

Reviewing and Updating of the Resettlement Action Plan (RAP) for the Proposed Upgrading to Bitumen Standards of Modogashe-Samatar-Wajir Road



Final Report

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Kenya National Highways Authority (KeNHA);
Barabara Plaza, Jomo Kenyatta International Airport (JKIA) Nairobi, Mazao Road,
(Opposite KCAA Headquarters)
P.O. Box 49712 – 00100, Nairobi Kenya, Tel: +254-20-8013842.

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LIST OF ACRONYMS

ASAL	Arid & Semi-Arid Lands
ACK	Anglican Church of Kenya
CDF	Constituency Development Fund
CIDP	County Integrated Development Plan
CSR	Corporate Social Responsibility
EMCA	Environment Management and Coordination Act, 1999
ESMP	Environmental and Social Management Plan
EP	Entitled Person
ESIA	Environmental and Social Impact Assessment
GoK	Government of Kenya
GPS	Global Positioning System
Ha	Hectare
IMA	Independent Monitoring Agency
IMU	Independent Monitoring Unit
IEC	Information Education and Communication
ISK	Institution of Kenya Surveyors
KeNHA	Kenya National Highways Authority
KFS	Kenya Forest Service
KPLC	Kenya Power & Lighting Company
KURA	Kenya Urban Roads Authority
KWS	Kenya Wildlife Service
Km	Kilometres
Km ²	Square Kilometres
KRU	KeNHA Resettlement Unit
KShs	Kenya Shillings
m	Metres
M	Million
Mm	millimetres
MoLHUD	Ministry of Lands, Housing and Urban Development
NEMA	National Environment Management Authority
OVC	Orphans and Vulnerable Children
PAHs	Project Affected Households
PAPs	Project Affected Persons
RAP	Resettlement Action Plan
PIU	Project Implementation Unit
PPE	Personal Protective Equipment
R & R	Resettlement & Rehabilitation
RIC	RAP Implementation Committee
RoW	Right of Way
SDA	Seventh Day Adventist
TOR	Terms of Reference
UTM	Universal Transverse Mercator
VIP	Vertical Information Point

GLOSSARY

Census: The process carried out to identify and determine the number of all project-affected persons (PAPs), their assets, and potential impacts; per 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 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. This is also used to minimize and/or control any fraudulent claims by new migrants in the project area to benefit from project implementation.

Displaced Persons mean persons who, for reasons due to involuntary acquisition or voluntary contribution of their land and other assets will suffer direct economic and or social adverse impacts, regardless of whether or not the said Displaced Persons are physically relocated. These people may have their: standard of living adversely affected, whether or not the Displaced Person will move to another location; lose right, title, interest in any houses, land (including premises, agricultural and grazing land) or any other fixed or movable assets acquired or possessed, lose access to productive assets or any means of livelihood.

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

Encroachers: are those people who who extend their infrastructure or other land-based activities into land that does not belong to them. Encroachers may have personal investment in structures or agricultural crops. They are entitled to compensation at replacement cost (or an equivalent amount of rehabilitation assistance) for these lost assets.

Entitlement: means the range of measures comprising cash or kind compensation, relocation cost, income rehabilitation assistance, transfer assistance, income substitution, and relocation which are due to /business restoration which are due to PAPs, depending on the type and degree nature of their losses, to restore their social and economic base.

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.

Project-affected household (PAH): 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 involuntary 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 the 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 a public project/interest against the will of the landowner. Land acquisition is also taking of or alienation of land, buildings or other assets thereon for purposes of the project activities implementation using eminent domain as per the law of the country. Any purchase of land through negotiation, unless specified by law, would not constitute acquisition.

Market Value means the process of determining market value has sought to establish appropriate compensation figures so that the affected population is able to restore their standards of living to levels “at least as good as or better than” they were prior to the project. Where the Government rates do not provide for this standard of value, The PIUs, with the technical support of the independent valuer will calculate and adjust the compensation figures according to these principles.

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 means the possession of or alienation of land, buildings or other assets thereon for purposes of the NETIP sub project activities in return for fair compensation.

Livelihood restoration means the restoration of ‘a livelihood’ which can provide for the wellbeing of the family. This can include elements from the original livelihood and/or livelihood strategies. The provision of development assistance in addition to compensation such as credit facilities, training, job opportunities, economic opportunities, veterinary care and extension advice, support to animal producer groups with micro credit through third-party providers, abattoirs for storage and marketing of animals to enable them get better prices for their animals.

Livelihood restoration strategy for this project adopts abroad concept of both income replacement (cash and in kind) and social development processes (health, education and social cohesion) which enable project affected persons and households to maintain their standard of living in the context of a changing social and economic environment.

Resettlement Action Plan (RAP): A resettlement instrument/document prepared when 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.

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

Replacement cost for agricultural land: The pre-project or pre-displacement, whichever is higher, the value of the land of equal productive potential or use located in the vicinity of the affected land, plus the costs of:

- preparing the land to levels similar to those of the affected land;
- any registration, transfer taxes, and other associated fees.

Replacement cost for houses and other structures: The prevailing cost of replacing affected structures of the quality similar to or better than that of the affected structures in an area. Such costs shall include:

- building materials;
- transporting building materials to the construction site;
- any labour and contractors' fees; and
- any registration costs.

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.

Squatter: Squatters are persons or members of the community occupying an area they do not own, either in public or private land whereby they have no recognizable rights, claims or entitlements to the land that they occupy and use. These people include those using private or public land without permission, permit or grant, namely those people without legal title to land and/or structures occupy or used. They include nomadic pastoralists who pass seasonally in a migratory route across the project area in search for pasture. They don't own the land but they have temporary structures some of which will be affected by the project. Under OP 4.12 when affected by a project, these people are to be compensated for structures and any other development such as trees and crops, but not for land. Additionally, if vulnerable, the squatters qualify for additional assistance and livelihood support.

Disturbance allowance: this is support to the affected persons and affected households during their move. It is provided for under the Kenyan government legislation and has been considered under this RAP at 15 percent. This caters for the following:

- Transport assistance: a truck to transport their belongings to new sites.
- Moving allowance: to allow them to make small purchases to smooth the move process to their new houses. This is separate from any compensation payments for income lost until they restore their business or livelihood.

Vulnerable PAPs: means any people who might suffer disproportionately or face the risk of being marginalized from the effects of resettlement i.e.; (i) female-headed households with dependents; (ii) disabled household heads; (iii) poor households; (iv) landless elderly households with no means of support; (v) households without security of tenure; (vi) child headed household, (vii) households with people living with terminal illnesses or disability.

EXECUTIVE SUMMARY

Introduction

1. Kenya National Highways Authority (KeNHA) is implementing the proposed upgrade of Modogashe-Samatar-Wajir Road (A1). The proposed upgrade of the Road (A13) is being funded by Government of the Republic of Kenya (GOK) with support from the International Development Association (IDA)/World Bank.
2. The proposed upgrade of Modogashe-Samatar-Wajir Road (A13) covers a total distance of 157 km and is part of the North Eastern Transport Improvement Project (NETIP), Isiolo-Modogashe-Wajir-Mandera Road (A13). The road is located within Isiolo, Garissa and Wajir Counties starting from Modogashe and running in a north-westerly direction and ends at Wajir Town. The road traverses urban towns of Modogashe, Habaswein, and Wajir and rural settlements areas and rural shopping centres of Skanska, Lagdima, Kanchara, Guticha, Samatar, Laghbogol, Borjiare and Leheley.
3. The road is a very important infrastructure for the area residents and the north-eastern region as a whole. Its improvement will help the population in the region to get better access to markets and ensure that most commodities reach their market destinations fresh and with ease. Several sections of the road have frequently been rendered impassable as a result of heavy rains that cause flash flooding along the road and completely submerge wide sand valleys (popularly known as lagga) river crossing drifts making them unsafe for both motorized and non-motorised traffic and animals to cross. The project will open the North Eastern Region to the rest of Kenya and the East African region as it is the main road connecting Isiolo, Garissa and Wajir towns.

Project Objectives

4. The Government of the Republic of Kenya (GoK) has in recent years been implementing a comprehensive upgrade of major national roads, with the overall objective of improving transportation, enhancing road safety, reducing road user costs including travel time and promoting trade and socio-economic development. It is in this respect that the Government of Kenya has identified that the road from Modogashe to Wajir is an extremely important link road that connects the North Eastern counties of Isiolo, Garissa, and Wajir and connects Kenya and Somalia through Mandera. The proposed upgrade will create environmental and social impacts as well as involuntary displacement and resettlement of persons living or generating livelihoods/incomes along the Modogashe-Samatar-Wajir Road (A13). KeNHA through the National Land Commission (NLC) will compensate for the affected standing assets that were on the road corridor by the established cut-off dates.
5. The upgrade of the road will be restricted to the road reserve for the entire stretch and related infrastructural facilities will be constructed on the existing Right of Way (RoW). It was noted during the census that there is encroachment of the RoW at various sections especially in urban areas and towns, with the affected persons having made developments, especially at the main town centres. The entitlement matrix has captured the compensation/facilitation allowance encroachers within the RoW.

6. Though the land is community land and communally owned, it was noted during the census that there are some Project Affected Persons (PAPs) who claim ownership of affected land on, or along the RoW; these persons have in their possession ownership documents like allotment letters like in Wajir which were used to support their claims. These claims have been registered and documented through the grievance redress mechanism and according to Government of Kenya processes. The claims will be investigated and verified through the National Land Commission (NLC) processes. Once these land disputes/complaints have been resolved, the affected persons will be provided with compensation as provided for in the entitlement matrix.
7. The consultations held with Wajir County Government during the RAP review process indicated that some of these claims are false as the County Government has not allotted land/ plots to individuals along the rural stretch of the road. Allotment of plots within Habaswein town centre was ongoing during the RAP review process while it was completed in Wajir town. During the RAP review consultation process, the Wajir County Government provided the map showing allocated plots within Wajir Town (refer to Annex 16). Habaswein and Wajir Towns where the plot allotment along the roadsides is ongoing or completed, the upgrading of the road activities will take place within the existing road realignment which was considered sufficient to accommodate the designed road infrastructure in these areas. This will avoid affecting plot owners who have developed their plots and who during the PAP meetings held in these towns openly opposed any intended demolition of their permanent buildings. They were clear that their support of the project is subject to the fact that their buildings will not be demolished even if KeNHA through NLC were to compensate them at full replacement cost.

Objectives of the RAP Review Study

8. The objectives of the assignment are;
 - To review the existing draft RAP Report and the process through which it was prepared in terms of its completeness, consistency and compliance with the World Bank Involuntary Resettlement Policy OP 4.12.
 - To undertake the necessary activities to complete, rectify and/or address any gaps in the existing RAP Report and the process through which it was prepared, including additional survey, consultation and coordination with the project design and other teams.
 - To revise and/or update the current RAP report in the form and substance that is consistent and compliant with World Bank OP 4.12.
 - To recommend cost effective measures to be implemented to safeguard the livelihoods (including for safeguarding children and/or vulnerable adults to address social issues).
 - To prepare a Resettlement Action Plan (RAP) report compliant to the World Bank policies and Government of Kenya (GoK) regulations.

This RAP Report covers the elements above and any other relevant aspects in line with the World Bank's social safeguard policy on involuntary resettlement.

RAP Methodology and Approach

9. The RAP components essentially comprised of:
 - Socio-economic baseline survey of the affected asset holders;

- A census-baseline survey to establish the number and identity of affected asset holders, or communities to be affected by reconstruction or maintenance works, as well as an inventory of major assets (land, building plots, trees, houses, kiosks) to be affected by project implementation;
- Households survey/inventory of all affected assets and methods to determine the impacts upon incomes and living standards;
- Holding consultative forums with the affected asset holders for participatory determination of the resettlement options appropriate for each PAP;
- The eligibility criteria for specific entitlements and other forms of assistance;
- Valuation of the affected assets
- Preparation of the Draft RAP;
- Review and update of the Draft RAP;
- Preparation of the Reviewed and Updated RAP.

Data Sources

10. This RAP was developed through a comprehensive socio economic, baseline survey process; census of the affected asset holders and vulnerable groups, consultative meetings with affected asset holders and in-depth discussions with other stakeholders and has been undertaken within the given study period. Specific techniques used for the data collection included:
 - i. Secondary data was collected through a detailed literature review, which included desktop review of relevant documents including: Social Assessment Report, project design reports, World Bank Safeguards Policy on Involuntary Resettlement and Indigenous People, Acts of Parliament and related Regulations; affected Counties Integrated Development Plans; Environmental Impact Assessment Report; Project area topographical and; previous project study documents.
 - ii. Primary data from the field was collected through both qualitative and quantitative techniques; (i) qualitative data was collected through field visits, visual observations, site walks, Key Informant Interviews (KII's) with the National and County Government officials and community leaders as well as public consultation meetings and (ii) quantitative data was collected through a socio-economic survey and census of all the affected asset holders through interviewing using questionnaires with open-ended questions. This included the development of comprehensive questionnaires for data collection, which comprised the following information: asset holder bio-data, affected livelihood activities and infrastructure inventories including structures and trees and social services infrastructure, with a major focus on improving indicators of road construction and maintenance at sub-project site. Using the road design maps and the GPS, affected assets were identified, measurements and photographs taken. Free Prior and Informed Consultation with affected vulnerable and marginalised affected persons, neighbouring communities and stakeholders was done and documented.

Minimizing Resettlement and Associated Cost

11. The resettlement displacements and disturbance impacts was minimized through consultations and participation with the PAPs, proposing redesigning the project (facility relocation/rerouting) at critical social installations, and putting appropriate impact mitigation measures in the design and construction stages.

As a principle, the project works will be restricted within the existing KeNHA road reserve as much as practicable.

Project Resettlement Impacts

12. In the project areas, several formal and informal livelihood activities are found along the road reserves, including kiosks/sheds/stalls and dash/fittos all housing informal enterprises. There are also formal commercial and residential buildings in several areas along the route, which are very close or built within road reserve areas and some of which will be wholly affected if the entire 60 metre corridor is to be maintained. The project will, therefore, lead to economic and physical displacement of PAPs who are categorized as encroachers on the KeNHAs RoW. A total of 844 asset owners will be affected by the project through loss of structures, trees, businesses and community facilities.

Policy, Legal and Institutional Framework

13. The study was conducted in accordance with all the relevant legislations in Kenya pertaining to road construction and traffic regulations, land ownership and acquisition, relocation and resettlement among others. The Project was assessed, and considerations were made on how the legislations and policies are triggered. These include The Constitution of Kenya (2010); the Land Act, (2012); the Land Registration Act, (2012); the Public Roads and Roads of Access Act; Valuers Act and Environment and Land Court Act.
14. The key regulation guiding land acquisition and compensation for land and property is the Land Act (2012). Section 9 (1) stipulates that any land may be converted from one category to another in accordance with the provisions of this Act or any other written law and private land may be converted to public land by compulsory acquisition. Compulsory Land Acquisition and compensation is elaborated in the Land Act (2012), Part Viii—Compulsory Acquisition of Interests in Land under Sections 107 to Section 127. Section 110 (1) Land may be acquired compulsorily under this Part if the Commission certifies, in writing, that the land is required for public purposes or in the public interest as related to and necessary for fulfilment of the stated public purpose. In Section 111. (1) If land is acquired compulsorily under this Act, just compensation shall be paid promptly in full to all persons whose interests in the land have been determined. (2) The Commission shall make rules to regulate the assessment of just compensation.
15. The Kenyan land laws and the Constitution of Kenya (CoK) 2010, requires just compensation paid to those affected but it is not clear on specifics of what constitutes just compensation. World Bank OP.4.12 requires full replacement costs. This RAP requires that full replacement cost be paid as compensation for structures and trees to be affected by the project for all the PAPs as per the World Bank OP.4.12. The Bank's Operational Policy 4.12: Involuntary Resettlement is triggered by the project since the Project will affect structures, communal assets, cultural assets and trees.

Cut-Off Date

16. The RAP Review and Update maintained the cut-off date established in the initial RAP. The cut-off date for the Modogashe- Samatar Road section was 21st February 2018 while the cut-off date for the Samatar-Wajir Road section was 18th August 2018. These are the dates the census of PAPs began. The community was sensitized on the cut-off date and its implications directly by the project teams, also through the chiefs, and assistant chiefs and during the local open-air barazas/ public meeting in line with the World Banks Operational Policy on Involuntary Resettlement (OP 4.12). During the RAP Review, it was confirmed that the PAPs were aware of these cut-off dates and that any further developments on the road corridor will not be compensated.

Field Census and RAP Verification Exercise

17. The field census of the persons to be affected by the Modogashe- Wajir Road using road design data was carried out starting on 21st February 2018 and 18th August 2018. The RAP review activities were carried out between 20th February 2019 and 23 March 2019. At Modogashe it was not possible to carry out the validation exercise within the market centre (a section about 750Metres) due to an existing historical boundary conflict between the Somali and the Borana community members which the KeNHA has escalated to the local leaders, county governments and will require intervention by the National Land Commission for resolution at implementation. Because of this reason within Modogashe town CBD from km 0 to km 0+750 of the road design was left out and the study started from km 0+750 all the way to Wajir. This has been highlighted as an area for further engagement at implementation phase.
18. During the verification process of affected assets at Borjiare (bojiyare), Leheley and Wajir Towns, the PAPs denied the RAP review Consultant entry to their properties. The PAPs led by local leaders stated that the condition for reverification of standing assets was to acknowledge and assign to them the land where their affected structures, trees and fences belongs to individual PAPs occupying it but who according to the road design provided had clearly encroached on the road reserve and many of whom had no proof of ownership while a few had allotment papers purportedly from the county government of Wajir. However, extensive PAPs and stakeholders' consultations was done and the PAPs were properly informed about the objectives of the RAP review exercise and how the project would affect them. It was only when team went to physically access and verify the type, quality and later determine the valuation of the standing assets on the ROW that the PAPs incited each other and refused their standing assets to be verified by denying access. In consideration that the available census and valuation data from the initial RAP reports in these sections was sufficient for resettlement planning, the RAP review team validated and adopted the data to complete the RAP review. This highlighted the need for continued sensitization on ownership of land on the road reserve as well as proper marking of the road reserve even in sparsely settled areas in the future.

Existing Activities along the Proposed Road Corridor

19. The existing human and commercial activities along the proposed Modogashe-Samatar-Wajir Road corridor include the following:

- commercial and residential buildings along the road section within Modogashe, Habaswein and Wajir Towns where commercial activities are taking place;
- rural settlements areas and market centres of Skanska, Lagdima, Kanchara, Guticha and Samatar, Laghbogol, Borjiare and Leheley. These centres are found within the three counties of Isiolo, Garissa and Wajir along the 157 km road traverse;
- pasture/community land on the rest of areas that are unoccupied away from the towns and centres.

Affected Structures and Trees

20. The road project will affect the following:

- permanent structures
 - commercial, residential and administration buildings
 - water kiosks on the way leave
- semi-permanent structures
 - commercial and residential structures
- manyattas/temporary structures
 - residential manyattas and makeshift kiosks.
- trees

The area has shrubs that do not fall within the category for valuation and trees with commercial value. The trees within the RoW are composed of a variety of acacia species, Kooboo Berry, Prosopis Juliflora (Mathenge), and Neem Trees. The trees have been valued using guidelines from Kenya Forest Service. Prosopis Juliflora is classified in Kenya as a noxious weed and therefore will not be replaced or spread. There will be replanting of trees as a restorative compensation of the damaged trees.

Community Consultation

21. Consultations were held with project affected persons, key stakeholders, local administration and civil society organisations dealing with livelihood of local communities. PAPs and stakeholders were invited to attend the Community Consultation Meetings and PAP Meetings through public announcements places in public places, through the Offices of the Chiefs, Assistant Chiefs and through village elders.

22. As provides by O.P. 4.10, Free Prior and Informed consultations were held with community members. Ten (10) community meetings and eight (8) affected person's consultation meetings were held at the various points along the existing Modogashe-Samatar-Wajir Road during the initial RAP and during the RAP review and update..

Free Prior and Informed Consultations community meetings were held with a view to achieve the following:

- to brief project affected persons and interested parties on the various aspects of the proposed project positive and negative impacts and activity schedules.
- elaborate on the proposed mitigation measures to address negative impacts, compensation procedure and timelines, resettlement of PAPs and livelihood restoration measures and assistance.
- validation of the cut-off dates.

23. The issues raised during all the meetings were noted to be cross-cutting. They include the following:

- how land ownership issues will be addressed and resolved since some PAPs claimed the land on or along the ROW did not have any documents to support their claim. None of the PAPs entertained the Consultants attempted sensitization and enlightenment that most PAPs had developed houses and planted trees on the road reserve and were not entitled to compensation for the land they claim as the 60m wayleave is designated as public land necessary for the road and other linked infrastructure.
- concerns over the mode of compensation, PAPs wanted to understand how calculations of their loss of properties will be done so as to ensure that they do not lose their livelihoods and be compensated with something which is not equivalent to what they lose. The project affected persons referred to the Nuno-Modogashe road which they believe was poorly and unevenly compensated for similar assets.
- concerns over loss of business and livelihoods, tenants wanted to know what will happen to them and how they will be assisted once the owners of the structures have been compensated and ready to relocate their investment elsewhere.
- risk of road accidents due to increase of traffic and high speeding vehicles would crash their livestock and possibly human vehicle collision especially children if adequate measures are not provided.
- relocation of graves at Modogashe was not recommended, according to the community. This was mitigated by proposing rerouting the road design route to avoid the graveyard or maintaining the road within the available 20 metre corridor that currently exists.
- At Habaswein the PAPs were concerned that Mosques could be demolished and also that the buildings to be demolished were very many and the town could be entirely destroyed. The design was reviewed to reduce resettlement impacts. The land take was reduced from 60m to 30 m thus preserving all the mosques and most buildings that would have been affected.
- At Modogashe the issue of acquiring water kiosks along the RoW could not be avoided since the kiosks were way on the road reserve. The compensation will be in kind, the community be provided with more water kiosks and boreholes.
- During the RAP review process, it was confirmed that a 10.5m wide RoW which just fits the road cross section will be required within Wajir Town. This will greatly reduce resettlement impacts within the busy Town. Consultations held with the Wajir Town Administrator confirmed that the County Government has already constructed a modern market and the traders were going to be directed to occupy it as they are used to trading along the roads in Wajir town to minimise the resettlement impacts on the traders and enhance their safety.

Project Anticipated Impacts

24. Project anticipated impacts arising from the road include disruption of livelihoods, disruption of accommodation caused by removal of both residential and commercial structures on the road reserve and disturbance during relocation and resettlement.

25. The road passes through town centres and market centres where there are considerable amount of commercial developments some which will be affected. There are impacts which will be socio-economic in nature due to potential disruption of income and human settlements. These are expected to take place during the construction phase and therefore need mitigation interventions to avoid loss of assets and livelihoods of the 844 asset owners who will be affected by the road project.

Vulnerable Groups

26. These included eight (8) physically challenged persons out of a population of 844 asset owners. There are squatters along the road. These are non-locals who moved in the area and road reserve after fleeing from their homes for various reasons some as a result of clashes. Other noted group are pastoralists living a nomadic life and pass seasonally in a migratory route across the project area in search for pasture. Once in the project area, the locals occasionally provide them temporary settlements together with their livestock. This is until they can move back to their homes. They don't own the land, but they have temporary structures some of which will be affected by the project.
27. The vulnerable groups will receive additional support during the resettlement where dedicated assistance will be offered in order to ensure that they receive compensation in good time and the resettlement is carried out in a manner that these special groups are cushioned from further vulnerability. There will be close monitoring on the impacts of resettlement on the vulnerable groups.

Income/Livelihood Restoration

28. The objective of Resettlement Plan Income/Livelihood Restoration (IR) activities is to ensure that no project-affected persons are worse off than they were before implementation of this project. Restoration of pre-project levels of income is an important part of rehabilitating individuals, households and socio-economic and cultural systems of the affected communities. Livelihood restoration strategy for this project adopts abroad concept of both income replacement (cash and in kind) and social development processes (health, education and social cohesion) which enable project affected persons and households to maintain their standard of living in the context of a changing social and economic environment.
29. The socio-economic census established that the majority of the project affected persons (PAPs) are business people, pastoralists and small-scale seasonal farmers. The PAPs livelihoods and economic activities will be affected as a result of implementation of the proposed project both during and after relocation when the PAPs incomes may be substantially reduced. The livelihoods will be affected through relocation of businesses hence loss of customers and increased distance to supply sites and reduced size of land for livestock grazing among others. The Livelihood Restoration strategy will therefore target the improving of business and livestock rearing, as well as the enhancement of income-generating activities.

Summary of Mitigation Measures

30. The strategies for this Livelihood Restoration Strategies are aimed at enhancing restoration of the residents' economic and income bases, mostly by promoting diversification and adoption of alternative economic activities. To realize these, there is need for the proposed project to incorporate other activities beyond ordinary compensation. The proposed strategies to ensure minimal shock as well as fast recovery of losses and eventual realization of stability of incomes and livelihoods will include efforts that are aimed at improving access to the PAPs land parcels where businesses shall be re-established or maintained; capacity building and training on value addition, value chains, money management and related matters; expanding the existing social facilities and; promoting economic diversification. Before resettlement, social adjustment is a priority for the PAPs so that they are able to cope with the anticipated psychological constraints that come with changes. This will also include social development processes (health, education and social cohesion) which enable project affected persons and households to maintain their standard of living in the context of a changing social and economic environment.
31. During the field visit and discussions, the PAPs clearly emphasized that in order to enhance social adjustments, the following activities are necessary:
- i) Implement and support mechanisms that consider resettling the homestead, not a household, as a unit to one site to ensure continued social support where a whole household is affected;
 - ii) As much as possible, where a PAP has his portion of land remaining especially in the urban and market set ups where land has already been subdivided, he will be allowed to move his homestead there rather than relocating to "foreign" land. Thus, the resettlement will be done in a manner where the PAPs are resettled on basis of village/greater household social units. If the relocation takes place, the resettlers will be resettled to the nearest possible land within vicinity of their original homes;
 - iii) In order to reduce the project impacts, the PAPs will be allowed to salvage materials on right of way before they are demolished by the contractors;
 - iv) And the project to provide watering of the animals, by drilling and equipping solar pumped boreholes in the places they will be relocated to.
 - v) Since many of the PAPs practise pastoral activities at varying degrees, they requested that it is important for the project to consider relocating them in a place where their livestock will not have hard time accessing the opposite side of the road. The grazing areas are situated immediately after every settlement area along the stretch of the 157 km road since the land is communally owned and every person can graze their livestock on the communal rangelands.

Road Design

32. The proposed Modogashe - Samatar - Wajir Road that is to be upgraded shall have a corridor of 60m. In flat/rolling sections of the proposed project, a carriageway width of 7m (two lanes) with a 2.0m wide paved shoulders on either side is proposed. In major built up town sections, a carriageway width of 7m, service road of width of 6.5m and a 1.5m wide footpath on either side of the carriageway is proposed; In village sections a carriageway width of 7m and a 2m width paved shoulder is proposed.

The current road reserve of 60 metres has the required reserve area but it is encroached and people have constructed permanent, semi-permanent and makeshift structures therein. These developments will be compensated for by the National Land Commission on behalf of KeNHA as they will be relocated to pave way for road construction activities.

Disruption of Business

33. There will be loss of business for those located within the project affected towns and commercial centres whereby compensation for disruption of business has been arrived at by considering the estimated net monthly income of the business over period of three months after which the business is expected to be relocated and set up. This is expected to cushion the affected persons from disruption of earnings from their businesses;

The Developments (Structures)

34. The valuation basis adopted for valuing the developments on the land taken for compensation is the full replacement value or equivalent reinstatement basis or probable cost of acquiring similar premises for the same purpose. This is the amount it would cost to search for a supplier of the construction material, the cost to purchase, transport and insure the materials to the site, and the costs of erection of the premises, including professional fees, and completed to a standard as existing at the valuation date. The structures have not been valued at market value because replacement cost is not synonymous with market value. The main purpose of valuing the structures for compensation is to reinstate the owner to build similar structures on another site. In obtaining the unit cost for reinstatement the RAP has taken into consideration the cost of construction rates recommended by the Ministry of Public Works for the area.

The Trees

35. The affected trees were valued based on compensation schedules prepared by the Kenya Forest Service for various species depending on age and its future potential. The Consultant also took into account the extent of utilization, type of species, quality of logs, diameter of the logs and quality of the log. The trees that were physically assessed were those mainly in settlement areas. There are however trees scattered along the entire route where there are no defined settlements or no settlements at all. Where affected, they will be compensated according to Kenya Forest Service rates to their respective owners as identified with the assistance of the area chiefs within the settlements and where the trees are on the road reserve away from the settlement areas, they will be replanted as a way of environmental restoration.

Compensation for Disturbance and Other Losses

36. In the valuation, the Consultant took into account losses not directly based on the value of interest on the land. These losses include: cost of removal of assets; expenses incidental to removal of loose assets; fixtures, and losses incurred on business premises and made an adjustment to cater for the same.

Guidance on Valuation Determination

37. All structures affected were valued on ascertaining full replacement value approach basing the unit cost on the Ministry of Works current rates. The market rate was only applied to the loss of rent or the period of reinstatement of the commercial buildings which is based on the open market rent achievable in the market.

To mitigate the project impacts, an entitlement matrix was established as follow:

Type of Loss/Affected Right	Defined PAP/Eligibility	Indicative Areas	Compensation Strategy	Other Forms of Assistance/Entitlements
Land				
Permanent Loss of any type of Land regardless of severity ¹	Private Landowner (individual or group) with legal document e.g. title. Incase of individual, spouse included.	Wajir Town	<ul style="list-style-type: none"> • Provide PAP with choice of replacement land (if available) or cash compensation at full replacement value. • If replacement land, location will be acceptable to PAP where feasible. Land will be of equivalent value, size and characteristics. • If cash compensation, compensation of the land at full replacement value, free of taxes, registration and transfer costs. • If residual is unusable, or ‘orphan’ land, subject to case by case NLC determination and recommendation for full acquisition of land. 	<ul style="list-style-type: none"> • All compensation before notice to relocate. • Maintained access to unaffected remaining land thus need for access provision in detailed road design. • Access to Grievance mechanism. • Right to request for orphan or residual land to be acquired if not economically viable. • Owner eligible to participate in livelihood restoration programmes if they wish
	Private Owner with no legal documents e.g. title but land gazetted for adjudication prior cutoff date i.e. legalizable owner or some form of recognized land.	Majority sections of Modogashe and Wajir	<ul style="list-style-type: none"> • Compensation of the land at replacement value on good faith, NLC will have to determine the disputed 750metre market area compensation (if the alignment does not fit within the available space of about 20 metres and requires additional space). 	<ul style="list-style-type: none"> • 15% disturbance allowance.

¹ Temporal loss of land due to occupation by contractor for establishment of camps and auxiliary facilities during construction not covered in this RAP, thus compensation often at commercial rates to be negotiated outside this RAP.

Type of Loss/Affected Right	Defined PAP/Eligibility	Indicative Areas	Compensation Strategy	Other Forms of Assistance/Entitlements
	Incase of individual, spouse included.		<ul style="list-style-type: none"> • Provide PAP with choice of replacement land or cash compensation. If replacement land, location will be acceptable to PAP where feasible. Land will be of equivalent value, size and characteristics. If cash compensation, compensation of the land at full replacement value, free of taxes, registration and transfer costs. • If residual is unusable, or ‘orphan’ land, subject to case by case NLC determination and recommendation for full acquisition of land. 	
	Un registered community but with user rights	Isiolo and Garissa and Wajir Counties sections	Cash compensation at replacement value for standing assets.	
	Public/Government	Whole route	Cash compensation at replacement value for standing assets.	Compensation at replacement cost for the assets.
	Squatters on public, private and communal Land.		No compensation for land	Compensation of the structures at full replacement cost. Compensation for loss of business. 15% disturbance allowance. Right to salvage.

Type of Loss/Affected Right	Defined PAP/Eligibility	Indicative Areas	Compensation Strategy	Other Forms of Assistance/Entitlements
				3 months’ notice.
Temporal loss or damage to Land/Property during inspection to ascertain the suitability of the land for acquisition for the road upgrading.	Private, public or community land/property owner		Payment in full, of just compensation for any damage resulting from the entry. The amount to be negotiated directly with the owner of the land/property	
Individual and Institutional Structures				
Loss of all structure types irrespective of use.	Owner of Structure regardless of legal ownership/registration status (and their spouse).	Whole route	Cash compensation at full replacement cost free of depreciation and transaction costs	<ul style="list-style-type: none">• 15% disturbance allowance.• Right to Salvage• Right to request for the residual land to be acquired if not economically viable.• Owner eligible to participate in livelihood restoration programmes if they wish.• Access to Grievance mechanism.
	Tenants		3 months restitution and relocation notice	
Public/ Communal Assets/structures				
Socio infrastructure e.g. boreholes	Community/Users of the services and assets	Whole route	<ul style="list-style-type: none">• Provision of replacement facilities within the settlement, with a higher	<ul style="list-style-type: none">• Community eligible to participate in livelihood restoration programmes.

Type of Loss/Affected Right	Defined PAP/Eligibility	Indicative Areas	Compensation Strategy	Other Forms of Assistance/Entitlements
			<p>capacity to serve more community members.</p> <ul style="list-style-type: none"> • No cash compensation 	<ul style="list-style-type: none"> • Access to Grievance mechanism.
Cultural/Religious heritage sites/assets e.g. cemeteries, mosques, Graves	Community/Public		<ul style="list-style-type: none"> • First option is re-alignment of road route to avoid the facilities where feasible. • If no re-alignment: <ul style="list-style-type: none"> ○ Purchase of land or assistance in identification of alternative sites. ○ Cash compensation only where recognized committees exist to facilitate and oversee the relocation and replacement of facilities. ○ Where no committees exist, KeNHA in collaboration with community forms one and facilitates required safeguards to ensure money is used for the right purpose, or agreement on whether KeNHA hires a contractor to work with the community to redesign and rebuild the facility. KeNHA pays the contractor on community approval of completion of works. ○ In all cases, KeNHA facilitates rebuild of a bigger facility. 	<ul style="list-style-type: none"> • 15% disturbance to realize religious and cultural rituals and for incidental cost of relocation of permanent structures like mosques. The same does not apply for graves and cemeteries. • Access to Grievance mechanism.

Type of Loss/Affected Right	Defined PAP/Eligibility	Indicative Areas	Compensation Strategy	Other Forms of Assistance/Entitlements
	Individual/Family owners		• Cash compensation at full repayment cost.	• 15% disturbance to realize religious and cultural rituals.
Business and Income				
Loss of business	Business building owner (if premises rented out)	Whole route	3 months rental income per tenant lost - Subject to provision of documents and verification by NLC	• Eligible to participate in livelihood restoration programmes such as markets proposed by KeNHA in some of the settlements. • Access to Grievance mechanism. • 15% disturbance allowance.
	Owner of Business/Tenant		3 months transitional assistance based on anticipated income or possible future benefits for period of relocation or business stoppage. Subject to provision of documents and verification by NLC	
	Squatters		Allocation of stalls within the existing County Government Markets	
Trees				
Loss of all types of trees	Individual/ group owner regardless of legal status of owner	Whole route	Cash compensation at full replacement cost using rates approved by KFS	• Eligible to participate in livelihood restoration programmes such as markets proposed by KeNHA in some of the settlements. • Right to salvage • Access to Grievance mechanism.
	Community as owners and users (in the latter where the owner is an individual, but community uses the tree)		Cash compensation at replacement value to owner.	
Loss of Public Utilities				
Power lines	Public	Whole route	Physical relocation and reinstatement of access by relevant authorities.	

Type of Loss/Affected Right	Defined PAP/Eligibility	Indicative Areas	Compensation Strategy	Other Forms of Assistance/Entitlements
Vulnerability				
Any losses incurred by the vulnerable	Female household heads, elderly, persons living with disabilities.	Whole route	Cash compensation at full replacement cost and in-kind assistance as per the provisions made on the last column ²	<ul style="list-style-type: none"> • Priority in processing/ disbursement of compensation. • Additional support with transport to new sites that include providing a team to salvage their belongings including house materials. • Priority eligibility to livelihood restoration programmes e.g. markets. Where KeNHA has proposed markets in some settlements, vulnerable get preferential treatment in getting strategic locations in new market centres while the markets will be designed to take into consideration accessibility by the physically challenged. • Employment priority in project related jobs. • Recommendation for additional assistance by county and national

Type of Loss/Affected Right	Defined PAP/Eligibility	Indicative Areas	Compensation Strategy	Other Forms of Assistance/Entitlements
				<p>government programmes such as the Inua Jamii programme.</p> <ul style="list-style-type: none"> • Counselling of the households so that they can understand the short-term support and longer-term options. • Support to ensure that they maintain their social networks of family and friends and that they can access social services. • The project has considered non-monetary in-kind compensation measures including priority in compensation, adequate notice to relocate their facilities and assistance to relocate their assets to other communal land which the area administration has provided, referral to micro lenders and support organizations in the areas affected, allocation of accessible trading spaces with specific attention to their vulnerability factors like

Type of Loss/Affected Right	Defined PAP/Eligibility	Indicative Areas	Compensation Strategy	Other Forms of Assistance/Entitlements
				<p>wheelchairs use at the local markets among other support as per the entitlement matrix.</p> <ul style="list-style-type: none"> • Additional subsistence allowance for three months. • Where illness is ascertained, medical subsidies, food, temporary accommodation, employment referrals to members of the family to be considered. • Support to ensure that they maintain their social networks of family and friends and that they can access social services.
Unforeseen impacts, if any				
Design of additional mitigation measures by KeNHA on a case by case basis	Private, public or community land/property owner	Whole route	Reference to institutions supporting informal and pastoralist activities through ministry of Livestock or as defined through social needs assessment for the project.	<ul style="list-style-type: none"> • Participation in livelihood restoration strategies. • Compensation of structures at full replacement cost. • 15% disturbance allowance.
	Informal PAPs and squatters			
	Pastoralists			
Livelihood restoration	All affected persons and affected households	All the road corridor.	Livelihood restoration strategy.	<ul style="list-style-type: none"> • Social development Infrastructure for health, education, water, abattoirs.

Type of Loss/Affected Right	Defined PAP/Eligibility	Indicative Areas	Compensation Strategy	Other Forms of Assistance/Entitlements
			Social development Infrastructure for health, education, water, abattoirs.	<ul style="list-style-type: none"> • Financial training to all the households receiving cash compensation. • Priority in consideration of employment opportunities and business opportunities in the project. • Veterinary care services and extension services through support from County Government offices.

Institutional Arrangements for RAP Implementation

38. The overall responsibility of compensation and resettlement rests with the Government of Kenya through the implementing agency KeNHA. The National Land Commission which is in charge of valuation and compensation in collaboration with KeNHA will closely participate in the RAP implementation process and ensure timely execution of the whole process of compensation. A working arrangement will be put in place well in advance to allow for synergistic operations that will clear the road reserve necessary for implementation the proposed project.

The RAP Implementation Committee

39. Effective implementation of the RAP will require an implementation committee. This committee shall have representatives from the local administration, community leaders, Ministry of Housing, NLC, County Ministry of Lands, and KeNHA. The RAP Committee shall have the responsibility of implementing and managing the Resettlement Plan, coordinating the resettlement activities and providing technical support. Project implementation support will be provided by various agencies at the national, county and village levels.

RAP Implementation Schedule

40. As per the Lands Act 2012, no works are to commence before compensation has been paid, displaced persons are resettled. Additional assistance will 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:

- Free Prior Informed Consultations with the PAPs throughout project phases;
- Carrying out final verification of the RAP by NLC for the entire road, socio-economic assessment of the PAPs and identification of affected land and structures and other physical features requiring evaluation (month 1-2);
- Putting together the required machinery, legal and educational processes, training of resettlement staff from all the levels including National (KeNHA and NLC) , County (County Government) and Local (Chiefs, to ensure they are all conversant with and aware of how to work together and which roles to play in the smooth implementation of the RAP (month 3-4);
- Sensitization with an aim of Reclaiming of wayleave land from encroachers for the proposed road upgrade to bitumen standard (month 4-5);
- Compensation and resettlement of PAPs. (if there is need to provide alternative land, sourcing for appropriate resettlement sites for displaced persons in consultation with affected persons and other relevant key stakeholders and project area County administration (month 6-9)
- Detailed road route site surveys and marking out the boundaries (Month 6-9)
- Clearing of area & construction of the road (month 7-20)
- Monitoring and Evaluation of Resettlement of PAPs especially vulnerable groups like women, children and disabled (Month 3 – month 20)
- Management of grievances: establishment, sensitization and operationalization of grievance redress committees.

Grievance Redress Mechanism

41. The Social Assessment recommended a grievance redress mechanism which will be used also for the RAP implementation. The RAP provides for both traditional and formal grievance redress mechanism to help resolve any complaints and grievances by the PAPs and to enhance the acceptance of upgrade and resettlement program through people's participation and support. All efforts will be made to reduce unnecessary litigation by resolving disputes through mediation, negotiation, and compromise in a congenial, fair and impartial setting. In cases where the litigation reaches the courts, the relevant Court will be requested to expedite and resolve any litigation related to eviction and demolition of structures and/or compensation for development on the road reserves in the best interests of the project and the people.
42. Once a complaint is received at the project office, it is registered and given a reference number for ease of following up. The Office will evaluate the application and determine whether the issue can be handled administratively, or the Committee has to meet over the matter. Where the Committee has to be convened, all its proceedings are recorded, and minutes prepared of the deliberations. The minutes have to be confirmed at the next meetings and authenticated by the full sitting. All the signed minutes and the resolutions of the GRC are implemented as agreed and without delay so as not to impact negatively on the project implementation plan. Some issues may arise in course of the project implementation and these are dealt with as they arise. In the event that the grievance cannot be resolved by the various committees, the aggrieved may elect to seek redress from the court of law.

Total RAP Cost Estimate

43. Taking into account all factors, it is our opinion that compensation for land, structures, loss of business and trees to be affected during the Proposed Upgrade of Modogashe- Wajir Road (A13) and free from all encumbrances is **KShs 702,039,678** with a 15% disturbance allowance for all affected structures and any other cost to the PAPs being included as broken down in table below.

Summary of various types of affected assets and related costs

	Type of Affected Assets	Total Number of Owners	Estimated Cost/Value (Ksh)
1	Permanent and Semi permanent structures		439,589,273
2	Fences		4,092,001
3	Trees		1,494,025
4	Community Water points		293,986
5	Training and capacity building of PAPs		25,000,000
6	Facilitation of grievance redress and resettlement committees		25,000,000
7	External monitoring and evaluation		15,000,000
8	Livelihood restoration activities		100,000,000
	Subtotal	844³	610,469,285
	Contingency cost (15%) of subtotal		91,570,392.8
	Total Affected Asset Owners		702,039,678

^{3 3} The affected asset owners own a combination of more than one type/category of assets (Refer to asst registers)

Summary of the Cost of Resettlement for Modogashe to Wajir Road Project

	Project Areas	RAP Budget in Initial RAP (Kshs)	RAP Budget in Reviewed RAP (Kshs)
1.	Modogashe	25,396,730	31,959,972
2.	Skanska	6,820,311	5,575,013
3.	Habaswein	121,214,106	5,891,470
4.	Lagdima	2,379,030	9,171,738
5.	Kanchara	7,830,607	20,117,991
6.	Samatar/ Guticha	849,146	748,115
7.	Laghbogol Town Centre	51,909,724	64,785,423
8.	Busibusi	3,286,917	1,183,738
9.	Bojiyare Location	9,683,179	8,887,079
10.	Leheley Town Centre	52,018,579	49,431,134
11.	Alimahu, Furahia & South C	3,469,370	3,409,083
12.	Bypass (Baruwako,Jogoo & Halane)	44,534,260	40,537,385
13.	Wajir CBD & Township	203,771,144	203,771,144
	Total	533,163,101	445,469,285

44. The budget will however, be set higher (by 15-30%) than this since there may be price variations occurring between the date of this valuation and the time the actual compensation is paid out, and to cater to areas with disputed boundaries like Modogashe Market area.

Monitoring and Evaluation

45. A Monitoring and Evaluation (M&E) program will be developed to provide feedback to Project management that will ensure that the programs remain on schedule and successful. Monitoring provides both a working system for effective implementation of the RAP by the Project managers and an information channel for the PAPs to assess how their needs are being met. Monitoring shall be conducted in two ways: by an external expert and internally by the RIC. An agency will carry out monitoring and evaluation of RAP implementation. The agency shall begin the work right from the implementation of RAP and will meaningfully and realistically monitor and evaluate the resettlement programs on a periodic basis so that all the vital activities are successfully implemented. Monitoring and evaluation will be useful in formulation of corrective measures by identifying the problems and difficulties faced by the PAPs and bringing them to the notice of the RIC. The agency shall be knowledgeable in matters relevant to the activity and shall serve for the full duration of the project with an extension of period to carry out a final audit as specified in the schedule or as may be revised in future.

