



**KENYA ELECTRICITY TRANSMISSION COMPANY LIMITED**



---

**RESETTLEMENT ACTION PLAN  
KISII- AWENDO 132kV TRANSMISSION LINE**

---

**FINAL REPORT**

**MAIN REPORT**

**OCTOBER 2012**

---

**NAJJ CONSULTANTS LTD  
ELECTRICITY HOUSE, 10<sup>TH</sup> FLOOR  
BOX 16256-00100, GPO NAIROBI.  
Email: [najji@operamail.com](mailto:najji@operamail.com)**

**Proponent:**

Kenya Electricity Transmission Company (KETRACO)

**Assignment:**

Resettlement Action Plan for the Proposed Kisii-Awendo 132kV Transmission Line

**Name and Address of Consultant:**

NAJJ CONSULTANTS LTD

ELECTRICITY HOUSE, 10<sup>TH</sup> FLOOR

BOX 16256-00100, GPO NAIROBI.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

For: Najj consultants

*Disclaimer:*

*This Resettlement Action Plan is strictly confidential to Kenya Electricity Transmission Company (KETRACO) and any use of the materials thereof should strictly in accordance with the agreement between KETRACO and Najj Consultants.*



---

**TABLE OF CONTENTS**

---

<b>TABLE OF CONTENTS</b> .....	<b>II</b>
<b>ABBREVIATIONS</b> .....	<b>VII</b>
<b>LIST OF TABLES</b> .....	<b>VIII</b>
<b>LIST OF FIGURES</b> .....	<b>VIII</b>
<b>LIST OF PLATES</b> .....	<b>IX</b>
<b>EXECUTIVE SUMMARY</b> .....	<b>X</b>
<b>1.0: INTRODUCTION</b> .....	<b>1</b>
1.1 Client’s need .....	1
1.2 Transmission line (Kisii- Awendo).....	1
1.3 Background of the Project.....	1
1.4 Project Components .....	2
1.4.1 Towers .....	2
1.4.2 Way Leave .....	2
1.5 Objective of the RAP .....	2
1.6 Scope of work .....	3
1.6.1 Resettlement Action Plan .....	3
1.7 Justification for Resettlement Action Plan .....	5
1.8 Approach and methodology .....	6
<b>2.0: LEGAL FRAMEWORK</b> .....	<b>8</b>
2.1 The Wayleaves Act Cap 292, Kenya .....	8
2.2 The Land Acquisition Act, Cap 295, Kenya .....	9
2.3 Government Lands Act Cap 280, Kenya .....	9
2.4 Trust Land Act Cap 288, Kenya.....	10
<hr/>	
	<b>II</b>

2.5	Registered Land Act Cap 300, Kenya.....	10
2.6	Land Control Act 302, Kenya .....	10
2.7	The Constitution of Republic of Kenya .....	11
2.8	World Bank Safeguard policies triggered by the proposed project.....	11
2.9	The African Development Bank Involuntary Resettlement Policy.....	13
2.10	Statutory Tenures.....	14
2.10.1	Freehold Tenure .....	14
2.10.2	Leasehold Tenure.....	15
2.10.3	Public Tenure.....	15
2.10.4	Community Tenure System .....	16
2.11	KETRACO Resettlement Policy Framework.....	16
2.12	Easement .....	17
<b>3.0:</b>	<b>PROJECT DESCRIPTION AND BASELINE DATA .....</b>	<b>18</b>
3.1	Location.....	18
3.2	Proposed transmission line route .....	18
3.3	Physical Environment.....	21
3.3.1	Topography and climate .....	21
3.3.2	Soils.....	22
3.4	Biological Environment.....	22
3.4.1	Vegetation .....	22
3.4.2	Wildlife .....	22
<b>4.0:</b>	<b>CENSUS AND SOCIO-ECONOMIC SURVEY .....</b>	<b>23</b>
4.1	Demographic characteristics of the PAPs .....	23
4.1.1	Gender.....	23

4.1.2	Age distribution .....	24
4.1.3	Literacy level.....	25
4.1.4	Marital status .....	25
4.2	Social Characteristics .....	26
4.2.1	Ethnic distribution.....	26
4.2.2	Women.....	27
4.2.3	Children.....	28
4.2.4	Housing.....	28
4.3	Economic Characteristics .....	28
4.4	Land Use.....	29
4.5	Food Security .....	30
4.6	Public Health.....	30
4.7	Vulnerable groups .....	31
4.8	Social institutions affected by the line .....	32
<b>5.0:</b>	<b>PUBLIC CONSULTATION AND PARTICIPATION .....</b>	<b>33</b>
5.1	Introduction .....	33
5.2	Stakeholders .....	33
5.2.1	Directly Affected People.....	34
5.2.2	Indirectly Affected Persons.....	34
5.2.3	Government Agencies and Other Organizations .....	34
5.3	Community Meetings and issues raised.....	34
<b>6.0:</b>	<b>VALUATION AND COMPENSATION .....</b>	<b>39</b>
6.1	Introduction .....	39
6.2	Valuation Methodology .....	39

6.2.1	Comparison Method.....	40
6.2.2	Investment Method.....	40
6.2.3	Cost approach method.....	41
6.2.4	Profit method.....	41
6.2.5	Residual method.....	41
6.2.6	Open Market Value (OMV) and Replacement Cost Approach .....	41
6.3	Valuation and compensation of affected assets.....	41
6.3.1	Valuation and compensation of Land.....	41
6.3.2	Valuation and compensation of Structures .....	42
6.3.3	Valuation and compensation of Trees and Crops .....	43
6.4	Income and Livelihood Restoration.....	44
6.4.1	Income earning .....	44
6.4.2	Livelihood Restoration .....	44
6.4	Cost summary .....	46
6.5	Cut-off date .....	47
<b>7.0:</b>	<b>ELIGIBILITY AND ENTITLEMENT MATRIX .....</b>	<b>49</b>
7.1	Eligibility.....	49
7.2	Entitlement matrix.....	49
<b>8.0:</b>	<b>RAP ORGANIZATIONAL PROCEDURE AND IMPLIMENTATION SCHEDULE .....</b>	<b>54</b>
8.1	organizational procedure.....	54
8.1.1	Resettlement Project Team (RPT).....	54
8.1.2	Resettlement Working Group (RWG).....	56
8.1.3	Local PAP Committees .....	56
8.2	Implementation schedule.....	56

<b>9.0: GRIEVANCE REDRESS MECHANISM.....</b>	<b>59</b>
9.1 Introduction .....	59
9.2 Grievances Redress Procedure .....	59
<b>10.0 MONITORING AND EVALUATION .....</b>	<b>61</b>
10.1 Internal monitoring .....	61
10.2 External Monitoring.....	62
10.3 Methodology for monitoring.....	62
10.4 Data Collection .....	62
10.5 Data Analysis and Interpretation.....	63
10.6 Reporting.....	63
10.7 Monitoring Indicators .....	63
<b>11.0 CONCLUSIONS AND RECOMMENDATIONS .....</b>	<b>67</b>
11.1 Conclusions.....	67
11.2 Recommendations: .....	68
<b>ANNEXES.....</b>	<b>70</b>

## ABBREVIATIONS

AFD	Agence Francaise de Development
AIDS	Acquired Immune Deficiency Syndrome
EMCA	Environmental Management and Coordination Act
ESIA	Environmental and Social Impact Assessment
ERC	Energy Regulatory Commission
EU	European Union
HHs	Households
HIV/AIDS	Human Immunodeficiency Virus/ Acquired Immune Deficiency Syndrome
IFC	International Finance Corporation
IPPs	Independent Power Producers
KenGen	Kenya Electricity Generating Company Ltd
KETRACO	Kenya Electricity Transmission Company
KRU	KETRACO Resettlement Unit
kV	Kilo Volts
M&E	Monitoring and Evaluation
MoE	Ministry of Energy
MoU	Memorandum of Understanding
PAPs	Project Affected People
RAP	Resettlement Action Plan
RLA	Registered Land Act



---

**LIST OF TABLES**

---

Table 1: Level of Education of PAPS.....	28
Table 2: Public Barazas.....	35
Table 3: Per centum principle.....	42
Table 4: Rate for Structures.....	43
Table 5: Entitlement matrix.....	50
Table 6: Monitoring indicators.....	64

---

**LIST OF FIGURES**

---

Figure 1: Gender distribution.....	23
Figure 2: Age distribution of PAPS.....	24
Figure 3: Literacy Level .....	25
Figure 4: Marital status.....	26
Figure 5: Land use.....	29
Figure 6: PAPS monthly income.....	44
Figure 7: RPT Organogram.....	55
Figure 8: RAP Implementation schedule.....	58
Figure 9: Grievance redress procedure .....	60

---

**LIST OF PLATES**

---

Plate 1: Map showing the study area.....	18
Plate 2: Banana and maize crops.....	19
Plate 3: Undulating terrain on Northern parts of Ranen Hills .....	20
Plate 4: Sony Sugar Sewerage Treatment Plant.....	21
Plate 5: Expansive Sugarcane Plantation.....	21
Plate 6: Affected agricultural land .....	30

---

## EXECUTIVE SUMMARY

---

### Client's need

The Kenya Electricity Transmission Company Limited (KETRACO) contracted NAJJ Consultants to undertake an assessment for the Resettlement Action Plan (RAP) of the proposed 132 kV 44km Kisii - *Awendo* Transmission Line.

### Objectives

The objective of this study was to prepare a detailed resettlement action plan for the proposed Kisii- Awendo 132Kv Transmission Line. The RAP identified the project affected persons and proposed mitigation measures.

### Approach and Methodology

To meet the objectives of the study, we adopted systematic, integrated, participatory and collaborative approaches. We gathered information through document reviews, field investigations, focus group discussions and key informant interviews. We consulted KETRACO staff, administrators (Chiefs and their Assistants), community leaders among others.

The RAP examined all legal and regulatory frameworks and grievance redress procedures for the PAPs, socio-economic profiles in the project area, identified areas that would require resettlement and proposed relevant compensations and entitlements. The report also provides implementation framework, accountability, monitoring and evaluation mechanisms.

Some of the key components from the RAP includes:

- i) **Population:** this will give an indication of the people/populations who may be affected during project implementation.
- ii) **Public Consultations:** Consultations was conducted with the affected persons/communities where issues that may arise during the project life cycle was discussed.

- iii) Project Impacts:** The project traversed a long stretch of land with considerable levels of mitigable impacts to the flora and fauna. Some impacts were socio-economic in nature especially during the construction phase. This would be addressed by interventions suggested in the ESIA report.
- iv) Monitoring and Evaluation:** There will be need for continued monitoring and evaluation. This will ensure that issues that may arise before and after project implementation are properly addressed.
- v) Community expectations:** All the community expectations and concerns as obtained during the public participation were documented and addressed.

### Legal Framework of the RAP

This RAP and its entitlement matrix have been prepared in compliance with the applicable policy provisions of Kenyan Government and requirements of the World Bank's Safeguard Policy on Involuntary Resettlement. OP 4.12 of the World Bank requires that a RAP be prepared for all projects that anticipate land acquisition and displacement affecting shelter, livelihood and associated impacts. This RAP presents an inventory of PAPs, a register of the assets that are likely to be affected by the project and the proposed compensation package. Relevant Kenya laws considered include:-

- The New Constitution of Kenya
- The Land Acquisition Act Chapter 295
- The Wayleaves Act, etc.

**Ownership of target land:** the land traversed by the project between Kisii and Awendo is privately owned. Further, the land is controlled by over 200 small holder farmers.

**Socio-cultural setting:** At the start of the project, in the Kisii section, the Transmission line traverses peri-urban. All other sections of the project up to Awendo traverse largely rural settlements dominated by the Gusii and Luo people. The project largely traverses small holder settlements where small scale mixed farming is the main economic activity.

### **Economically sensitive resources**

*Land:* Land is just about the most important and widely coveted resource in Kenya access to which is a pre-requisite to economic production, settlement through ownership of shelter, and it offers security in old age and upon eventual death, all of which account for the huge interest that vests in land within Kenya where the dream to own land is commonly held by majority of citizenry. Against this background, the requirement for land to be set aside for construction of the proposed transmission lines is likely to have major impacts within the routes of traverse.

*Private and public investments:* Many private and public investments;- buildings, institutions, trees, developed farms etc will be traversed by the project with the prospect that quite a number will be cleared out of the Right of Way corridor and measures must be put in place to insure against retrogressive impacts of infrastructure.

### **Potential damages and modalities for Compensation**

*Anticipated damages:* The project is **44 km** long and will affect a total area of **132Ha** which was earmarked for wayleaves on which all physical development including any tree taller than 7metres will be removed. Further, of the farms traversed, a total of **486 structures** will be affected in the proposed way leave.

*The Asset Register:* An Asset register detailing the farms likely to be affected and the likely damage has been prepared as part of this RAP. The project entitlements have been designed to cover compensation, and rehabilitation for lost assets and restoration or enhancement of the livelihoods of all categories of affected people.

*Costs of the RAP:* From analysis of potential damage and application of valuation methodologies, the likely cost of the damage anticipated from creation of the wayleaves is Kenya Shillings **three hundred seventy nine million, three hundred and eighty**

thousand, seven hundred and seventy (Ksh 379,382,770). Of this amount, 36% will go towards compensation for land while 54% will meet the cost of removal of buildings from the designated wayleave. The remaining 10% will be used for compensating trees/crops/fruit trees.

