

**Kenya Electricity Generating Company Limited (KenGen)**  
**REPUBLIC OF KENYA**

**REPUBLIC OF KENYA**  
**PREPARATORY SURVEY ON**  
**SECOND OLKARIA GEOTHERMAL**  
**POWER PROJECT**

**FINAL REPORT**  
**(ANNEX)**

**Resettlement Due Diligence Report and**  
**Corrective Action Plan**

**June 2015**

**JAPAN INTERNATIONAL COOPERATION**  
**AGENCY (JICA)**

**WEST JAPAN ENGINEERING CONSULTANTS, INC.**

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# CONTENT

<b>1 BACKGROUND</b> .....	1
1.2 PURPOSE OF THE PROJECT .....	2
1.4 BACKGROUND AND PURPOSE OF THE STUDY .....	2
1.5 SCOPE OF THE STUDY .....	3
<b>2 RESULT OF STUDY</b> .....	6
2.1 Degree of the land acquisition and resettlement .....	6
2.1.1 Population Census .....	6
2.1.2 Land and Asset Valuation .....	7
2.1.3 Income and Living Survey .....	8
2.2 The laws and regulations applied to the land acquisition and resettlement .....	8
2.3 Eligibility of entitled persons for compensation against the loss of property and livelihood .....	9
2.4 Plans and record on compensation against the loss of property and livelihood .....	10
2.5 Plans and record on resettlement assistance and livelihood restoration .....	13
2.6 Record on assistance to vulnerable people in the project affected area .....	15
2.7 Grievance and redress mechanism and status of the implementation .....	17
2.7.1 Plan .....	17
2.7.2 Performance .....	19
2.7.3 Evaluation .....	19
2.8 Identification of responsible organization for the resettlement and their responsibilities .....	19
2.8.1 Plan .....	19
2.8.2 Performance .....	24
2.9 Implementation schedule .....	24
2.9.1 Plan .....	24
2.9.2 Performance .....	24
2.10 Budget and resource of budget .....	26
2.10.1 Estimation .....	26
2.10.2 Actual Cost .....	28
2.11 Organization responsible for monitoring and record of the implementation .....	28
2.11.1 Plan .....	28
2.11.2 Performance .....	30
2.12 Public Consultation .....	34
2.12.1 Performance and Plan .....	34
<b>3 FOLLOW-UP STUDY ON THE CURRENT LIVING CONDITION OF THE PAPS</b> .....	36

<b>4 VERIFICATION OF ADEQUACY OF THE PAST COMPENSATION AND LIVELIHOOD RESTORATION SUPPORT AND GAPS ANALYSIS WITH JICA GUIDELINES .....</b>	<b>36</b>
<b>5 PROPOSED CORRECTIVE ACTION PLAN TO MITIGATE THE GAP WITH JICA GUIDELINES .....</b>	<b>45</b>
<b>6 PROPOSED PLAN TO ESTABLISH GRIEVANCE AND REDRESS MECHANISM TO PROCESS A CLAIM FROM THE AFFECTED PEOPLE INCLUDING THOSE WHOM THE FOLLOW-UP STUDY IN ITEM. ....</b>	<b>45</b>
<b>7 CONCLUSION AND PROPOSAL.....</b>	<b>46</b>

**Attachment 1 :** Meeting Minutes of Public Consultation at Draft RAP

**Attachment 2 :** Meeting Minutes of Public Consultation after Relocation

**Attachment 3 :** Memorandum of Understanding (MoU) Between Kenya Electricity Generating Company Ltd. (KenGen) and the Olkaria 280 MW Geothermal Development Project Affected Persons (PAPs) (July, 2013)

**Attachment 4 :** Amendment No.1 to the Memorandum of Understanding (MoU) Between Kenya Electricity Generating Company Ltd. (KenGen) and the Olkaria 280 MW Geothermal Development Project Affected Persons (PAPs) (October, 2014)

## List of Figures and Tables

Figure 1 : Location of the project area.....	4
Figure 2 : The project area, Facilities planning position, etc.....	5
Figure 3 : Pictures of Project Area .....	12
Figure 4 : Pictures of Houses.....	13
Figure 5 : Pictures of Provided Support.....	14
Figure 6 : Pictures of Primary School.....	15
Figure 7 : Pictures of Church.....	15
Figure 8 : Grievance and Conflict Resolution Mechanism (GCHM) .....	18
Figure 9 : KenGen Organization Structure for RAP Implementation.....	22
Figure 10 : KenGen and Stakeholder Institutions' Organization Structure for the RAP Implementation.....	23
Figure 11 : RAP Implementation Schedule (As of September 2014) .....	25
Table 1 : PAPs in the Olkaria V Project area .....	6
Table 2: Land Acquisition by the Olkaria IV Project.....	7
Table 3 : Land Value.....	8
Table 4 : Results of Land Price Valuation .....	10
Table 5 : Entitlement Matrix.....	11
Table 6 : Number of Vulnerable People in the Project Area.....	16
Table 7: Grievances for the Project and the current status .....	19
Table 8 : Responsible organizations for the Resettlement and their Responsibilities.....	20
Table 9 : RAP Budget .....	26
Table 10 : Cost Breakdown for Preparation of Resettlement Site.....	27
Table 11 : RAP Budget as of end of October 2014.....	28
Table 12 : Summary of PAP's Comments and KenGen's Correspondence.....	30
Table 13 : Monitoring Form (Draft) .....	32
Table 14 : Summary of Conducted Stakeholder .....	34
Table 15 : GAP Analysis (RAP).....	37

## Abbreviation

CAC:	Community Advisory Council
CAP:	Corrective Action Plan
CoE:	Council of Elder
DDR:	(Resettlement) Due Diligence Report
ESC:	Economic and Social Considerations
GCHM:	Grievance and Conflict Handling Mechanism
H <sub>2</sub> S:	Hydrogen Sulfide
IEP:	Independent Evaluation Panel
JICA:	Japan International Cooperation Agency
JICA GL:	JICA Guideline
KenGen:	Kenya Electricity Generating Company Ltd.
KeRRA:	Kenya Rural Roads Authority
KETRACO:	Kenya Electricity Transmission Co. Ltd.
Ksh:	Kenya Shilling
LCPDP:	Least Cost Power Development Plan
MoU:	Minutes of Understanding
NEMA:	National Environment Management Authority
O.P.	Operational Policies
PAP:	Project Affected Persons
RAP:	Resettlement Action Plan
RAPIC:	RAP Implementation Committee
SCC:	Stakeholders Coordination Committee
WB:	World Bank

# **1 BACKGROUND**

## **1.1 BACKGROUND AND PROGRESS OF THE PROJECT**

According to the governmental report in Kenya in 2013 total electric power generation in the country by 2013 was 1,644 MW, which consists of hydraulic power 47% (770 MW), thermal power 37% (622 MW), geothermal power 14% (241 MW), and Other (Renewable energy) 3%. While the peak demand in 2013 reached 1,357 MW, Kenya has faced serious conditions in terms of power supply, because capacity factor of the hydraulic power plant has been limited due to drought. Moreover, the power demand in Kenya since 2010 to 2020 has been expected to annually increase by 14.5%, reflecting the present economic growth. Urgent developments of additional new power plants are therefore required for advancing stability of power supply in Kenya. On the other hand, huge potential of geothermal energy, which is not affected by the weather conditions and therefore providing stable power generation, exists in the Great Rift Valley in East Africa. Thus development of geothermal energy has been counted on in Kenya.

The Vision 2030 that was published in 2008 as a national development plan in Kenya aims to have a competitive position in international market and achieve successful economic growth as an overall goal. Power sector, regarded as an economic pillar, are responsible for securing electric power necessary to maintain the economic growth, improving local electrification and services for power supply in an urban setting. The details of power development plan has been progressed along the Least Cost Power Development Plan (LCPDP), in which various types of power development and construction of transmission line are clearly defined, and geothermal power development at Olkaria area is defined as a project that should be given higher priority among the all power development plan. The Olkaria geothermal power development plan has been implemented or progressed at the area of Olkaria I, Olkaria II, Olkaria III and Olkaria IV. The additional units 4 to 5 for Olkaria I, was already financed by JICA as yen loans in 2010. KenGen conducted optimization study on further development of 560 MW in Olkaria including feasibility study and Environmental Impact Assessment (EIA) in September 2012.

KenGen submitted an environmental and social impact assessment (ESIA) to the National Environment Management Authority (NEMA) in February 2014, and prepared a resettlement action plan (RAP) for implementation of the OLKARIA IV project, including the planned area for this project, in June 2012. In this project, the ESIA and RAP will be reviewed.

## **1.2 PURPOSE OF THE PROJECT**

The project will construct a geothermal power plant in Olkaria geothermal area located in Naivasha, Nakuru County, Kenya. The project aims at lessening the pressure of power demand, improve the stability of the power supply and lead to develop economic through the improvement of the investment environment. This project promotes the usage of renewable energy. With this, the reduction of environmental impact and mitigation of climate change is expected.

## **1.3 BUSINESS OUTLINE**

- 1) Construction of the Olkaria V power plant (70 MW x 2 units), and construction of other relevant facilities, including a steam collecting system and transmission line (running approx. 5 km between the Olkaria V and IV power plants)
- 2) Consulting service (Design, bid assistance, construction supervision, etc.)

Drilling of geothermal wells, including production and re-injection wells is not part of the Project, since KenGen has been drilling them independently of the Project. But it is considered as integral to the Project under the JICA Guidelines for Environmental and Social Considerations (hereinafter referred to as JICA's ESC Guidelines).

## **1.4 BACKGROUND AND PURPOSE OF THE STUDY**

Due diligence study on the status of the existing involuntary resettlement process: hereinafter referred to as "DDR Study: Due Diligent Report Study" is part of the preparatory survey of JICA, which aims to support the planned construction of 140 MW geothermal power plant by providing loan. The survey includes the review on the optimization study conducted by KenGen and collection, review and analysis on the information including the purpose, the planning, the budget, the implementing organization, O&M, the environmental and social considerations of the planned construction project and/or those required in order to proceed as Japanese ODA project. Hence some land in the project area has been acquired or some residents have been relocated, a study will be carried out to confirm how resettlement process including consultations with the affected people, and compensation have been implemented and whether the process may be complied with according to JICA's ESC Guidelines. As a result of the DDR Study, if material deviation from the JICA's ESC Guidelines is found, draft corrective action plan should be prepared to minimize the gap. The



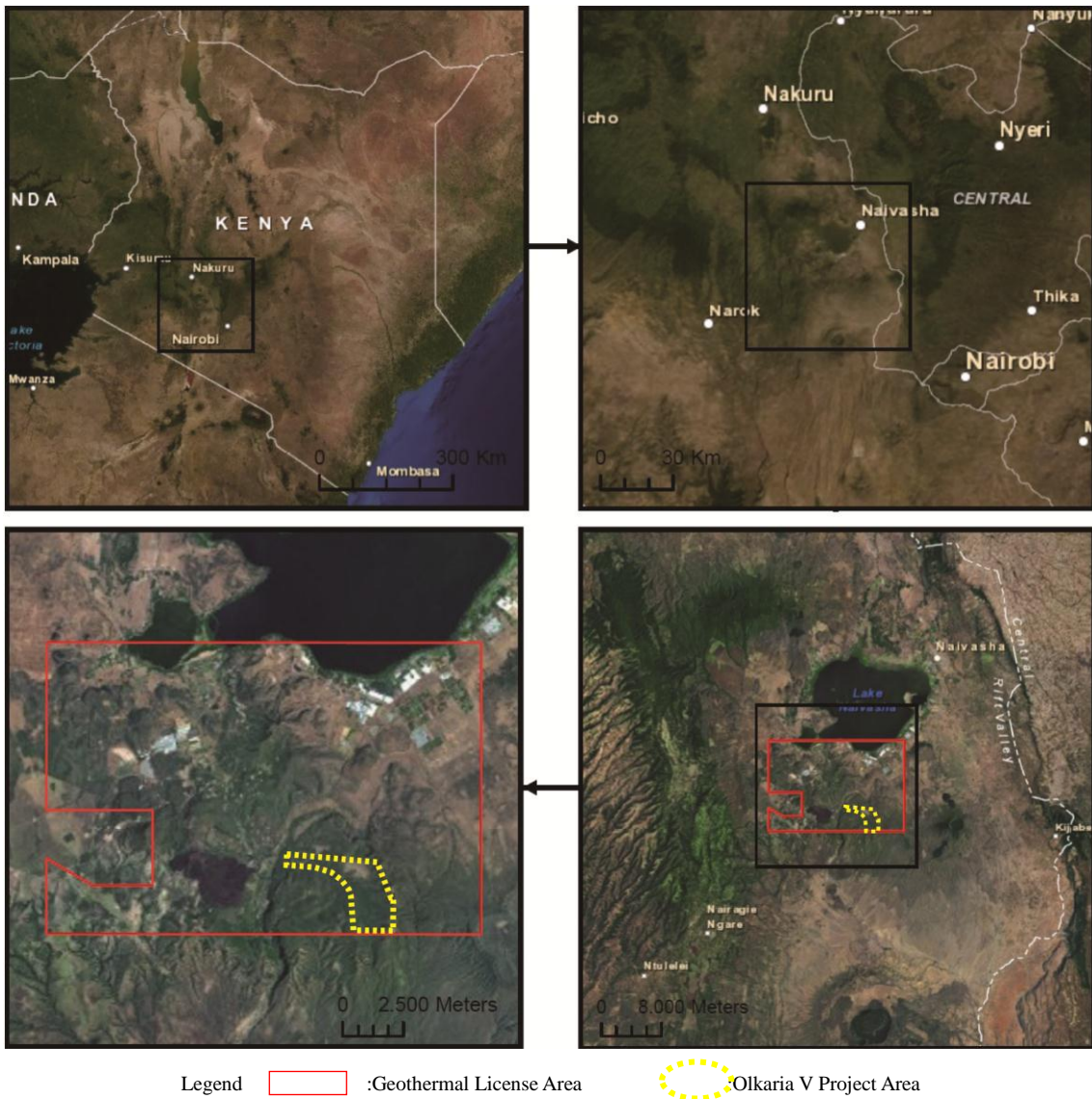
document and the method of review are written below.

