



**Kenya National Highways Authority**

**Quality Highways, Better Connections**

## **Resettlement Action Plan for Lesseru-Kitale (B14) Road (55Km)**



### **RESETTLEMENT ACTION PLAN (RAP)**

**JUNE 2022**

CONTRACT No KenHA /2463/2021

**Engineer:**

**Director (Highway Planning & Design)  
Kenya National Highways Authority (KenHA)  
P. O. BOX 49712 - 00100  
NAIROBI.**

**Employer**

**Director General  
Kenya National Highways Authority (KenHA)  
P. O. BOX 49712 - 00100  
NAIROBI**

**Consultant :**



**CGP Consulting  
Engineers**

**P. O. BOX 58911- 00200,  
NAIROBI.  
Tel 020-231 9553**

**LIST OF ACRONYMS AND ABBREVIATIONS**

AfDB	African Development Bank
AIDS	Acquired Immune Deficiency Syndrome
CSO:	Civil Society Organization
GO	Grievance Officer
GoK	Government of Kenya
GPS	Global Positioning System
GRM	Grievance Redress Mechanism
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
ROW	Right of Way
SEP	Stakeholder Engagement Plan
STD	Sexually Transmitted Diseases
WHO	World Health Organization

## Table of Contents

<b>I</b>	<b>Executive Summary .....</b>	<b>vi</b>
<b>1.1</b>	Introduction.....	viii
<b>1.2</b>	Scope of Services .....	viii
<b>1.3</b>	Project Location and Description .....	viii
<b>1.4</b>	Objective of Review and Updating the RAP report .....	x
<b>1.5</b>	Scope of the RAP report .....	xi
<b>1.6</b>	Review of Policies, Legal and Institutional Frameworks .....	xi
<b>1.7</b>	Methodology used in the Preparation of RAP .....	xiii
<b>1.8</b>	Baseline social economic conditions .....	xiv
<b>1.9</b>	Social and Economic Conditions.....	xiv
<b>2</b>	<b>Resettlement Impacts .....</b>	<b>xvii</b>
	<b>Environmental impacts.....</b>	<b>xviii</b>
<b>3</b>	<b>Public Consultations and Disclosure.....</b>	<b>xix</b>
<b>4</b>	<b>Compensation Principles &amp; Strategy, and Eligibility Criteria .....</b>	<b>xxii</b>
<b>4.1</b>	Entitlement matrix .....	xxiii
<b>4.2</b>	Exclusion from Eligibility.....	xxvi
<b>4.3</b>	Income and Livelihood Restoration Strategies.....	xxvi
<b>4.4</b>	Institutional Arrangements for the Implementation of RAP.....	xxvi
<b>5</b>	<b>Grievance Redress Mechanisms .....</b>	<b>xxviii</b>
<b>6</b>	<b>Monitoring and Evaluation .....</b>	<b>xxix</b>
<b>7</b>	<b>RAP Budget .....</b>	<b>xxxi</b>
<b>8</b>	<b>RAP Implementation Schedule .....</b>	<b>xxxii</b>
<b>9</b>	<b>Conclusions.....</b>	<b>xxxiv</b>

### List of Tables

<b>Table 0-1 Summary of Category of PAPs Lesseru -Kitale B14 section</b>	xvii
<b>Table 0-2: Environment and social impacts</b>	xviii
<b>Table 0-3: Summary Schedule of public participation held</b>	xix
<b>Table 0-4:Summary of the consultation meetings</b>	xix
<b>Table 0-5 Table illustration of the entitlement matrix.</b>	xxiii
<b>Table 0-6. Summary of Budget for RAP</b>	xxxi
<b>Table 0-7 ; RAP Implementation Schedule [revise the Table to show the entire 29-month period. Consider display in quarters]</b>	33

## 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.

**Replacement cost:** The replacement of assets with an amount sufficient to cover full replacement cost of lost assets and related disturbance and transaction costs. In terms of land, this may be categorized as follows:

**Resettlement assistance:** The measures to ensure that project-affected persons who may require to be physically relocated are provided with assistance such as moving allowances, residential housing or rentals, whichever is feasible and as required, for ease of resettlement during relocation.

**Livelihood/Disturbance allowance:** Part of resettlement and livelihood restoration assistance to PAPs whether they relocate or not. It is provided for under the Kenyan government legislation and has been considered under this RAP at 15 per cent.

**Vulnerable PAPs:** Socially and economically disadvantaged groups of persons such as widows, the disabled, very old persons or household heads who are likely to be more affected by project implementation or are likely to be generally constrained to access or seek out their entitlements promptly. Vulnerable households by implication also include: Incapacitated households with no one fit to work owing to advanced/old age associated incapacities, disabilities etc.; and Child-headed households and street children. Vulnerable groups as those displaced, especially those below the poverty line, the landless, the elderly, women and children, indigenous peoples, ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation are also some of the parameters in this category.

## 1 Executive Summary

### Compensation Summary Sheet

#	Variables	Data
A. General		
1	Region/Province/Department ...	Uasin Gishu Kakamega Trans Nzoia
2	Sub-county	1. Soy Sub-county 2. Likuyani Sub-county 3. Cherangany Sub-county
3	Village/Suburb ...	
4	Activity(ies) that trigger resettlement	Road Construction
5	Project overall cost	<b>KES 6.6 billion</b>
6	Overall resettlement cost	Kshs <b><u>435,538,277</u></b>
7	Applied cut-off date (s)	30 <sup>th</sup> December 2021
8	Dates of consultation with the people affected by the project (PAP)	Uasin Gishu county /Kakamega 7/12/2021 Soy 7/12/2021 Nangili 8/12/2021 Matunda 9/12/2021 Mois Bridge 25/3/2022 Soy Club 23.3.2022 AIC Mois Bridge.
9	Dates of the negotiations of the compensation rates / prices	
B. Specific information		
10	Number of people affected by the project (PAP)	616
11	Number of Physically displaced	0
12	Number of economically displaced	616
13	Number of affected households	616
14	Number of females affected	329
15	Number of vulnerable affected	12
16	Number of major PAP	None
17	Number of minor PAP	616
18	Number of total right-owners and beneficiaries	0
19	Number of households losing their shelters	0
20	Total area of lost arable/productive lands (ha)	5 acre
21	Number of households losing their crops and/or revenues	616 Business livelihood activities
22	Total areas of farmlands lost (ha)	
23	Estimation of agricultural revenue lost (USD)	0
24	Number of building to demolish totally	0
25	Number of building to demolish totally at 50%	0
26	Number of building to demolish totally at 25%	0
27	Number of tree-crops lost	
28	Number of commercial kiosks to demolish	0

29	Number of ambulant/street sailors affected	0
30	Number of community-level service infrastructures disrupted or dismantled	0
31	Number of households whose livelihood restoration is at risk	0
...		

