



**Ministry of Energy and Petroleum  
Kenya Electricity Transmission Company (KETRACO)**

**UPDATED RESETTLEMENT ACTION PLAN  
FOR KABARNET - RUMURUTI 132/33kV TRANSMISSION LINE (95KM)**

**January 2022**



**EMC Consultants**  
ENVIRONMENTAL KNOWLEDGE IN PRACTICE

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**VOL 1**

## DECLARATION AND DOCUMENT AUTHENTICATION.

This document and its contents have been prepared by the KETRACO Project Implementation Team (PIT) for the proposed Kabarnet-Rumuruti 132kV double circuit transmission line (95km).The initial RAP document was prepared by EMC Consultants and later reviewed and updated by the PIT. It is solely intended for Kenya Electricity Transmission Company (KETRACO) information and use in relation to Resettlement Action Plan in the above mentioned project.

### Document history

Revision	Purpose description	Originated	Reviewed	Authorized	Date
Rev 1.0	Final Submission	EMC Consultants	KETRACO	KETRACO	September 2021
Rev 2.0	RAP update	KETRACO	KETRACO	KETRACO	December 2021
Rev 2.1	RAP Update with AfDB Comments	KETRACO	KETRACO	KETRACO	December 2022

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I do hereby certify that this report was prepared based on the information provided by various stakeholders as well as that collected from other primary and secondary sources, on the best understanding and in compliance with the world banks Environmental and Social safeguards on involuntary ressettlement. It is issued without any prejudice

**ACKNOWLEDGEMENT:**

We wish to thank the Management (KETRACO), for their immense assistance in facilitating this RAP update which enabled the team to undertake the exercise within the shortest time possible. We also acknowledge and appreciate the assistance accorded to us by DR. Winnie W. Wairumu (Social Safeguards Expert) of AfDB in reviewing this document not forgetting all other key the stakeholders, Project Affected Persons (PAPs) and the local leaders within the project area of Kabarnet and Laikipia Counties.

## ACRONYMS

AfDB	African Development Bank
AfDB ISS	African development bank Integrated Safeguards System Policy statement and operational safeguards
AIDS	Acquired immunodeficiency Syndrome
AP	Angle Points
ARVs	Anti-Retrovirals
BP	Bank Procedure
CBO	Community-Based Organization
CIDP	County Integrated Development Plan
CRC	Community Resettlement Committee
CoK	Constitution of Kenya
EDCF	Economic Development Cooperation Fund
EIA	Environmental Impact Assessment
EMCA	Environmental Management and Coordination Act
EPRA	Energy and Petroleum Regulatory Authority
ERC	Energy Regulatory Commission
ESIA	Environmental and Social Impact Assessment
ESAP	Environmental & Social Assessment Procedures
ESC	Economic Social and Cultural Rights
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
FGDs	Focus Group Discussions
FPIC	Free, Prior and Informed Consultations
GBV	Gender Based Violence
GDP	Gross Domestic product
GoK	Government of Kenya
GRM	Grievance Redress Mechanism
HH	Household
HIV	Human Immunodeficiency Virus
ICT	Information Communication Technology
IDA	International Development Association
IESIA	Integrated Environmental and Social Impact Assessment
IFC	International Finance Cooperation
IP	Indigenous People
KETRACO	Kenya Electricity Transmission Company Limited
KFS	Kenya Forest Service
KII	Key Informant Interviews
KM	Kilometer
KPLC	Kenya Power and Lighting Company

Kv	Kilovolts
KWS	Kenya Wildlife Service
LCPDP	Least Cost Power Development Plan
MEA	Multilateral Environmental Agreement
MoE	Ministry of Energy
MoLPP	Ministry of Lands and Physical Planning
MVA	Mega Volt Amp
NEC	National Environment Council
NEMA	National Environmental Management Authority
NGO	Non-Governmental Organization
NLC	National Land Commission
NMK	National Museum of Kenya
NPGD	National Policy on Gender and Development
OS	Operational Safeguards
PAHH	Project Affected Household Head
PAHs	Project Affected Households
PAPs	Project Affected Persons
PDO	Project Development Objectives
PDP	Project Displaced Persons
PIT	Project Implementation Team
PLWD	Persons Living with Disability
PPP	Public Private Partnership
RAP	Resettlement Action Plan
RIM	Registry Index Maps
RoW	Right of Way
RPF	Resettlement Policy Framework
SA	Social Assessment
SEP	Stakeholder Engagement Plan
SP	Social Protection
VCT	Voluntary Counselling and Testing

## GLOSSARY

The following terms used in this Resettlement Action Plan (RAP) shall have the following meanings unless stated otherwise. Other important concepts as used have been defined inside the text where they apply.

**Census:** A field assessment /survey carried out to identify and determine the number of project-affected persons and households(PAPs/Hs), their assets, and potential impacts; in accordance with the procedures satisfactory to the relevant government authorities, and the African development bank policies.

**Compensation:** The payment in kind, cash or other assets given in exchange for the taking of land, or loss of other assets, including fixed assets thereon, in part or whole. Includes:

- **Cash Compensation:** Monetary payment to which the Project Affected Persons are entitled in order to replace land or other assets taken for project use at full replacement cost. Include cash for land, cash for assets, cash for lost income.
- **In-Kind Compensation:** Non-monetary payment to which the Project Affected Persons are entitled in order to replace land or other assets taken for project use at Gross replacement cost. For losses that cannot easily be valued or compensated for in monetary terms, in-kind compensation may be appropriate. However, this compensation should be made in goods or resources that are of equivalent or greater value and that are culturally appropriate. In-kind compensation may entail agricultural land for agricultural land, commercial land for commercial land, grazing land for grazing land etc, as well as asset for asset compensation, e.g., public infrastructure, community facilities, and immovable assets such as various kinds of trees, crops etc.
- **Disturbance allowance:** Part of compensation for structures given to PAHs whether they relocate or not. It is provided for under the Kenyan government legislation and has been considered under this RAP at 15 per cent.

**Cut-off date:** This is the date of completion of the census and assets inventory of persons affected by a project. The date after which anyone who moves into the project area is no longer entitled to compensation and/or other resettlement benefits. Persons occupying the project area after the cut-off date are not eligible for compensation or resettlement assistance.. A cut-off date of 17<sup>th</sup> December 2021 was established for this RAP but in case of any delay of implementation of 2years and above it would be ratified by the gazette notice.

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

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

**Host population:** People living in or around areas to which people physically displaced by a project will be resettled who, in turn, may be affected by the resettlement.

**Income Restoration:** Measures required ensuring that PAPs have the resources to at least restore, if not improve, their livelihoods.

**Involuntary displacement:** The involuntary taking of land resulting in direct or indirect economic physical and social impacts caused by:

- Loss of benefits from use of such land;
- Relocation or loss of shelter;
- Loss of assets or access to assets; or
- Loss of income sources or means of livelihood, whether or not the project-affected person has moved to another location.

**Involuntary land acquisition:** The taking of land by the government or other government agencies for compensation, for the purposes of a public project/interest against the will of the landowner.

**Land:** The physical surface and anything growing on or underneath the surface extending to the airspace above the surface and the soil below the surface. It includes any structures thereon whether temporary or permanent which may be required for the project. Land can be put to different uses such as agricultural, residential, commercial, industrial.

**Land acquisition:** The taking of or alienation of land, buildings or other assets thereon for purposes of the project activities implementation.

**Open Market Value:** An opinion of the best price at which the sale of an interest in an asset would have been completed unconditionally for cash consideration on the date of valuation, assuming: a willing seller; that, prior to the date of valuation, there had been a reasonable period (having regard to the nature of the asset and state of the market) for the proper marketing of the interest, for the agreement of price and terms and for the completion of the sale; that the state of the market, level of values and other circumstances were, on any earlier assumed date of exchange of contracts, the same as on the date of valuation; that no account is taken of any additional bid by a purchaser with a special interest; and that both parties to the transaction had acted knowledgeably, prudently and without compulsion.

**Physical displacement**—Loss of shelter and assets resulting from the acquisition of land associated with a project that requires the affected person(s) to move to another location

**Project-Affected Persons (PAPs):** Persons who, for reasons of the involuntary taking or voluntary contribution of their land and other assets under the project, result in direct economic and/or social adverse impacts, regardless of whether or not the PAPs physically relocate



**Project-Affected Household (PAHs):** A household that is affected if one or more of its members is affected by sub-project activities, either by loss of property, land, loss of access, or otherwise affected in any way by the implementation of the project activities.

**Project-affected sites:** Clearly defined and/or surveyed areas or places earmarked for takeover, permanently or temporarily, for purposes of implementing project activities.

**Relocation:** Physical moving of PAPs from their pre-project place or residence, place for work or business premises, to an area that is not affected by the project. In some cases PAPs are moved away from the project corridor but within the same parcel of land or to other parcels.

**Resettlement Action Plan (RAP):** Also known as a Resettlement and Compensation Plan, a resettlement instrument (document) prepared when sub-project locations are identified and involves land acquisition which leads to or involves the physical displacement of persons, and/or loss of shelter, and/or loss of livelihoods and/or loss, denial or restriction of access to economic resources. RAPs are prepared by the project owners (managers or their appointed representative) impacting on the PAHs and their livelihoods and contain specific and legally binding requirements for compensation of the PAHs before the implementation of such project activities.

**The Resettlement Policy Framework (RPF):** The RPF sets out KETRACOs policy statement for development of a resettlement procedural framework manual for all its transmission infrastructure that involve involuntary resettlement. It sets out the resettlement objectives and principles, organizational arrangements and funding mechanisms for any resettlement that may be necessary during investments implementation. It guides the preparation of Resettlement Action Plans of individual investments to meet the needs of the Project Affected Persons (PAPs).

**Replacement cost:** The replacement of assets with an amount sufficient to cover full replacement cost of lost assets and related disturbance and transaction costs including applicable taxes. In terms of land, this may be categorized as follows:

- Replacement cost for agricultural land
  - Replacement cost for houses and structures
  - Full replacement cost.
- **Replacement cost for agricultural land:** The pre-project or pre-displacement, whichever is higher, value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of:
- Preparing the land to levels similar to those of the affected land;
  - Any registration, transfer taxes and other associated fees.
- **Full Replacement cost for houses and other structures:** The prevailing cost of replacing affected structures of the quality similar to or better than that of the affected structures in an area. Such costs shall include:
- Building materials;
  - Transporting building materials to the construction site;

- Any labour and contractors' fees; and
  - Any registration costs.
- **Replacement costs for land in urban areas:** the market value of land of equal size and use, with similar or improved public infrastructure facilities and services preferably located in the vicinity of the affected land, plus the cost of any registration and transfer taxes.
  - **Full replacement cost:** The current market value of the asset plus transaction costs (e.g. taxes, stamp duties, legal and notarization fees, registration fees, travel costs and any other such costs as may be incurred as a result of the transaction or transfer of property). In applying this method of valuation, depreciation of structures and assets is not taken into account. With regard to land and structures, replacement costs are defined as follows: Agricultural land—the market value of land of equal productive use or potential located in the vicinity of the affected land, plus the cost of preparation to levels similar to or better than those of the affected land, and transaction costs such as registration and transfer taxes. Residential land—the current market value of land of equivalent area and use, with similar or improved infrastructure and services preferably located in the vicinity of the affected land, plus transaction costs such as registration and transfer taxes. Houses and other structures—the cost of purchasing or building a new structure, with an area and quality similar to or better than those of the affected structure, or of repairing a partially affected structure, including labour and contractors' fees and transaction costs such as registration and transfer taxes.

**Resettlement assistance:** The measures to ensure that project-affected persons who may require to be physically relocated are provided with assistance such as moving allowances, residential housing or rentals, whichever is feasible and as required, for ease of resettlement during relocation.

**Squatters:** are persons without legal claims to the land occupied/used by and may/or may not have legal claim to the structures. The term 'squatters' in this report is typically used for those occupying structures for residential/commercial purposes without legal claim to the land in which the structures are located in.

**Transition Assistance:** in addition to the Disturbance Allowance for structures and crops, KETRACO's RPT will provide to vulnerable PDPs and eligible Pap's assistance in the form of a management resource (whether it be a KETRACO representative or someone agreeable to the PAP to oversee the transition); or an allowance will be paid for this person to oversee the process. The specific assistance will be developed and agreed with the PDP/ PAP as part of their individual compensation package.

**Vulnerable PAPs:** Socially and economically disadvantaged groups of persons such as widows, the disabled, very old persons or household heads who are likely to be more affected by project implementation or are likely to be generally constrained to access or seek out their entitlements promptly. Vulnerable is any person or groups who might suffer disproportionately or face the risk of being marginalised from the effects of resettlement as they are less able to cope with change. Vulnerable households by implication also include Incapacitated households with no one fit to work owing to advanced/old age-associated incapacities, disabilities etc.; and child-headed households and

street children, poor households, natural resource dependent communities and ethnic/social group minorities.

Vulnerable status can be determined by identifying a group's likelihood of facing harder conditions as a result of the resettlement because of such specific factors as a group's gender, economic status, ethnicity, religion, language or health condition. Depending on the specific context of the resettlement operation, vulnerable groups may thus include, for example, female-headed households, those below the poverty line, the landless, indigenous peoples, those without legal title to assets, those with physical handicaps, or ethnic, religious and linguistic minorities. Identifying vulnerable groups should be the result of careful analysis of the social and economic context, the presence of factors that may cause vulnerability and the capacity of the group to cope or adapt.

**Wayleave:** A RoW over the land of another. This RoW is for carrying sewer, drain, power line or pipeline into, though, over or under any lands but in so doing may interfere with the existing buildings.

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## EXECUTIVE SUMMARY

### 1. Compensation Summary

**Table 0- 1: Compensation Summary Sheets**

	<b>Variables</b>	<b>Data</b>
A. General		
1.	Region/Province/Department	Laikipia and Baringo County.
2.	Municipality/District	Rumuruti for Laikipia and Kabarnet for Baringo.
3.	Village/Suburb	Several villages from Kapropita Location in Kabarnet County to Rumuruti Location in Laikipia County.
4.	Activity that trigger Resettlement	Provision of ROW for the construction of the Proposed Kabarnet – Rumuruti 132kv Transmission line 95km Requiring a 30m wide Wayleave corridor.
5.	<b>Project overall cost</b>	<b>606,542,446.71</b>
6.	<b>Overall Resettlement cost</b>	<b>433,244,604.81</b>
7.	Applied cut off date	17 <sup>th</sup> /12/2021
8.	Dates of consultation with the PAPs	August 2019 and December 2021
9.	Date of the negotiations of the compensation rates/price	17 <sup>th</sup> /12/2021. To be finalized in the acquisition/easement process
B. Specific information		
10.	Number of Households affected by the project	489
11.	Number of people affected by the project, average household size is 8.11 per family	3,966
12.	Number of physically displaced Households	77
13.	Number of Economically displaced Households	445
14.	Number of households losing dwelling structures	77
15.	Number of females household heads affected	95
16.	Number of vulnerable households affected	118
17.	Number of major PAH	77
18.	Number of minor PAH	2
19.	Number of households losing their shelters	77
20.	Total area of lost arable/productive lands(Acres)	694.67
21.	Number of households losing their crops and revenues	487
22.	Total areas of farmlands lost (ha)	694.67
23.	Estimation of agricultural revenue lost	Kshs 26,760,058

24.	Number of building to demolish totally	253
25.	Number of Households losing trees and crops	307
26.	Number of commercial kiosks to demolish	01
27.	Number of community level service infrastructures disrupted or dismantled	02

## 2. Introduction

Kenya's long-term development blueprint, the Vision 2030, aims at transforming Kenya into a globally competitive, newly industrialized, middle income, and prosperous country. The growth objectives underpinning the Vision 2030 require a sustainable annual economic growth rate of more than 10% supported by industry, agriculture, and services. Efficient, accessible, and reliable infrastructure has been identified as an enabler for achieving sustained economic growth, development, and poverty reduction by lowering the cost of doing business and improving the country's global competitiveness. The electricity subsector has adopted a 20-year rolling plan that will align the sector with the Vision targets. The plan provides the road map to meet the estimated power demand. Power generation sequence, necessary network upgrades and expansions required to adequately evacuate the generated power and efficiently meet the demand is proposed. To achieve this Vision, the Government of the Republic of Kenya is seeking the financial support of African Development Bank (AfDB) to finance an electricity transmission infrastructure project under the Kenya Transmission Network Improvement project (KTRNIP). The project consists of three sub projects/lines i.e., the proposed 82.5km Malindi-Kilifi 220kV transmission line (covered in this Resettlement Action Plan (RAP) as well as Kabarnet-Rumuruti and the Narok-Bomet 132Kv transmission lines.

The proposed Kabarnet Rumuruti forms part of this project. This project aims to improve the power systems, and electricity access and reliability within the region, in line with the Kenya Growth and Development Strategy. The Project will be coordinated by The Ministry of Energy (MoEP) and implemented by Kenya Electricity Transmission Company (KETRACO).

The main development objective of the proposed project is to improve power transfer capacity, quality electricity supply and supply reliability of high voltage (HV) transmission Network and enhance socio-economic development in the targeted areas. It also supports to improve efficiency of supply by reducing technical losses and providing evacuation alternatives for renewable (wind and solar) power generation projects in the project targeted areas.

The achievement of development objectives will be assessed using the following key outcome indicators:

- Increased network efficiency, reliability and transfer capacity
- Increased access to sustainable energy services
- Increased employment during project construction,
- Reduced local pollution and GHG emissions from the use of traditional biomass and kerosene for cooking and lighting.

### **3. Project description**

The proposed transmission line will be 95km line evacuating power via an overhead 132 kV double circuit transmission from the existing sub-station in Kasoiyo, Kabarnet Town, Baringo Central sub County, Baringo County via 1x132kV (double circuit) overhead 132 kV transmission line to the Rumuruti substation. The Rumuruti substation is located in Laikipia East sub-county. The line was Initially 111km, but following some realignment at both ends of the two substations the length was a little bit shortened. The proposed high voltage transmission line ('the Project') traverses two counties i.e., Baringo County starting at the existing Kabarnet sub-station with geographic coordinates 0°28'34.92"N 35°46'1.47"E and terminating in Laikipia County at Rumuruti sub-station at geographic coordinates 0°14'44.78"N 36°30'23.60"E. It is expected that upon completion, the 132kV Transmission Line of approximately 95 Km will be energized and become part of the national grid.

The 132kV transmission line will take up a thirty (30) meter corridor to establish the line and provide maintenance access during operation.

### **4. Objectives of the RAP**

This report contains the updated Resettlement Action Plan (RAP) for the proposed Kabarnet – Rumuruti 132kv transmission line 95KM. The 2021 update was undertaken as the data collected in the initial RAP in 2019 was obsolete.

The Rap identifies, documents, quantifies, and mitigates potential physical, economic, and cultural impacts arising from the proposed project. The objectives of RAP are to ensure that:

- involuntary resettlement and land acquisition is avoided where feasible or minimized, exploring all viable alternatives to design of the sub projects.
- Where involuntary resettlement and land acquisition is unavoidable, resettlement and compensation activities are conceived and executed. This shall entail full and fair compensation for loss of use for land, structures, crop damage and any other interest on land.
- Displaced and compensated people will be assisted in their efforts to improve their livelihoods and standards of living where they are affected appreciably or at least to restore them, in real terms, to pre – displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

The specific objectives of the RAP update were:

- a) To identify PAHs and their assets and determine the extent of involuntary resettlement/displacements and restricted access impacts associated with the project implementation and put in place measures to minimise and/or mitigate such impacts;
- b) To re- evaluate PAHs' assets (compensation costs, livelihood/disturbance allowances and other assistance values) and provide a strategy for the compensation of PAHs;
- c) To review strategies for the implementation of the RAP, including the process through which to acquire the necessary land and easements for the implementation of the project activities; and
- d) To sensitisation the community members and other key stakeholders, including PAHs, and make them aware of the project and to obtain their concerns regarding the economic and social impacts of the proposed project and mitigation measures.



## 5. Legal And Regulatory Framework

The RAP has been developed in accordance with the Laws of Kenya, KETRACO's Resettlement Policy Framework (RPF), AFDB'S Integrated Safeguards System-Policy Statement and Operational Safeguards (ISS) more so OS 2. Involuntary resettlement: land acquisition, population displacement and compensation and Korea Exim bank's Economic Development Cooperation Fund (EDCF) Safeguard Policy.

### A. National

This section reviews various legislations which deal with involuntary resettlement and acquisition of way leave access/easement in Kenya.

#### i) *The Constitution of Republic of Kenya*

The national constitution recognizes and protects the right to private property, including land. However, with the projects of national interest, the government has been given a room by the constitution to acquire privately owned land to pave the way for projects of national interest

Section 61 (2) of the Constitution has classified land as public, community or private. The proposed transmission line will traverse public, community and private land. These are discussed briefly below.

- **Public/Government Owned Land:** Government land includes all un-alienated Government land held and occupied by Government agencies, territorial sea and sea bed, all public roads whether gazetted or not and land that remained un-adjudicated Land Act.
- **Community/Trust Land:** All trust lands are vested in county councils, to hold such land for the benefit of the persons ordinarily resident on that land. In this case, the land is owned by group ranches and community land in Eldume Il'ngarua, Logumgum, Arabal and Kasiela areas of Baringo South Sub County.
- **Private Land:** Article 40 of the Constitution of Kenya recognizes and protects the right to private property including land.

#### ii) *The Land Act*

The Act also specifies the manner for determination and compensation award for the creation of a public right of way. Section 143 (2) states that a public right of way may be—a right of way created for the benefit of the national or county government, a local authority, a public authority or any corporate body to enable all such institutions, organizations, authorities, and bodies to carry out their functions, referred to in this Act as a wayleave; or (b) a right of way created for the benefit of the public, referred to in section 145 of this Act as a communal right of way.

Section 107 of the Act requires the national or county government after satisfying that it is necessary to acquire land for public development to apply to the Land Commission for the necessary land acquisition. Upon approval, the land earmarked for the compulsory acquisition will be geo-referenced and authenticated at the national and county level (Section 110). According to Section 111 of the Act, just compensation shall be paid promptly to all persons whose interests have been affected by the land acquisition.

### B. KETRACO Resettlement Policy Framework

The objective of the RPF is to establish the principles, procedures, entitlements and eligibility criteria, organizational arrangements, and provisions for monitoring and evaluation (M&E),

the framework for stakeholder and PAPs participation, as well as the mechanisms for addressing grievances which will be applied to the proposed transmission project.

The Resettlement Policy Framework (RPF) is applicable to projects that involve physical displacement through acquisition of land for project activities, economic displacement, or restricted access to natural resources and assets that lead to loss of income sources or means of livelihood. The RPF provides project stakeholders with the procedures to address the risks that may arise if successful implementation of a project requires economic or physical displacement of populations

### **C. International**

#### ***i) AfDB OS 2. Involuntary resettlement: land acquisition, population displacement and compensation***

This safeguard consolidates the policy commitments and requirements set out in the Bank's policy on involuntary resettlement, and it incorporates refinements designed to improve the operational effectiveness of those requirements. The safeguard retains the requirement to provide compensation at full replacement cost; reiterates the importance of a resettlement that improves standards of living, income-earning capacity, and overall means of livelihood; and emphasizes the need to ensure that social considerations, such as gender, age, and stakes in the project outcome, do not disenfranchise project-affected people.

The main features of this directive are as follows:

- a) All viable alternative project designs should be explored to avoid or minimise the need for resettlement and when it cannot be avoided, to minimise the scale and impacts of resettlement.
- b) Resettlement measures are to be conceived and executed as development activities.
- c) Assistance should be given to the community in their efforts to improve former production levels, income-earning capacity and living standards, or at least restore them to the levels at which they would have been without the project.
- d) Displaced persons should be:
  - Compensated at Full replacement cost prior to the actual move;
  - Assisted with relocation; and
  - Assisted and supported during the transition period.
- Particular attention will be given to socially disadvantaged and vulnerable groups such as the very poor, the disabled, minorities, orphans and child-headed families, squatters and others without clear legal rights to land, those incapacitated by advanced age, among others. This has been complied with. Vulnerable groups have been identified and earmarked for special assistance.
- Communities will be given opportunities to participate in planning, implementing and monitoring their resettlement/compensation. This has been complied with; and extensive community and stakeholder consultations were undertaken. Also, the views of the community members and other stakeholders have been considered and integrated into the RAP.

The proposed Kabarnet-Rumuruti 132 Kv TL is classified as a Category 1 project under the bank's Operational Safeguards. ISS annex 2- Integrated safeguards system defines Category 1 projects as those likely to induce significant, irreversible adverse environmental and / or social impacts, or significantly affect environmental or social components that the Bank or the borrowing country considers sensitive.

## ***ii) Korea Eximbank's Economic Development Cooperation Fund (EDCF) Safeguard Policy***

Korea EximBank is committed to ensuring the environmental and social sustainability of EDCF funded projects. The objectives of the EDCF safeguard policy are to :

- Avoid adverse impacts of project impacts on the environment and affected people when avoidance is not possible; and
- Minimize, mitigate and/ or compensate for adverse project impacts on the environment and affected people when avoidance is not possible; and
- Help the borrower to strengthen their safeguard systems and develop the capacity to manage environmental and social risks.

The proposed Kabarnet -Rumuruti 132 Kv transmission Line is classified as a Category A (High Risk) project. "Category A" projects are those which have significant adverse environmental and social impacts and high risks that are irreversible.

### **6. Main socio-economic characteristics of the PAPs**

A social economic survey was undertaken on the whole stretch of the projects foot print. A total of 489 households were interviewed.

#### **Demographics:**

In total, 247 households were interviewed for this survey in Baringo County. 78.14% were male and 15.38% were female and 6.48% did not fully respond to the survey. The average size of a household was 8.11 persons per family.

**A substantial number of the Project Affected Household Heads (PAHs) are of ages 36-45, (39.5%) as shown in table below. Those above 55 years of age accounted for 31.5% of the PAHs.**

In Laikipia County, Out of the total population of 242 household heads sampled, 76.5% were male and 23.5% females. The average size of a household was 8.11 persons per family (estimated number of adults per family). The PAHH is predominantly male accounting for 76.54% of the total PAHH population.

A substantial number of the Project Affected Household Heads (PAHs) are of ages between 66 - 75, (35.2%) as shown in table 5-6. Those above 55 years of age accounted for 64.6% of the PAHs. The other household members were mainly related to the household head by parenthood.

**Education:** In Baringo county, A good percentage of the PAHHs have completed primary education (42%) with 15.4% having completed secondary education and 9.1% have attended college /university. The percentage of PAHHs who have not attended school is only 1.5% while those who did not respond / not known is 32%. Most of the PAHHs (62%) are able to read and write.

In Laikipia County, Out of the total number of 242 household sampled 42% and 19% had completed primary and secondary school education respectively. Those who have furthered their education into the tertiary levels are 11.5% while those not attended school are 0.41%. Out of the total population surveyed 27% didn't respond. The percentage of PAHs who have completed technical and university was found to be low compared to other levels of education with. 72.5% of the total population being able to read and write.

**VMGPs: In Baringo,** The main ethnic groups in the settlements of the Study Area is Tugen, followed by the Ilchamus with minority groups such as Endorois also present. The latter two groups i.e. the Ilchamus and Endorois meet the criteria for vulnerable and marginalised groups as defined by AfDB OS2

In Laikipia County, The main ethnic groups in the settlements of the Study Area is Kikuyu and they do not meet the criteria for vulnerable and marginalised groups as defined by AfDB ISS.

**Occupation and Income:** The findings in Baringo County revealed that farming was the major source of income among the PAHs, with a percentage of 57.5%, followed by Employment at 6% and Business at 4%. A total of 32.4% did not indicate their sources of income though it was apparent they at least had some kind of livelihood e.g pension among other sources. All of the surveyed settlements reported subsistence agriculture as their primary livelihood activity. In the peri-urban areas the settlements similarly reported subsistence agriculture as their primary livelihood as well as informal trade.

**In Laikipia County,** The primary sources /sectors of employment for the PAHs follow the national profile, with the predominance of the agriculture sector and related activities. Majority of the PAHs are farmers who engage in different farming activities.

From the survey, the average PAHs monthly income levels was KSh.15,859.00 per month with their spouses earning an average of KSh. 6,336.00 per month. The survey also showed that adult children were earning an average of KSh. 6,536.00 per month. Other household members had an average income of Ksh. 3,000.00.

Lack of employment was one of the main complaints and challenges identified by PAHs in both counties together with access to water, health and education services. This is likely a reflection of the desire for PAHs to gain employment beyond subsistence agriculture. There is high expectation from local authorities and community members that projects such as this create local jobs.

**Living Conditions:** The houses in the ROW IN Baringo are divided into two types of use: residential and ancillary structures including small shacks used by farmers as shelters and storage, and are usually located next to farming land. The average size of residential buildings along the surveyed area is 50m<sup>2</sup>, divided into two bedroom and one living room. The kitchen is generally located outside the house with toilet facilities also most located outside. Most houses are made of mud walls and zinc sheets, with fewer being built with brick (red) and block (grey). Zinc sheets are the main material used for roofs.

The main sources of water in Baringo County include dams, lake, water pans, streams, wells, springs and boreholes; others include piped water or point sources. The average distance to the nearest water point is 5km which is way below the (SPHERE) Standards on access to water.

Majority of the PAHs receive their drinking water from surface sources e.g. rivers followed by water from boreholes and public water taps outside of the houses

According to the census and socio-economic survey, the main source of energy for lighting is from the kerosene at 43.8% followed by electricity from the national grid 23.5%. Energy for cooking is mainly from firewood.

The main household sources of lighting were electricity from the grid (79%). Other sources included lanterns/kerosene lamps diesel generators solar, candle, lantern and wood.

The road network is the primary transport system. In peri-urban areas, it is mainly use of private vehicles and serviced by mini bus taxi. Outside of the peri-urban areas there is little public transport and individuals either walk or rely on private taxis (boda bodas, vans), to reach larger settlements or often hitchhike.

In Laikipia County, the houses in the RoW are divided into two types of use: residential and ancilliary structures including small shacks used by farmers as shelters and storage, and are usually located next to farming land. The average size of residential buildings along the surveyed area is 50m<sup>2</sup>, divided into two bedroom and one living room. The kitchen is generally located outside the house with toilet facilities also most located outside. Most houses are made of mud walled and zinc sheets, with fewer being built with brick (red) and block (grey). Zinc sheets are the main material used for roofing.

Majority of the PAHs receive their drinking water from traditional wells at home, followed by water from boreholes and public water taps outside of the houses

Amongst PAPS, The least energy source is from the electricity at 0.5% followed by biogas at 1.5 % . Energy for cooking is mainly from firewood.

The main household sources of lighting were electricity from the grid (62.2%). Other sources included lanterns/kerosene lamps diesel generators solar, candle, lantern and wood

**Project Awareness and Preference for Compensation: In both Counties,** All the PAHs were aware about the proposed 132kV Kabarnet–Rumuruti power transmission line Project, with the public meetings organised by KETRACO and the consultant being the highest source of information about the project.

The preferred mode of compensation by the PAHs (100%) was cash and PAHs wanted 15% disturbance allowance as well as support in salvage of materials..

### **7. Displacement impacts of the project**

The RAP identified the project impacts as displacement, loss of land, loss of structures, loss of trees, loss of crops, and loss of income for some of the PAPS. The project will adversely affect **489** (PAHs), 3 public entities (Chief’s office, and county government owned cattle dip, as well as Kenya Forest Service’ public land).The 489 PAHs consist of **3966** individuals (PAPS).

These impacts are defined briefly below:

**Table 0- 2: Summary of displacement impacts**

<b>Type of Loss</b>	<b>No. of PAHs</b>
PAHs losing Land and Residential Structures	<b>43</b>
PAHs losing primary residential structures on another people's land	<b>34</b>
<b>Total physically displaced PAHs</b>	<b>77</b>
PAHs losing trees and crops only	<b>31</b>
PAHs losing Land only	<b>121</b>
PAHs losing Land, Crops & Trees Only	<b>215</b>
PAHs Losing Business Structure & Loss of Business Income	<b>35</b>
PAHs who are Tenants	<b>00</b>
PAHs losing Non-Residential structures (e.g. Latrines, Stores)	<b>01</b>
PAHs Losing Land and Non-Residential structures (e.g. Latrines, Stores)	<b>09</b>
PAHs owning Non-residential structures e.g. graves, shrines, (without claim to land)	<b>00</b>
<b>Total partially affected</b>	<b>412</b>
<b>Total Number of PAHs affected</b>	<b>489</b>
<b>Public Entities affected</b>	
Chief's office	<b>01</b>
County Government (cattle dip and Kinyo Conservancy Forest)	<b>01</b>
KFS (Lariaka Forest and Kapkechir forest)	<b>01</b>
<b>Total Number of PAHs and Public Institutions affected</b>	<b>492</b>

### **A. Land requirements for the project**

A total of **694.67** acres of land will be acquired by the project to serve as the ROW. The project will acquire 362.56 acres of individually owned land. The individually owned land is used by the PAHs for farming, grazing and residential and commercial purposes.

There are sections of the transmission line where the land to be acquired is owned communally in form of group ranches. Total area of community land to be acquired and categorized as communal land is **332.11** acres and further details on the same is described below.

### **B. Impact on Physical Assets**

A total of 77 PAHs will be physically displaced in terms of losing residential structures within the land they own or on other people's land.

A total of 120 PAHs will lose structures (residential, and non-residential<sup>1</sup>) in a number of locations.

There are 2 national/County government/public entities to be affected by the project. These are a section of a community dip in Laikipia County owned by the county government, a Chief's office in Yatoi location in Marigat, Baringo County

### **C. Economic impact**

A total of 281 PAHs will lose business structures, crops and trees in a number of locations and are categorized as economically displaced PAHs. Economic loss of land will affect 343 PAHs.

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<sup>1</sup> Include toilets, kitchen

The project will affect 35 commercial structures as shown in Table 6- 6. These structures are mainly 34 bee hives with 1 fixed business shed.

**D. Socio-cultural impacts**

The project will not affect any graves or shrines.

**E. Impact on community Access to Infrastructure and Social Services**

The project will have minimal impact on community access to infrastructure and social services in terms of economic and or physical displacement since the design has made all efforts to ensure proposed routes and alignment are not located in areas with community or social infrastructures. However, there are public/government institutions that will be partially affected by the project and include a chief’s office and cattle dip as illustrated in table 7-2. The construction activities may also have adverse impacts or disruption of public utilities e.g., existing electricity lines, as well as traffic disruption. An Environmental and Social Impact Assessment (ESIA) has been prepared for this project and highlights mitigation measures associated with disruption of public utilities.

**F. Impact on Public facilities**

One Government of Kenya institution i.e. A location chief’s office will be partially affected by the project. The project will also partially affect a County owned cattle dip located in Laikipia County.

**G. Impact on Trees and Crops**

The total number of trees affected was 7,898 ,this includes 988 fruit trees.

**H. Impact on vulnerable Groups**

There are a total of 118 vulnerable PAPs that have been identified along the project corridor.

**Table 0- 3: Vulnarable PAPs**

Type of Vulnerability		Number of PAHs					
Widow		03					
Orphans		01					
Chronically sick		00					
Physically disabled		01					
Mentally disabled		00					
Elderly (Over 60 years)		113					
<b>Total</b>		<b>118</b>					
Count y	No. of Widows	No. of Orphans	No of Chronically Sick	No. of Physical Challenged	No. of Mentally Disabled	No. of Elderly (over 60 years)	Total s
Baringo	00	01	00	00	00	38	<b>39</b>
Laikipia	03	01	00	00	00	75	<b>79</b>
<b>Totals</b>	<b>03</b>	<b>01</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>113</b>	<b>118</b>

## 8. Elig Eligibility And Cut-Off Date

All PAPs surveyed in the ROW before the ‘*cut-off-date*’ will be eligible for compensation. The cutoff date helps in curbing opportunistic behavior among the project affected, preventing an influx of developments within a project’s footprint in anticipation of compensation, as is familiar with speculators. The cut-off date communicated to the PAPs is 17<sup>th</sup> December 2021 and will be ratified through a Kenya gazette as per the law.

The table below presents the categories of affected people that are currently known to exist in the ROW and the eligibility conditions. In some cases, one household may fall into more than one category either because one or more individuals in the households suffer more than one loss. For instance, a household member may: (i) be a house owner with customary ownership rights over the residential plot; (ii) hold customary rights over a plot of agricultural land; and (iii) cultivate crops on a land. Accordingly, they would fall into three categories: (i) House Owner with Customary Land Right; (ii) Agricultural Land Owner with Customary Land Right; and (i) Crop Cultivator.

**Table o- 4: Categories of PAHs**

<b>Primary Category</b>	<b>Secondary Category</b>	<b>Description</b>
Structure Owners	Category 1: House owner with private land ownership rights	Members of this group currently reside in a house located inside the 30 m footprint corridor and are holders of private property rights for the land and/of property itself, meaning they hold a legal title deed.
	Category 2: House Owner with communal land rights	Members of this group currently reside in a house located inside the 30m footprint corridor and are holders of communal property rights to the land.
	Category 3. Business structures	Members of this group currently commercial enterprises (bee hives and kiosk) inside the 30m footprint corridor and are holders of communal property rights to the land.
Land Owners	Category 4: Land owner with communal land ownership rights	Members of this group hold communal property rights for the affected land inside the OHTL RoW, as a community under the Community Land Act 2016.
	Category 5: Land owner with private land ownership rights	Members of this group hold private property rights for the affected land inside the OHTL RoW, meaning they hold a legal title deed for the land.
Farmers/ Cultivators (Land Users)	Category 6: Crop/tree cultivator with or without private and or communal recognised rights.	Members of this group cultivate crops/trees on the plot (s) along the OHTL RoW. They may solely use, or share usage of the plot, which they may recognise, or not recognise as their own.



Owners of Non-Residential Moveable Assets	Category 7: Owners of other (non-residential) moveable assets	Members of this group own livestock that they use mainly for subsistence. Animal husbandry along the surveyed settlements consists mainly of chicken, goats, pork and ducks. Most families in rural areas have animals that can free to roam around settlements.
Owner of Non-Residential Immoveable Assets	Category 9: Owners of other (non-residential) physical assets	Members of this group are individuals who have built structures (e.g., fences, walls, etc).
	Category 10: Owners of affected economic structures (i.e., beehives, kiosks)	Members of this group are owners of businesses such as beehives and kiosk that are located inside the 30 m OHTL footprint corridor and that will need to be removed for the construction of the line.
Employees of Affected Economic Structures	Category 11: Employees of affected economic structures (i.e., beehives, kiosks)	Members of this group are the employees of the businesses located inside the 30m OHTL footprint that will need to be removed for the construction of the line.

## 9. Valuation Methodology And Compensation Package

The procedure followed in this report is based on legal procedure outlined in the Valuers ActCap 532, which requires that a duly authorised valuer be engaged in making cost valuation of assets to be possessed by any development project. The other statutes governing valuation adopted in this report are the Land Acts 2012. The independent valuer also took cognisance of the values detailed in KETRACO's RPF as well as AfDB policy on need for replacement value.

### A. Choice of Valuation Methodology For this RAP

Measurements and geo-referenced photographs of the affected properties was taken for ease of identification and correct data entry.

The data collected during field survey was as follows,

- i. Land size was established by the surveyor noting the size of the whole land and also the land affected
- ii. Affected structures were measured and the structures characteristic noted. They include the materials used in the construction of walls, roof, floor and the status of the structure. Trees were counted, noting the types of the trees, and the level of maturity.
- iii. On crops, it was a planting season, hence not many crops were captured in the farm. Those captured; the area affected was measured, noting the type of crop, level of maturity and crop harvest per season.

The type and extent of the assets impacted, along with the principle that no PAH should be left worse off than they were prior to project implementation, determined the method of valuation for assets.

Generally, this RAP has adopted the three methods of valuation as follows.

1. Land valuation is based on the Market approach where comparable sales of similar parcels of land are adjusted from location to location to arrive at a value.

To minimize displacement impacts as much as possible KETRACO will expropriate and replace any non-economic viable land. The term “non-economically viable land” refers to (usually small) portions of properties that are not to be expropriated because they are not located within the Project corridor, but become uneconomically viable because: (i) other, larger parts of the same plot are being expropriated; or (ii) an adjacent plot, with which it was aggregated, is being expropriated.

This project will provide compensation for land for PAHs with recognized formal and/or customary land rights based on gross replacement cost. KETRACO will compensate for limited loss of use of land affected by the wayleave trace (this refers to land under wayleave that is severely affected by the TL). For wayleave, where the affected parcel of land is too small making it uneconomically viable and/or where existing residence (s) and structures are unable to be relocated within the unaffected area of the parcel, KETRACO will offer full replacement cost compensation to such a PAH, for loss of productive use of the affected land, plus all transaction costs as stipulated by ISS, to enable the PAHs to purchase alternative land of a similar size and productive value. The PAHs will retain ownership and use of the affected parcel and a wayleave easement will be registered against the affected plot.

KETRACO will pay for limited loss of use of land within the wayleave corridor at rate of between 30% and 100% of the Market Value depending on impact.

Land will be compensated as guided by the bands in the table below:

**Table 0- 5: Compensation Bands**

Category	Total Area (approximate) In acres	Percentage Affected	Rate of Compensation
	Above 1.0 acre	Above 30%	@ per centum % of Trace Value
	Above 1.0 acre	1-30%	30% of Trace Value
	0.75 –1 Acres	1-30%	50% of Trace Value
1.	0.75 –1 Acres	31-49%	50% of Site Value
2.	0.75 –1 Acres	≥50%	Full Market Value
	≤0.5Acre	1-20%	50% of Trace Value
3.	>0.5Acre	>20%	Full Market Value/site value
4.	≤0.25 Acres	1-10%	50% of Trace Value
	>0.25 Acres	≥10%	Full Market Value /Site value

(Source: KETRACO’s RPF)

In the case of KFS land and trees, KETRACO will apply for a ‘special use licence meaning authorization issued to a person to undertake an activity whose primary purpose is to yield public benefit in transportation, communication, energy, research or education as per the The Forest Conservation And Management Act No. 34 Of 2016.

2. Investment approach is applied where the property is revenue earning such as businesses.

Since formal business records could not be ascertained, loss of income for businesses was arrived at through vigorous interviews to ascertain the amount of income one earns taking into account general assessment of the business factoring the expenses to get the net profit. Rental income was determined through interviewing tenants. Landlords therefore received a 3 months' allowance per tenant rent payment.

3. Cost approach is used for structures owned by the project affected persons whereby the cost of the construction is estimated at rates provided by the KETRACO's Resettlement Policy Framework multiplied with the area to come up with a value of the structure.

The recommended option for this Project, and in line with integrated safeguards system AfDB ISS, is compensation in kind through support to provide PAPs (including institutions) with fit-for-purpose replacement housing and structures/assets including community and public facilities, but the preferred mode of compensation option by the PAHs is cash.

Compensation for non-residential structures in cash will be provided as an option. However, based on the consultations with the PAHs, the preference is cash compensation for residential structures for which they consider as more appropriate. As such, KETRACO will aim to "offer the choice of replacement property of equal or higher value, with equivalent or better characteristics and advantages of location, or cash compensation at full replacement value where appropriate".

In the event that affected households still opt for the compensation in cash, KETRACO will provide compensation for both residential and non-residential structures at full replacement cost (without taking depreciation into account).

The project will apply a 15 per cent disturbance allowance in addition to the assessed compensation values for affected structures

4. Compensation of affected crops was valued according to the gross market value of the affected crops. Gross market value makes full provision for owners' crops or users input already expended (labor, seeds, fertilizer, etc.). To calculate the compensation for losses of production from annual crops, the market value is multiplied with the area of the affected crops. For affected plots with mixed crops, an average was considered.
5. The trees affected by the transmission line corridor were recorded according to the size (Young, Medium, or Mature) and valued at the current market value based on replacement costs of similar or comparable trees depending on age and its future potential. These are based on KFS AND Ministry of agriculture rates.

To comply with AfDB ISS, the compensation rates for crops and economic trees are required to reflect full replacement cost, which corresponds to market value plus transaction costs without subtraction of depreciation value. To meet this requirement, KETRACO will supplement, where necessary, the Government-provided compensation rates with a top-up to ensure that the total amount of cash received is equivalent to the full replacement value of the affected standing crops/trees, at the date of the enumeration

## 6. Vulnerable PAPs

Assistance will take the following forms, depending on vulnerable people's requests and needs:

- Assistance and prioritisation in the compensation payment procedures;
- Assistance in the post payment period to secure the compensation money;
- Priority in processing disbursement of compensation packages
- Moving and transition support or allowance during the relocation period.

In addition, to what is discussed in earlier sections of this chapter, the following intervention areas have been considered as possible areas of in-kind resettlement assistance to vulnerable PAP households during the RAP implementation:

- Targeted and localized house-to-house or group sensitization for the vulnerable PAP households during pre-payment consultations.
- Priority consideration in processing resettlement compensation payments and specialized assistance in explaining and filling out compensation payment forms.
- Livelihoods capacity development for selected members of vulnerable PAP households, in line with local livelihood opportunities and economy.
- Counselling and guidance for members of vulnerable PAP households.
- Consideration for employment in project activities for some of the members of the vulnerable PAP households.

### **B. Livelihood Restoration**

Even where temporary loss of business or another form of livelihood is involved, it has the potential to impact on or result in long term impoverishment of the PAPs. Besides, resettlement should be pursued as a development option, seeking to improve the lives of those affected. This requires specific and deliberate strategies in investment in the lives of those affected.

Affected households are entitled to participate in and to benefit from the targeted set of livelihood restoration programs, which were developed for this RAP:

- Pre-Compensation financial training for the sustainable use of cash compensation (including training on the maintenance of a bank account, on small household investments, saving strategy and financial planning on the household level);
- Business skills training: facilitation of access to alternative income generating activities.
- Provision of hybrid seeds for improved production to PAHs.

A detailed livelihood restoration matrix including the budget, timelines, responsibility, and measures for each identified livelihood during the study is outlined in table 7-2. It covers General Agricultural Support Program, Livestock support programs, Local employment opportunities, Enterprise Based Livelihood.

**Table o- 6: Entitlement Matrix**

#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
1.	Dwelling structure used as primary residence	Rightful owners of the affected house and structures who choose to receive cash compensation for the affected houses	<p><b>Option 1:</b> Cash compensation for all structures at replacement cost, based on professional valuation.</p> <p>Statutory Disturbance Allowance of 15% of compensation amount.</p> <p>Materials from the affected structure may be salvaged at the owner’s expense within the notice period given to vacate as defined by the project schedule and prior to demolition.</p>	<p><b>Option 1:</b> Cash compensation to owners of affected structures that are either complete or incomplete. All structures must have been present within the project area at the cut-off date and identified and verified through final asset inventory and valuation by KETRACO</p>	<p>Financial training for the sustainable and prudent use of cash compensation</p> <p>Monitoring mechanism at main stages of construction of dwelling units.</p>
		Rightful owners of the affected houses and structures who choose to have replacement houses/ structures replaced in kind (built by the Project)	<p><b>Option 2:</b> Constructed in kind replacement house of size (measured floor area or number of rooms) at least equivalent to the PAH’s pre-resettlement housing, with consideration of functional spatial use, at location of owner’s own choice.</p> <p>For PAHs who choose to have project build their houses, an agreement will be signed with the PAHs describing the house to be built, the location and the expected time of final relocation (in principle should not exceed 6 months)</p> <p>Materials from the affected structure may be salvaged at the owner’s</p>	<p>Vulnerable PAHs who choose in kind replacement house and if the affected structure was present within the project area by the cut-off date and identified and verified through final asset and valuation.</p> <p>All PAHs in this category must prove that the affected structure is their primary residence.</p>	<p>Financial training for the sustainable and prudent use of cash compensation</p> <p>Monitoring mechanism at main stages of construction of dwelling units.</p>

#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
			expense within the notice period given to vacate defined by the project schedule and prior to demolition.		
2.	Loss of business income/wages	Persons earning livelihoods (income or wages) from affected assets	<p>Compensation for loss of income for three months or the period of the time actually required to re-establish the business elsewhere if greater.</p> <p>Any other transitional costs such as extended storage, lost wages, etc.</p>	<p>PAH must provide proof of business income or wages generated from the affected resource and affected business.</p> <p>In the absence of business records to proof business income, the value of the affected business will be determined through observations and interviews among other methodologies done by Registered Valuers.</p>	<p>Financial training for the sustainable and prudent use of cash compensation</p> <p>Business skills training and enlightenment on alternative income generating activities.</p> <p>Monitoring mechanism at main stages of resettlement</p>
3.	Sanitation facilities (Pit latrines & bath shelters).	Rightful owners of the affected structures (residential, commercial and other)	<p>Cash compensation for all structures at full replacement cost, based on professional valuation.</p> <p>Statutory Disturbance Allowance of 15% of compensation amount.</p> <p>Materials from the affected structure may be salvaged at the owner's expense within the notice period to vacate defined by the project schedule and prior to demolition.</p>	<p>Cash option is available to owners of affected structures that are either complete or incomplete</p> <p>All structures must have been present within the project area by the cut-off date and identified and verified through final asset inventory and valuation by KETRACO.</p> <p>NB: Vulnerable Owners already given a replacement house that already includes these facilities</p>	<p>Financial training for the sustainable and prudent use of cash compensation</p> <p>Monitoring mechanism at main stages of resettlement.</p>

#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
				will not receive additional cash compensation.	
4.	Other structures such as fences, livestock enclosures, and livestock water points, etc.	Rightful owners of the affected structures	<p>Cash compensation for all structures at full replacement cost, based on professional valuation.</p> <p>Statutory Disturbance Allowance of 15% of the total compensation amount for structures.</p> <p>Materials may be salvaged at the owner's expense within the notice period to vacate defined by the project schedule and prior to demolition.</p>	Cash compensation to owners of affected structures that are either complete or incomplete. All structures must have been present within the project area by the cut-off date and identified and verified through final asset inventory and valuation.	<p>Financial training for the sustainable and prudent use of cash compensation</p> <p>Monitoring mechanism at main stages of resettlement.</p>
5.	Land for Primary Residential land/ plot – permanent OR partial loss	Registered owner or claimants of communal/ranch and privately held land on which complete immovable housing structure is established for primary residence.	<p><b>Option 1:</b> Self-managed relocation (Cash compensation with relocation plans overseen)</p> <p>Legally established interests, including user rights, on community land will be compensated in accordance with Kenyan Law.</p> <p>Assistance in fasttracking Succession (where needed)</p>	<p>All PAHs in this category must prove that the affected land is their primary residence and either are PAHs who own other suitable resettlement land or have identified suitable resettlement land and have intention of buying it upon receipt of cash compensation (either through formal or traditional verification processes).</p> <p>PAHs may be required to give proof of ownership of other</p>	<p>Financial training for the sustainable and prudent use of cash compensation</p> <p>Easements will be registered on the affected property by the project.</p> <p>Provision of support registration cost and required formalities to ensure security of tenure for vulnerable PAHs where needed.</p>

#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
			<p data-bbox="701 656 1190 837"><b>Option 2:</b> Assisted relocation (Cash compensation held by project and land and structures identified and acquired by the project) mainly directed at Vulnerable PAHs</p> <p data-bbox="701 883 1190 1182">PAHs to identify suitable resettlement land whose value does not exceed compensation value of affected land and to negotiate and conclude the sale agreements with sellers, transfer of cash to the sellers and successfully transfer of land ownership to the PAHs.</p> <p data-bbox="701 1227 1190 1295">Assistance in fastracking Succession (where needed)</p> <p data-bbox="701 1341 1190 1446">Assistance in conveyancing and transferring title (for vulnerable PAHs) where needed.</p>	<p data-bbox="1215 237 1642 646">suitable parcel of land or a verifiable intention to enter into a binding/ written sale agreement with a potential seller of the suitable parcel of land before release of cash compensation (especially for PAHs who do not have sufficient land to rebuild their structures on and are required to replace land for dwellings).</p> <p data-bbox="1215 656 1642 878">All PAHs in this category must prove that the affected land is their primary residence (either through formal or traditional verification processes) – Largely targeted at vulnerable PAHs</p> <p data-bbox="1215 924 1642 1101">All listed vulnerable PAHs and all PAHs who neither own other resettlement land nor have identified suitable resettlement land.</p> <p data-bbox="1215 1146 1642 1295">This is the risky category of land PAHs who will require direct project intervention during RAP Implementation</p>	<p data-bbox="1667 237 2016 337">Monitoring mechanism at main stages of resettlement</p> <p data-bbox="1667 656 2016 756">Financial training for the sustainable and prudent use of cash compensation</p> <p data-bbox="1667 802 2016 1024">The local administration will assist in identification of relocation land and coordinate related activities in liaison with KETRACO.</p> <p data-bbox="1667 1070 2016 1292">Provision of support registration cost and required formalities to ensure security of tenure for vulnerable PAHs where needed.</p> <p data-bbox="1667 1338 2016 1438">Monitoring mechanism at main stages of resettlement</p>



#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
			Legally established interests, including user rights, on community land will be compensated in accordance with Kenyan Law		
		Squatters	<p>Cash compensation for all structures at full replacement cost, based on professional valuation.</p> <p>Statutory Disturbance Allowance of 15% of the total compensation amount for structures.</p> <p>Materials may be salvaged at the owner's expense within the notice period to vacate defined by the project schedule and prior to demolition.</p>	Cash compensation to owners of affected structures that are either complete or incomplete. All structures must have been present within the project area at the cut-off date and identified and verified through final asset inventory and valuation by KETRACO	Monitoring mechanism at main stages of construction of dwelling units.
6.	Permanent OR partial loss of agricultural farming land	Registered owners or claimants of communal and privately held lands	<p><b>Option 1:</b> Self-managed relocation (Cash compensation with relocation plans overseen)</p> <p>Statutory Disturbance Allowance of 15% of compensation amount.</p> <p>Assistance in fasttracking Succession cases (where needed)</p> <p>Assistance in conveyancing and transferring title (for vulnerable PAHs) where needed.</p>	<p>PAPs must prove ownership (either through formal or traditional verification processes) at the time of verification</p> <p>Payment of compensation for lost assets and land made before displacement.</p> <p>PAHs must give proof of ownership of other suitable</p>	<p>Financial training for the sustainable and prudent use of cash compensation</p> <p>Agriculture and livestock development projects and support programs targeting the PAHs and host communities</p> <p>Provision of support registration cost and</p>

#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
			<p>Legally established interests, including user rights, on community land will be compensated in accordance with Kenyan Law</p>	<p>parcel of land or a verifiable intention to enter into a binding/written sale agreement with a potential seller of the suitable parcel of land before release of cash compensation.</p> <p>To ensure security of tenure to the resettled PAHs, the Legal Consultant will facilitate the execution of Sale Agreements between the sellers of land and the PAHs.</p> <p>In the absence of business records to proof business income, the value of the affected business will be determined through observations and interviews among other methodologies done by Registered Valuers.</p>	<p>required formalities to ensure security of tenure for vulnerable PAHs where needed.</p> <p>Monitoring mechanism at main stages of resettlement</p>
			<p><b>Option 2:</b> PAHs to identify suitable resettlement land whose value does not exceed the total compensation and is within the defined project area and to negotiate and conclude the sale agreements with sellers, transfer of cash to the sellers and successfully transfer of land ownership to the</p>	<p>PAHs must prove ownership (either through formal or traditional verification processes) at the time of final asset surveys.</p> <p>Payment of compensation for lost assets and land made before displacement.</p>	<p>Financial training for the sustainable and prudent use of cash compensation</p> <p>Assistance to identify suitable land and negotiate with the potential land sellers. This will be achieved the use</p>

#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
			<p>PAHs (Mainly directed at vulnerable PAHs).</p> <p>Assistance in fasttracking Succession cases (where needed)</p> <p>Assistance in conveyancing and transferring title (for vulnerable PAHs) where needed.</p> <p>Taxes and fees, and registration costs for Registration of property to be added to the valuation and paid for directly.</p> <p>Legally established interests, including user rights, on community land will be compensated in accordance with Kenyan Law.</p>	<p>All listed vulnerable PAHs and all PAHs who neither own other resettlement land nor have identified suitable resettlement land.</p> <p>This is the is also a risky category of land PAHs who will require direct project intervention during RAP Implementation</p>	<p>the local administration chain of command within their areas of jurisdiction in liaison with KETRACO</p> <p>Provision of support registration cost and required formalities to ensure security of tenure.</p> <p>Monitoring mechanism at main stages of resettlement by KETRACO PIT</p>
7.	Permanent loss of grazing land	Registered owners or claimants of communal and privately held lands	<p>Registered owners or claimants:</p> <p>Cash compensation of the value of the land at replacement cost.</p> <p>Provision of support registration and required formalities to ensure security of tenure (for vulnerable PAHs) where needed.</p> <p>Assistance in fasttracking Succession cases (where needed)</p>	<p>For cash compensation, persons must prove ownership and interest (either through formal or traditional verification processes) at the time of final asset surveys. NLC will require to confirm the bona fide person(s) who have determined interest on the affected land as provided in the Land Act</p>	<p>Financial training for the sustainable and prudent use of cash compensation</p> <p>Agriculture and livestock development projects and support programs targeting the PAHs and host communities</p> <p>Monitoring mechanism at main stages of resettlement</p>

#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
			Assistance in conveyancing and transferring title (for vulnerable PAHs) where needed.		
8.	Public Assets i.e. Affected properties, Structures, crops and trees excluding land.	Public Institutions National/County Government	<p>Cash compensation is done upon identification of affected properties (excluding land) of the government institutions affected.</p> <p>Special use license to grant wayleave through the KFS land.</p> <p>Land for Government institutions are not compensated for by another government institutions but only other properties are for purposes of replacement.</p>	Existing prior to cut off date	N/A
9.	Annual Crops	Owners of crops on farm land	<p>The project will make every effort to ensure land is taken after annual crops have been harvested. In such circumstances, no compensation for annual crops will be paid.</p> <p>Where crops are planted as part of the regular farming cycle in the project area and land is required, prior to harvesting, Crop Owners receive:</p> <p>Cash: Damaged crops will be compensated in cash as mature crops at agreed rates determined annually based on full replacement cost</p>	Crop owners identified through final asset surveys by KETRACO and or its agent	<p>Financial training for the sustainable and prudent use of cash compensation</p> <p>Agriculture and livestock development projects and support programs targeting the PAHs and host communities</p> <p>Business skills training and enlightenment on alternative income generating activities.</p>

#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
			determined by Ministry of Agriculture based on market prices plus transaction costs		Monitoring mechanism at main stages of resettlement
10.	Perennial Crops (Including fruit and economically valuable trees)	Owners of crops on farm land	Cash compensation based on replacement cost determined by Ministry of Agriculture and Kenya Forest Service for crops/ fruit trees and trees of economic/ medicinal value respectively based on market prices plus transaction costs Compensation according to defined growth stage or size categories.	Crops or trees in place (rooted) at cut-off date and identified through final surveyors by KETRACO and or its agent..	Financial training for the sustainable and prudent use of cash compensation
11.	Loss of shelter/commercial space	Tenants	Tenants will be compensated to take care of the time (three months) they will be looking for alternative accommodation for their businesses/families.	Identified through final census survey based on agreed criteria relevant to the project as documented in this RAP.	Financial training for the sustainable and prudent use of cash compensation
12.	Vulnerable Support Program (Tailored)	All PAPs in the project area considered vulnerable due physical challenges, sick or at a certain old age bracket require livelihood restoration support. This category refers to PAHs with other forms of	Transitional hardship assistance program appropriate to specific cases and based on Project assessment, including: - <ul style="list-style-type: none"> <li>• Priority in physical mobilization and transfer to resettlement plot;</li> <li>• A preference for in-kind compensation</li> <li>• Assistance in the compensation payment procedure</li> </ul>	Identified through final census survey based on agreed Vulnerability criteria relevant to the project as documented in this RAP.	Special assisted transit to new land  Additional moving, loading and unloading assistance, if necessary;  Other specific support related to moving process (e.g., medical assistance for vulnerable PAPs who may be sick) identified by support case workers.

#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
		<p>vulnerabilities which may require special consideration. Vulnerable individuals and families who may find it difficult to cope with the Transition e.g. the elderly (over 60 years old), physically challenged, those suffering from chronic illness; widows and children who are under 18 years</p>	<ul style="list-style-type: none"> <li>• Resettlement near to kin and former neighbors to maintain informal support networks where feasible</li> <li>• Moving assistance to physically displaced vulnerable PAHs for their properties and salvages during resettlement.</li> </ul>		<p>Follow up on orphans to make sure they identify and register in school upon relocation. The Persons with Disability (PWD) and those HIV affected access support services in areas of new settlement.</p> <p>Widows, orphans and affected vulnerable persons to be assisted through local administration and family for issuance of land registration documents;</p> <p>Relocation of the widows, orphans and vulnerable persons to be facilitated and receive adequate notice to relocate</p> <p>Assist and monitor orphans to make sure that these children get back to school in case of relocation and ensure they are compensated</p> <p>The vulnerable such as mentally sick, people with</p>

#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
					<p>disabilities, aged, chronically ill to access information and opportunities</p> <p>Monitor the resettlement of the vulnerable e.g. orphans to make sure they gain school transfers; the HIV affected and chronically ill have access to medication and the persons with disability are locally registered with APDK office.</p>

## **10. Consultations and negotiations held / conducted**

During the initial RAP in 2019 and its consequent update in 2021, a series of public consultations/focus group discussions were carried out at various locations along the project corridor with the PAHs. The RAP team undertook intensive public consultations at village levels to ensure that all concerns regarding the project implementation activities and the associated impacts on the PAHs and their livelihood activities were raised and openly discussed.

In 2019, 13 public meetings were held with PAHs, 18 meetings with relevant national and county governments institutions and 27 Focused Group Discussions (FGDs) at the various points along the proposed 132kV transmission line corridor. The total attendants for the 2019 public meetings were 278 (193 Male/85 Female).

In 2021, the RAP update team also held 13 public barazas, eight (8) in Baringo and five (5) in Laikipia county within the 14 locations along the line traverse. These had a total attendance of 418 (321 male/97 female). The RAP team also held another ten (10) meetings with key stakeholders from the relevant national and county governments. Consultation were also held with government institutions/national government within the project affected locations.

The PAHs shared their observations, comments, and recommendations for consideration and incorporation in the final design. Suggestions were also received from the PAHs regarding various relocation options, types of assistance offered for the potential impact on land, structure and other assets such as agriculture crops, trees, community assets, etc. The views of the community and PAHs were documented and have been integrated into the resettlement measures and strategies outlined in this RAP.

The issues that come out clearly during the public consultation meetings with the affected PAPs were issues related to compensation of structures and land. How the compensation and reallocations will be made for the affected persons. Another issue raised by PAPs was the issue of title deeds, they asked if compensation will be paid to those without title deeds. They were informed that, the payment will be held until the owners have been determined through the assistance of community resettlement committee, however those with registered parcels were advised to visit the lands office to get their title deeds.

On issues relating to compensation, the resettlement expert responded that the properties would be compensated fairly, considering the current market price for affected assets as well as their replacement costs.

Matters of land disputes, the grievance redress mechanism will be applied in this case to handle the disputes and in case the complainant is not satisfied they can seek legal help from courts of law at their own costs.

## **11. Grievance Redress Mechanism**

The RAP implementation process provides opportunities for the PAPs to air and articulate their queries, concerns, issues, complaints, dissatisfaction or sense of injustice or unfairness, and seek to have these resolved amicably, and in the shortest time possible.

This RAP proposed a three-tier grievance redress mechanism; at the community level, the KETRACO level and legal redress.

- The community level consists of Community Resettlement Committees. Following the sensitization, the PAPs on the need for grievances redress, the RAP team leader during the meetings with PAPs explained the criteria of selection and



representation of various Community Resettlement Committees (CRC) members. Thereafter, the members were given 30 minutes to elect their CRC representatives. The Community Resettlement Committees (CRC) were unveiled in every administrative location and chaired by the Chief assisted by the sub location Assistant Chief. The CRC will acknowledge receipt of the grievance in 5 days and resolve within 1 month.

- The second level grievance redress will be the KETRACO level. KETRACO will seek to resolve complaints through its internal processes or seek arbitration/mediated resolution before informing the complainant to seek judicial resolution if they are still not satisfied. KETRACO's internal project grievance redress process will include redress by the PIT, or the institution of an arbitration/mediation process by the Company Secretary where appropriate. KETRACO will acknowledge receipt of complaints within two weeks and will strive to resolve each complaint within two months.
- *Third Level: Legal & Judicial Redress Mechanisms in Kenya:* In the event that the complainants are dissatisfied with the outcome of the second level of grievance resolution, they shall be advised to seek recourse through the following dispute resolution bodies at their own cost and as a last resort. For land acquisition related matters, this is mainly directed to the Land and Environment Court.

