

RESETTLEMENT ACTION PLAN (RAP) FOR THE PROPOSED NAROK-BOMET 132KV DOUBLE CIRCUIT TRANSMISSION LINE



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Assignment: Resettlement Action Plan for the Proposed NAROK-BOMET 132KV Double Circuit Transmission Power line

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LIST OF ABBREVIATIONS

AfDB	African Development Bank
AIDs	Acquired Immune Deficiency syndrome
CIDP	County Integrated Development Plan
ESAP	Environmental and Social Assessment Procedures
ESIA	Integrated Environmental Impact Assessment
EMCA	Environmental Management Coordination Act
ESMP	Environmental Social management plan
ESIA	Environmental and Social Impact Assessment
FRAP	Full Resettlement Action Plan
IESIA	Integrated Environmental and Social Impact Assessment
HIV	Human Immune virus
kV	Kilo volts
KETRACO	Kenya Electricity Transmission Company Ltd
NEMA	National Environment Management Authority
NMK	National Museums of Kenya
OP/BP	Operation Policy/Bank Policy
OS	Operational Safeguards
PAPs	Project affected persons
PIT	Project implementation unit
TL	Transmission line
RAP	Resettlement Action Plan
RoW	Right of Way
SESA	Strategic Environmental and Social Assessment
WB	World Bank

DEFINITION OF TERMS

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 18 December 2021 (Narok County) and 4th November 2022 (Bomet County) 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 KETRACO's 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.

EXECUTIVE SUMMARY

Compensation Summary Sheet

#	Variables	Data
• General		
1.	Region/Province/Department ...	Narok & Bomet Counties
2.	Municipality/District...	Narok North, South & West Sub Counties, Bomet East and Central Sub Counties
3.	Village/Suburb ...	Ilmashariani, Lower Melili, Nkareta, Oloroito, Endonyio Ngiro, Melelo, Ilmotiok, Kapkimulwa, Cheboin, Kyogong, Itembe locations
4.	Activities that trigger resettlement	Provision of RoW for the construction of the proposed Narok – Bomet Transmission Line 81 km requiring a 30m wide wayleave corridor
5.	Project overall cost	-
6.	Overall resettlement cost	Kshs. 1,030,026,505.85
7.	Applied cut-off date (s)	18 December 2021 (Narok County) 4 th November 2022 (Bomet County)
8.	Dates of consultation with the people affected by the project (PAP)	15 th – 17 th December 2021 (Narok) 27 th October to 4 th November 2022 (Bomet)
9.	Dates of the negotiations of the compensation rates / prices	To be undertaken during RAP implementation
• Specific information		
10.	Number of people affected by the project	2550
11.	Number of Physically displaced	170
12.	Number of economically displaced	510
13.	Number of affected households	510
14.	Number of females affected	46
15.	Number of vulnerable affected	39
16.	Number of major PAPs (Physically displaced)	170
17.	Number of minor PAPs	340
18.	Number of total right-owners and beneficiaries	510
19.	Number of households losing their shelters	170
20.	Total area of lost arable/productive lands (ha)	242.9
21.	Number of households losing their crops and/or revenues	170
22.	Total areas of farmlands lost (ha)	242.9
23.	Number of buildings to demolish totally	612
24.	Number of tree-crops lost	6,918
25.	Number of kiosks to demolish	7
26.	Number of community-level service infrastructures disrupted or dismantled	2

27.	Number of households whose major livelihood restoration is at risk	7
28.	Number of households whose livelihood restoration is at risk	503

Introduction

The Government of Kenya under the Kenya Transmission Network Improvement Project (KTRNIP) is in the process of implementing a 132kV 81km double circuit Narok Bomet transmission line linking Narok 132/33kV and Bomet 132/33kV substations. The completed Narok 132/33kV substation is supplied from Olkaria I substation by a 132kV line. The other two components of this project include Malindi - Weru and Kabarnet-Rumuruti 132kV Transmission lines (covered under separate RAPs).

The proposed project seeks to establish a more reliable power supply by providing alternative route to allow flow of geothermal power from Olkaria to Bomet, Kisii, and Migori Counties. This will greatly improve supply quality and reliability to the said regions of the country. The project is justifiable in that it will stabilize power supply, improve on transmission line security hence cushioning against losses occasioned by power failures and blackouts

The Government of the Republic of Kenya is seeking the financial support of African Development Bank (AfDB) to finance the electricity transmission infrastructure project under the Kenya Transmission Network Improvement project (KTRNIP). . 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.



Kenya Electricity Transmission Company (KETRACO), the project proponent is a wholly owned state corporation regulated under the State Corporations Act, Cap 446. KETRACO was established to develop new high voltage electricity transmission infrastructure forming the backbone of the national transmission grid, in line with Kenya Vision 2030. Its core mandate is to plan, design, build, operate and maintain electricity transmission lines and associated substations. The voltage rating of the transmission lines includes 132kV, 220kV, 400kV and 500kV High Voltage Direct Current (HVDC) transmission.

Project Description

The 132kV Narok Bomet transmission line traverses both Narok and Bomet Counties. In Narok County, the line begins from Narok substation in Illmashariani area along Narok Mai Mahiu road, through Olopito, Oloroito, Naisuya sub-locations into Nkareta location (both in Narok North Sub County), Endonyongiro location, Ololunga location, Melelo location (Narok South Sub County), and Ilmutiok location (Narok West Sub County)

In Bomet, the line crosses from Narok into Kapkemulwa location, Cheboin locations, Kiogong location, and Itembe location before terminating at the 132/33kV Bomet Substation in Kapkwen.

The project shall involve construction of an approximately 81km long 132 kV Double Circuit transmission line from the existing Narok 132/33kV Substation to Bomet 132/33 kV substation. The line will be constructed in self-supporting Lattice steel towers and ACSR-175 mm² “Lynx” conductor with a single overhead OPGW shield wire.

The scope of the Transmission line works shall involve;

- Extension of the existing 132kV bus bar at Narok and Bomet substations to create two lines take off bays, complete with protection, system control and Automation.
- Construction of 81kms of 132kV double circuit line with OPGW earth wire

As a safety measure, a transmission line should have a dedicated way leave corridor in line with its voltage levels. The proposed project i.e., double circuit 132kV transmission line will require a way leave corridor of equivalent to 15m width on either side of the center line implying in total that a way leave of 30m will be required.

Within the way leaves, tall trees and structures are not allowed. Specifically houses and trees with the potential to grow to a height of more than 12ft are removed for the entire life of the transmission line. However, farming of perennial crops and grazing within the corridor is generally permitted.

The need to acquire way leave to comply with safety requirements for the line will result in displacement/involuntary resettlement of people which demands preparation of a Resettlement Action Plan to guide the resettlement process.

RAP Objectives

The development of this RAP was informed by the findings of the Integrated Environmental and Social Impact (IESIA). During the IESIA preparation, as part of screening, scoping and impact identification, it was determined that the project would lead to involuntary resettlement resulting in both physical and economic displacement (due to the need for land acquisition for RoW) and thereby requiring preparation of a full Resettlement Action Plan as a mitigation measure. Involuntary displacement can have long-term adverse consequences in particular, severe impoverishment risks for the people affected and for communities in the surrounding region. Assets or income sources may be lost; people may relocate to settings in which their productive skills are less useful; competition for education, natural resources and other services may be greater, possibly resulting in civil unrest; community institutions and social networks may weaken; kinship groups may be dispersed; and cultural identity, traditional authority and the potential for mutual social responsibility, help, co-operation, and cohesion may diminish. Other impacts of the project include restrictions on land use and an influx of people in the project area which can increase social vices.

This resettlement plan has been designed to integrate the requirements of Kenyan legislation and the African Development Bank Operational Safeguard Standard (OS:2 Involuntary Resettlement, Land Acquisition, Population Displacement and Compensation) with the following objectives:

- 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 minimize and/or mitigate such impacts;
- To re- evaluate PAHs' assets (compensation costs, livelihood/disturbance allowances and other assistance values) and provide a strategy for the compensation of PAHs;
- 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
- To sensitize 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.
- To avoid the destruction of cultural, religious, and archaeological sites—including natural sites and habitats valued for cultural, religious, and archaeological reasons by establishing a comprehensive plan in co-operation with religious and traditional community leaders to ensure that an alternative location is found and that all rituals can be conducted to ensure that the new site represents the same degree of sacredness as the previous location.
- To protect the most vulnerable by implementing appropriate differentiated measures so that unavoidable adverse impacts do not fall disproportionately on these vulnerable groups, and so that they are not disadvantaged in sharing development benefits and opportunities
- To establish a credible and independent grievance redress mechanism that are responsive, treat claimants fairly, and operate effectively to help resolve affected people's grievances and concerns regarding the environmental and social impacts of the project.

- To develop a standard or measure for defining eligibility and entitlement in order to have a fair basis for assessing compensation for negative impacts on livelihoods, land, assets caused by the loss of land suffered by the PAPs
- To provide a comprehensive RAP asset/valuation register/database, based on which values are assessed and validated in the event of disputes and, more importantly, serve as the database for monitoring and evaluation of the resettlement instrument
- To set up a Monitoring and Evaluation framework for the project impacts and processes.

The AfDB Operational safeguard 2 – Involuntary resettlement: land acquisition, population displacement and compensation (OS 2) is triggered if projects require the involuntary acquisition of land, involuntary acquisition of other assets or restrictions on land use and on access to local natural resources which may result in:

- Relocation or loss of shelter by the people residing in the project area of influence
- Loss of assets or restriction of access to assets including national parks, protected areas or natural resources.
- Loss of income sources or means of livelihood as a result of the project, whether the PAPs are required to move or not.

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 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 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 seabed, all public roads whether gazetted or not and land that remained un-adjudicated Land Act.
- *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.

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

B. 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 minimize the need for resettlement and when it cannot be avoided, to minimize 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 transmission line is classified as a Category 1 project under the bank's Operational Safeguards. ISS - 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 Exim Bank's Economic Development Cooperation Fund (EDCF) Safeguard Policy

Korea Exim Bank 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 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.

Main socio-economic characteristics of PAPs

A 100% Census was undertaken along the whole route. A sample of 179 HHs however participated in the socio-economic survey. 71 of these Household Heads are from Narok County and 108 Household Heads from Bomet County.

In Narok county, the survey was carried out in December 2021 while Bomet was undertaken in October/November 2022. Most of the Household Heads interviewed were PAPs with structures, as a number of the land owners were not available along the ROW during the socioeconomic survey but attended the consultative meetings where they were interviewed.

A. Demographics

Majority of the households in Narok County project area are patriarchal as indicated by 73.2% of the head of household being male. Women headed only 26.8% of the households. In Bomet County, HHs in the project area are similarly male (72.2%). Women headed only 27.8% of the households.

The findings show that the youngest head of household was 18 years in Narok while the oldest was 91 years. Majority of the Household Heads i.e., 85.92% are between 26-55 years. In Bomet County, almost a quarter of the Household Heads are elderly (20.4%). Majority of the population are between ages 36-45. 92.9% of the project affected household heads in Narok County are in the married category while 4.2% are widowed and 2.8% are single. In Bomet, 67% of the project affected HHs are in the married category while 11% are widowed and 21% are single

The survey results indicate that the education level among the heads of households in the project area is low. More than half 62% of the surveyed population in Narok County had attained primary level education. Those who have not been to any formal education institution accounted for 16.9% while 16.9% had attained secondary education with only 4.2% having gone through tertiary education. The levels of education in Bomet County is significantly higher than in Narok County. The highest level of education for Household Heads is Primary School (57.7%). Bomet County however has a significantly higher secondary school education attendance (25.6%), post-secondary i.e., collages and vocational trainings (10.3%) than Narok County.

B. Economic Activities

In Narok County, there are three major economic activities in the project area i.e., along the way leave and they are farming, employment, and businesses. It was observed that more than half (66.2%) of the PAHs were involved in farming which includes livestock rearing and crop farming. 16.9% of the population are involved in businesses which include selling and buying of livestock produce and sale of main crops (maize, wheat and beans), boda boda and other business. Like in Narok County, the main economic activity in Bomet County is farming. This is mainly for subsistence, but the surplus is sold for income.

According to the findings, the highest monthly income earned by the PAHs for both counties from all their sources was Kshs 800,000.00 while the lowest was Kshs 500.00. The average income per month among the PAHs is Kshs. 31,915.00 while the median income was Kshs 15,000.00.

C. Living Conditions

In Narok County, the main source of energy for lighting is solar for the households as reported by 94.4%. The main source of energy for cooking for the PAPs is firewood as reported by 95.8% with few PAHs using gas 4.2%.

In Bomet County, the major source of lighting in the project area is solar energy [91.7%]. The main source of energy for cooking is firewood [98.1%].

In terms of housing, over half 59.9% of the PAHs live in semi-permanent houses made of iron sheet roof, mud wall and earthen floor. 11.8% live in houses made of mud wall, earthen floor and thatched roof which was the main traditional house especially for Kalenjin's who reside in both Bomet and Narok County.

The main source of drinking water among the PAHs is the river and streams as indicated by 65.6% of the PAHs. This was followed by piped water 11.8%.

Medical services are accessed from both dispensaries and hospitals within the Project affected areas. There are three major hospitals in the counties i.e., Narok, Longisa and Tenwek hospital and other various smaller health facilities. The average distance to the nearest health facility for the PAPs is 5.6km. The shortest distance covered to a health facility is 0.2km and the longest distance covered is 20km especially for the big hospitals. No health facility will be relocated because of the project. According to the PAHs, the most common illness in the project area is cold and flu as reported by 16% of the PAHs followed by malaria reported by 11.8%.

D. Socio-cultural life

The Maasai community members are organized within families and household heads are members of the council of elders under the leadership of a village chairman. The unit deals with inter and intra family disputes. The elders settle local disputes and reprimand wrong doers.

The Kalenjin community practice semi-nomadic pastoralism centered on the raising of cattle, sheep, chicken, and goats and cultivating crops especially maize and beans. They are also patriarchal.

Traditionally they were governed by elders who made decisions and settled local disputes. Extreme cases were handed over to chiefs. Older men guided young people concerning the way of living.

E. Indigenous People / Vulnerable and Marginalized Groups (VMGs)

In Kenya, Pastoralists, hunter-gatherers, some fishermen and some minority farming communities in Kenya can be considered as IPs/VMGs. The Maasai people who are found in Narok, and other counties are classified as vulnerable.

Project Impacts

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 510 (PAHs). These represent 2550 number of project affected persons (PAPs). In addition, 3 institutions are (2 Religious and 1 Public Office). These are:

- i. Presbyterian Central Mission of Africa
- ii. St. Joseph’s Catholic Church
- iii. Chief’s Office

These impacts are defined briefly below:

Type of Loss	No. of PAHs
PAHs losing Land and Main Residential Structures (dwelling houses) i.e., Physically Displaced PAHs	170
PAHs losing land and other structures (secondary/ancillary)	33
PAHs losing Land only	307
Total Number of PAHs affected	510
Public Entities affected	
Chief’s Office, Melelo	1
Religious Institutions Affected	
Presbyterian Central Mission of Africa	1
St. Joseph’s Catholic Church	1
Total Number of PAPs	2,550

A. Land requirements for the project

In total, the project will acquire 242.9 HA (600 acres) from both counties. This represents an estimated 510 number of parcels in total. A total of 57.8Km [430 acres] TL will be acquired for RoW in Narok County. Approximately 216 land parcels will be affected in Narok. In Bomet County, a total of 22.9Km [170 acres] TL will be acquired representing a total of 294 parcels. These land requirements are defined briefly below:

Type of Owner	Number of Acres	Percentage
Private individuals	591	98.5
Public institutions (Chief’s Office)	2	0.33
Religious Institutions		
Presbyterian Central Mission of Africa	2	0.33

St. Joseph’s Catholic Church	5	0.84
Total	600	100%

In Narok, since land parcels are large, the 216 parcels will be marginally affected. In Bomet, approximately 294 parcels are affected. The full extent of the impacts will be determined and updated once the detailed cadastral survey is finalized.

B. Impact on Physical Assets

A total of 170 PAHs will be physically displaced in terms of losing main residential structures within the land they own land. Another 33 PAHs will lose other secondary structures.

In total 612 structures owned by PAHs will be affected, of which 170 are main dwelling units. The chief Office in Melelo Location, Narok County and St. Joseph’s Catholic Church in Narok County are also affected to bring the total structures affected to 614

C. Impact on Livelihoods

7 PAHs in both counties will lose business structures i.e., kiosks. In addition, 510 PAHs will also lose agricultural land. 170 PAHs will lose trees and crops.

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 to no 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 is a public/government institution that will be affected by the project i.e. a chief’s office. 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 affected by the project.

G. Impact on Trees and Crops

Approximately 6,918 trees will likely be destroyed during construction phase. The number of households represented here are 170.

H. Impact on vulnerable Groups

There are a total of 39 vulnerable PAPs that have been identified along the project corridor as in the table below:

Type of Vulnerability		Number of PAHs				
Widow / Widower		6				
Single parent household		9				
Mentally disabled		1				
Elderly (Over 65 years)		13				
Elderly & widowed		10				
Total		39				
County	No. of widows / widowers	No. of single parent households	No. of mental disorders	No. of elderly	No. of elderly & widowed	Total No.
Narok	4	0	0	6	0	10
Bomet	2	9	1	7	10	29
Totals	6	9	1	13	10	39

Consultations and negotiations held / conducted

RAP process commencement /awareness meetings were held with affected communities at in the presence of their local administration i.e., chief and/or sub chief and village elders. The venue selection was based on ease of site accessibility, population, and renown venues for holding meetings in the respective project alignment.

Six (6) stakeholder consultation meetings by the team were undertaken from 15th – 18th December 2021 in Narok County with a total attendance of 129 people (108Male and 21 female). In Nkareta location, the team held one more meeting on 4.11.2022. A total of 14 (10 male and 4 female) attended the meeting. The total number of meetings in Narok was seven (7) with a total attendance of 143 (118 Male and 25 Female)

A further six (6) meetings were held in Bomet County between 27th October to 4th November 2022 with a total attendance of 356people (262 Male and 94 female). These meetings were organized through the office of the various chiefs and held at convenient venues within reach of the local community members.

In the meetings, project information in terms of design, route, positive impacts, negative impacts, mitigation measures, cut off dates, eligibility and cross cutting issues were discussed with various stakeholders. The stakeholders also gave their views in to the project. The PAPs were asked for their input regarding the project benefits and there was wide support for the project. The major concerns surrounded compensation especially since there has been a change in line route in some sections. The team explained that only the PAPs whose assets will be destroyed would be compensated and advised PAPs to wait until they had been compensated in order to demolish any structures on the RoW.

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. 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. This was explained to the community members and PAHs during community dialogues and the PAH census.

During the initial census done by Kenya Power in 2019, a cut-off date of 30th September 2019 was issued to the affected persons. Due to the time lapse and change of scope that moved the project from Kenya Power to KETRACO, a new cut-off date was issued for Narok County as **17th December 2021** at the end of census.

Census for Bomet County was concluded on 3rd November 2022. As such, a new cut-off date was issued as 4th November 2022 for Bomet County.

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 landowner with Customary Land Right; and (i) Crop Cultivator.

Primary Category	Secondary Category	Description
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: Business Structures	Members of this group currently commercial enterprises (kiosks) inside the 30m footprint corridor
Landowners	Category 3: Landowner with private land ownership rights	Members of this group hold private property rights for the affected land inside the RoW, meaning they hold a legal title deed for the land.
Farmers/ Cultivators (Land Users)	Category 4: Crop/tree cultivator with or without	Members of this group cultivate crops/trees on the plot (s) along the RoW. They may solely use, or share

	private and or communal recognized rights	usage of the plot, which they may recognize, or not recognize as their own.
Owners of Non-Residential Assets	Category 5: Owners of other (non-residential) assets	Members of this group are individuals or institutions or government entities who have built structures (e.g., fences, walls, etc.) Members of this group may also own livestock that they use mainly for subsistence. Animal husbandry along the surveyed settlements consists mainly of chicken, goats, sheep, and cows. Most families in rural areas have animals that can free to roam around settlements.

Valuation Methodology and Compensation Package

The procedure followed in this report is based on legal procedure outlined in the Valuers Act Cap 532, which requires that a duly authorized 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 cognizance 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:

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)

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 considering general assessment of the business factoring the expenses to get the net profit.

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 as shown in the table below.

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.

#	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>Option 1: 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>Option 1: 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>Option 2: 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>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>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
			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	<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 prove 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>

#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
3.	Sanitation facilities (Pit latrines & bath shelters).	Rightful owners of the affected structures (Residential, commercial and other)	Cash compensation for all structures at full replacement cost, based on professional valuation. Statutory Disturbance Allowance of 15% of compensation amount. 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.	Cash option is available 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 by KETRACO. NB: Vulnerable Owners already given a replacement house that already includes these facilities will not receive additional cash compensation.	Financial training for the sustainable and prudent use of cash compensation Monitoring mechanism at main stages of resettlement.

#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
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>	<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>	<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>Option 1: 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>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</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>

#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
			Assistance in fast-tracking Succession (where needed)	<p>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/ 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</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
			<p>Option 2: 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 fast tracking Succession (where needed)</p> <p>Assistance in conveyancing and transferring title (for vulnerable PAHs) where needed.</p>	<p>replace land for dwellings).</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 have identified suitable resettlement land.</p> <p>This is the risky category of land PAHs who will</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> <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
			Legally established interests, including user rights, on community land will be compensated in accordance with Kenyan Law	require direct project intervention during RAP Implementation	Monitoring mechanism at main stages of resettlement
6.	Permanent OR partial loss of agricultural farming land	Registered owners or claimants of communal and privately held lands	<p>Option 1: Self-managed relocation (Cash compensation with relocation plans overseen)</p> <p>Statutory Disturbance Allowance of 15% of compensation amount.</p> <p>Assistance in fast-tracking Succession cases (where needed)</p> <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>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 parcel of land or a verifiable intention to enter into a binding/ written sale agreement with a potential seller of the suitable parcel</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 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>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</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
			<p>Option 2:</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 fast-tracking 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>methodologies done by Registered Valuers.</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</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 the local administration chain of command within their areas of jurisdiction in liaison with KETRACO</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>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>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 fast tracking Succession cases (where needed)</p> <p>Assistance in conveyancing and transferring title (for vulnerable PAHs) 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</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</p>

#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
				determined interest on the affected land as provided in the Land Act	and host communities Monitoring mechanism at main stages of resettlement
8.	Public Assets i.e., Affected properties, Structures, crops and trees excluding land.	Public Institutions National Government	Cash compensation is done upon identification of affected properties (excluding land) 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
9.	Annual Crops	Owners of crops on farmland	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. 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: Cash: Damaged crops will be compensated in cash as mature crops at agreed rates determined annually based on full	Crop owners identified through final asset surveys by KETRACO and or its agent	Financial training for the sustainable and prudent use of cash compensation Agriculture and livestock development projects and support programs

#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
			<p>replacement cost determined by Ministry of Agriculture based on market prices plus transaction costs</p>		<p>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 economically valuable trees)	Owners of crops on farm land	<p>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</p> <p>Compensation according to defined growth stage or size categories.</p>	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

#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
11.	Vulnerable Support Program (Tailored)	<p>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 difficult to cope with the Transition e.g. the elderly (over 60 years old), physically challenged, those</p>	<p>Transitional hardship assistance program appropriate to specific cases and based on Project assessment, including: -</p> <ul style="list-style-type: none"> • Priority in physical mobilization and transfer to resettlement plot; • A preference for in-kind compensation • Assistance in the compensation payment procedure • Resettlement near to kin and former neighbors to maintain informal support networks where feasible • Moving assistance to physically displaced vulnerable PAHs for their properties and salvages during resettlement. 	<p>Identified through final census survey based on agreed Vulnerability criteria relevant to the project as documented in this RAP.</p>	<p>Special assisted transit to new land</p> <p>Additional moving, loading and unloading assistance, if necessary;</p> <p>Other specific support related to moving process (e.g., medical assistance for vulnerable PAPs who may be sick) identified by support case workers.</p> <p>Follow up on orphans to make sure they identify and register in</p>

#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
		suffering from chronic illness; widows and children who are under 18 years			<p>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</p>

#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
					<p>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 and chronically ill have access to</p>



#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
					<p>medication and the persons with disability are locally registered with APDK office.</p>

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.

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. 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 convened 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 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.

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 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 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.

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.

Total cost for the full implementation of the RAP

The following table shows the total cost for the full implementation of the RAP for proposed Narok Bomet TL.

PROJECT ITEM/ACTIVITY	COST (KSHS)
Land compensation/way leave-trace value	400,000,000.00
Compensation for houses and associated structures along the trace	98,533,204.68
Estimated cost for compensation of trees	81,000,000.00
Contingency Allowance @ 30% (to cover vulnerable, miscellaneous, Asset /Impact validation verification exercise)	224,400,000.00
Compensation Budget	803,933,204.68
Livelihood Restoration	20,088,000
Compensation and Livelihood Restoration Sub Total	824,021,204.68
RAP implementation/Administrative Costs (10%)	82,402,120.47
Stakeholder Management & Grievance Management (10%)	82,402,120.47
Add 5% For Monitoring and Evaluation	41,201,060.23
Grand Total	1,030,026,505.85

Conclusion

This RAP study was conducted to guide acquisition of the way leave and compensation of the affected persons prior to project implementation. The study engaged the affected and other stakeholders in a series of meetings to provide them an opportunity to air their views and ideas about the project. The following is a summary of the findings.

- The affected persons are familiar with the project, and they support the project as long as it will not disadvantage them
- The line passes/transverse private property owned by mainly subsistence farmers
- The main economic activity in the proposed project area is farming
- There is a challenge with land documentation with respect to registered titles deeds. Deceased cases will require succession to be done for compensation to be processed

- There are trees and crops within the way leave that will need to be cleared
- Land parcels are not formally surveyed, and land mutations are not formalized
- The affected communities demanded for un-skilled labour opportunities.
- The communities also requested to be considered for community support initiatives in form of corporate social responsibilities.

Based on the following findings, the study makes the following recommendations:

- Continuous consultations and sensitization with the affected should continue to ensure they receive the same information and avoid rumors which may bring fears and opposition to the project leading to delays
- Compensation packages for structures and other assets should be just and prompt at replacement cost based on market prices and should be paid before construction starts to the extent possible.
- Households that must physically and completely relocate should be compensated fully for the land and be supported to find alternative land if necessary.
- The locals and single parent households should be prioritized for un-skilled labour-based employment opportunities. Opportunities for information on more specialized un-skilled labour requirements will be shared with the affected communities.
- Awareness creation on the need to do succession and formal subdivision of land and registration to be conducted during the early stages of the project so as not to render some households worse than they were prior to the project
- Alternatively, KETRACO management and PIT to come up with appropriate strategies to fast-track succession for the PAPs to avoid delays in land compensation.
- There is need to explore opportunities for community projects through Corporate Social Responsibility (CSR).

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CHAPTER ONE: INTRODUCTION

1.1 Project Background

The Government of Kenya under the Kenya Transmission Network Improvement Project (KTRNIP) is in the process of implementing a 132kV 81km double circuit Narok Bomet transmission line linking Narok 132/33kV and Bomet 132/33kV substations. The completed Narok 132/33kV substation is supplied from Olkaria I substation by a 132kV line. The other two components under KTRNIP include Malindi-Weru and Kabarnet-Rumuruti 132kV Transmission lines.

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.

The project comprises of three focused components elaborated below:

- Transmission network improvement, which consists of construction of High Voltage (HV) transmission lines, and construction of new substations and extension of associated existing substations (details of which will be finalized during Appraisal).
- Project Management and Supervision consultancy services to review design documents, specifications, and bid documents, management and supervision of construction activities and the implementation of the Environmental and Social Impact Assessment (ESIA) and Resettlement Action Plan as applicable.
- Implementation Support and Capacity Building program for KETRACO to finance training, communications, and capacity building for KETRACO to strengthen operation and maintenance HV transmission lines, institutional monitoring including of environmental and social (E & S) and climate impacts and mitigation potential of the transmission infrastructure, evaluation, and mainstreaming gender in electricity infrastructure construction and operation.

Kenya Electricity Transmission Company (KETRACO), the project proponent is a wholly government owned state corporation regulated under the State Corporations Act, Cap 446. KETRACO was established to develop new high voltage electricity transmission infrastructure forming the backbone of the national transmission grid, in line with Kenya Vision 2030. Its core mandate is to plan, design, build, operate and



maintain electricity transmission lines and associated substations. The voltage rating of the transmission lines includes 132kV, 220kV, 400kV and 500kV High Voltage Direct Current (HVDC) transmission. The proposed project seeks to establish a more reliable power supply with improved voltage profiles via the establishment of a line linking the Olkaria geothermal generation plants to the South Rift and western region transmission network. This will greatly improve supply quality and reliability to the said regions of the country as it will provide an alternative route for evacuation of power from Olkaria geothermal plants. The project is justifiable in that it will stabilize power supply, improve on transmission line security hence cushioning against losses occasioned by power failures and blackouts. The proposed Narok-Bomet transmission power line will also provide an additional supply of electricity to the Narok/ Bomet/ Sotik/Kericho areas. Many households in this area currently do not have electricity and are reliant upon kerosene for lighting purposes. The proposed transmission will result in better and alternative supply in the two counties, and this will in turn provide opportunities for KETRACO to connect more households.

As required by law (Environment Management and Coordination Act; EMCA, 1999; 2015; 2019), an Environmental and Social Impact Assessment (ESIA) study for the proposed project was conducted in accordance with the EIA regulations dated June 2003. The ESIA was updated by KETRACO team in Dec 2021 & it identified that the proposed project requirements for a way leave 30m will result in both physical and economic impacts among communities living along the proposed route between Narok and Bomet counties. The Energy Act 2006 and the Land Act 2012 provide the statutory instruments that allows the project proponent to undertake and implement land acquisition for energy infrastructure.

