



KENYA POWER AND LIGHTING COMPANY

KPLC 1/17ABMSA-BNI400Kv/TL-2

Resettlement Action Plan

Final Report



LOG
Associates

Nicholson Court, Nicholson Drive
Off Ngong Road
P.O. Box 10677
00100 – Nairobi, Kenya.
Tel: +254 20-2712156
Fax :+254 202017254
E-mail: info@logassociates.com
Http: www.logassociates.com

September 2009



CONTENTS

LIST OF ABBREVIATIONS	III
EXECUTIVE SUMMARY	IV
1.0 INTRODUCTION	1
1.1 PURPOSE	1
1.2 BACKGROUND	1
1.3 OBJECTIVES	1
1.4 SCOPE OF WORK	1
1.5 GUIDING PRINCIPLES	2
1.6 METHODOLOGY	4
2.0 LEGAL FRAMEWORK AND GRIEVANCE REDRESS PROCEDURE	6
2.1 INTRODUCTION	6
2.1.1 Land Related Legal Issues	6
2.2 VALUATION AND RELATED LEGAL ISSUES	7
2.2.1 Valuation Process Relevant to RAP	7
2.3 CUT-OFF DATE	9
2.4 DISPUTE RESOLUTION AND ARBITRATION OF DISPUTES	9
2.5 GRIEVANCE REDRESS MECHANISMS	9
3.0 IDENTIFIED AREAS FOR RESETTLEMENT	11
3.1 INTRODUCTION	11
3.1.1 Peri-Urban Areas	12
3.1.2 National Park and Reserves	13
3.1.3 Rural Areas	14
3.1.4 Land Cover and Ecological Impacts along Transmission Line	14
4.0 COMPENSATION AND ENTITLEMENTS	17
4.1 INTRODUCTION	17
4.2 ELIGIBILITY	17
4.2.1 Loss of Assets	17
4.2.2 Loss of Livelihood	17
4.2.3 Loss Due to Severance	18
4.3 CATEGORIZATION OF PAPs	18
4.4 RESTORATIVE COURSES OF ACTION	19
4.5 ENTITLEMENT MATRIX	19
5.0 IMPLEMENTATION AND ACCOUNTABILITY	22
5.1 IMPLEMENTATION	22
5.2 ORGANISATION STRUCTURE	22
5.2.1 KPLC Resettlement Unit (KRU)	22



5.2.2	PAP Committee (PC)	23
5.3	COMMUNITY CONSULTATION	24
5.4	COMPENSATION OF THE PAPs	24
5.5	MONITORING AND EVALUATION	24
5.5.1	Internal Monitoring	24
5.5.2	External Monitoring and Evaluation	25
5.5.3	Responsible Parties	29
5.5.4	Methodology for monitoring	29
5.5.5	Data Collection	29
5.5.6	Data Analysis and Interpretation	29
5.5.7	Reporting	29
5.6	IMPLEMENTATION TIMELINES	30
5.7	RESETTLEMENT COST ESTIMATE	32
5.8	COMPENSATION A WARD AND PUBLIC GRIEVANCE REDRESS	32
6.0	CONCLUSIONS AND RECOMMENDATIONS	33
6.1	CONCLUSIONS	33
6.2	RECOMMENDATIONS	34
ANNEXURES		35
ANNEX I:	DATA COLLECTION TOOL	I
ANNEX II:	PUBLIC CONSULTATION	VI
ANNEX III:	LETTER OF AWARD	XIII
ANNEX IV:	PUBLIC GRIEVANCE FORM	XIV
ANNEX V:	MONITORING INDICATORS	XV
ANNEX VI:	PAPs CENSUS TABLE	XIX
ANNEX VII:	ALTERNATIVE B	XX



LIST OF ABBREVIATIONS

AfDB	:	African Development Bank
AFD	:	Agence Francaise de Development
AIDS	:	Acquired Immune Deficiency Syndrome
ASALS	:	Arid and Semi Arid Lands
EIA	:	Environmental Impact Assessment
EU	:	European Union
GRs	:	Game Reserves
HHs	:	Households
HIV	:	Human Immunodeficiency Virus
KPLC	:	Kenya Power and Lighting Company
KRU	:	KPLC Resettlement Unit
kV	:	Kilo Volts
M&E	:	Monitoring and Evaluation
MoU	:	Memorandum of Understanding
NEMA	:	National Environmental Authority
NPs	:	National Parks
PAP	:	Project Affect People
PC	:	PAP Committee
RAP	:	Resettlement Action Plan
RLA	:	Registered Land Act
WB	:	World Bank

EXECUTIVE SUMMARY

This Report has been prepared following a request by the Client-*Kenya Power and Lighting Company Limited*, to the consultant *Log Associates*, to prepare a Resettlement Action Plan (RAP) for the 400 kV Mombasa - Nairobi Transmission Line. This is in line with the proposed resettlement of the Project Affected Persons (PAP).

1. Objectives

The objective of this RAP is to provide guidelines to stakeholders participating in the mitigation of adverse social impacts of the project, including rehabilitation/ resettlement operations in order to ensure that the PAPs will not be impoverished by the adverse social impacts of the project.

2. Methodology

Consultant's adopted a participatory approach in effecting the assignment. Accordingly, community meetings, public hearings and key informants (Chiefs, District Officer, Local Authorities, and KPLC Way-leaves Officers among others) were part of qualitative and quantitative mixed methods that the consultant used to interact with some of the stakeholder groups. We consulted widely with the KPLC team, as well as all stakeholders including KWS during the preparation of the RAP. The data collection instruments has been attached as Annex I

Field Work: The field work for data collection on the PAP's and ecological information along the line was collected between 26 February and 6 March 2009, based on the GPS coordinates provided by the client

3. Findings

- i. **Population:** The transmission line route passes mostly on the south-west side of the Mombasa road, which is an area with low population density, except in a few areas like Kibwezi, Mtito Andei and Mariakani. The total numbers of households affected are 414 which will have to be compensated. The households' population summarised in Table 1 is detailed in annex VI.

Table 1 Households affected by the project

	Number	%
PAP's with land only	165	39.7
PAP's with land and structures	104	25.0
PAP's with land, structures and trees	145	35.3
Total	414	100

- ii. **National Parks:** The line has tried as much as possible to avoid encroachment into the national parks except for Nairobi National park covering an area of 10 Ha within a distance of 10 km, and Tsavo West and Tsavo East national parks covering a total of 509.4 Ha over a distance of 98 Km.
- iii. **Public Consultations:** A lot of consultations with the affected communities were done. There were areas such as Kibwezi, Voi, and Tausi areas where the consultant had difficulties interviewing the PAPs. In Kibwezi, the PAPs were unwilling to be interviewed because they were squatters who felt that the interview was meant to evict them. In Voi and Tausi areas the resistance was mainly for socio-cultural reasons. The residents within these areas expressed fear that the graves of their ancestors might be excavated during the construction of the line. Most of the respondents resisting the project were of the opinion that they will not benefit much from the same.
- iv. **Project Impacts:** The project will traverse a long stretch of land with considerable levels of mitigable impacts to the flora and fauna. There are also impacts which will be socio-economic in nature especially during the construction phase, that need mitigating interventions as provided for in the ESIA and ESMP report with financial implications of Ksh.6.4. billion.
- v. **Monitoring and Evaluation:** For the RAP to be successful there will be need for continued monitoring and evaluation. This will ensure that arising issues are properly addressed both during and after construction phases.
- vi. **Community expectations:** Emanating from the public discussions and meetings, the following requests have been made by the locals:
 - a. Use of local labour during the construction phase
 - b. Provision of rural electrification to the community
 - c. Timely and adequate compensation

4. Recommendations

- i. KPLC should compensate all the affected persons in a timely manner using the prevailing market rates. The total amount of compensation is shown in Table 2.

Table 2 Project compensation

Item	Amount(Ksh.)	%
Land	788,005,328.75	88.6
structures	86,366,725	9.7
Trees	15,255,900	1.7
Total	889,627,954	100



- ii. Continuous sensitisation of affected communities in the pre-construction phase of the project, especially in the populated areas of Kibwezi, Voi and Tausi should be encouraged as a preparatory measure before project implementation. KPLC should be at the forefront in ensuring this is carried out
- iii. Before resettlement, the PAPs should be mobilized and counseled both socially and economically to avoid undue social and economic disruptions. Where applicable, health experts should be involved in counseling to create awareness within the community on issues relating to HIV/AIDS.
- iv. Compensation to PAPs should be made before demolition commences. This will be done at either the KPLC offices and/or provincial administration offices. A minimum of one month notice should to be given to the PAPs to enable them salvage their assets.
- v. KPLC should negotiate a memorandum of understanding with KWS on use of national parks and game reserves to cover not only the current project but future projects as well.
- vi. KPLC should be responsive and live up to corporate social responsibility in the project area through the following activities:
 - Rural electrification programme
 - Water supply
 - Revegetation of the area
- vii. Research: there is need to carry out extensive research on fauna and flora within the Tsavo National parks. Such a study will enable KWS to evaluate the performance of fauna and flora in the affected areas and to design effective mitigation measures. Discussion with KWS on the matter indicated that the institution had plans to carry out such studies. However, financing for the same has been lacking. KPLC may consider facilitating the same.

1.0 INTRODUCTION

1.1 Purpose

This Report has been prepared following a request by the Client-*Kenya Power and Lighting Company Limited*, to the consultant *Log Associates*, to prepare a Resettlement Action Plan (RAP) for the 400 kV Mombasa - Nairobi Transmission Line. This is in line with the predicted resettlement of the project affected people (PAP).

1.2 Background

The Government of Kenya is expecting to receive funds from Agence Francaise de Development (AFD), European Investment Bank, and African Development Bank, to finance the construction of approximately 462km of 400kV transmission line from Rabai Substation in Mombasa to Isinya substation to the South East of Nairobi, establishment of substation bays for future installation of the necessary transformers at the two ends of the line and extension of a 24km of 220kV line.

The construction of the transmission line is expected to have widespread positive impacts on overall socio-economic status and livelihoods of the electrified users and project-affected people (PAPs). The project will have some minor negative effects especially to those who may be displaced from the right of way either through land acquisition or removal of those who have developed on the road reserve. A resettlement Action Plan is therefore required to guide the process. The aforementioned RAP should conform to the requirements of the AFD, EU and AfDB environmental and social policies, guidelines and assessment procedures in addition to those of National Environment and Management Authority (NEMA).