## **12. Institutional Arrangements for RAP implementation**

The overall responsibility of compensation and resettlement rests with the implementing agency- KETRACO.

KETRACO will be the lead agency in the RAP implementation and will work together with the County and National Governments in the PA to implement the RAP.

### **A. KETRACO Project Implementation Team**

KETRACO will nominate a team composed of experts with diverse key disciplines to oversee the RAP implementation process herein referred to as the KETRACO Project Implementation Team (PIT).KETRACO projects are managed by the PIT but the RAP process is spearheaded by the Environmental and safeguard section.

The RAP implementation team will be responsible for:

- 1) Delivery of the RAP compensation and rehabilitation measures;
- 2) Appropriate coordination between the agencies and jurisdictions involved in the RAP implementation; and
- 3) The measures (including technical assistance) needed to strengthen the implementing agencies' capacities for managing the facilities and services provided under the project.

The day-to-day role of the PIT RAP implementation team will be to:

- a) Plan and coordinate prompt compensation payments;
- b) Plan and coordinate non-cash compensation such as special assistance to vulnerable groups;

- c) Ensure that the compensation process and entitlements adhere to legal provisions such as spousal and children’s consent where it applies, and following the succession Act in case of the death of a PAH;
- d) Report to the KETRACO’s senior management team and stakeholders;
- e) Ensure that the information needs of the PAHs are disseminated promptly and effectively;
- f) Establish, manage and update the RAP implementation database;
- g) Contribute to the regular monitoring and evaluation of the RAP implementation;
- h) Consult and sensitise the community and PAHs with regard to the RAP implementation progress.
  - Validation of PAHs prior to compensation
  - Making payments for loss/ easement of land, structures, trees and crops to the PAHs (payments to be made to bank accounts through the National Land Commission)
  - Appropriate coordination between the agencies and jurisdictions involved in the RAP implementation; and
  - Coordinate construction schedule of contractors
  - Alert PAHs on when they would be needed to relocate.
  - Plan, facilitate and coordinate CRC trainings and subsequent meetings

### **B. Community Resettlement Committee (CRC)**

The CRC committees were established at the community level in each settlement (Location) and varied from a 7 to 15-member committee depending on the Location’s or settlements uniqueness. A representative of the local government administration such as chief or assistant chief was elected a default member and (where needed). Every committee at its activation will select a chairperson, vice-chairperson and secretary. The secretary must be someone who can read and write in English.

The committees will be initiated to ensure timely execution of the whole process and further clarify the role of PAPs and their responsibility in the resettlement process. Membership was drawn from a variety of factors including Project Affected Persons (male, female, structure/landowners, affected institutions where needed, persons living with disabilities, council of elders’ representatives, Youth, religious groupings, etc.), and cognizance of local dynamics. For authority, the local chief or assistant chief representation in the committee will be the convener.

The committee’s role will include: -

- Assist PAPs to file a complaint.
- To address PAPs grievances as the first point of contact, within 1 month and at no cost to PAP.
- Publicize the grievance management procedures.
- Receive, review, investigate, and keep track of grievances through the grievance logs/registers.
- Adjudicate and develop redress options for the raised grievances.

- Monitor fulfillment of agreements achieved through the committee.
- Provide inputs into the monitoring and evaluation process, such as monthly reports on grievances.

### **C. Community Liaison Officer (CLO)**

A Community Liaison Officer (CLO) representing, or wayleave officer employed by KETRACO will be included in the CRC. The CLO positions will be filled by staff hired from the communities in the project area.

## **13. Monitoring and evaluation of the execution**

A comprehensive M&E framework should seek to track progress on five critical areas of RAP inputs, activities, output, purpose/ objectives and the goal/ long-term objective. These relate broadly to the two main components of a monitoring plan as identified by IFC's handbook on resettlement such as RAP performance and RAP impact/outcome monitoring, and under which a variety of questions can be used as an essential guide in the monitoring process

### **A. Internal Performance Monitoring**

Internal performance monitoring allows KETRACOs to measure physical progress against milestones and schedules of required actions established in the RAP. It is meant to be an internally driven continuous process such as routinely aimed at ascertaining the RAP implementation achievements against a set of specific actions. Performance monitoring assesses KETRACO performance in line with this RAP's scheduled activities, with a bias towards inputs, activities, and outputs such as measures if inputs (here defined as the services, resources or goods that contribute to achieving outputs and, ultimately, desired outcomes) are delivered promptly or on schedule. Internal monitoring is the responsibility of the Project Implementation Team.

Monitoring reports will be completed by the Resettlement Implementation Team and KETRACO's Monitoring Officer, and provided to internal Project Management to review and discuss issues identified and corrective actions. In line with AfDB requirements for Category 1 reports, monthly RAP implementation reports will be submitted to the Bank.

Monitoring of the compensation process and activities is to ensure that effectiveness is achieved throughout the RAP implementation process.

Internal monitoring will be thematically carried out at two process levels; during the resettlement compensation payment period and after that period (post-compensation payment period).

### **B. External Impact evaluation (Midterm Evaluation)**

The external impact evaluation will gauge the effectiveness of the RAP and its implementation in meeting the needs of the affected population such as assessing the satisfaction of affected people with resettlement initiatives and, thus, the adequacy of those initiatives. Its focus is largely on the effects of resettlement or compensation, although it will incorporate some performance aspects. For instance, it will purposely validate the work done

by the PIT in monitoring, to ascertain that the targets are met, and the objectives of the RAP are adhered to. In brief external impact evaluation objectives will include:

- i. Review the results of the internal monitoring and review overall compliance with the RAP.
- ii. Assess whether resettlement objectives and targets have been met / adhered especially with regard to compensation, livelihoods and standards of living levels, etc.
- iii. Determine overall adequacy of entitlements and the rehabilitation to meet the objectives.

Clear lessons learnt and recommendations to KETRACO on how to improve performance and impacts should be the primary deliverable from this exercise. The report should advise KETRACO management of changes necessary to improve implementation of the RAP towards the achievement of its objectives, including strategies on how to implement those changes. In this regard, therefore, it should be held a minimum six months after the start of the RAP implementation but not more than one year.

### **C. Post-Implementation Evaluation (Completion Audit)**

Upon completion of the RAP implementation (at least six months but not more than a year later), KETRACO should undertake an audit to determine if the outcome of the RAP complies with the objective of the RAP towards restoration or improvement of the standard of living of the PAPs. The post implementation evaluation will verify if all commitments were delivered and whether mitigation measures had the desired effect. If the outcome of the audit reveals that these objectives may not have been realized, KETRACO is required to propose follow-up measures, as they may deem appropriate. This also documents the lessons learnt for feeding into the implementation of other RAPs and future projects.

The audit is undertaken by an external independent third party and will consider the baseline conditions, the results of resettlement monitoring, and midterm review. Also, the auditors will make their assessments, surveys, and interviews in the field and with PAPs.

The completion audit is intended to verify the results of the RAP implementation indicators, and to assess whether the RAP implementation achieved the resettlement objectives.

### **14. Total cost for the full implementation of the RAP**

Subject to terms of reference, limiting conditions, general remarks and the analysis of potential damage and application of valuation methodologies, the likely cost of the damages anticipated from the proposed transmission lines is Kshs **606,542,446.71**

This cost is inclusive of compensation budget; administrative costs, miscellaneous costs, and contingencies; grievance redress mechanism implementation; support to Vulnerable individuals and households; stakeholder engagement; monitoring and evaluation; and livelihood restoration.

The grand total / certificate of value for the RAP can be broken down as follows:

**Table 0- 7: RAP implementation Cost**

<b>Total RAP Cost</b>	<b>Amount Kshs</b>
Land	312,750,000.00
Structures	38,221,345.61
Crops and Trees	26,272,558.00
Business Income	487,500.00
Disturbance Allowance	5,733,201.20
<b>Compensation Budget</b>	<b>383,464,604.81</b>
Livelihood restoration as per matrix	49,780,000.00
<b>Compensation and Livelihood Restoration Sub Total</b>	<b>433,244,604.81</b>
RAP implementation / Administrative costs costs(10%)	43,324,460.5
Stakeholder Engagement and Grievance Management (10%)	43,324,460.5
Asset /Impact validation verification exercise (5%)	21,662,230.2
Monitoring & Evaluation Budget(5%)	21,662,230.2
Contingency (10%)	43,324,460.5
<b>SubTotal</b>	<b>173,297,841.90</b>
<b>Grand Total</b>	<b>606,542,446.71</b>

## **CHAPTER 1: PROJECT DESCRIPTION**

### **1.1 Project Background**

The proposed construction of the Kabarnet-Rumuruti 132kV double circuit transmission line (the “Project”) is part of the larger Kenya Transmission Network Improvement Project which also includes the proposed Kilifi – Malindi and Narok – Bomet 132Kv transmission lines. The project aims to improve the power systems and electricity access and reliability, in line with the Kenya Growth and Development Strategy. The Project Development Objectives (PDO) are to: (i) increase the capacity, of transmission system; and (ii) increase access to electricity in Kenya.

The achievement of this development objectives will be assessed using the following key outcome indicators:

- Increased network efficiency, reliability and transfer capacity
- Increased access to sustainable energy services
- Increased employment during project construction,
- Reduced local pollution and GHG emissions from the use of traditional biomass and kerosene for cooking and lighting

A Resettlement Action Plan (RAP) for the proposed 95 km Kabarnet-Rumuruti (132kV) double circuit transmission line to be added to the national grid has been prepared by Kenya Electricity Transmission Company (KETRACO) under the Kenya Transmission Network Improvement Project (KTRNIP) which is to be jointly funded by the African Development Bank (AfDB) and the Korea Economic Development Cooperation fund (ECDF) through a loan to the Government of Kenya’s (GoK’s) Ministry of Energy (MoE).

The towns of Rumuruti and Nyahururu are presently supplied through 33 kV networks that are overloaded or close to being overloaded. 132kV Nanyuki – Rumuruti and Lessos Kabarnet transmission lines are under construction and will supply these towns in the short term. There however will not be alternative paths to provide the required N-1 supply security in the area. For improved reliability in the 132kV system in the area, the proposed Kabarnet-Rumuruti line will also form an alternative path to power from the hydro fields through 132KV Nanyuki -Rumuruti line and geothermal power through proposed 132KV Menengai-Olkalou -Rumuruti.

The development of KTRNIP is driven by the imperative to dramatically improve reliability of electricity supply to underpin economic activity and to sustain electrification. The project is in line with the energy sector plans. In the Medium Term Plan (MTP), the project is anticipated to provide adequate supply capacity that is reliable and alleviate loss of load hence ensure compliance with the requirements stipulated in the Transmission Grid Code.

### **1.2 Project Need**

The existing electricity network in the Kabarnet and Rumuruti areas is characterized by overloaded 33kV feeders which lead to numerous outages and subsequent loss of supply to customers. There is also expected load growth in Rumuruti for new industrial activities (e.g. meat processing facility).

Kabarnet suffers poor voltage profiles and load shedding due to the long 33kV lines that currently supply the area. Even with the completion of 132 kV Lessos Kabarnet and the Nanyuki Rumuruti lines, there is expected poor reliability at 132kV system as a result of radial Lessos-Kabarnet and the Nanyuki Rumuruti lines which will expose the medium voltage network to overloading during contingency/outage of the 132kV line.

The main objective of introducing the Kabarnet Rumuruti 132 kV transmission line is to improve system reliability by connecting Northern Hydro and Eastern Hydro Complexes. This will ensure the power requirements for load centres connected via the 132kV network in Kabarnet, Rumuruti, Nanyuki all the way to Masinga are met even during a outage of a single element of the transmission network. This also assist in optimization in utilization of hydro resources in Eastern and North Rift hydro complex. The proposed Rumuruti Kabarnet line will increase system reliability especially during periods of low hydrology in the Western Kenya region.

### **1.3 Project Proponent**

KETRACO who is the project proponent is 100% Government of Kenya owned and being a state corporation, it is regulated under the State Corporations Act, Cap 446. The company was established to develop new high voltage electricity transmission infrastructure that will form the backbone of the national transmission grid, in line with Kenya Vision 2030. Its core business is to plan, design, build and maintain electricity transmission lines and associated substations. The voltage rating of the transmission lines include 132kV, 220kV, 400kV and 500kV High Voltage Direct Current (HVDC) transmission.

### **1.4 Project Description**

The project objective is the improvement of the transmission network. The proposed transmission line will be 95km line evacuating power via an overhead 132 kV double circuit transmission from the existing sub-station in Kasoiyo, Kabarnet Town, Baringo Central sub County, Baringo County via 1x132kV (double circuit) overhead 132 kV transmission line to the Rumuruti substation. The Rumuruti substation is located in Laikipia East sub-county. The project will thus traverse the counties of Baringo and Laikipia. Initially the line was 111km but following some realignment at both ends of the two substations the length was a little bit shortened.

### **1.5 Project Location**

The proposed high voltage transmission line ('the Project') traverses two counties i.e. Baringo County starting at the existing Kabarnet sub-station with geographic coordinates 0°28'34.92"N 35°46'1.47"E and terminating in Laikipia County at Rumuruti sub-station at geographic coordinates 0°14'44.78"N 36°30'23.60"E. It is expected that upon completion, the 132kV Transmission Line of approximately 95 Km will be energized and become part of the national grid. **Figure 1-2** below highlights the transmission line route. The Right of Way (ROW) for the transmission line will be a 30 metres wide corridor.

### **1.6 Project Components**

The project components include the following:

- **Component 1.** Construction of 95km 132kv/133kV Transmission Line from the existing Kabarnet sub-station in Baringo County and terminating at the existing Rumuruti substation in Laikipia County.
- **Component 2.** Expansion of existing Rumuruti 132/33 kV and Kabarnet 132/33 kV substations for the provision of 132 kV line bays and second 23 MVA 132/33 kV transformers

#### **1.6.1 Component 1. High Voltage Transmission Line**

The main purpose of this project will be to provide an alternative path of power transmission at 132kV (high voltage) power between existing 132/33 kV Kabarnet sub-station in Baringo County and existing 132/33 kV Rumuruti substation in Laikipia County.

#### **1.6.2 Component 2. Substation Extensions.**

This component will involve the expansion of existing Rumuruti 132/33 kV and Kabarnet 132/33 kV substations for the provision of 132 kV line bays and second 23 MVA 132/33 kV transformers. This component will be implemented in the existing substation land and no new land will be acquired.

#### **1.6.3 Temporary Infrastructures and Access roads**

Due to the proximity to other power lines, and as the corridor is running in close vicinity of main roads, it is expected that existing access roads can be utilized. Few if any new access roads will be required which will be defined at a later stage. For new access roads, the servitude will be respected and, once the works are finished, the access will be closed and affected areas restored to the original condition.

#### **1.6.4 Temporary Tower Laydown and Assembly Areas**

An area of 40 by 50 meters on each site will be demarcated as temporary tower laydown and assembly area. The sites are unknown and will be determined by the contractor and will be acquired through negotiated lease arrangement and hence not part of this RAP.

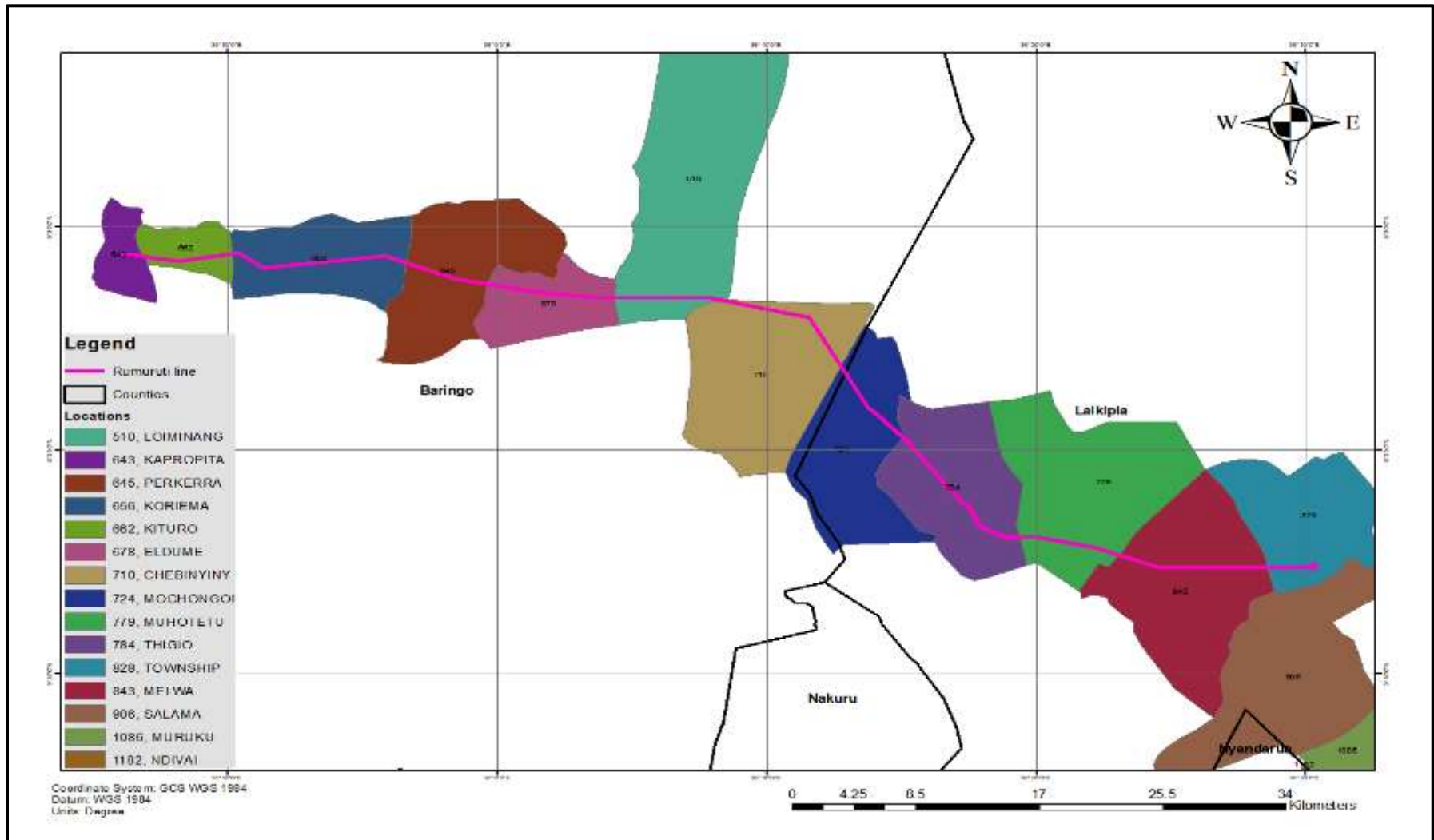
#### **1.6.5 Contractor Compounds**

Construction camps will be required for the contractors. The sites for the contractor compounds are unknown and will be determined by the contractor and will be acquired through a **negotiated** lease arrangement and hence not part of this RAP.

#### **1.6.6 Project Land Requirements**

Restrictions associated with the different components of the transmission line are described in **Table 1-1** below.





**Figure 1- 1: Transmission Line Route and affected locations**

The summary of restrictions remains as earlier explained by the consultants as no significant changes noted over the various components.

**Table 1- 1: Summary of restrictions considered**

Component	Width/Area	Description	Activities	Restrictions	
				Construction (12-18 Months)	Operation (50 years)
<b>Over Head Transmission Line (OHTL) Right Of Way</b>					
OHTL Right of Way	30m	<ul style="list-style-type: none"> <li>Corridor established for safety and security of high voltage transmission lines as required by Land Law</li> <li>The Right of Way of 30 meters.</li> <li>Construction of new houses and structures will not be allowed.</li> </ul>	<p><b>Construction:</b></p> <ul style="list-style-type: none"> <li>Removal of all houses and structures. In the case of uninhabited structures, the final decision will be done on a case-by-case basis and after careful assessment including on site verification.</li> <li>Removal of tall trees (over 12ft).</li> </ul>	<ul style="list-style-type: none"> <li>Restrictions to access agricultural areas in the OHTL footprint corridor during construction. The areas undergoing mine clearance will not be accessible during that time.</li> </ul>	<ul style="list-style-type: none"> <li>No construction of new houses or structures.</li> <li>No planting of new trees.</li> <li>Vegetation permitted up to 12ft high.</li> </ul>

			<p><b>Operation:</b></p> <ul style="list-style-type: none"> <li>• Pruning of vegetation.</li> <li>• Land control / regular patrolling of the line.</li> </ul>		
<b>Project Components</b>					
Temporary tower site working areas	<ul style="list-style-type: none"> <li>• Average 40m x 50m per site</li> </ul>	<ul style="list-style-type: none"> <li>• Total of (Approx 285 inclusive tower's sites located inside the OHTL Footprint corridor.</li> <li>• Area for storage (short period), construction and erection of the towers.</li> <li>• Access to the area will be restricted during 12-18 months construction period.</li> </ul>	<p><b>Construction:</b></p> <ul style="list-style-type: none"> <li>• Total clearance of crops and trees in the tower permanent footprint (average 10x10m per tower).</li> <li>• Removal of all crops in remainder of temporary tower site working area. May be able to maintain trees in this area.</li> </ul>	<ul style="list-style-type: none"> <li>• No access of unauthorized personnel. (only the contractor and his team will be allowed in the site working area).</li> <li>• No planting or harvesting allowed during the construction period.</li> </ul>	<ul style="list-style-type: none"> <li>• No restrictions outside the tower permanent footprint.</li> </ul>
Tower permanent footprint	<ul style="list-style-type: none"> <li>• Average 10m x 10m per tower</li> </ul>	<ul style="list-style-type: none"> <li>• Tower sites located inside the OHTL Footprint corridor.</li> </ul>	<p><b>Operation:</b></p> <ul style="list-style-type: none"> <li>• Maintenance to keep permanent tower site laydown</li> </ul>	N/A	<ul style="list-style-type: none"> <li>• No trees or crops allowed in the 10x 10 m area.</li> </ul>

			areas free of vegetation.		
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### **1.7 Need For RAP**

The development of the Resettlement Action Plan (RAP) was informed by the recommendations of the Environmental and Social Impact (ESIA) undertaken for this project. During the ESIA preparation, as part of screening, scoping and impact identification, it was determined that the proposed project would lead to physical and economic displacement (due to the need for land for the wayleave/ROW) and hence requiring a RAP as a mitigation measure and as a key recommended mitigation measure. The RAP update was also informed by the duration that has elapsed since the initial study was done in 2019.

### **1.8 RAP Scope and Objectives**

The objectives of RAP are to ensure that:

- involuntary resettlement and land acquisition is avoided where feasible or minimized, exploring all viable alternatives to design of the sub projects.
- Where involuntary resettlement and land acquisition is unavoidable, resettlement and compensation activities are conceived and executed. This shall entail full and fair compensation for loss of use for land, structures, crop damage and any other interest on land.
- Displaced and compensated people will be assisted in their efforts to improve their livelihoods and standards of living where they are affected appreciably or at least to restore them, in real terms, to pre – displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

The specific objectives of the RAP update were:

- e) To identify PAHs and their assets and determine the extent of involuntary resettlement/displacements and restricted access impacts associated with the project implementation and put in place measures to minimise and/or mitigate such impacts;
- f) To re- evaluate PAHs' assets (compensation costs, livelihood/disturbance allowances and other assistance values) and provide a strategy for the compensation of PAHs;
- g) To review strategies for the implementation of the RAP, including the process through which to acquire the necessary land and easements for the implementation of the project activities; and
- h) To sensitisation the community members and other key stakeholders, including PAHs, and make them aware of the project and to obtain their concerns regarding the economic and social impacts of the proposed project and mitigation measures.

This RAP is consistent with the national policies and processes and have taken into consideration the legal and policy requirements of the Government of Kenya , the African development Bank's Integrated safeguards systems policy statement and operational safeguards (ISS) - specifically Operatioual Safegurd (OS2) on involuntary resettlement, The RAP also satisfies the Korean government's Economic Development Co-operation Fund (EDCF) policies on involuntary resettlement. It is based on a comprehensive diagnosis of the socio-economic context and ethnographic analysis of the PAHs and sets out objectives, principles, eligibility criteria and public participation mechanisms to

compensate land and other assets in view of the specific administrative and legal practices followed in Kenya. Therefore, the mitigations proposed to address the displacement impacts are in line with the laws and legislation in Kenya as well as international policies on social safeguards as aforementioned above.

In order to achieve the above objectives, the RAP team undertook a participatory and consultative approach during the RAP preparation. This RAP defines the procedures and methodology for identifying the Project Affected Households (PAHs) and spells out the compensation entitlements for PAHs, the socio-economic profiles of the PAHs, the legal and institutional framework that impacts on resettlement and compensation, the community consultation strategy and grievance handling mechanisms, the RAP implementation procedures and budget, and the RAP monitoring and evaluation system.

The RAP sets out the objectives, principles, eligibility criteria and public participation mechanisms to compensate land and other assets, identifies compensation beneficiaries, and provides the results of the consultations which accompanied its preparation. The RAP is based on a comprehensive diagnosis of the socioeconomic context and social analysis within which the PAHs operate. The RAP focuses on culturally sensitive socio-legal milieu and administrative systems for land administration and ownership, entitlement provisions, modes of compensation and conflict resolution mechanisms.

### **1.9 Acquisition of Right of Way Schedule and Phases**

The transmission line schedule includes the following phases:

- **Planning and executive design phase:** This includes line route selection through discussions to establish bend/angle points for all routes which will be surveyed by the surveyor and on site measurements to accurately determine the route and substation layout. The detailed design stage, development of route and profile design and structure and foundation design have been completed. Subsequent to the detailed design, procurement, shipping, clearing and transportation activities will take place to bring the equipment and infrastructure to site.
- **Wayleave/ROW acquisition:** it is the process of enumerating affected assets, identifying affected people, compensating those affected and registering easement on affected land parcels to grant right of way. KETRACO will share the final RAP report to The National Land Commission (NLC) with a schedule of affected parcels of lands for gazette<sup>2</sup>. NLC has the responsibility of resolving land issues including land disputes arising from historical injustices. They will play a crucial role in the land issues triggered by wayleave acquisition.
- **Construction phase:** The construction of the transmission line route including; surveying, establishing the site, bush clearing and access road establishment; foundation construction and structure installation; and energizing. This phase is expected to take between 12 to 18 months to complete.
- **Operational phase:** This phase includes operational activities associated with the management, maintenance and control of the transmission line.

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<sup>2</sup> Note this refers to the creation of a wayleave rather than actual acquisition of the land

- **Decommissioning:** This phase will include measures for complying with the regulatory requirements for rehabilitation and managing environmental impacts in order to render the project area suitable for future use. The design life of the transmission lines is 50 years.

### **1.10 Project efforts to minimize displacement impacts**

Efforts have been made using all appropriate options of engineering design in finalizing the transmission line alignment to minimize the resettlement impacts. As per the AfDB policy, to avoid, minimize and compensate the unavoidable impacts, an alternative analysis and assessment is required to arrive at the best option with minimum resettlement impacts. The area for transmission alignment was selected keeping in view the minimum settlements located in the proposed RoW. The Project route is selected in such a way that it passes through thinly populated areas. The Project passes through mixed land uses, viz. barren, hilly areas. This minimization of resettlement impact is done through avoiding densely populated areas such as market centers, schools, churches and towns.

To a high degree, the survey of the transmission corridor considered mechanisms to minimize resettlement and construction costs. The assessment of the corridor established that the transmission line corridor to a higher extent avoided public facilities where possible. The survey of the transmission line to a great extent minimized physical, social, cultural, and economic displacement of the PAPs. Also, proposed measures to be considered to avoid or minimize resettlement include adjustment of the transmission towers to avoid graves in homesteads where necessary. Slight adjustment of the ROW and towers/pylons to avoid sensitive cultural properties like graves was informed by ESIA from specifically the local community during stakeholders' engagement process. The locals were categorical that graves hold cultural values and social ties to the bereaved. As per the mitigation hierarchy – avoidance of the graves was reached as a viable measure in consultation with the PAPs. Avoidance was also informed / confirmed from an engineering perspective and previous good & replicable practices by KETRACO. Therefore, no compensation has been provided for graves since none will be affected / exhumed although this came up during sensitisation where PAPs were sceptical that some graves could be affected.

During preparations for construction, existing access roads shall be used as much as practicable where possible to avoid the destruction of crops that lie within the RoW. Where perennial crops are ready for harvesting during construction, the owners will be encouraged to harvest. However, if the crops must be damaged, enumeration will be done to facilitate compensation of damaged crops. There can also be slight (a few meters) diversion of the alignment to avoid potentially sensitive cultural property such as religious institutions/mosques, graves or other critical social amenities. This can be pursued as a sign of goodwill by the project and KETRACO to win the support of the community.

## **CHAPTER 2: RAP APPROACH AND METHODOLOGY**

### **2.1 Introduction**

Resettlement planning is necessary whenever displacement or relocation occurs as part of project activities. During the planning of the resettlement tasks, methodology used for the RAP preparation include collection and review of relevant documents including policy and previous study documents, use of satellite imagery, onsite social and economic investigation, Project Affected Households (PAHs) census surveys, PAH asset inventory and consultation with PAHs and other relevant stakeholders. Mitigation measures are put in place to address displacement/resettlement impacts and compensatory plans are designed and recommended. The methodology and approach adopted in preparing this RAP is consistent with the laws of Kenya as well as African development Bank's ISS.

During the update, the RAP team from KETRACO applied the trickle down consultative approach. The consultative process started from the key stakeholders and later taken to the PAHs along the transmission corridor. Various qualitative and quantitative data collection tools were used to engage different categories of PAHs. The RAP update has been prepared based on a 100% census of affected households, inventory of losses in terms of land, structures, crops, trees and other assets, consultations with PAHs and other relevant stakeholders following a ground truthing of the RoW conducted as from 30<sup>th</sup> November to 17<sup>th</sup> December 2021.

### **2.2 Data Collection Sources and Tools**

#### **2.2.1. Data Secondary Sources**

Data from secondary sources was collected and reviewed including relevant policy documents and development statistics of the project area. The other main documents reviewed included the project feasibility study report. In addition, data from the secondary sources were collected to ascertain a broad overview of the socio-economic development of the project area and which would enable the consultant to follow an appropriate line of action for the preparation of RAP to accomplish the objectives of the assignment. The documents that were reviewed include among others:

- Detailed Design Report
- Environmental and Social Impact Assessment Report
- KETRACO's Resettlement Policy Framework
- AfDBs Integrated Safeguards System Policy statement and operational safeguards Policies
- Korea's Economic Development Co-operation Fund (EDCF) safeguard policy
- County Integrated Development Plans for affected Counties (Baringo and Laikipia)
- Specific Kenya's legal statutes reviewed included among others:-Land Act (2012) and its amendments (2016), Land Value (Amendment) Act 2019, Land Registration Act (2012), National Land Commission Act (2012), Community Land Act (2016), Valuers Act (1985); Constitution of Kenya (2010), Matrimonial Property Act no 49 2013 among others.



### **2.2.2. Delineation of Study Area and Identification of PAHs**

The area covered by the surveys is based on the proposed Right of Way (ROW) as identified by KETRACO. The RAP team of surveyors used the coordinates to delineate the boundaries within which to identify the impacted areas, and thus the affected assets and PAHs. The process adopted followed in identifying the PAHs and affected assets (land, crops, trees, structures) etc was as follows:

- The Resettlement Specialist team informed the 2 county governments, national government (county commissioner, chiefs and assistant chiefs, village head) in the areas about the proposed RAP study well in advance of the study;
- Working with national and county government members, the Resettlement Specialist went ahead of the survey team to inform the local Administration of upcoming exercise in their locations and request them to nominate a village elder who will assist the team in the identification of affected land by the transmission line and the rightful owners.
- Using coordinates given by the RAP GIS Specialist, the asset surveyors prescribed the Project Area of Impact (ROW) using GPS instruments, and identified land that would be affected within those boundaries;
- The land, structure and crop/tree holders for each affected land parcel identified were then interviewed using RAP survey instruments.
- If a landholder had more than one piece of affected land, each land parcel was surveyed by the asset surveyors separately; however, only one census and socio-economic survey form was completed for each PAH.
- The PAHs identified were then interviewed; and inventory of assets (land, structures, crops and trees) etc undertaken including administration of the household questionnaire(See Appendix 5)

## **2.3 Data Primary Sources**

### **2.3.1. Field Surveys**

The preparation of this RAP involved fieldwork in the project ROW and survey activities including the execution of: (i) an impact assessment/PAH census survey, (ii) a socio-economic survey, and (iii) a valuation survey covering all affected assets. Applying this suite of methods assures that several distinct perspectives are offered on the socio-economic conditions in the Project area and that a mix of both qualitative and quantitative results is produced. All locations in the project ROW were included in the socio-economic baseline survey. To conduct socio-economic baseline survey and assessment, a range of tools and data gathering techniques used in the field are summarized below.

### **2.3.2. Household Socio-Economic Surveys**

The objective of this task was to provide a detailed socio-economic profile of the project affected population. The information gathered included: (i) demography and settlement pattern; (ii) social organization; (iii) resource economics and livelihood patterns; (iv) land ownership; (v) customary practices, (vi) governance and administrative system (vii) leadership and power structure (viii) availability of social services in project areas; (ix) specific impacts on the poor, women and other vulnerable groups.

The socio-economic household survey was conducted by EMC consultants in between June and October 2019 , validated and updated by KETRACO RAP team between 30<sup>th</sup> November and 17<sup>th</sup> December 2021, targeting 100% of the project affected households (PAHs) within the ROW. The socio-economic surveys were undertaken through the use of a structured questionnaire to identify the characteristics of the potentially affected population ensuring that all the different categories and groups of people to be affected by the proposed project are captured and consulted in as much as possible.

The main purpose of the household socio-economic surveys was to collect information to generate a baseline against which mitigation measures and support to be provided. The socio-economic survey was a more detailed version of the census, comprising additional information on:

- Household assets;
- Household expenditure patterns;
- The use of water resources;
- Access to and use of community services and facilities;
- Access to health facilities and health status;
- Sacred, religious and grave sites; and
- Conflict management and information sources.

### **2.3.3. Census Survey**

The census survey review was carried out for 100% of the affected households falling within the RoW from Rumuruti substation (Laikipia County) to Kabarnet Sustation (Baringo County). A structured questionnaire (ILIS) App on census and stakeholder analysis was used to collect quantitative and qualitative information on PAHs especially those with affected structures. The following information was collected during the socio-economic survey. The census survey covered the following topics (see study tool in annex F):

- Demographic and socio-economic characteristics of the PAHs
- Household composition (gender, age, education, Vulnerability, residential status and employment status for each household member), with added characteristics of the PAHs
- Family structure and number of family members
- Literacy levels
- Occupation type and income levels
- Religion;
- Economic activities and household income;
- Homestead details (description of structures, water energy sources, and sanitation facilities);
- Ownership, usage and cultivation of agricultural fields;
- Ownership of trees and crops;
- Ownership of livestock and grazing areas;
- Perceptions of the project.

- Impacts on assets due to the project by type and degree of loss
- Impact on community resources
- Perceptions on the resettlement and rehabilitation measures
- Perceived income restoration measures
- Project related awareness and knowledge
- Perceived benefits and loss due to project

The findings of the census and socio-economic survey have been analyzed and presented in the succeeding sections. The survey information helped to generate necessary input for the preparation of the RAP. It also provided a baseline assessment of potential impacts on affected households and formed the basis for estimating the entitlement-based resettlement budget.

#### ***2.3.4. Detailed Measurement Survey***

Detailed Measurement Survey (DMS) was conducted for each affected asset. Through DMS exact size, type, and quality of each asset (land, structures, crops, trees or other assets appended to land) with quantum of impacted/acquired part thereof with ownership title, type and use were determined and inventory of losses consistent with the present preliminary design stage. The details were documented by using restructured questionnaire to enumerate inventory of losses. The DMS was carried with participation of PAHs for identifying and measuring of the exact dimensions and quantities and valuation of all affected assets, including, as applicable, land (residential/commercial and agricultural etc.), buildings (residential and commercial), communal/public or cultural/religious facilities, crops, trees and business incomes and wages.

Information on ownership of affected property was collected through the identification and verification of ownership (buildings and other properties), neighbor and local leaders. Crops and trees were counted by the property valuers together with the owners or licensees, in the presence of local leaders after ascertaining the extent of the affected crops/trees. All property information collected was recorded on a 'Compensation Assessment Record Sheet' specifically designed for this purpose and later transferred to a valuation roll submitted as part of a valuation report, **Appendix A**.

Ground property data was captured using various survey equipment, including global positioning system (GPS) and electronic equipment for precise measurement. The ground property information captured comprised coordinates of ground property positions. This was the basis for thematic strip maps and cadastral plans. The main software used was the AutoCAD system.



**Figure 2- 1: Equipment Used**

The compensation cost of lost assets (houses and structures) was determined through precise measurement of affected structure, its construction type, quality and materials used with the labour costs for construction of new structure of similar type and dimension to ensure that the compensation is reflective to the full replacement cost.

### ***2.3.5. Valuation of Affected Property and Assets***

During the DMS, an effort was made to assess the value of existing private structures, public infrastructure, crops, trees and land affected by the project based on full replacement value as the per on the latest available design shared by the design consultants. The valuation of the inventoried affected assets has been computed and will be updated during the RAP compensation process. The valuation process and methodology for each type of affected asset is provided below. The actual unit value for each type of above discussed assets was estimated and is discussed below with type of lost asset.

### ***2.3.6. Land (Private Public and Communal)***

In the project ROW, it was observed that there were various categories of land falling within the RoW, such as hilly, plain, uncultivated and cultivated, land and land used for residential and commercial purposes. The land is owned by private individuals with a few parcels owned by GoK or County Governments. Under the regulations, the price valuation is carried out by a registered land valuer.

### ***2.3.7. Private Residential and Commercial Structures***

The valuation for loss of structures on Full replacement cost basis were based on precise measurement and record of type, quality and measurement of materials and are calculated based on full replacement cost, i.e., cost of new building materials and labor. The value of structure was assessed in consultation with PAHs as well as keeping in view the type of structure (using five categories), actual material used (stone, concrete, cement, sand, mud etc.), skilled and unskilled labour etc. In addition, to get the impartial views on the value of structure, contractors and masons working in the area were also consulted to assess the

replacement value of the structures. These factors were considered during the valuation of the affected structures in terms of full replacement costs.

### **2.3.8. Public and Community Structures**

The survey team measured the affected community structures along the ROW to record the type, size and shape of the structures. Each structure was measured and location was recorded. For public infrastructure, concerned departments were consulted in the assessment of the value. With respect to project impact on utilities (disruption or need for relocation), KETRACO will coordinate with the respective electric and water supply companies and shall deposit assessed relocation cost for relocating the utilities. The utilities relocation cost will be borne through the project civil works costs and not part of RAP budget. In case of the price valuation of the community structures, same assessment methodology is used as discussed under structures.

### **2.3.9. Crops and Trees**

The route alignment traverses cultivable land, and hence crop and tree losses have been identified. The trees grown in the land are both fruit and timber trees and the compensation of these trees will be based on the guidelines issued by the Ministry of Agriculture, Livestock and Fisheries in the case of crops while trees including fruit trees will be compensated based on the guidelines issued by Kenya Forest Service (KFS).

### **2.3.10. Income Loss**

Income losses due to affected business or livelihood sources have been determined through consultative process with the PAHs and based on daily expenditure or income streams at the household level.

## **2.4 Data Quality Analysis and Validation**

Surveys and studies involved a well-trained and experienced team of social investigators, social and resettlement specialist, land surveyor, land valuer and data analyst. The social investigators with experience in field surveys from other projects and familiar with the local terrain and culture were selected for data collection. The social and resettlement specialist conducted consultations separately with the community leaders and with male and female PAHs. Data collection was carried out under the supervision of the social development and resettlement specialist in the field.

Quantitative PAHs census data was analysed using the Statistical Package for Social Sciences (SPSS). The quantitative data has been presented in the form of descriptions, frequencies, tables and percentages. Qualitative data from community dialogues and key institutional stakeholders was manually analysed around the major themes/objectives of the RAP.

For property ground data, the analysis was done using the Auto CAD software. Other property data collected was organised into and analysed with Microsoft Excel Worksheets using several variables such as replacement values, cost of inputs/materials and location of property, size and classification of trees among other considerations.

## **2.5 Training of Asset Surveyors and Field Enumerators**

Prior to the commencement of intensive field survey, a day-long intensive training was conducted targeting the enumerators to provide orientation of the project, briefing on the questionnaires and for practical rehearsal/practice of conducting interviews and filling of questionnaires. Training was ended when the team was fully comfortable to understand the scope of work and proper data gathering by ensuring due quality and precision in data. To ensure the quality and accuracy of data collection, RAP team leader accompanied the team throughout the survey. Daily evening sessions were held with the team to ensure the consistency of the data collected and shared feedback based on the daily survey work and accordingly the data collection and editing was improved. The training was conducted by the RAP team leader assisted by the sociologist and resettlement specialist, and covered the following topics:

- Background to the Project;
- Principles of quantitative and qualitative research;
- Interviewing ethics and techniques, including exercises and role-playing;
- Questionnaire content;
- Practical use of equipment—GPS and camera; and
- Fieldwork logistics.

The training concluded with a practical application of the socio-economic survey, which also functioned as the pilot study. The group was responsible for interviewing one selected PAH— with enumerators taking turns to ask questions. Thereafter all met in plenary with the trainers, to raise points for discussion and clarification before starting the full survey, and to edit the questionnaire based on appropriateness to the social and economic environment. Enumerators then worked in pairs for a full day before working individually with the PAHs.

## **2.6 Resettlement Database**

To accomplish the desired objectives and results, different databases were developed using Microsoft Excel such as socioeconomic indicators database, inventory/assets, public and private infrastructure, trees inventory, land acquisition database, community consultations, compensation and entitlements, payments and relocation. Upon completion, the survey data was checked for consistency and entered into computer for necessary processing. This data bank would form the basis of information for RAP implementation, monitoring and reporting purposes and facilitate efficient resettlement management.

## **2.7 Cut-off Date for Eligibility of PAHs for Entitlements**

Any person who will suffer loss or damage to an asset, business, trade or loss of access to productive resources, because of the project will be considered eligible for compensation and/ or resettlement assistance. The cut-of-date for conducting the census survey was taken as the cut-off date (s) for qualifying the PAHs for entitlement/ compensation. Thus, the cut-off date for being eligible for compensation and/or resettlement assistance was **17<sup>th</sup> December 2021** which was the last day during the census, socio-economic survey, property identification and valuation was completed.

The team ensured that the PAPs were meaningfully consulted before and during the RAP update process and encouraged them to participate in the planning and implementation of the resettlement program. They were sensitized and informed of their options and rights pertaining resettlement. Information regarding the project plans, resettlement and rehabilitation was also shared with the local community. Emphasis was given to the needs of disadvantaged groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, and ethnic, religious and linguistic minorities; including those without legal title to assets, female-headed households etc. If the project delays and is not implemented within a period of two years period and above, then an updated RAP is done and the new cut off date is validated by the date of the new gazette notice. This satisfies the requirements of the Kenyan law and KETRACOs Resettlement Policy Framework (RPF) November 2011.

### **2.8 PAHs and Stakeholder Consultations**

Consultations with PAHs and relevant stakeholders were initiated in the inception and planning phase and will be continued throughout the execution, monitoring, and evaluation of the Project. Care was taken to identify the most vulnerable sub-groups and to ensure that their interests are adequately represented in this process. PAHs consultations were carried by the Resettlement Specialist after prior intimation.

### **2.9 Stakeholder Mapping**

A stakeholder mapping exercise was undertaken to identify interested and affected stakeholders of the project. The mapping exercise was conducted simultaneously with the scoping exercise during social impact and risks assessment of the project. The exercise identified all the stakeholders in the project area including the PAHs, community leaders in the project ROW, national and county government administration among other stakeholders. Key elements of the stakeholder mapping were to ascertain the degree of 'impact' as well as 'influence' of the respective stakeholders. Consultations with key stakeholders/informants, project representatives and other stakeholders was also done. FGDs with key stakeholders focussed on some key national and county government institution/officials, women and youth in both counties. This included County commissioners, Deputy county commissioners Chiefs and assistant chiefs from the National government and other governmental bodies like KWS, KFS, WRA, NEMA. Structured questionnaires were also issued after the meetings for the key stakeholders to document their views and opinions on the project (Refer to ESIA annex D). A total of 170 and 195 questionnaires were filled in 2019 and 2021 respectively.

### **2.10 Stakeholder Consultations**

The RAP team undertook consultations with the Project Affected Households (PAHs) to ensure that the Project activities and the likely impacts on the PAHs and their livelihoods were explained and openly discussed, the PAPs were also given opportunities to seek clarification and ask questions. They were also allowed to air their views about the proposed project and they expressed their full support for the proposed project. In 2019 between 19<sup>th</sup>

June and 16<sup>th</sup> August, thirteen (13) Public meetings were held in Baringo and Laikipia Counties. The total attendants for the 2019 public meetings were 278 (193 Male/85 Female). Key stakeholders engaged in the same period were eighteen (18) with an attendance of sixty two (62) i.e fifty seven (57) male and five ( 5) females ,while focused group discussions held were twenty seven(27) in number.

In 2021, the RAP update team also held 13 public barazas, eight (8) in Baringo and five (5) in Laikipia county within the 14 locations along the line traverse. These had a total attendance of 418 (321 male/97 female). The RAP team also held another ten (10) meetings with key stakeholders from the relevant national and county governments.

Prior to the update field visit, the PIT from KETRACO, had to organize the stakeholder meetings with various chiefs of each affected locations. These meetings were conducted in the project area between **30<sup>th</sup> November to 17<sup>th</sup> December 2021**. (See Annex B and C, List of stakeholders consulted and minutes of meetings).

Stakeholders consulted during the RAP study included the Project Affected Households (PAHs), local village community leaders, Kenya Forest Service (KFS) officials, Kenya Wildlife Service, Water Resources Authority Baringo and Laikipia County Government officials, and the national government officials based in the two counties that the project will traverse. Other stakeholders consulted was the land adjudication offices in the two counties. The objectives of these consultations were to inform the stakeholders of KETRACO’s intention to acquire a way leave for the proposed transmission line, identify PAHs and to increase their general awareness about the Project and the RAP process, collect information, ideas and insights from stakeholders to complement the data analysis and secondary research. Consultations also explained the nature, extent, limit and method of compensation. **Table 2-1** shows the consultation methods uses by category of PAH and or stakeholders.

**Table 2- 1: Census and Stakeholder Consultation Methods**

<b>Activity</b>	<b>Target Groups /areas</b>	<b>Methods/Techniques</b>
PAH census	PAHs	Household interviews
Key institutional stakeholder consultations	Key stakeholder consultations held with National and County Government Agencies and Quasi-Governmental Agencies.	Key informant interviews
Community consultations	Community members and interested parties	Public meetings/barazas



## CHAPTER 3: POLICY, LEGAL AND INSTITUTIONAL FRAMEWORK

### 3.1 Introduction

This chapter defines the policy, legal and institutional frameworks applicable to the RAP implementation for this transmission line. In performance of its mandate, KETRACO will adhere to legislative, regulatory and policy frameworks whose relevance is discussed in this chapter in details. The section provides the legal background and legislative process in Kenya with respect to land acquisition/creation of wayleaves, resettlement and livelihood restoration, and a comparison with relevant international good practice. It sets out the legal operating environment for acquisition of land for purpose of RoW or wayleave creation as anticipated in the implementation of the Project.

The chapter highlights major issues related to Kenyan land legislation with regards to involuntary resettlement in this Resettlement Action Plan (RAP). It provides a brief overview of the Kenya land policy, and the Kenya's constitutional provisions related to land use, planning, acquisition, management and tenure, and more specifically the legislations related with land expropriation or wayleave creation, land valuation and land replacement. The chapter also compares the Kenyan legislation with the African development Bank provisions on resettlement, highlighting gaps and making recommendations to fill up gaps. **Table 3-1** below summarizes the relevant legal framework in Kenya applicable to this project in regard to resettlement.

**Table 3- 1: Summary of Legal Land Acquisition/wayleave creation and Resettlement Statutes Applicable to Project**

Legal Framework	Functional Relationship to Resettlement	Conformity to the policy.
Constitution of Kenya 2010	Constitution of Kenya 2010 recognizes individuals' right to acquire and own property provided they are citizens of the country in article 40. However, Article 66 of the same Constitution provides for the State to regulate the manner in which these rights may be curtailed for the benefit of the general public. Article 47 of the Constitution provides for administrative action to override the individual rights but the victim has to be given written reason for the action taken that undermines the right.	The project will comply with the requirements of the constitution with respect to land and property rights, through serving notice to all lands affected by the power for wayleave. This publication must be served upon all persons occupying land over which the proposed wayleave is to be created, including persons occupying land in accordance with customary pastoral rights.
The Land Act 2012 Laws of Kenya	It is the substantive law governing land in Kenya and provides legal regime over administration of public and private lands. It also	The project will comply with the requirements of the Land Act 2012 (Revised 2019) through registration of easements on

<b>Legal Framework</b>	<b>Functional Relationship to Resettlement</b>	<b>Conformity to the policy.</b>
(Revised 2019)	provides for the acquisition of land for public benefit and wayleave creation. 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.	affected parcels to facilitate acquisition of ROW of the proposed project.
Land Registration Act, 2012	The law provides for the registration of absolute proprietorship interests over land (exclusive rights) that has been adjudicated or any other leasehold ownership interest on the land. Such land can be acquired by the state under the Land Act 2012 in the project area.	The project will comply with the requirements of the Land Registration Act through registration of easement.
National Land Commission Act 2012	The act establishes the National Land Commission with the purpose of managing public land and carrying out compulsory acquisition of land as well as wayleave creation for specified public purposes.	The project will comply with the requirements of the NLC Act by liaising with NLC in identification of land owners and publication in the official gazette. NLC will also be involved in land valuation for compensation.
The Energy Act	The act establishes powers and functions of the energy entities in regulation production, use and supply of electricity and my other forms of energy. The act specifically provides consent of land owners before accessing their land for survey or energy infrastructure. It prohibits any levied on the energy infrastructure by county governments without approval of the cabinet secretary .	The project will comply with the requirements of the Act, through robust sensitization and consultation of land owners and all PAPs.
The Land Adjudication Act Chapter 95 Laws of Kenya 2012	Provides for ascertainment of interests prior to land registrations under the Land Registration Act 2012 through an adjudication committee that	The project will comply with the requirements of the Act, by carrying out searches on affected parcels to establish prior interests.

<b>Legal Framework</b>	<b>Functional Relationship to Resettlement</b>	<b>Conformity to the policy.</b>
	works in liaison with adjudication officers.	
The Valuers Act 532	The act establishes a valuers registration board, which has the responsibility of regulating the activities and conduct of registered valuers in accordance with the provision of the act.	The project will comply with the requirements of the Act, through ensuring only registered valuers undertake valuation of the affected assets.
Land Value (Amendment) Act 2019	The Land Value (Amendment) Act, 2019 (the Act) came into force on 16 August 2019 and has amended various sections of the Land Act, the Land Registration Act as well as the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act. The Act aims at standardising the value of land in Kenya for the primary purpose of enhancing efficiency and expediting the compulsory land acquisition process.	The project will comply with the requirements of the Act in ensuring just compensation is issued given the Land value Index is not available yet.
Community Land Act 2016	<p>Giving effect to Article 63 of the Constitution of Kenya, 2010 (the Constitution) which provides for a classification of land known as community land. To this end, the Constitution provides that community land shall vest in and be held by communities.</p> <p>Providing for, first, the recognition, protection and registration of community land rights. Second, the management and administration of community land. Third, the role of county governments in relation to unregistered community land and related matters.</p>	The project will comply with the requirements of the Act, by extensive consultation with the community members and county government with regards to community land compensation, where applicable.

<b>Legal Framework</b>	<b>Functional Relationship to Resettlement</b>	<b>Conformity to the policy.</b>
	The Act repeals the Land (Group Representatives) Act (Chapter 287 of the Laws of Kenya) and the Trust Lands Act (Chapter 288 of the Laws of Kenya).	
HIV and AIDS Prevention and Control Act No. 14 Of 2006 Revised in 2012	The Act provides for measures for the prevention, management and control of HIV and AIDS. Part III-V of the Act are dedicated the protection and promotion of public health and for the appropriate treatment, counseling, support and care of persons infected or at risk of HIV and AIDS infection.	The project (KETRACO) will ensure that activities undertaken during the RAP implementation do not exacerbate the spread of HIV/AIDS through sensitizing the PAPs on HIV/AIDS matters.
Sexual Offences Act, 2006	-This Act of Parliament makes provision about sexual offences and aims at prevention and the protection of all persons from harm from unlawful sexual acts. Section 15, 17 and 18 focuses mainly on sexual offenses on minors (children).	The project (KETRACO) will put in place mechanisms which are necessary or expedient in order to achieve or promote the objects of this Act during the RAP implementation phase.

### **3.2 National Land Policy**

The National Land Policy (NLP) was adopted in August 2009 with the aim of providing an overall framework for new legislation and defining key measures required to address critical issues such as land administration, access to land, land use, and restitution related to historical injustices and an out dated legal framework. The NLP addresses constitutional issues such as compulsory acquisition and development control. Section 45 of the NLP defines compulsory acquisition as “the power of the State to extinguish or acquire any title or other interest in land for a public purpose, subject to prompt payment of compensation.” Under the current Constitution, the Land Act 2012 empowers the National Land Commission (under the guidance of Minister for Lands) to exercise the power of compulsory acquisition on behalf of the State. Similarly, the NLP empowers the National Land Commission to compulsorily acquire land.

According to the NLP, the exercise of compulsory acquisition in the past has been conducted with abuses and irregularities. The NLP therefore calls for a revision of such power and requires the GoK:

- To review the law on compulsory acquisition to align it with the new categories of land ownership (public, private and community land);

- To harmonize the framework for compulsory acquisition to avoid overlapping mandates;
- To establish compulsory acquisition criteria, processes and procedures that are efficient, transparent and accountable;
- To institute legal and administrative mechanisms for the exercise of the power of compulsory acquisition by the State through the National Land Commission and
- To confer pre-emptive rights on the original owners or their successor in title where the public purpose or interest justifying the compulsory acquisition fails or ceases.

### **3.3 The Kenyan Constitution 2010**

The Constitution of Kenya, 2010, protects the sanctity of private property rights and states that no property can be compulsorily acquired by the Government except in accordance with law. Article 40(3) states:

“The State shall not deprive a person of property of any description, or of any interest in, or right over, property of any description, unless the deprivation—results from an acquisition of land or an interest in land or a conversion of an interest in land, or title to land, in accordance with Chapter five; or is for a public purpose or in the public interest and is carried out in accordance with this Constitution and any Act of Parliament that –

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

The Constitution empowers the state to exercise the authority of compulsory acquisition. Land Act 2012 designates the National Land Commission (NLC) as the agency empowered to compulsorily acquire land. Article 40 of the Constitution provides that the state may deprive owners of property only if the deprivation is "for a public purpose or in the public interest," which includes public buildings, roads, way leaves, drainage, irrigation canals among others. The state's exercise of this power is left at the discretion of NLC, and requires the state to make full and prompt payment of "just compensation" and an opportunity for appeal to court.

Article 40(3) (a) refers to acquisition and conversion of all kinds of land in Kenya (private, public, community land and foreign interests in land). The Constitution further provides that payment of compensation shall be made to “occupants in good faith” of land acquired by the state who do not hold title for such land. An occupant in good faith is a “bona fide” occupant. On the other hand, under the Kenyan Constitution, those who have acquired land illegally are not regarded as deserving any compensation. Therefore the RAP implementation will follow the AfDB OS2 which recognizes the rights of illegal land owners and will compensate them for loss of structure and livelihood/disturbance allowance.

In addition to Article 40, Chapter Five of the Constitution is relevant to compulsory acquisition. This chapter, entitled "Land and Environment," is divided into two parts. Part 1 deals with land, and Part 2 deals with environment and natural resources. Part 1 of

Chapter 5, articles 60–68, describes the principles of land policy. Land should be held, used and managed in a manner that is equitable, efficient, productive and sustainable and in accordance with security of land rights, sound conservation and protection of ecologically sensitive areas. These principles must be implemented through a national land policy reviewed regularly by the national government and through legislation.

### **3.4 The Land Act (2012), Revised 2019.**

The Land Act 2012 is the Kenya's framework legislation regulating compulsory acquisition of land (i.e. land, houses, easements etc.). The Land Act 2012 was adopted on 2nd May 2012 and provides for sustainable administration and management of land and land-based resources including compulsory acquisition.

#### **Relevant Sections**

- Section 4 (1) provides the guiding values and principles of land management and administration in this section bind all State organs, State officers, public officers and all persons whenever any of them;
- Section 7 provides for the methods of acquisition of title to land including compulsory acquisition
- Section 9 provides for conversion of land from one category to another in accordance with the provisions of the Land Act or any other written law.
- Section 49. (1) provides guidelines of land transfers including succession related due to death
- Section 143 gives Power of the NLC to create public rights of way. The wayleave shall authorize persons in the employment to or who are acting as agents of or contractors for any of the organizations, authorities and bodies to enter on the servient land for the purpose of executing works, building and maintain installations and structures and insetting all such works, installations and structures on the servient land and to pass and re-pass along that wayleave in connection with purposes of those organisations, authorities or bodies.

### **3.5 Community Land Act (2016)**

The CLA came into force on 21 September 2016 and aims at:

- Giving effect to Article 63 of the Constitution of Kenya, 2010 (the Constitution) which provides for a classification of land known as community land. To this end, the Constitution provides that community land shall vest in and be held by communities.
- Providing for, first, the recognition, protection and registration of community land rights. Second, the management and administration of community land. Third, the role of county governments in relation to unregistered community land and related matters.
- The Act repeals the Land (Group Representatives) Act (Chapter 287 of the Laws of Kenya) and the Trust Lands Act (Chapter 288 of the Laws of Kenya).

The CLA provides an opportunity for securing collective land rights founded on customary

law, by giving legal recognition of customary rights in land as lawful forms of property with equal legal force and effect as rights obtained and transacted under freehold and leasehold tenure. In so doing, it addresses the foundational issue that has historically undermined land rights of rural communities since colonial times. Important features of the CLA are outlined below;

- **Ownership:** Community land has been defined as a consciously distinct and organized group of users of community land who are citizens of Kenya and share attributes such as; common ancestry; similar culture or unique mode of livelihood; socio-economic or other similar common interest; geographical space; ecological space; or ethnicity.
- **Tenure systems:** Ownership of community land can be held as communal land, family or clan land, reserve land or in any other category of land recognized under the Act or other written law. In addition, community land can be held in land tenure systems such as customary, freehold, leasehold or any other tenure system recognized by law.
- **Role of the County Government:** Counties are empowered to hold in trust on behalf of a community unregistered community land and any monies payable as compensation for compulsory acquisition of any such unregistered community land. Any such monies are to be deposited in a special interest earning account by the County Government and shall be released to the community upon registration of the community land. A County Government is prohibited from selling, disposing, transferring, and converting for private purposes or in any other way disposing of any unregistered community land that it is holding in trust on behalf of a community. Upon registration of community land, the trusteeship of the county government to manage and administer the community land ceases to exist.
- **Registration:** Any community claiming an interest in or right over community land is required to register their land by application to the community land registrar who shall maintain a community land register for each registration unit. A certificate of title issued by the Community Land Registrar is evidence of ownership of the land and is not subject to challenge, except on grounds of fraud or misrepresentation to which the person is proved to be a party or where the certificate of title has been acquired illegally, unprocedurally or through a corrupt scheme.

A Certificate of reservation may be issued in the interim by the Registrar pending the registration of community land and acquisition of the certificate of title. The registration of a community as the proprietor of land shall vest in that community the absolute ownership of that land, while, the registration of a community as the proprietor of a lease shall vest in that community the leasehold interest described in the lease, together with and subject to all implied and express rights and privileges.

**Community Assembly and Community Land Management Committee:** A registered community must have a community assembly consisting of all adult members of the community. The community assembly elects between seven and fifteen members of the community assembly to constitute the community land management committee. The

community is expected to elect between seven and fifteen members from among themselves to be the members of the community land management committee. The functions of the Community Land Management Committee shall be to:

- Have responsibility over the running of the day to day functions of the community;
- Manage and administer registered community land on behalf of the respective community;
- Coordinate the development of community land use plans in collaboration with the relevant authorities;
- Promote the co-operation and participation among community members in dealing with matters pertaining to the respective registered community land; and
- Prescribe rules and regulations, to be ratified by the community assembly, to govern the operations of the community.

**Conversion of Community Land:** Community land can be converted to either public land or private land and vice versa. The Act provides that at least two-thirds of the community members must approve any conversion of community land. This does not however limit the application of the Land Act, 2012 and any other law in respect of compulsory acquisition of land. The Act recognizes and permits for the following conversion systems of community land:

- Conversion of community land into private land by; transfer; allocation by the registered community, but this has to be ratified by the community assembly.
- Conversion of public land into community land by allocation by the commission as stipulated in the Land Act.
- Conversion of private land to community land by; transfer; surrender; operation of law in relation to illegally acquired community land; and operation of any other written law.
- Conversions to public land by either by; compulsory acquisition; transfer; or surrender.

**Rights and Entitlement in the Community Land:** A registered community can, with the approval of the members, allocate part of the registered community land to a member or a group of members in the community at a fee for use and occupation for a period determined by the community. A separate title will not be issued to the individual and the rights of the community supersede that of the individual allocated land. There are other conditions for use of the land allocated which include; lawful use, the land cannot be assigned or leased to a third party; and the land must be surrendered back to the community if the individual is no longer entitled to use the land. The law also places obligations to the registered communities in the pastoral areas to ensure;

- They avail land to their members for the purpose of grazing;
- Reserve special areas for farming areas, settlement areas, community conservation areas, access and rights of way, cultural and religious sites, urban development, or any other purpose as may be determined by the community, county government or national government for the promotion of public interest.



- Ensure every member of the community has the right to equal benefit from community land, full and equal enjoyment of right of use and access with no discrimination based on gender, minority, and disability or marginalized groups.

**Customary land rights:** The Act recognises customary land rights including the customary right of occupancy and provides for their adjudication and documentation. The Act also gives customary land rights equal footing in law as freehold and leasehold tenure. In this regard, the term “customary land rights” is defined to mean rights conferred by or derived from African customary law, customs or practices provided that such rights are not inconsistent with the Constitution or any written law.

### **Registration of a community**

It is through the act of registration that a community attains the legal personality to be registered as owner of land. This is an important first step as only a registered community within the meaning of section 2 of the CLA can apply to be registered as a landowner. As part of the registration process, the community elects a Community Land Management Committee (CLMC), which oversees the process of registration of the community, including the development of its Constitution and Regulations, the registration of the land, and its management on behalf of the community upon registration.

The procedure for registration of “a community claiming an interest in or right over community land” is set out in section 7 of the Community Land Act and detailed in Part II of the Community Land Regulations and includes the following key steps;

- A community claiming an interest in or right over community land is required to register its rights under the Land Registration Act. They must also have a plausible justification for why they are registering the community land as a collective, e.g. common ancestry, similar culture, etc. The Register of Members of the community is important, as it is the basis of inclusiveness, ensuring that all eligible members are identified and recorded. The number of members is important, as certain decisions require to be validated by a specific proportion of the total number of registered members of the community. The Constitution of the community specifies the details to be included in the Register of members, and how the register shall be maintained and updated.
- Before submission of the community formation and registration documents to the registrar of societies, the local chief must authenticate these documents by applying an official stamp to the application documents and letter.
- The elected community representatives apply to the Registrar of Community Land for registration of the community, using the Form prescribed by the Community Land Regulations. The application shall be accompanied by:
  - (a) The name of the community
  - (b) The register of members of the community
  - (c) A certified true copy of the Minutes of the Community Assembly at which it was resolved to apply for registration of the community
  - (d) The Constitution of the community
  - (e) A description of the interest being claimed by the community

- Upon authentication of documents, the Registrar of Societies provides the community with a registration certificate after due diligence. This means the community is officially registered, but their interest in the land has not been documented.