According to the African Development Bank's Operational Safeguards (OS 2), the project falls under Category 1 of project environmental and social impacts i.e., where the Bank operations are likely to cause significant environmental and social impacts. Category 1 projects are likely to induce significant and/or irreversible adverse environmental and/or social impacts. Category 1 projects require require an ESIA, both leading to the preparation of an Environmental and Social Management Plan (ESMP), as well as an appropriate level of Environmental and Social Impact Assessment (ESIA) and involves resettlement activity for which a Full Resettlement Action Plan (FRAP) under the provisions of the Bank's policy on involuntary resettlement needs to be prepared. A full resettlement action plan study is required for any project that involve significant number of people (more than 200 people) who would need to be relocated with loss of assets, or access to assets or reduction in their livelihood. The plan addresses potential adverse impacts at the same time make provisions for the opportunity the project offers to improve the socio-economic conditions of the affected population.

1.2 RAP Objectives and Scope

This report contains a Resettlement Action Plan (RAP) for the proposed Narok-Bomet 132kv Double Circuit Transmission Line. It identifies, documents, quantifies and mitigates potential physical, economic and cultural impacts arising from the proposed power transmission project. It is developed in compliance with the provisions of Kenyan Legal Framework, KETRACO's internal instruments developed in line with national laws and AfDB's Integrated Safeguards System (ISS): Policy statement and Operational

Safeguards, specifically Operational safeguard 2 on land acquisition, population displacement and compensation.

The objective of the RAP study is to provide guidelines that will be followed and actions that will be taken to mitigate adverse impacts, compensate losses and provide development benefits to persons and communities affected by the project.

The RAP study included baseline socio economic assessment on the project affected persons (PAPs), actual census of the PAPs, nature of impacts on PAPs, categorization of PAPs based on impacts on them, eligibility criteria for compensation, valuation of structures, crops/trees (where applicable) and total land affected, Entitlement Matrix, grievance redress mechanism (GRM) and a report detailing all these variables as well as a determination of the cut-off date.

Specifically, the objectives of this RAP are to:

- i. Identify the full range of project affected persons including to identify the vulnerable and marginalized people in the project area and offer tailored assistance according to their specific needs
- ii. Consider the requirements of the applicable laws of Kenya as well as requirements of the international organizations such as African Development Bank's operational safeguard policies.
- iii. Conduct a detailed socio-economic survey to provide a general understanding of the affected communities and area of influence and to assist in the design of mitigation measures and for monitoring and evaluation during the project implementation period;
- iv. Establish the type of losses to be incurred by PAPs and consequently the compensation processes. In addition, to clearly define and properly categorize the nature and magnitude of the losses
- v. Develop a standard or measure for defining eligibility and entitlement in order to have a fair basis for assessing compensation for negative impacts on livelihoods, land, assets caused by the loss of land suffered by the PAPs. Document acceptable entitlements to guide compensation and other mitigation actions to PAPs. Further, develop compensation/resettlement/livelihood restoration options that are technically and economically feasible, and culturally compatible with the people's preferences.
- vi. Conduct extensive and in-depth stakeholder consultations with all project stakeholders, and particularly the Project Affected Persons.
- vii. Provide proposals to ensure the livelihoods of the affected people are restored to levels prevailing before inception of the project
- viii. Provide proposals to avoid the destruction of cultural, religious, and archaeological sites— including natural sites and habitats valued for cultural, religious, and archaeological reasons by establishing a comprehensive plan in co-operation with religious and traditional community leaders to ensure that an alternative location is found and that all rituals can be conducted to ensure that the new site represents the same degree of sacredness as the previous location

- ix. Set out implementation strategies and arrangements for RAP, including institutional responsibilities, organizational procedures and a grievance redress system that takes cognizance of the existing local context;
- x. Put in place a Monitoring and Evaluation, and reporting system for the RAP implementation, and
- xi. Compile a Project Affected Persons (PAP) and asset register. The RAP asset/valuation register seeks to provide a comprehensive database, based on which values are assessed and validated in the event of disputes and, more importantly, serve as the database for monitoring and evaluation of the resettlement instrument

1.3 RAP Guiding Principles and Mechanisms to Minimize Displacement

The proposed project will result in involuntary resettlement, and it is incumbent on the implementing agency to plan and execute involuntary resettlement as a development initiative to ensure that the livelihood and living standards of affected people prevailing before their displacement are improved. To ensure that the RAP complies with international best practice about resettlement, the implementing agency has/shall bind itself to the following guiding principles as stipulated in the African Development Bank's safeguard policies.

Principle 1: Avoid involuntary resettlement where feasible or minimize resettlement impacts where involuntary resettlement is deemed unavoidable after all alternative project designs have been explored.

Action: The proposed project (132kV double circuit transmission line) whose technical requirements is to maintain a straight line as much as possible implies that it will pass across people's property. In such a scenario, it is impossible to avoid attendant impacts unless the project is abandoned all together which would deny the western region opportunity to receive alternative electrical supply from the geothermal fields. Conversely, the timing and need for this project cannot be overemphasized as noted in the background information.

Based on the stated facts, it means that involuntary resettlement is unavoidable, but the implementing agency has put measures to minimize involuntary resettlement to the extent possible. This entailed a careful balance of engineering, economic, environmental, and social considerations in selecting the route for the transmission line. Approaches employed included:

- Avoiding of public facilities such as schools, health facilities, county/government offices/facilities and community facilities to the extent possible.
- Major towns like Narok and Bomet and other market centers with dense populations were also avoided
- The route deliberately avoided dense settlements such as homesteads
- Avoiding as much as possible dense and expansive natural and plantation forests and protected areas such as national parks

Consequently, the client believes resettlement is necessary in this case, but has also designed the line routes to cause the least possible disruption.

Principle 2: Where displacement/involuntary resettlement is unavoidable, 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.

Action: The affected people will be compensated fairly for all assets that will be lost (full replacement value). To facilitate compensation the proponent has carried out an establishment of a pre-resettlement baseline data. To support the successful reestablishment of affected property, the following activities have been undertaken prior to resettlement:

- An inventory of all affected assets at the household, enterprise and community level to determine fair and reasonable levels of compensation
- A census detailing all the affected people to establish a list of eligible beneficiaries
- Socio-economic survey to provide a general understanding of the affected communities

The asset inventories will be used to determine eligibility and entitlements of PAPs, while the census information collected will be used to monitor livelihood restoration. The information obtained from the inventories and census will be used to facilitate resettlement planning, implementation, and monitoring.

Principle 3: All people that are affected should be meaningfully consulted and involved in resettlement planning and implementation to ensure that mitigation measures as well as benefits of resettlement are appropriate and sustainable.

Action: The primary concern in resettlement is to consider the rights and interests of the project affected persons. The affected persons had an opportunity to participate through local level consultative forums at sub-location levels. 13 (Thirteen) community sensitization meetings were held (7 in Narok County and 6 in Bomet), coordinated by the office of the chiefs. There is wide support for the project and the PAPs were eager for the project to start since they understand that there will be benefits like employment arising from project implementation. The main issues brought forward by PAPs are surrounding compensation of structures i.e., how the process will take place and issues of documentation for those who do not have title deeds for their land. The team explained the structure compensation process to PAPs and advised them to trigger the process of acquiring proper documentation so that they can be ready when the project starts. The PAPs also noted that the line route had changed and wanted to know if PAPs along the old route would still be compensated. The team explained that compensation would only be given to PAPs along the new line route since it is their assets that will be damaged. It was also noted that there was adequate participation of women in the meetings. Their issues also surrounded compensation. Further consultations with the affected people will continue throughout the project planning and implementation phases.

Principle 4: Resettlement should be conceived as an opportunity for displaced persons to be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation

Action: During preplanning and construction activities priority for jobs should be given to the affected persons unless for high level skills that are not available in the community. The affected persons will be compensated for lost assets and land restrictions. The PAPs will continue with their main economic activities, which is farming within the way leave because they farm short crops that do not interfere with the transmission line conductors.

Principle 5: Guard against poorly prepared and implemented resettlement plans by setting up a mechanism for monitoring the performance of involuntary resettlement programmes in Bank operations and remedying problems as they arise.

Action: The RAP proposes a monitoring and evaluation framework to guide on implementation in Chapter 10 of this RAP.

1.4 RAP Approach and Methodology

The methodology adopted in preparing this RAP was consistent with the requirements of Kenyan Government and those of international funding agencies, specifically African Development Bank Operational Safeguard Policy (OS 2). This was combined with qualitative and quantitative methods of data collection including literature reviews, census of affected households and property along the proposed transmission line route. Social data of affected persons was obtained through interviews, meetings, and questionnaires. Asset inventory and valuation entailed inspection and referencing of land and buildings by a registered valuer as required by law. Buildings structures were valued based on full replacement cost. Trees and crops were valued based on recommended rates by Kenya Forest Service and Ministry of Agriculture approved rates of compensation. These are the main bodies mandated to deal with the compensation rates for trees and crops.

The study applied a participatory and consultative approach in collecting data necessary for production of this report ensuring meaningful, proactive, accessible, and inclusive consultation of Project affected persons (PAPs) and interested parties or other stakeholders and individuals/groups / entities in the process. Free Prior and Informed Consultations (FPIC) with the PAPs, consultation with interested parties and other stakeholders and individuals/groups/entities, and RAP commencement / awareness meetings were undertaken. All mobilization for field activities/data collection was undertaken through the office of the County Commissioners, chiefs and sub chiefs.

The sections below provides detail of the methodology used:

1.4.1 Literature Review

Key documents applicable to the resettlement process were reviewed, these included: KETRACO's Resettlement Planning Framework (RPF) and policies, plans, legislation, and institutional frameworks

applicable to resettlement in Kenya including relevant international policies. The review also included an analysis of the AFDB’S Operational safeguard 2 – Involuntary resettlement: land acquisition, population displacement and compensation. The literature review helped to analyze and highlight the relevant institutional frameworks for resettlement in Kenya; property assessment/valuation methods in the country and acted as a legal basis for consultations with project affected communities. In line with legal provisions, the communities were informed on the nature/type of compensation and the RAP process to be followed to ensure they benefited from the compensation.

In summary, the following documents among others were reviewed:

Table 1- 1 Summary of Documents Reviewed

Policies	Plans:
1. KETRACO’s Resettlement Policy Framework (RPF)	1. Least Cost Power Development Plan, 2017-2030
2. AfDB’s Operational Safeguards	2. Narok County Integrated Development Plan, 2018-2022
3. Big four Agenda	
4. Kenya’s Vision 2030	
5. The National Land Policy (Sessional Paper No.1 of 2017)	3. Bomet County Integrated Development Plan, 2018-2022
6. Gender Policy, 2001	
7. National Policy on Gender and Development	

Legislation in Kenya relevant to the proposed project includes: -

Table 1- 2 Summary of Kenyan Legislation relevant to the proposed project

1. The Constitution of Kenya, 2010	13. National Gender and Equality Commission Act, 2011
2. Energy Act, 2006	14. The Registration of Titles Act, Cap 281
3. Land Act, 2012	15. Work Injury and Benefits Act, 2007
4. The Land Titles Act Cap 282	16. The Agriculture Act, Cap 318 of 1986 (revised 2012)
5. The National Land Commission Act, 2012	17. Environmental Management and Coordination Act (EMCA), 1999
6. The Land Registration Act No.2, 2012	18. Community Land Act, 2016
7. The Land Laws (Amendment) Act,2016	19. The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, 2012
8. The Laws of Succession Act, Cap 160	20. The Valuer’s Act, 2012
9. The Survey Act (Cap 299)	
10. Land Value (Amendment) Act, 2019	
11. The Environment and Land Court Act, 2012	
12. Matrimonial Property Act, 2013	

1.4.2 Free prior and informed consultations

Consultations to ensure Free, Prior and Informed Consultations (FPIC) were undertaken to inform the communities about the proposed transmission line project (meaningfully informed and consulted) in a timely manner and based on a pre-agreed plan. The following was achieved:

- The process established a participatory process for identifying potential impacts and benefits of the project through affected communities' consultation meetings, valuation, and census process.
- The locals were accorded a chance to be engaged in a fair and culturally appropriate way and determined how they would wish to be involved throughout the project phase.
- The support of the communities from the proposed project area was solicited and evidence of the consultations documented. Broad community support for the project was attained.
- The team engaged with the local leadership (chiefs, assistant chiefs, and village elders) to determine the nature of the local power structure and document the procedures for the entry and access into the community including the grievance redress mechanism
- The team obtained accurate and detailed data on local livelihoods, customs, and historical traditions to be used in determining the best way of implementing the project with minimal disruption to the social fabric.
- Through community participation and consultations, the team was able to determine the preferred mechanisms for information provision and consultations. Key representatives in decision making were also identified and their details documented.

1.4.3 PAPs Census and Socio-economic Survey

A systematic parcel/structure by parcel/structure transect walk was undertaken in December 2021 along the transmission line in Narok County. The same was undertaken for Bomet County in the October-November 2022 period. Land developments were enumerated and geo-referenced. Where PAPs were absent, the village elders who accompanied the RAP team provided the names and contacts of the PAPs for follow up visits. Project impact on properties were assessed and documented.

The socio-economic survey gathered quantitative information on household's demographics; living conditions; access to essential social services; livelihoods; land tenure, employment, and income; and perceptions about the project and available compensation and resettlement options. Details of the Socio-economic Survey can be found in chapter four.

1.4.4 Valuation

A valuation exercise was undertaken by a registered valuer. The affected structure's plinth area measurements were verified using a tape measure. The construction details and use (residential, commercial, religious) documented. All verification was undertaken in the presence of the land/property owners who were physically present at the time. In most cases, the chief, assistant chief, or a community elder nominated by the chief's office accompanied the team to all houses/structures. This safeguard measure ensured that the correct PAP including members of vulnerable individuals and households' details and ownership status were captured. The properties were inspected in Narok County for valuation purposes on various dates in December 2021 by a duly qualified valuer with relevant experience and knowledge to undertake the valuation of these assets. Similar assessment was done for Bomet County in the October-November 2022 period.

1.4.5 Consultation and Public Participation

Consultative meetings mainly covered the communities traversed by the project in both Narok and Bomet Counties.

Community consultation: RAP process commencement /awareness meetings were held with affected communities at in the presence of their local administration i.e., chief and/or sub chief and village elders. The venue selection was based on ease of site accessibility, population, and renown venues for holding meetings in the respective project alignment. A total of thirteen (13) RAP awareness / commencement meetings were held as detailed below. 6 number of meetings were held in Bomet county, while 7 meetings were held in Narok County with a total attendance of 499 (380Male and 119Female)

Table 1- 3 Summary of Community Sensitization Meetings

County	Location	Date	Venue	Participants	Male	Female	Total
Narok	Lower Melili	15/12/2021	Nchoe Farm in Olopito	PAPs	12	3	15
				Administration	1	1	2
				KETRACO PIT	3	0	3
				Total	16	4	20
	Ololunga	15/12/2021	Hon.Nkoreita Farm-Naropil	PAPs	7	1	8
				Administration	1	0	1
				KETRACO PIT	3	0	3
					11	1	12
	Endonyio-Ngiro	16/12/2021	Olosiyoi Dispensary	PAPs	17	2	19
				Administration	2	0	2
				KETRACO PIT	3	0	3
					22	2	24
	Nkareta	17/12/2021	Nkareta community resource center	PAPs	6	1	7
				Administration	1	0	1
				KETRACO PIT	3	0	3
				Total	10	1	11
	Ilmotyok - Aganga	18/12/2021	Chebolet Farm	PAPs	28	9	37
				Administration	1	0	1
				KETRACO PIT	3	0	3
				Total	32	9	41
	Ilmotyok - Oletepesi	18/12/2021	James Bett Farm, Oletepesi Village	PAPs	13	4	17
Administration				1	0	1	
KETRACO PIT				3	0	3	
Total				17	4	21	
Bomet	Itembe Sub Loc	28.10.2022	Itembe Village	PAPs	47	10	57
				Administration	2	0	2
				KETRACO PIT	3	0	3
				Total	52	10	62

	Kabisoge Sub Loc	28.10.2022	Kabisoge Village	PAPs	18	20	38
				Administration	2	0	2
				KETRACO PIT	2	0	2
				Total	22	20	42
	Kyogong Location	27.10.2022	Kyogong Market	PAPs	58	29	87
				Administration	1	2	3
				KETRACO PIT	3	0	3
				Total	62	31	93
	Cheboin Location	1.11.2022	Cheboin Market	PAPs	37	13	50
				Administration	4	2	6
				KETRACO PIT	3	0	3
				Total	44	15	59
	Kiptuluwa	2.11.2022	Kiptuluwa Centre	PAPs	63	14	77
				Administration	2	0	2
				KETRACO PIT	3	0	3
				Total	68	14	82
	Koibeyon	2.11.2022	Kobeyon	PAPs	10	3	13
				Administration	1	1	2
				KETRACO PIT	3	0	3
				Total	14	4	18
Narok	Nkareta	4.11.2022	Nkareta Chief	PAPs	5	4	9
				Administration	2	0	2
				KETRACO PIT	3	0	3
				Total	10	4	14
				Grand Total	380	119	499

Target Group for the RAP Report

This RAP Report has been prepared for use by stakeholders – mainly by KETRACO and the PAPs involved in the planning, construction and operation of the proposed transmission line project. The report contains useful information on policies and procedures to be adhered to, implementation modalities, analysis of potential social impacts and suggested mitigation measures at various stages of project activities. The information will be useful in planning, implementation, management, and maintenance of the transmission line.

In this regard, the report is useful to the following stakeholders:

- Funding agencies and donors
- Relevant government ministries and agencies (Ministry of Energy, National Treasury and KETRACO)
- Affected and Interested persons
- Planners and Engineers to be involved in preparation of designs and plans for Transmission lines
- Contractor to be engaged in the construction works for the Transmission line



- People to be involved in the management and operation of the Transmission line and associated infrastructures.

RAP Implementation

The RAP will be implemented to fulfil involuntary resettlement requirements of both Kenyan Government and The Africa Development Bank operational safeguard procedures. All PAPs will be compensated And Prior to relocation, a statutory three-month notice period issued from the time of compensation to rebuild their houses and relocate. KETRACO will be responsible for the overall implementation of the RAP.



CHAPTER TWO: PROJECT DESCRIPTION

Kenya Electricity Transmission Company (KETRACO) is a wholly government owned state corporation regulated under the State Corporations Act, Cap 446. KETRACO was established to develop new high voltage electricity transmission infrastructure forming the backbone of the national transmission grid, in line with Kenya Vision 2030. Its core mandate is to plan, design, build, operate and maintain electricity transmission lines and associated substations.

KETRACO through Kenya Transmission Network Improvement Project (KTRNIP) is in the process of implementing a 132kV 81km double circuit Narok Bomet transmission line linking Narok 132/33kV and Bomet 132/33kV substations. The completed Narok 132/33kV substation is supplied from Olkaria I substation by a 132kV line. The other two components under KTRNIP include Malindi-Weru and Kabarnet-Rumuruti 132kV Transmission lines.

The line will be constructed in self-supporting Lattice steel towers and ACSR-175 mm² “Lynx” conductor with a single overhead OPGW shield wire. The proposed project seeks to establish a more reliable power supply with improved voltage profiles via the establishment of a line linking the Olkaria geothermal generation plants to the South Rift and western region transmission network.

The scope of the Transmission line works shall include:

- Extension of the existing 132kv bus bar at Narok and Bomet substations to create two lines take off bays, complete with protection, system control and automation.
- Construction of 81kms of 132kv double circuit line with OPGW earth wire

The scope of work for the transmission line will cover design, testing, manufacture, supply, shipping, transport from docks to stores, delivery to site, unloading, check survey and all associated profile plotting, support pegging, provision of access facilities and route clearing, transportation to site, installation of foundations and all associated civil works, erection of supports, installation of insulators, conductors, and all associated fittings. The transmission line shall be constructed completely in accordance with the specifications and associated design and general arrangement/outline drawings.

2.1 Project components

Transmission lines essentially comprise of towers on which conductors are mounted. Design features for both components are highlighted below.

(i) The Towers:

The basic building block of the transmission line (TL) is the tower which supports transmission lines (conductors) either on one side (single circuit) or, on both sides (double circuit). The towers are mainly erected of stainless steel and range in height from 25 to 35 meters above ground level as per the **Error!**

Reference source not found. below. On the towers are mounted insulators which support conductors on the towers.

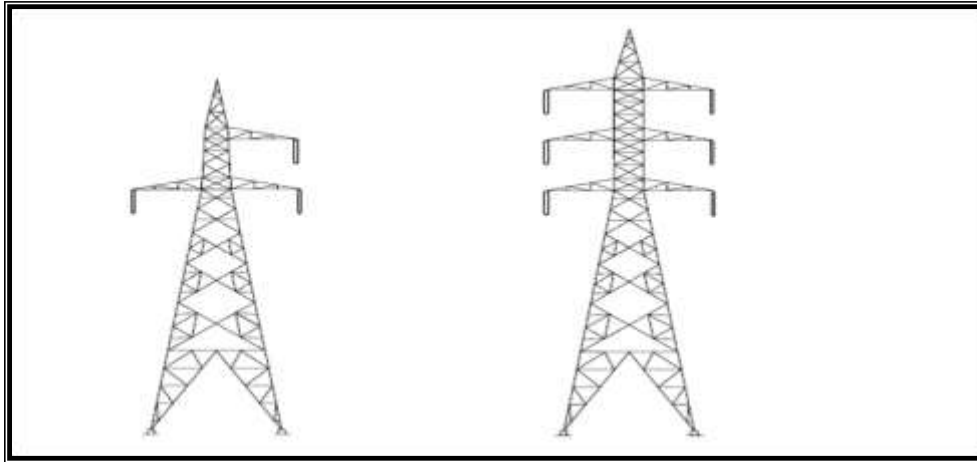


Fig. 2- 1 Single and double circuit lattice steel tower configurations

ii) Conductors:

Specifications: Conductors comprise the core media through which, power transmission takes place. In the design of the proposed TL, the Wolf Conductor is preferred on account of higher efficiency of transmission, thus resulting in lower losses of energy and cumulative un-served energy.

2.2 The proposed routes of transverse

The proposed transmission line will cover an estimated distance of 81km starting from Narok substation and terminating at Bomet 132/33kV substation. The line will traverse Bomet and Narok Counties and will run from the existing Narok 132/33 kV Substation situated within the environs of Narok town to the existing Bomet 132/33kV substation within the environs of Bomet town.

A large part of the area where the line passes is gently sloped. The Bomet section is characterized by undulating topography that gives way to flatter terrain in the South. The area around 132kV substation at Itembe location is generally flat followed by sloppy area at Kabisoge towards Kyogong secondary school. Kyogong area is also characterized by a hilly terrain from which sand and murram is currently being harvested.

The Narok county section is characterized by gentle slopes around Mulot that transform to flat terrain to Narok town area. The area between the crossing at the Narok – Mau – Narok road to Narok substation is characterized by undulating landscape. This section is also characterized by sparse population with huge tracts of land holdings with some individuals owning up to 1200 hectares while the Bomet section of the route is densely populated with smaller land holdings.

Landowners in Narok are mainly farmers who practice large scale farming of wheat and maize. Large herds of cattle mainly Sahiwal which can adapt to dry seasons are kept while Bomet County section is mainly characterized by small land sizes which are under small scale crop and livestock production settlement.

The vegetation along the proposed route includes grass lands and shrub land, indigenous and exotic trees, and agricultural crops. Riverine vegetation is common along the rivers while indigenous forests were observed in some sections of Narok county.

Administratively, the line moves from Narok- Ilmashariani area and run through Narok North Sub County before crossing to Narok South just before Ololunga and run for about 13kms before crossing to Narok West at Olereut area where it then crosses to Bomet County at Mara River to Bomet East, Kapkimolwa location, Koibeiyon sub location. The line crosses valleys, ridges, hills, and rivers to Bomet central and partly Chepolungu in Cheboin and Kyogong locations before termination at Bomet substation at sachangwan area which is in Itembe sub location of Bomet Central Sub County.

The line crosses through several sub-locations in Narok county such as; Ilmasharian, Olopito, Olorroito, Kotolian, Nkoban, Ololunga, Nkareta, Ilmotiok and Melelo. A total of 6 locations and 9 sub locations are traversed in Narok County. In Bomet, the line will pass through 4 locations and 7 sub locations to include , Kobeiyon, Kiptulwa, t, Emitiot, Cheboin, Kyogong, Kabisoge and Itembe sub locations as shown below.

Table 2- 1 Summary of the administrative boundaries

County	Sub County	Location	Sub-Location
Narok	Narok North	Lower Melili	Olopito
			Naisuya
	Narok South	Nkareta	Nkareta
		Endonyiongiro	Ereteti
			Ngoben
		Ololunga	Ololunga
	Narok West	Melelo	Melelo
		Ilmotiok	Aganga
		Oltepesi	
Bomet	Bomet East	Kapkemulwa	Kiptulwa
			Koibeyon
		Cheboin	Emitiot
		Kyogong	Goitab Silibwet
			Kyogong
	Bomet Central	Itambe	Itambe
			Kabisoge

The line route was optimized to reduce negative environmental and social impacts as much as possible Institutions and social amenities such as schools, churches and dispensaries were avoided as well as other communal assets like dams, 2 water pans and small natural forests that would cause disruption to the

community's way of life. In sections where the transmission line ran parallel to the road therefore affecting many settlements and causing a lot of displacement, it was shifted to avoid the settlements.

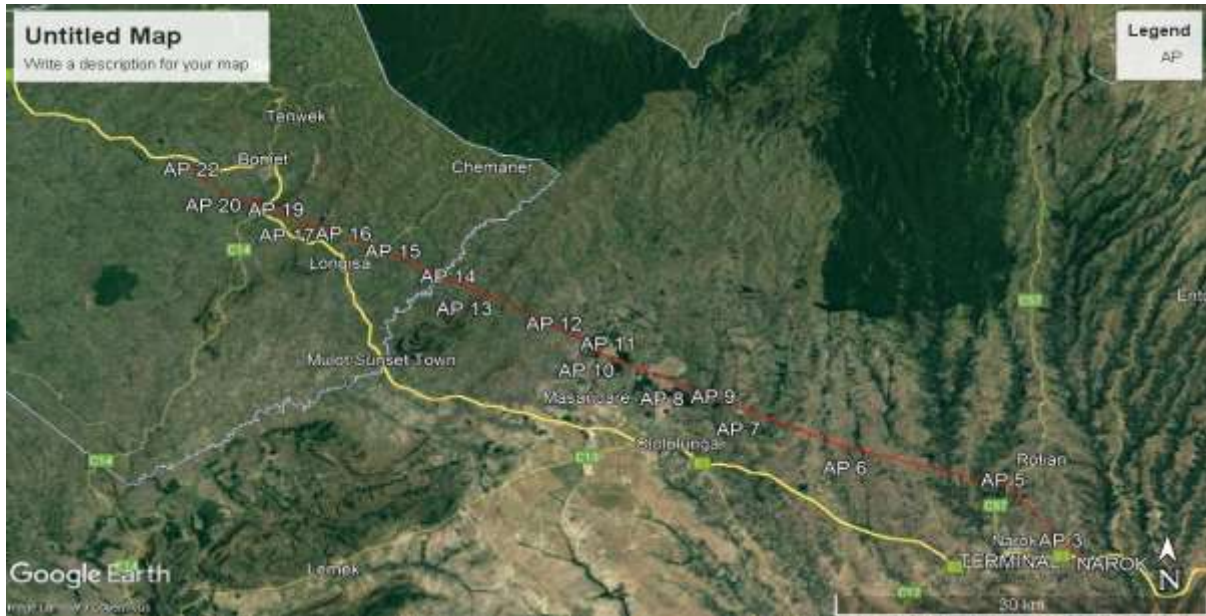


Image 2- 1 1The Proposed Narok Bomet Transmission Line Route



Image 2- 2 Proposed entry into Bomet Substation

NAROK-BOMET 132KV LINE AP COORDINATES IN UTM, ARC 1960ZONE 36.				
ANGLE POINT CO.ORDS NAROK BOMET 132KV ROUTE.				
POINT	EASTINGS	NORTHINGS	ALTITUDE	COMMENT.
NAROK-OFF	825214	9879441	1961	NAROK 132KV S/STN KM 0.00
NRK1	825180	9879689	1954	KM0+207M
NRK2	824439	9880286	1974	KM1.160M
SGR	823431	9881176	1949	CROSS SGR 70M WIDE CORRIDOR
NB1	819793	9885634	2022	KM8.215 NAROK-ROTIAN RD
NB2	807100	9888899	2016	KM21.350
NB3	798545	9892285	2015	KM30.551 OLOLULUNGA.
NB4	786369	9897441	2054	KM43.772 9 JUSTICE OLE KEIWA)
NB5	785195	9898537	1996	KM45.379
NB6	779500	9901600	2019	KM51.846 (OLE REUTI PRI SCH)
NB7	775320	9903453	1902	KM56.423
NB8	770974	9905610	1938	KM61.281 KEMBU/SOSIONI
NB9	757600	9910825	1913	KM75.563
NB10	754811	9912767	1952	KM79.054
NB11	753933	9913815	1925	KM80.421
TT-BOMET	754083	9913974	1933	KM80.639; BOMET 132KV S/STN

KEY ROADS/ GEOGRAPHICAL FEACTURES CROSSING POINTS.				
1	759972	9909646		SIGOR JUNCTION(KM72.951)
2	760460	9909420		KM72.53; STEEP HILL NEAR SIGOR JUNCTION.
3	764390	9907903		KM68.3; CROSS RD NEAR YOUTH FARMERS.
4	769394	9905956		LONGISA-KEMBU RD (KM62.83)
5	771879	9904920		MULOT KEMBU RD (KM60.14)
6	774101	9903878		KM57.7, NAROK/BOMET BORDER.
7	777989	9902009		KM53.45; STEEP HILL TOP OFF MULOT
8	77412	9901850		KM53.00; CROSS MULOT RD TO NB 5
9	790680	9895359		OLOLUNGA (KM39.175) CROSS RD
10	798446	9892073		OLOLUNGA (KM30.67) CROSS RD
11	803141	9890204		OLOLUNGA-NKARETA RD KM25.63
12	810147	9887847		NAROK-NKARETA RD, KM18.23
13	819735	9885379		NAROK-ROTIAN RD, KM 8.34 NEAR NB1

Table 2- 2 Angle points and key crossings

2.3 Land requirement by the project

The safety requirement of a transmission line is that it must have a way leave in line with its voltage levels. The proposed project i.e., double circuit 132kV transmission line will require a way leave corridor of 15m width on either side of the center. According to the ESIA findings, the project will lead to physical displacement of people to acquire the wayleave as no structures are allowed on the wayleave trace. A total of 600Acres will be acquired along the 81Km way leave trace.

