

KENYA NATIONAL URBAN WATER SUPPLY AND SANITATION PROGRAMME(KNUWSSP)

CENTRAL RIFT VALLEY WATER WORKS DEVELOPMENT AGENCY

Resettlement Action Plan for the Proposed Kinamba/Kayole Water Supply Project



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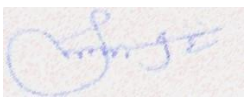
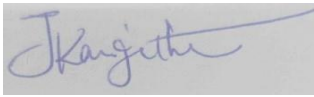
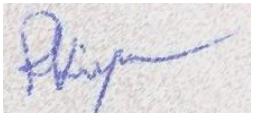
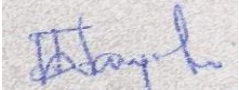
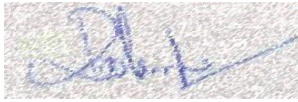


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DECLARATION

This resettlement action plan has been prepared for the proposed Kinamba water supply project by Wanjohi Mutonyi consult Limited. The report is prepared on behalf of Central Rift Valley Water Works development Agency.

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DEFINITION OF TERMS

Definition of Terms

Census: A field survey carried out to identify and determine the number of project-affected persons (PAP), their assets, and potential impacts; in accordance with the procedures satisfactory to the relevant government authorities, and the World Bank Safeguard Policies.

Compensation: The payment in kind, cash or other assets given in exchange for the taking of land, or loss of other assets, including fixed assets thereon, in part or whole.

Cut-off date: The date at which the property identification and valuation exercise ended and the census of PAPs within the project area boundaries commenced. This is the date on and beyond which any person whose land is planned for and/or occupied for project use will not be eligible for compensation.

Project-affected persons (PAPs): Persons who, for reasons of the involuntary taking or voluntary contribution of their land and other assets under the project, result in direct economic and/or social adverse impacts, regardless of whether or not the PAPs physically relocate. PAPs can be through involuntary displacement and involuntary land acquisition.

Project-affected household (PAHs): A household that is affected if one or more of its members is affected by sub-project activities, either by loss of property, land, loss of access, or otherwise affected in any way by the implementation of the project activities.

Project-affected sites: Clearly defined and/or surveyed areas or places earmarked for takeover, permanently or temporarily, for purposes of implementing project activities.

Involuntary displacement: The involuntary taking of land resulting in direct or indirect economic and social impacts caused by:

- Loss of benefits from use of such land;
- Relocation or loss of shelter;
- Loss of assets or access to assets; or
- Loss of income sources or means of livelihood, whether or not the project affected
- Person has moved to another location.

Involuntary land acquisition: The taking of land by the government or other government agencies for compensation, for the purposes of a public project/interest against the will of the landowner.

Land: Agricultural and/or non-agricultural land and any structures thereon whether temporary or permanent and which may be required for the project.

Land acquisition: The taking of or alienation of land, buildings or other assets thereon for purposes of the project activities implementation.

Resettlement Action Plan (RAP): Also known as a Resettlement and Compensation Plan, a resettlement instrument (document) prepared when sub-project locations are identified and involves land acquisition which leads to or involves the physical displacement of persons, and/or loss of shelter, and/or loss of livelihoods and/or loss, denial or restriction of access to economic resources. RAPs are prepared by the project owners (managers or their appointed representative) impacting on the PAPs and their livelihoods and contain specific and legally binding requirements for compensation of the PAPs before the implementation of such project activities.

List of Abbreviation

| | |
|---------|--|
| AfDB | African Development Bank |
| ADR | Alternative Dispute Resolution |
| CRVWWDA | Central Rift-valley Water Works Development Agency |
| ESIA | Environment and Social Impact Assessment |
| RAP | Resettlement Action Plan |
| GoK | Government of Kenya |
| GPS | Global Positioning System |
| GRM | Grievance Redress Mechanism |
| GRC | Grievance redress committee |
| IVSC | International Valuation Standards Committee |
| KWS | Kenya Wildlife Service |
| KNBS | Kenya National Bureau of Statistics |
| LA | Land Act |
| M&E | Monitoring and Evaluation |
| NLC | National Land Commission |
| NLP | National Land Policy |
| OS | Operation Safeguard |
| PAH | Project Affected Household |
| PAP | Project Affected Person |
| PIU | Project Implementation Unit |
| RAP | Resettlement Action Plan |
| RIU | Resettlement Implementation unit |
| SEA | Sexual Exploitation and Abuse |
| SH | Sexual Harassment |
| ROW | Right of Way |
| WRTI | Kenya Wildlife Service Training Institute |

RAP SUMMARY.

Compensation summary sheet

| # | Variables | Data |
|--------------------------------|---|--|
| A. General | | |
| 1 | Region/Province/Department ... | Nakuru County |
| 2 | Sub-county | 1. Naivasha Sub-county |
| 3 | Village/Suburb ... | Kinamba Gituamba |
| 4 | Activity(ies) that trigger resettlement | Water supply project |
| 5 | Project overall cost | Phase 1. 356,578,000.00 Phase 2. 260,971,700.00 Phase 3. 241,045,000.00 |
| 6 | Land acquisition cost /Livelihood loss | Kshs <u>1,791.125</u> |
| 7 | Overall Cost of RAP including cost of implementation etc | Kshs 2,795,237.50 |
| 8 | Applied cut-off date (s) | 30th January 2024 |
| 9 | Dates of consultation with the people affected by the project (PAP) | November 2023 .6 th December 2023 27 th January 2024 |
| 10. | Dates of the negotiations of the compensation rates / prices | Valuation for the land 27 th January 2024. |
| B. Specific information | | |
| 11 | Number of people affected by the project (PAP) | 2 |
| 12 | Number of Physically displaced | 0 |
| 13 | Number of economically displaced | 1 |
| 14 | Number of females affected | 0 |
| 15 | Number of females affected | 0 |
| 16 | Number of vulnerable affected | 0 |
| 17 | Number of major PAP | None |
| 18 | Number of minor PAP | 2 |
| 19 | Number of total right-owners and beneficiaries | 1 |
| 20 | Number of households losing their shelters | 0 |
| 21 | Total area of lost arable/productive lands (ha) | 50*100ft land |
| 22 | Number of households losing their crops and/or revenues | 0 |
| 23 | Total areas of farmlands lost (ha) | 0 |
| 24 | Estimation of agricultural revenue lost (USD) | 0 |
| 25 | Number of building to demolish totally | 0 |
| 26 | Number of building to demolish totally at 50% | 0 |
| 27 | Number of building to demolish totally at 25% | 0 |
| 28 | Number of tree-crops lost | 0 |

| | | |
|----|---|---|
| 29 | Number of commercial kiosks to demolish | 0 |
| 30 | Number of ambulant/street vendors affected | 0 |
| 31 | Number of community-level service infrastructures disrupted or dismantled | 0 |
| | Number of households whose livelihood restoration is at risk | 0 |

Executive Summary

E1. Introduction

The Government of Kenya (GoK) and Central Rift-Valley Works Development Agency (CRVWDA) in association with African Development Bank intends to implement a water supply project in Naivasha sub-county, Naivasha East location in Kinamba and Kayole sub locations.

The Client, CRVWDA has subsequently engaged Wanjohi Mutonyi Consultants to undertake the assignment of providing engineering services for the Design Review for Kinamba water supply in Naivasha-East Location Naivasha sub-county in Nakuru county. The assignment also incorporates undertaking Environmental and Social Impact Assessment (ESIA) for the proposed project and Resettlement action plan.

E2 Project Description.

The Project is in Naivasha Sub County in Nakuru County which is about 75 km Northwest of Nairobi and about 65 km southeast of Nakuru town.

Kinamba town is in Kinamba Sub location, Naivasha East Ward, Naivasha Sub County.

It is 4.5km to the East of Naivasha town and it borders Kayole on its Southern side. It lies at an altitude of 2,098 masl and on Lat; -0.724331 and Lon.36.474393.

Kayole is in Maraigushu sub-Location in Naivasha East Ward. It is 5.6km from Naivasha town and it borders Kinamba on the Northeast. It lies at an altitude of 2105 masl and on Lat. 0.746017 and Lon. 36.472984.

Naivasha town's growth has attracted diverse land-uses around it ranging from conference tourism, urban agriculture, and floriculture farms. This has created employment opportunities in the area and greatly grown the urban population to the satellite towns nearby.

Project Study area

The project study area is taken as the densely populated areas of Kinamba and Kayole areas. The project area is delineated using the command area of the proposed Kinamba and Kayole storage tank sites.

The delineation spills over to Viwandani and Hells Gate Ward (Mirera Sub location) which borders Kinamba and Kayole areas respectively. The areas are incorporated as study area for purposes of population and water demand projection.

Project Components and Main Activities

The section below describes the proposed project components and main activities that will be undertaken during construction phase;

Borehole

1. Interconnection works for utilizing 2 No. existing boreholes for NAIVAWASCO to supply Kinamba and Kayole areas.

2. Construction of a 500m³ Booster Sump Tank to enhance short-term water distribution.
3. Construction of a Dosing unit for water treatment to ensure compliance with quality standards.

Karate Borehole Site to KWS Booster Pumps Station

The proposed Rising Main 1 spans a length of approximately 5.4 km, starting at the Karate Borehole Site (elevation: 1900 masl) and ending at the Booster Pump Station, KWS (elevation: 2055 masl). Considering the Ultimate Water Demand flow rate of 4,770 m³/day, a DN 350 diameter was deemed the most economical. Hydraulic calculations indicate a relative roughness of 140, hydraulic capacity (Q) of 265 m³/hr (4,770 m³/day with 18 hrs pumping), and a flow velocity of 0.77 m/s.

Booster station

1. Construction of a 500m³ reinforced concrete tank.
2. Construction of a Pump House.
3. Construction of a Generator Room.
4. Supply and Installation of Booster Tank Interconnection Pipework.

500m³ Booster Sump Tank

1. Two caged ladders – Internal and External.
2. Four vent hoods.
3. Inlet Pipe DN350 according to incoming trunk main – PN 10.
4. Outlet to Pump House DN350 – PN 10.
5. Outlet to Kinamba DN350 – PN 230.
6. Overflow Pipe DN350 (same DN as inlet pipe) – PN 10.
7. Drainpipe DN200 – PN 10.

Raising Mains 2

KWS Site to Junction to Kinamba and Kayole

- Starting point: Booster Pump Station, KWS at an elevation of 2055 masl.
- Ending point: Kinamba and Kayole Junction at an elevation of 2068 masl.
- Total length: 2.38 km.
- Economic analysis favored DN350 for delivering 4,770 m³/d for the Ultimate year.

Junction to Kinamba Main Storage Tank

- Starting point: Kinamba and Kayole Junction at an elevation of 2068 masl.
- Ending point: Kinamba Tank Site at an elevation of 2235 masl.
- Total length: 3.56 km.
- DN300 is adopted for a flow of 3,705 m³/d based on Capital Cost and reduced flow.
- Total pipeline pressure, inclusive of water hammer, is 280m (28 Bar), less than the working pressure of PN 30 for Section 1.
- Total pipeline pressure, inclusive of water hammer, is 269m (27 Bar), less than the working pressure of PN 30 for Section 2.

Kinamba Storage Tank- Main Storage Tank

- Useful capacity of 2,000 m³.
- Combined with other storage at Booster Station and Kayole Tank Site, provides about 1-day storage.

Kinamba Junction to Kayole Main

- Starts at the Kinamba and Kayole Junction at an elevation of 2068 masl.
- Ends at the Kayole Tank Site at an elevation of 2125 masl, total length 3.64 km.

Kayole elevated tank site

- Elevated Steel Tank: 100 m³ useful capacity (providing 2-hour storage for Future Water Demand).
- The tank is sited on Private Land proposed by NAIVAWASCO for acquisition.

E3 The Resettlement Plan and its purpose

This Resettlement Action Plan (RAP) covers Project Affected Persons (PAPs) in Naivasha East location for the Kinamba water supply project.

The RAP aims at addressing the project's livelihood disruption impacts and land acquisition for 1 no of tank site.

E4. Resettlement Impacts and Screening

Screening of the project resettlement impact was undertaken to determine the nature, scope and extent of impacts to PAP's assets and sources of livelihood. Key considerations were;

- Loss of the land required for the tank site; and

- Loss of livelihood due to land acquisition

The screening process identified that there will be acquisition of land for one of the tanks required for the proposed water project.

E5. Summary of the project impacts

The project pipeline will traverse along the existing ROW on the road corridor, KWS(WRTI) land and private land for one water tank at Mirera. However, there will be no impacts or disruption of business the pipeline will be located along the existing road corridor

The proposed pipeline alignments lie within existing road reserves and wayleaves owned by the County Government of Nakuru, and Kenya National Highways Authority (KeNHA).

E6 General approach to Resettlement Action Planning

A consultative approach was adopted while undertaking the RAP. The approach included the following;

- a) Review of literature and legislation relevant to the project.

The consultant reviewed the legal institutional framework regarding RAP process. The RAP has been prepared in compliance with the requirement of the relevant national legislation and AfDB's OS2 on Involuntary Resettlement. Key Legislation applicable to land management and expropriation in Kenya considered applicable for this RAP report include;

- Land Act 20102;
- Land Registration Act 2012;
- National Land Commission Act.

- b) Community mobilisation and sensitisation;

Mobilisation and community sensitisation was done through public consultations to ensure that the project activities and the likely impact on the local people and their livelihood were explained and openly discussed. Minutes of the consultation meeting are attached on Appendix C.

Community members were mainly concerned about the likely impact of the Project activities on their livelihood with respect to displacement on the encroached riparian land and damage to trees and crops on their land. The community members and stakeholders consulted voiced the need for prompt and adequate compensation for the PAPs to enable them to re-establish their farmlands after the Project.

- c) PAPS' census and property identification;

PAPs census was done to identify the PAPs and inspecting their land and assets. The exercise required identification of the land and other assets on the land and owners of the land and assets to be acquired and valuation of the identified land and the asset within.

This was conducted in two stages, namely collection of required data in the field and drafting the report. Fieldwork involved collecting relevant data to allow identification of the land and other assets on the land and the claimants/owners of the land and assets and preparing an asset inventory.

E7. Institutional and Legal Framework

This RAP has been prepared in compliance with the requirements of the relevant national legislation and African Development Bank Integrated Safeguards System (ISS) 2013. The international and national policies and legal requirements relevant and applied in this RAP are presented under the following:

- National Legal and policy framework;
- Institutional framework; and
- African Development Bank Integrated Safeguard system (ISS) 2013

National Legal framework & institutional framework

- Constitution of Kenya
- National Land policy
- Land Registration Act, 2012
- Land Act, 2012
- National Land Commission Act, 2012
- Environment and Land Act, 2012
- Environment Management and coordination Act 1999 (amended 2015)
- Water Act (No 43 of 2016)
- The public Health Acts Laws of Kenya
- HIV/AIDS prevention and control Act (Act no. 14 of 2006)
- Land Adjudication Act Chapter 95 Laws of Kenya.
- Kenya vision 2030

The AfDB ISS (2013) policy considered for this report include

- Operational Safeguard 1: Environmental and social assessment
- Operational Safeguard 2: Involuntary resettlement land acquisition, population displacement and compensation

E8. Compensation Principles & Strategy, and Eligibility Criteria

The RAP aims to ensure that all affected parties are compensated and assisted in restoring or improving their livelihood.

The affected project affected persons have been identified and are eligible for some form of compensation the 'cut-off date' which has been taken as **30th January 2024**. Eligible PAPs will be the ones who were contacted by the updated RAP's cut-off date and dwelling within any of the project sites. The owners of the property were identified, both their biodata and socioeconomic data were captured.

The main RAP resettlement strategy will be adequate and prompt monetary compensation for loss of land due to the construction of the project also adequate notice will be issued to ensure PAP relocates from the site.

Entitlement Matrix

| No | Unit of entitlement | Type of loss | Entitlement |
|----|----------------------|--|--|
| 1. | Loss of partial land | <ul style="list-style-type: none"> Title Holder-Owner | <ul style="list-style-type: none"> 100% Cash compensation for entire land holding at replacement cost Replacement cost for standing assets erected by the Land Owner 15% cash top-up in compulsory acquisition Administrative charges, title fees, or other legal transaction costs Money Management Training |
| 2. | Loss of livelihood | Closure of business project construction | <ul style="list-style-type: none"> Compensation for loss of livelihood . |

E9. Grievance Redress

During the RAP process, it is inevitable that complains will arise among the affected people over contentious issues. Therefore, timely and appropriate redress is important to ensure satisfactory resettlement and completion of the project as scheduled. Procedures have been put in place in the RAP to allow people to air their complaints or claims and an escalation hierarchy from the Project's Community Liaison Officer to the Courts.

E10 RAP Budget

This RAP provides a budget of Kshs **1,791,125.00** (Kenya Shillings one million seven hundred and ninety-one thousand one hundred and twenty-five Only) for land acquisition and Livelihood restoration. The RAP has allocated kshs 700,000 for RAP implementation, stakeholder engagement and monitoring evaluation activities.

Table 0-1 Proposed RAP budget

| No. | Project Name | Land (Kshs.) (Inclusive 15% Disturbance) |
|-----|--|--|
| 1. | Kinamba water supply Project | 1,791,125.00 |
| | RAP Completion Audit | 50,000 |
| | RAP implementation activities(SEP,GRM,etc) | 700,000 |

| | | |
|--|--------------|---------------------|
| | Contingency | 254,112 |
| | Total | 2,795,237.50 |

Proposed activities during RAP implementation include public participation, confirmation of the PAPS details and undertaking RAP completion Audit.

E11 Implementation schedule

The implementation schedule covering the activities to be undertaken is outlined in the Table below. The schedule includes the target months when each activity is set to be implemented and the institution responsible the activity.

Table 0-2 Implementation schedule.

| Activity | Mont h 1 | Mont h 2 | Mont h 3 | Mont h 4 | Mont h 5 | Mont h 6 | Mont h 7 | Mont h 8 | Mont h 9 | Month 10 |
|---|----------|--|----------------------------------|-------------|-------------|----------------|----------|----------|----------------|------------------|
| PAPs Census | | PAPs census, asset inventory and valuation studies | | | | | | | | |
| Compiling the report and submission to CRVWWD A | | | Wanjohi Mutonyi Consultants ltd. | | | | | | | |
| Review | | | | CRVWWD/AFDB | | | | | | |
| Disclosure | | | | | CRVWWD/AFDB | | | | | |
| Compensation | | | | | | CRVWWD and NLC | | | | |
| Issue notice to vacate site | | | | | | | | | CRVWWD and NLC | |
| Monitoring and evaluation | | | | | | | | | | CRVWWD/Financier |
| RAP Completion Audit | | | | | | | | | | CRVWWD |

E12 Monitoring and evaluation

The main objective of monitoring and evaluation will be to:

- Identify emerging or potential issues and design methods for efficient and effective mitigation response;

- Design methods for responding efficiently to problems/issues;
- Ensure mandatory activities are complied with and on time; and
- Provide feedback to the Project and develop corrective actions.

E13. RAP commitment

The RAP commits to the following:

- Provide full compensation to the landowner, and consider the business owners whose access to the business will be affected by the construction activities that will lead to livelihood losses for the business. Compensation to the land owner should be paid before the commencement of construction works to avoid conflict;
- Adequate notice – for a period of 3 months to be given before construction commencement; and
- Carry out continuous stakeholder engagement through-out the project implementation phases.

E14. Report outline and structure

The report outline is presented as below;

Chapter1: Introduction

Chapter2: Project description

Chapter 3: Legal and institutional framework

Chapter 4: Potential project impacts

Chapter 5: Public consultation and participation

Chapter 6: Baseline socio-economic condition

Chapter7: Compensation Eligibility and Resettlement Strategy

Chapter 8: Grievance Redress Mechanism

Chapter 9: RAP Implementation

Chapter 10: Monitoring and Evaluation

1. INTRODUCTION

The Government of Kenya (GoK) and Central Rift-Valley Works Development Agency (CRVWDA) in association with African Development Bank intends to implement a water supply project in Naivasha sub-county, Naivasha East location in Kinamba and Kayole sub locations.

The Client, CRVWDA has subsequently engaged Wanjohi Mutonyi Consultants to undertake the assignment of providing engineering services for the Design Review for Kinamba water supply in Naivasha-East Location Naivasha sub-county in Nakuru county. The assignment also incorporates undertaking Environmental and Social Impact Assessment (ESIA) for Kinamba water supply project and Resettlement action plan.

1.1. Water Supply in Naivasha sub-county

The project is situated in Naivasha Sub County in Nakuru County which is currently supplied by (NAIVAWASCO). Furthermore, infrastructure installed under the ongoing works contract shall be operated by the said company.

Existing water source: Karati Wellfield is a critical water source for Naivasha Sub County and has three functional boreholes. Previous Hydrogeological investigations found the aquifer to have a potential yield of 12,450 m³/day. The existing boreholes for NAIVAWASCO have a capacity of 3480 m³/day and the additional Boreholes for NIP have a maximum abstraction of 5,400 m³/day.

Water quality: The water quality passes the required WHO and KS 05-459: Part 1:1996 standards save for fluoride content. The local and climatic conditions necessitate adaptation of Fluoride concentration in excess of 1.5 mg/l and in exceptional cases, a Fluoride content of 3mg/l can be acceptable in Kenya as per WASREB Drinking Water Quality Guidelines.

Existing water supply network: The sub county is under supplied with only four (4) out of the eight (8) wards currently supplied by NAIVAWASCO.

Currently, NAIVAWASCO water supply infrastructure manages to supply 10% of Kayole (Lower Kayole Areas around Shell petrol station, Sanel centre, NewStead Hotel and Keroche) with the 90% upper Kayole area presently not served and rely on mostly private vendors. Kinamba is currently not served by any NAIVAWASCO water supply infrastructure and water supply is from boreholes and seasonal river (River Karate).

1.2. Project scope of work

The Proposed Kinamba - Kayole System

The proposed Kinamba - Kayole system will be served by a pipeline which will start at the Karate borehole site at Naivasha.

The Pipeline comprises of 2 Sections of **Rising Mains** to Kinamba and Kayole as follows.

- Karate to KWS Site Rising main 1

- KWS Site to Kinamba and Kayole Rising Main 2

Rising main 2 to Kinamba and Kayole is further divided into 3 sections as follows.

- Section 1: KWS Site to Junction to Kinamba and Kayole
- Section 2: Junction to Kinamba Main Storage Tank
- Section 3: Junction to Kayole Elevated Tank Site

Booster Sump Tank on the rising main will be used to keep pipeline pressures within the limits therefore making it possible to use lower pipe pressure classes to minimize pipeline costs.

The Pipeline is proposed to be laid along the KeNHA, KWS and County roads reserves. The Booster Stations are proposed to be sited on NAIWAWASCO and Kenya Wildlife Services (KWS) land (agreement in place with NAIWAWASCO) and the Storage tank at Kinamba at a site that belongs to County Government of Nakuru to mitigate on land acquisition.

The Elevated steel tank at Kayole is proposed to be sited at a private land identified for acquisition by NAIWAWASCO.

1.3. Objectives of the RAP

The objective of the RAP is to minimise the social and economic impacts that would arise due to the involuntary resettlement due to the project implementation.

The RAP aims to: -

- Define clearly the project affected persons, their eligibility for compensation, the assets to be compensated and the cut-off date for eligibility;
- Provide a socio-economic basis for identification of entitlements and strategies for minimising the impacts on the project affected persons;
- Establish rates for compensation on loss of assets and the methodology of determining the values;
- Establish land acquisition and compensation process and establish a dispute resolution mechanism to address any grievances arising from the displacement;
- Identify any gaps between AfDB guidelines and the laws of Kenya on matters addressing issues of involuntary displacement and suggest how the gaps can narrow to meet the Banks criteria

The overall objective of the resettlement plan is to identify and develop a mitigation plan to ensure that all kinds of adverse impacts are exhaustively identified so that the community benefits from the proposed project during and after construction of the water supply Project.

1.4. Scope of the Resettlement Action Plan

The scope of the Resettlement Action Plan (RAP) has ensured that the integrated social safeguards guidelines of African Development Bank's Policy on Involuntary Resettlement have been adhered to. To ensure that this have been complied with, the preparation process have; -

- Identified the Project Affected Persons along the Project scope- pipeline and asset inventory has been carried out for all the identified project affected persons. The inventory has included affected land, and assets such as trees and crops;
- Public consultations have been held with the PAPs' and the community in general, stakeholders and member's community associations have been consulted through assistance of the local administration
- Kenyan legal provisions have been compared with the AfDB policies to identify any gaps and necessary recommendations to harmonise the two have been incorporated in the resettlement plan
- Establishing a grievance redress mechanism
- Preparation of entitlement matrix and asset register
- Designing monitoring and evaluation framework and institutional framework for implementing the RAP.