1 INTRODUCTION

1.1 Background

1. The Government of Kenya (GoK) through its implementing Agency KeNHA is planning to undertake the North-Eastern Transport Improvement Project (NETIP) with credit from the International Development Association (IDA). Under the project, Modogashe-Samatar-Wajir Road section has been included for upgrading to bitumen standards. This Resettlement Action Plan (RAP) study aims to provide an independent assessment of potential resettlement and social impacts of the proposed project and to ensure that it is implemented in an environmentally and socially sustainable manner; and that it is in line with the World Bank Policy Operational Policy (OP) 4.12 Involuntary Resettlement.
2. The proposed upgrade of Modogashe - Samatar - Wajir Road (A13) covers a total distance of 157 km, located within Isiolo, Garissa and Wajir counties starting from Modogashe and running in a north-easterly direction to Wajir, traversing the towns of Modogashe, Habaswein and Wajir. It will also affect the rural settlements areas and rural shopping centres of Skanska, Lagdima, Kanchara, Guticha, Samatar, Laghbogol, Borjiare and Leheley.
3. Several sections of the road have too frequently been rendered impassable as a result of heavy rains. These heavy rains have caused flash flooding and completely submerged lagga crossings making them unsafe for both motorised and non-motorised traffic to cross. The road is a very important infrastructure to the area residents and the region as a whole. Its improvement will help the population in the region to get better access to markets and ensure that most commodities reach their destinations fresh and with ease.
4. The project area is an arid and semi-arid lands (ASAL) area with very little ground cover which does not trap or slow down the flow of run-off water from the hills during the rainy seasons. The fast running water hence quickly find its way onto the river valleys with great force hence causing destruction of laggas and anything else on its way. The upgrade of the road will improve transport to and from the region, enhance economic growth, provision of security, enabling easy transportation of goods/services and creating more investment opportunities to both the local people and outsiders.

1.2 RAP review Methodology

5. Both primary and secondary data was collected during the survey of the project area. Primary data from the field was carried out as follows:
 - i. Qualitative data was collected through field visits, site walks as well as public consultation; and
 - ii. Quantitative data was collected through a socio-economic, census and valuation survey of 100% of all the affected households. Using the cadastral maps and the GPS, affected properties were identified and interviews as well as measurements and photographs taken. The surveys were carried out between 9th June and 10th July 2013.

6. Secondary data was collected through a detailed literature review which included a study of the following documents: ESIA Study Report for the project, social assessment, county integrated plans, Policies, Acts and Regulations, project area topographical and cadastral maps, and the World Bank Safeguard Policies. The field visits were undertaken to identify the properties to be affected by the project. During the field visits the following tasks were performed:
 - i. observation: This included observation of social and physical setting of the area as well as economic activities
 - ii. identification of affected properties: GPS device were used to establish the extent of the land and the property affected.
 - iii. interviews and discussions: Interviews were held with each of the PAPs household heads/proxies.

1.3 Project Area Socio-Economic Activities

7. The project area is within Garissa, Isiolo and Wajir Counties. The population is mainly pastoralists and from the Somali and Borana communities. However, the town centre of Habaswein, is cosmopolitan where the inhabitants come from all over Kenya in search for employment and business opportunities.

1.4 Scope of RAP

8. KeNHA prepared RAP report for Modogashe Samatar and Samatar Wajir as part of project design. Based on a Bank review, the road project was reclassified as Category A from category B since the project is likely to have significant adverse environmental and social impacts that are sensitive, diverse, or unprecedented. This necessitated the review and updating of the initial draft RAP by an independent team of consultants, in accordance with the requirements of a Category A project. This report reviews and updates the Resettlement Action Plan (RAP) for the proposed upgrade of Modogashe – Wajir Road (A13), 157 km as required under the terms of the Contract, between Kenya National Highways Authority (KeNHA) the Client and the Consultant. The proposed Modogashe - Samatar - Wajir Road passes through the towns of Modogashe, Habaswein and Wajir and other settlements areas and rural shopping centres of Skanska, Lagdima, Kanchara, Guticha, Samatar, Laghbogol, Borjiare and Leheley.

1.5 Objectives of RAP and RAP review

9. The implementation of the project shall result to displacement and resettlement of people, loss of residential houses and commercial buildings and disturbance of natural resources thus requiring a resettlement action plan (RAP). The purpose of the Resettlement Action Plan (RAP) is to evaluate the project area and identify persons and property that will be affected by the proposed project so as to carry out appropriate and commensurate compensation and resettlement.
10. This shall ensure that the displaced persons are not left worse off than before project implementation. The RAP outlines the guiding principles to be followed when there is involuntary resettlement in order to reduce to a minimum any adverse impacts to PAPs and enhance positive impacts.

11. RAP applies to all displaced persons regardless of the total number of persons affected, the severity of the impact and whether or not they have legal title to the land. The RAP also sets out the framework for institutional arrangements, schedules, and other indicative budgets to facilitate any resettlement processes that will be necessitated as a result of this project.
12. The specific objectives of this RAP review are:
 - i. To review RAP of the project in line with the Bank's Policies;
 - ii. To undertake census survey and ensure that all the potential PAPs and the impacts of the proposed projects on their livelihoods are identified and appropriate measures to minimize resettlement effects and safeguard livelihoods are recommended;
 - iii. To undertake the necessary activities to complete, rectify and/or address any gaps in the existing RAP report and the process through which it was prepared, including socio-economic survey of the RAP and ensure that baseline data for monitoring and evaluation during the project implementation period is generated;
 - iv. To undertake review of asset inventory survey and ensure that all potential assets that will be affected by the proposed project are enumerated;
 - v. To verify compliance with the Bank's Involuntary Resettlement Policy and any other national relocation and resettlement regulations that govern the infrastructural development sector
 - vi. To engage and provide guidelines to stakeholders participating in the minimizing resettlement impacts of the project during RAP preparation and implementation
 - vii. To recommend cost effective measures to be implemented to safeguard the livelihoods (including for safeguarding children and/or vulnerable adults to address social issues)
 - viii. To prepare a Resettlement Action Plan (RAP) report compliant to the World Bank and Government of Kenya (GoK) regulations for a Category 'A' project. The RAP prepared is expected to ensure it covers the elements above and any other relevant aspects in line with KeNHA and the World Bank's social safeguard policy on involuntary resettlement.

The RAP will be approved/cleared by the Government of Kenya and the World Bank and the RAP summary disclosed locally to PAPs and stakeholders with translation into a language they understand. It will also be disclosed in the World Bank external website. For any changes made to the RAP, it will follow the same approval and disclosure protocols

1.6 The Consultant Team

13. The resettlement action plan study review team included the following experts:
 - i. Team Leader/Expert in Resettlement Matters
 - ii. Registered Land Valuer
 - iii. Sociologist/Community Development Expert
 - iv. Socio-Economic Survey Team Members/Enumerators

2 PROJECT DESCRIPTION

2.1 Condition of Current Road

14. In essence, the current road which is proposed for upgrade can be described as a road which is completely worn-out with vehicles resulting to driving through unoccupied land next to the various sections of the road that are worn out and have very rough surface corrugations; It is essentially an earth track widened at many locations with a grader. This road is very poor earth road interspersed by loose gravel, or sandy deposits in sections. The existing road from Modogashe up to Wajir consists of approximately single lane gravel/earth track. The condition of the earth road is generally poor and extensive grade works are observed throughout the road stretch. From Habaswein to the end at Samatar, only a gravel / earth track of approximately 2 lane width exists. The condition of the gravel track in the entire section is poor.



Plate 1: Animals crossing the road at the area between Skanska and Habaswein.



Plate 2: Existing drift at River Laghbogol

2.2 Proposed Road Design

15. The major geometric design elements constituting the cross-section are the carriageway, the shoulders and the storm water drains. The proposed carriageway includes the seven metre bitumen area, paved shoulders on either side, any auxiliary lanes such as acceleration and deceleration lanes, and bus bays and lay-bys. The existing road geometry generally meets the required standards except at all drift locations and within town areas. In addition, the project road has a number of existing drift crossings with substandard geometry. Realignment is provided for in the current design at all the drift locations for the provision of high-level bridges with appropriate approach geometry meeting the recommended standards.
16. In flat/rolling sections of the proposed project, a carriageway width of 7m (two lanes) with a 2.0m wide paved shoulder on either side is proposed. In major built up town sections, a carriageway width of 7m, service road width of 6.5m and 1.5m wide footpath on either side of the carriageway is proposed; In village sections a carriageway width of 7m and a 2m width paved shoulder is proposed.

2.3 RAP related Project Activities

2.3.1 Pre-Construction Phase

17. The pre-construction phase involves the following activities:

- Preparation of safeguards instruments and getting the required approvals;
- Validation of affected structures and trees in preparation for compensation;
- Compensation for affected trees and structures;
- Obtaining all relevant approvals from the various local authorities and relevant institutions;

2.3.2 Construction and Operational Phase

18. The construction and operational phases will involve the following;

- Compensation and relocation/resettlement of PAPs;
- Demolition of existing structures and ground excavation;
- Monitoring and Evaluation of the resettlement of PAPs.

2.4 Anticipated Project Impacts on the PAPS and Institutions

19. Some of the anticipated and expected project impacts include the following;

- The permanent loss of affected assets;
- The permanent loss of trees resources
- The permanent loss of residential accommodation and business (including livestock holding pens) premises and structures affected by the project;
- The temporary loss of land and assets for land used as road deviation during the construction phase of the project; and
- The possible loss of social cohesiveness and social networks when affected people or entities are required to relocate from the project area.

20. The most extreme impacts will be felt by people who will have to relinquish all or most of their land and other property and move to other locations which may be some distance away from the affected project area. Less extreme impacts will be felt by people who will lose smaller portions of their land and assets and who will not need to physically relocate. Losses will not only be limited to property owners with legally recognised property rights but some impacts could possibly be felt by people without ownership rights, such as tenants and informal or itinerant land users and squatters.

21. Although not directly related to the wayleave areas for project purposes, it is possible that construction teams may adversely impact on (e.g. damage) land or property located outside the road corridor. The affected people will, therefore, suffer losses which may be temporary or permanent and such displacement will need to be dealt with in accordance with the requirements of the resettlement policy framework for the project. The quantitative and qualitative project impact data is provided on the entitlement matrix of this report.

Table 1: Anticipated Project Impacts

Nr	Location	Affected Items / Population	Types of PAP	Gender	Impacts
1.	Urban and Rural Centres	Removal of Commercial/ Residential Buildings	590 Informal/ rural and 254 urban Vulnerable PAP's	625 Men 219 Women	<ul style="list-style-type: none"> • 260 permanent structures and 754 Semi-permanent structures • Disruption of residential accommodation • Interruption of loan repayment schedule • Interruption of the community social systems
2.	Community Land	Pasture for Livestock	Community		<ul style="list-style-type: none"> • Loss of community land if works or diversions are done off the existing carriageway. This included any future land needs identified outside the current ROW which will cause impact on land and the same shall follow the guidelines of the RPF. (this is mostly for social infrastructure) • Destruction of pastureland if works or diversions are done off the existing carriageway • Exposure of local communities' members and cattle to accidents especially unmarked areas • Displacement of Squatters who have erected their manyattas and other semi-permanent structures on the wayleave area
4.	Open Grassland	Pastures	Formal		<ul style="list-style-type: none"> • Destruction of pastureland if works or diversions are done off the existing carriageway • Exposure of livestock to accidents especially unmarked areas
4.	Main Road and Road Deviations	Local Population	Formal		<ul style="list-style-type: none"> • Generation of Noise, vibration and dust during road construction activities affecting local population • Road Safety risks will rise from increased traffic
5.	Entire Route.	Indigenous Trees	Informal		<ul style="list-style-type: none"> • Loss of Trees
6.	Rural Centres	Cultural property	Informal		<ul style="list-style-type: none"> • If cultural properties are demolished, it might bring about Vulnerability as they act as places of uniting the communities. The RAP has measures proposed.
7.	Urban Centres	livelihood losses, loss of business, and loss of tenancy.	Informal		

22. The RAP study has identified those persons within the project area who shall be displaced as a result of the project, and those persons who will be required to relinquish the land they currently occupy to the project. It also provides a socio-economic profile on the Project Affected People (PAPs) and gives the cost of resettlement. The impacts of the project on the local community has been noted to vary from place to place along the road corridor from Modogashe to Wajir.

23. The heaviest impact has been noted to occur in Habaswein and Modogashe towns where the project shall affect commercial buildings in both sides resulting in loss of business premises, residential houses, loss of income from the commercial activities and loss of mature trees. The majority of PAPs carrying out business activities in these towns have expressed concern over loss of business.
24. There will be temporary loss of accommodation for owners of manyattas that shall be relocated in Skanska, Lagdima, Kanchara and Samatar/Guticha. The road project is currently open, and diversions if done outside the road reserve, might affect part of the existing pasture land along the entire stretch of the road especially in the rural settings.

Note: *The pasture lands are largely unsettled and are located after every settlement area along the stretch where the community graze livestock, between Modogashe and Skanska, Skanska and Habaswein, Habaswein to Leheley. These pasture lands are considered a common resource for the community where every member of the community can take their livestock for rearing on the vast open tracts of land on either side of the road.*

2.4.1 Project Impacts on Land

25. The main negative impacts of the project will arise from the need to reclaim or repossess land for the road corridor and for other associated infrastructure like deviation roads for use during construction.

2.5 RAP Study Field Investigations

26. Socio-economic survey along the road corridor, census of affected persons and valuation of their affected property was carried out during the field work exercise.

At Modogashe, it was not possible to carry out the review within the market centre due to existing historical boundary conflict between the Somali and the Borana community members. Because of this reason the main Modogashe centre from KM 0 to km 0+750 of the review adopted the findings of the initial RAP.

27. The consultant team administered questionnaires, conducted household interviews with the PAPs whose property were determined to be in the right of way of the road corridor and also carried out Consultation meetings at 6 centres along the proposed route. Refer to Annex 2 for completed Stakeholder Questionnaires. The field investigations were carried out from Mon February 12th, 2018 – Wednesday 23rd Feb, 2018. Project activities implemented include:
 - i. Road Route Survey using road chainage coordinates provided by road designers;
 - ii. Census Survey for data on PAPs, affected land parcels, structures and trees;
 - iii. Valuation of affected land, structures and trees;
 - iv. Consultation Meetings and validation of cut-off dates.

2.5.1 Road Route Survey

28. The road design coordinates were used to assess the road between Modogashe and Wajir and determine the extent of the KeNHA Wayleave for confirmation of the RAP data.

GPS Accuracy:

Since the weather was fine throughout the field survey, visibility was also good hence the positions provided by the GPS were in the order of 1m accuracy and therefore accepted for this task.

2.5.2 Sources of Data and Data Collection Tools

29. The consultant applied a variety of methodologies to ensure that impact and compensation assessments are based on current and verifiable socio-economic and demographic information. These included socio-economic survey: data comprising detailed census of affected households; direct formal and semi-formal discussions with the affected household heads and community leaders. Comprehensive interview guides for data collection were also developed for capturing information on PAPs bio data and contact details, source of income, number of children, adult male and female, type of land tenure, land size, number and type of structures.

2.5.3 Consultation Meetings

30. Public consultation was done as part of participatory approach through 8 public consultation meetings comprising of the project affected persons, the local community and their local leaders. The public meetings were organized by the consultant in collaboration with the local administration.

Consultations were carried out with the community, key stakeholders, local leaders and PAPs through direct verbal interaction with them, oral interviews and the administration of relevant questionnaires. The purpose of the meetings was to elaborate on the various aspects of the proposed project and discuss project mitigation measures and alternatives. Projects aspects discussed during the meeting included ownership and claims to affected land, compensation for structures, loss of business and trees and resettlement so as to make sure that all stakeholders and PAPs are able to make informed decisions and choices. The views and suggestions by the community, stakeholders and PAPs were recorded inform of minutes and used to enhance mitigation measures and alternatives aimed at minimizing project impacts and enhancing benefits.

2.6 Cut-off dates

31. The RAP Review and Update maintained the Cut-off date in the initial RAP. The cut-off date for the Modogashe- Samatar Road section was 21st February 2018 while the cut-off date for the Samatar- Wajir Road section was 18th August 2018. These are the dates the census of PAPs began.

The community was sensitized on the Cut-off date and its implications directly by the project teams, chiefs and assistant chiefs and during the local open air barazas/ public meeting in line with the World Banks Operational Policy on Involuntary Resettlement (OP 4.12). During the RAP Review, it was confirmed that the PAPs were aware of these cut-off dates and that any further developments on the road corridor will not be compensated

2.7 Limitations of Study and Mitigations

32. Limitations/Challenges

- Majority of the land in the project area is community land with the process of adjudication on going in some areas while it hasn't started in many areas with individual land claimants having either allotment letters or lack any supporting land ownership documents. They also could not provide exact land boundaries
- There was conflicting information on the ownership of land with Wajir county government indicating the land in the county is communally owned and the process of adjudication had started while some PAPs produced receipts and title deeds of the land they claimed they owned especially at Kanchara centre.
- Issue of absentee PAPs (working away from the project area or keeping their livestock deep in the hinterland away from home and with no means of communication). However, through the Local Chiefs some of the them were contacted and enumerated;
- Lack of updated land allocation data at the local lands' office and unclear land demarcation boundaries especially in the town centres.
- Due to lack previous planning and surveying at Habaswein town the PAPs were saying they own the land where the road will be upgraded but the design had indicated they had encroached, this proved to be a major challenge explaining to them how the land wasn't theirs when the area had no prior planning and survey to let them know they are on the road reserve.

33. Mitigations to Overcome Challenges

- As required by Law (Land Act 2012 and Community Land Act 2016) due process on land ownership verification will be followed where the National Land Commission will be involved in the verification of those having interest in land before compensation is paid out.
- Adequate dissemination of information regarding dates of carrying out PAP verification by NLC. At least 2-3 weeks' notice through local administration will be provided to PAPs before verification officers move to the ground.
- Education of PAPs on grievance redress mechanism and the setting up of a local RAP Implementation Committee (RIC) to carry out verification of ownership.
- Land acquisition process to fully involve the PAPs.

3 MINIMIZING RESETTLEMENT

3.1 Justification for Resettlement Action Plan

34. The proposed upgrade of Modogashe - Samatar - Wajir Road will lead to physical displacement of people at the town and market centres along the route of the proposed road, loss of structures and income sources/livelihood. The Resettlement Action Plan is aimed at facilitating the evaluation of land and affected structures and trees, compensation and resettlement of project affected persons before project implementation, in accordance with applicable Laws of Kenya and in line with OP.4.12. Involuntary Resettlement is triggered by this project due to land acquisition, loss of structures, businesses and trees that have encroached into the 60 metre RoW and therefore requires the preparation of a Resettlement Action Plan.
35. The RAP enumerates and ensures that all the Project Affected Persons (PAPs) are identified and compensated for the losses at full replacement value and they are also provided with assistance where applicable, in order to assist them to improve or sustain their pre-project living standards and income generating capacity.

3.1.1 Mitigation of Adverse Impacts at the Community Level

36. The negative impacts mentioned by the communities were loss of livelihoods, prostitution and increase in HIV/Aids cases, relocation of homesteads, differences and cultural beliefs between the resident community and the outsiders working for the project and community misconceptions on what the project can do to improve their livelihoods. The main reasons behind the negative impacts mentioned by the communities are summarized in **Table 2** below.

Table 2: Community Identified Negative Impacts

Nr	Threats/Impacts	Main reason identified threat
1.	Massive demolition of structures in Town Centres and limited demolition of structures in area outside the town centres	Expanded way leave area
2.	Increase in social vices such as prostitution, HIV/Aids cases etc.	Fear of increased infection and prostitution during project implementation phase
3.	Cutting down of trees & shrubs	Loss of trees/shrubs
4.	Relocation of business structures	Fear of delay or lack of compensation
5.	Cultural and religious based community squabbles	Non respect of the local culture by other development project execution teams
6.	Community misconceptions	Expectations that big projects must provide direct benefits to the local areas in which they are implemented

3.1.2 Mitigation for Negative Impacts

It will be important that the project proponent designs and implements an Information, Education and Communication (IEC) programme in the project area to minimise false

expectations and misconceptions. This is particularly important given the controversies surrounding land issues.

It is recommended that the project work through the County government and document all aspects of this programme rigorously to adequately address issues that arise.

The proposed mitigations to threats and impacts identified are elaborated in **Table 3**

Table 3: Assessments and Impact Significance Ranking

Nr	Threats/ Impacts	Rating	Proposed mitigation measures
1.	Increase in social vices e.g. prostitution and HIV/AIDS cases	High	Information, Education and communication (IEC) conducted amongst the community and the project staff making them aware of the potential dangers and alternative behaviour that will be needed so as to protect themselves
2.	Reclamation of KeNHA wayleave	High	Sufficient Notice to vacate the wayleave Moving Road side traders to the existing County Government designated trading areas/ markets
3.	Cutting down of trees	High	Support re-afforestation initiatives where the communities are willing to participate in tree planting
4.	Relocation of commercial premises and homesteads	High	Timely Compensation of the household for loss of structures and relocation
5.	Cultural and religious Community squabbles	High	Project can promote activities that are common to the cosmopolitan communities and project employees that will provide for opportunities to create understanding such as sports
6.	Community Misconceptions	Medium	Awareness creation amongst the community on the project facts, what it can do and its limitations specifically to address expectations expressed during the RAP study consultation process and in the course of project implementation
7.	Compensation for structures	High	Regular communication with PAPs and timely compensation for losses
8.	Job Opportunities	High	Ensure engagement of PAPs and locals for skilled and unskilled job opportunities to enhance livelihood and enhance acceptance of the project by locals

3.2 Impact Mitigation Measures at Design Stage

37. The designs have been made to avoid as much as possible any settlements or commercial buildings thereby reducing displacement and resettlement. Where it was found to be difficult to avoid, appropriate design changes have been adopted to mitigate or reduce to a minimum any impacts arising from involuntary resettlement and losses on investments and incomes.

3.3 Impact Mitigation Measures at Land Acquisition Stage

38. Mitigation measures during land acquisition stage include:
- i) Ensuring that there are adequate consultations with the all stakeholders and Project Affected Persons (PAPs) at every stage of project implementation.
 - ii) Verifying land tenure and ownership for compensation purposes if any;
 - iii) Creating awareness on land alternatives and resettlement options;
 - iv) Ensuring that displaced persons are informed about options and rights pertaining to resettlement, offered choices and alternatives;
 - v) Providing prompt compensation at full replacement cost for loss of assets attributable directly to the project; offer support after displacement for a transition period based on a reasonable estimate of the time likely be needed to restore their livelihood and standards of living;
 - vi) Providing development assistance in addition to compensation measures;
 - vii) Conducting resettlement process and monitoring progress of resettled persons;
 - viii) Preparing and keeping reports on resettled persons;
 - ix) Development of a resettlement plan that adequately responds to community issues;
 - x) Creating and sustaining awareness on the project facts;
 - xi) Preparation of progress and monitoring reports and implementation of recommendations;
 - xii) Holding of PAP participation meeting at each of the major centres along the proposed road on a regular/planned basis;
 - xiii) Conducting Information Education and Communication (IEC) amongst the community and the project staff.

3.4 Evaluation of Alternatives

39. After carrying out consultations with the project affected persons and the communities at Habaswein and Modogashe towns and after making ground observation following the proposed road design, the road will be re-routed to avoid affecting the many graveyards and mosques at these locations. The alternative routing will achieve the following positive results:
- Reduced interference with the cultural beliefs of the local communities as pertaining the potential disturbance of the dead who are usually buried without coffins.
 - This may also reduce the cost of compensation for each of the affected grave including the cost of moving the graveyard and the dead to an alternative grave/ graveyard.
 - The traders within Wajir town will be moved from the CBD to the new modern Market constructed by the County Government to immediately decongest the town and also to make road rehabilitation works easy and faster when the project starts.

3.5 RAP Update

40. It is envisaged that during the National Land Commission verification exercise the RAP will be updated to accommodate any changes on the affected persons as well as the displacement. This will require the updating of this Resettlement Action Plan.

4 PROJECT AREA SOCIO-ECONOMIC INFORMATION

4.1 The Socio-Economic Profile of Project Area

41. This section looks at the social terrain of the project area. It focuses on the demographic and socio-economic characteristics of people in the project area with a view to providing a picture of the baseline socio-economic situation and to provide a basis for anticipating socio-economic impacts and designing appropriate mitigation measures. The population demographic data is secondary data obtained from Population and Housing Census - Kenya National Bureau of Statistics (2009). The data used to evaluate the project area socio-economic status is primary data obtained from the socio-economic survey conducted by the ESIA Study team between **November, 2017** and **December, 2017**.

4.2 Population and Demography of Isiolo, Garissa and Wajir Counties

42. The region has a high fertility rate and a high population growth in ages below 9 years, a factor attributed to the low infant mortality rates. This is attributed to the fact that almost all the residents do not use contraceptives. The high infant population ratio calls for enhanced immunization and vaccination programmes. Isiolo County's population stood at 143,294 as per the 2009 population census comprising of 73,694 males and 69,600 females. The population was projected to rise to 159,797 by the end of 2012 and 191,627 by 2017. The population consists largely of Cushite communities (Oromo- speaking Boran and Sakuye) and Turkana, Samburu, Meru, Somali and other immigrant communities from other parts of the country. The population density of the county is 8 inhabitants per km².

43. Projections from the Kenya 2009 population and housing census indicate that Wajir County has a total population of 727,965 which is projected to rise to 852,963 in 2017. Males comprise 55 per cent of the population whereas female population account for 45 per cent. The county has an inter-censal growth rate of 3.22 per cent which is higher than the national population growth rate of 3.0 per cent. The counties' population is summarized in the tables below:

Table 4: Population distribution and density by sub county-Isiolo County

Sub-County		Area (km ²)	2009 (census)		2012 (projections)		2015 (projections)		2017 (projections)	
			Population	Density (km ²)	Population	Density (km ²)	Population density	(km ²)	Population	Density (km ²)
Isiolo North		15,881	100,176	6	111,712	7	124,577	8	133,966	8
Isiolo South		9,819	43,118	4	48,083	5	53,621	5	57,662	6

Source: Isiolo County integrated development plan (2013-2017)

Table 5: Population distribution and density in Wajir County

Constituency	2009 (census)		2012 (projections)		2015 (projections)		2017 (projections)	
	Population	Density (km ²)	Population	Density (km ²)	Population	Density (km ²)	Population	Density (km ²)
Wajir south	130,070	6	143,044	7	157,311	7	167,605	8
Wajir north	135,505	16	149,021	17	163,885	19	174,609	20
Wajir east	112,572	28	123,800	31	136,149	34	149,729	37
Tarbaj	111,846	12	123,001	13	135,271	14	148,763	16
Wajir west	91,143	9	100,233	10	110,232	11	121,227	12
Eldas	80,805	27	88,864	29	97,729	32	107,476	35
Total	661,941	12	727,966	13	800,576	14	852,963	15

Source: Wajir County CIDP

Life expectancy in the region stands at 56-65, with that of the female members being higher than that of males. The dependency ratio in the region is high, impacts negatively on development negatively as more resources are usurped in taking care of the dependents, thereby reducing investments and savings. The region has a high labour force (15-64 years) projected to rise by 33.7 percent by the end of 2017, with the proportion of the female members being slightly lower than that of the males. This is indicative of the potential to develop labour resource in the region through investment and employment opportunities. The bulk of this labour is unskilled or semi-skilled, mainly engaged in livestock activities.

The average household population in the region is 6. There are generally more males than females. There is a high morbidity rate of over 15%, attributed to the insufficient health facilities and high doctor: population ratio and poor nutrition. This in turn explains the low life expectancy and the low population of members of over 80 years.

4.3 Socio-Economic Survey Results

44. The primary data collected during the socio-economic survey has been used to evaluate the baseline status of the project area community. **Ethnic Composition of PAPs.** The following table describes the distribution of the respondents across the project area. It can be observed that majority of the residents are of the Somali origin, 166 out of the total PAPs, 197 forming 82% of the PAPs.

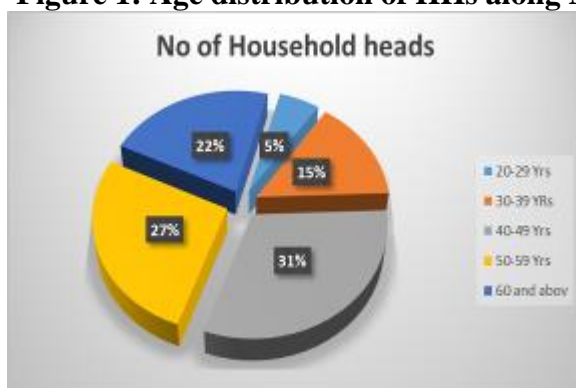
Table 6: Distribution of the respondents across the project area

	Current Residence Area	No of Respondents
1.	Modogashe	33
2.	Skanska	36
3.	Habaswein	50
4.	Lagdima	18
5.	Kanchara	52
6.	Guticha/ Samatar	8
7.	Laghbogol	19
8.	Busi Busi	186
9.	Bojiyare	55
10.	Leheley	215
11.	Wajir Township	64
12.	Wajir Ring Road	38
	Grand Total	774

4.3.1 Age distribution of PAHs along Modogashe to Samatar section

45. Majority of the household heads fall under the age of 40-49(31%) with the second largest group falling between 50-59 (27%). The other ages of household heads fall in the categories 60 and above at 22% ,30-39 at 15% and 20-29 at 5%. This is indicated in Figure 1 below. Figure 2 shows the marital status of the household (HH) showing 84% married,6% divorced,6% widowed and 4% single. Among the PAP, 83% are male headed while 17% are female headed. This implies that the population that will be affected by the project is largely economically active.

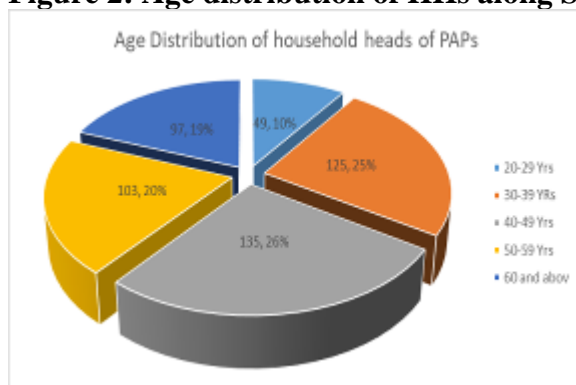
Figure 1: Age distribution of HHs along Modogashe to Samatar section



4.3.2 Age distribution of PAHs along Samatar to Wajir Section

46. Majority of the household heads are male, forming 64% of all household heads. Most household heads fall in the age bracket of 40-49. Majority of female household heads, however fall in the age bracket of 30-39. This is depicted in the following figures:

Figure 2: Age distribution of HHs along Samatar to Wajir Section



4.3.3 Marital Status of PAPs along Modogashe to Samatar section

47. Majority of the household heads are married. In regards to the crosstab between gender and marital status of household heads, it can be observed that most divorced and widowed household heads are female.

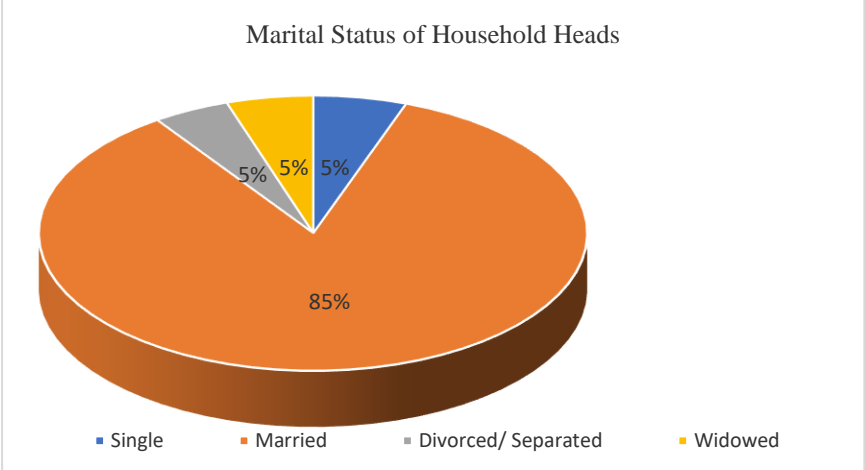
Figure 3: Marital statuses of HHs along Modogashe to Samatar Section



4.3.4 Marital Status of PAPs along Samatar to Wajir Section

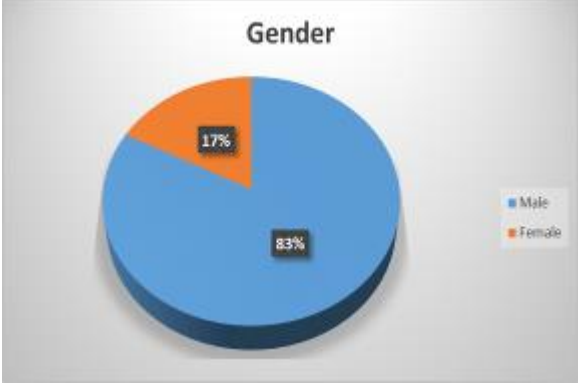
48. Majority of the household heads are married. In regards to the crosstab between gender and marital status of household heads, it can be observed that most divorced and widowed household heads are female.

Figure 4: Marital Status of HHs along Samatar to Wajir Section



4.3.5 Gender of PAPs along Modogashe to Samatar Section

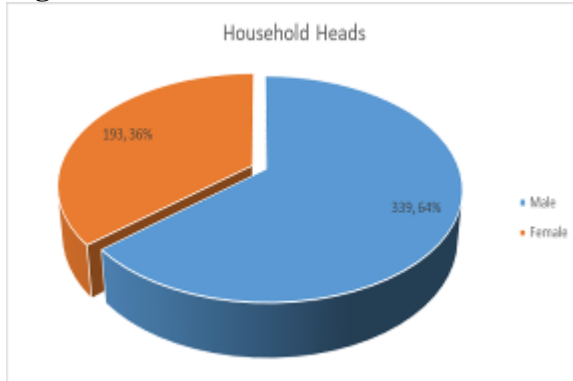
Figure 5: Gender distribution of HHs along Modogashe to Samatar Section



4.3.6 Gender of PAPs along Samatar to Wajir Section

49. Majority of the household heads are male, forming 64% of all household heads. Most household heads fall in the age bracket of 40-49. Majority of female household heads, however fall in the age bracket of 30-39. This is depicted in the following figure and subsequent figures:

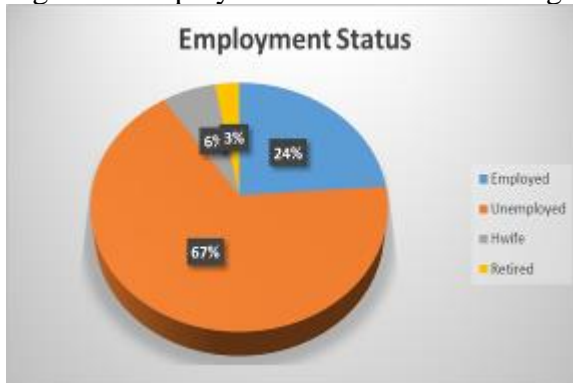
Figure 6: Gender distribution of HHs along Samatar to Wajir Section



4.3.7 Household heads employment Modogashe to Samatar section

50. Majority of the household heads (65%) were not employed with 24% employed and 6% and 3% bearing the status of housewife and retired respectively. This increases the vulnerability of the households during resettlement as they mostly depend on the pastoral activities and business owned on the property.

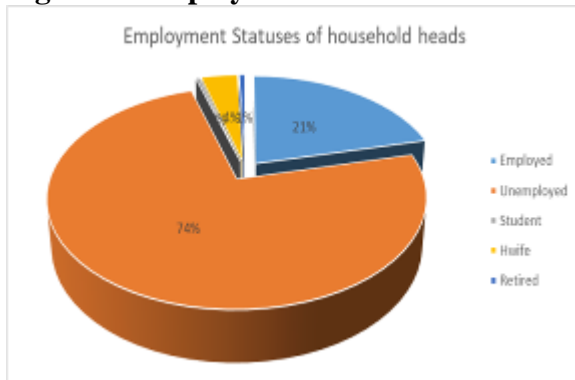
Figure 7: Employment Status of HHs along Modogashe to Samatar Section



4.3.8 Employment Status of household heads along Samatar to Wajir Section

51. Most household heads are unemployed (74%). This will influence the Resettlement Action plan as the majority of the PAPs are dependent on the businesses that they own which will be affected by the proposed project. The most vulnerable group are households headed by female heads who are depicted in the figure below.

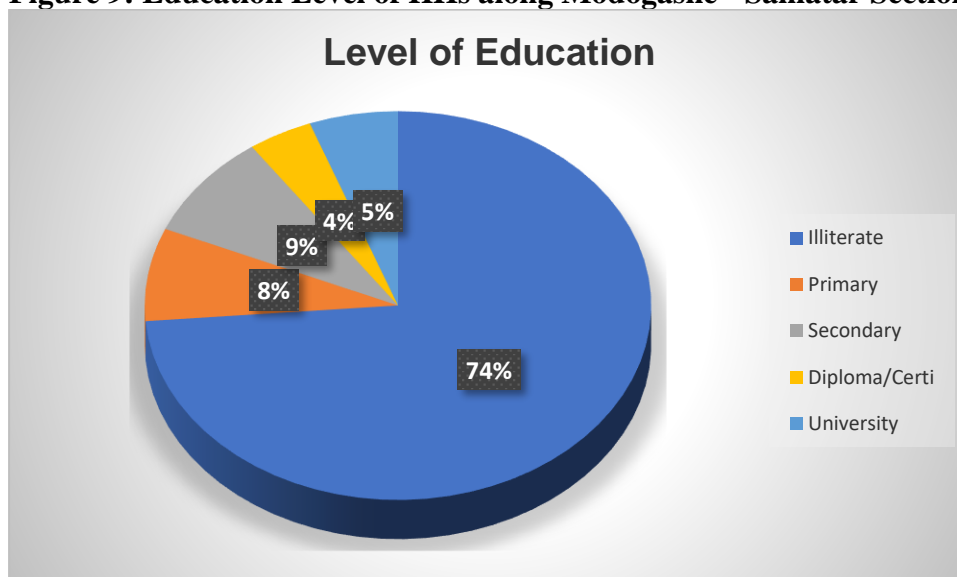
Figure 8: Employment Status of HHs along Samatar to Wajir Section



4.3.9 Households Level of Education along Modogashe to Samatar section

52. Literacy level among the PAPs is extremely low with a very high percentage of illiteracy (74%). Percentages that attained primary and secondary level of education are respectively 8% and 9%. The percentage that have advanced further to dip/cert and university are 4% and 5% respectively.

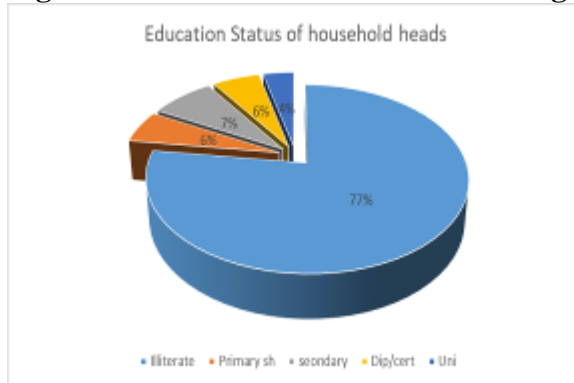
Figure 9: Education Level of HHs along Modogashe - Samatar Section



4.3.10 Education status of Household heads along Samatar to Wajir section

53. The rate of illiteracy is very high among the PAPs with 77% of the household heads being illiterate. Female household heads have the highest level of illiteracy (91%) compared to their male counterparts (73%). This further contributes to vulnerability of the female-headed households.

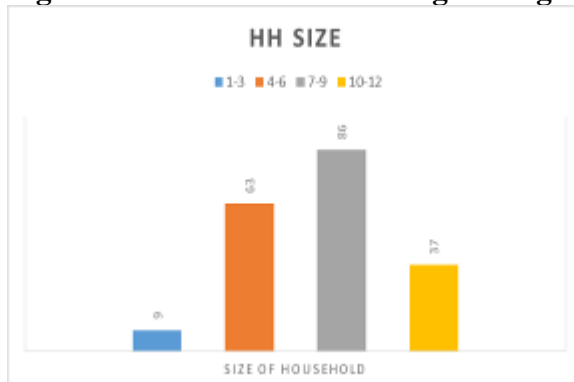
Figure 10: Education Level of HHs along Samatar to Wajir Section



4.3.11 Household sizes of Households along Modogashe to Samatar section

54. Majority of the household have large family sizes with 7-9 members occurring with the highest frequency (44.1%) followed by 4-6 (32%). A considerable percentage (19%) of households have even greater number of members (10-12). Those with family sizes between 1-3 are the fewest in among the population (4.6%).

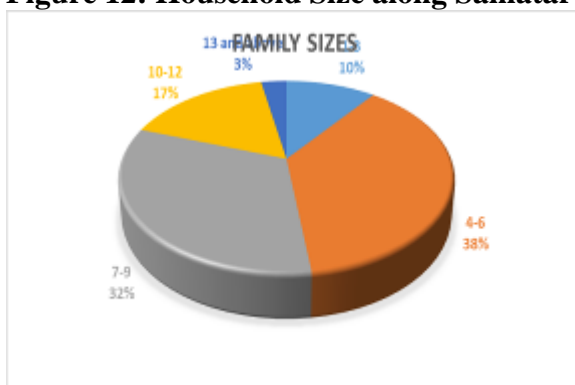
Figure 11: Household Size along Modogashe to Samatar Section



4.3.12 Family sizes of the PAPs along Samatar to Wajir section

55. Most of the households (38%) have family sizes of between 4-6 members followed by those with 7-9 (32%) the rest have family sizes of 10-12 (17%), 1-3 (10%) and 13 and above (3%). It therefore implies that the majority of the PAPs have large family sizes of 4 or more members (90%). The figure below depicts this distribution.

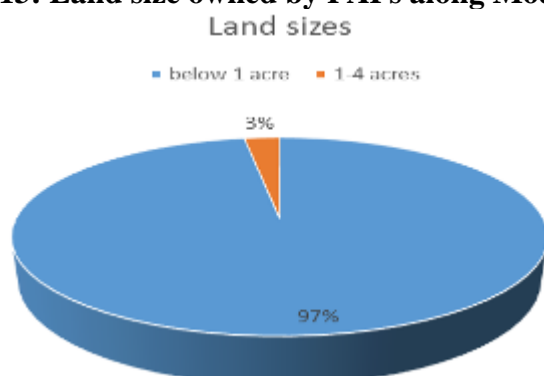
Figure 12: Household Size along Samatar- Wajir Section



4.3.13 Land size owned by PAPs along Modogashe to Samatar section

56. Majority (98%) of the PAP own very small pieces of land (below 1 acre). This implies that the total land compensation may not be very large. Only 3% percent of PAP own between 1 and 4 acres of land. There is however no immediate need for land acquisition under this project since the project is utilizing a pre-existing corridor with minor realignments in unsettled areas.

Figure 13: Land size owned by PAPs along Modogashe to Samatar section

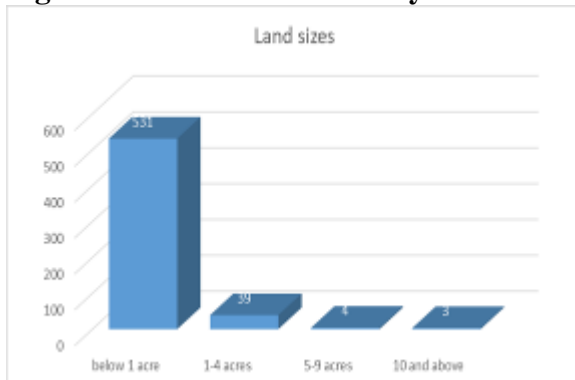


Note: this applies to settlements in the centres of Modogashe & Habaswein'

4.3.14 Land size owned by PAPs along Samatar to Wajir Section

57. Majority of the PAPs (531 out of 577) forming 92% have land sizes of below 1 acre. This implies that RAP will not be dealing with compensation of large tracks of land. Only 3 PAPs had over 10 acres of land.