### **Registration of community land**

Registration of community land is done in accordance with the provisions of the CLA and the Land Registration Act. It is preceded by adjudication, which includes the recording of community land claims, demarcation of community land and delineation of boundaries. Upon registration, a title deed in the prescribed form is issued in the name of the community. Thereafter, the community under the leadership of the CLMC can plan the development and management of the community land and the natural resources on it. Key steps of the registration process are outlined below;

**Notice:** Section 3 of the 2017 regulations requires group representatives that intend to register a claim in an interest in land to notify the community land registrar responsible for the community land registration unit within which the land is situated of the intention.

**Procedure:** A form for notification is provided in the Fifth Schedule. The notification is to be submitted in duplicate with the duplicate copy being retained by the community. It should also be signed by at least fifteen members of the community; and be accompanied with the prescribed fee.

**Election of members:** Upon receipt of the notification, the community land registrar invites all members of the community with communal interest to a public meeting for the purpose of electing the members of the community land management. Notice of the meeting is to be published through various media including newspapers, affixing notices on boards etc

**Election of Committee Members:** the Land Registrar, in consultation with the national and county government representatives for the area where land is located, will further convene and oversee the process of election of community land management committee members. The qualifications, vacation and the process of filling of vacancies are provided for under the regulations

**Application for registration:** The community land management committee will then apply to the registrar for registration of the community.

**Registration:** The registrar will consider an application for registration and may issue a certificate of registration in the name of the community. Upon registration, the community named in the certificate of registration becomes a body corporate with all the powers and responsibilities attendant thereto.

**Office bearers:** The persons elected as members of the Community Land Management Committee will now become the officers of the community with various functions including to manage and administer registered community land on behalf of the respective community and to coordinate the development of community land use plans in collaboration with the relevant authorities.

### **Procedure for registration of community land from group ranches**

Section 47 of the Community Land Act requires all registered group ranches to seek fresh

registration and transform themselves into communities in accordance with the Act. To convert from the group representatives to registration under the Community Land Act 2016, the following process will be followed as per the Community Land Regulations, 2017;

- **Inventory:** The Cabinet Secretary will ensure that there is an inventory of all land held under the repealed Land (Group representatives) indicating their status and forward it to the registrar
- **Notice:** Upon the commencement of these regulations, the registrar is required to notify the group representatives and their members of the requirement to convert into a community
- **Timelines for application:** Within twelve months of the commencement of the regulations, the groups are required to make an application to register as a community
- **Effect of Conversion:** Upon issuance of certificate of registration, the community's particulars and interest are to be entered in the register in accordance with the Land Registration Act, 2012 and thereafter a certificate of title or lease will be issued.
- **Surrender of current titles:** Before issuing certificate of title or lease, the registrar will require the surrender of the existing title document and certificate of incorporation issued under the Land (Group Representatives) Act for cancellation. If the titleholder does not comply, the title documents will be deemed cancelled at the expiry of thirty days.

### **Unregistered Community Land**

County governments shall hold in trust all unregistered community land on behalf of the communities for which it is held. The respective county government shall hold in trust for a community any monies payable as compensation for compulsory acquisition of any unregistered community land. Upon registration of community land, the respective county government shall promptly release to the community all such monies payable for compulsory acquisition. Any such monies shall be deposited in a special interest earning account by the county government. The respective county government shall transfer the amount and the interests earned to the communities as may be prescribed.

### **3.6 Land Value (Amendment) Act, 2019**

The Land Value (Amendment) Act, 2019 (the Act) came into force on 16 August 2019 and has amended various sections of the Land Act, the Land Registration Act as well as the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act. The Act aims at standardising the value of land in Kenya for the primary purpose of enhancing efficiency and expediting the compulsory land acquisition process. Below are the key highlights:

#### **Acquisition of land before payment of compensation**

Previously, the National Land Commission (NLC) was required to compensate a landowner prior to taking possession of the land. However, the Act now allows the NLC to take possession of the land and pay compensation at a later date within a reasonable amount of time (not later than one year). It may be argued that the provision which provides for

compensation to be paid after possession is taken is unfair and unreasonable, particularly where the property was being used for residential purposes by its owner. Similarly, the provision for compensation to be paid within one year is arguably unconstitutional given that the Constitution expressly provides for prompt payment of compensation. One year may be regarded too long a period to be considered prompt.

### **Establishment of the Land Acquisition Tribunal and limiting powers of the court**

The Act establishes the Land Acquisition Tribunal (the Tribunal) which shall hear disputes related to the compulsory land acquisition process and in determining such disputes, confirm, vary or quash the decision of the NLC. Previously, disputes were referred to the Environment and Land Court (ELC). However, following the passing of this Act, the Tribunal has first instance jurisdiction to hear such disputes with the ELC exercising appellate jurisdiction. Additionally, the Act also provides that where the NLC has taken possession of the land, no order stopping any development of the land may be issued by any court if public funds have already been committed to its development. In essence, this provision bars the Court from granting stay orders, including interim injunctions, once a government project is underway.

### **Criteria for assessing the value of compulsorily acquired land**

The Act provides that valuation of land for purposes of compensation shall be based on the Land Value Index. This is an analytical representation showing the spatial distribution of land values in a given geographical area at a specific time. It is to be developed jointly by the national government and county government. In calculating the Land Value Index, the declared value of the land for purposes of payment of rates, rents or stamp duty shall be taken into account in addition to other factors provided in the Act such as the increase in the value of the land due to improvements made on it. However, an increase in value will be disregarded if the improvements are carried out after the publication of a gazette notice that sets out the government's intention to acquire the land compulsorily. Different criteria apply for freehold and community land on one hand and leasehold land on the other.

### **Additional forms of compensation**

Apart from monetary compensation, the following new forms of compensation have been introduced under the Act:

- allocation of an alternative parcel of land of equivalent value and comparable geographical location and land use to the land compulsorily acquired;
- issuance of government bond;
- grant or transfer of development rights as may be prescribed;
- equity shares in a government-owned entity; and
- any other lawful compensation.

An owner whose land has been compulsorily acquired shall elect the form of compensation. However, compensation may come much later so the choice of compensation would need to be carefully considered.

### **3.7 The Land Laws (Amendment) Act 2016**

The Land Laws (Amendment) Act, 2016 (No. 28 of 2016) was assented to by the President on 31 August, 2016 and came into effect on 21 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. The following is a brief outline on the key changes introduced by Land Laws (Amendment) Act to the Land Act, No. 6 of 2012.

#### **Lessee's pre-emptive rights of allocation**

Timelines have now been set in respect of the renewal of an expired leasehold tenure. The Commission is required to notify the lessee of the pre-emption rights of allocation within five years before the expiry of a leasehold tenure. Thereafter, the lessee has a period of one year from the notification to respond to it. Pre-emptive allocation rights are still reserved only for the Kenyan citizens and only where the land is not required by the national or county government for public purposes. The amendment however does not provide for a mechanism to challenge the refusal to renew the lease.

#### **Clarification of the roles of the National and County Government and the National Land Commission**

Cabinet Secretary

The Cabinet Secretary has been granted the following additional powers:

- The power to provide policy direction regarding all classes of land in consultation with the National Land Commission (the Commission) where appropriate
- The power to provide to coordinate the development and implementation of a National Land Information System in collaboration with the Commission, and
- The power to administer and undertake all dealings including registration of private land interests subject to the provisions on compulsory acquisition.

#### **National Government**

The implementation of settlement programmes to provide access to land for shelter and livelihood shall now be carried out by the National Government as opposed to the Commission.

#### **The National Land Commission**

Reservation of public land for a purpose in the public interest is still being carried out by the Commission. The Commission is however now required to do any such reservation upon the request by the National or County Government. The Land Act now also provides that such an allocation does not prevent the reserved land from being allocated or developed. The Commission is now required to maintain a register containing:

- The particulars of all public land converted to private land by allocation

- The names and addresses of all persons whose land has been converted to public land through compulsory acquisition or reversion of leasehold
- Particulars of community land converted into public land, and
- Such other details as the Commission may consider necessary.

The Land Act also now expressly provides that a lease or license for public land shall be issued by the Commission and shall be registered by the Chief Lands Registrar. Limitation on dealing with controlled land without the consent of the Cabinet Secretary. No transaction in controlled land, including a transfer for a consideration or by way of trusts, gift inter vivos or otherwise to an ineligible person, shall be dealt with without the prior written approval of the Cabinet Secretary.

### **Non-Retrospective application**

Section 78 of the Land Act is amended to eliminate the retrospective application of the Land Act in respect of charges save for the requirement to serve notice to spouses and other persons who were not required to be served under the repealed Acts of Parliament in the realization of any charge or mortgage. Sale of land whose title has been deposited under an informal charge. A chargor is now prohibited from possessing or selling land whose title documents have been deposited by a chargee under an informal charge without an order of the court.

### **Priority of charges**

Parties to a charge can now provide for the ranking of the charge within the provisions of the respective charge.

### **Taking possession of charged land**

In taking possession of charged land after default by the chargor, the power of entry either peaceful or by use of reasonable force shall only be exercised after obtaining a court order.

### **Exercise of the Power of Sale**

In a sale by a private contract, the chargee shall be entitled to rely on a valuation carried out by a valuer who is registered with the Institute of Surveyors of Kenya and the report shall in the absence of a manifest error, be conclusive in relation to the market price, provided that the valuation report shall at the time of sale be not more than six months old.

### **Calculation of interest on unpaid compensation**

The rate of interest on unpaid compensation in respect of a compulsory acquisition shall be the base lending rate set by the Central Bank of Kenya prevailing at that time. Previously interest would have been based on the prevailing bank rates.

### **Land Settlement Fund Board of Trustees**

The Land Act has been amended to include express provisions prohibiting unlawful occupation of private, community or public land. The amendments also sets out the procedure for eviction for any such unlawful occupants.

### **Easements and analogous rights**

There no longer exists a power by the proprietor of a dominant land to cancel and extinguish of easements and analogous rights.

### **Prohibition of unlawful occupation of land and procedure for eviction**

Unlawful occupation of private, community or public land is now expressly prohibited. The Act also now sets out a procedure for eviction for any such unlawful occupants.

### **Land Compensation Fund**

The Land Compensation Fund has been abolished. The object and purpose of the abolished fund was to provide compensation to any person who, as a result of the implementation of any of the provisions of the Land Act by the National Government or County Government suffered any loss or deprivation or diminution of any rights or interests in land or any injurious affection in respect of any ownership of land.

### **Minimum and Maximum Land Holding Acreages**

The Cabinet Secretary is now empowered to publish guidelines on the penalties for noncompliance with the provisions of Constitution and the respective legislation.

## **3.8 National Land Commission Act 2012**

The National Land Commission (NLC) 2012 will undertake compensation. NLC is an independent government commission whose establishment was provided for by the Constitution of Kenya, 2010 to, amongst other things, manage public land on behalf of the national and county governments, initiate investigations into present or historical land injustices and recommend appropriate redress, and monitor and have oversight responsibilities over land use planning throughout the country. [1] It was officially established under The National Land Commission Act, 2012. Pursuant to:

Article 67(2) of the Constitution, the functions of the Commission are —

- To manage public land on behalf of the national and county governments;
- Compulsory acquire land for national and county governments
- Compensate acquired land on behalf of national and County government
- To recommend a national land policy to the national government;
- To advise the national government on a comprehensive program for the registration of title in land throughout Kenya;
- To conduct research related to land and the use of natural resources, and make recommendations to appropriate authorities;
- To initiate investigations, on its own initiative or on a complaint, into present or historical land injustices, and recommend appropriate redress;
- To encourage the application of traditional dispute resolution mechanisms in land conflicts;
- To assess tax on land and premiums on immovable property in any area designated by law; and

- Monitor and have oversight responsibilities over land use planning throughout the country.

Under the National Land Commission Act, the Commission shall:

- On behalf of, and with the consent of the national and county governments, alienate public land;
- Monitor the registration of all rights and interests in land;
- Ensure that public land and land under the management of designated state agencies are sustainably managed for their intended purpose and for future generations;
- Develop and maintain an effective land information management system at national and county levels;
- Manage and administer all unregistered trust land and unregistered community land on behalf of the county government; and
- Develop and encourage alternative dispute resolution mechanisms in land dispute handling and management.
- Implement Settlement programs on behalf of national and county governments as outlined in section 134 of the Land Act.
- Administer the Land Settlement Fund in accordance with section 135 of Land Act 2012
- Manage the Land Compensation Fund
- Identify ecologically sensitive areas that are within public land and demarcate and take any other justified action on those areas and act to prevent environmental degradation and climate change in accordance with the Land Act.
- Reserve public land for the establishment of approved settlement programmes, and where public land is not available, purchase private land subject to the Public Procurement and Disposal Act, 2005 or any other law as provided for in section 134 (5) of the Land Act.
- Set aside land for investment purposes in accordance with section 12(3) of the Land Act.
- Approve compulsory acquisitions, way leaves, easements and analogous rights.
- Ensure that the investments, in land benefit local communities and their economies.
- Make regulations prescribing the criteria for allocation of public land, such regulations to prescribe forms of ownership and access to land under all tenure systems.
- The procedure and manner of setting aside land for investment should respect mechanisms of benefit sharing with local communities.

### **3.9 The Valuers Act (CAP 532)**

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. 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.

As of March 2011, there were 285 registered valuers in Kenya. The Valuers Act does not provide for a description of the valuation procedures and methods. The RAP team has made use of the services of registered valuers who are approved by Valuers Registration Board. Under the Valuers Act, professional misconduct of registered valuer will include:

- False or incorrect entry in the register;
- False or misleading statement caused by omission or suppression of a material fact; and
- The acceptance of “any professional valuation work which involves the giving or receiving of discounts or commissions.”

In case of professional misconduct, the registered valuer is guilty of an offense punishable with a fine (not exceeding Ksh.10, 000) and/or imprisonment for three years. Fees for land valuation in case of compulsory acquisition are established based on the value of the property as “the first Kshs 400,000 at 1 per cent. Residue at 0.5 per cent” and are paid by those who requested the valuation.

### **3.10 Matrimonial Property Act No 49 of 2013**

In regard with ownership of matrimonial property, Part III (clause 7) States that Subject to section 6(3), ownership of matrimonial property vests in the spouses according to the contribution 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 thus requiring that PAPs involve their spouses in the process of compensation for this project.

### **3.11 Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, 2012:**

The act provides for the prevention, protection and provision of assistance to internally displaced persons and affected community giving effects to the Great Lake protocol on the protection and assistance to internally displaced persons and the united nations guiding principles on internal displacement. The act further emphasis on rights of internally displaced person in accordance with the letter and spirit of the fundamental rights and freedoms under the bill of rights of the constitution of kenya. The act provides for prevention of displacement by development projects unless there exists compelling and overriding public interests, ensuring preparedness and mitigation by putting in place measures for assistance to communities affected etc. It requires that the government seeks the free and informed consent of the affected persons and holds public hearings on the project planning.

The PAPs have been consulted and involved in the resettlement planning as required by this law.

### **3.12 The law of succession Act, cap 160:**

The act was enacted to amend, define and consolidate the law relating to intestate and testamentary succession and the administration of estates of deceased person and for purposes connected therewith and incidental thereto. The main purpose of succession is to provide mechanisms for the transmission of property from the deceased to those who survive him/her. It involves identifying the legal/ rightful claimants of the deceased's property as well as highlighting the procedures to be taken by the claimants/ beneficiaries to enable them acquire the property of the deceased. The Act is key to RAP implementation in order to legally actualize compensation for affected property owned by deceased family members. It ensures that the compensation process and entitlements adhere to legal provisions such as spousal and children's consent where it applies and seeking of grants/letters of administration in case of the death of a PAHH.

### **3.13 The Survey Act cap 299:**

The Survey Act makes provision in relation to surveys and geographical names and the licensing of land surveyors, and for connected purposes. Part (IV) of the Act establishes the clauses for licensing of surveyors and disciplinary proceedings against licensed surveyors. Part v highlights the conduct of surveys including the duties of licensed surveyors and non-liability of the Government. Part VI – gives provisions on the preservation of survey marks, and highlights need to have the boundary marks be shown on plans. Part ix – gives the offences indicating unqualified persons are forbidden to survey.

The project and RAP exercise is therefore expected to be uphold the provisions of the Survey Act during land surveying process.

### **3.14 Person with disabilities Act 2003:**

The Act provides for national council for persons with disabilities, their rights/privileges, national development fund for persons with disabilities, relief and incentives, miscellaneous and finally offences and penalties. Persons with disabilities are entitled to exercise their civil, political, social, economic and cultural rights on an equal basis with others under all the international treaties. The RAP will ensure that all the vulnerable groups including persons with disability, will be approached using the free prior and informed consultations method for any considerations to be made.

### **3.15 County Governments Act, No. 17 of 2012; together with its Amendment Act, 2016**

This is an Act of parliament to give effect to Chapter Eleven of the Kenyan Constitution; to provide for the County government's powers, functions and responsibilities to deliver services and for connected purposes. This Act vests responsibility upon the County Governments in planning of development projects within their areas of jurisdiction be it projects of importance to the county government or those of national importance.

- Section 102 of the Act provides the principles of planning and development facilitation which include integration of national values in county planning, protect the right to self-fulfillment within the county communities and with responsibility to future generations, protection of rights of minorities and marginalized groups and communities, promotion equity resource allocation, among others.

- Section 103 of the Act sets out the prime objective of county planning which aligned to the bill of rights and the constitution of Kenya.
  - Section 113 of the Act makes public participation in County planning processes compulsory
  - Section 114 and 115 indicate and give guidelines in planning of projects of national significance and instil the aspect of public participation in every aspect of the planning process through that: clear strategic environmental assessments; clear environmental impact assessment reports; expected development outcomes; and development options and their cost implications.
- Each county assembly is tasked with the role to develop laws and regulations giving effect to the requirement for effective citizen participation in development planning and performance management within the county.

In the execution of the proposed project, the County Governments of Baringo and Laikipia forms a key stakeholder in project planning and other activities at the county level.

### **3.16 Protection of traditional knowledge and cultural expressions Act 2016:**

The Act of parliament provides a framework for the protection and promotion of traditional knowledge and cultural expressions which gives effect to Articles 11, 40 and 69(L) (c) of the Constitution. The Act requires a person who uses traditional knowledge or cultural expressions beyond its traditional context should indicate the source of the knowledge or expression and where possible, the origin of the knowledge or expression, and use such knowledge or expression in a manner that respects the cultural values of the holders.

- Article 2 of Act requires that traditional knowledge or cultural expressions shall not, without the free prior informed consultation of the owners, be used for-(a) the reproduction of the traditional knowledge or cultural expressions; (b) the publication of the traditional knowledge or cultural expressions.

Based on this the consultants / proponent will be required to ensure provisions of the act such as prior and informed consultations of the locals is undertaken

### **3.17 Sessional paper No. 2 of 2019 on National policy on gender and development:**

This policy builds on the National Policy for Gender and Development of 2000, and Sessional Paper No. 2 of 2006 on Gender Equality and Development which envisaged women empowerment and mainstreaming the needs of women, men, girls and boys in all sectors of development in Kenya so that they can participate and benefit equally from development initiatives. Kenya's National Development plans such as Kenya's Economic Recovery Strategy for Wealth Creation (2003-2007), Kenya Vision 2030 and the Medium-Term Plans 2008-2012, 2013-2017 and 2018-2022 have also recognized that women should have equal access to opportunities and assets with men for the purpose of sustainable development. In addition, gender-aware policies such as the National Land Policy (2009) which recognizes women's rights to own property on an equal basis with men; the National

Policy for Prevention and Response to Gender Based Violence; and the National Policy for the Abandonment of Female Genital Mutilation have been adopted.

The Parliament has legislated laws to implement the Constitutional provisions for gender equality. These include the Matrimonial Property Act, 2013 which safeguards women's property rights during and upon dissolution of the marriage; the Marriage Act, 2014 that gives effect to constitutional provisions on equality between parties to a marriage; and the Land Act and Land Registration Acts which secure women's rights to land.

Revision of the Succession Act Cap 160 is also at an advanced stage and is expected to address gender issues in succession. Similarly, the CounterTrafficking in Persons Act, 2010, the Prohibition of Female Genital Mutilation (FGM) Act, 2011 and the Sexual Offences Act, 2006 outlaw specific forms of violence against women and the girl child. Thus, Kenya has ratified and domesticated on both its international and regional obligations on protecting the rights of women and the girl child. Additionally, the Kenya Citizenship and Immigration Act, 2011 provides for dual citizenship. Married women can now confer citizenship to their husbands from foreign countries, a break from the past where only men could confer such status to their wives.

The RAP process ensured that gender concerns are mainstreamed into the process to affirm that the needs and interests of each gender are addressed. Implementation of RAP shall be governed by this principle to ensure that the youth, children, and women are not discriminatorily negatively affected by the resettlement process.

### **3.18 Environment and Land Court Act, 2012**

The Act enacts Article 162(2) (b) of the Constitution; to establish a superior court to hear and determine disputes relating to the environment, use, occupation of, title to land, and to make provisions for its jurisdiction, functions, and powers, and connected purposes.

The Court has the power to hear and determine disputes relating to; (a) environmental planning and protection, climate issues, land use planning, title, tenure, boundaries, rates, rents, valuations, mining, minerals, and other natural resources; (b) compulsory acquisition of land; (c) land administration and management; (d) public, private and community land and contracts, choices in action or other instruments granting any enforceable interests in land; and (e) land administration and management; (d) and any other dispute relating to environment and land.

This Act complements the Land Act, 2012 in addressing grievances that are likely to arise from the RAP implementation process for the proposed project

### **3.19 Land Tenure and Rights in Kenya**

#### ***3.19.1. Land Tenure Regimes and Administration***

Land tenure in Kenya is classified as public, community or private. Public land consists of government forests (other than those "lawfully held, managed or used by specific communities as community forest, grazing areas or shrines" ), government game reserves,

water catchment areas, national parks, government animal sanctuaries and specially protected areas. The National Land Commission will manage public land. Community land includes land that is “lawfully held, managed or used by specific communities as community forest, grazing areas or shrines,” and “ancestral lands and lands traditionally occupied by hunter-gatherer communities.” Rights are also held through traditional African systems, and rights that derive from the English system introduced and maintained through laws enacted by colonial and then the national parliament. The former is loosely known as customary tenure bound through traditional rules (customary law). The latter body of law is referred to as statutory tenure, secured and expressed through national law, in various Act of parliament e.g. Land Act 2012, Land Registration Act 2012, Land Value (Amendment) Act 2019 of the Laws of Kenya.

### ***3.19.2. Customary Land Tenure***

This refers to unwritten land ownership practices by certain communities under customary law. Kenya being a diverse country in terms of its ethnic composition has multiple customary tenure systems, which vary mainly due to different agricultural practices, climatic conditions and cultural practices. However most customary tenure systems exhibit number of similar characteristics as follows: individuals or groups by virtue of their membership in some social unit of production or political community have guaranteed rights of access to land and other natural resources. Individuals or families thus claim property rights by virtue of their affiliation to the group.

### ***3.19.3. Freehold Tenure***

This tenure confers the greatest interest in land called absolute right of ownership or possession of land for an indefinite period of time, or in perpetuity. The Land Registration Act, 2012, governs freehold land. The Act provides that the registration of a person as the proprietor of the land vests in that person the absolute ownership of that land together with all rights, privileges relating thereto. A freehold title generally has no restriction as to the use and occupation but in practice there are conditional freeholds, which restrict the use for say agricultural or ranching purposes only. Land individualization was demanded by the colonial settlers who required legal guarantee for the private ownership of land without which they were reluctant to invest.

### ***3.19.4. Leasehold Tenure***

Leasehold is an interest in land for a definite term of years and may be granted by a freeholder usually subject to the payment of a fee or rent and is subject also to certain conditions which must be observed e.g. relating to developments and usage. Leases are also granted by the government for government land, the local authorities for trust land and by individuals or organizations owning freehold land. The maximum term of government leases granted in Kenya is 99 years for agricultural land and urban plots. There are few cases of 33 years leases granted by government in respect of urban trust lands. The local authorities have granted leases for 50 and 30 years as appropriate.

### **3.19.5. Public Tenure**

This is where land owned by the Government for her own purpose and which includes unutilized or un-alienated government land reserved for future use by the Government itself or may be available to the general public for various uses. The land is administered under the Land Act 2012. These lands were vested in the president and who has, normally exercised this power through the Commissioner of Lands, to allocate or make grants of any estates, interests or rights in or over un-alienated government land. However, the new constitution grants those rights to the National Land Commission (NLC) which is governed by the National Land Commission Act, 2012 that specifies the role of NLC as:

- To identify public land, prepare and keep a database of all public land, which shall be geo-referenced and authenticated by the statutory body responsible for survey;
- Evaluate all parcels of public land based on land capability classification, land resources mapping consideration, overall potential for use, and resource evaluation data for land use planning; and
- Acquire land for public purposes
- Solve land disputes and deal with historical land injustices
- Share data with the public and relevant institutions in order to discharge their respective functions and powers under this Act; or
- May require the land to be used for specified purposes and subject to such conditions, covenants, encumbrances or reservations as are specified in the relevant order or other instrument.

Categories of government land include forest reserves, other government reserves, alienated and un-alienated government land, national parks, townships and other urban centers and open water bodies.’ The Lands Act does not contain any notion of trusteeship by government of the land to her people.

### **3.19.6. Public Resources on Public Land**

Notwithstanding the fore going, it is a common law doctrine to the effect that common property resources such as rivers, forests and parks are held by the state in trust for the general public. Consequently, the state cannot alienate these resources or use them in a way detrimental to public interest. This is the doctrine that would ensure that public land cannot be alienated or committed to waste to the detriment of public interest. It is the case that the statutory frameworks for land ownership in Kenya is heavily influenced by common law jurisprudence on land ownership-the owner’s rights include the rights of use and abuse. In Kenya however, the development of physical planning legislation has vested in the state the cumulative rights of other landowners. The regulatory power is referred to as police power.

## **3.20 Land Acquisition and Wayleave creation Process In Kenya**

### **3.20.1 Proof that compulsory possession is for public good**

It is very explicit in the Land Act, 2012, Section 107, that whenever the national or county government is satisfied that it may be necessary to acquire some particular land under section 110 of Land Act 2012, the possession of the land must be necessary for public

purpose or public interest, such as, in the interests of public defense, public safety, public order, public morality, public health, urban and planning, or the development or utilization of any property in such manner as to promote the public benefit. Electricity transmission line projects are explicitly identified as qualifying for land acquisition as public utility and the necessity therefore is such as to afford reasonable justification for the causing of any hardship that may result to any person having right over the property, and so certifies in writing, possession of such land may be taken.

### ***3.20.2 Respective Government agency must seek approval of NLC***

According to Section 144, The respective State department, or the county government, or public authority or corporate body must submit a request for application of the creation of a wayleave to the NLC to acquire the land on its behalf. The Commission will prescribe a criteria and guidelines to be adhered to by the acquiring authorities in the creation of the wayleave. Similar, the Commission has powers to reject a request of an acquiring authority, to undertake an acquisition if it establishes that the request does not meet the requirements prescribed.

### ***3.20.3 Publication of notice of intention to acquire***

Upon approval, NLC shall publish a notice of intention to acquire the land in the Kenya Gazette and County Gazette. It will then serve a copy of the notice to every person interested in the land and deposit the same copy to the Registrar. The courts have strictly interpreted this provision, requiring that the notice include the description of the land, indicate the public purpose for which the land is being acquired and state the name of the acquiring public body. NLC shall ensure that the provisions are included in her notice. The Land Registrar shall then make entry in the master register on the intention to acquire as the office responsible for survey, at both national and county level, geo-references the land intended for acquisition.

### ***3.20.4 Inspection of Land to be acquired***

NLC may physically ascertain or satisfy itself whether the intended land is suitable for the public purpose, which the applying authority intends to use as specified. If it certifies that indeed the land is required for public purpose, it shall express the satisfaction in writing and serve necessary notices to land owners and or approve the request made by acquiring authority intending to acquire land.

### ***3.20.5 Valuation of the land***

Part III of the Land Act 2012, section 113 (2a) states that “the Commission shall determine the value of land with conclusive evidence of (i) the size of land to be acquired; (ii) the value, in the opinion of the Commission, of the land; (iii) the amount of compensation payable, whether the owners of land have or have not appeared at the inquiry.” This can be interpreted that NLC must determine the value of the land accordingly and pay appropriate just compensation in accordance with the principles and formula that it will develop. Nonetheless, just compensation could also be interpreted as market value and damages /losses. The final award on the value of the land shall be determined by NLC and shall not be invalidated by reason of discrepancy, which may be found to exist in the area.

### **3.20.6 Matters to be considered in determining compensation:**

The market value of the property, which is determined at the date of the publication of the acquisition notice, must be considered. Determination of the value has to take into consideration the conditions of the title and the regulations that classify the land use e.g. agricultural, residential, commercial or industrial.

a) Increased market value is disregarded when:

- the increase in the value of land is occasioned by the intended use or development of the land to be acquired;
- the increase in the value of the land as at the date of publication of the notice of intention to acquire it is likely to accrue from the use to which the land will be put when acquired;
- the increase in the value of the land is occasioned by any development or improvement to the land if—
  - (i) the improvement was made on the land within two years prior to the date of publication in the Gazette of the notice of intention to acquire the land, unless it is proved that the improvement was made bona fide and not in contemplation of proceedings for the acquisition of the land: Provided that where the national government or the county government makes changes in the use of the land compulsorily
  - (ii) acquired to affect other land owners, these owners shall be excluded from the application of this provision.
  - (iii) the improvement was done after the date of publication in the Gazette of the notice of intention to acquire the land, unless the improvements were necessary for the maintenance of any building in a proper state of repair and are not capital improvements. (iii) the improvement is contrary to any law or is detrimental to the health of the occupiers or to public health generally

b) Matters not to be considered in determining compensation:

- The degree of urgency, which has led to the acquisition.
- Any disinclination of the person's interest to part with the land.
- Damages sustained by the claimant, which will not represent a good cause of action.
- Damages, which are likely to be caused to the land after the publication of the acquisition notice or as a consequence of the future, land use.
- Increased land value accrued by its future use.
- Any development at the time of acquisition notice, unless these improvements were necessary for maintaining the land.

c) Despite subsections (a) and (b), the following matters may be taken into consideration in assessing the value of land— (a)



- i) damage sustained or likely to be sustained by persons interested at the time of the Commission's taking possession of the land by reason of severing the land from other land;
- ii) damage sustained or likely to be sustained by persons interested in the land at the time of the Commission's taking possession of the land injurious affecting other property, whether movable or immovable or in any other manner affecting the person's actual earnings;
- iii) if, in consequence of the acquisition, any of the persons interested in the land is or will be compelled to change residence or place of business, the payment of reasonable expenses to be determined by the Commission;
- iv) damage genuinely resulting from diminution of the profits of the land between the date of publication in the Gazette of the notice of intention to acquire the land and the date the Commission takes possession of the land; and
- v)) the effect of any express or implied condition of title or law which restricts the intended land use

### ***3.20.7 Serve the notice of inquiry***

Thirty days after the publication of the Notice of Intention to Acquire, NLC will schedule a hearing for public inquiry. NLC must publish notice of this meeting in the Kenya Gazette and County gazette at least 15 days before the inquiry meeting and serve the notice on every person interested in the land to be acquired. Such notice must instruct owner of land to deliver to the NLC, no later than the date of the inquiry, a written claim for compensation.

### ***3.20.8 Holding of a public hearing***

NLC then convenes a public hearing not earlier than 30 days after publication of the Notice of Intention to Acquire. On the date of the hearing, NLC must conduct a full inquiry to determine the number of individuals who have legitimate claims on the land, the land value and the amount of compensation payable to each legitimate claimant. Besides, at the hearing, the Commission shall— make full inquiry into and determine who are the persons interested in the land; and receive written claims of compensation from those interested in the land. For the purposes of an inquiry, the Commission shall have all the powers of the Court to summon and examine witnesses, including the persons interested in the land, to administer oaths and affirmations and to compel the production and delivery to the Commission (NLC) of documents of title to the land. The public body for whose purposes the land is being acquired, and every person interested in the land, is entitled to be heard, to produce evidence and to call and to question witnesses at an inquiry. It will also provide opportunity to land owners to hear the justification of the public authority in laying claims to acquire the land.

### ***3.20.9 Award of compensation***

The Land Act 2012 does not stipulate that compensation must be in the form of money only. Under the Land Act 2012 section 117, the State can award a grant of land in lieu of money compensation (“land for land”), provided the value of the land awarded does not exceed the value of the money compensation that would have been allowable. The law could be interpreted that any dispossessed person shall be awarded the market value of the land.

The new law is silent on relocation support or livelihood/disturbance allowance support. Therefore, in this RAP, the principles of AfDB operational safeguard 2 will take precedence and will be applied instead of the requirements or restrictions of the Land Act which do not seem to offer relocation support or livelihood disturbance allowance. African development bank safeguard 2 require that PAHs be provided with additional support including offer relocation support or livelihood disturbance allowance. KETRACO is committed to meeting the principles of African development bank safeguards policies.

Upon the conclusion of the inquiry, and once the NLC has determined the amount of compensation, NLC will prepare and serves a written award of compensation to each legitimate claimant. NLC will publish these awards, which will be considered “final and conclusive evidence” of the area of the land to be acquired, the value of the land and the amount payable as compensation. Land Act, Section 115 further stipulates that an award shall not be invalidated by reason only of a discrepancy between the area specified in the award and the actual area of the land. Compensation cannot include attorney’s fees, costs of obtaining advice, and costs incurred in preparing and submitting written claims.

#### ***3.20.10 Payment of Compensation***

A notice of award and offer of compensation shall be served to each person by the Commission. Section 120 provides that “first offer compensation shall be paid promptly” to all persons interested in land. Section 119 provides a different condition and states that the NLC “as soon as practicable” will pay such compensation. Where such amount is not paid on or before the taking of the land, the NLC must pay interest on the awarded amount at the market rate yearly, calculated from the date the State takes possession until the date of the payment. A written undertaking indicating the appointed dates, not being more than one (1) year from the date of the undertaking, when compensation is to be made.

In cases of dispute, the Commission may at any time pay the amount of the compensation into a special compensation account held by the Commission, notifying owner of land accordingly. If the amount of any compensation awarded is not paid, the Commission shall on or before the taking of possession of the land, open a special account into which the Commission shall pay interest on the amount awarded at the rate prevailing bank rates from the time of taking possession until the time of payment.

#### ***3.20.11 Transfer of Possession and Ownership to the State***

Once first offer payment has been awarded, the NLC will serves notice to landowners in the property indicating the date the Government will take possession. Upon taking possession of land, the commission shall ensure payment of just compensation in full. When this has been done, NLC removes the ownership of private land from the register of private ownership and the land is vested in the national or county Government as public land free from any encumbrances.

On the other side also, the Commission has also the power to obtain temporary occupation of land. However, the commission shall as soon as is practicable, before taking possession, pay full and just compensation to all persons interested in the land.

In cases of where there is an urgent necessity for the acquisition of land, and it would be contrary to the public interest for the acquisition to be delayed by following the normal procedures of compulsory acquisition under this Act, the Commission may take possession of uncultivated or pasture or arable land upon the expiration of fifteen days from the date of publication of the notice of intention to acquire.

On the expiration of that time NLC shall, notwithstanding that no award has been made, take possession of that land. If the documents evidencing title to the land acquired have not been previously delivered, the Commission shall, in writing, require the person having possession of the documents of title to deliver them to the Registrar, and thereupon that person shall forthwith deliver the documents to the Registrar.

On receipt of the documents of title, the Registrar shall— cancel the title documents if the whole of the land comprised in the documents has been acquired; if only part of the land comprised in the documents has been acquired, the Registrar shall register the resultant parcels and cause to be issued, to the parties, title documents in respect of the resultant parcels. If the documents are not forthcoming, the Registrar will cause an entry to be made in the register recording the acquisition of the land under this Act.

### **3.21 Dispute Resolution/Opportunity for Appeal**

#### ***3.21.1 Environment and Land Court***

The Kenya Constitution establishes Environment and Land Court. Article 162 of the constitution provides for the creation of specialized courts to handle all matters on land and the environment. Such a court will have the status and powers of a High Court in every respect. Article 159 on the principles of judicial authority, indicates that courts will endeavour to encourage application of alternative dispute resolution mechanisms, including traditional ones, so long as they are consistent with the constitution. Section 20, of the Environment and Land Court Act, 2011 empowers the Environment and Land Court, on its own motion, or on application of the parties to a dispute, to direct the application of including traditional dispute resolution mechanisms.

Any person whose land has been compulsorily acquired may petition the Environment and Land Court for redress with respect to:

- The determination of such person's right over the land;
- The amount offered in compensation; and
- The amount offered in compensation for damages for temporary dispossession in the case of the Government's withdrawal of its acquisition of the land.

Parties will pay fees as determined by Environment and Land Court or the court may choose to waive them completely or in part on grounds of financial hardship.

#### ***3.21.2 Land Acquisition Tribunal (the Tribunal)***

The Land Value (Amendment) Act 2019, establishes the Land Acquisition Tribunal (the Tribunal) which shall hear disputes related to the compulsory land acquisition process and in determining such disputes, confirm, vary or quash the decision of the NLC. Previously,

disputes were referred to the Environment and Land Court (ELC). However, following the passing of this Act, the Tribunal has first instance jurisdiction to hear such disputes with the ELC exercising appellate jurisdiction. Additionally, the Act also provides that where the NLC has taken possession of the land, no order stopping any development of the land may be issued by any court if public funds have already been committed to its development. In essence, this provision bars the Court from granting stay orders, including interim injunctions, once a government project is underway.

### **3.22 AfDB's Integrated Safeguards System (ISS) and Involuntary Resettlement Policy**

Involuntary resettlement, land acquisition, population displacement and compensation : this safeguard consolidates the policy commitments and requirements set out in the bank's policy on involuntary resettlement, and it incorporates refinements designed to improve the operational effectiveness of those requirements. In particular, it embraces comprehensive and forward looking notions of livelihood and assets, accounting for their social, cultural and economic dimensions. It also adopts a definition of community and common property that emphasizes the need to maintain social cohesion, community structures and the social interlinkages that common property provides.

The safeguard retains the requirement to provide compensation at full replacement cost, reiterates the importance of a resettlement that improves standards of living, income earning capacity and overall means of livelihood and emphasizes the need to ensure that social considerations, such as gender, age and stakes in the project outcome, do not disenfranchise particular project affected people.

Environmental and Social assessment, governs the process of determining a project's environmental and social category and the resulting environmental and social assessment requirements. The scope of application, categorization, use of a SESA and ESIA, where appropriate, Environmental and social management plans, climate change vulnerability assessment, public consultation, community impacts, appraisal and treatment of vulnerable groups and grievance procedures. It updates and consolidates the policy commitments set out in the bank's policy on the environment. The proposed Kabarnet-Rumuruti 132 Kv TL is classified as a Category 1 project under the bank's Operational Safeguards. ISS annex 2- Integrated safeguards system defines Category 1 projects as those likely to induce significant, irreversible adverse environmental and / or social impacts, or significantly affect environmental or social components that the Bank or the borrowing country considers sensitive.

#### **3.22.1 AfDB Involuntary Resettlement Policy**

The AfDB AFDB'S Integrated Safeguards System-Policy Statement and Operational Safeguards (ISS), is a common standard of approved principles and guidelines for compensation/resettlement for this type of project. AfDB principles should, however, be harmonised with the national laws of the subject country where the project is to be funded to the extent possible. Where there are differences, AfDB ISS , applies. OS2 on 'Involuntary Resettlement' requires that displaced persons should be compensated at full replacement

cost, assisted with relocation/resettlement and during the transition period. For this Project, land for land compensation will not be feasible due to the challenge of finding alternative land in some of the project area. In addition, the PAHs preferred cash compensation for losses incurred as a result of the project.

The AfDB's ISS OS2 on Involuntary Resettlement is, therefore, applicable to the project. The main features of this directive are as follows:

- e) All viable alternative project designs should be explored to avoid or minimise the need for resettlement and when it cannot be avoided, to minimise the scale and impacts of resettlement.
- f) Resettlement measures are to be conceived and executed as development activities.
- g) Assistance should be given to the community in their efforts to improve former production levels, income-earning capacity and living standards, or at least restore them to the levels at which they would have been without the project.
- h) Displaced persons should be:
  - Compensated at Full replacement cost prior to the actual move;
  - Assisted with relocation; and
  - Assisted and supported during the transition period.
  - Particular attention will be given to socially disadvantaged and vulnerable groups such as the very poor, the disabled, minorities, orphans and child-headed families, squatters and others without clear legal rights to land, those incapacitated by advanced age, among others. This has been complied with. Vulnerable groups have been identified and earmarked for special assistance.
- i) Communities will be given opportunities to participate in planning, implementing and monitoring their resettlement/compensation. This has been complied with; and extensive community and stakeholder consultations were undertaken. Also, the views of the community members and other stakeholders have been considered and integrated into the RAP.

### **3.23 Differences Between Kenyan Laws and The AfDB Policy**

There are some differences between the African development Bank policy and the laws of Kenya on resettlement and compensation. **Table 3-3** outlines African development bank AfDB Integrated Safeguards System Policy statement and operational safeguards (ISS) more so OS2 and compares it to the Kenyan legislation on the same. Recommendations are made on the existing gaps of the Kenyan laws. In general, where there is a difference between Kenyan law and OS2 , the latter shall prevail

**Table 3- 2: Comparative Analysis of AfDB OS2 and Government of Kenya requirements including measures to address gap**

AfDB Operational Safeguards (OS 2)	Kenyan Context	Comparison	Recommendations
<b>General RAP Requirements</b>			
Avoid involuntary resettlement where feasible, or minimize resettlement impacts where involuntary resettlement is deemed unavoidable after all alternative project designs have been explored	Involuntary resettlement possible in contexts of projects of national importance. IDP Act allows for displacement only where it is unavoidable and no feasible alternatives exist. It requires the government to guard against factors and prevent and avoid conditions that are conducive to or have the potential to result in the displacement of persons	The Land Act does not stipulate that resettlement should be avoided wherever possible; on the contrary, as long as a project is for public interest, involuntary resettlement is considered to be unavoidable.	Ensure that resettlement issues are considered at the design stage of the project to avoid/minimize resettlement and associated issues. The design made efforts to avoid communal structures such as a school, 2 dams, water pans, small natural forests, market / densely populates areas and some mines which would have disrupted activities and livelihoods.
Ensure that displaced people are meaningfully consulted and given opportunities to participate in the planning and implementation of resettlement programmes;	The Land Act, 2012 Act provides steps for sensitizing the affected population. Gives provisions and guidance on consultation on implications and grievance procedures. IDP Act requires free and informed consent of the affected persons and holding of	Same as the AfDB's	Both will apply. Stakeholder engagement meetings were carried out with PAPs and will continue to be held in the course of the acquisition. Various forms of engagement to be undertaken with affected parties.

<b>AfDB Operational Safeguards (OS 2)</b>	<b>Kenyan Context</b>	<b>Comparison</b>	<b>Recommendations</b>
	public hearings on the project planning		
Ensure that displaced people receive significant resettlement assistance under the project, so that their standards of living, income-earning capacity, production levels and overall means of livelihood are improved beyond pre-project levels	Kenyan the Law provides for livelihood restoration and resettlement. However, the Legislation does not elaborate on the details of the restoration activities.	Kenyan laws lack details on how resettlement support is to be provided to PAPs. Also while AfDb advocates for improvement beyond pre-project levels, Kenyan laws are generally restorative.	Implement AfDB Operational Safeguard (OS 2)
<b>RAP Process Requirements</b>			
<b>PAP Consultation:</b> appropriate notice to all potentially affected persons of public hearings, effective advance dissemination by the authorities of relevant information and relevant time period for public review of, comments on, and/or objection to any options of the proposed plan and opportunities to challenge the resettlement process and discuss alternative proposals and articulate their views and development priorities.	The Land Act outlines procedures for consultation with affected population and grievance management procedures. This includes gazettement of the land and serving these notices to the PAPs, asking for their opinion on compensation value in the inquiry process etc IDP act requires free and informed consent of the affected persons	Same as AfDB's	Adopt both Kenyan legislation and AfDB.

<b>AfDB Operational Safeguards (OS 2)</b>	<b>Kenyan Context</b>	<b>Comparison</b>	<b>Recommendations</b>
<p>Special attention to consultations that involve Vulnerable groups. When the borrower or client has identified vulnerable communities that would potentially be affected by the project, the borrower/client engages in meaningful informed consultation and participation with the vulnerable communities, beginning as early as possible in the project cycle before the project is submitted for Board consideration and continuing throughout the project cycle. Inclusivity in a socially and culturally appropriate manner must be ensured</p>	<p>Kenyan law does not explicitly provide for special consultations for vulnerable groups.</p>	<p>Kenyan law does not explicitly provide for special consultations for vulnerable groups.</p>	<p>Implement AfDB policy</p>
<p><b>Resettlement planning:</b> The borrower or client carries out a comprehensive socioeconomic survey— in line with international</p>	<p>Land Act requires inspection of the affected property and identification of the owners.</p>	<p>Kenyan Law does not require a RAP per se be prepared which is what includes the socioeconomic data.</p>	<p>Implement AfDB</p>



<b>AfDB Operational Safeguards (OS 2)</b>	<b>Kenyan Context</b>	<b>Comparison</b>	<b>Recommendations</b>
standards for social and economic baseline studies as agreed to in the environmental and social assessment process—including a population census and an inventory of assets (including natural assets upon which the affected people may depend for a portion of their livelihoods). This survey identifies the people who will be displaced by the project; all the relevant characteristics of those people, including conditions of vulnerability; and the magnitude of the expected physical and economic displacement.			
<b>Grievance Redress Mechanism:</b> establish a credible, independent, accessible and empowered local GRM to receive, facilitate and follow up on the resolution of affected people’s grievances and concerns	Land Act 2012 clearly outlines the steps and process for grievance redress that includes alternative dispute resolution, renegotiation with NLC and is backed by the judicial system through Environmental and Land Court Act. Recently, the law	Kenyan legislation meets AfDB’s requirements	Adopt both policies but first set up project GRM and allow also for NLC grievance mechanism. Court process to be advised as a last resort

<b>AfDB Operational Safeguards (OS 2)</b>	<b>Kenyan Context</b>	<b>Comparison</b>	<b>Recommendations</b>
about the environmental and social performance of the project	also provides for a tribunal (yet to be constituted)		
<b>Eligibility Criteria</b>			
<p><b>Eligibility Criteria</b> <i>Determined by:</i></p> <p>(a) those who have formal legal rights to land or other assets recognized under the laws of the concerned country i.e., generally people who are physically residing at the project site and those who will be displaced or may lose access or suffer a loss in their livelihood as a result of project activities.</p> <p>(b) those who do not have formal legal rights to land or other assets at the time of the census/evaluation but can prove that they have a claim that would be recognized under the customary laws of the country. (May include people who may not be physically residing at the project site or persons who</p>	<p>The Land Act 2012 provides that written and unwritten official or customary land rights are recognized as valid land rights. The Law provides that people eligible for compensation are those holding land tenure rights. Land Act also recognizes those who have interest or some claim in the land such as pastoralists or who use the land for their livelihood. The constitution recognizes ‘occupants of land even if they do not have titles’ and payment made in good faith to those Occupants of land. However, this does not include those who illegally acquired land</p> <p>Land Act 2012 provides for census through NLC inspection and valuation process</p>	<p>The OS 2 recognizes Eligibility as both formal (legal) and informal (customary) owners of expropriated land. However, it does not specifically recognize all users of the land to be compensated for land.</p> <p>The constitution of Kenya on the other hand recognizes ‘occupants of land’ who do not have title and who the state has an obligation to pay in good faith when compulsory acquisition is made.</p> <p>OS2 requires a census and socio-economic survey</p>	<p>Ensure ALL users (including illegal squatters, laborers, rights of access) of affected lands are included in the census survey and fairly compensated/ assisted as necessary for each category.</p> <p>Implement both</p>

<b>AfDB Operational Safeguards (OS 2)</b>	<b>Kenyan Context</b>	<b>Comparison</b>	<b>Recommendations</b>
<p>may not have any assets or direct sources of livelihood derived from the project site, but who have spiritual and/or ancestral ties with the land and are locally recognized by communities as customary inheritors.</p> <p>(c) those who have no recognizable legal right or claim to the land they are occupying in the project area of influence and who do not fall into either of the two categories described above, if they themselves or witnesses can demonstrate that they occupied the project area of influence for at least six months prior to a cut-off date established by the borrower and acceptable to the bank.</p> <p><i>To determine eligibility:</i> Carry out resettlement census. Cutoff date for eligibility is crucial</p>			

<b>AfDB Operational Safeguards (OS 2)</b>	<b>Kenyan Context</b>	<b>Comparison</b>	<b>Recommendations</b>
<p><b>Vulnerable groups:</b> Member countries and other borrowers/ clients are responsible for protecting the physical, social and economic integrity of vulnerable groups and for paying particular attention to women<sup>3</sup>.</p>	<p>Apart from the requirement that spouses are included in land and property transactions to safeguard their interest as elaborated in the Land Act 2012 Section 107, the Kenyan Legislation does not specifically cater for other vulnerable groups.</p>	<p>Kenyan laws lack specific details regarding vulnerable groups</p>	<p>Adopt AfDB OS2</p>
<p><b>Measures:</b></p>			
<p>The borrower or client gives preference to land-based resettlement strategies as a matter of priority and offers land to land compensation and/or compensation in kind in lieu of cash compensation where feasible; further, the borrower or client clearly explains to the affected that cash compensation very often leads to rapid impoverishment.</p>	<p>The Land Value (Amendment) Act, 2019 value index expands the forms of compensation for compulsorily acquired land, which may take any one or more of the following forms: a. Allocation of alternative parcel of land of equivalent value and comparable geographical location and land</p>	<p>Both provide for cash compensation and alternative forms of compensation for compulsorily acquired land.</p>	<p>Ensure that all alternative options are considered before providing cash compensation. If cash is preferred, then this needs to be coupled with counselling.</p>

<sup>3</sup> Vulnerable status can be determined by identifying a group's likelihood of facing harder conditions as a result of the resettlement because of such specific factors as a group's gender, economic status, ethnicity, religion, language or health condition. Depending on the specific context of the resettlement operation, vulnerable groups may thus include, for example, female-headed households, those below the poverty line, the landless, indigenous peoples, those without legal title to assets, those with physical handicaps, or ethnic, religious and linguistic minorities. Identifying vulnerable groups should be the result of careful analysis of the social and economic context, the presence of factors that may cause vulnerability and the capacity of the group to cope or adapt.

<b>AfDB Operational Safeguards (OS 2)</b>	<b>Kenyan Context</b>	<b>Comparison</b>	<b>Recommendations</b>
<p>Affected populations are offered a range of different compensation packages, resettlement assistance and livelihood improvement options, as well as options for administering these measures at different levels and the affected persons themselves are given the opportunity to express their preferences. When cash payments are made, the affected people should be provided with counselling to ensure that they have the knowledge to use the compensation wisely.</p> <p>When land is not the preferred option for displaced people whose livelihoods are land based, non-land-based options – built around creating employment opportunity or self-employment are considered.</p>	<p>use to the land compulsorily acquired;</p> <p>b. Monetary payment either in lump sum or in instalments spread over a period of not more than one year;</p> <p>c. Issuance of government bond;</p> <p>d. Grant or transfer of development rights as may be prescribed; (e) equity shares in a government owned entity; or</p> <p>e. Any other lawful compensation</p>		
<p>Affected people are compensated for all their losses at full replacement</p>	<p>The Land Value (Amendment) Act, 2019 defines “prompt” compensation as within a</p>	<p>OS 2 requires that displacement must not occur before all necessary measures</p>	<p>Implement prompt and effective compensation at full replacement cost for the losses</p>

<b>AfDB Operational Safeguards (OS 2)</b>	<b>Kenyan Context</b>	<b>Comparison</b>	<b>Recommendations</b>
<p>costs before their actual move; before land and related assets are taken and if the project is implemented in phases, before project activities begin for each particular phase.</p>	<p>reasonable time of, and in any case not more than one year after, the taking of possession of the land by NLC.</p>	<p>for resettlement are in place, i.e., measures over and above simple compensation while the laws provide for NLC to carry out acquisition without payment but not take a period longer than 1 year to compensate PAP.</p>	<p>of the assets prior to displacement. In unique and exceptional cases where NLC deems necessary to acquire land without payment this cannot exceed a period of 1 year in special cases (however no families can be left destitute or homeless thus need for alternative housing arrangements to be provided by KETRACO)</p>
<p>Valuation: With regard to land and structures, “replacement cost” is defined as follows:</p> <p>For agricultural land, it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes.</p>	<p>Valuation is covered by the Land Act 2012 and stipulates, as already mentioned, that the affected person receive just compensation from NLC, as determined by National Land Commission.</p> <p>Land value (amendment) 2019 highlights “just compensation” in relation to compulsorily acquired land or creation of wayleaves, easements and public rights means a form of fair compensation that is assessed and determined through criteria set out under the Act;</p>	<p>A provision in the Kenyan context highlights just compensation as form of “fair compensation” that is assessed and determined through criteria set out under the Land value (amendment) 2019</p>	<p>Use AfDB OS2</p>

<b>AfDB Operational Safeguards (OS 2)</b>	<b>Kenyan Context</b>	<b>Comparison</b>	<b>Recommendations</b>
<p>For 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>			
<b>Monitoring</b>			
<p>Adequate monitoring and evaluation of activities to be undertaken. An independent third party monitors the implementation of large-scale or complicated Resettlement Action Plans, with regular feedback from the affected people. Affected people are also given the opportunity to participate in</p>	<p>According to Land Act can be undertaken County Land Boards. IDP act requires the Government to ensure the presence of a Government official when the displacement and relocation is effected and the monitoring by an independent body</p>	<p>Both Kenyan Law and AfDB policy advocates for Monitoring and Evaluation</p>	<p>Implement as prescribed in the OS policy and Kenyan Law.</p>

<b>AfDB Operational Safeguards (OS 2)</b>	<b>Kenyan Context</b>	<b>Comparison</b>	<b>Recommendations</b>
such implementation monitoring. The borrower and the Bank carry out an independent ex-post evaluation—a Resettlement Action Plan completion audit or implementation completion report.			

### 3.24 Comparative Analysis of AfDB ISS and Kenya’s Requirements Relevant to the Process

**Table 3- 3: Comparative Analysis of AfDB ISS and Kenya’s requirements Relevant to the Process**

<b>Category of PAHs and Type of Lost Assets</b>	<b>Kenyan Law</b>	<b>AfDB ISS</b>
<b>Land Owners</b>	<p>Land Value (Amendment) Act 2019 clear on forms of compensation. Apart from monetary compensation, the following new forms of compensation have been introduced under the Act:</p> <ul style="list-style-type: none"> <li>• Allocation of an alternative parcel of land of equivalent value and comparable geographical location and land use to the land compulsorily acquired;</li> <li>• Issuance of government bond;</li> <li>• Grant or transfer of development rights as may be prescribed;</li> <li>• Equity shares in a government-owned entity; and</li> <li>• Any other lawful compensation.</li> </ul>	Entitled to compensation for land, structures and crops and investments made on the land; livelihood must be restored to at least pre-project levels and preferably improved. There is a preference for land for land compensation.



	<p>An owner whose land has been compulsorily acquired shall elect the form of compensation.</p> <p>Land Act also provides for compensation for any developments on the land.</p> <p>The Land Value (Amendment) Act 2019 provides that valuation of land for purposes of compensation shall be based on the Land Value Index. This is an analytical representation showing the spatial distribution of land values in a given geographical area at a specific time.</p>	
		Compensation based on full replacement cost of land
<b>Land Users</b>	<p>Recognises those with legal rights. Occupancy in good faith:provision may be made for compensation to be paid to occupants in good faith of land acquired under section 40 under clause (3) and (4)who may not hold title to the land they live in.</p> <p>An occupant in good faith does not include a person unlawfully occupying any land without the consent of the owner</p>	<p>Recognises Those who have formal legal rights to land or other assets recognised under the laws of the country concerned, Those who may not have formal legal rights to land or other assets at the time of the census/ evaluation but can prove that they have a claim that would be recognised under the customary laws of the country and Those who have no recognisable legal right or claim to the land they are occupying in the project area of influence and who do not fall into either of the two categories described above, if they themselves or witnesses can demonstrate that they occupied the project area of influence for at least six months prior to a cut-off date</p>
<b>Owners of Temporary Buildings</b>	The constitution of Kenyan respects the right to private property and in case of compulsory acquisition, just compensation must be granted to the owner for the loss temporary buildings.	Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement.

<b>Owners of Permanent buildings</b>	<p>The constitution of Kenya respects the right to private property and in case of compulsory acquisition, just compensation must be granted to the owner for the permanent building.</p> <p>Land Act 2012 requires compensation for structures based on replacement cost.</p>	Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement.
<b>Tenants</b>	The Kenyan law provides for livelihood restoration measures but is silent on how to treat tenants.	Tenants,-are entitled to relocation assistance. For businesses, they are entitled to compensation for loss of income during transition.
<b>Perennial Crops</b>	Compensation for the loss of crops based on Ministry of Agriculture guidelines and rates.	Full replacement cost for the loss of crops valued at market price.

### 3.25 Korea Eximbank’s Economic Development Cooperation Fund (EDCF) Safeguard Policy

Korea EximBank is committed to ensuring the environmental and social sustainability of EDCF funded projects. The objectives of the EDCF safeguard policy are to :

- Avoid adverse impacts of project impacts on the environment and affected people when avoidance is not possible; and
- Minimize, mitigate and/ or compensate for adverse project impacts on the environment and affected people when avoidance is not possible; and
- Help the borrower to strengthen their safeguard systems and develop the capacity to manage environmental and social risks.

The proposed Kabarnet -Rumuruti 132 Kv transmission Line is classified as a Category A (High Risk) project. “Category A” projects are those which have significant adverse environmental and social impacts and high risks that are irreversible.

### 3.26 Institutional Responsibilities

Responsibility for ensuring that all aspects of resettlement and compensation planning and implementation are taken into consideration falls to project proponents or project implementation bodies. The main institutions involved in land management, compensation and resettlement are briefly described below:

**Table 3- 4: Roles and responsibilities of institutions/Authorities**

Institutions / Departments	Roles
The Ministry of Energy	<p>The Ministry of Energy and Petroleum is responsible for energy policy and regulation of electricity and gas reticulation. The ministry's mission statement is to facilitate provision of clean, sustainable, affordable, reliable, and secure energy services for national development while protecting the environment. The mandate of the ministry is:</p> <ul style="list-style-type: none"> <li>• Hydro power Development.</li> <li>• Geothermal Exploration and Development.</li> <li>• Thermal Power Development.</li> <li>• Oil and Gas Exploration.</li> <li>• Oil/Gas and Minerals sector capacity development.</li> <li>• Rural Electrification Programme.</li> <li>• Petroleum products, import/export/marketing policy Management.</li> <li>• Renewable Energy Promotion and Development</li> <li>• Energy Regulation, Security and Conservation.</li> <li>• Fossil Fuels Exploration and Development.</li> </ul> <p><i>MOE will be the coordinating agency for the proposed project. MoE will provide adequate financing for RAP implementation through budgetary allocation. The ministry will ensure overall project coordination and oversight through regular meetings with KETRACO. They also ensure consolidation of progress reports from KETRACO and reporting to the AfDB.</i></p>

Institutions / Departments	Roles
Ministry of Lands and Physical Planning (MOLPP)	<p>The Directorate of Land is charged with the responsibility of ensuring efficient administration and sustainable management of the land resource in the country.</p> <p><i>The MoLPP is responsible for, among others: land policy management, physical planning, land transactions, land adjudication, settlement matters, land registration, as well as land and property valuation services which are important in acquisition and resettlement issues for the proposed project, as well as urban planning.</i></p>
National Treasury	<ul style="list-style-type: none"> <li>• The National Treasury derives its mandate from the Constitution 2010, the Public Management Act 2012 and the Executive order No. 2/2013.</li> <li>• Role include Managing the level and composition of national public debt, national guarantees and other financial obligations of national government;</li> <li>• Formulate, evaluate and promote economic and financial policies that facilitate social and economic development in conjunction with other national government entities;</li> <li>• Mobilize domestic and external resources for financing national and county government budgetary requirements</li> </ul> <p><i>Treasury will provide funding for the project through the Ministry of Energy. They are critical in ensuring budgetary allocation for the project and RAP implementation.</i></p>
Ministry of Environment and Natural Resource	<p>This Ministry is responsible for policies and programmes aimed at improving, maintaining, protecting, conserving and managing the Country's natural resources (water, forestry, wildlife and environment).</p> <p><i>The proposed project RAP is expected to align with the policies and programs of this Ministry mainly in ensuring natural resources are conserved during the resettlement process.</i></p>
Kabarnet and Laikipia County Government	<ul style="list-style-type: none"> <li>• The proposed project is within the jurisdiction of Kabarnet and laikipia County Government.</li> <li>• The County government are expected to enact legislation as well as collaborate on physical planning hence liaison with Kabarnet and Laikipia County government authorities will be required for functions that fall under their jurisdiction.</li> </ul> <p><i>The County Government will participate in the RAP Implementation process through the Social Services Department, Planning, Land and Housing Department, Sub-County Administration; and Ward Administration.</i></p>
Kenya Forest Service (KFS),	<ul style="list-style-type: none"> <li>• Kenya Forest Service is a corporate body established under the Forest Conservation and Management Act no 34 of 2016.</li> <li>• The Act, which was operationalized on 31st March 2017, gave the Service's mandate as "to provide for the development and sustainable management, including conservation and rational utilization of all forest resources for the socioeconomic development of the country and for connected purposes."</li> </ul> <p><i>KFS will hence play a critical role in providing access and RAP information on Lariak and Kapkechir Forest land that will be traversed by the proposed line.</i></p>

Institutions / Departments	Roles
	<p><i>KFS is bound to Conserve, protect and manage all public forests in accordance with the provisions of the Act; Mitigation measures to deal with trees are well expounded in the ESIA / ESMP for the proposed Kabarnet - Rumuruti project.</i></p>
Kenya Wildlife Services (KWS),	<ul style="list-style-type: none"> <li>• Kenya Wildlife Service is a state corporation that was established by an Act of Parliament (Cap 376), repealed by Wildlife Conservation and Management Act (WCMA 2013), with the following mandate of among others: conserve and manage national parks, wildlife conservation areas, and sanctuaries under its jurisdiction.</li> <li>• KWS undertakes conservation and management of wildlife resources across all protected areas systems in collaboration with stakeholders.</li> </ul> <p><i>KWS will be key on wildlife management found within the ROW of the proposed transmission line during RAP implementation. Mitigation to deal with wildlife is well expounded in the ESIA / ESMP for the proposed Kabarnet - Rumuruti project.</i></p>
The National Land Commission	<ul style="list-style-type: none"> <li>• The commission is legally mandated to undertake land acquisition on behalf of the government.</li> <li>• It will take up the issues of verification of ownership after the completion of the RAP Study. It will set out clear procedures for land acquisition if needed considering project impacts and land rights.</li> <li>• The exercise will be part of the verification of ownership of property before compensation is paid and relocation carried out.</li> <li>• KETRACO will share the Final RAP Report to NLC with a schedule of lands to be affected for ownership verification and gazettelement for “acquisition.” NLC has the responsibility of resolving land issues including land disputes arising from historical injustices. They will play a crucial role in the land issues triggered by wayleave acquisition.</li> </ul> <p><i>In brief NLC will:</i></p> <ul style="list-style-type: none"> <li>• Facilitate the gazettelement of the line</li> <li>• Ensure resolution of disputes in value of land per acre.</li> <li>• Manage public land on behalf of the national and county governments</li> <li>• Encourage the application of traditional dispute resolution mechanisms in land conflicts</li> <li>• Ensure that public land/land under the management of designated state agencies is sustainably managed</li> <li>• Develop and encourage alternative dispute resolution mechanisms in land dispute handling and management.</li> </ul>
National Museums of Kenya (NMK)	<p>The National Museums of Kenya is a state corporation that manages museums, sites and monuments in Kenya. It carries out heritage research, and has expertise in subjects ranging from paleontology, ethnography and biodiversity research and conservation.</p> <p><i>NMK will be a key institution to be engaged if the proposed project finds any important cultural heritage sites and/or archeological sites.</i></p>

Institutions / Departments	Roles
Ministry of Interior and Coordination of National Government	<p>Ministry of Interior and Coordination of National Government is charged with the responsibility of public administration, internal security etc. It creates an enabling environment for Kenya's growth and prosperity through provision of security and safety to people and property.</p> <p><i>At the local levels, the Chiefs, assistant chiefs and ACCs will be engaged for purposes of mobilization of PAPs, provision of security and involvement in the grievance redress mechanisms.</i></p>

### 3.27 Project implementation team

As part of the on-going progress reporting exercise, the PIT will be required to submit to the financier of the RAP implementation and compensation status as it relates to the resettlement aspects of the project. The committee will be composed of experts from KETRACO with various key professional disciplines that will oversee the RAP implementation process. The committee will comprise of the below as summarized in the table:-

**Table 3- 5: PIT Roles and Responsibilities**

<b>Position</b>	<b>Roles</b>
General Manager, Technical Services	-Supervise technical designs and operations -Approve technical works -Approval of RAP reports,
General Manager, Finance	-Authorize payments -Supervise accounting systems
Senior Manager Legal services	-Supervise wayleave and land acquisition -Facilitate transfer of alternative land acquired for vulnerable project displaced persons (PDPs) -Promote amicable settlement of any disputes that may arise during the resettlement process -Facilitate the transfer of substation land to KETRACO -Register easements
Project Engineer	-Prepare project progress reports -Coordinate work during construction -Supervise contractors -Handle re-routings -Disseminate information to contractor
Project Accountant	-Process payments to consultants -Process payments to PAHs -Verify compensation details -Make the actual payments
Land Surveyors	-Draw mutations for land transfers -Ground truthing -Rerouting the line -Scaling of the trace for valuation -Supervise contracted surveyors
Land Economist	-Wayleaves acquisition -Valuation and compensation
Socio-economist (assisted by two Assistant Socio-economists and two Community Liaison Officers).	-Contact local administration (county and national government) and plans for sensitization meetings -Hold sensitization meetings and sensitize communities on the project -Handle the social component of the project -Supervise RAP Audit consultants

	<ul style="list-style-type: none"> <li>-Responsible for supporting the project Engineer in ensuring timely implementation of the RAP</li> <li>-Oversee Resettlement.</li> </ul>
Monitoring and Evaluation Officers and Data Clerks	<ul style="list-style-type: none"> <li>-Establish and manage PAP database</li> <li>-Monitor RAP implementation</li> <li>- Involvement into monitoring procedures, especially in monitoring of land dynamics, of progress of livelihood restoration measures and of compensation disbursement</li> </ul>
Liaison/Wayleave officer	<ul style="list-style-type: none"> <li>Liaises with the community</li> <li>-Acts as the link through Communication (in the local language) between KETRACO and the Community</li> </ul>
Communication Officer	<ul style="list-style-type: none"> <li>-Develops and coordinates the corporate communication between KETRACO and the community</li> <li>-Coordinates Corporate Social Responsibilities</li> <li>- Coordinates Project notices and publications</li> <li>-In charge of complaints channeled through official corporate channels</li> </ul>
Project Clerk	<ul style="list-style-type: none"> <li>-Collates and Manages all data of the projects</li> </ul>



## **CHAPTER 4: SOCIO-ECONOMIC PROFILE OF THE PROJECT AFFECTED HOUSEHOLDS**

### **4.1 Introduction**

The information included within this section is from the socio-economic survey targeting the Project Affected Households (PAHs) and presented by County. The Study Area has been defined to incorporate all the settlements totally or partially within 30m ROW along the 95 km Kabarnet-Rumuruti transmission line route. The socio-economic conditions of the PAHs focuses on the key socio-economic development parameters such as demography, literacy, income, employment, asset ownership (including land) among others. The data was collected in December 2021.