The land acquisition schedule and the resettlement plan have been prepared with the necessary budget to facilitate the implementation.

1.5. African Development Bank (AfDB) Environmental and Social Operational Safeguard 2: Involuntary Resettlement, Land Acquisition, Population Displacement & Compensation.

Environmental and Social Operational Safeguard (OS) This safeguard consolidates the policy commitments and requirements set out in the Bank's policy on involuntary resettlement, and incorporates a number of refinements designed to improve the operational effectiveness of those requirements. The operation safeguard (OS2) stipulate that when people must be displaced; it is to be ensured that they are treated equitably, and they share in the benefits of the project that involves their displacement. Effort should be made to minimize disruptions to their livelihoods, ensure that the displaced persons receive resettlement assistance to improve their living standards.

The safeguard retains the requirement to provide compensation at full replacement cost; reiterates the importance of a resettlement that improves standards of living, income earning capacity, and overall means of livelihood; and emphasises the need to ensure that social considerations, such as gender, age, and stakes in the project outcome, do not disenfranchise particular project-affected people.

Close attention should be paid on the displacement of disadvantaged groups such as female headed households, elderly people, the poor and the marginalized communities. The borrower should set up mechanism to monitor the performance of the Resettlement Plan.

The operation safeguards recognize that the borrowing country has laws and regulations dealing with various issues pertaining to displacement and compensation for loss of assets and rights that need not be violated. The borrower should be encouraged to take a long-term view of the in-adequate provisions to improve on the inherent gaps to achieve equity.

1.6. RAP Methodology and Approach

The information formulation of the RAP was based on primary and secondary data sources. The secondary data came from official records available. Primary data was generated through field interviews with the community and the stakeholders. The information collected through the different methods was generated to social and socio-economic data of the community members.

1.6.1. Literature Reviews

Relevant secondary documents and published regulation and national policies were reviewed to assist in the development of this RAP.

The following documents were particularly reviewed: Nakuru County Integrated Development Plan (2018-2022), African Development Bank Group's Integrated Safeguards System (ISS), Relevant National Laws and Policies, Kinamba Design report- 2022.

1.6.2. Primary data collection

Primary data was collected through enumeration of households in the project area, stakeholder engagement and public participation.

1.6.2.1. Household survey to conduct social-economic baseline information.

Household survey was undertaken to all the affected PAPs', the survey involved bio-data, socio-economic information of the PAPs' and the perspective of the project affected people was also captured to get to know their opinion about the project impacts.

The census and inventory were conducted by a team comprising of enumerators and Sociologist. The enumerators were trained on how to conduct the census and enumeration process.

1.6.2.2. Public participation

Public participation meetings were held in the project area to seek information from the community about the project as well as inform the community about the proposed project its environment and social impacts. Courtesy call and key informant's interviews were conducted to engage the institutional stakeholders. Chapter 5 of this reports captures the details of the public participation and stakeholder engagement.

1.6.3. Valuation and assessment of Assets.

Census and inventory surveys were conducted to enumerate PAPs' and quantify the value of affected assets within the proposed project area.

2. PROJECT DESCRIPTION

The Project is in Naivasha Sub County in Nakuru County which is about 75 km Northwest of Nairobi and about 65 km southeast of Nakuru town.

The administration of the Naivasha water Supply area is under the County Government of Nakuru. The total area of Naivasha Sub-County is 1,685.8 Km² and is divided into 8 wards: Biashara, Hellsgate, Lakeview, Mai Mahiu, Maeilla, Olkaria, Naivasha East and Viwandani. Kinamba town is in Kinamba Sub location, Naivasha East Ward, Naivasha Sub County.

It is 4.5km to the East of Naivasha town and it borders Kayole on its Southern side. It lies at an altitude of 2,098 masl and on Lat; -0.724331 and Lon.36.474393.

Kayole is in Maraigushu sub-Location in Naivasha East Ward. It is 5.6km from Naivasha town and it borders Kinamba on the Northeast. It lies at an altitude of 2105 masl and on Lat. 0.746017 and Lon. 36.472984.

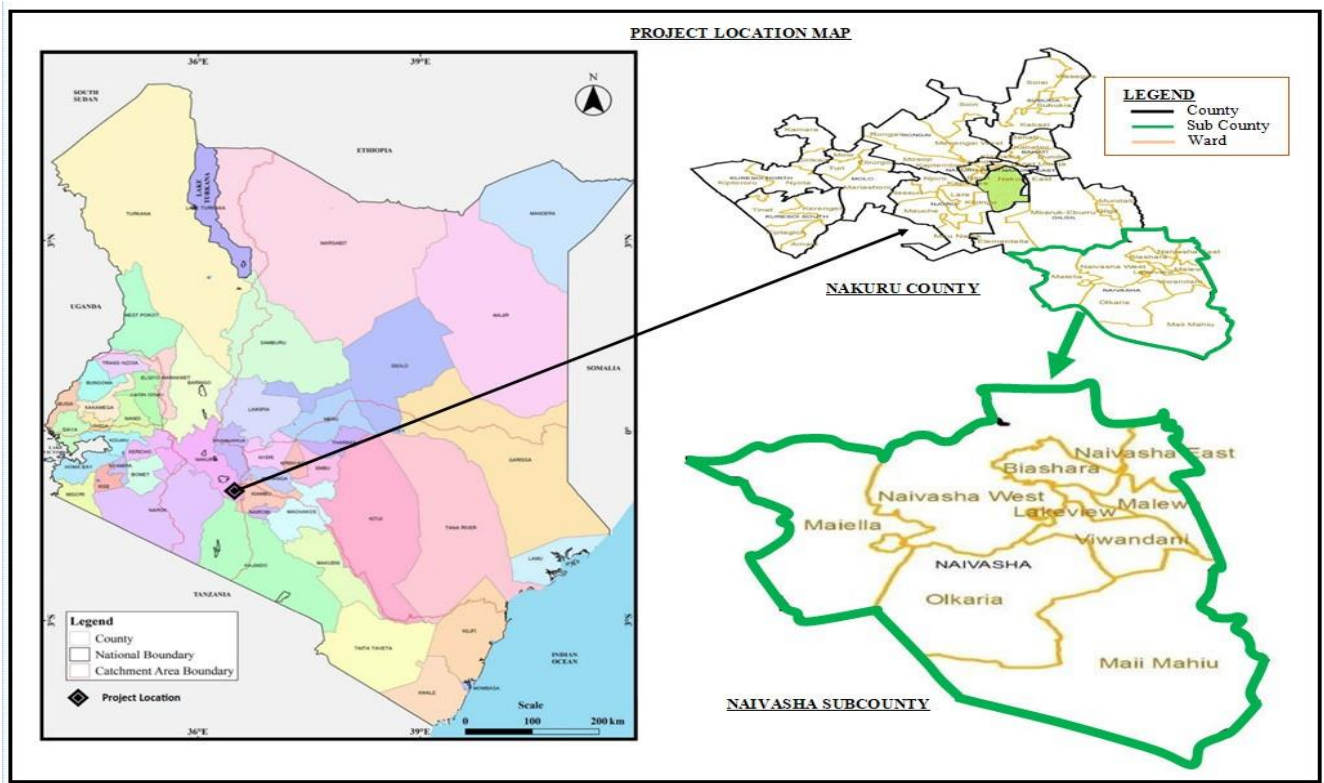






Figure 2-1: Location Map

2.1. Existing project area condition

The proposed project water source is situated at the existing Karate borehole site, which already houses several operational boreholes serving the Naivasha sub county under the management of NAIWAWASCO. The site encompasses pump houses, a control room, and a concrete tank for water treatment before distribution. Additionally, an elevated steel tank is present within the vicinity. To enhance sustainability and reduce dependency on the grid electric supply for pumping

water, solar panels have been installed at the site. The surroundings are adorned with rich vegetation, contributing to the ecological aesthetics of the location. This integrated approach ensures the borehole not only aligns with the existing water infrastructure but also incorporates eco-friendly measures such as solar power and natural landscaping.

| | |
|---|---|
|  <p>Kinamba Works ESIA Project 25.11.2023 10:41 0.69606, 36.42221 Nakuru, A104</p> |  <p>Kinamba Works ESIA Project 25.11.2023 10:36 -0.70126, 36.42781 Kenyatta, 7GXH+6Vita Ave, Naivasha</p> |
| Existing water pumps | Staff houses |
|  |  |
| Elevated water tank | Borehole and solar panes |

2.2. Project activities and scope of work

The Proposed Kinamba - Kayole System

The proposed Kinamba - Kayole system will be served by a pipeline which will start at the Karate borehole site at Naivasha.

The Pipeline comprises of 2 Sections of **Rising Mains** to Kinamba and Kayole as follows.

- Karate to KWS Site Rising main 1
- KWS Site to Kinamba and Kayole Rising Main 2

Rising main 2 to Kinamba and Kayole is further divided into 3 sections as follows.

- Section 1: KWS Site to Junction to Kinamba and Kayole
- Section 2: Junction to Kinamba Main Storage Tank
- Section 3: Junction to Kayole Elevated Tank Site

Booster Sump Tank on the rising main will be used to keep pipeline pressures within the limits therefore making it possible to use lower pipe pressure classes to minimize pipeline costs.

The Pipeline is proposed to be laid along the KeNHA, KWS and County roads reserves. The Booster Stations are proposed to be sited on NAIWASCO and Kenya Wildlife Services (KWS) land (agreement in place with NAIWASCO) and the Storage tank at Kinamba at a site that belongs to County Government of Nakuru to mitigate on land acquisition.

The Elevated steel tank at Kayole is proposed to be sited at a private land identified for acquisition by NAIWASCO.

Project scope location



The Rising Main traverses the KeNHA's A8 Nairobi-Nakuru Road after Crossing from the borehole site at close proximity and following an alignment along the left-hand side of the road reserves for a few kilometres. Subsequently, the main takes a right turn into an existing wayleave with an elevation leading up to the KWS tank site.



KeNHA reserve along the pipeline alignment

The proposed route for Rising Main 2 involves a 1.9km stretch from the Booster station within the KWS reserve to the County Road. From there, it will travel along the County Road for 0.5km until it intersects with KeNHA's Naivasha – Njabini C489 Road. Along this section, the pipeline will be strategically positioned 2m from the edge of the reserve on the left-hand side for a distance of 2.4km. Subsequently, it will transition to another County Road, covering 0.6km before reaching its termination point at the Kinamba Tank Site.



Kinamba town Junction



Junction of the County Road and Naivasha-Njabini road

The designated route for the water supply infrastructure entails a 3.65km journey from Kinamba junction (1+720) through a county road, ultimately leading to the Kayole Elevated Tank Site.



Proposed site for Kinamba storage tank

The proposed site for the Kinamba Storage Tank is strategically positioned approximately 5.4 km from the Booster Pumps Station. This location is situated on public land reported to be under the ownership of the County Government of Nakuru.



County Road to Kayole tank site

Proposed Kayole elevated tank site

2.3. Project Design Components

2.3.1. Borehole

- a. Interconnection works for utilizing 2 No. existing boreholes for NAIVAWASCO to supply Kinamba and Kayole areas.
- b. Construction of a 500m³ Booster Sump Tank to enhance short-term water distribution.
- c. Construction of a Dosing unit for water treatment to ensure compliance with quality standards.

- Ultimate Measures:

1. The drilling and equipping of 2 No. new boreholes dedicated to serving the Kinamba area.
2. Interconnection works to integrate the new boreholes into the overall water supply system.

2.3.2. Raising Mains 1

2.3.2.1. Karate Borehole Site to KWS Booster Pumps Station

The proposed Rising Main 1 spans a length of approximately 5.4 km, starting at the Karate Borehole Site (elevation: 1900 masl) and ending at the Booster Pump Station, KWS (elevation: 2055 masl). Considering the Ultimate Water Demand flow rate of 4,770 m³/day, a DN 350 diameter was deemed the most economical. Hydraulic calculations indicate a relative roughness of 140, hydraulic capacity (Q) of 265 m³/hr (4,770 m³/day with 18 hrs pumping), and a flow velocity of 0.77 m/s.

2.3.2.2. Pipeline Characteristics (Borehole site to Booster Station)

1. 0+000 to 0+500: 500m, DN 350, Steel, Pressure Class 30

2. 0+500 to 5+350: 4,850m, DN 350, Steel, Pressure Class 25

Pipeline Appurtenances: The Rising Main 1 is equipped with air valves and washouts at specific chainages to ensure efficient operation and maintenance.

Air Valves (Anti-surge combination):

- Pressure Rating (PN): 25
- Type: Triple action Anti-surge combination

Washouts:

- 0+060, 1+320, 3+900
 - Pressure Rating (PN): Varies (30 and 25)
 - Discharge Type: Type A and Type B determined on-site based on gradient to drainage.

2.3.2.3. Pipeline Routing

- The pipeline remains within the wayleave.
- It starts from the borehole site at Naivasha.
- The rising main runs along the left-hand side of KeNHA's A8 Road Reserve.
- The pipeline is installed 2m from the edge of KeNHA's A8 Road Reserve for 4.8km.
- It turns left to the KWS reserve and proceeds 0.6km to the Booster station at KWS land.

2.3.2.4. Road Crossings:

- The Rising Main crosses the KeNHA's A8 Road at Ch. 0+020.

2.3.2.5. Booster station

2.3.2.5.1. Scope of Works for Proposed Booster Station:

- Construction of a 500m³ reinforced concrete tank.
- Construction of a Pump House.
- Construction of a Generator Room.
- Supply and Installation of Booster Tank Interconnection Pipework.

2.3.2.6. 500m³ Booster Sump Tank

- Two caged ladders – Internal and External.
- Four vent hoods.
- Inlet Pipe DN350 according to incoming trunk main – PN 10.
- Outlet to Pump House DN350 – PN 10.
- Outlet to Kinamba DN350 – PN 230.
- Overflow Pipe DN350 (same DN as inlet pipe) – PN 10.
- Drainpipe DN200 – PN 10.

2.3.3. Raising Mains 2

2.3.3.1. KWS Site to Junction to Kinamba and Kayole

- Starting point: Booster Pump Station, KWS at an elevation of 2055 masl.
- Ending point: Kinamba and Kayole Junction at an elevation of 2068 masl.
- Total length: 2.38 km.
- Economic analysis favored DN350 for delivering 4,770 m³/d for the Ultimate year.

2.3.3.2. Junction to Kinamba Main Storage Tank

- Starting point: Kinamba and Kayole Junction at an elevation of 2068 masl.
- Ending point: Kinamba Tank Site at an elevation of 2235 masl.
- Total length: 3.56 km.
- DN300 is adopted for a flow of 3,705 m³/d based on Capital Cost and reduced flow.
- Total pipeline pressure, inclusive of water hammer, is 280m (28 Bar), less than the working pressure of PN 30 for Section 1.
- Total pipeline pressure, inclusive of water hammer, is 269m (27 Bar), less than the working pressure of PN 30 for Section 2.

2.3.3.3. Pipeline Routing

- The rising main 2 will run from the Booster station in KWS reserve for 1.9km to County Road.
- It will follow the County Road for 0.5km to join KeNHA's Naivasha – Njabini C489 Road.
- The pipeline will be installed 2m from the edge of the reserve on the left-hand side for 2.4km.
- It will join another County Road for 0.6km to terminate at the Kinamba Tank Site.

2.3.3.4. Road Crossings

- The section has one main road crossing.
- The rising main will cross the KeNHA's Naivasha – Njabini C489 Road at Ch.9+480.

2.3.4. Kinamba Storage Tank

2.3.4.1. Main Storage Tank

- Located 5.4 km from the Booster Pumps Station.
- Sited on public land belonging to the County Government of Nakuru.

2.3.4.2. Scope of Works

- Construction of a 2,000m³ reinforced concrete tank.
- Construction of 1 No. Staff Houses.
- Construction of a Septic Tank.
- Supply and Installation of Pipework.

2.3.4.3. Tank Characteristics

- Useful capacity of 2,000 m³.
- Combined with other storage at Booster Station and Kayole Tank Site, provides about 1-day storage.

2.3.4.4. Tank Accessories

- 2 caged internal and external ladders.
- Vent hoods.

2.3.4.5. Pipe-Work

- Inlet pipe DN300 according to incoming trunk main – PN 10.
- Outlet header DN300 – PN 10.
- Overflow pipe DN300 (same DN as inlet pipe) – PN 10.
- Drainpipe DN 200

2.3.5. Kinamba Junction to Kayole Main

2.3.5.1. Rising Main to Kayole Tank Site

- Starts at the Kinamba and Kayole Junction at an elevation of 2068 masl.
- Ends at the Kayole Tank Site at an elevation of 2125 masl, total length 3.64 km.

2.3.5.2. Pipe Characteristics

- Demand for Kayole (1,065 m³/d) can be supplied economically by a pipe greater than DN 100 and less than DN 125.
- The pipe supplier can only supply DN 150; hence, a pressure reducing valve (PRV) will be installed after the T-junction of the Kinamba pipeline at the beginning of the DN150 Pipeline Rising Main to Kinamba.

2.3.5.3. Hydraulic Characteristics

- The rising main has an overpressure of 116.78m for DN150.
- Total pipeline pressure, inclusive of water hammer, is 296m (29.6 Bar), which is less than the working pressure of the proposed pipe (PN 30).

2.3.5.4. Pipeline Routing

- Runs from Kinamba junction (1+720) via a county road for 3.65km to Kayole Elevated Tank Site.

2.3.5.5. Crossings

- One major road crossing at KeNHA's C489 Naivasha – Njabini Road, Ch. 0+000.

2.3.6. Kayole elevated tank site









- Elevated Steel Tank: 100 m³ useful capacity (providing 2-hour storage for Future Water Demand).
- The tank is sited on Private Land proposed by NAIVAWASCO for acquisition.



2.3.6.1. Scope of Works

- 1 no. 100m³ elevated steel tank.
- Inlet pipe DN150 acc. to incoming trunk main – PN 16.
- Outlet DN150 – PN 10.
- Overflow pipe DN150 (same DN as inlet pipe) - PN 10.
- Scour pipe DN 150 – PN 10

Photo plate

Figure 2-2 Proposed water Project location on existing road reserve

| | |
|---|--|
|  <p>Water source</p> |  <p>Existing road reserve- pipeline from water source to KWS tank site</p> |
|  <p>Proposed pipeline route on road reserve Kayole Elevated Tank Site</p> |  <p>Section of proposed pipeline Kayole Elevated Tank Site</p> |
|  <p>Existing clear way leave for the propose water pipeline from Kinamba tank to Kayole Elevated Tank Site</p> |  <p>Existing road reserve within kinamba shopping centre junction to Kinamba main water tank</p> |
|  <p>Existing road reserve at Kinamba shopping centre</p> |  |

| | |
|--|---|
| Pipeline from KWS junction to Kinamba main water tank | Existing road reserve within Kinamba town – no encroachment Pipeline from KWS junction to Kinamba main water tank |
|  <p>Existing road reserve Pipeline from to Kinamba main water tank to Kayole Elevated Tank Site</p> |  <p>Proposed water pipeline from Kinamba water tank on Existing road reserve to Kayole Elevated Tank Site</p> |

2.4. Land Requirements

The project will require land acquisition for 1no of parcel for the proposed water tank. The RAP proposes a budget for the acquisition of land. The pipeline will not require easement of private land since it will follow the right- of -way (RoW) KeNHA road reserve and in some section the roads are under the county government of Nakuru.

The required property is situated within Karai area of Naivasha approximately 2.88 kilometres south east of Kinamba Township in Nakuru County

Below is an extract of Google Map for identification purposes only.

Extract of Google Map 2024 for Identification Purposes Only



2.5. Population and Demography

Naivasha town's growth has attracted diverse land-uses around it ranging from conference tourism, urban agriculture, and floriculture farms. This has created employment opportunities in the area and greatly grown the urban population to the satellite towns nearby.

The Sub-locations of Kinamba, Kayole, Sokoni and Mirera are fast growing Urban Centres. The growth has basically been fuelled by proximity to Naivasha and good Road Network and with many Naivasha Residents buying plots to construct own residential houses in Satellite Towns. This trend is likely to continue in the next few years.

Table 2-1:: KNBS 2019 Population for the Supply Area

| Sub Location | No. of Male People | No. of female People | No. of Total Population | Population Density (Km ²) |
|----------------------|--------------------|----------------------|-------------------------|---------------------------------------|
| Kinamba Sub Location | 11,729 | 10,069 | 21,798 | 582 |
| Maraigushu Ward | 8,722 | 9,239 | 17,961 | 423 |
| Sokoni Sub location | 10,486 | 11,074 | 21,562 | 718 |
| Mirera Sub Location | 30,910 | 30,290 | 61,201 | 403 |
| Total | 61,847 | 60,672 | 122,522 | |

Source- Kinamba water supply Design report-2022.

3. LEGAL FRAMEWORK

Introduction

This section provides an initial review of the policy, legal and regulatory framework and the institutional framework relevant to The Project. It identifies the most pertinent policies, legislation, regulations, and standards governing the anticipated activities in implementation of The Project. This section also provides an overview of the National Provision, International Provision and provides the differences between the National and International provisions.

3.1. The National Provision

3.3.1. The Constitution of Kenya 2010

The Constitution of Kenya 2010 provides protection for private property, it also provides that compulsory acquisition can be done by the government in accordance to the law as stipulated in Article 40(3) that states;

“The state shall not deprive a person of property of any description, or of any interest in, or right over, property of any description, unless the deprivation—results from an acquisition of land or an interest in land or a conversion of an interest in land, or title to land, in accordance with Chapter Five; or is for a public purpose or in the public interest and is carried out in accordance with this Constitution and any Act of Parliament that-

Requires prompt payment in full, of just compensation to the person;

Allows any person who has an interest and;

In or right over, that property a right of access to a court of law.

The Constitution empowers the government to exercise the authority of compulsory acquisition as stipulated in the land act (2012) that stipulates that the National Land commission (NLC) is the agency empowered to undertake compulsory land acquisition. Article 40 of the Constitution provides that the state may deprive owners of the property only if the deprivation is “for a public purpose or in the public interest” which includes public buildings, roads, and wayleaves, drainage, irrigation canals among others. The state's exercise of this power is left at the discretion of National Land Commission (NLC) and requires the state to make full and prompt payment of "just compensation" and an opportunity for appeal to court. The President has special powers with regards to government land, and he may exercise these powers through the Commissioner of Lands (Government Lands Act, Chapter 280).

Article 40(3) 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.

Chapter 5 of the Constitution is applicable to compulsory acquisition. This chapter, entitled “Land and Environment,” is divided in two parts. Part one deals with land and part 2 deals with environment and natural resources. Part one of Chapter 5, article 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, 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.

3.3.2. The National Land Policy

The National Land Policy (NLP) was 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 and administration, access to land use, and constitutional issues such as compulsory acquisition and development control. Section 45 of NLP defines compulsory acquisition as “the power of state to extinguish or acquire any title or other interests in land for 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 Minister for Lands) to exercise the power of compulsory acquisition on behalf of the State.

Per the NLP, the exercise of compulsory acquisition in the past has been conducted with abuses and irregularities. The NLP therefore calls for a revision of such power and requires the GoK: -

- To review the law of compulsory acquisition to align it with the new categories of land ownership (public private and community land)
- To harmonise the framework for compulsory acquisition and avoid overlapping mandate;
- To establish compulsory acquisition criteria process and procedure that are efficient, transparent and accountable and;
- To confer the rights on the original owners or their successor in title where the public purpose or interest justifying the compulsory acquisition fails or ceases.

3.3.3. The Land Act, 2012

It is the substantive law governing land in Kenya and provides legal regime over administration of public and private lands. It also provides the acquisition of land for public benefit. The government has the powers under this Act to acquire land for projects, which are intended to benefit the general public. The projects requiring resettlement are under the Provision of this Act.

The Land Act 2012 (“LA”) is the Kenya’s framework legislation regulating compulsory acquisition of land (i.e. land, houses, easements etc.). The LA was adopted on 2nd May 2012 and provides for sustainable administration and management of land and land-based resources including compulsory acquisition.

3.1.1.1. Procedure for Acquisition of Private Land in Kenya

In the private land tenure, the assignment of rights is to a private party who may be an individual, a married couple, a group of people, or a corporate body such as a commercial entity or non-profit organization. For example, within a community, individual families may have exclusive rights to residential parcels, agricultural parcels and certain trees. Other members of the community can be excluded from using these resources without the consent of those who hold the rights.