**Summary of compensation cost**

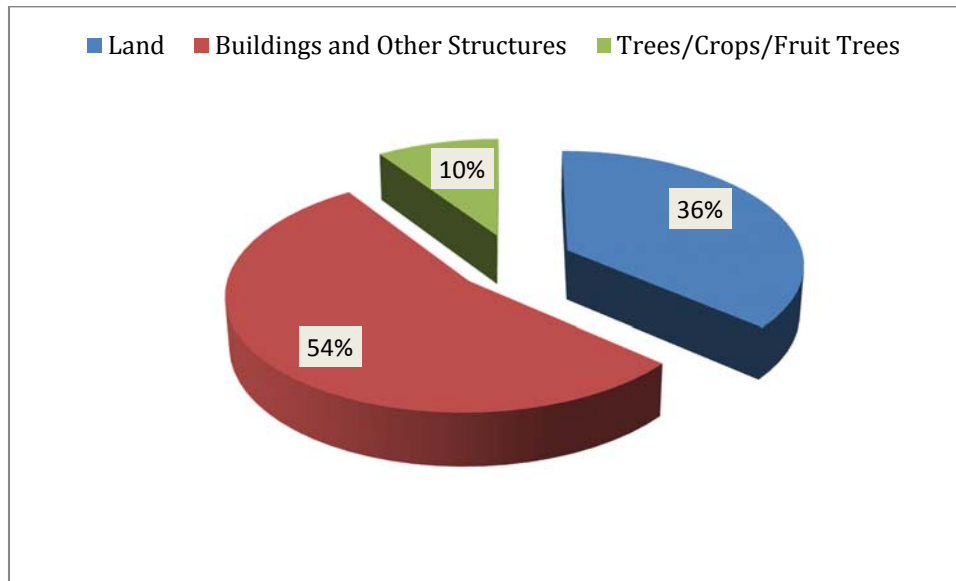


Table: Breakdown of Compensation Costs

<i>Item</i>	<i>Amount in KES</i>
Land	137,835,880
Buildings and Other Structures	205,770,130
Trees/Crops/Fruit Trees	35,776,760
<b>Total</b>	<b>379,382,770</b>

Note: 15% Severance, Injurious affection and Disturbance allowance added to structures only.

**Certified by:**

**Isaiah Bonyo**  
(Registered Valuer)

**Sign** ..... **Date** .....

# Chapter One

## 1.0: INTRODUCTION

### 1.1 Client's need

The Kenya Electricity Transmission Company Limited (KETRACO) contracted NAJJ Consultants to undertake an assessment for the Resettlement Action Plan (RAP) of the proposed 132 kV 44km Kisii - *Awendo* Transmission Line.

### 1.2 Transmission line (Kisii- Awendo)

The Proposed 44Km, 132Kv single circuit transmission line will take off from the existing 132/33kV Kisii substation and terminate at the new proposed 132/33 Awendo substation. The width for the right of way (Row) is 30 meters.

### 1.3 Background of the Project

The Kenya Electricity Transmission Company Limited (KETRACO), a state corporation under the Ministry of Energy is mandated, *inter alia*, to plan, design, build, operate and maintain new electricity transmission lines and associated substations that will form the backbone of the National Transmission Grid. In response to this mandate, KETRACO proposes to construct a transmission line within Kisii -Awendo

The KETRACO Least Cost Power Development Plan identified various 132 kV developments for improving the performance of the West Kenya network to cater for the increasing load growth and meet the 2030 vision objectives. To meet this objective, KETRACO intends to construct approximately 44 km of a single circuit 132 kV transmission line from Kisii to Awendo.

Given that KETRACO does not own any land within the neighborhood of the proposed project, and given that the proposed project seeks to pass through privately owned land, the basis of acquisition would be through negotiation and mutual agreements with the property owners.

#### **1.4 Project Components**

The proposed 132 kV transmission line is to be constructed covers a distance of 44km from Kisii to Awendo substation with a way leave of 30m wide, 15m on either side of the centre line.

##### **1.4.1 Towers**

Transmission line conductors are strung on line suspension tower and bend (strain) towers. For the proposed 132 kV transmission line, compact cross-rope suspension structure and self-supporting towers might be used. The towers will be between 30-50 meters in height depending on the physical terrain and a total footprint area of approximately 15 m x 15 m is required.

##### **1.4.2 Way Leave**

The way leave width for a 132 kV transmission line is 30 m i.e. 15 m on either side of the center line. The way leave trace is required to ensure the safe construction, maintenance and operation of the power line. Any farming activities except commercial tall trees such as Cypress, Eucalyptus, Avocado tree can be practiced underneath the power line.

#### **1.5 Objective of the RAP**

The objective of the RAP was to carry out a detailed Resettlement Action Plan (RAP).

The RAP entails:

- a survey on the amount of land that will be affected by the proposed line,
- the actual number of structures that will be affected by the proposed line,



- The actual number of people that will be affected and the actual number of households that will be affected by the proposed line.

The consultant also carried out estimation of valuation for the land to be affected, estimated valuation of structures to be affected, estimated valuation of crops and trees likely to be affected.

## 1.6 Scope of work

### 1.6.1 Resettlement Action Plan

The project scope included baseline socio economic data on the people affected, valuation of structures and total land affected, compensation mechanism, conflict redress mechanism and a report detailing all these variables.

The specific tasks included:

Detailed survey on the actual number of people to be affected by the proposed line; this include:

- Description of the project area including location of the project area and the number of people to be affected by the project in each location or district.
- Undertaking of a socio economic baseline survey of the people affected by the project
- Description of the categories of people affected, partially or wholly taking into account gender, vulnerability and other diversity concerns.
- Identification of all the people to be affected (PAPs) on the entire trace of the line providing their names with their official identification as in the National Identity Card phone contacts and physical contacts (street/estate, village, sub-location, location, District and Country).

#### **A detailed evaluation of the amount of land to be affected by the project, including:**

- Description of the total land that will be affected by the way leave access., land
- Description of baseline for land tenure, land use patterns and transfer systems.

- Evaluation of both the commercial and subsistence farm land that will be affected by the proposed line and give a rough estimate of the land values.
- Report on the type of effect for every parcel of land affected in terms of partial or entire parcel.

**A detailed survey on the structures to be affected by the proposed lines, including:**

- the total number of structures affected by the proposed line
- Provision of baseline description of structures affected including permanent structures
- the total number and type of structures to be affected by the proposed transmission line
- total number of public institutions/community structures to be affected by the proposed line
- description of structures affected- plinth area and construction materials
- detailed values/estimation of structures to be affected accompanied by pictures measurements and geographical positions (inscribed as a foot note of the pictures) of the structures affected (using coordinates)
- names of the true owners of structures and include the names in each caption of pictures taken for each structure
- type and methodology of compensation, preferred method of valuation with justification and the compensation framework including country laws and regulations.
- an inventory of loses and a detailed entitlement Matrix that will be used for compensation

**A detailed census/count of trees affected by the proposed line and also:**

- the number, type and breast height diameter of mature trees affected per each parcel affected

- assessment of trees/crop damage estimate values of the trees/crops affected

**An inventory of losses and a detailed entitlement matrix** that will be use for compensation

**Detailed organizational arrangement** for delivery of entitlement, including livelihood restoration measures, preparation and review of costs estimates, the flow of funds and contingency arrangements

**Detailed description of implementation process, linking resettlement implementation to civic works:** Initiate stakeholder involvement and come up with specific stakeholder committees either locational or sub-locational in areas affected that will ensure smooth implementation of the RAP.

**Detailed grievance redress mechanism** including concise procedures for dispute resolution taking into account traditional dispute settlement measures and judicial resource.

**Detailed description of arrangements for monitoring** by the implementing agency and if required, by independent monitors

**Detailed description of mechanism for consulting** with, and participation of displaced persons in planning, implementing and monitoring

**Detailed estimated budget cost** for the whole resettlement action plan inclusive of costs of structures, land, contingencies and monitoring of the project.

## 1.7 Justification for Resettlement Action Plan

A Resettlement Action Plan (RAP) for any project that results in either the physical or the economic displacement of people such as the Kisii-Awendo project will indeed require the physical relocation of some persons. The scope and level of detail of resettlement planning varies with circumstances, depending on the project's complexity and the magnitude of its effects.

The line route will lead to the need for physical movement of structures, physical displacement of people, loss of their shelter, loss of assets, loss of income sources or means of livelihood, or restriction of access to economic resources. As a minimum requirement, a Resettlement Action Plan must ensure that the livelihoods of people affected by the project are restored to levels prevailing before inception of the project, thus **OP 4.12** calls for the preparation of individual Resettlement Plan that must be consistent with the relevant Policy and Safe Guarded documents for this project.

### 1.8 Approach and methodology

Our approach was characterized by careful and meaningful blending of time-tested international best practice as well as advice based on practical experiences, local realities and clients' needs. Throughout the consulting process, NAJJ emphasized and ensured ownership of processes and final outcomes by our client.

Given the sensitive nature of land transactions and in particular the compensation exercise, the Consultants involved and sought the help of community leaders during their field work. The social assessment team used both qualitative and quantitative techniques to collect data and information on the social and economic status of the community and area along the proposed 44 kilometre transmission line would pass. These included:

- A detailed **desk study** to establish and describe the socio-economic conditions within the propose transmission line route
- **Key Informant Interviews** and **Semi-Structured Interviews** were conducted with the DOs, Chiefs, Assistant Chiefs, Councillors and Village Elders.
- **Open-ended questionnaires** were administered to obtain views about the proposed project and its perceived impacts from households along the line. A **cluster-random sampling** approach was used along the proposed Wayleave and also on whose homestead the 30 meters Wayleave would pass.
- **Public Barazas** which were organised and chaired by the Chiefs and Assistant Chiefs.

- **Transect walk**, was done to establish the biophysical nature of the project area and to meet the stakeholders.
- A **check list** of the information to collect from each category of the persons to be interviewed guided the collection of data throughout the field exercise.
- **Photography**- cameras were used to take photographs of public participation meetings, PAPs and affected assets (trees, crops, houses etc.).
- **GPS (Global Positioning System) and Maps** -Mapping of assets and land was done using the GPS.

The data was analyzed both manually and electronically, both at the field work stage as it was collected and at the end of the field work.

# Chapter

---

# Two

## 2.0: LEGAL FRAMEWORK

This section of the report looks at the various legislation that relate to land acquisition and resettlement in Kenya. There are several statutes that handle issues pertaining to land, among the salient ones are discussed in below:

### 2.1 The Wayleaves Act Cap 292, Kenya

The Act provides for certain undertakings to be constructed e.g. transmission lines, pipelines, canals, pathways etc., through, over or under any lands. Section 3 of the Act states that the Government may carry any works through, over or under any land whatsoever provided it shall not interfere with any existing building or structures of an ongoing activity.

Where any developments are affected, the Act recommends for compensation. Section 6

(1), “the Government shall make good all compensation to the owner of any tree or crops destroyed or damaged”. The Act further explains the process of resolving conflicts that arise in determining the compensation value.

This project is under the provision of the Act. The transmission line corridor will require the acquisition of Wayleaves within the affected areas. The proponent will comply with the provisions of this Act in the process of acquiring such Wayleaves. In accordance with the Act (section 4), notice will be given before carrying out works with full description of the intended works and targeted place for inspection. Any damages caused by the works would then be compensated to the owner as per section.

## 2.2 The Land Acquisition Act, Cap 295, Kenya

The Act provides for compulsory acquisition of land from private ownership for public benefit. It is noted that:

- When the Minister is satisfied on the need for acquisition, notice will be issued through the Kenya Gazette and copies delivered to all the persons affected.
- The Act also provides for full compensation for any damage or loss resulting from the entry on to the land.
- Section 8, the Act recommends that full compensation to be paid promptly to all persons affected.

This Act is not triggered since the Proponent will not use compulsory acquisition; rather the PAPs will be engaged in consultations and negotiation before arriving at the final compensation cost.

## 2.3 Government Lands Act Cap 280, Kenya

This Act of Parliament provides further and better provision for regulating the leasing and other disposal of Government lands, and for other purposes. Under this act the president through the commissioner of lands, allocates any un-alienated land to any person he so wishes ("unalienated Government land" means Government land which is not for the time being leased to any other person, or in respect of which the Commissioner has not issued any letter of allotment). Such a land once allocated is held as a grant from the government on payment of such rents to the government as the government wishes.

In areas where the line passes through such lands, we recommend that the alienation of the same be undertaken in line with the provisions of this Act. Lands e.g. Township/Municipality plots will be undertaken in compliance with the provisions of this Act.

## 2.4 Trust Land Act Cap 288, Kenya

The land which is not registered under any Act of parliament is vested in local authorities as Trust. In these Trust Lands a person may acquire leasehold interest for a specific number of years. The local authorities retain the powers to repossess such land for their own use should the need arise.

There is no trust land along Kisii-Awendo proposed line route, in an event of Trust Land which in case need acquisition, it will be acquired under Section 7 of the Act which defines how setting apart of Trust Land is carried out.

## 2.5 Registered Land Act Cap 300, Kenya

This Act of parliament provides for the absolute proprietorship over land (exclusive rights). Under this Act any person may acquire absolute ownership to any land once he or she has been registered as the absolute owner. On registration such a person acquires freehold interests on the land. Freehold implies absolute ownership. Section 94 gives the provisions for granting an easement over land and the specifications required on the instrument creating the easement.

The proposed project traverses areas with Registered Land/title deeds. The Proponent shall comply with the provisions of the Act in the acquisition of Registered Land. We recommend that the project proponent adheres to the provisions of this Act.

## 2.6 Land Control Act 302, Kenya

This is an Act of parliament; it restricts transfer of land and as such has some bearing on the flexibility with which affected farmers can acquire replacement land. Section (9) states the economic size of land for agriculture. It controls the subdivisions of the agricultural land.



The densely populated areas like Kisii which is an agricultural land will be considered, the provisions of this Act will need to be observed in the provision of land for resettlement of PAPs. The allocated land should be able to support the resettled groups in carrying out their livelihood in a manner equivalent to or more improved than during the pre-settlement period.

## 2.7 The Constitution of Republic of Kenya

Issues related to land are provided in Chapter Five of the new constitution of Kenya requiring that land be held and used in a manner that is equitable, efficient, productive and sustainable. Section 61 (2) of the constitution has classified land as public, community or private. The definitions of the same are provided in sections 62, 63 and 64 of the constitution. The proposed transmission line will traverse public, community and private land.