Land uses along the proposed way leave corridor include residential, agricultural, limited commercial, shops/kiosks and livestock keeping. Within the proposed way leave corridor, tall trees and structures will need to be cleared to pave way for the transmission line – implying that resettlement will take place to pave way for the line. Trees with the potential to grow to more than 12ft high will be removed for the entire life of the transmission line. However, farming of short crops and grazing within the corridor is generally permitted.

The need to acquire way leave to comply with safety requirements for the line will result in social impacts such as displacement of people which demands preparation of a full Resettlement Action Plan to guide the resettlement process.

CHAPTER THREE: POLICY, LEGAL AND INSTITUTIONAL FRAMEWORK

This chapter discusses laws, policies, and regulations relevant to resettlement activities associated with the project. Relevant laws and regulations both nationally and internationally have been reviewed and the study has indicated what the proponent needs to do to comply during land acquisition and involuntary resettlement. Close to the end of the chapter, institutions that will be key in implementation of the project have been identified and their roles spelt out.

3.1 Pertinent National Policies

Kenya has a policy framework relevant to wayleave acquisition and resettlement issues in order to attain the RAP objectives. The Policies below have been discussed in detail. The following section provides details on policies and strategies about the project.

3.1.1 *KETRACO's Resettlement Policy Framework*

The RPF sets out the requirements for the development of a Resettlement Procedures Manual, and Resettlement Action Plans (RAPs) for electricity transmission infrastructure that result in acquisition of land for substations and wayleave corridors for transmission lines. KETRACO will undertake Abbreviated RAPs (A-RAPs) for projects which result in the relocation of less than 200 Project Affected Persons (PAPs) as defined in this RPF and detailed RAPs, for those which result in relocation of more than 200 PAPs.

The overriding objectives and guiding principles of this Policy document is to:

- Avoid densely populated settlements with residential structures and areas of sensitive ecosystems, to the extent possible, by realignment of transmission lines and/ or relocation of sub-stations.
- Minimise the negative impacts of the transmission lines within their footprints.
- Institute mitigation measures against unavoidable negative impacts.
- RAPs will include measures to ensure that PAPs are: -
 - i) Informed about their rights pertaining to resettlement and compensation
 - ii) Meaningfully consulted and have opportunities to participate in planning and implementing resettlement programs
 - iii) Fully informed on the available choices and options with regards to the compensation package and resettlement process
 - iv) Provided with prompt and just compensation for loss of assets attributable to the project.
 - v) Provided with opportunities to improve or at least restore their livelihoods and standards of living.

Particular attention will be paid to the needs of vulnerable groups among those affected, such as those who may be affected by virtue of gender, ethnicity, age, physical or social disability, economic disadvantage be adversely affected by the resettlement. This Policy has been informed by lessons learnt over the years that KETRACO has been in existence and will be reviewed from time to time to be in line with any emerging issues.

3.1.2 Kenya Vision 2030

Kenya Vision 2030 is a comprehensive national development plan for the period 2008- 2030. The plan was established following a successful implementation of the Economic Recovery Strategy for Wealth and Employment Creation which ensured the country's economy was back on the path for realization of rapid economic growth since 2002.

Vision 2030 (GOK, 2007) is divided into three fundamental pillars: economic, social, and political. The social pillar aims at realizing a just and cohesive society enjoying equitable social development in a clean and secure environment.

These pillars are anchored on the following foundations: macroeconomic stability; continuity in governance reforms; enhanced equity and wealth creation opportunities for the poor; infrastructure; energy; science, technology, and innovation; land reform; human resources development; security and public sector reforms.

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 electricity 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 proposed Project aims to support creation of transmission and distribution infrastructure to enhance electricity service provision in Kenya in tandem with Vision 2030 on energy as a key enabler. The proposed transmission line and associated substations will contribute to the realization of the Vision's goals through the creation of a reliable, efficient grid.

The resettlement action planning process for the transmission line is thus a step towards providing an enabling environment to achieve this broad objective for the plan and opening up of the Counties for more investors.

3.1.3 The Big Four Agenda

The Big Four Agenda (GOK, 2017) was launched during the 54th Jamhuri Day Celebrations on 12 December 2017 and elaborates the specific agenda and measures the government focuses on over the period 2018-2022. The areas of focus set out are food security, affordable housing, manufacturing, and universal healthcare.

The proposed project will see an increase in energy / electricity supply, quality, reliability, and a reduction of power cost in the country, one of the key enablers of economic growth critical for achieving the Big Four Agenda on sustainable development.

3.1.4 Sessional Paper No. 1 of 2017 on National Land Policy

The overall goal of the national land use policy is to provide legal, administrative, institutional, and technological framework for optimal utilization and productivity of land related resources in a sustainable

and desirable manner at national, county and community levels. The Policy is premised on the philosophy of economic productivity, social responsibility, environmental sustainability, and cultural conservation. Key principles informing it include efficiency, access to land use information, equity, elimination of discrimination and public benefit sharing.

Amongst the key principles envisioned by the policy include

- Land use planning, resource allocation and resource management for sustainable development to promote public good and general welfare
- Environmental management and sustainable production in the utilization of land resources
- Coordination and integration of institutional linkages in planning at sectoral and cross-sectoral levels to foster collaboration and decision making among different land users
- Equitable utilization of land resources to meet governance, social-economic and cultural obligations of the people of Kenya

The proposed project will need to be consistent with the provisions of this Policy in order to avoid conflicts. Among the issues that will have to be addressed, are the modalities for the acquisition of land for PAPs.

3.1.5 National Policy on Gender and Development (NPGD), 2019

The Policy spells out a policy approach of gender mainstreaming and empowerment of women and clearly states that it is the right of women, men, girls, and boys to participate in and benefit equally from the development process. The NPGD provides a framework for mainstreaming gender in all policies, planning and programming in Kenya and puts in place institutional mechanisms to ensure effective implementation.

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 disproportionately negatively affected by the resettlement process. In the implementation period of the RAP, it shall be governed under this principle to ensure that the needs of each gender are addressed through sufficient mitigation measures.

3.1.6 Gender Policy, 2001

The purpose of the Gender Policy is to institutionalize The Kenya National Policy on Gender and Development (NPGD), within Gender, Children and Social Development. It articulates the policy approach of gender mainstreaming and empowerment of women at the grassroots level. The policy seeks to have a society where women, men, children, and persons with disabilities enjoy equal rights, opportunities, and high quality of life.

This report has in-depth addressed matters gender and development through community consultations, meetings, and census process. The policy is further addressed in the chapters on GRM, Entitlements and in the Asset Register. In the implementation period of the project, it shall be governed under this principle to ensure that the youth, children, and women are not negatively affected by the resettlement process.

3.1.7 *The Kenya Youth Development Policy (2019)*

The Kenya Youth Development Policy (KYDP) 2019 seeks to provide an opportunity for improving the quality of life for the youth in Kenya through their empowerment and participation in economic and democratic processes as well as in community and civic affairs. It also advocates for the creation of a supportive social, cultural, economic, and political environment that will empower the youth to be active actors in national development.

The RAP process has identified the needs and concerns of youth and included their views in chapter 5 on public consultation and participation. In the implementation period of the RAP, it shall be governed under this principle to ensure that the youth are not left out in the resettlement process.

3.1.8 *Sessional Paper No. 2 of May 2006 on Gender Equality and Development*

The Sessional Paper provides a framework for gender mainstreaming and recognizes that socio-cultural attitudes held by men and women, and socialization processes are of great significance in determining the unequal status between men and women. It also recognizes that development initiatives impact differently on men and women and in turn women and men impact differently on the development process.

The RAP report has ensured gender equality concerns were mainstreamed during the RAP census, consultation and participation and through engagement of vulnerable persons. The policy is further addressed in the chapters on GRM, Entitlements and in the Asset Register. In the implementation period of the RAP it shall be governed under this principle to ensure that gender equality concerns are adhered to.

3.1.9 *National Policy on Older Persons and Ageing, 2009*

The older people are often discriminated against and neglected. They are also prone to risks as are children, women, youth and the PLWDs. The policy aims to facilitate the integration and mainstreaming of the needs and concerns of older persons in national development. The policy, among other issues, emphasizes on social protection in old age through either non-contributory benefit focused on reducing poverty and vulnerability, or contributory benefits aimed at maintaining the income of individuals.

The national policy for older persons and ageing lays the basis for the intervention and involvement of the elderly in development matters. The elderly has been involved in the RAP process through vulnerable PAPs engagement (Chapter 5) with their views being taken into consideration.

3.1.10 *County Integrated Development Plans*

A County Integrated Development Plan (CIDP) is the core five-year development plan that integrates the long-term spatial, sector and urban plans with inputs from the Governor's manifesto, national government plans and programs, past county development performance and the views and expectations of other development actors and the public at large. The CIDP sets the priorities and guides all county government spending until the next elections.

Narok & Bomet County CIDPs were used to get additional information on both counties.

3.2 Relevant National Legislation and Regulatory Framework

3.2.1 Constitution of Kenya 2010

The COK, 2010 section 61 notes that “All land in Kenya belongs to the people of Kenya collectively as a nation, as communities and as individuals”. Land in Kenya is classified as public, community or private. Section 60 of Chapter 5 lays down the principles of land ownership and use as follows:

- Equitable access to land
- Security of land rights
- Sustainable and productive management of land resources
- Transparent and cost-effective administration of land
- Sound conservation and protection of ecologically sensitive areas
- Elimination of gender discrimination in law, customs and practices related to land and property in Kenya
- Encouragement of communities to settle land disputes through recognized local community initiative.

The Constitution entrenches the protection of legally acquired land and property rights, and any acquisition of rights in land and property, be it voluntary or involuntary, must comply with the law. The recognition of alternative dispute resolution mechanisms is aimed at expediting issues of land rights, transfer and supporting economic development. The Constitution grants powers to the State to regulate the use of land. Section 66 (1) provides circumstances in which the State can exercise its powers of eminent domain (the legal right of a government to take private property for public use without the owner’s prior consent upon payment of just compensation) to include: in the interest of defense, public safety, public order, public morality, public health, or land use planning.

The provisions of the Constitution place a higher threshold in the process to be adopted for involuntary acquisition of land. It is invariable that a RAP will have to be prepared for projects and compensation packages in line with prevailing legislative framework and negotiation with the PAPs.

The project proponent shall comply with the Kenyan constitution when dealing with the project affected persons during the implementation of the proposed project by giving fair and just compensation to all PAPs, elimination of gender discrimination, ensuring transparency of the compensation process and even though KETRACO will try to resolve disputes amicably, it will also make it known to PAPs the alternative dispute resolution mechanisms available. The parcels of land to be affected by the way leave fall under private land and is held under free hold tenure with titles.

Power of Eminent Domain

Eminent domain refers to the power possessed by the state over all property within the state, specifically its power to appropriate property for public use. Consequently, the Kenyan government has power to appropriate land and other property for public use. If the power of eminent domain is applied the owner of any appropriated land is entitled to reasonable compensation at market value of the property.

The power of Eminent domain is triggered in this project as the proponent being a public company seeks to use private property for public good i.e., electric transmission. The proponent is seeking a right of way

(30m) commonly referred as way leave for a transmission line. As is required the proponent shall compensate all the landowners for the right of way i.e., land and other property that may be destroyed to pave way for the project.

3.2.2 The Energy Act, 2019

The Act consolidates the laws relating to energy, to provide for National and County Government functions in relation to energy; to provide for the establishment of powers and functions of the energy sector entities; promotion of renewable energy; exploration, recovery, and commercial utilization of geothermal energy; regulation of midstream and downstream petroleum and coal activities; regulation, production, supply and use of electricity and other energy forms; and for connected purposes.

Part VII (Section 170 -186) of the Act provides legal aspects on rights of way, wayleaves, and use of land for energy resources and infrastructure. Section 170 gives the leeway to develop energy infrastructure including but not limited to electric supply lines, petroleum, or gas pipelines, geothermal or coal infrastructure, on, though, over or under any public, community or private land as provided under the concerning the Land Act, 2012.

3.2.3 Land Act, 2012

This is an Act of Parliament to give effect to Article 68 of the Constitution, to revise, consolidate and rationalize land laws; to provide for the sustainable administration and management of land and land-based resources, and for connected purposes. This Act repealed the way leaves Act and Land Acquisition Act.

The Land Act, 2012 is Kenya's framework legislation regulating compulsory acquisition of land (i.e., land, houses, easements, etc.). The Act provides for sustainable administration and management of land and land-based resources including compulsory acquisition. The Act is based on the Constitution that recognizes the rights of the landowner and the necessity for fair and just compensation. The Act provides for certain undertakings to be constructed e.g., transmission lines, pipelines, canals, pathways etc. through, over or under any lands.

The Land Act gives procedure and requirements for wayleave application for public interest. 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.

Under Section 144 the Act provides for the following process for the acquisition of a way leave.

- Unless the Commission is proposing on its own motion to create a way leave, an application, for the creation of a way leave, shall be made by any State department, or the county government, or public authority or corporate body, to the Commission.
- An application shall be made in the prescribed form and shall be accompanied by any prescribed information or other information that the Commission may, in writing require the applicant to supply and the Commission shall not begin the process of creating a way leave until all prescribed or required information has been submitted to it.

- To enable a proposed wayleave to be created by the Commission of its own motion to comply with the provisions of this section, the Commission shall complete an application form as if it were applying to create a way leave and references to “the applicant” in this Sub-part in relation to an application to create a way leave shall be taken to apply as well to the Commission

The applicant shall serve a notice on:

- All persons occupying land over which the proposed way leave is to be created, including persons occupying land in accordance with customary pastoral rights
- The county government in whose area of jurisdiction land over which the proposed way leave is to be created is located
- All persons in actual occupation of land in an urban and peri-urban area over which the proposed way leave is to be created and any other interested person.
- Along the route of the proposed way leave calculated to bring the application clearly and in a comprehensible manner to the notice of all persons using land over which the proposed way leave is likely to be created

The Act notes in section 148 that: “subject to the provisions of this section, compensation shall be payable to any person for the use of land, of which the person is in lawful or actual occupation, as a communal right of way and, with respect to a way leave, in addition to any compensation for the use of land for any damage suffered in respect of trees crops and buildings as shall, in cases of private land, be based on the value of the land as determined by a qualified valuer”. The Act further notes that: “If the person entitled to compensation under this section and the body under a duty to pay that compensation are unable to agree on the amount or method of payment of that compensation or if the person entitled to compensation is dissatisfied with the time taken to pay compensation, to make, negotiate or process an offer of compensation, that person may apply to the Court to determine the amount and method of payment of compensation and the Court in making any award may, make any additional costs and inconvenience incurred by the person entitled to compensation”.

Part II, section 8, provides guidelines on the management of public land by the National Land Commission on behalf of both national and county governments. Section 8(b) stipulates that the Commission shall evaluate all parcels of public land based on land capability, classification, land resources mapping consideration, the overall potential for the land use, and resource evaluation for land use planning. Section 8(d) stipulates that the Commission may require the land to be used for a specified purpose subject to such conditions, covenants, encumbrances or reservations as are specified in the relevant order.

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.

According to Section 128 of the Act, any dispute arising out of any matter under the Act, which involves compulsory acquisition process, should be referred to the Land and Environmental Court for determination. Sections 107-133 of the Land Act specify the procedure to be followed in the process of compulsory land acquisition. Section 134 of the Act creates a Settlement Fund for land acquisition to provide shelter and livelihoods to people who are involuntarily displaced.

The Land Act provides for certain undertakings to be constructed e.g., transmission lines, distribution lines, pipelines, canals, pathways etc. through, over or under any lands. The Act under section 148 provides that compensation shall be payable to any person for the use of land, of which the person is in lawful or actual occupation, as a communal right of way and, with respect to a wayleave, in addition to any compensation for the use of land, for any damage suffered in respect of trees, crops and buildings as shall, in cases of private land, be based on the value of the land as determined by a qualified valuer.

KETRACO, through a licensed valuer has carried out valuations for all affected assets i.e., buildings, crops, trees, and land and deliver compensation before construction work begins.

A wayleave Easement Agreement will be prepared that represents the legally binding contract between Kenya Power and the affected households. It presents the conditions of the resettlement process and details the amount of money due in compensation for land, structures, trees, crops, and graves. It details the conditions of the wayleave relating to the restriction of activities. As confirmation of receipt of full payment, the households will sign the Land Easement Agreements.

3.2.4 The National Land Commission Act, 2012

The Act establishes the National Land Commission with the purpose of managing public land and carrying out acquisitions of land for specified public purposes as indicated below:

- To manage public land on behalf of the national and county governments
- To recommend a national land policy to the national government
- To advise the national government on a comprehensive programme for the registration of title in the 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 initiative or 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
- To monitor and have oversight responsibilities over land use planning throughout the country.

The NLC is mandated to manage and administer unregistered community land on behalf of the communities. The land Act No. 6 of 2012-Gives the definition of an easement and wayleave. Also details the procedure of application of wayleave through the NLC. 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 considering project impacts and land rights. The exercise will be part of the verification of ownership of property before compensation is paid and relocation carried out. KETRACO will share the Final RAP Report to NLC with a schedule of lands to be affected for ownership verification and gazette for “acquisition.” The “acquisition” process will take 45 days (30 days for the notice and 15 days for the public inquiry). The National Land Commission (NLC) will be engaged in the project on matters related to land acquisition as a result of physical displacement and will facilitate the acquisition of all land to be acquired in accordance with the Land Act 2012.

3.2.5 The Land Registration Act No. 3, 2012

The Act provides for the registration of absolute proprietorship interests over a land (exclusive rights) that has been adjudicated or any other leasehold ownership interest in the land. Such land can be acquired by the state under the Land Act 2012 in the project area. Sections 98 to 100 of the Act give provisions on creation of easements and analogous rights through a given piece of land as it the case for the wayleave for the transmission line. With regard to the maintenance of boundaries, the Act requires every proprietor of land to maintain in good order the fences, hedges, stones, pillars, beacons, walls and other features that demarcate the boundaries, pursuant to the requirements of any written law.

Section 15 of the Act give provisions on Cadastral Maps and states that the office or authority responsible for the survey of land shall prepare and thereafter maintain a map or series of maps, to be known as the cadastral map, for every registration unit. Further, the parcel boundaries on such maps shall be geo-referenced and surveyed to such standards as to ensure compatibility with other documents required under this Act or any other law. The cadastral data is critical in computation of land compensation claims in terms of the land sizes, affected area and the impact

Section 16 expounds on the power to alter boundary lines and to prepare new editions and states that the authority responsible for the survey of land may rectify the line or position of any boundary shown on the cadastral map based on an approved subdivision plan, approved combination plan or any other approved plan necessitating the alteration of the boundary, in the prescribed form, and in accordance with any law relating to subdivision of land that is for the time being in force. Whenever the boundary of a parcel is altered on the cadastral map, the parcel number shall be cancelled, and the parcel shall be given a new number. The office or authority responsible for the survey of land may prepare new editions of the cadastral map or any part thereof and may omit from the new map any matter that it considers obsolete. Any rectification to the cadastral map in accordance with this section shall be notified to the Registrar by the submission of the rectified cadastral map and all the approvals that necessitated the amendments.

Section 93 expounds on matrimonial property i.e., Co-ownership and other relationships between spouses and states that subject to any written law to the contrary, if a spouse obtains an interest in land during the subsistence of a marriage for the co-ownership and use of both spouses or all spouses, such property shall be deemed to be matrimonial property and shall be dealt with under the Matrimonial Property Act.

The proposed project will require landowners and specifically PAPs to identify their land boundaries which are within the RoW. This law allows for creation of easements and analogous rights through a given piece of land as is the case for the wayleave for the proposed transmission line.

3.2.6 The Land Laws (Amendment) Act, 2016 (No. 28 of 2016)

The Land Laws (Amendment) Act, 2016 lays down amendments to the Land Act, 2012, Land Registration Act, 2012 and the National Land Commission Act, 2012. The aim is to provide for the sustainable and productive management of land resources. The Act applies to public land, private land and community land as categorized in articles 62, 63 and 64 of the constitution. Article 67(2)(e) requires the Land Commission to initiate investigations, on its own initiative or on a complaint, into present or historical land injustices, and recommend appropriate redress. The Act places restrictions on transactions in "controlled land". 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. The Act also concerns the prohibition of unlawful occupation of private community or public land and eviction from such lands.

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 set 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.

3.2.7 The Law of succession Act, Cap 160

The Act defines and consolidates the law relating to intestate and testamentary succession and the administration of estates of deceased persons, and for purposes connected in addition to that and incidental to that.

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 to 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.*

3.2.8 *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 uphold the provisions of the Survey Act during the land surveying process.

3.2.9 *The 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 standardizing 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 applicable to the proposed project:

Previously, the National Land Commission (NLC) was required to compensate a landowner prior to taking possession of the land. However, Amendment to Section 124 of the Land 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). 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

Insertion of a new section 107A to No. 6 Of 2012 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.

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.

Despite the provisions highlighted above and for avoidance of doubt, the RAP process was guided by KETRACO's policy. It is also expected that at implementation, KETRACO will ensure compensation of all persons affected by the project's activities including squatters for their lost assets and offer them resettlement assistance as necessary in line with the AfDB policy and Kenyan laws (with amendments).

3.2.10 The 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 (c) 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.

3.2.11 Matrimonial Property Act, 2013

The Act identifies the joint ownership of Matrimonial property. Section 4 gives instances when a woman has the same right as man with regard to property. Despite any other law, a married woman has the same rights as a married man— No. 49 Equal status of spouses. (a) to acquire, administer, hold, control, use and dispose of property whether movable or immovable; (b) to enter into a contract; and (c) to sue and be sued in her own name. Part III gives meaning of matrimonial property.

The project proponent shall comply with this Act. The Act gives women with valid land documents an opportunity to be recognized and allowed to transact. The NLC Act provides a framework for ensuring that land reform initiatives guarantee the equal right of women to possess, inherit, access, and transfer their land to persons of their choice. During public inquiries for awarding matrimonial property, opportunity will be granted for both spouses to appear and participate before the commission

3.2.12 National Gender and Equality Commission Act, 2011

The Commission was established through an Act of parliament and is mandated but not limited to perform the following functions:

- promote gender equality and freedom from discrimination in accordance with Article 27 of the Constitution
- monitor, facilitate and advise on the integration of the principles of equality and freedom from discrimination in all national and county policies, laws, and administrative regulations in all public and private institutions

- co-ordinate and facilitate mainstreaming of issues of gender, persons with disability into the overall national development framework.

The Act gives an opportunity to all genders, the disabled and historically under served to also benefit from the resettlement planning. The Act will be relevant to the proponent in coordinating and facilitate mainstreaming of issues of gender, persons with disability and other marginalized groups in the project implementation.

3.2.13 The Agriculture, Fisheries and Food Authority Act of 2013

The Act provides for the establishment of the Agriculture, Fisheries and Food Authority, the administration of matters of agriculture and the preservation, utilization and development of agricultural land and related matters. "Agriculture" in this Act means cultivation of land and the use of land and water for any purpose of husbandry, aquaculture and food production and includes cultivation of crops and horticultural practice, breeding of aquatic animals and plants, the use of land, fish harvesting and (e) the use of land for agroforestry. The Act requires the Authority in consultation with the county governments to among others promote best practices. Each county government is required to keep a register of land development orders and land preservation orders, which they may issue under this Act.

Meanwhile the project shall ensure sustainable development principles are adopted throughout the entire project cycle, with the local community enjoying the benefit of natural resources they have been bestowed with. Further the RAP entitlement matrix has ensured that crop damages are compensated as guided by the Ministry of Agriculture at Narok and Bomet Counties and in line with the project RPF.

3.2.14 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 situate 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.

3.2.15 The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, 2012

The provisions of this Act apply to all internally displaced persons that arise either through calamities, social conflict or development projects and is guided by the Bills of Right under the Constitution of Kenya.

Section 5 of the Act lists development projects among the displacement factors and outlines involvement of the affected persons through awareness, sensitization, training and education on causes, impacts, consequences, and prevention measures. Section 6 of the Act provides that displacements and relocation because of development project sites will only be justified by compelling and overriding public interest.

The procedures to follow are listed under section 22 and include: -

- Justification as to why the displacement is unavoidable and that there is no other feasible alternative.
- Seeking free and informed consent from the affected persons
- Holding public hearing on project planning
- Provision of reasonable notice time to allow the affected persons review and react to the displacement conditions; and
- Displacement process should reflect respect to human rights.

The guidelines and consultation procedures given in this act will be useful reference in the process of planning and implementing resettlement occasioned by this transmission line.

3.2.16 The Valuer's Act, 2012

Valuation of land is a critical aspect of compulsory acquisition practice. Compensation awards will be made by the Company based on land valuation determined by registered valuers. 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 particulars that the Board may find necessary. 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.

The values of compensation for land and structures used in computing the full replacement cost for the land and assets is undertaken by a registered and licensed valuer.

3.2.17 The Physical and Land Use Planning Act, 2019;

This Physical and Land Use Planning Act, 2019 makes provision for the planning, use, regulation, and development of land and for connected purposes. Article 5 of the Act under Principles and norms of physical and land use planning notes that physical and land use planning shall; (a) promote sustainable use of land and livable communities which integrates human needs in any locality; (b) be in a manner that integrates economic, social and environmental needs of present and future generations, (c) be comprehensive, sustainable and integrated at all levels of government, taking into consideration the interests of all parties concerned; (e) be inclusive and must take into consideration the culture and heritage of people concerned; and (f) take into account new approaches such as transit-oriented development, mixed land-uses, planning for public transport and non-motorized transport among others to achieve sustainable development and more efficient use of natural resources. The 3rd Schedule of the Act Article 1 gives considerations for Easements and Wayleaves of base transmission stations. Article 4 notes major developments should be subjected to environmental and social impact assessment

The proponent of the proposed transmission line should ensure compliance with the provisions of the act and land use planning. Public participation has been conducted to ensure the involvement of stakeholders in the planning process.

3.2.18 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 instill 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 Narok & Bomet are key stakeholders in project planning and other activities at the county level.

3.2.19 Persons with Disabilities Act, 2003;

This act protects the rights of people with disabilities ensuring they are not marginalized and that they enjoy all the necessities of life without discrimination. The act guarantees that

- ☐ No person shall deny a person with a disability access to opportunities for suitable employment.
- ☐ A qualified employee with a disability shall be subject to the same terms and conditions of employment and the same compensation, privileges, benefits, fringe benefits, incentives, or allowances as qualified able-bodied employees.
- ☐ An employee with a disability shall be entitled to exemption from tax on all income accruing from his employment.

A person with disability is entitled to exemptions which apply with respect to exemptions and deductions as described in Schedule 42 subsection (2) of the act, among other provisions within this act that should be complied with by all parties involved. The study identified a number of persons living with disabilities whose rights were upheld through vulnerable persons consultations. It is expected that their rights will be upheld in the implementation part of the report.

3.2.20 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 II, 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 proponent will be required to ensure provisions of the act such as prior and informed consultations of the locals is undertaken.

3.2.21 State Corporations Act, Cap 446

Part II of the State Corporations Act spells the establishment of state corporations by the President. It notes that the President may, by order, establish a state corporation as a body corporate to perform the functions specified in that order. A state corporation established under this Act have perpetual succession; in its corporate name be capable of suing and being sued; and is subject to this Act, be capable of holding and alienating movable and immovable property. The Act provides for the power of a state corporation to borrow money in Kenya or elsewhere shall be exercised only with the consent of the Cabinet Secretary and subject to such limitations and conditions as may be imposed by the Treasury with respect to state corporations generally or specifically with respect to a particular state corporation.

Kenya Electricity Transmission Company Limited (KETRACO) was incorporated on 2nd December 2008 and registered under the Companies Act, Cap 486 pursuant to Sessional paper No. 4 of 2004 on Energy. KETRACO is 100% Government 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 (HVDC). KETRACO's mandate is to plan, design, and construct, own, operate and maintain high voltage electricity transmission grid and regional power interconnectors that will form the backbone of the National Transmission Grid. In carrying out this mandate, the Company is expected to develop a new and robust grid system in order to:

- Improve quality and reliability of electricity supply throughout the country
- Transmit electricity to areas that are currently not supplied from the national grid
- Evacuate power from planned generation plants
- Provide a link with the neighboring countries in order to facilitate power exchange and develop electricity trade in the region
- Reduce transmission losses that currently cost the country heavily every year and
- Reduce the cost of electricity to the consumer by absorbing the capital cost of transmission infrastructure

3.2.22 The National Museums Act, 2019

It is an act of parliament that seeks to consolidate the law relating to; national museums and heritage, to provide for the establishment control, management and development of national museums and the

identification, protection, conservation, and transmission of the cultural and natural heritage of Kenya. The Act will guide KETRACO to implement the proposed project in a culturally sensitive manner, taking into consideration cultural values and practices of the people in the project.

3.3 International Policy and Legal Framework

3.3.1 AfDB's Integrated Safeguards System (ISS)

The Environmental and Social Operational safeguards outlined in the AFDB'S Integrated Safeguards System-Policy Statement and Operational Safeguards (ISS) sets out the requirements for Borrowers relating to the identification and assessment of environmental and social risks and impacts associated with operations supported by the Bank. The Bank believes that the application of these safeguards, by focusing on the identification and management of environmental and social risks and impacts, will support Borrowers' goal of protecting communities and the environment from unintentional harm, as well as in achieving their goal to reduce poverty and increase prosperity, in a sustainable manner, for the benefit of the environment and communities. The E&S Operational Safeguards will support Borrowers: (a) in achieving good international practice relating to environmental and social sustainability; (b) in fulfilling their national and international environmental and social obligations; (c) enhance non-discrimination, transparency, participation, accountability, and governance; and (d) enhance the sustainable development outcomes of projects, activities, and other initiatives through ongoing stakeholder engagement.

According to the Africa Development Banks Operational Safeguards (OS), there are four (4) categories of project environmental and social impacts.