## 1.1 Introduction

The Government of the Republic of Kenya (GoK) has earmarked funds through the Development Vote for use in engaging the services of a Consultancy Firm to undertake Design Review, Updating of Resettlement Action Plan, Review of ESIA and Economic Feasibility Study Reports and Updating of Tender Documents in readiness for procurement of works for Lesseru-Kitale (B14) and Morpus – Lokichar (A1) Roads. The road sections form a critical link between the busy Eldoret – Malaba (A8) highway and the Kenya-Sudan Link Road; both of which promote and facilitate a regional economic integration with Kenya and her neighbors Uganda and South Sudan.

The Government of Kenya, through its implementing agency, the Kenya National Highways Authority (KeNHA) has engaged **CGP Consulting Engineers** to render all technical support services relevant to this exercise towards the achievement of the project objectives. As part of the Consultancy services, is to undertake an Environment and Social Impact Assessment (ESIA) and Resettlement Action Plan (RAP) for the proposed project to conform with African Development Bank (AfDB) Environmental and Social Operational Safeguards requirements.

## 1.2 Scope of Services

The scope of services for this section will involve, inter-alia, improvement of road geometrics, design of road pavement layers to extend economic life of the road, widening of carriageway and shoulders to address highway safety concerns. The services will also involve, but not limited to the following enhancements to the road network, in line with the stated development objectives.

- Design of the highway to 7.0 m carriageway (2 lanes) with 2.0 m wide shoulders
- Design of three (3) Road over rail bridges near Lesseru, at Matunda and Moi's Bridge Townships and in Kitale Town.
- Design of additional Highway Bridges to accommodate dual carriageway at Moi's Bridge
- Design of Dual carriageway for highway sections through the urban area and critical sections(2km) and critical section of the highway including the 7 km approach section into Kitale town and connecting into the ongoing works on Kitale – Endebess – Suam Road
- Design for the intersections of roads A1 and B15 (formerly C48) near Kitale town.
- Design of NMT facilities through Townships enroute, and in Kitale Municipality at the section joining the ongoing Kitale – Endebess – Suam road project to the Start of Kitale – Morpus (Kfw) Project.
- Design of Local Produce Markets at Matunda, Soy, Nangili, Moi's Bridge and Maili Saba Townships.
- Design the Interchange approaches at Lesseru and at the Junction of A1 and B14 near Kitale Town.

## 1.3 Project Location and Description

### Lesseru – Kitale (B14) section

The Lesseru – Kitale highway measures approximately 55kms. The road starts at Lesseru locally known as Maili Tisa (nine Miles) at the Junction of A2 and B14. and runs in a North Westerly direction, passing through market centres of Soy, Nangili, Furfural, Matunda, Moi's Bridge, and Maili Saba townships, and ends at Kitale town. It traverses through Uasin Gishu, Kakamega and Trans Nzoia Counties in the North Rift Region of KeNHA's road network.

The road is currently in fair condition, but the shoulders have been completely eroded in most areas. The road carriageway has a narrow width thereby compromising the safety of road users. The project road traverses through flat and rolling terrain.



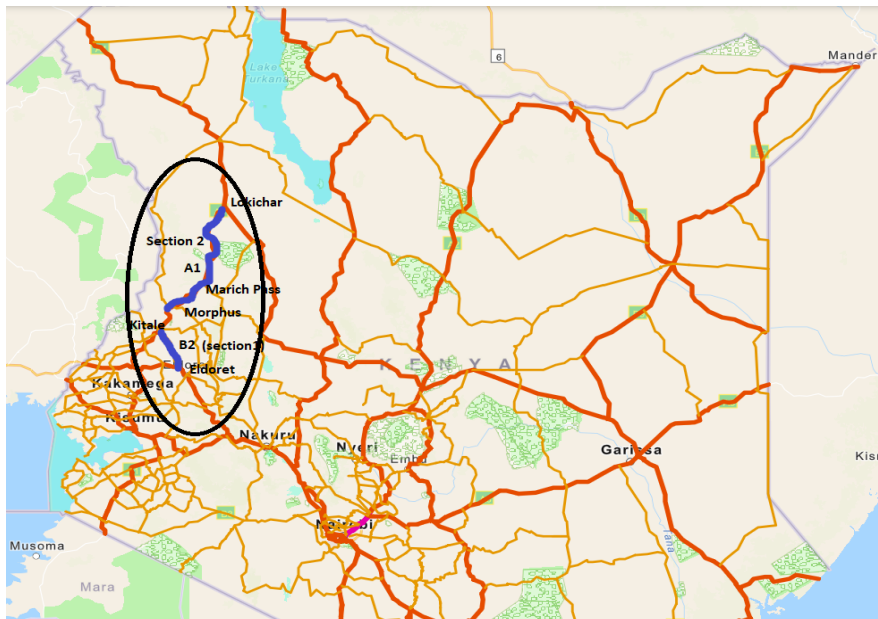
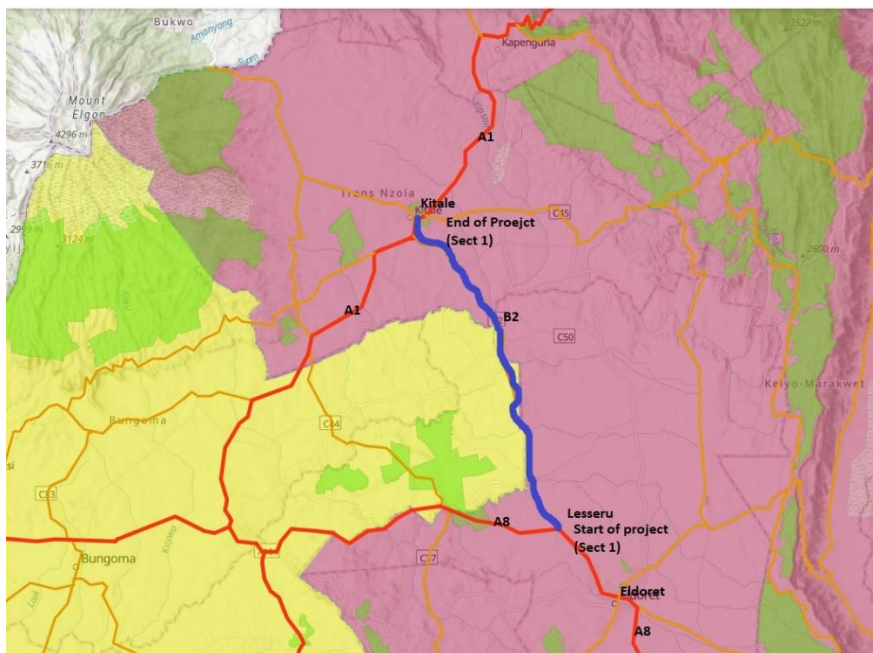


Figure 0-1 Maps showing location the project roads



Section 1 – Lesseru – Kitale (B14) – 55 Km

### Main Works of the proposed Project

The proposed project (totaling to about 55 km) will include construction to bitumen standards of 2 lanes of 7.0m wide, with shoulders of 2m width for the entire road section. The works will also involve construction of drainage bridges, and road over rail bridges near Lesseru, at Matunda and Moi's Bridge Townships and in Kitale Town. In addition, dualling will be done along some sections of the road including but not limited to highway sections through the urban area and critical sections of the highway including the section into Kitale town and connecting to the ongoing works on Kitale – Endebess – Suam Road. Other works will include construction of NMT facilities at major centres comprising of 1.5 m footpaths, and 1.5m Cycle paths on each side of road. The construction of the proposed road project is estimated to cost KES 6.6 billion, including the cost of ESMP implementation.

