



**Kenya National Highways Authority**

**Quality Highways, Better Connections**

## **Resettlement Action Plan for Morpus – Lokichar (A1) Road 142 km**

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

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**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

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## 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.

## Executive Summary

### Compensation Summary Sheet

#	Variables	Data
A. General		
1	County	1. Turkana county 2. West Pokot County
2	Sub-county	1. Sigor sub- county 2. Turkana South -Subcounty
3	Village/Suburb ...	1. Morpus 2. Sebit 3. Ortum 4. Wakor 5. Chepgaun 6. Marichpass 7. Kakong 8. Kalmengorok 9. Lokichar
4	Activity(ies) that trigger resettlement	Road construction on the Right of Way (RoW)
5	Project overall cost	Kshs 16 Billion
6	Overall resettlement cost	Kshs 30,723,895
7	Applied cut-off date (s)	30th December 2021
8	Dates of consultation with the people affected by the project (PAP)	Turkana county 30/11/2021 Lokichar 30/11/2021 Kalemngorok West Pokot 02/12/2021 Wakor 02/12/2021 Marich pass 3/12/2021 Sebit 3/12/2021 Ortum 3/12/2021 Morpus 25/03/2021 Cradle hotel(AfDB Mission)
9	Dates of the negotiations of the compensation rates / prices	
	B. Specific information	
10	Number of people affected by the project (PAP)	277
11	Number of Physically displaced	0
12	Number of economically displaced	277
13	Number of affected households	277
14	Number of females affected	160
15	Number of vulnerable affected	0
16	Number of major PAP	0
17	Number of minor PAP	0
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)	0
21	Number of households losing their crops and/or revenues	0
22	Total areas of farmlands lost (ha)	0
23	Estimation of agricultural revenue lost (USD)	0
24	Number of buildings to demolish totally	164 kiosks/semi-permanent business structures
25	Number of buildings to demolish totally at 50%	0
26	Number of buildings to demolish totally at 25%	0
27	Number of tree-crops lost	0
28	Number of commercial kiosks to demolish	164
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

## 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.

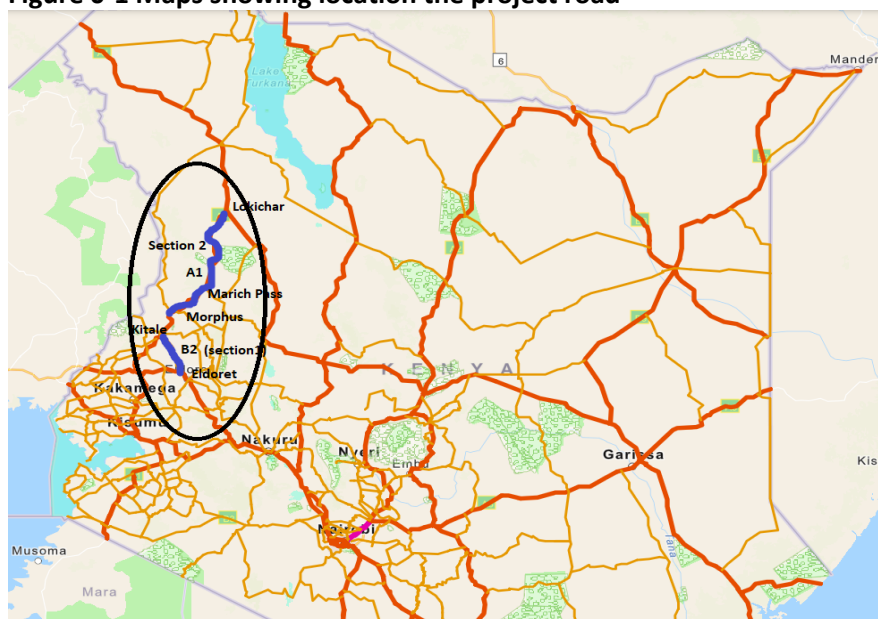
The Government of Kenya, through its implementing agency, the Kenya National Highways Authority (KeNHA) has engaged **CGP Consulting Engineers** to render all technical support services relevant to this exercise towards the achievement of the project objectives. As part of the Consultancy services, is 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.

## Project Location and Description

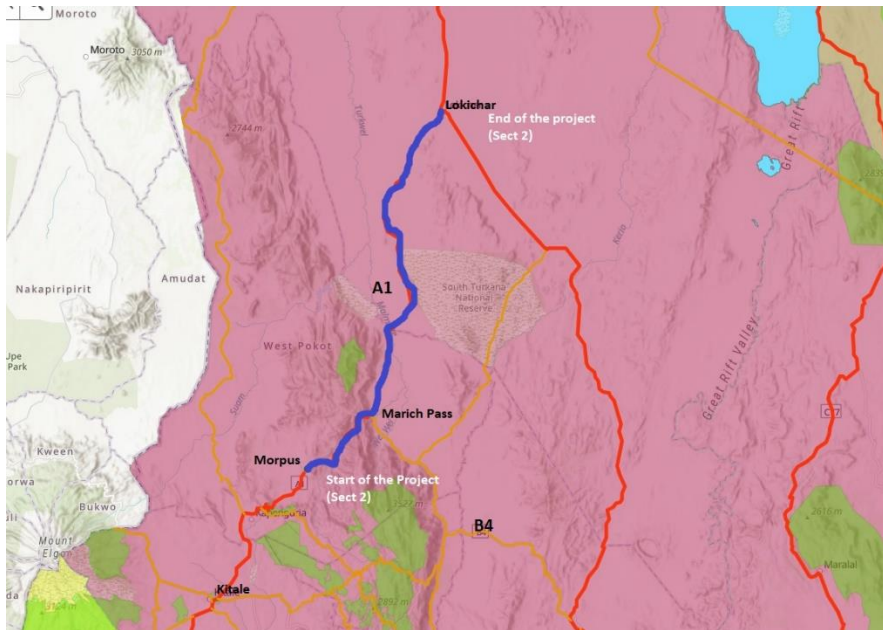
The project road traverses two Counties in Kenya, namely West Pokot County (62Km) and Turkana County (80 Km). The road starts at Morpus (Km 0+00 - approximately 66.4km from Kitale town) and runs in a North-Easterly direction through the trading centres in West Pokot of Sebit (km 10), Ortum (km 16), Marich Pass (km 34), and trading centres in Turkana of Kainuk (km 62), Kakongu (km 96), Kalemngorok (km 110), before terminating at Lokichar, (Km142km), where it connects with the proposed LAPSET Road A10 Corridor. The road from Lokichar to Nadapal has recently been upgraded by KeNHA through funding from the World Bank.

The entire road is in fair condition, having been rehabilitated to bitumen standards recently. However, the road is narrow and has no shoulders. The road traverse's hilly terrain with long steep sections and sharp bends that are a safety hazard to motorist. Some sections of the road are overtopped by storm runoff.

**Figure 0-1 Maps showing location the project road**



**Section 2 – Morpus – Marich Pass – Lokichar (A1) – 142 km**



### Main works of the proposed project

- Design of the highway to 7.0 m carriageway (2 lanes) with 2.0 m wide shoulders
- Design of highway geometrics and widening including provision of climbing lanes at critical sections to improve safety and highway capacity

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 Service Roads and NMT facilities through townships en-route (Morpus, Ortum, Marich Pass, Kainuk, Lokichar) at the end
- Design of Truck stops and roadside resting areas at key locations along the highway
- Design of Local Produce Markets at Morpus, Ortum , Kalemngorok and Lokichar Towns.

### 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.;

### **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.

## 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	<p>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.</p>
Land Registration Act, 2012	<p>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</p>

	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 Operation 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 Safeguard 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.

### **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.

#### **Baseline social-economic conditions**

Morpus – Lokichar road section traverses through two Counties with almost similar environmental, social and climatic conditions. The Counties include the following;

- (i) West Pokot County occupying the first section of the road from Morpus to Kainuk via Sebit, Ortum, Marich Pass, and Kainuk markets.
- (ii) Turkana County occupies the end section of the road from Kainuk to Lokichar, via Kakongu, Kalemngorok, before the section ending at Lokichar town centre.

Due to low rainfall and elevated temperatures through the year, this section of the road is characterized by a low population density, negligible farming activities, low urban growth. The sections below present brief descriptions of the baseline conditions along this section of the road.

### **Social and Economic Conditions**

**Administration** The project road traverses through two (2) counties- West Pokot and Turkana, and through the following constituencies: Sigor (in West Pokot), and Turkana South (in Turkana County).

**Population:** The Kenya Population and Housing Survey report (KPHC) 2019 showed that Turkana County had a population of 926,976 persons with an annual growth of 0.8%, and West Pokot County had a total population of 621,241 persons, with an annual growth of 4.1%. On average, 15% of the Turkana population lives in urban areas while 85% live in rural areas. On the other hand, 95% of the population in West Pokot live in rural areas.

**Settlement patterns:** Population density and distribution both in Turkana and West Pokot partially reflects the prevailing ecological conditions, due to dependency on natural resources. The areas with little or no population are in southern, southwestern and northwestern sections bordering West Pokot County. About 40% of the population is found in and around settlements and irrigation schemes.

**Land Ownership:** All land in Turkana County is administered under the Community land Act (2016). Community Land in Kenya is governed by the Community Land Act and this regulation provides for the allocation, management, and administration of community land. Community land follows a tenure system that defines land owned by the traditional community, identified based on ethnicity, culture or similar community of interests. Because there have been no formal surveys or land adjudication, most of the land is still held communally by various communities under customary tenure and is held under trust by the County Government on behalf of the communities. Formal allocations have been done at major centres like Marich Pass, Lokichar, Kainuk and Lodwar, and is still ongoing. Land tenure in West Pokot County is a mixture of freehold and trust land, mainly in the pastoralist areas in the north, while land has been adjudicated in the highland farming areas to the south and central Pokot.

**Water Resources:** Surface water sources are very limited in the area. The major drainage systems in the southern areas of the proposed road project in Pokot and Turkana are Turkwell, Kerio. Both the Turkwell and Kerio Rivers drain northwards into Lake Turkana. The perennial tributaries of the Kerio River are Lomut, Suam, Weiwei, Muruny, Sigha, Kale and Suam. As these rivers get to the low-lying areas in Turkana, they disappear under the sandy conditions of the riverbeds. There is fair potential of both surface and ground water resources in West Pokot and Turkana, but it needs to be exploited.

**Transport:** The counties covered by this section of the road project have poor infrastructure networks. Turkana County has a total road network of approximately 9,000 km. Of these, 504.5 km are bitumen and the rest are dirt or gravel roads. The road network in West Pokot County is predominantly earth and gravel surface which makes up 87 percent of the road network. The gravel surface roads cover a distance of 349 km while the earth surface roads cover 697 km. The counties have no rail network and ports. Lodwar and Lokichogio airstrips are active, (with limited activity in Kapese airstrip in Lokichar) but there are no airstrips in West Pokot that are active.

**Education:** School enrolment within the Counties is low, despite improved infrastructure by the County governments. Free Primary Education has however had a positive impact on enrolment and completion rates in the counties. Despite this improved performance, primary education continues to experience a number of challenges such as overstretched facilities, overcrowding in schools, low teacher- pupil ratio, retrogressive cultures, nomadic lifestyle and inaccessibility of education facilities.

**Health:** The five most common diseases in the Counties in order of prevalence are: Upper Respiratory Tract Infections (URTI), skin diseases, other diseases of respiratory system, diarrhea and pneumonia. A number of challenges face the health sector in the counties that include but not limited to; shortage and inaccessible health facilities, understaffing of health facilities, poorly equipped facilities, high illiteracy levels and poor quality of health services.

**Livelihood:** Pastoralism is the main subsistence and economic activity in Turkana County where this section of the road pass. It is estimated that about 60% of the population derive their livelihood from livestock-based activities. The livelihoods in West Pokot take three forms namely; pastoral, agro-pastoral and mixed farming. Agriculture is practiced in small scale especially along the banks of river Muruny.

**Trade and Industry:** There is little trade and industry observed in the project area of influence apart from little mining activities, despite the region being rich in minerals such as limestone and gold.

### Cross Cutting Issues

**Poverty:** Poverty is widespread in Turkana and West Pokot. (Morpus- Lokichar) The main socio-economic activity where the road traverses is agriculture and Pastoralism. The form of livelihood in these two counties on the section of the road attract rampant cattle rustling. The major causes of poverty are unemployment, lack of markets for the farm produce, high cost of inputs, insecurity and poor food storage facilities. 71% in Turkana, and West Pokot at 53%, compared country level of 27%.

**Gender Analysis:** The main gender issues are contained under the customary practices where the male gender vests ownership and control of productive assets especially on the Turkana and West Pokot counties. Women in the affected counties are faced with a number of challenges including inadequate access to land and by extension securing collateral-based credit, lack of technical skills, multiplicity of roles for women and inadequate access to education and training. The tradition delineation of labour persists with women assuming the entire responsibility for childcare, provision of food, water and firewood collection and the general maintenance of the homestead among others. Other forms of gender issues that are rampant in these counties include but not limited to; discrimination against women and girls, harmful practices such as child abuse, early and forced marriages and Female Genital Mutilation (FGM).

Culture, literacy levels and religion dictates gender issues, which are reinforced by society values, norms and roles to males and female. In the Turkana County context, these are further compounded by migratory nature of pastoralism. However, the urban settlements are increasingly seeing sedentary lifestyles which are promoting gender balance through government interventions, business and improved incomes for women.

Gender roles and responsibilities are well defined. Women are generally engaged in home care, and reproductive roles in the households. They are also engaged in other income generating activities: trading along the road corridor, selling and buying merchandise and foodstuff. Men on the other hand are more engaged in marketing, running businesses as traders, and employed in both formal and informal sectors. While men own most of the valued household assets, women traditionally do not

own large assets in the family, neither are they allowed to make decision on the same. Women headed households have limited decision-making power especially if the assets are not family –based.

Generally, in many households, women have limited say in financial matters and hence KeNHA should ensure that women are involved in the compensation and resettlement process. The majority of the property owners are men. This gives them a better chance of assessing and controlling the compensation proceeds than the women. KeNHA RAP policy is to ensure that for the married PAPs the compensation money is declared to all spouses. This is however likely to run into challenges because of cultural impediments (especially patriarchy, polygamy and reduced women voice). To mitigate that, this RAP has recommended that women be involved in training program and skill training to enable them have a continuous livelihood of running their business and skills to enable them access employment opportunities during road construction works.

**Gender Based Violence:** During consultation with civil society organizations (CSO) and focus group discussion (FGD), it was established that women in the community experience gender-based violence (GBV) on the Morpus-Lokichar road section in the West Pokot and Turkana County. GBV is something that has some visibility in the project corridor and in some cases normalized. Normalization of GBV and stigma influenced by religious and cultural norms prevents GBV survivors from speaking openly about their experiences and often keeps them from reporting their cases to the local administration or the police. The Kenya's Sexual Offenses Act provides for the prevention and protection of all persons from harm from sexual acts including sexual assault, rape, defilement, sexual harassment and child prostitution. It also provides for access to justice and psychosocial support.

### **Community conflicts**

The road traverses a territory occupied by different tribes, who are mainly pastoralists and occasionally, there is continuous and sporadic inter-communal conflict between the ethnic groups. Cattle raids and resource-based conflicts are the main types and manifestations of conflicts in the region, especially between West Pokot and Turkana counties. The region's proximity to Sudan, Uganda and hostile neighboring counties in Kenya makes the Section between Morpus and Lokichar one of the most affected areas by insecurity incidences. The main causes of conflicts are competition over the control and use of scarce natural resources (pasture, grazing land and water) between different communities and their neighboring communities is the main cause of conflicts. Other causes include traditional culture of cattle rustling, ethnocentrism, poverty, marginalization and proliferation of illicit arms. The net result is that this region of Kenya is deemed a high insecurity area. The contractor will have to ensure any sources of materials (such as water and road construction materials) will not contribute to potential conflict between the communities; all sources have to be widely consulted and agreed upon before utilization.

## **Resettlement Impacts**

### **Impacts of Displacement on PAPs**

Most of the project activities will take place on the right of way (RoW). 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. A total of 277 PAPs will be affected by the project among them 143 are male and 134 are female. The project affected persons include the tenants of business structures that will be affected by the construction works.

However, there will be the need to resettle those trading on the road reserve to provide sufficient space for the road improvement.

Table 0-1 Summary of Category of PAPs, Morpus -Lokichar A1 Section

Affected Towns/Centres	Business Structures	Tenants	Mobile Road Vendors	TOTAL
Morpus	15	0	0	15
Sebit	29	2	0	31
Ortum	98	27	53	178
Wakor	12	2	29	43
Chepgaun	10	0	0	10
<b>Total</b>	<b>164</b>	<b>31</b>	<b>82</b>	<b>277</b>

### RAP impacts

There are no farms close to the road and clearance of the bush will be limited to any overgrown 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. Construction of the project will lead to loss of sources of livelihood and economic displacement of the traders. Those trading along the RoW will be given time to remove their structures through adequate notice as specified in this RAP.

### 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 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: 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>

### 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.

### Free prior and informed Consent (FPIC) framework during consultations for vulnerable and Marginalized groups

The road traverses through an area where the local communities (Pokot and Turkana) are recognized as Vulnerable and Marginalized groups by AfDB Safeguards Policies<sup>1</sup>. Therefore, the principle of Free, Prior and Informed Consultation (FPIC) had to be used during consultations with these communities.

The objectives of free, prior and informed consultations were to: (i) inform affected vulnerable indigenous peoples about the proposed project; (ii) assess in a participatory manner the possible project benefits and adverse impacts; and (iii) agree on measures to enhance benefits or mitigate adverse impacts that will be incorporated into the project's design.

<sup>1</sup> AfDB Safeguards and Sustainability Series, V2, issue 2, Aug 2016 -Development and Indigenous Peoples in Africa, p10

The methodology used to ensure FPIC principles were followed were;

- Information about the project, information on public meetings and consultations were disseminated in advance to the vulnerable groups before consultations;
- Information included the objective of the meetings or discussions, the agenda and venue/locations, the time among others;
- Consultations were held in a language the communities could understand - local Pokot and Turkana language and/or in formats decided by the participants

**Table 0-3: Summary Schedule of public participation held**

Meeting Date	County	Venue	Male	Female	Total
30/11/2021	Turkana	Lokichar	22	8	30
30/11/2021	Turkana	Kalemngorok	19	12	31
02/12/2021	West Pokot	Wakor	13	4	17
02/12/2021	West Pokot	Marich Pass	18	13	31
03/12/2021	West Pokot	Sabit	29	1	30
03/12/2021	West Pokot	Ortum	17	10	27
03/12/2021	West Pokot	Morpus	25	2	27
25/03/2022	Turkana	Cradle Hotel	24	12	36
24/03/2022	West Pokot	Ortum	40	73	113
Total			207	135	342

**Table 0-4: Summary of the consultation meetings**

Venue	Summary of issues discussed
Lokichar	<ul style="list-style-type: none"> <li>• The community was concerned on when the project would commence</li> <li>• The community raised concerns about the assets that maybe affected by the project such as graves, land and structures.</li> <li>• They requested that the contractor who will be issued with the assignment to ensure they respect the local community culture</li> <li>• The community requested that during project implementation the contractor to ensure they fully provide mitigation for environment impacts such as dust.</li> <li>• They were concerned that some of the people in the area had already received compensation whereas others were still holding and awaiting for compensation having been issued with award letters in 2018.</li> </ul>
Kalemngorok	<ul style="list-style-type: none"> <li>• The community raised concern about the delayed compensation by KeNHA to some of the PAPs holding award compensation letters that were issued to them in 2018. They wanted to find out if another valuation would be carried out considering the delayed compensation</li> <li>• The community raised social impacts from the project and they suggested that the project proponent to ensure the safety of the community their major concern was about pregnancy from the construction workers.</li> <li>• They requested that during construction the contractor to ensure they purchase raw materials from the local people.</li> <li>• They requested for employment opportunity during project implementation.</li> </ul>

Venue	Summary of issues discussed
	<ul style="list-style-type: none"> <li>• They were concerned how the employment opportunities from the project implementation would be communicated to the local people.</li> <li>• The community was concerned about the existing infrastructure and what will be the impact (fibre optic cables and power lines)</li> <li>• The community elders requested to be involved during project implementation and help in resolve local grievances.</li> </ul>
Marich Pass	<ul style="list-style-type: none"> <li>• The community raised concerns of livelihood restoration for the vendors operating along the road reserve.</li> <li>• They were concerned on how the distribution of available opportunity would be done</li> <li>• The requested to have safety measures implemented during the design of the project while ensuring the safety of children, elderly and livestock</li> <li>• They requested that during project implementation that the proponent gets a community liaison officer who would regularly communicate to the community about the project implementation phases.</li> <li>• They were concerned about the valuation criteria of the structures</li> <li>• Some of the attendees were concerned about the delayed compensation, some indicated to have received award letters.</li> <li>• They raised concerns on the benefits of the road project to the local community and if the proponent would have any CSR project for the community.</li> </ul>
Wakor	<ul style="list-style-type: none"> <li>• The community raised concerns of employment opportunity from the project , they requested the proponent to consider the local youth and women.</li> <li>• The community was concerned on when the project would start, they lamented that it has taken long and this was the third consultative program.</li> <li>• They were concerned about the road corridor which they stated was too narrow within the centre and the land was privately owned.</li> </ul>
Ortum	<ul style="list-style-type: none"> <li>• The residents requested that the road design should consider pedestrian walks and motorbike lanes for safety from the long distance trucks</li> <li>• They requested the project proponent to ensure the livelihood of the women who depend on the road side trade benefit – they requested for a market in Ortum as CSR from KeNHA</li> <li>• The attendees requested to have safe crossing areas for children.</li> </ul>
Morpus	<ul style="list-style-type: none"> <li>• The community was concerned of how long it has taken for the project to be implemented. They requested for quick project implementation.</li> <li>• Some of the attendees were concerned if they would be compensated for trees they planted along the road reserve.</li> <li>• The community was concerned when the compensation will be paid and if it were to paid before project implementation.</li> <li>• The vendors were concerned about being relocated from the road reserve considering they do not have a market designated in the 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 availed 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.