- Category 1: Where the Bank operations are likely to cause significant environmental and social impacts. These projects may induce significant, irreversible adverse environmental and social impacts. Such projects would ordinarily require a Full Strategic Environmental and Social Assessment (SESA). Any project under the Bank policy that would require a Full Resettlement Action Plan Study (FRAP) shall be deemed to be under category 1.
- Category 2: Where the Bank operations are likely to cause less adverse environmental and social impacts. Category 2 projects are likely to have detrimental site-specific environmental and /or social impacts that are less adverse than those of category 1 projects and can be minimized by applying appropriate design criteria and standards. Category 2 projects require an appropriate level of Environmental and Social Assessment (ESIA)
- Category 3: Where the Bank operations results in negligible adverse environmental and social risks. Category 3 projects do not directly impact the environment adversely and are unlikely to induce adverse social impacts. They do not require an environmental and social impact assessment. Beyond categorization, no action is required.
- Category 4: Bank operations involving lending to financial intermediaries who may invest and produce adverse environmental and social impacts.

The proposed project is classified as Category 1.

Table 3- 1 An analysis of potential applicable AFDB Operational Safeguards likely to be triggered by the project

AfDB Operational Safeguards	Applicable	Applicable Mechanism
OS 1- Environmental and social assessment	Yes	<p>The proposed project must undergo a full study ESIA as it is classified as a Category 1 ‘High Risk’ project. This OS, together with OS10 (Stakeholder Engagement and Information Disclosure) provide the overall process framework for the environmental and social assessment and management of Bank financed operations at the level of the project, activities or other undertakings² supported through Bank financing. The objectives of OS1 are as follows:</p> <ul style="list-style-type: none"> • Identify and assess the environmental and social risks and impacts—including those related to gender, climate change and vulnerability—of Bank lending, investment, and grant-financed operations, in their areas of influence in a manner consistent with the OSs. • Provide opportunity for stakeholder engagement and consultation in the process of assessing and managing the environmental and social risks and impacts; • To adopt a mitigation hierarchy approach. • To adopt differentiated measures so that adverse impacts do not fall disproportionately on the disadvantaged or vulnerable, and they are not disadvantaged in sharing development benefits and opportunities resulting from the project.
OS 5: Labour conditions, health, and safety	Yes	<p>OS2 recognizes the importance of employment creation and income generation in the pursuit of poverty reduction and inclusive economic growth. Borrowers can promote sound worker-management relationships and enhance the development benefits of a project by treating workers in the project fairly and providing safe and healthy working conditions. The respect of workers’ rights is one of the keystones for developing a strong and productive workforce. This OS is informed by the International Labor Organization’s Declaration on the Fundamental Principles and Rights at Work.</p>
OS 2. Involuntary resettlement: land acquisition, population displacement and compensation	Yes	<p>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. 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</p>

	<p>the need to ensure that social considerations, such as gender, age, and stakes in the project outcome, do not disenfranchise project-affected people.</p> <p>The main features of this directive are as follows:</p> <ul style="list-style-type: none"> e) All viable alternative project designs should be explored to avoid or minimize the need for resettlement and when it cannot be avoided, to minimize 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: <ul style="list-style-type: none"> • 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. <p>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.</p>
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KETRACO commits to implementing the proposed project in conformity with the AFDB’S Integrated Safeguards System-Policy Statement and Operational Safeguards. This resettlement plan has been designed to integrate the requirements of the African Development Bank Operational Safeguard Standard especially OS 2 Involuntary Resettlement, Land Acquisition, Population Displacement and Compensation with the following objectives:

- Avoiding involuntary resettlement where feasible, or minimize resettlement impacts where involuntary resettlement is deemed unavoidable after all alternative project designs have been explored
- Ensuring that displaced people are meaningfully consulted and given opportunities to participate in the planning and implementation of resettlement programmes

- Ensuring 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
- Providing explicit guidance to borrowers on the conditions that need to be met regarding involuntary resettlement issues in Bank operations to mitigate the negative impacts of displacement and resettlement, actively facilitate social development and establish a sustainable economy and society
- Guard against poorly prepared and implemented resettlement plans by setting up a mechanism for monitoring the performance of involuntary resettlement programmes in Bank operations and remedying problems as they arise.

3.3.2 Korea Exim bank's Economic Development Cooperation Fund (EDCF) Safeguard Policy

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

The proposed 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, diverse, or unprecedented.

3.4 Similarities between the Government of Kenya (GoK), and AfDB guidelines and requirements

These are found to converge on the following points: -

- Assistance to the affected people to living standards, capacity for income generation, and production levels, to at least to restore to their former levels
- Participation of all stakeholders
- Consultations with project affected persons at every stage
- Grievance redress mechanisms for project-affected persons

3.5 Differences between Kenyan Laws and The AfDB's Operational Safeguards (OS2)

The AfDB's Operational Safeguards (OS2) make extensive provisions for the manner in which people who are displaced or suffer other loss as a result of various projects should be treated. They advocate for avoidance of displacement and where displacement is unavoidable, for full compensation for affected persons. These provisions do not detract from Kenya's statutory provision but go much further in detailing the form of compensation and or assistance to be given to persons who suffer all forms of losses. The policy requires attention to be given to the needs of vulnerable groups especially the elderly, women and children, indigenous groups, ethnic minorities, orphans, and other disadvantaged persons.

3.6 Comparison between AfDB Operational Safeguards (OS 2) and Kenyan legal context with regard to resettlement process

Table 3- 2 3.6 Comparison between AfDB Operational Safeguards (OS 2) and Kenyan legal context with regard to resettlement process

AfDB Operational Safeguards (OS 2)/Resettlement Policy	Kenyan Context	Comparison	Recommendations
General RAP Requirements			
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 public hearings on the project planning	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.
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)

AfDB Operational Safeguards (OS 2)/Resettlement Policy	Kenyan Context	Comparison	Recommendations
RAP Process Requirements			
<p>PAP Consultation: 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.</p>	<p>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</p>	<p>Same as AfDB's</p>	<p>Adopt both Kenyan legislation and AfDB.</p>
<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>Resettlement planning:</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>

AfDB Operational Safeguards (OS 2)/Resettlement Policy	Kenyan Context	Comparison	Recommendations
<p>The borrower or client carries out a comprehensive socioeconomic survey— in line with international 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.</p>	<p>Land Act requires inspection of the affected property and identification of the owners.</p>		
<p>Grievance Redress Mechanism: 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 about the environmental and social performance of the project</p>	<p>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 also provides for a tribunal (yet to be constituted)</p>	<p>Kenyan legislation meets AfDB’s requirements</p>	<p>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</p>
<p>Eligibility Criteria</p>			
<p>Eligibility Criteria <i>Determined by:</i> (a) those who have formal legal rights to land or other assets</p>	<p>The Land Act 2012 provides that written and unwritten official or customary land rights are recognized as valid land rights.</p>	<p>The OS 2 recognizes Eligibility as both formal (legal) and informal (customary) owners of expropriated land. However, it does not</p>	<p>Ensure ALL users (including illegal squatters, laborers, rights of access) of affected lands are included in the census survey and fairly</p>

AfDB Operational Safeguards (OS 2)/Resettlement Policy	Kenyan Context	Comparison	Recommendations
<p>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 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</p>	<p>The Law provides that people eligible for compensation are those holding land tenure rights</p> <p>Land Act also recognizes those who have interest or some claim in the land such pastoralist or who use the land for their livelihood.</p> <p>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>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>compensated/ assisted as necessary for each category.</p>
<p>(May include people who may not be physically residing at the project site or persons who 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</p>	<p>Land Act 2012 provides for census through NLC inspection and valuation process</p>	<p>OS2 requires a census and socio-economic survey</p>	<p>Implement both</p>

AfDB Operational Safeguards (OS 2)/Resettlement Policy	Kenyan Context	Comparison	Recommendations
<p>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>			
<p>Vulnerable groups: 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 women¹.</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>
Measures:			
<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:</p> <p>a. Allocation of alternative parcel of land of equivalent value and comparable geographical location and land use to the land compulsorily acquired;</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>

¹ 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.

AfDB Operational Safeguards (OS 2)/Resettlement Policy	Kenyan Context	Comparison	Recommendations
<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.</p> <p>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>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 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>The Land Value (Amendment) Act, 2019 defines “prompt” compensation as within a reasonable time of, and in any case not more than one year after, the taking of possession of the land by NLC.</p>	<p>OS 2 requires that displacement must not occur before all necessary measures 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 1year to compensate PAP.</p>	<p>Implement prompt and effective compensation at full replacement cost for the losses 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>

AfDB Operational Safeguards (OS 2)/Resettlement Policy	Kenyan Context	Comparison	Recommendations
<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>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>	<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>
Monitoring			
<p>Adequate monitoring and evaluation of activities to be undertaken.</p> <p>An independent third party monitors the implementation of</p>	<p>According to Land Act can be undertaken County Land Boards.</p> <p>IDP act requires the Government to ensure the presence of a government</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>

AfDB Operational Safeguards (OS 2)/Resettlement Policy	Kenyan Context	Comparison	Recommendations
<p>large-scale or complicated Resettlement Action Plans, with regular feedback from the affected people. Affected people are also given the opportunity to participate in such implementation monitoring.</p> <p>The borrower and the Bank carry out an independent ex-post evaluation—a Resettlement Action Plan completion audit or implementation completion report.</p>	<p>official when the displacement and relocation is effected and the monitoring by an independent body</p>		

3.7 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- 3 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"> • Hydro power Development. • Geothermal Exploration and Development. • Thermal Power Development. • Oil and Gas Exploration. • Oil/Gas and Minerals sector capacity development. • Rural Electrification Programme. • Petroleum products, import/export/marketing policy Management. • Renewable Energy Promotion and Development • Energy Regulation, Security and Conservation. • Fossil Fuels Exploration and Development. <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>
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"> • The National Treasury derives its mandate from the Constitution 2010, the Public Management Act 2012 and the Executive order No. 2/2013. • Role includes Managing the level and composition of national public debt, national guarantees and other financial obligations of national government; • Formulate, evaluate and promote economic and financial policies that facilitate social and economic development in conjunction with other national government entities; • Mobilize domestic and external resources for financing national and county government budgetary requirements

Institutions / Departments	Roles
	<p>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.</p>
<p>Ministry of Environment and Natural Resource</p>	<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>
<p>Narok and Bomet County Government</p>	<ul style="list-style-type: none"> • The proposed project is within the jurisdiction of Narok and Bomet County Government. • The County governments are expected to enact legislation as well as collaborate on physical planning hence liaison with Narok and Bomet County government authorities will be required for functions that fall under their jurisdiction. <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>
<p>Kenya Forest Service (KFS),</p>	<ul style="list-style-type: none"> • 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 will provide comparative rates used for tree damage compensation. • No public forest will be traversed in both Narok and Bomet Counties
<p>The National Land Commission</p>	<ul style="list-style-type: none"> • 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 land acquisition if needed considering project impacts and land rights. • The exercise will be part of the verification of ownership of property before compensation is paid and relocation carried out. • 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. <p><i>In brief NLC will:</i></p> <ul style="list-style-type: none"> • 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

Institutions / Departments	Roles
	<ul style="list-style-type: none"> Develop and encourage alternative dispute resolution mechanisms in land dispute handling and management.
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>
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>

3.8 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 below: -

Table 3- 4 PIT Roles and Responsibilities

Position	Roles
General Manager, Project development Services (PDS)	- Approval of RAP reports,
General Manager, Design and Construction	Supervise technical designs and operations - Approve technical works
General Manager, Finance	- Authorize payments - Supervise accounting systems
Senior Manager, Wayleave acquisition	- Supervise wayleave and land acquisition - Facilitate transfer of alternative land acquired for vulnerable project displaced persons (PDPs)
Senior Manager Legal services	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	<ul style="list-style-type: none"> -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 consultants -Responsible for supporting the project Engineer in ensuring timely implementation of the RAP -Oversee Resettlement Process.
Monitoring and Evaluation Officers and Data Clerks	<ul style="list-style-type: none"> -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	<ul style="list-style-type: none"> Liaises with the community -Acts as the link through Communication (in the local language) between KETRACO and the Community
Communication Officer	<ul style="list-style-type: none"> -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	<ul style="list-style-type: none"> -Collates and manages all data of the projects

CHAPTER FOUR: SOCIO – ECONOMIC BASELINE SURVEY

4.1 Introduction

This section describes the socio-economic status of the project affected persons. A 100% Census was undertaken along the whole route. A sample of 179 HHs however participated in the socio-economic survey. 71 of these Household Heads are from Narok County and 108 Household Heads from Bomet County.

In Narok county, the survey was carried out in December 2021 while Bomet was undertaken in October/November 2022. Most of the Household Heads interviewed were PAPs with structures, as a number of the land owners were not available along the ROW during the socioeconomic survey but attended the consultative meetings where they were interviewed.

The line was divided into two parts i.e., portion inhabited by the Maasai (Narok County), and the other portion inhabited by the Kalenjin speaking communities (Bomet County.) The Kalenjin speaking people inhabit a smaller portion of the line but have a higher population density because their land sizes are smaller than those of the Maasai community who are also pastoralists.

4.2 Demographic Profile of the Affected Persons/Households

4.2.1 Age of the household head/respondent

The table below shows a distribution of the Household head (HH) based on age in Narok County. The findings show that the youngest head of household was 18 years while the oldest was 91 years. Majority of the Household Heads i.e., 85.92% are between 26-55 years.

Table 4- 1 Age of Household Heads - Narok County

	Age	
	Frequency	Percent
18-25	2	2.82
26-35	16	22.54
36-45	17	23.94
46-55	28	39.44
56-65	5	7.04
66-75	2	2.82
Over 85	1	1.40
Total	71	100.0

Table 4- 2 Age of heads of households – Bomet County

Age		
	Frequency	Percent
18-25	9	8.3
26-35	17	15.7
36-45	30	27.8
46-55	16	14.8
56-65	14	13.0
66-75	12	11.1
76-85	8	7.4
Over 85	2	1.9
Total	108	100.0

In Bomet County, almost a quarter of the Household Heads are elderly (20.4%). Majority of the population are between ages 36-45.

Table 4- 3 Age distribution by sex - Bomet County

Sex		Frequency	Percent
Male	18-25	8	10.3
	26-35	12	15.4
	36-45	24	30.8
	46-55	12	15.4
	56-65	12	15.4
	66-75	7	9.0
	76-85	3	3.8
	Total	78	100.0
Female	18-25	1	3.3
	26-35	5	16.7
	36-45	6	20.0
	46-55	4	13.3
	56-65	2	6.7
	66-75	5	16.7
	76-85	5	16.7
	Over 85	2	6.7
Total	30	100.0	

Majority of the HH in Bomet County are male (n=78). 12 female PAPs are above 75years of age, while 10 male HH are above 65years i.e., vulnerable & thus require special assistance and/or support. From the

above sample data, it can be summarised that since over 50% of the Household Heads are below 55 years old, there will be adequate candidates for casual employment.

4.2.2 Gender of the household head

Majority of the households in Narok County project area are patriarchal as indicated by 73.2% of the head of household being male. Women headed only 26.8% of the households as per **Error! Reference source not found.** below. Activities are organized within the family units and then within the villages. Leisure time for adults is spent with same-gender companions. Decision-making processes are dominated by the men as evidenced in the public meetings which were largely attended by men. This is key as involvement of women in making decisions in use of compensation funds will need to be enhanced or rather sensitized on.

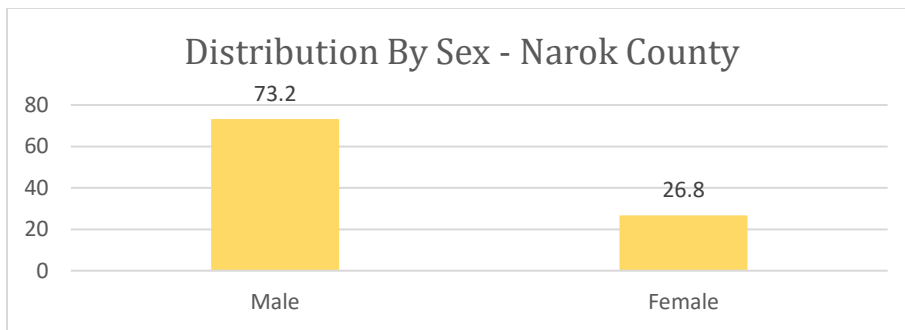


Fig. 4- 1 Percentage gender of household heads in Narok County

In Bomet County, HHs in the project area are similarly male (72.2%). Women headed only 27.8% of the households as per the **Error! Reference source not found.** below.

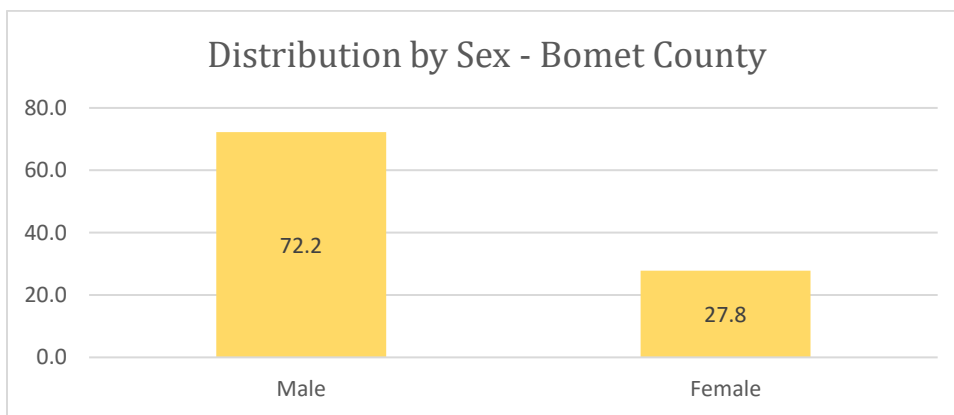


Fig. 4- 2 Percentage gender of household heads in Bomet County

In order to ensure gender inclusivity during RAP implementation, all the female headed households will be given an opportunity to directly receive compensation claims and lead the resettlement process for their families.

4.2.3 Marital status of household head

92.9% of the project affected household heads in Narok County are in the married category while 4.2% are widowed and 2.8% are single as shown below.

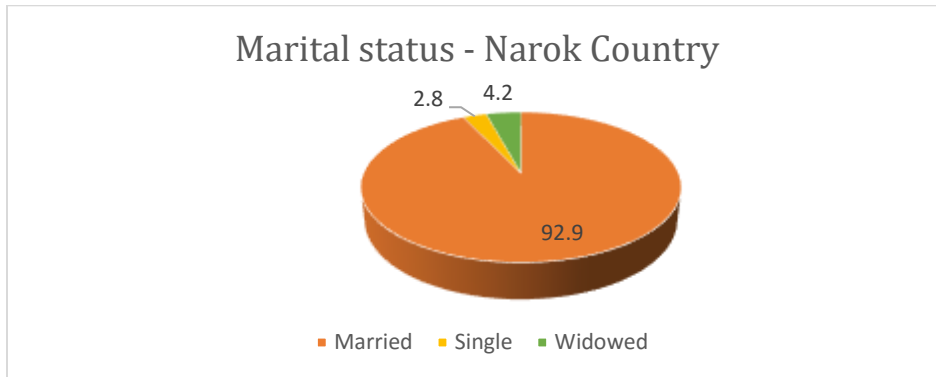


Fig. 4- 3 Marital status of household heads in Narok County

In Bomet, 67% of the project affected HHs are in the married category while 11% are widowed and 21% are single as shown in **Error! Reference source not found.** below.

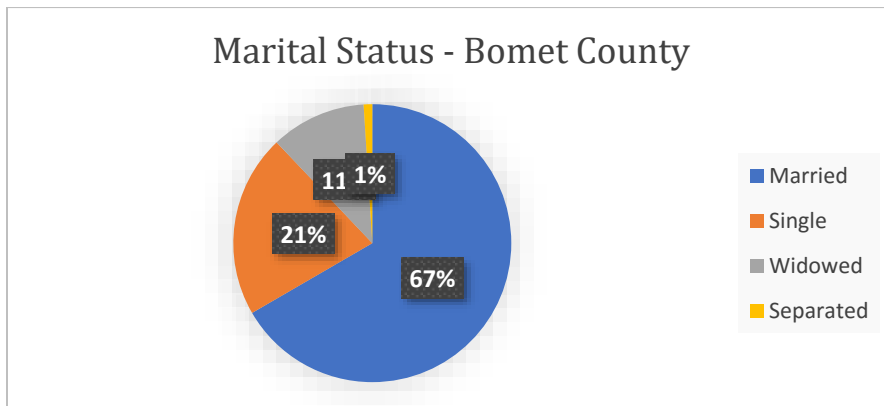


Fig. 4- 4 Marital status of household heads in Bomet County

4.2.4 Education level of the PAPs head of household.

The survey results indicate that the education level among the heads of households in the project area is low. More than half 62% of the surveyed population in Narok County had attained primary level

education. Those who have not been to any formal education institution accounted for 16.9% while 16.9% had attained secondary education with only 4.2% having gone through tertiary education.

In Narok county, this can be attributed to cultural beliefs and practices among the Maasai people whose way has been pastoral nomadism with low appreciation of education. Circumcision is a rite of passage, which initiates young boys to adult hood, and some of them feel they are now adults and ready to start families. Its impact to school dropouts' rates has declined due to government efforts on awareness creation on need for education.

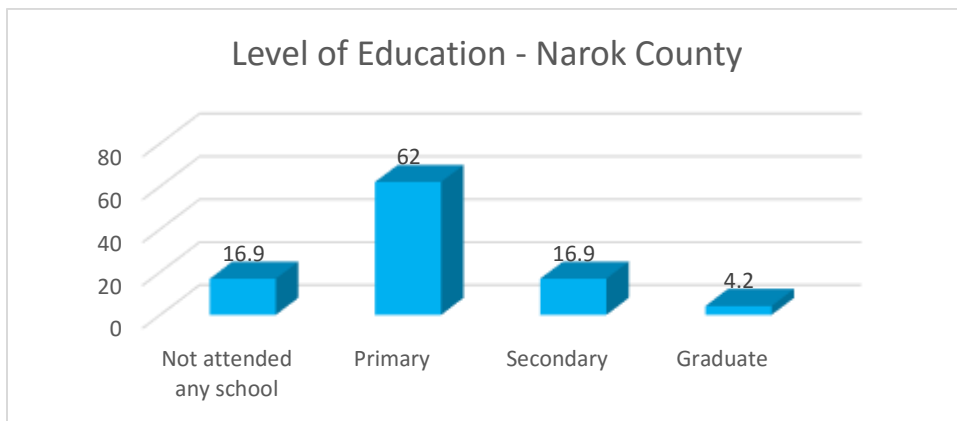


Fig. 4- 5 Bar graph showing education level of HHs in Narok County

The levels of education in Bomet County is significantly higher than in Narok County. The highest level of education for Household Heads is Primary School (57.7%). Bomet County however has a significantly higher secondary school education attendance (25.6%), post-secondary i.e., collages and vocational trainings (10.3%) than Narok County. However, Narok has more graduates (4.2%) than Bomet County (1.3%).

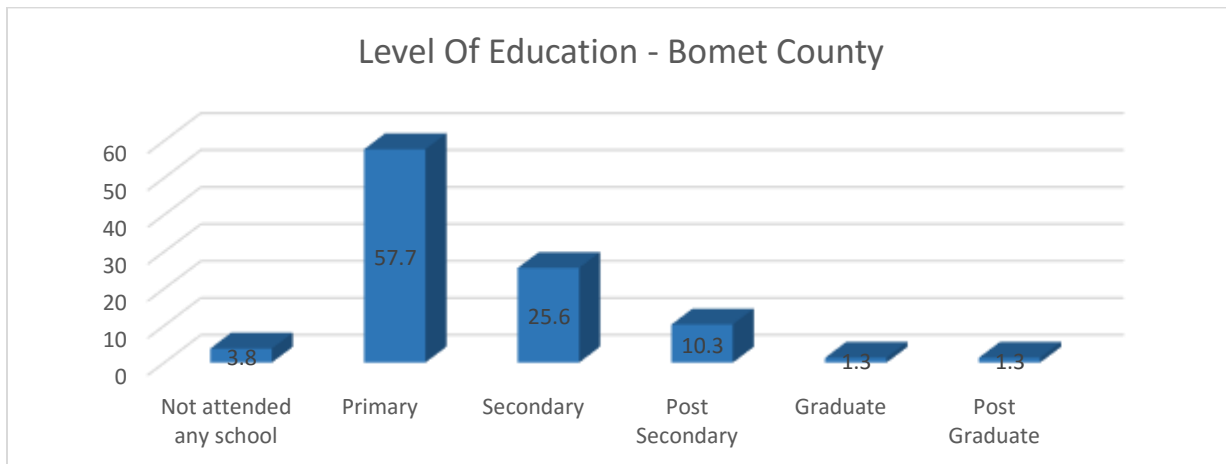


Fig. 4- 6 Bar graph showing education level of HHs in Bomet County

Based on weight of the findings, the level of education and much needed skills for formal employment in the project area is low. The project affected persons will mainly benefit from the projects in line with their skills and a majority will find opportunities in the unskilled jobs category which will be temporary.

4.2.5 Gender of the household head by Highest level of education

In Narok County, Segregation of data by gender indicates that there are more women than men who have not gotten a formal education. Most of the population have a primary level education [63.5% males, 57.9% female] This could also explain the reason most of them are in farming as the main economic activity and have low-income levels. Only a small percentage [3.8% men, 1.3% women] have attained tertiary level of education. This is represented below.

Table 4- 4 Gender of household head by highest level of education – Narok County

Gender	Highest level of education				Total
	No formal education	Primary	Secondary	Tertiary education	
Male	15.4%	63.5%	17.3%	3.8%	100%
Female	25.1%	57.9%	15.7%	1.3%	100%

There are many schools along the proposed route of the line and the average distance covered by the children to school is 2.1km. The shortest distance travelled by children to the nearest primary school is 0.05km while the child who covered the longest distance was 13km. It is worth noting that no school will be relocated because of the project.

Some of the schools near the proposed route are; Kapkwen primary, Kabisoge primary and secondary, Kyongong secondary, Lekimbo primary and secondary, Kulumbeni secondary, Lebekwet primary, Kiptulwa primary and secondary, Kebeiyan primary and secondary, Norera primary, Aganga primary and secondary, Illmotiok primary, Kaproret primary, Olerut primary, Ilumbi primary, Olemuna secondary, Ilmashariani primary, Olorito primary, St Kizito catholic primary, Enelerai primary and Kotolian primary among others. Potential impacts to children could be related to accidents as children can think of climbing the towers. To mitigate this impact, the stakeholder engagement plan will include sensitization on safety to the schoolchildren, which will be conducted in the schools that neighbor the transmission line.

The table below shows the results for gender of HH for education for Bomet County

Table 4- 5 Gender of household head by highest level of education - Bomet County

Level of education

Sex		Frequency	Percent
Male	Not attended any school	3	3.8
	Primary	45	57.7
	Secondary	20	25.6
	Post-Secondary	8	10.3
	Graduate	1	1.3
	Post-Graduate	1	1.3
	Total	78	100.0
Female	Not attended any school	10	33.3
	Primary	16	53.3
	Secondary	3	10.0
	Post-Secondary	1	3.3
	Total	30	100.0

Majority of HH have only gone up to Primary school level. However, out the few who have advanced their education to post-secondary and graduate levels, male HH are the majority.

4.3 Economic Activities of PAs

In Narok County, there are three major economic activities in the project area i.e., along the way leave and they are farming, employment, and businesses. It was observed that more than half (66.2%) of the PAHs were involved in farming which includes livestock rearing and crop farming. This is partly because the project area is also in a rural setting and majority of the PAHs have low levels of education. 16.9% of the population are involved in businesses which include selling and buying of livestock produce and sale of main crops (maize, wheat, and beans), boda boda and other business. The figure below shows the main economic activities in the project area. In fact, only 14.1% were in the employed category as their main economic activity as shown below. It was noted that unemployment was rampant in both counties, and this can be attributed to high levels of illiteracy with a total of 78.9% of the population having no formal education or primary level education hence limiting their access to formal employment.

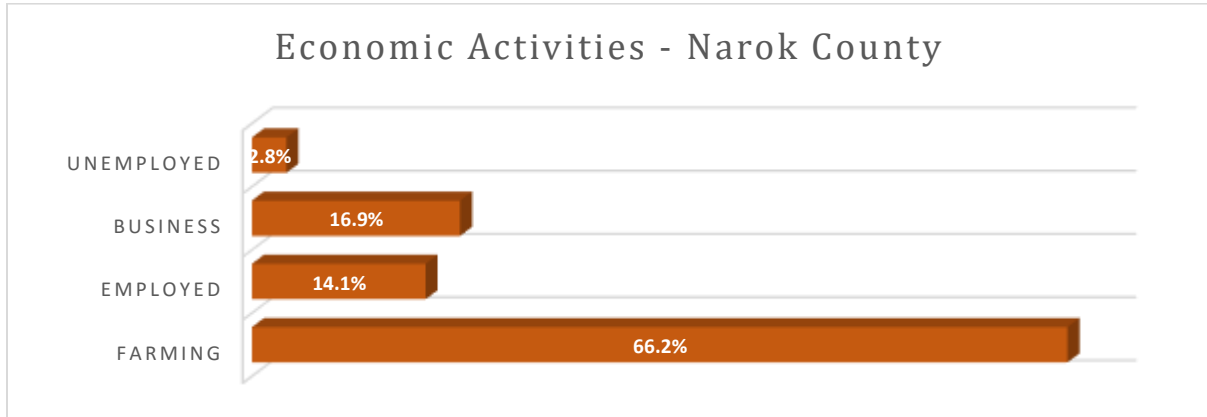


Fig. 4- 7 Main economic activities - Narok County

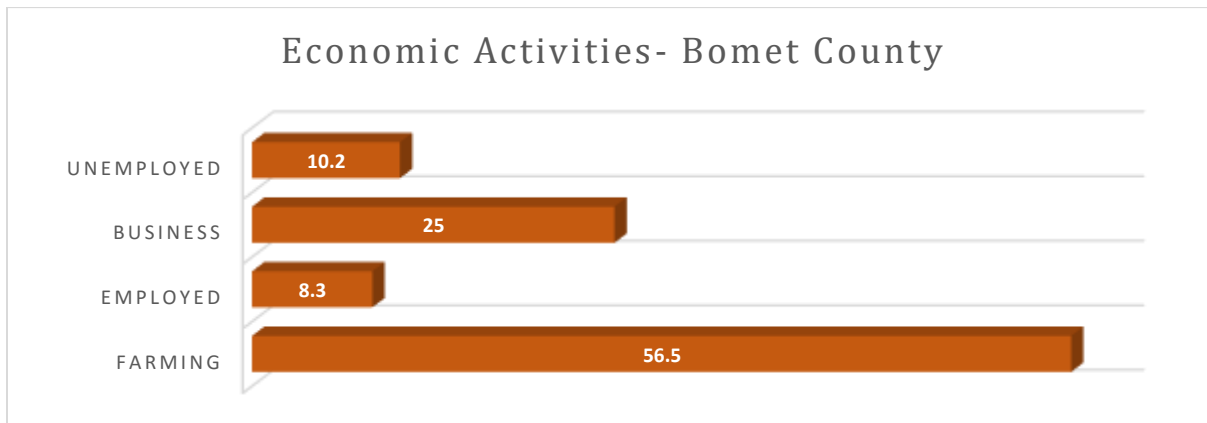


Fig. 4- 8 Main economic activities - Bomet County

During RAP implementation, KETRACO will provide semi - skilled and unskilled employment opportunities that will strengthen the economic muscle of the PAPs. Employment will come directly from project works or indirectly through related economic activities. Throughout the project period, the economy of the 2 counties will be bolstered and it will improve the living standards of the community in general. These opportunities will be available to both men & women & will offer the community an opportunity to gain adequate skills that may be of use to them in future endeavors.