- 1) Consolidated Olkaria I and IV RAP Implementation Report (February 2014)(RAP)
- 2) Memorandum of Understanding (MoU) Between Kenya Electricity Generating Company Ltd. (KenGen) and the Olkaria 280 MW Geothermal Development Project Affected Persons (PAPs) (July, 2013) (MoU)
- 3) Amendment No.1 to the Memorandum of Understanding (MoU) Between Kenya Electricity Generating Company Ltd. (KenGen) and the Olkaria 280 MW Geothermal Development Project Affected Persons (PAPs) (October, 2014) (No.1 Amended MoU)
- 4) Interview with Project Proponent (Kenya Electricity Generating Company Ltd. : KenGen) and Project Affected Persons (PAPs)

## **1.5 SCOPE OF THE STUDY**

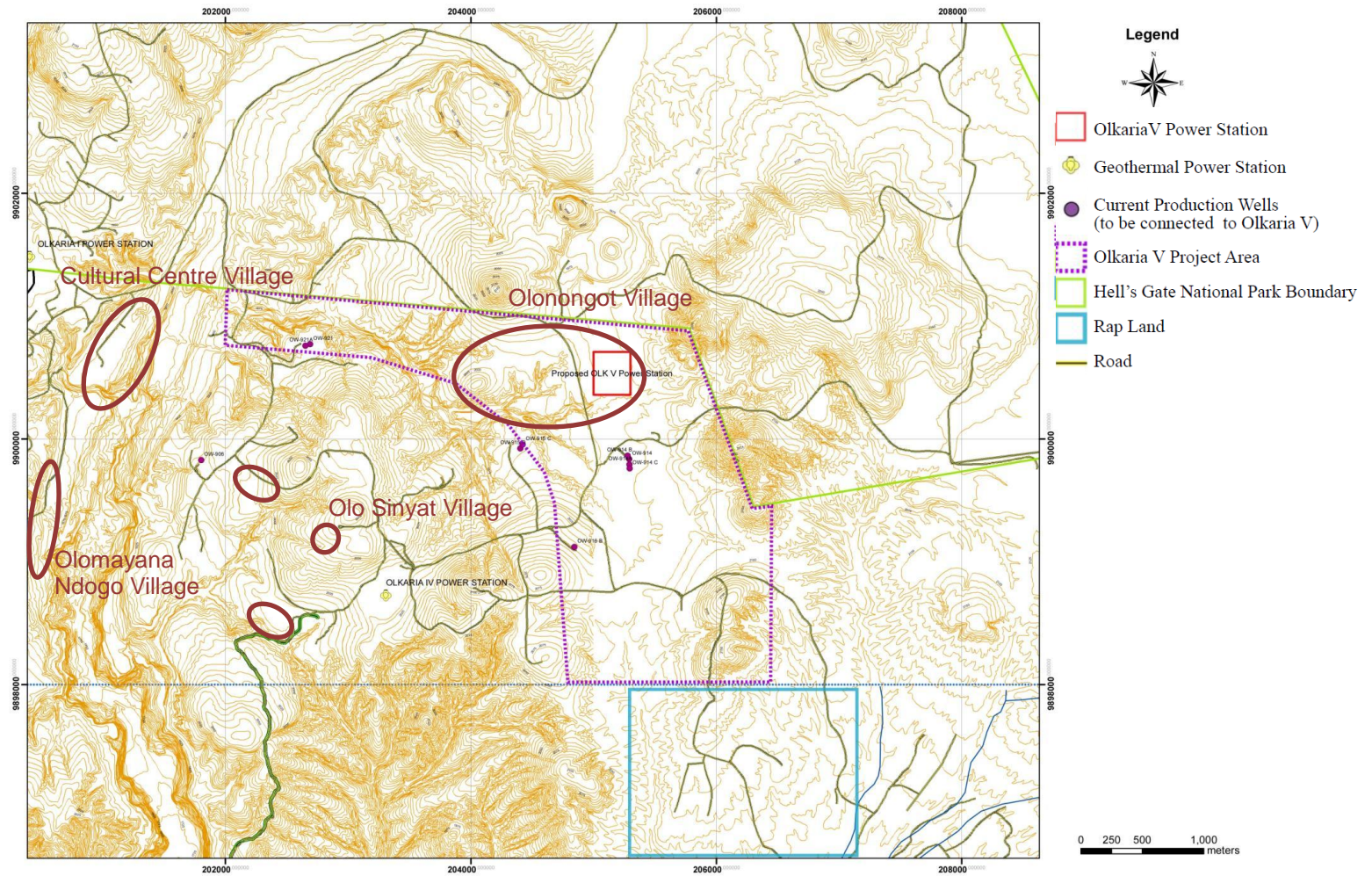
The project area is located at Olkaria geothermal area in Nakuru County, Kenya. Location of the project area is shown in figure 1, and the project area, facilities planning position, etc. is shown in figure 2.

Land acquisition and resettlement will not occur, resulting from planning and implementation of the Project, but land acquisition and resettlement related to the Olkaria V project area have already been conducted under the Olkaria IV project which has been implemented under the financial support of other donors including the World Bank. 4 villages; Olonongot village, Olo Sinyat village, Cultural Centre village, Olomayana Ndogo village were subjected to land acquisition and resettlement due to the Olkaria IV project. Olonongot village is located at the project area of Olkaria V, hence the DDR Study will focus on Olonongot village to confirm the process and results of land acquisition and resettlement related to the planned Olkaria V project.



(Source: The revision to Strategic Environmental Assessment for the Olkaria Geothermal Field Development Programme Draft SEA Report (KenGen, 2014)

**Figure 1 : Location of the project area**



(Source: The revision to the materials provided by KenGen)

**Figure 2 : The project area, Facilities planning position, etc.**



## 2 RESULT OF STUDY

### 2.1 Degree of the land acquisition and resettlement

#### 2.1.1 Population Census

RAP for the Olkaria V Project has been already made. In RAP drafting process, population census survey was conducted as a baseline survey for PAPs; the survey covered the Project area and the neighboring area. Meetings with PAPs were also conducted in the census survey. Cut-off-date of compensation was on 16 September 2009, which was the first day of the census. In the census, PAPs were informed that they would be provided compensations for assets only evaluated in the census survey. To take into account changes in circumstances, such as new houses for marriage, and children's independence of their parents, and assignment of new teachers, the updated census survey was conducted in 2012.

PAPs by the Project are as below. Number of Households (HHs) who were required to be resettled for the Project was 53 HHs (296 people) as a result of census survey in 2009. However after that, the survey in 2012 revealed that the number of the HHs had increased to 56 HHs because of changes of circumstances (got married, child move out the house, and new teaches came to school) in the area. In the survey, the data of how many people were resettled was not able to achieve. With assumption of 5 people per 1 HH, 311 people (296 people + 3HHs x 5 people) were resettled by the Project.

**Table 1 : PAPs in the Olkaria V Project area**

<b>PAPs with resettlement</b>	<b>Number of HHs</b>
Land and Asset Owners	<b>46</b>
Landlord and Housing Tenant	<b>5</b>
<b>Sub Total</b>	<b>51</b>
<b>PAPs without resettlement</b>	<b>Number of HHs</b>
Land Tenant	<b>1</b>
<b>Sub Total</b>	<b>1</b>
<b>Grand Total</b>	<b>52</b>

(Source : Documents provided by KenGen)

## 2.1.2 Land and Asset Valuation

### 1) Asset

The assets valued included school buildings, churches, houses (manyattas), shed for livestock, trees and land within the proposed Project area. The valuation was based on detailed field survey, description on type of property, condition and plinth/built-up area. Replacement cost method or Contractor's method was adopted for valuation of assets. (RAP 2.7.1) In the proposed Project area, one school and two churches are included as the assets. Regarding replacement cost for housings, structures and area of common houses in the area were investigated. Also based on past records from Naivasha office of Ministry of Land, KETRACO and KenGen and price estimation provided from Ministry of Energy, housings were classified into 8 types to decide compensation prices.

### 2) Land

According to RAP for the Olkaria IV Project, KenGen estimated that a total of 3,610 acres (1,461 hectares) of land was needed for putting up the power plants and associated infrastructure. In addition, a land measuring 1700 acres (688 hectares) at the Olkaria Domes which is 3km away from the Project site was purchased as a resettlement site.

**Table 2: Land Acquisition by the Olkaria IV Project**

	<b>Area</b>
Project Area	3,610 acres (approximately 1,461 hectares)
Resettlement Site	1,700 acres (approximately 688 hectares)
Total	5,910 acres (approximately 2,392 hectares)

(Source : Consultant team made based on RAP)

Land was valued based on evidence of open market transactions. Generally open market valuations (OMV) are based on evidence of open market transaction in similar property. A valuation however is an exercise in judgment and should represent the valuer's opinion of the price that would have been obtained if the property had been sold at the valuation date on terms of definition of open market value. The valuer may not be bound to follow evidence of market transactions unquestioningly. He/she takes account of trends in value and the information available to him/her, whether or not if directly comparable transactions, adjusting such evidence to reflect the OMV definition and attaching more weight to some pieces of evidence than others, according to his/her judgment. (RAP 2.7.2)

**Table 3 : Land Value**

	Valuer's valuation results				Agreed Unit Price (Kshs /Acre)	
	KenGen		Legal Land Owner			
	Land Type	Unit Price (Kshs /Acre)	Land Type	Unit Price (Kshs /Acre)	Land Type	Unit Price (Kshs /Acre)
<b>Project area</b>	Agricultural land	40,000	Land for geothermal generation	149,584	Mixture of agricultural land and land for geothermal generation	95,000
<b>Resettlement site</b>	Agricultural land	40,000	Agricultural land	—	Agricultural land	40,000 -50,000

(Source: Documents provided by KenGen and Consultant made based on interviews)

### 2.1.3 Income and Living Survey

Populations living in Olonongot village where the proposed Project proposed area are the Maasai people. They live their lives by raising their livestock. There are four markets in the Olkaria sub-locations where the Maasai sell their livestock and daily products. In addition, long term or short term employments by KenGen is one of their income sources as well. Also employment as a security guard in neighboring companies could be another income source in the area. Also, there is a Cultural Center, near the Olonongot village that serves as an income source by charging entrance fee and the selling of the products in the Cultural Center. People in the Cultural Center village need to resettle by however it is not due to Olkaria V power plant project.

## 2.2 The laws and regulations applied to the land acquisition and resettlement

### 1) Summary of Legal Framework

In process of land acquisition, agreements of land acquisition for the Project area and for the resettlement sites were obtained from land owner who has legal right to the land. Agreed Statement referred to The 1989 Law Society of Sale. Chapter 23 of the 1989 Law Society of Sale states terms and conditions of sales and purchases of lands. The 1989 Law Society of Sale puts sales terms adopted by the Law Society of Kenyan. The terms are generally applicable to the agreed statement by referring the law unless the terms are altered or

eliminated.

For land acquisition and resettlement of the Project, the following acts are applied.

- The Land Act 2012
- The Land Registration Act 2012
- The Environment and Land Court Act 2011

Although the Maasai who are PAPs have conventionally lived in the area, the legal title holder of the Land in the area was an Owner of Ranch (Kedong Ranch Ltd.). KenGen acquired the land from the Kedong Ranch Ltd. PAPs (the Maasai) do not have legal rights of land where they were living.

Based on the Land Act section 134 (1), National Land Commission<sup>1</sup> have to implement settlement program on behalf of the national and county governments, which includes provision of lands for living and livelihoods. Also According to the Constitution Article 40 (4), compensation is paid to occupants who may not hold title deeds to the land in good faith. By referring to the laws above, it was planned that legal right of resettlement site was to be given to the Community in order to consider PAPs who don't have legal rights for the land. The legal right will be given to the Community but not to individuals, this status will not change in the future.

