



RESETTLEMENT ACTION PLAN

THE Kenya Power & Lighting Company Limited



Final Report

Prepared and submitted by

ECO PLAN MANAGEMENT LIMITED

P.O BOX 45897-00100 NAIROBI

Email: info@ecoplanmanagement.com

March 2010



TABLE OF CONTENTS

LIST OF ABBREVIATIONS	vii
LIST OF TABLES.....	viii
LIST OF FIGURES.....	ix
LIST OF PLATES.....	x
EXECUTIVE SUMMARY	xi
GLOSSARY	xvii
1.0 INTRODUCTION	1
1.1 Scope of RAP	1
1.2 Project Background.....	2
1.3 Project Description.....	3
1.4 Location of Project Area	3
1.5 Objectives of Resettlement.....	4
1.6 Justification for Resettlement Action Plan.....	5
1.7 Land Compensation, Wayleaves, Guiding Principles and Objectives	6
1.8 JBIC Statements on Involuntary Resettlement	9
2.0 LEGAL FRAMEWORK.....	10
2.1 Introduction	10
2.2 The Power of Eminent Domain	10
2.3 Environmental, Management and Co-ordination Act, (EMCA), 1999.	11
2.4 The Forest Act Cap 385.....	12
2.5 Wayleave Act Cap 292.....	13
2.6 Energy Act (2006).....	13
2.7 Electric Power Act of 1971.....	14
2.8 The Agriculture Act, Cap 318 (Revised 1986)	14
2.9 Government Land Act Cap 280	14
2.10 Land Titles Act Cap 282.....	15
2.11 Registration of Titles Act Cap 281.....	15
2.12 Land (Group Representatives) Act Cap 287.....	15



2.13	Trust Land Act Cap 291.....	16
2.14	Registered Land Act Cap 300.....	16
2.15	Land Control Act Cap 302.....	17
2.16	Consideration under the “JBIC Guidelines for Confirmation of Environmental and Social Considerations (2002)”	17
	JBIC Guidelines (Statement on Involuntary Resettlement)	17
2.17.	Japans Official Development Assistance Charter, June 30 1992	18
2.18	World Bank Group Safeguard Policies	18
2.19	Land Related Legal Issues.....	20
2.20	Valuation and Related Legal Issues.....	21
3.0	SCOPE OF LAND COMPENSATION, WAYLEAVE AGREEMENT AND RESETTLEMENT.....	26
3.1	Source of Data	26
3.2	Survey Methodology and Schedule	26
3.3	Limitations of Study	29
3.4	Route Selections.....	37
3.5	Right of Way	37
3.6	Impacts on Land and Structures	37
3.7	Impact of Land and Structure.....	37
4.0	MEASURES TO MINIMIZE WAYLEAVE AGREEMENTS AND LOSSES	39
4.1	Consultation and Participation.	39
4.2	Impact Limitation Measures in Design Stage	39
4.3	Preliminary Evaluation of Alternatives by JICA Survey Team	39
4.4	Impact Mitigation Measures in Construction Stage.....	40
5.0	SOCIO-ECONOMIC FEATURE OF THE PROJECT-AFFECTED PEOPLE	41
5.1	Source of Data	41
5.2.	Socio-Economic of PAPs in the Project affected Areas	41
5.3	Summary of the Socio Economic	48



5.3.1	Land affected.....	50
5.3.2	Structures affected.....	52
5.3.3	Access to Infrastructure	53
5.3.4	Housing and Asset Ownership	53
5.3.5	Tenure, Length of Time in this Location and Use of Land.....	54
5.3.6	Occupation, Income, and Expenditure.....	54
5.3.7	Energy.....	54
5.3.8	Issues related to Gender, Poverty and Vulnerable Groups	55
5.3.9	Access to Financial Services	55
5.3.10	Commercial Activities.....	55
5.3.11	Information on Businesses – Type, Location and License.....	56
5.3.12	Findings of the RAP	56

6.0 RESETTLEMENT POLICY AND ENTITLEMENT57

6.1	Compensation policy.....	57
6.1.1	Project Principles of Compensation for Resettlement	57
6.2	Compensation Policy for Loss of Land.....	58
6.3	Methodology	58
6.4	K.P.L.C. Way Leave Acquisition Procedure for Valuation and Compensation.....	60
6.5	Cut-off date.....	66

7. 0 RESETTLEMENT SITE..... 67

7.1	Method of Site Selection And Site Alternatives	67
7.1.1	Influx Management.....	68
7.1.2	Location Of Resettlement Site.....	68
7.1.3	Compensation Cost and Budget	68
7.1.4	Resettlement Options.....	68
7.2	Resettlement Site Development (Infrastructure, Social Service, Etc.)	70
7.3	Livelihood Restoration.....	70

8.0 INCOME RESTORATION PROGRAM72

8.1	Introduction	72
8.2	Income Restoration and Improvement Component.....	72



8.3	Land-Based Component:	72
8.4	Non-farm Component.....	73
8.5	The non-farm component consists of two sub-components:.....	73
8.6	Social and Community Development Plan.....	73
8.7	Mitigation of Adverse Impacts At The Community Level.....	74
9.0	IMPLEMENTATION ARRANGEMENTS	75
9.1	Organisation Structure.....	75
9.2	KPLC Resettlement Unit (KRU)	75
9.3	LOCAL RAP PAP Committee.....	76
9.4	Community Consultation	79
9.5	Compensation of the PAPs.....	80
9.6	Capacity of KPLC (KRU)	80
10.	IMPLEMENTATION SCHEDULE.....	81
11.	PARTICIPATION AND CONSULTATION	83
11.1	Policy of participation and consultation	83
11.2	Plan of work	84
11.3	Interviews and Group Discussions	87
11.4	Recommendations.....	88
11.5	Local RAP PAP Committee	88
11.6	Meetings	88
11.6	During Implementation.....	93
11.6.1	Objectives of Public Information and Consultation.....	93
11.4	Consultations Proposed During Implementation.....	94
11.5	Information Dissemination.....	94
11.6	Public Meetings.....	95
11.7	Public Information Booklet (PIB).....	97
12.	MONITORING AND SUPERVISION.....	99
12.1	An Internal Monitoring	99
12.1.1	Responsibility	99
12.1.2	Performance Monitoring.....	100



12.1.3	Impact Monitoring	100
12.1.4.	Monitoring Indicators	101
12.1.5	Processes	102
12.2	External Monitoring.....	102
12.2.1.	Objectives.....	102
12.2.2	Agency Responsibilities.....	102
12.3.	Monitoring and Evaluation Indicators	103
12.3.1	Methodology.....	105
12.3.2	Detailed Measurement Survey	105
12.3.3	Sample Socioeconomic Survey	105
12.3.4	Participatory Rapid Appraisals	106
12.3.5	Database Management and Storage	106
12.3.6	Reporting	107
12.4	Evaluation Method of Monitoring Result	107
12.4.1	Monitoring Indicators	109
	Source: Eco Plan Management Ltd, 2010.	114
13.	GRIEVANCES AND APPEALS.....	115
13.1	Subject Matter of Grievances	115
13.2.	Method of Lodging Complaints	115
13.3	Proposed Procedure.....	116
14. 0	COST ESTIMATE.....	118
14.1	Costs and Budget.....	118
14.1.1	Cost Estimates.....	118
14.1.2	Flow of Funds	119
14.1.3	Compensation Prices.....	119
14.2.	Project Approach	119
14.3.	Findings.....	120
15.0	RECOMMENDATIONS.....	121
15.1	CONCLUSIONS.....	122



16.0 REFERENCE 124

**LIST OF ABBREVIATIONS**

DC	District Commissioner
DO	District Officer
DMS	Detailed Measurement Survey
DP	Displaced Persons
Ha	Hectare
HH	Household Head
IFC	International Finance Corporation
JBIC	Japan Bank International Corporation
JICA	Japan International Cooperation Agency
LRP	Local RAP PAP Committee
KPLC	The Kenya Power and Lighting Company Limited
KRU	Kenya Power and Lighting Company Limited Resettlement Unit
KV	Kilo Volts.
NEMA	National Environment Management Authority
OD	Operational Directives
OSHA	Occupational Safety & Health Act
PAPs	Project Affected Persons
PC	Provincial Commissioner
PRC	Project Affected Persons Resettlement Action Plan Committee (PRC)
PAH	Project Affected Households
PAP	Project Affected People
RAP	Resettlement Action Plan
SHE	Safety, Health & Environment
T/L	Transmission Line
TLV	Threshold Limit Values
WB	World Bank

**LIST OF TABLES**

Table 1: Total Structures, PAPs and Households affected

Table 2: Affected Households, Business and PAPs

Table 3: Cost of land structures and trees

Table 4: Public Consultations Held between 13th January and 19th January 2010

Table 5: Valuation Methods

Table 6: Affected Structure, PAPs and Households

Table 7: Affected PAPs, Structures and Business

Table 8: Business Affected

Table 9: Trees Affected

Table 10: Types of crops affected

Table 11: Materials used

Table 12: Institutions affected

Table 13: Land Ownership Details

Table 14: Results of Alternative Considerations (Environmental and Social Aspects)

Table 15: Age distribution of the house holds.

Table 16: Levels of education

Table 17: Marital Status

Table 18: Entitlement Matrix

Table 19: Structures, PAPs and Houses affected

Table 20: No Proposed Land for resettlement

Table 21: Implementation Schedule

Table 22: Consultative Meetings

Table 23: Topics of the Public Consultation Meetings on RAP

Table 24: PUBLIC CONSULTATIONS HELD BETWEEN 13TH JANUARY AND 19TH JANUARY 2010

Table 25: Monitoring Indicators

Table 26: (Executive Summary) Cost of land structures and trees



LIST OF FIGURES

Figure 1: Location of the project area

Figure 2: Type of Buildings affected

Figure 3: Economic Activities of the area

Figure 4: Types of Crops affected

Figure 5: Types of Houses

Figure 6: Land Ownership Details

Figure 7: Showing economic activities

Figure 8: Showing gender of the PAPs

Figure 9: Age distribution of the house holds.

Fig 10: Levels of Education

Figure 11: Data of school going children

Figure 12: means of transport

Figure 13: on disability in the area

Figure 14: Marital Status

Figure 15: Perception of the PAPs

Figure 16: Grievance Redress System



LIST OF PLATES

Plate: 1: Public meeting at D.O's place at Timboroa District Office (Uasin Gishu District)

Plate 2: Evaluator measuring affected structure

Plate 3: Evaluator measuring affected structure (mud structure)

Plate 4: One of the affected flower farms in Naivasha

Plate 5: Graveyards affected

Plate 6: Local RAP PAP committee for Nandi Hills (Nandi Hills District)

Plate 7: Local RAP PAP committee for Ngata Area – Nakuru District

Plate 8: Local RAP PAP committee for Timborua DO office (Uasin Gishu District)

Plate 9: Public Consultative meeting at Bagaria Market

Plate 10: Public consultation at Timboroa

Plate 11: Public Consultative meeting at Miti Mingi

Plate 12: Public Consultative meeting at Miti Mingi

Plate 13: Public Consultative meeting at Timboroa Centre

Plate 14: Public Consultative meeting at Miti Mingi

Plate 15: Public Consultative meeting at Ngata-Salgaa

Plate 16: Public Consultative meeting at Timboroa

Plate 17: Public Consultative meeting at Nandi hills tea estates



EXECUTIVE SUMMARY

Eco plan management limited (Registered by NEMA as a firm of experts to undertake EIA/EA) has been commissioned by The Kenya Power and Lighting Company Limited to prepare a Resettlement Action Plan (RAP) for the 132/220 kV Olkaria-Lessos-Kisumu Transmission Line. This is in line with the proposed resettlement of the Project Affected Persons (PAPs).

A resettlement action plan (RAP) is required for any project that results in either the physical or the economic displacement of people. The scope and level of detail of resettlement planning will vary with circumstances, depending on the project's complexity and the magnitude of its effects.

The Methodology used was to conduct a 100% population census survey (households) and asset inventory. Questionnaires were administered to all households by conducting soci economic and asset survey along the line. Public consultations were conducted at the same 12 venues as the ESIA. 20-25% socio- economic survey was carried out on the PAPs.

Objectives

The objective of this RAP is to provide guidelines to stakeholders participating in the mitigation of adverse social impacts of the project, including rehabilitation/ resettlement operations in order to ensure that the PAPs will not be impoverished by the adverse social impacts of the project. This RAP report identifies the full range of people affected by the project and justifies their displacement *after consideration of alternatives that would minimize or avoid displacement*. The RAP outlines eligibility criteria for affected parties, establishes rates of compensation for lost assets, and describes levels of assistance for relocation and reconstruction of affected households. The RAP's planning protects the sponsor against unanticipated or exaggerated claims from individuals who have spurious eligibility for resettlement benefits. The mediation of such claims can cause significant delays in project implementation, which can result in cost overruns for the sponsor.

Scope of Land Compensation and Resettlement

The Project will require land for the construction of and any necessary access roads and towers and foundations for the transmission line. The route of the new transmission line will be designed to minimize adverse impacts. A total of **400 households (1015 people)** will be affected by the proposal. The total land to be compensated will be 620.421 Acres. Some small commercial businesses (kiosks) shall be affected. The Resettlement Action Plan will be guided by World Bank's Operational Policy 4.12 on Involuntary Resettlement (2001) and JBIC Guidelines for Confirmation on Environmental and Social Considerations (2002).

Entitlements Matrix

The project entitlements were designed to cover compensation, resettlement, and rehabilitation for lost assets and restore or enhance the livelihoods of all categories (directly and indirectly

affected, titleholders and non-titleholders) of affected people. The entitlement matrix for the Project summarizes the main types of losses and the support entitled for each type of loss.

Special attention was vulnerable and/or disadvantaged groups such as the landless, the poor, aged, youth, female-headed households and the disabled. They will be assisted through the Project's socio-economic support program.

Income Restoration

Households affected will be compensated as shown here below:

- KPLC will pay 70% of the compensation amount to the owners of structures six months prior to implementation of the project to enable them construct new houses. 30% of the amount is paid on demolition of the affected structure.

Further consultations are to be carried out during the implementation phase of the Project with a focus on the following activities:

- Assessment of compensation;
- Wayleave Agreements,
- Complaints of disturbance and
- Need for special assistance.

In addition, there is to be a Public Information Campaign and Consultation Programme, which is described in full in this RAP report. Grievances of PAPs are to be addressed by the grievance mechanism and process as described in the report.

Institutional Arrangements

The implementation of resettlement activities requires the involvement of agencies at the national, provincial, district and village/community levels. Resettlement committees will be established at the district and community levels, as required by JICA and be under the responsibility of KPLC, to facilitate the RAP process. The provisions and policies of the RAP will form the legal basis for the implementation of Resettlement activities of the Olkaria-Lessos-Kisumu power Transmission line Project.

As this project is part of a series of projects under expected JICA loan, it is foreseen that consultants shall be engaged for the purposes of both supervision and capacity building so as to ensure the effective implementation of wayleave agreements, land compensation and resettlement. The Project supervision consultants shall comprise of international specialist and domestic specialist for the duration of the project.

Monitoring of Resettlement Planning and Implementation and Impacts

One agency/institution, to be known as the Independent Monitoring Agency (IMA), specialized in social sciences will be identified, recruited and then mobilized before commencement of any resettlement activities, including the detailed measurement survey. The IMA will be required to

submit periodic reports on the progress of implementation and make any necessary recommendations regarding the issues identified.

Table No 1: Total Structures, PAPs and Households affected

	Name of District	Number of Households	Total Number of PAPs	Total Number of Structures Affected
1.	Naivasha	23	30	106
	Squatters	49	155	
2.	Nakuru	159	194	224
3.	Uasin Gishu	35	190	71
4.	Koibatek	20	74	37
5.	Nandi	89	283	121
	Squatters	3	10	
6.	Kisumu	22	79	33
TOTAL		400	1015	592

Source: Eco Plan 2010

Table 2: Affected Households, Business and PAPs

		Ol Karia -Lessos	Lessos - Kisumu	TOTAL
1.	Household (No)	305	95	400
2.	Affected People (No)	676	339	1015
3.	Business Structures (No)	6	10	16
4.	Other Structures	452	124	576
	TOTAL			

Source: Eco Plan 2010

The tables above give a summary of the total number of households, total number of PAPs, total number of structures affected in each District. While table 2 shows the total number of PAPs affected is 1015, while households affected were 400, for business was 16 and other structures 576. It is important to note that table 1 and 2 does not include land only affected PAPs are not included. The number of households is expected to be higher since, some households that had owners were evaluated, while others were not since access was not possible.

Cost Estimates

Total costs for structures resettlement are estimated as being **Ksh. 109, 866,136.00**. This is composed of a) compensation costs, which total **Ksh. 73, 244,091.00** and b) demolition, management and implementation costs, which total **Ksh.36, 622,045.00**. The total estimated compensation for land is **Ksh. 371,391,023.00** for **620.421** acres of land. This compensation is based on market rates¹. These sums may however change at the time that the detailed measurement survey takes place to take into account actual losses and any changes in prices that may have occurred between the preparation of the RAP and actual implementation.

Implementation Schedule

PAPs will receive the proposed schedule for the main resettlement activities and informed that physical works will start only after the completion of all resettlement activities and clearance from the Project area. It will be clarified that they will be expected to move only after full payment of compensation for their lost assets. Implementation schedules and charts will be provided to resettlement committees at all levels.

Summary of Compensation

Table 3: Cost of land structures and trees

Item	%	Amount (KSh)
Land to be compensated	77	371,391,023.00
Structures	22	109,866,136.00
Sub-Total		481,257,159.00
Trees	1% subtotal	7,431,480.00
Total		488,688,639.00

Source: Eco Plan 2010

Key Findings

The following were findings from the RAP study:

- i. **Population:** The line traverses areas with high population densities at Mumbrees (Nandi Hills), Kayole & Methuri (Naivasha area) and Kibos & Mamboleo area (Kisumu).
- ii. The number of households is expected to be higher since not all houses were surveyed, especially where owners were not on site to access the homestead.

iii. Public Consultations:

The public consultation went on well except where the consultant faced resistance in (Naivasha, Nandi and Kibos areas). However the consultant liaised with the District Commissioner Naivasha and called upon the District officers of (Naivasha DCK, and Sanctuary) to assist the consultant carry out their work. For Kibos the Area Chief was called by the consultant to assist in cooling down temperatures.

The consultant noted the following sentiments during the PAP consultative meetings:

- The PAPs noted that the line had not been marked, therefore a proper detailed survey was recommended to inform them of the boundary mappings.

Note¹: Market value dictates the prevailing rates or costs of land in a particular location and costs of construction materials, while replacement costs designates has got an issue of depreciation.

- The PAPs were concerned how the compensation will be done to enable them relocate.
- Most of the PAPs indicated that information dissemination did not reach them on time or was never available.

- Most of the PAPs would like to be involved in the implementation of the RAP process and be physically present during implementation.
- The PAPs feared that they will not be relocated to productive land.
- The PAPs noted that The Kenya Power & Lighting Co LTD obtained large profits yet this was not seen on the ground. They requested the company to extend their Social Corporate Responsibility in the affected areas.

Below is a table showing the numbers of participants in the area with Lessos and Mitimigi recording the highest turnout of 183 and 140 respectively.

Table No 4. PUBLIC CONSULTATIONS HELD BETWEEN 13TH JANAURY AND 19TH JANAURY 2010

DATE	VENUE	NO. OF PARTICPANTS	GENDER BALANCE	
			Male	female
13 th Jan 2010	DCK Naivasha	3	3	
13 th Jan 2010	Kayole (Naivasha District)	26	20	6
14 Jan. 2010	Miti Mingi sub location chief's office	140	62	78
14 th Jan. 2010	Mbagaria Chief's office	44	32	12
15 th Jan. 2010	Lord Egerton Castle-Ngata-Salga (Nakuru District)	44	32	12
16 th Jan. 2010	Mau Summit Chief's Post	34	30	4
16 th Jan. 2010	Timborua Chief's Camp (Uasin Gishu District)	48	46	2
17 th Jan. 2010	Lessos Market	183	149	31
17 th Jan 2010	Nandi Hills Taito centre	38	37	1
18 th Jan. 2010	Kibos market, Kisumu		31	26
18 th Jan 2010	Mamboleo, Kisumu	45	43	2
19 th Jan 2010	DCK Naivasha & Santuary, Naivasha	52	38	14

Source: Eco Plan 2010

Recommendations

The consultant notes that for the RAP to be successful there is need for continued monitoring and evaluation. This will ensure that arising issues are adequately addressed both during and after construction phases.

KPLC should compensate all the affected persons in a timely manner before the project is implemented to enable paving way for the line (project). The consultant recommends that the compensation to be on the prevailing market rates for land and construction materials.

Continuous sensitization of the affected communities in the pre-construction phase of the project, especially in the populated areas is recommended as a preparatory measure before project implementation. KPLC should be at the forefront in ensuring this is carried out.



Conclusions

- It is concluded that the project to be successful the implementing Agency should use local labour especially from the youth of the areas.
- Adequate and timely compensation for land and assets should be paid to the PAPs to ensure smooth implementation process.
- The PAPs requested the Kenya Power & Lighting Company LTD to extend their Social Corporate Responsibility in the affected areas.
- Vulnerable groups to be identified and special care should be taken that they are not more than necessarily aggrieved.
- The compensation shall be at market rates.
- That resettlement sites should be nearby the densely affected PAPs, so that social economic fabrics of the PAPs are not disintegrated and even so the ethnic tensions experienced since the tribal clashes of the post election violence in 2007.

GLOSSARY

Resettlement Plan is a time-bound action plan with resettlement strategy, objectives, impact, entitlement, socio-economic survey, policy framework, legal framework, measures to minimize impacts, resettlement site, compensation, income restoration, resettlement implementation arrangement, resettlement schedule, participation and consultation, grievance redresses, monitoring and evaluation, monitoring and evaluation, and possibly indigenous people development plan.

