dickson Mwangi	TM	OLWASCO
4.	Monica Njambi	PHO	Ministry of Health
5.	Margret Karanja	Chief	NGAO
6.	Mary N. Kirimi	Ass.Chief	NGAO
7.	Jorum Waithaka	Ass.Chief	NGAO
8.	Mary Mwangi	Ass.Chief	NGAO

## AGENDA

1. Introduction.
2. Meeting Agenda, Project brief and scope of works.
3. Project anticipated impacts
4. Project support
5. Comments and Response section
6. A.O.B
7. Meeting Closure

MINUTE No.	ITEM DESCRIPTION
<b>Min 1</b> <b>30/11/2023</b>	<p>Introduction</p> <p>The meeting began at 10:00 A.M. with a word of prayer from Madam. Margaret Karanja. This was followed by self-introductions by all members. The Chief welcomed the attendees and handed over the meeting to the Consultant to take the community members through the agenda of the day.</p>
<b>Min 2</b> <b>30/11/2023</b>	<p>Meeting Agenda, project brief and scope</p> <p>The EHS officer Kelvin Mwangi explained that the meeting Agenda was:</p> <ul style="list-style-type: none"> <li>To engage the community members in the public participation meeting which will play a vital role in ensuring that the ESIA and RAP reports are comprehensive, well-informed, and inclusive, leading to better decision-making and more responsible and sustainable project development.</li> <li>To engage the community members in understanding the scope of works that was proposed Water and Sanitation Project</li> </ul> <p><b>Project brief</b></p> <p>The EHS Officer Kelvin Mwangi gave a brief introduction of the Project and stated that the Consulting agency as Losai Management Limited and Gath Consultants. He described the company as an engineering consulting firm contracted by Central Rift Valley Water Works Development Agency (CRVWWDA) to oversee the implementation of a water and sanitation project in the Ol kalou Sewerage Project Phase II. The EHS Kelvin Mwangi further explained that the Project was a continuation of Phase I of the Ol Kalou Sewerage Project.</p> <p><b>Scope</b></p> <p>The Consultant outlined the planned actions of the project intervention, which would encompass the following initiatives:</p> <p>The scope for the proposed project includes the following;</p> <p>Sewerage Component:</p> <p>Expansion of Sewer line:</p> <ul style="list-style-type: none"> <li>Lay an additional 11km of sewer line to cover areas not included in Phase 1.</li> </ul>



Customer Connection Construction:

- Construct 500 more sewer customer connections to supplement the existing infrastructure.
- These targeted initiatives in Phase 2 aim to extend the coverage of the sewer network, ensuring that more areas are served and facilitating increased connectivity for the residents of Ol Kalou and its environs.

Water Components:

Rehabilitation and Expansion of Malewa System Intake Works:

- Undertake major rehabilitation and expansion works at the Malewa system intake works to improve water sourcing and efficiency.

Replacement and Expansion of Raw Water Main:

- Replace and expand the existing 25km raw water main, which is currently dilapidated and prone to bursts, to enhance the reliability and durability of the water transportation system. The Raw water main is proposed to be upgraded to HDPE.

Construction of Additional Storage Tanks:

- Construct additional storage tanks with a minimum combined capacity of 1,000m<sup>3</sup> to bolster water reserve capacity and ensure a consistent and reliable water supply.

Installation of Zonal Meters:

- Install zonal meters to monitor and manage water distribution more effectively, reducing non-revenue water (NRW) and promoting efficient water usage.

Extension of Water Network:

- Extend the water network by 5.5km to expand the coverage area and ensure that more residents have access to a reliable water supply.

Min 3

30/11/2023

Project anticipated impacts

The EHS officer Kelvin Mwangi explained that ESIA means Environmental and Social Impact Assessment and RAP means Resettlement Action Plan.

He also explained that public participation involves individuals, groups, or communities in the decision-making processes that affect their lives, their environment, or the broader society.

	<p>Kelvin Mwangi, explained that the feedback received during the Public Participation process would be carefully recorded, incorporating each member's input and responses from a questionnaire. Subsequently, these valuable insights will be appended to the ESIA and RAP reports, which will be submitted to different regulatory bodies for licensing purposes. He further, emphasized that the Sewer lines and Water lines will be constructed on road reserves and public land to avoid interfering with private properties and if a private property is affected by the Project, it will be evaluated through the National Land Commission and a compensation process will be initiated for all the affected properties within the Cut-off date.</p> <p>The EHS officer Kelvin Mwangi took the participants through the project anticipated impacts that included but was not limited to;</p> <ul style="list-style-type: none"> <li>• Access to clean drinking water: Members of the community will have access to clean drinking water</li> <li>• Access to improved sanitation facilities</li> <li>• Employment opportunities: During the construction</li> <li>• Economic growth: There will be economic growth in the area</li> <li>• Empowerment and Community Participation: During the implementation phase, there will be community engagement and participation. Community members will be actively involved in decision-making, project planning, and sometimes even construction. This participatory approach fosters a sense of ownership, empowerment, and community cohesion, leading to long-term sustainability and success of the project.</li> </ul> <p>The EHS Officer Kelvin Mwangi explained that there will be anticipated negative impacts during the construction phase, he further explained that mitigation measures will be put in place to prevent the negative impacts.</p>
<p><b>Min 4</b></p> <p><b>30/11/2023</b></p>	<p><b>Project support</b></p> <p>Prior to moving on to the comments and responses section, the consultant EHS, Kelvin Mwangi, inquired whether the community members would express their support for the Project by raising their hands. All community members raised their hands in Favor of the Project's implementation but opposed the implementation of the Intake above their existing intake.</p>



