



**RESETTLEMENT ACTION PLAN (RAP)**  
**REPORT FOR THE PROPOSED WATER DISTRIBUTION**  
**SHORT TERM WORKS**  
**FOR**  
**KILIFI MARIAKANI WATER & SEWERAGE CO. LTD.**  
**(KIMAWASCO)**

**PROJECT:** WATER AND SANITATION  
DEVELOPMENT PROJECT (WSDP)

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**EMPLOYER:** KILIFI MARIAKANI WATER &  
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## REPUBLIC OF KENYA



**KILIFI MARIAKANI WATER AND SEWERAGE  
COMPANY. LTD**

### **WATER AND SANITATION DEVELOPMENT PROGRAMME (WSDP)**

**Preparation of Detailed Designs, Preliminary ESIA/RAP and  
Tender Documents for Water Distribution Works for  
Mombasa and 3WSPs**

**Contract No. CWSB/WaSSIP-AF/C/34/2017**



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WATER DISTRIBUTION SHORT TERM WORKS  
FOR  
KILIFI MARIAKANI WATER & SEWERAGE CO. LTD. (KIMAWASCO)**

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## TABLE OF CONTENTS

E.	EXECUTIVE SUMMARY .....	1
E.1	BACKGROUND INFORMATION.....	1
E.2	RESETTLEMENT ACTION PLAN (RAP) OBJECTIVES.....	2
E.3	APPROACH AND METHODOLOGY OF RAP PREPARATION .....	2
E.4	POLICY AND LEGAL FRAMEWORK.....	2
E.5	PROJECT RESETTLEMENT IMPACTS .....	3
E.6	ELIGIBILITY, ENTITLEMENT AND VALUATION .....	3
E.7	PUBLIC CONSULTATIONS DURING RAP PREPARATION & IMPLEMENTATION.....	4
E.8	E.8. SOCIO ECONOMIC PROFILE OF PAPS .....	5
E.9	GRIEVANCE REDRESS MECHANISM .....	6
E.10	INSTITUTIONAL ARRANGEMENT .....	6
E.11	RAP BUDGET .....	6
E.12	MONITORING AND EVALUATION.....	7
1	BACKGROUND INFORMATION .....	1-1
1.1	GENERAL INFORMATION.....	1-1
1.2	PROPOSED WORKS .....	1-1
1.2.1	Kilifi Town.....	1-1
1.2.2	Mtwapa Town .....	1-2
1.2.3	Mazeras Town.....	1-3
1.2.4	Mariakani Town.....	1-4
	Kaloleni Town	1-5
2	APPROACH AND METHODOLOGY.....	2-1
2.1	APPROACH AND METHODOLOGY FLOW CHART.....	2-1
	RAP Report preparation.....	2-1
3	SOCIO-ECONOMIC PROFILE OF PROJECT AFFECTED PERSONS .....	3-1
3.1	SOCIO ECONOMIC SURVEY CONTEXT .....	3-1
3.2	DEMOGRAPHY OF PROJECT AFFECTED PERSONS.....	3-1
3.2.1	Age of PAPS .....	3-1
3.2.2	Gender of PAPS.....	3-2
3.2.3	Marital Status of PAPS.....	3-2
3.3	EDUCATION LEVEL OF PAPS .....	3-3
3.4	ECONOMIC ASSESSMENT OF PAPS .....	3-3
3.4.1	Household Main Occupation.....	3-3
3.4.2	Type of Businesses amongst PAPS .....	3-4
3.5	WATER AND SANITATION FACILITIES FOR PAPS .....	3-4
3.5.1	Sources of Water for Domestic Use .....	3-4
3.5.2	Treatment of Water from Alternative Sources .....	3-5
3.5.3	Sanitation Infrastructure.....	3-6
3.6	HEALTH PROFILE OF PAPS .....	3-6
3.7	ENERGY SOURCES .....	3-7
3.7.1	Energy for Lighting.....	3-7
3.7.2	Cooking Energy .....	3-8
3.8	SOLID WASTE MANAGEMENT .....	3-9
4	POLICY AND LEGAL PROVISIONS.....	4-1
4.1	INTRODUCTION .....	4-1
4.2	SUPPORTING PRINCIPLES .....	4-1
4.3	WORLD BANK'S SAFEGUARD POLICIES .....	4-3
4.4	OP 4.12 INVOLUNTARY RESETTLEMENT.....	4-3
4.5	DIFFERENCES BETWEEN KENYA LAWS AND WORLD BANK ESS (5) ON RESETTLEMENT .....	4-4
5	PUBLIC CONSULTATION AND PARTICIPATION .....	5-1
5.1	OBJECTIVES OF STAKEHOLDER PARTICIPATION.....	5-1
5.2	STAKEHOLDER MAPPING.....	5-1
5.3	STAKEHOLDER PARTICIPATION PROCESS.....	5-2

6	PROJECT RESETTLEMENT IMPACTS .....	6-1
6.1	PROJECT RESETTLEMENT IMPACTS .....	6-1
6.2	RESETTLEMENT IMPACTS IN KILIFI TOWN .....	6-1
6.3	RESETTLEMENT IMPACTS IN KALOLENI TOWN.....	6-1
6.4	RESETTLEMENT IMPACTS IN MARIAKANI TOWN.....	6-2
6.5	RESETTLEMENT IMPACTS IN MAZERAS TOWN.....	6-2
6.6	RESETTLEMENT IMPACTS IN MTWAPA TOWN .....	6-3
6.7	SOCIAL RISK - SPREAD OF COVID -19 AMONGST COMMUNITY MEMBERS DURING CONSULTATIONS .....	6-4
7	ELIGIBILITY AND ENTITLEMENT .....	7-1
7.1	ELIGIBILITY FOR COMPENSATION .....	7-1
7.1.1	Eligibility for Compensation and 'Cut-off' Date .....	7-1
7.1.2	Vulnerable PAPs.....	7-1
7.1.3	Compensation Options .....	7-2
7.1.4	Income Restoration Measures .....	7-2
7.2	ENTITLEMENT MATRIX.....	7-2
8	GRIEVANCE REDRESS MECHANISM .....	8-1
8.1	GRIEVANCE PROCEDURE AND RATIONALE.....	8-1
8.2	GRIEVANCE REDRESS MECHANISM.....	8-1
8.2.1	Procedure of Receiving and Resolution of Complaints.....	8-2
8.2.2	Capacity-Building for the Grievance Officer and Grievance Committees.....	8-4
8.2.3	Other Alternatives .....	8-4
9	RESETTLEMENT ACTION PLAN IMPLEMENTATION ARRANGEMENTS .....	9-1
9.1	RESETTLEMENT IMPLEMENTATION PRINCIPLES.....	9-1
9.2	RESETTLEMENT IMPLEMENTATION ARRANGEMENTS .....	9-1
9.2.1	Project Management at Ministry Level .....	9-1
9.2.2	The Project Manager (PM).....	9-1
9.2.3	Project Coordination Unit (PCU) .....	9-2
9.2.4	KIMAWASCO RAP Committee .....	9-2
9.3	RAP IMPLEMENTATION SCHEDULE .....	9-3
10	VALUATION METHODOLOGY AND BUDGET .....	10-1
10.1	VALUATION METHODOLOGY .....	10-1
10.2	BUSINESS STRUCTURES VALUATION.....	10-1
10.3	LIVELIHOOD.....	10-3
10.4	RESETTLEMENT ACTION PLAN BUDGET.....	10-3
11	MONITORING AND RAP COMPLETION AUDIT .....	11-1
11.1	INTRODUCTION .....	11-1
11.2	MONITORING AND EVALUATION FRAMEWORK .....	11-1
11.2.1	RAP Monitoring Plan .....	11-1
11.2.2	RAP Monitoring Framework.....	11-2
12	CONCLUSION AND PROVISIONS.....	12-1
12.1	CONCLUSION.....	12-1
12.2	RAP PROVISIONS .....	12-2

## **LIST OF TABLES**

Table 1.1: Summary of Proposed Works for Kilifi .....	1-1
Table 1.2: Kilifi Town - Proposed Works for Short Term.....	1-2
Table 1.3: Summary of Proposed Works for Mtwapa .....	1-2
Table 1.4: Mtwapa Town - Proposed Works for Short Term .....	1-3
Table 1.5: Summary of Proposed Works for Mazeras.....	1-3
Table 1.6: Mazeras Town - Proposed Works for Short Term .....	1-4
Table 1.7: Summary of Proposed Works for Mariakani .....	1-4
Table 1.8: Mariakani Town - Proposed Works for Short Term .....	1-5
Table 1.9: Summary of Proposed Works for Kaloleni.....	1-5
Table 1.10: Kaloleni Town - Proposed Works for Short Term .....	1-6
Table 4.1: Legal and Policy Provisions Related to RAP .....	4-1
Table 4.2: Comparative Analysis of World Bank OP4.12 and Government of Kenya Requirements including Measures to Address Gaps .....	4-4
Table 5.1: Stakeholder Inventory .....	5-1
Table 5.2: Schedule of Institutional Consultations .....	5-2
Table 5.3: Schedule of Public Meetings within KIMAWASCO.....	5-3
Table 5.4: Issues discussed during Public Meeting in Kaloleni Town where PAPs Participated .. .....	5-3
Table 5.5: Issues discussed during Public Meeting in Kilifi Town where PAPs Participated ...	5-4
Table 5.6: Issues discussed during Public Meeting in Mariakani Town where PAPs Participated .....	5-5
Table 5.7: Issues discussed during a Public Meeting in Mtwapa Town where PAPs Participated .....	5-5
Table 6.1: Project Affected Persons in Kilifi Town .....	6-1
Table 6.2: Project Affected Persons in Kaloleni Town.....	6-2
Table 6.3: Project Affected Persons in Mariakani Town .....	6-2
Table 6.4: Project Affected Persons in Mazeras Town.....	6-3
Table 6.5: Project Affected Persons in MTWAPA Town .....	6-3
Table 7.1: Vulnerable PAPS .....	7-2
Table 7.2: Entitlement Matrix .....	7-4
Table 8.1: Role of a Grievance Officer .....	8-2
Table 9.1: RAP Implementation Schedule .....	9-4
Table 10.1: Bussiness Structure Valuation .....	10-1
Table 10.6: Total Compensation Budget for Kilifi Town.....	10-3
Table 10.7: Total Compensation Budget for Kaloleni Town .....	10-4
Table 10.8: Total Compensation Budget for Mariakani Town .....	10-4
Table 10.9: Total Compensation Budget for Mazeras Town .....	10-4
Table 10.10: Total Compensation Budget for Mtwapa Town .....	10-4
Table 10.11: Grand RAP Budget .....	10-6
Table 11.1: RAP Monitoring Plan .....	11-2
Table 11.2: Internal Monitoring Indicators.....	11-3
Table 11.3: External Monitoring Indicators .....	11-3

## **LIST OF FIGURES**

Figure 1.1: Layout Plan for the Network Improvements / Extensions for Kilifi .....	1-7
Figure 1.2: Layout Plan for the Network Improvements / Extensions for Mtwapa .....	1-8
Figure 1.3: Layout Plan for the Network Improvements / Extensions for Mazaras .....	1-9
Figure 1.4: Layout Plan for the Network Improvements / Extensions for Mariakani .....	1-10
Figure 1.5: Layout Plan for the Network Improvements / Extensions for Kaloleni .....	1-11
Figure 2.1: RAP Preparation Approach and Methodology .....	2-1
Figure 3.1 : Age Distribution of PAPs .....	3-1
Figure 3.2: Gender Profile of PAPs .....	3-2
Figure 3.3: Marital Status of PAPs .....	3-2
Figure 3.4: Education Level of PAPs .....	3-3
Figure 3.5: Income Streams of PAPs .....	3-4
Figure 3.6: Type and Nature of PAPS business.....	3-4
Figure 3.7: Sources of Water for Domestic Use .....	3-5
Figure 3.8: Problems Associated with Water Supply .....	3-5
Figure 3.9: PAPs Treatment of Alternative Water Sources .....	3-6
Figure 3.10: Wastewater Disposal Methods for PAPs .....	3-6
Figure 3.11: Wastewater Disposal Methods for PAPs .....	3-7
Figure 3.12: Preferred Health Facilities .....	3-7
Figure 3.12: Connection to Electricity .....	3-8
Figure 3.14: Energy for Cooking .....	3-8
Figure 3.15: Solid Waste Disposal .....	3-9
Figure 8.1: Grievance Redress Flow Chart .....	8-5

## **LIST OF APPENDICES**

Appendix 1 -	Asset Inspection Sheet
Appendix 2 -	Minutes and List of Attendance to Consultative Meetings
Appendix 3 -	Cut-Off Date Disclosure
Appendix 4 -	Grievance Register Form
Appendix 5 -	Photographs of Affected Structures
Appendix 6 –	ASSETS INVENTORY & VALUATION ROLL

## **LIST OF ABBREVIATIONS& ACRONYMS**

CEO	Chief Executive Officer
COVID 19	Corona Virus disease
CWWDA	Coast Water Works Development Agency
DCC	Deputy County Commissioner
ESIA	Environmental and Social Impact Assessment
GER	Gender Enrolment Ration
GCI	Galvanized Corrugated Iron
GO	Grievance Officer
GoK	Government of Kenya
GRC	Grievance Redress Committee
GRVM	Gross Replacement Value Method
HH	Household
LPDP	Local Physical Development Plan
IoL	Inventory of Losses
KIMAWASCO	Kilifi Mariakani Water and Sewerage Company
MIBP	Mangat IB Patel Limited
M&E	Monitoring and Evaluation
MoH	Ministry of Health
MWS	Ministry of Water and Sanitation
NEMA	National Environment Management Authority
NLC	National Lands Commission
NLP	National Land Policy
Nr	Number
NGO's	Non-Governmental Organizations
OS	Operations Safeguards
PAD	Project Appraisal Document
PAPs	Project Affected Persons
PC	Project Committee
PM	Project Manager
PCU	Project Coordination Unit
RIC	Resettlement Implementation Committee
RIM	Registry Index Maps
ROW	Right of Way
RPF	Resettlement Policy Framework
SGRC	Sub Location Grievance Redress Committee
VMGs	Vulnerable and marginalized Groups
WSDP	Water and Sanitation Development Project



## Definition of Terms

**Compensation** means payments made in cash or in kind in recognition of loss of assets and Livelihoods resulting from impacts caused by planning and surveying.

**“Involuntary Displacement”** means the involuntary acquisition of land resulting in direct or indirect economic and social impacts caused by: Loss of benefits from use of such land; relocation or loss of shelter; loss of assets or access to assets; or loss of income sources or means of livelihood, whether the Displaced Persons has moved to another location or not. However, under this RAP land acquisition was not triggered as the water pipelines will be laid within existing road reserves.

**Cut-off date** is the date of beginning of the census and asset inventory of PAPs. Persons entering and/or occupying land in the project area after this date and not included in the inventory of PAPs will not be considered eligible for compensation. Similarly, fixed assets such as structures, established after the cut-off date will not be compensated.

**Grievance:** is any dissatisfaction or sense of injustice or unfairness felt by a person in this respect a PAP or his/her representative in connection with his/her compensation entitlements, the RAP implementation process, the project and other scenarios related to project implementation.

**Market rate:** The selling price of a commodity in the open competitive market.

**Project Affected Person(s) (PAPs)** are persons, households, enterprises, and public or private institutions affected because they may lose, be denied, or be restricted access to economic assets; lose shelter, income sources, or means of livelihood. These persons might be physically displaced and require relocation or partially affected not requiring physical relocation.

**Participation-** this is the process of involving displaced persons in the resettlement process. Through the process, the displaced persons are meaningfully consulted and provided with an opportunity to participate in planning and implementing resettlement programs.

**Replacement cost for houses and structures –** Means the prevailing cost of replacing affected structures , in an area and of the quality similar to or better than that of the affected structures. Such costs will include transporting building materials to the construction site, any labour and contractor’s fees and any registration.

**Resettlement Action Plan (RAP)** is a resettlement instrument (document) to be prepared when program locations are identified. RAPs contain specific and legal binding requirements to resettle and compensate the affected party before implementation of the project activities. According to provisions by the World Bank OP 4.12, full RAP is prepared where project affected persons are more than 200 while an abbreviated RAP is prepared where project affected persons are less than 200 or impacts are considered "minor" if the affected people are not physically displaced and less than 10 percent of their productive assets are lost.

**Resettlement Assistance** means the measures to ensure that Project Affected Persons and displaced persons who may require to be physically relocated are provided with assistance during relocation, such as moving/shifting allowances for ease of resettlement, residential housing or rentals, rental allowance whichever is feasible and as required, for ease of resettlement.

**Resettlement Policy Framework (RPF)** has been prepared as an instrument to be used to guide preparation of RAPs under Project RPF. The RPF was disclosed to set out the resettlement and compensation policy, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the project. The Resettlement Action Plans (“RAPs”) for the project will be prepared in conformity with the provisions of this RPF.

“**Census**” means a field survey carried out to identify and determine the number of Affected Persons (PAP) or Displaced Persons (DPs) as a result of laying of water mains within road reserves. The census provides the basic information necessary for determining eligibility for compensation, resettlement and other measures emanating from consultations with affected communities.

**Squatters** are those who have encroached on road reserves and constructed semi-permanent business structures, such persons have no formal rights to the land they occupy.

**Extra Assistance to Vulnerable PAPs:** Involves assistance in reconstruction of affected structures through provision of transport and labour from the community during reconstruction of the affected structures.

**Non-Revenue Water:** Refers to water that is lost through the water distribution system either as a result of leakages or non-metered connections.

**Vulnerable Groups** include all those disproportionately affected by adverse impacts of resettlement. Such persons may include the elderly, women and children headed households and disabled and HIV/AIDS afflicted person as detailed.

## E. EXECUTIVE SUMMARY

### E.1 BACKGROUND INFORMATION

The Government of Kenya (GoK) and Kilifi Mariakani Water and Sewerage Company Limited (KIMAWASCO), with the support of International Development Association (IDA) will undertake the proposed water distribution Network Short Term / Immediate Investments within Kilifi, Kaloleni, Mariakani, Mazeras and Mtwapa towns.

The jurisdiction of KIMAWASCO covers approximately 4,818km<sup>2</sup> and is made up of Urban Areas, Peri-Urban Areas, Rural Areas and Trading / Market Centres.

As per the Terms of Reference for the Assignment, Water Distribution Master Plans are to be prepared for the “Urban” and “Peri-Urban” Areas within the Service Areas of the 4 Nr selected Water Services Providers as well as en-route populations along the Bulk Transfer Pipelines.

The study Area for KIMAWASCO Water Distribution Master Plan is limited to the coverage of Kilifi, Mtwapa, Mazeras, Mariakani and Kaloleni Towns and 4 Nr. Trading Centres (Takaungu, Vipingoni, Chumani and Shariani).

The review of this RAP is undertaken during the Coronavirus disease (COVID-19) pandemic outbreak. However, the preparation of the RAP including the relevant consultations were undertaken before the first case of COVID-19 was reported in Kenya. As such, specific mitigation measures have been introduced to prevent the spread of the pandemic during the RAP implementation. More particularly, consultations required as part of the mitigation measures, during RAP implementation and training on E&S issues, also pose a risk of infection to communities. For this reason, the risk of contracting the virus during consultations will be avoided, minimized and mitigated with specific measures to ensure national requirements on social distancing and recommendations on how to minimize physical contact are adhered therefore has been reviewed during the COVID 19 pandemic outbreak and implementation will take place under this dispensation.

A summary of the Proposed Distribution Network Works for KIMAWASCO service area is given in **Table E.1** below.

**Table E.1: Summary of Proposed Water Distribution Network Works for KIMAWASCO (km)**

Service Area	Category of Works	Short Term Phase (2017-2020)	Medium Term Phase (2021-2030)	Long Term Phase (2031-2040)
Kilifi Town	Augmentation (160-450 mm Dia.)	2.34	0.68	0.78
	Replacement (110-200 mm Dia.)	14.23	-	-
	Extension (110-500 mm Dia.)	6.61	28.78	26.13
	<b>Total Length (km)</b>	<b>23.18</b>	<b>29.46</b>	<b>26.91</b>
Mtwapa Town	Augmentation (160-600 mm Dia.)	7.00	11.29	-
	Replacement	-	-	-
	Extension (90-300 mm Dia.)	12.50	7.18	19.69
	<b>Total Length (km)</b>	<b>19.50</b>	<b>18.47</b>	<b>19.69</b>
Mazeras Town	Augmentation (110-250 mm Dia.)	6.89	-	-
	Replacement (110-250 mm Dia.)	7.63	-	-
	Extension (110-250 mm Dia.)	8.27	16.60	7.82
	<b>Total Length (km)</b>	<b>22.79</b>	<b>16.60</b>	<b>7.82</b>
Mariakani Town	Augmentation (75-300 mm Dia.)	3.49	0.54	4.39
	Replacement (110-400 mm Dia.)	1.85	-	-
	Extension (110 - 400 mm Dia.)	3.67	28.45	24.79

Service Area	Category of Works	Short Term Phase (2017-2020)	Medium Term Phase (2021-2030)	Long Term Phase (2031-2040)
	<b>Total Length (km)</b>	<b>9.01</b>	<b>28.99</b>	<b>29.18</b>
Kaloleni Town	Augmentation	-	-	-
	Replacement (110-200 mm Dia.)	-	8.63	-
	Extension (110-500 mm Dia.)	2.99	2.21	1.43
	<b>Total Length (m)</b>	<b>2.99</b>	<b>10.84</b>	<b>1.43</b>

This Resettlement Action Plan (RAP) for the proposed Distribution Network Investments for Kilifi Mariakani Water and Sewerage Company Limited (KIMAWASCO) covers water distribution for the short term works which addresses the project affected persons in the following specific towns: Kilifi, Kaloleni, Mariakani, Mazeras and Mtwapa Towns.

## **E.2 RESETTLEMENT ACTION PLAN (RAP) OBJECTIVES**

The objective of this RAP is to identify and provide mitigation measures for social impacts caused by the proposed water distribution Project to PAPs assets and sources of livelihood in the KIMAWASCO. Further, this RAP provides Project Affected Persons with appropriate compensation for their affected assets at full replacement cost and spells livelihood restoration measures to affected PAPs according to the World Bank Operational Policy 4.12.

## **E.3 APPROACH AND METHODOLOGY OF RAP PREPARATION**

The methodology adopted during preparation of the RAP Report has been guided by Kenya's Land Act 2012 and the World Bank OP 4.12.

The RAP report has been prepared under the below summarized approach and methodology:

- (i) Literature Review
- (ii) Consultations with Stakeholders including PAPs
- (iii) Census and Inventory of Losses
- (iv) Valuation of Assets
- (v) Data analysis
- (vi) RAP Report preparation

## **E.4 POLICY AND LEGAL FRAMEWORK**

In order to mitigate the negative impacts related to resettlement, the RAP was prepared in line with the provisions of policy and legal framework of Kenyan Government and the applicable World Bank's safeguard policies.

A summary of the instruments discussed in the RAP include: Constitution of Kenya 2010, The Land Laws, (Amendment) Act 2016, The Land Act 2012 Laws of Kenya, Land Registration Act, 2012, National Land Commission Act 2012, The Land Adjudication Act Chapter 95 Laws of Kenya, The Valuers Act 532, Matrimonial, Property Act No 49 of 2013, Ownership of Matrimonial Property, Environment and Land Court Act (2011), WaSSIP-AF Resettlement Policy Framework (RPF) and the World Bank OP 4.12 on Involuntary Resettlement.

However, it is important to note that the water mains will be laid within existing road

reserves and that no land acquisition will be required.

## E.5 PROJECT RESETTLEMENT IMPACTS

The RAP Report identified that proposed improvement of Water Distribution Network within KIMAWASCO area of Jurisdiction has the potential of triggering risks associated with loss of semi-permanent business structures, loss or disruption of business livelihoods belonging to private persons. However, **loss of land will not be** triggered under this Project.

The proposed pipelines alignments lie within existing road reserves and wayleaves shared by local utilities owned by the relevant Road Authorities i.e. Kenya Urban Roads Authority (KURA), Kenya Rural Roads Authority (KeRRA) or Kenya National Highways Authority (KeNHA). Therefore, no land will be acquired since the PAPs are occupying the land informally.

The category of PAPS enumerated within the towns included:

- (i) People whose semi-permanent business structures will be totally and partially affected by Project activities
- (ii) People whose business or sources of livelihood will be disrupted due to Project activities

The RAP revealed the number of Project affected Persons (PAPs) to be a total of **257 PAPs** in Kilifi, Kaloleni, Mariakani, Mazeras and Mtwapa towns. **Chapter 6** of this report presents a detailed analysis of resettlement impacts

## E.6 ELIGIBILITY, ENTITLEMENT AND VALUATION

In accordance with World Bank Operational Policy OP4.12 the Project Affected Person (PAPs) irrespective of their tenure status on land they occupy are eligible for compensation if their assets or livelihoods sources will be affected by the Project activities before the cut-off date.

As per the project RPF if a sub – project funded under WSDP causes loss of income or livelihood, regardless of whether or not the affected people are physically displaced, the project will meet the following requirements:

- a) Promptly compensate economically displaced persons for loss of assets or access to assets at full replacement cost.
- b) In cases where land acquisition affects commercial structures, compensate the affected business owner for the cost of re-establishing commercial activities elsewhere, for lost net income during the period of transition, and for the cost of transfer and reinstallation of plants, inventory, machinery and other equipment.
- c) Provide replacement property (e.g. Agricultural or commercial sites) of equal or greater value, or cash compensation at full replacement cost where appropriate, to persons with legal rights or claims to land which are recognized or recognizable.
- d) Compensate economically displaced persons who are without legally recognizable claim to land for lost assets including other improvements made to the land, other than land, at full replacement cost.
- e) Provide additional targeted assistance (e.g. credit facilities, training, or job opportunities) and opportunities to improve or at least restore their income –

- earning capacity, production levels, and standards of living to economically displaced persons whose livelihoods or income levels are adversely affected.
- f) Provide transitional support to economically displaced persons, as necessary, based on a reasonable estimate of the time required to restore their income earning capacity, production levels, and standards of living.

The cut-off date was discussed and agreed upon during consultative meetings as the date of start of PAPs census activities as indicated below.

- (i) Kaloleni Town – Cut-off Date was 2<sup>nd</sup> August 2018
- (ii) Mtwapa Town – Cut-off Date was 14<sup>th</sup> August 2018
- (iii) Kilifi Town – Cut-off Date was 8<sup>th</sup> August 2018
- (iv) Mariakani and Mazerias Towns – Cut-off date was 10<sup>th</sup> August 2018

All structures affected will be compensated in cash calculated at full replacement cost, similarly, livelihoods will be offered compensation equivalent to a 3-month average income derived from the businesses they operate and also eligible to training on financial management on utilisation of compensation funds as provided in the entitlement matrix presented in **Chapter 7** of this Report.

The valuation method adopted for this RAP was the Gross Replacement Value Method (GRVM) that evaluates the current cost of replacing an asset. The approach entails measurement of the improvements (buildings, site works) to which the appropriate construction costs are applied, resulting in the new replacement (or reproduction) cost. An addition of **15%** is added to the value of structures as statutory allowance to cater for disturbance. This method is consistent with the replacement cost method as required by OP 4.12. Detailed unit rates adopted are presented in **Chapter 10** of this report.

## **E.7 PUBLIC CONSULTATIONS DURING RAP PREPARATION & IMPLEMENTATION**

This phase involved consultations with stakeholder's including community members during the RAP preparation. Stakeholders consulted included Technical Person from KIMAWASCO, representatives of National and County, Local Administrations in Kilifi, Mtwapa, Mariakani, Kaloleni and Mazerias Towns and the PAPs. Issues discussed and response to concerns is detailed in **Chapter 5** of this Report while **Appendix 2** provides minutes and list of attendance in PAPs meetings held in the project area.