1.3 Objectives

The objective of this RAP is to provide guidelines to stakeholders participating in the mitigation of adverse social impacts of the project, including rehabilitation/ resettlement operations in order to ensure that the PAPs will not be impoverished by the adverse social impacts of the project.

1.4 Scope of Work

Preparation of the RAP is to ensure that the losses to be incurred by PAPs are addressed in order for them to share project benefits. These people should be assisted to develop their social and economic potential so as to improve or restore their incomes and living standards to pre-project levels. The RAP aims at ensuring the PAPs are not worse off than they would have been without the project. In developing the RAP, the consultant has

taken into consideration the peculiarities of needs for women, children and the vulnerable groups.

1.5 Guiding Principles

In order to ensure that the RAP complies with international best practice as regards resettlement, the principle implementing agent, Kenya Power & Lighting Co. Limited shall bind itself to the following guiding principles:

Principle 1: Resettlement must be avoided or minimized

Action: To comply with the principle, KPLC has demonstrated that the proposed resettlement is both necessary and viable, and that its scope and extent cannot be lessened. KPLC has shown that they have designed the line routes so as to cause the least possible displacement and/or disruption.

Principle 2: Genuine consultation must take place

Action: Given its focus on resettlement, the primary concern is to take seriously the rights and interests of the PAPs. For this to take place, their voices need to be made clear, via the formation of local level consultative forum. These structures have been co-ordinated at the community level by the KPLC personnel.

Principle 3: Establishment of a pre-resettlement baseline data

Action: To support the successful reestablishment of affected property, the following activities will be undertaken prior to displacement.

- An inventory of landholdings and immovable/non-retrievable improvements (buildings and structures) to determine fair and reasonable levels of compensation or mitigation.
- A census detailing household composition and demography, and other relevant socio-economic characteristics.

The asset inventories will be used to determine and negotiate entitlements, while the census information is required to monitor homestead reestablishment. The information obtained from the inventories and census will be entered into a database to facilitate resettlement planning, implementation and monitoring.

Principle 4: Assistance in relocation must be made available

Action: KPLC will guarantee the provision of any necessary compensation for people whose fields will be disturbed to make way for the transmission lines, or any other disturbances of productive land associated with the project in proportion to their loss.

Principle 5: A fair and equitable set of compensation options must be negotiated

Action: Compensation will be paid for structures, land and trees that are disturbed according to set rates derived from market value comparables.

Principle 6: Resettlement must take place as a development that ensures that PAPs benefit

Action: Where practical the employment and sub-contracting opportunities that arise from the project will be made available to the affected population.

Principle 7: Vulnerable social groups must be specifically catered for

Action: Members of vulnerable groups are often not able to make their voice heard effectively, and account will be taken of this in the consultation and planning processes, as well as in establishing grievance procedures. They are often physically weaker, and may need special help in the relocation/disturbance phase. In particular, female-headed households may lose out to more powerful households when assets will be demolished to make way for the transmission line. This will entail KPLC ensuring that the pre-resettlement database specifically identifies vulnerable social groups and makes provision for them to be included in consultative forum. KPLC must further ensure that they are given the necessary protection to ensure that they receive equitable access to replacement resources. In addition, KPLC will make specific reference to vulnerable social groups being paid particular attention in the monitoring process. Vulnerable groups will include those with minimal assets, the illiterate, and the aged (those PAPs of more than 65 years).

Principle 8: Resettlement must be seen as an upfront project cost

Action: Experience across the world shows that unless resettlement is built in as an upfront project cost, it tends to be under budgeted, that money gets whittled away from the resettlement budget to 'more pressing' project needs, and that it tends to be seen as peripheral to the overall project. KPLC will ensure that compensation costs, as well as those resettlement costs that fall within their scope of commitment, are built into the overall project budget as up-front costs.

Principle 9: An independent monitoring and grievance procedure must be in place

Action: In addition to internal monitoring that will be provided by KPLC an independent Team comprising local administration and the locals will undertake monitoring of the resettlement aspect of the project. Grievance procedures will be organised in such a way that they are accessible to all affected parties, with particular concern for the situation of

vulnerable groupings. Monitoring will specifically take place via measurement against the pre-resettlement database.

Principle 10: World Bank's operational procedure on forced resettlement

Action: the World Bank's operational policy 4.12 on involuntary resettlement will be adhered to. It requires that involuntary resettlement be avoided where feasible, or minimized, exploring all viable alternative project designs. Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs. They should also 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 the project implementation, whichever is higher. KPLC shall adhere to their standards.

1.6 Methodology

Consultant's methodology included participatory approach. Accordingly, community meetings, public hearings and key informants (Chiefs, District Officer, Local Authorities, and KPLC Way-leaves Officers among others) were part of qualitative and quantitative mixed methods that the consultant used to interact with some of the stakeholder groups. We consulted widely with the KPLC team, as well as all stakeholders including KWS during the preparation of the RAP. The data collection instruments has been attached as Annex I

The Consultant applied a variety of methodologies to ensure that impact and compensation assessments are based on current and verifiable socio-economic and demographic information. Brief descriptions of the methodologies being applied by the consultant are:

- 1. Rapid Techniques:** Being used to identify the PAPS along the proposed line, intensity of impact, and sites of cultural significance.
- 2. Socio-Economic Survey:** comprising detailed census/inventories with affected households as well as formal and semi-formal discussions with sample focus groups. The consultant also developed a comprehensive questionnaire for data collection.

The questionnaire captured the following information:

- a. Household Bio data (Demographic information)
- b. Livelihoods
- c. Infrastructure inventories including land, common properties, Houses, fences, trees, commercial properties and social services infrastructure.

3. **Public consultation** was done as part of participatory approach at Kimboo village, Kaunguni primary school and Mwabila location, the minutes has been attached as annex III



Fig.1.1. Public meeting at Kimboo village, Kiboko location, Makueni district

Key issues that have emerged through the above processes include:

- Employment – community desire and demand for a high level of employment, coupled with fear that the limited local skills base will result in exclusion.
 - Compensation - adequacy of the cash compensation.
 - Resettlement – impacts and compensation measures for economic and physical displacement.
 - Livelihoods –loss of access to water points, schools, crop land and pasture.
 - Rural electrification – the community desire electricity as form of benefit to the project.
 - Water supply- most of the affected region falls within the Arid and Semi Arid Lands (ASALS). These areas have no reliable water supply. Communities therefore, requested for intervention to address this, such may include drilling of boreholes, provision of roof water catchment and establishment of water pans to trap runoff water during the rainy season.
4. **Use of Maps and GPS:** The consultant used the survey maps availed by KPLC personnel and GPS to identify the proposed line and itemised the affected persons.

2.0 LEGAL FRAMEWORK AND GRIEVANCE REDRESS PROCEDURE

2.1 Introduction

In developing the RAP, the consultant reviewed numerous laws in Kenya and international conventions which are relevant to this study. This RAP has been developed in line with these laws and regulations. The several statutes that handle the issue of land and infrastructure development are:

- Government Lands Act Cap 280
- Land Titles Act Cap 282
- Registration of Titles Act Cap 281
- Land (Group Representatives) Act Cap 287
- Trust Land Act Cap 291
- Registered Land Act Cap 300
- Land Control Act Cap 302
- Mining Act Cap 306
- Agriculture Act 318
- Environmental Management Co-ordination Act, 1959
- Land Acquisition Act, Cap 295

The following sub-sections give a brief description of what constitutes land related legal issues in Kenya.

2.1.1 Land Related Legal Issues

Interests in land broadly fall into two groups. Rights that are held through traditional African systems and rights that derive from the English system introduced and maintained through laws enacted first by colonialists and later by the Independent Kenya governments. The former is loosely known as customary tenure bound through traditional rules (customary law). The latter body of law is referred to as statutory tenure, secured and expressed through national law, in various Acts of Parliament.

- a. **Customary Land Tenure:** This refers to unwritten land ownership practices by certain communities under customary law. Such tenure still exists in large parts of the country where land has not been adjusted and registered. Its management falls within Trust Land Act, Cap 291.
- b. **Statutory Tenures:** categorised in two forms:

- i. *Freehold tenure*: This tenure confers the greatest interest in land called absolute right of ownership or possession of land for an indefinite period of time, or in perpetuity. The Registered Land Act (RLA) Cap 300 of the Laws of Kenya governs freehold land.
 - ii. *Leasehold Tenure*: Leasehold is an interest in land for a definite term of years and may be granted by a freeholder, usually subject to the payment of a fee or rent and is subject to certain conditions, which must be observed. e.g. relating to developments and usage.
- c. **Public Tenure**: This is land owned by the Government for own purpose and which includes unutilised or delineated government land reserved for future use by the Government itself or may be available to the general public for various uses. The land is administered under the Government Lands Act Cap 280.
- d. **Other Interests include**:
- Reservations of other government or trust land to government ministries, departments or Parastatals for their use.
 - Non-formalised defacto tenure by which people, individually or in groups invade and occupy other peoples government land particularly in the major urban centres.
 - Minor interest such as easements, way-leaves and temporary occupation licences.

2.2 Valuation and Related Legal Issues

The valuation practice in Kenya is governed by the Valuers Act Cap 532, which provides for a Valuers Registration Board that regulates the activities and conduct of registered valuers. Valuers in Kenya are registered upon application to the Board and are required to be full members of the Institution of Surveyors of Kenya (ISK). The Act governs the formation and composition of valuation practices including the qualification of partners and directors in charge of valuation. The Board also deals with discipline and complaints in respect to valuation practice. Other statutes that govern valuation are the Government Lands Act Cap 280 that regulates the valuation for land rent while valuation for rating is governed by the Rating Act Cap 267. Land Acquisition Act Cap 295 governs valuations for compulsory acquisition purposes.

2.2.1 Valuation Process Relevant to RAP

The Table 2.1 outlines valuation process that complies with the Laws of Kenya and the World Bank guidelines.