<p><b>Min 5</b></p> <p><b>30/11/2023</b></p>	<p>Discussion/Comment &amp; Responses</p> <p>The EHS Officer, Kelvin Mwangi, initiated the discussion by encouraging the attendees to ask questions. The following represents comments and responses of the discussions;</p> <p>Comment: The residents expressed concern that constructing the new intake above their current intake could potentially result in water scarcity for them. They emphasized that the residents of Malewa heavily depend on water from their existing intake. Consequently, they opposed the construction of the new intake, highlighting the potential adverse impact on their access to water resources.</p> <p>Response:</p> <p>The consultant explained that the residents have raised a valid concern regarding the proposed construction of the new intake. Their worry about potential water scarcity, especially considering the significant dependence on the existing intake in Malewa, has been acknowledged. The consultant recognizes the importance of addressing these concerns in the project planning phase to ensure that the construction of the new intake does not adversely affect the water supply for the residents. The aim is to find a balanced solution that meets the project goals while safeguarding the water needs of the Malewa community.</p>
<p><b>Min 6</b></p> <p><b>30/11/2023</b></p>	<p>Any Other Business</p> <p>The Consultant thanked the attendees for taking their time to attend the meeting and assured them that their concerns would be put into consideration.</p> <p>The EHS Officer Kelvin Mwangi, assured the members of the community that the project would ensure water and sanitation facilities are improved. He thanked all for attending the meeting.</p>
<p><b>Min 7</b></p> <p><b>30/11/2023</b></p>	<p>Meeting Closure</p> <p>There being no other business, the Consultant thanked all members for attending the meeting and meeting was adjourned at 3:00 PM with a word of prayer from Mary Karimi.</p>

Minutes of Public Participation Signed by

Client

Central Rift Valley Water Works Development Agency

Name: Phillip Kimeli

Signature:



Date: 3<sup>rd</sup> July 2024

Local Administration (Chief/Ass.Chief)

Name MUNA MUNA YA

Signature ASST CHIEF  
OL'KALOU TOWN

Date 28/11/2023

Consultant (Losai Management Limited)

Name kelvin mwangi

Signature KM

Date 06/19/2024



**CONSULTANCY SERVICES FOR DESIGN REVIEW, PREPARATION OF TENDER DOCUMENTS AND SUPERVISION OF OL'KALOU TOWN SEWERAGE PROJECT**

**Minutes of Public participation Meeting for Kiganjo held on November 30, 2023 at 2.00 PM-5:00 PM at Kiganjo Chiefs Camp.**

Project:	CONSULTANCY SERVICES FOR DESIGN REVIEW, PREPARATION OF TENDER DOCUMENTS AND SUPERVISION OF OL'KALOU TOWN SEWERAGE PROJECT
Subject:	Minutes of Public Participation
Date and Time:	November 30, 2023 at 2:00 PM-5.00PM
Venue:	Kiganjo Chiefs Camp

**CONSULTANT:**

 <b>Gath Consulting Engineers</b> Muthangari Drive/off Waiyaki Way P.O BOX 14279, /00800, Nairobi, Kenya Tel: <a href="tel:254-020-4441473">254-020-4441473</a> / <a href="tel:254-020-4444837">4444837</a> Email: <a href="mailto:gce@gathkenya.com">gce@gathkenya.com</a>	 <b>Losai Management Limited</b> Local Office: 15 Westlands Road, Office N° 09 P.O. Box 30337 - 00100 Nairobi, KENYA Tel. +254 718 875 310, +254 788 352 533 Email : <a href="mailto:info@losaimanagement.com">info@losaimanagement.com</a>	 <b>SCET TUNISIE</b> Head Office: 2, rue Sahab Ibn Abbad, Cité Jardins BP 16, 1002, Belvédère, Tunis - Tunisia Tél : (+216) 71 89 45 65 E-mail: <a href="mailto:direction@scet-tunisie.com.tn">direction@scet-tunisie.com.tn</a>
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MEMBERS PRESENT ( The full is attached)

NO.	NAME	DESIGNATION	ORGANIZATION
1.	Kelvin Mwangi	EHSS	Losai
2.	Storm Wambugu	CLO	Losai
3.	Dickson Mwangi	TM	OLWASCO
4.	Margret Karanja	Chief	NGAO
5.	Francis Weru	Chief	NGAO
6.	Shadrack Mwangi	Ass.Chief	NGAO
7.	Elizabeth Mwaura	Ass.Chief	NGAO
8.	Joseph Waruingi	Resident	Resident
9.	Nicholas Mwangi	Resident	Resident
10.	Simon Murage	Resident	Resident
11.	Jeams Nduati	Resident	Resident
12.	Christopher Mukira	Resident	Resident
13.	Michael Mukoma	Resident	Resident
14.	Francis Gikori	Resident	Resident
15.	Peter Murimi	Resident	Resident
16.	Peter Mwaura	Resident	Resident

17.	David Wanderi	Resident	Resident
18.	Joseph Njenga	Resident	Resident
19.	Mary Wambui	Resident	Resident
20.	Mary Wairimu	Resident	Resident
21.	Francis Waru	Resident	Resident
22.	Shadrack Mwangi	Resident	Resident
23.	Evan Githungo	Resident	Resident
24.	John Mwaura	Resident	Resident
25.	Magdalyne Magut	Resident	Resident

#### AGENDA

1. Introduction.
2. Meeting Agenda, Project brief and scope of works.
3. Project anticipated impacts
4. Project support
5. Comments and Response section
6. A.O.B
7. Meeting Closure