CRVWWDA will encounter privately owned land in this project and the procedure for acquisition is as described below.

In practice, the procedure for acquiring an interest in private land is to enter a contract for the sale and purchase of the land with a defined completion period. The process is subject to freedom of contract but there are also guidelines from the Law Society of Kenya (LSK), set out in the Law Society of Kenya Conditions of Sale, to guide the legal practitioners facilitating land transactions.

The key stages are as follows:

- Payment of the deposit and signing of the sale agreement;
- Preparation to complete;
- Completion;
- Registration and;
- Final Deposit

A deposit is usually ten per cent (10%) of the purchase price and is paid by the purchaser as a commitment to the transaction.

Before paying the deposit, it is imperative to carry out a search of the Register and obtain a Certificate of Official Search, to ascertain the true owner of the land, Section 29 of the Land Registration Act provides that every proprietor at the time of acquiring a land, lease, or charge shall be deemed to have had notice of every entry in the register relating to the land, lease, or charge.

The deposit will often be held by the vendor's lawyer prior to completion of the transaction. Although the vendor may want the money released to them, this is not considered good practice: if the transaction fails, the purchaser would be left only with the option of suing for the return of the deposit. However, if the deposit is held by a lawyer, it will be available for return to the purchaser.

Once the deposit is paid, both parties sign the sale agreement. A period is also allowed for the transaction to complete.

3.1.1.2. Preparation to Complete

The sale agreement will provide for a completion period, usually of 90 days. The agreement should specify how completion will take place - whether by:

- Exchange of title, the instrument of transfer and completion documents with the funds in respect of the balance of purchase price; or
- Exchange of the documents with an undertaking.

In the period between signing of the agreement and the completion date, the Vendor pays the outgoings on the property, such as land rent for leaseholds and rates for properties in municipalities. The Vendor also procures the clearances and consents necessary to register the title in favour of the purchaser.

3.1.1.3. Completion

On or before the date set for completion, the Vendor's lawyer procures the transfer executed by the Vendor in favour of the Purchaser and sends a copy of this to the Purchaser's lawyer as an indication of the Vendor's readiness to complete. The Purchaser will then pay the balance of purchase price to the Vendor's lawyers. In exchange, the Vendor's lawyer sends to the Purchaser's lawyers all the documents that are necessary for the Purchaser to register the title in the Purchaser's name. If completion is by undertaking, the documents will be sent in exchange of the undertaking. Ideally, the Vendor's lawyer should hold the balance of the

purchase price and the balance until the Title is in the name of the Purchaser and then thereafter release it to the Vendor.

3.1.1.4. Registration

Upon receipt of the documents from the Vendor's lawyers, the Purchaser's lawyer then proceeds to pay stamp duty on the transaction. This is usually assessed at 4% of the purchase price for land in municipalities and towns, and 2% for land in rural areas. Before the transfer is registered, a government valuer will assess the property to confirm that sufficient stamp duty was paid against the value of the property. After valuation, the Purchaser's lawyer goes ahead to present all the documents to the Registrar of Lands, then the transfer is registered, and the title issued, reflecting the changed ownership of the land.

The Certificate of Title issued by the Registrar upon registration or issued to a purchaser of land upon a transfer or transmission by the proprietor is prima facie evidence that the proprietor is the absolute indefeasible owner of the land subject to any encumbrances noted on the register. Under Section 81 of the Land Registration Act, any person suffering damage because of an error in a copy of or extract from the register is entitled to indemnity from the Government.

3.1.1.5. The Compulsory Land Acquisition Process

3.1.1.5.1. Proof that Compulsory Acquisition 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 defence, 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 project 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.

3.1.1.5.2. Seek Approval of NLC

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. 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 prescribed requirements.

3.1.1.5.3. 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.

3.1.1.5.4. 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 Kenya Gazette is the official government journal in Kenya published by the Government Printing Press. 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.

3.1.1.5.5. *Serve the Notice of Inquiry*

Thirty days after the publication of the Notice of Intention to Acquire, the NLC will schedule a hearing for public inquiry. The 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.

3.1.1.5.6. *Holding of a Public Hearing*

The 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, the 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.

3.1.1.5.7. *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 the 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 the NLC and shall not be invalidated because of discrepancy, which may be found to exist in the area.

3.1.1.6. *Matters to be Considered while 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 should 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 because 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 because 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) and;
- 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.

3.1.1.7. *Matters not to be 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 because of the future, land use;
- Increased land value accrued by its future use and;
- Any development at the time of acquisition notice, unless these improvements were necessary for maintaining the land.

3.1.1.8. *Award of Compensation.*

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 disturbance allowance support.

Upon the conclusion of the inquiry, and once the NLC has determined the amount of compensation, the NLC will prepare and serve a written award of compensation to each legitimate claimant. The 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.

The 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.

3.1.1.9. *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 owners 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.

3.1.1.10. Transfer of Possession and Ownership to the State

Once first offer payment has been awarded, the NLC 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, the 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 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 the 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.

3.1.1.11. Opportunity for Appeal

The Kenya Constitution establishes the 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 alternative dispute resolution (ADR), 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:

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

3.3.4. Land Registration Act, 2012

This is an Act of Parliament to revise, consolidate and rationalize the registration of titles to land, to give effect to the principles and objects of devolved government in land registration, and for connected purposes.

Section 19 of this Act empowers the Registrar of land to ascertain and fix the boundaries of any land if the owners and occupiers of the land adjoining the boundaries in question of the intention to ascertain and fix the boundaries are notified.

Section 20 clause (1) requires every proprietor of land to maintain in good order the fences, hedges, stones, pillars, beacons, walls and other features that demarcate the boundaries. Section 21 prohibits any person to deface, remove, injure or otherwise impair a boundary feature or any part of it unless authorized to do so by the Registrar, and if convicted is liable to pay the cost of restoring the boundary feature, and the cost shall be recoverable as a civil debt by any person who is responsible under this section for the maintenance of the feature. Section 28 requires all registered land unless the contrary is expressed in the register, be subject to the following overriding interests as may for the time being subsist and affect the same, without their being noted on the register- (e) rights of compulsory acquisition, resumption, entry, search and user conferred by any other written law.

This Act therefore allows CRVWWDA to fix its boundaries after compensation so that no encroachments will occur.

3.3.5. National Land Commission Act, 2012

This Act provides for the functions and powers of the National Land Commission and to give effect to the objects and principles of devolved government in land management and administration, and for connected purposes.

Pursuant to Article 67(2) of the Constitution, the functions of the Commission shall be to:

- Manage public land on behalf of the national and county governments;
- Recommend a national land policy to the national government;
- Advise the national government on a comprehensive program for the registration of title in land throughout Kenya;
- Conduct research related to land and the use of natural resources, and make recommendations to appropriate authorities;
- Initiate investigations, on its own initiative or on a complaint, into present or historical land injustices, and recommend appropriate redress;
- Encourage the application of traditional dispute resolution mechanisms in land conflicts;
- Assess tax on land and premiums on immovable property in any area designated by law and;

- Monitor and have oversight responsibilities over land use planning throughout the country.

In addition to the functions set out in subsection (1), the Commission shall, in accordance with Article 67 (3) of the Constitution —

on behalf of, and with the consent of the National Land Commission; county governments, may:

- Alienate public land;
- Monitor the registration of all rights and interests in land;
- Ensure that public land and land under the management of designated state agencies are sustainably managed for their intended purpose and for future generations;
- Develop and maintain an effective land information management system at national and county levels;
- Manage and administer all unregistered trust land and unregistered community land on behalf of the county government and;
- Develop and encourage alternative dispute resolution mechanisms in land dispute handling and management.

All matters related to land acquisition and adjudication of historical land will be handled by the commission. Upon a complaint by the national or county government, the commission reviews, hears and determines all grants or dispositions of public land to establish their propriety or legality. The Commission has mandate to direct the Registrar to revoke any title acquired in an unlawful manner and take appropriate steps to correct the irregularity in addition to making consequential orders.

In Section 14-part (7) prohibits revocation of title of a bona fide purchaser for value without notice of a defect in the title. Therefore, procedures for revocation and transfer of title will be adhered to and will remain fair.

The Commission shall, in consultation and cooperation with the national and county governments, establish county land management boards for purposes of managing public land and to subject to the physical planning and survey requirements, process applications for allocation of land, change and extension of user, subdivision of public land and renewal of leases. Any land issues related to the above stated functions in the project area shall be addressed by the commission.

3.3.6. Environment and Land 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 disputes relating to — (a) Environmental planning and protection, climate issues, land use planning, title, tenure, boundaries, rates, rents, valuations, mining, minerals and other natural resources; (b) Compulsory acquisition of land; (c) Land administration and management; (d) Public, private and community land

and contracts, choses in action or other instruments granting any enforceable interests in land; and (e) Any other dispute relating to environment and land.

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

3.3.7. The Environmental Management and Coordination Act 1999 (Amendment of 2015)

This is the legislation that governs Environmental Impact Assessment (EIA) studies. The proposed project has been subjected to EIA in accordance with this Act. Part 3 of this Schedule applies to settlement planning. Resettlement components of this project may also pose potentially negative environmental impacts.

3.3.8. Water Act (No.43 of 2016)

This is an Act of Parliament to provide for the regulation, management and development of water resources, water and sewerage services; and for other connected purposes.

The Act provides that a national public water works for domestic use shall, subject to the acquisition of a permit from the Authority in case of inter basin water transfer, take precedence over all other water works for the use of water or the drainage of land. It also states that, “Subject to the Land Act, 2012, land required for national public water works may be acquired in any manner provided by law for the acquisition of land for public purposes”.

The Cabinet Secretary may, after reasonable notice to any landholder concerned, cause to be constructed and maintained upon any land such works as the Cabinet Secretary may consider necessary for the purposes of any national public water works. Compensation on just terms shall be payable by the Government to the owner of the land on which any such works are constructed, but in assessing the amount of compensation payable, the Cabinet Secretary shall take into consideration any benefit accruing to the land by the construction of the works and any adverse effect on the land caused by the works.

3.3.9. The Public Health Acts Laws of Kenya

Provides for the securing of public health and recognizes the importance of safe provision of water by the government entity. It provides for prevention of water pollution by any development activity including resettlement.

3.3.10. HIV/AIDS Prevention and control Act (Act No. 14 of 2006)

Part 11, Section 7 of the Act requires that HIV and AIDs education be carried out at the workplace. The government is expected to ensure the provision of basic information and instruction on HIV and Aids prevention and control to: -

- Employees of all government ministries, departments, Authorities, and other agencies and employees of private and informal sectors.
- The information on HIV/AIDS is expected to be treated with confidentiality at the work place and positive attitude towards infected employees and works.

3.3.11. Kenya Vision 2030

The Kenya Vision 2030 aspires for the country firmly interconnected through a network of roads, railways, ports, airports, water and sanitation facilities and telecommunications.

The Vision for the water and sanitation sector is “to ensure water and improved sanitation availability and access to all by 2030”.

3.3.12. Land Adjudication Act Chapter 95 Laws of Kenya

The Land Adjudication Act Chapter 95 of the Laws of Kenya provides for ascertainment of Interest prior to land registration Act 2012 through an adjudication committee that works in liaison with the adjudication officers.

3.2. International Provision

3.3. The African Development Bank AfDB Integrated Safeguards System

The African Development Bank Environmental and Social Operational Safeguard(OS) 2 Involuntary resettlement: land acquisition, population displacement and compensation It relates to Bank-financed projects that cause the involuntary resettlement of people. It seeks to ensure that when people must be displaced they are treated fairly, equitably, and in a socially and culturally sensitive manner; that they receive compensation and resettlement assistance so that their standards of living, income-earning capacity, production levels and overall means of livelihood¹⁰ are improved; and that they share in the benefits of the project that involves their resettlement.

OS2 provides a mechanism through which Projects related to resettlement issues are to be addressed.

The objectives of AfDB OS2 are to:

- Avoid involuntary resettlement where feasible, or minimise resettlement impacts where involuntary resettlement is deemed unavoidable after all alternative project designs have been explored;
- Ensure that displaced people are meaningfully consulted and given opportunities to participate in the planning and implementation of resettlement programmes;
- Ensure that displaced people receive significant resettlement assistance under the project, so that their standards of living, income-earning capacity, production levels and overall means of livelihood are improved beyond pre-project levels;
- Provide explicit guidance to borrowers on the conditions that need to be met regarding involuntary resettlement issues in Bank operations to mitigate the negative impacts of displacement and resettlement, actively facilitate social development and establish a sustainable economy and society; and

- Guard against poorly prepared and implemented resettlement plans by setting up a mechanism for monitoring the performance of involuntary resettlement programmes in Bank operations and remedying problems as they arise.

3.3.1.1. Scope of Application for AfDB OS 2

OS2 applies to permanent or temporary physical and economic displacement resulting from the land acquisition or restrictions on land access or use undertaken or imposed in connection with project implementation.

The following is considered by OS 2;

- a. acquisition or restriction of land rights, including land use rights through expropriation or other compulsory procedures in accordance with national law;
- b. acquisition or restriction of land rights including land use rights through negotiated settlements with property owners or those with legal rights to the land, if failure to reach settlement would have resulted in expropriation or other compulsory procedures;
- c. restrictions on land use and access to natural resources that cause a community or groups within a community to lose access to resource usage where they have traditional or customary tenure, or recognizable usage rights. This may include situations where legally designated protected areas, forests, biodiversity areas/offsets or buffer zones are established in connection with the project;
- d. the relocation of people without formal, traditional, or recognizable usage rights, who are sheltering on, occupying or utilizing land prior to a project specific cut-off date;
- e. the displacement of people as a result of project impacts that render their land unusable or inaccessible;
- f. restriction on access to land or use of other resources including communal property and natural resources, such as marine and aquatic resources, timber and non-timber forest products, fresh water, medicinal plants, leisure and education areas, sacred and worship areas, hunting and gathering grounds, and grazing and cropping areas
- g. land rights or claims to land or resources relinquished by individuals or communities without full payment of compensation; and
- h. land acquisition or land use restrictions occurring prior to the project, but which were undertaken or initiated in anticipation of or in preparation for it.

OS2 does not apply to impacts on incomes or livelihoods that are not a direct result of land acquisition or land use restrictions imposed by the project

OS2 does not apply to voluntary, legally recorded market transactions in which the seller is given a genuine opportunity, free from coercion and intimidation, to retain the land and to refuse to sell it, and is fully informed about available choices and their implications. However, where such voluntary land transactions may result in the displacement of persons other than the seller who occupy, use or claim rights to the land in question, this OS will apply.

When a project requires the temporary relocation of people, the resettlement activities should be consistent with this OS while taking into account the temporary nature of the displacement. The objectives are to minimize disruption to the affected people, avoid irreversible negative impacts, ensure gender-equitable resolutions, provide satisfactory temporary services, and, where appropriate, compensate for transitional hardships.

For Kinamba Water Supply Project, anticipated project impacts will be acquisition of land for the tank site from one landowner and impacts on access to business leading to livelihood.

The African Development Bank OS2 is applicable to The Kinamba water supply Project. The main features are as follows;

- Resettlement measures are to be conceived and executed as development activities. Assistance should be given to the community in their efforts to improve former production levels, income-earning capacity and living standards, or at least restore them to the levels at which they would have been without a project;
- Landowners should be:
 - Compensated at full replacement cost prior to project construction;
 - Issued with 15% disturbance allowance
- Business owners whose business access will be affected during construction should be provided with compensation for livelihood loss during the construction period.

3.3.1.2. Difference between the Kenyan Laws and African Development Bank Policies.

There are some differences between the African Development Bank Policy (AFDB OS2) on resettlement and the Laws of Kenya.

Table 3-1: Comparison between AfDB OS2 and Kenyan legislation

| AfDB OS 2 | Kenyan Legislation | Comparison | Recommendation to address gap |
|--|---|---|---|
| GENERAL REQUIREMENTS | | | |
| AfDB OS2 has overall policy objectives, requiring that: Involuntary resettlement should be avoided wherever possible, or minimized, exploring all alternatives. | Involuntary resettlement may occur because of projects implemented in public interest. | The Land Act stipulate that resettlement should be avoided wherever possible; on the contrary, if a project is for public interest, involuntary resettlement is inevitable. | For RAP, ensure that resettlement issues are considered at the design stage of the project to avoid/minimize resettlement. |
| Resettlement programs should be sustainable, include meaningful consultation with affected parties, and provide benefits to the affected parties. | The Land Act, 2012 Act outlines procedures for sensitizing the affected population to the project and for consultation on implications and grievance procedures | Same as the AfDB OS 2 | Implement AfDB OS 2 - displaced persons should be assisted in improving their livelihood to pre-project standards |
| Displaced persons should be assisted in improving livelihoods etc., or at least restoring them to previous levels | The Land Act 2012 guarantees the right to fair and just compensation in case of relocation | Just and fair compensation as outlined in the Land Act 2012 is not clear and can only be determined by NLC, which can be subjective. It is does not talk about improving livelihood or restoring them to pre-project status | Where possible livelihood restoration should be considered. This will enable the project affected person have a continuous livelihood/income. |
| PROCESS REQUIREMENTS | | | |

| AfDB OS 2 | Kenyan Legislation | Comparison | Recommendation to address gap |
|---|---|--|---|
| Consultation: Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs | The Land Act outlines procedures for consultation with affected population by the NLC and grievance management procedures. | Same as AfDB OS 2 | Implement consultation procedures as outlined in both Kenyan legislation and AfDB OS 2. |
| Grievance: For physical resettlement, appropriate and accessible grievance mechanism will be established. | Land Act 2012 clearly outlines the steps and process for grievance redress that includes alternative dispute resolution, re-negotiation with NLC and is backed by the judicial system through the Environmental and Land Court. | Kenyan legislation meets AfDB OS 2 requirements. | N/A |
| <p>Eligibility Criteria</p> <p>There are 3 groups eligible for compensation</p> <ul style="list-style-type: none"> Those who have formal legal rights to land or other assets recognised under the laws of the country concerned. This category generally includes people who are physically residing at the project site and those who will be displaced or may lose access or suffer a loss in their livelihood as a result of project activities. | <p>The Land Act 2012 provides that written and unwritten official or customary land rights are recognized as valid land right.</p> <p>The Law provides that people eligible for compensation are those holding land tenure rights Land Act also recognizes those who have interest or some claim in the land such pastoralist or who use the land for their livelihood.</p> | <p>Kenya's Land Law defines eligibility as both formal (legal) and informal (customary) owners of expropriated land.</p> <p>However, it does not specifically recognize all users of the land to be compensated.</p> | <p>Ensure ALL users (including illegal squatters, laborer's rights of access) of affected lands are included in the census survey and are paid.</p> |

| | | | |
|---|---|--|--|
| <ul style="list-style-type: none"> Those who may not have formal legal rights to land or other assets at the time of the census/evaluation but can prove that they have a claim that would be recognised under the customary laws of the country. This category may include people who may not be physically residing at the project site or persons who may not have any assets or direct sources of livelihood derived from the project site, but who have spiritual and/or ancestral ties with the land and are locally recognised by communities as customary inheritors. Depending on the country's customary land use rights, they may also be considered to have a claim if they are sharecroppers, tenant farmers, and seasonal migrants or nomadic families losing user rights. Those who have no recognisable legal right or claim to the land they are occupying in the project area of influence and who do not fall into either of the two categories described above, if they | <p>The constitution recognizes 'occupants of land even if they do not have titles' and payment made in good faith to those occupants of land. However, this does not include those who illegally acquired land</p> <p>Land Act 2012 provides for census through NLC inspection and valuation process.</p> | <p>The constitution of Kenya on the other hand recognizes 'occupants of land' who do not have title and who the state has an obligation to pay in good faith when compulsory acquisition is made.</p> <p>Same as AfDB OS2.</p> | <p>Implement cut-off procedures as outlined in the AfDB OS 2 and Kenyan Law.</p> |
|---|---|--|--|

| AfDB OS 2 | Kenyan Legislation | Comparison | Recommendation to address gap |
|--|--------------------|------------|-------------------------------|
| <p>themselves or witnesses can demonstrate that they occupied the project area of influence for at least six months prior to a cut-off date established by the borrower or client and acceptable to the Bank. These groups may be entitled to resettlement assistance other than compensation for land to improve their former living standards (compensation for loss of livelihood activities, common property resources, structures and crops, etc.)</p> <p>To determine eligibility: Carry out resettlement census. Cutoff date for eligibility is the day when the census begins.</p> | | | |

| AfDB OS2 | Kenyan Legislation | Comparison | Recommendation to Address Gap |
|---|---|--|--|
| <p>Measures: Preference should be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based.</p> <p>Cash based compensation should only be made where</p> | <p>Legislation provides for land for land compensation, but the Land Act 2012 does not state whether preference should be granted to land-to-land compensation.</p> <p>Land Act 2012 appears to prefer mode of compensation by the Government to the affected population.</p> | <p>Land for Land provided for in the Land Act based on agreement by the PAP. Cash based compensation seems to be the preferred mode of awarding compensation to the affected population by Government of Kenya</p> | <p>Ensure that all alternative options are considered before providing cash compensation</p> |

| AfDB OS2 | Kenyan Legislation | Comparison | Recommendation to Address Gap |
|--|---|--|---|
| <p>(a) land taken for the project is a small fraction of the affected asset and the residual is economically viable; (b) active markets for lost assets exist and there is enough supply of land and housing; or (c) livelihoods are not land- based.</p> <p>The policy requires that displaced persons are provided with prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project. If physical relocation is an option, relocation assistance is recommended.</p> | <p>Land Act talks of prompt, just compensation before the acquisition of land. However, interpretation of just compensation is yet to be clearly outlined through a specific schedule defining just compensation have not been put in place.</p> <p>The Act is does not out rightly stipulate assistance for relocation, but we can interpret that relocation cost will be included in just compensation.</p> | <p>‘Just compensation’ as stipulated in the Land Act not yet specifically defined.</p> <p>AfDB OS 2 provides related land transaction fees. Land Act not clear on this.</p> <p>AfDB OS 2 requires that displacement must not occur before all necessary measures for resettlement are in place</p> | <p>Use AfDB OS2 procedures in determining form of compensation</p> <p>Implement prompt and effective compensation at full replacement cost for the losses of the assets.</p> <p>Ensure that ALL resettlement options are agreed on with PAPs and put in place before displacement of the affected person.</p> |

Table 3-2: Comparative analysis for of AfDB's OS2 & Kenya's Requirements

| Category of PAPs and Type of Lost Assets | Kenyan Law | AfDB OS2 |
|--|---|--|
| Land owners | Under land act 2012, provision on the procedure for land acquisition | Entitlement to compensation for the loss of land and developments within the land For Kinamba water supply one land owner is affected where the tank is located- the RAP report has captured the details and procedures for compensation |
| Land Users | Land Act not clear on Land Users although in some cases they can receive some form of compensation depending on the determination by NLC. | Entitled to compensation for crops and investments made on the land; livelihood must be restored to at least pre-project levels. <i>For Kinamba water supply project there are no impacts on crops</i> |
| Owners of Temporary Buildings | The constitution of Kenyan respects the right to private property and in case of compulsory acquisition, just compensation must be granted to the owner for the loss temporary buildings. | Entitled to in-kind compensation or cash compensation at full replacement cost including labour and relocation expenses, prior to displacement. <i>For Kinamba water supply project there will be no impacts on temporary buildings</i> |
| Owners of Permanent buildings | The constitution of Kenyan respects the right to private property and in case of compulsory acquisition, just compensation must be granted to the owner for the affected land/property. | Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement. |

| Category of PAPs and Type of Lost Assets | Kenyan Law | AfDB OS2 |
|---|--|--|
| | | <i>For Kinamba water supply project there will be no impacts on permanent buildings</i> |
| Perennial Crops | Compensation for the loss of crops. | Full replacement cost for the loss of crops valued at market price Relocation assistance and livelihood restoration program. |
| Informal Traders/Vendors Traders/Mobile | Not specific on livelihood. The constitution says some pay maybe made in good faith. | Compensation and Livelihood restoration to pre-displacement level. <i>For Kinamba water supply project there will be no impacts on informal traders</i> |
| | | |

For the proposed Kinamba water supply project, there will be no impacts on buildings, perennial crops, Informal traders or permanent building buildings.

4. POTENTIAL PROJECT IMPACT

This section describes the Project activities and their potential impacts in terms of property and livelihood activities likely to be affected in implementation of the proposed project.