During implementation of the RAP, various consultative activities will be undertaken. For efficient and meaningful engagement, a wide range of individual participants, groups in the local community and other stakeholders will be involved. The consultations will involve verification of PAPs covering the occupants of the affected area and vulnerable persons and groups; awareness raising, sensitization of PAPs and gauging attitude to the project; training and capacity building for livelihoods restoration, grievance redress, execution of site - specific surveys among others. The activities will lead to close interaction between the proponent and the community members leading to a high risk of spreading COVID-19 amongst community members during the consultation process.

To minimize the risk of spread of COVID-19 amongst community members, measures will be required to ensure social distancing and appropriate communication measures. The mitigation

measures will be supervised by a communications/ stakeholder engagement / social safeguards experts in the project proponent's team.

## **E.8 E 8. SOCIO ECONOMIC PROFILE OF PAPS**

The Socio-Economic Information of the PAPS gathered will be used during monitoring, evaluation and implementation of the RAP. A standard Questionnaire and Asset Register was used to conduct the census; they covered five main categories including: Demographic Data of PAPS (Age, Gender, Marital Status), Education Level, Income Sources of PAPS, Water and Sanitation Facilities and Health and Hygiene Levels of PAPS

Majority of PAPS were aged between 36 to 45 years, representing 21.2%, whereas, PAPS within the age range of 19 to 25 years were represented by 7.1% while PAPS above the age of 55 years were few only represented by 4.7% of the PAPS enumerated. The gender profile of PAPS was 67% male and 33% female. Analysis of field data, both male and female, indicate that 87% of the PAPS were married while 13% were single.

The literacy levels of PAPS was relatively high with 50% of PAPS completed secondary school, 33% attained post-secondary education and 4.2% completed primary school. The 12.5% of PAPS did not complete primary education and could be considered as semi-literate.

Income streams of PAPS is a critical factor in determining the likelihood of PAPS falling in into vulnerability if their income streams are impacted without adequate compensation. In KIMAWASCO, the survey data indicated that majority of the PAPS engage in various income generating activities. The most common source of income for PAPS was through self-employed business at (45.7%). The other category included PAPS in employment at 32% in the formal sector and 32% as casual labourers, only 13.2% were un-employed.

The type of business activities PAPS are engaged in include small subsistence retail enterprises such as Retail Shops, Grocery Shops, Food Kiosk or Hotels. The average income accrued by PAPS from these business on a daily basis ranges from Kshs. 1,000 to Kshs. 3,000 depending of the type and nature of business.

From the assessment, 53% of the PAPS obtain water from piped water in their houses while 31% of PAPS obtain water from communal piped water. Those not connected to KIMAWASCO mains obtain water from shallow wells in homesteads at 12% or buy from water venders at 4%. All the target towns of Mtwapa, Kilifi, Kaloleni, Mariakani and Mazeras lack conventional Sewerage Systems. From the assessment, the most common mode of wastewater disposal for PAPS was pit latrines at 53%, followed by use of septic tanks at 40% while few PAPS (7%) openly defecate in the surrounding environment.

Majority of the PAPS suffer from various ailments, mainly as a consequence of existing environmental issues such as polluted drinking water and poor sanitation. The most common disease reported by PAPS within the last 4 months prior to the survey was common cold as indicated by 15% of the respondents, followed by malaria as reported by 12.9% of respondents. The other common ailments include: pneumonia, tuberculosis and typhoid

## E.9 GRIEVANCE REDRESS MECHANISM

This RAP provides for a three tier Grievances Redress Mechanism (GRM) at no cost to the PAPs. The first level of Grievance Redress will be the Sub Location Grievance Redress Committees (SGRC) which will be formed at RAP implementation stage. The committee will comprise of 2nr Community Elders, 1nr Women’s Representative, 1nr Youth Representative.

The second tier of Grievance Redress Mechanism will be the mediation Committee referred to as Resettlement Implementation Committee (RIC) which will resolve disputes escalated from the first tier. This committee will comprise of MAWASCO Environmental & Social Safeguards Specialist, Project Engineer assisted by Land Surveyors and Land Valuers. The committee will be chaired by Assistant County Commissioner for Kilifi, Kaloleni, Mariakani, Mazeras and Mtwapa Sub Counties depending on the location of the complainant.

If complainants are not satisfied by the decision of the first two tiers of the Grievance Redress Mechanism, they will seek redress from the Courts of Law.

## E.10 INSTITUTIONAL ARRANGEMENT

The primary responsibility for the implementation of this RAP lies with KIMAWASCO Resettlement Implementation Committee (RIC). The committee will comprise of a Social Expert, Environmentalist, Accountant, Legal and Monitoring/ Evaluation Expert. The committee will work with a representative of Coast Water Works Development Agency (CWWDA) and ensure that all PAPs are adequately compensated as provided in the RAP Implementation Schedule provided in **Chapter 9** of this report.

## E.11 RAP BUDGET

This RAP provides a total implementation budget of **Kshs 10,407,060, (Ten Million, Four Hundred and Seven Thousand and Sixty Kenya Shillings)**<sup>1</sup> as detailed in **Table E.2 below**. The cost includes valuation of the affected structures and livelihood sources for 257 PAPs, cost of Livelihood restoration and cost of monitoring and evaluation.

The PAPs will be paid compensation allocation prior to commencement of physical construction works as presented in the RAP implementation schedule.

**Table E.2: RAP Budget**

Description	Structure Compensation	Livelihood Compensation	Add 15% Disturbance	Amount (Kshs.)
Kilifi Town	1,703,100	1,605,000	496,215	3,804,315
Kaloleni Town	558,900	495,000	158,085	1,211,985
Mariakani Town	590,100	660,000	187,515	1,437,615
Mazeras Town	621,100	150,000	115,665	886,765
Mtwapa Town	876,200	225,000	165,180	1,266,380

<sup>1</sup> The earlier RAP budget indicating Kshs 8,748,990 was based on the year 2018 estimates when the project ESIA was prepared, reviewed, and approved by NEMA and World Bank for disclosure. However, owing to changes in the prevailing economic circumstances, the actual valuation during the RAP study in the year 2019, yielded the current RAP budget of KShs. 10,407,060 as shown in Table E-2, hence the discrepancy between the ESIA estimates and this RAP.



<b>Sub Total 1</b>	<b>8,607,060</b>
Vulnerability Support and assistance	200,000
Stakeholder Engagements, Awareness raising and sensitization of PAPs <sup>2</sup>	300,000
Training and Capacity Building for livelihood restoration and GRM <sup>3</sup>	300,000
Operational & Administrative Costs of RAP Committees	500,000
Monitoring and Evaluation	500,000
<b>Sub Total 2</b>	<b>1,800,000</b>
<b>TOTAL RAP COST</b>	<b>10,407,060</b>

## E.12 MONITORING AND EVALUATION

The monitoring and evaluation framework provided by this RAP spells out a 3-level monitoring arrangement to be used to evaluate achievement of provisions of this RAP. The levels include: internal monitoring KIMAWASCO and CWWDA, external monitoring to be undertaken by an external firm and a final completion audit to be undertaken after implementation of the RAP.

The parameters to be monitored will include among others; PAPs successfully compensated, PAPs not compensated promptly and reasons, PAPS with restored livelihood enterprises, PAPs without restored assets, PAP consultative Meetings held, Grievances resolved promptly (within the duration allowed in the Grievance Redress Mechanism), outstanding grievances not resolved among other parameters.

Detailed monitoring and evaluation plan are presented in **Chapter 11** of this RAP.

<sup>2</sup>Gender Sensitizations and Training, Bank accounts, use of compensation money etc.

<sup>3</sup> The GRM will require sufficient skills in data management, including data entry, data analysis and storage. The team will also require training conflict resolution procedures, such as mediation and reconciliation, and other management areas such as record-keeping, report-writing and ICT equipment management.

# 1 BACKGROUND INFORMATION

## 1.1 GENERAL INFORMATION

The Government of Kenya (GoK) and Coast Water Works Development Agency (CWWDA) with the support of the International Development Association (IDA) has undertaken to prepare Detailed Designs, ESIA/RAP and Bid Documents for Water Distribution Works for Mombasa and three (3) Water Service Providers (WSPs) under the Water and Sanitation Development Programme(WSDP)

This Report presents the Resettlement Action Plan (RAP) for the Proposed Distribution Network - Short Term/Immediate Investments for Kilifi Mariakani Water and Sewerage Company Limited (KIMAWASCO) and includes Kilifi, Kaloleni, Mariakani, Mazeras and Mtwapa Towns.

## 1.2 PROPOSED WORKS

### 1.2.1 Kilifi Town

Kilifi Town is currently served by the Baricho Wellfields through two abstractions along the Sabaki-Mombasa Pipeline. The town will continue to be served by the Sabaki Pipeline up to the year 2020 as per the Water Supply Master Plan-Tahal/Bhundia 2014. After the completion of the Kilifi- Kakuyuni Pipeline (Currently under implementation by CWWDA under Lot 3 Works), the supply to Kilifi will be reduced by the flow control system on existing DN250 main between Sokoke Offtake and Sokoke BPT.

A summary of the proposed works for Kilifi Town for the three Planning Horizons is given in **Table 1.1** below.

**Table 1.1: Summary of Proposed Works for Kilifi**

Category of Works	Short-Term Phase (2017-2020)	Medium-Term Phase (2021-2030)	Long-Term Phase (2031-2040)
Augmentation (160-450 mm Dia.)	2.31	0.68	0.78
Replacement (110-200 mm Dia.)	14.20	-	-
Extension (110-500 mm Dia.)	6.61	28.78	26.13
<b>Total Length (km)</b>	<b>23.12</b>	<b>29.46</b>	<b>26.91</b>

**Table 1.2** on **Page 1-2** present's detailed Scope of Works for proposed in the Proposed Works\_for Kilifi Town

**Table 1.2: Kilifi Town - Proposed Works for Short Term**

Town	Pipeline Reference	Pipe Dia (mm)	Pipe Material	Length (m)	Remarks
Kilifi	MY01	200	HDPE	1,664	Laying of a New Pipeline in Hospital
	MY02	500	Ferrous	1,291	Transmission to Kilifi South
	MY03	200	HDPE	707	Laying of a New Pipeline in Hospital
	MY04	200	HDPE	640	Replacement of Existing 100 mm Dia. AC line in Hospital
		110	HDPE	467	
	MY05	160	HDPE	1,695	Laying of a New Pipeline in Hospital
	MY07	110	HDPE	307	Laying of a New Pipeline in Sokoni
	MY08	110	HDPE	4,830	Replacement of Existing AC lines
	MY09	110	HDPE	2,617	
	MY10	110	HDPE	5,304	
	MX17	110	HDPE	2,982	Laying of a New Pipeline in Hospital
	MX18	110	HDPE	2,000	Laying of a New Pipeline in Hospital
<b>Total</b>				<b>24,502<sup>4</sup></b>	

### 1.2.2 Mtwapa Town

The Bulk Water Supply System from Baricho Wellfields through Sabaki Pipeline serves Mtwapa Town. This will continue to be the source of water supply to Mtwapa Town up to the Planning Horizon 2040.

A summary of the proposed works for Mtwapa Town for the three Planning Horizons is given in **Table 1.3** below.

**Table 1.3: Summary of Proposed Works for Mtwapa**

Category of Works	Short-Term Phase (2017-2020)	Medium-Term Phase (2021-2030)	Long-Term Phase (2031-2040)
Augmentation (160-600 mm Dia.)	7.05	11.29	-
Replacement	-	-	-
Extension (90-300 mm Dia.)	12.60	7.18	19.69
<b>Total Length (km)</b>	<b>19.65</b>	<b>18.47</b>	<b>19.69</b>

<sup>4</sup> Table 1.1 shows the actual length taken from the proposed pipeline sites in Kilifi while the breakdown on table 1.2 gives an allowance of 5% extra length from all the pipelines

**Table 1.4** below present's detailed scope of works for proposed in the Proposed Works for Mtwapa Town.

**Table 1.4: Mtwapa Town - Proposed Works for Short Term**

Town	Pipeline Reference	Pipe Dia (mm)	Pipe Material	Length (m)	Remarks
Mtwapa	WA01	600	Ferrous	6,197	Laying of a New Pipeline along line from Mtepeni BPT
	WA02	400	Ferrous	600	Laying of a New Pipeline in Mtwapa Town Centre
	WA03	300	Ferrous	363	
	WA04	250	Ferrous	941	
	WA05	300	Ferrous	584	
	WA08	200	HDPE	1,798	
	WA11	160	HDPE	2,551	
	WA12	160	HDPE	1,320	
	WA13	200	HDPE	779	
		110	HDPE	572	
	WA14	110	HDPE	319	
	WA16	250	Ferrous	3,342	
	WC13	110	HDPE	1,127	
<b>Total</b>				<b>20,494<sup>5</sup></b>	

### 1.2.3 Mazeras Town

To ensure supply to all areas within Mazeras and eliminate direct pumping into the distribution system, the Kaloleni and Masonry Pumping Stations have been abandoned and, in their stead, a new reservoir (Capacity 2,000m<sup>3</sup>, elevation 218mamsl) introduced at Buni/ Kisimani. Three Pressure Regulating Valves (PRVs) have been introduced to ensure pressures do not exceed the recommended 60m for consumer connection.

A summary of the proposed works for Mazeras Town for the three Planning Horizons is given in **Table 1.5** below.

**Table 1.5: Summary of Proposed Works for Mazeras**

Category of Works	Short-Term Phase (2017-2020)	Medium-Term Phase (2021-2030)	Long-Term Phase (2031-2040)
Augmentation (110-250 mm Dia.)	6.85	-	-
Replacement (110-250 mm Dia.)	7.63	-	-
Extension (110-250 mm Dia.)	8.27	16.60	7.82
<b>Total Length (km)</b>	<b>22.75</b>	<b>16.60</b>	<b>7.82</b>

**Table 1.6** on **Page 1-4** below present's detailed scope of works for proposed in the Proposed Works for Mazeras Town.

<sup>5</sup> Table 1.3 shows the actual length taken from the proposed pipeline sites in Mtwapa while the breakdown on table 1.4 gives an allowance of 5% extra length from all the pipelines

**Table 1.6: Mazeras Town - Proposed Works for Short Term**

Town	Pipeline Reference	Pipe Dia (mm)	Pipe Material	Length (m)	Remarks
Mazeras	MA01	250	Ferrous	2,212	Proposed New line in Buni
	MA02	110	HDPE	104	Proposed New line in Mazeras
	MA03	250	Ferrous	6,073	Proposed New line in Mgumo wa Patsa
	MA04	110	HDPE	835	Proposed New line in Mgumo wa Patsa
	MA05	200	Ferrous	5,951	Proposed Rising Main to Proposed Tank
	MA06	250	Ferrous	4,715	Replacement of Existing AC Line
	MA07	160	HDPE	2,956	Replacement of Existing AC Line
	TANK				Proposed Mazeras Tank (2.500m <sup>3</sup> )
	<b>Total</b>			<b>22,847<sup>6</sup></b>	

#### 1.2.4 Mariakani Town

Mariakani Town is currently served from Mzima Springs through the Mzima Pipeline. Currently there are several offtakes from the Mzima Pipeline. In 2030, these offtakes will be disconnected leaving only one offtake to serve Mariakani Town. The system has been adjusted to eliminate direct pumping into the distribution system which is not recommended as it results in frequent pipe bursts due to fluctuations in demand.

A summary of the proposed works for Mariakani Town for the three Planning Horizons is given in **Table 1.7** on **Page 1-5**.

**Table 1.7: Summary of Proposed Works for Mariakani**

Category of Works	Short-Term Phase (2017-2020)	Medium-Term Phase (2021-2030)	Long-Term Phase (2031-2040)
Augmentation (75-300 mm Dia.)	1,280	-	3,879
Replacement (110-400 mm Dia.)	2,572	-	-
Extension (110 - 400 mm Dia.)	5,160	29,263	27,889
<b>Total Length (km)</b>	<b>9,013</b>	<b>29,263</b>	<b>31,768</b>

**Table 1.8** on **Page 1-5** present's detailed scope of works for proposed in the Proposed Works for Mariakani Town.

<sup>6</sup> Table 1.5 shows the actual length taken from the proposed pipeline sites in Mazeras while the breakdown on table 1.6 gives an allowance of 5% extra length from all the pipelines

**Table 1.8: Mariakani Town - Proposed Works for Short Term**

Town	Pipeline Reference	Pipe Dia (mm)	Pipe Material	Length (m)	Remarks
Mariakani	MY01	200	HDPE	1,244	Laying of a New Pipeline in DA-2
	MY02	200	HDPE	178	Laying of a New Pipeline in DA-4
	MY03	160	HDPE	300	
		200	HDPE	296	
	MY04	110	HDPE	730	
	MY05	110	HDPE	620	Laying of a New Pipeline in DA-3
	MY06	110	HDPE	1,636	
	MY07	110	HDPE	1,417	Laying of a New Pipeline in DA-2
	MY08	110	HDPE	151	
	MY09	200	HDPE	233	
	MY10	350	Ferrous	2,271	Replacement of Existing 100 mm Dia. AC line in DA-2
<b>Total</b>				<b>9,075<sup>7</sup></b>	

## Kaloleni Town

There were no studies carried out for Kaloleni Urban Centre under the Water Supply Master Plan – Tahal/Bhundia 2014. It has therefore been assumed that Kaloleni Town will continue to be served from both Sabaki – Mombasa Pipeline and the Mzima Pipeline up to year 2040. The existing pumps at Lower Ribe and Upper Ribe need to be assessed to determine their adequacy to supply water to Kaloleni Town up to the year 2040.

Kaloleni Town distribution network is characterised by several consumer connections along the DN 150 mm AC pumping main. As a result, the distribution network experiences frequent bursts on the distribution mains, low volumes of water getting to the reservoirs and lack of water in the case of power loss. To avoid this, all consumers have been disconnected from the pumping mains and will therefore be served from the St. John's Tanks.

A summary of the proposed works for Kaloleni Town for the three Planning Horizons is given **Table 1.9** on **Page 1-6**.

**Table 1.9: Summary of Proposed Works for Kaloleni**

Category of Works	Short-Term Phase (2017-2020)	Medium-Term Phase (2021-2030)	Long-Term Phase (2031-2040)
Augmentation	-	-	-
Replacement (110-200 mm Dia.)	-	8.63	-
Extension (110-500 mm Dia.)	3.03	2.21	1.43
<b>Total Length (km)</b>	<b>3.03</b>	<b>10.84</b>	<b>1.43</b>

**Table 1.10** below present's detailed scope of works for proposed in the Proposed Works for Kaloleni Town.

<sup>7</sup> Table 1.7 shows the actual length taken from the proposed pipeline sites in Mariakani while the breakdown on table 1.8 gives an allowance of 5% extra length from all the pipelines

**Table 1.10: Kaloleni Town - Proposed Works for Short Term**

Town	Pipeline Reference	Pipe Dia (mm)	Pipe Material	Length (m)	Remarks
Kaloleni	KA01	90	HDPE	891	New Pipeline from Old St. John's Reservoir through Twinkle Star Academy to ACK St. John's Church
	KA02	90	HDPE	462	New Pipeline from Midland Timber and Hardware to Chandani
	KA03	110	HDPE	876	New Pipeline from the St. John's Reservoirs to Digital Filling Station
	KA04	110	HDPE	746	New Pipeline from St. Luke's Mission Hospital to Redeemed Gospel Church Kaloleni
	<b>Total</b>			<b>2,975<sup>8</sup></b>	

Layout Plans showing the Proposed Water Distribution Network Works for KIMAWASCO Area under the respective Planning Horizons are given in **Figure 1.1** to **Figure 1.5** on **Pages 1-7** to **1-11**.

<sup>8</sup> Table 1.9 shows the actual length taken from the proposed pipeline sites in Kaloleni while the breakdown on table 1.10 gives an allowance of 5% extra length from all the pipelines