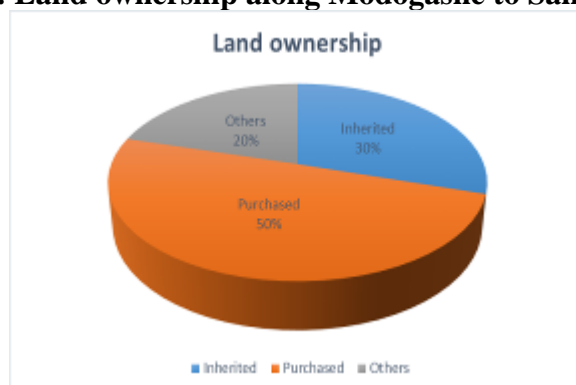
Figure 14: Land size owned by PAPs along Samatar to Wajir section



4.3.15 Land Ownership along Modogashe to Wajir Road

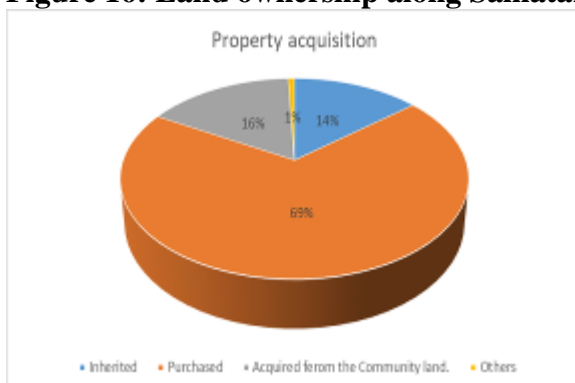
58. Most of the residents have purchased the land they own, however very few have formal ownership documentation. 80% of the households indicated they own the land they are occupying. A high number of the household have owned the piece of land for ten and more years. A large majority do not have formal ownership documents which may render difficulties in the compensation Programme, especially if a contestation arises.

Figure 15: Land ownership along Modogashe to Samatar Section



4.3.16 Land Ownership along Samatar to Wajir Section

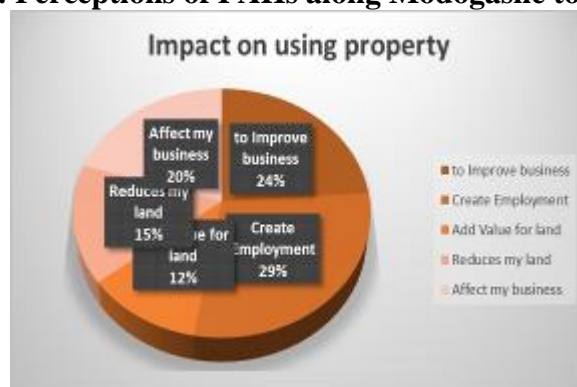
Figure 16: Land ownership along Samatar to Section



4.3.17 How residents feel about the Modogashe to Samatar section

29% of residents feel that the project will create employment opportunity whereas 24% feel the proposed project will improve their business opportunities. This means 53% approval rate hence making RAP process more feasible.

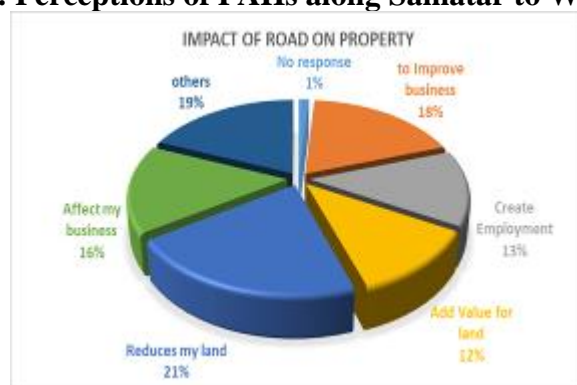
Figure 17: Perceptions of PAHs along Modogashe to Samatar road section



4.3.18 Perception of PAPs about the Samatar to Wajir Section

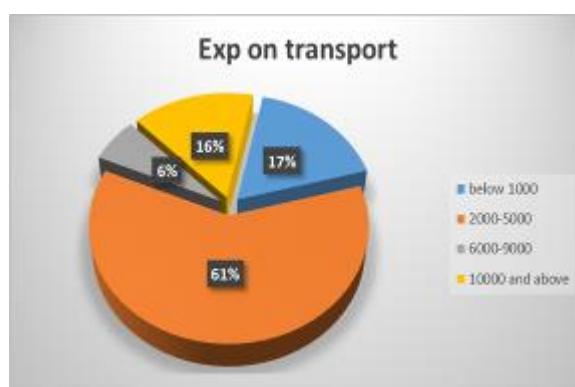
59. There were varied perceptions on the impact of the road on the property. 23% of the PAPs felt that the road will reduce their land, 18% felt it will improve their businesses, 13% felt it will create employment, 12% felt that it will add value to the land, 16% felt it will affect their businesses. From these responses it can be surmised that the road project has about 50% approval rating, implying a challenge in RAP negotiations.

Figure 18: Perceptions of PAHs along Samatar to Wajir road section



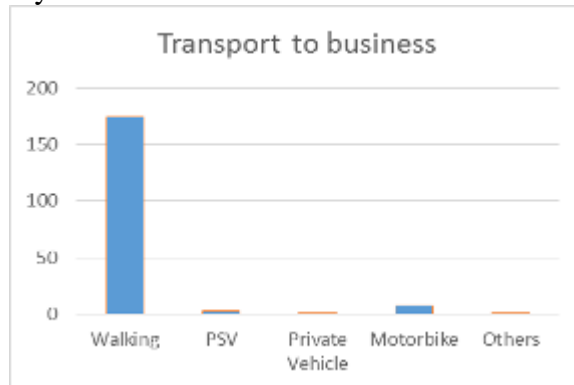
4.3.19 Expense on Transport

60. 61% of the households spend between 2000-5000 on transport. 17% of the PAP spend below 1000; 16% spend 10,000 and above and finally 6% spend between 6000-9000 on transport.



4.4 Transport and Travel

61. From the figure below, majority of the residents walk to their business premises since the premises are close by. This is also the same as travelling to work as most residents work within the same area. This fact can also be due to the fact that the means of transport are not reliable and this leads to people deciding to walk rather than wait for the PSV means which is not very reliable and often breaks down due to the poor state of the roads



4.5 Socio-Cultural and Economic Environment

4.5.1 Human settlements

62. Permanently and semi-permanently settled areas are found around Habaswein, Modogashe and Kanchara with some few being found in Skanska, these areas have water, network accessibility and there exist peri-urban market centres with the necessary social and economic infrastructures like schools, health facilities and shopping centres.

4.5.2 Population Distribution along Modogashe-Samatar-Wajir Road Corridor

63. It is also noted that it is in these major town centres where service institutions like schools, hospitals etc. are located. Since the project has the potential to generate impacts affecting resources and human populations, a much higher threshold of mitigations will be required to minimise impacts/inconveniences in the populated areas of the road corridor. These are also the major areas where significant displacements and resettlement due to the road project are expected to occur.

Proximity to an urban centre is also beneficial to residents because they can easily access societal amenities like hospitals, water, electricity and schools. Most charitable organizations are located in the urban centres and residents can benefit from their assistance, especially food. Casual and permanent jobs are readily available in urban centres. In addition, there is ready market to sell food stuffs and other things like charcoal and woven items.

4.5.3 Land tenure

64. Since independence to date land tenure in these three counties has been largely community land and most of the land in the counties is administered under the Community Lands Act. The existing land tenure in the community lands can be described as a quasi-customary/communal in that land rights are held in trust by the county governments. Because there have been no formal surveys or land adjudication in the whole of the area,

land is still held communally by various communities under customary tenure, and is managed by the Local Authorities (Isiolo, Garissa and Wajir County governments) on behalf of the communities. Under the new Constitution, 2010, the land is now considered as community land with all rights vested in them.

65. However, demarcation is being done in township areas to control haphazard developments. This has been done particularly in Habaswein and the towns of Modogashe, and Kanchara. The only currently available proof of ownership of land are the chiefs' letters issued by the relevant Local Authorities and only in urban centres. Within the countryside away from urban centres, the land-tenure system in Isiolo, Garissa and Wajir is similar to that of many pastoral peoples. Grazing resources are open to all members of a territorial section. In general, water in rivers and streams when they are flowing, open pools, and shallow wells are not owned but open to all community members.

4.5.4 Land use

66. Nomadic pastoralism is the dominant land use in the three counties of Isiolo, Garissa and Wajir. Other land use activities include small scale agriculture during wet seasons, scattered settlements, urban centres etc. The region, although largely marginal, contains pockets of high potential rangelands, which are crucial to land use patterns.

4.5.5 Livelihoods

67. The Counties of Isiolo, Garissa and Wajir have pastoralism as the main subsistence and economic activity in the counties. It is estimated that about 87% of the population derive their livelihood from livestock-based activities.

Livestock production

68. The Somali people have adapted to the aridity and the spatial and temporal variability in climate by herding different species of livestock and by moving frequently. They are therefore primarily a pastoral people, with about 70% of the population depending on five species of livestock for their subsistence: Camels, cattle, sheep, and goats provide most of their subsistence needs while donkeys are used to transport household goods during migrations. The livestock provide such products as milk, meat, hides, skins and ghee. The rest of the population depends on agro-Pastoralism and casual or formal labour in the urban areas.

Charcoal Production & Sale

69. Charcoal is primarily produced along Modogashe and Skanska and is sold along the main road between Modogashe and Wajir. The production offers small returns to those that produce it and despite its, destructive nature, the production and sale of charcoal continues.

Casual, waged labour and trade

70. The demand for casual labour in the region is in the form of building jobs. There is generalized lack of job opportunities for waged or salaried labour in the project area. Formal and informal employment, petty trade; mainly in urban and peri-urban centres support 4% of total population

4.5.6 Public Health

71. The lack of water in the area is a major cause of the poor standard of health endured by people along the project road. The health services in the area estimate that approximately 50% of the population are suffering from water borne diseases due to lack of clean water. The major diseases that have regularly been reported in the counties of Isiolo, Garissa and Wajir are malaria, respiratory tract infections, and diarrhoea.
72. There are very limited health centres in rural areas with few in Modogashe and Habaswein to serve a very large number of patients lowering the doctor to patient ratio. The average distance to the nearest health facility is 3 km. As mentioned elsewhere in this report, infrastructure is very poor, and there is no reliable public transport system. The result is that many people who need assistance never reach health facility.

4.5.7 Poverty Levels

73. The people of this region fundamentally depend on the natural systems and natural resources for existence and development. However, due to the harsh environmental conditions prevalent in the area, poverty levels are high, with 71% of the population living below poverty line. Poverty hinders access to basic needs such as health care, nutrition and education and in the area.

4.5.8 Physical Infrastructure

74. Roads and means of transportation are essential to diffusing knowledge and technology, which facilitate the development of communities (either rural or urban). In the three Counties, the infrastructure is generally very poor. This is only major road passing through the centres and when it rains this is impassable in many sections. There is no reliable public transport system, and most people have only one option when traveling from one place to another: to walk. Some people have bicycles, but it can be hazardous to use them on bad roads.
- The problem of poor roads and public transportation has negatively affected the livelihoods of the local people, for example, it is hard to get food and other supplies into these areas, and this limits trade with other regions.

4.6 Trade and Tourism

4.6.1 Trade

75. The major sectors that enable trade to thrive are the food sector where the counties are net importer of food stuffs such as maize and beans. The 3 Counties are a major producer of animal products which includes live animals that are transported to other parts of the country. Trade in the districts revolves around livestock products, general merchandise, and hospitality and service industry. Factors that inhibit trade development include poor road infrastructure, high cost of business.

4.6.2 Tourism

76. The County has tourism potential due to the presence of a rich cultural heritage of the Somali people, and various species of wild animals.

5 LEGAL FRAMEWORK

5.1 Introduction

77. The consultant team reviewed the relevant laws of Kenya and World Bank O.P.s while reviewing the RAP. This RAP study has been carried out in line with these laws, regulations and Policies. The legal Framework of the RAP report considers these laws and legislations as relates to land acquisition, compensation and resettlement in Kenya. These are outlined below.

5.2 The Constitution of Kenya 2010

5.2.1 The power of eminent domain

78. The Power of Eminent Domain is the right of the state to acquire land, using its sovereign power, for public purpose. National law establishes which public agencies have the prerogative to exercise eminent domain. It is the right of the state or its assignees to take private property for public purposes thus ousting the individuals or private rights to property. In Chapter 4 of The Constitution of Kenya, 2010, Section 40 (3) 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 — (b) 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 —

- (i) Requires prompt payment in full, of just compensation to the person; and
- (ii) Allows any person who has an interest in, or right over, that property a right of access to a court of law.

79. The Current Constitution of Kenya qualifies this power by among others specifying that there must be full just and prompt compensation whenever this power is used by the state. Having political sovereignty over a particular territory entitles state to interfere with private property rights.

80. In Kenya the Doctrine of Eminent Domain is more specifically embodied in the Land Act, 2012 (Act No. 6 Of 2012) of the Laws of Kenya, the Act that deals with modalities, rules, principals and procedures of compulsory acquisition and easements covered under Part X – Easements and Analogous Rights. However, this Act is interpreted together with a superior law, Sec 40 of the Constitution of Kenya. Once land is compulsorily acquired; private property rights are extinguished and the land reverts to the original “grantor” the state. Any cancellation under subsection shall be affected in the prescribed form and the easement, or analogous right shall be extinguished on the date that the cancellation is recorded in the register.

Section 110. (1) Land may be acquired compulsorily under this Part if the Commission certifies, in writing, that the land is required for public purposes or in the public interest as related to and necessary for fulfilment of the stated public purpose.

This doctrine is not triggered as there is no land acquisition needs under this project

5.3 Land Act, 2012

81. The land acquisition process shall be governed by the Land Act, 2012 (Act No. 6 of 2012). The Act governs land valuation for compulsory acquisition. The Valuers Act Cap 532 provides for Valuers Registration Board that regulates the activities and conduct of registered valuers. Land Registration Act, 2012 (Act No. 3 of 2012), that regulates the valuation of land rent and valuation for renting shall be governed by the Rating Act Cap 267. Land acquisition through the application of state powers as highlighted in the Land Act, 2012 No. 6 of 2012, the acquisition is involuntary (compulsory acquisition)

Methods of acquisition of title to land

Section 7. Title to land may be acquired through— (a) allocation; (b) land adjudication process; (c) compulsory acquisition; (d) prescription; (e) settlement programs; (f) transmissions; (g) transfers; (h) long term leases exceeding twenty one years created out of private land; or (i) any other manner prescribed in an Act of Parliament.

82. Under The Land Act, 2012 **Section 107** whenever the national or county government is satisfied that it may be necessary to acquire some particular land under section 110, the respective Cabinet Secretary or the County Executive Committee Member shall submit a request for acquisition of public land to the Commission to acquire the land on its behalf. The Commission shall prescribe a criteria and guidelines to be adhered to by the acquiring authorities in the acquisition of land. The Commission may reject a request of an acquiring authority, to undertake an acquisition if it establishes that the request does not meet the requirements. Upon approval of a request, the Commission shall publish a notice to that effect in the Gazette and the county Gazette and shall deliver a copy of the notice to the Registrar and every person who appears to the Commission to be interested in the land. Upon service of the notice, the registrar shall make an entry in the register of the intended acquisition. Interested persons include any person whose interests appear in the land registry and the spouse or spouses of any such person, as well as any person actually occupying the land and the spouse or spouses of such person. All land to be compulsorily acquired shall be geo- referenced and authenticated by the office or authority responsible for survey at both the national and county government

Compensation to be paid

Section 111. (1) Says if land is acquired compulsorily under this Act, just compensation shall be paid promptly in full to all persons whose interests in the land have been determined. (2) The Commission shall make rules to regulate the assessment of just compensation.

Inquiry as to compensation

Section 112 (1) At least thirty days after publishing the notice of intention to acquire land, the Commission shall appoint a date for an inquiry to hear issues of propriety and claims for compensation by persons interested in the land, and shall— (a) cause notice of the inquiry to be published in the Gazette or county Gazette at least fifteen days before the inquiry; and (b) serve a copy of the notice on every person who appears to the Commission to be interested or who claims to be interested in the land. (2) The notice of inquiry shall call upon persons interested in the land to deliver a written claim of compensation to the Commission, not later than the date of the inquiry. (3) At the hearing, the Commission shall—

(a) make full inquiry into and determine who are the persons interested in the land; and (b) receive written claims of compensation from those interested in the land. (4) The Commission may postpone an inquiry or adjourn the hearing of an inquiry from time to time for sufficient cause.

(5) 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 of documents of title to the land.

(6) 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.

Award of compensation

Section 113. (1) Upon the conclusion of the inquiry, the Commission shall prepare a written award, in which the Commission shall make a separate award of compensation for every person whom the Commission has determined to have an interest in the land. (2) Subject to Article 40 (2) of the Constitution and section 122 and 128 of this Act, an award— (a) shall be final and conclusive evidence of— (i) the size of the land to be acquired; (ii) the value, in the opinion of the Commission, of the land; (iii) the amount of the compensation payable, whether the persons interested in the land have or have not appeared at the inquiry; and (b) shall not be invalidated by reason only of a discrepancy which may thereafter be found to exist between the area specified in the award and the actual area of the land. (3) If an interest in land is held by two or more persons as co-tenants, the award shall state— (a) the amount of compensation awarded in respect of that interest; and (b) the shares in which it is payable to those persons.

Notice of award

Section 114. (1) On making an award, the Commission shall serve on each person whom the Commission has determined to be interested in the land, a notice of the award and offer of compensation. (2) Upon acquisition of land, and prior to taking possession of the land, the Commission may agree with the person who owned that land that instead of receiving an award, the person shall receive a grant of land, not exceeding in value the amount of compensation which the Commission considers would have been awarded, and upon the conclusion of the agreement that person shall be deemed to have conclusively been awarded and to have received all the compensation to which that person is entitled in respect of the interest in that land. (3) An agreement under subsection (2) shall be recorded in the award.

Payment of compensation

Section 115. (1) After notice of an award has been served on all the persons determined to be interested in the land, the Commission shall, promptly pay compensation in accordance with the award to the persons entitled thereunder, except in a case where— (a) there is no person competent to receive payment; or (b) the person entitled does not consent to receive the amount awarded; or (c) there is a dispute as to the right of the persons entitled to receive the compensation or as to the shares in which the compensation is to be paid. (2) In any of the cases referred to in paragraphs (a), (b) and (c) of subsection (1), the Commission may at any time pay the amount of the compensation into a special compensation account held by the Commission, notifying any persons interested accordingly.

Survey where part of holding is acquired

Section 118. If part of the land comprised in documents of title has been acquired, the Commission shall, as soon as practicable, cause a final survey to be made of all the land acquired. *The road will not require any acquisition of land within the affected areas.*

5.4 National Land Commission Act (2012)

83. To resolve any conflicts that may arise during the resettlement, Article 16 authorizes the commission to establish committees for the better carrying of their functions among them compulsory acquisition process as outlined in land Act (2012). This is further cascaded to the counties according to article 18 by establishing the County Land Management Boards, in consultation with the national and county governments. The Board's subject management of any transactions on land to scrutiny hence can be useful in resolving any disputes arising from land ownership.

5.5 The Valuers Act

84. The Act establishes a board (Valuers Registration Board-VRB) with the responsibility of registering the valuers and regulating their activities according to the provision of the Act. *In this project, the Act is triggered since a registered valuer is required to carry out valuation estimates for the project according to the regulations in the Act. The Valuer who is carrying out the valuation of the affected assets on behalf of the proponent is registered in accordance to the Act.*

5.6 Forests Act, 2005

85. This is an Act of Parliament to provide for the establishment, development and sustainable management, including conservation and rational utilization of forest resources for the socio-economic development of the country.

Section 52. (1) Except under a licence or permit or a management agreement issued or entered into under this Act, no person shall, in a state, local authority or provisional forest -

- (a) fell, cut, take, burn, injure or remove any forest produce;
- (d) smoke, where smoking is by notice prohibited, or kindle, carry or throw down any fire, match or other lighted material;
- (g) Enter any part thereof which may be closed to any person;
- (i) construct any road or path;
- (j) set fire to, or assist any person to set fire to, any grass or undergrowth or any forest produce;
- (l) Damage, alter, shift, remove or interfere in any way whatsoever with any beacon, boundary mark, fence notice or notice board.

The proposed project Proponent complies with the requirements of this policy by making a project design that is favourable to both the human, wildlife and physical environment. The proposed project will largely make use of the existing road and only deviate to provide viable re-alignment to improve on the design. The Proponent endeavours to minimize the cutting down of any trees unless it is absolutely necessary and undertakes to rehabilitate and maintain the road network environment by planting trees at the periphery of the road to enhance biodiversity and environmental sustainability.

5.7 Kenya Roads Act Of 2007

86. This act brought into existence the Kenya National Highways Authority (KeNHA); it states that the Highways Authority shall be responsible for the management, development, rehabilitation and maintenance of national roads. For the purposes of discharging its responsibility under subsection (1), the Highways Authority shall have the following functions and duties

- (a) constructing, upgrading, rehabilitating and maintaining roads under its control;
- (b) controlling national roads and road reserves and access to roadside developments;
- (c) implementing road policies in relation to national roads;
- (d) ensuring adherence to the rules and guidelines on axle load control prescribed Cap 403. under the Traffic Act and under any regulations under this Act;
- (e) ensuring that the quality of road works is in accordance with such standards as may be prescribed the Minister;
- (f) in collaboration with the Ministry responsible for transport and the Police. Department, overseeing the management of traffic and road safety on national roads;
- (g) collecting and collating all such data related to the use of national roads as may be necessary for efficient forward planning under this Act;
- (h) monitoring and evaluating the use of national roads;
- (i) planning the development and maintenance of national roads;
- U) advising the Minister on all Issues relating to national roads;
- (k) preparing the road works programmes for all national roads;

KeNHA will ensure that the appointed Contractor executing the construction works of upgrading the Proposed Modogashe- Wajir Road (A13) erects appropriate road signs, creates motorable deviations and ensures all other requirements by this act are implemented to the letter.

5.8 Land Registration Act, 2012

87. Section 16. (1) The office or authority responsible for the survey of land may rectify the line or position of any boundary shown on the cadastral map based on an approved subdivision plan, and such correction shall not be effected except on the instructions of the Registrar, in writing, in the prescribed form, and in accordance with any law relating to subdivision of land that is for the time being in force.

88.

Section 21. (1) Any person who defaces, removes, injures or otherwise impairs a boundary feature or any part of it unless authorized to do so by the Registrar commits an offence and is liable on conviction to imprisonment for a term not exceeding two years or to a fine not exceeding two hundred thousand shillings or to both.

Section 26. (1) The certificate of title issued by the Registrar upon registration, or to a purchaser of land upon a transfer or transmission by the proprietor shall be taken by all courts as prima facie evidence that the person named as proprietor of the land is the absolute and indefeasible owner, subject to the encumbrances, easements, restrictions and conditions contained or endorsed in the certificate, and the title of that proprietor shall not be subject to challenge, except — (a) on the ground of fraud or misrepresentation to which

the person is proved to be a party; (b) where the certificate of title has been acquired illegally, un-procedurally or through a corrupt scheme. (2) A certified copy of any registered instrument, signed by the Registrar and sealed with the Seal of the Registrar, shall be received in evidence in the same manner as the original.

Section 31. (1) If a certificate of title or a certificate of lease has been issued, then, unless it is filed in the registry or the Registrar dispenses with its production, it shall be produced on the registration of any dealing with the land or lease to which it relates, and, if the certificate of title or the certificate of lease shows all subsisting entries in the register, a note of the registration shall be made on the certificate of title or the certificate of lease.

Section 93. (1) Subject to the law on matrimonial property, if a spouse obtains land for the co-ownership and use of both spouses or, all the spouses, (b) ~~the~~ Registrar shall register the spouses as joint tenants. (2) If land is held in the name of one spouse only but the other spouse or spouses contribute by their labour or other means to the productivity, upkeep and improvement of the land, that spouse or those spouses shall be deemed by virtue of that labour to have acquired an interest in that land in the nature of an ownership in common of that land with the spouse in whose name the certificate of ownership or customary certificate of ownership has been registered and the rights gained by contribution of the spouse or spouses shall be recognized in all cases as if they were registered. (3) Where a spouse who holds land or a dwelling house in his or her name individually undertakes a disposition of that land or dwelling house, (a) the lender shall, if that disposition is a charge, be under a duty to inquire of the borrower on whether the spouse has or spouses have, as the case may be, have consented to that charge; or (b) the assignee or transferee shall, if that disposition is an assignment or a transfer of land, be under a duty to inquire of the assignor or transferor on whether the spouse or spouses have consented to that assignment. (4) If the spouse undertaking the disposition deliberately misleads the lender or, the assignee or transferee by the answers to the inquiries made in accordance with subsection (3) (a) or (3) (b), the disposition shall be void at the option of the spouse or spouses who have not consented to the disposition.

Section 98. (1) An owner of land or a lessor may, by an instrument in the prescribed form, grant an easement over the land, lease or a part of that land to the owner of another parcel of land or a lessee for the benefit of that other parcel of land. (2) The owner of land or a lessor referred to in subsection (1), who is transferring, assigning or leasing land or a lease may, in the transfer, assignment or lease, grant an easement for the benefit of the land transferred, assigned or leased over the land retained by him or her or reserve an easement for the benefit of land retained by him or her. (3) An instrument creating an easement shall clearly specify— (a) the nature of the easement and any conditions, limitations or restrictions subject to which it is granted; (b) the period of time for which it is granted; (c) the land, or the specific part of it burdened by the easement; and (d) the land to benefit from the easement, and shall, required by the Registrar, include in a plan that sufficiently defines the easement.

Section 103. (1) A person who—

(a) knowingly makes a false statement, orally or in writing, in connection with a disposition or other transaction affecting land or any other matter arising under this Act, or (b) knowingly gives a false information or makes a false statement, either orally or in writing, in connection with a call for information made under this Act or in connection with an investigation into the commission of any offence under this Act; (c) fraudulently procures—(i) the registration or issue of any certificate of ownership, or any other

document or instrument relating to the land; (ii) the making of a entry or the endorsement of a matter on a document or instrument referred to in subparagraph (i); or (iii) the cancellation or amendment of the documents, instruments, entries or endorsements referred to in this paragraph. (d) fraudulently alters, adds to, erases, defaces, mutilates or destroys any document or instrument relating to land or any entry on or endorsement of any such document or instrument; suppresses or conceals from the Registrar, or any authorized officer exercising powers under this Act, or assist or joins in so doing, any material document, factor matter, commits an offence and is liable on conviction to a fine not exceeding five million shillings or imprisonment for a term not exceeding five years or to both such fine and imprisonment. *This Act is not triggered as there is no land acquisition needs under this project*

5.9 Community Land Act, 2016

89. 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.

The Act repeals the Land (Group Representatives) Act (Chapter 287 of the Laws of Kenya) and the Trust Lands Act (Chapter 288 of the Laws of Kenya). The salient features of the Act are: the definition the word “community” beyond ethnic identity, the classification of land tenure, the mode of registration of community land rights, creation of the office of the community land registrar and register, recognition of community land rights, limitation of compulsory acquisition of community land, the role of county government with respect to Community land establishment of Community Land Management Committee, mode of converting community land and benefits sharing in community. *The land in the project area is community land, held by county governments in trust for communities. This Act is thus pivotal especially in the resettlement programs that may ensue as a result of project works.*

5.10 Land Control Act Cap 302

90. This is an Act of parliament to provide for controlling transactions in agricultural land. The Act requires approval of the Land Control Board for the following transactions to be legal and valid; (a) The sale, transfer, lease, mortgage, exchange, partition or other disposal of or dealing with any agricultural land which is situated within a land control area; (b) The division of any such agricultural land into two or more parcels to be held under separate titles, other than the division of an area of less than twenty acres into plots in an area to which the Development and Use of Land (Planning) Regulations, 1961 for the time being apply; (c) The issue, sale, transfer, mortgage or any other disposal of or dealing with any share in a private company or co-operative society which for the time being owns agricultural land situated within a land control area. *There will be no need to acquire additional land as the road improvement activities will take place on the existing KeNHA wayleave*

5.11 World Bank Safeguard Policies Relating to Relocation and Resettlement

5.11.1 Involuntary Resettlement: OP 4.12

91. The Bank's Operational Policy 4.12: Involuntary Resettlement is triggered in situations involving involuntary taking of land and involuntary restrictions of access to resources. The policy aims to avoid involuntary resettlement to the extent feasible, or to minimize and mitigate its adverse social and economic impacts.

It promotes participation of displaced persons in resettlement planning and implementation, and its key economic objective is to assist displaced persons in their efforts to improve or at least restore their incomes and standards of living after displacement. The policy prescribes compensation and resettlement assistance to achieve its objectives and requires that borrowers prepare adequate resettlement planning instruments prior to Bank appraisal of proposed projects.

Bank experience indicates that involuntary resettlement under development projects, if unmitigated, often gives rise to severe economic, social, and environmental risks: production systems are dismantled; people face impoverishment when their productive assets or income sources are lost; people are relocated to environments where their productive skills may be less applicable and the competition for resources greater; community institutions and social networks are weakened; kin groups are dispersed; and cultural identity, traditional authority, and the potential for mutual help are diminished or lost.

This policy includes safeguards to address and mitigate these impoverishment risks. *The Proponent complies with the requirements of OP 4.12. An ESIA Study has been carried out to assess project impacts and identify alternative routes to avoid structures where feasible and minimize involuntary resettlement. The potential economic and social impacts of the project have been assessed and cost of compensation determined in this report. Project-affected persons, host communities and other stakeholders have been consulted. PAPs have been informed of their rights including prompt compensation at full replacement cost for loss of assets attributable to the project; assistance during relocation, and transitional support and development assistance.*

5.11.2 Indigenous People: O.P. 4.10

92. The World Bank policy on indigenous peoples, OP/BP 4.10, Indigenous Peoples, underscores the need for Borrowers and Bank staff to identify indigenous peoples, consult with them, ensure that they participate in, and benefit from Bank-funded operations in a culturally appropriate way - and that adverse impacts on them are avoided, or where not feasible, mitigated or minimized.

This policy contributes to the Bank's mission of poverty reduction and sustainable development by ensuring that the development process fully respects the dignity, human rights, economies, and cultures of Indigenous Peoples. For all projects that are proposed for Bank financing and affect Indigenous Peoples, the Bank requires the borrower to engage in a process of free, prior, and informed consultation. The Bank provides project financing only where free, prior, and informed consultation results in broad community support to the project by the affected Indigenous Peoples.

Indigenous Peoples are identified as possessing the following characteristics in varying degrees: self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; presence of distinct customary cultural, economic, social or political institutions that are separate from those of the dominant society and culture; and have an indigenous language; often different from the official language of the country or region.

In Kenya, the indigenous peoples are mainly the pastoralists (estimated to be 25% of the national population) and hunter-gatherers as well as some fisher peoples and small farming communities. There is no specific legislation governing indigenous peoples in Kenya. The 2010 Constitution, however, specifically identifies minorities and marginalized communities as groups that are in need of heightened protection and attention from the state. The constitutional definition of minorities/marginalized communities, being broad, encompasses most of the groups that identify as indigenous peoples.

Where this bank policy (Indigenous People: OP/BP 4.10) might be triggered for pastoral communities who reside in the arid and semi-arid lands and who depend on pastoralism for their livelihoods and qualify to be classified as indigenous peoples facing resource insecurity, poor service delivery and hence the Social needs assessment will address the needs of the said groups in improving the service delivery through new projects in the settlements.

5.12 Land Tenure and Related Legal Issues

93. Land tenure refers to the terms and conditions under which rights to land and land-based resources are acquired, retained, used, disposed of, or transmitted. Rules of tenure define how property rights to land are to be allocated within societies.

They define how access is granted to rights to use, control, and transfer land, as well as associated responsibilities and restraints. In simple terms, land tenure systems determine who can use what resources, for how long, and under what conditions.

Land tenure relationships may be well-defined and enforceable in a formal court of law or through customary structures in a community. Alternatively, they may be relatively poorly defined with ambiguities open to exploitation. In broad terms, land tenure rights are often classified according to whether they are formal/statutory or informal/customary.

- Formal property rights may be regarded as those that are explicitly acknowledged by the state and which may be protected using legal means. Statutory land tenure system is governed by modern law and supported by documentary evidence, such as a title deed or lease certificate, and administered by the government.
- Land ownership under the statutory tenure system is often built on freehold or leasehold entitlements to the land and offers exclusive rights to the owner, which guarantee land tenure security.
- Informal property rights are those that lack official recognition and protection. Customary land tenure system is governed by unwritten traditional rules and administered by traditional leaders. Active occupation or usage of a piece of land is the main evidence of ownership or an existing interest on the land. In customary tenure, access to land is contingent upon tribal or community membership controlled by the chief. Households have strong, exclusive residential rights,

seasonally exclusive rights to arable land, and shared rights to grazing land and natural resources. Land is not alienable from the community trust, so it cannot be used as collateral for loans.

Land tenure is often categorized as:

5.12.1 Public Land

94. This is land owned by the Government for own purpose and which includes unutilised or delineated government land reserved for future use by the Government itself or may be available to the general public for various uses. The land is administered under the Land Registration Act, 2012.

5.12.2 Community Land

95. Community land refers to land lawfully held, managed and used by a specific community. It is a right of commons that exists within a community where each member has a right to use independently the holdings of the community. For example, members of a community may have the right to graze cattle on a common pasture. This creates a system of land allocation regimes and a tenure system designed to preserve the asset base for current and future generations. Communities traditionally see land and kinship in a genealogical map through which access to land is attained. Families and individuals are allocated rights to use the land in perpetuity, subject only to effective utilization. The ultimate ownership (radical title) vests in the community.

5.12.3 Private Land

96. Private land refers to land held by an individual or other entity under freehold or leasehold tenure. It is the assignment of rights 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.

Alienation of private rights to land shall take into account all other legitimate rights or interests (spouses and children rights or interests) held or claimed by other persons over the affected land. Private land may be held under either of the following tenures;

- **Freehold Tenure**

This tenure confers the greatest interest in land called absolute right of ownership or possession of land for an indefinite period of time, or in perpetuity. The Land Registration Act, 2012 of the Laws of Kenya governs freehold land. Freehold connotes the largest quantum of land rights which the sovereign can grant to an individual. The absolute proprietorship was introduced with the intention of extinguishing customary tenure and replacing it with rights that would be individually and exclusively held.

- **Leasehold Tenure**

Leasehold is an interest in land for a definite term of years and may be granted by a freeholder, usually subject to the payment of a fee or rent and is subject to certain conditions, which must be observed. e.g. relating to developments and usage.

a) Other Interests include:

- Reservations of other government or trust land to government ministries, departments or Parastatals for their use.
- Non-formalised defacto tenure by which people, individually or in groups invade and occupy other peoples' land or government land particularly in the major urban centres.
- Minor interests such as easements, way-leaves and temporary occupation licences.

5.13 Valuation and Related Legal Issues

97. The valuation practice in Kenya is governed by the Valuers Act Cap 532, which provides for a Valuers Registration Board that regulates the activities and conduct of registered valuers. Valuers in Kenya are registered upon application to the Board and are required to be full members of the Institution of Surveyors of Kenya (ISK). The Act governs the formation and composition of valuation practices including the qualification of partners and directors in charge of valuation. The Board also deals with discipline and complaints in respect to valuation practice. Other statutes that govern valuation are the Land Registration Act, 2012 that regulates the valuation for land rent while valuation for rating is governed by the Rating Act Cap 267. Land Act 2012 governs valuations for compulsory acquisition purposes. The land, structures, trees/crops and income affected by the proposed project have been evaluated by a registered valuer following the relevant legislation stated above.

Table 7: Comparative of Kenyan Law and World Bank OP 4.12 Requirements on Compensation

Category of PAPs and Type of Lost Assets	Kenyan Law	World Bank OP4.12	Covering any gaps
Land Owners	Cash compensation based upon market value under statute. Land for Land	Recommends land-for-land compensation. Other compensation is at full replacement cost, including administrative costs	Apply World Bank requirements
Land Tenants	Entitled to compensation based on the amount of rights they hold upon land under relevant laws. Illegal occupiers/squatters not entitled to compensation	PAPs are entitled to some form of compensation whatever the legal/illegal recognition of their occupancy.	Land tenants, including illegal occupiers/squatters to be compensated for lost structures/crops, in accordance with WB requirements
Land Users	In some cases land users have some form of secured tenure extended to them under new laws. In other cases land users are not entitled to compensation for land.	Entitled to compensation for crops, may be entitled to replacement land and income must be restored to at least pre-project levels.	Land users, including illegal occupiers/squatters to be compensated for lost structures/crops, in accordance with WB requirements
Owners of Temporary Buildings	Cash compensation based on market value or entitled to new housing on authorized land under government (state or local) housing programs.	Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement.	Apply World Bank requirements
Owners of Permanent buildings	Cash Compensation is based on market value.	Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement.	Apply World Bank requirements
Perennial Crops	Cash compensation based upon rates calculated as an average net agricultural income.	As per specifications of this RPF, once approved by the Bank and disclosed at the Bank external website,	Apply World Bank requirements
Stakeholder Engagement	Kenya laws provides for procedures for engagement for project affected persons by National Land Commission.	Displaced persons to be meaningfully consulted from conception, planning, to implementation phase	Apply both World Bank and Kenyan Legislation

Category of PAPs and Type of Lost Assets	Kenyan Law	World Bank OP4.12	Covering any gaps
Grievance redress mechanism	<p>Constitution of Kenya encourages application of traditional dispute resolution in land conflicts.</p> <p>Land Act 2012 clearly outline the steps and process for grievance redress that includes alternative dispute resolution, re-negotiation with NLC and is backed by the judicial system through Environmental and Land Court.</p> <p>Constitution of Kenya</p>	For resettlement accessible, affordable and appropriate grievance redress mechanism be established and consider availability of judicial recourse and traditional settlement mechanism	Implement both WB and Kenya legislation that incorporates both traditional as well as opportunity for legal redress system
Vulnerable groups as well as VMGs	<p>Amendment Land Act 2016 under mandatory procedures during eviction include special measures to ensure effective protection to groups and people who are vulnerable such as women, children, the elderly, and persons with disabilities;</p> <p>Constitution of Kenya under implementation of rights and fundamental freedoms State organs and all public officers have the duty to address the needs of vulnerable groups within society, including women, older members of society, persons with disabilities, children, youth, members of minority or marginalised communities, and members of particular ethnic, religious or cultural communities.</p>	In the institutional arrangements, the vulnerable groups such as indigenous people, ethnic minorities, landless, and women be adequately represented	Implement both WB and Kenya legislation that recognizes vulnerable groups

In a case of differences between Kenyan laws and World Bank Operational Policy, the latter will prevail

6 PARTICIPATION AND CONSULTATION

6.1 PAP and Community Consultation

98. The PAP consultation process involved carrying out a census survey of all households affected by the proposed project along the 157 kilometre stretch of the road (60 meters wide). The aim of the PAP consultation was to inform them of the proposed project and how they will be affected and evaluation of settlements and other resources that will be affected by the road project. The census survey, field identification of PAPs and affected land, structures and trees was carried out from Monday 12th Feb, 2018 to Wednesday 23rd February, 2018. The RAP Review activities were carried out between 20th February 2019 and 23 March 2019

99. As provides by O.P. 4.10, Free Prior and Informed consultations were held with community members. Ten (10) community meetings and eight (8) affected person's consultation meetings were held at the various points along the existing Modogashe-Samatar-Wajir Road during the initial RAP and during the RAP review and update. The PAP community members were invited to the project related meetings by passing notices of meeting through the chiefs, assistant chiefs and village elders. During the various meetings, the PAPs were notified and informed about the planned road improvement project, its benefits, resettlement and related impacts. They fully supported the project as they were able to perceive its benefits; it will boost the local economy and provide easy means of transport for people and goods. The upgrade of the road will improve transport to and from the region, enhance economic growth and enable easy transportation of goods/services and create more investment opportunities to both the local people and people from outside the region. This helped in establishing and confirming broad community support for the project. This broad community support will be maintained and enhanced during the various project phases by continuously consulting and informing the PAP community on the project status and impacts and addressing the concerns they raised during the RAP process as outlined on Table 10. Consultations were carried out with the community, key stakeholders, local leaders and PAPs through direct verbal interaction with them, oral interviews and the administration of relevant questionnaires. Stakeholders in the project area were identified and consulted with the objective of establishing the existing socio-economic conditions and community needs within the proposed project area and the immediate surroundings. This was done through visits to various government offices and also during the community consultation meetings.

100. Free Prior and Informed Consultations community meetings were held with a view to achieve the following:

- to brief project affected persons and interested parties on the various aspects of the proposed project positive and negative impacts and activity schedules.
- elaborate on the proposed mitigation measures to address negative impacts, compensation procedure and timelines, resettlement of PAPs and livelihood restoration measures and assistance.
- validation of the cut-off dates.

6.2 Public Consultation Meetings

Table 8: Community Consultation Meetings in RAP preparation

Nr	Dates	Administrative Location	Venue	Participants by sex		Total No. of Participants
				Male	Female	
1.	17 th Feb. 2018 at 9.00am	Modogashe/ Komorbula	Modogashe/ Sericho Market	8	8	16
2.	16 th Feb. 2018 at 11.00am	Skanska	Skanska Market	19	6	25
3.	18 th Feb. 2018 at 9.00am	Habaswein	Habaswein KNLS Town Hall	65	21	86
4.	17 th Feb. 2018 at 12.00 noon	Lagdima	Lagdima Centre	11	5	16
5.	18 th Feb 2018 at 12.00 noon	Kanchara	Kanchara Grounds	32	36	68
6.	18 th Feb 2018 at 3.00 pm	Samatar.	Guticha Centre	11	17	28
7.	14 th Aug 2018 at 10.00am	Lagbogol West	Lagbogol Chiefs Baraza Park	18	36	54
8.	13 th Aug 2018 at 2.00 pm	Bojiyare West	Borjiyale Centre	39	22	61
9.	13 th Aug 2018 at 10.00 am	Leheley South	Leheley AP Camp	31	17	48
10.	15 th Aug 2018 at 10.00 am	Township	Wajir Township Baraza Park	44	44	88
Total				278	212	490

Table 9: PAP Consultation Meetings in RAP review

Nr	Dates	Administrative Location	Venue	Participants by Gender		Total No. of Participants
				Male	Female	
1.	13 th Mar 2019 at 9.00 am	Modogashe/ Komorbula	Sericho- Modogashe	16	20	36
2.	13 th Mar 2019 at 2.00 pm	Ilan	Skanska Centre	20	01	21
3.	12 th Mar 2019 at 10.00 am	Habaswein	Habasweni Baraza Park	38	18	56
4.	12 th Mar 2019 at 2.00 pm	Lagbogol West	Lagbogol Baraza Park	33	07	40
5.	14 th Mar 2019 at 10.00 am	Leheley South	Leheley	37	11	48
6.	18 th Mar 2019 at 10.00 am	Alimao/Furaha /Hodhan	Wajir Town/ Shikuku Centre	43	07	50
7.	17 th Mar 2019 at 2.00 pm	Township	Wajir Town - Township Chief's Office			31
8.	18 th Mar 2019 at 4.00 pm	Township	Wajir -Township Loc	32	15	47
Total						329

6.3 Objectives of Public Information and Consultation

101. Public information and awareness creation enlighten the PAPs on the importance of the project and how to positively handle the project impacts in a sustainable way. This is

important in order to ensure that correct and accurate information is shared and misconceptions and wrong information does not take root thus interfering with the smooth implementation of the project. The specific objectives of the consultation process were:

- To create awareness and garner up support for the proposed project;
- To engage the local community especially the Interested and Affected Parties about the project benefits, problems they anticipate with the project and how these can be overcome and mitigated against;
- To consult and gather recommendations from the local administration e.g. Assistant County Commissioners (ACCs) and Deputy County Commissioners (DCCs, Chiefs, Assistant Chiefs, MCAs, Village Elders and communities that have a stake in the project;

The above participatory approach ensured the participation and consultation of key stakeholders was achieved in the process. Mobilization of all field activities was undertaken through the office of the County Commissioner and state officials falling under this office i.e. chief and sub-chiefs. Local county officers were involved in the process. Subsequently, announcements were done in local barazas, churches, and mosques in the local dialects or in Swahili. This ensured participation was carried out in a non-coercive, open, transparent manner, free from any forms of intimidation or duress.

During meetings, information was shared in Swahili as the national language, and where necessary among the Somali and Borana, translations provided by the local chiefs or religious leaders. Where community needed to undertake discussions, more so among the Somali and Borana, they were allowed to have the conversations in their local dialects, the consultant utilized the leadership present to collect material on translations to guide the reporting in this RAP. In most cases, questions where possible were asked in Swahili. The number meetings were held within the settlements, at locations used for area community meetings e.g. community baraza parks. As such majority of the meetings were held in the open air or under trees to make sure they were accessible.