It presents the PAPs categories and types of livelihood properties and socio-economic services that are likely to be affected or lost because of Project implementation.

Alternative measures to minimize resettlement, displacement and restricted access are also discussed.

4.1. Zones of Potential Project Impacts

Construction activities will take place on the road reserve while meeting the conditions set out on the Kenya road act 2007. However, the proposed project construction will cause disturbance to communities in the Project area.

4.2. Environmental and social impacts

Environmental impacts- the environmental impacts have been identified and discussed in the Environment and Social Impact Assessment Report.

Some of the impacts discussed and identified during the public consultation meetings include the following on table

4.2.1. Negative impacts

Table 4-1: Negative impacts from project implementation

| Identified impact | Proposed mitigation |
|--|---|
| Influx in population during construction | Provide security and vetting |
| Security of the project materials | Provide adequate security, ensuring valves are located open spaces to reduce/avoid vandalism |
| Hazards from construction activities | Provision of PPEs to workers and securing the working sites |
| Pollution-dust, noise | Provision of mitigation measures such as watering to ensure dust suppression Working during the day to reduce noise from working at night. |
| Generation of waste | Ensuring that the contractor is compliant and doesn't leave waste on the construction sites |
| Soil erosion | Replanting vegetation after construction Stone pitching on sloppy section to reduce erosion |
| Loss of vegetation | Planting trees after construction too recover lost vegetation |
| Concerns over invasive species | Cleaning working machinery after construction, working in Liaison with WRTI to assist in managing the invasive species such as Opuntia. |

| Identified impact | Proposed mitigation |
|--|---|
| Poaching and animal kills in the sanctuary | Controlled access to the sanctuary (KWS land) during construction Sensitisation on the drivers on safety Providing speed limits |
| Loss of livelihood | Provision of livelihood restoration/ cushioning measures |
| Loss of land | Providing land acquisition and compensation to the land owners |

4.2.2. Positive impacts







- Access and provision of safe water
- Increase water supply
- Saving time and money spent sourcing for water
- Employment during construction
- Skills transfer
- Adequate water supply
- General development of the area
- Increased land value
- Improved health

4.2.3. Livelihood impacts

The project pipeline will traverse along the existing ROW on the road corridor, KWS(WRTI) land and private land for one water tank at Mirera. Construction activities will be limited on the existing ROW on the road serve, the project area is unique with regards to maintenance of the existing road corridor. There were no vendors observed on the ROW during the study and by the cut-off date.

The proposed pipeline alignments lie within existing road reserves and wayleaves owned by the County Government of Nakuru, and Kenya National Highways Authority (KeNHA).

Proposed project locations for the pipeline

| | |
|---|--|
|  |  |
| <p>Pipeline location at Kinamba</p> | <p>Pipeline location at Kinamba existing corridor is adequate- No vendors</p> |
|  |  |
| <p>Junction of the County Road and Naivasha-Njabini road</p> | <p>Road to Kayole tank site –Pipeline will be laid on the existing ROW</p> |
|  |  |
| <p>Existing road ROW on the KeNHA road</p> | <p>Existing ROW on section of Kinamba centre</p> |

Project implementation will also lead to land acquisition for 1 no. tank sites. The land acquisition process will be followed to ensure that the landowner is compensated for the loss of land. The land

acquisition will have affected one person whose livelihood is dependent on the land being acquired. The project affected person operates a concrete crashing business on the proposed land.

Proposed tank site (livelihood that will be affected)



4.2.4. Loss of land Impact

The proposed project will have an impact of land acquisition. The proposed tank site for Kayole will be located on private land. This will lead to acquisition of one parcel of land, the land tenure is privately owned land. The title is a freehold registered in the names of **Amos Kiongo Kamau**. The whole parcel measures approximately **0.957 Hectares or. 2.364 acres**. **The area being acquired is approximately 50 feet by 100 feet or 0.125 acres.**

Proposed project tank site in Kayole(mapped in red)

Extract of Google Map 2024 for Identification Purposes Only



Proposed Section to be acquired highlighted red

GPS Co-ordinate: Latitude: 0°45'12.92"S Longitude: 36°29'31.04"E

4.3. Alternatives and Mechanisms to Minimise Resettlement and loss of livelihood

- Use of manual excavation: The RAP proposes that the contracting firm use as much as possible manual excavation along the hedges of the private properties for all the pipelines to prevent damaging the buildings. This will enable the project to minimize the extent of structural damage associated with machine excavation and minimal disruption on the operations and access of existing businesses.
- Temporary step-back: Most of the activities related to the construction have been designed along road reserves within available space on the road reserve. The community in the main shopping centre in Kinamba will be given adequate notice when civil works are being implemented in their area.
- It is anticipated that the construction will be done within short sections which can take up to 3 or 5 days for the excavation or trenching and laying of pipes rather than opening more area which shall increase the community risk and increase the risk of loss of livelihood.

5. PUBLIC CONSULTATION AND PARTICIPATION

5.1. Government Policy on Community Consultation and Participation

The Kenyan Constitution 2010 Article, 69 1(d) encourages public participation, in the management protection and conservation of the environment. Under guiding values and principles of the Land Act, every public officer must ensure democracy, inclusiveness and participation of the people in matters related to Land. Also, people should participate in determining critical land matters for instance determining the economic viability of minimum and maximum acreages in respect of private land for various land zones in the country.

5.2. Objectives of public participation and Consultation

The objectives of holding the public consultation and participation were to.

- Introduce the Project implementation activities and potential impacts in to the community members
- Identify the communal property, infrastructure and facilities likely to be affected;
- Identify the vulnerable social groups that may require special support;
- Identify various socially and culturally acceptable resettlement and other mitigation alternatives;
- Identify the community expectations and fears related to the resettlement compensations;
- Explain to the community members the meaning of key concepts used under the RAP;
- Explain to the community members the procedure for property identification and assessment for the PAPs.

Extensive community and stakeholder engagement were held in the project area. Community consultations were a useful way of creating awareness amongst the members of the public as well as the Project affected persons on their rights. During the consultations the community was informed on the project impacts both positive and negative.

The RAP team undertook Public participation in the project area and along the pipeline route ensuring all the concerns regarding the project implementation activities and the associated impacts on the local people and their livelihood activities were raised openly and discussed. Minutes for the sensitisation meeting for Kinamba Water Supply are attached as Error! Reference source not found. C. A stakeholder engagement plan has been prepared for the Kinamba water supply project. It is attached on Appendices B.

5.3. Public Participation in the Project Area

The public consultation process involved visiting and discussing with the key stakeholders, community and residents in the Project area and its environs. The key stakeholders were identified and consulted with the aim of informing them about the proposed project, collect their views about the project and anticipated positive and negative impact from the Proposed project, get recommendations on how the adverse impacts can be mitigated or avoided, and gather local knowledge about the Project area.

5.3.1. Objectives

The main objectives of the consultations were as follows

- To inform the Public and stakeholders about the proposed Project

- To collect the Public and stakeholders’ views, comments and concerns regarding the proposed Project
- Map the stakeholders that should be consulted during the various project development stages.

5.3.2. Stakeholder Identification

The following were identified as the Project stakeholders.

These are government agencies and community associations whose main role is to regulate/safeguard the utilisation of natural resources or develop and maintain relevant infrastructure. They include:

- Naivasha Water Supply and Sanitation Company;
- Kenya Power and Lighting Company;
- Kenya Wildlife Service
- Kenya National Highways Authority
- Central Rift-Valley Works Development Agency; and
- County Government of Nakuru

National and County Government Stakeholders

These include:

- Ministry of Interior and Coordination of National Government represented by the Naivasha Deputy County Commissioners, Assistant County Commissioners Chiefs and Assistant Chiefs in the Project’s target area.
- County Government of Nakuru (MCAs, sub-County and Ward Administrators).

5.3.3. Methods of stakeholder engagement

Methods deployed during the stakeholder engagement process included:

Table 5-1: Consultation approach

| Approach | Institutions consulted |
|---------------------------------------|---|
| One on one interviews/ Courtesy calls | Central Rift Valley Water Works Development Agency |
| | Naivasha Water and Sanitation Company (NAIVAWASCO) |
| | Wildlife Research and Training Institute |
| | Kenya Power |
| | Kenya National Highways Authority |
| Public consultations | Community members, religious leaders, CBO’s in Kinamba |
| | Community members, religious leaders, CBO’s in Gituamba |

| | |
|--------------------------|---|
| Questionnaires | They were sampled in Naivasha East Location in Kinamba and Gituamba(Project Area) |
| Project affected persons | Census and enumeration was done for the PAPS. |

5.4. The outcomes of the engagements

5.4.1.1. *Courtesy calls/One on one interviews*

The consultant organised for one on one meetings with the stakeholders. Project information was disclosed and the stakeholders gave their views about the project.

These were the issues discussed

Table 5-2: Summary notes from one on one meetings

| Organisation | Stakeholders name | position | Concerns | Proposed mitigations |
|-----------------------------|---|---|--|--|
| Kenya Power | Kebenei Paul | Operations and Maintenance engineer | Delayed implementation/provision of power due to lack of way leave approval Environmental impacts- erosion. Loss of vegetation deep excavation | Ensure that the wayleave is provided for the power transmission to quicken implementation Ensure the way leave provider are consulted and informed about the project and intention utilise the land for power line transmission. Ensure contractor manages the environmental impacts. |
| Wildlife training institute | Bernard Kuloba Martha Nzisa Samuel Mungai | Senior Research scientist Research scientist Research scientist | Concerns during construction <ul style="list-style-type: none"> • Insecurity • Vandalism • Access and authorisation to site access • Concerns on invasive species • Loss of vegetation • Soil erosion • Solid waste pollution • Noise • Poaching and road kills • Hazards- open trenches | Provide security during construction and operation phase of the project. Requested CSR tree planting along the WRTI sanctuary fence Provide controlled access to the sanctuary during construction Provide security to safeguard the construction site. Ensure proper stakeholder consultation is done with all relevant stakeholders. Adequately consult WRTI on access to land |

| Organisation | Stakeholders name | position | Concerns | Proposed mitigations |
|----------------------|--------------------------|-----------------|--|----------------------|
| KeNHA- Corridor B | Eng. Vincent Boi Paul | Engineer -roads | Approval for utilisation of way leave from KeNHA Documentation of all sections of the road that will require micro tunnelling | |

5.4.1.2. Public meetings

These meetings were organised with the purpose of disclosing project information to communities and seeking their views and concerns in implementing the project. Two (2No.) public meetings were held at in the project area Location project is located in Naivasha West Location. A cumulative total of **93** people attended the meetings.

Table 5-3 Public meeting dates and venues

| Date | Venue | Participants | No. of participants & Gender |
|------------|----------|--|------------------------------|
| 6-12-2023 | Gituamba | <ul style="list-style-type: none"> • Assistant county commissioner • Area chiefs • Area residents | 58 (32 Male, 26 Female) |
| 16-12-2023 | Kinamba | <ul style="list-style-type: none"> • Assistant county commissioner • Area chiefs • Area Residents | 35 (20 Male, 15 Female) |



Figure 5-1 Public meeting Gituamba



Figure 5-2 Public meeting in Kinamba

The following is a summary of the issues raised at the public meetings:

Table 5-4 Summary of issues raised at the public meetings

| Stakeholders | Concerns/comments/proposals |
|--------------|---|
| Gituamba | <p>The attendees raised concerns on impacts of excavation during construction. They requested that the contractor is advised to ensure safety of the community by ensuring the open trenches are refilled after placing the pipeline</p> <p>The attendees raised concerns of other stalled water project they requested NAIWASCO to take up the stalled project.</p> <p>They requested that local people to be prioritised on employment during construction.</p> <p>They requested that the contractor should have good rapport with the community.</p> <p>They enquired if the water could be utilised for agriculture</p> <p>They were concerned about the security of the project</p> <p>They raised concerns of accidents during project construction the measures adopted to ensure safety</p> <p>They raised concerns of the water quality being provided by the proposed project.</p> <p>They raised concerns over project sustainability</p> <p>They wanted to know the measures put in place by NAIWASCO on waste water management. They mentioned that the area lacks sewers</p> |

| Stakeholders | Concerns/comments/proposals |
|--------------|---|
| Kinamba | <p>They raised concerns over the land where the tank will be located- They stated that the community had plans to constructing an ECD centre on the parcel of land.</p> <p>They were concern what would happen to the existence community water supply project- Kamurugu water project.</p> <p>They requested that further consultation should be undertaken before project is implemented</p> <p>They requested that the contractor should provide employment to local people during construction.</p> <p>They requested that the contractor should recognise the local culture as well as create good rapport with the community</p> <p>They requested that environmental impacts should be properly mitigated during construction.</p> |

5.4.1.3. Questionnaire administration

Questionnaires were used to obtain individual views on the proposed project from residents in Kinamba, Gituamba and Kayole. A structured questionnaire was administered to a total of 100 households which sought to establish the respondents' socio-economic characteristics, their views on the impacts that are likely to arise from the project, their concerns, and recommendations for mitigation of potential adverse impacts.

As part of enhancing community participation, qualified data collection assistants were engaged from local communities for the questionnaire administration exercise. The enumerators were trained prior to data collection and Data was collected using Kobo digital tool.

5.4.1.3.1. Summary findings from questionnaire administration

From the study the following impacts were identified during construction and operation phases of the project:

Table 5-5 Perceived project impacts during construction phase

| Positive impacts | Negative impacts |
|--|---|
| <ul style="list-style-type: none"> • Job creation • Increase in business opportunities • Community Development • Possible skills transfer to the local people • | <ul style="list-style-type: none"> • Creation of community safety hazards causing incidents and accidents • Noise pollution • Air pollution • Disruption of existing water pipeline • Open trenches which may be hazardous • Loss of vegetation cover • Possible incidents of poaching |

| | |
|--|--|
| | <ul style="list-style-type: none"> • Invasive species in the park |
|--|--|

Table 5-6 Perceived project impacts during operation phase

| Positive impacts | Negative impacts |
|--|---|
| <ul style="list-style-type: none"> • Access to water for domestic and livestock use • Increased value of land in the area • Safe and healthy community due to clean water • Access to water with low fluorine level • Supply of quality water • Reduced dental health hazard | <ul style="list-style-type: none"> • Lack of project maintenance leading to inefficiency and losses • Insecurity and vandalism of project infrastructure • Damaged roads due pipeline failure; • Conflicts if all the households won't have access to water • Insufficient revenue from water charges which may lead to poor maintenance of the infrastructure • Competition with other private water suppliers |

Table 5-7 Perceived cultural/social/political issues that may hinder project implementation

| Positive impacts | Proposed mitigation |
|---|--|
| <ul style="list-style-type: none"> • Poor management of the project funds • Lack of political goodwill on the project implementation • Land boundary conflicts • Lack of acceptance of the project by the community • Influence from private water suppliers | <ul style="list-style-type: none"> • Ensure that administrators of the scheme obtain project management training • Consult and seek the support of politicians for the proposed project • Ensure compensation of private land taken up by the pipelines • Engaging the community fully • Provide favourable water tariffs |

5.5. Proposed stakeholder engagement.

The RAP propose that the project should have a continuous stakeholder engagement to ensure smooth implementation of the proposed project. The report proposes the following engagement whose budget is provided on the stakeholder engagement plan prepared for the proposed project.

- Institutional continuous engagement with the government agencies (KeNHA, KWS and county department for roads.
- Water institution NAIVAWASCO
- Consultation with the project affected persons and facilitation processes on compensation
- Consultation on selection of grievance committee within the community
- Community meetings to be held before project implementation and introduction of the contractor
- Sensitization meetings with community on HIV/Aids as proposed on the RAP
- Sensitization meeting on construction health and safety

- Sensitization on GBV, SEAH and VAC/

6. BASELINE SOCIO-ECONOMIC CONDITIONS

6.1. Population of Nakuru County

In 2019, the Population of Nakuru County was 2,162,202 with an annual growth of 3.4%, the population comprised of 1,077,272 males and 1,084,835 females. With a population growth rate of 3.4 % per annum, the County population is projected to rise to 2,471,601 by 2023, 2,642,527 by 2025, and 2,825,274 persons by 2027. Nakuru County has 11 sub counties namely Nakuru town East, Nakuru Town West, Njoro, Molo, Gigil, Naivasha, Kuresoi North, Kuresoi south, Rongai, Subukia and Bahati. The proposed Kinamba water supply project is located in Naivasha sub-county, Naivasha East location in Biashara ward. Naivasha is about 75 km Northwest of Nairobi and about 65 km southeast of Nakuru town.

The population of Naivasha sub county where the Project is located was 355,383 comprised of 179,222 males and 176,132 females. Additionally, the Population of Naivasha East was 28,196 comprising of 14,902 males and 13,294 Female.

6.2. Population and Projections

The proposed Kinamba – Kayole water supply project intends to cater for the population at Kinamba which is currently not served and the population in Kayole which is not currently catered by the existing NAIVAWASCO infrastructure. The Population to be served derived from the command area and the respective Population density for 2019 is as follows:

Table 6-1 population in the project area

| Year | Sokoni Human Population | Kinamba Human Population | Maraigushu Human Population | Mirera Human Population |
|------|----------------------------|-----------------------------|--------------------------------|----------------------------|
| 1999 | 5,928 | 1,665 | 1,970 | 3,360 |
| 2009 | 5,160 | 2,670 | 2,330 | 6,880 |
| 2019 | 8,616 | 5,820 | 4,230 | 6,448 |

The population trend is analyzed graphically and extrapolated to derive projected population as follows: The design period is taken to be 20 years.

Table 6-2 projected population

| Area | Derived Population (Census 2019) | Future Population Projected 2033 | Ultimate Population Projected 2043 |
|-------------------------|-------------------------------------|-------------------------------------|---------------------------------------|
| Sokoni Sub Location | 8,616 | 10,400 | 12,400 |
| Kinamba Sub Location | 5,820 | 12,000 | 15,500 |
| Maraigushu Sub Location | 4,230 | 6,400 | 8,000 |

| | | | |
|---------------------|---------------|---------------|---------------|
| Mirera Sub Location | 6,448 | 12,000 | 16,400 |
| Total | 25,114 | 40,800 | 52,300 |

6.2.1. Settlement Patterns

The settlement pattern in Nakuru county is influenced by various factors, such as the physical diversity of the area, the history of white settlement, the post-independence resettlement programmes, and the socio-economic and environmental development of the county. In the project area, settlements are rural peri-urban and largely dictated by the size of individual land holdings, which are relatively small due to the growth and development of the area leading to land sub-division.

Settlement patterns in Nakuru County can be classified into rural and urban.

6.2.1.1. Urban centres

Urban Population projections show a significant growth in towns, for instance Molo and Gilgil will have a population of 53,789 and 58,276 in 2024 representing a 238 percent and 213 percent growth respectively. This growth can be attributed to growing social economic activities in the towns, rural-urban migration. Urban centres in the county play administrative, service, economic, social and innovative roles in development in the county. Very important, they provide market for rural agricultural produce and supply inputs to the rural agricultural sector. The major urban centres are: Nakuru, Naivasha, Mai Mahiu, Molo, Njoro, Gilgil, Subukia, Olenguruone, Bahati, Rongai, Salgaa, Dundori and Mau Narok.

6.2.1.2. Rural settlement

These are rural settlements where agriculture activities are primarily undertaken. The settlement patterns are scattered in the farms. The percentage rural population in 2009 was 62 percent with a county average population density of 214 persons per KM sq .

The major informal settlements are in Nakuru East (Bondeni, Manyani, and Lakeview), Nakuru West (Ronda, Kaptembwo, and Gituima), Gilgil (Kampi Somali, Maina, and Makaburi), Naivasha (Lakeview, Kihoto), Molo (Casino, Kasarani), Njoro (Industrial area, Juakali, Jewathu, Bondeni).

The proposed project is located in Kinamba center which has component of rural and urban set up. Kinamba is an upcoming urban center that requires adequate utilities for the growth of the town.

6.2.2. Land Ownership

Land is the main source of livelihood for many people in Nakuru County. All socio-economic activities depend largely on land hence, rights of land ownership and land use are critical in influencing growth in all sectors. Land use patterns Land ownership in the county is categorised into Public land, private land and community land. Public land is registered and set aside for government functions and development. This land includes land for institutions, government offices, open parks dams and road reserves. The county owns these lands parcels some of these institutions don't have title deeds.

Private land comprises over 95 percent of the total land in the county. It comprises freehold land and land under private leases.

Community land is lawfully registered in the name of group representatives, transferred to a specific community by any process of law, any other land declared community land by an Act of Parliament,

lawfully held, managed or used by specific communities as community forests, grazing areas or shrines, ancestral land and land occupied by traditionally hunter-gatherer communities and) lawfully held as trust land by the county governments. The County has community land in Mau Narok Areas.

6.2.3. Mean holding size

Nakuru County has few large-scale land owners holding approximately 263 Hectares (Ha) of land on average. On the other hand, the County is dotted with many small-scale land owners with mean landholding size of 0.77 Ha. The bulk of the land holdings in the County are small-scale and are found mainly in the high potential agricultural areas. The medium and large-scale farms account for a small per cent of the holdings but cover the largest area under farming. The mean holding size for land ownership in urban areas is 0.05 Ha on average. This being the case though, some larger parcels of land adjacent to major towns like Nakuru and Naivasha remain undivided therefore reducing growth of these urban areas.

Approximately 72.5 per cent of land owners have title deeds. In the County, slightly less than 20 per cent of the households are considered to be landless. Some of these landless persons are Post Election Victims settled in camps for Internally Displaced Persons, while others are slums dwellers and immigrants either in employment or engaged in business activities. There are also incidences of landlessness affecting those who were evicted from the Mau Forest.

6.2.4. Education

The basic education infrastructure for Nakuru county consists of the following components:

Early Childhood Development and Education (ECDE) Centres: These are facilities that provide pre-primary education for children aged 3 to 5 years. There are 2003 ECDE Centres in Nakuru County, of which 1003 are public and 1000 are private.

There are 1089 primary schools in the County consisting of 375 private primary schools and 714 public primary schools. As at 2017 the student enrolment stood at 465,729 consisting of 234,154 (boys) and 231,575(girls). Free Primary Education (FPE) has led to pressure on existing facilities in the primary schools as many students are enrolled to the institutions. Public primary schools' population accounts for 79 percent while private schools' population is 21 percent.

For secondary education Nakuru county has 336 public schools and 172 private schools with student enrolment of 111,987 and 34,086 respectively. The total enrolment in public and private is 146,073 students in which 73,141 are Boys while 72,932 are Girls.

Vocational Training Centres (VTCs): These are institutions that offer technical and vocational education and training (TVET) for youth and adults. There are 33 VTCs in the county, with an enrollment of 5592 students in the year 2023.

In the project area there is one public primary school (Gituamba primary) one secondary school (Gituamba secondary and one training vocational centre (Kinamba TVET)

6.2.5. Water resources

The main sources of water for Nakuru County are surface water and ground water. Surface water is mainly sourced from permanent and seasonal rivers, dams, water pans. The major rivers are; Malewa, Molo, Igwamiti and Njoro. Underground water is sourced from boreholes, springs and shallow wells.

6.2.5.1. Water supply schemes

Nakuru County is supplied with water by various schemes. These include; public water companies, community water supply schemes and private water vendors.

6.2.6. Sanitation and solid waste management

Nakuru county Sanitation is quite low with only 25.4% of the population having access to improved sanitation. About 2.8% defecate in the open, some 42.4% use unimproved sanitation facilities and some 0.5% rely on shared sanitation facilities. Sewerage coverage is estimated at 3.4%. Onsite sanitation services are poorly managed, with over 65% of excreta ending up in the environment untreated, due to inefficient collection, transport and treatment.

In Nakuru County, there are only 5 sub-counties with systems in place to manage solid waste. These are: Molo, Gilgil, Nakuru Town East, Nakuru Town West and Naivasha sub counties. This accounts for only 30% solid waste management within the county. The urban drainage systems are also poorly maintained and prone to blockages.

6.2.7. Health

There a total of 459 health facilities spread across the County. The County has one level 5 hospital which is Nakuru Provincial General Hospital (PGH) that serves Nakuru, Baringo, Nyandarua and Laikipia counties. The county has 14 level 4 and 5 hospitals, 22 health centres, 187 dispensaries and 249 community units offering level-one health services. The total establishment of health personnel is 2,486.

6.2.8. Livelihood and Poverty Levels

The county has a poverty headcount rate of 19.6%, which means that 19.6% of the population lives below the national poverty line. The county also has a poverty gap of 4.8%, which measures the average shortfall of the poor from the poverty line.