MINUTE No.	ITEM DESCRIPTION
<b>Min 1</b>	Introduction
<b>30/11/2023</b>	The meeting began at 2:00 P.M. with a word of prayer from Mr. Margret Evan Githungo. This was followed by self-introductions by all members. The Chief welcomed the attendees and handed over the meeting to the Consultant to take the community members through the agenda of the day.
<b>Min 2</b>	Meeting Agenda, project brief and scope
<b>30/11/2023</b>	<p>The EHS officer Kelvin Mwangi explained that the meeting Agenda was:</p> <ul style="list-style-type: none"> <li>• To engage the community members in the public participation meeting which will play a vital role in ensuring that the ESIA and RAP reports are comprehensive, well-informed, and inclusive, leading to better decision-making and more responsible and sustainable project development.</li> <li>• To engage the community members in understanding the scope of works that was proposed Water and Sanitation Project</li> </ul> <p><b>Project brief</b></p> <p>The EHS Officer Kelvin Mwangi gave a brief introduction of the Project and stated that the Consulting agency as Losai Management Limited and Gath Consultants. He described the company as an engineering consulting firm contracted by Central Rift Valley Water Works Development Agency (CRVWWDA) to oversee the implementation of a water and sanitation project in the Ol kalou Sewerage Project Phase II. The EHS Kelvin Mwangi further explained that the Project was a continuation of Phase I of the Ol Kalou Sewerage Project.</p> <p><b>Scope</b></p> <p>The Consultant outlined the planned actions of the project intervention, which would encompass the following initiatives:</p> <p>The scope for the proposed project includes the following;</p> <p>Sewerage Component:</p> <p>Expansion of Sewer line:</p>

- Lay an additional 11km of sewer line to cover areas not included in Phase 1.

Customer Connection Construction:

- Construct 500 more sewer customer connections to supplement the existing infrastructure.
- These targeted initiatives in Phase 2 aim to extend the coverage of the sewer network, ensuring that more areas are served and facilitating increased connectivity for the residents of Ol Kalou and its environs.

Water Components:

Rehabilitation and Expansion of Malewa System Intake Works:

- Undertake major rehabilitation and expansion works at the Malewa system intake works to improve water sourcing and efficiency.

Replacement and Expansion of Raw Water Main:

- Replace and expand the existing 25km raw water main, which is currently dilapidated and prone to bursts, to enhance the reliability and durability of the water transportation system. The Raw water main is proposed to be upgraded to HDPE.

Construction of Additional Storage Tanks:

- Construct additional storage tanks with a minimum combined capacity of 1,000m<sup>3</sup> to bolster water reserve capacity and ensure a consistent and reliable water supply.

Installation of Zonal Meters:

- Install zonal meters to monitor and manage water distribution more effectively, reducing non-revenue water (NRW) and promoting efficient water usage.

Extension of Water Network:

- Extend the water network by 5.5km to expand the coverage area and ensure that more residents have access to a reliable water supply.

<b>Min 3</b>	Project anticipated impacts
<b>30/11/2023</b>	<p>The EHS officer Kelvin Mwangi explained that ESIA means Environmental and Social Impact Assessment and RAP means Resettlement Action Plan.</p> <p>He also explained that public participation involves individuals, groups, or communities in the decision-making processes that affect their lives, their</p>

	<p>environment, or the broader society.</p> <p>Kelvin Mwangi, explained that the feedback received during the Public Participation process would be carefully recorded, incorporating each member's input and responses from a questionnaire. Subsequently, these valuable insights will be appended to the ESIA and RAP reports, which will be submitted to different regulatory bodies for licensing purposes. He further, emphasized that the Sewer lines and Water lines will be constructed on road reserves and public land to avoid interfering with private properties and if a private property is affected by the Project, it will be evaluated through the National Land Commission and a compensation process will be initiated for all the affected properties within the Cut-off date.</p> <p>The EHS officer Kelvin Mwangi took the participants through the project anticipated impacts that included but was not limited to;</p> <ul style="list-style-type: none"> <li>• Access to clean drinking water: Members of the community will have access to clean drinking water</li> <li>• Access to improved sanitation facilities</li> <li>• Employment opportunities: During the construction</li> <li>• Economic growth: There will be economic growth in the area</li> <li>• Empowerment and Community Participation: During the implementation phase, there will be community engagement and participation. Community members will be actively involved in decision-making, project planning, and sometimes even construction. This participatory approach fosters a sense of ownership, empowerment, and community cohesion, leading to long-term sustainability and success of the project.</li> </ul> <p>The EHS Officer Kelvin Mwangi explained that there will be anticipated negative impacts during the construction phase, he further explained that mitigation measures will be put in place to prevent the negative impacts.</p>
<b>Min 4</b>	Project support
<b>30/11/2023</b>	<p>Prior to moving on to the comments and responses section, the consultant EHS, Kelvin Mwangi, inquired whether the community members would express their support for the Project by raising their hands. All community members raised their hands in Favor of the Project's implementation</p>



<p><b>Min 5</b></p> <p><b>30/11/2023</b></p>	<p>Discussion/Comment &amp; Responses</p> <p>The EHS Officer, Kelvin Mwangi, initiated the discussion by encouraging the attendees to ask questions. The following represents comments and responses of the discussions;</p> <p>Comment: Mr. Joseph Waruingi enquired whether the Project will supply sufficient water to the Residents of Kiganjo</p> <p>Response: The consultant articulated that the project's objective is to enhance water supply in the area by substituting the aging UPV pipes with High-Density Polyethylene (HDPE) pipes from the Kiganjo Intake.</p> <p>Comment: Madam Mary Wairimu enquired about the Sewerage charges</p> <p>Response: Mr. Dixon Njoroge communicated that upon the completion of the project, residents are encouraged to visit the Ol kalou Water and Sewerage Company to gain information about the applicable charges. He further clarified that these charges constitute a modest percentage relative to the amount of water consumed</p> <p>Comment: Mr. Shadrack Mwangi wanted to know how sewerage connection will be conducted</p> <p>Response: The consultant outlined that the connection process would entail the construction of customer chambers located outside households. Subsequently, the responsibility for connecting toilets to these pre-existing customer chambers would be assumed by the respective household owners</p> <p>Comment: Mr. Peter Mwaura wanted to know whether the Project will affect private land</p> <p>Response: The Consultant stated that the Sewer lines will be constructed in road existing wayleaves hence will not affect private lands</p>
<p><b>Min 6</b></p> <p><b>30/11/2023</b></p>	<p>Any Other Business</p> <p>The Consultant thanked the attendees for taking their time to attend the meeting and assured them that their concerns would be put into consideration.</p> <p>The EHS Officer Kelvin Mwangi, assured the members of the community that the project would ensure water and sanitation facilities are improved. He thanked all for attending the meeting.</p>