Project Affected Persons (PAPs) indicates any juridical person being as it may an individual, a household, a firm or a private or public who, on account of the execution of the project, or any of its components or sub-projects or parts thereof would have their:

- (i) right, title or interest in any house, land or any other asset acquired or possessed, in full or in part; or
- (ii) business, occupation, work, place of residence or habitat adversely affected; or
- (iii) standard of living adversely affected.

Compensation means payment in cash or in kind to replace losses of land, housing, income, and other assets caused by a project.

Entitlement defines a right to receive mitigation measures such as compensation, income restoration, relocation assistance, and other support.

Income restoration/Livelihood restoration/Rehabilitation means the process to restore income earning capacity, production levels and living standards in a longer term.

Replacement cost is the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs.

- (i) For agricultural land, it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes.
- (ii) For land in urban areas, it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes.
- (iii) For houses and other structures, it is the market cost of the materials to build a **Replacement structure** with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees, plus the cost of any registration and transfer taxes. In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset.

Census is a data collection technique of completing enumeration of all PAPs and their assets through household questionnaire. Census's objectives are



- (i) To prepare a complete inventory of PAPs and their assets as a basis for compensation,
- (ii) To identify non-entitled persons, and
- (ii) To minimize impact of later influx of “outsiders” to project area.

Socio-economic survey is carried out in order to prepare profile of PAPs and to prepare for Basic Resettlement Plan. About 20 percent sample of PAPs population is surveyed through household questionnaires.

The survey results are used:-

- i. To assess incomes, identify productive activities, and plan for income restoration,
- ii. To develop relocation options, and
- iii. To develop social preparation phase for vulnerable groups.

Cut-off date determine eligibility for entitlement. It is normally the date census begins. The cut-off date could also be the date the project area was delineated, prior to the census, provided that there has been an effective public dissemination of information on the area delineated, and systematic and continuous dissemination subsequent to the delineation to prevent further population influx.

Vulnerable group is defined as the indigenous people, ethnic minorities, the poorest, women, children, the aged, the disabled, and other socially/economically vulnerable groups who would be adversely affected from a project.

Grievance Redress procedures set out the time frame and mechanisms for resolutions of complaints about resettlement from PAPs. Grievance redress can be provided through informally-constituted local committees with representation from key stakeholder groups. Grievances can also be addressed through formal channels, with unresolved grievances being dealt with at progressively higher levels.

1.0 INTRODUCTION

The Kenya Power and Lighting Company is proposing the construction of a 132/220 KV transmission power line that traverses from Olkaria-Lessos-Kisumu to transmit the additional (Upgrading 220 KV) into the National electricity grid. The scoping phase of the study comparatively evaluated two alternative routes for the power line. From the specialist studies undertaken, it was concluded that the alternative option arrived at was the best following the alignment of the existing power line on the route Olkaria-Lessos-Kisumu, This would potentially have lower impact on the overall environment as a result of consolidation of infrastructure of similar nature and the minimization of impacts on current and planned land use. This option was therefore nominated as the preferred alternative that was considered as being technically feasible.

Eco plan management limited (Registered by NEMA as a firm of experts to undertake EIA/EA) has been commissioned by the Client-Kenya Power and Lighting Company Limited to prepare a Resettlement Action Plan (RAP) for the 132/220 kV Olkaria-Lessos-Kisumu Transmission Line. This is in line with the proposed resettlement of the Project Affected Persons (PAPs).

1.1 Scope of RAP

The RAP has been designed to include a participatory approach between PAPs and KPLC. The RAP will provide guidelines to stakeholders participating in the rehabilitation/ resettlement operations in order to ensure that PAPs are informed of the compensations options available to them; their rights and that they will not be impoverished by the adverse social impacts of the project. This process shall follow the legal framework in Kenya and will be in accordance with the World Bank and JICA Standards.

Specific activities undertaken in preparation of the RAP include:

- a) Identification of project impacts and affected populations;
- b) Review of the prevailing Kenyan Legislation relevant to land acquisition, compensation and resettlement,
 - Kenyan compensation legislation,

- The economic cost benefit analysis that includes the wishes and expectations of the PAPs,
- c) A compensation framework
- d) A description of resettlement assistance and restoration of livelihood activities
- e) A detailed budget,
- f) An implementation schedule,
- g) A description of public consultation and participation,
- h) A description of provisions for redress of grievances,

1.2 Project Background

Kenya's power sector falls under the ministry of energy, which offers the general oversight and policy direction. Kenya Power and Lighting Company (KPLC) is responsible for electricity and transmission, distribution and supply to customers. KPLC purchase bulk power through power purchase agreements with KenGen, Independent power producers (IPPs) and the Uganda Electricity Transmission company (UETCL). The transmission and distribution systems are owned and operated by KPLC.

Currently Kenya suffers from an unreliable and unstable power grid infrastructure that is unable to keep pace with a demand for electricity growing at 4.9% annually. Power outages are common occurrence. The proposed transmission line upgrading project is expected to be funded by the Japan International Co-operation Agency (JICA).

The project has identified priority areas for reinforcement and upgrading of the distribution of the existing line. These activities are expected to have a widespread positive impact on overall social-economic status and live hoods of the electrified users.

The project is expected to have some negative effects especially on those who may be displaced from the Right of Way (RoW) either through wayleave agreements or removal of those who have developed on the road reserves or existing transmission way leaves. A Resettlement action Plan is therefore required to guide the land compensation and resettlement process. The RAP report should conform to the to the requirements of the Government of Kenya's Resettlement policy as stated in various legal and constitutional documents and JBIC



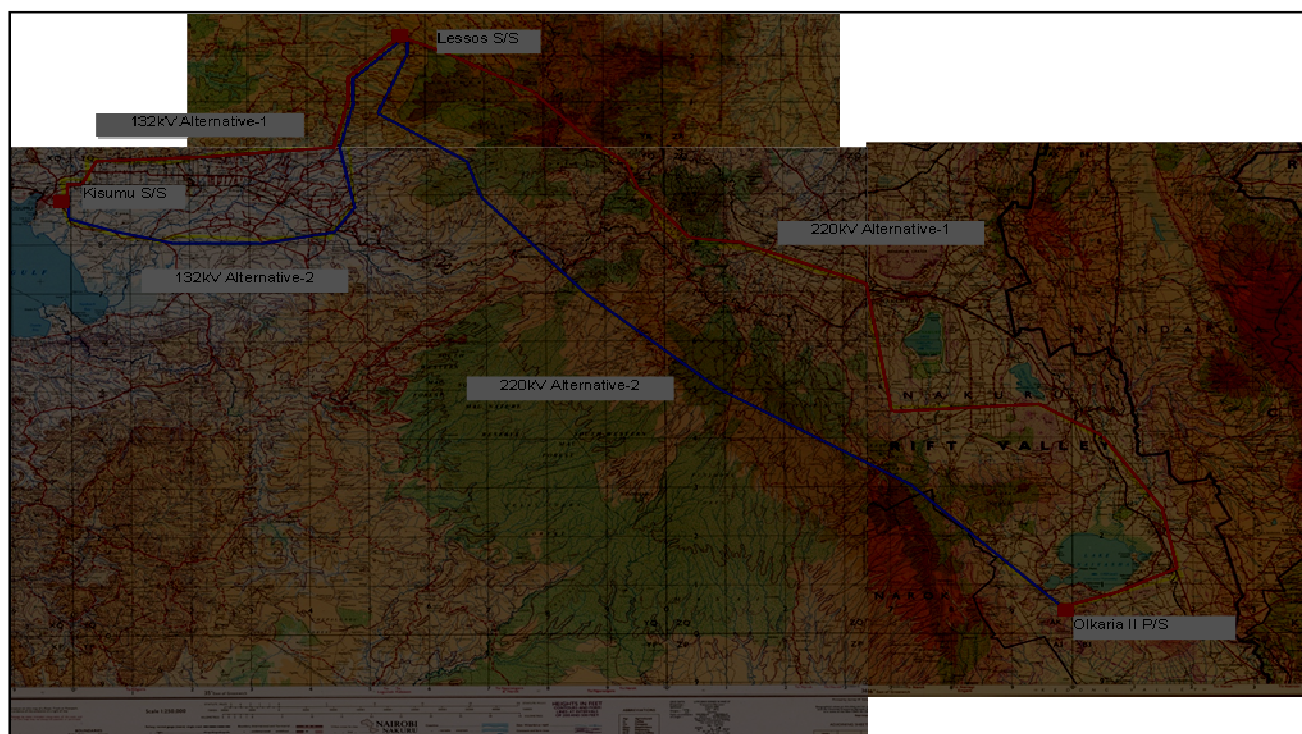
Guidelines for Confirmation of Environmental and Social Considerations (2002) and requirements by National Environment and Management Authority (NEMA).

1.3 Project Description

The Olkaria –Lessos line is a 132/220 KV double-circuit line expected to pass adjacent to the existing Jinja line, while the Kisumu-Muhoroni-Kisumu to supply Kisumu area. The length of the targeted transmission lines is approximately 255km, with approximately 170km between Olkaria and Lessos, and 85km between Lessos and Kisumu. The new transmission line requires a right of way (Row) of 40m, also called the way leave or trace. The existing substations at Olkaria, Lessos and Kisumu will be expanded to cater for the proposed line and an additional substation set up at Timboroa/Makutano in the future. The new lines are expected to improve reliability. By the completion of the project the Olkaria-Lessos-Kisumu will solve the following problems: Satisfy the increasing power demand of region/provinces, Enhance power supply reliability of the region, Satisfy purpose of social-economic development of the regions.

1.4 Location of Project Area

The project area traverses approximately eleven (11) districts, namely; Naivasha, Nakuru, Njoro, Molo, Rongai, Kipkelion, Uasin Gishu, Koibateki, Nandi, Nyando and Kisumu.



Source: JICA Survey Team

Figure 1: Location of the project area

1.5 Objectives of Resettlement

The key objective of this resettlement action plan (RAP) for the Olkaria-Lessos-Kisumu power transmission line is to ensure the following:

- a) To minimize any potential adverse impacts arising from the project and associated activities are mitigated and where possible, and for this case have been avoided through the choice of alternative 1 option for the route.
- b) To ensure that there are adequate restoration packages for the persons affected in so doing improving their livelihood. This will emphasis the ultimate goal of the project affected person's social, environmental, and economic conditions beyond simple physical inventories.

In addition, the RAP will guide the project to implement its wayleave agreements and compensation in a fair and transparent manner, and to meet the interests and needs of the PAPs. The RAP will describe the monitoring and evaluation framework and the following are groups that it will address:

- The main groups of affected populations include the following.



- Resident private landowners.
- Users of privately owned agricultural lands.
- Tenants of public lands
- Local institutions that own and /or use land
- Peasant farmers
- Small and medium business operators and
- People in informal employment

In order to ensure that the interests and needs of these stakeholders are addressed, the preparation of this RAP shall consider the following:

- Mechanisms for fair and transparent compensation for land acquired from private owners, including for absentee owners are established.
- That the rights of private land owners are recognized and that they are compensated for assets and crops.
- The legal framework and procedures of asset and land compensation are fully understood by private landowners and tenants of state and private lands.
- Mechanisms of negotiations, appeal and grievance, are available for the affected populations and
- That impacts at all stages of the project comprehensively assessed and evaluated against applicable standards, regulations and guidelines and mitigation measures are revised appropriately

The ultimate goal of this RAP is to enable those displaced by a project to minimize the potential impacts and thus improve their standard of living, a goal that examines the project affected persons social, environmental, and economic conditions beyond simple physical inventories.

1.6 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 Olkaria-Lessos-Kisumu project will indeed require the physical relocation of some persons. The scope and level of detail of resettlement planning will varies with circumstances, depending on the project's complexity and the magnitude of its effects. The ESIA prepared by GIB Africa recognized that the identified line route may 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.

1.7 Land Compensation, Wayleaves, Guiding Principles and Objectives

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

Principle 1: Resettlement Must Be Avoided Or Minimized

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

Principle 2: Genuine Consultation Must Take Place

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

Principle 3: Establishment of A Pre-Resettlement Baseline Data

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

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

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

Principle 4: Assistance In Relocation Must Be Made Available

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

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

Action: Compensation will be paid for structures, land and trees that are disturbed according to set rates derived from replacement costs².

² Market value dictates the prevailing rates or costs of land in a particular location and costs of construction materials, while replacement costs designates has got an issue of depreciation.

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

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

Principle 7: Vulnerable social groups must be specifically catered for

Action: Members of vulnerable groups are often not able to make their voice heard effectively, and an account will be taken of this in the consultation and planning processes, as well as in establishing grievance procedures. They are often physically weaker, and may need special help in the relocation/disturbance phase. In particular, female-headed households may lose out to more powerful households when assets will be demolished to make way for the transmission line.

This will entail KPLC ensuring that the pre-resettlement database specifically identifies vulnerable social groups and makes provision for them to be included in consultative forum. KPLC must further ensure that they are given the necessary protection to ensure that they receive equitable access to replacement resources. In addition, KPLC will make specific reference to vulnerable social groups being paid particular attention in the monitoring process. Vulnerable groups will include those with minimal assets, the illiterate, the aged, female, indigenous people/ethnic minority, youth, the physically challenged, the poor and the elderly.

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

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

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

Action: In addition to internal monitoring that will be provided by KPLC an independent Team comprising local administration and the locals will undertake monitoring of the resettlement aspect of the project. Grievance procedures will be organized in such a way that they are accessible to all affected parties, with particular concern for the situation of vulnerable groupings. Monitoring will specifically take place via measurement against the pre-resettlement database.

Principle 10: World Bank’s Operational Procedure on forced Resettlement

Action: the World Bank’s operational policy 4.12 on involuntary resettlement will be adhered to. It requires that involuntary resettlement be avoided where feasible, or minimized, exploring all viable alternative project designs. Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs. They should also be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of the project implementation, whichever is higher. KPLC shall adhere to the JBIC Guidelines for Confirmation of Environmental and Social Considerations, (2002).

1.8 JBIC Statements on Involuntary Resettlement

The statement establishes and makes public the above guidelines with the objective of contributing to efforts by the international community, particularly developing regions, towards sustainable development through the consideration of the environmental and social aspects in all projects subject to lending or other financial operations. Environmental and social considerations refer not only to the natural environment but also to social issues such as involuntary resettlement and respect for the human rights of indigenous people. The statements on involuntary resettlement are as follows.

- Involuntary resettlement and loss of means of livelihood are to be avoided where feasible, exploring all viable alternatives. When, after such examination, it is proved unfeasible, effective measure to minimize impact and to compensate for losses must be agreed upon with the people who will be affected.
- People to be resettled involuntarily and people whose means of livelihood will be hindered or lost must be sufficiently compensated and supported by the project proponents, etc in timely manner.
- The project proponents, etc must make efforts to enable the people affected by the project, to improve their standard of living, income opportunities and production levels, or at least to restore them to pre-project levels. Measures to achieve this may include: providing land or monetary compensation for losses (to cover land and property losses), supporting the means for an alternative sustainable live hood, and providing the expenses necessary for relocation and the re-establishment of a community at relocation sites.
- Appropriate participation by the people affected and their communities must be promoted in planning, implementation and monitoring of involuntary resettlement plans and measures against the loss of their means of livelihood.

2.0 LEGAL FRAMEWORK

2.1 Introduction

The legal framework of a RAP describes all laws, decrees, policies and regulations relevant to the resettlement activities associated with a project. Many countries have legislation and policies governing land expropriation and compensation for affected assets. However, policy governing resettlement is often not clearly defined, if not altogether lacking. The RAP requires that laws and relevant legislation is adhered to.

2.2 The Power of Eminent Domain

This refers to the fact that all land in the Republic of Kenya belongs to the state and the citizens hold tenure and usage in trust as lessees of the state either as Freehold interests or leasehold interests, the tenure being private, public or trust lands. Power of Eminent domain recognizes the ability of the State to compulsory acquire land for use to benefit the public. The scope of the power of eminent domain and the nature of compensation associated with it, the procedures for assessing compensation values and the schedule for making compensation payments is applicable to all land within the Republic. Procedures are enumerated in the Land Acquisition Act Cap 295 of the Laws of Kenya.

Land titling and registration procedures by setting apart of Trust Lands under the Trust Lands Act Cap 291 also recognize the Power of Eminent Domain.

RELEVANCE - The Land acquisition Act is applicable to PAPs resisting granting of wayleave consents on their land. The powerline is to uplift the country's economy therefore its importance supersedes an individual's resistance of the nation's economic growth. The procedures of acquisition and compensating such land and assets are outlined therein. This is also applicable for Trust land and un-alienated land parcels where the process of setting apart the land and its excision is enumerated to enable actualization of the project.

The various statutes that are considered on land tenure and acquisition are as follows:-

- i. Land Acquisition Act Cap 295
- ii. Environmental, Management and Co-ordination Act, (EMCA), 1999
- iii. The Forest Act Cap 385
- iv. Wayleave Act Cap 292

- v. Energy Act (2006)
- vi. Electric Power Act of 1971
- vii. The Agriculture Act, Cap 318 (Revised 1986)
- viii. Wildlife conservation and Management Act Cap 376
- ix. Government Land Act Cap 280
- x. Land Titles Act Cap 282
- xi. Registration of Titles Act Cap 281
- xii. Land (Group Representatives) Act Cap 287
- xiii. Trust Land Act Cap 291
- xiv. Registered Land Act Cap 300
- xv. Land Control Act Cap 302

2.3 Environmental, Management and Co-ordination Act, (EMCA), 1999.

The environmental Management and Coordination Act (EMCA) 1999 is an Act of Parliament to provide for the establishment of an appropriate legal and institutional framework for the management of the environment and for matters connected therewith and incidental thereto.

The main objective of the Act is to.

- Provide guidelines for the establishment of an appropriate legal and institutional framework for the management of the environment in Kenya.
- Provide frame work legislation for 77 statutes in Kenya that contain environmental provisions.
- Provide guidelines for environmental impact assessment, environmental audit and monitoring, environmental quality standards and environmental protection orders.
- The Act empowers the national environment Management Authority (NEMA) to exercise general supervision and co-ordination over all matters relating to the environment and to be the principal instrument of government in the implementation of all policies related to the environment

RELEVANCE – EMCA was enacted to ensure sustainability of the environment in its natural state after completion of the project. This is to avoid adverse effects on the environment as if there are any then ensure necessary mitigation measures are undertaken.

2.4 The Forest Act Cap 385

The forest Act Cap 385 of 1992 (revised 1982, 1992 and 2005) addresses the reservation, protection, management, enforcement and utilization of forest resource on Government land.

The Forest Act is applicable to gazetted forest area (Forest Reserves) and specifically covers:

- Gazettement, alteration of boundaries and de-gazettement of forest Reserves (Section 4)
- Declaration of Nature Reserves within Forest Reserves and regulation of activities within Nature Reserves (Section 5);
- Issuance of licenses for activities within Forest Reserves (Section 7);
- Prohibition of activities in Forest Reserves (removal of forest produce, grazing, cultivation, hunting, etc.) and on un-alienated Government land (removal of trees, collection of honey, lighting of fires) except under license from the Director of Forest Services (section 8);
- Enforcement of the provisions of the Act, penalties and powers afforded to enforcing officers (section 9-14);
- Power of the minister to make rules with respect to sale and disposal of the forest products, use and occupation of land, licensing and entry into forests (section 15). This prerogative has been taken with the forests (General) Rules, which sets forth rules for sale of forest produce and specifies royalty rates for these products

Section 4 of the Forest act relates to excision and addition to the Government forest estate. Section 4(2) states that declaration or alteration of forest boundaries, or cessation of a forest area may not take place unless twenty-eight days notice of the intention to make the declaration published by the Minister in the Kenya Gazette. Implementation of changes in forest areas can be effected by legal Notices (published in the Kenya Gazette Supplement) once the formalities of 8 days notice are complete of relevance to the proposed transmission line project is that application for removal of trees must therefore be made to the Director of Forest Services.

RELEVANCE – This ensure that forest cover is maintained for climatic balance. Natural reserves and forest resources should be reserved therefore licenses to traverse these sections should be obtained from relevant authorities before commencement of the project.

2.5 Wayleave Act Cap 292

This is an Act of parliament that allows for easements and RoW for carrying sewer, drain or pipeline into, through, over or under any lands but may not in so doing interfere with any existing buildings. However in Kenya, wayleaves for transmission of energy is availed under the Energy Act of 2006.

RELEVANCE - The Wayleaves Act is important in compensation of crop damage. During construction of transmission lines crops are damaged therefore Clauses 6(1 and 2) provide modalities of crop damage compensation. The Act is relevant for wayleave consent to be granted by Government bodies where land is owned by the public and land owners under private land ownership. Wayleave is simply permission to pass over, under or through land owned by another party other than the entity that is seeking the ROW. It is mandatory for KPLC to seek wayleave from the owners of all land parcels where the powerline is traversing over. e.g way leave authorization for forests Under the Kenya Forest Service's Charter Way leave authorization requires the client to present a map of KFS showing the route of the way leave, and accompanied by an application letter. Compensation on each tree removed is based on the Forest Service General Order (FSGO) which presents a list of prices of services provided by KFS within the current year. Waiting time for way leave authorization is that upon application.

2.6 Energy Act (2006)

This is an Act of parliament passed to amend and consolidate the law relating to energy, to provide for the establishment, powers and functions of the Energy Regulatory Commission and the Rural Electrification Authority and for connected purposes.

The Act stipulates on the development on the energy systems in Kenya, and procedures to be followed for licensing of any electricity generation or distribution in Kenya.

RELEVANCE - The proposed project will be required to follow the LICENSING guidelines set on this Act. Liability to compensate for damages to property or personal interests is also stated in Clause 8 It also highlights need to adhere to other regulatory institutions like EMCA Act of 1999 (clause 30 (b)) and requirement to get prior approval for survey and laying of supply lines (clause 46) from the land owners.