The major items of Works to be executed under the construction contract will include but not limited to the following:

- Setting out, referencing and taking cross sections;
- Site clearance and removal of top soil;
- Earthworks;
- Constructing drainage structures (box and pipe culverts including protection works);
- Construction of pavement comprising bitumen surfacing, cement stabilized base and improved material subbase;
- Construction of other road facilities such as lay-bays, bus bays and widening at market centers along the road
- Works necessary to effect the safe and convenient passage of traffic through the Works;
- Construction of pedestrian crossings
- Provision of road furniture and ancillary services, e.g. signs, guardrails, marker posts, fencing, etc.;
- Operations ancillary to the main Works such as the construction of offices, diversion of services, the operations in quarries and borrow areas, the provision of water supply, the diversion of existing services, spoil areas for disposal of unsuitable or surplus materials, etc.
- Setting up and operation of construction camps, including accommodation of construction workers and Supervising Consultant staff
- Setting up and operation of equipment for materials production such as concrete products (eg pre-cast concrete, paving blocks, etc) and asphalt concrete batching plant. The camp will also be used for stockpiling necessary materials such as bitumen, gravel, sand, etc

#### 1.4 Objective of Review and Updating the RAP report

A Resettlement Action Plan was prepared in **February 2013** during the feasibility study for the project and was updated in February 2015. This RAP report has been prepared by independent consultants who were not part of the 2013 feasibility study and 2015 teams to avoid bias and ensure independence.

The previous RAPs were prepared under the World Bank guidelines at the design stage. However, a review and updating of the RAP is necessary due to delay in implementation of the road sections, and new information that may have risen since the RAPs were conducted, including change in the number of PAPs where the roads transverses. The review and updating of the RAP is also necessary to validate any design changes that may be necessary during the design review process. Further, the RAP review and updating will also be revised to meet the African Development Bank (AfDB) Integrated Safeguards Standards (ISS) requirements.

The specific objectives of this RAP review are:

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

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

### 1.5 Scope of the RAP report

Preparation of this RAP is to ensure that the losses that are likely to be incurred by project affected persons (PAPs) are addressed. The needs of these people have been comprehensively examined to develop their social and economic potential for quicker resilience of disturbed livelihoods and contribute to bettering the living standards to pre-project levels. The RAP aims at ensuring the PAPs are not worse off than they would have been without the project.

It is worth noting that displacement may be either physical or economic. In this project there is minimal physical displacement and minimal land acquisition on sections of the road, the road has adequate reserve for the road improvement. This RAP report has identified PAPs who will face Economic displacement as a result of the road improvement. This Resettlement Action Plan captures displacement of the PAPs irrespective of the tenure status.

### 1.6 Review of Policies, Legal and Institutional Frameworks

The international and national policies and legal requirements relevant and applied in this ARAP are presented under the following:

- National Legal and policy framework;
- Institutional framework; and
- African Development Bank Operational Safeguards

National legal policy framework

In Kenya, there are several policy and legal documents that deal with land ownership, expropriation, entitlement, compensation and resettlement issues. Some of the key documents dealing with issues related to resettlement planning and operations include:

Key Legislation	Provisions
-----------------	------------

The Constitution of the Government of Kenya (GoK)	<p>The Constitution of Kenya 2010 provides for protection of private property rights. It also provides that compulsory acquisition can be done by the government in accordance with the law as stipulated in Article 40(3) that states;</p> <p>“The State shall not deprive a person of property of any description, or of any interest in, or right over, 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 –</p> <ul style="list-style-type: none"> <li>• Requires prompt payment in full, of just compensation to the person;</li> <li>• Allows any person who has an interest in or right over, that property a right of access to a court of law.</li> </ul> <p>The constitution empowers the government to exercise the authority of compulsory acquisition as stipulated in the Land Act (2012) that provides that the National Land Commission (NLC) is the agency empowered to undertake compulsory land acquisition.</p>
The Land Act 2012 Laws of Kenya	It is the substantive law governing land in Kenya and provides legal regime over administration of public and private lands. It also provides for 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.
Land Registration Act, 2012	The law provides for the registration of absolute proprietorship interests over land (exclusive rights) that has been adjudicated or any other leasehold ownership interest on the land. Such land can be acquired by the state under the Land Act 2012 in the project area.
National Land Commission Act 2012	The act establishes the National Land Commission with the purpose of managing public land and carrying out compulsory acquisition of land for specified public purposes.
The Land Adjudication Act Chapter 95 Laws of Kenya	Provides for ascertainment of interests prior to land registrations under the Land Registration Act 2012 through an adjudication committee that works in liaison with adjudication officers.

All relevant policies, laws and administrative and institutional frameworks mentioned were reviewed to explore their adequacy in covering involuntary resettlement issues and to examine their consistency among themselves as well as international conventions, principles and frameworks that Kenya is a party to.

- Policy, legal and institutional frameworks that deal with issues of involuntary resettlement have been reviewed. Existing legislations and institutional frameworks are not only comprehensive in terms of covering resettlement issues, but they are very detailed providing justification and procedures for expropriation, property valuation, computing compensation rates, compensation payments, and mechanism for grievance redress.
- Secondly, various policies, both national and sectoral, are such that they encourage project sponsors to avoid, as much as possible, projects that cause displacement of people. When displacement of people becomes unavoidable, then the policy principles, institutions and structures of the GoK provide for the adoption of a wider developmental approach, which seeks to share the benefits of the development project with Project Affected Persons (PAPs) and local communities. The principle here is that development projects at least should not impoverish people by degrading the physical environment and or letting their costs pass through to PAPs and members of local communities.
- Thirdly, national policies, legislations and regulations are all in conformity with one another. The national policy and legal frameworks are also consistent with the AfDB Operational Safeguard on involuntary resettlement. Moreover, the national frameworks are also consistent with international conventions, treaties, and frameworks, which Kenya is a party to.