### **4.2 Identification of Project-Affected Households**

The following procedure and tasks were followed in identifying PAHs:

- a) The RAP team undertook PAHs mobilization and consultations at different levels in the affected project areas. All issues regarding the project activities and the associated potential impacts on livelihood activities were explained to the PAHs. Alternative compensation measures and the strategies available and the property identification, valuation principles and procedures were also explained to the community members and PAHs.
- b) The cadastral and valuation survey team identified the assets and livelihood activities likely to be affected by the project implementation activities, while mindful of alternative measures for minimizing resettlement/displacements.
- c) The affected asset owners (PAHs) were identified and verified with the help of the national and county administration i.e. the Deputy County Commissioner, Location Chiefs and their assistants in collaboration with the village elders. At all times, the RAP teams explained to the PAHs the objectives and details of the assessment exercise.
- d) A profile of the affected assets was developed indicating the property affected, the extent of property affected, location, owner and extent of loss or effect, damage and takeover. This is indicated in the PAHs summary roll, Appendix A.

### **4.3 Baringo County**

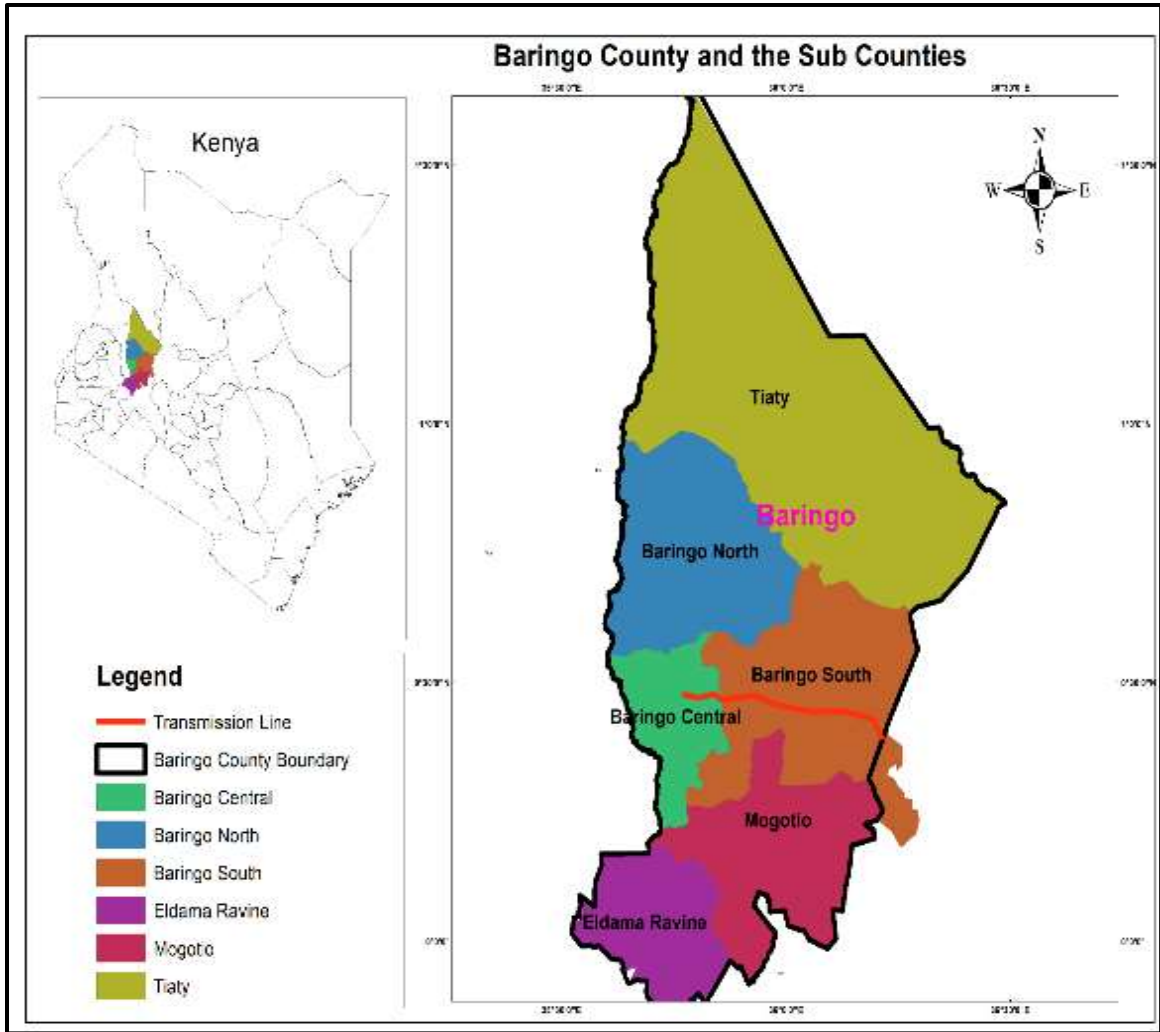
#### **4.3.1 Governance and administration**

Baringo is one of the 47 counties in Kenya and is situated in the Rift Valley region. The county borders Turkana and Samburu counties to the north, Laikipia to the east, Nakuru and Kericho to the south, Uasin-Gishu to the southwest, Elgeyo-Marakwet and West Pokot to the west. It is located between longitudes 35 30' and 36 30' East and between latitudes 0 10' South and 1 40'. The equator cuts across the county at the southern part. Baringo County occupies an area of 11,015.3 km<sup>2</sup> of which 165 km<sup>2</sup> is covered by surface water from Lake Baringo, Lake Bogoria, and Lake Kamnarok.

**Baringo County** comprises of six administrative sub-counties namely Baringo Central, East Pokot, Koibatek, Marigat, Mogotio and Tiaty East. The county has six constituencies: Baringo Central, Baringo South, Baringo North, Eldama Ravine, Mogotio and Tiaty. There

are 30 wards in Baringo county, the largest being Tirioko ward with 1102.68 square kilometers and the smallest being Ravine ward with 33.55 square kilometres

The total length of the transmission line in Baringo County is approximately 62.74 km. **Figure 4-1** is a map of Baringo County with the length of the transmission line.



**Figure 4- 1: Map showing transmission line in Baringo County**

The transmission line route passes through the following locations (see **table 4-1**) in Baringo County. The County is governed by Governor who are elected. Counties are divided into Sub Counties, Locations, Sub Locations and finally villages as the lowest level of governance and administration.

**Table 4- 1: Affected Locations**

County	Location
	Arabal
	Eldume
	Ilngarua

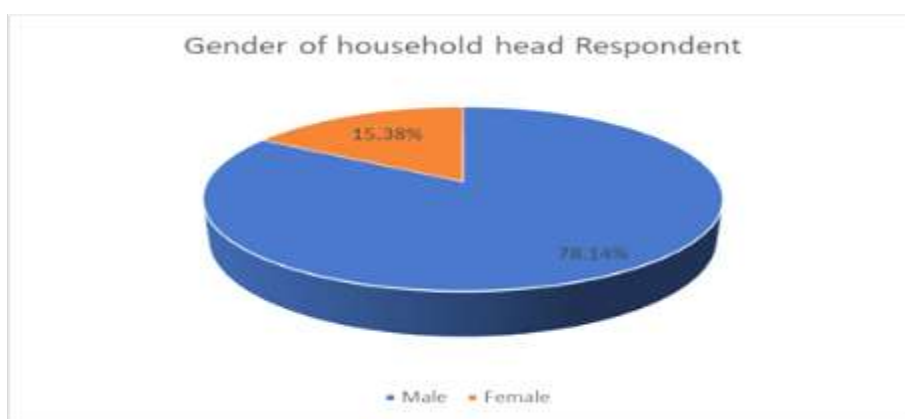
County	Location
Baringo	Kasiela
	Kiambogo
	Kimalel
	Kimoriut
	Kiserian
	Kituro
	Koriema
	Logumgum
	Marigat
	Mochongoi

### 4.3.2 Demographic Profile

#### 4.3.2.1 Population and Household Size

The County's population according to the 2019 National Population and Housing Census was approximately 666,763 million with 336,322 males and 330,428 females and 13 intersex. The population is estimated to be; 804,346 in 2020; 829,346 in 2021; and 853,515 by 2022 using inter-censural population growth rate for the county.

A 100% census was carried out to get information on socio-economic and demographic details of the affected households. In total, 247 households were interviewed for this survey. 78.14% were male and 15.38% were female and 6.48% did not fully respond to the survey. The average size of a household was 8.11 persons per family.



**Figure 4- 2: Gender of Respondents**

**Source: Field Survey**

A substantial number of the Project Affected Household Heads (PAHs) are of ages 36-45, (39.5%) as shown in table below. Those above 55 years of age accounted for 31.5% of the PAHs.

**Table 4- 2: Distribution of PAHs per age**

Age	%
Below 18	0.0

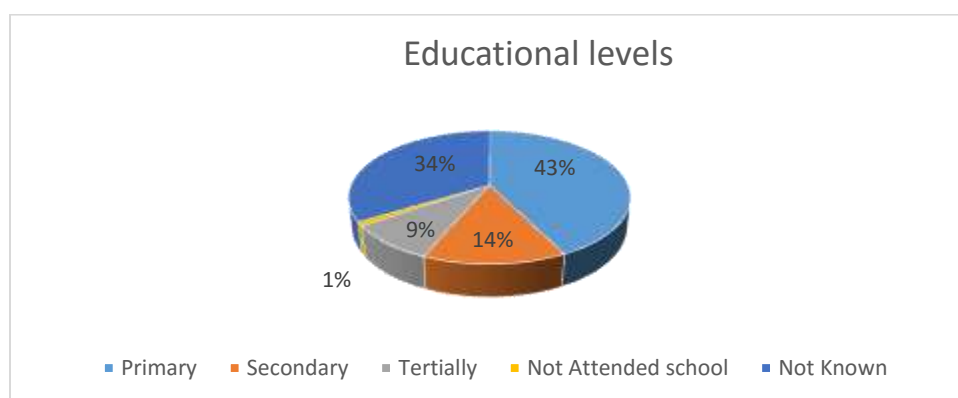
Age	%
18-25yrs	5.3%
26-35yrs	13.2%
36-45yrs	39.5%
46-55yrs	10.5%
56 -65yrs	10.5%
66 - 75yrs	15.8%
76 - 85yrs	2.6%
86 - 95yrs	2.6%
<b>Total</b>	<b>100.0</b>

Source: Field Survey

#### 4.3.2.2 Education Levels of PAHs

Education is one of the indicators of a population’s potential for socioeconomic development and the more educated a person is the more productive they are. Baringo County has relatively low education indicators, 16% of the population have a secondary level of education. The proportion of Baringo County residents who only have a primary education stands at 48%. The share of Baringo County residents with no formal education is at 36%.

A good percentage of the PAHs have completed primary education (42%) with 15.4% having completed secondary education and 9.1% have attended college /university. The percentage of PAHs who have not attended school is only 1.5% while those who did not respond / not known is 32%. Most of the PAHs (62%) are able to read and write.



**Figure 4- 3: Level of Education**

Source: Field Survey

#### 4.3.2.3 Ethnicity, Language and Religion

The main ethnic groups in the settlements of the Study Area is Tugen, followed by the Ilchamus with minority groups such as Endorois also present. The latter two groups i.e. the Ilchamus and Endorois meet the criteria for vulnerable and marginalised groups as defined by AfDB OS2. No conflicts or tensions between these groups have been reported. While the official language is English, the field work has shown that English and Kiswahili is widely spoken.

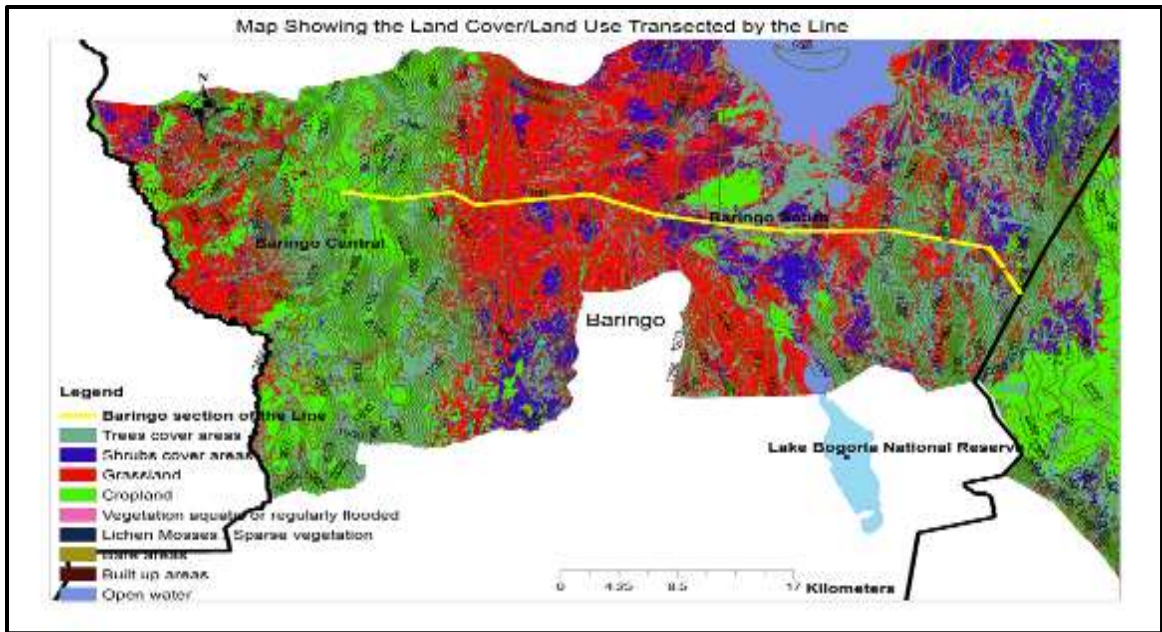
The population in the settlements surveyed is predominantly Christian. Religion in the settlements of the Study Area is often associated with place of worship and all surveyed settlements have churches, usually at least one Catholic and one Protestant (or Evangelical).

### **4.3.3 Sources of Income**

Baringo County with a total land area of 11,015 square kilometres, has total arable land of 4,435, total non-arable land of 5,700 and total urban area land of 715 square kilometers. The largest portion of land in Baringo County is under community land tenure system, held in trust by the County Government. Community land is protected under Article 63 of the Kenyan Constitution and is governed as outlined by the recently enacted Community Land Act 2016.

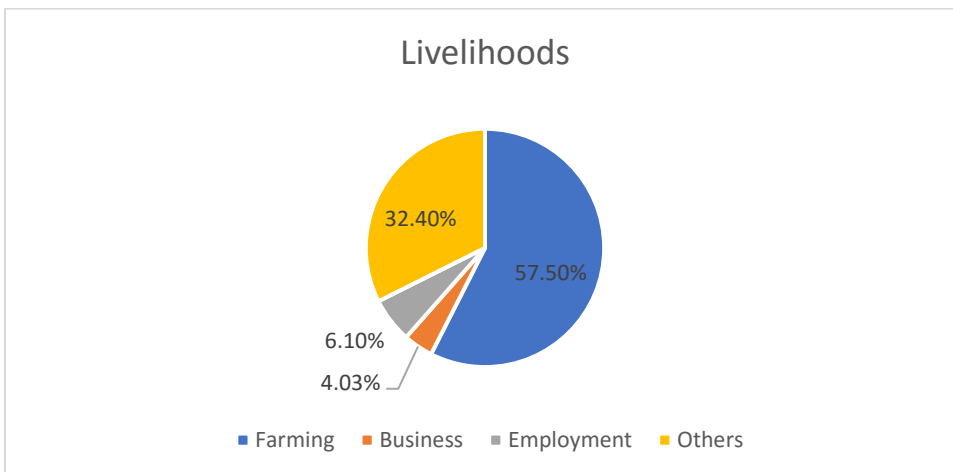
According to 2009 KPHC Analytical report, projected population within the age brackets 15-64 years which forms the County's labour force forms about 48 per cent of the projected total population during the planning period. The report further indicates that 58.9% of the County population is self-employed, mainly as small scale farmers. In Baringo County, unemployment stood at 11 per cent in 2009 and increased at the same rate. The percentage of employed labour force in the formal sector in the county is at 15.8% compared to 21.9% in the Country, with the county having a higher percentage of economically inactive population in the labour force at 29.4% compared to 22.9% national percentage.

Along the project route, land use activities along the project transmission route are mainly cultivation agriculture (cropland) and open grassland mainly around Lariak Forest as shown in **figure 4-4** below. Agricultural activities observed include the cultivation of crops including potatoes, maize, wheat, sorghum, beans, peas, cassava, tomatoes, onions, coffee, tea, and livestock farming of cows, goats, sheep, donkey, poultry and pigs.



**Figure 4- 4: Land Cover and Land Use along Transmission Line**

The findings revealed that farming was the major source of income among the PAHs, with a percentage of 57.5%, followed by Employment at 6% and Business at 4%. A total of 32.4% did not indicate their sources of income though it was apparent they at least had some kind of livelihood e.g pension among other sources. The pie chart below represents a summary of the findings.



**Figure 4- 5: Sources of Livelihoods**

**Source: Field Survey**

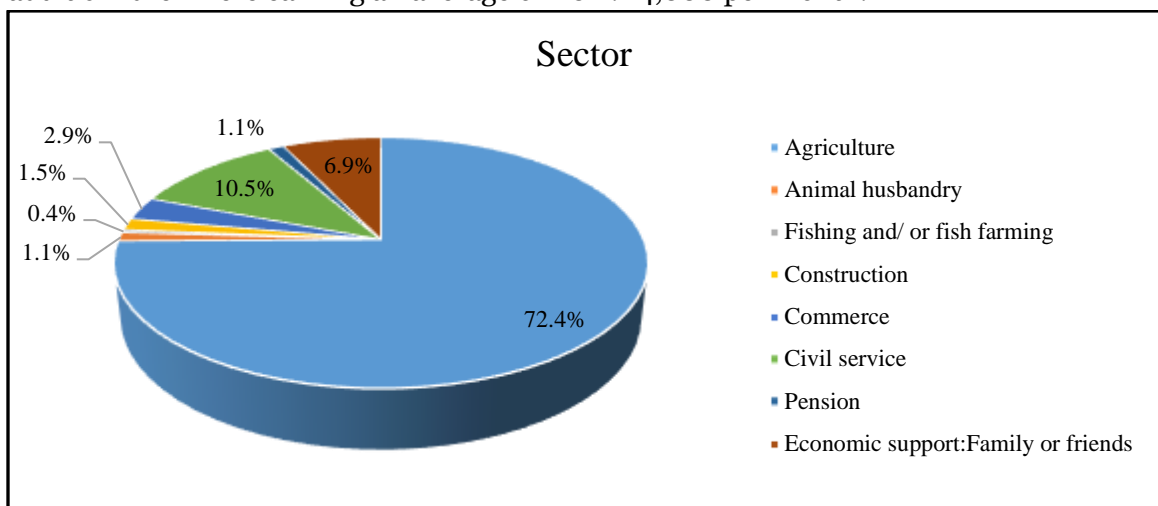
Lack of employment was one of the main complaints and challenges identified by PAHs together with access to water, health and education services. This is likely a reflection of the desire for PAHs to gain employment beyond subsistence agriculture. There is high

expectation from local authorities and community members that projects such as the Kabarnet-Rumuruti transmission line will create local jobs.

The informal sector is an important source of employment for the population in Kenya and most employment in peri-urban areas is in the informal sector. This sector include domestic work, wholesale and retail commerce, and primary production. Some activities appear to be strongly gendered; typically, female sectors include food manufacturing, services and trade. Street vending is an important part of informal employment and of urban livelihoods.

Agriculture plays an important economic role in this region, especially in the section of the transmission line route, with agricultural production being used mainly for household nutrition. Beyond subsistence agriculture, the other main economic activities along the Study Area are reflected in **figure 5-3** above.

The major source of income for the PAHs is from agriculture (crop) at 81.6 %. From the survey, the average PAHHs monthly income levels was KSh. 18,446.00 per month with their spouses earning an average of KSh. 8,900 - per month. The survey also showed that adult children were earning an average of KSh. 14,000 per month.



**Figure 4- 6: Income Sources**  
Source: Field Survey

#### 4.3.4 Main Livelihood Activities

The majority of the settlements surveyed reported that subsistence agriculture (including animal husbandry) is the primary livelihood activity. In addition to agriculture, other livelihood activities reported are:

- Commerce
- Civil Service
- Economic support from family and friends
- Informal trade

As described in **Figure 5-4**, all of the surveyed settlements reported subsistence agriculture as their primary livelihood activity. In the peri-urban areas the settlements

similarly reported subsistence agriculture as their primary livelihood as well as informal trade. Household food consumption is usually dependent on a combination of agriculture. Complementary goods such as salt and oil are bought with money from informal trade and temporary job.

#### **4.3.4.1 Agriculture**

Agriculture for self-consumption with occasional commercialization of surplus was identified as practiced by the PAHs. The produce is sold by the side of the main roads, in major towns or in local markets and are transported by private vehicles and/or taxi. In the peri-urban areas agriculture is undertaken, and is a primary source of income or food for the family.

##### **a. Crops**

The main seasonal crops identified along the surveyed settlements are cassava, beans, kale, sweet potato, peanuts, and maize. There are also permanent crops (mainly fruit trees) including mango, lime, bananas, papaya etc. All crops are for self-consumption and commercialization (in some settlements, see above, they are commercialized only if there are surpluses). **Figure 5-5** presents photos of some of the plots farmed within the Study Area.



**Figure 4- 7: Crop types**

##### **b. Access to Land**

The average parcel size is 3 acres, although it can vary according to land availability. Households may share the use of different plots to grow different crops, using plots in different areas that have the characteristics required for each type of crop (e.g. soil type, water availability etc.).

##### **c. Roles and Responsibilities**

Both men and women work the land with women being predominantly responsible for the activity as men are also involved in other informal sources of income when available.

##### **d. Seasonality**

Although farming is practised all year round, the rainy season, from April-November, is the peak season for agricultural activity. Land preparation starts in late March. The types



of crops that subsistence farmers choose to cultivate is not always driven by the best use of the land, but is rather related to other aspects such as manpower, seed availability, knowledge, market, etc. Crop harvesting time depends on the crops. Some can be harvested in two to three months while others need six months. In the case of cassava, production is highest 18 to 20 months after planting. Fruit trees will take years to produce fruit and reach maturity.

#### **e. Challenges**

The main challenges related to agriculture in the surveyed settlements are related to sufficiency for subsistence, not enough financial resources to invest in tools that could improve productivity, fertility of the soil and diseases. Where production is aimed at commercialization, the main challenge is access to markets due to transportation.

#### ***4.3.4.2 Animal Husbandry***

Animal husbandry along the surveyed settlements consists mainly of chicken, goats, pork and ducks for subsistence. Most families in rural areas have animals that can free to roam around settlements. Goats are also often seen along the main roads. The average number of animals per household varies among and within the settlements surveyed in the Study Area. This variation is mainly due to the availability of other food sources (i.e. when there is not enough crop production for consumption, a higher number of animals are slaughtered).

#### ***4.3.4.3 Other***

The PAHs in the Study Area generally rely on subsistence activities mentioned above. There are, however, other sources of income that include small vendors and temporary jobs. Formal employment is uncommon and unemployment was one of the main complaints/challenges cited during the data collection.

#### ***4.3.5 PAH Expenditure Levels***

Education accounts for the highest expenditure followed by agricultural input purchase.

**Table 4- 3: PAH Monthly Expenditure Levels**

<b>Expenditure</b>	<b>Amount (Ksh)</b>
House Rent	7,541.67
Agricultural Input	11,794.36
Food	11,415.47
Health	2,358.70
Transport	4,824.69
Education	23,157.74
Other	7,322.22

**Source: Field Survey**

#### ***4.3.6 PAHs Welfare Analysis***

Baringo County is among the marginalized counties in Kenya with a poverty incidence of 52.2% against 45.2% nationally and a contribution of 1.7% to the national poverty.

#### **4.3.6.1 Housing**

The houses in the ROW are divided into two types of use: residential and ancillary structures including small shacks used by farmers as shelters and storage, and are usually located next to farming land. The average size of residential buildings along the surveyed area is 50m<sup>2</sup>, divided into two bedroom and one living room. The kitchen is generally located outside the house with toilet facilities also most located outside. Most houses are made of mud walls and zinc sheets, with fewer being built with brick (red) and block (grey). Zinc sheets are the main material used for roofs.



**Figure 4- 8: Housing along the Project Route**

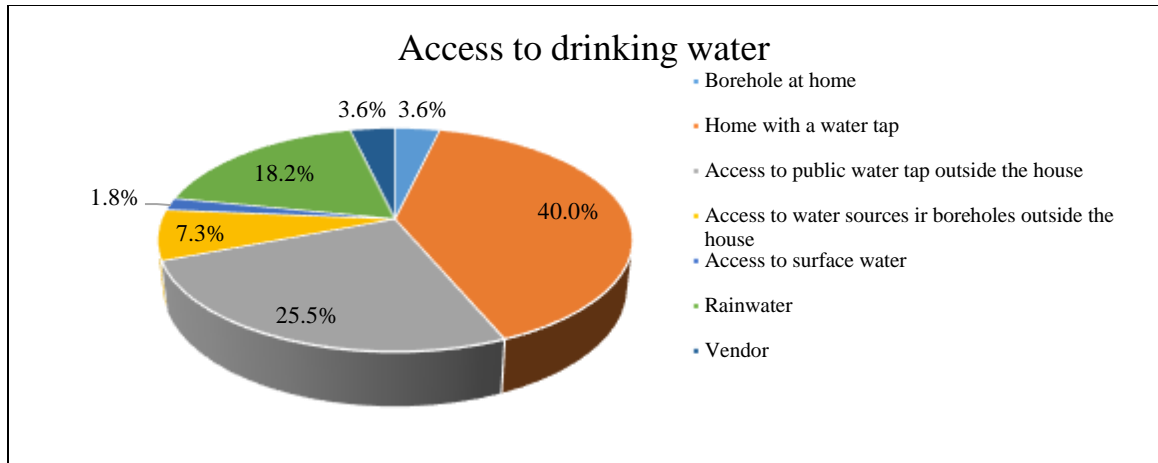


**Figure 4- 9: Type of Houses Affected By Project**

#### **4.3.6.2 PAHs Sources of Water**

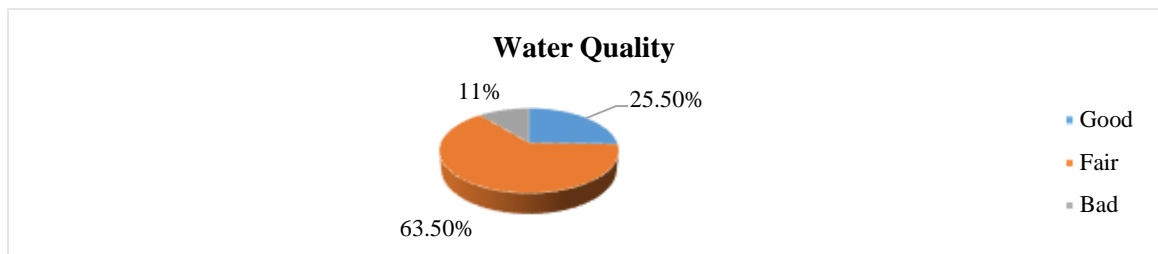
The main sources of water in Baringo County include dams, lake, water pans, streams, wells, springs and boreholes; others include piped water or point sources. The average distance to the nearest water point is 5km which is way below the (SPHERE) Standards on access to water.

Majority of the PAHs receive their drinking water from surface sources e.g. rivers followed by water from boreholes and public water taps outside of the houses as shown in Figure 4-10



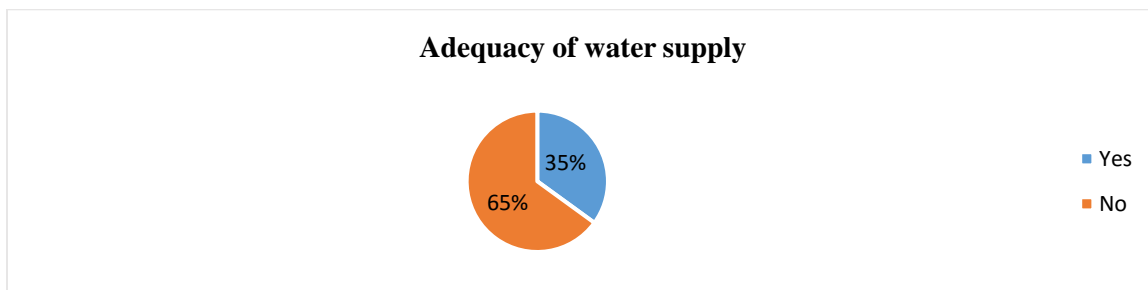
**Figure 4- 10: Main Sources of Water**  
**Source: Field Survey**

The water quality is generally fair with 63.5% of the PAHs indicating that the water quality is acceptable. 25.5% of the PAHs find the water to be good while 11% find it to be bad.



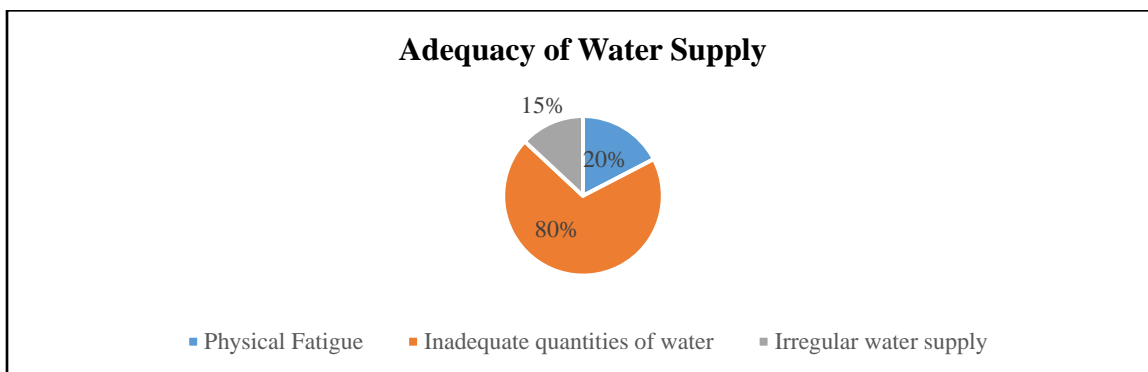
**Figure 4- 11: Water Quality**  
**Source: Field Survey**

The major issue experienced in the area is inadequacy of water, with 65% of the PAHs stating that the water supply is not adequate as shown in Figure 4- 11



**Figure 4- 12: Adequacy of Water Supply**  
**Source: Field Survey**

Further solidifying the fact that the major issue that people have in the area with regards to water supply is the irregularity of the supply among others as shown in Figure 4- 12



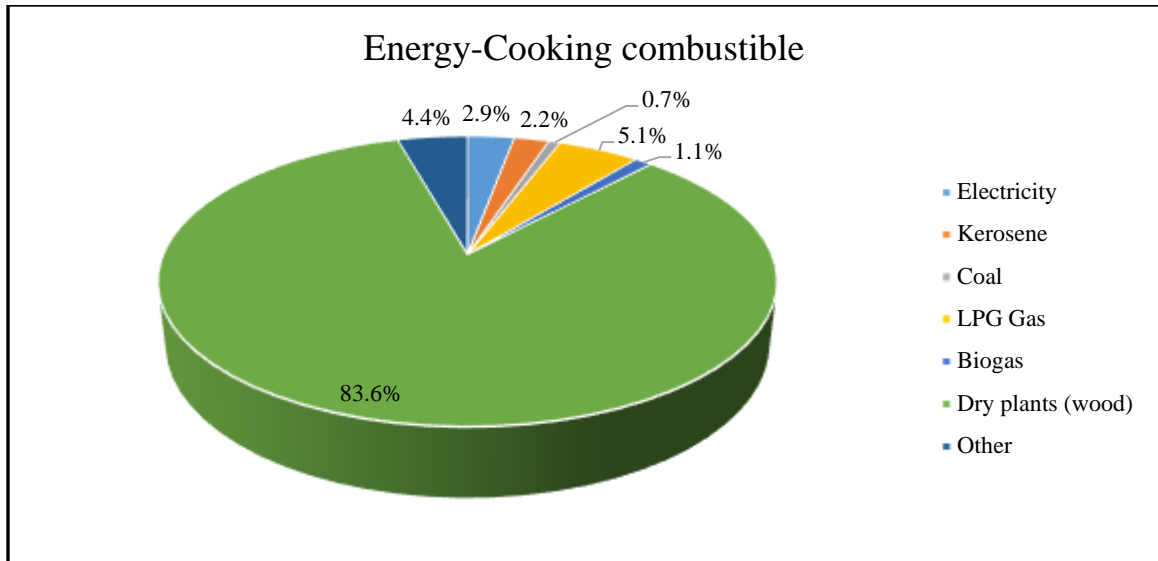
**Figure 4- 13: Challenges faced with regards to water**

**Source: Field Survey**

#### **4.3.6.3 PAHs Energy and Electricity Source**

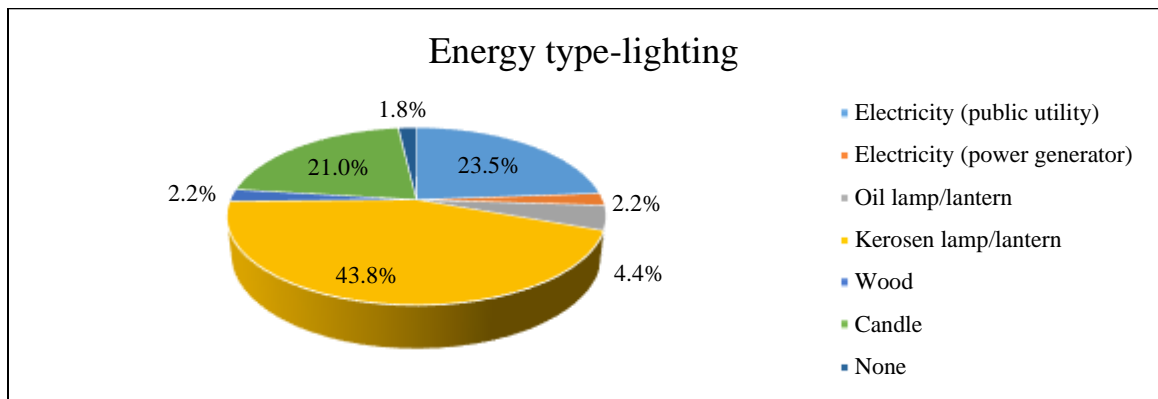
Electricity connections in the county are just above 9.6% of the County Population compared to 22.7% average for the Country population. This situation is rapidly changing as the County in collaboration with the National Government invests more resources in power generation, transmission and distribution through its last mile program. The County is still below the national averages in the renewable improved energy sources. Access to various utilities is high in the urban areas compared to the rural areas. According to Kenya Power and Lighting Company (KPLC), over 49,000 households connect to electricity; of these, 10% use electricity for cooking. Firewood is a major source of cooking and lighting fuel (87 and 28% respectively).

According to the census and socio-economic survey, the main source of energy for lighting is from the kerosene at 43.8% followed by electricity from the national grid 23.5%. Energy for cooking is mainly from firewood as shown in Figure 4- 14



**Figure 4- 14: Energy Source-Cooking**  
**Source: Field Survey**

The main household sources of lighting were electricity from the grid (79%). Other sources included lanterns/kerosene lamps diesel generators solar, candle, lantern and wood as shown in Figure 4- 15



**Figure 4- 15: Energy Source-Lighting**  
**Source: Field Survey**

#### **4.3.6.4 PAH Vulnerability**

Vulnerability is related to the ability of individuals and groups to adapt to socioeconomic or bio-physical change. Vulnerable individuals and groups are therefore more susceptible to negative impacts or have a limited ability to take advantage of positive impacts. Vulnerability is a pre-existing status that is independent of the Project and may be reflected by an existing low level of access to key socio-economic or environmental resources or a lack of access to information and decision making.

In the Study Area, vulnerability has been identified and linked to the following factors:

- Female and/or elderly or child headed households. These households are likely to have fewer resources on which to rely and are less likely to have savings and/or access to alternative sources of income. They are also likely to have less access to information and decision making and may not understand or be able to exert their rights.
- Households with disabled household members or high number of dependents. Those who lack physical mobility or who have mental health issues may be vulnerable to changes and have more difficulties adapting to new contexts. With relation to the transmission line, displacement impacts related to restriction on land access or need to replace housing could be particularly challenging.

**Table 4- 4: Vulnerable PAPs ; Baringo**

County	No. of Widows	No. of Orphans	Physically Challenged	No. of Elderly (over 60 years)	Totals
Baringo	00	01	01	35	<b>37</b>

According to the census survey most of the PAPs falling in the vulnerable category are the elderly who are over 60 years of age.

#### ***4.3.7 Land Use and Ownership***

##### ***4.3.7.1 Land Tenure***

Land tenure along the project route and in the ROW is a combination of registered private land, registered group ranch land and unregistered community land. All PAHs categorized as land owners in the project affected ROW and are either holding formal titles to the land (individually or as a groups) showing legal ownership or unregistered under communal tenure (community land). The PAHs affected in the areas of Eldume, Il'ngarua, Logungum, Arabal and Kasiela are in unregistered community land while those PAHs in Kimalel, are part of the registred Kimalel group ranch (which has a single title deed under the name of the group ranch). Inheritance is the main source of access to the affected land, which can also be accessed by leasing, borrowing, and sharecropping; all these types of access were identified throughout the Study Area. In contrast, in urban and peri-urban areas, land access is less dependent on inheritance and more on the land market. In relation to land tenure and property rights for women, women do not have equal land access to men. This is due to the fact that under traditional inheritance practices, land passes to sons and male relatives of the deceased, or other male relatives such as brothers or nephews.

##### ***4.3.7.2 Land Use***

Land cover along the transmission line route remains mostly rural, composed of savannah and forest, with agricultural areas of seasonal and permanent crop production, and even fewer areas of industrial use. Mixed land use with rural characteristics and predominance of small scale agriculture of seasonal crops (i.e., cassava, beans, sweet potato, maize) and few areas with permanent crops.

#### **4.3.8 Gender Dynamics**

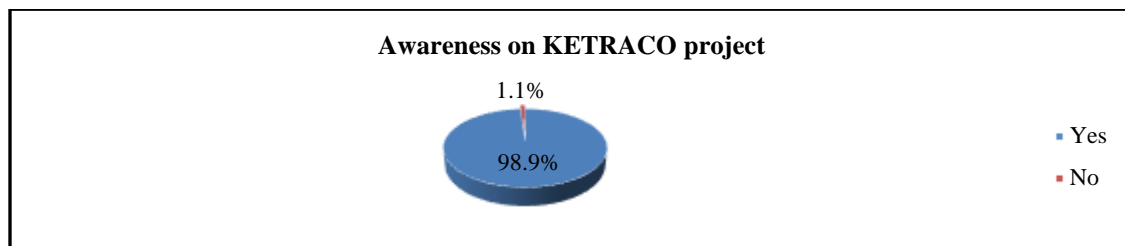
Despite legal dispositions promoting the end of gender-based violence and discrimination against women, discrimination in terms of women's access to resources and assets remains an issue. One of the main challenges for women in Kenya, particularly in rural areas, has to do with the lack of access to education and exclusion from decision-making. Rural women are rarely represented in politics, even by women leaders. With respect to land ownership specifically, traditional succession practices generally establish that family land passes to sons and male relatives of the deceased. Under traditional customary tenure practices, women usually have access to land through their status as a wife. As the system evolves to more individualized rights, the evolutionary process often omits identifying the land rights of women. As a result, not only do women fail to obtain the benefits of the more individualized rights, they may simultaneously lose their traditional right of access.

#### **4.3.9 Roads and Transport**

The road network is the primary transport system. In peri-urban areas, it is mainly use of private vehicles and serviced by mini bus taxi. Outside of the peri-urban areas there is little public transport and individuals either walk or rely on private taxis (boda bodas, vans), to reach larger settlements or often hitchhike. Taxis (and buses, where available) are considered expensive and not reliable, and are mostly used only in case of medical emergencies. Those located further away are connected by dirt roads. Road conditions and lack of public transportation system are the main challenges cited related to access to services such as health and education, as well as access to employment opportunities.

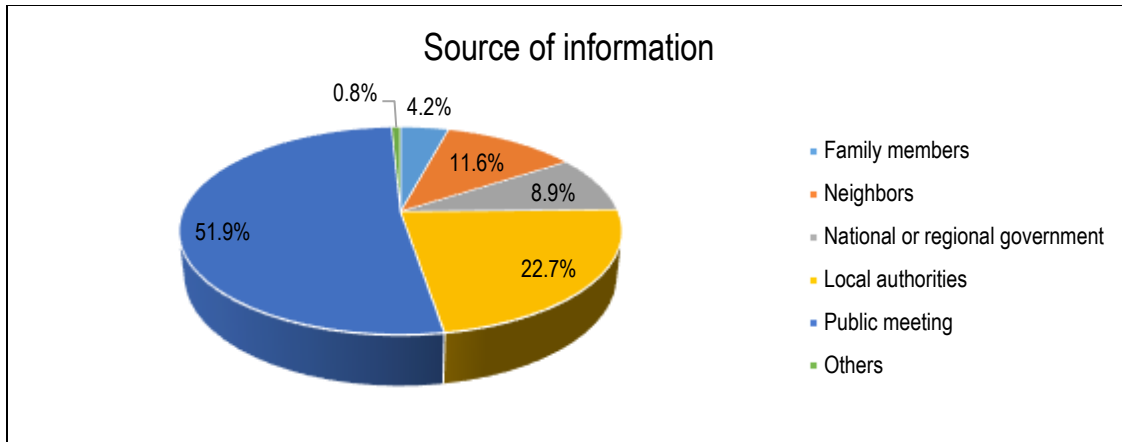
#### **4.3.10 Magnitude of Expected Loss and Preferences**

All the PAHs were aware about the proposed 132kV Kabarnet–Rumuruti power transmission line Project, with the public meetings organised by KETRACO and the consultant being the highest source of information about the project



**Figure 4- 16: Awareness of Project**

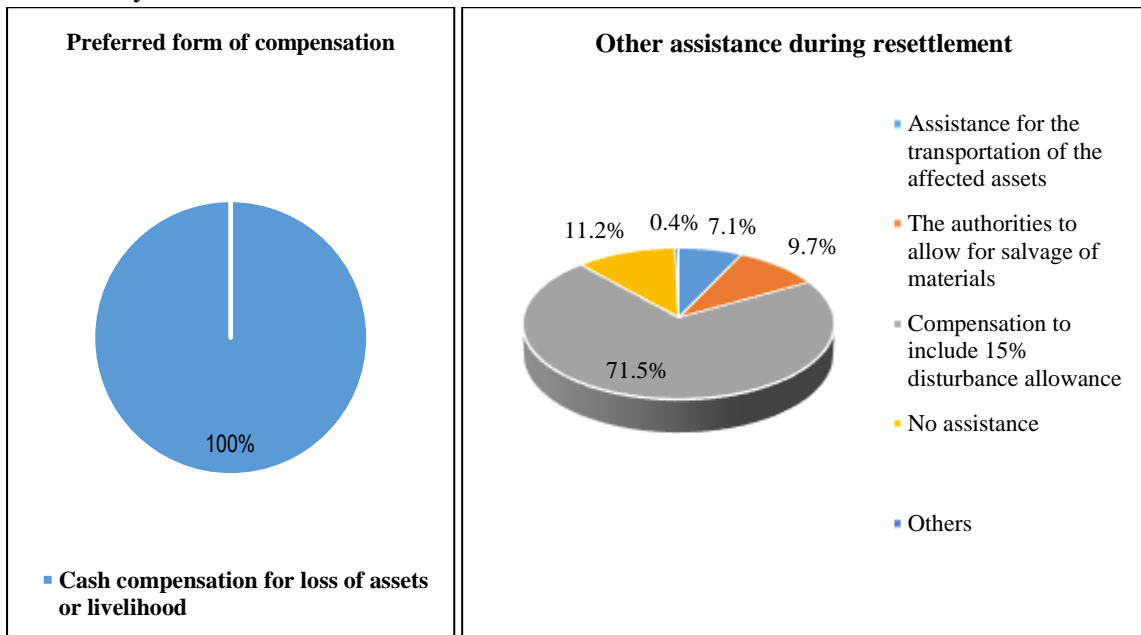
Source: Field Survey



**Figure 4- 17: Sources of Information**  
Source: Field Survey

**4.3.10.1 Preference for Compensation and assistance**

The preferred mode of compensation by the PAHs (100%) was cash and PAHs wanted 15% disturbance allowance as well as support in salvage of materials.. PAHs whose land is held in trust by the county government (unregistered community land) were made aware of the implications of cash compensation during the consultations and they were made aware that their compensation would be deposited in an interest-earning escrow account held in trust by the county government and only accessible upon registering the community land. They did not have a problem with this requirement and indicated that they would initiate the process of registration of the community land in accordance with the Community Land Act 2016. In addition the act requires that all community ranches should be registered as community land.

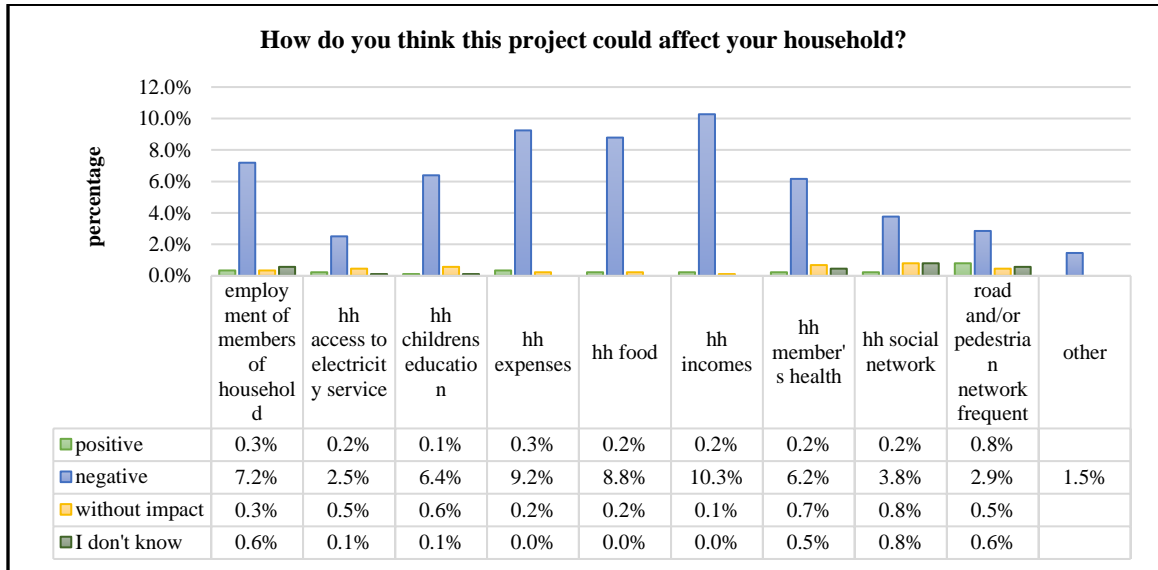


**Figure 4- 18: Compensation Preference and Assistance**  
Source: Field Survey



### 4.1.1.2 Project Impacts

Majority of the household heads were aware that the project will negatively affect their source of incomes including employment, food access, increased expenses among others as shown in Figure 4- 19



**Figure 4- 19: Project Livelihood Impacts**

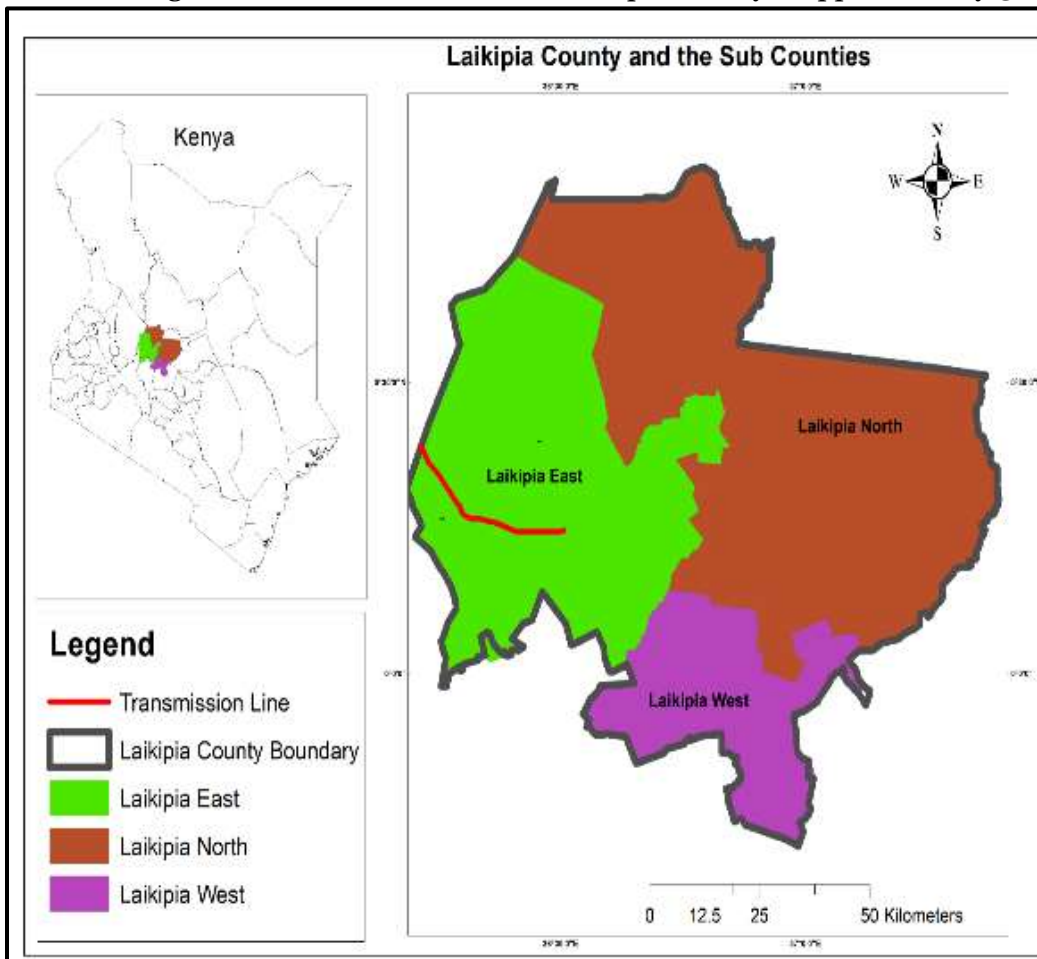
Source: Field Survey

## 4.4 Laikipia County

### 4.4.1 Governance and Administration

Laikipia borders Samburu County to the North, Isiolo County to the North East, Meru County to the East, Nyeri County to the South East, Nyandarua County to the South, Nakuru County to the South West and Baringo County to the West. The County lies between latitudes  $0^{\circ} 18''$  South and  $0^{\circ} 51''$  North and between longitude  $36^{\circ} 11''$  and  $37^{\circ} 24'$  East. It covers an area of 9,462 km<sup>2</sup> and ranks as the 15th largest county in the country by land size.

Laikipia County comprises of three administrative sub-counties namely Laikipia East, Laikipia North, and Laikipia West (the sub county units are geographically equivalent to the constituencies). The sub county headquarters are at Nanyuki, Doldol, Rumuruti and Nyahururu respectively and further divided into five Administrative districts namely: Laikipia East, Laikipia West, Laikipia North, Laikipia Central and Nyahururu. The county is further sub-divided into 15 divisions, 51 locations and 96 sub-locations respectively. The total length of the transmission line in Laikipia County is approximately **31.00**km.



**Figure 4- 20: Transmisison Line route in Laikipia County**

The transmission line route passes through the following locations Table 4- 5 in Laikipia County.

**Table 4- 5: Affected Locations**

County	Location
Laikipia	Melwa
	Gituamba
	Muhotetu
	Kiambogo

#### **4.4.2 Demographic Profile**

##### **4.4.2.1 Population and Household Size**

According to the 2019 Kenya National Bureau of Statistics (KNBS) Housing and Population Census, the total population for the county stood at 518,560 people of which 259,440 were males and 259,102 were females. The ratio of men to women stands at almost one to one with need for efforts towards gender parity in provision of socioeconomic opportunities. The possible explanation for lower male population across the age cohorts across the age of 19 years are factors related to lower life expectancy amongst males.

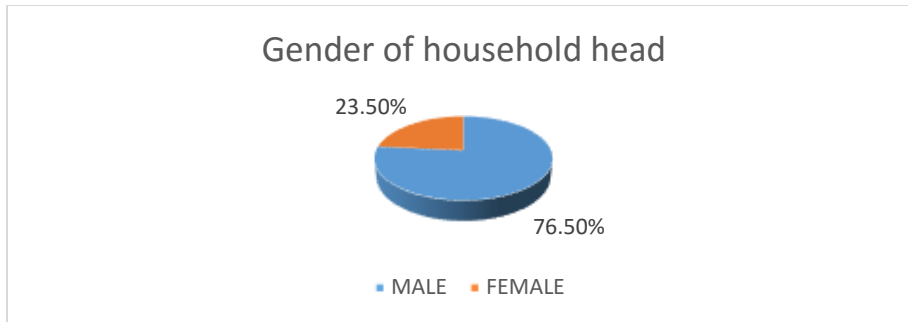
A 100 % census was carried out to get information on socio-economic and demographic details of the affected households. Out of the total population of 242 household heads sampled, 76.5% were male and 23.5% females. The average size of a household was 8.11 persons per family (estimated number of adults per family).

**Table 4- 6: Distribution of PAHs according to gender**

Location	Male	Female
Melwa	9	3
Gituamba	4	1
Kiambogo	3	2
Totals	16	6

##### **4.3.2.2 Distribution of PAHs by Age and Gender**

The PAHH is predominantly male accounting for 76.54% of the total PAHH population.



**Figure 4- 21: Gender of PAHs**

**Source: Field Survey**

A substantial number of the Project Affected Household Heads (PAHs) are of ages between 66 - 75, (35.2%) as shown in table 5-6. Those above 55 years of age accounted for 64.6% of the PAHs. The other household members were mainly related to the household head by parenthood.

**Table 4- 7: Age of PAHs**

<b>Below 18</b>	0.0%
<b>18-25yrs</b>	0.0%
<b>26-35yrs</b>	12%
<b>36-45yrs</b>	17.6%
<b>46-55yrs</b>	5.8
<b>56 - 65yrs</b>	29.4%
<b>66 – 75yrs</b>	35.2%
<b>76 - 85yrs</b>	0%
<b>86 - 95yrs</b>	0%

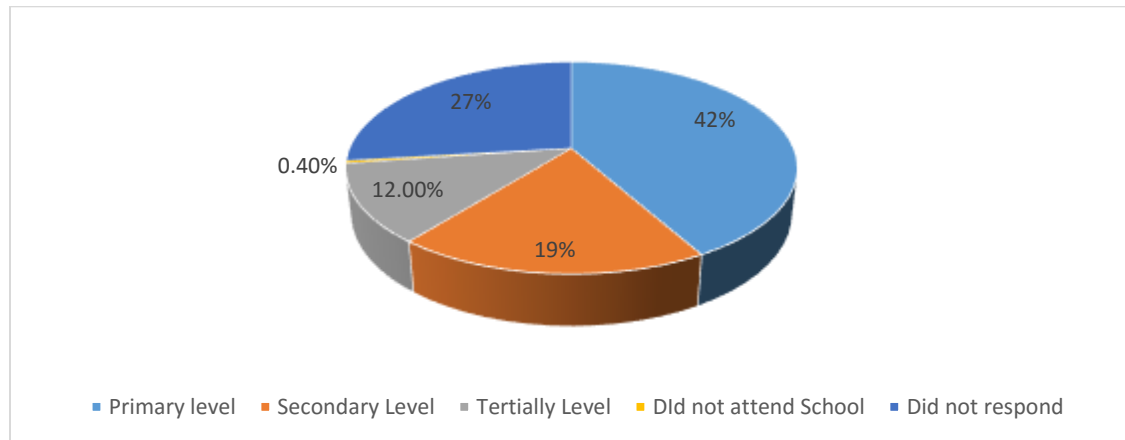
#### **4.4.3 Education Levels of PAHs**

Primary education is readily accessible in the County as reflected by the fact that 90 per cent of the population is located between 0 and 4.9 kilometers from the nearest primary school with only 10 per cent located over 5 kilometres. The population of 15 years and above consists of 86.1 per cent persons who can read and write.

The gross enrolment rate, retention rate and the completion rate in secondary school stands at 62 per cent 80 per cent and 79 per cent respectively. Secondary education is not readily accessible as reflected by the fact that 60 per cent of the population is located between 1.1 and 4.9 kilometers while 35 per cent is located over five kilometers from the nearest secondary school. Only five per cent of the population lies between zero and one kilometers.

Out of the total number of PAHs sampled 42.% and 19% had completed primary and secondary school education respectively. Those who have furthered their education into the tertially levels are 11.5% while those not attended school are 0.41%. Out of the total

population surveyed 27% didn't respond. The percentage of PAHs who have completed technical and university was found to be low compared to other levels of education with 72.5% of the total population being able to read and write.



**Figure 4- 22: Educational Levels.**

Source: Field Survey

#### ***4.4.4 Ethnicity, Language and Religion***

The main ethnic groups in the settlements of the Study Area is Kikuyu and they do not meet the criteria for vulnerable and marginalised groups as defined by AfDB ISS. While the official language is English, the field work has shown that English and Kiswahili is widely spoken. The population in the affected areas is predominantly Christian. Religion in the affected locations by the Transmission line is often associated with place of worship and all surveyed affected areas have churches, usually at least one Catholic and one Protestant (or Evangelical).

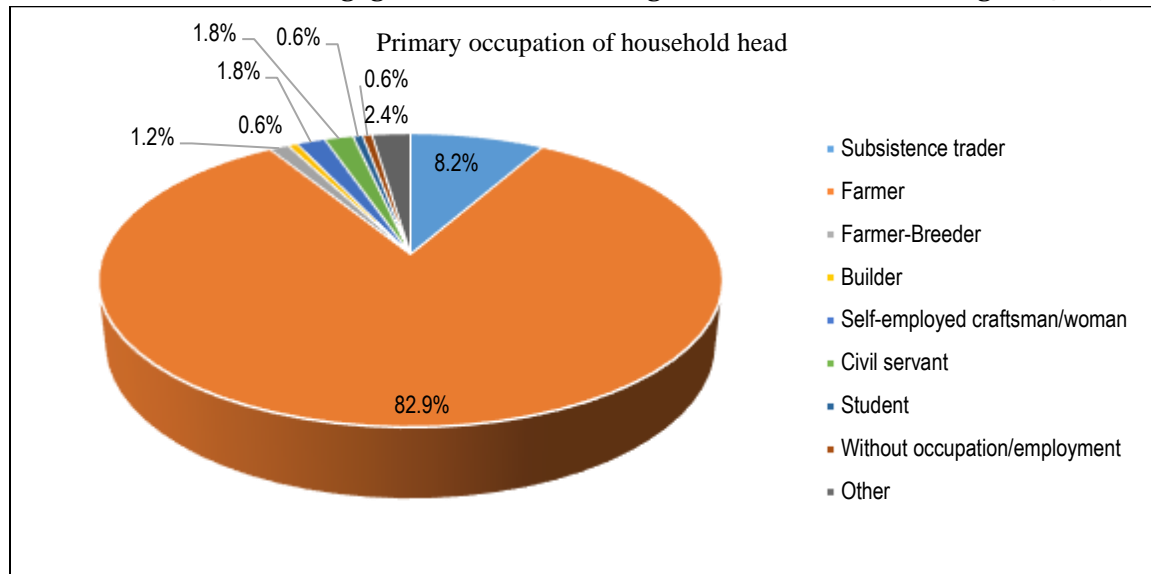
#### ***4.4.5 Economy and Employment***

According to the Kenya national bureau of statistics (population and census, 2019) the labor force of Laikipia country stood at 260,859 persons (comprising of 119,047 males and 220,213 females) representing 43.5 percent of the county population. Based on 2019 national population census, 24.4 per cent of the labour force was employed in the formal sector whereas 42.8 per cent was employed in the informal sector. Most of the labour force under this category runs micro and small enterprises in both the formal and informal sector.

In Laikipia County, 16% of the residents with no formal education, 22% of those with a primary education and 32% of those with secondary level of education or above are working for pay. The youth form the bulk of the unemployed labour force. This is attributed to low industrial base, inadequate technical skills and poor motivation towards self-employment.

#### 4.4.5.1 Employment

The primary sources /sectors of employment for the PAHs follow the national profile, with the predominance of the agriculture sector and related activities. Majority of the PAHs are farmers who engage in different farming activities as shown in Figure 4- 23



**Figure 4- 23: Primary Occupation of Household Head**

Source: Field Survey

Lack of employment was one of the main complaints and challenges identified by PAHs together with access to water, health and education services. This is likely a reflection of the desire for PAHs to gain employment beyond subsistence agriculture. There is high expectation from local authorities and community members that the project will create local jobs.