<p><b>Min 7</b></p> <p><b>30/11/2023</b></p>	<p>Meeting Closure</p> <p>There being no other business, the Consultant thanked all members for attending the meeting and meeting was adjourned at 3:00 PM with a word of prayer from Mary Karimi.</p>

## Attendance

CONSULTANCY SERVICES FOR DESIGN REVIEW, PREPARATION OF TENDER DOCUMENTS AND SUPERVISION OF OL'KALOU TOWN SEWERAGE PROJECT

Purpose:



Date:

Venue: Kigango.

No.	Name	Organization	Designation	Email	PhoneNo	Signature
1.	KELVIN Mwangi	CONSULTANT	Engr. E. H. S.	kelvinmwangi2411@gmail.com	070485086	
2.	Strom Wambugu	Consultant	C.I.O	wambugustrom@gmail.com	0705807668	
3.	Dixon MURAGE	DEWASCO	TM	olixonjiruge@gmail.com	0720170747	
4.	Joseph Waringu	Farmer	Resident		0720112140	
5.	Nicholas Mwangi Mathenge	Farmer	Resident		0703621760	
6.	Simon Muragu Mwachira				096617400	
7.	J. James Ndutu				0723361747	
8.	CHRISTOPHER MATHIANTH MUKIRA	DEWASCO	RESIDENT	chrismukira2@gmail.com	073558454	
9.	M. M. M. MUKOMA		Resident		0722360661	
10.	FRANCIS GIKORI		Resident		0722800714	

gath CONSULTANCY SERVICES

Local Management Limited








**CONSULTANCY SERVICES FOR DESIGN REVIEW, PREPARATION OF TENDER DOCUMENTS AND SUPERVISION OF OL'KALOU TOWN SEWERAGE PROJECT**

Purpose: \_\_\_\_\_

Date: \_\_\_\_\_ Venue: \_\_\_\_\_

No.	Name	Organization	Designation	Email	PhoneNo	Signature
9.	Peter K. Muriu	ELWASCO	RESIDENT	Pmurini@gmail.com	0722897963	<i>Ag</i>
10.	Peter M. Mwangi	village elder	Resident	Pmichael@gmail.com	0713842272	<i>P.M.</i>
11.	David Wondari	Farmer	resident	Dwonderi@gmail.com	0724809956	<i>D.W.</i>
12.	Joseph Njenga	Farmer water	resident			
13.	Mary Wambui	Farmer	resident	Marywambui25@gmail.com	0720 023981	<i>M.W.</i>
14.	MARY WAKIMU	FARMER	II		0726657662	<i>M.W.</i>
15.	FRANCIS WONGI	CHIEF (ASST)	CHIEF	Franciswongi@gmail.com	0700256799	<i>F.W.</i>
16.	SHADRACK MWANGI	ASST CHIEF	ASST. CHIEF	shadrackwongi@gmail.com	0727659773	<i>S.M.</i>



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**CONSULTANCY SERVICES FOR DESIGN REVIEW, PREPARATION OF TENDER DOCUMENTS AND SUPERVISION OF OL'KALOU TOWN SEWERAGE PROJECT**

Purpose: \_\_\_\_\_

Date: \_\_\_\_\_ Venue: \_\_\_\_\_

No.	Name	Organization	Designation	Email	PhoneNo	Signature
17.	ELIZABETH MWATURA	ADM	ADM.		0720204128	
18.	EVAN CUTHBERTO	Community			0726994573	
19.	John Mwakura	" "	Resident		0728685798	
20.	Magdalene Mogut				0722290729	
21.						
22.						
23.						





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**Minutes of Public Participation Signed by**

**Client**

**Central Rift Valley Water Works Development Agency**

Name: Phillip Kimeli

Signature:



Date: 3<sup>rd</sup> July 2024

Local Administration (Chief/Ass.Chief)

Name FRANCIS WERA

Signature [Signature]

Date 30/11/2023

ASSISTANT CHIEF  
TETAI SUB-LOCATION  
DATE

Consultant (Losai Management Limited)

Name kelvin mwangi

Signature KM

Date 06/19/2024



**CONSULTANCY SERVICES FOR DESIGN REVIEW, PREPARATION OF TENDER DOCUMENTS AND SUPERVISION OF OL'KALOU TOWN SEWERAGE PROJECT**

**Minutes of Public participation Meeting for Ol Kalou Township held on December 1, 2023 at 11.00 AM-2:00 PM at Ol Kalou Chiefs Camp.**

Project:	CONSULTANCY SERVICES FOR DESIGN REVIEW, PREPARATION OF TENDER DOCUMENTS AND SUPERVISION OF OL'KALOU TOWN SEWERAGE PROJECT
Subject:	Minutes of Public Participation
Date and Time:	December 1, 2023 at 11:00 PM-2.00PM
Venue:	Chiefs Camp