All PAPs, male and female, youth, opinion leaders, structure owners, tenants etc. were notified of the meetings and the consultant ensured everybody was involved in the meetings and contributed to the discussions. The consultant also made deliberate efforts to informally meet the women to understand their issues to inform the RAP process. In all meetings, the consultant sought to understand and respond to the PAPs queries and provide relevant guidance on where and how any additional information would be obtained from.

- To provide an opportunity to all the communities in the areas where the proposed road upgrade project is expected to pass to raise issues and concerns pertaining to the project and allow the identification of alternatives and recommendations.
- Provide correct and accurate information regarding the project.



Plate 3: RAP Consultant explaining NLC compensation process during a PAP meeting at Laghbogol



Plate 4: Community Meeting at Habaswein with a PAP raising a Question



Plate 5: A woman participant raising her project related questions during a FGD at Samatar.



Plate 6: A section of women PAPs following the proceeds of the PAPs meeting

6.4 Interviewing and Questionnaire Administration

102. The Consultant team was able to carry out interviews with the PAPs and key stakeholders during the field census survey. A household questionnaire was used to collect information from PAPs for reviewing the Information collected by previous consultant. The household interviews were carried out on the PAPs to collect personal information of the PAPs including name of asset owner/household head, ID No., Telephone Contacts, gender, marital status, level of education, occupation, land ownership, land size, information on structures within the road ROW of the PAP land parcel including their GPS coordinates. Refer to Annex 3 for the list and details of stakeholders consulted and this is summarised as follows: -

Type of stakeholder engaged	Number
National Government	13
Opinion and religious Leaders	11
County Government	3
NGOS	1
PAPs	329
VMGs	Represented by PAPs, Religious and opinion leaders, Chiefs and Assistant chiefs

103. The community, PAPs as identified during the asset inventory and key stakeholders as identified with the help of chief's office were invited to attend the public consultation meetings via direct phone calls, public announcement through local churches and mosques, through the Assistant Chief and Chiefs Offices where direct contact with the PAPs and key stakeholders were made.

Consultation Meeting Agenda

Agenda of the consultation meetings included the following:

1. A word of prayer by one of the participants.
2. Introduction of the participants.
3. Purpose of conducting the Consultation Meeting.
4. The proposed upgrade of Modogashe - Samatar - Wajir Road (A13),
 - Project impacts
 - Displacement of Persons, Compensation and Resettlement
 - Mitigation of project impacts
5. Views of the Participants on the Proposed Project.
6. Closing Remarks by Consultant.
8. A.O. B and Closing Prayer.

6.5 Key Issues Raised by the Community, PAPS and Stakeholders

104. The community, PAPs and key stakeholders raised similar issues during the census survey and during the various consultation meetings. They wanted clarifications and assurances regarding the process of property evaluation, compensation payment, offering of resettlement assistance and job opportunities to the locals and mitigation measures during project implementation to reduce anticipated impacts. The issues raised together with the responses given are in **Table 10** below;

Table 10: Issues raised and responses during PAP consultation meetings.

No.	Question Raised	Response Given.
1.	PAPS wished to know the plans that are in place to compensate the affected persons for their properties. They desired that enough time will be given to all the PAPs to relocate elsewhere once they are compensated and not to be hurried out of their current homes and business premises.	The consultant assured the PAPs that all affected assets will be compensated at full replacement cost and that an asset inventory survey would be carried out to ensure that all the affected property is inventoried for valuation purposes. They were also assured that after compensation, there will be adequate notice (minimum of 30 days) to relocate and also time to salvage materials from compensated properties without the actual cost being reduced.
2.	They wished the recruitment process for available job opportunities to be very transparent so that not only the people who are closely connected to the chief and other local leaders benefit but all qualified and able local persons be given equal employment opportunity in the project	They were assured that job opportunities will be equally competitive to all the people regardless of gender, influence or association, the consultant however clarified that priority will be given to the PAPs and then to other community members. He advised the PAPs to organise themselves and also start training to equip themselves with relevant skills in the fields of expertise they may wish to be employed in once the construction activities of the project commence.
3.	There was concern about the road elevation with the PAPs requesting for a road which is of low level to	They were assured that the design will take into consideration the issue of livestock

No.	Question Raised	Response Given.
	enable their livestock access the opposite side of the road with ease	crossing and provide necessary crossing points for the livestock and other animals.
4.	There was concern on whether there could be bridges constructed over the laggas and drifts to replace the current ones which have occasionally been flooded and destroyed during the heavy rain seasons making the roads impassable at the drift crossings.	The consultant assured that where necessary, modern bridges will be built to ensure quality and standard of the road.
5.	Some community members were pessimistic on the realization of the project and its benefit to the local community saying that there has been too much talk and endless promises they claim have been done by various leaders at various forums on the upgrade of the road, but no tangible work has been done on the road.	The consultant assured the PAPs that the road will be constructed when all the required steps are attained.
6.	Concern was also raised over the risk that the rehabilitated road might pose to livestock and local community as they cross it or to those who might be living near the road. The local participants were eager to know what the design had provided to curb possible accidents. They proposed that the road will have bumps at the town centres and other areas where animals cross. They also recommended the use of proper road signs to inform the road users and the drivers of crossing animals and pedestrians and other necessary uses.	The consultant assured that all safety measures will be included in the design and that pedestrian and livestock safety will be considered, as well as the places where they cross the road and all other safety measures including speed calming methods and road signs will be put in place to ensure the safety of the local people as well as the other road users.
7.	Community members did not know the size of the road reserve and most of their plots/lands had no registered documents. They were therefore concerned whether they will be compensated without the legal documents to prove ownership of land	The road reserve is supposed to be 60m in the entire stretch apart from Habaswein where decision was made to use only 30m of the road reserve. They were told that there will be methods and plans on how to handle all ownership issues legally and that no person with genuine entitlement to any property will lose it without compensation.
8.	Concern was expressed over the possibility of the road project affecting graves within the proposed road corridor and what will be done to them during the road construction. The community expressed fear over the possibility of the graves being moved citing that it was a taboo to move the dead from their graves. Secondly, the Somali community does not bury their dead in coffins hence moving the graves would be more difficult when the body is not in a coffin.	The consultant informed that the issue of graves was identified and a decision made that the road will be fitted in the available corridor, and if necessary, be rerouted so as not to disturb the dead, the graves will be avoided.
9.	The participants were concerned about cutting down of acacia trees which are on the proposed way leave. They said that besides being of use as shades for the people and their livestock during the hot seasons, some offer shelter and shade where community meetings are held hence having sentimental values to the community. Secondly, these acacia trees produce pods which are used as food for both humans and animals especially during the dry season	The consultant assured that the environmental department will ensure that in case trees are cut down during construction they will be replanted after the construction to ensure that the environment is restored.
10.	The PAPs wanted to know what will happen if the road affects water sources e.g. water pans and boreholes and other public social amenities	The consultant assured that in case public social amenities are affected, they will be replaced, this include water pans, boreholes and water pipes.
11.	The PAPs wanted to know if government assumes ownership of affected property after they are compensated, or they can be allowed to demolish and move the materials to their new locations	They were informed that they will be given permission to salvage materials from the compensated structures.
12.	They also wanted to know if compensation will be paid directly to the PAPs bank accounts or shall be paid through their leaders.	Every person will be compensated privately in his/her own bank account.

No.	Question Raised	Response Given.
13.	Also, there was the issue raised that the PAPs were fearing that the money Compensated will be taxed	The money paid for compensation will be tax free.
14.	Since it is inevitable for the informal traders to vacate the road reserve for the much-needed improvement, how soon would the construction start.	The date for notices to vacate will be determined and communicated by KeNHA as soon as possible before the project commences. However, a notice would be issued to the affected persons when the time for construction starts.
15.	There were People whose structures are too close to the road reserve and are considered to have encroached, they wanted to know what will happen to their structures.	The exercise to determine the properties that have encroached on the road corridors will be carried out by KeNHA to establish the extent of encroachment and the affected persons. Once that is done they will be notified and the next cause of action communicated.
16.	There were also other people who had ongoing constructions and others planning to start their constructions along the road corridor though they were apprehensive about the proposed improvements and sought to know if they will stop their constructions and await the road construction	They were informed that the forum and the consultants could not address their plight but they could seek intervention of the County Government as regards development guidelines and other regulations to adhere to when investing next to the road.
17.	The PAPs also wanted compensation to be paid to everyone affected regardless of whether they were in the road reserve or not since according to them they did not previously know the extent of the road reserve.	The guidelines detailing the payment of compensation as detailed in the Constitution of Kenya and the relevant laws and any other policy guidelines will be adhered to mitigate the negative impacts to affected persons.
18.	The participants sought to know whether the road could not be relocated elsewhere or fitted within the available space rather than upgrading it particularly at Graveyards will be affected and but according to their culture and religion it will not be possible to relocate or tamper with graves.	This was noted as a recommendation.
19.	The participants suggested that through KeNHAs corporate social responsibility the displaced persons by the roadside be provided with a market elsewhere to continue with their commercial activities since it was clear the county government had no plans of providing a new market within Wajir township.	The participants were informed that appropriate decision will be made in collaboration with the County government who have the mandate to regulate trade and developments within their areas of jurisdiction before the project is launched. It was also noted that there was an unoccupied market already in place.
20.	The participants requested the presence of the local leadership and County Government representative in future consultations as they were responsible for the demolitions that causes the informal Businesses and hawkers a lot of losses and huge losses of livelihood.	They were informed that all the key players will be involved as they will be involved in the resettlement exercise as a local authority. They were encouraged to form Project Ad-hoc Committees to articulate their concerns on the road upgrade project impacts.
21.	It was observed that higher speeds and increase in traffic are expected once the upgrade is realized meaning higher accident rates if people are not sensitized on road safety. Currently young children have to cross the roads to access school facilities and women cross the road in search of water and other household items and therefore, speed calming methods, bumps and road signs will be in place for both people and their livestock.	They were informed that safe pedestrian crossings, speed calming methods, road signs and other safety measures will be incorporated in the upgrade. Safe animal crossings will be provided particularly in areas where livestock has to cross the road for to access grazing areas or the water pans.
22.	Social facilities inadequacy in the areas was raised and the participants requested if the project could provide them. These include markets, schools, water points for both domestic and livestock usage and health centres. They proposed that if possible the project could refurbish and equip the existing health facilities along the road that are in-adequate, offer power and piping to their water sources to be availed near the residential and if possible fence them for the safety of their children and livestock.	It was appreciated and explained that the project would consider such requests as part of the corporate social responsibility. The community was encouraged to detail their requests for the facilities to be considered for provision in conjunction with relevant authorities.

No.	Question Raised	Response Given.
23.	The Issue of employment during construction for the local communities along the construction areas particularly the youth was raised in almost all the PAPs meetings.	The participants were informed that there was a government policy on such matters but the Contractor would be guided by the labour laws and the skills available in the vicinity that he would require. It was important for those willing to be considered to acquire necessary skills to be competitive in such employment.
24	Workers from outside the community engaged in construction may bring with them alien cultures, which may corrupt our youth.	All in-migration workers will be furnished with an ethics code on how to interact with the locals in a respectable manner.

6.6 Meetings during Implementation

105. The proponent will continuously hold meetings and consult with the PAPs during the Project Implementation Period as a means of information dissemination, evaluation and monitoring the progress of the resettlement process. It will be important that the PAPs comfortably settle and continue with their lives. Some of the PAPs will be offered employment opportunities as semi-skilled and unskilled labourers and hence there will be continued communication with a sample of the affected people during project implementation. This will ensure continued support to the project by all the stakeholders since they will directly fetch the benefits that accrue from the project. There will be further consultations when compensation offers will be given to the PAPs including actual date of compensation and demolitions. These consultative meetings shall include all stakeholders. The information gathered from the project area will be confirmed with the local administration, county government and finally at the Ministry of Land to confirm who the registered land owners are so that compensation for the land and other assets is released to them.

6.7 Information Dissemination

106. All stakeholders must be consulted and be effectively involved in a two-way communication with the project sponsors. Special efforts will be made to consult with women and vulnerable PAPs (physically challenged persons, widowed and the elderly persons). Supply of information and consultation with different stakeholders shall be through a language and medium they are comfortable with. In certain cases, for example, the affected asset valuation process, where the process is not easily understood by the people, KeNHA through NLC shall take responsibility for simplifying and ensuring that the whole process is understood by the project affected persons, using appropriate methods of communication.

6.8 Public information booklet (PIB) and the use of FM Radio

107. A public Information booklet is used to provide information to the PAPs and other stakeholders. The information on the booklet includes possible questions and answers on the proposed project. These questions and answers on PIB are used as a guideline to facilitate communication between the proponent and the stakeholders. The object of having the PIB is to ensure that PAPs, their representatives and local governments in the affected areas fully understand the details of the resettlement programme and are fully informed as to the compensation and upgrade packages applicable to the Project. The PIB will be prepared by KeNHA and distributed to all PAPs in the Project area. Where necessary the Local Administration will be engaged to interpret the PIB in local languages and through the use of the Local FM stations to ensure the information is distributed and

received clearly since majority of the PAPs especially women have very low literacy levels in the region.

108. Contents of the PIB will include; Brief description of the Project, Implementation Schedule, Project Impacts, Entitlements and Rights of PAPs, Resettlement and Upgrade policies for all types of impacts, institutions responsible for resettlement, Information dissemination to and consultations with PAPs and what to do if PAPS have a question and/or problem, Specific entitlements of PAPs, Description of the detailed impact of the Project on specific households, Compensation rates for each type of impact, Options for resettlement and upgrade and Date for delivery of entitlements

7 VALUATION AND ENTITLEMENTS AS COMPENSATION FOR LOSSES

109. This section describes the methods used in valuation of land, trees and structures eligible for compensation consistent with either Kenyan laws or policies. The assets affected by the proposed upgrade of Modogashe - Samatar - Wajir Road have been valued on the basis of their net current realisable replacement value for compensation purposes. Generally, the principle of which compensation is based is that the value to the owner of the land taken would be greater than the market value. This is because there are questions of severance, injurious affection and disturbance. The only compensation to a disposed owner would be to put him into a position to reinstate him on the 'other land' so as to be able to carry on his activities substantially, unaltered and undiminished. This would be a basis for compensation known as equivalent reinstatement.

7.1 Inventory of Assets and PAPs

110. In order to prepare for compensation and other resettlement benefits, it is imperative that a comprehensive asset and affected person's inventory in the designated areas for the different project components was done. Such an inventory was conducted by a multidisciplinary team composed of the Project Team Leader, Surveyor, Valuation Expert and Sociologist. In addition to this team, respective Location and Sub Location Chiefs plus village leaders were present to witness the process.

Table 11: Number of Project Affected Persons along the Modogashe - Wajir Route

Nr.	Project Areas	Number of PAPs in Initial RAP	Number of PAPs in Reviewed RAP
1.	Modogashe	28	32
2.	Skanska	57	42
3.	Habaswein	80	58
4.	Lagdimia	17	20
5.	Kanchara	49	89
6.	Samatar/ Guticha	16	20
7.	Laghbogol Town Centre	117	155
8.	Busibusi Location	21	62
9.	Borjiyare Location	48	48
10.	Leheley Town Centre	154	154
11.	Alimahu, Furahia & South C	31	31
12.	Bypass (Baruwako, Jogoo & Halane)	50	50
13.	Wajir CBD & Township	83	83
	Total	751	844

111. The number of affected asset owners fluctuated in certain centres/ settlements during the RAP reviewed due to the reduction of the area to be used for road construction. At Habaswein, the width of the road was adjusted from 60 to 30 meters to avoid the possible demolition many permanent buildings which are located on the road reserve and on both sides of the current carriageway.

7.2 Property Losses

112. As per the cut-off date of 21st February 2018 and 18th August 2018, 844 asset owners will be affected by the road project.

7.3 Compensation Policy for Loss Structures

113. The Project will not acquire additional land as KeNHA already has enough 60m wide way leave except for the bypasses, and where there will be need for minor realignments for geometrical purposes. Therefore, structures developed on the road reserve will require to be relocated to provide suitable and enough space for the proposed works in settled areas. Excavation of the existing road during construction and opening new areas for road deviations will be done. From these deviations, the road project will result in the loss of existing temporary structures on the RoW since the alignment already exists and there will be needed to maintain traffic flow during construction. Where relocation of communal structures is envisaged, the same will be relocated on other community land available in the area. Voluntary land donation as outlined in the Resettlement Policy Framework will be used. The principles for compensation for this Project are as given below:

7.3.1 Valuation for Compensation of Structures

114. The valuation basis adopted for valuing the developments on the land taken for compensation is the full replacement value or equivalent reinstatement basis or probable cost of acquiring similar premises for the same purpose. This is the amount it would cost to search for a supplier of the construction material, the cost to purchase, transport and insure the materials to the site, and the costs of erection of the premises, including professional fees, and completed to a standard as existing at the valuation date.
115. It is noted that the structures have not been valued at market value because replacement cost is not synonymous with value. The main purpose of valuing the structures for compensation is to reinstate the owner to build similar structures on another site. In obtaining the unit cost for reinstatement the RAP took into consideration the cost of construction rates recommended by Ministry of Public Works and the requisite disturbance cost as indicated in the law.

7.3.2 Valuation for Compensation of Trees

116. The trees were valued based on compensation schedules prepared by the Kenya Forest Service for various species depending on age and its future potential. The Consultant also take into account the extent of utilization, type of species, quality of logs, diameter of the logs and quality of the log. The trees that were physically assessed were those mainly in settlement areas which may account for approximately 15% of the whole stretch of 157 kilometres. Outside of these settlements, the corridor is sparsely settled and trees are naturally occurring on the road reserve which belongs to KeNHA.

7.3.3 Compensation for disturbance and other losses

117. The valuation has also taken into account losses not directly based on the value of interest on the land. Such losses normally arise as a result of the service of the notice to vacate the land. Very speculative losses have been ignored. These losses include

- cost of removal of loose assets;
- expenses incidental to removal of loose assets;
- fixtures
- losses incurred on business premises

Disturbance allowance will be support to the affected persons and affected households during their move. It is provided for under the Kenyan government legislation and has been considered under this RAP at 15 percent. This caters for the following:

- Transport assistance: a truck to transport their belongings to new sites.
- Moving allowance: to allow them to make small purchases to smooth the move process to their new houses. This is separate from any compensation payments for income lost until they restore their business or livelihood.

7.4 Valuation Methodology

118. Property values are affected by many factors, the relative importance of which will differ with each heterogeneous property. Some of the factors may be matters of opinion involving subjective judgement which may therefore not be quantitatively measurable. The assets affected by the proposed upgrade of Modogashe - Samatar - Wajir Road have been valued on the basis of their full replacement value for compensation purposes. Generally, the principle of which compensation is based is that the value to the owner of the land taken would be greater than the market value. This is because there are questions of severance, injurious affection and disturbance. The only compensation to a disposed owner would be to put him into a position to reinstate himself on the 'other land' so as to be able to carry on his activities substantially, unaltered and undiminished. This would be a basis for compensation known as equivalent reinstatement.

119. The above principles of compensation are contained to a large extent in the Land Act 2012 and OP 4.12 policy where the compensation is based on: -

- Market value of the land taken;
- Any damages sustained or likely to be sustained by reason of severing such land from his other land;
- Any damage from loss of profits over the land;
- Additional 15% of the full replacement value for disturbance.

120. Section 22 of the Act states that where land is needed for access compensation will be limited to the damage done to trees, plants, growing crops and permanent improvements on the land, together with the periodical dominium in the profits of the land and adjoining land by reason of such use.

121. The following methodologies have been adopted for the affected assets as hereunder:
The project recognised that households falling within a certain threshold due to the involuntary resettlement process could become more vulnerable than others and may need additional upgrade assistance. 8 such PAHs or PAPs were identified and will be

provided with additional support, assistance or compensation based on a reasonable and rational criterion.

122. The RAP activities undertaken by the project are designed and implemented to contribute additional assistance (transition allowance) to the upgrade of the affected households. The plan also provides a detailed schedule for the implementation of the RAP.

- The value of structures has been determined by a registered valuer based on full replacement value rates for putting up a similar structure;
- Income/livelihood restoration forms part of the monitoring programme carried out over a 3-year term with periodic reviews. Specific attention has been given to the requirements of women and vulnerable people including the women headed households, the elderly, illiterate and the physically challenged;
- Social development processes (water, health education) form part of the road project and investigations on mitigation options carried when communities are negatively impacted by the project will be confirmed through a process of community needs assessment for restoration by the project with better social infrastructure facilities;
- Compensation considered vulnerability of the PAPs and not only the applicable laws of Kenya but also the World Bank Safeguard Policies.

123. The assets (buildings and other structures) and natural resources (trees) affected by the proposed road project were valued on the basis of their full replacement value. The valuation process was governed by the Valuers Act (Cap 532) of 2010 and was carried out by a Registered Valuer.

7.5 Valuers Act (Cap 532)

124. The valuation practice in Kenya is governed by the Valuers Act Cap 532, which provides for a Valuers Registration Board that regulates the activities and conduct of registered valuers. Valuers in Kenya are registered upon application to the Board and are required to be full members of the Institution of Surveyors of Kenya (ISK). The Act governs the formation and composition of valuation practices including the qualification of partners and directors in charge of valuation. The Board also deals with discipline and complaints in respect to valuation practice.

125. Other statutes that govern valuation are the Land Registration Act, 2012 that regulates the valuation for land rent while valuation for rating is governed by the Rating Act Cap 267. Land Act 2012 governs valuations for compulsory acquisition purposes. When there are differences of valuation procedures between the Kenyan laws and World Bank Operational Policy, the latter will prevail.

7.6 Steps followed During Valuation

126. At each affected land/plot, the Valuer took careful count of all trees, counted and measured all the affected buildings/structures in the presence of the affected person and a local leader. A Compensation Assessment Form was filled to record all the properties affected in the presence of the landowner, the licensee and the area leader. **Table 12** provides valuation implementation steps that were followed.

Table 12: RAP Valuation Process for Assets

Nr	Assets/Activities	Implementation Process
1.	Acquired Land with Structures	<p>Steps:</p> <ul style="list-style-type: none"> • A detailed inventory of all affected persons, assets and stock requiring resettlement was made as per the World Bank OP.4.12. • Determination of the size of affected land that will be acquired. • Accurate and real valuation of commercial and residential houses. • Determine compensation packages according to valuation requirements at full replacement cost. • Provision three months' notice prior to moving, for salvage of building materials. PAP's may salvage any material without this being deducted from compensation entitlements. • Provide temporary housing/shelter where necessary. <p>Recommendations:</p> <ul style="list-style-type: none"> • KeNHA shall pay compensation for lost housing/ commercial structures and Trees at full replacement Value as per the World Bank OP.4.12. • KeNHA to assist PAPs identify resettlement sites if necessary and provide assistance during relocation • PAPs are entitled to remove any materials he or she wishes to salvage within one month of vacating the old premises. • Land compensation values will be based on the replacement cost comparison of the land to be valued with what other similar parcels of land are currently selling in the area considering the difference between them and those transacted on a willing- seller willing- purchaser basis. • 15% disturbance allowance to be paid on all compensation.
2.	Lost business profits and employee earnings	Where business profits are affected compensation will be paid according to Valuation results of the enterprise monthly income computed over a period of three months which is deemed as the period required for reinstatement of lost income. In addition 15% disturbance allowance will be paid.
3.	Crops/Trees	<p>Tree/seasonal crops:</p> <p>There are no crops identified on the wayleave area during the survey. KeNHA will pay compensation for trees based on compensation schedules prepared by NLC while utilising the data from Kenya Forest Service for various species depending on age and their future potential.</p>
4.	Payments to the PAPs	Payments for lost structures, trees and loss of business shall be made either through banks transfers into PAPs accounts or by issuance of cheques in favour of individual PAPs and distributed through the local chief's office. PAPs will be facilitated to open bank accounts.

7.7 Compensation Procedure

127. After valuation of the affected land and property, NLC will give each property owner a Letter of Offer showing the amount of money that they will be paid for each affected property. If the PAPs are satisfied with the amount indicated on the Offer Letter, they will sign the letter of offer and return it to NLC indicating their bank account details or their full names as per their national ID to enable KeNHA through NLC transfer the compensation money to their bank accounts or write them cheques.

128. Purporting land owners will be required to prove ownership of the affected parcels of land by either a Title Deed or Letter of Allotment or any other land ownership documents

that are recognized by law. NLC will authenticate such claims while observing that KeNHA legally owns the land for wayleave. If the PAP is not satisfied with the valuation offer, they will be free to hire their independent valuer at their own cost who will provide their independent valuation which will be negotiated with the NLC to arrive at an agreement. Should the negotiations between the two valuers fail; the matter will be referred to the Valuers Tribunal for final settlement. The PAP is also free to pursue the matter of adequate compensation with the Environment and Land Court.

129. **Table 13** elaborates on the entitlement matrix where type of loss, entitled person, legal entitlements and restorative compensation for each type of loss is listed. **Note:** Right to salvage construction materials and trees is ensured for all developments to be relocated. A notice of 1-3 months is going to be served on all PAPs to salvage their materials to relocate and provide space for the proposed works.

Table 13: Entitlement Matrix

Type of Loss/Affected Right	Defined PAP/Eligibility	Indicative Areas	Compensation Strategy	Other Forms of Assistance/Entitlements
Land Permanent Loss of any type of Land regardless of severity ⁴	Private Landowner (individual or group) with legal document e.g. title. Incase of individual, spouse included.	Wajir Town	<ul style="list-style-type: none"> • Provide PAP with choice of replacement land (if available) or cash compensation at full replacement value. • If replacement land, location will be acceptable to PAP where feasible. Land will be of equivalent value, size and characteristics. • If cash compensation, compensation of the land at full replacement value, free of taxes, registration and transfer costs. • If residual is unusable, or ‘orphan’ land, subject to case by case NLC determination and recommendation for full acquisition of land. 	<ul style="list-style-type: none"> • All compensation before notice to relocate. • Maintained access to unaffected remaining land thus need for access provision in detailed road design. • Access to Grievance mechanism. • Right to request for orphan or residual land to be acquired if not economically viable. • Owner eligible to participate in livelihood restoration programmes if they wish • 15% disturbance allowance.
	Private Owner with no legal documents e.g. title but land gazetted for adjudication prior cutoff date i.e. legalizable owner or some form of recognized land. Incase of individual, spouse included.	Majority sections of Modogashe and Wajir	<ul style="list-style-type: none"> • Compensation of the land at replacement value on good faith, NLC will have to determine the disputed 750metre market area compensation (if the alignment does not fit within the available space of about 20 metres and requires additional space). 	

⁴ Temporal loss of land due to occupation by contractor for establishment of camps and auxiliary facilities during construction not covered in this RAP, thus compensation often at commercial rates to be negotiated outside this RAP.

Type of Loss/Affected Right	Defined PAP/Eligibility	Indicative Areas	Compensation Strategy	Other Forms of Assistance/Entitlements
			<ul style="list-style-type: none"> • Provide PAP with choice of replacement land or cash compensation. If replacement land, location will be acceptable to PAP where feasible. Land will be of equivalent value, size and characteristics. <p>If cash compensation, compensation of the land at full replacement value, free of taxes, registration and transfer costs.</p> <ul style="list-style-type: none"> • If residual is unusable, or ‘orphan’ land, subject to case by case NLC determination and recommendation for full acquisition of land. 	
	Un registered community but with user rights	Isiolo and Garissa and Wajir Counties sections	Cash compensation at replacement value for standing assets.	
	Public/Government	Whole route	Cash compensation at replacement value for standing assets.	Compensation at replacement cost for the assets.
	Squatters on public, private and communal Land.		No compensation for land	<p>Compensation of the structures at full replacement cost.</p> <p>Compensation for loss of business.</p> <p>15% disturbance allowance.</p> <p>Right to salvage.</p> <p>3 months’ notice.</p>

Type of Loss/Affected Right	Defined PAP/Eligibility	Indicative Areas	Compensation Strategy	Other Forms of Assistance/Entitlements
Temporal loss or damage to Land/Property during inspection to ascertain the suitability of the land for acquisition for the road upgrading.	Private, public or community land/property owner		Payment in full, of just compensation for any damage resulting from the entry. The amount to be negotiated directly with the owner of the land/property	
Individual and Institutional Structures				
Loss of all structure types irrespective of use.	Owner of Structure regardless of legal ownership/registration status (and their spouse).	Whole route	Cash compensation at full replacement cost free of depreciation and transaction costs	<ul style="list-style-type: none">• 15% disturbance allowance.• Right to Salvage• Right to request for the residual land to be acquired if not economically viable.• Owner eligible to participate in livelihood restoration programmes if they wish.• Access to Grievance mechanism.
	Tenants		3 months restitution and relocation notice	
Public/ Communal Assets/structures				
Socio infrastructure e.g. boreholes	Community/Users of the services and assets	Whole route	<ul style="list-style-type: none">• Provision of replacement facilities within the settlement, with a higher capacity to serve more community members.	<ul style="list-style-type: none">• Community eligible to participate in livelihood restoration programmes.

Type of Loss/Affected Right	Defined PAP/Eligibility	Indicative Areas	Compensation Strategy	Other Forms of Assistance/Entitlements
			<ul style="list-style-type: none"> • No cash compensation 	<ul style="list-style-type: none"> • Access to Grievance mechanism.
Graves and Cemeteries	Individual/Family owners who have buried their deceased persons in the cemeteries and in graves and hence have a rightful claim to them		<ul style="list-style-type: none"> • First option is re-alignment of road route to avoid the facilities where feasible. • If no re-alignment: <ul style="list-style-type: none"> ○ Purchase of land or assistance in identification of alternative sites for relocation of graves and cemeteries. ○ Cash compensation only where recognized committees exist to facilitate and oversee the relocation and replacement of graves and cemeteries 	<ul style="list-style-type: none"> • Access to Grievance mechanism
Cultural/Religious heritage sites/assets e.g. mosques	Community/Public		<ul style="list-style-type: none"> • First option is re-alignment of road route to avoid the facilities where feasible. • If no re-alignment: <ul style="list-style-type: none"> ○ Purchase of land or assistance in identification of alternative sites. ○ Cash compensation only where recognized committees exist to facilitate and oversee the relocation and replacement of facilities. ○ Where no committees exist, KeNHA in collaboration with community forms one and facilitates required safeguards to ensure money is used for the right purpose, or agreement on whether KeNHA hires a contractor to 	<p>15% disturbance allowance to realize religious and cultural rituals and for incidental cost of relocation of permanent structures like mosques.</p> <ul style="list-style-type: none"> • Access to Grievance mechanism.

Type of Loss/Affected Right	Defined PAP/Eligibility	Indicative Areas	Compensation Strategy	Other Forms of Assistance/Entitlements
			work with the community to redesign and rebuild the facility. KeNHA pays the contractor on community approval of completion of works. <ul style="list-style-type: none">○ In all cases, KeNHA facilitates rebuild of a bigger facility.	
	Individual/Family owners		• Cash compensation at full repayment cost.	• 15% disturbance to realize religious and cultural rituals.
Business and Income				
Loss of business	Business building owner (if premises rented out)	Whole route	3 months rental income per tenant lost - Subject to provision of documents and verification by NLC	• Eligible to participate in livelihood restoration programmes such as markets proposed by KeNHA in some of the settlements. • Access to Grievance mechanism. • 15% disturbance allowance.
	Owner of Business/Tenant		3 months transitional assistance based on anticipated income or possible future benefits for period of relocation or business stoppage. Subject to provision of documents and verification by NLC	
	Squatters		Allocation of stalls within the existing County Government Markets	
Trees				
Loss of all types of trees	Individual/ group owner regardless of legal status of owner	Whole route	Cash compensation at full replacement cost using rates approved by KFS	• Eligible to participate in livelihood restoration programmes such as markets proposed by KeNHA in some of the settlements. • Right to salvage
	Community as owners and users (in the latter where the		Cash compensation at replacement value to owner.	

Type of Loss/Affected Right	Defined PAP/Eligibility	Indicative Areas	Compensation Strategy	Other Forms of Assistance/Entitlements
	owner is an individual but community uses the tree)			<ul style="list-style-type: none"> • Access to Grievance mechanism.
Loss of Public Utilities				
Power lines	Public	Whole route	Physical relocation and reinstatement of access by relevant authorities.	
Vulnerability				
Any losses incurred by the vulnerable	Female household heads, elderly, persons living with disabilities.	Whole route	Cash compensation at full replacement cost and in-kind assistance as per the provisions made on the last column ⁵	<ul style="list-style-type: none"> • Priority in processing/ disbursement of compensation. • Additional support with transport to new sites that include providing a team to salvage their belongings including house materials. • Priority eligibility to livelihood restoration programmes e.g. markets. Where KeNHA has proposed markets in some settlements, vulnerable get preferential treatment in getting strategic locations in new market centres while the markets will be designed to take into consideration accessibility by the physically challenged.

Type of Loss/Affected Right	Defined PAP/Eligibility	Indicative Areas	Compensation Strategy	Other Forms of Assistance/Entitlements
				<ul style="list-style-type: none"> • Employment priority in project related jobs. • Recommendation for additional assistance by county and national government programmes such as the Inua Jamii programme. • Counselling of the households so that they can understand the short-term support and longer-term options. • Support to ensure that they maintain their social networks of family and friends and that they can access social services. • The project has considered non-monetary in-kind compensation measures including priority in compensation, adequate notice to relocate their facilities and assistance to relocate their assets to other communal land which the

Type of Loss/Affected Right	Defined PAP/Eligibility	Indicative Areas	Compensation Strategy	Other Forms of Assistance/Entitlements
				<p>area administration has provided, referral to micro lenders and support organizations in the areas affected, allocation of accessible trading spaces with specific attention to their vulnerability factors like wheelchairs use at the local markets among other support as per the entitlement matrix.</p> <ul style="list-style-type: none"> • Additional subsistence allowance for three months. • Where illness is ascertained, medical subsidies, food, temporary accommodation, employment referrals to members of the family to be considered. • Support to ensure that they maintain their social networks of family and friends and that they can access social services.
Unforeseen impacts, if any				
Design of additional mitigation measures by	Private, public or community land/property owner	Whole route	Reference to institutions supporting informal and pastoralist activities through ministry of	<ul style="list-style-type: none"> • Participation in livelihood restoration strategies.

Type of Loss/Affected Right	Defined PAP/Eligibility	Indicative Areas	Compensation Strategy	Other Forms of Assistance/Entitlements
KeNHA on a case by case basis			Livestock or as defined through social needs assessment for the project.	<ul style="list-style-type: none"> • Compensation of structures at full replacement cost. • 15% disturbance allowance.
	Informal PAPs and squatters			
	Pastoralists			
Livelihood restoration	All affected persons and affected households	All the road corridor.	<p>Livelihood restoration strategy.</p> <p>Social development Infrastructure for health, education, water, abattoirs.</p>	<ul style="list-style-type: none"> • Social development Infrastructure for health, education, water, abattoirs. • Financial training to all the households receiving cash compensation. • Priority in consideration of employment opportunities and business opportunities in the project. • Veterinary care services and extension services through support from County Government offices.

8 LIVELIHOOD RESTORATION

8.1 Introduction

130. Livelihood restoration is the re-establishment of income sources and livelihoods of affected people. The resettled households will be affected by the resettlement activities. These negative effects will include loss of livelihood and income streams. Majority of the resettled households are pastoralists and small retail traders. A few of the PAPs are skilled and semi-skilled labourers. Others are entrepreneurs running their own large wholesaler's businesses. There are rare cases of PAPs being employed in the hotel and NGO sectors and others in the Jua Kali industry. To minimize the negative economic impact of proposed road activities on commercial establishments, it is recommended that these establishments be treated in such a manner as to allow them to operate with minimal disruptions and/ or disturbances. An income restoration program ensures that the income streams of the PAPs are maintained and possibly enhanced to better standards

8.2 Livelihood Restoration

131. The main objective of this RAP is to ensure that livelihoods are improved or restored to pre-displacement levels. Compensation for affected property will therefore seek to facilitate full and smooth recovery without exposing the PAPs to vulnerability and this applies to people who are not just physically displaced but who are affected by reclamation of KeNHA wayleave, property and source of income that directly affects their livelihood. Livelihood restoration will be achieved through implementation of the following:
- Determination of average monthly income and compensation for loss of income for a period of three months to cushion displaced persons during transition period before source of income is restored.
 - Compensation for affected structures and trees will be based on the following:
 - The valuation for affected structures has been determined using the full replacement value or equivalent reinstatement basis or probable cost of acquiring similar premises for the same purpose.
 - The values for trees to be paid early on based on compensation schedules prepared by the Kenya Forest Service for various species depending on age and future potential to allow for re-establishment in line with weather patterns
 - Wide Consultation with the PAPs during the RAP implementation phase to provide suitable and sufficient information on opportunities for employment in the project, as well as other social infrastructure being followed through by the project
 - Prompt execution of compensation payment to PAPs.
 - Education of PAPs on the positive ways of improving their current livelihoods e.g. proper utilization of remainder of compensation money as seed capital, livestock breeding and animal improvement measures;
 - Provision of ample time for displaced persons to put up structures prior to relocation;
 - Implementation of a monitoring Programme to ensure displaced persons are well settled in their new environment and any emerging issues/challenges are promptly addressed.

- All the PAPs will be resettled very close to the project area hence priority in job opportunities will be given to the project affected persons as a way of quickly restoring their income streams.
- Opportunity of providing goods and services to the project construction teams shall be enhanced to provide PAPs with an opportunity to earn from the project.
- There will be issuance of 1-3 months' notice for PAPs to relocate
- PAPs will also have the right to salvage business and structures which are compensated.

The RAP enhances restoration of the residents' economic and income bases, mostly by promoting diversification and adoption of alternative economic activities. To realize this objective, there is need for the proposed project to incorporate other activities beyond normal compensation. These activities proposed to ensure minimal shock as well as fast recovery of losses and eventual realization of stability of incomes and livelihoods can be summarized as follows:

- Improve the land where PAPs are resettled including sinking of boreholes and constructing water pans to provide water for watering animals, domestic use, carrying out soil improvement, providing irrigation facilities and popularizing improved farming methods where feasible;
- Provide adequate integrated social facilities and infrastructures notably schools, water points, sanitation and health facilities. The same will be relocated on other community land which will be voluntarily provided or donated by the community through the community land donation process described in the Resettlement Policy Framework.
- Carry out PAP sensitization and provide adequate information regarding affected assets valuation, compensation and resettlement including the associated timelines.
- Professional training of the business PAPs and others on how to use compensation money wisely to improve their livelihood and their businesses and hence their personal lives.

8.2.1 Income Restoration and Improvement Component

132. The PAPs in the SME /Jua kali industry will be advised and educated through a consultative process on how to sustainably propagate their business to achieve better returns.

8.2.2 Employment at Construction

133. It is advisable that, local people whose livelihood is impacted by the project be given preference in jobs associated with the auxiliary construction activities such as excavations, bush clearing and re-vegetation programmes (tree planting and watering). The PAPs will get preferential employment in project civil works based on their eligibility in the semi-skilled and unskilled category. This was recommended during the Public Consultative meetings.

8.2.3 Re-establishing Common Property Resources (CPR)

134. In addition to loss of personal properties and assets, the project will also have impacts on community structures. The Common Property Resources (CPR), including water kiosks, and water pans among others, will receive replacement in kind as budgeted for in the RAP budget.

8.2.4 Land Based Restoration Component

135. Income restoration for the land-based component through pastoral improvement can be accomplished through the provision of drought resistant animal fodder crop seeds to be planted where there are seasonal rivers, and, livestock veterinary services.

8.2.5 Non-Land Restoration Component

136. The measures proposed to mitigate adverse impacts at the Community Level will target the 844 asset owners and institutions/groups. These measures will endeavour to address issues including such as stress to vulnerable groups who include the elderly, child and female headed households, the spread of HIV/AIDS as well as the loss of trees, rental revenue, communal facilities (mosques, school compounds and water pans), undeveloped residential and commercial plots.

Cash Payments

In many cultures, women are involved with land-based activities and in herding animals; they are part of the productive work force and contribute substantially to the sustenance of the family. However, compensation monies mainly go to men, often leading to mistrust and division in the family.

Payment Timing

Compensation payments will be promptly paid out within reasonable time and not severely delayed. Severe delays would result to devaluation of the compensation award. Compensation money must be made available before the actual move so that displaced households can use the money to overcome or minimize the hurdles of relocation.

8.2.6 Compensation Preferences

137. All discussions conducted with Focus Groups and the PAPs have revealed that the general preference for compensation is for financial reimbursement for lost or damaged assets.

Where land-for-land compensation is often not possible, financial restitution is the only option available. Cash was the most preferred mode of compensation along the road stretch accounting for 92% of the PAP households with 4.8% preferring land for land and the rest opting to be compensated both in land and cash. The reasons for those preferring land for land compensation are as follows:

- i. Decrease in available land compared to its demand will make it unaffordable with the money offered for compensation;
- ii. Perceptions that the household head may mishandle compensation paid in cash
- iii. Fear of getting land far from current settlement area owing to bonds of social relations; and
- iv. Fear of getting land on extremely hostile environment far from services and facilities.

Considering the above factors, it would be prudent for NLC to involve all members of the household in the compensation process so that they all can decide the best options available.

The local leaders indicated that there is adequate land behind the settlement areas where the PAPs can be resettled once KeNHA does the necessary arrangements with the concerned entities.

8.2.7 Vulnerable Groups

138. Among the PAPs, special groups of persons were identified. These include; 8 physically challenged persons. These groups of persons are vulnerable to greater project impact and discrimination hence extra assistance is required to ensure that they are properly compensated and resettled. The RAP identified 8.No vulnerable PAPs and the contingency budget has considered their facilitation.

No.	Vulnerable Group	Action
1.	Eligible Member of vulnerable PAP/household to be relocated from the project right of way	<ul style="list-style-type: none"> • Priority in compensation for assets, shifting allowance, reconstruction assistance, alternative site or homestead development assistance, cash assistance for loss of workdays due to relocation, and priority in employment in construction. • Additional support with transport to new sites that include providing a team to salvage their belongings including house materials. • Employment priority in project related jobs. • The project has considered non-monetary in-kind compensation measures including priority in compensation, adequate notice to relocate their facilities and assistance to relocate their assets to other communal land which the area administration has provided, referral to micro lenders and support organizations in the areas affected, allocation of accessible trading spaces with specific attention to their vulnerability factors like wheelchairs use at the local markets among other support as per the entitlement matrix. • Counselling of the households so that they can understand the short-term support and longer-term options. • Support to ensure that they maintain their social networks of family and friends and that they can access social services.
2.	Eligible members from poor female headed households Having No adult male members to shoulder household responsibility	<ul style="list-style-type: none"> • In the short-term support as in 1 above is needed. • Additional subsistence allowance for three months. • Where illness is ascertained, medical subsidies, food, temporary accommodation, employment referrals to members of the family to be considered. • Additional support with transport to new sites that include providing a team to salvage their belongings including house materials. • Employment priority in project related jobs.

No.	Vulnerable Group	Action
		<ul style="list-style-type: none"> • Counselling of the households so that they can understand the short-term support and longer-term options. • Support to ensure that they maintain their social networks of family and friends and that they can access social services.
3.	Eligible Member of vulnerable poor households losing access to Land including business proprietorship.	<ul style="list-style-type: none"> • Compensation for loss of business income, shifting and reconstruction assistance. • As per need, referral to credit institutions will be considered for urban land etc. for strengthening business capital • Additional support with transport to new sites that include providing a team to salvage their belongings including house materials. • Employment priority in project related jobs. • Counselling of the households so that they can understand the short-term support and longer-term options. • Support to ensure that they maintain their social networks of family and friends and that they can access social services.

Among the PAPs identified in the project area, majority of the households are headed by men. The Land Act 2012 recognises the role of spouses in land and property transactions where families reside. Consent from the spouse is mandatory hence the rights of the female spouse are well guarded and this will minimise vulnerability.

9 GRIEVANCES REDRESS MECHANISM

139. During the public consultations in the project area, there were concerns expressed that include adequate and timely compensation of affected persons, legal ownership of affected land and resettlement of affected persons within the local area to avoid drastic change of environment and departure from ancestral land. Due to lack of title deeds in the project area, majority of the PAPs expressed fear that they may not receive appropriate compensation from the relevant Authorities.
140. Grievance redress mechanisms are necessary avenues for allowing affected persons to voice concerns about the resettlement and compensation process as they arise and, if necessary, for corrective action to be taken promptly. Such mechanisms are important to achieving transparency in the asset valuation and resettlement processes. Arising from the above observations, the Consultant proposes that all the pending grievances be addressed before commencing construction and any emerging grievances be expeditiously dealt with in the lifetime of the project.

9.1 Subject Matter of Grievances

9.1.1 Potential Sources of Grievances

141. The PAPs may have grievances on the value of compensation for Land, movable and immovable assets, trees, human and livestock disturbance. Other grievances may arise from the loss of livelihood, disconnection of streams of income and reduction of earning capacity due to the involuntary resettlement.