### 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 **30<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.

**Table 0-5 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"

Affected Asset	Affected Right or Interest	Eligible Entity (Individual or Household)	Eligibility Conditions	Entitlements
				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 customary rental agreement	Tenant as recognized by the customary landowner and customary authorities whether resident or non-resident– INDIVIDUAL	Occupy land prior to the Cut-Off date as per a rental agreement recognized by the land owner and customary authorities	No compensation for the land itself Cash compensation to the owner of immoveable developments established by the owner and to the tenant of immoveable developments that were established by the tenant, such as structures, canals, Soil 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

Affected Asset	Affected Right or Interest	Eligible Entity (Individual or Household)	Eligibility Conditions	Entitlements
				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
<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

### 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.

## 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;

## 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:

- 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.

## 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.

### ***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

### **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.

## 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.

### 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.

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"> <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>	Livelihood changes among PAP households, including production systems and the standard of living and welfare
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### 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 Thirty Million, seven hundred and twenty-three thousand, eight hundred and ninety-five shillings only (**Kshs 30,723,895.00**), as shown in the Table below.

**Table 0-6. Summary of Budget for RAP**

Item	Estimated Total Value (Kshs)	15% Statutory allowance	Total Value (Kshs)
Structures Values	4,977,300	746,595	5,723,895
Land Values*	0	0	
Sub-Total 1	0	0	5,723,895
Estimated expenses of KeNHA and Other Relevant Government Agencies			10,000,000
Estimated expenses of Morpus -Lokichar (A1) RAP implementation and Monitoring cost			10,000,000
Financial Management Training & Counseling for PAPs			5,000,000
Sub-Total 2			25,000,000
<b>GRAND TOTAL (Estimated)</b>			<b>30,723,895</b>

\*The compensation for the section from Marich pass to Lokichar has already commenced

### 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 phase)

Table 0-7 ; 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							

## CONCLUSIONS

The proposed Morpus – Lokichar (A1) 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.

## 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 Morpus – Lokichar (A1) Road. The road section forms 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, the consultant will conduct a design review which included review and updating of an ESIA and RAP reports to conform with African Development Bank (AfDB) Environmental and Social Operational Standards.

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

The main objective of reviewing and updating of the Morpus – Lokichar (A1) road project RAP is to prepare a reviewed Resettlement Action Plan (RAP) report compliant to the African Development Bank and Government of Kenya (GoK) regulations, the project's Resettlement Policy Framework (RPF) and in line with KeNHA and the Banks comments on the draft RAP report.

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;
- To review and update the existing RAP of the project in line with the African Development Bank's (AfDB) Operational Safeguards Policies;
- 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.;

## 1.2 Location of the Project

The project road traverses two Counties in Kenya, namely West Pokot County (60Km) and Turkana County (82 Km). The road starts at Morpus (approximately 66.4km from Kitale town) and runs in a North-Easterly direction through the trading centres of Marich Pass, Kainuk, Kalemngorok, before terminating at Lokichar, 142 km from Morpus, where it connects with the proposed LAPSSET Road A10 Corridor.

The entire road is in fair condition, having been rehabilitated to bitumen standards recently. However, the road is narrow and has no shoulders. The road traverses hilly terrain with long steep sections and sharp bends that are a safety hazard to motorist. Some sections of the road are overtopped by storm runoff. The last section of the road from Marich Pass to Lokichar has a generally flat terrain.

The scope of services will involve design review of the road pavement layers with widened carriageway and shoulders. The services will comprise, but not limited to the following:

- Design of the highway to 7.0 m carriageway (2 lanes) with 2.0 m wide shoulders
- Design of highway geometrics and widening including provision of climbing lanes at critical sections to improve safety and highway capacity
- Design of Service Roads and NMT facilities through townships en-route (Morpus, Ortum, Marich Pass, Kainuk, Lokichar) at the end
- Design of Truck stops and roadside resting areas at key locations along the highway
- Design and construction of markets ( location, design and capacity will be determined at a later stage)

## 1.3 Project Rationale

The project road is approximately 142 Km and is part of the international trunk road connecting Southern Sudan, Kenya and Tanzania. The Biharamulo - Sirari - Lodwar - Lokichogio corridor (Corridor 3) is one of the five main corridors that the East African Community has identified, which constitute a strategic priority and require rehabilitation and upgrading. The section of this corridor that is within Kenya is about 900 Km long starting at Isebania at the border with Tanzania and ending at Nakodok at the border with Southern Sudan. The road intersects with other critical international corridors including the Northern Corridor (Corridor 1) A8 Highway and the LAPSSET Corridor A10 Highway at Webuye and Lokichar respectively.

The road is critical to economic development of Kenya since it carries a significant amount of commercial traffic and directly supports the Big-Four Agenda by facilitating faster access and supporting spatial development for businesses, housing and promoting economic rejuvenation in the rural areas of the various counties.

Relatively poor transport links between the East African Community countries is one of the key factors that create obstacles and increase costs to the movement of goods, services and people. It

is thus considered as a major impediment on intra- and inter-regional trade, contributing to the under development of the sub-region. The expansion of major highways remains Kenya's top priority to improve transportation logistics and support the achievement of Kenya's Vision 2030 Strategy, and the Big 4 Agenda. Kenya has prioritized the development of missing highway links in Northern Kenya and other underserved areas. This is demonstrated by Investments made over time on sections of the Kenya – Ethiopia Corridor (Nairobi - Thika Marua and Isiolo – Moyale highway), the Kenya Sudan Link road (Isebania – Kisii – Ahero and Kisumu – Kakamega – Kitale, and Lodwar – Lokichar – Lokichogio – Nadapal Highway) and recently the Horn of Africa Gateway Development program targeting Isiolo – Wajir – Rhamu – Mandera highway). The Kitale – Kapenguria – Morpus section is programmed for improvement through support from by KfW, while the Kainuk River Bridge which falls under the proposed Morpus – Lokichar Project has been reconstructed, as well as various road development projects between Lokichar and Nakodok now nearing completion under the IDA financed EARTTDFP project. Furthermore, the Government recently procured contracts for the upgrading of sections of Nakuru – Marigat- Loruk – Barpelo – Marich Pass through local (GoK) financing.

The 142 Kmlong Morpus – Lokichar section therefore constitutes the only missing link yet to be financed to enable seamless connectivity between Kenya and EAC neighbors, and local communities in Northern Kenya. (This RAP is prepared to meet the need for preparing for financing by AfDB and GoK). The beneficiaries of the project will include international traders, extractive industries in this northern part of Kenya (oil, mining, cement production), pastoralist communities, farmers and businesses road users (passengers and freight), tradable sectors in the economy, agriculture, public and private institutions, and ultimately consumers and producers both inside and outside the region.

#### 1.4 Objectives of the Project

The overall Project objectives for undertaking both Lesseru – Kitale (B14) and Morpus – Lokichar (A1) road project are to

- Improve the efficiency of road transport along the project Corridor
- Spur economic activity along the project road and enhance social welfare
- Enhance security and promote peace along the project corridor
- Enhance regional integration
- Enhance road safety along the project road

#### 1.5 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- and asset inventory has been carried out for all the identified project affected persons. The inventory has included affected land, structure, 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 the 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;
- The land acquisition schedule and the resettlement plan have been prepared with the necessary budget to facilitate the implementation.

## 2 DESCRIPTION OF THE PROJECT LOCATION

The project entails rehabilitating the Morpus – Lokichar (A1) Road Section located in, West Pokot and Turkana, it is approximate of 142km. The proposed road rehabilitation project will entail excavation of the existing road surface to pave way for fresh carpeting horizontal alignment of narrow sections of the road within the road reserve, construction of service roads at all major trading Centres along the road corridor, construction of a truck lay bay (parking at Moi's Bridge), road realignment at sections of the road, evacuation of persons who have encroached into the road reserve and acquisition of land for road construction.

### 2.1 Baseline Socio-Economic Conditions

The road traverses through West Pokot and Turkana County. The road begins at Morpus centre in west Pokot and traverse through Sebit, Ortum, Wakor Chepgaun and Marich pass in West Pokot. The road crosses to Turkana at Kainuk centre and traverses through Kakong'u Kaputir junction to Kalemngorok before terminating at Lokichar.

#### 2.1.1 West Pokot County

About 82km of the road traverses the West Pokot County and will present residents with an opportunity of increased development of the trading centres. The county covers an area of approximately 9,169.4 square kilometers and stretches a distance of 132 kilometers from North to South. West Pokot County is bordered to the north by Turkana County, to the east by Baringo County, to the southeast by Elgeyo-Marakwet County, to the south by Trans Nzoia County and to the west by Uganda. According to the 2019 census, the county has a population of 621,241.

The West Pokot County economy is principally driven by agriculture and livestock rearing. Some of the main crops grown include maize, a staple ingredient grown mainly in West Pokot Sub-County, as well as finger millet, coffee, beans, onions, sweet potatoes, green grams, peas, mangoes, oranges, bananas, potatoes and pyrethrum. The latter two are mainly grown in South Pokot sub-County.

The county is characterized by a variety of topographic features. In the southeastern part are Cherangani Hills with an altitude of 3370m above sea level. On the north and northeastern parts are the dry plains, with an altitude of about 900m above sea level. Landscapes associated with this range of altitude include spectacular escarpments of more than 700m above sea level. The high altitude areas have high agricultural potential while medium altitude areas lie between 1500m and 2100m above sea level and receive low rainfall in addition to being predominantly pastoral land. The low altitude areas include Alale, Kacheliba, Kongelai, Msol and parts of Sigor.

The main rivers in the county are Suam, Kerio, Weiwei and Muruny. Cherangani Hills are the main source of Muruny and Weiwei Rivers while Mount Elgon is the main source of River suam. River Muruny, Kerio and Weiwei drain northwards into Lake Turkana while small rivers join and drain into River Nzoia, which drains into Lake Victoria.

The main forest in the county is Cherangani Hills. The un-gazetted forest, which forms part of the Cherangani Hills in Lelan, covers an area of 20,857 ha. The un-gazetted forest covers an area of 15,719ha and consists of rain forests block scattered all over the county. These are natural forests dominated by tree species like cedar (*Juniperous procera*) and bamboo (*Arundinaria alpina*) plantation forest covers an area of 662 ha of which 1.2 ha are indigenous and the rest exotic.

The county has a bimodal type of rainfall, long rains fall between April and august while the short rains fall between October and February. There is however great variation of rainfall received in

the county. The lowland receives 500mm per annum while the high lands receive 1600mm per annum.

### 2.1.2 Turkana county

The road traverses through Turkana county from Kainuk to Lokichar for 60Km. The road traverses the market centre of Kainuk, Kakong'u, Kaptir junction, Kalemng'orok and terminates at Lokichar. Turkana County is the second largest county, covering more than 13% of Kenya's surface at 77,000 sq. km. This vast land is in the northwest of Kenya. It is bordered by the countries of Uganda to the west; South Sudan and Ethiopia, and Lake Turkana to the east. To the south and east, it neighbours West Pokot, Baringo and Samburu Counties, while Marsabit County is on the opposite of the eastern shore of Lake Turkana. Turkana's capital and largest town is Lodwar. The county had a population of 926,976 at the 2019 census.

Turkana is the poorest region in Kenya. The county is, however, experiencing upward reviews due to ongoing mineral explorations and inventions, especially of oil and water resources. Turkana County residents are also enjoying the fruits of devolution. Devolution of power in Kenya is viewed as a blessing for the forgotten people of Turkana. It has been received in the sub-counties with much appreciation due to its direct benefits to the citizens. The current administration shares out these benefits equally to all sub-counties in addition to enhancing citizen participation in development activities.

#### 2.1.2.1 The Turkana community

The Turkana are the second largest group of pastoralists in Kenya. Their main source of livelihood is livestock keeping, which is an important aspect of Turkana culture. Goats, camels, donkeys and zebu are the primary herd stock utilized by the Turkana people. In this society, livestock functions not only as a milk and meat producer, but as a form of currency used for bride-price negotiations and dowries.

The Turkana are recognized as indigenous people due to their distinct language and dependency on natural resources and their pastoralism nature. During this RAP study it was established that 2015 RAP implementation is underway on the section between Marich Pass and Lokichar. The section between Marich Pass and Lokichar was part of the Resettlement Action Plan (RAP) Updated Version of 2015 for Marich Pass-Lodwar 196 Km A1 Road. The National Land Commission has issued the PAPS in this section of the road with award letters for the compensation.

During the consultation with the community communication was translated by a local person to Turkana language to enable the present members who could not understand the Kiswahili language follow the proceeding and participate.

## 2.2 Scope of the RAP

The RAP has been prepared to ensure that losses incurred by PAPs have been comprehensively addressed. The RAP has also comprehensively examined the social economic impacts of the project and provided measures appropriate for the mitigation. The proposed measures for the RAP will ensure 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. Physical displacement is the actual physical relocation of people resulting in a loss of shelter, productive assets or access to



productive assets (such as land, water, and forests). Economic displacement will result from displacement of the traders along the RoW .This RAP report has proposed measures to ensure continuous livelihood for the traders.

## 3 METHODOLOGY

### 3.1 Methodology used in the Preparation of RAP

A mix of various methods, tools and techniques were adopted to collect data and information required to prepare this Resettlement Action Plan (RAP). Both quantitative and qualitative data were gathered employing various methods and instruments. Sources of data and information used in this document can be grouped into two broad categories namely, primary and secondary sources. Details of data collection methods, tools and techniques are briefly discussed below.

### 3.2 Review of Literature

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, and sectoral development plans. Other important documents reviewed include outputs of various research conducted in the project area and Environmental and Social Impact Assessment (ESIA) reports of the project itself.

### 3.3 Quantitative Methods of Data Collection

#### **Census Enumeration and Inventory of Assets**

**Sensitization and Familiarization Stage:** A team of experts visited the project area in October 2021 for site reconnaissance and courtesy calls to National and County government officials. This mission helped not only to familiarize the study team to the project area but also to adapt various survey forms and instruments to local conditions. This was then followed by the design and development of the various survey instruments.

**Identification and Project Impact Boundary Delineation Stage:** This is a crucial stage where adverse project impacts were fully identified and understood leading to their quantification. A cadastral survey was conducted to demarcate the actual boundaries of project impacts on the ground. In effect, the numbers of people and the nature and magnitude of impacts on property was clearly identified that are responsible for the impacts.

**Socio-economic Surveys and Property Registration Stage:** As this stage is a decisive stage in the whole exercise of RAP, a number of steps and procedures were adopted to ensure the accuracy of information collected and registration of affected property. The steps and procedures followed were as follows:

The first step was recruitment and training of enumerators. A team of enumerators and supervisors were recruited locally and received training on basic interviewing techniques. This was then followed by a pilot survey. A pilot survey was conducted on about a dozen of households to test the whole survey instruments for clarity, accuracy and consistency in capturing data and information required. With minor modifications made to the survey questionnaires, the instruments were made ready for full-scale survey.

The second step was making contact with the local government officials to guide the survey team during the data collection. The officials were drawn from the National and County government administration and community elders or influential personalities. The survey instruments including property registration and valuation forms were presented to the officials for discussion and final comments before launching full scale surveys and registration of property. The local

administration is important in the identification of PAPs and for approving the legality of ownership of affected property by its claimant.

The third and the last step during this stage was the supervision and administration of the actual field work. A complete census enumeration of all PAPs was carried out side by side with registration of affected property housing and structures, and trees situated on the right of way (RoW) and will be affected by the project. In order to avoid or at least minimize complaints and grievances, counting and registration of affected assets was carried out in the presence of the local administrator(s) and in front of the person whose property is affected.

Upon completion of the census enumeration and inventory of assets, a representative random sample of households was drawn from all project-affected households for a more detailed socio-economic survey. Structured questionnaires were administered to the sample households and detailed quantitative information on demographic and socio-economic characteristics of the households were collected. The sample was about 40% of the total households directly affected by the project.

Enumerators were closely supervised and supported by members of the study team and locally trained fieldwork supervisors.

Upon completion of field data collection and registration of assets, data were checked for consistency, cleaned as necessary in preparation for electronic data entry and processing. Field data were then entered in to a database designed to store and process such data as and when required. Apart from being used as a raw material for the preparation of this RAP, the database will form part of the project electronic archives, data from which can be used throughout the project and beyond.

### 3.4 Community Level Surveys

Another quantitative survey was conducted at a village level using structured questionnaire. This survey was designed to generate data and information, among other things, on availability or lack of social service facilities at community level. Interviews were conducted with local government officials regarding existing levels of access to education, health, water sources energy sources and related services by members of their respective communities.

This survey also captured information on local market prices as well as agricultural production and productivity, all of which were useful in valuation of assets and computation of compensation rates.

### 3.5 Qualitative Methods

During and after census enumeration and registration of assets the social relations and organization of the affected communities were assessed and used to identify key stakeholders in the project. A series of consultations were held using both formal and informal meetings with carefully selected members of the communities and all PAPs. All meetings were held within the affected villages and at the County and Sub County levels. Participants were selected from all cross-sections of the communities including age and gender. Consultations were carefully planned and conducted in such a way that ensures efficiency and effectiveness in covering key issues both from the PAPs and communities on the one hand, and the project interests on the other. Besides, consultations were held with Civil Society Organization (CSO) local officials at village and sub County levels at several locations. Minutes of the discussions and questions and answers sessions were recorded and duly signed by all participants for documentation purposes.

### Census and Socioeconomic Surveys

A census enumeration and socio-economic survey were conducted in the project-affected communities between 30<sup>th</sup> November 2021 to 30<sup>th</sup> December 2021. The following are among the major objectives of the surveys:

- To understand the scale and nature of project impacts on local communities;
- To identify PAPs and map out their social and economic characteristics,
- To establish institutional arrangements for the implementation of the Resettlement Action Plan (RAP) activities,
- To obtain information needed for entitlement and compensation payments for lost assets, and;

To generate baseline data for monitoring and evaluation of livelihoods and income restoration and other sustainable development components of the RAP.

## 3.6 Stakeholder engagement and public participation

Methodology and Techniques of Engagement during the RAP

The engagement process included:

- **Invitations**- invitations were extended through the County government and the County Commissioner. Government protocol was observed by first contacting the County Commissioner in the counties, a request to mobilise the stakeholders to attend meetings were made through the Chief and assistant county Commissioners.
- **Notification**- Notification for communities to attend the Public meetings were conveyed through the local administration i.e. the chiefs, assistant chiefs and village elders.
- **Key Informant Interviews (KII)**- one on one interviews were conducted with individuals from specific geographical areas.
- **Public meetings** - the public was consulted through public barazas at various convergence points along the project corridor as indicated elsewhere in this report. The focus of these meetings was to facilitate an open forum as well as inform the communities and PAPs of the proposed project.

## 3.7 Basis of Valuation

The basis of valuation under the local legislation is The Land Act No. 6 of 2012 and The Valuers Act Cap 532. The Land Act No. 6 requires the National Land Commission (NLC) to formulate rules to guide valuation for compulsory acquisition purposes. However, the contemplated regulations have not been published and hence the valuation relied on the provisions of the new repealed Land Acquisition Act Cap 295 of the Laws of Kenya. Under the regulation, the valuation and consequent compensation shall be composed of the following:

- “market value” of the land as at the date of publication in the Gazette of the notice of intention to acquire the land;
- damage sustained or likely to be sustained by persons interested at the time of the Commissioner’s taking possession of the land by reason of severing the land from his other land;
- damage sustained or likely to be sustained by persons interested at the time of the Commissioner’s taking possession of the land by reason of the acquisition injuriously affecting his other property, whether movable or immovable, in any other manner or his actual earnings;
- if, in consequence of the acquisition, any of the persons interested is or will be compelled to change his residence or place of business, reasonable expenses incidental to the change;
- 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 Commissioner takes possession of the land; and

- Additional 15% to the market value, by way of compensation for disturbance.