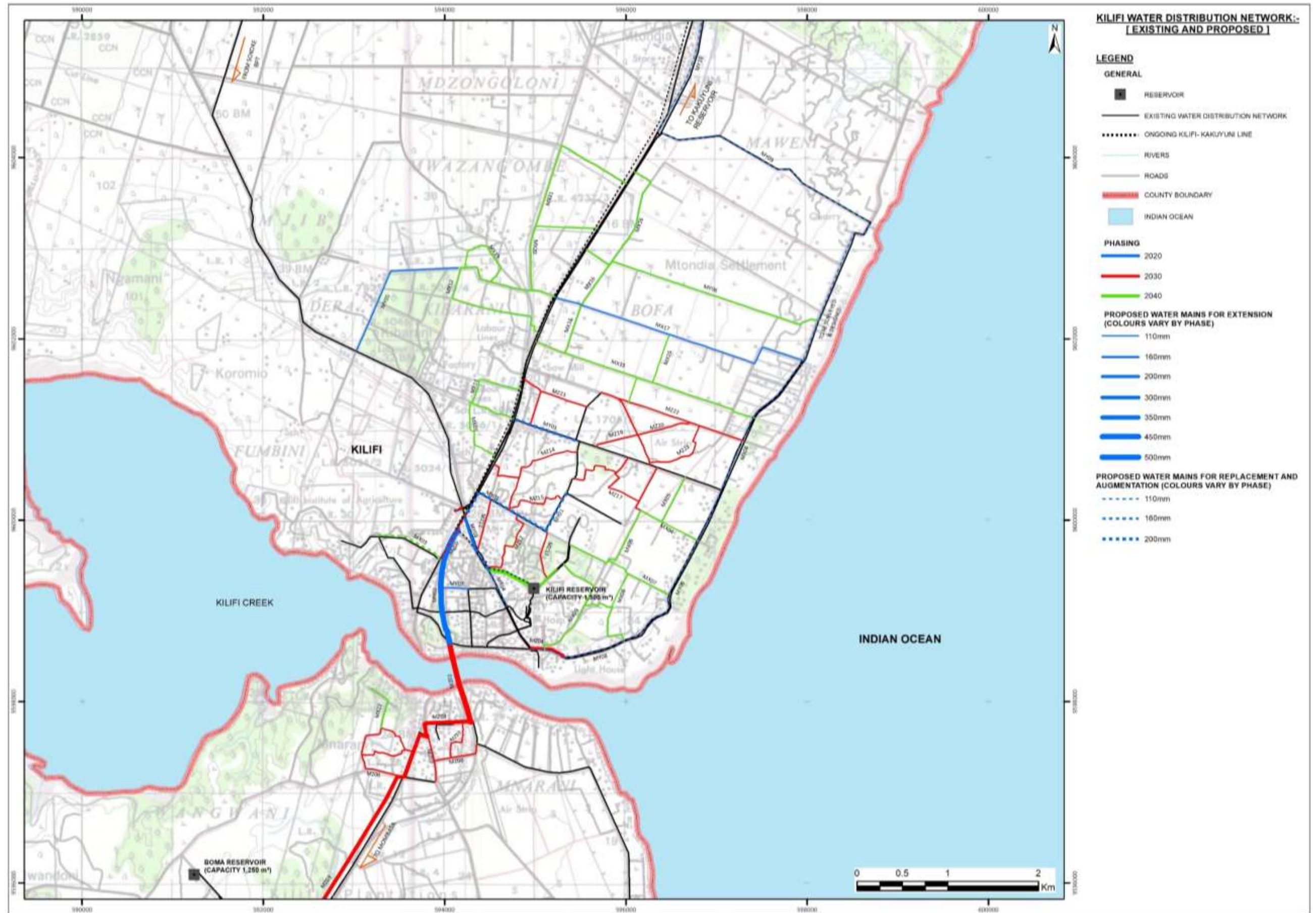


Figure 1.1: Layout Plan for the Network Improvements / Extensions for Kilifi



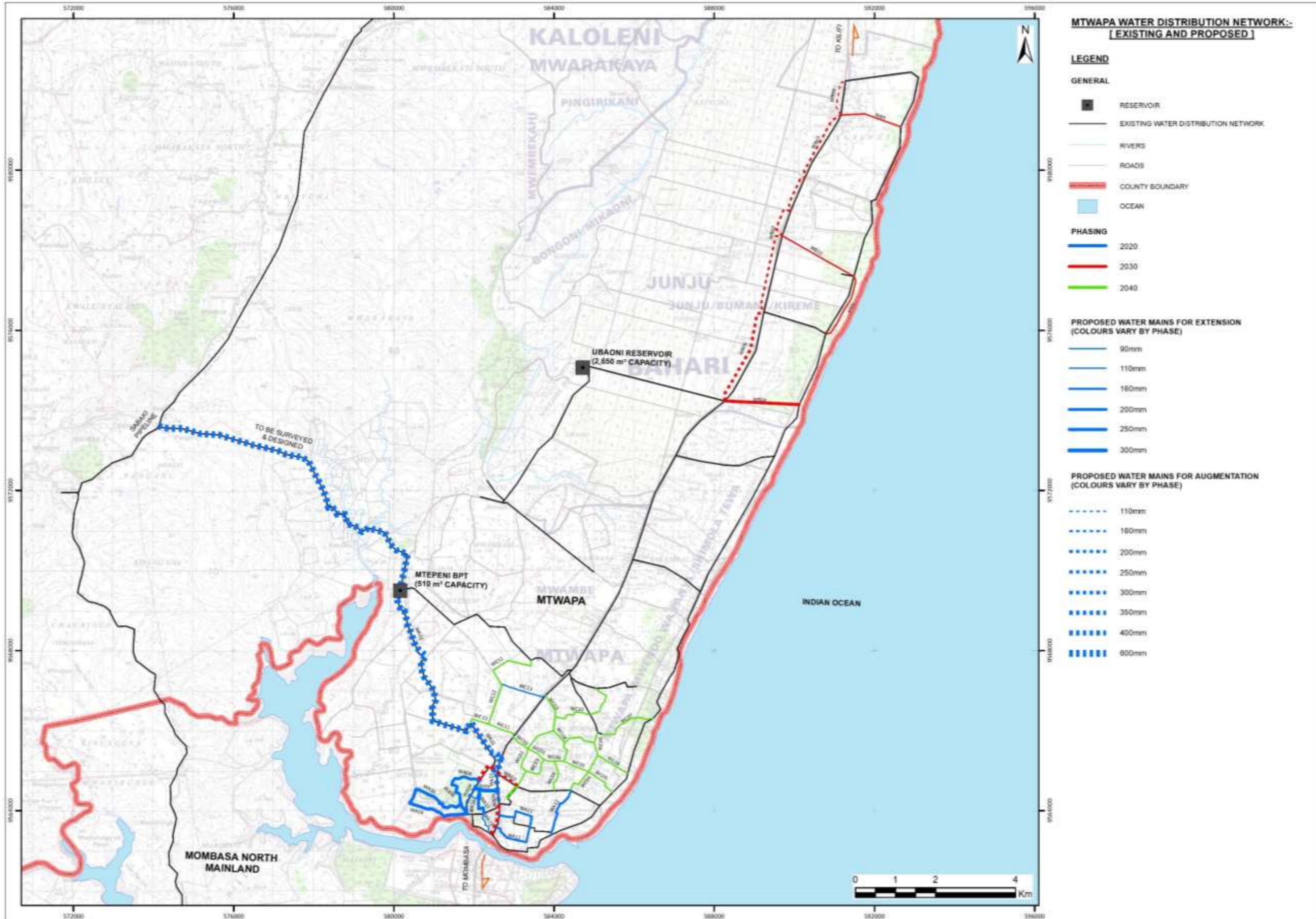


Figure 1.2: Layout Plan for the Network Improvements / Extensions for Mtwapa

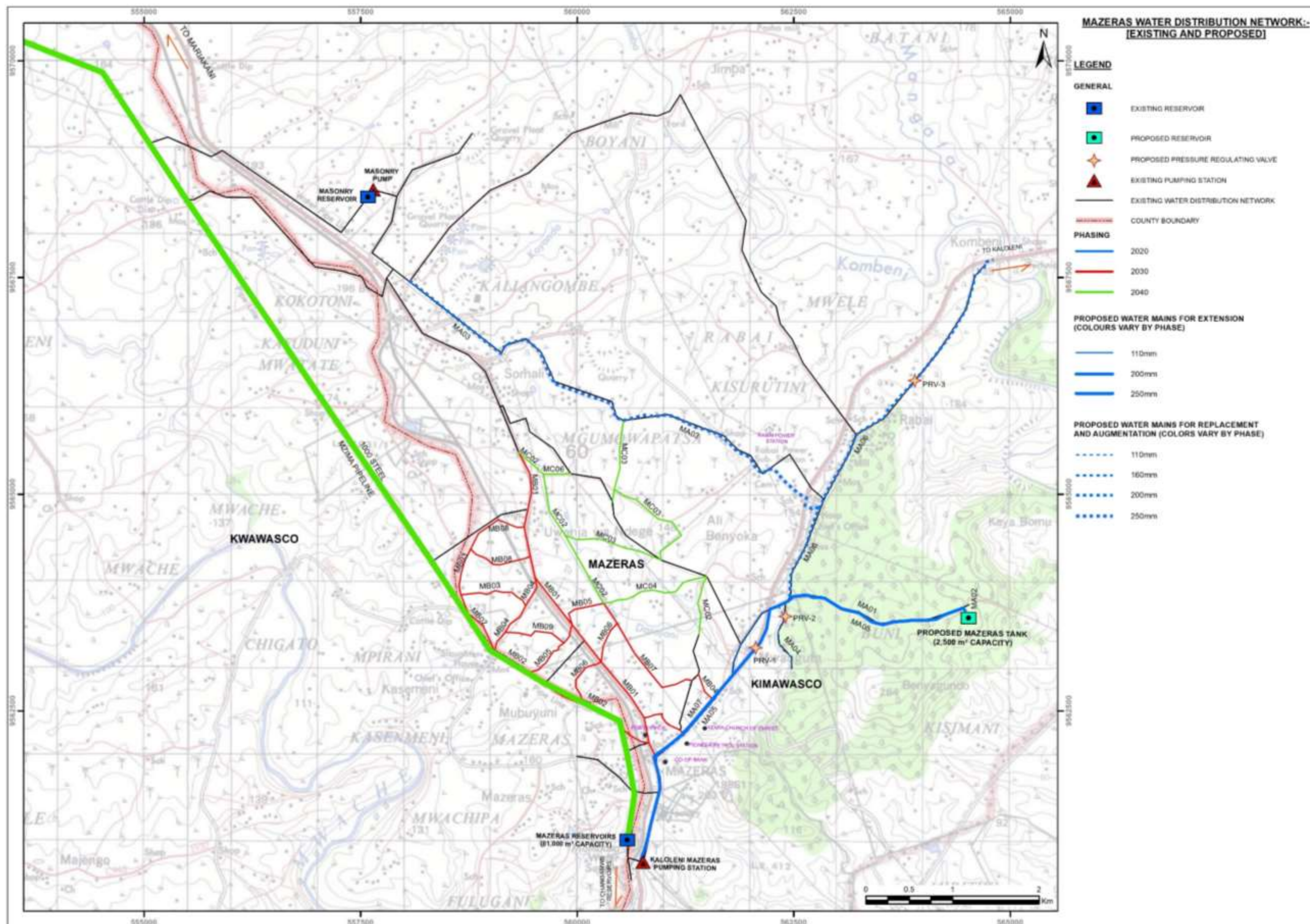


Figure 1.3: Layout Plan for the Network Improvements / Extensions for Mazeras

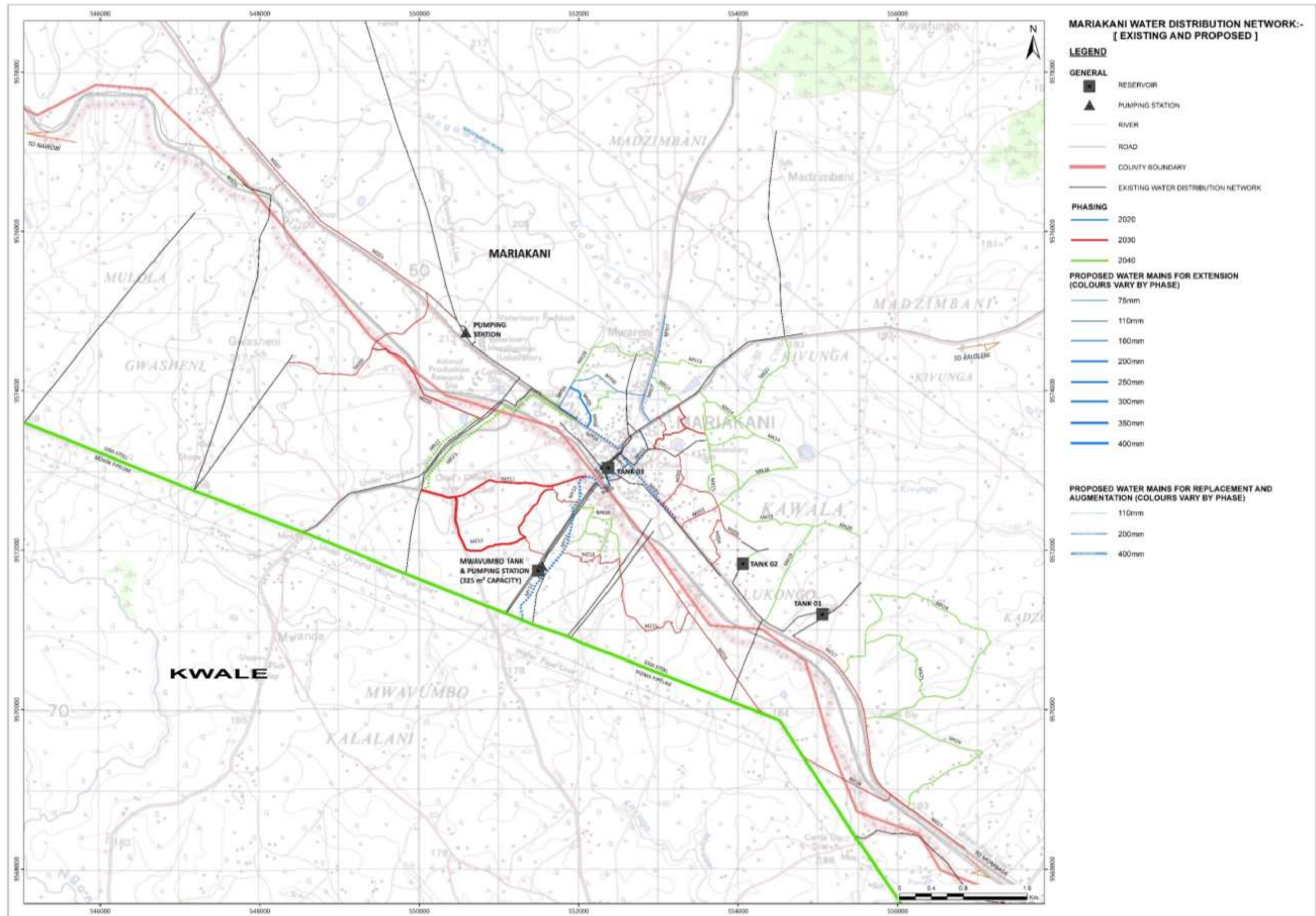


Figure 1.4: Layout Plan for the Network Improvements / Extensions for Mariakani

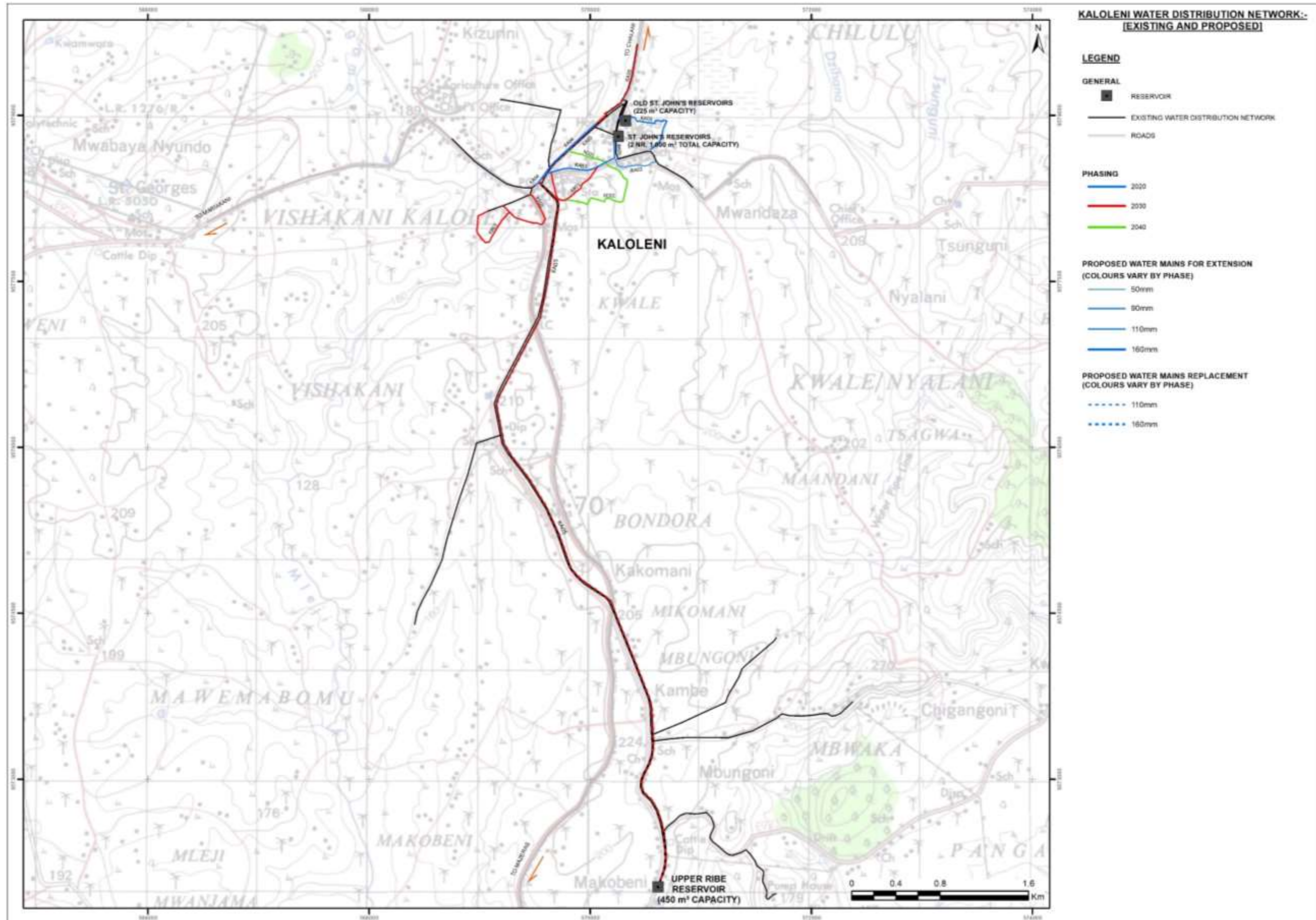
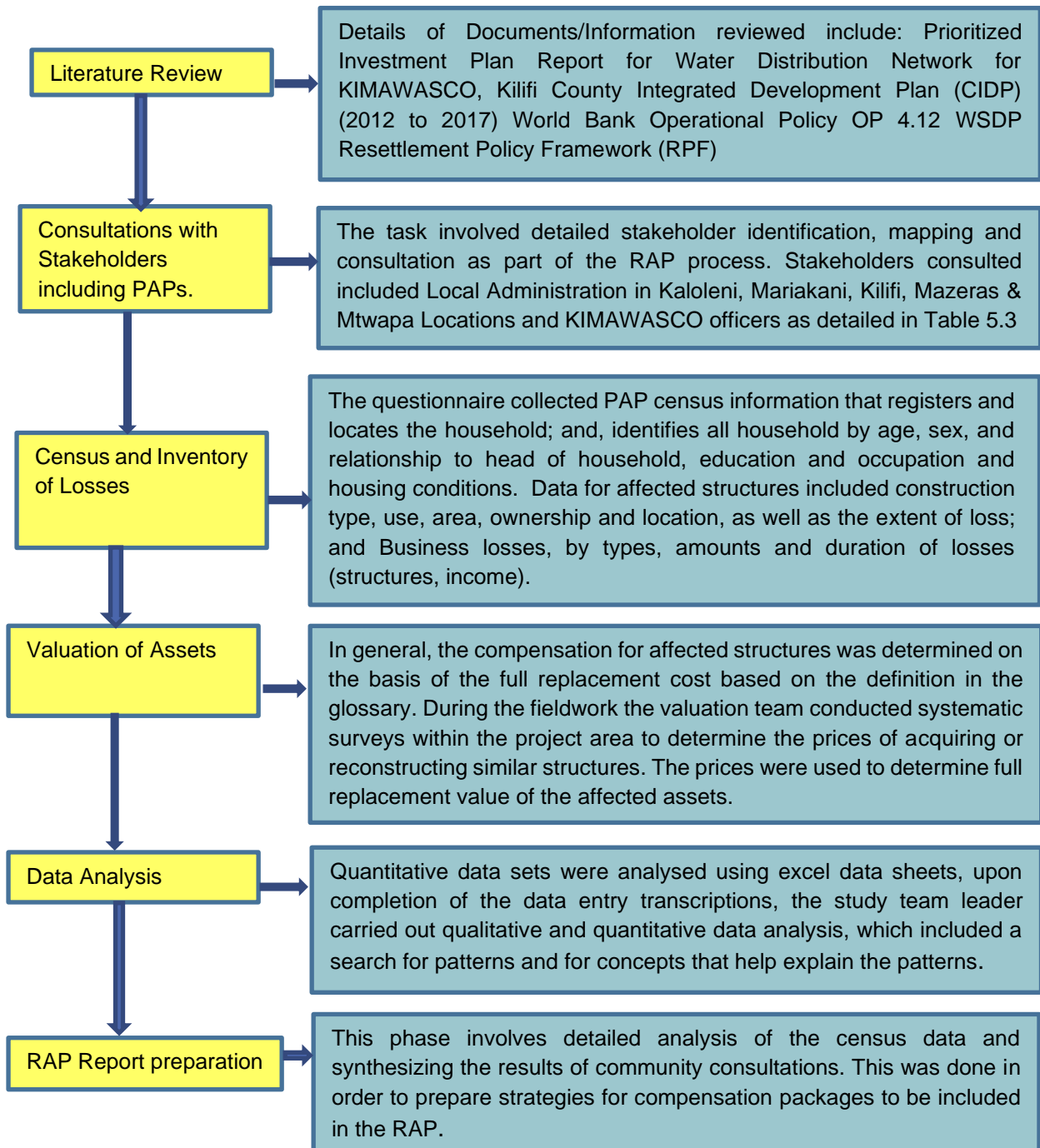


Figure 1.5: Layout Plan for the Network Improvements / Extensions for Kaloleni

## 2 APPROACH AND METHODOLOGY

### 2.1 Approach and Methodology Flow Chart

The methodology adopted during preparation of this RAP was guided by World Bank OP 4.12 and WSDP as summarized in **Figure 2.1** below.



**Figure 2.1: RAP Preparation Approach and Methodology**

### 3 SOCIO-ECONOMIC PROFILE OF PROJECT AFFECTED PERSONS

#### 3.1 SOCIO ECONOMIC SURVEY CONTEXT

The socio-economic information was gathered using a standard questionnaire that collected data under five main categories listed below:

- i. Demographic Data of PAPS (Age, Gender, Marital Status)
- ii. Education Level
- iii. Income Sources of PAPS
- iv. Water and Sanitation Facilities
- v. Health and Hygiene Levels of PAPS

#### 3.2 DEMOGRAPHY OF PROJECT AFFECTED PERSONS

Demographic data collected included: Age, gender and marital status of PAPS. The findings are detailed in the sub sections below

##### 3.2.1 Age of PAPS

Age is an important aspect in RAP assessments especially during determination of vulnerability of PAPS. PAPS under the age of 18 years are normally considered as minors and PAPS above the age of 70 years are considered as old persons. These categories of PAPS require special assistance during RAP implementation as stipulated by OP 4.12 on involuntary Resettlement.

Majority of PAPS were between 36 to 45 years of age, representing 21.2%, whereas, PAPS within the age range of 19 to 25 years were represented by 7.1% while PAPS above the age of 55 years were few only represented by 4.7% of the PAPS enumerated.

Figure 3.1 on below presents the various ages of the PAPS.

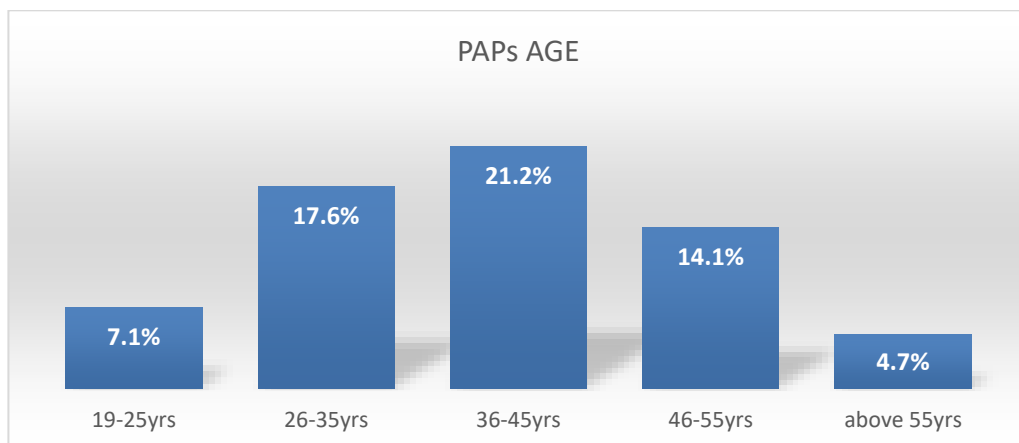
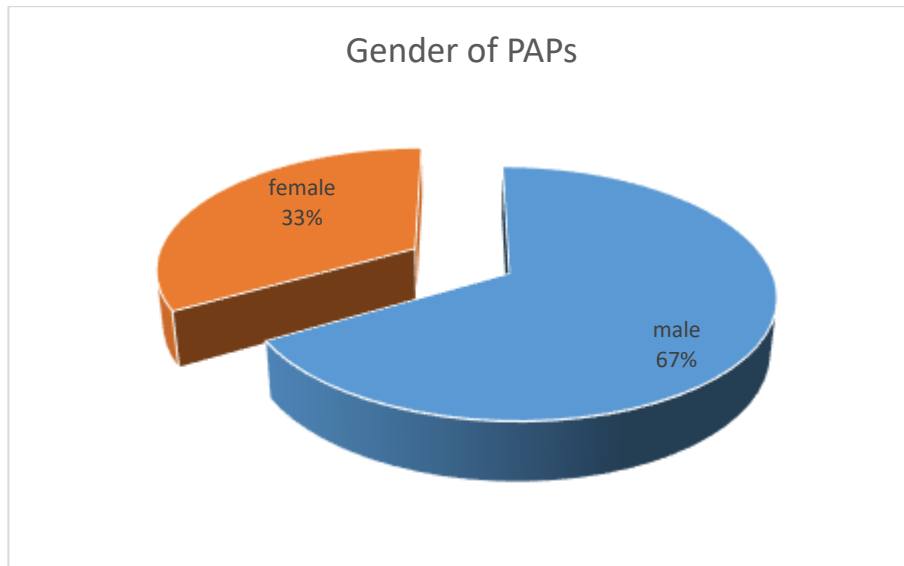


Figure 3.1 : Age Distribution of PAPS

### 3.2.2 Gender of PAPs

The gender profile of PAPs was 67% male and 33% female as illustrated by **Figure 3.2** below. Gender inclusivity is one of the guiding principles of this RAP as stipulated by OP 4.12. The following initiatives will be undertaken to ensure female inclusivity:

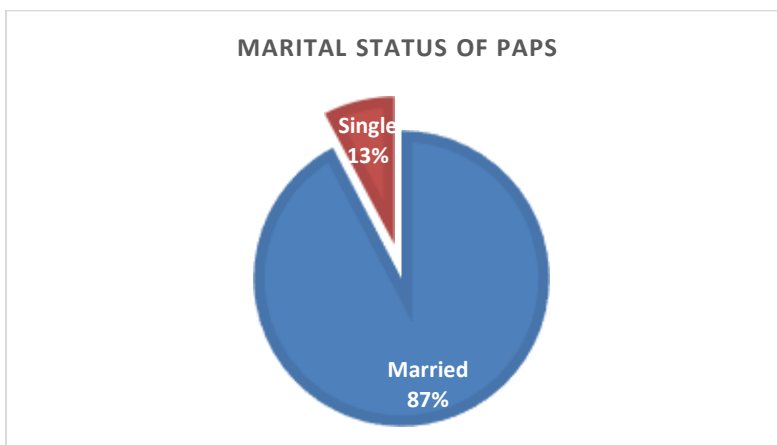
- i. Proposed joint accounts between spouses for disbursement of compensation funds
- ii. Inclusion of women representatives in the RAP Grievances Committee



**Figure 3.2: Gender Profile of PAPs**

### 3.2.3 Marital Status of PAPs

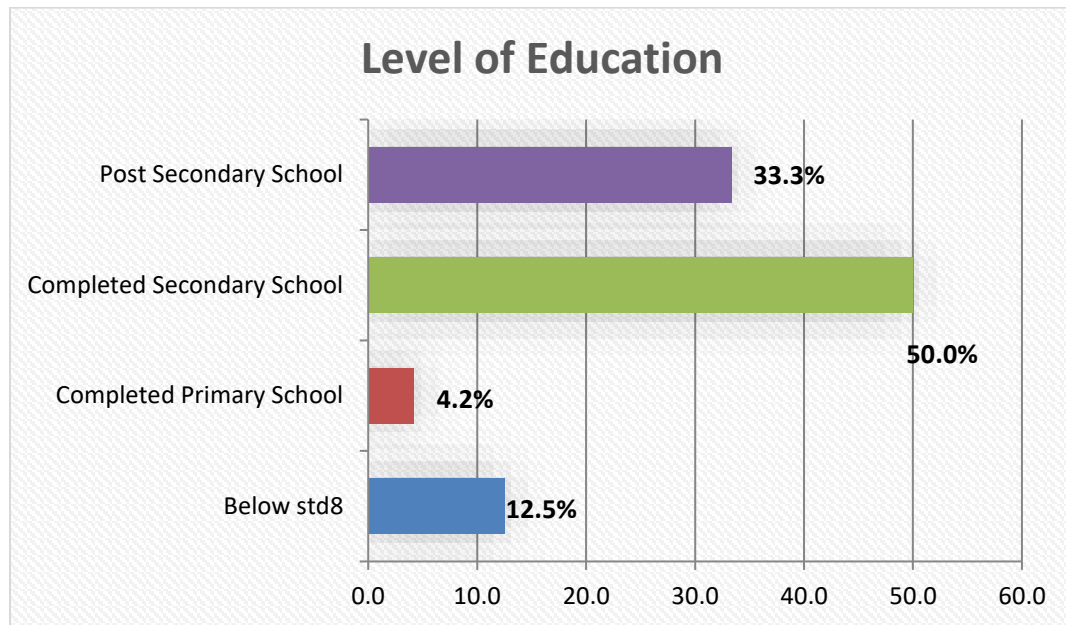
Analysis of field data indicate that 87% of the PAPs were married while 13% were single, as indicated in **Figure 3.3** below. The high percentage of married PAPs requires adherence to requirements of Gender Inclusivity in the RAP process as discussed in **Sub section 3.2.2** (above)



**Figure 3.3: Marital Status of PAPs**

### 3.3 EDUCATION LEVEL OF PAPs

The literacy levels of PAPs was relatively high with 50% of PAPs completed secondary school, 33% attained post-secondary education and 4.2% completed primary school. The 12.5% of PAPs did not complete primary education and could be considered as semi-literate. This is illustrated in **Figure 3.4** below.



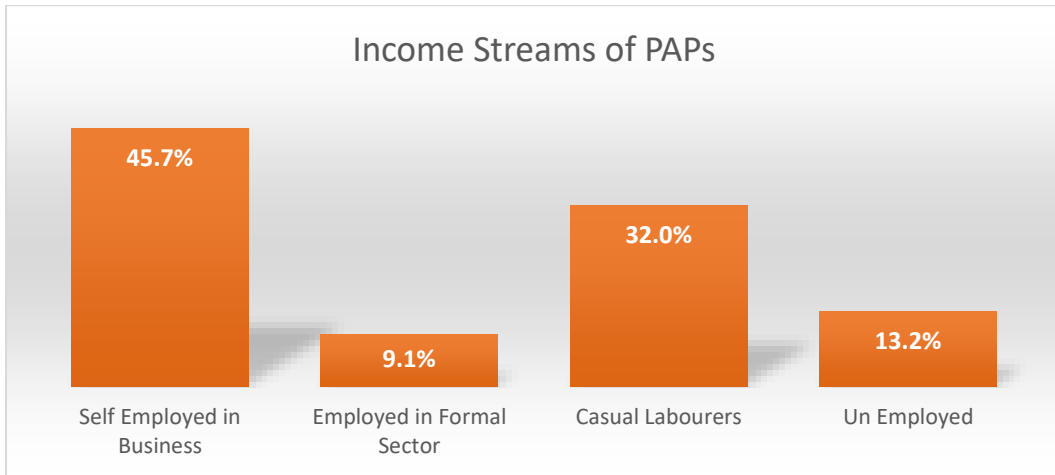
**Figure 3.4: Education Level of PAPs**

### 3.4 ECONOMIC ASSESSMENT OF PAPs

#### 3.4.1 Household Main Occupation

Income streams of PAPs is a critical factor in determining the likelihood of PAPS falling in into vulnerability if their income streams are impacted without adequate compensation. In KIMAWASCO, the survey data indicated that majority of the PAPs engage in various income generating activities. The most common source of income for PAPs was through self-employed business at (45.7%). The other category included PAPs in employment at 32% in the formal sector and 32% as casual labourers, only 13.2% were un-employed. This is presented in **Figure 3.5** below.

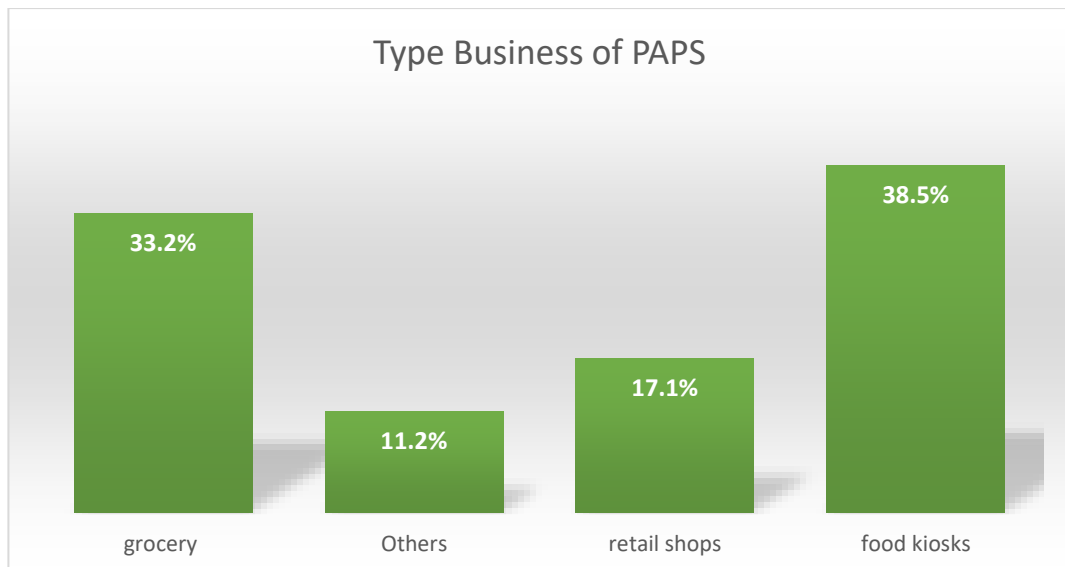




**Figure 3.5: Income Streams of PAPs**

### 3.4.2 Type of Businesses amongst PAPs

The type of business activities PAPS are engaged in include small subsistence retail enterprises such as Retail Shops, Grocery Shops, Food Kiosk or Hotels as illustrated in **Figure 3.6** below. The average income accrued by PAPs from these business on a daily basis ranges from Kshs. 1,000 to Kshs. 3,000 depending of the type and nature of business. Average daily income of PAPS is required for appropriate formulation of PAPS compensation packages for potential loss of livelihood.