9.2 Procedure for Grievances Settlement

142. The procedure for grievances settlement will follow the below steps.
- The grievance is filed by the person affected by the project to the chairperson of PAPs Committee of the project area, who will immediately report the same to the PIU through a selected representative who will be a principal member of the PIU for a resolution.
 - If no understanding or amicable solution can be reached, or if the affected person does not receive a response from the representative within a reasonable space of time, then the chairperson shall seek redress from the RSC who will respond within a given and stipulated time framework after receipt of the complaint.
 - If the affected person is not satisfied with the decision of the RSC, he/she, as a last resort, may submit the complaint to a court of law or the National Environmental Tribunal or Public Complaints. All complaints received in writing (or written or received verbally) will be documented.
- To achieve a proper grievance redress system, this RAP proposes a five tier system comprised of the locational level, Sub county level, National Steering Committee level and the Court of law level.

9.2.1 Locational Level Resettlement PAPs Committee (LRPC)

143. Locational level refers to an administrative location/ward of a county. In this respect a Grievances Committee will be formed and established in each location and its mandate

will be to receive, register and hear disputes from PAPS arising from the implementation of the project. Membership to this committee will be drawn from the PAPS (ensuring gender balance – male and female PAPS), the area Chief, clan or opinion elders and Subject Matter Specialists from the County Government as well as community liaison officer. The Chief will be the chairperson while the PAPS representative will take the position of Secretary of the Committee. Functions of this committee will be conducted in a participatory manner and will include:

- Conducting extensive public awareness and consultative meetings
- Resolving disputes that are registered with the committee and arising from the relocation process.
- Monitor and evaluate the RAP process at the ward level.
- Enhance employment opportunities especially from the compensation received and programmes of RAP.

Due to its importance this committee will meet monthly to resolve all issues as discussed herein.

Note: there are issues that can be resolved at the lowest level of the Village/Clan elders and others through the *maslaha* system where Muslims are involved in grievances. Other well-known grievance redress alternatives like Kadhi/ imam dispute resolution bodies existing where Muslims are predominant will be explored on a case by case to support the locational committee for dispute resolution.

Note 2: Due to the hostile nature of the opposing communities along the alignment, the Locational level committee will be formed before or at implementation phase using the RAP as a guideline to cover both Somali and Borana communities as well as other minor ethnic communities represented at the locational level.

However the chiefs were properly sensitised on this issue and are ready to proceed once the project has been rolled out. The locational committee will also provide information to residents on respecting the set wayleave for roads.

9.2.2 County/Sub County Committee Level (C/SCC)

144. This Sub county level Resettlement Committee members will be the County Commissioner or Deputy County commissioner, Land Adjudication and Settlement Officer, KeNHA representative, National Environmental Management Authority (NEMA), County Social Development Officer, Gender Officer, a representative of the PAPS, contractor/supervising engineer and County State Counsel will be established at the County level. Key duties of this committee in each county will mainly be coordination of stakeholders involved in the implementation of the RAP. Main activities to be overseen by this committee are verification of affected persons, and assets for valuation, compensation, assistance and relocation of concerned PAPS. Members of this committee have a leeway of co-opting experts to support them in their mandated functions. This committee will be meeting quarterly to take stock of the progress made by the location Project Affected Persons' Committees/Grievances Committees and give direction where necessary. The sub county committee will also provide information to residents on respecting the set wayleave for roads.

9.2.3 National Level Steering Committee (NSC)

145. At the national level a Steering Committee/Team will be formed under the chairperson of KeNHA. Members to this committee will come from a number of National Government's ministries and agencies the key ones being, Ministries of Lands, Transport and Infrastructure through KeNHA and National Environmental Management Authority (NEMA) among other bodies with subject matter expertise like forestry, power, water, education, health, agriculture, livestock, rural/ASAL development among others. This Committee can co-opt and network with other experts from other National Government ministries that may have relevance to the RAP activities. These ministries through the national project implementation team will work with the local RAP committees and the ministries at the County Governments to ensure PAPS get value for their property through dispute resolution.

9.2.4 Court of Law

146. Disputes that are not resolved at the dispute resolution forums under the purview of the Land Act, 2012, i.e. the Project Affected Persons Committee, the County Resettlement Committee and the National Steering Committee level are subsequently referred to Environment and Land Court that is purposely set up in Kenya for hearing and judgment of such matters. These courts are the highest level of dispute resolution are mandated to provide the best solutions to such matters.

9.2.5 Method of Lodging Complaints

147. Any persons who are not satisfied with the award of the Committee on entitlement and compensation will have a right for appealing against the decision of the said Committee seek legal redress within some specified timeframe. Complaints will be lodged either in writing or by filling in the grievance form which will be issued by the local administration offices (area chief's offices) as well as the local leaders and project liaison staff on the ground. A sample grievance form is provided under Annex 13.

9.2.6 Proposed Procedure

148. KeNHA in collaboration with the supervision consultant will establish a mechanism to receive and facilitate grievance management of the affected persons and create broad awareness on the grievance procedure, types of grievances that can be submitted and the available options for raising their grievances. The grievance redress procedure will have a timeline to ensure the issues are addressed without delay. The procedure for managing grievances is proposed to be as follows:
- i. *Registration of grievances:* The affected person will be free to file his/her grievance, relating to any issues associated with the project in writing, phone call, suggestion box, SMS or in person, and in a language he/she is comfortable with including his/her mother tongue, Swahili or English, to the grievance committee. They can also channel their grievances to the Committee through the chief or the project community liaison officer who will form part of the Locational level PAP committee. A record of all grievances received will be documented by the grievance officer in a grievance log

shared with KeNHA. The grievance log will be updated from time to time and the will be used to monitor grievance resolution. The grievance log will contain records on the name of the complainant, date complaint was received, contacts of the aggrieved, nature of complaint, and action to be undertaken. Timeline: up to 3 days.

- ii. *Acknowledgement*: The Aggrieved party will be furnished with a stamped copy of the grievance form as evidence of receipt. Timeline: 1day, following the lodging of the complaint.
- iii. *Sorting and investigation*: The Liaison Officer will sort the various grievances (within 48 hrs) and allocate them to the grievance committee which will investigate and report back with findings. The grievance committee members will be responsible for undertaking investigation and analysis of the reported grievances to enable understanding of the complaints and suggest grievance resolution within the shortest time possible. The Committee will work out with support from the CLO, their mode of handling the grievance at hand, depending on its nature, but examples could include listening to the aggrieved party, identifying and interviewing witnesses if applicable and suggesting to the aggrieved party the possible modes of resolving the matter. Timeline: 3-7 days.
- iv. If the aggrieved party agrees to a proposed resolution mode, then the resolution is implemented and if the aggrieved party is satisfied, then the grievance is logged as completed and the matter is closed. A matter that is not successfully closed at the first tier is submitted to the second tier, together with the investigation report and recommended mode of resolution by the first tier. Finally, a grievance that fails to be satisfactorily addressed by the second tier will be recommended for mediation, arbitration, negotiation, which can be considered as some of the many alternatives available to the National level GRM.
- v. *Response of the different Redress Committees*: Each Committee will review the claim, together with the investigation report and inform the claimant if it is valid or not valid, and the redress actions that will be taken. This will be undertaken within 14-21 days. The religious leaders will be part of the lowest level GRM Committee, and that they will participate in the monitoring of the implementation of the GRM resolutions for concepts like maslaha to have a focus where applicable. This suggestion will be taken into consideration during the establishment of the GRM, in consultation with the PAPS. The said leaders will decide how they will participate in the Committee and in the monitoring of the Committee's resolutions.

9.2.7 Awareness Raising on the GRM

- 149. Continous consultations and sensitization of the affected persons and the community is crucial in reducing grievances that may arise from the project. It is therefore recommended that a GRM awareness campaign and a strategy to reach out to the affected communities be developed. By holding PAP sensitization meetings on GRM and training the GRC Members, the awareness strategy will highlight mechanisms of the grievance redress, which will be available to any person (such as community residents, local businesses or others who consider themselves affected by project activities). This will enable them to readily and efficiently communicate their grievances. Important

messages that will need to be conveyed and reinforced over time by project implementation team:

- There is no financial charge for making a complaint.
- Grievances are welcome because they help improve project policies, systems, and service delivery.
- Grievances will be treated confidentially

150. The GRM will have provision for monitoring and evaluation which will help in tracking grievance resolution processes and outcomes. It is anticipated that the selected civil society organisations (CSOs) along the project area will assist the communities to internalize the project implications and create a sense of public ownership of the project process. The organisation will develop a stakeholder engagement plan, mapping stakeholders, analysing stakeholders and determining key messages and avenues to deliver these messages. The Terms of Reference to be used for the selection process of the CSOs will be reviewed and approved by the Bank.
151. The grievance management process will be continuous until the project is completed with the consultations and meetings diminishing in frequency as the emerging issues are resolved. The designated grievance officers in conjunction with the project team will continue to work with the communities during the project implementation. Appropriate display materials to assist in the sensitization process to be utilized and continuous awareness creation and education of the local population on the grievance mechanism established for the project is recommended.
152. Grievance procedures may be invoked at any time, depending on the complaint. No person or community from whom land or other productive assets are to be taken will be required to surrender those assets until any complaints s/he has about the method or value of the assets or proposed measures are satisfactorily resolved.
153. If a complaint pattern emerges, the Committees and the Proponent discusses possible remediation. The local leaders are required to give advice concerning the need for revisions to procedures. Once they agree on necessary and appropriate changes, then a written description of the changed process is made. The various committees are responsible for communicating any changes to future potential PAPs when the consultation process with them begins.

9.2.8 Sensitization on Grievance Redress Mechanism during RAP review

154. The PAPs were sensitized to the process of grievance redress mechanisms in various forums. These include the following:

Census Survey - The first forum was during the census survey where majority of the PAPs wanted to know why the RAP Study teams were administering questionnaires and measuring sizes of their structures. It was elaborated that the proposed road will affect their land and structures and there will be a process of valuation (determining cost of land structures affected) for compensation after valuation has been done. Where project affected persons do not agree with the valuation there will be mechanisms for lodging grievances)

Consultation Meetings – During the Consultation Meetings conducted at the various Centres, the PAPs were sensitized on the process of land and structure valuation for compensation determination and grievance redress mechanism where there will be a need to lodge a complaint on the determined values or resettlement plan.

9.2.9 Dispute Resolution through the NLC

155. The National Land Commission conducts hearings to evaluate claims of PAPs on Compensation that guides the relocation process. This institution will be of particular use where disputes around the compensation and resettlement process arise. In conclusion, there are a series of pre-existing customary avenues that deal with dispute resolution and they will be employed as the “court of first outreach”, on the resettlement and compensation matters where applicable as they arise and, if necessary, for corrective action to be taken expeditiously. Such mechanisms are fundamental to achieving transparency in the resettlement process. All disputes arising from the project will be referred to the LRPC at the project level and then if necessary, the C/SCC or the NSC will be escalated accordingly, to provide recommendations as to how it is to be addressed based on the weight of the matter, and the capacity of the committee.

10 INSTITUTIONAL ARRANGEMENTS

156. The implementation of the RAP seeks to minimize resettlement by adopting viable alternatives and adequately addressing resultant impacts and calls for collaboration from all the stakeholders. This would therefore require a properly constituted structure for the administration of the same. The proposed road upgrade project has some positive/negative effects especially to those who may be displaced from the right of way through eviction hence there is a need to compensate them for the loss of their affected assets/ developments and support during resettlement. This RAP report contains details of PAPs and resettlement budgets for compensation. The Kenya National Highways Authority (KeNHA) is therefore expected to institute the process before commencement of the project. The National Land commission will undertake the verification process and ensure timely execution of compensation and resettlement. The verification process will confirm the socio-economic characteristics of all project affected persons (PAPs), valuation of assets to be compensated and preparation of an updated list of the PAPs at the time KeNHA will start project implementation.

10.1 Organization Structure of RAP Implementation Team

157. The implementation of the RAP requires collaboration from all the stakeholders. This requires a properly constituted structure for the administration of the same. The proposed project involves asset valuation, compensation and resettlement of affected people for the loss of their structures, trees and community assets such as water points. There will also be need to monitor the progress of PAP livelihood restoration to ensure affected persons are not left worse off. The Institutional Framework clarifies the role of various stakeholders in the implementation and administration of the RAP. It further clarifies the role of PAPs and their responsibility in the entire exercise. The procedures to be followed along with the support facilities available and a timeframe for implementation of each of the activities. Internal and external committees will be involved in the RAP Implementation process. These are:
- KeNHA Project Implementation Unit (KPIU)
 - Sub county RAP Implementation Committee (RIC)
 - PAP Committees

KeNHA will inquire on the PAP Committee knowledge about the RAP, their expertise and use available funds for their training to enable them to undertake the activities they are expected to perform.

Refer to **Table 14** below for the RAP Implementation Team members, their composition and responsibility.

Table 14: RAP Implementation Team

Institution	Composition	Roles
KeNHA-PIU	<ul style="list-style-type: none"> • Project Engineer(s) • Head, Environment & Social Safeguards • Senior Sociologist • Senior Surveyor /Valuer • Road Reserve Protection Officer • ICT officer • Communication Officer • Accountant • Legal Officer 	<ul style="list-style-type: none"> • Coordination and planning compensation of PAPs payments; • Plan and coordinate non-cash 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 's 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 • Implementation and monitoring of the land acquisition, compensation and income restoration activities • Consult and sensitize the community and PAPs with regard to the RAP implementation progress • Establishment of grievance redress mechanism and management of resettlement grievances. • Oversee RAP implementation
Sub - County Project Grievance Redress Committee	<ul style="list-style-type: none"> • Deputy County Commissioner, Chair; • Representative of the Consultant (secretary to the committee) and, • Project sociologist • Resident Engineer • Sub-county administrator • Locational Chiefs (2) • Representative of KeNHA; • Chosen PAP reps along project corridor 	<ul style="list-style-type: none"> • Verification of the PAPs list • Co-coordinating the orderly relocation and occupation on the new site; • Resolving project grievances as well as escalate, monitor and record outcome of grievances • Enforcing against influx of illegal traders into the proposed new site; • Facilitating trainings, awareness creation and counselling sessions

Institution	Composition	Roles
	(directly affected residents and business operators) <ul style="list-style-type: none"> Representative of NEMA, Gender Officer 	<ul style="list-style-type: none"> Monitoring implementation of the RAP
Project Affected Persons Committees	<ul style="list-style-type: none"> Location Chief, chair Elected PAPs committee members including representatives of: <ul style="list-style-type: none"> Business Residential Tenants Vulnerable Youth 	<ul style="list-style-type: none"> Checking against speculators; Conducting public awareness/consultations with the affected people; Resolving disputes that may arise from the PAPs Monitoring and evaluating the RAP process at the grassroots level Enhance employment opportunities and, conduct training and counselling of the PAPs (socially and economically).
Institutional Taskforce	Representatives of <ul style="list-style-type: none"> NEMA, KFS FCDC COUNTY REPS DOSH KNCCI NACC CHILDRENS OFFICE LABOUR CONTRACTOR Rep SUPERVISION ENGINEER Rep CLIENT Rep OTHER (as per need to invite/incorporate) 	<ul style="list-style-type: none"> Checking for compliance, safe operations Monitoring Escalation and resolution of institutional grievances
Stand Alone organizations in the RAP process	NLC	<ul style="list-style-type: none"> To lawfully acquire land on behalf of the project/government To conduct grievance resolution in the asset verification process To provide information on compensation.
	Ministry of Interior and Coordination	<ul style="list-style-type: none"> To provide security to the project Organize for CDICC review of project

Institution	Composition	Roles
	NGO's	<ul style="list-style-type: none"> • Mobilization and provision of project information and citizen engagement and GRM monitoring • Gender Based Violence (GBV)⁶ • Security perceptions • PSEA • Social communication
	Ministry of Transport and Infrastructure	<ul style="list-style-type: none"> • Overseeing the rehabilitation activities of the project • Ensuring availability of funds for the whole project • Maintenance of the project
	National Environment Management Authority	<ul style="list-style-type: none"> • Undertake study on environment to establish areas that need protection and conservation. • Monitor and supervise areas that have been affected by the project and need conservation.
	Others	<ul style="list-style-type: none"> • Monitor and supervise areas that have been affected by the project as per Subject matter Expertise e.g. education, water, livestock

⁶ Under the project, GBV could happen when compensation money is paid out to men and if their wives query its use and/or appropriation, they may be subjected to domestic violence. Other forms of GBV may include the road Construction workers using their money to get sex from the rural women and young girls around the project area. Such cases and complaints on Gender Based Violence (GBV) and Sexual Exploitation and Abuse (SEA) will be referred to the GBV Experts who will be working with the Non-Governmental Organization hired by the project for the sole purpose of managing and handling any GBV/SEA related case reported to them directly by the complainants or referred to them through other sources such as the local administrators or the established GRM.

The GBV Experts will determine the appropriate survival centred approach to take on any particular case and will follow the acceptable referral pathways through collaboration with suitable services providers identified in the project area.

11 MONITORING AND EVALUATION

11.1 Internal Monitoring

158. The proponent (KeNHA) will conduct regular internal monitoring of the resettlement performance of the operation through the Resettlement Action Implementation Team which will be responsible for implementing resettlement and compensation activities and monitor its efficiency.

The objective of internal monitoring and supervision will be:

- To verify that the valuation of assets lost or damaged, and the provision of compensation, resettlement and other upgrade entitlements, has been carried out in accordance with the resettlement policies provided by the Government of Kenya.
- To oversee that the RAP is implemented as designed and approved;
- To ensure that funds for implementation of the RAP are provided by the National Treasury in a timely manner and in amounts sufficient for their purposes and that such funds are used in accordance with the provisions of the RAP.

11.1.1 Responsibility

159. The RAP Implementation Committees as established shall be charged with the task of monitoring and evaluation of the PAPs since they would be familiar with the various variables in the project area. It will therefore be enlisted to continue the post project evaluation system and conduct actual monitoring and reporting. The RICs shall periodically provide the Proponent with collected data for report preparation.

11.2 Performance Monitoring

160. Successful project management requires the ongoing monitoring of performance in order to generate data by which to judge the success or otherwise of a project. The data generated relates to the indicators to be monitored. It can be qualitative or quantitative in nature depending on the parameter being monitored. The data will be collected on a regular basis and accumulated. It is then analysed and presented appropriately.

11.3 Impact Monitoring

161. The project will generate both positive and negative impacts, social monitoring is envisioned as an important process in the implementation of RAP. The monitoring programme will reveal changes and trends brought about by the presence and operations of the project. Such information will be useful in the formulation of sustainable project management and operation strategies.

The basic activities for a sound-monitoring programme for the road upgrading project once it starts operating will at least include the following parameters:

- Quality of life of the resettled persons
- Change in health trends of persons affected by the project
- Identification of unexpected environmental impacts

11.4 Monitoring and Evaluation Indicators

162. The main internal indicators that will be monitored regularly are:

- That entitlements are in accordance with the approved policy and that the assessment of compensation is carried out in accordance with agreed procedures
- Payment of compensation to the PAPs in the various categories is made in accordance with the level of compensation described in the RAP
- Public information and public consultation and grievance redress procedures are followed as described in the RAP
- Relocation and payment of subsistence and shifting allowances are made in a timely manner
- Restoration of affected public facilities and infrastructure are completed prior to construction
- Formation of KeNHA Project Implementation Unit (KPIU) and Resettlement Implementation Committee (RIC).

11.5 Frequency of Monitoring

163. The frequency of monitoring is influenced by the parameter being monitored and its dynamic nature. The monitoring frequency will vary from monthly to yearly. The frequency of monitoring of other parameters will be determined by project implementers. Refer to **Table 15** for frequency of monitoring various RAP parameters.

Table 15: Frequency of Monitoring

	Parameter	Monitoring Frequency
1	Payment of Compensation	Monthly
2	Resettlement of PAPs	Monthly
3	PAP income restoration	Half Yearly
4	Number of consultation meetings held	Monthly
5	Number of grievances closed out/resolved	Quarterly
6	Number of information requests	Quarterly

11.6 External Monitoring

164. An independent monitoring unit (IMU) can be established to evaluate implementation of compensation and resettlement. The IMU can be appointed to monitor the resettlement and compensation process and implementation of requirements to verify that compensation, resettlement and upgrade have been implemented in accordance with the agreed RAP. The objective of this unit will also be to provide a forum for skills-sharing and to develop institutional capacity. It is important that the Unit is able to maintain a strong, independent position and provide constructive feedback to the project to ensure the objectives are met.

11.7 Database Management and Storage

165. The proponent shall prepare and maintain a well-organized database of all project information in both hard and soft form. The information shall be backed up in the safe to ensure continuity in the event of loss of the master files. This database will require updating when new project information is obtained, analysed and new reports generated.

11.8 Reporting

166. After monitoring and evaluation, reports shall be generated. Reporting stage will follow the analysing of information. The report will be in written form and can be made into PowerPoint presentation. These reports shall be available for access by interested and affected parties.

11.9 Evaluation Method of Monitoring Results

167. Evaluation of monitoring results may use either quantitative or qualitative methods, or a mix of the two. As a starting point it will be useful to consider the various sources and type of data to be evaluated then choose an appropriate method of presentation. Numerical data which includes the number of affected households and structures, age categories of Household heads of the PAPs and gender distribution of the PAP Household head have been analysed using quantitative methods while qualitative data which include the quality of life before and after resettlement will be analysed using qualitative methods.

Table 16: Monitoring and Social Management Plans

Nr	Social Impact Aspect	Project Stage	Mitigation Action Plans	Responsibility	Timeframe	Monitored 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 Number of persons resettled Reports on resettled persons Costs to be determined by resettlement in the plan At least six months duration
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"> Resettlement Plan Reports on loss of farm size Reports on adoption of alternative land use practices Cost as in the resettlement plan At least six months duration
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"> Number of joint meetings/activities held Progress reports of project Costs: activities once a month
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"> Number of committees formed Number committee meetings held Records of incidences addressed

Physical resettlement is mainly expected in the Wajir town by hawkers who will be accommodated in the already built market that is currently vacant. The RAP has consistently shown the required physical utilization of the existing wayleave save for settled areas where the RoW is reduced to minimize impacts as per O.P.4.12

12 IMPLEMENTATION SCHEDULE

168. The implementation time schedule shall depend on the processes grouped under the three phases namely preparation, implementation and post implementation. Refer to **Table 17** for the project implementation schedule. The starting date is not definite as it was not indicated under the ToR but shall be pegged on:
- Identifying the responsibilities of the various parties that are to implement the resettlement plan;
 - Identifying and measure the impact of the project on the people who live and work on land within the road ROW and the surrounding areas;
 - Carrying out PAP verification;
 - Presentation of policies to deal equitably with the Project Affected Persons (PAPs);
 - Provide an opportunity for further consultation of PAPs and Stakeholders on the project plans and provide meaningful input into the design and implementation of the overall program;
 - Developing compensation, relocation and upgrade measures that will enable the affected people to re-establish their lives on an equal or preferably better-than-before basis; and
 - Preparing cost estimate of all measures required to achieve successful implementation of the compensation and resettlement program. Carry out review of the budget during project review;
 - Carrying out grievance redress and continuous monitoring of the PAPs resettlement.

Table 17: RAP Implementation Schedule

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.	■	■	■	■	■	■	■	■	■	■	■	■	■							
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	Construction of social infrastructure						■	■	■	■	■	■	■	■	■	■	■	■	■	■	■

13 COSTS AND BUDGETS

169. The RAP budget has been determined for affected assets including structures, businesses and trees affected by the 157 km long stretch of the Proposed Upgrade of Modogashe – Samatar – Wajir Road (A13) project. This is summarized as follows:-

Table 18: Summary of various types of affected assets and related costs

	Type of Affected Assets	Total Number of Owners	Estimated Cost/Value (Ksh)
1	Permanent and Semi permanent structures		439,589,273
2	Fences		4,092,001
3	Trees		1,494,025
4	Community Water points		293,986
5	Training and capacity building of PAPs		25,000,000
6	Facilitation of grievance redress and resettlement committees		25,000,000
7	External monitoring and evaluation		15,000,000
8	Livelihood restoration activities		100,000,000
	Subtotal	844⁷	610,469,285
	Contingency cost (15%) of subtotal		91,570,392.8
	Total Affected Asset Owners		702,039,678

13.1 Total RAP Budget

170. Taking into account all factors, it is our opinion that compensation for land, structures, loss of business and trees to be affected during the Proposed Upgrade of Modogashe - Samatar - Wajir Road (A13) as compensated based on full replacement value and free from all encumbrances is **Kshs 702,039,678** with a 15% disturbance allowance for all affected structures and any other cost to the PAPs being included as broken down in **Table 19**. Refer to Annex 1 for the list of PAPs and the Valuation Tables.

Table 19: Summary of the Cost of Resettlement for Modogashe to Wajir Road Project

#	Project Areas	RAP Budget in Initial RAP (Kshs)	RAP Budget in Reviewed RAP (Kshs)
1.	Modogashe	25,396,730	31,959,972
2.	Skanska	6,820,311	5,575,013
3.	Habaswein	121,214,106	5,891,470
4.	Lagdima	2,379,030	9,171,738
5.	Kanchara	7,830,607	20,117,991
6.	Samatar/ Guticha	849,146	748,115
7.	Laghbogol Town Centre	51,909,724	64,785,423
8.	Busibusi	3,286,917	1,183,738

^{7 7} The affected asset owners own a combination of more than one type/category of assets (Refer to asst registers)

#	Project Areas	RAP Budget in Initial RAP (Kshs)	RAP Budget in Reviewed RAP (Kshs)
9.	Bojiyare Location	9,683,179	8,887,079
10.	Leheley Town Centre	52,018,579	49,431,134
11.	Alimahu, Furahia & South C	3,469,370	3,409,083
12.	Bypass (Baruwako,Jogoo & Halane)	44,534,260	40,537,385
13.	Wajir CBD & Township	203,771,144	203,771,144
	Total	533,163,101	445,469,285

171. The budget will however be set higher (by 15-30%) than this since there may be price variations occurring between the date of this valuation and the time the actual compensation is paid out, and to cater for areas with disputed boundaries like Modogashe Market area.

13.2 Flow of Funds

172. It will be the responsibility of KeNHA through the NLC to channel payment directly to affected persons bank account with respect to land, houses, other structures and any allowances. KeNHA will also be responsible for contracting an independent institution to undertake the independent monitoring if deemed necessary to evaluate how the compensation process is carried out and measure its success or otherwise.

13.3 Compensation Rates for Structures

173. For the purposes of this exercise, the full replacement value of putting up a similar structure has been used to determine the compensation value for structures affected by the road project. Compensation price rates used varied from Kshs 650.85 -74.35 per sq. feet for temporary houses, Kshs 743.5– 650 per sq. feet for semi-permanent houses, and Kshs 2196 – 1579.9 per sq. feet for permanent houses.

13.4 Project Approach

174. The calculation at full replacement values was made using information collected from both secondary and primary sources. There were direct interviews with project affected and interested persons located along the Modogashe - Samatar - Wajir Road (A13) earmarked for upgrade and from the local administration. Full Replacement Value for community and commercial land will be based on its productive potential. Full Replacement value of houses and structures will be based on fair prices for new building materials and labour, without any deductions made for depreciations or for salvaged building materials. The Full Replacement Value of land structures forms the basis for replacement of these assets.

13.5 Findings

175. Majority of the land in the project area is Community Land with the process of adjudication on going and some individual/private organisation land owners either have land titles or are in the process of obtaining them. These documented parcels are mainly located within the town centres. The project area has plenty of land that would be available to the Proponent to resettle the PAPs as compensation for the land lost to the project. Consultations with the PAPs who are pastoralists indicated that cash payment for their structures would be appropriate and materials salvaged shall

be relocated to develop new structures within their immediate neighbourhood. The areas affected by the road upgrade project do not have an active property market.

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Modogashe-Samatar-Wajir Road
Pan-19-02

Client:	The Kenya National Highways Authority
Project:	Reviewed and Updated Resettlement Action Plan (RAP) for the Proposed Upgrading to Bitumen Standards of Modogashe-Samatar- Wajir Road

ANNEXES

Annex 1: Asset Registers

MODOGASHE

SKANSKA

HABASWEIN

LAGDIMA

KANCHARA

GUTICHA/ SAMATAR

LAGBOGOL

BUSI BUSI

BOJIYARE

LEHELEY

ALIMAHU & SOUTH C

BYPASS

WAJIR TOWN

Annex 2: Completed Key Stakeholder Questionnaires During RAP Review Study

Annex 3: Key Stakeholders Contacted During The RAP Review Study

KEY STAKEHOLDERS CONTACTED DURING THE RAP REVIEW STUDY

#	People Contacted	Information Provided
1.	Mr. Walter Barongo Deputy Director, Environment & Social Safeguards Kenya National Highways Authority (KeNHA) Blue Shield Towers, Hospital Road, Upper Hill P.O. Box 49712 – 00100, Nairobi Kenya Tel:+254-20-8013842 E-mail: w.nyatwanga@kenha.co.ke	<ul style="list-style-type: none"> • Provided Management Support • Provided Project Information
2.	Eng. James Kariuki Project Engineer Kenya National Highways Authority (KeNHA) Blue Shield Towers, Hospital Road, Upper Hill P.O. Box 49712 – 00100, Nairobi Kenya Tel:+254-20-8013842 Email: j.kariuki@kenha.co.ke	<ul style="list-style-type: none"> • Provided Management Support • Provided Project Information
3.	Lucy Wainaina Senior sociologist Kenya National Highways Authority (KeNHA) Blue Shield Towers, Hospital Road, Upper Hill P.O. Box 49712 – 00100, Nairobi Kenya Tel:+254-20-8013842 E-mail: l.wainaina@kenha.co.ke	<ul style="list-style-type: none"> • Provided Management Support • Provided Project Information
4.	Gicovi Njue Senior Valuer Kenya National Highways Authority (KeNHA) Blue Shield Towers, Hospital Road, Upper Hill P.O. Box 49712 – 00100, Nairobi Kenya Tel:+254-20-8013842 E-mail: g.njue@kenha.co.ke	<ul style="list-style-type: none"> • Provided Management Support • Provided Project Information
5.	Chrek Masua Tel: Deputy County Commissioner, Wajir East Sub County Tel: 0727656064	<ul style="list-style-type: none"> • Received RAP Review Team • Provided Administration Support
6.	Richard Kipkosgei Assistant County Commissioner, Wajir East Sub County Tel: 0720713786	<ul style="list-style-type: none"> • Received RAP Review Team • Provided Administration Support •
7.	Nassir Ali Elim Assistant Chief, Wajir Township Sublocation Tel: 0720336992	<ul style="list-style-type: none"> • Received RAP Review Team • Participated in PCM • Hosted the PCM

#	People Contacted	Information Provided
8.	Wajir Town Administrator Tel: 0723102314	<ul style="list-style-type: none"> Received RAP Review Team Participated in PCM Hosted the PCM
9.	Mohamed Hasan Assistant Chief, Alimaow Sublocation Tel: 0728001246	<ul style="list-style-type: none"> Received RAP Review Team Participated in PCM Hosted the PCM
10.	Supkem Wajir Branch Tel: 0708888895	<ul style="list-style-type: none"> Received RAP Review Team Provided Administration Support
11.	County Chief Officer Lands and Physical Planning County Government of Wajir Tel: 0724342812	<ul style="list-style-type: none"> Received RAP Review Team Provided Administration Support
12.	Muktar Ahmed Osman Wajir County Roads Engineer County Government of Wajir Tel: 0724347118	<ul style="list-style-type: none"> Received RAP Review Team Provided Administration Support
13.	Abdikadir Barrow Chief, Alimaow Location Tel: 0721290121	<ul style="list-style-type: none"> Received RAP Review Team Provided Administration Support
14.	Mohamed D. Maalim Chief Furaha Location Tel: 0714430246	<ul style="list-style-type: none"> Received RAP Review Team Provided Administration Support
15.	Hussein Osman Abdi Chief Borjiheri Location Tel: 0721860991	<ul style="list-style-type: none"> Received RAP Review Team Provided Administration Support
16.	Mohamed Kuresh Arid land Development Focus Tel: 0710220700	<ul style="list-style-type: none"> Received RAP Review Team Provided Administration Support
17.	Assistant Chief, Borjiyare Sub Location Tel: 0710931187	<ul style="list-style-type: none"> Received RAP Review Team Provided Administration Support
18.	Issa Salan Fatule Snr Assistant Chief, Skanska Sub Location Tel: 0726545048	<ul style="list-style-type: none"> Received RAP Review Team Provided Administration Support
19.	Abdkadir Abdullahi Tel: 0722179535	Filled in RAP Stakeholder Questionnaire
20.	Mohamed Ibrahim Senior Chief Tel: 0721881589	Filled in RAP Stakeholder Questionnaire

#	People Contacted	Information Provided
21.	Abdullahi M. Osman Tel: 0720776078	Filled in RAP Stakeholder Questionnaire
22.	Haret Ahmed Tel:0720083055	Filled in RAP Stakeholder Questionnaire
23.	Ahmed Abdi Tel: 0728154317	Filled in RAP Stakeholder Questionnaire
24.	Mohamed Jimale Tel: 0705088306	Filled in RAP Stakeholder Questionnaire
25.	Ali Osman Abdi Tel: 0717312186	Filled in RAP Stakeholder Questionnaire
26.	Khalif Sadeko Tel: 0722397851	Filled in RAP Stakeholder Questionnaire
27.	Kadija Billow Mohamed Tel: 0720128154	Filled in RAP Stakeholder Questionnaire
28.	Hassan Mohamed Roble Tel: 0728212072	Filled in RAP Stakeholder Questionnaire

Annex 4: Analysis of Stakeholders Feedback Received During RAP Review Study

Analysis of Stakeholders Feedback March 2019

#	Stakeholder Name	Department/ Organization	ID No.	Telephone	Involvement or Role in Project	Stakeholder Interest, Goals, and Concerns	Stakeholder Priority	Follow-up Actions and Communication
1.	Nassir Ali Elim	Assistant Chief, Wajir Township Sublocation	11172766	0720336992	Coordination of National I Government Projects at the local level. Ensuring security, law and order	<p>The project will ease transportation ensuring timely transportation of goods and services. The local communities will no longer be cut off from the rest of the county due to lack of road network</p> <p>It will lead to demolition of building that have encroached on the road reserve</p>	High	<p>Contractor to ensure that there is good drainage system</p> <p>KeNHA will consider the views and opinions of the affected persons</p>
2.	N/A	Wajir Town Administrator	N/A	0723102314	County Government of Wajir	<p>The project will open up the County through connecting it to the rest of Kenya.</p> <p>The project will take long to be implemented</p>	High	Ensure the project is done well to the expected standards
3.	Mohamed Hasan	Assistant Chief, Alimaow Sublocation	22531789	0728001246	Coordination of National I Government Projects at the local level. Ensuring security, law and order	<p>Tarmacking of the road will be a great step development initiative to the region which has been marginalised since independent.</p> <p>It will lead to demolition of building that have encroached on the road reserve</p>	High	<p>Promote the local community by building toilet facilities for them</p> <p>Ensure continued public participation and sensitization</p>

#	Stakeholder Name	Department/ Organization	ID No.	Telephone	Involvement or Role in Project	Stakeholder Interest, Goals, and Concerns	Stakeholder Priority	Follow-up Actions and Communication
4.	Chrek Masua	Deputy County Commissioner, Wajir East Sub County	20062675	0727656064	Coordination of National 1 Government Projects at the local level. Ensuring security, law and order	<p>The project will spur economic development by opening up the area and improving accessibility.</p> <p>It will improve the livelihood of the local community and improve access to the market for their livestock a</p>	High	Compensate the affected people
5.	Richard Kipkosgei	Assistant County Commissioner, Wajir East Sub County	20477250	0720713786	Coordination of National 1 Government Projects at the local level. Ensuring security, law and order	<p>The project will ensure fast and efficient transport and open up Wajir County to the rest of Kenya</p> <p>The cost of living will be reduced by easy cost of transport resulting to lower commodity prices</p>	High	Involve all the stakeholders and employ local labour force and use locally available raw materials for road construction
6.	N/A	Supkem Wajir Branch	13442156	0708888895	Spiritual Leader	<p>The project will bring development to the larger Northern Eastern Kenya.</p> <p>It will lead to demolition of structures and affect businesses. It will lead to displacement</p>	High	Compensate the PAPs for demolished structures
7.	N/A	County Chief Officer - Lands and Physical Planning	9565123	0724342812	County Government of Wajir	<p>The Project will open up the region and connect it to other regions of Kenya</p> <p>It will displace PAPs who have encroached on the ROW</p>	High	<p>Compensate the PAPs for demolished structures.</p> <p>Ensure continued public participation and sensitization</p>

#	Stakeholder Name	Department/ Organization	ID No.	Telephone	Involvement or Role in Project	Stakeholder Interest, Goals, and Concerns	Stakeholder Priority	Follow-up Actions and Communication
8.	Muktar Ahmed Osman	Wajir County Roads Engineer	22991986	0724347118	County Government of Wajir	<p>The project will improve accessibility and movement of goods and services.</p> <p>It will open up the North Eastern Kenya region</p> <p>The project may bring increase HIVAIDS infections and bring about environmental changes</p>	High	KenHA will dig wells and construct other social facilities such as schools and dams for the locals
9.	Abdikadir Barrow	Chief, Alimaow Location	6822019	0721290121	Coordination of National Government Projects at the local level. Ensuring security, law and order	<p>The project will improve accessibility and movement of goods and services.</p> <p>It will lead to demolition of structures and affect businesses. It will lead to displacement.</p> <p>It will impact on environment</p>	High	Compensate the PAPs for demolished structures and other affected assets
10.	Mohamed D. Maalim	Chief Furaha Location	24677087	0714430246	Coordination of National Government Projects at the local level. Ensuring security, law and order	<p>This will be the historical tarmac road to reach North Eastern Kenya</p> <p>It will lead to demolition of structures and affect businesses. It will lead to displacement.</p>	High	<p>Compensate the PAPs for demolished structures.</p> <p>Ensure continued public participation and sensitization.</p>
11.	Hussein Osman Abdi	Chief Borjiheri Location	0004252	0721860991	Coordination of National Government Projects at the local	The project will improve accessibility and movement of goods and services.	High	Compensate the PAPs for demolished structures and other assets.

#	Stakeholder Name	Department/ Organization	ID No.	Telephone	Involvement or Role in Project	Stakeholder Interest, Goals, and Concerns	Stakeholder Priority	Follow-up Actions and Communication
					level. Ensuring security, law and order	<p>The improved road may result to speeding vehicles causing accidents</p> <p>It will lead to demolition of structures and affect businesses. It will lead to displacement.</p> <p>It will impact on environment</p>		Lack of compensation will cause conflict between the community and KeNHA.
12.	Mohamed Kuresh	Arid land Development Focus	10116821	0710220700	NGO	<p>The project is a noble project which will reduce travel hours</p> <p>It may take longer to implement this project than promised.</p> <p>The quality of road constructed maybe compromised</p>	High	Ensure that the quality of the road is not compromised by the contractor
13.	N/A	Assistant Chief, Borjiyare Sub Location	7684095	0710931187	Coordination of National I Government Projects at the local level. Ensuring security, law and order	<p>This will be a permanent road for use by the current and future generations.</p> <p>It will lead to demolition of structures and affect businesses. It will lead to displacement.</p> <p>It will impact on environment</p>	High	Compensate the PAPs for demolished structures and other assets.
14.	Issa Salan Fatule	Snr Assistant Chief, Skanska Sub Location	8672829	0726545048	Coordination of National I Government Projects at the local	The proposed project will be beneficial to the community if the affected peoples are compensated.	High	The concern Surveyors will carry out their work more accurately so that no affected persons are left

#	Stakeholder Name	Department/ Organization	ID No.	Telephone	Involvement or Role in Project	Stakeholder Interest, Goals, and Concerns	Stakeholder Priority	Follow-up Actions and Communication
					level. Ensuring security, law and order	<p>There has been conflicting information coming from different Surveyors about the people being acted.</p> <p>It will lead to demolition of structures and affect businesses. It will lead to displacement.</p>		out when enumerating and compensating the PAPs. Compensate the PAPs for demolished structures and other assets.
15.	Abdkadir Abdullahi	N/A	22353403	0722179535	Local Stakeholder	Supports the project in hope that it will help the community	Medium	The project will create job opportunities for the locals, build schools and construct dams
16.	Mohamed Ibrahim	Senior Chief	6822341	0721881589	Coordination of National 1 Government Projects at the local level. Ensuring security, law and order	<p>The proposed project will be beneficial by improving the business growth.</p> <p>It will lead to demolition of structures and affect businesses. It will lead to displacement.</p>	High	<p>Fully compensate the PAPs for demolished structures and other assets.</p> <p>Minimise environmental impacts</p> <p>The project will be on schedule and not delayed</p>
17.	Abdullahi M. Osman	N/A	0653856	0720776078	Local Stakeholder at Habasweni	<p>It a good project which will spur development and enhance transport and communication.</p> <p>It will lead to demolition of structures and affect businesses. It will lead to displacement.</p>	High	<p>Ensure that demolition of structures is reduced.</p> <p>Ensure continued public participation and sensitization.</p>

#	Stakeholder Name	Department/ Organization	ID No.	Telephone	Involvement or Role in Project	Stakeholder Interest, Goals, and Concerns	Stakeholder Priority	Follow-up Actions and Communication
18.	Haret Ahmed	N/A	30754937	0720083055	Local Stakeholder at Habasweni	It will lead to demolition of structures and affect businesses. It will lead to displacement.	High	Have a Resettlement Plan and fully compensate the PAPs for demolished structures and other assets. The Contractor will be community friendly
19.	Ahmed Abdi	N/A	27158883	0728154317	Local Stakeholder at Borjiyare	The project will spur development and enhance transport and communication. It will generate dust which will impact on the environment The project will displace many people	High	Fully compensate the PAPs for demolished structures and other assets. Minimise environmental impacts
20.	Mohamed Jimale	N/A	35421455	0705088306	Local Stakeholder at Borjiyare	The project will enhance transport and communication. Will lead to environmental degradation by cutting down trees It will lead to demolition of structures and affect businesses. It will lead to displacement.	High	The project will construct dams for the local communities Fully compensate the PAPs for demolished structures and other assets. The Project will engage local labour during construction
21.	Ali Osman Abdi	N/A	0036951	0717312186	Local Stakeholder at Borjiyare	The project will ease transport of goods and people. It will	High	Put bumps on the road to reduced vehicle speed and hence reduce accidents

#	Stakeholder Name	Department/ Organization	ID No.	Telephone	Involvement or Role in Project	Stakeholder Interest, Goals, and Concerns	Stakeholder Priority	Follow-up Actions and Communication
						<p>hence spur economic growth in the area.</p> <p>It will lead to demolition of structures and affect businesses. It will lead to displacement.</p>		<p>Fully compensate the PAPs for demolished structures and other assets.</p> <p>The Project will engage local labour during construction</p>
22.	Khalif Sadeko	N/A	1173631	0722397851	Local Stakeholder at Borjiyare	<p>The project will make the road accessible and hence quick means of transport.</p> <p>The improved road may result to speeding vehicles causing accidents.</p> <p>It will lead to demolition of structures and affect businesses. It will lead to displacement.</p>	High	<p>The project will reduce travel time and hence provide cheaper means of transport</p> <p>Fully compensate the PAPs for demolished structures and other assets.</p> <p>Lack of compensation will result to revolt and resistance from the local communities</p>
23.	Kadija Billow Mohamed	N/A	20097185	0720128154	Local Stakeholder at Borjiyare	<p>The project will boost the local economy and provide easy means of transport for people and goods</p> <p>It will lead to demolition of structures and affect businesses. It will lead to displacement.</p>	High	<p>Fully compensate the PAPs for demolished structures and other assets.</p> <p>The Project will engage local labour during construction</p>

#	Stakeholder Name	Department/ Organization	ID No.	Telephone	Involvement or Role in Project	Stakeholder Interest, Goals, and Concerns	Stakeholder Priority	Follow-up Actions and Communication
						Will lead to environmental pollution		Put bumps on the road to reduced vehicle speed and hence reduce accidents
24.	Hassan Mohamed Roble	N/A	11783273	0728212072	Local Stakeholder at Borjiyare	<p>It will provide faster transport and hence boast the economy</p> <p>It will lead to demolition of structures and affect businesses. It will lead to displacement.</p> <p>Will lead to environmental pollution</p>	High	<p>Fully compensate the PAPs for demolished structures and other assets.</p> <p>The Project will engage local labour during construction</p> <p>Put bumps on the road to reduced vehicle speed and hence reduce accidents</p> <p>Mark the road with Zebra Crossings to reduce accidents</p> <p>Respect the local people's culture</p>

Annex 5: Analysis of Stakeholders Feedback Received During Initial RAP

Analysis of Stakeholders Feedback- 2018

#	Stakeholder Name	Department/ Organization	ID No.	Telephone	Involvement or Role in Project	Stakeholder Interest, Goals, and Concerns	Stakeholder Priority	Follow-up Actions and Communication
1.	David Tanui	Ocs	8207698	721973542	Government Agency	The project will improve economic standards and bring in more investors and hence more job created. It will save time on transportation of goods. The improved transport system empowers the locals to market their products easily and able to compete with other areas	A	Compensate the affected stakeholders The project will take the shortest time possible to avoid transport inconveniences
2.	Abdirashid Ahmed	Ward Administrator	22494107	0722104264	Government Agency	It will reduce the overall cost of repairs and maintenance of vehicles and reduce the amount of fuel used It will enhance the cross border trade that will in turn improve the living standards of the local community	A	Replace drifts with bridges to enhance the flow of traffic even during the rainy seasons
3.	Mohamed Ahmed Ali	Businessman	7997870	0704387034	Stakeholder-Business	Easy access to various places and major towns. Interruption with businesses on the road corridor Improvement of transport hence increasing efficiency	B	Speed bumps will be erected because of crossing children and livestock to avoid possible accidents by over speeding vehicles. Erection of road signs to alert drivers. The project will proceed so that we realize its benefits
4.	Mohamed Adan Emil	Agricultural extension officer	1264728	0728575830	Stake holder	Many incidences of accidents due to over speeding drivers Improvement and enhancement of development	B	Labeling of zebra crossing, construction of speed bumps and enactment of road signs.