### ***African Development Bank Operational Safeguards***

The African Development Bank is the potential lender of this project and this document has therefore been prepared in line with and in accordance to AfDB operational safeguards OS 2 “Involuntary resettlement land acquisition, population displacement and compensation”

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.

This report is guided by the following AfDB OS2 principles:

- Involuntary resettlement should be avoided;
- Where involuntary resettlement is unavoidable, all people affected by it should be fully and fairly compensated for lost assets;
- Involuntary resettlement should be conceived as an opportunity for improving the livelihoods of the affected people and undertaken accordingly and;
- All people affected by involuntary resettlement should be consulted and involved in resettlement planning to ensure that the mitigation of adverse effects as well as the benefits of resettlement are appropriate and sustainable.

## **1.7 Methodology used in the Preparation of RAP**

A consultative approach was adopted to make clear the project components and implementation activities, and to explain the likely impacts and the resettlement measures available to the PAPs. The approach included the following tasks:

- a. Review of literature and legislation relevant to the project;
- b. Community sensitisation and census;
- c. PAPs census and property identification.

- d. Property assessment and valuation; and
- e. Data analysis and reporting.

### **Review of literature and legislation relevant to the project;**

As secondary sources of information, literature available on issues of involuntary resettlement in general and the project area in particular was reviewed thoroughly. Some of the most important documents reviewed during preparation of this RAP include international policies, frameworks and guidelines, on the one hand and national policies, legal and institutional frameworks.

### **Community sensitization meetings**

Site reconnaissance activities were undertaken in October 2021 to familiarize with the project area for the purposes of planning during the site reconnaissance courtesy calls were held with the National government administration and county government representatives in October 2021. Thereafter stakeholder engagement and community sensitization meetings were held between November 2021- December 2021 and thereafter in January to March 2022. The Local administration assisted in organizing the community sensitization meetings.

### **PAPs census and property identification**

A mix of various methods, tools and techniques were adopted to collect data and information required to prepare this Resettlement Action Plan (RAP).

Questionnaires were structured to enumerate all the PAPs while collecting the socio-economic data. Valuation of affected persons was undertaken during the study to ensure the people enumerate were the right asset owners, local administration assisted in identifying the asset owners.

### **Property assessment and valuation**

Census and valuation of affected assets was undertaken to determine the right property owners as well as establish the costs of the affected assets.

## **1.8 Baseline social economic conditions**

Lesseru – Kitale (B14) road traverses through three Counties with similar environmental, social and climatic conditions. The Counties include the following;

- (i) Uasin Gishu and Kakamega Counties stretching from Lesseru – Moi’s Bridge. It is noted that along this section, the road alignment constitutes the border between Uasin Gishu and Kakamega Counties. It is characterized with farming, urban growth, institutions and human settlements,
- (ii) Trans Nzoia County from Mois Bridge to Kitale town characterized mainly with intensive farming, urban growth, institutional presence and human settlements.

## **1.9 Social and Economic Conditions**

**Administration** The project road traverses through three (3) counties- Uasin Gishu, Kakamega and Trans-Nzoia, and through the following constituencies: Soy and Moiben (in UGC), Likuyani (in Kakamega county), Kiminini and Sabaoti (in Trans-Nzoia county).

**Population:** The Kenya Population and Housing Survey report (KPHC) 2019 showed that Trans-Nzoia County had a population of 990,341 persons with an annual growth of 3.8%, Kakamega county had a total population of 1,867,579 persons, with an annual growth of 4.1%, and Uasin Gishu with a population of 1,163,186 persons, with an annual growth of 3.3%. On average, 22.4% of the project counties' population live in urban areas while 87.6% live in rural areas. Uasin Gishu County has the highest number of urbanized population at 38.6% followed by Trans Nzoia which has 20.4% and Kakamega with 15.2%.

**Settlement patterns:** Settlement patterns are influenced by ecological and climatic factors including land fertility, rainfall amount, type of farming practiced and crops grown, number and intensity of economic activities, and access to services (administrative, health and education). Another reason for clustered settlement is the growth of towns such as Mois bridge, Matunda, Kitale and Kapenguria where there are many migrant workers and business people. These factors have led to emergence of two types of settlements in the counties including clustered and scattered settlements. Clustered settlement patterns are commonly found around towns and farm estates

**Land Ownership:** The main form of land ownership in the three Counties where the project is located is private ownership, where most of the owners have title deeds, with a freehold (absolute) or leasehold of 99 years tenure.

**Water Resources:** Water resources along the corridor include surface water sources and few ground water sources. The road section is endowed with water resources, from Cherangani Hills and Mount Elgon watersheds running through river Nzoia, little Nzoia and Chepkolel rivers, mainly used for household use, farming and livestock.

**Transport:** The counties covered by this section of the road project are observed to have well defined infrastructure networks including four airports/airstrips, 148kms of railway (though it is currently not in use) and 7,136.74km of roads. Despite having extensive road network coverage, most feeder roads are to gravel standards, making it hard to travel and move produce from the rural areas to the markets during rainy seasons.

**Education:** School enrolment within the Counties has seen an improvement in the years between 2013 and 2017<sup>1</sup> due to improvement of infrastructure. The counties also have good number of institutions- from primary to tertiary level which has seen literacy levels of 14-24 years averaging over 90% in these counties.

**Health:** The five most common diseases in the Counties in order of prevalence are: Upper Respiratory Tract Infections (URTI), skin diseases, other diseases of the respiratory system, diarrhea and pneumonia.

**Trade and Industry:** Trade, commerce and industry along the project road includes industrial processing, wholesaling, retailing, hotel and lodging/bars, petrol stations as well as transport and communications. The Major Town centres along the project road include Matunda, Soy, Moi's Bridge, Maili Saba, and Kitale, where major trading and industries are located, including food and vegetable markets. In addition, there are a number of companies in Uasin Gishu and Trans-Nzoia counties including Kenya seed company and Western Seed Company.

---

<sup>1</sup> UG CIDP 2018-2022, and TNZ counties CIDPs – 2018-2022



**Agriculture:** Predominantly small-scale farming is practiced while large scale farming with very high levels of external inputs is also common. Along the road section, small scale farming subsector (0-30 acres) accounts for 75% of the total agricultural produce. Crops grown include maize, tea, coffee, horticulture and commercial businesses. The belt where the road is located is fondly referred to as the basket of Kenya for its role in food production in the country.

