



Kenya National Highways Authority

Quality Highways, Better Connections

RESETTLEMENT ACTION PLAN FOR MORPUS – LOKICHAR (A1) ROAD 142 KM

EXECUTIVE SUMMARY FOR THE 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

1 Introduction

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

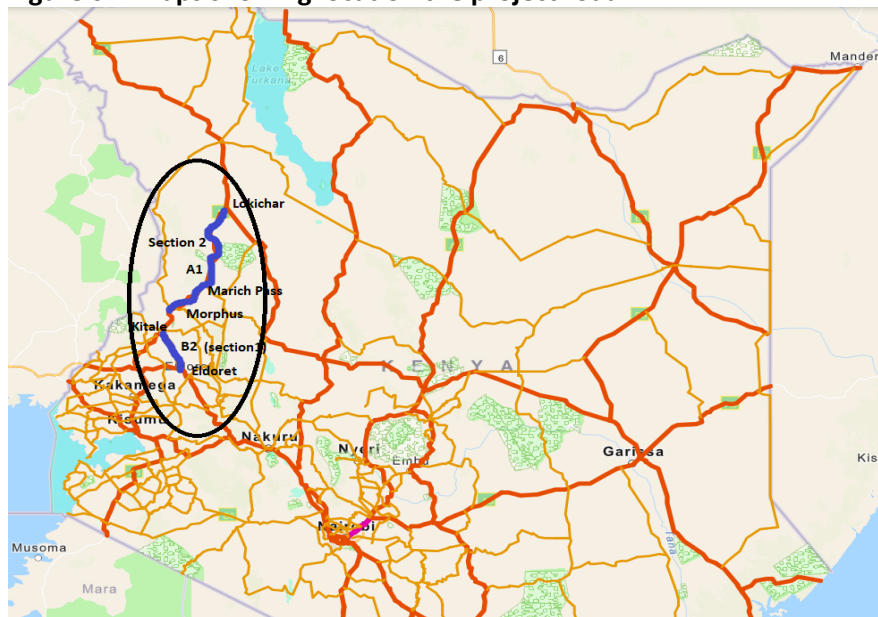
The Government of Kenya, through its implementing agency, the Kenya National Highways Authority (KeNHA) has engaged **CGP Consulting Engineers** to render all technical support services relevant to this exercise towards the achievement of the project objectives. As part of the Consultancy services, is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

1.1 Project Location and Description

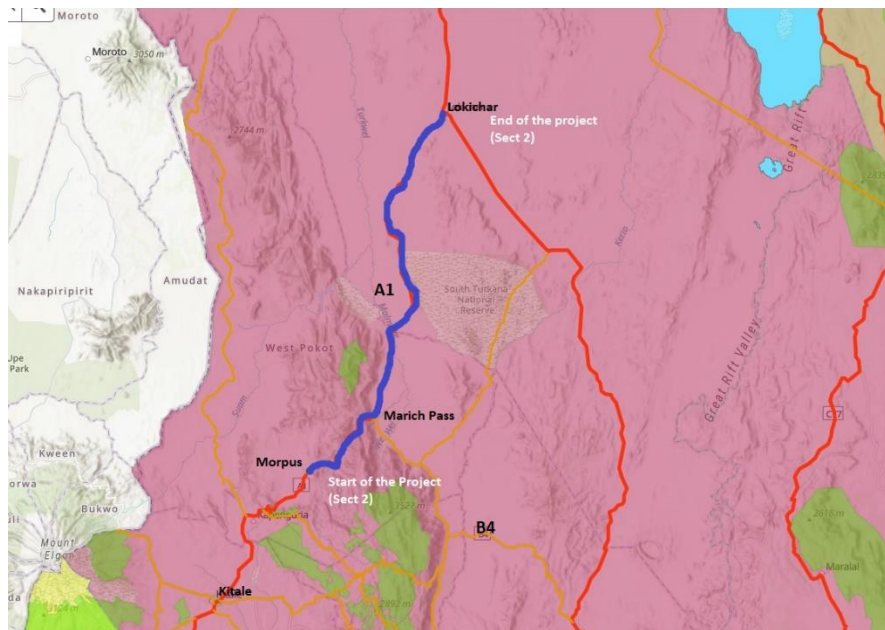
The project road traverses two Counties in Kenya, namely West Pokot County (62Km) and Turkana County (80 Km). The road starts at Morpus (Km 0+00 - approximately 66.4km from Kitale town) and runs in a North-Easterly direction through the trading centres in West Pokot of Sebit (km 10), Ortum (km 16), Marich 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 LAPSSET 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



1.2 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.
-

1.3 Objective of Review and Updating the RAP report

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

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

The specific objectives of this RAP review are:

- Conduct public consultation with PAPs, county governments, and other stakeholders not only to ensure that their concerns and suggestions are taken in to account but also to promote the participation of the stakeholders in the planning, implementation and evaluation of the RAP;
- Conducting census and socio-economic surveys of project affected areas and populations as a basis for identifying and measuring the types and magnitude of impact of the project and the associated displacement and loss of household and community assets in order to determine the required amounts of compensation and other resettlement measures and assistances for the restoration of income and livelihoods;
- Design mechanisms and procedures for the resolution of conflict and redress of grievances arising from the implementation of the RAP and the project;
- Design the organizational and institutional arrangements necessary for the implementation of the RAP, including detailed allocation of responsibilities and coordination issues;
- Formulate a system for the monitoring, review and evaluation of the process and outcome of the implementation of the RAP;
- Formulate criteria for eligibility and entitlement as well as methods and mechanisms for the valuation of various categories of household and community assets for compensation, design appropriate strategies for restoration of the income and livelihood of PAPs, special support measures for vulnerable groups, and social and community development projects;
- Identify and assess the impacts of the project on PAPs and communities in the project area, identify different options and alternatives to avoid or reduce displacement, of population and dislocation of livelihoods;
- Prepare a timetable for the implementation of the RAP with detailed time-bound schedules for its various components and activities.
- Prepare cost estimates and budget for the implementation of the RAP and its various components and activities;
- Undertaking a review of the relevant national and international policy, legal, and institutional frameworks and guidelines pertaining to involuntary resettlement, eminent domain and land tenure, expropriation and compensation, restoration and improvement of the income and livelihood of PAPs, etc.;

1.4 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.