Table 2.1: Valuation Process Relevant to RAP

Asset	Process
Land with Structures	<p>Steps:</p> <ol style="list-style-type: none"> A detailed inventory of all persons, possessions, assets and stock requiring resettlement was made. Accurate and real valuation of dwelling was undertaken. Determine compensation packages according to valuations was carried out. Allow a reasonable time period prior to moving, for salvage of building materials. PAP's may salvage any material without this being deducted from compensation entitlements. Provide temporary housing/shelter if necessary. <p>Recommendations:</p> <ol style="list-style-type: none"> The stretch of land with structures is approximately about 75ha. KPLC will pay compensation for the lost housing structures. KPLC will provide transport for the occupants and their belongings to their new place of residence. The owner will be entitled to remove any materials he or she wishes to salvage within one month of vacating the old dwelling. KPLC will provide transport for these materials, other than masonry, to the new residential site.
Land without structures	<ol style="list-style-type: none"> Inventory: As part of the RAP phase the KPLC hopes to acquire names and contact details of all persons affected by the project. Compensation: The RAP data sheet spells out how each person is affected and indicates how much compensation will be paid for crops and trees lost. Payment: The line passes along 474.4ha of privately settled land. Out of this 75 ha is land without structures. KPLC is therefore compelled by law to compensate the PAPs on Land.
Lost business profits and employee earnings	<ol style="list-style-type: none"> Where business profits may be affected compensation will be paid according to Valuation & Audited results of the enterprises monthly income.
Crops/Trees on the fields cultivated by those affected.	<ol style="list-style-type: none"> Tree/seasonal crops: Harvesting of the crops will be given a first priority but where harvesting is not possible, counting of the affected crops will be done by a registered valuer and KPLC agent in the presence of the owner. Computation of the costs will be done according to market rates¹ and payments thereafter made either at KPLC offices, or through the local chief's office. Annual crops: Crops will be harvested by the owner and therefore no compensation will be paid for crops. In instances where crops are not able to be harvested, KPLC will pay compensation at the market rates.

Notes²

¹ KPLC already has very competitive rates that would be presented to the PAPs for ratification.

² All payments shall be made before demolition commences

2.3 Cut-Off Date

The last date of determining the number of PAP's was 9 March 2009. The cut-off date for determining the beneficiaries of the resettlement plan is therefore, one month after 9 March 2009 for purposes of contradictory grievance procedure to finalise the number of PAP's i.e. 9 April 2009

2.4 Dispute Resolution and Arbitration of Disputes

The practice of domestic and international arbitration in Kenya is conducted within the framework of the 1995 Arbitration Act and is interpreted as: "any arbitration whether or not administered by a permanent arbitral institution". The Act follows the UNCITRAL model almost word for word but with a number of glaring omissions: notably no provision for costs and interest, nor any provision for appeal in international arbitrations. These omissions are dealt with by the Rules of an active local branch of the London-based Chartered Institute of Arbitrators, being an amalgam of Rules established by leading international arbitral institutions and providers such as the London Court of Arbitration, the ICCA and Chartered Institute of Arbitrators or NEMA, Department of Arbitration..

In addition to ratifying the UNCITRAL Model Law, Kenya has also ratified the New York Convention, the WTO and WIPO Treaties relating to arbitration. The Kenyan branch of the Chartered Institute of Arbitrators, founded in 1984, is recognised as the professional body for the annual training and examination of those seeking to qualify as arbitrators; it also acts as the appointing body where stipulated in contract.

Kenya's Dispute Resolution Centre (DRC) is an independent, not-for-profit organisation that promotes the prompt, effective and economic resolution of disputes through arbitration, predominantly mediation, expert determination and early neutral evaluation. This is a resource that could be called upon by the stakeholders to arbitrate. They would be of particular use should disputes around the compensation and resettlement process arise.

In addition, there are a series of customary avenues that have been set up to deal with dispute resolution and they will be employed as the "court of first appeal", where relevant.

2.5 Grievance Redress Mechanisms

Grievance redress mechanisms are essential tools for allowing affected people to voice concerns about the resettlement and compensation process as they arise and, if necessary, for corrective action to be taken expeditiously. Such mechanisms are fundamental to achieving transparency in the resettlement process.

Disputes will be referred to KPLC and then if necessary, the PAP committee who will be asked to provide recommendations as to how it is to be addressed. If deemed necessary by

the PAP committee the case will be re-investigated and, depending on the nature of the issue, referred to the National Environmental Tribunal or Public Complaints Committee. Grievances will be dealt with as represented in Fig. 2.1.

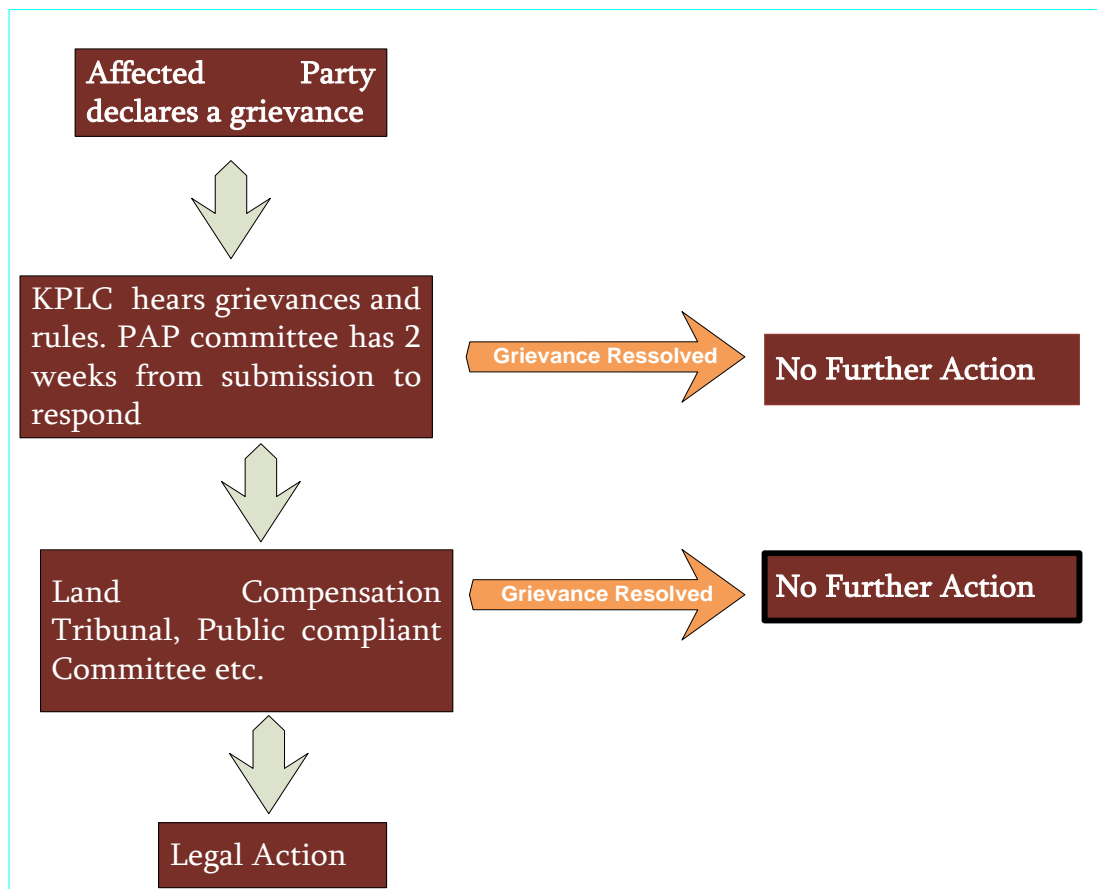


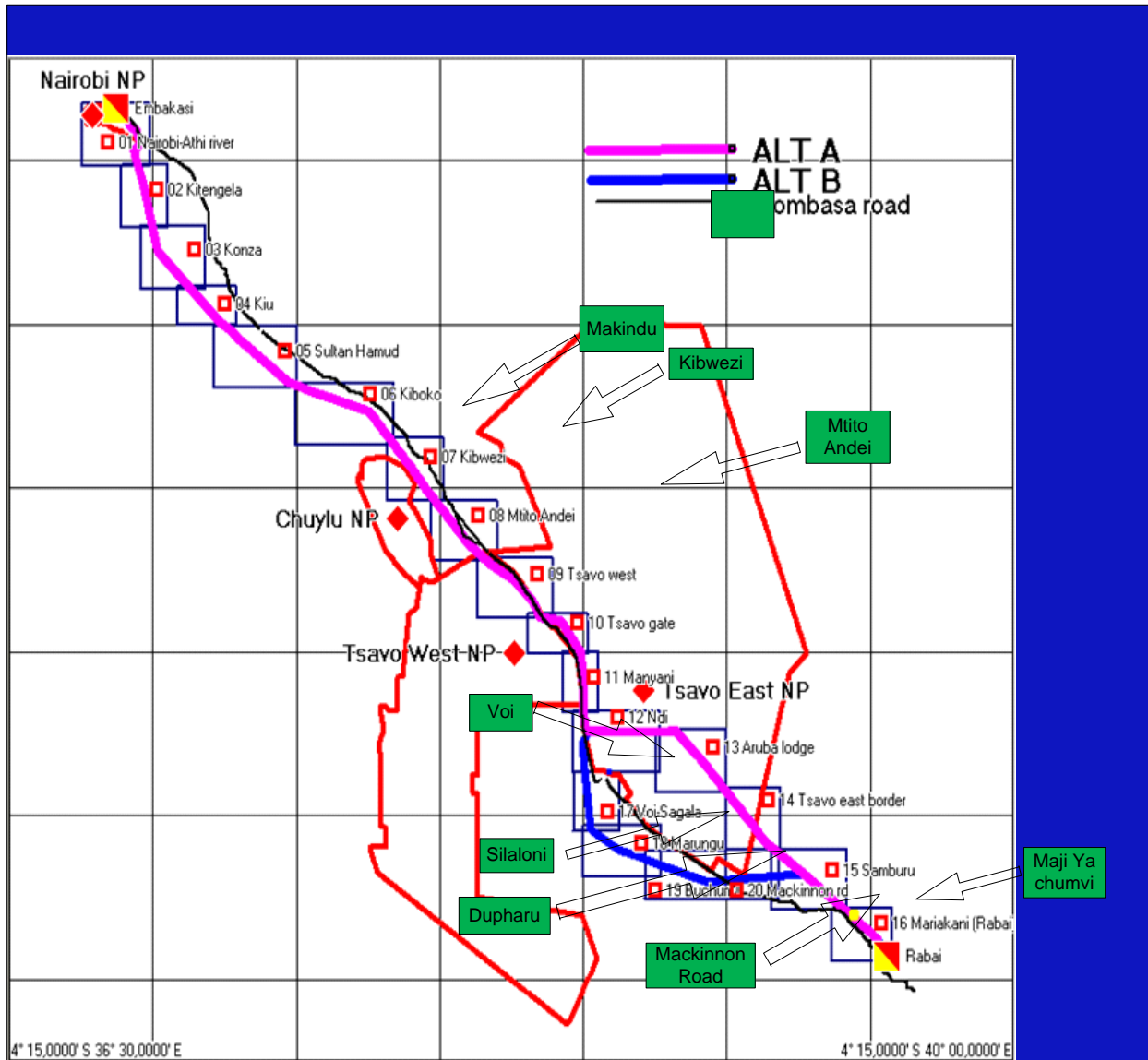
Figure 2.1: Grievance Redress Procedure

Information about all dispute and grievance procedures is to be widely disseminated, through consultation forums, Chief Barazas and the Media.