**Cross cutting issues;**

**Poverty;** Poverty stands at 51.3% in Uasin Gishu, 52% in Kakamega, 51% in Trans Nzoia ,



## 2 Resettlement Impacts

### Impacts of Displacement on PAPs

The right of way (RoW) of the existing road section has been largely well preserved and as such the project will not affect a lot of properties. The project does not anticipate realignment outside the RoW, the alignments therefore will be fair and will limit displacement. However, there will be the need to resettle those trading on the road reserve to provide sufficient space for the road improvement. This RAP has enumerated a total of 616 PAPs on the RoW in the centres of Soy, Furfarol, Nangili, Matunda and Mois bridge the 616 PAPs are road side mobile vendors whose livelihood is dependent on the RoW. There are no farms close to the road and clearance of the bush will be limited to any over grown grass on the space reserved for RoW. However, the most significant impact of the project will be on the local traders who depend on the RoW to operate their business. Those trading along the RoW will be given time to remove their structures through enough notice as specified in this RAP.

**Table 2-1 Summary of Category of PAPs Lesseru -Kitale B14 section**

Affected Towns/Centres	Business Structures	Structure owners operating business	Tenants	Mobile Road Vendors	TOTAL
Soy	0		0	115	115
Furfarol	0		0	19	19
Nangili	0		0	17	17
Matunda	0		0	72	72
Mois Bridge	0		0	393	393
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>616</b>	<b>616</b>

### Categories of affected people include:

*Affected Individual* – Individual in the project area who will lose a business structure, livelihood, and/or access to natural and/or economic resources as a result of the project improvement road project.

*Affected Households* – Household in the project area, whose one or more of its members lose livelihood/business structure will be considered an affected household. They will include:

- *any members in the households, men, women, children, dependent relatives and friends, tenants;*
- *vulnerable individuals who may be too old or ill to farm along with the others;*
- *relatives who depend on one another for their daily existence;*

### Mitigation measures

This RAP outlines the specific entitlement in regards to loss of assets due to road improvement. KENHA will ensure that all affected persons will be compensated fully, fairly and promptly and in accordance to this RAP. The following are some specific measures to this end:

- The current updated design has included measures that limit impacts through avoiding settlement areas and following current right of way (RoW)

- Project affected persons have also been extensively involved in consultations putting in place appropriate impact limitations and mitigation measures through design reviews.
- The project has finalized and affirmed road boundaries
- Asset register has been prepared indicating those who might lose their source of livelihood and assets
- All PAPs who will lose land, buildings/houses, crops or sources of income or livelihoods will be fully compensated or resettled before commencement of civil works according to this RAP, based on their losses to ensure that at least they can restore their livelihoods to that of the pre-project level,.

## Environmental impacts

The development of the road project in the Lesseru Kitale road section will trigger environmental impacts during the implementation of phase of the project. These impacts have been identified and discussed in the Environment and Social Impact Assessment (ESIA) report of the project. An environmental and social management plan has been developed to ensure that adverse impacts are mitigated, avoided or reduced where applicable. Table 0-2 presents a summary of the environment social impacts of the proposed road.

**Table 2-2:** Environment and social impacts

Positive Impacts	Negative Impacts
<ul style="list-style-type: none"> <li>● Creation of employment opportunities</li> <li>● Increased business opportunities:</li> <li>● Improved social infrastructure</li> <li>● Faster means of transport:</li> <li>● Cheap / affordable fares</li> <li>● Easy and fast movement of goods and people</li> <li>● Easy and fast movement of goods</li> <li>● Interaction of people from different communities</li> <li>● Growth of towns</li> <li>● Potential for increased economic activities</li> <li>● Transfer of skills</li> <li>● Improved security</li> <li>● Reduction in vehicle maintenance costs</li> </ul>	<ul style="list-style-type: none"> <li>● Dust generation</li> <li>● Noise pollution</li> <li>● Increased Accidents – human and livestock, especially at materials borrow sites</li> <li>● Impact on water resources</li> <li>● Waste disposal and spoils</li> <li>● Loss of vegetation cover</li> <li>● Road accidents</li> <li>● Displacement of local communities and loss of property and assets (including graves)</li> <li>● Disruption and loss of businesses</li> <li>● Cultural erosion</li> <li>● Increase in the spread of STD, HIV and AIDS</li> </ul>

### 3 Public Consultations and Disclosure

As a continuous activity, the project initiated public consultations and disclosure from the onset and the project is committed to continue the process throughout the project life. As part of this continuous process, a series of public consultations were carried out with PAPs, community groups, civil society organizations and local officials during fieldwork for the census and socio-economic surveys. Consultations were carefully planned and conducted to ensure efficiency and effectiveness in covering key issues both from the PAPs and communities on the one hand, and the project interests on the other.

Consultations were held in a language the communities could understand – Kiswahili.

**Table 3-1: Summary Schedule of public participation held**

Meeting Date	County	Venue	Male	Female	Total
07/12/2021	Uasin Gishu/Kakamega	Soy	26	37	63
07/12/2021	Uasin Gishu/Kakamega	Nangili	30	17	47
08/12/2021	Uasin Gishu/Kakamega	Matunda	42	15	57
09/12/2021	Uasin Gishu/Kakamega	Moi's Bridge	50	40	90
22/03/2022	Uasin Gishu/Kakamega	Soy club	74	39	113
22/03/2022	Trans Nzoia	Matunda SDA Church	38	28	66
23/03/2022	Trans Nzoia	AIC Moi's Bridge	47	41	88
Total			307	217	524

**Table 3-2: Summary of the consultation meetings**

Stakeholders	Concerns
Matunda	<ul style="list-style-type: none"> <li>The attendees appreciated the proposed project. They requested to have safe crossing areas on the town centre and near schools.</li> <li>The community requested for improvement of roads heading to the health facility and the secondary and primary schools in Matunda.</li> <li>They lamented on the many accidents that had recently occurred on the town, they requested the road to be expanded and have service lanes.</li> <li>The community was concerned about the vendors who depended on the road reserve, they requested for a market as part of CSR program- they already have designated land for the market</li> <li>The community requested for fair distribution of the available employment opportunities during the implementation of the project.</li> </ul>
Soy	<ul style="list-style-type: none"> <li>The residents appreciated the plans to have the road improved.</li> <li>They enquired on how the project would support the community and they requested for a market in the centre to cater for the women who usually depend on the road reserve to run their businesses.</li> <li>The community stated the challenges faced by children while trying to cross the road, they requested the project to implement safety measures to ensure the safety of the community and children.</li> <li>They requested for support to ensure that the vendors have a continuous live hood</li> </ul>