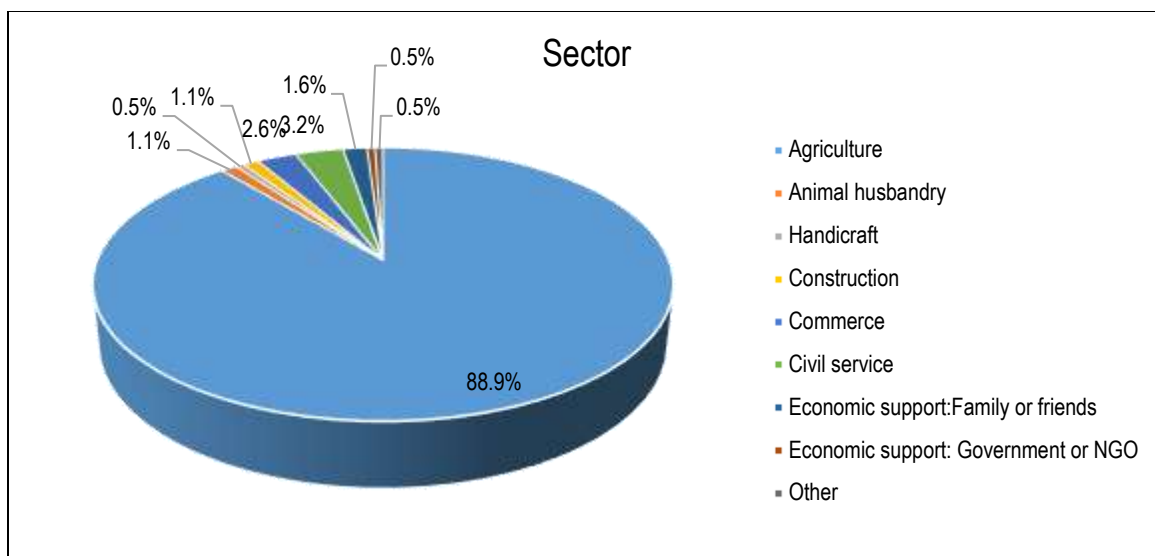
#### 4.4.6 PAH Income and Livelihood

Of the total landmass of the County, arable land constitutes of 1,984 square kilometers. Non-arable land constitutes of 7,456 square kilometers. The County has five main livelihood zones namely; mixed farming, marginal mixed farming, pastoral, formal employment and ranching. The average private farm size for small-scale holders is 2 acres while for large-scale holders is 20 acres.

Agriculture plays an important economic role in this region, especially in the section of the transmission line route, with agricultural production being used mainly for household nutrition. Beyond subsistence agriculture, the other main economic activities along the Study Area are reflected in Figure 4- 24

##### 4.4.6.1 Income

From the survey, the average PAHHs monthly income levels was KSh.15,859.00 per month with their spouses earning an average of KSh. 6,336.00 per month. The survey also showed that adult children were earning an average of KSh. 6,536.00 per month. Other household members had an average income of Ksh. 3,000.00.



**Figure 4- 24: Income Sources**

**Source: Field Survey**

#### **4.4.6.2 Main Livelihood Activities**

The majority of the settlements surveyed reported that subsistence agriculture (including animal husbandry) is the primary livelihood activity. In addition to agriculture, other livelihood activities reported are:

- Agriculture
- Casual work
- Employment
- Informal trade

As described in Figure 4- 24, all of the surveyed settlements reported subsistence agriculture as their primary livelihood activity. In the peri-urban areas the settlements similarly reported subsistence agriculture as their primary livelihood as well as informal trade. Household food consumption is usually dependent on a combination of agriculture. Complementary goods such as salt and oil are bought with money from informal trade and temporary job.

#### **4.6.7 Agriculture**

Agriculture for self-consumption with occasional commercialization of surplus was identified as practiced by the PAHs. The produce is sold by the side of the main roads, in major towns or in local markets and are transported by private vehicles and/or taxi. In the peri-urban areas agriculture is often undertaken, and an important source of income or food for the family.

#### **4.4.7.1 Crops**

The main seasonal crops identified along the surveyed settlements are cassava, beans, kale, sweet potato, peanuts, and maize. There are also permanent crops (mainly fruit trees) including mango, lime, bananas, papaya etc. All crops are for self-consumption and commercialization (in some settlements, see above, they are commercialized only if there

are surpluses). Figure 4- 25 presents photos of some of the plots farmed within the Study Area.



**Figure 4- 25: Crop Types**

#### ***4.4.7.2 Access to Land***

The average parcel size was reported to be two acres, although it can vary according to land availability. Households may share the use of different plots to grow different crops, using plots in different areas that have the characteristics required for each type of crop (e.g. soil type, water availability etc.).

#### ***4.4.7.3 Roles and Responsibilities***

Both men and women work the land with women being predominantly responsible for the activity as men are also involved in other informal sources of income when available.

#### ***4.4.7.4 Seasonality***

Although farming is practiced all year round, the rainy season, from April-November, is the peak season for agricultural activity. Land preparation starts in late March. The types of crops that subsistence farmers choose to cultivate is not always driven by the best use of the land, but is rather related to other aspects such as manpower, seed availability, knowledge, market, etc. Crop harvesting time depends on the crops. Some can be harvested in two to three months while others need six months. In the case of cassava, production is highest 18 to 20 months after planting. Fruit trees will take years to produce fruit and reach maturity.

#### ***4.4.7.5 Challenges***

The main challenges related to agriculture in the surveyed settlements are related to sufficiency for subsistence, not enough financial resources to invest in tools that could improve productivity, fertility of the soil and diseases. Where production is aimed at commercialization, the main challenge is access to markets due to transportation.

#### ***4.6.8 Animal Husbandry***

Animal husbandry along the surveyed settlements consists mainly of chicken, goats, pork and ducks for subsistence. Most families in rural areas have animals that can free to roam around settlements. Goats are also often seen along the main roads. The average number of animals per household varies among and within the settlements surveyed in the Study



Area. This variation is mainly due to the availability of other food sources (i.e. when there is not enough crop production for consumption, a higher number of animals are slaughtered).

#### **4.6.9 Others**

The PAHs in the Study Area generally rely on subsistence activities mentioned above. There are, however, other sources of income that include small vendors and temporary jobs. Formal employment is uncommon and unemployment was one of the main complaints/challenges cited during the data collection.

##### **4.6.9.1 PAH Expenditure Levels**

The Table 4- 8 shows the average monthly expenditure of the PAHs with food accounting for the highest expenditure

**Table 4- 8: Household Monthly Expenditure Levels**

<b>Expenditure</b>	<b>Amount (Ksh)</b>
House Rent	12,972.73
Agricultural Input	9,628.58
Food	5,973.06
Health	4,179.47
Transport	5,159.46
Education	9,981.52
Other	15,000.00

#### **4.6.10 Household Welfare Analysis**

Laikipia is a cosmopolitan county and largely rural in settlement. The settlement patterns in the county are uneven as and are influenced by the differences in land potential, livelihood zones, infrastructure development, land use system and availability of social amenities. Laikipia Central Sub-County has pockets of both high and low densities dictated by the differences in land potential.

##### **4.6.10.1 Housing**

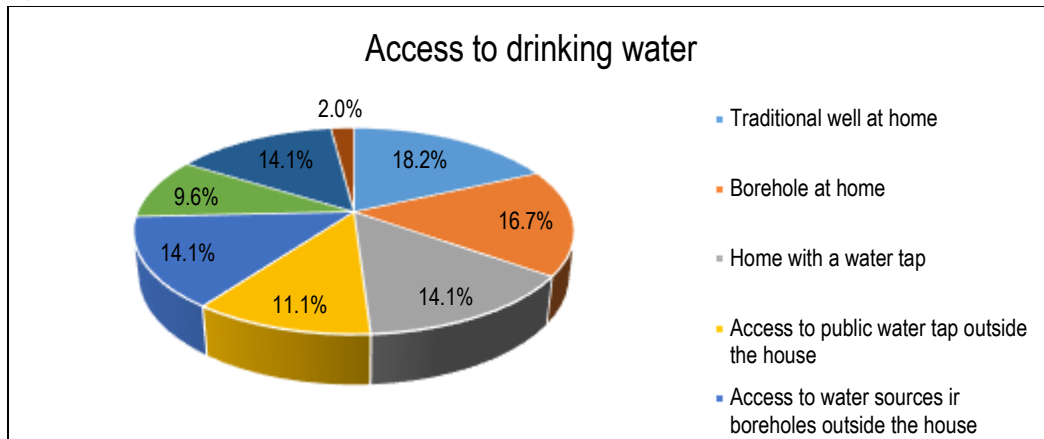
The houses in the ROW are divided into two types of use: residential and ancillary structures including small shacks used by farmers as shelters and storage, and are usually located next to farming land. The average size of residential buildings along the surveyed area is 50m<sup>2</sup>, divided into two bedroom and one living room. The kitchen is generally located outside the house with toilet facilities also most located outside. Most houses are made of mud walled and zinc sheets, with fewer being built with brick (red) and block (grey). Zinc sheets are the main material used for roofing.



**Figure 4- 26: Housing types**

#### **4.6.10.2 Household Sources of Water**

Majority of the PAHs receive their drinking water from traditional wells at home, followed by water from boreholes and public water taps outside of the houses as shown in Figure 4-27



**Figure 4- 27: PAHs Main Sources of Water**  
**Source: Field Survey**

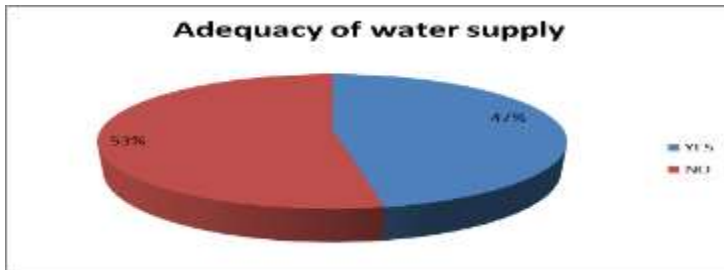
The water quality is generally fair with 74.2 % of the PAHs indicating that the water quality is acceptable. 18.4 % of the PAHs find the water to be good while 7.4 % find it to be bad.



**Figure 4- 28: Water Quality**

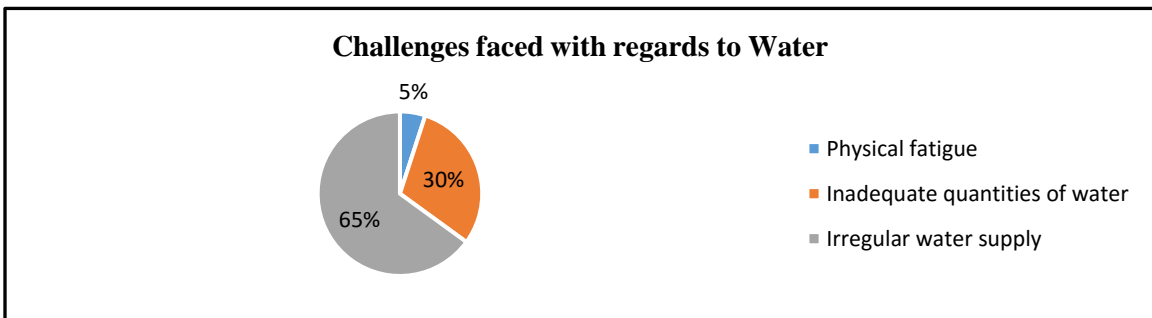
**Source: Field Survey**

The major issue experienced in the area is inadequacy of water, with 53% of the PAHs stating that the water supply is not adequate as shown in Figure 4- 29



**Figure 4- 29: Adequacy of Water Supply**  
**Source: Field Survey**

Further solidifying the fact that the major issue that people have in the area with regards to water supply is the irregularity of the supply among others as shown in Figure 4- 30

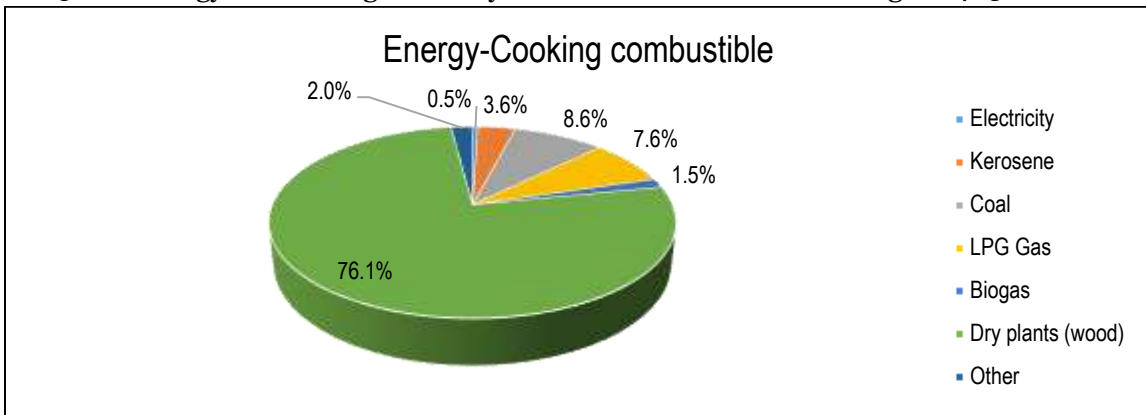


**Figure 4- 30: Challenges faced with regards to water**  
**Source: Field Survey**

**4.6.10.3 PAH Energy and Electricity Source**

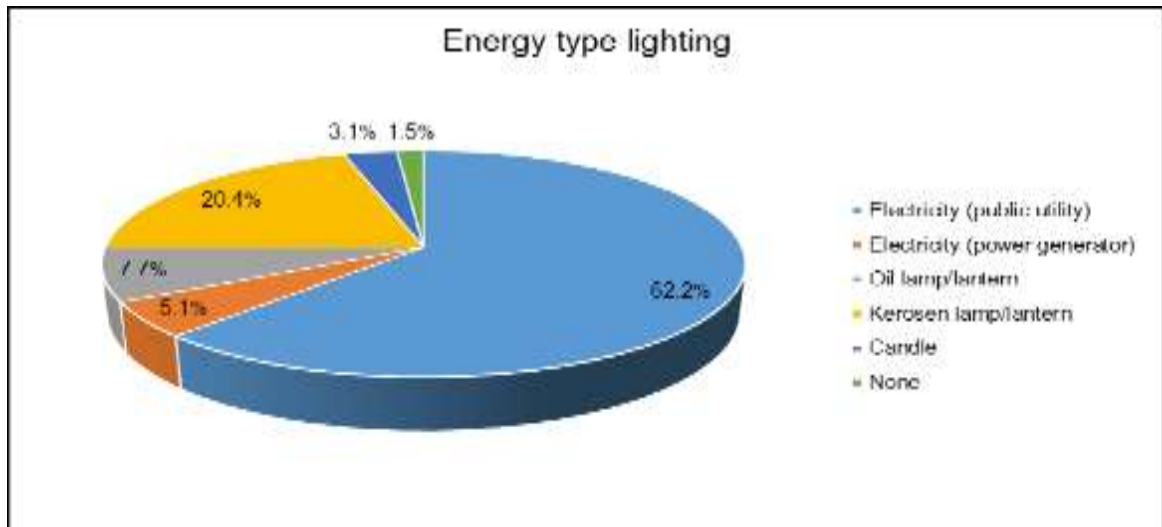
In the County, the households using electricity for lighting constitute 17.7 percent of the total households.

Amongst PAPs, The least energy source is from the electricity at 0.5% followed by biogas at 1.5 % . Energy for cooking is mainly from firewood as shown in Figure 4- 31



**Figure 4- 31: Energy Source (Cooking)**  
**Source: Field Survey**

The main household sources of lighting were electricity from the grid (62.2%). Other sources included lanterns/kerosene lamps diesel generators solar, candle, lantern and wood as shown below.



**Figure 4- 32: Energy Source (Lighting)**

**Source: Field Survey**

Among the settlements of the Study Area, more than half of the settlements have access to electricity. The main source of energy for lighting is from the electricity at 82% In the localities without access to electricity, lighting sources are lanterns/kerosene lamps diesel generators solar,candles, torches, and flashlights. Few generators running on diesel exist, however the cost of fuel is a challenge to using generators on a regular basis.

#### **4.6.10.4 Household Vulnerability**

Vulnerability is related to the ability of individuals and groups to adapt to socioeconomic or bio-physical change. Vulnerable individuals and groups are therefore more susceptible to negative impacts or have a limited ability to take advantage of positive impacts. Vulnerability is a pre-existing status that is independent of the Project and may be reflected by an existing low level of access to key socio-economic or environmental resources or a lack of access to information and decision making.

In the Study Area, vulnerability has been identified and linked to the following factors:

- Female and/or elderly or child headed households. These households are likely to have fewer resources on which to rely and are less likely to have savings and/or access to alternative sources of income. They are also likely to have less access to information and decision making and may not understand or be able to exert their rights.
- Households with disabled household members or high number of dependents. Those who lack physical mobility or who have mental health issues may be vulnerable to changes and have more difficulties adapting to new contexts. With

relation to the transmission line, displacement impacts related to restriction on land access or need to replace housing could be particularly challenging.

**Table 4- 9: Vulnerable PAP**

<b>Type of Vulnerabilty</b>	<b>Number of PAHs</b>
Widow	03
Orphans	00
Chronically sick	00
Physically Challenged	00
Mentally disabled	00
Elderly (Over 60 years)	78
<b>Total</b>	<b>81</b>

**Source: Field Survey**

According to the house hold survey, most of the PAPs falling in the vulnerable category are elderly/Aged.

#### **4.6.11 Land Use and Ownership**

##### **4.6.11.1 Land Tenure**

Land tenure along the project route and in the RoW is private and all PAHs categorized as land owners in the project affected RoW hold formal titles to the land showing legal ownership. Inheritance is the main source of access to land, which can also be accessed by leasing, borrowing, and sharecropping; all these types of access were identified throughout the study Area. In contrast, in urban and peri-urban areas, land access is less dependent on inheritance and more on the land market. In relation to land tenure and property rights for women, women do not have equal land access to men. Due to the fact that under traditional inheritance practices, land passes to sons and male relatives of the deceased, or other male relatives such as brothers or nephews.

##### **4.6.11.2 Land Use**

Land cover along the transmission line route remains mostly rural, composed of savannah and forest, with agricultural areas of seasonal and permanent crop production, and even fewer areas of industrial use. Mixed land use with rural characteristics and predominance of small scale agriculture of seasonal crops (i.e., cassava, beans, sweet potato, maize) and few areas with permanent crops.

##### **4.6.12 Gender Dynamics**

Despite legal dispositions promoting the end of gender-based violence and discrimination against women, of discrimination in terms of women’s access to resources and assets remains an issue. One of the main challenges for women in Kenya, particularly in rural areas, has to do with the lack of access to education and exclusion from decision-making. Rural women are rarely represented in politics, even by women leaders.

With respect to land ownership specifically, traditional succession practices generally establish that family land passes to sons and male relatives of the deceased. Under

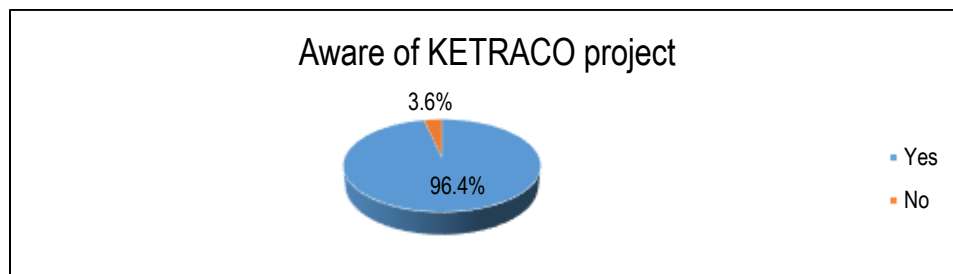
traditional customary tenure practices, women usually have access to land through their status as a wife. As the system evolves to more individualized rights, the evolutionary process often omits identifying the land rights of women. As a result, not only do women fail to obtain the benefits of the more individualized rights, they may simultaneously lose their traditional right of access.

#### 4.6.13 Roads and Transport

The road network is the primary transport system. Peri-urban areas entail use of private vehicles and serviced by mini bus taxi. Outside of the peri-urban areas there is little public transport and individuals either walk or rely on private taxis (boda bodas, vans), to reach larger settlements or often hitchhike. Taxis (and buses, where available) are considered expensive and not reliable, and are mostly used only in case of medical emergencies. Road conditions and lack of public transportation system are the main challenges cited related to access to services such as health and education, as well as access to employment opportunities.

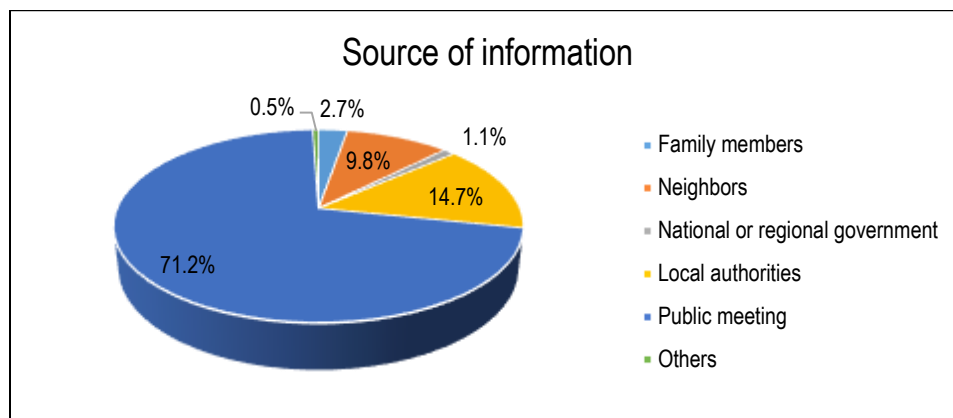
#### 4.6.14 Magnitude of Expected Loss and Preferences

All the PAHs were aware about the proposed 132kV Kabarnet–Rumuruti power transmission line Project, with the public meetings organised by KETRACO and the consultant being the highest source of information about the project



**Figure 4- 33: Awareness of the project**

Source: Field Survey

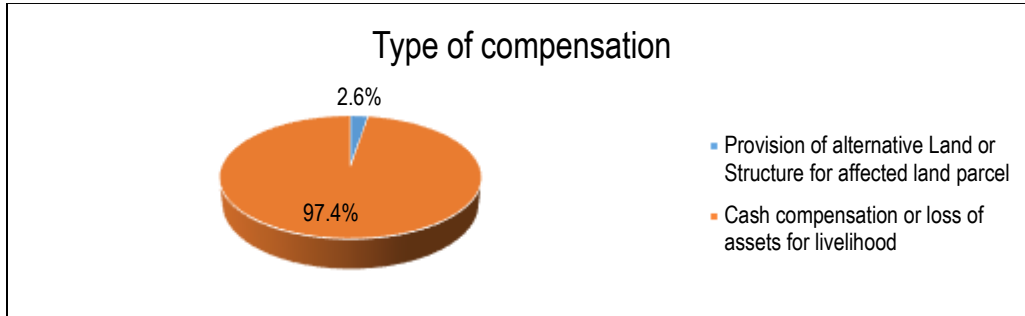


**Figure 4- 34: Source of Information**

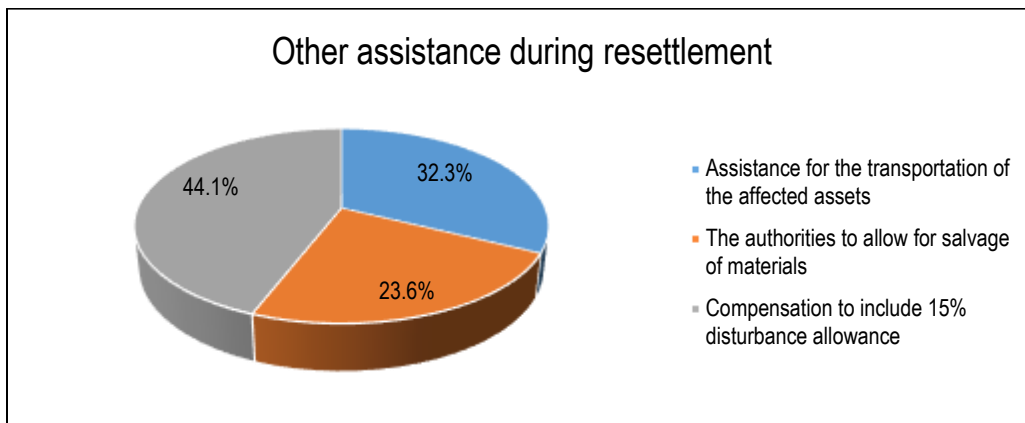
Source: Field Survey

#### 4.6.14.1 Preference for Compensation and Assistance

The preferred mode of compensation by the PAHs (97.4%) was cash and 2.6 % indicated that they would prefer alternative land or structure affected by the project. PAHs wanted 15% disturbance allowance as well as support in salvage of materials and transportation of the same.



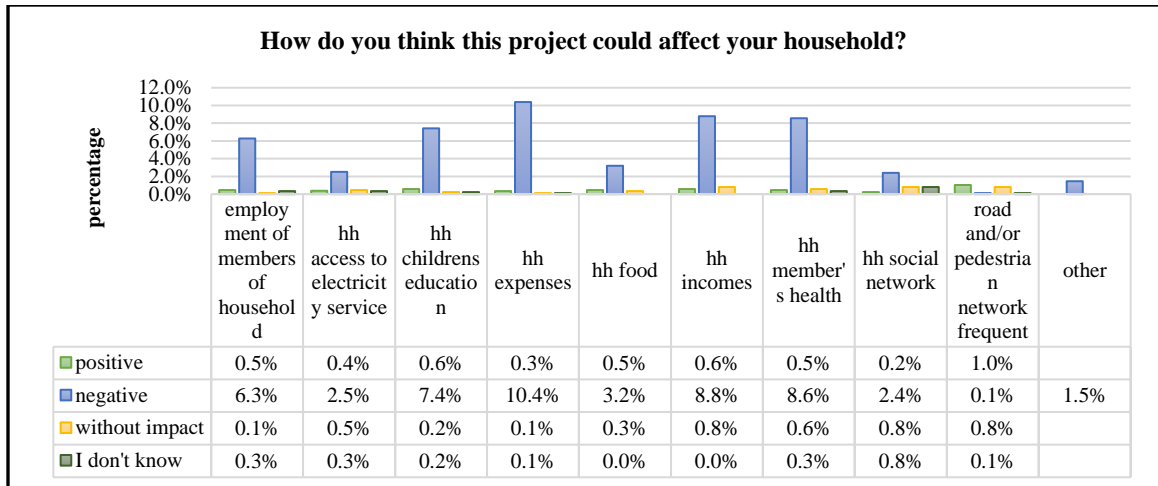
**Figure 4- 35: Type of Compensation**  
**Source: Field Survey**



**Figure 4- 36: Other assistance during resettlement**  
**Source: Field Survey**

#### 4.6.14.2 Project Impacts

Majority of the household heads were aware that the project will negatively affect their source of incomes including employment, food access, increased expenses among others as shown in Figure 4- 37 below.



**Figure 4- 37: Project Livelihood Impacts**

**Source: Field Survey**



## **CHAPTER 5: STAKEHOLDER CONSULTATIONS AND DISCLOSURE**

### **5.1 Introduction**

Project Affected Households (PAHs) involvement increases the probability of successful resettlement and rehabilitation. Consultation and public participation will continue over RAP implementation and the remainder of project preparation. The views of the community and PAHs were documented and have been integrated into the resettlement measures and strategies outlined in this RAP. The aims of community and stakeholder consultations were to:

- Introduce project details, objectives, proposed implementation plan and strategies and potential impacts to the community members;
- Identify the communal property and public infrastructure and facilities likely to be affected;
- Identify the vulnerable social groups that may require special support;
- Identify various socially and culturally acceptable resettlement and other mitigation alternatives;
- Identify the PAHs expectations and fears related to the resettlement process;
- Explain to the PAHs the meaning of key concepts used under the RAP such as resettlement, displacement, relocation and compensation, among others;
- Explain to the PAHs the procedure for asset identification and assessment for the PAHs.
- Inform PAHs about the property identification and valuation principles to be followed during assessment, as well as the resettlement compensation options available to them;
- To create awareness and garner up support for the proposed project;
- To engage the PAHs about the project benefits, problems they anticipate with the project and how these can be resolved;
- To consult and gather recommendations from the national and county administration e.g.e.g., County Commissioners, DOs, Chiefs, Assistant Chiefs, local Village Elders and communities that have a stake in the project;
- To provide an opportunity for all the PAHs to raise issues and concerns pertaining to the project, feedback, and allow the identification of alternatives and recommendations;
- Provide correct and accurate information regarding the project;
- Appraise the PAHs about the applicable laws for land acquisition for the public interest projects;
- Solicit views on the proposed project and incorporate the PAHs expectations, demands and needs into the RAP, through the principle of free, prior and informed consultation.

Two years has elapsed since when the RAP was done in 2019 necessitating a RAP update. As such, there was need to re-sensitize the public and other stakeholders on the above objectives in 2021.-

## **5.2 Stakeholder Analysis and Consultations**

Key consultations with the PAHs and relevant stakeholders were significant aspects in the RAP preparation. To achieve this, public participation forums were organized at strategic locations targeting stakeholders. In 2019, stakeholder analysis was undertaken aimed at identifying the key stakeholders with respect to the project and RAP more specifically. They include: -

- Project Affected Households
- Baringo County Government
- Laikipia County Government
- KETRACO
- National Government (County Commissioners, Chiefs)
- Kenya Forest Service
- Kenya Wild life services (KWS)
- Land Adjudication Officers in Baringo and Laikipia Counties.

During the RAP update exercise in 2021, there was need for a new stakeholder analysis aimed at identifying the key stakeholders, though not much changed in respect to the stakeholders. These stakeholders included:

- Project Affected Households
- Baringo County Government
- Laikipia County Government
- National Government
- Kenya Forest Service
- Kenya Wildlife Service
- Water Resources Authority
- Baringo County Conservancies Association
- National Environmental Management Authority

## **5.3 Stakeholder Consultation**

The initial RAP and the RAP update have been prepared in close consultation with the PAHs to solicit their views on proposed project design and implementation and to ensure that it takes into consideration their concerns in a culturally sensitive manner. In this respect, several consultative meetings and focus group discussions were held in the project corridor. During the scoping sessions, a variety of participatory techniques, including mapping exercises, wealth ranking, problem identification and prioritizing were employed to ensure that concerns are addressed. The PAHs shared their observations, comments, and recommendations for consideration and incorporation in the final design. -Suggestions were also received from the PAHs regarding various relocation options, types of assistance offered for the potential impact on land, structure and other assets such as agriculture crops, trees, community assets, etc. The views of the community and PAHs were documented and have been integrated into the resettlement measures and strategies outlined in this RAP.

## **5.4 Consultation Process**

During the initial RAP in 2019 and its consequent update in 2021, a series of public consultations/focus group discussions were carried out at various locations along the

project corridor with the PAHs. The RAP team undertook intensive public consultations at village levels to ensure that all concerns regarding the project implementation activities and the associated impacts on the PAHs and their livelihood activities were raised and openly discussed.

In 2019, 13 public meetings were held with PAHs, 18 meetings with relevant national and county governments institutions and 27 Focused Group Discussions (FGDs) at the various points along the proposed 132kV transmission line corridor. The total attendants for the 2019 public meetings were 278 (193 Male/85 Female).

In 2021, the RAP update team also held 13 public barazas, eight (8) in Baringo and five (5) in Laikipia county within the 14 locations along the line traverse. These had a total attendance of 418 (321 male/97 female). The RAP team also held another ten (10) meetings with key stakeholders from the relevant national and county governments. Consultation were also held with government institutions/national government within the project affected locations. The above-mentioned meetings were carried out through visits to various county government offices, various institutions within the project area and also during the community consultation meetings as seen in the tables below; (The list of stakeholders consulted is attached as Appendix B and C). The stakeholders consulted are summarised in table 5.1-5.2 below.

The consultative and scoping sessions were designed specifically to provide project information to the public. These sessions had an informal character to encourage a free atmosphere in which participants were comfortable in raising questions, expressing opinions and concerns about the project and seeking clarification regarding their concerns. Most of the issues raised during these meetings were related to construction and route alignment. At the start of the consultation sessions, the project objectives were shared with the participants. They were also informed about the potential impacts of the proposed project. The PAHs were informed of their rights and entitlements prior to project commencement. The opportunities available during project implementation and operation were also disclosed to PAHs during the consultation process. It was shared with the participants that there was a conscious effort to minimize land acquisition and impacts on private lands and assets. Further, it was clarified that, the consultations will form inputs to further refine the project designs to minimize land on private and community structures and asset

### **5.5 Community Consultation and Participation Strategy**

For both the initial RAP and its consequent update, the following strategy was employed for PAHs and stakeholder consultations:

- In 2019, the RAP team obtained introductory letters (from KETRACO and County Government to respective community leaders at the sub-county and village levels.
- PAHs dialogues/meetings were arranged (dates, venues etc.) at the respective site levels for all community members.
- PAHs and relevant stakeholders were informed of the venues and dates of consultations via the local administration (chiefs and assistants) who used Barazas and door to door communication to relay the message. The PAHs and relevant stakeholders were invited to attend the public consultation meetings by the Assistant Chief and Chiefs Offices, public announcement through local religious

leaders, through direct phone calls where direct contact with the PAHs and relevant stakeholders were made.

Community leaders were facilitated to undertake community mobilization and arrange for community dialogues

- Necessary consultation tools and aids, such as area maps indicating the locations of project, were displayed during community consultations.
- Most times, community dialogues were conducted in local languages. Institutional stakeholders' consultations were conducted in English
- PAHs and stakeholders' attendance, views and concerns were recorded.

### 5.6 PAHs and Stakeholder Consulted

The tables below highlight the stakeholder consultations held, dates, venues and number of participants in both counties from November to December 2021 by gender.

Table 5- 1: Institutional consultations :

Date	Venue	Participant s	Male	Femal e
30/11/2021	PA to Baringo County Commissioner , Baringo County	6	5	1
30/11/2021	County Environmental Officer, NEMA	6	5	1
1/12/2021	Water Resources Authority (WRA)	6	5	1
1/12/2021	Baringo DCC's Office	6	5	1
1/12/2021	Kenya Forest Service (KFS)	6	5	1
1/12/2021	Kenya Wildlife Service (KWS)	6	5	1
14/12/2021	CECM- Lands, Housing, Physical Planning and Urban Development	4	3	1
14/12/2021	CECM- Water, Energy, Forestry and Natural Resources	4	2	2
14/12/2021	Baringo County Conservancies	4	2	2
Total		48	37	11

Table 5- 2: Laikipia County Stakeholder Consultations Venues, Dates and Number of Participants\_2021

Date	Venue	Participants	Males	Females
1/12/2021	Deputy County Commissioner- Laikipia County	5	4	1

Table 5- 3: Baringo County Public Consultations, Dates and Number of Participants\_2021

Date	Venue	Participants	Males	Females
7/12/2021	Arabal Location, Chief's office	41	25	16

10/12/2021	Kiserian Location, Area church	37	30	7
10/12/2021	Ilngarua & Elchamis locations, Chief's office- Ilngarua	37	35	2
11/12/2021	Marigat Location, Chief's office	23	16	7
11/12/2021	Kimalel Location, Chief's office	44	39	5
13/12/2021	Kituro Location, Chief's office	42	34	8
14/12/2021	Kapropita Location, Kasoyo Dispensary	20	16	4
15/12/2021	Chebiny Location, Chief's office	40	39	1
<b>Total</b>		<b>284</b>	<b>234</b>	<b>50</b>

**Table 5- 4: Laikipia County Public Consultations Venues, Dates and Number of Participants 2021**

<b>Date</b>	<b>Venue</b>	<b>Participants</b>	<b>Males</b>	<b>Females</b>
7/12/2021	Kiambogo location, Chief's office	12	8	4
8/12/2021	Gituamba Location, Chief's office	23	17	6
8/12/2021	Rumuruti Location, Chief's Office	20	17	3
9/12/2021	Melwa location, Chief's office	41	19	22
9/12/2021	Muhotetu Location, Chief's office	38	26	12
<b>Total</b>		<b>134</b>	<b>87</b>	<b>47</b>

Consultation meetings were comprised of the following agenda:

- Project brief on the Kabarnet- Rumuruti Transmission Line ESIA and RAP study updates and the essence of undertaking the updates.
- Implementation Plan for the ESIA and RAP Study updates of the Proposed
- Implementation Plan for the proposed Transmission Line.
- Project impacts - Displacement of Persons, Compensation and Resettlement
- Mitigation of project impacts.
- Transmission Line. views of the Participants on the Proposed Project.
- Question and Answer Session.
- Closing Remarks by KETRACO Team

- AOBs

Table 5- 5: Consultations with stakeholders from Kimalel Location\_ 2021

QUESTION RAISED	RESPONSE -ANSWERS
Can we be compensated individually given that we all know our parcels of land?	By law, compensation is strictly done to a title deed owner thus the group ranch will be given the compensation funds.
Is there compensation for beehives?	Yes, all owners of affected beehives will be compensated for lost income to enable relocation away from the transmission corridor
Can we be compensated individually given that we all know our individual parcels of land and we are the ranch with the least land disputes in the region?	Compensation is strictly done to a title deed owner thus the group ranch will be given the compensation funds.
Will there be a CSR project?	No
Is the 30% compensation standard for all land sizes?	Compensation is based on the degree of impact and 30% is the least amount KETRACO pay regardless of the degree of impact. For small plots however, compensation is usually up to 100% due to the high degree of impact.
Why is the group ranch benefitting and not us?	By law, compensation for land is done to the title deed owner in this case, the group ranch.
I have bought land but I haven't gotten the title deed yet? Will I be compensated?	By law, compensation for land is done to the title deed.
We are all part of the group ranch but line affects some of us. Is it really fair that some will be affected yet compensation goes to everyone?	By law, compensation for land is done to the title deed owner in this case, the group ranch. .
What happens to me when my whole plot is affected by the line and I do not have the money to look elsewhere for land since compensation goes to the ranch?	The community can come to an agreement with the group ranch on how to best deal with such issues independently of KETRACO. You can also hasten the process of obtaining title deeds.

Table 5- 6: Summary of Consultations with Stakeholders in Kituro Centre (Baringo County)\_ 2021

QUESTION	ANSWERS
Can I be compensated without a title deed? Succession is still underway.	An original title deed is required for compensation to be effected. A compensation of less than Ksh. 500,000 however can be done with the support of a chief's letter. Sourcing for title deeds and subsequent succession should be however prioritized.
Is compensation done once or in phases?	Payment is done once provided that all documents are in order and there no disputes.
I completed succession after valuation was already completed. Will this affect my compensation?	No. Title deeds will be required at a later stage thus you are still on track for compensation.

Is compensation based on the ongoing valuation?	Yes, it is.
Some structures and indigenous trees were not captured before in 2019. Why?	We are currently doing a fresh evaluation and compensation will be based on this. Everything that is affected by the line will be captured.
I have subdivided my land amongst my sons but I want the compensation money. Will this be possible?	Compensation will be paid to the title deed owner.
I lost my title deed. Will this affect compensation?	An original title deed is required for compensation to be effected. There is time to obtain a replacement before compensation begins.
Will there be compensation for beehives?	KETRACO does not compensate Beehives but only pay relocation fees for the beehives.
Is compensation on beehives done on current use or future loss of use too?	For cut down trees that had beehives, there will be a relocation facilitation.
Does compensation for trees and crops consider loss of future yield?	Compensation is for current value and that of the time it takes before one gets yield from the crops or trees again.
Is compensation for land on which tower will be constructed same as that over which overhead cables will pass?	There is no discrimination of the wayleave so payment will be the same regardless of whether the tower lands on your land or not as long as you are on the wayleave.
What happens to the previously collected valuation data?	We are currently doing a fresh evaluation and compensation will be based on this. Everything that is affected by the line will be captured. Previous data will be disregarded.
What happens when there is a grave along the line?	The grave will be left undisturbed and incase it is at the location of a tower; the tower position will be adjusted to before or after the grave.
The land belongs to me. I have the title deed but my neighbor has built structures and farmed on my land without knowing. How will compensation be effected?	Compensation for land will be paid to the title deed owner. That of structures and crops will be paid to your neighbor.
When valuing land, will the rates be the same irrespective of the land's location for instance those found in the interior vis a vis that which is found close to the town center?	Land value at different places is different and the value at the place of interest will be used.
The line is passing through the good side of my land where I wanted to build my house. The remaining land is sloppy and not suitable for construction. What happens to me?	If the unaffected line is unsuitable for construction, this is considered during compensation. Compensation that will ensure that a PAP is not negatively impacted.

My house has all the amenities installed such as electricity and water. Will these be considered during compensation?	All amenities in the house will be compensated together with the house structure.
We have a small shamba subdivided between my kids and we all don't want the project. Do we have the right to reject it?	Government projects are meant to benefit all thus the PAPs should embrace the project.
I heard that some of the negative impacts include the lost ability to get kids. Is this true?	This is just some of the myths associated with our projects and they are all not true. The government can't intentionally harm its people.
Why the line realignment?	Many factors are considered during route selection such as avoiding markets and settlements and a route of least impact is chosen.

**Table 5- 7: Summary of Consultations with Stakeholders in Ilgarua & Elchamis locations, (Baringo County)\_2021**

QUESTION	ANSWERS
For compensation of structures, will it be separate from that of the community land?	The PAP will be compensated for structures as an individual.
Will I be compensated for indigenous trees on my land?	Yes, and KETRACO will use compensation rates from Kenya forest services.
Will you pay for my house and land if on wayleave?	We will compensate houses on wayleave to individuals but not community lands.
Is it possible to divide the money in the joint community land account amongst the PAPs instead of a CSR project?	If the community comes to an agreement with the county government to do so then you are free to do so. As for us we will follow the law and disburse the funds in an account held in trust by the county for the community.
Can we be the ones to decide on a CSR project?	The community together with the county can jointly decide on what to do with the compensation money.
Will the trees that will be cut down be compensated?	For community lands, indigenous trees will be compensated but held in trust by the county government. Planted trees that will be cut down will be compensated to the owners.
Is valuation still ongoing?	Yes, it is currently ongoing.
For those who moved and demolished their houses in 2019, will they be compensated?	No. One should never move or demolish their house before they have been compensated.
Is it one community joint account per location or it is one for all locations?	Yes, it is one community joint account per location.



**Table 5- 8: Consultations with Stakeholders from from Muhotetu Location (Laikipia County)\_ 2021**

QUESTION	ANSWERS
What happens when the tower legs lands on dfferent lands for different people?	Every land will be compensated individually depending on the degree of impact
After compensation does the title deed go with KETRACO or the land owner? What delays payment?	KETRACO only compensates for loss of use and doesn't buy land hence title deed is returned to owner.
If a plot can't be used due to total loss, who helps the old in looking for new shambaz?	The old people can be assisted by the chief.
The disturbance allowance for relocation of a house should be 40% and not the 15% based on costs of everything in the market. Can this be revised?	40% is not factual and 15% has proved to be rather sufficient
Can the shamba owner use the cut down protected trees that were on his shamba?	Prior to the clearing exercise, a NEMA license will be obtained that will allow for KETRACO to cut down trees and for the land owners to use them
Is there a grievance redress mechanism that can be used during the construction phase?	The first grievance redress mechanism on the ground is through the Chief, community commitees and the KETRACO officers on the ground (Wayleave officer for instance) that serve to ensure that the contractor is EHS compliant.
Why are original title deeds being taken and not their copies?	The original title deed is taken to lands registry for production of an easement that is the attached to the original deed to show future buyers that there was compensation previously done on the land.
We are currently working on succession with no disputes. What happens when compensation begins when we haven't completed the process?	There is enough time to complete succession before compensation begins. If at all this wouldn't have been resolved by the time compensation begins, the money will be held in an escrow account till the issue/dispute is resolved.
Is compensation done before or after construction?	Payment done at different times depending on the submission of complete documents. Under normal circumstances payment is done before construction begins subject to presentation of the required documentation. In some cases payment can be delayed due to lack of the required documentations that's why PAPs are compensated at different times.
Will there be any jobs for the youth and how will they be distributed?	The contractor will work with the chief to avail unskilled jobs to the locals depending on the number of opportunities available.
Do we have rights to legal representation in case we deem fit?	Yes. Any aggrieved PAP can engage legal representation at whatever stage they want.
When will compensation begin?	Compensation is set to start in 2022.

Will there be compensation for the lost opportunity to invest on our lands since in 2019 we were advised not to do any developments on our lands and the project/compensation has since not started?	Unfortunately, every project has some negative impacts that cannot be avoided such as these unforeseen challenges. We cannot quantify missed/forgone investments, aspirations.
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**Table 5- 9: Consultations with Stakeholders of Melwa Location – Laikipia County\_ 2021**

QUESTION	ANSWERS
For compensation of land, can I give out my title deed after compensation for security purposes?	The PAP is offered an offer letter with a consent section that shows the size of land affected and how much will be paid prior to the title deed being taken to the lands registry.
Can you put beacons to mark land that will be affected & can we get a list of the affected PAPs.	PAPs will be showed the extent of land that will be affected and maps provided. We are compensating land and are not planning on making any changes to it. A list can be provided upon request.
Line passes right through our land. Division of land has been done informally and title is unavailable. Will this affect compensation?	An original title deed is required for compensation to be effected. A compensation of less than Ksh. 500, 000 however can be done with the support of a chief's letter. Sourcing for title deeds and subsequent succession should be however prioritized.
Will you take into account the valuation of trees done in 2019 or the new one?	We are currently doing a fresh evaluation and compensation will be based on this.
My land is being affected by the line and I don't have a title deed but an agreement. Will this affect compensation? Is there compensation for stalled development that resulted from us stopping development on our land after initial highlighting of our land as wayleave in 2019?	An original title deed is required for compensation to be effected. There is time to get your affairs in order before compensation begins. Stalled developments which are found on the wayleave before cutoff dates are paid at full replacement costs
After compensation is the land mine or Ketraco's? Can I resell it later when I deem fit?	Compensation is done for loss of use and not as purchase of any land. After title deed is taken to lands registry, an easement is processed and attached to the deed to show future buyers that there was compensation previously done on the land
I have 2 small plots with one title deed and the line is passing through one plot. During compensation, will it be taken as one separate plot or one large shamba?	Compensation will consider that land as one because they are under one title deed.
) Is the valuation of land and houses done as one?	Valuation and consequent compensation of structures, land, crops and trees are all independent of each other.

What will happen when compensation has begun and succession is not yet complete?	There is enough time to complete succession before compensation begins. If at all this wouldn't have been resolved by the time compensation begins, the money will be held in trust on a separate account till the issue is resolved.
) Will compensation amount cover the costs of me acquiring new land in the case where the line cuts across my land diagonally rendering it impossible to construct a house on?	Degree of impact will be assessed during valuation and if significant compensation amount will be of total loss.
Can we get maps that show us where the line is passing?	There is a team on the ground that is showing land owners the extent by which their land is affected.
The line is passing through my house on my small plot. What will happen?	For small plots, land and the house will be valued separately and compensation for both done.
The line realignment has now made me a PAP. Will the initial 2019 list be updated?	The current exercise is updating the list.

**Table 5- 10: Consultations with Stakeholders from Kiambogo Location (Laikipia County)\_ 2021**

<b>QUESTION</b>	<b>ANSWERS</b>
When is compensation being done?	Compensation for: <ul style="list-style-type: none"> <li>• Structures (before relocation but after valuation)</li> <li>• Crops (after the damage and not before)</li> <li>• Trees (after cutting and not before)</li> <li>• Beehives (relocation facilitation)</li> <li>• Land (Upon producing title deeds after valuation)</li> </ul>
What is being compensated?	Compensation will be done for affected Structures, Crops, Trees, Beehives translocation and land.
Will valuation for my trees be dependent on their sizes/age?	Tree compensation rates are obtained from KFS and it is dependent on the life stage/age of tree the time of valuation.
What is the rate at which compensation is done?	Compensation is done at a rate of 30% of the current land value. It is dependent on the degree of impact. A small plot will have a higher degree of impact moving the rate above 30% and most times leads to total compensation.
What is the impact of tower location on boreholes?	The contractor can make a decision to move a tower before or after the borehole. There is no impact on boreholes that are below the line. Compensation for relocating a borehole is done only when a house is to be demolished thereby rendering the use of the borehole as null.

How soon will the project commence?	Pre-construction activities such as survey, soil testing and compensation of structures are set to begin in 2023 and construction thereafter.
Will PAPs be compensated for houses before the house is demolished? Is there room for negotiation?	Compensation for Structures is done before relocation but after valuation. Compensation is done at full replacement cost of the house materials and all its components.
I have given my son land and he has his title deed. Who will be compensated?	Compensation is done against a title deed so your son will be the one to be compensated.
Will there be compensation for fences?	Fences that are destroyed during construction will be compensated.
I have not completed on succession rites? Will this affect compensation?	Succession takes 6 months to be completed. There will be time to complete such procedures before compensation begins.
For a house, what do you value?	Materials, electricity, water and all other amenities are valued.
Is compensation for land where towers are to be constructed different than those where just the conductors are passing overhead?	There is no discrimination in compensation in the two scenarios.

**Table 5- 11: : Consultations with Stakeholders from Arabal Location (Baringo County) \_2021**

QUESTION	ANSWERS
Is the CSR meant to only benefit the people directly affected by the lines?	The essence of the CSR is to benefit the entire local area.
Is compensation done once or is there a payment scheme?	One-off payment is implemented during compensation.
How does KETRACO handle compensation in cases where the line passes between bordering land parcels?	KETRACO compensates on the basis of degree of impact on an individual person basis.
Can you please give us examples of CSR projects we can suggest for our area?	KETRACO encourages the locals, led by the area chief, to collectively decide on a project of choice that will best address the area needs.
How will the distribution of jobs that will arise be done?	The contractor will liaise with the area chief in distributing the available job opportunities to the residents.
Is compensation done for structures that came up after valuation?	No, compensation is only done on structures that were valued at the time of the exercise.
How will KETRACO issues of land owners with no titles during compensation?	Compensation is done against title deeds thus affected land owner are encouraged to work on obtaining them prior to compensation.
Can we have more than one CSR projects in a location but at different areas?	Financial constraints and our core mandate limit us to providing only one CSR project for the entire location.

Will there be favoritism in jobs distribution?	The Chief will ensure the process is fair but abled youth will be targeted due to the nature of the work. Women will also be encouraged to apply for opportunities. KETRACO, through a fair process will employ a Wayleave officer from the local area who will work closely with the Contractor and the locals. The contractor will however come with skilled labor.
When will the project start?	Pre-construction activities such as survey, soil testing and compensation of structures will probably begin in 2022.
What happens when the line cuts across a whole shamba but cuts cross a small section of a plot in terms of compensation?	Compensation is done at a rate of 30% of the current land value and it is dependent on the degree of impact. A small plot will have a higher degree of impact moving the rate above 30% and most times leads to total compensation.
Is there compensation on beehives?	Trees found along the wayleave will be cut down and if there were beehives on them, the affected person will be given relocation facilitation.

**Table 5- 12: Consultations with stakeholders from, Chebinyiny Location (Baringo County)\_ 2021**

QUESTION	ANSWERS
is compensation of houses standard or dependent on the type of house?	House compensation is dependent on the house value.
will compensation benefit all villages or just the village the line passes?	Land compensation will be held in trust by the county government and together they will decide on how best the funds will benefit the community and who will benefit.
I recently bought land and the line passes right through the land therefore I will be displaced. What will I do?	If no title deed, only the house will be compensated. Work on obtaining the title deed.
Is there compensation for beehives?	There will be relocation facilitation for beehives on trees that will be cut down during construction.
What qualifications should one have for the possible job opportunities that may arise?	Wayleave officer jobs require some level of education and ability to speak in the native language. The unskilled jobs only require able bodied men.
What is the width of the tower?	Tower legs are 10m apart but the wayleave is a total width of 30m.
Is there compensation for towers passing overhead above my land?	There is no discrimination in compensation when it comes to the metallic towers and the overhead conductors.
How long will it be before compensation begins? We need to	Compensation begins in 2022 and it will start with houses. You therefore have time to sort out the title deeds issues.

know if there is time to sort out title deeds issues.	
Will there be compensation for injuries that occur during construction?	The contractor is mandated to have an insurance plan for all its workers that will cover any accidents that may occur.
What qualifications should one have for the possible job opportunities that may arise?	Wayleave officer jobs require some level of education and ability to speak in the native language. The unskilled jobs only require able bodied men.
What happens when I had plans to construct but now suddenly the line passes through my land?	There will be no compensation for future/missed investments. Any construction done after valuation will not be compensated. However, one can construct outside the wayleave.
Are there any health impacts of the towers on us?	There no associated health impacts of the towers and conductors. The lowest hanging conductor is 8m above the ground posing no risk to humans.
If I get a title deed and my land ceases to be a community land, will I be compensated?	If you obtain a title deed, land compensation will be given to you.
Is payment done once or in phases?	Payment is one-off.

**Table 5- 13: Consultations with stakeholders from Gituamba Location- Laikipia county\_2021**

QUESTION	ANSWERS
For compensation of land, will you require a copy or the original title deed?	The original title deed will be required to conduct a search and provide the easement at the lands registry and returned thereafter.
Why is land compensation done via bank accounts and not cash to provide receipts as proof?	After easement is complete, an offer letter is provided which is proof enough.
If the wayleave passes right at the middle of my land, what would be the compensation rate?	Compensation is done at a rate of 30% of the current land value and it is dependent on the degree of impact. A small plot will have a higher degree of impact moving the rate above 30% and most times leads to total compensation.
Is valuation for land based on the price I bought it at or the current land rates?	Compensation is done at the current land value.
Is there compensation for boreholes?	If there is no impact on boreholes below the line, there is no compensation. Compensation for relocating a borehole is done only when a house is to be demolished thereby rendering the use of the borehole as null.
In 2019, KETRACO officials collected our tree data which has since changed. Will you use the previous data?	The purpose of the assignment at hand is to update such records.

My dad passed on and succession not yet completed? What will be the impact on compensation?	Succession takes 6 months to be completed. There will be time to complete such procedures before compensation begins.
Will the contractor give jobs to the locals or people from outside as we have seen in the past contractors?	The contractor will liaise with the area chief in distributing the available job opportunities to the residents.
When will construction begin?	Pre-construction activities such as survey, soil testing and compensation of structures are set to begin in 2022 and construction thereafter.

**Table 5- 14: Consultations with stakeholders From Kapropita location(Baringo)\_ 2021**

QUESTION	ANSWERS
How much time is a PAP given to move from his house if it has been marked to be demolished?	A PAP is given a period of 3 months from when they are compensated.
When will valuation be done?	Valuation is currently ongoing.
How is the yield from fruit trees valued and is there compensation for loss of future yield?	We compensate for the current yield plus the current yield times the number of years till the trees starts reproducing again.
What if I am not willing to sell my land?	We are not buying land instead we are just compensating for loss of use.
Does the Ministry of Agriculture have an updated price list for fruits that will give an accurate yield price?	The Ministry of Agriculture constantly updates its list.
Are there any health hazards beyond the 30m wayleave?	30m is a buffer zone beyond which there no health hazards.
We are two people on one land but only one person's name appears on the list. Why?	When it comes to compensation, only the title deed owner is compensated.
I have informally done land subdivisions amongst my grandchildren. Will they be compensated?	Compensation for land will be paid to the title deed owner.
Is compensation done once?	Payment is done once provided that all documents are in order and there no land disputes.
Will my fence/perimeter wall on wayleave be demolished?	The fence will probably be demolished and compensation done for rebuilding.
Land is not mine but the house is mine. Who will be compensated for the land?	Land compensation will be done to the title deed owner but you will be compensated for the house.

**Table 5- 15: Summary of Consultations with Stakeholders in Kiserian Location (Baringo County)\_ 2021**

QUESTION	ANSWERS
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For compensation of structures, will it be separate from that of the community land?	The PAP will be compensated for structures as an individual.
If the line cuts through a significant proportion of my land and I am required to move, where will I go when compensation is not effected individually.	The county government holds the compensation money in trust and should look into benefiting all the residents and resolving such issues.
What distance from the line is compensation being done?	A 30m wayleave is being considered for compensation.
What happens when compensation for crops is effected during the dry season when there is no farming?	Compensation only done for crops that are growing at the time.
Can KETRACO kindly consider paying people individually because among us we have clear land subdivisions?	We are guided by the law and the Compensation Land Act of 2016 states that any compensation for community land is held in trust by the county government of the area and the money should be put to use for the benefit of the entire community.

**N.B: The location of the area is Kiseria, Longumgum Sub-location**

**Table 5- 16: Consultations with stakeholders from Marigat location (Baringo County)**

<b>QUESTION</b>	<b>ANSWERS</b>
During initial survey/valuation, some people were not captured. Why?	New valuation is currently underway and every PAP will be captured.
Issuance of titles is still ongoing. Can this affect compensation?	Compensation for land is done to the title deed owner in this case, the group ranch. However, you have time to obtain your title deeds before compensation begins.
Will I be compensated if I do not have a title deed? And do I reserve the right to reject the line from passing through my land if I will not be compensated directly?	Compensation for land is done to the title deed owner in this case, the group ranch. In case of disputes one can go to court but this is a development project that stands to benefit every local resident thus can't really be stopped.
Is there a way for KETRACO to clarify land owners just to put a check on impersonators?	We have an intense verification process and payment is only done after this.

**Table 5- 17: Consultations with County Government, National Government and Government institution in Both Baringo and Laikipia Counties in 2021 .**

<b>Questions/Comments</b>	<b>Responses</b>
The office welcomes the project and will avail any assistance to the CRC required for smooth implementation of the RAP/ESIA exercise	This is noted and appreciated by the RAP team.



Some areas such as Longumgum are very insecure due to clashes between communities. There is need to liase with the DCC to advice on security	This is well noted and we will act accordingly.
The Vulnerable and Marginalized Groups in Marigat need to be given special attention to avoid rights infrigment	This is noted and given consideration
There is need to update the baseline environmental data alongside the RAP for accurate representation of the area's present coditions	We are currently also conducting an ESIA update thus we will also be updatig the baseline data.
There is need to ensure people are resettled in good areas and not flood prone areas	Resettlement issues are taken very seriously and compesation for PAPs is done generously to ensure they are given the choice to resettle in a good and safe place.
There is need for you to cosult with Kenya Airways as your line might be on a flight path.	Part of our objectives is route irming of the line ns we will put flight paths into consideration.
The office welcomes the project and will avail any assistance to the CRC required for smooth implementation of the RAP/ESIA exercise	This is noted and appreciated by the RAP team.
There is need to know which forests are on the ROW. It is also necessary to distinguish between gazetted forests and Conservancies when it comes to matters of compensation.	This is noted. We have an updated list of all the gazetted forests. We will also hold consultations with Baringo County Consevancies.
There is need to ensure that the line does not cut across the Muchongoi- Kisanana wildlife corridor/migratory route. There is need to have a conversation around this.	This is noted and special considerations made.
Will there be any impact on ground water?	There will be no impact on ground water. Geotechnical surveys are done to evade such issues.
The office welcomes the project and will avail any assistance to the CRC required for smooth implementation of the RAP/ESIA exercise	This is well noted and appreciated.
The office welcomes the project. There is however the issue of compensation to Community land inhabitants that has always posed an issue with the locals.	This is well noted. However, we follow the Community Lands Act of 2019 which dictates that the compensation sum is held in trust by the county government and should be used in the development of the area in question.
The line will pass through bird flight paths, wildlife migratory routes, forested areas and will also affect VMGs. There is need to address all these.	This is well noted and it is all put into consideration during route firming and design planning. There VMGs will be given special considerations.

How will you handle challenges that arise from compensation to community land residents?	We are guided by the Community Lands Act of 2019 which dictates that the compensation sum is held in trust by the county government and should be used in the development of the area in question.
How is compensation to conservancies actualized?	Modalities of compensation will depend on ownership of this conservancies. Appropriate methods will be applied.

### Summaries of issues raised in 2019 stakeholder consultation meetings

**Table 5- 18: Summary of Issues raised in 2019 stakeholder consultation meetings**

Questions/Comments	Responses
We all know our boundaries but we don't have title deeds, how will we be compensated for land?	As it is, the land in the area is categorized as community land. The RAP consultant will enumerate all persons who present themselves as owners affected along the project route. Ketraco, NLC and the community will then have a meeting to finalize on compensation related to land.
How will the project handle the marginalized and minority groups affected by the project?	The consultant will identify the vulnerable, marginalized and minority groups during the census and inventory of affected assets. Once this is done, a report will be compiled with recommendations on how to handle such identified groupings.
Will the project compensate natural trees that will be affected?	Definitely, as long as a tree whether natural growing or planted is affected, the owner will be compensated.
Will all PAHs along the project routing be compensated?	Yes. All PAHs along the project route will be compensated. Compensation will be based on a compensation matrix that will be developed once the census and inventory of affected assets is completed and analyzed..
Will we benefit from the power line by having our homes/households connected to the grid?	This is a high voltage power line cannot be connected directly to households. Ketraco will establish substations in strategic areas from where households can be connected to the grid through Kenya Power who is the distributing agency.
Is there a binding written agreement between Ketraco, funding partner and the community?	Ketraco has entered into an agreement with the AfDB. An agreement between Ketraco and PAHs will be concluded once this RAP is concluded, reviewed and verified.
What happens if a large percentage of my land is affected by the project rendering he remainder unviable?	All land and other affected assets will be compensated at full replacement cost. Where one's remaining portion is rendered unviable, the

	project will ensure that the PAH receives adequate compensation to enable it acquire an alternate land of same proportion and economic value.
Will compensation be done before the commencement of the project?	Yes, KETRACO will ensure that all affected PAHs are compensated before the project passes through their property. The project will also ensure that vulnerable households are given priority attention.
We hear that the high voltage power line can cause cancer or miscarriage in expectant women. Is this true?	Scientific evidence has ruled out such negative impacts occurring. The line is safe with no radioactive emissions that could lead to such adverse impacts.
Can I continue with my activities after the consultants have recorded what will be affected on my land?	Once an inventory of affected assets is conducted, the PAH can continue with any activity that was being performed on the affected land with two (2) exceptions i.e. do not build or continue building on the affected area and do not plant any tree that has the potential to grow to a height of 12 meters and above.
Thank you for stating that local youth will be employed by the project.	Noted.
Will my household improvements e.g. electricity connection be considered in case am affected and have to resettle elsewhere?	Yes, this will be taken into account during inventory of assets and appropriate valuation of the same included in the final budget for each individually affected household.
Some of us are vulnerable and we appreciate that the consultant has taken this into account during his presentation. Kindly ensure that our situation is considered carefully.	Noted. PAHs identified as vulnerable will be prioritized during the ESIA/RAP/VMG implementation process.
Questions/Comments	Responses
Why must we plant trees that will grow higher than 12m?	Trees taller than 12m would present safety concerns. For the safety of the community and land owners a height above 12m is discouraged.
We are told not to continue building or making any improvements on our land once the census and inventory of affected assets has been done by the consultants. Why is this so?	The consultants will undertake an inventory of affected assets as found. This will then be valued to enable drawing up a budget for compensation. If any further improvements are made, the PAH will not receive additional compensation hence the advice to stop further improvements.
How will plots be compensated?	Plots and any other asset affected will be compensated at full replacement cost.

Is the compensation for the wayleave going to be done on a yearly basis or once? Safaricom does its payments yearly.	This is a project seeking easement for a wayleave. For this reason, compensation will be a one-off package.
We have concern over conflicting land valuation figures by the different surveyors i.e. individual PAH surveyor and Ketraco valuation. How will you handle that?	As stated during the barasa, the consultant will undertake a valuation process at full replacement cost taking into account the prevailing market rates. This will ensure that PAHs get value for their property. Should they be dissatisfied, it is their right to acquire the services of an independent valuer the outcome of which will be compared to NLC valuation.
If I sell my land to someone else how will Ketraco ensure the new does not make improvements that may interfere with the wayleave?	As the title is transferred to the new owner, it will indicate that the plot has a wayleave. This will ensure that the owner does not build under the line or plant trees likely to grow over 12m.
Will compensation be done before the commencement of the project?	Yes, KETRACO will ensure that all affected PAHs are compensated before the project passes through their property. The project will also ensure that vulnerable households are given priority attention.
We hear that the high voltage power line can cause cancer or miscarriage in expectant women. Is this true?	Scientific evidence has ruled out such negative impacts occurring. The line is safe with no radioactive emissions that could lead to such adverse impacts.
Can I continue with my activities after the consultants have recorded what will be affected on my land?	Once an inventory of affected assets is conducted, the PAH can continue with any activity that was being performed on the affected land with two (2) exceptions i.e. do not build or continue building on the affected area and do not plant any tree that has the potential to grow to a height of 12 meters and above.
The valuer has stated that compensation rate will be at 30% of land value. What does this mean?	The 30% valuation is the least cost to be considered by Ketraco during valuation. It is worth noting and remembering that the project is not acquiring land outright, it is only seeking a wayleave. There will be no exchange of title hence this base figure of 30%.
Can I salvage any of my property before resettlement?	Yes, PAHs are at liberty to salvage any property they wish to have e.g. building materials, trees, crops etc. even after being compensated.