The compensation value is hinged on the determination of the open market value. According to International Valuation Standards (IVS), 7<sup>th</sup> 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 land, developments, crops and trees. The basis of valuation for each class of assets is as follows:

- (a) **Land- market comparable approach** in which the recent sale price of similar parcels of land or plots is analyzed to arrive at the open market value. The data for such an analysis is obtained from local land agents, valuers and records at the respective Land Registry.
- (b) **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 such as barbed wire fence, wooden fence among others.
- (c) **Crops, trees and vegetables – income capitalization approach** in which, the income earning ability of the asset being valued is ascertained and capitalized using a market-driven discount rate for the remaining economic life of the asset. The productivity of each crop and the sale price per relevant unit of measurement was ascertained from discussions and review of records from local farmers and marketing agents. The earning capacity of the plant/crop/tree was capitalized using the opportunity cost of money (being the risk-free investment- bank deposit) for the entire productive life of the plant to arrive at its market value. Where the plant was sold upon maturity, the current sale price was adopted, bearing in mind the remaining period to maturity.

## 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% Statutory Allowance and 20% disturbance and relocation assistance was included to the budget. The relocation assistance will cater for economic, social and physical disturbance caused to a PAP.

It was noted that the major source of livelihood along the road reserve was businesses and as such, the affected will lose their source of livelihood during the implementation of the project. To ensure continuous livelihood alternative relocation site close to the road have been identified with liaison with the county government, the relocation of the traders should be done before the start of the project.

It was also assumed that the field survey had an error term of about 20% since some of the affected were not well informed, we add 20% on the estimated value to get the total value of land, structures, trees and business. An addition of 15% statutory/disturbance fee is added totaling. The breakdown of the value estimates is provided in the appendix, and summarized on the table below

**Table 3-1 Breakdown of the value estimates.**

Item	Estimated Total Value (Kshs)	15% Statutory allowance	Total Value (Kshs)
Structures Values	4,977,300	746,595	5,723,895
Land Values	0	0	0
Sub-Total 1			5,723,895
Estimated expenses of KeNHA and Other Relevant Government Agencies			10,000,000
Estimated expenses of Morpus -Lokichar (A1) RAP implementation and Monitoring cost			10,000,000
Financial Management Training & Counseling for PAPs			5,000,000
Sub-Total 2			25,000,000
GRAND TOTAL (Estimated)			30,723,895

*\*West Pokot and Turkana County Governments offered to provide land (5 acres each) to construct bus bays and trailer park*

For land, the land value adopted was an average calculated value, based on the land yields. For the budget, the best estimates available at this time were considered. National Land Commission (NLC) will undertake an independent valuation and come up with legally accepted values, whereas KeNHA will monitor and manage RAP implementation adaptively both during construction and operation by responding to any issues that may arise. Correspondingly, actual budget allocations to individual activities may change, or new activities may be added as necessary.

## 4 LEGAL FRAMEWORK

This chapter outlines the legal provision for the resettlement and Involuntary resettlement. It provides an overview of the National Provision, International Provision and provides the differences between the National and International provisions.

The following summary of the applicable legislative/regulatory provisions relevant to involuntary resettlement under the project i.e. compensation and expropriation procedures.

- Kenyan **Land and land related laws** relating to land and resettlement namely:
  - Constitution of Kenya (2010),
  - National Land Commission Act 2012,
  - Land Act 2012,
  - Land Registration Act 2012,
  - The Environment and Land Court Act, 2011,
  - The Land Control Act Cap 302,
  - Public Roads and Roads of Access Act (Cap. 399) and
  - Valuers Act, Cap 532 Laws of Kenya.
- Other relevant laws related to protection of vulnerable individuals and gender-based violence:
  - Sexual Offences Act 2012,
  - Children Act 2012,
  - Labour Relations Act No. 18 of 2018, and
  - Matrimonial Property Act, No.9 of 2013
- Kenyan **Policies** relating to land, resettlement and sustainable development namely:
  - National Land Policy, 2007
  - National Gender Policy;
  - KeNHA ESS Policy
- Relevant **AfDB Policies** and guidelines namely:
  - AfDB Integrated Safeguard Standards, 2013 – Operational Safeguard (OS 2) on Involuntary Resettlement.
  - AfDB Gender Policy and Handbook on Stakeholders Consultations and participation on AfDB Funded Projects.

### 4.1 National Provisions

The RAP has been prepared in compliance with the requirements of the relevant national legislation of the Republic of Kenya. The process and procedures of land acquisition for the Project will be principally governed by Kenya land laws including; Land Act 2012, Land Registration Act 2012, National Land Commission Act 2012 as well as the African Development Bank Safeguards Policy on Resettlement (OS2 Involuntary Resettlement; land acquisition population displacement and compensation.

Articles 40 of the 2010 Constitution of the Republic of Kenya establish the fundamental principles of right to and protection of private property. In addition to the overarching principles stated in the Constitution, key legislation applicable to land management and expropriation in Kenya is listed in the table below.

**Table 4-1; Summary of the Kenya legislation relevant to the RAP**

	Functional Relationship to Resettlement
Constitution of Kenya 2010	Constitution of Kenya 2010 recognizes individuals' right to acquire and own property provided they are citizens of the country in article 40. However, Article 66 of the same Constitution provides for the State to regulate the manner in which these rights may be curtailed for the benefit of the general public. Article 47 of the Constitution provides for administrative action to override the individual rights but the victim has to be given written reason for the action taken that undermines the right.
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.
The Valuers Act 532	The act establishes a valuers registration board, which has the responsibility of regulating the activities and conduct of registered valuers in accordance with the provision of the act.

#### 4.1.1 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-

1. Requires prompt payment in full, of just compensation to the person;
2. Allows any person who has an interest and;
3. 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.

#### 4.1.2 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.

#### 4.1.3 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.

##### 4.1.3.1 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.

The proposed project 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.

#### 4.1.3.2 Preparation to Complete

The sale agreement will provide for a completion period, usually between 90 to 180 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.

#### 4.1.3.3 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.

#### 4.1.3.4 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.

### 4.1.4 The Compulsory Land Acquisition Process

#### 4.1.4.1 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.

#### 4.1.4.2 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.

#### **4.1.4.3 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 landowners and or approve the request made by acquiring authority intending to acquire land.

#### **4.1.4.4 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.

#### **4.1.4.5 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.

#### **4.1.4.6 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 landowners to hear the justification of the public authority in laying claims to acquire the land.

#### **4.1.5 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.

#### *4.1.5.1 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.

#### *4.1.5.2 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.

#### *4.1.5.3 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.

#### *4.1.5.4 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.

#### *4.1.5.5 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.

#### *4.1.5.6 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.

#### 4.1.6 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 KeNHA to fix its boundaries after compensation so that no encroachments will occur.

#### 4.1.7 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.

#### 4.1.8 Community Land Act (2016)

The Community Land Act, No. 27 of 2016 gives effect to Article 63 of the Constitution of Kenya, which provides for a classification of land known as Community Land. The Constitution provides that community land shall vest in and be held by communities. It provides for the recognition, protection and registration of community land rights and the management and administration of community land. It also describes the role of county governments in relation to unregistered community land and related matters. This would apply to areas past Morpus to Lokichar where land is community land.

#### 4.1.9 The Valuers Act, 532

The act establishes valuer's registration board, which has the responsibility of regulating the activities and conduct of registered valuers in accordance with the provision of the act.



Valuation of land is a critical aspect of acquisition practice and compensation. Besides, the valuers Act establishes the valuers Registration Board, which regulates the activities and practice of registered valuers. The proposed project shall engage valuers registered with the Board to practice in Kenya.

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

- False or incorrect entry in the register;
- False or misleading statement caused by omission or suppression of a material fact;
- The acceptance of “any professional valuation work which involves the giving or receiving of discounts or commissions”; and
- In case of professional misconduct, the registered valuer is guilty of an offense punishable with a fine (not exceeding Kshs. 10,000) and/or imprisonment for three years. Fees for land valuation in case of compulsory acquisition are established based on the value of the property as “the first Kshs. 400,000 at 1 per cent. Residue at 0.5 percent and are paid by those who requested the valuation.

#### **4.1.10 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.

In this Rap, this act is relevant in providing the highest level of grievance redress through Judicial recourse for any one aggrieved by the land acquisition process.

#### **4.1.11 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 ESIA 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 and social impacts which this RAP seeks to address.

### **4.2 International Provisions**

International provision provides mechanisms through which projects related to resettlement issues can be resolved through the international best practice.

#### **4.2.1 African Development Bank Safeguards Policy on Resettlement (OS2/ Involuntary Resettlement)**

The African development Bank is the potential lender of this project and this document has therefore been prepared in accordance with 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.

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 level 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 program, actively facilitate social development and establish a sustainable economy and society and;
  - Guard against poorly prepared and implemented resettlement programmes in Bank operations and remedying problems as they come.

#### 4.2.2 Scope of Application for AfDB OS 2

In line with the framework of the involuntary Resettlement policy, the OS covers economic, social and cultural impacts associated Bank - Financed projects involving involuntary loss of land, involuntary loss of other assets, or restriction on land use or on access to Natural resources that result in; -

- Relocation or loss of shelter by the people residing in the project area of influence
- Loss of assets (including loss of structures and assets of cultural, spiritual and other social importance) or restriction in access to assets, including national parks and protected areas or natural resources or
- Loss of income resources or means of livelihood as a result of the project, whether the people affected are required to move or not.

The road improvement project, anticipated project impacts will be on land, business structures, displacement of vendors, crops and trees. The following arrangements shall therefore be explored:

- All viable alternative project designs should be explored to avoid or minimise the need for resettlement and when it cannot be avoided, to minimise the scale and impacts of resettlement.
- 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;
- Displaced persons should be:
  - ❖ Compensated at full replacement cost prior to the actual move;
  - ❖ Assisted with relocation; and
  - ❖ Assisted and supported during the transition period.

No Physical relocation is anticipated on this project. However all the PAPS facing loss of structures have been considered. All PAPS' have been considered for resettlement compensation at current market rates and replacement rates for the respective affected properties. A 15% disturbance allowance to assist the PAPS during the re-establishment transition period, including temporary loss of income, has been considered.

- Attention should be given to socially disadvantaged and vulnerable groups such as the very poor, the disabled, minorities, refugees, orphans and child headed families, squatters and others without clear legal rights to land, those incapacitated by advanced age, among others.
- Communities should be given opportunities to participate in planning, implementing and monitoring their resettlement/compensation. This has been complied with; and extensive community and stakeholder consultations were undertaken. Also, the views of the community members and other stakeholders have been considered and integrated into the RAP.

#### **4.2.3 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 4-2: Comparison between AfDB OS2 and Kenyan legislation

AfDB OS 2	Kenyan Legislation	Comparison	Recommendation to address gap
<b>GENERAL REQUIREMENTS</b>			
AfDB OS 2 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 stipulates that resettlement should be avoided wherever possible. However, 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 does not talk about improving livelihood or restoring them to pre-project status	<b>Where possible livelihood restoration should be considered. This will enable the project affected person have a continuous livelihood/income.</b>
<b>PROCESS REQUIREMENTS</b>			

AfDB OS 2	Kenyan Legislation	Comparison	Recommendation to address gap
<b>Consultation:</b> 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.
<b>Grievance:</b> 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

AfDB OS 2	Kenyan Legislation	Comparison	Recommendation to address gap
<p><b>Eligibility Criteria</b></p> <p><i>Defined as:</i></p> <ul style="list-style-type: none"> <li>- those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);</li> <li>- those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets— provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan</li> </ul> <p><i>To determine eligibility:</i> Carry out resettlement census. Cutoff date for eligibility is the day when the census begins.</p>	<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>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>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>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 OS 2.</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> <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><b>Measures:</b> 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>(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>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 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>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>‘Just compensation’ as stipulated in the Land Act not yet specifically defined.</p> <p>AfDB OS 2 provides related land transaction fees. The Land Act is 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>Ensure that all alternative options are considered before providing cash compensation</p> <p>Use AfDB OS 2 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 4-3; Comparative analysis for of AfDB's OS 2 &amp; Kenya's Requirements

Category of PAPs and Type of Lost Assets	Kenyan Law	AfDB OS2
<b>Land Users</b>	Land Act is 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.
<b>Owners of Temporary Buildings</b>	The constitution of Kenya 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.
<b>Owners of Permanent buildings</b>	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.
<b>Perennial Crops</b>	Compensation for the loss of crops.	Full replacement cost for the loss of crops valued at market price  Relocation assistance and livelihood restoration program.
<b>Informal Traders/Mobile Traders/Vendors</b>	Not specific on livelihood. The constitution says some pay maybe made in good faith.	Compensation and Livelihood restoration to pre-displacement level.

#### Conclusion on comparison and identification of gaps between Kenya and AfDB policies

The following are the highlights of the findings on the comparison between Kenyan Law and AfDB Policy:

- This RAP recognises small traders along the road reserve so long as they were present in the project area within the cut-off date of compensation as set by this study. It also proposes relocation assistance in the form of re-establishment of livelihoods through the proposed markets to be developed under the project with collaboration of county governments ;



- Valuation methodologies must be based on full replacement. The Land Act 2012 proposed development of valuation methodologies for land acquisition for public purposes but this is yet to be realised;
- The right to public participation is protected by the Constitution of Kenya. However, there are no documented regulations in place that clearly stipulate the requirements for consultation of displaced persons. This study therefore relied on the clear requirements and guidelines provided by AfDB policies;
- In compliance with Kenyan Law, Land Policy and AfDB Policy, this RAP has given proposals for a grievance redress and dispute resolution mechanism;
- The laws of Kenya are not explicit on monitoring of the efficacy of compensation modalities to ensure livelihood restoration of displaced persons. The AfDB policy however requires that the arrangement for reporting, monitoring and evaluation, consistent with the overall project planning and scheduling, should be included in the plan. The implementing agency should be responsible for reporting the progress of the plan implementation, typically quarterly.

**AfDB 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 it incorporates refinements designed to improve the

Operational effectiveness of those requirements: In particular, it embraces comprehensive and forward-looking notions of livelihood and assets, accounting for their social, cultural, and economic dimensions. It also adopts definition of community and common property that emphasizes the need to maintain social cohesion, community structures, and the social interlinkages that common property provides.

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 emphasizes the need to ensure that social considerations, such as gender, age, and stakes in the project outcome, do not disenfranchise particular project-affected people.

## 5 CENSUS AND SOCIO-ECONOMIC SURVEY

A socio-economic sample survey and census enumeration was conducted in the project area. The primary objectives of the surveys were to understand the scale and nature of project impacts on local communities, identify Project Affected Persons (PAPs) and map out their social and economic characteristics, obtain information necessary for the preparation of this Resettlement Action Plan (RAP), establish indicators for the implementation of the RAP, and provide baseline data for monitoring and evaluation of livelihoods and income restoration and other sustainable development components of the RAP. To obtain information needed for entitlement and compensation payments for lost assets, a detailed inventory of all assets affected by the project was undertaken. In this Chapter, findings of the census and socioeconomic surveys of the PAPS has been presented.

### 5.1 Demographic Characteristics

The selected findings for project-affected demographic and socioeconomic indicators discussed in this section of the RAP were derived from data collected through administration of household surveys. These survey questionnaires were administered to all affected units, residential or residential cum commercial. In addition to household surveys, the data to describe the study area were gathered from the following target populations:

- Community consultations (baraza)
- Personal interviews with key stakeholders, comprising representatives of district commissioners, government department heads and civil servants, councilors, chiefs and assistant chiefs, community opinion leaders and representatives from local NGOs; and
- Affected households, which were the foremost focus of the Social Impact Assessment (SIA)

Several methodologies were employed to collect the required data, including structured checklists for community consultations; semi-structured checklists to conduct personal interviews; and, systematized questionnaires to survey affected households.

### 5.2 Enumeration and Census Survey Sites

The Social Impact Assessment team conducted interviews and consultations with the project affected persons on Morpus –Lokichar A1. The surveys were undertaken in West Pokot and Turkana Counties. In Turkana County RAP implementation is underway for the 2015 RAP, in the road section between Kainuk and Lokichar. Some PAPs have been compensated and others have received award letters from National Land Commission. For this reason, PAPS were not enumerated to avoid disrupting the ongoing RAP implementation process. However, a sample of the socio-economic survey was undertaken to enable the study to understand the socio-economic status in Turkana.

The locations where data was collected, and the number of households surveyed are summarized below.

A total of 359 household questionnaires were surveyed in West Pokot and Turkana counties. This number includes the 277 PAPs along the road section at the urban centres of Ortum, Morpus, Sebit, Wakor and Chepgaun . A sample of 108 household questionnaires were sampled in Turkana County at the Centres of Kainuk, Kaputir junction, kakongu, Kalemng'orork and Lokichar. The sample

questionnaires were surveyed to get the socio-economic status of the households in this section of the road<sup>2</sup>.

<b>Table 5-1 Data Collection Sites and Interview Contacts</b>				
West Pokot and Turkana Counties				
Data Collection Site (Settlement)	County	Number of PAPs	No of Household survey	Percentage
Lokichar	Turkana	0	28	8%
Kaputir	Turkana	0	5	1%
Kakongu	Turkana	0	23	6%
Kalemng'orok	Turkana	0	25	7%
Kainuk	Turkana	0	27	8%
Chepgaun	West Pokot	10	10	3%
Wakor	West Pokot	43	46	13%
Ortum	West Pokot	178	151	42%
Sebit	West Pokot	31	29	8%
Morpus	West Pokot	15	15	4%
Total		277	359	100%

### 5.2.1 Survey Respondent Attributes

**Table 5-2. Respondents (Gender Segmented)**

Survey Respondent Demographic Attributes	
Sampled Households	
(N = 359)	
Respondent Gender	Percentage of N
Male	39%
Female	61%

**Table 5-3.. PAPs Age (Gender Combined)**

Respondent Age	Percentage of N
18-35 years	61%
Above 50 years	6%
Below 18 years	1%
35-50 years	32%

A majority household heads 61% are aged between 18 and 35 years ,32% are aged between 35 -50 years,6% are aged above 50 years and 1% are aged below 18 years. The average age of the majority household head is 27 years this age falls within the youth age where by the constitution defines youth as people aged between 18-35 years old, as this implies that most of the PAPS on the urban Centres on the road section are youth.

<sup>2</sup> RAP implementation is underway in Turkana from the 2015 RAP. PAPS had already been identified some have already been compensated while others were issued with award letters by the NLC.

### 5.2.2 Education level

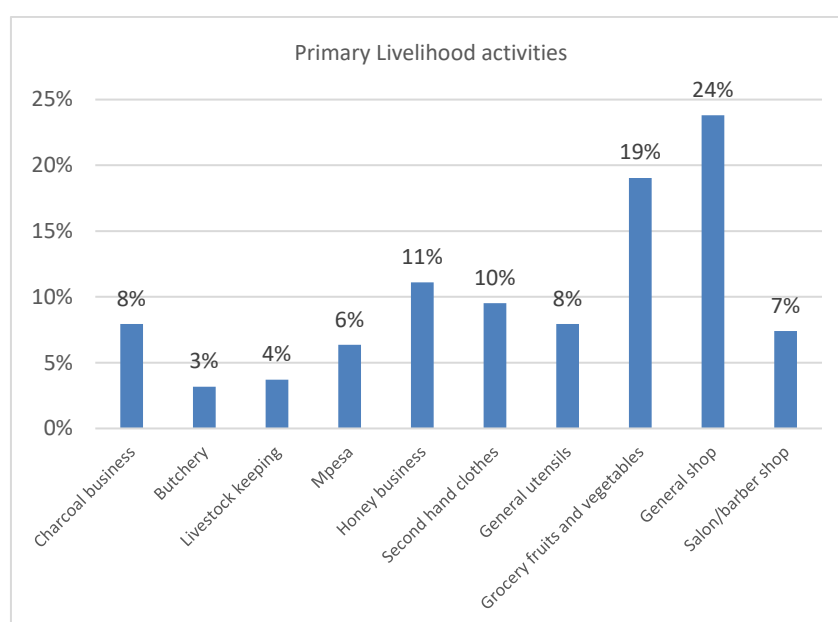
From the survey it was established that 34% of the PAPs had attained primary level of education, 44 had completed primary school education ,3 % had attained tertiary education and 6% had attended vocational training. The outcome of the survey on the high number of literacy level is attributed to the fact that the survey was done on the urban centers where most of the PAPs and households interviewed are independent and operate business.