Stakeholders	Concerns
Mois bridge	<ul style="list-style-type: none"> <li>• They were concerned on the impacts of the vendors during construction.</li> <li>• They stated the centre lacks a designated place for a marketing leaving the vendors only dependent on the road reserve for their business operation</li> <li>• They requested that during project implementation the client to have proper ways of moving the vendors to ensure their livelihoods are not negatively affected.</li> <li>• They enquired what plans the proponent had in place for the informal sectors</li> <li>• The community requested that employment opportunities should be prioritised to the local people.</li> <li>• They were concerned if the project could affect the water treatment works at the Moi's bridge.</li> <li>• They requested for consideration of women, children and other vulnerable groups for livelihood restoration.</li> <li>• They requested for relocation with a human face without proper notices to vacate.</li> </ul>
Nangili	<ul style="list-style-type: none"> <li>• They lamented on the current status of the road, they requested to have a properly designed road ensuring the community safety</li> <li>• They requested the design to incorporate proper hydrology to ensure the town does not flood during the rainy season.</li> <li>• They requested to have the community elders resolve some of the grievances during project implementation.</li> <li>• The community enquired on the mitigation that will be taken for those who operate business along the road reserve.</li> <li>• Ensure the safety of children from the truck drivers and have sensitisation meetings on HIV and AIDS awareness.</li> </ul>
Furfarol	<ul style="list-style-type: none"> <li>• The community lamented on the current state of the road while stating the road lacking proper shoulders and walk paths.</li> <li>• The community requested for a GRM committee to be formed by local community</li> <li>• The community requested for employment opportunities during project implementation</li> <li>• The community requested access roads to schools and government institutions such as health centre</li> </ul>

Disclosure involves making the RAP available to the public, and any interested persons. Disclosure of the RAP report will be done in country at the KeNHA's website and in the AfDB external website which can be accessed by interested parties. The RAP will also be available at local level county, subcounty, chief offices, and at market information centres for viewing by any interested parties. Since the project area is in a rural area, where majority of the residents have limited access to the Internet, printed reports will be given to the local administration for use by the local community.

Continuous consultation shall be carried out throughout the construction phase of the project using focus group discussions and public meetings when necessary to ensure stakeholders are aware of construction procedures and provide a forum for feedback and recommendations for implementation in the construction. The consultation will occur during the environmental supervision, monitoring, and evaluation which will be carried out every three months, or when necessary. A Stakeholder Engagement Plan (SEP) has been developed as a separate document for the project. In addition, a proposed grievance redress procedure is also provided as part of this RAP report.

#### **4 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.

##### **Eligibility and cut-off date**

All the PAPs, irrespective of their legal status, have been identified and are eligible for some form of compensation if they operated a livelihood activity within areas earmarked for project implementation by the 'cut-off date' which has been taken as 31<sup>th</sup> December 2021. 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 either business operators or sub-letting. In each case, both their biodata and socioeconomic data were captured.

The main RAP resettlement strategy will be adequate and prompt monetary compensation and resettlement assistance, including a disturbance allowance, and specialised assistance to vulnerable groups.

#### 4.1 Entitlement matrix

**Table 4-1** Table illustration of the entitlement matrix.

Affected Asset	Affected Right or Interest	Eligible Entity (Individual or Household)	Eligibility Conditions	Entitlements
<b>AGRICULTURAL LAND</b>	<b>TITLED LAND:</b> Land held under a registered title deed	Registered land (usually a physical person – one case in the Project-Affected Area) –  INDIVIDUAL	Hold a registered land that was registered with relevant Authorities prior to the Cut-Off Date	Replacement of lost land by agricultural land of similar potential under similar tenure arrangements with formal registration in replacement land with the relevant land authorities – Cash compensation for land  Cash compensation of all immoveable developments on the affected land, such as structures, etc... - See below “Structures”  Cash compensation of standing crops – See below “Crops”
	<b>UNTITLED LAND:</b> Land held under customary ownership, and not registered	Customary land owner (legally an unregistered), whether resident or non-resident– INDIVIDUAL	Hold, prior to the Cut-Off Date, an unregistered, customary land and be recognized as such	Replacement of lost land by agricultural land of similar potential under similar customary tenure arrangements – Cash compensation for land  Cash compensation of all immoveable developments on the affected land, etc.... - See below “Structures”  Cash compensation of standing crops – See below “Crops”
	<b>RENTED LAND:</b> Land rights obtained temporarily as per a	Tenant as recognized by the customary landowner and customary	Occupy land prior to the Cut-Off date as per a rental agreement recognized by the	No compensation for the land itself  Cash compensation to the owner of immoveable developments established by the owner and to the

Affected Asset	Affected Right or Interest	Eligible Entity (Individual or Household)	Eligibility Conditions	Entitlements
	customary rental agreement	authorities whether resident or non-resident– INDIVIDUAL	land owner and customary authorities	tenant of immoveable developments that were established by the tenant, such as structures, canals, Soyl improvement, etc... - See below “Structures”  Cash compensation of standing crops – See below “Crops”
<b>RESIDENTIAL LAND</b>	<b>UNTITLED LAND:</b> Land held under customary ownership and not registered	Customary land owner (legally an unregistered owner) – INDIVIDUAL	Hold, prior to the Cut-Off Date, an unregistered, customary land and be recognized as such by local customary authorities	Replacement of lost residential land by resettlement residential land of similar size with formal recognition of ownership of the resettlement plot by the relevant administrative authorities – Cash compensation for land  Cash compensation of all immoveable developments on the affected land, such as structures, wells, etc... - See below “Structures”
<b>STRUCTURES</b>	<b>RESIDENTIAL HOUSES:</b> Inhabitable houses used as a permanent residence	Owner – HOUSEHOLD	Be the locally recognized owner of an inhabitable house permanently used as a residence	Resettlement house of similar or better quality on a resettlement plot and Cash compensation of the lost house per Kenyan law at full replacement value
	<b>NON-RESIDENTIAL STRUCTURES:</b> Non inhabitable house or other structure of any design	Owner - INDIVIDUAL	Be the locally recognized owner of a non residential structure	Cash compensation at full replacement value



Affected Asset	Affected Right or Interest	Eligible Entity (Individual or Household)	Eligibility Conditions	Entitlements
<b>CROPS</b>	<b>STANDING NON PERENNIAL CROPS</b>	Owner of the crop – INDIVIDUAL	Be the recognized owner of a standing crop and be unable to harvest it prior to land occupation by project	Cash compensation at full replacement value
	<b>STANDING PERENNIAL CROPS</b>	Owner of the crop – INDIVIDUAL	Be the recognized owner of a standing perennial crop	Cash compensation at full replacement value

## 4.2 Exclusion from Eligibility

All involuntary displaced persons are 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 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.

## 4.3 Income and Livelihood Restoration Strategies

One of the cardinal principles of involuntary resettlement is that beyond compensation for affected assets, a RAP should aim at not only the restoration of income of PAPs to pre-project levels but also the improvement of living conditions of PAPs and communities in project affected areas. Accordingly, the plan for income restoration, improvement and social development has been identified and proposed.