Will we have a grace period after compensation before we resettle?	Yes, the project will give PAHs a grace period of upto 6 months once they have received compensation.
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### **5.7 PAHs Alternative Resettlement Measures**

The PAHs consulted were informed about the alternative resettlement measure available to them, including in-kind compensation. Details of the nature and location of the project activities were also explained to the PAHs. The views of the community and PAHs were documented in the ESIA questionnaires have been integrated into the resettlement measures and strategies outlined in this RAP.

### **5.8 Public Disclosure**

The RAP report will also be disclosed in the website of KETRACO and AFDB external affairs website. Hard copies of the RAP report will be availed at the County Headquarters, Sub County Headquarters, Chief's office and each GRM Committee will also have a copy of the RAP report. The executive summary will be translated into Kiswahili language and further disclosure of the summary will be undertaken through Focus Group Discussions and public barazas as deemed appropriate. Summaries of the RAP will be disclosed to PAPs in appropriate languages (English and Kiswahili), accessible locations, and using appropriate techniques, e.g., FGDs and public barazas, in an organized manner to ensure meaningful consultations, considering mobility, disability and literacy challenges.

## **CHAPTER 6: DISPLACEMENT IMPACTS**

### **6.1 Introduction`**

This section addresses the likely physical and economic displacement impacts caused by acquisition of land inside the 30m OHTL Right of Way (RoW) including classifying the types and extent of displacement and livelihood impacts based on the data collection that has been undertaken (see chapter 2). This section describes the following:

- Impacts to physical resources including loss of assets such as land, structures (dwelling/residential and non-residential structures);
- Impacts to natural resources including loss of access to livelihood resources such as agricultural plots, grazing and foraging land, crops and trees
- Impacts to social resources including loss of access to social/community infrastructure and socio-cultural impacts.

### **6.2 Identification of the Project Potential Impacts**

The major project activity will be the construction of electricity transmission towers, foundations and stringing of the transmission cables which will take place within the proposed 30 metre way leave to be acquired by KETRACO and on private, communal and public owned land. The project impact on the 30 metre way leave corridor will lead to displacement and relocation of PAHs owning structures, crops and trees on the ROW.

### **6.3 Zones of Potential Impact of Project Activities**

The 132kV double circuit transmission line routing starts from Kabarnet town, Baringo County taking a corridor of 30 meters in width and runs in a south westerly direction over a distance of 95km terminating at the Rumuruti substation located in Laikipia County and hence this is the direct project area of influence. The total acreage to be acquired as easement is approximately **694.67** acres. The project will therefore lead to physical and economic displacement of PAHs who are categorized as land, structure, crop and tree owners. The impacts will be felt in the following locations as shown in Table 6-1.

**Table 6- 1: Project Affected Locations**

S/No.	Location Name	Sublocation Name	Area(Acres)
1	Muhotetu	Muhotetu	47.76
2	Gituamba	Thigio	20.10
3	Muhotetu	Karaba	2.54
4	Gituamba	Kiambogo	59.08
5	Rumuruti	Rumuruti	20.96
6	Marmanet	Melwa	76.40
7	Arabal	Arabal	35.85
8	Marigat	Yatoi	46.78
9	Kimalel	Kimalel	54.34
10	Kapropita	Chebano	1.23
11	Kimalel	Koriema	44.16
12	Kituro	Kipkaech	28.09
13	Kapropita	Kinyo	7.02
14	Kituro	Kituro	17.43
15	Kiserian	Logumgum	58.28
16	Eldume	Ilg'arua	15.72
17	Eldume	Eldume	51.71
18	Chebinyiny	Kasiela	37.53
19	Mochongoi	Kapkechir	69.70
	<b>Total</b>		<b>694.67</b>

#### 6.4 Summary of Land Acquisition and Resettlement Impacts

The transmission line requires 30 meters (ROW) along the 95km transmission route to establish the line and provide maintenance access during operation. This required land is what has triggered the need for preparation of a RAP due to the displacement impacts. The project displacement impacts include loss of private land, public land, registered land owned communally as group ranch and unregistered communal land. The displacement impacts will further include loss of private residential structures, commercial structures crops and trees. Forest land (Lariak and kapkechir Forests) owned by Kenya Forest Service (KFS) will also be affected as a result of the project since the line passes through a gazetted forest. The project will adversely affect **489** (PAHs), 4 public entities (Chief's office, and county government owned cattle dip/ Kinyo Forest Conservancy, as well as Kenya Forest Service' public land) and is disaggregated as shown in Table 6- 2. **Annex A** contains the register of PAHs.

The 489 PAHs consist of **3966** individuals (PAPs).

**Table 6- 2: Summary of Displacement Impacts**

Type of Loss	No. of PAHs
PAHs losing Land and Residential Structures	43
PAHs losing primary residential structures on another people's land	34
<b>Total physically displaced PAHs</b>	77
PAHs losing trees and crops only	31
PAHs losing Land only	121
PAHs losing Land, Crops & Trees Only	215
PAHs Losing Business Structure & Loss of Business Income	35
PAHs who are Tenants	00
PAHs losing Non-Residential structures (e.g. Latrines, Stores)	01
PAHs Losing Land and Non-Residential structures (e.g. Latrines, Stores)	09
PAHs owning Non-residential structures e.g. graves, shrines, (without claim to land)	00
<b>Total partially affected</b>	412
<b>Total Number of PAHs affected</b>	489
<b>Public Entities affected</b>	
Chief's office	01
County Government Cattle dip/Kinyo Forest Conservancy	01
KFS (Lariaka Forest and Kapkechir Forests)	01
<b>Total Number of PAHs and Public Institutions affected</b>	492

### 6.5 Physical Displacement Impacts

A total of 77 PAHs will be physically displaced in terms of losing residential structures within the land they own or on other people's land. The Table 6- 3 shows the affected locations and total number of PAHs that will be physically displaced.

**Table 6- 3: Physical Displacements Impacts**

#	County	Location	Number of Owner Households Affected (PAHs) (PAHs owning land and residential structures)	Number of Informal Households (PAHs) (Owning main residential house)	PAHs Physically Displaced
1	Baringo	Arabal	00	00	00
2		Eldume	00	07	07
3		Ingarua	00	01	01
4		Kasiela	00	00	00
5		Kiambogo	03	00	03
6		Kimalel	00	10	10
7		Kimoriut	00	00	00
8		Kiserian	03	01	04
9		Kituro	15	07	22
10		Koriema	00	00	00
11		Logumgum	00	00	00



12		Marigat	<b>03</b>	<b>02</b>	<b>05</b>
13		Mochongoi	<b>03</b>	<b>03</b>	<b>06</b>
14	Laikipia	Melwa	<b>11</b>	<b>02</b>	<b>13</b>
15		Gituamba	<b>01</b>	<b>01</b>	<b>02</b>
16		Muhotetu	<b>03</b>	<b>00</b>	<b>03</b>
17		Rumuruti	<b>01</b>	<b>00</b>	<b>01</b>
	<b>Total</b>		<b>43</b>	<b>34</b>	<b>77</b>

There are 2 national/County government/public entities to be affected by the project. These are a section of a community dip in Laikipia County owned by the county government, a Chief's office in Yatoi location in Marigat, Baringo County.

### 6.6 Level Of Displacement Impact at Household Level

Each affected household will have an individual set of circumstances that will determine the level of impact experienced from physical and/or economic displacement. The level of displacement impact experienced at a household level will differ depending on a number of variables. These include:

Whether the household is being physically and economically displaced or only economically displaced (noting households that are physically displaced will also be economically displaced);

- The level of reliance on livelihood activities that will be affected by the land acquisition based on existing livelihoods and vulnerabilities;
- The proportion of land lost compared to the household's overall land holding; and
- The level of vulnerability of the household

On the basis of the information available, the following preliminary characterization can be made:-

- **Impacted Households due to Physical Displacement:** An estimated total of 77 households are at risk of being physically displaced i.e. losing their residential structures

These households will fall into one of the following categories:

- **Highly Impacted Households due to Physical Displacement of Primary Residence:** These households will lose their primary place of residence and are therefore considered **highly impacted**. All of these households will also lose access to at least a proportion of their agricultural land. Some of these households may also present some additional vulnerabilities due to the presence of household members with disabilities, an elderly head of household, female and children headed households, etc.
- **Impacted Households due to Economic Displacement:** These households are classified into the following categories based on information is made available through the asset inventory and household survey process:
  - Highly impacted households due to Vulnerability: Households experiencing some form of economic displacement and presenting vulnerability

characteristics such as members with disabilities, female or child head of household, elderly head of household, etc.

- Highly Impacted Households due to Loss of Livelihood Resources: Households losing all or a large portion of the land they own or cultivate on and/or are not able to access alternative land.
- Moderately Impacted Households due to Loss of Livelihood Resources: Households losing all or a large portion of the land they own or cultivate but are able to access alternative land.
- Moderately to Low Impacted Households: Households that are only losing a small proportion of the land or land that is not important for their livelihoods.

### 6.7 Land Acquisition Impacts

A total of **694.67** acres of land will be acquired by the project to serve as the ROW. The land parcels are used by the PAHs for residential and commercial purposes (structures), crop production and grazing land. During the construction and operation phases of the Project, landowners and land users will experience a loss of residential and agricultural land as a result of the following Project land take and restrictions.

#### 6.7.1 Land Take Requirements

During the construction phase (12-18 months), the anticipated maximum land take for the Project is approximately **694.67** acres. This does not include land required for temporary tower site working areas and camp sites (if required and not covered under this RAP).

#### 6.7.2 Land Use Restrictions

Restrictions associated with the different Project components are summarized in Table 6-4

**Table 6- 4: Land restrictions**

Component	Construction Restrictions	Operation Restrictions
<b>30 m OHTL Right of Way</b>		
OHTL footprint corridor 30 m wide (15 m on each side).(1)	Removal of all trees and crops of up to 12ft high are allowed.	No planting of new trees allowed, only vegetation/crops of up to 12ft high.
<b>Tower sites</b>		
Temporary tower site working areas (average 40x50m per site)	Removal of trees and crops <sup>4</sup>	No additional restrictions above those for the corridor.
Permanent tower footprint (average 10x10m per site)	Included within the tower site working area (same restrictions apply)	No trees or crops allowed.

<sup>4</sup> The width of the OHTL footprint corridor is not fixed as it varies based on the type of tower (suspension, multiple angle, etc.). Most common towers are suspension towers with a corridor of 19.6 m (i.e. Approximately 30 m).

### **6.7.3 Individually Owned Land**

The project will acquire 362.56 acres of individually owned land. The individually owned land is used by the PAHs for farming, grazing and residential and commercial purposes.

### **6.7.4 Communally Owned Land**

There are sections of the transmission line where the land to be acquired is owned communally in form of group ranches. Total area of community land to be acquired and categorized as communal land is **332.11** acres and further details on the same is described below.

#### **6.7.4.1 Kimalel Group Ranch**

During the RAP census, it was noted that the project corridor will affect areas located in Kimalel Group Ranch in Baringo County (the ranch has a single title deed in its name). The area affected by the project has been considered as one block of land but those members who own affected structures, trees and crops within the affected area in the ranch have been considered as individual PAHs by this RAP and will be compensated as such. The ranch management committee members were consulted together with other affected community members in the stakeholder consultation meetings and participated in the RAP process. Initially there were differences on who would be entitled to receive compensation money for group ranch land affected by the project. While the ranch management committee members were of the opinion that any compensation money in respect to affected land in the group ranch be received by the committee on behalf of the affected members and then distributed to the affected members by the committee, the members wanted the compensation money paid to each affected member directly without any involvement of the management committee nor other intermediary parties.

Further consultations were held between the group ranch management committee, its members and RAP team (see attached Minutes in annex B & C). A Suggestion was arrived at that the group ranch would be dissolved and the land be subdivided among the registered members. This meant that every registered member could then be apportioned their parcels of land after subdivision according to how members currently own, occupy and use their land. Adjudication would then follow and members would be issued with individual title deeds. During the RAP preparation period, the ranch management committee members were still in full charge of the group ranch affairs. They will continue managing the ranch during the period when land subdivision, adjudication and eventual registration will be happening. The total number of acres affected for Kimalel group ranch is 88.89 acres.

#### **6.7.4.2 Eldume, Il'ngarua, Logumgum, Arabal and Kasiela Community Land**

The transmission line project will traverse sections of community owned land in Baringo County. The affected areas are located in Eldume Il'ngarua, Logumgum, Arabal and Kasiela areas of Baringo South Sub County with a total affected area of 332.11 acres. The land in the community land will be compensated in accordance with the Community Land Act 2016.

### 6.7.5 Public Land

Four public land parcels owned by Government of Kenya institutions i.e. a section of Lariak and Kapkechir forest under KFS ,a chief's office and Kinyo Forest Conservancy will be partially affected by the project. The project will also partially affect a cattle dip that is owned by the county government of Laikipia.

### 6.8 Economic Displacement

A total of 281 will be conomicaaly displaced due to loss lose business structures, crops and trees in a number of locations. In addition, a further 164 are economically displaced due to loss of land.

### 6.9 Impacts on Structures both residential and non residential

A total of 122 PAHs will lose structures (residential, and non-residential<sup>5</sup>) in a number of locations.

#### 6.9.1 Affected Residential and non residential Structures (non commercial)

A total of 77 PAHS are mainly losing residential structures and 10 PAHs are largely losing non residential structures are affected as a result of the project. This brings the total number of PAHs losing structures to 87 PAHs. All the affected structures for this PAHs located within the RoW and will be relocated to clear the RoW and compensated to entirety due to functional non-viabilityBased on the consultation with the PAHs as well as other community members along the project corridor, physical measurement, material and labour costs, and size and type of structures, the full replacement value of residential structures located within the project RoW was compiled. All PAHs who were losing residential structure opted for self-relocation onto the nearest possible place of their choice and none opted for relocation arrangements by the Project.

**Tale 6- 5: Impacts on Structures (Number of PAHs)**

<b>County</b>	<b>Location</b>	<b>Residential</b>	<b>Non-Residential</b>
	Arabal	<b>00</b>	<b>00</b>
	Eldume	<b>07</b>	<b>00</b>
	Iingarua	<b>01</b>	<b>00</b>
	Kasiela	<b>00</b>	<b>00</b>
	Kiambogo	<b>03</b>	<b>02</b>
	Kimalel	<b>10</b>	<b>00</b>
	Kimoriut	<b>00</b>	<b>00</b>
	Kiserian	<b>04</b>	<b>00</b>

<sup>5</sup> Include toilets, kitchen

Baringo	Kituro	<b>22</b>	<b>02</b>
	Koriema	<b>00</b>	<b>00</b>
	Logumgum	<b>00</b>	<b>00</b>
	Marigat	<b>05</b>	<b>02</b>
	Mochongoi	<b>06</b>	<b>00</b>
Laikipia	Melwa	<b>13</b>	<b>01</b>
	Gituamba	<b>02</b>	<b>01</b>
	Muhotetu	<b>03</b>	<b>02</b>
	Rumuruti	<b>01</b>	<b>00</b>
	<b>Total</b>	<b>77</b>	<b>10</b>

### 6.9.2 Affected Commercial Structures

The project will affect 35 commercial structures as shown in Table 6- 6. These structures are mainly 34 bee hives with 1 fixed business shed.

**Table 6- 6: Commercial Structures**

#	Location	Fixed Business Shed	Beehives	Total
1	Arabal	<b>00</b>	<b>00</b>	<b>00</b>
2	Eldume	<b>00</b>	<b>00</b>	<b>00</b>
3	Gituamba	<b>00</b>	<b>00</b>	<b>00</b>
4	Iingarua	<b>00</b>	<b>00</b>	<b>00</b>
5	Kasiela	<b>00</b>	<b>00</b>	<b>00</b>
6	Kiambogo	<b>00</b>	<b>00</b>	<b>00</b>
7	Kimalel	<b>00</b>	<b>34</b>	<b>34</b>
8	Kimoriut	<b>00</b>	<b>00</b>	<b>00</b>
9	Kiserian	<b>00</b>	<b>00</b>	<b>00</b>
10	Kituro	<b>01</b>	<b>00</b>	<b>01</b>
11	Koriema	<b>00</b>	<b>00</b>	<b>00</b>
12	Logumgum	<b>00</b>	<b>00</b>	<b>00</b>
13	Marigat	<b>00</b>	<b>00</b>	<b>00</b>
14	Melwa	<b>00</b>	<b>00</b>	<b>00</b>
15	Mochongoi	<b>00</b>	<b>00</b>	<b>00</b>
16	Muhotetu	<b>00</b>	<b>00</b>	<b>00</b>
17	Rumuruti	<b>00</b>	<b>00</b>	<b>00</b>
	<b>Total</b>	<b>01</b>	<b>34</b>	<b>35</b>

### 6.9.3 Affected Community and Public Structures

One Government of Kenya institution i.e. A location chief's office will be partially affected by the project. The project will also partially affect a County owned cattle dip located in Laikipia County.

### 6.10 Affected Cultural Assets

The project will not affect any graves or shrines.

### 6.11 Impact on community Access to Infrastructure and Social Services

The project will have minimal impact on community access to infrastructure and social services in terms of economic and or physical displacement since the design has made all efforts to ensure proposed routes and alignment are not located in areas with community or social infrastructures. However, there are public/government institutions that will be partially affected by the project and include a chief's office and cattle dip as illustrated in table 7-2. The construction activities may also have adverse impacts or disruption of public utilities e.g., existing electricity lines, as well as traffic disruption. An Environmental and Social Impact Assessment (ESIA) has been prepared for this project and highlights mitigation measures associated with disruption of public utilities.

### 6.12 Affected Crops and Trees

The census survey has revealed that PAHs will be losing their productive land (representing affected agricultural land) because of the project intervention. Conventionally, maize, wheat, coffee, beans and oats are seasonal crops are grown in the project area. In the survey along the project route it was noted that there were wild fruit and wood trees within the forest. The total number of trees affected was 7,898 ,this includes 988 fruit trees. The table below shows the type of trees found along the wayleave corridor;

**Table 6- 7: Type of Crops and Trees Affected**

<b>Crops</b>		<b>Trees</b>
Beans		Acacia
Bananas		Bluegum
Passion Fruit		Croton (Mikondori)
Coffee		Mango
Sorghum		Orange
Wheat		Lemon
Peas		Cypruss
Sugarcane		Grevillia
Kales		East African Green Heart (Sokee)
Tomatoes		Podo
Pumpkins		Eucalyptus
Cassava		Guava
Potatoes (Sweet and Irish)		Avocado
Napier Grass		Red Stink wood (Tenduet)
Hay		Cider
Sisal		Pine

### 6.13 Summary of Impacts

The transmission line requires a 30 meters Right of Way (RoW) to establish the line and provide maintenance access during operation. This required land is what has triggered the need for preparation of a RAP due to the displacement impacts. The project displacement impacts include loss of private residential structures, loss of commercial structures and associated income, loss of crops and trees, loss of public facilities (a cattle

dip and chief's office) as well as loss of cultivable and grazing land due to land acquisition for the proposed transmission line. A section of forest land owned and managed by Kenya Forest Service (KFS) will also be acquired as a result of the project since the line passes through a gazetted forest. The project will displace (physical and economic) **489** PAHs consisting of **3,966** individuals (PAPs) and 2 public institutions and is disaggregated as shown in **table 0-1**. Annex A contains the register of PAHs. The number of PAHs have been summarized by the category of assets/losses within the project corridor in Table 6-8.

**Table 6- 8: Summary of impacts**

County	Village	Total Physical Displacement	Non-Land Economic Displaced PAHs	Number of HH losing Land only	PAH owning Land , Trees & Crops	PAH owning Land and Non - Residential Structures	Tenants	Total PAHs
Baringo	Arabal	0	0	1	0	0	0	1
	Eldume	7	1	1	0	0	0	9
	Ilingaru a	1	0	1	0	0	0	2
	Kasiela	0	0	2	0	0	0	2
	Kiambo go	3	1	2	12	2	0	20
	Kimalel	10	54	2	0	0	0	66
	Kimori ut	0	1	2	4	0	0	7
	Kiseria n	4	0	18	3	0	0	25
	Kituro	22	1	11	42	2	0	78
	Koriem a	0	0	1	0	0	0	1
	Logumg um	0	0	1	0	0	0	1
	Marigat	5	1	12	2	2	0	22
	Mochon goi	6	1	10	14	0	0	31
	Gituam ba	2	4	5	32	1	0	44
	Melwa	13	1	35	63	1	0	113

Laikipia	Muhotetu	3	0	6	29	2	0	40
	Rumuruti	1	1	11	14	0	0	27
<b>Totals</b>		77	66	121	215	10	0	489

#### 6.14 Alternatives and Mechanisms to Minimise Resettlement/Displacement and Restricted Access

A number of alternatives and mechanisms have been considered to avoid or minimise resettlement/displacement and restricted access to socio-economic services during the design and implementation of project activities. This is also in consideration of the concerns of community members and institutional stakeholders consulted.

- **Use of manual excavation:** The contracting firm will as much as possible use manual excavation in built-up areas. This will enable the project to minimise the extent of structural damage associated with machine excavation in such heavily built-up areas.
- **Selection of non-residential sites:** As much as possible, besides engineering design prerequisites, site selection has been guided by the desire to minimise the displacement of human settlements/residences.
- **Social services access points will remain open or alternative entry points will be provided:** Access points for institutions offering social services such as schools, markets and health facilities along the project corridor will not be blocked or alternative entry points will be provided by the contractor while on site in such areas. One strategy is to work on the entry points of such service institutions at weekends or during breaks when the access points are not fully engaged.



## **CHAPTER 7: ELIGIBILITY AND ENTITLEMENTS**

### **7.1 Introduction**

This section provides an overview of the criteria for eligibility for compensation and the description of the types of entitlements available within the resettlement and livelihood restoration process. In particular, this section will include:

- Summary of the categories of eligible groups that will be subject to physical and economic displacement along with the eligibility conditions;
- Overview of the principles for the valuation of assets and the determination of compensation required by national legislation and international standards, and how the Project is adhering to these;
- Description of the key entitlement principles that will be considered including the cut-off date for evaluating losses; and
- Entitlements matrix, which identifies the types of loss resulting from Project-induced physical and economic displacement, and the entitlements provided for each type of loss.

### **7.2 Eligibility Criteria**

This section provides an overview of the criteria for eligibility for a compensation and livelihood restoration support for the different groups of affected stakeholders taking into account Kenyan law and AFDB'S OS2 .Where there is a deviation between the two, the more stringent eligibility criteria will be adopted by KETRACO on behalf of the Project.

#### **7.2.1 Kenyan Eligibility Criteria**

As discussed in chapter 3, national legislation defines two primary forms of land rights applicable to the Project: (i) legal/formal property rights; and (ii) customary rights. Both types of rights are legally recognised, but individuals or households with customary land rights under community land tenure are entitled to compensation for the loss of access to the land they occupy in accordance with Community Land Act (2016).

All PAHs losing crops or trees due to the Project are eligible for compensation for the loss of crops and trees. Similarly, owners of structures are also eligible for the provision of compensation in cash, equivalent to the replacement cost and in addition 15% of the replacement cost, disturbance allowance. In addition to customary right holders and formal/legal property right holders, individuals or households residing on and/or cultivating land for which they do not hold any customary rights or legal property rights, are not formally recognised as right holders under Kenyan law and they are compensated in cash for the loss of assets and not land.

#### **7.2.2 AFDB Integrated safeguards systems (ISS) and OS2**

AfDBs ISS and operational policies eligibility criteria broadly align with those defined by the national legislation and Kenyan standard practice in the sense that both legal and customary right holders and individuals or households who do not have any formal rights are eligible for some form of compensation. However, within the OS2, losses to improvements (including crops, trees and structures) needs to be compensated for at full replacement cost (see chapter 3) and preferably with an aim of improving the PAHs

life/livelihood compared to the pre-impact/displacement period. Operational safeguard 2 favours the provision of alternative land to compensation in cash. The details of the entitlements according to ISS are presented in chapter 3.

### **7.3 Cut-off Date**

The purpose of the cut-off date (17<sup>th</sup> December 2021) as earlier given by KETRACO was set to avoid speculative claims within the Project Area by persons seeking compensation. People moving into the Project Area after the cut-off date are not entitled to compensation or assistance. Improvements made to homes or other structures by existing residents after the cut-off date are also not eligible for compensation.

According to Kenyan law, the cut-off date for eligibility is established after gazette of intention to create wayleave – which is yet to happen. After the cut-off date any circumstance initiated by the affected person is not taken into consideration and therefore not eligible for compensation. To align with AfDB **ISS** policy on resettlement the KETRACO RAP team ensured that the cut-off date was documented and communicated to all the Project Affected Households through the project area during the RAP update.

If there is a significant time lag between the cut-off date and actual implementation (i.e. more than two years), it becomes the responsibility of any proponent to update the inventory list and include any policy changes that may have changed in the duration of time. All new crops or trees that may have been planted and are not ready for harvest before the start of construction will also be taken into account. An updated valuation as per the time of doing census will also be undertaken to ensure the RAP captures the current replacement value of the affected properties after census. As far as possible, households will be allowed to harvest their crops before construction and this will not affect their compensation payment. The RAP was done in 2019 and the RAP update was done in 2021 hence the cut off date was updated.

### **7.4 Eligible Groups**

Drawing from the socio-economic studies that were undertaken as part of the RAP preparation, there are 10 categories of affected individuals who will be exposed to losses as a consequence of the Project's land acquisition process, and thus will be eligible for compensation and/or other resettlement assistance. It is important to note that whereas it may be an individual asset owner that incurs a loss, recognised international guidelines and safeguards require that the standard of living and livelihood of the overall household is considered centrally in designing compensation and livelihood restoration measures.

Table 7- 1 below presents the categories of affected people that are currently known to exist in the ROW and the eligibility conditions. In some cases, one household may fall into more than one category either because one or more individuals in the households suffer more than one loss. For instance, a household member may: (i) be a house owner with customary ownership rights over the residential plot; (ii) hold customary rights over a plot of agricultural land; and (iii) cultivate crops on a land. Accordingly, they would fall into three categories: (i) House Owner with Customary Land Right; (ii) Agricultural Land Owner with Customary Land Right; and (i) Crop/tree Cultivator.

**Table 7- 1: Categories of PAHs**

<b>Primary Category</b>	<b>Secondary Category</b>	<b>Description</b>
Structure Owners	Category 1: House owner with private land ownership rights	Members of this group currently reside in a house located inside the 30 m footprint corridor and are holders of private property rights for the land and/of property itself, meaning they hold a legal title deed.
	Category 2: House Owner with communal land rights	Members of this group currently reside in a house located inside the 30m footprint corridor and are holders of communal property rights to the land.
	Category 3. Business structures	Members of this group currently commercial enterprises (bee hives and kiosk) inside the 30m footprint corridor and are holders of communal property rights to the land.
	Category 4	Members of this group own houses or residential structures on other peoples private land some being relatives.
Land Owners	Category 4: Land owner with communal land ownership rights	Members of this group hold communal property rights for the affected land inside the OHTL RoW, as a community under the Community Land Act 2016.
	Category 5: Land owner with private land ownership rights	Members of this group hold private property rights for the affected land inside the OHTL RoW, meaning they hold a legal title deed for the land.
Farmers/ Cultivators (Land Users)	Category 6: Crop/tree cultivator with or without private and or communal recognised rights.	Members of this group cultivate crops/trees on the plot (s) along the OHTL RoW. They may solely use, or share usage of the plot, which they may recognise, or not recognise as their own.
Owners of Non-Residential Moveable Assets	Category 7: Owners of other (non-residential) moveable assets	Members of this group own livestock that they use mainly for subsistence. Animal husbandry along the surveyed settlements consists mainly of chicken, goats, pork and ducks. Most families in rural areas have animals that can free to roam around settlements.
Owner of Non-Residential Immoveable Assets	Category 8: Owners of other (non-residential) physical assets	Members of this group are individuals who have built structures (e.g., fences, walls, etc).

	Category 9: Owners of affected economic structures (i.e., beehives, kiosks)	Members of this group are owners of businesses such as beehives and kiosk that are located inside the 30 m OHTL footprint corridor and that will need to be removed for the construction of the line.
Employees of Affected Economic Structures	Category 10: Employees of affected economic structures (i.e., beehives, kiosks)	Members of this group are the employees of the businesses located inside the 30m OHTL footprint that will need to be removed for the construction of the line.

## 7.5 Valuation of Assets and Determination of Compensation Rates

The valuation methodology and determination of compensation rates for assets used by the consultant was found to be in line with what is used by KETRACO professional valuers. However due to the review of KETRACO's RPF new property rates would be applied for this RAP.

As discussed in chapter 3 of the legal and institutional framework, in practice in Kenya, cash compensation is paid for land, crops and trees and physical structures. In addition, compensation for loss of land rights is also paid to the private and communal landowners with a title deed. In cases where the land owner of the parcel in question is deceased and the value of the affected parcel is less or equal to KES 500,000, then a chiefs letter can suffice to assist the beneficiaries in claiming for the compensation .

This sections following provides an overview of the approach used to value assets and resources that will be lost due to the project. Each asset type is described, providing the Kenyan legislation approach and any adjustments or top-ups that are required to meet international good practice standards and ensure that the asset is adequately replaced or that compensation received is equivalent to the full replacement value of assets lost.

### 7.5.1 Land Value (Amendment) Act 2019

The Act provides that valuation of land for purposes of compensation shall be based on the Land Value Index. This is an analytical representation showing the spatial distribution of land values in a given geographical area at a specific time. It is to be developed jointly by the national government and county government. In calculating the Land Value Index, the declared value of the land for purposes of payment of rates, rents or stamp duty shall be taken into account in addition to other factors provided in the Act such as the increase in the value of the land due to improvements made on it. However, an increase in value will be disregarded if the improvements are carried out after the publication of a gazette notice that sets out the government's intention to acquire the land compulsorily. Different criteria apply for freehold and community land on one hand and leasehold land on the other. Note that this Land Value Index is yet to be developed thus not applicable in this RAP.

### 7.5.2 Valuers Act Cap. 532

Property valuation in Kenya is carried out by valuation professionals registered under the Valuers Act Cap. 532 of the laws of Kenya. A registered Valuer (with Valuers Registration Board) is a trained professional who has a thorough knowledge and understanding of the factors that create, maintain, or diminish values of real estate or assets. Valuation of assets

is done in accordance with the Practice Statements and Guidance Notes published by the International Valuation Standards Committee (IVSC), adopted and recognized by international accounting standards and risk management professionals.

## **7.6 Valuation Methods in Kenya**

Generally, there are five methods of valuation of fixed assets that are relevant to the Kenyan market; (1) Cost Approach or Contractor's Method (2) Sales or Direct Comparison Method (3) Investment Method (4) Residual Method (5) Profits Method. Below is the brief description of the five methods of valuation used in Kenya.

### ***7.6.1 Cost Approach or Contractor's Method***

This approach is based on answering the question, "How much does it cost to build the same structure today?" It includes the cost of design plus other professional fees. This cost of replacement approach is sometimes referred to as the contractor's approach or contractor's test and is used mainly to value individual structures and machinery. All components of the impacted structure must be compensated for on a material by material basis. The data to come up with unit costs is normally obtained from hardware shops, quantity surveyors, contractors, government departments, and other sources as necessary. As this method requires descriptive data on the improvements being valued, the first step in the contractor's method is data collection.

The second step is to determine an accurate cost estimate. Costs consist of all expenditures necessary to complete construction of a house or other building. They are either direct or indirect costs. Direct costs include materials and unskilled labor, while indirect costs include skilled labor and the monetary cost of obtaining a building permit, registering the house with relevant government agency, and designing fees if hiring an architect to design the house. The usual practice is that of the use of the unit-in-place cost segregated method adopted when estimating replacement cost for a property or section of a property. This method expresses all direct costs of the structural component as units. The costs for building components, such as floors, roofing, and walling are expressed as cost per square meter. Different materials used in building one component have their own material unit cost. Percentage or lump-sum adjustments for features not included in comparative unit cost may be made with the unit-in-place method.

This method is used to value properties where there is no general demand and thus for which comparable evidence is absent. If such properties are sold, the price required by the vendor would normally be the cost of construction plus the value of land for an alternative property. Therefore, this method requires estimates of the value of the land in its existing use and of the full replacement cost of buildings and other site works from which appropriate deductions may then be made to allow for age, condition, economic or functional obsolescence and environmental and other factors which might result in the existing property being worth less than a new replacement.

### ***7.6.2 Direct Comparison Method***

The direct comparison method of valuation is the most commonly used method when valuing residential properties in Kenya. This method involves the use of more than two

comparable property transactions recently conducted within the same or similar geographical location to the subject property being valued. The direct comparison approach requires the following steps: data collection; analysis of market data to develop a group of properties for comparison; selection of attributes for adjustment; application of the approach to adjust the sales prices of comparable properties to the subject property; and analysis of the adjusted sales prices to estimate the value of the subject property. The direct comparison method assumes that the value of a property is arrived at by direct comparisons made with other similar available property transactions in the area or vicinity. Considerations are made with reference to location, accessibility, demand and supply positions, quality and standard of the built up structures, age and condition, and the prevailing economic and property market trends.

Sale values are then analysed and processed to form units of value per square meter of the total external floor area of the buildings. These are then compared with the subject property on the same basis to arrive at an adjusted unit of value and apply the same to the subject property while allowing for similarities and dissimilarities accordingly. Comparable sales of properties can be extracted from the Ministry of Lands or obtained from the Kenya Revenue Authority's Stamp duty which is charged at 4% of any property transfer or from established property consultants/estate agents. Therefore, the availability of adequate comparable property transactions within a given location is key to adopting the comparative approach.

#### ***7.6.3 Investment Method-Income Approach***

This method relies on capitalizing the annual income flow from a property to come up with the market value after outlays are deducted. It assumes that a secure income such as rent or other cash inflows are obtained either monthly, quarterly, or annually from the tenant who has the right to occupy the premises for an agreed period of time as enshrined in the lease agreement signed between the landlord and the tenant. The process of converting future income flows to present value capital sum is known as capitalization, which in essence is the summation of the future benefits each discounted to the present at an appropriate market-derived discount rate of interest. The success of this method requires appropriate and adequate data on rentals, yields, and outlays. This method of valuation is better for the valuation of commercial and industrial properties than for residential properties.

#### ***7.6.4 Residual Method/Development Method***

This method is commonly used for properties that have development or redevelopment potential. Properties in question would be valued based on their worth after renovation or redevelopment, less the cost of the improvements. Since the values used would be based on estimates, the figure used would be more speculative than other methods as the supposed "development" or "redevelopment" would be a projection. The method makes a number of assumptions and concerning costs of construction, design and monitoring, costs of securing and financing, and the anticipated developer's profit. The residual method is used for valuation of properties with latent value, which could be released by further development. It calculates the residual value, which essentially is the value that a prospective developer would be prepared to pay for the site aiding property development

decisions by indicating the possible values of the development once completed and by providing a guide as to the likely profits. If the developer's profit is negative, then the proposed development is considered not viable.

#### **7.6.5 Profits Method**

This is used to value properties that derive their value on various factors, which combine to produce a potential level of business. In some instances, the factors are so unique that comparison with other similar properties is impractical. A filling station is an example of a property that is commonly valued using this method.

#### **7.6.6 Choice of Valuation Methodology**

The type and extent of the assets impacted, along with the principle that no PAH should be left worse off than they were prior to project implementation, determined the method of valuation for assets. Generally, this RAP has adopted the three methods of valuation as follows.

7. Land valuation is based on the Market approach where comparable sales of similar parcels of land are adjusted from location to location to arrive at a value.
8. Investment approach is applied where the property is revenue earning such as businesses.
9. Cost approach is used for structures owned by the project affected persons whereby the cost of the construction is estimated at rates provided by the KETRACO's Resettlement Policy Framework multiplied with the area to come up with a value of the structure.
10. Compensation of affected crops was valued according to the gross market value of the affected crops. Gross market value makes full provision for owners' crops or users input already expended (labor, seeds, fertilizer, etc.). To calculate the compensation for losses of production from annual crops, the market value is multiplied with the area of the affected crops. For affected plots with mixed crops, an average was considered.
11. The trees affected by the transmission line corridor were recorded according to the size (Young, Medium, or Mature) and valued at the current market value based on replacement costs of similar or comparable trees depending on age and its future potential.

Where applicable, the values are then adjusted to reach full replacement value in line with AfDB policy.

### **7.7 Land**

#### **7.7.1 Kenyan Legislation Approach**

In Kenya, the process for valuation of land are clearly established by the government and prescribed in the Land Value (Amendment) Act 2019 and Land Act 2012. As described in chapter 3, in Kenya, compensation for loss of land rights is only legally required in the case that affected people are legal landowners with ownership titles (i.e., formal or customary). As for individuals or households who do not hold any legal or customary rights for the land they reside on or cultivate, standard Kenyan practice is to compensate them for loss of assets only and not for land.

### 7.7.2 Project Compensation for Land<sup>6</sup>

In accordance with AfDB ISS and considering the importance of land for subsistence and income generation, the preferred option is to provide for fit-for-purpose alternative land “that has a combination of productive potential, locational advantages, and other factors at least equivalent to that being lost”. However, should there be any cases where fit-for-purpose alternative land is not available, compensation in cash to PAHs is the preferred option. In this case, compensation in cash for the permanent loss of land will be provided which will be a one off compensation payment. PAHs who own community land will be compensated in accordance with the Community Land Act 2016. Because all the community land affected are unregistered, compensation will be paid to the County Government of Baringo who will hold the funds until the community land affected are registered after which the funds will be transferred to the community. Upon registration of community land, the respective county government shall promptly release to the community all such monies payable for compulsory acquisition. Any such monies shall be deposited in a special interest earning account by the county government. The respective county government shall transfer the amount and the interests earned to the communities as may be prescribed. This information was disclosed to the PAHs during consultations.

To minimize displacement impacts as much as possible KETRACO will expropriate and replace any non-economic viable land. The term “non-economically viable land” refers to (usually small) portions of properties that are not to be expropriated because they are not located within the Project corridor, but become uneconomically viable because: (i) other, larger parts of the same plot are being expropriated; or (ii) an adjacent plot, with which it was aggregated, is being expropriated.



**Figure 7- 1: Non Economic Viable Land**

This project will provide compensation for land for PAHs with recognized formal and/or customary land rights based on gross replacement cost. KETRACO will compensate for limited loss of use of land affected by the wayleave trace (this refers to land under wayleave that is severely affected by the TL). For wayleave, where the affected parcel of land is too small making it uneconomically viable and/or where existing residence (s) and structures are unable to be relocated within the unaffected area of the parcel, KETRACO will offer full replacement cost compensation to such a PAH, for loss of productive use of the affected land, plus all transaction costs as stipulated by ISS, to enable the PAHs to purchase alternative land of a similar size and productive value. The PAHs will retain



ownership and use of the affected parcel and a wayleave easement will be registered against the affected plot.

The capacity threshold of a PAH is deemed to be 2,000m<sup>2</sup>, i.e. someone or a PAH living on land which has less than 2000m<sup>2</sup> of unaffected land is deemed to be a PDP. PAHs are eligible for full replacement cost compensation package for their affected land, i.e. compensation in cash or in kind for lost assets, plus all transaction costs, plus (disturbance allowance and other assistance as necessary in accordance with ISS. At the same time, PAHs will keep the tenure and use of the affected parcel.

Where an encumbrance is placed on the land, i.e. for the wayleave trace, and the area of land unaffected is greater than 2000m<sup>2</sup> then compensation will take the form of cash per centum figure of the full replacement cost (as per ISS) of the land within the wayleave trace. KETRACO will not purchase the land but compensate for loss of use, encumbrance registered on the title including the restrictions on access and the prohibitions associated with structures, crops and agriculture. This is regardless of it being agricultural, residential, institutional or business land.

The advantages of land-to land compensation with equal or higher productive potential and locational advantages were disclosed to the PAHs who all the same preferred cash for land and indicated in chapter 5.

KETRACO will pay for limited loss of use of land within the wayleave corridor at rate of between 30% and 100% of the Market Value depending on impact.

Land will be compensated as guided by the bands in the table below:

**Table 7- 2: Compensation bands**

Category	Total Area (approximate) In acres	Percentage Affected	Rate of Compensation
	Above 1.0 acre	Above 30%	@ per centum % of Trace Value
	Above 1.0 acre	1-30%	30% of Trace Value
	0.75 –1 Acres	1-30%	50% of Trace Value
5.	0.75 –1 Acres	31-49%	50% of Site Value
6.	0.75 –1 Acres	≥50%	Full Market Value
	≤0.5Acre	1-20%	50% of Trace Value
7.	>0.5Acre	>20%	Full Market Value/site value
8.	≤0.25 Acres	1-10%	50% of Trace Value
	>0.25 Acres	≥10%	Full Market Value /Site value

(Source: KETRACO's RPF)

## **7.8 Physical Structures**

Physical structures that will need to be moved and compensated for include residential structures, non-residential ancillary structures associated with agricultural livelihoods, business structures and government owned structures (county and national).

### **7.8.1 Kenyan Legislative Approach**

According to the Land Act 2012, and Land Value (Amendment) Act 2019 fair compensation shall be determined based on the actual value of the expropriated property as determined by a specialised land valuator and including any additional related prejudice or costs. Any capital gains resulting from improvements made after the declaration of the expropriation for public utility (i.e., cut-off date) is not taken into consideration. According to the Land Act 2012, financial compensation may also be provided as an alternative to new structures. For residential structures, financial compensation will be calculated by valuation experts based on the type of property, also taking into account the construction value by square meter (cost of construction) as well as additional costs after negotiation with the property owner. It is assumed that the same approach also applies to non-residential structures.

### **7.8.2 Project Compensation for Physical Structures and Assets**

The recommended option for this Project, and in line with integrated safeguards system AfDB ISS, is compensation in kind through support to provide PAPs (including institutions) with fit-for-purpose replacement housing and structures/assets including community and public facilities, but the preferred mode of compensation option by the PAHs is cash.

Compensation for non-residential structures in cash will be provided as an option. However, based on the consultations with the PAHs, the preference is cash compensation for residential structures for which they consider as more appropriate. As such, KETRACO will aim to “offer the choice of replacement property of equal or higher value, with equivalent or better characteristics and advantages of location, or cash compensation at full replacement value where appropriate”.

In the event that affected households still opt for the compensation in cash, KETRACO will provide compensation for both residential and non-residential structures at full replacement cost (without taking depreciation into account). This takes into consideration the following:

- The market value of the structure based on the valuation of a certified valuation expert. This should also cover the cost and time required for building replacement structures on alternative land (including cost of materials and labour costs).
- Disturbance allowance for ‘disturbance’ or any other matter not directly based on the loss considered.
- Loss of associated income resulting from the physical relocation of non-residential economic structures such as beehives.

### **7.8.3 Permanent Structures and Other Improvements Assets**

The values of improvements of a permanent nature, such as buildings and structural works, fences including chain link fences, block walls, gates etc. are assessed on the basis of current full 'replacement costs' of similar or comparable structures.

### **7.8.4 Semi-Permanent Buildings and Other Improvements**

Buildings and other improvements (of a non-permanent nature) have been assessed using the replacement cost approach of similar or comparable structures.

### **7.8.5 Flat Rate Valuation of Temporary/Fixed Structures/Assets**

Valuation of structures is based on replacement cost method and in the process of valuation of the temporary fixed assets, the identified structures were categorized into 4 lots namely:

- Structures made of timber frames without roofing
- Structures made of timber and grass thatched roofing
- Structures made of timber posts and galvanized corrugated iron roofing

In view of the fact that the fixed temporary structures have similar characteristics including material type and based on the fact that the sizes are almost similar, a flat rate per square foot value was adopted for each category of structure. This is an acceptable method in valuation procedures and process adopted by the Government of Kenya and used in compensation process for such structures in linear projects. The method guarantees compensation of affected structures at full replacement cost as it takes into consideration the full cost of replacing the affected structures, as per AfDB policies.

## **7.9 Crops and Trees**

### **7.9.1 Kenyan Legislation Approach**

Trees/crops with a height of over 12ft are prohibited within the wayleave corridor and must be removed prior to construction. Compensation for crops and fruit trees is based on the compensation rates established by the Ministry of Agriculture, Livestock, Fisheries and Cooperatives (MoALFC) while for other types of trees compensation is based on KFS rates. To comply with AfDB ISS, the compensation rates for crops and economic trees are required to reflect full replacement cost, which corresponds to market value plus transaction costs without subtraction of depreciation value. To meet this requirement, KETRACO will supplement, where necessary, the Government-provided compensation rates with a top-up to ensure that the total amount of cash received is equivalent to the full replacement value of the affected standing crops/trees, at the date of the enumeration.

(i) The cash amount will factor in the lost value of any standing crops, but also the time taken for new crops/tree products to be able to be harvested in the new location (and potentially to a comparable volume of harvest as in the old location) and the associated income lost in the interim period compensated. Specifically, this corresponds to the following:

- **Trees:** Replacement value of permanent crops (fruit trees) is determined based on the loss of income in the period between planting of the seedling and the time it reaches a level of productivity equivalent to that of the affected tree, plus cost of

maturing the tree (i.e., inputs and labour costs of planting and tending a new tree to relevant level of maturity).

- **Crops:** For seasonal crops, replacement value corresponds to the value of the anticipated harvest calculated based on anticipated production per square metre or hectare of affected mature crops cultivated. This is based on the assumption of a worst-case scenario where construction may start before crops are ready for harvest.

### **7.9.2 Compensation Framework**

The Land Act 2012 allows for the national and county governments to acquire land in the public interest. The assessment for compensation under this RAP is, therefore, statutory and all steps will be taken to comply with the statutory provisions. This is also in relation to the AfDB ISS procedures that spells out who is entitled to resettlement compensation as a result of involuntary displacement due to development projects. According to the AfDB OS2 procedures, the following PAHs will be eligible for compensation:

- (a) Those who have formal rights to land (including statutory rights of occupancy recognized under Kenyan law);
- (b) Those who do not have formal legal rights to land at the time of PAH census but have a claim to such land or assets provided that such claims are recognised under Kenyan laws, or become recognised through a process identified in the resettlement and compensation plan; and
- (c) Those who have no claim to land they are occupying or using.

### **7.10 Compensation Principles**

The compensation principles to be followed are derived from the national legislation and the AfDB ISS procedures on involuntary resettlement more so OS 2. These principles, including the valuation procedures, were all explained to the PAHs and other community members during the community dialogues and stakeholder consultations.

- Resettlement and compensation of PAHs will be carried out in compliance with relevant Kenyan laws and AfDB safeguard standards.
- All PAHs physically or economically displaced shall be adequately, promptly and equitably compensated before the commencement of works at the project-affected sites. All efforts will be taken to provide necessary assistance for PAHs to restore their livelihoods.
- Special consideration will be given to especially disadvantaged and/or vulnerable people such as women, children, the very old and the unemployed. Provision will be made to enhance their rights to resettlement and compensation payments. For example, the consent of spouses and children where it applies shall be a sought prerequisite for compensation payment, as provided by the Land Act (2012).
- The project will promote and provide in-kind compensation as an option for especially vulnerable groups and project affected community resources and facilities. This will ensure that the vulnerable are not disadvantaged in sharing development benefits and opportunities.
- The project will apply a 15 per cent disturbance allowance in addition to the assessed compensation values for affected structures

- In consideration of the differences between national legislation and the AfDB integrated Safeguard systems on Involuntary Resettlement, the higher of the two standards will be followed, where it best applies in this RAP, since this approach also satisfies the requirements of the lesser standard.

### **7.11 Eligibility For Compensation**

The concept of eligibility is used with respect to the definition of PAHs and the criteria for determining their qualification for compensation and other resettlement assistance.

#### ***7.11.1 Eligibility for Compensation and Cut-off Date***

The PAHs, irrespective of their status, are eligible for some form of assistance if they occupied the land or engaged in any livelihood income-generating activity at the affected sites before the entitlement ‘cut-off date’ which has been taken as **17<sup>th</sup> December 2021**. The entitlement ‘cut-off’ date refers to the time when the census and assessment of PAHs and their property in the project area were carried out and ended and was instituted to avoid an influx of additional persons. This was explained to the community members and PAHs during community dialogues and the PAH census. Thereafter, no new cases will be considered for compensation. Any claims for occupation after that date, and therefore mistakenly omitted from the census, will be reviewed against evidence, and referred to the GRM for resolution.

The cut-off dates were disclosed through meetings with PAHs and local leaders, via chiefs’ barazas in the project area. Those who encroach on the area after the established cut-off dates would not be eligible for compensation or assistance. The following categories are eligible for compensation:

- PAHs who rightfully own land (private or communal) which will be acquired as a result of the transmission line project.
- PAHs who have no (private or communal) rights to land which will be acquired as a result of the transmission line project but have assets on the land will be compensated for loss of assets but not for land.
- PAHs who rightfully own residential or commercial structures and other assets such as beehives which will be acquired as a result of the transmission line project.
- PAHs who rightfully own trees and crops which will be acquired as a result of the transmission line project.

The list of the PAHs is attached as **Appendix A**. During the PAHs consultations, compensation alternatives were explained to the PAHs and other stakeholders.

#### **7.11.1.1 Eligibility**

Both in principle and in the context of the Project, eligibility for compensation for displacement defines:

- Which losses of assets and income are compensated under the project, and which are not;
- Who is entitled to receive that compensation, and who is not; and
- What evidence is expected in order to support a claim for compensation?

These eligible losses and entitlements are elaborated in the detailed entitlement matrix (see table 8-3).

#### **7.11.1.2 Exclusion for Eligibility**

As described in earlier section of this RAP report, all involuntary displacement is eligible for compensation with the exception of four main categories of loss, which are explicitly classified as ineligible for compensation and include:

- Losses arising from structures or activities in the way leave corridor, or in any of the sub-project areas impacted by the Project, that post-date the cut-off date;
- Losses claimed on the basis of intention to use the land for a particular purpose (actual prior investment in plans and permissions may be compensated, but expected future value arising from proposed future investments is excluded);
- Losses arising from structures or activities outside the way leave corridor [fully justified exceptions could be considered by the Grievance Redress Mechanism (GRM)];
- Losses claimed on a fraudulent basis or by material misrepresentation of facts e.g. of identity, ownership, employment, or nature of asset or use of land.

#### **7.11.1.3 Ownership Category and Category of Losses**

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

- Landowners (legal/formal and informal land ownership) as per Land Act 2012
- Residence (owner) of affected structures
- Crop/tree owners
- Infrastructure (ancillary to a main structure that is unaffected, such as block wall, store, outhouse, latrine, well or borehole)
- Annual or perennial crops, trees
- Livelihoods

Thus, all eligible PAHs are entitled to appropriate compensation regardless of whether or not they have legal rights to the land. Eligibility for compensation does not create or confer a right where none previously existed-e.g. it does not make legal the illegal occupation of land.

### **7.12 Forms of Compensation Strategies**

The resettlement measures or strategies have been developed in close consultations with with community members, PAHs, institutional stakeholders in reference to national legal regimes and the AfDB ISS. All PAHs are aware of this options including those who requested for further consultations with other households and family members. This forms of strategies include:

### **7.12.1 Cash Compensation Strategy**

This is the main strategy for property and income restoration because of the fact that the project will require RoW and not full acquisition. This strategy will be through adequate and prompt monetary compensation and will apply to all the PAHs. This strategy will include cash compensation for property, land and other resettlement assistance including disturbance allowance to enable all category of PAHs to restore their livelihoods as described in the entitlement matrix. This strategy was arrived at after consideration of the following factors:

- The project is not fully acquiring the land from the PAHs. The project is will only acquire the area required as easement and thus, PAHs can continue utilizing the parcel albeit with restrictions.
- The PAHs also prefer cash compensation as opposed to in-kind compensation as demonstrated by the results of the socio-economic survey which indicated that a high percentage of PAHs have a preference to cash compensation.

This RAP report provides for cash compensations for affected properties ie.

- Land
- Crops and Trees
- Structures ,i.e
- Commercial facilities ,Private and public infrastructure
- Vehicular and pedestrian access from tarmac roadways: works contractor to restore access (in-kind only). Appropriate language to this effect will be included in the tender documents;

Relocation of public utilities including power and communication lines, water and sanitation facilities will be replaced by the respective agencies. Relocation of these services will be undertaken with minimal disruption of the services to the local communities and all location of services will be identified by contractor in collaboration with utility providers and adequate notice given to the local communities and alternatives provided in advance in cases where disruption is inevitable.

### **7.12.2 In Kind Compensation strategy**

This compensation strategy will promote in-kind compensation as an option especially to vulnerable groups and project affected community resources and facilities. In-kind compensation will be offered for community assets, hard to-value assets, or to mitigate risk in cases of PAHs who have been identified as vulnerable.

### **7.12.3 Disturbance Allowance**

Structures and livelihood income restoration will also include a disturbance allowance that will be paid to the PAHs at the rate of 15 per cent of the value of compensation and a three months' notice to vacate post compensation. This has been fully incorporated in the RAP and complies with both the national legislation for compensation and the AfDB requirements for PAH full replacement value.

After compensation, it is anticipated that communities will re-establish themselves in the economic activities they were performing before the project. Accordingly, compensation must be paid upfront before project activities begin at the respective project-affected

sites/areas, as provided for in the Land Act (2012), to allow PAHs to plan for the restoration of their livelihood and other necessary adjustments. Affected households are entitled to participate in and to benefit from the targeted set of livelihood restoration programs, which were developed for this RAP, including among others:

- Financial training for the sustainable use of cash compensation (including training on the maintenance of a bank account, on small household investments, saving strategy and financial planning on the household level);
- Provision of seeds and fertilisers to re-establish farms

#### **7.12.4 Absentee Land/Property owners and Escrow Account**

Some of the parcels along the transmission corridor are owned by persons who might be living far away from the project area. The term given to this people is absentee land owners. The strategy employed here was first to identify affected parcels, get details of their owners from the local administration and neighbours. The second step will be , gazetting the names of all absentee land owners in the most popular local newspapers and radio announcements in vernacular languages of the areas affected, requesting those affected to contact the nearest local administration office or KETRACO for guidance. Lastly an escrow account will be opened to ensure all the compensation packages for the absentee land owners is set aside to ensure they are promptly compensated once they come calling. The escrow account will also be used where PAPs are unable to solve grievances to allow for compensation of some parcels/properties.

#### **7.13 Associated Obligations, Special Considerations and Entitlements**

Vulnerable PAPs are defined as individuals, groups, households, or communities who by virtue of gender, locality, age, physical or mental disability, economic disadvantage, or social and cultural status who may require additional support or assistance and will need help adjusting to changes introduced by the Project. According to AfDB policy, Vulnerable groups might include, landless people, people without legal title to assets, ethnic, religious or linguistic minorities, orphans, marginalized socio groups and people who are sometimes referred to as indigenous people. Assistance will take the following forms, depending on vulnerable people's requests and needs:

- Assistance and prioritisation in the compensation payment procedures;
- Assistance in the post payment period to secure the compensation money;
- Priority in processing disbursement of compensation packages
- Moving and transition support or allowance during the relocation period.

In the context of the Project, vulnerable people identified included:

- a) Widows/Windowers
- b) Elderly PAPs living alone
- c) Women house hold heads

##### **7.13.1 Verification of Vulnerable PAPs**

The RAP recognizes that there are vulnerable groups among the PAPs. There are a total of 118 vulnerable PAPs that have been identified along the project corridor. In this regard,



the RAP proposes that the 118 vulnerable PAPs identified be considered to AfDB ISS receive the entitlements as AfDB ISS prescribed in this RAP report.

**Table 7- 3: Vulnerable PAPs**

Type of Vulnerability				Number of PAHs			
Widow				03			
Orphans				01			
Chronically sick				00			
Physically disabled				01			
Mentally disabled				00			
Elderly (Over 60 years)				113			
<b>Total</b>				<b>118</b>			
Count y	No. of Widows	No. of Orphans	No of Chronically Sick	No. of Physically Challenged	No. of Mentally Disabled	No. of Elderly (over 60 years)	Totals
Baringo	00	01	00	01	00	35	<b>37</b>
Laikipia	03	00	00	00	00	78	<b>81</b>
<b>Totals</b>	<b>03</b>	<b>01</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>113</b>	<b>118</b>

These have been identified and presented in **Appendix D** but will not be publicly disclosed due to sensitivity of this category of PAP. The RAP also recognizes that vulnerability is a socio-economic dynamic situation and people can stream into a situation of vulnerability as well as stream out. The RAP implementation team will, therefore, need to screen, review and update the vulnerable PAP households; identify and update special assistance packages for such vulnerable PAPs; and develop strategies to deliver such assistance. This responsibility has been re-emphasized in the role of the RAP implementation team. The RAP implementation team will ensure that vulnerable PAP households understand the RAP implementation process and that their specific needs and concerns at that time are taken into consideration, through targeted consultations with them.

In addition, to what is discussed in earlier sections of this chapter, the following intervention areas have been considered as possible areas of in-kind resettlement assistance to vulnerable PAP households during the RAP implementation:

- Targeted and localized house-to-house or group sensitization for the vulnerable PAP households during pre-payment consultations.
- Priority consideration in processing resettlement compensation payments and specialized assistance in explaining and filling out compensation payment forms.
- Livelihoods capacity development for selected members of vulnerable PAP households, in line with local livelihood opportunities and economy.

- Counselling and guidance for members of vulnerable PAP households.
- Consideration for employment in project activities for some of the members of the vulnerable PAP households.

In the case of the orphan affected in Baringo, KETRACO will work with the local administration to identify a close relative as a guardian/trustee to represent the orphan in compensation and resettlement matters including ensuring they relocate. The actions by the guardian will be overseen by the local administration and a representative from the County department of Social Services to ensure the best interests of the orphan are taken care of.

#### **7.14 Livelihood Restoration**

After compensation, it is anticipated that communities will re-establish themselves in the economic activities they were performing before the project. Accordingly, compensation must be paid upfront before project activities begin at the respective project-affected sites/areas, as provided for in the Land Act (2012), to allow PAHs to plan for the restoration of their livelihood enterprises and other necessary adjustments. Affected households are entitled to participate in and to benefit from the targeted set of livelihood restoration programs, which were developed for this RAP:

- Pre-Compensation financial training for the sustainable use of cash compensation (including training on the maintenance of a bank account, on small household investments, saving strategy and financial planning on the household level);
- Business skills training: facilitation of access to alternative income generating activities.
- Provision of hybrid seeds for improved production to PAHs.

##### ***7.14.1 Livelihood Restoration Support***

In devising a livelihood restoration program in the context of physical and/or economic displacement, it is important to consider the context and nature of displacement and the opportunities open to affected households. In the context of this RAP, the limited physical resettlement will be mostly ‘in-fill’ in the settlements of origin. PAHs engaged with were broadly confident that sufficient land could be accessed to effectively replace the land lost and enable a continuity of livelihoods. Consequently, it is expected that needs for additional livelihood restoration support will be relatively limited for the vast majority of households.

As agriculture is the primary livelihood activity for affected households, and agriculture is a source of food security for affected households, the focus of the livelihood restoration plan is to support households to quickly re-establish improved agricultural activities. The general program of livelihood restoration and potential additional measures that may be required for specific households are described in the following sections.

##### ***7.14.2 General Agricultural Support Program***

The general agricultural support program will be based on an “input and supply” programme, which provides all affected households with basic agricultural supplies to help them restore their crops on their new land or enhance yields on their existing land if

they cannot identify new land. Each household will be provided with a choice of improved seeds during individual household sign-off. These improved seed varieties will be distributed to all affected households. Land affected households will be able to choose provision of seeds for a staple crop, seeds for a supporting vegetable crop rich in protein, and a choice of sapling from trees commonly found in the Project area. The types of crops are mainly crops grown in the project area as identified during the census. Households will be able to choose their options during the individual household sign-off process. All seeds provided will be improved seed and will be agreed with the Ministry of Agriculture along with other support such as fertiliser or extension support to enable households to utilise them effectively.

#### **7.14.3 Livestock support programs**

The Livestock support programs are designed to address livestock productivity enhancement, and provide drought management actions through the active participation of the targeted beneficiaries for increased livestock offtake which focus on poverty reduction in general and ensuring food security in particular. This program is designed to impact positively on food security and nutrition practices thereby promoting human and economic development in the Region. The most important positive impact of the program within the project area should be to sustain and build the capacities of farmers in practicing the demand-driven approach. The program comprises of four main components, namely:

- (i) Livestock Productivity Improvement;
- (ii) Animal Health Improvement;
- (iii) Livestock Marketing; and
- (iv) Drought Management and Food Security Initiatives.

The overall sector goal is to contribute to poverty reduction at the national and household levels and improve sustainable rural livelihoods and food security through improved livestock productivity, marketing and support for drought management and food security initiatives for all the PAHs in the project area. The main beneficiaries will include agro-pastoralists, beekeepers, flayers of hides and skins, traders, butchers, private sector service providers, honey processors, transporters, consumers, etc, especially the poor and vulnerable in the project area. Women are particularly targeted with a number of activities including beekeeping, small stock and camel rearing, and other income generating and food security activities.

#### **7.14.4 Local employment opportunities**

As discussed in the Project ESIA, the Project intends to fill the majority of positions with locals (for unskilled positions such as vegetation clearance, security guards, cooks, cleaning/housekeeping. Although local employment during construction is expected to deliver temporary localised benefits it will not provide the basis for sustainable livelihood restoration. In this case, priority will be given to vulnerable households as earlier indicated.

#### **7.14.5 Enterprise Based Livelihoods**

In the case of enterprise-based livelihoods such as those practiced by the PAPs, this should necessarily start from maximizing the possible and available project-based opportunities.

This RAP recommends:

- A Local Buying Program during the construction period to assist in building capability and capacity in the local supply chain. Local businesses in the region of the project are prioritized as suppliers of various materials, goods, and services. Local communities can provide locally available goods and services to the contractors such as ballast, water, sand, manual labor, catering services etc.
- Provision of employment in the project: semi and unskilled jobs should be reserved for project affected persons and the community in general through working with local committees to identify those to work in the project. This would, however, require a mention in the contracts with project contractors to ensure and preserve temporary or longer-term employment for local workers.
- Enhanced social investment by KETRACO in the community as proposed by the PAPs in terms of community investments. These investments could lead to increased access to quality services. The requests by community members for KETRACO to undertake CSR projects were made during community sensitization meetings. Availability of funds determines if CSR projects will be undertaken to meet PAPs proposals/expectations.
- Entrepreneurial training for existing small businesses and support with small grants for the identified Vulnerable individuals and households.
- Support the Ministry of Gender and Social Services to register more marginalized people to access Special cash Attention to Vulnerable individuals and households. The RAP recommends that the project brings to the attention of Vulnerable individuals and households the existence/availability of programs/projects, their cycles and application process and requirements. Further, the RAP also recommends that the project facilitates the respective relevant county departments/ministries of Social Services to come to project Location levels to register the Vulnerable individuals and households into the existing government support programs such as the cash transfer programs for the elderly.