2.7 Electric Power Act of 1971

This act gives guidelines of the amendments and consolidation of the laws relating to generation, transmission, transformation, distribution, supply and use of electrical energy for lighting, connecting and other purposes.

RELEVANCE - It is important to observe the conditions herein when implementing this high voltage transmission line.

2.8 The Agriculture Act, Cap 318 (Revised 1986)

This Act has the stated objectives to promote and sustain agricultural production, provide for the conservation of the soil and its fertility, and stimulate the development of agricultural land in accordance with the accepted practices of good land management and good husbandry. Authorized officers are empowered to prohibit the clearing of vegetation and the grazing of livestock and to require the planting of trees to protect the soil from erosion, as well as impose penalties under the Act.

RELEVANCE -KPLC be required to liaise with the ministry of Agriculture in areas where trees will be required for way leave purposes, as well as compensation values of crops.

2.9 Wildlife Conservation And Management Act Cap 376

The Act protects conserves and manages wildlife by regulating and prohibiting activities that interfere with wild life like burning, damage of scenery or scarification of land.

RELEVANCE - It is important in this project because prior authorization has to be sought to reside and work in the park.

2.9 Government Land Act Cap 280

This Act provides for regulation of leasing and other disposal of Government lands and for other purposes. More specifically, it provides for the allocation of un-alienated land to any person the President so wishes. Upon allocation, such land is held as a grant from the Government on payment of such rents as prescribed by the Commissioner of Lands.

RELEVANCE - The transmission line will be traversing upon un-alienated parcels of land that will require to be granted wayleaves by the Government and set aside when alienation will take place.

2.10 Land Titles Act Cap 282

This Act makes provisions for the removal of doubts that have arisen in regard to titles to land and to establish a Land Registration Court. Specific provisions include guidelines on adjudication of claims, and registration of documents after certificate of ownership is granted.

The above act is also accompanied by subsidiary legislation, that is;

- The Land Titles Rules;
- The Land Titles (Fees; Custody of Documents) Rules
- The Land Titles (Fees; Land Registration Court) Rules
- The Land Titles (Survey Fees) Rules; and
- The Land Titles (Registration Fees) Rules; 1994

RELEVANCE - This law will ensure that the bonafide land owner recognized by law is duly compensated where such parcels are affected by the power line.

2.11 Registration of Titles Act Cap 281

This Act provides for the transfer of land by registration of titles. Parts within the Act elaborate on mechanisms of bringing lands under the Act, grants, transfers and transmissions of land, registration of titles, and mode and effect of registration, transfers, leases, charges, powers of Attorney and rectification of titles, among others.

RELEVANCE - It duly recognized the registered ownership which is important when KPLC will need to compensate for loss of land use along the wayleave4 corridor

2.12. Land (Group Representatives) Act Cap 287

This Act provides for the incorporation of representatives of groups who have been recorded as owners of land under the land Adjudication Act, and for related purposes. The Act, also elaborates on the incorporation of group representatives and administration of groups.

RELEVANCE -The line is passing over land parcels under group registration e. g kedong ranch among others. It is important to recognize interests of all parties when getting wayleaves from authorized representatives and the land compensation.

2.13 Trust Land Act Cap 291

This Act establishes guidelines for the setting apart of trust land. The Commissioner of Lands or Councils under which Trust land is vested can set apart land for public use as well as guidelines on how land is allocated or lease out.

Subsidiary legislation under this Act includes;

- Trust Land (way leaves for Electric Lines) Rules;
- The Trust land (removal of Forest Produce) Rules;
- The Trust land (removal of Common Minerals) Rules and;
- The Trust land (conveyance Fees) Rules, 1994 among others

RELEVANCE - The power line will traverse over trust land held by councils that will require wayleaves. These Rules apply to all Trust and, and states that a way leave license is granted under section 38, for the purposes of erecting or laying an electric line over or under land. The way leave license grants the licensee the right to enter the acquired land as reasonably necessary for the purpose of placing and maintaining an electric line across or under the said land, and of replacing the same or any part thereof, and of keeping clear a track parallel with tree, crop or shrub which may obstruct or interfere with the working of electric line. However, the licensee is required to give the owner of such trees, crops or shrubs three days notice in writing to do the same.

2.14 Registered Land Act Cap 300

The above act makes further and better provides for the registration of title to land, and provides for regulation of dealings in land so registered, and for purposes connected therewith.

RELEVANCE - The Act further elaborates on the organization and administration of the act, the effect of registration, title deeds, certificates of lease and searches, instruments and agents,

transmissions and trusts, restraints on disposition, rectification and indemnity, and decisions of registrars and appeals.

2.15 Land Control Act Cap 302

This Act provides for controlling of transactions in agricultural land. The Act further elaborates on the establishment of land control areas and boards, the control of dealings in agricultural lands, and rules governing appeals Boards. This Act controls sub-division of agricultural land. Since this land restricts transfer of land therefore has some bearing on flexibility of affected farmers who may require to get alternative land for residential purposes, the important section (9) states economic size for agricultural land sub-division that is allowable.

RELEVANCE - This law controls subdivision of agricultural land. The powerline is traversing over agricultural land.

2.16 Consideration under the “JBIC Guidelines for Confirmation of Environmental and Social Considerations (2002)”

JBIC Guidelines (Statement on Involuntary Resettlement)

- Involuntary resettlement and loss of means of livelihood are to be avoided where feasible, exploring all viable alternatives. When, after such examination, it is proved unfeasible, effective measures to minimize impact and to compensate for losses must be agreed upon with the people who will be affected;
- People to be resettled involuntarily and people whose means of livelihood will be hindered or lost must be sufficiently compensated and supported by the project proponents, etc. in timely manner. The project proponents, etc. must make efforts to enable the people affected by the project, to improve their standard of living, income opportunities and production levels, or at least to restore them to pre-project levels. Measures to achieve this may include: providing land and monetary compensation for losses (to cover land and property losses), supporting the means for an alternative sustainable livelihood, and providing the expenses necessary for relocation and the re-establishment of a community at relocation sites; and

- Appropriate participation by the people affected and their communities must be promoted in planning, implementation and monitoring of involuntary resettlement plans and measures against the loss of their means of livelihood.

2.17. Japans Official Development Assistance Charter, June 30 1992

The charter was established to obtain broader support for Japan's Official Development Assistance (ODA). The basic philosophy of this charter is that the international community, from a humanitarian viewpoint, cannot ignore the fact that many people in developing countries, which constitute a majority among countries in the world, suffer from famine and poverty. Japan's ODA is provided in accordance with the principles of the United Nation Charter as well as additional four principles. Further outlined in the charter are the priorities, measures for the effective implementation of ODA and measures to promote understanding and support at home and abroad. African countries are considered priority regions in the charter as well as infrastructure improvement hence the application of this charter to the current project.

2.18 World Bank Group Safeguard Policies

OD 4.30: Involuntary Resettlement

The World Bank Group OD 4.30 on Involuntary Resettlement is applied as a safeguard by international banks signatory to the "Equator Principles". Its main provisions are the following: All viable alternative project designs should be explored to avoid or minimize the need for resettlement and when it cannot be avoided, to minimize the scale and impacts of resettlement;

- Resettlement measures are to be conceived and executed as development activities providing sufficient resources to give the persons displaced the opportunity to share in project benefits. Assistance should be given to the community in their efforts to improve former production levels, income earning capacity and living standards or at least restore them to the levels they would have without the project;
- Displaced persons should be:
 - Compensated at full replacement cost prior to the actual move;
 - Assisted with relocation;
 - Assisted and supported during the transition period.
- Particular attention should be given to vulnerable groups;

- iv. Communities should be given opportunities to participate in planning, implementing and monitoring their resettlement;
- v. Resettlers should be helped with integration into their host community;
- vi. Resettlement should be linked to the main project implementation schedule, so that Project Affected People should be resettled and/or compensated before being affected by the construction or other activities;
- vii. There should be adequate monitoring and evaluation;
- viii. The project sponsor should be encouraged to offer replacement land. Cash compensation may be appropriate when residual land holdings are economically viable. For households who lose assets / income large enough to make the remainder unviable, compensation should be provided as if entire holdings had been taken;
- ix. For losses that cannot easily be valued or compensated in monetary terms e.g. access to public services, customers or suppliers, fishing, grazing land or forests, attempts must be made to establish access to equivalent and culturally acceptable resources and earning opportunities.

OD 4.20: Indigenous People

Indigenous peoples are defined as social groups with a social and cultural identity distinct from the dominant society that makes them vulnerable to being disadvantaged in the development process. Indigenous peoples can be identified by the presence in varying degrees of the following characteristics:

- A close attachment to ancestral territories and to the natural resources in these areas,
- Self-identification and identification by others as members of a distinct cultural group,
- An indigenous language, often different from the national language,
- Presence of customary social and political institutions,
- Primarily subsistence-oriented production.

The Directive sets out policy objectives, guidelines for the design and implementation of project provisions and processing and documentation requirements if indigenous people are affected by a project. Other World Bank Group Safeguard Policies are applicable to the Project. As they

appear not to be relevant to Compensation and Resettlement, they are not commented here but details are given in the EIA main volume.

2.19 Land Related Legal Issues

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

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

RELEVANCE - KPLC will have to establish individual interests in matters of wayleave consents and future land compensation needs

b. Statutory Tenures: Categorized in two forms:

- i. Freehold tenure: This tenure confers the greatest interest in land called absolute right of ownership or possession of land for an indefinite period of time, or in perpetuity. The Registered Land Act (RLA) Cap 300 of the Laws of Kenya governs freehold land.
- ii. Leasehold Tenure: Leasehold is an interest in land for a definite term of years and may be granted by a freeholder, usually subject to the payment of a fee or rent and is subject to certain conditions, which must be observed. e.g. relating to developments and usage.

RELEVANCE – KPLC to Establish Grants Of Wayleaves/Easements By Registered Land Owners.

c. Public Tenure: This is land owned by the Government for own purpose and which includes unutilized or delineated government land reserved for future use by the Government itself or may be available to the general public for various uses. The land is administered under the Government Lands Act Cap 280.

d. Other Interests include:

- Reservations of other government or trust land to government ministries, departments or Parastatals for their use.
- Non-formalized defacto tenure by which people, individually or in groups invade and occupy other peoples government land particularly in the major urban centers.
- Minor interest such as easements, way-leaves and temporary occupation licenses.

RELEVANCE – KPLC to establish relevant authorities for compensation and issuance of easement over Trust Land as set out in the Act.

2.20 Valuation and Related Legal Issues

Valuation is the art or science of establishing the worth of a particular interest in prop[erty for a specific purpose and at a particular moment in time. It considers all the features of the property, demographics, topography as well as the underlying market drivers. The valuation practice in Kenya is governed by the Valuers Act Cap 532, which provides for a Valuers Registration Board that regulates the activities and conduct of registered valuers. Valuers in Kenya are registered upon application to the Board and are required to be full members of the Institution of Surveyors of Kenya (ISK). The Act governs the formation and guidelines of valuation practices including the annual licensing and gazettement of Valuers for practicing the profession. The Board also deals with ethics of the profession as well as registering complaints, disciplining and deregistering unethical members. Statutes that govern valuation in relation to this project are the Government Lands Act Cap 280 that regulates the valuation for land rent while valuation for rating is governed by the Rating Act Cap 266. Land Acquisition Act Cap 295 governs valuations for compulsory acquisition purposes.

RELEVANCE – Valuation for compensation of land and replacement of assets that are under the RoW will be done by Registered and licenced valuers. The valuation procedures and values arrived upon under specified regulations and guidelines governed by the profession and Laws



Table 5: Valuation Methods

Asset	Process
Land with structures	<p>Steps:</p> <ul style="list-style-type: none">a. A detailed inventory of all persons, possessions, assets and stock requiring resettlement was made by the RAP consultant.b. Accurate and real valuation of dwelling was undertaken.c. Determining a compensation package according to valuations was carried out.d. Allow a reasonable time period prior to moving, for salvage of building materials. PAP's may salvage any material without this being deducted from compensation entitlements.e. Provide temporary housing/shelter if necessary. <p>Recommendations:</p> <ul style="list-style-type: none">a. KPLC will pay compensation for the lost housing structures.b. KPLC will provide transport for the occupants and their belongings to their new place of residence.c. The owner will be entitled to remove any materials he or she wishes to salvage within one month of vacating the old dwelling.d. KPLC will provide transport for these materials, other than masonry, to the new residential site.
Land without structures	<ul style="list-style-type: none">a. Inventory: As part of the RAP phase the KPLC hopes to acquire names and contact details of all persons affected by the project.b. Compensation: The RAP data sheet spells out how each person is affected and indicates how much compensation will be paid for crops and trees lost.c. Payment: The line passes along 474.4ha of privately settled land. Out of this 75 ha is land without structures.



	KPLC is therefore compelled by law to compensate the PAPs on Land.
Lost business profits and employee earnings	a. Where business profits may be affected compensation will be paid according to Valuation & Audited results of the enterprises monthly income.
Crops/Trees on the fields cultivated by those affected.	<p>a. Tree/seasonal crops: Harvesting of the crops will be given a first priority but where harvesting is not possible, counting of the affected crops will be done by a registered valuer and KPLC agent in the presence of the owner. Computation of the costs will be done according to market rates¹ and payments thereafter made either at KPLC offices, or through the local chief's office.</p> <p>b. Annual crops: Crops will be harvested by the owner and therefore no compensation will be paid for crops. In instances where crops are not able to be harvested, KPLC will pay compensation at the market rates.</p>

Source: Eco Plan Management, 2010.



3.0 SCOPE OF LAND COMPENSATION, WAYLEAVE AGREEMENT AND RESETTLEMENT.

The Project will register wayleave agreements for the construction of the transmission line. The route of the new transmission line has been designed so as to avoid passing through markets, densely populated areas, villages, pagodas, protected areas and historical or cultural assets and the dimensions of towers have been adapted to the terrain. A total of **400 households (1015 people)** will require to be compensated. These households shall be affected and will have to be relocated. The total land to be permanently affected will be 620.421 acres. Some small commercial businesses (kiosks) shall be affected.

3.1 Source of Data

This RAP has been based upon an Inventory of Losses and Census covering 100% of the population potentially affected by the extension of the proposed 132/220 kV Olkaria-Lessos-Kisumu Transmission line. Also used as a basis for the RAP are the results below. Census and measurement surveys were undertaken during the site visit to precisely identify households affected by the Project and their respective losses.

3.2 Survey Methodology and Schedule

a) Population Census

Questionnaires were administered door to door to all PAPs along the line. However some land owners were not present to respond thus no population census survey was done on the households absent and where plots had absentee landlords, though asset details were taken. The questionnaires were administered on businesses and large scale agricultural farms. The population census was conducted over a period of three weeks and the public consultation was conducted at the 12 venues as the ones conducted in the ESIA and lasted for a period of 7 days.

The questionnaire captured the following information:

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

b) **Public consultation** was done as part of participatory approach at 12 venues along the line. Below is public consultation held at Lessos Centre below are some of the issues raised:



Source: Eco Plan, 2010: Plate: 1.. Public meeting at D.O's place at Timborua District Office (Uasin Gishu District)

Key issues Arising from public consultations include:

- They noted KPLC's poor history in terms of compensation.
- The need for KPLC to perform its social corporate responsibility in establishing community projects in the areas affected.
- Livelihoods – loss of access to water points, schools, crop land and pasture
- Rural electrification – the community's desire to benefit from electricity connection.
- Employment – the community's desire and demand to employ the local youth during the construction of the project,

- Compensation – the community requested KPLC not to use government valuers since their rates were below the market rates and the need for adequacy of the cash compensation.
- Resettlement – impacts and compensation measures for economic and physical displacement.

c) Use of Maps and GPS

The consultant used the survey maps availed by KPLC personnel which were used to identify and itemize the affected persons. A licensed surveyor assisted in identifying the line and the structures that were affected through the use of a GPS mapper. Information was gathered for all assets beneath the line. Details were collected and analyzed even in the cases of absentee landowners. The valuers measured any structures affected and counted the trees and crops on each plot.



Source: Eco Plan, 2010 Plate 2: Evaluator measuring affected structure



Source: Eco Plan, 2010 Plate 3: Evaluator measuring affected structure (mud structure)

Socio- Economic Surveys (SES)

20% social economic survey was done to gather socio economic issues and perception of the project. This was based on the 12 venues where public consultation was conducted.

3.3 Limitations of Study

The following limitations were noted by the consultant regarding gathering of data:

1. There were areas such as Mumberes, Ngata (Nakuru District), Lessos and Nandi (Uasin Gishus District) and Kibos (Kisumu District) areas where the consultant had difficulties interviewing the PAPs. In Mumberes and Nandi, the PAPs were unwilling to be interviewed because they felt that the interview was meant to evict them like those who are affected in the Mau Forest. In Nandi areas the resistance was mainly for socio-cultural reasons. In some communities, it is culturally not right to count family members by numbering them thus were unwilling to give out socio economic information on the family.



2. Most of the land owners did not have ownership documents thus it was not possible to obtain all land title details, this is because land owners do not update their title details at department of lands.
3. The residents within these areas also expressed fear that the graves of their ancestors might be excavated during the construction of the line.
4. Some of the respondents resisted the project and were of the opinion that they will not benefit much from the project more especially the PAPs of Lessos (Nandi District) – Kisumu (Kisumu District). Most of them argued that the existing Transmission line Lessos-Kisumu PAPs were not properly compensated for hence the fear that the proposed line will be worse than that of the existing Line.
5. Most of the PAPs were absent due to either working in town or they did it out of ignorance. Most of the respondents were house wives and old people who would not even able to access the relevant documents (title deeds) for compensation.
6. It was difficult to collect data from some PAPs who did not respond or did not give accurate information due to indulgence in local brew since it was the season of Christmas.

Table 6: **Affected Structure, PAPs and Households**

	Name of District	Number of Households	Total Number of PAPs	Total Number of Structures Affected
1.	Naivasha	23	30	106
	Squatters	49	155	
2.	Nakuru	159	194	224
3.	Uasin Gishu	35	190	71
4.	Koibatek	20	74	37
5.	Nandi	89	283	121
	Squatters	3	10	
6.	Kisumu	22	79	33
TOTAL		400	1015	592



Source: Eco Plan 2010

The table above shows the total number of structures affected is 592, while PAPs affected is 1015 and only 400 houses spread out in the districts as shown.

Table 7: Affected PAPs, Structures and Business

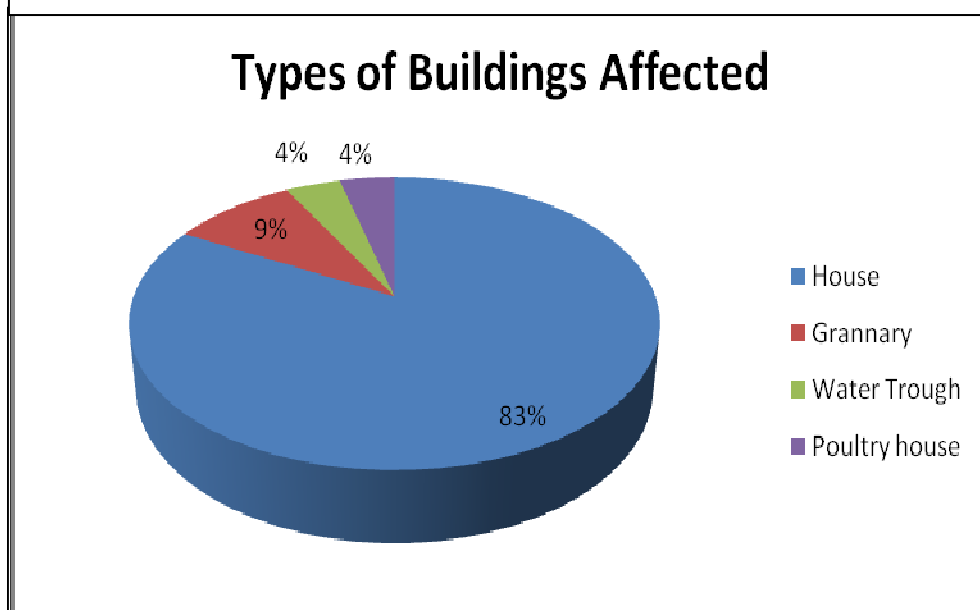
		Ol Karia –Lessos	Lessos – Kisumu	TOTAL
1.	Household (No)	305	95	400
2.	Affected People (No)	676	339	1015
3.	Business Structures (No)	6	10	16
4.	Other Structures	452	124	576

Source: Eco plan 2010

The average number of PAPs per household along Ol Karia – Lessos is on average 3.930 (≈ 4) PAPs, while along Lessos-Kisumu the average number of PAPs per household was found to be on average 5.467 (≈ 5) PAPs.

The tables above give a summary of the total number of households, total number of PAPs, total number of structures affected in each District. While table 2 shows the total number of PAPs affected is 1015, for business was 16 and other structures 576. It is important to note that table 1 and 2 does not include land only affected PAPs are not included.

Figure 2: Type of Buildings affected



The figure 2 above summaries the most affected structures in a homestead. The houses are more affected at 83%, followed by granaries at 9% and water and poultry at 4% each, maybe because their sizes are small compared to the house.

Table 8: Business Affected

Business Name	Type	Area
Peter Kauriki/Karimu	Godwon	Kayole-Naivasha
3 point flower	Flower farm	Naivasha
Vegro Pro Kenya LTD (RAVI)	Flower Farm	Navasha
farm (dairy/irrigation)	Lord Dalamare	Naivasha
Mwangi Kamau	3 No. Kiosks	Njoro District
Mohamend Samoei	rental business unit	Lessos (Nandi Hills)
Issac Kosgei	5 No rooms for rental	Lessos (Nandi Hills)
Eastern Produce	Tea Farm	Nandi Hills
Hon. Henry Kosgei	Tea farm	Nandi Hills
Nandi Hills	Tea farm	Nandi Hills



Kapsumbers Estate part of Kakuzi LTD	Tea Farm	Nandi Hills
Kibos Sugar factory	Sugar factory	Kisumu District
Ayub Tobias	kiosks (mud houses)	Kibos
Peter Ochieng Odima	5 No units mud houses	Mamboleo
Miwani Sugar	sugar plantations	Nandi District
Chemelil	sugar plantations	Nandi District

Source: Eco Plan 2010

The table above shows the type and number of businesses affected ranging from flower farms, tea estates and sugar farms to small kiosks that are rented out.