4.3.1 Gender by Main economic activity

Table 4- 6 The main economic activities in Narok County

Gender	Main economic activity in Narok County				Total
	Farming	Employed	Business	Unemployed	

Male	31	8	11	2	52
Female	16	2	1	0	19
Total	47	10	12	2	71

From the findings, most of the women who head households interviewed in Narok County are engaged in farming as their main economic activity. Only two of them were employed while one woman was in business as shown above. This also explains why majority of the women are in the lower income level brackets.

Like in Narok County, the main economic activity in Bomet County is farming. This is mainly for subsistence, but the surplus is sold for income. There are more unemployed males (10) than females (1). However, there are more males with small businesses (24), either kiosks or boda boda or sale of goods than females (3). This implies that many HH will be more affected during the construction phase since they rely on farming.

Table 4- 7 The main economic activities in Bomet County

Main Economic Activity in Bomet County

Sex		Frequency
Male	Farming	36
	Employed	8
	Business	24
	Unemployed	10
	Total	78
Female	Farming	25
	Employed	1
	Business	3
	Unemployed	1
	Total	30

4.3.2 Average monthly income

Questions about people’s income and expenses are traditionally challenging and a high percentage of people often opt out and chose not to answer such questions. In the case of this socio-economic survey, the survey team tried to engage with people and explained at length why this data is being collected. As a result, most of the Household Heads agreed to share the details on their income. Some of the data was based on observation and interviewing other locals in the area about incomes.

According to the findings, the highest monthly income earned by the PAHs for both counties from all their sources was Kshs 800,000.00 while the lowest was Kshs 500.00. The average income per month among the PAHs is Kshs. 31,915.00 while the median income was Kshs 15,000.00. Only a small number of the PAHs i.e., 33 (14.9%) receive support in terms of money from their children as shown below. Primary

data on spending patterns was not collected but the main areas of spending are in education and health. Primary education is free while secondary education is subsidized by the government. Spending on house rents is nonexistent as the PAPs are in a rural setting where they have built their own houses.

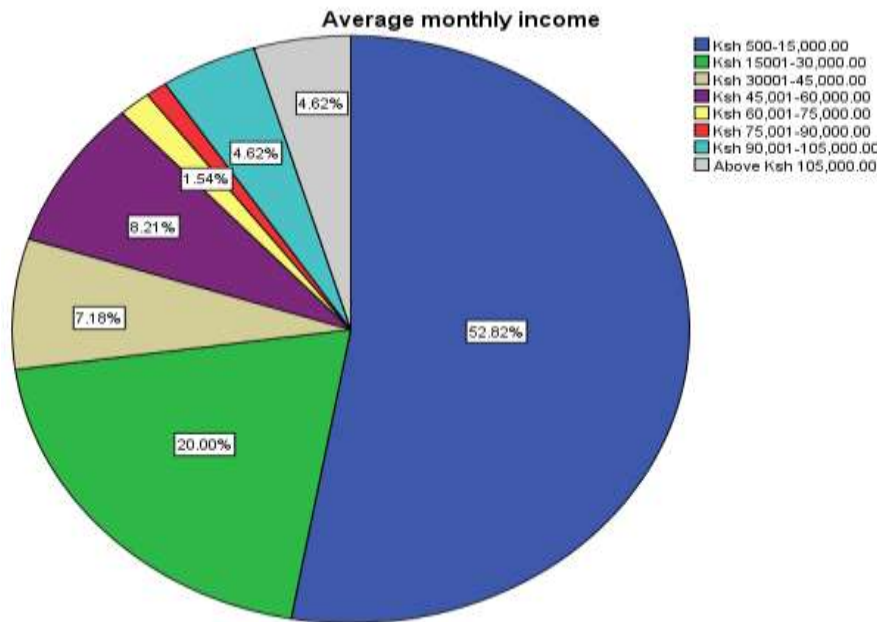


Fig. 4- 9 Average monthly income in Narok & Bomet Counties

4.4 Land Ownership by the PAPs

The Constitution of Kenya (COK), 2010 section 61 notes that “All land in Kenya belongs to the people of Kenya collectively as a nation, as communities and as individuals. Land in Kenya is classified as public, community or private. In addition, section 5 of the Land Act 2012 gives the forms of land tenure in Kenya, and they are:

- (a) Freehold
- (b) Leasehold
- (c) Such forms of partial interest as may be defined under this Act and other law, including but not limited to easements
- (d) Customary land rights, where consistent with the Constitution

Along the way leave, the land that will be affected in both Narok and Bomet falls under free hold tenure system whereby individuals get legal ownership of land through title deeds. This is land that is claimed by affected households as documented in the land’s office and or ownership document.

Even though the land tenure in the project area is free hold with ownership of legal documents majority of the PAHHs do not have the land registered under their names. According to the findings less than half

of the PAHs had land registered under their names and had the title deed. On the other hand, other PAHs said that the land they own is registered under their parents or their deceased parents, some are registered under the seller and others under deceased spouse among others. This implies that a good number of the PAHs have not done land succession which is likely to delay the process of land payments/compensation. The mitigation measure for this is sensitization of PAPs to begin the succession process so that the right documents will be available in time for compensation.

4.5 Welfare and Access to Basic Services

4.5.1 Energy access for lighting and cooking

In Narok County, the main source of energy for lighting is solar for the households as reported by 94.4%. This solar energy takes the form of small D Light lamps as is commonly called in the area which is charged during the day and used at night. Electricity access is very low with only 5.6% of the PAHs. The main source of energy for cooking for the PAPs is firewood as reported by 95.8% with few PAHs using gas 4.2%.

Table below show the sources of energy for lighting cooking utilized by the PAPs along the TL.

Table 4- 8 Energy sources for lighting – Narok County

	Frequency	Percent	Valid Percent
Electricity	4	5.6	5.6
Solar	67	94.4	94.4
Total	71	100.0	100.0

Table 4- 9 Energy sources for cooking – Narok County

	Frequency	Percent	Valid Percent
Gas cooker	3	4.2	4.2
Firewood	68	95.8	95.8
Total	71	100.0	100.0

In Bomet County, the major source of lighting in the project area is solar energy [91.7%]. The use of solar products has increased over the years due to introduction of tailored solar products such as M-Kopa, D-Light and Solar King. The main source of energy for cooking is firewood [98.1%]. This is in line with Bomet County CIDP which states that, “approximately 85% of households in the county use wood fuel for cooking.

Table 4- 10 Energy sources for lighting – Bomet County

	Frequency	Percent	Valid Percent
Electricity	9	8.3	8.3
Solar	99	91.7	91.7
Total	108	100.0	100.0

Table 4- 11 Energy sources for cooking – Bomet County

	Frequency	Percent	Valid Percent
Gas cooker	2	1.9	1.9
Firewood	106	98.1	98.1
Total	108	100.0	100.0

4.5.2 Nature of dwelling house

In terms of housing, over half 59.9% of the PAHs live in semi-permanent houses made of iron sheet roof, mud wall and earthen floor. 11.8% live in houses made of mud wall, earthen floor and thatched roof which was the main traditional house especially for Kalenjin’s who reside in both Bomet and Narok County. This type of housing is traditionally appreciated because it is warm, however the times are changing, and more people are now roofing with iron sheet. Another 10% of the PAHs live in permanent houses made of brick/stone, iron sheet and cemented floor. Figure below shows the nature of dwelling house for the PAPHs.

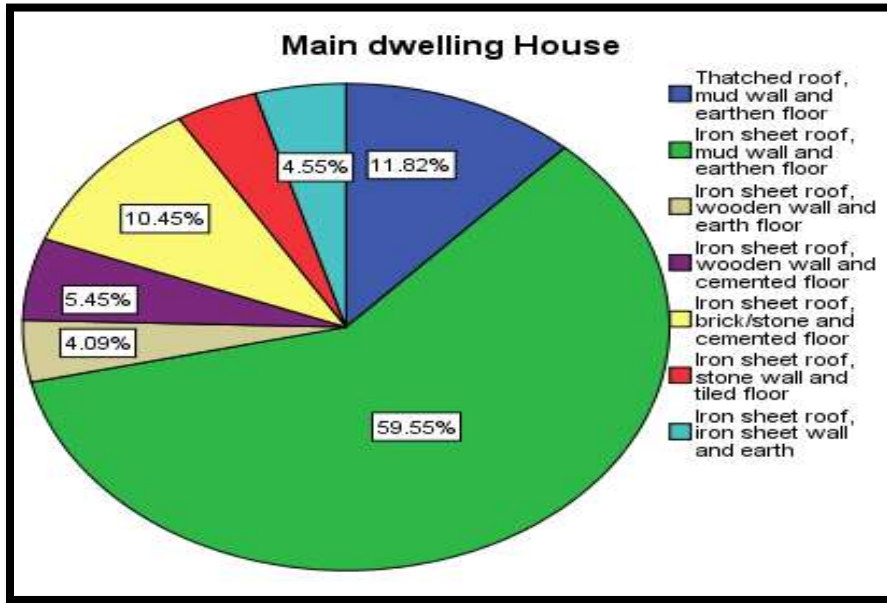


Fig. 4- 10 Nature of dwelling house

Image 4- 1 Types of houses to be affected by the project



Grass thatched house with mud walls and earthen floor



Typical granary/store



Mud walled and iron sheet roof and earthen floor



Stone house



Iron sheet structure

4.5.3 Main source of drinking water

The main source of drinking water among the PAHs is the river and streams as indicated by 65.6% of the PAHs. This was followed by piped water 11.8% as shown below, although most of the PAHs noted it is not tapped water in their house because some of them were buying the water especially in Narok county.

Shallow well and earth dam ('Silanga') accounted for 9% and 8% respectively while a small percent 4% of the households use rainwater harvested at the homestead. The line will cross a community dam, but the project will not interfere with the dam because the conductors will fly over it at minimum distance of 15 meters.

The issue of water quality was addressed in the ESMP within the Integrated Environmental Impact Assessment report and mitigation measures have been proposed that ensures water quality is not interfered with during construction. Monitoring of the ESMP implementation will be key to ensure adherence to the mitigation measures.

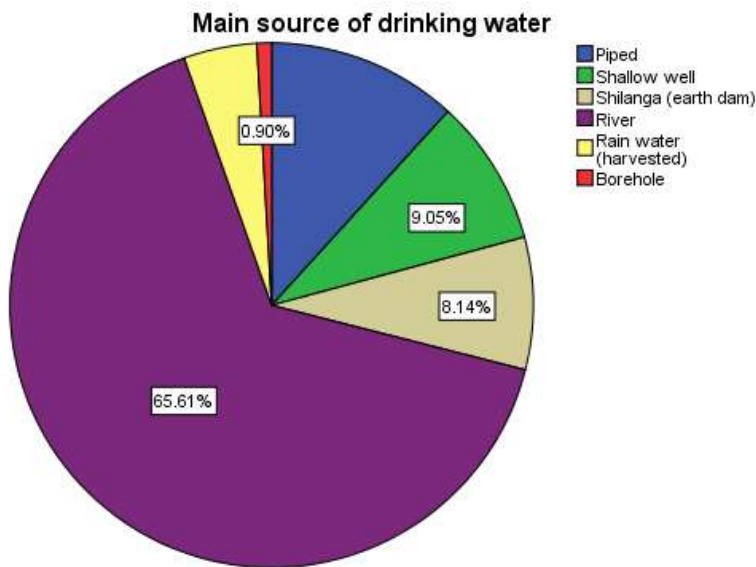


Fig. 4- 11 Main source of drinking water

4.5.4 Health services

Medical services are accessed from both dispensaries and hospitals within the Project affected areas. There are three major hospitals in the counties i.e., Narok, Longisa and Tenwek hospital and other various smaller health facilities. The average distance to the nearest health facility for the PAPs is 5.6km. The shortest distance covered to a health facility is 0.2km and the longest distance covered is 20km especially for the big hospitals. No health facility will be relocated because of the project. According to the PAHs, the most common illness in the project area is cold and flu as reported by 16% of the PAHs followed by malaria reported by 11.8% as shown in the figure below.



Fig. 4- 12 Common illnesses in the project area

4.5.5 Social- cultural life

The Maasai community members are organized within families and household heads are members of the council of elders under the leadership of a village chairman. The unit deals with inter and intra family disputes. The elders settle local disputes and reprimand wrong doers. Most of the grievances are usually resolved at this point. The Maasais live mostly in a communal setting so they handle most issues communally. Difficult matters are referred to the chief’s office. There have been strong ties within the community although these are weakening due to urbanization and members getting used to independence since the land parcels are now becoming individual in nature. Generally, the communities are cohesive and social issues such as wedding and burials are done as a communal matter within villages. These was also evidenced because many members in the public meetings knew each other by name and where they live. The social structure is critical in managing the grievances that may emerge during project implementation.

The Kalenjin community practice semi-nomadic pastoralism centered on the raising of cattle, sheep, chicken, and goats and cultivating crops especially maize and beans. They are also patriarchal. Once the boy children attain about 13/14 years, they undergo circumcision and move out of the main house. Independent *huts* are built for them near the main house, and they now become, to the Kalenjin community, grown men. Some people say that even their mothers cannot ‘*tell them anything*’. Traditionally they were governed by elders who made decisions and settled local disputes. Extreme cases were handed over to chiefs. Older men guided young people concerning the way of living.

4.6 Indigenous People / Vulnerable and Marginalized Groups (VMGs)

In Kenya, Pastoralists, hunter-gatherers, some fishermen and some minority farming communities in Kenya can be considered as IPs/VMGs. The pastoralists of Kenya are mainly found in the Northern parts of the country, which is majorly arid and some sections bordering the United Peoples Republic of Tanzania. They include the Turkana, Borana, Rendille, Maasai, Ilchamus, Samburu, Somali, Pokot, Gabra, Endorois, among others. The hunter-gatherers comprise of the Sengwer, Waata/Watha, El Molo, Yaaku, Malakote, Ogiek, Wagoshi and Sanya.

In Kenya, these groups are referred to as vulnerable and marginalized groups (VMGs). The Maasai people who are found in Narok, and other counties are classified as vulnerable. During the survey, six (6) out of 52 male HHs were identified as vulnerable due to age while four (4) females of the 19 female HHs interviewed are widows. During RAP implementation, KETRACO will ensure that they are assisted as per stipulations in this RAP.

Table 4- 12 Vulnerability according to sex in Narok County

Sex		Frequency	Percent	Valid Percent	Cumulative
Male	No Vulnerability	46	88.5	88.5	88.5
	Elderly (above 65years)	6	11.5	11.5	100.0
	Total	52	100.0	100.0	
Female	None	15	78.9	78.9	78.9
	Widow / widower	4	21.1	21.1	100.0
	Total	19	100.0	100.0	

Table 4- 13 Distribution of vulnerability by occupation in Narok County

Vulnerability		Frequency	Percent	Valid Percent	Cumulative
No Vulnerability	Farming	37	60.7	60.7	60.7
	Employed	9	14.8	14.8	75.4
	Business	13	21.3	21.3	96.7
	Unemployed	2	3.3	3.3	100.0
	Total	61	100.0	100.0	
Elderly (above 65years)	Farming	4	66.7	66.7	66.7
	Employed	1	16.7	16.7	83.3
	Business	1	16.7	16.7	100.0
	Total	6	100.0	100.0	
Widow / widower	Farming	3	75.0	75.0	75.0
	Business	1	25.0	25.0	100.0
	Total	4	100.0	100.0	

Majority of vulnerable PAPs in Bomet County are also farmers with others in business and the one in employment is doing casual work in the community. Farming will temporarily be disrupted during the construction phase of the project.

In Bomet County, the highest percentage of vulnerability among males is elderly (7.7%) while the highest vulnerability in females is those that are both elderly and widowed (33.3%). Female headed households were also found to be quite significant at 20% of Household Heads and 3.8% of male HHs. Single parent households may be given priority for employment during construction if they show interest. Most males have spouses with only 1 widower.

Table 4- 14 Distribution of Vulnerability by Sex in Bomet County

Sex		Frequency	Percent
Male	No vulnerability	67	85.9
	Elderly (above 65years)	6	7.7
	Single-parent household	3	3.8
	Widow / widower	1	1.3
	Mental disorder	1	1.3
	Total	78	100.0
Female	No vulnerability	12	40.0
	Elderly (above 65years)	1	3.3
	Single-parent household	6	20.0
	Widow / widower	1	3.3
	Elderly and widowed	10	33.3
	Total	30	100.0

Table 4- 15 Distribution of vulnerability by occupation in Bomet County

Vulnerability		Frequency	Percentage (%)
No vulnerability	Farming	35	44.4
	Employed	7	8.9
	Business	26	32.9
	Unemployed	11	14
	Total	79	100
Elderly (above 65years)	Farming	7	100
Single-parent household	Farming	7	77.8
	Employed	1	11.1
	Business	1	11.1
	Total	9	100
Widow / widower	Farming	1	50
	Employed	1	50
	Total	2	100
Elderly and widowed	Farming	10	100
Mental disorder	Farming	1	100

From the above table, it is evident that majority of the vulnerable depend on farming as a source of income. Income from farming in Bomet County is from sale of onions, carrots, cabbages, and tomatoes, peas, eggs and meat, and milk from livestock.

4.7 Potential Project’s Socials Risks

It was clear from the interviews, consultations, and observations that:

- Generally, the people in the area are not keen on survey/formal subdivision of land, succession, and registration. Thus, most parcels of land are yet to be legally sub divided making it difficult to determine/assess the extent of resettlement. This is evidenced by the fact that some PAPs have bought land but have no title for it even though they have taken possession of the land.
- Majority of the affected persons prefer cash compensations to enable them identify alternatives on their own.
- The communities were also interested in other project benefits as a social responsibility. In all the affected locations, electricity connection to their homes was identified as a major area of intervention.
- The project will result in linear resettlement which implies dealing with many PAPs across different administrative units along the line

4.7.1 Recommendations to be undertaken by the proponent to mitigate the social risks

Some of the anticipated social risks during implementation include influx, gender-based violence (GBV), HIV/Aids, increase in criminal activities, sexual exploitation, and abuse (SEA). Other include informal land sub-division to increase the land values, succession delays and extreme poverty. To mitigate these risks, the following activities will be undertaken:

- Sensitization on the identified risks and how to handle early warning signs
- Enforcing cut-off date to manage influx challenges.
- Sensitization on HIV/Aids and other communicable diseases
- Providing avenues to report any forms of violation, whether GBV or SEA.
- Awareness creation on the need for formal subdivision of land and obtaining of title deeds.
- Educate on the need and process for land succession to fast track payment for the way leave. In extreme/special cases assist the poor households to process their title deeds
- Close monitoring of all the households and especially those of the vulnerable groups and those with no current land documents to ensure timely implementation of RAP.

CHAPTER FIVE: STAKEHOLDER PARTICIPATION AND CONSULTATION

5.1 Introduction

Public participation is an essential requirement in project planning and implementation especially for a project that will result in both economic and physical displacement. Wide consultations are essential for smooth implementation of the proposed project. The main aim of consultations is to secure participation of interested persons (stakeholders) and especially the directly affected persons.

Timely consultations are key as they result in enhanced project acceptance while providing opportunity for the stakeholders to make significant contribution to the project design and implementation. Stakeholders in this project are individuals or groups who will be affected or are likely to be affected by the project (project affected persons) and those that perceive to have interest in the project (other interested parties).

5.2 Initial consultations

Consultations for the proposed project began during the preparation of Environmental and Social Impact Assessment Study (ESIA). The ESIA team undertook consultation for the proposed project in accordance with the requirements stipulated in the EMCA, 1999, 2015 and EIA/EA Regulations 2003.

The purpose of the consultations was to identify stakeholders including project affected persons, provide project information including its impacts and to allow such parties the opportunity to provide input and comment on the project, including issues and alternatives that are to be investigated, thereby facilitating informed decision-making. In complying with the public participation process (PPP) for the study, consultations were carried out to ensure that issues, concerns, and potential impacts identified are discussed and addressed fully.

Six (6) stakeholder consultation meetings by the team were undertaken from 15th – 18th December 2021 in Narok County with a total attendance of 129 people (108 Male and 21 female). In Nkareta location, the team held one more meeting on 4.11.2022. A total of 14 (10 male and 4 female) attended the meeting. The total number of meetings in Narok was seven (7) with a total attendance of 143 (118 Male and 25 Female). The Maasai community used to be very patriarchal but in recent times and due to widespread sensitization by both the government and NGOs, they have allowed the women to participate in meetings.

A further six (6) meetings were held in Bomet County between 27th October to 4th November 2022 with a total attendance of 356 people (262 Male and 94 female). These meetings were organized through the office of the various chiefs and held at convenient venues within reach of the local community members.

In the meetings, project information in terms of design, route, positive impacts, negative impacts, mitigation measures, cut off dates, eligibility and cross cutting issues were discussed with various

stakeholders. The stakeholders also gave their views in to the project. The minutes and summary of issues brought forward are Annex 3 in this report.

Construction and RAP implementation process was also explained including the compensation and resettlement process for the physically and economically displaced. Some of the issues discussed included: About the proponent and the change of proponent from Kenya Power to KETRACO, project goals, potential benefits to the community, requirements, impacts, mitigation of impacts, eligibility, valuation, compensation, cut-off date, community participation, grievance management and timelines. The PAPs were asked for their input regarding the project benefits and there was wide support for the project. The major concerns surrounded compensation especially since there has been a change in line route in some sections. The team explained that only the PAPs whose assets will be destroyed would be compensated and advised PAPs to wait until they had been compensated in order to demolish any structures on the RoW.

Meetings were held within the following Locations in Narok County; Olopito, , Ololunga, Nkareta, , Ilmotiok. Meetings in Bomet County included: Kobeiyon, Kiptulwa, Cheboin, Kyongong, Kabisoge and Itembe.

Table 5- 1 Summary of sensitization meetings

County	Location	Date	Venue	Participants	Male	Female	Total
Narok	Lower Melili	15/12/2021	Nchoe Farm in Olopito	PAPs	12	3	15
				Administration	1	1	2
				KETRACO PIT	3	0	3
				Sub Total	16	4	20
	Ololunga	15/12/2021	Hon.Nkoreita Farm-Naropil	PAPs	7	1	8
				Administration	1	0	1
				KETRACO PIT	3	0	3
				Sub Total	11	1	12
	Endonyio-Ngiro	16/12/2021	Olosiyoi Dispensary	PAPs	17	2	19
				Administration	2	0	2
				KETRACO PIT	3	0	3
				Sub Total	22	2	24
	Nkareta	17/12/2021	Nkareta community resource center	PAPs	6	1	7
				Administration	1	0	1
				KETRACO PIT	3	0	3
				Sub Total	10	1	11
Ilmotyok - Aganga	18/12/2021	Chebolet Farm	PAPs	28	9	37	
			Administration	1	0	1	
			KETRACO PIT	3	0	3	
			Sub Total	32	9	41	
				PAPs	13	4	17

	Ilmotyok - Oletepesi	18/12/2021	James Bett Farm, Oletepesi Village	Administration	1	0	1
				KETRACO PIT	3	0	3
				Sub Total	17	4	21
Bomet	Itembe Sub Loc	28.10.2022	Itembe Village	PAPs	47	10	57
				Administration	2	0	2
				KETRACO PIT	3	0	3
				Sub Total	52	10	62
	Kabisoge Sub Loc	28.10.2022	Kabisoge Village	PAPs	18	20	38
				Administration	2	0	2
				KETRACO PIT	2	0	2
				Sub Total	22	20	42
	Kyogong Location	27.10.2022	Kyogong Market	PAPs	58	29	87
				Administration	1	2	3
				KETRACO PIT	3	0	3
				Sub Total	62	31	93
	Cheboin Location	1.11.2022	Cheboin Market	PAPs	37	13	50
				Administration	4	2	6
				KETRACO PIT	3	0	3
				Sub Total	44	15	59
	Kiptuluwa	2.11.2022	Kiptuluwa Centre	PAPs	63	14	77
				Administration	2	0	2
				KETRACO PIT	3	0	3
				Sub Total	68	14	82
Koibeyon	2.11.2022	Kobeyon	PAPs	10	3	13	
			Administration	1	1	2	
			KETRACO PIT	3	0	3	
			Total	14	4	18	
Narok	Nkareta	4.11.2022	Nkareta Chief	PAPs	5	4	9
				Administration	2	0	2
				KETRACO PIT	3	0	3
				Total	10	4	14
				Grand Total	380	119	499



Image 5- 1 Koibeyon Sub Location sensitization meeting



Image 5- 2 Itembe Location sensitization meeting

5.3 Summary of Concerns raised in the community / PAPs meetings

5.3.1 *Summary of Issues discussed in the meetings*

Table 5- 2 Summary of agenda of meetings

COMPONENT	DISCUSSION/INFORMATION SHARED
Scope of project	<ul style="list-style-type: none"> • The proposed project will cover about 81km from 132/33kV substation in Narok to 132/33kV substation in Bomet. • Being a high voltage line, a way leave clearance of 30m will be acquired throughout the 81km distance covered by the line. The reason for way leaves acquisition is to formally secure the corridor and ensure safety. • The proposed project traverses a number of villages within Narok and Bomet Counties
Mode of compensation	<ul style="list-style-type: none"> • Monetary compensation shall be made to project affected persons • Project affected persons shall be required to open bank accounts or provide the company with their account details to facilitate payments. • Compensation of project affected persons shall be done based on the property affected. • Compensation for land is based on restriction for use due to way leave acquisition. This will be paid for affected fractions of land while full compensations shall be paid for parcels of land that will become economically unviable due to the need for way leave. This shall be case by case based on the valuation done by the valuer on what a PAP loses to the way leave • All compensations for land shall be paid one off based on calculations done • Affected trees and crops shall be compensated based on the type, age and size. Compensations shall be as stipulated by ministry of agriculture and KFS and will vary from fruit trees, exotic and indigenous trees. • Rightful owners shall be compensated upfront for affected structures.
Properties affected by the project	<ul style="list-style-type: none"> • The proposed project only affects private parcels of lands, structures, and trees. No public property such as hospitals, schools, and shall be traversed during implementation of the project. KETRACO will ensure valuation of all affected properties by a registered and licensed valuer • Affected trees on the proposed way leave will be cut during way leave clearance and numbers confirmed and rates attached according to guidance from relevant ministries. Sensitization will be done to encourage PAPs to plant more trees outside the wayleave to replace those cut down. • Valuation for land and structures will ensure all affected properties are compensated based on full replacement cost.

<p>Project Affected Persons/Resettlement of affected persons</p>	<ul style="list-style-type: none"> • Only project affected persons shall be compensated for losses associated with implementation of the project • Owners of project affected lands will have to produce valid land ownership documents to Kenya Power team for verification before compensation. • Some of the project affected persons shall lose their homes, trees, and sources of livelihood as a result of the project. • Some of the project affected persons whose houses are affected will relocate to their unaffected parcels of land • In case of land disputes between project affected persons, they will have to solve the dispute before compensation is done, otherwise the payments will be held in escrow accounts until issues affecting the project affected persons are resolved. • Persons adversely affected by the project will be given priority in compensation. Where land is affected in such a way that to necessitate complete relocation, the affected will be given compensated fully to allow the affected acquire alternative piece of land. • For the vulnerable, KETRACO working closely with the family and local leaders will facilitate acquisition of alternative land for resettlement. A 15% disturbance fee to facilitate relocation will be included. Such PAPs are encouraged to look for land within the community to avoid break up of social ties.
<p>Cut-off Date</p>	<p>This the date beyond which no further developments will be considered for compensation.</p>
<p>Eligibility</p>	<p>PAPs were informed of the categories of those who will be considered for compensation. These include landowners, structure owners, trees and crops.</p>
<p>Grievance Redress Mechanism</p>	<ul style="list-style-type: none"> • Grievances are likely to arise during implementation of such the project • To address any grievances arising during implementation of the project, various committees were constituted comprising of persons chosen by project affected persons from their areas/village. The representatives in the grievance redress committees are also project affected persons. • The committees shall address grievances arising from the project whenever raised by PAPs but when aggrieved is not satisfied, the grievances will be escalated to KETRACO level. The legal redress for any disputes would be used as a last resort.
<p>Restoration of environment</p>	<ul style="list-style-type: none"> • The community was encouraged to continue planting trees on parcels of land not affected by the project so as to help restore their environment as a number of trees shall be cut during way leave clearance.
<p>Cross cutting issues</p>	<p>The PAPs were also sensitized about possible societal problems resulting from influx on people from other cultures working on the project.</p> <p>Sensitization against gender-based violence, sexual exploitation, and abuse. Such vices were noted to be possible with the commencement of compensation activities.</p> <p>Unskilled labour opportunities will be availed as soon as construction begins. The local communities will be given preference by the contractor depending on available opportunities.</p>

5.3.2 Concerns from the PAPs

The PAPs were allowed to ask questions and or seek clarifications on the matters discussed regarding losses linked to way leave acquisition. A summary of questions raised by the PAPs and the responses given is summarized below.