The income restoration and improvement plan which directly targets PAPs incorporates various strategies and component activities including:

- Skills training for the traders to enable them to have alternative sources of income and ensure livelihood continuity.
- Prioritizing PAPS on available employment opportunities during project implementation
- Sensitizing the PAPS on the existence of government support programs such as the affirmative action funds (the women enterprise funds WEF) and youth enterprise fund YEF as well as the Uwezo funds, in this the traders will enable themselves develop and grow their business.
- Sensitizing the community on road safety measures and maintenance of the road reserve to avert possible accidents when traders encroach the road reserve.
- special assistance measures for vulnerable groups of PAPs (female-headed households, persons with disability, the elderly, and the poorest of the poor).
- On the other hand, under the community or social development component the implementing agency will undertake various mitigation and compensation measures and development projects including: construction of markets for traders affected by the road project;

## 4.4 Institutional Arrangements for the Implementation of RAP

The effective and successful implementation of the RAP ultimately depends upon the institutional and organizational arrangements made for its implementation. Experience shows that even well designed RAPs (and other similar projects) fail to achieve their objectives mainly because of inadequate institutional arrangements for their implementation. The institutional or organizational framework for the implementation of the RAP and the detailed responsibilities, coordination mechanisms, and capacity building measures for implementing units and agencies are proposed. The major aspects of the institutional framework for the implementation of the RAP are:

- The National Land Commission which will be the lead on handling compensation of the PAPs on land and affected private properties.
- The Ministry of Transport and Infrastructure and Urban Development (MoTIHUD)
- KeNHA will be the direct implementer of the RAP;
- The main responsible units within KeNHA, namely the Environment and Social Safeguards Directorate will ensure the direct and day to day execution of the activities and provide an overall advice and guidance for the implementation of the RAP;
- The RAP will be implemented in partnership with various relevant governmental, non-governmental, and community organizations. More specifically village resettlement committees (VRCs), Sub County Resettlement Committees (SCRCs) and Grievance Redress Committees (GRCs) will be established.

### ***Institutional responsibility in the implementation and Management of RAP***

#### **KeNHA RAP implementation role**

- Will be in charge of the compensation process
- Design of overall training plan for implementation staff, oversee implementation of plan
- Ensure and monitor overall social and environmental due diligence within RAP implementation (national requirements, lenders requirements)
- Grievance Mechanism-Ensure the grievance committees are established and working; collect all the needed documentation for compensation as well as grievances and compiling them;
- Establishing Resettlement and Compensation Committees;
- Manage staff recruitment processes and contracting processes of external service providers
- Monitoring
- Provide budget for Resettlement and Compensation Committees operations;
- RAP Key Implementation Processes
- Review the budget needed for the implementation of this RAP and make request for the funding from MoTIHUD;

#### **Ministry of Transport and Infrastructure**

The Ministry of Transport and Infrastructure and Urban Development (MoTIHUD) will mobilize funds from Government of Kenya (GoK) i.e. National Treasury for resettlement and compensation purposes of this RAP.

#### **National land Commission**

As far as land acquisition is relevant, the National Land Commission will be in charge. Its functions have been outlined under the National Land Commission Act.

#### **County governments**

The county has role in provision of available public services

## 5 Grievance Redress Mechanisms

Proper, effective and strong Grievance Redress Mechanisms (GRM) are very important in ensuring the stakeholders grievances and issues are addressed in a timely and appropriate manner, to enhance the relationship between the KeNHA, contractor, and the stakeholders. It is important to emphasize that grievance redress mechanisms are for all aspects of a project, not just RAP, and issues on environmental and social safeguards. The implementing agency should prepare and disseminate grievance redress guidelines for the project, including a hierarchy of reporting levels for redress, roles, and responsibilities.

KeNHA will inform the project-affected parties about the GRM on the different levels in the course of the continuous stakeholder engagement. The grievance mechanisms will address concerns promptly and effectively, in a transparent manner that is culturally appropriate and readily accessible to all project-affected parties, at no cost and without retribution. Handling of grievances will also be discreet, objective, sensitive and responsive to the needs and concerns of the project-affected parties. The mechanisms will not prevent access to judicial or administrative remedies.

The mechanism will also allow for anonymous complaints to be raised and addressed. Specific provisions will be established in order to cover any Gender based violence (GBV), Sexual exploitation, abuse and harassment (SEAH) related issues and complaints appropriately.

This RAP presents a template for grievance registration and -management, covering key information, e.g. the mode of receiving the grievance, type of a grievance, actions taken to reach resolution and satisfaction of complainants.

Grievance management will provide three tiers of amicable review and settlement comprising of the following.

- i. Tier 1 – This will be grievances received at the community/village level. Grievances at this level can usually be solved through adequate mediation using customary rules or local community/administration at the lowest level.
- ii. Tier 2 - The second level will be Project administration (through the Resident Engineer (RE)) where complains received can be resolved or agreed upon by the Complainant and the Project level GRM team comprising of the RE, Community Liaison officers, and other safeguards specialists on the Contractor and Supervising Consultant team.
- iii. Tier 3 – This will be composed of the RAP implementation committee and Sub County representatives in case the grievance cannot be solved on the first and second level.

Finally, there will be the option for the complainant to resort to alternative dispute resolution mechanisms (ADRM), including seeking access to judicial or administrative remedies in court in case there is no solution within the Project's grievance redress mechanism set up for the project.

## 6 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;
- Ensure mandatory activities are complied with and on time; and
- Provide feedback to the Project and develop corrective actions.

Monitoring will seek to document and investigate specific conflict or hardship situations arising from the implementation of the RAP. Monitoring keeps track of RAP implementation efficiency and indicates whether changes have to be made to make the program work more efficiently. Progress monitoring is done internally by the Project at a frequency determined by the RAP.

Monitoring activities will include;

### Performance Monitoring

This is an internal management function to be undertaken by KeNHA's Monitoring Unit that measures the physical progress of the compensation process against the milestones established in the RAP. The monitoring will be on- going with reports generated on quarterly and semi – annually basis.

During the resettlement compensation payment period, the following issues will be paid attention to:

- No of PAPs compensated (including VMGs) and those with outstanding payments
- No of PAPs who have restored their livelihoods
- No of Vulnerable PAPs/ Groups identified and assisted during compensation
- No of PAPs who have registered grievances with the GRMC, those grievances that have been resolved, those escalated and those not resolved as well as any that has proceeded to court of law.

During the post- resettlement compensation payment period, attention will shift to:

- No. of PAPs with successfully restored livelihoods and assets re- acquisition.
- No. of PAPs who have adequately maintained their social & cultural ties and networks.
- No. of Vulnerable PAPs/ Groups assisted and restored livelihoods and assets.