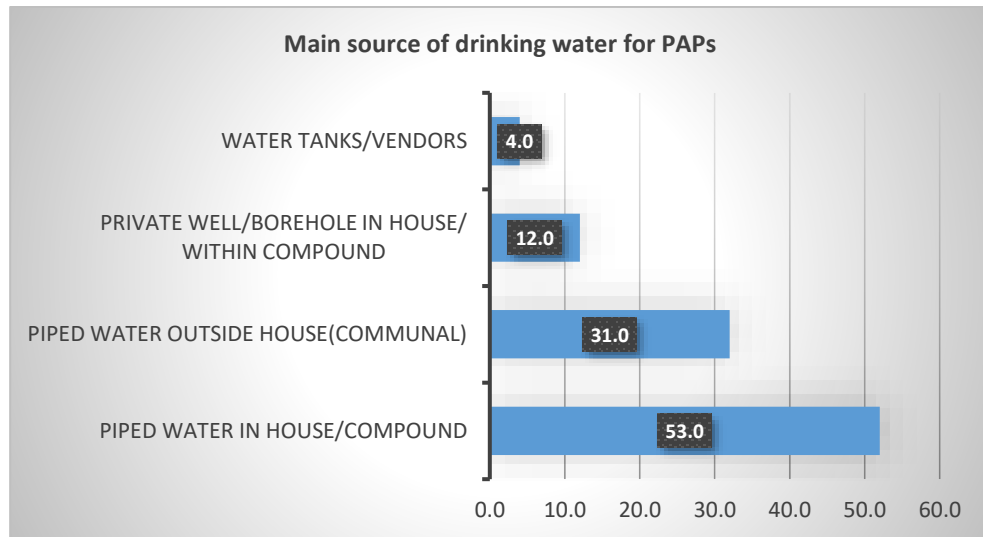


**Figure 3.6: Type and Nature of PAPS business**

## 3.5 WATER AND SANITATION FACILITIES FOR PAPs

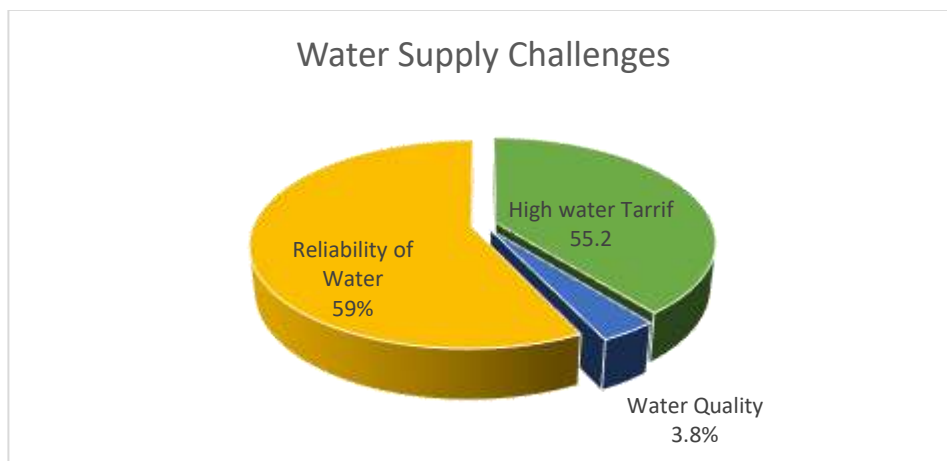
### 3.5.1 Sources of Water for Domestic Use

From the assessment, 53% of the PAPs obtain water from piped water in their houses while 31% of PAPs obtain water from communal piped water. Those not connected to KIMAWASCO mains obtain water from shallow wells in homesteads at 12% or buy from water venders at 4%. This information is presented in **Figure 3.7** on **Page 3-5**.



**Figure 3.7: Sources of Water for Domestic Use**

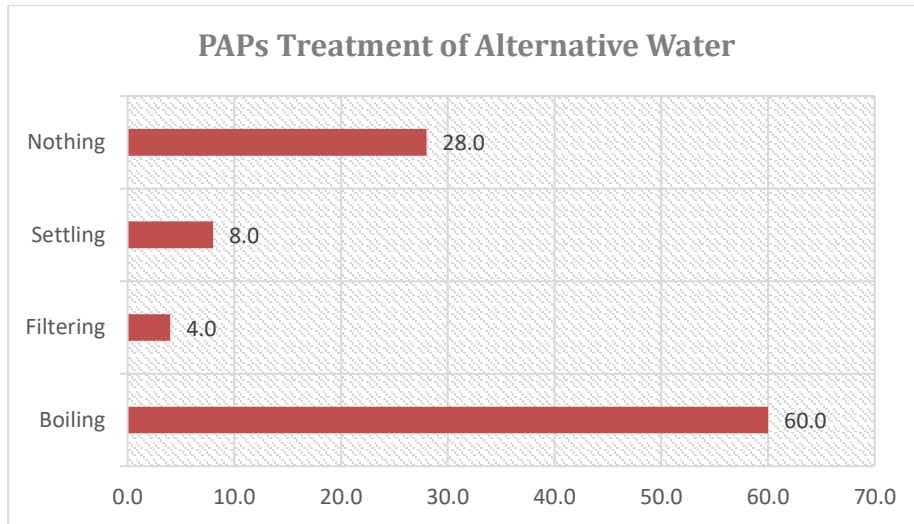
The survey further assessed water supply challenges as reported by PAPS during the survey. The main challenge faced by PAPS was reliability of water supply often brought about by the KIMAWASCO water rationing program and lack of water network in some supply areas at 59% of PAPs. The PAPs ranked high water Tariffs as the second greatest challenge at 55% while water quality was least ranked as a challenge at 3.8% as indicated in figure 3.8 below.



**Figure 3.8: Problems Associated with Water Supply**

**3.5.2 Treatment of Water from Alternative Sources**

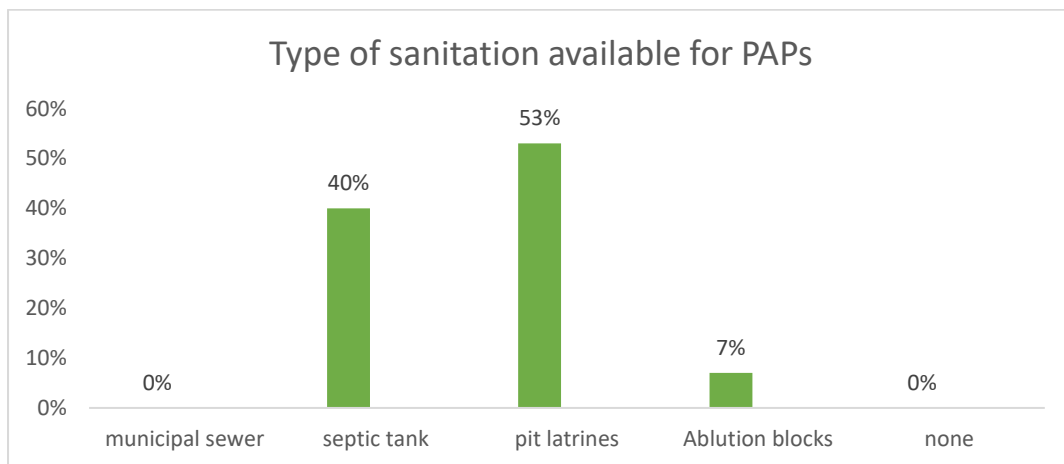
The survey sought to assess whether PAPs take an initiative of treating water sourced from alternative water sources when KIMAWASCO water is not available. It was found that 60% of PAPs boil water collected from vendors and shallow wells before consumption while 28% do nothing and consume the water raw. This information is presented in **Figure 3.9** on **page 3-6**.



**Figure 3.9: PAPs Treatment of Alternative Water Sources**

### 3.5.3 Sanitation Infrastructure

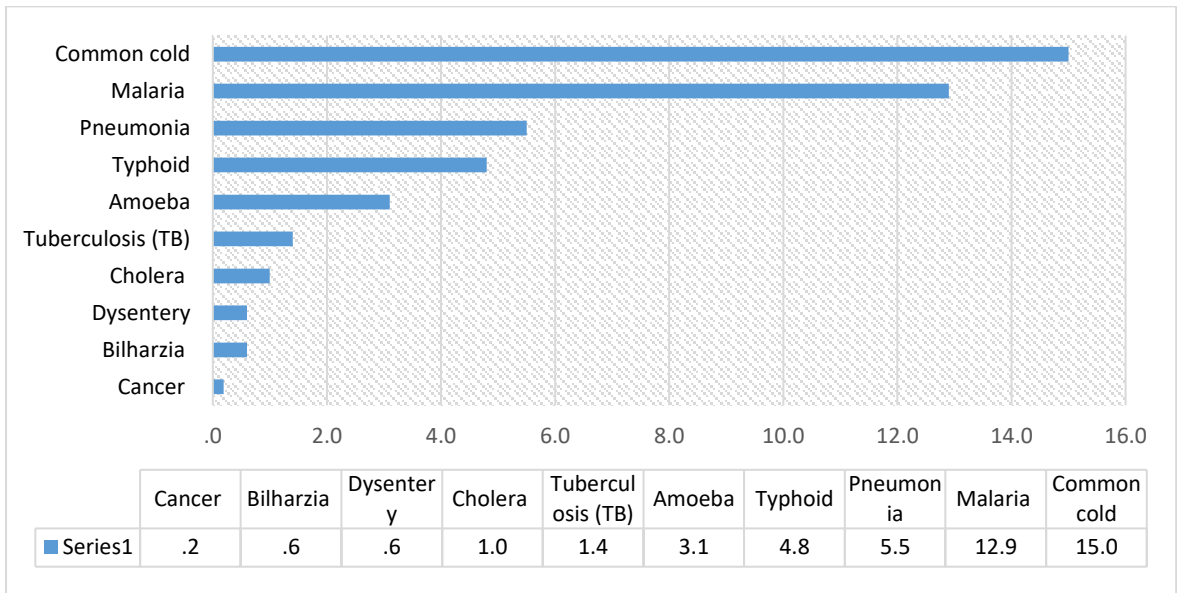
All the target towns of Mtwapa, Kilifi, Kaloleni, Mariakani and Mazeras lack conventional Sewerage Systems. From the assessment, the most common mode of wastewater disposal for PAPs was pit latrines at 53%, followed by use of septic tanks at 40% while few PAPs (7%) indicated using ablution blocks with towns. This information is illustrated in **Figure 3-10** below.



**Figure 3.10: Wastewater Disposal Methods for PAPs**

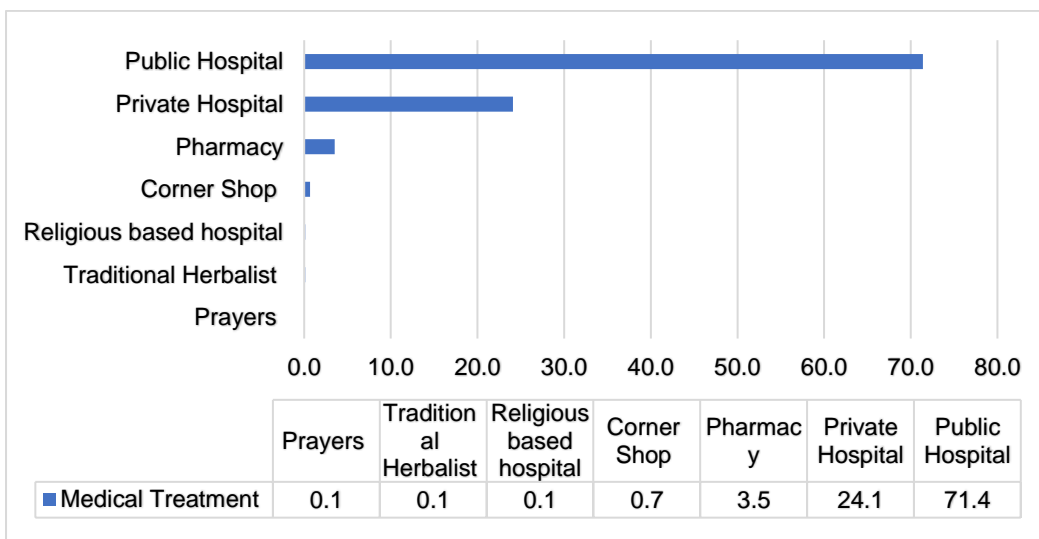
### 3.6 HEALTH PROFILE OF PAPs

Majority of the PAPs suffer from various ailments, mainly as a consequence of existing environmental issues such as polluted drinking water and poor sanitation. The most common disease reported by PAPs within the last 4 months prior to the survey was common cold as indicated by 15% of the respondents, followed by malaria as reported by 12.9% of respondents. The other common ailments include; pneumonia, tuberculosis and typhoid



**Figure 3.11: Wastewater Disposal Methods for PAPs**

From the field survey, majority of the PAPS (71.4%) acquire medical treatment from a public health facility within their respective towns, while 24.1% visit private health facilities especially for minor ailments. This suggests the need to upgrade the existing public health facilities which are preferred by PAPs so as to accommodate more patients.



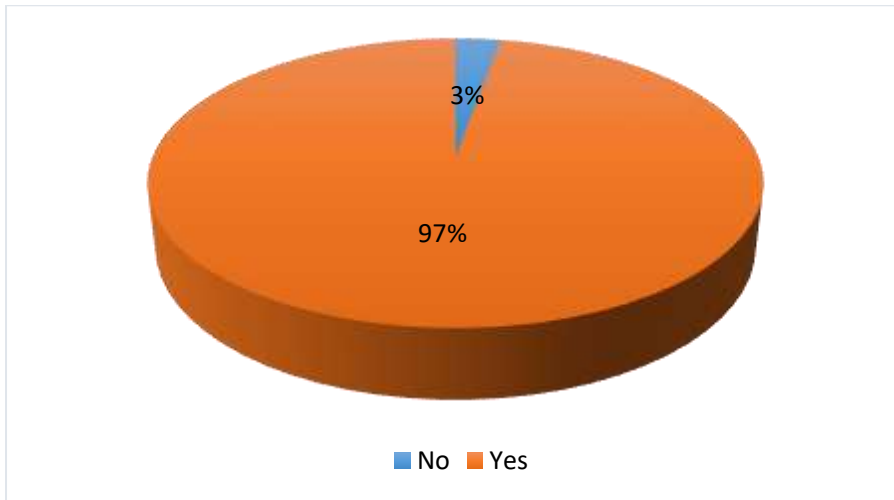
**Figure 3.12: Preferred Health Facilities**

### 3.7 ENERGY SOURCES

#### 3.7.1 Energy for Lighting

Majority of the households (97%) within the target towns reported having electricity connection in their houses with reliable access. This is an indication that households

within the towns have an extensive connection to the electrical grid since only about 3% of the PAPs reported no connectivity to electricity.

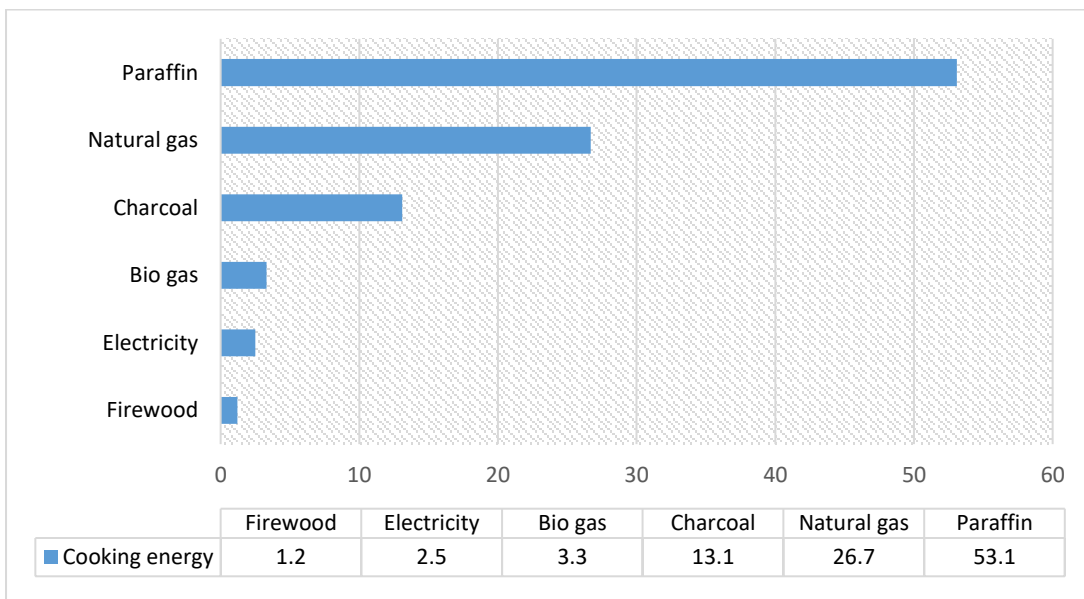


**Figure 3.13: Connection to Electricity**

The main reason for lack of electricity was due to the high cost of electricity as reported by 4.3% of the unconnected PAPs. 3.2% reported their lack of connection was caused by not being in proximity to the main power grid.

### 3.7.2 Cooking Energy

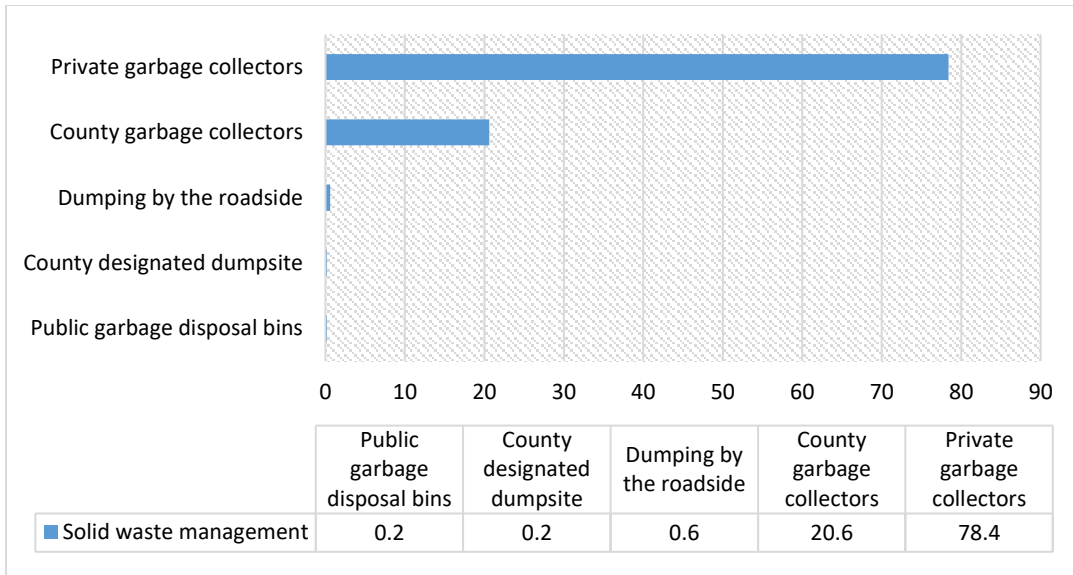
More than half of the PAPs reported that the most commonly used sources of energy for cooking is paraffin as reported by 53.1% of PAPs, while 26.7% of the PAPs use natural gas. Other sources of energy for cooking include charcoal, biogas, electricity and firewood.



**Figure 3.14: Energy for Cooking**

### 3.8 SOLID WASTE MANAGEMENT

There is no designated dumping sites within the towns to be used to dispose wastes by the PAPs. The survey results show that 78.4% of the respondents disposed household solid waste through private garbage collectors who collect and dispose the wastes.



**Figure 3.15: Solid Waste Disposal**

## 4 POLICY AND LEGAL PROVISIONS

### 4.1 INTRODUCTION

This chapter provides a description of the Laws and policy provision of Kenya related to resettlement impacts associated with development Projects. In addition, the chapter describes provisions of WB OP 4.12 and makes a comparison of this with the Kenyan law.

However, it is important to note no land acquisition will be required because the proposed water mains will be undertaken within the public way leaves and road reserves.

### 4.2 SUPPORTING PRINCIPLES

In approaching rehabilitation assistance within the Project, provisions of both GoK and OP 4.12 of the World Bank were applied and where gaps were encountered, additional provisions in mitigation were identified. Additionally, Project development were firmly anchored on principles aimed at mitigating displacement impact through minimization of Displacement as described.

In order to mitigate the negative impacts of displacements of affected persons, Government of Kenya as well as international institutions have prepared guidelines and safeguard policies to cushion people from the potential negative impacts of forced displacements as summarized in **Table 4.1** below.

**Table 4.1: Legal and Policy Provisions Related to RAP**

Legal Framework	Functional Relationship to Resettlement
<b>Constitution of Kenya 2010</b>	Constitution of Kenya 2010 recognizes individuals' right to acquire and own property provided they are citizens of the Country in Article 40. However, Article 66 of the same Constitution provides for the State to regulate the manner in which these rights are curtailed for the benefit of the general public.
<b>The Land Laws (Amendment) Act 2016</b>	The Land Laws (Amendment) Act, 2016 (No. 28 of 2016) was assented to by the President on 31 <sup>st</sup> August 2016 and came into effect on 21 <sup>st</sup> September 2016.  The Land Laws (Amendment) Act, 2016 revises the Land Act, 2012, the Land Registration Act, 2012 and National Land Commission Act, 2012. It also sets out regulations to give effect to Articles 67 (2) (e) and 68 (c) (i) of the Constitution of Kenya which deal with the National Land Commission's function of initiating investigations into present or historical land injustices and reparation and prescribed minimum and maximum land holding acreages for private land respectively.
<b>The Land Act 2012 Laws of Kenya</b>	It is the substantive law governing land in Kenya and provides legal regime over administration of public and private lands. It also provides for the acquisition of land for public benefit. The government has the powers under this Act to acquire land for projects, which are intended to benefit the general public. The projects requiring resettlement are under the provision of this Act.
<b>Land Registration Act, 2012</b>	The law provides for the registration of absolute proprietorship interests over land (exclusive rights) that has been adjudicated or any other leasehold ownership interest on the land. Such land can be acquired by the state under the Land Act 2012 in the project area.
<b>National Land Commission Act 2012</b>	The act establishes the National Land Commission with the purpose of managing public land and carrying out compulsory acquisition of land for specified public purposes.

<b>Legal Framework</b>	<b>Functional Relationship to Resettlement</b>
<b>The Land Adjudication Act Chapter 95 Laws of Kenya</b>	Provides for ascertainment of interests prior to land registrations under the Land Registration Act 2012 through an adjudication committee that works in liaison with adjudication officers.
<b>The Valuers Act 532</b>	<p>Valuation of land is a critical aspect of compulsory acquisition practice and compensation. The National Land Commission based on land valuation determined by registered valuers will make compensation awards. Besides, the Valuers Act establishes the Valuers Registration Board, which regulates the activities and practice of registered valuers.</p> <p>All valuers must be registered with the Board to practice in Kenya. The Board shall keep and maintain the names of registered valuers, which shall include the date of entry in the register; the address of the person registered the qualification of the person and any other relevant particular that the Board may find necessary.</p> <p>The Valuers Act does not provide for a description of the valuation procedures and methods. The RAP has made use of the services of registered valuers who are approved by Valuers Registration Board.</p>
<b>Matrimonial Property Act No 49 of 2013, Ownership of Matrimonial Property</b>	<p>Part III (Clause 7) states that subject to Section 6 (3), ownership of matrimonial property vests in the spouses according to contributions of either spouse towards its acquisition and shall be divided between the spouses if they divorce or their marriage is otherwise dissolved. This also includes assets like land.</p> <p>In complying with this policy provision, this RAP provides for equal right to information regarding compensation of affected structure and disbursement of compensation funds through a joint account opened by both spouse and with consent from children above the age of 18 years.</p>
<b>Public Participation Bill of 2016</b>	The Bill is an Act of Parliament that provides a general framework for effective public participation and to give effect for the constitutional principles of democracy. The purpose of the Act is promotion of democracy and public participation of the people according to Article 10 of the Constitution, promote community ownership for public decisions and promote public participation and collaboration in governance processes. In adherence to the Bill, detailed stakeholder consultations were held in the Project area as presented in <b>Chapter 5</b> of this report.
<b>Physical Planning Act</b>	The Physical Planning Act deals with matters relating to preparation of all land use plans, physical development plans and subdivisions. The powers of expropriation of land are vested in the Minister for Lands while the planning and surveys are vested in the Director of Lands and the Surveyor General respectively. The introduction of a devolved system of Government gives the function of County planning to the County while “General principles of land planning and the coordination of planning by Counties” remains a national function.
<b>Environment and Land Court Act (2011)</b>	<p>The Act gives effect to Article 162(2) (b) of the Constitution by establishing the Environment and Land Court that has original and appellate jurisdiction. According to Section 4 (2) and (3), it is a court with the status of the High Court. It exercises jurisdiction throughout Kenya and pursuant to Section 26, is expected to ensure reasonable and equitable access to its services in every County. The principal objective of this Act is to enable the Court to facilitate a just, expeditious, proportionate and accessible resolution of disputes governed by the Act.</p> <p>The Court exercises its jurisdiction under Section 162 (2) (b) of the Constitution and has power to hear and determine disputes relating to:</p>



Legal Framework	Functional Relationship to Resettlement
	<p>a) Environmental planning and protection, climate issues, land use planning, title, tenure, boundaries, rates, rents, valuations, mining, minerals and other natural resources;</p> <p>b) Compulsory acquisition of land;</p> <p>c) Land administration and management;</p> <p>d) Public, private and community land and contracts, choses in action or other instruments granting any enforceable interests in land; and</p> <p>e) Any other dispute relating to environment and land.</p> <p>Nothing in the Act precludes the Court from hearing and determining applications for redress of a denial, violation or infringement of, or threat to, rights or fundamental freedom relating to land and to a clean and healthy environment under Sections 42, 69 and 70 of the Constitution.</p>
<p>The Wayleaves Act Chapter 292 Revised in 2010</p>	<p>The Act provides that The Government may carry any sewer, drain or pipeline into, though, over or under any lands whatsoever but may not in so doing interfere with any existing building.</p> <p>The Government shall, at least one month before carrying any sewer, drain or pipeline into, though, over or under any private land without the consent of the owner of the land, give notice of the intended work, either by notice in the Gazette or in such other manner as the Minister may in any case direct</p> <p>On compensation, the act provides that the Government shall make good all damage done, and shall pay compensation to the owner of any tree or crops destroyed or damaged, in the execution of any power conferred by this Act</p>

### 4.3 WORLD BANK’S SAFEGUARD POLICIES

The World Bank’s Safeguard policies are designed to help ensure that projects proposed for Bank financing are environmentally and socially sustainable. The Projects triggers OP 4.12 on Involuntary Resettlement which is discussed below.

### 4.4 OP 4.12 INVOLUNTARY RESETTLEMENT

The objectives of this resettlement plan reflect the principals contained in the World Bank policy document, OP 4.12 Involuntary Resettlement. OP 4.12 is triggered in situations involving involuntary taking of land and/or other assets. The policy aims to avoid involuntary resettlement to the extent feasible, or to minimize and mitigate its adverse social and economic impacts. Specifically, OP 4.12 states that project planning must avoid and minimize involuntary resettlement, and that if people lose their homes or livelihoods as a result of such involuntary resettlement, they should have their standard of living improved, or at least restored. It promotes participation of displaced people in resettlement planning and implementation.

The OP 4.12’s 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 implementers prepare adequate resettlement planning instruments prior to appraisal of proposed projects.

According to OP 4.12, any World Bank financed project/program must comply with the provisions of OP 4.12 for impacts associated with displacement. In relation to the Project,

this policy covers direct economic and social impacts that both result from World Bank assisted projects, and are caused by:

- (i) Relocation or loss of shelter;
- (ii) Loss of assets or access to assets and services; or
- (iii) Loss of income sources or means of livelihood, whether the affected persons must move to another location.