The specific minutes for each meeting and list of attendance are attached in Annex 3.

Table 5- 3 Summary of issues raised during sensitization meetings and their responses

ISSUES RAISED	RESPONSES
<p>Way leaves payments</p> <ul style="list-style-type: none"> Whether payment for the tower will be different from other way leave trace 	<ul style="list-style-type: none"> Payments will be the same provided the line crosses the land parcel.
<p>Way leaves restrictions</p> <ul style="list-style-type: none"> Can PAP's plant crops like beans and maize under the line? Who will do the clearing, is it Kenya power or contractor We are not exactly sure where the way leaves pass, when will exact pegging be done? In case the land is uneconomical and is paid fully the residual land that remains whose will it be? What will happen in the event our earth dams are on the way leave? 	<ul style="list-style-type: none"> Yes, provided they do not plant trees and put-up structures The contractor will do the clearing After detailed designs, the survey will do spotting/pegging on the ground and the clearing will be done. Land will still belong to the landowner The earth dams will not be affected because the line will fly over them. Towers will not be placed in the earth dam
<p>Eligibility</p> <ul style="list-style-type: none"> For those who have leased land, how will they be compensated? We have sub divided our land and we have the numbers, can KETRACO pay against the numbers for the land? 	<ul style="list-style-type: none"> They will be compensated for their crops and/or trees that will be destroyed along the way leave trace. KETRACO encourages the affected persons to prepare land documents required for compensation. Where the process of getting the documents is underway, KETRACO will liaise with land adjudication officers to confirm the status. For those in actual occupation without the formal ownership documents, the act will apply
<p>Compensation payments</p> <ul style="list-style-type: none"> Will payment for all the affected land, crops and structures be paid at once? What happens in a situation where the consent was signed by someone who died, and the title is in his name? Are rates of compensation for the trees the same for both indigenous and exotic? What will determine the payment for land? 	<ul style="list-style-type: none"> Every effort will be made to clear payments on time. The remaining family members are expected to start the succession process in order to get the legal documents for the sake of compensation. The payment will be based on the Ministry of Agriculture rates/KFS but usually the rates for exotic and indigenous are not the same The full replacement cost of the land in the area and the size affected according to the valuation report.

<ul style="list-style-type: none"> • What happens to minors who are already owning land? • In case some trees have not been counted during the asset inventory will they be paid? • How is the valuation of land done? • Will the houses roofed with iron sheets fetch the same price as those roofed with thatch? • Why can't an individual's earth dam be paid separately? <ul style="list-style-type: none"> • Will there be disturbance allowance for the affected persons? 	<ul style="list-style-type: none"> • According to the law a guardian should be appointed to manage the children's affairs. The guardian will then receive the compensation on their behalf, the law on the same issue will be followed • yes, all the trees that will be cleared to give way for the project will be enumerated and will be paid • Valuation of land will be done professionally by KETRACO valuers putting in mind location and other factors like size. • Basically, the valuation for houses and structures will be to replace the structure that will be lost. Houses will be valued according to size and materials used. The valuers will do valuation first before any payment is done. • It won't be paid separately because it will not be destroyed • Yes, it is included.
<ul style="list-style-type: none"> • Timing of the compensation? • When will the construction begin? • Will the houses be paid before the demolition? 	<ul style="list-style-type: none"> • Once the valuation and approval of compensation reports is completed • After resettlement issues are handled especially structures • Yes. The 100% of the total cost will be paid first to enable PAP to build another house before demolishing the old house.
<ul style="list-style-type: none"> • Will there be employment opportunities? • Will women get jobs during construction 	<ul style="list-style-type: none"> • yes, there will be unskilled labour-based opportunities. Highly and more skilled jobs will be done competitively., • Yes. Those who can do the jobs will be hired and those who can cook or sell other food stuff can sell to the contractors' staff
<ul style="list-style-type: none"> • Will the community be connected to power? 	<ul style="list-style-type: none"> • For this project, the transmission line cannot be connected to the customers because it is a high voltage line. However, the project will boost power supply thus enabling the company to distribute reliable power to customers using the low voltage lines
<ul style="list-style-type: none"> • In case the other people who have interest in land are not willing to do succession and survey what happens? 	<ul style="list-style-type: none"> • It will be important to lobby and convince them so that succession is done so that we can be able to pay the owners who have titles. The compensation negotiation committee will deal with such specific cases.

5.4 Future Consultation with Project Affected Persons

RAPs public participation is a continuous process. The conclusion of this RAP study does not preclude the need for future engagement and continued consultation and involvement of those affected by the project. It is expected that KETRACO will continue with this process, ensuring all future consultations are meaningful, conducted in good faith, and treated as a 2-way process with feedback on issues previously discussed provided. Several areas are considered for further consultations:

- Possibility for realignment to avoid cultural property, especially graves before, during and after the life of the project; Community preference on this is clear, but feedback is required.
- The preference for KETRACO to support community projects and assurance of the same.
- Assurance that the current land occupiers will be compensated.

5.5 Disclosure of the RAP

The disclosure of the RAP should be done in line with KETRACO RPF and in line with AfDB. -

- The RAP report will also be disclosed in the website of KETRACO and AfDB external affairs website
- Final Report shall be submitted at the County, Sub County Headquarters, Chief's office and each GRM Committee will also have a copy of the RAP report for perusal.
- Summarized version shall be prepared and presented in both English and Swahili languages and shared in the community, education institutions and other public places without disclosing personal compensation entitlements contained in compensation schedules.
- The executive summary will be translated into Kiswahili language and distributed to PAHs.
- Public meetings will be held at Location level to share the finding of the report, in an organized manner to ensure meaningful consultations, considering mobility, disability and literacy challenges.

Disclosure of information will be done by KETRACO in collaboration with the local administration

CHAPTER SIX: PROJECT IMPACTS

This section defines project impacts on land, structures, and businesses for the PAPs.

6.1 Summary of Overall Impacts

Overall, the positive impacts identified during construction and operation are creation of direct and indirect jobs, improved electricity supply in the area which will trigger a myriad of economic and social benefits such as growth of industries, better education, and healthcare systems and in the long run, increased living standards and improved security due to improved lighting.

However, the project also has negative impacts. In total 510 number of project affected households will be affected for both land and structures. These represent 2,550 number of project affected persons (PAPs). In addition, 3 institutions are affected (2 Religious and 1 Public Office). These are:

- I. Presbyterian Central Mission of Africa
- II. St. Joseph's Catholic Church
- III. Chief's Office

Table 6- 1 Summary of project impacts

Type of Loss	No. of PAHs
PAHs losing Land ² and Main Residential Structures (dwelling houses) i.e. Physically Displaced PAHs	170
PAHs losing land and other structures (secondary/ancillary)	33
PAHs losing Land only	307
Total Number of PAHs affected	510
Public Entities affected	
Chief's Office, Melelo	1
Religious Institutions Affected	
Presbyterian Central Mission of Africa	1
St. Joseph's Catholic Church	1
Total Number of PAPs	2550

² This is limited loss of land as KETRACO will only register easements on the land

Table 6- 2 Project impact on Lands, and Structures - Narok County

LOCATIONS	PAHs losing Kiosk / Shop	Institutions	PAHs losing Land Only	PAHs losing Land and Main Residential Structures (dwelling)	PAHs losing other structures
Ilmashariani	0	0	13	1	1
Lower Melili	1	0	3	4	1
Nkareta	0	1	13	2	1
Oloroito	0	0	25	6	1
Endonyo Ngiro	0	0	12	4	3
Melelo	0	1	32	19	1
Ilmotiok	0	0	38	30	7
Total	1	2	136	66	14

Table 6- 3 Project impact on Lands and Structures - Bomet County

LOCATIONS	PAHs losing Kiosk / Shop [Households]	Institutions	PAHs losing Land Only	PAHs losing Land and Main Structures	PAHs losing other structures
Kapkimolwa	3	0	39	52	4
Cheboin	0	0	26	15	3
Kyogong	1	0	65	10	7
Itembe	2	1	41	27	5
Total	6	1	171	104	19

Table 6- 4 Overall impacts [Narok & Bomet Counties]

Type of PAP	Physical Displacement [Households]	Economic Displacement (Business) [Households]	Economic Displacement ³ (Agricultural Land)
Persons	203	7	510
Institutions	3	-	

6.2 Impact on Land

In total, the project will acquire 242.9 HA (600 acres) from both counties. This represents an estimated 510 number of parcels in total.

³ loss of income or livelihood, through for example interruption or elimination of a person's access to his/her productive assets which may include land

Table 6- 5 Types of land tenure

Type of Owner	Number of Acres	Percentage
Private individuals	591	98.5
Public institutions (Chief’s Office)	2	0.33
Religious Institutions		
Presbyterian Central Mission of Africa	2	0.33
St. Joseph’s Catholic Church	5	0.84
Total	600	100%

In Narok, since land parcels are large, the 216 parcels will be marginally affected. The full extent of the impacts will be determined and updated once the detailed cadastral survey is finalized. Narok County is dominated by the Maasai Community who own large portions of land with low population density. A total of 57.8Km [430 acres] TL will be acquired for RoW in Narok County. Approximately 216 land parcels will be affected in Narok.

The land that will be affected in Narok falls under free hold tenure system whereby individuals have legal ownership of land through title deeds. This is land that is claimed by affected households as documented in the lands office and or ownership document. Even though the land tenure in the project area is free hold with ownership of legal documents many of the sampled Project Affected Persons (PAPs) did not have the land registered under their names. (Land ownership information will be confirmed by surveyors during collection of cadastral data) PAPs said that the land they own is registered under their parents or their deceased parents, some are registered under the seller and others under deceased spouse among others. This implies that a good number of the PAPs have not done land succession which is likely to delay the process of land payments/compensation. The ESIA and RAP team also noted that land leasing was very common and most of the farms under large scale agriculture was leased out.

In Bomet County, a total of 22.9Km [170 acres] TL will be acquired for RoW in Bomet County. 294 parcels are affected in Bomet County. Land ownership is key in the project area given that the main livelihood activities are land based

6.3 Impact on Physical Assets / Structures

Housing types are influenced mainly by culture. In the rural areas where the TL passes and where there are higher incidences of poverty, the houses are mainly semi-permanent structures made of mud and cow dung. However, there a few permanent houses made of brick, wood, or stone as a result of modernization and globalization. All affected structures will be compensated based on full replacement cost which includes a 15% disturbance fee to enable relocation of structures. In addition to this, all salvage materials from the previous structure are left with the PAP thus they may be able to reuse them if needed.

A total of 170 PAHs will be physically displaced in terms of losing main residential structures within the land they own. Another 33 PAHs will lose other secondary structures. A total of 203 PAHs will lose structures.

In total 612 structures owned by PAHs will be affected, of which 170 are main dwelling units. A church and chiefs house will bring the total structures affected to 614.

Table 6- 6 Impact on Household's Physical Assets / Structures

	Main dwelling unit	Toilet	Shop / Kiosk	Water tank	Animal shed	Fence	Other (Granary, Kitchen etc.)	Total
Narok County								
Ilmashariani	1	0	0	0	0	1	0	2
Lower	4	1	1	0	6	0	8	20
Nkareta	2	2	0	0	2	0	18	24
Oloroito	6	2	0	0	17	1	5	31
Eldonyio –	4	2	0	0	7	0	2	15
Melelo	19	11	0	0	15	0	19	64
Ilmotiok	30	22	0	0	24	1	21	197
Sub Total	66	40	1	0	71	3	73	253
Bomet County								
Kapkimulwa	52	5	3	2	12	1	67	142
Cheboin	15	17	0	1	15	1	18	67
Kyogong	10	4	1	1	7	4	15	42
Itembe	27	15	2	3	20	2	39	108
Sub Total	104	41	6	7	54	8	139	359

The main dwellings units across the project area are made of different materials. In Narok, most main houses are semi-permanent made of mud and cow dung with a mono-pitched corrugated galvanized sheets (*manyattas*). In Bomet, most structures are also semi-permanent made of cow dung and mud with double pitched corrugated galvanized iron sheets. The table below summarizes the main dwelling units in the project area.

Table 6- 7 Classification of the main dwelling structures

Description	Narok County	Bomet
Mud walls with corrugated galvanized roofs	50	90
Mud walls with grass thatched roofs	11	4
Brick walls with corrugated galvanized roofs	-	2
Natural stone walls with corrugated galvanized roofs	1	4
Sewn timber walls with corrugated galvanized roofs	4	4
Total	66	104

In Narok County, as indicated in the above table, substantially, the displacement will affect main dwelling units / main house [66 structures] followed by animal sheds [71 structures] along the 57.8Km of RoW. This is largely because the maasai are pastoralists.



Image 6- 1 A section of the project area depicting sparse settlements in Narok County

1

In Bomet County, the area traversed by the transmission line is largely rural with moderately dense settlements as depicted in image below. 104 main dwelling units will be relocated along with ancillary structures like kitchens and granaries. This is due to the proximity of these structures to each other and the functionality of the structures to the household.



Image 6- 2 Settlement patterns in Bomet County

6.4 Socio- Cultural Impacts

During the RAP exercise, there were no graves or shrines identified along the TL route. Where there are graves, the tower location is moved to avoid affecting them.

6.5 Impact on Trees and Crops

Along the proposed line both in Narok and Bomet, the project will impact on trees and crops. At the time of census, the farmlands did not however have crops as the farmers had harvested for the ending season except around Ilmotiok where the farmers had onions on farm. This will however change if construction phase will coincide with construction activities.

Approximately 6,918 trees will likely be destroyed during construction phase. These are owned by 170 PAHs.

Table 6- 8 Summary of tree and crops

Trees	No	Crops	Acres
Acacia	1260	Onions	23
Bluegum/Eucalyptus	2340	Nappier	15
Croton (Mikondori)	680		
Cyprus	980		
Grevillia	238		
Podo	180		
Avocado	156		
Bananas	605		
Red Stink wood	134		
Cider	345		
Total	6,918		38

6.6 Impact on public /Institutional/ community assets/ resources

During route firming, the technical team approved a route that minimized impacts on the affected persons and institutions as much as possible. A line route change was made to avoid crossing Lekimbo Dam in Bomet County, due to both social, construction and environmental concerns.

There are 3 public assets/ institutions affected along the TL. These are:

- a. Two [2] Churches, one in each County
 - Presbyterian Central Mission of Africa in Narok County – a portion of the church’s land is affected
 - St. Joseph’s Catholic Church in Bomet County – both land and the church structure itself are affected.
- b. Chief’s Office in Melelo Location, Narok County

6.7 Impact on Livelihoods

Livelihood restoration is key to supporting households to maintain their wellbeing in the face of life-changing impacts on their communities and livelihoods. According to KETRACO RFP, the principles that will guide loss of livelihood are divided into 2 categories:

1. Loss of Business: This includes shops, kiosks, Posho mills, Bee keeping, Groceries and any other activity that will lead to loss of business as demonstrated by the affected PAP. In total, 7 PAHs are losing business structures/income.
2. Loss of Income: This includes Rental income, Perennial Crops with regular income (i.e., Tea, Coffee, Sugarcane, Cashew nuts and Fruits) and any other activity that will lead to loss of income as demonstrated by the affected PAP.

Narok County

There is 1 kiosk that was identified in Narok County. In addition to this, there are many leased lands that are used for commercial production of maize and/or wheat. 216 PAHs will have restricted use of their land. Although cropping is allowed, trees will not be allowed.

Bomet County

Along the wayleave corridor, there are 6 Kiosks affected. 294 PAHs will have restricted use of their land. Although cropping is allowed, trees will not be allowed.

6.8 Impact on Vulnerable Persons (Household Heads)

Vulnerable or ‘at risk’ groups, as shown in the table below, are people who, by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage or social status may be more adversely affected by displacement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits’.

AfDB OS 2 states the following regarding vulnerability, “Where groups are identified as vulnerable, the borrower or client implements appropriate differentiated measures so that unavoidable adverse impacts do not fall disproportionately on these vulnerable groups, and so that they are not disadvantaged in sharing development benefits and opportunities (such as roads, schools, and health care facilities).

Table 6- 9 Vulnerable PAHs

Type of Vulnerability				Number of PAHs		
Widow / Widower				6		
Single parent household				9		
Mentally disabled				1		
Elderly (Over 65 years)				13		
Elderly & widowed				10		
Total				39		
County	No. of widows / widowers	No. of single parent households	No. of mental disorders	No. of elderly	No. of elderly & widowed	Total No.
Narok	4	0	0	6	0	10
Bomet	2	9	1	7	10	29
Totals	6	9	1	13	10	39

Narok County

Vulnerable persons identified in Narok County are ten (10). Out of this, six (6) are elderly male PAPs with the oldest being 91 years and four (4) female heads households who are widows. The elderly PAPs live alone in their houses but given the nature of the Maasai Community, their families live close by thus able to get support from the extended family.

Bomet County

29 vulnerable persons were identified in Bomet County (11M and 18F). The categories of female vulnerable persons were elderly and widowed (10), single parent households (6), and 1 elderly PAP and 1 widow. The male vulnerability is divided into elderly (6), single parent (3), 1 widow and 1PAP with a mental disorder.

Table 6- 10 Table showing the impact on vulnerable groups in Bomet County

Sex	Frequency
Male	
	Elderly (above 65years)
	6
	Single-parent household
	3
	Widow / widower
	1
	Mental disorder
	1
	Total
	11
Female	
	Elderly (above 65years)
	1
	Single-parent household
	6
	Widow / widower
	1
	Elderly and widowed
	10
	Total
	18

Households headed by a single woman and/or widow are particularly vulnerable as they are often afforded a lower social status. The key focus will be to ensure that the vulnerable households are provided with additional support and specific attention to access the available opportunities and social management plan benefits. This can be in the following ways:

- i. **Land and natural resource-based livelihoods:** Support to re-establish their farming activities at the project area so that they don't miss a cropping season and can feed their families. This will mitigate food insecurity and ensure they meet basic household needs. This will be done through prompt payment of compensation.
- ii. **Wage-based livelihoods:** The local employment plan will include additional support to ensure that women and disabled people can avail themselves of job opportunities with the project.

All this will be in addition to counselling the households so that they understand the short-term support the project can offer. Vulnerable household heads with mobility challenges (the elderly) will be assisted to attend project consultation meetings and/or receive home visits to have the project impact and mitigation events explained to them. Vulnerable households will be given financial advice on how to use compensation so that it is not wasted in the short term. A community liaison officer or wayleave officer employed by KETRACO will also work closely with the identified vulnerable households.

6.9 Impact on Project Affected Households (PAHs)

The impact of the project on households will vary as some households will no longer be able to utilize the parcel area in the wayleave for certain farming activities such as growing trees and fruits that grow over 12ft (approximately 3.7 m) tall. Some households will only be affected during construction, and afterward they will be able to continue utilizing the portion of land in the area as before, e.g., for crop farming and animal grazing. For households where transmission line towers will be constructed on their land, the affected portion of land will remain unutilized for the entire period of existence of the transmission line. Other households will suffer loss of secondary assets such as water tanks, gates, animal sheds, lavatories, fences, etc. while others will lose their dwellings, businesses or loss of income. Summary of Project impacts in terms of the number of PAHs affected by zone/area is presented in table overleaf -:

Table 6- 11 : Summary of PAHs Affected by Settlement

Location	Landowners	Structure owners	Small scale business operators	Land and Residential Structures Owners
Ilmashariani	14	1	-	1
Lower Melili	10	7	1	4
Nkareta	16	3	-	2
Oloroito	33	7	-	6
Eldonyo Ngiro	20	8	-	4
Melelo	55	20	-	19
Ilmotiok	68	34	-	30
Kapkimolwa	98	57	3	52
Cheboin	41	20	-	15
Kyogong	83	17	1	10
Itembe	72	29	2	27
TOTAL	510	203	7	170

CHAPTER SEVEN: 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 Identification and Determination of Eligible Groups

This section provides an overview of the criteria for eligibility for a compensation and livelihood restoration support for the different groups of affected stakeholders considering 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.

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. 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
- What evidence is expected to support a claim for compensation

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 recognized, 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 Eligibility Criteria

In accordance with the AfDB involuntary resettlement policy OS 2, three groups of displaced people are entitled to compensation or resettlement assistance for loss of land or other assets taken for project purposes:

- Those who have formal legal rights to land or other assets recognized under the laws of the country concerned. This category generally includes 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 because of project activities.
- 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 recognized under the customary laws of the country. This category may include people who may not be physically residing at the project site or persons who 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. Depending on the country's customary land use rights, they may also be considered to have a claim if they are sharecroppers, tenant farmers, and seasonal migrants or nomadic families losing user rights.
- 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 or client and acceptable to the Bank. These groups may be entitled to resettlement assistance other than compensation for land to improve their former living standards (compensation for loss of livelihood activities, common property resources, structures, and crops, etc.).

7.3 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 'cut-off date'.

During the initial census done by Kenya Power in 2019, a cut-off date of 30th September 2019 was issued to the affected persons. Due to the time lapse and change of scope that moved the project from Kenya Power to KETRACO, a new cut-off date was issued for Narok County as **17th December 2021** at the end of census.

The purpose of the cut-off date 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. This was explained to the community members and PAHs during community dialogues and the PAH census.

Census for Bomet County was concluded on 3rd November 2022. As such, a new cut-off date was issued as **4th November 2022** for Bomet County.

According to KETRACO's RPF, the cut-off date for eligibility is established after gazettelement of intention to create wayleave which is usually done after completion of RAP census which is only valid for 2 years. 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 policy on resettlement, the KETRACO RAP team ensured that the cut-off date was documented and communicated to all the Project Affected Households.

If there is a significant time lag between the cut-off date (established after gazettelement of the line) and actual implementation (i.e., more than two years), it becomes the responsibility of a 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 considered. 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 2022 hence the cut-off date was updated.

7.3.1 Exclusion for Eligibility

As described in earlier section of this RAP report, all involuntary displacement is eligible for compensation except for 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 based on 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.

7.4 Eligible Groups

Drawing from the socio-economic studies that were undertaken as part of the RAP preparation, there are 5 categories of affected individuals who will be exposed to losses because 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.

Error! Reference source not found. 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.

Table 7- 1 Categories of PAHs

Primary Category	Secondary Category	Description
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: Business Structures	Members of this group currently commercial enterprises (kiosks) inside the 30m footprint corridor
Landowners	Category 3: Landowner with private land ownership rights	Members of this group hold private property rights for the affected land inside the RoW, meaning they hold a legal title deed for the land.
Farmers/ Cultivators (Land Users)	Category 4: Crop/tree cultivator with or without private and or communal recognized rights	Members of this group cultivate crops/trees on the plot (s) along the RoW. They may solely use, or share usage of the plot, which they may recognize, or not recognize as their own.
Owners of Non-Residential Assets	Category 5: Owners of other (non-residential) assets	Members of this group are individuals or institutions or government entities who have built structures (e.g., fences, walls, etc.) Members of this group may also own livestock that they use mainly for subsistence. Animal husbandry along the surveyed settlements consists mainly of chicken, goats, sheep, and cows. Most families in rural areas have animals that can free to roam around settlements.

7.5 Valuation of Assets and Determination of Compensation Rates

For the purposes of this RAP, compensations will be computed based on the impacts of the transmission line on the traversed parcels of land. The computation is as per KETRACO’s RPF (2021) and AfDB policy. As discussed in chapter 3 of the legal and institutional framework, in practice in Kenya, cash compensation is often 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. This section 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 cut off date. Different criteria apply for freehold and community land on one hand and leasehold land on the other.

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 is 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.

Project Compensation for Land

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.

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.



Fig. 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 2,000m², i.e., someone or a PAH living on land which has less than 2000m² 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 2000m² 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.

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 as follows:

- Structures made of timber frames with corrugated galvanized roofs
- Structures made of sewn timber walls and corrugated galvanized roofing
- Structures made of mud walls and grass thatched roofs
- Structures made of masonry natural stones and corrugated galvanized roofs
- Structures made of burnt bricks and corrugated galvanized roofs.

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 **17th December 2021** for Narok and **4th November 2022** for Bomet. 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) which will be acquired as a result of the transmission line project.
- PAHs who have no (private) 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 shops/bee hives 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.

7.11.2 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.

7.11.3 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.

7.11.4 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 consultation with community members, PAHs, institutional stakeholders in reference to national legal regimes and the AfDB ISS. All PAHs are aware of these options including those who requested for further consultations with other households and family members. These 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
- 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 fertilizers 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 landowners. 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 landowners 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 landowners 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 prioritization 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 / Widowers
- b) Elderly PAPs living alone
- c) Single parent household heads
- d) Mental Disability

e) Elderly & widowed

7.13.1 *Verification of Vulnerable PAPs*

The RAP recognizes that there are vulnerable groups among the PAPs. There are a total of 39 vulnerable PAPs with varying degrees of vulnerability as shown in the table below. During implementation, the vulnerable PAHs will be given consideration and assisted to relocate.

Table 7- 3 Vulnerable PAPs

Type of Vulnerability		Number of PAHs				
Widow / Widower		6				
Single parent household		9				
Mentally disabled		1				
Elderly (Over 65 years)		13				
Elderly & widowed		10				
Total		39				
County	No. of widows / widowers	No. of single parent households	No. of mental disorders	No. of elderly	No. of elderly & widowed	Total No.
Narok	4	0	0	6	0	10
Bomet	2	9	1	7	10	29
Totals	6	9	1	13	10	39

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.

7.14 Livelihood Restoration

Where possible, large-scale resettlement should be avoided. This is due to its possible impacts such as production systems may be disrupted, and people may be impoverished when their productive assets are lost and/or disrupted. Community networks may be weakened, loss of social capital, loss of status, kin members may be dispersed and loss of cultural identity where people may be required to cover longer and costlier distances. Therefore, involuntary resettlement should be avoided where possible or minimized and possible alternatives explored.

The location of the Transmission line is 99% in a rural setting, which is a major advantage in terms of resettlement. This means that although communities have settled along the route, the prospects of getting resettlement land (where compensation is provided) in the vicinity (cost allowing) will not be a major challenge. This means social support systems and networks will not be greatly disrupted, affected persons can still consider themselves as part of their current communities and still access the same services and advantages from the original areas. Since the project is rural, coupled with its inherent nature that only requires wayleave (land easement) instead of land acquisition to pave the way for the transmission line, no significant resettlement is envisaged.

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.

The chapter on socio-economic baseline shows that the project affected are engaged in two main affected activities such as peasant crop farming and various entrepreneurial activities, with the most prominent being retail trading. Besides, only a few small businesses are affected.

Transitions to new livelihoods can be fraught with challenges and should be avoided to the extent possible. Thus, additional little livelihood support should mostly be geared towards what is existing rather than introducing new activities. In the few cases such as damaged farmland, crops, shops, residential houses, public buildings where restoration of livelihoods will require support, the following principles should guide the process:

- Be careful not to create dependency on the project.
- Be realistic about what is possible.
- Focus on what is sustainable.
- Match PAPs to opportunities – build on existing knowledge/ expertise where possible and provide early capacity building.
- Consider limitations to full or reasonable participation in livelihood restoration for some groups that may require affirmative action to benefit from livelihood programs.
- Support the existing enterprises to re-establish.

7.14.1 *Crop/Tree product-based Livelihoods*

Given the dominance of crop farming a form of livelihood, there will be a temporary disruption of livelihood activities during the construction phase of the project. This RAP recommends that the PAPs be given support to re-establish their farming activities at the project area so that they don't miss a cropping season and can feed their families. 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.

Similarly, the project will explore opportunities in tree crop growing especially in Bomet County where a substantial number of trees will be damaged during construction. Such will include supply of tree seedlings and trainings.

7.14.2 *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 includes 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 several activities including beekeeping, small stock, and other income generating and food security activities.

7.14.3 *Local employment opportunities*

As discussed in the Project ESIA, the Project intends to fill most 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 localized benefits, it will not provide the basis for sustainable livelihood restoration. In this case, priority will be given to vulnerable households as earlier indicated.

7.14.4 *Enterprise Based Livelihoods*

In the case of enterprise-based livelihoods, this should necessarily start from maximizing the possible and available project-based opportunities. This RAP recommends:

- Adequate financial guidance to be done in the area as PAPs may be ill equipped to manage the compensation windfall and may invest it unwisely causing either temporary or permanent impoverishment.
- KETRACO will provide support to re-establish the businesses through compensation to allow the business owner to construct the business premises themselves. The Kiosks identified can be adequately relocated within the parcels. This will ensure that the businesses continue later after relocation.
- 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. KETRACO will further ensure protect of workers' rights, promote compliance with national legal requirements, protect the workforce from inequality, social exclusion, child labour, and forced labour; and establish requirements to provide safe and healthy working conditions.
- 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.
- 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.

7.15 **Entitlement Matrix and Compensation**

The general approach to the valuation procedures is summarized below:

- Valuation of Structures and Fixed Assets – KETRACO's registered valuer assessed and valued structures and fixed assets of affected households.
- Valuation of trees – KETRACO uses rates recommended by Kenya Forest Service to calculate the household's compensation for trees. The number of trees will be confirmed once detailed designs and spotting is done and actual values given per PAPs.

- Valuation of Crops – crops were not valued as they are seasonal but during trace clearance the way leave officer will assess crop damage. Compensation will be based on current/market prices provided by Ministry of Agriculture and Livestock Development.
- Identification of Graves – these will be identified and marked by affected households during spotting of the line before trace clearance and will be marked so that they are avoided during siting of the towers.
- Land ownership – Land claimed by household’s verification against title deeds and letters of allotment and through title searches at the county Land Registrar’s Office to determine registered owners has been done and will continue as necessary. Persons in actual occupation without formal rights will be handled as per the Lands Act.
- Easement agreement will be registered by KETRACO for affected parcels.
- Structure compensation – According to Ketraco’s RPF, on accepting the offer, the affected person is paid an advance of 100% of structure compensation for structures of households being physically displaced. The proponent as well as the PAP has a copy of the agreement. The balance of structure compensation for disturbance allowance which is 15% of the total is paid on demolition of structures before commencement of construction. However, AfDb policy requires full replacement value before relocation.