Nakuru county has a diverse economy, with agriculture, tourism, manufacturing, and trade being the main sectors. The county produces crops such as maize, barley, cabbage, carrots, and kales, and has a large livestock population. The county also hosts several national parks and wildlife reserves, such as Lake Nakuru National Park, which attract tourists from within and outside the country. The county has several industries, such as flour mills, dairy processors, and textile factories, and is a major trading hub in the region

6.3. Socioeconomic profile in the project area

A structured questionnaire was used to obtain socioeconomic information from households in the project area. A sample of 102 people was collected from the residents close to the project area. The sample included the data for the 2no of PAPs. The sample was selected to represent the socio-economic profile of households in the project area.

6.3.1. Gender of the respondents

From the census it was established that majority 52% of the respondents were male, 48% were female as shown on figure below

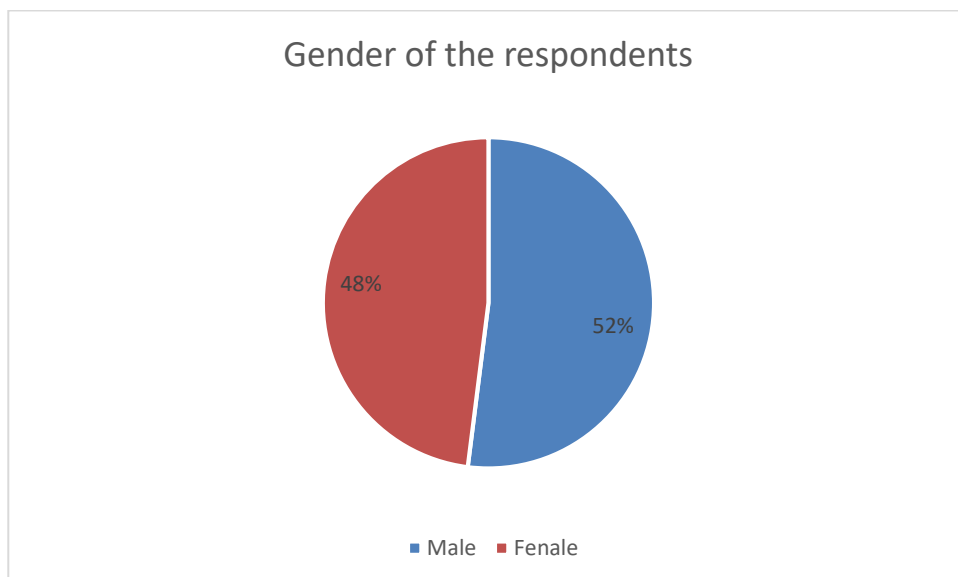


Figure 6-1 Respondents gender

6.3.2. Age of the respondents

Majority of the respondents 53% were aged between 18-35years, 33% were aged between 36-60 years, the least 14% were 61-75 years as presented below.

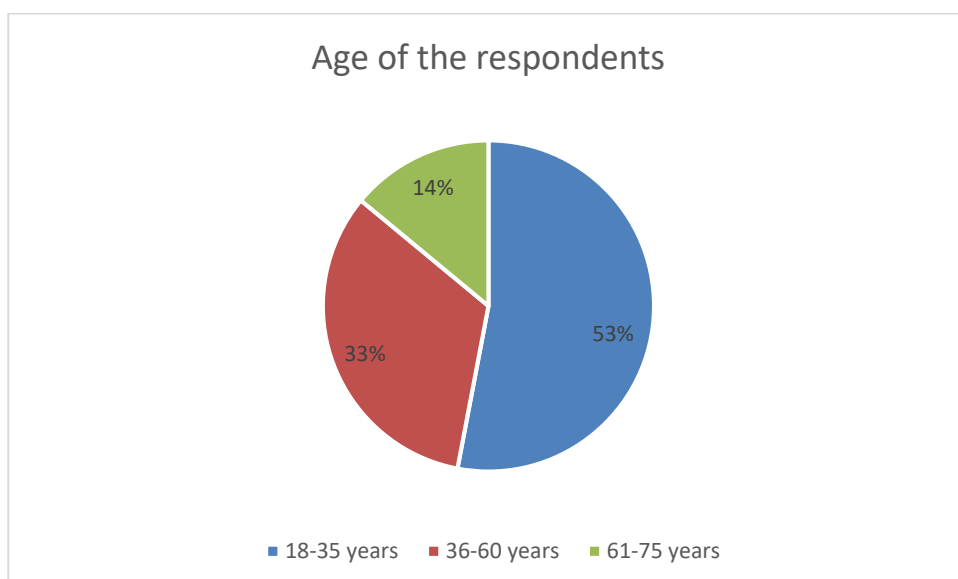


Figure 6-2 Age of the respondents

6.3.3. Respondents' marital status

66% of the respondents stated they were married, 24% stated they were single, 6% indicated they were windowed and 4% indicated they were divorced as presented in the Figure below.

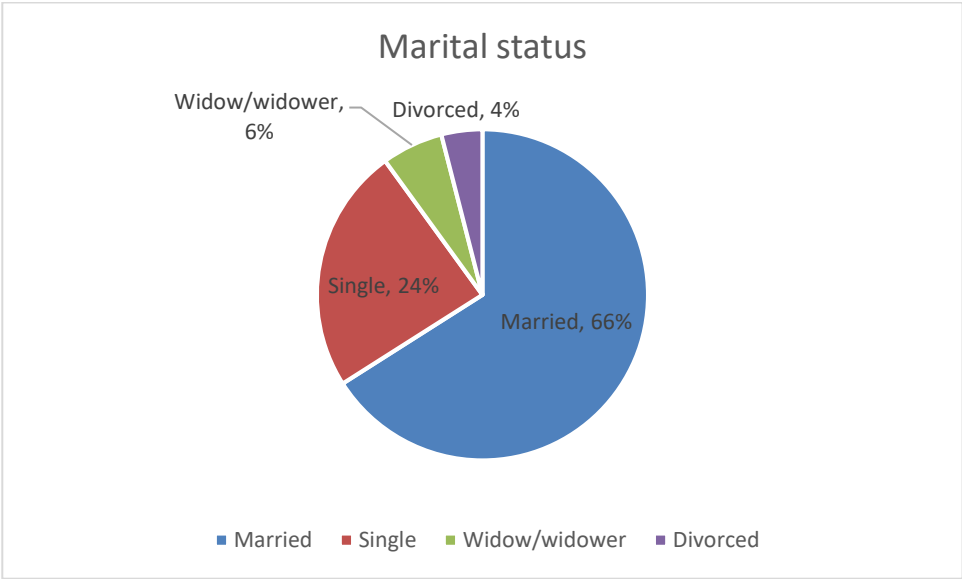


Figure 6-3 respondents marital status.

6.3.4. Respondents level of education

43% of the respondents stated they had attained secondary school education, 22% stated they had attained primary school level,20% stated they had attained College or TVET education,6% stated they did not complete primary school, 7% stated they had attained University education, and the least 4% stated they did not complete secondary school level of education as shown on Figure below.

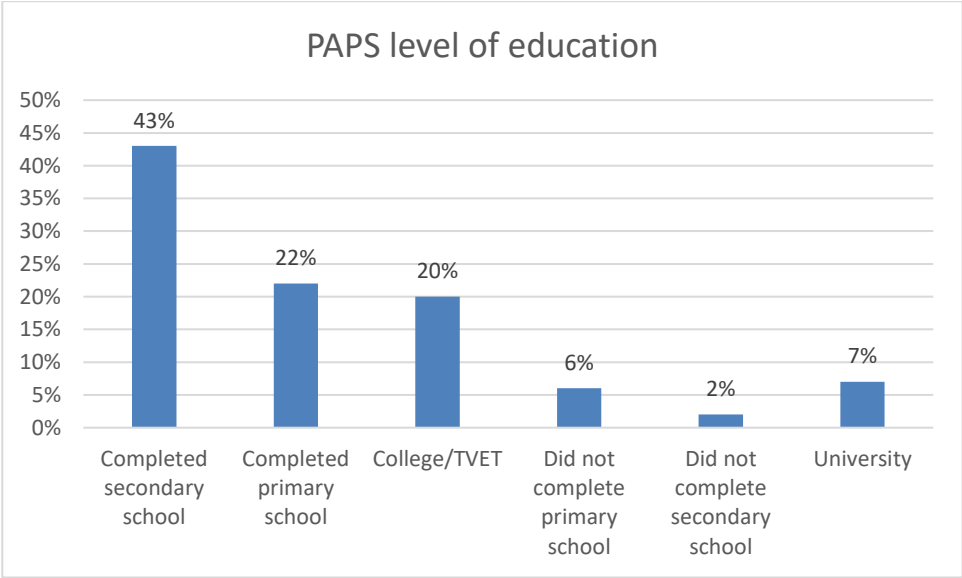


Figure 6-4 Respondents level of education.

6.3.5. Religious affiliation

Majority of the respondents 97% stated they were Christian, 2% were indigenous and 1% was of Muslims religion as presented in the Figure below.

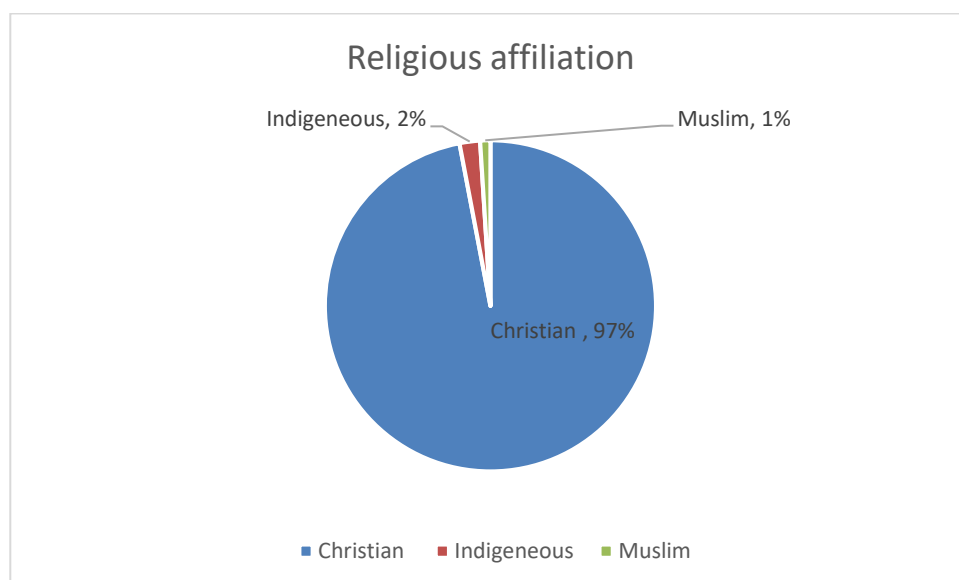


Figure 6-5: Respondents religious affiliation

6.3.6. Main sources of income for households in the project area

Majority of respondents 72% stated they operate business or they are self-employed, 14% undertake agricultural farming as the main source of livelihood and income generation, 8% stated they formally employed in private sector and the least 6% stated they rely on casual labour as their main source of livelihood.

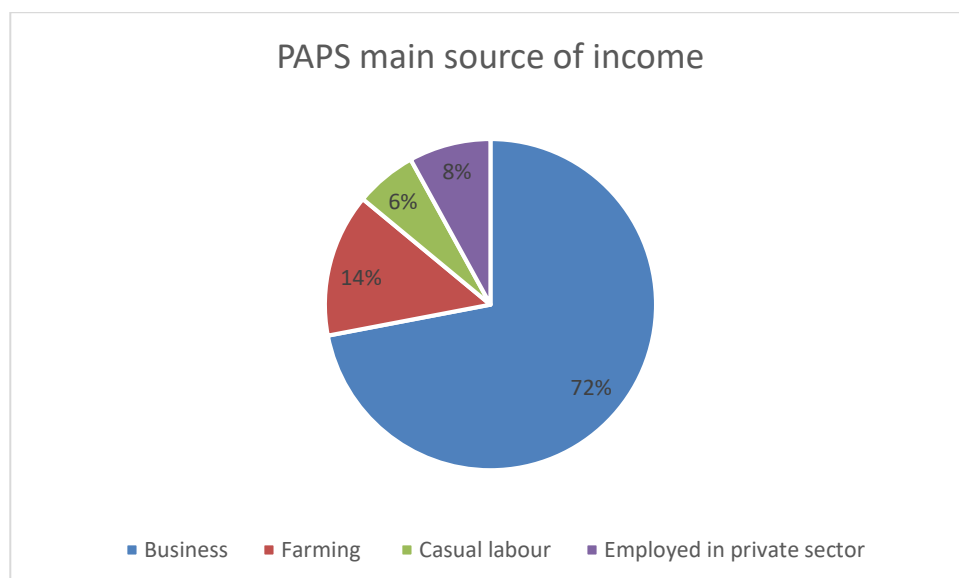


Figure 6-6 Respondent source of income

6.3.7. Households sources of cooking energy

Majority 68% stated they depend on LPG gas as the main source of cooking energy, 17% stated they depend on firewood, 12% stated they use charcoal and the least 3% stated they use electricity as the main source of cooking energy.

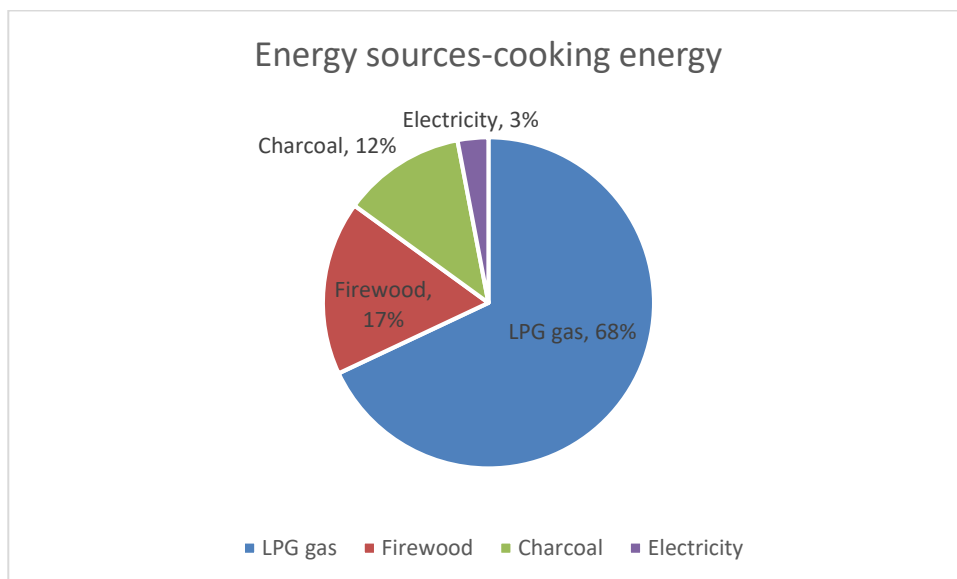


Figure 6-7 Sources of cooking energy.

6.3.8. Household sources of lighting energy

Majority 88% stated they utilise electricity as the main source of lighting energy, 10% stated they utilise solar energy as their main source of lighting energy and the least 2% stated they utilise paraffin as the source of lighting energy as shown on the figure below.

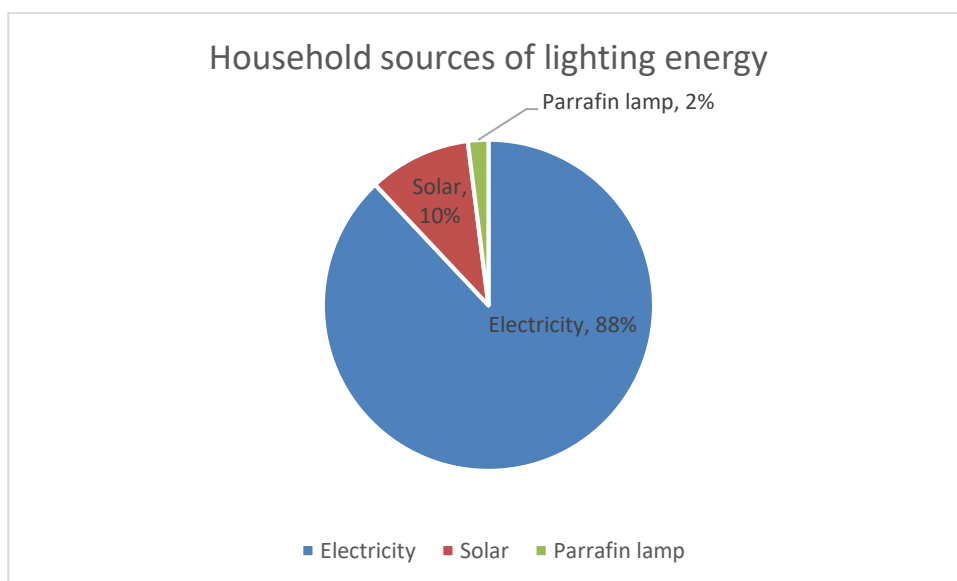


Figure 6-8 Respondents light energy sources.

6.3.9. Respondents water sources

Majority 60% of the respondents stated they utilised water supplied from commercial boreholes, 16% stated they get water from community water projects, 4% from rivers and 2% from shallow well .18% stated they relied on other sources of water such as rain water, buying from water vendors, tapped water and individually owned boreholes.

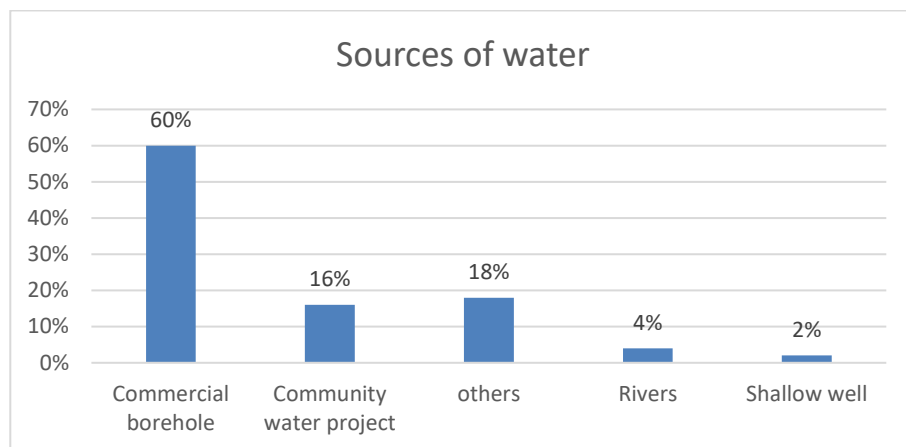


Figure 6-9 Respondents sources of water

7. COMPENSATION, ELIGIBILITY AND RESETTLEMENT STRATEGY

7.1. Compensation Framework

The Constitution allows for the government and local government to acquire land in the public interest. The assessment of the compensation under this RAP is therefore statutory and all steps have been taken to comply with statutory provisions.

This is also in relation to the Operational Safeguard 2: Involuntary resettlement land acquisition, population displacement and compensation (AfDB OS2) procedures that spell out who is who is entitled to resettlement compensation as a result of involuntary displacement due to development projects.

According to AfDB OS2 procedures, the following PAPs will be eligible for compensation.

- Those who have formal rights to land (including customary and statutory rights of occupancy recognised under the Kenyan law);
- Those who do not have formal legal rights to land at the time of PAP census but have a claim to such land or assets provided that such claims are recognised under Kenya laws or become recognised through a process identified in the resettlement and compensation plan; and
- Those who have no claim to land they are occupying or using.

7.2. Compensation Principles

The compensation principles to be followed are derived from the national legislation and the AfDB OS2 procedures on involuntary resettlement. These principles, including the valuation procedures, were all explained to the PAPs and other community members during the community consultations.

- Resettlement and compensation of PAPs will be undertaken in compliance with relevant Kenya laws and AfDB OS2 standards;
- All PAPs physically or economically impacted shall be adequately, promptly and equitably compensated before commencement of works at the Project -affected sites. All efforts will be taken to provide necessary assistance for the PAPs for PAPs to restore their livelihoods;
- In consideration of the differences between national legislation and the AfDB OS2 on Involuntary, Resettlement the higher of the two standards will be followed, where it best applies in this RAP, since this approach also satisfies the requirements of the lesser standard.

7.3. Eligibility for Compensation

The affected persons irrespective of their status are eligible for some assistance if they occupied the land or engaged in any livelihood activity at the affected sites before the entitlement cut-off date which has been taken as **30th January 2024** being the last day of the census. The entitlement “cut off” date refers to the time when the census and assessment of PAPs and their property in the project area were carried out and ended. This was explained to the community members and PAPs during community dialogues and the PAP census. Thereafter, no new cases will be entertained for compensation.

The cut-off date was communicated to the community and local leaders via chiefs barazas and notices were issued to the 2 no of PAPS (the land owner and the concrete crusher business owner) during the assessment of their assets.

The following categories are eligible for compensation:

- Peoples whose business and access to business will be affected during project implementation.
- Legal land owners whose land will be acquired permanently for the tank sites.

7.4. Eligibility

Both in principle and in the context of the project, eligibility for compensation for displacement defines:

- Which losses of assets and income are compensated under the project, and which are not;
- Who is entitled to receive the compensation, and who is not; and
- What evidence is expected in order to support claim for compensation.

The eligible losses and entitlements are elaborated in the Table 7-1: entitlement matrix.

7.5. Exclusion from Eligibility

As described in the earlier section of this RAP, all involuntary displacement (resettlement) is eligible for compensation except for five main categories of loss, which are explicitly classified as ineligible for compensation:

- Losses arising from structures/trees/crops or activities in the ROW (way leave), or in any of the sub project areas affected by the project, that post-date the cut-off date;
- Losses claimed based on intention to use land for a particular purpose (actual prior investment in plans and permissions may be compensated, but expected future value arising from proposed future investment is excluded);
- Losses arising from structures/ trees/crops or activities outside the ROW (fully justified exceptions could be considered by the Grievance Redress Mechanism (GRM));
- Losses arising from structures/trees/crops or activities outside the ROW (fully justified exceptions) could be considered by the Grievance Redress Mechanism (GRM) and;
- Losses claimed by a fraudulent basis or by material misrepresentation of facts e.g. of identity, ownership, employment or nature of assets or use of land.

7.5.1. Cut-off date

Upon completion of the PAPS census surveys, and in order to avoid an influx of additional persons, cut-off date was established to be **30th January 2024**. The cut-off date were communicated through discussion with PAPs and local leaders via barazas and via dissemination of poster and notices in the Project area. Those who encroach on the area after the established cut-off dates will not be eligible for compensation or assistance.

It is important to note that any activities established or any development in the ROW, or in areas outside the ROW but part of the project after cut-off date are not eligible for compensation. Any claims for occupation prior to the date, and therefor mistakenly omitted from the census, will be reviewed against evidence, and referred to the GRM for resolution.

Table 7-1: entitlement matrix

| No | Unit of entitlement | Type of loss | Entitlement |
|----|----------------------|---|--|
| | Loss of partial land | <ul style="list-style-type: none"> • Title Holder-Owner • | <ul style="list-style-type: none"> • 100% Cash compensation for entire land holding at replacement cost |

| | | | |
|--|--------------------|--|--|
| | | | <ul style="list-style-type: none"> • Replacement cost for standing assets erected by the Land Owner • 15% cash top-up in compulsory acquisition • Administrative charges, title fees, or other legal transaction costs • Money Management Training |
| | Loss of livelihood | Closure of business project construction | <ul style="list-style-type: none"> • Compensation for loss of livelihood . |

7.6. Valuation and assessment of affected assets and livelihood

7.6.1. Basis of valuation

The basis of valuation under the local legislation is The Land Act No. 6 of 2012 (Revised 2019) and The Valuers Act Cap 532. The Land Act of 2012 (Revised 2019) requires the National Land Commission to prescribe the criteria and guidelines to be adhered to for compulsory acquisition. Once the acquiring authority meets the requirements prescribed under sub-section (2) and Article 40 (3) of the Constitution, the commission shall;

- (a) Cause the affected land to be mapped out and valued by a qualified valuer using the valuation criteria set out under the acts.
- (b) The affected persons to be identified and a register prepared.

