



Kenya National Highways Authority

Quality Highways, Better Connections

NORTH EASTERN TRANSPORT IMPROVEMENT PROJECT (NETIP)

PROPOSED UPGRADING TO BITUMEN STANDARDS OF WAJIR – ELWAK ROAD SECTION 175 KM (A13)

FINAL UPDATED RESETTLEMENT ACTION PLAN (RAP)

JANUARY 2020

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LIST OF ACRONYMS / ABBREVIATIONS

ACC	Assistant County Commissioner
ACTED	Agency for Technical Cooperation & Development
ALDEF	Arid lands Development Forum
BCC	Behaviour Change Communication
CBO	Community-Based Organization
CEC	County Executive Committee
CC	County Commissioner
DCC	Deputy County Commissioner
ECDE	Early Childhood Development & Education
ESI	Environment & Social Interest
ESIA	Environmental and Social Impact Assessment
FGD	Focus Group Discussion
GBV	Gender-Based Violence
CGI	Corrugated Galvanized Iron
GRC	Grievance Redress Committee
GRM	Grievance Redress Mechanism
GoK	Government of Kenya
HIV / AIDS	Human immuno Virus / Acquired Immune Deficiency Syndrome
HH	Household
ICTA	Information and communication technology Authority
ID	Identity Card
IDA	International Development Assistance
IDP	Internally Displaced
IED	Improvised Explosive device
IFC	International finance Corporation
KDHS	Kenya demographic and health Survey
KeNHA	Kenya National Highways Authority
KII	Key informant Interview
KM	Kilometre
M & E	Monitoring & Evaluation

NASCOP	National Aids & STI Control Programme
NDMA	National Drought Management Agency
NER	Net Enrolment Ratio
NETIP	North Eastern Transport Improvement Programme
NGAO	National Government Administration Officer
NGO	Non Governmental Organization
NLC	National Land Commission
NMK	National Museums of Kenya
OCS	Officer Commanding Station
OP	Operating Policy
OCPD	Officer Commanding Police Division
OVC	Orphaned and Vulnerable Children
PAP	Project Affected Person
PLWD	People Living With Disability
RAP	Resettlement Action Plan
RFP	Resettlement Policy Framework
RIU	Rap Implementation Unit
ROW	Right of Way
STI	Sexually Transmitted Infection
VIP	Ventilated Improved Pit
VMGs	Vulnerable and Marginalized Groups
WASDA	Wajir South Development Association

DEFINITION OF TERMS

Census means a field survey carried out to identify and determine the number of NETIP Road subproject Affected Persons (PAP) or Displaced Persons (DPs) as a result of land acquisition and related impacts. The census provides the basic information necessary for determining eligibility for compensation, resettlement and other measures emanating from consultations with affected communities and the local government institutions.

Compensation – Is the payment in kind, cash or other assets given in exchange for the loss suffered from the acquisition of land on which fixed assets are situated as well as other impacts resulting from the road construction activities.

Corridor of impact: is 15 metres wide for this project and it includes the immediate safety zone and any areas that impact directly on people's livelihoods. Whatever has to be removed or demolished, whether permanently or temporarily, is by definition inside a corridor of impact.

Cut-off Date - The World Bank accepts the date of the baseline survey as the cutoff date for eligibility: those in the area before the census begins are eligible for compensation and assistance, as relevant and those who arrive after the cut off date are not.

Displaced Persons – Refers to persons who, for reasons due to loss of their assets under the road construction project, 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 them: standard of living adversely affected, whether or not the Displaced Person will move to another location; lose right, interest in any houses or any other fixed or movable assets acquired or possessed, lose access to productive assets or any means of livelihood.

Disturbance allowance: this is a 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.

Economic Displacement loss of income streams or means of livelihood resulting from land acquisition or obstructed access to resources (land, water, forest) resulting from construction or operations of a project or its associated facilities. Income streams is the earning/profits received regularly by a PAP from a business/venture/undertaking.

Entitlement Refers to the range of measures comprising cash and/or in-kind compensation, rehabilitation assistance, transfer assistance, and relocation which are owing to livelihood restoration and/ or PAPs, depending on the type, degree and nature of their losses, to restore their social and economic situation.

Encroachers are those people 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.

Involuntary Resettlement refers both to physical displacement and to economic displacement as a result of project-related land acquisition. Resettlement is considered involuntary when affected individuals or communities do not have the right to refuse land acquisition that results in a displacement. This occurs in cases of (i) lawful expropriation or restriction on land use based on the eminent domain; and (ii) negotiated settlements in which the buyer can resort to expropriation or impose legal restrictions on land use if the negotiations with the seller fail. In the event of adverse economic, social or environmental impacts from project activities other than land acquisition (such as loss of access to assets or resources or restrictions on land use,) such impact will be avoided, minimized, mitigated or compensated for through the social and environmental assessment process of the bank on Social and environmental assessment and Management.

Land refers to agricultural and/or non-agricultural land and any structures thereon whether temporary or permanent and which may be required for the NETIP sub-project activities.

Land acquisition means the process by which a project acquires land from affected individuals or households in exchange for compensation at replacement value.

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 to get better prices for their animals.

Project-affected Household (PAH) – The family or collection of project affected persons that will experience effects from land acquisition regardless of whether they are physically displaced or relocated or not.

Project affected Person - Any person experiencing loss of assets or loss of access to income, whether of a temporary or a permanent nature due to land acquisition process, regardless of whether they are physically displaced or relocated or not.

Physical displacement – where there is loss of shelter and assets resulting from project-related acquisition of land and/or restrictions on land use that requires the affected persons to move to another location.

Replacement cost for houses and other structures – This means the market cost to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors’ fees, plus the cost of any registration and transfer taxes.

Resettlement - This refers to the process by which those adversely affected by the road project are assisted in their efforts to improve, or at least to restore, their incomes and living standards.

Resettlement Action Plan - This refers to a time-bound plan or document with a budget, setting out resettlement strategy, objectives, eligibility criteria, entitlements, actions, responsibilities, monitoring and evaluation prepared to mitigate adverse effects and provide development benefits to persons and communities affected by the road project.

Resettlement Assistance – Support provided to people who are physically displaced by a project. The measures may include allowances, residential housing or rentals, whichever is feasible and as required, for ease of resettlement.

Replacement cost: The replacement of assets with an amount sufficient to cover the full replacement cost of lost assets and 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, value of 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 costs for land in urban areas:** the market value of the land of equal size and use, with similar or improved public infrastructure facilities and services preferably located in the vicinity of the affected land, plus the cost of any registration and transfer taxes;
- **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.

Squatters – This refers to members of the community who have illegally occupied public land. These persons will receive compensation for structures or other fixed improvement of the land and provision of resettlement assistance for residential relocation and livelihood restoration if applicable need to resettle the displaced squatters.

Vulnerable and Marginalized Groups – These are communities as defined under Article 260 of the Constitution of Kenya (2012) and referred to as marginalised community. Defined also under the World Bank Operational Standards OP 4.10 on Indigenous Peoples: (a) a community that, because of its relatively small population or for any other reason, has been unable to fully participate in the integrated social and economic life of Kenya as a whole; (b) a traditional community that, out of a need or desire to preserve its unique culture and identity from assimilation, has remained outside the integrated social and economic life of Kenya as a whole; (c) an indigenous community that has retained and maintained a traditional lifestyle and livelihood based on a hunter or gatherer economy; or (d) pastoral persons and communities, whether they are- (i) nomadic; or (ii) a settled community that, because of its relative geographic isolation, has experienced only marginal participation in the integrated social and economic life of Kenya as a whole.

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

Background

1. This document is an updated Resettlement Action Plan (RAP) Study report for the proposed upgrading to bitumen standards of Wajir–Elwak road section 175 km (A13). The road section is part of the North-Eastern Transport Improvement Project (NETIP) corridor financed by the International Development Association (IDA) and is aimed at stimulating the development and integration of the region to the rest of the Country and the neighboring States of Ethiopia, Somalia and beyond.
2. The report is an update of the review on the RAP done by GIBB Africa Limited for Wajir – Kotulo (Wajir) and Kotulo (Mandera)–Elwak subsections in the year 2017/2018 based on the category B classification. However, based on a recent review, the road project has been reclassified as category A. This necessitated the review and updating of the initial draft RAPs in accordance with category A Project.

Project Location

3. The project is located in the North-Eastern region of Kenya. The road corridor traverses Wajir and Mandera Counties. The proposed road project starts at Wajir Town (km 000) and proceeds in a northerly direction to Lafaley (km 11), Tarbaj Town (km 51) before taking an Easterly course through Hungai (km 61), Wargadud (km 81), Kotulo Wajir (km 113) onto Kotulo Mandera (km 119) located at the border of Wajir and Mandera Counties. It then takes a northeasterly direction towards Dimu (km 137 + 400), Dabasit / Garse Sala (146), Borehole 11 (km 162 + 150) and ends at Elwak Town (km 175). Administratively, the road project traverses four sub-counties: Wajir Central, Tarbaj, Kotulo and Mandera Central.

Project Justification

4. The Constitution of Kenya (2010) guarantees all citizens and regions in the Country the right to equal access to services and infrastructure. Northern Kenya has experienced marginalization resulting in poor road conditions that cut off the region from the other parts of the country especially during the rainy season. The inherent remoteness and poor access to services, markets for both livestock and other commodities, compounded by the arid environment has exacerbated poverty levels in the region and hindered the efforts of both levels of Government to improve the livelihoods of the local populace.
5. The development of roads improves the wellbeing of the citizens through increased access to markets and other basic services. Transport and telecommunication systems are critical determinants of the physical costs of accessing markets. Thus, poor infrastructure network restricts the development of input and product markets and region at large. Furthermore, improved security will be realized in the region as attested to by local inhabitants during the stakeholder engagements in the earlier study where it was pointed out that the areas between Kotulo (Mandera) and Borehole 11 are known to be the movement corridors used by illegal and outlawed terror gangs and the Somali based Al- Shabaab insurgents. In the wider project area, there have been incidents of attacks and the kidnapping of foreigners. It is also common for Improvised Explosive Devices (IEDs) to be planted on the current (earthen) road shoulders thus having maximum impacts on vehicles using the road.

6. Both the security and local and international humanitarian agencies have difficulties to respond to emergencies in the area due to the poor state of the road. The proposed project will, therefore, enhance development efforts by the County and National Government in promoting equity and poverty eradication. The improvement of the international road to bitumen standards will promote the economic corridor serving Kenya and other neighbouring countries and consequently lead to improved transit transport efficiency, promotion of regional trade and investment and facilitate closer integration of the economies of the countries involved.

Need for Review and Update of the RAP

7. The reasons for review arose from the reclassification of the road as a category A project. The updating was necessary since the project is likely to have significant adverse environmental and social impacts that are sensitive, diverse or unprecedented. Relevant and specific to the resettlement are potential occupational health and safety, community health and safety risks and impacts during construction, labour influx and land acquisition and resettlement impacts. Additionally, these impacts are generally large scale, irreversible, cumulative and may affect an area broader than the present thirteen (13) settlement sites located along the road corridor. Project preparation, therefore requires a sustained and intense stakeholder engagement process during the design and RAP preparation and throughout project implementation. The review and update is to be carried out in a manner consistent World Bank safeguard policies and procedures, relevant laws and regulations of the Government of Kenya (GoK), and KeNHA Environmental policy requirements under which the subproject is financed.

The objectives and scope of the RAP Review

8. The objectives of the RAP Review and update are:
 - i. To review the existing draft RAP reports and the process through which they were prepared in terms of their completeness, consistency and compliance with the World Bank Involuntary Resettlement Policy.
 - ii. To undertake the necessary activities to complete, rectify and address any gaps in existing RAP Reports and the process through which they were prepared, including additional survey, consultation and coordination with the project design and other teams.
 - iii. To revise and update the current RAP Reports in the form and substance that is consistent and compliant with the World Bank OP 4.12.

Structure of the RAP Report

9. The report is comprised of the following major sections: Executive Summary, Introduction, Project Description, Minimizing Resettlement, Profile, Socio-Economic Survey of Project Area & Census of Project affected Persons, Policy and Legal Framework, Participation and Consultation, Eligibility Criteria, Project Impacts and Entitlement Matrix, Valuation Criteria, Livelihoods & Income Restoration, Grievance Redress Mechanism, Implementation Schedule, Monitoring and Evaluation, Implementation Schedule, Rap Costs & Budget, References and Annexes.

Project Description

10. The NETIP project comprises of three key components:

- Component 1: Upgrading Selected Critical Road Infrastructure and associated roadside amenities.
- Component 2: Institutional Development and Project Monitoring and Management
- Component 3: Enhancing Internet Connectivity.

11. The Project activities for the Wajir-Elwak Road entails improving the existing road to bitumen standards under component one (1) described above. The main activities in bituminizing the road will involve excavation and earthworks, paving construction and laying of surface and sub base. A large part of the road alignment is largely unsettled and has adequate space to accommodate the required 60 M corridor. It is expected that other facilities such as lay- bays, bus-bays, and widening at market centres will be constructed within the 60 metres corridor along the road.

Potential Project Impacts

12. The anticipated project impacts will be socio-economic, cultural as well as impacts on property and livelihood.

- Social Impacts

Broadly, Social impacts include the social, economic and cultural impacts. They are:

- i. Demographic impacts
- ii. Family and community impacts
- iii. Alterations in existing gender relations
- iv. Health and social wellbeing impacts
- v. Economic impacts
- vi. Cultural impacts

- Impacts on Property and Livelihoods

The RAP study has highlighted the project's potential impacts on property and livelihood activities likely to be affected by the implementation of Wajir – Elwak Road project. The highlights are based on the analysis derived from the updated PAP census and valuation roll.

Zones of Potential Project Impacts

13. The Road project corridor covers a total length of 175 KMs starting at Wajir town in Wajir County and terminates at Elwak area in Mandera County. Therefore, generally this is the direct zone of influence. In the settled area, community members are involved in both formal and informal livelihood activities within the road reserve especially kiosks and sheds housing informal business enterprises and household domestic dwellings. There are also formal institutional, commercial and residential buildings falling within the Right of Way (ROW) and these will be partially or permanently be affected. The Project will therefore lead to economic displacement of Project Affected Persons (PAPs) in the thirteen (13) settlements. Census results for the Project Affected Persons shows that there

are 1,355 affected persons. The table below shows the areas around which impact will be felt.

Table 1 : Project Impact Affected Areas in Wajir and Mandera Counties

S/No.	County	Settlement	Chainage
1	Wajir	Halane	KM 000 + 000 – KM 6+000
2		Wagberi	KM 000 +000 – KM 6 + 000
3		Lafaley	KM 10 + 800 – KM 11+ 500
4		Tarbaj	KM 50+ 000 – KM 53 + 000
5		Hungai	KM 60 + 000 – KM 62 + 000
6		Wargadud	KM 81 + 000 – KM 83 + 000
7		Kotulo (Wajir)	KM 110+500 - KM 113+000
8	Mandera	Kotulo (Mandera)	KM 119+000 – KM 120 +500
9		Dimu	KM 137+400 – KM 138+500
10		Dabasit	KM 148+000 – KM 149+ 700
11		Garse sala	KM 148+000 – KM 149 + 700
12		Borehole 11	KM 162 + 150 – KM 163 +600
13		Elwak	KM 171 +275 – KM 177 + 425

Categorization of Project Impacts

14. On the basis of the revised and updated data from the Census and Socio-economic study, the RAP has categorized the project impacts according to the PAPs' property/structures lost, livelihood loss and community resources and institutions as shown in the tables below.

c) Impact on Community Resources and Public Institutions

15. There are several educational, religious and security institutions situated within the ROW which will be affected either partially or permanently as presented in the tables below:

Minimizing Resettlement

Alternatives and Mechanisms to Minimize Displacement/ Resettlement

16. The RAP has provided several alternatives and mechanisms for consideration in order to avoid/minimize displacement/resettlement during the design and implementation phase of the project. The recommendations are based on the aspirations and concerns raised by the members of the community and other key stakeholders during the public stakeholder consultations as described in section Seven (7) of the revised draft RAP report.

Mechanisms Established to Minimize Resettlement

17. Two mechanisms have been put in place to minimize resettlement to the extent possible during project implementation and they involve maintaining the proposed project within the existing corridor to most of the areas, and road re-design at Tarbaj and Elwak settlements to create bypass roads to avoid demolition of larger proportions of structures lying within the 60m road corridor and maintaining the existing 40 M road corridor to pass through the towns for their sustenance without much alterations to the setting of the

towns. The bypasses were fronted and supported by the area communities in Tarbaj and Elwak.

Profile, Socio-Economic Survey of Project Area and Census of Project Affected Persons

Vulnerable and Marginalized Groups

18. The project traverses Wajir and Mandera Counties located in the North-Eastern part of Kenya. The project area has the presence of pastoralist communities that meets the criteria in OP 4.10. A social assessment (SA) was carried out in accordance with World Bank's O.P 4.10, Free, Prior and Informed Consultations (FPIC) with Vulnerable and Marginalized Groups (VMGs) lead to broad community support for the project. The SA analyzed VMGs social issues, establish project impacts, mitigation measures and FPIC that informed the design of the project. This SA will enable the project to be responsive to social development concerns, including seeking to enhance benefits for vulnerable and marginalized groups while minimizing or mitigating risk and adverse impacts. It analyses distributional impacts of intended project benefits on VMGs and identifies differences in assets and capabilities to access the project benefits. Impact identified to the VMGs included loss of livelihoods and grazing lands.
19. Isiolo, Wajir, and Mandera counties are inhabited predominantly by the Borana and Somali who are the marginalized and vulnerable groups found along the project corridor. The Borana, one of the VGMs identified by the SA are the dominant ethnic group in Isiolo county found in the following trading centers along the project corridor in Isiolo County Kachiuri, Kulamawe, and Modogashe. The Somali are found in the three counties but are the dominant ethnic group in Mandera and Wajir counties. In Wajir County, they are in the following trading centers Habaswein, Laghbogol, Tarbaj, and Kutulo. These ethnic groups are part of the Northern Kenya population classified as marginalized according to the Constitution of Kenya, which also categorizes the three counties as marginalized.

Census of Project Affected People (PAPs)

The census was carried out to document the current occupants of the Project Affected People (PAPs) within the road RoW in all the thirteen (13) settlements. The data is important as it will form the basis for future RAP decision making regarding eligibility for compensation and resettlement assistance.

Socio-Economic Survey of Project Affected Area

20. A survey to determine the Socio-economic and Cultural characteristics of the potential PAPs was conducted between 2nd January 2019 and 14th April 2019 to obtain primary data to serve as the baseline for designing the resettlement program. The survey adopted the entire population (100%) for the administration of the household questionnaire. This was possible because of the concentrated nature of settlement of households within the study

area making it convenient for the RAP study team to conduct the survey alongside other activities including the Household census and property valuation.

Major Conclusions from the Socio-Economic Study

21. The demographic data shows that majority of the respondents were male (61%), while 36 % were women. The survey findings further show that 69% of the households are male-headed. The survey data shows that the majority of the PAPs fall within the age bracket 25-44 (41%), while the population of children comprises 28% of the population of the settlements in the study area. All the respondents belong to the Islamic religion (100%) with the majority of respondents indicating that they belong to the Somali ethnic community (92%). Additionally, 7.4 % of the respondents indicated their ethnic affiliation as Degodia. Approximately 62% of the PAP respondents in the project affected area have not attained any formal schooling, while a paltry 12% have attended primary education.
22. The forms of vulnerability characteristics highlighted among PAPS during the survey included the Disabled (0.4%), Single parent (0.2%), internally displaced persons - IDPs (0.56%) Orphans and Vulnerable Communities (OVCs) (0.18%), widowhood/widowerhood (0.659%), divorced (1.20%) and the chronically ill (0.003%) and elderly (0.659). According to the RAP Study, land ownership in the project area is communal with 87 % of the PAP respondents indicating that the proof of land ownership is chiefs' letter. The socio-economic survey study showed that The PAP household heads' monthly income levels ranged from 4,000 to 180,000. The overall majority of the respondents (32% %) earned incomes below 10,000 followed by 21 % who earned income ranging between 61,000 – 90,000.
23. The main mode of transport used within the study site is matatu/van (62 %). On the provision of educational facilities, the majority of the PAP respondents (89%) indicated that public schools were close to the settlement. The data shows that majority of the respondents (82%) depend on Borehole as the main source of water for the household. The survey indicated that 56.8 % of the PAP respondents own a toilet. The most commonly used type of toilet facility by the PAPs in the study area is pit latrine with concrete (30.2 %), followed by V.I.P Toilet (16%). Majority of PAPs dispose of their household waste by burning (92.6%), while the rest bury (3.4%), throw (2.8%) and use compost pit (1.1 %).
24. The PAP respondents indicated that the community mainly relies on public health facilities (47 %) for treatment. The main PAPs' source of household energy for cooking was firewood (79.8 %) followed by charcoal (8 %). The most common source of energy for lighting in the project affected area is Kerosene (38.5 %), followed by solar-powered torchlight (29%). The PAP respondents cited the most common diseases in the area as Malaria (43.9%), typhoid (23.4%) and pneumonia (1.5%). Majority of the PAPs' respondents (83.9%) indicated that they had not taken an HIV/AIDS test, while 61.5% indicated that they were aware of the existence of sexually transmitted infections (STIs).

The majority of the PAP respondents (74.5 %) stated abstinence as the method for preventing STIs infection in the project area.

25. Majority of PAP respondents (83%) indicated that they were aware of the project. However, 4.9% indicated that they had not heard of the project, while 15.6 % did not respond. On sources of information on the project, 38% said they heard of the project from survey teams. The PAPs were aware that the project will affect them negatively, mainly on disruption associated with being resettled (36.4%) but some PAPs expressed positive impacts especially with regard to improvement to household sources of income arising from improved transportation (42%) and provision of labour to local residents (14%). Majority of the PAP respondents (81.8%) showed approval for the project, while a paltry (2.1 %) expressed disapproval.

Inter/ Intra Community Conflict

26. The community members attributed the occasional upsurge of inter-ethnic conflict to the competition for grazing and water sources, especially along the Wajir/Mandera counties' border. At the time of the RAP study, a flare-up involving the Degodia and Gare clans emerged. There are also instances of internal displacement of families arising from inter-ethnic conflicts. Community members cited peace as one of the major "resources" in the locality. The most commonly cited threat to the security in the project site is the Al-Shabab menace, as the project site traverses a region close to neighboring country of Somalia. However, majority of the community leaders averred that the threat is not only unique to the area but the entire Country. Nevertheless, given the proximity of the project site to the Kenya/ Somalia border, the threat to attacks by the resurgence group is relatively higher.

Gender Analysis

27. The Gender calendar for the project area showed that women are actively involved in both productive and reproductive work and work for longer periods than men. Gender issues along the road corridor: legal rights to property, domestic violence and decision making in childbearing.

Policy and Legal Framework

28. The following laws are relevant to resettlement planning in Kenya : Constitution of Kenya (2010), National Land Commission Act 2012, Land Act 2012, Land Registration Act 2012, The Environment and Land Court Act, 2011, The Land Control Act Cap 302, Public Roads and Roads of Access Act (Cap. 399) and Valuers Act, Cap 532 Laws of Kenya. Other relevant laws related to protection of vulnerable individuals and gender-based violence: Sexual Offences Act 2012, Children Act 2012, Labour Relations Act No. 18 of 2018, and Matrimonial Property Act, No.9 of 2013.
29. World Policies triggered included the OP/BP 4.01 Environmental Assessment, OP/BP 4.04 Natural Habitats, OP/BP 4.10 Indigenous People, OP/BP 4.11 Physical Cultural Resources, OP/BP 4.12 Involuntary Resettlement and World Bank Group Environmental, Health and Safety (EHS) General Guidelines. Of importance to this RAP review is the OP/BP 4.12 Involuntary Resettlement.

Participation and Consultation

30. The RAP Review team conducted intensive public consultations in the project area with a view to ensuring that all outstanding and emerging concerns regarding the road project and resettlement issues were brought up and openly discussed. A total of 13 public meetings were held at the thirteen (13) settlement sites, followed by Focus Group Discussion (FGD) sessions with the elders, women, and youth separately in each of the towns. The stakeholder engagement activities were held as shown below:

Key Issues Raised and the Consultants' Responses

31. Various issues were raised by the PAPs and other members of the community during the consultation meetings. They included:

Table 2 : Summary of Issues and Response Matrix

Issue	Response
When will the Road project commence?	The commencement date for the Wajir – Elwak section is not yet known. However, once this is determined, the information will be communicated to the communities' and all stakeholders in a timely manner.
All people are poor and depend on the meager businesses when the demolitions will be done people will be condemned to more poverty. How will this be avoided to help the people affected?	The process of preparation of the project is done according to the laid down procedures according to the Kenyan law and World Bank applicable policies on resettlement. The regulations work in the interest of the communities that are recipients of the project financed by the bank. The rules will, therefore, safeguard the PAPs from experiencing any undue suffering and that is why demolitions and requiring the people to give way for project will be done only after compensation settlements have been made.
What plans are there to pay people for the loss of land and houses?	The RAP process is meant to facilitate careful assessment of losses and other impacts and mitigate these accordingly. However, as explained in the consultations, the compensation will be for loss of structures, livelihoods and community facilities.
How will KeNHA determine what amount of money is to be paid for the houses to be demolished.	The consultant valuer has explained the method for determining the value to be paid for each property or set of properties lost. These will serve as the guidelines for compensation. The valuations will be assessed by NLC at full replacement rates that caters for a disturbance allowance and livelihood restoration.
How will the local people be assured of the participation in the road construction and not give all jobs to people from other parts of the country?	The regulations have clearly stipulated that local people will be given preference in all skills and commodities available for use in the construction of the road project. Those from outside will be considered for opportunities where such skills are not available locally.

There are people who are helped by their relatives to live in their houses because they cannot afford shelter to live and do business. Will they be considered?	This category of PAPs qualify for considerations and will be listed down as part of PAPs.
Some people have used their money to buy land which is now expensive and the bypass is taking the land. How will they be considered for this loss?	The compensation for loss does not put into consideration land as the land in this locality has not been adjudicated so as to be categorized as private land. However, due to noted instances of this nature, the concern has been documented and will be presented. The NLC will make a determination.
There are some people who were in the bush and were not counted in the census, how will they be considered?	Those PAPs who were not captured in the previous session will be included so long as the property in question meets the requirements set out in the cut – off date. The previous RAP census captured the property and corresponding values and their identity and other relevant particulars will be included in the RAP Report.
Will the affected people be given enough time to move out of the Road wayleave?	The PAPs will be provided with enough time to salvage their property and relocate away from the ROW. They will be given one -three months’ notice to vacate.
Will the people who have rented shops from owners to do business be compensated.	Traders are considered as tenants and if the requirement to relocate will affect their businesses, they will be compensated for loss of livelihoods on the basis of the applicable World Bank safeguard policy OP 4.12.