**Table 5-4.. Education Levels of the PAPS**

Members of Surveyed Households	
Education Levels	
Level of education	Percentage
No Formal Education	13%
Primary	44%
Secondary	34%
University	3%
Vocational training	6%

### 5.2.3 Household Livelihood Activities

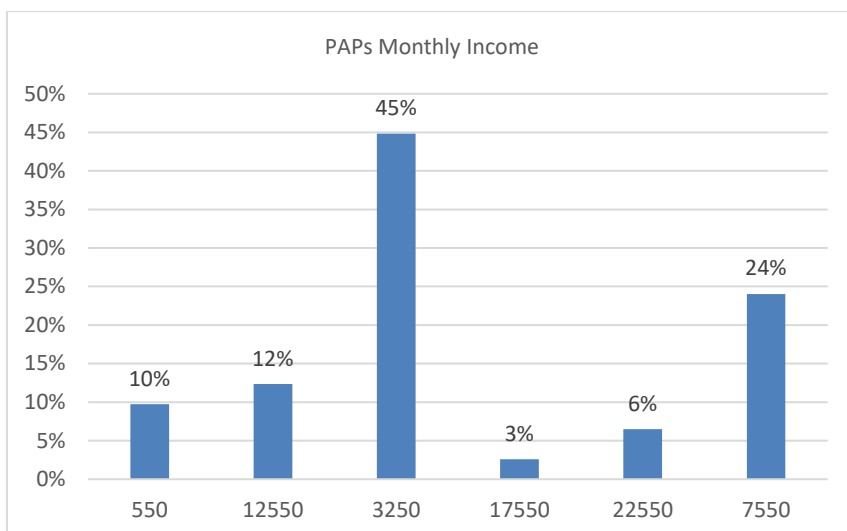
The PAPs depend on several sources livelihood activities, the land based occupations, mentioned by the PAPS was livestock keeping at 4%PAPs livelihood activities include trade activities such as salons, groceries, utensils(mali mali) second hand clothes general shop Mpesa and honey business. Figure 5-2 indicates the percentage of each livelihood.



**Figure 5-1 Primary livelihood activities.**

### 5.2.4 Household Earnings Per Month

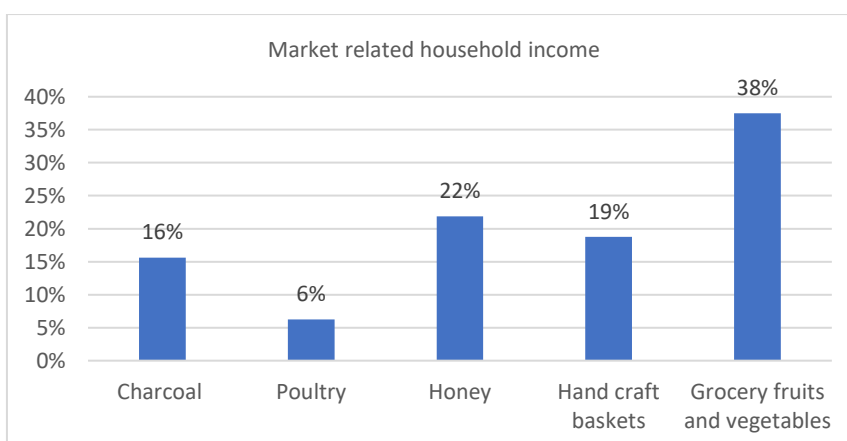
45 % of the affected households earn an average income of kshs 3,250 per month, 24 % an average of Kshs 7,550, 10% earn an average of kshs 550 per month , 3% earn an average of 17,550 6% earn an average of Kshs 22,550 per month.



**Figure 5-2 PAPS Monthly income..**

### 5.2.5 Market income

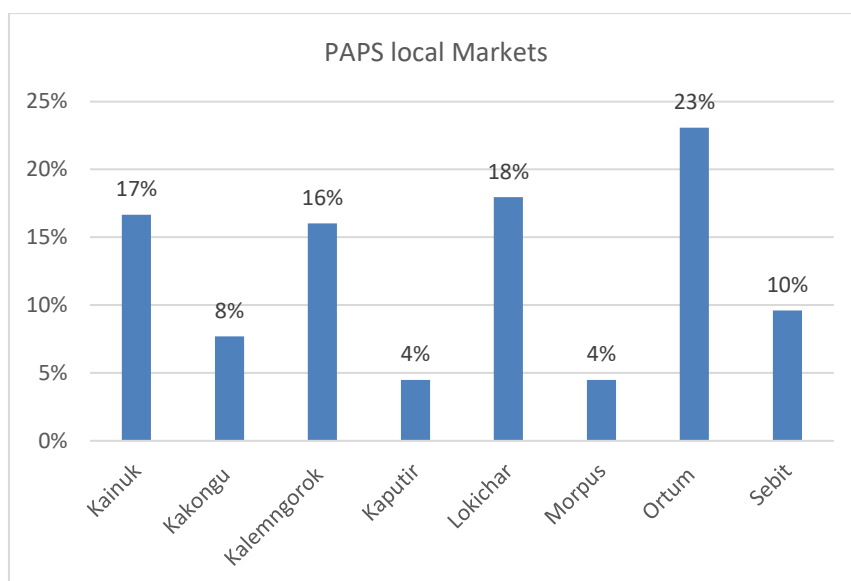
Five common products are traded in the markets in the urban Centres on the road section these products contribute to household's maintenance: crops, poultry, honey charcoal and handicrafts, the latter two produced from natural resources are locally collected and converted to sellable products. figure 5-8 presents these products. Some of the PAPS on this road section trade on some of the stated items.



**Figure 5-3 Market related household income.**

### 5.2.6 Local market

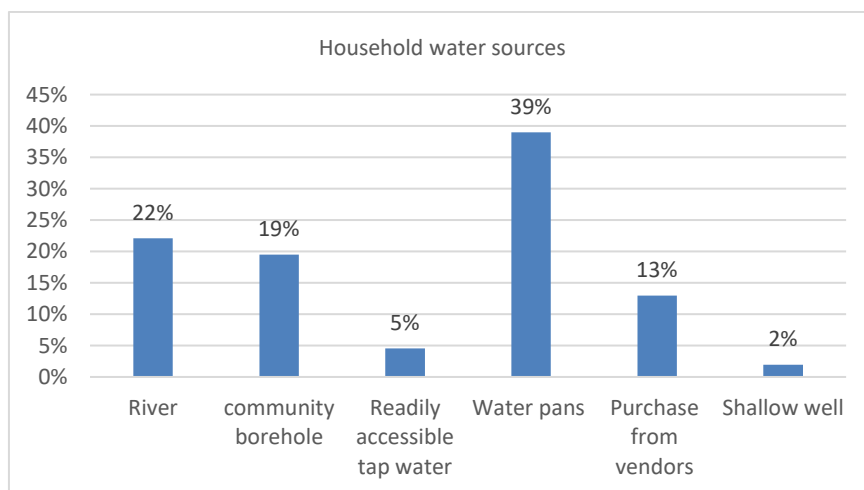
The survey established that PAPS on this road section in West Pokot and Turkana trade in the markets located in the urban Centres presented on figure 5-9



**Figure 5-4 Local Markets**

### 5.2.7 Access to drinking water

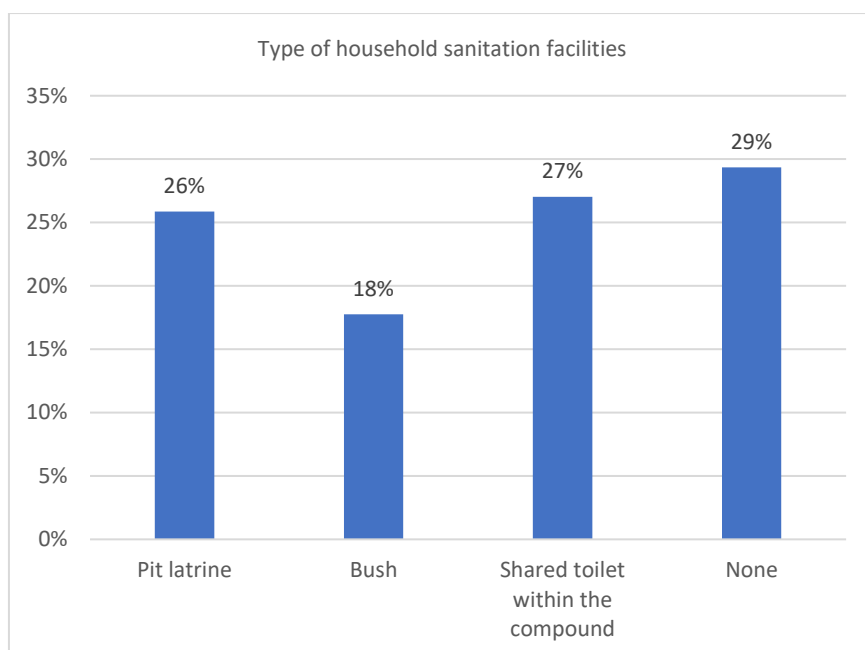
The road traverses through the drier parts of West Pokot and Turkana, the region is water constrained and water sources are mainly boreholes and wells; surface water (rivers and streams) and water pans. The PAPS survey established that 39% of the PAPS households depend on water pans as the main source of water, 19% depend on community borehole, 13% purchase from vendors, 22% depend on the rivers and 5% and 2% depend on tapped water and shallow wells respectively. This is presented on figure 5-2.



**Figure 5-5; PAPS Household water sources.**

### 5.2.8 Sanitation Facilities

The PAPS surveyed indicated that 29% of the PAPS do not have access to sanitation facilities within their households, 27% utilize shared toilets, 26% utilize pit latrines and 18% indicated they use bush for sanitation.



**Figure 5-6 PAPs type of sanitation facilities**

### 5.2.9 Energy

#### Light energy sources

Majority of the PAPS 43% indicated they have access to electricity as a source of lighting energy, 26% utilise paraffin, 21% indicate they have installed solar energy and 11% utilise candle for lighting. Paraffin, which is affordable, is purchased from local fuel traders. Solar panels are becoming more widely used because of abundant solar energy in the project area; nevertheless, solar energy is not common because it requires costly structural wiring. The use of candles is rare, normally relegated to the least preferred option. The high number of electricity can be attributed to the government agenda and rural electrification program to connect urban centres and schools to electricity.

#### Cooking energy

The survey established that majority 69% utilize wood as a main source of cooking energy, wood is readily available due to abundance of surrounding vegetation. Charcoal, is utilized by 24% 8% uses paraffin and gas in equal proportions.

**Table 5-5; PAPs cooking energy sources**

Cooking energy type	Percentage
Charcoal	24%
Wood	69%
Gas	4%
Paraffin	4%

### 5.3 Health Services

In west Pokot the most common diseases are malaria, cholera, typhoid and diarrhea. There are government health facilities located along the proposed road. Primary data established existence of health dispensary at Sebit Ortum and health facility at RCEA Marich Pass dispensary, however these government facilities face short supply of medicines. At Ortum GOK operates one health Centre and six dispensaries; the Catholic mission runs a second health Centre. Numerous health complications are common to Turkana County; the most common are malaria, respiratory tract infections, diarrhea, pneumonia, ear and eye infections, skin infections, intestinal worms, urinary tract infections and Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome (HIV/AIDS).

In common with other parts of Kenya, HIV/AIDS has become a serious health problem in the counties. HIV/AIDS transmission is attributed to long distance truck drivers, migrant workers and commercial sex workers. Sexually active age groups are especially at risk because of high poverty levels and low literacy rates. HIV/AIDS Voluntary Counseling and Testing Centres (VCT) have been provided by Merlin Mobile VCT, along with VCT at Lokichar and Katilu health centres. Prevention of Mother to Child Transmission services are provided at Lokichar, and Katilu health centres and at Kainuk dispensary.

#### 5.3.1 HIV/Aids Awareness

The results of a focused survey on AIDS awareness reveal that most people in the area know about AIDS and are aware of its possible causes. As a method against HIV infection, the most common suggestion was fidelity to one's spouse, use of protection and abstinence. Focus group discussions with men women and youth it was suggested that during the project implementation public campaigns and sensitization should be undertaken through local voluntary health officer who understands the local language to undertake the sensitization throughout the project.

### 5.4 Vulnerability

From the study it was established that 33 households live with persons with disability. The information on the vulnerable individuals is presented in the annexes.

### 5.5 Properties of Affected Households

#### 5.5.1 Land

With few exceptions, the entirety of Pokot Central and Turkana land is community land. The vast majority of PAPs occupies community land, inferring that none of these majority PAPs has title to the land the household occupies. Unlike "informal occupants," the occupiers of community Land are known and acknowledged by their county councils. Because land in the two counties is predominantly community Land without individual title deeds, the ancestral system of land occupation is evident. However, among the 354 project-affected households surveyed in the West Pokot County are utilizing the Right of Way to operate their business.

In Turkana County where RAP implementation is underway This RAP did not enumerate the PAPs in Turkana during the field survey the team conducting the RAP established that RAP implementation was under in the road section in Turkana County the PAPS were identified during the 2015 RAP study.



### 5.5.2 Buildings and Structures

To organize the valuations and subsequent reporting, buildings affected by the road project were classified according to their durability, i.e., permanent, semi-permanent or temporary. Classes of buildings are tabulated below.

**Table 5-6; Building Classifications by Type**

Building Classification, by Type						
Type	Classification	Floor	Walls	Roof	Doors	Windows
A	Permanent	Cement /Tiled finishes	Natural stone Fired bricks, high quality	Concrete tiles Clay tiles CGI1	Steel Timber	Glazed in steel Timber casements
B	Semi-permanent	Cement screed variously finished	Fired bricks, low quality Timber	CGI	Timber CGI Steel	Glazed in steel Timber casements
C	Semi-permanent	Earth	Mud/Earth	Thatch grass	Timber Cardboard	Timber casements Tin None
D	Temporary	Earth Cane Timber	Earth Cane Timber Tin sheets None	Thatch Cardboard	Timber None	None

### 5.6 Opinions and Expectations Related with Project

Approximately 75% of the population answered directly that they did not fear anything about the project. However, majority of the population expressed concerns about loss of income from roadside vending activities as a result of the proposed project.

### 5.7 Awareness of the Project

On project awareness 86% of the PAPs interviewed mentioned they are aware of the proposed road project, they indicated they have been consulted previously through public forums. 14% of the interviewed PAPS indicated they were not aware of the project. Those not aware of the project mentioned they moved in the are recently.

## 6 PUBLIC CONSULTATION AND PARTICIPATION

### 6.1 Introduction

This chapter describes the process of public consultation and participation that were followed to identify the key issues and impacts of the proposed project. Stakeholder consultation is an important process through which stakeholders including beneficiaries and members of public living in project areas (both public and private), are given an opportunity to contribute to the overall project design by making recommendations and raising concerns projects before they are implemented. In addition, the process creates a sense of responsibility, commitment and local ownership for smooth implementation

### 6.2 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.

### 6.3 Objectives of public participation and Consultation

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.

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

- Introduce the Project implementation activities and potential impacts to 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.

### 6.4 Stakeholders Identification

The RAP team undertook public participation in the project area along the proposed 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. Consultations and meetings were held with government departments in the area and the local Civil Society Organizations (CSOs)

These forums were held jointly by the RAP and ESIA teams.. Public consultation and engagement will be a continuous process throughout the project cycle.

Minutes of the sensitization meeting for Lesseru - Kitale (B14) and Morpus – Lokichar (A1) project are attached as Appendices.

The table below summarizes stakeholders identified and how they were consulted

**Table 6-1: Identified Stakeholders and Modes of Consultation Used**

Stakeholder	Identified Stakeholders	Consultation Method
National Government	<ul style="list-style-type: none"> <li>County Commissioners</li> <li>Assistant County Commissioners</li> <li>Sub County Administrator</li> <li>KPLC</li> <li>NEMA</li> <li>Kenya Wildlife Service (KWS)</li> <li>Kenya Forest Service (KFS)</li> <li>National Drought Management Authority (NDMA)</li> </ul>	Introduction letter and one-on-one Interviews
County Government	<ul style="list-style-type: none"> <li>Governors</li> <li>CEC Members for Lands, Housing, Physical Planning and Urban Development</li> <li>Chief Officer in charge of Land</li> <li>District Administration Police Commandant</li> <li>Chief Officer - Transport</li> <li>Sub-county Lands Officer</li> <li>Sub-county Adjudication Officer</li> <li>Sub-county Surveyor</li> <li>District Medical Officer for Health.</li> <li>Sub-county Social and Gender Officers</li> <li>County Public Health Officers</li> <li>Sub-county Livestock Development Officer</li> <li>Sub-county Water Officer</li> </ul>	Introduction letter and one-on-one Interviews
Project areas residents and PAPs	<ul style="list-style-type: none"> <li>Locations of public meetings (all settlements along the road).</li> </ul>	Public Meetings (Baraza) Small Group Meetings Focus Group Discussions
Sample groups representing vulnerable and marginalized groups among residents and PAPs	<ul style="list-style-type: none"> <li>Location of FGDs</li> </ul>	FGDs

Stakeholder	Identified Stakeholders	Consultation Method
Advocacy and Lobby groups	<ul style="list-style-type: none"> <li>NGOs and CSOs</li> </ul>	Small group meetings one-on-one Interviews
Members of the public	<ul style="list-style-type: none"> <li>Locations along the proposed road section</li> </ul>	Public meetings (barazas)

## 6.5 Methodology and Techniques of Engagement during the RAP

The engagement process included:

- **Invitations-** invitations were extended through the County government and the County Commissioner. Government protocol was observed by first contacting the County Commissioner in the counties, a request to mobilise the stakeholders to attend meetings were made through the Chief and assistant county Commissioners.
- **Notification-** Notification for communities to attend the Public meetings were conveyed through the local administration i.e. the chiefs, assistant chiefs and village elders.
- **Key Informant Interviews (KII)-** one on one interviews were conducted with individuals from specific geographical areas.
- **Public meetings -** the public was consulted through public barazas at various convergence points along the project corridor as indicated elsewhere in this report. The focus of these meetings was to facilitate an open forum as well as inform the communities and PAPs of the proposed project.

## 6.6 Outcomes of Public meetings

Public meetings were held during the RAP study; 12 public meetings were held at various locations along the road corridor.

**Table 6-2: Presenting the public meetings held**

Meeting Date	County	Venue	Male	Female	Total
30/11/2021	Turkana	Lokichar	22	8	30
30/11/2021	Turkana	Kalemngorok	19	12	31
02/12/2021	West Pokot	Wakor	13	4	17
02/12/2021	West Pokot	Marich Pass	18	13	31
03/12/2021	West Pokot	Sabit	29	1	30
03/12/2021	West Pokot	Ortum	17	10	27
03/12/2021	West Pokot	Morpus	25	2	27
25/03/2022	Turkana	Cradle Hotel	24	12	36
24/03/2022	West Pokot	Ortum	40	73	113
Total			207	135	342

Key issues raised during the public meeting include the following.

Table 6-3: Key issues raised during the public meetings

Stakeholders	Concerns
Lokichar	<ul style="list-style-type: none"> <li>The community was concerned on when the project would commence</li> <li>The community raised concerns about the assets that maybe affected by the project such as graves, land and structures.</li> <li>They requested that the contractor who will be issued with the assignment to ensure they respect the local community culture</li> <li>The community requested that during project implementation the contractor to ensure they fully provide mitigation for environment impacts such as dust.</li> <li>They were concerned that some of the people in the area had already received compensation whereas others were still holding and awaiting for compensation having been issued with award letters in 2018.</li> </ul>
Kalemngorok	<ul style="list-style-type: none"> <li>The community raised concern about the delayed compensation by KeNHA to some of the PAPs holding award compensation letters that were issued to them in 2018. They wanted to find out if another valuation would be carried out considering the delayed compensation</li> <li>The community raised social impacts from the project and they suggested that the project proponent to ensure the safety of the community their major concern was about pregnancy from the construction workers.</li> <li>They requested that during construction the contractor to ensure they purchase raw materials from the local people.</li> <li>They requested for employment opportunity during project implementation.</li> <li>They were concerned how the employment opportunities from the project implementation would be communicated to the local people.</li> <li>The community was concerned about the existing infrastructure and what will be the impact (fibre optic cables and power lines)</li> <li>The community elders requested to be involved during project implementation and help in resolve local grievances.</li> </ul>
Marich Pass	<ul style="list-style-type: none"> <li>The community raised concerns of livelihood restoration for the vendors operating along the road reserve.</li> <li>They were concerned on how the distribution of available opportunity would be done</li> <li>The requested to have safety measures implemented during the design of the project while ensuring the safety of children, elderly and livestock</li> <li>They requested that during project implementation that the proponent gets a community liaison officer who would regularly communicate to the community about the project implementation phases.</li> <li>They were concerned about the valuation criteria of the structures</li> <li>Some of the attendees were concerned about the delayed compensation, some indicated to have received award letters.</li> <li>They raised concerns on the benefits of the road project to the local community and if the proponent would have any CSR project for the community.</li> </ul>

Stakeholders	Concerns
Wakor	<ul style="list-style-type: none"> <li>The community raised concerns of employment opportunity from the project , they requested the proponent to consider the local youth and women.</li> <li>The community was concerned on when the project would start, they lamented that it has taken long and this was the third consultative program.</li> <li>They were concerned about the road corridor which they stated was too narrow within the centre and the land was privately owned.</li> </ul>
Ortum	<ul style="list-style-type: none"> <li>The residents requested that the road design should consider pedestrian walks and motorbike lanes for safety from the long distance trucks</li> <li>They requested the project proponent to ensure the livelihood of the women who depend on the road side trade benefit – they requested for a market in Ortum as CSR from KeNHA</li> <li>The attendees requested to have safe crossing areas for children.</li> </ul>
Morpus	<ul style="list-style-type: none"> <li>The community was concerned of how long it has taken for the project to be implemented. They requested for quick project implementation.</li> <li>Some of the attendees were concerned if they would be compensated for trees they planted along the road reserve.</li> <li>The community was concerned when the compensation will be paid and if it were to paid before project implementation.</li> <li>The vendors were concerned about being relocated from the road reserve considering they do not have a market designated in the centre.</li> </ul>

**Photo presentation of the public participation meetings.**



**Picture 1: Lokichar public meeting**





**Picture 2 Marich-pass public meeting**



**Picture 3 Public meeting in Kalemng'orok**



**Picture 4 Public meeting, Wakor**



**Picture 5 Public meeting, Ortum**





**Picture 6 Public meeting, Sebit**



**Picture 7 Public meeting, Morpus**



## 7 PROJECT DISPLACEMENT IMPACTS

### 7.1 Minimizing Displacement and Social Impacts

Efforts have been made to align the road within the government owned road reserve land so as to avoid or minimize relocation and therefore resettlement and disturbances arising from land acquisition in line with the AfDBOS-2. Additional measures taken or steps to be taken to reduce impact include:

- All those affected by the project (physically or economically displaced) will be fully compensated before project commencement.