Moreover, the Land Act Section 111 (1) requires just and full compensation to be paid promptly to the land owner for compulsorily land acquisition for public purpose.

### **2.3 Eligibility of entitled persons for compensation against the loss of property and livelihood**

Eligibility of entitled persons for compensation against the loss of property and livelihood is the same with WB OP4.12 Para.15. All people who were living in the Project affected area at the first day of the census have eligibility of entitled persons for compensation, regardless of residence year of the area.

Criteria for PAP eligibility for compensation and assistance are based on:

- (a) those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);
- (b) those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets—provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan; and

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<sup>1</sup> National Land Commission manages land of Kenyan Government.

(c) those who have no recognizable legal right or claim to the land they are occupying.

Entitled people in Olonogot village are classified in five categories;

- (a) Land owners with residential housing units
- (b) Landlord
- (c) Housing tenant
- (d) Land tenant
- (e) Vulnerable People Including Poverty Group (elderly, women headed HHs and the disabled)

#### 2.4 Plans and record on compensation against the loss of property and livelihood

The Project area was acquired in 2010. Agreement letter for land acquisition was exchanged between KenGen and legal land owner of resettlement site in 2012 and development of resettlement site and resettlement proceeded. Title deed to the Resettlement site is planned to be acquired from legal land owner in the end of 2014 or beginning of 2015.

Open market land price was firstly valued by both valuers, and then based on the prices the final price was decided through negotiation. In the Project area, the land price was 108,033 Kshs/acre. This price was higher than the price agreed between KenGen and legal land owners, which was 95,000Kshs/acre. Regarding resettlement site, 40,000-50,000Kshs/acre of the land price was agreed by both parties, and the compensation price ended up 58,824Kshs/acre.

From the process above, it is considered that compensation in the Project is conducted based on full replacement cost for the land owner.

**Table 4 : Results of Land Price Valuation**

	Valuer's valuation results				Agreed Unit Price		Purchase Unit Price (Kshs/Acre)
	KenGen		Legal Land Owner		Land Type	Unit Price (Kshs /acre)	
	Land Type	Unit Price (Kshs /acre)	Land Type	Unit Price (Kshs /acre)			
<b>Project area</b>	Agricultural Land	40,000	Land for geothermal generation	149,584	Mix-up of agricultural land and land for geothermal	95,000	108,033



					generation		
<b>Resettle-ment site</b>	Agricultural land	40,000	Agricultural land	—	Agricultural land	40,000-50,000	58,824

(Source: Documents provided by KenGen and Consultant made based on interviews)

KenGen and PAPs signed MoU for compensation, and compensation are provided based on entitlement matrix in the MoU signed in July, 2013. Amendment No.1 to the MoU was between KenGen and PAPs signed in October 2014. The amendment No.1 includes connection of electricity in each house, transfer of legal rights to Community and improvement of access road to satisfy with Kenya Rural Roads Authority's (KeRRA) standard.

Details of compensation against loss of property are described in the entitlement matrix in the MoU. Based on the matrix, land and house are provided as compensation for the loss. The house is permanent type with three rooms, a detached kitchen, a bathroom and a pit latrine. Also a 200L tank capable to collect rainwater is installed in each housing unit. JICA survey team confirmed the construction of them during site survey.

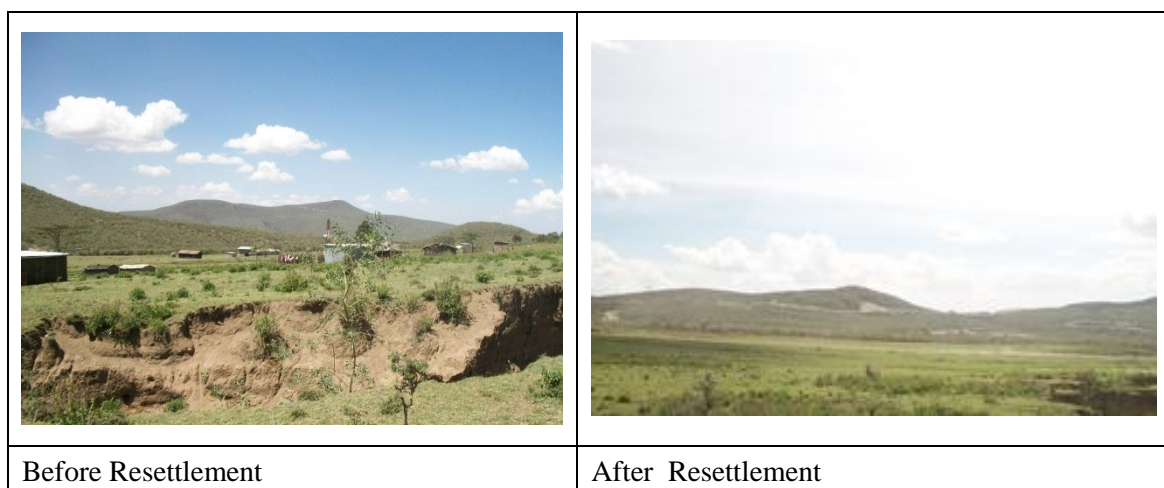
PAPs started moving to resettlement site in August 21, 2014, and have completed the resettlement in September 5, 2014. Legal rights for lands will be transferred from KenGen to the Community, 6 months after the resettlement (planned in February, 2015). According to KenGen electricity connection was made to all houses and social amenities in October 2014.

**Table 5 : Entitlement Matrix**

<b>Taxonomy of PAPs</b>	<b>Compensation for loss of land</b>	<b>Compensation for residential housing unit</b>	<b>Compensation for loss of rental house</b>	<b>Compensation for loss of income</b>	<b>Compensation for increased distance</b>	<b>Resettlement Allowance</b>
Land owners with residential housing units	Land for land compensation (1,700 acre of land owned by Community)	3 roomed housing unit (with a detached kitchen, bathroom, pit latrine)	None	None	- Access road with specification of KeRRA's standard - Provision of a bus with a carrying capacity of 60 passengers	A fixed amount of 35,000 Kshs/HH

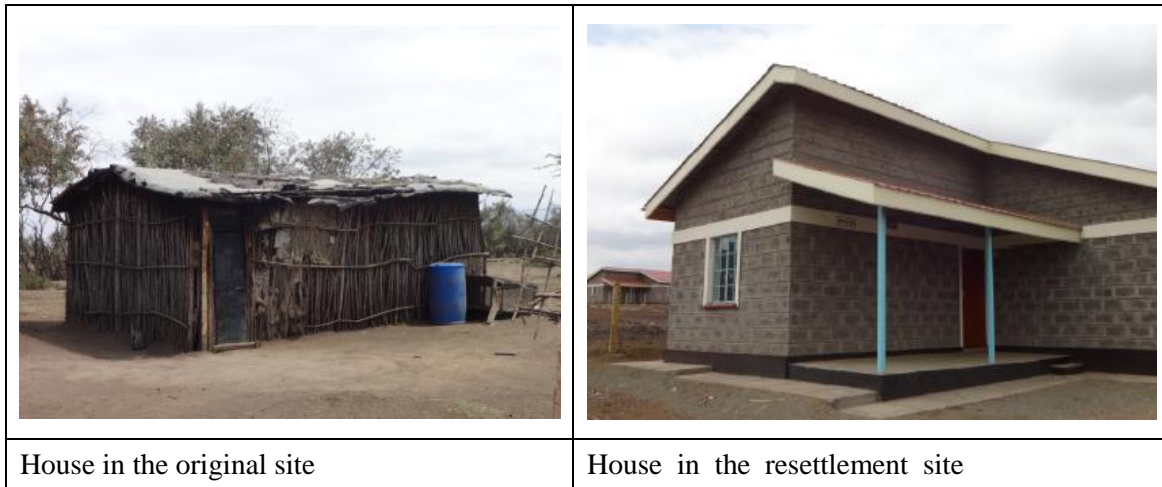
Landlord	Land for land compensation (1,700 acre of land owned by Community)	None	Lump sum cash payment at full replacement cost of the rental housing unit	Lump sum cash payment equivalent to three month's rent	None	None
Housing tenant	None	None	None	Lump sum cash payment equivalent to three month's rent	None	None
Land tenant	None	Lump sum cash payment at full replacement cost of the residential house	None	None	None	A fixed amount of 35,000 Kshs/HH
Vulnerable People Including Poverty Group (elderly, women headed HHs and the disabled)	Land for land compensation (1,700 acre of land owned by Community)	3 roomed housing unit (with a detached kitchen, bathroom, pit latrine)	None	None	- Access road with specification of KeRRA's standard - Provision of a bus with a carrying capacity of 60 passengers	A fixed amount of 35,000 Kshs/HH

(Source : MoU)



(Source : Documents provided by KenGen)

**Figure 3 : Pictures of Project Area**



(Source : MVUKE News Volume 4 Issue 12)

**Figure 4 : Pictures of Houses**

## **2.5 Plans and record on resettlement assistance and livelihood restoration**

According to the MoU regarding the resettlement between KenGen and PAPs, KenGen agreed to provide primary school, early childhood development school, churches, social hall, dispensary, access roads, cattle dip and cattle watering troughs, fish ponds and bus as PAP's transportation device. JICA survey team confirmed the construction of them. Moreover, KenGen will implement series of trainings for managements of those cattle dip and cattle watering troughs, social hall, and buses. Trainings to build the PAP's capacity for management of community institutions in the resettlement site is expected and it will cost about 2 million Kshs, according to KenGen, Amendment No.1 to the MoU was made and signed between KenGen and PAPs in October 2014. In the amendment, KenGen ensured that connection of electricity to each house and construction of access road with Kenya Rural Roads Authority's (KeRRA) specifications and standards will be achieved. According to KenGen the bus was provided on November 2014 and the training for management of community institutions in the resettlement site was held on 2<sup>nd</sup> -5<sup>th</sup> of December 2014. Thus, it is expected that living situation of PAPs will be improved through ensuring their livelihood and means of transportation, although additional measures should be provided as necessary, depending on monitoring results on their livelihood.



(Source : Documents provided by KenGen)

**Figure 5 : Pictures of Provided Support**

Main income source in the Olkaria V Project area is by selling livestock and by employment by neighboring private companies. The Maasai traditionally graze their livestock by moving for long distance. The resettlement site is located only 3 km away from the original living site and PAPs have been grazing around the resettlement site even before their relocation. According to KenGen and the result of site survey, productivity of the resettlement site is equivalent to that of original site. Furthermore, resettlement site is closer to markets where they usually trade their livestock than they visited before their relocation. Therefore it is expected that they can continue grazing as their livelihood.

KenGen explained that 80% of the population in Olonongot village was employed by private companies. Since KenGen provides buses in the resettlement site, no impact is expected to their lifestyle by the Project. As mitigation measures, KenGen will employ local people (who wish) in Olkaria area for unskilled works in power plant. About half of the unskilled works is planned available for the local people, so the employment subcommittee will be sharing information about jobs availability with the local people. According to KenGen, no expenses are required for sharing employment opportunities at employment subcommittee. A fixed amount of 35,000 Kshs per HH was paid as moving allowance and trucks were provided to facilitate the movement.

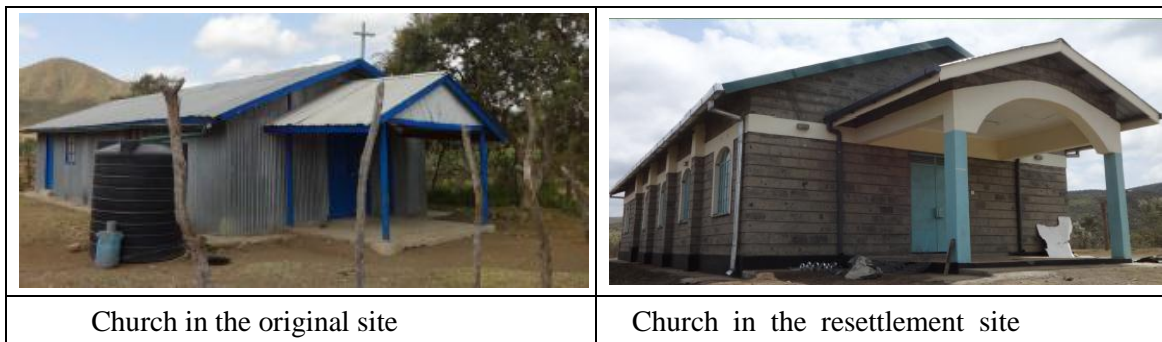
Hearing survey about PAP's life condition after resettlement from PAPs was conducted in public consultation shortly after the resettlement. Also monitoring by RAPIC was conducted at the same timing. As results of the hearing and monitoring, it was found that almost all the PAPs were satisfied with their life in the resettlement site. However, there are some comments

from PAPs regarding construction of access roads and intermittent water supply.



(Source : MVUKE News Volume 4 Issue 12)

**Figure 6 : Pictures of Primary School**



(Source : MVUKE News Volume 4 Issue 12)

**Figure 7 : Pictures of Church**

## 2.6 Record on assistance to vulnerable people in the project affected area

### 1) Vulnerable People Including Poor Groups

In the Olkaria V Project, KenGen has identified vulnerable people in 2013 under the WB's periodic supervision. The vulnerable people in the Project area are described in below table.