## 2.8 World Bank Safeguard policies triggered by the proposed project

The objective of the World Bank's environmental and social safeguard policies is to prevent and mitigate undue harm to people and their environment in the development process.

### OP 4.12 - Involuntary Resettlement

This policy is triggered in situations involving involuntary taking of land and involuntary restrictions of access to legally designated parks and protected areas.

The policy aims:

- To avoid involuntary resettlement to the extent feasible, or to minimize and mitigate its adverse social and economic impacts.
- It promotes participation of displaced people in resettlement planning and implementation,
- To assist displaced persons in their efforts to improve or at least restore their incomes and standards of living after displacement.

The proposed project triggers this policy in that it shall require involuntary acquisition of land as well as restrictions of access in areas within the transmission line Wayleave.

The Proponent complies with the requirements of OP 4.12 in the following ways:

- PAPs, host communities and local nongovernmental organizations, have been consulted.
- PAPs have been informed of their rights including prompt compensation at full replacement cost for loss of assets attributable to the project; assistance during relocation, and transitional support and development assistance.

#### **OP 4.10 - Indigenous Peoples**

The World Bank policy on indigenous peoples underscores the need to identify indigenous peoples, consult with them, ensure that they participate and benefit from Bank-funded operations in a culturally appropriate way - and that adverse impacts on them are avoided, or where not feasible, minimized or mitigated.

Indigenous Peoples are identified as possessing the following characteristics in varying degrees: self-identification and recognition of this identity by others; collective attachment to geographically distinct habitats or ancestral territories and to the natural resources in these habitats and territories; presence of distinct customary cultural, economic, social or political institutions; and indigenous language.

Along the proposed transmission line route, there are no cases of indigenous social groups. The project proponent complies with the requirements of this policy by having undertaken: - public consultations and information disclosure with the Project Affected Persons, an environment and social impact assessment, an environmental and social management and monitoring plan, and a resettlement action plan that encompasses all persons affected by the Wayleave acquisition.

## 2.9 The African Development Bank Involuntary Resettlement Policy

The AfDB involuntary resettlement policy has been developed to cover involuntary displacement and resettlement of people caused by a Bank financed project and it applies when a project results in relocation or loss of shelter of the persons residing in the project area, or their assets being lost or livelihoods being affected.

The primary goal of the involuntary resettlement policy is to ensure that when people must be displaced they are treated equitably, and that they share the benefits of the project that involves their resettlement.

### Objectives

- To avoid involuntary resettlement where feasible, or minimize resettlement impacts where population displacement is unavoidable, exploring all viable project designs. Particular attention must be given to socio-cultural considerations, such as cultural or religious significance of land, the vulnerability of the affected population, or the availability of in-kind replacement for assets, especially when they have important intangible implications. When a large number of people or a significant portion of the affected population would be subject to relocation or would suffer from impacts that are difficult to quantify and to compensate, the alternative of not going ahead with the project should be given a serious consideration.
- To ensure that displaced people receive resettlement assistance, preferably under the project, so that their standards of living, income earning capacity, and production levels are improved.
- To provide explicit guidance to Bank staff and to the borrowers on the conditions that need to be met regarding involuntary resettlement issues in Bank operations in order to mitigate the negative impacts of displacement and resettlement and establish sustainable economy and society.

- To set up a mechanism for monitoring the performance of involuntary resettlement programs in Bank operations and remedying problems as they arise so as to safeguard against ill-prepared and poorly implemented resettlement plans.
- Community participation in planning and implementing resettlement should be encouraged.

According to AfDB's IRP, the resettlement plan should include measures to ensure that displaced persons are:

- Informed about their options and rights pertaining to resettlement;
- Consulted on, offered choices among, and provided with technically and Economically feasible resettlement alternatives and
- Provided prompt and effective compensation at full replacement cost for losses
- Provided assistance (such as moving allowances) during relocation, and
- Provided with residential housing, or housing sites, or as required agricultural sites for which a combination of productive potential, location advantages and other factors is at least equivalent to the advantages of old sites.

Where it is necessary to achieve the objectives of the resettlement plan, it should also ensure that displaced persons are:

- Offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standard of living; and
- Provided with development assistance in addition to compensation measures, such as land preparation, credit facilities, training, or job opportunities.

## 2.10 Statutory Tenures

### 2.10.1 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. The Act provides that the

registration of a person as the proprietor of the land vests in that person the absolute ownership of that land together with all rights, privileges relating thereto.

With regard to the areas with lower agricultural potential, mostly arid and semi arid parts of the country where the dominant land use was pastoralism, a different registration system was instituted in 1968. This is the regime of Land (Group Representatives) Act. Here the registration of group ranches was viewed as a compromise between individual ownership and the need for access to wider resources in dry lands. Under this system 'communal lands' are divided into smaller 'ranches,' which are then registered in the names of group representatives (three to ten members) elected by the members of the group (Wanjala 2000). Every member of the group has rights in the ownership of the group land in undivided shares. The members are entitled to reside therein free of charge with their family and dependants and make exclusive use for the grouped ranches resources.

The proposed project traverses through Kisii –Awendo districts which is mostly freehold.

### **2.10.2 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. For government land the government also grants leases, the local authorities for trust land and by individuals or organisations owning freehold land. The constitution has set the maximum term for leasehold tenure to ninety-nine (99) years.

### **2.10.3 Public Tenure**

This is land owned by the Government for own purpose and which includes unutilised or unalienated 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. These lands are vested in the president who has, normally through the Commissioner of Lands, powers to allocate or make grants of any estates, interests or rights in or over unalienated government land. Categories of government land

include forest reserves, other government reserves, alienated and unalienated government land, national parks, townships and other urban centres and open water bodies (GOK, 1996).

The Government Lands Act does not contain any notion of trusteeship by government of the land on behalf of the people of Kenya. Indeed the government at times acts as a private owner and allocates parcels to those in its favour.

#### **2.10.4 Community Tenure System**

This mode of ownership is currently governed by the Trust Land Act, by which all land in the rural areas which is neither government land nor individually owned is vested in the county council in trust for the residents living there.

#### **2.11 KETRACO Resettlement Policy Framework**

It outlines the principles, procedures, entitlements and eligibility criteria, the organization arrangements and provisions for monitoring and evaluation, the framework of stakeholder participation, as well as the mechanism for redressing grievances.

##### **Objectives**

- Avoid or minimise involuntary resettlement
- Ensure that affected individuals and households and /or displaced communities are meaningfully consulted, have participated in the planning process, and are adequately compensated to the extent that at least their pre-displacement incomes have been restored and that people and enterprises affected by the project are compensated for any loss of property and/or socio-economic displacement as a result of the project
- Provide the PAPs with opportunities to restore or improve their living standards and income earning capacity to at least pre-project levels
- Provide guidelines to stakeholders' participation in the mitigation of adverse social impacts of the project, including rehabilitation or resettlement operations to ensure that PAPs are not impoverished by the adverse effects of the project.

Generally, KETRACO mandates itself to adhere to all relevant legislations, guiding principles and polices both locally and internationally.

## **2.12 Easement**

KETRACO requires easements for the way leave corridor. An easement is an agreement made between the landowners and KETRACO granting the RoW to place towers on or cables under his or her land. While KETRACO will not acquire part of the land affected by the easement, it will register an encumbrance upon the land. For instance, while the landowners will continue to own the land and may use such land for crop farming and animal grazing, they will not be allowed to construct structure or grow vegetation that can reach greater than 12 feet high within the way leave trace. The provisions concerning the acquisition of easement are set out in the Limitations of Actions Act and Registered Lands Act Laws of Kenya.

# Chapter Three



## 3.0: PROJECT DESCRIPTION AND BASELINE DATA

### 3.1 Location

The Proposed 44Km, 132Kv single circuit transmission line will take off from the existing 132/33kV Kisii substation and terminate at the new proposed 132/33 Awendo substation.



Plate 1: Map showing the study area

### 3.2 Proposed transmission line route

The transmission line begins from Kisii substation Located approximately 1Km from Kisii town, Nyaribari location, Keumbu sub location in Kisii county Nyanza province. The substation is accessed through Kisii – Sotik road and is about 50m off the road. KAP1 is on land parcel no.2301 and terminates at the proposed substation KAP 24 located on Sony Sugar Company land approximately 44 km from Kisii substation.



### Kisii-Rongo section

The area is densely populated. Settled areas are within a radius of 500 metres away from the site. Within the vicinity of the substation are homesteads practicing arable farming and livestock keeping. The main types of crops grown are maize, banana, beans and sugar cane. Eucalyptus trees are also apparent in this area. There are existing power lines traversing some of these homesteads. Soils are mainly volcanic and are highly productive.



Plate 2: Banana and maize crops

The line crosses the Kisii–Sotik road to KAP2 and traverse brick works, homesteads and un-tarmacked road network on the Southern part of Kisii town, passing through maize farms, beans, expansive tea and coffee plantations and eucalyptus trees. It also crosses River Kuja and a number of streams within the region to Nyakekogi market in Basii chache location where angle point three (KAP 3) is located approximately 7.8 Km from Kegati. Here the main socio-economic activity of the residents is growing food crops such as maize, beans and Bananas. Tea is the major cash crop grown due to an existing Kahau tea factory.

The line passes next to Nyakekogi primary school on the right of the existing 33 Kv line and then continues to follow the existing 33kV line which is a few metres from the tarmac road. The line crosses Kilgoris Road through sections of Itumbe market.

In south Mugirango the line passes on the lower side of Nyabigena secondary school approximately 1 km from the corridor. Sugar cane farming is practiced in South Mugirango. The crosses part of Omugwa primary school affecting trees within the school compound. Omugwa market is also partially affected.

### **Rongo-Awendo Section**

From Rongo, the line avoided major centres and Schools and traverses homesteads within the vicinity of Rongo. The area is characterized by very hilly terrain in most of the section. The area is densely populated with most people practicing arable farming and livestock keeping.



### **Plate 3: Undulating terrain on Northern parts of Ranen Hills**

From Ranen Hills, the line traverses through homesteads found on the western side of the Ranen centre. The line passes through the expansive sugarcane plantation of Sony Sugar nuclear farms. It passes approximately 500m away from Sony Sugar Sewerage Treatment Plant and Sony Sugar Factory respectively.



**Plate 4: Sony Sugar Sewerage Treatment Plant.**



Plate 5: Expansive Sugarcane Plantation

### **3.3 Physical Environment**

#### **3.3.1 Topography and climate**

Kisii County lies on a highland equatorial climate, and as such it receives rain almost throughout the year, although there are two rainy seasons (March to May and October to November). The average rainfall is over 1500 mm and is quite reliable, helping to support cash crops (such as coffee, tea and pyrethrum) and subsistence crops (maize, beans, millet and potatoes). Temperatures can range from 10 °C to 31 °C.

The terrain is very hilly with some abrupt elevation rise and fall but with elevations falling from high point at Kisii towards lower land at Rongo and onwards towards Awendo.

### **3.3.2 Soils**

The soils are predominantly highly productive volcanic hence favorable for a wide range of crops.

## **3.4 Biological Environment**

### **3.4.1 Vegetation**

The area's is classed as medium agricultural potential, Agro-Climatic Zone III and contains concentrated agricultural activities; including food and cash crops, and dairy farming. Also coffee and tea farming is extensively practiced across the higher land in Kisii section. In Awendo, sugarcane and dairy farming is practiced especially in the lower land. There are no natural forests and vegetation within the district since they have been cleared to pave way for cultivation and settlements.

### **3.4.2 Wildlife**

The area being densely populated with people practicing intensive agriculture. This does not favour wildlife.

# Chapter Four



## 4.0: CENSUS AND SOCIO-ECONOMIC SURVEY

### 4.1 Demographic characteristics of the PAPs

#### 4.1.1 Gender

From the survey, 79% of the PAPs are male. Most of the households are headed by male with a few (21%) female headed households as shown in the figure below.

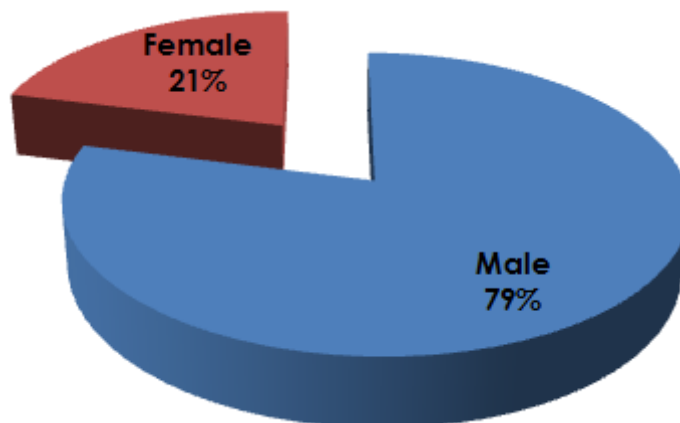


Figure 1: Gender distribution

The 21% of the female showed above comprises mainly widows and single mothers affected by the project. They are considered to be a vulnerable group because they are faced with multiple tasks of being breadwinners, mothers, providers of shelter, and providers of security for those under their responsibility. Shelter relocation and livelihood restoration will be huge tasks for them.

### 4.1.2 Age distribution

Age distribution among PAPs is crucial especially during resettlement process so as to be factored in during livelihoods restoration.