The PAPs committee secretary or nominated agent (in the absence of the secretary) will keep a written record of all disputes/grievances raised and dealt with during the resettlement and compensation process. These records will be monitored regularly by the PAPs Committee and by the independent Monitoring Team. This will be undertaken as part of the on-going monitoring and evaluation process.

3.0 IDENTIFIED AREAS FOR RESETTLEMENT

The baseline environmental information in the project area is summarized in overview of the cut-out detailed maps as shown below.



Map 1 Overview of cut-out detailed maps, with sections (blue boxes), numbers and names (red boxes). National park boundaries in red. Alternative B, see also Annex VII.

3.1 Introduction

This chapter briefly discusses the earmarked project areas for ESRP project. Some of the project sites will have to experience demolition as discussed in the subsequent sections. The main reason being advanced in justification by KPLC for the demolitions and evictions on the transmission power line way-leaves is that it is dangerous for people to live and/or operate businesses near the 400 kV transmission power lines. That position is indisputable and is in line with Government Lands Act and the Energy Act, 2006.

From our computations, the total transmission line length has been estimated at 462.km. This line traverses through National Parks (23.3%), Peri-urban (19.7%), and rural settlements (67%). Brief descriptions of the identified areas are discussed below.

3.1.1 Peri-Urban Areas

During the field visits, the consultant noted that line passes on the outskirts or less settled peri urban areas of Mariakani and Voi for a total length of 91.2 Km. The population is much denser in these areas with small-scale farming activities. The detailed identification of the people affected and the actual land to be taken from each person is shown in annex VI.

Mariakani

Proposed line traverses through the outskirts of Mariakani town at Mwavumbo location. The area is characterised by hilly terrain with tall scattered acacia trees. Arable farming is practised in the area with bias in crop farming especially annual crops like maize, beans and vegetables, though the area faces unreliable rainfall.

Mtito Andei

The proposed line passes through the outskirts of Mtito Andei town, which is densely populated with a lot of settlements. Most of this section is characterized by small-scale agriculture on cleared shrub or woodland. South of Mtito Andei, the power lines pass into Tsavo West national park, where the land cover is characterized by open low shrubland. In this section there is not much wildlife before the national park.

The majority of the populations affected are;

- Peasant farmers
- Small and medium business operators and
- People in informal employment

Voi

The lines leave diverts to avoid the Tsavo East National Park and passes through Ikanga, Kaloleni and Ndara sub-locations in Voi district. The area is densely populated within the Ikanga and Kaloleni areas but sparsely populated in Ndara area. The line traces sisals plantations and individual farms.



Fig. 3.1.Sisal plantation,Ndara location,Taita Taveta district

On the western side of Sagala there is some smallholder agriculture, further south east the vegetation is mostly low shrub. At Buchuma, the line crosses the road to the north in order to avoid the densely populated areas near Mariakani to the south.

3.1.2 National Park and Reserves

The transmission line will traverse two national parks (Table 3.1). Most of the area of the park traversed is in Tsavo West. The predominant type of vegetation in Tsavo west national park is open low shrubs, and tree and shrub savannah. Nairobi national park is characterized by tree and shrub savannah.

Table 3.1: National parks traced by the line

Sub-Location	District	Distance (Km)	Area (ha)
Nairobi NP	Kajiado	10	10.0
Tsavo West NP	Makueni	37.3	223.8
	Total	47.3	233.8

From the ESIA report, the passage through the National Parks and Game reserves is not expected to cause significant impacts on the flora and fauna. While impact on woody vegetation is going to be permanent, impact on grasses and herbs is mostly transient. Nevertheless, KWS is concerned that power transmission lines through the national parks may cause visual intrusion. To mitigate on the same, the proposed line route has as much as possible been confined along the existing infrastructure as recommended by the EIA.

3.1.3 Rural Areas

The project has stricken a compromise between the impact on local people and impact on the natural environment. Given that the project entails little benefit for the local population especially those in the rural areas, the routing of the transmission line has taken cognisance of this reality by ensuring that the line trace intrudes least on local populations.

Where displacements and disruptions are inevitable, the project has proposed reasonable compensation and resettlement of PAPs before commencement of construction. Additionally, the local populace will provide the much need labour during construction stage.

Through the field visits and discussions with local communities about 414 households will be affected by the project. Out of this number, 165 households with land only, and 249 households with structures and crops are likely to be affected and needs to be resettled. Some of these structures are commercial in nature. In resettling the affected households, the consultant has considered the following two options:

1. Financial compensation for land and buildings plus ex-gratia payments for disturbance (transport, temporary accommodation) and counselling. This is the preferred option.
2. Purchase of alternative land and construction to replace the demolished structures. This can be an expensive affair in terms of looking for land and undertaking supervision of construction. This line of resettlement is strongly discouraged.

3.1.4 Land Cover and Ecological Impacts along Transmission Line

a. Land Cover

The predominant vegetation forms are shrub land and savannah with scattered trees and shrubs (Table 3.2). Most of the woodland is open and with low trees and bushes. Fig. 3.2 shows the percentage distribution of land cover in all the land traversed lumped into major categories including land cover of the national parks.

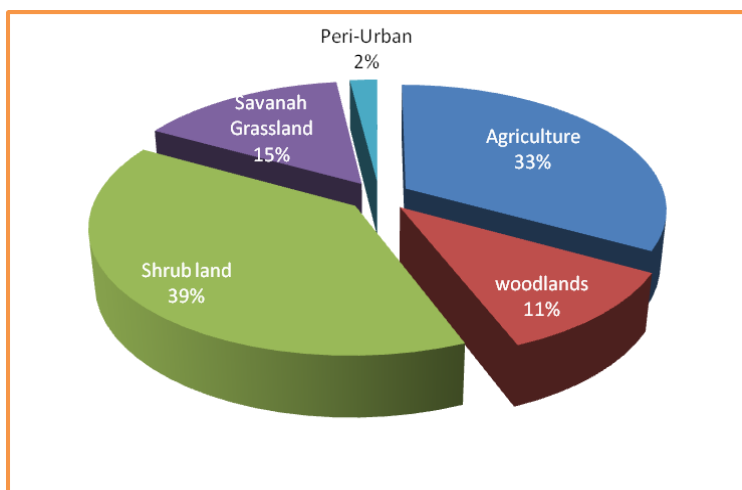


Fig. 3.2.Percentage distribution of land cover

The specific land cover types encountered by the line traces are outlined in Table 3.2. This is a summary of the length of each trace crossing the respective category. It also includes the national park vegetation, which is mostly open low shrub land in Tsavo East and West; and trees and shrub savannah in Isinya. The 31% of the agricultural land is largely in Kibwezi, Sagalla and Taita ranches.

Land Cover Type	Distance (km)	Area (ha)
Rain fed herbaceous crop	58.1	348.6
Rain fed herbaceous crop, scattered	42.5	255
Rain fed herbaceous crop, isolated	45.2	271.2
Irrigated	5.0	30
Closed trees	0.5	3
Closed trees on temporarily flooded land	1.8	10.8
Very open trees	23.8	142.8
Thicket - closed to open woody vegetation	23.9	143.4
Closed shrubs	8.6	51.6
Open shrubs	52.2	313.2
Open low shrubs	134.5	807
Shrub savannah	37.4	224.4
Trees and shrub savannah	8.8	52.8
Open to closed herbaceous veg. on temporarily flooded land	20.5	123
Built-Up Environment	11.2	67.2
Total	474	2,844

Table 3.2. Specific lands cover types encountered by the line traces

b. Ecological Impact

The consultant has identified broadly the ecological impacts of the line and discussed under the following broad categories in the EIA and ESMP Report.

- Impacts on Flora and Fauna
- Impacts on Drainage, Surface Waters and Water Resources
- Landscape and Visual Impacts
- Electric Power Lines
 - Electric and Magnetic Fields
 - Vibration

- Impacts on Natural Vegetation
- Impact on Biodiversity and Loss of Habitat
- Land Excavation, Access Roads Construction and Camp Sites
- Noise, Ozone and Corona
- Impacts on Aviation and Communication
- Social Impacts
- Cultural Ethical Impacts
- Impact on Agriculture, Settlements and Community facilities
- Solid Waste
- Impact on Ambient Air
- Health Issues
- Safety Issues
- Displacement

4.0 COMPENSATION AND ENTITLEMENTS

4.1 Introduction

Compensation and entitlements will be triggered by particular and specific impacts resulting from the project. Using a holistic approach, these general impacts emanating from the project would include losses both at family and commercial establishments.

4.2 Eligibility

Those who will be considered as qualified for resettlement/compensation must be PAPs. These people will directly or indirectly experience the following losses:

4.2.1 Loss of Assets

Families living on way-leave trace would have their makeshift structures destroyed. These structures would include houses and business premises such as kiosks. The consultant undertook a comprehensive fieldwork to physically count and assess the nature of assets likely to be affected by the project albeit with challenges. The main challenge the consultant faced was lack of beacons along the proposed line because KPLC had not finalised the survey work along the line.

Loss of asset will include:

1. Loss structures (Kiosks, stalls, residential and other buildings)
2. Loss of agricultural land

4.2.2 Loss of Livelihood

Some of the PAPs work at nearby centres and a nearby stone quarry. Others reside at the rear of their business establishment. Some business owners employ workers to work as helps in their establishments. Both the employers and the employees in the affected establishments may lose income. Other PAPs rent out their premises to earn income. It is noteworthy that some PAPs have grown trees and food crops along the way-leaves trace for commercial purposes. As a result these PAPs will not only experience loss of income but also loss of their customers and market. Thus the project may consider compensations for goodwill.