**Table 6 : Number of Vulnerable People in the Project Area**

	<b>Number</b>	<b>Remark</b>
Women	2	Widows
Youth	1	Orphan
Disable People	2	
Poverty Group	—	
Total	5	

(Source : Documents provided by KenGen)

The poverty group is defined in RAP as those who have less than 100 of livestock and less than 10 acres of land. However, in Maasai, since it is believed that counting livestock would bring misfortune, counting of the animals is never exercised making it difficult to establish the poor individuals within the community. As a result of further study, however, it was found that RAPIC and Community Advisory Council (CAC) discussed and identified vulnerable people based on comprehensive consideration of PAP's living conditions.

## **2) Ethnic minorities and Indigenous People**

People living in the Project area are the Maasai. They are no longer considered as indigenous ethnic group under the constitution of Kenya. Considerations to them under the Project will be taken as PAPs, and special attention as an indigenous people will not be paid. This is the same way as the Project of Olkaria I Unit 4 and 5 under the JICA's ODA. They have already been provided with compensation and resettlement assistance under the RAP of Olkaria IV, as explained above in the preset report.

## **3) Considerations for Vulnerable people**

In general, opinions from elders are traditionally treated more important in the Maasai, thus it is difficult for women and the youth to express their opinions. In order to overcome this challenge separate meeting with vulnerable people, women and the youth, was conducted so that they can put their comments in each meeting.

Based on the opinions and comments in the separated meeting, KenGen and PAPs agreed to keep Cultural Center in the original location and made the facility run business during day-time, moreover KenGen gave the community a land title of 14 acres of the location. KenGen will offer scholarships to 4 students (2 boys and 2 girls) for a period of 14 years, starting January 2015. Also it is decided that a gorge and cave which is religiously important

will not be relocated based on a comment from the youth.

Although compensation details are basically the same as other PAPs, there is additional assistance to the vulnerable group, such as job training and provision of a wheel chair, and installation of pass from house to latrines in the yard.

## **2.7 Grievance and redress mechanism and status of the implementation**

### **2.7.1 Plan**

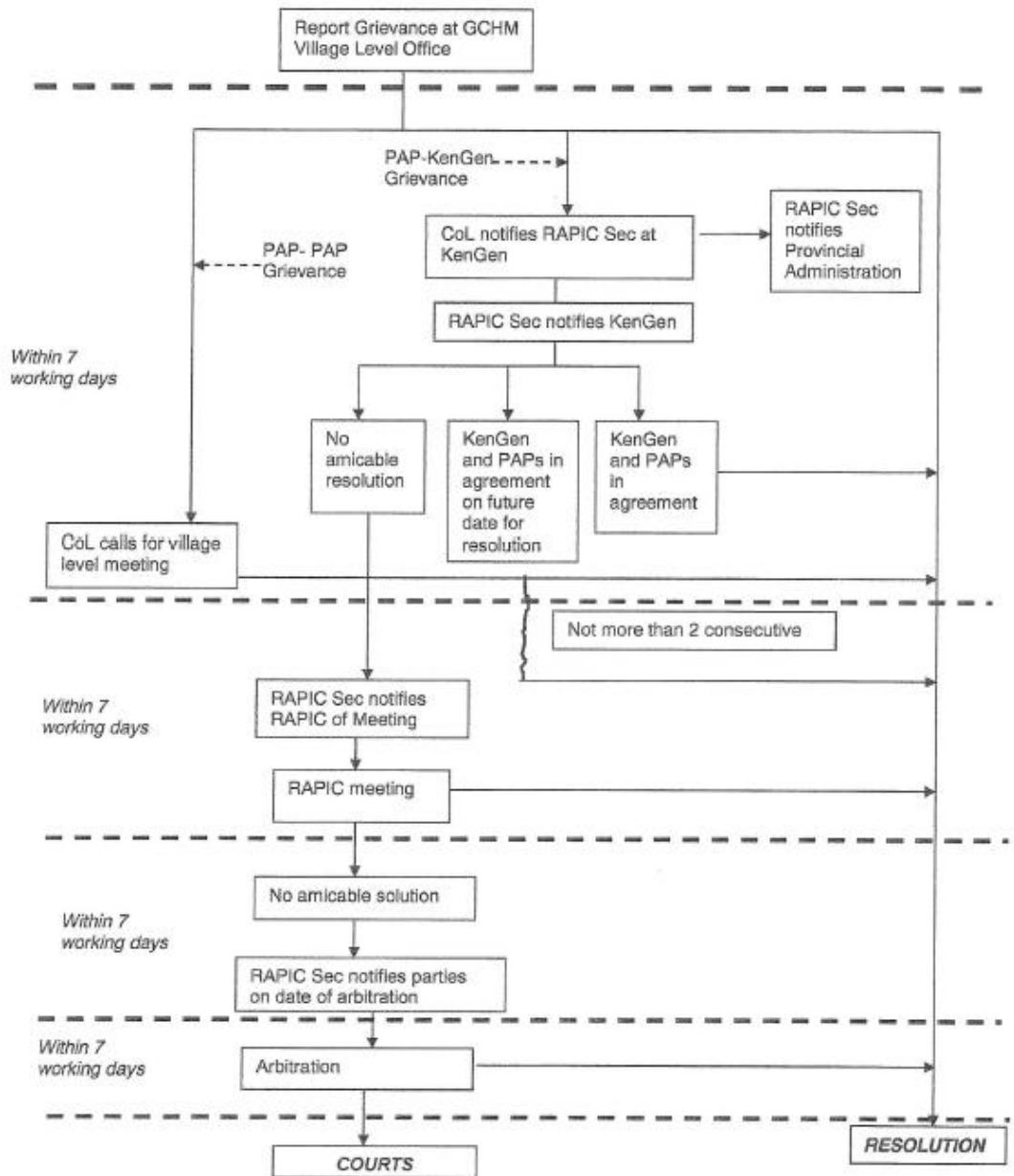
According to the RAP, Grievance and Conflict Handling Mechanism (GCHM) has been established and operated for the Project. GCHM was made in order to handle complaints at early stage basically by discussions among relevant organizations such as KenGen, representatives of PAPs and local governments. Council of Elders (CoE), which has been traditionally solving issues between villages, and within villages, plays an important role in GCHM.

A grievance is first reported at village level GCHM office. If the grievance is between PAPs and KenGen, KenGen must address the grievance within 7days of receipt. If not satisfied with KenGen's explanation, the PAPs notify RAPIC (through the GCHM Office) the grievance they have against KenGen. The RAPIC Secretary, in consultation with the RAPIC Chairperson, must convene a RAPIC meeting within 7 days in order to reach the solution. If still not satisfied with the outcome, the PAPs and KenGen will ask an independent external arbiter to solve the matter, e.g. The Kenya Institute of Arbitration, or, NGOs such as the international Community Rights Organization (ICRO) or representatives from the group of lenders such as the World Bank. If external arbitration fails to resolve the grievance, the aggrieved party is free to seek court redress at its own pleasure, as all the possible grievance resolution levels as agreed through this GCHM, has been exhausted. This whole mechanism proposes a maximum of 37 days. Figure 8 describes GCHM for the Project.

A grievance log, which is a record for series of the process above (includes: - details of the complaint, the response and current status), is made and stored in at village level of GCRM office. The GCHM was informed to all the PAPs during the stakeholder meetings held at the RAP draft stage.

The GCHM will continue working for six months after the physical relocation of PAPs to the resettlement land. After this period, the GCHM, together with all the other RAP implementation institutions (including the RAPIC and CAC), will cease to exist. It is

expected that within the six months period, the PAPs will have adequately settled in the new site. KenGen will continue communication with PAPs and monitor livelihood restoration of PAPs. Disputes would be dealt with under the normal Maasai traditional ways of resolving disputes.



(Source : RAP)

**Figure 8 : Grievance and Conflict Resolution Mechanism (GCHM)**



## 2.7.2 Performance

GCHM described in RAP has been performing as planned as of October, 2014. In October 2014, Grievances addressed in GCHM office and the current status are presented in the table below

**Table 7: Grievances for the Project and the current status**

Grievance	Pleader	Solution	Current status
The murder happened in the village in 2013. The victim's family lodged a grievance that the suspect's family should not be resettled to the new resettlement site. (The suspect claimed his innocence and was released due to lack of evidence.)	1 HH from PAPs	Meeting was conducted among both families and the CoE.	Both families' resettlement to the new resettlement land was agreed by the victim's family, and now both families have been resettled to the resettlement site.
Land owner tried to buy houses (14,000Kshs per house) belonging to the 7 land tenants. The five tenants out of the seven were satisfied with the transaction, while the two refused it because they thought the Project should directly pay compensation to them.	2 HHs from PAPs	Meeting was conducted among both families and the CoE.	Through an interview from both sides, Elder confirmed that land tenants were confused compensation from the Project with compensation from another Project. This confusion caused the grievance. The Chairmen explained that assets owned by the land tenants should be compensated by another Project. The grievance was resolved by clearing up their misunderstanding.

(Source: Consultant team made based on hearing investigation from KenGen )

## 2.7.3 Evaluation

GCHM has been established based on consultation with PAPs, then informed and utilized. Also GCHM played a role to resolve the grievances as above, hence we consider it has been effectively working.

## 2.8 Identification of responsible organization for the resettlement and their responsibilities

### 2.8.1 Plan

According to 'Short Term Technical Assistance to KenGen for the Implementation of

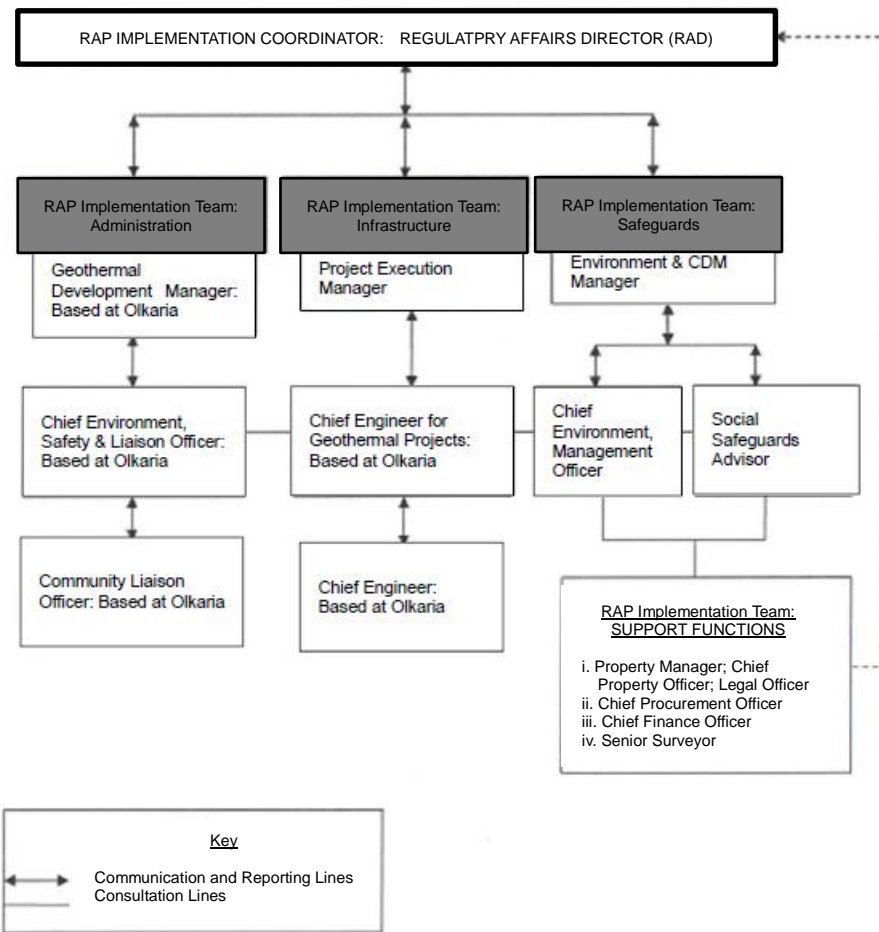
Olkaria I&IV Resettlement Action Plan December 2012', KenGen is the implementing agency of the Project. Responsible organizations for the resettlement and their responsibilities, including KenGen, are shown in Table 8. Figure 9 describes organization structure for RAP implementation in KenGen, and Figure 10 describes KenGen and stakeholder institutions' organization structure respectively.