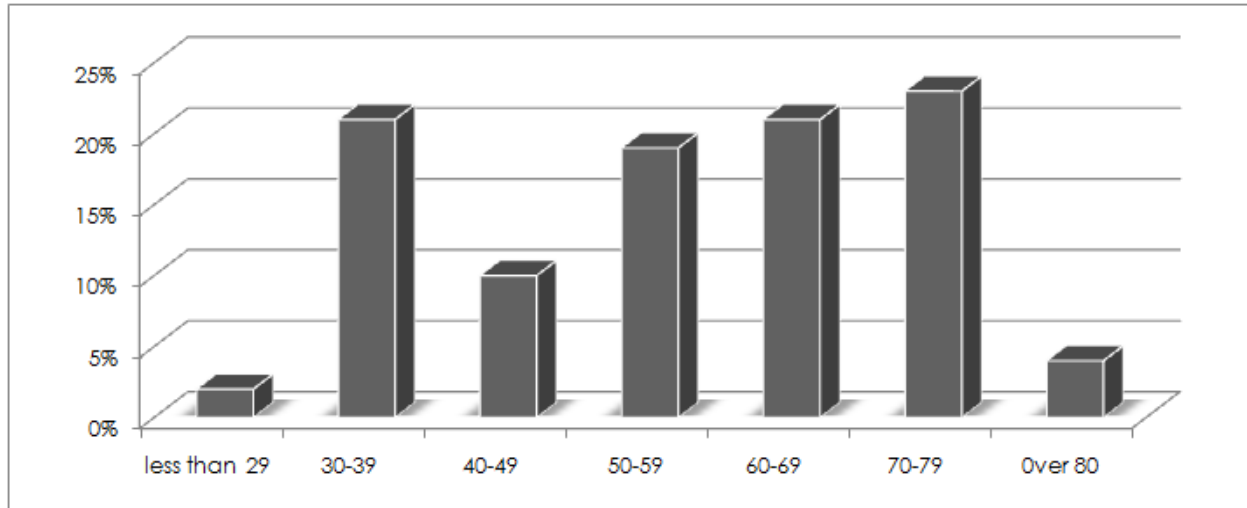


Figure 2: Age distribution of PAPS

As shown above, majority (23%) of the affected persons are aged between 70 – 79 years who are considered to be among the vulnerable groups. In addition, 4% are over 80 years. This group requires special assistance to restore their livelihood status. Such assistance may include:

- ✓ Private and continuous consultation
- ✓ Priority in site selection in case of complete relocation
- ✓ Relocation near to kin and/or former neighbours
- ✓ Assistance in transportation of salvage materials from original home

On the other hand, 20% of the PAPs are 30-39 years which is considered to be economically independent. The results further reveal that only 20% of the PAPs are aged between 60- 69 years.

### 4.1.3 Literacy level

Literacy is key in this resettlement process since it enables the PAPs understand their constitutional rights and also be part of the process.

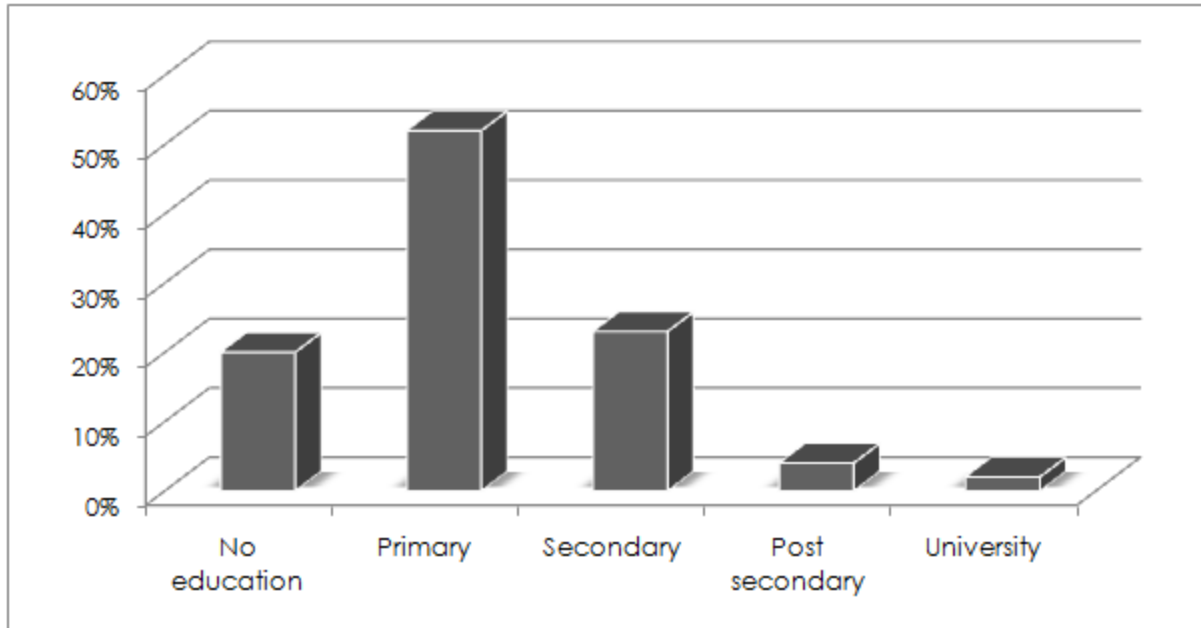


Figure 3: Literacy Level

The figure above indicates that 50% of the PAPs are illiterate with highest level of education being primary, which implies that most of the PAPs need assistance so as to understand the process. Though they have basic education, most of the PAPs don't know how to read and write in English well. Continuous consultations and counseling will be necessary so that they are able to make informed decision regarding the RAP.

### 4.1.4 Marital status

The survey team established that, 87% of the PAPs are married as shown in the figure below. Some cases where affected households where headed by children/orphans and widows were recorded to be 8% and 2% respectively. This should be considered to be vulnerable groups during resettlement process.

Orphans and widows are vulnerable groups because for orphans they are totally dependent on sympathetic relatives or adults. With the increase of responsibilities in the resettlement process, orphans will most likely be marginalized. Their needs might not be a priority in the planning and/or in the implementation stages. While for Widows they have lost their breadwinners and are suddenly faced with the reality that they have to provide for themselves, the children and other dependants. Resettlement will be an additional responsibility, which will need outside support. The need becomes bigger where the widow is elderly.

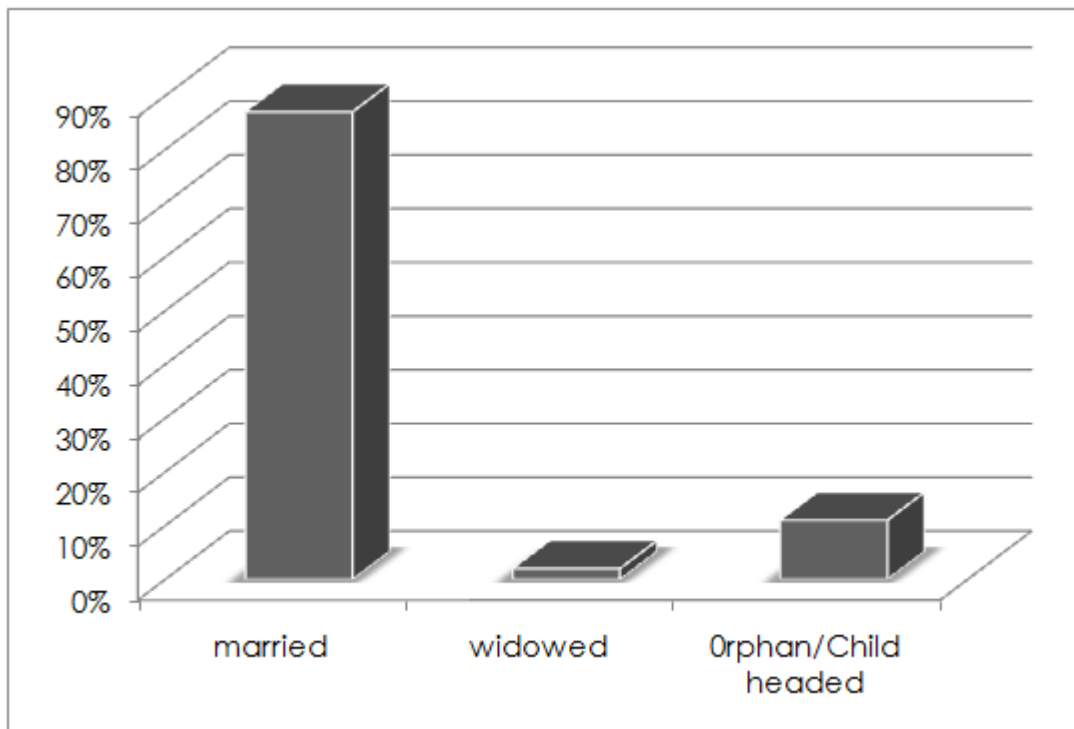


Figure 4: Marital status

## 4.2 Social Characteristics

### 4.2.1 Ethnic distribution

A number of ethnic groups in Kenya reside along the planned power line route. None of them are to be considered as vulnerable ethnic minorities. The major ethnic groups in the project area are the Gusii and Luos.



## Gusii

The Gusii language (also known as *Kisii* or *Ekegusii*) is a Bantu language spoken in the Kisii district in western Kenya, whose head-quarters is Kisii town, (between the Kavirondo Gulf of Lake Victoria and the border with Tanzania). The Kisii are regarded as one of the most economically active communities in Kenya, blessed with rolling tea estates, coffee, and banana groves. However, Kisii district has a very high population density. It is one of the most densely populated areas in Kenya (after the two cities of Nairobi and Mombasa), and the most densely populated rural area.

## Luo

The Luo (also called *Jaluo* ) are an ethnic group in Kenya, eastern Uganda, and northern Tanzania. The Luo are the third largest ethnic group (13%) in Kenya, after the Kikuyu (22%) and the Luhya (14%). The Luo population in Kenya was estimated to be 3,185,000 in 1994. The traditional occupation of the Luo is fishing, though many are also farmers or work jobs in the larger cities. They speak Dholuo language, which belongs to the Western Nilotic branch of the Nilo-Saharan family language spoken by other Luo-speaking peoples such as the Lango, Acholi, Padhola and Alur (all of Uganda).

### 4.2.2 Women

The economic, social and political status of women in the entire Project affected area is relatively weak. Apart from land ownership, most girls are subjected to early marriages after which their roles are largely confined to household management and agricultural production. They are generally economically dependent upon men who tend to make the decision as to how many children the family should have.

In rural areas in particular, women are burdened by back-breaking work. In addition to all food preparation, child rearing and domestic chores, they are responsible for land preparation, planting and weeding. Women are also the principle collectors of water and firewood, and in some instances, they have to walk long distances to acquire these resources for drinking and cooking. Women's access to formal education is low in the affected areas. This is projected in table below which shows that 38% of the female

respondents did not attend school. This percentage was relatively high compared to that of the males.

**Table 1: Level of Education of PAPS**

	<b>Primary</b>	<b>Secondary</b>	<b>Post-Secondary</b>	<b>Never attended</b>
<b>Male</b>	38.8%	29.6%	8.2%	23.5%
<b>Female</b>	35.3%	20.0%	6.7%	38.0%
<b>Total</b>	<b>38.1%</b>	<b>28.3%</b>	<b>8.0%</b>	<b>25.7%</b>

The reason for this gender parity as regards to education levels is due to the fact that families tend to prefer male children to go to school due to scarcity of education facilities and therefore literacy levels amongst girls and women are therefore significantly lower. With little access to formal employment, they consequently represent a negligible proportion of persons employed in professional, technical and administrative occupations.

#### **4.2.3 Children**

Children are the most vulnerable members of the population due to the effects of displacement and disintegrations of families. Related displacements due to political interferences were witnessed in Kisii and Gucha districts.

Child mortality rates are relatively low due to the presence of government interventions through IFAD and NGOs such as APHIA II Nyanza who are working in the region to help reduce cases of infant mortality.

#### **4.2.4 Housing**

The quality of housing in the project affected area consists of a mix of permanent, semi-permanent houses and grass thatched houses.

### **4.3 Economic Characteristics**

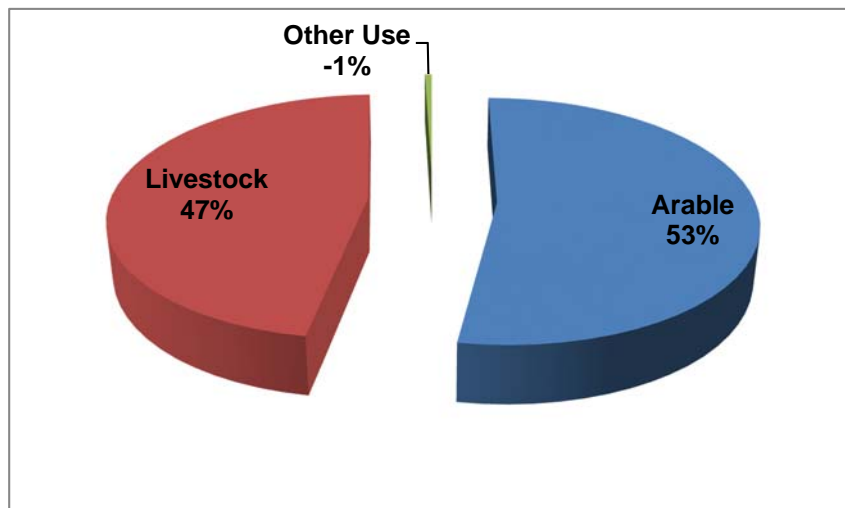
The majority of the populations affected are;

- peasant farmers
- Small and medium business operators and
- People in formal and informal employment

Parts of Rongo district, near Awendo town have large scale farmers growing sugarcane as their main cash crop.

#### 4.4 Land Use

The proposed transmission line traverses various districts which includes; Rongo, Gucha, and Kisii Central. Due to the high population density, almost all land is put to maximum agricultural use.



**Figure 5: Land use**

As shown from the figure, crop farming accounts for 52.7% of the agricultural activities while livestock rearing takes 46.8%. Most of the crops grown include maize, beans, millet, sorghum, potatoes, bananas, avocado, coffee, tea and sugar cane. The majority of farmers pursue rain-fed agriculture.

Cultivation practices have generally shaped the settlement profile. Most of the areas where small-scale subsistence farming is the predominant agricultural practice farmers tend to be

located on their properties. Where roadside villages occur, families tend to take advantage of commercial opportunities presented through the traffic by establishing small kiosks and other income generating activities.