Census and Inventory of losses

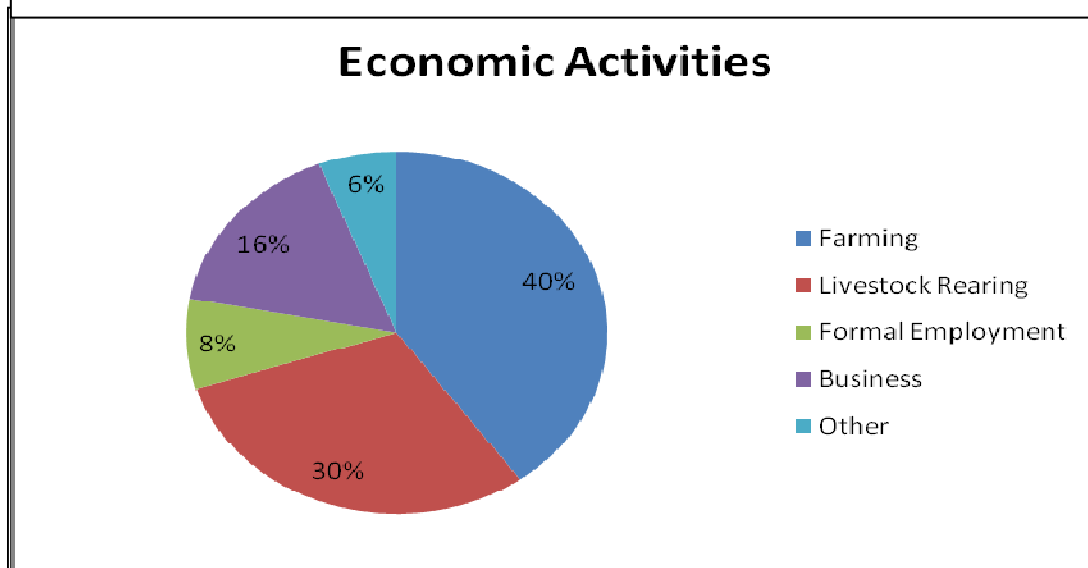
Demographic

Of the surveyed population **77%** of the heads of household were married and **16%** was widowed. The average size of households surveyed was **4.8** members, as compared to the national average of 4.6, Kenya National Census, 1999, with the majority being composed of parents and children. This therefore means that most of the households have children whom they will need to distribute the land too and hence will require favorable packages for relocation.

Just over **59%** of the surveyed population had a basic primary education, i.e. from Classes 1-8. Almost **15%** had their secondary education, and i.e. up to form four **13%** had post secondary education and **13%** never attended. Age **25%** are found to between age of **31-40** years meaning that young energetic people are affected and the percentage of vulnerable group is less than **10%**. However; there is quite a difference between the 11 districts. This provides a good indication that most of the household depend on agriculture as their economic activity.

**Land type and land use (agricultural, residential, commercial land)**

Figure 3: Economic Activities of the area



Source: Eco Plan Management Ltd, 2010.

Most of the people are involved in farming activities with 40% of the population in farming, livestock rearing taking 30%, businesses at 16% and formal employment at 8%.

Trees

Trees that are over 4 m in height will be affected permanently, as they must remain They will

Table 9: Trees Affected

Type of trees		No. of Trees	Rates in Ksh	Compensation Value in Ksh
Valid	Eucalyptus	13479	500	6,739,500
	Indigenous	183	300	54,900
	Pine	196	380	74480
	Gravillea Robusta	322	180	57960
	Cypress	7664	600	459,840
	Wattle	320	140	44,800
	Total	22,164		7,431,480

Source: Eco Plan Management Ltd, 2010.



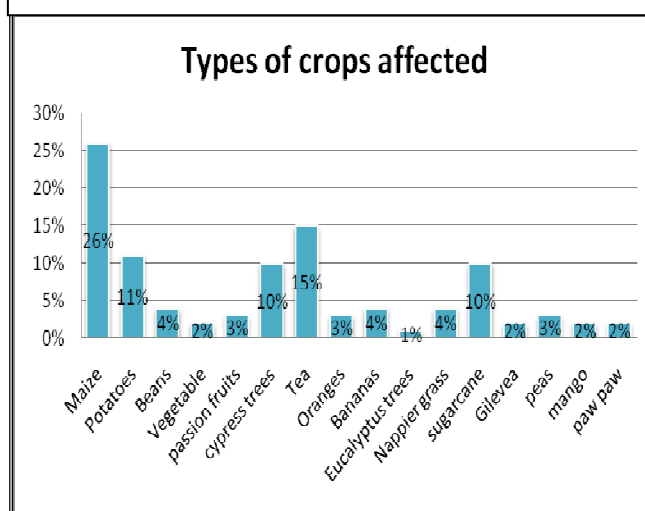
Key: Rates applied are as provided by KPLC tree compensation Rates schedule. Trees require to be pruned under 4m so as to comply with the safety regulations.

Affected Crops

The predominant crops that will be affected shall be maize at 25.4%, tea at 15.%, potatoes at 11.3% and sugarcane at 9.9%

Table 10: Types of crops affected		
Types of crops		Valid Percent
Valid	Maize	25.4
	Potatoes	11.3
	Beans	4.2
	Vegetable	1.4
	passion fruits	2.8
	cypress trees	9.9
	Tea	15.5
	Oranges	2.8
	Bananas	4.2
	Eucalyptus trees	1.4
	Nappier grass	4.2
	Sugarcane	9.9
	Gravillea	1.4
	Robusta	1.4
	Peas	2.8
	Mango	1.4
	paw paw	1.4
	Total	100.0

Figure 4 Types of Crops affected



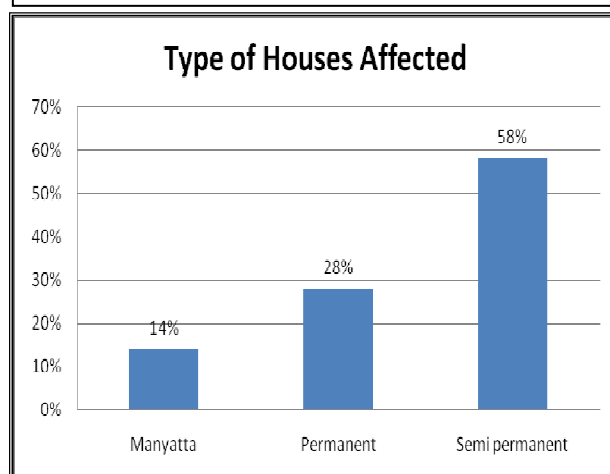
Key: Rates applied are as provided by KPLC from their crop and tree compensation schedules.



- Buildings type

Table 11: Materials used		
Type of Materials		Valid Percent
Valid	Manyatta	14.7
	permanent	29.4
	semi permanent	55.9
	Total	100.0

Figure 5: Types of Houses



The above figure and table illustrate that most of the structures are semi permanent in the area with a percentage of 55.9%, while those that are permanent are only 29.4%. This does tell us about the income levels of the people is slightly low

Inventory of Institutions and common property resources

Table 12: Institutions affected

Type	Name	Location
Schools	Tuyabei Primary school	Chemelil Sisal Estate (Nandi District)
	Jogoo Primary School	Total (Nakuru District)
Hospital	Pwani Dispensary	Njoro District
Institution	Orphanage	Nakuru District

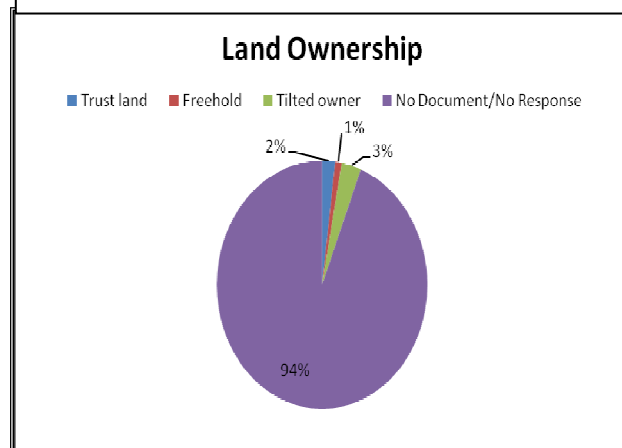
Source: Eco Plan 2010

**Information on those without legal title to land or assets**

Table 13: Land Ownership Details

Land Ownership		Valid Percent
Valid	Trust land	30.0
	Freehold	20.0
	Registered Land	50.0
	Total	100.0

Fig 6: Land Ownership Details

**3.4 Route Selections**

After consultations between KPLC staff and JICA on a Fact-finding Mission Members/JICA Survey Team on 28 July 2009, the route preferred was Alternative 1, which runs in parallel to the existing transmission line except near Lake Nakuru and Lake Elementeita, was preferred.

3.5 Right of Way

The width of RoW is 40 m in the length of the transmission line in each of the eleven affected districts and the numbers of foundations are required in each of them.

3.6 Impacts on Land and Structures

The Project will affect 11 districts and the Project impacts will include:

- Impact on Houses and Structures in the RoW
- Impact on trees within the RoW (needed to be cut down)
- Temporary acquisition of land for areas around the towers for foundation work, construction and transportation of materials

3.7 Impact of Land and Structure

The households that will lose their house will be able to re-build their house on the same plot of land. Clearly they will be inconvenienced, but it will not entail them having to change location



and having to adapt to a new environment. Some households are more likely to be disturbed during construction works than others, although, as mentioned above, much effort will be taken to ensure that this is as minimal as possible. There is no available alternative land for resettlement unless purchased from large scale land owners. Any Project Affected Households (PAHs) that would prefer to receive cash as compensation will be facilitated to obtain the same. It should be noted that many of the PAHs have several plots of land with crops, so although they may lose a proportion in one location which is affected by the Project, they have other plots which they can utilize for cultivation and or resettlement.

With regards to the compensation for land around the towers and foundations, every effort shall be made to ensure that crops are harvested before construction and compensation is also obtained.



4.0 MEASURES TO MINIMIZE WAYLEAVE AGREEMENTS AND LOSSES

4.1 Consultation and Participation.

The RAP Consultant conducted survey studies and during the public consultations a number of possible impacts caused by the project were established. This varied from noting that the line may affect some institutions such as Kisumu Sugar (Kisumu District) and an Orphanage in Nakuru District.

4.2 Impact Limitation Measures in Design Stage

The mitigation measures for project impacts were scrutinized during the design stage to enable the team select the most cost effective route and the route with minimum potential impacts on environment and person.

4.3 Preliminary Evaluation of Alternatives by JICA Survey Team

The Feasibility Study of the preliminary survey done by JICA's Topographic Survey Team, and KPLC staff established the best cost effective route line for this project. It noted that,

between Olkaria and Lessos, Alternative 2 which is a new line and short-cut route was considered economically and technically advantageous; however, it had 3 environmental and social issues, and was not considered preferable. First, the length of the RoW in the forests was estimated to be approx. 75.5 km, and longer than Alternative 1. Second, it was planned to pass through the Mau Forests Complex, which is an environmentally, socially and politically sensitive area in Kenya due to the landownership and forest degradation issues in the past several years. Due to the complexity of the problem, it was considered that the implementation of the project, including the wayleave agreement, would be significantly difficult and time-consuming. Third, the number of residential structures along route Alternative 2 was estimated to be approx. 642 by the topographic survey, which is considerably more than that of Alternative 1. Therefore, Alternative 1, which runs parallel to the existing transmission line except near Lake Nakuru and Lake Elementeita, was preferred. As for the transmission route between Lessos and Kisumu, Alternative 1, which is a new line and short-cut route, it affected a smaller number of residential structures (approx. 268 structures) compared with Alternative 2 (approx. 375 structures). Therefore, Alternative 1 was also preferred.

**Table 14: Results of Alternative Considerations (Environmental and Social Aspects)**

Impact	Olkaria-Lessos		Lessos-Kisumu	
	Alt. 1 (Existing Line)	Alt. 2 (New Line)	Alt. 1 (New Line)	Alt. 2 (Existing Line)
Corridor Length in Forests ¹	Approx. 35.5km: Passing 4 forests (Northern Tinderet; Nabkoi; Timboroa; and Mt. Londiani Forests)	Approx. 75.5km: Passing 3 forests (Eastern Mau; Western Mau; and Tinderet Forests)	0	0
Forest Status	More plantation forests	More degraded and non-degraded natural forests	-	-
Number of Residential Structures ²	Approx. 262	Approx. 642	Approx. 268	Approx. 374
Social Issue	-	A complicated land title issue exists	-	-

Note 2: The length of the transmission corridor in the forests was estimated based on the existing topographic maps with the scale of 1:250,000 (issued in 1973, 1979 and 1981).

Source: Eco Plan Management Ltd, 2010.

4.4 Impact Mitigation Measures in Construction Stage.

During the detail technical design, KPLC and its consultant would reinvestigate the route and make realignments if possible to meet requests from institutions and terrain requirements.



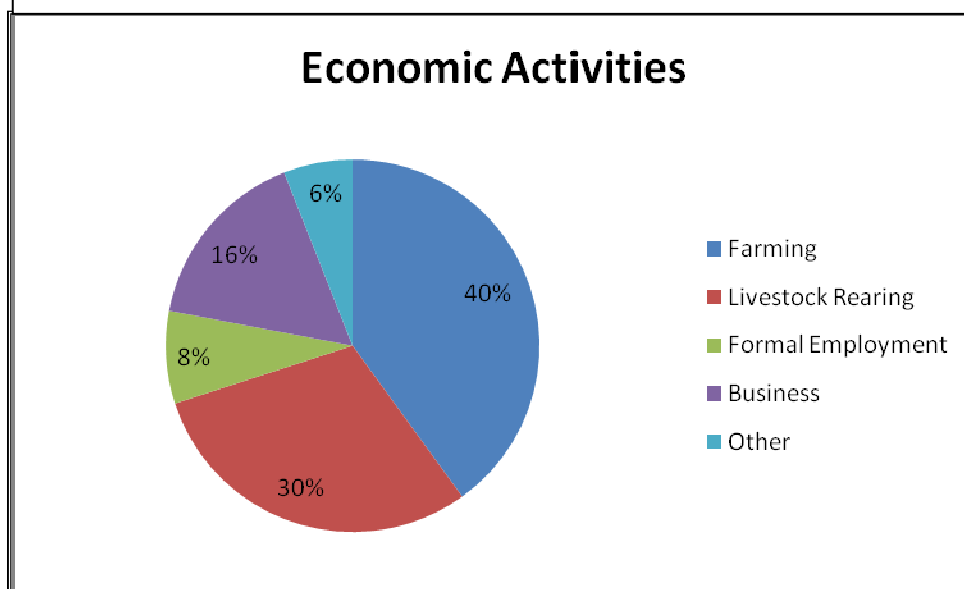
5.0 SOCIO-ECONOMIC FEATURE OF THE PROJECT-AFFECTED PEOPLE

5.1 Source of Data

Socio-economic information about the potentially affected population has been gathered from a number of sources. Secondary data was used to gather information about the region as a whole and the specifically affected districts, divisions, locations, sub locations and villages together with some national statistics. Primary data was gathered from carrying out a socio-economic survey of households in the **affected areas** of the 132/220kV Transmission line. The survey took place in the 11 districts affected by line.

5.2. Socio-Economic of PAPs in the Project affected Areas

Figure 7: Showing economic activities



The figure above indicates that majority of the people are engaged in farming activities (40%) and livestock rearing at 30%. These communities are mainly subsistence farmers. There are about 8% who have formal occupation and earn an income on a monthly basis. About 16% engage in business type of activities that generate income.

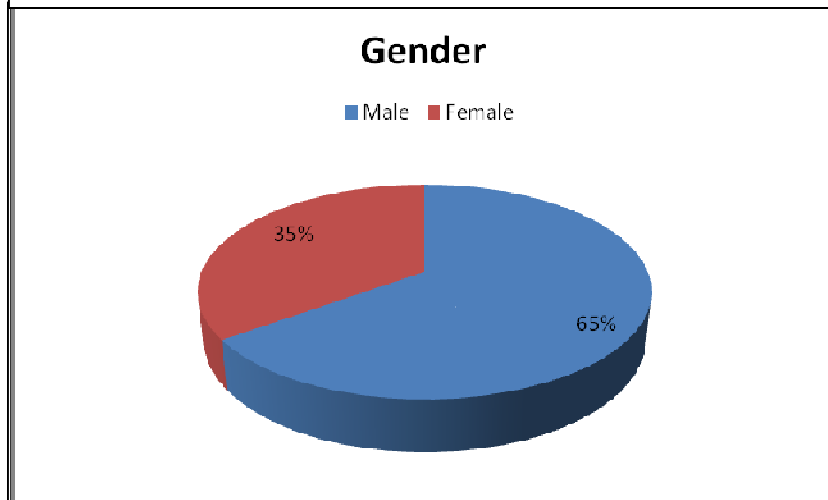
Size of HH

The average household size is 4-5 for the Transmission line.



Gender

Figure 8 : showing gender of the PAPs



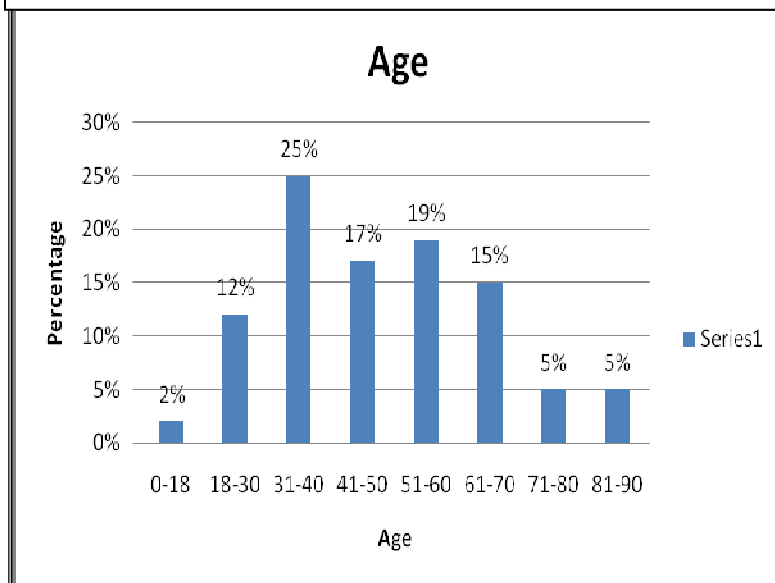
The figure above indicates that majority of the population consist of male with a population size of 65% and female taking up 35%.

**Age of household**

Table 15: Age distribution of the house holds

No. of Years	Valid Percent
Valid 1.00	4.0
2.00	4.0
14.00	2.0
28.00	2.0
30.00	4.0
31.00	4.0
32.00	2.0
33.00	2.0
35.00	8.0
37.00	2.0
40.00	10.0
41.00	4.0
42.00	2.0
43.00	6.0
45.00	4.0
47.00	2.0
49.00	2.0
50.00	4.0
52.00	2.0
54.00	4.0
57.00	2.0
60.00	2.0
62.00	4.0
64.00	2.0
65.00	2.0
66.00	2.0
68.00	2.0
72.00	2.0
76.00	2.0
79.00	2.0
86.00	2.0
90.00	2.0
Total	100.0

Figure 9: Age distribution of the house holds.



The graph shows that the youth take up 2 % of the population from 0-18 years and the highest age bracket is between 31-40 years.

The elderly form a large part of the population taking up 25% of the population from 61to 90+ years.