#### **7.15 Entitlements**

Table 8-3 presents the entitlement matrix, which will be used as a basis for compensation and other entitlements that will be provided to affected households for physical and economic displacement impacts. The table brings together the information detailed above regarding eligibility criteria, categories of eligible groups, and the valuation principles that will need to be followed. Entitlements have been determined based on Kenyan law and required top-ups to meet international standards

**Table 7- 4: Entitlement Matrix**

#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
1.	Dwelling structure used as primary residence	Rightful owners of the affected house and structures who choose to receive cash compensation for the affected houses	<p><b>Option 1:</b> Cash compensation for all structures at replacement cost, based on professional valuation.</p> <p>Statutory Disturbance Allowance of 15% of compensation amount.</p> <p>Materials from the affected structure may be salvaged at the owner’s expense within the notice period given to vacate as defined by the project schedule and prior to demolition.</p>	<p><b>Option 1:</b> Cash compensation to owners of affected structures that are either complete or incomplete. All structures must have been present within the project area at the cut-off date and identified and verified through final asset inventory and valuation byKETRACO</p>	<p>Financial training for the sustainable and prudent use of cash compensation</p> <p>Monitoring mechanism at main stages of construction of dwelling units.</p>
		Rightful owners of the affected houses and structures who choose to have replacement houses/ structures replaced in kind	<p><b>Option 2:</b> Constructed in kind replacement house of size (measured floor area or number of rooms) at least equivalent to the PAH’s pre-resettlement housing, with consideration of functional spatial use, at location of owner’s own choice.</p> <p>For PAHs who choose to have project build their houses, an agreement will be signed with the PAHs describing the house to be built, the</p>	<p>Vulnerable PAHs who choose in kind replacement house and if the affected structure was present within the project area by the cut-off date and identified and verified through final asset and valuation by NLC.</p>	<p>Financial training for the sustainable and prudent use of cash compensation</p> <p>Monitoring mechanism at main stages of construction of dwelling units.</p>

#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
		(built by the Project)	location and the expected time of final relocation (in principle should not exceed 6 months) Materials from the affected structure may be salvaged at the owner's expense within the notice period given to vacate defined by the project schedule and prior to demolition.	All PAHs in this category must prove that the affected structure is their primary residence.	
2.	Loss of business income/wages	Persons earning livelihoods (income or wages) from affected assets such as beekeeping	Compensation for loss of income for three months or the period of the time actually required to re-establish the business elsewhere if greater.  Any other transitional costs such as extended storage, lost wages, etc.	PAH must provide proof of business income or wages generated from the affected resource and affected business.  In the absence of business records to proof business income, the value of the affected business will be determined through observations and interviews among other methodologies done by Registered Valuers.	Financial training for the sustainable and prudent use of cash compensation  Business skills training and enlightenment on alternative income generating activities.  Monitoring mechanism at main stages of resettlement
3.	Sanitation facilities (Pit	Rightful owners of the affected structures	Cash compensation for all structures at full replacement cost, based on professional valuation.	Cash option is available to owners of affected structures that are	Financial training for the sustainable

#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
	latrines & bath shelters).	(residential, commercial and other)	<p>Statutory Disturbance Allowance of 15% of compensation amount.</p> <p>Materials from the affected structure may be salvaged at the owner's expense within the notice period to vacate defined by the project schedule and prior to demolition.</p>	<p>either complete or incomplete</p> <p>All structures must have been present within the project area by the cut-off date and identified and verified through final asset inventory and valuation by NLC.</p> <p>NB: Owners already given a replacement house that already includes these facilities will not receive additional cash compensation.</p>	<p>and prudent use of cash compensation</p> <p>Monitoring mechanism at main stages of resettlement.</p>
4.	Other structures such as fences, livestock enclosures, and livestock water points, etc.	Rightful owners of the affected structures	<p>Cash compensation for all structures at full replacement cost, based on professional valuation.</p> <p>Statutory Disturbance Allowance of 15% of the total compensation amount for structures.</p>	<p>Cash compensation to owners of affected structures that are either complete or incomplete. All structures must have been present within the project area by the cut-</p>	<p>Financial training for the sustainable and prudent use of cash compensation</p> <p>Monitoring mechanism at</p>

#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
			Materials may be salvaged at the owner's expense within the notice period to vacate defined by the project schedule and prior to demolition.	off date and identified and verified through final asset inventory and valuation by NLC.	main stages of resettlement.
5.	Land for Primary Residential land/ plot – permanent OR partial loss	Registered owner or claimants of communal and privately held land on which complete immovable housing structure is established for primary residence.	<p><b>Option 1:</b> Self-managed relocation (Cash compensation with relocation plans overseen)</p> <p>Legally established interests, including user rights, on community land will be compensated in accordance with Kenyan Law.</p> <p>Assistance in fasttracking Succession (where needed)</p>	<p>All PAHs in this category must prove that the affected land is their primary residence and either are PAHs who own other suitable resettlement land or have identified suitable resettlement land and have intention of buying it upon receipt of cash compensation (either through formal or traditional verification processes).</p> <p>PAHs may be required to give proof of ownership of other suitable parcel of land or a verifiable intention to enter into a binding/</p>	<p>Financial training for the sustainable and prudent use of cash compensation</p> <p>Easements will be registered on the affected property by the project.</p> <p>Provision of support registration cost and required formalities to ensure security of tenure for vulnerable PAHs where needed.</p> <p>Monitoring mechanism at</p>



#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
				written sale agreement with a potential seller of the suitable parcel of land before release of cash compensation (especially for PAHs who do not have sufficient land to rebuild their structures on and are required to replace land for dwellings).	main stages of resettlement
			<p><b>Option 2:</b> Assisted relocation (Cash compensation held by project and land and structures identified and acquired by the project) mainly directed at Vulnerable PAHs</p> <p>PAHs to identify suitable resettlement land whose value does not exceed compensation value of affected land and to negotiate and conclude the sale agreements with sellers, transfer of cash to the sellers and successfully transfer of land ownership to the PAHs.</p> <p>Assistance in fastracking Succession (where needed)</p>	<p>All PAHs in this category must prove that the affected land is their primary residence (either through formal or traditional verification processes) – Largely targeted at vulnerable PAHs</p> <p>All listed vulnerable PAHs and all PAHs who neither own other resettlement land nor</p>	<p>Financial training for the sustainable and prudent use of cash compensation</p> <p>The local administration will assist in identification of relocation land and coordinate related activities in liaison with KETRACO.</p>

#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
			<p>Assistance in conveyancing and transferring title (for vulnerable PAHs) where needed.</p> <p>Legally established interests, including user rights, on community land will be compensated in accordance with Kenyan Law</p>	<p>have identified suitable resettlement land.</p> <p>This is the risky category of land PAHs who will require direct project intervention during RAP Implementation</p>	<p>Provision of support registration cost and required formalities to ensure security of tenure for vulnerable PAHs where needed.</p> <p>Monitoring mechanism at main stages of resettlement</p>
6.	Permanent OR partial loss of agricultural farming land	Registered owners or claimants of communal and privately held lands	<p><b>Option 1:</b> Self-managed relocation (Cash compensation with relocation plans overseen)</p> <p>Statutory Disturbance Allowance of 15% of compensation amount.</p> <p>Assistance in fasttracking Succession cases (where needed)</p> <p>Assistance in conveyancing and transferring title (for vulnerable PAHs) where needed.</p>	<p>PAPs must prove ownership (either through formal or traditional verification processes) at the time of NLC verification</p> <p>Payment of compensation for lost assets and land made before displacement.</p> <p>PAHs must give proof of ownership of other</p>	<p>Financial training for the sustainable and prudent use of cash compensation</p> <p>Agriculture and livestock development projects and support programs targeting the PAHs and host communities</p>

#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
			<p>Legally established interests, including user rights, on community land will be compensated in accordance with Kenyan Law</p>	<p>suitable parcel of land or a verifiable intention to enter into a binding/written sale agreement with a potential seller of the suitable parcel of land before release of cash compensation.</p> <p>To ensure security of tenure to the resettled PAHs, the Legal Consultant will facilitate the execution of Sale Agreements between the sellers of land and the PAHs.</p> <p>In the absence of business records to proof business income, the value of the affected business will be determined through observations and interviews among other methodologies</p>	<p>Provision of support registration cost and required formalities to ensure security of tenure for vulnerable PAHs where needed.</p> <p>Monitoring mechanism at main stages of resettlement</p>

#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
				done by Registered Valuers.	
7.			<p><b>Option 2:</b></p> <p>PAHs to identify suitable resettlement land whose value does not exceed the total compensation and is within the defined project area and to negotiate and conclude the sale agreements with sellers, transfer of cash to the sellers and successfully transfer of land ownership to the PAHs (Mainly directed at vulnerable PAHs).</p> <p>Assistance in fasttracking Succession cases (where needed)</p> <p>Assistance in conveyancing and transferring title (for vulnerable PAHs) where needed.</p> <p>Taxes and fees, and registration costs for Registration of property to be added to the valuation and paid for directly.</p> <p>Legally established interests, including user rights, on community land will be compensated in accordance with Kenyan Law.</p>	<p>PAHs must prove ownership (either through formal or traditional verification processes) at the time of final asset surveys.</p> <p>Payment of compensation for lost assets and land made before displacement.</p> <p>All listed vulnerable PAHs and all PAHs who neither own other resettlement land nor have identified suitable resettlement land.</p> <p>This is the is also a risky category of land PAHs who will require direct project intervention during RAP Implementation</p>	<p>Financial training for the sustainable and prudent use of cash compensation Assistance to identify suitable land and negotiate with the potential land sellers. This will be achieved the use the local administration chain of command within their areas of jurisdiction in liaison with KETRACO</p> <p>Provision of support registration cost and required formalities to ensure security of tenure.</p>

#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
					Monitoring mechanism at main stages of resettlement by KETRACO PIT
8.	Permanent loss of grazing land	Registered owners or claimants of communal and privately held lands	<p>Registered owners or claimants:</p> <p>Cash compensation of the value of the land at replacement cost.</p> <p>Provision of support registration and required formalities to ensure security of tenure (for vulnerable PAHs) where needed.</p> <p>Assistance in fasttracking Succession cases (where needed)</p> <p>Assistance in conveyancing and transferring title (for vulnerable PAHs) where needed.</p>	For cash compensation, persons must prove ownership and interest (either through formal or traditional verification processes) at the time of final asset surveys. NLC will require to confirm the bona fide person(s) who have determined interest on the affected land as provided in the Land Act	<p>Financial training for the sustainable and prudent use of cash compensation</p> <p>Agriculture and livestock development projects and support programs targeting the PAHs and host communities</p> <p>Monitoring mechanism at main stages of resettlement</p>
9.	Annual Crops	Owners of crops on farm land	The project will make every effort to ensure land is taken after annual crops have been harvested.	Crop owners identified through final asset	Financial training for the sustainable

#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
			<p>In such circumstances, no compensation for annual crops will be paid.</p> <p>Where crops are planted as part of the regular farming cycle in the project area and land is required, prior to harvesting, Crop Owners receive:</p> <p>Cash: Damaged crops will be compensated in cash as mature crops at agreed rates determined annually based on full replacement cost determined by Ministry of Agriculture based on market prices plus transaction costs</p>	surveys by KETRACO and or its agent	<p>and prudent use of cash compensation</p> <p>Agriculture and livestock development projects and support programs targeting the PAHs and host communities</p> <p>Business skills training and enlightenment on alternative income generating activities.</p> <p>Monitoring mechanism at main stages of resettlement</p>
10.	Perennial Crops (Including fruit and	Owners of crops on farm land	Cash compensation based on replacement cost determined by Ministry of Agriculture and Kenya Forest Service for crops/ fruit trees and	Crops or trees in place (rooted) at cut-off date and identified through final surveyors by	Financial training for the sustainable and prudent use of cash compensation

#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
	economically valuable trees)		trees of economic/ medicinal value respectively based on market prices plus transaction costs Compensation according to defined growth stage or size categories.	KETRACO and or its agent..	
12.	Vulnerable Support Program (Tailored)	All PAPs in the project area considered vulnerable due physical challenges, sick or at a certain old age bracket require livelihood restoration support. This category refers to PAHs with other forms of vulnerabilities which may require special consideration. Vulnerable individuals and families who may find it	Transitional hardship assistance program appropriate to specific cases and based on Project assessment, including: - <ul style="list-style-type: none"> <li>• Priority in physical mobilization and transfer to resettlement plot;</li> <li>• A preference for in-kind compensation</li> <li>• Assistance in the compensation payment procedure</li> <li>• Resettlement near to kin and former neighbors to maintain informal support networks where feasible</li> <li>• Moving assistance to physically displaced vulnerable PAHs for their properties and salvages during resettlement.</li> </ul>	Identified through final census survey based on agreed Vulnerability criteria relevant to the project as documented in this RAP.	Special assisted transit to new land;i.e  Additional moving, loading and unloading assistance, if necessary;  Other specific support related to moving process (e.g. medical assistance for vulnerable PAPs who may be sick) identified by support case workers.

#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
		<p>difficult to cope with the Transition e.g. the elderly (over 60 years old), physically challenged, those suffering from chronic illness; widows and children who are under 18 years</p>			<p>Follow up on orphans to make sure they identify and register in school upon relocation. The Persons with Disability (PWD) and those HIV affected access support services in areas of new settlement.</p> <p>Widows, orphans and affected vulnerable persons to be assisted through local administration and family for issuance of land registration documents;</p> <p>Relocation of the widows, orphans and vulnerable</p>



#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
					<p>persons to be facilitated and receive adequate notice to relocate</p> <p>Assist and monitor orphans to make sure that these children get back to school in case of relocation and ensure they are compensated</p> <p>The vulnerable such as mentally sick, people with disabilities, aged, chronically ill to access information and opportunities</p> <p>Monitor the resettlement of the vulnerable e.g. orphans to make sure they gain school transfers; the HIV affected</p>

#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
					and chronically ill have access to medication and the persons with disability are locally registered with APDK office.
	Public Assets i.e. Affected properties, Structures, crops and trees excluding land.	National/County Government	Cash compensation is done upon identification of affected properties of the government institutions affected.  Land for Government institutions are not compensated for by another government institutions but only other properties are for purposes of replacement.	Existing prior to cut off date	N/A

**Table 7- 5: Livelihood restoration matrix**

<b>Key Livelihoods Interventions</b>	<b>Livelihood Activities /Programs</b>	<b>Timelines</b>	<b>Responsibility</b>	<b>Basis of Computation</b>	<b>Budget</b>
Forestry	<ul style="list-style-type: none"> <li>Facilitate KFS to train farmers on sustainable tree planting and management in all the 19 Locations / Settlements. One training per location</li> <li>Costs for supply of tree seedlings by KFS to all farmers (for replanting) in the 19 Locations / Settlements</li> <li>Costs for mobilization of farmers in all the 19 Locations / Settlements. Chiefs to be facilitated to undertake mobilization (19 Chiefs)</li> <li>Costs for hire of venue for training and refreshments</li> <li>Facilitate Ministry of Agriculture to train farmers on sustainable agriculture in all the 19Locations / Settlements</li> </ul>	During project construction	KETRACO	Kshs 150,000 for the 19 Locations / Settlements.	Kshs 2,850,000
			KFS/ Ministry of Environment and Forestry	A lump sum cost for the supply of tree seedlings at Kshs 750,000 for each of the 19 Locations / Settlements.	Kshs 14,250,000
				Kshs100,000 per chief in the 19 Locations / Settlements.	Kshs 1,900,000
				Kshs 100,000 for the 19 Locations / Settlements.	Kshs 1,900,000
				Kshs 100,000 for the 19Locations / Settlements.	Kshs 1,900,000
Agriculture			Ministry of Agriculture at county level	A lump sum of cost of supply of seeds at Kshs	

<b>Key Livelihoods Interventions</b>	<b>Livelihood Activities /Programs</b>	<b>Timelines</b>	<b>Responsibility</b>	<b>Basis of Computation</b>	<b>Budget</b>
	<ul style="list-style-type: none"> <li>Costs for supply of seeds to farmers in the 19 Locations / Settlements including Vulnerable PAPs identified</li> <li>Costs for mobilization of farmers in the 19 Locations / Settlements (* chiefs to be facilitated to mobilize farmers)</li> <li>Costs for training venue and refreshments</li> </ul>			<p>150,000 for each of the 19Locations / Settlements.</p> <p>Kshs 100,000 per chief in the 19 Locations / Settlements</p> <p>Kshs 100,000 for the 19 Locations / Settlements</p>	<p>Kshs 2,850,000</p> <p>Kshs 1,900,000</p> <p>Kshs 1,900,000</p>
	<ul style="list-style-type: none"> <li>Livestock Programs : Facilitate Livestock Development to train farmers on sustainable livestock production methods in all the 19Locations / Settlements</li> </ul>	During project construction	Min.of Agriculture & Livestock development	Kshs 100,000 per location	Kshs 1,900,000
Financial Literacy Training	<p>Liaise with County Ministry of Trade/CSO Trainers/ Or Hire Consultants to:</p> <ul style="list-style-type: none"> <li>Undertake financial literacy training to enable effective management of any cash compensation to all PAPs</li> </ul>	Before Compensation (for financial literacy. Other can	KETRACO Financial institutions	A lump sum of cost of Kshs 150,000 for each of the 19 Locations / Settlements.	Kshs 2,850,000

Key Livelihoods Interventions	Livelihood Activities /Programs	Timelines	Responsibility	Basis of Computation	Budget
	<p>and Vulnerable PAPs in all 19 Locations / Settlements</p> <ul style="list-style-type: none"> <li>● Financial training for the sustainable use of cash compensation (including training on the maintenance opening a bank account, on small household investments, saving strategy and financial planning on the household level</li> <li>● Undertake entrepreneurial training targeting small and medium enterprise start-up such as grocery in all 19 Locations / Settlements</li> <li>● Vocational training for youth unskilled labor for employment in the project such masonry, plumbers etc. in all the 19 Locations / Settlements</li> <li>● Offer Off-farm Business skills such as food making, groceries etc. in the 19 Locations / Settlements</li> <li>● Business skills training: facilitation of access to alternative income generating activities. In the 19 Locations / Settlements</li> <li>● Costs for 19 training Venues and Refreshments for training</li> </ul>	<p>be During project construction</p>		<p>Kshs 200,000 for hiring venues and refreshments for training in the 19Locations / Settlements</p>	<p>Kshs 3,800,000</p> <p>Kshs 1,900,000</p>

<b>Key Livelihoods Interventions</b>	<b>Livelihood Activities /Programs</b>	<b>Timelines</b>	<b>Responsibility</b>	<b>Basis of Computation</b>	<b>Budget</b>
	<ul style="list-style-type: none"> <li>Costs for Hire of Trainers/Consultants</li> </ul>			Kshs 150,000 for the 19 location	
Micro Loans/Small Business Grants	<ul style="list-style-type: none"> <li>Costs for Awareness creation on availability and criteria for applying for small grants and low interest loans from financial institutions and NGO.</li> <li>Sensitize groups to local cooperative formation such as SACCO for savings and investments.</li> </ul>	During project construction	KETRACO Financial institutions County Department of Trade	Kshs 100,000 to be used for each 19Locations / Settlements to create awareness and sensitization.	Kshs 1,900,000
Employment	<ul style="list-style-type: none"> <li>Priorities employment of local youth/people as much as possible</li> <li>Reserve certain opportunities for Vulnerable PAPs, PLWDs and vulnerable households</li> <li>Priorities semi and unskilled jobs employment targeting vulnerable persons such as PLWD, and Widows including women and youth.</li> <li>Community Resettlement Committee in each Location to identify those to be prioritized for employment.</li> <li>Certain positions to be reserved for female only.</li> </ul>	During project construction	KETRACO Contractor	Along the 19 locations	nil

<b>Key Livelihoods Interventions</b>	<b>Livelihood Activities /Programs</b>	<b>Timelines</b>	<b>Responsibility</b>	<b>Basis of Computation</b>	<b>Budget</b>
	<ul style="list-style-type: none"> <li>The Gender requirement be observed as much as possible.</li> </ul>				
National Safety Net programs for Vulnerable persons / Government support programs	<ul style="list-style-type: none"> <li>Facilitate the Ministry of Social Services to create awareness on the Programs and requirements in the 19 Locations / Settlements.</li> <li>Costs for the Ministry of Culture and Social Services staff to Register the qualifying Vulnerable PAPs in each Location for 2days (19x2)</li> </ul> <p><b>Orphans</b></p> <ul style="list-style-type: none"> <li>Link up orphans with government scholarship opportunities by liaising with County Government</li> <li>Link up orphans with the county government for registration under Cash Transfer for Orphans and Vulnerable Children</li> </ul> <p><b>PLWD</b></p>	During project construction	KETRACO Ministry of Labor and Social Protection	<p>Kshs 150,000 for the 19Locations / Settlements</p> <p>Kshs 100,000 for an average of 38 days to cover the registration process And transport fuel /wear &amp;tear Kshs 35,000 per day for the 38 days.</p> <p>Along the 19 Locations / Settlements</p>	<p>Kshs 2,850,000</p> <p>Kshs 3,800,000</p> <p>1,330,000</p> <p>nil</p>

Key Livelihoods Interventions	Livelihood Activities /Programs	Timelines	Responsibility	Basis of Computation	Budget
	<ul style="list-style-type: none"> <li>● Liaise with County Government Social protection department to register PLWD with Cash Transfer for Persons With Severe Disabilities (PWSD-CT)</li> </ul> <p><b>Elderly</b></p> <ul style="list-style-type: none"> <li>● Link up the elderly (65 years and above) with Social protection department a County level for registration with Older Persons Cash Transfer (OPCT) program</li> </ul> <p><b>Others</b></p> <ul style="list-style-type: none"> <li>● Link up the extremely impoverished households with Hunger Safety Net Program (HSNP) via social protection department</li> <li>● Link up the vulnerable households children to County / constituency scholarships program.</li> </ul>			<p>Along the 19 Locations / Settlements</p> <p>Along the 19 Locations / Settlements</p> <p>Along the 19 Locations / Settlements</p>	<p>nil</p> <p>nil</p> <p>nil</p>
TOTAL COST					49,780,000.00



## CHAPTER 8: GRIEVANCES MANAGEMENT SYSTEM

### 8.1 Introduction

A fundamental principle of any project implementation is to prevent or minimize grievances rather than going through a redress process. This can be achieved through commitment to a human rights-based approach towards displacement and resettlement, thoughtful project design, ensuring full participation and consultation of the PAPs and establishing extensive communication and coordination between the affected communities, and the project. However, and despite proactive stakeholder engagement, this does not always preclude grievances from arising, given the involuntariness of displacement and the inconvenience that accompanies it.

Involuntary displacement and resettlement are therefore prone to grievances, which if not handled swiftly can significantly delay the successful completion of the project.

The RAP implementation process, therefore, provides opportunities for the PAPs to air and articulate their queries, concerns, issues, complaints, dissatisfaction or sense of injustice or unfairness, and seek to have these resolved amicably, and in the shortest time possible. Any landowner, structure owner, tenant, or other PAPs should be able to file a grievance for any difficult decision, practice or activity, arising from signing of easement, relocation, compensation, or any other topic related to the project. Therefore, a Grievance Redress Mechanism (GRM) as a mechanism, or set of procedures and processes, or organizational systems and resources, to be used as a means to hear, address and resolve issues and complaints related to project implementation (which can include to entitlements, mitigation measures and other arising issues), in a timely manner is critical for project success. The stakeholder input handled through these systems and procedures may be called grievances, complaints, feedback, or any other functionally relevant terminology or concept.

Some of the possible grievances that can be anticipated or are most likely to occur during the implementation of this RAP may include:

- Misidentification and/or omission of genuine assets and PAPs from the PAP and Asset register;
- Errors are committed in the recording of PAPs details concerning property and valuation;
- Disputes or contestations over the ownership of valued assets/property; Two or more people claiming an asset or business (owner and the operator are different persons);
- Disputes over parcels limits, either between the affected person and the Project or between two neighbors;
- Disputes over valuation of affected assets, including disagreement over the proposed entitlements, unit applied;
- Conflicts and disputes over plot/parcel boundaries, or even inter-county boundary competing claims, the first being between the PAP and the project, or PAP and their neighbor;
- Infighting between families due to succession, divorce, fights over right to inheritance, lack of spousal consultation in the disposal of assets or compensation funds;
- Disagreements over ownership shares of joint property or assets;
- Disagreements on modes of payment e.g. whether cash or in-kind;
- Disagreement over resettlement measures or sites, for instance on the citing of the site, type of assistance offered, loss/decrease of business or income due to relocation, etc.;
- Interruption of community social or other services and infrastructure e.g. water, access to pastures
- Damage to un-expropriated assets such as land, crops, and trees during acquisition.

## 8.2 Objectives of a grievance Redress Mechanism

Primarily, GRMs are designed as a conduit for soliciting inquiries, inviting suggestions, and increasing community participation in a project. To the extent that projects can achieve success on these dimensions, mainly, an effective GRM mechanism can be useful in various ways:

- Generating public and stakeholder awareness about the project and its objectives;
- Increasing stakeholder involvement in the project;
- Improving project outcomes: through timely resolution of issues and problems, GRMs can contribute to timely achievement of project objectives such as timely acquisition and resettlement to enable project completion on time;
- Providing feedback to different levels of the project-on-project performance such as providing project staff with practical suggestions/feedback;
- Acting as an early warning mechanism, GRMs can identify and resolve implementation problems in a timely and cost-effective manner: They help teams catch problems before they become more severe and/or widespread, before they escalate, thereby preserving project funds and its reputation, and avoiding time-consuming disputes. Therefore, acting as a useful risk management tool;
- Building community-project relations, through creating and maintaining trust with affected persons and community stakeholders, thus enhancing the project's legitimacy among stakeholders;
- Allowing staff involved in project implementation to be more accountable, transparent and responsive to PAPs;
- Deterring or curbing fraud and corruption; and,
- Assessing the effectiveness of internal organizational processes but also improving the operational processes and performance of an organization.

## 8.3 Guiding Principles for an effective Grievance Redress Mechanism

Several guiding principles should drive the design of an effective GRM. GRMs that involve these principles are more likely to provide effective resolution of grievances

**Table 8- 1: Guiding principles for an effective GRM**

Principles	How it will be implemented in the project area
<p><b>Start early in the project cycle:</b> GRM (or at least the lowest level institution at PAP level should be put in place as early as possible, and later modified as the need arises.</p>	<p>•CRCs will be formed in the 19 Locations. The PAPs will be elected and confirmed the members.</p>

Principles	How it will be implemented in the project area
<p><b>Accessible and straightforward:</b> should be accessible to diverse members of the community, with multiple points of entry and access. Should be known to all intended to use it.</p>	<ul style="list-style-type: none"> <li>●The procedures and mechanisms are simple and easily understandable.</li> <li>●CRCs (lowest level) will be established at Location level thus within reach of the PAPs, including the vulnerable.</li> <li>●Multiple points of complaints provided.</li> <li>●Elimination of barriers such as cost in the project-based mechanism</li> <li>●Sensitization of communities in the area of influence on the grievance procedure and how to access it recommended in this RAP</li> </ul>
<p><b>Legitimate:</b> Enabling trust from the stakeholders intended to use it</p>	<ul style="list-style-type: none"> <li>● CRCs to be elected by the community/PAPs in a public meeting, to enable trust and acceptance.</li> </ul>
<p><b>Participatory and Inclusive:</b> developed in a participatory manner and includes representatives from the main actors/categories relevant to the project/area</p>	<ul style="list-style-type: none"> <li>●Membership of CRCs to be drawn from main groups among the PAPs relevant in a specific case, including gender consideration.</li> <li>●All key categories of PAPs, local leadership and Government Will be involved.</li> </ul>
<p><b>Contextualization and appropriateness (e.g. Cultural and Context-Sensitive):</b> need to be localized to ensure it is appropriate to the local context, keeping in line with local structures; incorporating context-specific cultural attributes as well as traditional mechanisms for raising and resolving issues.</p>	<ul style="list-style-type: none"> <li>●No insistence on a single number to be met but the community advised that a committee of sizable number (not too large or small using 10 as example) is vital to the functioning of the committee.</li> <li>●An effort to incorporate context-specific factors e.g. clans, traditional institutions such as the Council of Elders (Wazee wa Chief/Nyumba Kumi).</li> <li>●Government administration e.g. chief or assistant chief incorporated in all CRCs.</li> </ul>

Principles	How it will be implemented in the project area
	<ul style="list-style-type: none"> <li>● other institutions with authority and function as dispute resolution centres incorporated e.g. Imams, pastors</li> </ul>
<p><b>Responsive, Timely, and Efficient:</b> Should be responsive to the needs of all complainants, and resolutions should be reached in the soonest time possible to discourage lengthy suits that are time-wasting.</p>	<ul style="list-style-type: none"> <li>● Short response periods recommended to the GRM.</li> <li>● Regular feedback to all who raise grievances is recommended.</li> <li>● Training of the committees is recommended to ensure effective action.</li> <li>● Lengthy administrative and legal procedures should be avoided and resorted to as the last option.</li> </ul>
<p><b>Transparency/ Confidentiality:</b> Users must be informed how they can access the mechanism. All complaints should be handled fairly and impartially, confidential (on sensitive issues / where complainant prefers anonymity and the committee members should act independently of any external influence while concerned parties can air their views and complaints without fear of reprimand;</p>	<ul style="list-style-type: none"> <li>● General sensitization on the GRM needed (some minimal level of sensitization achieved during the public meetings).</li> <li>● Clear and known procedures with an indicative timeframe for each stage and clarity on the types of process and outcome incorporated.</li> <li>● Confidentiality of the dialogue between parties and of individuals' identities should be provided where necessary. Use of a representative / unique serialization can be adopted for grievance tracking purposes.</li> </ul>
<p><b>Formalized:</b> the mechanism needs to be formally established, predictable and well known, and not ad hoc. It needs rules for addressing grievances, holds regular meetings/deliberations on specific and well known days to discuss the issues. Laid out and expected timetable for key process milestones is essential.</p>	<ul style="list-style-type: none"> <li>● Official activation of the CRC recommended and community already informed of the same.</li> <li>● Set timelines and procedures established and will be adhered to..</li> <li>● Documentation, e.g., through minutes integrated into the proposed mechanism procedures.</li> </ul>

Principles	How it will be implemented in the project area
<p><b>Appropriate Protection:</b> The mechanism should prevent retribution and should not impede access to other remedies.</p>	<ul style="list-style-type: none"> <li>● Sensitization to include that complainants will not be targeted with reprisal.</li> <li>● Legal recourse provided for in the GRM as a valid grievance redress option course.</li> </ul>

The grievance process should seek to rebuild and maintain relationships between the affected parties and the project thus been beneficial not only to the PAPs but also the project since it will avoid delays that can derail the project implementation for an extended period. It should not negate the rights of any PAP, thus consistent with international best practices and standards, and should not restrict access to other redress mechanisms. Legal means for dispute resolution, therefore, remain open and available to the PAPs, when the need arises. Finally, it is vital that it enables continuous learning and is flexible enough to allow modifications and improvements from emerging lessons. Therefore, regularly reviewing and acting upon grievances data and trends is essential.

### 8.4 Grievance Structure

This RAP proposes a three (3) – tier grievance redress mechanism at the:

- Community level
- KETRACO level
- Legal redress level.

The table matrix below shows GRM composition and functions.

**Table 8- 2: GRM composition and functions**

Institution	Membership	Functions
<p><b>Community Resettlement Committee</b></p>	<ul style="list-style-type: none"> <li>● To be established at the community level in each location</li> <li>● Varies from a 7 to 15-member committee (to ensure there are no ties in case they need to vote on a case) depending on the locations uniqueness</li> <li>● Membership will be drawn from a variety of sectors including project affected persons (male, female, structure/land owners, affected institutions where needed, persons living with disabilities, council of elders’ representatives, Youth, religious groupings etc.), and cognizance of local dynamics.</li> </ul>	<ul style="list-style-type: none"> <li>● Assist PAPs to file a complaint.</li> <li>● To address PAPs grievances as 1<sup>st</sup> point of contact, within 1 month and at no cost to PAP.</li> <li>● Publicize the grievance management procedures.</li> <li>● Receive, review, investigate and keep track of grievances through the grievance logs/registers.</li> <li>● Adjudicate and develop redress options for the raised grievances.</li> <li>● Monitor fulfillment of agreements achieved through the committee.</li> </ul>

Institution	Membership	Functions
	<ul style="list-style-type: none"> <li>● A representative of the local government administration such as chief or assistant chief is a default member.</li> <li>● (if needed) A community liaison person representing the firm that implements the RAP or hired by KETRACO if need be can be included. Community Liaison Officer (CLO) will be the link between the CRC and KETRACO.</li> <li>● For authority, the local chief or assistant chief representation in the committee will be the convener.</li> <li>● At activation, the groups will select a chairperson, vice chairperson and secretary. The secretary must be someone who can read and write in English.</li> </ul>	<ul style="list-style-type: none"> <li>● Provide inputs into the monitoring and evaluation process such as monthly reports on grievances.</li> </ul>

***If no amicable solution or settlement is reached, the aggrieved person is not satisfied or does not hear from the CRC within the required time limits, they can escalate the grievance to the next level***

<b>Project Implementation Team (PIT)</b>	<ul style="list-style-type: none"> <li>● Largely, KETRACO based Project Implementation Team (PIT) who will consider grievance reports forwarded to it and make a determination.</li> </ul> <p>Membership consists of Department of Environment and Social Safeguards (with a minimum of social safeguards/RAP Expert/Sociologist, a surveyor, valuer), and other representatives from KETRACOs other departments (including a finance officer, a legal counsel/advisor, a community liaison person, communications officer). Team to be headed by a Project Coordinator or Manager, preferably a senior staff from Environment and Social Safeguards.</p>	<ul style="list-style-type: none"> <li>● Escalation Mechanism to determine grievances unresolved by CRC – within 2 months and at no cost to PAP.</li> <li>● KETRACO will acknowledge receipt of complaints within two weeks and will strive to resolve each complaint within two months.</li> <li>● Responsible for monitoring the complaints – handling performance at lower levels.</li> <li>● Providing inputs into the monitoring and evaluation process, such as quarterly reports on grievances handled.</li> </ul>
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Institution	Membership	Functions
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The aggrieved person can go Court as a last resort. Given the above mechanism, it is not foreseen that many disputes will end up in court.

Court of Law		
	The Land and Environment court deals specifically with land and environment-related disputes of which displacement and valuation are part.	<ul style="list-style-type: none"> <li>•PAPs not happy with the project process free to seek legal redress and at their own cost. The legal option will only act as an avenue of last resort and will be sought after all other redress mediums have been exploited and exhausted.</li> </ul>

#### 8.4.1 Community Level /Community Resettlement Committees (CRC)

This RAP prefers the first level of grievance or conflict redress on RAP related issues as a result of this project to be handled by Community Resettlement Committees in the project sites as this allows for all forms of grievances to be handled in an amicable manner and as an alternative dispute resolution to formal process, which is normally lengthy and costly.

During sensitization of the PAPs on the need for grievances redress, the RAP team leader explained the criteria of selection and representation of various Community Resettlement Committees (CRC) members. Members present were sensitized on the importance of this committee and informed that the committee will be formed during implementation of the project. The Community Resettlement Committees (CRC) will be unveiled in every administrative location and chaired by the Chief assisted by the sub location Assistant Chief. The decision was reached in liaison with the local administrative leaders due to the number of PAPs in the area and distance covered. Participants were sensitised on the criteria and procedure to be followed in electing the Community Resettlement Committee (CRC) members. Membership will include 7 to 15 members i.e a representative from the local administration, KETRACOs liaison officer, community representatives of equal representation in terms of gender. The criteria to be used when electing members is as follows :

- Be primarily affected by the transmission line i.e project affected members (PAPs),
- Must be over 18 years
- Be of sound mind and character according to Chapter Six of Kenyan Constitution 2010
- Be a fulltime resident in the location area
- Must include: representatives for PAPs, Village Managers / community leaders, men, women, youth, religious institutions and People Living with Disability, CBO / NGO and Elderly

- Be willing and available to serve as members of the CRC

#### **8.4.2 Second Level: Ketraco Level**

The second level grievance redress will be the KETRACO level. KETRACO will seek to resolve complaints through its internal processes or seek arbitration/mediated resolution before informing the complainant to seek judicial resolution if they are still not satisfied. KETRACO's internal project grievance redress process will include redress by the PIT, or the institution of an arbitration/mediation process by the Company Secretary where appropriate. At the KETRACO level, grievances will be received through email, letters, verbal, suggestion box or from the CLO or the CRC (grievances unresolved at the CRC level). Once grievances are received, they will be logged into the grievance log in the office. Some grievances may be resolved immediately, especially those that need KETRACO's project staff to provide information to the complainant. KETRACO will acknowledge receipt of complaints within two weeks and will strive to resolve each complaint within two months.

#### **8.4.3 Third Level: Legal & Judicial Redress Mechanisms in Kenya**

In the event that the complainants are dissatisfied with the outcome of the second level of grievance resolution, they shall be advised to seek recourse through the following dispute resolution bodies at their own cost and as a last resort. For land acquisition related matters, this is mainly directed to the Land and Environment Court

Particularly, the Land Value (Amendment) Act 2019 and constitution establishes the Land Acquisition Tribunal (The Tribunal) and Environment and Land Court (high court) and empowers this court to determine disputes relating to the amount of compensation to be paid for land acquired compulsorily in the public interest.

For other matters, and depending on the nature of the issue, this can also include:

- i. The Commission on Administrative Justice for matters on Administrative Justice
- ii. The Energy Tribunal for matters on Energy

#### **8.4.4 National Land Commission Grievance and Appeals System**

The Land Act 2012 empowers NLC to manage public land and carry out compulsory acquisitions of land for specified public purposes. NLC has been constituted and thus legally, NLC is supposed to provide approval to the request made by KETRACO to acquire land. NLC is also expected to notify landholders in writing of the intention to acquire land; assist in resolving disputes related to compensation; undertake public consultation on intended acquisition.

#### **8.4.5 AfDB Grievances Redress Mechanism**

The African development bank provides for grievance redress mechanisms that provide avenues for individuals and communities to submit complaints directly if there is belief that they have been, or are likely to be, adversely affected by AfDB-funded project. This Can be done in 2 ways:

- 1 Registering a grievance with the AfDB in county (Kenya Team): Ideally PAPs are encouraged to reach out to the Kenya country team if they feel aggrieved.
- 2 The Independent Review Mechanism



The Independent Review Mechanism (IRM) administered by Compliance Review and Mediation Unit (BCRM)) provides people adversely affected by projects financed by the African Development Bank Group (AfDB) with an independent mechanism through which they can request the Bank Group to comply with its own policies and procedures.

For recourse, BCRM receives requests presented by two or more persons (such as community of persons, an organisation, association, society or other grouping of individuals) and/or by a qualified representative of the affected persons who demonstrate that their rights or interests have been or are likely to be adversely affected by the non-compliance of the relevant Bank Group policies. The requestor(s) and any other interested persons may ask that their identities be kept confidential, and if so, the reasons for such confidentiality.

Requests must be sent to the Director of the Compliance Review and Mediation Unit (BCRM), African Development Bank Group (AfDB)  
Compliance Review and Mediation Unit (CRMU) - AfDB  
BP 1387 Abidjan 01, Cote d'Ivoire  
Immeuble du Centre de Commerce International d'Abidjan (CCIA) - Avenue Jean Paul II |, 14th Floor  
[BCRM\\_info@afdb.org](mailto:BCRM_info@afdb.org) (link sends e-mail)  
Tel: +225 27 20 26 20 56 (CRMU Front Office)

The BCRM handles requests through;

- **Compliance Review (investigation),**

The compliance review function is handled by the IRM Roster of Experts comprising three external professionals, appointed by the Board of Directors for a five-year non-renewable term. The Experts together with the Director of BCRM determine eligibility of request(s) for compliance review, and submit their eligibility report, recommending whether or not to undertake the compliance review, to the Board of Directors or to the President, as the case may be for project's status of approval.

- **Problem-Solving (mediation).**

In a request for problem-solving, BCRM will restore an effective dialogue between the requestors and any interested persons with an aim to resolving underlying issues without seeking to attribute blame or fault to any such party

BCRM is not authorized to register requests relating to:

- Procurement complaints from bidders and suppliers;
- Fraud and corruption since they are handled by another unit within the Bank Group (IACD);
- Matters before the Administrative Tribunal of the Bank;
- Matters before other judicial review or similar bodies;
- Frivolous or malicious complaints;
- Complaints motivated by an intention to gain competitive advantage;
- Matters already considered by the IRM, except where there is material new evidence;
- Actions that are the sole responsibility of other parties;
- Adequacy or unsuitability of AfDB's policies and procedures; and
- Alleged Human Rights violations, other than those involving social and economic rights alleging any action or omission on the part of the Bank Group.

## **8.5 Grievance Redress: Process, Procedures and Timelines**

Grievance procedures may be invoked at any time, depending on the complaint. No person or community should experience any further impact until any complaints he/she has are satisfactorily resolved, following the procedures below:

### **8.5.1 Grievance uptake: Receipt and Lodge/Register**

The community level grievance redress procedure will start with registration of the grievances with KETRACOs Community Liaison Officer (CLO) on site or with the CRC in the grievance registration form. (**Appendix E1**). The CLO will convene a meeting with CRC, invite the aggrieved party to the meeting and present the grievance to the committee for hearing. It is envisaged that the CRC will acknowledge receipt of the complaints and grievances within 5 working days, and strive to resolve the matter within one month. The CRC will ensure that grievances reported to it are dealt with in a fair, consistent and timely manner, in accordance with the agreed timelines and resolution modes. Each CRC will be encouraged to resolve matters objectively and to escalate to KETRACO any disputes that they are not able to resolve within established timelines. In this regard, the CRC will seek to eliminate unreasonable or illegitimate claims which may be driven by other factors that are not genuine, or project related, and satisfy legitimate claimants by reconciling the aggrieved PAP(s) either with one another, or with KETRACO as the case may be.

KETRACO's Community Liaison Officer (CLO) will be the link between the CRC and KETRACO. If the CRC is unable to satisfy the claimant, then the matter will be escalated to KETRACO through the CLO. Being a support to the CRC, the CLO in agreement with the CRC will escalate the unresolved complaints to the PIT, with documentation about the issue, how it has been dealt with by the CRC as well as the reason for the stalemate.

A number of avenues should be made available to the PAPs for communication of grievances, e.g. through e-mail, text messaging, telephone calls, face to face interactions with members of the committees, by post e.g. to KETRACO.

Ideally, at the settlement / location method, and despite the use of the variety of channels, Community Liaison Officer (CLO) is responsible for receiving, referencing, registering, and filing all grievances. The person will listen to the complainant and where necessary, For instance, if complainant does not speak or write Swahili/English) assist in filling the grievance form. Both the complainant and CLO will sign the form, after the complainant verifies the accuracy. Ideally, a grievance should be lodged orally or in written form and in the language the complainant is comfortable in. The CLO then translates this into an English form.

The CLO then logs the grievance into the grievance log or register giving each case a unique number, date complaint was lodged, complainant (if not a sensitive issue), nature of complaint, and in later stages action taken, or not taken, with reasons for the latter. As per the grievance register the CLO should ensure confidential reporting while handling sensitive cases such as GBV and anonymous reporting for those who choose to report anonymously. The use of unique assigned number should guide in tracking the grievances. Ideally, the use of the CLO ensures a centralized logging and tracking system – very essential for accountability.

### **8.5.2 Sorting and Processing: Acknowledge, Assess and Assign**

A written acknowledgment of receipt of the grievance is sent to the aggrieved person within 5 days, having been signed by the chairperson of the committee, and showing that the grievance has been received, will be logged and reviewed for eligibility, and if eligible, and will generate an investigation. This is key for accountability and shows the complainant the committee takes him/her and the grievance seriously.

The committee sits, and since various types of grievances will be lodged, and not all will be handled by the CRC, this sitting will first assess the eligibility of the issue for the GRM mechanism while those not related to project eliciting an immediate response and referral to the right process or organisation. Such may include complaints constituting criminal activity and violence.

For eligible complaints, these are categorized as (a) comments, suggestions, or queries; (b) complaints to be handled by CRC; (c) complaints to be referred directly to KETRACO and other parties. Some, e.g. (a) above may only require an immediate clarification or a simple explanation, while for (b) type of complaints, these will be assigned priority for investigation.

In each, the action required is written down in the grievance registry.

**Collaborative:** Not all complaints should be handled through a GRM. For example, grievances that allege corruption, coercion, or significant and systematic violations of rights and/ or policies are typically referred to organizational accountability mechanisms or administrative or judicial bodies for formal investigation, rather than to GRMs for collaborative problem-solving.

### **8.5.3 Verification and Investigation**

The CRC will then hold a meeting on the grievance and may work in consultation with the aggrieved person. In this step, they will also gather information on the grievance and decide on the corrective action within 2 weeks after the acknowledgement. The proposed action will be lodged in the register.

### **8.5.4 Develop and Communicate Response**

The CRC will inform the complainant within 7 days of the finalization of investigation and committee resolution – through a meeting, followed by a summarized written communication of the decision and resolution – of the results of investigations and the actions proposed, seeking to seek agreement on the response. The actions can be:

- Direct action to resolve the complaint;
- Further assessment and engagement with the complainant and/or involving other actors to jointly determine the best way to resolve the complaint.

#### **Two possible scenarios can result from this meeting:**

- The aggrieved party accepts the proposed corrective action: A written agreement is developed, detailing the time frame for implementing the corrective action as well as responsible party. This is signed by the CLO and CRC chairperson (KETRACO in the case of the second level GRC) and the aggrieved party, and the corrective action commences. The acceptance is also lodged in the log, and later the completion date will be lodged after verification that recommended action was undertaken by the CRC, or concerned party. Ideally, Parties should be given 5 working days within which to provide a response of agreement or rejection of the resolution.
- The aggrieved party rejects the proposed corrective action: The default position is that case/matter is referred to KETRACO level, following procedures outlined earlier. If the project-based GRM does not result in an action acceptable to the aggrieved party, he/she can resort to the judicial recourse

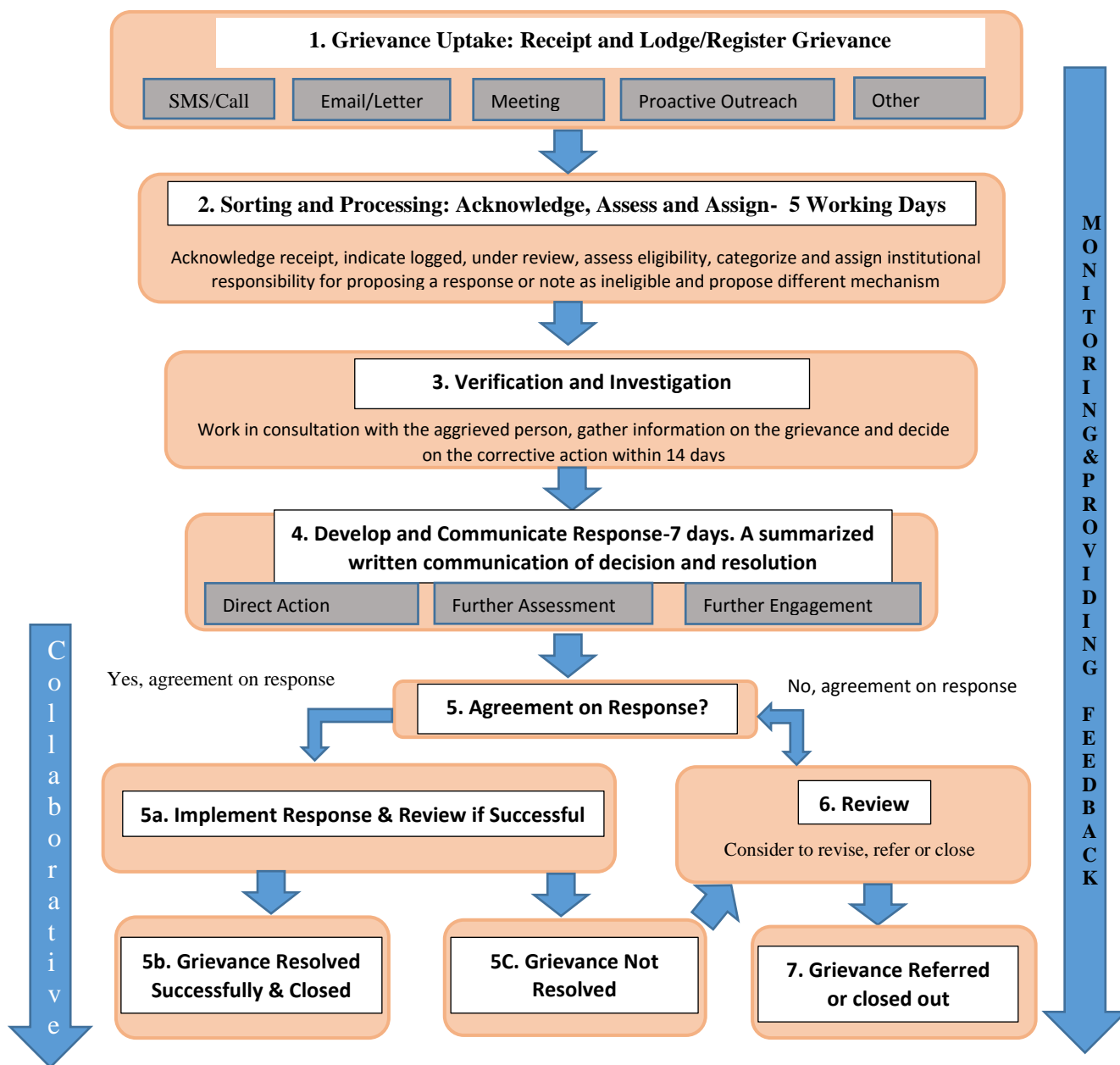
### **8.5.5 Action: Implement Response and Review if Successful**

When there is agreement between a complainant and the CRC such as acceptance of a proposed action, thus enabling the process to move forward with the proposed action or stakeholder process, then the response

should be implemented as soon as possible and without undue delays but within a month of the acceptance of the resolution. See grievance redress process as shown in figure 8-1 below:

### 8.5.6 Closeout or refer the grievance

Where the response has been successful, the secretary of the committee and CLO should document the satisfactory resolution in the grievance resolution form (**Appendix E –Grievance Resolution form**). It is best to have the complaint countersign to show their satisfaction with the response. The grievance is then indicated as closed.



**Figure 8- 1: Grievance redress process**

## **8.6 Other Key Considerations**

### **8.6.1 Remuneration of Committee Members**

All the members of the various committees established at the different levels will perform their duties on a voluntary basis. There will be no remuneration other than costs associated with transport, communication, meals and sitting allowance. The amount can be reviewed from time depending on logistics involved in bringing the members together for admission of justice to PAHs.

### **8.6.2 Appointment of Committee Members**

The members of the CRC will be appointed through an election process with all the affected PAHs in the project area participating.

### **8.6.3 Sensitisation and Capacity-Building**

To create demand for the GRM mechanism, thus avoiding escalation of issues to court, KETRACO will undertake the following.

#### **i. Sensitization of the PAPs on the grievance mechanism and its procedures**

The effective working and use of the CRC depend on the awareness of its existence. Therefore, PAPs need to understand and support the purpose of the project GRM. Although the consultant undertook some level of sensitization, comprehensive exercise is required to publicize the existence of the GRM, its procedures, the levels, and other relevant information. The communications strategy should also reach out to disadvantaged and marginalized groups, which often cannot access GRMs.

Communication methods and materials should include meetings, project website, bulletin boards in strategic sites (for instance at the chief's office) brochures summarizing the GRM process, and where possible be translated into the local languages as resources permit. Particular messages which need to be reinforced continually may include:

- The project-based GRM is cost-free: there are no financial charges for PAPs to access or have the committees hear a dispute; however, PAPs not happy with the project-based GRM process will be free to seek legal redress. This means they will be expected to bear the costs associated with legal redress through courts.
- The GRM is open to all;
- There exist mechanisms to escalate an issue if one committee is not able to address it satisfactorily;
- There is no retribution for complainants such as they are not punished;
- The types of grievances that can be submitted;
- The procedures to lodge a complaint and timeframes;
- Confidentiality can be assured where needed; and
- The project welcomes suggestions, recommendations, and grievances as they help improve the project's policies and systems.
- Further, KETRACO and contractor (where applicable) staff working on the project will be sensitized to the SEP and GRM.

#### **ii. Capacity Building for the CLO and CRCs**

It will be important for the CLO/Wayleave officer to be appointed based on his/her experience and training in conflict resolution through mediation and reconciliation. It will also be important for the CLO 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 officer 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 committees will also need to be oriented to the grievance management system suggested in the RAP. The capacities of the committees will also need to be built around issues of conflict identification, conflict information analysis and conflict resolution as provided for in the land legislation.

#### **8.6.4 Documentation**

At all levels, keeping of documentation should be ensured, including the grievance registers, grievance forms. Every meeting should have written minutes and approved by the relevant parties.

#### **8.6.5 Phasing out of Committees After Project Completion**

Often, development programmes form various committees and tend not to phase them out after completion of the project. Committees such as the CRC can easily metamorphosize, increasingly undertaking activities not within their mandate, and causing conflict with other institutions. Therefore, after completion of the RAP implementation (and more ideally, the transmission line construction), KETRACO will hold official phasing out ceremonies to acknowledge the committees and indicate the end of their terms of reference. Part of the appreciation, in this case, can include certificates of recognition.

#### **8.7 GRM Budget**

Grievance redress mechanisms (GRMs) is an effective tool for early identification, assessment, and resolution of complaints on the proposed project. Like any other activity, allocation of adequate resources is needed to enhance the effectiveness of the process. This RAP therefore recommends 4% of total valuation and compensation budget inclusive administrative costs be GRM Implementation Budget. The budget should ensure efficiency in setting up suggestion/anonymous boxes, a dedicated hotline for receiving grievances, running of the CRCs amongst other issues deemed necessary for effective implementation of GRM. Notably, as per KETRACO RPF, the RAP recommends that CRC members be paid a facilitation fee of Kshs. 1,000 per sitting.

#### **8.8 Monitoring, Evaluation, and Providing Feedback**

At all levels, regular progress monitoring of grievances filed, their status and actions taken and recommendations/resolution will be constantly undertaken. The PIT is individually responsible for monitoring and tracking grievances, assessing the extent to which progress is being made to resolve them, and generating quarterly reports. These reports and data/lessons generated should be used to make policy and/or process changes to minimize similar grievances in the future or to adapt the GRM to correct or remove inefficiencies.

## **CHAPTER 9: RESETTLEMENT PLANNING AND IMPLEMENTATION**

### **9.1 Introduction**

This section describes the process that will be followed to complete the resettlement planning and, thereafter, to realize resettlement and livelihood restoration in line with national requirements and AfDB. Whilst the national process forms the basis of the approach for land acquisition, resettlement, and compensation, additional activities and process improvements will be needed to meet AfDB OS2. This section describes the approach to delivering the resettlement process, taking into account the construction modality and timings being proposed by KETRACO. To meet international standards, it will be necessary for KETRACO to own and drive the process working in close collaboration with national and county authorities and locally with area administration.

### **9.2 RAP Implementation Principles**

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

- Resettlement or relocation has been minimised by taking into consideration all possible alternative measures;
- Compensation will be paid before project works start in a specific project area and in a manner that does not curtail the livelihoods of the PAHs in terms of access and utilisation of such compensation;
- The compensation values-awarded will be fair enough to restore the livelihoods of PAHs;
- The compensation awards will be paid out according to the preference of the PAHs;
- A statutory disturbance allowance of 15 per cent of the compensation value will also be included;
- All other activities related to the RAP will be communicated in advance to the PAHs using the preferred channels of communication;
- Where grievances arise, the respective PAHs will be given an opportunity to be heard, fairly and promptly;
- 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.

### **9.3 RAP Implementation Institutional Arrangements**

The implementation of the RAP requires collaboration from all the stakeholders. This would require adequately constituted structure for the administration of the same. A Stakeholders Engagement Plan (SEP) will be developed to support and guide PAPs consultations during RAP implementation. The Institutional Framework clarifies the role of various stakeholders in the implementation and administration of the RAP. It further clarifies the role of PAPs and their responsibility in the entire exercise. The procedures to be followed along with the support facilities available and a timeframe for implementation of each of the activities.

The key institutions with a role in this RAP include:

#### **9.3.1 County Governments of Baringo and Laikipia**

The County Executive Committee Members and staff from Baringo and Laikipia County shall contribute with their expertise whenever necessary, their capacity and competence to the implementation of the RAP;

corresponding to the different technical areas they represent (i.e. roads and infrastructure, agriculture, trade, social assistance, youth and women).

### **9.3.2 National Government**

The National Government will be involved through the provincial administration including the County Commissioner, Deputy County Commissioner, Assistant County Commissioner, and Chief / assistant chiefs. The respective officials are critical in maintaining order in the area in respect of which they are appointed. They are also important in ensuring peace, security and conflict management. In specific, chiefs and assistant chiefs are critical in enhancing communications at the grassroots level and ensuring communities receive key project information that is timely, accurate and credible.

### **9.3.3 National Land Commission**

The commission is legally mandated to undertake land acquisition on behalf of the government. It will take up the issues of verification of ownership after the completion of the RAP Study. It will set out clear procedures for any possible land acquisition considering project impacts and land rights.

KETRACO will share the Final RAP Report to NLC with a schedule of lands to be affected for ownership gazettelement for “acquisition.” NLC has the responsibility of resolving land issues including land disputes arising from historical injustices. They will play a crucial role in the land issues triggered by wayleave acquisition. In brief NLC will:

- Facilitate the gazettelement of the line
- Ensure resolution of disputes in value of land per acre.
- Manage public land on behalf of the national and county governments
- Encourage the application of traditional dispute resolution mechanisms in land conflicts
- Ensure that public land/land under the management of designated state agencies is sustainably managed
- Develop and encourage alternative dispute resolution mechanisms in land dispute handling and management

### **9.3.4 National Treasury**

The Treasury provides funding through the Ministry of Energy. They are critical in ensuring budgetary allocation for the project and RAP implementation including compensation.

### **9.3.5 Ministry of Energy (MoE)**

The Ministry of Energy liaises with the Treasury to ensure adequate budgetary allocation for project activities. They will facilitate transfer of funds to KETRACO. In essence, MoE is responsible for procuring resources from the National Treasury and other developmental partners for the overall project implementation. The Ministry is also responsible for coordinating the actions of the implementing agencies to ensure they are geared towards meeting the project development objectives. In this regard, KETRACO will look to the Ministry to provide oversight to ensure that the overall approach related to issues between KETRACO and KPLC is well coordinated. In brief, MoE will:

- Provide adequate financing for RAP implementation through budgetary allocation
- Overall project coordination and oversight through regular meetings with KETRACO and KPLC
- Consolidation of progress reports from KETRACO & KPLC
- Reporting to financier

### **9.3.6 Ministry of Environment and Natural Resource**

This Ministry is responsible for policies and programmes aimed at improving, maintaining, protecting, conserving, and managing the Country’s natural resources (water, forestry, wildlife, and environment). The



Ministry through NEMA will play a critical role in ensuring natural resources are conserved during the resettlement process.

### **9.3.7 Ministry of Agriculture**

The ministry is responsible for various roles involving national goals of rural development, food security, rural income growth and job creation. The ministry fulfills its responsibilities through its departments and parastatals. Their role will be key during the RAP implementation and in the specific livelihood restoration process; for instance, agricultural interventions such as training farmers on sustainable agriculture including supply of seeds will require guidance from the Ministry of Agriculture.

### **9.3.8 The Ministry of Labour and Social Protection**

The Ministry of Labour and Social Protection was established following the reorganization of Government in May, 2016. The Ministry has two State Departments; Labour and Social Protection. Social protection will be key in the RAP implementation during livelihood restoration programs and in particular linking of PAPs to National Safety Net programs for Vulnerable persons / Government support programs.

### **9.3.9 National Environment Management Authority (NEMA)**

- The National Environment Management Authority (NEMA) exercises general supervision and, coordination of all matters relating to the environment and is expected to make approval of the project through issuance of a license.
- NEMA is also the principal instrument of the government in the implementation of all policies relating to the environment.
- NEMA is also the Designated National Authority for certain Multilateral Environmental Agreements.

The Authority will review EIA / ESMP project and study reports for the proposed project, visits the project sites to verify information provided in the report and issues EIA licenses if it considers that all the issues relevant to proposed projects including resettlement of affected persons have been identified and mitigation measures to manage them have been proposed.

### **9.3.10 Kenya Forest Service (KFS)**

Kenya Forest Service is a corporate body established under the Forest Conservation and Management Act no 34 of 2016. The Act, which was operationalized on 31st March 2017, gave the Service's mandate as “to provide for the development and sustainable management, including conservation and rational utilization of all forest resources for the socioeconomic development of the country and for connected purposes.” KFS is bound to conserve, protect and manage all public forests in accordance with the provisions of the Act. Mitigation measures to deal with the cut trees are well expounded in the ESIA / ESMP for the proposed 95 km Kabarnet-Rumuruti (132kV) transmission line . Nonetheless KFS will / could play a significant advisory role during the livelihood restoration plan by training farmers on sustainable tree planting and management including supply of tree seedlings to all farmers. In addition, KFS will be required to issue special use use licence allowing KETRACO to undertake an activity whose primary purpose is to yield public benefit in the forests.

### **9.3.11 Kenya Wildlife Services (KWS),**

Kenya Wildlife Service is a state corporation that was established by an Act of Parliament (Cap 376), repealed by Wildlife Conservation and Management Act (WCMA 2013), with the following mandate of among others: conserve and manage national parks, wildlife conservation areas, and sanctuaries under its jurisdiction. KWS undertakes conservation and management of wildlife resources across all protected areas systems in collaboration with stakeholders. KWS will be key on wildlife management found within the ROW

such as areas surrounding Arabuko Sokoke Forest of the proposed transmission line during RAP implementation. Mitigation to deal with wildlife are well expounded in the ESIA / ESMP for the proposed 95 km Kabarnet-Rumuruti (132kV) transmission line.

### **9.3.12 The African Development Bank**

AfDB will lay the benchmarks for all environmental and social safeguard issues including Resettlement Action Plan (RAP) process concerned with the development and implementation of the project. In brief Banks will:

- Monitor project performance indicators.
- Assess the implementation of the ESMF, and RPF and recommend additional measures for strengthening the management framework and implementation performance, where need be..
- Review project specific safeguards instruments, e.g. ESMPs, ESIA's and RAPs to ensure that their scope and quality are satisfactory to the Bank.
- Monitor the implementation of the different prepared instruments through regular supervision missions (which will include an environmental and/or social specialist) during which document reviews, and site visits and spot-checks will be conducted as needed

## **1.1 The RAP Implementation Organization Structure**

### **9.4.1 RAP Implementation Unit/Team**

The overall responsibility of compensation and resettlement rests with the implementing agency-KETRACO. KETRACO will nominate a team composed of experts with diverse key disciplines that oversee the RAP implementation process herein referred to As by the Project Implementation Team.

All PAHs will be compensated before their structures are demolished, thus compensation will be paid before project works start at a specific site/in a specific area as per the contractor's work schedule, and with sufficient 3 months notice period for relocation. KETRACO will be the lead agency in the RAP implementation and will work together with the County and National Governments in the PA to implement the RAP. KETRACO projects are managed by the PIT but the RAP process is spearhead by the Environmental and safeguard section.

In this project, KETRACO has an established Project Implementation Team (PIT) specifically for this project and will implement this RAP. The unit will be responsible for ensuring that PAHs promptly access their compensation entitlements and that their livelihoods are restored after resettlement. The RAP implementation team will be responsible for:

- 4) Delivery of the RAP compensation and rehabilitation measures;
- 5) Appropriate coordination between the agencies and jurisdictions involved in the RAP implementation; and
- 6) The measures (including technical assistance) needed to strengthen the implementing agencies' capacities for managing the facilities and services provided under the project.

The day-to-day role of the PIT RAP implementation team will be to:

- i) Plan and coordinate prompt compensation payments;
- j) Plan and coordinate non-cash compensation such as special assistance to vulnerable groups;
- k) Ensure that the compensation process and entitlements adhere to legal provisions such as spousal and children's consent where it applies, and following the succession Act in case of the death of a PAH;

- l) Report to the KETRACO's senior management team and stakeholders;
- m) Ensure that the information needs of the PAHs are disseminated promptly and effectively;
- n) Establish, manage and update the RAP implementation database;
- o) Contribute to the regular monitoring and evaluation of the RAP implementation;
- p) Consult and sensitise the community and PAHs with regard to the RAP implementation progress.
  - Validation of PAHs prior to compensation
  - Making payments for loss/ easement of land, structures, trees and crops to the PAHs (payments to be made to bank accounts through the National Land Commission)
  - Appropriate coordination between the agencies and jurisdictions involved in the RAP implementation; and
  - Coordinate construction schedule of contractors
  - Alert PAHs on when they would be needed to relocate.
  - Plan, facilitate and coordinate CRC trainings and subsequent meetings

The KETRACO-PIT staffing includes a **social specialist, surveyor and Community Liason Officer (CLO)** who will be dedicated to this project and who will be the focal points and coordinators with respect to the RAP implementation. The key implementation processes of the RAP require continuous presence in the project area and continuous communication with authorities, CRC and affected people. With regard to the implementation of the RAP, KTRNIP-PIT resettlement staff will have the following responsibilities;

#### **9.4.1.1 Communication and Coordination**

This function will be undertaken by PIT from KETRACO and it entails the following:

- Overall coordination with County Government of Baringo and Laikipia and local administration with regard to the Project's RAP issues.
- Establishment and implementation of good and operational relations to affected communities (KETRACO to develop a Stakeholder Engagement Plan for this Project)
- Communication and cooperation with CRCs as key actors with implementation processes (i.e. compensation process, monitoring, identification of vulnerable people)

#### **9.4.1.2 Management of RAP Implementation**

This function will be undertaken by PIT from KETRACO and it entails the following:

- Ensure and monitor overall social and environmental due diligence within RAP implementation (national requirements, lenders requirements)
- Oversee RAP key implementation processes
- Oversee Compensation process
- Oversee Grievance mechanism
- Monitoring of the RAP implementation
- Manage staff recruitment processes and contracting processes of external service providers
- Design of overall training plan for implementation staff, oversee implementation of plan
- Review the budget needed for the implementation of this RAP and make request for the funding from KETRACO;
- Provide the funds for compensation.