Summary of Issues and Concerns Raised in the Social Assessment related to Resettlement

32. During the Social Assessment, through the Free Prior and Informed Consultations that led to Broad Community Support of the Project, the VMGs raised a lot of concerns relating to land acquisition and resettlement as highlighted in the table below:

Table 3 : Issues raised in Consultations and Responses in the Social Assessment

Issue	Response
What will happen if someone’s property is along the road?	<p>All property that will be affected will be captured in the Resettlement Action Plan (RAP).</p> <p>The National Land Commission (NLC) will verify and validate the affected persons and the affected assets for compensation.</p> <p>Payment will then be made after valuation and based on replacement cost.</p>
<p>Who will be compensated?</p> <p>What process will be used to identify PAPs</p>	The RAP will identify all the physically and economically displaced persons who will be entitled for compensation based on PAP category at replacement

Issue	Response
who will be compensated?	cost. At implementation, the NLC will verify and validate the PAPs and the assets for compensation.
What is the correct size of road and will compensation be done on affected persons whose land would be encroached by the expansion of the road.	The road size is 60 metres wide and any encroachment outside the 60metres into private land will be fully, fairly and justly compensated.
Community Benefits How will local communities' benefits from the project? Will the local community be given an opportunity to supply materials to the road project?	The government will ensure that locals benefit from employment opportunity provided by the project particularly unskilled labour will be sourced locally. KeNHA will work with the contractor in designing a supply chain framework where locals will be as part of local content given opportunities to supply materials
Timing of Compensation When will compensation be made?	Compensation will be done before the project commences.
Design and Safety The economy of the population is largely dependent on small-scale businesses including boda bodas (passenger motor cycles) and there is need to incorporate them on the design to reduce the number of accidents.	More space will be created on the pavements and the road in town widened to facilitate boda boda motorcyclists. The design has factored this plus pedestrian use where necessary.
Cultural Concerns In Tarbaj, the new area picked for the road has a cemetery. Our religion does not allow us to exhume bodies.	This is noted and will be communicated to the engineers with the need for re-alignment emphasised.
Compensation Process and Mode What will be the mode of payment free of corruption?	KeNHA will make payments through National Land Commission (NLC). Payments will be made to Project Affected Persons' (PAPs) bank accounts. This is expected to limit cases of corruption.
Entitlement for PAPs Will another fixed improvementGovernment factor in a disturbance allowance due to inconveniences caused by resettlement?	Yes. Disturbance allowance of 15% of total valuation of assets will be factored in the compensation package to settle inconveniences caused by resettlement process.
Legal Framework What is the legality of compulsory land acquisition?	The Constitution of Kenya 2010 and Lands Act 2012 vested powers of Compulsory Acquisition on the government, NLC in particular, to compulsorily acquire land for development with just and fair compensation at market rates.

Table 4 : Summary of Outcome of the PAP Consultation of the Social Assessment

Anxiety, Fears, Concerns and Uncertainties	
Issues	Response
What will happen to those people whose land will be taken?	They will be compensated for their loss of land. Those on the road reserve will only be compensated for standing assets.
We do not know much we are going to receive in compensation payment for loss of assets	All PAPs will be compensated based on the results of the NLC valuation which will be undertaken using replacement cost.
What will happen if the cash compensation turns out to be inadequate to replace lost assets – let alone restoring lost income and livelihoods,	A grievance redress mechanism will be established with PAPs represented to handle grievances arising from compensation.
We do not know the dates when compensation payments commence?	All PAPs will be informed in advance at least 3 months.
How will we know that our affected land and property is measured accurately and recorded or registered appropriately? Some affected property is not registered by oversight. What are the chances for correcting mistakes in registration of affected property?	Valuation exercise will be conducted in a transparent manner with all PAPs present and explanation on the valuation process provided for each PAP. Errors made will be resolved through the grievance committees or by NLC on the ground.
Preferences and Demands	
Issues	Response
We want to be given first priority for the jobs that will be available during road construction.	The Project will offer jobs (especially unskilled) to the people for the project area.
We do not want to lose our kinship ties and social networks. If we receive timely and adequate compensation, we can relocate ourselves and reintegrate into existing communities.	This is noted
We need provision for transportation expenses during relocating our property.	This is noted. The RAPs prepared for the project has provided for allowances including transportation of VMGs and their assets.
We demand that all PAPs are embraced in the various food security programmes currently underway in the area.	This is noted
We demand that compensation payments are made as soon as possible.	Compensation will be made before project construction commences.
Please, commence the civil work as soon as possible.	Civil work will only commence when all PAPs have been compensated.
Those of us who use land given to us by our parents or inherited from them demand compensation payment for lost land, though the title of the land is in our parents' names.	This is noted and the project confirms that all those VMGs with customary or formal land ownership are entitled to land compensation in accordance with the Land Act and OP. 4.12.

We trust that all affected property are included and registered accurately.	The RAP will value all the assets in the project affected area.
The people who will come to work for the project should be sensitized on our culture and respect us.	Noted.
Expectations, Hopes, Aspiration and Needs	
Issues	Responses
Given very poor availability of social service facilities in our area, we ask the government (project) to provide support to the construction and or maintenance of such facilities as public health, veterinary clinics, schools, potable water supply and electricity.	The project has a social investment component aimed at providing services like water and roadside amenities including market centres, internet connections among others.
Benefits and Appreciation	
Issues	Responses
The road component will open up opportunities and improve access to markets and services. We are rather lucky that the road cuts across our neighbourhood.	Thank you.
Questions and Clarifications	
Issues	Responses
What are the plans for family graves that will be affected?	Graves will be moved in accordance with the local customs and practices to new gravesites and compensation will be provided for as per the RAP prepared.
What about the indirect impact of the road component on farmers residing close to it? They will be affected adversely by dust, noise and rolling stones during civil works.	The project has prepared Environmental and Social Impact Assessment report for the proposed road upgrade and construction related impacts including dust, noise among others have been addressed in these reports.
Who are the people nominated to do the property valuation?	Valuation is done by independent consultants and later by National Land Commission.
What are the procedures put in place to effect compensation payments?	Compensation will be done through cheques to the account of the PAPs. All PAPs will be requested to open a bank account.

Consultation With Other Stakeholders

33. Consultations were also held with other public and private/non-governmental institutions due to their relevance in dealing with social development, community improvement, and rehabilitation and cultural heritage and its preservation in the Project area. The institutions are major stakeholders in working towards strengthening the resilience of the most

vulnerable populations in the project area and participates actively in the elimination of food insecurity, supporting regional peace, drought management, and conflict reduction. The summary of key issues raised and RAP recommendation for adoption during project preparation and implementation are shown in the following table:

Eligibility Criteria

34. The eligibility for compensation is based on:

- i) Cut-off date
- ii) Ownership of property /assets
- iii) Derivation of livelihood

The Cut – off dates established during the RAP Study by the design Consultant are shown in below:

Table 5 : Cut - Off Dates Established during RAP study by design Consultant

Settlement	Cut – off Date
Halane	04.03.2018
Wagberi	04.03.2018
Lafaley	22.03.2018
Tarbaj	25.02.2018
Hungai	26.02.2018
Wargadud	27.02.2018
Kotulo (Wajir)	28.02.2018
Kotulo Mandera	18.10.2018
Dimu	23.10.2018
Dabasit	18.10.2018
Garse - Sala	18.10.2018
Borehole 11	18.10.2018
Elwak	19.10.2018

This RAP review has maintained the set cut off dates as shown above.

Project Impacts and Entitlement Matrix

35. The RAP strategy for resettlement has come up with forms of compensation packages based on the type of loss and form of vulnerability for the relevant categories of PAPs. The type of compensation has also been based on the preferences of the concerned category of PAPs or beneficiaries. They include: Cash Compensation to Individual Property and Asset Owners and Replacement in-kind.

Table 6 : Number of Project Affected Persons

Settlement /Section Name	Chainage	Available RoW (in Metres)	Corridor of Impact	No. of Project Affected Persons	Additional RoW required	Remarks
Halane	km 347 + 000 – km 353+000	32	15	19	0	Design on 30M in Urban settlement

						ts
Wagberi	km 347 +000 – km 353 + 000	32	15	18	0	
Lafaley	km 357 + 800 – km 358+ 500	50	15	19	0	
Tarbaj	km 397+ 000 – km 400 + 000	30	15	206	0	
Hungai	km 407 + 000 – km 409 + 000	42	15	105	0	
Wargadud	km 428 + 000 – km 430 + 000	52	15	122	0	
Kotulo (Wajir)	km 457+500 - km 460+000	55	15	166	0	
Kotulo (Mandera)	km 466+000 – km 467 +500	45	15	156	0	
Dimu	km 484+400 – km 485+500	60	15	14	0	
Dabasit	km 495+000 – km 496+ 700	40	15	76	0	
Garse sala	km 496+700- km 497+ 000	60	15	63	0	
Borehole 11	km 509 + 150 – km 510 +600	55	15	176	0	Bypass uses 40M
Elwak	km 518 +275 – km 524 + 425	47.5	15	215	0	

Impacts and resettlement

36. The impacts involved the following: institutions, relocation of graves, religious institutions and squatters.

Vulnerable Populations

37. The RAP study identified six categories of vulnerable people. They include; widows, orphans and vulnerable children (OVC), single women, physically challenged individuals, elderly PAPs and community aided individuals (*Maslaha*).

Valuation Criteria

38. The basic approach involved carrying out an asset inventory of affected households, enterprises, institutions etc. along the road project designed route so as to develop an asset register in consultation with previous registers. The valuation team together with the sociologist physically walked door to door along the road route covering a width of 60 meters of the proposed road. The team visited and consulted the relevant Departments within the county namely the Lands office, The Survey Department, the National Land Commission (NLC) offices, and any other departments necessary to acquaint itself with current status on land matters to include land values, land tenure, etc.

Livelihoods and Income Restoration

39. Livelihood Restoration for Individual PAPs will involve:

- Direct and indirect jobs/employment opportunities for the PAPs and members of their households
- Prompt Compensation
- Provision of Modern Market Stalls
- Financial and Basic Entrepreneurial Skills Training
- Referral to Credit and Micro-credit Facilities through third party providers and Government Sponsored initiatives like Uwezo Fund and Cooperative Groups
- Linkage of the PAPs to government-sponsored Social Development Initiatives through the area Social Development Officers
- Linkage of PAPs undertaking to Livestock activities to extension offices in the county where necessary
- Local Purchasing Programs tailor-made to benefit PAPs or groups of PAPs who can supply goods and services

Entitlement Matrix

40. The entitlement matrix is presented in the main report and it identifies the affected persons, all types of loss, the types of compensation and assistance to be provided.

Grievance Redress Mechanism

41. Informed partly by the existing mechanism and the reliance on prevailing cultural dispensation as per the recommendations of the project's Social assessment, the RAP Review consultant has recommended a viable GRM guided by the following criteria: affordability, accessibility, reachability, inclusion such that all population segments such as men, women, youth are represented, affirmative action sensitivity to take care of the interests of People Living With Disability (PLWDs) and consideration for NLC & Judicial recourse as the last result.

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

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

43. The RAP update and review team sought to establish whether the local GRMC had been established in the applicable settlement sites. It was found out that the teams had not been established. In line with its mandate, the review team established the committees, whose details are provided separately to the client. The Committees membership comprises: Deputy County Commissioner Office; The Area chief /Assistant chief, One project-affected male; One project-affected youth; One project-affected woman; One project-affected male; a representative of vulnerable PAPs; Ward Administrator; a representative of PLWDs and a religious leader.

44. During the project implementation phase, two members will be co-opted to the committee: KeNHA representative and Contractor representative.

RAP Organizational Structure and Institutional Arrangements

Institutions Responsible for RAP Implementation

45. The resettlement implementation will be carried out at different levels by the following institutions:
- a. Kenya National Highways Authority (KeNHA)
 - b. National Government (Relevant agencies as will be determined)
 - c. County Government of Wajir
 - d. Mandera County Government
 - e. National Land Commission (NLC)

RAP Implementation Unit

46. The RAP implementation Unit will be formed to ensure timely execution of the RAP process including compensation. KeNHA will be the lead agency in the RAP implementation and will work together with the other institutions. The Environment and Social Interest Unit at KeNHA headquarters will oversee the RAP Process. The agency will, therefore, establish a RAP Implementation Unit (RIU) for the project to steer all resettlement matters and activities pertaining to this RAP.

Monitoring and Evaluation

47. Three monitoring components have been highlighted in the RAP, viz: performance monitoring, Impact monitoring and Rap completion audit. The M&E will be undertaken at two levels: Internal and External monitoring.

RAP Costs and Budget

48. The RAP has proposed a budget covering the estimated costs for structures, livelihood, disturbance allowance and Trees of the RAP implementation as well as the 5 percent implementation overhead.

Compensation & Implementation Budgets

49. The tables below show the budget for RAP compensation and RAP Implementation

Table 7 : Total Compensation for Structures, Livelihoods and Trees

Aspect	Value (Ksh)
Compensation for structures, trees and livelihoods	596, 699, 700
Compensation for disturbance (15%)	89,504, 955
Total	686, 204, 655

Table 8 : RAP Implementation Costs

Aspect	Value (Ksh)
Financial/Money Management Training/Meetings of Resettlement Committees / Administrative Costs (5%)	34, 310, 232
External Monitoring and Extenral Coordination for RAP Implementation (2%)	13, 724, 093
Total	48, 034, 325

Table 9 : Total RAP Budget

Total RAP Cost	Kshs.
Total RAP compensation	686, 057, 370
RAP Implementation Cost	48, 034, 325
Contingency (5%)	36, 704, 584
Grand Total	770, 796, 279

CHAPTER ONE

1. INTRODUCTION

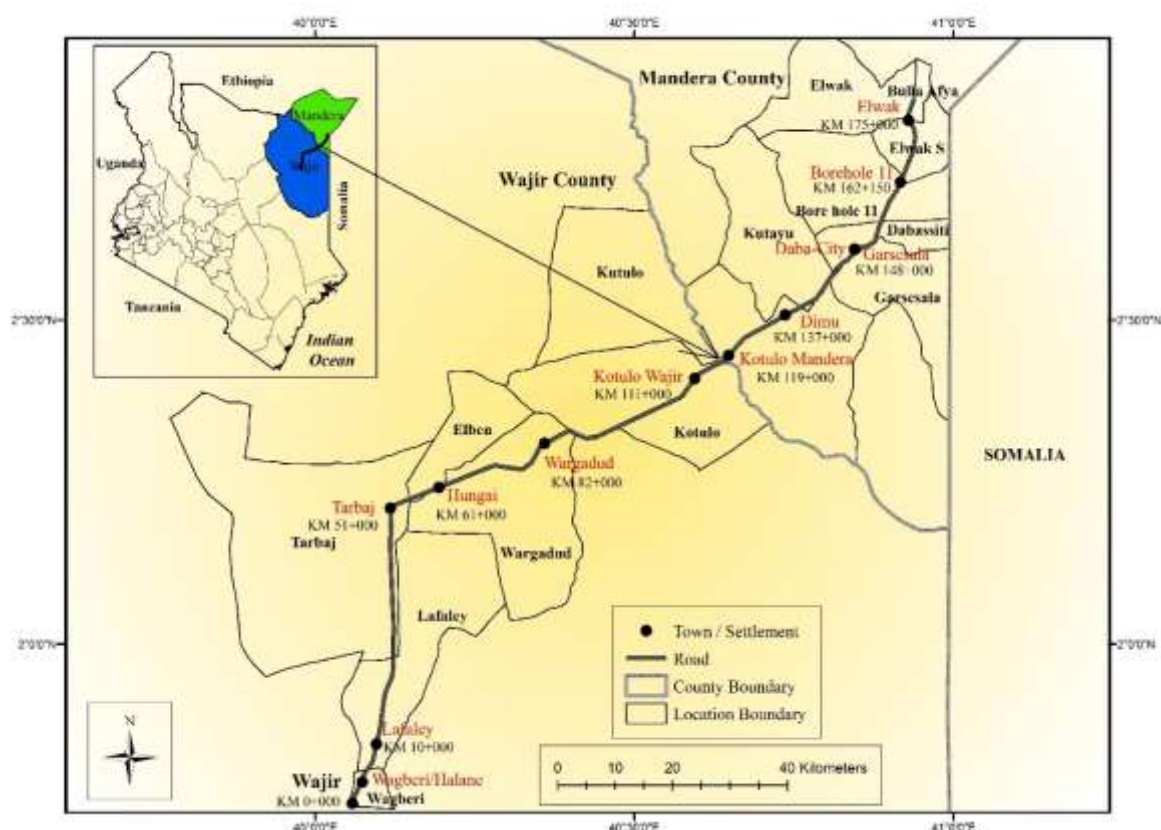
1.1 Background

1. This document is an updated Resettlement Action Plan (RAP) Study report for the proposed upgrading to bitumen standards of Wajir – Elwak road section 175 KM (A13). The road section is part of the North-Eastern Transport Improvement Project (NETIP) corridor financed by the International Development Association (IDA) and is aimed at stimulating the development and integration of the region to the rest of the Country and the neighboring States of Ethiopia, Somalia and beyond.
2. In the effort to unlock the constraints which have been responsible for the perpetual marginalization of the region, the Kenyan Government has embarked on a programme to improve the accessibility in the region, with the Isiolo – Rhamu corridor given top priority. Furthermore, Kenya's Transport Policy requires all class A Roads to be Bituminized. Presently, the Isiolo – Mandera corridor is among the very few Class A Roads that remain unpaved. Improving the road will contribute to enhanced regional and national security and bringing about sharing the prosperity of the Country with this region.
3. In line with KeNHA mandate as provided for in the Kenya Roads Act, 2007, the implementing agency commissioned GIBB Africa Limited to undertake the Design Review of the Road together with the ESIA and RAP Reviews for Wajir – Kotulo (Wajir) and Kotulo (Mandera) – Elwak subsections in the year 2017/2018 and prepared draft RAP reports based on the category B classification. However, based on recent review, the road project has been reclassified as category A. This necessitated the review and updating of the initial draft RAPs in accordance with category A Project.

1.2 Project Location

4. The project is located in the North-Eastern region of Kenya. The road corridor traverses Wajir and Mandera Counties. These are largely arid areas, and the main livelihood and economic activity of the population is pastoralism. The project has maintained the existing road alignment, but slight modifications to existing alignment have been done at two towns (Tarbaj and Elwak).
5. The proposed road project starts at Wajir Town (KM 000) and proceeds in a Northerly direction to Lafaley (KM 11), Tarbaj Town (KM 51) before taking an Easterly course through Hungai (KM 61), Wargadud (KM 81), Kotulo Wajir (KM 113) onto Kotulo Mandera (KM 119) located at the border of Wajir and Mandera Counties. It then takes a North – Easterly direction towards Dimu (137 + 400), Dabasit / Garse Sala (146), Borehole 11 (KM 162 + 150) and ends at Elwak Town (KM 175). Administratively, the road project traverses four Sub – Counties: Wajir Central, Tarbaj, Kotulo and Mandera Central. The map in Fig. 1 below shows the project road corridor.

Figure 1: Map showing the Wajir – Elwak Road Project



6. In Wagberi and Halane Settlements in Wajir Town, the existing tarmac road constructed by the Wajir County Government lies outside the KeNHA 60m right of way from KM 1+600 to KM 2+500. In Tarbaj Town, the main road has been aligned to by-pass the town Centre, but the design provides for a 1.8 KM spur through the town Centre. At Elwak town Centre a stretch of 1.8 km is 30-40 M, while the Row in the proposed bypass road stretching length 5.4 kms is 40-60 M.

1.3 Project Justification

7. The Constitution of Kenya (2010) guarantees all citizens and regions the right to equal access to services and infrastructure. The Northern part of Kenya has experienced marginalization resulting in poor road conditions which cut off the region from the other parts of the country especially during the rainy season. The inherent remoteness and poor access to services, markets for both livestock and other commodities, compounded by the arid environment has exacerbated poverty levels in the region and hindered the efforts of both levels of Government to improve the livelihoods of the local populace.
8. The development of roads improves the wellbeing of the citizens through increased access to markets and other basic services. Transport and telecommunication systems are critical determinants of the physical costs of accessing markets. Thus, poor infrastructure network restricts the development of input and product markets and region at large. Furthermore, improved security will be realized in the region as attested to by local inhabitants during the stakeholder engagements in the earlier study where it was pointed out that the areas between Kotulo (Mandera) and Borehole 11 are known to be the movement corridors used by illegal and outlawed terror gangs and the Somali based Al- Shabaab insurgents. In the

wider project area, there have been incidents of attacks and the kidnapping of foreigners. It is also common for Improvised Explosive Devices (IEDs) to be planted on the current (earthen) road shoulders thus having maximum impacts on vehicles using the road.

9. Both the Security and local and international humanitarian agencies have difficulties to respond to emergencies in the area due to the poor state of the road. The proposed project will, therefore, enhance development efforts by the County and National Government in promoting equity and poverty eradication. The improvement of the international road to bitumen standards will promote the economic corridor serving Kenya and other neighbouring countries and consequently lead to improved transit transport efficiency, promotion of regional trade and investment and facilitate closer integration of the economies of the countries involved.

1.4 Review and Updating of the RAP

10. RAP Study was initially undertaken by GIBB Africa Limited on behalf of KeNHA. The consultant undertook the RAP for the proposed upgrading of Wajir – Kotulo (Mandera) road 119 KM (A 13) section and the Kotulo (Mandera) – Elwak 56 KM (A13) and produced draft RAP reports in March 2018 and March 2019 respectively based on the initial category B Classification of the project.

1.4.1 Need for Review and Update of the RAP

11. The reasons for review arose from the reclassification of the road as a category A project. The updating was necessary to verify issues related with resettlement impacts such as land acquisition and loss of property, while any other Social and Environmental impacts arising from the project have been covered in the ESIA review and update.

1.4.2 The objectives and scope of the RAP Review

1.4.2.1 Objectives

12. The objectives of the RAP Review and update are:
 - i. To review the existing draft RAP reports and the process through which they were prepared in terms of their completeness, consistency, and compliance with the World Bank Involuntary Resettlement Policy.
 - ii. To undertake the necessary activities to complete, rectify and address any gaps in existing RAP Reports and the process through which they were prepared, including additional survey, consultation, and coordination with the project design and other teams.
 - iii. To revise and update the current RAP Reports in the form and substance that is consistent and compliant with the World Bank OP 4.12.

1.4.2.2 Scope of the Review and Update

13. The scope of the Review and update of the RAP derives from the project components and activities as per the design of the project described in section 2.2.2 of the RAP Report. They include the following:
 - Description of the road project

- Mapping, Census, Inventory of affected Assets and Socio-economic survey studies
- Review and update of the Legislative and regulatory framework
- Public participation and consultation with community members and other relevant stakeholders
- Impact analysis
- Compensation framework and property valuation including eligibility and entitlement matrix
- Grievance redress
- Institutional and organizational arrangements
- Monitoring and evaluation
- Preparation of an Implementation Schedule
- Resettlement cost estimates and Budget

14. The above scope has been executed and this report presents the reviewed Resettlement Action Plan for Wajir – Elwak Road section 175 KM (A13).

1.4.3 Study Approach and Methodology

15. The RAP Study employed the following methods to undertake the key tasks and obtain both the Primary and Secondary data :

1.4.3.1 Desktop Study and Review of Related Literature

16. This involved a detailed review of the relevant documents to obtain pertinent information and other secondary data to inform the RAP study. They include :
1. The Project Information Document (PID)
 2. World Bank OP.4.12
 3. County Integrated Development Plan for Wajir County
 4. County Integrated Development Plan for Mandera County.
 5. Draft RAP for Wajir - Kotulo by GIBB Africa
 6. Draft RAP Report for Kotulo – Elwak by GIBB Africa.

1.4.3.2 Primary Data Collection

17. This entailed collection of empirical data using qualitative procedures such as Focus Group Discussions, Key Informant Interviews and Structured interviews with relevant stakeholders. The details of the data obtained is provided in Chapter Four of the RAP Report.

1.4.3.3 Transect Walk and Site Visits

The RAP Study team conducted site visits to all the 13 settlements located along the proposed Road alignment. Direct observation and stakeholder mapping and identification were carried out in all settlements. Meetings were also convened at the settlement sites. The details of the data obtained is presented in Chapter Six of the RAP Report.

1.4.4 Activities carried out during RAP Review Preparation

18. The RAP review preparation was carried out in three phases as outlined below:

- i. Inception phase
- ii. Detailed Study including Draft report compilation
- iii. Final Report

A detailed description of the activities undertaken in each phase is provided in the following subsections.

Phase 1: Inception Phase

The inception phase activities included the following:

- Desktop review of RAP Documents
- Mobilization and set up of the Consultant staff
- Kick off meeting between the Consultant, Client and World Bank staff at KeNHA Headquarters.
- Project Road Area site reconnaissance.
- Collection and review of relevant data and existing Reports.
- Preparation of the Inception report.
- Community mobilization and sensitization to introduce the consultant and other team members.
- Briefing of community members and relevant stakeholders on the objectives, justification, methodology and activities to be carried out.
- Explaining to the community members and all stakeholders on their roles and participation on the RAP process.

19. The consultant team mobilized on 27th December 2018 to plan for the activities. The kick-off meeting was held on 25th January 2019 and thereafter the field reconnaissance activities were rolled out. The activities included:

- Courtesy calls to Wajir and Mandera County Commissioners and Governor's offices.
- Consultative and planning meetings with Deputy County commissioners at Wajir Central, Tarbaj, Kotulo, Mandera South sub-counties.
- Planning meetings with members of security agencies at Tarbaj, Kotulo, and Elwak Towns.
- Drive and Transect Walk along the Thirteen (13) settlements affected by the Road Project.

The outcome of the inception activities was presented to the client in the final inception report on 1st March 2019.

Phase 2: Detailed RAP Study

During the Detailed RAP study phase, the activities initiated in the earlier phase were continued till 26th April 2019. The following were done:

- Census and socio-economic survey studies to verify PAPs listing and Identification of Vulnerable PAPs and populations.
- Assets inventory verification.
- Public stakeholder and participation meetings.
- Formation of Grievance Redress committees at Locational levels.
- Data entry and Analysis

Phase 3: Updated Draft RAP Report Compilation.

The phase entailed draft report compilation. The following reports were submitted:

- Census and Socio-economic Report.

- Assets inventory / valuation Report.
- Draft updated RAP Report. The report was submitted to the client on 10th June, 2019. Upon receipt of the review comments, the Consultant will address these and submit the Final Draft report as per the scheduled timelines of the assignment.

1.5 Structure of the Draft Updated RAP Report

20. The report is comprised of the following major sections: Executive Summary, Introduction, Project Description, Minimizing Resettlement, Profile, Socio-Economic Survey of Project Area & Census of Project affected Persons, Policy and Legal Framework, Participation and Consultation, Eligibility Criteria, Project Impacts and Entitlement Matrix, Valuation Criteria, Livelihoods & Income Restoration, Grievance Redress Mechanism, Implementation Schedule, Monitoring and Evaluation, Implementation Schedule, RAP Costs and Budget, References and Annexes.

1.6 RAP Approval and Disclosure

21. The RAP will be approved and cleared by the Government of Kenya and the World Bank and disclosed locally to PAPs and stakeholders with translation into the local Somali language. It will also be disclosed on the World Bank external website. For any changes made to the RAP, it will follow the same approval and disclosure protocols.

CHAPTER TWO

2 PROJECT DESCRIPTION

Introduction

22. This section describes the road project and highlights the project components and activities that give rise to resettlement. The zone of impact of the activities and alternatives considered to avoid or minimize resettlement are outlined.

Details of Project and Project Activities

2.2.1 NETIP Project

23. The NETIP project comprises of three key components:

(a) Component 1: Upgrading Selected Critical Road Infrastructure and associated Roadside Amenities.

This component includes:

- Support to KeNHA to carry out design review and feasibility and detailed design studies for upgrading 344km of the Isiolo-Wajir-Mandera road corridor, among which the Wajir – Elwak section falls.
- Provisions for roadside social amenities and Human Immunodeficiency Virus Infection/Acquired Immune Deficiency Syndrome (HIV/AIDS) prevention measures to help raise awareness and provide mitigation interventions to support efforts to protect the local community, drivers and contractors' personnel.
- Carry out a program of activities designed to implement transport, trade, and development facilitation measures aimed at enhancing social infrastructure and social services delivery along the corridor.
- Establishment of facilities and marketing system for pilot pastoralist roadside markets and Provision of market shades, milk cooler, slaughterhouses, veterinary posts, livestock holding area in selected locations.
- Designing and implementing activities to support key Project stakeholders such as County Governments, Communities, and Households on management and operational modalities of the facilities and Strengthening the capacity of KeNHA in enhancing the road design manuals and specifications as well as contract management, value engineering, road maintenance, safeguards and procurement management, and training.

(b) Component 2: Institutional Development and Project Monitoring and Management

The component will seek to:

- Support to the State Department of Infrastructure on enhancing project management and oversight capacity, maintenance management and engineering capabilities in the transport sector.
- Support to Materials Department in mapping road construction material sites.