### 7.2 Impact on Land: The Project-Affected Area

Road construction and rehabilitation activities will be maintained on the existing road reserve, The project design proposes provisional 5 acres in West Pokot and Turkana County to cater for the bus bays, trailer packs and services lanes on the urban centres of Ortum and Lokichar respectively.

### 7.3 Impacts on Livelihoods

A comprehensive census of Project-Affected People has been carried during the preparation of this RAP. This census has traders on the ROW, those with semipermanent structures along the ROW and the traders who display their wares on temporary moveable structures.

### 7.4 Environment impacts

The anticipated environmental impacts have been discussed in details on the ESIA report. Proper mitigation measures have been provided to mitigate as well as reduce the adverse impact. Some of the anticipated environment impacts include dust, noise, vibration loss of vegetation and clearing of trees on the Row. Summary of the anticipated environment and social impacts have been summarized on table

**Table 7-1. Summary of 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>

## 7.5 Census Methodology

A comprehensive census of Project-Affected Persons was carried during the preparation of this RAP. This census has included:

- The identification and inventory of all the structures affected by the proposed project
- The census of Project-Affected People, including their personal details like identification numbers; age; type of loss (land, business or residential), occupation among others using a socio-economic questionnaire,
- The identification of disabled and sick people, child headed, and women headed households who may be categorized as vulnerable.(list of the vulnerable people r those living with vulnerable members in their household has been attached s an appendix on the report)

The census and socio- economic survey of the PAPs was done using a semi-structured household survey questionnaire.

## 7.6 Overview of the Results of the Census

The impacts identified on Morpus – Lokichar (A1) will majorly affect traders on the ROW and semi-permanent structures .

The design of the road project proposes provisional 5acres in Turkana and West Pokot Counties respectively of land to cater for bus parks trailer packs and service lanes on the urban centres of Ortum and Lokichar.

**Table 7-2. Summary: Project Impacts in terms of land take**

Description	Area (acres)	Comments
<b>Land Acquisition</b>		
	5.00	Provisional Land needed for bus bays trailer park and service lanes for sections at Ortum and Lokichar
<b>Total</b>	<b>5.00</b>	

*\*West Pokot and Turkana County Governments offered to provide land (5 acres each) to construct bus bays and trailer park*

### 7.6.1 Project affected persons (PAP's)

Project affected persons (PAPs) are individuals whose assets may be lost and/or affected, including land, property, other assets, livelihoods, and/or access to natural and/or economic resources as a result of activities under the Project. This RAP report has identified 227 PAPS along the proposed road. The PAPS will mainly face economic displacement, the category of the PAPs are traders (hawkers) on the ROW, and the second category are individuals who will lose semipermanent structures and income besides their enterprise, these too are along the road corridor on the ROW.

### 7.6.2 Loss of Structures and Income

The project will economically displace PAPs who own structures on the ROW in the proposed corridor (structure owners/landlords) include income that they derive from the rented structures while another set of PAPs will be economically displaced (tenants) as a result of loss of business structures that they rent in order to run their enterprises.

Structures on the ROW include bodaboda shades that will be affected by the implementation of the project in all the market centres. The project should facilitate the relocation of these bodaboda shed to provide continuous service provision and ensure livelihood continuity for the bodaboda riders.

A total of 277 PAPs Project Affected Persons will be affected by the improvement of the Morpus – Lokichar A1 road section road project. This includes 164 structures owners, 31 tenants 82 mobile vendors who operate on the Right of Way (RoW).

All the PAPs tabulated in the table below are within the ROW and this means that they have encroached (squatters) on GOK land. They will receive compensation for structures and lost income including disturbance allowance but have no entitlement to land. Therefore, a total of 277 PAPs are considered as encroachers on the ROW and will not be entitled for compensation for loss of land while.

**Table 7-3 Summary of Category of PAP**

Affected Towns/Centres	Business Structures affected by the project	Tenants	Mobile Road Vendors	TOTAL
Morpus	15	0	0	15
Sebit	29	2	0	31
Ortum	98	27	53	178
Wakor	12	2	29	43
Chepgaun	10	0	0	10
<b>Total</b>	<b>164</b>	<b>31</b>	<b>82</b>	<b>277</b>

Total no of male PAPs 143

Total number of Female PAPs 134

## 7.7 Impact on Residential and Commercial Structures

A number of commercial structures (businesses) are affected by the proposed project and include among others;

- Hardware
- Second hand clothes/ Boutiques
- Salons
- General shop
- Tailoring shops
- Welding shops
- Mpesa shops
- Posho mills
- Butcherries
- Hotels
- Vegetable stores
- Carpentry shop

**Type of housing:** The most common types of building materials used were earth cemented floor, mud/mud plastered walls / iron sheet walls and iron sheets as roofing materials respectively for structures.

Photograph **Plate 1** presents different types of business structures observed in the Project-Affected Area. The structures are commonly made from local materials, including locally extracted earth or clay for walls without cement or plastering, local timber for the structure.

**Picture 8. Sample of affected structures**





**Picture 9; Type of structures affected by the proposed project.**

Typical construction techniques in the area include (see **Photograph Plate 13**):

- mud and wattle, based on a structure of vertical and horizontal wooden poles filled in with mud
- timber walls, earth floor/cemented floor with iron sheet roofing
- iron sheet walls, earth/cemented floor with iron sheet roofing.

## 7.8 Impact on Public and Community Infrastructure

### 7.8.1 Graveyards

There are no private or public graveyards within the project site that could be adversely affected.

### 7.8.2 Schools

There are several schools (primary, secondary and colleges) around the project site but are not going to be directly affected by the project in anyway. During project implementation there will be access limitations to this learning institution. The ESIA has identified the potential risks and impacts, and provided mitigation measures for the adverse impacts about these impacts.

## 7.9 Impact on Cultural Sites

There are no cultural sites such as shrines located on the project corridor.

## 7.10 Categorization of Project Affected People

Based on the above impact assessment, the following categorization of Project-Affected People is used in further sections of this RAP:

### 7.10.1 Economically Displaced People:

This includes

- Residents undertaking road side vending activities (with permanent or mobile structures) on the road reserve set aside for the rehabilitation and expansion of roads(encroachers)



- Tenants who are running businesses and pay rent

## 7.11 Other Impacts on Project Affected People

### 7.11.1 HIV/AIDS

Secondary data show that the HIV prevalence in the Uasin Gishu County stood at 4.5 per cent in 2012, having reduced from 7.4 per cent in 2007, while the HIV prevalence rate for Trans Nzoia County was 5.3% in 2012 having declined from 7% in 2002. In West Pokot County, the HIV prevalence rate in 2008 was 3.6 per cent, among expectant mothers the prevalence rate stood at 2.5 per cent. HIV/AIDs prevalence is very low in these Counties compared to other Counties in Kenya. However, with the intrusion into the area by people from different cultures, the behavioral patterns of the community will change with high levels of sexual promiscuity. Other sexually transmitted diseases will likely be reported in the area during construction as a result of social interactions.

Steps will be taken by the executing agency so that:

1. Contractors sensitize their workers and other service providers to the project on the prevalence and risks of casual sex. The sensitization campaigns will be extended to the community at large.
2. The contractor will ensure that the workers are trained and encouraged to observe the local culture
3. The contractor will be bound to institute HIV/AIDS awareness and prevention campaigns amongst his workers
4. The executing agency will work closely with other agencies dealing with HIV/AIDS in the general area of the project in order to sensitize the community at large.

### 7.11.2 Gender issues

The main gender issues are contained under the customary practices where the male gender vests ownership and control of productive assets especially on the Turkana and West Pokot counties. Women in the affected counties are faced with a number of challenges including inadequate access to land and by extension securing collateral-based credit, lack of technical skills, multiplicity of roles for women and inadequate access to education and training. The traditional delineation of labour persists with women assuming the entire responsibility for childcare, provision of food, water and firewood collection and the general maintenance of the homestead among others. Other forms of gender issues that are rampant in these counties include but not limited to; discrimination against women and girls, harmful practices such as child abuse, early and forced marriages and Female Genital Mutilation (FGM). FGM is only practiced in West Pokot by the Pokot community.

Culture, literacy levels and religion dictates gender issues, which are reinforced by society values, norms and roles to males and female. In the Turkana County context, these are further compounded by migratory nature of pastoralism. However, the urban settlements are increasingly seeing sedentary lifestyles which are promoting gender balance through government interventions, business and improved incomes for women.

Gender roles and responsibilities are well defined. Women are generally engaged in home care, and reproductive roles in the households. They are also engaged in other income generating activities: trading along the road corridor, selling and buying merchandise and foodstuff. Men on

the other hand are more engaged in marketing, running businesses as traders, and employed in both formal and informal sectors. While men own most of the valued household assets, women traditionally do not own large assets in the family, neither are they allowed to make decision on the same. Women headed households have limited decision-making power especially if the assets are not family –based.

Generally, in many households, women have limited say in financial matters and hence KeNHA should ensure that women are involved in the compensation and resettlement process. The majority of the property owners are men. This gives them a better chance of assessing and controlling the compensation proceeds than the women. KeNHA RAP policy is to ensure that for the married PAPs the compensation money is declared to all spouses. This is however likely to run into challenges because of cultural impediments (especially patriarchy, polygamy and reduced women voice).

### 7.11.3 Vulnerable and Marginalized Groups<sup>3</sup> Project Area

#### Morpus-Lokichar A1 section

The project area is inhabited by the Pokot and Turkana community who are considered vulnerable and marginalized as per the criteria of the AfDB Safeguards Policies<sup>4</sup> and by the Constitution of Kenya (CoK) 2012. The Pokot and Turkana communities; (a) self-identity as members of a distinct indigenous social and (b) cultural group and have collective attachment to geographically distinct habitats and ancestral territories in the project area and to the natural resources in these habitats and territories; (c) have distinct customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture and; (d) have their own distinct language, different from the official language. The above characteristics hence qualify them as vulnerable and marginalized groups and calls for the need to determine the impacts to these groups, and how the communities will benefit from the project activities.

The interpretation clause in the constitution of Kenya 2010 defines “Marginalized community” to mean *a traditional community that, out of a need or desire to preserve its unique culture and identity from assimilation, has remained outside the integrated social economic life of Kenya as a whole, or an indigenous community that has retained and maintained a traditional lifestyle and livelihood based on hunter or gatherer economy; or pastoral persons and communities whether they are nomadic or a settled community that because of its relative geographic isolation has experienced only marginal participation in the integrated social and economic life of Kenya as a whole.* Therefore, the Turkana communities, and some communities in Central West Pokot counties where the project traverses are recognized as Marginalized communities by CoK 2010.

To determine potential benefits accrued from the proposed project to the marginalized communities, the Consultant conducted wide consultations as part of ESIA, RAP and Gender analysis in the project area of influence. The Consultations ensured that they followed the Free, Prior, and informed consent (FPIC).

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<sup>3</sup> For purposes of this social assessment, the terms “vulnerable and marginalized groups” and “marginalized communities” will be used instead of the term “Indigenous Peoples” to align the terminology with the language in the Constitution of Kenya. This in no way dilutes the application of the content of AfDB Policies.

<sup>4</sup> AfDB Safeguards and Sustainability Series, V2, issue 2, Aug 2016 -Development and Indigenous Peoples in Africa, p10

## 8 COMPENSATION, ELIGIBILITY AND RESETTLEMENT STRATEGY

### 8.1 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 AfDB OS 2 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 OS 2 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.

### 8.2 Compensation Principles

The compensation principles to be followed are derived from the national legislation and the AfDB OS 2 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 OS 2 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 to restore their livelihoods;

Special consideration will be given to especially disadvantaged and/ vulnerable people such as women, children, the very old and the unemployed. Provisions shall be made to enhance their rights to resettlement and compensation payments. For example, the consent of spouses and children where it applies shall be a sought prerequisite for compensation payment, as provided by the Land act (2012). The compensation principles to be followed are derived from the national legislation and the AfDB OS 2 procedures on involuntary resettlement.

- Special consideration will be given to especially disadvantaged and/ vulnerable people such as women, children, the very old and the unemployed. Provisions shall be made to enhance their rights to resettlement and compensation payments.
- In consideration of the differences between national legislation and the AfDB OS 2 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.

### 8.3 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 **30<sup>th</sup> December 2021** 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 well advertised, through discussions with the PAPs and local leaders via chiefs barazas and notices issued to landowners. Those who encroach on the area after the establishment cut-off dates will not be eligible for compensation or assistance.

The following categories are eligible for compensation:

- Traders and street vendors who were enumerated before the cut-off date on 30th December 2021
- Business structure owners who were enumerated before the cut-off date on 30th December 2021

### 8.3.1 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 below.

Table 8-1 – 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 customary rental agreement	Tenant as recognized by the customary landowner and customary authorities whether resident or	Occupy land prior to the Cut-Off date as per a rental agreement recognized by the land owner and customary authorities	No compensation for the land itself  Cash compensation to the owner of immoveable developments established by the owner and to the tenant of immoveable developments that were established by the

Affected Asset	Affected Right or Interest	Eligible Entity (Individual or Household)	Eligibility Conditions	Entitlements
		non-resident–INDIVIDUAL		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
<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

Affected Asset	Affected Right or Interest	Eligible Entity (Individual or Household)	Eligibility Conditions	Entitlements
	<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

### 8.3.2 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 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.

### 8.4 Category of Ownership and Losses

The category of eligible losses and PAPs eligible for compensation are those experiencing permanent or temporary losses of the following assets:

- Loss of land
- Loss of structures
- Loss of trees
- Loss of livelihood.

Thus, all eligible affected people are entitled to appropriate compensation regardless of whether they have legal rights to the land. Eligibility for compensation does not create or confer a right where none previously existed- e.g. it does not make legal the illegal occupation of land. Under this assessment the category of loss of crops and trees for farmers along the project pipeline and privately-owned land which require acquisition.

### 8.5 Forms of Compensation

#### 8.5.1 Cash Compensation

This is the main strategy for property and income restoration because some of the PAPs are categorized as encroachers. Vendors trade along the RoW on sections of the road on the centres the traders are aware that they operate on the RoW. The vendors have been consulted and informed of the intent to develop the road,

Monetary compensation will be adequate and will apply to the majority of the PAPs. This strategy will include cash compensation for the structures and assistance to enable PAPs to restore their livelihoods. This strategy was arrived at after consideration of the following factors:

- Most PAPs expressed the preference for cash compensation as opposed to in-kind compensation.
- The significant economic displacement is envisaged; and no institutional displacement is anticipated, however significant loss of business structures is envisioned on the urban centres where structures have been established on the ROW.

Therefore, compensation for temporary loss of crops and trees has been considered as part of the 15 per cent disturbance allowance, calculated in addition to the cost and/or replacement of the affected property.

### 8.5.2 Replacement in Kind

Although it is not mandatory to provide in-kind compensation, the RAP noted that certain circumstances may make it advisable. In-kind compensation may be offered for hard to value assets, or to mitigate risk in cases of PAPs who have been identified as vulnerable or to reduce the cost of RAP.

This RAP provides for the following in-kind compensations:

- Vehicular access from tarmac roadways. The works contractor to restore access (in-kind only).
- In-kind in this context and for project purposes is interpreted to mean replacement of public utility services, for government institutions that would be affected by the project.

The above will apply depending on the situation if PAPs will choose in-kind option.

## 9 RAP IMPLEMENTATION

### 9.1 RAP Implementation Principles

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

- Resettlement or relocation has been minimized by taking into consideration all possible alternative measures;
- Compensation will be paid before project works start in a specific project area and in a manner that does not curtail the livelihoods of the PAPs in terms of access and utilization of such compensation;
- The compensation values awarded will be fair enough to restore the livelihoods of PAPs;
- The compensation awards will be paid out according to the preference of the PAPs;
- A statutory disturbance allowance of 15% 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 Arrangements

#### 9.2.1 RAP Implementation Unit

All PAPS will be compensated before their assets, land, structures crops or trees are moved. This implies that compensation will be paid before the project works begin.

KeNHA will be the lead agency in the project and RAP implementation. In this project it will establish a 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) KeNHA technical manager;

- Implementation officer, (1) KeNHA Social specialist;
  - Monitoring officer, (1) KeNHA Monitoring and Evaluation Specialist; and
  - Administrators (3) one of the administrators can be designated grievance officer.
- b. Valuer (1)
- c. Independent civil society group representative;
- d. National Government Representatives (chiefs);
- e. County Government Representatives;
- f. Representatives of PAPs in the affected sites;
- g. 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 KeNHA 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.

### 9.2.3 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.

### 9.2.4 RAP Implementation

The KeNHA RAP implementation team, 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 presented in the Table 11-1.

**Table 9-1: Implementation schedule** [display the entire schedule. Consider displaying in quarters]

Nr	Task (Activity)	Period (Month)																			
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
1	Public consultation and awareness campaigns with the PAPs.	■	■	■	■	■	■	■	■	■	■	■	■	■							
	RAP Disclosure			■	■																
2	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.		■	■	■	■															
3	Putting together the required machinery, legal and educational processes, training of resettlement staff				■	■															
4	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					■	■	■	■	■	■										
5	Detailed road route survey and reclaiming of encroached land for the road upgrade			■	■	■	■	■	■	■	■										
6	Clearing of proposed road corridor earmarked for upgrade and construction activities as well as continuing of upgrade and other construction activities.						■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
7	Management of grievances, monitoring and evaluation of resettlement of PAPs especially vulnerable groups			■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
8	Social needs assessment infrastructure identification process	■	■	■	■																
9	RAP Completion Audit						■	■	■	■	■	■	■	■	■	■	■	■	■	■	■

## 10 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 four 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.

### 10.1 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 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.

## 10.2 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.

## 10.3 Grievance Management Mechanisms

The grievance management provides for four 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.

In line with the local cultural dynamics and the day to day practice by the community in dispute resolution, the proposed GRM has four levels comprising of:

- a) First level – Local settlement site committee
- b) Second level – Sub County committee
- c) Third level - County level committee
- d) Fourth level – Judicial Legal redress

When the first three levels do not yield an amicable solution, there will be an option for the complaint to escalate the grievance to the Environment and Land court of law as the last resort.

## 10.4 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 the five counties road departments
- A representative from KeNHA
- Contractor or RE's representative

The **second level** of Sub county Committees membership comprises of:

- Deputy County Commissioner Office
- The Assistant County Commissioner,
- Any co-opted member as per the type of grievance in additional to 2 members of PAPs from the Site committee above
- Resident Engineer's Representative

The **third level** of County Committee membership comprises of:

- County Commissioner Office
- Any co-opted member as per the type of grievance in additional to 2 members of PAPs from the Site committee above
- KeNHA Representative
- NLC Representative
- Resident Engineer's Representative

The 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 who will either be based at the contractor's site office, site project supervision office, local national government offices 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 contractors 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 KeNHA 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 complainant 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.

## 11 MONITORING AND EVALUATION

The objective of monitoring and evaluation is to measure the effectiveness of the implementation of the RAP. It allows for identification of concerns and successes as early as possible and gives time for adjustments where required. 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 and;
- Provide continuously information to the PAPs.

Monitoring for this RAP is a key component and is an integral part for the RAP Implementation Unit (RIU). 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.

### 11.1 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.

### 11.2 Levels of Monitoring

This RAP will focus on three levels of monitoring:

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

#### 11.2.1 Impact Monitoring

Impact monitoring will be conducted by Advisory resettlement group in conjunction with the community. This will provide KeNHA 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.

### 11.2.2 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.

### 11.2.3 Completion Audit

In doing the final evaluation, a third party will be required to carry out an independent assessment of the RAP implementation 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 KeNHA 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.