**Table 4.2** below provides a comparison of World Bank OP 4.12 and Kenya Land Act 2012 on resettlement provisions, a gap filling measure has been proposed for gaps identified.

#### 4.5 DIFFERENCES BETWEEN KENYA LAWS AND WORLD BANK ESS (5) ON RESETTLEMENT

A comparison between Kenyan Laws and The OP 4.12 is illustrated in **Table 4.2** below. Also, recommendations regarding the regulation to be adopted has been clearly stated. It should, however, be noted that, in case of conflict between the Kenyan Laws and the OP 4.12, the provisions in the OP 4.12 will prevail.

**Table 4.2: Comparative Analysis of World Bank OP4.12 and Government of Kenya Requirements including Measures to Address Gaps**

World Bank Op 4.12	Kenyan Legislation	Recommendation to Address Gap
<b>GRM</b>		
For physical resettlement, appropriate and accessible grievance mechanism will be established.	Land Act 2012 clearly outlines the steps and process for grievance redress that includes alternative dispute resolution, and is backed by the judicial system through Environmental and Land Court Act	Adopt both Kenyan legislation and World Bank.
<b>ELIGIBILITY CRITERIA</b>		
<p>Determined by:</p> <p>(a) Those who have formal legal rights to land</p> <p>(b) Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets— provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan.</p> <p>O.P 4.12 describes the cut-off date as the date of completion of the socio-economic survey/census and asset inventory of PAPs. Persons entering and/or occupying land in the project area after this date or newly build structures will not be considered eligible for facilitation or resettlement assistance.</p>	<p>The Land Act 2012 provides that</p> <p>a) Written and unwritten agreements are recognized as valid land right.</p> <p>b) Those holding land tenure rights</p> <p>c) Those who have interest, or some claim in the land such pastoralist or who use the land for their livelihood.</p> <p>The Land Act, 2012 is not specific on the cut-off date but proposes a final survey of land to be acquired before compensation is paid.</p>	<p>Both will be adopted, and all users of the proposed way leaves will receive compensation as per the entitlement matrix. However, compensation for land is not applicable.</p> <p>Adopt World Bank OP 4.12 policy</p>

World Bank Op 4.12	Kenyan Legislation	Recommendation to Address Gap
<b>VALUATION OF STRUCTURES</b>		
<p>With regard to houses and other structures, it is 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 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.</p>	<p>Valuation is covered by the Land Act 2012 and stipulates, as already mentioned, that the affected person receive just compensation, but it is not specific of the exact amount or procedures on the same.</p>	<p>Apply the World Bank OP4.12 valuation and compensation measures.</p>
<b>COMPENSATION: and the preferred mode</b>		
<p>Cash based compensation should only be made where                      (a) land taken for the project is a small fraction of the affected asset and the residual is economically viable                      (b) active markets for lost assets exist and there is sufficient supply of land and housing; or                      (c) livelihoods are not land-based.</p> <p>Prompt compensation at full replacement cost before relocation and be offered relocation and livelihood support Full replacement cost does not take depreciation into account. In terms of valuing assets, if the residual of the asset being taken is not economically viable, compensation and assistance must be provided as if the entire asset had been taken.</p> <p>Recommends preparation of the RAP and proposes that measures for livelihood restoration are considered during resettlement of PAPs.</p>	<p>Land Act 2012 prefers mode of cash compensation by the Government to the affected population.</p> <p>Prompt, just compensation before the acquisition of land is clearly explained but not clear on assets compensation</p> <p>The Land Act, 2012 is not specific on any other assistance to displaced persons. Assistance ends at compensation. The Land Act, 2012 is not specific on livelihood restoration.</p>	<p>Adopt cash payment since there was no land take</p> <p>OP 4.12 will be adopted.</p> <p>Adopt World Bank OP 4.12 policy</p>
<b>PROJECT INFORMATION DISCLOSURE AND CONSULTATION</b>		

<b>World Bank Op 4.12</b>	<b>Kenyan Legislation</b>	<b>Recommendation to Address Gap</b>
<p>The resettlement plan or resettlement policy framework includes measures to ensure that the displaced persons are</p> <ul style="list-style-type: none"> <li>(i) Informed about their options and rights pertaining to resettlement;</li> <li>(ii) Consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives;</li> </ul>	<p>Article 35 of the Constitution and Section 96 of the County Government Act, 2012 provide For the right to access of information. Article 35(1) particularly guarantees all Kenyan citizens the right to access any information held by the state or information held by another person and required for the exercise or protection of any right or freedom</p>	<p>Adopt both The World Bank OP 4.12 and Kenyan laws</p>
<p>Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs, the policy is particular on involving vulnerable and marginalized as well as women in the process</p> <p>The policy also provides for public disclosure of information related to the Project during such consultations</p>	<p>The Land Act outlines procedures for consultation with affected population by the NLC and grievance management procedures.</p>	<p>Implement consultation procedures as outlined in both Kenyan legislation and World Bank. For involvement of vulnerable and women, the OP will be applicable</p>

## 5 PUBLIC CONSULTATION AND PARTICIPATION

### 5.1 OBJECTIVES OF STAKEHOLDER PARTICIPATION

Stakeholder consultation during RAP process is undertaken during the design, implementation and initial operation stages of the Project. The aim is to disseminate information to interested and affected parties (stakeholders), solicit their views and consult on sensitive issues.

The specific aims of the Public Consultation and Participation process during the Preparation of the RAP at the design stage include:

- To inform the local people, leaders and other stakeholders about the proposed water distribution project and its objectives
- To sensitize the community about the project and potential impacts on people and livelihoods'
- Obtain the main concerns and perception of the community and their representatives of the Project
- To promote Project ownership by the operator and beneficiaries in order to minimize conflicts
- Obtain opinions and suggestions from the directly affected persons on the Project impacts and best suited measures to mitigate them
- Obtain opinions and suggestions on the Project Concepts, Designs, etc. and therefore minimize conflicts and delays in implementation
- To facilitate the development of appropriate and acceptable entitlements options
- To increase long term Project sustainability and ownership
- To reduce problems of institutional coordination, especially at the different Governments levels.

### 5.2 STAKEHOLDER MAPPING

This was done to ensure that all the stakeholders likely to be affected or influenced by the Project were identified and involved in RAP detailed study. **Table 5.1** below presents details of stakeholders who were engaged in the RAP process.

**Table 5.1: Stakeholder Inventory**

Institution	Stakeholder
Kilifi County Government	<ul style="list-style-type: none"> <li>• Representative of Kilifi Mariakani Water and Sewerage Company (KIMAWASCO)</li> <li>• Lands and Physical Planning Department of Kilifi County Government</li> <li>• Kilifi County Public Health Officer</li> </ul>
National Government	<ul style="list-style-type: none"> <li>• Deputy County Commissioners for Kilifi, Mariakani, Kaloleni, Mazeras and Mtwapa Sub Counties</li> <li>• Local Administration (Chiefs and Village Elders)</li> <li>• National Environment Management Authority (NEMA)</li> </ul>
Institutions	<ul style="list-style-type: none"> <li>• Education and Health Institution</li> </ul>

Institution	Stakeholder
Other Interested Parties	<ul style="list-style-type: none"> <li>• Project Affected Persons (PAPs)</li> <li>• Land owners in Mariakani, Kaloleni, Mazeras and Mtwapa towns</li> <li>• Landlords and tenants of Mariakani, Kaloleni, Mazeras and Mtwapa towns</li> <li>• Business Community of Mariakani, Kaloleni, Mazeras and Mtwapa towns</li> <li>• Traders within Mariakani, Kaloleni, Mazeras and Mtwapa towns Hotel owners</li> <li>• Non-Governmental Organizations and Community Based Organization</li> </ul>

### 5.3 STAKEHOLDER PARTICIPATION PROCESS

Therefore, to comply with the above discussed statues, consultations were done with relevant stakeholders within the Project area during preparation of the RAP Report.

**Table 5.2** below provides schedule of Dates and Institutions Consulted.

**Table 5.2: Schedule of Institutional Consultations**

Date	Officer	Institution
30 <sup>th</sup> July 2018	Gona Mwembe	KIMAWASCO – Commercial Officer Kilifi
30 <sup>th</sup> July 2018	Teresia Dzame Rimba	COUNTY GOVERNMENT OF KILIFI Environment
30 <sup>th</sup> July 2018	Jacinta M. Makau	Physical planning- PPO
30 <sup>th</sup> July 2018	Athman T. Matano	Chief- Kilifi Township Location
31 <sup>st</sup> July 2018	Nyambura Virginia	KIMAWASCO – Kaloleni
31 <sup>st</sup> July 2018	Martin BejarGongo	KIMAWASCO- Kaloleni
31 <sup>st</sup> July 2018	ZiroWanje	Assistant Chief –Kaloleni Sub-location
31 <sup>st</sup> July 2018	Mwakidudu Jonathan	KIMAWASCO- Mariakani
31 <sup>st</sup> July 2018	Michael Panga	KIMAWASCO- Mariakani
31 <sup>st</sup> July 2018	Joyce W. Kombe	Chief – Mariakani
31 <sup>st</sup> July 2018	Muindi Daniel	KIMAWASCO- Area Manager Mazeras
1 <sup>st</sup> August 2018	Joel W. Kupalia	KIMAWASCO- Commercial Officer Mtwapa
9 <sup>th</sup> August 2018	Anthony C. Jao	Chief- Mazeras
9 <sup>th</sup> August 2018	Boniface M. Tsuma	Assistant chief- Buni/Kisimani
10 <sup>th</sup> August 2018	Martin Muthugumi	ACC- Mwawesa
10 <sup>th</sup> August 2018	Ramadhan C. Nyoka	Assistant Chief- Kaling'ombe
10 <sup>th</sup> August 2018	Hassan Ngome	KIMAWASCO- Commercial Officer- Mazeras
10 <sup>th</sup> August 2018	Harrison K. Konde	Assistant Chief- Mariakani
13 <sup>th</sup> August 2018	Rose K. Kadenge	Chief- Mtwapa

More consultations were done with the Public and other interested parties through Public Meetings in the project area.

**Table 5.3** below provides a schedule of Public Meetings held with key stakeholders in the project area.

**Table 5.3: Schedule of Public Meetings within KIMAWASCO**

Date of the Meeting	Meeting Venue	Participants Involved	Number of participants & Gender Representation
<b>2<sup>nd</sup> August 2018</b>	Kaloleni Town Town at Sub Chiefs office in Kaloleni	<ul style="list-style-type: none"> <li>Assistant Chief Kaloleni Sub location,</li> <li>Consultant representative, KIMAWASCO representatives, village elders</li> <li>Members of the public</li> </ul>	<b>Total: 38</b> Male 21 Female 17
<b>8<sup>th</sup> August 2018</b>	Kilifi Township Chiefs Office	<ul style="list-style-type: none"> <li>Chief Kilifi Township Location</li> <li>Consultant representative, KIMAWASCO representatives, village elders</li> <li>Members of the public</li> </ul>	<b>Total: 103</b> Male 83 Female 20
<b>10<sup>th</sup> August 2018</b>	Mitangoni Sub Location Mariakani Town	<ul style="list-style-type: none"> <li>Assistant chief Mitanoni Sub location,</li> <li>Consultant representative, KIMAWASCO representatives, village elders</li> <li>Members of the public</li> </ul>	<b>Total: 26</b> Male 14 Female 12
<b>14<sup>th</sup> August 2018</b>	Mtwapa Location Mtwapa Town	<ul style="list-style-type: none"> <li>Assistant chief Shimo La Tewa Sub location Mtwapa</li> <li>Consultant representative, KIMAWASCO representatives, village elders</li> <li>Members of the public</li> </ul>	<b>Total: 15</b> Male 10 Female 04

The Project designs and Resettlement Action Plan (RAP) incorporated issues discussed and resolved in the consultative meeting as summarized in **Table 5.4 to 5.7** below. **Appendix 2** shows public meetings with Project Interest Persons and held in various towns in KIMAWASCO areas.

**Table 5.4: Issues discussed during Public Meeting in Kaloleni Town where PAPs Participated**

Issues	Response
PAPs inquired whether they would be compensated for their business sheds likely to be affected by the Project	<p>The consultant informed the members that all persons affected by the project will be compensated as provided in this RAP at full replacement cost of affected structures</p> <p>For PAPs who might lose business, he noted that they will be entitled to cash compensation equivalent to 3 months average income derived from the businesses they operate.</p>
PAPs indicated that they required adequate notice so that after compensation they could slowly remove	The consultant representative informed that PAPs that the RAP will provide for 3 months notice on intention to use site. During this period PAPs will have been appropriately compensated and will also

encroaching structures away from the road reserves	have right to salvage construction materials from their structures
Community members and PAPs indicated that Job opportunities associated with the Project should be given to the local community as a priority.	The consultant assured the residents and PAPs that any opportunity that will arise, the first priority will be given to the locals, and this would be done through the office of the chief

**Table 5.5: Issues discussed during Public Meeting in Kilifi Town where PAPs Participated**

<b>Issues</b>	<b>Response</b>
PAPs and community Members were fearful of eviction, they noted that they have previously suffered and lost property due to eviction.	They informed that the Project is guided by World Bank Policy OP 4.12 and Kenyan Constitution, this policies safeguard interests of people and that no evictions will be initiated. Instead as indicated above, PAPs will be fully compensated for business and structure loss.
PAPs inquired whether they would also be compensated for land even if they did not have title deeds for the portion they occupy. They noted that resident of coastal towns have suffered land injustices and the issue of lack of title deeds to majority of people has worked to their disadvantage	They were informed them that compensation was only for development they had made on the land. He noted that the land they occupy is public road reserves and that they are not entitled to Land Compensation.  He further noted that no one will be disadvantaged under the Project and that no private land will be acquired for the Project, all water pipelines will be laid within road reserves
PAPs inquired whether they would be compensated for the their business sheds likely to be affected by the Project	The consultant informed the members that all persons affected by the project will be compensated as provided in this RAP at full replacement cost of affected structures  For PAPs who might lose business, he noted that they will be entitled to cash compensation equivalent to a 3 month average income derived from the businesses they operate.
PAPs indicated that they required adequate notice so that after compensation they could slowly remove encroaching structures away from the road reserves	The consultant representative informed that PAPs that the RAP will provide for a 3 month notice on intention to use site. During this period PAPs will have been appropriately compensated and will also have right to salvage construction materials from their structures
Community members and PAPs indicated that Job opportunities associated with the Project should be given to the local community as a priority.	The consultant assured the residents and PAPs that any opportunity that will arise, the first priority will be given to the locals, and this would be done through the office of the chief



**Table 5.6: Issues discussed during Public Meeting in Mariakani Town where PAPs Participated**

<b>Issues</b>	<b>Response</b>
PAPs and community Members were fearful of eviction, they noted that they have previously suffered and lost property due to eviction.	They informed that the Project is guided by World Bank Policy OP 4.12 and Kenyan Constitution, this policies safeguard interests of people and that no evictions will be initiated. Instead as indicated above, PAPs will be fully compensated for business and structure loss.
PAPs inquired whether they would also be compensated for land even if they did not have title deeds for the portion they occupy. The noted the railway Project had compensated PAPs well and that they expect the same from the water Project.	Mr Juma informed them that compensation was only for development they had made on the land. He noted that the land they occupy is public road reserves and that they are not entitled to Land Compensation, The Railway Project was compensating for land because land acquisition was applicable under the railways Project.
PAPs indicated that they required adequate notice so that after compensation they could slowly remove encroaching structures away from the road reserves	The consultant representative informed that PAPs that the RAP will provide for a 3 month notice on intention to use site. During this period PAPs will have been appropriately compensated and will also have right to salvage construction materials from their structures

**Table 5.7: Issues discussed during a Public Meeting in Mtwapa Town where PAPs Participated**

<b>Issues</b>	<b>Response</b>
Community Members requested for minimum destruction of their structures through the use of human labour during excavations within estate roads rather than using excavators which require huge working space and ultimately impacting on more PAPs	The meeting was informed that the contractor will develop specific working methods that will be approved by the resident engineer, the works methods will include recommendations such as the use of human labour to excavate congested routes as suggested
PAPs and community Members were fearful of eviction, they noted that they have previously suffered and lost property due to eviction.	They informed that the Project is guided by World Bank Policy OP 4.12 and Kenyan Constitution, this policies safeguard interests of people and that no evictions will be initiated. Instead as indicated above, PAPs will be fully compensated for business and structure loss.
PAPs indicated that they required adequate notice so that after compensation they could slowly remove encroaching structures away from the road reserves	The consultant representative informed that PAPs that the RAP will provide for a 3 month notice on intention to use site. During this period PAPs will have been appropriately compensated and will also have right to salvage construction materials from their structures

## 6 PROJECT RESETTLEMENT IMPACTS

### 6.1 PROJECT RESETTLEMENT IMPACTS

The RAP Report identified that proposed improvement of Water Distribution Network within KIMAWASCO area of Jurisdiction has the potential of triggering risks associated with loss of temporary business structures, loss or disruption of business livelihoods belonging to private persons. However, loss of land will not be triggered under this Project.

All the PAPs enumerated in KIMAWASCO project area will suffer economic displacement associated with loss of semi-permanent residential/business structures and loss of livelihood associated with such business.

The RAP revealed the number of Project affected Persons (PAPs) to be at total of 257 PAPs in Kilifi, Kaloleni, Mariakani, Mazeras and Mtwapa towns as detailed in sub section 4.2 to 4.6 below.

### 6.2 RESETTLEMENT IMPACTS IN KILIFI TOWN

The RAP census survey enumerated a total of 117 PAPs who will to be affected by the proposed construction of Water distribution pipelines in Kilifi town. Further segregation of PAPs by gender was that 56 PAPs were women, 5 PAPS qualified to be vulnerable. The main categories of PAPs were;

- (i) PAPs losing business structures enumerated as 75PAPs
- (ii) PAPs losing livelihood enumerated as 114 PAPS

The affected lines were MY04 and MY 01 located within Hospital Sub Locations in Kilifi Town. **Table 6.1** below provides details of RAP impacts in Kilifi Town.

**Table 6.1: Project Affected Persons in Kilifi Town**

Design Horizon	Water Mains (Layout Map)	Sub Location	Total Number of PAPs	Total Number of Women PAPs	PAPS losing Structures	PAPS losing Livelihood	Tenant PAPs	Vulnerable PAPs
2020	MY04	Hospital	82	40	74	79	0	2
	MY01	Hospital	35	16	1	35	0	3
	<b>Total</b>		<b>117</b>	<b>56</b>	<b>75</b>	<b>114</b>	<b>0</b>	<b>5</b>

**Note\*** Note the other lines proposed under the 2020 Design Horizon for Kilifi were confirmed to be free from encroachment.

### 6.3 RESETTLEMENT IMPACTS IN KALOLENI TOWN

The RAP census survey enumerated a total of 43 PAPs who will to be affected by the proposed construction of Water distribution pipelines in Kaloleni town. Further segregation of PAPs by gender was that 27 PAPs were women, while 3 PAPs were Vulnerable. The main categories of PAPs were PAPs losing structures and PAPs losing sources of livelihood as summarized below.

- (i) PAPs losing business structures enumerated as 8 PAPs
- (ii) PAPs losing livelihood enumerated as 37 PAPS

The affected lines were KA04 and KA03 located within Vishikani Sub Locations in Kaloleni Town. **Table 6.2** below provides details of RAP impacts in Kaloleni Town.

**Table 6.2: Project Affected Persons in Kaloleni Town**

Design Horizon	Water Mains (Layout Map)	Sub Location	Total Number of PAPs	Total Number of Women PAPs	Tenant PAPs	PAPS losing Business Structures	PAPS losing Livelihood	Vulnerable PAPs
2020	KA04	Vishakani	35	26	0	Nil	29 <sup>9</sup>	1
	KA03	Vishakani	8	1	0	8	8	2
<b>Total</b>			<b>43</b>	<b>27</b>	<b>0</b>	<b>8</b>	<b>37</b>	<b>3</b>

#### 6.4 RESETTLEMENT IMPACTS IN MARIAKANI TOWN

The RAP census survey enumerated a total of 46 PAPs who will be affected by the proposed construction of Water distribution pipelines in Mariakani town. Further segregation of PAPs by gender was that 23 PAPs were women, 6 PAPS were vulnerable. The main categories of PAPs were PAPs losing business structures and PAPs losing sources of livelihood as summarized below.

- (i) PAPs losing Business structures enumerated as 13 PAPs
- (ii) PAPs losing livelihood enumerated as 44 PAPS

The affected lines were MY01, MY02, MY03, MY04 and MY06 all located within Mitangoni and Majengoni Sub Locations in Mariakani Town. **Table 6.3** below provides details of RAP impacts in Mariakani Town.

**Table 6.3: Project Affected Persons in Mariakani Town**

Design Horizon	Water Mains (Layout Map)	Sub Location	Total Number of PAPs	Total Number of Women PAPs	Tenant PAPs	PAPS losing Business Structures	PAPS losing Livelihood	Vulnerable PAPs
2020	MY04	Mitangoni	30	17	0	Nil	30 <sup>10</sup>	1
	MY06	Mitangoni	3	1	0	3	3	2
	MY02	Majengo	2	0	0	2	2	Nil
	MY01	Majengo	1	1	0	1	1	2
	MY03	Mitangoni	10	4	0	7	8	1
<b>Total</b>			<b>46</b>	<b>23</b>	<b>0</b>	<b>13</b>	<b>44</b>	<b>6</b>

#### 6.5 RESETTLEMENT IMPACTS IN MAZERAS TOWN

The RAP census survey enumerated a total of 23 PAPs who will be affected by the proposed construction of Water distribution pipelines in Mazeras town. Further segregation of PAPs by gender was that 4 PAPs were women, no PAPS were vulnerable. The main categories of PAPs were PAPs losing structures and PAPs losing sources of livelihood as summarized below.

- (i) PAPs losing structures enumerated as 13 PAPs

<sup>9</sup> This were mobile vendors enumerated along the water main easement for pipeline KA04

<sup>10</sup> Mobile vendors enumerated along MY04 water pipeline easement.

- (ii) PAPs losing livelihood enumerated as 11PAPS

The affected lines were MA01, MA03, MY03, MA04 and MA06 located within Kisurutuni and Gumophatsa Sub Locations in Mazeras Town. **Table 6.4** below provides details of RAP impacts in Mazeras Town.

**Table 6.4: Project Affected Persons in Mazeras Town**

Design Horizon	Water Mains (Layout Map)	Sub Location	Total Number of PAPs	Total Number of Women PAPs	Tenant PAPs	PAPS losing business Structures	PAPS losing Livelihood	Vulnerable PAPs
2020	MA06	Kisurutuni	9	1	0	7	2	Nil
	MA04	Kisurutuni	1	1	0	1	1	Nil
	MA03	Gumophatsa	11	1	0	3	6	Nil
	MA01	Kisurutuni	2	1	0	2	2	Nil
<b>Total</b>			<b>23</b>	<b>4</b>	<b>0</b>	<b>13</b>	<b>11</b>	<b>Nil</b>

## 6.6 RESETTLEMENT IMPACTS IN MTWAPA TOWN

The RAP census survey enumerated a total of 28 PAPs who will be affected by the proposed construction of Water distribution pipelines in Mtwapa town. Further segregation of PAPs by gender was that 10 PAPs were women, no PAPS was vulnerable in Mtwapa. The main categories of PAPs were PAPs losing business structures and PAPs losing sources of livelihood as summarized below.

- (i) PAPs losing structures enumerated as 26 PAPs  
(ii) PAPs losing livelihood enumerated as 16 PAPS

The affected lines were WA13, WA14, WA08, WA16, WA02, WA12 and WA01 located within Shimo La Tewa and Mzambarauuni Sub Locations in Mtwapa Town. **Table 6.5** below provides details of RAP impacts in Mtwapa Town.

**Table 6.5: Project Affected Persons in MTWAPA Town**

Design Horizon	Water Mains (Layout Map)	Sub Location	Total Number of PAPs	Total Number of Women PAPs	Tenant PAPs	PAPS losing business Structures	PAPS losing Livelihood	Vulnerable PAPs
2020	WA13	Shimo La Tewa	10	1	0	10	5	Nil
	WA14	Shimo La Tewa	4	2	0	4	Nil	Nil
	WA08	Shimo La Tewa	6	3	0	6	5	Nil
	WA16	Shimo La Tewa	1	1	0	1	Nil	Nil
	WA02	Majengo	1	Nil	0	1	Nil	Nil
	WA12	Shimo La Tewa	2	1	0	2	2	
	WA01	Mzambarauuni	4	2		4	4	
<b>Total</b>			<b>28</b>	<b>10</b>	<b>0</b>	<b>28</b>	<b>16</b>	<b>Nil</b>

## **6.7 SOCIAL RISK - SPREAD OF COVID -19 AMONGST COMMUNITY MEMBERS DURING CONSULTATIONS**

During implementation of the RAP, various consultative activities will be undertaken. For efficient and meaningful engagement, a wide range of individual participants, groups in the local community and other stakeholders will be involved. The consultations will involve verification of PAPs covering the occupants of the affected area and vulnerable persons and groups; awareness raising, sensitization of PAPs and gauging attitude to the project; training and capacity building for livelihoods restoration, grievance redress, execution of site - specific surveys among others. The activities will lead to close interaction between the proponent and the community members leading to a high risk of spreading COVID-19 amongst community members during the consultation process.

To minimize the risk of spread of COVID-19 amongst community members, measures will be required to ensure social distancing and appropriate communication measures. The mitigation measures will be supervised by a communications/ stakeholder engagement / social safeguards experts in the project proponent's team.

## **7 ELIGIBILITY AND ENTITLEMENT**

### **7.1 ELIGIBILITY FOR COMPENSATION**

The concept of eligibility is used with respect to the definition of PAPs and the criteria for determining their qualification for compensation and any other resettlement assistance. The project RPF further provides that if a subproject funded under WSDP causes loss of income or livelihood, regardless of whether or not the affected people are physically displaced, the project will meet the following requirements:

- a) Promptly compensate economically displaced persons for loss of assets or access to assets at full replacement cost.
- b) In cases where land acquisition affects commercial structures, compensate the affected business owner for the cost of reestablishing commercial activities elsewhere, for lost net income during the period of transition, and for the cost of transfer and reinstallation of plants, inventory, machinery and other equipment.
- c) Provide replacement property (e.g. small business structure) of equal or greater value, or cash compensation at full replacement cost where appropriate
- d) Compensate economically displaced persons who are without legally recognizable claim to land for lost assets including other improvements made to the land, other than land, at full replacement cost.
- e) Provide additional targeted assistance (e.g. credit facilities, training, or job opportunities) and opportunities to improve or at least restore their income – earning capacity, production levels, and standards of living to economically displaced persons whose livelihoods or income levels are adversely affected.
- f) Provide transitional support to economically displaced persons, as necessary, based on a reasonable estimate of the time required to restore their income earning capacity, production levels, and standards of living.

#### **7.1.1 Eligibility for Compensation and ‘Cut-off’ Date**

The affected persons are eligible for some form of assistance if they engaged in any livelihood income-generating activity at the affected sites before the entitlement cut-off date.

The cut-off date was discussed and agreed upon during consultative meetings as the date of start of PAPs census activities as indicated below.

- (i) Kaloleni Town – Cut-off Date was 2<sup>nd</sup> August 2018
- (ii) Mtwapa Town – Cut-off Date was 14<sup>th</sup> August 2018
- (iii) Kilifi Town – Cut-off Date was 8<sup>th</sup> August 2018
- (iv) Mariakani and Mazeras Towns – Cut-off date was 10<sup>th</sup> August 2018

All the PAPs enumerated in KIMAWASCO project area will suffer economic displacement associated with loss of semi-permanent residential/ business structures and loss of livelihood associated with such business.

#### **7.1.2 Vulnerable PAPs**

The RAP census identified 5 PAPS vulnerable in Kilifi, 3PAPS vulnerable in Kaloleni, 6PAPS vulnerable in Mariakani as detailed in **Table 7.1**. Mazeras and Mtwapa did not have any PAPS falling in the vulnerable categories.