- Supporting the State Departments of Infrastructure and Transport in the monitoring and evaluation of the projects.
- Support to strengthen the National Transport and Safety Authority to conduct a needs assessment, vehicle safety inspection and safety audits among other and,
- Strengthening the capacity of the National Construction Authority in overseeing and developing the local construction industry.

(c) Component 3: Enhancing Internet Connectivity.

24. The component will provide support to Information and Communication Technology Authority (ICTA) for carrying out feasibility and detailed design and the construction of a fiber optic cable network, alongside the part of the Isiolo-Mandera Corridor with special considerations made for connecting selected schools, hospitals and other strategic locations including pastoralist roadside markets, rest stops and community and service centers along the corridor.

2.2.2 Project Activities for Wajir – Elwak Road Section

25. The project entails improving the existing road to bitumen standards under component one (1) described above. The main activities in bituminizing the road will involve excavation and earthworks, paving construction and laying of surface and sub base. The activities will be implemented within the road alignment as the project will maintain the existing road alignment, with only slight modifications and realignments at Tarbaj and Elwak Towns.

26. A large part of the road alignment is largely unsettled and has adequate space to accommodate within the 60m corridor. Any other facilities to be constructed such as lay-bays, bus-bays, and widening at market centres along the road will be accommodated within the 60m Right of Way. However, at the time of RAP study, the specific sites for the additional facilities have not been delineated. Other associated activities will include erecting of workers' camps and borrow material excavation. These will be established in areas away from community settlements and thus do not have any direct resettlement impacts. Any other ancillary facilities whose specific locations are unknown at the moment of preparation of this RAP will be subjected to separate RAPs.

2.3 Potential Project Impacts

27. As pointed out in section 2.4.1, the resultant potential project impacts will be socio-economic and cultural in nature. This subsection provides the identification of socio-economic, cultural as well as impacts on property and livelihoods. The project will result in both economic and physical displacement, however, there will be no acquisition of land.

2.3.1 Social Impacts

28. Broadly, socio-economic and cultural impacts are discussed in detail hereunder:

(a) Demographic impacts:

Like other of the Northern Kenya Counties, those of Wajir and Mandera are characterized by low-density settlements with majority of the communities mainly

concentrated in areas close to the local water sources and urban settlements. The improvement of the Wajir – Elwak road corridor is expected to lead to inter and intra - migration in the region. In both Wajir and Mandera, the areas located close to the Country's common border with Somalia is likely to experience cross - border movement leading to in- migration and out-migration while the proliferation of urban settlements along the road corridor will trigger Rural – Urban migration. The demand for both skilled and unskilled labour will attract newcomers into the region leading to unprecedented and new population dynamics in the project area.

(b) Family and Community Impacts:

The socioeconomic study profile of the project area demonstrates that the locality is characterized by highly conservative family norms based on the ideals of Islamic religious beliefs and doctrines. The family unit is regarded as the cornerstone of a healthy and balanced society.

The prevailing community structures offer many advantages, including stability, coherence, and physical and psychological support, particularly in times of need for all members of the community. In Muslim culture, akin to other traditional cultures, respect and esteem increase with age. Elderly parents are respected on account of their life experiences and their hierarchic position within the family unit. The opportunity to attend to the needs of one's parents in their later years is viewed as a gift from Allah. With regard to the wellbeing of the young members of the society, in Kenya, nearly all the counties are grappling with teenage pregnancies, led by those in Nyanza, Rift Valley and Coastal regions. Central and North Eastern region, which has strict religious norms, have the lowest number of teenage pregnancies.

However, with the road project being implemented, the area is expected to experience alterations in the family structure and changes in sexual relations. Other features associated with modernization and social change that are likely to be experienced in the project area include:

- Family violence and Gender-Based Violence.
- Sexual exploitation and abuse resulting from relationships between project workers and members of the community.
- The disintegration of existing social ties and communal networks which come in hand to cushion the vulnerable members of the community.
- Exacerbation of social differentiation and
- Step up social tension and violence.

(c) Alterations in Existing Gender Relations:

The socio- economic study demonstrated that the project area has a unique system of gender relations, where women 's position is seen as subservient, marginalised and disempowered. However, the clan system in the locality offers everyone, including women access to much of the property of the others in the household and indeed within the clan. It is unlikely that anyone within the clan (and usually outside the clan) will be denied access to resources in time of genuine need. Both men and women have access to livestock as owners 'and/or as users '.

One of the sub – components of NETIP proposes to initiate better infrastructure for livestock marketing in the area. This implies that livestock and livestock products will be commercialised as markets and market infrastructure improves. Both the National and County governments and Development agencies will encourage such processes, and pastoralists will be drawn further into a monetary economy. Such processes will affect men and women differently. Not least, this is because women tend to focus more on household welfare and livestock 's contribution to nutrition, while men focus more on economic production and income generation as it emerged from the public stakeholder consultations.

Other advantages will be that most women will find new opportunities in work on suitable road project construction-related activities and to develop businesses and raise their income. However, this also means that their responsibilities and workloads increase which may cause problems for them.

Generally, the project implementation and operation phases will lead to various gender indicative impacts among them those related to household, reproductive and productive labour and access to and control of resources and services.

(d) Health including GBV and social wellbeing impacts:

The Socioeconomic study shows that Wajir and, Mandera Counties continue to suffer the worst Health indicators compared to other parts of the country. It is anticipated that the road construction and implementation of the other associated facilities will lead to the improvement of the situation. However, the implementation and operation phases of the project have the potential to worsen the indices due to the fatalities of workers, psychosocial impacts arising from distress and GBV among others. KeNHA will procure a GBV service provider to manage risks related to sexual exploitation and abuse and sexual harassment.

(e) Economic Impacts:

The project development will have many benefits to the immediate communities and neighboring regions. During operation, the road project will lead to improved access to public goods and services, easy access to government services and welfare. It will also lead to improved income and thus boost standards of living of the local residents. On the other hand, the project implementation may lead to increases in economic stratification and lead to impoverishment of some sections of society members.

(f) Cultural Impacts

Various existing aspects of the community's culture will be impacted on since other individuals from outside the community will interact with the local people on a daily basis at different levels. This will lead to:

- Changes in norms which will lead to multiplicity and in some cases conflicting normative values in the area.
- Indeliberate cultural affrontage such as the violation of sacred sites and contravening of cultural norms and taboos.

- Damage to sites of cultural and historical significance such as those worship and religious use (mosques), burial and cemeteries and archaeological importance.

2.3.2 Impacts on Property and Livelihoods

29. The RAP study has highlighted the project's potential impacts on property and livelihood activities likely to be affected by the implementation of Wajir – Elwak Road project. The highlights are based on the analysis derived from the updated PAP census and valuation roll.

2.3.3 Zones of Potential Project Impacts

30. The road project corridor covers a total length of 175kms starting at Wajir town in Wajir County and terminates at Elwak area in Mandera County. Therefore, generally, this is the direct zone of influence. A large part of the road alignment is largely unsettled.

31. In the settled area, community members are involved in both formal and informal livelihood activities within the road reserve especially Kiosks and sheds housing informal business enterprises and household domestic dwellings. There are also formal institutional, commercial and residential buildings falling within the ROW and these will be partially or permanently be affected. The Project will, therefore, lead to direct and indirect economic impacts resulting from loss of shelter, assets, income and means of livelihoods in the thirteen (13) settlements. The table below shows the areas around which impact will be felt.

Table 10 : Project Impact Affected Areas in Wajir and Mandera Counties

S/No.	County	settlement	Chainage
1	Wajir	Halane	km 000 + 000 – km 6+000
2		Wagberi	km 000 +000 – km 6 + 000
3		Lafaley	km 10 + 800 – km 11+ 500
4		Tarbaj	km 50+ 000 – km 53 + 000
5		Hungai	km 60 + 000 – km 62 + 000
6		Wargadud	km 81 + 000 – km 83 + 000
7		Kotulo (Wajir)	km 110+500 - km 113+000
8	Mandera	Kotulo Mandera	km 119+000 – km 120 +500
9		Dimu	km 137+400 – km 138+500
10		Dabasit	km 148+000 – km 149+ 700
11		Garse Sala	km 148+000 – km 149 + 700
12		Borehole 11	km 162 + 150 – km 163 +600
13		Elwak	km 171 +275 – km 177 + 425

2.3.4 Categorization of Project Impacts

32. On the basis of the revised and updated data from the census and socio-economic study, the RAP has categorized the project impacts according to the PAPs' property/structures lost, livelihood loss and Community resources and institutions.

(a) Loss of Structures and Trees

Table 11 : Number of Structures / Trees affected in Halane

Settlement	Structure Type	No. of PAPs
Halane	Permanent Structures	17
	Semi-permanent structures	02
	Temporary structures	06
	Trees	23

Table 12 : Number of Structures/Trees affected in Wagberi

Settlement	Structure Type	No. of PAPs
Wagberi	Permanent Structures	31
	Semi-permanent structures	07
	Temporary structures	08
	Trees	109

Table 13 :Number of Structures/Trees affected in Lafaley

Settlement	Structure Type	No. of PAPs
Lafaley	Permanent Structures	07
	Semi-permanent structures	07
	Temporary structures	20
	Trees	06

Table 14 :Number of Structures/Trees affected in Tarbaj

Settlement	Structure Type	No. of PAPs
Tarbaj	Permanent Structures	33
	Semi-permanent structures	112
	Temporary structures	156
	Trees	07

Table 15 :Number of Structures/Trees affected in Hungai

Settlement	Structure Type	No. of PAPs
Hungai	Permanent Structures	06
	Semi-permanent structures	46
	Temporary structures	91
	Trees	44

Table 16 :Number of Structures/Trees affected in Wargadud

Settlement	Structure Type	No. of PAPs
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Wargadud	Permanent Structures	14
	Semi-permanent structures	05
	Temporary structures	106
	Trees	27

Table 17 :Number of Structures/Trees affected in Kotulo (Wajir)

Settlement	Structure Type	No. of PAPs
Kotulo (Wajir)	Permanent Structures	40
	Semi-permanent structures	85
	Temporary structures	134
	Trees	31

Table 18 :Number of Structures/Trees affected in Kotulo (Mandera)

Settlement	Structure Type	No. of PAPs
Kotulo (Mandera)	Permanent Structures	130
	Semi-permanent structures	131
	Temporary structures	34
	Trees	117

Table 19 :Number of Structures/Trees affected in Dimu

Settlement	Structure Type	No. of PAPs
Dimu	Permanent Structures	01
	Semi-permanent structures	06
	Temporary structures	07
	Trees	99

Table 20 :Number of Structures/Trees affected in Dabasit

Settlement	Structure Type	No. of PAPs
Dabasit	Permanent Structures	03
	Semi-permanent structures	56
	Temporary structures	26
	Trees	44

Table 21 :Number of Structures/Trees affected in Garse Sala

Settlement	Structure Type	No. of PAPs
Garse Sala	Permanent Structures	01
	Semi-permanent structures	56
	Temporary structures	23
	Trees	52

Table 22 :Number of Structures/ Trees affected in Borehole 11

Settlement	Structure Type	No. of PAPs
Borehole 11	Permanent Structures	05
	Semi-permanent structures	143
	Temporary structures	26
	Trees	10

Table 23 :Number of Structures/Trees affected in Elwak

Settlement	Structure Type	No. of PAPs
Elwak	Permanent Structures	86
	Semi-permanent structures	159

	Temporary structures	51
	Trees	78

(b) Loss of Livelihood and Opportunities' Displacement

Table 24 : No. of PAPs and Loss of Livelihoods in the Project affected Area

Settlement	Type of Livelihood	No of affected PAPs
Halane	Rental Earnings	0
	Loss of Bussiness	8
Wagberi	Rental Earnings	0
	Loss of Bussiness	6
Lafaley	Rental Earnings	0
	Loss of Bussiness	4
Tarbaj	Rental Earnings	18
	Loss of Bussiness	123
Hungai	Rental Earnings	5
	Loss of Bussiness	41
Wargadud	Rental Earnings	03
	Loss of Bussiness	69
Kotulo (Wajir)	Rental Earnings	0
	Loss of Bussiness	149
Kotulo Mandera	Rental Earnings	27
	Loss of Bussiness	93
Dimu	Rental Earnings	0
	Loss of Bussiness	0
Dabasit	Rental Earnings	0
	Loss of Bussiness	28
Garse Sala	Rental Earnings	0
	Loss of Bussiness	25
Borehole 11	Rental Earnings	19
	Loss of Bussiness	121
Elwak	Rental Earnings	42
	Loss of Bussiness	174
Total		955

(c) Impact on Community Resources and Public Institutions

33. There are several educational, religious and security institutions situated within the ROW which will be affected either partially or permanently as presented in the tables below:

Table 25 : Affected Public Institutions and Community Facilities

Settlement	Type of Institution/ Community Facility	Number Affected	Name	Type of Impact
Lafaley	Community Pump House (Housing the borehole)	1	Lafaley Borehole Water Pump (House)	1.Structure demolition 2.5 Neem trees 3.Live fence

Tarbaj	Community water Tank	1	Bulla Iftin Water Tank	Total demolition of Underground concrete tank
	Security Institution	1(Front and back sections of the compound)	Tarbaj police Station	Chain link fence/ Reinforced concrete pillars demolition
	Security Institution	1 (Entrance & entire front face)	Tarbaj Administration police post	Chain link fence Gate
	Community Water Kiosk	1	Wajir County Govt water Kiosk - Tarbaj	Total demolition of water kiosk permanent structure
	Community Water Tank	1	Tarbaj Town community water Tank (Plastic water storage tank- 10,000 LTS)	Total demolition of Concrete slab
Hungai	Health facility	1	Hungai Dispensary	Demolition of Live fence
Kotulo (Wajir)	Security Institution	1	Kotulo Administration Police Camp	Total demolition of Mud walled / GCI roofed structure (81 M ²)
	Educational Institution	1	Kotulo Primary School	Demolition of stone perimeter wall, Metallic gate, 3 Pit latrines and 10 Neem Trees.
	Public Sanitation facility	1	Kotulo Public Toilet	Demolition of stone structure/ GCI roofed
	Public Water facility	1	Kotulo town community water kiosk	Total demolition of permanent structure
Borehole 11	Public Sanitation facility	1	Borehole 11 Public Toilet	Total demolition of Semi - Permanent toilet
Elwak Town	Public Educational Institution	1	ALROWDA primary school	Demolition of school fence chain link, Metallic gate & 1 tree.
	Community water facility	1	Dololo community	Demolition/ Loss of well situated

			sunken well	within Road ROW
	Community, water facility	1	Elwak Alutebi	Well situated within road ROW.

Table 26 : Affected Cultural Resources

Settlement	Nature of cultural Heritage Resources	Name of Resource	Type of Impact
Halane/ Wagberi	Site of Historical significance / Cultural heritage site	Orahey wells	Not directly affected but at risk of encroachment by hawkers if not protected by fencing off.
	Religious Institution	Islamic Institution	<ul style="list-style-type: none"> - 79 Metres of Perimeter Wall - Metallic Gate - 11 Neem Trees - Concrete Water tank
Hungai	Religious Institution	Al Hidaya Mosque - Hungai	Demolition of live fence
Wargadud	Religious Institution	NUR Mosque - Wargadud	Total demolition of the temporary structure housing the mosque made of sticks/ GCI roof, Pit latrine/ shower and fence made of sticks
Kotulo (Wajir)	Religious Institution	Masjid Noor Mosque Kotulo	Stone perimeter wall, Metallic gate and 4 Neem trees
Kotulo (Mandera)	Religious Institution	Mosque	Demolition of entire mosque structure, water tank and its stand, 7 Neem trees, GCI Gate and live fence

Table 27 : Summary of Impacts - General

Description	Quantity of Impact
Counties	2 (Wajir, Mandera)
Length of road in km	177.425
Total No. of affected institutions	20 (including Mosques)
Total No. of affected PAPs (Including Institutions)	1,355(M= 974, F= 361, Others = 20)
Total No. of Mosques affected	4
Total No. of cemeteries / Graveyards affected	NIL

Table 28 : Summary of Impacts on Structures, Trees and livelihoods

Type of loss	Quantity	No of PAPs	Vulnerable PAPs
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Permanent structures	407	234(M= 215, F= 19)	0 (M=0, F= 0)
Semi permanent	511	430(M= 383, F= 47)	3 (M=3, F= 0)
Temporary structures	939	667(M= 407 ,F = 260)	11 (M=6,F= 5)
Trees	666	204(M= 198 ,F = 6)	8 (M=8,F= 0)
Rental Earnings	114	114(M= 107 ,F = 7)	6 (M=6, F= 0)
Loss of Business	841	841(M= 437 ,F = 404)	2 (M=1, F= 1)

2.3.5 Identification of the Project Potential Impacts

34. The major project activity will be the bituminizing the existing road which will take place within the KeNHA Right of Way. The proposed bypass at Tarbaj has passed through land under customary rights that have no settlements. The community elders will provide alternative settlement land for any person who will be physically displaced on the adjacent land, hence temporary or no displacement was considered. Similarly in Elwak, the bypass passes through land under customary rights is remote and very sparsely populated with a few temporary structures. In addition, the bypasses are utilizing a corridor of 40m which eliminates compensation costs for loss of structures. Furthermore, the identification of the by-pass site in both towns/settlements was done by the community members. The towns are settled with some permanent and semi-permanent structures, while the by-passes are less than five (5) percent settled with temporary structures. The affected structures will be compensated for at replacement cost.

- (a) **Loss of Temporary Structures:** The project's impact on kiosks and temporary informal structures will affect traders at Borehole 11 (121), Tarbaj (123), Kotulo - Mandera(149) and Elwak (174). All the affected structures have been valued and will be compensated. A site (s) measuring approximately five (5) Acres of land will be utilized by KeNHA jointly with the Wajir and Mandera County Governments to establish market stalls to accommodate the PAPs. This land for markets will be voluntarily donated by the community and this was highlighted at the stakeholder meetings using the Voluntary Land Donation processes recommended in the RPF. The VLD process will be guided by the World Bank's guidelines Annex G provide the VLD Form to be duly filled in during the process.
- (b) **Loss of Crops / Plants / Trees:** The impact on trees is very minimal and only associated with Neem trees within compounds and those at some of the market centres. The RAP did not identify the cultivation of crops within the project area.
- (c) **Livelihood Restoration:** The main objective of this RAP is to ensure that livelihoods are restored or improved to the pre-displacement levels. Compensation for affected land and 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 RoW, property and source of income that directly affects their livelihood. This livelihood restoration shall essentially start from maximizing the possible and available project-based opportunities by introducing new, and enhancing the existing social investment as part of the proposed road infrastructure such as markets and undertaking rest stops or lorry parking with roadside trading amenities. Other options that can be explored can include entrepreneurial training for existing small businesses that will be affected by the road upgrade through its land acquisition, as well as recommendation to institutions offering small grants and loans for women and vulnerable groups. In

summary, the following measures have been adopted to form part of livelihood restoration interventions where applicable:-

- Direct and indirect jobs/employment opportunities for the PAPs and members of their households.
- Provision of modern market stalls.
- Financial and basic entrepreneurial skills training.
- Referral to credit and micro-credit facilities through third party providers and government-sponsored initiatives like Uwezo Fund and Cooperative Groups.
- Linkage of the PAPs to government-sponsored Social Development Initiatives through the area Social Development Officers.
- Linkage of PAPs undertaking to livestock activities to extension offices in the county where necessary.
- Local purchasing programs tailor-made to benefit PAPs or groups of PAPs who can supply goods and services.

2.3.6 Extent of Project Impact on Property and Livelihoods

35. Most of the structures to be affected are mainly permanent and wooden business dwellings. The relative impact of the project on structures and other assets is presented below:

2.3.7 Impact Severity

(a) Severity on Number of PAPs and Loss of Livelihood

In terms of severity of impact, most impacts will be felt at Elwak, Kotulo (Mandera), Wagberi and Halane. In terms of the number of PAPs who lose permanent structures. In terms of loss of semi-permanent and temporary structures most impact will be felt at Borehole 11, Kotulo (Mandera) and Kotulo (Wajir), Tarbaj and Elwak Town. In terms of loss of income and livelihoods PAPs at Elwak, Kotulo Mandera, Tarbaj, Wagberi and Halane. Generally, Loss of trees in the project area is negligible. However, substantial loss of trees will be felt at Wagberi, Kotulo Mandera, Dimu (mainly indigenous trees).

(b) Impact on Institutions and Access to Community Resources

The impact on community access to common services and resources is insignificant as none has been identified within the road corridor. However, water and sanitation facilities will be demolished at Tarbaj, Elwak and Borehole 11. The Common Property Resources (CPR), including water kiosks, and water pans among others, will receive a replacement in kind as budgeted for in the RAP budget.

Vulnerability

Among the PAPs identified in the project area, the majority of the households are headed by men. Where vulnerability is cited, the RAP has provided for first 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 subsistence allowance for an assessed period will be required for those whose situation is found to

have worsened at implementation. Where illness is ascertained, medical subsidies, temporary accommodation, employment referrals to members of the family to be considered to cushion the affected household. All the above have been captured in the Entitlement Matrix.

CHAPTER THREE

3 MINIMIZING RESETTLEMENT

3.1 Alternatives and Mechanisms to Minimize Displacement/ Resettlement

36. The RAP has provided several alternatives and mechanisms for consideration in order to avoid /minimize Displacement/ Resettlement during the design and implementation phase of the project. The recommendations are based on the aspirations and concerns raised by the members of the community and other key stakeholders during the public stakeholder consultations as described in section Seven (7) of the revised draft RAP report.

3.2 Mechanisms Established to Minimize Resettlement

37. The following mechanisms have been put in place to minimize resettlement to the extent possible during project implementation:

(a) Road Re-Design

The road design has taken into consideration the views of the potential PAPs at two settlements to create bypass roads to avoid demolition of larger proportions of structures lying within the 60m road corridor. The by-pass roads at Tarbaj Town and Elwak town have led to substantial reductions in compensation. The road re-design at Halane/Wagberi settlement sites has already been effected by KeNHA to utilize the existing RoW.

(b) Maintenance of Existing Road Corridor

The project road has maintained the existing road corridor with minimum interference. This is particularly in reference to Borehole 11, where the design has avoided key community facilities namely a mosque, schools, elevated water tank and chief's office.

CHAPTER FOUR

4 PROFILE, SOCIO-ECONOMIC SURVEY OF PROJECT AREA & CENSUS OF PROJECT AFFECTED PERSONS

General Profile of the Wider Project Area

4.1.1 Political and Administrative Profile

38. The Project traverses Wajir and Mandera Counties located in the North-Eastern part of Kenya. Fig 2 shows the map of Kenya showing the location of Wajir and Mandera Counties.

Figure 2 : Map of Kenya, Highlighting the Project Location Counties



Wajir County

39. Wajir County borders Somalia to the East and Ethiopia to the North West. Within Kenya it borders Garissa to the South and South West, Isiolo and Marsabit to the West and Mandera to the North and North East. Covering an area of 56,685.9 KM², it lies between Latitudes 3° 60¹N and 0° 20¹ N. and Longitudes 39° 0E and 41° 0E. The County comprises of Eight (8) Sub - Counties namely Tarbaj, Wajir East, Wajir West, Eldas, Wajir North, Buna, Habaswein and Wajir South. The largest section of the road project covering approximately One Hundred and Ten (110) Kilometers traverses Tarbaj Sub-County. According to the 2009 population and housing census, the population of the county was 661,941 and is projected to be 852,963, 937,997 and 1,000,343 in 2018, 2020 and 2022 respectively.

Mandera County

40. Mandera County borders Ethiopia to the North, Somalia Republic to the East and Wajir County to the South West. It measures about 25,991 KM² and is located at the extreme end of North Eastern Kenya. The County covers an area of 25,991.5 KM² and lies between Latitudes 2° 11' North and 4° 17' North and Longitude 39° 47' East and 41° 48' East. According to the 2009 Kenya Population and Housing Census, the County had an estimated Population of 1,025,756 persons with 125,497 Households and a Density of 39 persons per KM². The Population was projected to be 1,399,503 and 1,699,437 in 2017 and 2022 respectively, with a corresponding Density of 50 and 64 persons per KM².

Administratively the County is divided into Seven Sub-Counties which include Mandera East, Mandera West, Banisa, Mandera North, Lafey, Mandera South and Kutulo.

4.1.2 Infrastructural Development in the Transport Sector

41. Wajir County has 28 kilometers of tarmac, one airport and seven airstrips. It lacks key infrastructure like bus and lorry parks. The total number of Kilometres of roads in the county both classified and unclassified roads is approximately 8,000 Kilometres. The county has a total 440KM graveled roads out of 5280 KM road network. The rest of the roads are earthen and unclassified.
42. In Mandera County, there are a total of 2,155.80km (county roads) of road network. The County Government upgraded a 24km all-weather Murram road to bitumen status, the first of its kind within Mandera Town that is nearing completion. All-weather Murram gravel roads cover an approximate length of 921km while earth surface covers an approximate length of 1390km. The National Government has contracted out 135km of low-volume sealed roads from Rhamu to El-wak and the works are near completion. The photographs in plate 1-4 below shows the present condition in some of the sections of the road within the project area. Generally, road transport infrastructure presents a big challenge to the residents wellbeing in both counties and is in dire need of rehabilitation.



Plate 1: Current road situation at Tarbaj



Plate 2: Road section at Garse Sala



Plate 3: Existing Road Section at Borehole 11



Plate 4: Accident scene near DIMU during the field study

4.1.3 Land Tenure

43. In the entire Wajir County, land is categorized as trust land apart from a small percentage of the total area occupied by townships. The survey process for part of Wajir town was done and owners' allotment letters issued, especially within the four (4) mile radius. The County is also in the process of preparing physical development Plans for seven towns

namely Habaswein, Griftu, Eldas, Bute, Tarbaj, Khorof Harar and Hadado and County Spatial Plan to guide development planning.

44. The largest portion of the land in Mandera County is communally owned, with only a few parcels within Mandera Town having title deeds. According to reports from the survey department, title deeds are only available in some parts of Mandera Town, which is less than one percent of the county. This forms an insignificant percentage of land surveyed in the County and especially in urban centers where private ownership is vital in attracting intensive investments. The County government has embarked on planning and survey of selected urban centers and about 9,000 title deeds are being processed in Mandera Town. According to the County Director of survey, when this is done, the percentage of individuals with title deeds shall have increased to about 30%.
45. Cases of landlessness are not common in the county, since the land is communally owned. This implies that different communities residing in different parts of the county have the right to land ownership through community land tenure system. However, the system is gradually changing and land fragmentation is increasing as members of the community subdivide land for individual ownership. However, contradicting information was provided to the RAP team that there are few cases of landlessness reported have been a result of inter-clan conflict, especially in Rhamu, where resettlement schemes have been set. This information has not been corroborated with the community as the area falls outside the Wajir – Elwak road section that is the scope of the RAP.

4.1.4 Market and Urban Development

46. There are Six urban centers in Wajir County of which Habaswein, Wajir and Tarbaj fall directly within the road project network. The others are Bute, Eldas and Griftu. The urban population for the County stands at 117,647 persons. This is projected to be 129,376 and 137,975 in 2020 and 2022 respectively. The urban population is 13.793 per cent of the total population. Urbanization is expected to increase the proportion of population living in urban areas leading to unplanned settlements. The increase in urban population will put pressure on existing basic services in the towns and the county at large.
47. In Mandera County, there are three urban centres namely, Mandera, Elwak, Rhamu and Takaba. Mandera Town is the most densely populated urban area of the County, while Takaba is the least populated. The town is the oldest and main urban section of the County and its high population is attributed to its residents' engagement in different economic activities. The town has small-scale traders; retailers, artisans, hoteliers, grocers and even cross-border traders. According to population projections based on the KPHS 2009, the total urban population for Mandera County in 2017 was 174,053, and is projected to rise to 195,560 and 211,355 in 2020 and 2022 respectively.
48. According to the Wajir County Director of planning, the rate of urbanization is expected to increase partly as a result of frequent droughts fueled by climate change leading to livelihood failure which is mainly pastoralism. Additionally, the implementation of the NETIP programme is expected to see an upsurge in the urban population as the initiative traverses the entire section of the two counties' urban centres.