**CONSULTANT:**

 <b>Gath Consulting Engineers</b> Muthangari Drive/off Waiyaki Way P.O BOX 14279, /00800, Nairobi, Kenya <u><a href="tel:254-020-4441473/4444837">Tel:254-020-4441473/4444837</a></u> Email: <u><a href="mailto:gce@gathkenya.com">gce@gathkenya.com</a></u>	 <b>Losai Management Limited</b> <b>Local Office: 15 Westlands Road, Office N° 09</b> P.O. Box 30337 - 00100 Nairobi, KENYA Tel. +254 718 875 310, +254 788 352 533 Email : <u><a href="mailto:info@losaimanagement.com">info@losaimanagement.com</a></u>	 <b>SCET TUNISIE</b> Head Office: 2, rue Sahab Ibn Abbad, Cité Jardins BP 16, 1002, Belvédère, Tunis - Tunisia Tél : (+216) 71 89 45 65 E-mail: <u><a href="mailto:direction@scet-tunisie.com.tn">direction@scet-tunisie.com.tn</a></u>
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MEMBERS PRESENT (The full list is attached)

NO.	NAME	DESIGNATION	ORGANIZATION
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1.	Kelvin Mwangi	EHSS	Losai
2.	Storm Wambugu	CLO	Losai
3.	Dickson Mwangi	TM	OLWASCO
4.	Teresia Mwangi	Agricultural Officer	County Agricultural Department
5.	Muna Muraya	Chief	NGAO
6.	Fredrick Kibui	Ass.Chief	NGAO
7.	Emma Muthoni	Ass.Chief	NGAO
8.	Monica Nduta	Head Teacher	Day spring school
9.	Josphine Kibuthu	Resident	Resident
10.	Peter Ndungu	Resident	Resident
11.	Josephat Gacheru	Resident	Resident
12.	John Wahome	Resident	Resident
13.	Jane Wambui	Resident	Resident
14.	Joseph Kingori	Resident	Resident
15.	James Kago	Resident	Resident
16.	William Macharia	Resident	Resident
17.	Ndungu Ndarua	Resident	Resident
18.	Mary Gitonga	Resident	Resident
19.	Samson Kingori	Resident	Resident
20.	Gichungo Charles	Resident	Resident
21.	Fredrick Kariuki	Resident	Resident



22.	Steve Maina	Resident	Resident
23.	James Wangui	Resident	Resident
24.	Samson Kimeria	Resident	Resident
25.	Peter Kangethe	Resident	Resident

#### AGENDA

1. Introduction.
2. Meeting Agenda, Project brief and scope of works.
3. Project anticipated impacts
4. Project support
5. Comments and Response section
6. A.O.B
7. Meeting Closure

MINUTE No.	ITEM DESCRIPTION
<b>Min 1</b> <b>01/12/2023</b>	<p>Introduction</p> <p>The meeting began at 2:00 P.M. with a word of prayer from Mr. Steve Maina. This was followed by self-introductions by all members. The Chief welcomed the attendees and handed over the meeting to the Consultant to take the community members through the agenda of the day.</p>
<b>Min 2</b> <b>01/12/2023</b>	<p>Meeting Agenda, project brief and scope</p> <p>The EHS officer Kelvin Mwangi explained that the meeting Agenda was:</p> <ul style="list-style-type: none"> <li>• To engage the community members in the public participation meeting which will play a vital role in ensuring that the ESIA and RAP reports are comprehensive, well-informed, and inclusive, leading to better decision-making and more responsible and sustainable project development.</li> <li>• To engage the community members in understanding the scope of works that was proposed Water and Sanitation Project</li> </ul> <p>Project brief</p> <p>The EHS Officer Kelvin Mwangi gave a brief introduction of the Project and stated that the Consulting agency as Losai Management Limited and Gath Consultants. He described the company as an engineering consulting firm contracted by Central Rift Valley Water Works Development Agency (CRVWWDA) to oversee the implementation of a water and sanitation project in the Ol kalou Sewerage Project Phase II. The EHS Kelvin Mwangi further explained that the Project was a continuation of Phase I of the Ol Kalou Sewerage Project.</p> <p>Scope</p> <p>The Consultant outlined the planned actions of the project intervention, which would encompass the following initiatives:</p> <p>The scope for the proposed project includes the following;</p> <p>Sewerage Component:</p> <p>Expansion of Sewer line:</p> <ul style="list-style-type: none"> <li>• Lay an additional 11km of sewer line to cover areas not included in</li> </ul>

Phase 1.

Customer Connection Construction:

- Construct 500 more sewer customer connections to supplement the existing infrastructure.
- These targeted initiatives in Phase 2 aim to extend the coverage of the sewer network, ensuring that more areas are served and facilitating increased connectivity for the residents of Ol Kalou and its environs.

Water Components:

Rehabilitation and Expansion of Malewa System Intake Works:

- Undertake major rehabilitation and expansion works at the Malewa system intake works to improve water sourcing and efficiency.

Replacement and Expansion of Raw Water Main:

- Replace and expand the existing 25km raw water main, which is currently dilapidated and prone to bursts, to enhance the reliability and durability of the water transportation system. The Raw water main is proposed to be upgraded to HDPE.

Construction of Additional Storage Tanks:

- Construct additional storage tanks with a minimum combined capacity of 1,000m<sup>3</sup> to bolster water reserve capacity and ensure a consistent and reliable water supply.

Installation of Zonal Meters:

- Install zonal meters to monitor and manage water distribution more effectively, reducing non-revenue water (NRW) and promoting efficient water usage.

Extension of Water Network:

- Extend the water network by 5.5km to expand the coverage area and ensure that more residents have access to a reliable water supply.

Min 3

01/12/2023

Project anticipated impacts

The EHS officer Kelvin Mwangi explained that ESIA means Environmental and Social Impact Assessment and RAP means Resettlement Action Plan.

He also explained that public participation involves individuals, groups, or

communities in the decision-making processes that affect their lives, their environment, or the broader society.