**Table 7.1: Vulnerable PAPS<sup>11</sup>**

Town	Water line	Vulnerability	Number
Kilifi	MY04	Aged	2
	MY01	Orphan	1
	MY01	Disabled	2
<b>Total</b>			<b>5</b>
Kaloleni	KA03	Aged	2
	KA04	Disabled	1
<b>Total</b>			<b>3</b>
Mariakani	MY06	Aged	2
	MY04	Orphan	1
	MY01	Disabled	2
	MY03	Orphan	1
<b>Total</b>			<b>6</b>

This RAP provides for the below listed measure to be implemented by KIMAWASCO as extra assistance to the vulnerable PAPS

- (i) Targeted and localized house-to-house or group sensitization for the vulnerable PAPS households during pre-payment consultations. This is will be applicable during RAP implementation to vulnerable PAPS who are not able to attend PAPS sensitization forums. RAP implementation teams will visit such PAPS at their premise and further sensitize and enlighten them on the RAP implementation process.
- (ii) Priority consideration in processing compensation payments and specialized assistance to vulnerable PAPS in explaining and filling out compensation payment forms.
- (iii) Provide any other necessary assistance for resettlement such as sourcing for labour and transport services<sup>12</sup>.
- (iv) Additional KShs. 5000 to the vulnerable persons for the first 2 months

### 7.1.3 Compensation Options

PAPS will be entitled to full replacement of the business structure through cash compensation with the right to salvage materials, PAPS losing business will be entitled to cash compensation equivalent to a 3-month average income derived from the businesses they operate.

The option of in-kind compensation by the Project, which involves construction of a similar structures by the Project for PAPS was dismissed by the PAPS during consultative meetings pointing out that practicability of the option might not be feasible under this RAP. This information is presented in minutes presented as **Appendix 2** of this report.

### 7.1.4 Income Restoration Measures

The RAP aims to enhance restoration of the PAPS' income streams to pre-impact status. Therefore, in addition to compensation this RAP provides for financial management training of the PAPS to enhance utilisation of compensation money in a bid to improve their livelihood. This training will be undertaken by KIMAWASCO during RAP implementation phase.

## 7.2 ENTITLEMENT MATRIX

<sup>11</sup> Specific names of PAPS is presented in the asset register submitted as a separate file to this RAP

The Entitlement Matrix is presented in **Table 7.2** below.



**Table 7.2: Entitlement Matrix**

No.	Affected Asset	Type of loss	Entitled project – Affected persons	Entitlement (Compensation Package)	Implementation issues and plan of Action	Responsible organization
<b>STRUCTURES</b>						
1	Business structure	Semi-permanent	Private owners of semi – permanent business structures.  Vulnerable HH	<p>1. Cash compensation for loss of property will be done at full replacement cost.</p> <p>2. Payment of additional disturbance allowance at 15 % of the value of the property.</p> <p>3. In consultation with PAPs, notify three (3) Months in advance to vacate.</p> <p>4. Training</p> <p>5) In-kind Transitional Support which includes provision of transport on case by Case basis by KIMWASCO for PAPs who will require support to move salvage materials.</p> <ul style="list-style-type: none"> <li>• Targeted and localized house-to-house or group sensitization for the vulnerable PAPs households during pre-payment consultations</li> <li>• Priority consideration in processing compensation payments and extra assistance to vulnerable PAPs in relation to labour and transport costs during demolition and reconstruction of business structures.</li> <li>• Assistance in reconstruction of business structures.</li> </ul> <p>Additional Ksh 5000 to the vulnerable persons for the first 2 months</p>	<p>1. Verification of property ownership</p> <p>2. Validation of valuation of property and</p> <p>3. Cash compensation will be done.</p> <p>etc.</p>	KIMAWASCO County Government Chief Local community NGO

BUSINESS LOSS & DISRUPTION OF INCOME						
2	Business	Loss of income from business	<p>Private business owners</p>          <p>Vulnerable PAPs</p>	<p>1. Provide net monthly income for each business (Multiplied by the value of the business per month) for 3 Months. This will act as transitional support for loss of income for the approximately three months that PAPs are envisaged to be out of business.</p> <p>2. Payment of additional disturbance allowance of 15% of the value of loss of income.</p> <p>3. In consultation with PAPs notify three months in advance to vacate</p> <p>4. Livelihood restoration and enhancement training.</p> <ul style="list-style-type: none"> <li>• Targeted and localized house-to-house or group sensitization for the vulnerable PAPs households during pre-payment consultations</li> <li>• Priority consideration in processing compensation payments and extra resettlement assistance to vulnerable PAPs in relation to labor and transport costs during demolition and reconstruction of structures.</li> <li>• Assistance in reconstruction of structures.</li> <li>• Additional Ksh 5000 to the vulnerable persons for the first 2 months to cushion them against any unforeseen impacts</li> </ul>	<p>1. Verification of business ownership.</p> <p>2. Determination of the monthly net income from business.</p> <p>3. Cash compensation will be done.</p> <p>4. etc.</p>	<p>KIMAWASCO County Government Chief</p>

## 8 GRIEVANCE REDRESS MECHANISM

### 8.1 GRIEVANCE PROCEDURE AND RATIONALE

This section describes the procedure and mechanism through which PAPs will be able to report, make, place/lodge or express a grievance against the Project and its staff or contractors as part of the Resettlement Action Plan (RAP) implementation. It also describes the roles and responsibilities of different structures in resolving grievances.

The aim and purpose of this system is to make the grievance handling procedures accessible, prompt and affordable to the PAPs given the generally low values of some of the properties to be affected, and also provide an alternative to the costly and time-consuming formal court procedures for handling grievances and disputes. The objective of the grievance handling systems and procedure is to establish for the PAPs mechanism for raising complaints related to compensation for loss of structures and other livelihood properties and assets and having such complaints resolved as amicably as possible through acceptable and binding corrective actions. This grievance management system will be in place throughout the Project construction period, including the exit period.

#### **Grievance Redress Mechanism for Project is proposed for 3 tier arrangement, as follows:**

- (i) The first tier will allow for amicable review and settlement of the grievance at the Project site level
- (ii) The second tier will involve a mediation committee in case the grievance cannot be solved at the first tier
- (iii) The third tier will be the option of allowing the grieved party to seek redress In a Court of Law.

### 8.2 GRIEVANCE REDRESS MECHANISM

This RAP establishes that the Project Implementation Team at KIMAWASCO will form a Grievance Redress Committee (GRM) at every sub location within the towns. The committee will be referred to as Sub Location Grievance Redress Committee, the committee will be responsible for addressing grievances related to the RAP implementation throughout the Project implementation period.

Therefore, this RAP has an enhanced framework of GRM through the following three-tier Grievance Mechanism:

#### **(i) Sub Location Grievance Redress Committees (SGRC)**

It is desirable to resolve all the grievances at the community level to the greatest extent possible. The community or community level grievance mechanism must be credible and generally acceptable. The grievance redress mechanism will aim to solve disputes at the earliest possible time in the interest of all parties concerned.

The committee will comprise of 2nr Community Elders, 1nr Women's Representative, 1nr Youth Representative, 1nr Representative of Vulnerable Groups and the Location Chief who chairs the Committee. The Committee in addressing construction-related grievances will give opportunity to the local communities and the public to express any grievances related to Project.

## (ii) Mediation Committees

In case the grievance is not resolved at first tier, the SGRC handling resettlement-related grievances will be enjoined by the Resettlement Implementation Committee (RIC) KIMAWASCO. The committee RIC at KIMAWASCO will comprise of an Environmental & Social Safeguards Specialist and a Project Engineer, assisted by Land Surveyors and Land Valuers.

## (iii) Courts of Law

If complainants are not satisfied by the decision of the first two tiers of the Grievance Mechanism, they can seek redress from the Courts of Law.

### 8.2.1 Procedure of Receiving and Resolution of Complaints

#### Step 1: Receipt of Complaint/Grievance

A verbal or written complaint from a PAP or community member will be received by the Grievance Officer (GO) on behalf of the Grievance Committee. **Table 8.1** below defines the roles of the GO or an assigned Contract Officer in a given administrative jurisdiction/authority near to community level where grievances are received recorded, and a copy delivered to the offices of the contractor and KIMAWASCO Project Coordinating Office.

**Table 8.1: Role of a Grievance Officer**

A Grievance Officer (GO), who will be a member of the Sub Location Committee (SGRC) appointed by members of the committee. Principal responsibilities of the GO will include:

- Recording the grievances in the grievance log, both written and oral, of the affected people, categorising and prioritising them and providing solutions within a specified time period.
- Discussing grievances on a regular basis with the SGRC and coming up with decisions/actions regarding issues that can be resolved at that level.
- Informing the SGRC of serious cases within an appropriate time frame.
- Reporting to the aggrieved parties about developments regarding their grievances and the decisions of the SGRC and mediation committee.
- Providing inputs into the monitoring and evaluation process.

The grievance team will hold meetings at site level, Grievances are normally received by a contact person who would then hand over the received complaints to the GO, for entering into the grievance log.

The Grievance Log (**Appendix 4**) will indicate grievances, date opened/lodged, actions 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 complainant and date on which the grievance was closed.

Grievances can be lodged at any time directly to the GO. The process of lodging complaints is outlined below:

- (i) The GO will receive a complaint from the complainant.
- (ii) The GO will ask the complainant questions in their local language, write the answers in English and enter them in English onto the grievance form.
- (iii) The local leader (representative of an independent local civil society organisation) and the complainant both sign the grievance form after they have both confirmed the accuracy of the grievance.
- (iv) The GO lodges the complaint in the Grievance Log.

### **Step 2: Determination of Corrective Action**

If in their judgment, the grievance can be solved at this stage, the GO and SGRC will determine a corrective action in consultation with the aggrieved person. A description of the action, the time frame within which the action is to take place, and the party charged with implementing the action will be recorded in the grievance data base.

Grievances will be resolved, and the status reported back to complainants within 30days. If more time is required, this will be clearly communicated in advance to the aggrieved person. In cases that are not resolved within the stipulated time, site investigations will be undertaken, and results discussed in the monthly meetings with the affected persons. In some instances, it may be appropriate to appoint independent third parties to undertake the investigations.

### **Step 3: Meeting with the Complainant**

The proposed corrective action and the time frame in which it is to be implemented will be discussed with the complainant within 30 days of receipt of the grievance. If no agreement is achieved, Step 2 will be revisited.

### **Step 4: Implementation of Corrective Action**

Agreed corrective actions will be undertaken by the project developer or its Contractors within the agreed time frame. The date of the completed action will be recorded in the grievance database.

### **Step 5: Verification of Corrective Action**

To verify satisfaction, the aggrieved person will be approached by the GO and SGRC 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 (see Step 1). If the complainant is not satisfied with the outcome of the corrective action, additional steps may be undertaken to reach agreement between the parties. If additional corrective action is not possible alternative avenues maybe pursued.

### **Step 6: Action by Grievance and Resettlement Committee**

If the complainant remains dissatisfied and a satisfactory resolution cannot be reached, the complaint will be handled by the Mediation Committee.

This committee is made up of the below listed persons.

- (i) One representative of the Administration; - National Government (Assistant County Commissioner)
- (ii) One representative of National Administration; - Local Chief
- (iii) One representative of KIMAWASCO acting as an observer;
- (iv) Three representatives of the affected people, amongst them at least one woman. These representatives will be chosen from community-based organizations, elders, traders, etc.
- (v) Relevant road authority representative i.e. Kenya Urban Roads Authority (KURA), Kenya Rural Roads Authority (KeRRA) or Kenya National Highways Authority (KeNHA).

This committee must have a quorum of at least three persons. Decisions will be reached by simple majority. The Grievance Committee should be constituted for as long as grievances are being lodged.

Once the Mediation Committee has determined its approach to the lodged grievance,

this will be communicated to the GO, who will communicate this to the complainant. If satisfied, the complainant signs to acknowledge that the issue has been resolved satisfactorily. If the complainant is not satisfied, however, the complainant notes the outstanding issues, which may be re-lodged with the Grievance Committee or the complainant may proceed with judicial proceedings.

### **Step 7: Alternative Action/Judicial Recourse**

In case the grievances are not resolved at the mediation committee level then, the complainant is free to seek redress in a Court of Law at any given time.

#### **8.2.2 Capacity-Building for the Grievance Officer and Grievance Committees**

It will be important for the GO to be appointed based on his/her experience and training in conflict resolution through mediation and reconciliation. It will also be important for the GO to have sufficient skills in data management, including data entry, data analysis and storage. This notwithstanding, it will be important that steps are taken to orient and build the capacity of the GO as part of the Project Implementation Team in conflict resolution procedures, such as mediation and reconciliation, and other management areas such as record-keeping, report-writing and ICT equipment management.

The Grievance Committee members will also need to be oriented to the grievance management system suggested in the RAP. 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.

#### **8.2.3 Other Alternatives**

The other alternative recourse suggested as a measure of last resort is for the complainant to seek redress in formal Courts of Law. The constitution establishes the Land and Environment Court (High Court) and empowers this Court to determine disputes relating to the amount of compensation to be paid for land acquired compulsorily in public interest.

**Figure 8.1** on **Page 8-5** provides an illustration of Grievance redress flow chart discussed in the above Sub-section.

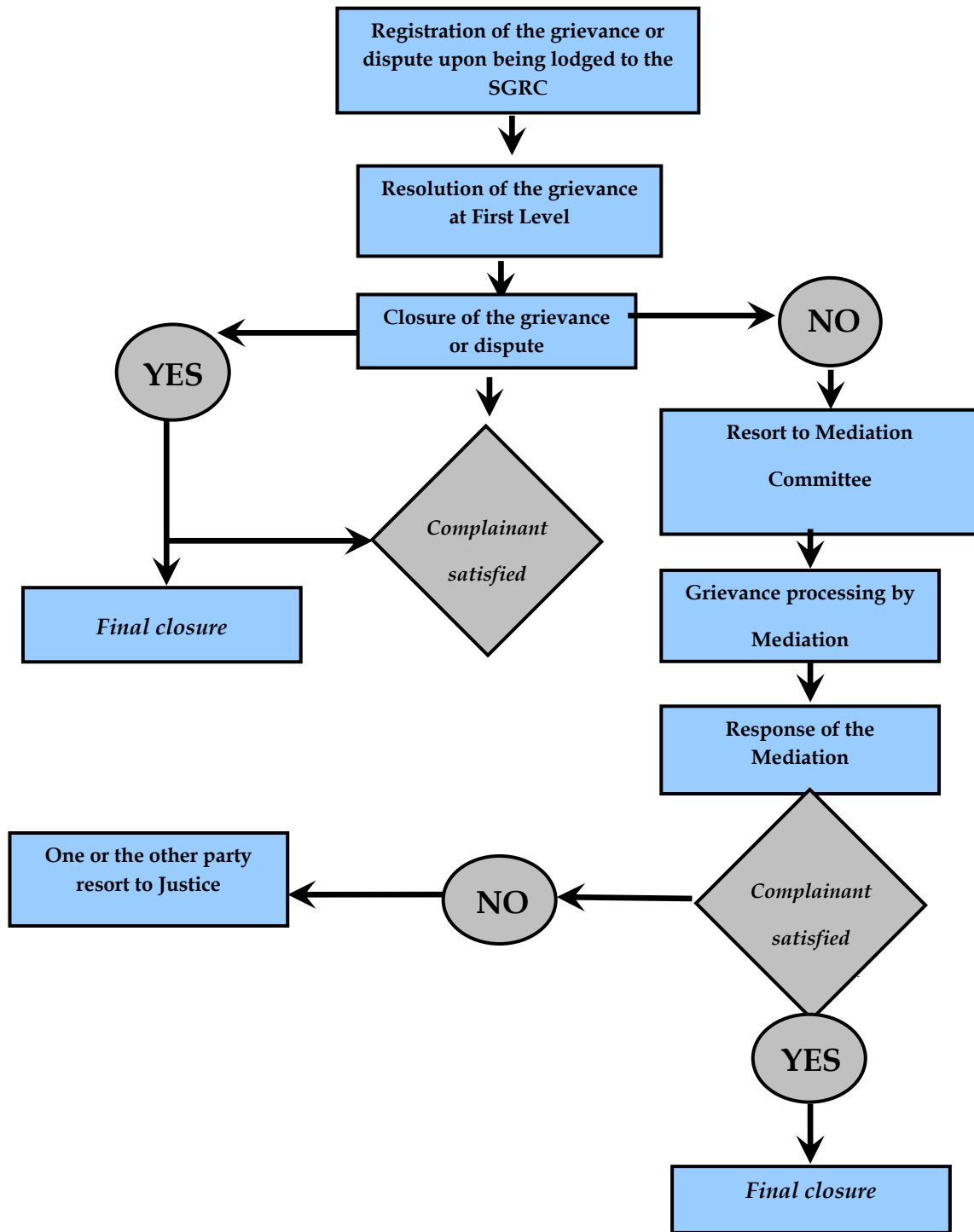


Figure 8.1: Grievance Redress Flow Chart

## **9 RESETTLEMENT ACTION PLAN IMPLEMENTATION ARRANGEMENTS**

### **9.1 RESETTLEMENT IMPLEMENTATION PRINCIPLES**

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

- (i) Resettlement or relocation has been minimised by taking into consideration all possible alternative measures
- (ii) Compensation will be paid before Project Works commence in a specific Project area and in a manner that does not curtail the livelihoods of the PAPs in terms of access and utilisation of such compensation
- (iii) The compensation values awarded will be fair enough to restore the livelihoods of PAPs
- (iv) The compensation awards will be paid out according to the preference of the PAPs
- (v) All other activities related to the RAP will be communicated in advance to the PAPs using the preferred channels of communication
- (vi) Where grievances arise, the respective PAPs will be given an opportunity to be heard, fairly and promptly
- (vii) Measures will be taken to ensure that vulnerable groups get special assistance and support; and where spousal and children consent is needed, the provision will be enforced
- (viii) A statutory disturbance allowance of 15 percent of the compensation value will also be included.

### **9.2 RESETTLEMENT IMPLEMENTATION ARRANGEMENTS**

This Section provides details of all agencies and institutions that are involved in the implementation of the RAP. These organizations are crucial in the RAP implementation process and are mandated to perform their respective roles and have capacity to undertake their specific responsibilities even though KIMAWASCO RAP implementation unit will be charged with the overall responsibilities of implementation of the RAP.

#### **9.2.1 Project Management at Ministry Level**

Ministry of Water and Sanitation (MWS) will engage other Institutions and Counties on matters and policies relating to the Project, specifically RAP issues. The MWS will involve the Coast Water Works Development Agency (CWWDA) and National Treasury on issues pertaining to RAP budget and World Bank financing.

The MWS will also communicate directly with the World Bank on technical issues, RAP preparation, approvals, disclosure and even RAP implementation.

#### **9.2.2 The Project Manager (PM)**

The Project Manager (PM) is the overall technical coordinator in the implementation of the overall Project, called Water and Sanitation Services Improvement Project (WaSSIP) Additional Financing. The Project Manager is employed by Coast Water Works Development Agency (CWWDA) and he/she is assisted by the Water and Environment Specialist, recruited by the Agency. Other officers include the Asset Manager in case of any land acquisition and resettlement and other social issues related to this Program.



The Project Manager will supervise and coordinate the Project Team and ensure that Project implementation activities and reports are on schedule and in compliance with the financing agreement. The coordinator will report to the Chief Executive Officer (CEO) of Coast Water Works Development Agency (CWWDA) and from time to time draw the attention of the CEO to all emerging policy issues for decision at that level or at a higher level.

### 9.2.3 Project Coordination Unit (PCU)

The overall coordination of the whole process, from development to implementation and monitoring, is provided by the PCU. The team has the following roles:

- (i) The PCU will be responsible for routine implementation and technical austerity of the Project. The PCU will have a Safeguards Team which has an Environmental Specialist and an Assets Manager who will ensure that the environmental and social safeguards are implemented.
- (ii) The PCU will carry out quality checks and review the RAP reports before forwarding them to the World Bank Safeguards Specialist. The PCU will also oversee actual implementation of the RAP with assistance from a Resettlement Implementation Committee constituted for the Project.
- (iii) Coordinate the effective implementation of the RAP and ensure compliance with agreed implementation procedures and guidelines.
- (iv) Prepare Progress Reports on the implementation of the environmental and social safeguards.
- (v) Ensure integration of RAP provision into Contract and Bid Documents.
- (vi) Ensure adequate community participation during Project implementation.

### 9.2.4 KIMAWASCO RAP Committee

The KIMAWASCO RAP committee will be in charge of overall monitoring and evaluation of the resettlement process. The committee will comprise of Environmental and Social Safeguards Specialist, Land Surveyor, Accountant, Legal and Monitoring/ Evaluation Expert and Project Engineer, all drawn from the Project Coordinating Unit (PCU) that was established under the Consultancy Contract.

The committee will work with a representative of CWWDA and the Project Affected Persons (PAPs), the committees' roles are as follows:

- (i) To ensure the list of all PAPs has been verified and documented in the PAPs register. The register shall have, among other parameters the following:
  - The name of the person,
  - Type of loss (structure / Livelihood)
  - Identification number of the PAP,
  - Compensation Amount
  - Bank Details or Mpesa details of the PAP.
- (ii) To verify the correctness of each PAP as stated in the register and ascertain that every identity card holder is correctly documented in the register.
- (iii) To develop an appropriate framework for delivering the compensation payments to the PAPs in line with government financial management regulations and as much as possible keeping in mind that most PAPs have no bank accounts. In the event that an

individual is absent during payment, the Compensation Committee will immediately communicate a new date of payment to such individual(s).

- (iv) On completion of the compilation of PAPs Audit list, recommend payments will be made according to locations and adequate information will be made available to all affected persons prior to payment. Such information will include: Dates and locations where payment will be made, List of eligible people, amount to be made Mode of payment, etc.

### **9.3 RAP IMPLEMENTATION SCHEDULE**

The implementation schedule for this RAP covers the period from the preparation of the RAP to the conclusion of the envisaged Project within KIMAWASCO Project Area. This RAP is structured such that the procedures will be phased to synchronize with the work program of the contractor. Phasing is done to eliminate cases of re- encroachment on the pipeline way leave by PAPs after compensation.

**Table 9.1** on **Page 9-4** presents the RAP implementation schedule prepared for the Project.

**Table 9.1: RAP Implementation Schedule**

TASK NAME	Actors	Period in Months					
		Implementation to begin immediately after approval of RAP					
		1	2	3	4	5	6
Approval of Updated RAP Report	World Bank						
) Sensitisation of PAPs on Cut-off date and compensation eligibility	PCU & KIMAWASCO RAP Committee						
Formation of Grievance management committees	PCU & KIMAWASCO RAP Committee						
Disclosure of Updated RAP	World Bank & CWWDA						
Validation of asset register	PCU & KIMAWASCO RAP Committee						
Issuance of Self Demolition Notices	Kilifi County Government						
Payment of compensation	PCU & KIMAWASCO RAP Committee						
Grievance Resolution	GRC						
Training of financial management	PCU & KIMAWASCO RAP Committee						
With close consultation and agreement with PAPs Demolition of structures upon expiry of 3-month demolition notice	Kilifi County Government						
Monitoring activities	PCU & KIMAWASCO						

## 10 VALUATION METHODOLOGY AND BUDGET

### 10.1 VALUATION METHODOLOGY

The method adopted for this RAP was the Gross Replacement Value Method (GRVM) that evaluates the current cost of replacing an asset. The approach entails measurement of the improvements (buildings, site works) to which the appropriate construction costs are applied, resulting in the new replacement (or reproduction) cost. An addition of 15% is added to the value of structures as statutory allowance to cater for disturbance. This method is consistent with the replacement cost method as required by OP 4.12.

### 10.2 BUSINESS STRUCTURES VALUATION

All the affected assets are temporal business structures made from iron sheets, mud walls, wooden walls or masonry stones. Therefore, in valuing the structures, that is, the cost of replicating a similar structure at the current cost/rate of construction per square foot, the rates given in **Table 10.1** below were adopted for business structures.

**Table 10.1: Business Structure Valuation**

Item	Type of Walling	Type of Roofing and Floor	Rate Per Square Feet (Kshs)
1	Stone Wall	GCI roof on timber trusses and hard-core floor	1,000 - 1,200
		GCI roof on timber trusses and Screed floor	1,200 - 1,400
		GCI roof on timber trusses, wall plastered or painted and Screed floor	2,000
		GCI roof on timber trusses, wall plastered or painted and tiled floor	2,000
2	Brick Wall	GCI roof on timber trusses and hard-core floor	900 - 1,100
		GCI roof on timber trusses and Screed floor	1,100 - 1,300
		GCI roof on timber trusses, brick plastered or painted and Screed floor	2,000
		GCI roof on timber trusses, brick plastered or painted and tiled floor	2,200
3	Timber Wall	GCI roof on timber trusses and earth floor	400
		GCI roof on timber trusses and hard-core floor	450
		GCI roof on timber trusses and Screed floor	500
4	Drum Wall	GCI roof on timber trusses and earth floor	450
		GCI roof on timber trusses and hard-core floor	500
		GCI roof on timber trusses and Screed floor	550
5	Mud Wall	GCI roof on timber trusses and earth floor	350
		GCI roof on timber trusses and hard-core floor	400
		Thatch roof on wooden trusses and earth floor	300

The unit rates per square feet adopted for kitchen structures located outside of the main residential structure are given in **Table 10.2** below.

### 10.3 LIVELIHOOD

The PAPs census survey identified that majority of the PAPs were engaged in small scale business in all the target project towns. Therefore, to ensure adequate compensation for potential loss of income streams, PAPs will be compensated for average loss of income calculated over a period of 3 months. This duration is the estimated time taken by the contractor to excavate the pipe trench, install, test the water pipe and reinstate the site.

### 10.4 RESETTLEMENT ACTION PLAN BUDGET

The Project design has ensured that the Proposed alignment of the Water Mains follow the Road Reserves. Therefore, no land acquisition is anticipated for the Project Components. However, the RAP census identified structures used for business will be affected.

This RAP provides a total implementation budget of **Kshs 10,407,060, (Ten Million, Four Hundred and Seven Thousand and Sixty Kenya Shillings)<sup>13</sup>** as detailed in **Table 10.6 to Table 10.10**.

**Table 10.2: Total Compensation Budget for Kilifi Town**

Design Horizon	Water Mains (Layout Map)	Budget for Business Structure compensation (Ksh)	Budget for Livelihood compensation (Ksh)	Add 15% disturbance (Ksh)	Total Compensation (Ksh)
2020	MY04	1,692,600	1,185,000	431,640	<b>3,309,240</b>
	MY01	10,500	420,000	64,575	<b>495,075</b>
<b>Total</b>		<b>1,703,100</b>	<b>1,605,000</b>	<b>496,215</b>	<b>3,804,315</b>

<sup>13</sup> The earlier RAP budget indicating Kshs 8,748,990 was based on the year 2018 estimates when the project ESIA was prepared, reviewed, and approved by NEMA and World Bank for disclosure. However, owing to changes in the prevailing economic circumstances, the actual valuation during the RAP study in the year 2019, yielded the current RAP budget of KShs. 10,407,060 as shown in Table 10.7, hence the discrepancy.