### Impact Monitoring

The aim of impact monitoring will be to measure effectiveness of the of the RAP Process. In conjunction with the community, an advisory resettlement group will seek to determine whether the RAP process meets the needs of the affected members of the affected communities. PAPs will be included adequately in all phases of impact monitoring, especially in the identification and measurement of baseline indicators upon which the effects of the RAP will be measured against. The baseline for adoption has already been established through the Census and a comprehensive Socio – economic survey. The indicators to be measured include:

- Impact of resettlement on the Health of PAPs.
- Impact of resettlement on Social, Psychological welfare of PAPs.
- Effectiveness of livelihood restoration on the progress developmental milestones/ Initiatives in the communities. [repetition]

### External Evaluation

KeNHA 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 target at measuring the effectiveness of RAP implementation process on:

- i. Competency and adequacy of skills/ knowledge among staff.
- ii. Equipment and facilities supported by the Livelihood restoration programs
- iii. Compliance with local/ National legislation/ AfDB standards.
- iv. Any legacy issues arising from the implantation of the RAP if any amongst others

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.

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

## 7 RAP Budget

Based on the Land Act and AfDB OS 2, the RAP consulting team came up with cost estimates for the RAP. As mentioned earlier, it is important to note that the Land Act does not expressly include costs related to relocation. However, for this RAP, a 15% disturbance and relocation assistance was included to the budget. The relocation assistance will cater for economic, social and physical disturbance caused to a PAP. The estimated cost and budget for the RAP is Kenya Shillings four hundred and thirty five million, five hundred and thirty eight thousand, two hundred and seventy seven shillings only (Kshs **435,538,277.00**, as shown in the Table below.

**Table 7-1. Summary of Budget for RAP**

Item	Estimated Total Value (Kshs)	15% Statutory allowance	Total Value (Kshs)
Structures Values			
Land Values ( <i>Provisional</i> )**	350,000,000	52,500,000	402,500,000
Tree Values	2,641,980	396,297	3,038,277
<b>Sub-Total 1</b>			<b>405,538,277</b>
Estimated expenses of KeNHA and Other Relevant Government Agencies			<b>10,000,000</b>
Estimated expenses of Lesseru-Kitale ( B2) RAP implementation and Monitoring cost			15,000,000
Financial Management Training & Counseling for PAPs			5,000,000
<b>Sub-Total 2</b>			<b>30,000,000</b>
<b>GRAND TOTAL (Estimated)</b>			<b><u>435,538,277</u></b>

\*\* The Land value provided is a provisional sum for land that maybe acquired for associated facilities – markets, truck parking, and minor acquisition of road realignment near Soy Market

## 8 RAP Implementation Schedule

The activities related to the Project are expected to commence in 2022 by which time the PAPs are expected to have moved from the site. It is expected that before September 2022, all the PAPs will have been fully compensated in line with the findings of the RAP study and that all the grievances arising will have been resolved in order to pave way for the project execution.

As per the AfDB Safeguards policies and the Lands Act 2012, no works are to commence before compensation has been paid, displaced persons are resettled and the land acquired. Additional assistance should be provided to the affected population in accordance with the RAP before, during and after the works are carried out.

The RAP Implementation schedule shall entail the following activities:

- Carry out verification of the RAP for the entire road, socio-economic assessment of the PAPs and identification of affected land and structures and other physical features requiring evaluation (2 months)
- RAP disclosure (3 months)
- Compensation of other PAPs. (4 months)
- Mobilization - Putting together the required machinery, legal and educational processes, training of resettlement staff 2 months)
- Detailed road route site surveys and marking out the boundaries (3 Months)
- Clearing of site area & construction of the road (36 months)
- Monitoring and Evaluation of resettlement of PAPs especially vulnerable groups like women, children and disabled (throughout the project)
- Public consultation and awareness campaign with the PAPs (throughout project phases)

**Table 07 presents is the proposed RAP Implementation Schedule for the Lesseru –Kitale Project.**



Table 8-1 ; RAP Implementation Schedule

Nr	Task (Activity)	Period (Month)						
		Q 1	Q 2	Q 3	Q 4	Q 5	Q 6	End of Project
1	Public consultation and awareness campaigns with the PAPs.							
2	RAP Disclosure							
3	A Verification RAP Study of the road corridor, Socio-economic activities of the PAPs and identification of structures and other physical features requiring evaluation, valuation, Verification, Compensation and issuance of notice to relocate.							
4	Putting together the required machinery, legal and educational processes, training of resettlement staff							
5	Compensation and resettlement of PAPs (Sourcing of resettlement sites in consultation with PAPs & stakeholders). Use of media like radio to disseminate information on meetings with PAPs							
6	Detailed road route survey and reclaiming of encroached land for the road upgrade							
7	Clearing of proposed road corridor earmarked for upgrade and construction activities as well as continuing of upgrade and other construction activities.							
8	Management of grievances, monitoring and evaluation of resettlement of PAPs especially vulnerable groups							
9	Social needs assessment infrastructure identification process							
10	RAP Completion Audit							

## 9 Conclusions

The proposed Lesseru-Kitale (B14) Road project is a viable project that will benefit the community by improving transportation of people and goods, security, enhanced access to the northern areas of Kenya and increase in trade and economic activities in the region. The proposed project will create displacement of persons, loss of livelihood and some interference with resources and sensitive receptors during construction. However there are many short and long-term benefits that will arise from the proposed project.

Where displacement or impact is unavoidable, appropriate mitigation measures will be put in place to reduce to a minimum or eliminate any undesirable effects of the project. Majority of project affected persons are road side traders(hawkers) operating on the RoW).

There was prior awareness and knowledge of the project from the initial RAP community sensitization and consultation exercise. After this study the project affected persons should all be continuously informed of the project progress and the timelines of the major activities like compensation offer negotiation, compensation payment, and relocation.

Areas of further information and communication will include

- When NLC shall be visiting the affected PAPs for validation and valuation
- When the project is going to officially commence
- When the notice to vacate the RoW will be effective
- When payments for relocation allowances and compensation will be paid
- When the gazette notices for land acquisition will be published (if any)
- When and where PAPs will drop their grievances, how the same shall be handled and such matters

The County governments and local communities in the proposed project area will fully support the project but requested to be fully informed on the plans and their concerns looked into. The communities also requested to be engaged in the planning and implementation at all levels so that they can be sure to get first-hand information and details regarding compensation and resettlement including timelines. There is also need to involve the chiefs of the areas where the road has affected households and pieces of land in order to verify the legal owners before compensation to avoid family feuds and mistrust.

The Civil society groups also requested to be involved throughout the project from the onset.

### Recommendations

KeNHA should ensure that all affected persons are consulted and resettlement options offered to those affected. The PAPs should also be fully compensated and the traders affected relocated in a timely manner before commencement of civil works. The identification and acquisition of land for resettlement should be done with due consideration of the wishes of the affected persons and support given after resettlement to ensure that the project does not leave them worse off.

All the project affected persons who will be displaced or relocated, should be informed in good time (given approximately 1 month to prepare themselves for relocation) and modalities of conducting relocation put in place.