Kelvin Mwangi, explained that the feedback received during the Public Participation process would be carefully recorded, incorporating each member's input and responses from a questionnaire. Subsequently, these valuable insights will be appended to the ESIA and RAP reports, which will be submitted to different regulatory bodies for licensing purposes. He further, emphasized that the Sewer lines and Water lines will be constructed on road reserves and public land to avoid interfering with private properties and if a private property is affected by the Project, it will be evaluated through the National Land Commission and a compensation process will be initiated for all the affected properties within the Cut-off date.

The EHS officer Kelvin Mwangi took the participants through the project anticipated impacts that included but was not limited to;



- Access to clean drinking water: Members of the community will have access to clean drinking water
- Access to improved sanitation facilities
- Employment opportunities: During the construction
- Economic growth: There will be economic growth in the area
- Empowerment and Community Participation: During the implementation phase, there will be community engagement and participation. Community members will be actively involved in decision-making, project planning, and sometimes even construction. This participatory approach fosters a sense of ownership, empowerment, and community cohesion, leading to long-term sustainability and success of the project.

The EHS Officer Kelvin Mwangi explained that there will be anticipated negative impacts during the construction phase, he further explained that mitigation measures will be put in place to prevent the negative impacts.

<p><b>Min 4</b></p> <p><b>01/12/2023</b></p>	<p>Project support</p> <p>Prior to moving on to the comments and responses section, the consultant EHS, Kelvin Mwangi, inquired whether the community members would express their support for the Project by raising their hands. All community members raised their hands in Favor of the Project's implementation.</p>
<p><b>Min 5</b></p> <p><b>01/12/2023</b></p>	<p>Discussion/Comment &amp; Responses</p> <p>The EHS Officer, Kelvin Mwangi, initiated the discussion by encouraging the attendees to ask questions. The following represents comments and responses of the discussions;</p> <p>Comment: Mr. Steve Maina enquired on the blocked drainage system in the Township and how the Project will help unblock these drainages</p> <p>Response: The consultant clarified that the project's scope encompasses the construction of sewer lines and the rehabilitation of water pipelines. The responsibility for constructing and maintaining drainages lies with the County. However, the consultant added that if, during the project implementation phase, the contractor impacts existing drainages, they would be authorized to unblock and address issues related to these drainages</p> <p>Comment: Mr. Samson Kimeria stated that there were some areas that lacked sewer within Ol kalou township and wether this areas will be considered during Phase II</p> <p>Response: The consultant explained that the planned expansion of the sewer line was designated for Vartican and Kiganjo, with the implication that the township area would consequently benefit from improved water services. Additionally, the consultant mentioned that the proposal for further consideration in the future would be taken into account.</p> <p>Comment: Mr. James Kago wanted to know the difference between UPV pipes and HDPE</p> <p>Response: The consultant explained that Mr. James Kago inquired about the distinction between UPV (Unplasticized Polyvinyl Chloride) pipes and HDPE (High-Density Polyethylene) pipes. The primary difference lies in the material composition and properties. UPV pipes are made from rigid PVC, offering strength but limited flexibility, while HDPE pipes, crafted from a</p>

	<p>more flexible polymer, provide durability and versatility. The consultant further highlighted that HDPE pipes are favored for their resistance to corrosion and ability to adapt to varying terrain, making them a suitable choice for the project.</p> <p>Comment: Madam. Jane Wambui wanted to know whether the water used for cleaning clothes and washing dishes should be directed into manholes</p> <p>Response: The Consultant stated that the water should be directed into Customer connection chambers near the household, which would later be directed into manholes.</p> <p>Comment: Mr. William Macharia, wanted to know what mitigation measures would be put in place to curb vandalism of manhole covers, since after vandalism of the manhole covers residents throw waste into the chambers leading to blockages</p> <p>Response: The consultant addressed Mr. William Macharia's concern by explaining that mitigating measures would be implemented to prevent vandalism of manhole covers. Strategies include exploring covers less prone to vandalism. Additionally, community involvement was emphasized, encouraging residents to take ownership of the project, act as watchdogs, and report any incidents of vandalism or waste disposal in the chambers to prevent blockages. The aim is to foster a collaborative effort in maintaining the infrastructure's integrity.</p>
<p><b>Min 6</b></p> <p><b>01/12/2023</b></p>	<p>Any Other Business</p> <p>The Consultant thanked the attendees for taking their time to attend the meeting and assured them that their concerns would be put into consideration.</p> <p>The EHS Officer Kelvin Mwangi, assured the members of the community that the project would ensure water and sanitation facilities are improved. He thanked all for attending the meeting.</p>
<p><b>Min 7</b></p> <p><b>01/12/2023</b></p>	<p>Meeting Closure</p> <p>There being no other business, the Consultant thanked all members for attending the meeting and meeting was adjourned at 2:00 PM with a word of prayer from Mary Karimi.</p>

## Attendance






CONSULTANCY SERVICES FOR DESIGN REVIEW, PREPARATION OF TENDER DOCUMENTS AND SUPERVISION OF OL'KALOU TOWN SEWERAGE PROJECT

Purpose: ESIA

Date: \_\_\_\_\_ Venue: Township

No.	Name	Organization	Designation	Email	PhoneNo	Signature
17.	Theresa W. Mwangi	Agencia CS Ltd	Director	theresawmangi@gmail.com	0712389772	
18.	M. Monica Ndita Kamau	Dayspring school	Manager	maymonica.ndita@gmail.com	0720465084	
19.	Josphine KIBUTHU		Caretaker	Kibuthujw@gmail.com	0758359775	
20.	Benard Wanja		elder	benardwanja@gmail.com	0713817394	
21.	PETER NYUNGU	JOYCE MAINA PLOTS	Manager		0759357105	
22.	JOSEPHAT GACHERU G.		plot owner		0720471867	
23.	John Wahoire		plot owner		0721749996	





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CONSULTANCY SERVICES FOR DESIGN REVIEW, PREPARATION OF TENDER DOCUMENTS AND SUPERVISION OF OL'KALOU TOWN SEWERAGE PROJECT