The Land (Assessment of Just Compensation) Rules, 2017 provides that the valuation and consequent compensation shall be composed of the following:

- a. the market value of the land at the date of publication in the Gazette of the notice of intention to acquire the land;
- b. damage sustained or likely to be sustained by persons interested at the time of the Commission's taking possession of the land by reason of severing the land from his or her other land;
- c. damage sustained or likely to be sustained by persons interested at the time of the Commission's taking possession of the land by reason of the acquisition injuriously affecting his or her other property, whether moveable or immovable, in any other manner or his or her actual earnings;
- d. reasonable expenses incidental to the relocation any of the persons interested or who will be compelled to change residence or place of business as a consequence of the acquisition;
- e. damage genuinely resulting from diminution of the profits of the land between the date of publication in the *Gazette* of the notice of intention to acquire the land and the date the Commission takes possession of the land;

- f. the effect of any express or implied condition of title or law which restricts the intended land use; and
- g. add a sum equal to fifteen per cent of the market value to the amount of compensation as compensation for disturbance.

The compensation value is hinged on the determination of the open market value. According to International Valuation Standards (IVS), 7th edition of 2005 Standard 1, open market value is defined as “—the estimated amount for which a property should exchange on the date of valuation between a willing buyer and a willing seller in an arms-length transaction after proper marketing wherein the parties had each acted knowledgeably, prudently, and without compulsion”.

The assets being acquired and/or destroyed by the proposed works include developments and assets that maybe affected. The basis of valuation for each class of assets is as follows:

- (a) **Improvements/Developments - Construction Cost Approach** is premised on the understanding that cost is equal to value. The value of the property is, therefore, the cost of producing a similar property caring to note regional differences in aggregate costs, and age/condition of the materials.

In addition, we have loss of income/livelihood that will be payable to the business owners as follows.

Loss of Income/Livelihood is presumed to be the profit lost for three days. Data collected from the business owners on daily profit was used in computing for loss of income for a maximum of three days, this is the period required for laying the pipe and restoring the section to its initial condition.

7.6.2. Date of Inspection

The properties were inspected for valuation purposes on **Saturday, January 27, 2024.**

7.6.3. Situation

The subject property is situated within Karai area of Naivasha approximately 2.88 kilometres south east of Kinamba Township in Nakuru County

7.6.4. Parcels Description

This is a gently sloping, black cotton soils parcel whose boundaries are left open. The boundaries of the proposed section is marked by old gci iron sheets.

7.6.5. Improvements

At the date of inspection there were no permanent structures on the section marked for acquisition, however, the section was occupied by a tenant who runs a stone crushing business.

7.6.6. GENERAL REMARKS

The value of the acquired portion will change depending on the acreage of the property vis-à-vis the acquired area due to the concept of “uneconomical remaining portion”. The values arrived at are as at the date of inspection which may remain the same or may change during implementation of the project.

During the inspection there was no visible evidence of pollution and / or land contamination was noted during the time of inspection.

8. Grievance Redress Mechanism

A grievance is a dissatisfaction or sense of injustice or unfairness felt by a person in this respect a PAP or his representatives regarding compensation entitlement and RAP implementation process, the project developer, the contractor and other scenarios related to the project implementation.

The grievances and disputes that are most likely to emerge during the implementation of a resettlement program and project implementation are following:

- Disagreement over valuation of land and other assets.
- Clerical errors that may lead to delays in compensation
- Delayed compensation
- Disputes over ownership of land and other assets
- Rejection over compensation award
- Handling cultural issues where there are no clearly precedent such as payment of compensation in a polygamous marriage.
- Potential PAP who may have been left out during the census and valuation process.
- Disputes during project implementation with the contractor/ the proprietor

This section describes the mechanism through which community members and PAPs will be able to report a grievance against the project and its staff or contractors as part of the RAP implementation. It also describes the roles and responsibilities of different structures in resolving grievances.

This grievance procedure is intended to put in place and facilitate accessible, prompt and cost-effective handling of grievances at the nearest points of service to community members and the PAPs.

The Grievance management provides for two tiers of amicable review and settlement, with the first tier at the site level, and the second level will integrate a mediation committee in case the grievance cannot be solved at first level.

Finally, there will be an option for each of the complaint to resolve to the court of law (third level) in case there is no resolution of the grievance with the mechanism.

8.1. Grievance Redress Committee

During the public consultations the community was informed to form ad-hoc grievance committee to acquaint themselves with the implications of the project and be able to articulate their views. They were informed some of the solutions to issues that may arise will be communicated are resolved through the committee.

The main function of the committee is to provide forum for the PAPs is to provide a forum for the PAPs to air

their dissatisfaction arising from the compensation or implementation process of the project. This is an informal forum within the Resettlement Committee to fast-track addressing of emerging issues in a project that can derail a smooth implementation of a project. The Committee is to receive complaints from the PAPs through the project office either verbally or in writing and they endeavour to address the issue to the satisfaction of the complainant. If the matter cannot be addressed to the satisfaction of the complainant within the prescribed period, the complainant then may have recourse to the Resettlement Committee.

8.2. Grievance Officer

The Grievance Officer (GO) will be a member of Project Implementing Team, the GO will lead the grievance mechanism. Principal responsibilities of the GO will include:

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

8.3. Grievance Management Mechanisms

The grievance management provides for two tiers of amicable review and settlement, with the first tier at the site. The second level will integrate a mediation committee in case a grievance cannot be solved at the first level.

Finally, there will be an option for each of the complaint to resolve in the court of law in case which is the third level if there is no resolution of the grievance with the mechanism.

8.4. First level: Grievance Committee

This RAP prefers the first level of grievance or conflict redress on project-related land issues to be handled by the village elders who already exist in the project site. The elders handle all forms of grievances in an amicable manner and as an alternative dispute resolution to formal process, which is normally lengthy and costly. Grievances not resolved by the site level committees will be taken to the second level.

In the affected sites as described will be a Site Resettlement and Compensation Committees and the membership will include:

- The local administration – chief and assistant chief
- One project affected person youth
- One project affected person woman

- One project affected male
- A representative of the vulnerable group
- Community representative
- A representative from Naivasha Water and Sanitation company limited
- A representative from Central Rift Valley Water Works Development Agency
- Contractor representative

Dispute procedure is explained below

Step 1: Launch / Receipt of the Grievance

A PAP or an aggrieved person will raise a written/ verbal complaint which shall be received by the GO or assigned contact officer in a given administrative jurisdiction/authority near to community level and recorded in a grievance log which will be held in the offices of the contractor.

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

The grievance log will indicate grievances, date opened/lodged, actions taken to address or reasons why the grievance was not acted upon, information provided to complainant and date on which the grievance was closed.

Grievances can be lodged at any time, either directly to the GO based at the NAIVAWASCO office, contractor's site office or the sub county offices. The process of lodging complaint is outlined below:

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

Step 2: Determination of Corrective Action

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

Grievances will be resolved, and the status reported back to complainants within 30 days. If more time is required, this will be clearly communicated and in advance to the aggrieved person. In cases that are not resolved within the stipulated time, site investigations will be undertaken, and

results discussed in the monthly meeting with the affected persons. In some instances, it may be appropriate to appoint independent third parties to undertake the investigations.

Step 3: Meeting with the Complainant

The proposed corrective action and the time frame in which it is to be implemented will be discussed with the complainant within 30 days of receipt of the grievance. Written agreement to proceed with the corrective action will be sought from the complainant (e.g. by use of an appropriate consent form). If no agreement is reached Step 2 will be revisited.

Step 4: Implementation of Corrective Action

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

Step 5: Verification of Corrective Action

To verify satisfaction, the aggrieved person will be approached by the GO to verify that the corrective action has been implemented. A signature of the complainant will be obtained and recorded in the log and/or on the consent for (see Step 3). If the complainant is not satisfied with the outcome of the corrective action, additional steps may be undertaken to reach agreement between the parties. If additional corrective action is not possible alternative avenues may be pursued.

Step 6: Action by Grievance and Resettlement Committee

If the complainant remains dissatisfied and a satisfactory resolution cannot be reached, the complaint will be handled by the Grievance Committee. A dedicated Grievance Committee will be established to assess grievances that arise from disputes and membership will include:

- One representative of the Administration; - National Government
- One representative of County Administration; - County Government
- One representative of the CRVWDA and NAIWASCO acting as an observer;
- One representative of the construction contractor, acting as an observer
- Three representatives of the affected people, amongst them at least one woman, chosen i.e. from community-based organizations, elders, traders.

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

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

Step 7: Alternative Action/Judicial Recourse and National Land Commission

In case this mechanism will lead to resolution of the grievance, the complaint is free to seek redress at the courts of law at any given time.

National Land Commission Grievance Mechanism: The Land Act 2012 and National Land Commission Act 2012 obligate the NLC to manage grievances and disputes related to resettlement or land amicably. NLC will be expected to arbitrate or negotiate with PAPs or landowners that have any grievances concerning their compensation.

8.5. Grievance mechanism for GBV, SEAH and VAC

The GBV GRM will have special procedures for responding to allegations of sexual exploitation and abuse (SEA) and sexual harassment (SH) that are made against a project actor. However, for any complaint that is reported to the GRM (including complaints involving other forms of GBV that are not related to the project), the GRM will also have procedures in place to refer the individual to GBV service providers.

For the purposes of the GRM, these terms are defined as follows:

- Gender-based violence. Gender-based violence, or GBV, is an umbrella term for any harmful act that is perpetrated against a person's will and that is based on socially ascribed (i.e. gender) differences between males and females. It includes acts that inflict physical, sexual, or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty. These acts can occur in public or in private. Across the globe, gender-based violence disproportionately affects women and girls. SEA/SH (defined below) is a subset of GBV.
- Sexual exploitation. Any actual or attempted abuse of position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially, or politically from the sexual exploitation of another.
- Sexual Abuse. Actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.
- Sexual harassment. Any unwelcome sexual advance, request for sexual favours, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might be reasonably expected or perceived to cause offense or humiliation to another, when such conduct interferes with work; is made a condition of employment; or creates an intimidating, hostile, or offensive work environment.
- Intimate partner violence (IPV). As defined by the World Health Organization (WHO), IPV refers to any behaviour within an intimate relationship that causes physical, psychological or sexual harm to those in the relationship. Examples of types of behaviour include:
 - ✓ Acts of physical violence, such as slapping, hitting, kicking and beating.

- ✓ Sexual violence, including forced sexual intercourse and other forms of sexual coercion.
- ✓ Emotional (psychological) abuse, such as insults, belittling, constant humiliation, intimidation (e.g. destroying things), threats of harm, threats to take away children.
- ✓ Controlling behaviours, including isolating a person from family and friends; monitoring their movements; and restricting access to financial resources, employment, education or medical care.

To fulfil the role of addressing GBV, all staff and volunteers at all levels of the proposed Project should be trained (and/or have previous knowledge and experience) on the GBV Guiding Principles and the specialized procedures for receiving and referring GBV-related complaints. This set of skills will help GRM staff and volunteers to support the quality of the complaint mechanism, while at the same time ensuring the adherence to these Guiding Principles and a survivor-centered approach, including right to safety, respect, and confidentiality, of the complaint intake and management. Hotline operators in particular should receive training on the handling of GBV related complaints in line with the principles of confidentiality and the specialized procedures.

When receiving a grievance/during the intake process, the person receiving the complaint shall respect the wishes, choices, rights and dignity of the complainant. In order for the survivor/complainant to make informed decisions about whether to seek services and whether to file a complaint with the project (where the complaint involves SEA or SH), she/he needs to be provided with clear and simple information on the functioning of the system, on the possible outcomes, likely timelines, and the types of support that can be provided. The survivor/complainant must also give their consent for the sharing of basic, anonymous, non-identifiable monitoring data about the incident with the project implementing agency (CRVWWDA) and the project financier. If a complainant chooses not to be referred to GBV service providers or have the project take further action, then the case will be closed. The officer or volunteer must seek the survivor/complainant's consent to share basic monitoring data, and if no consent is given, no data will be recorded. For GBV cases, it is important to ensure that access to the complaints processes is as easy and as safe as possible for the complainant/survivor and that they clearly understand the referral process.

8.5.1. Avenues of Channelling GBV-GRM Related Cases

The avenues of channelling GBV-GRM related cases that may occur during construction phase of the project is presented in table 8-14 below.

Table 8-1: Avenues of Channelling GBV-GRM Related Cases

| | |
|---------|--|
| GBV-GRM | The 1st level GRC at the project site/community level will designate 2 qualified persons within the committee who are most |
|---------|--|

| | |
|----------------------|---|
| | qualified to handle GBV-GRM matters (the Guidance Counsellor and the school principal/GBV focal person) |
| Communication | The project manager to make dedicated toll-free contact numbers for the GBV focal persons at the project site for stakeholders' access - via posters, community consultations and awareness creation |
| GBV Officer | The project GBV officer is the focal point for the accountability, response aspects and monitoring the accountability process (e.g., determining if project-related, making sure employer, which might be the project Consultant or Contractor, is taking GBV Officer appropriate disciplinary action and investigating, etc. |
| GBV Service Provider | Project Consultant will identify existing GBV service providers in the communities and at County level to maintain a Memorandum of Understanding (MOU) for referral of GBV-GRM cases |

8.5.2. Timeframe for processing Grievances

This section provides information on the expected timeframe for each stage of the GRM. It is expected that every responsible party will ensure they achieve the stipulated timelines. GBV/SEA/SH cases will not follow this timeframe and support must be provided to the survivor immediately due to the serious natures of SEA/SH issues.

Table 8-2: Time Frame for Processing Complaints

| Process | Description | Completion Timeframe | Responsible person |
|---|---|----------------------|---|
| Receipt of complaint | Document date of receipt, name of complainant, location, nature of complaint etc. | 1 day | Secretary to GRC at project level |
| Acknowledgement of grievance to the complainant | By letter, email, phone | 1 day | Secretary to GRC at project level |
| Screen and Establish the Merit of the Grievance | Review the complaint/ Listen to the complainant and assess the merit | 2 day | Project level GRC Secretary & the aggrieved PAP or his/her representative |
| Refer unrelated project grievances | Where complaint is not related to the proposed Project refer to appropriate | 2 day | Project level GRC Secretary & the aggrieved PAP or his/her representative |

Consultancy Services for Preparation of ESIA and RAP Reports and Review of Design,
Drawings and Tender Documents for Kinamba/Kayole Water Supply Project in Naivasha –
Nakuru County

| Process | Description | Completion Timeframe | Responsible person |
|---|--|-------------------------|---|
| | authority and inform complainant | | |
| Investigate the grievance | Visit the site, conduct investigations and interviews | 1 – 3 days | Project level GRC members |
| Implement a redressal action | Discuss and agree on the grievance resolution | 1 – 7 days | Project level GRC members & the aggrieved PAP or his/her representative |
| Escalate to the resident engineer for a dissatisfied scenario | Refer the complainant to the Consultant//contractor GRC | 3 – 10 days | Project level GRC Chairman |
| Receipt and record of complaint at Contractor/consultant GRC | Document date of receipt, name of complainant, location, nature of complaint etc. | 1 day | Consultant/contractor level GRM Officer |
| Investigate/ Implement a redressal action | Review the previous action by the project level GRC/ conduct investigations and interviews. Recommend grievance resolution | 2 – 7 days | Project level GRM Officer |
| Escalate to Client for a dissatisfied scenario | Refer the complainant to the Client GRC | 3 – 10 days | Client management |
| Receipt and record of complaint at CRVWWDA Document date of receipt, name of c | Document date of receipt, name of complainant | 1 day | Client GRM Officer |
| Investigate/ Implement a redressal action | Review the previous action by the GRCs/ conduct investigations and interviews. Recommend grievance resolution | 2 – 5 days | Client (CRVWWDA) GRC |
| Last resort - Advice complainant of option to seek judicial redress | Where resolution is not reached, complainant is free to seek judicial redress. | 7days 5days | CRVWWDA- Managing director/CEO |

Consultancy Services for Preparation of ESIA and RAP Reports and Review of Design, Drawings and Tender Documents for Kinamba/Kayole Water Supply Project in Naivasha – Nakuru County

| Process | Description | Completion Timeframe | Responsible person |
|----------------|--|----------------------|--------------------|
| | CRVWWDA to document the case including all attempts at resolution and send a report to the Financier | | |
| Close the case | Follow up to obtain feedback and document resolution in logbook | As required | GRM officers |

9. RAP IMPLEMENTATION

9.1. RAP Implementation Principals

The main objective of resettlement and compensation are to ensure that the PAPs get fair and prompt compensation and livelihood restoration. 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% 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 and;
- Measures will be taken to ensure that vulnerable groups get special assistance and support; and where spousal and children consent is needed, the provision.

9.2. RAP Implementation Arrangement

9.2.1. RAP Implementation Unit

All PAPS will be compensated before project implementation. This implies that compensation will be paid before the project works begin.

CRVWWDA will be the lead agency in the project and RAP implementation. In this project it will establish an RAP Implementation Unit (RIU) for the purpose of the RAP implementation.

The unit will be responsible for ensuring that PAPs promptly access their compensation entitlements and that their livelihoods are restored after resettlement.

The RAP implementation team will be responsible for:

- Delivery of the RAP compensation and rehabilitation measures;
- Appropriate coordination between the agencies and jurisdictions involved in the RAP implementation and;
- The measures (including technical assistance) needed to strengthen the implementing agencies' capacities for managing the facilities and services provided under the project.

9.2.2. RAP Implementation Unit Structure

The RIU will comprise of a core unit responsible for day-to-day operation and technical support staff. The composition of the core unit shall be as follows:

- a. Implementation team that will have the following members of staff;
 - Implementation manager (1) CRVWWDA technical manager;
 - Implementation officer, (1) CRVWWDA Social specialist;
 - Monitoring officer, (1) CRVWWDA Monitoring and Evaluation Specialist; and
 - Administrators (3) one of the administrators can be designated grievance officer.
- b. Valuer (1)
- c. National Government Representatives (chiefs);
- d. County Government Representatives (ward administrator);
- e. Representatives of PAPs in the affected sites;
- f. National Land Commission.

The day-to-day role of the RAP implementation team will be to:

- Plan and coordinate prompt compensation payments;
- Plan and coordinate non-compensation such as special assistance to vulnerable groups;
- Ensure that the compensation process and entitlements adhere to legal provisions such as spousal and children's consent where it applies, and following the succession Act in case of the death of a PAP;
- Report to the CRVWWDA senior management team and stakeholders;
- Ensure that the information needs of the PAPs are disseminated promptly and effectively;
- Establish, manage and update the RAP implementation database;
- Contribute to the regular monitoring and evaluation of the RAP implementation; and
- Consult and sensitize the community and PAPs regarding the RAP implementation progress.

9.3. Compensation and Payment Procedure.

The National Land Commission (NLC) Act 2012 will guide the payment procedure. All compensation payments will be made through designated bank accounts of PAPs.

PAPs without bank accounts will be assisted to open bank accounts. Payment of compensation will follow the prescribed procedure outlined in the NLC Act.

9.3.1. RAP Implementation

The RAP implementation will involve the following institutions.

1. CRVWWDA

2. Ministry of Finance,
3. Ministry of Water & Sanitation,
4. The County Governments,
5. NEMA, & Environment & Land Court

The CRVWDA RAP implementation, the National Land Commission and PAPs', will develop the schedule for implementation of activities. The implementation schedule will include.

- Targets dates for start and completion of the compensation payment;
- Time and venues for the compensation payment;
- Target days for fulfilling prerequisites for compensation payment and other legal requirement by the PAP's;
- Timetables for special assistance to the vulnerable groups;
- dates for vacant possession of the acquired land from the PAPs (this date must be after the payment of all compensation); and
- The link between the RAP activities to the implementation of the overall sub-project components.

It is proposed that the RAP be implemented within 7 months, including three months for exit. Other activities, such as project monitoring and grievance management, will run throughout the RAP implementation. The proposed schedule is subject to change depending on when RAP approval is obtained, finances secured, and relevant implementation structures established. The implementation schedule is reflected in the Table below.

NB: The RAP will be implemented in stages as the Valuation and PAPs information is updated.

The Ministry of Finance will be required to provide the funds required for the acquisition of the land. The Ministry of water shall oversee the implementation of the RAP through the water agency CRWWDA, the county government of Nakuru will be required to provide support in the implementation of the RAP through the department of land and the roads department.

NEMA will be required to provide the NEMA license after reviewing and approving the ESIA report.

The Environment and land court will be involved in the project if any disputes arise from the RAP or ESIA reports. It will be the last course whereby grievances will not have been resolved through the GRM put in place.

AFDB(financier) will be involved during RAP implementation and monitoring. CRVWDA will provide the RAP implementation report to the financier once RAP is completed.

The table below shows the implementation schedule Kinamba water supply RAP

Table 9-1: Implementation schedule

Consultancy Services for Preparation of ESIA and RAP Reports and Review of Design,
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Nakuru County

| Activity | Mon th 1 | Mon th 2 | Mon th 3 | Mon th 4 | Mon th 5 | Mon th 6 | Mon th 7 | Mon th 8 | Mon th 9 | Month 10 |
|---|-------------|--|----------------------------------|-------------|-------------|----------------|-------------|-------------|----------------|------------------|
| PAPs Census | | PAPs census, asset inventory and valuation studies | | | | | | | | |
| Compiling the report and submission to CRVWWD A | | | Wanjohi Mutonyi Consultants Ltd. | | | | | | | |
| Review | | | | CRVWWD/AFDB | | | | | | |
| Disclosure | | | | | CRVWWD/AFDB | | | | | |
| Compensat ion | | | | | | CRVWWD and NLC | | | | |
| Issue notice to vacate site | | | | | | | | | CRVWWD and NLC | |
| Monitoring and evaluation | | | | | | | | | | CRVWWD/Financier |
| RAP Completi on Audit | | | | | | | | | | CRVWWD |

9.3.2. RAP Budget

The RAP budget for affected assets, and land for Kinamba water supply Water Supply Project including 15% disturbance allowance and project activities totals to Kenya Shillings **2,795,237.50** (two million Seven hundred and ninety-five thousand two hundred Thirty-seven and fifty shillings cents shillings only).

Table 9-2: RAP Budget

| No. | Project Name | Land (Kshs.) (Inclusive 15% Disturbance) |
|-----|--|--|
| 1. | Kinamba water supply Project | 1,791,125.00 |
| | RAP Completion Audit | 50,000 |
| | RAP implementation activities(SEP,GRM,etc) | 700,000 |

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| | | |
|--|--------------|---------------------|
| | Contingency | 254,112 |
| | Total | 2,795,237.50 |

Proposed activities during RAP implementation include public participation, confirmation of the PAPS details, SEP and GRM implementation as well as undertaking RAP completion Audit.

10. MONITORING AND EVALUATION

10.1. Objectives of monitoring

The objective of monitoring and evaluation is to measure the effectiveness of the implementation of the RAP, it allows identifying problems and success as early as possible and gives timely adjustments.

A project Monitoring and Evaluation (M&E) is necessary to provide feedback on project implementation.

The M&E is useful for three reasons:

- it will keep activities on schedule;
- provides a systematic way for project managers to check progress;
- provide continuously information to the PAPs.

Monitoring for this RAP is a key component and is an integral part for the RAP Implementation Unit (PIU). It has the following steps:

- Monitoring of compensation progress, of specific situations of economic or social difficulties arising from the implementation of the compensation process, and of the compliance of the actual implementation with objectives and methods as defined by World Bank Principles and this RAP;
- Audit of the completion of the compensation program, through an assessment of the short-mid- and long-term impacts of the compensation program on affected households, their incomes and standards of living, the environment, local capacities etc. Monitoring and auditing include both internal and external tiers.

10.2. Specific Objectives

Monitoring of this RAP will address the following aspects:

- Social and economic monitoring; follow up on the status of the PAPs', potential land speculation, environmental and health situation, livelihood restoration including agriculture activities, employment and other activities that may arise.
- Grievances and grievance redress mechanism.

10.3. Levels of Monitoring

This RAP will focus on three levels of monitoring

- Impact monitoring
- Performance monitoring and;
- Completion audit monitoring

10.3.1. Impact Monitoring

Impact monitoring will be conducted by Advisory resettlement group in conjunction with the community. This will provide CRVWWDA and the RAP Consultant with an assessment of the effects of resettlement, verify internal performance monitoring and identify adjustments in the implementation of RAP as required. Where possible, PAPs will be included in all phases of impact monitoring especially in identification and measurement of baseline indicators upon which the effects of RAP will be measured against.

The baseline has already been established through the census, assets inventory, land use assessment, socio-economic studies of the affected population and areas affected by the project. The RAP indicators will measure the following:

- Impact of resettlement on health and welfare of the affected population;
- Impact of resettlement on vulnerable PAPs and;
- Effectiveness of livelihood restoration and development initiatives.

Impact monitoring will also capture and incorporate qualitative indicators to measure the satisfaction of affected persons with resettlement initiatives. This will be done through regular contacts and meetings with PAPs and focus group discussions with stakeholders.