4.1.5 Health and Nutrition

49. In Wajir County, there are 115 public health facilities, 29 private facilities and 2 facilities run by NGO/missions. The county has 10 level IV hospitals, 26 level III health centers, 79 level II dispensaries, 3 private hospitals, one nursing home and 27 clinics. The socio-economic data shows that 95.9 per cent of the population in project area has to cover more than 5 Km to access a health facility and only 4.1 per cent access a health facility within less than 1Km. According to NASCOP, The HIV prevalence rate is 0.9 per cent which is lower than the national rate which stands at 6.7 per cent. According to KDHS 2014 data, the County has many cases of malnutrition and stunting mainly for under five children which is as a result of high poverty levels leading to food insecurity and dependence on relief food. According to the KDHS (2014) 26 per cent of children under age five in the county are stunted.
50. In Mandera County, the Maternal Mortality Rate (MMR) indicators stand at 3,795 deaths per 100,000 live births, as compared to the national average of 488 deaths per 100,000 live births which is 8 times the National average. The neonatal mortality rate and under-five mortality stands at 72 and 80 per 1,000 live births respectively. In addition, there is a low uptake (1.9%) of modern contraceptive methods, about 29 times lower than the national average (58% - KDHS 2014).

4.1.6 Water and Sanitation

51. There are no permanent surface water sources in Wajir County as most of the water sources are subsurface including boreholes, shallow wells and pans. The county has 272 boreholes, 15 Mega pans, and 260 Water Pans. The county has a water company; Wajir Water and Sewerage Company (WAJWASCO) which manages 30 boreholes. Majority of the boreholes are managed and serviced by the Department of Water. At the community level, water users' associations (WUAs) manage the day to day operations of the boreholes.
52. The county has no sewerage system and mainly relies on septic tanks, bucket latrines, pit latrines and VIP Latrines in some towns and institutions. Latrine coverage is low at approximately 30 Per cent. There have been outbreaks of public health related emergencies in the county e.g. cholera as a result of high e-coli levels partly attributed to water contamination. The main water resources in Mandera County are Daa River, ponds, streams, earth pans, equipped boreholes, protected dug wells and unprotected dug wells. The quality of the water from these resources is poor. In areas far away from the Daa River basin, groundwater is tapped from deep aquifers by drilling boreholes (175-350m below the surface). According to the County director for Water and Sanitation, Mandera County presently has 147 public run-off water conservation structures such as earth pans and dams. However, 80% of these have storage capacities of 25,000m³ and below and as such, have no impact in enhancing the county's water security.



Plate 5: Heading to a water source in Dimu



Plate 6: Children in Lafaley transporting water to the homestead

53. In terms of waste disposal methods, 82.2% of households burn their waste while 12.2% use garbage pits, 3.9% use public garbage heap, 0.8% dispose by using private firms, 0.5% by local authorities while 0.4% by neighborhood community groups.

4.1.7 Education

54. In Wajir County, there are educational facilities for all levels of education. There are 264 ECD centers with a total enrolment of 15075. The teacher/pupil ratio is 1:25 and transition rate of 90 percent. At the primary school level, there are 218 Primary schools with a total enrolment of 63,912 pupils of which 38,584 are boys and 25,328 are girls. Also, there are 41 secondary schools with enrolment of 7,780 boys against 4408 girls.

55. At tertiary level, there are nine youth polytechnics out of which only five are operational (Wajir, Habaswein, Khorof Harar, Tarbaj and Griftu polytechnics). The total enrollment stands at 197 with 69 being male and 128 females. There is also one Medical Training College, one Livestock Training Centre (GPTC Griftu), Two Teacher training colleges and two other tertiary institutions.

56. According to Mandera county Integrated County Development Plan 2018 - 2022, in the ECDE sector, there are 259 public ECDE centres with an enrolment of 34,341 children, of which 19,066 are boys and 15,275 are girls as at 2017.

57. The County has 259 public primary schools with a total enrolment of 183,560 pupils. Of these, 115,422 are boys and the remaining 68,138 girls. There are a total 1,079 teachers serving the schools, with a shortfall of 910. The teacher, pupil ratio is, therefore, 1:91. The dropout rate is 6.6 per cent. The Primary Education NER for the County is 42.4 per cent (64.4% boys and 35.5% girls) compared to the national rate of 77.2 per cent (76.2 per cent males and 78.3 per cent females). There are 30 mobile schools, eight in Mandera East, seven in Lafey, two in Mandera West, eight in Banisa and five in Mandera North constituencies. Further, there are 27 low-cost boarding schools, fully funded by the national Government. In both Counties, non- formal education classes across the villages popularly known as *Duksi* whereby children are taught Islamic religion are established. Plates 7-10 shows some of the educational and literacy facilities in the project area.



Plate 7: Model Girls' School in Kotulo



Plate 8: Madrasa classroom at DIMU



Plate 9: Community Library at Tarbaj



Plate 10: A young boy carrying boards important for Duksi instructions at Dimu

Census of Project Affected People (PAPS)

58. The Census was carried out to document the current occupants of the Project Affected People (PAPs) within the road ROW in all the thirteen (13) settlements. The data is important as it will form the basis for future RAP decision making regarding eligibility for compensation and resettlement assistance.

4.2.1 Procedure for Verification of Project Affected Persons (PAPs)

59. The RAP Review team undertook the task of PAPs identification using the following procedure:

- i. Community mobilization was undertaken under the guidance of a mobilization assistant who is experienced and familiar with the study area and in close consultation. Upon identification of the owners of affected property falling within the 60M ROW in most of the road alignment and 40M within the Tarbaj and Elwak spurs, the RAP team initiated the verification exercise.
- ii. The profile of the PAPs then followed and was compiled separately for each of the thirteen (13) settlements indicating the Names, ID No., Telephone Contact and the extent of loss/ impact as indicated in the PAP Summary roll.

60. Using the profile above, the total no of PAP households was derived and listed for each settlement. In instances where property owners could not be traced, the local administrators (chiefs) sought personal details and provided the data to the RAP review team for inclusion in the census listing. This will be validated by NLC at implementation. However, there were instances where this information was not readily available. In such cases, the property was valued but listed under unknown PAPs. KeNHA through NLC will conduct due diligence in order to trace and determine the real owners and identity of the absentee PAPs to enable 'pay out' the compensation. The area being a pastoralist region the NLC validation process will be done through free prior and informed

consultations that will be well publicized and well in advance to ensure a near 100% turnout at implementation.

4.2.2 Project Affected Persons (PAPs)

61. The Census results for the Project Affected Persons are provided in the table below.

Table 29 : The Number of PAPs Enumerated According to Settlement

S No.	Settlement	No. of PAPs
1	Wagberi	18
2	Halane	19
3	Lafaley	19
4	Tarbaj	206
5	Hungai	105
6	Wargadud	122
7	Kutulo (Wajir)	166
8	Kutulo (Mandera)	156
9	Dimu	14
10	Daba city	76
11	Garse Sala	63
12	Bore hole 11	176
13	Elwak	215
	Total	1, 355

Results Of the Socio-Economic Survey of Project Affected Area

4.3.1 Socio-economic and Cultural Characteristics of the Potential PAPs

62. The socio-economic baseline survey was conducted between 2nd January 2019 and 14th April 2019 to obtain primary data to serve as a baseline for designing the resettlement program. The research assistants were recruited at the various settlement sites and trained before embarking on actual data collection. The study targeted at the inclusion of whole population in the sample. However, in the Mandera County section of the Road, this became difficult due to security challenges.

4.3.2 PAP Respondents According to Settlement

63. The survey adopted the entire population (100%) for the administration of the household questionnaire. This was possible because of the concentrated nature of settlement of households within the study area making it convenient for the RAP study team to conduct the survey alongside other activities including the Household census and property valuation. The table 20 below shows the number of study respondents according to settlements.

Table 30 : The Number of PAPs Respondents According to Settlement.

S No.	Settlement	PAP Respondents by Settlement	Proportion of PAP Pop (%)
1	Wagberi	12	1 .1
2	Halane	10	0.9
3	Lafaley	15	1.4

4	Tarbaj	180	16.9
5	Hungai	94	8.9
6	Wargadud	110	10.5
7	Kutulo (Wajir)	150	14.1
8	Kutulo (Mandera)	82	8.3
9	Dimu	5	0.5
10	Daba city	56	5.3
11	Garse Sala	48	4.5
12	Bore hole 11	125	11.8
13	Elwak	167	15.7
Total		1, 062	100

4.3.3 PAP Household Demographics Organization Characteristics

4.3.3.1 Gender and Household Headship among Respondents

64. The Demographic data shows that the majority of the respondents were male (61%), while 36 % were women. The survey findings further show that 69 % of the households are male-headed. However, this state of affairs was different at Wagberi, DIMU where majority of the households are female-headed as indicated by 72% and 62 respectively. The table 21 and Table 22 below shows the distribution of respondents according to gender and household headship status in the Project affected Area and the various settlements respectively.

Table 31: Distribution of Respondents according to Gender and HH Status

Gender	Number of respondents	Percentage
Male	648	61
Female	382	36
N/S	32	03
Total	1, 062	100

65. The table below shows the percentage of household headship according to settlement.

Table 32 : Percentage Distribution of Household Heads according to Settlements

Settlement		Household Headship		
		Male (%)	Female (%)	N/S (%)
1	Wagberi	20.0 (2)	72.0 (9)	8.0 (1)
2	Halane	42.0 (4)	46.0 (5)	12.0 (1)
3	Lafaley	74.0 (11)	22.0 (3)	4.0 (1)
4	Tarbaj	81.0(145)	17.0 (31)	2.0 (4)
5	Hungai	68.0 (61)	31.9 (29)	0 (0)
6	Wargadud	84.0 (92)	14.0 (15)	2.0 (2)
7	Kotulo	78.0 (117)	20.0 (30)	2.0 (2)
8	Kotulo	82.0 (67)	17.98 (15)	0.02 (0)
9	Dimu	37.0 (2)	62 (3)	0 (0)
10	Garse sala	92.0 (41)	7.80 (4)	0.2 (0)
11	Dabacity	74.5 (42)	25.0 (14)	0.5 (0)
12	Borehole 11	73.0 (110)	26.0 (39)	1.0 (2)
13	Elwak	58.0 (93)	38.5 (62)	3.5 (5)

4.3.3.2 PAP Household Membership Distribution According to Age

66. The survey data shows that the majority of the PAPs fall within the age bracket 25-44 (41%), while the Population of children comprises 28 % of the population of the settlements in the study area. The table below shows the distribution of household members according to age.

Table 33 : Distribution of PAPs Household Members according to Age

S. No	Age -Category	Percentage
1	0 - 18	28 (297)
2	19-24	11 (118)
3	25-44	41 (435)
4	45-59	13 (138)
5	60+	7 (74)

4.3.3.3 Religious Affiliation and Ethnicity of Respondents

67. All the respondents belong to the Islamic religion (100%) with the Majority of respondents indicating that they belong to the Somali ethnic Community (92%). Additionally, 7.4 % of the respondents indicated their ethnic affiliation as Degodia.

4.3.3.4 Educational Attainment among Households PAPs

68. Approximately 62% of the PAP respondents in the project affected area have not attained any formal schooling, while a paltry 12% have attended Primary education. The rest constituting 12 % have attended only madrasa. The table 24 below shows the level of education attained by the PAPs in the project affected area.

Table 34 : Distribution of PAPs Respondents according to Educational Attainment

Level of education	No of PAP Respondents	% of PAP Respondents
None	658	62.0
Primary	127	12.0
Secondary	96	9.0
Post-secondary/ TVET/ Tertiary	52	4.9
University	2	0.1
Other (Madrasa)*	127	12.0
Total	1,062	100

* All the other respondents who have attained an education have also attended madrasa.

4.3.4 Vulnerability among PAPs

69. The forms of vulnerability characteristics highlighted among PAPS during the survey included the Disabled (0.4%), Single parent (0.2%), Internally displaced persons - IDPs (0.56%) OVCs (0.18%), Widowhood/ Widower hood (0.659%), Divorced (1.20%) and the chronically ill (0.003%) and elderly (0.659). The table below summarizes the information on vulnerability in the project area.

Table 35 : Vulnerability among PAPs in Project Affected Area

SNo.	Vulnerability type	No. of respondents	% of Respondents
1	PLWDs	4	0.4
2	Single parent	2	0.2
3	IDP	6	0.56
4	OVC	2	0.18
5	Widowhood/ Widower hood	7	0.659
6	Divorced	1	0.003
7	Chronically ill	1	0.003
8	Elderly aged 60+	7	0.659
9	Not related to any vulnerability	1325	98.2

70. Therefore, the overall percentage of the vulnerable PAPs as indicated in the RAP study is approximately 2.8% (30) of the PAPs, with the majority comprising the elderly members of society (7%).

4.3.5 Sources of Livelihood, Occupational and Labour Force Participation among PAPs

4.3.5.1 Land ownership and Sources of Livelihood

71. According to the RAP Study, Land ownership in the project area is communal with 87 % of the PAP respondents indicating that the proof of land ownership is chiefs' letter. In Halane/ Wagberi settlements, 56% of the respondents indicated that the land they are presently occupying is allocated by the County council, while 38 % had purchased the land. An analysis of the main occupation shows that most PAP respondents are pastoral herders (78%), followed by business and those in self – employment in that order. The other forms of occupation of HH are presented in the table below.

Table 36 : Distribution of PAPs Respondents According to the main Occupation

Main occupation of HH	No. of Respondents	% of Respondents
Business	106	10
Pastoral herding*	828	78
Self-employed	58	5.5
Security worker	6	0.5
Property rental	11	1
Unemployed	32	3
Other	21	2
Total	1, 062	100

4.3.5.2 Household Average Monthly Income

72. The socio-economic survey study showed that The PAP household heads' monthly income levels ranged from 4,000 to 180,000. The overall majority of the respondents (32% %) earned incomes below 10,000 followed by 21 % who earned income ranging between 61,000 – 90,000. The distribution of respondents according to average household monthly income is shown in table below.

Table 37 : Distribution of PAPs Respondents according to Monthly Household Average of Income

Income range	Number of PAPs	% of Respondents
0-9,999	340	32
10,000-30,000	106	10
31,000- 60,000	106	10
61,000-90,000	223	21
91,000-120,000	53	5
121,000-150,000	32	3
151,000- 180,000	64	6
Above 180,000	21	2
N/S	117	11
Total	1, 062	100

4.3.6 Social Infrastructural Services

4.3.6.1 Transport and Communication

73. The main mode of transport used within the study site is Matatu /Van (62 %). The other responses are shown on the table below.

Table 38 : Distribution of PAPs Respondents according to main Mode of Transport

Main mode of transport	No. of PAPs Respondents	% of Respondents
Private Car	0	0
Bus	42	4
Van / Matatu	658	62
Lorry	32	3
Boda-boda	74	7
Bicycle	42	4
Walking	74	7
Other	64	6
N/S	74	7
Total	1, 062	100

4.3.6.2 Educational Facilities and Infrastructure

74. On the provision of educational facilities, the majority of the PAP respondents (89%) indicated that public schools were close to the settlement. The other responses are shown in the table below.

Table 39 : Distribution of PAPs Respondents according to Educational Facility Close to the Settlement

Type of school	No. of PAP Respondents	% of Respondents
Public	945	89
Private	22	2.1
Mission	10	0.9
N/S	85	8
Total	1, 062	100

4.3.6.3 Main Water Sources and Sanitation

a) Main Sources of Water

The findings of the socio-economic study show the PAPs responses on the main sources of water supply in the settlements. The data shows that majority of the respondents (82%) depend on Borehole as the main source of water for the household. The various sources of water as per the responses by the PAPs are shown in table below.

Table 40 : Distribution of PAPs Respondents according to Main Source of Water Supply

Main Source of Drinking Water	No. of PAPs Respondents	% of Respondents
Piped water to the dwelling	0	0.0
Piped water to the plot	0	0.0
Piped Public Tap	0	0.0
Protected spring	0	0.0
Borehole	835	82.0
Water Pan	71	7.0
Roof Water Harvesting	29	2.8
River / Stream/ canal	8	0.78
Dam	41	4.00
Pond	20	2.00
N/S	14	1.42
Total	1, 018	100

b) Ownership and Type of Toilet Facility

The survey indicated that 56.8 % of the PAP respondents own a toilet. The most commonly used type of toilet facility by the PAPs in the study area is pit latrine with concrete (30.2 %), followed by V.I.P Toilet (16%) as shown in the table below.

Table 41 : Distribution of PAPs Respondents according to Type of Toilet Facility Owned

Type of Toilet	No. of PAPs Respondents	% of Respondents
Flush to septic	0	0.0
Flush to pit latrine	289	28
V.I.P Toilet	165	16
Pit latrine with concrete	312	30.2
Other	122	11.8
Did not respond	144	14
Total	1, 032	100

c) Household Waste Disposal Facilities and Garbage Disposal

The majority of PAPs dispose of their household waste by burning (92.6%), while the rest bury (3.4%), throw (2.8%) and use compost pit (1.1 %) as shown in the table below.

Table 42 : Distribution of PAPs Respondents according to Household Waste: Garbage Disposal Method

Waste disposal method	No. of PAP Respondents	% of Respondents
Compost pit	11	1.1
Burying	36	3.4
Burning	969	92.6
Throwing	30	2.8
Other	11	1.1
Total	1, 058	100

4.3.6.4 Public Health and Medical Services Provision

75. The PAP respondents indicated that the community mainly relies on public health facilities (47 %) for treatment. The table below shows the responses from the survey.

Table 43 : Distribution of PAPs Respondents according to Public Health Facility Attended

Type of Health Medical Facility	No of PAPs	% of Respondents
Public Hospital	499	47
Health Centre	340	32
Mission / NGO Hospital	5	0.5
N/S - Others	218	20.5
Total	1, 062	100

4.3.6.5 Sources of Energy

a) Sources of Energy for Cooking

The main PAPs' source of household energy for cooking was firewood (79.8 %) followed by charcoal (8 %). Other sources of energy are shown in the table below.

Table 44 : Distribution of PAPs Respondents according to Main Source of Energy for Cooking

Main source of Energy for Cooking	No of PAPs	% of Respondents
Firewood	839	79
Charcoal	85	8
LPG Gas	48	4.45
Others	89	8.45
N/S	1	0.1
Total	1, 062	100

b) Sources of Energy for Lighting

The most common source of energy for lighting in the project affected area is Kerosene (38.5 %), followed by solar-powered torchlight (29%). The rest of the respondents use Electricity (19%) and solar panels (13.5 %) as shown in the table below.

Table 45 : Distribution of PAPs Respondents according to Main Source of Energy for Lighting

Main source of Energy for Lighting	No of PAPs	% of Respondents
Electricity	201	19
Solar	143	13.5
Torch (Solar powered)	307	29
Others e.g. Kerosene, diesel	407	38.5
Total	1, 058	100

4.3.7 Health Status of the PAP Population & HIV AIDS Knowledge & Prevention

4.3.7.1 Most Common Diseases in the Project Area

76. The PAP respondents cited the most common diseases in the area as Malaria (43.9%), Typhoid (23.4%) and pneumonia (1.5%). The PAPs' responses to the diseases that a member of the household suffered in the last one year is shown in the table below.

Table 46 : Distribution of PAPs Respondents according to Disease Suffered by a Member of the Household in the Last One Year

Disease Suffered Last One Year	No. of PAPs	% of Respondents
Malaria	466	43.9
Typhoid	249	23.4
Common Cold	57	5.4
Stomach Infection	242	22.75
Heart Burn	11	1.0
Blood Pressure	11	1.0
Cancer	4	0.4
Cholera	16	1.5
Snake Bites	5	0.5
No Response	1	0.1
Total	1, 062	100

4.3.7.2 HIVAIDS Knowledge and Prevention

77. The majority of the PAPs' respondents (83.9%) indicated that they had not taken an AIDS test, while 61.5% indicated that they were aware of the existence of sexually transmitted infections (STIs). On STI transmission, the PAP responses are shown in the table below.

Table 47 : Distribution of PAPs Respondents according to Ways STIs are Transmitted

Ways STIs are Transmitted	No. of PAPs	% of Respondents
Multiple Sex Partners	842	79.6
Blood Transfusion	109	10.3
Sharp Objects	71	6.7
Don't Know	7	0.7
N/S	29	2.7
Total	1, 058	100

78. The majority of the PAP respondents (74.5 %) stated abstinence as the method for preventing STIs infection in the project area.

4.3.8 Project impacts: Magnitude of Expected Loss and Attitude to Project

4.3.8.1 Awareness of Project & Project Preparation Activities

79. Majority of PAP respondents (83%) indicated that they were aware of the project. However, 4.9% indicated that they had not heard of the project, while 15.6 % did not respond. On sources of information on the project, 38% said they heard of the project from survey teams, while the rest are as shown in the table below.

Table 48 : Distribution of PAPs Respondents according to Source of Project Information

Source of Project Information	No of PAPs	% of Respondents
Survey teams	404	38
KeNHA	11	1.01
Chief	255	24
County Government	111	10.49
Local Radio Station	5	0.5
No response	276	26
Total	1, 062	100

4.3.8.2 Project Impacts on Individual Members and the Community

80. The PAPs were aware that the project will affect them negatively, mainly on disruption associated with being resettled (36.4%) but some PAPs expressed positive impacts especially with regard to improvement to household sources of income arising from improved transportation (42%) and provision of labour to local residents (14%). Other impacts mentioned are shown in the table below.

Table 49 : Distribution of PAPs Respondents according to Impacts of Projects on Individuals and the Community

Project Effects	No of PAPs	% of Respondents
Expansion of Bussiness	90	8.6
Employment	147	14.0
Disruption of Life	382	36.4
Easy Transportation	284	27.0
Road Accidents	84	8.0
N/S	63	6.0
Total	1,050	100

4.3.8.3 PAP Respondents and Broad Community Support for the Project

81. Majority of the PAP respondents (81.8%) showed approval for the project, while a paltry (2.1 %) expressed disapproval. The PAP respondents' approval/disapproval of the project is shown in the table below.

Table 50 : Distribution of PAPs Respondents according to Support to the Project

Approval	No. of PAP	% Respondents
Approve	869	81.8
Disapprove	22	2.1
No response	171	16.1
Total	1, 062	100

4.3.9 Social and Cultural Characteristics of the Affected Communities

82. This sub – section describes the local communities' formal and informal institutions that are responsible for organizing activities and processes in the community. The data was obtained from Key Informant Interviews and FGDs with community members in the settlement sites along the road corridor. Gender calendar and division of labour was derived by administration of seasonal calendar.

4.3.9.1 Formal and Informal Social Institutions

83. The local community members pointed out that both the Formal National and County Administration is important in the organization and provision of the needs of members of the society. The informal institutions equally play an active role in providing solutions to local challenges. The following provides the list of local social and cultural institutions in the Project area:

Formal Institutions:

- County Government of Wajir & Mandera
- Ward (County Assembly)
- Local National Government Administrative Offices I.e. C.C, D.C.C, A.C.C, Chiefs, A/Chiefs
- Religious Leadership E.g. Imams, Sheikh

Informal Institutions:

- Local council of elders
- Women Groups
- Youth Groups
- Madrasa

Governmental & Non – Governmental Organizations

- Mercy corps
- ALDEF (Arid Lands Development Forum)
- Islamic Relief
- NDMA (National Drought Management Agency)
- Red Cross
- World Vision

- Habiba International
- RACIDA
- AHADI
- Women for Peace
- Agency for Technical Cooperation and Development (ACTED)
- Practical Action
- Danish Refugee Council

4.3.9.2 Inter/ Intra Community Conflict

84. The community members attributed the occasional upsurge of inter-ethnic conflict to the competition for grazing and water sources, especially along the Wajir / Mandera counties' border. At the time of the RAP study a flare – up involving the Degodia and Gare clans emerged. There are also instances of internal displacement of families arising from inter – ethnic conflicts.

4.3.9.3 Security/Insecurity

85. Community members cited peace as one of the major resources in the locality. The most commonly cited threat to the security in the project site is the al – Shabab menace, as the project site traverses a region close to neighboring Somalia. However, majority of the community leaders averred that the threat is not only unique to the area but the entire Country. Nevertheless, given the proximity of the project site to the Kenya / Somalia border, the threat to attacks by the resurgence group is high.

4.3.9.4 Gender Analysis

86. The consultations with members of the community during FGDs the community is patrilineal, the views of the women are considered less in major decisions. Elders observed in matters concerning land, disputes and war/peace, however, women are not involved and are not expected to be presented in such deliberations. Thus, women in the locality are underrepresented in property ownership, education and political leadership. The gender calendar for the project area showed that women are actively involved in both productive and reproductive work and work for longer periods than men. The following itinerary shows the daily routine for men and women. The gender issues along the road corridor include; legal rights to property, domestic violence and decision making in childbearing.

Table 51 : Daily Routine of Activities Performed by Women in the project affected Area

Time / Period of Day	Activity
5.00 A.M Morning	Waking up
	Caring for children
Afternoon	Family needs provision/cooking
	Cleaning
	Business care/trading
10.00 P.M Evening	Household Chores

Table 52 : Daily Routine of Activities Performed by Men

Time / Period of Day	Activity
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5.00 A.M	Morning	Waking up
		Mosque for prayers
7.00 A.M	Afternoon	Breakfast
		Business
08.00 P.M	Evening	Mosque for Prayers
		Sleep

4.3.10 Implications of Socio-economic Baseline Study Findings on Project and RAP Implementation

87. The findings of the socio-economic study present an opportunity for effective implementation of the resettlement programme. The major implications are highlighted in the following subsections:

4.3.10.1 Land Tenure, Entitlement, and Future Compensation

88. According to the regulations governing land ownership in the country, in the entire project area, land ownership is considered under customary land since land in Northern Kenya has not been adjudicated into Community Land under the Community Land Act (2016). There are exceptions to this, mainly in towns and urban areas like Wajir, Tarbaj and Elwak where customary land was allocated to individuals by the previous County Council and current County Governments the conversion process was not completed. Socio-economic studies and key informant Interviews show that a large proportion of community residents have in their possession documentation proving private ownership of plots and land parcels beyond the settled areas, especially at Wagberi, Halane, Tarbaj and Elwak areas where by-pass roads have been considered as a measure to minimize resettlement. Furthermore, presently, both devolved units have expedited the processing of land ownership documentation. There are also numerous instances of land transactions among community members with an acre of land going for as high as Six to Eleven Million and Two million shillings at Halane and Tarbaj respectively. The foregoing has implications for future planning and calls for a additional guidance in the policy framework to guide the process. According to the NETIP Project RPF, for land acquisition purposes, in these areas, KeNHA will work closely with the County Government of Wajir and Mandera and NLC to provide a solution to these grievances raised during the Resettlement Planning process.

4.3.10.2 Health and Safety Measures for Project Staff and Community Members During Project Implementation

89. The survey findings demonstrate that in all the affected settlements, members of the Community advocate for abstinence as the only culturally acceptable means of protection against STIs and contracting of HIV/AIDS. Further, it was emphasized by Community elders and religious leaders on the need to abide by the community's culture especially on matters pertaining to Sexual and Reproductive Health. There is, therefore, need to relook the conventional emphasis on condom use among project staff and prioritize other strategies such as behavior change communication (BCC) targeting the community and project staff during project implementation.

4.3.10.3 Treatment of Cultural Property

90. The RAP has documented all the cultural property of the PAPs and the community in the Project Area. The consultations indicated that there are numerous sites of significance, more so, the shallow graves alongside (but generally outside) the road project ROW in Bulla Afya area of Mandera. This was verified on the ground and was found to be outside the project area of impact. It is imperative that “Chance find procedure” is adopted during the project implementation phase. The following is the suggested way/procedure for handling the finds:
- For private family graves, consultations will be held with the family members on relocation and compensation provided to cover logistics for transferring remains to new sites and associated rituals.
 - Community cemeteries will require consultations with the religious leaders and local elders and the relevant devolved Government agent (Town Administrator) for protection such as fencing.
 - The Orahey historical site is already under the protection of the NMK. Further consultations and collaborations will be initiated with relevant agencies to step up its preservation.