### 11.2.4 Monitoring Plan

**Table 11-1: Monitoring Plan**

Activity	Type of information	Source of information	Responsibility	Frequency
<b>Performance monitoring</b>	Measurement of inputs indicators against proposed timetable and budget	Monthly or quarterly narrative reports	Project Sponsor	Semi-annually or annually
<b>Impact monitoring</b>	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	Baseline phase. During project implementation and after project implementation.
<b>Completion Audit</b>	Measure output indicators such as livelihood restoration and development Adaptation strategies	External assessment/sign off report on performance and impact monitoring reports, consultation with PAP,	Contract external agency	On completion of RAP schedule as agreed by parties involved.

### 11.2.5 Monitoring Tools

The monitoring tools proposed are

- 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.

### 11.2.6 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<sup>32</sup> 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.

### 11.2.7 Monitoring Indicators

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

**Table 11-2: Monitoring and Social Management Plans parameters**

Nr	Social Impact Aspect	Project Stage	Mitigation Action Plans	Responsibility	Timeframe	Monitorable Indicators / Cost Estimates (Kshs.)
1.	Relocation of Business/homesteads	Pre-Construction	Discuss with the resident/owner of affected property Develop detailed resettlement plan Conduct resettlement Monitor resettled persons	KeNHA	Finalised before the start of construction	This Resettlement Action Plan prepared showing <ul style="list-style-type: none"> <li>Number of persons resettled</li> <li>Reports on resettled persons</li> <li>Costs to be determined by resettlement in the plan</li> <li>At least six months duration</li> </ul>
2.	Community misconceptions	Pre-Construction, Construction and Commissioning	Awareness creation amongst the community on the project facts	KeNHA Local provincial administration Local leaders	Commissioning of the project As required during implementation	Number of meetings held Community issues responded to Project progress reports and monitoring reports PAP Meeting during compensation Costs Estimated at Kshs 50,000/= per meeting.
3.	Increase in social vices	Commissioning and Construction	Conduct Information Education and Communication (IEC) amongst the community and the project staff Provide condoms at village and project level	Ministry of Education Health Centres Provincial Administration Local leaders Other development partners	Regularly throughout the project duration	Number meetings held Number of condoms distributed Number of IEC materials distributed Project progress reports Costing- t/shirts, fliers, posters, road-shows, condoms, banners.

Nr	Social Impact Aspect	Project Stage	Mitigation Action Plans	Responsibility	Timeframe	Monitorable Indicators / Cost Estimates (Kshs.)
4.	Reduction in farm size	Pre-Construction	Verify land tenure Discuss with the resident/owner Develop a resettlement plan Create awareness on land alternatives	Ministry of Lands Resettlement Plan Expert Resettlement Plan Expert NLC	Finalised before the start of construction	<ul style="list-style-type: none"> <li>Resettlement Plan</li> <li>Reports on loss of farm size</li> <li>Reports on adoption of alternative land use practices</li> <li>Cost as in the resettlement plan</li> <li>At least six months duration</li> </ul>
5.	Cultural and religious based community conflict	Construction	Promote activities that are common to the communities and project employees that create common understanding such as sports	Project management  Local leaders	Ongoing during construction	<ul style="list-style-type: none"> <li>Number of joint meetings/activities held</li> <li>Progress reports of project</li> <li>Costs: activities once a month</li> </ul>
6.	Security	Construction	Form joint security committees Create awareness amongst the traders and communities on cheating and deceit	Local community  Provincial administration and the project contractor	Ongoing during construction	<ul style="list-style-type: none"> <li>Number of committees formed</li> <li>Number committee meetings held</li> <li>Records of incidences addressed</li> </ul>

### 11.2.8 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.

## 12 CONCLUSION AND RECOMMENDATIONS

### 12.1 Conclusions

The proposed Morpus – Lokichar (A1) 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.

A stakeholder engagement plan have been prepared providing guidance on the stakeholder engagement at all phases of the project.

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.

### 12.2 Recommendations

KeNHA should ensure that all affected persons are consulted and resettlement options offered to those affected. The PAPs should be fully compensated in a timely manner. 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 resettlement counselling put in place.

This RAP recommends skills training for the traders to enable them have alternative sources of income and ensure livelihood continuity. The RAP also proposes that the traders are sensitized 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.

To ensure that the traders do not encroach on the road reserve even after project implementation, the RAP recommends that KeNHA in Liaison with the county government ensure the traders are moved to permanent markets, during consultation with the county government it was established that the county have secured land for markets in West Pokot at Ortum.



## ANNEX 1 – MINUTES OF MEETINGS [

**MINUTES FOR THE ENVIRONMENT AND SOCIAL IMPACT ASSESMENT RESETTLEMENT ACTION PLAN FOR THE DESIGN REVIEW OF LESSERU-KITALE(B14) AND MORPUS –LOKICHAR (A1) road.****Meeting Venue;** Lokichar**Date:**29th November 2021**Time:** 10:00am**Agenda**

1. Opening prayer
2. Introduction
3. Project presentation
4. Plenary session
5. Closing remarks

**Minute 01: Opening prayers**

The meeting was called to order by the area chief Madam Josphine it 1100hrs. He invited a volunteer to say a word of prayers.

The Madam Josphine welcomed all members and told them to use the opportunity to raise their concerns about the proposed road project now that they have experience with road construction project. This is because of the ongoing road construction from Lokichar to Lodwar.

**Minute 02: Introduction.**

The chief welcomed the attendees and invited the local leaders (Nyumba kumi and elders)

She affirmed the local administration support toward the proposed project and reiterated the importance of the public participation process as it is in line with the constitution, She informed the attendees to make their contributions with regard to the proposed project during the plenary session.

Shee invited the consultant for self-introduction

The consultants team made their opening remarks and appreciated the attendees for making time to attend the meeting

**Minute 03: Project presentation****Purpose of public participation meeting**

The consultant appreciated the attendees for making time to attend the meeting, he invited the chief to interpret the meeting proceeding to the local Turkana language to ensure those who did not understand Kiswahili followed the proceedings.

The importance of public participation. The sociologist informed the meeting attendees that public participation was a constitutional requirement and a legal legislative requirement. He informed the meeting that the 2010 constitution calls for public participation of all the stakeholders in a project, he mentioned that the EMCA 1999 updated in 2015 states that all project must undergo through the

Environment and Social Impacts Assessment process (ESIA), it is a requirement by the EMCA 1999 that public participation must be carried out to ensure that the community and stakeholders have been informed of the project its impacts negatively and positively.

#### **Minute04: The project.**

The meeting attendees were informed that Kenya National Highways Authority (KeNHA) had appointed CGP consulting engineers to undertake the update of the feasibility study, Design of the road project Resettlement Action Plan (RAP) and Environment and Social Impacts Assessment (ESIA) for the road Lesseru-Kitale (B14) and Morpus Lokichar A1 roads.

The attendees were informed that the road between Lesseru and Kitale is 55 Km and Morpus Lokichar is 142 Km. The attendees were also informed that the roads traverses the counties of Uasin Gishu, Kakamega, Trans Nzoia, West Pokot and Turkana. They were informed that the road section between Kitale and Morpus was not part of the proposed project scope and it was being funded by KfW.

The meeting attendees were informed that the project will be funded by the African Development Bank (AfDB).

#### **Minute 05: Project works**

The attendees were informed that the road design which will involve expansion of the road in the narrow sections of the road, improve the bridges, provide non-motorized transport pavement, consideration for bus bays and trailer parks, dualling the road section at Moi's bridge for 2 Km and providing services lanes, dualling of Kitale town from Maili Saba to Kitale, and provision of service lanes in the major town centres of Soi, Matunda, Ortum and Lokichar.

#### **Project Impacts**

The meeting attendees were informed that the road works shall be retained within the existing road reserve of 40 M in some section and 60 M within other sections the attendees were informed that the project will not require land uptake for road construction works.

Environment and social impacts during construction phase

The attendees were informed that the road construction will lead to environment and social and economic impacts during the construction and operation phase of the project. Impacts, the impacts were presented as listed below

- Construction negative impacts
- Dust
- Noise vibration oil spill
- Movement of heavy machinery vehicles
- Impacts of material sites where raw materials will be sources
- Impact on water sources
- Loss of trees and vegetation
- Influx in population
- Loss of trading spaces for the traders on the Right of Way (ROW)
- Risk of increased spread of HIV/Aids
- Early pregnancies

- Sexual abuse

### Construction Positive impacts

- Employment opportunities
- Skills transfer
- Increased traders
- Revegetation of lost cover

The meeting attendees were informed that the adverse environment and social impacts have been identified and the study will develop an environment and social management plan indicating how the adverse impacts would be reducing or mitigated during the project implementation. The participants were informed that the ESIA report shall be submitted to the National Environment Management Authority (NEMA).

The attendees were further informed that a Resettlement Action Plan (RAP) study will be undertaken to identify the properties/assets that would be impacted by the improvement of the road project. The meeting attendees were informed that the traders along the ROW of way shall be enumerated and documented in the RAP report.

The attendees were informed that there will be an exercise to collect data in their locality to held the report have a socio-economic baseline of the area.

### Grievance redress management (GRM)

The participants were informed that a grievance redress management will be developed to guide the handling of grievances during project implementation, they were informed that local administration, local leaders, women and youth will be part of the grievance committee. They were informed that the project resident engineer and appointed KenHA officials will also be part of the grievance committee, Further, to that they were informed there shall be continuous consultation before and during the project implementation.

The sociologist requested the chief to lead the plenary session where the participants were given an opportunity to share their views concerns and comments about the proposed project.

### Minute06: Plenary

Stakeholder	Issue	Action
<b>William Lokoale</b>	He enquired whether the compensation will be for both structures and land owners.	<p>The consultant assured them that the compensation process is still on going and NLC is going to compensate the remaining lot of PAPs at lokichar town.</p> <p>He assured them that their properties can't be demolished without them being compensated and the residence engineer has the list</p>

		of the remaining PAPs and they are working together with NLC to compensate them.
<b>Nikidor James</b>	He questioned why the people who were affected were only compensated for the structures and not for the land.	The consultant told the participants that they were not involved in the RAP process for that project, however their concern shall be forwarded to KeNHA
Chief Josephine	She mentioned that the structures might be on the road reserve and thus the compensation is only done for the structures only. She stated that her own structure affected and she was only compensated for the structure only. She retaliated that the road is 60 meters wide and therefore whoever is within the road reserve will be affected	
<b>James Rochara</b>	He asked how the negative environmental impact will be mitigated.	The consultant assured the participants that the contractor will be guided by the EIA report which will have recommendation on the mitigation ways of the negative environmental impacts. He informed them that if the contractor doesn't follow the regulation the community should raise complain through the GRC.
<b>Among Pauline</b>	She enquired when the project was going to start and when the compensation for those who haven't received their pay will be done.	The consultant informed them that there will be a continuous engagement and they will be informed latter when the project will commence. For the remaining PAPs with a ward letters the participants were informed that the NLC is still

		working on their compensation and soon they will receive their pay.
<b>Pauline</b>	She requested for assurance that the local community will be considered in the employment opportunities from the construction works. She further retaliated that there are skilled personnel in their community and they too should be considered. She also said women in the impacted communities should be given equal consideration for the job.	The consultant assured the participants that the contractor will give the local communities employment opportunities and especially the unskilled laborers.
<b>Ankolong Kalel</b>	He enquired why Chinese contractors doing Lokichar Lodwar road don't treat the locals with respect.	The consultant assured that he has noted down their concern he will forward them to KeNHA for further action.

**Minute 07: Closing remarks**

The chief advised the people to come to her office if they had any complaints about the project or the ongoing project. She also stated that the grievance redress committee would be formed as quickly as possible to handle the issues raising from the project. The meeting was adjourned at 11.00 am with a word of prayer.

**MINUTES FOR THE ENVIRONMENT AND SOCIAL IMPACT ASSESMENT RESETTLEMENT ACTION PLAN FOR THE DESIGN REVIEW OF LESSERU-KITALE(B14) AND MORPUS –LOKICHAR (A1) road.**

**Meeting Venue;** Kelemng'orok

**Date:**30<sup>th</sup> November 2021

**Time:** 11:50 am

**Agenda**

1. Opening prayer
2. Introduction
3. Project presentation
4. Plenary session
5. Closing remarks

**Minute 01: Opening prayers**

The meeting was called to order by the area chief at 1100hrs. He invited a volunteer to say a word of prayers.

The chief welcomed all members and told them to use the opportunity to raise their concerns about the proposed road project.

**Minute 02: Introduction.**

The chief welcomed the attendees and invited the local leaders (nyumba kumi and elders) recognized the presence of the stakeholder.

He affirmed the local administration support toward the proposed project and reiterated the importance of the public participation process as it is in line with the constitution, he informed the attendees to make their contributions with regard to the proposed project during the plenary session.

He invited the consultant for self-introduction

The consultants team made their opening remarks and appreciated the attendees for making time to attend the meeting

**Minute 03: Project presentation****Purpose of public participation meeting**

. The consultant appreciated the attendees for making time to attend the meeting, he invited the chief to interpret the meeting proceeding to the local Turkana language to ensure those who did not understand Kiswahili followed the proceedings.

The importance of public participation. The sociologist informed the meeting attendees that public participation was a constitutional requirement and a legal legislative requirement. He informed the meeting that the 2010 constitution calls for public participation of all the stakeholders in a project, he mentioned that the EMCA 1999 updated in 2015 states that all project must undergo through the

Environment and Social Impacts Assessment process (ESIA), it is a requirement by the EMCA 1999 that public participation must be carried out to ensure that the community and stakeholders have been informed of the project its impacts negatively and positively.

The project.

The meeting attendees were informed that Kenya National Highways Authority (KeNHA) had appointee CGP consulting engineers to undertake the update of the feasibility study, Design of the road project Resettlement Action Plan (RAP) and Environment and Social Impacts Assessment (ESIA) for the road Lesseru-Kitale (B14) and Morpus Lokichar A1 roads.

The attendees were informed that the road between Leseru and Kitale is 60 Km and Morpus Lokichar is 143 Km. The attendees were also informed that the roads traverses the counties of Uasin Gishu, Kakamega, Trans Nzoia, West Pokot and Turkana. They were informed that the road section between Kitale and Morpus was not part of the proposed project scope and it was being funded by KFW.

The meeting attendees were informed that the project will be funded by the African Development Bank (AfDB).

### **Project works**

The attendees were informed that the road design which will involve expansion of the road in the narrow sections of the road, improve the bridges, provide non-motorized transport pavement, consideration for bus bays and trailer parks, dualling the road section at Mois bridge for 2 Km and providing services lanes, dualling of Kitale town from Maili saba to Kitale, and provision of service lanes in the major town centres of Soi, Matunda, Ortum and Lokichar.

### **Project Impacts**

The meeting attendees were informed that the road works shall be retained within the existing road reserve of 40 M in some section and 60 M within other sections the attendees were informed that the project will not require land uptake for road construction works.

Environment and social impacts during construction phase

The attendees were informed that the road construction will lead to environment and social and economic impacts during the construction and operation phase of the project. impacts, the impacts were presented as listed below

Construction negative impacts

- Dust
- Noise vibration oil spill
- Movement of heavy machinery vehicles
- Impacts of material sites where raw materials will be sources
- Impact on water sources
- Loss of trees and vegetation
- Influx in population
- Loss of trading spaces for the traders on the Right of Way (ROW)
- Risk of increased spread of HIV/Aids
- Early pregnancies
- Sexual abuse

- Construction Positive impacts
- Employment opportunities
- Skills transfer
- Increased traders
- Revegetation of lost cover

The meeting attendees were informed that the adverse environment and social impacts have been identified and the study will develop an environment and social management plan indicating how the adverse impacts would be reducing or mitigated during the project implementation. The participants were informed that the ESIA report shall be submitted to the National Environment Management Authority (NEMA).

Further to the ESIA the attendees were informed that a Resettlement Action Plan (RAP) study will be undertaken to identify the properties/assets that would be impacted by the improvement of the road project. The meeting attendees were informed that the traders along the ROW of way shall be enumerated and documented in the RAP report.

Further the attendees were informed that there will be an exercise to collect data in their locality to held the report have a socio-economic baseline of the area.

Grievance redress management (GRM)

The participants were informed that a grievance redress management will be develop to guide the handling of grievances during project implementation, they were informed that local administration, local leaders, women and youth will be part of the grievance committee. They were informed that the project resident engineer and appointed KeNHA officials will also be part of the grievance committee, Further to that they were informed there shall be continuous consultation before and during the project implementation.

The sociologist requested the chief to lead the plenary session where the participants were given an opportunity to share their views concerns and comments about the proposed project.

#### **Minute 04. Plenary session**

**Question; David Achuor;** He mentioned that in 2018 a similar exercise was undertaken, surveys and assessment of structures on the ROW was done, they were issued with award letters by the National Land commission(NLC), however they had not received compensation from the government. He mentioned that some of the identified PAPs had already died. He enquired when they were to receive the payment considering assessment had been done 4 years ago

**Response;** The participants were informed that the comment had been noted and would be forwarded to KeNHA for more clarification. The meeting was informed that all the PAPS who had received award letters to share with the consultant the copies of the award letters their KRA pin and account number to be share with KeNHA.

**Question; Kipta Lotuo.**He mentioned that some of the people who had already received award letters their houses had collapsed or had been demolished and new buildings built on the same plots by different individuals. He enquired what would happen to people whose property had already been demolished or collapsed



**Response;** He was informed that KeNHA shall handle case by case and ensure the rightful people had been compensated.

**Question: Angelina Lochipo;** She enquired what would happen to the contractor's laborers who would get involved sexually with young girls below 18 years or impregnate the young girls.

**Response;**

The meeting participants were informed that all the laborers will sign the workers code of conduct that entails the code of conduct at the work place, they were also informed that the Kenyan law does not allow sexual engagement with minors who are also protected from engaging on labor.

**Question/concern.** A meeting attendee was concerned on the influence of the contractor laborers who would have access to money and influence the justice of the victims or even lure young girls

**Response;** They were informed that the grievance redress mechanism will have a platform of documenting all the grievances raised by either the community or the laborer. This grievance redress has a procedure from recording/reporting the grievance with several tiers until a solution is reached at. The last step in the grievance procedure if the case or grievance isn't resolved will be court of law.

**Question; David Achuor';** He enquired on where the contractor would source the raw materials for construction, he requested that the raw materials be purchased in private farms to ensure that the community benefits more

**Response;** The participants were informed that the materials study was ongoing to identify the best locations with the tested raw material. They were informed to ensure that after the contractor excavates the land for material rehabilitation of the material sites is properly done to ensure the borrow pits don't turn into hazardous sites

**Question; John Enjirom.** He enquired on how the local people will access employment opportunity

**Response;** The participants were informed that the opportunities would be advertised / publicized through notices. They were informed that those interested would also enquire through the local administration. They were informed that the contractor shall be introduced to the community and through the continuous communication process these opportunities will be advertised

**Question; Mary;** She enquired what period would be given to those on the ROW to relocate, she also enquired if the project would have corporate social responsibility for the community. She requested to have a market where the local traders on the ROW would be relocated.

**Response;** The meeting attendees were informed that notices shall be issued by KeNHA and the contractor on when to relocate. The attendees were informed that relocation will be after the compensation is paid. The participants were informed to suggest on what CSR they would prefer and it would be presented to the client for consideration if the budget allows.

**Question: Kevin Amonjor ;** He enquired if the project would have impacts on the utilities such as electric power lines and the ongoing installation of fiber optic cables.

**Response;** The participants were informed that the ongoing installation of the fibre optic cables will not be affected by the road improvement, they were informed that the design engineers were in contact with the contractors installing the fibre optic cables to ensure the design does not affect the project

improvement does not cause the government more money. The participants were informed that utilities such as electricity and pipelines will be allocated funds on the Bill of Materials (BOM) to cater for the transfer of such utilities.

**Question; Kevin Amjor;** He enquired if the local community elders would participate in any process of the project implementation.

**Response:** The participants were informed that the GRC will also incorporate village grievance redress committees where local leader's youth and women shall be involved in resolving grievances. The community members will be involved in the continuous consultation process.

**Comment: By Phillip Lodio (Chairman of the Business Family)**

He made comments on the engagement of local laborer by the contractor, he requested that there should be an agreement between the community KeNHA and the contractor to ensure that 70% of the available employment will be delivered to the local community.

**Response;** The attendees were informed the available opportunities will be equally distributed to the local community, they were informed that the contractor has a right to hire employees from other regions where local expertise or skills are not available.

#### **Minute 06: Closing remarks**

The chief appreciated the attendees for making time to attend the meeting. He reiterated the support of the local government during the ESIA and RAP process and during project implementation.

The consultant representative appreciated attendees for making time to attend the meeting.

Having no any other issues to deliberate the meeting ended at 1300hrs with a volunteer saying a word of prayers.

**MINUTES FOR THE ENVIRONMENT AND SOCIAL IMPACT ASSESMENT RESETTLEMENT ACTION PLAN FOR THE DESIGN REVIEW OF LESSERU-KITALE(B14) AND MORPUS –LOKICHAR (A1) road.**

**Meeting Venue;**Marich Pass Chiefs Office.

**Date:**2nd December2021

**Time:** 10.00 am

**Agenda**

1. Opening prayer
2. Introduction
3. Project presentation
4. Plenary session
5. Closing remarks

**Minute 01: Opening prayers**

The meeting was called to order by the area chief Mr. David Lous at 1100hrs. He invited a volunteer to say a word of prayers.