2 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"> • Requires prompt payment in full, of just compensation to the person; • Allows any person who has an interest in or right over, that property a right of access to a court of law. <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</p>

	benefit the general public. The projects requiring resettlement are under the provision of this Act.
Land Registration Act, 2012	The law provides for the registration of absolute proprietorship interests over land (exclusive rights) that has been adjudicated or any other leasehold ownership interest on the land. Such land can be acquired by the state under the Land Act 2012 in the project area.
National Land Commission Act 2012	The act establishes the National Land Commission with the purpose of managing public land and carrying out compulsory acquisition of land for specified public purposes.
The Land Adjudication Act Chapter 95 Laws of Kenya	Provides for ascertainment of interests prior to land registrations under the Land Registration Act 2012 through an adjudication committee that works in liaison with adjudication officers.

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

Policy, legal and institutional frameworks that deal with issues of involuntary resettlement have been reviewed. Existing legislations and institutional frameworks are not only comprehensive in terms of covering resettlement issues, but they are very detailed providing justification and procedures for expropriation, property valuation, computing compensation rates, compensation payments, and mechanism for grievance redress.

Secondly, various policies, both national and sectoral, are such that they encourage project sponsors to avoid, as much as possible, projects that cause displacement of people. When displacement of people becomes unavoidable, then the policy principles, institutions and structures of the GoK provide for the adoption of a wider developmental approach, which seeks to share the benefits of the development project with Project Affected Persons (PAPs) and local communities. The principle here is that development projects at least should not impoverish people by degrading the physical environment and or letting their costs pass through to PAPs and members of local communities.

Thirdly, national policies, legislations and regulations are all in conformity with one another. The national policy and legal frameworks are also consistent with the AfDB 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.

3 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.

4 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.

5 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 5-1 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
Total	164	31	82	277

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 5-2: Environment and social impacts

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

6 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 Policies¹. 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.

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 6-1: 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

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

Table 6-2: Summary of the consultation meetings

Venue	Summary of issues discussed
Lokichar	<ul style="list-style-type: none"> The community was concerned on when the project would commence The community raised concerns about the assets that maybe affected by the project such as graves, land and structures. They requested that the contractor who will be issued with the assignment to ensure they respect the local community culture The community requested that during project implementation the contractor to ensure they fully provide mitigation for environment impacts such as dust. 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.
Kalemngorok	<ul style="list-style-type: none"> 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 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. They requested that during construction the contractor to ensure they purchase raw materials from the local people. They requested for employment opportunity during project implementation. They were concerned how the employment opportunities from the project implementation would be communicated to the local people. The community was concerned about the existing infrastructure and what will be the impact (fibre optic cables and power lines) The community elders requested to be involved during project implementation and help in resolve local grievances.
Marich Pass	<ul style="list-style-type: none"> The community raised concerns of livelihood restoration for the vendors operating along the road reserve. They were concerned on how the distribution of available opportunity would be done The requested to have safety measures implemented during the design of the project while ensuring the safety of children, elderly and livestock 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. They were concerned about the valuation criteria of the structures Some of the attendees were concerned about the delayed compensation, some indicated to have received award letters. 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.

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

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.

7 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 **30th 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 7-1 Entitlement matrix

Affected Asset	Affected Right or Interest	Eligible Entity (Individual or Household)	Eligibility Conditions	Entitlements
AGRICULTURAL LAND	TITLED LAND: 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”
	UNTITLED LAND: 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”

Affected Asset	Affected Right or Interest	Eligible Entity (Individual or Household)	Eligibility Conditions	Entitlements
				Cash compensation of standing crops – See below “Crops”
	RENTED LAND: 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 immovable developments established by the owner and to the tenant of immovable 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”
RESIDENTIAL LAND	UNTITLED LAND: 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 immovable developments on the affected land, such as structures, wells, etc... - See below “Structures”
STRUCTURES	RESIDENTIAL HOUSES: 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
	NON RESIDENTIAL STRUCTURES: Non inhabitable house or other structure of any design	Owner - INDIVIDUAL	Be the locally recognized owner of a non residential structure	Cash compensation at full replacement value

Affected Asset	Affected Right or Interest	Eligible Entity (Individual or Household)	Eligibility Conditions	Entitlements
CROPS	STANDING NON PERENNIAL CROPS	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
	STANDING PERENNIAL CROPS	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.

7.1 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;

7.2 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

8 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.

9 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"> • Adequacy (of staff number/skills/knowledge levels; equipment and facilities) at RIU • Legislative compliance with national and AfDB OS standards • Outputs of the M&E, compensation payments, community engagement, reporting, grievance processes as indicators of effectiveness and adequacy • Collaboration and coordination adequacy of the RIU 	Livelihood changes among PAP households, including production systems and the standard of living and welfare

10 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 10-1. 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
GRAND TOTAL (Estimated)			30,723,895

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

11 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 11-1 ; RAP Implementation Schedule

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

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.

12 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.