4.3.10.4 Project Information on RAP Process & Project Implementation

91. The survey findings on sources of information on the project showed that there is limited availability of channels of information appropriate and accessible the members of the community as most PAPs (38%) received the information from the survey design consultant. An approximately equal proportion cited the local Chiefs and County Government as their source, while 28% did not respond. This implies that there is need for the project proponent to institute urgent measures by establishing a local NETIP unit to work closely with the local Administration institutions in providing information on RAP process and Project implementation.

4.4 RAP Update

92. During the RAP verification exercise, there were issues that could not be resolved due to the insecurity situation on the ground as well as the disputed road boundary on some sections of the road. An Action Plan was developed as provided in Annex H that indicated all the pending issues, how they are been resolved and the timeline. Thus, the RAP will be updated on the Action Plan is implemented.

CHAPTER FIVE

5 POLICY AND LEGAL FRAMEWORK

5.1 Introduction

93. This section reviews and discusses the legislation and regulatory framework applicable to resettlement in Kenya. It outlines the laws governing land tenure, statutory mechanisms for land acquisition, relevant legal and administrative procedures and remedies available for displaced persons. The laws and regulations relating to agencies responsible for implementation of resettlement activities are presented. Lastly, a comparison among the Kenyan legislation and the World Bank provisions on resettlement, inherent gaps and remedies are outlined.

5.2 Legal Framework

5.2.1 Constitution of Kenya (2010)

94. The constitution of Kenya 2010 is the premier legal document upon which all principles of land policy in the country are hinged. It stipulates the principles upon which land matters in the country shall be handled. Article 60 (1) f calls for elimination of discrimination in law, customs and practices related to land and property in land. It further recommends for encouragement of communities to settle land disputes through recognized local community initiatives. The constitution categorizes land into three categories: Public land, Community land and Private land.

95. Section 40 recognizes and protects the right to private property. Article 66 provides for the state to regulate land, in the interest of public use. However, article 47 of the constitution calls for fair administration of action, that is expeditious, efficient and lawful. The Road project planning and implementation will comply with the requirements of the constitution with respect to property rights.

5.2.2 National Land Commission Act 2012

96. The act provides a framework for the management and administration of land in accordance with the principles of land policy set out in Article 60 of the Constitution and the national land policy. It mandates the establishment of the National Land Commission and also elaborates the linkage between the Commission, County Governments and other Institutions dealing with Land and land related resources. The act stipulates the functions of the National Land Commission as:

- a) Managing public land on behalf of the National and County Governments.
- b) Recommending a National Land Policy to the National Government;
- c) Advising the national government on a comprehensive programme for the registration of title in land throughout Kenya
- d) Conducting research related to land and the use of natural resources, and make recommendations to appropriate authorities;
- e) Initiating investigations, on its own initiative or on a complaint, into present or historical land injustices, and recommend appropriate redress;
- f) Monitoring and having oversight responsibilities over land use planning throughout the country.

97. Compulsory acquisition in Kenya is to be handled by the NLC. The act empowers the Commission to administer all unregistered trust land and unregistered community land on behalf of the County government.

5.3 Relevant Legislation

98. Several applicable legislations will be triggered in the course of the NETIP project preparation and RAP Implementation. This sub- section provides the discussion of those that are relevant to resettlement.

5.3.1 Land Act 2012

99. This is an Act of Parliament that gives effect to Article 68 of the Constitution, to revise, consolidate and rationalize land laws: to provide for the sustainable administration and management of land and land-based resources, and for connected purposes. In part VIII of the Act on compulsory acquisition of interests in land, the powers are given to the cabinet secretary or the County Executive Committee member to submit a request for acquisition of desirable public land to the Commission to acquire the land on its behalf, and this can be granted as long as it meet the requirements prescribed under subsection (2) and Article 40(3) of the Constitution. In section 110 (1) such 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.

100. Whenever such a land is acquired or and is suitable for the intended purpose, section 111 (1) advocates for a just compensation to be paid promptly in full to all persons whose interests in the land have been determined. However, clause (2) of section 11 allows the Commission of lands to make rules that can regulate the assessment of just compensation for affected parties.

101. Section 115(1) requires the Commission to promptly pay compensation in accordance with the award to the persons whose interests in the land have been determined except in a case where:

- There is no person competent to receive payment; or
- The person entitled does not consent to receive the amount awarded; or
- 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.

102. Section 120 part (4) grants the ownership to the national or county governments land absolutely free from encumbrances as long as payment of just compensation in full has been made. If disputes occur as a result of this, section 128 requires such matters to be referred to the Land and Environment Court for determination.

5.3.2 Land Registration Act 2012

103. Section 20 clause (1) requires every proprietor of land to maintain in good order the fences, hedges, stones, pillars, beacons, walls and other features that demarcate the boundaries, Section 21 prohibits any person to deface, remove, injure or otherwise impair a boundary feature or any part of it unless authorized to do so by the Registrar, and if convicted is liable to pay the cost of restoring the boundary feature, and the cost shall be

recoverable as a civil debt by any person who is responsible under this section for the maintenance of the feature.

104. Section 28 requires all registered land unless the contrary is expressed in the register be subject to the following overriding interests as may for the time being subsist and affect the same, without their being noted on the register rights of compulsory acquisition, resumption entry search and user conferred by any other written law.

5.3.3 Community Land Act, 2016

105. 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.

5.3.4 The Environment and Land Court Act, 2011

106. This is an Act of Parliament to give effect to Article 162(2) (b) of the Constitution; to establish a superior court to hear and determine disputes relating to the environment and the use and occupation of, and title to, land, and to make provision for its jurisdiction functions and powers, and for connected purposes.

107. Any environmental disputes related to land is resolved with reference to this Act. The Court has powers to hear and determine disputes relating to environment and land. This includes disputes relating to environmental planning and protection, climate issues, land use planning, title, tenure, boundaries, valuations, mining, minerals and other natural resources; and compulsory acquisition of land and relating to land administration and management.

108. This will be the final institution charged with arbitration of matters that will arise out of the resettlement process. Nevertheless, the RAP process will take this to be the very last resort as court processes consumes considerable time and resources that can delay the project execution.

5.3.5 The Land Control Act Cap 302

109. This is an Act of parliament which under article 97 asserts that:

- (1) The Commission may, subject to and in accordance with sections 98 and 99 create rights of way which be known as public rights of way.
- (2) A public right of way may be –
 - (a) A right of way created for the benefit of the National or County Government, a local authority, a public authority or any corporate body to enable all such bodies to carry out their functions, referred to as a wayleave.
 - (b) Article 110 provides for issuing of notice of eviction for any person or persons unlawfully-occupying public land. In determining whether to serve a notice or oral communication and period of time to be specified in the notice. Under article 111 provides for issuance of notice for removal of any obstructions within the right of way. Under article 112 (2) and (3) provides for penalties for unlawful occupation of public land or causes obstruction in the right of way. Under the provisions of this legislation, a notice of removal of all obstruction from the right of way will be issued after recommended entitlements have been paid to the PAPs in all the settlements.

5.3.6 Public Roads and Roads of Access Act (Cap. 399)

110. The Act provides for consolidation of laws relating to public transport. Sections 8 and 9 of the Act provides for the dedication, conversion or alignment of public travel lines including construction of access roads on adjacent lands from the nearest part of a public road. Section 10 and 11 allows for notices to be served on the adjacent land owners alerting and seeking permission to construct such access roads. In relation to NETIP, the proponent shall facilitate compliance to this Act by ensuring all lands used for the proposed road project is within its way leave, where unavoidable, especially within the 13 towns / settlements and by – passes at Tarbaj and Elwak towns, due consideration outlined in OP 4.12 shall be adhered to.

5.4 Compulsory Land Acquisition & Compensation for Affected Property & Assets

111. Compulsory acquisition refers to the power of the government to acquire rights in a parcel of (and without the willing consent of its owners or occupants to benefit society. The law governing compulsory acquisition is in Part VIII, Section 107 to 133 of the Land Act 2012. This is triggered because land falling within settled towns and settlements (In 60M and 40M ROW as applicable) will be affected. However, as the project area falls within the Northern part of Kenya, where land has not been adjudicated, and all land is classified under Community Land, consideration will only be made on assets and property. If there is need for construction of common facilities and infrastructure associated with the road project, then the preparation of RPF to guide the process comes in handy. Nevertheless, the process involves:

Pre-Inquiry

Preliminary Notice, Land Act Sec. 107(1) and (5): The National Land Commission (NLC) will receive a request for acquisition from the Ministry of Roads from the respective Cabinet Secretary. Preliminary Requirements, Sec. 107(2): NLC will require the acquiring body to provide a comprehensive list of the affected parcels of land and the respective owners, title search details, cadastral maps of the affected areas, a Resettlement Action Plan accompanied by a list of Persons Affected by Project. Compensation should address all the rights of affected persons in an equitable manner.

Notice of intention to acquire, Land Act Sec, 107 (5) 110(1): This is published in the Kenya Gazette after the commission certifies in writing that the land is required for public purposes or in public interest Upon certification, the commission shall publish notice of intent and shall deliver a copy of the notice to the registrar and to every person who appears to have an interest in the land.

Ascertainment of suitability of land (survey), Sec. 108: All land to be compulsorily acquired shall be authenticated by the authority responsible for survey both at the national and county governments as per the Land Act Sec 107(8).

Inquiry

Notice of inquiry, Land Act Sec. 112 (1a): The NLC shall appoint a date for inquiry at least 30 days after publishing the notice of intention to acquire, and at least 15 days before the actual date of the inquiry. A copy of the notice is served on every person who appears to have an interest in the land.

Receipt of claims Sec. 112 (2): Any written claim for compensation is delivered to the commission not later than the date of inquiry. The inquiry determines who are the persons interested in the land.

Powers of the commission, Sec. 112 (5): For purposes of an inquiry, the commission shall have powers of the court to summon and examine witnesses including persons with interest, to administer oaths and affirmations and to compel production and delivery of title documents to the commission.

Post-Inquiry

Award of compensation, Sec. 113 and 114(1): Upon conclusion of the inquiry, the commission shall make a separate award of compensation for every person whom it has determined to be interested in the land. The commission shall then serve on each person a notice of the award and offer of compensation.

Land in lieu of compensation, Sec. 114(2): Land can be given in lieu of monetary award but such value of land shall not exceed the amount of money the commission considers would have been awarded. Such award shall be deemed to be all the compensation conclusively to which the person is entitled to in respect to the interest in that land.

Payment of compensation, Sec 115: Upon acceptance of the award, the commission shall promptly pay compensation. If the award is not accepted or there is a dispute, the amount is paid into a special compensation account held by the commission.

Payment of interest, Sec 117 & 119: If the amount of any compensation is not paid, the commission shall on or before taking possession open an account into which it shall pay interest on the amount awarded at the prevailing bank rates from the time of taking possession until the time of payment.

Payment of additional land, Sec. 118 and 119: If the acquired land is greater than the area of land in respect to which an award is made, compensation shall be paid for the excess area.

- i. The government informs the Minister of Lands or" their intentions to acquire the land.

- ii. The Minister for Lands directs the Commissioner of Lands in writing to acquire the land compulsorily.
- iii. Commissioner of Land publishes a notice in the Kenya Gazette to inform the public of their intentions. A copy is sent to everyone to be affected by the acquisition and they are informed of the venue and date of the inquiry to be held.
- iv. Commissioner determines the value of the land as per the Land Acquisition Act.
- v. Commissioner declares an award of compensation in writing to people affected by the acquisition. This award is final unless challenged in court. If one is not satisfied with the amount, they should accept it but must indicate that they have accepted, it under protest. Thereafter they proceed to court to make their claim.

5.4.1 Valuers Act, Cap 532 Laws of Kenya

112. Valuation of assets affected by the proposed Wajir – Elwak road section project was carried out in line with Valuers Act Cap 532 Laws of Kenya which requires that a duly authorized valuer be engaged in making cost valuation of assets.

5.5 Other laws related to Protection of Vulnerable Individuals and GBV

5.5.1 Sexual Offences Act 2012

113. The act makes provision for the prevention and protection of all persons from harm from unlawful sexual acts. Section 15, 17 and 18 are mainly focused on sexual offenses on children and young members of the society.

5.5.2 Children Act 2012

114. The Act of Parliament makes provision for parental responsibility, maintenance, guardianship, care and protection of children and gives effect to the principles of the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child and for connected purposes.

5.5.3 Labour Relations Act No. 18 of 2018

115. This is an Act of Parliament that consolidates the law relating to trade unions and trade disputes, to provide for the registration, regulation, management and democratization of trade unions and employers organizations or federations, to promote sound labour relations through the protection and promotion of freedom of association, the encouragement of effective collective bargaining and promotion of orderly and expeditious dispute settlement, conducive to social justice and economic development and for connected purposes. The act offers protection to employees to participate in trade union activities and section part 9 provides for adjudication of disputes in a fair and transparent manner.

5.5.4 Matrimonial Property Act, No.9 of 2013

116. The act stipulates on the procedures for the ownership of property among spouses. It holds that a spouse shall not, during the subsistence of the marriage, be evicted from the matrimonial home by or at the instance of the other spouse except by order of a court. It further provides that a person who professes the Islamic faith may be governed by Islamic law in all matters relating to matrimonial property.

5.5.5 Constitutional Provisions for Disability in Kenya

117. Article 55 the Constitution of Kenya 2010 requires that the State to take measures, including affirmative action programmes, to ensure that youth, persons with disabilities, minorities and marginalized groups have access to relevant education and training, opportunities to associate, be represented and participate in political, social, economic and other spheres of life; access employment; and to be protected from harmful cultural practices and exploitation

5.5.6 Gender Based Violence

118. Many laws have been enacted in Kenya to protect people from gender-based violence. These include: The Protection against Domestic Violence Act, 2015 is meant to provide for the protection and relief of victims of domestic violence; to provide for the protection of a spouse and any children or other dependent persons. No person shall be subjected to economic, emotional, verbal and even psychological abuse. The others are The Marriage Act which governs all marriages contracts in Kenya and the Counter-Trafficking in Persons Act.

5.5.7 Implication of the Legislation to Resettlement

119. The above described laws are relevant to the process of the resettlement planning as they will come in handy to provide guidelines and safeguard the vulnerable individuals and communities in the project area.

5.6 World Bank Safeguard Policies relating to Relocation and Resettlement

120. The aim of the World Bank Policy on Involuntary Resettlement is to avoid or minimize the impacts of the process on people, households, businesses and others affected by the land acquisition required by the proposed road project. The main objectives and principles of the policy are:

- a) Involuntary resettlement should be avoided or minimized where feasible, exploring all viable alternative project designs. For example, realignment of roads to significantly reduce resettlement needs.
- b) Where displacement is unavoidable, resettlement plans should be developed. All involuntary resettlement should be conceived and executed as development programs, with PAPs provided with sufficient compensation, investment resources and opportunities to share in project benefits. The policy direct that displaced persons should be:
 - Compensated for their losses at full replacement cost prior to the actual moving out.

- Assisted to move and supported during the transition period in their settlement site.
- Assisted in their efforts to improve their former living standards, income earning capacity, and production levels, or at least to restore them. Particular attention should be paid to the needs of the poorest groups to be resettled.
- Fully be involved in the planning and implementation of the resettlement process. Appropriate patterns of social organization should be established, and existing social and cultural institutions of PAPs and their hosts should be supported and used to the greatest extent possible to minimize the effect and create harmony in the process.

5.6.1 Involuntary Resettlement OP/BP 4.12

121. The Bank's Operational Policy 4.12; Involuntary Resettlement is triggered in situations involving involuntary taking of land and involuntary restrictions of access to legally designated parks and protected areas. The policy aims to avoid involuntary resettlement to the extent feasible, or to minimize and mitigate its adverse social and economic impacts.

122. It promotes participation of displaced people 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 other resettlement measures to achieve its objectives and requires that borrowers prepare adequate resettlement planning instruments prior to Bank appraisal of proposed projects.

123. 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. In the project area various vulnerable groups were identified and documented. The OP 4.12 will be triggered due to the displacement of the community members living within the 13 settlements and amongst them there are several types of vulnerable groups. The Proponent complies with the requirements of OP 4.12. The RAP study assessed project alternatives to avoid, where feasible, or minimize involuntary resettlement by first and foremost restricting the proposed expansion to the existing KeNHA ROW and re- design of the road at Tarbaj and Elwak towns, to cater for by- passes and thereby minimizing resettlement impacts.

124. Furthermore, the potential economic and social impacts of the project have been assessed in the RAP study and summarized in this report, project-affected persons and local non-governmental organizations, as appropriate 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 resettlement and transitional support and development assistance.

5.6.2 Indigenous People: OP/BP 4.10

125. 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, minimized or mitigated. 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.

126. The Wajir – Elwak road traverses a region inhabited by the Somali Community (indigenous community) For this reason, this policy (Indigenous People: OP/BP 4.10) be triggered. It is anticipated that the proponent will carry out a Social Assessment to comply with the obligation.

5.6.3 World Bank’s Policy Regarding Cultural Properties

127. Sacred sites include but not restricted only to; museums, altars, initiation centres, ritual sites, ancestral tombs, trees, stones, and cemeteries which are considered sacred by the PAPs. It will also include other such sites or features that are accepted by local laws (including customary), practice, tradition and culture as sacred. This policy will be triggered as a sacred site situated at the starting point of the road section, several graves at Tarbaj by-pass and mass graves at Bulla – Afya were identified. The RAP recommends preservation of the sites and adoption and adherence to “chance find procedure” by the contractor during the project implementation phase.

5.7 Commonalities between GoK, and the Bank Guidelines

128. One commonality of both the national and world bank procedures is intent that focus on avoidance of dislocation of people as far as possible, when displacement of people is compulsory, then the policy and legislations of Kenya provide for the adoption of a wider developmental approach which seek to share the benefit of the development project with PAPs and local communities. The principle is that development project at least should not impoverish people by degrading the physical environment. In general, the national policies, legislation and regulations are all consistent with the World Bank's Operational Policies (OP 4.12) and bank procedure (BP 4.12) on involuntary resettlement and therefore will be preferred but with reference to them. From analysis undertaken above, the GoK, and World Bank requirements are found to converge on the following points:

- (a) Avoidance of involuntary resettlement wherever feasible, and minimization of resettlement where population displacement is unavoidable by exploring all viable project options;
- (b) Compensation at replacement cost (replacement cost of an affected asset is equivalent to the amount required to replace the asset in its existing condition);
- (c) Assistance to the affected people for relocation;
- (d) Assistance to the affected people to improve their living standards, capacity for income generation, and production levels, or at least to restore to their former levels;
- (e) Participation of all stakeholders;
- (f) Consultations with project affected persons at every stage;

(g) Grievance redress mechanisms for project affected persons.

5.8 Differences between Kenyan Laws and the World Bank Policy

129. There are several differences between the World Bank Policy and the Kenyan laws on resettlement and compensation. Table 43 below describes the World Bank OP.4.12 Policy on involuntary resettlement and provided a comparison with the Kenyan legislation. To address the ensuing gaps on Kenyan legislation, the RAP gives relevant recommendations for adoption in the report. Further, in all cases, where there is a difference between Kenyan law and OP.4.12, the latter prevails.

Table 53 : Comparative Analysis of Government of Kenya Laws and World Bank OP. 4.12 Policy Regulations with regard to the Resettlement Process

OP 4.12	Kenyan legal requirements	Comparison	Gap filling Measures
General RAP requirements			
Objectives: <ol style="list-style-type: none"> 1. Involuntary resettlement should be avoided at as much as possible / minimized or alternatives sought 2. RAP should involve meaningful consultation with affected stakeholders 3. Efforts should be put in place to assist displaced in improving their livelihoods or restore them to prevailing situations 	<ol style="list-style-type: none"> 1. Involuntary resettlement may be effected in the case of implementing projects in public interest 2. Guidelines for procedures to be followed for informing affected persons on project implications and grievance redress are vested in the Land act, 2012. 3. The right to fair & just compensation occasioned by relocation is provided for under the Land Act, 2012 	<ol style="list-style-type: none"> 1. The Land act 2012 does not stipulate avoidance or minimizing resettlement whenever possible. It states advocates for outright displacement if the project for public interest 2. Similar to world Bank 3. NLC is given the leeway to make a determination on compensation. Thus, just and fair compensation is not explicitly provided for. 	<p>The RAP will ensure resettlement issues are incorporated at the project design stage to minimize resettlement</p> <p>Application of OP 4.12 to enhance livelihood improvement of PAPs to pre – displacement status or even better.</p>
RAP PROCESS REQUIREMENTS			
<u>Consultation & participation</u> <p>Provision is made for the affected and displaced persons and communities to be consulted & involved during project preparation and implementation</p>	Procedures for consultation with PAPs and stakeholders preserve of NLC as outlined in Land Act, 2012	Same as WB	Adoption of both WB and Kenyan legislation in setting up consultation procedures involving men, women, youth and vulnerable groups.
<u>Grievance Redress</u> <ul style="list-style-type: none"> - Appropriate and accessible GRM provided for in OP 4.12 	Steps and process for grievance redress outlined in the Land Act 2012 and includes alternative dispute resolution and renegotiation with NLC and backed by judicial system via Environment and land Court.	Kenyan legislation meets WB OP 4.12 requirements	OP 4.12 applied here
<u>Eligibility Criteria</u>			
Definition of Eligibility			

<ul style="list-style-type: none"> - Those with formal legal rights to land including customary and traditional rights recognized under the laws of the country. - Those without legal formal rights to land at time of census but have a claim to such land or assets provided the claims are recognized through a process identified in the RAP. - Those who have no recognizable legal right or claim to land they occupy. <p>Determination of eligibility Carry out RAP Census Cut off date – Day census commences</p>	<p>The land Act provides for recognition of written and unwritten customary land rights</p> <p>Law says those with land tenure rights are eligible</p> <p>Land Act 2012 provides for census through NLC inspection & valuation process.</p>	<p>Kenyan law defines eligibility as both formal & informal (customary). However, it does not explicitly recognize all users of the land to be compensated</p> <p>On other hand, the Kenyan constitution recognizes occupants of the land without titles and obligates the state to pay in good faith</p> <p>Same for both regulations</p>	<p>Cut - off date procedures done according to OP 4.12</p>
<p>Compensation Measures</p> <ul style="list-style-type: none"> - Preference should be given to land-based resettlement and land based livelihood restoration for the PAPs whose livelihoods are land based - Give land compensation only in cases where land taken is a small fraction of the affected assets - Provide effective and prompt compensation - Compensation and other assistance should be determined prior to displacement 	<p>Legislation provided for land for land compensation but land Act 2012 does not stipulate preference for land for land.</p> <p>Land Act mentions of prompt, just compensation but so far, no definite interpretation for the clause has been made.</p> <p>Attorney’s fees cost of obtaining legal advice or that incurred in making written claim not in land Act 2012.</p> <p>Act does not stipulate assistance for relocation. The act provides for 15% disturbance</p>	<p>Cash compensation seems to be preferred mode of compensation by government</p> <p>OP. 4.12 stipulates that displacement does not occur before compensation</p>	<p>The RAP provides for effective, prompt compensation at full replacement cost.</p> <p>All resettlement has been based on agreements with PAPs</p> <p>Development assistance recommended in this RAP</p>
<p><u>Valuation</u> With regard to land and structures, replacement cost is defined as:</p> <p>For agricultural land: The pre- project or pre displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes.</p>	<p>Valuation is provided for in the Valuer’s Act</p>	<p>Interpretation of just compensation is vague in Kenyan legislation context</p>	<p>The RAP has applied the WB OP 4.12 on valuation and other compensation measures.</p>

<p>For houses & other structures: The market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structures. , plus the cost of transporting building materials to the construction site , plus the cost of any labour and contractor's fees , plus the cost of any registration and transfer taxes.</p>			
<p><u>Monitoring</u></p> <p>Adequate monitoring and evaluation of the activities to be undertaken in the RAP implementation process.</p>	Under the Land Act, monitoring can be done under county boards	Both the OP 4.12 and Kenyan legislation calls for M&E	The RAP has applied both the OP 4.12 & Kenyan legislation
<p><u>Categories of PAPs</u></p> <p>Land users – Entitled to compensation for crops and investment s made on the land, livelihoods must be restored to at least pre project level</p> <p>Land Owners – Compensation based on replacement cost</p> <p>Owners of temporary buildings Entitled to in kind compensation or cash compensation at full replacement cost including labour and relocation expenses prior to displacement.</p> <p>Owners of permanent buildings: Entitled to in kind compensation or cash compensation at full replacement cost including labour and relocation expenses prior to displacement</p> <p>Formal / Informal traders /Businesses/ Mobile traders: Compensation and livelihood restoration to pre displacement level.</p>	<p>Land act not clear on land users although in some cases they can receive some form of compensation depending on the determination by NLC.</p> <p>Compensation based on current market value of land</p> <p>The constitution of Kenya 2010 respects the right to private property and incase of compulsory acquisition just compensation must be granted to the owner for the loss of temporary building occupancy in good faith.</p> <p>The constitution of Kenya 2010 respects the right to private property and incase of compulsory acquisition just compensation must be granted to the owner for the permanent building</p> <p>Not specific on livelihood. The constitution says some payment may be advanced in good faith.</p>	-	<p>OP.4.12 will apply</p> <p>Full replacement cost approach adopted</p> <p>The RAP has applied in kind compensation and cash compensation including labour and relocation prior to displacement</p> <p>RAP has adopted compensation at full replacement including labour & relocation expenses.</p> <p>Compensation and livelihood restoration to pre – displacement level.</p> <p>Also included period not actively in business.</p>

In the case of differences between Kenyan laws and World Bank operational policies OP 4.12, the latter will prevail.

CHAPTER SIX

6 PARTICIPATION AND CONSULTATION

6.1 Introduction

130. The major reason for public participation and consultation is to accord the Stakeholders and PAPs to influence and provide control over initiatives affecting them directly and indirectly. It is a regulatory process by which the public's input on matters affecting them is sought and its main goals are in improving the efficiency, transparency and public involvement in large-scale projects. The participation of persons directly affected by projects is a prerequisite of the Kenyan Government and World Bank Policy, which Establishment of a systematic approach to stakeholder engagement that will help Borrowers identifies stakeholders and builds and maintain a constructive relationship with them, in particular, project-affected communities. Additionally, PAP involvement increases the probability of successful resettlement and ensure the documented views of the PAPs are integrated into the resettlement measures and strategies.