Purpose:

Date:

Venue:

No.	Name	Organization	Designation	Email	PhoneNo	Signature
9.	KELVIN Mwangi	LOSAI	EHSS	kelvinmwangi2411@gmail.com	0704555082	
10.	ISAAC NUNA MURAYA	MINISTRY OF INTERIOR AND NATIONAL ADMINISTRATION	CHIEF	isaacmunga2000@gmail.com	0723032983	
11.	DIXON NJOROGE	OZUMASCO	AGTM	dixonnjoroqe@gmail.com	072070742	
12.	JANE WAMBUI		PRESIDENT BAHATI ESTATE		0729150946	
13.	Joseph Kingori		Bahati Estate		0723389105	
14.	JAMES KASO		" "		0722224723	
15.	WILLIAM MACHARIA		" "		072868213	
16.	EDUNGU NBARUA		ELDER		0714636558	

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CONSULTANCY SERVICES FOR DESIGN REVIEW, PREPARATION OF TENDER DOCUMENTS AND SUPERVISION OF OL'KALOU TOWN SEWERAGE PROJECT

Purpose:

Date:

Venue:

No.	Name	Organization	Designation	Email	PhoneNo	Signature
9.	MARY W. GITONGA	VILLAGE ELDER		Wanjiku Gitonga 910 @ G. mail	0720 080132	W
10.	SAMSON R. KINHORI	BAHATI ESTATE			0733 620367	Samson
11.	GICHUNGU CHARLES	BANKERS			0725316260	Charles
12.	Dredrick Laniuk	BAHATI			0720134535	Dredrick
13.	Steve Mwangi	Bankers			0731 234499	Steve
14.	James Wang	Bankers			0723846570	James
15.	Samson M. Kihang	Vatican			0726336031	Samson
16.	Peter M. Kariuki	Buckers		Peter Kariuki 1968 @ Gmail.com	0716503535	Peter

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**gath**  
GATH LIMITED

**Losai Management Limited**

Minutes of Public Participation Signed by

Client

Central Rift Valley Water Works Development Agency

Name: Phillip Kimeli

Signature:



Date: 3<sup>rd</sup> July 2024

Local Administration (Chief/Ass.Chief)

Name MUNA MURRAYA

Signature ASST CHIEF  
OL'KALOU TOWN

Date 28/11/2023

Consultant (Losai Management Limited)

Name kelvin mwangi

Signature KM

Date 06/19/2024

### Appendix 3-Socio-economic survey questionnaire



REPUBLIC OF KENYA



#### ESIA QUESTIONNAIRE

The Government of Kenya has received Credit facility from the African Development Bank (AfD) towards the cost of the OL kalou Sewerage Project Phase II and intends to apply part of the credit to procure Consultancy Services for Design Review, Preparation of Tender Documents and Supervision of Ol'kalou Town Sewerage Project

You have been selected to participate in this exercise and we would highly appreciate your assistance for responding to all questions in this questionnaire adequately and appropriately as possible. Please fill in the following questionnaire giving in your comments where necessary.

This questionnaire is intended to ensure there is adequate Consultations & Public Participation (CPP) before implementation of the said project. It is proposed this questionnaire is filled and signed by members of the surrounding community and institutions in the area of the said project, as required by the National Environment Management Authority, NEMA and African Development Bank.

**Your response will be treated with confidentiality and will only be used for the purpose of this project.**

#### Respondents' Details

Name (Optional) Jina (Kwa hiari)	PAUL KARIYAGO MBOGO
ID Number (Optional): Namba ya Kitambulisho (Kwa hiari)	20724513
Telephone (Optional): Namba ya Simu (Kwa hiari)	0703 170 248
Project area: Eneo la mradi	UHTI CANI

1. How long have you lived in this area (umeishakatikaeneohilikwamudamgani)

Time	Tick appropriately
Months (indicate the number)	
1-2 Years	
3-5 Years	
6-10 Years	
More than 10 Years	<input checked="" type="checkbox"/>

2. What is your occupation (Unafanyakazi/biasharagani?)

Occupation	Tick appropriately
Fisherman(Mvuvu)	
Farmer (Mkulima)	<input checked="" type="checkbox"/>
Civil servant (Mfanyikaziwa Umma)	
Casual labour (Kibarua)	
Self-employed (Umejiajiri)	
House wife (Mkenyumbani)	
Trader (Mchuuzi)	
Student (Mwanafunzi)	
Unemployed (Hana Ajira)	
Others (Please specify) (Nyinginezo, taja)	

3. What is your education level (Kiwango chako cha elimuniki?)

Education level	Tick appropriately
None (Sijasoma)	
Preprimary (Chekechea)	
Primary (Shule yaMsingi)	<input checked="" type="checkbox"/>
Secondary (Shule yaUpili)	
Vocational/Technical training (Masomoyamiundomsingi)	
University (Chuo Kikuu)	

4. What your views on the following Infrastructures in this area?Una maoniganikuhusumiundombinukatikaeneohili



Infrastructures (munda binu)	Rate (Tick appropriately) (Weka tiki ipasavyo)		
	Poor (mbaya)	Fair (haki)	Good (nzuri)
Water (maji)	<input checked="" type="checkbox"/>		
Sanitation (usafi wa mazingira)			

5. What are your sources of water (you can tick more than one source) (Unatoamaji wapi?)

Source (unapatoa)	Tick appropriately (Weka tiki ipasavyo)
Water Services Company (Kampuni yamaji)	
Rainwater (Majiyamvua)	<input checked="" type="checkbox"/>
Boreholes (Visima)	
Vendors (Mikokoteni, Vibandavyamaji)	
Othes (please specify) (Nyinginezo)	

6. Is the source of water mentioned above reliable? Yes/ No. (Please tick one) Unakotoamajini mahali pa kutegemea?

Yes (ndio) ☐

No (apana) ☒

7. What are the main uses of water? (Ni matumizi gani makuu yamaji?)

Activity (matumizi)	Tick appropriately (Weka tiki ipasavyo)
Domestic use (Matumizi yanyumbani)	<input checked="" type="checkbox"/>
Kitchen gardening (Bustani yajikoni)	
Irrigation (Ukulimawakunyunyuzia)	
Others (please specify) (Nyinginezo)	

8. Do you face any challenges with the sources of water mentioned in 5 above? (Kunachangamoto zote unazopata mahali unapochotamaji?)