4.2.3 Loss Due to Severance

In a number of cases, the transmission line will divide a piece of land into two or more portions. This increases the cost of working the land by additional fencing etc and some of the portions may be rendered uneconomic to manage. Under the land acquisition act CAP 295, these losses are taken care of by adding ex-gratia payment of 15% of the value of the assets acquired.

4.3 Categorization of PAPs

1. Category 1: Structures

Category	Description
A	Those who will lose all structures such as residential, kiosks, stalls, etc and have acquired relevant licence e.g. Temporary Occupation Licence
B	Those who will lose some part of their structures such as residential, kiosks, stalls, etc and have acquired relevant licence e.g. Temporary Occupation Licence
C	Those who will lose all structures such as residential, kiosks, stalls, etc and have not acquired relevant licence e.g. Temporary Occupation Licence
D	Those who will lose some part of their structures such as residential, kiosks, stalls, etc and have not acquired relevant licence e.g. Temporary Occupation Licence

2. Category 2: Agricultural Land

Category	Description
E	Those who will lose all Trees e.g. Eucalyptus/blue gum, Mukima/ Grevilla, Cider, Pine/Cypruss/Jacaranda, Mukuyu, Mugumo, Coconut etc
F	Those who will lose part of their Trees e.g. Eucalyptus/blue gum, Mukima/ Grevilla, Cider, Pine/Cypruss/Jacaranda, Mukuyu, Mugumo, Coconut etc
G	Those who will lose all field crops e.g. Maize, Coffee, Onions, Beans, Kales/Sukuma wiki etc



H	Those who will lose part of their field Coffee, Onions, Beans, Kales/Sukuma wiki, Maize etc
---	---

4.4 Restorative Courses of Action

To minimize the negative economic impact of improvement activities on commercial establishments, it is recommended that these establishments be treated in such a manner as to allow them to operate with minimal disruptions and/ or disturbances.

One approach is to allow these establishments to set up stalls/kiosks a few metres away from the project site. This will be effective for kiosks and stalls that rely on the business of the nearby residential community. Shops such as canteens, butchery, tailors and charcoal kiosks are good examples of businesses that can be relocated with their original market.

Vulcanizing shops, auto repair garages, photo development shops, and other shops reliant on close proximity to the road may be relocated successfully if the new resettlement location allows easy access from the road.

4.5 Entitlement Matrix

The right to benefits will only be granted to PAPs whose assets will be demolished and those who will have to move their assets to a different location. KPLC will use prevailing market rates for land structures and trees as practiced by the international valuation standards committee (2008) rules and The Institution of Surveyors of Kenya valuation rules. KPLC also has a policy that ensures that any cut or uprooted vegetation is left for owners use after compensation. Assets that are not vegetative would require valuation before compensation and resettlement. Table 4.1 outlines the entitlement for the PAPs.

Table 4.1: Entitlement matrix

	Types of Loss	Entitled Person	Legal Entitlements	Restorative Compensation
1	Land	Owners of land through customary or legal acquisitions	Compensation for the area of land affected at prevailing market rates	Same as the legal entitlement
2	Main Structure totally affected (residence/ commercial).	Owners of structures including kiosks and stalls in the project area who have no title declaration to the land or other acceptable proof of ownership	Compensation for the entire structure at replacement cost as determined by the concerned appraisal committee without deduction for salvaged building materials Free transport for those who operate business in moveable containers such as fork lifting containers to relocation sites	Same as the legal entitlement Same as the legal entitlement
		squatters along road reserves	No compensation but they can collect their salvage materials.	Resettlement assistance equivalent to the entire structure at replacement cost as determined by the concerned appraisal committee without deduction for salvaged building materials Free transport for those who opt to relocate elsewhere
		Tenants (renters) of affected structures, including renters of shanty dwellings	Rent allowance equivalent to one month of rent of a similar structure within the same area Free transport for those who opt to relocate elsewhere	Same as the legal entitlement Same as the legal entitlement



		Renters of affected shops, kiosks and stalls	Transitional allowance to cover for their computed income loss during the period that their business is interrupted	Same as the legal entitlement
			Free transportation to relocation site	Same as the legal entitlement
3	Crops/Trees affected.	Owners of crops/trees	Compensation of the crops and Trees affected at prevailing market rates	Same as the legal entitlement
4	Other fixed assets and/or structures	Owners of fixed assets and /or structures	Compensation in cash for affected portion of the structure, including the cost of restoring the remaining structure, as determined by the concerned appraisal committee, with no depreciation nor deduction for salvage building materials	Same as the legal entitlement
5	Electric, telephone and/or water connection	Projects affected persons with utility connections	Compensation to cover cost of restoring the facilities	Same as the legal entitlements
6	Social amenities including water, electricity and revegetation	Communities whose members are affected by the project	To be carried out as a Corporate Social Responsibility	No legal entitlement but may be carried out in response to community requests

An estimate of the replacement costs of the structures to be demolished along power lines construction from substation in Isinya to Rabai (462.km of 400kV transmission line) shall be carried out by a licensed valuer, appointed by KPLC for the exercise. It is from this that the compensation amount of the affected households will be determined.

Note

No. 5 refer to persons affected by the project

No.6 refer to communities neighbouring the project affected persons

5.0 IMPLEMENTATION AND ACCOUNTABILITY

5.1 Implementation

The implementation of the RAP calls for collaboration from all the stakeholders. This would require a properly constituted structure for the administration of the same.

5.2 Organisation Structure

The organisational structure elaborates on 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.

5.2.1 KPLC Resettlement Unit (KRU)

The structure of the unit shall be as follows:

- Legal Advisor
- Surveyor
- Transmission Engineer
- Socio-Economist
- Way-leave Officer
- Environmental Expert
- Community Liaison Officer
- Database Officer
- KPLC registered valuer

The KRU will be responsible for the following:

- i. Oversee the implementation of the RAP.
- ii. Oversee the formation of PAP Committee (PC)
- iii. Ensure maximum participation of the affected people in the planning of their own resettlement and post resettlement circumstances.
- iv. Accept financial responsibility for payment or compensation and other designated resettlement related costs.
- v. Ensure detailed valuation of the structures in order to determine the case to case value of each component of the project and agree upon a value for compensation.
- vi. Pay the affected people compensation to the amounts agreed.
- vii. Ensure monitoring and evaluation of the PAPs and the undertaking of appropriate remedial action to deal with grievances and to ensure that income restoration are satisfactorily implemented.
- viii. Ensure initial baseline data is collected for the purposes of monitoring and evaluation report as per the indicators provided by the RAP.

5.2.2 PAP Committee (PC)

Under the guidance and coordination of KRU, the PC will be formed one week after the formation of the KRU which will act as a voice PAPs. The committee shall comprise of the following:

1. National Environmental Management Authority (NEMA) officer
2. Lawyer, Kenya Power & Lighting Co. Ltd.
3. Valuer, Kenya Power & Lighting Co. Ltd.
4. Two Project affected people Representatives – to be appointed by PAPs
5. Local council representative
6. District Valuer or any Independent Valuer
7. Surveyor
8. The local area chiefs
9. District Land Adjudication and Settlement Officer
10. District Social Development Officer
11. Provincial State Counsel

The PC shall have a Chairperson and a Secretary appointed or elected by PAPs. The chairperson ought to be from the local area.

The PC will be concerned with the following:

1. **Public Awareness:** Includes extensive consultation with the affected people so that they can air their concerns, interests and grievances.
2. **Compensation:** Involves ratifying compensation rates and also serves as dispute resolution body to negotiate and solve any problem that may arise relating to resettlement process. If it is unable to resolve any such problems, will channel them through the appropriate grievance procedures laid out in this RAP.
3. **Monitoring and Evaluation (M&E):** Involves developing the monitoring and evaluation protocol
4. **Logistics:** Involves exploring all mechanisms by which RAP can be implemented
5. **Employment, Training and Counselling:** Involves employment protocol in the project (if any) for those who cannot find alternative employment. The committee will also counsel the PAPs both socially and economically.

5.3 Community Consultation

Resettlement or compensating PAPs needs communication or dialogue with the stakeholders, as such it is a never ending exercise, until implementation of RAP is over. This has been outlined in the guiding principles 2 in section 1.5 of this report. The consultant undertook an extensive consultation with the PAPs and also we are aware the KPLC staff has also done considerable bit of work towards this end. In our discussions, we encouraged the community and the PAPs to:

- i. Be open and make known their concerns and claims
- ii. Be free to access the formally established grievance process for lodging complains
- iii. Allow and give the necessary assistance to the M&E team

KPLC personnel would continue to conduct a series of consultation and counselling meetings with the PAPs. During these meetings the PAPs will be informed of the results of the survey findings and plans for the area including actual date of demolitions. These consultative meetings should include all stakeholders.

5.4 Compensation of the PAPs

Compensation to PAPs shall be made before demolition commences. This will be done at either the KPLC offices or at the local chief's office, whichever will be appropriate after approval. After compensation, a minimum of one month notice shall be given to the affected people before the demolition exercise commences, so as to allow relocation and salvage of necessary asset by the PAPs. Renters shall likewise be given at least one month notice before actual demolition to give them ample time to relocate. The sites shall be handed over to KPLC once all the PAPs have been fully compensated.

5.5 Monitoring and Evaluation

5.5.1 Internal Monitoring

It is the responsibility of the KPLC proponent to conduct regular internal monitoring of the resettlement performance of the operation. The monitoring should be a systematic evaluation of the activities of the operation in relation to the specified criteria of the condition of approval.

In undertaking the same, KRU will be responsible for implementing resettlement and compensation activities and it will therefore be their responsibility to undertake regular internal monitoring of the process.

The objective of internal monitoring and supervision will be:

- a. 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 resettlement policies provided by the GOK, AfDB, AFD and EU.
- b. To oversee that the RAP is implemented as designed and approved;
- c. 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.

The main internal indicators that will be monitored regularly:

- i. That the KPLC's entitlements are in accordance with the approved policy and that the assessment of compensation is carried out in accordance with agreed procedures
- ii. Payment of compensation to the PAPs in the various categories is made in accordance with the level of compensation described in the RAP
- iii. Public information and public consultation and grievance procedures are followed as described in the RAP
- iv. Relocation and payment of subsistence and shifting allowances are made in a timely manner
- v. Restoration of affected public facilities and infrastructure are completed prior to construction

5.5.2 External Monitoring and Evaluation

The Consultant recommends that an independent monitoring unit (IMU) be established to evaluate implementation of compensation and resettlement.