Mr. David Lous welcomed all members and told them to use the opportunity to raise their concerns about the proposed road project.

**Minute 02: Introduction.**

The chief welcomed the attendees and invited the local leaders (Nyumba kumi and elders) recognized the presence of the stakeholder.

He affirmed the local administration support toward the proposed project and reiterated the importance of the public participation process as it is in line with the constitution, he informed the attendees to make their contributions with regard to the proposed project during the plenary session.

He invited the consultant for self-introduction

The consultants team made their opening remarks and appreciated the attendees for making time to attend the meeting

**Minute 03: Project presentation****Purpose of public participation meeting**

. The consultant appreciated the attendees for making time to attend the meeting, he invited the chief to interpret the meeting proceeding to the local Pokot language to ensure those who did not understand Kiswahili followed the proceedings.

The importance of public participation. The sociologist informed the meeting attendees that public participation was a constitutional requirement and a legal legislative requirement. He informed the meeting that the 2010 constitution calls for public participation of all the stakeholders in a project, he mentioned that the EMCA 1999 updated in 2015 states that all project must undergo through the Environment and Social Impacts Assessment process (ESIA), it is a requirement by the EMCA 1999

that public participation must be carried out to ensure that the community and stakeholders have been informed of the project its impacts negatively and positively.

The project.

The meeting attendees were informed that Kenya National Highways Authority (KeNHA) had appointee CGP consulting engineers to undertake the update of the feasibility study, Design of the road project Resettlement Action Plan (RAP) and Environment and Social Impacts Assessment (ESIA) for the road Lesseru-Kitale (B14) and Morpus Lokichar A1 roads.

The attendees were informed that the road between Leseru and Kitale is 60 Km and Morpus Lokichar is 143 Km. The attendees were also informed that the roads traverses the counties of Uasin Gishu, Kakamega, Trans Nzoia, West Pokot and Turkana. They were informed that the road section between Kitale and Morpus was not part of the proposed project scope and it was being funded by KFW.

The meeting attendees were informed that the project will be funded by the African Development Bank (AfDB).

#### **Minute04: Project works**

The attendees were informed that the road design which will involve expansion of the road in the narrow sections of the road, improve the bridges, provide non-motorized transport pavement, consideration for bus bays and trailer parks, dualling the road section at Mois bridge for 2 Km and providing services lanes, dualling of Kitale town from Maili saba to Kitale, and provision of service lanes in the major town centres of Soi, Matunda, Ortum and Lokichar.

#### **Project Impacts**

The meeting attendees were informed that the road works shall be retained within the existing road reserve of 40 M in some section and 60 M within other sections the attendees were informed that the project will not require land uptake for road construction works.

Environment and social impacts during construction phase

The attendees were informed that the road construction will lead to environment and social and economic impacts during the construction and operation phase of the project. Impacts, the impacts were presented as listed below

#### **Construction negative impacts**

- Dust
- Noise vibration oil spill
- Movement of heavy machinery vehicles
- Impacts of material sites where raw materials will be sources
- Impact on water sources
- Loss of trees and vegetation
- Influx in population
- Loss of trading spaces for the traders on the Right of Way (ROW)
- Risk of increased spread of HIV/Aids
- Early pregnancies
- Sexual abuse
- Construction Positive impacts

- Employment opportunities
- Skills transfer
- Increased traders
- Revegetation of lost cover

The meeting attendees were informed that the adverse environment and social impacts have been identified and the study will develop an environment and social management plan indicating how the adverse impacts would be reducing or mitigated during the project implementation. The participants were informed that the ESIA report shall be submitted to the National Environment Management Authority (NEMA).

Further to the ESIA the attendees were informed that a Resettlement Action Plan (RAP) study will be undertaken to identify the properties/assets that would be impacted by the improvement of the road project. The meeting attendees were informed that the traders along the ROW of way shall be enumerated and documented in the RAP report.

Further the attendees were informed that there will be an exercise to collect data in their locality to held the report have a socio-economic baseline of the area.

#### Grievance redress management (GRM)

The participants were informed that a grievance redress management will be develop to guide the handling of grievances during project implementation, they were informed that local administration, local leaders, women and youth will be part of the grievance committee. They were informed that the project resident engineer and appointed KeNHA officials will also be part of the grievance committee, further to that they were informed there shall be continuous consultation before and during the project implementation.

The sociologist requested the chief to lead the plenary session where the participants were given an opportunity to share their views concerns and comments about the proposed project.

#### Minute 05: Plenary

Stakeholder	Issue	Action
Lemororia Lepele	She enquired whether the people doing their businesses along the road and within the road reserve will be compensated for loss of livelihood.	The consultant assured them that there will be Livelihood restoration for everyone who will lose their business.
Damaris	She enquired on the process of recruitment whether everybody will be given an equal opportunity and if the process will be free and fair for everybody.	The consultant informed the participants that the contractor will give the locals opportunity for employment whether for casual or the skilled employees

Francis	He asked whether the design will consider the safety of the school going children and their livestock.	The consultant assured the participants that all safety measures will be considered and incorporated in the design he also requested them to feel free and mention area which they think should be considered for more safety measures.
John	He enquired who will be responsible for sensitization and creating awareness about the foreign diseases caused by the influx of population during project implementation	The contractor will do the sensitization to the community and also to his/her employees throughout the project period to ensure everyone is well informed of the transmittable diseases. He will work closely with local organization to ensure everybody is well informed
Pastor David	He asked how will the contractor deal with the safety issues of the community and workers, whether there will be compensation for any injury that will occur during construction	The consultant assured the participants that all safety measures will be followed to ensure safety of the community, workers and even their livestock to minimize on injuries.
Stephen	He asked who was to be compensated in case of a death of a person with award letter	The consultant informed the participants that the next of kin will be compensated incase the owner dies before they are compensated.
Domo Kapor	He asked why NLC is taking too long to compensate them since they have the award letters and noted that the value of their properties is also increasing	The consultant assured the participants that he will inform KeNHA their concern about delays in compensation and the change in value since the time they received the award letters.

James	He asked how the contractor will control air pollution during construction.	The consultant informed the participants that contractor will keep pouring water on the dusty diversion routes throughout the project operations and he is also expected to follow the environmental policies put in place to protect the environment.
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**Minute 06: Closing remarks**

The chief assured the participants his commitment to the project and thanked the attendees for coming for the meeting and for their contribution. The meeting was closed by a word of prayer by one attendee.

**MINUTES FOR THE ENVIRONMENT AND SOCIAL IMPACT ASSESMENT RESETTLEMENT ACTION PLAN FOR THE DESIGN REVIEW OF LESSERU-KITALE(B14) AND MORPUS –LOKICHAR (A1) road.**

**Meeting Venue;**Wakor Chiefs Office.

**Date:**2<sup>nd</sup> December2021

**Time:** 10.00 am

**Agenda**

1. Opening prayer
2. Introduction
3. Project presentation
4. Plenary session
5. Closing remarks

**Minute 01: Opening prayers**

The meeting was called to order by the area chief Mr. David at 1100hrs. He invited a volunteer to say a word of prayers.

Mr. David welcomed all members and told them to use the opportunity to raise their concerns about the proposed road project.

**Minute 02: Introduction.**

The chief welcomed the attendees and invited the local leaders (Nyumba kumi and elders) recognized the presence of the stakeholder.

He affirmed the local administration support toward the proposed project and reiterated the importance of the public participation process as it is in line with the constitution, he informed the attendees to make their contributions with regard to the proposed project during the plenary session.

He invited the consultant for self-introduction

The consultants team made their opening remarks and appreciated the attendees for making time to attend the meeting

**Minute 03: Project presentation**

Purpose of public participation meeting

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The meeting attendees were informed that the project will be funded by the African Development Bank (AfDB).

### **Project works**

The attendees were informed that the road design which will involve expansion of the road in the narrow sections of the road, improve the bridges, provide non-motorized transport pavement, consideration for bus bays and trailer parks, dualling the road section at Mois bridge for 2 Km and providing services lanes, dualling of Kitale town from Maili saba to Kitale, and provision of service lanes in the major town centres of Soi, Matunda, Ortum and Lokichar.

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- Sexual abuse

**Construction Positive impacts**

- Employment opportunities
- Skills transfer
- Increased traders
- Revegetation of lost cover

The meeting attendees were informed that the adverse environment and social impacts have been identified and the study will develop an environment and social management plan indicating how the adverse impacts would be reducing or mitigated during the project implementation. The participants were informed that the ESIA report shall be submitted to the National Environment Management Authority (NEMA).

Further to the ESIA the attendees were informed that a Resettlement Action Plan (RAP) study will be undertaken to identify the properties/assets that would be impacted by the improvement of the road project. The meeting attendees were informed that the traders along the ROW of way shall be enumerated and documented in the RAP report.

Further the attendees were informed that there will be an exercise to collect data in their locality to held the report have a socio-economic baseline of the area.

**Grievance redress management (GRM)**

The participants were informed that a grievance redress management will be develop to guide the handling of grievances during project implementation, they were informed that local administration, local leaders, women and youth will be part of the grievance committee. They were informed that the project resident engineer and appointed KeNHA officials will also be part of the grievance committee, further to that they were informed there shall be continuous consultation before and during the project implementation.

The sociologist requested the chief to lead the plenary session where the participants were given an opportunity to share their views concerns and comments about the proposed project.

**Question: Micheal Katina**

Michael asked when the project will start and whether the affected structures will be compensated and PAPs have enough time to move. He further enquired what criteria was going to be used in selecting the casual laborer and the permanent employees during project implementation.

**Response:**

The consultant informed the participants that the affected structures will be compensated and enough notice will be given for the PAPs to relocate from the road reserve. He informed them there will be a continuous consultation with the community and the project commencement will be communicated in due time.

Everybody will be given an equal opportunity during recruitment and the process will be free and fair whether for casual or permanent.

**Question: Ruth.**

She enquired whether KeNHA will compensate both the structures and plots with proper documents.

**Response:**

The compensation will be done for both properties; structures and land if the property is not within the road reserve, further if the structure is inside the road reserve the land won't be compensated.

**Question:Kelvin**

He asked who will be responsible for sensitizing the public about the risk of diseases like HIV/AIDS which may occur due to the population influx in the area during construction period.

**Response**

The contractor will sensitize the community using the local CBOs and other mechanism for the information to get to more people and be easily understandable.

**Minute 07: Closing remarks**

The chief advised the members of the public that if they have any complaints, they should channel them through his office. The consultant thanked the people for making time to come and contribution. The meeting was adjourned at 10:50 am with a word of prayer.

**AGENDA OF THE MEETING MINUTES FOR THE ENVIRONMENT AND SOCIAL IMPACT ASSESMENT  
RESETTLEMENT ACTION PLAN FOR THE DESIGN REVIEW OF LESSERU-KITALE(B14) AND MORPUS –  
LOKICHAR (A1) road.**

**Meeting Venue;** Ortum

**Date:**3rd December 2021

**Time:** 10.00hrs

**Agenda**

1. Opening prayer
2. Introduction
3. Project presentation
4. Plenary session
5. Closing remarks

**Minute 01: Opening prayers**

The meeting was to called in order by the area the area chief Mr. Samuel Powon 10.00hrs. He invited a volunteer to say a word of prayers.

The Mr.Powon welcomed all members and told them to use the opportunity to raise their concerns about the proposed road project.

**Minute 02: Introduction.**

The area chief welcomed the attendees and invited the local leaders (Nyumba kumi and elders) recognized the presence of the stakeholder.

He affirmed the local administration support toward the proposed project and retaliated the importance of the public participation process as it is in line with the constitution, he informed the attendees to make their contributions with regard to the proposed project during the plenary session.

He invited the consultant for self-introduction

The consultants team made their opening remarks and appreciated the attendees for making time to attend the meeting

**Minute 03: Project presentation**

**Purpose of public participation meeting**

The consultant appreciated the attendees for making time to attend the meeting and acknowledged the importance of public participation. The sociologist informed the meeting attendees that public participation was a constitutional requirement and a legal legislative requirement. He informed the meeting that the 2010 constitution calls for public participation of all the stakeholders in a project, he mentioned that the EMCA 1999 updated in 2015 states that all project must undergo through the Environment and Social Impacts Assessment process (ESIA), it is a requirement by the EMCA 1999 that public participation must be carried out to ensure that the community and stakeholders have been informed of the project its impacts negatively and positively.

The project.

The meeting attendees were informed that Kenya National Highways Authority (KeNHA) had appointed CGP consulting engineers to undertake the update of the feasibility study, Design of the road project Resettlement Action Plan(RAP) and Environment and Social Impacts Assessment (ESIA) for the road Lesseru-Kitale (B14) and Morpus Lokichar A1 roads.

The attendees were informed that the road between Leseru and Kitale is 60 Km and Morpus Lokichar is 143 Km. The attendees were also informed that the roads traverses the counties of Uasin Gishu, Kakamega, Trans Nzoia, West Pokot and Turkana. They were informed that the road section between Kitale and Morpus was not part of the proposed project scope and it was being funded by KFW.

The meeting attendees were informed that the project will be funded by the African Development Bank(AfDB).

### **Project works**

The attendees were informed that the road design which will involve expansion of the road in the narrow sections of the road, improve the bridges, provide non-motorized transport pavement, consideration for bus bays and trailer parks, dualling the road section at Mois bridge for 2 Km and providing services lanes, dualling of Kitale town from Maili saba to Kitale, and provision of service lanes in the major town centres of Soi, Matunda, Ortum and Lokichar.

### **Project Impacts**

The meeting attendees were informed that the road works shall be retained within the existing road reserve of 40 M in some section and 60 M within other sections the attendees were informed that the project will not require land uptake for road construction works.

Environment and social impacts during construction phase

The attendees were informed that the road construction will lead to environment and social and economic impacts during the construction and operation phase of the project. Impacts, the impacts were presented as listed below

- Construction negative impacts
- Dust
- Noise vibration oil spill
- Movement of heavy machinery vehicles
- Impacts of material sites where raw materials will be sources
- Impact on water sources
- Loss of trees and vegetation
- Influx in population
- Loss of trading spaces for the traders on the Right of Way (ROW)
- Risk of increased spread of HIV/Aids
- Early pregnancies
- Sexual abuse
- Construction Positive impacts
- Employment opportunities
- Skills transfer
- Increased traders

- Revegetation of lost cover

The meeting attendees were informed that the adverse environment and social impacts have been identified and the study will develop an environment and social management plan indicating how the adverse impacts would be reducing or mitigated during the project implementation. The participants were informed that the ESIA report shall be submitted to the National Environment Management Authority (NEMA).

Further to the ESIA the attendees were informed that a Resettlement Action Plan (RAP) study will be undertaken to identify the properties/assets that would be impacted by the improvement of the road project. The meeting attendees were informed that the traders along the ROW of way shall be enumerated and documented in the RAP report.

Further the attendees were informed that there will be an exercise to collect data in their locality to held the report have a socio-economic baseline of the area.

#### Grievance redress management (GRM)

The participants were informed that a grievance redress management will be develop to guide the handling of grievances during project implementation, they were informed that local administration, local leaders, women and youth will be part of the grievance committee. They were informed that the project resident engineer and appointed KeNHA officials will also be part of the grievance committee, further to that they were informed there shall be continuous consultation before and during the project implementation.

The sociologist requested the chief to lead the plenary session where the participants were given an opportunity to share their views concerns and comments

#### Plenary session

Stakeholder	Issue	Action
<b>Samuel Koitch</b>	He asked the fate of people who are operating their businesses from the road reserve.	The consultant informed the participants that there will be a consideration for a market move in and continue with their activities. The project wouldn't make the traders more vulnerable rather it will uplift them economically.
<b>Stephen Peng</b>	He enquired whether the design will consider walking paths for pedestrians.	They were informed that the design will incorporate all Non-Motorized Transport type of transport to minimize accidents. This will include included footpaths and zebra crossings or footbridges for

		even children and people living with disabilities (PWD).
<b>Stephen Mapus</b>	He encouraged the participants to come out and rise their issues since they got a good chance to be heard. Which will ensure their issues and concerns will be considered during the construction of the road.	
<b>Samuel Powon</b>	He recommended for road stages to have Shades which should accommodate some traders. The shades shall give traders access to the Travelling customers who can't go to the market and also protect the traders from rain and sun heat.	
<b>Samuel Koitch</b>	He enquired whether the design will consider putting safety measures in areas where children cross the roads going to school.	The consultant assured the participants that all safety measures will be put in place and especially in areas where kids cross the road to school, there will be consideration of erecting a fly over, zebra crossing, bumps and more signage to slow down motorists.
<b>Teresia Rotich</b>	She enquired whether the project considers hiring women during construction of the road.	The consultant assured the participants that women will be given employment opportunities during construction. More public sensitization will be done to encourage more women to come out for the opportunities the construction works are presenting to the community.

<b>Moses Lokeris</b>	He mentions that there is an exist market in Ortum but what makes the traders not do their businesses from it is because the market is away from the main road. He also enquired what can be done to move the traders to the already exist market.	The Consultant informed the participants that they were looking at all possible ways to move the traders to the existing market, this may include recommending to tarmac the roads going to the market and also building a bus terminal next to the market
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### Closing remarks.

The meeting attendees were informed that the project will have CSR Component and the community will suggest according to order of priority what they will want to be done to the community. During compensation, the NLC will ensure everybody is compensated before the demolition of their structures. The office of resident engineer will handle any issues raising from the community about compensation.

The Chief also mentioned that a meeting will be held soon to appoint the members of the grievance redress committee. There was no other business to discuss. Consultant thanked the public for their participation. The meeting was adjourned at 1:00 PM with a word of prayer from one of the elders present.



**MINUTES FOR THE ENVIRONMENT AND SOCIAL IMPACT ASSESMENT RESETTLEMENT ACTION PLAN FOR THE DESIGN REVIEW OF LESSERU-KITALE(B14) AND MORPUS –LOKICHAR (A1) road.**

**Meeting Venue;** Sebit

**Date:** 3<sup>th</sup> December 2021

**Time:** 1:00 pm

**Agenda**

1. Opening prayer
2. Introduction
3. Project presentation
4. Plenary session
5. Closing remarks

**Minute 01: Opening prayers**

The meeting was called to order by the area chief Mr Peter Lokuron at 1100hrs. He invited a volunteer to say a word of prayers.

The Mr.Lokuron welcomed all members and told them to use the opportunity to raise their concerns about the proposed road project.

**Minute 02: Introduction.**

The chief welcomed the attendees and invited the local leaders (Nyumba kumi and elders) recognized the presence of the stakeholder.

He affirmed the local administration support toward the proposed project and reiterated the importance of the public participation process as it is in line with the constitution, he informed the attendees to make their contributions with regard to the proposed project during the plenary session.

He invited the consultant for self-introduction

The consultants team made their opening remarks and appreciated the attendees for making time to attend the meeting

**Minute 03: Project presentation****Purpose of public participation meeting**

. The consultant appreciated the attendees for making time to attend the meeting, he invited the chief to interpret the meeting proceeding to the local Pokot language to ensure those who did not understand Kiswahili followed the proceedings.

The importance of public participation. The sociologist informed the meeting attendees that public participation was a constitutional requirement and a legal legislative requirement. He informed the meeting that the 2010 constitution calls for public participation of all the stakeholders in a project, he mentioned that the EMCA 1999 updated in 2015 states that all project must undergo through the Environment and Social Impacts Assessment process (ESIA), it is a requirement by the EMCA 1999

that public participation must be carried out to ensure that the community and stakeholders have been informed of the project its impacts negatively and positively.

The project.

The meeting attendees were informed that Kenya National Highways Authority (KeNHA) had appointee CGP consulting engineers to undertake the update of the feasibility study, Design of the road project Resettlement Action Plan (RAP) and Environment and Social Impacts Assessment (ESIA) for the road Lesseru-Kitale (B14) and Morpus Lokichar A1 roads.

The attendees were informed that the road between Leseru and Kitale is 55 Km and Morpus Lokichar is 142 Km. The attendees were also informed that the roads traverses the counties of Uasin Gishu, Kakamega, Trans Nzoia, West Pokot and Turkana. They were informed that the road section between Kitale and Morpus was not part of the proposed project scope and it was being funded by KFW.

The meeting attendees were informed that the project will be funded by the African Development Bank (AfDB).

### **Project works**

The attendees were informed that the road design which will involve expansion of the road in the narrow sections of the road, improve the bridges, provide non-motorized transport pavement, consideration for bus bays and trailer parks, dualling the road section at Mois bridge for 2 Km and providing services lanes, dualling of Kitale town from Maili saba to Kitale, and provision of service lanes in the major town centres of Soi, Matunda, Ortum and Lokichar.

### **Project Impacts**

The meeting attendees were informed that the road works shall be retained within the existing road reserve of 40 M in some section and 60 M within other sections the attendees were informed that the project will not require land uptake for road construction works.