Yes (ndio) ☒

No (apana) ☐

9. If yes in 8 above briefly name the challenges (Kama ndio taja changamoto hizo)

Some time there is no rain.

10. Do you have access to a sanitation facility within your household premises / Compound? (Je, unapahali pa kujisaidiandaniyamajengoyako?)

Yes (ndio) ☒

No (apana) ☐

11. If "No" in 10 above, where do you go to answer a call of nature? (Kama hauna, Je unajisaidiawapi?)

☐ The neighbor (Kwa Jirani)

☐ Public Toilet (Choo cha Umma)

☐ Open space (Kichakani)

☐ Other (specify) (Nyinginezo)

12. If "Yes" in 10 above, what is the sanitation facility? (Kama ndio choo chakoni cha ainangani?)

☒ In general, Pit latrines (Choo cha shimo)

☐ Open space (Kichakani)

☐ Flush toilets (Choo cha flush)

☐ Other (specify) (Nyinginezo)

13. Are you aware of the proposed Project in this area under the Olkalo Water Sewerage Project (Water and Sewerage) and project location

(Unajuakuhusuhatua zinazopendekezwa za (maji na Sewer) katika eneo hili chini ya Project ya Olkalou Sewerage Project namahalizitakapofanywa?)

18. What are the expected POSITIVE environmental and social impacts?(*Ni manufaaganiyetusisi ama yamazingiraambayoitatokananakukamirishwakwahuumradi?*)

*Environmental may be clean*

19. What are the expected NEGATIVE environmental and social impacts?(*Ni madharaganikwetusisi ama kwamazingiraambayoitatokananahuumradi?*)

*Nothing*

20. What suggestions would you make to mitigate any adverse environmental and social impacts?(*Ungetakahiimadharakwetusisi ama kwamazingirayetukutokananahiimradiitatuliwenamnagani?*)

21. Give any relevant observations, recommendations or comments on this project. (*Toa maoniyakoyoyotekuhusuuumradiambayoungetakaiangaliwe isuluhishwekwamakini.*) *ama*

Our estate will move forward  
at a normal rate.

22. In your conclusion, do you welcome the project in the said area, and why? (Kwa tamati,  
unakaribishahuumradikwaeneohili, nakwanini?)

Yes (Ndiyo) ☒

No (apana) ☐

Tunata usafi na maendeleo  
kama (kwa ngano) faindu hasa  
kwa kuto futa choo.

Signature.....*Doko*.....



## Appendix 4-Grievance Register Form

Grievance Form		
Grievance Number		Copies to forward to:
Name of the Recorder		(Original)-Receiver Party
Sub-County		(Copy)-Responsible Party
Date		
INFORMATION ABOUT GRIEVANCE		
Define The Grievance:		
INFORMATION ABOUT THE COMPLAINANT		Forms of Receive
Name-Surname		<input type="checkbox"/> Phone Line <input type="checkbox"/> Community/ Information Meetings <input type="checkbox"/> Mail <input type="checkbox"/> Informal <input type="checkbox"/> Other
Telephone Number		
Address		
Village		
Sub-County		
Signature of Complainant		
DETAILS OF GRIEVANCE		

<p><b>1. Access to Land and Resources</b></p> <p>a) Fishing grounds</p> <p>b) Lands</p> <p>c) Pasturelands</p> <p>d) House</p> <p>e) Commercial site</p> <p>f) Other</p>	<p><b>2. Damage to</b></p> <p>a) House</p> <p>b) Land</p> <p>c) Livestock</p> <p>d) Means of livelihood</p> <p>e) Other</p>	<p><b>3. Damage to Infrastructure or Community Assets</b></p> <p>a) Road/Railway</p> <p>b) Bridge/Passageways</p> <p>c) Power/Telephone Lines</p> <p>d) Water sources, canals and water infrastructure for irrigation and animals</p> <p>e) Drinking water</p> <p>f) Sewerage System</p> <p>g) Other</p>	<p><b>4. Decrease or Loss of Livelihood</b></p> <p>a) Agriculture</p> <p>b) Animal husbandry</p> <p>c) Beekeeping</p> <p>d) small scale trade</p> <p>e) Other</p>	<p><b>5. Traffic Accident</b></p> <p>a) Injury</p> <p>b) Damage to property</p> <p>c) Damage to livestock</p> <p>d) Other</p>
<p><b>6. Incidents Regarding Expropriation and Compensation (Specify)</b></p>	<p><b>7. Resettlement Process (Specify)</b></p>	<p><b>8. Employment and Recruitment (Specify)</b></p>	<p><b>9. Construction Camp and Community Relations</b></p> <p>a) Nuisance from dust</p> <p>b) Nuisance from noise</p> <p>c) Vibrations due to explosions</p> <p>d) Misconduct of</p>	<p><b>10. Other (Specify)</b></p>

			<p><i>the</i></p> <p><i>project</i></p> <p><i>personal/worker</i></p> <p>e) <i>Complaint</i></p> <p><i>follow up</i></p> <p>f) <i>Other</i></p>	
<b>GRIEVANCE RESOLUTION</b>	<b><i>Comment</i></b>			

**z**