**Table 8 : Responsible organizations for the Resettlement and their Responsibilities**

Organization		Responsibility
The Ministry of Energy (MoE) and Ministry of Finance		The MoE is the overall government ministry in charge of all aspects of the energy sector in Kenya. The ministry is briefed on all aspects of Olkaria RAP implementation process by the IEP and KenGen through the RAD. In case of high level government intervention is required by the financiers, it would be brought to the attention of the Permanent Secretaries of the MoE and Ministry of Finance to deal with it on behalf of the Government of Kenya.
KenGen, Regulatory Affairs Director (RAD)		Implementing agency, and executive committee. The RAD conducts implementation of RAP with support from specialists allocated both at Nairobi headquarter and Olkaria level as below.
KenGen, Headquarter in Nairobi	The Environment and CDM Manager's Office	This office is responsible for all environmental aspects of the RAP. Also responsible for day to day reporting to financiers on the status of RAP implementation. This is also the office that is responsible for the Social Sefaguard-OP4.12 aspects of RAP to ensure the all the RAP process is followed by the OP4.12. This office can be said to be the engine that drives RAP implementation process.
	The Project Execution Office	The office is responsible implementation of the technical/infrastructural aspects of the RAP.
KenGen, Olkaria Levels	Geothermal Development Office	Responsible for all administration aspects of all Geothermal Projects being implementation in Olkaria. The office is supported by The Environmental, Safety and Liaison Office for RAP implementation.
	The Project Execution Office	The office is responsible for all technical/infrastructural aspects of the RAP implementation, The responsibility includes site layout, infrastructure design, tendering, and supervision of contactors in the process of RAP implementation.
	Environment, Safety and Liaison Office	The office is responsible for all environment, safety and liaison aspects of the project.
	The Social Safeguards Office	The office is responsible for the day to day implementation of the safeguard aspects of the RAP. The office acts as focal point for RAP implementation and complaints and grievance handling mechanism. It conducts day to day consultation with

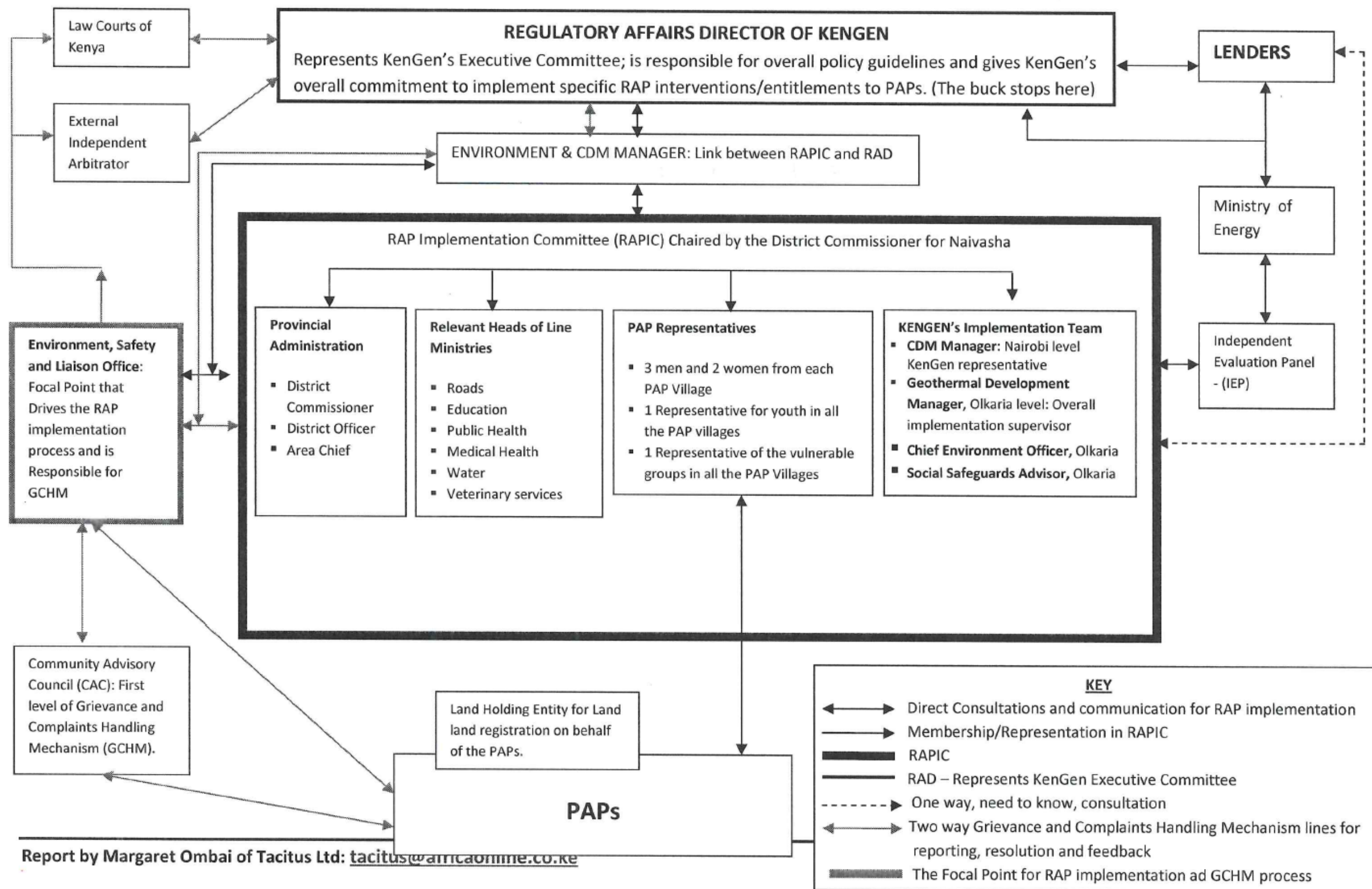
		PAPs coordination with relevant organization monitoring and progress reports, also play a role as contact office of GCHM.
RAP Implementation Committee (RAPIC)		RAPIC oversees the RAP Implementation schedule and address issues which were not been able to solve at the 1st level of GCHM. RAPIC consists 24 representatives from PAPS, KenGen's representatives, 8 district level heads of line ministry and Provincial Administration Officer at District level.
Community Advisory Council (CAC)		CAC is the first focal point in GCHM. It consists 8 elders and 2 representatives for each 4 villages.
Land Holding Entity		It is the entity through which KenGen transfer the resettlement land title to the PAPs.
PAPs		The whole RAP process is about the PAPs. They have the obligation of monitoring the entire RAP implementation process.
Independent Evaluation Panel (IEP)		The IEP is a professional independent body that has been contracted by MoE to monitor, evaluate and make appropriate recommendations regarding implementation of RAP. The IEP reports directly to the MoE would call upon the attention of KenGen to the recommendations/findings on the RAP implementation activities.
The Independent Arbitrator and the Law Courts		The independent Arbitrator will be called upon to moderate and resolve any difficult cases that the RAPIC is not able to handle. Should arbitration fail, the aggrieved party is free to seek resolution from the law courts.
The Lenders		They are regularly updated on the progress being made in the RAP implementation process by KenGen. They are also free to monitor and observe the RAP implementation process directly.

(Source : Short Term Technical Assistance to KenGen for the Implementation of Olkaria I&IV Resettlement Action Plan, December 2012)



(Source : Short Term Technical Assistance to KenGen for the Implementation of Olkaria I&IV Resettlement Action Plan, December 2012)

**Figure 9 : KenGen Organization Structure for RAP Implementation**



(Source : Short Term Technical Assistance to KenGen for the Implementation of Olkaria I&IV Resettlement Action Plan, December 2012)

**Figure 10 : KenGen and Stakeholder Institutions' Organization Structure for the RAP Implementation**

## **2.8.2 Performance**

During site survey, framework was confirmed by meeting few relevant people, Institutional frameworks described as above are functioning as planned as of October 2014.

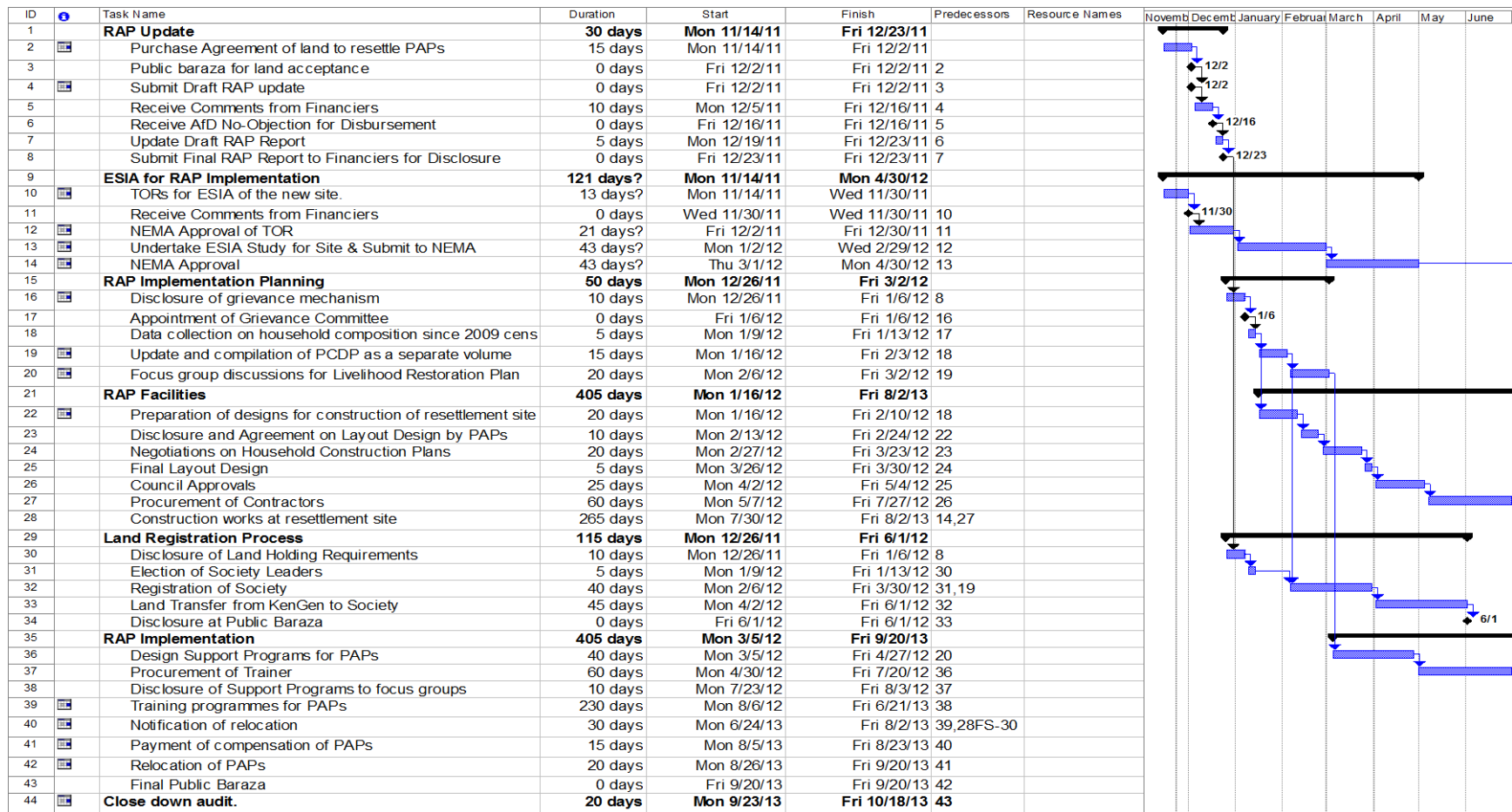
## **2.9 Implementation schedule**

### **2.9.1 Plan**

There is no comprehensive RAP schedule including payment of compensations and physical resettlement in the RAP, Based on hearing investigation from KenGen,

### **2.9.2 Performance**

According to KenGen, although it is about one year behind the schedule as of October 2014, all the items except item 33, 37, 39 and 44 in the schedule below has already been completed. Also land acquisition of the Project area has been completed in 2010. Agreement for land acquisition of resettlement site has been obtained from those who have legal rights in 2012, and then preparation of resettlement site has also been completed. Payment of compensation and physical resettlement of PAPs has been completed respectively in August 2014 and in September 2014. Outstanding RAP milestones as at October 2014 include RAP land title transfer of legal title of resettlement site from KenGen to the community (item 33) and close down of audit (item 44) are planned to finish in the end of February 2015, which is about 6 months after the resettlement.



(Source : KenGen)

Figure 11 : RAP Implementation Schedule (As of September 2014)



## 2.10 Budget and resource of budget

### 2.10.1 Estimation

According to RAP report, the estimated budget for RAP was approximately 597,770, 830 Ksh. Table 9 shows a cost breakdown, and a breakdown of cost for resettlement site preparation is described in Table 10. KenGen will secure a sufficient budget for RAP. Cost for training conducted in the resettlement site as a livelihood restoration is estimated to be about 2 million Ksh. Employment program for local people in unskilled works at the power plant does not require additional cost.