**Table 10.3: Total Compensation Budget for Kaloleni Town**

Design Horizon	Water Mains (Layout Map)	Budget for Business Structure compensation (Ksh)	Budget for Livelihood compensation (Ksh)	Add 15% disturbance (Ksh)	Total Compensation (Ksh)
2020	KA04	282,300	450,000	109,845	<b>842,145</b>
	KA03	276,600	45,000	48,240	<b>369,840</b>
<b>Total</b>		<b>558,900</b>	<b>495,000</b>	<b>158,085</b>	<b>1,211,985</b>

**Table 10.4: Total Compensation Budget for Mariakani Town**

Design Horizon	Water Mains (Layout Map)	Budget for Business Structure compensation (Ksh)	Budget for Livelihood compensation (Ksh)	Add 15% disturbance (Ksh)	Total Compensation (Ksh)
2020	MY04	294,300	450,000	111,645	<b>855,945</b>
	MY06	40,500	45,000	12,825	<b>98,325</b>
	MY02	23,000	30,000	7,950	<b>60,950</b>
	MY01	28,000	15,000	6,450	<b>49,450</b>
	MY03	204,300	120,000	48,645	<b>372,945</b>
<b>Total</b>		<b>590,100</b>	<b>660,000</b>	<b>187,515</b>	<b>1,437,615</b>

**Table 10.5: Total Compensation Budget for Mazeras Town**

Design Horizon	Water Mains (Layout Map)	Budget for Business Structure compensation (Ksh)	Budget for Livelihood compensation (Ksh)	Add 15% disturbance (Ksh)	Total Compensation (Ksh)
2020	MA06	204,300	30,000	35,145	<b>269,445</b>
	MA04	15,000	Nil	2,250	<b>17,250</b>
	MA03	371,200	90,000	69,180	<b>530,380</b>
	MA01	30,600	30,000	9,090	<b>69,690</b>
<b>Total</b>		<b>621,100</b>	<b>150,000</b>	<b>115,665</b>	<b>886,765</b>

**Table 10.6: Total Compensation Budget for Mtwapa Town**

Design Horizon	Water Mains (Layout Map)	Budget for Business Structure compensation (Ksh)	Budget for Livelihood compensation (Ksh)	Add 15% disturbance (Ksh)	Total Compensation (Ksh)
2020	WA13	373,900	45,000	62,835	<b>481,735</b>
	WA14	148,000	Nil	22,200	<b>170,200</b>
	WA08	188,400	45,000	35,010	<b>268,410</b>
	WA16	17,400	15,000	4,860	<b>37,260</b>
	WA02	18,900	15,000	5,085	<b>38,985</b>
	WA12	51,600	30,000	12,240	<b>93,840</b>
	WA01	78,000	75,000	22,950	<b>175,950</b>

<b>Design Horizon</b>	<b>Water Mains (Layout Map)</b>	<b>Budget for Business Structure compensation (Ksh)</b>	<b>Budget for Livelihood compensation (Ksh)</b>	<b>Add 15% disturbance (Ksh)</b>	<b>Total Compensation (Ksh)</b>
	<b>Total</b>	<b>876,200</b>	<b>225,000</b>	<b>165,180</b>	<b>1,266,380</b>



**Table 10.7** below provides grand total budget required for RAP implementation of KIMAWASCO prior to commencement of Project Civil works.

**Table 10.7: Grand RAP Budget**

Description	Business Structure Compensation	Livelihood Compensation	Add 15% Disturbance	Amount (Kshs.)
Kilifi Town	1,703,100	1,605,000	496,215	3,804,315
Kaloleni Town	558,900	495,000	158,085	1,211,985
Mariakani Town	590,100	660,000	187,515	1,437,615
Mazeras Town	621,100	150,000	115,665	886,765
Mtwapa Town	876,200	225,000	165,180	1,266,380
<b>Sub Total 1</b>				<b>8,607,060</b>
Vulnerability Support and assistance				200,000
Stakeholder Engagements, Awareness raising and sensitization of PAPs <sup>14</sup>				300,000
Training and Capacity Building for livelihood restoration and GRM <sup>15</sup>				300,000
Operational & Administrative Costs of RAP Committees				500,000
Monitoring and Evaluation				500,000
<b>Sub Total 2</b>				<b>1,800,000</b>
<b>TOTAL RAP COST</b>				<b>10,407,060</b>

<sup>14</sup>Gender Sensitizations and Training, Bank accounts, use of compensation money etc.

<sup>15</sup> The GRM will require sufficient skills in data management, including data entry, data analysis and storage. The team will also require training conflict resolution procedures, such as mediation and reconciliation, and other management areas such as record-keeping, report-writing and ICT equipment management.

## 11 MONITORING AND RAP COMPLETION AUDIT

### 11.1 INTRODUCTION

Monitoring and Evaluation (M&E) procedures establish the effectiveness of all resettlement activities, in addition to the measures designed to mitigate adverse social impacts. The procedures include internal track-keeping efforts as well as independent external monitoring.

The purpose of resettlement monitoring for the Project is to verify that:

- (i) Actions and commitments described in the RAP are implemented;
- (ii) Eligible PAPs receive their full compensation prior to the commencement of the construction activities in the Project area;
- (iii) RAP actions and compensation measures have helped the people who sought cash compensation in restoring their lost incomes and in sustaining/improving pre-project living standards;
- (iv) Complaints and grievances lodged by PAPs are followed up and, where necessary, appropriate corrective actions taken;
- (v) Changes in RAP procedure are made, if necessary, to improve delivery of entitlements to PAPs.

The World Bank OP 4.12 states that the Project sponsor is responsible for adequate M&E of the activities set forth in the resettlement instrument. Monitoring will provide both a warning system for the Project sponsor and a channel for the affected persons to make known their needs and their reactions to resettlement execution.

Monitoring and evaluation activities and programs will be adequately funded and staffed. In-house monitoring may need to be supplemented by independent monitors to ensure complete and objective information. Accordingly, the primary responsibility for monitoring rests with proponent. Fortunately, CWWDA and KIMAWASCO already have an Environmental Specialist and Asset Manager. These personnel, in cooperation with each other and with guidance from the external actors, will monitor the Project.

### 11.2 MONITORING AND EVALUATION FRAMEWORK

#### 11.2.1 RAP Monitoring Plan

The RAP Monitoring Plan and Framework involves the following:

- (i) Internal monitoring by CWWDA/KIMAWASCO
- (ii) External monitoring commissioned to specialized firms

**Table 11.1** on **Page 11-2** presents the RAP Monitoring Plan that will be adopted for the Project.

**Table 11.1: RAP Monitoring Plan**

<b>Component Activity</b>	<b>Type of Information/ Data Collected</b>	<b>Source of Information/ Data Collection Methods</b>	<b>Responsibility for Data Collection, Analysis and Reporting</b>	<b>Frequency/ Audience of Reporting</b>
Internal Monitoring	Measurement RAP monitoring indicators against the implementation schedule.	Monthly or quarterly narrative status and Financial Reports	CWWDA/ KIMAWASCO Project Implementation Team	Semi-annual/annual as required by the Proponent CWWDA/ KIMAWASCO
External Monitoring	Assessment of PAP satisfaction compensation of the affected assets and livelihood sources	Quarterly or semi-annual quantitative and qualitative surveys  Regular public meetings and other consultation with people affected by the Project; review of grievance mechanism outputs	Project resettlement unit or contracted external Monitoring Agency	Annual or more frequently as required by the Proponent CWWDA/ KIMAWASCO

### 11.2.2 RAP Monitoring Framework

RAP Monitoring framework include the following provisions:

- (i) Internal RAP Implementation Reports will be verified by a field check of the following:
  - Payment of compensation including its levels and timing
  - Adequacy of training and other developmental inputs
  - Rehabilitation of vulnerable Persons
  - Infrastructure repair, relocation or replacement
  - Enterprise relocation, compensation and its adequacy
  - Transition allowances
- (ii) Random samples of affected people will be interviewed in open-ended discussions to assess their knowledge and concerns regarding the resettlement process, their entitlements and rehabilitation measures.
- (iii) Public Consultations with affected people at the community level will be observed.
- (iv) The resettlement operation at all levels will be observed to assess its effectiveness and compliance with the RAP.
- (v) The type of grievance issues and the functioning of grievance redress mechanisms will be checked by reviewing the processing of appeals at all levels and interviewing aggrieved affected people.
- (vi) The standards of living of the affected people before and after implementation of resettlement will be surveyed to assess whether the standards of living of the affected people have improved or been maintained.

- (vii) Project management will be advised regarding necessary improvements in the implementation of the RAP, if any.

The **Table 11.2** below indicates Internal Monitoring Indicators that will be checked during Internal Performance Monitoring by CWWDA/ KIMAWASCO.

**Table 11.2: Internal Monitoring Indicators**

Activity/Parameters	Indicators (% of achievement)
Compensation Payments to PAPs	<ul style="list-style-type: none"> <li>• PAPs successfully compensated</li> <li>• PAPs promptly paid</li> <li>• PAPs not paid promptly and reasons</li> <li>• Money paid to PAPs</li> </ul>
Additional Assistance and Livelihood Restoration	<ul style="list-style-type: none"> <li>• PAPs with restored assets</li> <li>• PAPS with restored livelihood enterprises</li> <li>• PAPs without restored assets</li> <li>• PAPS without restored livelihood enterprises</li> </ul>
Community participation and public engagement	<ul style="list-style-type: none"> <li>• Local consultative Meetings held</li> <li>• PAP consultative Meetings held</li> </ul>
Grievance management	<ul style="list-style-type: none"> <li>• Grievances received</li> <li>• Grievances resolved promptly (within the duration allowed in the Grievance Redress Mechanism)</li> <li>• Grievances not resolved in time but completed</li> <li>• Outstanding grievances not resolved</li> </ul>

CWWDA/KIMAWASCO will initiate the process of external evaluation. To avoid conflict of interest, the external evaluation will be undertaken by an external Evaluation Agency. **Table 11.3** below shows External Monitoring Indicators that will be checked during External Performance Monitoring, preferably done by a community-based organization.

**Table 11.3: External Monitoring Indicators**

Parameters	Indicators (Number)
Adequacy (of Staff number/skills/knowledge levels; equipment and facilities) at RIC and PIU	<ul style="list-style-type: none"> <li>• Grievances resolved by the RIC and PIU and durations taken to resolve them</li> <li>• Grievances referred to Level 3 (Courts of Law)</li> </ul>
Legislative compliance with National and International Standards	<ul style="list-style-type: none"> <li>• Grievances referred to Level 3 (Courts of Law)</li> <li>• Complaints referred to World Bank Safeguards team</li> </ul>
Compensation payments, community engagement, reporting, grievance redress mechanisms	<ul style="list-style-type: none"> <li>• Amounts of payments made</li> <li>• Local consultative meetings held</li> <li>• PAP consultative meetings held</li> <li>• Grievances received</li> <li>• Grievances resolved promptly (within the duration allowed in the Grievance Redress Mechanism)</li> <li>• Grievances not resolved in time but completed</li> <li>• Outstanding grievances not resolved</li> </ul>

The indicators presented in **Table 11.3** above will be revised and appropriate Terms of Reference (ToR) established for the External Monitoring Consultant.

The External Monitoring Consultant will focus on restoration of affected livelihoods and corresponding tracking of Project Affected People through a certain period of time to be identified

Evaluation will be done against the existing baseline information identified in the RAP and indicators identified in **Table 11.2** and **Table 11.3** above. CWWDA/KIMAWASCO to engage an External Monitoring Consultant who will be engaged as soon the RAP is approved; this is because tracking will start immediately after PAPs are impacted.

Therefore, monitoring and evaluation will be undertaken regularly during implementation and also at the end for the purposes of compiling the Project Completion Report. The Report will include an evaluation that ascertains whether resettlement compensation goals and objectives have been realised. Monitoring will be systematically carried out at two process levels: during the resettlement compensation payment period and after that period (post-compensation payment period).

## 12 CONCLUSION AND PROVISIONS

### 12.1 CONCLUSION

The RAP Report identified that the proposed improvement of Water Distribution Network within (KIMAWASCO) area of Jurisdiction has the potential of triggering risks associated with loss of business structures, temporary loss or disruption of business livelihoods belonging to private persons. However, loss of land will not be triggered under this Project.

The proposed pipelines alignments lie within existing road reserves and wayleaves shared by local utilities owned by the relevant Road Authorities i.e. Kenya Urban Roads Authority (KURA), Kenya Rural Roads Authority (KeRRA) or Kenya National Highways Authority (KeNHA). Therefore, no land will be acquired since the PAPs are occupying the land informally.

The RAP estimated the number of Project Affected Persons (PAPs) to be 257 PAPs in all the target towns of KIMAWASCO Project area namely; Kilifi, Kaloleni, Mariakani, Mazeras and Mtwapa as detailed in **Chapter 6** of this Report.

The activities necessary for effective and meaningful consultations will lead to close interaction between the proponent and the community members leading to a high risk of spreading Covid – 19 amongst community members during the consultation process. The activities may take the form of one –on –one or onsite presence in the community, large gatherings and long duration of engagement sessions. To minimize the risk of spread of COVID-19 amongst community members, the following measures will be required to ensure social distancing and appropriate communication measures. The mitigation measures will be supervised by a communications/ stakeholder engagement / social safeguards experts in the project proponent's team:

- (i) Electronic means of consulting stakeholders and holding meetings shall be encouraged whenever feasible. One on one engagements for the PAPs while observing social distance and adhering to PPE wearing shall be enforced;
- (ii) Avoid concentrating of more than 15 community members at one location. Where more than one person are gathered, maintain social distancing of at least 2 meters;
- (iii) The team carrying out engagements within the communities on one-on-one basis will be provided with appropriate PPE for the number of people they intend to meet;
- (iv) Use traditional channels of communications (TV, newspaper, radio, dedicated phone-lines, public announcements and mail) when stakeholders do not have access to online channels or do not use them frequently. Ensure to provide and allow participants to provide feedback and suggestions.
- (v) Hold meetings in small groups, mainly in form of FGDs if permitted depending on restrictions in place and subject to strict observance of physical distancing and limited duration.
- (vi) In situations where online interaction is challenging, disseminate information through digital platform (where available) like Facebook and WhatsApp & Chat groups.
- (vii) Ensure online registration of participants, distribution of consultation materials and share feedback electronically with participants.

## 12.2 RAP PROVISIONS

Therefore, in order to ensure smooth implementation of the Proposed Project, the below listed provisions will be undertaken by KIMAWASCO as the Project Proponent.

- (i) Kilifi Mariakani Water and Sewerage Company (KIMAWASCO) will source for Compensation funds from Kilifi County Government. The RAP provides these funds to be **KShs. 10,407,060**. Ultimately once the funds are secured, an escrow account will be opened, and the funds deposited in it only to be used for PAPs compensation.
- (ii) KIMAWASCO will ensure all the 257 PAPs are compensated prior to laying of the water lines. The RAP provides for phasing of compensation depending on the water lines that are ready for construction. This approach will eliminate the risk of PAPs re-encroaching on water lines after compensation.

**LIST OF APPENDICES**

- Appendix 1 - Asset Inspection Sheet
- Appendix 2 - Minutes and List of Attendance to Consultative Meetings
- Appendix 3 - Cut-Off Date Disclosure
- Appendix 4 - Grievance Register Form
- Appendix 5 - Photographs of Affected Structures
- Appendix 6 - Assets register / Valuation Roll



## **APPENDIX 1**

# **ASSET INSPECTION SHEET**



## APPENDIX 1: ASSET INSPECTION SHEET

Household No / unique Identifier .....

General details of Affected Asset or Livelihood

Village / Cluster	Location	Sub County	County
Plot Number	PAP category <sup>16</sup>	Ownership / Rented	GPS coordinates / Photo Number

### Demographic Data of PAP

Name of the owner (HH)	ID	Telephone	Gender	Age
Spouse Details	ID	Telephone	Gender	Age
Family Size				
Household size				
Education Level				
Livelihood				

### Vulnerability (Marginalized and Vulnerable Groups (VMG))

No	Vulnerable Parameter	Answer
	Is the HH headed by child under 18yrs	
	Is the HH headed by a disabled Person	
	Is the HH headed a chronic ill person	
	Is the HH headed by elderly over 65yrs	
	Is the HH enrolled to government social program that supports the aged and VMGs	
	Did the HH business / loss of income collapse in the recent month	
	HH lost livestock due to disease or drought	

Yes (1) or No (2)

**Land Affected (Yes/no) .....Size (acre/square meters).....**

**Structure .....(partial / total impact) tick appropriately**

TYPE OF STRUCTURE affected	NATURE OF MATERIAL			Size in sqft	GPS coordinates	PHOTO NUMBER.
	Wall	Roof	Floor			
A1. Main house						
A2. Kitchen						
A3. Store						
A4. Fixed Business shed						
A5. Mobile business shed						
A6. Goat shed						
A7. Poultry house						
A8. Latrine						
A9. Bathroom						
A10. House 1						
A11. Community water point						
A12. Community mosque						

<sup>16</sup> Structure owner could be PAPs or Institutions owning land, structures, livelihood or community assets

A13. Others indicate

**Codification Asset structure below**

A2	A3	A4	A5	A6
Relationship to Household Head	Type of Wall	Type of Roof	Floor	Size (meters)
1.Head 2. Spouse 3.Son/Daughter 4.Brother/Sister 5. Parent. 6. other indicate	1.Stone not plastered. 2.stone and plastered 3.Bricksand plastered 4.Bricks not plastered 5. Iron sheets. 6.Wooden 7. Mud 8.Mud +plastered 9. Other	1.Iron Sheets 2. Grass thatched. 3.Plastic paper 4.Other	1.Plain concrete 2.Tiled 3.Mud 4.Other	Length Width Radius

**LOSS OF LIVELIHOOD**

S/ NO	Type of Business	Average Daily Income	Affected		Owner of the business
		Ksh.	Total / Partial	Type	Name (ID and address if not member of the household)

**Codification Business type**

- 1- grocery / shop     2- Beauty shop/ salon / barber     3- retail shop kiosk     4- cereals kiosk .....  
 5- cloth stall     6- food kiosk / hotel     7- mpesa shed     8 shoe vendors stand  
 9- local chemist     10- hardware shop     11- domestic bakery .....  
 12- Movie shop ..... 13- Other (s) (please specify)  
 .....

**Type of ownership:**

- 1- Head of household     2- Spouse     3- Other member of the household  
 4- Tenant     5- Other (please specify)

**CROPS GROWN**

TYPE OF CROP	AREA IN SQUARE FEET	Name (ID and address if not member of the household)

**See codes below**

- 1-Tea 2-Coffee 3-Maize 4 Sweet potato 5- Sugarcane 6- Beans 7- Nippier grass 8- Peas 9- Cassava 10-arrowroots 11- kales 12- Bananas 13- Irish potatoes 14-Pumkins 15-Passion fruits 16-Other (s) (please specify)

**TREES GROWN**

TYPE OF TREE	AGE OF			Name (ID and address if not member of the household)
	TREES YOUNG	MEDIUM	MATURE	

**See codes below**

Mango 2 Orange 3 Guava 4 Avocado 5 Eucalyptus 6 Cyprus 7 Bamboo 8 Pawpaw 9Pine 10 Gravelia11 Other(s) (please specify)

**Tenants**

List the Names and Telephone Numbers of Residents Tenants in the Structure

**TENANT'S / EMPLOYEE INFORMATION USING STRUCTURE OR BUSINESS**

Name of Tenant	Gender	Rent Amount (Kshs)	Telephone	ID Number

## **APPENDIX 2**

# **MINUTES AND LIST OF ATTENDANCE TO CONSULTATIVE MEETINGS**

**PUBLIC CONSULTATIVE MEETING FOR POTENTIAL PERSONS AFFECTED BY THE PROJECT HELD BY THE CONSULTANT AND KIMAWASCO FOR CWWDA AT THE DO'S OFFICE IN MARIAKANI AT 2PM ON 10<sup>TH</sup> AUGUST 2018**

**MEMBERS PRESENT**

1. Assistant Chief Mitangoni Sub location,
2. Consultant representative,
3. KIMAWASCO representatives,
4. village elders a
5. members of the public

**AGENDA**

1. Introductions
2. Project negative impacts on structures
3. Compensation of PAPS
4. Declaration of the Cut-off date

**MIN 1/08/2018: INTRODUCTION**

The chief called the meeting to order at 2.00Pm with a prayer from a member, this was followed by introduction of participants present in the meeting. He invited the consultant to give an overview of the Project and guide the audience through the agenda of the meeting.

The consultant representative Mr Juma indicated that the Project will involve overhaul of the entire water distribution network within Mariakani Town. Further, he noted that the aim of this is to improve provisions of clean safe, reliable water supply to the residents of the town. However, he explained that wayleave is required to lay the water mains and that some peoples structures and sources of livelihood might be affected as discussed below.

**MIN 2 /08/2018: PROJECT IMPACTS ON STRUCTURES AND LIVELIHOOD SOURCES**

The consultant guided the community on legal and policy provision with regards to RAP, he indicated that Kenyan Constitution 2010 and the Land Act 2012 were the main statutes from the Kenyan Government while World Bank OP 4.12 on Involuntary Resettlement was the main policy from the banks side. He noted that all the above status provide mechanism of safeguarding PAPS affected by development related Projects.

He informed that meeting that, potential categories of impacts likely to be enumerated along the water main easements will PAP's whose structures used for business will be affected. He further noted that such PAPs will be entitled to full replacement of the structure through cash compensation with the right to salvage materials. He also noted that that the other option would be in kind compensation by the Project, he explained that this applies where a similar structure to the one affected is constructed for the PAPs under the Project. However, this option was immediately dismissed by the PAPs who indicated that the practicability of the option might not be feasible.

For PAPs who might lose business, he noted that they will be entitled to cash compensation equivalent to a 3 month average income derived from the businesses they operate.

He indicated that vulnerable categories of PAPs are persons such as elderly, orphans, widows and disabled who might suffer dis-appropriately because of the water easement acquisition. He said that such PAPs if enumerated will be entitled to extra support in terms of extra cash that

would enable them to hire labour and transport services for instance during structures removal, he said that such people would be given priority in compensation and offered personalized support during resettlement.

**MIN 3 /08/2018: Cut-off Date Declaration**

The cut-off date was discussed and agreed upon during consultative meetings as the date of start of PAPs census activities, for Mariakani town the date was adopted as 10<sup>th</sup> August 2018. Further, PAPs were informed that only PAPs enumerated by the agreed cut-off date will be eligible for compensation.

**MIN 4 /08/2018: AOB & ADJOURNMENT**

The residents present unanimously agreed the project should commence soon to reduce water shortage and high water expenses in the town. There being no other business the forum adjourned at 1640hrs with a word of prayer.

**Key Issues of Plenary Discussion**

Issues	Response
PAPs and community Members were fearful of eviction, they noted that they have previously suffered and lost property due to eviction.	They informed that the Project is guided by World Bank Policy OP 4.12 and Kenyan Constitution, this policies safeguard interests of people and that no evictions will be initiated. Instead as indicated above, PAPs will be fully compensated for business and structure loss.
PAPs inquired whether they would also be compensated for land even if they did not have title deeds for the portion they occupy. The noted the railway Project had compensated PAPs well and that they expect the same from the water Project.	Mr Juma informed them that compensation was only for development they had made on the land. He noted that the land they occupy is public road reserves and that they are not entitled to Land Compensation, The Railway Project was compensating for land because land acquisition was applicable under the railways Project.
PAPs indicated that they required adequate notice so that after compensation they could slowly remove encroaching structures away from the road reserves	The consultant representative informed that PAPs that the RAP will provide for a 3 month notice on intention to use site. During this period PAPs will have been appropriately compensated and will also have right to salvage construction materials from their structures

**Photographs of PAPs Meeting- Kilifi town**



The area Assistant Chief addressing the meeting session



A PAP raising concern during the meeting session






A PAP signing the attendance list



Consultant representative addressing the meeting session

**LIST OF ATTENDANCE**



**MIBP**  
CONSULTING ENGINEERS

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**Preparation of Water Distribution Master Plans for Water Service Providers (5 WSPs) in Mombasa, Kilifi, Taita Taveta and Kwale Counties**

**PUBLIC PARTICIPATION**

VENUE: 2025 OFFICE - MOMBASA DATE: 10/08/2018

**ATTENDANCE LIST**

No	Name	Phone	Location/Designation	Sign
1	George Mwalimu Ng'as	0724 548 908	Ujiji	GANJE
2	ANITA KAWIRI	0729031275	NIJORO A	AKS
3	PENINJA NJARU YILEE	0718960406	NIJORO A	AKS
4	KAZUNGI MUMBERU NIJARA	0796342283	NIJORO A	AKS
5	Sauyuel Kingi Nyati	076655213	Makindu	AKS
6	Shadeica Mwanjama Ngini	0788438371	Ngara	AKS
7	JASAB KAZUNU YEEN	0729020960	NIJORO	AKS
8	ROBINA MIPAKKA SABIRI	0706151419	JACABA	AKS
9	TEBERO TEMBA KHAMINDI	0727867521	KAKUNGU	AKS
10	KASSIM PAULI MARIJI	072552958	STALE	AKS
11	SMBERINA V. IGUNETA	0790677079	NIJORO A	AKS
12	MERCI M. MUIUA	0702262763	NIJORO A	AKS
13	ZAKIYA JUMA MUMBELE	0712375641	NIJORO A	AKS
14	JACKLINE NGOLOMA	0711809668	GWASTENI	AKS
15	SUMAYI JALIB	070520055	S-TABORA	AKS
16	SAMU CHALIA	0705007822	Tabora	AKS



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Preparation of Water Distribution Master Plans for Water Service Providers (5 WSPs) in Mombasa, Kilifi, TaitaTaveta and Kwale Counties

PUBLIC PARTICIPATION

ATTENDANCE LIST

VENUE: Water Office - Mombasa DATE: 21/5/2018

No	Name	Phone	Location/Designation	Sign
17	Mwakaishi Luma	0713145521	Musitani	[Signature]
18	Lucyline Kattamwa	0741232697	Nyoro B	[Signature]
19	GRACE DAMA	0719 294 104	Mwajuni	[Signature]
20	Musyoka KIKVEENE	0741312974	NJORO B	[Signature]
21	Elizabeth Ndunge	0702108058	Makubuni	Elizabeth
22	Rehema SCHIM	0703776124	Njoro	RCS
23	PATRICK MUKITHI	0720617298	MARIKANI A	[Signature]
24	SHOA MWENI	0746352320	MARIKANI A	SAD
25	Derrick Dmudi	0748882219	Mwajuni	[Signature]

## **PROJECT AFFECTED PERSONS (PAP) MEETING**

### **PUBLIC CONSULTATIVE MEETING FOR PERSON'S AFFECTED BY PROJECT (PAPS) HELD BY THE CONSULTANT AND KIMAWASCO FOR CWWDA AT THE SOCIAL HALL IN KALOLENI/VISHAKANI SUB-LOCATION 2<sup>nd</sup> AUGUST 2018**

#### **MEMBERS PRESENT**

1. Assistant Chief Kaloleni Sub location
2. Consultant representative
3. KIMAWASCO representatives
4. village elders
5. Person's affected by Project (PAPs)

#### **AGENDA**

1. Introductions
2. Kaloleni Water supply status
3. Compensation for affected structures
4. Cut-off date declaration
5. AOB & adjournment

#### **MIN 1/8/2018: INTRODUCTION**

The assistant chief called the meeting to order at 10.30am with a prayer from a member, this was followed by introduction of participants who included KIMWASCO team and the Consultant. Assistant chief further reiterated that the meeting was for Project Affected Persons. He welcomed the consultant representative Mr. Mmaiti to give an overview of the Project and guide the discussion.

Mr Mmaiti indicated that the Project will involve overhaul of the entire water distribution network within Kaloleni Town in an effort to improve water supply to residents. He indicated that Project aim is to improve provisions of clean safe, reliable water supply to the residents of the town. However, he explained that wayleave is required to lay the water mains and that some peoples structures and sources of livelihood might be affected as discussed below.

#### **MIN 2 /08/2018: PROJECT IMPACTS ON STRUCTURES AND LIVELIHOOD SOURCES**

The consultant guided the community on legal and policy provision with regards to RAP, he indicated that Kenyan Constitution 2010 and the Land Act 2012 were the main statutes from the Kenyan Government while World Bank OP 4.12 on Involuntary Resettlement was the main policy from the banks side. He noted that all the above status provide mechanism of safeguarding PAPs affected by development related Projects.

He informed that meeting that, potential categories of impacts likely to be enumerated along the water main easements will PAP's whose structures used for business will be affected. He further noted that such PAPs will be entitled to full replacement of the structure through cash compensation with the right to salvage materials. He also noted that that the other option would be in kind compensation by the Project, he explained that this applies where a similar structure to the one affected is constructed for the PAPs under the Project. However, this option was immediately dismissed by the PAPs who indicated that the practicability of the option might not be feasible.