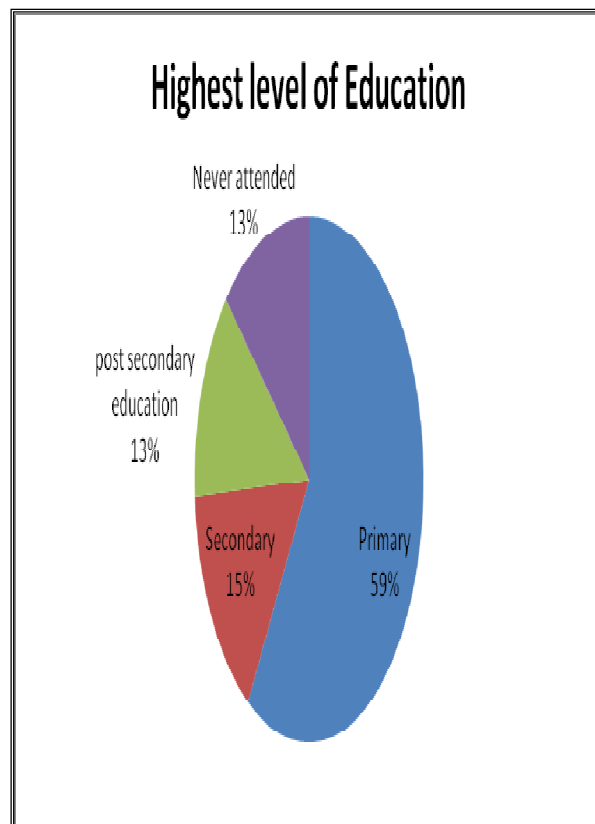


Education

Table 16: Levels of education

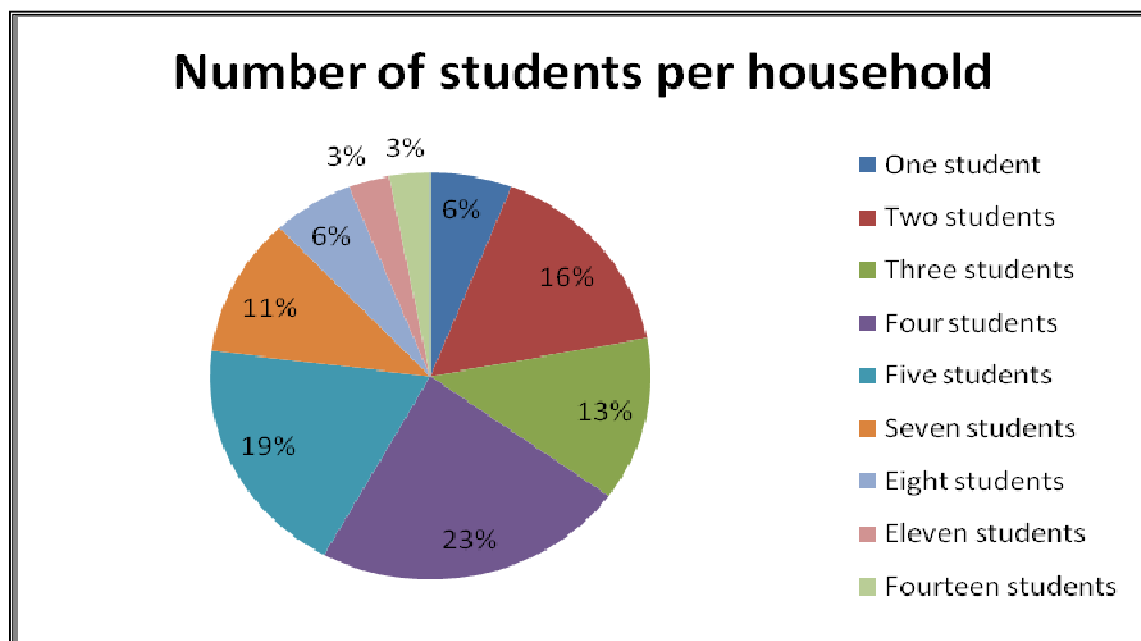
Highest level of education		Valid Percent
Valid	Primary	56.1
	Secondary	26.8
	College	12.2
	University	4.9
	Total	100.0

Fig 10: Levels of Education



The area has a fairly good rate for education levels, noting that at university level the percentage is 4.9%, while that at college level is 12.2%, secondary at 26.8% and primary level at 56.1%. Those who never attended school are at 13% as shown by figure above.

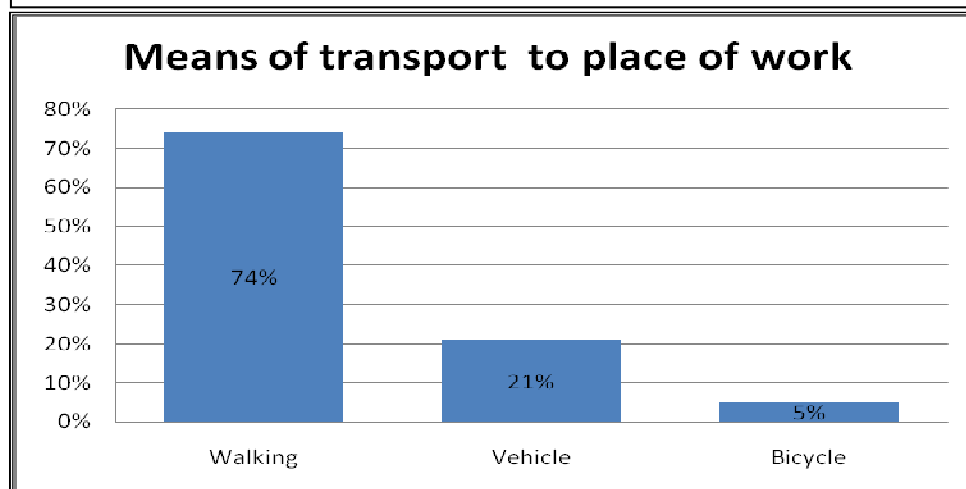
Figure 11: Data of school going children



Of the population that was interviewed, the majority of the households that had the highest number of students was 23% with 4 children going to school, followed by 19% with 5 students going to school. Those that had one child going to school were at 6%. This therefore shows that on average for families interviewed at least one child goes to school.

Livelihood of PAPs

Figure 12: means of transport

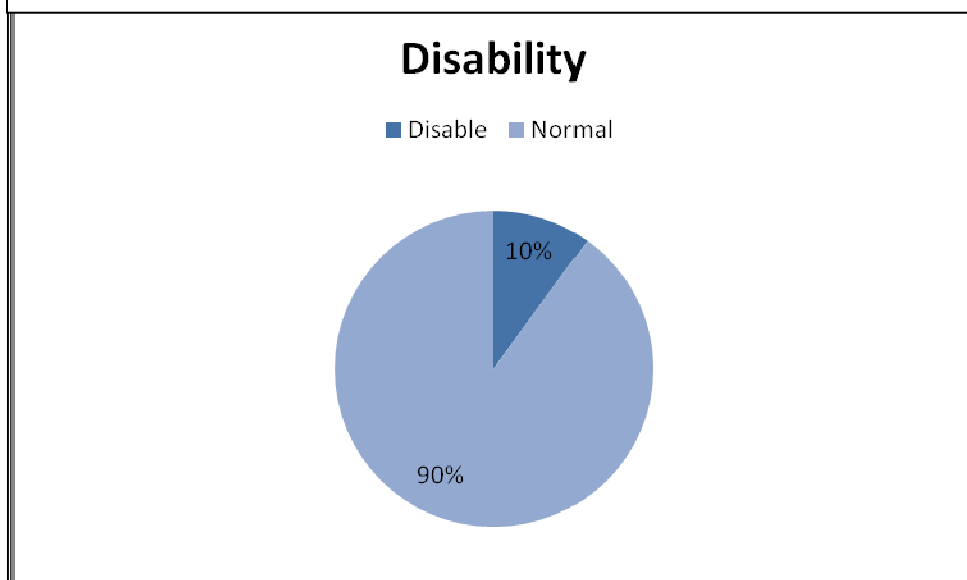




The table above tells us about the livelihood of the persons interviewed. About 74% of the PAPs walked to work, this means that it is more or less a rural economy or the places of work are near their houses e.g. like the farms. Only a small percentage of 5% owned a bicycle and used it to work, while 21% owned a vehicle and used it to work.

Size of PAPs, including vulnerable groups

Figure 13: on disability in the area



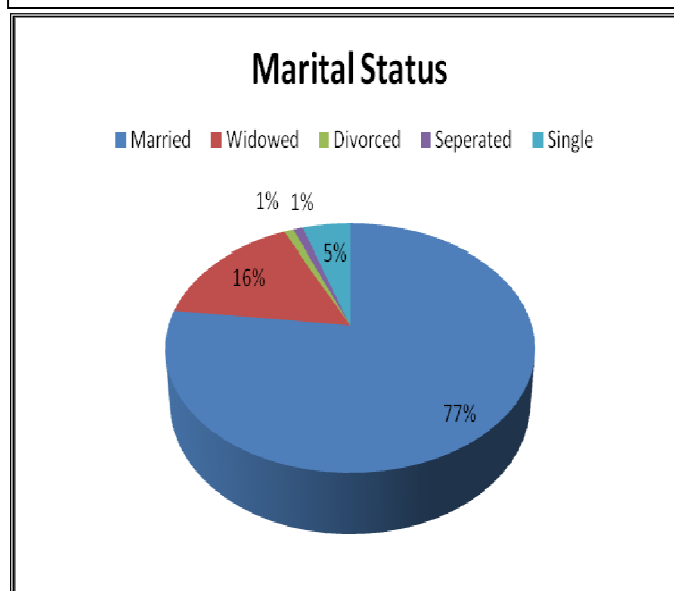
The figure above shows that the disabled have a percentage of 10% while those that are normal are at 90%. This figure indicates that the persons affected also comprise of disabled persons.

Marital Status

Table 17: Marital Status

Marital status		Valid Percent
Valid	Married	77.2
	Widowed	16.2
	Divorced	.7
	Separated	.7
	Single	5.1
	Total	100.0

Fig. 14: Marital Status



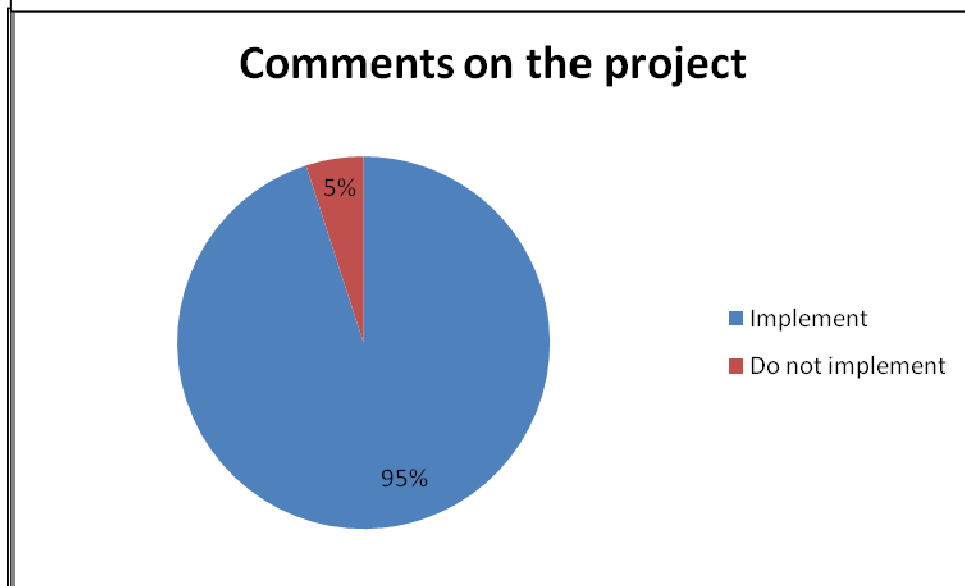
According to the table above, majority of the persons interviewed are married with 77.2%, the single are 5.1 and those widowed at 16.2%, divorced and separated are at 0.7. This therefore shows that a significant number of hosues is headed by single parents.

Needs Of Paps Regarding The Income Restoration Program And Relocation

- During the conduct of the survey, most respondents stated that cash compensation was 'high', they would prefer that, otherwise the preferred option for compensation was land-for-land for those who will be severely affected.
- The PAPs noted that the line had not been marked, therefore a proper detailed survey was recommended to inform them of the boundary mappings. Most were anxious to know if they were affected.
- The PAPs were concerned how the compensation will be done to enable them relocate.
- Most of the PAPs indicated that information dissemination did not reach them on time or was never available.
- Most of the PAPs would like to be involved in the implementation of the RAP process and be physically present during implementation.
- The PAPs feared that they will not be relocated to productive land.
- The PAPs noted that The Kenya Power & Lighting Co LTD obtained large profits yet this was not seen on the ground. They requested the company to extend their Social Corporate Responsibility in the affected areas.

Perception towards the Project and Resettlement,

Figure 15: Perception of the PAPs



The figure above shows that only 5% of the PAPs did of want the project implemented and 95% were happy that the project was being implemented. The ones who did not want the project would be that they did not have the right information or they were totally against the project.

5.3 Summary of the Socio Economic

Information sought included establishment of head of family; number of years lived in the area, attainment level of education, religion, numbers and occupation.

Respondents within DCK, Naivasha area (Naivasha District) were primarily young adult men, mostly working in the adjacent flower farms. The majority of these respondents were tenants in the houses they were living in together with their families. On average, most of the respondents had completed secondary school education and could therefore read and write in both English and Kiswahili, the local official language. Christianity was the dominant religion in this area.

Respondents from sanctuary area in Olkaria (Naivasha District) were Maasai, who lived in the area from birth. Levels of education were very low, with many confessing illiteracy, and its negative effect on employment opportunities. Male respondents requested jobs as watchmen



for the proposed transmission line, and women lamented on the difficulty of obtaining employment in the area due to poor or no formal education.

Respondents from Mitimangi centre (Nakuru District) comprised of both tenants and land owners, with each group having lived in the area for a varying number of years. Respondents had generally completed secondary school education, and could therefore read and write in both English and Kiswahili, the local official language. Christianity was the dominant religion with few Muslims. Average number of children per family was four and five and majority of the area members were farmers followed by self-employment business persons, those in formal employment and professionals such as teachers.

Kayole center in Naivasha and Jogoo centre in Elementaita (all from Naivasha district) are relatively newly settled areas with most people having only recently moved into the area. Many respondents have completed secondary school education, and some graduated from university. The dominant religion is Christianity and the average number of children per family is four.

Most residents in Ngata-Kiroboni (Nakuru District) area are immigrants having arrived from the neighboring areas from around 2003. They consist of young and old families and sufficient number of retired persons (over 65 years of age). The level of education in the area is mixed with some of the residents very being highly educated. The dominant religion is Christianity and households average five children. Many of the respondents consulted are retired and some self-employed business persons.

Residents of Kirobon Village (Uasin District), Koige sub-location in Mau summit location (Uasin Gishu District) as well as Timboroa (Uasin Gishu district) have had a long history of living in the area, with many being born here. Levels of education attained by residents vary, with some attaining college-level education. The dominant religion in the area is Christianity, and average family size is five to nine persons. Residents are engaged in a variety of occupations, including the government/public sector, employees in the private sector, self-employed, farmers and casual laborers.



Residents of Lessos Division (Nandi district) are generally read and write both English and Kiswahili, and some members have attained high school and university. The dominant religion in the area is Christianity and residents are engaged in occupations of government/public sector, private sector, self-employment, farming, casual labor, as well as some being unemployed.

Kibos Village in Miwani Division (Kisumu district), Nubian village, this is a village comprising of mainly Nubian community from Sudan but settled in Kibos. Nubians are usually considered a minority group in Kenya. To begin with the majority of respondents were female, as compared to all the other areas surveyed. However levels of education were generally low among these women with many being illiterate and only few having attended high school. The dominant religion was Muslim, unlike the other areas surveyed. Average family size was estimated at twelve, and residents were either casual laborers or unemployed.

Residents of Mamboleo centre in (Kisumu district) comprise a highly mixed and cosmopolitan variety. Many are tenants in the houses they live in and duration of stay varies from months to decades. Additionally many of the residents in this area are illiterate with majority having attained high school and employed in the public sector, private sector, self-employed as casual laborers and others unemployed. The dominant religion in the area is Christianity.

5.3.1 Land affected

This section sought to establish whether the land was residential, agricultural, commercial, set up for workshops as well as the status of land holding.

Within DCK area affected is primarily agricultural land, as well as flowers. The respondents were also primarily tenants in the area. Within sanctuary area in Olkaria, the land likely to be lost was used primarily for pastoralist and settlement. Ownership of land holding was uncertain. The land most affected in Mitimangi centre is both for residential and agricultural purposes. Some members of the area have land titles indicating ownership, while others do not such as Mutukano area, while some have only plot numbers and payment receipts.



Source: Eco Plan 2010 . Plate No. 4: One of the affected flower farms in Naivasha



Kayole centre in Naivasha District and Jogoo centre in Elementaita consists primarily of small residential land plots, and small scale agricultural land. These and the commercial properties fronting the roadside are affected by the proposed project. Most occupants of the land hold allotment letters and sale agreements, an indicator of the recent settlement in this area. Land Title Certificate is still in the process of being sought.

Residential land will most be affected in Ngata-kiribon area. These plots also support small-holder agriculture, of an average 2-3 acre each. Some of the residents hold title certificates for their land, while the more recently settled in the area hold sale Agreement Letters. Land likely to be lost/ affected in Mau summit location is small-scale agricultural land. Residents hold certificates of title for the land parcels owned.



Residential land, agricultural land, and forest area in Timboroa is affected by the proposed project. Some residents in the area hold certificates of title, while others are tenants. In Lessos and Nandi Hills Division, land affected is residential land, agricultural land (especially tea estates) and commercial land. Owners of the land either have certificates of title, or are tenants.

Land affected in Kibos Village (Kisumu District) is residential type, and small holder agricultural land; and residential and commercial type in Mamboleo center (Kisumu District). Status of land holding is uncertain in Kibos Village (Kisumu District), but residents of Mamboleo centre (Kisumu District) hold certificate of title, while others are tenants.

5.3.2 Structures affected

The consultant team sought information regarding structures owned/occupied and those that might be lost /affected by the proposed transmission line project. The choices for structures in the questionnaire, included residential and/or commercial buildings, farm, boundary walls, fencing, well and pumps, graveyards, etc. The questionnaires needed to know the ownership for each of these structures. Structures affected in Mitimingi (Naivasha District) are predominantly self- owned and used for the both residential and commercial purposes.



Source: Eco Plan 2010 Plate No. 5 Graveyards affected

Currently, Jogoo centre in Elementainta is not heavily settled, as it is still relatively new. This is not the situation in Kayole centre in Naivasha District, which is already heavily settled, and



numbers continue to rise rapidly. Residential and commercial properties in both centres are affected. Ownership of these structures is individual, with houses having an average of between two and four rooms.

Residential houses, animal sheds, and boundary walls/fences are the structures most affected in Ngata-Kirobon area. These structures are self-owned, with the residential houses consisting of natural stone material. In Lessos, Nandi Hills and Mamboleo, Residential and commercial structures are affected, and these are self-owned and rented out. Sizes of houses vary, from relatively small to very large, such as those viewed between Lessos and Nandi Hills towns. Structures affected include self owned and rented residential and commercial structures but they are not many according to the survey conducted.

5.3.3 Access to Infrastructure

There is quite diversity as to how water is accessed in the different districts. The districts of surveyed households use rain water stored in the concrete and from the hand-dug wells. In Nandi, Mau summit and Koibatek districts hand- dug wells and rain water are the most common means. In Nakuru District, Molo .Njoro, Longai and Uasin Gishu districts rainwater stored in concrete water tanks, water hand-dug wells are used together with a small proportion of households use municipal piped water.

5.3.4 Housing and Asset Ownership

The majority of houses of the PAPs are of Mud walled with iron sheets and Mud walled with grass roofs and permanent and semi-permanent houses were a few and only two storey building near Mamboleo substation were affected, as can be seen in from the inventory of asset survey. By far the majority of affected surveyed houses have outside toilets. Many of PAPs were unable to recall the exact amount of time spent on building their houses and the year the structures were set up because most were house wives who came after the structure is already in place, others were unable to respond to our interviews out of ignorance and culture constraints.



5.3.5 Tenure, Length of Time in this Location and Use of Land

Principal reasons given by respondents for living in their particular location included ownership of land-use rights, proximity to work and relatives and the quality of the environment. A few had chosen to live in the location as it was ancestral property and because there was good access to education facilities. All those surveyed had lived in the same commune for over five years which indicates that the Project Affect Area population is quite static. Within the eleven affected districts most of the land is used for the purposes of agricultural production and commercial areas just in the urban areas this resulted to exclusion of commercial enterprises being affected.

5.3.6 Occupation, Income, and Expenditure

Most of the households surveyed, the majority of those of working age are engaged in occupations related to agriculture and/or mining and others being engaged as civil servants or workers. Slightly more men than women are involved in economic activities. Approximately equal numbers are involved in agricultural, handicraft and business related activities. Slightly more women than men are employed as civil servants. The percentage of the surveyed population, of working age, who are not working as a result of disability, is nearly zero on the way leave. This would thus indicate that the PAPs in the Project area are poorer than average. It was difficult for the PAPs to disclose their average income per annum because most of those working were in town working or held business elsewhere. Flower farms, tea farms, sugar cane factory business firms did not want to respond to any issue concerning the number of employees and the annual income in the household.

5.3.7 Energy

In all of the eleven districts most of the areas were not connectionist for electricity. The only which passed there was the high voltage transmission line. The PAPs were of the opinion to get connection to the electricity supply. Electricity connection apart, the most commonly used fuel for cooking in the surveyed households was found to be wood and wood crops and for lighting kerosene was used. In some villages solar is used for lighting and for Radio and Television



5.3.8 Issues related to Gender, Poverty and Vulnerable Groups

Women appear to assume an equal role in economic activities and do not appear to be disadvantaged in terms of education and literacy. The women are supposed to be given at least the formal right of use of lands and rights associated therewith. However, where women may be at a disadvantage, is that they may not be so willing to speak out when they are unhappy with the resettlement process, due to cultural constraints. Even during the survey exercise in the field women were not willing to disclose any information regarding land issues and the household head tend to hide land documents in a locked cupboard. It also appeared that the surveyed population, and hence the Project affected population were, on average, below the poverty line. Only a few of the surveyed households would appear to be living above the national food-poverty line. PAPs in discussions held with the Project Team, have emphasized the high levels of vulnerability, which even non-poor households experience to individual, household and community-level shocks. The proximity to the poverty line of a large proportion of the PAPs would indicate that that just one episode of ill-health of an economically active member of the household or bad harvest, for example, would be sufficient to push that household into poverty and/or even hunger. In Timborua, the men noted that they had to have their lunch made early by their wives so they could come and participate in the RAP consultations, meaning women were not considered to attend such meeting regarding land. Only one woman attended and she was an Area Chief of the local area.

5.3.9 Access to Financial Services

It would be appropriate that for any lending agency be incorporated into the Project as part of the rehabilitation component and it should be the most popular and accessible agency.

5.3.10 Commercial Activities.

Relatively few of the PAPs are involved in business, the majority being located in Kisumu, Naivasha, Njoro and Nandi districts. As would be expected, the majority of customers are local except flower firms and tea firms exploring. There are almost an equal number of men and women working as employees. The inventory survey also gives information on businesses in the Project area in terms of plot size.



5.3.11 Information on Businesses – Type, Location and License

Of those PAPs involved in business, the majorities of businesses take the form of a general kiosk and are located within the residential building. The largest proportions of these businesses are not licensed. Of those which are licensed, then it is the county council which is the licensing authority and due to limitations of study time the consultant was not able to obtain this information.

5.3.12 Findings of the RAP

The findings of the RAP will assist in filling in the short comings that would otherwise not have been envisaged in ensuring smooth implementation of the RAP process.