131. The RAP review shows that consultation with stakeholders has been continually undertaken and commenced during the preparation of the Environmental and Social Impact Assessment (ESIA) and RAP preparation in the periods ranging from 26th February to 1st March 2018 and unspecified dates in the month of March 2019 when the design consultant commenced work. The following tables provide a summary of the public consultation sessions carried out by the design consultant:

Table 54 :Stakeholder Engagement Undertaken by Design Consultant

Settlement	Type of meeting	Purpose of Meeting	No. of Attendees		
			Male	Female	Total
Wagberi	Public meeting	Consult with the Community members on RAP process	N/S (Not Stated)	N/S	60
Lafaley	Public meeting	Consult with the Community members on RAP process	N/S	N/S	83
Tarbaj	Public meeting	Consult with the Community members on RAP process	N/S	N/S	35
Hungai	Public meeting	Consult with the Community members on RAP process	N/S	N/S	24
Wargadud	Public meeting	Consult with the Community members on RAP process	N/S	N/S	38
Kotulo-Wajir	Public meeting	Consult with the Community members on RAP process	N/S	N/S	32
Elwak	Security Meeting	To debrief security departments in Elwak on the project, its scope and to arrange for security for the study team along the 6 settlements.	14	1	15

Settlement	Type of meeting	Purpose of Meeting	No. of Attendees		
			Male	Female	Total
	Public Participation Meeting	To sensitize the host community on the project, its merits, the processes to be followed and to gain their trust & social license to operate.	76	31	107
	Grievance Address Meeting	The proposed bypass if designed immediately adjacent to the town was going to leave a lot of people, mostly vulnerable low-income earners displaced. This meeting was to request the study team to redirect the bypass to slightly further away from the town where it is entirely undeveloped land	44	20	64
	Focus Group Discussion (Youth)	To understand their concerns as the youth and their sentiments on the proposed road project and how it will affect them and their recommendations.	N/S	N/S	N/S
	Council of Elders	To clarify to them about compensation and to allay their fears on the same.	N/S	N/S	N/S
Borehole 11	Introduction / Public Participation meeting	To sensitize the host community on the project, its merits, the processes to be followed and to gain their trust & social license to operate	50	0	50
	Grievance Address Meeting	They wanted the alignment to be realigned to avoid encroaching on the mosque, health centre and school fences.	50	0	50
	Focus Group Discussion (Women)	To gain insight about their own perception of this road project and its impact on them.	0	14	14
Daba-city & Garsesala	Introductory meeting	To sensitize the host community on the project, its merits, the processes to be followed and to gain their trust & social license to operate	40	0	40
<i>Settlements located on opposite sides of the proposed RoW.</i>	2 nd Public Participation meeting	To further clarify to them about the need for the enumeration process, its modalities and what was required of them during the process.	40	0	40
Dimu	Public Participation meeting	To sensitize the host community on the project, its merits, the processes to be followed and to gain their trust & social license to operate	20	20	40

Settlement	Type of meeting	Purpose of Meeting	No. of Attendees		
			Male	Female	Total
Kutulo	Introductory meeting /Public participation meeting	To sensitize the host community on the project, its merits, the processes to be followed and to gain their trust & social license to operate	50	1	51
	Group Discussion (Men)	As the head of the households in Kutulo since this is a Muslim oriented community where most households have a husband and his wife/ves it was important we discuss with them about the project to gain insight especially on the grave sites in the community.	40	1	41
	Grievance Address meeting	To agree on the modalities of a verification process to verify and ensure everyone along the right of way that was/is a PAP is enumerated and that the correct details were taken down	13	1	14

132. The detailed outcome of the consultations has been provided in the Annex C of the updated draft RAP report. Owing to the need to provide pertinent information regarding the reclassification of the project road from category B upon which the previous RAP study was based to the present Category A status, further extensive community stakeholder consultations were held in the Project area. The consultations were critical in creating awareness of the project sub - components and the likely significant adverse social impacts of the implementation activities on the community.

133. The objectives of further Community and Stakeholder consultations were to:

- Present and determine acquaintance by members of the community on project implementation activities and potential adverse impacts on community members and project area.
- To present accurate information and facts regarding the project.
- Engage with the interested and affected members of the community about project benefits, anticipated problems and challenges and how these can be solved.
- Identify the expectations of the community and fears regarding resettlement and compensation.
- Obtain knowledge on the Socially and culturally acceptable resettlement and mitigation measures.
- Accord further opportunity to all PAPs to raise emerging concerns pertaining to the road construction project.
- Carry out further identification of vulnerable social groups and individuals requiring recognition and special support.
- Identify community facilities and common assets likely to be affected.
- To establish and enhance broad support for the road project by the community members and other stakeholders.

6.2 Stakeholder Engagement in the Resettlement Planning Process

134. The RAP Review team conducted intensive public consultation in the project area with a view to ensuring that all outstanding and emerging concerns regarding the road project and resettlement issues were brought up and openly discussed.

6.2.1 Stakeholder Engagement Plan/ Participation Strategy

135. The strategy adopted for public stakeholder consultation entailed the following key features:

a) Entry into the Resettlement Study Sites.

RAP team obtained letter of introduction of consultants from KeNHA and proceeded to the two (2) Counties affected by the road project. The County Commissioners for Wajir and Mandera in conjunction with the relevant Deputy County Commissioners convened meetings at their respective offices to put in place strategies for consultants to access settlement sites. This was followed by subsequent meetings at Wajir central, Tarbaj, Kotullo (Wajir), Kotullo (Mandera) and Mandera South Sub – counties in which consultative and planning meetings with all Chiefs and Assistant Chiefs were held paving way for actual RAP field activities in the thirteen (13) settlement situated along the road alignment. During the meetings, the local Administrators and consultants’ team designed a programme to guide the RAP Study activities in the various settlements. The same procedure was followed in accessing the County Government officials.

At the settlements, initial meetings were conducted by the chiefs to introduce the consultants’ team and explain the purpose of the RAP activities to the elders and other community leaders. The consultants’ team member responsible for mobilization worked hand in hand with the local settlement leadership to mobilize community members.

b) Stakeholder Identification and Analysis

Prior to commencement of the RAP Study, the RAP review team conducted a stakeholder Identification. The identification of stakeholders was done by using a stakeholder identification criterion based on the categorization of stakeholders into two categories:

- Primary stakeholders (Those that will be affected directly by the Road Project and mainly reside within the settlements and towns along the road alignment)
- Secondary Stakeholders (Those that are in charge of institutions and government offices tasked with provision of welfare services to local project area residents and involved in decision making and administrative responsibilities)

Primary Stakeholders:

All local community members residing in the settlements

Land owners and herders
Structure owners
Business owners / Operators
Religious leaders / Institutions
Learning Institutions

Secondary Stakeholders

National Government Administration officers
County Government administration officers in charge of diverse portfolios such as Land, Roads & Transport, Trade, Agriculture, Forests etc.
Land committee officials / Officers.

c) Medium and Channels of Engagement

For the community members, Public meetings, FGDS and KII were arranged and held at the respective settlement venues for conducting public meetings either in a Dash or under a tree. The translation was done so that the PAPs could receive the information in local language (Somali). For institutional level stakeholders, meetings were held in English language in the respective offices. Applicable tools and Learning / Visual aids such as project Maps were displayed during the meetings and consultation sessions.

d) Schedule of Stakeholder Engagement Activities

The scheduling of all the stakeholder engagement activities at all settlement sites was planned in a participatory manner. First the RAP study team convened planning meetings at the Sub County Headquarters. Under the chairmanship of the Deputy County Commissioners' and assisted by the Assistant County Commissioners (ACC), dates for the activities at the settlement were fixed as guided by the area chief. The chief was then tasked with the responsibility of consulting the viability of the agreed dates and confirm on deliberating with the elders and members of the community.

6.2.2 Stakeholders and Community Members Consulted

136. The RAP Review team undertook comprehensive discussions with the relevant Government and public agencies to obtain pertinent information necessary for efficient planning and effective execution of the RAP review. The meetings were held with National and County Government Administration officials.

137. A total of 13 Public meetings were held at the settlement sites, followed by FGD sessions with the elders, women and youth separately in each of the settlement towns. The stakeholder engagement activities were held as shown below:

(i) Institutional Stakeholders & KII

Table 55 : Institutions Consulted During the RAP

Date	Stakeholder Consulted	Venue
27.12.18	County Commissioner, Wajir	C.C Office, Wajir Town
27.12.18	CEC – Road – Wajir County	Wajir County Hqs

27.12.18	Deputy County Commissioner Tarbaj	Wajir Town
28.12.18	Deputy County Commissioner, Wajir East	D.C.C Office
28.12.18	Director- Social Development and Gender – Wajir county	Mandera County Office
30.12.18	National Museums of Kenya	NMK – Wajir Town
	Chief – Wagberi Location	Chief s office – Wajir Town
30.12.18	OCS – Tarbaj police station	OCS Office – Tarbaj Town
2.2.19	Chairman- Wajir County Land Tribunal	Wajir Town
3.2.19	Coordinator – NLC Wajir county	Wajir Town
2.2.19	County Land Surveyor - Wajir	County offices - Wajir
1.2.19	CEC – Lands – Wajir County Government	County Headquarters, Wajir Town
3-2-19	Chief – Halane Location	Chief’s office – Wajir Town
12.04.19	ACC- Mandera South - Sub County	DCC Office – Elwak Town
12.04.19	OCPD – Mandera South	Elwak Police station
14.04.19	Sub – County Social Dev. Office	
14.04.19	DCC – Kotulo (Mandera) Sub County	DCC Office – Kotulo Town
14.04.19	OCPD – Kotulo Sub County	OCPD Office – Kotulo Town

(ii) Public Meetings

Table 56 : Table 46: Public Meetings During the RAP

Date	Venue	No. of Participants	
		Men	Women
01.02.19	Wagberi	16	07
01.02.19	Halane	12	10
29.12.18	Lafaley	08	10
28.12.18	Tarbaj	67	24
1.01.19	Hungai	18	12
2.01.19	Wargadud	22	12
03.02.19	Kotulo (Wajir)	14	09
14.04.19	Kotulo (Mandera)	32	16
13.04.19	Dimu	08	06
14.04.19	Dabacity	12	08
14.04.19	Garse Sala	14	10
14.04.19	Borehole 11	23	12
12.04.19	Elwak	48	21
Total		294	157

(iii) Focus Group Discussion Sessions

Table 57 :Focus Group Discussion Sessions During the RAP

Date	Venue	No. of Participants	
		Men	Women
01.02.19	Wagberi	10	08

01.02.19	Halane	10	12
29.12.18	Lafaley	14	09
3.02.19	Tarbaj	14	10
1.02.19	Hungai	12	12
2.02.19	Wargadud	10	08
14.04.19	Kotulo (Mandera)	10	10
14.04.19	Dabacity	08	08
14.04.19	Garse Sala	10	12
14.04.19	Borehole 11	14	10
12.04.19	Elwak	18	16
Total		130	115

The photographs of all the consultation sessions are shown in Annex F in the appendix.

6.2.3 Community and Stakeholder Concerns and Views

138. This subsection provides the summary of views expressed by the Community Members and other stakeholders during the consultation sessions in the project area. The key issues are first generally outlined together with the responses provided by the Consultants where applicable. This is followed by a summary of issues raised according to settlement and how the RAP has addressed the issues raised.

6.3 Key Issues Raised and the Responses during the RAP Process.

139. Various issues were raised by the PAPs and other members of the community during the consultation meetings. They included:

Table 58 : Summary of Issues and Response Matrix during the RAP

Issue	Response
When will the Road project commence?	The commencement date for the Wajir – Elwak section is not yet known. However, once this is determined, the information will be communicated to the communities and all stakeholders in a timely manner.
All people are poor and depend on the meager businesses when the demolitions will be done people will be condemned to more poverty. How will this be avoided to help the people affected?	The process of preparation of the project is done according to the laid down procedures according to the Kenyan law and World Bank applicable policies on resettlement. The regulations work in the interest of the communities that are recipients of the project financed by the bank. The rules will, therefore, safeguard the PAPs from experiencing any undue suffering and that is why demolitions and requiring the people to give way for the project will be done only after compensation settlements have been made.
What plans are there to pay people for the loss of land and houses?	The RAP process is meant to facilitate the careful assessment of losses and other impacts and mitigate these accordingly. However, as explained in the consultations, the compensation will be for the loss of structures, livelihoods and community facilities.

How will KeNHA determine what amount of money is to be paid for the houses to be demolished?	The consultant valuer has explained the method for determining the value to be paid for each property or set of properties lost. These will serve as the guidelines for compensation. The valuations will be assessed by NLC at full replacement rates that caters for a disturbance allowance and livelihood restoration.
How will the local people be assured of the participation in the road construction and not give all jobs to people from other parts of the country?	The regulations have clearly stipulated that local people will be given preference in all skills and commodities available for use in the construction of the road project. Those from outside will be considered for opportunities where such skills are not available locally.
There are people who are helped by their relatives to live in their houses because they cannot afford shelter to live and do business. Will they be considered?	This category of PAPs qualify for considerations and will be listed down as part of PAPs.
Some people have used their money to buy land which is now expensive and the bypass is taking the land. How will they be considered for this loss?	The compensation for loss does not put into consideration land as the land in this locality has not been adjudicated so as to be categorized as private land. However, due to many instances of this nature, the concern has been documented and will be presented. NLC will make a determination at implementation.
There are some people who were in the bush and were not counted in the census, how will they be considered?	Those PAPs who were not captured in the previous session will be included so long as the property in question meets the requirements set out in the cut – off date. The previous RAP census captured the property and corresponding values and their identity and other relevant particulars will be included in the RAP Report.
Will the affected people be given enough time to move out of the Road wayleave?	The PAPs will be provided with enough time to salvage their property and relocate away from the ROW. They will be given one -three months’ notice to vacate.
Will the people who have rented shops from owners to do business be compensated.	Traders are considered as tenants and if the requirement to relocate will affect their businesses, they will be compensated for loss of livelihoods on the basis of the applicable World Bank safeguard policy OP 4.12.

6.3.1 Summary of Issues and Concerns Raised in the Social Assessment related to Resettlement with the Vulnerable and Marginalised Groups Under OP 4.10

140. During the Social Assessment, through the Free Prior and Informed Consultations that led to Broad Community Support of the Project. The VMGs raised a lot of concerns relating to land acquisition and resettlement as highlighted in the table below:

Table 59 : Issues raised in Consultations and Responses in the Social Assessment

Issue	Response
What will happen if someone's property is along the road?	<p>All property that will be affected will be captured in the Resettlement Action Plan (RAP).</p> <p>The National Land Commission (NLC) will verify and validate the affected persons and the affected assets for compensation.</p> <p>Payment will then be made after valuation and based on replacement cost.</p>
<p>Who will be compensated?</p> <p>What process will be used to identify PAPs who will be compensated?</p>	<p>The RAP will identify all the physically and economically displaced persons who will be entitled for compensation based on PAP category at replacement cost. At implementation, the NLC will verify and validate the PAPs and the assets for compensation.</p>
What is the correct size of road and will compensation be done on affected persons whose land would be encroached by the expansion of the road.	The road size is 60 metres wide and any encroachment outside the 60metres into private land will be fully, fairly and justly compensated.
<p>Community Benefits</p> <p>How will local communities' benefits from the project?</p> <p>Will the local community be given an opportunity to supply materials to the road project?</p>	<p>The government will ensure that locals benefit from employment opportunity provided by the project particularly unskilled labour will be sourced locally.</p> <p>KeNHA will work with the contractor in designing a supply chain framework where locals will be as part of local content given opportunities to supply materials</p>
<p>Timing of Compensation</p> <p>When will compensation be made?</p>	Compensation will be done before the project commences.
<p>Design and Safety</p> <p>The economy of the population is largely dependent on small-scale businesses including boda bodas (passenger motor cycles) and there is need to incorporate them on the design to reduce the number of accidents.</p>	More space will be created on the pavements and the road in town widened to facilitate boda boda motorcyclists. The design has factored this plus pedestrian use where necessary.
<p>Cultural Concerns</p> <p>In Tarbaj, the new area picked for the road has a cemetery. Our religion does not allow us to exhume bodies.</p>	This is noted and will be communicated to the engineers with the need for re-alignment emphasised.
<p>Compensation Process and Mode</p> <p>What will be the mode of payment free of corruption?</p>	KENHA will make payments through National Land Commission (NLC). Payments will be made to Project Affected Persons' (PAPs) bank accounts. This is expected to limit cases of corruption.
Entitlement for PAPs	Yes. Disturbance allowance of 15% of total valuation of

Issue	Response
Will Government factor in a disturbance allowance due to inconveniences caused by resettlement?	assets will be factored in the compensation package to settle inconveniences caused by resettlement process.
Legal Framework What is the legality of compulsory land acquisition?	The Constitution of Kenya 2010 and Lands Act 2012 vested powers of Compulsory Acquisition on the government, NLC in particular, to compulsorily acquire land for development with just and fair compensation at market rates.

Table 60 : Summary of Outcome of the PAP Consultation of the Social Assessment

Anxiety, Fears, Concerns and Uncertainties	
Issues	Response
What will happen to those people whose land will be taken?	They will be compensated for their loss of land.
We do not know much we are going to receive in compensation payment for loss of assets	All PAPs will be compensated based on the results of the valuation which will be undertaken using replacement cost through NLC.
What will happen if the cash compensation turns out to be inadequate to replace lost assets – let alone restoring lost income and livelihoods,	A grievance redress mechanism will be established with PAPs represented to handle grievances arising from compensation.
We do not know the dates when compensation payments commence?	All PAPs will be informed in advance at least 3 months.
How will we know that our affected land and property is measured accurately and recorded or registered appropriately? Some affected property is not registered by oversight. What are the chances for correcting mistakes in registration of affected property?	Valuation exercise will be conducted in a transparent manner with all PAPs present and explanation on the valuation process provided for each PAP. Errors made will be resolved through the grievance committees.
Preferences and Demands	
Issues	Response
We want to be given first priority for the jobs that will be available during road construction.	The Project will offer jobs (especially unskilled) to the people for the project area.
We do not want to lose our kinship ties and social networks. If we receive timely and adequate compensation, we can relocate ourselves and reintegrate into existing communities.	This is noted
We need provision for transportation expenses during relocating our property.	This is noted. The RAPs prepared for the project has provided for allowances including transportation of VMGs and their assets.

We demand that all PAPs are embraced in the various food security programmes currently underway in the area.	This is noted
We demand that compensation payments are made as soon as possible.	Compensation will be made before project construction commences.
Please, commence the civil work as soon as possible.	Civil work will only commence when all PAPs have been compensated.
Those of us who use land given to us by our parents or inherited from them demand compensation payment for lost land, though the title of the land is in our parents' names.	This is noted and the project confirms that all those VMGs with customary or formal land ownership are entitled to land compensation in accordance with the Land Act and OP. 4.12.
We trust that all affected property are included and registered accurately.	The RAP will value all the assets in the project affected area.
The people who will come to work for the project should be sensitized on our culture and respect us.	Noted.
Expectations, Hopes, Aspiration and Needs	
Issues	Responses
Given very poor availability of social service facilities in our area, we ask the government (project) to provide support to the construction and or maintenance of such facilities as public health, veterinary clinics, schools, potable water supply and electricity.	The project has a social investment component aimed at providing services like water and roadside amenities including market centres, internet connections among others.
Benefits and Appreciation	
Issues	Responses
The road component will open up opportunities and improve access to markets and services. We are rather lucky that the road cuts across our neighbourhood.	Thank you
Questions and Clarifications	
Issues	Responses
What are the plans for family graves that will be affected?	Graves will be moved in accordance with the local customs and practices to new gravesites and compensation will be provided for as per the RAP prepared.
What about the indirect impact of the road component on farmers residing close to it? They will be affected adversely by dust, noise and rolling stones during civil works.	The project has prepared Environmental and Social Impact Assessment report for the proposed road upgrade and construction related impacts including dust, noise among others have been addressed in these reports.

Who are the people nominated to do the property valuation?	Valuation is done by independent consultants and later by National Land Commission.
What are the procedures put in place to effect compensation payments?	Compensation will be done through cheques to the account of the PAPs. All PAPs will be requested to open a bank account.

Table 81: Town / Settlement Specific Issues and how RAP has Addressed the concerns

Date	Venue	Issues Raised	How issues responded to / addressed by RAP Review
3.2.19	Office of the Chief – Wagberi Location	<ol style="list-style-type: none"> 1. There were plots with marks X on them and they have not been affected by the current RAP study. 2. There are many trees to be destroyed and this area is semi – arid and this will affect the lives of the people. 3. Most people sold their livestock to invest in land and it is not being compensated 4. During the construction of the 4 KM Tarmac, the noise affected children at night. 	<ol style="list-style-type: none"> 1. The Marks were effected during the design and preparation for the current tarmac road by the County government of Wajir. The road as presently situated is outside KeNHA right of Way. Therefore, those properties that were marked X will not be affected in the current RAP study. However, since the road alignment is way beyond 60M required for the road, the RAP has recommended a redesign at KM 1+600 to 2+500 to minimize resettlement impacts. 2. The project preparation has included an ESIA study to determine the extent of environmental & social impacts and provide appropriate mitigation measures. The RAP study has also taken consideration of the necessary safeguard measures to minimize impacts on culturally sensitive areas and community facilities. There have not been any such sites that have been impacted directly along the Road project. In case of trees, valuation will be done and appropriate compensation made. The RAP has also recommended that CSR activities be carried out including planting of trees in markets and other public institutions 3. The RAP Study has considered the complaint and provided an appropriate recommendation which requires further consultation with the County Government on this matter. 4. The EIA has recommended restriction on working hours during construction period.

29.12.18	Lafaley Market	<ol style="list-style-type: none"> 1. There are divorced women in the settlement. How will they be assisted during the resettlement 2. There is a community borehole affected. 3. The Location does not have an office for the Chief, will there be assistance. 	<ol style="list-style-type: none"> 1. The RAP has captured and documented all vulnerable individual in the census and socio – economic study. The RAP has recommended special considerations for this category of PAPs. 2. The RAP study has consulted with the borehole committee chairman and taken up its wishes for compensation. 3. The RAP has documented the suggestion for assistance to put up a chief's office during the project implementation and this will be given preference in CSR activities.
28.12.18	Tarbaj D. C's Compound	<ol style="list-style-type: none"> 1. The Road project should be concentrated on the by- pass and leave alone the town as it is. 2. The fence at the Administration Police Headquarters has been affected. The fence is newly constructed and was donated to the institution. 3. The Tarbaj Mosque (structure) is not affected but the “Mabati” structures fronting the institution will be demolished. These are a source of income to the mosque and finance its activities. 4. There are many surveys done and people have high expectations on Road. 	<ol style="list-style-type: none"> 1. The RAP has informed the road design as per the wishes of the community. The spur has been limited to only 40 M ROW, hence minimizing resettlement. The by – pass has been designed to route the road out of Tarbaj town. 2. The RAP has considered the special request and Consultant has documented the wishes of the institution on assistance with a perimeter wall and a metal gate during the construction phase of the project. 3. The RAP has documented the affected structures and assigned monetary values for compensation. It is recommended that during the construction phase, the institution will work with the contractor will consider the rehabilitation of the front fence and put up a fence to safeguard the Mosque. 4. The RAP team has held four consultative meetings at Tarbaj Town and elaborated on all issues raised with regard to the road project.

		<p>5. There are several shallow wells which have been useful to the community during drought and famine and are affected.</p> <p>6. There was no consideration for livelihoods especially on traders who have rented structures or trading on the roadside.</p>	<p>5. The RAP valuation has documented the resources and assigned a value for compensation. In addition, the project will consider replacement of community assets in kind with bigger and better facilities.</p> <p>6. The RAP has included loss of businesses and considered those working on verandahs subject to provisions of the cut – off date.</p>
2.1.19	Wargadud Market	<p>1. The demolitions should be done after compensation to the owners of the affected shops.</p> <p>2. There are several families with children with mental retardation</p>	<p>1. The RAP principles provide for compensation and notice to the PAPs prior to project implementation.</p> <p>2. The RAP has documented these among PLDs as vulnerable individuals and families.</p>
2.2.19	Hungai	<p>1. The community will not allow anything that goes against their religious beliefs (Islam)</p> <p>2. The previous RAP study excluded live fences from valuation.</p>	<p>1. The RAP observes World Bank Environmental & Social framework standards (EHS 8) obligation to recognize and observe both tangible and intangible cultural heritage and protect various aspects such as religion from adverse impacts of project activities and support its preservation. The RAP has documented the views of the community on religious obligation and the need for “others” involved in the project preparation and implementation to tolerate the community’s expectation on religious practices.</p> <p>2. The RAP review has taken into consideration the fences and even partial loss of perimeter walls.</p>
3.2.2019	Kotulo (Wajir)	<p>1. There were farms that were not captured during the census and survey.</p>	<p>1. The RAP Review has verified and in this case the land claimed to be farm is not utilized for agricultural production but open rangeland.</p>

		<ol style="list-style-type: none"> 2. There are property owners who reside in Wajir town and were excluded in the previous RAP census. 	<ol style="list-style-type: none"> 2. The RAP consultant in close collaboration with the chief have identified the genuine property owners and are updated the valuation roll. The letter indicating the correct names of the PAPs in included in Annex D
14.4.19	Kotulo (Mandera)	<ol style="list-style-type: none"> 1. There are several PAPs that were left out in the enumeration. 2. The Town administrator raised the concern that County Government has not been involved. 3. The people were not engaged adequately in the RAP process as the consultant operated mainly from Elwak town. 	<ol style="list-style-type: none"> 1. The RAP Review has verified and included the deserving PAPs. 2. The RAP review consultant has consulted both the central government and county government offices relevant to the resettlement issues. The participation of the Town administrator in the consultation meeting at Kotulo market is part of the process. 3. Further engagement has been carried with the administrators, community members and PAPs and all issues have been clarified to the satisfaction of the community and local leadership.
14.4.19	Dimu	<ol style="list-style-type: none"> 1. The work was hurriedly done in October 2018 and no one gave the opportunity to the people to make inquiries. 	<ol style="list-style-type: none"> 1. The RAP Review team has carried out further meetings with the community and responded to concerns. However, as not many people are affected, the PAPs are satisfied with the actual valuation and other RAP procedures.
15.4.19	Dabacity & Garse Sala	<ol style="list-style-type: none"> 2. There are Two PAPs left out of enumeration and yet they were supposed to be enumerated. 	<ol style="list-style-type: none"> 2. The RAP Update has verified and the concerned households are outside the 60 M ROW.

13.4.19	Borehole 11	<ol style="list-style-type: none"> 1. The destruction of the Kiosks will lead to destitution as these are the sources for the education of the community's children. 	<ol style="list-style-type: none"> 1. The RAP has recommended compensation and provision of adequate notice to PAPs prior to road project commencement. 2. There is also the recommendation of the establishment of a designated market in the town to accommodate a large number of PAPs who will lose kiosks currently used for trading.
12.4.19	Elwak town (Bulla afya, Elwak South & Town)	<ol style="list-style-type: none"> 1. There are two mass graveyards at the end of the road section at Bulla afya. 2. The senior chief raised the concern that there is a community settled in Elwak south in the place called "Wajir". The members of this community is made up of people settled here by the County Government of Mandera following their displacement arising from conflict at the Wajir/ Mandera border. 3. The community members requested that three different committees be formed for the separate locations i.e. Bulla Afya, Elwak South and Elwak Town. 	<ol style="list-style-type: none"> 1. The RAP review consultants have done careful verification and the graveyards are out of the 60M ROW, however, a "chance find" procedure has been recommended to be adopted during the project construction phase. 2. The RAP Review has documented the community as a vulnerable group and recommended entitlements and special considerations to the group during resettlement. 3. The RAP Review has consulted with the community members and their local leaders and guided on the composition criteria for use to form GRC's as per their aspirations. Three separate GRMC have been formed for Elwak Town.

6.4 Consultation With Other Stakeholders

141. This category of stakeholders consists of both Public and Private / Non – Governmental institutions that were consulted in the project area due to their relevance in dealing with Social Development, Community improvement and rehabilitation and cultural heritage and its preservation in the Project area. The institutions are major stakeholders in working towards strengthening the resilience of the most vulnerable populations in the project area and participates actively in the elimination of food insecurity, supporting regional peace, drought management and conflict reduction. The table below summarizes key issues raised and RAP recommendations for adoption during project preparation and implementation.

Table 82 :Public and Private Governmental and NGOs Consulted

County	Institution	Issues Raised	Measures included in RAP
Wajir	NMK	<ul style="list-style-type: none"> - The project area has numerous cultural and historical resources - There are exhibitions in the museum which display the cultural traditions of the project area. - The road project will open up the northern Kenya for tourism activities. - The Curator is the custodian of the region's cultural resources such as Yahud dam, Waggalla massacre site and the Orahey wells. 	<ul style="list-style-type: none"> - Collaboration with NMK in all initiatives in the treatment of cultural property during RAP and project implementation in the project Area.