**Table 9 : RAP Budget**

(Unit : Ksh)

Item	Cost Estimate
Construction site offices and approvals	30,393,000.00
Housing and appurtenant structures	283,010,700.00
School and related facilities including furniture, library, staff room, offices, staff housing and sanitation facilities	64,804,440.00
Dispensary and related structures	5,570,000.00
Community water system	7,150,000.00
Community hall and provisions for fencing and furniture	5,100,000.00
Water tank	
Fencing-off of resettlement site	16,500,000.00
Cattle dip construction and fencing	3,954,000.00
Churches and provisions for fencing and furniture	23,472,000.00
Provision for access roads	10,800,000.00
Provision for supply of electricity	10,000,000.00
<b>Sub-Total</b>	<b>460,754,140.00</b>
10% contingency	46,075,414.00
Transition Allowance for Tenants and Landlords	1,260,000.00
Moving Allowance	6,650,000.00
Allowance for mitigation of impact of loss of graves	580,000.00
<b>Sub-Total</b>	<b>515,319,554.00</b>
Add 16% VAT	82,451,129.00
<b>TOTAL</b>	<b>597,770,683.00</b>

(Source: RAP)



**Table 10 : Cost Breakdown for Preparation of Resettlement Site**

NO	DESCRIPTION	NO. OF UNITS	UNIT	QTY PER UNIT	RATE(KE\$)	COST PER UNIT (KE\$)	TOTAL COST (KE\$)	REMARKS	SUB TOTALS
1	PRELIMINARIES AND GENERAL ITEMS						30,393,000.00	Engineer's offices, staff, transport, quality control, designs, Approvals	30,393,000.00
2.1	RESIDENTIAL HOUSES	190	SQ.M	51.84	17,000.00	881,280.00	167,443,200.00	Assumed maximum no. of houses	283,010,700.00
2.2	KITCHEN	190	SQ.M	7.50	12,750.00	95,625.00	18,168,750.00	Assume 75% of house cost rate	
2.3	TOILET EXCAVATION	190	CU. M	10.00	600.00	6,000.00	1,140,000.00	Assume 1 by 1 by 10m	
2.4	TOILET AND BATHR	190	SQ.M	5.50	12,750.00	70,125.00	13,323,750.00	Assume 75% of house cost rate	
2.4	FENCING PER FAMILY	190	METRES	280.00	1,500.00	420,000.00	79,800,000.00	house	
2.4	2000 lts PLASTIC RAIN WATER TANK AND ACCESSORIES	190	NO.	1.00	16,500.00	16,500.00	3,135,000.00		
3.1	PRIMARY SCHOOL CLASSROOM	12	SQ.M	64.00	35,000.00	2,240,000.00	26,880,000.00	8 primary & 4 nursery	64,804,440.00
3.2	PRIMARY SCHOOL OFFICES	1	SQ.M	79.54	36,000.00	2,863,440.00	2,863,440.00		
3.3	SCHOOL STAFFROOM	1	SQ.M	64.00	35,000.00	2,240,000.00	2,240,000.00	same as classroom	
3.4	LIBRARY	1	SQ.M	64.00	35,000.00	2,240,000.00	2,240,000.00	same as classroom	
3.5	STAFF HOUSES	13	SQ.M	65.00	17,000.00	1,105,000.00	14,365,000.00		
3.6	PIT LATRINE EXCAVATION	6	CU. M	20.00	600.00	12,000.00	72,000.00		
3.7	PIT LATRINE CONSTRUCTION	6	SQ.M	9.00	36,000.00	324,000.00	1,944,000.00		5,570,000.00
3.8	PROVISION FOR FURNITURE & WATER TANKS						10,000,000.00		
3.9	PRIMARY SCHOOL FENCING	1	METRES	2,800	1,500.00	4,200,000.00	4,200,000.00	Assume 10 acres	
4.1	DISPENSARY	1	SQ.M	150	21,000.00	3,150,000.00	3,150,000.00		
4.2	DISPENSARY FENCING	1	METRES	280	1,500.00	420,000.00	420,000.00	assume 1 acre	
4.3	PROVISIONAL SUM - FURNITURE & EQUIPMENT		LOT				2,000,000.00		
5.1	COMMUNITY WATER SUPPLY SYSTEM	1	METRES	5,000	1,300.00	6,500,000.00	6,500,000.00		7,150,000.00
5.2	PROVISIONAL SUM FOR WATER FITTINGS	1					650,000.00	Assume 10% of pipes	
6.1	COMMUNITY HALL	1	SQ.M	128	35,000.00	4,480,000.00	4,480,000.00		5,100,000.00
6.2	FENCING	1	METRES	180	1,500.00	270,000.00	270,000.00	Assume half acre	
6.3	PROVISION FOR HALL FURNITURE & RAIN WATER TANK	1	LOT	1	350,000.00	350,000.00	350,000.00	Assume office furniture and hall benches	
7.1	CATTLE DIP EXCAVATION	1	CU. M	90.00	600.00	54,000.00	54,000.00		3,954,000.00
7.2	CATTLE DIP CONSTRUCTION	1	SQ.M	120	29,000.00	3,480,000.00	3,480,000.00	Dip and small office	
7.3	FENCING	1	METRES	280	1,500.00	420,000.00	420,000.00	Assume 1 acre	
8.1	CHURCHES	4	SQ.M	128	41,000.00	5,248,000.00	20,992,000.00		23,472,000.00
8.2	FENCING	4	METRES	180	1,500.00	270,000.00	1,080,000.00	Assume half acre	
8.3	PROVISIONFOR CHURCH FURNITURE & RAIN WATER	4	LOT	1	350,000.00	350,000.00	1,400,000.00	Assume office furniture and hall benches	
9	FENCING OF ENTIRE RAP LAND	1	METRES	11,000	1,500.00	16,500,000.00	16,500,000.00	Assume 2.5 by 3Km land area	16,500,000.00
10	CONSTRUCTION OF ACCESS ROADS	1	SQ.M	36,000	300.00	10,800,000.00	10,800,000.00	Assume 6km, 6m wide and 300mm murrum	10,800,000.00
11	SUPPLY OF ELECTRICITY FROM KPLC		LOT				10,000,000.00		10,000,000.00
	<b>SUB-TOTAL IN KSHS.</b>						<b>460,754,140.00</b>		
12	ADD 10% CONTINGENCIES						46,075,414.00	Unforeen contingencies	46,075,414.00
	<b>TOTAL COST</b>						<b>506,829,554.00</b>		
13	ADD 16% VAT						81,092,728.64		81,092,728.64
	<b>GRAND TOTAL COST (KE\$)</b>						<b>587,922,282.64</b>		<b>587,922,282.64</b>

(Source:  
RAP)

## 2.10.2 Actual Cost

KenGen explained there is no critical issue in the budget to implement RAP. Actual cost for the RAP implementation is being updated day by day. Updated RAP budget as of the end of October 2014 is shown in below table.

**Table 11 : RAP Budget as of end of October 2014**

(Unit : Kshs)

No.	Contract/Activity	Contractor	Budget Sum (Kshs)	Expenditure to Date (Kshs)	Balance (Kshs)	Remarks
1	ESIA and RAP Studies, Updates and Consultants Support	GIBB Africa	18,222,844.36	15,090,175.36	3,132,669.00	Final RAP close down audit pending
2	Purchase of RAP Land	Kedong Ranch	110,000,000.00	110,000,000.00	0.00	Inclusive of Cultural Center land
3	ESIA for RAP Infrastructure	Internal	1,012,500.00	1,012,500.00	0.00	Completed
4	Temporary Relocation of Karani's Family	Internal	1,443,660.00	1,443,660.00	0.00	Relocated from Olkaria IV site
5	Temporary Relocation of 10Km road PAPs	Internal	479,500.00	479,500.00	0.00	Completed
4	Lot 1 – 82 Houses	Rhombus	343,201,004.60	319,201,004.60	24,000,000.00	Work in progress
5	Lot 2 – 68 Houses	Tulsi	264,050,928.00	219,186,816.12	44,864,111.88	Work in progress
6	Lot 3 – Social amenities	EPCO	202,594,207.80	165,972,742.85	36,621,464.95	Work in progress
7	Staff Costs	Internal	40,000,000.00	29,900,000.00	10,100,000.00	In progress
8	Internal Roads	GRD	20,000,000.00	20,000,000.00	0.00	Work in progress
9	Electricity Supply to RAP Land	KP	24,211,846.00	24,211,846.00	0.00	Work in progress
10	Cash Compensation to PAPs	Internal	15,615,000.00	15,615,000.00	0.00	Completed
11	Electricity connection to Social amenities	KP	760,962.00	760,962.00	0.00	Completed
12	School Furniture	Local groups	2,800,500.00	1,657,000.00	1,143,500.00	In progress
13	Supply and Installation of Gates	Tulsi	9,620,160.00	0.00	9,620,160.00	VO issued
14	Dispensary Furniture	To appoint	1,199,500.00	0.00	1,199,500.00	To issue VO soon
15	Dispensary Equipment	To appoint	5,942,238.00	0.00	5,942,238.00	Awaiting funding approval
16	Roads Upgrade to KeRRA Standard	To appoint	70,000,000.00	0.00	70,000,000.00	Awaiting funding approval
17	Perimeter Fence	To appoint	55,000,000.00	0.00	55,000,000.00	Awaiting funding approval
18	Water Points Extension	Internal	1,500,000.00	0.00	1,500,000.00	Awaiting funding approval
19	Sustainability Training and Support Programs	Internal	2,000,000.00	0.00	2,000,000.00	In progress
20	Security for Social Amenities	Lavington	1,968,885.40	1,968,885.40	0.00	Completed
21	IEP Consultancy Services	To appoint	6,000,000.00	0.00	6,000,000.00	Procurement in progress
22	Community Bus	Simba Colt	9,925,000.00	9,925,000.00	0.00	Awaiting delivery
23	PIT (including SCC) Costs	Internal	21,000,000.00	25,000,000.00	-4,000,000.00	In progress
24	Relocation Transport and other Logistics	GRD	5,313,600.00	5,313,600.00	0.00	Completed
25	Social Amenities Handover Ceremony by MD	GRD	350,000.00	350,000.00	0.00	Completed
<b>TOTALS</b>			<b>1,234,212,336.16</b>	<b>967,088,692.33</b>	<b>267,123,643.83</b>	

(Source: KenGen)

## 2.11 Organization responsible for monitoring and record of the implementation

### 2.11.1 Plan

According to RAP, structure for monitoring implementation is as below.

■ KenGen : Conducting monitoring including activities as below.

- Develop monitoring checklists
- Carry out monitoring
- Identify improvements in the lives of PAPs, etc.

■ RAPIC : Supervision of the monitoring activities including the following

- Overseeing the monitoring and evaluation process especially for those components which require stakeholder participation;

- Communication of outcomes of the monitoring and evaluation to relevant internal and external departments.
- The Community : Expectation of community participation in monitoring and evaluation, especially for the following activities.
  - Household sample survey
  - Facilitation of a sample group of all PAPs to attend FGDs for monitoring
  - Public meetings at village level
- Independent Evaluation Panel (IEP) : Commissioned to monitor the implementation of RAP with two members who are internationally well-known professionals
  - Assess the status of the Project's resettlement
  - Review the methodology on the process of resettlement, including verification of the physical targets of people compensated (i.e., how many got land)
  - Review the internal monitoring and quarterly progress reports and provide comments
  - Monitor the socio-economic indicators to assess the level of improvement in the living standards and living conditions of PAPs
  - Verify if the process of physical resettlement, compensation or payment were done in transparent manner and based on the principals of the RAP
  - Identify any issue or problems regarding livelihood restoration

Development of qualitative impact indicators was done with participation by PAPs as follows (RAP June 2012 p11-4):

- Achievement of program goals;
- Satisfaction of participating agencies;
- Community satisfaction;
- Effectiveness of inter-agency meetings;
- Effectiveness and efficiency of monitoring and evaluation systems;
- Financial administration;
- Speed of implementation;
- Cost of implementation as compared to the original estimates;
- Quality of the final product or services;
- Accessibility to the target population; and
- Replicability of the procedures and design.

KenGen will design a questionnaire containing the following types of information as

qualitative impact indicators (RAP June 2012 p11-3):

- Information on the socio-economic characteristic of PAPs;
- Information to find out how they have been participating in the RAP implementation;
- Knowledge about the project and its objectives;
- Opinions on the project;
- Changes which the project has produced.

### 2.11.2 Performance

According to KenGen, RAPIC conducted monitoring and hearing survey from PAPs has been carried out through public consultation. KenGen and PAPs exchanged their opinions in consultation meetings. PAPs are generally satisfied with their life in resettlement site. There were some comments from PAPs and KenGen corresponded to those comments as below.

In three months (in the end of December, 2014) monitoring by KenGen and RAPIC will be conducted, also in six months (in the end of February, 2015) external monitoring is scheduled. Moreover IEP will conduct monitoring as planned in RAP.

Draft monitoring form is as Table 13.