#	Stakeholder Name	Department/ Organization	ID No.	Telephone	Involvement or Role in Project	Stakeholder Interest, Goals, and Concerns	Stakeholder Priority	Follow-up Actions and Communication
								Corporate Social Responsibility (CSR) to be initiated e.g. construction of a permanent secondary school.

Annex 6: Minutes of Consultation Meetings Done During RAP Review Study

**MINUTES OF RAP STUDIES FOR REVIEW AND UPDATING OF THE MODOGASHE – WAJIR ROAD
HELD AT OUTSIDE COUNTY COMMISSIONER’S OFFICE, MODOGASHE TOWN ON 13TH MARCH 2019
AT 9:00 AM**

Number Present: 36

Male: 16

Female: 20

Attendance List: *(See attached)*

AGENDA OF THE MEETING

1. Opening of the meeting/Word of prayer
2. Introduction of participants
3. Purpose of conducting the consultation/sensitization meeting with the community and relevant stake holders
4. Introduction of the proposed project and its various components, benefits and possible impacts/mitigation measures
5. Views and questions from the participants of the proposed project with responses and clarifications given by RAP review team
6. Closing remarks
7. A.O.B
8. Closing/prayer

Minute 01: Opening of the meeting

The meeting commenced at 10.00 a.m. with a word of prayer by Ismail Abdikadir

The area chief Abdikadir Abdullahi welcomed all members and told them to embrace the long-awaited road project.

Minute 02: Introduction of the participants

The area chief introduced the meeting organizers who included his colleagues and peers from both the National and County governments and the RAP review team. All organizers introduced themselves by their names and roles in the government and in the RAP review team. The RAP review team leader gave an introduction of the project and explained the positive and negative impacts that the project will have towards the community and the region.

Minute 03: Purpose of conducting the consultation

The Sociologist from the team of experts explained the importance of public participation and consultations before the project is undertaken. She explained that that would help in giving the communities a sense of ownership of the project. She also explained the importance of the project and stakeholders’ involvement in the project.

Minute 04: Views and questions from the participants of the proposed project with responses and clarifications given by RAP review team

Q1: Are permanent house valued in the same manner as permanent houses

A1: No. All structures are not similar hence the mode of their valuation is different because of the materials used in constructing them

Q2: Isiolo Modogashe, Modogashe Wajir and Nuno Garissa roads were valued using different rates. This will cause clashes therefore correct this early enough.

A2: It is unfortunate if such a scenario happened. KeNHA has given us the mandate to carry out the RAP on Modogashe - Samatar - Wajir Road and since we are doing a review of this road, our valuer who is competitive and qualified will do his work using the rates provided by the current market value.

Q3: One house was captured and the other one left out during last survey. Advise me on this

A3: We are reviewing the previous RAP that was done and our surveyor will help in identifying such gaps which will later be filled

Q4: Will demolition occur before or after compensation?

A4: It will be unlawful and non-compliant to the WB polices for any house to be demolished before compensation is paid. The law provides for compensation before demolition. Compensation for affected assets will be paid through the National Land Commission. Compensation will cover all affected property and shall be paid prior to road construction and PAPs given sufficient time to relocate. All affected persons will be involved and consulted before the commencement of road construction.

Q5: When shall we be paid?

A5: The time for payments will be determined by KeNHA and the NLC and the PAPs shall be informed well in advance.

Q6: When shall the project start?

A6: It will take a while. Since the project designs are ready and there are donors willing to fund the construction of the road, the construction works will start as soon as RAP is ready and approved and PAPs have been paid their compensation packages and relocated to other areas to clear the way leave area for the road construction.

There being no any other business to discuss, the meeting came to an end at 1.00 pm by a word of prayer from Ismail Abdikadir

**MINUTES OF RAP STUDIES FOR REVIEW AND UPDATING OF THE MODOGASHE – WAJIR ROAD
HELD AT SKANSKA CENTRE ON 13TH MARCH 2019 AT 2:00 PM**

Number Present: 21

Male: 20

Female: 01

Attendance List:

(See attached)

AGENDA OF THE MEETING

9. Opening of the meeting/Word of prayer
10. Introduction of participants
11. Purpose of conducting the consultation/sensitization meeting with the community and relevant stake holders
12. Introduction of the proposed project and its various components, benefits and possible impacts/mitigation measures
13. Views and questions from the participants of the proposed project with responses and clarifications given by RAP review team
14. Closing remarks
15. A.O.B
16. Closing/prayer

Minute 01: Opening of the meeting

The meeting commenced with a word of prayer at 2.00 p.m. by Abdi Beidid.

The area chief Issa Salan Fatule welcomed all members and told them to embrace the long-awaited road project.

Minute 02: Introduction of the participants

The area chief introduced the meeting organizers who included his colleagues and peers from both the National and County governments and the RAP review team. All organizers introduced themselves by their names and roles in the government and in the RAP review team. The RAP review team leader gave an introduction of the project and explained the positive and negative impacts that the project will have towards the community and the region.

Minute 03: Purpose of conducting the consultation

The Sociologist from the team of experts explained the importance of public participation and consultations before the project is undertaken. She explained that that would help in giving the communities a sense of ownership of the project. She also explained the importance of the project and stakeholders' involvement in the project.

Minute 04: Views and questions from the participants of the proposed project with responses and clarifications given by RAP review team

Q1: Who is constructing the road, is it KeNHA or international company?

A1: This is class A road which is under the jurisdiction of KeNHA. KeNHA is the client and construction process start with a bidding process whereby a contractor shall be procured. As at now the contractor is not yet known

Q2: I never saw PAPs in Nunu Modogashe road being compensated yet their houses were demolished. Is the same tragedy going to face us?

A2: No. It will be unlawful and non-compliant to the WB policies for any house to be demolished before compensation is paid. The law provides for compensation before demolition. Compensation for affected assets will be paid through the National Land Commission. Compensation will cover all affected property and shall be paid prior to road construction and PAPs given sufficient time to relocate. All affected persons will be involved and consulted before the commencement of road construction.

Q3: In 2018, I was not captured as a PAP and now I am. What has changed?

A3: There could be a shift on the road or maybe it was an omission. Such gaps will be identified and filled by our surveyor and valuer.

Q4: I have a house and an underground tank. My house was said to be on the ROW and captured and my tank left out. How shall I be assisted?

A4: Your house seems to be within the road corridor and that is why it was captured while the tank was away from the wayleave

Q5: There is too much paper work and we waste our time coming to such meetings. Why are these meetings so frequent?

A5: As part of the requirements for carrying out RAP, we are required to consult and sensitize PAPs on any development project since they are great stakeholders. You expect more meetings to come in future in which you shall be informed accordingly. We invite you to such meetings to make you participate and have possession of the project. Since the project designs are ready and there are donors willing to fund the construction of the road, the construction works will start as soon as RAP is ready and approved and PAPs have been paid their compensation packages and relocated to other areas to clear the way leave area for the road construction.

Q6: I was told in 2018 that my house was within the road corridor and now when the review was done, I was told it's outside the corridor. I have lost time and money for this confusion. Will there be another survey that will provide contrary results again?

A6: It was very crucial to carry out a review of this RAP and one of our objectives was to bridge and gaps that would have been left out during the last RAP. There is no other survey for this road again.

Q7: We were told by KeNHA in 2017 that everything would be transparent, now my future development plans have been distorted with the current review of the RAP. I have been told now that it's my verandah that has been affected. How can I live in a house without a verandah?

A7: It was very crucial to carry out a review of this RAP and one of our objectives was to bridge and gaps that would have been left out during the last RAP. When the verandah is demolished it would affect other parts of your house and even make it weaker hence your whole house will be valued

Q8: Plots were being considered for compensation in the 2018 RAP and now they have been left out. Why has it happened so?

A8: KeNHA claims that the proposed wayleave belongs to them. Under our review of this RAP, land owners with legal ownership documents like allotment letters shall be taken care of by NLC with support from County Government, Chiefs, Village Elders and Religious leaders.

Q9: I want to know the amount of money to be paid to me as compensation

A9: At this level, the figures that we have are draft and need to be kept as confidential.

Q10: The project should not come with loss now that I have accepted it

A10: The PAPs and the stakeholders should rest assured that this project has a lot of benefits and proponents and their Consultant teams appreciate the community members for accepting it and supporting the project

Q11: There should be no demolition without compensation

A11: This is a good suggestion. You will be compensated before any demolition occurs. It will be unlawful and non-compliant to the WB policies for any house to be demolished before compensation is paid. The law provides for compensation before demolition. Compensation for affected assets will be paid through the National Land Commission. Compensation will cover all affected property and shall be paid prior to road construction and PAPs given sufficient time to relocate. All affected persons will be involved and consulted before the commencement of road construction.

Q12: I own a structure, plot and business. In your review the plot and business were not captured while the structure was. Why is there such a variation?

A12: Under our review of this RAP, land owners with legal ownership documents like allotment letters shall be taken care of by NLC with support from County Government, Chiefs, Village Elders and Religious leaders. If your business was valued during the last RAP then you need not to worry but in case you started your business after the cut off date of August 2018, then expect no compensation

Q13: Structures were awarded to owners who didn't own them in 2018 RAP. Explain the reason for this

A13: It was very crucial to carry out a review of this RAP and one of our objectives was to bridge and gaps that would have been left out during the last RAP. Our surveyor and valuer are on the ground and they will help in solving such problems

Q14: There is contrary information on capturing of affected property. In 2018 RAP I was told it was the whole house and now it is said that it is partially affected and specifically the verandah. Clarify this matter

A14: Since it is the verandah that has been affected in the current RAP, it is assumed to be the whole house and if the verandah is demolished it will make your house unstable.

There being no any other business to discuss, the meeting came to an end at 4.00 pm by a word of prayer from one of the participants

MINUTES OF RAP STUDIES FOR REVIEW AND UPDATING OF THE MODOGASHE – WAJIR ROAD HELD AT BARAKA PARK, HABASWEIN TOWN ON 12TH MARCH 2019 AT 9:00 AM

Number Present: 56

Attendance List:

(See attached)

AGENDA OF THE MEETING

17. Opening of the meeting/Word of prayer
18. Introduction of participants
19. Purpose of conducting the consultation/sensitization meeting with the community and relevant stakeholders
20. Introduction of the proposed project and its various components, benefits and possible impacts/mitigation measures
21. Views and questions from the participants of the proposed project with responses and clarifications given by RAP review team
22. Closing remarks
23. A.O.B
24. Closing/prayer

Minute 01: Opening of the meeting

The meeting commenced with a word of prayer at 10.00 a.m. by one of the Participants.

The area chief Khalif Sirat Farah welcomed all members and told them to embrace the long-awaited road project.

Minute 02: Introduction of the participants

The area chief introduced the meeting organizers who included his colleagues and peers from both the National and County governments and the RAP review team. All organizers introduced themselves by their names and roles in the government and in the RAP review team. The RAP review team leader gave an introduction of the project and explained the positive and negative impacts that the project will have towards the community and the region.

Minute 03: Purpose of conducting the consultation

The Sociologist from the team of experts explained the importance of public participation and consultations before the project is undertaken. She explained that that would help in giving the communities a sense of ownership of the project. She also explained the importance of the project and stakeholders' involvement in the project.

NB: The Habwasein PAPs stated that their continued support for the project is limited to the condition that no structures will be demolished. They said they would not allow demolition of their permanent shops and houses not even with compensation. They said having lived and worked in an ASAL region, they all have spent their whole lifetime building these structures and therefore have a special attachment to them which no amount of money can buy

Minute 04: Views and questions from the participants of the proposed project with responses and clarifications given by RAP review team

Q1: There were people with property within the 60m corridor, how would the proponent deal with it?

A1: All affected persons by or community by the project shall be involved and consulted before the commencement of road construction. Compensation will cover all affected property and shall be paid prior to road construction and PAPs given sufficient time to relocate.

Q2: There has been too much talk on the rehabilitation of the road but no tangible work has been done on the road, when will the road be constructed?

A2: Since the project designs are ready and there are donors willing to fund the construction of the road, the construction works will start as soon as RAP is ready and approved and PAPs have been paid their compensation packages and relocated to other areas to clear the way leave area for the road construction.

Q3: In the previous Consultations, it was agreed that the road construction works should avoid demolition of all permanent structures within the Habaswein town; is this still the case?

A3: The draft report has stated likewise so the the RAP review team will consider and confirm this from the road design coordinates given by the KeNHA.

Q4: Are permanent house valued in the same manner as permanent houses?

A4: No. All structures are not similar hence the mode of their valuation is different because of the materials used in constructing them

Q5: There was need for involvement of locals in employment Member

A5: In terms of employment the locals will be given first priority when it comes to job distribution.

Q6: Would bridges be constructed across laggas and drifts?

A6: The design for the proposed rehabilitation of the road have provide for bridges at all the river crossings hence modern bridges will be constructed at all the necessary areas as per the design.

There being no any other business to discuss, the meeting came to an end at 12.00 pm by a word of prayer from one of the participants

MINUTES OF RAP STUDIES FOR REVIEW AND UPDATING OF THE MODOGASHE – WAJIR ROAD HELD AT BARAZA PARK, LAGBOGOL TOWN ON 12TH MARCH 2019 AT 2:00 PM

Number Present: 40

Male: 33

Female: 07

Attendance List: *(See attached)*

AGENDA OF THE MEETING

25. Opening of the meeting/Word of prayer
26. Introduction of participants
27. Purpose of conducting the consultation/sensitization meeting with the community and relevant stake holders
28. Introduction of the proposed project and its various components, benefits and possible impacts/mitigation measures
29. Views and questions from the participants of the proposed project with responses and clarifications given by RAP review team
30. Closing remarks
31. A.O.B
32. Closing/prayer

Minute 01: Opening of the meeting

The meeting commenced with a word of prayer at 10.00 a.m. by one of the participants

The area chief Mohammed Ibrahim welcomed all members and told them to embrace the long-awaited road project.

Minute 02: Introduction of the participants

The area chief introduced the meeting organizers who included his colleagues and peers from both the National and County governments and the RAP review team. All organizers introduced themselves by their names and roles in the government and in the RAP review team. The RAP review team leader gave an introduction of the project and explained the positive and negative impacts that the project will have towards the community and the region.

Minute 03: Purpose of conducting the consultation

The Sociologist from the team of experts explained the importance of public participation and consultations before the project is undertaken. She explained that that would help in giving the communities a sense of ownership of the project. She also explained the importance of the project and stakeholders' involvement in the project.

Minute 04: Views and questions from the participants of the proposed project with responses and clarifications given by RAP review team

Q1: The initial road is bigger than Nairobi roads, why should it cause displacement?

A1: Most of Nairobi roads are within the towns and are governed by KURA. This is a class A road which KeNHA requires to rehabilitate and since the 60m wayleave is required so displacement might occur in case you happen to be within the corridor

Q2: I Suggest that the road project should continue

A2: This is a good idea and thank you for accepting the project

Q3: The road has caused loss to me. I cannot do any development on my land

A3: You are allowed to do development on the area outside the wayleave. The surveyor will show you the boundary of your land

Q4: Too much paper work. When will this continue to? (Fatigued)

A4: As part of the requirements for carrying out RAP, we are required to consult and sensitize PAPs on any development project since they are great stakeholders. You should still expect more meetings to come in future in which you shall be informed accordingly. We invite you to such meetings to make you participate and have possession of the project. Since the project designs are ready and there are donors willing to fund the construction of the road, the construction works will

start as soon as RAP is ready and approved and PAPs have been paid their compensation packages and relocated to other areas to clear the way leave area for the road construction.

Q5: When shall we be paid?

A5: The time for payments will be determined by KeNHA and the NLC and the PAPs shall be informed well in advance.

Q6: When shall the project start?

A6: It will take a while. Since the project designs are ready and there are donors willing to fund the construction of the road, the construction works will start as soon as RAP is ready and approved and PAPs have been paid their compensation packages and relocated to other areas to clear the way leave area for the road construction.

Q6: When will this survey end?

A6: It is a gradual process and as soon as we reach the end point of our road in Wajir town, we shall end this survey.

Q7: Where shall we go if we are displaced during demolition?

A7: The law provides for compensation before demolition. Compensation for affected assets will be paid through the National Land Commission. Compensation will cover all affected property and shall be paid prior to road construction and PAPs given sufficient time to relocate. All affected persons will be involved and consulted before the commencement of road construction.

Q8: We were told about the commencement of the road in September 2019, what has happened again?

A8: We were not informed as such before so we will ask KeNHA to clarify on this matter and feedback the community in subsequent meetings

Q9: How is valuation of plots and structures done?

A9: Matters related to lands and plots shall be handled by NLC Valuers using the laid down procedures on the NLC Act and based on prevailing market rates. Structures are valued in relation to type of structures e.g. permanent, semi-permanent and temporary structures and the rates used for these structures are not the same.

Q10: What I require is compensation before demolition. Give me an assurance of this

A10: It will be unlawful and non-compliant to the WB polices for any house to be demolished before compensation is paid. The law provides for compensation before demolition. Compensation for affected assets will be paid through the National Land Commission. Compensation will cover all affected property and shall be paid prior to road construction and PAPs given sufficient time to relocate. All affected persons will be involved and consulted before the commencement of road construction.

Q11: I suggest the you provide to us the names of PAPs for this road

A11: We will implement this through the chiefs and KeNHA after the RAP review process is completed

Q12: I am fatigued, stressed and experiences sleepless nights because of this road

A12: The PAPs and the stakeholders should rest assured that this project has a lot of benefits and proponents and their Consultant teams appreciates the community members for accepting it and supporting the project

Q13: There have been frequent visits and too much talk on the rehabilitation of the road but no tangible work has been done on the road, when will the road be constructed?

A13: As part of the requirements for carrying out RAP, we are required to consult and sensitize PAPs on any development project since they are great stakeholders. You should still expect more meetings to come in future in which you shall be informed accordingly. We invite you to such meetings to make you participate and have possession of the project. Since the project designs are ready and there are donors willing to fund the construction of the road, the construction works will start as soon as RAP is ready and approved and PAPs have been paid their compensation packages and relocated to other areas to clear the way leave area for the road construction.

Q14: I need clarification on what is affected. May you also provide the names of the PAPs – By Mohammed Ali

A14: The properties valued during RAP are land, structures, trees, crops and businesses. The surveyor will help you to identify what is affected and what is not. The names of PAPs will be accessible to you through the chiefs

Q15: Plot owners need to be identified and made known

A15: Each one of you knows his or her genuine plot. PAPS with allotment letters will be taken as legitimate plot/land owners. The chiefs, village elders and County Government of Wajir be a major player on this role

Q16: There is need to identify plot owners who were PAPs and now are not PAPs

A16: The surveyor will assist in identifying where such gaps exist. If a PAP has an allotment letter he or she will be identified and recorded

Q17: I want to know my people who are affected by this road project during the previous survey - Mohammed Ibrahim – By Chief Lagbogol North

A17: The list of PAPs will be availed to you

Q18: What is the width of the road?

Q19: What is the size of the wayleave?

A19: 60m

Q20: SGR compensation was messy when NLC took over the compensation. Give us an assurance that we shall not be victims of what happened during that compensation

A20: The compensation exercise will be open and transparent. You will be shown the amount you are to be paid when the right time comes and sign against if you accept. If in disagreement you are allowed to hire a private valuer of your choice at your own cost

Q22: I want to know whether my house is on the road corridor

A22: The surveyor will help you in knowing where your structure lies

There being no any other business to discuss, the meeting came to an end at 12.00 pm by a word of prayer from one of the participants

**MINUTES OF RAP STUDIES FOR REVIEW AND UPDATING OF THE MODOGASHE – WAJIR ROAD
HELD AT LEHELEY TOWN ON 14TH MARCH 2019 AT 10:00 AM**

Number Present: 48

Male: 37

Female: 11

Attendance List:

(See attached)

AGENDA OF THE MEETING

33. Opening of the meeting/Word of prayer
34. Introduction of participants
35. Purpose of conducting the consultation/sensitization meeting with the community and relevant stake holders
36. Introduction of the proposed project and its various components, benefits and possible impacts/mitigation measures
37. Views and questions from the participants of the proposed project with responses and clarifications given by RAP review team
38. Closing remarks
39. A.O.B
40. Closing/prayer

Minute 01: Opening of the meeting

The meeting commenced with a word of prayer at 10.00 a.m. by one of the participants.
The area chief welcomed all members and told them to embrace the long-awaited road project.

Minute 02: Introduction of the participants

The area chief introduced the meeting organizers who included his colleagues and peers from both the National and County governments and the RAP review team. All organizers introduced themselves by their names and roles in the government and in the RAP review team. The RAP review team leader gave an introduction of the project and explained the positive and negative impacts that the project will have towards the community and the region.

Minute 03: Purpose of conducting the consultation

The Sociologist from the team of experts explained the importance of public participation and consultations before the project is undertaken. She explained that that would help in giving the communities a sense of ownership of the project. She also explained the importance of the project and stakeholders' involvement in the project.

Minute 04: Views and questions from the participants of the proposed project with responses and clarifications given by RAP review team

Q1: I have no hope according to how things are happening now. I am afraid that I won't be compensated

A1: It's too early to lose hope. We are here to make you confident that this project is alive. I assure you that you will be compensated. All affected persons by or community by the project shall be involved and consulted before the commencement of road construction. Compensation will cover all affected property and shall be paid prior to road construction and PAPs given sufficient time to relocate.

Q2: How will you handle the matter of graves found on the road corridor?

A2 According to Islamic faith, graves and graveyards are restricted areas. Such areas shall be avoided and the design engineer will be advised to look at the road alignment in such places

Q3: There is a mosque next to the ROW. How will you handle this?

A3: This is a holy house of God. Such areas shall be avoided and the design engineer will be advised to look at the road alignment in such places

Q4: There is a shallow well being used by livestock and human beings and it is found along the road corridor. How will it be valued?

A4: Since the shallow well within the road corridor will be a hazard to the road users, it will be valued and another one drilled for community use

Q5: I need compensation before demolition

A5: This is KeNHA's policy and it will be implemented as you have requested. Property valuation shall be done in order to compute compensation packages of the properties that shall be affected and damaged including trees, buildings and other structures.

Q7: I am tired and do not want stories from the consultant – By Mohammed Ibrahim Abdi

A7: As part of the requirements for carrying out RAP, we are required to consult and sensitize PAPs on any development project since they are great stakeholders. You should still expect more meetings to come in future in which you shall be informed accordingly. We invite you to such meetings to make you participate and have possession of the project.

Q8: Am I guaranteed that I will be compensated? – By Mohammed Ibrahim Abdi

A8: Yes. All affected persons by or community by the project shall be involved and consulted before the commencement of road construction. Compensation will cover all affected property and shall be paid prior to road construction and PAPs given sufficient time to relocate.

A9: I had constructed my house up to the lintel level. I fear that I won't be compensated because I see different people on the ground. I can compare my fate to what happened to Nuno Modogashe PAPS

A9: If you constructed your house outside the cutoff date, you won't be compensated. We are on the ground to review and update the RAP that was done previously. All affected persons by or community by the project shall be involved and consulted before the commencement of road construction. Compensation will cover all affected property and shall be paid prior to road construction and PAPs given sufficient time to relocate.

Q10: Since the government is capable of compensating PAPs, the money should be used in developing a fly over in this area instead of demolishing houses. The current space is enough – By Gulled Ibrahim

A10: The design of this road was not for a fly over hence not possible to implement this. The space is not enough and that's why KeNHA requires a wayleave of 60m

Q12: I do not need the road if I won't be compensated

A12: All PAPs will be compensated. All affected persons by or community by the project shall be involved and consulted before the commencement of road construction. Compensation will cover all affected property and shall be paid prior to road construction and PAPs given sufficient time to relocate.

Q13: I am complaining of loss that will be associated with the road. If the loss outweighs the advantages then the road project should not progress

A13: The PAPs and the stakeholders should rest assured that this project has a lot of benefits and proponents and their Consultant teams appreciate the community members for accepting it and supporting the project

Q14: I want the compensation to be fair

A14: Compensation will be fair and just because you will be paid for what has been affected

Q15: Tarmacking of Nuno Modogashe road is in patches and some areas have been avoided as an evidence of conflict. Why was this skipping done?

A15: KeNHA has to go on the ground and establish the reason as to why some sections of the road have been skipped

Q16: Suggested that KeNHA and Religious leaders should visit the site to assess the situation on the ground

A16: This is welcome suggestion and it will help in getting a lasting solution for that crisis

Q17: There was selective valuation of structures in Lagbogol during the last RAP in 2018 and this will give you hard time during review

A17: This might have occurred as a result of the shift of the road. The surveyor will review and identify any gaps that shall be witnessed.

Q18: We formed PAP committees. What was the purpose for this?

A18: The purpose of PAP committee is representing the PAPs and later help in solving any disputes arising from the RAP

Q19: Payment of PAPS has taken too long. Why?

A19: Since the project designs are ready and donors are willing to fund the construction of the road, payment will start as soon as RAP is ready and approved by PAPS. It will take a while and your cooperation is also required to make it a success.

There being no any other business to discuss, the meeting came to an end at 12.30 pm by a word of prayer from one of the PAPS

MINUTES OF RAP STUDIES FOR REVIEW AND UPDATING OF THE MODOGASHE – WAJIR ROAD HELD AT SHIKUKU CENTRE ON 18TH MARCH 2019 AT 10:00 AM

Number Present: 50

Male: 43

Female: 07

Attendance List: *(See attached)*

AGENDA OF THE MEETING

41. Opening of the meeting/Word of prayer
42. Introduction of participants
43. Purpose of conducting the consultation/sensitization meeting with the community and relevant stake holders
44. Introduction of the proposed project and its various components, benefits and possible impacts/mitigation measures
45. Views and questions from the participants of the proposed project with responses and clarifications given by RAP review team
46. Closing remarks
47. A.O.B
48. Closing/prayer

Minute 01: Opening of the meeting

The meeting commenced with a word of prayer at 10.00 a.m. by one of the PAPs

The area chief welcomed all members and told them to embrace the long-awaited road project.

Minute 02: Introduction of the participants

The area chief introduced the meeting organizers who included his colleagues and peers from both the National and County governments and the RAP review team. All organizers introduced themselves by their names and roles in the government and in the RAP review team. The RAP review team leader gave an introduction of the project and explained the positive and negative impacts that the project will have towards the community and the region.

Minute 03: Purpose of conducting the consultation

The Sociologist from the team of experts explained the importance of public participation and consultations before the project is undertaken. She explained that that would help in giving the communities a sense of ownership of the project. She also explained the importance of the project and stakeholders' involvement in the project.

Minute 04: Views and questions from the participants of the proposed project with responses and clarifications given by RAP review team

Q1: When someone refuses his or her property to be touched, what happens

A1: The project is a Government of Kenya Project meant for the benefit of man so one can only negotiate but not refuse

Q2: I need to know where the centre line is

A2: The surveyor will show during establishment of the ROW

Q3: Business and Plot on road corridor, will such a person be compensated?

A3: Yes. All affected persons by or community by the project shall be involved and consulted before the commencement of road construction. Compensation will cover all affected property and shall be paid prior to road construction and PAPs given sufficient time to relocate. If you possess land allotment letter which is recognized by the County Government of Wajir, you will be compensated. Business also will be compensated if it falls within the cutoff date

Q4: When will demolition start?

A4: It will be unfair for your house to be demolished before compensation. The law provides for compensation before demolition. Notice for demolition will be provided. Since the project designs are ready and there are donors willing to fund the construction of the road, the construction works will start as soon as RAP is ready and approved and PAPs have been paid their compensation packages and relocated to other areas to clear the way leave area for the road construction

Q4: I own a business in someone's structure. What will happen to me if the owner of the structure resists demolition? – By Halima Adan

A4: You will be paid to compensate for the loss of your business

Q5: One side of the road was measured and one side was left out. Why did it happen so?

A5: The surveyor will be on the ground and will be able to establish this had happened but from what was seen was that on the righthand side as you move towards Wajir town looks wide and spacious than the left wing and that is why maybe the focus was on one side

Q6: What will happen to graveyards on road corridor

A6: According to Islamic faith, graves are and graveyards are restricted areas. Such areas shall be avoided and the design engineer will be advised to look at the road alignment in such places

Q7: Where is the new road alignment following, is it all the way to Mandera or through stadium?

A7: The surveyor will show during establishment of the ROW. The road is direct from Modogashe to Wajir town near Equity Bank which is the end point. It does not divert to the stadium. Our section does not proceed to Mandera

There being no any other business to discuss, the meeting came to an end at 1.00 pm by a word of prayer from one of the Participants

**MINUTES OF RAP STUDIES FOR REVIEW AND UPDATING OF THE MODOGASHE – WAJIR ROAD
HELD AT CHIEF’S OFFICE, WAJIR TOWN ON 18TH MARCH 2019 AT 4:00 PM**

Number Present: 47

Male: 32

Female: 15

Attendance List:

(See attached)

AGENDA OF THE MEETING

49. Opening of the meeting/Word of prayer
50. Introduction of participants
51. Purpose of conducting the consultation/sensitization meeting with the community and relevant stake holders
52. Introduction of the proposed project and its various components, benefits and possible impacts/mitigation measures
53. Views and questions from the participants of the proposed project with responses and clarifications given by RAP review team
54. Closing remarks
55. A.O.B
56. Closing/prayer

Minute 01: Opening of the meeting

The meeting commenced with a word of prayer at 10.00 a.m. by one of the participants.
The area chief welcomed all members and told them to embrace the long-awaited road project.

Minute 02: Introduction of the participants

The area chief introduced the meeting organizers who included his colleagues and peers from both the National and County governments and the RAP review team. All organizers introduced themselves by their names and roles in the government and in the RAP review team. The RAP review team leader gave an introduction of the project and explained the positive and negative impacts that the project will have towards the community and the region.

Minute 03: Purpose of conducting the consultation

The Sociologist from the team of experts explained the importance of public participation and consultations before the project is undertaken. She explained that that would help in giving the communities a sense of ownership of the project. She also explained the importance of the project and stakeholders’ involvement in the project.

Minute 04: Views and questions from the participants of the proposed project with responses and clarifications given by RAP review team

Q1: Compensation before demolition- By Abdile (Chairman Commerce)

A1: This is welcome. All affected persons by or community by the project shall be involved and consulted before the commencement of road construction. Compensation will cover all affected property and shall be paid prior to road construction and PAPs given sufficient time to relocate.

Q2: Provide alternative road to existing one. Maybe tarmacking to end at four miles away from the township - By Zainabu

A2: This is welcome. We will advise the client if this could be looked into. The community leaders should liaise with the county government to plan and construct a bypass as the current road design does not include a bypass.

Q3: My proposal is to retain our houses and still allow the road project to continue – By Mustapha

A3: KeNHA will use the existing road corridor within Wajir town in order to minimize the impact of demolition

Q4: Are you working on new design or using the existing road corridor? – By Mustapha

A4: KeNHA will use the existing road corridor within Wajir town in order to minimize the impact of demolition

Q5: A section of this road was tarmacked by the county government. What interest is KeNHA having on this road again? – By Mustapha

A5: The section that the county government tarmacked belongs to KeNHA. This being in class A, KeNHA has planned to tarmac it to bitumen standard.

Q6: Maintain the existing road alignment – By Hassan

A6: KeNHA will use the existing road corridor within Wajir town in order to minimize the impact of demolition

Q7: Tell us the reason for demolishing our buildings – By Farah Abdi

A7: We have not come here to do demolition of buildings. Our agenda is to identify PAPs along the proposed ROW

Q8: Explain how valuation is done - By Farah Abdi

A8: The surveyor establishes the ROW meant for the road. The valuer identifies and records all the affected property such as Structures, Trees, Land, Business and Crops within the ROW under the guidance of the surveyor.

Q9: Have you engaged any stakeholders? - By Farah Abdi

A9: While planning and inviting people to the meeting, the RAP team had involved the local authority but due to other commitments some of them have, they could not make to the meeting. We have done stakeholders engagement and a number of them have accepted the project. We have contacted the County Commissioner, Deputy County Commissioner, Assistant County Commissioner, Chiefs, NGOs, KPLC, CEC Transport & Lands, CCO Lands, Town Administrator and Religious Leaders.

Q10: My house was constructed in 1982 with unique local materials which can't be found now. How will you replace it if you demolish it?

A10: Valuation is usually done at replacement cost

Q11: Our rights to ownership of property has to be respected

A11: This is a fundamental human right which must be enforced.

Q12: What is the purpose of the committees that we were told to form?

A12: The purpose of PAP committee is solving any disputes arising from the RAP

Q13: I need to know about the hawkers' fate, where will they go? How will they be compensated?

A13: The hawkers are illegally operating at the road sides. The county government constructed a modernized market for them but have abandoned it. They will be compensated as business PAPs and screening will be done to ensure that they are within the cutoff date.

Q14: I propose that there be a committee formed to work with the consultant and KeNHA

A14: This is welcome. We will advise the client to consider this

Q15: What is the size of the road wayleave to be adopted in Wajir Township?

A15: KeNHA will use the existing road corridor within Wajir town in order to minimize the impact of demolition. It is estimated to be 10.5m

Q16: Why is the ROW reduced in Wajir town?

A16: KeNHA will use the existing road corridor within Wajir town which is smaller in order to minimize the impact of demolition

Q17: What happens to those who were not captured in the last RAP survey?

A17: During the review and the update that we are doing they will be recorded if they happen to be legible PAPs

Q18: Where does the 60m wayleave start from? – By Abdi Hussein

A18: All the way from Modogashe including all the centres outside Wajir town save for Habaswein

Q19: I propose that from Furaha area to the Roundabout be reduced to 40

A19: This is welcome. We will advise the client to consider this

Q20: Compensation before demolition/payment in advance

A20: This is welcome. All affected persons by or community by the project shall be involved and consulted before the commencement of road construction. Compensation will cover all affected property and shall be paid prior to road construction and PAPs given sufficient time to relocate.

Q21: Tell us the procedure that you will employ during employment

A21: The contractor and KeNHA will offer employment opportunities to the local communities depending on the job vacancies available and available local skills and capabilities.

There being no any other business to discuss, the meeting came to an end at 5.30 pm by a word of prayer from one of the PAPs

Annex 7: Attendance Registers for Consultation Meetings During RAP Review Study

MODOGASHE

SKANSKA

HABASWEIN

LAGBOGOL

LEHELEY

ALIMAO, HODHAN & FURAHA

WAJIR TOWNSHIP

Annex 8: Minutes of Consultation Meetings Done During Initial RAP

SUMMARISED MINUTES OF PUBLIC CONSULTATIONS

The Public Consultations were held in locations agreed on with the Client and in consultation with the stakeholders. Local leadership was largely relied upon to mobilize the participants. These locations were; Modogashe (Lagdera), Modogashe (Sericho), Skanska, Habaswein, Kanjara, and Guticha.

a) Participation:

Project information was presented in Kiswahili and Borana and/or Somali since most of the stakeholders understood both. The Consultant organized the public hearings, presented the technical details of the planned project describing the social, economic and cultural status of the project area. The project proponent representative also gave a clear guidance of KeNHA roads so as to ensure that the communities' understood their mandate. The forums also were addressed by the project environmentalist who was present in all the meetings. Their views were sought, and furnished with the requisite replies/information to the questions/ issues that arose during the hearing and kept records of these meetings.

The participants included:

- i Sub County administrators
- ii Chiefs and Sub-chiefs
- iii Community leaders (from all locations to be studied)
- iv Livestock farmers' representative
- v Businessmen representative
- vi Transport groups' representative
- vii A woman representative
- viii Indigenous and other vulnerable groups representatives
- ix Representatives from various government Institutions as:

- Kenya National Highways Authority
- Ministry of Health
- Water Resources and Management Authority
- Kenya Wildlife Service
- Kenya Power and Lighting Corporation
- Ministry of Lands
- Ministry of Education, Youth and Social Welfare
- Ministry of Transport, Roads, Public Works and Housing
- National Environmental and Management Authority
- Kenya Forest Service, etc.

1. HIGHLIGHTS OF PROCEEDINGS AND FINDINGS:

a) Background

There were meetings held in all the key trading and settlement centers along the road corridor. Specifically, public consultative were held in Modogashe, Skanska, Habaswein, Kanchara and Guticha/Samatar Centers. As is noted below, two different meetings were held in Modogashe which happens to bestride two Counties, Two Constituencies and is claimed by two Communities. Modogashe lies in Lagdera Sub County/Constituency of Garisa County. This side is inhabited mainly by the Somali Community. The Other Half of Modogashe is based in Garbatula Sub County/Isiolo South Constituency of Isiolo County. This side is inhabited mainly by the Borana Community. There is a historical tiff about the boundary between these two communities which threatens the project.

b) Meetings:

Structure and Sensitization

All the meetings were structured in similar manner. The Client took the opportunity to sensitize the communities on the project first, before the consultations were carried out. The meetings were moderated by the Assistant County Commissioner or his delegate in all the venues. Each meeting kicked off with prayers and then introductory remarks on the project by the representative from KeNHA and the Assistant County Commissioner, (ACC). KeNHA informed the people about the project and the respective roles of each stakeholder in the process. It was emphasized that public participation was key. The ACC informed his people that the project can only go on with their full participation and most importantly, if there was peace in the region. Security issues related to the project were pointed out by the ACC.

The KeNHA representative gave a project overview and briefed the public on their mandate in regard to the road project. One of their roles was to sensitize the public on the upcoming road construction and public participation of those who will be affected was vital. He also introduced the consultants who were present and that they were there to fulfill that part of the project phase.

c) Public Engagements

The Social Safeguards Expert then proceeded to make a presentation by guiding the public to discuss their relationship with the proposed road project. It was reiterated that this part of the process was important so as to disseminate information, receive feedback and recommendations from them. Each meeting begun with an identification of stakeholders to ensure a comprehensive participation. The meetings were translated to the local language by a local person to ensure clarity and participation by all. Meetings took on average three to four hours.

At the beginning of each meeting the following approach was adopted by common consensus.

- i Sensitization of the Public on the Road Project
- ii The potential impacts of the road (Positive and Negative)
- iii Environmental concerns
- iv Mitigation measures
- v Recommendations
- vi Grievance Redress Mechanisms (GRM)
- vii Proposed Social Amenities
- viii Plenary session

RAP AND COMPENSATION

It was noted that there are fears for loss of land to create room for the project along the settlements and trading centers. Compensation for this land was a subject of great concern in all the meetings but especially in Modogashe and Habaswein Towns. The following approaches were suggested to guide the compensation:

- The actual road reserve needs to be clarified since most people do not know they occupy the reserve.
- Compensation may be a challenge because the land is Community Land.
- If the land to be acquired is on the road reserve, no compensation shall be done. Instead, the PAPS will be given resettlement assistance and livelihood restoration in their new place.
- If the road project will need land that is not originally on the road reserve, this shall be assessed, valued and compensated accordingly.
- If any burial sites or other amenities are affected will be affected, a discussion will be entered with those affected to decide the best way. The most preferred approach by the communities is to divert the road design away from the graves and mosques

A comprehensive Resettlement Action Plan is to be prepared in a consultative manner respecting the law of Kenya and the World Bank Operating Policies for this project. A separate RAP is thus envisaged.

2. GRIEVANCE REDRESS MECHANISM:

It was recognized in the consultative meetings that there will be inevitable conflicts between the project and the communities before, during and after the road construction. Such conflicts will include disputes on resources, negative impacts of the road, labor influx, employment places, cultural disputes, benefits sharing and other conflicts. Conflicts related to relocation and compensation of PAPS were also flagged out.

In all the towns, it was recommended that a grievance framework involving local communities be set up at every major center to be traversed by the road. It was reiterated that the project should work with the communities in addressing any arising grievances due to the road construction by forming local inclusive committees.

Two Grievance Committees were suggested. One which will be part of the Resettlement Action Plan to address issues directly affected those who will be affected and one which be based at every center to address emerging issues related to the project operations. To ensure their success, it was proposed that these committees be planned for and resourced to be effective.

3. THE MODOGASHE CHALLENGE:

a) Background

Modogashe Township bestrides two Counties (Garisa and Isiolo) and is inhabited by two prominent communities- the Somali and the Borana. It is the divisional headquarters of Lagdera (Garisa) and Sericho (Isiolo) Divisions. The road traverses the middle of the town. It would seem that the road traversing the town is a source of conflict between the Somalis and Boranas.

A successful community consultation forum was held on 2nd of October 2017 at Lagdera Sub County of Garisa County. The meeting comprised mainly members of the Somali Community and fully welcomed the project. They took active part in the deliberations and expressed intention to fully participate in the project. The meeting in Lagdera was thus successful as it was attended by close to 200 people.

Since Modogashe is one town, It was initially planned to hold a joint meeting for both Lagdera and Sericho Divisions but on the morning of 2nd October 2017, the Assistant County Commissioner, Sericho requested that the meeting be deferred to another date and that a separate meeting be held for Isiolo County. It was agreed to hold another meeting on Thursday and Friday of the same week on the Sericho side of Modogashe Town.

The meeting for Isiolo side took place on 5th October 2017. The community had demanded that only government officials from Isiolo be involved. The expressly asked that Garissa KeNHA does not take part. The Regional Manager of KeNHA in Isiolo thus sent representation to the meeting which was chaired by the Assistant County Commissioner, Sericho Division.

b) Deliberations in the meeting:

The meeting was attended by a broad representation of the community among them being the community Sheikhs, Elders, Women groups, Youth representatives, Persons with disability, Civil Society Actors, The National and County Government Officials.

From the start, the community expressed support for the project and listed the benefits and disbenefits as they saw them. These mirrored the impacts listed earlier from other venues.

However, they declared nonsupport of the road proceeding through the present alignment within Modogashe town. They said that there was an earlier route which the road followed and which should be reverted to. They alleged that the present route was imposed on them by the leadership of the neighboring community to create a new boundary taking away their land. According to the community elders present, the boundary dispute has been simmering for over 30 years and has been the cause of violent confrontation between them and their neighbors. They alleged that previous leaders of their neighbors had used their proximity to the national government to move the boundary.

They alleged political and economic marginalization by the government in Isiolo and Nairobi which they believe favored their neighbors at their expense. KeNHA representative from Isiolo attempted to explain the rationale for the road's present alignment but they vehemently opposed the explanation.

To move the process forward they demanded as follows:

- i) That the original road be reverted to. They went ahead to show KeNHA and the Consultant where the road followed.
- ii) They demanded that the Governor Isiolo, The County Commissioner, and all political leaders i.e. Member of Parliament for Isiolo South, The Member of County Assembly for town Ward, The Woman Representative, The Chiefs affected, and Community Elders be invited to one meeting to resolve the matter. They declared that only then would the project proceed.
- iii) They also demanded greater participation by the County Government in all decisions.
- iv) They alleged existence of a road map within KeNHA which contained the original alignment of the road to be followed.
- v) They demanded that all survey work stops until the proper road had been agreed upon. In the alternative, they agreed that survey work can proceed on the old road.

c) Way forward

In the circumstance, the meeting was brought to a close without community consenting to design and survey work to be completed. It was resolved to consult with the client to take up the issues and provide access for design work to proceed.