The IMU shall be appointed to monitor the resettlement and compensation process and implementation of requirements to verify that compensation, resettlement and rehabilitation have been implemented in accordance with the agreed RAP. The IMU will also be involved in the complaints and grievance procedures to ensure concerns raised by PAPs are addressed.

More specifically, the IMU will carry out the following:

- a. Review the results of the internal monitoring and review overall compliance with the RAP
- b. Assess whether relocation objectives have been met especially with regard to housing, living standards, compensation levels, etc.
- c. Assess general efficiency of relocation and formulate lessons for future guidance
- d. Determine overall adequacy of entitlements to meet the objectives.

The Consultant recommends that KPLC establishes an IMU that draws on personnel with resettlement and social development experience. The Consultant further recommends that relevant representatives from the AfDB, AFD and EU, KRU. The project affected persons should be represented through relevant PC.

The objective of this unit will also be to provide a forum for skills-sharing and to develop institutional capacity. It is important that the Unit is able to maintain a strong independent position and provide constructive feedback to the project to ensure the objectives are met. This could be facilitated through inclusion of an expert from a highly regarded University (drawing on Departments of Sociology and Anthropology, Environmental Studies, Geography and related disciplines).

The RAP would be implemented by The KPLC. The M&E will be carried out by the KRU and PC. The KRU will be responsible for the overall M&E while the PC will monitor and evaluate respective communities where they will have been formed.

Progress and performance of the RAP would be before, during, and after implementation. Using the baseline information that are being compiled by the consultant through this RAP report, the M&E advisors would be in a position to note changes that may have occurred before and after resettlement. Some of the baseline indicators that are pertinent to this study are:

1. **Income statistics:** Average annual family income within the communities should not fall below an agreed upon factor in the first 18 months after the move. Data should indicate that the socio-economic situation of the affected people is stable after one year. If, after a year, the situation of PAPs are found to be deteriorating (unemployment, increasing poverty, etc.), further interventions may considered.
2. **Entitlement Listing.** In the event of relocation to alternative site for the PAPs such site should have comparable services and amenities to the previous site. The basis of comparison could be qualitative, although a quantitative measure could also be developed based on per capita maintenance costs. The consultant has however

recommended financial compensations rather than relocation. Thus, the choice of the relocation site would depend to the PAPs.

During the field visits, there were clear cases of relocation namely:

- GreenHill primary school where the power line traverses through playground. The school needs complete relocation since the proposed line traverses the only available playing ground available for the children. The sponsor has an alternative land for relocation.



Fig 5.1: GreenHill academy in Taita Taveta district

- PEFA church: the proposed line traverses right above the church hence complete relocation is recommended.



Fig 5.2: PEFA church in Taita Taveta district

- Kaunguni primary school: the proposed line passes through the edge of the playing field hence, depriving the students playing space since it is dangerous for them to play below the lines.



Fig.5.3. Affected Kaunguni primary school play ground in Kibwezi district

- A.C.K church: the proposed line passes through the grave yard of the church. The members are not in agreement for any form of compensation and needs the grave to remain untouched.



Fig.5.4 Affected A.C.K church graveyard in Taita Taveta district

Based on the foregoing, the above will be classified as physical cultural resources. Cultural resources are important as sources of valuable historical and scientific information, as assets for economic and social development, and as integral parts of a people's cultural identity and practices. The loss of such resources is irreversible, but fortunately, it is often avoidable.

According to World Bank, OP 4.11, physical cultural resources are defined as movable or immovable objects, sites, structures, groups of structures, and natural features and

landscapes that have archaeological, paleontological, historical, architectural, religious, aesthetic, or other cultural significance. When the project is likely to have adverse impacts on physical cultural resources, the borrower identifies appropriate measures for avoiding or mitigating these impacts as part of the EA process. These measures may range from full site protection to selective mitigation, including salvage and documentation, in cases where a portion or all of the physical cultural resources may be lost.

The project will have adverse impacts on physical cultural resources especially ancestral graves and memorial sites. In as much as the destruction of some of the graves along the route is unavoidable, the consultant is of the opinion that, during implementation phase a lot of care should be taken to minimise destruction or excavation of the same. Where these graves are used for memorial purposes, for example A.C.K church graveyard, such privileges will cease and therefore site protection is recommended.

5.5.3 Responsible Parties

Due to the magnitude of the project, it is recommended that PC be charged with the task of monitoring and evaluation of the PAPs. It will therefore be enlisted to continue the post project evaluation system and conduct actual monitoring and reporting. KPLC will obtain Category M&E reports from the PCs for compilation.

5.5.4 Methodology for monitoring

The approaches and methods used would require regular dialogue and surveys of the affected communities. The dialogue will provide a forum for affected parties to air any grievances or complaints that may arise. The survey will provide a more objective form of progress measurement to complement the more subjective consultations/dialogue.

5.5.5 Data Collection

Qualified census personnel will collect data from a respectable research firm or government agency. The surveys should be conducted with the full consent and permission of affected parties.

5.5.6 Data Analysis and Interpretation

The data should be able to measure changes in net welfare based on pre-resettlement profile and post resettlement conditions. Where negative welfare is noticed, KPLC should immediately address the same.

5.5.7 Reporting

Post-resettlement monitoring results should be subject to review by, representatives of the affected community through the PC and representatives of KPLC.

The Monitoring Team must write its reports before the end of each visit and submit them to the KPLC Project Manager and the PC. The Monitoring Team should structure its reporting in conjunction with accepted variables set out in Annex V.

5.6 Implementation Timelines

The implementation times will be pegged on the following process

- KRU is constituted
- PC is constituted
- PC signs off on the RAP. This constitutes KPLC acceptance of the terms of the RAP.
- KPLC draws up offer documents for affected people and advertises the fact that offers will be made.
- The affected people review the offers made and enter into agreements with KPLC.
- The affected people will have to identify alternative sites surrender the land and move off the project site. These affected people shall do this on the basis of “willing buyer-willing seller principle”.
- Monitoring of the “willing buyer - willing seller” affected people begins

Fig. 5.5 is a Gantt chart itinerary for the implementation of RAP activities.

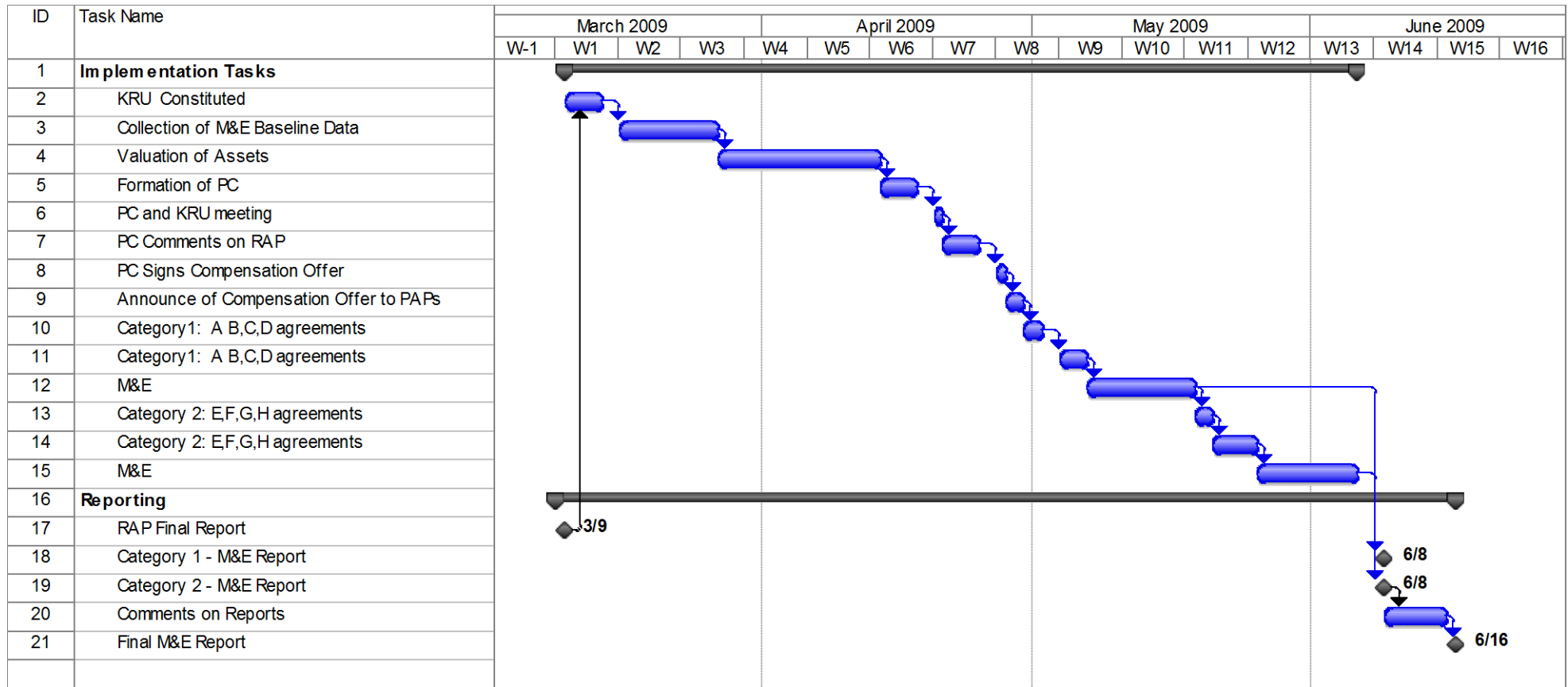


Fig. 5.5: Itinerary implementation schedule

5.7 Resettlement Cost Estimate

Summary of the resettlement cost estimates is shown in the Table 5.1. Details of these are shown in Annex VI.

Table 5.1: presents a summary of the resettlement cost estimates

Item	Amount(Ksh.)	%
Land	788,005,328.75	88.6
structures	86,366,725	9.7
Trees	15,255,900	1.7
Total	889,627,954	100

Assumptions:

1. No direct compensation for land under NPs except for Nairobi; NP and GRs
2. Average land values is approximately Ksh.100,000 per Acre
3. Structures cost at the prevailing construction rates depending on materials of construction and maintenance condition
4. Trees compensated on the basis of value per tree depending on age and size
5. Compensation rates are attached in annex V

5.8 Compensation a ward and Public grievance redress

Each identified PAP will be issued with a letter of award in annex III for their acceptance or otherwise before payment is made. In the event of a dispute or grievance, KPLC will issue a grievance form, Annex IV, to be filled by aggrieved persons so as to reach a settlement within a period of one month. No construction should commence before public grievance is settled.