- It was noted that wider public consultations with the affected Persons be carried before implementation process and therefore the RAP will recommend that wider public consultations are conducted before the implementation of the RAP.
- That KPLC establish community projects e.g. water; provide furniture for schools, and others under their Social Corporate Responsibility.



6.0 RESETTLEMENT POLICY AND ENTITLEMENT

6.1 Compensation policy

6.1.1 Project Principles of Compensation for Resettlement

- a. The basic principles of resettlement compensation to be adopted for the Project are as follows:
- b. Involuntary resettlement will be avoided or minimized by identifying possible alternative project designs and appropriate social, economic, operational and engineering solutions that have the least impact on the population in the Project area
- c. The Populations affected by the Project are defined as those who may stand to lose, as consequence of the Project, all or part of their assets which includes homes, productive lands, commercial properties, tenancies, income earning opportunities, social and cultural activities and infrastructure together with any other losses that may be identified in the resettlement planning.
- d. Neither lack of legal rights to the assets lost, tenure status, nor social or economic status shall bar the affected person from entitlement to the compensation and rehabilitation objectives and measures outlined in the RAP.
- e. The cut-off date for eligibility for compensation for physical assets affected by line and project activities such as the construction of the transmission line, towers, and construction of access ways will be the date of completion of the detailed measurement survey and census after the detailed design has been completed for these components;
- f. All PAPs will be entitled for compensation at replacement cost at current market value for affected assets, incomes and businesses;
- g. After the detailed design has been completed for each component, a census and socio-economic survey will be conducted as the basis for resettlement planning and resettlement plan preparation. After the detailed design has been completed for each component, a detailed measurement survey will be carried out as a basis for compensation;



- h. Preparation of the RAP, as part of project preparation and implementation, is to be carried with the full participation of both affected people, as well as representatives of the local governments, community leaders, NGOs.
- i. Consideration must given and assistance provided, where necessary, to those most vulnerable to the adverse impacts of resettlement (including the poorest, female headed households, the disabled and elderly with no means of support, and those from minority groups) to mitigate their hardships and to assist them in improving their livelihoods. Their needs will be considered in the formulation of the RAP and in the options and mitigation measures identified;
- j. Adequate budgetary support will be fully committed and be made available to cover the costs of land compensation. Detailed RAP information will be translated into Kiswahili and placed at the Area Chief offices for the reference of affected people as well as any interested groups;
- k. Appropriate reporting, monitoring and evaluation mechanisms will be identified and set in place as part of the resettlement management system. Monitoring and evaluation of the land compensation process and the final outcome will be conducted independently of the executing agency;

6.2 Compensation Policy for Loss of Land

The Project will not acquire land, but compensate for loss of use over affected portion of land and register easements on this affected land.

6.3 Methodology

In arriving at the valuation figures, the valuation techniques applied relied on collection and analysis of data such as location land use patterns, population demographics of each region, social considerations like size of homesteads and related family members, economic returns within the locations, environmental and physical features, social amenities, proximity to infrastructure among other attributes. The value of the property is affected by the rights of possession and enjoyment that will be affected.



In Kenya compensation for land is guided by prevailing location market value bearing in mind the overall land parcel size vis-a vis the affected portion as well as how the land is affected vis-vis economic and residential use that will need to be considered. An injurious affection due to disturbance allowance will be added as a premium on the land value since the power line will be on the land in perpetuity. In these circumstances, the value of land will be slightly higher than the normal market rate.

Compensation for structures is basically guided by the current market value of similar construction materials or materials equivalent in construction (e.g. there is no longer grass for thatching roof therefore g.c.i. sheets are the conventional equivalent). Related, disturbance, transport and labour costs have to be considered in miscellaneous expenses.

Basically, there are various valuation methods depending on terms under reference. This study will require only four of the valuation methods namely:-

1. Comparison Valuation Method

This method uses the comparative approach. It is deemed that similar properties in similar locations in a similar market arena will cost the same. While it is true that two properties can be the same, it is unlikely that they will be similar in all manner. This method is reliable in determining the market expectations in vibrant markets. However, this method is limited in areas where markets are not active and no data on comparable transactions is available. Where data given is not accurate, then the Valuer is expected to make in-depth investigations. Where the seller may sell higher or lesser depending on his needs, the data will be skewed, the Valuer is expected to give a fair return on the prevailing market rates and a value per square foot, meter or acre given.

2. Yield Approach/ Investment Method

This method is based on expected future returns and is suitable where an active and fair investment market is available. It has limitations where active markets are missing or where investments are made for speculative reasons and consistent data is not available



3. **Cost-Contractor's Method**

This approach is used where values are related on expected costs. The cost of the site and of constructing developments there on. It is best used for large enterprises where the development is owner developed and owned. It is used to determine the replacement of similar structures but at current costing of construction materials.

4. **Residual valuation Method**

This method looks at the Unimproved Site Value (USV) of the land. It is applied to determine the value of land as if there are no developments thereon. Mainly used by Councils for determining payable rents and rating purposes.

The above methods form the basis of the land compensation and structure costing of assets affected by the power line trace. Valuation rates are varied depending on various exogenous factors. A vibrant market assists the Valuer to come up with appropriate values to support the quantification and method of calculation.

6.4 **K.P.L.C. Way Leave Acquisition Procedure for Valuation and Compensation**

1. **Crops and Trees**

Compensation for crops and other perishables is done during the implementation/construction stage. This is the point at which the detailed survey has been done and boundaries of the wayleave marked. Compensation is not restricted to the persons on the power line corridor only, but also includes anyone who might be affected during the movement of construction material by the Right of Way. Compensation for the crops is to tillers of the land be they squatters, lessees, etc, duly done as destruction of the crops occurs.

Compensation for crops may be done more than once as the construction may take as long as 2 years. Compensation for trees is done once. The wayleave officer does the actual counting of the destruction occasioned on the crops and trees at the implementation stage. Rates for compensation of crops and trees was given by KPLC in accordance to their crop/trees damage schedule.



2. Compensation for structures.

The basis for valuation for compensation is the market cost of construction material bearing in mind the availability of the construction materials to be compensated. Payment for the buildings/structures is to the owner(s) of the structures.

3. Compensation for Land

The basis of valuation is the prevailing market price of the land. Compensation is to the registered owners of the land. Where land is not registered, the owners may appoint an advocate to be a custodian of the funds paid for compensation.

KPLC will pay 70% of the compensation amount to the owners of structures six months prior to implementation of the project to enable them construct new houses. 30% of the amount is paid on demolition of the affected structure.

In all cases for compensation, the KPLC works in close concert with the local administration to ensure all persons affected receive their funds.



Table 18: Entitlement Matrix

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



		affected structures, including renters of shanty dwellings	of a similar structure within the same area Free transport for those who opt to relocate elsewhere	Same as the legal entitlement
		Renters of affected shops, kiosks and stalls	Free transportation to relocation site	Same as the legal entitlement
3	Crops/Trees affected	Owners of crops/trees	Compensation of the crops and Trees affected at prevailing market rates	Same as the legal entitlement
4	Other fixed assets and/or structures	Owners of fixed assets and /or structures	Compensation in cash for affected portion of the structure, including the cost of restoring the remaining structure, as determined by the concerned appraisal committee, with no depreciation nor deduction for salvage building materials	Same as the legal entitlement
5	Electric, telephone and/or water connection	Projects affected persons with utility connections	Compensation to cover cost of restoring the facilities	Same as the legal entitlements
6	Social amenities including water, electricity and vegetation	Communities whose members are affected by the project	To be carried out as a Corporate Social Responsibility	No legal entitlement but may be carried out in response to community requests

Source: Eco Plan Management Ltd, 2010.



6.5 Cut-off date

The cut-off date for determining the beneficiaries of the Resettlement Action Plan is 15th of March 2010 being the last day of the RAP studies. This is necessary when determining eligibility for entitlement.



7.0 RESETTLEMENT SITE

7.1 Method of Site Selection And Site Alternatives

The resettlement site shall be chosen through consultation with all displaced people and host communities. Resources and plans for land use shall also be evaluated. Site selection and the shelter and infrastructure options provided at the new sites should reflect both the preferences of the affected population and the best opportunities for timely restoration of livelihoods. The two most critical concerns in selection of a resettlement site are location and community preservation. The selection of resettlement sites that provide people with reliable access to productive resources (arable and grazing land, water, and woodlands), employment, and business opportunities is key to the restoration of livelihoods. Resettlement options should avoid breaking up communities, because the maintenance of the social networks linking members of the affected communities may be critical to the successful adaptation of those communities to their new circumstances. The RAP shall describe the procedures for physical relocation under the project, including timetables for site preparation and transfer; and Legal arrangements for regularizing tenure and transferring of titles.

The RAP shall describe the site selection process in detail; by providing a description of the selected site(s) (including alternative sites); describing preliminary site evaluation (including the outcome of the environmental assessment of sites and social assessments of the host population); and describing housing options, land preparation requirements, and service infrastructure (access roads/pathways, piped water supply, electricity, lighting, drainage, and waste management). The implementing agency shall ensure that all affected households and enterprises receive clear title to their new sites free of registration fees, licensing fees, or customary tribute payments.

Special provisions may have to be made for households headed by women and children and other vulnerable groups in circumstances where local law or custom does not fully recognize their rights to own or register land, assets, or enterprises.



7.1.1 Influx Management

The RAP will ensure that it manages influx of population, through its management of responses from the socio-economic survey. Any measures necessary to prevent land speculation or influx of ineligible persons at the selected sites shall be enforced.

7.1.2 Location Of Resettlement Site

The consultants shall take into consideration the following in choosing the relocation sites:

A). No Resettlement

This is the case whereby no structures are permanently affected and no resettlement is required, thus in such cases the project will compensate land affected and no resettlement will occur.

B). Resettlement To Nearby or Multiple Sites

This is where full resettlement is necessary; the impact of displacement can be minimized by relocating affected people to several small sites nearby. The project recommends that any resettlement should be to nearby areas so that the preservation of community ties is maintained. The project will affect people who have structures along the line.

7.1.3 Compensation Cost and Budget

KPLC has made sure that the following things are available for the Resettlement plan:

- a. It has set aside sufficient compensation budget for the anticipated costs of the resettlement plan for all affected persons to resettle or compensate fully.
- b. A competent team shall be set (KRU) to fully implement the resettlement action plan.
- c. Compensation shall be in the form of alternative land, houses and social amenities e.g. water points and electricity will be provided to new structures, provide seedlings to new structures, establish community projects e.g. schools, dispensaries and or water projects. Where new structures are to be built, KPLC should provide technical advice or build new structures for those that request to be assisted.

7.1.4 Resettlement Options

Below is a table showing structures and PAPs affected.

Of the structures, or PAPs affected as shown in the table below, the following options shall be proposed:

- a) Cash for land



b) Land for land and

c) Cash for crops (crops will be compensated using KPLC compensation rates)

Land for relocation for example for Naivasha shall be sourced nearby so that affected PAPs are not relocated far from their social economic environment. For squatters, they shall be compensated for the structures only, likewise in Nakuru and Uasin Gishu, land shall be sourced from nearby large scale farms.

Table No 19: Structures, PAPs and Houses affected

	Name of District	Number of Households	Total Number of PAPs	Total Number of Structures Affected
1.	Naivasha	17	30	106
	Squatters	49	155	
2.	Nakuru	65	194	224
3.	Uasin Gishu	23	190	71
4.	Koibatek	11	74	37
5.	Nandi	60	283	121
	Squatters	3	10	
6.	Kisumu	6	79	33
TOTAL		234	1015	592

Source: Eco Plan 2010

Table 20: No Proposed Land for resettlement

	Name of District	Number of Households	Total Number of PAPs	Total Number of Structures Affected	Proposed land for resettlement
1.	Naivasha	17	30	106	Lord Delarmere land, or nearby land farms
	Squatters	49	155		
2.	Nakuru	65	194	224	Ngata Farm
3.	Uasin Gishu	23	190	71	private farm owners near Timborua
4.	Koibatek	11	74	37	private farm owners near



					the affected land portions in Koibatek District
5.	Nandi	60	283	121	private farm owners near Timborua
	Squatters	3	10		
6.	Kisumu	6	79	33	private land owners near kibos/Mamboleo area
TOTAL		234	1015	592	

Source: Eco Plan 2010

7.2 Resettlement Site Development (Infrastructure, Social Service, Etc.)

The RAP shall provide details of all the common social facilities that are affected and during implementation such institutions can be supported or facilities replaced by the implementing agency. For example, the implementing agency may consider establishing a sheltered and serviced marketplace central to the relocation site(s) to encourage merchants and other enterprises to relocate with the affected population. The implementing agency shall make every effort to ensure the continuity of social services provided by government agencies to the resettlement sites. In the absence of government commitments and lack of budgetary funds, the implementing agency will identify and finance appropriate NGOs or community organizations to support these services until the government can assume control of them.

7.3 Livelihood Restoration

In cases where project resettlement affects the income-earning capacity of the displaced families, compensation alone does not guarantee the restoration or improvement of their living standards. The following are recommendations for the design of rehabilitation measures for improved and sustainable livelihoods.

a). Land-based livelihoods—Resettlement sites may require dependable access to grazing land, forest, and water resources; physical preparation of farm land (clearing, leveling, creating access routes, and soil stabilization); fencing for pasture or cropland; agricultural inputs



(seeds, seedlings, fertilizer, irrigation); veterinary care; small-scale credit including rice banks, cattle banks, and cash loans; and access to markets.

b). Wage-based livelihoods—Wage earners in the community may benefit from skills training and job placement, provisions made in contracts with project contractors for employment of qualified local workers during the project construction.

c). Enterprise-based livelihoods—The implementing Agent can promote local enterprise by procuring goods and services for their projects from local suppliers. Resettlement allowances shall occasionally be offered in cash to those people who do not wish to continue their land-based livelihoods and for whom jobs cannot be provided.



8.0 INCOME RESTORATION PROGRAM

8.1 Introduction

Due to the acute shortage of resources especially land and the low income and poverty of the population, it is believed that the main benefits for PAPs will come not from compensation for asset losses but from the income restoration and social development programs. The plan has two major components. These are income restoration and improvement, which directly targets PAPs and community or social development component which directly targets PAPs and community or social development component for communities as well as PAPs to be implemented in all project affected districts.

8.2 Income Restoration and Improvement Component

There are two major approaches for income restoration and improvement associated with resettlement action plans:

- (a) Land-Based Approach and
- (b) Non-Land Based approach.

However, the approaches are not mutually exclusive and an income restoration and improvement plan can include both types depending, among other things, on the nature and severity of impact of the project and the objective needs and capacities of the PAPs.

8.3 Land-Based Component:

One of the cardinal principles of income restoration and rehabilitation in resettlement programs is that if the livelihood of PAPs is land-based then income restoration strategies should also be land-based. However, in practice there are a number of factors, which constrain the application of this approach.

These are:

- a. Severe shortage of land to implement land-for- land compensation (land substitution) or collective relocation and resettlement in a new site;
- b. The preferences of PAPs for cash-for-land compensation. Therefore, the land and agriculture based strategies consist of two components: crop and livestock production



components. Since the two components have many similarities and will be based on shared or common approach.

8.4 Non-farm Component

Although agriculture is the main source of income and subsistence for the great majority of PAPs, there is also some degree of livelihood diversification. These mainly consist of small-scale trade, artisan and handicrafts, wage labour, the collection and sale of firewood, charcoal and grass. The non-farm income restoration measures will target

- a. PAPs with previous experience with non-farm activities and;
- b. PAPs with total or severe loss of farmland and other assets.

8.5 The non-farm component consists of two sub-components:

(a) “Traditional” or existing types of non-farm activities to be supported as part of income restoration plan. These will include

- i. small-scale trade,
- ii. small businesses and services,
- iii. artisan and handicrafts,
- iv. And commercial fishery.

(b) Employment opportunities

8.6 Social and Community Development Plan

Although PAPs are the ones who withstand the worst of the impact, other households and communities in the project area will also be affected directly and indirectly by the project including, among others:

- a. Possible increased human and livestock health hazards caused by vibration of power line especially during the rainy seasons
- b. Limited activity around the tower
- c. Threats to and damage of historical and cultural sites
- d. These effects require commensurate mitigation, compensation and social development measures.



8.7 Mitigation of Adverse Impacts At The Community Level

The following key social and community development interventions will be implemented to mitigate adverse impacts at the community level and also as part of the project's wider developmental objective

- a. Public Health
- b. Clean Water Supply
- c. Rural Access Roads
- d. Veterinary Clinics
- e. Improving Livestock Feed Resources

Further, provision has been made for a set of ancillary mitigation and compensation activities and other developmental actions for the PAPs who live close to rivers, to be implemented by KPLC and local Authorities and to be possibly financed through the appropriate agency. These include Fisheries Supporting Actions such as:

- a. Improvement of training and extension services for the fishing community,
- b. Provision of fishing gear and equipment if appropriate
- c. Infrastructure development

Both rain fed and irrigated agriculture is also targeted for support meant to boost agricultural extension services,

- a. Agro forestry,
- b. Water conservation and crop diversification,
- c. Promote improved crop varieties,
- d. Pest control techniques, while developing, and encouraging smallholder schemes, and small and large scale commercial farms.

The Livestock Sector will be a subject of intervention due to its local importance.

The intervention is meant to achieve a broad range of objectives including

- a. Rangeland development and management,
- b. Improvement of veterinary services,



- c. Provision of in-land watering points,
- d. Foliage improvement, and
- e. Ameliorations of local livestock breeds.

Eventually, a further set of actions are planned as confidence-building and socio-economic developmental activities including

- a. Community awareness program,
- b. The implementation of an information system,
- c. Co-operative support and agriculture in-service training,
- d. Co-ordination for food aid,
- e. Conflict prevention and resolution activities,
- f. Institutional strengthening and EMU capacity building



9.0 IMPLEMENTATION ARRANGEMENTS

The implementation of resettlement activities will involve agencies at the national, provincial, district and commune levels where the line transverses. The Consultant with the local administration established Resettlement committees at the 12 venues selected for public consultations along the line. The implementation agency (KPLC) will further follow up during the implementation phase and establish RAP committees comprising of the project management unit, at district and commune levels. The provisions and policies of the RAP Local Committee will facilitate successful implementation of resettlement activities of the RAP process.

9.1 Organisation Structure

The organisational structure elaborates on the role of various stakeholders in the implementation and administration of the RAP process. It further clarifies the role of PAPs and their responsibility in the entire exercise.

9.2 KPLC Resettlement Unit (KRU)

The structure of the unit shall be as follows:

- Legal Advisor
- Surveyor
- Transmission Engineer
- Socio-Economist
- Way-leave Officer
- Accountant
- Environmental Expert
- Community Liaison Officer
- SHE Department
- Property officer
- Database Officer
- KPLC registered valuer



The KRU will be responsible for the following:

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

9.3 LOCAL RAP PAP Committee

Under the guidance and coordination of KRU, the LRPC will be formed one week after the formation of the KRU which will act as a voice PAPs. The Local RAP PAP Committee (LRPC) shall comprise of 9 members, the Chairperson being the Area Chief, a Secretary elected by PAPs, a KPLC area staff and the rest being members of the Persons affected.

The committee shall comprise of the following:

- a. Area Chief-Chairman
- b. Secretary-PAP Member (may be a teacher or an opinion leader)
- c. KPLC local area staff
- d. PAP Member (gender observed for at least one position)
- e. PAP Member
- f. PAP Member



- g. PAP Member
- h. PAP Member
- i. PAP Member

The consultant established these committees during the public consultations and where two or more locations were present at least one member from each location was represented.



Source: Eco Plan 2010 Plate 6: Local RAP PAP committee for Nandi Hills (Nandi Hills District)



Source: Eco Plan 2010 Plate 7: Local RAP PAP committee for Ngata Area – Nakuru District



Source: Eco Plan 2010 Plate 8: Local RAP PAP committee for Timboroa DO office (Uasin Gishu District)



The following were envisaged to be the concerns of the Local PAP RAP Committee:

1. **Public Awareness:** In order for the RAP process to run smoothly it is necessary to conduct extensive consultation with the affected people so that they can air their concerns, interests and grievances.
2. **Compensation:** Involves ratifying compensation rates and also serves as dispute resolution body to negotiate and solve any problem that may arise relating to resettlement process. If it is unable to resolve any such problems, will channel them through the appropriate grievance procedures laid out in this RAP.
3. **Monitoring and Evaluation (M&E):** After the RAP it is also necessary to undertake a monitoring and evaluation by an independent agent as well as conducting an internal M&E. This therefore gives the success rate of the project and recommends areas of improvement.
4. **Logistics:** Involves exploring all mechanisms by which RAP can be implemented
5. **Employment, Training and Counseling:** This involves employment of the local youth during the construction of the project. For training and counseling this particular project will not conduct any.

9.4 Community Consultation

The consultant undertook an extensive public consultation with the PAPs and also we are aware the KPLC staff has also done considerable bit of work towards this end. In our discussions, we encouraged the community and the PAPs to:

- i. Be open and make known their concerns and claims
- ii. Be free to access the formally established grievance process for lodging complains
- iii. Allow and give the necessary assistance to the M&E team
- iv. KPLC personnel would continue to conduct a series of consultation and counseling meetings with the PAPs. During these meetings the PAPs will be informed of the results of the survey findings and plans for the area including actual date of demolitions. These consultative meetings should include all stakeholders.



9.5 Compensation of the PAPs

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

9.6 Capacity of KPLC (KRU)

The consultant noted the following:

- a) KPLC is structured in a such a way that all the expertise required for the RAP are internally available and during implementation a special KRU will be assigned for this line.
- b) The KPLC (KRU staff) are adequately trained in their respective field and capable of implementing the RAP process
- c) Continuous future training is also required for the KRU team to put them at the same level as individuals in the sector
- d) KPLC has adequate and available infrastructure to manage the RAP process.
- e) It's important to note that budgetary allocation for all RAP projects are done annually by KPLC and there are provisions for revisions.