The Assistant County Commissioner and other security leaders urged the community to keep the peace as the matter was being pursued. KeNHA representatives undertook to follow up the matter and urged peace.

A meeting was proposed for a later date in Isiolo for Modogashe leaders alone to try and resolve the boundary issue and clear the path for the project to proceed.

d) Post script:

Further to the meeting, the survey team attempted to map out the "old road" as proposed in the meeting. Towards the end, they met resistance from the Somalis who insisted that the current road be followed.

The meeting proposed for Modogashe leaders is still outstanding and the client may have to engage them directly to clear access for the road to be designed and ultimately built. At present, survey works have not been carried out within Modogashe Town.

4. CONCLUSIONS AND RECOMMENDATIONS:

- a) As reported above, the road was highly welcomed in the greater part of the road corridor. The negative impacts identified will be properly captured in the ESIA study and mitigation measures proposed.
- b) The issue in Modogashe needs to be resolved. A forum comprising only leaders from Modogashe needs to be convened to resolve the matter. Leaders from both the Garisa side and the Isiolo side

need to be engaged. It was resolved in the meeting that KeNHA as the client would convene this meeting as part of providing access for the design and ultimate road construction to proceed.

- c) A comprehensive RAP will be carried out after the detailed survey maps to take care of those who will be affected by the road. This will comprise substantially of those in Modogashe Town.

KEY HIGHLIGHTS OF PROCEEDINGS AND FINDINGS –HIGHLIGHTS OF MINUTES

The meetings were kicked off by prayers and introductory remarks by the lead experts from KeNHA and the sociologist's team, and from the Assistant County Commissioner, (ACC) Lagdera. The ACC informed his people that the project can only go on with their full participation and most importantly, if there was peace in the region.

KeNHA - Mr. Obop Michael, the Kenha representative gave a project overview and briefed the public on their mandate regarding the road project. One of their roles was to sensitize the public on the upcoming road construction and public participation of those who will be affected was vital. He also introduced the consultants who were present and that they were there to fulfill that part of the project phase.

Sociologist - Mr. Barno, informed the participants that this part of the process was important to disseminate information, receive feedback and recommendations from them.

He highlighted the objectives of the meeting to include:

- i. Sensitization of the public
- ii. The impacts of the road (Positive and Negative)
- iii. Environmental concerns
- iv. Mitigation measures
- v. Recommendations
- vi. Grievance Redress Mechanisms (GRM)
- vii. Proposed Social Amenities
- viii. Plenary session

QUESTIONS AND RESPONSES:

Question No 1: Mr. AbdiNassir Ali: What happens when the road must pass through someone's house or land?

Response (KenHA): Mr. Michael Obop – The road will stick to the original alignment. We have original designated road reserves that have been set aside by the government. If one happens to be on the road reserve, he/she will need to move. If the road should affect property that is away from the reserve, then evaluation will be done and compensated accordingly. There are surveyors currently on site to show the road boundaries and once their report is complete, we shall be able to know the individuals who will be affected by the road construction.

Question No 2: Mr. Mohammed Abdi Hure: How about burial sites and graves?

Response (Sociologist): Mr. Julius Barno – Consideration will be made to divert the road; Engage the community elders how to go about grave yards.

Question No 3: Mr. Muhumed Osman: Will our people be employed in the construction of the road?

Response (Sociologist): Mr. Julius Barno – unskilled laborers will all be recruited from the community. They will be given first priority in skilled laborers. Community is encouraged to welcome the others. Also to seek skills in the meantime.

Question No. 4: Chief (Guticha) - When is the road scheduled to start?

Response (Sociologist): - Very soon. Hopefully by end of 2018. Studies and designs will be completed by December 2017. We are doing the best we can to expedite the study process to inform the due plan of implementation of the road. The design stage will be completed in December 2017.

Question No. 4: Mr. Kulo (Guticha) - How far is 30M on either side of the road?

Response (KenHA): The surveyor is currently on the ground and is in the process of demarcating the boundaries and shall avail the margins as soon as possible. Most importantly, the road construction is going to be done on the already existing road reserve as it is not a new road.

Question No. 4: Mr. Kulo (Guticha) - Miss Ajab Mohammed wondered if this road was going to be constructed because according to her, it has only been a political tool for every five years.

Response (Sociologist): It is our privilege to inform you that this road is very unique as it comes at a time when the government has already acquired funds for it. Previously, roads were proposed and then funds are sought later but this road has money already set aside for its construction and we affirm that implementation will begin as soon as possible.

Question No. 5: Chief (Kanjara) - There is a dam that was not filled up because of some construction that was done previously. Why does KeNHA not consider this hazard affecting the residents? It has been a major source of conflict especially because the contractor even came from another location.

Response (KenHA): We have a safety standards team who are responsible for checking these issues because once a blasting site is no longer in use it should be covered well. We shall revisit that area as a team and address the issue.

Question No. 5: Elder (Habaswein) - One of the elders wondered whether this was being used as a political tool. He reported a situation when the previous regime has given an instruction many years back for these roads to be constructed but as soon as the machines arrived, the project was withdrawn within a month and taken to other parts of the country. He said they were tired of hearing these roads to which they can only see in movies.

Response (Sociologist): This is a road that is lucky to have already been funded before completion of design. One of the objectives of government now is to open the Northern and North-Eastern region and construction of roads in one such approach. Construction is already ongoing along the same road on different sections, so you can be assured that it is not a political tool.

Question No. 6: Mr. Said Shiekh (Modogashe - Sericho) - We do not have faith in the engineers seated here as they do not involve the locals in every step they take. The road design is already a problem to us, yet they do not want to take our concern into consideration. What's the way forward?

Response (KenHA): I, Mr. Obop Michael come from the Garissa side and my colleagues here are from Isiolo side of KeNHA. We are all working under the same government office but in different regional jurisdictions. The reason you see me here more often than my colleagues is because of the vicinity of the project area to my office as opposed to Isiolo office. It does not mean that they are strangers nor am I an intruder. Our mandate is the same and soon I may also be deployed to Isiolo. Kindly do not fear them and allow us to work together for the success of the road.

Question No. 7: Mr. Abdi Bicao (Modogashe - Sericho) - We love the idea of a tarmac road BUT there are many issues of boundary conflicts here. If you say the engineers present here today are from Isiolo, how come we have never seen them? They should be the ones always being on the ground

giving the necessary information. Why do we insist on constructing the road at Modogashe, yet all the other roads have not been done? Is it a tactic to push Sericho people away from their settlement?

Response (Sociologist): - This road project starts from Isiolo to Mandera and it has been partitioned into small sections under different consultants. Our section here today is between Modogashe to Samatar i.e. the junction after Guticha center. The engineers present here today are all under KeNHA which is a national body and therefore covering many other parts of the country's road network. You can also be sure that work has already commenced in the other sections of the road.

Question No. 8: Mr. Ibrahim Khalake (Modogashe - Sericho) - I would like to know this Modogashe-Samatar road, where does it pass? The only place we know is the Garissa Bridge.

Response (KenHA) - This road begins in Isiolo, to Modogashe via the bridge, through the town and onwards towards Samatar and onwards to Mandera.

Question No. 9: Fatuma Said (Modogashe - Sericho) - There is a lot of tension here in this place. We had reserved land for a road on the other side, but another community has come to put a settlement there and they now call themselves North Eastern. We need the original road map to be provided to us from KeNHA offices. Elevating a road from B9 to A13 is good as it will come with many benefits but without the resolve of boundary issues it's going to be a problem here. We need the KeNHA engineers to be become proactive so that some of these disputes can be solved faster. Why not involve our leaders?

Response (KenHA) – Eng Kibiti Patrick from KeNHA Isiolo indicated that roads managed by their body traverses' counties and even countries. He promised the participants of more presence of their office employees on the ground to follow up on issues that would cause conflict on the road. He promised to consider the previous designs in the old records and that they would return together with the leaders from the region who would clarify boundary issues to both communities. He asked the participants to be patient as they continue addressing their concerns but also asked for their full cooperation so that the road construction can begin without any hiccups.

Question No. 10: Mr. Mohammed Madera (Modogashe - Sericho) - There are people who had absolutely no idea of where a reserve has been set aside for the road. What happens to them?

Response (Sociologist): - Issues of resettlement and/or compensation will come up as soon as the surveyors will be through with their work. We shall have another forum where we can look at individual cases of encroachment based on the history of this town. A resettlement Action Plan will follow shortly and all affected shall be consulted

Question No. 11: Elder (Habaswein) - Employment issues often arise when it comes to employment of locals on the project. When our young men are taken to another section it usually brings conflict of interest with the youth from those regions. How can this be addressed?

Response (Sociologist): - We will take this concern into consideration with the client and when the time comes, we shall recommend that only the skilled workers can be employed on all parts of the road implementation process, but the casual labor should as much as possible be locals

Positive comments:

Further, they expressed their interest in the process and said that they need the road construction to begin as soon as possible. They affirmed that they have great security in the area and therefore any person working on the study or construction should not have anything to worry about.

Mr. Gedi Abdi said that if indeed this road is constructed then it will open u the region to the rest of the country and they would feel proud as being part of the other citizens. He made a light statement to

the effect that their region was only one meant to decorate the map of the country (sic) but they do not feel like they are in Kenya. "We say here that we come from those places that beautify the Kenyan map".

Mr. Dakane Hassan, the senior chief, said that they were closed from the other parts of Kenya because of roads. The project would therefore open business to other parts of Kenya thereby boosting the economy in the area.

He went ahead to highlight the issue of their region being one of the leading places in meat supply but due to lack of roads it was difficult to be able to deliver their animals in time. The only meat collection center was Kenya Meat Commission (KMC) in Athi River.

One of the peace leaders reaffirmed their support for the road and said that they were ready to support the project a hundred percent. He said that they were lagging in this country and all they have is dust around them. He gave a reassurance that their place was totally peaceful and that there are no incidences of conflicts. He prayed that this would not just be a dream, but a reality and he kindly asked the government not to let them down,

Mr. Gedi Abdi further said that the construction of this road would demystify several myths namely;

- a) That this was an operation area for criminal activities (terrorism)
- b) That people who live here were poor
- c) Open investments and promote tourism. It would also break the historical barriers that have prevailed in the region.
- d) It will also be a political score; a confidence building measure.

Miss Hamima Abdi, the women representative on behalf of all women groups in Habaswein, and the chairlady at Chiko Women Group, said that living in this place was unpredictable. When one goes to bed at night, he/she doesn't know what would happen the next day. Each day comes with its own emerging issues, but she was glad to be part of this sensitization forum. She said that the people in this community are very rich, but their wealth cannot be seen. The vehicles which they invest in cannot last for more than two years due to the bad condition of the road.

On women, she said that many of them experience a lot of difficulty when they are expectant and most of the times are not able to access adequate health services and resort to traditional medicine. During delivery, many of them are never lucky when trying to get to hospitals and end up delivering along the way. She pleaded with the government to expedite this road improvement and to make health services come closer to the people. She also reported to have been a victim of demolitions twice before on similar road programs, but she was still willing to move if the benefits she will get will surpass her troubles of a bad road.

The following suggestions were made during the public consultations and house-to-house interviews:

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- ❖ Work Campsites should be built closer to established villages so that the community benefits from services like water and clinics that will be available. This will also discourage the mushrooming of new villages.

- ❖ The environment and health of the public should be protected from degradation.
- ❖ Schools for children, clinics, boreholes and water pans should be constructed for the communities or as part of Corporate Social Responsibility (CSR).
- ❖ Foot bridges, underpasses and pedestrian crossing points should be provided to enable convenient accessibility to either side of the road at strategic points. The design of the proposed road should have strategic underpasses at intervals where the animals and humans (including school children, pedestrians) can easily find them and access either side of the road.
- ❖ The proponent should ensure fair compensation of all displaced persons regardless of their position on the road reserve.
- ❖ The proponent should involve KWS Scientists and Engineers and other key stakeholders at all stages of the project including design stage to ensure that the impacts to the protected and other wildlife areas are minimal.
- ❖ The proponent should ensure that all the stakeholders (including KWS, Water, Roads), are involved especially from the design stage of the proposed road to ensure that other infrastructures are considered to minimize disruption. This can be done to ensure integrated planning of infrastructure.
- ❖ To avoid flooding during rainy seasons the road should be raised and big box culverts should be constructed in flood prone areas.
- ❖ Security of the wildlife should be ensured to protect them from poaching especially during the construction period as many people are expected to move to the area to work on construction of the road
- ❖ The Mosques along the road corridor should not be interfered with during the construction.
- ❖ Where possible and necessary the developer should install speed bumps and rumble-strips for example in towns, near schools etc. Other structures also should include: bus stops in all the villages along which the road traverses.
- ❖ The developer should come up with a proper drainage mechanism along the road and in major towns.
- ❖ Graveyards that are along the road reserve should be not be interfered with whatsoever. The design of the road can be made in such a way as to circumvent the graveyards if possible.
- ❖ Women should be considered for office jobs and all other available jobs during construction.
- ❖ Public consultation should be continuous throughout the project.
- ❖ Every settlement area and towns should have bumps on the roads to check vehicle speeds.
- ❖ They are bordered by Isiolo South and they have boundary conflicts (Isiolo side did not attend the public hearing for the same reasons). They recommended a joint meeting that must be planned for both sides of the communities to address these issues.
- ❖ It was said that most of the roads in the area emerged due to people settling in the place and they did not have any signs to show where the road network had been reserved. They therefore recommended that compensation should be done to all persons affected whether on the road reserve or not.

- ❖ Trees should be planted in every place where there is a settlement and water should be provided for their nurturing. There will be no need to plant trees and then left to die due to lack of water.

PAPs CONSULTATIVE MEETING HELD AT LEHELEY ON 13TH AUGUST 2018

ATTENDED BY: Refer to the attendance lists.

PREAMBLE: The meeting was called to order at 1106hrs by the location Senior Chief who requested one of the PAPs to open the meeting with a word of prayer.

He then welcomed the consultants to the meeting; He requested the locals to be cooperative and be attentive while the consultants are explaining the theme and purpose of the meeting.

MINUTE 1: INTRODUCTIONS.

The sociologist introduced himself and the purpose of the meeting, he then expounded on the design of the road.

MINUTE 2: THE ROAD DESIGN

The Sociologist explained that the road starts from Samatar junction with Daadab road through Laghbogol, Borji through Leheley all the way to Wajir town. He clarified that the road will be a single carriage road but wide enough according to the standards of KeNHA. Road furniture's and other necessary improvements such as speed calming methods, bus stops, road signs as well as service lanes will be done where necessary.

MINUTE 3: PROJECT IMPACTS:

The PAPs were informed that when a project of this magnitude is done every possible alternative is looked at so as to reduce the impact and when it's not possible mitigation measures are put in place. The anticipated impacts will be both social as well as environmental.

ANTICIPATED IMPACTS.

Negative environmental Impacts.

Felling down of trees during construction.

Trees will be cut down to give way to the road and this will affect the environment. In the report it will be recommended that trees be planted by the road side to replace those which may be cut down.

Dust pollution

The road construction will bring dust pollution which may bring about airborne diseases to the locals. It will be recommended that the contractor be watering the road under construction frequently so as to reduce the dust pollution.

POSITIVE IMPACTS

1. Cheap and fast transport.

This will come because the roads will be in a good condition and passable and that will reduce transport costs.

2. Employment opportunities.

There is a policy that requires that 60% of semi-skilled and non-skilled labour should be given to the locals where such a project is happening. However, they were requested not to hike the costs of labour since this may force the contractor to source for the workers elsewhere.

3. Market for their products will increase.

4. Land value will appreciate.

NEGATIVE

Outbreak of diseases. Those coming to construct may come with diseases which may be passed to the locals through immoral relations. E.g. TB, HIV/AIDS.

Breakage of families. This may be brought about by a lot of money in circulation.

Increase in accidents. This may be brought about by speeding vehicles and will be curbed by providing zebra crossings and other speed calming methods.

MIN 4: VALUATION OF LAND AND PROPERTIES

The PAPs were told that when the government has a project to benefit the public, it has power to acquire land in private hands for public benefits. It was explained that there are rules guiding how to acquire such land and or properties and the processes followed to ensure the project benefits many. According to the Kenya constitution section 40, there are procedures and the process which should be followed some of these include the Land Act, Acquisition and resettlement Bill which aims at ensuring the due process is followed during acquisition and the Assistance and Protection to IDPS which caters for those people whose property is acquired fully, the act categorizes them as IDPS and they should be compensated promptly.

What is to be compensated?

- Land. The land owner is paid for his land but in case there are other developments in the same land which don't belong to him they are compensated to their rightful owner.
- Structures.
- Trees
- Crops (if any).

Min 5: CUT OFF DATE AND COMMUNITY GRIEVANCES REDRESS COMMITTEE

The sociologist together with the PAPs agreed that the final day for any development to be done on the area identified for the road and as identified together with the chiefs and elders for this project is 18th August 2018 when the final asset inventory was completed. It was clarified that if someone put up a structure within the corridor, it will be demolished without compensation and they should avoid that because it will be a loss to them.

He explained the procedure of forming a community grievances committee which will be dealing with any grievances that may arise during compensation or even during constructions. The sources of grievances were also clearly discussed and brief on how grievances should be handled explained to the PAPS. The PAPs agreed to form a subcommittee to start looking into any grievances and also educate the community on the project as they await the actual works to start.

MIN 6: QUESTIONS AND COMMENTS.

NAME	QUESTION	ANSWER
Abdullahi Haji Abdi	Wanted to know what will happen to the mosque which was earmarked for acquisition	The local leaders and sheikhs will be involved in deciding the best way to handle the mosque issue.
Ragow Omar	Wanted to know what will happen to those whose land will be acquired since none of them has any legal document to proof land ownership	Necessary steps will be taken and the local administration involved to solve the dilemma of lack of legal documents, also there are policies and guidelines in place to handle that issue and will be looked into and an agreement on way forward reached.
Hassan Dida	There were also other people who had ongoing constructions and others planning to start their constructions along the road corridor though they were apprehensive about the	They were informed that the forum and the consultants could not address their plight but they could seek intervention of the County Government as regards development guidelines and other

NAME	QUESTION	ANSWER
	proposed improvements and sought to know if they should stop their constructions and await the road construction	regulations to adhere to when investing next to the road.
Ahmed Haji Abdullahi	Wanted to know when the project will start	The consultants cannot give a definite date on when the project will start but when all preparations are ready, they will be notified.
Asst Chief Ousman-Kukale location	In case the Chinese are given the contract and have babies with locals they should be forced to take responsibility of the same.	The Locals were requested to exercise self-control and ensure morality of high standard to avoid such cases but also promised this will be put in the report.
Ousman Abdi Rahman	There were People whose structures are too close to the road reserve and are considered to have encroached, what will happen to their structures.	The exercise to determine the properties that have encroached on the road corridors was carried out by KeNHA to establish the extent of encroachment and the affected persons. once the report is done, they will be notified and the next cause of action communicated.
Mohamed Adan	Requested for local available raw materials to be sourced and the community compensated	He was assured that this will be communicated to the contractor and if he comes and is satisfied that the materials are of required quality, he may consider taking it.

MIN 7: CONCLUSION.

The Senior Chief assured the locals the government is ready to implement the project and this will bring developments in the area. He also promised to assist in ensuring that the people in his area are compensated and are cooperative with whoever will come to work there. The assistant chief thanked the consultants for the meeting. The meeting was closed with a word of prayer from the area Sheikh.

PAPS MEETING HELD AT BORJI CENTRE ON 13TH AUGUST 2018
ATTENDED BY: REFER TO THE ATTENDANCE LIST

PREAMBLE

The meeting was called to order at 1452 hrs by the area Chief who requested one person to open the meeting with a word of prayer.

MINUTE 1: INTRODUCTIONS.

The sociologist introduced himself and the purpose of the meeting.

MINUTE 2: ROAD DESIGN PRESENTATION

The Sociologist explained that the road starts from Samatar junction with Daadab road through Laghbogol, Borji through Leheley all the way to Wajir town. He clarified that the road will be a single carriage road but wide enough according to the standards of KeNHA. Road furniture's and other necessary improvements such as speed calming methods, bus stops, road signs as well as service lanes will be done where necessary.

MINUTE 3: PROJECT IMPACTS:

The PAPs were informed that when a project of this magnitude is done every possible alternative is looked at so as to reduce the impact and when it's not possible mitigation measures are put in place. The anticipated impacts will be both social as well as environmental.

ANTICIPATED IMPACTS.

Negative environmental Impacts.

Felling down of trees during construction.

Trees will be cut down to give way to the road and this will affect the environment. In the report it will be recommended that trees be planted by the road side to replace those which may be cut down.

Dust pollution

The road construction will bring dust pollution which may bring about airborne diseases to the locals. It will be recommended that the contractor be watering the road under construction frequently so as to reduce the dust pollution.

POSITIVE IMPACTS

1. Cheap and fast transport.

This will come because the roads will be in a good condition and passable and that will reduce transport costs.

2. Employment opportunities.

There is a policy that requires that 60% of semi-skilled and non-skilled labour should be given to the locals where such a project is happening. However, they were requested not to hike the costs of labour since this may force the contractor to source for the workers elsewhere.

3. Market for their products will increase.

4. Land value will appreciate.

NEGATIVE

Outbreak of diseases. Those coming to construct may come with diseases which may be passed to the locals through immoral relations. E.g. TB, HIV/AIDS.

Breakage of families. This may be brought about by a lot of money in circulation.

Increase in accidents. This may be brought about by speeding vehicles and will be curbed by providing zebra crossings and other speed calming methods.

MIN 4: VALUATION OF PROPERTIES

The PAPs were told that when the government has a project to benefit the public, it has power to acquire land in private hands for public benefits. It was explained that there are rules guiding how to acquire such land and or properties and the processes followed to ensure the project benefits many. According to the Kenya constitution section 40, there are procedures and the process which should be followed some of these include the Land Act, Acquisition and resettlement Bill which aims at ensuring the due process is followed during acquisition and the Assistance and Protection to IDPS which caters for those people whose property is acquired fully, the act categorizes them as IDPS and they should be compensated promptly.

What is to be compensated?

- Land. The land owner is paid for his land but in case there are other developments in the same land which don't belong to him they are compensated to their rightful owner.
- Structures.
- Trees.
- Crops (if any).

Min 5: CUT OFF DATE AND COMMUNITY GRIEVANCES REDRESS COMMITTEE

The sociologist together with the PAPs agreed that the final day for any development to be done on the area identified for the road and as identified together with the chiefs and elders for this project is 18th August 2018 when the final asset inventory was completed. It was clarified that if someone put up a structure within the corridor, it will be demolished without compensation and they should avoid that because it will be a loss to them.

He explained the procedure of forming a community grievances committee which will be dealing with any grievances that may arise during compensation or even during constructions. The sources of grievances were also clearly discussed and brief on how grievances should be handled explained to the PAPS. The PAPs agreed to form a subcommittee to start looking into any grievances and also educate the community on the project as they await the actual works to start.

MIN. 7: QUESTIONS AND RECOMMENDATIONS.

NAME	QUESTION	ANSWER
Mohamed Osman Abdi	Higher speeds and increase in traffic are expected once the upgrade is realized meaning higher accident rates. Currently young children have to cross the roads to access school facilities and women cross the road in search of water and other household items and therefore, speed calming methods, bumps and road signs should be considered for both people and their livestock.	They were informed that safe pedestrian crossings, speed calming methods, road signs and other safety measures will be incorporated in the upgrade. Safe animal crossings will be provided particularly in areas where livestock has to cross the road for to access grazing areas or the water pans.

NAME	QUESTION	ANSWER
Adan Dugow	Sought to know whether the road could not be relocated elsewhere or fitted within the available space.	All the possible alternatives where considered before deciding on the current alignment
Ibrahim Abdi Bulle	Is it Possible for KeNHA to maintain the current team until the end of the project since they are the ones who understand us and we are used to them?	Different teams come at different times since they handle different stages of the project, whoever will come will understand the community as well and the community will get used to them with time
Ali Ousman Abdi	Many of the lands don't have titles will we be compensated?	For those who don't have the titles, the local administration available e.g. chiefs, assistants and elders will help in establishing the owners of the properties. Trees and crops and structures will be compensated to the owner regardless of where it is.
	Will there be notice before demolition	Adequate notice will be given and people will be updated on every step of the project.
Ahmed Abdi	How will we be sure that our people especially the youth will get jobs?	The PAPs were informed that there was a government policy on such matters but the Contractor would be guided by the labour laws and the skills available in the vicinity that he would require. those willing to be considered where encouraged to acquire necessary skills to be competitive in such employment when the time comes.
Mohamed Abdi Bule	Ensure gender equity during jobs allocation. What will happen to those whose land has fence only and no development	There won't be any discrimination based on gender but it will be given on basis of ability to work. Fences will be compensated as said before
Asst chief Borji yare	How will the trees cut down be compensated	Privately owned trees will be compensated to their respective owners while those cut along the road will be replaced.
Ragay Hussein	In case the Chinese are awarded the contract and use money to change our girls minds, how will they be dealt with?	The community members were advised to be keen on their culture and exercise self-control and observe morality and their cultural values when interacting with the contractors since that is a personal decision for people to make as long as they are not below the age of 18.

NAME	QUESTION	ANSWER
Abdi Rizzak Idow	Requested that compensation to be paid to everyone affected regardless of whether they were in the road reserve or not since according to them they did not previously know the extent of the road reserve.	The guidelines detailing the payment of compensation as detailed in the Constitution of Kenya and the relevant laws and any other policy guidelines will be adhered to mitigate the negative impacts.
Hassan Adan Ganyure	Compensation should be paid before demolition of our properties	Recommendations will be forwarded to KENHA to ensure they have compensated before demolitions.

MIN. 8. CONCLUSION

The Chief thanked the attendees for their attendance and requested them to be cautious in future while dealing with contractors and exercise self-control. A sheikh was requested to close the meeting with a word of prayer at 1637hrs

PAPS MEETING HELD AT LAGHBOGOL BARAZA PARK

Attended by – refer to the attendance registers.

PREAMBLE: The meeting was called to order at 1143hrs by the location Chief who also opened the meeting with a word of prayer.

He then welcomed the consultants to the meeting; He requested the locals to be cooperative and be attentive while the consultants are explaining the theme and purpose of the meeting.

MINUTE 1: INTRODUCTIONS.

The sociologist introduced himself and the purpose of the meeting, he then expounded on the design of the road.

MINUTE 2: THE ROAD DESIGN

The Sociologist explained that the road starts from Samatar junction with Daadab road through Laghbogol, Borji through Leheley all the way to Wajir town. He clarified that the road will be a single carriage road but wide enough according to the standards of KeNHA. Road furniture's and other necessary improvements such as speed calming methods, bus stops, road signs as well as service lanes will be done where necessary.

MINUTE 3: PROJECT IMPACTS:

The PAPs were informed that when a project of this magnitude is done every possible alternative is looked at so as to reduce the impact and when it's not possible mitigation measures are put in place. The anticipated impacts will be both social as well as environmental.

ANTICIPATED IMPACTS.

Environmental negative Impacts.

Felling down of trees during construction.

Trees will be cut down to give way to the road and this will affect the environment. In the report it will be recommended that trees be planted by the road side to replace those which may be cut down.

Dust pollution

The road construction will bring dust pollution which may bring about airborne diseases to the locals. It will be recommended that the contractor be watering the road under construction frequently so as to reduce the dust pollution.

POSITIVE IMPACTS

1. Cheap and fast transport.

This will come because the roads will be in a good condition and passable and that will reduce transport costs.

2. Employment opportunities.

There is a policy that requires that 60% of semi-skilled and non-skilled labour should be given to the locals where such a project is happening. However, they were requested not to hike the costs of labour since this may force the contractor to source for the workers elsewhere.

3. Market for their products will increase.

4. Land value will appreciate.

NEGATIVE

Outbreak of diseases. Those coming to construct may come with diseases which may be passed to the locals through immoral relations. E.g. TB, HIV/AIDS.

Breakage of families. This may be brought about by a lot of money in circulation.

Increase in accidents. This may be brought about by speeding vehicles and will be curbed by providing zebra crossings and other speed calming methods.

MIN 4: VALUATION OF LAND AND PROPERTIES

The PAPs were told that when the government has a project to benefit the public, it has power to acquire land in private hands for public benefits. It was explained that there are rules guiding how to acquire such land and or properties and the processes followed to ensure the project benefits many. According to the Kenya constitution section 40, there are procedures and the process which should be followed some of these include the Land Act, Acquisition and resettlement Bill which aims at ensuring the due process is followed during acquisition and the Assistance and Protection to IDPS which caters for those people whose property is acquired fully, the act categorizes them as IDPS and they should be compensated promptly.

What is to be compensated?

- Land. The land owner is paid for his land but in case there are other developments in the same land which don't belong to him they are compensated to their rightful owner.
- Structures.
- Trees.
- Crops.

MIN 5: CUT OFF DATE AND COMMUNITY GRIEVANCES REDRESS COMMITTEE

The sociologist together with the PAPs agreed that the final day for any development to be done on the area identified for the road and as identified together with the chiefs and elders for this project is 18th August 2018 when the final asset inventory was completed. It was clarified that if someone put up a structure within the corridor, it will be demolished without compensation and they should avoid that because it will be a loss to them.

He explained the procedure of forming a community grievances committee which will be dealing with any grievances that may arise during compensation or even during constructions. The sources of grievances were also clearly discussed and brief on how grievances should be handled explained to the PAPs. The PAPs agreed to form a subcommittee to start looking into any grievances and also educate the community on the project as they await the actual works to start.

MIN.6: QUESTIONS, COMMENTS AND RECOMMENDATIONS

NAME	QUESTION	ANSWER
Noor Hussein Mayow	Appreciated the project Urged locals to form the Committee Wanted to understand the difference between the existing beacons and the current surveyed area	The existing beacons are initial 40m road reserve while the new survey covers 60m, the project is acquiring an extra 20 meters.
Mohamed Ibrahim Rage	What is the standard size of the area to be acquired	The road requires 60m for the upgrade.
Mohamed Ibrahim	If the community clears the trees at this time will it be compensated	PAPs should wait for the verification of any affected property before removing it, otherwise if the verification

NAME	QUESTION	ANSWER
		officers come and find the property, tree or structure missing it will not be considered for compensation since it does not exist.

MIN 8 CONCLUSION

The Chief thanked the attendees and encouraged them to inform the others who did not attend, the meeting was closed with a word of prayer from one of the Pas.

PAPS MEETING HELD AT WAJIR BARAZA PARK ON 15TH AUGUST 2018

Attended by; Refer to the attendance lists.

Preamble: the meeting was called to order at 1337hrs by the Deputy county commissioner who welcomed all the chiefs and the Wajir township MCA to the meeting, he requested a sheikh to open with a word of prayer. The DCC emphasized on the importance and benefits of the project and encouraged them to fully support the project and everything associated with it. He further encouraged them to be attending the future meetings on time and encourages others also to attend so as to avoid being misinformed by those who attended.

He then welcomed the sociologist to take over the meeting and explain the purpose of the road and any other planned program.

MINUTE 1: INTRODUCTIONS.

The sociologist introduced himself and the purpose of the meeting, he then expounded on the design of the road.

MINUTE 2: THE ROAD DESIGN

The Sociologist explained that the road starts from Samatar junction with Daadab road through Laghbogol, Borji through Leheley all the way to Wajir town. He clarified that the road will be a single carriage road but wide enough according to the standards of KeNHA. Road furniture's and other necessary improvements such as speed calming methods, bus stops, road signs as well as service lanes will be done where necessary.

MINUTE 3: PROJECT IMPACTS:

The PAPs were informed that when a project of this magnitude is done every possible alternative is looked at so as to reduce the impact and when it's not possible mitigation measures are put in place. The anticipated impacts will be both social as well as environmental.

ANTICIPATED IMPACTS.

Negative environmental Impacts.

Felling down of trees during construction.

Trees will be cut down to give way to the road and this will affect the environment. In the report it will be recommended that trees be planted by the road side to replace those which may be cut down.

Dust pollution

The road construction will bring dust pollution which may bring about airborne diseases to the locals. It will be recommended that the contractor be watering the road under construction frequently so as to reduce the dust pollution.

POSITIVE IMPACTS

1. Cheap and fast transport.

This will come because the roads will be in a good condition and passable and that will reduce transport costs.

2. Employment opportunities.

There is a policy that requires that 60% of semi-skilled and non-skilled labour should be given to the locals where such a project is happening. However, they were requested not to hike the costs of labour since this may force the contractor to source for the workers elsewhere.

3. Market for their products will increase.

4. Land value will appreciate.

NEGATIVE

Outbreak of diseases. Those coming to construct may come with diseases which may be passed to the locals through immoral relations. E.g. TB, HIV/AIDS.

Breakage of families. This may be brought about by a lot of money in circulation.

Increase in accidents. This may be brought about by speeding vehicles and will be curbed by providing zebra crossings and other speed calming methods.

MIN 4: VALUATION OF LAND AND PROPERTIES

The PAPs were told that when the government has a project to benefit the public, it has power to acquire land in private hands for public benefits. It was explained that there are rules guiding how to acquire such land and or properties and the processes followed to ensure the project benefits many. According to the Kenya constitution section 40, there are procedures and the process which should be followed some of these include the Land Act, Acquisition and resettlement Bill which aims at ensuring the due process is followed during acquisition and the Assistance and Protection to IDPS which caters for those people whose property is acquired fully, the act categorizes them as IDPS and they should be compensated promptly.

What is to be compensated?

- Land. The land owner is paid for his land but in case there are other developments in the same land which don't belong to him they are compensated to their rightful owner.
- Structures.
- Trees.
- Crops.

MIN 5: CUT OFF DATE AND COMMUNITY GRIEVANCES REDRESS COMMITTEE

The sociologist together with the PAPs agreed that the final day for any development to be done on the area identified for the road and as identified together with the chiefs and elders for this project is 18th August 2018 when the final asset inventory was completed. It was clarified that if someone put up a structure within the corridor, it will be demolished without compensation and they should avoid that because it will be a loss to them.

He explained the procedure of forming a community grievances committee which will be dealing with any grievances that may arise during compensation or even during constructions. The sources of grievances were also clearly discussed and brief on how grievances should be handled explained to the PAPs. The PAPs agreed to form a subcommittee to start looking into any grievances and also educate the community on the project as they await the actual works to start.

MIN6: QUESTIONS COMMENTS& RECOMMENDATIONS

NAME	QUESTION	ANSWER
Sheikh Abdi Wahab	Requested the presence of the local leadership and County Government representative in future consultations as they were responsible for the demolitions that causes the informal businesses and hawkers a lot of losses and huge losses of livelihood.	They were informed that all the key players will be involved as they will be involved in the resettlement exercise as a local authority. They were encouraged to form a local Project grievances redress Committee to articulate their concerns on the road upgrade project impacts.
	Wanted to know if the Ring road is under the county government KeNHA	The ring road is part of the project and so it is coming under KeNHA and not the county Government.
	Requested that through KeNHAs corporate social responsibility the	They were informed that appropriate decision will be made in collaboration

NAME	QUESTION	ANSWER
	displaced persons by the roadside be provided with a market elsewhere to continue with their commercial activities since it was clear the county government had no plans of providing a market within Wajir township.	with the County government who have the mandate to regulate trade and developments within their areas of jurisdiction before the project is launched. Also, the request will be forwarded to KeNHA for consideration.
Adan Garat	<p>Social facilities are not adequate for the locals and so the community requested if the project could provide them. These include markets, schools, water points for both domestic and livestock usage and health centres. They proposed that if possible, the project could refurbish and equip the existing health facilities along the road that are in-adequate, offer power and piping to their water sources to be availed near the residential and if possible, fence them for the safety of their children and livestock.</p> <p>Since it is inevitable for the informal traders to vacate the road reserve for the much-needed improvement, how soon would the construction start.</p>	<p>It was appreciated and explained that the project would consider such requests as part of the corporate social responsibility. The community was encouraged to detail their requests for the facilities to be considered for provision in conjunction with relevant authorities.</p> <p>The date for notices to vacate will be determined by KeNHA as soon as possible. However, a notice would be issued to the affected persons when the time for construction starts.</p>

MIN 7; CONCLUSION

The sociologist thanked those present for their time and requested them to inform those absent of what was discussed and the next steps he also requested for cooperation among the locals during all the future exercises.

The DCC thanked all for their time and urged them to preach the same to the rest of the community. He requested one of those present to close with a word of prayer and the meeting was closed at 1347 hrs.

Annex 9: Attendance Registers During Initial RAP Consultation Meetings




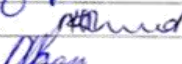

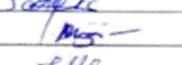


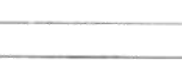

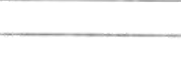
DESIGN REVIEW, ESIA, RAP FOR THE MODOGASHE-SAMATAR ROAD
PUBLIC CONSULTATIONS FOR ESIA STUDIES
ATTENDANCE REGISTER

DATE: 03/10/2017
COUNTY: Wajir
SUBCOUNTY: ~~Haji~~ Wajir West
VENUE: Guticha

1. No.	NAME	DESIGNATION	CONTACTS/TEL NO	SIGNATURE
2.	Hinda Mohamed	Postalist	0705467675	af
3.	Nuria Issack	Postalist	0706765275	af
4.	Jamila Mohamed	Nomadist	070824828509	af
5.	Isha Abduallah	Nomadist	0707197286	af
6.	Khadija Hussein	Nomadist	0722431349	af
7.	Rukia Issack	Nomadist/trader	0741045343	af
8.	Nunay Abdi	Nomadist	0729323821	af
9.	Rukia Mohamed	Nomadist	0719535741	af
10.	Unah Ali	Nomadist/trader	0724828118	af
11.	Fatuma Mohamed	Nomadist	0710969791	af
12.	Kafra Abdi Mohamed	Nomadist	0727107334	af
13.	Halima Mohamed	Nomadist	0704225098	af
14.	Habiba Adan	Nomadist	0708171512	af
15.	Amina Sharif	Nomadist	0742195044	af
16.	Sadia Mohamed	Nomadist	0715238878	af
17.	Shamsa Ahmed	"	0718654008	af
18.	Gajiba Mohamed	"	07	af
19.	Habiba Noor	"	0729988621	af
20.	Suldana Hussein	"	0724116954	af

DESIGN REVIEW, ESIA, RAP FOR THE MODOGASHE-SAMATAR ROAD
PUBLIC CONSULTATIONS FOR ESIA STUDIES
ATTENDANCE REGISTER

DATE: 02/10/17
COUNTY: GODALIA
SUBCOUNTY: MODOGASHE
VENUE: LAGDERA SOCIAL HALL

1. No.	NAME	DESIGNATION	CONTACTS/TEL NO	SIGNATURE
2.	OBOP M.O	RM (Rafiel.) Kanita	0722644975	
3.	DOUGLAS IREDI	A.C.C	0712178387	
4.	BISHAR OSMAN	AP Commander	0722461530	
5.	Kelos Ndaka	OCS Sericho	0721634985	
6.	Isaiah Ngetich	DCIO-LAGDERA	0722699532	
7.	BENARA MAKOKHO	MIS-LEGBERA	0722263977	
8.	BAHATI KATANA	OCS MODOGASHE	0710382200	
9.	EVANS DJENO	Environmentalist ITEC	0223610220	
10.	CELLAH ODERA	" "	0723433935	
11.	BEATRICE MUMUND	Biologist	0721615240	
12.	FARAH M. HILOWLE	AGU / CHIEF	0728813457	
13.				
14.				
15.				
16.				
17.				
18.				
19.				
20.				