6.0 CONCLUSIONS AND RECOMMENDATIONS

6.1 Conclusions

The following is a summary of the study conclusions:

1. **Population:** The transmission line route passes mostly on the south-west side of the Mombasa road, which is an area with low population density. The affected 414 households will have to be compensated.
2. **National Parks:** The line has tried as much as possible to avoid encroachment into the national parks and Game Reserves. However, it traverses the three national parks of Nairobi, Tsavo West and Tsavo East. There has been deliberate effort to reduce as much possible the section of national parks affected.
3. **Public Consultations:** A lot of consultations with the affected communities was done. There were areas such as Kibwezi, Voi, and Tausi areas where the consultant had difficulties interviewing the PAPs. In Kibwezi, the PAPs were unwilling to be interviewed because they were squatters who felt that the interview was meant to evict them. In Voi and Tausi areas the resistance was mainly for socio-cultural reasons. The residents within these areas expressed fear that the graves of their ancestors might be excavated during the construction of the line. Most of the respondents resisting the project were of the opinion that they will not benefit much from the same.
4. **Project Impacts:** The project will traverse a long stretch of land with considerable levels of mitigable impacts to the flora and fauna. There are also impacts which will be social economic in nature especially during the construction phase.
5. **Monitoring and Evaluation:** For the RAP to be successful there will be need for continued monitoring and evaluation. This will ensure that arising issues are properly addressed.
6. **Requests:** Emanating from the public discussions and meetings, the following requests have been made by the locals:
 - a. Use of local labour during the construction phase
 - b. Provision of electric power
 - c. Timely compensation
7. **Resettlement:** KPLC will provide both the financial input into the resettlement process as well as significant additional managerial and technical expertise. To this

end, KPLC is to constitute a resettlement unit immediately after the completion of the RAP final report.

6.2 Recommendations

- i. Continuous sensitisation of affected communities in the pre-construction phase of the project, especially in the populated areas of Kibwezi, Voi and Tausi should be encouraged as a preparatory measure before project implementation. KPLC should be at the forefront in ensuring this is carried out
- ii. KPLC should compensate all the affected persons in a timely manner using the prevailing market rates. The total amount of compensation is shown in Table 5.1
- iii. Before resettlement, the PAPs should be mobilized and counseled both socially and economically to avoid undue social and economic disruptions. Where applicable, health experts should be involved in counseling to create awareness within the community on issues relating to HIV/AIDS
- iv. Compensation to PAPs should be made before demolition commences. This will be done at either the KPLC offices and/or provincial administration offices. A minimum of one month notice should to be given to the PAPs to enable them salvage their assets
- v. KPLC should negotiate an MOU with KWS on use of parks to cover not only the current project but similar projects in future
- vi. KPLC should be responsive and live up to corporate social responsibility in the project area through the following activities:
 - Rural electrification programme
 - Water supply
 - Revegetation of the area
- vii. **Research:** there is need to carry out extensive research on fauna and flora with the Tsavo National parks. Such a study will enable KWS to evaluate the performance of fauna and flora in the affected areas and to design effective mitigation measures. Discussion with KWS on the matter indicated that the institution had plans to carry out such studies. However, financing for the same has been lacking. KPLC may consider facilitating the same



ANNEXURES



Annex I: Data collection tool

Questionnaire Number	
----------------------	--

CONSENT: Hello. We are conducting an assessment for KPLC to enable us determine the people affected so that they can be compensated.

Name of Property Owner		ID No.	
District		Division	
Location		Sub location	
Interviewer		Date	
Consent	Yes		No



1.0 Bio-data

Gender	Age	Number of Dependants	Disability	Marital Status	Education
1. Male 2. Female	How old is...[Name] in Years		1. Disabled 2. Normal	1. Married 2. Widowed 3. Divorced 4. Separated 5. Single	What is the highest Level of education of respondent? 1. Primary 2. Secondary 3. Post Secondary. 4. Never attended

2.0 Employment/ Source of Income

What the person does for a living	Other Sources of Incomes for the past one year
1. Farming 2. Livestock Rearing 3. Business 4. Formal employment 5. Casual employment	1. Farming 2. Business 3. Employment 4. Remittance 5. Others (Specify)

**3.0 Assets**

Land					
Stretch of Land Affected (Km)	Ownership	Land Use	Estimated value per acre		
	1. Leasehold 2. Freehold 3. Trust land 4. Squatter	1. Arable 2. Livestock 3. Sanctuary 4. Other Uses (specify)			

Buildings	Year of construction	Materials	Condition of the Building	Estimated cost
		1. Manyatta 2. Permanent 3. Semi-Permanent	1. Good 2. Fair 3. Poor	

Other Affected Structures	Description (length or depth)	Construction material	Estimated Cost
1. Fence			



2. Boreholes				
3. Others (Specify)				
Type of Crop	Area Affected	Maturity stage	Estimated Value	

4.0 Social Structures

Is the Person Close to the following Social Structures	Distance	Description
<ol style="list-style-type: none">1. Primary School2. Secondary School3. H/Centre4. Road5. Water Point6. Historical Sites7. Others (Specify)		



5.0 Trees

Number.	Name	Number	size	Estimated cost
1.				
2.				
3.				
4.				
5.				
6.				
7.				

Annex II: Public Consultation

Four public consultation meetings (barazas) were held in areas judged to be affected by the planned power line and sufficiently densely populated. The provincial administration facilitated the meetings except for Kianguni primary school where parents attending a sports day were mobilized by the deputy head teacher and the consultants.

The following is the summary of the discussions:

Meeting 1: Meeting at sokoni trading centre in Kimboo village Kiboko in Makueni district location on 03/03/2009 at 15:45 to 14:10pm

In attendance: 60 locals and 3 consultants

Summary of the issues raised:

- Local labour should be used in construction and operation
- Find ways to provide power to the local community.
- They were generally not resisting the project.

Meeting 2: Meeting at Itumo centre in Kibwezi district on 04/03/2009 at 12:20 to 1:10pm

In attendance: 23 locals and 1 consultant

Summary of the issues raised:

- They requested to provide labour all the way to Rabai
- Payment of the labour

Meeting 3: Meeting at Kaunguni primary school in Kibwezi district on 05/03/2009 at 12:00 to 12:35pm

In attendance: 14 locals and 2 consultants

Summary of the issues raised:

- The mode of compensation if the school is re-located
- Provision of unskilled labour
- Rural electrification

Meeting 4: Meeting at Mwabila in Kilifi district on 06/03/2009 at 2:00 to 2:20pm

In attendance: 19 locals and 2 consultants

Summary of the issues raised:

- Compensation should relocation and not in cash if fully affected
- Provision of unskilled labour
- Improve the infrastructure e.g. roads
- Water project



Public consultation forms

Consultancy Services to Update the Environmental and Social Impact Assessment, Developing an
Environmental Management Plan and Resettlement Action Plan

Public Participation Form

No	Name	Location	ID No	Address	Tel No
1	ANANIAS NGINABU	UTITHI	1553479	169 KBZ	
2	KINGOLA MUBIKWA	UTITHI	10275612	169 KBZ	
3	MUNGWOKI MUBIKWA	UTITHI		169 KBZ	
4	MWIKWA MUBIKWA	UTITHI	21261706	62 KBZ	
5	Ketungu MATITHA	UTITHI		169 KBZ	
6	Peter Mutai	UTITHI	9064304	169 KBZ	
7	Julian MUKULU	UTITHI	26953339	169 KBZ	
8	Wayua NZEKU	UTITHI	7392120	169 KBZ	
9	Syondau Muli	UTITHI	6274821	169 KBZ	
10	Nzilani Kimuyu	UTITHI	20715655	169 KBZ	
11	Nzeku Kiamba	UTITHI	7392070	169 KBZ	
12	Mwende Kimulu	UTITHI	17280992	169 KBZ	
13	Mukano Masila	UTITHI	13956835	169 KBZ	
14	REKWA KIMINDE	UTITHI	10738992	169 KBZ	

Log Associates, February 2009

Je gol 4/03/09
ASSOCIATES IN CONSULTANCY
P.O. BOX 1 NAIROBI



Consultancy Services to Update the Environmental and Social Impact Assessment, Developing an
Environmental Management Plan and Resettlement Action Plan

Public Participation Form

No	Name	Location	ID No	Address	Tel No
1	Ndalo Ndalo	Uthini		169 Tiungo KAE	
2	Berindeka Mubuku	Uthini		169 Kuumo	
3	Anna Kioko	Uthini		169 Kibwa	
4	Fredemda Mubungu	Uthini		169 "	
5	Victoria Kumbura	Uthini		169 "	
6	Catherine Mubuku	Uthini		" "	
7	Habeca Ndisi	Uthini	7392434	" "	
8	Mateka Ndisi	Uthini	7464455	" "	
9	Joyce Peter	Uthini		" "	
10	Mbeti Mwalolo	Uthini		" "	
11	Argnes Musyoka	Uthini	2359053	" "	
12	Sola Joel	Uthini		" "	
13	Mwikali Ndivo	Uthini		" "	
14	Janet Mawey	Uthini	5040881	" "	



Consultancy Services to Update the Environmental and Social Impact Assessment, Developing an
Environmental Management Plan and Resettlement Action Plan

Public Participation Form

No	Name	Location	ID No	Address	Tel No
1	Magey Muthia	USITHI		169 Kibwezi	
2	Grace Ndoro	"	6274636	"	
3	Nolanda Muevu	"	7708862		
4	ANNA Mungira	"	21376645	136 KISWEZI	
5	Tabitha Kulemba	"	7892606	136 KISWEZI	
6	Rosa Francisco Mhoree	"	1452103		
7	Jusyimi KALWA	"	7053817		
8	Judy Kilo	"		136 Kibwezi	
9	KATI KATI Kamoiwa KATI Mungira	"	7724321 13763119		
10	Tabitha Ngunzi	"	7371320		
11	VABET Mungira	"	13763629		
12	KAPULA Syukani Abdulla Mungira	"	13763628		
13	ROSALIU HBUKU	"	21261756		
14					

Log Associates, February 2009



Consultancy Services for updating the Environmental and Social Impact Assessment, Development of an Environmental and Social Management Plan and Resettlement Action Plan