**10. IMPLEMENTATION SCHEDULE**

Right after the investment for the project is approved, the PAPs in the project affected areas will be informed, again, of their rights, policy of this RAP, including legal framework, eligibility provisions, entitlements, rates and mode of compensational assistance, implementation time-schedule and complaint and grievance rights mechanism. Such information will be delivered to PAPs through community meetings, pamphlets. The proposed RAP implementation schedule is as follows:

Table 21: Implementation Schedule**Months**

Tasks	1	2	3	4	5	6	7	8	9
Completion of Draft Report									
Approval of Draft Report									
Community consultation programs									
Negotiation for relocation sites									
Contractor receives approval									
Confirmation of relocation sites									
Set up RAP PAP Committees									
Notifications of entitlement									
Contractor tower spotting/testing									
Agreement of entitlements									
Notification of Demolition									



Payment of compensation to PAPs									
Establish linkage with Government programs									
Contractor excavation works									
Grievance mechanisms and procedures									
Preparation of site work and site									
Construction of new structure									
Demolition of old structure									
Movement of PAPs to new site									
Contractor constructs towers									
Contractor stringing lines									
Training program									
Performance monitoring									
External evaluation quarterly for 2 years									

KEY	PAP Activities		Construction Activities	
-----	----------------	--	-------------------------	--

Source: Eco Plan Management Ltd, 2010.



11. PARTICIPATION AND CONSULTATION

11.1 Policy of participation and consultation

Community participation was solicited by Eco Plan right from the inception stage and a comprehensive Public Consultation programme was carried out for the project. The consultant team conducted early public consultations which assisted in managing public expectations concerning the impact of the project and its expected benefits. Subsequent consultations was conducted in order to provide opportunities for KPLC, the sponsor and representatives of people affected by the project to disseminate information on compensation packages and eligibility requirements, grievance redress mechanism, monitoring and evaluation, resettlement assistance, and the timing of resettlement activities.

Meetings were held at intervals along the affected line. The stakeholders identified for consultation included residents in/near the project site; land title holders/occupiers likely to be affected by trace; relevant local government and local leaders (e.g. local chiefs, District Officers, administration officers) in the project areas; Local Community Based Organizations (CBOs) and Non Governmental Organizations (NGOs) in the relevant fields such as environment and social issues; and Vulnerable groups such as the elderly, women, widows, youth, the poor and minority tribes, if any.

The consultants organized public consultation meetings in liaison with KPLC's team and local leaders after the RAP, at the same venues where the public consultation meetings were organized for ESIA between 28 Sept. 2009 and 4 Oct. 2009 in accordance with the EIA regulations and guideline of Kenya. The RAP public consultations were held between 13 and 19 Jan. 2010.

Consultative meetings on the RAP were held at 12 venues listed below in the table:

**Table 22: Consultative Meetings**Public Consultation Meetings held from 13th Jan. to 19th Jan. 2010

1. DCK at Olkaria, Naivasha & Sanctuary, at Olkaria, Naivasha
2. Kayole Centre, Naivasha
3. Mitimongi Centre, Elementaita
4. Jogoo Centre, Elementaita
5. Ngata-Salgaa area, Nakuru District
6. Mau Summit, Molo District
7. Timboroa Market
8. Lessos area
9. Nandi Hills Town
10. Kibos area, Kisumu, and
11. Mamboleo area, Kisumu

Source: Eco Plan 2010

11.2 Plan of work

Public consultation meetings were organised through notices which invited resettlers and any interested people. A notice was placed in the local daily and Kenya Gazette as per the requirements of Environmental Management & Coordination Act of 1999. The invitation and notices for public consultation meetings were delivered to the local administrations, local chief, resettlers, one (1) week in advance before the meetings and an advert was placed in the local newspaper a week before the meetings. Any interested persons were welcomed to the public consultation meetings. The contents of the draft RAP included the following topics which were discussed and well informed to all resettlers.

The topics discussed at the public consultation meetings included the following:

Table 23: Topics of the Public Consultation Meetings on RAPTopics of the Public Consultation Meetings held from 13th Jan. to 19th Jan. 2010

- Resettlement and Compensation Policy
- Entitlement Matrix
- Grievance Redress Mechanisms
- Proposed Monitoring Plan including responsible organization(s)
- Contact of Project Proponent/ (if applicable) RAP consultant
- Comments and suggestions from the meeting participants

Source: Eco Plan 2010



The consultant prepared a resettlement handout sheet giving a summary of the project brief, the compensation policy, entitlement matrix, and Resettlement, proposed Monitoring Plan and contact information of KPLC SHE department and Eco Plan and lastly the comments and suggestions from the attendees. The handouts were prepared in English and translated into Kiswahili for ease of reading and understanding by the local community. All attendees were provided with a copy of the resettlement handout sheet during the meetings. The consultant recorded minutes of the meetings and listed the participants who attended including any social groups e.g. NGOs, CBOs etc. The minutes included photos of the attendees and are annexed. The minutes were dated and certified by one of the consultants of Eco Plan and a local leader or witness present.

Below is a table showing the number of participants who attended the public consultation meetings, a detailed list will be attached in annex.

Table No. 24: PUBLIC CONSULTATIONS HELD BETWEEN 13TH JANUARY AND 19TH JANUARY 2010

DATE	VENUE	NO. OF PARTICIPANTS	GENDER BALANCE	
			Male	female
13 th Jan 2010	DCK Naivasha	3	3	
13 th Jan 2010	Kayole (Naivasha District)	26	20	6
14 Jan. 2010	Miti Mingi sub location chief's office	140	62	78
14 th Jan. 2010	Mbagaria Chief's office	44	32	12
15 th Jan. 2010	Lord Egerton Castle-Ngata-Salga (Nakuru District)	44	32	12
16 th Jan. 2010	Mau Summit Chief's Post	34	30	4
16 th Jan. 2010	Timboroa Chief's Camp (Uasin Gishu District)	48	46	2
17 th Jan. 2010	Lessos Market	183	149	31
17 th Jan 2010	Nandi Hills Taito centre	38	37	1
18 th Jan. 2010	Kibos market, Kisumu		31	26
18 th Jan 2010	Mamboleo, Kisumu	45	43	2
19 th Jan 2010	DCK Naivasha & Sanctuary, Naivasha	52	38	14

Source: Eco Plan 2010

Below is a table showing the numbers of participants in the area with Lessos and Mitimigi recording the highest turnout of 183 and 140 respectively.

Note:

- The high attendance at Miti mingi is due to the fact that the Area Chief promised the community that food would be served and a very large turn up of people were seen who may not be necessarily the affected Persons.
- The 3 female consultants of the RAP team are recorded as attendees but are not included in the gender schedule



11.3 Interviews and Group Discussions

Meetings with the affected persons and local administration derived the following key issues that have emerged through the above processes include:

- a. **Employment** – community desire and demand for a high level of employment, coupled with fear that the limited local skills base will result in exclusion.
- b. **Compensation** - adequacy of the cash compensation and at market rates.
- c. **Resettlement** – impacts and compensation measures for economic and physical displacement and social compensation to be included in the compensation package.
- d. **Livelihoods** –improvement and restoration of livelihood e.g. loss of access to water points, school.
- e. **Rural electrification** – the community desires power connection to their homes as form of benefit to the project.
- f. **Crops**- A resident wanted to know what will happen to those residents who reside outside the project area but have planted their crops in the project affected area. They were advised that they will be compensated for their crops.
- g. **Houses**. Squatters wanted to know what will happen on their houses and other structures that were affected by the project on a land that does not belong to them but for government. They were advised that they will be compensated for their structures and will be given the appropriate allowances
- h. **Water supply**- most of the affected region falls within the Arid and Semi Arid Lands (ASALS). These areas have no reliable water supply. Communities therefore, requested for intervention to address this, such may include drilling of community boreholes, provision of school furnishes etc.
- i. The community and specifically the Project Affected Persons (PAPs) should get employment and be given priority during the construction phase;



11.4 Recommendations

The recommendations of PAPs along the line are summarized as follows:

- Ensure market rates are used for compensation
- Ensure the project does not bring on board brokers/middlemen
- KPLC should mark the extend of the line to reduce confusion and anxiety regarding those affected and future relocation plans
- KPLC should contribute to the creation of community projects through their Social Corporate Responsibility.
- The PAPs need to be told on the safety and environmental issues regarding the proposed line. They noted the ESIA had not adequately consulted all affected.
- The local leaders requested for mobilization allowances, noting that they had spent a lot of time and effort to get all the PAPs at the required venues.
- Ensure that the project employed the youth of the area.
- Some institutions requested that the line be realigned so that they would not be affected.

11.5 Local RAP PAP Committee

Consultative meetings were conducted at the 12 venues included the establishment of a RAP PAP Committee. This committee would ensure that the grievied persons are recorded and their requests are forwarded to KPLC. The committee comprised of 9-10 members from the PAPs, the local chief was chosen to head the RAP PAP committee, a local KPLC was included as a member for logistic issues and the rest of the members were the local community who had attended the meeting. A photo of all the members of the RAP PAP committee members are attached in the annex.

11.6 Meetings

These were held at the community levels with local leaders to inform them about the project. 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 and a prepared leaflet was handed out to the PAPs. Below the Plates show the public consultations meetings:



Plate 9: Public Consultative meeting at Bagaria Market



Plate 10: Public consultation at Timboroa



Plate 11: Public Consultative meeting at Miti Mingi



Plate 12: Public Consultative meeting at Miti Mingi



Plate 13: Public Consultative meeting at Timboroa Centre



Plate 14: Public Consultative meeting at Miti Mingi



Plate 15: Public Consultative meeting at Ngata-Salgaa



Plate 16: Public Consultative meeting at Timboroa



Plate 17: Public Consultative meeting at Nandi hills tea estates

11.6 During Implementation

11.6.1 Objectives of Public Information and Consultation

The RAP consultant team will ensure that information dissemination and consultation with affected persons and involved agencies will reduce the potential for conflicts and minimize the risk of Project delays. In addition, this approach will enable the RAP consultant design programs for resettlement and rehabilitation phases and ensure smooth implementation of the Resettlement activities. The main aim of the public information campaign and consultations will be:

- a. To ensure that local authorities as well as representatives of the PAPs will be involved in the implementation process.
- b. To fully share information with the PAPs about the proposed project components and activities;
- c. To obtain information about the needs and priorities of the PAPs, as well as information about their reactions to proposed policies and activities;



- d. To ensure that PAPs are enabled to make fully informed decisions that will directly affect their incomes and quality of life, and that they will have the opportunity to participate in activities and decision-making about issues that will have a direct effect upon them;
- e. To obtain the maximum level of co-operation and participation of the PAPs and communities in activities necessary for resettlement planning and implementation;
- f. To ensure transparency in all activities related to land compensation, resettlement and rehabilitation.

11.4 Consultations Proposed During Implementation

Public information dissemination and consultations will take place throughout the implementation phase and will take the following forms:

11.5 Information Dissemination

During implementation of the Project, the implementing agency responsible for resettlement, assisted by the consultants, will undertake the following:

- a. Provide information to resettlement committees at all levels on Project policies and implementation procedures through workshops and meetings;
- b. Disseminate information to, and consult with, all PAPs throughout the life of the Project;
- c. Update or establish provincial unit prices, and confirm wayleave agreements and impact on properties;
 - i. Send notices one week in advance before inviting the PAPs for public consultations and disclosure of the RAP at the local administration offices,
 - ii. Requesting that PAPs confirm their choice of resettlement option and their preliminary confirmation resettlement location and signing of wayleave agreement.



- iii. Identify, through consultation, the preferred socio-economic support options of entitled PAPs, such as the Agricultural Extension Programme, project-related employment opportunities and water community projects.

11.6 Public Meetings

Prior to the start of the survey and valuation of the individual structures, trees and crops and land, The Kenya Power and Lighting team (KRU) will disclose the RAP at the local administration offices along the line. Notices shall be given out one week in advance inviting the PAPs for a public consultation. After obtaining more updated information, a Detailed Measurement Survey (DMS) shall be carried out in phases and the valuation rates shall be worked out. Each individual affected Person shall be consulted and informed on the compensation and entitlement package. The PAPs that agree with KPLC compensation package will go ahead and sign the consent form which will form a basis of registering the wayleave as an easement on the grant. Those that are still grieved shall have continued negotiations with KPLC until an agreement is reached.

The meetings will take the following format:

- a. Verbal and visual explanations of the proposed project in brief and its activities from design until constructed;
- b. Adequate opportunities will be provided for PAPs to respond with questions and voice their concerns and comments;
- c. PAPs will be encouraged to contribute their ideas towards the rehabilitation/restoration program and options;
- d. The LRPC will establish a complete list of all attendees;
- e. The LRPC will make a complete record of all questions, comments, opinions raised and decisions taken during these meetings.



Information will be given to the PAPs about the following:

- a) **Project components** – project brief;
- b) **Project Impacts** – Will include information about the expected impacts on the people living and working in the affected areas of the Project, including explanations about the need for wayleave agreement and relocation due to safety concerns;
- c) **PAPs' rights and entitlements** – These will be defined for the PAPs. Information shall also be given on
 - i. The process of compensation for those without legal documents shall be explained,
 - ii. The rights and entitlements for different categories of PAPs e.g. squatters, land owners.
 - iii. Options for land-for-land and land for cash.
 - iv. Options for organizing resettlement and/or relocation.
 - v. Entitlement to rehabilitation assistance under the Social Support Program.
 - vi. Opportunities for Project-related employment;
- d. **The Grievance Mechanism and the Appeals Process**
 - i. In the case of any confusion and/or misunderstanding, KPLC team with the assistance of the LRPC shall be available to help resolve problems,
 - ii. In the event of any complaints about any aspect of the land compensation, resettlement and/or rehabilitation processes, and/or compensation rates, they have the right to make complaints and to have their complaints heard.
 - iii. An explanation of how to access the grievances and redress procedures will be explained;



e. Right to Participate and be consulted

- i. The PAPs' right to participate in the project activities and implementation of the resettlement process.
- ii. PAPs are to be represented on the LRPCs and these representatives are to be, since these are members who were elected by the PAPs.

f. Resettlement Activities: An explanation will be given regarding compensation rates and compensation payments, monitoring procedures, reorganization, relocation and preliminary information about physical works procedures;

g. Organizational Responsibilities: Information will be given about the organization structure and who should be contacted for any clarifications or for information. The offices of the local administration (chiefs' offices) shall be the lowest level of contact and formal payments for compensation shall be made at these offices;

h. Implementation Schedule: PAPs shall be informed of the proposed project schedule for the main resettlement activities and informed that physical works will start only after the completion of all resettlement activities and relocation from the area for those PAPs who shall be physically relocated. It will be clarified that they will be expected to move only after full payment of compensation for their lost assets.

11.7 Public Information Booklet (PIB)

So as to ensure that PAPs, their representatives and local administration in the affected areas fully understand the details of the resettlement programme and are fully informed as to the compensation and entitlements, the implementing agency prepare the Public Information Booklet in with JICA. This PIB will be distributed to all PAPs in the Project area.

Contents of the PIB will include the following:



- Brief description of the Project.
- Implementation Schedule,
- Project Impacts, Entitlements and Rights of PAPs,
- Resettlement and Rehabilitation policies for all types of impacts, institutions responsible for resettlement.



12. MONITORING AND SUPERVISION

Monitoring will have two purposes for this Project, which are as follows:

- a. To verify that Project activities have been effectively completed with respect to quantity, quality and timeliness;
- b. To assess whether and how well these activities are achieving the stated goals and purpose of the Project. The implementation of Resettlement Plan shall be constantly be monitored and monitored by KPLC in coordination with the local RAP PAPs' committees.

An independent consulting agency will be contracted to conduct external monitoring tasks. The selected independent external monitoring agency shall be contracted by the KPLC immediately after the RP approval and shall begin supervision and monitoring activities from the beginning of implementation phase to 1 year after the Resettlement Plan.

12.1 An Internal Monitoring

12.1.1 Responsibility

Internal monitoring of the implementation of the project RAPs for the main component will be the responsibility of the implementing agency, with the assistance of the project consultants. The implementing agency will oversee the progress in resettlement preparation and implementation through regular progress reports.

Internal monitoring will includes the following activities:

- i. Monitoring the population, socio-economic surveys and inventory of Displaced Persons assets. Monitoring whether the implementation of compensation, resettlement and rehabilitation for DPs in accordance with the provisions that DPs agreed.
- ii. Monitoring the implementation of compensation and resettlement tasks.
- iii. Monitoring the availability of finance and schedule of implementation RP.



- iv. Investigate and fairly assess each case of grievance and complaint.
- v. Prepare the quarterly report detailing the process of RP implementation. Such report should be made available to appropriate authorities JICA and external agencies.

12.1.2 Performance Monitoring

Performance monitoring is an internal management function allowing the sponsor or the implementing agency (organizations) responsible for resettlement to measure physical progress against milestones established in the RAP. Progress shall be reported against a schedule of required actions (typically displayed through such devices as bar charts or MS Project tables). Examples of performance milestones could include:

- Public meetings held;
- Census, assets inventories, assessments, and socioeconomic studies completed;
- Grievance redresses procedures in place and functioning;
- Compensation payments disbursed;
- Housing lots allocated;
- Housing and related infrastructure completed;
- Relocation of people completed;
- Income restoration and development activities initiated;
- Monitoring and evaluation reports submitted.

As noted above, performance monitoring of the RAP shall be integrated into the overall project management to ensure that RAP activities are synchronized with all project implementation activities. Performance monitoring reports should be prepared at regular intervals (monthly, quarterly, semiannually, and annually) beginning with the commencement of any activities related to resettlement.

12.1.3 Impact Monitoring

Impact monitoring gauges the effectiveness of the RAP and its implementation in meeting the needs of the affected population. Depending on the scale of resettlement, impact monitoring shall be conducted by the KRU or an independent external agency (for example,



through a consultant, an NGO, or an academic institution) as determined by KPLC and JICA. The purpose of impact monitoring is to provide the agency responsible for RAP implementation with an assessment of the effects of resettlement, to verify internal performance monitoring, and to identify adjustments in the implementation of the RAP as required. Where feasible, affected people should be included in all phases of impact monitoring, including the identification and measurement of baseline indicators.

12.1.4. Monitoring Indicators

The main indicators that will be monitored regularly are the following:

- a. Payment of compensation to PAPs in various categories shall be done according to the KPLC compensation policy described in the RAP (wayleave acquisition), with no discrimination according to gender, membership of ethnic group or any other factor;
- b. Delivery of technical assistance, relocation, payment of subsistence and moving allowances or building new structures;
- c. Delivery of income restoration and social support entitlements;
- d. Public information dissemination and consultation procedures;
- e. Adherence to grievance procedures and outstanding issues requiring management's attention and equality in access;
- f. Attention given to the priorities of PAPs regarding the options offered;
- g. Co-ordination and completion of resettlement activities and award of civil works contracts. The implementing agencies will collect information every month from the different resettlement committees. A database of resettlement monitoring information regarding the project will be maintained and updated monthly.



12.1.5 Processes

The internal monitoring reports shall cover the following issues:

- a. The number of PAPs by category of impact per component, and the status of compensation payment and relocation and income restoration for each category;
- b. The amount of funds allocated for operations or for compensation and the amount of funds disbursed for each;
- c. The eventual outcome of complaints and grievances and any outstanding issues requiring management;
- d. Implementation problems;
- e. Revised actual resettlement implementation schedule.

12.2 External Monitoring

12.2.1. Objectives

- a) The general objective of the external monitor is to provide an independent periodic review and assessment of a) achievement of resettlement objectives,
- b) The changes in living standards and livelihoods,
- c) Restoration of the economic and social base of the affected people,
- d) The effectiveness, impact and sustainability of entitlements
- e) The need for further mitigation measures if any, and e) to identify strategic lessons for future policy formulation and planning.

12.2.2 Agency Responsibilities

The external monitoring for resettlement is a requirement of JBIC Guidelines for Confirmation of Environmental and Social Considerations with regard to fulfilling the steps of the RAP process and monitoring the persons displaced after the RAP. KPLC will contract these services from an independent monitoring and evaluation agent. This organization shall

be called the Independent Monitoring Agency (IMA) with specialized in social sciences and experienced in resettlement monitoring.

In addition to verifying the information furnished in the internal supervision and monitoring reports of the respective PCs the external monitoring agency will be responsible for the following:

- a. At the beginning of RP implementation, review compensation unit cost applied in RP. Check at the site for ensuring that the compensation costs are at the replacement value.
- b. Evaluation of DMS- inventory and entitlement of DPs.
- c. Evaluation of socio-economic project impact on the DPs.
- d. implementation of RP to achieve the objectives of the RP in particular “to improve or at least improve the livelihood of the DPs after resettlement”
- e. Putting forward the amendments for the implementation of RP to achieve the objective of this RP.
- f. Offering suggestions on how to improve RP program.
- g. Closely monitoring compensation activities is prepared to give informed evaluation of complaint and grievances cases.
- h. Write working reports to be submitted to KPLC and JICA quarterly. Write final report which will provide detailed evaluation of RP and its implementation including the content of situation and their opinions after receiving the resettlement.