#### 4.5 Food Security

The area around Kisii is agriculturally productive. Households within these areas practice a mix of subsistence farming and cash crop farming. The subsistence farming consist crops such as maize, beans cowpeas, bananas and fruit crops. The harvest from these crops is used for household consumption and for sale. This has enhanced food security within these areas. The cash crops grown in these areas include tea, coffee and sugarcane. The proceeds from the sale of these crops further contribute to the food security situation in these households.



**Plate 6: Affected agricultural land**

#### 4.6 Public Health

HIV/AIDS is a severe health threat in Kenya, and HIV-positive prevalence is very high, at almost 7% of the population of ages 15-55. HIV/AIDS is a big problem and it ranks among the top ten diseases in the project area. During power line construction work, the project employees will interact with the local communities and this can have serious public health

impacts. The other common diseases reported in Kenya are respiratory diseases, malaria, skin diseases and diarrheal diseases.

#### 4.7 Vulnerable groups

Children, the elderly, single mothers, female heads of households, and orphans are considered the most vulnerable in the project area. These groups also include the disabled; widows; small-scale farming females, non-farming females, and the terminally ill among which people living with HIV/ AIDS are a part of.

The various groups are considered vulnerable due to their ability to cope with and participate in decision making with regards to resettlement.

- **Children** are vulnerable because they have no control over the direction or speed of the resettlement process. They have little say and entirely depend upon their parents and guardians for relocation and restoration of livelihoods.
- The **elderly** are vulnerable because most of them are physically weak and cannot relocate to new shelters nor restore their livelihoods without support from others. It is more difficult for the female elderly.
- **Single mothers** are vulnerable because they are faced with multiple tasks of being breadwinners; mothers; providers of shelter; and providers of security for those under their responsibility. Shelter relocation and livelihood restoration will be huge tasks for single mothers. The same is true for **female heads** of households, probably more so because some of them will also have to deal with irresponsible husbands.
- The **orphans** are a special group different from other children because they are totally dependent on sympathetic relatives or adults. With the increase of responsibilities in the resettlement process, orphans will most likely be marginalized. Their needs might not be a priority in the planning and/or in the implementation stages.
- **Widows** are vulnerable because they have lost their breadwinners and are suddenly faced with the reality that they have to provide for themselves, the children and

other dependants. Resettlement will be an additional responsibility, which will need outside support. The need becomes bigger where the widow is elderly.

- **Female small-scale** farmers and the **non-farming females** are vulnerable too because they have to meet out their livelihoods on a day-to-day basis. In the absence of sizeable commercial activities and alternative income earning opportunities in the project area, they have to struggle in each day in order to get the day's essentials. Resettlement is a time-demanding process and they will face time constraints to participate in both.
- The **terminally ill** are vulnerable because they cannot attend to their resettlement responsibilities without support from family members or relatives.
- Those below the **poverty line** and the **illiterate** can easily be cheated and manipulated in the process by dishonest and opportunistic individuals within and outside the community.

The vulnerable groups require assistance and protection to help them overcome difficulties during the RAP implementation. Special attention should be given to them on a case by case basis, with regard to their habitation, livelihood and education. *(See annex 5)*

#### 4.8 Social institutions affected by the line

##### Omugwa primary school

Omugwa primary school is in South Mugirango location, Gucha district. The proposed line passes in the school farm.

# Chapter

# Five

## 5.0: PUBLIC CONSULTATION AND PARTICIPATION

### 5.1 Introduction

KETRACO Resettlement Framework Plan (RFP) stipulates that any displaced persons and their communities and any host communities receiving them should be provided with timely and relevant information, consulted on resettlement options and offered opportunities to participate in planning, implementing and monitoring resettlement. RFP requirements for Public Consultation are being used as the primary point of reference.

During the fieldwork a number of community meetings/public *barazas* were conducted within the way leave trace with households that are likely to be affected by the project and with local administration, community leaders and elders. House – to house interviews/ consultations of PAPs were also conducted.

In order to have adequate participation of the communities, notices were given to respective communities through the local area Chiefs and Elders. These leaders assisted in mobilization of the community to attend public consultative meetings. In addition, pictorial aids showing the locations of the different project area were prepared and used during information gathering and dissemination.

### 5.2 Stakeholders

During the public consultations, multiple groups of stakeholders were consulted. The stakeholders were those who have an interest in the project development, and who will be involved in the further consultative process. The main groups of stakeholders are:

### 5.2.1 Directly Affected People

Are those who reside in the wayleave or derive their livelihood from the proposed wayleave of the Kisii-Awendo 132 kV transmission line. These people will lose their property to KETRACO through compensation of land, physical assets, trees and crops. All the directly affected people were informed and consulted on major issues concerning relocation, livelihood rehabilitation and income restoration. They all participated in the socio economic survey.

### 5.2.2 Indirectly Affected Persons

This group of stakeholders includes all those who reside in areas neighbouring the project area or are reliant on resources in the project area and will have no change or the project may not adjust their livelihood e.g. groups such as those residing far from the project area but have farms near the proposed project area. The study identified communities around Kisii town, and Awendo.

### 5.2.3 Government Agencies and Other Organizations

These include:

- Office of the president
- Provincial Administration (Provincial Commissioners, District Commissioners, District Officers, Area Chiefs and Assistant Chiefs)
- National Environment Management Authority (NEMA), - Kisii and Migori Districts
- Ministry of Lands
- Ministry of Roads
- Ministry of Agriculture
- County Councils

## 5.3 Community Meetings and issues raised

Community meetings were held within the project area to give information about the project and gather people's perceptions, opinions, suggestions and fears about the project.



The community meetings acted as a forum for discussions between the RAP team and the community members. The information gathered was used as input into the Resettlement Action Plan Interviews using questionnaires and public *barazas* with the stakeholders were carried out from 17th to 25th August 2012 in the presence of administrative leaders, community leaders and the residents who are likely to be affected by the project along the wayleaves trace.

Public *barazas* done along the line were done at:

- South Mugirango Central location
- Kiogoro location
- Central kamagambo location
- South kamagambo location
- Bassi chache location

Table 5.1 shows the dates and venues of the public *barazas* conducted along the proposed line. It was mainly done at location and sub-location level depending on the population of affected people.

**Table 2: Public Barazas**

DATE	LOCATION/SUB LOCATION	VENUE	CHIEF	CONTACTS
15 <sup>TH</sup> AUG 2012	KIGATI	CHIEF'S CAMP	CHARLES OBONYO	0726-476564
16 <sup>TH</sup> AUG 2012	KIOGORA	KIOGORA	MADAM ZIPORA	0712-151857
17 <sup>TH</sup> AUG 2012	BASSI CHACE	CHIEF'S CAMP	HENRY MIRERA	0725-392155
20 <sup>TH</sup> AUG 2012	NYABURUMBASI	NYABURUMBASI	ROBERT ISOE	0723-020637
20 <sup>TH</sup> AUG 2012	EGETUKI	EGETUKI	CALEB KAYABA	0725-704637

21 <sup>ST</sup> AUG 2012	SOUTH MUGIRANGO	NYABIGENA	WILFRED MOCHAMA	0729-688084
22 <sup>ND</sup> AUG 2012	WEST KAMAGAMBO	KUJA OLD BRIDGE	NICHOLAS OJWANG	0715-095624
22 <sup>ND</sup> AUG 2012	SOUTH KAMAGAMBO	RAKWARO	CHIEF MALA	0711-600472
23 <sup>RD</sup> AUG 2012	CENTRAL KAMAGAMBO	RIOSIR	SILAS ADIKA	0712-970556
24 <sup>TH</sup> AUG 2012	SAKWA	KOKURO	CHIEF YAMBO	0721-161604

**Issues raised by the PAPs**

The following is a summary of the views of the stakeholders interviewed:

- Compensation rates is not sufficient to acquire an alternative land
- The project may lead to displacement of the residents.
- Resettlement of residents may interfere enormously with their livelihoods since they will have to move businesses, schools, Health centres.
- The locals should be considered both for the unskilled and skilled labour



Kegati Location Public baraza



Bossi Chache baraza



Bosi Chache Location Public Consultation



Kiogoro Location public consultation



Bossi Chache Location



Kiogoro Location Public Consultation



Kegato Location Public Consultation

# Chapter

---

# Six

## 6.0: VALUATION AND COMPENSATION

### 6.1 Introduction

Under this Resettlement Action Plan, it is estimated that the land to be acquired for the Wayleave will be a corridor measuring 44Kms (44,000 m) by 30 m. That sums to 132 hectares (1,320,000 m<sup>2</sup>).

Considering the prevailing situation whereby land market along the corridor was not active, various valuation methods were applied. The valuation was done on full **replacement cost** and **open market value**. Items to be compensated within the wayleave include land, structures, trees and crops.

It is also important to point out that the value of crops is quite minimal in Kisii region as most of the affected land is subsistence farming of maize, vegetables and beans. Some areas have perennial crops like fruits and high value cash crops like tea and sugarcane especially the Awendo side. The values of the subsistence crops have been ignored as they are expected to be harvested within a short time.

### 6.2 Valuation Methodology

Valuation was conducted in line with Principle 8 of the International Resettlement Standards which states that “Resettlement must be seen as an upfront project cost”.

Valuation can simply be defined as the art or science of establishing the value (worth) of a particular interest in property for a specific purpose and at a particular moment in time;

taking into considerations all the features of the property and also considering all the underlying factors of the market.

All valuation techniques rely on the collection and analysis of data such as social, Economic, Government and Environmental attributes. Specific data include local market conditions and details of property transactions such as location, physical and functional form and legal characteristics. The value of the property is affected by the rights of enjoyment or compensation when such benefit may be alienated.

In Kenya, compensation value requires that the value paid to include all the other miscellaneous expenses as well as the injurious affection due to the disturbance to them. Thus in such circumstances, the value paid is higher than normal market. Thus the factors that affect the value are those that affect the rights on land, thus location, legal rights and permitted use.

### **6.2.1 Comparison Method**

Comparison method compares like properties. It is the most reliable and requires an active market while adjustments are made to fit specific properties. The limitation faced by this method is lack of data and sometimes misleading data. Comparables may be biased where the seller may sell more or less depending on the needs at the time. Elsewhere the data given may not be correct because of personal secrecy. Thus in long learn, valuers have been able to come up with values per square foot/meter that can be used in various regions and give a reasonable value. Adjustments are made depending on various factors.

### **6.2.2 Investment Method**

Investment method is based on the expected future returns and its applicable where active investment market is available. Just like comparison method, investment method is limited due to lack of varied data.

### **6.2.3 Cost approach method**

Cost approach method is where the property value is assessed based on the cost of buying the site and constructing the building. It is based on the reproduction/replacement value.

### **6.2.4 Profit method**

Profit method is used in absence of sufficient rental or sales evidence and where the hypothetical purchaser would base his/her offer of profit from the business conducted from the property.

### **6.2.5 Residual method**

Residual method is applied to property with development potential either undeveloped or partially developed.

### **6.2.6 Open Market Value (OMV) and Replacement Cost Approach**

The Resettlement Policy Framework (RPF) provided by KETRACO was adopted as a primary guideline during valuation since the values were competitive and acceptable. OMV and Replacement cost approach methods were found to be more viable in this particular project where Open Market Value (OMV) was used for valuation of land and replacement cost approach for valuation of assets.

## **6.3 Valuation and compensation of affected assets**

We followed the procedures outlined in the Valuers Act Cap 532, which requires that an authorised valuer is entitled to do cost valuation of assets to be possessed by any development project. Also, KETRACO's RPF formed the basis and provided the guidelines in the exercise.

### **6.3.1 Valuation and compensation of Land**

Adequate compensation rates have been drawn based on the prevailing market rates of the affected land along the wayleave trace. The compensation rates varied along the project

area due to change in land use and the infrastructure. RPF stipulates per centum principle for land valuation as shown in table 6.1.

**Table 3: Per centum principle**

Land Parcel	Area Affected (%)	Per centum of OMV (%)
Less than 1 Acre	> 50	100
Less than 1 Acre	< 50	50
Greater than 1 Acre	< 50	30

### 6.3.2 Valuation and compensation of Structures

When the structures are for investment purposes, then the 'income approach' is sometimes used. However, the preferred method of valuation is the 'replacement cost' method. It is based on the theory that the market value of an improved parcel can be estimated as the sum of the land value and the depreciated value of improvements. In other words - subtracting the land value from the overall value of the land and built structures will give you the value of the structures. Replacement value requires the estimate of land value, accrued depreciation and the current cost of constructing of improvements. Depreciation is deducted from the current cost of construction to get an estimate of improvement value.

In carrying out replacement cost value three steps are required:

- Data collection: descriptive data on the improvement being valued
- Determining an accurate cost of estimate: expenditure involved in completing a house based on replacement cost or reproduction cost. Reproduction cost is the cost of constructing an identical structure by using the same design and materials. Replacement cost is the cost of constructing a substitute structure of equal utility using current materials, design and standards.
- Estimation of accrued depreciation – which is the loss in value from replacement cost new.



The established KETRACO's rates prevailed since even after applying all the methods still it was competitive and ensured upfront compensation. The RPF rates are shown in Table 5.2.