Public Participation Form

Name	Location	ID Number	Address	Tel Number
MR. ISAAC NDIRO	ISINYA	21105922	332	0720554020
MR. REMEN ROBIN	"	24657796	"	0721663752
MR. C.M.S. KIKAYAGA			Box 261 Kajiado	0722654870
MR. ROBERT M. NYUNWE	Kiboko	1499486	Box 12 MK4	0726354292
MR. NITHAN M. KACI	Njauuu	1497228	Box 248 MK4	0724137633
MR. MARTIN MUKI	Njauuu	5334922	Box 95 Mkiadu	0720882904
MR. SIMON MUTHIKA	Njauuu		Box 248 Mkiadu	0720700187
MR. MICHAEL M. MATHIA	Nzambani	13764184	Box 14 Njauuu	0713879087
MR. HENRY MURAMBAWA SIKHINDI		2277327	Box 1	0912227821
MR. MWA KANDU	Mwalegha			
MR. JOHN MWANGURA	Kanga Shaps			0728505406



Consultancy Services for updating the Environmental and Social Impact Assessment, Development of an Environmental and Social Management Plan and Resettlement Action Plan

Public Participation Form

Name	Location	ID Number	Address	Tel Number
Johnson -H. Jimbi	MAZUNGU	0175778	180 VOI	0721251403
PHILLIS MAGANA	MAZUNGU	2979583 0720703054	180 VOI	0720703054
BENJAMIN Mwarusa	MAZUNGU	11313445	295 VOI	0710238396
PASCAL - M. Mwarusa	MAZUNGU	10799734	310 VOI- 80850	020-8030575
William Tsimba	Taru	6732163	P.O TARU	-
Elis Muri Pascal	Taru (mwarusa)	-	Nairobi	0720832663
LEHI NDOO Leho	SAMBURU	8395025	-	-
SIOHEN M DALU	SAMBURU KPC 2	-	SAMBURU	0710482468
ALBERT NANTANI CHALE	TARU	6722923	-	-
Summa Mwarusa	SAMBURU	-	SAMBURU	0727770754
CHILAGA TANA Chilache	SAMBURU	-	39 SAMBURU	-
KAMANZA - CHINAYA	SAMBURU	10226503	SAMBURU	-
KARI-MARIAKANI	MARIAKANI	-	BOX 30, MARIAKANI	020-2042764
NZHE WABU ZOEHE	ZOEHE	-	-	-
KAZUNGU GOROK	MARIAKANI	-	-	-
MARIKANI KATANA	MARIAKANI	-	-	0733585183
KIESO ZIA GURUK	MARIAKANI	-	-	-



Consultancy Services for updating the Environmental and Social Impact Assessment, Development of an Environmental and Social Management Plan and Resettlement Action Plan

Public Participation Form

Name	Location	ID Number	Address	Tel Number
SADIQA MZUNGU	MWAVUMBO	27380616	% 104 MKI.	0703534353
JOHN M. RUWA	"	2133536	% 46 MKI.	—
NTAMVULA LUVI	"	—	% 46 MKI.	—
Mwei Kimangi	"	—	—	—
Kabibi Mwei	"	—	—	—
Munaa Muthaka	"	—	—	—
Muthacki Mwei	"	—	—	—
Dzamba Chiranga	"	—	—	—
Maria Robert	"	—	% 98 MKI.	—
CHITSAPHA MTWANA NYAA				



Annex III: Letter of award

Kenya Power & Lighting Company ltd,
P.O Box 30099-00100,
Nairobi, Kenya

Ref. No.

Mr./Mrs./Ms.....
.....

ENERGY ACT 2006

PROJECT: ENERGY RECOVERY STRATEGY

PLOT NO. (PART)

COMPENSATION

IN PURSUANCE OF SECTION 10 of the (Energy Act 2006) having concluded the inquiry relating to the purchase of the acquisition of land described above, I HEREBY AWARD you the sum of

Kshs.....
.....

in respect of your interest in the land and permanent improvements acquired for the development of the above project.

I hereby give the following particulars relating to the acquisition:-

- a) The area of the land to be acquired is..... Approximately.
- b) The total value of land and improvements is in my opinion Ksh.....
.....
- c) The total amount of compensation payable for the land and improvements is Kshs.....
- d) The compensation HEREBY AWARDED is payable to the following persons Interested in the land:
.....
.....
.....

If you accept the above compensation award, Please sign this statement and send a copy of the same to me as soon as possible.

DATED this..... day of.....2009

Managing Director
Kenya Power & Lighting Company ltd,

**Annex IV: Public grievance form**

Resettlement Action Plan Public Grievance Form

RAP Reference No.	
Full Name	
Contact Information	Address: ----- ----- -----
Please mark how you wish to be contacted (mail, telephone, e-mail)	Telephone:- _____ Email-----
Preferred Language for Communication(Please mark how you wish to be contacted)	English Kiswahili
National Identity Number	
Description of Incident or Grievance:	What happened? Where did it happen? Who did it happen to? What is the result of the problem
Date of Incident/ Grievance	
	One time incident/ grievance(date-----) Happened more than once (How many times-----) Ongoing (Currently experiencing problem.....)
What would you like see happen to solve the problem?	

Signature:

Date:

Please return this form to:

Kenya Power and Lighting Company Limited
Energy Sector Recovery Project,
Stima Plaza, Kolobot Road, Parklands,
P.O. Box 30099-00100,
Nairobi-Kenya

**Annex V: Monitoring Indicators**

Subject	Indicator	Variable
Land	Acquisition of land	<ul style="list-style-type: none"> • Area of cultivation land acquired for KPLC developments • Area of communal land acquired for KPLC developments • Area of private land acquired? • Area of government land acquired?
Buildings/ Structures	Acquisition of buildings	<ul style="list-style-type: none"> • Number, type and size of private buildings acquired • Number, type and size of community buildings acquired • Number, type and size of government buildings acquired
	Acquisition of other structures	<ul style="list-style-type: none"> • Number, type and size of other private structures acquired • Number, type and size of other community structures acquired
Trees and Crops	Acquisition of trees	<ul style="list-style-type: none"> • Number and type of trees cut
	Destruction of crops	<ul style="list-style-type: none"> • Crops destroyed by area, type and ownership
Compensation, Re- establishment and Rehabilitation	Compensation and re-establishment of affected owners/individuals	<ul style="list-style-type: none"> • Number of homesteads affected (buildings, land, trees, crops) • Number of owners compensated by type of loss • Amount compensated by type and owner • Number of replacement houses constructed • Size, construction, durability and environmental suitability of replacement houses • Possession of latrines • Water supply access • Number of replacement businesses constructed
	Re-establishment of community resources	<ul style="list-style-type: none"> • Number of community buildings replaced • Number, type of plants lost • Number of seedlings supplied by type • Number of trees planted
Hazards and Disturbances	Introduction of nuisance factors	<ul style="list-style-type: none"> • Number of homesteads affected by hazards and disturbances from construction (noise levels, blasting, increased traffic levels)



Subject	Indicator	Variable
Social/ Demographic	Changes to homestead structure	<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
	Population migration	<ul style="list-style-type: none">• Residential status of homestead members• Movement in and out of the homestead (place and residence of homestead members)
	Changes to access	<ul style="list-style-type: none">• Distance/travel time to nearest school, health centre, church, shop, village
	Changes to health status	<ul style="list-style-type: none">• Nutritional status of resettled homestead members• Number of people with disease, by type (STDs, diarrhoea, malaria, ARI, immunizable disease)• Mortality rates• Access to health care services (distance to nearest facility, cost of services, quality of services)• Utilization of health care services• Disease prevention strategies• Extent of educational programmes• Latrine provision at schools (school child population per VIP on site)
	Changes to educational status	<ul style="list-style-type: none">• Literacy and educational attainment of homestead members• School attendance rates (age, gender)• Number, type of educational establishments
	Changes to status of women	<ul style="list-style-type: none">• Participation in training programmes• Use of credit facilities• Landholding status• Participation in KPLC-related activities and enterprises



Subject	Indicator	Variable
	Homestead earning capacity	<ul style="list-style-type: none">• Ownership of capital assets• Ownership of equipment and machinery• Landholding size, area cultivated and production volume/value, by crop (cash and subsistence crops)• Landholding status (tenure)• Redistribution of cultivation land• Changes to livestock ownership: pre- and post disturbance• Value of livestock sales, and imputed value of barter transactions• Consumption of own livestock production• Employment status of economically active members• Skills of homestead members• Earnings/income by source, separating compensation payments• Changes to income-earning activities (agriculture) – pre- and post disturbance• Changes to income-earning activities (off-farm) – pre- and post disturbance• Amount and balance of income and expenditure• Possession of consumer durables• Realisation of homestead income restoration plans (components implemented, net income achieved)• Possession of bank and savings accounts• Access to income-generating natural resource base (wood, grass, sand, stones)
	Changes in social organisation	<ul style="list-style-type: none">• Organisational membership of homestead members• Leadership positions held by homestead members
	Population influx	<ul style="list-style-type: none">• Growth in number and size of settlements, formal and informal• Growth in market areas
Consultation	Consultation programme operation	<ul style="list-style-type: none">• Number of local committees established• Number and dates of local committee meetings• Type of issues raised at local committees meetings• Involvement of local committees in KPLC development planning• Number of participating NGOs



Subject	Indicator	Variable
	Information dissemination	<ul style="list-style-type: none">• Number, position, staffing of Information Centres• Staffing, equipment, documentation of Information Centres• Activities of Information Centres• Number of people accessing Information Centres• Information requests, issues raised at Information Centres
	Grievances resolved	<ul style="list-style-type: none">• Number of grievances registered, by type• Number of grievances resolved• Number of cases referred to court
Training	Operation of training programme	<ul style="list-style-type: none">• Number of local committee members trained• Number of affected population trained in Project-related training courses
Management	Staffing	<ul style="list-style-type: none">• Number of implementing agencies by function• Number of GoK ministry officials available by function• Number of office and field equipment, by type
	Procedures in operation	<ul style="list-style-type: none">• Census and asset verification/quantification procedures in place• Effectiveness of compensation delivery system• Number of land transfers effected• Co-ordination between local community structures, KPLC and GoK officials



Annex VI: PAPs Census Table



Annex VII: Alternative B

Section of proposed line as it avoids Tsavo East National Park