10.3.2. Performance Monitoring

This is an internal management function that measures physical progress against milestones established in the RAP that is against scheduled actions. The performance schedule includes:

- Meetings held;
- Census assets inventories, assessments, socio-economic studies completed;
- Grievance redresses procedures in place and functioning;
- Compensation for housing and related infrastructure inclusion;
- Compensation for relocation of people completed;
- Income resolution and development activities initiated and;
- Monitoring and evaluation reports submitted.

Performance monitoring will be on going with reports done monthly, quarterly and semi-annually.

10.3.3. Completion Audit

In doing the final evaluation, a third party will be required to carry out an independent assessment of the RAP to establish whether the RAP outcomes comply with the resettlement policies. The audit's aim is to determine whether the efforts to restore the living standards of the affected populations have been properly conceived and executed.

The audit will evaluate the following:

- Verify that all physical inputs committed in the RAP have been delivered and all services offered;
- Evaluate the mitigation actions prescribed have had the desired results and identify those that require further consideration and;
- Evaluate the socio-economic status of the PAPs - this should be measured against the baseline conditions of the population before displacement.

The completion audit should be undertaken after all RAP inputs have been completed. A timely audit will enable CRVWDA to undertake corrective measures if any.

It is worth noting that the completion audit brings a closure to the sponsor's liabilities for resettlement, compensation, livelihood restoration and development support.

10.3.3.1. Monitoring Plan

Table 10-1: Monitoring Plan

| Activity | Type of information | Source of information | Responsibility | Frequency |
|-------------------------------|---|--|-------------------------------------|--|
| Performance monitoring | Measurement of inputs indicators against proposed time table and budget | Monthly reports | Project Sponsor | Monthly |
| Impact monitoring | Tracking inputs against baseline indicators Assessment of PAP satisfaction with inputs | Quarterly or annual quantitative and qualitative Continuous consultations with PAP, review of grievance mechanism | Contracted external monitoring unit | After compensation |
| Completion Audit | Measure output indicators such as livelihood restoration and development Adaptation strategies | External assessment/sign off report on performance and impact | Contract external agency | On completion of RAP schedule as agreed by |

| | | | | |
|--|--|--|--|-------------------|
| | | monitoring reports, consultation with PAP, | | parties involved. |
|--|--|--|--|-------------------|

10.3.3.2. *Monitoring Tools*

- Grievance check list to identify grievance issues reviewing the process of appeals at all levels and interview aggrieved affected person;
- Survey – to capture standard of living of the PAPs against an unaffected control group before and after the implementation of resettlement to assess whether the standard of living of the affected people have been improved or maintained and;
- Reports- to advise project management against necessary improvements in the implementation of the RAP.
- Random Interviews and open-ended discussions with PAPs- to assess their knowledge and concerns of their resettlement process, entitlements, and rehabilitation measures;
- Observations of functions of affected persons.

10.4. **Roles and Responsibilities**

The roles and responsibilities of the Monitoring Officer must be seen to directly contribute to the objectives of the internal monitoring process. The roles and responsibilities will involve:

- Setting up a system to collect monthly basic demographic and livelihood data about PAPs and having this data entered into a database for M&E;
- The identification and improvement of indicators to measure the RAP performance;
- The measurement of indicators at appropriate intervals;
- Collecting and analyzing data against pre-compensation baseline information to be able to track and isolate changes in the livelihoods of the PAPs;
- Setting up a system to enable the RIU to use M&E findings to improve or modify existing implementation measures or processes;
- Maintain in good order and regularly updating the M&E database;
- Receiving information from other officers in the RIU, from the general community, from technical and political officers from sub-counties; If baseline data is not available then census data can also be used.
- Giving feedback to other officers in the RIU, stakeholders and representatives through monthly reports and disseminations;
- Training and supervising locally recruited enumerators to collect data from the PAPs; and

- Undertaking specialized assessment for vulnerable PAPs and suggesting necessary interventions for such group.

10.5. Monitoring Indicators

The relevant monitoring indicators against which to measure the RAP implementation effectiveness are presented in the Table below.

Table 10-2: Monitoring parameters

| Activity/parameters | Indicators |
|--|---|
| PAPs Compensation | <ul style="list-style-type: none"> • Number of PAPs compensated promptly • Amount of money paid out to the PAPs • Number of PAPs not paid • Reasons why PAP have not been compensated |
| Livelihood restoration | <ul style="list-style-type: none"> • Number of vulnerable offered assistance • Number of people in the community offered employed • Number of vulnerable not assisted • Type of assistance provided to the vulnerable |
| Community engagement and consultations | <ul style="list-style-type: none"> • Number of local consultative meetings held • Number of County and National Government leaders engaged/briefed about the RAP • Number of Civil Society representatives engaged/briefed about the RAP • Number of PAP consultative meetings held |
| Grievance management | <ul style="list-style-type: none"> • Number of grievances logged • Number of grievances resolved • Number of outstanding grievances |

10.6. Monitoring Framework

For internal monitoring, the RAP will crosscheck the following parameters:

- Level and timing of payment for compensation;
- Income level;
- Number of people employed in the project;
- Infrastructure repair and relocation;
- Income levels and livelihood restoration;

- Training on other development needs.

10.7. External Evaluation

CRVWWDA will initiate the process of external evaluation collaboration with other national stakeholders. To avoid conflict of interest, the external evaluation will be undertaken by an external evaluation agency. The external evaluation will also be thematically undertaken at two levels and will examine the RAP implementation effectiveness and outcomes as outlined in the Table below.

Table 10-3: External Evaluation Thematic Issues

| Thematic Issues | |
|--|--|
| Process indicators that measure the effectiveness of the RAP implementation process | Outcome indicators (the main design of outcome evaluation will be a pre- and post-compensation comparative analysis) |
| <ul style="list-style-type: none"> • Adequacy (of staff number/skills/knowledge levels; equipment and facilities) at RIU • Legislative compliance with national and AfDB OS standards • Outputs of the M&E, compensation payments, community engagement, reporting, grievance processes as indicators of effectiveness and adequacy • Collaboration and coordination adequacy of the RIU | Livelihood changes among PAP households, including production systems and the standard of living and welfare |

10.8. RAP Completion Audit

CRVWWDA will at the end of the RAP implementation submit a final report to the African Development Bank (AfDB). The final report will indicate the effectiveness of the RAP implementation process, including: the organization and delivery of compensation payments and other resettlement measures; the grievance handling system; the M&E system; the community and public engagement, including vulnerable groups; and the socio-economic impacts of the resettlement measures. The final report will give an overall assessment of the RAP outputs against inputs indicating the planned activities completed and not completed as well as the lessons learnt during the RAP implementation.

The completion audit is intended to verify the results of the RAP implementation indicators, and to assess whether the RAP implementation achieved the resettlement

objectives. A specific question for the final audit is whether livelihood and living standards have been restored or enhanced.

Finally, the completion audit will ascertain whether the resettlement entitlements were appropriate. CRVWWDA will submit the completion audit report to the AfDB for review and appropriate action. CRVWWDA will be responsible for sourcing of and assigning to competent firm(s) the undertaking of the completion audit.

11. CONCLUSION AND COMMITMENTS BY THE PROPONENT.

conclusion

The proposed project is environmentally, legally, and socially acceptable. The potential significant environmental impacts can be adequately mitigated by the proposed measures in the ESIA report. The RAP report have provided adequate measures that will ensure there is minimal disturbances to loss of assets or acquisition of private property. The RAP has covered 2 project affected persons 1 land owner and one person losing livelihood from his business which is within the land that will be acquired for the Tank site.

The RAP provides for a budget of **Kshs 2,795,237.50** for the land acquisition and loss of livelihood, it also includes the 15% disturbance fee.

RAP commitment

The RAP commits to the following

- Compensation of the project affected persons before the project is implemented
- Issuance of a 3 months' notice to the PAPs to vacate the project site
- Formation of GRC at the community level, project level and at the client level
- Training on GBV/SEAH during project implementation
- RAP completion audit
- Routine monthly audits to the proposed project
- Continuous stakeholder engagement.

Appendix A. Valuation Report

Appendix B. Asset Register

Appendix C Stakeholder engagement plan (SEP)

APPENDIX D Individual Pap Consent Forms

APPENDIX E- Meeting minutes

GITUAMBA

**PROPOSED KINAMBA WATER SUPPLY PROJECT: MINUTES FOR STAKEHOLDER
ENGAGEMENT AT GITUAMBA VILLAGE.**

| | |
|------------------------|----------------------------|
| DATE: 6/12/2023 | START TIME: 10:00AM |
| VENUE: GITUAMBA | END TIME: 1:00PM |

| PRESENT: | | | |
|--|-------------------|----------------------|------------------------------|
| S/no | Name | Designation | Organization |
| 1 | Lorraine Njoki | Sociologist | CRVWWDA |
| 2 | Paul Mwaura | Sales and sanitation | NAIVASCO |
| 3 | Charles Ndumia | Project Inspector | NAIVASCO |
| 4 | Agnes Kariuki | Asst chief | Kinamba Sub location |
| 5 | Beatrice Githinji | Sociologist | Wanjohi Mutonyi Consult Ltd. |
| 6 | Meshack Muthini | Asst. Sociologist | Wanjohi Mutonyi Consult Ltd. |
| | | | |
| Other stakeholders: see Attendance list | | | |
| AGENDA: 1.Prayer 2.Introduction 3.Presentation by the Consultant 4.Discussion on the Road project 5.Plenary 6.Comments 7.Adjournment | | | |

| Item No | Description | Action by: |
|----------------|--------------------|-------------------|
|----------------|--------------------|-------------------|

| | | |
|-------------|---|-----|
| Min 1/23 | <p>Prayers</p> <p>The meeting started at 10 am with prayers by Teresia Ngugi</p> | ALL |
| Min 2/23 | <p>Introduction</p> <p>The Asst. Chief Angela welcomed the attendees and appreciated them for availing themselves for the meeting. She invited the consultant to introduce other members form the CRVWWDA and NAIVAWASCO.</p> <p>Remarks from the consultant representative-</p> <p>She appreciated the attendees and stated the purpose of the meeting was to undertake a public consultation about the proposed water supply project. She invited the representative from CRVWWDA and NAIVAWASCO.</p> <p>Remarks from CRVWWDA</p> <p>The representative from the client appreciated the attendees for making time for the meeting. She explained the mandate of CRVWWDA which is to undertake development, maintenance and management of national public water works in the counties of Baringo, Laikipia, Nakuru, Narok and Nyandarua. The agency also provides technical and capacity building services to county governments and water services providers upon request. Some of the projects that the agency is involved in include Chemususu Water Supply Distribution Project, Kabarnet Sewerage Project, Pesi Dam, Nanyuki Bulk Water Project, Itare Dam, and Narok Town Sewerage System. She stated that the agency had secured some funds from AFDB to implement on the proposed project. She urged the attendees to participate fully in the meeting.</p> <p>Remarks from NAIVAWASCO representative.</p> <p>The representative from NAIVASCO appreciated the attendees. he stated that the role of mandate of NAIVAWASCO is to supply water and offer service related to water and sanitation to all the residents of Naivasha Sub-county. He explained that the WSP had supplied water to different centers within the sub county, he stated that there was a proposes to ensure all the centers in the sub county have access to safe water. He informed the residents that the WSP had done proposal to CRVWWDA to consider the proposed project. He stated that the consulting firm had been mandated to undertake the design which is presently complete and in the finals stages of preparing the project for funding.</p> | ALL |

| | | |
|---------|---|--|
| | <p>The representative explained to the participants the procedure of getting water connection from NAIVASCO water. He elaborated the procedure for application for water connection, he stated the requirements for registration a copy of title deed/certificate or sale agreement, KRA pin and identification card. He mentioned that application cost Ksh 5000. The representative further, told the participants that Payments for connection fees can be paid monthly after connection in bits for those who are not able to pay the full amount.</p> <p>He told the participants there is a program called social connection, where consumers are allowed to pay in installment the connection fee. He explained to the participants that NAIVASCO's water quality, reliance and low prices are the core marketing strategy against the other water suppliers.</p> <p>He mentioned to the stakeholders the importance of taking care of project infrastructure after installation. \</p> <p>He said the vandalism cost the company a lot of resources which could be invested elsewhere due to vandalism.</p> | |
| Min3/23 | Project presentation | |
| | <p>Public participation importance</p> <p>The community was informed that the constitution of Kenya 2010 states stakeholders and communities must be informed about the project s and give their views. They were also informed that under NEMA EMCA 1999/2015 stakeholder and public consultation is key to the ESIA process.</p> <p>Project scope</p> <p>The attendees were informed that the proposed project was to be financed by AFDB. the project is to source water from Karate bore holes, from where the water will be channeled through HDPE pipes running on the ROW on the Nakuru Nairobi highway. The attendees were informed that there will be a water taken at KWS(WRTI) sanctuary where the water will be pumped to the Kinanmba TVET tanks site. From there the water will be distributed and also supply water to the third tank at Mirera.</p> <p>They were informed that the project component is construction of 3 water tanks and distribution pipelines.</p> <p>Environment and social impacts</p> | Consultant -Wanjohi Mutonyi Consult |

| | |
|--|---|
| <p>The attendees were informed that the project construction activities will lead the project to positive and negative impacts.</p> <p>The impacts were discussed in details and the attendees informed of the possible mitigation measures. They were informed that the ESIA report will develop the ESMP that will enable reduce the impacts</p> | |
| Identified impact | Proposed mitigation |
| Influx in population during construction | Provide security an vetting |
| Security of the project materials | Provide adequate security, ensuring valves are located open spaces to reduce/avoid vandalism |
| Hazards from construction activities | Provision of PPEs to workers and securing the working sites |
| Pollution-dust, noise | Provision of mitigation measures such as watering to ensure dust suppression Working during the day to reduce noise from working at night. |
| Generation of waste | Ensuring that the contractor is compliant and doesn't leave waste on the construction sites |
| Soil erosion | Replanting vegetation after construction Stone pitching on sloppy section to reduce erosion |
| Loss of vegetation | Planting trees after construction too recover lost vegetation |
| Loss of livelihood | Provision of livelihood restoration/ cushioning measures |
| Loss of land | Providing land acquisition and compensation to the land owners |
| <p>The community was informed of the positive impacts</p> <ul style="list-style-type: none">• Access and provision of safe water• Increase water supply• Saving time and money spent sourcing for water• Employment during construction• Skills transfer | |

| | | |
|---------|---|--|
| | <ul style="list-style-type: none"> • Adequate water supply • General development of the area • Increased land value • Improved health | |
| Min4/23 | Discussion of the project | |

Min 5/23 PLENARY SECTION

| | Issue raised/question/Recommendations | Name | Response given | Name |
|--|---|----------------|---|---------------------------|
| | He enquired whether the contractor will follow the full guidelines of NEMA. He also raised the issues of the stalled water project at Gituamba. | Simon Wairangu | She informed the participants that the contractor will be supervised by a consultant throughout the project implementation. She informed the participants that the community project stalled because of mismanagement. | CRVWWDA |
| | He Mentioned that sometimes the contractor is abusive and does according to his/her will. He further enquired whether everyone will be supplied with the water and if the water can be used for farming. He enquired who is responsible to secure the project infrastructure. | John Muigai | She told the participants that there will be an EHS officer on ground throughout the project implementation to report to If the contractor misbehaves. The officer told the participants that it's a collective responsibility of the community and | CRVWWDA NAIVAWASCO |

| | | | | |
|--|--|-------------|--|------------|
| | | | <p>NAIVASCO to secure the infrastructure from vandalism.</p> <p>He said that the water will be sufficient for farming but the tariffs for big consumers are different from the domestic consumers in terms of prices per cubic meter.</p> <p>He told the participants that all access roads will be connected to enable everyone to access the connectivity.</p> | |
| | She enquired when NAIVASCO will be able to connect the commercial plots to the public sewerage system. | Sarah Kamau | He informed the participants that sewage line requires a lot money to construct but slowly by slowly they are connecting every centre to the system. | NAIVAWASCO |
| | She requested for the people of Malewa location to have water point to serve them. | Elizabeth | He told the stakeholders that their request will be captured for consideration. | NAIVAWASCO |
| | He enquired who is responsible if an accident happens during construction. | Paul Muigai | She informed the participants that the EHS on site will investigate the incident to know who was on the wrong the | CRVWWDA |


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| | | | | |
|--|--|------------------|---|------------|
| | | | insurance will compensate. | |
| | She enquired about the requirements for water connection. | Mercy Mugambi | <p>He informed the stakeholders that the basic requirement for connection is: a copy of title/certificate/sales agreement, Copy of ID, KRA pin and a connection fee of ksh 5000.</p> <p>He further, informed the participants that the team of marketers will be on ground working closely with the office of the chief and MCAs office during implementation of the project. He also said that, there will be water clinics to educate the community more on the water connection.</p> | NAIVAWASCO |
| | He requested the youths to be given job opportunities during implementation. | Charles waithaka | <p>She informed the participants that for unskilled labour the local community will be given 70% chances of available employment opportunities, while for the skilled the community members will be given the</p> | Consultant |

| | | | | |
|---------------------|--|--|--|----------|
| | | | opportunity to apply and be considered. | |
| Min 6/23 | Comments | | | |
| | He requested the water agencies to work closely with the office of ward Admin and MCA to serve the community better and effective. | | | Ward Rep |
| Min 7/23 | Adjournment There being no other business the meeting was adjourned by a word of prayer from a volunteer at 1.00 pm . | | | ALL |
| | See the attached Attendance list | | | |

CRVWWDA Representative:


Name: Phillip Kimeli

Signature: 

Date 22nd June 2024

Consultant Representative:

Name: Beatrice W Githinji

Signature: 

Date 22nd June 2024

Date

Meeting at Kinamba – Kamurugu

APROPOSED KINAMBA WATER SUPPLY PROJECT: MINUTES FOR STAKEHOLDER
ENGAGEMENT HELD AT KINAMBA VACATIONAL TRAINING COLLEGE KINAMBA
VILLAGE.

| | |
|-----------------|--------------------|
| DATE: 6/12/2023 | START TIME: 1:00pm |
| VENUE: GITUAMBA | END TIME: 4:00PM |

| PRESENT: | | | |
|---|-------------------|-------------------------------|---------------------------------|
| S/no | Name | Designation | Organization |
| 1 | Lorraine Njoki | Sociologist | CRVWWDA |
| 2 | Paul Mwaura | Sales and sanitation NAIVASCO | NAIVAWASCO |
| 3 | Margret Mukuria | Chief Naivasha west | Naivasha west |
| 3 | Charles Ndumia | Project Inspector | NAIVAWASCO |
| 4 | Agnes Kariuki | Asst chief | Kinamba Sub location |
| 5 | Beatrice Githinji | Sociologist | Wanjohi Mutonyi Consult Ltd. |
| 6 | Meshack Muthini | Asst. Sociologist | Wanjohi Mutonyi Consult Ltd. |
| | | | |
| Other stakeholders: see Attendance list | | | |
| AGENDA: 1.Prayer 2.Introduction 3.Presentation by the Consultant 4.Discussion on the Road project 5.Plenary 6.Comments 7.Adjournment | | | |

| Item No | Description | Action by: |
|---------|-------------|---------------|
|---------|-------------|---------------|

| | | |
|-------------|--|-----|
| Min 1/23 | <p>Prayers</p> <p>The meeting was opened by a word of prayer by Tracy</p> | ALL |
| Min 2/23 | <p>Introduction</p> <p>The Snr Chief Margate welcomed the attendees and appreciated them for availing themselves for the meeting. She invited the consultant to introduce other members form the CRVWWDA and NAIVAWASCO.</p> <p>Remarks from the consultant representative-</p> <p>She appreciated the attendees and stated the purpose of the meeting was to undertake a public consultation about the proposed water supply project. She invited the representative from CRVWWDA and NAIVAWASCO.</p> <p>Remarks from CRVWWDA</p> <p>The representative from the client appreciated the attendees for making time for the meeting. She explained the mandate of CRVWWDA which is to undertake development, maintenance and management of national public water works in the counties of Baringo, Laikipia, Nakuru, Narok and Nyandarua. The agency also provides technical and capacity building services to county governments and water services providers upon request. Some of the projects that the agency is involved in include Chemususu Water Supply Distribution Project, Kabarnet Sewerage Project, Pesi Dam, Nanyuki Bulk Water Project, Itare Dam, and Narok Town Sewerage System. She stated that the agency had secured some funds from AFDB to implement on the proposed project. She urged the attendees to participate fully in the meeting.</p> <p>Remarks from NAIVAWASCO representative.</p> <p>The representative from NAIVASCO appreciated the attendees. he stated that the role of mandate of NAIVAWASCO is to supply water and offer service related to water and sanitation to all the residents of Naivasha Sub-county. He explained that the WSP had supplied water to different centers within the sub county, he stated that there was a proposes to ensure all the centers in the sub county have access to safe water. He informed the residents that the WSP had done proposal to CRVWWDA to consider the proposed project. He stated that the consulting firm had been mandated to undertake the design which is presently complete and in the finals stages of preparing the project for funding.</p> | ALL |

| | | |
|---------|---|--|
| | <p>The representative explained to the participants the procedure of getting water connection from NAIVASCO water. He elaborated the procedure for application for water connection, he stated the requirements for registration a copy of title deed/certificate or sale agreement, KRA pin and identification card. He mentioned that application cost Ksh 5000. The representative further, told the participants that Payments for connection fees can be paid monthly after connection in bits for those who are not able to pay the full amount.</p> <p>He told the participants there is a program called social connection, where consumers are allowed to pay in installment the connection fee. He explained to the participants that NAIVASCO's water quality, reliance and low prices are the core marketing strategy against the other water suppliers.</p> <p>He mentioned to the stakeholders the importance of taking care of project infrastructure after installation. \</p> <p>He said the vandalism cost the company a lot of resources which could be invested elsewhere due to vandalism.</p> | |
| Min3/23 | Project presentation | |
| | <p>Public participation importance</p> <p>The community was informed that the constitution of Kenya 2010 states stakeholders and communities must be informed about the project s and give their views. They were also informed that under NEMA EMCA 1999/2015 stakeholder and public consultation is key to the ESIA process.</p> <p>Project scope</p> <p>The attendees were informed that the proposed project was to be financed by AFDB. the project is to source water from Karate bore holes, from where the water will be channeled through HDPE pipes running on the ROW on the Nakuru Nairobi highway. The attendees were informed that there will be a water taken at KWS(WRTI) sanctuary where the water will be pumped to the Kinanmba TVET tanks site. From there the water will be distributed and also supply water to the third tank at Mirera.</p> <p>They were informed that the project component is construction of 3 water tanks and distribution pipelines.</p> <p>Environment and social impacts</p> | Consultant -Wanjohi Mutonyi Consult |

| | <p>The attendees were informed that the project construction activities will lead the project to positive and negative impacts.</p> <p>The impacts were discussed in details and the attendees informed of the possible mitigation measures. They were informed that the ESIA report will develop the ESMP that will enable reduce the impacts</p> | | | | | | | | | | | | | | | | | | | | | |
|--|---|-------------------|---------------------|--|-----------------------------|-----------------------------------|--|--------------------------------------|---|-----------------------|---|---------------------|---|--------------|--|--------------------|---|--------------------|--|--------------|--|--|
| | <table><tr><th>Identified impact</th><th>Proposed mitigation</th></tr><tr><td>Influx in population during construction</td><td>Provide security an vetting</td></tr><tr><td>Security of the project materials</td><td>Provide adequate security, ensuring valves are located open spaces to reduce/avoid vandalism</td></tr><tr><td>Hazards from construction activities</td><td>Provision of PPEs to workers and securing the working sites</td></tr><tr><td>Pollution-dust, noise</td><td>Provision of mitigation measures such as watering to ensure dust suppression Working during the day to reduce noise from working at night.</td></tr><tr><td>Generation of waste</td><td>Ensuring that the contractor is compliant and doesn't leave waste on the construction sites</td></tr><tr><td>Soil erosion</td><td>Replanting vegetation after construction Stone pitching on sloppy section to reduce erosion</td></tr><tr><td>Loss of vegetation</td><td>Planting trees after construction too recover lost vegetation</td></tr><tr><td>Loss of livelihood</td><td>Provision of livelihood restoration/ cushioning measures</td></tr><tr><td>Loss of land</td><td>Providing land acquisition and compensation to the land owners</td></tr></table> | Identified impact | Proposed mitigation | Influx in population during construction | Provide security an vetting | Security of the project materials | Provide adequate security, ensuring valves are located open spaces to reduce/avoid vandalism | Hazards from construction activities | Provision of PPEs to workers and securing the working sites | Pollution-dust, noise | Provision of mitigation measures such as watering to ensure dust suppression Working during the day to reduce noise from working at night. | Generation of waste | Ensuring that the contractor is compliant and doesn't leave waste on the construction sites | Soil erosion | Replanting vegetation after construction Stone pitching on sloppy section to reduce erosion | Loss of vegetation | Planting trees after construction too recover lost vegetation | Loss of livelihood | Provision of livelihood restoration/ cushioning measures | Loss of land | Providing land acquisition and compensation to the land owners | |
| Identified impact | Proposed mitigation | | | | | | | | | | | | | | | | | | | | | |
| Influx in population during construction | Provide security an vetting | | | | | | | | | | | | | | | | | | | | | |
| Security of the project materials | Provide adequate security, ensuring valves are located open spaces to reduce/avoid vandalism | | | | | | | | | | | | | | | | | | | | | |
| Hazards from construction activities | Provision of PPEs to workers and securing the working sites | | | | | | | | | | | | | | | | | | | | | |
| Pollution-dust, noise | Provision of mitigation measures such as watering to ensure dust suppression Working during the day to reduce noise from working at night. | | | | | | | | | | | | | | | | | | | | | |
| Generation of waste | Ensuring that the contractor is compliant and doesn't leave waste on the construction sites | | | | | | | | | | | | | | | | | | | | | |
| Soil erosion | Replanting vegetation after construction Stone pitching on sloppy section to reduce erosion | | | | | | | | | | | | | | | | | | | | | |
| Loss of vegetation | Planting trees after construction too recover lost vegetation | | | | | | | | | | | | | | | | | | | | | |
| Loss of livelihood | Provision of livelihood restoration/ cushioning measures | | | | | | | | | | | | | | | | | | | | | |
| Loss of land | Providing land acquisition and compensation to the land owners | | | | | | | | | | | | | | | | | | | | | |
| | <p>The community was informed of the positive impacts</p> <ul style="list-style-type: none">• Access and provision of safe water• Increase water supply• Saving time and money spent sourcing for water• Employment during construction• Skills transfer | | | | | | | | | | | | | | | | | | | | | |

| | | |
|---------|---|--|
| | <ul style="list-style-type: none"> • Adequate water supply • General development of the area • Increased land value • Improved health | |
| Min4/23 | Discussion of the project | |