Wajir	WASDA	<ul style="list-style-type: none"> - Sexual gender-based violence is a challenge in the project area, and all development partners should have a strong focus on the problem - There is need to come up with community dialogue sessions on natural resources management in the project area. - Risk assessment activities should be conducted on benefits of the projects. 	<ul style="list-style-type: none"> - The RAP has highlighted the issues of GBV, extensive involvement and enhancing the participation of all PAPs and community members in the resettlement process. An independent GBV expert to be recruited for the assignment. - Risk assessment is a part and parcel of the project monitoring and evaluation and this component should be emphasized during project implementation.
Mandera	Mercy Corps	<ul style="list-style-type: none"> - Peace is critical for community development initiatives. - Restoration of community livelihoods should target marketing systems for pastoralists. - There is need to enable communities to practice diversification. - Protect young people by prioritizing them for youth employment. - Women are the most vulnerable members of the community in the project area. 	<ul style="list-style-type: none"> - The RAP has identified and documented the vulnerable components of the population in the project area. - Livelihood restoration has been incorporated into the entitlement matrix in the RAP. It is recommended that the restoration of livelihoods be in consonance with local economic and cultural conditions and mutually agreed with the PAPs.
Wajir/ Mandera	ALDEF	<ul style="list-style-type: none"> - The community CSR by the proponent should consider livelihood restoration, humanitarian aid such as water trucking and shelter. - Educational institutions will benefit during road operation stage. - Women empowerment will be a major benefit accruing from the project. 	<ul style="list-style-type: none"> - Livelihood restoration is a major aspect of the resettlement planning. - The RAP has identified vulnerable PAPs during the study
Mandera	ACTED	<ul style="list-style-type: none"> - The road project will promote peace in the region 	<ul style="list-style-type: none"> - The RAP has outlined the positive and negative outcomes

		<ul style="list-style-type: none"> - Ensure provision of adequate economic stimulating facilities to enable the community to benefit. 	of the project and provided mitigation for dealing with negative outcomes.
Mandera	Habiba	<ul style="list-style-type: none"> - The project will enable the members of the community to practice other forms of income generation. - The road project should engineer the growth of local markets and not only serve as gateway to other countries. - Consideration special facilities for vulnerable groups in the project area. 	<ul style="list-style-type: none"> - The project will lead to positive benefits for the area. - The RAP has provided mitigation measures for tackling the negative outcomes of the project.

6.5 Consideration Of Stakeholders Views In RAP Preparation

142. Public participation by the stakeholders and members of the community has contributed to obtaining the views of the PAPs and Project area residents on their aspirations and wishes pertaining to project design, implementation, and operation. The participants have provided views on RAP preparation. All the above have been considered in the Resettlement process. The considerations include:

- Providing for bypass roads at Tarbaj and Elwak towns.
- Provision of alternative markets, equipped with stalls to accommodate as many traders to be displaced along the ROW.
- Compensation be considered in cash terms.
- Identification of vulnerable
- Identification of contentious issues and determination of resolution mechanisms.
- Communication in public forums using the local language. In case of the need for interpretation, an interpreter comes in handy for this purpose.
- Consultation with separate population groups (Men, Women and Youth) in conformity with cultural expectations of the community.

143. In addition, the Public stakeholder consultations have aided in the management of the public expectations regarding the magnitude of the impacts of displacement, resettlement assistance, the timing of resettlement activities and free flow of information between the project preparation team, stakeholders and PAPs.

6.6 Community Members' Alternative Resettlement Measures

144. The members of the community were provided with information on alternative resettlement measures available to them. These included:

- In-kind compensation for common properties.
- The majority of the PAPs were wary of the loss of income during the period of relocation of business enterprises. The consultant provided information concerning the compensation for livelihoods lost at this particular moment.

CHAPTER SEVEN

7. ELIGIBILITY CRITERIA

7.0 Introduction

145. This section describes the definition of displaced persons and the criteria for determining their eligibility for compensation and other resettlement assistance. The relevant cut – off dates applicable to the settlement sites are provided as well.

7.1 Principles Guiding Eligibility for Compensation

146. Section 40(4) of the Kenyan constitution provides for compensation to be paid to occupants in good faith for land and other property acquired for the implementation of public infrastructure. According to WB OP.4.12, Land and other property owners need to be identified and the extent of their rights clarified. It is also critical that they are aided to understand the value of their property. OP 4.12 (Para. 13) requires resettlement plans or policy frameworks to ensure that those who are displaced are informed of their options and their legal rights and that they are consulted regarding feasible alternatives to the proposed resettlement.
147. The compensation for the RAP will derive its guiding principles from the Kenyan legislation and the World Bank OP 4.12 Procedures on voluntary resettlement. The eligibility for compensation/ displacement for displacement elucidates who is entitled to receive compensation and vice versa, which losses of property/assets/income are compensated and what evidence is relied upon in order to support a claim for compensation.

7.2 Eligibility for Compensation

148. The eligibility for compensation is based on:
- Cut-off date
 - Ownership of property / Assets
 - Derivation of livelihood

7.2.1 Eligibility and Cut - off Date

149. In this RAP, an eligible or displaced PAP is the affected person irrespective of their status who occupied the land (on which the structure or property in reference is situated) or engaged in any livelihood/income-generating activities at the affected sites before the applicable entitlement cut-off date(s) for the respective settlements and towns. As per OP 4.12, it is the date the census begins, those in the area before the census begins are eligible for compensation and assistance, as relevant and those who arrive after the cut off date are not. This was explained to the community members and PAPs during the public stakeholder consultation meetings in local languages and PAP census as described in section 3.1 for Wajir – Kotulo (km 00+000- km 119 +000) and Section 3.1.3 for Kotulo – Elwak (km 119+000 to km 177 + 425) RAP Reports respectively. The cut- off dates were adequately brought to the attention of the PAPs also through local religious and traditional leaders. The cut-off dates were disclosed to the affected persons and communities during the RAP study review consultation meetings. It was explained that any individuals who

moved into the area after the established cut - off dates will not be eligible for compensation and other resettlement assistance.

150. The cut-off dates established for the settlement sites are as shown below. Note that the original cut-off dates for 2018 were maintained.

Table 83 : Cut Off Dates Established during RAP study by design Consultant

Settlement	Cut – off Date
Halane	04.03.2018
Wagberi	04.03.2018
Lafaley	22.03.2018
Tarbaj	25.02.2018
Hungai	26.02.2018
Wargadud	27.02.2018
Kotulo (Wajir)	28.02.2018
Kotulo Mandera	18.10.2018
Dimu	23.10.2018
Dabasit	18.10.2018
Garse - sala	18.10.2018
Borehole 11	18.10.2018
Elwak	19.10.2018

This RAP review has maintained the set cut off dates as shown above.

7.2.2 Eligibility for Compensation and Property Ownership

151. The following categories are eligible for compensation:

- i. People who own land (on which structures and other dwellings are situated) off the ROW on which the road project will traverse (in case of any unforeseen realignments).
- ii. People who possess residential or commercial structures which will be acquired/ affected as a result of the road project.
- iii. People whose structures/dwellings will be affected as a result of the road project implementation (squatters).
- iv. People who own trees and /or crops that will be affected as a result of the implementation of the road project.
- v. Community ownership of property, community ownership, and users rights

7.2.3 Eligibility for Compensation and Derivation of Livelihoods

152. The following categories are eligible for compensation:

- i. People who rent structures (Tenants) for operating Kiosks / Whose structures are rented out and will be affected during project implementation.
- ii. Mobile traders / informal roadside traders along the project road ROW whose activities will be affected by project activities during project implementation.

7.3 Ownership Categories and Categories of Losses

153. Based on the eligibility criteria elaborated above, the categories of losses and PAPs eligible for compensation are, therefore, those experiencing permanent or temporary losses resulting from:

- Ownership and/or tenancy of affected structures
- Ownership and/or tenancy of business premises.
- Ownership/ operation/ tenancy
- Formal/public institutions such as schools/church or mosques
- Crop/tree owners
- Stone or live fence/store/latrine singular or block, well/ borehole owner.
- Public/communal/service/Infrastructure

7.4 Exclusion from Eligibility

154. All the involuntary displacement is eligible for compensation with the exception of the following three main categories:
- i. Losses in the thirteen (13) project site settlements as described in section 3.2.1 of the report arising from structures or dwellings impacted by the road project implementation activities that have been erected after the cut-off date applicable to respective settlements
 - ii. Losses arising from structures or activities outside the ROW of 60M (40 M Tarbaj & Elwak Spur).
 - iii. Losses claimed by material misrepresentation of facts such as income amount, identity and so forth.

CHAPTER EIGHT

8.0 PROJECT IMPACTS AND ENTITLEMENT MATRIX

8.1 Introduction

155. This section describes the forms of compensation packages and other resettlement measures for eligible displaced PAPs. All communities with the project area are VMGs and the PAPs are thus VMGs. The provision for vulnerable populations and compatibility with cultural and individual preferences is highlighted. Additionally, the entitlement matrix is presented. The resettlement measures have been formulated in close consultation with institutional stakeholders and PAPs.

8.2 Forms of Compensation

156. The RAP strategy for resettlement has come up with forms of compensation packages based on the type of loss and form of vulnerability for the relevant categories of PAPs. The type of compensation has also been based on the preferences of the concerned category of PAPs or beneficiaries.

8.2.1 Cash Compensation to Individual Property and Asset Owners

157. This compensation package will entail adequate and prompt monetary payment to all PAPs losing property in the form of dwellings and other structures. It will also take the form of other resettlement assistance such as disturbance allowance to provide the opportunity for all PAPs to restore their livelihoods. This form of compensation has been informed by:
- a) The preference of all PAPs as it emerged during the public stakeholder consultations. Business activities are the major sources of livelihood in all the settlements and the PAPs prefer to be compensated through cash to bolster their informal enterprises. Furthermore, virtually all the PAPs are engaged in personal enterprises, rendering it most viable to pay in monetary terms. The majority of the PAPs do not belong to cooperative groups as well and much of their livelihoods are merchandise based.
 - b) The majority of the structures affected are traditional huts, made from locally available materials such as sticks and special reeds. Hence, it is not viable to consider the replacement of compensation in kind for this category of property loss.

8.3 Replacement in Kind

158. This compensation strategy will be viable for Community resources and facilities so as to restore the availability of the affected community assets and resources. It will also serve the vulnerable PAPs and relocation of public utilities located within the ROW. This option has been informed by the following:
- a) Firstly, it is impossible to attach a cost or monetary value to the local community assets such
 - b) as cemeteries and watering points.
 - c) The relocation of public utilities such as power and water lines will be replaced by the contractor in collaboration with the relevant service providers. Adequate notice will be provided to inform the affected communities and thus minimize inconveniences and disruption of services.

8.4 Impacts and resettlements

8.4.1 Institutions

159. The affected institutions are public facilities in education, health and security sectors. For the duly registered Government educational institutions, payment will be made to the school accounts, while the others will be agreed upon with individual institutions.

8.4.2 Relocation of Graves

160. Cultural traditions governing the relocation of graves will be adhered to. Compensation will thus include both the relocation (exhumation) and monetary requirements for fulfilling the cultural traditions as per community cultural and religious practices.

8.4.3 Religious Institutions

161. These institutions identify themselves as sites of religious significance. Thus, as much avoidance has been made to affect the mosques. The affected institutions will be considered for monetary compensation. In total there are four (4) mosques affected within the road project ROW.

8.4.4 Squatters

162. Squatters are eligible for compensation of structures and any other affected assets. They are also entitled to livelihood restoration and disturbance compensation.

8.4.5 Vulnerable Populations

163. Vulnerable people in the context of this RAP are those whom by virtue of their gender, ethnicity, age, physical or mental disability, economic disadvantage or social status may be more adversely affected by the resettlement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits. These individuals will, therefore, require additional support in order to cope with project induced changes in the locality.

8.4.5.1 Forms of Vulnerability

164. The RAP study identified six categories of vulnerable people. They include:
- a) Widows
 - b) OVCs
 - c) Single women
 - d) Physically challenged individuals
 - e) Elderly PAPs
 - f) Community aided individuals (Maslaha)

8.4.5.2 Entitlement to Vulnerable Individuals

165. The Vulnerable PAPs will be entitled to the following forms of assistance and special considerations:
- i. Aid in understanding and actual filing compensation claims
 - ii. Aid in Moving and actual facilitation and any required information
166. Additionally, depending on the form of vulnerability, the Vulnerable PAPs will be provided with additional assistance as outlined in the entitlement Matrix shown in the table below.

8.5 Entitlement Matrix

167. To mitigate the above mentioned, impacts, an entitlement matrix was established as follows:

Table 84 : 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 ¹	Private Landowner (individual or group) with legal document e.g. title. In case 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 a 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 needs for access provision in detailed road design. • Access to Grievance mechanism. • The right to request for orphan or residual land to be acquired if not economically viable. • Owner eligible to participate in livelihood restoration

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
	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). • Provide PAP with the 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. 	<p>programmes.</p> <ul style="list-style-type: none"> • 15% disturbance allowance. • Access to Grievance mechanism.
	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.	<ul style="list-style-type: none"> • Compensation at replacement cost for the assets.

Type of Loss/Affected Right	Defined PAP/Eligibility	Indicative Areas	Compensation Strategy	Other Forms of Assistance/Entitlements
	Squatters on public, private and communal Land.		No compensation for land	<ul style="list-style-type: none"> • Compensation of the structures at full replacement cost. • Compensation for loss of business. • 15% disturbance allowance. • Right to salvage. • 3 months' notice. • Access to Grievance mechanism.
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	<ul style="list-style-type: none"> • Access to Grievance mechanism.
Individual and Institutional Structures				

Type of Loss/Affected Right	Defined PAP/Eligibility	Indicative Areas	Compensation Strategy	Other Forms of Assistance/Entitlements
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.• The right to request for the residual land to be acquired if not economically viable.• The owner is eligible to participate in livelihood restoration programmes if they wish.• Access to Grievance mechanism.
	Business Tenants		3 months restitution based on assessed monthly incomes and a 3 months relocation notice	<ul style="list-style-type: none">• Access to Grievance mechanism.
	Residential Tenants		3 months relocation notice	<ul style="list-style-type: none">• Access to Grievance mechanism.
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.• No cash compensation	<ul style="list-style-type: none">• Community eligible to participate in livelihood restoration programmes.• Access to Grievance mechanism.
Cultural/Religious heritage sites/assets e.g. cemeteries, mosques,	Community/Public		<ul style="list-style-type: none">• The first option is re-alignment of road route to avoid the facilities where feasible.	<ul style="list-style-type: none">• 15% disturbance to realize religious and cultural rituals and for the incidental cost of

Type of Loss/Affected Right	Defined PAP/Eligibility	Indicative Areas	Compensation Strategy	Other Forms of Assistance/Entitlements
Graves			<ul style="list-style-type: none">• If no re-alignment:<ul style="list-style-type: none">○ Purchase of land or assistance in the 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 the rebuild of a bigger facility.	<ul style="list-style-type: none">relocation of permanent structures like mosques. The same does not apply for graves and cemeteries.• Access to Grievance mechanism.
	Individual/Family owners		<ul style="list-style-type: none">• Cash compensation at full repayment cost.	<ul style="list-style-type: none">• 15% disturbance to realize religious and cultural rituals.• Access to Grievance mechanism.
Business and Income				
Loss of business	The business building owner (if premises rented out)	Whole route	3 months rental income per tenant lost - Subject to the provision of documents and verification by NLC	<ul style="list-style-type: none">• Eligible to participate in livelihood restoration programmes such as markets

Type of Loss/Affected Right	Defined PAP/Eligibility	Indicative Areas	Compensation Strategy	Other Forms of Assistance/Entitlements
				proposed by KeNHA in some of the settlements.
	Owner of Business		3 months of transitional assistance based on monthly income	<ul style="list-style-type: none">• Access to Grievance mechanism.• 15% disturbance allowance.
	Squatters		Allocation of stalls within the existing County Government Markets	
Trees				
Loss of all types of trees	Individual/ group owner regardless of the legal status of owner	Whole route	Cash compensation at full replacement cost using rates approved by KFS	<ul style="list-style-type: none">• 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 the community uses the tree)		Cash compensation at replacement value to the owner.	
Loss of Public Utilities				
Power lines	Public	Whole route	Physical relocation and reinstatement of access by relevant authorities.	
Vulnerability				

Type of Loss/Affected Right	Defined PAP/Eligibility	Indicative Areas	Compensation Strategy	Other Forms of Assistance/Entitlements
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 government programmes such as the Inua

Type of Loss/Affected Right	Defined PAP/Eligibility	Indicative Areas	Compensation Strategy	Other Forms of Assistance/Entitlements
				<p>Jamii programme.</p> <ul style="list-style-type: none"> • Counseling 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 microlenders 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.

Type of Loss/Affected Right	Defined PAP/Eligibility	Indicative Areas	Compensation Strategy	Other Forms of Assistance/Entitlements
				<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. • Access to Grievance mechanism.
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 the 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			

8.6 Consultation with and Incorporation of Views of PAPs in Compensation

168. The PAPs were consulted on their views regarding compensation on structures by inquiring from them on information mainly on: Date of construction, Cost of putting up own structure. The valuer could then measure the structure to come up with plinth areas which were then analyzed to come up with the rates per square meter/ ft. Discussions were held with local contractors, from whom the construction rates were obtained for permanent, semi-permanent and temporary structures. The salvage materials from the affected structures will be left to the PAPs for re-use elsewhere as per their wishes.

CHAPTER NINE

9 VALUATION CRITERIA

9.1 Introduction

169. Valuation practice in Kenya is governed by the valuer's Act Cap 532 under the Valuers Registration Board. The Board's mandate is to regulate all registered and practicing Valuers. In addition, the land Act No 6 of 2012 requires that the land assessment must be just. The valuation of land must reflect market values in force at the time of exercise. the valuer should also consider damage likely to be sustained or caused at the time of taking possession of the land by reason of severance from his or her other land. Similarly, damage likely to be caused by the acquisition of the land that may injuriously affect the other property should be considered in the valuation. Incidental costs for relocating residence and or business brought by the acquisition must also be considered. A disturbance allowance equivalent to 15 percent of the market value will be added to the final compensation amount.

The National Land Commission is mandated to carry out an assessment of 'just compensation' based on the above rules when acquiring land for public purposes. They will verify and validate the enumerated assets in this RAP for compensation purposes. Based on KeNHA's previous experience with National Land Commission, the RAP Implementation Consultant's main role is to ensure that NLC is educated on the requirements of OP 4.12 and to ensure that the valuation exercise meets the requirements of this RAP and OP4.12.

9.2 Valuation Process for Land and Other Assets

170. The basic approach will be to carry out a census survey of affected households, enterprises, institutions etc. along with the road project designed route so as to develop an asset register in consultation with previous registers. The valuation team together with the sociologist physically walked door to door along the road route covering a width of 60 meters of the proposed road. The team visited and consulted the relevant Departments within the county namely the Lands office, The Survey Department, the NLC offices, and any other departments necessary to acquaint itself with current status on land matters to include land values, land tenure, etc.

9.3 Valuation of Land

171. Comparable land sales were compiled to establish land values to which then were analyzed to arrive at the rate per square meter /ft. However, we note that land in the North-Eastern region of Kenya has not been adjudicated as confirmed by concerned departments at Wajir and Mandera. Allotment letters have been issued by the County Government(s) with allotment numbers, but no survey carried out on the land, hence a lack of maps.

9.4 Valuation of Structures

172. The team worked closely with the locals and establish construction costs of the available structures and various rates adopted for different structures.

9.5 Valuation of Trees

173. The trees were valued on the basis of current market realizable values as guided by the locals themselves. The age and size of the individual trees will play a huge role in the determination of the value. Additionally, reference has been made to the Kenya gazette notice of 2017 issued by the forest department.

9.6 Valuation for Loss of Regular Income

174. The majority of structures are located in the various established trading centers along the road route hence the larger part is used to carry out business. The businesses were recorded and individual incomes confirmed from the PAPS. These monthly incomes were capitalized by the number of months it will take to establish an alternative site within the trading centers so as to arrive at the loss of income.

9.7 Valuation of Fences

175. A full current replacement cost approach was adopted in valuing hedges, barbed wire with cedar posts, chain-link fences on concrete posts, metal gates, stone walls, etc. so as to reflect the cost of erecting new fences and completed to a standard as existed at the date of valuation inspection. In summary, the process observed the relevant laws (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation that meets the full replacement cost basis, and meets natural resource usage rights; customary personal law related to displacement; and environmental laws and social welfare legislation as outlined in O.P.4.12 together with the opinions and views expressed by the resident communities in the project area. The same will be observed by NLC to validate the entitlements for compensation at implementation.

CHAPTER TEN

10 LIVELIHOODS & INCOME RESTORATION

10.1 Introduction

176. The aim of resettlement assistance and livelihood restoration is to ensure that the living standards of PAPs are restored to pre-displacement levels. The World Bank OP.4.12 requires that PAPs should be offered support after displacement or during the transition period-based on a reasonable estimate of time likely to be needed to restore their lives and standard of living.

10.2 Strategy for Livelihoods & Income Restoration

177. This livelihood restoration shall essentially start from maximizing the possible and available project-based opportunities by introducing new, and enhancing the existing social investment as part of the proposed road infrastructure such as markets and undertaking rest stops or lorry parking with roadside trading amenities. Other options that can be explored can include entrepreneurial training for existing small businesses that will be affected by the road upgrade through its land acquisition, as well as recommendation to institutions offering small grants and loans for women and vulnerable groups. In summary, the following measures have been adopted to form part of livelihood restoration interventions where applicable. In summary, the following measures have been adopted to form part of livelihood restoration interventions where applicable:-

10.2.1 Participation of Stakeholders and PAPS in Development of Livelihood Restoration Strategy

178. The livelihood restoration measures have formulated in close consultation with the secondary stakeholders, members of the community and PAPs. Following extensive stakeholder engagement with the PAPs in all the settlements along with the road project and in line with the provisions of the World Bank resettlement policy OP.4.12 section 6 (c) i- iii, the RAP has provided five (5) main options for adoption to enhance income restoration as described in the preceding sections.

10.2.2 Livelihood Restoration for Individual PAPs

a. Direct and indirect jobs/employment opportunities for the PAPs and members of their households

The project affected persons will be given priority when the Contractor is hiring workers from the local communities. The RAP implementation Consultation will develop a database of the PAPs who will be interested in benefiting from jobs and their qualification and will ensure that they get placing with the Contracts when job opportunities are available.

b. Modern Market Stalls

The RAP has identified the provision of Market facilities at locations to be identified by the communities' and County government within the settlement's towns. In most settlements, notably Borehole 11, almost 90% of the PAPs temporary structures fall within the KeNHA RoW and these will be demolished to pave way for the Road project. The PAPs have indicated relocation of the structures to enable them to continue with their businesses in a market site. KeNHA will work jointly with the County Government to identify alternative land for the purpose of the establishment of the market. The other sites for consideration for this option are Wagberi, Halane and Tarbaj.

c. Financial and Basic Entrepreneurial Skills Training

This will be simplified training for PAPs on skills on how to invest cash/compensation fees to gain returns to bolster their business ventures. The training should take due regard to the literacy levels of the PAPs and be compliant to the religious orientation of the road project area.

d. Referral for Credit Facilities and Cooperative Groups

This will entail increasing people's income by referral to credit groups and improving access to markets as well as the marketing of goods and services produced by local traders.

e. Linkage of the PAPs to government-sponsored Social Development Initiatives through the area Social Development Officers.

The government of Kenya has social protection and social programs that the PAPs can benefit from due to their vulnerability during the resettlement processes. KeNHA through the Resettlement Implementation Consultation will raise awareness to the PAPs through County Social Development Officers and will give recommendations so that the PAPs can benefit from these Government programs.

f. Linkage of PAPs undertaking to livestock activities to extension offices in the county where necessary.

The Ministry of Agriculture and Livestock services provides extension services to pastoralists for veterinary care to livestock. KeNHA through the livestock extension officers will provide awareness to the PAPs of the availability of these services. Further, they will recommend to the livestock officer that due to the vulnerability of the PAPs due to displacement they should be given an opportunity to access these services.

g. Local purchasing programs tailor-made to benefit PAPs or groups of PAPs who can supply goods and services.

The Contractor will have contracts that involve the supply of goods and services whereby only the local communities and businesses can apply. PAPs will be given priority in the award of these small supply of goods and services Contracts.

10.2.3 Social Infrastructure Benefits to the Local Vulnerable and Marginalised Groups

179. Vulnerable and marginalized groups in the project area will benefit from social infrastructure projects that will be constructed under the Project. This option applies to community and public resources that will be affected during project implementation. In-kind compensation is a viable option for this category of assets. These projects will be selected through a participatory project that ensures Free, Prior and Informed Consultation by a Consultant already hired by KeNHA. It is expected that the project will be aligned to meeting water supply, providing market shades, milk coolers, abbaitors, loading ramps, etc. The implementation will commence before and during project implementation depending on the sequencing/prioritization of the needs. In addition to the above, the following specific measures will be implemented:

(a) Re-establishing Common Property Resources.

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

(b) Land- Based Restoration Component

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

(c) Non-Land Restoration Component

The measures proposed to mitigate adverse impacts at the Community Level will 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.

(d) Vulnerable Groups

Among the PAPs, special groups of persons were identified. These include the elderly, Chronically ill, widowed, OVCs, IDPs, and PLWDs. 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. Among the PAPs identified in the project area, the majority of the households are headed by men. The Land Act 2012 recognizes 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.

CHAPTER ELEVEN

11. GRIEVANCE REDRESS MECHANISM

11.1 Introduction

180. This section describes the grievance redress framework for the project that will be adopted for settlement of disputes arising from the resettlement.

11.2 Rationale for Grievance Redress Mechanism

181. Grievances are any form of complaints or suggestions from the PAPs concerning the implementation of a project. Grievances and complaints could arise with regards to, resettlement, activities associated with the road construction project activities, social issues or any other subject related to proposed the project. For effective project implementation, it is imperative that grievances and complaints are addressed throughout the life cycle of the project.

182. The grievance mechanism should not replace existing legal processes but should aim at a resolution of issues quickly without resulting in expensive and time-consuming legal actions. If the grievance procedure fails to provide a resolution, the complainant can still seek legal redress. The Grievance system will operate within all the thirteen (13) settlement towns affected by the project. It is important that the grievance committee is fully accessible to all PAPs with grievances. In addition to establishing formal procedures, grievance mechanisms should also work through existing traditional processes so as to benefit from the rich mediation mechanism existing in the project area that relies on community elders to dispense justice.

11.3 Existing Mechanisms for Dispute Resolution

183. According to the public stakeholder consultations conducted during the initial RAP preparation, the community members cited the role of the community elders as paramount to dispute resolution in the project area. The RAP study provided the following procedure commonly followed in order to arrive at an amicable settlement of disputes:

- a) First effort: Dispute resolution within the immediate family setting
- b) Level Two: If no solution arrives at the family level, the elders take up the case
- c) Level Three: If No resolution, the dispute is referred to the Chief and then to National Government administrators in the locality such as A.CC or D.C.C.

184. This was confirmed by the consultant during the RAP review exercise to be system relied upon by the community members. However, in addition to the above, the community cited the important role played by the religious leaders especially the local Imam in settling domestic affairs such as marriage dissolution and separations.

11.4 Purpose of the Grievance Redress Mechanism

185. The major aims of the grievance redress mechanism are:

- a) Ensure that Project affected Parties are able to lodge complaints or concerns without cost and with the assurance of a timely and satisfactory resolution of the issue.

- b) Its also an avenue for the aggrieved to voice their dissatisfaction for possible redress, management and tracking of grievances to ensure that appropriate resolutions and actions are taken.