The mode of payment will be electronic transfer. PAPs will be advised to open bank accounts in good time to facilitate settlement of compensation claims.

Those eligible for compensation will be given a notice in advance either through the provincial administration office i.e., Chiefs office or resettlement committee. The notice will specify the dates, time, and place of payments. Payment will be made against presentation of a national identity card for legality. The eligible will also sign as confirmation for having received compensation. Compensation package will mainly be paid directly to PAPs via money transfer. PAPs will open bank accounts as discussed during the consultations to facilitate payment of compensation claims. Before payments are made, the amounts will first be disclosed, and PAPs given the opportunity to raise queries, complaints, and grievances if there are any.

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>Option 1: 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>Option 1: 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>Option 2: 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</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</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
			<p>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 expense within the notice period given to vacate defined by the project schedule and prior to demolition.</p>	<p>verified through final asset and valuation.</p> <p>All PAHs in this category must prove that the affected structure is their primary residence.</p>	
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>

#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
3.	Sanitation facilities (Pit latrines & bath shelters).	Rightful owners of the affected structures (Residential, commercial and other)	Cash compensation for all structures at full replacement cost, based on professional valuation. Statutory Disturbance Allowance of 15% of compensation amount. 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.	Cash option is available 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 by KETRACO. NB: Vulnerable Owners already given a replacement house that already includes these facilities will not receive additional cash compensation.	Financial training for the sustainable and prudent use of cash compensation Monitoring mechanism at main stages of resettlement.

#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
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 immoveable housing structure is established for primary residence.	<p>Option 1: 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>	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	<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</p>

#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
			Assistance in fast-tracking Succession (where needed)	<p>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/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>required formalities to ensure security of tenure for vulnerable PAHs where needed.</p> <p>Monitoring mechanism at main stages of resettlement</p>
			Option 2: Assisted relocation (Cash compensation held by project and land and structures identified and acquired by the project) mainly directed at Vulnerable PAHs	All PAHs in this category must prove that the affected land is their primary	Financial training for the sustainable and

#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
			<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 fast tracking Succession (where needed)</p> <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>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 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>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> <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	Registered owners or claimants of	Option 1: Self-managed relocation (Cash compensation with relocation plans overseen)	PAPs must prove ownership (either through formal or	Financial training for the sustainable and

#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
	agricultural farming land	communal and privately held lands	<p>Statutory Disturbance Allowance of 15% of compensation amount.</p> <p>Assistance in fast-tracking Succession cases (where needed)</p> <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>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 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</p>	<p>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 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
				<p>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>Option 2:</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</p>	<p>PAHs must prove ownership (either through formal or traditional verification processes) at the</p>	<p>Financial training for the sustainable and prudent use of cash compensation</p>

#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
			<p>transfer of land ownership to the PAHs (Mainly directed at vulnerable PAHs).</p> <p>Assistance in fast-tracking 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>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 also a risky category of land PAHs who will require direct project intervention during RAP Implementation</p>	<p>Assistance to identify suitable land and negotiate with the potential land sellers. This will be achieved through the use of 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>

#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
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>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>
8.	Public Assets i.e. affected properties, structures, crops and trees excluding land.	Public Institutions National Government	<p>Cash compensation is done upon identification of affected properties (excluding land) of the government institutions affected.</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

#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
9.	Annual Crops	Owners of crops on farmland	<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 determined by Ministry of Agriculture based on market prices plus transaction costs</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> <p>Monitoring mechanism at main stages of resettlement</p>

#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
10.	Perennial Crops (Including fruit and economically valuable trees)	Owners of crops on farmland	<p>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</p> <p>Compensation according to defined growth stage or size categories.</p>	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.	Vulnerable Support Program (Tailored)	<p>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 difficult to</p>	<p>Transitional hardship assistance program appropriate to specific cases and based on Project assessment, including: -</p> <ul style="list-style-type: none"> • Priority in physical mobilization and transfer to resettlement plot; • A preference for in-kind compensation • Assistance in the compensation payment procedure • Resettlement near to kin and former neighbors to maintain informal support networks where feasible • Moving assistance to physically displaced vulnerable PAHs for their properties and salvages during resettlement. 	Identified through final census survey based on agreed Vulnerability criteria relevant to the project as documented in this RAP.	<p>Special assisted transit to new land</p> <p>Additional moving, loading and unloading assistance, if necessary;</p> <p>Other specific support related to moving process (e.g., medical assistance for vulnerable PAPs who may be sick) identified by support case workers.</p>

#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
		<p>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 persons to be</p>

#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
					<p>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 and chronically ill have access to medication</p>



#	Type of Loss/Impact	Category of Affected Person	Description of Entitlements	Eligibility	Livelihood Restorative Entitlement
					and the persons with disability are locally registered with APDK office.

Table 7- 5 Livelihood Plan

Key Livelihoods Interventions	Livelihood Activities /Programs	Timelines	Responsibility	Basis of Computation	Budget
Forestry	<ul style="list-style-type: none"> Facilitate KFS to train farmers on sustainable tree planting and management in all the 10 Locations / Settlements. One training per location Costs for supply of tree seedlings by KFS to all farmers (for replanting) in the 10 Locations / Settlements 	During project construction	KETRACO KFS/ Ministry of Environment and Forestry	Kshs 150,000 for the 10 Locations / Settlements.	Kshs 1,500,000
Agriculture	<ul style="list-style-type: none"> Costs for mobilization of farmers in all the 10 Locations / Settlements. Chiefs to be facilitated to undertake mobilization (10 Chiefs) Costs for hire of venue for training and refreshments Facilitate Ministry of Agriculture to train farmers on sustainable agriculture in all the 10 Locations / Settlements Costs for supply of seeds to farmers in the 10 Locations / Settlements including Vulnerable PAPs identified Costs for mobilization of farmers in the 10 Locations / Settlements (* chiefs to be facilitated to mobilize farmers) Costs for training venue and refreshments 		Ministry of Agriculture	<p>A lump sum cost for the supply of tree seedlings at Kshs 300,000 for each of the 10 Locations / Settlements.</p> <p>Kshs10,000 per chief in the 10 Locations / Settlements.</p> <p>Kshs 100,000 for the 10 Locations / Settlements.</p> <p>Kshs 100,000 for the 10Locations / Settlements.</p> <p>A lump sum of cost of supply of seeds at Kshs 150,000 for each of the 10Locations / Settlements.</p> <p>Kshs 10,000 per chief in the 10 Locations / Settlements</p> <p>Kshs 100,000 for the 10 Locations / Settlements</p>	<p>Kshs 3,000,000</p> <p>Kshs 100,000</p> <p>Kshs 1,000,000</p> <p>Kshs 1,000,000</p> <p>Kshs 1,500,000</p> <p>Kshs 1,000,000</p> <p>Kshs 1,000,000</p>
Financial Literacy Training	<p>Liaise with County Ministry of Trade/CSO Trainers/ Or Hire Consultants to:</p> <ul style="list-style-type: none"> Undertake financial literacy training to enable effective management of any cash 	Before Compensation (for financial literacy. Other can be During	KETRACO Financial institutions	A lump sum of cost of Kshs 150,000 for each of the 10	Kshs 1,500,000

Key Livelihoods Interventions	Livelihood Activities /Programs	Timelines	Responsibility	Basis of Computation	Budget
	<p>compensation to all PAPs and Vulnerable PAPs in all 8 Locations / Settlements</p> <ul style="list-style-type: none"> 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 Undertake entrepreneurial training targeting small and medium enterprise start-up such as grocery in all 10 Locations / Settlements Vocational training for youth unskilled labor for employment in the project such masonry, plumbers etc. in all the 8 Locations / Settlements Offer Off-farm Business skills such as food making, groceries etc. in the 10 Locations / Settlements Business skills training: facilitation of access to alternative income generating activities. In the 10 Locations / Settlements Costs for 10 training Venues and Refreshments for training Costs for Hire of Trainers/Consultants 	project construction		<p>Locations / Settlements.</p> <p>Kshs 200,000 for hiring venues and refreshments for training in the 10 Locations / Settlements</p> <p>Kshs 150,000 for the 10 locations</p>	<p>Kshs 2,000,000</p> <p>Kshs 1,500,000</p>
Micro Loans/Small Business Grants	<ul style="list-style-type: none"> Costs for Awareness creation on availability and criteria for applying for small grants and low interest loans from financial institutions and NGO. Sensitize groups to local cooperative formation such as SACCO for savings and investments. 	During project construction	<p>KETRACO</p> <p>Financial institutions</p> <p>County trade department</p>	Kshs 100,000 to be used for each 10Locations / Settlements to create awareness and sensitization.	Kshs 1,000,000
Employment	<ul style="list-style-type: none"> Priorities employment of local youth/people as much as possible Reserve certain opportunities for Vulnerable PAPs, PLWDs and vulnerable households Priorities semi and unskilled jobs employment targeting vulnerable persons 	During project construction	<p>KETRACO</p> <p>Contractor</p>	Along the 10 locations	nil

Key Livelihoods Interventions	Livelihood Activities /Programs	Timelines	Responsibility	Basis of Computation	Budget
	<p>such as PLWD, and Widows including women and youth.</p> <ul style="list-style-type: none"> Community Resettlement Committee in each Location to identify those to be prioritized for employment. Certain positions to be reserved for female only. The Gender requirement be observed as much as possible. 				
National Safety Net programs for Vulnerable persons / Government support programs	<ul style="list-style-type: none"> Facilitate the Ministry of Social Services to create awareness on the Programs and requirements in the 10 Locations / Settlements. Costs for the Ministry of Culture and Social Services staff to Register the qualifying Vulnerable PAPs in each Location <p>Orphans</p> <ul style="list-style-type: none"> Link up orphans with government scholarship opportunities by liaising with County Government Link up orphans with the county government for registration under Cash Transfer for Orphans and Vulnerable Children <p>PLWD</p> <ul style="list-style-type: none"> Liaise with County Government Social protection department to register PLWD with Cash Transfer for Persons with Severe Disabilities (PWSD-CT) <p>Elderly</p> <ul style="list-style-type: none"> Link up the elderly (65 years and above) with social protection department a County level for registration with Older Persons Cash Transfer (OPCT) program <p>Others</p> <ul style="list-style-type: none"> Link up the extremely impoverished households with Hunger Safety Net Program (HSNP) via social protection department Link up the vulnerable households children to County / constituency scholarships program. 	During project construction	KETRACO Ministry of Labor and Social Protection	<p>Kshs 150,000 for the 10Locations / Settlements</p> <p>Kshs 100,000 for an average of 10 locations</p> <p>Along the 10 Locations / Settlements</p> <p>Along the 10 Locations / Settlements</p> <p>Along the 10 Locations / Settlements</p>	<p>Kshs 1,500,000</p> <p>Kshs 1,000,000</p> <p>nil</p> <p>nil</p> <p>nil</p> <p>nil</p>

Key Livelihoods Interventions	Livelihood Activities /Programs	Timelines	Responsibility	Basis of Computation	Budget
				Along the 10 Locations / Settlements	
TOTAL COST					18,600,000.00
Contingency	5% of the Total Cost				930,000.00
Monitoring costs	3% of the Total Cost				558,000.00
GRAND TOTAL					20,088,000.00

CHAPTER EIGHT: GRIEVANCE REDRESS MECHANISMS

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>Start early in the project cycle: 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 10 Locations. The PAPs will be elected and confirmed by the members.</p>
<p>Accessible and straightforward: 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"> ● The procedures and mechanisms are simple and easily understandable. ● CRCs (lowest level) will be established at Location level thus within reach of the PAPs, including the vulnerable. ● Multiple points of complaints provided. ● Elimination of barriers such as cost in the project-based mechanism ● Sensitization of communities in the area of influence on the grievance procedure and how to access it recommended in this RAP
<p>Legitimate: Enabling trust from the stakeholders intended to use it</p>	<ul style="list-style-type: none"> ● CRCs to be elected by the community/PAPs in a public meeting, to enable trust and acceptance.
<p>Participatory and Inclusive: 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"> ● Membership of CRCs to be drawn from main groups among the PAPs relevant in a specific case, including gender consideration. ● All key categories of PAPs, local leadership and Government will be involved.
<p>Contextualization and appropriateness (e.g. Cultural and Context-Sensitive): 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"> ● 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. ● An effort to incorporate context-specific factors e.g., clans, traditional institutions such as the Council of Elders (Wazee wa Chief/ Nyumba Kumi). ● Government administration e.g., chief or assistant chief incorporated in all CRCs.

Principles	How it will be implemented in the project area
	<ul style="list-style-type: none"> ● other institutions with authority and function as dispute resolution centres incorporated e.g., Imams, pastors
<p>Responsive, Timely, and Efficient: 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"> ● Short response periods recommended to the GRM. ● Regular feedback to all who raise grievances is recommended. ● Training of the committees is recommended to ensure effective action. ● Lengthy administrative and legal procedures should be avoided and resorted to as the last option.
<p>Transparency/ Confidentiality: 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"> ● General sensitization on the GRM needed (some minimal level of sensitization achieved during the public meetings). ● Clear and known procedures with an indicative timeframe for each stage and clarity on the types of process and outcome incorporated. ● 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.
<p>Formalized: 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"> ● Official activation of the CRC recommended, and community already informed of the same. ● Set timelines and procedures established and will be adhered to. ● Documentation, e.g., through minutes integrated into the proposed mechanism procedures.
<p>Appropriate Protection: The mechanism should prevent retribution and should not impede access to other remedies.</p>	<ul style="list-style-type: none"> ● Sensitization to include that complainants will not be targeted with reprisal. ● Legal recourse provided for in the GRM as a valid grievance redress option course.

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>Community Resettlement Committee</p>	<ul style="list-style-type: none"> ● To be established at the community level in each location ● 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 location’s uniqueness ● 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. ● A representative of the local government administration such as chief or assistant chief is a default member. ● (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. ● For authority, the local chief or assistant chief representation in the committee will be the convener. 	<ul style="list-style-type: none"> ● Assist PAPs to file a complaint. ● To address PAPs grievances as 1st 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.

Institution	Membership	Functions
	<ul style="list-style-type: none"> ● At activation, the groups will select a chairperson, vice chairperson and secretary. The secretary must be someone who can read and write in English. 	

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

Project Implementation Team (PIT)	<ul style="list-style-type: none"> ● Largely, KETRACO based Project Implementation Team (PIT) who will consider grievance reports forwarded to it and decide. 	<ul style="list-style-type: none"> ● Escalation Mechanism to determine grievances unresolved by CRC – within 2 months and at no cost to PAP. ● KETRACO will acknowledge receipt of complaints within two weeks and will strive to resolve each complaint within two months. ● Responsible for monitoring the complaints – handling performance at lower levels. ● Providing inputs into the monitoring and evaluation process, such as quarterly reports on grievances handled.
<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 KETRACO's 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>		

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.

Institution	Membership	Functions
<p>Court of Law</p>	<p>The Land and Environment court deals specifically with land and environment-related disputes of which displacement and valuation are part.</p>	<ul style="list-style-type: none"> ● 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.

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 sensitized 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, KETRACO's 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 organization, 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(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 KETRACO's Community Liaison Officer (CLO) on site or with the CRC. 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 organization. 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 the figure 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 (***Annex 2 – Sample PAs Grievance Redress Form***). It is best to have the complaint countersign to show their satisfaction with the response. The grievance is then indicated as closed.

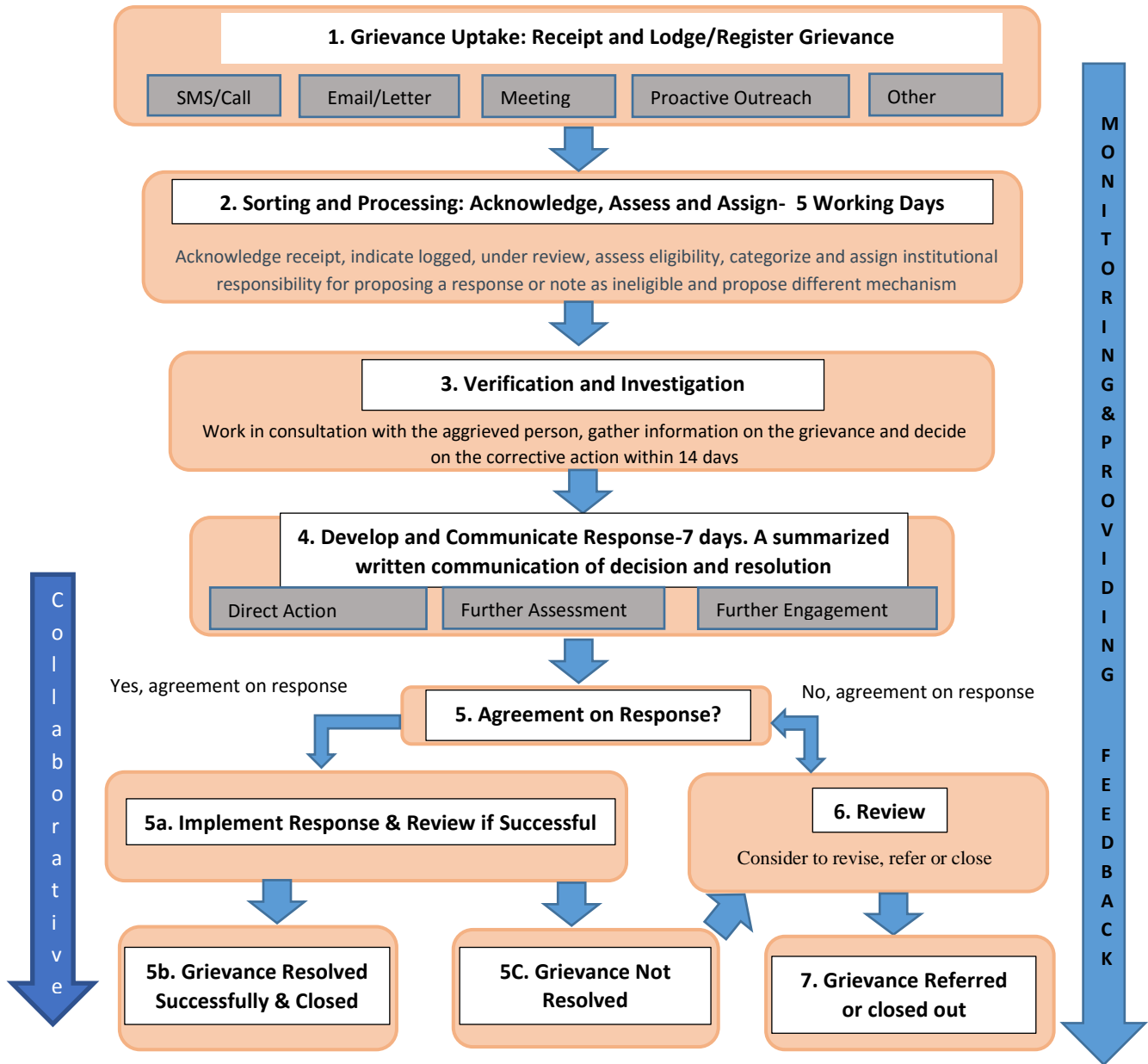


Fig. 8- 1 Grievance redress process

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*

CRC members will be appointed through an election process with all the affected PAHs in the project area participating.

8.6.3 *Sensitization 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 NINE: INSTITUTIONAL ARRANGEMENTS AND RAP IMPLEMENTATION SCHEDULE

9.1 Introduction

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 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 minimized 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 utilization 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.

The key institutions with a role in this RAP include:

9.1.1 *County Governments of Narok and Bomet*

The County Executive Committee Members and staff from Narok and Bomet 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).

9.1.2 *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.

9.1.3 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 gazette 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 gazette 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

9.1.4 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.

9.1.5 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

9.1.6 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.

9.1.7 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.

9.1.8 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.

9.1.9 National Environment Management Authority (NEMA)

- The National Environment Management Authority (NEMA) exercises general supervision and, co-ordination 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.

9.1.10 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 81Km Narok-Bomet (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 license allowing KETRACO to undertake an activity whose primary purpose is to yield public benefit in the forests.

9.1.11 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 RO, if any. Measures to deal with wildlife are well expounded in the ESIA / ESMP for the proposed 81m Narok-Bomet (132kV) transmission line.

9.1.12 *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., ESMFs, ESAs 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

9.2 The RAP Implementation Organization Structure

9.2.1 *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:

- 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:

- 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 sensitize 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 Liaison 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;

9.2.2 Communication and Coordination

This function will be undertaken by PIT from KETRACO and it entails the following:

- Overall coordination with County Government of Narok and Bomet 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)

9.2.3 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 in charge 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	<p>Liases with the community</p> <p>-Acts as the link through Communication (in the local language) between KETRACO and the Community</p> <p>Receive grievances on site</p> <p>Resolve and escalates grievances to the PIT</p> <p>Informs the contractor of the open fronts for work</p>
Communication Officer	<p>-Develops and coordinates the corporate communication between KETRACO and the community</p> <p>-Coordinates Corporate Social Responsibilities</p> <p>- Coordinates Project notices and publications</p> <p>-In charge of complaints channeled through official corporate channels</p>
Project Clerk	<p>Has the overall responsibility of keeping project documents</p> <ul style="list-style-type: none"> ● Distribute gazette notices to PAPs ● Deliver offer letters to PAPs ● Collect accepted offer letters and requisite documents from PAPs ● Update the wayleave acquisition schedule

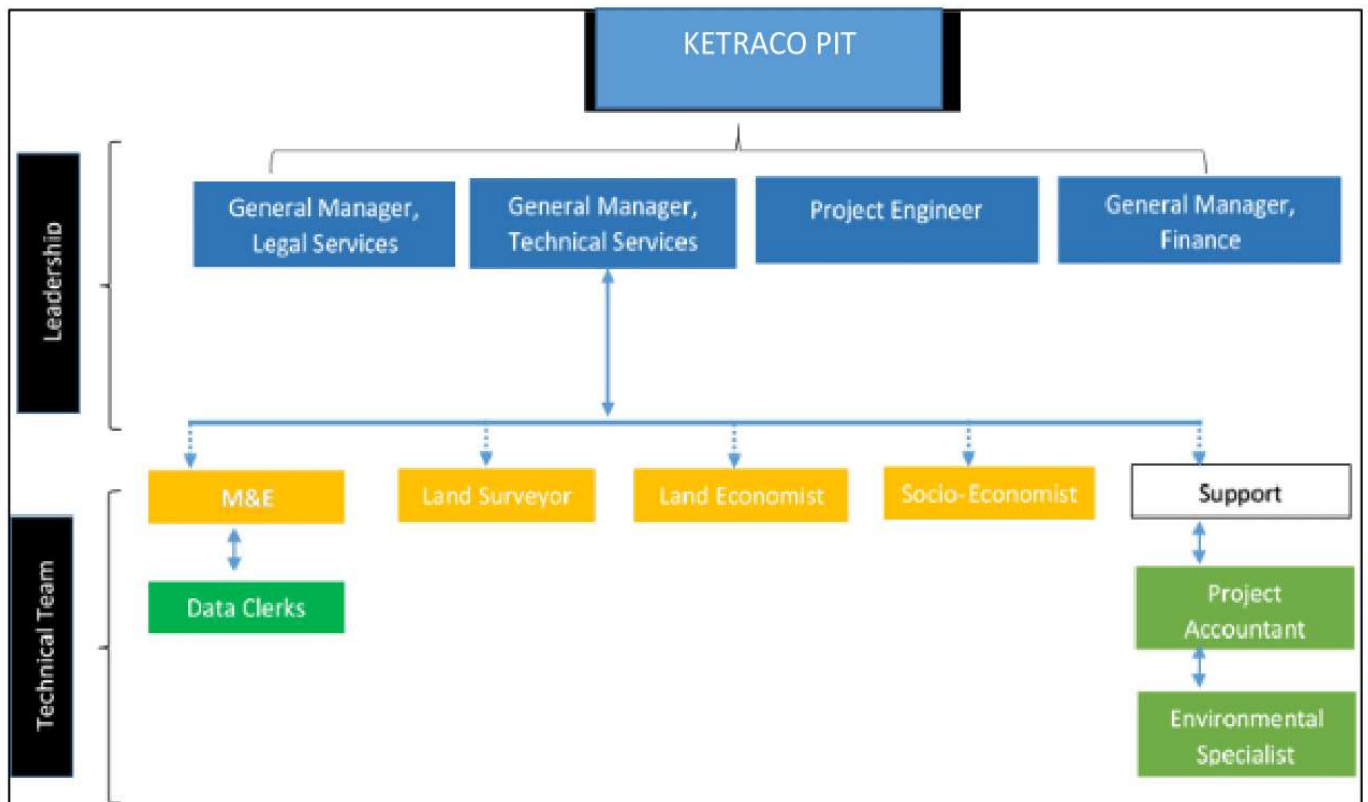


Fig. 9- 1 Project implementation team structure

9.2.2 *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.
- 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.

9.2.3 *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

9.2.4 *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.

9.3 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, though, 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, several 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 landowners to reach a settlement for the property rights

needed. Nearly all of KETRACO land parcels and easements are obtained through mutual agreement with landowners. 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 bank accounts.

9.4 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 (NAROK -BOMET 132kV TRANSMISSION LINE)																																		
		Year	2022	2023												2024																				
		Month	9-12	1	2	3	4	5	6	7	8	9	10	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	9-12																																	
2	Disclosure of the approved RAP on KETRACO and AfDB websites	KETRACO/AfDB		1	2	3																														
3	Initial Land Wayleave/Easement Activities	KETRACO			1	2	3	4	5	6	7	8																								
a	Detailed TL Route Survey	KETRACO			1	2	3	4	5																											
b	Verification/Validation of Asset register/RAP impacts	KETRACO			1	2	3	4	5	6																										
c	Notification for Easement of Land (NLC)	KETRACO						1	2	3	4																									
d	Gazettement of Land Requirements/acquisition	KETRACO/NLC							1	2	3	4																								
4.	Public Sensitization and Awareness (public Barazas in all affected locations)/RAP Disclosure to PAPs	KETRACO								1	2	3	4																							
a	Distribution of Gazette Notices to PAPs and Key stakeholders	KETRACO								1	2	3	4																							
5	Capacity development of resettlement staff	KETRACO		1	2	3																														
6	Grievance Redress	KETRACO					1	2	3	4	5	6																								
a	Formation of Grievance Committee (CRCs)	KETRACO/Local Admin				1	2	3	4	5	6																									
b	Capacity building and Activation of Grievance Committee (CRCs)	KETRACO/Local Admin					1	2	3	4	5	6																								
c	Grievance Redress	KETRACO					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

9.5 RAP Budget

An adequate budget is necessary for the RAP to be fully implemented. The proposed budget presented in the tables below 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 Budget

Project item/activity	Cost (KSHS)
Land compensation/way leave-trace value	400,000,000.00
Compensation for houses and associated structures along the trace	98,533,204.68
Estimated cost for compensation of trees	81,000,000/-
Contingency Allowance @ 30% (to cover vulnerable, miscellaneous, Asset /Impact validation verification exercise)	224,400,000/-
Compensation Budget	803,933,204.68
Livelihood Restoration	20,088,000
Compensation and Livelihood Restoration Sub Total	824,021,204.68
RAP implementation/Administrative Costs (10%)	82,402,120.47
Stakeholder Management & Grievance Management (10%)	82,402,120.47
Add 5% For Monitoring and Evaluation	41,201,060.23
Grand Total	1,030,026,505.85

The source of funding for the RAP is counterpart funding from the Government of Kenya. The total budget for resettlement compensation is **Kshs. 1,030,026,505.85** which includes a 15% disturbance allowance. In addition, a 10% administration cost for the RAP implementation and 5% monitoring and evaluation has been considered. The cost for the RAP implementation has taken into consideration the following pertinent task activities:

- a) Personnel administrative costs.
- b) Administrative logistical costs (meeting expenses, public notices/announcements, allowances for administration officers, i.e., chiefs, village elders etc.).
- c) Mid-term/end-term evaluation and completion report assignments.
- d) Other incidentals estimated.

CHAPTER TEN: 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 introduces 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 implementation 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 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.

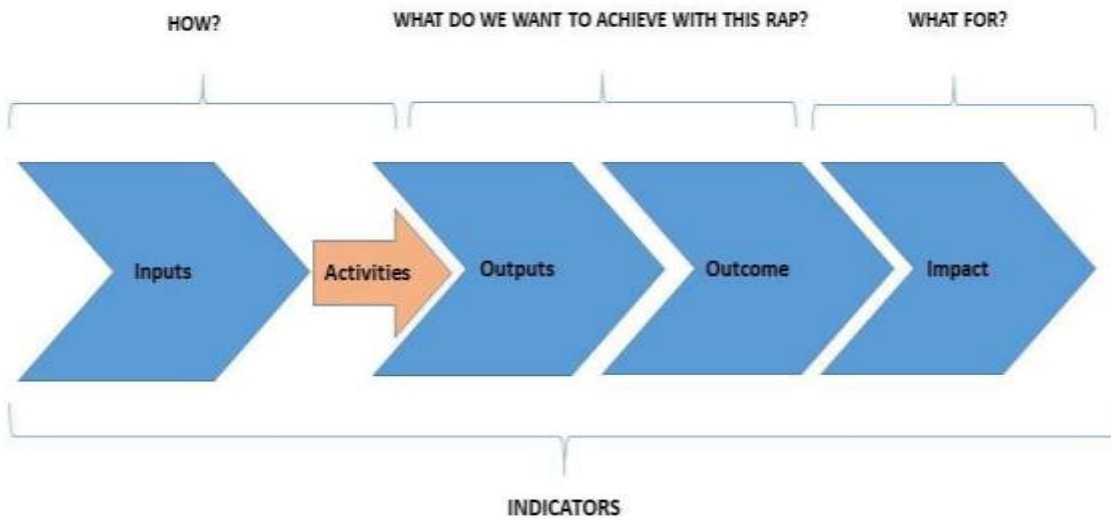


Fig. 10- 1 Key areas to track progress in RAP

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
Inputs	<ul style="list-style-type: none"> ● Are resources being used efficiently? ● What interventions, measures, and resources are needed? 	(Internal) Performance monitoring
Activities	<ul style="list-style-type: none"> ● Have planned activities been completed on time and within the budget? ● What are we doing? Are we doing it right? ● What unplanned activities have been completed? ● What factors are affecting (in an enabling or disabling manner) the implementation of activities? 	(Internal) Performance monitoring
Outputs	<ul style="list-style-type: none"> ● What has direct tangible outputs the RAP implementation delivered? ● Are we implementing the measures/interventions as planned? 	(Internal) Performance monitoring
Purpose/objectives	<ul style="list-style-type: none"> ● What changes have occurred because of the outputs? To what extent are these likely to contribute towards the project purpose and desired impact? ● Has the RAP achieved the changes for which it can realistically be held accountable? ● Are interventions working or making a difference? ● What factors are affecting (in an enabling or disabling manner) the achievement of results as stated in the RAP and work plans? ● 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? 	(External) Impact Evaluation
Goal/long-term objective	<ul style="list-style-type: none"> ● To what extent has the RAP implementation contributed towards its longer-term goals? Why or why not? ● What unanticipated positive or negative consequences did the RAP proposed measures/interventions have? Why did they arise? 	(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 to

ascertain whether the commitments in this RAP have been met and whether livelihood and income restoration goals and objectives have been realized.