**Table 4: Rate for Structures**

Structure	Unit of Measure	Rate (KES)
<i><u>Buildings</u></i>		
• Permanent	Square Feet(f <sup>2</sup> )	1,500 – 4,500
• Semi-Permanent	Square Feet (f <sup>2</sup> )	1,000-3,000
• Temporary	Square Feet(f <sup>2</sup> )	500-3,000
<i><u>Other Structures</u></i>		
• Domestic Storage Facilities	Square Feet(f <sup>2</sup> )	500-2,000
• Domestic Animal Units	Square Feet (f <sup>2</sup> )	500-1000
• Water Storage Facilities	Cubic Metre (M <sup>3</sup> )	1500-2000
• Pit Latrines	Feet(f)	1,300
• Boreholes/Wells	Feet(f)	1,000

### 6.3.3 Valuation and compensation of Trees and Crops

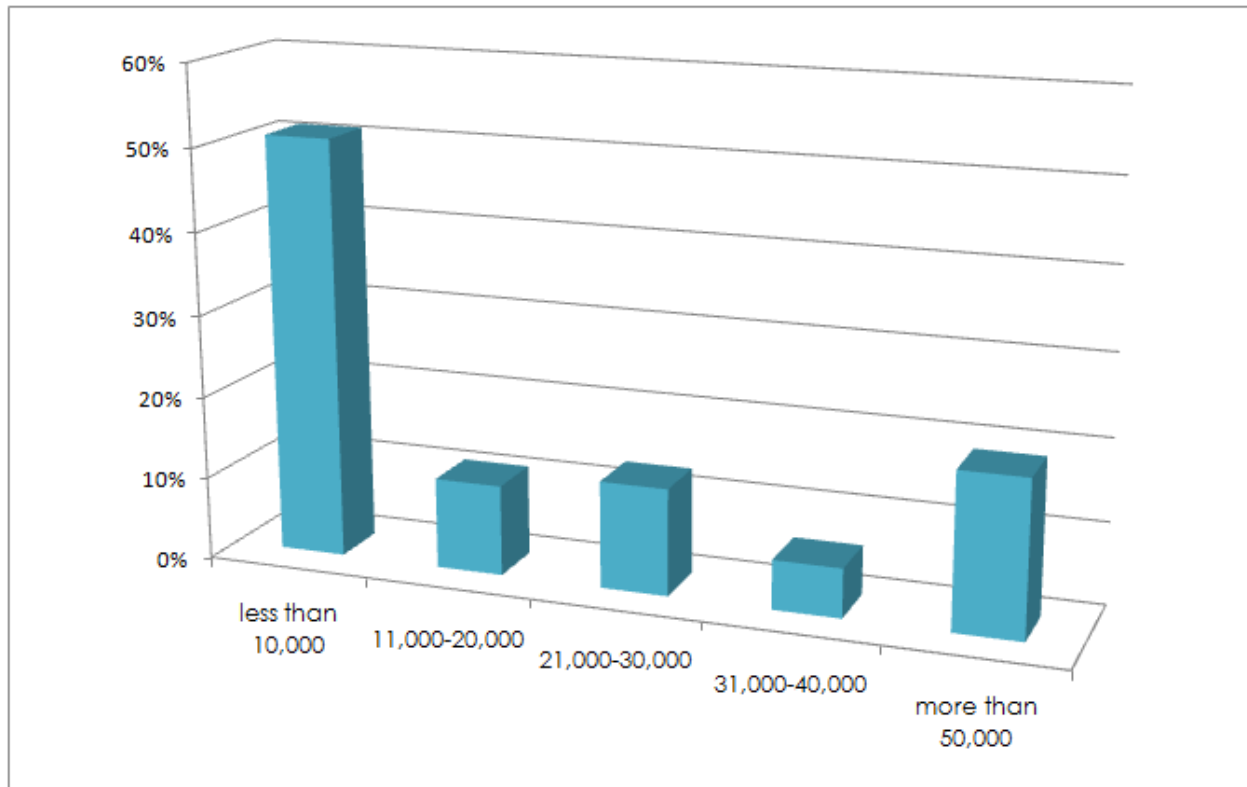
Compensation of trees and crops was decided according to the gross market value of the lost trees/crops. Gross market value makes full provision for owners' crops or users input already expended (labour, seeds, fertilizer etc) in the event that there is a crop in – ground at the time of acquisition.

There are two determinant of gross or full market value which are market value for crops and the average annual yield of the crop. The price used to calculate compensation is the highest market price of the crop during the year. The average annual yield of the crop involves some degree of data collection and analysis. Harvesting of crops and trees will be given first priority but where harvesting will not be possible, counting of the affected crops will be carried out and values applied according to the market rates.

## 6.4 Income and Livelihood Restoration

### 6.4.1 Income earning

The figure below indicates that 50% of the PAPs are earning less than ksh. 10, 000 per month. The main source of income in the project area is derived from peasant farming.



**Figure 6: PAPS monthly income**

This implies that majority of the PAPs need assistance when there is need for other charges involved in the compensation strategies.

### 6.4.2 Livelihood Restoration

One of the objectives of this RAP is to ensure that livelihoods are improved or restored to pre-displacement levels. Compensation for affected property therefore sought to facilitate full and smooth recovery without exposing the PAPs to vulnerability and this applies to people who are not necessarily physically displaced but who are affected by a land loss that

affects their sustainability.

The restoration strategies to be applied to ensure income restorations to the affected communities are as discussed below which rather revolves round compensation. The overall objective of the adopted strategies is to ensure no negative change in the livelihood of the affected persons and their respective activity. The strategies aim at livelihood promotion through various economic incentives to the affected.

### **Land-based Compensation**

Land-based resettlement options for this project was provided to displaced people whose livelihoods were based on use of the land and rather own a land small enough not to require them further stay within the land. These options may include resettlement on or access to land acquired or purchased for resettlement based on the wish of the affected person. The following are the guiding principles for land-land compensation option:

- New land should be equivalent or superior in productive potential to the land from which people will be displaced;
- New land should be located in reasonable proximity to land from which people will be displaced;
- New land should be provided free of any “transaction costs” such as registration fees, transfer taxes, or customary tributes;
- New land should be prepared for productive levels similar to those of the land from which people will be displaced; preferably, affected people should be paid by the project to do this work.

### **Cash Compensation**

This compensation option is adopted where the affected persons choose cash rather than land for-land compensation after an informed consultation. The following are the World Bank guiding principles for cash compensation option:

- Compensation rates should be calculated in consultation with representatives of affected populations to ensure that rates are fair and adequate;
- Compensation for land, crops, trees, and other fixed assets should be sufficient to enable affected people to restore their standard of living after resettlement;
- Compensation for structures should cover full replacement cost exclusive of depreciation and inclusive of all fees such as construction permits and title charges and labour costs;
- Compensation payments should be made before any acquisition of assets or physical resettlement takes place unless those payments are staggered to enable affected people to begin preparation of new sites;
- Compensation for dismantled infrastructure or disrupted services should be paid to affected communities, or to local institutions as appropriate, at full replacement cost, before civil works begin;
- Compensation for lost earnings should be paid to proprietors and employees for the duration of work stoppages resulting from the relocation of enterprises.

#### 6.4 Cost summary

From analysis of potential damage and application of valuation methodologies, the likely cost of the damage anticipated from creation of the wayleaves is Kenya Shillings **Three hundred seventy nine million, Three hundred and eighty thousand, Seven hundred and seventy (Ksh 379,382,770)**. Of this amount, 36% will go towards compensation for land while 54% will meet the cost of removal of buildings from the designated wayleave. The remaining 10% will be used for compensating trees/crops/fruit trees.

#### Summary of compensation cost

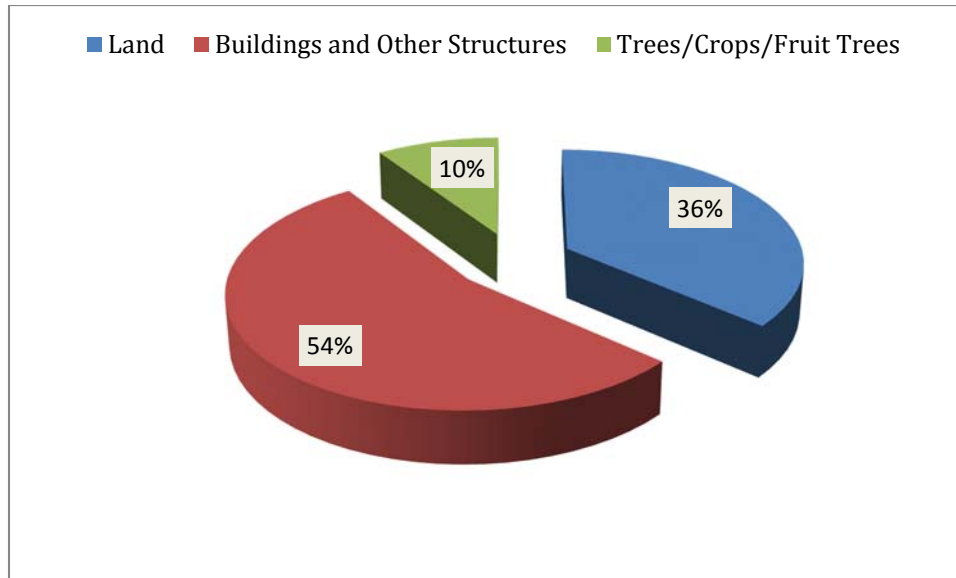


Table: Breakdown of Compensation Costs

<i>Item</i>	<i>Amount in KES</i>
Land	137,835,880
Buildings and Other Structures	205,770,130
Trees/Crops/Fruit Trees	35,776,760
<b>Total</b>	<b>379,382,770</b>

Note: 15% Severance, Injurious affection and Disturbance allowance added to structures only.

**Certified by:**

**Isaiah Bonyo**  
(Registered Valuer)

**Sign** ..... **Date** .....

**6.5 Cut-off date**

The entitlement cut-off date refers to the time when the assessment of persons and their property in the area is carried out, i.e. the time when the project area has been identified and evaluated. Kisii – Awendo proposed project cut of date was 01 September 2012.

Entitlement cut-off date implies no new cases of affected people and properties will be considered after the set up date. The establishment of a cut-off date is required to prevent opportunistic invasions/rush migration into the chosen land areas thereby posing a major risk to the project. Therefore, establishment of a cut-off date is of critical importance since it defines legal PAPs to be compensated before project starts. Persons encroached in the area after RAP study (census and valuation) are not eligible for compensation or any form of resettlement assistance. Once it is determined that an area is likely to incur land acquisition or relocation, the project implementation entity together with the community agrees on a program of implementation. The dates would then be communicated to the community through their respective representative in the villages and broader project locations.

# Chapter Seven

## 7.0: ELIGIBILITY AND ENTITLEMENT MATRIX

### 7.1 Eligibility

The RPF has clearly shown that, those eligible for compensation may fall within the following:

- Asset owner
- Business tenant
- Residential tenant
- Squatter

Encroachers, i.e. those who come after cut-off date, are not eligible for compensation or other rehabilitation measures provided by the project.

### 7.2 Entitlement matrix

The entitlement matrix (outlined below) outlines the type of loss, entitled person and the compensation thereof. The RPF gave an outline of how the matrix was made for the project.

**Table 5: Entitlement matrix**

Type of Loss	Specification	Affected Person	Category	Compensation Entitlements
Land	<ul style="list-style-type: none"> <li>Private land</li> </ul>	<ul style="list-style-type: none"> <li>Owners</li> </ul>	<ul style="list-style-type: none"> <li>Very small plots</li> </ul>	<ul style="list-style-type: none"> <li>Provide 100% compensation at open market value</li> </ul>
			<ul style="list-style-type: none"> <li>Land parcels &lt;4000m<sup>2</sup> and less than 50% affected</li> </ul>	<ul style="list-style-type: none"> <li>Provide per centum rate of 50% of the Open Market Value of the land affected</li> </ul>
				<ul style="list-style-type: none"> <li>All other categories of land</li> </ul>
				<ul style="list-style-type: none"> <li></li> </ul>
Building and Structures	<ul style="list-style-type: none"> <li>Modern houses with modern finishes including concrete, natural stone, bricks and treated sawn timber materials structures</li> </ul>	<ul style="list-style-type: none"> <li>Owners</li> </ul>	<ul style="list-style-type: none"> <li>Permanent</li> </ul>	<ul style="list-style-type: none"> <li>Provide compensation rate within range of KES 1,500 – 3000 per square feet depending on finishes used</li> </ul>



	<ul style="list-style-type: none"> <li>Structures made from sawn timber, timber-off cuts, GCI walling, sundried bricks or cemented floors</li> </ul>	<ul style="list-style-type: none"> <li>Owners</li> </ul>	<ul style="list-style-type: none"> <li>Semi-permanent</li> </ul>	<ul style="list-style-type: none"> <li>Provide compensation rates of within range of KES 1000-2500 per square feet depending on finishes used</li> </ul>
	<ul style="list-style-type: none"> <li>Thatch roofs, rammed or earthen floors and Adobe blocks and wattle, thatch walls, tents, tarpaulins and manyattas</li> </ul>	<ul style="list-style-type: none"> <li>Owners</li> </ul>	<ul style="list-style-type: none"> <li>Temporary Houses</li> </ul>	<ul style="list-style-type: none"> <li>Provide compensation rate within range of KES 500-1500 per square feet depending on finishes used</li> </ul>
	<ul style="list-style-type: none"> <li>Based on the permanency, design, size and construction materials used.</li> </ul>	<ul style="list-style-type: none"> <li>Owners</li> </ul>	<ul style="list-style-type: none"> <li>Storage facilities</li> </ul>	<ul style="list-style-type: none"> <li>Rates will be between KES 500 -1,500 per square feet</li> </ul>
	<ul style="list-style-type: none"> <li></li> </ul>			
	<ul style="list-style-type: none"> <li>Chicken pens, zero grazing units and other domesticated animal facilities.</li> </ul>	<ul style="list-style-type: none"> <li>Owners</li> </ul>	<ul style="list-style-type: none"> <li>Animal facilities</li> </ul>	<ul style="list-style-type: none"> <li>Rates will be between KES 500 - 1,000 per square feet</li> </ul>