11.5 Types of likely Grievances and Disputes in the Project Sites

186. The following are the likely disputes likely to emerge in the road project locality:
- i. Misidentification of assets or mistakes in valuing them.
 - ii. Disputes over the ownership of a given asset (two individuals claim to be the owner of this asset).
 - iii. Disagreement over the valuation (either the unit rate applied or the count) of a plot or other asset.
 - iv. Successions, divorces, and other family issues, resulting in disputes between heirs and other family members, over ownership or ownership shares for a given asset.
 - v. Disputed ownership of a business (for instance where the owner and the operator are different persons), which gives rise to conflicts over the compensation sharing arrangements.
 - vi. Disruption or damage to water sources and infrastructure.
 - vii. Damage to utility infrastructure.
 - viii. Increase in traffic loads and the effects of their resultant impacts.

11.6 Proposed Grievance Redress Mechanism

187. Informed partly by the existing mechanism and the reliance on prevailing cultural dispensation, the RAP Review consultant has recommended a viable GRM guided by the following criteria: affordability, accessibility, inclusion such that all population segments such as men, women, youth are represented, affirmative action sensitivity to take care of the interests of PLWDs and consideration for NLC and judicial recourse as the last result. Grievances relating to women will be addressed through this GRM. Targetted GRM awareness for women in local languages will be created with women groups and religious gatherings where women assemble to ensure that they are aware of the reporting avenues as well as the GRM process. The GRM will introduce channels for reporting any GBV issues as will be defined and guided by the GBV service provider.
188. In line with the local cultural dynamics and the day to day practice by the community in dispute resolution, the proposed GRM has four levels, viz
- a) First level – Local Resettlement site committee
 - b) Second level – Sub County committee
 - c) Third level - County-level committee
 - d) Fourth level – Judicial Legal redress

11.6.1 First Level: Local Level Resettlement Site Grievance & Resettlement Committee

189. Grievances or conflict redress on RAP related issues as a result of this project will be handled by the already existing or established GRMC in the project site. It will handle all forms of grievances in an amicable manner and as an alternative dispute resolution to the formal process, which is normally lengthy and costly. Grievances not resolved by the site level committees will be taken to the second level.

190. The RAP update and review team sought to establish whether the local GRMC had been established in the applicable settlement sites. It was found out that the teams had not been established. In line with its mandate, the review team established the committees, whose details are provided separately to the client. The Committees membership comprises:

- The Area Chief/ Assistant Chief
- Council of elders from the community.
- Project affected person representatives (men, women, youth)
- Ward Administrator
- Religious leader

191. During the project implementation phase, three members will be co-opted to the committee:

- KeNHA representative
- Supervision Consultant
- Contractor representative

11.6.2 Second Level: Sub County Mediation Committee

192. At this level, the committee will handle grievances that cannot be resolved by the site level committees and membership will include:

- National Government (Deputy County Commissioners Office)
- One representative of County Administration; - County Government (Town Administrator)
- Representation from KeNHA
- Supervision consultant
- contractor
- A representative from the council of elders.
- Two PAPs representatives (men, women)

11.6.3 Third Level: County-Level Mediation Committee

193. There will be a third level mediation committee that will handle disputes and grievances that cannot be resolved by the first and second level mediation committees described above. This committee will comprise of the following:

- County Commissioner
- Representation from KeNHA
- County lands Tribunal chairman
- County Coordinator - NLC
- County peace Committee chairman
- Religious Leader – Imam
- Representation of the council of elders (both men and women).

At this level, issues that cannot be resolved will be escalated to the National Steering committee which comprises of KeNHA, NLC, and subject matter institutions like Power, water, education, health, livestock, NEMA, DOSH, among others at the ministerial level.

11.6.4 Fourth Level: Resort to Justice

194. In case this mechanism will not allow an amicable agreement to be reached, the complainant or the defendant can resort to Justice

11.6.4.1 National Land Commission (NLC)

195. The Land Act 2012 empowers NLC to manage public land and carry out compulsory acquisitions of land for specified public purposes. NLC has been constituted and thus legally, NLC is supposed to provide the approval to the request made by KeNHA to acquire land. NLC is also expected to notify landholders in writing of the intention to acquire land; assist in resolving disputes related to compensation; undertake public consultation on intended acquisition; receive money from KeNHA for the actual payment of entitlement awards to PAPs. NLC holds the authority to execute compulsory acquisition in Kenya. The Government of Kenya bears the authority for land acquisition, which is vested on the NLC by legislation. It is important to note that the NLC also has statutory powers to prescribe criteria and guidelines for land acquisition.

11.6.4.2 NLC Grievance and Appeals Process

196. The NLC has a grievance redress process mainly triggered at the time of award of compensation following public hearings. If a PAP is dissatisfied with the awards given by NLC, they have a right to appeal and NLC would look into the matter and determine justification. In the event that a PAP is not satisfied with the appeal made to NLC and the resolution thereof, the dispute is resolved by resorting to the legal justice system where PAP could go to the environment and land court.

11.6.4.3 Court of Law

197. Finally, there will be the option for each complainant to resort to court, in case there is no solution within the Project's grievance mechanism.

11.7 Grievance Mechanism Steps and Procedures

11.7.1 First Step: Receipt of Complaint/Grievance

198. A verbal or written complaint from a PAP or community member will be received by the Grievance Officer and recorded in a grievance log which will be held in the offices of the supervision consultant and KeNHA's regional office.

199. Other grievances can be received at the local administration office or the council of elders and forwarded to the supervision consultant for redress and documentation.

200. The grievance redress mechanism team will hold a meeting at site level where grievances are heard depending on the nature of grievance raised and entered in the grievance register. The grievance log will indicate:

- Grievances (Nature and exhaustive description)
- Date lodged or reported
- Actions were taken to address or reasons why the grievance was not acted upon (e.g. the grievance was not related to the resettlement process)
- Information provided to complain and date on which the grievance was closed.

11.7.2 Second Step: Determination of Corrective Action

201. If in their judgment, the grievance can be solved at this stage and the Grievance Officer and a representative or witness will determine a correction action in consultation with the aggrieved person. A description of the action, the time frame within which the action is to take place, and the party charged with implementing the action will be recorded in the grievance database.

202. Grievances will be solved and the status reported back to complainants within **Twenty-one (21)** days. If more time is required, this will be clearly communicated and in advance to the aggrieved person. In cases that are not resolved within the stipulated time, detailed investigations will be undertaken and results discussed in the weekly meetings with the affected persons.

11.7.3 Third Step: Meeting with the Complainant

203. The proposed corrective action and the time frame in which it is to be implemented will be discussed with the complainant within **Twenty-one (21)** days of receipt of the grievance. Written agreement to proceed with the corrective action will be sought from the complainant. If no agreement is reached, the second step will be revisited.

11.7.4 Fourth Step: Implementation of Corrective Action

204. Agreed corrective actions will be undertaken by the concerned within the agreed time frame. The date of the completed action will be recorded in the grievance database.

11.7.5 Fifth Step: Verification of Corrective Action

205. To determine if the aggrieved person is satisfied, he will be approached by the Grievance Officer to verify that the corrective action has been implemented. A signature of the complainant will be obtained and recorded in the log and/or on the consent form. If the complainant is not satisfied with the outcome of the corrective action, additional steps may be undertaken to reach an agreement between the parties. If additional corrective action is not possible alternative avenues may be pursued.

11.7.6 Sixth Step: Action by Grievance and Resettlement Committee

206. If the aggrieved finds that a satisfactory resolution cannot be reached, the complaint will be handled by the County level Grievance Committee. If satisfied, the complainant signs to acknowledge that the issue has been resolved satisfactorily. If the complainant is not satisfied, however, the complainant notes the outstanding issues, which may be re-lodged with the Grievance Committee or the complainant may proceed with judicial proceedings.

11.7.7 Seventh Step: Alternative Action/Judicial Recourse and National Land Commission

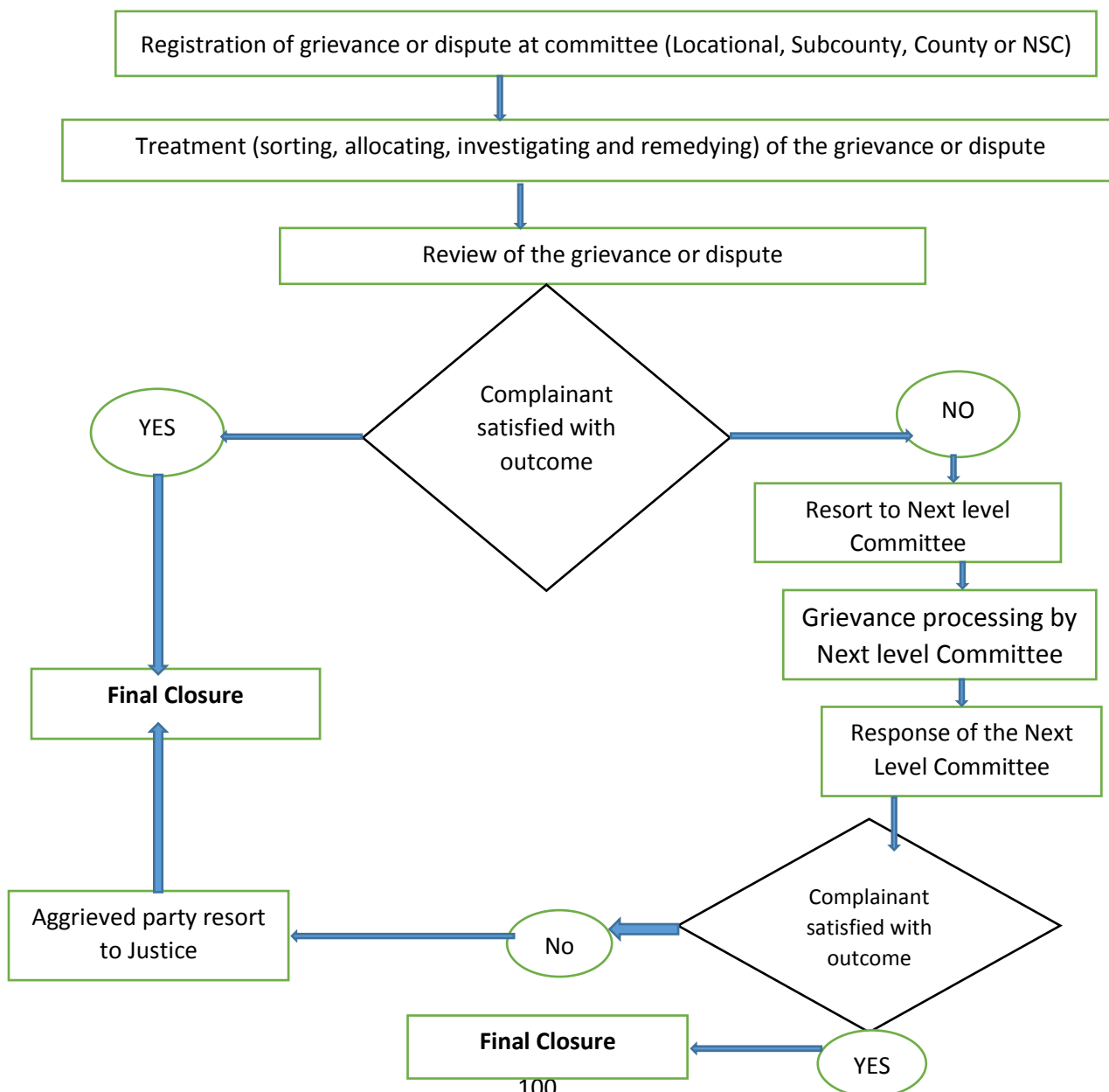
207. In the unlikely event that the proposed mechanism will not allow an amicable agreement to be reached, the complainant or the defendant can resort to Justice. The Land Act 2012 and the National Land Commission Act 2012 obligates the NLC to manage grievances and disputes related to resettlement or land amicably. NLC will be expected to arbitrate or negotiate with PAPs or landowners that have any grievances concerning their compensation. The cascading structures they put in place are also expected to take up this responsibility.

11.8 Remuneration of Grievance Redress and Compensation Committee Members

208. All the members of the Grievance Redress Committees established at different levels will perform their duties on a voluntary basis. There will be no remuneration other than costs associated with transport, communication, meals and any other reimbursable expenditure facilitation. The financial rates for the above costs will be decided upon jointly between KeNHA and committee members. However, this RAP has included a budget estimate for the associated cost under the RAP implementation budget line item. Similarly, the terms of the Grievance Redress Committees will be decided upon through joint consultations between KeNHA and the committees. Fig.3 below shows the diagrammatic representation of the Grievance redress procedure.

Figure 3: Grievance & Dispute Handling Mechanism

At all levels, regular progress monitoring of grievances filed, their status and actions taken and recommendations/resolution will be constantly undertaken. All the levels will follow the following:-



11.9 Appointment of Grievance Redress and Compensation Committee Members

209. The members of the Grievance Redress Committees will be appointed through a consensual and transparent process with the full participation of all the affected PAPs in the project area together with the local leadership.

11.10 Capacity-Building for the Grievance Officer and Grievance Committee

210. It will be mandatory for the Grievance Officer to be appointed based on his/her experience and training in conflict resolution. In addition, he / She should possess the following requisite skills:

- Data management, entry, data analysis, and storage.
- Liaison skills
- Record Keeping
- Problem-solving skills
- Oral and written communication skills

211. The Grievance Committee members will also need to be oriented to the grievance management system suggested in the RAP as adopted from the RPF. The capacities of the Grievance Committee members will also need to be built around issues of conflict identification, conflict information analysis and conflict resolution as provided for in the land legislation.

CHAPTER TWELVE

12 RAP ORGANIZATIONAL STRUCTURE & INSTITUTIONAL ARRANGEMENTS

12.1 Introduction

212. This section describes the organizational framework for implementing the resettlement at different levels. The identification of the institutions responsible for the delivery of the services aimed at enhancing effective RAP implementation has been done.

12.2 Institutions Responsible for RAP Implementation

213. The resettlement implementation will be carried out at different levels by the following institutions:

- a. Kenya National Highways Authority (KeNHA)
- b. National Government (Relevant agencies as will be determined)
- c. County Government of Wajir
- d. Mandera County Government
- e. National Land Commission (NLC)

12.3 RAP Implementation Unit

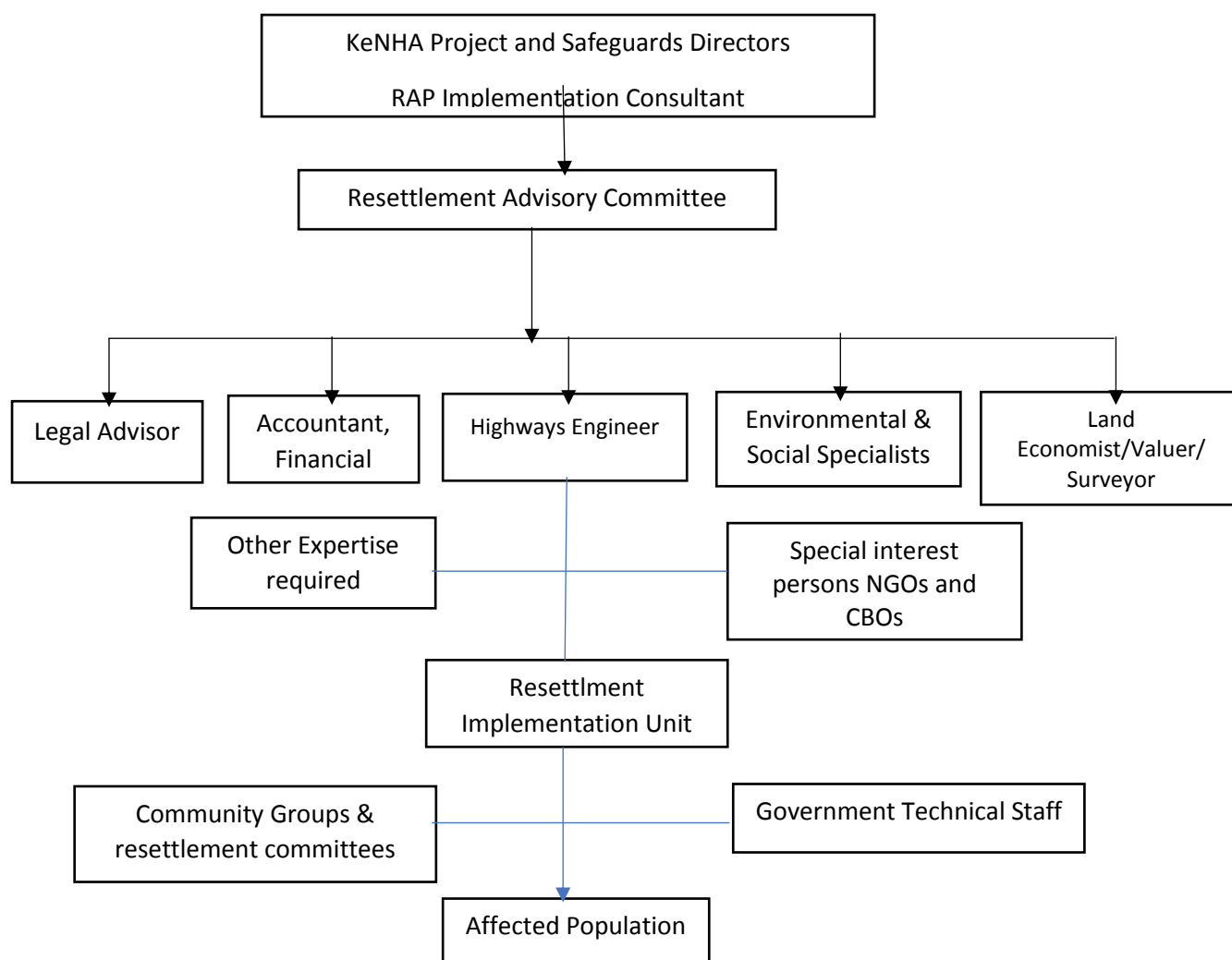
214. The RAP implementation Unit will be formed to ensure timely execution of the RAP process including compensation. KeNHA will be the lead agency in the RAP implementation and will work together with the other institutions as spelt out in section 12.2 above. A RAP Implementation Consultancy firm will be hired to facilitate the implementation of the RAP.

215. The Environment and Social Interest Unit at KeNHA headquarters will oversee the RAP Process. The agency will therefore establish a RAP implementation Unit (RIU) for the project to steer all resettlement matters and activities pertaining to this RAP. The responsibilities of the RIU will be:

- a) Direct the RAP compensation and rehabilitation activities and measures
- b) Carry out appropriate coordination between the agencies and jurisdictions involved in the RAP implementation
- c) The measures (including technical assistance) needed to strengthen the implementing agencies' capacities for managing the facilities and services provided under the project.
- d) Supervise the activities of the RAP Implementation Consultant.
- e) The RAP Consultant will be responsible for training the National Land Commission on the requirement of OP 4.02 and the contents of the RAP.

216. Figure 4 below shows the organizational structure of the RIU.

Fig 4: RAP Implementation Unit



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

- (a) An implementation team that will have the following members of staff:
 - (i) ESS Unit (KeNHA) Social Specialist
 - (ii) Implementation Officer (1); KeNHA's Social Specialist specific for this RAP
 - (iii) Monitoring Officer (1); KeNHA's M&E Specialist
 - (iv) Valuer
- (b) Independent civil society organization/ NGO representative
- (c) National Government Representatives (Chiefs) for each affected settlement
- (d) County Government Representatives (CEC for Lands and Physical Planning) from both counties
- (e) Representatives of PAPs in the affected sites
- (f) Works Contractor
- (g) Supervising Contractor
- (h) hNational Land Commission

218. The day-to-day role of the RAP implementation team will be to:
- (i) Plan and coordinate prompt compensation payments;
 - (ii) Plan and coordinate non-cash compensation such as special assistance to vulnerable groups;
 - (iii) 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;
 - (iv) Report to the KeNHA's senior management team and stakeholders;
 - (v) Ensure that the information needs of the PAPs are disseminated promptly and effectively;
 - (vi) Establish, manage and update the RAP implementation database;
 - (vii) Contribute to the regular monitoring and evaluation of the RAP implementation; and
 - (viii) Consult and sensitize the community and PAPs regarding the RAP implementation progress.

12.4 Remuneration to RAP Implementation Unit (RIU)

219. The remuneration costs for the RIU have been provided for in the budget for RAP Implementation. All the officials allied to participating institutions will be covered by their employers.

12.5 Procedures for Effecting Payments

12.5.1 Compensation Payment

220. NLC Act (2012) will guide the payment procedure with respect to payment of PAPs. All compensation payments will be made through designated bank accounts of PAPs. PAPs without bank accounts will be assisted to open up bank accounts. The payment of compensation will follow the prescribed procedure outlined in the NLC Act (2012).

12.5.2 Schedule of Implementation

221. A final schedule of implementation will be developed jointly with the KeNHA's RAP implementation team, NLC, and PAPs. The implementation schedule will include:
- a) Target dates for the start and completion of compensation payments;
 - b) Timetables for and the place of compensation payments;
 - c) Target dates for fulfilling the prerequisites for compensation payments and other legal requirements by PAPs;
 - d) Timetable for special assistance to vulnerable groups;
 - e) Dates for vacant possession of the acquired land from the PAPs {this date must be after the payment of all compensation}.
 - f) The link between the RAP activities to the implementation of the overall sub-project components.

The RAP has provided a schedule of implementation that will guide the project.

CHAPTER THIRTEEN

13. MONITORING AND EVALUATION

13.0 Purpose of Monitoring

222. Monitoring and Evaluation provide arrangements for determining the level of success in relation to the purposes and goals of the RAP and identification of problems during the RAP implementation so as to make required adjustments for ensuring effective implementation. Three monitoring components have been highlighted, viz: performance monitoring, Impact monitoring and Rap completion audit. The M&E will be undertaken at two levels: Internal and External monitoring.

13.1 General Objectives of Monitoring

223. The general objective of the M&E system is to provide a basis for assessing the overall success and effectiveness of the implementation of the resettlement and compensation processes and measures. Specifically, the M&E system will aim at:

- a) Determine the level of satisfaction of affected people with the resettlement process.
- b) Verify if affected people are compensated in full, before the implementation of the project.
- c) Find out if affected individuals, households and generally the community has been able to maintain their pre-project standards of living and even improve on it.

13.2 Internal Monitoring

13.2.1 Performance Monitoring

224. This is an internal management function to be undertaken by KeNHA's Monitoring Officer that measures the physical progress of the compensation process against the milestones established in the RAP. The monitoring will be ongoing with reports generated on a monthly, quarterly and semi-annually basis. During the resettlement compensation payment period, the following issues will be paid attention to:

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

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

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

13.2.2 Impact Monitoring

226. The aim of impact monitoring will be to measure the effectiveness of the RAP Process. In conjunction with the community, an advisory resettlement group will seek to

determine whether the RAP process meets the needs of the affected members of the affected communities. PAPs will be included adequately in all phases of impact monitoring, especially in the identification and measurement of baseline indicators upon which the effects of the RAP will be measured against. The baseline for adoption has already been established through the Census and a comprehensive Socio-economic survey. The indicators to be measured include:

- i. Impact of resettlement on the Health of PAPs.
- ii. Impact of resettlement on Social, Psychological welfare of PAPs.
- iii. Effectiveness of livelihood restoration on the progress of developmental milestones/ initiatives in the communities.

13.3 External Evaluation

227. The external evaluation will be initiated by KeNHA in collaboration with other national stakeholders. To avoid conflict of interest the exercise will be carried out by an external agency/ Consultant. The external evaluation will target at measuring the effectiveness of RAP implementation process on:

- i. Competency and adequacy of skills/ knowledge among staff.
- ii. Equipment and facilities
- iii. Legislative compliance with local/ National legislation/ WB standards.
- iv. Collaboration & co-ordination adequacy at the RIU.

13.4 Monitoring Indicators & Tools

13.4.1 Monitoring Indicators

228. The proposed monitoring indicators are provided in the table below.

Table 85 : Monitoring Indicators

Parameter	Indicators
Compensation to PAPs	No. of PAPs promptly paid out Amount of money paid out to PAPs
Livelihoods restoration	No. of PAPs with restored assets/activities Community facilities restored No. of vulnerable PAPs assisted
Public participation & Engagement	No of consultative meetings held No. & Categories of Local leadership engaged/involved No of civil society groups engaged
Grievance redress & management	No of complaints received No of grievances addressed/ resolved promptly No of unresolved/ outstanding grievances
Compliance with legislation and WB regulations & safeguards	General relations between project staff & local communities No of local staff employed in project/ civil works contractor

13.4.2 Monitoring Tools

229. These will include the following:

1. Interviews – Structured interviews with PAPs to assess their knowledge and concerns on resettlement process implementation, entitlement and rehabilitation measures
2. Observation
3. Further tailor-made surveys
4. Desktop review of reports

13.5 Rap Completion Report

230. At the end of the RAP implementation, KeNHA will submit a final report to the World bank. The report will provide details of the general organization and documentation of the delivery of compensation, socio-economic impacts of the resettlement, Participation of and engagement with the PAPs and their communities, grievance management and M&E, challenges, mitigation and lessons learned during RAP Implementation.

13.6 Completion Audit

231. KeNHA will seek the services of a qualified consultant to prepare the audit and submit the same to the World Bank for review and action. The purpose of carrying out a complete audit is to bring to closure the sponsor's liabilities for resettlement, compensation, livelihood restoration and development support. Additionally, the audit will verify the results of the RAP implementation indicators and assess whether RAP implementation achieved the resettlement objectives. The efficiency, effectiveness, impact and sustainability of the RAP sub-projects' activities will be documented.

CHAPTER FOURTEEN

14. RAP IMPLEMENTATION SCHEDULE

14.1 Introduction

232. This section outlines the implementation schedule for resettlement activities. The scope covers the period from the RAP review to the termination of the various forms of assistance. It is not possible at this moment to link the schedule of the resettlement activities to those of the Road construction project, as the start date of the project has not been specified. The aforementioned notwithstanding, the project activities will be timed to commence upon finalization of compensation to PAPs.

14.2 RAP Implementation Schedule

233. The RAP Implementation Schedule is Shown in the table below.

Table 86 : RAP Implementation Schedule

Schedule of Activities	Months																							
Months from Nov 2019	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Review and Approval of final RAP																								
Disclosure of RAP on websites and stakeholders																								
Sensitization of PAPS on RAP through Information Disclosure																								
Set up of PIU/GR/RIU																								
NLC Validation of assets, Issuance of awards and actual Compensation Payment																								
Three Months' Notice to PAPS																								
Clearance of Road Reserve, Commencement and progress of works																								
Grievance Management																								
Livelihood restoration																								
RAP monitoring																								
RAP Completion and Audit *																								

* Completion audit to be done at end of project cycle.

15. RAP COSTS & BUDGET

15.0 Introduction

234. This section presents the estimate of the costs of the resettlement process and the Total Budget for the RAP. The proposed budget presented in Tables below cover the estimated costs for structures, livelihood, disturbance allowance and Trees of the RAP implementation as well as the 5 percent implementation overhead.

15.1 Compensation & Implementation Budgets

The tables below show the budget for RAP compensation and RAP Implementation

15.1.1 RAP Compensation

The compensation for structures, Trees & livelihoods

Table 87 : Total Compensation for Structures, Livelihoods and Trees

Compensation for structures, Trees & livelihoods	596,699,700
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Compensation for disturbance (15%)

Table 88 : The Compensation for Disturbance Allowance (15 %)

Compensation for disturbance (15%)	(Kshs)
Total	89,504,955

Table 89 : Total Compensation Package

Structures	Replacement Value (Kshs)
Grand Total	686,204, 655

15.1.2 Other Compensation Aspects

15.1.3 RAP Implementation

Table 90 : RAP Implementation Costs

Aspect	Value (Ksh)
Financial/Money Management Training/Meetings of Resettlement Committees / Administrative Costs (5%)	34,310,232.00
External Monitoring and Extenral Coordination for RAP Implementation (2%)	13,724,093
Total	48,034,325

15.1.4 Total RAP Budget

Table 91 : Total RAP Budget

Total RAP Cost	Kshs.
Total RAP compensation	686,057,370
RAP Implementation Cost	48,034,325
Contingency (5%)	36,704,584
Grand Total	770,796,279

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17. ANNEXES

ANNEX A