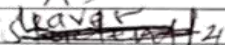

DESIGN REVIEW, ESIA, RAP FOR THE MODOGASHE-SAMATAR ROAD
PUBLIC CONSULTATIONS FOR ESIA STUDIES
ATTENDANCE REGISTER

DATE: 02/10/17
COUNTY: OPPOUSA
SUBCOUNTY: MODOGASHE
VENUE: LAGDERA SOCIAL HALL

1. No.	NAME	DESIGNATION	CONTACTS/TEL NO	SIGNATURE
2.	ABDI AHMED		0727744909	At
3. x	SHALE YARE ABDI	Senior chief kurufa	0718658444	S
4. x	AHMED M FERA	CHIEF	0722567936	A
5. x	MOHAW DAUD	CHIEF GARSE	0703660610	MA
6. x	ABDI H ADAN	CHIEF	0722-745055	ARAHMED
7. x	YUSSUF M. SHEIKH	CHIEF	0722768383	YMF
8.	MUSSEIN ABDI	YOUTH	070669549	Mussein
9.	Abdinasir Ali	DisAbled	0729069980	Abdinasir
10.	Abdirahim Ismail	Elder modogash	0729427262	Abdirahim
11.	ADEN KORANE	Perce chair	0719445079	Aden
12.	SOMANE SALAXI	Perce chairman modim	0715148726	Somane
13.	BALE DUROW	ELDER'S		Bale
14.	NUH OSMAN	ELDER'S	0704115798	Nuh
15. x	FARHAN DICHO	Chairman TAXIS MG	0723675130	Farhan
16.	SULEIMAN OMAR	ELDER'S	0725018465	Suleiman
17.	AHMED IBRAHIM	ELDER	0704539579	Ahmed
18.	ABDI MOHAMED	ELDER	0728529707	Abdi
19.	AHMED MOHAMED	YOUTH	0712240588	Ahmed
20.	MOHAMED WALI	ELDER'S	0700736438	Mohamed


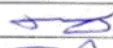
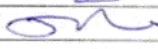












DESIGN REVIEW, ESIA, RAP FOR THE MODOGASHE-SAMATAR ROAD
PUBLIC CONSULTATIONS FOR ESIA STUDIES
ATTENDANCE REGISTER

DATE: 31-10-2017
COUNTY: Wajir
SUBCOUNTY: Wajir West
VENUE: Kitichu

1. No.	NAME	DESIGNATION	CONTACTS/TEL NO	SIGNATURE
2.	YUSSUF Hassan AZI	PASTORIST	07	
3.	Mohammed ADAN	" "	0702409808	
4.	MUBARAK KULOW	" "	0720413042	
5.	ADAN AZI	" "	0728626545	
6.	Attah ISSACK	" "	0705269696	
7.	Azinoon ABDI	CHIEF	0725231533	
8.	OWES A. MURSAI	HEADTEACHER	0727834159	
9.	BILLOW MOHAMMEDALI	PASTORALIST	0726153993	
10.	ALI ADAN	"	0725871325	
11.	Mohammed ABUKAR	"	0720592545	
12.	KULOW MAGLUM	"	0705857240	
13.	ALI YOW Hassan	"		
14.	ABDULHAKIM ALUNKOR	"	0721983495	
15.	MASCAN ADAN	"	0713117112	
16.	Mohammed Hussein	"	0700869191	
17.	ABDULKADI ABDI	"	0722759565	
18.	OSMAN ADEN	"	0720327748	
19.	KULOW MOHAMED	"	0796103221	
20.	MUKTAR ABDI	Form 4 Teacher 	0724828336	

DESIGN REVIEW, ESIA, RAP FOR THE MODOGASHE-SAMATAR ROAD
PUBLIC CONSULTATIONS FOR ESIA STUDIES
ATTENDANCE REGISTER

DATE: 2/10/2017
COUNTY: KARISSA
SUBCOUNTY: LABDERA
VENUE: SOCIAL HALL

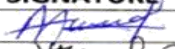
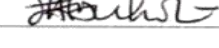








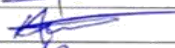



1. No.	NAME	DESIGNATION	CONTACTS/TEL NO	SIGNATURE
2. *	MOHAMED ABDI ADN	C-001	0728906960	
3.	HUSSEIN H. ADAN			
4.	ADAN ABDIKARIM	CHIEF		
5.	Abdullahi IBRAHIM		0728964655	
6.	Abdullahi ADDI K		0723915286	
7.	Abdirahman HUSSEIN		0707834655	
8.	NURA MOHAMED		0742863902	
9.	ABDI AZIZ HUSSEIN		0742863898	
10.	MOHAMED ALI		0700800888	
11.	SIYAT ADEK	TAXI DRIVER	0723263475	
12.	ADEK YUSUF	ELDER	0713089429	
13.	HIRE ORIO	ELDER	0727017070	
* 14.	MOHAMED A. MAALIM	CHIEF	0728256382	
15.	HUSSEIN ALI	CHIEF	0714018692	
16.	ADEK ISMAIL			
17.	Abdullahi Hassan Wodichief		0726212380	
18.	YUSUF FARAH	00P	0724437175	
19.	HUSSEIN DURAW	ELDER	0726791906	
20.	MOHAMED NURIE	ELDER	0722207984	

DESIGN REVIEW, ESIA, RAP FOR THE MODOGASHE-SAMATAR ROAD

PUBLIC CONSULTATIONS FOR ESIA STUDIES






ATTENDANCE REGISTER

DATE: 2/10/2017
 COUNTY: Garissa
 SUBCOUNTY: LANDERA
 VENUE: Social Hall

1. No.	NAME	DESIGNATION	CONTACTS/TEL NO	SIGNATURE
2.	MUHMED OSMAN	Driver/Operator	0720 03598181	
*3.	ABDIKASIR DUBOW	ASSISTANT CHIEF	0725910903	
4.	ABUKAR HAJI	Business	0720791356	
5.	SALAT BORE	Business	0707007272	
6.	MOHAMMED ALI	elder	0701067540	
7.	DAHIR AHMED	Taith	0708649054	
8.	ABDIRIZAK ALJULLALI	Taith	0708450749	
9.	ABDIWELI MOHAMED	Imam	0728433355	
10.	XISSUF MOHAMED	Taith	0724086073	
11.	IAMIA HUSSEIN	Business	0712429643	
12.	ALI DULI	Driver	0729041020	
13.	YUSUF HASSANI	Smith/Bodadom	0724361538	
14.	JACOB BEMRAE		0724322802	
15.	ISMAEL KUMBERU		0724326506	
16.	SAMUEL KAMUKU		0717730803	
17.	MASLAF HUSSEIN	Smith	0724646873	
18.	MOHAMMED SALAH	Smith	0742095290	
19.	GUINE ADAB	Business	0712664885	
20.	AHMED GUDLE	Business	0713659988	

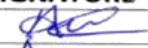





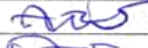
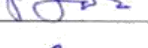





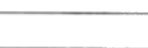


DESIGN REVIEW, ESIA, RAP FOR THE MODOGASHE-SAMATAR ROAD
PUBLIC CONSULTATIONS FOR ESIA STUDIES
ATTENDANCE REGISTER

DATE: 21/02/2017
COUNTY: Garissa
SUBCOUNTY: Landgra
VENUE: Social Hall

1. No.	NAME	DESIGNATION	CONTACTS/TEL NO	SIGNATURE
2.	ADEN ISSACK	Elder	0710937067	
3.	HABON MAHIBUB	Women	7	
4.	MOHAMMED IBRAHIM	Youth	072460792686	
5.	FALHATHO BURIAL	Business	0722208041	
6.	KAMILA ZEINAB SIAT	Women Group		
7.	MARIAM SHEIKH	Business	0727201137	
8.	FALHATHO BURIAL	Business	0727201137	 0729851097
9.	AMINA HUSSEIN	Business	0726543475	
10.	KAMILA DUBOW	Business	0728707818	
11.	LUL ADEN MOHAMMED	Business	0725082627	
12.	HABON SANBUR	Business	0728719774	
13.	KUSA KALIF RAGIE	Youth	07205892709	
14.	MOHAMMED ABDI BAKI	Maendeleo wanaumama	0707756242	
15.	HABIRA ADENI	Chair lady	0726094473	
16.	DAYASA GIURE	Maendeleo wanaumama	0711843748	
17.	HABIRA ALI	Chair lady		
18.	TARDOSA HASSAN	modogashe sub-country	0720244826	
19.	MOHAMMED HILLOW	Youth	0701153804	
20.	MUHAMMED SATHI	Elder	0729720365	


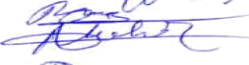





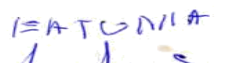








DESIGN REVIEW, ESIA, RAP FOR THE MODOGASHE-SAMATAR ROAD
PUBLIC CONSULTATIONS FOR ESIA STUDIES
ATTENDANCE REGISTER

DATE: 02/10/17
COUNTY: GARUSSA
SUBCOUNTY: MODOGASHE
VENUE: LAGOERA SOCIAL HALL

1. No.	NAME	DESIGNATION	CONTACTS/TEL NO	SIGNATURE
2.	ABDI ALI ADEN	ELDER	0716301649	
3.	HUSSEIN RASHID	ELDER	0713283625	
4.	HUSSEIN YUSSUF	Youth	0701669695	
5.	FATUMA ELAKIR	WOMAN	0704086659	
6.	MUSE ABDI KADIR	YOUTH	0702936276	
7.	IBRAHIM K-HIHOWE	ELDER	0721224658	
8.	IBRAHIM R. DUNTE	BUSINESSMAN	0721111172	
9.	MASS MOHAMED IBRAHIM	Youth	0710531740	
10.	ALI ADAM SIDU	BUSINESS	0726555532	
11.	SIYAT MUR	ELDER	0720883007	
12.	SADIK ISSACK	Youth		
13.	AHMED ABDI	BUSINESS	0717328453	
14.	OMAR M. YARUW	Personal assistant	0724410893	
15.	AHMED JIRE AHMED	R.O LAGOERA	0726486208	
16.	MATHIAS MATHIAS H-	BUSINESSMAN	0726232012	
17.	HIRE ABU HIRE	Youth	0727284688	
18.	MOHAMED ABDIRAHMAN	Youth	0716634678	
19.	AHMED BARE	Youth	0711846482	
20.	ABDISATA HESSEN		0707372220	










ISIOKO COUNTY
MODOGASHE (SERICHO)

ATTENDANCE REGISTER

NO.	NAME	DESIGNATION	CONTACTS (TEL)	SIGNATURE
1.	MOHAMMED ISAK AKAYALA	ASST CHIEF Koma-Bulla	0720 472686	
2.	MUSA OPAU	ASST CHIEF Bura-Bura	0723 155223	
3.	ABDI LICHIO ARERO	Chair Mahtanin	0713 166205	
4.	HABIBA HALAKE	BUSINESS	0726 613788	
5.	HADIS HUKA	BUSINESS	0713 105781	
6.	ZEINAB QUFU	BUSINESS	0712 841003	
7.	ZEINAB BOM	BUSINESS	0796 234491	
8.	ADAN ALI	BUSINESS	0717 343612	
9.	ABUBAK OSMAN	BUSINESS	0729 020409	
10.	KHALIF ABDI	Bodasoda	0726 489385	
11.	SULEIMAN ABDI	Taxi driver	0724 003924	
12.	FATUMA SAID	BUSINESS	0707 522122	
13.	HASSAN BORE	BUSINESS	0715 952505	
14.	MUHAMMAD BIDA	Downsides	0724 120908	
15.	AHMED MOHAMED HASSAN	Peace Member	0724 744267	
16.	DABASO QUGO	BUSINESS	0790 569189	

ATTENDANCE REGISTER













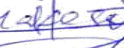


MODOGASHE (SERIHO)

No.	NAME	DESIGNATION	CONTACT (TEL)	SIGNATURE
1.	STEPHEN MWANGI KAMAUDE	A.C.C	0710845130	
2.	OBOP MICHAEL O.	RM (R.R.) KENIA	0738 573140	
3.	IDRIS OLOICHA JARSO	WARD ADMIN STR	0723 336225	
4.	STEPHEN K. OTHICHA	M/S 100 SECURITY	0722 276300	
5.	TOLBERT O MOSOTI	P/SECURITY	0721 581726	
6.	ABDULRAHIM O. HASSEIN	P/SECURITY.	0716435343	
7.	IP DAVID M. KILII	1/C P/SECURITY	0720070632	
8.	PATRICK M. KIBITI	ENG(R) - REP D. DIRECTOR	0727 342451	
9.	GEORGE A. OKUMU	NETWORK MTC	0722 275659	
10.		SUPT.(R) - KENYA U/E		
11.				
12.				
13.				
14.				
15.				

ATTENDANCE REGISTER













MODOGASHE (SERICHO)
ATTENDANCE REGISTER.

ATTENDANCE REGISTER











No.	NAME	DESIGNATION	CONTACTS (TEL)	SIGNATURE
1.	ABDI AMANI ACI	SHEIKH (man)	0713642171	
2.	HUSSEIN TACHANA	ELDER	0718241120	
3.	Abdullahi Diba	Elder Modogashe	0729942351	
4.	IBRAHIM H. DIBA	Elder Modogashe	0712357808	
5.	Mohamed Buraw Adan	Elder	0725229815	
6.	MOHAMED MADERA	PROSECUTOR	0724342291	
7.	ABDIKADIR ABDULLAH	CHIEF Komor-belle	0722179535	
8.	Mohamed FOKKE	Mayor of Bishara	0729347711	
9.	HUSSEIN H. BORU	Surgeon Modogashe	0728460762	
10.	YUSSUF A. ABDUBA	Chairman MTC		
11.	HUSSEIN BURU	Elder	0728062962	
12.	HULUFO ABDI	Mayor of Bishara	0720095983	
13.	MOTAMER ABDI	Youth	0725801109	
14.	ABDI DIDA	Ass Chief Modogashe North	0722606056	
15.	WOLIS Azecha	WTAO Administrator	0723336022	

		MODOGASHE (SERICHO)		ATTENDANCE REGISTER
		ATTENDANCE REGISTER		
NO	NAME	DESIGNATION	CONTACTS (TEL)	SIGNATURE
1	OMAR SHANO	BUSINESS	0720424558	gmu Jphl
2	IBRAHIM ABDIKADIR	TEACHER	0716223567	
3	Alba Adi	Youth	0741724524	Edna
4	Asha Anero	BUSINESS	0724124352	
5	Abdijaber mohamed	Youth	0728548336	Wid
6	MANZUL Hassan JARU	Youth	0712010618	
7	SAHARA Abdurrahman	NULL	0723305103	Sahar
8	ABDUBA MAMO	Youth	0713959855	
9	ABDIRASHID WARIO	Youth	0729178829	Wario
10	SAID CUDANA	Youth	07	
11	MOLU HUKA	WATER CHAIRMAN	0728719711	A
12	ASNA CUDANA	BUSINESS	0727331185	
13	Sido Qotto	BUSINESS	0728910540	DIDO
14	KASHANE MOHAMED KHEIR	BUSINESS PROFESSIONAL	0741729585	
*15	Ismail Ibrahim	KENHA CONSULTANT (modogash)	0714388370	HAWTHORNE
			0726053526	
16	Abdullahi Billow	BUSINESS professional	0716163521	Mant
17	MUSTAFA			

MODOGASHE (SERICHO)
















No.	NAME	DESIGNATION	CONTACTS (TEL)	SIGNATURE	ATTENDANCE REGISTER
1.	AKI BORLO	MODOGASHE - YOUTH LEADER	0717712530		
2.	BORU DAUD	MODOGASHE	0728908327		
3.	MOHAMMED KUND	MODOGASHE	0701371559		
4.	FARAH HUKA		0718450302		
5.	KABALE KARISA				
6.	ABDIRAHMAN MOHAMED	Modogashe - Youth	0720094982		
7.	ABDULLAH ABDULLA		0705248804		
8.	MOHAMED ABDULLAH	Modogashe south youth	0741878796		
9.	HUSSEIN BIDA	modogashe youth	0705552650		
10.	MOHAMED BASHIR	modogashe Youth	0720885110		
11.	BILLOW KERAW	modogashe Youth -	0777504655		
12.	IBRAHIM MOLLU				
13.	RAMADHAN ABDI	Soda Soda	0723783273		
14.	GULATO SIDA JADESS	Sussness	0727507988		
15.	HALIMS DOKICHA	Sussness	0728471590		

MODOGASHE (SERICHA)

No.	NAME	DESIGNATION	CONTACTS (TEL)	SIGNATURE
1.	Suleiman Osman		0722503513	
2.	SOMO DABASSO		0714550582	
3.	Hassan mohamed		0705499364	
4.	Adan Guyo		0795381187	
5.	mohamed Issa		0700244283	
6.	Abdi Abduba		0702386504	
7.	Ramadhan Rashe		0723414261	
8.	ALI Guyo		072516844	
9.	Ramadhan Abdulla		0725955443	
10.	SARIA TURU			
11.	ABDULLAH MOHAMED	ASST CHIEF	0720434894	
12.	SHINDA ISSACK		0723928445	x
13.	Abdiradhi KOSI		07	
14.	MUKTAR HAJI		0713897188	
15.	ABDIKER WAKO		0728460962	
16.	Ibrahim Halake	RAP	0721411695 0725005083	

ATTENDANCE REGISTER

MODOGASHE (SERVICES)

No.	NAME	DESIGNATION	CONTACT (TEL)	SIGNATURE
1.	Adan Qandora	BodaBoda	0729547966	
2.	Salad Bore	BodaBoda	0707007272	
3.	Dera Quntullo	Taxi driver	0721605341	
4.	Hulufo Abdi		0720095983	
5.	Hussein Mohamed		0700370040	
6.	Waco Koto		0712082224	
7.	Hussein Abdullahi		0729942308	
8.	Ibrahim Bidu	Senior chief	0713041913	
9.	Mohamed Halake		0711869993	
10.	Hussein Hass Bore			
11.	Mohamed sala wario			
12.	Farah Adan		0712167600	
13.	Ali Liban		0708727640	
14.	Abdi Marlow		0702360093	
15.	Abdiaziz Abass		0701250212	
16.	Hussein Maalim		0713423972	
17.	Ahmed Abdi		0711798929	

ATTENDANCE REGISTER

18. Mohamed Noor Mamo		CONTACTS	SIGNATURE
19. IBRAHIM DIKA		0726977600	MAMU
		0703263385	

DESIGN REVIEW, ESIA, RAP FOR THE MODOGASHE-SAMATAR ROAD
PUBLIC CONSULTATIONS FOR ESIA STUDIES
ATTENDANCE REGISTER

DATE: 02/10/2017
COUNTY: Igato
SUBCOUNTY: Garba Kulla
VENUE: Kone (SKANSKY)

1. No.	NAME	DESIGNATION	CONTACTS/TEL NO	SIGNATURE
2.	HASSAN MOHAMMED		0704151525	
3.	MOHAMMED HAJJ		0711997065	
4.	ABDI BEIDIO		0720657908	Abdi
5.	ABDI HASSAN		0717838130	
6.	RASHID OSMAN		0716839841	
7.	ARUKAR FARAH		0726361601	ARUKAR
8.	MAKAIL KASHID		0710880934	
9.	OMAR ALEY		0723830237	OMAR
10.	FACHAN KUTHUK		0719736867	
11.	JELLE HUSSEIN		0719625801	Jelle Hussein
12.	MOHAMMED MAALIM		0721712130	HM
13.	ABDI MOHAMMED		0716015487	Abdi
14.	DURAY GUZE		0726324959	B
15.	BASULA NURIE		0705407838	M
16.	DIALAY DUSOW		0723036120	FI
17.	TATUMA SAMBUR			
18.	JEMEN GUZE		0717343943	
19.	AMSIYA KASHID		0729575766	AMSIYA
20.	KADUA IBRAHIM		0714240517	M

DESIGN REVIEW, ESIA, RAP FOR THE MODOGASHE-SAMATAR ROAD
PUBLIC CONSULTATIONS FOR ESIA STUDIES
ATTENDANCE REGISTER

DATE: 03/10/2017
COUNTY: Koto
SUBCOUNTY: Gartakilla
VENUE: Kone (Skansks)

1. No.	NAME	DESIGNATION	CONTACTS/TEL NO	SIGNATURE
2.	HINDIYA ADDI		0724328904	24 R 101
3.	DEKOW DUBA		0716863830	DEKOW
4.	ALI AISBI		0717336177	
5.	OMAR SHEIKH		0728558817	
6.	MATIASHA DUBOW		0795912712	
7.	SALIMA SARAH		0720303693	
8.	ADAY ADAR		0708855994	
9.	SATHARA MOHAMMED		0764840024	
10.	SADIA SAPIAR			
11.	SASIA MOHAMMED		0778998457	
12.	FARDOUSA MOHAMMED		0724733596	
13.	SARURA HUSSEIN		0702119326	
14.	BARLEY COMAN		0703908682	
15.	NASSI ADEN		0701504104	
16.	SAASI IOHYARE			
17.	HISALA MAALIM		0718256883	
18.	KADILA AHMED		0718913447	
19.	SATHAN HASSAN		0708139716	
20.	HINDIA ITO			

DESIGN REVIEW, ESIA, RAP FOR THE MODOGASHE-SAMATAR ROAD
PUBLIC CONSULTATIONS FOR ESIA STUDIES
ATTENDANCE REGISTER

DATE: 02/10/2017
COUNTY: Gode
SUBCOUNTY: Gansgulla
VENUE: Kone (Skonsko)

1. No.	NAME	DESIGNATION	CONTACTS/TEL NO	SIGNATURE
2.	ABDI HASSAN		0710 45 3674	ABDI
3.	MUHAMMED SHIDON		0711 25 9294	SHIDON
4.	FATUMA MUHAMMED		0716 83 1787	FATUMA
5.	KUSEY KARIF		0708 12 9742	KUSEY
6.	SUNIG SALAH		0799 96 0795	SUNIG
7.	HILU HOLLOW		0711 41 2336	HILU
8.	NABA YABON		0713 66 023	NABA
9.	JAMAA GURU		0720 33 7903	JAMAA
10.				
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DESIGN REVIEW, ESIA, RAP FOR THE MODOGASHE-SAMATAR ROAD
PUBLIC CONSULTATIONS FOR ESIA STUDIES
ATTENDANCE REGISTER

DATE: 04/10/17
COUNTY:
SUBCOUNTY:
VENUE: Kangara

1. No.	NAME	DESIGNATION	CONTACTS/TEL NO	SIGNATURE
2.	Mohamad Abikar	pastorist	0705574980	A
3.	Shukri Ali		0713825263	A
4.	Abel shale		072994908	A
5.	Mohamed Abukhi		0712083158	HA
6.	Dubow Hilowle		072983149	HA
7.	Waguna	doctor	0716275508	HA
8.	Hassan	chief	0727030669	HA
9.	Bark maon		0725040764	HA
10.	Mukfar muhmed		0712904626	HA
11.	Hussein Ibrahim		0725945554	HA
12.	Abdi Dilson		0720348969	HA
13.	marale Abdi		072905962	HA
14.	Maalim Sahir		0705941004	HA
15.	Kusow Abikar		0713670729	HA
16.	Adan malkey		0712959410	HA
17.	Hassan Mohamed		0726244092	HA
18.	Ahmed Abor		0727250488	HA
19.	Abdi Khafis		0707836309	HA
20.	Dilson Abor			

DESIGN REVIEW, ESIA, RAP FOR THE MODOGASHE-SAMATAR ROAD
PUBLIC CONSULTATIONS FOR ESIA STUDIES
ATTENDANCE REGISTER

DATE: 04/10/17
COUNTY:
SUBCOUNTY:
VENUE: Kanjara

1. No.	NAME	DESIGNATION	CONTACTS/TEL NO	SIGNATURE
2.	Abdirahman Hassan	Chief	0728754021	
3.	Hassan Jalgow	Student	0715276161	
4.	Abdirashid Mamon	Student	0725959410	Ambr R
5.	Muktar Gabow	Businessman	0720068694	
6.	Ibrahim Bar		0724549009	
7.	Bisher Bar		0727508287	Olur
8.	Adan Mohamed		072594235	
9.	Ahmed Nure		0791235615	
10.	Hassan Abille		0714735477	HP
11.	Ahmed Gabow		0724379115	
12.	Issa Salat	Student	0727342864	
13.	Abdi Abi Kar		0724157215	
14.	Ahmed Arab		071745752	
15.	Ibrahim Mohamed		0729718674	A B
16.	Mohamed dugan		0725948003	
17.	Jelani		0725948003	
18.	Mohamed Aliyev		0720959322	
19.	Osman Khalif		0700500072	
20.	Abdi Khalif Osman	Teacher	0714959410	

DESIGN REVIEW, ESIA, RAP FOR THE MODOGASHE-SAMATAR ROAD
PUBLIC CONSULTATIONS FOR ESIA STUDIES
ATTENDANCE REGISTER

DATE: 04/10/17
COUNTY:
SUBCOUNTY:
VENUE: KANSARA

1. No.	NAME	DESIGNATION	CONTACTS/TEL NO	SIGNATURE
2.	Zainab Abdi			
3.	Habib Vussay			
4.	Safia Mohamed			
5.	Siadis Salat	0723772746		
6.	Fahma Abdurraz	0705476404		
7.	Abdi Nour	0725945012		
8.	Fahma Mohamed	07255634405		
9.	Leuk Osman	0718258211		
10.	Terfa Hassan	0744531322		
11.	Bashara Adan	0744246789		
12.	Duba Ahmed			
13.	Habiba Mohamed			
14.	Nimra Bare	0727562809		
15.	Khadra Abdi			
16.	Nasri Doble	0720232041		
17.	Zainab Abdellahi	0723057408		
18.	Shadi Bakal	0715202451		
19.	Bohle Nurro	0791235945		
20.	Timira Hussein	0726524883		

Admin ABDUPROG 0723764377



DESIGN REVIEW, ESIA, RAP FOR THE MODOGASHE-SAMATAR ROAD
PUBLIC CONSULTATIONS FOR ESIA STUDIES
ATTENDANCE REGISTER

DATE: 04/10/17
COUNTY:
SUBCOUNTY:
VENUE: Kangara

1. No.	NAME	DESIGNATION	CONTACTS/TEL NO	SIGNATURE
2.	Saglat Goboy	pastorist	0717590328	A P
3.	Achik Mohamed	pastorist	0715844437	A P
4.	Shure	pastorist	07191162784	A P
5.	Dayen M. DOR		07214800324	A P
6.	Abel ALI		0713457987	A P
7.	Sa Zeinab Hargen		0715276104	A P
8.	Zeinab Abile		0725949510	A P
9.	Rukia Hassan		0720959156	A P
10.	Saadia Bishar		0720957496	A P
11.	Zeinab Ha Gabay		0729084953	M
12.	Dawley Mohamed		0703501734	A P
13.	Muktar Sheikh		0705061750	A P
14.	Omar		0711259627	A P
15.	Haretha M. DOR		0711964481	A P
16.	Lul Osman		0718258211	A P
17.	Glenza		072505491056	A P
18.	Dubai		0719462895	A P
19.	Magala Abeli		0729405887	A P
20.	Abelia		0729545678	A P

KANJARA

	Name	Phone No	Signature
11	Hassna Elmi	0710433797	
12	Suldan Samay	0723177862	
13	Muslima Shadia	0708632283	
14	Dalim Abdiasar	0710439041	
15	Hindi Abdi	0726316885	
16	Gedi muhamed	0716927425	
17	Habibu Mchamud	0708414335	
18	Abdi muhamed	0729173023	
19	Sakuma Shale	0701510716	
110	Fian Khalom	0728947767	
100	Saadia Ahmed	0728	
131	Nurra muhamed	0703317818	
132	Oley Ode	0719535056	
140	Asha Hassan	0798003992	
150	Hawa Jilaw	0791502813	
160	Saadia Ali	07111753700	
17	Dahab Yusuf	0741190119	
180	Malac Abdi	0727796283	
17	Ubey Shantdhara	0708090724	
120	Madhina Alan	0711507079	
210	Timura Dajow	07	
220	Arfa Omar	071144050122	
230	Abdi Ali	0714822280	
240	Saadia Keenan	0725312472	
250	Khalifa Abdullahi	07114534170	
260	Sowda Abdinor	0717905964	
270	Nurra Omar	0720231858	
280	Hadi (Kide) muhamed	0727024726	
290	Nurra Mudley	0724953505	
300	Kalluma muhamed	07	
310	Sakuma Alan		
320	Dalim Abdi	0728178852	

DESIGN REVIEW, ESIA, RAP FOR THE MODOGASHE-SAMATAR ROAD
PUBLIC CONSULTATIONS FOR ESIA STUDIES
ATTENDANCE REGISTER

DATE: 04/10/17
COUNTY:
SUBCOUNTY:
VENUE: KANSARA

1. No.	NAME	DESIGNATION	CONTACTS/TEL NO	SIGNATURE
2.	Habiba Hassan	07200786990		
3.	Samra Gilmal	0710185991		
4.	Saadia Rishar	0709012581		
5.	Fatima Hassan			
6.	Mumina Bare	0721158470		
7.	Asli Keynan	0743115978		
8.	Shadi Abdi	0724575848		
9.	Nurca Mohamed	0741887508		
10.	Abdila Mohamed	0722430447		
11.	Rahaba Abdi			
12.	Rahma Bishay			
13.	Doga Ahmed			
14.	Mumina Gulaw	0728640546		
15.	Duba Bare			
16.	Saadia Abdi			
17.	Sonja Mohamed	0707836058		
18.	Nurca Nurca	0792982115		
19.	Halima Salaf	0741531329		
20.	Rahma Mohamed	0700244859		

KANSARA

			Contact	Signature
1	Ahmed	Abraham	Teacher 07057-1530	<u>Abraham</u>
2	Jusuf	Abalo	Teacher 0724-072271	<u>D</u>
3	Abdi	Bayl	passportist 0727229796	<u>D</u>
4	Ahmed	Adan	passportist 0713648907	<u>A</u>
5	Maali m	Issack	0707550822	<u>A</u>
6	Ogas	ALI	0720406377	
7	Abulinoor	Hassan	0707444703	<u>33502</u>
8	Issa		0729344514	
9	Abdi	Shake	0726235412	
10	Rukia	Bisha	0712532699	
11	Jella	NBOO	072675822	
12	Ragom	Abdullahi	072899345	
13	Maga	Hassan	072523541	
14	Amran	Mohamed	0727741633	<u>AP</u>
15	Nahaba	Hassan	0728349639	<u>DE</u>
16	Oley		0704655970	
17	Maryam	Saney	0723708578	
18	Khadiga		07177852241	
19	Nunay	Abdi	0792982115	
20	Mustina	Bisher	0725941056	
21	Ragom	Abdulkali Gudon	0728961692	

	Name	Phone no	Signature
37	Nimra Ali Hessa		
(30)	Duba Ali Hassan		
(35)	Rakia Jinalo		
(36)	Halima Maow		
(37)	Arfan		
(37)	Nurair Abdula		
(35)	Jubey Omar		
(39)	Abdul Hassan		
40	Habiba Hassan		
(41)	Samira Hassan		

DESIGN REVIEW, ESIA, RAP FOR THE MODOGASHE-SAMATAR ROAD

PUBLIC CONSULTATIONS FOR ESIA STUDIES

ATTENDANCE REGISTER

DATE: 04/10/17
COUNTY: WASCO
SUBCOUNTY:
VENUE: HABASHWIN LIBRARY

1. No.	NAME	DESIGNATION	CONTACTS/TEL NO	SIGNATURE
2.	AROW JUBASZ	PUBLIC HEALTH OFFICER		
3.	MUHAMMAD ABDULHAQ			
4.	HUSSEIN KATHUN		0714209748	
5.	AHMED HASSAN ADAM		0718413120	
6.	ABDIWAHED DAHA			
7.	AMINA ADAM		0724392447	
8.	ADAM ABDI MADAM	SNR CHIEF	0723764377	
9.	ALI HASSAN	YOUTH	0720452616	
10.	ABDULLAHI	AMIED FARM	0720391195	
11.	Felix Mgasie	XCC	0728807573	
12.	HANDI A. ALI	WARD ADMIN	0727923709	
13.	DAVID K- TANUI	OLS HABASWEIN	0721973542	
14.				
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HABASWEIN

**DESIGN REVIEW, ESIA, RAP FOR THE MODOGASHE-SAMATAR ROAD
PUBLIC CONSULTATIONS FOR ESIA STUDIES
ATTENDANCE REGISTER**

DATE: 04/10/17
COUNTY: WAJIR
SUBCOUNTY: HABASWEIN
VENUE: COMMUNITY LIBRARY













1. No.	NAME	DESIGNATION	CONTACTS/TEL NO	SIGNATURE
2.	Gedi Alodi Hussein	DADO/Disab. rep.	0727089381	
3.	Halabba imam Alodi	Tako chair	0708183447	
4.	SALAH AHMED HUSSAN	ELDER	0711989109	
5.	HARET A. MAJID	ASS/CHIEF	0720083055	
6.	IBRAHIM A. DIBOW	ASS/CHIEF	0726929218	
7.	ISSAK Ibrahim Hussein	ELDER	0725150399	
8.	MOHAMMAD A. HAMED	ELDER	0711916564	
9.	KHALIF S. FARAH	SNR CHIEF	0728028718	
10.	IBRAHIM DAGANE	SNR CHIEF	0714009608	
11.	ALI ABDI OGLE	SECURITY CHAIRMAN	0728447585	
12.	Mohamed Abdullahi	CHIEF	0704313269	
13.	MUHAMMAD HADI ABDI	Sub-county Agric officer	0711135826	
14.	Julius Mwangi Kieng'	Sub-county Livestock officer	0710219192	
15.	SHEIK SIYAT BUNOW	DEPUTY CHIEF	0714971444	
16.	NUNOW ABDI ABDULLAH	ELDER	0728531452	
17.	MOHD MOHAMMAD ABDI	ELDER	0722155450	
18.	YARROW ADAM TARAB	ELDER	0712760015	
19.	ALI ABDI	ELDER	0722729725	
20.	MUKTAR SAMBURI	ELDER	0720686496	

Invited
Attendance List 4/9/2017

1. Salak Ahmed
2. Mohamed Khalif
3. Ibrahim Jubara
4. Ali - A. Aye
5. Mohamed Bin Abdullah
6. Mohamed Mohamed
7. Yunus Abdi Abdullah
8. Sheikh Siyad Yunus
9. Farou Adan Tarabji
10. Ali Adan Hussein
11. Muktar Sambar
12. Ibrahim Billaw
13. Ward Adan
14. Liffstock Officer
15. Chief Ibrahim of Ndege
16. Habiba Iman
17. Godi Abdi Hussein
18. Black Jare
19. Agriculture Officer
20. T. Daw Isaac Adan
21. Shukri Bashir Funt
22. Adan Adan Madoy, chief h. King
23. Haxel Ahmed Mayor - Assistant chief
24. Mohamed Base - Assistant chief
25. Chief Ali Duma - chief
26. Antina Adan - women Rep
27. OLS Habene police Station

DESIGN REVIEW, ESIA, RAP FOR THE MODOGASHE-SAMATAR ROAD
PUBLIC CONSULTATIONS FOR ESIA STUDIES
ATTENDANCE REGISTER

DATE: 04/10/17
COUNTY: WAJIR
SUBCOUNTY:
VENUE: HABASWEIN LIBRARY

1. No.	NAME	DESIGNATION	CONTACTS/TEL NO	SIGNATURE
2.	Ali Dubow	Youth	071110454627	
3.	Mohamed Ibrahim	Youth	0710724804	
4.	Ahmed Mohamed	Youth	0725744531	
5.	Abdiwahab Mohamed	Youth	0728839559	
6.	Mohamed bishar	Youth	0724263427	
7.	Muhammed Mahat	Youth	0707197238	
8.	Ali Galiye	Youth	0725756966	
9.	Abdi Sugah	Disabile	N/A	
10.	Omur Abdi Hirs	Youth	0720325024	
11.	Adan Nurou	Youth	0702195270	
12.	AMINA ADAN	Women	0724392447	
13.	ABDI NATHIR	NZee	0717259933	
14.				
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Annex 10: Household Data Collection Questionnaire

RESETTLEMENT ACTION PLAN (RAP) QUESTIONNAIRE

The Government of Kenya, through the Kenya National Highways Authority (KeNHA), the implementing agency, is undertaking preparation of road designs to upgrade the Modogashe- Samatar- Wajir Road and has therefore retained ITEC to prepare, among other deliverables, a Resettlement Action Plan (RAP) as guided by the World Bank Policy OP 4.12 and GOK guidelines on involuntary resettlement to determine the residents' preferences and estimate costs for the relocation/compensation of persons who will be affected by the proposed project. This is carried out to identify the Project Affected Persons (PAP) in order to design an appropriate RAP that will offer social safeguard measures to minimize the impacts of involuntary resettlement on the livelihoods of the PAPs.

You are kindly requested to provide the following information to assist ITEC gather required information for the RAP:

Declaration: This information is confidential and it will be used purely for Resettlement Action Plan preparation purposes only.

1. IDENTIFICATION INFORMATION

1.1 Survey ID No.	<div></div>	<div></div>	<div></div>	<div></div>	<div></div>	<div></div>	1.2	Day	Month	Year	Enumerator Name
								<div></div>	<div></div>	<div></div>	<div></div>

2. PROPERTY/BUSINESS OWNERSHIP DETAILS

2.1 Full names of property / Business Owner

Mr/Mrs/Ms.	First Name	Middle Name	Surname	Sex		
	<div></div>	<div></div>	<div></div>	1	Male	2 Female

2.2 Full names of respondent

Mr/Mrs/Ms.	First Name	Middle Name	Surname	Sex		
	<div></div>	<div></div>	<div></div>	1	Male	2 Female

2.3 Relationship to the property/business owner

1. Owner	2. Manager	3. Employee	4. Tenant	5. Other, specify _____
				–

2.4 Current Residence village

<div></div>	<div></div>	<div></div>	<div></div>
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2.5 Ethnic Group.....

3. LOCATION

3.1 Sub-County

3.4 Sub-location
4.5 Coordinates

3.2 Division

3.5 Village
N:

3.3 Location

3.6 Ward
E:

4. ADDRESS

4.1 Telephone Number

--	--	--	--	--	--	--	--	--	--

4.2 Postal Address

Box	Code	Town

For how long have you been operating/residing in this area? _____

For how long were you operating/residing in your former area? _____

Why did you relocate to this area? _____

5. DEMOGRAPHIC CHARACTERISTICS

Names of all Relation to HH household members	sex	Age (Yrs.)	Marital status	Employment status	Completed education	Do you suffer from any type of disability	If yes which form of disability
1. Head	1.M		1. Single	1. Employed	1. Illiterate	1. Yes	
2. Spouse	2.F		2. Married	2. Unemployed	2. Primary school	2. No	
3. Child			3. Divorced / separated	3. Student	3. Secondary School		
5. Worker			4. Widowed	4. Housewife	4. Diploma/Certificate		
4. Other, specify				5. Retired	5. University		

6. LAND OWNERSHIP

6.1 What is the size of your plot/property?

6.2	Do you have business/property elsewhere?	1	Yes	2	No		
6.3	How did you acquire this business/property?	1	Inherited	2	Purchased	3	Other, specify..... ...
6.4	For how many years have you relied on this business/property	_____ Years					
6.5	What is the form of your occupation agreement/tenure?	1	Freehold with register of titles				
		2	Informal occupation without verifiable entitlement				
		3	Leasehold with lease agreement				
		4	Rent without lease agreement				
		6	Other (specify.....)				
6.6	Do you have a legal document to certify your land ownership?	1	Yes		2	No	
6.7	What will be the impact of the expansion on the use of the this property? please explain						

7. ECONOMIC LIVELIHOOD LAND OWNERSHIP

7.1 Which of these items does your household have?

1. Radio	2. TV	3. Phone	4. Bicycle	5. Motor cycle	6. Vehicle	7. Tractor or
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7.2 How many of the following do you keep?

	<i>Total number kept</i>	<i>Income (Kshs) generated per year</i>
1. Beehives		
2. Cattle		
3. Sheep		
4. Cows		
5. Camels		
6. Chicken		
7. Donkeys		
8. Goats		
9. Others, specify:		

7.3 a. What is the main source of income for this household how much per month.....
b. How much income, if any, is earned by members of your household under the following you earn from each of the following resources.

1. Civil servant	2. Medical Worker	3. Public administrator	4. Religious Leader	5. School Teacher	6. Other-Specify.

7.4 Do you earn income from a small business? . 1. Yes 2. No

7.5 If Yes, what is the average monthly income from the business? _____ (kshs)

7.6 Please tell us on average the monthly income for this household from the following sources:

1. Pension (Kshs)	2. Remittance (Kshs)	3. Other-specify (Kshs)

7.7 What is the total monthly expenditure (kshs) of this household in each of the following?

<i>Item</i>	<i>Monthly expenditure (Kshs.)</i>
1. Food	
2. Housing	
3. Education	
4. Health	
5. Transport	
6. Water	
7. Others	

8. ASSOCIATIONS AND CULTURE

- 8.1 What is your religion? _____
- 8.2 What is your Clan? _____
- 8.3 What is your Tribe? _____

8.4 Are you a member of any welfare/economic organization?

1	Yes	2	No
---	-----	---	----

8.5 If Yes, which one? _____

8.6 What activities does it undertake?

9. TRANSPORT AND TRAVEL

9.1 What mode of transport do you use to each of the following?

Business

Place of work

Hospital

School

Grazing.

To the mosque/ church.

10. ATTITUDE AND IMPACTS

10.1 Would you be willing to surrender your property/business operating site for the road expansion project if need be?

1. Yes 2. No

10.2 If no, please give your reasons:.....

10.3 If you were to be resettled, where would you prefer to go?

1	In the nearest possible place	
2	Next to my family	
3	Next to my neighbors	
4	Undecided	
5	In another place (specify.....)	
		At what distance (Kms)?

10.4 If you relocated, how would you want compensated for each of the following and how much?

Item for compensation	Preferred mode of compensation		
Land	Land	Cash	Both
Houses	House	Cash	Both
Relocation costs	Transport	Cash	Both
Livelihoods	Training	Cash	Inputs/capital
Other (specify.....)			

10.5 What kind of assistance regarding resettlement should the Project Implementation Authority (PIU) undertake?

1	Provision of new agricultural plot
2	Provision of new plots/assets for economic activities (e.g. shop, workshop, office, etc)
3	Training for self-employment
4	Cash grant equivalent to loss
5	Loans
6	Capital/equipment's
7	Others (specify

10.6 If you were relocated to another site, what challenges do you expect to face and how do you solve them?

Anticipated challenges	Measures to limit the challenges/impacts
------------------------	--

1.	1.
2.	2.
<i>Factor hindering resettlement</i>	<i>Factors facilitating resettlement</i>
1.	1.
2.	2.

10.7 What comments would you want to make on the proposed project road?

10.8 Identification Card (ID) Number _____ Signature _____ Date _____

Thank You

Annex 11: Social Amenities Proposed by The PAP Community

SOCIAL AMENITIES PROPOSED BY THE PUBLIC

Proposed Social Amenities

1. Modogashe (Lagdera) – Garisa County

- a. The Community in Lagdera indicated that water was their biggest challenge. They thus requested that a major Bore hole and Water Pan be considered as part of the Project. They proposed that at the Community be consulted to determine the actual location of the proposed borehole.

2. Modogashe (Sericho/Garba Tula)- Isiolo County

There was a community grievance at the Borana side of Modogashe Town. As a result they did not even propose preferred social amenities.

They indicated that they have a historical boundary dispute with the Somalis of the Lagdera side of the same town.

3. Skanska

- a) Priority should be given to boreholes as the water available is salty. Clean drinking water is presently obtained from Habaswein which is 30km away by use of Water bowsers. A 20 litre can of water costs sh. 100.
- b) They also proposed construction of a dam to promote irrigation on land set out. The actual site to be identified consultatively.

4. Guticha / Samatar

Two presentations were made by the two different Constituencies through which the road traverses: The Centre is based in Wajir West and Wajir South Constituencies and proposals were made according:

- a) Wajir West
 - Health Centre to be upgraded from its present rudimentary state.
 - Classrooms for the semi-permanent primary school the only one in the location
 - An irrigation borehole proposed.
- b) Wajir South
 - A borehole at a location to be identified by Community
 - A primary school as there is none present.

5. Kanjara

The community prioritized their projects as follows:

- a) In Wajir West a school fence and upgrading of existing school infrastructure was requested. In Wajir South there are children who are currently learning under a tree in a new established primary school. A complete school was requested.
- b) There was request for fencing of an existing dam which was an accident hazard.
- c) Water kiosks and roadside markets were also requested on both sides of the trading centre.

Habaswein

Two major communities identified themselves along the two Constituencies of Wajir West and Wajir South. The Communities were Ajuran and Ogaden respectively. The proposed projects were as follows:

- a) Community Borehole for each side
- b) Livestock Market Improvement with a cattle dip
- c) Equipping the Health Centre in the Township
- d) Loop roads to Government Offices, Library and Health Centre

Annex 12: Monitoring Indicators

Subject	Indicator	Variable
Land	Any New need to acquire land	Area of communal land acquired by KeNHA road project Area of private land acquired? Area of government land acquired?
Buildings/Structures	Acquisition of buildings	Number, type and size of private buildings acquired Number, type and size of community buildings affected Number, type and size of government buildings affected
	Acquisition of other structures	Number, type and size of other private structures affected Number, type and size of other community structures affected
Trees	Acquisition of trees	Number and type of trees cut
Compensation, Re-establishment and Rehabilitation	Compensation and re--establishment of affected owners/individuals	Number of homesteads affected (buildings, land, trees, crops) Number of owners compensated by type of loss Amount compensated by type and owner Number of replacement houses constructed Size, construction, durability and environmental suitability of Replacement houses Possession of latrines Water supply access Number of replacement businesses constructed
	Re-establishment of community resources	Number of community buildings replaced Number, type of plants lost Number of seedlings supplied by type Number of trees planted
Hazards and Disturbances	Introduction of nuisance factors	Number of homesteads affected by hazards and Disturbances from construction (noise levels, dust, Increased traffic levels)
Social/Demographic	Changes to homestead structure	Homestead size (births, deaths, migration in and out) Age distribution Gender distribution Marital status Relationship to homestead head Status of “vulnerable” homesteads
	Population migration	Residential status of homestead members Movement in and out of the homestead (place and residence Of homestead members)
	Changes to access	Distance/travel time to nearest school, health centre, church, shop, village
	Changes to health status	Nutritional status of resettled homestead members Number of people with disease by type (STDs, diarrhoea, malaria, immunizable disease) Mortality rates Access to healthcare services (distance to nearest facility, cost of services, quality of services) Utilization of healthcare services Disease prevention strategies Extent of educational programmes Latrine provision at schools (schoolchild population per VIP on site)
	Changes to status of women	Participation in training programmes Use of credit facilities Land holding status Participation in related activities and enterprises

	Homestead earning capacity	Ownership of capital assets Land holding status (tenure) Changes to livestock ownership:pre and post disturbance Value of livestock sales, and imputed value of barter transactions Employment status of economically active members Skills of homestead members Earnings/income by source, separating compensation payments Changes to income earning activities – pre and post disturbance Amount and balance of income and expenditure Realization of homestead income restoration plans (components implemented, net income achieved) Possession of bank and savings accounts Access to income generating natural resource base (wood, grass, sand, stones)
	Changes in social organization	Organizational membership of homestead members Leadership positions held by homestead members
	Population influx	Growth in number and size of settlements, formal and informal Growth in market areas
Consultation	Information dissemination	Number, position, staffing of Information Centres Staffing, equipment, documentation of Information Centres Activities of Information Centres Number of people accessing Information Centres Information requests, issues raised at Information Centres
	Grievances resolved	Number of grievances registered, by type Number of grievances resolved Number of cases referred to court
	Consultation programme operation	Number of local committees established Number and dates of local committee meetings Type of issues raised at local committees meetings Involvement of local committees in KeNHA development planning Number of participating NGOs
Training	Operation of training programme	Number of local committee members trained Number of affected population trained in Project related courses
Management	Staffing	Number of implementing agencies by function Number of GoK ministry officials available by function Number of office and field equipment, by type
	Procedures in operation	Census and asset verification/quantification Procedures in place Effectiveness of compensation delivery system Number of land transfers effected Coordination between local community structures, KeNHA and GoK officials

Annex 13: Draft Grievance Form

Date:

Public Grievance Form

Resettlement Action Plan (RAP) Public Grievance Form

RAP Reference No.	
Full Name:	
Contact Information: Postal Address Please indicate how you wish to be contacted (mail, telephone, email)	Address: Telephone:..... Email:.....
Preferred Language for Communication: Please mark how you wish to be contacted)	English:..... Kiswahili:.....
National Identity Card Number (ID)	
Description of Incident or Grievance:	What is the Problem? Who did it happen to? Where did it happen? What is the result of the problem?
Date of Incident/Grievance	
	One time incident/grievance (Date:.....) Happened more than once (How many times) Ongoing (Happening Now)
What would you like see happen to solve the problem?	

Signature:**Date:**

Please return this form to:

Kenya National Highways Authority
Blue Shield Towers, Hospital Road, Upper Hill
P.O. Box 49712 – 00100, Nairobi Kenya

Tel:+254-20-8013842

Annex 14: Unauthenticated Land Claim Documents

Annex 15: Photographic Plates



Photo

1: Community Meeting at Lagbogol Centre with the Consultant responding to the questions raised by the PAP community



Photo 2: A view of goats sheltering from the sun under an acacia tree. The project area is Arid and community depend on ecologically supported activities such as sheep, goats and camel herding



Photo 3: A view of one of the several public utilities on the wayleave



Photo 4: Social Expert explaining about the Project to the Modogashe I (Lagdera) community members.



Photo 5: A woman at Modogashe II (Sericho) giving her views.



Photo 6: Women at a Women FGD at Skanska Center

Annex 16: Map of Wajir Town where survey of allotted plots is ongoing