	<ul style="list-style-type: none"> <li>• These are storage facilities for water. They range from plastic tanks, concrete tanks, bricks and stone.</li> </ul>	<ul style="list-style-type: none"> <li>• Owners</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Provide rate in the range of KES 1,500.00-2,000 per cubic metre</li> </ul>
	<ul style="list-style-type: none"> <li>• These will be determined by type of construction material, (chain links, barbed wire, concrete</li> </ul>	<ul style="list-style-type: none"> <li>• Owners</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Chain link from KES 400 – 600 per metre run, barbed wire from KES 100 – 300 per metre run, concrete/stone wall from KES700 –1,000 per metre run, natural hedge is catered for under crop damage. The variance will be determined by type of the supports</li> </ul>
	<ul style="list-style-type: none"> <li>• Crops damaged as a result of the acquisition way leaves and construction activities.</li> </ul>	<ul style="list-style-type: none"> <li>• Owners</li> </ul>	<ul style="list-style-type: none"> <li>• All crops</li> </ul>	<ul style="list-style-type: none"> <li>• Crop damage compensation rates will be at market rates</li> </ul>

	<ul style="list-style-type: none"><li>All trees taller than 12 feet</li></ul>	<ul style="list-style-type: none"><li>Owners</li></ul>	<ul style="list-style-type: none"><li>Private or Public</li></ul>	<ul style="list-style-type: none"><li>For trees, compensation rates will be derived at Market rate</li></ul>
	<ul style="list-style-type: none"><li>Business premises affected acquisition way leaves and construction activities.</li></ul>	<ul style="list-style-type: none"><li>Owners</li></ul>	<ul style="list-style-type: none"><li>All</li></ul>	<ul style="list-style-type: none"><li>Provide one-time payment</li></ul>

# Chapter

---

# Eight

## 8.0: RAP ORGANIZATIONAL PROCEDURE AND IMPLEMENTATION SCHEDULE

### 8.1 organizational procedure

The RPF outlines that, transmission line projects will be under the administrative authority of the Ministry of Energy with KETRACO as the implementing agent. Policy and strategic decisions involve the following Ministries:

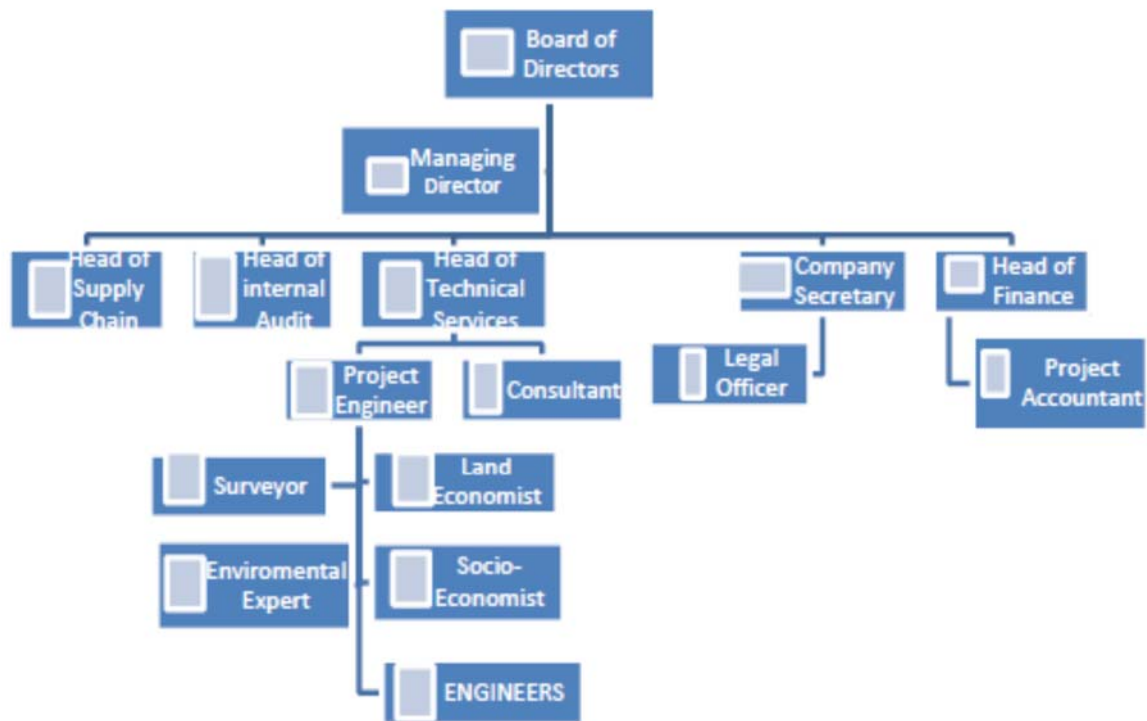
- Ministry of Finance
- Ministry of Environment and Natural Resources
- Ministry of Lands and Settlement (Physical Planning Department)
- Ministry of Roads, Public Works and Housing
- Ministry of Agriculture
- Ministry of Local Government.
- Provincial Administration

The Local Authorities in the respective project regions will also be involved.

The Ministry of Energy provides administrative input and makes decisions about the policy direction of the projects undertaken by KETRACO.

#### 8.1.1 Resettlement Project Team (RPT)

KETRACO will establish a RPT, comprising a socio-economist, surveyor, way leave officer, environmental specialist, transmission engineer, land valuer, legal officer and building technician to manage the RAP process. The figure below shows the organogram.



**Figure 7: RPT Organogram**  
(Source: KETRACO RPF)

**Roles and responsibilities**

- i. Public sensitization of all stakeholders and on-going community engagement;
- ii. Socio-economic survey to identify the PAPs;
- iii. Establish eligibility for compensation;
- iv. Valuation of loss of use of assets i.e. land, structures and crops/trees;
- v. Determination of compensation for loss of employment/incomes and loss of business;
- vi. Offer compensation options – including cash and resettlement alternatives;
- vii. Deliver prompt compensation/resettlement;
- viii. Undertake transfer of lands for the vulnerable PDPs;
- ix. Be a member of the grievance procedure; and
- x. Monitoring, evaluation and reporting.

### 8.1.2 Resettlement Working Group (RWG)

The RAP will be implemented in partnership with various relevant governmental, NGOs and CBOs. The RWG will comprise the local leaders and PAP (community) representatives. The roles and responsibilities of the RWG will include but not limited to:

- Act as the primary channel of communication between the various interest groups/organizations involved in the resettlement process;
- Serve as communication link between KETRACO and the PAPs; and
- Serve as the court of first appeal to solve problems that may arise during RAP's implementation.

### 8.1.3 Local PAP Committees

The PAPs committee acts as a link between the various communities and KETRACO. The committee will also ensure that those who have been compensated use the money for the intended purpose. PAP committee shall comprise:

- Chairperson appointed by the PAPs
- Secretary appointed by the PAPs
- 2 members nominated by the PAPs
- Local Area Chief

## 8.2 Implementation schedule

Generally, this RAP study assesses the potential positive and negative social impacts of the proposed 44km 132 kV single circuit line from Kisii to Awendo as per the designed that could in effect minimize the resettlement and resultant impacts.

The project implementation timeframe is not definite as the start date was not indicated in the TOR. However, all the residents in the corridor including PAPs were eager to be given clear timeframe as well as be furnished with the duration they will be served with notices to relocate.

The RAP anticipates that the project implementation schedule will consist of three phases namely preparation, implementation and post implementation. It mainly will include works such as clearing access roads, erecting posts and connecting transmission lines.

The resettlement schedule for land acquisition, house demolition and relocation will be coordinated with Resettlement Project Team (RPT). The activities prior to construction are outlined in the following Gantt chart.

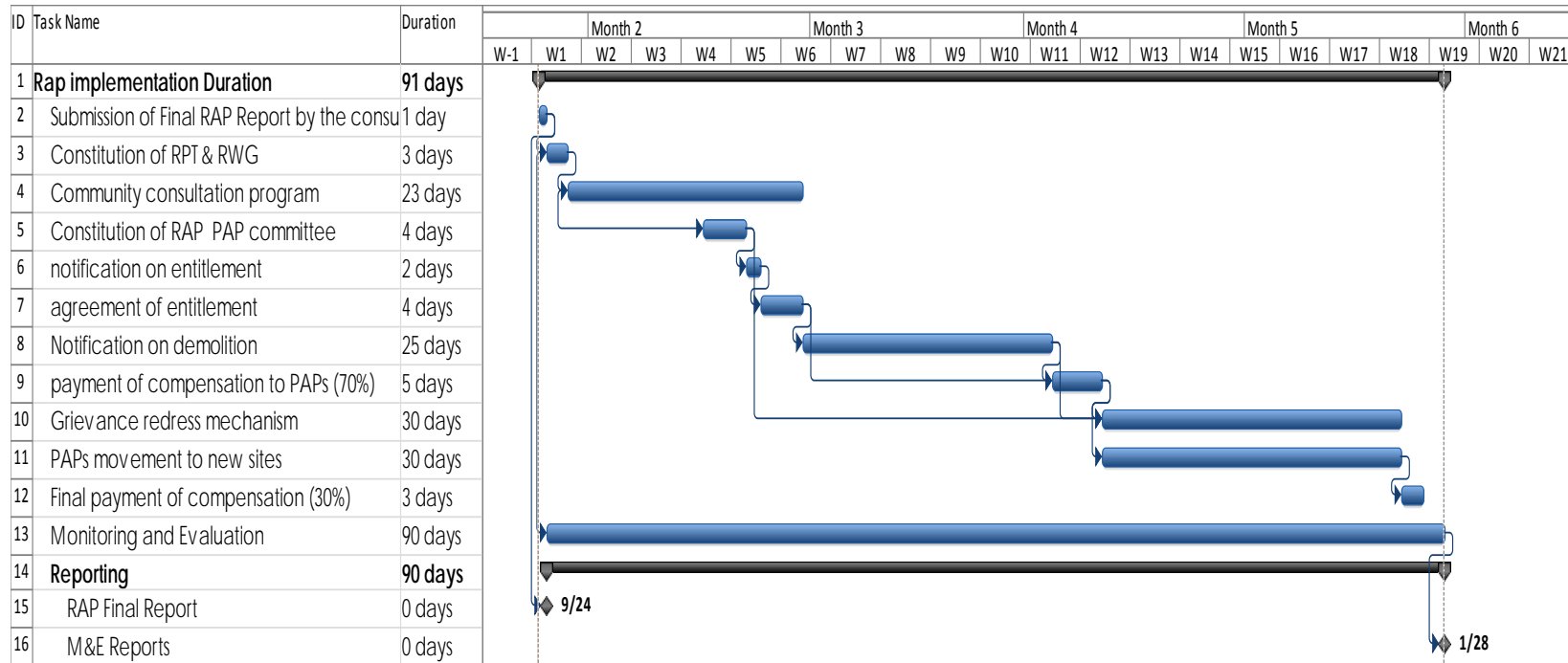


Figure 8: RAP Implementation schedule



# Chapter

---

# Nine

## 9.0: GRIEVANCE REDRESS MECHANISM

### 9.1 Introduction

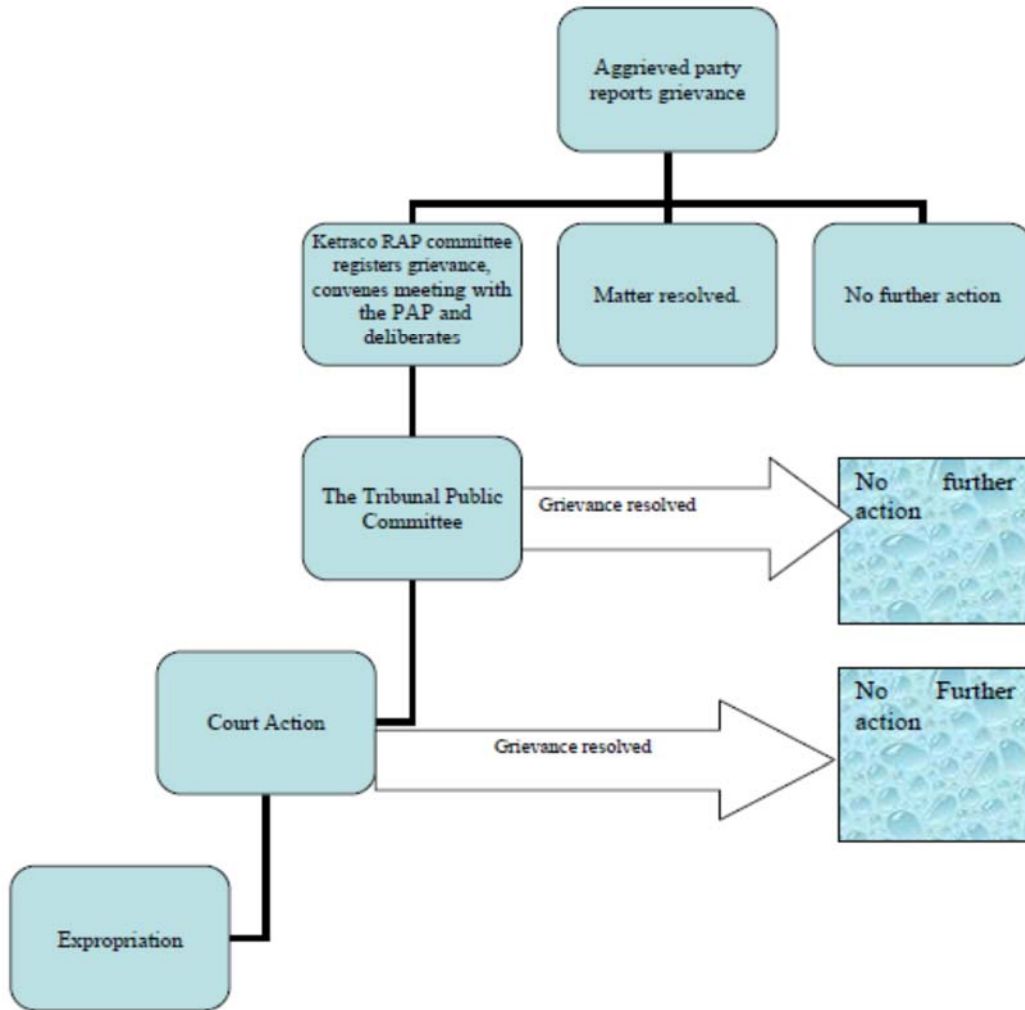
As part of the RAP, options for instituting independent grievance mechanisms need to be explored. It is recommended that for every location traversed by the proposed line, a grievance redress team comprised of respected local elders be put in place to coordinate with the proponent in responding to all grievances.