12.3. Monitoring and Evaluation Indicators

The following indicators will be monitored and evaluated:

- a. Payment of compensation:



- b. Full payment to be made to all PAPs sufficiently before wayleave agreements land acquisition; adequacy of payment to replace affected assets; and
- c. Compensation for affected structures should be equivalent to the replacement cost at current market value of materials and labor based on standards and special features of constructions with no deductions made for depreciation or the value of salvageable materials;
- d. Coordination of resettlement activities with construction schedule: The completion of wayleave agreement and resettlement activities for any component to be completed prior to the award of the civil works contract for that component.
- e. Provision for technical assistance for house construction: For PAPs who are rebuilding their structures on their remaining land, or building their own structures in new places as arranged by the Project, or on newly assigned plots;
- f. Process of providing allowances to all entitled PAPs according to Kenya Law and the Project Policies.
- g. Facilitation of access to socio-economic support programme and income restoration, according to the policies of the Project;
- h. Public consultation and awareness of compensation policy:
 - (1) PAPs should be fully informed and consulted about wayleave agreement, leasing and relocation activities
 - (2) The monitoring team should attend at least one public consultation meeting each month to monitor public consultation procedures, problems and issues that arise during the meetings, and solutions that are proposed,
 - (3) Public awareness of the compensation policy and entitlements will be assessed among the PAPs,

- (4) Assessment of awareness of various options available to PAPs as provided for by the RAP;
- i. Restoration of productive activities: Affected persons should be monitored regarding restoration of productive activities so as to ensure the process is satisfactory for the PAPs;
- j. The level of satisfaction of PAPs with various aspects of the RAP: This will be assessed, reviewed and recorded. The operation of the mechanisms for grievance redress and the speed of grievance redress to be monitored;
- k. Trends in living standards: Throughout the implementation process, this will be observed and surveyed, with special attention being paid to any differences according to gender. Any potential problems in the restoration of living standards will be reported.

12.3.1 Methodology

The methodology for conducting monitoring and evaluation of implementation of the RAP will include the following activities:

12.3.2 Detailed Measurement Survey

The valuation survey will help to create a database for each PAP in terms of his/her social-economic status, the nature and extent of losses suffered, compensation and entitlements etc. Data will be disaggregated according to gender where appropriate. This database will become the basis for compensation and for monitoring the benefits as well as entitlements the PAP receives during the process of implementation.

12.3.3 Sample Socioeconomic Survey

A SES will be conducted to obtain information of the PAPs. Special attention should be paid so that women, elderly persons, disabled, youth, girl child and other vulnerable target groups. The sample should have, as far as possible, equal representation of male and female respondents. Certain set questions in the interview should be specifically marked to be answered only by female members of the household and/or those who are vulnerable (such

as the lonely elderly, people with disabilities etc). Data shall be disaggregated according to gender, age and socio-economic status where appropriate.

12.3.4 Participatory Rapid Appraisals

Periodic participatory rapid appraisals will allow the IMA to consult with the various stakeholders (local government, resettlement committees, implementing agencies, social organizations, community leaders and PAPs). Participatory rapid appraisals will involve obtaining information, identifying problems and finding solutions through participatory means, which will include the following:

- a. Key informant interviews with selected local leaders, resettlement committee members;
- b. Focus group discussions on specific topics such as compensation payment, income restoration and relocation;
- c. Community public meetings to discuss community losses and impacts and construction work employment;
- d. Structured direct field observations on the status of resettlement implementation in addition to individual and groups interview for cross-checking purposes;
- e. Informal surveys and interviews of PAPs, host communities, special interest or vulnerable groups and women;
- f. In-depth case studies of problems that have arisen during internal or external monitoring requiring special efforts for resolution.

12.3.5 Database Management and Storage

The IMA will maintain a database of resettlement monitoring information that will be updated accordingly. It will contain certain files on each affected household and will be updated based on information collected on successive rounds of data collection. All databases compiled will be fully accessible by all implementing agencies and those involved in the management of the resettlement component.



12.3.6 Reporting

The IMA will be required to submit the findings of the periodic monitoring at intervals. The report should contain the following topics:

- a. Progress of RAP implementation;
- b. Deviations, if any, from the provisions and principles of the RAP and an explanation thereof;
- c. Identification of problem issues and recommended solutions so that implementing agencies are informed about the ongoing situation and can resolve problems in a timely manner; and
- d. Progress of the follow-up of problems and issues identified in the previous report.

12.4 Evaluation Method of Monitoring Result

The external monitor will conduct an evaluation of the resettlement process and impact 1 year after completion of all resettlement activities. Post-resettlement monitoring process and outcomes should be reviewed by representatives of the affected community through Local PAP RAP Committee and any other authority with verifiable stakes in the project. The Monitoring Team will structure its reporting in conjunction with accepted variables as set out in Table below.



12.4.1 Monitoring Indicators

The monitoring is as shown in the Table 25 below

Table 25: Monitoring Indicators

Subject	Indicator	Variable
Land	wayleave agreement	<ul style="list-style-type: none">• Area of cultivation affected by wayleave for KPLC developments• Area of communal land affected by wayleave for KPLC developments• Area of private affected by wayleave• Area of government affected by wayleave
Buildings/ Structures	buildings	<ul style="list-style-type: none">• Number, type and size of private buildings acquired• Number, type and size of community buildings acquired• Number, type and size of government buildings acquired
	other structures	<ul style="list-style-type: none">• Number, type and size of other private structures acquired• Number, type and size of other community structures acquired
Trees and Crops	Acquisition of trees	<ul style="list-style-type: none">• Number and type of trees cut
	Destruction of crops	<ul style="list-style-type: none">• Crops destroyed by area, type and ownership
Compensation, Re-establishment and Rehabilitation	Compensation and re-establishment of affected	<ul style="list-style-type: none">• Number of homesteads affected (buildings, land, trees, crops)• Number of owners compensated by type of loss• Amount compensated by type and owner



	owners/individuals	<ul style="list-style-type: none">• Number of replacement houses constructed• Size, construction, durability and environmental suitability of replacement houses• Possession of latrines• Water supply access• Number of replacement businesses constructed
	Re-establishment of community resources	<ul style="list-style-type: none">• Number of community buildings replaced• Number, type of plants lost• Number of seedlings supplied by type• Number of trees planted
Hazards and Disturbances	Introduction of nuisance factors	<ul style="list-style-type: none">• Number of homesteads affected by hazards and disturbances from construction (noise levels, blasting, increased traffic levels)
Social/ Demographic	Changes to homestead structure	<ul style="list-style-type: none">• Homestead size (births, deaths, migration in and out)• Age distribution• Gender distribution• Marital status• Relationship to homestead head• Status of “vulnerable” homesteads
	Population migration	<ul style="list-style-type: none">• Residential status of homestead members• Movement in and out of the homestead (place and residence of



		homestead members)
	Changes to access	Distance/travel time to nearest school, health centre, church, shop, village
Subject	Indicator	Variable
	Changes to health status	<ul style="list-style-type: none"> • Nutritional status of resettled homestead members • Number of people with disease, by type (Sexually transmitted Diseases, diarrhea, malaria, ARI, immunizable disease) • Mortality rates • Access to health care services (distance to nearest facility, cost of services, quality of services) • Utilization of health care services • Disease prevention strategies • Extent of educational programmes • Latrine provision at schools (school child population per VIP on site)
	Changes to educational status	<ul style="list-style-type: none"> • Literacy and educational attainment of homestead members • School attendance rates (age, gender) • Number, type of educational establishments
	Changes to status of women	<ul style="list-style-type: none"> • Participation in training programmes • Use of credit facilities



		<ul style="list-style-type: none">• Landholding status• Participation in KPLC-related activities and enterprises
	Homestead earning capacity	<ul style="list-style-type: none">• Ownership of capital assets• Ownership of equipment and machinery• Landholding size, area cultivated and production volume/value, by crop (cash and subsistence crops)• Landholding status (tenure)• Redistribution of cultivation land• Changes to livestock ownership: pre- and post disturbance• Value of livestock sales, and imputed value of barter transactions• Consumption of own livestock production• Employment status of economically active members• Skills of homestead members• Earnings/income by source, separating compensation payments• Changes to income-earning activities (agriculture) – pre- and post disturbance• Changes to income-earning activities (off-farm) – pre- and post disturbance• Amount and balance of income and expenditure• Possession of consumer durables



		<ul style="list-style-type: none"> • Realization of homestead income restoration plans (components implemented, net income achieved) • Possession of bank and savings accounts • Access to income-generating natural resource base (wood, grass, sand, stones)
	Changes in social organization	<ul style="list-style-type: none"> • Organizational membership of homestead members • Leadership positions held by homestead members
Subject	Indicator	Variable
	Population influx	<ul style="list-style-type: none"> • Growth in number and size of settlements, formal and informal • Growth in market areas
Consultation	Consultation programme operation	<ul style="list-style-type: none"> • Number of local committees established • Number and dates of local committee meetings • Type of issues raised at local committees meetings • Involvement of local committees in KPLC development planning • Number of participating NGOs
	Information dissemination	<ul style="list-style-type: none"> • Number, position, staffing of Information Centres • Staffing, equipment, documentation of Information Centre • Activities of Information Centres • Number of people accessing Information Centres



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

Source: Eco Plan Management Ltd, 2010.



13. GRIEVANCES AND APPEALS

A grievance redress process and procedure needs to be established, so as to ensure that any grievance and/or complaint of PAPs on any aspect of wayleave agreement, land compensation and/or resettlement are dealt with in a timely, equitable and transparent manner. For this to take place it is important that all PAPs are made aware of the established procedures, both for first making a complaint and for then, if necessary, making an appeal.

The grievance redress mechanism was disclosed at the public consultation during the RAP study. The PAPs shall be encouraged to use this method if they feel aggrieved in any way. Information about how grievances and appeals can be made shall also be included in the Public Information Booklet which shall be distributed to all PAPs.

13.1 Subject Matter of Grievances

Complaints can be lodged regarding any aspect of the following:

- Compensation entitlement,
- Land compensation,
- Levels for compensation,
- Wayleave agreement
- Resettlement and/or
- Entitlements to rehabilitation assistance programmes.

13.2. Method of Lodging Complaints

Complaints may be lodged either in writing by filling in the grievance form which shall be found at the local administration offices (area chief's offices)

Regulatory Process



Any persons who are not satisfied with the entitlement and compensation has a right for appealing against what KPLC is providing for entitlement by seeking legal redress with some specified timeframe.

13.3 Proposed Procedure

A four-stage procedure for redressing grievances is proposed as follows:

1. Stage I

Complaints from PAPs on any aspect of the resettlement programme shall first be lodged in written form by filing a grievance form at the chief's office. The LRPC will register all the grievance forms and forward them immediately to KPLC. KPLC in turn will be required to respond within 14 days.

2. Stage II

If the PAP is still aggrieved, he has the right to appeal to the tribunal or an arbitrator.

3. Stage III

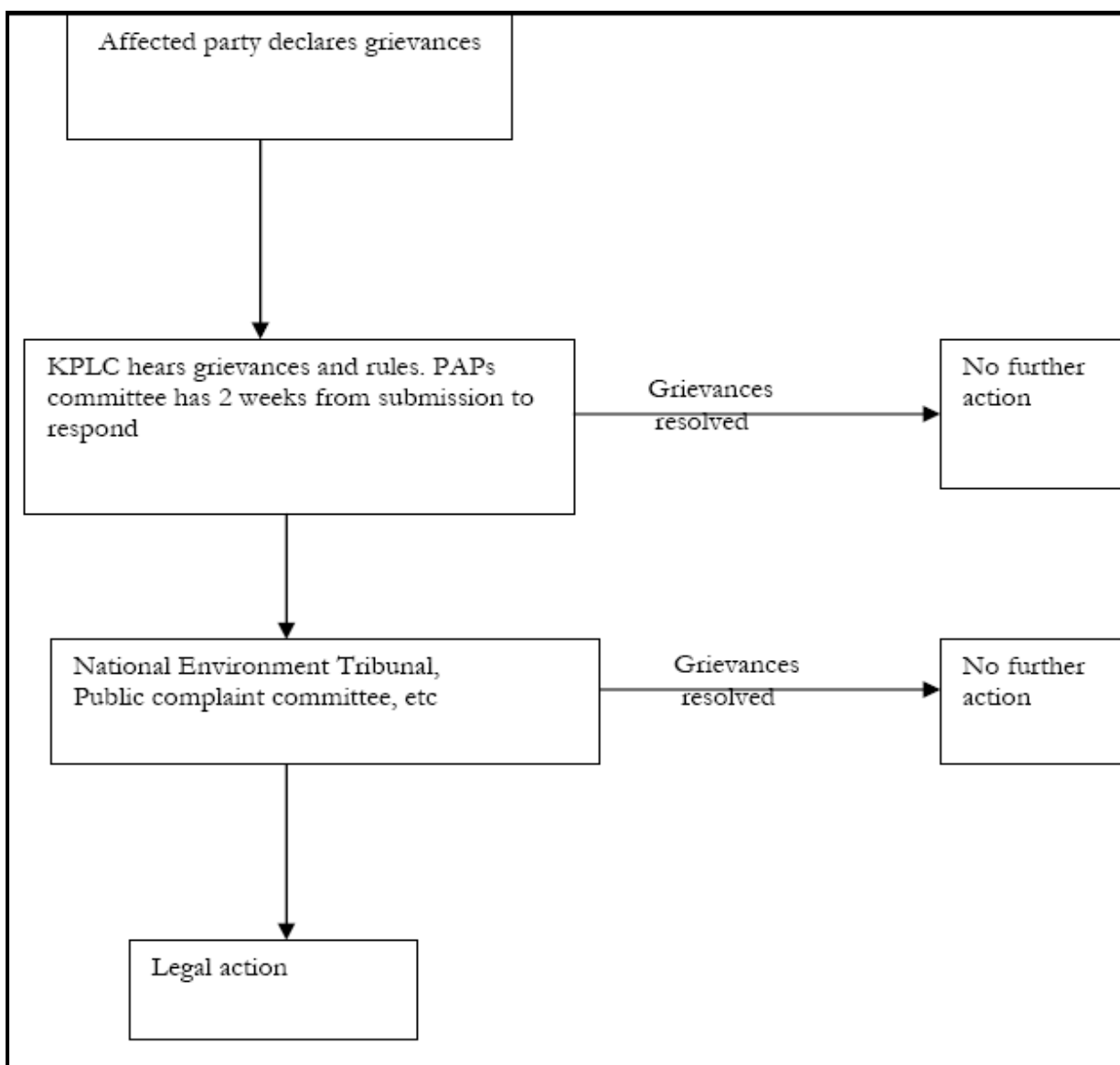
If the PAP is not satisfied with the decision of the tribunal or arbitrator he may seek legal redress.

4. Stage IV

Should the PAP still be unsatisfied with the decision of the lower court, he/she appeal in high court.

Grievances will be dealt with as per the Figure summarized below:

Figure 16: Grievance Redress System



Source: KPLC- 2009

**14.0 COST ESTIMATE****14.1 Costs and Budget**

The Resettlement Plan will include detailed cost of rehabilitation and other restoration assistance entitlements and relocation of DPs, if that be the case, with a breakdown by agricultural land, residential land, business land, houses, businesses and other assets. The cost estimates will make adequate provision for contingencies. Sources of funding for the various activities will be clearly specified in the cost tables.

14.1.1 Cost Estimates

Total costs for structures resettlement are estimated as being **Ksh.109, 866,136.00**

This is composed of

a) Compensation costs, which total **Ksh.73, 244,091.00** and

b) Demolition, management and implementation costs, which total **Ksh.36, 622,045.00**. The total estimated compensation for land is **Ksh. 371,391,023.00** for 620.421 acres of land. This compensation is based on market rates. These sums may however change at the time that the detailed measurement survey takes place to take into account actual losses and any changes in prices that may have occurred between the preparation of the RAP and actual implementation.

Summary of Compensation

Table 26: (Executive Summary) Cost of land structures and trees

Item	%	Amount (KSh)
Land to be compensated	77	371,391,023.00
Structures	22	109,866,136.00
	Sub-Total	481,257,159.00
Trees	1% subtotal	7,431,480.00
	Total	488,688,639.00

Note see itemized `cost in appendix



14.1.2 Flow of Funds

KPLC will be responsible for channeling funds for the wayleave agreement and resettlement to the PRCs who will be responsible for its payment directly to affected persons with respect to land, crops, trees, houses, other structures and any allowances. KPLC will also be responsible for contracting an NGO or other independent institution to undertake the independent monitoring.

14.1.3 Compensation Prices

The rate for compensation shall be decided by KRU team specialist for this project. The price of land for calculation of compensation for damage shall be determined on the basis of the prevailing local market price of land for each area.

14.2. Project Approach

The calculation of replacement cost at current market values was made using information collected from both secondary sources and primary sources (direct interviews with people in the affected area), and from both those affected and those not affected. Replacement cost at current market value for agricultural land will be based on its productive potential or its current market value. Replacement cost at current market value of houses and structures will be based on current fair market prices for new building materials and labor, without any deductions made for depreciations or for salvaged building materials. The market value of residential land, crops, trees and other commodities forms the basis for replacement cost at current market values of these assets.

The current compensation and resettlement costs are based on (1) the inventory of losses survey carried out (2) identification of different categories of impacts, replacement policies and entitlements described in this RAP report (3) Policy on compensation and resettlement; and (4) Compensation prices in the eleven districts(5). To calculate the estimated replacement cost at current market values, the consultants identified unit prices in each district, and then compared them with the units costs issued by the districts

14.3. Findings

The following were findings from the RAP study:

- iv. **Population:** The line traverses areas with high population densities at Mumbrees (Nandi Hills), Kayole & Methuri (Naivasha area) and Kibos & Mamboleo area (Kisumu).

v. **Public Consultations:**

The public consultation went on well except where the consultant faced resistance in (Naivasha, Nandi and Kibos areas). However the consultant liaised with the District Commissioner Naivasha and called upon the District officers of (Naivasha DCK, and Sanctuary) to assist the consultant carry out their work. For Kibos the Area Chief was called by the consultant to assist in cooling down temperatures.

The consultant noted the following sentiments during the PAP consultative meetings:

- The PAPs noted that the line had not been marked, therefore a proper detailed survey was recommended to inform them of the boundary mappings.
- The PAPs were concerned how the compensation will be done to enable them relocate.
- Most of the PAPs indicated that information dissemination did not reach them on time or was never available.
- Most of the PAPs would like to be involved in the implementation of the RAP process and be physically present during implementation.
- The PAPs feared that they will not be relocated to productive land.
- The PAPs noted that The Kenya Power & Lighting Co LTD obtained large profits yet this was not seen on the ground. They requested the company to extend their Social Corporate Responsibility in the affected areas.



15.0 RECOMMENDATIONS

The consultant noted that for the RAP to be successful there will need for continued monitoring and evaluation. This will ensure that arising issues are adequately addressed both during and after construction phases. This RAP therefore recommends the following: KPLC should compensate all the affected persons in a timely manner before the project is implemented to enable paving way for the line (project).

The consultant recommends that social impacts are incorporated in the RAP and that an allowance be provided for any social impacts caused by the project.

The consultant recommends that the compensation to be on the prevailing market rates for land and construction materials.

Continuous sensitization of the affected communities in the pre-construction phase of the project, especially in the populated areas is recommended as a preparatory measure before project implementation. KPLC should be at the forefront in ensuring this is carried out.

Requests: Emanating from the public discussions and meetings, the following requests have been made by the locals:

- a. Rerouting the transmission lines so as to avoid public structures like those of mission for orphanage at Salgaa-Ngata (Nakuru District) and Kibos sugar company (Kisumu District) structures from being demolished.
- b. Use of local labour during the construction phase
- c. Provision of electric power
- d. Timely compensation
- e. A detailed cadastral mapping should be done in order to identify the exact land parcels and PAPs that are affected by the transmission line for the RAP study.



Before Resettlement:

- i. The PAPs should be mobilized and counseled both socially and economically to avoid undue social and economic disruptions.
- ii. KPLC will provide both the financial input into the resettlement process as well as significant additional managerial and technical expertise. To this end, KPLC is to constitute a resettlement unit immediately after the completion of the final RAP Report.

15.1 CONCLUSIONS

1. Survey Work: The marking and survey work along the line has not been finalized. The line boundaries have not been marked. This has made it difficult for the consultant to assess and physically count the affected HHs to determine the accurate level of compensation required.

2. Population: The transmission line route passes mostly on areas with middle to low population density.

3. Public Consultations: A lot of consultations with the affected communities was done along the line. During the consultations, the issues that arose concerning the project were discussed. Generally the public did not resist the project apart from a few cases where the consultant had difficulties interviewing the persons likely to be affected since wider consultations had not been conducted. The public also feared that they would be relocated to unproductive land in which case we recommend that factors like land productivity and climate be considered. The public also expressed their dissatisfaction with KPLC's poor history in terms of compensation. Some of the respondents were of the opinion that they will not benefit much from the project.

4. Project Impacts: The project will traverse a long stretch of land with considerable levels of potential impacts to the flora and fauna. There are also impacts which will be social economic in nature especially during the construction phase.



5. Monitoring and Evaluation: For the RAP to be successful there will be need for continued monitoring and evaluation. This will ensure that arising issues are properly addressed and where failures have been registered, they can quickly be addressed.

6. Requests: During the public discussions and meetings, the following requests were made by the PAPs:

- a. Use of local labour during the construction phase
- b. Provision of electric power so that they would connect their houses
- c. Timely compensation

7. Resettlement: KPLC will provide both the financial and social assistance if sought by the PAPs.

7.2 Recommendations

- i. The survey needs to be done to facilitate the identification of the affected structures and assessment of resettlement costs for budget preparation.
- ii. KPLC should compensate all the affected persons in a timely manner using the prevailing market rates. We have estimated total resettlement cost at **KSh. 281,925,000** inclusive the cost of trees estimated at 5% of the total cost of land and structures.
- iii. Before resettlement, the PAPs should be mobilized and counseled both socially and economically to avoid undue social and economic disruptions. Where applicable, health experts should be involved in counseling to create awareness within the community on issues relating to HIV/AIDS.
- iv. Compensation for the PAPs should be made before demolition commences. This will be done at either the local chief's offices (local administration offices). A minimum of six month notice should to be given to the PAPs to enable them rebuild new structures and relocate elsewhere.
- v. KPLC should be responsive and live up to corporate social responsibility in the project area through the following activities: e.g rural electrification, schools, water projects ect.



16.0 REFERENCE

1. JBIC Guidelines for Confirmation of Environmental and Social Considerations (2002)
2. Resettlement Handbook, IFC, Environmental Social and Development Department, April 2002
3. Short Resettlement Plan on Power & Distribution of Power Plant-Ministry of Water & Energy, October 2004