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 program 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 finalization 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 the table below

Table 10- 2 Monitoring Thematic Issues during and after Compensation Payments

Thematic periods	
Resettlement compensation payment period	Post-resettlement compensation payment period
<ol style="list-style-type: none"> 1. Number of PAHs compensated 2. Number of PAHs who have acquired legal papers to new property 3. Number of PAHs who have restored their livelihood enterprises 4. Number of PAHs who have registered grievances with the project RC 5. Number of PAHs whose grievances have been resolved 6. Number of vulnerable PAHs or groups identified and assisted during compensation payments 	<ol style="list-style-type: none"> 1. Number of PAHs with successfully restored livelihoods and assets, 2. Number of PAHs who have maintained social and cultural ties, 3. No of PAHs whose grievances have been resolved or otherwise, 4. Number of vulnerable groups assisted and restored livelihood enterprise and assets.

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 analyzing 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"> • Is the RAP design appropriate in the context? • Are the livelihood restoration measures, stakeholder engagement methods and content, institutions formed, GRM etc. suitable and sensitive to the context? • Is the compensation and livelihood restoration in line with applicable legal and international standards?
Efficiency	<ul style="list-style-type: none"> • Is the RAP implementation timely, and undertaken in a cost-effective manner? • Have resources been used cost effectively? • Do the results – quantity and quality – justify the resources expended?
Effectiveness	<ul style="list-style-type: none"> • To what extent were planned RAP outputs/results versus the planned actions/schedule achieved? • What are the reasons for the state of achievement? • To what extent are all the categories of PAPs been reached? • Are there any outstanding issues related to compensation payments (rates, amounts and timing)? • What is the quality of technical planning, coordination and partnerships established • What supports and barriers have affected achievement of the RAP objectives? • What is the general feedback from the affected population? • 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?
Impact	<ul style="list-style-type: none"> • Have PAPs re-established themselves in the resettlement sites? • Is PAPs livelihood restoration or improvement happening? • How are vulnerable groups or persons fairing? • Are there unanticipated positive or negative consequences?
Sustainability	<ul style="list-style-type: none"> • Can the livelihood outcomes of the RAP be sustained beyond the life of the RAP? • Will impacts continue to be realized after the end of the RAP?

Fig. 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 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 the table below.

Table 10- 3 External Evaluation Thematic Issues

Thematic Issues	
Process indicators that measure the effectiveness of the RAP implementation process.	Outcome indicators (the main design of outcome evaluation will be a pre- and post-compensation comparative analysis).
<ol style="list-style-type: none"> 1. Adequacy (of staff numbers/skills/knowledge levels; equipment and facilities) at KTRNIP/PIT 2. Legislative compliance with national and AfDB standards 3. Outputs of the M&E, compensation payments, community engagement, reporting, grievance processes as indicators of effectiveness and adequacy 4. Collaboration and coordination adequacy of the PIT 	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 the table below. 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"> ▪ Name of persons/institutions/groups affected ▪ Average education attainment, Marital Status, age ▪ Employment status and income earnings (average)
Assets Acquisition	<ul style="list-style-type: none"> ▪ Amount (area) of private land acquired ▪ Amount (area) of communal land acquired ▪ Amount (area) of government land acquired ▪ Number, type, and size of the private building acquired ▪ Number, type, and size of community buildings acquired ▪ Number, type, and size of cultural buildings acquired ▪ Number, type, and size of government buildings acquired ▪ Number and types of trees acquired
Compensation payments to PAPs	<ul style="list-style-type: none"> ▪ Number of PAPs compensated, by type of PAP ▪ Number of PAPs promptly paid disaggregated by gender ▪ Number of PAPs not paid promptly and reasons ▪ Amounts of money paid to PAPs ▪ The payment free of transfer costs ▪ Use of compensation cash by PAPs ▪ Options provided in compensation by PAP (land for land versus cash for land/assets), and adoption by PAPs
Restoration of assets	<ul style="list-style-type: none"> ▪ Number of PAPs with restored assets disaggregated by gender and asset type

Activity/Parameters	Indicators
	<ul style="list-style-type: none"> ▪ Number of PAPs without restored assets ▪ Size, construction, and durability of replacement houses. ▪ Number of restored or relocated cultural sites and assets (graves, mosques). ▪ The notice period for relocation
Restoration of livelihoods	<ul style="list-style-type: none"> ▪ Number of occupied (re-established) Rental Units, and average monthly rental income ▪ Number of re-established businesses, and average monthly income ▪ Several livelihoods specific training held by type, gender, and thematic areas covered. ▪ PAPs perception of the usefulness of the training ▪ Application of training in PAPs livelihoods
Assistance to Vulnerable	<ul style="list-style-type: none"> ▪ Number of vulnerable PAPs assisted by type and gender ▪ Type of assistance provided to vulnerable PAPs ▪ Number of vulnerable PAPs not assisted and reasons
Disclosure, Community participation, public engagement, and Access to Information	<ul style="list-style-type: none"> ▪ Disclosure of RAP on KETRACO and AfDB websites. ▪ Availability of RAP at the county level. ▪ Disclosure of RAP summary at Location/Sub Location level, in a language, understood by the PAPs ▪ PAPs awareness of RAP and entitlements ▪ Number of County and National Government leaders engaged/briefed about the RAP ▪ Number of PAP consultative meetings held ▪ Type of information provided in meetings ▪ Type of issues raised at public consultation meetings, and response rate ▪ Number of participants attending public consultation meetings related to displacement disaggregated by gender ▪ Modes and language of communication. ▪ Minutes of meetings held and lists of attendance ▪ Number of people seeking information on displacement and compensation
Access to Social Services	<ul style="list-style-type: none"> ▪ Restored access to and functioning social services, for instance, water
Grievance management	<ul style="list-style-type: none"> ▪ Number of PAPs sensitized on the grievance mechanism, gender ▪ Activation of CRCs, and timing ▪ Formation of CRC, and timing. ▪ Capacity building of Grievance committees and timing; thematic areas of training, and frequency of training ▪ Number of complaints/ grievances registered/received by type and whom (gender) at each level ▪ Number of grievances resolved promptly (within the duration allowed in the grievance redress mechanism) at each level

Activity/Parameters	Indicators
	<ul style="list-style-type: none"> ▪ Number of grievances not resolved in time but completed ▪ Number of outstanding grievances not resolved ▪ Average timelines for resolution of grievances disaggregated by the various levels of grievance redress mechanism/institutions and disaggregated by different types of grievances. ▪ Number of grievances referred to the CRC ▪ Number of grievances referred to KETRACO 's PIT ▪ Number of grievances referred to Level 3 (Courts of Law Number of complainants satisfied with the response and grievance redress process ▪ Number of PAPs that have access to the GRM ▪ Provision of necessary resources/tools for work (grievance forms, registers, files, etc.) per Grievance committee
Training and Capacity Building	<ul style="list-style-type: none"> ▪ Number of trainings held disaggregated by target group/institutions and issues ▪ Number and type of committees trained disaggregated by gender ▪ Number and type of participants trained disaggregated by gender ▪ Themes discussed in various training ▪ Committees' perception on usefulness of training
Process Management	<ul style="list-style-type: none"> ▪ Number of KETRACO staff dedicated/involved in RAP implementation ▪ Number of implementing agencies/firms by function ▪ Several coordination meetings between various stakeholders.
Changes in Household Baseline	<ul style="list-style-type: none"> ▪ Refer to indicators used to track changes in educational attainment, health, etc.
Cultural and Gender sensitive Concerns	<ul style="list-style-type: none"> ▪ Cultural appropriateness of the methods, modes used in compensation, consultation etc. ▪ Incorporation of cultural relevant institutions in RAP institutions ▪ Gender based violence cases related to RAP implementation ▪ Change is social-cultural setting of the PAPs triggered by RAP ▪ Participation of women in RAP implementation ▪ Changes to the status of women

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.	Land	Acquisition or Easement of land	<ul style="list-style-type: none"> • Area of private land acquired or put under easement • Area of public land acquired or put under easement • Total area of Land Acquired 	During RAP Implementation	<ul style="list-style-type: none"> • KETRACO Project Implementation Team (PIT) • (In its various roles in this table, the PIT will enroll the support and collaboration of the CRCs) 	Weekly basis during the RAP Implementation Period
2.	Buildings/ Structures	Number, size and type of Affected buildings	<ul style="list-style-type: none"> • Number, type and size of private buildings affected and compensated • Number, type and size of community buildings affected and compensated • Number, type and size of public structures affected and compensated 	During RAP Implementation		Weekly basis
		Other structures affected by project	<ul style="list-style-type: none"> • Number, type and size of other private structures affected and compensated • Number, type and size of other community structures affected and compensated • Number, type and size of public structures affected and compensated 	During RAP Implementation		Weekly basis
3.	Trees and Crops	Affected Trees and Crops	<ul style="list-style-type: none"> • Number and type of trees cut / destroyed and compensated • Acreage of crop damage / Total area destroyed and compensated 	During RAP Implementation		Weekly basis

SN	Item / Subject	Indicator	Variable	Time Frame/ Period	Responsibility	Frequency
4.	Loss of Income	Income affected by Project	<ul style="list-style-type: none"> Daily, Weekly or Monthly income that will be affected by the project and compensated 	During RAP Implementation		Weekly basis
5.	Compensation, for Losses	Compensation Amount Paid to PAPs	<p>Land</p> <ul style="list-style-type: none"> Compensation Rate for Land per Acre Compensation Amount for acquired or land under easement Compensation Payment Period for Land <p>Structures</p> <ul style="list-style-type: none"> Compensation Rate for each Structure Compensation Amount for Affected Structures Compensation Payment Period for Structures Payment of Disturbance Allowance <p>Trees and Crops</p> <ul style="list-style-type: none"> Compensation Rates for Trees and Crops Compensation Payment Period <p>Businesses/Source of Income</p> <ul style="list-style-type: none"> Compensation Rate for Loss of income Compensation Amount for Loss of Income for 3 months 	During RAP Implementation	<ul style="list-style-type: none"> PIT National Land Commission (NLC) 	Weekly basis

SN	Item / Subject	Indicator	Variable	Time Frame/ Period	Responsibility	Frequency
6.	Resettlement and Livelihood Restoration	No of PAPs Requiring Resettlement and Livelihood Restoration	<p><u>Resettlement</u></p> <ul style="list-style-type: none"> ● Number of land parcels acquired for displaced persons ● Number of persons relocated within their land parcels ● No of Households that have been resettled ● Number of affected buildings that have been replaced ● Number, type of plants lost <p><u>Livelihood restoration</u></p> <ul style="list-style-type: none"> ● Number of seedlings supplied by type ● Number of trees planted ● Number of reestablished businesses/income sources ● Feedback from PAPs on their satisfaction, feelings and reactions on resettlement implementation 	During Resettlement and tracked for 1 year after	<ul style="list-style-type: none"> ● PIT ● NLC 	<ul style="list-style-type: none"> ● Weekly during Resettlement ● Monthly after resettlement for a period of 1 year.
7.	Vulnerable Persons requiring special assistance	Type of Vulnerability for each Household Head	<ul style="list-style-type: none"> ● No. of vulnerable Household Heads affected by the project ● Type of vulnerability and limitations ● Type of impact being experienced by vulnerable persons ● The assistance offered to Vulnerable persons ● Assistance to Vulnerable Number of vulnerable PAPs assisted by type and gender ● Type of assistance provided to vulnerable PAPs ● Number of vulnerable PAPs not assisted and reasons 	During Resettlement and 1 year after	<ul style="list-style-type: none"> ● PIT ● NLC 	<ul style="list-style-type: none"> ● Weekly during Resettlement ● Monthly after resettlement for a period of 1 year.

SN	Item / Subject	Indicator	Variable	Time Frame/ Period	Responsibility	Frequency
			<ul style="list-style-type: none"> Number and types of vulnerable issues articulated Number of vulnerable persons sensitized 			
8.	Community Resources	Re-establishment of community resources	<ul style="list-style-type: none"> Number of community facilities replaced 	During Resettlement	<ul style="list-style-type: none"> PIT NLC 	<ul style="list-style-type: none"> Weekly during Resettlement
9.	Social/ Demographic	Changes to homestead Demographics	<ul style="list-style-type: none"> Homestead size (births, deaths, migration in and out) Age distribution Gender distribution Marital status Relationship to homestead head Status of "vulnerable" homesteads# Social/ Demographic Changes to homestead structure 	During Resettlement and 1 year after	<ul style="list-style-type: none"> PIT 	Monthly during Resettlement and Quarterly after Resettlement for a period of 1 year
		Changes to access	Distance/travel time to nearest school, health center, religious institutions, shop, village	During Resettlement	<ul style="list-style-type: none"> PIT 	Monthly during Resettlement and 1 year after
		Changes to status of women	<ul style="list-style-type: none"> Participation in training programs Use of credit facilities Landholding status Taking up leadership roles 		<ul style="list-style-type: none"> PIT 	
		Changes to health status of PAPs	<ul style="list-style-type: none"> Nutritional status of resettled homestead members Number of people with disease by type (STDs, diarrhea, malaria, immunizable disease) Mortality rates 	During Resettlement and 1 year after	<ul style="list-style-type: none"> 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"> ● Access to healthcare services (distance to nearest facility, cost of services, quality of services) ● Utilization of healthcare services ● Disease prevention strategies ● Extent of educational programmes 			
		Homestead earning capacity	<ul style="list-style-type: none"> ● Ownership of capital assets ● Land holding status (tenure) ● Changes to livestock ownership and post disturbance ● Value of livestock sales, and imputed value of barter trade ● Employment status of economically active members ● Skills of homestead members ● income by source, separating compensation payments ● Changes to income activities – pre and post disturbance ● Amount and balance of income and expenditure ● Realization of homestead income restoration plans (Components implemented, net income achieved) ● Possession of bank and savings accounts ● Access to income generating natural resource base (wood, grass, sand, stones) 	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
		Population influx	<ul style="list-style-type: none"> ● Growth in number and size of settlements, formal and informal ● Growth in market areas 	During Resettlement and 1 year after	● PIT	Monthly during Resettlement and Quarterly after Resettlement for a period of 1 year
10.	Disturbance	Number of homesteads affected by disturbances from construction	<ul style="list-style-type: none"> ● Movement in and out of the homestead (place and residence of homestead members) ● Access to social facilities ● Distance/travel time to nearest market center, religious institutions, shop. ● Changes to health status ● Number of people with communicable diseases ● Mortality Rates-Deaths registered per household ● Access to health care services (distance to nearest facility, cost of services, quality of services) ● Utilization of health care services ● Extent of educational programs ● Latrine provision ● Access to clean water sources 	During Resettlement and 1 year after	● PIT	Monthly during Resettlement and Quarterly after Resettlement for a period of 1 year
11.	Consultation	Public Consultations	<ul style="list-style-type: none"> ● Affected communities informed ● Number of public meetings ● Reports of engagement 	During Resettlement and 1 year after	● PIT	Monthly during Resettlement and Quarterly after Resettlement for a period of 1 year
		Grievances resolved	<ul style="list-style-type: none"> ● Channels used for redress 	During Resettlement and 1 year after	● PIT	Monthly during Resettlement and Quarterly after

SN	Item / Subject	Indicator	Variable	Time Frame/ Period	Responsibility	Frequency
			<ul style="list-style-type: none"> • Number & type of grievances received and recorded by CLOs in the grievances log • -Number & type of grievances resolved promptly (within the duration allowed in the grievance redress mechanism) • -Number type of grievances not resolved in time but completed • -Number & type of outstanding grievances not resolved • -Average timelines for resolution of grievances disaggregated by the various levels of grievance redress mechanism/institutions • -Number of grievances referred to Level 3 (Courts of Law) • -Number of complaints referred to KETRACO 			Resettlement for a period of 1 year
		Consultation program operation	<ul style="list-style-type: none"> • Number of CRCs established • Number of Women and Youth in the Committees established • Number and dates of CRC meetings • Type of issues raised at CRC meetings • Number of participating NGOs 	During Resettlement and 1 year after	<ul style="list-style-type: none"> • PIT 	Monthly during Resettlement and Quarterly after Resettlement for a period of 1 year

SN	Item / Subject	Indicator	Variable	Time Frame/ Period	Responsibility	Frequency
12.	Procedures in operation	Census and asset verification/quantification procedures in place	<ul style="list-style-type: none"> ● Effectiveness of compensation delivery system ● Number of land transfers effected ● Co-ordination between local community and KETRACO officials 	During Resettlement and 1 year after	● PIT	Monthly during Resettlement and Quarterly after Resettlement for a period of 1 year
13.	Cultural Aspects	Cultural appropriateness of the methods	<ul style="list-style-type: none"> ● Cultural appropriateness of the methods, modes used in consultation etc. ● Incorporation of cultural relevant institutions in SEP ● Change in social-cultural setting of the PAPs triggered by RAP 	During Resettlement and 1 year after	● PIT	Monthly during Resettlement and Quarterly after Resettlement for a period of 1 year
14.	Physical cultural resources	Protection of cultural resources	<ul style="list-style-type: none"> ● No. of physical cultural resources avoided such as graves along the Row ● Protection of the Baobab Tree ● No. of grievances reported on impact to physical cultural resources 	During Resettlement and 1 year after	● PIT	Monthly during Resettlement and Quarterly after Resettlement for a period of 1 year
15.	Training and Capacity Building	Operation of training program	<ul style="list-style-type: none"> ● Number of CRC members trained ● Number of affected populations trained in Project related courses ● Number of vulnerable persons involved in the Training Programme ● Number of trainings held disaggregated by target group/institutions and issues amongst employed locals ● Number and type of participants disaggregated by gender 	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
16.	Stakeholder engagement and information disclosure;	Disclosure of RAP	<ul style="list-style-type: none"> ● - Disclosure of RAP report on KETRACO and AfDB websites. ● - Availability of RAP report at the county level. ● - Disclosure of RAP report summary at in a language, understood by the stakeholders ● - Number of consultative meetings held, by type ● - Stakeholder's awareness of RAP entitlements ● - Number of County and National Government leaders engaged/briefed about the RAP process ● - Number of stakeholders consultative meetings held ● - Type of information provided in meetings ● - Type of issues raised at PAP consultation meetings, and response rate ● - Number of participants attending PAP consultation meetings related to project disaggregated by gender ● - Modes and language of communication. ● - Minutes of meetings held and lists of attendance ● - Number of people seeking information on displacement and compensation 	During Resettlement and 1 year after	● PIT	Monthly during Resettlement and Quarterly after Resettlement for a period of 1 year
Progress and Final Reports						

SN	Item / Subject	Indicator	Variable	Time Frame/ Period	Responsibility	Frequency
17.	Monitoring and Evaluation Reports		<ul style="list-style-type: none"> ● Regular Progress Reports Weekly, Monthly or Quarterly as the monitoring variables may require. ● Final Reports at the end of the Monitoring Exercise 			

CHAPTER ELEVEN: CONCLUSION

11.1 Conclusion

The Government of Kenya through its implementing agency; KETRACO plans to construct and commission a 132kV double circuit transmission line (81km) linking Narok 132/33kV and Bomet 132/33kV substations.

The proposed project seeks to establish a more reliable power supply with improved voltage profiles via the establishment of a line linking the Olkaria geothermal generation plants to the south rift and western region transmission network. The project is justifiable in that it will stabilize power supply, improve on transmission line security hence cushioning against losses occasioned by power failures and blackouts.

The safety requirement of a transmission line is that it must have a way leave in line with its voltage levels. The proposed transmission line will require a way leave corridor of equivalent to 30m. Within the way leave trace tall trees and structures are not allowed.

This RAP study was conducted in a bid to come up with a document to guide acquisition of the way leave and compensation of property to the affected persons. The study engaged the affected and other stakeholders in a series of meetings to provide them an opportunity to air their views and ideas about the project. The following is a summary of the findings.

- The affected persons are familiar with the project, and they support the project if it will not disadvantage them
- The proposed 81Km 132kV Narok – Bomet Transmission Line traverses Ilmashariani, Lower Melili, Melelo, Oloroito, Nkareta, Eldonyo – Ng’iro, and Ilmotiok Locations in Narok County. In Bomet County, 4 Locations are affected i.e., Kapkimulwa, Cheboin, Kyogong and Itembe. The RAP team held meetings in all the above locations and consulted the County heads in both counties on various issues and to lobby for support from them.
- Land ownership is private and most PAPs practice subsistence farming. Crops such as maize and beans are a staple.
- The main economic activity in the proposed project area is farming and the main sources of energy are solar and firewood for cooking. The project is mainly set in a rural area with Bomet County having a denser population than Narok County. It is anticipated that the completion of this project will improve electricity distribution in the areas affected.
- Land succession in the area is a priority and majority of title deeds are in names of deceased persons or other parties. These cases handled by the PIT, ideally well before the

project commences to find proactive solutions and ensure they receive their compensation money.

- The types of impacts on the TL will include impacts on physical property, public assets/institutions, kiosks/ shops, land, trees and crops, livelihood and vulnerable and marginalized PAPs. These are summarized on *Table 6- 4 Overall impacts [Narok & Bomet Counties]*
- The total Cost of acquiring the wayleave is **Kshs. 1,030,026,505.85**
- Acquisition of the way leave will affect their livelihoods. A detailed livelihood restoration plan has been put in place to ensure that the project leaves PAPs in a better place than where they found them.
- There are shops/kiosks, institutions, homesteads, and other associated structures within the RoW that will need to be relocated. This will be compensated as per the entitlement matrix *Table 7- 4* enclosed in this document. The vulnerable and marginalized groups have also been included here.
- It is anticipated that some PAPs whose land parcels are small will need to physically relocate from original land, especially where the way leave renders the land uneconomical. However, these will be fully verified once the cadastral data has been collected during the detailed land survey.
- There are trees and crops within the way leave that will need to be cleared along the 81Km stretch.
- According to the household survey and consultations with local administration, many land parcels are not formally surveyed, and land mutations are not formalized.
- A proper GRM mechanism informed by *Table 8- 1* has been put in place that begins from the community level and goes all the way up to judiciary or law courts. GRM will be a continuous process throughout the project life cycle. However, KETRACO upholds to solve all grievances amicably. The courts will be the last resort and the PIT will work to avoid escalating cases to that level.
- KETRACO will work hand in hand with numerous institutions and will ensure that all the legal requirements and input from all stakeholders are considered as the project unfolds. This will avoid project delays and will also ensure efficiency,
- There will be Performance and Impact monitoring done along the wayleave throughout the project's life cycle to ensure all processes are running smoothly and identify any mishaps for rectification
- A RAP completion audit will be done on the RAP and will be forwarded for clearance by AfDB.

During the public consultations, the affected raised the following issues:

- They should be compensated for any loss that will occur because of the project
- Compensation should be done on market rates

- The youth in the area should get employment during project construction
- Lack of title deeds should not be used to deny them compensation for land
- Compensation should be done before project construction
- Notice period for relocating the houses and other structures should be allowed
- Where land is unviable the proponent should buy land/give cash payments for those particularly affected
- During maintenance and inspection, the proponents' team should not destroy crops and just go away they should take responsibility and pay
- The proponent should consider supplying the PAPs with electricity
- The proponent should continuously ensure safety of the line always.
- The company should consider some projects in the community under its Corporate Social Responsibility. [This has been budgeted for in this RAP.]

This RAP makes the following recommendations:

- Continuous consultations and sensitization with the affected should continue to ensure they receive the same information and avoid rumors which may bring fears and opposition to the project leading to delays
- Compensation packages for structures and other assets should be just and prompt at replacement cost based on full replacement value (e.g., for structures) and should be paid before construction starts.
- Households that must physically and completely relocate should be compensated fully for the land and be supported to find alternative land if necessary.
- The locals and single parent households should be prioritized for un-skilled labour-based employment opportunities. Opportunities for information on more specialized un-skilled labour requirements will be shared with the affected communities.
- Awareness creation on the need to do succession and formal subdivision of land and registration to be conducted during the early stages of the project so as not to render some households worse than they were prior to the project
- Alternatively, KETRACO management and PIT to come up with appropriate strategies to fast-track succession for the PAPs to avoid delays in land compensation.
- There is need to explore opportunities for community projects through Corporate Social Responsibility (CSR).

It is anticipated that the project will begin soon and that efforts will be made by KETRACO management towards proactively streamlining all issues identified in this RAP. This RAP will act as a guide for fair and just compensation, livelihood restoration, stakeholder management and consultation, grievance redress, and monitoring and evaluation.

REFERENCES

1. *Government of Kenya: Bomet County Integrated Development Plan, 2018 – 20223*
2. *Government of Kenya: Narok County Integrated Development Plan, 2018 – 2023*
3. *Handbook for preparing a resettlement action plan. International finance corporation*
4. *Involuntary Resettlement sourcebook; planning and implementation in development projects. World Bank. 2004*
5. Government of Kenya (2010). The constitution of Kenya, government printer, Nairobi, Kenya
6. Government of Kenya (2000): Kenya gazette supplement Acts, Environmental Management and Coordination Act Number 8 of 1999 and 2015 Amendments (Cap 387). Government printer, Nairobi, Kenya.
7. Government of Kenya (2012): The Land Act, Government Printer, Nairobi, Kenya.
8. Government of Kenya (2012): The Land Registration Act, Government Printer, Nairobi
9. Government of Kenya (2012): The National Land Commission Act, Government Printer, Nairobi, Kenya.
10. Government of Kenya. (2019). Energy Act, 2019, government printer, Nairobi, Kenya.
11. Government of Kenya. (2012). The Prevention, Protection and Assistance to Internally Displaced Persons
12. Government of Kenya. (2013). The Matrimonial Property Act, 2013, government printer, Nairobi, Kenya.
13. Government of Kenya. (2012). The Valuers Act, Cap 532, government printer, Nairobi, Kenya.
14. Government of Kenya. (2012). The County Government act, 2012, government printer, Nairobi, Kenya
15. Government of Kenya. (2012). The National Land policy, 2012, government printer, Nairobi, Kenya
16. Government of Kenya. (1990). Law of Succession Act, Chapter 160, government printer, Nairobi,
17. Government of Kenya. (2008). Vision 2030, government printer, Nairobi, Kenya.
18. Government of Kenya. (2012). National Environmental Policy, government printer, Nairobi, Kenya.
19. Government of Kenya. (2014). National Energy Policy, government printer, Nairobi, Kenya
20. Government of Kenya. (2011). Gender Policy, government printer, Nairobi, Kenya.
21. Kenya gazette supplement Acts Land Planning Act (Cap. 303) government printer, Nairobi
22. Kenya gazette supplement Acts Physical Planning Act, 2012 government printer, Nairobi
23. Kenya gazette supplement Acts Water Act, 2016 government printer, Nairobi
24. Kenya Electricity Transmission Company. (2019). Resettlement Policy Framework available at <https://www.ketraco.co.ke/environment/reports/rpf.html>



25. Kenya Electricity Transmission Company – Team 3. (2018). Feasibility Study for Assignment 3 Power Transmission Lines. Draft final report
26. Kenya Electricity Transmission Company – Team 3. (2018). Final report – survey report part
27. Kenya Electricity Transmission Company. (2019). Vulnerable and Marginalized Groups Framework available at <https://www.ketraco.co.ke/environment/reports/vmgf.html>
28. African development bank. (2013). Integrated Safeguards system – Involuntary Resettlement.
29. African development bank Operational safeguard 1 &2. (2013).
30. The Constitution of Kenya 2010



ANNEXES

Annex 1: Structure Valuation report

Annex 2: Sample Grievance Redress Form

Grievance Form				
Grievance Number		Copies to forward to:		
Name of the Recorder		(Original)-Receiver Party		
Location		(Copy)-Responsible Party		
Date				
INFORMATION ABOUT GRIEVANCE				
Define The Grievance:				
INFORMATION ABOUT THE COMPLAINANT				Forms of Receipt
Name-				<input type="checkbox"/> Phone Line
Telephone Number				<input type="checkbox"/> Community/ Information
Address				Meetings
Village				<input type="checkbox"/> Mail
Sub location				<input type="checkbox"/> Informal
ID no. of Complainant				<input type="checkbox"/> Other
DETAILS OF GRIEVANCE				
1. Access to Land and Resources a) Fishing grounds b) Lands c) Pasturelands d) House e) Commercial site f) Other	2. Damage to a) House b) Land c) Livestock e) Other	3. Damage to Infrastructure or Community Assets a) Road/Railway b) Bridge/ Passageways c) Power/Telephone Lines d) Water sources and water infrastructure e) Sewerage System g) Other	4. Decrease or Loss of Livelihood a) Agriculture b) Animal husbandry c) Beekeeping d) Small scale trade e) Other	5. Traffic Accident a) Injury b) Damage to property c) Damage to livestock d) Other

<p>6. Incidents Regarding Expropriation and Compensation (Specify)</p>	<p>7. Resettlement Process (Specify)</p>	<p>8. Employment and Recruitment (Specify)</p>	<p>9. Construction and Community Relations <i>a) Nuisance from dust</i> <i>b) Nuisance from noise</i> <i>c) Vibrations due to explosions</i> <i>d) Misconduct of the project personal/worker</i> <i>e) Complaint follow up</i> <i>f) Other</i></p>	<p>10. Other (Specify)</p>
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Annex 3: Minutes of Meetings Held with the Project Affected Persons