This grievance redress mechanisms should aim at solving or managing disputes at the earliest possible time in the interest of all involved and interested parties.

### 9.2 Grievances Redress Procedure

The proponent has put in place an elaborate grievance redress mechanism to deal with all emerging issues in the project area. Grievance procedures may be invoked at any time, depending on the complaint and if the resolution of the RWG is not acceptable to the “aggrieved” party, the matter should be referred to the High Court whose decision will be final.

The steps are summarized in figure 10



**Figure 9: Grievance redress procedure**  
(Source: KETRACO RPT)

# Chapter Ten

## 10.0 MONITORING AND EVALUATION

In order to guarantee that the compensation plan is smoothly performed and the benefit of the affected persons be well treated, the implementation of the compensation plan will be under monitoring throughout the whole process. Monitoring will be divided into two parts, i.e. internal and external monitoring.

### 10.1 Internal monitoring

The internal monitoring will be performed by RPT. The target of internal monitoring is to ensure that there is overall fairness and transparency while compensation process takes place and Resettlement Action Plan is performed based on legal rights.

The main monitoring center would be compensation allocation schedule, payment and use of compensation fee, implementation of the policies and regulation specified in the resettlement plan and the whole course of implementation of the compensation.

The main source of data for internal monitoring will be the data base generated from the RAP for e.g. records on compensation for assets as well as the day today observations by implementing staffs. The RPT will record the progress of land allocation and resettlement. They will make a summary report starting from the commencement of the activities and special events will be reported on continuous basis.

## 10.2 External Monitoring

External monitoring will be conducted through a contracted independent and qualified consultant. The consultant should visit the project area at least thrice per year.

The consultant should ensure that:

- Replacement housing for those who have had to move is of an adequate standard.
- Monies paid to households who have lost crops and other forms of livelihood production have received fair compensation
- Where land has been permanently acquired for the transmission line, households affected have been afforded suitable land replacement.
- The grievances raised by stakeholders, notably PAPs, have been settled within the stipulated timeframe without delay including the effectiveness of the compensation delivery system.
- Review the results of internal monitoring and review overall compliance of RAP

The consultant must write its reports before the end of each visit and submit them to the RPT.

## 10.3 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.

## 10.4 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.

## 10.5 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 noted, KETRACO should immediately address the same.

## 10.6 Reporting

Post-resettlement monitoring results should be subject to review by, representatives of the affected community through their representatives and representatives of KETRACO. The consultant must write its reports before the end of each visit and submit them to the RPT. The Monitoring team should structure its reporting in conjunction with accepted variables.

## 10.7 Monitoring Indicators

The table below shows the monitoring indicators:

**Table 6: Monitoring indicators**

Subject	Indicator	Variable
Land	Relocated PAPs	<ul style="list-style-type: none"> <li>• Area of cultivation land acquired</li> <li>• developments</li> <li>• Area of communal land acquired</li> <li>• Area of private land acquired</li> </ul>
Buildings/ Structures	Number of buildings to be demolished	<ul style="list-style-type: none"> <li>• Number, type and size of private buildings acquired</li> <li>• Number, type and size of community buildings acquired</li> <li>• Number, type and size of government buildings acquired</li> </ul>
	Number of other structures to be demolished	<ul style="list-style-type: none"> <li>• Number, type and size of other private structures acquired</li> <li>• Number, type and size of other community structures acquired</li> </ul>
Trees and Crops	Number of trees to be cleared	<ul style="list-style-type: none"> <li>• Number and type of trees cut</li> <li>• Age size at girth level</li> </ul>
	Value of crops to be destroyed	<ul style="list-style-type: none"> <li>• Crops destroyed by area, type and ownership</li> </ul>



Compensation, Re-establishment and Rehabilitation	Number of PAPs compensated	<ul style="list-style-type: none"> <li>• Number of households affected (buildings, land, trees, crops)</li> <li>• Number of owners compensated by type of loss</li> <li>• Amount compensated by type and owner</li> <li>• Number of replacement houses constructed</li> <li>• Size, construction, durability and environmental suitability of replacement houses</li> </ul>
	Number of community resources re-established	<ul style="list-style-type: none"> <li>• Number of community buildings replaced</li> <li>• Number, type of plants lost</li> <li>• Number of seedlings supplied by type</li> </ul>
Hazards and Disturbances	Number of complaints received from PAPs	<ul style="list-style-type: none"> <li>• Number of households affected by hazards and disturbances from construction (noise levels, blasting, increased traffic levels)</li> </ul>
Social/ Demographic	Changes to household structure	<ul style="list-style-type: none"> <li>• Household size (births, deaths, migration in and out)</li> <li>• Age distribution</li> <li>• Gender distribution</li> <li>• Marital status</li> </ul>
	Population migration	<ul style="list-style-type: none"> <li>• Residential status of household members</li> <li>• Movement in and out of the household (place and residence of</li> </ul>
	Changes to access	<ul style="list-style-type: none"> <li>• Distance/travel time to nearest school, health Centre, church, shop, village</li> </ul>

	Changes to health status	<ul style="list-style-type: none"> <li>• Nutritional status of resettled household members</li> <li>• Number of people with disease, by type (sexually transmitted diseases, diarrhea, malaria)</li> <li>• Mortality rates</li> <li>• Access to health care services (distance to nearest facility, cost of services, quality of services)</li> <li>• Utilization of health care services</li> </ul>
	Changes to educational status	<ul style="list-style-type: none"> <li>• Literacy and educational attainment of household members</li> <li>• School attendance rates (age, gender)</li> </ul>
	Changes to status of women	<ul style="list-style-type: none"> <li>• Participation in training programmes</li> <li>• Use of credit facilities</li> <li>• Landholding status</li> </ul>





# Chapter Eleven

## 11.0 CONCLUSIONS AND RECOMMENDATIONS

### 11.1 Conclusions

The subject of this RAP Report is the proposed construction of 44 km of 132kV power transmission lines by the KETRACO in sections between Kisii and Awendo.

This RAP has been prepared consistent with the applicable policy provisions of Kenyan Government and the provisions of the World Bank's Safeguard Policy on Involuntary Resettlement (OP 4.12). OP 4.12 requires that a RAP be prepared for all projects that anticipate land acquisition and displacement affecting shelter, livelihood and associated impacts. Basically, this RAP presents an inventory of (register) of people likely to be affected by development of the transmission lines, a register of the assets that are likely to be displaced by the project and the proposed compensation package.

Baseline data on proposed development was generated through desktop studies, site visits and interviews with the proponent, potentially affected people. Stakeholder consultations were undertaken towards development of a Resettlement Action Plan (RAP) and as per requirements of Environmental Management and Coordination Act 1999 (EMCA). To identify, predict, analyze and evaluate the various impacts that may emanate from the project, diverse study methods and tools including use of checklists, matrices, expert opinion and observations were employed.

Development of the project has been justified on the basis that it will improve access to electric power in a country where current national coverage averages allow 14% with most

connections being recorded in urban areas. Provision or additional and stable has potential to un-lock the economic potential of rural areas and thus contribute to national economic growth.

**Project Impacts:** The project is 44 kilometers long and will affect private farms and structures. A total of 132 Ha of land will be acquired for way leaves on which all physical development and trees taller than 12 feet will be removed. This constitutes the most drastic impact of the project. An Asset register detailing the features of all farms and structure likely to be affected and the likely damage has been prepared as part of this RAP. A total of Ksh.379, 382,770 will be required to effect way leave agreements and offset damage to property. This is the responsibility of the KETRACO in capacity of proponent.

<b>Size of Land</b>	132 Ha
<b>Number of PAPs</b>	580
<b>Number of Structures</b>	486

Way leave agreements and payment of compensation will be approached using procedures already operationalized by the KETRACO's Way leaves Department. Other recommendations are as follows-

### 11.2 Recommendations:

- Continuous sensitisation of affected communities in the pre-construction phase of the project, especially in the populated areas of traverse should be encouraged as a preparatory measure before project implementation. KETRACO should be at the forefront in ensuring this is carried out
- KETRACO should compensate all the affected persons in a timely manner using the prevailing market rates.
- Compensation to PAPs should be made before demolition commences. This will be done at either the KETRACO 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

- A minimum of one month notice should to be given to the PAPs to enable them salvage their assets
- Unskilled labor should be drawn from local communities and income generating opportunities for women will be considered during project construction in the form of food preparation and sale to workers.
- **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.

**ANNEXES****ANNEX 1: SAMPLE QUESTIONNAIRE**

KETRACO TRANSMISSION LINE – KISII-AWENDO

RESETTLEMENT ACTION PLAN

HOUSEHOLD INTERVIEW CHECKLIST

**Introduction**

The Kenya Electricity Transmission Company Limited (KETRACO) has engaged the services of NAJJ Consultants to undertake a Resettlement Action Plan (RAP) for the 44km, 132kV proposed Kisii- Awendo. The RAP is being conducted to determine the residents' preferences and estimate costs for the relocation/compensation of Project Affected Persons (PAPs).

We therefore request you to provide the following information to assist in decision making on this project. Please fill in the following information correctly:

Names of household head\_\_\_\_\_ Sex\_\_\_\_

Name of respondent\_\_\_\_\_ Sex\_\_\_\_ Relation to HH\_\_\_\_\_

**1. Identification information**

Full names of property owner		ID No	
Village		County	
Sub-Location		Photo No	
Location		GPS /Map Reference	
Division		LR NO.	

District			
----------	--	--	--

2. What is your religion? \_\_\_\_\_

3. List the names of dependents on this property as follows:

Serial no.	Name	Sex	Age	Relation to HH head	Marital status	Income per month	Occupation	Highest level of education	Any physical disability/ vulnerability orphan/sick/old

4. What is the total monthly expenditure of this household in each of the following?

- a. Food \_\_\_\_\_
- b. Rent \_\_\_\_\_
- c. Education \_\_\_\_\_
- d. Health \_\_\_\_\_
- e. Transport \_\_\_\_\_
- f. Water \_\_\_\_\_
- g. Others \_\_\_\_\_

5 How many of each type of animals do you own?

Animal	Number owned
Cattle	
Goat	
Sheep	
Donkey	
Chicken	
Others	

Total		

6. What crops do you grow/produce and how much of it do you harvest/realize in a season? E.g. annual (maize, beans, etc) or perennial (tea, coffee etc)

Type of crop	Land use	Amount/ bags

7. Other sources of income \_\_\_\_\_

8. Land information

Name of owner	Date of occupation	Tenure(registered, not registered, leasehold, freehold, trust land, squatter)	Size/use of whole land, (farm homestead, commercial other)	Size/use of land affected

9. Any specific land disputes 1. Yes 2. No. If Yes, please explain:

10. Trees affected

Type	Age(mature medium, young)	Breast, height diameter, cm (if mature)	Number

11. Where do you go for each of the following services?

- a) Health treatment \_\_\_\_\_ Distance \_\_\_\_\_
- b) Education \_\_\_\_\_ Distance \_\_\_\_\_
- c) Water \_\_\_\_\_ Distance \_\_\_\_\_
- d) Church \_\_\_\_\_ Distance \_\_\_\_\_
- e) Shops \_\_\_\_\_ Distance \_\_\_\_\_

12. Assets

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

Buildings	Year of construction	Materials (Manyatta, Permanent, Semi-Permanent)	Condition of the Building (Good, Fair, Poor)	Estimated cost

Other affected structures	Description (length or depth)	Construction material	Estimated Cost
a) Fence b) Boreholes c) Others (Specify)			

13. If your land was to be acquired/taken from you:

- Preferred site for relocation \_\_\_\_\_
- What mode of compensation would you want? (please tick)
- Cash \_\_\_\_\_
  - a. Another similar property \_\_\_\_\_
  - b. Both \_\_\_\_\_
- How much (Kshs) would you sell an acre of your land? \_\_\_\_\_

What other support would you want to be given?

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_



14. a) What are your expectations, concerns, fears of the PAPS regarding the transmission line

a) What would be your preferred grievance redress procedure

15. Which part of your land is being affected by the transmission line? (e.g. middle/ boundary, partial/entire)

16. Will the location of the transmission line have any impacts on the use of the remaining land? Explain

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_

17. Other comments or requests:

18. Identification Card (ID) Number \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

Phone Number(s) \_\_\_\_\_

GOD BLESS YOU

**ANNEX 2: KEY INTERVIEW GUIDE FOR KEY INFORMANTS****KETRACO TRANSMISSION LINE – ELDORET -KITALE  
RESETTLEMENT ACTION PLAN  
KII CHECKLIST**

---

1. What are the key economic and social challenges in this community?
2. How will the transmission line affect the community?
3. Which community facilities and services will be affected by the project?
4. What are the concerns and fears relating to this transmission line project?
5. How can we identify the most vulnerable individual in the project?
6. What strategies do we use to handle grievances resulting from the project?
7. Give your recommendation for the project implementation.

**ANNEX 3: LIST OF VULNERABLE PAPS**

SERIAL NO	NAME	SEX	LR NO	ID NO	CONTACT	Vulnerability Remarks
1.	Felena Awino Opar	F	396	16124920	0703240038	Aged
2.	Odumo Mitieng	M	SKW54	24948583(son)	0704691134	Aged
3.	Ben Omulo	M	TRUST LAND		0713506927	Aged
4.	Zablon Ogello Agoro	M				aged
5.	Kenyanya Omwange	M				Widow
6.	David Ogello Njwere	M	LR 456			Disputed
7.	Charles Obara Wango	M	LR 1009	1756349	0717168040	Aged
8.	Evans Rogonjo	M	LR 1036			Orphan