Environment and social impacts during construction phase

The attendees were informed that the road construction will lead to environment and social and economic impacts during the construction and operation phase of the project. Impacts, the impacts were presented as listed below

- Construction negative impacts
- Dust
- Noise vibration oil spill
- Movement of heavy machinery vehicles
- Impacts of material sites where raw materials will be sources
- Impact on water sources
- Loss of trees and vegetation
- Influx in population
- Loss of trading spaces for the traders on the Right of Way (ROW)
- Risk of increased spread of HIV/Aids
- Early pregnancies
- Sexual abuse
- Construction Positive impacts
- Employment opportunities

- Skills transfer
- Increased traders
- Revegetation of lost cover

The meeting attendees were informed that the adverse environment and social impacts have been identified and the study will develop an environment and social management plan indicating how the adverse impacts would be reducing or mitigated during the project implementation. The participants were informed that the ESIA report shall be submitted to the National Environment Management Authority (NEMA).

Further to the ESIA the attendees were informed that a Resettlement Action Plan (RAP) study will be undertaken to identify the properties/assets that would be impacted by the improvement of the road project. The meeting attendees were informed that the traders along the ROW of way shall be enumerated and documented in the RAP report.

Further the attendees were informed that there will be an exercise to collect data in their locality to held the report have a socio-economic baseline of the area.

#### Grievance redress management (GRM)

The participants were informed that a grievance redress management will be develop to guide the handling of grievances during project implementation, they were informed that local administration, local leaders, women and youth will be part of the grievance committee. They were informed that the project resident engineer and appointed KeNHA officials will also be part of the grievance committee, Further to that they were informed there shall be continuous consultation before and during the project implementation.

The sociologist requested the chief to lead the plenary session where the participants were given chance to ask questions and answered by the consultant.

#### **Plenary session.**

##### **Question: Nicholas Lokirich**

He requested for assurance from the consultant and KeNHA that the affected people will be compensated, he also wanted to know where the contractor will be sourcing his construction materials.

##### **Response:**

The consultant assured the participants that every affected person will be compensated and the contractor will negotiate with individuals whom materials will be sourced from their land.

##### **Question: Simeon Kato**

He asked whether the contractor will give people notice early enough before demolition of their properties.

##### **Response;**

The road is 60 meters wide including the road reserve and the design will mostly maintain the known road reserve but where there will be need for acquisition of land, then the property owners shall be compensated before the road construction commences. There will also be disturbance fee for those who will be displaced and their business interrupted by the project.

**Question: Joseph Moria**

He enquired when the committee should be formed and how will it work with the contractor?

**Response:**

The committee shall be formed before the project before the compensation process to deal with any disputes arising from the process in collaboration with relevant authorities. The committee will therefore be working and solving the conflicts between the contractor and the community.

**Comment: Yona Shagure**

He said the community worked well with KenGen in a project which was in the community and he hopes that KeNHA and the contractor will behave the same and work closely with the community.

**Question: Francis**

He asked whether the safety measures will be incorporated in the design to ensure the safety of their children and livestock along the road.

**Response:**

The consultant assured the participants that there will be enough safety measures along the road to ensure the safety of the children and the livestock along the road.

**Question: James**

He enquired whether the project will have an impact on the fiber cable already existing and any other utility infrastructures e.g., Kenya power poles and water pipes.

**Response:**

The consultant confirmed that there will be some utility damages during construction but early arrangement will be made to have them connected immediately for smooth project progress.

**Closing remarks**

The chief informed the participants if they have any complaints, there will be a proper mechanism to solve the issues and there will be a GRC which will be appointed by the community to help in solving the conflicts between the contractor and the community. The consultant thanked the participants for their participation and since there was no other business the meeting was adjourned at 12:50 pm with a word of prayer.

**MINUTES FOR THE JOINT MISSION AFRICAN DEVELOPMENT BANK (AfDB) KENYA NATIONAL HIGHWAYS AUTHORITY (KeNHA) AND CGP CONSULTING ENGINEERS FOR THE DESIGN REVIEW, ENVIRONMENT AND SOCIAL IMPACTS ASSESMENT AND THE RESETTLEMENT ACTION PLAN FOR THE LESSERU-KITALE B12, MORPUS LOKICHA A1.**

**Location county;** West Pokot Minutes

**Venue;** Samaritan hotel

**Agenda of the meeting.**

1. Opening prayer
2. Introduction
3. Remarks
4. Project presentation
5. Plenary session
6. Closing remarks

Minute 01; Opening prayers;

The meeting was called to order at 10.30 am by the deputy county commissioner, she requested volunteer to say a word of prayer.

introduction: The Assistant county commissioner invited the team leader Eng Cherono invited the team from KeNHA for introduction and later invited the consultant and the team from AfDB for self-introduction.

**Minute03 ; Remarks;**

The background of the proposed project was resented, the attendees were informed that the road project from lesseru -Kitale and the section between Morpus-Lokichar was to be financed by AfDB and the section between Kitale and Morpus was to be financed by EIB Bank

**The county commissioner**

The road will enhance connectivity between Kitale and Lowdar. The challenges of insecurity the government is working with the surrounding community to curb it.

There are other challenges like landslides and flooding during rainy season.

The stakeholder engagement is to allow them to give their contribution on what they would want done during construction.

Cultural issues-There should be a lot of community engagement if shrines along the road area of construction would be affected.

CSR-The contractor and KeNHA should come up with number of projects which they should do to different communities according to their priority. I.e schools, Health facilities and water project for the community to be part of the project.

Compensation- Everything with value along the road should be compensated and there should be inclusivity during implementation of the project i.e KeNHA, County government and other

stakeholders. More community engagement before and during construction will make the community feel they a part of the project. Proposed to have continuous public participation throughout the project

### Remarks from AfDB

Kingsley Ejim - AfDB E&S expert

The aim of the African Development Bank is to ensure that the communities in the project area and the Affected persons are left better of than they were found by the project.

The ESIA and RAP document are key documents for the project and hence the CSO should ensure they have good understanding of the documents. The ESIA outlines the negative impacts and the way to ensure they are mitigated the proposed measures should be locally applicable and acceptable.

CBOS and other stakeholders to read and engage the ESIA document to understand the provision of the ESIA impact and Mitigation

### Minute 04; Project presentation by the Consultant

The consultant representative presented the objective of the proposed project which were to; empower men and women, have additional components of road improvement, undertake environment and social impacts, propose mitigation measures for identified impacts as well as provide complete reports for ESIA and RAP.

overview of the project.

The attendees were informed that the design within the existing on the existing Right of Way (ROW) and therefor there could be minimal impacts on livelihood and private property. The road will also include expansion of the road to improve safety, consideration for safe crossings near markets and institutions. The design will include 3 railway crossing one near Lesseru soi and Mois bridge. He mentioned that the design will consider dualing Mois bridge and providing service lanes. In Kitale the road shall be dualled from Maili saba to Kitale town. The other section of the road from Morpus to Lokichar shall be expanded for safety of the road users with improvement of all the bridges along the road sections. The participants were informed that the design will provide safe crossing for livestock in the pastoralist areas of West Pokot and Turkana region. The participants were also informed that consideration of wildlife crossing had been identified in the Morpus Lokichar road section where there is a wildlife sanctuary.

The participants were also informed of the safety measures proposed in the design to ensure all road users have been considered, road signage non-motorized transport facilitates,

Environment and social impacts Assessment and Resettlement Action Plan.

The participants were informed that the RAP and ESIA study for the two road sections had been done and the drafts submitted to the client for review they were however informed that the consultant was still undertaking more studies to enable the completion of the ESIA RAP and Gender Analysis Report. The participants were encouraged to give their views on the proposed road.

### Plenary Session

Stakeholder	Issue	Action
Moses Lokerus-IREP CBO	<p>He requested that the contractor should be introduced to the community before the construction work begins this would create good rapport between the contractor and the community.</p> <p>He informed the design team to ensure that they provide proper storm water drains to reduce damaging peoples land and causing flooding in other parts after road construction.</p> <p>Morpus to Lokichar there are old diversion, but people have moved to the diversion areas. Will there be a compensation on the old road?</p> <p>The waste materials from the road construction should be well disposed and not left on the roadside.</p> <p>He requested that the businesspeople at Ortum area should be considered since their business structures are located along the road reserve and their livelihood is supported by the working area along the road reserve.</p> <p>Raised concerns of the marginalized groups like women and girls who face FGM , he proposed to have programs that would ensure their safety and empowerment by providing opportunities for capacity building.</p>	
	<p>Linnet Miriti</p> <p>She queried if the school had dormitories for girls?</p>	<p>The attendees were informed that the dormitories that accommodate the girls that remain in the school during holidays the girls are aged between 8-10 years</p> <p>Currently 13 years girls are at risk of being married</p> <p>There several centers like Ortum girls, Chester girls</p>

		<p>other schools are mixed.</p> <p>IEK from Eldoret supports the school with food but the Dorms are not sufficient</p>
Winnie Cheptoo	<p>She mentioned that there is lack of safety centers .Primary schools have intergraded by government to house girls IREP provides food and other boarding materials.</p> <p>There is insecurity along the Pokot and Turkana border due to land and resources other project such as Tallow oil mining have experienced tension and conflict due to provision of labour therefor integrating the local community in available opportunities will help in easing the project implementation. Regional integration i.e., having position for people from these community can be adapted to help solve some issues.</p> <p>Empower women keeping in the mind that men are the head who will make the final decisions.</p> <p>The road currently poses danger to the users most of the sections lack shoulders, the design should consider having walking paths in the urban centres between Morpus and Lokichar. Considerations for safety for the school going children should be considered in the design and during construction.</p>	
	<p>Question from Linet</p> <p>She enquired if women could work on the road project and what would hinder them from working on the project?</p>	<p>Response</p> <p>Women are more willing to work on the road construction works. However women are hindered due to working hours at home as they prepare their children and family it may be a challenge</p>



		<p>to get to work as required.</p> <p>Some women with young children may be hindered from accessing employment due to lack of daycare facilities in the area.</p> <p>There should be social impact mitigation measures put in place to avoid early pregnancies and early marriage.</p>
Mudaki Jefferson-CS Advocacy network	<p>He mentioned that the access to Eldoret town is a challenge for local people due to that bad condition of the road.</p> <p>He mentioned various anticipated social impacts during project implementation such as the</p> <p>Increase of HIV/Aids, Teenage pregnancies, issues on sexual productive health.</p> <p>Recommendation</p> <p>Inclusion of women in all aspects check to monitor to have continuous monitoring on behavior change and have continuous stakeholder engagement.</p> <p>The project is an opportunity for emphasis on inclusion of women</p> <p>Inclusion of CSO and Community should be a priority</p> <p>Support local CSOs and have locally acceptable mode of communication on HIV/AIDS sensitization on pregnancies Family planning and distribution of condoms.</p> <p>Proposed that a locally acceptable grievance mechanism be developed to enable the client contractor and stakeholders have a channel of engagement.</p> <p>The CSOs are indebted to hold the client accountable.</p>	

Andrew -TEDO	<p>He queried on What was the width of the road and what measures had been considered for PWD and if the ESIA report was complete.</p> <p>He proposed that PWD should be considered on the CSR.</p> <p>The area lacks special schools proposed to have learning institution for the special needs.</p>	
Joseph Nyogesa KWS Warden.	The road traverses through a sanctuary in the section between Marichpasss and Kakong, wildlife cross the road on the section between Marich pass and Kakong the design should incorporate crossing areas appropriate for the wildlife and proper signage.	
Masika Mwinyi	What is the time frame of the project? Some project takes long to be implemented and as a young people how will the project give us in terms of CSR?.	
Mr.Adero	<p>He mentioned that the project may cause Social impacts such as of the women and employees on the construction sites he proposed that policies should be developed to ensure that the human rights of every person is observed.</p> <p>He proposed that the contractor should be subjected to signing the considerations code of conduct that would protect the children and community.</p> <p>Consider employing women whether unskilled laborer or even the skilled and professional technician</p>	

### Response from the client representative Sociologist.

The Kenya National Highways Authority mission and core value is building and maintaining sustainable roads .Public Participation is a continuous process, the road should relate with the people the structures of development should ensure that the people that will be impacted by the project either positively or negatively from the project are informed and well engaged before the project implementation the project should bring development and improved livelihood to the local people and the country's economy. The project considers the project impacts on sexual exploitation and sexual harassment, Cultural issues-women problem at home and GBV at home power dynamics and harassment

In previous project KeNHA have supported and facilitated victims of sexual harassment with Legal aid and in some instances facilitated DNA to confirm paternity. The grievance redress mechanism

will involve the community, members of the community, local administration representative of CSO and government institution will form part of the grievance redress committee.

In other project support have been given in vocational training as part of CSR to ensure sustainability of the beneficiaries. The study will consider the vulnerable communities in Turkana and West community, how to provide peace building initiative, how to hire women and retain them and analysis on vulnerability.

The project will ensure that there will not be tolerance on defilement and sexual harassment by providing means of information disclosure and ensuring the contractor and the workers are subjected to a code of conduct.

### **Summary response Kingsley**

Stakeholder engagement is a continuous process for all phases of the project. ESIA document will be disclosed

The Social impacts within the ESIA document has mitigation measures which will be followed to minimize the impacts. The consultant will make the document available for everyone to access.

### **Climate change**

Climate change impacts is felt through the impacts of flooding and prolonged draught. AfDB have a mandate of ensuring that the projects do not cause climate change rather they observe resilience while ensuring utilization of available alternative option that would reduce climate change. The project will propose to utilize solar powered streetlighting, ensure the road design provides proper drains with check dams to reduce the speed of the storm water and reduce flooding. The project will also consider impacts on loss of vegetation abstraction of water from local rivers must be authorized by WRA and where possible the contract is advised to utilize borehole water. The ESIA report will identify the various environment issues that may rise from the road construction activities and provide proper mitigation on each.

Summary response from the consultant.

The design and the ESIA and RAP study are ongoing, and the proposed measures shall be considered on the reports. The impacts of the project identified shall be provided with mitigation measures for adverse negative impacts.

Closing remarks

Having no other issues to discuss the meeting ended at 1220hrs with a word of prayer from a volunteer.

## ANNEX 2 – DATA COLLECTION TOOLS

## RAP questionnaire

**INTRODUCTION**

1. What is the gender of the respondent? (*The interviewer should observe gender and tick where appropriate*)

☐ Male

☐ Female

2. What is the age of the respondent? (*Tick most appropriate*)

☐ Below 18 years

☐ Between 18 and 35 years

☐ Between 35 and 50 years

☐ Above 50 years of age

3. What is your Marital status? 1. Single ( ) 2. Married ( ) 3. Separated ( ) 4. Windowed ( )

4. What is your highest level of education you have attained? 1. No Formal Education ( ) 2. Primary ( ) 3. Secondary ( ) 4. University ( ) 5. Vocational/ Tertiary ( ) 6. Adult education ( ) 7. Other (Specify).

5. What livelihood activity do you engage in? Please indicate the type of activity \_\_\_\_\_

6. What is your monthly income (*In Kenya shillings*)?

I. 100-1000 ☐

II. 1100-5000 ☐

III. 5100- 10,000 ☐

IV. 10100- 15,000 ☐

V. 15100- 20,000, ☐

VI. 20,100- 25,000 plus

**ROLE OF GENDER IN THE COMMUNITY**

7. What are your roles in general community development?

8. Do you play specific roles in the transport sector? ☐ Yes ☐ No

If yes, please explain:

9. Have you ever been involved in any forum discussing road construction or improvement?

☐ Yes ☐ No

If yes, what is the popular mode of inviting community members to participate in such forums?

☐ Through the radio, ☐ Through women groups,

☐ through the public administration office. ☐ Other means explain

10. What livelihood/economic activities are undertaken by women and men in your community?

\_\_\_\_\_

11. What do women trade on? \_\_\_\_\_

12. Do they transport along the road (a) Yes ☐ (b) No ☐

13. What do they transport along the road? \_\_\_\_\_

14. Will the road help them when improvements are made? (a) Yes ☐

(b) ☐

15. If yes please explain how

\_\_\_\_\_

16. What are the special access challenges faced by women compared to men in this community?

\_\_\_\_\_

☐ **CONSTRUCTION WORKS**

17. Have you or a family member ever been involved in any road construction work? ☐ Yes, ☐ No

18. How are people contracted from your community for roads works?

19. What are the criteria for recruiting the workforce?

20. In terms of turn out, do women and men present themselves for recruitment in equal numbers?

☐ Yes ☐ No

If yes, please explain

\_\_\_\_\_

If no, please explain

21. Which tasks are undertaken by women, why?

\_\_\_\_\_

22. Which tasks are undertaken by men and why?

\_\_\_\_\_

23. Do women and men get equal pay for the same tasks? ☐ Yes ☐ No ☐ Other

If other, explain

24. How will the road transform the lives of women during construction? and when completed?
25. What key vices do they expect from the road construction and what would they propose to be mitigated

**QUESTIONS ON THE TRANSPORT SERVICES:**

26. Kindly list the means of transport in this area in order of priority?

- a) \_\_\_\_\_
- b) \_\_\_\_\_
- c) \_\_\_\_\_
- d) \_\_\_\_\_

27. From question (26) above Which of these means of transport are predominantly practiced by:

- a) Men, why?
- b) Women, and why?

\_\_\_\_\_

28. What are the key mobility challenges faced by women compared to men in this community?

\_\_\_\_\_

29. What time of the day do you travel most? (a) Day time ☐ (b) Night ☐

30. Where do you travel to?

- (a) To work on employment
- (b) To the market to sell goods/ buy goods
- (c) To seek for health services
- (d) To take children to school
- (e) Others (Explain)

31. How will the new road resolve the above challenges faced?

**RECOMMENDATIONS FOR ENHANCING TRANSPORT BENEFITS TO WOMEN**

32. What needs to be done to enhance the participation of women in road construction activities?

33. In terms of access and mobility, what needs to be done to address the special challenges faced by women?

34. What are the leisure activities that the following groups of people engage in within the community?

I. Men \_\_\_\_\_  
\_\_\_\_\_

II. Women \_\_\_\_\_  
\_\_\_\_\_

III. Youth –Girl /  
boys \_\_\_\_\_

IV. Elderly Men/  
women \_\_\_\_\_

35. What are the effects of the above activities on (question 31) on different groups?

\_\_\_\_\_

36. Will the road assist in the social cohesion of families or break them?

37. Are there any cultural practices that affect Men /women/ girls/boys or elderly from participating in transport or road construction activities?

☐ Yes

☐ No

If yes, please explain \_\_\_\_\_

38. What safety issues do you see along the road?

\_\_\_\_\_

39. Are there any specific needs for women, men, children, youth and elderly? For instance, lighting, road crossings, Foot paths? \_\_\_\_\_

40. What do you perceive as the key risks of the road?

\_\_\_\_\_

#### QUESTION ON SOCIAL AMINITIES AVAILABLE

41. Do you have any of the following amenities along the road or nearby? (*Tick most appropriate*)

No.	Type of the facility	Less than a kilo metre away	More than a Kilo metre away	There are none
1.	Schools (ECG, Primay, High school)			
2.	Water (borehole/ River)			

3.	Health clinic/ Hospital/ maternal health/ VCT centres			
4.	Recreational centre(social hall/ playground)			
5	Public sanitation services (Toilets/ bathrooms/ clean water)			

42. List the names of health facilities offering full maternal health and indicate the location

\_\_\_\_\_

43. Do you know of rescue homes/schools where people facing sexual gender-based violence (SGBV) and \female genital mutilation (FGM) a. yes b. no

If yes where are the homes/schools how many and how far are they located in km. located? Indicate if they are boarding facilities. \_\_\_\_\_

44. Are there other key main projects you would like provided with the road project \_\_\_\_\_

45. Household information

What is your main source of energy for cooking?	1.Firewood ( ) 2. Charcoal ( ) 3. Kerosene ( ) 4. Liquid petroleum gas ( ) 5. Electric cooker ( ) 6. Other (Specify
Will the road construction impact on the sources of cooking energy?	1. Yes 2. No If yes explain
What is your main source of energy for lighting?	1.Battery lamp( ) 2.Kerosene lamp( ) 3. Liquid petroleum gas( ) 4.Electricity ( ) 5. Solar energy ( ) 6. Other (Specify
Will the road construction affect your source of lighting?	1. Yes 2. No If yes explain how
What is your source of water for domestic use? <b>(Multiple Select)</b>	1.Piped into dwelling ( ) 2.Community Borehole( ) 3.Shallow well ( ) 4. River ( ) 5. Rain water ( ) 6.Water vendors( ) 7. Others(Specify )



Will the construction of the road affect the water sources?	1. Yes 2. No If yes explain how
What do you do to water to make it safe for consumption?	Sieve, 2. Boil, 3 add chlorine/ water guard 4. Nothing

46. What opportunities do you see the road creating for both Men and Women during and after construction?

Do you see like the new /improved road will increase your vulnerability in terms of SEA/SH, GBV or climate change?

48. What kind of training will men/women/youth like to be associated with the road project

49. What would you give as a recommendation to be considered during the design of the road?

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ANNEX 3 – Asset Register