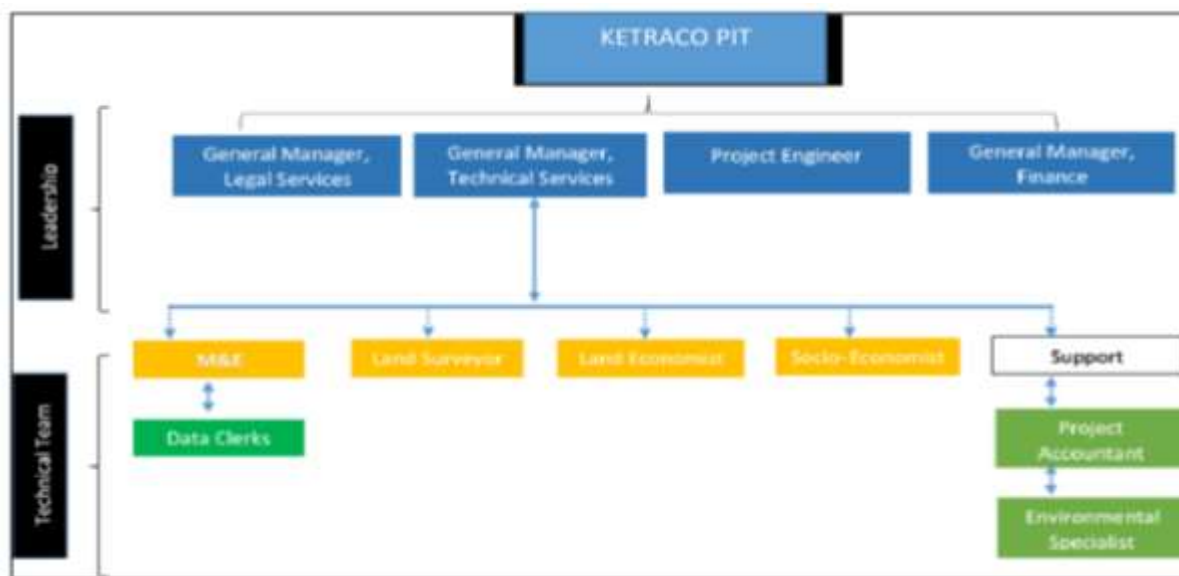
The KETRACO-PIT staffing who will be the focal points and coordinators with respect to the RAP implementation are as shown in table 10-1 below. KETRACO will be solely incharge of land acquisition and the implementation of the RAP. The key implementation processes of the RAP require continuous presence

of KETRACO PIT in the project area and continuous communication with authorities, CRC and affected people. With regard to the implementation of the RAP, KETRACO-PIT resettlement staff will have the following responsibilities;

**Table 9- 1: : Summary of responsibilities of PIT Team**

Position	Roles
General Manager, Technical Services	-Supervise technical designs and operations -Approve technical works -Approval of RAP reports,
General Manager, Finance	-Authorize payments -Supervise accounting systems
Senior Manager Legal services	-Supervise wayleave and land acquisition -Facilitate transfer of alternative land acquired for vulnerable project displaced persons (PDPs) -Promote amicable settlement of any disputes that may arise during the resettlement process -Facilitate the transfer of substation land to KETRACO -Register easements
Project Engineer	-Prepare project progress reports -Coordinate work during construction -Supervise contractors -Handle re-routings -Disseminate information to contractor
Project Accountant	-Process payments to consultants -Process payments to PAHs -Verify compensation details -Make the actual payments
Land Surveyors	-Draw mutations for land transfers -Ground truthing -Rerouting the line -Scaling of the trace for valuation -Supervise contracted surveyors
Land Economist	-Wayleaves acquisition -Valuation and compensation Negotiation of compensation
Socio-economist (assisted by two Assistant Socio-economists and two Community Liaison Officers).	-Contact local administration (county and national government) and plans for sensitization meetings -Hold sensitization meetings and sensitize communities on the project -Handle the social component of the project -Supervise RAP Audit consultants -Responsible for supporting the project Engineer in ensuring timely implementation of the RAP -Oversee Resettlement.
Monitoring and Evaluation Officers and Data Clerks	-Establish and manage PAP database -Monitor RAP implementation

	- Involvement into monitoring procedures, especially in monitoring of land dynamics, of progress of livelihood restoration measures and of compensation disbursement
Liaison/Wayleave officer	Liaises with the community -Acts as the link through Communication (in the local language) between KETRACO and the Community Receive grievances on site Resolve and escalates grievances to the PIT Informs the contractor of the open fronts for work
Communication Officer	-Develops and coordinates the corporate communication between KETRACO and the community -Coordinates Corporate Social Responsibilities - Coordinates Project notices and publications -In charge of complaints channeled through official corporate channels
Project Clerk	Has the overall responsibility of keeping project documents <ul style="list-style-type: none"> <li>• Distribute gazette notices to PAPs</li> <li>• Deliver offer letters to PAPs</li> <li>• Collect accepted offer letters and requisite documents from PAPs</li> <li>• Update the wayleave acquisition schedule</li> </ul>



**Figure 9- 1: Project implementation team structure**

#### 9.4.2 Community Resettlement Committee (CRC)

The CRC committees will be established at the community level in each settlement (Location) and varied from a 7 to 15-member committee depending on the Location's or settlements uniqueness. A representative of the local government administration such as chief or assistant chief will be a default member and (where needed). Every committee at its activation will select a chairperson, vice-chairperson and secretary. The secretary must be someone who can read and write in English.

The committees will be initiated to ensure timely execution of the whole process and further clarify the role of PAPs and their responsibility in the resettlement process. Membership will be drawn from a variety of factors including Project Affected Persons (male, female, structure/landowners, affected institutions where needed, persons living with disabilities, council of elders' representatives, Youth, religious groupings, etc.), and cognizance of local dynamics. For authority, the local chief or assistant chief representation in the committee will be the convener.

The committee's role will include: -

- Assist PAPs to file a complaint.
- To address PAPs grievances as the first point of contact, within 1 month and at no cost to PAP.
- Publicize the grievance management procedures.
- Receive, review, investigate, and keep track of grievances through the grievance logs/registers(**Appendix :E3**).
- Adjudicate and develop redress options for the raised grievances.
- Monitor fulfillment of agreements achieved through the committee.
- Provide inputs into the monitoring and evaluation process, such as monthly reports on grievances.

#### **9.4.3 Community Liaison Officer (CLO)**

A Community Liaison Officer (CLO) representing, or wayleave officer employed by KETRACO will be included in the CRC. The CLO positions will be filled by staff hired from the communities in the project area.

The CLO's role will include

- Liaise with the community
- Liaise with CRC in registration of grievances
- Escalate grievances to KETRACO
- Acts as the link through Communication (in the local language) between KETRACO and the Community

#### **9.4.4 Remuneration of RAP Implementation Unit**

The RAP has provided a lump sum budget for RAP implementation which will cover the allowances for this unit. The allowances costs will also cover the following institution representatives who will be involved in the implementation of this RAP, i.e: County Government Representatives (CEC for Lands and Physical Planning) (1 per County).

- National Land Commission
- National Government Representatives (Chiefs) for each affected location (1)
- KETRACO PIT
- Local and county administration.

### **9.5 Payment and Compensation Procedures**

Wayleave is a right of way (ROW) over the land of another. This ROW is for carrying sewer, drain, power line or pipeline into, through, over or under any lands but in so doing may interfere with the existing buildings.

Wayleave acquisition is the process of enumerating affected assets, identifying affected people and registering easement on affected land parcels to grant a right of way.

So far KETRACO surveyors have carried out a desktop study of alternative routes from point A to B for electricity power evacuation. The best alternative with minimal impacts on people and the environment is chosen through discussions by the PIT.

Once a route has been chosen the PIT undertakes a stakeholder engagement and public sensitization process in order to create awareness about the impending project and communicate their intention to create a wayleave for the electricity transmission line.

At this point the surveyors seek for permission to undertake ground survey in order to identify the affected land parcels and their rightful owners.

This survey enables the surveyors to learn more about the geographic conditions and planned improvements to the land. The surveyors then profile the topography to aid in designing a line that minimizes impacts and costs of implementation.

The PIT then uses the above data to undertake a full RAP study of the transmission line corridor, carry out socio-economic surveys and enumerate all affected properties including land. So far all these processes have been undertaken.

Once this RAP is approved and disclosed, a number of activities will then follow:

- Detailed Survey of the Land which will then result in the final cadastral map showing how all the land parcels are impacted.
- Gazettement: A schedule of the affected parcels of lands and the RAP will be shared with NLC for ownership gazettelement for “acquisition.

NLC also has the responsibility of resolving land issues including land disputes arising from historical injustices. They will play a crucial role in the land issues triggered by wayleave acquisition

- Validation/verification of Impact and affected Assets by Ketraco including final valuation: Valuation of land in the different sections within the transmission corridor is also carried out by independent registered valuers to establish a fair market value of land within the project area.
- Offer to the PAPs: Once valuation has been approved, Ketraco provides an acquisition document that sets down the terms of the agreement and an offer, based on the fair market value of the property. A survey and appraisal are needed before an offer can be made. offer letters are written to all affected landowners. KETRACO thus discloses the value of the affected portions of land to the landowners and if there are disputes, negotiations are done with landowners in good faith to reach a settlement for the property rights needed.

All land parcels and easements acquired by KETRACO are obtained through mutual agreement with all landowners. Ketraco negotiates in good faith with land owners to reach a settlement for the property rights needed. Nearly all of ketraco land parcels and easements are obtained through mutual agreement with land owners. If an owner refuses to negotiate or an agreement cannot be reached, ketraco can file a condemnation action in the Superior Court of the county where the property is located. The use of compulsory acquisition is a last resort. On average, less than 4 percent of ketraco land transactions are heard in court.

In addition, if a PAP rejects the value being offered by KETRACO as compensation for land, they have an option of seeking the services of a registered valuer to revalue their land which will be interrogated by Ketraco valuers so as to amicably resolve the dispute.

- Once an agreement is reached, PAPs will be compensated and given 3 months notice to vacate the land particularly those building structures to rebuild these out of the RoW
- An easement is then executed and registered on all affected parcels and owners compensated accordingly. Easements may be acquired by grant express or implied, statute or adverse possession under the limitations of actions act.

All compensation payments will be made through designated bank accounts of PAHs. PAHs without bank accounts will be assisted to open up bank accounts.

### **9.6 RAP Implementation Schedule**

The KETRACO's RAP implementation team has developed the schedule for the implementation of activities. The implementation schedule includes:

- Target dates for the start and completion of compensation payments;
- Timetables for and the place of compensation payments;
- Target dates for fulfilling the prerequisites for compensation payments and other legal requirements by PAHs;
- The timetable for special assistance to vulnerable groups;
- Dates for vacant possession of the acquired land from the PAHs (this date must be after the payment of all compensation); and
- The link between the RAP activities to the implementation of the overall sub-project components.

The RAP will be implemented over 22 months, including three months for exit. Other activities, such as project monitoring and grievance management, will run throughout the RAP implementation cycle. The proposed schedule timelines is subject to change depending on when RAP approval is obtained and finances secured.

The activities related to construction of the Project are expected to commence sometime in mid to late 2023 by which time the PAHs are expected to have moved from the site. It is expected that by then, all the PAHs will have been fully compensated in line with the findings of the RAP study and that all the grievances arising will have been resolved in order to pave way for the project execution.

The proposed activities will take place in three stages, such as:

- i. *RAP Preparation Phase:* Largely preparatory work towards RAP approval and implementation. This will need a decision on the implementation modality for the RAP, and KETRACO has to make that decision early on whether to implement sections, not under NLC mandate or to hire a firm/NGO. A Possibility also exists to hire individuals on a contract basis to beef up KETRACO PMRU. Some livelihood activities are also better used when delivered early, for instance, training of PAPs.
- ii. *RAP Implementation Phase:* Actual awards are made and PAPs relocate
- iii. Monitoring and Evaluation of the process

Overall, the RAP implementation should not take more than 30 months.



**Table 9- 2: RAP Implementation Schedule**

		RAP IMPLEMENTATION SCHEDULE (KABARNET-RUMURUTI 132kV TRANSMISSION LINE)																																	
		Year	2022	2023												2024												2025							
		Month	9-12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6		
Activity/Month	Responsibility																																		
1	RAP Review and Approval	KETRACO/AfDB																																	
2	Disclosure of the approved RAP on KETRACO and AfDB websites	KETRACO/AfDB																																	
3	Initial Land Wayleave/Easement Activities	KETRACO																																	
a	Detailed TL Route Survey	KETRACO																																	
b	Verification/Validation of Asset register/RAP impacts	KETRACO																																	
c	Notification for Easement of Land (NLC)	KETRACO																																	
d	Gazettement of Land Requirements/acquisition	KETRACO/NLC																																	
4.	Public Sensitization and Awareness (public Barazas in all affected locations)/RAP Disclosure to PAPs	KETRACO																																	
a	Distribution of Gazette Notices to PAPs and Key stakeholders	KETRACO																																	
5	Capacity development of resettlement staff	KETRACO																																	
6	Grievance Redress	KETRACO																																	
a	Formation of Grievance Committee (CRCs)	KETRACO/Local Admin																																	
b	Capacity building and Activation of Grievance Committee (CRCs)	KETRACO/Local Admin																																	
c	Grievance Redress	KETRACO																																	



### 9.7 RAP Budget

An adequate budget is necessary in order for the RAP to be fully implemented. The proposed budget presented in tables below and covers the estimated costs for land, structures, crops and disturbance allowance of the RAP implementation as well as the 15 per cent implementation overhead.

**Table 9- 3: RAP Implementation Costs**

<b>Total RAP Cost</b>	<b>Amount Kshs</b>
Land	312,750,000.00
Structures	38,221,345.61
Crops and Trees	26,272,558.00
Business Income	487,500.00
Disturbance Allowance	5,733,201.20
<b>Compensation Budget</b>	<b>383,464,604.81</b>
Livelihood restoration as per matrix	49,780,000.00
<b>Compensation and Livelihood Restoration Sub Total</b>	<b>433,244,604.81</b>
RAP implementation / Administrative costs costs(10%)	43,324,460.5
Stakeholder Engagement and Grievance Management (10%)	43,324,460.5
Asset /Impact validation verification exercise (5%)	21,662,230.2
Monitoring & Evaluation Budget(5%)	21,662,230.2
Contingency (10%)	43,324,460.5
<b>SubTotal</b>	<b>173,297,841.90</b>
<b>Grand Total</b>	<b>606,542,446.71</b>

The source of funding for the RAP is counterpart funding from the Government of Kenya. The total budget for resettlement compensation is Kshs **606,542,446.71** including a 15 per cent disturbance allowance. In addition, a 10 per cent administration cost for the RAP implementation, monitoring and evaluation has been considered as well as a 10% cost for contingency. The costs for the RAP implementation has taken into consideration the following pertinent task activities:

- a) Personnel administrative costs.
- b) Administrative logistical costs (stationary, fuel/transport for fieldwork/monitoring activities, public notices/announcements, start-up equipment and furniture, maintenance and service costs, hygiene sundries, refreshments for staff and visitors, including legal fees and unforeseen litigation).
- c) Mid-term/end-term evaluation and completion report assignments.
- d) Other incidentals estimated.

## **CHAPTER 10: MONITORING AND EVALUATION**

### **10.1 Introduction**

Monitoring refers to a routine and systematic collection of data relating to project resources, activities, and performance to assess performance and guide implementation. In this manner, it provides regular feedback and early indications of progress, or lack of progress thereof, allowing for speedy adjustments to ensure RAP objectives are met. It informs on whether project activities and outputs are going on as planned and thus points to the likelihood of whether the objectives will be met or not – thus providing opportunities to feedback into the project process, and effect changes where necessary, towards the actualization of the objectives of the RAP.

Evaluation, on the other hand, focuses on the performance of a project versus intended objectives, through asking the principal question; is the project producing the anticipated impact or outcomes? In other cases, as applicable to this RAP, it is the periodic such as mid-term and final assessment of an ongoing or completed project. In combination, the Monitoring and Evaluation enable the assessment of progress as well as overall success and effectiveness of the implementation of the resettlement and compensation processes and measures, and the resultant outcomes and impacts.

The objectives of monitoring the land acquisition, compensation and resettlement process will be to:

- to provide feedback on land acquisition, compensation and resettlement implementation in order to allow the timely adjustment of implementation arrangements; and
- to demonstrate that the land acquisition, compensation and resettlement process is being managed in line with objectives and desired outcomes.

This section provides an introduction to the key elements of the monitoring plan that will be required.

### **10.2 General Objectives of M&E**

The general objective of the M&E system is to provide a basis for assessing the overall success and effectiveness of the implementation of the resettlement and compensation processes and measures. Monitoring and Evaluation is a specific requirement of any RAP implementataion Process, which necessitates as part of the process framework, a comprehensive description of the arrangements for monitoring the activities and process outlined in the resettlement instrument, in this case the RAP. The main goal of M&E is to review to facilitate the adaptation of actions or performance towards the achievement of the objectives of the RAP such as the improvement or at least restoration of the social and livelihood resources of the PAPs at their pre-project level. The specific objectives of M&E will be to determine:

- i. If affected people are satisfied with the actual resettlement process;
- ii. If affected people have been paid in full and before implementation of the project that is causing resettlement;
- iii. If affected individuals, households, and communities have been able to maintain their pre-project standard of living, and even improve on it;

- iv. If information was disseminated prior to the project implementation; and
- v. If information was disseminated to vulnerable persons

Based on the above, the primary reference document for the review of the RAP is the real RAP itself, the existing Kenyan legal framework. The responsibility for M&E rests with the KETRACO’s Project Implementation Team, with expected reporting to the higher levels of company management and to AfDB. It is KETRACO’s responsibility to ensure that the exercises are well funded and adequate staffing is available more so for internal monitoring, as well as setting up the right procedures to guide the exercise. These functions, as the next sections will show, can be exercised through partnerships with other stakeholders such as external firms

### 10.3 The KTNIP RAP Monitoring and Evaluation Framework

A comprehensive M&E framework should seek to track progress on five critical areas of RAP inputs, activities, output, purpose/ objectives and the goal/ long-term objective (See Figure below). These relate broadly to the two main components of a monitoring plan as identified by IFC’s handbook on resettlement such as RAP performance and RAP impact/outcome monitoring, and under which a variety of questions can be used as an essential guide in the monitoring process as table below shows. The third, a completion audit can dwell on both areas.

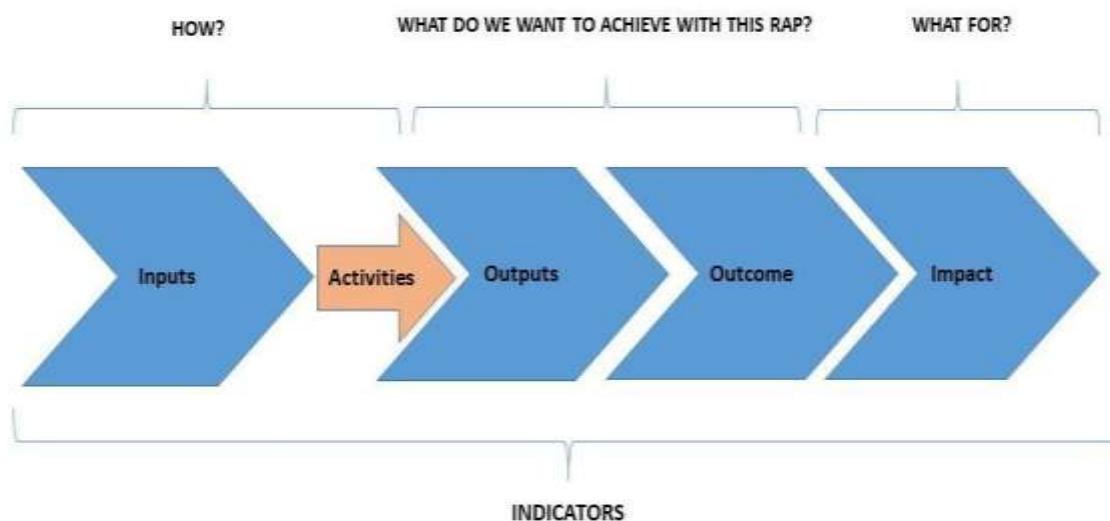


Figure 10- 1: Key areas to track progress in RAP

Table 10- 1: Key questions to guide monitoring and evaluation

Level in a result chain	Sample Key Questions to ask/guide	Corresponding Components of a Monitoring Plan
<b>Inputs</b>	<ul style="list-style-type: none"> <li>● Are resources being used efficiently?</li> <li>● What interventions, measures, and resources are needed?</li> </ul>	(Internal) Performance monitoring
<b>Activities</b>	<ul style="list-style-type: none"> <li>● Have planned activities been completed on time and within the budget?</li> <li>● What are we doing? Are we doing it right?</li> </ul>	(Internal) Performance monitoring

<b>Level in a result chain</b>	<b>Sample Key Questions to ask/guide</b>	<b>Corresponding Components of a Monitoring Plan</b>
	<ul style="list-style-type: none"> <li>•What unplanned activities have been completed?</li> <li>•What factors are affecting (in an enabling or disabling manner) the implementation of activities?</li> </ul>	
<b>Outputs</b>	<ul style="list-style-type: none"> <li>•What has direct tangible outputs the RAP implementation delivered?</li> <li>•Are we implementing the measures/interventions as planned?</li> </ul>	(Internal) Performance monitoring
<b>Purpose/objectives</b>	<ul style="list-style-type: none"> <li>•What changes have occurred as a result of the outputs? To what extent are these likely to contribute towards the project purpose and desired impact?</li> <li>•Has the RAP achieved the changes for which it can realistically be held accountable?</li> <li>•Are interventions working or making a difference?</li> <li>•What factors are affecting (in an enabling or disabling manner) the achievement of results as stated in the RAP and work plans?</li> <li>•To what extent and in what ways do KETRACOs (and its implementing partners) need to modify its activities or manner of working in light of results coming out of its reflection exercises?</li> </ul>	(External) Impact Evaluation
<b>Goal/long-term objective</b>	<ul style="list-style-type: none"> <li>•To what extent has the RAP implementation contributed towards its longer-term goals? Why or why not?</li> <li>•What unanticipated positive or negative consequences did the RAP proposed measures/interventions have? Why did they arise?</li> </ul>	(External) Impact Evaluation

*Source: Global Fund (2009) and International Federation of Red Cross and Red Crescent Societies (2007)*

The M&E will be undertaken at two levels:

- Internal monitoring: This will be undertaken regularly by the PIT/Monitoring and Evaluation Officer and reported to the Project Management team and through monthly RAP implementation Reports to AfDB in line with all Category 1 reports requirements and,
- External evaluations (or end-time of RAP implementation)/Completion Audit: Evaluations will be undertaken by an independent consulting firm hired by KETRACO. Evaluation will be necessary in order to ascertain whether the commitments in this RAP have been met and whether livelihood and income restoration goals and objectives have been realised.

## **10.4 Monitoring the Compensation Process**

### **10.4.1 Internal Monitoring Issues**

Internal performance monitoring allows KETRACOs to measure physical progress against milestones and schedules of required actions established in the RAP. It is meant to be an internally driven continuous process such as routinely aimed at ascertaining the RAP implementation achievements against a set of specific actions. Performance monitoring assesses KETRACO performance in line with this RAP's scheduled activities, with a bias towards inputs, activities, and outputs such as measures if inputs (here defined as the services, resources or goods that contribute to achieving outputs and, ultimately, desired outcomes) are delivered promptly or on schedule. Internal monitoring is the responsibility of the Project Implementation Team. To avoid the perception that it is an additional activity, it will ideally be integrated into the overall project management to:

- Ensure that RAP activities are synchronized with all project implementation activities,
- Ensure that performance monitoring becomes a continuous process that relies on existing processes of collecting data to the extent possible, rather than scheduling of the exercise as a separate event.

This means the PMRU – the key person being the M&E officer – after every significant activity updates the M&E database. For instance, to monitor the delivery of the consultations held with the PAPs as scheduled, after the meeting, the title of the meeting held, date, number of participants (male and female), issues discussed, etc. should be updated in the database. Besides, after every compensation cycle undertaken by NLC, KETRACO would update, name of PAP and compensation amounts. The M&E officer works in collaboration with the rest of the PIT team, for instance the Community Liaison Officer to track progress of the grievance handling, finance office in tracking disbursement of facilitation, etc. However, in such a RAP as large as this, involving numerous activities and types of PAPs, ideally a software-based M&E programme would serve best, making it easier and efficient to produce monthly reports for review by the PIT. These can also use the reports to make decisions where adjustments are needed to ensure the RAP implementation process achieves the desired results and on time.

The objective of internal monitoring and supervision will be:

- i. To verify that the valuation of assets lost or damaged, and the provision of compensation, resettlement and other rehabilitation entitlements, has been carried out in accordance with the RPF, developed in line with Kenyan laws and African development Bank Policies.
- ii. To oversee that the RAP is implemented as designed and approved;
- iii. To verify that funds for implementation of the RAP are provided by the Project authorities in a timely manner and in amounts sufficient for their purposes and that such funds are used in accordance with the provisions of the RAP.
- iv. To verify that grievances are registered and handled as proposed in the grievance redress procedures of the RAP Report
- v. To verify that restoration of livelihoods is done in the shortest time possible and PAPs are able to continue with their normal livelihood activities.

- vi. To verify that PAPs socio-cultural activities including access to social amenities (Religious institutions, and Schools etc.) are guaranteed.
- vii. Establish the time taken and ability of the PAPs to re-establish their livelihood activities

Monitoring reports will be required for internal purposes to ensure that the RAP finalisation and implementation is on track, to identify and resolve emerging issues and to provide status reports to external groups such as financing partners. Monitoring reports will be completed by the Resettlement Implementation Team and KETRACO’s Monitoring Officer, and provided to internal Project Management to review and discuss issues identified and corrective actions. In line with AfDB requirements for Category 1 reports, monthly RAP implementation reports will be submitted to the Bank.

Monitoring of the compensation process and activities is to ensure that effectiveness is achieved throughout the RAP implementation process.

Internal monitoring will be thematically carried out at two process levels; during the resettlement compensation payment period and after that period (post-compensation payment period). Each process/thematic period will have different monitoring issues which the M&E officer should pay attention to, as summarized in **Table 10-2** below.

**Table 10- 2: Monitoring Thematic Issues during and after Compensation Payments**

<b>Thematic periods</b>	
<b>Resettlement compensation payment period</b>	<b>Post-resettlement compensation payment period</b>
<ol style="list-style-type: none"> <li>1. Number of PAHs compensated</li> <li>2. Number of PAHs who have acquired legal papers to new property</li> <li>3. Number of PAHs who have restored their livelihood enterprises</li> <li>4. Number of PAHs who have registered grievances with the project RC</li> <li>5. Number of PAHs whose grievances have been resolved</li> <li>6. Number of vulnerable PAHs or groups identified and assisted during compensation payments</li> </ol>	<ol style="list-style-type: none"> <li>1. Number of PAHs with successfully restored livelihoods and assets,</li> <li>2. Number of PAHs who have maintained social and cultural ties,</li> <li>3. No of PAHs whose grievances have been resolved or otherwise,</li> <li>4. Number of vulnerable groups assisted and restored livelihood enterprise and assets.</li> </ol>

All above indicators will be disaggregated according to gender, where applicable.

**10.4.1.1 M & E Officer Roles and Responsibilities**

The roles and responsibilities of the Monitoring Officer must be seen to directly contribute to the objectives of the internal monitoring process. The roles and responsibilities will involve:

- Setting up a system to collect on a monthly basis basic demographic and livelihood data about PAHs and having this data entered into a database for M&E;



- The identification and improvement of indicators to measure the RAP performance;
- The measurement of indicators at appropriate intervals;
- Collecting and analysing M&E data against pre-compensation baseline information to be able to track and isolate changes in the livelihoods of the PAHs;
- Setting up a system to enable the PIT to use M&E findings to improve or modify existing implementation measures or processes;
- Maintaining in good order and regularly updating the M&E database;
- Receiving information from other officers in the PIT, from the general community, from technical and political officers from sub-counties;
- Giving feedback to other officers in the PIT, stakeholders and representatives through monthly reports and disseminations;
- Training and supervising locally recruited enumerators to collect data from the PAHs; and
- Undertaking specialized assessments for vulnerable PAHs and suggesting necessary interventions for such groups.

#### ***10.4.2 External Monitoring (Mid Term Evaluation)***

The external impact evaluation will gauge the effectiveness of the RAP and its implementation in meeting the needs of the affected population such as assessing the satisfaction of affected people with resettlement initiatives and, thus, the adequacy of those initiatives. Its focus is largely on the effects of resettlement or compensation, although it will incorporate some performance aspects. For instance, it will purposely validate the work done by the PIT in monitoring, to ascertain that the targets are met, and the objectives of the RAP are adhered to. In brief external impact evaluation objectives will include:

- iv. Review the results of the internal monitoring and review overall compliance with the RAP.
- v. Assess whether resettlement objectives and targets have been met / adhered especially with regard to compensation, livelihoods and standards of living levels, etc.
- vi. Determine overall adequacy of entitlements and the rehabilitation to meet the objectives.

Clear lessons learnt and recommendations to KETRACO on how to improve performance and impacts should be the primary deliverable from this exercise. The report should advise KETRACO management of changes necessary to improve implementation of the RAP towards the achievement of its objectives, including strategies on how to implement those changes. In this regard, therefore, it should be held a minimum six months after the start of the RAP implementation but not more than one year.

The most prominent and widely adopted guideline for evaluations is the five criteria of Relevance, Effectiveness, Efficiency, Impact and Sustainability from the Development Assistance Committee of the Economic Cooperation and Development (OECD/DAC). This also allows for cross-cutting issues, such as poverty, gender and environment, to be taken into consideration.

Criteria	Questions to ask in RAP
Relevance	<ul style="list-style-type: none"> <li>• Is the RAP design appropriate in the context?</li> <li>• Are the livelihood restoration measures, stakeholder engagement methods and content, institutions formed, GRM etc. suitable and sensitive to the context?</li> <li>• Is the compensation and livelihood restoration in line with applicable legal and international standards?</li> </ul>
Efficiency	<ul style="list-style-type: none"> <li>• Is the RAP implementation timely, and undertaken in a cost-effective manner?</li> <li>• Have resources been used cost effectively?</li> <li>• Do the results – quantity and quality – justify the resources expended?</li> </ul>
Effectiveness	<ul style="list-style-type: none"> <li>• To what extent were planned RAP outputs/results versus the planned actions/schedule achieved?</li> <li>• What are the reasons for the state of achievement?</li> <li>• To what extent are all the categories of PAPs been reached?</li> <li>• Are there any outstanding issues related to compensation payments (rates, amounts and timing)?</li> <li>• What is the quality of technical planning, coordination and partnerships established</li> <li>• What supports and barriers have affected achievement of the RAP objectives?</li> <li>• What is the general feedback from the affected population?</li> <li>• What are the lessons learnt in the RAP implementation so far, and what improvements need to be made, and how? Is there a need to adjust or propose additional compensation and/or livelihood restoration measures?</li> </ul>
Impact	<ul style="list-style-type: none"> <li>• Have PAPs re-established themselves in the resettlement sites?</li> <li>• Is PAPs livelihood restoration or improvement happening?</li> <li>• How are vulnerable groups or persons fairing?</li> <li>• Are there unanticipated positive or negative consequences?</li> </ul>
Sustainability	<ul style="list-style-type: none"> <li>• Can the livelihood outcomes of the RAP be sustained beyond the life of the RAP?</li> <li>• Will impacts continue to be realized after the end of the RAP?</li> </ul>

**Figure 10- 2: Questions to ask in RAP**

Necessarily, evaluation should be as participatory as possible. Therefore, external evaluators will interview PAPs (and other stakeholders), to ascertain their knowledge and concerns about the resettlement process, their entitlements, and the rehabilitation measures. The external evaluation should a variety of avenues to collect data, including:

- Document review, entailing review of the grievance registers, sensitization material to assess their appropriateness, etc.;
- Semi-structured interviews with a sample of the PAPs from the various settlements and covering all types/categories of PAPs, including the vulnerable, and those who have gone through the GRM process;
- Resettlement sites and Livelihood observation;

- Survey of a sample of PAPs to assess their socio-economic life against the baseline to check if lives/livelihoods are improving as well as to assess their satisfaction with the compensation/rehabilitation methods and entitlements, timing of payments, etc.;
- Meet the various committees to assess their ability to do their work, note their challenges and provision of necessary resources to facilitate effective work;
- Key Informant Interviews (KIIs) which enable a more in-depth process of inquiry among selected participants and other stakeholders.

Overall, an external evaluation will assist KETRACO meet accountability and transparency thresholds. Evaluation, therefore, should be facilitated by an external and independent M&E specialist (individual or firm) for purposes of evaluating compensation and resettlement activities, and verification if undertaken according to the RAP.

#### **10.4.3 Post-Implementation Evaluation (Completion Audit)**

Upon completion of the RAP implementation (at least six months but not more than a year later), KETRACO will undertake an audit to determine if the outcome of the RAP complies with the objective of the RAP towards restoration or improvement of the standard of living of the PAPs. The post implementation evaluation will verify if all commitments were delivered and whether mitigation measures had the desired effect. If the outcome of the audit reveals that these objectives may not have been realized, KETRACO is required to propose follow-up measures, as they may deem appropriate. This also documents the lessons learnt for feeding into the implementation of other RAPs and future projects.

The audit is undertaken by an external independent third party and will consider the baseline conditions, the results of resettlement monitoring, and midterm review. Also, the auditors will make their assessments, surveys, and interviews in the field and with PAPs.

The completion audit is intended to verify the results of the RAP implementation indicators, and to assess whether the RAP implementation achieved the resettlement objectives. A specific question for the final audit is whether livelihood and living standards have been restored or enhanced. If the answer is positive, then the RAP implementation will be considered to be completed. The audit will also assess the efficiency, effectiveness, impact and sustainability of the RAP sub-project activities and document the lessons learnt for application to future sub-projects or other projects in the sector and in the country. Finally, the RAP completion audit will ascertain whether the resettlement entitlements were appropriate, as defined in the ISS guidelines. KETRACO will engage a qualified firm to prepare the audit and will submit the completion audit report to the AfDB for review and appropriate action. KETRACO will be responsible for sourcing of and assigning to qualified firm(s) the undertaking of the completion audit.

The external evaluation will also be thematically undertaken at two levels and will examine the RAP implementation effectiveness and outcomes as outlined in Table 10- 3

**Table 10- 3: External Evaluation Thematic Issues**

<b>Thematic Issues</b>
------------------------

Process indicators that measure the effectiveness of the RAP implementation process.	Outcome indicators (the main design of outcome evaluation will be a pre- and post-compensation comparative analysis).
<ol style="list-style-type: none"> <li>1. Adequacy (of staff numbers/skills/knowledge levels; equipment and facilities) at KTRNIP/PIT</li> <li>2. Legislative compliance with national and AfDB standards</li> <li>3. Outputs of the M&amp;E, compensation payments, community engagement, reporting, grievance processes as indicators of effectiveness and adequacy</li> <li>4. Collaboration and coordination adequacy of the PIT</li> </ol>	Livelihood changes among PAHs, including production systems and the standard of living and welfare

## 10.5 Monitoring Indicators

### 10.5.1 Performance Monitoring

Performance monitoring is an internal management function to measure physical progress against milestones established in the RAP. Performance milestones for this Project might include:

- Grievance redress procedures in place and functioning to an agreed timeframe; Acquisition, compensation and resettlement activities completed; and
- Identification of emerging issues and potential problems with need to be managed
- Replacement houses constructed;
- Compensation payments disbursed;
- Livelihood restoration plans for vulnerable households in place;
- Acquisition, compensation and resettlement activities completed.

### 10.5.2 Impact Monitoring

Impact monitoring gauges the effectiveness of the RAP and its implementation in meeting the overall objectives of restoring standard of living and livelihoods of the affected communities. The purpose of impact monitoring is to provide an assessment of the effects of the resettlement process and to identify adjustments required in the RAP, as required. As part of impact monitoring the requirements of the RAP will be tracked against the baseline conditions of the affected households prior to the land acquisition, compensation and resettlement activities. Objectively verifiable indicators for measuring the impact of resettlement on the socio-economic welfare of the affected people and the effectiveness of impact mitigation measures will be established. These impact indicators will be directly associated with the issues and priorities of the land acquisition, compensation and resettlement activities, and will include indicators that measure vulnerability and changes in vulnerability over time.

Indicators will also be informed by consultation with affected communities, and from a review of common concerns raised through the grievance mechanism process. Examples of indicators that are likely to be considered include the following:

- Access to infrastructure services such as primary house (e.g. size of house), water supply (distance to clean water), access to sanitation (household toilet/improved toilet), etc. Access to change in access to livelihood resources such as agricultural plots (size of plot, fertility), employment (employment positions in the household), etc.
- Overall sense of wellbeing (household food shortage, health status).
- Impact monitoring, based on a sample of affected people stratified by eligible group will be used to inform quantitative indicators. The quantitative indicators described above will be supplemented by qualitative indicators, in order to assess the satisfaction of affected people with the resettlement planning and implementation initiatives. The qualitative indicators will be informed by engagement with affected households.

The relevant monitoring indicators against which to measure the RAP implementation effectiveness are presented in **Table 11-2**. A monitoring form will be used for this purpose.

**Table 10- 4: Proposed Monitoring Indicators**

Activity/Parameters	Indicators
Basin Information on the PAP and Demographic changes	<ul style="list-style-type: none"> <li>▪ Name of persons/institutions/groups affected</li> <li>▪ Average education attainment, Marital Status, age</li> <li>▪ Employment status and income earnings (average)</li> </ul>
Assets Acquisition	<ul style="list-style-type: none"> <li>▪ Amount (area) of private land acquired</li> <li>▪ Amount (area) of communal land acquired</li> <li>▪ Amount (area) of government land acquired</li> <li>▪ Number, type, and size of the private building acquired</li> <li>▪ Number, type, and size of community buildings acquired</li> <li>▪ Number, type, and size of cultural buildings acquired</li> <li>▪ Number, type, and size of government buildings acquired</li> <li>▪ Number and types of trees acquired</li> </ul>
Compensation payments to PAPs	<ul style="list-style-type: none"> <li>▪ Number of PAPs compensated, by type of PAP</li> <li>▪ Number of PAPs promptly paid disaggregated by gender</li> <li>▪ Number of PAPs not paid promptly and reasons</li> <li>▪ Amounts of money paid to PAPs</li> <li>▪ The payment free of transfer costs</li> <li>▪ Use of compensation cash by PAPs</li> <li>▪ Options provided in compensation by PAP (land for land versus cash for land/assets), and adoption by PAPs</li> </ul>
Restoration of assets	<ul style="list-style-type: none"> <li>▪ Number of PAPs with restored assets disaggregated by gender and asset type</li> <li>▪ Number of PAPs without restored assets</li> <li>▪ Size, construction, and durability of replacement houses.</li> </ul>

Activity/Parameters	Indicators
	<ul style="list-style-type: none"> <li>▪ Number of restored or relocated cultural sites and assets (graves, mosques).</li> <li>▪ The notice period for relocation</li> </ul>
Restoration of livelihoods	<ul style="list-style-type: none"> <li>▪ Number of occupied (re-established) Rental Units, and average monthly rental income</li> <li>▪ Number of re-established businesses, and average monthly income</li> <li>▪ Several livelihoods specific training held by type, gender, and thematic areas covered.</li> <li>▪ PAPs perception of the usefulness of the training</li> <li>▪ Application of training in PAPs livelihoods</li> </ul>
Assistance to Vulnerable	<ul style="list-style-type: none"> <li>▪ Number of vulnerable PAPs assisted by type and gender</li> <li>▪ Type of assistance provided to vulnerable PAPs</li> <li>▪ Number of vulnerable PAPs not assisted and reasons</li> </ul>
Disclosure, Community participation, public engagement, and Access to Information	<ul style="list-style-type: none"> <li>▪ Disclosure of RAP on KETRACO and AfDB websites.</li> <li>▪ Availability of RAP at the county level.</li> <li>▪ Disclosure of RAP summary at Location/Sub Location level, in a language, understood by the PAPs</li> <li>▪ PAPs awareness of RAP and entitlements</li> <li>▪ Number of County and National Government leaders engaged/briefed about the RAP</li> <li>▪ Number of PAP consultative meetings held</li> <li>▪ Type of information provided in meetings</li> <li>▪ Type of issues raised at public consultation meetings, and response rate</li> <li>▪ Number of participants attending public consultation meetings related to displacement disaggregated by gender</li> <li>▪ Modes and language of communication.</li> <li>▪ Minutes of meetings held and lists of attendance</li> <li>▪ Number of people seeking information on displacement and compensation</li> </ul>
Access to Social Services	<ul style="list-style-type: none"> <li>▪ Restored access to and functioning social services, for instance, water</li> </ul>
Grievance management	<ul style="list-style-type: none"> <li>▪ Number of PAPs sensitized on the grievance mechanism, gender</li> <li>▪ Activation of CRCs, and timing</li> <li>▪ Formation of CRC, and timing.</li> <li>▪ Capacity building of Grievance committees and timing; thematic areas of training, and frequency of training</li> <li>▪ Number of complaints/ grievances registered/received by type and whom (gender) at each level</li> <li>▪ Number of grievances resolved promptly (within the</li> </ul>

Activity/Parameters	Indicators
	<p>duration allowed in the grievance redress mechanism) at each level</p> <ul style="list-style-type: none"> <li>▪ Number of grievances not resolved in time but completed</li> <li>▪ Number of outstanding grievances not resolved</li> <li>▪ Average timelines for resolution of grievances disaggregated by the various levels of grievance redress mechanism/institutions and disaggregated by different types of grievances.</li> <li>▪ Number of grievances referred to the CRC</li> <li>▪ Number of grievances referred to KETRACO 's PIT</li> <li>▪ Number of grievances referred to Level 3 (Courts of Law Number of complainants satisfied with the response and grievance redress process</li> <li>▪ Number of PAPs that have access to the GRM</li> <li>▪ Provision of necessary resources/tools for work (grievance forms, registers, files, etc.) per Grievance committee</li> </ul>
Training and Capacity Building	<ul style="list-style-type: none"> <li>▪ Number of trainings held disaggregated by target group/institutions and issues</li> <li>▪ Number and type of committees trained disaggregated by gender</li> <li>▪ Number and type of participants trained disaggregated by gender</li> <li>▪ Themes discussed in various training</li> <li>▪ Committees' perception on usefulness of training</li> </ul>
Process Management	<ul style="list-style-type: none"> <li>▪ Number of KETRACO staff dedicated/involved in RAP implementation</li> <li>▪ Number of implementing agencies/firms by function</li> <li>▪ A number of coordination meetings between various stakeholders.</li> </ul>
Changes in Household Baseline	<ul style="list-style-type: none"> <li>▪ Refer to indicators used to track changes in educational attainment, health, etc.</li> </ul>
Cultural and Gender sensitive Concerns	<ul style="list-style-type: none"> <li>▪ Cultural appropriateness of the methods, modes used in compensation, consultation etc.</li> <li>▪ Incorporation of cultural relevant institutions in RAP institutions</li> <li>▪ Gender based violence cases related to RAP implementation</li> <li>▪ Change is social-cultural setting of the PAPs triggered by RAP</li> <li>▪ Participation of women in RAP implementation</li> <li>▪ Changes to the status of women</li> </ul>

### 10.6 M&E Budget

Monitoring and evaluation should ensure that performance monitoring is a continuous process that relies on existing processes of collecting data to the extent possible, rather than

scheduling of the exercise as a separate event. This will ensure effectiveness in M&E and ease on budget expenses for the project. The established indicators in the M&E plan should assist to understand the right type of information and budget that is needed per item to influence the resettlement process at the right times. M&E budget will be 5% of the total resettlement costs of the RAP budget.



**Table 10- 5: Proposed M&E plan**

SN	Item / Subject	Indicator	Variable	Time Frame/ Period	Responsibility	Frequency
1	<b>Land</b>	<b>Acquisition or Easement of land</b>	<ul style="list-style-type: none"> <li>• Area of private land acquired or put under easement</li> <li>• Area of public land acquired or put under easement</li> <li>• Total area of Land Acquired</li> </ul>	During RAP Implementation	<ul style="list-style-type: none"> <li>• KETRACO Project Implementation Team (PIT)</li> <li>• (In its various roles in this table, the PIT will enrol the support and collaboration of the CRCs)</li> </ul>	Weekly basis during the RAP Implementation Period
2	<b>Buildings/ Structures</b>	<b>Number, size and type of Affected buildings</b>	<ul style="list-style-type: none"> <li>• Number, type and size of private buildings affected and compensated</li> <li>• Number, type and size of community buildings affected and compensated</li> <li>• Number, type and size of public structures affected and compensated</li> </ul>	During RAP Implementation		Weekly basis
		<b>Other structures affected by project</b>	<ul style="list-style-type: none"> <li>• Number, type and size of other private structures affected and compensated</li> <li>• Number, type and size of other community structures affected and compensated</li> <li>• Number, type and size of public structures affected and compensated</li> </ul>	During RAP Implementation		Weekly basis
3	<b>Trees and Crops</b>	<b>Affected Trees and Crops</b>	<ul style="list-style-type: none"> <li>• Number and type of trees cut / destroyed and compensated</li> </ul>	During RAP Implementation		Weekly basis

SN	Item / Subject	Indicator	Variable	Time Frame/ Period	Responsibility	Frequency
			<ul style="list-style-type: none"> <li>• Acreage of crop damage / Total area destroyed and compensated</li> </ul>			
4	<b>Loss of Income</b>	<b>Income affected by Project</b>	<ul style="list-style-type: none"> <li>• Daily, Weekly or Monthly income that will be affected by the project and compensated</li> </ul>	During RAP Implementation		Weekly basis
5	<b>Compensation, for Losses</b>	<b>Compensation Amount Paid to PAPs</b>	<p><b><u>Land</u></b></p> <ul style="list-style-type: none"> <li>• Compensation Rate for Land per Acre</li> <li>• Compensation Amount for acquired or land under easement</li> <li>• Compensation Payment Period for Land</li> </ul> <p><b><u>Structures</u></b></p> <ul style="list-style-type: none"> <li>• Compensation Rate for each Structure</li> <li>• Compensation Amount for Affected Structures</li> <li>• Compensation Payment Period for Structures</li> <li>• Payment of Disturbance Allowance</li> </ul> <p><b><u>Trees and Crops</u></b></p> <ul style="list-style-type: none"> <li>• Compensation Rates for Trees and Crops</li> </ul>	During RAP Implementation	<ul style="list-style-type: none"> <li>• PIT</li> <li>• National Land Commission (NLC)</li> </ul>	Weekly basis

SN	Item / Subject	Indicator	Variable	Time Frame/ Period	Responsibility	Frequency
			<ul style="list-style-type: none"> <li>• Compensation Payment Period</li> </ul> <p><b><u>Businesses/Source of Income</u></b></p> <ul style="list-style-type: none"> <li>• Compensation Rate for Loss of income</li> <li>• Compensation Amount for Loss of Income for 3 months</li> </ul>			
6	<b>Resettlement and Livelihood Restoration</b>	<b>No of PAPs Requiring Resettlement and Livelihood Restoration</b>	<p><b><u>Resettlement</u></b></p> <ul style="list-style-type: none"> <li>• Number of land parcels acquired for displaced persons</li> <li>• Number of persons relocated within their land parcels</li> <li>• No of Households that have been resettled</li> <li>• Number of affected buildings that have been replaced</li> <li>• Number, type of plants lost</li> </ul> <p><b><u>Livelihood restoration</u></b></p> <ul style="list-style-type: none"> <li>• Number of seedlings supplied by type</li> <li>• Number of trees planted</li> <li>• Number of reestablished businesses/income sources</li> <li>• Feedback from PAPs on their satisfaction, feelings and</li> </ul>	During Resettlement and tracked for 1 year after	<ul style="list-style-type: none"> <li>• PIT</li> <li>• NLC</li> </ul>	<ul style="list-style-type: none"> <li>• Weekly during Resettlement</li> <li>• Monthly after resettlement for a period of 1 year.</li> </ul>

SN	Item / Subject	Indicator	Variable	Time Frame/ Period	Responsibility	Frequency
			reactions on resettlement implementation			
7	<b>Vulnerable Persons requiring special assistance</b>	<b>Type of Vulnerability for each Household Head</b>	<ul style="list-style-type: none"> <li>● No. of vulnerable Household Heads affected by the project</li> <li>● Type of vulnerability and limitations</li> <li>● Type of impact being experienced by vulnerable persons</li> <li>● The assistance offered to Vulnerable persons</li> <li>● Assistance to Vulnerable Number of vulnerable PAPs assisted by type and gender</li> <li>● Type of assistance provided to vulnerable PAPs</li> <li>● Number of vulnerable PAPs not assisted and reasons</li> <li>● Number and types of vulnerable issues articulated</li> </ul>	During Resettlement and 1 year after	<ul style="list-style-type: none"> <li>● PIT</li> <li>● NLC</li> </ul>	<ul style="list-style-type: none"> <li>● Weekly during Resettlement</li> <li>● Monthly after resettlement for a period of 1 year.</li> </ul>

SN	Item / Subject	Indicator	Variable	Time Frame/ Period	Responsibility	Frequency
			<ul style="list-style-type: none"> <li>• Number of vulnerable persons sensitized</li> </ul>			
8	<b>Community Resources</b>	<b>Re-establishment of community resources</b>	<ul style="list-style-type: none"> <li>• Number of community facilities replaced</li> </ul>	During Resettlement	<ul style="list-style-type: none"> <li>• PIT</li> <li>• NLC</li> </ul>	<ul style="list-style-type: none"> <li>• Weekly during Resettlement</li> </ul>
9	<b>Social/ Demographic</b>	<b>Changes to homestead Demographics</b>	<ul style="list-style-type: none"> <li>• Homestead size (births, deaths, migration in and out)</li> <li>• Age distribution</li> <li>• Gender distribution</li> <li>• Marital status</li> <li>• Relationship to homestead head</li> <li>• Status of “vulnerable” homesteads#</li> <li>• Social/ Demographic Changes to homestead structure</li> </ul>	During Resettlement and 1 year after	<ul style="list-style-type: none"> <li>• PIT</li> </ul>	Monthly during Resettlement and Quarterly after Resettlement for a period of 1 year
		<b>Changes to access</b>	Distance/travel time to nearest school, health center, religious institutions, shop, village	During Resettlement	<ul style="list-style-type: none"> <li>• PIT</li> </ul>	Monthly during Resettlement and 1 year after
		<b>Changes to status of women</b>	<ul style="list-style-type: none"> <li>• Participation in training programs</li> <li>• Use of credit facilities</li> <li>• Landholding status</li> <li>• Taking up leadership roles</li> </ul>		<ul style="list-style-type: none"> <li>• PIT</li> </ul>	

SN	Item / Subject	Indicator	Variable	Time Frame/ Period	Responsibility	Frequency
		<b>Changes to health status of PAPs</b>	<ul style="list-style-type: none"> <li>• Nutritional status of resettled homestead members</li> <li>• Number of people with disease by type (STDs, diarrhea, malaria, immunizable disease)</li> <li>• Mortality rates</li> <li>• Access to healthcare services (distance to nearest facility, cost of services, quality of services)</li> <li>• Utilization of healthcare services</li> <li>• Disease prevention strategies</li> <li>• Extent of educational programmes</li> </ul>	During Resettlement and 1 year after	• PIT	Monthly during Resettlement and Quarterly after Resettlement for a period of 1 year
		<b>Homestead earning capacity</b>	<ul style="list-style-type: none"> <li>• Ownership of capital assets</li> <li>• Land holding status (tenure)</li> <li>• Changes to livestock ownership and post disturbance</li> <li>• Value of livestock sales, and imputed value of barter trade</li> <li>• Employment status of economically active members</li> </ul>	During Resettlement and 1 year after	• PIT	Monthly during Resettlement and Quarterly after Resettlement for a period of 1 year

SN	Item / Subject	Indicator	Variable	Time Frame/ Period	Responsibility	Frequency
			<ul style="list-style-type: none"> <li>• Skills of homestead members</li> <li>• income by source, separating compensation payments</li> <li>• Changes to income activities – pre and post disturbance</li> <li>• Amount and balance of income and expenditure</li> <li>• Realization of homestead income restoration plans (Components implemented, net income achieved)</li> <li>• Possession of bank and savings accounts</li> <li>• Access to income generating natural resource base (wood, grass, sand, stones)</li> </ul>			
		<b>Population influx</b>	<ul style="list-style-type: none"> <li>• Growth in number and size of settlements, formal and informal</li> <li>• Growth in market areas</li> </ul>	During Resettlement and 1 year after	• PIT	Monthly during Resettlement and Quarterly after Resettlement for a period of 1 year
1	<b>Disturbance</b>	<b>Number of homesteads affected by disturbances from construction</b>	<ul style="list-style-type: none"> <li>• Movement in and out of the homestead (place and residence of homestead members)</li> <li>• Access to social facilities</li> </ul>	During Resettlement and 1 year after	• PIT	Monthly during Resettlement and Quarterly after Resettlement

SN	Item / Subject	Indicator	Variable	Time Frame/ Period	Responsibility	Frequency
			<ul style="list-style-type: none"> <li>• Distance/travel time to nearest market center, religious institutions, shop.</li> <li>• Changes to health status</li> <li>• Number of people with communicable diseases</li> <li>• Mortality Rates-Deaths registered per household</li> <li>• Access to health care services (distance to nearest facility, cost of services, quality of services)</li> <li>• Utilization of health care services</li> <li>• Extent of educational programs</li> <li>• Latrine provision</li> <li>• Access to clean water sources</li> </ul>			for a period of 1 year
1	<b>Consultation</b>	<b>Public Consultations</b>	<ul style="list-style-type: none"> <li>• Affected communities informed</li> <li>• Number of public meetings</li> <li>• Reports of engagement</li> </ul>	During Resettlement and 1 year after	• PIT	Monthly during Resettlement and Quarterly after Resettlement for a period of 1 year
		<b>Grievances resolved</b>	<ul style="list-style-type: none"> <li>• Channels used for redress</li> </ul>	During Resettlement and 1 year after	• PIT	Monthly during Resettlement and Quarterly



SN	Item / Subject	Indicator	Variable	Time Frame/ Period	Responsibility	Frequency
			<ul style="list-style-type: none"> <li>● Number &amp; type of grievances received and recorded by CLOs in the grievances log</li> <li>● -Number &amp; type of grievances resolved promptly (within the duration allowed in the grievance redress mechanism)</li> <li>● -Number type of grievances not resolved in time but completed</li> <li>● -Number &amp; type of outstanding grievances not resolved</li> <li>● Average timelines for resolution of grievances disaggregated by the various levels of grievance redress mechanism/institutions</li> <li>● Number of grievances referred to Level 3 (Courts of Law)</li> <li>● Number of complaints referred to KETRACO</li> </ul>			after Resettlement for a period of 1 year

SN	Item / Subject	Indicator	Variable	Time Frame/ Period	Responsibility	Frequency
		<b>Consultation program operation</b>	<ul style="list-style-type: none"> <li>• Number of CRCs established</li> <li>• Number of Women and Youth in the Committees established</li> <li>• Number and dates of CRC meetings</li> <li>• Type of issues raised at CRC meetings</li> <li>• Number of participating NGOs</li> </ul>	During Resettlement and 1 year after	• PIT	Monthly during Resettlement and Quarterly after Resettlement for a period of 1 year
1	<b>Procedures in operation</b>	<b>Census and asset verification/quantification procedures in place</b>	<ul style="list-style-type: none"> <li>• Effectiveness of compensation delivery system</li> <li>• Number of land transfers effected</li> <li>• Co-ordination between local community and KETRACO officials</li> </ul>	During Resettlement and 1 year after	• PIT	Monthly during Resettlement and Quarterly after Resettlement for a period of 1 year
1	<b>Cultural Aspects</b>	<b>Cultural appropriateness of the methods</b>	<ul style="list-style-type: none"> <li>• Cultural appropriateness of the methods, modes used in consultation etc.</li> <li>• Incorporation of cultural relevant institutions in SEP</li> <li>• Change is social-cultural setting of the PAPs triggered by RAP</li> </ul>	During Resettlement and 1 year after	• PIT	Monthly during Resettlement and Quarterly after Resettlement for a period of 1 year

SN	Item / Subject	Indicator	Variable	Time Frame/ Period	Responsibility	Frequency
1	<b>Physical cultural resources</b>	<b>Protection of cultural resources</b>	<ul style="list-style-type: none"> <li>• No. of physical cultural resources avoided such as graves along the Row</li> <li>• Protection of the Baobab Tree</li> <li>• No. of grievances reported on impact to physical cultural resources</li> </ul>	During Resettlement and 1 year after	• PIT	Monthly during Resettlement and Quarterly after Resettlement for a period of 1 year
1	<b>Training and Capacity Building</b>	<b>Operation of training program</b>	<ul style="list-style-type: none"> <li>• Number of CRC members trained</li> <li>• Number of affected populations trained in Project related courses</li> <li>• Number of vulnerable persons involved in the Training Programme</li> <li>• Number of trainings held disaggregated by target group/institutions and issues amongst employed locals</li> <li>• Number and type of participants disaggregated by gender</li> </ul>	During Resettlement and 1 year after	• PIT	Monthly during Resettlement and Quarterly after Resettlement for a period of 1 year
1	<b>Stakeholder engagement and</b>	<b>Disclosure of RAP</b>	<ul style="list-style-type: none"> <li>• - Disclosure of RAP report on KETRACO and AfDB websites.</li> </ul>	During Resettlement and 1 year after	• PIT	Monthly during Resettlement and Quarterly

SN	Item / Subject	Indicator	Variable	Time Frame/ Period	Responsibility	Frequency
	<b>information disclosure;</b>		<ul style="list-style-type: none"> <li>● - Availability of RAP report at the county level.</li> <li>● - Disclosure of RAP report summary at in a language, understood by the stakeholders</li> <li>● - Number of consultative meetings held, by type</li> <li>● - Stakeholder's awareness of RAP entitlements</li> <li>● - Number of County and National Government leaders engaged/briefed about the RAP process</li> <li>● - Number of stakeholders consultative meetings held</li> <li>● - Type of information provided in meetings</li> <li>● - Type of issues raised at PAP consultation meetings, and response rate</li> <li>● - Number of participants attending PAP consultation meetings related to project disaggregated by gender</li> <li>● - Modes and language of communication.</li> </ul>			after Resettlement for a period of 1 year

SN	Item / Subject	Indicator	Variable	Time Frame/ Period	Responsibility	Frequency
			<ul style="list-style-type: none"> <li>• - Minutes of meetings held and lists of attendance</li> <li>• - Number of people seeking information on displacement and compensation</li> </ul>			
Progress and Final Reports						
1	<b>Monitoring and Evaluation Reports</b>		<ul style="list-style-type: none"> <li>• Regular Progress Reports Weekly, Monthly or Quarterly as the monitoring variables may require.</li> <li>• Final Reports at the end of the Monitoring Exercise</li> </ul>			

## **CHAPTER 11: CONCLUSIONS AND RECOMMENDATIONS**

### **11.1 CONCLUSIONS:**

The construction of the Kabarnet- Rumuruti 132kV Line will dramatically improve reliability of electricity supply to underpin economic activity and to sustain electrification. The project is in line with the energy sector plans. In the Medium Term Plan (MTP) , the project is anticipated to provide adequate supply capacity that is reliable and alleviate loss of load hence ensure compliance with the requirements stipulated in the Transmission Grid Code.

The project will go along way in spurring economic growth within Baringo and Laikipia counties. Although there is an anticipated loss of use in land, loss of property and displacement of PAHs at an individual and communal level, the benefits from a public purpose point of view envisaged will outweigh the losses incurred.

This RAP report has been prepared in line with the laws of Kenya and AfDB's social safeguard policies in respect to involuntary resettlement. These laws, policies and regulations require that a RAP be prepared for all projects that anticipate acquisition of land, way-leave access/easement, displacement of persons and interference with livelihoods of people. During the update of this RAP report, the compensation process was implemented in accordance with the aforementioned international policies in regard to involuntary resettlement.

The proposed transmission line is 95km long with a 30m corridor. Consequently, a total of 694.67 acres of land will be earmarked for the way leave trace. Trees along the 30m way-leave corridor will need to be cut down during line construction. Depending upon access, equipment being used, topography and height of the trees the number of trees to be felled or topped may differ from this assessment. A complete asset register detailing all farms/plots affected and the damage has been developed. For this assessment the of trees that are affected by the transmission corridor that will require to be cut down from RoW are 7,898 in number.

From analysis of the various assets affected and other RAP related costs, the Management will set aside adequate as per the resettlement budget for compensation given the justifications throughout this report. All compensation are based on market values and are in accordance with the full replacement cost approach.

Some of the parcels along the transmission corridor are owned by persons living far away from the project area i.e absentee land owners. Their names will be gazetted and the notices distributed to all the affected in the various locations and radio announcements made in vernacular languages requesting those affected and did not receive the gazette copies to contact the nearest local administration office or KETRACO for guidance. Lastly an escrow account will be opened to ensure all the compensation packages for the absentee land owners is set aside to ensure they are promptly compensated once they come calling.

## **11.2 COMMITMENTS**

### **1. Project Implementation**

The success of the procedures and activities in this RAP will greatly depend on KETRACOs commitment towards the ensuring the effectiveness and efficiency of the implementation process. Adequate budgets will be set aside to ensure a smooth implementation of the project activities. This will go a long way in fulfilling the requirements of resettlement activities based on KETRACOs RPF, the AfDB safeguard policy ISS and other international best practices i.e ECDF safeguards policies.

**2. Consultations:** The PAHs will be consulted continuously in regard to the resettlement plan and implementation of the same prior to commencement of construction activities. Particular attention will be given to vulnerable groups such as the elderly, female headed households, the sick, the orphans and the Project displaced persons(PDPs)

#### **3. Compensation:**

The compensation package provided in this report is based on Current market rates, and are in accordance with the full replacement cost approach. Compensation for Structures and disturbance allowance Shall be paid promptly and prior to commencement of construction activities to the PAPs (owners) who may not necessarily be the household heads. In the case of absentee landowners or land is under dispute or awaiting subdivision, KETRACO will set aside sufficient funds in an escrow account or similar financial instrument to cover unpaid compensation. All land compensations will be paid to the landowner/valid claimant as authenticated through land registries searches, provision of title deeds or sale agreements confirmed by the local administration.

#### **4. Monitoring and Evaluation:**

Monitoring and evaluation will be a continuous process. KETRACO will be responsible for all aspects of internal monitoring. Six months to one year upon completion of the project, KETRACO shall conduct an independent assessment of the RAP process to evaluate and document lessons learnt. The evaluation, which will be carried out by a consultant who is knowledgeable in resettlement matters.

#### **5. Grievances:**

Grievances emanating from compensation of structures, land and crops will be dealt with by the CRCs and PIT in accordance with the grievance redress mechanism which has been set out in this RAP In order to deal with any grievances that may arise in a timely manner.

#### **6. Casual Jobs**

KETRACO, the Contractor and the local administration will plan before commencement of the project in order to lay down recruitment guidelines for the locals who will be interested in working for the project. Consideration will be given to vulnerable individuals by offering them employment opportunities for casual jobs which they can handle.

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***APPENDICES:***

**Appendix A1: Land schedule**

**Appendix A: PAHs Structure Compensation schedule**

**Appendix B: Stakeholder Consultation Meetings Attendance List**

**Appendix C: Stakeholder Consultation Minutes**

**Appendix D: Vulnerable PAP Data**

**Appendix E1, E2 & E3: Grievance Registration & Resolution form**

**Appendix F: Sample Household Questionnaires**