**Table 12 : Summary of PAP's Comments and KenGen's Correspondence**

No.	Date	Method	Comments from PAP's	KenGen's Action
1	September 25, 2014	Monitoring by RAPIC	<ul style="list-style-type: none"> <li>• There was a problem regarding water supply in resettlement site</li> <li>• Since some parts of access road were destroyed by flash flood, PAPs cannot go out by their car.</li> </ul>	<ul style="list-style-type: none"> <li>• KenGen will immediately work on the problems of water supply and access road.</li> <li>• KenGen has allocated two persons in charge of water supply until setting up a committee for water management.</li> </ul>
2	September 4, 2014 (2 weeks after the resettlement)	Consultation Meetings	<ul style="list-style-type: none"> <li>• PAPs living in Olonogot village independently moved to resettlement site on resettlement scheduled date.</li> <li>• PAPs are satisfied with supplied houses and social infrastructures in resettlement site.</li> <li>• Some PAPs are not satisfied with</li> </ul>	<ul style="list-style-type: none"> <li>• KenGen confirmed the problems, and promised to work on issue of water supply, fence for livestock and improvement of road with priority.</li> </ul>

			<p>condition of road and intermittent water supply.</p> <ul style="list-style-type: none"><li>• Some PAPs are not satisfied with housing conditions because some houses are not equipped with a water tank and a fence.</li></ul>	
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(Source: Consultant team made based on provided documents by KenGen)

**Table 13 : Monitoring Form (Draft)**

1. Land acquisition of resettlement site	
Planned completion date:	Actual completion date:
Main reason(s) for delay (if delayed):	
2. Resettlement site preparation	
Planned period:	Implemented period:
a) Road b) Electricity c) Main reason(s) for delay (if delayed)	

**Post-Resettlement Period**

Name of resettlement site:
Date:
Monitoring period:
Name of person in charge of filling this form (name of agency):
1. Status of livelihood
1) Income restoration
a) Average income: _____ <u>Ksh/month</u> (Before resettlement: _____ <u>Ksh/month</u> )      (Previous data: _____ <u>Ksh/month</u> )  b) Number/Rate of households whose income are reduced: _____ <u>household(s)/%</u> (Previous data: _____ <u>household(s)/ %</u> )  c) Reason and proposed countermeasures (if b) increased):  d) Prospects in near future:
2) Occupation
a) Number/Rate of households who changed their occupation or work place due to the resettlement: _____ <u>Household/%</u> (Previous data: _____ <u>household(s)/ %</u> )  b) Reason and proposed countermeasures (if a) increased):  d) Average income of those who changed their occupation or work place due to the resettlement: _____ <u>Ksh/month</u> (Previous data: _____ <u>Ksh/month</u> )  c) Prospects in near future:

## 2. Living condition

### 1) Perceptions of change in well-being

a) Overall living conditions as compared to original one:

- Better:           % (Previous data:       %)
- Worse:           % (Previous data:       %)
- No change:       % (Previous data:       %)

b) Feeling toward public services and social infrastructure (with previous data):

	Better (%)	Worse (%)	No change (%)	Remarks
Housing				
Water				
Electricity				
Transport services				
Schools				
Health center				
Religious worship				
Purchasing basic goods				
Peace and security				
Others (specify)				

c) Other remarkable changes in living conditions:

d) Reason and proposed countermeasures (if high rate of dissatisfaction is observed):

e) Prospects in near future:

Note: The above monitoring should be implemented from the end of the relocation activity to the time when minimization of negative impact by the Project is confirmed in terms of situation of the employment and income restoration with frequency of annual base in principle.

(Source : Documents provided by KenGen.)

## 2.12 Public Consultation

### 2.12.1 Performance and Plan

RAP for resettlement relating to the Olkaria V Project already exists. In the process of drafting the RAP under the Olkaria IV project, population census was conducted as baseline survey for PAPs. Stakeholder meetings with PAPs were conducted in the census.

Main comments from PAPs in previously-conducted meetings are as in the table below. Comments have been reflected to RAP and RAP implementation.

**Table 14 : Summary of Conducted Stakeholder**

No.	Date	Types	Main Comments from	KenGen's Response
1	2009	Socio-Economic Survey	<ul style="list-style-type: none"> <li>• Basically support for the Project.</li> <li>• Should employ people from local communities.</li> <li>• Resettlement should be done avoiding conflicts among communities.</li> <li>• Water supply, the land rights and safety on the resettlement site should be secured.</li> <li>• Concerned about impact from gas to human health and environment.</li> <li>• Disagree on the project since we would not like to resettle.</li> </ul>	<p>KenGen proceeded RAP procedures with RAPIC, and also decided to allocate a half of all unskilled works to PAPs. KenGen also decided to provide water station, land rights to the community.</p> <p>KenGen explained impacts of H2S gas, and then with getting agreements from all PAPs on the Project, resettlement was conducted.</p>
2	November, 2009	Focused Group Discussions with women	<ul style="list-style-type: none"> <li>• Basic public facilities should be developed in resettlement site.</li> <li>• Watering points for livestock should be prepared in resettlement site.</li> <li>• Resettlement should be done without division of communities.</li> </ul>	<p>In resettlement site, schools, dispensary, churches and watering point for livestock were facilitated.</p> <p>Clusters were made for each family unit then housing unit was allocated in resettlement site.</p>
3	November, 2009	Focused Group Discussions with the youth	<ul style="list-style-type: none"> <li>• KenGen should give employment opportunities to young people.</li> <li>• Recreation facilities</li> </ul>	<p>A school existed at the original site was improved with a playground.</p> <p>KenGen plans to offer education scholarships to</p>



			<p>such as schools playground and churches should be built in resettlement site.</p> <ul style="list-style-type: none"> <li>• KenGen should supply scholarships to the youth.</li> <li>• Regarding relocation of gorge and cave which are religiously important, MOU should be signed.</li> </ul>	<p>six students with outstanding academic results at maximum. In fiscal year 2015, KenGen plan to offer 4 scholarships. It is decided that a gorge and caves which are religiously important will not be relocated based on a comment from the youth.</p>
4	May, 2012	RAP Drafting Stage	<ul style="list-style-type: none"> <li>• Acid rain because of H2S impact would make iron sheets non-usable in a year.</li> <li>• Works which are not required special skills should be distributed to people in neighboring villages.</li> <li>• KenGen should provide tree seedlings.</li> <li>• Clean water should be provided.</li> <li>• Resettlement allowance is not enough.</li> </ul>	<p>KenGen choose a location where is not affected by acid rain as the resettlement site.</p> <p>KenGen distributed a half of unskilled works to people in Olkaria area, and other half to those in neighboring villages.</p> <p>There are many kinds of seedlings in seedbed which KenGen has. In RAPIC meeting conducted in September 2014, it was approved that PAPs can freely bring back seedlings from school where KenGen will bring seeding.</p> <p>Water stations were built in within 1 km away from each house.</p> <p>KenGen decided to provide not only resettlement allowance as cash but also the means to resettle.</p>

(Source : RAP and Consultant team made based on hearing from KenGen)

Draft RAP was disclosed at KenGen's website. Also the draft RAP was explained and disclosed by using 3 languages (English, Swahili and Maasai) in stakeholder meetings for the 4 villages. The meeting was conducted in the Cultural Centre as well, which is 3 km away from Olonongot village that was affected by the Olkaria IV Project. Approximately 150 PAPs participated in those meetings in all and in which 14 PAPs were from Olonongot village.

During RAP implementation stage, stakeholder meetings were held on monthly basis. The meetings were conducted in two languages (English and Swahili) by employing a translator. Holding stakeholder meetings were decided in RAPIC meetings then it was informed to

village heads by letters or telephones.

KenGen conducted additional investigations shortly after resettlement (September 2014), and planned to conduct additional investigations in three months (in the end of December, 2014) after resettlement, also in six months (in the end of February, 2015). KenGen will share the result of the additional investigations in monthly basis during SCC meetings, and then it will be shared with PAPs by the stakeholders in churches on Sunday. KenGen is requested to share results of the investigations with JICA and the stakeholders in stakeholder meetings.

### **3 FOLLOW-UP STUDY ON THE CURRENT LIVING CONDITION OF THE PAPs**

According to KenGen, monitoring by RAPIC and stakeholder consultation with PAPs was conducted on September, 2014. As a result PAPs were satisfied with the resettlement site in general. However the improvement of the access road has not completed. In addition, there were some issues of water stoppage and difficulty to access the latrine located outside the houses for people with disability. Based on the feedback from PAPs, KenGen is addressing road improvement, water outage and provision of wheel chairs.

Electricity connection works and provision have already been done. Impact to livelihood of PAPs is expected to be limited, but monitoring of their livelihood should be continued to prevent worsening their living standard. And stakeholder consultation among PAPs and KenGen should cover these monitoring.

Impact to livelihood of the households who live with grazing is expected to be limited, since the productivity of the grazing yard of resettlement site is equivalent to that of the original village. Monitoring to their livelihood restoration is also included in the plan, and action should be taken when necessary.

### **4 VERIFICATION OF ADEQUACY OF THE PAST COMPENSATION AND LIVELIHOOD RESTORATION SUPPORT AND GAPS ANALYSIS WITH JICA GUIDELINES**

Result of gap analysis has been conducted between JICA Guideline as is shown in table below

**Table 15 : GAP Analysis (RAP)**

No.	JICA Guidelines	Laws of Kenya	Gap between JICA Guidelines and Laws of Kenya	Resettlement Policy for this project in the RAP June 2012.	Actual Implementation MoU of July, 2013 and 1st & 2nd site survey	Gap between JICA Guidelines and Actual Implementation	Recommended Action
1.	Involuntary resettlement and loss of means of livelihood are to be avoided when feasible by exploring all viable alternatives. (JICA GL)	No specific provisions on avoiding involuntary resettlement and loss of means of livelihood.	Avoiding involuntary resettlement is not mentioned in Kenyan land laws	KenGen has considered alternatives to avoid and minimize involuntary resettlement.	Same as RAP.	No significant gap with JICA GL.	—
2.	When population displacement is unavoidable, effective measures to minimize impact and to compensate for losses should be taken. (JICA GL)	The Land Act Section 111. (1) requires just and full compensation to be paid promptly to the land owner for compulsorily land acquisition for public purpose.	Measures to minimize impact and to compensate for losses for certain case are mentioned in the law	Compensation will be provided based on WB O.P.4.12 Para.15. (RAPp2-2) Person lived the site when the census was conducted, including squatter, is eligible for compensation (RAPp8-1 and 2 <sup>nd</sup> site survey)	Same as RAP.	No significant gap with JICA GL.	—
3.	People who must be resettled involuntarily and people whose means of livelihood will be hindered or lost must be sufficiently compensated and supported, so that they can improve or at least restore their standard of living, income opportunities	The Land Act Section 134. (1) requires the Commission to implement settlement programmes to provide access to land for shelter and livelihood, on behalf of the national and county governments.	Livelihood restoration is mentioned in Kenyan law.	Livelihood restoration will be provided. (RAPp4-2)	In resettlement site, schools, church, public hall, clinic, access road, cattle dip, waterwork for cattle, fish pond, and bus are supplied by KenGen (MoU p13-15) Also electricity and fences for cattle are supplied for each household.	No significant gap with JICA GL.	No significant gap with JICA GL. Since the road improvement and electricity connection, which is written in MoU, is not completed. KenGen should report the status of these infrastructures to JICA at proper timing.

No.	JICA Guidelines	Laws of Kenya	Gap between JICA Guidelines and Laws of Kenya	Resettlement Policy for this project in the RAP June 2012.	Actual Implementation MoU of July, 2013 and 1st & 2nd site survey	Gap between JICA Guidelines and Actual Implementation	Recommended Action
	and production levels to pre-project levels. (JICA GL)				Connection of electricity and transfer of legal rights to Community will be conducted after resettlement. Regarding those matters above, 1 <sup>st</sup> revised MoU was signed in October 2014. (1 <sup>st</sup> & 2 <sup>nd</sup> site survey)		
4.	Compensation must be based on the full replacement cost as much as possible. (JICA GL)	According to The Land Act Section 113. (2), an award shall be based on (i) the size of the land; (ii) the value (opinion of the Commission); (iii) the amount of the compensation payable.	Not mentioned about full replacement cost.	There is no information of the compensation in RAP.  Regarding land plot in resettlement site, agreement has been obtained in 116 Dec., 2011 from those who have the legal right. In the agreed document, it is written that a transaction prices is agreed.(Short Term Assistance to KenGen p99)  Compensation in kind for loss of land is conducted to PAPs. (RAPp8-4 ,8-15)	Land acquisition of the Project site (14.61million m <sup>2</sup> ) and resettlement site is based on Market Value. (1 <sup>st</sup> & 2 <sup>nd</sup> site survey)  Regarding resettlement site, same as RAP.  Although PAPs do not have legal rights for their lands, community land (6.88 million km <sup>2</sup> ) 3km away from original lands is offered to the PAPs. Productively as grazing ground is the same as the original land.	There is no significant GAP with JICA GL.	—