For PAPs who might lose business, he noted that they will be entitled to cash compensation equivalent to a 3 month average income derived from the businesses they operate.

He indicated that vulnerable categories of PAPs are persons such as elderly, orphans, widows and disabled who might suffer dis-appropriately because of the water easement acquisition. He said that such PAPs if enumerated will be entitled to extra support in terms of extra cash that would enable them to hire labour and transport services for instance during structures removal, he said that such people would be given priority in compensation and offered personalized support during resettlement.

**MIN 9/8/2018: Cut-off Date Declaration**

The cut-off date was discussed and agreed upon during consultative meetings as the date of start of PAPs census activities, for Kaloleni town the date was adopted as 2<sup>nd</sup> August 2018. Further, PAPs were informed that only PAPs enumerated by the agreed cut-off date will be eligible for compensation

**MIN 10/8/2018: AOB & ADJOURNMENT**

The residents of Kaloleni indicated that they had no objection on the project and that it will bring many positives in the area, they all agreed that clean and sufficient water is good for generally every aspect of life. Due to this, the project would be welcomed if the affected persons would be compensated first by the board. There being no other business the forum adjourned at 13.30 pm with a word of prayer.

**Key Issues in Plenary Discussions**

<b>Issues</b>	<b>Response</b>
PAPs inquired whether they would be compensated for their business sheds likely to be affected by the Project	The consultant informed the members that all persons affected by the project will be compensated as provided in this RAP at full replacement cost of affected structures  For PAPs who might lose business, he noted that they will be entitled to cash compensation equivalent to a 3 month average income derived from the businesses they operate.
PAPs indicated that they required adequate notice so that after compensation they could slowly remove encroaching structures away from the road reserves	The consultant representative informed that PAPs that the RAP will provide for a 3 month notice on intention to use site. During this period PAPs will have been appropriately compensated and will also have right to salvage construction materials from their structures
Community members and PAPs indicated that Job opportunities associated with the Project should be given to the local community as a priority.	The consultant assured the residents and PAPS that any opportunity that will arise, the first priority will be given to the locals, and this would be done through the office of the chief

## **PHOTOGRAPHS OF PAPS MEETING – THE SOCIAL HALL IN KALOLENI**



The residents following up the proceedings of the meeting



**LIST OF ATTENDANCE**



**MIBP**  
CONSULTING ENGINEERS

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**WATER AND SANITATION SERVICE IMPROVEMENT PROJECT – ADDITIONAL FINANCING (WASSIP-AF)**  
Preparation of Water Distribution Master Plans for Water Service Providers (5 WSPs) in Mombasa, Kilifi, Taita Taveta and Kwale Counties

Contract No. CWSB/WASSIP-AF/C/27/2012

DATE:

Stakeholder consultation list – ESIA/RAP

No.	Name	Organization/Designation	Phone No	Signature
1.	GIONA MUMEMBE	KIMAWASCO	0787435089	
2.	TERESA DEANE DIMBA	ENVIRONMENT – CGA	0794464520	
3.	Jacinta M. MUKAU	Physical Planning – P/O	0721673041	
4.	ATHMAN. T. MATINDI	National Administration	0727922796	
5.	NTAMBUA VECUNIA	KIMAWASCO – KALOLENI	0728178637	
6.	MARTIN BEJAR GONDGO	KIMAWASCO KALOLENI	0727809076	
7.	ZIRO WANYO	ASSISTANT WARDEN	0728913748	
8.	Mwaidudu Joverum	KIMAWASCO	0729994820	
9.	MICHAEL PANGA	KIMAWASCO	0715416442	
10.	JOYCE W. KOMBE	INTERIOD	0720202379	



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**WATER AND SANITATION SERVICE IMPROVEMENT PROJECT – ADDITIONAL FINANCING (WASSIP-AF)**  
Preparation of Water Distribution Master Plans for Water Service Providers (5 WSPs) in Mombasa, Kilifi, Taita Taveta and Kwale Counties

Contract No. CWSB/WaSSIP-AF/C/27/2012

**Stakeholder consultation list – ESIA/RAP**

**DATE:**

No.	Name	Organization/Designation	Phone No	Signature
1.	Mundi Daniel	A/M Kimawasco - Mombasa	0722 285971	[Signature]
2.	Juel W. Keshalia	Kimawasco (CO)	0722 276819	[Signature]
3.	ANTHONY C. JAO	AREA CHIEF. Kimawasco	0720387942	[Signature]
4.	BONIFACE M TSUMA	ASST. CHIEF BUN/KISUMU	0700483721	[Signature]
5.	MAREK MUTHUNGUMU	Area - MWAJESHA	0725944089	[Signature]
6.	RAMNDHAN C. NYOKA	ASST. CHIEF - KAWUNGI	0724356688	[Signature]
7.	HASSAN NIGOME	Kimawasco (CO)	0724669866	[Signature]
8.	HARRISON K KONDE	ASST - CHIEF MOMBASA	0733588183	[Signature]
9.	Rose K. KADHAGE	CHIEF - MWAJESHA	0700 660233	[Signature]
10.				





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Preparation of Water Distribution Master Plans for Water Service Providers (5 WSPs) in Mombasa, Kilifi, Taita Taveta and Kwale Counties

ATTENDANCE LIST

VENUE: Social Hall

DATE: 2/8/2018

No	Name	Phone	Location/Designation	Sign
17	Machael safari	0726769886	Kaloleni	[Signature]
18	Salim Masha	0726769886	Kaloleni	[Signature]
19	Riziki ngala	0712529206	Kaloleni	[Signature]
20	Jatuma sidi	0726962054	Kaloleni	[Signature]
21	Rashiri Chera	0797905586	Kaloleni	[Signature]
22	Kennedy Miano	0789312010	Kaloleni	[Signature]
23	Sherry Mema	0745434137	Kaloleni	[Signature]
24	Happy Fondo	0748724881	Kaloleni	[Signature]
25	Martini muamuye	0713011063	Kaloleni	[Signature]
26	Kader ngumbao	0705438935	Kaloleni	[Signature]
27	Kaluma Karungu	0705415322	Kaloleni	[Signature]
28	Lawadi Kalindi		Kaloleni	
29	Kader Karisa		Kaloleni	[Signature]
30	Kalindi Katana		Kaloleni	
31	Mwanahamsi Muringi	0725095196	Kaloleni	[Signature]
32	Mercy dhalabi		Kaloleni	



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Preparation of Water Distribution Master Plans for Water Service Providers (5 WSPs) in Mombasa, Kilifi, Taita Taveta and Kwale Counties

ATTENDANCE LIST

VENUE: social hall Kaloleni

DATE: 2/8/2015

No	Name	Phone	Location/Designation	Sign
1	Bahati Kazungu	-	KALOLENI	[Signature]
2	Mwene Kombe	0742709359	Kaloleni	[Signature]
3	Roseline safari	-	Kaloleni	[Signature]
4	Stephen Kiasoo	0726005111	Kaloleni	[Signature]
5	Grace Kazungu	0725920595	Kaloleni	[Signature]
6	Herbert Gora	0711450777	Kaloleni	[Signature]
7	Kelvin Kinde	0791418156	Kaloleni	[Signature]
8	Baraka Ngombao	0724575677	Kaloleni	[Signature]
9	Ngombao Magesha	0795899447	Kaloleni	[Signature]
10	Manam Zuma	0748442121	Kaloleni	[Signature]
11	Juma Jama	0708944285	Kaloleni	[Signature]
12	Hamisi Salim	0700856749	Kaloleni	[Signature]
13	Islam Karisa	0742887792	Kaloleni	[Signature]
14	Harrison Kesi	0718394447	Kaloleni	[Signature]
15	Charity Katana	-	Kaloleni	[Signature]
16	Yusrah Matsezi	0743990336	Kaloleni	[Signature]

## **PUBLIC CONSULTATIVE MEETING FOR POTENTIAL PERSONS AFFECTED BY THE PROJECT HELD BY THE CONSULTANT AND KIMAWASCO FOR CWWDA AT THE CHIEF'S OFFICE IN KILIFI TOWN ON 8<sup>TH</sup> AUGUST 2018**

### **MEMBERS PRESENT**

1. Chief Kilifi township location
2. village elders
3. Person's affected by Project (PAPs)
4. Consultant representative

### **AGENDA**

1. Introduction
2. Project Impacts and Compensation
3. Declaration of cut-off date
4. AOB& adjournment

### **MIN 1/08/2018: INTRODUCTION**

The chief called the meeting to order at 9.30am with a prayer from a member, this was followed by introduction of participants present in the meeting. He invited the consultant to give an overview of the Project and guide the audience through the agenda of the meeting.

The consultant representative Mr Juma indicated that the Project will involve overhaul of the entire water distribution network within Kilifi Town. Further, he noted that the aim of this is to improve provisions of clean safe, reliable water supply to the residents of the town. However, he explained that wayleave is required to lay the water mains and that some peoples structures and sources of livelihood might be affected as discussed below.

### **MIN 2 /08/2018: PROJECT IMPACTS ON STRUCTURES AND LIVELIHOOD SOURCES**

The consultant guided the community on legal and policy provision with regards to RAP, he indicated that Kenyan Constitution 2010 and the Land Act 2012 were the main statutes from the Kenyan Government while World Bank OP 4.12 on Involuntary Resettlement was the main policy from the banks side. He noted that all the above status provide mechanism of safeguarding PAPs affected by development related Projects.

He informed that meeting that, potential categories of impacts likely to be enumerated along the water main easements will PAP's whose structures used for business will be affected. He further noted that such PAPs will be entitled to full replacement of the structure through cash compensation with the right to salvage materials. He also noted that that the other option would be in kind compensation by the Project, he explained that this applies where a similar structure to the one affected is constructed for the PAPs under the Project. However, this option was immediately dismissed by the PAPs who indicated that the practicability of the option might not be feasible.

For PAPs who might lose business, he noted that they will be entitled to cash compensation equivalent to a 3 month average income derived from the businesses they operate.

He indicated that vulnerable categories of PAPs are persons such as elderly, orphans, widows and disabled who might suffer dis-appropriately because of the water easement acquisition. He said that such PAPs if enumerated will be entitled to extra support in terms of extra cash that would enable them to hire labour and transport services for instance during structures removal,

he said that such people would be given priority in compensation and offered personalized support during resettlement.

**MIN 7/8/2018: Cut-off Date Declaration**

The cut-off date was discussed and agreed upon during consultative meetings as the date of start of PAPs census activities, for Kilifi town the date was adopted as 8<sup>th</sup> August 2018. Further, PAPs were informed that only PAPs enumerated by the agreed cut-off date will be eligible for compensation

**MIN 8/8/2018: AOB & ADJOURNMENT**

It was resolved unanimously that that the project should be implemented as soon as possible as the town was picking up quickly with new infrastructures coming up quickly. There being no other business the forum adjourned at 13.00hrs with a word of prayer.

<b>Issues</b>	<b>Response</b>
PAPs and community Members were fearful of eviction, they noted that they have previously suffered and lost property due to eviction.	They informed that the Project is guided by World Bank Policy OP 4.12 and Kenyan Constitution, this policies safeguard interests of people and that no evictions will be initiated. Instead as indicated above, PAPs will be fully compensated for business and structure loss.
PAPs inquired whether they would also be compensated for land even if they did not have title deeds for the portion they occupy. They noted that resident of coastal towns have suffered land injustices and the issue of lack of title deeds to majority of people has worked to their disadvantage	They were informed them that compensation was only for development they had made on the land. He noted that the land they occupy is public road reserves and that they are not entitled to Land Compensation.  He further noted that no one will be disadvantaged under the Project and that no private land will be acquired for the Project, all water pipelines will be laid within road reserves
PAPs inquired whether they would be compensated for the their business sheds likely to be affected by the Project	The consultant informed the members that all persons affected by the project will be compensated as provided in this RAP at full replacement cost of affected structures  For PAPs who might lose business, he noted that they will be entitled to cash compensation equivalent to a 3 month average income derived from the businesses they operate.
PAPs indicated that they required adequate notice so that after compensation they could slowly remove encroaching structures away from the road reserves	The consultant representative informed that PAPs that the RAP will provide for a 3 month notice on intention to use site. During this period PAPs will have been appropriately compensated and will also have right to salvage construction materials from their structures
Community members and PAPs indicated that Job opportunities associated with the Project should be given to the local community as a priority.	The consultant assured the residents and PAPS that any opportunity that will arise, the first priority will be given to the locals, and this would be done through the office of the chief

**Photographs of PAPs Meeting- Kilifi town**



The area chief addressing the Meeting

**LIST OF ATTENDANCE**



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Preparation of Water Distribution Master Plans for Water Service Providers (5 WSPs) in Mombasa, Kilifi, Taita Taveta and Kwale Counties

ATTENDANCE LIST

VENUE: Chief's Ofc Kilifi Township

DATE: 08/08

No	Name	Phone	Location/Designation	Sign
1	KIRIMI PAUL	0723552476	KWA MIKE	<i>[Signature]</i>
2	BENNYKE MASHA CHIRU	0723723645	KWA MIKE E.	<i>[Signature]</i>
3	JAMES KAHINI KENYA	0720318822	KWA MIKE	<i>[Signature]</i>
4	JOSEPH MARIANI WANGE	072870026	KIBAONI	<i>[Signature]</i>
5	JAMES KIMITHI MUGAI	0725771402	KIBAONI	<i>[Signature]</i>
6	KWADYI MUHAMMED AHMED	0739346934	KWA WOMEN	<i>[Signature]</i>
7	BARAKA MISENA FUNDI	0710930393	KIBAONI	<i>[Signature]</i>
8	ANDERSON BAWARANGI RANGI	0716440396	KWA WOMEN	<i>[Signature]</i>
9	DEDAH M. MAREH	0722260808	KIBAONI	<i>[Signature]</i>
10	FATUMA D. CHITSANGI	0729667318	KIBAONI	<i>[Signature]</i>
11	LUCY NYEVU KARISSA	0748173638	KIBAONI	<i>[Signature]</i>
12	LINDA PETER	0779069304	KIBAONI	<i>[Signature]</i>
13	JOYCE TABU KAZUNGU	0705893312	KIBAONI	<i>[Signature]</i>
14	MASKA KAZUNGU	0701064526	KIBAONI	<i>[Signature]</i>
15	REHEMA MADHEMI	0708586617	KIBAONI	<i>[Signature]</i>
16	RUKIA MUTSAU	0712401457	KIBAONI	<i>[Signature]</i>
17	LILIAN HASARA KUTAKASA	0721605288	BACLAYS	<i>[Signature]</i>
18	JACKSON M. KULUKULU	079902809	Backy	<i>[Signature]</i>



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CONSULTING ENGINEERS

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Preparation of Water Distribution Master Plans for Water Service Providers (5 WSPs) in Mombasa, Kilifi, Taita Taveta and Kwale Counties

ATTENDANCE LIST      VENUE: *Chief's Office Kilifi Township*      DATE: *02/08*

No	Name	Phone	Location/Designation	Sign
38	WENDY MUMBIKA	0714354742		<i>[Signature]</i>
39	ALISA IDUNA KARUGU	071711110		<i>[Signature]</i>
40	FATUH MUMBUA NJANGI	0742 267816		<i>[Signature]</i>
41	MORRIS MUMBUA LELU	0712071922		<i>[Signature]</i>
42	ANNA MUMBE	0799 006224		<i>[Signature]</i>
43	ANNA WAMBO KIMU	0702 201400		<i>[Signature]</i>
44	SARAH MUMBE JUMA	0720553192		<i>[Signature]</i>
45	DANIEL MUMBE CHU	07169 3274		<i>[Signature]</i>
46	BENEDICT WAMBU	07162 57238		<i>[Signature]</i>
47	MARGARET WAMBU	071676 7276		<i>[Signature]</i>
48	LOISE MUMBE CHU	0700 207601		<i>[Signature]</i>
49	KAMILA ABUJI	0713130401		<i>[Signature]</i>
50	FUMICE CHU	0700 207601		<i>[Signature]</i>
51	ANABELA WAMBU	071492911	Kilifi	<i>[Signature]</i>
52	SHEENA JUMBA	0702282717		<i>[Signature]</i>
53	SARAH FARA	0710767652		<i>[Signature]</i>
54	CHABINE WAMBU	0704540009		<i>[Signature]</i>
55	Benjamin MUMBE	0718412009		<i>[Signature]</i>
56	JOHN MUMBE	0704 352346		<i>[Signature]</i>



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**Preparation of Water Distribution Master Plans for Water Service Providers (5 WSPs) in Mombasa, Kilifi, Taita Taveta and Kwale Counties**

ATTENDANCE LIST      VENUE: *Chief's Office Kilifi Township*      DATE: *28/08*

No	Name	Phone	Location/Designation	Sign
1	DANIEL ISMAIL HADJIM	0713203229	KIBAOINI	<i>[Signature]</i>
2	FRANCISCA ANZARI MUMARIUK	0711880368	KIBAOINI	<i>[Signature]</i>
3	SELAH MBEYU MUAJUA	0718864730	KIBAOINI	<i>[Signature]</i>
4	CONSTANCE MUGAGAMPLO	0707274880	KIBAOINI	CONT
5	MWITA CIANGI SUSAHA	0715429091	KIBAOINI	<i>[Signature]</i>
6	JACKLINE NJOKI WANINI	0722262491	KIBAOINI	<i>[Signature]</i>
7	LOYCE TABU MWENI	0703719209	KIBAOINI	LOCE
8	MARGARET KADDO BANI	0704072715	KIBAOINI	<i>[Signature]</i>
9	LIMAZI MAZENA KUISERA	0745168791	KIBAOINI	<i>[Signature]</i>
10	SCHOLASTICA GAKUASERUA	0711457788	KILIFI PRIMUM	<i>[Signature]</i>
11	LIYCE NANSALA	0717440856	KIBAOINI	<i>[Signature]</i>
12	MADINA KENGA	0713193160	KIBAOINI	<i>[Signature]</i>
13	ZAWADI CHABO	079131883	KIBAOINI	<i>[Signature]</i>
14	MURHAM KARISA	0902808289	KIBAOINI	<i>[Signature]</i>
15	MISHI MPEHO FORDO	0714589999	KIBAOINI	<i>[Signature]</i>
16	CELENE SARA	07		<i>[Signature]</i>



1) NAZAMIA BENJAMIN	071537381	KILIFI	
2) AMBROSE HARD	0702068833	KILIFI	
3) MIKELO MATHGALU	0722829942	KILIFI	
4) PEHIMA MUGUE	0728211304	KILIFI	
5) MONICA WANJIZU	0707467431	KILIFI	
6) CONSTELA BENEMA NJERI	0727900135	KILIFI BOROLEYS	
7) KILIAN SENTE YEA	0726368294	KILIFI BOROLEYS	
8) IRENE ZAWADI KAHINDI	0792242236	KILIFI BOROLEYS	
9) JACKSON MUSYIMI	0712725298	KILIFI BOROLEYS	

## **PUBLIC CONSULTATIVE MEETING FOR POTENTIAL PERSONS AFFECTED BY THE PROJECT HELD BY THE CONSULTANT AND KIMAWASCO FOR CWWDA AT THE CHIEF'S OFFICE IN MTWAPA TOWN ON 14<sup>TH</sup> AUGUST 2018**

### **MEMBERS PRESENT**

1. Consultant representative
2. Chief Kaloleni Sub location
3. village elders
4. Person's affected by Project (PAPs)

### **AGENDA**

1. introduction
2. employment opportunities to the locals
3. the use of excavators during the project
4. space for markets
5. Declaration of cut-off date
6. AOB & adjournment

### **MIN 1/08/2018: INTRODUCTION**

The chief called the meeting to order at 10.25am with a prayer from a member, this was followed by introduction of participants present in the meeting. He invited the consultant to give an overview of the Project and guide the audience through the agenda of the meeting.

The consultant representative Mr Mmaitisi indicated that the Project will involve overhaul of the entire water distribution network within Mtwapa Town which has experienced increase in population due to closeness to Mombasa Town. Further, he noted that the aim of this is to improve provisions of clean safe, reliable water supply to the residents of the town. However, he explained that wayleave is required to lay the water mains and that some peoples structures and sources of livelihood might be affected as discussed below.

### **MIN 2 /08/2018: PROJECT IMPACTS ON STRUCTURES AND LIVELIHOOD SOURCES**

The consultant guided the community on legal and policy provision with regards to RAP, he indicated that Kenyan Constitution 2010 and the Land Act 2012 were the main statutes from the Kenyan Government while World Bank OP 4.12 on Involuntary Resettlement was the main policy from the banks side. He noted that all the above status provide mechanism of safeguarding PAPs affected by development related Projects.

He informed that meeting that, potential categories of impacts likely to be enumerated along the water main easements will PAP's whose structures used for business will be affected. He further noted that such PAPs will be entitled to full replacement of the structure through cash compensation with the right to salvage materials. He also noted that that the other option would be in kind compensation by the Project, he explained that this applies where a similar structure to the one affected is constructed for the PAPs under the Project. However, this option was immediately dismissed by the PAPs who indicated that the practicability of the option might not be feasible.

For PAPs who might lose business, he noted that they will be entitled to cash compensation equivalent to a 3 month average income derived from the businesses they operate.

He indicated that vulnerable categories of PAPs are persons such as elderly, orphans, widows and disabled who might suffer dis-appropriately because of the water easement acquisition. He said that such PAPs if enumerated will be entitled to extra support in terms of extra cash that would enable them to hire labour and transport services for instance during structures removal, he said that such people would be given priority in compensation and offered personalized support during resettlement.

**MIN 5/08/2018: Cut-off Date Declaration**

The cut-off date was discussed and agreed upon during consultative meetings as the date of start of PAPs census activities, for Mtwapa town the date was adopted as 14<sup>th</sup> August 2018. Further, PAPs were informed that only PAPs enumerated by the agreed cut-off date will be eligible for compensation

**MIN 6/08/2018: AOB & ADJOURNMENT**

Mtwapa Town being a town occasioned by visitors from all over, the water supply being boosted in the area would greatly help a lot. The hotel industry which would mostly benefit welcomed it, as the water company office in Mtwapa. Generally the project was welcomed by traders and residents. There being no other business the forum adjourned at 13.00hrs with a word of prayer.

Issues	Response
Community Members requested for minimum destruction of their structures through the use of human labour during excavations within estate roads rather than using excavators which require huge working space and ultimately impacting on more PAPs	The meeting was informed that the contractor will develop specific working methods that will be approved by the resident engineer, the works methods will include recommendations such as the use of human labour to excavate congested routes as suggested
PAPs and community Members were fearful of eviction, they noted that they have previously suffered and lost property due to eviction.	They informed that the Project is guided by World Bank Policy OP 4.12 and Kenyan Constitution, this policies safeguard interests of people and that no evictions will be initiated. Instead as indicated above, PAPs will be fully compensated for business and structure loss.
PAPs indicated that they required adequate notice so that after compensation they could slowly remove encroaching structures away from the road reserves	The consultant representative informed that PAPs that the RAP will provide for a 3 month notice on intention to use site. During this period PAPs will have been appropriately compensated and will also have right to salvage construction materials from their structures

**Photographs of PAPs Meeting – Mtwapa town**




Consultant representative giving his remarks



Question and Answer Session

**LIST OF ATTENDANCE**



# MIBP

**CONSULTING ENGINEERS**








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**Preparation of Water Distribution Master Plans for Water Service Providers (5 WSPs) in Mombasa, Kilifi, TaitaTaveta and Kwale Counties**

**PUBLIC PARTICIPATION**

VENUE: Chief's Office - Mombasa DATE: 14/8/2015

**ATTENDANCE LIST**

No	Name	Phone	Location/Designation	Sign
1	Nga Jiloni	0727604595	Mzamburani	
2	John Ochieng	0720592350	Kwa Goa	
3	M. MAWIO NIBAKA	0712484361	Kwa Goa	
4	PAISCAH LUVU NO CHARO	0703268321	Dagiamkaze	
5	ANDERSON MWAKAMUSHA KALUMI	0726134997	MIKAJUNI KWA RASHID	
6	BARNERD KAN	0712653117	KWA GOA	
7	Omanji Juma	072052019	Kwa Goa	
8	RISPER MAKESI	0722707369	NYAMBURA	
9				
10				

## **APPENDIX 3**

# **CUT-OFF DATE DISCLOSURE**

## REPUBLIC OF KENYA



### Coast Water Works Development Agency

## Preparation of Detailed Designs, Preliminary ESIA/RAP and Tender Documents for Water Distribution Works for Mombasa and 3WSPs

### RESETTLEMENT ACTION REPORT (RAP) FOR IMPROVEMENT OF WATER DISTRIBUTION NETWORK WITHIN KIMAWASCO

## DISCLOSURE OF CUT-OFF DATE

This is to notify all interested persons in the above referenced Project that the cut-off date for enumeration of assets and sources of livelihood for proposed Improvement of Water Distribution Network within (KIMAWASCO) was established as dated listed below

- (i) Kaloleni Town – Cut-off Date was 2<sup>nd</sup> August 2019
- (ii) Mtwapa Town – Cut-off Date was 14<sup>th</sup> August 2019
- (iii) Kilifi Town – Cut-off Date was 8<sup>th</sup> August 2019
- (iv) Mariakani Town – Cut-off date was 10<sup>th</sup> August 2019
- (v) Mazaras Town – Cut-off date was 10<sup>th</sup> August 2019

Therefore, any asset or livelihood source established after this date will be ineligible for compensation.

**CHIEF EXECUTIVE OFFICER**  
**COAST WATER WORKS DEVELOPMENT AGENCY**





## **APPENDIX 4**

# **GRIEVANCE REGISTER FORM**

## **SAMPLE GRIEVANCE REDRESS FORM**

<b>Grievance Form</b>				
Grievance Number				Copies to forward to:
Name of the Recorder				(Original)-Receiver Party
Sub-County				(Copy)-Responsible Party
Date				
<b>INFORMATION ABOUT GRIEVANCE</b>				
Define The Grievance:				
<b>INFORMATION ABOUT THE COMPLAINANT</b>				<b>Forms of Receive</b>
Name-Surname				<input type="checkbox"/> Phone Line <input type="checkbox"/> Community/ Information Meetings <input type="checkbox"/> Mail <input type="checkbox"/> Informal <input type="checkbox"/> Other
Telephone Number				
Address				
Village				
Sub-County				
Signature of Complainant				
<b>DETAILS OF GRIEVANCE</b>				
<b>1. Access to Land and Resources</b>  a) Fishing grounds b) Lands c) Pasturelands d) House e) Commercial site f) Other	<b>2. Damage to</b>  a) House b) Land c) Livestock d) Means of livelihood e) Other	<b>3. Damage to Infrastructure or Community Assets</b>  a) Road/Railway b) Bridge/ Passageways c) Power/Telephone Lines d) Water sources, canals and water infrastructure for irrigation and animals e) Drinking water f) Sewerage System g) Other	<b>4. Decrease or Loss of Livelihood</b>  a) Agriculture b) Animal husbandry c) Beekeeping d) Small scale trade e) Other	<b>5. Traffic Accident</b>  a) Injury b) Damage to property c) Damage to livestock d) Other
<b>6. Incidents Regarding Expropriation and Compensation (Specify)</b>	<b>7. Resettlement Process (Specify)</b>	<b>8. Employment and Recruitment (Specify)</b>	<b>9. Construction Camp and Community Relations</b> a) Nuisance from dust b) Nuisance from noise c) Vibrations due to explosions d) Misconduct of the project personal/worker e) Complaint follow up f) Other	<b>10. Other (Specify)</b>
GRIEVANCE RESOLUTION	<b>Comment</b>			

## **APPENDIX 5**

# **PHOTOGRAPHS OF AFFECTED STRUCTURES**



Sample Photos of Affected Structures in Kilifi Town



Sample Photos of Affected Structures in Kaloleni Town



Sample Photos of Affected Structures in Mariakani Town



Sample Photos of Affected Structures in Mazeras Town



Sample Photos of Affected Structures in Mtwapa Town

## **APPENDIX 6**

# **ASSETS INVENTORY & VALUATION ROLL**