Min 5/23 PLENARY SECTION

| Issue raised/question/Recommendations | Name | Response given | Name |
|---|----------------------|--|--------------------------|
| He asked how the community from Kamurugu water tank site and kahuruko will benefit from the project. | Rev. David Muyuria | He informed the participants that some parts of Kahuruko may not be able to get the water because they are on higher level than the proposed Tank area. He further informed them that there will be more consultation to see if they can have a tank placed where the Kahuruko community can be able to get water. | NAIVAWASCO |
| He enquired how the project will coexist with the existing Kamurugu water project. Further he informed the participants that before the project was proposed there should have had an engagement with the existing water committee. He also informed the participants, where the projects propose to have water tank placed the land belongs to the | Patrick Kimani Chege | She informed the participants that NAIVASCO's will integrate with the existing water project to serve the community. | CRVWWDA NAIVWASCO |


| | | | | |
|--|--|-------------|---|------------|
| | community for ECD and a water tank which is already there. | | | |
| | He enquired when the Kinamba project started. | Peter Mburu | She mentioned that the project has not started and law requires public participations to be carried out before commencement of any project. | Consultant |
| | She inquired where the proposed water project tank will be placed. She further stated that the community had proposed to build a ECD class at the proposed land. | Ward admin | He informed the participants that the project proposes to put the tanks at the vocational college land. | NAIVWASCO |
| | He enquired whether the NAIVASCO connection will disconnect the existing connections. | Paul Muigai | He informed the participants that they will not disconnect the exist water supply from the community borehole but they will work together to enhance the water supply to the community. He further told the participants that NAIVASCO water is reliable, clean and affordable. | NAIVWASCO |
| | He enquired about the requirements for water connection. | Luka Maina | He informed the stakeholders that the basic requirement for connection is: a copy of title/certificate/sales agreement, Copy of ID, KRA pin and a | NAIVASCO |

| | | | | |
|-----------------|---|------------------|---|------------|
| | | | <p>connection fee of ksh 5000.</p> <p>He further, informed the participants that the team of marketers will be on ground working closely with the office of the chief and MCAs office during implementation of the project. He also said that, there will be water clinics to educate the community more on the water connection.</p> | |
| | He requested the youths to be given job opportunities during implementation. | Francis Macharia | <p>She informed the participants that for unskilled labour the local community will be given 70% chances of available employment opportunities, while for the skilled the community members will be given the opportunity to apply and be considered.</p> | Consultant |
| Min 6/23 | Comments | | | |
| | He requested a more consultative approach to handle the issue of land where the tanks will be placed. She requested for another community meeting with area MCA and the community water project for further deliberations | | | Chief |
| Min 7/23 | <p>Adjournment</p> <p>There being no other business the meeting was adjourned by a word of prayer from a volunteer.</p> | | | ALL |

| | | |
|--|----------------------------------|--|
| | See the attached Attendance list | |
|--|----------------------------------|--|


CRVWWDA Representative:

Name: Phillip Kimeli




Signature: 

Consultant Representative:

Name: Beatrice W Githinji












Signature: 


Appendix C. Consultation/ Attendance registers

Wanjohi Mutonyi Consult Ltd.   

Environmental and Social Impact Assessment (ESIA) for the Proposed Kinamba Water Supply Project
Public Participation Meeting Attendance Register

Location _____ Venue Githuamba

| S/n | Name | Designation/Job | Location/Organisation | Email | Phone No. | Signature |
|-----|---------------------------|---------------------|-----------------------|-----------------------|-------------------|---|
| 1 | <u>Edwin Mutiso</u> | <u>BUSINESS</u> | <u>Githuamba</u> | | <u>0741078748</u> |  |
| 2 | <u>Margaret Mwangi</u> | <u>MCA officer</u> | | <u>margaret@gmail</u> | <u>0741078748</u> |  |
| 3 | <u>SAMUEL NJERI RUFUS</u> | <u>Rtd Supr/Min</u> | <u>GITHUAMBA</u> | | <u>0725713775</u> |  |
| 4 | <u>MARGARET MURITHI</u> | <u>BUSINESS</u> | <u>Githuamba</u> | | <u>0721558741</u> |  |
| 5 | <u>MURIEL NJERI</u> | <u>BUSINESS</u> | <u>Githuamba</u> | <u>njeri@kenya</u> | <u>0702261400</u> |  |
| 6 | <u>Sarah Kamau</u> | <u>Business</u> | <u>Githuamba</u> | - | <u>0723379201</u> |  |
| 7 | <u>Miriam Wanjiku</u> | <u>Business</u> | <u>Githuamba</u> | | <u>0726702706</u> |  |
| 8 | <u>MARIA WAINICHA</u> | <u>FARMER</u> | <u>GITHUAMBA</u> | | <u>0723436399</u> |  |
| 9 | <u>ERICK GITHII</u> | <u>BUSINESS</u> | <u>GITHUAMBA</u> | | <u>0724600711</u> |  |
| 10 | <u>Magezi Mugwani</u> | <u>farmer</u> | <u>Githuamba</u> | | <u>0718615900</u> |  |
| 11 | <u>JOSEPH MURUGU</u> | <u>Business</u> | <u>Githuamba</u> | | <u>07221</u> |  |



Consultancy Services for Preparation of ESIA and RAP Reports and Review of Design, Drawings and Tender Documents for Kinamba/Kayole Water Supply Project in Naivasha – Nakuru County



Environmental and Social Impact Assessment (ESIA) for the Proposed Kinamba Water Supply Project
Public Participation Meeting Attendance Register

Location

Venue

| S/n | Name | Designation/Job | Location/Organisation | Email | Phone No. | Signature |
|-----|---------------------|------------------------------|-----------------------------|--------------------------|-------------|-----------|
| 1 | MARGRET MUKURIA | CHIEF | NAIVASHA EAST | margretmukuria@gmail.com | 0725741902 | |
| 2 | AGNES W. KARIUKI | CHIEF ASST/CHIEF | KINAMBA SUB-LOC | Wagwanagwa@gmail.com | 0726776316 | |
| 3 | JOSEPH M. KAMAU | ASST/CHIEF | MUNUNGAT SUB-LOC | kamauj89@gmail.com | 0727136357 | |
| 4 | Paul Mwangi | SALES & PROMOTION SUPERVISOR | NAIVASHA CO | Paulmwangi28@gmail.com | 071222912 | |
| 5 | Charles H. H. H. H. | PROJECTS SUPERVISOR | NAIVASHA CO | Charles.h.h.h@gmail.com | 0717376402 | |
| 6 | Bedrice Githiga | SO BIOLOGIST | Wanjohi Mutonyi Consultants | bedricegithiga@gmail.com | 0727180619 | |
| 7 | Mechau Muthini | ASST SOCIOLOGIST | Wanjohi Mutonyi Consultants | mechau.muthini@gmail.com | 071607997 | |
| 8 | AMARIS MWATI | | Kinamba | amarismwati@gmail.com | 0725750711 | |
| 9 | ELIZABETH WANJIKU | | KINAMBA | | 07264474502 | |
| 10 | SIMON NGANG' | | KINAMBA | | 0723151218 | |
| 11 | John Maina | | Kinamba | | 0708550832 | |

CHIEF
NAIVASHA EAST LOCATION

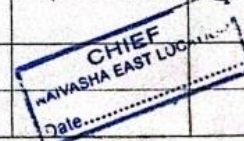
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Nakuru County

**Wanjohi
Mutonyi
Consult Ltd.**
Engineers - Environmentalists - Project Managers



| | | | | | | |
|----|------------------|----------|-----------|---------------|------------|------|
| 12 | Jerryah Mwangi | | Kinamba | | 07593394 | JS |
| 13 | Francis Nganga | | Kinamba | | 0760791322 | V |
| 14 | John KITHA | | HIGHLAND | | 0729626947 | OK |
| 15 | Luka Mwangi | | KINAMBA | | 0724335865 | 1/16 |
| 16 | Paul THO | | KINAMBA | | 0727605609 | OK |
| 17 | Mary Wairimu | | Gitumbura | | 076807110 | OK |
| 18 | Francis Macharia | Resident | Gitumbura | Naivasha East | 0706439606 | ho |
| 19 | DAVID MAMIN | | Kinamba | | 0721715552 | OK |
| 20 | MOSES MURAGA | | Kinamba | | 0724619032 | myc |
| 21 | ISHAC MWANGI | | | | 0724976760 | OK |
| 22 | Simon Kungu | | Kinamba | | 0703561861 | OK |
| 23 | | | | | | |
| 24 | | | | | | |
| 25 | | | | | | |



Consultancy Services for Preparation of ESIA and RAP Reports and Review of Design, Drawings and Tender Documents for Kinamba/Kayole Water Supply Project in Naivasha – Nakuru County

Wanjohi Mutonyi Consult Ltd.
Engineers - Environmentalists - Project Managers



Environmental and Social Impact Assessment (ESIA) for the Proposed Kinamba Water Supply Project
Public Participation Meeting Attendance Register

Location

Venue *Gituamba.*

| S/n | Name | Designation/Job | Location/Organisation | Email | Phone No. | Signature |
|-----|---------------------|-----------------|-----------------------|-------------------------|-------------|--------------------|
| 1 | Charles Warthaka | town Rep | Gituamba | | 0708412209 | <i>[Signature]</i> |
| 2 | Leah Kung'u | Business | Gituamba | shirondachs@gmail.com | 0700154033 | <i>[Signature]</i> |
| 3 | Francis Macharia | Business | Gituamba | | 0706439606 | <i>[Signature]</i> |
| 4 | JAMES MWARA | Business | Gituamba | | 0769614750 | <i>[Signature]</i> |
| 5 | MALIBARI MUKULU | Business | Gituamba | | 0703181286 | <i>[Signature]</i> |
| 6 | Jeonah Hlatibu | | Gituamba | Jeonahhlatibu@gmail.com | 0713118927 | <i>[Signature]</i> |
| 7 | JOSEPH MATIA | BUSINESS | Gituamba | Joegiambi@gmail.com | 0726221607 | <i>[Signature]</i> |
| 8 | PAUL MUGATI | BUSINESS | KINAMBA | Paulmugati980@gmail.com | 0728466751 | <i>[Signature]</i> |
| 9 | CHRISTOPHER MUGAMBI | Civil SERVANT | Gituamba | | 0726212763 | <i>[Signature]</i> |
| 10 | John Kariithi | Business | Gituamba | - | 0716592547 | <i>[Signature]</i> |
| 11 | mercy mutoni | B/S | Gituamba | - | 07941238335 | <i>[Signature]</i> |

CHIEF
NAIVASHA EAST LOCAL GOVT

Consultancy Services for Preparation of ESIA and RAP Reports and Review of Design, Drawings and Tender Documents for Kinamba/Kayole Water Supply Project in Naivasha – Nakuru County

Wanjohi Mutonyi Consult Ltd.
Engineers - Environmentalists - Project Managers



Environmental and Social Impact Assessment (ESIA) for the Proposed Kinamba Water Supply Project
Public Participation Meeting Attendance Register

Location NAIVASHA EAST Venue GITUAMBA

| S/n | Name | Designation/Job | Location/Organisation | Email | Phone No. | Signature |
|-----|------------------|----------------------|-----------------------|-----------------|------------|-------------|
| 1 | ELIZABETH WANGU | (Ward Administrator) | Nakuru West Ward CGN | elizabethwangui | 0721462480 | [Signature] |
| 2 | AGNES W. KARUKU | SHR/ASST/CHIEF | KINAMBA sub-loc | | 0726796374 | [Signature] |
| 3 | JOHN MUMGAT K. | RESIDENT | KIGITUAMBA | | 0725732704 | [Signature] |
| 4 | JOHN NJENGA | RESIDENT | GITUAMBA | | 0721428639 | [Signature] |
| 5 | RAMAB MBUGUA | RESIDENT | GITUAMBA | | 0714414122 | [Signature] |
| 6 | Nekesen pamois | RESIDENT | MARARO | | 0702363520 | [Signature] |
| 7 | Rahab wambui | RESIDENT | GITUAMBA | | 0729354503 | [Signature] |
| 8 | Tereca Mumi | RESIDENT | GITUAMBA | | 0724652943 | [Signature] |
| 9 | SIMON NARNGO | RESIDENT | GITUAMBA | | 0721634824 | [Signature] |
| 10 | SIMON KARAGU | RESIDENT | GITUAMBA | | 071295895 | [Signature] |
| 11 | AMOS MAINA MTHIA | RESIDENT | GITUAMBA | | 0710791347 | [Signature] |

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CHIEF
NAIVASHA EAST LOCALITY

Consultancy Services for Preparation of ESIA and RAP Reports and Review of Design, Drawings and Tender Documents for Kinamba/Kayole Water Supply Project in Naivasha – Nakuru County



Environmental and Social Impact Assessment (ESIA) for the Proposed Kinamba Water Supply Project
Public Participation Meeting Attendance Register

Location

Venue

| S/n | Name | Designation/Job | Location/Organisation | Email | Phone No. | Signature |
|-----|---------------------|-----------------|-----------------------|----------------------|-------------|-----------|
| 1 | JAMES KIRURI MUNDWA | RESIDENT | Gituamba | - | 0722 739111 | |
| 2 | David Kamau | Resident | Gituamba | | 0797297734 | |
| 3 | JOSEPH MUTUA WABOGA | Resident | Gituamba | | 0797 301361 | |
| 4 | Helena Kihungu | Resident | Gituamba | | 0722367078 | |
| 5 | GERALD M. NDIRANGU | Resident | Gituamba | | 0726420078 | |
| 6 | Joseph K. Karuki | Resident | Gituamba | jokirugi@gn | 0722408150 | |
| 7 | FLAVIAN MAKUTHI | Resident | Gituamba | flavianmakuthi@gmail | 0725854454 | |
| 8 | Samuel Karuki | Resident | Karuri | | 0744989242 | |
| 9 | SAMUEL WATKANJO | Resident | Gituamba | swmkanjo@gmail | 0721306690 | |
| 10 | SIMON KIRORIO | Resident | Gituamba | | 0721616442 | |
| 11 | AGNES WANJIKU | Resident | Gituamba | | 0792366030 | |



Consultancy Services for Preparation of ESIA and RAP Reports and Review of Design, Drawings and Tender Documents for Kinamba/Kayole Water Supply Project in Naivasha – Nakuru County



Environment and Social Impact Assessment for Kinamba Water Supply Project.

Respondents signing sheet.

| S/N | Name Of Respondent | Location/Ward | Phone Number | Signature |
|-----|--------------------|-------------------------|--------------|-----------|
| 1 | Geoffrey Njuguna | Naivasha East Center | 0157532285 | Geoffrey |
| 2 | Kimani Mathew | Naivasha/Bisai Center | 0729345171 | Kimani |
| 3 | Grace Muthoni | Bisai/Kinamba Center | 0111543202 | Grace |
| 4 | Agnes Kijiku | Kinamba Center | 0784460873 | Agnes |
| 5 | Edwin Nyabuto | Naivasha/Kinamba Center | 0759687370 | Edwin |
| 6 | Freshia Nyambura | Naivasha Center | 0111951593 | Freshia |
| 7 | Stephen Njide | Kinamba Center | 0713911677 | Stephen |
| 8 | Joseph Mochu | Kinamba Center | 0726614509 | Joseph |
| 9 | Lucy Wanjiru | Kinamba Center | 0114192943 | Lucy |
| 10 | Kevin Gitau | Kinamba Center | 0113309542 | Kevin |
| 11 | Joyce Wanjiku | Kinamba Center | 0713524181 | Joyce |
| 12 | Mercy Wanjiru | Kinamba Center | 0716416903 | Mercy |

Consultancy Services for Preparation of ESIA and RAP Reports and Review of Design, Drawings and Tender Documents for Kinamba/Kayole Water Supply Project in Naivasha – Nakuru County



Environment and Social Impact Assessment for Kinamba Water Supply Project.

Respondents signing sheet.

| S/N | Name Of Respondent | Location/Ward | Phone Number | Signature |
|-----|------------------------|---------------|--------------|-----------|
| 1 | Joseph Mwando | Gituamba | 079857943 | J. P. |
| 2 | MILTON MBUGUA KINUTHIA | Gituamba | 0720338166 | M. K. |
| 3 | BONIFACE K. KAMATI | Gituamba | 0724120910 | B. K. |
| 4 | Samson Xilwa | Gituamba | 07164474640 | S. X. |
| 5 | Margaret Wangira | Gituamba | 0712149943 | M. W. |
| 6 | Elizabeth Musavura | Gituamba | 0722990539 | E. M. |
| 7 | Agnes Wangari | Gituamba | 0726796374 | A. W. |
| 8 | Samuel Ngure | Gituamba | 0712890377 | S. N. |
| 9 | Samuel Ndumbi | Gituamba | 0712457148 | S. N. |
| 10 | Cyrus Ndirangu | Gituamba | 0724819545 | C. N. |
| 11 | David Nding'u | Gituamba | 0724758311 | D. N. |
| 12 | Peter Karanja | Gituamba | 0721101399 | P. K. |

Consultancy Services for Preparation of ESIA and RAP Reports and Review of Design, Drawings and Tender Documents for Kinamba/Kayole Water Supply Project in Naivasha – Nakuru County



Environment and Social Impact Assessment for Kinamba Water Supply Project.

Respondents signing sheet.

| S/N | Name Of Respondent | Location/Ward | Phone Number | Signature |
|-----|--------------------------|--------------------------------|------------------------|-----------|
| 1 | SAMSON RUNVURIA | NAIVASHA EAST BIASHARA WARD | 0700787714 | SAMSON |
| 2 | MARY NZISA | NAIVASHA EAST | 0722160899 | MARY |
| 3 | GRACE NJAMBI | BIASHARA WARD | 0704163124 | GRACE |
| 4 | JOICE WAIRIMU | BIASHARA WARD | 0115109924 | JOICE |
| 5 | JAMES MUHORO | NAIVASHA EAST | 0720483331 | JAMES |
| 6 | ALICE GATHONI | NAIVASHA EAST | 0708288189 | ALICE |
| 7 | MAUREEN MUGURE | NAIVASHA EAST | 0742411218 | MAUREEN |
| 8 | ELIZABETH NJERI | NAIVASHA EAST | 0738627340 | ELIZABETH |
| 9 | ANNE NJERI | NAIVASHA EAST | 0712932318 | ANNE |
| 10 | TERESIAH MUHORO NYAMBURA | NAIVASHA EAST | 0711334090 22337121 | TERESIAH |
| 11 | PETER KIRIUKI | NAIVASHA EAST | 0725815117 | PETER |
| 12 | GEOFFREY GATONYE | NAIVASHA EAST | 0725136044 | GEOFFREY |



Environment and Social Impact Assessment for Kinamba Water Supply Project.

Respondents signing sheet.

| S/N | Name Of Respondent | Location/Ward | Phone Number | Signature |
|-----|----------------------|---------------|--------------|-----------|
| 1 | VIRGINIA MBURU | NAIVASHA EAST | 0703 771038 | |
| 2 | DAVID KIMANI | NAIVASHA EAST | 0727005845 | |
| 3 | Francis Njuguna | NAIVASHA EAST | 0927171799 | |
| 4 | DAVID MAINA | NAIVASHA EAST | 0721715552 | |
| 5 | MICHAEL MBUGUA | NAIVASHA EAST | 0723920781 | |
| 6 | JANE MWANGI | NAIVASHA EAST | 0725 458 523 | |
| 7 | BENSON MURIITHI | NAIVASHA EAST | 0792532697 | |
| 8 | CATHARINE GICHUHI | NAIVASHA EAST | 0795841890 | |
| 9 | Milka Mwangi | NAIVASHA EAST | 0726 632112 | |
| 10 | SAINT PAUL | NAIVASHA EAST | 0712984518 | |
| 11 | JOHN KAMANDE KARANGA | NAIVASHA EAST | 0750454249 | |
| 12 | JOHN KIGAMBA | NAIVASHA EAST | 0707278212 | |

APPENDIX F SAMPLE QUESTIONNAIRE

RAP - Kinamba water supply

Name of the enumerator

Location

GPS cordinate

latitude (x,y °)

longitude (x,y °)

altitude (m)

accuracy (m)



Name of the respondent

Gender of the respondent

☐ Male

☐ Female

Age of the respondent

☐ 18-35 years

☐ 36-60 years

☐ 60-75 years

☐ Above 75 years

Level of education

- ☐ Completed primary school
- ☐ Did not complete primary school
- ☐ Completed secondary school
- ☐ Did not complete secondary school
- ☐ College/TVET
- ☐ University

Main source of livelihood

- ☐ Employed by the government
- ☐ Business
- ☐ Farming
- ☐ employed-private sector
- ☐ Casual labor
- ☐ Others

Others indicate

What type of business do you operate

Do you own these premises

- ☐ Yes
- ☐ No

If No who owns it

On estimate how much profit do you make in a day?

How many years have you operated your business please indicate

- ☐ Less than 6 years
- ☐ 6 months to 1 year
- ☐ 1-2 years
- ☐ Above 2 years

Consultancy Services for Preparation of ESIA and RAP Reports and Review of Design,
Drawings and Tender Documents for Kinamba/Kayole Water Supply Project in Naivasha –
Nakuru County

What is your current main source of domestic water .

- ☐ Shallow well
- ☐ Community water project
- ☐ Commercial borehole
- ☐ River
- ☐ Others

Indicate other sources of domestic water

Do you support the proposed project

- ☐ Yes
- ☐ No

If No indicate reason

Do you have additional comments about the proposed project

APPENDIX G SAMPLE GRIEVANCE FORM

| Grievance Form | | |
|-----------------------------------|--|--|
| Grievance Number | | Copies to forward to: |
| Name of the Recorder | | (Original)-Receiver Party |
| Location | | (Copy)-Responsible Party |
| Date | | |
| INFORMATION ABOUT GRIEVANCE | | |
| Define the Grievance: | | |
| INFORMATION ABOUT THE COMPLAINANT | | Forms of Receive |
| Name-Surname | | <ul style="list-style-type: none"> • Phone Line • Community/ Information Meetings • Mail • Informal • Other |
| Telephone Number | | |
| Address | | |
| Village | | |
| Sub-County | | |
| Signature of Complainant | | |
| DETAILS OF GRIEVANCE | | |