No.	JICA Guidelines	Laws of Kenya	Gap between JICA Guidelines and Laws of Kenya	Resettlement Policy for this project in the RAP June 2012.	Actual Implementation MoU of July, 2013 and 1st & 2nd site survey	Gap between JICA Guidelines and Actual Implementation	Recommended Action
					Landlords of houses were compensated in replacement cost for their assets. (1 <sup>st</sup> & 2 <sup>nd</sup> site survey)		
5.	Compensation and other kinds of assistance must be provided prior to displacement. (JICA GL)	The Constitution of Kenya requires prompt payment in full, of just compensation to the person (Article 40(3)) According to The Land Act Section 125. (1) , to obtain to temporary occupation of land., (1) The Commission shall, as soon as is practicable, before taking possession, pay full and just compensation to all persons interested in the land.	Kenyan Land Act stipulates that compensation is required to be paid promptly.	There is no information of the Project site in RAP.  Housing schedule will be determined after the tender award.(Part1p85)	The Project area has been acquired in 2010. Compensation payment for PAPs has started in 18 Aug., 2014. Relocation to resettlement site started in 20 Aug., 2014 and completed in 5 Sep., 2014.  Legal right for land will be transferred from KenGen to the Community 6 months after the resettlement. (1 <sup>st</sup> site survey)	No significant GAP with JICA GL.	No significant gap with JICA GL. Since transferring the title deed of the resettlement site from KenGen to the Community is not completed. Should report to JICA upon completion.
6.	For projects that entail large-scale involuntary resettlement, resettlement action plans must be prepared and made available to the public. (JICA GL)	The second schedule of EMCA, 1999, identifies projects that are supposed to be subjected to EIAs including Large-scale involuntary resettlement. Development of RAP	Kenyan Law does consider preparation of the Resettlement Action Plan as approval condition of EIA.	Draft RAP is disclosed and explained in stakeholder meetings in 4 villages. (RAPp6-5)	Draft RAP was disclosed at KenGen's website. Also the draft RAP was explained and disclosed by using 3 languages (English, Swahili and Maasai) in stakeholder meetings	No significant GAP with JICA GL.	—

No.	JICA Guidelines	Laws of Kenya	Gap between JICA Guidelines and Laws of Kenya	Resettlement Policy for this project in the RAP June 2012.	Actual Implementation MoU of July, 2013 and 1st & 2nd site survey	Gap between JICA Guidelines and Actual Implementation	Recommended Action
		is one of the EIA approval conditions.			in 4 villages. (1 <sup>st</sup> site survey)		
7.	In preparing a resettlement action plan, consultations must be held with the affected people and their communities based on sufficient information made available to them in advance. (JICA GL)	The Land Act Section 112. (1) requires the Commission to appoint a date for an inquiry to hear issues of propriety and claims for compensation by persons interested in the land, at least thirty days after establishing the notice of intention to acquire land.	Kenyan Land Law stipulates contents of meeting with PAPs, but The level is not as detailed as in others including JICA GL and WB There is no Kenyan Law which mentions about disclosure of RAP.	Disclosure of RAP will be conducted based on WB O.P.4.12 Para.2 (b). (2 <sup>nd</sup> site survey) Questionnaire and meeting were conducted as tools for census. (RAPp2-5) Public consultation was held after the disclosure of Draft RAP (RAP6-5)	Same as RAP.	No significant GAP with JICA GL.	—
8.	When consultations are held, explanations must be given in a form, manner, and language that are understandable to the affected people. (JICA GL)	The Land Act Section 112. (1) requires that date accepting public inquiry regarding land acquisition should be noticed to (National) official gazette.	Kenyan Land Law stipulates ways of meeting with PAPs, but the level is not as detailed as in others including JICA GL and WB	Questionnaire for census was translated from English to Swahili and Maasai language. (RAPp2-5)	Stakeholder meeting is conducted in two languages (English and Swahili) with translator. Meetings are decided at RAPIC meeting, then letters and telephones are used to inform the head of community.	No significant GAP with JICA GL.	—
9.	Appropriate participation of affected people must be promoted in planning, implementation, and monitoring of	The Land Act Section 134. (4) requires that committee members for compensation entitlements include women, young people, and people	Kenyan Land Law stipulates public participation for making process of RAP, but The level is not as detailed as in others	-Planning stage Questionnaire and meeting held at several locations were used as a tool for census. (RAPp2-5) Public consultation	-Planning stage Same as RAP. -Implementation stage Stakeholder meeting is held on monthly basis. (1st site survey) -Monitoring stage	No significant GAP with JICA GL.	No significant gap with JICA GL. It is recommended that KenGen to conduct monitoring for livelihood restoration status until

No.	JICA Guidelines	Laws of Kenya	Gap between JICA Guidelines and Laws of Kenya	Resettlement Policy for this project in the RAP June 2012.	Actual Implementation MoU of July, 2013 and 1st & 2nd site survey	Gap between JICA Guidelines and Actual Implementation	Recommended Action
	resettlement action plans. (JICA GL)	who necessary require special needs.	including JICA GL and WB	was conducted at several locations after the disclosure of Draft RAP (RAP6-5) -Implementation stage A draft action plan has been prepared by KenGen will be finalized by receiving green light from NEMA. (Part Iip65) -Monitoring stage KenGen (the lead) and RAPIC will conduct monitoring. (RAPp11-4)	Monitoring shortly after the replacement was conducted at the resettlement site. Survey by external consultant will be conducted in end of Feb, 2015 (6 months after resettlement). Monitoring by lenders such as WB is conducted. (1 <sup>st</sup> site survey)		livelihood return to at least the original level. Since it is important to share the information of livelihood restoration, KenGen is recommend sharing the monitoring results in resettlement sites with stakeholders, such as JICA and PAPs.
10.	Appropriate and accessible grievance mechanisms must be established for the affected people and their communities. (JICA GL)	The Land Act provides a mechanism for dealing with grievances including lodging complaints to the Environment and Land Court (Section 150)	Kenyan Land Law provides grievance mechanisms, but the level is not as detailed as in others including JICA GL and WB.	Grievance and Conflict Handling Mechanism is established. (RAPp9-1)	Grievance and Conflict Handling Mechanism has been established and used. (1 <sup>st</sup> site survey.)	No significant GAP with JICA GL.	—
11.	Affected people are to be identified and recorded as early as possible in order to establish their eligibility through an initial baseline survey (including population census that serves as an eligibility cut-off date, asset inventory,	Based on the Land Act section 134 (1), resettlement program is required, but no description of census and cut-off- date.	No census and cut-off date requirement in Kenyan Laws.	In the RAP, census was conducted and the methods and the results are described.  Cut-off date of compensation is 16 Sep. 2009, which is the first day of census.	Same as RAP.	No significant GAP with JICA GL.	—

No.	JICA Guidelines	Laws of Kenya	Gap between JICA Guidelines and Laws of Kenya	Resettlement Policy for this project in the RAP June 2012.	Actual Implementation MoU of July, 2013 and 1st & 2nd site survey	Gap between JICA Guidelines and Actual Implementation	Recommended Action
	and socioeconomic survey), preferably at the project identification stage, to prevent a subsequent influx of encroachers of others who wish to take advance of such benefits. (WB OP4.12 Para.6)						
12.	Eligibility of benefits includes, the PAPs who have formal legal rights to land (including customary and traditional land rights recognized under law), the PAPs who don't have formal legal rights to land at the time of census but have a claim to such land or assets and the PAPs who have no recognizable legal right to the land they are occupying. (WB OP4.12 Para.15)	According to the constitution, compensation to be paid to occupants who may not hold title to the land in good faith (Constitution Article 40 (4)) Based on the Land Act section 134 (2), legal rights identified in resettlement program are included.	Kenyan Law recognizes eligibility to squatters who do not have legal rights, but the level is not as detailed as in others including JICA GL and WB.	Eligibility criteria for compensation are based on WB O.P.4.12 Para.15. (RAPp2-2)	Same as RAP.	No significant GAP with JICA GL.	—
13.	Preference should be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based. (WB OP4.12 Para.11)	No specific provisions on The Kenyan Law.	There is no preference to land based resettlement strategies.	There is no information of the Project site in RAP.  Land for resettlement site was acquired from legal land owner	Land for the Project was bought from legal land owner in 2010. (1 <sup>st</sup> site survey)  Regarding compensations for	No significant GAP with JICA GL.	—



No.	JICA Guidelines	Laws of Kenya	Gap between JICA Guidelines and Laws of Kenya	Resettlement Policy for this project in the RAP June 2012.	Actual Implementation MoU of July, 2013 and 1st & 2nd site survey	Gap between JICA Guidelines and Actual Implementation	Recommended Action
				in Dec. 2012, and agreed to provide cash compensation with the owner. (Short Term Assistance to KenGen p100)  Land to land compensation will be conducted for squatters. (RAP p8-8)	those who do not have legal rights to lands, same as RAP.  Legal right for resettlement site is transferred from KenGen to the Community 6 months after the resettlement. (1 <sup>st</sup> site survey)		
14.	Provide support for the transition period (between displacement and livelihood restoration). (WB OP4.12 Para.6)	No specific provisions on The Land Act.	The Kenyan law does not mention provision of support during transition.	Moving allowance is provided to land owner, tenant, teacher going back to home (RAPp8-15)	Moving allowance was provided to land owner, land tenant, and vulnerable people (MoUp8-18, 2 <sup>nd</sup> site survey) Housing owners and housing tenants receive cash equivalent to 3 month rent. (MoUp9) (Teachers were provided housing in the school at the resettlement site. (MoUp12))	No significant GAP with JICA GL.	—
15.	Particular attention must be paid to the needs of the vulnerable groups among those displaced, especially those below the poverty line, landless, elderly, women and	According to The Land Act Section 134. (4) , women , youth and the vulnerable people are member of committee of beneficiaries identification.	The Kenyan Land Act provides particular attention to women and youth, but the level is not as detailed as in others including JICA GL and WB.	During the census and disclosure of draft RAP, meeting with selected vulnerable groups (women and youth) was held.  Special assistance will be provided by	Same as RAP	No significant GAP with JICA GL.	—

No.	JICA Guidelines	Laws of Kenya	Gap between JICA Guidelines and Laws of Kenya	Resettlement Policy for this project in the RAP June 2012.	Actual Implementation MoU of July, 2013 and 1st & 2nd site survey	Gap between JICA Guidelines and Actual Implementation	Recommended Action
	children, ethnic minorities etc. (WB OP4.12 Para.8)			KenGen when requested. (RPA8-18.)			

(Source: Made by Consultant Team)

## **5 PROPOSED CORRECTIVE ACTION PLAN TO MITIGATE THE GAP WITH JICA GUIDELINES**

- According to JICA Guideline, the means of livelihood which will be hindered or lost must be sufficiently compensated and supported. Since the road improvement which is written in MoU, is not completed. KenGen should report the status of these infrastructures to JICA at proper timing. According to KenGen electricity connection was made to all houses and social amenities in October 2014, and status of electricity usage should be monitored by KenGen.
- According to JICA Guideline, compensation and other kinds of assistance must be provided prior to displacement. Transfer of the title deed of the resettlement site from KenGen to the Community is not completed. JICA will request KenGen to ensure the transfer of the title deed as soon as it is ready and should report to JICA upon completion.
- To ensure the status of livelihood restoration, it is recommended that KenGen conduct monitoring for livelihood restoration status until livelihood return to at least the original level. Additional measures to facilitate livelihood restoration should be taken as necessary, although livelihood of PAPs is equivalent to that of original grazing yard before relocation.
- Since it is important to share the information of livelihood restoration, KenGen is recommended to share the results of monitoring in resettlement sites with stakeholders, such as JICA and PAPs.

## **6 PROPOSED PLAN TO ESTABLISH GRIEVANCE AND REDRESS MECHANISM TO PROCESS A CLAIM FROM THE AFFECTED PEOPLE INCLUDING THOSE WHOM THE FOLLOW-UP STUDY IN ITEM.**

GCHM has been used and has been working effectively to solve issues at the RAP implementation stage. GCHM seems to remain reachable after relocation hence CoE will move to same resettlement site. With these facts usage of the existing GCHM is recommended.

## 7 CONCLUSION AND PROPOSAL

Sufficient compensation has been provided to PAPs such as land, house and schools. In addition, the resettlement site is as near as 3km from the original site and it is expected that PAPs can maintain their livelihood with grazing with the fact that market of livestock trading centre will become closer after the relocation. PAPs used to live at Cultural Centre village will continue with their business at the Cultural Centre which is the main source of their income. Consideration of the fact that bus will be provided as transportation means, there is no major impact to their lifestyle is that is expected.<sup>2</sup>

The proposal is that actions proposed in Chapter 5 above of the present report should be taken, since it is important to monitor continuously livelihood restoration of PAPs.

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<sup>2</sup> A request of inspection was submitted to World Bank Inspection Panel (hereinafter, "IPN") by a part of the people affected by the construction of "Olkaria IV geothermal power plant" financed by World Bank and European Investment Bank. The request was registered as the case by IPN on 13 November, 2014. After the eligibility assessment by IPN, the Board of World Bank acknowledged the eligibility of request and approved IPN recommendation to proceed to investigation stage on 13 February, 2015. As of June 2015, the date of completion of this Report, IPN is in the process of drafting the Investigation Report after they completed field visit. The investigation report will be submitted to the Board of World Bank from IPN in autumn 2015.